

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

A Public Hearing will be held at the Lewis and Clark Resort, 43496 Shore Drive, Yankton, South Dakota, on June 5, 2014, at 2:00 o'clock P.M. (CDT), to consider adoption, amendment and repeal of Rules pertaining to:

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

Effect: Establish a new administrative rule requiring all deer hunters possessing an archery, muzzleloader, youth or mentor deer license to obtain a free access permit to hunt on the Hill Ranch Game Production Area (Unit 27L), Custer National Forest (Unit 35L), and Little Moreau Game Production Area (Unit 24B).

Reason: The issuance of these free access permits will allow the Department to collect improved hunter use and harvest data from these unlimited deer licenses.

2. ARSD 41:06:05 – Archery Restrictions.

3. Effect: Proposed amendments would eliminate existing archery equipment restrictions in ARSD §§ 41:06:05:01 and 41:06:05:02 which prohibit a person hunting with a bow and arrow from using or possessing (a) barbed points except for taking fish and frogs, (b) bolts or darts, (c) mechanical broadheads while hunting elk, (d) mechanical broadheads with a cutting diameter greater than two inches, (e) electronically lighted sight pins, (f) broadheads with a diameter at least 7/8 inch wide, and except for turkey hunting, be at least as long as it is wide, and (g) blunt points less than 9/16 inch wide to hunt turkey. Another proposed amendment would provide exceptions to the general prohibition against using electronic devices mounted to a bow by allowing use of cameras, video cameras or cell phones used exclusively for photographic purposes, lighted sight pins and illuminated arrow nocks. The proposed amendments would add or modify the following archery equipment restrictions to ARSD § 41:06:05:01 to prohibit a person hunting with a bow and arrow from

using or possessing any of the following: (a) electronic string releases; (b) compound bows shorter than 28 inches as measured from the top of the upper wheel or cam to the bottom of the lower wheel or cam; (c) an arrow, including the attached broadhead, weighing less than 275 grains when hunting big game animals, (d) an arrow that is less than 26 inches long when measured from the notch of the nock to the end of the shaft, not including the blunt or broadhead, (e) an arrow without a broadhead (fixed or mechanical) that has at least two metal cutting edges, except blunt points may be used when hunting turkeys, and (f) a bow that measures less than 40 pounds pull when hunting elk or a bow that measures less than 30 pounds pull when hunting all other big game animals. Finally, because substantially all of the requirements and restrictions contained in existing ARSD § 41:06:05:02 are either being eliminated or consolidated into ARSD § 41:06:05:01 as a result of the above described proposals, ARSD § 41:06:05:02 is no longer necessary and may be repealed.

Reason: The Department periodically reviews rules that deal with hunting equipment restrictions in an effort to ensure these restrictions are still necessary and that the regulations reflect technological advances in hunting implements and associated equipment. Department staff recently conducted a series of discussions with members of the state's two archery organizations, the South Dakota Bowhunters, Inc. and the South Dakota Archery Association, in an effort to review and update restrictions specific to archery equipment used in hunting. The above proposals reflect the results of those discussions.

3. ARSD 41:06:16 – Waterfowl Hunting Seasons (Goose Hunting Season - August Management Take).

Effect: The proposed amendment would modify the season dates to run from the third Saturday of August (currently the first Saturday of August) to August 31.

Reason: Provide hunting opportunity consistent with wildlife management objectives.

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

Effect: Proposed amendments would establish the number and types of resident and nonresident licenses available which will include offering residents and nonresidents no “antlerless whitetail deer” licenses (100 resident and 8 nonresident licenses offered in 2013); and eliminate Unit BHD-ZZ1.

Reason: Provide hunting opportunity consistent with wildlife management objectives.

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

Effect: Proposed amendments would establish the number and types of resident and nonresident licenses/tags available which will include adjusting resident license numbers by increasing resident one-tag licenses by 13,825, decreasing two-tag licenses by 13,855 (27,710 tags), and decreasing three-tag licenses by 3,745 (11,235 tags) compared to 2013; adjusting nonresident license numbers by increasing one-tag licenses by 1,107, decreasing two-tag licenses by 1,110 (2,220 tags), and decreasing three-tag licenses by 300 (900 tags) compared to 2013; eliminate Unit 53L (limited access unit) and include it in Unit 53A (Perkins North); and eliminate Units WRD-ZZ1 and WSD-ZZ1..

Reason: Provide hunting opportunity consistent with wildlife management objectives.

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

Effect: Proposed amendments would establish the number and types of licenses available which will include offering 3,180 more one-tag licenses, 7,620 less two-tag licenses (15,240 tags), and 2,800 less three-tag licenses (8,400 tags) compared to 2013; and eliminate Units ERD-ZZ1 and ESD-ZZ1.

Reason: Provide hunting opportunity consistent with wildlife management objectives.

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

Effect: Proposed amendments would change unlimited “any antlerless deer” licenses to unlimited “antlerless whitetail deer” licenses; for Unit ARD-LM1, “antlerless whitetail deer” licenses would not be valid in the following deer hunting units: BH1, 01A,

02C, 05A, 06A, 07A, 08A, 11A, 11B, 12A, 17A, 18A, 19A, 20A, 21A, 21B, 27A, 27B, 27L, 22A, 23A, 25A, 29A, 32A, 34A, 35A, 35C, 35L, 37A, 39B, 43A, 44A, 45D, 49A, 49B, 46A, 48A, 52A, 53A, 55A, 61A, 62A, 64A, 65A, and 67A; remove from the list of “restricted areas” that portion of Union County north of the Missouri River, west of Interstate 29, south of Union County Road 23, and east of the west boundary of the Adams Homestead and Nature Preserve; reduce the number of the number of “any deer” archery access permits from 10 to 5 for the Adams Homestead and Nature Preserve; eliminate Unit ARD-LM2; provide that no person may apply for and receive more than 3 archery deer licenses of which only one can be an “antlerless whitetail deer” license; and change the season end date from January 15 to December 31 for Sand Lake National Wildlife Refuge.

Reason: Provide hunting opportunity consistent with wildlife management objectives.

8. ARSD 41:06:36 – National Wildlife Refuge Deer Hunting Season.

Effect: Proposed amendments would change “any whitetail deer” licenses to “any deer” licenses and offer no “antlerless deer” licenses for LaCreek National Wildlife Refuge; offer 15 less resident “any deer” licenses and 3 less nonresident “any deer” licenses compared to 2013 for Waubay National Wildlife Refuge; and eliminate Unit RFD-ZZ1.

Reason: Provide hunting opportunity consistent with wildlife management objectives.

9. ARSD 41:06:44 – Youth Deer Hunting Season.

Effect: Proposed amendments would eliminate Unit YOD-LM2 and limit youth deer hunters to one single tag “any antlerless deer” license.

Reason: Provide hunting opportunity consistent with wildlife management objectives.

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

Effect: Proposed amendments would change unlimited “any antlerless deer” licenses to unlimited “antlerless whitetail deer” licenses; for Unit MZD-LM1, “antlerless whitetail deer” licenses would not be valid in the following deer hunting units: BH1, 01A,

02C, 05A, 06A, 07A, 08A, 11A, 11B, 12A, 17A, 18A, 19A, 20A, 21A, 21B, 27A, 27B, 27L, 22A, 23A, 25A, 29A, 32A, 34A, 35A, 35C, 35L, 37A, 39B, 43A, 44A, 45D, 49A, 49B, 46A, 48A, 52A, 53A, 55A, 61A, 62A, 64A, 65A, and 67A; eliminate Units MZD-LM2 and MZD-ZZ1; and provide that no person may apply for and receive more than 2 muzzleloader deer licenses of which only one can be an "antlerless whitetail deer" license.

Reason: Provide hunting opportunity consistent with wildlife management objectives.

11. ARSD 41:08:02 – Trapping Prohibitions.

Effect: Proposed amendments would (a) prohibit the use of live mammals or live birds to aid in the taking of furbearers, predators and varmints via traps and snares; and (b) require all trapping equipment including traps and snares (set and unset), stakes, cables, chains, wires, or other devices used for the purpose of attaching a trap or snare, to be removed from public lands and public road rights-of-way prior to May 1.

Reason: (a) The use of live mammals and birds (e.g., rabbits, quail, and domestic cats) to aid in the taking of furbearers and predators via trapping has increased in the last few years as more people pursue furbearers and GFP has responded to public complaints. This proposal addresses public concerns and reduces potential conflict between the general public and the trapping community. (b) Due to the popularity of new stakes and other equipment as well as people continuing to attempt to claim or mark trapping locations on public lands and public road right-of-ways from the previous year, this recommend change would require that all equipment associated with trapping or snaring be removed from these areas prior to May 1.

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. 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, home town/city and state 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. 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



Dated this 7th day of May, 2014.


Jeffrey R. York, Department Secretary

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