

GAME, FISH AND PARKS COMMISSION ACTION PROPOSAL

Hunting Requirements and Prohibited Methods

Chapter 41:06:04

Commission Meeting Dates:	Proposal	March 4-5, 2021	Pierre
	Public Hearing	May 6, 2021	Custer State Park
	Finalization	May 6-7, 2021	Custer State Park

COMMISSION PROPOSAL

Proposed changes from last year:

CURRENT RULE

41:06:03:15. Chronic Wasting Disease endemic area defined. For purposes of §§ 41:06:03:16 through 41:06:03:19 and § 41:09:11:07 an endemic area is defined as any firearm deer or elk hunting unit in which any portion of a county confirms the presence of chronic wasting disease. In addition, any deer harvested during the archery, muzzleloader, and apprentice deer seasons and any elk harvested from Unit PRE-WRA within a county where chronic wasting disease has been confirmed would be subject to §§ 41:06:03:16 through 41:06:03:19 and § 41:09:11:07.

PROPOSED RULE

Repeal existing rule.

CURRENT RULE

41:06:03:16. Interstate cervid carcass transportation restriction. Whole or partial cervid carcasses and head with antlers attached may not enter this state unless delivered to a licensed taxidermist, a game processor, or to the hunter's domicile. Cervid carcasses passing through the state are exempt from this section. The provisions of this section are effective July 1, 2020.

PROPOSED RULE

41:06:03:16. Interstate cervid carcass transportation and disposal requirement. Unless delivered to a licensed taxidermist or game processor, anyone transporting whole or partial cervid carcasses from another state into South Dakota shall dispose of all remaining cervid carcass parts with a waste management provider or a permitted landfill. Whole or partial cervid carcasses being transported through the state are exempt from this section.

CURRENT RULE

41:06:03:17. Intrastate cervid carcass transportation restriction. Whole or partial cervid carcasses and head with antlers attached may not be transported from an endemic area unless delivered to a licensed taxidermist, a game processor, or to the hunter's domicile. The provisions of this section are effective July 1, 2020.

PROPOSED RULE

Repeal existing rule.

APPROVE _____	MODIFY _____	REJECT _____	NO ACTION _____
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CURRENT RULE

41:06:03:18. Carcass disposal for hunter-harvested cervid. A person who transports cervid carcass parts from outside this state shall dispose of all remaining cervid carcass parts through a waste management provider or a permitted landfill. A person who transports cervid carcass parts from an endemic area in this state shall dispose of all remaining cervid carcass parts through a waste management provider or a permitted landfill. Cervid carcasses taken from an endemic area in this state that test negative for the disease are exempt from this section. The provisions of this section are effective July 1, 2020.

PROPOSED RULE

41:06:03:18. Intrastate cervid carcass transportation and disposal requirement. Unless delivered to a licensed taxidermist or game processor, anyone transporting whole or partial cervid carcasses from the county of harvest shall dispose of all remaining cervid carcass parts with a waste management provider or a permitted landfill.

CURRENT RULE

41:06:03:19. Carcass disposal for wildlife processing facilities. Wildlife processing facilities, as defined by § 41:06:03:10, shall dispose of all remaining cervid carcass parts obtained from outside this state through a waste management provider or a permitted landfill. Wildlife processing facilities shall dispose of remaining cervid carcass parts obtained from an endemic area within this state through a waste management provider or a permitted landfill. Game processors licensed by another state or federal entity shall dispose of carcasses as required by the conditions associated with the license. The provisions of this section are effective July 1, 2020.

PROPOSED RULE

41:06:03:19. Carcass disposal for wildlife processing facilities. Wildlife processing facilities, as defined by § 41:06:03:10, shall dispose of all remaining cervid carcass parts with a waste management provider or permitted landfill. Game processors licensed by another state or federal entity shall dispose of carcasses as required by the conditions associated with their license.

CURRENT RULE

41:09:11:07. Cervid carcass disposal. A taxidermist shall dispose of remaining cervid carcass parts obtained from another state into South Dakota through a waste management provider or a permitted landfill. A taxidermist shall dispose of remaining cervid carcass parts obtained from a known chronic wasting disease endemic area within this state through a waste management provider or permitted landfill. The provisions of this section are effective July 1, 2020.

PROPOSED RULE

41:09:11:07. Cervid carcass disposal for taxidermist. A taxidermist shall dispose of all remaining cervid carcass parts with a waste management provider or permitted landfill.

SUPPORTIVE INFORMATION

APPROVE _____	MODIFY _____	REJECT _____	NO ACTION _____
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Exposure to an area where a CWD-positive carcass has decomposed could be enough to cause infection in cervids (Saunders et al. 2012). This unnatural dispersal of CWD-infected cervid carcasses by hunters from the location of harvest from a CWD infected area to an uninfected area is a concern. This concern is valid even with carcass movement amongst infected areas between hunting units, as prevalence rates likely vary spatially amongst and between hunting units. Due to this risk of potential environmental contamination, it is important that the carcasses of cervids possibly infected with CWD, including all bones and other waste from taxidermy and butchering be disposed of in a way that protects uninfected cervids from exposure.

Justification for these proposed changes is to simplify regulations for hunters and other stakeholders, implement proactive versus reactive regulations to reduce the spread of CWD, and to provide hunters the option to transport harvested deer and elk to their choice of game processor, taxidermist or location of private processing/taxidermy by regulating the disposal of carcass parts.

Saunders, S.E., Bartelt-Hunt, S.L., & Bartz, J.C. 2012. Occurrence, transmission, and zoonotic potential of chronic wasting disease. *Emerging Infectious Diseases*, 18(3):369-376. <https://dx.doi.org/10.3201/eid1803.110685>.

RESIDENT/NONRESIDENT CRITERIA

1. The Issue – Not applicable
2. Historical Considerations – Not applicable
3. Biological Considerations – Not applicable
4. Social Considerations – Not applicable
5. Financial considerations – Not applicable

RECRUITMENT, RETENTION, REACTIVATION (R3) CRITERIA

1. Does the regulation or fee inhibit a user's ability to participate? Not directly but does enact additional requirements for a hunter to dispose of deer and elk carcasses if transported outside of the county of harvest.
2. Does the regulation increase the opportunity for new and existing users? Not applicable.
3. How does the regulation impact the next generation of hunters, anglers, trappers and outdoor recreationists? Not applicable.
4. Does the regulation enhance the quality of life for current and future generations by getting families outdoors? Not applicable.

FISCAL IMPACT

No fiscal impact to the Department.

APPROVE _____ MODIFY _____ REJECT _____ NO ACTION _____