

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

A Public Hearing will be held at the McCrory Gardens, 631 22nd Avenue, Brookings, South Dakota, on November 2, 2017, at 2:00 o'clock P.M. (CDT), to consider adoption, amendment and repeal of Rules pertaining to:

1. Amend ARSD 41:03:03:06 – Park Entrance License Fees.

Effect: The proposed amendment would simplify the park entrance fee structure by eliminating the ability to pay for individual entrances and would instead charge by vehicle only.

Reason: The Department believes simplifying the fee structure to one payment option will increase efficiency of entrance to the park while also raising additional revenue.

2. Amend ARSD 41:03:04:01 – Definitions (Parks).

Effect: The proposed amendment would alter three definitions regarding “preferred,” “prime,” and “primitive” campgrounds. “Preferred” campgrounds would consist of campsites with weekend occupancy rates of 80 to 89 percent from the Friday before Memorial Day to Labor Day, inclusive, on non-equestrian and electrical campsites. “Prime” campgrounds would consist of campsites with occupancy rates of 90 percent or greater from the Friday before Memorial Day to Labor Day, inclusive, on non-equestrian and electrical campsites. “Primitive” campsites would be removed from the definitions section.

Reason: The alteration of definitions provides a delineation of campgrounds based on use and allowing fees to be applied accordingly.

3. Amend ARSD 41:03:04:03 – Camping Permit Fees.

Effect: The proposed amendment would remove Fort Sisseton, Union Grove, Pease Creek and Buryanek campsites from the category of a “modern campground.” Camping cabin fees for all State Parks would increase from \$40 to \$45 except at Custer State Park

where the cabin fee would remain \$50. Fisher Grove and Buryanek campsites would be added to the category of "preferred campground" which has a 15\$ fee per day. Oakwood Lakes; Angostura; including Shep's Canyon; Lake Vermillion; Lewis and Clark; Newton Hills; Snake Creek; Palisades; Roy Lake; Lake Herman; Lake Poinsett; Walker's Point; Pickerel; Shadehill-Ketterlings Point; Sandy Shore; Lake Cochrane; Farm Island; Lake Louise; Lake Thompson; Mina Lake; Chief White Crane; Pierson Ranch; North Point; Big Sioux; Hartford Beach; Richmond; Rocky Point and South Pelican campsites would be removed from the "preferred campground" category.

Angostura including Sheps Canyon; Palisades; Big Sioux; Lake Vermillion; Rocky Point; Mina Lake; Lake Herman; North Point; Walker's Point; Lake Poinsett; Oakwood Lakes; South Pelican; Newton Hills; Shadehill Ketterlings Point; Pickerel Lake; Lake Cochrane; Sandy Shore; Pierson Ranch; Union Grove; Richmond Lake; Pease Creek; Lake Thompson; Roy Lake; Farm Island; Snake Creek; Lake Louise; Hartford Beach; and Fort Sisseton, except during the Fort Sisseton Festival would be added to the "prime campsite" category and would cost \$17 per night. The specific identification of campsite numbers at Lewis and Clark and Chief White Crane campgrounds would be removed from rule so that all of Lewis and Clark and all of Chief White Crane Campgrounds would be included as "prime campsites." Fort Sisseton State Park is removed from "primitive lodging campsite" category.

The group lodging fee at Mina Lake State Recreation Area and Shadehill State Recreation Area will increase from \$185 to \$205 per night. Lake Thompson State Recreation Area, Palisades State Park, Sheps Canyon State Recreation Area, and Newton Hills State Park will increase from \$240 to \$280 per night for group lodging.

French Creek Horse Camp will increase from \$26 to \$31 per night.

Reason: Camping fees are set based on demand. Prices are higher for parks that

have higher campground occupancy. In order to generate needed revenue, the rule change would move more campgrounds into the “prime” price category.

4. Amend ARSD 41:03:04:13 – Park Facility Use Fees

Effect: The use of the Fort Sisseton’s south barracks would increase from \$300 to \$500 for a weekend. The catamaran dry slip storage at Lewis and Clark would increase from \$300 to \$325 per seasonal occupancy period. The catamaran dry slip storage at Angostura would increase from \$150 to \$175 per seasonal occupancy period.

Reason: Rental fees are being incrementally increased in recognition of demand and the need for new revenue to support the state park system.

5. (New Rule) ARSD 41:04:06:02 – Marking of Nonmeandered Water Closures

Effect: The proposed rule would establish standards for marking closed areas of nonmeandered waters by landowners. The standards include a system of conspicuous signs and buoys with specifications to ensure uniformity.

Reason: HB 1001 requires the GFP Commission to establish specific standards for markers to indicate closure of nonmeandered waters to recreational use.

6. (New Rule) ARSD 41:06:04:21 – Mandatory Submission of Sample for CWD Testing.

Effect: The proposed rule would require mandatory submission of elk harvested in Custer State Park to be tested for chronic waste disease (CWD).

Reason: Mandatory inspections of elk will provide a reliable estimate of the CWD rate of infection in Custer State Park.

7. Amend ARSD 41:06:47:01 – Custer State Park Antlerless Elk.

Effect: The proposed rule would increase the number of antlerless elk licenses from no more than 20 to no more than 60. Furthermore, the proposed rule would establish four separate hunting seasons in four separate hunting units.

Reason: New information on CWD prevalence rates from both Custer State Park and Wind Cave National Park warrants adaptive management to learn more about the infection rate of Custer State Park elk. This begins by managing a lower population density in identified areas, and to evaluate and respond accordingly for future management actions.

8. Amend ARSD 41:06:56:03 – Number and Type of Licenses (Big Horn Sheep).

Effect: The proposed rule would simplify the rule by eliminating the identification of the license type and number of license from each of the hunting units. The amendment would add the language that no more than five bighorn sheep licenses may be issued.

Reason: The license allocation will provide bighorn sheep hunting opportunities within the sheep population management objectives.

9. Amend ARSD 41:06:61:06 – Mountain Lion Hunting Season.

Effect: The proposed amendment would allow for the continued pursuit of a mountain lion that originated on private land onto public land.

Reason: The Department received a petition that was filed to allow mountain lion hunters to assist livestock producers better assistance in the removal of mountain lions outside of the Black Hills Fire Protection District.

10. Amend ARSD 41:07:03:03 – Daily, Possession, and Length Limit Restrictions on Special Management Waters.

Effect: The proposed rule would remove the 15 inch minimum restriction for walleye on Lake Poinsett.

Reason: The Lake Poinsett walleye population has a large year class present. Fish growth is slow and walleye are succumbing to natural mortality prior to attaining 15 inches in length and becoming available for anglers to harvest. The current regulation has been ineffective at improving the average size of walleye in the population.

11. Amend ARSD 41:08:06:02 – Application – Contents – Submission (Aerial

Hunting).

Effect: The proposed rule would allow nonresidents to obtain an aerial hunting permit from the Department

Reason: Currently, only residents are allowed to obtain an aerial hunting permit from the Department. There has been interest from landowners to bring nonresident pilots to assist with predator control needs on their livestock operations. This change would allow for more efficient access to aerial hunters to control predatory animals in relation to the livestock operations.

12. (New Rule) 41:09:04:02:02 – Taking, Possession, and Transportation (Baitfish).

Effect: The new rule would require all bait dealers to list employees/agents on their application that will engage in trapping, transporting, delivering, raising, or seining bait and allow the Department to refuse the issuance of a license to a bait dealer with an employee/agent who has received a suspension or revocation of their bait dealer license.

Reason: The new rule will fix a loop hole in the administrative rules that allows an individual who has had their license suspended or revoked to continue to operate in the baitfish industry.

13. Amend 41:10:02:01 – List of Endangered Birds.

Effect: The proposed rule will update the scientific name of the Interior Least Tern (*Sterna antillarum athalassos*) to Least Tern (*Sternula antillarum*).

Reason: This change is consistent with the national scientific community on the accepted common and scientific name.

14. Amend ARSD 41:10:02:05 – List of Endangered Fish.

Effect: The proposed rule will update the scientific name of the Finescale dace (*Phoxinus neogaeus*) to Finescale dace (*Chrosomus neogaeus*).

Reason: This change is consistent with the national scientific community on the

accepted common and scientific name.

15. Amend 41:10:02:06 – List of Threatened Fish.

Effect: The proposed rule will update the scientific names of two species: 1) Northern redbelly dace (*Phoxinus eos*) to Northern redbelly dace (*Chrosomus eos*) and 2) Pearl dace (*Margariscus margarita*) to Northern pearl dace (*Margariscus nachtriebi*).

Reason: This change is consistent with the national scientific community on the accepted common and scientific name.

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 or gfpadminrules@state.sd.us. To be included in the public record and considered by the Commission, comments must include a full name and city of residence and meet the submission deadline of seventy-two hours before the public hearing (not including the day of the public hearing) per HB 1006. 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.

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 10th day of October, 2017.



Kelly R. Hepler, Secretary