

Drone Use: Hunting/Wildlife Observation

Drone Usage for Hunting and Wildlife Observation

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### Abstract

The use of unmanned aircraft systems is popular among citizens of the United States and throughout the World. In Midwest, many have sought new methods to use these drones to aid in hunting, harvesting of game, or getting the edge on other hunters. An interview with Conservation Officer Jeff Grendler takes you in-depth regarding the laws and regulations for hunting while being conducted with a drone. The various uses of verbiage and definitions help clear up and define when you can and cannot use a drone for the primary use of hunting. We will also look at a few rules surrounding wildlife observation, both inside and outside of a National Park or Refuge. Several occurrences from the past have led to strict regulation inside some National Parks but choosing to recreate outside of these places might bring a more relaxed environment.

## **Drone Usage for Hunting and Wildlife Observation**

South Dakota is world-renowned for its' plentiful wildlife numbers in the fall and winter months. Hunter from all over the globe spend hundreds of dollars in hopes of bagging a full plumage mallard or a mature rooster to list a couple. Over time, the use of unmanned aircraft systems (UAS), has become increasingly popular in the United States and throughout the world. An area of UAS usage that has particularly seen growth falls in the hunting and wildlife observation realm. Several local, state and federal rules must be followed while conducting these operations. In this paper, I will look at the various methods one could use a UAS for these forms of operations along with many privileges and limitations to go along with it.

### **Hunting**

As someone who partakes in waterfowl hunting quite actively, I have always wondered how a drone might potentially benefit my outcome and possibly increase the number of birds harvested each hunt. To begin, the reasonings for the desired use of a drone while hunting doesn't include physically killing animals. My idea of hunting with a drone is to locate where the birds are and their activity as well as employing a drone over top of a decoy spread to obtain a "birds-eye view" from above. I sat down with South Dakota GFP Officer Jeff Grendler to obtain further insight on the laws and regulations of my state dealing with hunting and drones.

### **Waterfowl and Big Game**

In the State of South Dakota, it is written that "A person may not use a drone to aid in the taking of game" (SDGFP, 2021). This means that you cannot fly a drone of any sort to chase, kill, spook, corral, or spot any game animal. During this interview, Officer Grendler informed me that South Dakota categorizes "game" differently than predators, which fall under their own set of rules. The most common game animals consist of waterfowl, deer, elk, rabbits, pheasants,

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etc. (J. Grendler, personal communication, Dec 2021). However, if a hunter were to desire the use of a drone to examine their spread after the sun has risen, the law would permit such activity. The rules regarding this activity are commonly overlooked as many hunters are unaware of the fine print and verbiage encompassing said laws.

### **Predators**

Predators, in South Dakota, are defined differently than game animals. These animals consist of coyotes, foxes, badgers, raccoons, mink, etc. (J. Grendler, personal communication, Dec 2021). Not only is there a differing definition, but laws regarding drone use also contradict those set forth for game animals. South Dakota Codified Law 41-8-39 states (2) Use an aircraft for the purpose of hunting, taking, concentrating, driving, rallying, stirring up, locating, or spotting any wild bird or animal, except that the prohibition in this subdivision does not apply to a person who uses a drone for the purpose of locating or spotting a predator or varmint, if:

- (a) The activity occurs only on or over land that is privately owned;
- (b) The person operating the drone is the landowner or has permission from the landowner or a lessee;
- (c) The activity does not occur during the months of September, October, or November; and
- (d) The operation of the drone is in full compliance with all applicable Federal Aviation

Administration regulations. (SD Legislature, 2021). This comes off rather interesting due to the nature in which species of animals are defined and the various laws and regulations around them.

In other states, laws have been passed that completely ban the use of drones for hunting, no matter the species. According to an article on Wide Open Spaces, Wyoming has set a date ranging from August 1<sup>st</sup> through January 1<sup>st</sup> which makes it illegal to use a drone in efforts of scouting or aiding in the taking of a game animal.

### **Wildlife Observation**

When it comes to rules for wildlife observation, in South Dakota, there aren't many restrictions. Officer Grendler stated in our interview that anyone may elect to fly a drone over a property with means of viewing wildlife. However, this act must be done outside of the hunting season. Wildlife observation is a pastime observed by many as it is found to be very peaceful and relaxing. An exception to this would be operating within a National Park/Refuge. An article posted by *TheDroneU*, states that "In order to fly your drone in a national park, you will need a Special Use Permit." In addition to this statement, the penalty that comes with operating without a permit can bring up to 6 months in jail and a \$5,000 fine along with confiscation of all gear (DroneU, 2021).

In September of 2021, a viral video surfaced of a woman flying her drone in the Everglades National Park. The video was only a minute long but shows the alligator, George, lunging out of the water and capturing the drone in his mouth. He then began attempting to eat the drone, when he punctured the lithium batteries and caused a fire to break out in his mouth. It is unknown what the future for the alligator looks like but, the woman is facing a hefty fine and potentially jail time (Santora, 2021).

Flying drones in your free time can bring a vast amount of enjoyment to those who choose to take part. Knowing the rules and regulations that apply to the specific use is key when it comes to staying out of trouble. The use of drones for hunting purposes isn't illegal but, one must verify the type of game animal being sought. When flying for recreation and wildlife observation, always know when and where you cannot fly as you could land yourself in jail.

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