

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

A Public Hearing will be held on May 6, 2021 at 2:00pm (Mountain) at the Custer State Park Game Lodge Event Barn, 13399 US-16A, Custer, SD 57730 and held by teleconference at <https://state-sd.zoom.us/j/96436503255?pwd=NGgwYWlxdDJWbG9sU2l2TThtZ3N3UT09> or by calling 1-669-900-9128. The meeting ID is 964 3650 3255 and the Passcode is 938362 and is required to access either teleconference. The hyperlink and additional information can be found at <https://gfp.sd.gov/commission/information/>. The public can participate either in person or via teleconference. The public hearing is in relation to consider adoption, amendment, and repeal of Rules pertaining to:

1. 41:06:02:01.01. Combination license.

Effect: The change will remove the age eligibility requirement for a combination license.

Reason: In the 2021 legislative session HB 1034, known as the Youth Bill, was passed. The bill effectively aligned the term 'youth' to mean anyone under the age of 18 across the various seasons and license types. In addition to statutory changes, administrative rule changes are necessary to align rule with statute. Namely, someone who is under the age of 18 is considered a 'youth' and can obtain a youth license and/or participate in a youth season.

2. 41:06:02:03. Hunting license fees.

Effect: The proposed change will update youth licenses to include anyone is under the age of 18. Likewise, the change will reflect that anyone over the age of 18 will have to purchase an adult license. Furthermore, the proposed rule change will eliminate the junior combination license. Finally, the rule change will separate introductory deer hunting seasons into their own season. These include apprentice, youth, and mentored deer

hunting seasons. These seasons will be put into separate chapters.

Reason: In the 2021 legislative session HB 1034, known as the Youth Bill, was passed. The bill effectively aligned the term 'youth' to mean anyone under the age of 18 across the various seasons and license types. In addition to statutory changes, administrative rule changes are necessary to align rule with statute. Namely, someone who is under the age of 18 is considered a 'youth' and can obtain a youth license and/or participate in a youth season

3. 41:06:16:11. Maximum number of nonresident waterfowl licenses – Open units – Dates – License Restrictions.

Effect: The proposed change will update an erroneous cross reference.

Reason: The erroneous cross reference was discovered while going through the youth package rule change proposal.

4. 41:06:49:04. Eligibility requirements and restrictions.

Effect: The proposed change will remove from rule the requirement for a youth hunter to be accompanied by an adult.

Reason: The requirement for a youth under 16 to be accompanied by an adult is already required in statute and an administrative rule is redundant.

5. 41:06:55:04. Adult accompaniment required.

Effect: The proposed change will remove from rule the requirement for a youth hunter to be accompanied by an adult.

Reason: The requirement for a youth under 16 to be accompanied by an adult is already required in statute and an administrative rule is redundant.

6. 41:07:01:12. Fishing license fees.

Effect: Removes nonresident family fishing license fee and the nonresident youth fishing license fee from rule.

Reason: Nonresident youth under the age of 18 no longer need a fishing license and therefore these two license types are no longer needed.

7. 41:07:03:06. Daily and possession limit for nonresident family fishing licenses.

Effect: The proposed change would repeal the administrative rule.

Reason: The nonresident family fishing license will be eliminated and therefore the daily and possession limit are no longer needed.

8. 41:07:05:02. Paddlefish season in special management areas.

Effect: The proposed change would increase the age from 16 to 18 for youth residents participating in a youth paddlefish season.

Reason: The change aligns the definition of a "youth" with other statutory and administrative rules, being under the age of 18 are considered "youth."

9. 41:06:54:01. Special pheasant hunting season authorized – Valid on private land only.

Effect: The proposed change will expand the dates that are available for a special pheasant hunt for disabled veterans and purple heart recipients.

Reason: The expanded season dates better aligns with the legislative intent of the special pheasant hunting season.

10. 41:04:02:11. Charles Mix County public water safety zones.

Effect: The proposed rule will correct technical and erroneous deletions of safety zones in Charles Mix County.

Reason: Three subsections were erroneously deleted from rule during the 2019 rules review clean up. The change will put these three subsections back into rule.

11. 41:06:41:01. Season Established. (Custer State Park Deer Hunting).

Effect: The proposed change will modify the number of tags available for the Custer State Park deer hunting season.

Reason: These modifications will be used to meet deer management objectives.

12. 41:06:19:01. Black Hills deer hunting season established -- Number and type of licenses.

Effect: The proposed change will modify the number of tags available for the Black Hills deer hunting season.

Reason: These modifications will be used to meet deer management objectives.

13. 41:06:20:01. West River prairie deer hunting season established -- Number and type of licenses.

Effect: The proposed rule would modify the number of tags available during the West River deer hunting season.

Reason: These modifications will be used to meet deer management objectives.

14. 41:06:20:02. Open units -- Exceptions. (West River Deer).

Effect: The proposed rule change would modify the open units available for the West River deer season.

Reason: These modifications will be used to meet deer management objectives.

15. 41:06:21:01. East River deer hunting season established -- Number and type of licenses.

Effect: The proposed rule would modify the number of tags available during the East River deer hunting season.

Reason: These modifications will be used to meet deer management objectives.

16. 41:06:21:02. Open units -- Exceptions. (East River Deer).

Effect: The proposed rule change would modify the open units available for the East River deer season.

Reason: These modifications will be used to meet deer management objectives.

17. 41:06:36:01. Sand Lake deer hunting season established -- Number and type of licenses.

Effect: The proposed change will modify the number of licenses available during the Sand Lake deer hunting season.

Reason: These modifications will be used to meet deer management objectives.

18. 41:06:36:01.01. Lacreek deer hunting season established -- Number and type of licenses.

Effect: The proposed change will modify the number of licenses available during the Lacreek deer hunting season.

Reason: These modifications will be used to meet deer management objectives.

19. 41:06:36:01.02. Waubay deer hunting season established -- Number and type of licenses.

Effect: The proposed change will modify the number of licenses available during the Waubay deer hunting season.

Reason: These modifications will be used to meet deer management objectives.

20. 41:06:22:01. Archery deer hunting season established -- Number and type of licenses -- Access permits.

Effect: The proposed change will modify the number of licenses available during archery deer hunting season.

Reason: These modifications will be used to meet deer management objectives.

21. 41:06:22:01.01. Open units. (Archery Deer Hunting).

Effect: The proposed change would modify the units open during archery deer hunting season.

Reason: These modifications will be used to meet deer management objectives.

22. 41:06:22:01.02. Nonresident archery deer hunting season restrictions.

Effect: The proposed change will adjust where and when a nonresident archery license is valid.

Reason: These modifications will be used to meet deer management objectives.

23. 41:06:45:01. General muzzleloading deer hunting season established -- Open unit --Number and type of licenses.

Effect: The proposed change will modify the number of licenses available for the general muzzleloading deer hunting season.

Reason: These modifications will be used to meet deer management objectives.

24. 41:06:45:02. Open units. (Muzzleloading Deer Hunting).

Effect: The proposed change will modify open areas available for hunting.

Reason: These modifications will be used to meet deer management objectives.

25. 41:06:44:01. Apprentice hunter deer hunting season established.

Effect: This change will modify the area open to hunting.

Reason: These modifications will be used to meet deer management objectives.

26. 41:06:44:04. Application requirements and restrictions. (Apprentice Deer Hunting).

Effect: The proposed change will remove the requirement for an apprentice hunter to be accompanied by an adult and remove the eligibility for hunters less than 18 years of age.

Reason: The proposed change will update deer youth licenses to include anyone is under the age of 18 and move it to its own chapter. Likewise, the change will reflect that anyone over the age of 18 will have to purchase an adult or apprentice license. The rule change will separate introductory deer hunting seasons into their own season. These include apprentice, youth, and mentored deer hunting seasons. These seasons will be put into separate chapters.

27. New Rule - 41:06:63:01. Youth deer hunting season established.

Effect: The proposed change will establish, in a new chapter, a deer hunting season for youth.

Reason: This new rule will be used to meet deer management objectives and create additional hunting opportunity.

28. New Rule 41:06:63:02. Number and types of licenses available. (Youth Deer Hunting).

Effect: The proposed change will specify the number and types of licenses available for the youth deer hunting season.

Reason: This new rule will be used to meet deer management objectives and create additional hunting opportunity.

29. New Rule 41:06:63:03. Open units. (Youth Deer Hunting).

Effect: Specify the areas that are open to youth deer hunting.

Reason: This new rule will be used to meet deer management objectives.

30. New Rule 41:06:63:04. Closed areas. (Youth Deer Hunting).

Effect: The proposed rule will specify the areas that are closed to youth hunting.

Reason: This new rule will be used to meet deer management objectives.

31. New Rule 41:06:63:05. Application requirements and restrictions.

Effect: This rule creates the age eligibility requirements and specifies other license eligibility requirements.

Reason: This new rule will be used to meet deer management objectives and allow youth 12 years of age to less than 18 years of age apply for a youth license, unless they hold a mentor hunting license. Landowner preference is not applicable for this license type.

32. New Rule 41:08:06:06. Hunting area limited.

Effect: The proposed change clarifies when certain areas are open to aerial hunting.

Reason: With the new rule created for youth hunting, this change clarifies that aerial

hunting in certain areas is not affected by the youth hunting season.

33. 41:06:01:12. Mentored youth big game license -- Restrictions.

Effect: This modification allows nonresident parents or guardians to obtain a mentor license and specifies that youth under 16 years of age cannot obtain a license if they already hold a youth license.

Reason: This modification will be used to meet deer management objectives and provide additional hunting opportunities.

34. 41:06:01:13. Designation of areas where free antlerless deer licenses can be used by farmers and ranchers.

Effect: The proposed change modifies the rule that defines which seasons these licenses can be used.

Reason: This modification will be used to meet deer management objectives and increase hunting opportunity due to the creation of the new youth hunting season.

35. 41:06:01:17. Access permits required for specific deer hunting units and public lands.

Effect: The proposed change will modify the rule to include youth hunting licenses.

Reason: This modification will be used to meet deer management objectives and increase hunting opportunity due to the creation of the new youth hunting season.

36. New Rule – 41:06:01:07.03. Landowner own land license types.

Effect: Creates a new rule that specifies the license types that are available to landowners in South Dakota.

Reason: With the passage of House Bill 1047 during the 2021 legislative session, this new rule defines which license types are available to landowners who qualify for a landowner own land license.

37. New Rule - 41:06:64:01. Deer hunting season for disabled veterans – established.

Effect: Creates a new rule for resident disabled veterans to deer hunt and specifies eligibility requirements and processes to obtain a license.

Reason: The proposed change will provide an additional opportunity for our resident disabled veterans.

38. New Rule – 41:06:64:02. Number and types of licenses available. (Disabled Veteran Hunting).

Effect: Creates a new rule to specify the number and types of licenses available for disabled veteran deer hunting season.

Reason: To create additional deer hunting opportunity for disabled veterans that meet eligibility requirements.

39. New Rule – 41:06:64:03. Open areas. (Disabled Veteran Hunting).

Effect: Creates a new rule that defines the areas open to the disabled veteran deer hunting season.

Reason: To create additional deer hunting opportunity for disabled veterans that meet eligibility requirements.

40. 41:06:08:01. Pheasant hunting season established -- Open units and dates.

Effect: The proposed change will modify the season dates in certain areas.

Reason: The pheasant hunting season was extended last year and this modification was mistakenly omitted.

41. 41:06:09:01. Grouse hunting season established.

Effect: The proposed change will modify the dates that the season is open.

Reason: These modifications align the end date of the grouse hunting season with

the pheasant hunting season and adjusts the season start date at LaCreek National Wildlife Refuge to align with the statewide start date.

42. 41:06:03:15. Chronic Wasting Disease endemic area defined.

Effect: The proposed change will repeal the existing rule.

Reason: Adjustments in other related administrative rule address this issue.

43. 41:06:03:16. Interstate cervid carcass transportation restriction.

Effect: The proposed change modifies the disposition requirements of hunter-harvested cervid carcasses.

Reason: The proposed rule change addresses disease management issues within the deer population.

44. 41:06:03:17. Intrastate cervid carcass transportation restriction.

Effect: The proposed change will repeal existing rule.

Reason: Adjustments in other related administrative rule address this issue.

45. 41:06:03:18. Carcass disposal for hunter-harvested cervid.

Effect: The proposed change modifies the disposition requirements of hunter-harvested cervid carcasses.

Reason: The proposed rule change addresses disease management issues within the deer population.

46. 41:06:03:19. Carcass disposal for wildlife processing facilities.

Effect: The proposed change modifies the disposition requirements of hunter harvested cervid carcasses that wildlife processing facilities process.

Reason: The proposed rule change addresses disease management issues within the deer population.

47. 41:09:11:07. Cervid carcass disposal for taxidermist.

Effect: The proposed change modifies the disposition requirements of hunter-

harvested cervid carcasses or parts that taxidermists process.

Reason: The proposed rule change addresses disease management issues within the deer population.

48. 41:06:44:02. Number and type of licenses available. (Apprentice Deer Hunting).

Effect: The propose change will modify the license types available for the apprentice deer hunting season.

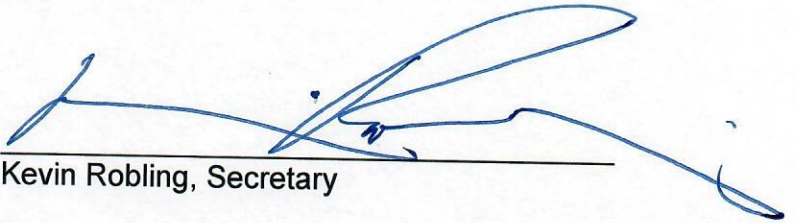
Reason: These modifications will be used to meet deer management objectives.

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 12th day of April, 2021.



Kevin Robling, Secretary

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