

CHAPTER 41:03:01

USES OF PARKS AND PUBLIC LANDS

Section

- 41:03:01:01 Unauthorized land use and entry on posted land prohibited.
- 41:03:01:01.01 Time restrictions for use of George S. Mickelson trail -- Exceptions.
- 41:03:01:01.02 Time restrictions for use of state park system.
- 41:03:01:01.03 Time restrictions for use of public hunting areas and lake access areas.
- 41:03:01:01.04 Prohibited use of walk-in areas.
- 41:03:01:02 Leaving of property on department land.
- 41:03:01:03 Repealed.
- 41:03:01:04 Permit required for certain organized events.
- 41:03:01:05 Destruction or removal of natural or cultural features prohibited
Exception.
- 41:03:01:06 Repealed.
- 41:03:01:07 Commercial use prohibited.
- 41:03:01:08 Repealed.
- 41:03:01:09 Repealed.
- 41:03:01:10 Buildings, erection of signs, advertising, and fences prohibited.
- 41:03:01:11 Loud speakers prohibited -- Disturbance prohibited.
- 41:03:01:12 Superseded.
- 41:03:01:12.01 Repealed.
- 41:03:01:13 Pet prohibitions.
- 41:03:01:13.01 Repealed.
- 41:03:01:14 Horses and riding prohibited -- Exception.

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- 41:03:01:15 Camping in state park, state recreation area, and state lakeside use area allowed only in designated campgrounds -- Fifteen-day limit.
- 41:03:01:16 Restrictions on use of firearms, crossbows, and bows -- Exceptions.
- 41:03:01:16.01 Uncased .22 caliber rimfire firearms prohibited -- Exceptions.
- 41:03:01:16.02 Restrictions on use or possession of firearms on lake and fishing access areas and game production areas -- Exceptions.
- 41:03:01:16.03 Discharge of firearms and bows on George S. Mickelson Trail prohibited.
- 41:03:01:16.04 Nontoxic shot areas for target shooting -- Exceptions.
- 41:03:01:16.05 Restrictions on use or possession of centerfire rifles on lake and fishing access areas and game production areas.
- 41:03:01:17 Airguns and slingshots prohibited.
- 41:03:01:18 Repealed.
- 41:03:01:19 Limitation on tree stands, elevated platforms, and portable blinds.
- 41:03:01:20 Hiking off trails at Bear Butte without permission prohibited -- Exception.
- 41:03:01:21 Hang gliding prohibited.
- 41:03:01:22 Repealed.
- 41:03:01:23 Residential trash prohibited at department trash facilities.
- 41:03:01:24 Glass containers prohibited.
- 41:03:01:25 Jumping and diving at Palisades State Park, Custer State Park, Big Sioux Recreation Area, and Angostura Reservoir prohibited.
- 41:03:01:26 Use of certain rock climbing aids prohibited -- Exception.
- 41:03:01:27 Forage restrictions -- Custer State Park and Mickelson Trail.
- 41:03:01:28 Repealed.

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- 41:03:01:29 Restrictions on use of metal detectors – Written authorization required.
- 41:03:01:30 Bicycle use restricted to roads, campgrounds, picnic areas, and designated trails.
- 41:03:01:31 Alcoholic beverage prohibited at Lake Alvin swim beach.
- 41:03:01:32 Alcoholic beverage prohibited at Bear Butte State Park.
- 41:03:01:33 Leaving of human remains at Bear Butte State Park prohibited.
- 41:03:01:34 Hunter Quarry Lake and Fishing Access Area -- Entry or use prohibited -- exceptions.
- 41:03:01:35 Bait stations prohibited.
- 41:03:01:36 Limitation on trail cameras.

41:03:01:02. Leaving of property on department land. A person may not leave any property after 11:00 p.m. ~~in a state park, recreation area, lakeside use area~~ on public lands owned, leased, or controlled by the department or in the water adjoining such an area, or within the right-of-way of the George S. Mickelson Trail unless that person is legally camped, lodged, or fishing or the property is located in a leased space designated for the specified use of that property. A person may not ~~park or~~ leave any ~~vessels, fish houses, camping equipment, house trailers, or any other property~~ for more than five days ~~on other lands owned or leased,~~ leased, or controlled by the department without written permission from an authorized representative of the department.

The provisions of this section do not apply to ~~legal~~ legally placed tree stands, elevated platforms, portable blinds, trail cameras, or trapping equipment.

Source: SL 1975, ch 16, § 1; 7 SDR 103, effective May 14, 1981; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 20 SDR 150, effective March 23, 1994; 27 SDR 85, effective February 26, 2001.

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General Authority: SDCL 41-2-18(4), 41-17-1.1(1).

Law Implemented: SDCL 41-2-18(4), 41-17-1.1(1).

Cross-Reference: Limitation on tree stands, § 41:03:01:19.

41:03:01:19. Limitation on tree stands, elevated platforms, and portable blinds. Construction or use of permanent tree stands, permanent blinds, and climbing devices is prohibited on lands owned, leased, or controlled by the department. Portable tree stands, portable blinds, and climbing devices that do not utilize nails, wire, or bolts for attachment are allowed from August 25 to February 15, inclusive. Portable blinds may also be used during the spring turkey seasons established in chapters 41:06:13 and 41:06:15, by licensed spring turkey hunters. One screw-in "T" may be used to stabilize a tree stand. Removable screw-in steps may be used to access a tree stand. The name and address or the year and current applicable big game license number of the owner or user must be on the exterior of an unoccupied portable blind and legible from the ground on a tree stand and legible from the ground. Other elevated platform devices that are not attached to a tree must meet the requirements of this rule for permitted dates and for labeling if left overnight or unattended.

Source: 8 SDR 162, effective June 10, 1982; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 15 SDR 193, effective June 20, 1989; 17 SDR 12, effective July 31, 1990; 27 SDR 126, effective June 6, 2001; 28 SDR 44, effective October 3, 2001; 29 SDR 160, effective June 3, 2003; 33 SDR 43, effective September 18, 2006.

General Authority: SDCL 41-2-18(4)(14), 41-17-1.1(1)(3).

Law Implemented: SDCL 41-2-18(4)(14), 41-17-1.1(1)(3).

41:03:01:36. Limitation on trail cameras. Any trail camera placed on public lands owned, leased, or controlled by the department may be attached to a tree, post, or other

structure by utilizing no more than one nail, bolt, or screw. The name and address of the owner or user or the year and current applicable big game license number of the owner or user must be on the exterior of an unattended trail camera. A trail camera is a remotely activated device set to capture photos, video, sound, or other evidence of activity while the user is absent from the location.

Source:

General Authority: SDCL 41-2-18(4)(14), 41-17-1.1(1)(3).

Law Implemented: SDCL 41-2-18(4)(14), 41-17-1.1(1)(3).

CHAPTER 41:06:01

APPLICATION FOR LICENSE

Section

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|----------------|--|
| 41:06:01:01 | Applicability of chapter. |
| 41:06:01:02 | Form of application -- False representation prohibited – License prerequisite. |
| 41:06:01:03 | Submission of application with fee. |
| 41:06:01:03.01 | Restriction on number of applications submitted jointly. |
| 41:06:01:04 | Repealed. |
| 41:06:01:05 | Repealed. |
| 41:06:01:06 | Lottery methods and procedure. |
| 41:06:01:07 | Landowner preference limited by acreage. |
| 41:06:01:07.01 | Landowner preference application requirements and restrictions. |
| 41:06:01:07.02 | Restrictions on landowner preference for legal entities. |
| 41:06:01:08 | Restriction on number of applications. |
| 41:06:01:09 | Application for unsold big game licenses -- Future eligibility. |

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- 41:06:01:10 Prior application preference.
- 41:06:01:11 Restricted sale of leftover licenses.
- 41:06:01:12 Mentored youth big game license -- Restrictions.
- 41:06:01:13 Designation of areas where free antlerless deer licenses can be used by farmers and ranchers.
- 41:06:01:14 Allocation of licenses to nonresident hunters.
- 41:06:01:15 Elk application requirements.
- 41:06:01:16 Purchase and accrual of preference points.
- 41:06:01:17 Access permits required for specific deer hunting units and public lands.
- 41:06:01:18 Authorization for terminally ill residents to hunt deer, antelope and turkeys.

41:06:01:09. Application for unsold big game licenses -- Future eligibility. In deer, antelope, and turkey season units where resident and nonresident licenses are limited in number and licenses remain unsold following a second lottery drawing, a person who does not have a license in a season may apply for up to five leftover licenses in that season and a person who already has a license in a season may apply for up to four additional licenses in that season. After the third drawing, a person may apply for an unlimited number of leftover licenses on a first-come first-serve basis. Nonresidents are not eligible for East River deer, East River spring turkey, or East River fall turkey licenses except for licenses unsold after the second lottery drawing. Purchase of a deer, antelope, or turkey license under this section does not affect the eligibility of the applicant in future lotteries.

If licenses remain unsold after the initial lottery drawing for Black Hills Elk Hunting Season, Prairie Elk Hunting Season, and Archery Elk Hunting Season, a person who

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does not already have an elk license may apply for a license in a second or subsequent lottery drawing if the person submits the nonrefundable application fee and the applicable license fee with the application. Purchase and receipt of a first-choice elk license during the first lottery drawing counts as a successful application and affects eligibility in future first lottery drawings for the same season. Purchase and receipt of an elk license in the second drawing by the use of preference points is a successful application and affects eligibility in future lottery drawings for these seasons. Purchase and receipt of an elk license in the second lottery drawing without the use of preference points, or purchase and receipt of an elk license in subsequent drawings, does not affect eligibility or preference in future lottery drawings for these seasons.

Source: 4 SDR 88, effective June 27, 1978; 6 SDR 94, effective March 26, 1980; 9 SDR 14, effective August 8, 1982; 9 SDR 171, effective July 13, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 12 SDR 14, effective August 6, 1985; 14 SDR 14, effective August 6, 1987; 15 SDR 210, effective July 10, 1989; 17 SDR 34, effective September 6, 1990; 18 SDR 4, effective July 18, 1991; 22 SDR 188, effective July 10, 1996; 27 SDR 111, effective May 8, 2001; 28 SDR 166, effective June 4, 2002; 29 SDR 160, effective June 3, 2003; 30 SDR 21, effective August 25, 2003; 31 SDR 191, effective June 7, 2005; 33 SDR 1, effective July 18, 2006; 33 SDR 212, effective June 4, 2007; 35 SDR 47, effective September 8, 2008; 40 SDR 223, effective June 23, 2014.

General Authority: SDCL 41-2-18(1)(2)(12), 41-6-21.

Law Implemented: SDCL 41-2-18(1)(2)(12), 41-6-21, 41-6-62.

Cross-References:

Hunting license fees, § 41:06:02:03.

~~Basic or general hunting license required, SDCL 41-1-11.~~

Combination licenses, SDCL 41-6-10.1.

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Resident big game license ~~required~~ -- Privileges and fee – Violation as misdemeanor, SDCL 41-6-19.

Nonresident big game license ~~required~~ -- Privileges and fee – Violation as misdemeanor, SDCL 41-6-20.

~~Definitions, § 41:06:00.01:02.~~

~~Bag limit, § 41:06:19:03.~~

~~Limit on licenses, § 41:06:19:06.~~

~~Elk hunting season application requirements, § 41:06:26:04.~~

~~Archery elk hunting season application restrictions, § 41:06:43:04.~~

41:06:01:10. Prior application preference. Fifty percent of any licenses which are limited in number and are issued by application and computer drawing are set aside for landowner applications as described in § 41:06:01:07 for the Black Hills deer hunting season, the West River deer hunting season except for special buck licenses, the East River deer hunting season except for special buck licenses, the antelope hunting season, the spring wild turkey hunting season, and the fall wild turkey hunting season. If an applicant is unsuccessful in drawing a license for a first-choice unit in the initial drawing for a specific season, the applicant ~~receives~~ shall receive a preference point for that season if they chose to purchase a preference point. For elk, bighorn sheep, mountain goat, and free access permits the applicant shall receive a preference point at no charge if they apply for one of these seasons in the first draw and are unsuccessful. Preference points shall be applied to ~~the~~ a subsequent initial drawing application submitted by the applicant for the season in which the preference points were earned, except for elk hunting seasons pursuant to §41:06:01:09. No additional preference points may be issued if an applicant decides to use preference points in the second draw for elk and is unsuccessful in the draw. An applicant who fails to submit an initial drawing application in

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a single season for a period of five consecutive years forfeits any preference points accrued for that season.

Source: 5 SDR 108, effective June 28, 1979; 6 SDR 94, effective March 26, 1980; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 22, effective August 9, 1984; 14 SDR 14, effective August 6, 1987; 20 SDR 204, effective June 7, 1994; 21 SDR 86, effective November 10, 1994; 24 SDR 156, effective May 17, 1998; 26 SDR 162, effective June 14, 2000; 27 SDR 126, effective June 6, 2001; 28 SDR 166, effective June 4, 2002; 32 SDR 203, effective June 5, 2006; 39 SDR 10, effective August 1, 2012.

General Authority: SDCL 41-2-18(12)(13), 41-6-21.

Law Implemented: SDCL 41-2-18(12)(13), 41-6-21, 41-6-62.

41:06:01:15. Elk application requirements. The following requirements and restrictions apply to all applications for license for the Black Hills elk season, the archery elk hunting season, and the prairie elk hunting season:

(1) Only a resident of the state may apply for a license;

(2) Except for a qualifying landowner-operator applicant, and except as provided in § 41:06:01:09, a person who received an elk hunting license ~~in~~ for this season in the first lottery drawing or the second drawing by using preference points in any of the nine preceding years may not apply for a license under this chapter for the next nine years; and

(3) Fifty percent of the licenses are available to persons who qualify for landowner-operator preference under the provisions of SDCL 41-6-21. A minimum of 240 acres of land within an elk unit which has had at least 500 days of elk use since the last day of the previous application period is required to qualify. An elk use day is any day an elk feeds or waters on private land. For purposes of elk preference eligibility, members of the qualifying landowner-operator's family including grandparents, parents, spouse, children,

children's spouse, or grandchildren who live on the ranch or in the closest community and have an active role in the ranch operation also qualify. Only one qualifying applicant per ranch unit per year may apply for a landowner-operator preference elk license in the first draw. A ranch unit is described as all private property owned and leased for agricultural purposes by written agreement by an individual qualifying landowner in the state. A ranch unit may not be subdivided for the purpose of qualifying for more than one landowner-operator preference.

Source: 39 SDR 10, effective August 1, 2012.

General Authority: SDCL 41-2-18(12)(13), 41-6-21.

Law Implemented: SDCL 41-2-18(12)(13), 41-6-21

41:06:16:07. Goose hunting season, Conservation Order, and August Management Take established -- Shooting hours -- Exceptions -- Open units -- Closed areas. The light goose hunting season is open statewide for 86 consecutive days beginning on the last Saturday of September. A Conservation Order is open statewide for 79 consecutive days beginning on the day following the closure of Unit 2 ~~as provided for in this section~~. Only light geese, as defined in § 41:06:16:06.01, may be taken during a Conservation Order. As used in this article, a Conservation Order is a Congressional Order which amends the Fish and Wildlife Service regulations based on a 1999 Congressional action (Pub. L. No. 106-108,) effectively reinstating regulations intended to reduce the population of mid-continent light geese (MCLG). The law authorizes the use of additional hunting methods (electronic calls and unplugged guns) to increase the take of MCLG. As a result, a Conservation Order for the reduction of the MCLG population was authorized.

Additionally, an August Management Take for the taking of Canada geese is open to South Dakota residents beginning on the third Saturday of August to August 31,

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inclusive, in the ~~counties of Brookings, Brown, Clark, Codington, Day, Deuel, Hamlin, Hanson, Hutchinson, Grant, Kingsbury, Lake, Lincoln, McCook, Marshall, Minnehaha, Miner, Moody, Pennington~~ County west of the Cheyenne River, ~~Roberts, Spink, Turner, and Union.~~

The white-fronted goose season is open statewide for 86 consecutive days beginning on the last Saturday of September.

The dark goose season is open statewide as specifically provided for in this section and the special Canada goose hunting units in § 41:06:16:08:

(1) Unit 1: the counties of Aurora, Beadle, Brookings, Brown, Butte, Campbell, Clark, ~~Clay~~, Codington, Corson, Davison, Day, Deuel, Douglas, Edmunds, Faulk, Grant, Haakon, Hamlin, Hand, Hanson, Harding, Hutchinson, Jackson, Jerauld, Jones, Kingsbury, Lake, Lawrence, McCook, McPherson, Marshall, Meade, Mellette, Moody, Miner, Oglala Lakota, Roberts, Sanborn, Spink, Todd, Turner, ~~Union, Walworth, Yankton,~~ and Ziebach, that portion of Dewey County north of Bureau of Indian Affairs Road 8, Bureau of Indian Affairs, Road 9, and the section of U.S. Highway 212 east of the Bureau of Indian Affairs Road 8 junction, that portion of Potter County east of U.S. Highway 83, that portion of Sully County east of U.S. Highway 83, portions of Hyde, Buffalo, Brule, Charles Mix, and Bon Homme counties north and east of a line beginning at the Hughes-Hyde county line on State Highway 34, east to Lees Boulevard, southeast to the State Highway 34, east 7 miles to 350th Avenue, south to Interstate 90 on 350th Avenue, south and east on State Highway 50 to Geddes, east on 285th Street to U.S. Highway 281, north on U.S. Highway 281 to the Charles Mix-Douglas county boundary, the portion of Bon Homme County north of State Highway 50, the portions of Yankton and Clay counties north of County Highway 585 (306th Street) to U.S. Highway 81, then north on U.S. Highway 81 to 303rd Street, then east on 303rd Street to 444th Avenue, then south

on 444th Avenue to 305th Street, then east on Bluff Road (305th Street) to County Highway 19, south to State Highway 50 and east to the Clay/Union County line, and that the portion of Perkins County west of State Highway 75 and south of State Highway 20, that portion of Lincoln County west of State Highway 17 and south of County Highway 116 (Klondike Road), and that the portion of Minnehaha County north of a line beginning at the junction of the South Dakota-Minnesota state line and County Highway 122 (254th Street) west to its junction with County Highway 149 (464th Avenue), that the portion west of County Highway 149 (464th Avenue) to Hartford, that the portion west of County Highway 151 (463rd Avenue) to State Highway 42, that the portion south of State Highway 42 to State Highway 17, and the portion west of State Highway 17 to the Minnehaha-Lincoln county boundary. The season is open for 107 consecutive days, less the number of days set aside for the Early Fall Canada Goose season as established in chapter 41:06:50 beginning that begins on October 1;

(2) Unit 2: those portions of the state not described in Unit 1 and Unit 3. The season is open for 105 consecutive days preceding and including the Sunday closest to February 15;

(3) Unit 3: Bennett County. The season is open for nine consecutive days beginning on the second Saturday of January.

Except for the light goose Conservation Order, shooting hours for geese are one-half hour before sunrise to sunset daily. The shooting hours for the light goose Conservation Order are one-half hour before sunrise to one-half hour after sunset daily.

Source: 1 SDR 26, effective September 11, 1974; 2 SDR 18, effective September 16, 1975; 3 SDR 22, effective September 23, 1976; 4 SDR 15, effective September 15, 1977; 5 SDR 19, effective September 14, 1978; 6 SDR 31, effective October 2, 1979; 7 SDR 31, effective October 8, 1980; 8 SDR 31, effective September 30, 1981; 9 SDR 37,

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effective September 28, 1982; 10 SDR 23, effective September 22, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 41, effective September 25, 1984; 12 SDR 50, effective October 1, 1985; 13 SDR 37, effective October 7, 1986; 14 SDR 57, effective October 21, 1987; 15 SDR 50, effective October 6, 1988; 16 SDR 44, effective September 13, 1989; 16 SDR 64, effective October 10, 1989; 17 SDR 51, effective October 10, 1990; 18 SDR 61, effective October 8, 1991; 19 SDR 48, effective October 7, 1992; 20 SDR 45, effective October 4, 1993; 21 SDR 56, effective September 29, 1994; 22 SDR 46, effective October 8, 1995; 23 SDR 38, effective September 26, 1996; 23 SDR 125, effective February 11, 1997; 24 SDR 44, effective October 14, 1997; 25 SDR 43, effective September 28, 1998; 25 SDR 108, effective February 28, 1999; 25 SDR 157, effective June 24, 1999; 26 SDR 41, effective September 28, 1999; 26 SDR 117, effective March 16, 2000; 26 SDR 174, effective July 4, 2000; 27 SDR 18, effective September 12, 2000; 27 SDR 101, effective April 18, 2001; 28 SDR 44, effective October 3, 2001; 28 SDR 48, effective October 10, 2001; 29 SDR 29, effective September 8, 2002; 31 SDR 39, effective September 23, 2004; 31 SDR 115, effective February 14, 2005; 32 SDR 45, effective September 20, 2005; 33 SDR 43, effective September 18, 2006; 33 SDR 107, effective December 27, 2006; 34 SDR 67, effective September 10, 2007; 35 SDR 47, effective September 8, 2008; 35 SDR 184, effective February 2, 2009; 36 SDR 39, effective September 23, 2009; 36 SDR 112, January 11, 2010, 36 SDR 215, effective July 1, 2010; 37 SDR 18, effective August 16, 2010; 38 SDR 8, effective August 3, 2011; 39 SDR 10, effective August 1, 2012; 39 SDR 33, effective September 5, 2012; 40 SDR 14, effective July 29, 2013; 40 SDR 29, effective August 20, 2013; 40 SDR 39, effective September 9, 2013; 41 SDR 7, effective July 30, 2014; 41 SDR 34, effective September 2, 2014; SL 2015, ch 56, § 1, effective May 1, 2015; 42 SDR 14, effective

August 10, 2015; 42 SDR 31, effective September 8, 2015; 42 SDR 97, effective January 5, 2016.

General Authority: SDCL 41-2-18(17), 41-11-5.

Law Implemented: SDCL 41-2-18(17), 41-11-5.

CHAPTER 41:06:26

BLACK HILLS ELK HUNTING SEASON

Section

41:06:26:01 Black Hills elk hunting season established -- Number and type of licenses -
- Season dates.

41:06:26:02 Open units -- ~~Number and type of licenses available~~ -- Exceptions.

41:06:26:03 Repealed.

41:06:26:04 Repealed.

41:06:26:05 Raffle elk license valid for established seasons in open Black Hills units.

41:06:26:06 Antlerless elk contingency licenses -- Maximum licenses.

41:06:26:07 Eligibility for antlerless elk contingency licenses -- Application procedure
and selection.

**41:06:26:01. Black Hills elk hunting season established -- Number and type of
licenses -- Season dates.** The Black Hills elk hunting season is open from one-half hour
before sunrise to one-half hour after sunset each day ~~as provided in this chapter~~ of the
season. No more than 443 any elk licenses and 1,225 antlerless elk licenses may be
issued for the Black Hills elk hunting season. The Black Hills elk hunting seasons are as
follows:

(1) Units BHE-H1A, BHE-H2A, BHE-H3A, BHE-H4A, BHE-H5A, and BHE-H7A
are open from October 1 to October 31, inclusive;

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(2) Units BHE-H1B, BHE-H7B, and BHE-H9B are open from the Monday closest to October 15 to October 31, inclusive and from December 1 to the Friday closest to December 15, inclusive;

(3) Units BHE-H2B, BHE-H2E, BHE-H2H, BHE-H3B, and BHE-H3E are open from the Monday closest to October 15 to October 31, inclusive;

(4) Units BHE-H2C, BHE-H2F, BHE-H2I, BHE-H3C, and BHE-H3F are open from December 1 to the Friday closest to December 15, inclusive; and

(5) Units BHE-H2D, BHE-H2G, BHE-H2J, BHE-H3D, and BHE-H3G are open from the Saturday closest to December 15 to December 31, inclusive.

Source: SL 1975, ch 16, § 1; 2 SDR 10, effective August 7, 1975; 4 SDR 10, effective August 25, 1977; 5 SDR 12, effective August 21, 1978; 7 SDR 15, effective August 25, 1980; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 27 SDR 111, effective May 8, 2001.

General Authority: SDCL 41-2-18(1)(2)(17).

Law Implemented: SDCL 41-2-18(1)(2)(17).

Cross-References:

Hunting license fees, § 41:06:02:03.

~~Basic or general hunting license required, SDCL 41-6-11.~~

Combination licenses – Issuance, SDCL 41-6-10.1.

Resident big game license ~~required~~ -- Privileges and fee -- Violation as misdemeanor, SDCL 41-6-19.

~~41:06:26:02. Open units -- Number and type of licenses available --~~

Exceptions. The following is a description of the open units, ~~season dates, and the number and type of licenses available in each unit~~ for the Black Hills elk hunting season:

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(1) ~~Unit~~ Units BHE-H1A and BHE-H1B: that the portion of Lawrence County within a line beginning at the junction of the South Dakota-Wyoming border and Interstate 90, then easterly on Interstate 90 to the junction of U.S. Highway 85 at Exit 17, then southerly on U.S. Highway 85 to its junction with the South Dakota-Wyoming border, then northerly along the South Dakota-Wyoming border to its⁵junction with Interstate 90, the point of beginning. ~~Unit BHE-H1A is open beginning on October 1 and remains open to October 31, inclusive. In Unit BHE-H1A 75 "any elk" licenses may be issued;~~

~~(2) Unit BHE-H1B: the same boundaries as Unit BHE-H1A. Unit BHE-H1B is open beginning on October 1 and remains open to October 15 inclusive, and from December 1 to December 15, inclusive. In Unit BHE-H1B no "antlerless elk" licenses may be issued;~~

~~(3) Unit BHE-H1C: the same boundaries as Unit BHE-H1A. Unit BHE-H1C is open beginning on October 16 and remains open to October 31, inclusive, and from December 1 to December 15, inclusive. In Unit BHE-H1C 40 "antlerless elk" licenses may be issued;~~

(4) (2) Unit BHE-H2A: those portions of Lawrence, Pennington, and Custer Counties beginning at the junction of the South Dakota-Wyoming border and U.S. Highway 85, then northerly and easterly along U.S. Highway 85 to its junction with U.S. Highway 385, then southerly along U.S. Highway 385 to its junction with U.S. Highway 16 at Custer, then westerly along U.S. Highway 16 to its junction with the South Dakota-Wyoming border, then northerly along the South Dakota-Wyoming border to its junction with U.S. Highway 85, the point of beginning. ~~Unit BHE-H2A is open beginning on October 1 and remains open to October 31, inclusive. In Unit BHE-H2A 250 "any elk" licenses may be issued;~~

~~(5)~~ (3) ~~Unit~~ Units BHE-H2B, BHE-H2C, and BHE-H2D: those portions of Lawrence, Pennington, and Custer Counties beginning at the junction of the South Dakota-Wyoming border and U.S. Highway 85, then northeasterly along U.S. Highway 85 to its junction

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with U.S. Highway 385 at Deadwood, then southerly along U.S. Highway 385 to its junction with Deerfield Road, then northwesterly on Deerfield Road to its junction with East Slate Road, the southerly on East Slate Road to its junction with Six Mile Road, the ~~Custer Limestone Road north of Custer, then westerly approximately one-half mile along the Custer Limestone Road to its junction with the Medicine Mountain Road, then northerly along the Medicine Mountain Road to its junction with the Six Mile Road, then westerly along the Six Mile Road to its junction with the Boles Canyon Road at Moon, then southerly along the Boles Canyon Road to its junction with the Summit Ridge Road, then southwesterly along the Summit Ridge Road to the South Dakota-Wyoming border, then northerly along the South Dakota-Wyoming border to its junction with U.S. Highway 85, the point of beginning. Unit BHE-H2B is open beginning on October 1 and remains open to October 15, inclusive, and from December 1 to December 15, inclusive. In Unit BHE-H2B no "antlerless elk" licenses may be issued;~~

~~(6) (4) Unit Units BHE-H2C BHE-H2E, BHE-H2F, and BHE-H2G: the same boundaries as Unit BHE-H2B. Unit BHE-H2C is open beginning on October 16 and remains open to October 31, inclusive, and from December 1 to December 15, inclusive. In Unit BHE-H2C 150 "antlerless elk" licenses may be issued;~~

~~(7) Unit BHE-H2D: those portions of Pennington and Custer Counties beginning at the junction of the South Dakota-Wyoming border and U.S. Highway 16, then easterly along U.S. Highway 16 to its junction with U.S. Highway 385 at Custer, then northerly along U.S. Highway 385 to its junction with the Custer Limestone Road, then westerly along the Custer Limestone Road approximately one-half mile to its junction with the Medicine Mountain Road, then northerly along the Medicine Mountain Road to its junction with the Six Mile Road, then westerly along the Six Mile Road to its junction with Boles Canyon Road at Moon, then southerly along the Boles Canyon Road to its junction with~~

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the Summit Ridge Road, then southwesterly along the Summit Ridge Road to the South Dakota-Wyoming border, then southerly along the South Dakota-Wyoming border to its junction with U.S. Highway 16, the point of beginning. ~~Unit BHE-H2D is open beginning on October 1 and remains open to October 15, inclusive, and from December 1 to December 15, inclusive. In Unit BHE-H2D no "antlerless elk" licenses may be issued;~~

~~(8) Unit BHE-H2E: the same boundaries as Unit BHE-H2D. Unit BHE-H2E is open beginning on October 16 and remains open to October 31, inclusive, and from December 1 to December 15, inclusive. In Unit BHE-H2E 250 "antlerless elk" licenses may be issued;~~

(5) Units BHE-H2H, BHE-H2I, and BHE-H2J: those portions of Custer and Pennington Counties within a line beginning at the junction of U.S. Highway 385 and Deerfield Road, then northwesterly on Deerfield Road to its junction with East Slate Road, then southerly on East Slate Road to its junction with Medicine Mountain Road, then southeasterly on Medicine Mountain Road to its junction with U.S. Highway 385, then northeasterly on U.S. Highway 385 to its junction with Deerfield Road, the point of beginning;

~~(9) (6) Unit BHE-H3A: those portions of Custer and Fall River Counties within a line beginning at the junction of the South Dakota-Wyoming state line and U.S. Highway 16, then east along U.S. Highway 16 to the Custer State Park western boundary, then south along the Custer State Park western boundary and the Wind Cave National Park western boundary to U.S. Highway 385, then south along U.S. Highway 385 to State Highway 79, then south along State Highway 79 to the Cheyenne River, then west along the Cheyenne River to the South Dakota-Wyoming state line, then north along the state line to the point of beginning. Unit BHE-H3A is open beginning on October 1 and remains open to October 31, inclusive. In Unit BHE-H3A 80 "any elk" licenses may be issued;~~

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~~(10)~~ (7) Unit Units BHE-H3B, BHE-H3C and BHE-H3D: those portions of Custer county within a line beginning at the junction of the South Dakota-Wyoming state line and U.S. Highway 16, then east along U.S. Highway 16 to the Custer State Park western boundary, then south along the Custer State Park western boundary and the Wind Cave National Park western boundary to U.S. Highway 385, then north and west along U.S. 385 to its junction with State Highway 89 at Pringle, then south along State Highway 89 to its junction with 18 Mile Road (Forest Service 316), then west along 18 Mile Road to its junction with Pleasant Valley Road (Forest Service 715), then west along Pleasant Valley Road to Dewey Road (Forest Service 769), then west along Dewey road to the South Dakota-Wyoming state line, then north along the state line to the point of beginning. ~~Unit BHE-H3B is open beginning on October 1 and remains open to October 15, inclusive, and from December 1 to December 15, inclusive. In Unit BHE-H3B no "antlerless elk" licenses may be issued;~~

~~(11) Unit BHE-H3C: the same boundaries as Unit BHE-H3B. Unit BHE-H3C is open beginning on October 16 and remains open to October 31, inclusive, and from December 1 to December 15, inclusive. In Unit BHE-H3C no "antlerless elk" licenses may be issued;~~

(12) (8) Unit Units BHE-H3D BHE-H3E, BHE-H3F, and BHE-H3G: those portions of Custer and Fall River counties within a line beginning at the junction of the Wind Cave National Park western boundary and U.S. Highway 385, then south along U.S. Highway 385 to State Highway 79, then south along State Highway 79 to the Cheyenne River, then west along the Cheyenne River to the South Dakota-Wyoming state line, then north along the state line to its junction with Dewey Road (Forest Service 769), then east along Dewey Road to its junction with Pleasant Valley Road (Forest Service 715), then east along Pleasant Valley Road to its junction with 18 Mile Road (Forest Service 316), then east along 18 Mile Road to its junction with State Highway 89, then north along State

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Highway 89 to its junction with U.S. Highway 385, then south and east along U.S. Highway 385 to the point of beginning. ~~Unit BHE-H3D is open beginning on October 1 and remains open to October 15, inclusive, and from December 1 to December 15, inclusive. In Unit BHE-H3D no "antlerless elk" may be issued;~~

~~(13) Unit BHE-H3E: the same boundaries as Unit BHE-H3D. Unit BHE-H3E is open beginning on October 16 and remains open to October 31, inclusive, and from December 1 to December 15, inclusive. In Unit BHE-H3E 60 "antlerless elk" licenses may be issued;~~

~~(14)~~ (9) Unit BHE-H4A: those portions of Custer, Fall River, and Pennington Counties beginning at the junction of U.S. Highway 385 and the south boundary of Wind Cave National Park, then southerly along U.S. Highway 385 through Hot Springs and Maverick Junction to its junction with the Cheyenne River, then northeasterly along the Cheyenne River to its junction with Fall River County Road 6291 (South Buffalo Gap Road), then northerly along Fall River County Road 6291 to its junction with Custer County Road 101, then northerly along Custer County Road 101 to its junction with Custer County Road 656 (River Side Road) at Buffalo Gap, then easterly along Custer County Road 656 one-half mile to its junction with Custer County Road 17 (Beaver Valley Road), then northerly and easterly along Custer County Road 17 to its junction with Custer County Road 719 (South Fairburn Road), then northerly along Custer County Road 719 to its junction with Custer County Road 18 at Fairburn, then northerly along Custer County Road 18 to its junction with State Highway 79, then northerly along State Highway 79 to its junction with State Highway 40, then northwesterly along State Highway 40 to its junction with Pennington County Road 330 (Playhouse Road), then southerly along Pennington County Road 330 to its junction with U.S. Highway 16A, then southerly along U.S. Highway 16 to its junction with the north boundary of Custer State Park, then easterly along the Custer State Park boundary to its junction with the northeast corner of

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Custer State Park, then southerly along the east Custer State Park boundary and Wind Cave National Park boundary to the southeast corner of Wind Cave National Park, then westerly along the south boundary of Wind Cave National Park to its junction with U.S. Highway 385, the point of beginning. ~~Unit BHE-H4A is open beginning on October 1 and remains open to October 31, inclusive. In BHE-H4A no "any elk licenses" may be issued;~~

~~(15) Unit BHE-H4B: the same boundaries as Unit BHE-H4A. Unit BHE-H4B is open beginning on October 1 and remains open to October 15, inclusive, and from December 1 to December 15, inclusive. In Unit BHE-H4B no "antlerless elk" licenses may be issued;~~

~~(16) Unit BHE-H4C: the same boundaries as BHE-H4A. Unit BHE-H4C is open beginning on October 16 and remains open to October 31, inclusive, and from December 1 to December 15, inclusive. In Unit BHE-H4C no "antlerless elk" licenses may be issued;~~

~~(17)~~ (10) Unit BHE-H5A: those portions of Custer and Pennington Counties beginning at the junction of U.S. Highway 16A and the west Custer State Park boundary, then westerly along U.S. Highway 16A to its junction with U.S. Highway 385 at Custer, then northerly along U.S. Highway 385 to its junction with State Highway 44 near Pactola Lake, then easterly along State Highway 44 to its junction with the Black Hills National Forest boundary, then southerly along the Black Hills National Forest boundary to its junction with U.S. Highway 16, then westerly along U.S. Highway 16 to its junction with the South Rockerville Road at Rockerville, then southerly along the South Rockerville Road to its junction with State Highway 40 approximately 1,000 feet to its junction with the Playhouse Road, then southerly along the Playhouse Road to its junction with U.S. Highway 16A near Spokane, then southeasterly along U.S. Highway 16A to its junction with the north Custer State Park boundary, then westerly and southerly along the Custer State Park boundary to its junction with U.S. Highway 16A, the point of beginning. ~~Unit BHE-H5A is open beginning on October 1 and remains open to October 31, inclusive.~~

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The Rushmore National Memorial, including all private lands within the memorial, is closed. ~~In Unit BHE-H5A 5 "any elk" licenses may be issued;~~

~~(18) Unit BHE-H5B: the same boundaries as Unit BHE-H5A. Unit BHE-H5B is open beginning on October 1 and remains open to October 15, inclusive, and from December 1 to December 15, inclusive. In Unit BHE-H5B no "antlerless elk" licenses may be issued;~~

~~(19) Unit BHE-H5C: the same boundaries as Unit BHE-H5A. Unit BHE-H5C is open beginning on October 16 and remains open to October 31, inclusive, and from December 1 to December 15, inclusive. In Unit BHE-H5C no "antlerless elk" licenses may be issued;~~

~~(20) (11) Unit Units BHE-H7A and BHE-H7B: those portions of Pennington, Lawrence, and Meade Counties within a line beginning at the junction of U.S. Highway 85 and Interstate 90 at Exit 17, then southerly along U.S. Highway 85 to its junction with U.S. Highway 385 at Pluma, then southerly along U.S. Highway 385 to its junction with State Highway 44 near Pactola, then easterly along State Highway 44 to its junction with State Highway 79 (Sturgis Road) in Rapid City, then northerly along State Highway 79 to its junction with Interstate 90 at Black Hawk, then northerly along Interstate 90 to its junction with U.S. Highway 85 at Exit 17, the point of beginning. Unit BHE-H7A is open beginning on October 1 and remains open to October 31, inclusive. In Unit BHE-H7A 15 "any elk" licenses may be issued; and~~

~~(21) Unit BHE-H7B: the same boundaries as Unit BHE-H7A. Unit BHE-H7B is open beginning on October 1 and remains open to October 15, inclusive, and from December 1 to December 15, inclusive. In Unit BHE-H7B no "antlerless elk" licenses may be issued;~~

~~(22) Unit BHE-H7C: the same boundaries as Unit BHE-H7A. Unit BHE-H7C is open beginning on October 16 and remains open to October 31, inclusive, and from December 1 to December 15, inclusive. In Unit BHE-H7C no "antlerless elk" licenses may be issued;~~

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~~(23)~~ (12) Unit Units BHE-H9A and BHE-H9B: those portions of Custer and Pennington Counties within an area bounded as follows: beginning at the junction of State Highway 40 and State Highway 79 at Hermosa, then northerly along State Highway 79 to its junction with State Highway 44 in Rapid City, then westerly along State Highway 44 to its junction with U.S. Highway 16, then westerly along U.S. Highway 16 to its junction with the South Rockerville Road, then southerly along the South Rockerville Road to its junction with State Highway 40, then easterly along State Highway 40 to its junction with State Highway 79 at Hermosa, the point of beginning. ~~Unit BHE-H9A is open beginning on October 1 and remains open to October 31, inclusive. In Unit BHE-H9A 5 "any elk" licenses may be issued;~~

~~(24) Unit BHE-H9B: the same boundaries as Unit BHE-H9A. Unit BHE-H9B is open beginning on October 1 and remains open to October 15, inclusive, and from December 1 to December 15, inclusive. In Unit BHE-H9B no "antlerless elk" licenses may be issued;~~

~~(25) Unit BHE-H9C: the same boundaries as Unit BHE-H9A. Unit BHE-H9C is open beginning on October 16 and remains open to October 31, inclusive, and from December 1 to December 15, inclusive. In Unit BHE-H9C no "antlerless elk" licenses may be issued.~~

~~(26) Repealed.~~

Source: SL 1975, ch 16, § 1; 3 SDR 13, effective August 25, 1976; 5 SDR 12, effective August 21, 1978; 7 SDR 15, effective August 25, 1980; 8 SDR 15, effective August 19, 1981; 8 SDR 170, effective June 20, 1982; 9 SDR 171, effective July 13, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 10 SDR 148, effective July 11, 1984; 11 SDR 172, effective June 27, 1985; 12 SDR 201, effective June 23, 1986; 14 SDR 4, effective July 22, 1987; 15 SDR 3, effective July 21, 1988; 15 SDR 210, effective July 10, 1989; 17 SDR 12, effective July 31, 1990; 18 SDR 4, effective July 18, 1991; 18 SDR 223, effective July 13, 1992; 19 SDR 207, effective July 14, 1993; 20 SDR 204,

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effective June 7, 1994; 21 SDR 207, effective June 5, 1995; 22 SDR 172, effective June 11, 1996; 23 SDR 197, effective May 27, 1997; 24 SDR 156, effective May 17, 1998; 25 SDR 141, effective May 27, 1999; 26 SDR 162, effective June 14, 2000; 27 SDR 111, effective May 8, 2001; 28 SDR 166, effective June 4, 2002; 29 SDR 160, effective June 3, 2003; 30 SDR 171, effective May 11, 2004; 31 SDR 191, effective June 7, 2005; 32 SDR 203, effective June 5, 2006; 33 SDR 212, effective June 4, 2007; 34 SDR 297, effective June 4, 2008; 35 SDR 306, effective July 2, 2009; 36 SDR 215, effective July 1, 2010; 37 SDR 215, effective May 31, 2011; 38 SDR 213, effective June 19, 2012; 39 SDR 204, effective June 11, 2013; 40 SDR 197, effective May 27, 2014; 41 SDR 173, effective May 11, 2015.

General Authority: SDCL 41-2-18(1)(2)(17), 41-6-21.

Law Implemented: SDCL 41-2-18(1)(2)(17), 41-6-21.

CHAPTER 41:06:27

CUSTER STATE PARK ELK HUNTING SEASON

Section

- 41:06:27:01 Custer State Park elk hunting season established -- Number and type of licenses-- Season dates.
- 41:06:27:02 Open unit ~~--Number and type of licenses-- Dates.~~
- 41:06:27:02.01 One elk license available by raffle.
- 41:06:27:02.02 Criteria for selection by commission of exempt organization.
- 41:06:27:02.03 Application procedures.
- 41:06:27:02.04 Application deadline.
- 41:06:27:02.05 Selection of organization by commission.
- 41:06:27:02.06 Execution of agreement on participation in elk license raffle -- Contents of agreement.

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41:06:27:02.07 Eligibility of successful entrant for other elk licenses.

41:06:27:03 Repealed.

41:06:27:04 Repealed.

41:06:27:05 Repealed.

41:06:27:01. Custer State Park elk hunting season established -- Number and type of licenses -- Season dates. The Custer State Park elk hunting season is open ~~within the boundaries of Custer State Park~~ from one-half hour before sunrise to one-half hour after sunset each day ~~as provided in this chapter and restricted by~~ of the season and is restricted by chapter 41:06:07. No more than 9 any elk licenses may be issued for the Custer State Park elk hunting season. The Custer State Park elk hunting season for Unit CUE-CU1 is open for a 16-day period beginning on the third Saturday of September.

Source: SL 1975, ch 16, § 1; 3 SDR 13, effective August 25, 1976; 7 SDR 15, effective August 25, 1980; 8 SDR 15, effective August 19, 1981; 9 SDR 158, effective June 14, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984.

General Authority: SDCL 41-2-18(1)(2)(17), 41-17-1.1(1)(4), ~~41-17-18.~~

Law Implemented: SDCL 41-2-18(1)(2)(17), 41-17-1.1(1)(4), ~~41-17-18.~~

Cross-References:

Hunting license fees, § 41:06:02:03.

~~Basic or general hunting license required, SDCL 41-6-11.~~

Combination licenses -- Issuance, SDCL 41-6-10.1.

41:06:27:02. Open unit -- ~~Number and type of licenses -- Dates.~~ The unit open to elk hunting under this chapter is Unit CUE-CU1. Unit CUE-CU1 is open within the boundaries of Custer State Park. ~~In Unit CUE-CU1, 8 "any elk" licenses may be issued for the 16-day period beginning on the third Saturday of September.~~

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Source: SL 1975, ch 16, § 1; 2 SDR 10, effective August 7, 1975; 3 SDR 13, effective August 25, 1976; 4 SDR 10, effective August 25, 1977; 5 SDR 12, effective August 21, 1978; 6 SDR 3, effective July 23, 1979; 7 SDR 15, effective August 25, 1980; 8 SDR 15, effective August 19, 1981; 8 SDR 170, effective June 20, 1982; 9 SDR 158, effective June 14, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 10 SDR 148, effective July 11, 1984; 11 SDR 172, effective June 27, 1985; 12 SDR 201, effective June 23, 1986; 13 SDR 192, effective June 22, 1987; 14 SDR 164, effective June 16, 1988; 15 SDR 210, effective July 10, 1989; 17 SDR 12, effective July 31, 1990; 18 SDR 4, effective July 18, 1991; 24 SDR 156, effective May 17, 1998; 27 SDR 111, effective May 8, 2001; 29 SDR 160, effective June 3, 2003; 34 SDR 297, effective June 4, 2008; 36 SDR 215, effective July 1, 2010; 37 SDR 215, effective May 31, 2011; 38 SDR 213, effective June 19, 2012; 40 SDR 197, effective May 27, 2014; 41 SDR 173, effective May 11, 2015.

General Authority: SDCL 41-2-18(17), 41-17-1.1(1)(4).

Law Implemented: SDCL 41-2-18(17), 41-17-1.1(1)(4).

CHAPTER 41:06:28

CUSTER STATE PARK EARLY ARCHERY ELK HUNTING SEASON

Section

41:06:28:01 Custer State Park early archery elk hunting season established-- Number and type of licenses -- Season dates.

41:06:28:02 Open unit -- ~~Dates~~ -- ~~Number and type of licenses.~~

41:06:28:03 Repealed.

41:06:28:04 Repealed.

41:06:28:05 Repealed.

41:06:28:01. Custer State Park early archery elk hunting season established -- Number and type of licenses-- Season dates. The Custer State Park early archery elk

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hunting season is open one-half hour before sunrise to one-half hour after sunset each day and is restricted by chapter 41:06:07. No more than 3 any elk licenses may be issued for the Custer State Park early archery elk hunting season. The Custer State Park early archery elk hunting season for Unit CEE-CU1 is open from September 1 to September 30, inclusive.

Source: SL 1975, ch 16, § 1; 2 SDR 10, effective August 7, 1975; 3 SDR 13, effective August 25, 1976; 7 SDR 15, effective August 25, 1980; 8 SDR 15, effective August 19, 1981; 8 SDR 170, effective June 20, 1982; 9 SDR 158, effective June 14, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 12 SDR 186, effective May 28, 1986; 13 SDR 192, effective June 22, 1987; 14 SDR 164, effective June 16, 1988; 15 SDR 193, effective June 20, 1989; 21 SDR 207, effective June 5, 1995.

General Authority: SDCL 41-2-18(1)(2)(17), 41-17-1.1(1)(4).

Law Implemented: SDCL 41-2-18(1)(2)(17), 41-17-1.1(1)(4).

Cross-References:

Hunting license fees, § 41:06:02:03.

~~Basic or general hunting license required, SDCL 41-6-11.~~

Combination licenses ~~-- Issuance~~, SDCL 41-6-10.1.

41:06:28:02. Open unit ~~-- Dates -- Number and type of licenses.~~ The unit open to elk hunting under this chapter is Unit CEE-CU1. Unit CEE-CU1 is open within the boundaries of Custer State Park ~~from September 1 to September 30, inclusive. Not more than 4 "any elk" licenses may be issued. In Unit CEE-ZZ1, no elk licenses may be issued. However, an applicant shall accrue a preference point as provided in~~ § 41:06:01:09.

Source: SL 1975, ch 16, § 1; 3 SDR 13, effective August 25, 1976; 4 SDR 10, effective August 15, 1977; 5 SDR 12, effective August 21, 1978; 6 SDR 3, effective July

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23, 1979; 7 SDR 15, effective August 25, 1980; 8 SDR 15, effective August 19, 1981; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 14 SDR 164, effective June 16, 1988; 15 SDR 193, effective June 20, 1989; 16 SDR 220, effective June 21, 1990; 17 SDR 188, effective June 13, 1991; 21 SDR 207, effective June 5, 1995; 22 SDR 172, effective June 11, 1996; 25 SDR 141, effective May 27, 1999; 29 SDR 160, effective June 3, 2003; 35 SDR 306, effective July 2, 2009; 36 SDR 215, effective July 1, 2010; 37 SDR 215, effective May 31, 2011; 40 SDR 197, effective May 27, 2014.

General Authority: SDCL 41-2-18(1)(2)(17), 41-17-1.1(1)(4).

Law Implemented: SDCL 41-2-18(1)(2)(17), 41-17-1.1(1)(4).

CHAPTER 41:06:43

ARCHERY ELK HUNTING SEASON

Section

41:06:43:01 Archery elk hunting season established -- Number and type of licenses available-- Season dates.

41:06:43:02 Open units ~~-- Number and type of licenses available.~~

41:06:43:03 Repealed.

41:06:43:04 Repealed.

41:06:43:01. Archery elk hunting season established-- Number and type of licenses available -- Season dates. The archery elk hunting season is open from one-half hour before sunrise to one-half hour after sunset each day ~~as provided in § 41:06:43:02 of the season.~~ No more than 147 any elk licenses and 140 antlerless elk licenses may be issued for the archery elk hunting season. The archery elk hunting season for Units AAE-H1A, AAE-H2A, AAE-H3A, AAE-H4A, AAE-H5A, AAE-H7A, and AAE-H9A is open from September 1 to September 30, inclusive.

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Source: 12 SDR 186, effective May 28, 1986; 13 SDR 192, effective June 22, 1987; 21 SDR 207, effective June 5, 1995; 31 SDR 191, effective June 7, 2005.

General Authority: SDCL 41-2-18(1)(2)(17).

Law Implemented: SDCL 41-2-18(1)(2)(17).

Cross-References:

Hunting license fees, § 41:06:02:03.

~~Basic or general hunting license required, SDCL 41-6-11.~~

Combination licenses -- Issuance, SDCL 41-6-10.1.

Resident big game license ~~required~~ -- Privileges and fee – Violation as misdemeanor, SDCL 41-6-19.

Nonresident big game license ~~required~~ -- Privileges and fee – Violation as misdemeanor, SDCL 41-6-20.

41:06:43:02. Open units ~~-- Number and type of licenses available.~~ The following is a description of the open units, ~~season dates, and the number and type of licenses available in each unit~~ for the archery elk hunting season:

(1) Unit AEE-H1A: ~~that~~ the portion of Lawrence County within a line beginning at the junction of the South Dakota-Wyoming border and Interstate 90, then easterly on Interstate 90 to the junction of U.S. Highway 85 at Exit 17, then southerly on U.S. Highway 85 to its junction with the South Dakota-Wyoming border, then northerly along the South Dakota-Wyoming border to its junction with Interstate 90, the point of beginning. ~~Unit AEE-H1A is open beginning on September 1 and remains open to September 30, inclusive. In Unit AEE-H1A 25 "any elk" licenses and 5 "antlerless elk" licenses may be issued;~~

(2) Unit AEE-H2A: those portions of Lawrence, Pennington, and Custer Counties beginning at the junction of the South Dakota-Wyoming border and U.S. Highway 85,

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then northerly and easterly along U.S. Highway 85 to its junction with U.S. Highway 385, then southerly along U.S. Highway 385 to its junction with U.S. Highway 16 at Custer, then westerly along U.S. Highway 16 to its junction with the South Dakota-Wyoming border, then northerly along the South Dakota-Wyoming border to its junction with U.S. Highway 85, the point of beginning. ~~Unit AEE-H2A is open beginning on September 1 and remains open to September 30, inclusive. In Unit AEE-H2A 85 "any elk" licenses and 44 "antlerless elk" licenses may be issued;~~

(3) Unit AEE-H3A: those portions of Pennington, Lawrence, and Meade Counties beginning at U.S. Highway 14A at Sturgis, then westerly along U.S. Highway 14A to its junction with U.S. Highway 85 at Deadwood, then southerly along U.S. Highway 85 to its junction with U.S. Highway 385 at Pluma, then southeasterly along U.S. Highway 385 to its junction with Pennington County Road C228 (Sheridan Lake Road), then easterly along Pennington County Road C228 to its junction with State Highway 44 in Rapid City, then northerly along State Highway 44 in Rapid City to its junction with State Highway 79 (Sturgis Road) in Rapid City, then northwesterly along State Highway 79 to its junction with Interstate 90 in Black Hawk, then northwesterly along Interstate 90 to Sturgis, the point of beginning. ~~Unit AEE-H3A is open beginning on September 1 and remains open to September 30, inclusive. In Unit AEE-H3A 27 "any elk" and 7 "antlerless elk" licenses may be issued;~~

(4) Unit AEE-H4A: those portions of Pennington, Custer, and Fall River Counties beginning at the junction of U.S. Highway 385 and the southern boundary of Wind Cave National Park, then southerly along U.S. Highway 385 through Hot Springs and Maverick Junction to its junction with the Cheyenne River, then northeasterly along the Cheyenne River to its junction with Fall River County Road 6291 (South Buffalo Gap Road), then northerly along Fall River County Road 6291 and Custer County Road 101 to Buffalo Gap

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and its junction with Custer County Road 656 (River Side Road), then easterly along Custer County Road 656 one-half mile to Custer County Road 17 (Beaver Valley Road), then northerly and easterly along Custer County Road 17 to its junction with Custer County Road 719 (South Fairburn Road), then northerly along Custer County Road 719 to Fairburn to its junction with Custer County Road 18, then northerly along Custer County Road 18 (North Fairburn Road) to its junction with U.S. Highway 79, then northerly along U.S. Highway 79 to its junction with State Highway 40, then northwesterly along State Highway 40 to its junction with Pennington County Road 330 (Playhouse Road), then southerly along Pennington County Road 330 to its junction with U.S. Highway 16A, then southerly along U.S. Highway 16A to its junction with the north boundary of Custer State Park, then easterly along the Custer State Park boundary to the northeast corner of Custer State Park, then southerly along the east boundaries of Custer State Park and Wind Cave National Park to the southeast corner of Wind Cave National Park, then westerly along the south boundary of Wind Cave National Park to its junction with U.S. Highway 385, the point of beginning. ~~Unit AEE-H4A is open beginning on September 1 and remains open to September 30, inclusive. In Unit AEE-H4A no "any elk" licenses may be issued;~~

(5) Unit AEE-H5A: those portions of Pennington and Custer Counties beginning at the junction of U.S. Highway 16A and the west boundary of Custer State Park, then westerly along U.S. Highway 16A to its junction with U.S. Highway 385 at Custer, then northerly along U.S. Highway 385 to its junction with State Highway 44 near Pactola Lake, then easterly along State Highway 44 to its junction with the Black Hills National Forest boundary, then southerly along the Black Hills National Forest boundary to its junction with U.S. Highway 16, then westerly along U.S. Highway 16 to its junction with the South Rockerville Road at Rockerville, then southerly along the South Rockerville

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Road to its junction with State Highway 40 at Harney, then easterly along State Highway 40 approximately 1,000 feet to its junction with the Playhouse Road, then southerly along the Playhouse Road to its junction with U.S. Highway 16A near Spokane, then southeasterly along U.S. Highway 16A to its junction with the north boundary of Custer State Park, then westerly and southerly along the Custer State Park boundary to its junction with U.S. Highway 16A, the point of beginning. The Rushmore National Memorial, including all private lands within the memorial, is closed. ~~Unit AEE-H5A is open beginning on September 1 and remains open to September 30, inclusive. In Unit AEE-H5A 2 "any elk" licenses may be issued;~~

(6) Unit AEE-H7A: those portions of Pennington, Meade, and Lawrence Counties within a line beginning at the junction of U.S. Highway 85 and Interstate 90 at Exit 17, then southerly along U.S. Highway 85 to its junction with U.S. Highway 385 at Pluma, then southerly along U.S. Highway 385 to its junction with State Highway 44 near Pactola, then easterly along State Highway 44 to its junction with State Highway 79 (Sturgis Road) at Rapid City, then northerly along State Highway 79 to its junction with Interstate 90 at Black Hawk, then northerly along Interstate 90 to its junction with U.S. Highway 85 at Exit 17, the point of beginning. ~~Unit AEE-H7A is open beginning on September 1 and remains open to September 30, inclusive. In Unit AEE-H7A 5 "any elk" licenses and no "antlerless elk" licenses may be issued; and~~

(7) Unit AEE-H9A: those portions of Custer and Pennington Counties within an area bounded as follows: beginning at the junction of State Highway 40 and State Highway 79 at Hermosa, then northerly along State Highway 79 to its junction with State Highway 44 in Rapid City, then westerly along State Highway 44 to its junction with U.S. Highway 16, then westerly along U.S. Highway 16 to its junction with the South Rockerville Road, then southerly along the South Rockerville Road to its junction with State Highway 40, then

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easterly along State Highway 40 to its junction with State Highway 79 at Hermosa, the point of beginning. ~~Unit AEE-H9A is open beginning on September 1 and remains open to September 30, inclusive. In Unit AEE-H9A no "any elk" licenses and no "antlerless elk" licenses may be issued;~~

~~(8) Repealed.~~

Source: 12 SDR 186, effective May 28, 1986; 14 SDR 164, effective June 16, 1988; 17 SDR 188, effective June 13, 1991; 19 SDR 190, effective June 15, 1993; 20 SDR 204, effective June 7, 1994; 21 SDR 207, effective June 5, 1995; 22 SDR 172, effective June 11, 1996; 23 SDR 197, effective May 27, 1997; 24 SDR 156, effective May 17, 1998; 25 SDR 141, effective May 27, 1999; 27 SDR 111, effective May 8, 2001; 28 SDR 166, effective June 4, 2002; 29 SDR 160, effective June 3, 2003; 30 SDR 171, effective May 11, 2004; 31 SDR 191, effective June 7, 2005; 32 SDR 203, effective June 5, 2006; 33 SDR 212, effective June 4, 2007; 34 SDR 297, effective June 4, 2008; 35 SDR 306, effective July 2, 2009; 36 SDR 215, effective July 1, 2010; 37 SDR 215, effective May 31, 2011; 38 SDR 213, effective June 19, 2012; 39 SDR 204, effective June 11, 2013; 40 SDR 197, effective May 27, 2014; 41 SDR 173, effective May 11, 2015.

General Authority: SDCL 41-2-18(1)(2)(17).

Law Implemented: SDCL 41-2-18(1)(2)(17).

CHAPTER 41:06:47

SPECIAL CUSTER STATE PARK ANTLERLESS ELK HUNTING SEASON

Section

41:06:47:01 Special Custer State Park antlerless elk hunting season established --
Number and type of licenses available -- Season dates.

41:06:47:02 Open units and dates ~~-- Number and type of licenses available.~~

41:06:47:03 Repealed.

41:06:47:04 Repealed.

41:06:47:05 Legal weapons.

41:06:47:06 Special antlerless elk population management licenses.

41:06:47:07 Licensee selection process -- Payment of fee.

41:06:47:08 Eligibility of license holders for future elk seasons affected.

41:06:47:01. Special Custer State Park antlerless elk hunting season established -- Number and type of licenses available -- Season dates. The special Custer State Park antlerless elk hunting season is open ~~within the boundaries of Custer State Park~~ from one-half hour before sunrise to one-half hour after sunset each day as ~~provided by this chapter and~~ of the season and is restricted by chapter 41:06:07. No more than 20 antlerless elk licenses may be issued for the special Custer State Park antlerless elk hunting season. The special Custer State Park antlerless elk hunting seasons are as follows:

(1) Unit CAE-CU1 is open for nine consecutive days beginning the Saturday following the close of CUE-CU1; and

(2) Unit CAE-CU2 is open for nine consecutive days beginning the Saturday following the close of CAE-CU1.

Source: 20 SDR 204, effective June 7, 1994.

General Authority: SDCL 41-17-1.1(1)(4).

Law Implemented: SDCL 41-17-1.1(1)(4).

41:06:47:02. ~~Open units and dates --~~ Number and type of licenses available. ~~The following units, dates, and maximum number and type of licenses~~ Units CAE-CU1 and CAE-CU2 are established for the special Custer State Park antlerless elk hunting season:.

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~~(1) Unit Units CAE-CU1 and CAE-CU2 is are open within the boundaries of Custer State Park to the portion of Custer State Park south and west of line beginning at the Custer State Park west boundary and Lower French Creek Road southeast to State Highway 87, north to Wildlife Loop Road, southeast along Wildlife Loop Road to Oak Draw Road, east on Oak Draw Road to Wildlife Loop Road, south on Wildlife Loop Road to Lane Johnny Road, southeast on Lane Johnny Road to the Custer State Park east boundary fence, south then west then north along the Custer State Park boundary fence to the point of beginning. for nine consecutive days beginning on the first Thursday following the third Saturday of September; no "antlerless elk" licenses may be issued;~~

~~(2) Unit CAE-CU2 is open within the boundaries of Custer State Park for nine consecutive days beginning on the Tuesday following Native American Day; no "antlerless elk" licenses may be issued;~~

~~(3) Unit CAE-ZZ1: no elk licenses may be issued. However, an applicant for this unit shall accrue a preference point as provided in § 41:06:01:09.~~

Source: 20 SDR 204, effective June 7, 1994; 21 SDR 207, effective June 5, 1995; 22 SDR 172, effective June 11, 1996; 23 SDR 197, effective May 27, 1997; 24 SDR 156, effective May 17, 1998; 25 SDR 141, effective May 27, 1999; 28 SDR 166, effective June 4, 2002; 29 SDR 160, effective June 3, 2003; 30 SDR 171, effective May 11, 2004; 31 SDR 191, effective June 7, 2005; 33 SDR 212, effective June 4, 2007; 34 SDR 297, effective June 4, 2008; 35 SDR 306, effective July 2, 2009; 36 SDR 215, effective July 1, 2010; 37 SDR 215, effective May 31, 2011.

General Authority: SDCL 41-17-1.1(4).

Law Implemented: SDCL 41-17-1.1(4).

41:06:50:02. Open unit and season dates. Early fall Canada goose hunting season is open beginning the first Saturday of September 1 to September 30, inclusive. This season is open statewide except in Units 2 and 3 as described in § 41:06:16:07.

Source: 23 SDR 38, effective September 26, 1996; 24 SDR 23, effective August 31, 1997; 26 SDR 21, effective August 23, 1999; 27 SDR 13, effective August 27, 2000; 28 SDR 24, effective August 28, 2001; 29 SDR 21, effective August 26, 2002; 30 SDR 21, effective August 25, 2003; 31 SDR 21, effective August 23, 2004; 32 SDR 31, effective August 29, 2005; 33 SDR 43, effective September 18, 2006; 34 SDR 49, effective August 22, 2007; 35 SDR 47, effective September 8, 2008; 36 SDR 39, effective September 23, 2009; 38 SDR 40, effective September 21, 2011; 40 SDR 29, effective August 20, 2013.

General Authority: SDCL 41-2-18(2)(17), 41-11-5.

Law Implemented: SDCL 41-2-18(2)(17), 41-11-5.

Cross-Reference: Special Canada goose hunting unit established -- Limited permits -- Application, 41:06:16:08.

CHAPTER 41:06:59

PRAIRIE ELK HUNTING SEASON

Section

41:06:59:01 Prairie elk hunting season established -- Number and type of licenses available -- Season Dates.

41:06:59:02 Open units and dates -- ~~Number and type of licenses available.~~

41:06:59:03 Repealed.

41:06:59:04 Repealed.

41:06:59:01. Prairie elk hunting season established -- Number and type of licenses available -- Season dates. The prairie elk hunting season is open from one-half hour before sunrise to one-half hour after sunset each day ~~as provided in this chapter~~

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of the season. No more than 59 any elk licenses and 90 antlerless elk licenses may be issued for the prairie elk hunting season. The prairie elk hunting seasons are as follows:

(1) Unit PRE-09A is open from September 15 to October 31, inclusive, and from December 1 to December 31, inclusive;

(2) Unit PRE-11A is open from July 15 to August 31, inclusive;

(3) Unit PRE-11B is open from September 1 to the Friday before the third Saturday in October, inclusive;

(4) Unit PRE-11C is open from the Saturday following the second Sunday of October to November 30, inclusive;

(5) Unit PRE-11D is open beginning on September 1 and remains open to December 31, inclusive;

(6) Unit PRE-15A is open from September 1 to October 31, inclusive, and from December 1 to December 31, inclusive;

(7) Unit PRE-27A is open from October 1 to October 31, inclusive and from December 1 to December 31, inclusive; and

(8) Unit PRE-30A is open from September 1 to December 31, inclusive.

Source: 27 SDR 111, effective May 8, 2001.

General Authority: SDCL 41-2-18(1)(2)(17), 41-6-21.

Law Implemented: SDCL 41-2-18(1)(2)(17), 41-6-21.

Cross-References:

Hunting license fees, § 41:06:02:03.

~~Basic or general hunting license required, SDCL 41-6-11.~~

Combination licenses -- Issuance, SDCL 41-6-10.1.

Resident big game license ~~required~~ -- Privileges and fee – Violation as misdemeanor, SDCL 41-6-19.

41:06:59:02. Open units and dates --- Number and type of licenses available.

The following is a description of the open units, ~~season dates, and the number and type of licenses available in each unit~~ for the prairie elk hunting season:

(1) Unit PRE-09A: those portions of Lawrence and Butte Counties within a line beginning at the junction of Interstate 90 and U.S. Highway 85, then north along U.S. Highway 85 to State Highway 34, then south and east on State Highway 34 to Crooked Oaks Road, then north on Crooked Oaks Road to Snoma Road, then east on Snoma Road to 123rd Avenue, then south on 123rd Avenue to Whitewood Valley Road, then south and west on Whitewood Valley Road, to Interstate 90, then west on Interstate 90 to the point of beginning; and that portion of Meade County within a line beginning at the junction of Interstate 90 and Elk Creek Road, then east on Elk Creek Road to Ricard Road, then north on Ricard Road to Tilford Road, then ~~west~~ east on Tilford Road to ~~Pleasant Valley Road~~ Middle Alkali Road, then north and ~~west~~ on ~~Pleasant Valley Road~~ Middle Alkali Road to Interstate 90, Middle Alkali Road to Alkali Road, then west on Alkali Road to 133rd Avenue, then south on 133rd Avenue to 206th Street, then west on 206th Street to Lazelle Street, then west on Lazelle Street to Interstate 90 then south on Interstate 90 to the point of beginning. ~~Unit PRE-09A is open beginning on September 15 and remains open to October 31, inclusive, and from December 1 to December 31, inclusive. In Unit PRE-09A 10 "any elk" and 20 "antlerless elk" licenses may be issued;~~

(2) Unit PRE-11A: Bennett County, ~~that~~ the portion of Jackson County south of State Highway 44 and Bureau of Indian Affairs Highway 2, and those portions of Mellette County south of State Highway 44 and west of U.S. Highway 83. ~~Unit PRE-11A is open beginning on July 15 and remains open to August 31, inclusive. In Unit PRE-11A no "any elk" and 8 "antlerless elk" licenses may be issued;~~

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(3) Unit PRE-11B: Bennett County, ~~that~~ the portion of Jackson County south of State Highway 44 and Bureau of Indian Affairs Highway 2, and those portions of Mellette County south of State Highway 44 and west of U.S. Highway 83. ~~Unit PRE-11B is open beginning on September 1 and remains open to the Friday before the third Saturday in October, inclusive. In Unit PRE-11B 10 "any elk" and no "antlerless elk" licenses may be issued;~~

(4) Unit PRE-11C: Bennett County, ~~that~~ the portion of Jackson County south of State Highway 44 and Bureau of Indian Affairs Highway 2, and those portions of Mellette County south of State Highway 44 and west of U.S. Highway 83. ~~Unit PRE-11C is open beginning on the Saturday following the second Sunday of October and remains open to November 30, inclusive. In Unit PRE-11C 8 "any elk" licenses and no "antlerless elk" licenses may be issued;~~

(5) Unit PRE-11D: Bennett County, ~~that~~ the portion of Jackson County south of State Highway 44 and Bureau of Indian Affairs Highway 2, and those portions of Mellette County south of State Highway 44 and west of U.S. Highway 83. ~~Unit PRE-11D is open beginning on September 1 and remains open to December 31, inclusive. In Unit PRE-11D no "any elk" licenses and 12 "antlerless elk" licenses may be issued;~~

(6) Unit PRE-15A: ~~that~~ the portion of Butte County beginning at the junction of the South Dakota-Wyoming border and the Redwater River, then northerly along the South Dakota-Wyoming border to its junction with the Sourdough Road, then easterly along the Sourdough Road to its junction with the Kling Road, then southerly along the Kling Road to its junction with State Highway 34, then easterly along State Highway 34 approximately 1¾ miles to its junction with the township line, then southerly along the township line to its junction with the Redwater River, then westerly along the Redwater River to its junction with the South Dakota-Wyoming border, the point of beginning. ~~Unit PRE-15A is open~~

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~~beginning on the second Saturday in September and remains open to October 31, inclusive, and from December 1 to December 31, inclusive. In Unit PRE-15A 10 "any elk" and 10 "antlerless elk" licenses may be issued;~~

(7) Unit PRE-27A: ~~that~~ the portion of Fall River County south of the Cheyenne River and west of U.S. Highway 385. ~~Unit PRE-27A is open beginning on September 1 and remains open to October 31, inclusive. In Unit PRE-27A 10 "any elk" and no "antlerless elk" licenses may be issued;~~

(8) Unit PRE-30A: ~~that~~ the portion of Gregory County enclosed by a line beginning at the junction of U.S. Highway 18 and the Scalp Creek Road, about 4 miles east of Fairfax, then northerly to its junction with South Scalp Creek, then easterly along the south shoreline of Scalp Creek to its junction with the south shoreline of Lake Francis Case, then southeasterly ~~more or less~~ along the south shoreline of Lake Francis Case to its junction with Fort Randall Dam, then southerly along the west bank of the Missouri River to its junction with the South Dakota-Nebraska border, then westerly along the South Dakota-Nebraska border to its junction with U.S. Highway 281, then northerly along U.S. Highway 281 to its junction with U.S. Highway 18, then westerly along U.S. Highway 18 to Scalp Creek Road. ~~Unit PRE-30A is open beginning on September 1 and remains open to December 31, inclusive. In Unit PRE-30A no "any elk" licenses and no "antlerless elk" licenses may be issued.~~

Source: 27 SDR 111, effective May 8, 2001; 28 SDR 166, effective June 4, 2002; 29 SDR 160, effective June 3, 2003; 30 SDR 171, effective May 11, 2004; 31 SDR 191, effective June 7, 2005; 32 SDR 203, effective June 5, 2006; 33 SDR 212, effective June 4, 2007; 34 SDR 297, effective June 4, 2008; 35 SDR 306, effective July 2, 2009; 36 SDR 215, effective July 1, 2010; 37 SDR 215, effective May 31, 2011; 38 SDR 213, effective

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June 19, 2012; 39 SDR 204, effective June 11, 2013; 40 SDR 197, effective May 27, 2014; 41 SDR 173, effective May 11, 2015.

General Authority: SDCL 41-2-18(1)(2)(17), ~~41-6-21~~.

Law Implemented: SDCL 41-2-18(1)(2)(17), ~~41-6-21~~.

41:06:60:01. Season established. The non-trophy bison harvest in Custer State Park is open for 47 days beginning the ~~fourth~~ second Monday in January. A licensee is restricted to one day for the hunt and shall arrange their hunting date with the Custer State Park office.

Source: 29 SDR 160, effective June 3, 2003; 41 SDR 173, effective May 11, 2015.

General Authority: SDCL 41-2-18(1)(2)(17), 41-17-1.1(4).

Law Implemented: SDCL 41-2-18(1)(2)(17), 41-17-1.1(4).

41:06:60:02. Number and type of licenses. Fifteen "~~nontrophy~~ non-trophy bull bison" licenses and ~~ten~~ five "cow bison" licenses are available by lottery, with seven "~~nontrophy~~ non-trophy bull bison" licenses and ~~five~~ three "cow bison" licenses allocated to residents in a first draw.

Source: 29 SDR 160, effective June 3, 2003; 39 SDR 204, effective June 11, 2013.

General Authority: SDCL 41-2-18(1)(2)(17), 41-17-1.1(4).

Law Implemented: SDCL 41-2-18(1)(2)(17), 41-17-1.1(4).