

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

A Public Hearing will be held at the Capitol Lake Visitor's Center, 650 East Capitol Avenue, Pierre, South Dakota, on June 6, 2013, at 2:00 o'clock P.M. (CDT), to consider adoption, amendment, and repeal of Rules pertaining to:

1. ARSD 41:03:02 – Motor Vehicles on Public Lands.

Effect: The proposal would create a new rule section which establishes requirements and restrictions for the operation of motor vehicles, golf carts, mopeds, and scooters on roads or parking areas located within the state park system.

Reason: During the 2013 legislative session, HB 1220 was passed and signed into law to take effect July 1, 2013. HB 1220 directs the Game, Fish, and Parks Commission to promulgate rules to permit the use of golf carts within state parks and recreation areas. Under current state law, gasoline engine powered golf carts can be licensed and operated on public roads, including state parks and recreation areas. HB 1220 allows any licensed driver to operate any type of golf cart on roads designated by the Game, Fish, and Parks Commission within state park and recreation areas if it is insured, has required safety equipment and possess a valid park entrance license. Consistent with existing state law, the rule proposal would also allow licensed drivers operating unlicensed mopeds and scooters (gasoline powered and having a maximum engine displacement of 50 c.c.) meeting certain equipment and insurance requirements to be operated in state parks.

2. ARSD 41:03:03 – Park License and Trail Use Pass.

Effect: The proposed rule revisions would (a) require persons operating mopeds, scooters, and golf carts in state parks to affix and display a park entrance license (including transferable park entrance licenses) to these vehicles for inspection by park staff; and (b) repeal the current park entrance license exemption for mopeds.

Reason: (a) This rule proposal implements language in HB 1220 (see paragraph 1 above) which authorizes the GFP Commission to require golf carts operated in state parks to display valid park entrance licenses and for consistency also extend this requirement to mopeds and scooters as well. (b) Eliminating the park entrance license exemption for mopeds will result in a uniform requirement that a park entrance license will be required for all motor vehicles legally operated on state park and recreation area roads where a park entrance license is required.

3. ARSD 41:06:05 – Archery Restrictions.

Effect: The proposed rule revisions would limit the scope of the current rule (ARSD 41:06:05:03) which prohibits possession of firearm while archery hunting and establishes accompaniment restrictions to only address possession of firearms by an archery hunter while hunting big game and create a new rule to address non-licensee armed accompaniment and place the responsibility for rule adherence upon the unlicensed hunter.

Reason: Currently, a person hunting under an archery only license cannot be accompanied in the field by another person carrying a firearm or bow and arrow unless that individual has an archery big game license valid for the same geographic area and time of year as the licensee. An exception exists for those persons carrying a pistol and possessing a valid concealed pistol permit. The licensed archery big game hunter is held as the responsible party if other armed individuals accompany him/her and do not have the same type of license. The proposed amendment would place the responsibility for adherence to the rule on the armed unlicensed individual who accompanies the archery big game hunter.

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

Effect: The proposed rule revisions would establish the number and types of licenses available which include offering 20 fewer one-tag licenses and 10 more two-tag licenses for

resident hunters on the East River Prairie Units; offering 500 fewer one-tag licenses for resident hunters and 40 fewer one-tag licenses for nonresident hunters for the Black Hills Unit; and repeal ARSD 41:06:14:04 which provides that in units adjoining the Cheyenne River or White River a license is valid in the adjacent unit within one mile of the common river boundary.

Reason: Provide hunting opportunity consistent with wildlife management objectives.

5. ARSD 41:06:16 – Waterfowl Hunting Seasons (Goose Hunting Season - August Management Take).

Effect: The proposed amendments would modify the season dates to run from the first Saturday of August to August 31; increase the daily bag limit from 8 to 15; add those portions west of the Cheyenne River in Pennington County to the areas open to hunting; allow use of unplugged shotguns; and modify the shooting hours to end one-half hour after sunset.

Reason: Provide hunting opportunity consistent with wildlife management objectives.

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

Effect: The proposed amendments would establish the number and types of resident and nonresident licenses available which will include offering residents 50 fewer and nonresidents 4 fewer “antlerless whitetail deer” licenses than 2012.

Reason: Provide hunting opportunity consistent with wildlife management objectives.

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

Effect: The proposed amendments would establish the number and types of resident and nonresident licenses/tags available which will include adjusting resident license numbers by increasing resident one-tag licenses by 240, decreasing two-tag licenses by 1,260 (2,520 tags), and increasing three-tag licenses by 305 (915 tags); and adjusting nonresident license numbers by increasing one-tag licenses by 20, decreasing

two-tag licenses by 102 (204 tags), and increasing three-tag licenses by 24 (72 tags) compared to 2012.

Reason: Provide hunting opportunity consistent with wildlife management objectives.

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

Effect: The proposed amendments would establish the number and types of licenses available which will include offering 1,050 less one-tag licenses, 1,500 less two-tag licenses, and 1,300 less three-tag licenses (overall decrease of 7,950 tags) than 2012.

Reason: Provide hunting opportunity consistent with wildlife management objectives.

9. ARSD 41:06:22 – Archery Deer Hunting Season; and ARSD 41:03:01 – Uses of Parks and Public Lands.

Effect: The proposed amendments would provide that only unfilled “any antlerless deer” licenses are valid from January 1 to January 15; add Bon Homme, Charles Mix, Clay, Codington, Douglas, Grant, Hutchinson, Lincoln, Turner, Union, and Yankton counties to the area where “any antlerless deer” licenses are not valid; change all references to “Blood Run Nature Area” in both rule chapters to “Good Earth State Park”; reduce the number of “any antlerless deer” archery access permits for the Adams Homestead and Nature Preserve from 45 to 0 and Good Earth State Park from 5 to 0; and increase the number of “any deer” archery access permits from 5 to 10 for the Adams Homestead and Nature Preserve.

Reason: Provide hunting opportunity consistent with wildlife management objectives.

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

Effect: The proposed amendments would adjust the start date for Unit RFD-SL1 from the Saturday before the East River deer hunting season to the second Saturday of November, with the start dates for all other Sand Lake units to be adjusted accordingly; provide that only unfilled Sand Lake “antlerless deer” licenses are valid during the 9-day

season starting on the first Saturday after Christmas; and make an allowance for optics that do not employ magnification as defined in ARSD 41:06:04:14 (Muzzleloading Restrictions) during any Refuge Deer hunting seasons that are restricted to muzzleloaders.

Reason: Provide hunting opportunity consistent with wildlife management objectives.

11. ARSD 41:06:41 – Custer State Park Deer Hunting Season.

Effect: The proposed amendments would reduce the number of “any deer” licenses from 2 to 0, and increase the number of “antlerless whitetail deer” muzzleloader licenses from 0 to 20.

Reason: Provide hunting opportunity consistent with wildlife management objectives.

12. ARSD 41:06:44 – Youth Deer Hunting Season.

Effect: The proposed amendments would add Bon Homme, Charles Mix, Clay, Douglas, Hutchinson, and Union counties to those areas where only one license is valid; and remove the youth deer restriction for Sand Lake National Wildlife Refuge, Lacreek National Wildlife Refuge, Lake Andes National Wildlife Refuge, and Waubay National Wildlife Refuge, thereby making an allowance for the USFWS Refuge System to allow access for youth deer hunting at its discretion.

Reason: Provide hunting opportunity consistent with wildlife management objectives.

13. ARSD 41:06:45 – General Muzzleloading Deer Hunting Season.

Effect: The proposed amendments would provide that only unfilled “any antlerless deer” licenses are valid from January 1 to January 15, and add Bon Homme, Charles Mix, Clay, Codington, Douglas, Grant, Hutchinson, Lincoln, Turner, Union, and Yankton counties to the areas where antlerless deer licenses are not valid.

Reason: Provide hunting opportunity consistent with wildlife management objectives.

14. ARSD 41:08:01 – Furbearer Seasons (Bobcat Trapping and Hunting Season).

Effect: The proposed amendments would modify the west river season to open at sunrise on December 26 and close at sunset on February 15; and modify the east river season to open at sunrise on December 26 and close at sunset on the third Sunday of January.

Reason: Provide trapping and 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. Persons with disabilities may contact the undersigned for assistance.

Dated this 9th day of May, 2013.

(SEAL)

Jeffrey R. Vonk, Department Secretary

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