

First Name: Scott

Last Name: Phillips

Mailing Address: 12032 Hwy 18

City: Hot Springs

State: South Dakota

Zip: 57747

Phone Number: (605) 745-3665

Email Address: ranchersedge@gmail.com

Rule Identification: 41:06:01:07:01; 41:06:01:07.02 & 41:06:01:15

Describe the change you are seeking:

41:06:01:07.01. Landowner preference application requirements and restrictions. A landowner or tenant, but not both, may claim landowner preference for the same qualifying property. Employment on a farm or ranch alone does not qualify an individual for landowner preference.

41:06:01:07.02. Restrictions on landowner preference for legal entities. Shareholders of a corporation, members of a limited liability company holding a membership interest in the company, partners in a partnership, and beneficiaries of a trust entitled to the current income and assets held in trust; all organized and in good standing under the laws of the State of South Dakota are eligible for landowner preference if:

(1) The entity holds title to 160 acres or more no less than the minimum number of acres of private land located within the hunting unit applied for;

(2) The shareholder, member, partner, or trust beneficiary applying for landowner preference is a resident; and physically lives on the farm or ranch, or in the closest community (within 60 miles); and

(3) The shareholder, member, partner, or trust beneficiary is responsible for making the day-to-day management decisions for agricultural purposes on the farm or ranch.

41:06:01:15. Elk application requirements. The following requirements and restrictions apply to all applications for license for the Black Hills elk season, the archery elk hunting season, and the prairie elk hunting season:

(1) Only a resident of the state may apply for a license;

(2) Except for a qualifying landowner-operator applicant, and except as provided in § 41:06:01:09, a person who received an elk hunting license for this season in the first lottery drawing or the second drawing by using preference points in any of the nine preceding years may not apply for a license under this chapter for the next nine years; and

(3) Fifty percent of the licenses are available to persons who qualify for landowner-operator preference under the provisions of SDCL 41-6-21. A minimum of 240 1,000 acres of land within an elk unit which has had at least 500 days of elk use since the last day of the previous application period or any amount of privately owned/operated land with over 2,000 elk use days is required to qualify. An elk use day is any day an elk feeds or waters on private land. For purposes of elk preference eligibility, members of the qualifying landowner-operator's family including grandparents, parents, spouse, children, children's spouse, or grandchildren who live on the ranch or in the closest community and have an active role in the ranch operation also qualify. Only one qualifying applicant per ranch unit per year may apply for a landowner-operator preference elk license in the first draw. A

ranch unit is described as all private property owned and leased for agricultural purposes by written agreement by an individual qualifying landowner in the state. A ranch unit may not be subdivided for the purpose of qualifying for more than one landowner-operator preference.

Explain the reason for the described change:

We are seeking to further define and restrict the qualifications for obtaining Landowner Preference for the purposes of hunting elk. We feel the original intent behind the development of Landowner Preference for elk, has been 'forgotten' and an increasing number of individuals are receiving these licenses thus taking them away from those whom were truly intended to receive them. We feel the original intent of landowner preference regulations were to identify individuals who were truly making their living off the land through agricultural practices and were experiencing negative impacts from wildlife. Through giving some preference for obtaining licenses to these 'qualifying' landowners, SDGFP receives a higher tolerance from the landowners for higher numbers of elk. This equates into more elk licenses for sportsmen too.

We are seeing more and more applicants approved under the current regulations and are concerned that many do not make their living from the land, do not experience the economic hardships and are quite simply finding loopholes to obtain these licenses. True agricultural landowners are now frequently unable to draw a license.

SUBMIT