

GAME, FISH, AND PARKS COMMISSION ACTION PROPOSAL

Application for License 41:06:01

Commission Meeting Dates:	Proposal	March 5-6, 2020	Pierre
	Public Hearing	May 7, 2020	Custer State Park
	Finalization	May 7-8, 2020	Custer State Park

COMMISSION PROPOSAL

Proposed changes from last year:

1. Modify 41:06:01:15 to read as follows:

41:06:01:15. Elk application requirements. The following requirements and restrictions apply to all applications for license for the Black Hills elk season, the archery elk hunting season, and the prairie elk hunting season: **(NO CHANGE)**

(1) Only a resident of the state may apply for a license; **(NO CHANGE)**

(2) Except for a qualifying landowner-operator applicant, and except as provided in § 41:06:01:09, a person who received an elk hunting license for this season in the first lottery drawing or the second drawing by using preference points in any of the nine preceding years may not apply for a license under this chapter for the next nine years; and **(NO CHANGE)**

(3) Fifty percent of the licenses are available to persons who qualify for landowner-operator preference under the provisions of SDCL [41-6-21](#). A minimum of 240 acres of land within an elk unit which has had at least 500 days of elk use since the last day of the previous application period is required to qualify. An elk use day is any day an elk feeds or waters on private land. For purposes of elk preference eligibility, members of the qualifying landowner-operator's family including grandparents, parents, spouse, children, children's spouse, or grandchildren who live on the ranch or in the closest community and have an active role in the ranch operation also qualify. Only one qualifying applicant per ranch unit per year may apply for a landowner-operator preference elk license in the first draw. A ranch unit is described as all private property owned and leased for agricultural purposes by written agreement by an individual qualifying landowner in the state. A ranch unit may not be subdivided for the purpose of qualifying for more than one landowner-operator preference. **(CURRENT RULE)**

(3) Fifty percent of the licenses are available to persons who must annually qualify for landowner-operator preference under the provisions of SDCL [41-6-21](#). For the purpose of qualification, the applicant must own or operate for agricultural purposes a minimum of 240 acres of land within one or more designated elk units for the respective elk hunting season applied for. The qualifying lands must have experienced habitual elk use since the last day of the previous application period to qualify. Habitual elk use is defined as land being regularly used by elk that are bedding, feeding, watering or causing damage on private land. Elk use must be documented by the landowner-operator or verified by a department representative in order to qualify. Members of the qualifying landowner-operator's family including grandparents, parents, spouse, children, children's spouse, or grandchildren who live on the ranch or in the closest community and have an active role in the day to day ranch operation may also qualify for landowner-operator elk preference. Only one qualifying applicant per ranch unit per year may apply for a landowner-operator preference elk license in the first draw. A ranch unit is described as all private property owned and leased for agricultural purposes by written agreement by an individual qualifying landowner-operator in the state. Landowner-operators with land parcels totaling 240 acres or more that are not located immediately adjacent to each other must demonstrate that each parcel is being used for agricultural purposes and at least one of the parcels has habitual elk use in that qualifying year. A contiguous parcel of land that falls within 2 or more elk units and is 240 acres or larger may qualify, however, the landowner-operator preference applicant would be required to select the one unit where he or she will hunt that license year in their application. A qualifying ranch unit cannot be subdivided for the purpose of qualifying for more than one landowner-operator elk preference. **(RECOMMENDED RULE)**

APPROVE _____	MODIFY _____	REJECT _____	NO ACTION _____
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2. Establish new administrative rules for Landowner Own-land Elk licenses with the following requirements:
 1. The applicant for this license must own a minimum of 240 acres of land within one or more designated elk hunting units that comprise a respective elk hunting season in order to qualify.
 2. The applicant is limited to one any elk license per year and may only hunt on those lands owned and operated or leased and operated for agricultural purposes within the designated elk hunting units.
 3. The fee for the landowner own-land elk licenses would be half price of a regular resident elk license.
 4. Landowner own-land elk licenses are only valid for use in elk hunting units where the department has determined the elk population objective as "slightly decrease" or "substantially decrease".
 5. Season dates for this season will be August 1st through March 31st of the following year.

SUPPORTIVE INFORMATION

Recommended changes to 41:06:01:15 are an effort to clarify the intent of this rule as it relates to qualifying land, documentation and qualifying members of the family. Changes also eliminate the "500 elk us days" as this is not easily defined in the field and is left to some interpretation by a qualifying landowner and the Department. Changes to elk use should clarify the intent of the rule that a qualifying landowner-operator must demonstrate that elk use the qualifying property.

Currently there are landowners that qualify as landowner elk preference applicants but are not receiving an elk license in units where the Department is seeking to reduce the number of elk. The Department recommends establishing a limited landowner own-land elk license to ensure that landowners can hunt elk on agricultural lands they own or operate within elk units where the Department's management objective is to decrease the overall elk population. Landowner licenses help to build tolerance for elk and promote elk hunter access and serve to demonstrate the appreciation that the Department has for landowners and producers that help support elk populations, hunter access, the Department's mission and other wildlife management objectives.

Landowner Elk Comparison Table

LICENSE COMPARISON	LANDOWNER PREFERENCE	LANDOWNER OWN-LAND
Applicant Eligibility	Available to qualifying resident landowners whose owned or leased property is used for agricultural purposes.	Available to qualifying resident landowners whose owned or leased property is used for agricultural purposes.
Land Eligibility Requirements	Applicant must own or operate a minimum of 240 acres of land within one or more units for a respective elk hunting season.	Applicant must own or operate a minimum of 240 acres of land within one or more units for a respective elk hunting season.
Elk Use Requirement	The qualifying land must have experienced habitual elk use since the last day of the previous application period.	Not applicable.
Open Area	License is valid anywhere on private and public land for the respective hunting unit.	Applicant's land that is owned or leased.
Number of Licenses	No more than one license per ranch unit whether a landowner preference or landowner own-land.	
License Availability	Available for hunting units with an allocation of elk licenses.	Only available for hunting units with a "slightly decrease" or "substantially decrease" population objective as determined by the Department.
License Type	Any elk or antlerless elk	Any elk
License Fee	50% of regular license fee	50% of regular license fee
Season Dates	Regular season dates for the respective season or hunting unit.	August - March

APPROVE _____ **MODIFY** _____ **REJECT** _____ **NO ACTION** _____