

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

A Public Hearing will be held at the RedRossa Convention Center, 808 W. Sioux Avenue, Pierre, South Dakota, on Thursday, July 7, 2016, 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 (Time restrictions).

Effect: The proposed amendments would clarify that the time restrictions applicable to use of the state park system and use of public hunting areas and lake access areas apply to persons who not only enter, but also use or occupy, the areas designated in rule.

Reason: It is the practice of the Department to ask people to leave designated areas within the state park system, and public hunting areas and lake access areas, after established hours if not engaged in lawful activities cited in rule. Current rules state that person(s) may not enter the listed areas after the established hours, but do not address people continuing to use or occupy those areas for lawful activities cited in rule. Rules currently in place for the use of the George S. Mickelson Trail and Walk-in areas utilize the language enter, use or occupy with regard to enforcement of time restrictions, and the recommended changes make use of this language consistent with the intent of all time restriction rules and comports with the practice of the Game, Fish and Parks.

2. ARSD 41:03:01 (Bicycle use restrictions)

Effect: The proposal would repeal ARSD § 41:03:01:30 which restricts use of bicycles to certain designated areas in Newton Hills State Park and Lewis and Clark State Recreation Area.

Reason: The rule applies to only two state park units and is redundant with other rules in the chapter that can be used to enforce the bicycle restriction.

3. ARSD 41:03:04 – Camping Permits and Rules (Campsite reservations)

Effect: The proposed amendments limit occupation of a campsite at any state park, recreation area or lakeside use area to 14 consecutive nights and require a person to remove their camping unit from the campsite by check-out time on the day following the 14th night for at least one night before reserving the site, or another site, at that location.

Reason: It is confusing to park users and staff to refer to the number of days a camper may occupy a campsite. The time allowed to occupy a site has not changed, but 14 nights is more clearly understood than 15 days. When a camper arrives and occupies a site, that is their first night's stay, and once they have reached the 14th night's stay, they must leave prior to check-out time on the 15th day. In addition, the proposed amendment clarifies that a camper cannot reserve and move to another campsite at the same campground after the 14th night, but must leave the campground area for at least one night. This allows the opportunity for more users to take advantage of our camping resources.

4. ARSD 41:03:04 – Camping Permits and Rules (Registration procedures).

Effect: The proposed amendments revise the manner in which campers may make reservations for campsites in campgrounds within the state park system.

Reason: Since this rule was last revised, the Division of Parks and Recreation has contracted the services of a point-of-sale and campsite reservation on-line and call center company. The proposed changes reflect the modified campsite registration procedures.

5. ARSD 41:06:03 - Possession, Processing and Transportation of Game.

Effect: The proposed amendment would exempt licensed private shooting preserves from the records requirements set forth in ARSD §41:06:03:11.

Reason: Licensed private shooting preserves that fit under the definition of a "wildlife processing facility" are currently required to maintain a separate set of processing records in addition to those records required for preserve activities (release, harvest, etc.). The proposed changes would exempt preserves from having to maintain a second set of

records for birds that are processed at their respective cleaning facility. However, those preserves that hunt off-preserve would still be required to maintain records for the processing of those particular game birds.

6. ARSD 41:06:10 – Sage Grouse Hunting Season; ARSD 41:06:01 – Application for License.

Effect: The proposed amendments would establish a two-day season, beginning on the third Saturday of September; shooting hours from sunrise to sunset; open area to consist of all public land and private land leased as Walk-In Areas in Harding County and west of U.S. Highway 85 in Butte County; bag limit of one sage grouse per hunter per season; offer 40 licenses allocated by a limited drawing process available to residents only through the initial draw, with any licenses remaining after the initial draw to be available to resident and nonresident hunters on a first come, first served basis; hunters who hold a valid small game or combination license are eligible to participate in the drawing.

Reason: Provide hunting opportunity consistent with wildlife management objectives. A restrictive hunting season is being recommended based on the season recommendation guidelines found within the "Sage-Grouse Management Plan for South Dakota, 2014-2018". Results from the 2016 spring lek surveys indicated 278 males counted on all leks.

7. ARSD 41:06:14 – Fall Wild Turkey Hunting Season.

Effect: The proposed amendments would offer for limited draw units 105 less resident one-tag licenses for the Prairie units compared to 2015; dissolve the West River Prairie Unit and in substitute offer license specific allocations for Unit 30A (Gregory County), Unit 50A (Mellette County), and Unit 53A (Perkins County and that portion of Meade County north of US Highway 212); modify Unit 08A (Davison and Hanson counties) to include an area within immediate vicinity around the city of Mitchell; change the designation of Unit NE1 (Northeast South Dakota) to Unit 48A (Marshall and Roberts counties) and retain the

same geographic area open for the fall season; repeal rule language which limits a person to two fall turkey licenses; and remove the language in administrative rule depicting the license type and number of licenses from each hunting unit and substitute with the cumulative number of single and multiple tag licenses.

Reason: Provide hunting opportunity consistent with wildlife management objectives.

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

Effect: The proposed amendments would add language in administrative rule which clarifies that if no licenses are allocated for a specific hunting unit, that unit is dissolved for the purposes of designating areas open to hunting as it pertains to the archery antelope season and the provisions of codified law which describes reduced fee licenses for landowner on own land licenses; and remove the language in administrative rule depicting the license type and number of licenses from each hunting unit and substitute with the cumulative number of single and multiple tag licenses.

Reason: In recent years, no licenses were issued in a few antelope hunting units due to antelope population levels. This action was taken by the Commission at the request of the Department to eliminate harvest to allow antelope numbers to increase in those hunting units. However, in a few instances, landowner on own land licenses were issued in these units based on an interpretation of language describing these licenses in codified law. In order to enable the Department to accomplish its management goals in these units, the Department is recommending the Commission add language in administrative rule clarifying that when a hunting unit is allocated zero licenses the intent is to close that area to all hunting even though the unit may still remain listed and described within administrative rule. This will resolve questions which have arisen in recent years whether landowner on own land licenses should be issued in these hunting units where no licenses are allocated while

also eliminating the necessity to go through the administrative rule process of removing the unit language in rule.

9. ARSD 41:06:54 – Pheasant Hunting Season for Disabled Veterans.

Effect: The proposed amendments would amend ARSD §§ 41:06:54:01 and 41:06:54:02, and repeal § 41:06:54:04, which pertain to establishing special pheasant hunts for qualifying disabled resident and nonresident veterans. The proposed amendments would allow any nonprofit organization to establish special one-or-two day pheasant hunts authorized by recent legislative amendments to SDCL 41-11-5.5 during the months of October and November for qualifying disabled resident and nonresident veterans. The newly established criteria for disability status no longer require that a disabled veteran be confined to a wheelchair as a condition for eligibility to participate in a special pheasant hunt; rather, a disabled veteran of the United States Armed Forces must now be a resident or nonresident who satisfies one of the criteria for disability status established in subdivisions (1) and (2) of SDCL 41-6-10.2.

Reason: The proposed amendments bring administrative rules which address pheasant hunting seasons for disabled veterans in compliance with legislation enacted during the 2016 Legislative Session (SB 71).

10. ARSD 41:09:01 – Private Shooting Preserves.

Effect: The proposed amendment would increase the number of harvested preserve birds without plumage attached that may be enclosed in a vacuum-sealed or shrink-wrapped package from one to two.

Reason: This change would align requirements for transporting frozen non-preserve birds and those preserve birds that are breasted (i.e., no plumage attached) that have the kill tag enclosed in the required packaging.

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 either wildinfo@state.sd.us or gfpadminrules@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. on the date of the 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.

The above rule proposals are available for review on the internet by going to <https://rules.sd.gov/> and 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 Deaf).

Dated this 13th day of June, 2016.



Kelly R Hepler

Kelly R. Hepler, Secretary

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