

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

A Public Hearing will be held at the Ramkota RiverCenter, 920 West Sioux Avenue, Pierre, South Dakota, on June 4, 2015, at 2:00 o'clock P.M. (CDT) to consider adoption, amendment and repeal of Rules pertaining to:

1. ARSD 41:04:05 – Motorboats and Watercraft.

Effect: The proposed amendment would add a provision to the rule which exempts law enforcement officers from boat lighting requirements if certain criteria are met.

Reason: From time to time situations warrant the operation of a boat without lights by a law enforcement officer. State law (SDCL 32-17-4.1) addresses these situations when a motor vehicle is involved, but no provisions exist for when a boat is involved. The proposed rule language would mirror statutory language pertaining to motor vehicles. This change would facilitate the investigation of suspected criminal violations which officers periodically encounter on the water.

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

Effect: The proposed amendment would require any resident or nonresident deer hunter possessing an archery deer license to obtain and possess a free access permit to hunt in Newton Hills State Park.

Reason: The issuance of these free access permits will allow the Department to collect hunter and harvest data for improved management of archery deer hunting opportunities.

3. ARSD 41:06:16 – Waterfowl Hunting Seasons (Nonresident waterfowl licenses); ARSD 41:06:02 (License forms and fees) and ARSD 41:06:49 (Youth Waterfowl Hunting Season).

Effect: The proposed amendments (Nonresident Waterfowl Work Group recommendations) would add Spink County to the current 9-county northeast South Dakota nonresident license unit; retain the allocation of 500 3-day licenses for the northeast South Dakota license unit; allocate 2,000 10-day licenses for the northeast South Dakota license unit; allocate 1,750 10-day licenses for the unit comprised of that part of the state not included in the northeast South Dakota and southeast South Dakota license units; remove Potter County from the central South Dakota 3-day license unit; create a new nonresident license unit in northcentral South Dakota that would include Campbell, Walworth, Potter, Faulk, Edmunds and McPherson counties; allocate 250 3-day licenses the new unit in northcentral South Dakota that would be transferred from the central South Dakota hunting unit; reduce the license allocation for the central South Dakota hunting unit to 1200 licenses; transfer 50 3-day licenses from the central South Dakota unit to the existing 5-county unit in southeastern South Dakota along the Missouri River; absorb the current Bennett County 10-day license into the unit comprised of that part of the state not included in the northeast and southeast units; remove the restriction in southeast South Dakota on nonresident hunting during the September Canada goose hunting season; create 100 nonresident youth waterfowl licenses (25 season-long licenses in the southeast South Dakota unit and 75 10-day licenses valid in the rest of the state); (Department recommendations) create 100 nonresident youth licenses that are valid for the youth waterfowl hunting season; establish the fee for a nonresident youth (under 16 years of age) waterfowl license at \$10; and remove the allowances for unsold nonresident waterfowl licenses to be transferred between units.

Reason: Provide nonresident waterfowl hunting opportunity consistent with wildlife management objectives.

4. ARSD 41:06:16 – Waterfowl Hunting Seasons (Special Canada Goose Hunting Season).

Effect: The proposed amendments would repeal the rule establishing the special Canada goose hunting unit and place Bennett County into Unit 2 of the regular goose hunting season.

Reason: Provide hunting opportunity consistent with wildlife management objectives.

5. ARSD 41:06:19 – Black Hills Deer Hunting Season.

Effect: The proposed amendment would offer 500 more resident “Any Whitetail” deer licenses and 40 more nonresident “Any Whitetail” deer licenses.

Reason: Provide hunting opportunity consistent with wildlife management objectives.

6. ARSD 41:06:20 – West River Prairie Deer Season.

Effect: Proposed amendments would establish the number and types of resident and nonresident licenses/tags available which will include adjusting resident license numbers by decreasing one-tag licenses by 250 compared to 2014, and adjusting nonresident license numbers by decreasing one-tag licenses by 20 compared to 2014; adjust the season dates for Units WRD-30A (Gregory County) and WRD-50A (Mellette County) to be open for four consecutive days beginning on the Saturday 19 days prior to Thanksgiving and for seven consecutive days beginning on the Monday three days prior to Thanksgiving; adjust the season dates for Units WRD-20A (Corson County), WRD 24A (Dewey County), and WRD-64A (Ziebach County) from being open for 23 consecutive days beginning on the first Saturday of November to being open during the regular season dates of 16 consecutive days beginning on the Saturday twelve days prior to Thanksgiving; change the county designation for Unit WRD-65A from Shannon County to Oglala Lakota County; and eliminate the opportunity to hunt antlerless deer during the 9 days which

begins on the Saturday after Christmas as well as the use of unfilled “any antlerless deer” and “any antlerless whitetail deer” tags during these 9 days.

Reason: Provide hunting opportunity consistent with wildlife management objectives.

7. ARSD 41:06:21 – East River Deer Hunting Season.

Effect: The proposed amendments would establish the number and types of licenses available which include offering 250 less one-tag licenses and 1,050 more two-tag licenses (2,100 tags) compared to 2014; establish Unit ERD-07B as an antlerless deer unit within Yankton County described as that portion of Yankton County south of SD Highway 50 and west of US Highway 81; and eliminate the opportunity to hunt antlerless deer during the 9 days which begins on the Saturday after Christmas as well as the use of unfilled “any antlerless deer” and “any antlerless whitetail deer” tags during these 9 days.

Reason: Provide hunting opportunity consistent with wildlife management objectives.

8. ARSD 41:06:22 – Archery Deer Hunting Season.

Effect: The proposed amendments would provide an exception in Unit ARD-LM1 that would allow archery hunters possessing an access permit to archery hunt in Adams Homestead and Nature Preserve Area; and increase the number of “antlerless whitetail deer” archery access permits from 0 to 20 for the Adams Homestead and Nature Preserve.

Reason: Provide hunting opportunity consistent with wildlife management objectives.

9. ARSD 41:06:36 – National Wildlife Refuge Deer Hunting Season.

Effect: The proposed amendments would open Unit RFD-SL4 and offer 20 more resident and 2 more nonresident “any deer” licenses and 10 more resident and 1 more nonresident “any antlerless deer” licenses for Sand Lake National Wildlife Refuge; adjust the season dates for Waubay National Wildlife Refuge as follows: (a) Unit RFD-WA1 would be open for eight (formerly five) consecutive days beginning seven (formerly eight) days prior to the beginning of East River deer hunting season, (b) Unit RFD-WA2 would be open

for eight (formerly five) consecutive days beginning on the day following the end of the Unit RFD-WA1 season; and (c) Unit RFD-WA3 would be open for seven (formerly 14) consecutive days beginning on the day following the end of the Unit RFD-WA2 season; and eliminate the opportunity to hunt antlerless deer during the 9 days which begins on the Saturday after Christmas as well as the use of unfilled "any antlerless deer" and "any antlerless whitetail deer" tags during these 9 days.

Reason: Provide hunting opportunity consistent with wildlife management objectives.

10. ARSD 41:09:12 – Persons with Disabilities.

Effect: The proposed amendment would allow telescopic sights and lighted sight pins to be used by crossbow permittees.

Reason: The Department has received requests over the years for scopes with magnification to be used on a crossbow. The qualifying provisions deal with a temporary or permanent condition that prevents a person from pulling back a conventional bow and does not deal with eyesight. In 2014, the legislature enacted SDCL 41-8-31.1 that allows crossbows to be used in lieu of a firearm during a firearms big game season. Scopes with magnification can be utilized. Given that, the department wishes to create the same accommodation/allowance for crossbow permittees.

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 11 day of May, 2015.



Kelly R. Hepler, Secretary

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