

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

A Public Hearing will be held at McCrory Gardens, SDSU, 621 22nd Avenue, Brookings, South Dakota, on April 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.

Effect: The proposed amendments would address property that may be left on department lands and create an allowance for portable blinds on department lands and regulate their placement. A new rule would be promulgated to define and allow use of trail cameras on department lands and regulate their placement.

Reason: Existing public land regulations do not adequately address the use of certain kinds of modern hunting equipment, e.g., ground blinds and trail cameras, which have grown increasingly popular with big game hunters. A five-day limit currently exists for leaving many types of recreational equipment and property on GFP lands. The department desires to extend the period in which this equipment may be utilized and appropriately regulate its placement.

2. ARSD 41:06:01 – Application for License.

Effect: The proposed amendment would change current rule to allow an individual to use preference points in the second drawing for elk hunting seasons.

Reason: Modifying the drawing system to allow individuals who have accumulated preference points for elk hunting seasons the alternative to use their points in a second elk drawing will provide additional flexibility for individuals who have preference. The proposed change would allow an individual to voluntarily use his/her preference points in a second drawing, but would require that individual, if successful in the second drawing, to relinquish any accumulated points and their eligibility for that season for nine years.

3. ARSD 41:06:04 - Hunting Requirements and Prohibited Methods.

Effect: The proposed amendment would amend ARSD § 41:06:04:17 to allow a person to hunt cottontail rabbit, squirrel and predator/varmints with an air gun that is factory-rated to produce a muzzle velocity of no less than 600 feet per second.

Reason: Current rule provides that air guns used to hunt cottontail rabbit, squirrel and predator/varmints must be factory-rated to produce a muzzle velocity of at least 1,000 feet per second. GFP staff has been approached by air gun enthusiasts who desire to use modern air guns that are more suited for hunting but do not meet existing specifications. The department is recommending that the required muzzle velocity be lowered to a minimum of 600 feet per second to accommodate the use of more weapons for air gun hunting.

4. ARSD 41:06:16 – Goose Hunting Season (August Management Take).

Effect: The proposed amendment would remove all counties from the open area other than that portion of Pennington County west of the Cheyenne River.

Reason: Input provided to department staff indicates there is little to no support for retaining the August Management Take. However, field observations indicate resident and wintering Canada goose numbers have shown an increasing trend in the Rapid City area and there are public safety concerns for the Rapid City Regional Airport. Retaining the August Management Take in the portion of Pennington County west of the Cheyenne River is a viable harvest management tool to help address this concern.

5. ARSD 41:06:26 – Black Hills Elk Hunting Season.

Effect: The proposed amendments would adjust the number of licenses available from 430 "any elk" and 500 "antlerless elk" licenses (total of 930 licenses) to 443 "any elk" and 1,255 "antlerless elk" licenses (total of 1,698 licenses); make adjustments to existing antlerless hunting units and create new antlerless elk hunting units; season dates for units H2B, H2E, H2H, H3B, and H3E would run from the Monday closest to October 15 through October 31; season dates for units H2C, H2F, H2I, H3C, and H3F would run from

December 1 through the Friday closest to December 15; season dates for units H2D, H2G, H2J, H3D, and H3G would run from Saturday closest to December 15 through December 31; and remove the language in administrative rule depicting the license type and number of licenses from each hunting unit.

Reason: Provide hunting opportunity consistent with wildlife management objectives.

6. ARSD 41:06:27 – Custer State Park Elk Hunting Season (Any Elk)

Effect: The proposed amendments would adjust the number of licenses available from 8 “any elk” to 9 “any elk” licenses; and remove the language in administrative rule depicting the license type and number of licenses from each hunting unit.

Reason: Provide hunting opportunity consistent with wildlife management objectives.

7. ARSD 41:06:28 – Custer State Park Early Archery Elk Hunting Season.

Effect: The proposed amendments would adjust the number of licenses available from 4 “any elk” to 3 “any elk” licenses; and remove the language in administrative rule depicting the license type and number of licenses from each hunting unit.

Reason: Provide hunting opportunity consistent with wildlife management objectives.

8. ARSD 41:06:43 – Archery Elk Hunting Season.

Effect: The proposed amendments would adjust the number of licenses available from 144 “any elk” and 56 “antlerless elk” licenses (total of 200 licenses) to 147 “any elk” and 140 “antlerless elk” licenses (total of 287 licenses); and remove the language in administrative rule depicting the license type and number of licenses from each hunting unit.

Reason: Provide hunting opportunity consistent with wildlife management objectives.

9. ARSD 41:06:47 – Special Custer State Park Antlerless Elk Hunting Season.

Effect: The proposed amendments would modify the unit boundary of CAE-CU1 and CAE-CU2 from within the boundaries of Custer State Park (CSP) to all of CSP south and west of line beginning at the CSP west boundary and Lower French Creek Road southeast to SD Highway 87, north to Wildlife Loop Road, southeast along Wildlife Loop Road to Oak

Draw Road, east on Oak Draw Road to Wildlife Loop Road, south on Wildlife Loop Road to Lane Johnny Road, southeast on Lane Johnny Road to CSP east boundary fence, south then west then north along the CSP boundary fence to point of beginning; change the season dates for CAE-CU1 from nine consecutive days beginning on the first Thursday following the third Saturday of September to nine consecutive days beginning on the third Saturday following the third Saturday in September and for CAE-CU2 from nine consecutive days beginning on the Tuesday following Native American Day to nine consecutive days beginning on the fifth Saturday following the third Saturday in September; increase the number of “antlerless elk” licenses from 0 to 20; repeal Unit CAE-ZZ1; and remove the language in administrative rule depicting the license type and number of licenses from each hunting unit.

Reason: Provide hunting opportunity consistent with wildlife management objectives.

10. ARSD 41:06:50 – Early Fall Canada Goose Hunting Season and ARSD 41:06:16 – Waterfowl Hunting Seasons.

Effect: The proposed rule amendments would amend ARSD § 41:06:16:07 to modify the boundaries of Units 1 and 2 by adding those portions of Yankton, Clay and Union counties near the Missouri River to Unit 2; and change the start date from September 1 to the first Saturday of September.

Reason: Provide hunting opportunity consistent with wildlife management objectives.

11. ARSD 41:06:59 - Prairie Elk Hunting Season.

Effect: The proposed amendments would adjust the number of licenses available from 48 “any elk” and 50 “antlerless elk” licenses (total of 98 licenses) to 59 “any elk” and 90 “antlerless elk” licenses (total of 149 licenses); add that portion of Meade County north of the existing unit boundary, east of Interstate 90, south of SD Highway 34, and west of Middle Alkali Road to Unit 9A, with the Fort Meade Bureau of Land Management South Unit being restricted to archery hunting only; change the season dates for Unit 15A from the

second Saturday in September to October 31 and from December 1-31 to September 1 to October 31 and December 1-31; change the season dates for Unit 27A from September 1 to October 31 to October 1-31 and December 1-31; and remove the language in administrative rule depicting the license type and number of licenses from each hunting unit.

Reason: Provide hunting opportunity consistent with wildlife management objectives.

12. ARSD 41:06:60 – Custer State Park Non-Trophy Bison Harvest

Effect: The proposed amendments would change the season dates from 47 days beginning the 4th Monday in January to 47 days beginning the 2nd Monday in January; reduce the number of cow licenses from ten to five and reduce the number of cow licenses allocated to residents in a first draw from five to three.

Reason: Changes Custer State Park made to bison handling protocols in 2015 allowed moving the non-trophy hunts to January. Additionally, CSP will be moving the annual bison auction from a live auction to a video/internet auction in 2016. As a result of these scheduling changes, CSP has the opportunity to move the non-trophy season two weeks earlier. A reduction in cow tags is warranted due to an inability to select sufficient unbred, non-lactating cows to support ten hunts. These changes will allow ample time to accommodate both the trophy hunts beginning late November and the non-trophy hunts beginning early January with a reduction in late harvests shedding hair and harvesting bred cows.

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 9th day of March, 2016.



Kelly R. Hepler, Secretary



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