

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

A Public Hearing will be held at the Ramkota Hotel and Convention Center, 1400 8<sup>th</sup> Avenue NW, Aberdeen SD on June 7<sup>th</sup>, 2018 at 2:00PM CDT, to consider adoption, amendment and repeal of Rules pertaining to:

1. ARSD 41:06:01:10 – Prior application preference.

Effect: The proposed rule eliminates the preference point forfeiture.

Reason: Electronic tracking of preference points now allows tracking of preference points without restriction of retention.

2. ARSD 41:06:01:12 – Mentored youth big game license.

Effect: The proposed rule will eliminate age requirements for mentored youth hunters to hunt big game seasons.

Reason: During the last Legislative Session a bill was passed that amended SDCL 41-6-81 eliminating the minimum age to be a mentored hunter.

3. ARSD 41:06:04:02 – Size of party limit.

Effect: The proposed rule would repeal the current size of party limit for hunting.

Reason: The repeal of the rule would allow more opportunity by allowing individual members of a hunting party to determine the safety guidelines for their particular hunt.

4. ARSD 41:06:04:11 - Minimum size and type of big game ammunition.

Effect: The proposed rule would strike the term "factory-rated" and replace it with "rated." Also, the rule requires that at least a .50 caliber bullet will be used when using muzzleloading handguns.

Reason: Requiring the use of .50 caliber bullets creates the required 500 foot-pounds of energy at the muzzle as required by administrative rule.

5. ARSD 41:06:04:14 – Muzzleloading restrictions.

Effect: The proposed rule would clarify that muzzleloading handguns are authorized for use in big game seasons.

Reason: Muzzleloading handguns are referenced throughout the administrative rules and this clarification makes the rules consistent with each other.

6. ARSD 41:06:04:21 – Mandatory submission of samples for chronic wasting disease testing.

Effect: The proposed rule would require deer that are harvested from the Custer State Park to be submitted for chronic wasting disease (CWD).

Reason: A harvest management strategy has been implemented to gather a sample size for determining CWD prevalence in elk within Custer State Park. Mule deer and white-tailed deer are also susceptible to CWD and the Department will evaluate the prevalence in deer as well as elk.

7. ARSD 41:06:05:03 – possession of firearm while archery hunting prohibited.

Effect: The proposed rule would allow an individual to carry a firearm as long as they possessed firearms big game license valid for the same geographic area and time of year as the archery license.

Reason: Allowing a hunter to possess a firearm while archery hunting provides for greater opportunity and flexibility of the hunter to harvest an animal.

8. ARSD 41:06:05:03.01 – Nonlicensee armed accompaniment prohibited

Effect: The proposed rule would allow for an individual to possess a firearm while accompanying an archery hunter so long as the individual had a valid big game license for the same geographic area and time of year as the licensed archery hunter.

Reason: Allowing an individual who is accompanying an archery hunter to carry a firearm provides for more opportunity and flexibility to harvest an animal.

9. ARSD 41:06:05:04 – Bowhunter education certification required for certain archery hunters.

Effect: The proposed rule would repeal the required education requirement.

Reason: The elimination of the education requirement would provide greater opportunity for individuals interested in archery by eliminating additional barriers to the sport.

10. ARSD 41:06:22:01 – Archery deer hunting season established.

Effect: The proposed rule will change the start date from the fourth Saturday of September to September 1.

Reason: Moving the start date to an earlier time will allow for greater hunting opportunities.

11. ARSD 41:08:02:05 – Snare Restrictions.

Effect: The proposed rule would ban the use of certain snares and extend the time period that all snares are prohibited on public lands and improved road rights-of-way to the end of pheasant season.

Reason: Banning of certain snares and extending the prohibition timeline would reduce incidents of hunting dogs becoming inadvertently trapped and possibly killed in a snare placed on public land.

12. ARSD 41:08:02:16 – Marking of traps on public lands and improved road rights-of-way.

Effect: The proposed rule would require trappers to mark their traps in order to identify who the trap belongs to. The traps will be marked with the name and address or a department supplied unique identifying number.

Reason: The requirement will help GFP officials identify private property that has been left on public lands and improved rights-of-way.

13: ARSD 41:09:10:05 – Eligibility for fur dealers, agents and employees.

Effect: The proposed rule would require all fur dealers to list employees/agents on their application who will purchase or contract to purchase fur-bearing animals. The department may refuse to issue a fur dealer license if the employee/agent has received a suspension or revocation of their fur dealer's license or has been denied issuance of a fur dealer license.

Reason: The proposed rule allows the department to restrict individuals who have violated state laws from engaging in the activity of fur dealing under the auspicious of an employee/agent.

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 going to the GFP website at <https://gfp.sd.gov/forms/positions/>. 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 9th day of May, 2018.



Kelly R. Hepler, Department Secretary

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