

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

A Public Hearing will be held at the Holiday Inn Express, 110 East Stanley Road, Ft. Pierre, South Dakota, on Tuesday, July 8, 2014, at 2:00 o'clock P.M. (CDT), to consider adoption, amendment and repeal of Rules pertaining to:

1. ARSD 41:02:01 – Licensing Agents.

Effect: The proposed rule amendment will clarify that the department may appoint licensing agents to sell park entrance licenses.

Reason: State law authorizes the department to appoint licensing agents to issue on behalf of the department any license, permit or stamp provided for in Title 41 and remit all license fees collected at the time and in the manner required by administrative rule. The definition of "licensing agent" in current rule does not include park entrance licenses with the other licenses (i.e., hunting, fishing and trapping) a duly appointed licensing agent may sell on behalf of the department. This amendment corrects that oversight.

2. ARSD 41:03:01 – Uses of Parks and Public Lands.

Effect: The proposed rule amendments will add a general prohibition on use of crossbows (along with firearms and bows) in state parks, state recreation areas, state nature areas, and state lakeside use areas, and also specify exceptions to the restrictions on use of crossbows in these areas; and allow use of crossbows on lands owned by the Otter Tail Company and leased by the department as a game production area in Grant County and the Lake Andes Unit's game production areas in Charles Mix County.

Reason: HB 1130, which was passed during the 2014 legislative session and will become law on July 1, 2014, allows any person who holds a big game license to take a big game animal during the firearm season with a crossbow in lieu of a firearm. This rule

modification acknowledges the change in statute and adjusts the exceptions to the weapons restrictions in the designated state-owned areas.

3. ARSD 41:06:02 – License Forms and Fees.

Effect: The proposed rule amendments would revise the current rule pertaining to replacement of a lost or destroyed license, permit or tag to authorize the department to replace a license, permit or tag in situations where through a licensee's oversight the license, permit or tag is not in the licensee's possession, or a licensee is requesting a replacement for a license, permit or tag that has been issued but not received (e.g., in the mail); require a licensee to return the original license, permit or tag issued to the licensee to the department within ten days; establish the fee for replacing all license types at \$20; and require the department to charge the license agent's fee established in SDCL 41-6-66.1.

Reason: The department receives hundreds of requests every year from hunters who want their license immediately in situations where the license is in the mail or has not yet been mailed from the Licensing Office. This change would place in rule a mechanism for the department to get a big game license in the hunter's hands and allow them to hunt immediately instead of waiting to receive a big game license in the mail. This would not be mandatory but offered as a service to hunters who wish to take advantage of it. Since the amount of work required to replace a tag is the same, regardless of the cost of the license, the proposal changes the replacement fee to a flat fee thereby making it easier for agents to collect the correct amount of money and not overcharge or undercharge a customer. The requirement that the department charge the agent's fee ensures that a customer is charged the same fee whether they have their license replaced by a license agent or a department office.

4. ARSD 41:06:03 – Possession, Processing and Transportation of Game

Effect: Promulgate a new rule that establishes a process pursuant to which a wildlife processing facility may deem game (other than waterfowl) left at the facility as “abandoned” and would allow the wildlife processing facility to turn possession of the abandoned game to a non-profit or charitable organization that distributes food or other services to the needy.

Reason: The Department was asked by the Sportsmen Against Hunger Board of Directors to consider developing a rule that would create a process by which game left at a wildlife processing facility could be deemed legally abandoned and authorize the facility to donate the abandoned game to a non-profit organization or charitable organization that distributes food or other services to the needy.

5. ARSD 41:06:14 – Fall Wild Turkey Hunting Season.

Effect: The proposed rule amendments would adjust the number of licenses/tags available to include offering resident hunters 205 more one-tag licenses and 650 fewer two-tag licenses in the East River Prairie Units than were offered in 2013; offer resident hunters 750 fewer one-tag licenses and nonresident hunters 60 fewer one-tag licenses for Unit BH1 than were offered in 2013; offer no licenses in the NE Unit and in Brookings, Deuel, Lincoln, Minnehaha and Moody counties; change the season dates from October 1-January 31 to November 1-January 31; modify Unit BH1 unit to include those portions of Custer, Fall River, Lawrence, Meade, and Pennington counties within a line beginning at the junction of U.S. Hwy. 85 and Interstate 90 at exit 17, south on U.S. Hwy. 85 to U.S. Hwy. 385, south on U.S. Hwy. 385 to S.D. Hwy. 89, south on S.D. Hwy. 89 to Pilger Mountain Road, west on Pilger Mountain Road to Dewey Road, west on Dewey Road to the WY/SD line, south on the WY/SD line to U.S. Hwy. 18, east on U.S. Hwy. 18 to the Cheyenne River, east along the Cheyenne River to S.D. Hwy. 79, north on S.D. Hwy. 79 to Interstate 90, north and west on Interstate 90 to exit 17, the point of beginning; change the unlimited West River Prairie

licenses from a two-tag license to a single tag license; and close Bennett, Corson, Custer, Fall River, Haakon, Jackson, Lawrence (south of Interstate 90), Meade, Pennington, Shannon and Ziebach counties to fall turkey hunting in the West River Prairie Unit.

Reason: Provide hunting opportunity consistent with wildlife management objectives.

6. ARSD 41:06:23 – Antelope Hunting Season.

Effect: The proposed rule amendments would adjust the number of licenses/tags available to include offering resident hunters 115 less one-tag licenses (115 tags) and 405 less two-tag licenses (810 tags) than were offered in 2013; offering nonresident hunters 61 more one-tag licenses (61 tags) than were offered in 2013; and no firearm licenses would be issued in Unit 60A (Tripp County) which also would result in the closure of Unit 60A to archery antelope hunting.

Reason: Provide hunting opportunity consistent with wildlife management objectives.

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

Effect: The proposed rule amendments would modify the boundaries of Units 1 and 2 established in ARSD § 41:06:16:07 by (a) adding all of Custer, Fall River and Pennington counties into Unit 2, and (2) adding that portion of Perkins County west of S.D. Highway 75 and south of S.D. Highway 20 into Unit 1 (area open to Early Fall Canada Goose Hunting Season).

Reason: Provide hunting opportunity consistent with wildlife management objectives.

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 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 on or before 12:00 o'clock P.M. three (3) days prior to the date of 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.

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 11th day of June, 2014.

(SEAL)


Jeffrey R. Vonk, Department Secretary

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