

**NOTICE OF PUBLIC HEARING  
DEPARTMENT OF GAME, FISH AND PARKS**

A Public Hearing will be held at the Spearfish Holiday Inn Convention Center, 305 North 27<sup>th</sup> Street, Spearfish, South Dakota, on October 1, 2015, at 2:00 o'clock P.M. (MDT), to consider adoption, amendment and repeal of Rules pertaining to:

1. ARSD 41:06:61 – Mountain Lion Hunting Season; ARSD 41:06:02 – License Forms and Fees.

Effect: The proposed amendments would modify the mountain lion harvest limit for the Black Hills Fire Protection District (including Custer State Park) from 75 mountain lions or 50 female mountain lions to 60 mountain lions or 40 female mountain lions; establish a nonresident mountain lion hunting license at a fee of \$121 (includes \$6 surcharge); and authorize the issuance of 250 nonresident mountain lion hunting licenses (excluding Custer State Park). In addition, for hunters possessing a Custer State Park access permit, hunting intervals will rotate after every 14 days, beginning with an interval allowing the use of dogs. For intervals during which dog hunting is allowed, the number of access permits would be decreased from 4 to 3 per hunting interval. For intervals during which no dog hunting is allowed, the number of hunting intervals would be decreased from 4 to 3, and the number of access permits would be decreased from 30 to 15 per hunting interval.

Reason: Provide mountain lion hunting opportunity consistent with wildlife management objectives.

2. ARSD 41:07:01 – General Provisions (Fishing Seasons and Methods).

Effect: The proposed amendments would (a) change the name of the “Black Hills Trout Management Area” to the “Black Hills Fish Management Area” wherever used in current rule; (b) correct the boundary description of the Black Hills Fish Management Area;

and (c) as authorized by SDCL 41-13-6, add a new rule to allow white bass to be declared rough fish for the purpose of contracted commercial fishing.

Reason: (a) With changes in species present and angler desires, the Black Hills Trout Management Area currently requires management of many different fish species. Recent strategic planning efforts have been based on fish management areas. Changing the name will help standardize language. (b) The description of the boundary for the Black Hills Fish Management Area needs to include the following additional language to be accurate: "...to Maverick Junction near the city of Hot Springs, then westerly on Highway 18 to Edgemont, then northwesterly along the Burlington Northern Railroad..." (c) White bass are present in many waters in eastern South Dakota which are fished by holders of rough fish removal contracts. In the process of seining rough fish, many white bass are caught and often die when caught with this gear. Allowing contract fisherman to retain and sell these fish would prevent unnecessary waste and also allow contract fisherman to sell up to a defined weight of these fish, making their operation more financially viable. This is a benefit to fish management efforts as it helps to keep the contract fisherman in business and able to respond to the department's needs to remove rough fish like common carp.

### 3. ARSD 41:07:03 – Fish Limits.

Effect: The proposed amendments would (a) change white bass limits on Nebraska border waters to match those of Nebraska; (b) remove the restriction allowing only largemouth and smallmouth bass that are less than 14 inches in length or 18 inches or greater in length to be harvested from Lake Cochrane in Deuel County and Waubay Lake in Day County; (c) remove the 15 inch minimum length restriction exemption in July and August for walleye from Ft. Randall Dam down to the South Dakota-Nebraska state line on the Missouri River; (d) remove the 15 inch minimum length restriction for walleye from the Cattail/Kettle Lake Complex in Marshall County and Bitter Lake in Day County; (e) remove

the 15 inch minimum length restriction and remove the two fish daily limit restriction for walleye from Opitz Lake in Day and Marshall Counties; (f) add a 15 inch minimum length restriction for largemouth and smallmouth bass in Bismarck Lake, Custer County; (g) change the name of the "Black Hills Trout Management Area" to the Black Hills Fish Management Area" wherever used in current rule; and (h) allow removal of fish eyes for use as bait while on the water and specify that the requirement that fish remain whole while on the water only applies to gamefish.

Reason: (a) Changing white bass limits on Nebraska border water (15 daily/30 possession) will align border water regulations with Nebraska regulations. (b) These regulation changes would better facilitate current management objectives. Harvest of bass in Lake Cochrane is very low, and management objectives for bluegill require a high density of smaller bass in the system. Waubay Lake has a history of prey abundance fluctuations, and the proposed rule amendment would be consistent with the previous removal of the walleye 15 inch minimum length limit from Waubay Lake. (c) Current walleye regulations in the area from Ft. Randall Dam down to the SD/NE state line on the Missouri River mirror regulations above the dam on Lake Francis Case with a 15 inch minimum exemption during July and August. This regulation change would align the walleye regulations for the area from Ft. Randall Dam down to the SD/NE state line with the area from the SD/NE state line downstream to Gavins Point Dam. Regulations would be clearer with the same walleye 15 inch minimum length restriction from Ft. Randall Dam down to Gavins Point Dam. (d) Cattail/Kettle Complex walleye population has not shown improvement and actually has declined with the 15 inch minimum length limit in effect. Because the Bitter Lake walleye population has a large 2011 year class, fish growth is slow and walleye are succumbing to natural mortality prior to attaining 15 inches in length. (e) Abundance of Opitz Lake walleye in the 13-15 inch range is generally high; however, abundance of 16-17 inch walleye

continues to be low. It is believed that the lake is losing walleye to natural mortality prior to attaining 15 inches in length. (f) Bismarck Lake was recently renovated, and smallmouth bass have been stocked in an effort to build the newly created fishery. A minimum length restriction will help protect these fish until a fishery develops. (g) With changes in species present and angler desires, the Black Hills Trout Management Area currently requires management of many different fish species. Recent strategic planning efforts have been based on fish management areas. Changing the name will help standardize language. (h) Although it is currently legal to remove gills, entrails and scales from a fish while on the water, it is not legal to remove eyes. Anglers have a long history around the Midwest of using fish eyes (especially perch eyes) as bait while ice fishing, often done by extracting eyes from fish that have been harvested. The proposed rule change would legitimize this activity. The requirement that fish remain whole while on the water is significant only insofar as it pertains to regulation and management of gamefish.

#### 4. ARSD 41:07:05 – Paddlefish Snagging.

Effect: The proposed amendments would (a) allow snagging of paddlefish on the Big Sioux River during the October paddlefish season below Gavins Point Dam; and (b) delete language in current rule which provides that “Any paddlefish tag that is locked closed before attachment or that is altered or modified in any way is void and may not be replaced.”

Reason: (a) Iowa allows anglers to snag on the Big Sioux River up to the I-29 Bridge. Due to the small size of the Big Sioux River, there are issues with anglers staying within the state boundary in which they are snagging. This rule change would allow South Dakota anglers to snag paddlefish in the Big Sioux River up to the I-29 Bridge. Iowa is also working to make this adjustment in their rules for their spring snagging season. (b) The

language in current rule proposed to be deleted is contrary to existing language in ARSD 41:06:02:01 and in how the department currently handles these tags.

5. ARSD 41:07:06 – Spearing.

Effect: The proposed amendment would change the archery paddlefish season below Gavins Point Dam to run from June 1 through June 30 (season now runs for 30 consecutive days beginning on the second Saturday in July).

Reason: Changing the dates of the archery paddlefish season so it is earlier in the summer will allow archers a better chance to harvest paddlefish on the Missouri River downstream from Gavins Point Dam.

6. ARSD 41:09:04 – Bait.

Effect: The proposed amendment would change the name of the “Black Hills Trout Management Area” to the “Black Hills Fish Management Area” as an area closed to the taking of bait.

Reason: With changes in species present and angler desires, the Black Hills Trout Management Area currently requires management of many different fish species. Recent strategic planning efforts have been based on fish management areas. Changing the name will help standardize language.

7. ARSD 41:09:07 – Private Fish Hatcheries.

Effect: The proposed amendment would require an applicant for renewal of a private aquaculture license to include a copy of the aquaculture facility’s previous year’s fish health inspection results with each license renewal application as a condition of renewal of the license.

Reason: Private aquaculture facilities are required to have an annual fish health inspection completed; however, there is no provision in existing administrative rule requiring that records and results of an inspection be provided to the department. This proposed rule

amendment would clarify that failure to provide the results of the annual inspection may be cause for refusal of license renewal.

8. ARSD 41:08:01 – Bobcat Trapping and Hunting Season.

Effect: The proposed amendments would add Clay, Hughes, Hutchinson, Hyde and Union counties to the open area for the East River season.

Reason: Provide bobcat trapping and hunting opportunity consistent with wildlife management objectives.

The above rule proposals may be modified or amended following receipt of public comment at the hearing to include or exclude matters that are described in this Notice of Hearing. The hearing may be continued from time to time until its business has been completed and may be rescheduled.

Interested persons will be given reasonable opportunity to submit data, opinions, arguments, and their views, either orally or in writing (or both) at the hearing. Persons unable to attend the hearing may mail data, opinions, arguments, and their views to the office of the Secretary of the Department of Game, Fish, and Parks, Foss Building, 523 East Capitol, Pierre, South Dakota 57501, or transmit by email to either [wildinfo@state.sd.us](mailto:wildinfo@state.sd.us) or [gfpadminrules@state.sd.us](mailto:gfpadminrules@state.sd.us). All persons who desire to submit written data, opinions, arguments, and their views by mail or email are encouraged to mail or transmit the same in sufficient time so that it is received by and in the office of the Secretary of the Department of Game, Fish, and Parks on or before 12:00 o'clock P.M. on the date of the hearing. Interested persons will be given reasonable opportunity to submit data, opinions, arguments and their views, either orally or in writing (or both) to the Commission for their consideration. All written and email comments must include the name, home town/city, and state of the person submitting the comments.

The above rule proposals are available for review on the internet by going to

<https://rules.sd.gov/> and copies of the proposed rules may be requested from the office of the Secretary of the Department of Game, Fish, and Parks, Foss Building, 523 East Capitol, Pierre, South Dakota 57501. Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Any individuals with disabilities who will require a reasonable accommodation in order to participate in the hearing should submit a request to the undersigned at 605.773.3718 or 605.223.7684 (Telecommunication Device for the Deaf).

Dated this 2nd day of September, 2015.



  
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Kelly R. Hepler, Secretary

This Notice of Public Hearing is published at the approximate cost of \$ \_\_\_\_\_.