

41:03:01:16. Restrictions on use of firearms, crossbows, and bows --

Exceptions. Uncased firearms, crossbows, and bows are prohibited in all state parks, state recreation areas, state nature areas, and state lakeside use areas with the following exceptions:

(1) Uncased firearms, crossbows, and bows are permitted on designated rifle and archery ranges the year around and as provided in § 41:03:01:16.01;

(2) Hunters licensed for the special Custer State Park hunting seasons may have uncased firearms, crossbows, and bows in Custer State Park during the season for which they are licensed;

(3) Only shotguns using shot shells, muzzleloading shotguns, crossbows, and bows are permitted in Custer State Park during the Custer State Park spring turkey season as described in chapter 41:06:15;

(4) Uncased firearms, crossbows, and bows are permitted from September 1 to May 21, inclusive, within the Sheps Canyon Lakeside Use Area;

(5) From October 1 to April 30, inclusive, uncased firearms, crossbows, and bows are authorized for licensed hunters in all state parks, state recreation areas, nature areas, and lakeside use areas during established hunting seasons with the following restrictions:

(a) Uncased firearms, crossbows, and bows are prohibited the year around in all established campgrounds, designated day use areas, and at Beaver Creek Nature Area, Lake Herman State Park, Spring Creek Recreation Area, Spirit Mound Historic Prairie, Bear Butte State Park east of State Highway 79, Oahe Downstream Recreation Area except for a hunter who possesses a valid deer license for Unit WRD-58D as described in chapter 41:06:20 or a valid turkey license for Unit PST-58B as described in chapter 41:06:13, and Adams Homestead and Nature Preserve and Good Earth State Park except for a resident hunter who possesses a valid archery deer license and an access

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permit as described in chapter 41:06:22 or except for a resident hunter who possesses a valid archery spring turkey license and an access permit as described in chapter 41:06:13;

(b) Only bows are permitted in Big Sioux State Recreation Area, the Forest Drive Unit of Richmond Lake State Recreation Area, Palisades State Park, LaFramboise Island, Chief White Crane, Clay County Recreation Area, and the mouth of Spearfish Canyon;

(c) Only shotguns using shot shells, crossbows, and bows are permitted in West Whitlock State Recreation Area, West Pickerel Recreation Area, Mina Recreation Area, Okobojo Recreation Area, Farm Island Recreation Area, Angostura Recreation Area, Cow Creek State Recreation Area, and ~~that portion~~ the portions of North Point State Recreation Area which is are situated to the west of 381st Street and north of 297th Avenue, and situated west of 382nd Avenue and north of 297th Street, and situated south of 297th Street, and west of Prairie Dog Bay;

(d) Only shotguns using shot shells, crossbows, and bows for the wild turkey hunting seasons and bows for archery deer and archery wild turkey hunting seasons are permitted in that portion of Newton Hills State Park which is situated to the west of County Road 135 and north of County Road 140;

(e) From October 1 to January 31, inclusive, deer hunting with a firearm, crossbow, or a bow is permitted in all state parks, state recreation areas, and state nature areas during established hunting seasons according to the provisions and restrictions set forth in this section, except for LaFramboise Island Nature Area and Farm Island Recreation Area where archery deer hunting is allowed to December 31, inclusive;

(f) A person who possesses a valid turkey license for Unit PST-48A as described in chapter 41:06:13 is permitted to have an uncased shotgun using shotshells, a

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crossbow, a bow, or a muzzleloading shotgun within the boundary of Sica Hollow State Park to the eighth day before Memorial Day, inclusive; and

(6) A person who possesses a valid concealed pistol permit as provided in SDCL chapter 23-7 may carry a concealed pistol at any time.

Source: SL 1975, ch 16, § 1; 2 SDR 10, effective August 7, 1975; 4 SDR 15, effective September 15, 1977; 6 SDR 60, effective December 18, 1979; 8 SDR 85, effective January 18, 1982; 9 SDR 30, effective September 13, 1982; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 12 SDR 125, effective February 6, 1986; 12 SDR 186, effective May 28, 1986; 13 SDR 26, effective September 10, 1986; 13 SDR 192, effective June 22, 1987; 16 SDR 44, effective September 13, 1989; 19 SDR 17, effective August 12, 1992; 20 SDR 150, effective March 23, 1994; 21 SDR 148, effective March 6, 1995; 22 SDR 188, effective July 10, 1996; 25 SDR 21, effective August 27, 1998; 25 SDR 108, effective February 28, 1999; 26 SDR 9, effective August 1, 1999; 27 SDR 49, effective November 16, 2000; 27 SDR 85, effective February 26, 2001; 28 SDR 48, effective October 10, 2001; 28 SDR 129, effective March 18, 2002; 29 SDR 160, effective June 3, 2003; 30 SDR 99, effective December 22, 2003; 31 SDR 62, effective November 4, 2004; 31 SDR 213, effective July 4, 2005; 32 SDR 183, effective May 9, 2006; 32 SDR 225, effective July 3, 2006; 33 SDR 180, effective May 7, 2007; 34 SDR 199, effective January 28, 2008; 34 SDR 332, effective July 7, 2008; 35 SDR 306, effective July 2, 2009; 36 SDR 112, effective January 11, 2010; 39 SDR 10, effective August 1, 2012; 39 SDR 120, effective January 9, 2013; 40 SDR 121, effective January 6, 2014; 41 SDR 34, effective September 2, 2014.

General Authority: SDCL 41-17-1.1(8).

Law Implemented: SDCL 41-17-1.1(8).

41:04:02:09. Butte County public water safety zones. Butte County public water safety zones are as follows:

(1) In Butte County all waters within a 300-foot radius of the boat ~~ramp~~ ramps located in ~~the area of~~ Rocky Point Recreation Area on Belle Fourche Reservoir ~~known as Rocky Point~~ are a "no wake zone";

(2) In Butte County, the Belle Fourche River is a "no boating zone" from the U.S. Highway 212 Bridge to a point 300 feet downstream of the Bureau of Reclamation diversion structure;

(3) In Butte County, the waters fronting the west side of Rocky Point Recreation Area between campsite number 41 and campsite number 42 and are marked with buoys, are a "public swimming zone".

Source: SL 1975, ch 16, § 1; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 13 SDR 192, effective June 22, 1987; 28 SDR 129, effective March 18, 2002; 37 SDR 182, effective April 20, 2011.

General Authority: SDCL 32-3A-1(3)(4).

Law Implemented: SDCL 32-3A-1(3)(4).

41:05:02:59. Sully County refuges. The following refuge is in Sully County ~~refuges are as follows:~~

~~(1) The Cottonwood Lake State Waterfowl Refuge comprises that portion of the northwest quarter of section 30, township 116 north, range 75 west of the fifth principal meridian below the high-water mark, that portion of lot four of section 30 below the high-water mark, that portion of the southeast quarter of the northeast quarter of section 30 below the high-water mark, the north half of the southwest quarter, the northwest quarter of the southeast quarter, the north half of the northeast quarter and the southwest quarter~~

~~of the northeast quarter of section 30, and the north half of the northwest quarter of section 29, township 116 north, range 75 west of the fifth principal meridian;~~

~~(2) The~~ the Missouri River Refuge as described in § 41:05:02:68.

Source: SL 1975, ch 16, § 1; 7 SDR 37, effective October 23, 1980; 7 SDR 48, effective November 25, 1980; 8 SDR 170, effective June 20, 1982; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 13 SDR 192, effective June 22, 1987; 15 SDR 162, effective May 4, 1989.

General Authority: SDCL 41-2-18.

Law Implemented: SDCL 41-2-18.

ARTICLE 41:10

SPECIAL MANAGEMENT CATEGORIES

Chapter

- 41:10:01 Reserved.
- 41:10:02 Endangered and threatened species.
- 41:10:03 Species of management concern.
- 41:10:04 Aquatic nuisance invasive species.

CHAPTER 41:10:04

AQUATIC ~~NUISANCE~~ INVASIVE SPECIES

Section

- 41:10:04:01 List of aquatic nuisance invasive species.
- 41:10:04:02 Aquatic nuisance invasive species restrictions.
- 41:10:04:03 Watercraft restrictions.
- 41:10:04:04 Watercraft inspections.
- 41:10:04:05 Fish and bait transportation restrictions.

41:10:04:01. List of aquatic nuisance invasive species. Species classified as aquatic nuisance invasive species in the state are as follows;

(1) Fish:

- (a) Black carp, **Mylopharyngodon piceus**;
- (b) Common carp, **Cyprinus carpio**;
- (c) Grass carp, **Ctenopharyngodon idella**;
- (d) Bighead carp, **Hypophthalmichthys nobilis**;
- (e) Silver carp, **Hypophthalmichthys molitrix**;
- (f) European rudd, **Scardinius erythrophthalmus**;
- (g) Giant snakehead, **Channa micropeltes**;
- (h) Northern snakehead, **Channa argus**;
- (i) Bullseye snakehead, **Channa marulius**;
- (j) Blotched snakehead, **Channa maculata**; and
- (k) Western mosquitofish, **Gambusia affinis**;

(2) Plants:

- (a) Brittle naiad, **Najas minor**;
- (b) Curly pondweed, **Potamogeton crispus**;
- (c) Didymo, **Didymosphenia geminata**;
- (d) Eurasian water-milfoil, **Myriophyllum spicatum**;
- (e) Purple loosestrife, **Lythrum salicaria**; and
- (f) Flowering rush, **Butomus umbellatus**; and
- (g) Common reed, **Phragmites australis**;

(3) Invertebrates:

- (a) New Zealand mudsnail, **Potamopyrgus antipodarum**;
- (b) Rusty crayfish, **Orconectes rusticus**;

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- (c) Zebra mussel, **Dreissena polymorpha**;
- (d) Quagga mussel, **Dreissena rostriformis bugensis**;
- (e) Asian clam, **Corbicula fluminea**; and
- (f) Red rimmed melania, **Melanoides tuberculata**.

Source: 38 SDR 116, effective January 10, 2012; 39 SDR 100, effective December 3, 2012.

General Authority: SDCL 41-2-18(1)(2).

Law Implemented: SDCL 41-2-18(1)(2).

41:10:04:02. Aquatic ~~nuisance~~ invasive species restrictions. No person may possess, transport, sell, purchase, or propagate an aquatic ~~nuisance~~ invasive species except for the following:

- (1) A person possessing a valid scientific collectors permit issued by the department;
- (2) A person authorized by the department to stock triploid grass carp for pond management purposes;
- (3) A person contracted by the department to conduct commercial fishing operations as authorized in SDCL 41-13-7; or
- (4) A person in the process of removing an aquatic ~~nuisance~~ invasive species from a boat, motorboat, or equipment and returning it to the water from which it came.

In the case of fish and crayfish species, only dead specimens may be transported or possessed.

Source: 38 SDR 116, effective January 10, 2012.

General Authority: SDCL 41-2-18(1)(2).

Law Implemented: SDCL 41-2-18(1)(2).

41:10:04:03. Watercraft restrictions. No person may launch or attempt to launch a boat, ~~motorboat~~, or boat trailer of any kind into the waters of the state with an aquatic nuisance invasive species attached or onboard. ~~A law enforcement officer may require the removal of aquatic vegetation from any boat, motor, trailer, and associated equipment.~~ Except for emergency response boats, all trailered boats shall have all drain plugs, bailers, valves or other devices used to control the drainage of water opened or removed except while in a boat ramp parking area, being launched or loaded, or en route from a body of water to an immediately adjacent fish cleaning station.

Source: 38 SDR 116, effective January 10, 2012; 39 SDR 100, effective December 3, 2012.

General Authority: SDCL 41-2-18(1)(2).

Law Implemented: SDCL 41-2-18(1)(2).

Cross-Reference: Definition, waters of the state, SDCL 34A-2-2(12).

41:10:04:04. Watercraft inspections. Any boat, ~~motorboat~~, or boat trailer is ~~subject to inspection~~ may be inspected by a department representative. A department representative may require the removal of aquatic vegetation and aquatic invasive species from any boat, motor, trailer, and associated equipment. If an aquatic nuisance invasive species is found during inspection, a department-approved decontamination process, specific to the aquatic nuisance invasive species present, ~~shall be required prior to~~ is required before launching or transport of the boat to another water of the state.

Source: 39 SDR 100, effective December 3, 2012.

General Authority: SDCL 41-2-18(1)(2).

Law Implemented: SDCL 41-2-18(1)(2).

Cross-Reference: Definition, waters of the state, SDCL 34A-2-2(12).

41:10:04:05 Fish and bait transportation restrictions. Except as authorized by the Secretary, a person may not transport fish or aquatic bait in water obtained from a lake, river or stream except while en route from a lake, river or stream to an immediately adjacent fish cleaning station.

Source:

General Authority: SDCL 41-2-18(1)(2).

Law Implemented: SDCL 41-2-18(1)(2).

Cross-Reference: Definitions, lake, § 74:51:01:01 (31); stream, § 74:51:01:01(43); river, SDCL 46A-1-3(14).