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Adopted by Commission

41:03:01:16. Restrictions on use of firearms, air guns, crossbows, and bows in the state park system -- Exceptions. Uncased firearms, air guns, crossbows, and bows are prohibited in the state park system with the following exceptions:

(1) Uncased firearms, air guns, crossbows, and bows are permitted on designated rifle and archery ranges year-round and may be transported or carried uncased to and from ranges and boat ramps from designated parking areas;

(2) A firearm, air gun, crossbow, or bow legally transported in a motor vehicle, trailer camper, or boat, pursuant to state law, is considered cased for purposes of this section;

(3) 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;

(4) From September 1 through May 31, uncased firearms, air guns, crossbows and bows are authorized for licensed hunters in all lakeside use areas and Shadehill Recreation Area;

(5) From October 1 through April 30, uncased firearms, air guns, crossbows, and bows are authorized for licensed hunters in the state park system during established hunting seasons with the following restrictions:

(a) Uncased firearms, air guns, crossbows, and bows are prohibited year-round 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

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Nature Preserve and Good Earth State Park; except for a resident hunter who possesses a valid archery deer license and an access permit, as described in chapter 41:06:22, or except for a resident hunter or a mentored hunter who possesses a valid archery spring turkey license and an access permit, as described in chapter 41:06:13;

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

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

(d) 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 crossbow, a bow, or a muzzleloading shotgun within the boundary of Sica Hollow State Park from the ~~first~~ second Saturday of April through May 31; and

(6) A person who is allowed to legally carry a concealed pistol ~~pursuant to state law~~ 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,

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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; 41 SDR 173, effective May 11, 2015; 44 SDR 151, effective April 30, 2018; 45 SDR 89, effective December 31, 2018; 46 SDR 11, effective July 29, 2019; 46 SDR 74, effective December 2, 2019; 47 SDR 38, effective October 6, 2020.

General Authority: SDCL 41-17-1.1(1)(8).

Law Implemented: SDCL 41-17-1.1(1)(8).

41:06:13:01. Spring wild turkey hunting season established -- Number and type of licenses available. The spring prairie wild turkey hunting season is open from one-half hour before sunrise to sunset each day from the ~~first~~ second Saturday of April through May 31, ~~in Unit AST~~

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~~ST1, and from one-half hour before sunrise to sunset each day from the second third Saturday of April through May 31, or as otherwise provided in § 41:06:13:02, in all other units. Units BST-BH1 is and BST-BH2 are the Black Hills units. Unit AST-ST1 is the archery unit. All other units are prairie units. The spring Black Hills wild turkey hunting season is open from one-half hour before sunrise to sunset each day from the fourth Saturday of April through May 31. The spring archery wild turkey hunting season is open from one-half hour before sunrise to sunset each day during the open dates of the prairie and Black Hills seasons, respectively.~~ The number of one-tag male turkey licenses issued is unlimited for residents and nonresidents in both the Black Hills and archery spring turkey hunting seasons. No more than ~~5,807~~ 10,000 one-tag male turkey and ~~600~~ 2,500 two-tag male turkey licenses may be issued to residents for the prairie spring turkey hunting season.

Source: 1 SDR 60, effective February 26, 1975; 2 SDR 62, effective March 23, 1976; 3 SDR 67, effective April 3, 1977; 4 SDR 57, effective March 16, 1978; 7 SDR 92, effective March 22, 1981; 8 SDR 102, effective March 4, 1982; 9 SDR 108, effective February 20, 1983; 10 SDR 85, effective February 16, 1984; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 110, effective February 21, 1985; 13 SDR 128, effective March 22, 1987; 14 SDR 114, effective March 9, 1988; 16 SDR 148, effective March 21, 1990; 18 SDR 144, effective March 15, 1992; 26 SDR 117, effective March 16, 2000; 28 SDR 129, effective March 18, 2002; 29 SDR 147, effective May 6, 2003; 30 SDR 147, effective April 4, 2004; 31 SDR 115, effective February 14, 2005; 34 SDR 199, effective January 28, 2008; 36 SDR 112, effective January 11, 2010; 37 SDR 131, effective January 10, 2011; 43 SDR 89, effective December 29, 2016; 45 SDR 89, effective December 31, 2018; 46 SDR 116, effective April 29, 2020; 47 SDR 38, effective October 6, 2020.

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

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

Cross-References:

Resident wild turkey license--Privileges--Violation as misdemeanor, SDCL 41-6-27.

Nonresident wild turkey license--Privileges--Violation as misdemeanor, SDCL 41-6-28.

41:06:13:02. Open units -- Exceptions. The following is a description of the open spring turkey hunting units:

(1) Unit BST-BH1: excluding Custer State Park, Wind Cave National Park, Mount Rushmore National Memorial, and Jewel Cave National Monument, that portion of Lawrence County south of Interstate 90; that portion of Meade County west and south of Interstate 90; those portions of Pennington and Custer Counties west of State Highway 79; that portion of Fall River County north and west of a line beginning at the junction of the South Dakota-Wyoming border and U.S. Highway 18, then east along U.S. Highway 18 to its junction with the Cheyenne River. then east along the Cheyenne River to its junction with State Highway 79; then north along State Highway 79 to its junction with the Custer County line;

(2) ~~Unit BST-BH2: the same boundaries as Unit BST-BH1; Unit BST-BH2 is closed;~~

(3) Unit PST-01A: Minnehaha County;

(4) (3) Unit PST-02A: that portion of Pennington County east of the Cheyenne River;

(5) (4) Unit PST-06A: Brookings County;

(6) (5) Unit PST-07A: Yankton County;

(7) (6) Unit PST-08A: Davison and Hanson Counties; Unit PST-08A is open beginning on the second Saturday of April through April 30;

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- ~~(8)~~ (7) Unit PST-08B: Davison and Hanson Counties; Unit PST-08B is open beginning on May 1 through May 31;
- ~~(9)~~ (8) Unit PST-11A: Bennett County;
- ~~(10)~~ (9) Unit PST-12A: Bon Homme County;
- ~~(11)~~ (10) Unit PST-13A: Brule and Buffalo Counties;
- ~~(12)~~ (11) Unit PST-15A: Butte County and that portion of Lawrence County north of Interstate 90;
- ~~(13)~~ (12) Unit PST-16A: Campbell and Walworth Counties;
- ~~(14)~~ (13) Unit PST-17A: Charles Mix County;
- ~~(15)~~ (14) Unit PST 18A: Aurora and Douglas Counties;
- ~~(16)~~ (15) Unit PST-19A: Clay County;
- ~~(17)~~ (16) Unit PST-20A: Corson County;
- ~~(18)~~ (17) Unit PST-21A: that portion of Custer County east of State Highway 79 and that portion of Pennington County south of Interstate 90 between State Highway 79 and the Cheyenne River;
- ~~(19)~~ (18) Unit PST-22A: Day and Codington Counties;
- ~~(20)~~ (19) Unit PST-23A: Deuel County;
- ~~(21)~~ (20) Unit PST-24A: Dewey and Ziebach Counties;
- ~~(22)~~ (21) Unit PST-27A: that portion of Fall River County not included in Unit BST-BH1;
- ~~(23)~~ (22) Unit PST-29A: Grant County;
- ~~(24)~~ (23) Unit PST-30A: Gregory County;
- ~~(25)~~ (24) Unit PST-31A: Haakon County;
- ~~(26)~~ (25) Unit PST-32A: Hamlin and Clark Counties;
- ~~(27)~~ (26) Unit PST-35A: Harding County;

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- ~~(28)~~ (27) Unit PST-36A: Hughes County;
- ~~(29)~~ (28) Unit PST-37A: Hutchinson County;
- ~~(30)~~ (29) Unit PST-39A: Jackson County;
- ~~(31)~~ (30) Unit PST-40A: Beadle, Hand, and Jerauld Counties;
- ~~(32)~~ (31) Unit PST-41A: Jones County;
- ~~(33)~~ (32) Unit PST-44A: Lincoln County; Unit PST-44A is open beginning on the second Saturday of April through April 30;
- ~~(34)~~ (33) Unit PST-44B: Lincoln County; Unit PST-44B is open beginning on May 1 through May 31;
- ~~(35)~~ (34) Unit PST-45A: Lyman County;
- ~~(36)~~ (35) Unit PST-48A: Marshall County and Roberts County;
- ~~(37)~~ (36) Unit PST-49A: those portions of Meade County not included in Units BST-BH1 and PST-53A, and that portion of Pennington County north of Interstate 90, west of the Cheyenne River;
- ~~(38)~~ (37) Unit PST-50A: Mellette County;
- ~~(39)~~ (38) Unit PST-52A: Moody County;
- ~~(40)~~ (39) Unit PST-53A: Perkins County and that portion of Meade County north of U.S. Highway 212;
- ~~(41)~~ (40) Unit PST-56A: Sanborn County;
- ~~(42)~~ (41) Unit PST-58A: Stanley County;
- ~~(43)~~ (42) Unit PST-58B: that portion of Stanley County located at the Oahe Downstream Recreation Area to include the U.S. Army Corps of Engineers Land which is east and southeast of Powerhouse Road. This unit is bordered by the Missouri River to the east and the emergency

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spillway canal to the south. Unit PST-58B-is open beginning on the second Saturday of April 5 through April 30, but only to licensed persons who use a wheelchair;

~~(44)~~ (43) Unit PST-60A: Tripp County;

~~(45)~~ (44) Unit PST-61A: Turner County;

~~(46)~~ (45) Unit PST-62A: Union County;

~~(47)~~ (46) Unit PST-65A: Oglala Lakota County;

~~(48)~~ (47) Unit PST-67A: Todd County; and

~~(49)~~ (48) Unit AST-ST1: statewide for archery turkey, except in Custer State Park and south of state Highway 34 in Lake County.

Licensees Excluding that portion of Fall River County within Unit PST-27A, licensees in prairie units that utilize the Cheyenne or White Rivers as unit boundaries may hunt within one mile of either side of the river boundary, as well as in the remainder of the unit for which the license is issued.

Source: 1 SDR 60, effective February 26, 1975; 2 SDR 62, effective March 23, 1976; 3 SDR 67, effective April 3, 1977; 4 SDR 57, effective March 16, 1978; 5 SDR 68, effective February 15, 1979; 6 SDR 94, effective March 26, 1980; 7 SDR 92, effective March 22, 1981; 8 SDR 102, effective March 4, 1982; 9 SDR 108, effective February 20, 1983; 10 SDR 85, effective February 16, 1984; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 110, effective February 21, 1985; 12 SDR 151, effective March 16, 1986; 13 SDR 128, effective March 22, 1987; 14 SDR 114, effective March 9, 1988; 15 SDR 139, effective March 20, 1989; 16 SDR 148, effective March 21, 1990; 17 SDR 139, effective March 21, 1991; 18 SDR 144, effective March 15, 1992; 19 SDR 128, effective March 9, 1993; 20 SDR 150, effective March 23, 1994; 21 SDR 148, effective March 6, 1995; 22 SDR 111, effective March 7, 1996; 23 SDR 142, effective March

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17, 1997; 24 SDR 107, effective February 26, 1998; 25 SDR 108, effective February 28, 1999; 26 SDR 117, effective March 16, 2000; 27 SDR 85, effective February 26, 2001; 28 SDR 129, effective March 18, 2002; 29 SDR 147, effective May 6, 2003; 30 SDR 147, effective April 4, 2004; 31 SDR 115, effective February 14, 2005; 33 SDR 107, effective December 27, 2006; 34 SDR 199, effective January 28, 2008; 35 SDR 184, effective February 2, 2009; 36 SDR 112, effective January 11, 2010; 37 SDR 131, effective January 10, 2011; 38 SDR 116, effective January 10, 2012; 39 SDR 10, effective August 1, 2012; 39 SDR 120, effective January 9, 2013; 40 SDR 121, effective January 6, 2014; 41 SDR 107, effective January 5, 2015; SL 2012, ch 56, § 1, effective May 1, 2015; 42 SDR 97, effective January 5, 2016; 43 SDR 89, effective December 29, 2016; 45 SDR 89, effective December 31, 2018; 45 SDR 124, effective April 17, 2019; 47 SDR 38, effective October 6, 2020; 48 SDR 60, effective December 8, 2021.

General Authority: SDCL 41-2-18(2)(12)(13)(14)(17).

Law Implemented: SDCL 41-2-18(2)(12)(13)(14)(17), 41-11-5.

41:06:13:04. Application requirements and restrictions. The following apply to all applications for license and licenses issued under this chapter:

(1) A resident may apply for no more than one prairie unit license, one Unit BST-BH1 license, ~~one Unit BST-BH2~~, and one Unit AST-ST1 license during the first license application period. A resident may not apply for or receive more than one Unit BST-BH1 license, ~~one Unit BST-BH2~~, or one Unit AST-ST1 license;

(2) A nonresident may apply for no more than one prairie unit license, one Unit BST-BH1 license, and one Unit AST-ST1 license during the first license application period. A nonresident may not apply for or receive more than one Unit BST-BH1 license or one Unit AST-ST1 license;

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(3) A person may not use a rimfire, centerfire, or muzzleloading rifle during the spring turkey season;

(4) A person may not use any firearm on the south unit and the signed portion of the north unit of the Bureau of Land Management Fort Meade Recreation Area; and

(5) Good Earth State Park is closed to spring turkey hunting except for five turkey licensees who possess a valid spring turkey archery license and an archery turkey access permit. Adams Homestead and Nature Preserve is closed to spring turkey hunting except for 30 licensees who possess a valid spring turkey archery license and an archery turkey access permit and 20 licensees who possess a valid mentored spring turkey archery license and access permit. The access permits may be issued by lottery drawing. Each access permit is valid from the ~~first~~ second Saturday of April through April 30.

Source: 1 SDR 60, effective February 26, 1975; 3 SDR 67, effective April 3, 1977; 4 SDR 57, effective March 16, 1978; 5 SDR 68, effective February 15, 1979; 6 SDR 94, effective March 26, 1980; 7 SDR 92, effective March 22, 1981; 8 SDR 102, effective March 4, 1982; 9 SDR 108, effective February 20, 1983; 10 SDR 85, effective February 16, 1984; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 110, effective February 21, 1985; 12 SDR 151, effective March 16, 1986; 13 SDR 128, effective March 22, 1987; 14 SDR 114, effective March 9, 1988; 15 SDR 139, effective March 20, 1989; 16 SDR 148, effective March 21, 1990; 17 SDR 139, effective March 21, 1991; 21 SDR 148, effective March 6, 1995; 24 SDR 107, effective February 26, 1998; 25 SDR 108, effective February 28, 1999; 26 SDR 117, effective March 13, 2000; 27 SDR 85, effective February 26, 2001; 29 SDR 147, effective May 6, 2003; 30 SDR 147, effective April 4, 2004; 31 SDR 115, effective February 14, 2005; 33 SDR 107, effective December 27, 2006; 34

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SDR 199, effective January 28, 2008; 35 SDR 184, effective February 2, 2009; 39 SDR 10, effective August 1, 2012; 39 SDR 120, effective January 9, 2013; 40 SDR 121, effective January 6, 2014; 41 SDR 107, effective January 5, 2015; 43 SDR 89, effective December 29, 2016; 45 SDR 89, effective December 31, 2018; 47 SDR 38, effective October 6, 2020.

General Authority: SDCL 41-2-18(12)(13)(14), ~~41-11-5~~.

Law Implemented: SDCL 41-2-18(12)(13)(14), 41-11-5.

Cross-Reference: Turkey restrictions, § 41:06:04:15.

41:06:13:05. Turkey hunting recruitment license -- Open area and eligibility. A turkey hunting recruitment license is valid statewide, excluding Custer State Park, and is open from one-half hour before sunrise to sunset ~~beginning on the first Saturday of April through May 31 during the spring turkey hunting seasons~~ each day during the open dates for the prairie and Black Hills seasons, respectively. A turkey hunting recruitment license is for a designated mentored youth as provided in SDCL 41-6-81.

Source: 49 SDR 9, effective August 8, 2022.

General Authority: SDCL 41-2-18(2)(12), 41-6-81.

Law Implemented: SDCL 41-6-81.

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CHAPTER 41:06:15

CUSTER STATE PARK SPRING WILD TURKEY SEASON

Section

41:06:15:01 ~~Season~~ Custer State Park spring wild turkey hunting season established – Number and type of licenses available.

41:06:15:02 ~~Number of licenses available~~ Open unit.

41:06:15:03 Repealed.

41:06:15:04 Repealed.

41:06:15:01. ~~Season~~ Custer State Park spring wild turkey hunting season established – Number and type of licenses available. The Custer State Park spring wild turkey hunting season in ~~Custer State Park~~ is open from one-half hour before sunrise to sunset each day from the ~~second~~ fourth Saturday of April through eight days prior to Memorial Day. No more than 200 one-tag male turkey licenses may be issued to residents.

Source: 1 SDR 40, effective December 4, 1974; 3 SDR 40, effective December 5, 1976; 4 SDR 57, effective March 16, 1978; 5 SDR 68, effective February 15, 1979; 6 SDR 94, effective March 26, 1980; 9 SDR 108, effective February 20, 1983; 10 SDR 85, effective February 16, 1984; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 13 SDR 128, effective March 22, 1987; 14 SDR 114, effective March 9, 1988; 16 SDR 148, effective March 21, 1990; 18 SDR 144, effective March 15, 1992; 37 SDR 131, effective January 10, 2011; 46 SDR 116, effective April 29, 2020.

General Authority: SDCL 41-2-18(2)(17), ~~41-11-5~~, 41-17-1.1(1)(4).

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Law Implemented: SDCL 41-2-18(2), 41-11-5, 41-17-1.1(4).

41:06:15:02. ~~Number of licenses available~~ Open unit. ~~The units and number of licenses available in each unit are as follows:~~ Unit CST-CU1: Custer State Park is open for spring wild turkey hunting

~~(1) Unit CST-CU1-32: A maximum of 100 "male turkey" licenses may be issued for the season;~~

~~(2) Unit CST-ZZ-99L: No turkey licenses may be issued. However, an applicant for this unit shall accrue a preference point as provided in § 41:06:01:09.~~

Source: 1 SDR 40, effective December 4, 1974; 2 SDR 36, effective November 12, 1975; 4 SDR 57, effective March 16, 1978; 5 SDR 68, effective February 15, 1979; 6 SDR 94, effective March 26, 1980; 8 SDR 102, effective March 4, 1982; 10 SDR 85, effective February 16, 1984; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 110, effective February 21, 1985; 15 SDR 139, effective March 20, 1989; 33 SDR 107, effective December 27, 2006; 35 SDR 184, effective February 2, 2009; 42 SDR 97, effective January 5, 2016.

General Authority: SDCL 41-2-18(2), ~~41-11-5~~, 41-17-1.1(1)(4).

Law Implemented: SDCL 41-2-18(2), 41-6-27, 41-6-28, 41-11-5, 41-17-1.1(4).