

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

A Public Hearing will be held at the Outdoor Campus West, 4130 Adventure Trail, Rapid City, SD 57702 at 2:00PM (MDT) on April 5 and at 8 am (MDT) April 6, 2018, to consider adoption, amendment and repeal of Rules pertaining to:

1. ARSD 41:06:26:01 - Black Hills elk hunting season established – Number and type of licenses – Season dates.

Effect: The proposed rule will adjust the available elk licenses to 425 “any elk” and 700 “antlerless elk.” For units BHE-H1B, BHE-H7B, and BHE-H9B the proposal will adjust the season dates to October 15-31 and December 1-16. For units BHE-H2B, HBE-H2E, and BHE-H3E the season dates will be changed to October 15-31. For units BHE-H2C, BHE-H2F, BHE-H2I, BHE-H3C, and BHE-H3F the season dates will be changed to December 1-16. For units BHE-H2D, BHE-H2G, BHE-H2J, BHE-H3D, and BHE-H3G the season dates will be changed to December 17-31.

Reason: Elk hunting license numbers have been adjusted based on biological and harvest information gathered during 2017 which follows management direction as described in the elk management plan. Adjustments to season dates have been proposed to provide as equal amount of days per hunting unit as possible for future hunting seasons.

2. ARSD 41:06:43:01 - Archery elk hunting season established -- Number and type of licenses available -- Season dates.

Effect: The proposed rule will adjust the number of available archery elk licenses to 142 “any elk” and 80 “antlerless elk.”

Reason: Elk hunting license numbers have been adjusted based on biological and harvest information gathered during 2017 which follows management direction as described in the elk management plan.

3. ARSD 41:06:59:01 - Prairie elk hunting season established -- Number and type of licenses available -- Season dates.

Effect: The proposed rule will adjust the number of available licenses available to 68 "any elk" and 73 "antlerless elk."

Reason: Adjustments to elk hunting licenses reflect desired management direction for each hunting unit and collectively as described in the elk management plan.

4. ARSD 41:06:59:02 - Open units. The following is a description of the open units for the prairie elk hunting season.

Effect: The proposed rule will establish a new unit comprised of Harding County with season dates of September 15-October 31 and December 1-31.

Reason: Based on observations by the public and elk counted during an aerial survey this winter, a new unit is being proposed in Harding County which will provide hunting opportunities.

5. ARSD 41:06:27:01 - Custer State Park elk hunting season established -- Number and type of licenses -- Season dates.

Effect: The proposed rule will adjust the season date for the season to October 1-31.

Reason: These adjustments for Custer State Park any elk hunting would align hunting dates with other Black Hills elk hunting units.

6. ARSD 41:06:47:02 - Open units. Units CAE-CU1 and CAE-CU2 are established for the special Custer State Park antlerless elk hunting season.

Effect: The proposed rule would modify the unity boundary of CAE-CU1 and CAE-CU2 to that portion of Custer State Park south of the R&D Pasture fence line.

Reason: To focus chronic wasting disease management strategies, the proposed change to the geographic area of these units is being considered to match the same geographic area as the other four antlerless elk hunting time frames in Custer State Park.

7. ARSD 41:06:01:07.02 - Restrictions on landowner preference for legal entities.

Effect: The proposed rule would clarify restrictions and application on preferences that are given to entities for landowner preferences.

Reason: The change would clarify that entities owning property are held to the same acreage requirements that individual landowners are held to for landowner preference for elk hunting licenses.

8. ARSD - 41:06:01:15 - Elk application requirements.

Effect: The proposed rule would increase the minimum number of acres from 240 acres to 1,000 acres in order to qualify for landowner preference and add language that would allow a landowner-operator to qualify if any amount of privately owned/operated land had over 2,000 elk use days. Furthermore, it would allow for lease agreements to be orally in addition to in writing in order to qualify as a leasee.

Reason: Increase of the acreage requirement would restrict the qualifications to those individuals who have a higher potential of incurring financial loss due to elk use of their property.

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 wildinfo@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 72 hours before 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 12th day of March 2018.



Kelly R Hepler

Kelly R. Hepler, Cabinet Secretary

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