

**GAME, FISH AND PARKS COMMISSION ACTION
PROPOSAL**

Authorization to Hunt or Access State Park and Rec Areas
Chapters 41:01:03, 41:06:01

| | | | |
|----------------------------------|-----------------------|---------------------------|-------------------|
| Commission Meeting Dates: | Proposal | Feb 28-Mar 1, 2019 | Pierre |
| | Public Hearing | April 4, 2019 | Rapid City |
| | Finalization | April 4-5, 2019 | Rapid City |

DEPARTMENT RECOMMENDATION

Requirements and restrictions:

1. Upon consultation with the chairman of the commission, the secretary of the department may authorize a resident of the state to access state park and recreation areas or hunt small game without a fee.
2. Authorizations may allow the person to either access state park and recreation areas or to hunt in no more than one calendar year.
3. A person receiving an authorization to hunt small game is restricted to hunting during established hunting seasons and must abide by all applicable laws and rules.

SUPPORTIVE INFORMATION

Under Governor Noem’s Second Century Initiative, the Department is using crowdsourcing to solicit ideas to create more and better habitat. GFP is using Facebook as the platform to crowdsource habitat solutions and promote idea-driven dialogue for a period of 2-3 months. This platform is free and allows for a transparent submission process, where participants can engage and respond to proposed ideas. If constituents are not on Facebook, an email account, habitatpays@state.sd.us is being provided as a secondary option for idea submission. At the end of the effort, GFP staff and 2nd Century Habitat Foundation members will review all comments and ideas and provide their recommendation for final approval to Secretary Hepler and Commission Chairman Jensen. It is anticipated that there could be multiple “winners” of free hunting privileges or free access to state parks and recreation areas.

| | | | |
|----------------------|---------------------|---------------------|------------------------|
| APPROVE _____ | MODIFY _____ | REJECT _____ | NO ACTION _____ |
|----------------------|---------------------|---------------------|------------------------|

**GAME, FISH, AND PARKS COMMISSION ACTION
PROPOSAL**

West River Deer Season- Special Buck
Chapter 41:06:02; 41:06:20

| | | | |
|----------------------------------|-----------------------|----------------------------------|---------------|
| Commission Meeting Dates: | Proposal | February 28-March 1, 2019 | Pierre |
| | Public Hearing | May 2-3, 2019 | CSP |
| | Finalization | May 2-3, 2019 | CSP |

DEPARTMENT RECOMMENDATION

Recommended changes:

Beginning with the 2020 West River Deer season

1. Establish Resident special Any Whitetail Deer license and fee of \$169.
2. Establish Nonresident special Any Whitetail Deer license and fee of \$554.
3. Special Any Whitetail Deer licenses to be allocated at the greater of 4% of the total resident West River deer licenses that include a "Any Whitetail Deer" tag from the previous year OR 500 for each for residents and nonresident hunters.
4. If a person successfully draws a special Any Whitetail Deer license the licensee will not be able to apply for a West River deer license in the initial and second drawings.
5. If a person successfully draws a West River deer license they may not apply for a leftover special Any Whitetail Deer license.
6. Applicant must have permission from an owner or lessee of private land before applying.
7. Applicant for special Any Whitetail Buck must also include the name and telephone number of the owner or lessee providing permission.

SUPPORTIVE INFORMATION

Per discussions with representatives of The Landowner and Outfitter Alliance, it was requested the department bring forward a recommendation of providing additional hunting licenses under the special buck structure to assure there would be available licenses as experienced in previous years by hunters drawing desired licenses and their ability to pick up leftover licenses. Acknowledging concerns expressed about more licenses available to harvest mule deer, it was agreed upon to bring forward whitetail only licenses for both residents and nonresidents.

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

**GAME, FISH AND PARKS COMMISSION ACTION
PROPOSAL**

Hunt for Habitat Licenses

New Chapter, Chapters 41:06:01; 41:06:02

| | | | |
|----------------------------------|-----------------------|---------------------------|-------------------|
| Commission Meeting Dates: | Proposal | Feb 28-Mar 1, 2019 | Pierre |
| | Public Hearing | April 4, 2019 | Rapid City |
| | Finalization | April 4-5, 2019 | Rapid City |

COMMISSION PROPOSAL

1. Create one Custer State Park any bison "Hunt for Habitat" license and 3 "Hunts for Habitat" super license packages. The 3 super licenses will each include a tag for one:
 - a. Any Elk,
 - b. Any Deer, and
 - c. Any Antelope.
2. These licenses would be valid at any time and place that a hunting season is open in South Dakota for the big game animal as long as the regulations for the open season are followed.
3. The recipient must be eligible to hold the licenses although any ineligibility due to a previous license draw would be exempt.
4. Recipients will be able to select either of the current or next year as when their tag(s) would be valid.
5. Both residents and nonresidents will be eligible to submit applications for the super tag licenses although no more than 1 of the 3 license packages could be issued to a nonresident.
6. Both residents and nonresidents will be eligible to submit applications for the "Hunt for Habitat" trophy bison license
7. Establish an application fee of \$10 for residents and \$20 for nonresidents.
8. A person may submit an unlimited number of applications.
9. Applications will be accepted on-line only.
10. No additional fee will be charged for licenses drawn.
11. No preference points may be earned or used in the "Hunts for Habitat" drawings.

| | | | |
|----------------------|---------------------|---------------------|------------------------|
| APPROVE _____ | MODIFY _____ | REJECT _____ | NO ACTION _____ |
|----------------------|---------------------|---------------------|------------------------|

**GAME, FISH, AND PARKS COMMISSION ACTION
PROPOSAL**

Trapping Prohibitions
Chapter 41:08:02

| | | | |
|----------------------------------|-----------------------|----------------------------------|-------------------|
| Commission Meeting Dates: | Proposal | February 28-March 1, 2019 | Pierre |
| | Public Hearing | April 4, 2019 | Rapid City |
| | Finalization | April 4-5, 2019 | Rapid City |

DEPARTMENT RECOMMENDATION

Recommended changes from last year:

Amend 41:08:02:13. Traps to be rendered inoperable – Removal of trapping devices.

1. Modify the existing rule to allow the use of traps, snares and associated equipment to be used on public lands and improved road rights-of-ways, through August 31. *(currently May 1)
2. Modify the existing rule so that traps, snares and associated equipment must be actively operated and checked in accordance to trap-check rules.

SUPPORTIVE INFORMATION

With the launch of Governor Noem’s Second Century Initiatives, in particular the Live Trap Giveaway Program and the Nest Predator Bounty Program, this modification would allow trappers to use traps and snares (which are actively being used) on public lands and improved road rights-of-ways, through August 31. Public lands hold some of the best nesting habitat in the state and in order to remove nest predators during the nesting season, this modification would be needed.

APPROVE ___ **MODIFY** ___ **REJECT** ___ **NO ACTION** ___

**GAME, FISH, AND PARKS COMMISSION ACTION
PROPOSAL**

Bounties
Chapter 41:08:03

| | | | |
|----------------------------------|-----------------------|----------------------------------|-------------------|
| Commission Meeting Dates: | Proposal | February 28-March 1, 2019 | Pierre |
| | Public Hearing | April 4, 2019 | Rapid City |
| | Finalization | April 4-5, 2019 | Rapid City |

DEPARTMENT RECOMMENDATION

Recommended changes from last year:

Add a new administrative rule to the bounty chapter, which outlines the provisions of the Nest Predator Bounty Program.

1. Eligible species: raccoon, striped skunk, opossum, badger or red fox.
2. Only residents of South Dakota may participate.
3. Animals must be harvested in South Dakota by the resident participant.
4. If under the age of 18 years old, a parent/legal guardian must submit the electronic bounty form on behalf of the youth.
5. Information on the electronic bounty form must be true and accurate.

SUPPORTIVE INFORMATION

With the launch of Governor Noem's Second Century Initiatives, in particular the Nest Predator Bounty Program, this new administrative rule would outline the provisions of the program. These provisions are necessary to allow law enforcement of the bounty program.

APPROVE ___ **MODIFY** ___ **REJECT** ___ **NO ACTION** ___

USE OF PARKS AND PUBLIC LANDS
Chapter 41:03:01

| | | |
|------------------------------------|--------------------|--------|
| Commission Meeting Dates: Proposal | Feb 28-Mar 1, 2019 | Pierre |
| Public Hearing | April 4, 2019 | Pierre |
| Finalization | April 4-5, 2019 | Pierre |

DEPARTMENT RECOMMENDATION

41:03:01:01.02. Time restrictions for use of state park system. Only persons utilizing a state park, state recreation area, state nature area, or state lakeside use area for lawful fishing, hunting, trapping, snowmobiling, boating, or camping or other persons authorized by a department representative may enter, use, or occupy any state park, state recreation area, state nature area, or state lakeside use area from 11:00 p.m. to 6:00 a.m. ~~from May 1 to September 30, inclusive, and 9:00 p.m. to 6:00 a.m. from October 1 to April 30, inclusive.~~

41:03:01:07. Commercial use prohibited. A person may not engage in or attempt to engage in agricultural or commercial activities, including selling or soliciting, on lands within the state park system, owned, leased, managed, or controlled by the department or within the right-of-way of the George S. Mickelson Trail without written permission from the secretary or a designated agent.

Commercial photography is any photography that is used to promote or sell a product or service. Examples are pictures for advertising, merchandising, product placement or corporate brochures and leaflets. The commercial photographer must secure a permit and pay the applicable fees.

Commercial filming is defined as digital or film recording of a visual image or sound recording for a market audience, such as for a documentary, television or feature film, advertisement, or similar projects. The commercial film maker must secure a permit and pay the applicable fees.

The fee for the use of department lands for commercial activity is as follows:

- (1) **Commercial Use (other than filming or photography)**
 - a. **Permit fee of \$100.00 or three (3) % of gross receipts, whichever is greater.**
- (2) **Commercial filming / video**
 - a. **Permit fee for filming / commercial video(s)**
 - 1-10 people - \$150.00 per day**
 - 11-30 people - \$250.00 per day**
 - 31-49 people - \$500.00 per day**
 - Over 50 people - \$750.00 per day**
- (3) **Commercial photography**
 - a. **Permit fee for still photography**
 - 1-10 people - \$50.00 per day**
 - 11-30 people - \$150.00 per day**
 - Over 30 people - \$250.00 per day**

APPROVE _____ MODIFY _____ REJECT _____ NO ACTION _____

(4) Cost recovery fee charges for time and services of Game, Fish and Parks employees aiding in the field, is \$50.00 per hour per state employee.

General Authority: SDCL ~~41-2-18(4)~~, 41-17-1.1(1).

Law Implemented: SDCL ~~41-2-18(4)~~, 41-17-1.1(1).

41:03:01:15. Camping in state park, state recreation area, and state lakeside use area allowed only in designated campgrounds -- Fifteen-day Fourteen night limit. A person or group may camp only in an area designated as a campground site. No person or group may camp at, nor may a camper unit occupy any state park, state recreation area, or state lakeside use area for more than ~~fifteen consecutive days~~ **fourteen consecutive nights** without written permission of a department representative. For the purposes of this chapter, the term camper unit has the same meaning as defined in § 41:03:04:01.

~~**41:03:01:16.01. Uncased .22 caliber rimfire firearms prohibited -- Exceptions.** Uncased .22 caliber rimfire firearms are prohibited on all state park and recreation area lands and on the George S. Mickelson Trail the year around. However, uncased .22 caliber rimfire firearms are permitted within North Point Recreation Area and Oahe Downstream Recreation Area the year around on rifle ranges designated by the department. **Repeal**~~

41:03:01:19. Limitation on tree stands, elevated platforms, and portable blinds. Construction or use of permanent tree stands, permanent blinds, and climbing devices is prohibited on lands owned, leased, or controlled by the department. **Unless otherwise posted, P**portable tree stands, portable blinds, and climbing devices that do not utilize nails, wire, or bolts for attachment are allowed from August ~~25~~ **1** to ~~February 15, March 31~~, inclusive. Portable blinds may also be used during the spring turkey seasons established in chapters 41:06:13 and 41:06:15, by licensed spring turkey hunters. One screw-in "T" may be used to stabilize a tree stand. Removable screw-in steps may be used to access a tree stand. The name and address or the year and current applicable big game license number of the owner or user must be on the exterior of an unoccupied portable blind **or tree stand** and legible from the ground on a tree stand. Other elevated platform devices that are not attached to a tree must meet the requirements of this rule for permitted dates and for labeling if left overnight or unattended.

SUPPORTIVE INFORMATION

41:03:01:01.02. Time restrictions for use of state park system

Most park systems, including South Dakota's state park system, have a "curfew" to protect the public resources and legitimate campers and park users from disturbance. The proposed change would eliminate the 9pm "off season" (October through April) curfew in lieu of 11pm year around.

41:03:01:07. Commercial use prohibited

The existing rule prohibits agriculture (grazing/hay/cropping) activities and other for profit commercial activities on department lands without a permit but the rule lacks definition of permit pricing. A legal review determined that the department has statutory authority to issue agriculture permits and therefore, the administrative rule is redundant. Examples of typical for profit commercial activity are commercial photography and filming, food vendors, kayak lessons, horseback and bicycle tours, rock climbing schools and concerts. Each of these for profit activities

APPROVE _____

MODIFY _____

REJECT _____

NO ACTION _____

requires an exclusive use of a public park resource. These activities occur nearly exclusively on state park lands or the George S. Mickelson Trail. The proposed changes to rule would:

- Remove agricultural activity from the permitting requirement (redundant with statute).
- Limit the rule to the state park system and GSM Trail.
- Establish a fee structure for permitting commercial activities. The proposed pricing for filming and photography is consistent with National Park Service fees. Much of this activity occurs in Custer State Park and the same businesses are using Mt. Rushmore and Wind Cave as backdrops.

41:03:01:15. Camping time limit

The proposed rule change simply makes the time limit consistent with language in ARSD 41:03:04:05.01 regarding camping reservations and eliminates confusion - Fourteen consecutive nights versus Fifteen consecutive days.

41:03:01:16.01. Uncased .22 caliber rimfire firearms prohibited

Uncased firearms, and other weapons legal for hunting, are allowed in state park areas, with restrictions, during applicable hunting seasons - with the exception of .22s. The 37 year old restriction on 22s was presumably put in place as an effort to curb vandalism that was occurring at that time. Today, we are confident that with education and on-site staffing, we are controlling vandalism and can eliminate this restriction, thus affording hunters the opportunity to pursue small game with 22s in park areas during legal seasons. Target shooting is allowed year around at designated target ranges within state parks.

41:03:01:19. Limitation on tree stands, elevated platforms, and portable blinds

Portable tree stands and portable blinds are allowed on department land with restrictions that afford equal opportunity and protect the public natural resources. The dates that stands and blinds are allowed are restricted so that all hunters have equal access to prime sites and to avoid visual blights. The proposed change allows for earlier installation to accommodate the September 1 archery season opening date and moves the date that stands and blinds must be removed in recognition that oftentimes weather makes it impractical to remove tree stands by February 15th.

| | | | |
|---------------|--------------|--------------|-----------------|
| APPROVE _____ | MODIFY _____ | REJECT _____ | NO ACTION _____ |
|---------------|--------------|--------------|-----------------|

PARK LICENSE AND TRAIL USE PASS
Chapter 41:03:03

| | | | |
|----------------------------------|-----------------------|---------------------------|---------------|
| Commission Meeting Dates: | Proposal | Feb 28-Mar 1, 2019 | Pierre |
| | Public Hearing | April 4, 2019 | Pierre |
| | Finalization | April 4-5, 2019 | Pierre |

DEPARTMENT RECOMMENDATION

41:03:03:03.01. Park entrance license exemptions. Park entrance license exemptions are as follows:

- (1) A person who enters a state park or state recreation area in volunteer service to the park or as a volunteer worker with an assigned role at an event requiring a special permit pursuant to § 41:03:01:04 is exempt from payment of the daily park entrance license fee if the person has received a special free park entrance license from the secretary;
- (2) A park entrance license is not required at Custer State Park on the day of the fall buffalo roundup and on the day of the annual buffalo auction;
- (3) A recreational motorhome towing one other vehicle is considered one unit and must purchase only one park entrance license. The second vehicle will be issued a free park entrance license that is dated to expire on the last day of the visitor's stay.
- (4)** A South Dakota resident who is entitled to a free lifetime park entrance license as provided in SDCL 41-17-13.4 shall fill out a form provided by the Division of Parks and Recreation and mail it to the Pierre office with a photocopy of the veteran's "K" award or a letter from the Veteran's Administration indicating that the veteran receives an allotment for total disability which is deemed a service connected injury or that the veteran was held as a prisoner of war. The lifetime park entrance license allows the licensee and any passengers accompanying the licensee in the vehicle to enter any South Dakota state park, state recreation area, or lakeside use area that requires a valid park entrance license.
- (5) Any enrolled Crow Creek tribal member and their family are not required to have a park entrance license for West Bend Recreation Area.**

41:03:03:04. Time limits on daily license. A park entrance license for which a daily fee is paid expires on the day of purchase at 11:00 p.m. from ~~May 1 to September 30, inclusive,~~ and at 9:00 p.m. from ~~October 1 to April 30, inclusive.~~ A license purchased by registered overnight campers and lodge patrons expires at 4:00 p.m. the following day in all state parks and recreation areas.

SUPPORTIVE INFORMATION

Crow Creek exemption

West Bend Recreation Area is a unit of South Dakota's state park system and is located in Hughes County on the shore of Lake Sharpe and immediately adjacent to the Crow Creek Sioux Indian Reservation. Last year, the recreation area served 43,392 visitors and hosted 9,142 camping units. West Bend is the most heavily used fishing access site on Lake Sharpe. Outdoor recreational opportunities such as those offered at West Bend, are limited on the Crow Creek reservation. The department also intends to focus on programming options at West Bend that can provide additional

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

opportunities to tribal youth. Our hope is that these incentives to use the recreation area can benefit the quality of life for tribal members.

Potable water is the greatest challenge that Game, Fish and Parks faces in managing West Bend. The on-site well provides a poor quality and inadequate supply of water. The local rural water system pipeline is located 8 miles north of the recreation area. Permission from the Crow Creek Sioux Tribe is needed to cross tribal land with a pipe to supply the recreation area with rural water. The enhanced recreational opportunities made possible by the park license exemption and youth focused programming, may lead to an agreement that will facilitate a dependable water source for all users at West Bend Recreation Area.

Time limits on Daily Park Entrance License

Currently, a daily park entrance license is no longer valid after 9:00 pm during the months of October through April. This change would allow holders of daily licenses to use the park until 11:00 pm year round.

| | | | |
|---------------|--------------|--------------|-----------------|
| APPROVE _____ | MODIFY _____ | REJECT _____ | NO ACTION _____ |
|---------------|--------------|--------------|-----------------|

GEORGE S. MICKELSON TRAIL USER SERVICE FEES

Chapter 41:03:05

| | | |
|------------------------------------|--------------------|--------|
| Commission Meeting Dates: Proposal | Feb 28-Mar 1, 2019 | Pierre |
| Public Hearing | April 4, 2019 | Pierre |
| Finalization | April 4-5, 2019 | Pierre |

DEPARTMENT RECOMMENDATION

41:03:05:02. Trail user service fee exemptions. The following are exempt from the requirements and user fee required by § 41:03:05:01:

- (1) Any person using the George S. Mickelson Trail within the posted city limits of the communities of Deadwood, Lead, Rochford, Hill City, Custer, Pringle, and Edgemont;
- (2) Any person who enters the George S. Mickelson Trail area in volunteer service to the trail or as a volunteer worker with an assigned role at an event requiring a special permit pursuant to § 41:03:01:04 if the person has received a special free trail user pass from a department representative;
- (3) Any adjoining landowner or lessee on those portions of the George S. Mickelson Trail fronting the landowner's or lessee's property; and
- (4) Any member of a resident nonprofit youth group if the group obtains written permission from a department representative before using the trail.

(5) Members and guests of a South Dakota veterans organization or group, South Dakota National Guard or military reserve unit and guests, or patients currently admitted to a veterans hospital in South Dakota and their attendants who enter the George S. Mickelson Trail area for a special event that is hosted by the organization, group, unit or hospital if an approved special event permit has been obtained from the park manger at least five days before the special event. The park manager shall issue special free trail user passes to participants of the special event.

41:03:05:03. Trail user service fees and issuance of trail user pass. The trail user service fees are as follows:

- (1) Annual pass fee, \$15 a person;
- (2) Daily pass fee, \$4 a person; **and**
- (3) Annual pass late fee, \$15 a person.**

Upon payment of the required fee the person will be issued the applicable trail user pass.

41:03:05:06. Display of trail user pass. A trail user pass must be displayed or readily available for inspection if requested by a department representative. If a trail user on the George S. Mickelson Trail does not have a valid trail pass or is not able to display it or make it readily available upon request, the user shall obtain **a daily or annual trail pass** ~~an annual pass and shall pay the annual pass late fee.~~

SUPPORTIVE INFORMATION

41:03:05:02. Veterans Group Exemption

The Department of Game, Fish and Parks supports and appreciates our military veterans and service members. Currently, South Dakota veterans who have a 100% service related disability are

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

entitled to a free lifetime state park entrance license. Three years ago, the Game, Fish and Parks Commission expanded on this by approving a park entrance license exemption for veterans, National Guard and reserve unit members and veteran's hospital patients while participating in special events. Since then, state parks have hosted veteran's organization picnics, motorcycle ride-throughs, veteran's hospital outings, and National Guard recruitment weekends. The exemption also applies to family members and guests participating in the event. We would like to extend the veteran's group exemption to the Mickelson Trail pass requirement. Anticipated events would include group bicycle rides and walks and associated group gatherings at trailhead sites. Currently the only group exemption to the trail pass requirement is for resident nonprofit youth groups.

41:03:05:03 and 41:03:05:06. Trail Use Fee and Penalty for no Trail Pass

Mickelson Trail users that are 12 years of age or older, must have either an annual (\$15) or daily (\$4) trail use pass. Trail users that cannot display a pass are subject to a \$15 "late fee". Upon payment, they are issued an annual trail pass. This proposed change would eliminate the \$15 late fee and require that the trail user purchase either a \$4 daily trail pass or a \$15 annual pass.

APPROVE _____

MODIFY _____

REJECT _____

NO ACTION _____

GAME, FISH AND PARKS COMMISSION ACTION FINALIZATION

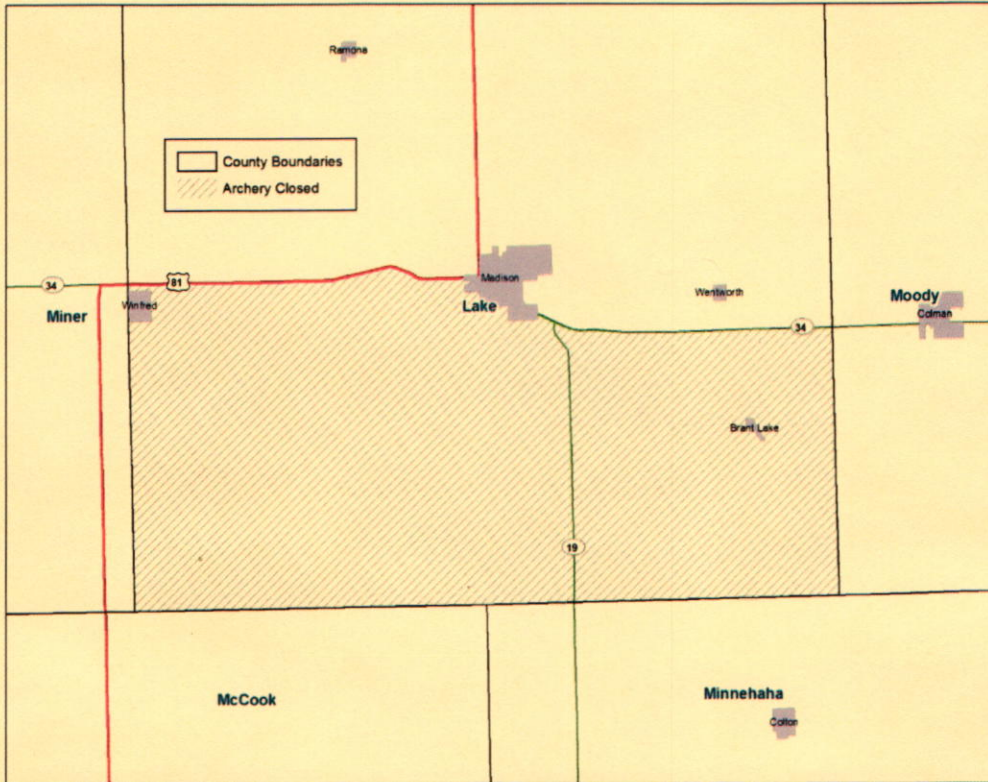
Spring Wild Turkey Hunting Season Chapter 41:06:13

| | | | |
|---------------------------|----------------|------------------------|--------|
| Commission Meeting Dates: | Proposal | January 10-11, 2019 | Pierre |
| | Public Hearing | February 28, 2019 | Pierre |
| | Finalization | Feb 28 - March 1, 2019 | Pierre |

COMMISSION PROPOSAL

Proposed changes from last year:

1. Close archery turkey hunting in Lake County south of State Highway 34.



DEPARTMENT RECOMMENDATION

Recommended changes from proposal: None.

SUPPORTIVE INFORMATION

In cooperation with the National Wild Turkey Federation and private landowners, the SD Game, Fish and Parks (SDGFP) is conducting turkey transplants in southern Lake County with the goal to establish a sustainable wild turkey population. Current efforts have resulted in only a few male turkeys transplanted, with additional trap and transfer efforts planned for 2019. Until the population reaches a sufficient size and gender composition, it is believed necessary to close this area to archery hunting. SDGFP will continue to work with partners to trap and transfer appropriate birds to the area and monitor this turkey population.

APPROVE _____ MODIFY _____ REJECT _____ NO ACTION _____

GAME, FISH AND PARKS COMMISSION ACTION
FINALIZATION

TURKEY TRANSPORTATION REQUIREMENTS
CHAPTER 41:06:03

| | | | |
|---------------------------|----------------|---------------------------|--------|
| Commission Meeting Dates: | Proposal | January 10, 2019 | Pierre |
| | Public Hearing | February 28, 2019 | Pierre |
| | Finalization | February 28-March 1, 2019 | Pierre |

COMMISSION PROPOSAL

Amend wild turkey transportation requirements in 41:06:03:02 by:

1. Eliminating the requirement that the beard, leg and foot bearing the tag remain naturally attached to the rest of the turkey when transported from the place where taken until the bird has arrived at the domicile of the possessor.
2. Establishing an alternative requirement that the beard, leg and foot bearing the tag simply accompany the rest of the turkey when transported from the place where taken until the bird has arrived at the domicile of the possessor.
3. Eliminating the aforementioned requirement to transport the beard if a person is licensed to take "any turkey".

DEPARTMENT RECOMMENDATION

41:06:03:02. Game bird transportation and packaging. No game bird, including a wild turkey, may be possessed, placed in public storage, transported, or accepted for shipment unless the following minimum requirements are met for each listed species:

- (1) Waterfowl shall conform to § 50 CFR 20.36 (July 16, 2008) and § 50 CFR 20.43 (July 16, 2008);
- (2) Pheasants and grouse, unless processed at a wildlife processing facility and accompanied by the receipt, or at the domicile of the possessor, shall include at least one of the following attached: the head, a fully feathered wing, or a foot;
- (3) Wild turkeys, unless processed at a wildlife processing facility and accompanied by the receipt, or at the domicile of the possessor, shall include the attached leg and foot bearing the tag issued with the license. Any person who lawfully takes a wild turkey may remove edible portions from the turkey while in the field and transport providing the person also has in their possession the beard, leg and foot with the attached tag until the bird has arrived at the domicile of the processor. Any person licensed to take "any turkey" is exempt from transporting the beard ~~Any wild turkey without spurs lawfully taken under a male turkey license, as defined in § 41:06:00.01:02, shall also have the visible beard attached. The leg and foot, and beard if required, shall remain naturally attached to the carcass at all times while being transported from the place where taken until the carcass has arrived at the permanent residence of the possessor;~~

(4) All other game birds, unless processed at a wildlife processing facility and accompanied by the receipt, or at the domicile of the possessor, shall include the attached head or an attached fully feathered wing. If the head or wing is used for identification, it shall have sufficient plumage attached to allow for prompt identification of the game bird. Game birds, if frozen, shall be packaged no more than two per package in order to facilitate identification and count of species. No game bird may be transported by unlicensed individuals, unless accompanied by a valid transportation permit issued by the department. However, at the conclusion of hunting a licensed hunter may transport a game bird legally taken by another person to a wildlife processing facility if the bird is tagged with the name of the hunter, the hunter's address, the total number and species of birds taken, the date such bird was killed, and signature of the hunter.

For the purpose of this section, the term, grouse, includes sharp-tailed grouse, ruffed grouse, and prairie chicken. Game birds are birds defined as small game in § 41-1-1 and those birds enumerated in § 41-11-4.

Recommended changes from proposal: NONE

**GAME, FISH AND PARKS COMMISSION ACTION
FINALIZATION**

SUPPORTIVE INFORMATION

Over the last year, Department officials have been contacted by licensed hunters regarding turkey transportation requirements. Many of these individuals desire the ability to remove the edible portions from the turkey and transport the cleaned turkey in a cooler similar to how some other big game animals are cared for in the field. However, current regulation stipulates that the beard, leg and foot remain naturally attached to the rest of the carcass. The proposed changes would make the transportation process easier and align with other big game transportation requirements found in 41:06:03:06. The turkey transportation requirements would remain waived for birds processed at a wildlife processing facility and accompanied by the receipt or those birds processed at the domicile of the possessor.

APPROVE

MODIFY

REJECT

NO ACTION

**BIG GAME TAGGING REQUIREMENTS
CHAPTER 41:06:03**

| | | | |
|----------------------------------|-----------------------|---------------------------|--------|
| Commission Meeting Dates: | Proposal | January 10, 2019 | Pierre |
| | Public Hearing | February 28, 2019 | Pierre |
| | Finalization | February 28-March 1, 2019 | Pierre |

COMMISSION PROPOSAL

Amend big game tagging requirements in 41:06:03:01 by allowing big game, other than elk, to be tagged on the hock tendon and leg bone OR around the base of the antler/horn.

DEPARTMENT RECOMMENDATION

41:06:03:01. Tagging required. The locking seal issued with each big game license, swan license, or special Canada goose license is an adhesive tag. The licensee shall sign the tag and date it by cutting out completely the month and day of the date of kill only. The licensee shall attach the tag securely ~~around one hind leg between the hoof and ankle joint of all hoofed big game animals except elk or around one leg of a mountain lion,~~ turkey, swan, or goose. ~~Elk shall be tagged by cutting a slit through the hide on one hind leg between the hock tendon and the leg bone and securely fastening the adhesive tag around the hock tendon directly above the ankle joint.~~ The licensee shall attach the tag securely to all hoofed big game animals:

- (1) Around one hind leg between the hoof and ankle joint;
- (2) Around the hock tendon directly above the ankle joint on one hind leg; or
- (3) Around the base of the antler/horn.

Recommended changes from proposal: Include language pertaining to mountain lion tagging

SUPPORTIVE INFORMATION

The Department received a petition for this rule change in December of 2018. The rationale for the request related to the processing of big game in the field, wherein the animal is field dressed and either quartered or entirely boned out. Allowing the alternative tagging methods creates flexibility and ease of transport for the hunter while still maintaining adherence to the statutory requirement for the tagging of big game.

41-14-14. Locking seal and tagging required before big game transported--Violation as misdemeanor. No big game animal taken in this state may be transported unless the locking seal and tag bearing the license number of the owner and the year of its issue are securely locked and attached, as required by rules promulgated pursuant to chapter 1-26 by the Department of Game, Fish and Parks. The seal shall be securely locked and the tag attached at the time the big game animal is brought out to a road or into any hunting camp, dwelling, farmyard, or other place of abode of any kind, or before it is placed upon or in a vehicle of any kind. The seal and tag shall be furnished by the department with each big game license. A violation of this section is a Class 1 misdemeanor.

APPROVE MODIFY REJECT NO ACTION

**GAME, FISH AND PARKS COMMISSION ACTION
FINALIZATION**

Deer Hunting Seasons Drawing Structure

Chapters 41:06:01; 41:06:02

| | | | |
|---------------------------|-----------------------|-----------------------------|---------------|
| Commission Meeting | Proposal | January 10, 2019 | Pierre |
| Dates: | Public Hearing | February 28, 2019 | Pierre |
| | Finalization | Feb 28 – Mar 1, 2019 | Pierre |

COMMISSION PROPOSAL

1. Create a combined drawing for the Black Hills, East River, West River, Refuge, Custer State Park and Muzzleloader deer hunting seasons where an applicant that does not obtain a special buck license may submit no more than two applications. Applicants that have a special buck license may submit one application for the combined drawing.
2. Modify the leftover license allocation process for the seasons in the combined deer drawing:
 - a. In the second draw, an applicant may not apply for a leftover license if the applicant possesses 2 licenses for any of the Black Hills, East River, West River, CSP, Refuge Deer and Muzzleloader deer seasons in the first draw. A person with 1 license for these seasons may submit 1 application for a season that the person does not hold a license.
 - b. In the third draw, leftover licenses are no longer pooled in a combined drawing and an applicant may submit one application for each season for which they do not possess a license. Nonresidents may only apply for a license remaining in pools originally designated (8%) for nonresidents (BHD, WRD or Refuge Deer).
 - c. In the fourth draw, licenses remain segregated in their respective seasons and residents may submit up to five applications. Nonresidents may only apply for a license remaining in pools originally designated (8%) for nonresidents (BHD, WRD or Refuge Deer).
 - d. After the fourth draw, all remaining resident and nonresident licenses would be pooled and sold first-come, first- served. There will be no limit on the number of licenses that a person can acquire (like it is currently).
3. Allow applicants to use preference points for both 1st and 2nd choices in draws one through three. First draw applicants must use preference points for their first choice selection (as is currently required). An applicant who uses preference to acquire a license in a season may not purchase a preference point for that season.
4. Preference points for a combined deer drawing shall be issued without cost for any hunter that is or was age 15 or younger during the calendar year when the preference point is acquired.
5. A first-time applicant for a combined deer drawing that is or was age 15 or younger in the calendar year of the drawing shall receive a bonus preference point for that drawing.
6. The Commission will conduct a comprehensive review of these changes in 3 years and will adopt a resolution memorializing that intent at the March 2019 Commission meeting if the changes are adopted.

| Drawing | Resident | Nonresident |
|--|---|---|
| 1 and 2 | Maximum of 2 licenses in ERD, WRD, BHD, CSP, Refuge Deer or MZD | Maximum of 2 BHD or WRD or Refuge Deer licenses |
| 3 | Maximum of 1 license in each of the WRD, ERD BHD, CSP, Refuge Deer and MZD seasons. | |
| 4 | Maximum of five additional licenses for a maximum total of eleven licenses. | |
| <i>Leftover Resident and Nonresident Licenses Pooled</i> | | |
| 5 | Unlimited. First-come, First-served | Unlimited. First-come, First-served |

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

RESOLUTION 19-03

39

WHEREAS, The South Dakota Parks and Wildlife Foundation owns real estate (Property) described as:

THE SOUTH HALF (S1/2) OF THE SOUTHWEST QUARTER (SW1/4), EXCEPTING LOT H-1 THEREIN, OF SECTION 31, TOWNSHIP 103 NORTH, RANGE 47 WEST OF THE 5TH PM, MINNEHAHA COUNTY, SOUTH DAKOTA.

and

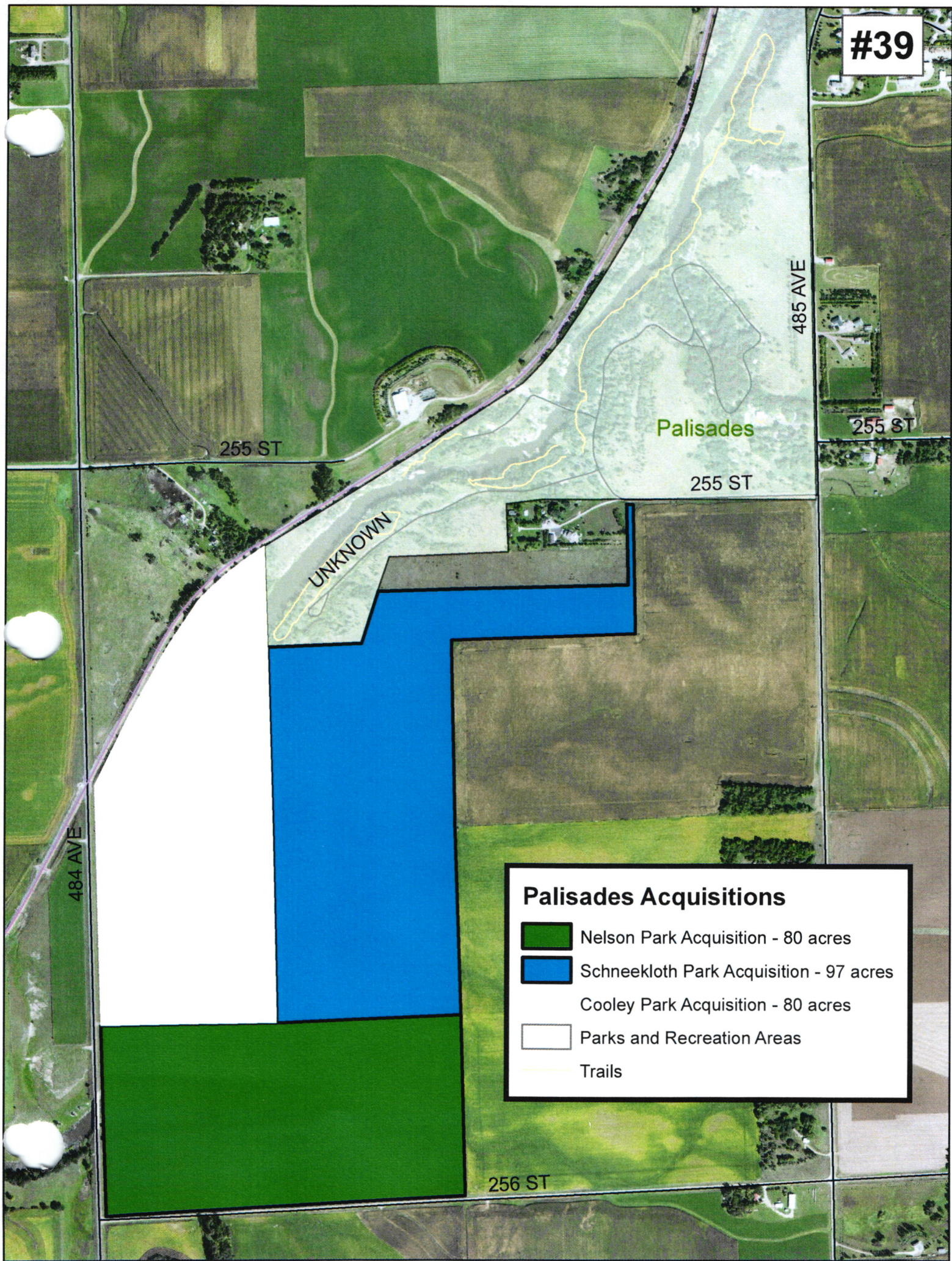
THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW1/4 NE1/4) OF SECTION 31, TOWNSHIP 103 NORTH, RANGE 47 WEST OF THE 5TH PM, EXCEPT LOT P-2 OF THE NORTHEAST QUARTER (NE1/4), EXCEPT TRACT 1 OF COUNTY AUDITOR'S SUBDIVISION OF THE NORTH HALF (N1/2) AND EXCEPT BOWAR'S FIRST ADDITION; AND THAT PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE1/4 NW1/4) LYING SOUTHERLY AND EASTERLY OF THE RAILROAD RIGHT-OF-WAY, EXCEPT LOT P-1 OF THE NORTHWEST QUARTER (NW1/4), EXCEPT TRACT 1 OF COUNTY AUDITOR'S SUBDIVISION OF THE NORTH HALF (N1/2) AND EXCEPT BOWAR'S FIRST ADDITION, ALL OF SECTION 31, TOWNSHIP 103 NORTH, RANGE 47 WEST OF THE 5TH PM, MINNEHAHA COUNTY, SOUTH DAKOTA; AND THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SE1/4 NW1/4) AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE1/4 SW1/4) OF SECTION 31, TOWNSHIP 103 NORTH, RANGE 47 WEST OF THE 5TH PM, MINNEHAHA COUNTY, SOUTH DAKOTA

Whereas, pursuant to its wishes, South Dakota Parks and Wildlife Foundation desires to gift and transfer title to the Property to the South Dakota Department of Game, Fish and Parks (Department) for use for the parks division; and

Whereas, the Department has evaluated and determined that the Property would serve very well as a park or recreational area, and

Whereas, the Department is authorized to accept gifts of property for park and recreational use per SDCL 41-2-19 and desires to accept the gift of the Property upon confirmation of the gift by the Game, Fish and Parks Commission; and

Whereas, the Game, Fish and Parks Commission desires to acknowledge the Department's acceptance of this gift of property from South Dakota Parks and Wildlife Foundation for use as a park and recreational area, and further



Palisades Acquisitions

-  Nelson Park Acquisition - 80 acres
-  Schneekloth Park Acquisition - 97 acres
-  Cooley Park Acquisition - 80 acres
-  Parks and Recreation Areas
-  Trails

acknowledges the extreme generosity of South Dakota Parks and Wildlife Foundation.

NOW, THEREFORE, BE IT RESOLVED, that the Game, Fish and Parks Commission does hereby confirm the decision by the Department to accept the transfer and gift of the Property from South Dakota Parks and Wildlife Foundation to be used as by the parks division.

BE IT FURTHER RESOLVED that the Game, Fish and Parks Commission, on behalf of the citizens and sportspersons of South Dakota, does hereby acknowledge and express its deepest appreciation and gratitude to South Dakota Parks and Wildlife Foundation for its generosity, and further acknowledge the outdoor recreational opportunities this gift will provide to South Dakotans for many years to come.