

41:03:01:16. Restrictions on use of firearms and bows -- Exceptions. Uncased firearms and bows are prohibited in all state parks, state recreation areas, state nature areas, and state lakeside use areas with the following exceptions:

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

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

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

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

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

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

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

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

(c) Only shotguns using shot shells and bow and arrow are permitted in West Whitlock State Recreation Area, West Pickerel Recreation Area, Mina Recreation Area, Okobojo Recreation Area, Farm Island Recreation Area, Angostura Recreation Area, Cow Creek State Recreation Area, and that portion of North Point State Recreation Area which is situated to the west of 381st Street and north of 297th Avenue;

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

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

(f) A person who possesses a valid turkey license for Unit PST-48A as described in chapter 41:06:13 is permitted to have an uncased bow and arrow, a shotgun using shotshells, or a muzzleloading shotgun within the boundary of Sica Hollow State Park to the eighth day before Memorial Day, inclusive; and

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

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

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

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

41:06:13:02. Open units -- Number and type of licenses available. The following is a description of the open units and the number and type of licenses available in each unit:

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(1) Unit BST-BH1: that portion of Lawrence County south of Interstate 90; that portion of Meade County south and west of a line beginning at the junction of the Butte-Meade County line and State Highway 79, then southerly along State Highway 79 to State Highway 34, then easterly along State Highway 34 to Alkali Road, then easterly along Alkali Road approximately 9 miles to its junction with Middle Alkali Road, then southerly along Middle Alkali Road approximately 15 miles to Elk Creek Road, then easterly along Elk Creek Road approximately 2 miles to North Haines Avenue, then southerly along North Haines Avenue to the junction of Haines Avenue and the Meade-Pennington County line; that portion of Pennington County west of Haines Avenue from the Meade-Pennington County line to Rapid City and that portion west of State Highway 79 from Rapid City to the Custer County line; that portion of Custer County, excluding Custer State Park, west of State Highway 79; that portion of Fall River County west and north of a line beginning at the junction of the Custer-Fall River County line and State Highway 79, then southerly along State Highway 79 to its junction with U.S. Highway 18 and 385 at Maverick Junction, then southerly along U.S. Highway 18 and 385 to its junction with the Cheyenne River, then westerly along the Cheyenne River to its junction with U.S. Highway 18 at Edgemont, then westerly along U.S. Highway 18 to the South Dakota-Wyoming border. The number of "male turkey" licenses issued is unlimited;

(2) Unit BST-BH2: the same boundaries as Unit BST-BH1; the number of "male turkey" tags issued is unlimited. Unit BST-BH2 is open beginning on May 1 to the eighth day prior to Memorial Day, inclusive;

(3) Unit PST-01A: Minnehaha County; 100 "male turkey" licenses;

(4) Unit PST-02A: that portion of Pennington County east of the Cheyenne River; 300 two-tag licenses with each tag valid for one ~~"any turkey"~~ "male turkey";

(5) Unit PST-06A: Brookings County; ~~40~~ 20 "male turkey" licenses;

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(6) Unit PST-07A: Yankton County; 280 "male turkey" licenses;

(7) Unit PST-08A: Davison and Hanson Counties; 80 "male turkey" licenses. Unit PST-08A is open beginning on the second Saturday of April to April 30, inclusive;

(8) Unit PST-08B: Davison and Hanson Counties; 80 "male turkey" licenses. Unit PST-08B is open beginning on May 1 to the eighth day prior to Memorial Day, inclusive;

(9) Unit PST-11A: Bennett County; 70 two-tag licenses with each tag valid for one ~~"any turkey"~~ "male turkey";

(10) Unit PST-12A: Bon Homme County; 300 "male turkey" licenses;

(11) Unit PST-13A: Brule County; 150 "male turkey" licenses;

(12) Unit PST-15A: Butte County and that portion of Lawrence County north of Interstate 90; 450 two-tag licenses with each tag valid for one ~~"any turkey"~~ "male turkey";

(13) Unit PST-17A: Charles Mix and Douglas Counties; ~~350 two-tag licenses with each tag valid for one "any turkey"~~ 400 "male turkey licenses;

(14) Unit PST-19A: Clay County; 80 "male turkey" licenses. Unit PST-19A is open beginning on the second Saturday of April to April 30, inclusive;

(15) Unit PST-19B: Clay County; 80 "male turkey" licenses. Unit PST-19B is open beginning on May 1 to the eighth day prior to Memorial Day, inclusive;

(16) Unit PST-20A: Corson County; 100 ~~two-tag licenses with each tag valid for one "any turkey"~~ "male turkey" licenses;

(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; 180 two-tag licenses with each tag valid for one ~~"any turkey"~~ "male turkey";

(18) Unit PST-22A: Day and Codington Counties; 60 "male turkey" licenses;

(19) Unit PST-23A: Deuel County; 90 "male turkey" licenses;

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(20) Unit PST-24A: Dewey and Ziebach Counties; 150 ~~two-tag licenses with each tag valid for one~~ "any turkey" "male turkey" licenses;

(21) Unit PST-27A: that portion of Fall River County not included in Unit BST-BH1; 150 two-tag licenses with each tag valid for one ~~"any turkey"~~ "male turkey";

(22) Unit PST-29A: Grant County; 220 "male turkey" licenses;

(23) Unit PST-30A: Gregory County; 950 ~~two-tag licenses with each tag valid for one~~ "any turkey" "male turkey" licenses;

(24) Unit PST-31A: Haakon County; 300 two-tag licenses with each tag valid for one ~~"any turkey"~~ "male turkey";

(25) Unit PST-32A: Hamlin County; 0 "male turkey" licenses;

(26) Unit PST-35A: Harding County; 150 "male turkey" licenses;

(27) Unit PST-36A: Hughes County; 40 ~~two-tag licenses with each tag valid for one~~ "any turkey" "male turkey" licenses;

(28) Unit PST-37A: Hutchinson County; 80 "male turkey" licenses;

(29) Unit PST-39A: Jackson County; 200 two-tag licenses with each tag valid for one ~~"any turkey"~~ "male turkey";

(30) Unit PST-40A: Jerauld County; 10 "male turkey" licenses;

(31) Unit PST-41A: Jones County; 100 "male turkey" licenses;

(32) Unit PST-44A: Lincoln County; 50 "male turkey" licenses. Unit PST-44A is open beginning on the second Saturday of April to April 30, inclusive;

(33) Unit PST-44B: Lincoln County; 50 "male turkey" licenses. Unit PST-44B is open beginning on May 1 to the eighth day prior to Memorial Day, inclusive;

(34) Unit PST-45A: Lyman County; ~~250~~ 150 ~~two-tag licenses with each tag valid for one~~ "any turkey" "male turkey" licenses;

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(35) Unit PST-48A: Marshall County and Roberts County; 500 "male turkey" licenses;

(36) Unit PST-49A: those portions of Meade and Pennington Counties not included in Units BST-BH1 and PST-53A, and that portion of Pennington County north of Interstate 90, west of the Cheyenne River, and east of Haines Avenue; 350 two-tag licenses with each tag valid for one ~~"any turkey"~~ "male turkey";

(37) Unit PST-50A: Mellette County; ~~550~~ 450 ~~two-tag licenses with each tag valid for one "any turkey"~~ "male turkey" licenses;

(38) Unit PST-52A: Moody County; 40 "male turkey" licenses;

(39) Unit PST-53A: Perkins County; 100 two-tag licenses with each tag valid for one ~~"any turkey"~~ "male turkey";

(40) Unit PST-56A: Sanborn County; 40 "male turkey" licenses;

(41) Unit PST-58A: Stanley County; 50 "male turkey" licenses;

(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 spillway canal to the south. Four resident "male turkey" licenses and one non-resident "male turkey" license are available only to persons who use a wheelchair. Unit PST-58B is open beginning on April 5 to April 30, inclusive;

~~(42)~~ (43) Unit PST-60A: Tripp County; ~~400 two-tag licenses with each tag valid for one "any turkey"~~ "male turkey" licenses;

~~(43)~~ (44) Unit PST-61A: Turner County; ~~40~~ 20 "male turkey" licenses;

~~(44)~~ (45) Unit PST-62A: Union County; 80 "male turkey" licenses. Unit PST-62A is open beginning on the second Saturday of April to April 30, inclusive;

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~~(45)~~ (46) Unit PST-62B: Union County: 80 "male turkey" licenses. Unit PST-62B is open beginning on May 1 to the eighth day prior to Memorial Day, inclusive;

~~(46)~~ (47) Unit PST-65A: Shannon County; 70 two-tag licenses with each tag valid for one ~~"any turkey"~~ "male turkey";

~~(47)~~ (48) Unit PST-67A: Todd County; 100 "male turkey" licenses;

~~(48)~~ (49) Unit AST-ST1: statewide for archery turkey except in Custer State Park and Brookings County, west of Interstate 29, where the archery season is closed. The number of "male turkey" licenses issued is unlimited for residents and nonresidents;

~~(49)~~ (50) Unit PST-ZZ1: no licenses may be issued. However, an applicant for this unit shall accrue a preference point as provided in § 41:06:01:09.

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 17, 1997; 24 SDR 107, effective February 26, 1998; 25 SDR 108, effective February 28, 1999; 26 SDR

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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.

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

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

41:06:13:04. Application requirements and restrictions. The following applies 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;

(3) In the counties of Marshall, Roberts, Grant, Brookings, Day, Codington, Deuel, Turner, Davison, Hamlin, Hanson, Hutchinson, Jerauld, Minnehaha, Moody, Sanborn, and in that portion of Stanley County north of U.S. Highway 14-34, east of State Highway 1806, and south of Oahe Dam except as otherwise posted by the U.S. Corps of Engineers or by the department, a person may use only a shotgun using shot shells, a muzzleloading shotgun, or bow and arrow;

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(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) ~~Blood Run Nature Area~~ Good Earth State Park is closed to spring turkey hunting except for ten 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 ten licensees who possess a valid spring turkey archery license and an archery turkey access permit. The access permits may be issued by lottery drawing. Each access permit is valid from the first Saturday of April to April 30, inclusive.

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 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.

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.

41:09:01:03. Birds that may be released -- Minimum release age -- Marking of birds. Any bird released on a shooting preserve must be at least 15 weeks of age at the time of release. Except for ~~chukar~~ partridge, any game bird or turkey propagated, possessed, or released on the premises described in the preserve permit must have one front toe or one hind toe on either foot removed back to the first joint including the nail before becoming six weeks of age. An anti-pecking device affixed to the bird before it is six weeks old and worn by the bird until it is at least 15 weeks old is acceptable in lieu of toe clipping if the anti-pecking device leaves a permanent, easily identifiable mark through the nares.

Source: SL 1975, ch 16, § 1; 3 SDR 87, effective June 26, 1977; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 12 SDR 170, effective April 28, 1986; 13 SDR 128, effective March 22, 1987; 16 SDR 148, effective March 21, 1990; 22 SDR 16, effective August 15, 1995; 23 SDR 20, effective August 13, 1996; 29 SDR 21, effective August 26, 2002; 30 SDR 99, effective December 22, 2003.

General Authority: SDCL 41-2-18(2)(16).

Law Implemented: SDCL 41-2-18(2)(16), 41-10-2, 41-10-10.

41:09:02:04. Identification marking required. Except for ~~chukar~~ partridge and quail, any game bird propagated, possessed, sold, offered for sale, or released from captivity must have one front toe or one hind toe on either foot removed back to the first joint including the nail before becoming six weeks of age. An anti-pecking device affixed to the bird before it is six weeks old and worn by the bird until it is at least 15 weeks old is acceptable in lieu of toe clipping if the anti-pecking device leaves a permanent, easily identifiable mark through the nares. Any game bird propagated under this chapter that has not been shot and that is commercially packaged by a transparent sealed

vacuum/shrink-type process may have the marked appendage removed if a label is permanently affixed to the package showing the name and address of the licensee.

Source: SL 1975, ch 16, § 1; 8 SDR 86, effective January 18, 1982; 10 SDR 12, effective August 17, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 13 SDR 128, effective March 22, 1987; 18 SDR 4, effective July 18, 1991; 30 SDR 99, effective December 22, 2003; 37 SDR 18, effective August 16, 2010.

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

Law Implemented: SDCL 41-2-18(11), 41-6-31.

41:09:02:06.01. Release to the wild prohibited. A person may not release into the wild within the state of South Dakota any game birds, except ring-necked pheasants, ~~Hungarian or Chukar~~ partridge, wild turkeys, or quail, without written consent of the secretary.

Source: 8 SDR 86, effective January 18, 1982; 10 SDR 12, effective August 17, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 13 SDR 128, effective March 22, 1987.

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

Law Implemented: SDCL 41-2-18(11), 41-6-31.