

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

A Public Hearing will be held at the Best Western Ramkota Hotel, 920 West Sioux Avenue, Pierre, South Dakota, on June 7, 2012, at 2:00 o'clock P.M. (CDT), to consider adoption, amendment and repeal of Rules pertaining to:

1. ARSD 41:03:01 – Uses of Parks and Public Lands.

Effect: Combine § 41:03:01:10 and § 41:03:01:06 into one rule, and repeal §§ 41:03:01:06, 41:03:01:22 and 41:03:01:28.

Reason: Eliminate redundancy by consolidating similar rule provisions into one rule. The provisions of §§ 41:03:01:22 and 41:03:01:28 are already covered in other rules and therefore are unnecessary.

2. ARSD 41:03:03 – Park Licenses.

Effect: Combine § 41:03:03:06.01 with § 41:03:05:05. (See Paragraph No. 3 below.)

Reason: Consolidate similar rule provisions into one rule.

3. ARSD 41:03:05 – George S. Mickelson Trail User Service Fees.

Effect: Repeal § 41:03:05:05.

Reason: Unnecessary – will be consolidated with § 41:03:03:06.01. (See Paragraph No. 2 above.)

4. ARSD 41:04:05 – Motorboats and Watercraft.

Effect: Repeal § 41:04:05:07.

Reason: Unnecessary – already covered in state law.

5. ARSD 41:06:01 – Application for License.

Effect: Modify § 41:06:01:10 to consolidate landowner preference rules for big game seasons other than elk. In addition, the following landowner preference rules would be modified or repealed: §§ 41:06:13:04, 41:06:14:05, 41:06:19:07, 41:06:20:04,

41:06:21:04, and 41:06:23:05.

Reason: Consolidating landowner preference provisions for big game seasons other than elk into one rule promotes simplicity and will eliminate duplicative/redundant landowner preference provisions in several other big game rules.

6. ARSD 41:06:02 – License Forms and Fees.

Effect: Modify §§ 41:06:02:01.05 and 41:06:02:04 and repeal §§ 41:06:02:02 and 41:06:02:05.

Reason: § 41:06:02:01.05 needs to be modified to reflect that the Department no longer issues permits to allow nonresident small game licensees to change license dates but instead does this through the online licensing system. § 41:06:02:04 will be modified to incorporate § 41:06:02:05 (both rules pertain to sales of license lists) which will no longer be necessary. § 41:06:02:02 is no longer necessary since the Department does not require submission of a hunter report card and does not collect teeth samples through the mail.

7. ARSD 41:06:07 – Custer State Park Restrictions.

Effect: Repeal § 41:06:07:07.

Reason: Unnecessary – already addressed in another rule.

8. New Rule – Criteria for Validity of Big Game License.

Effect: The proposed new rule would consolidate the criteria for the validity of all big game licenses into one general rule. In addition, the following big game season rules which address criteria for validity of big game licenses would be modified or repealed: §§ 41:06:13:03, 41:06:14:03, 41:06:14:04, 41:06:15:03, 41:06:19:04, 41:06:20:03, 41:06:21:03, 41:06:22:03, 41:06:23:04, 41:06:24:03, 41:06:25:03, 41:06:26:03, 41:06:27:03, 41:06:28:03, 41:06:36:03, 41:06:41:03, 41:06:43:03, 41:06:44:03, 41:06:45:03, 41:06:47:03, 41:06:48:03, 41:06:59:03, and 41:06:61:05.

Reason: Creating one rule addressing the criteria for the validity of a big game

license eliminates redundancy by allowing repeal or deletion of duplicative provisions in other rule chapters.

9. ARSD 41:06:13 – Spring Wild Turkey Season.

Effect: Delete final paragraph of § 41:06:13:02; delete 41:06:13:04(3); and repeal § 41:06:13:03.

Reason: To eliminate redundancy, the language being eliminated in these rules is being consolidated with other existing or new rules.

10. New rule – Issuance of nonresident big game licenses.

Effect: The proposal would establish one rule which addresses the number of nonresident big game licenses available, with that number not to exceed 8% of the maximum number of licenses established for the applicable hunting unit. In addition, the following rules which pertain to availability of and number of nonresident big game licenses which may be issued would be modified or repealed: §§ 41:06:13:02, 41:06:14:02, 41:06:14:05, 41:06:19:02, 41:06:19:04, 41:06:19:07, 41:06:20:02, 41:06:20:04, 41:06:23:02, 41:06:23:03, 41:06:23:05, 41:06:36:02, 41:06:36:02.01, 41:06:36:02.02, and 41:06:36:04.

Reason: Creating one rule addressing the number of nonresident big game licenses which may be issued in a hunting unit eliminates redundancy by allowing repeal or deletion of duplicative provisions in other rule chapters.

11. ARSD 41:06:14 – Fall Turkey Hunting Season.

Effect: The proposed amendments would delete the final paragraph of § 41:06:14:02, delete subsections 41:06:14:05(1) and (4), and repeal § 41:06:14:03.

Reason: The rules provisions being deleted or repealed are being consolidated into other existing or new rules, other than for § 41:06:14:05(4) which is unnecessary as it is already addressed in another existing rule.

12. ARSD 41:06:19 – Black Hills Deer Hunting Season.

Effect: Repeal § 41:06:19:07, delete the final paragraph of § 41:06:19:04 and modify § 41:06:19:02 to delete the final paragraph pertaining to issuing 8% of available licenses to nonresidents.

Reason: The repealed provisions of § 41:06:19:07 and deleted language in § 41:06:19:02 are being incorporated into new rules. The deleted final paragraph of § 41:06:19:04 is no longer necessary since the Department does not require submission of a hunter report card and does not collect teeth samples through the mail.

13. ARSD 41:06:20 – West River Prairie Deer Season.

Effect: Delete final paragraph of § 41:06:20:02 and repeal §§ 41:06:20:03 and 41:06:20:04.

Reason: The repealed provisions of § 41:06:20:02, 41:06:20:03 and subsections 41:06:20:04(1) and (2) are being consolidated with other existing or new rules. Repealed subsections (3) and (4) of § 41:06:20:04 are unnecessary.

14. ARSD 41:06:21 – East River Deer Hunting Season.

Effect: Repeal §§ 41:06:21:03 and 41:06:21:04.

Reason: The repealed provisions of § 41:06:21:03 and subsection 41:06:21:04(2) are being consolidated with other existing or new rules. Repealed subsections (1), (3) and (4) of § 41:06:21:04 are unnecessary.

15. New Rule – Archery Licenses only valid by use of bow and arrow.

Effect: The proposed new rule would consolidate into one general rule all existing rules which provide that only bow and arrow may be used to take game with an archery big game license. In addition, the following big game archery rules would be repealed: §§ 41:06:22:03, 41:06:24:03, 41:06:28:03, 41:06:43:03, and 41:06:48:03.

Reason: Consolidating the existing rules addressing the use of a bow and arrow to fill archery big game tags into one rule eliminates redundancy by allowing repeal or deletion of duplicative provisions in other rule chapters.

16. ARSD 41:06:22 – Archery Deer Hunting Season.

Effect: Repeal §§ 41:06:22:03 and 41:06:22:06.

Reason: The provisions of § 41:06:22:03 will be consolidated with a new rule. § 41:06:22:06 is unnecessary as landowner preference is not relevant to statewide seasons and receiving an archery deer tag has no bearing on drawing a license within another hunting season.

17. ARSD 41:06:23 – Antelope Hunting Season.

Effect: Delete the final paragraph in both §§ 41:06:23:02 and 41:06:23:03, and repeal §§ 41:06:23:04 and 41:06:23:05.

Reason: The provisions of the deleted paragraphs, repealed subsections (1) and (2) of § 41:06:23:05 and § 41:06:23:04 are being consolidated into new rules. Repealed subsection (3) of § 41:06:23:05 is already covered in state law and is unnecessary.

18. ARSD 41:06:24 – Archery Antelope Hunting Season.

Effect: Repeal § 41:06:24:03.

Reason: The provisions of the repealed rule are being consolidated with a new rule.

19. ARSD 41:06:25 – Custer State Park Antelope Hunting Season.

Effect: Delete the second sentence of § 41:06:25, and repeal § 41:06:25.03.

Reason: The deleted language is already covered in another existing rule, and the repealed provision is being consolidated with a new rule.

20. New Rule – Elk Application Requirements.

Effect: The proposed new rule would consolidate into one general rule all application requirements and restrictions for the Black Hills Elk Season, Archery Elk Hunting

Season and Prairie Elk Hunting Season. In addition, the following rules pertaining to application requirements and restrictions would be repealed: §§ 41:06:26:04, 41:06:43:04 and 41:06:59:04.

Reason: Creating one rule consolidating the application requirements and restrictions for all elk hunting seasons eliminates redundancy by allowing repeal or deletion of duplicative provisions in other rule chapters.

21. New Rule – Mandatory Inspection of Harvested Elk.

Effect: The proposed new rule would consolidate into one general rule all mandatory inspection requirements for elk harvested in any established elk hunting season. In addition, the following rules pertaining to mandatory harvested elk inspection requirements would be repealed: §§ 41:06:26:04, 41:06:27:05, 41:06:28:05, 41:06:43:04, 41:06:47:04, 41:06:48:04 and 41:06:59:04.

Reason: Creating one rule consolidating the mandatory inspection requirements for all elk hunting seasons eliminates redundancy by allowing repeal or deletion of duplicative provisions in other rule chapters. .

22. ARSD 41:06:26 – Black Hills Elk Hunting Season.

Effect: Repeal §§ 41:06:26:03 and 41:06:26:04.

Reason: The repealed provisions of § 41:06:26:03 and § 41:06:26:04 are being incorporated into new rules, other than for subsection (5) of § 41:06:26:04 which is not necessary.

23. ARSD 41:06:27 – Custer State Park Elk Hunting Season.

Effect: Repeal §§ 41:06:27:03 and 41:06:27:05

Reason: Both repealed provisions are being consolidated with new rules.

24. ARSD 41:06:28 - Custer State Park Early Archery Elk Hunting Season.

Effect: Repeal §§ 41:06:28:03 and 41:06:28:05.

Reason: Both repealed provisions are being consolidated with new rules.

25. ARSD 41:06:29:04 – Mountain Goat Hunting Season:

Effect: Delete last sentence rule pertaining to land occupant preference.

Reason: Landowner preference does not apply to the mountain goat season.

26. ARSD 41:06:30 – Custer State Park Bighorn Sheep Hunting Season.

Effect: Repeal entire chapter.

Reason: This season has been closed for a considerable period of time with no plans to open it at any time in the foreseeable future. This season could be included in the Black Hills Bighorn Sheep chapter if bighorn sheep hunting resumes in Custer State Park.

27. ARSD 41:06:36 – National Wildlife Refuge Deer Hunting Seasons.

Effect: Delete the provisions of §§ 41:06:36:02, 41:06:36:02.01 and 41:06:36:02.02 pertaining to the number of nonresident licenses which may be issued in a unit, and repeal §§ 41:06:36:03 and 41:06:36:04.

Reason: The deleted and repealed rule provisions are being consolidated with new rules.

28. ARSD 41:06:38 – Custer State Park Fall Wild Turkey Hunting Season.

Effect: Repeal entire chapter.

Reason: There has not been a season since 1994 and, if ever again desired, could be included as a unit within the Fall Turkey Hunting Season.

29. ARSD 41:06:41 – Custer State Park Deer Hunting Season.

Effect: Repeal § 41:06:41:03.

Reason: The repealed provision is being consolidated with a new rule.

30. ARSD 41:06:43 – Archery Elk Hunting Season.

Effect: Repeal §§ 41:06:43:03 and 41:06:43:04.

Reason: The repealed provisions of § 41:06:43:03 and § 41:06:43:04 are being incorporated into new rules, other than for subsection (6) of § 41:06:43:04 which is not necessary.

31. ARSD 41:06:44 - Youth Deer Season.

Effect: Repeal § 41:06:44:03.

Reason: The repealed rule provision is being consolidated with a new rule.

32. ARSD 41:06:45 – General Muzzleloading Deer Hunting Season.

Effect: Repeal §§ 41:06:45:03 and 41:06:45:04.

Reason: The repealed provisions of these rules are being consolidated with new rules except for subsections (3) and (4) of § 41:06:45:04 which are not necessary.

33. ARSD 41:06:46 – Depredation Permits.

Effect: Repeal § 41:06:46:08.

Reason: The rule is unnecessary.

34. ARSD 41:06:47 – Special Custer State Park Antlerless Elk Hunting Season.

Effect: Repeal §§ 41:06:47:03 and 41:06:47:04.

Reason: The repealed rule provisions are being consolidated with new rules.

35. ARSD 41:06:48 – Custer State Park Late Archery Elk Hunting Season.

Effect: Repeal §§ 41:06:48:03 and 41:06:48:04.

Reason: The repealed rule provisions are being consolidated with new rules.

36. ARSD 41:06:59 – Prairie Elk Hunting Season.

Effect: Repeal §§ 41:06:59:03 and 41:06:59:04.

Reason: The repealed provisions of these rules are being consolidated with new rules except for subsection (6) § 41:06:59:04 which is not necessary.

37. ARSD 41:06:61 – Mountain Lion Hunting Season.

Effect: Repeal § 41:06:61:05.

Reason: The repealed rule provision is being consolidated with a new rule.

38. ARSD 41:08:01 – Furbearer Seasons (Muskrat trapping season established).

Effect: The proposed amendments would establish one rule to address muskrat trapping seasons by modifying § 41:08:01:02, and the following rules would be repealed: §§ 41:08:01:03 and 41:08:01:04.

Reason: Create one rule which consolidates all trapping seasons.

39. ARSD 41:08:01 - Furbearer Seasons (Skunk, opossum, fox, raccoon and badger trapping and hunting seasons established).

Effect: The proposed amendments would establish one rule to address the hunting season for skunk, opossum, fox, raccoon and badger season by modifying § 41:08:01:08.02, and the following rule would be repealed: § 41:08:01:08.04.

Reason: Create one rule which consolidates all 5 seasons.

40. ARSD 41:08:04 – Protected Furbearing Animals.

Effect: Repeal entire chapter.

Reason: The chapter is not necessary as the animals described are protected as either a state threatened or endangered species or through a closed season. Incidental captures are covered in another existing rule.

41. ARSD 41:09:04 – Bait.

Effect: Repeal §§ 41:09:04:08, 41:09:04:09, 41:09:04:10 and 41:09:04:13.

Reason: These rules no longer serve any purpose and are unnecessary.

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

Effect: Modify § 41:09:07:02 by incorporating the expiration date for private fish hatchery licenses into the rule, and repeal §§ 41:09:07:01, 41:09:07:03 and 41:09:07:03.01.

Reason: Consolidating the license expiration date into § 41:09:07:02 eliminates the need for § 41:09:07:03.01, and the other repealed rules are unnecessary.

43. ARSD 41:09:14 - Nursing Home Group Fishing.

Effect: Repeal § 41:09:14:03.

Reason: The rule is unnecessary as it is already covered in state law.

Interested persons are further notified that a more detailed explanation of the above rule proposals can be obtained by going to the Department website (<http://gfp.sd.gov/>) and under "Agency Info. & Services", clicking on "Commission", then clicking on "Current rule proposals", and reviewing the GFP Commission Action Proposal entitled "Administrative Rules Reduction". Hard copies of the "Administrative Rules Reduction" action sheet may also be obtained upon request by contacting the Department of Game, Fish and Parks at (605) 773-3718, by email at [Wildinfo@state.sd.us](mailto:Wildinfo@state.sd.us), or at the office of the Secretary of the Department of Game, Fish and Parks, Foss Building, 523 East Capitol, Pierre, South Dakota.

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.

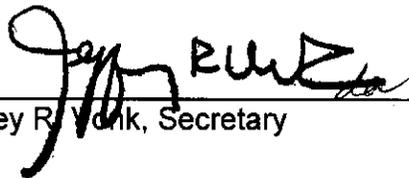
Interested persons will be given reasonable opportunity to submit data, opinions, arguments and their views, either orally or in writing (or both) at the hearing. Persons unable to attend the hearing may mail data, opinions, arguments, and their views to the office of the Secretary of the Department of Game, Fish and Parks, Foss Building, 523 East Capitol, Pierre, South Dakota 57501, or transmit by email to [Wildinfo@state.sd.us](mailto:Wildinfo@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. three (3) days prior to the date of 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 and mailing address of the person submitting the comments.

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. Persons with disabilities may contact the undersigned for assistance:

Dated this 11th day of May, 2012.

(SEAL)

  
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Jeffrey R. Yank, Secretary

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