

# GAME, FISH AND PARKS COMMISSION ACTION FINALIZATION

## Archery Deer Hunting Season Chapter 41:06:22 and 41:06:01:17

<b>Commission Meeting Dates:</b>	<b>Proposal</b>	<b>December 8, 2022</b>	<b>Pierre</b>
	<b>Public Hearing</b>	<b>March 9, 2023</b>	<b>Pierre</b>
	<b>Finalization</b>	<b>March 9-10, 2023</b>	<b>Pierre</b>

### COMMISSION PROPOSAL

**Duration of Proposal:** 2023 and 2024 hunting seasons

**Season Dates:** September 1, 2023 – January 1, 2024  
September 1, 2024 – January 1, 2025

**Open Area:** “Any Deer” Licenses: Statewide, East River, West River  
“Antlerless Whitetail Deer” Licenses: Unit ARD-LM1  
“Any Antlerless Deer” Licenses: Custer, Rapid City, and Sioux Falls city limits

**Licenses:** Unlimited “any deer” licenses  
Unlimited single tag “antlerless whitetail deer” licenses  
Limited single tag “any antlerless deer” licenses (*determined by Department and respective municipalities*)

### **Requirements and Restrictions:**

1. Residents may purchase one (1) statewide “any deer” license or one (1) East River “any deer” license and one (1) West River “any deer” license.
2. Nonresidents may purchase one (1) statewide “any deer” license.
3. Residents and nonresidents may purchase one (1) “antlerless whitetail deer” license for Unit ARD-LM1 (see map).
4. Nonresidents may not hunt deer on private lands leased for public access by the department or public lands prior to October 1.
5. Shooting hours are ½ hour before sunrise to ½ hour after sunset.
6. Sand Lake NWR is open September 1 through January 1, except during the firearm deer seasons established for the refuge.
7. Waubay State Game Bird Refuge, Waubay National Wildlife Refuge, and Lacreek National Wildlife Refuge are open through January 1, except during refuge firearm deer seasons.
8. Licensees must obtain an access permit from the Department issued by lottery drawing before hunting Adams Homestead and Nature Preserve, Good Earth State Park, and Units WRD-35L and WRD-27L.

### **Summary of Proposed Change from Last Year:**

1. Create a private land only nonresident archery any deer license that is unlimited and a public and private archery any deer license valid statewide with 2,200 licenses available.
2. Remove the East River and West River specific licenses for nonresident archery deer.
3. Remove April 1 deadline for nonresidents to purchase archery deer license valid on public and private land.
4. No changes to resident archery and no changes to nonresident antlerless archery deer.

## DEPARTMENT RECOMMENDATION

**Recommended Changes from Proposal:** Strike 1 “antlerless whitetail deer” maximum per individual to allow multiple archery antlerless licenses for municipality hunts.

## SUPPORTIVE INFORMATION

Archery deer license sales have increased by nearly 30% in 10 years (28,328 to 36,381), and currently, there is no limit to the number of archery hunters. In recent years, individuals and organizations within SD have expressed concerns over crowding on public lands and the continued growth of nonresident archery hunters. Petitions have been brought forward to the GFP Commission requesting changes be made to limit nonresident archery hunters; to this point, the Commission has denied such petitions. However, after the last round of discussions, the GFP Commission requested the department to gather information, generate alternatives, and bring forward a recommendation for their consideration which would help address concerns brought forward but continue to provide hunting opportunities.

All deer hunters that purchased or applied for a license between 2019 and 2021 were emailed a questionnaire to determine their opinions about archery hunter numbers. Nine percent of hunters responded (8,183) to the questionnaire. There was moderate support for too many deer hunters on public land, and resident hunters felt there were too many nonresidents. Concerns regarding too many mule deer hunters were greater than white-tailed deer hunters. However, there was limited support for any regulation changes that would limit archery opportunities, especially among resident archery hunters. Additional information was gathered during an archery deer and antelope stakeholder meeting in Pierre on October 24. Stakeholders mostly agreed that archery deer hunters should be limited, and there was support for limiting hunters more on public land and limiting nonresidents more than residents. As a result of the questionnaire and stakeholder meeting, SDGFP developed a list of alternatives to limit archery hunting opportunities, and the preferred approach was to start by limiting nonresident archery hunters on public land.

South Dakota is comprised of approximately 80% private land, 10% public land, and 10% tribal land. Considering the most desired public hunting lands (Game Production Areas, Waterfowl Production Areas, Bureau of Land Management lands, Forest Service lands, and School and Public Lands), these collectively account for about 3,467,000 acres of publicly accessible land for hunting. In addition, GFP leases over 1.4 million acres of private land across SD which is open to public hunting. Collectively, these 4.9 million acres account for approximately 10% of the total SD land mass acres. In recent information gathered from deer hunters, over 50% indicated they hunt greater than 50% of their time on public lands. Bottomline, a high proportion of hunters are utilizing a small proportion of the land base for hunting.

In an effort to start to address one of the primary concerns expressed, overcrowding on public lands, the information gathered from nonresident hunters utilizing public lands to archery hunt was utilized and a 25% reduction was applied to those nonresident hunter numbers: resulting in approximately 2,200 nonresident hunters. This figure was then incorporated into the recommendation of separating statewide any deer licenses (cap of 2,200 licenses) that would be valid on public and private land and issued through a lottery drawing, leaving an unlimited number of statewide any deer licenses that would be valid on private land only.

Item	Resident		Nonresident	
	Current	Recommendation	Current	Recommendation
Number of licenses allowed per hunter for any deer license	1 statewide or 1 West River and 1 East River	1 statewide or 1 West River and 1 East River	1 statewide or 1 West River and 1 East River	1 statewide
Early application deadline for license to be valid on public land	NA	NA	April 1	NA
License allocation for any deer (private and public license)	Unlimited	Unlimited	Unlimited	2,200
License allocation for any deer (private land only license)	NA	NA	Unlimited	Unlimited
Public land start date	NA	NA	October 1	October 1
Antlerless whitetail deer licenses (private and public land) in open area	Unlimited (1 per hunter)	Unlimited (1 per hunter)	Unlimited (1 per hunter)	Unlimited (1 per hunter)

## DRAFT ADMINISTRATIVE RULE CHANGES

1. Modify ARSD 41:06:22:01 (Archery deer hunting season established -- Number and type of licenses -- Access permits) as follows:
  - a. The archery deer hunting season is open statewide from one-half hour before sunrise to one-half hour after sunset each day beginning September 1 through January 1, except as otherwise provided in § 41:06:22:02.  
Unlimited resident "any deer" licenses may be issued for units ARD-ST1, ARD-ER1, and ARD-WR1, and unlimited resident and nonresident antlerless whitetail deer licenses may be issued for unit ARD-LM1.  
Unlimited nonresident "any deer" licenses valid on private land not leased by the Department of Game, Fish and Parks for public hunting may be issued for unit ARD-ST1.  
Two thousand and two hundred nonresident "any deer" licenses may be issued valid for unit ARD-ST1 on public and private lands.  
One thousand single-tag "any antlerless deer" licenses may be issued for use in ARD-MP1, ARD-MP2, and ARD-MP3.  
No more than ten "any deer" and 50 antlerless whitetail deer access permits may be issued to residents for Adams Homestead and Nature Preserve.  
No more than ten "any deer" and 25 "antlerless whitetail deer" access permits may be issued to residents for Good Earth State Park.  
No more than 500 "any deer" access permits may be issued to residents, and no more than 125 "any deer" access permits may be issued to nonresidents for unit WRD-35L described in § 41:06:20:02.  
No more than 20 "any deer" access permits may be issued to residents, and no more than five "any deer" access permits may be issued to nonresidents for Unit WRD-274L, described in § 41:06:20:02.
2. Modify ARSD 41:06:22:01.02 (Nonresident archery deer hunting season restrictions) as follows:
  - a. A nonresident may not hunt deer on private lands leased for public access by the department or public lands prior to October 1. ~~A license obtained by a nonresident on or after the first day of April is valid only on private lands not leased for public access by the department.~~
3. Modify ARSD 41:06:22:03.01 (License purchase restrictions) as follows:
  - a. ~~A person~~ resident may purchase one statewide "any deer" license valid on public and private land. In lieu of a statewide "any deer" license, a ~~resident person~~ resident may purchase one East River "any deer" license and one West River "any deer" license valid on public and private land. ~~A nonresident may purchase one statewide "any deer" license valid on private land only or apply for one "any deer" license valid statewide on public and private land made available through a lottery draw. A nonresident may not purchase more than one archery any deer license.~~ No person

may purchase more than one "antlerless whitetail deer" archery license. A resident may purchase one "any antlerless deer" license in the first lottery drawing, and an unlimited number of licenses after the lottery drawing for Unit ARD-MP1, ARD-MP2 and ARD-MP3.

4. Modify ARSD 41:06:01:17 (Access permits required for specific deer hunting units and public lands) as follows:
  - a. Any resident or nonresident deer hunter possessing an archery deer license valid for public land shall obtain and possess a free limited access permit to hunt hunting units or public lands described in § 41:06:22:01.

#### RESIDENT/NONRESIDENT CRITERIA

1. The Issue – Perceived issue of hunter overcrowding and hunting pressure on deer on public lands.
2. Historical Considerations – Not applicable
3. Biological Considerations – Not applicable
4. Social Considerations – Nonresidents will likely feel mistreated or “targeted” because of limiting nonresident archery deer licenses.
5. Financial considerations – Limiting nonresident licenses will likely decrease revenue generated from archery deer licenses.

#### RECRUITMENT, RETENTION, REACTIVATION (R3) CRITERIA

1. Does the regulation or fee inhibit a user’s ability to participate? Yes, this approach will limit the number of nonresident licenses available to hunt on public lands, thus potentially limiting the overall number of nonresident hunters participating in archery deer hunting in SD.
2. Does the regulation increase the opportunity for new and existing users? Directly it would not provide additional opportunities; however, indirectly it would likely enhance the hunting experience.
3. How does the regulation impact the next generation of hunters, anglers, trappers and outdoor recreationists? This change would likely not impact the next generation of hunters.
4. Does the regulation enhance the quality of life for current and future generations by getting families outdoors? This structural change to the archery deer season could impact hunters in different ways. Limiting the number of licenses valid on public land could reduce the overall number of nonresident hunters coming to SD, however, the positive impacts would be for those hunting on public land would experience a lower hunter density resulting in a higher quality hunt.

#### FISCAL IMPACT

This will reduce the number of nonresident licenses sold and thus reduce revenue generated from nonresident archery deer licenses.

APPROVE \_\_\_\_\_ MODIFY \_\_\_\_\_ REJECT \_\_\_\_\_ NO ACTION \_\_\_\_\_