

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

A Public Hearing will be held at the Lewis and Clark Resort in Yankton, SD on September 6, 2018 at 2:00PM (CST), to consider adoption, amendment and repeal of Rules pertaining to:

1. ARSD 41:04:01:06. Safety zones defined.

Effect: The proposed rule will create a new definition for a safety zone called “no discharge of a firearm from a boat zone.”

Reason: The change in rule is needed to accompany another rule change regarding certain limitations on recreating on Indian Springs Lake.

2. ARSD 41:04:02:12. Clark County public water safety zones.

Effect: The proposed rule will create a new a safety zone of “no discharge of a firearm from a boat zone” from October 10 to December 31 on certain waters of Indian Springs.

Reason: This change retains substantial recreational opportunities on Indian Springs by allowing users to utilize the nonmeandered waterbody from freeze until October 10.

3. 41:07:02:05. Special management waters.

Effect: The proposed rule would limit fishing from a boat on certain waters of Indian Springs from October 10 to December 31.

Reason. This change retains substantial recreational opportunities on Indian Springs by allowing users to utilize the nonmeandered waterbody from freeze until October 10.

The following rule changes will be open to public comment at the Commission meeting but will not be finalized until the October 4-5th Commission meeting in Deadwood:

1. ARSD 41:06:01:09. Application for unsold big game licenses.

Effect: The proposed rule changes establish a drawing structure in which applicants would need to choose a preferred license in either the special buck drawing or the first combined drawing of the East River, West River, Black Hills, Custer State Park, Refuge, or Muzzleloader deer hunting seasons. Current rule adjustments and newly created rules would establish that if a person was successful in drawing a license in the first combined draw for one of the 6 deer hunting seasons they could not apply for a leftover license in the second combined drawing; persons who have or have not successfully drawn a license for one of the 6 seasons could apply for leftover licenses in the third combined drawing and may only obtain one additional license; after the third combined drawing leftover resident and nonresident licenses are pooled; in the fourth combined drawing a resident hunter may obtain up to a total of 5 licenses and nonresident hunters may obtain one license (through the fourth draw nonresident hunters would be able to obtain a maximum of three licenses); and after the fourth drawing leftover licenses are available on a first-come first-serve basis.

Reason: These proposed rules would establish a drawing system in which more deer hunters would draw their preferred license on a more regular basis. The structure would allow more individuals the opportunity to deer hunt on an annual basis by distributing available licenses to more individuals in the first and second draws before an individual could draw a second limited-draw license.

2. ARSD 41:06:01:08.01 Special buck license limitations.

Effect: Establish a new rule that restricts applicants for East River, West River, Black Hills, Custer State Park, Refuge, or Muzzleloader deer hunting seasons to submitting no more than one license application for either a special buck license or the combined drawing for these seasons.

Reason: To increase the number of hunters who draw their preferred deer license and get more hunters out in the field on an annual basis by having fewer unsuccessful applicants.

3. ARSD 41:06:01:10 Prior application preference.

Effect: Allow applicants to choose to use preference points for leftover licenses in the first three combined deer drawings. Applicants that choose to use preference points in leftover license drawings will not be allowed to accrue an additional point for an unsuccessful application in the first drawing for the season where preference points were used to draw a leftover license.


Reason: Administrative rule changes and creation of new rules are part of the proposed rules to establish a deer drawing structure which would allow more hunters to obtain their preferred deer license on a more regular basis and provide the applicant the choice of using accrued preference points in more drawings if they so desire to increase their chances at drawing a license in subsequent draws. Currently preference points are only applied to first choice first draw applications.

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 by going to the GFP website at <http://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 prior to 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 13 day of August, 2018.



Kelly R. Hepler, Secretary



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