

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41:03:01:03	Repealed.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41:03:01:06	Repealed.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41:03:01:08 and 41:03:01:09	Repealed.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41:03:01:12	Superseded.
41:03:01:12.01	Repealed.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41:03:01:13.01	Repealed.

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41:03:01:14	Horses and riding prohibited -- Exception.
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 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41:03:01:18	Repealed.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.
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41:03:01:22	Repealed.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.

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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.
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.
<u>41:03:01:35</u>	<u>Bait stations prohibited.</u>

41:03:01:35. Bait stations prohibited. No person may establish, utilize, or maintain a bait station, as defined in § 41:06:04:03, on lands owned by the department and on properties managed and classified by the department as Game Production Areas, State Parks, State Recreation Areas, State Lakeside Use Areas, State Nature Areas, and State Water Access Areas.

Source:

Law Implemented: SDCL 41-18-2(1)(2)(4)(14).

General Authority: SDCL 41-18-2(1)(2)(4)(14).

41:04:02:12. Clark County public water safety zones. The Clark County public water safety zone is the waters within Reid Lake designated as a "no boating zone" from ~~September 1~~ October 20 to December 31, inclusive.

Source: SL 1975, ch 16, § 1; 10 SDR 23, effective September 22, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; repealed, 23 SDR 38, effective September 26, 1996; readopted, 25 SDR 43, effective September 28, 1998; 28 SDR 129, effective March 18, 2002; 32 SDR 183, effective May 9, 2006; 39 SDR 168, effective April 22, 2013.

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

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

41:04:02:32. Hughes County public water safety zones. Hughes County public water safety zones are as follows:

(1) On the Missouri River, the waters fronting on that portion of the Griffin Park waterfront area beginning on the north side of the Capitol Lake drainage ditch where it empties into the river and running approximately 350 yards in a northwesterly direction upstream from the point of beginning are a "public swimming zone";

(2) On the Missouri River, the waters fronting on that portion of the Griffin Park waterfront area beginning approximately 20 yards west of the entrance to the Pierre city marina and running approximately 300 yards in a northwesterly direction upstream from the point of beginning are a "no wake zone";

(3) Except for the public swimming zone established in subdivision (4) of this section, all of the waters in Hipple Lake west of a line starting from a point on the north shore approximately 300 feet west of the concrete boat ramp and running approximately in a straight line across the water to the south shore of the lake are an "electric motors zone";

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(4) The waters of Hipple Lake beginning at a point approximately 300 feet west of the concrete boat ramp and continuing west approximately 600 feet are a "public swimming zone";

(5) The waters inside the marina at West Bend Recreation Area are a "no wake zone";

(6) The waters inside the Pierre city marina are a "no wake zone";

(7) The waters inside the ~~two~~ floating breakwater protected ~~areas~~ area at Spring Creek Recreation Area are a ~~"no swimming zone" and a "no wake zone."~~ and the waters within 20 feet of the breakwater are a "no swimming zone."

Source: SL 1975, ch 16, § 1; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 156, effective May 27, 1985; 13 SDR 192, effective June 22, 1987; 15 SDR 50, effective October 6, 1988; 24 SDR 99, effective February 2, 1998; 28 SDR 129, effective March 18, 2002; 30 SDR 40, effective October 1, 2003; 35 SDR 253, effective May 13, 2009.

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

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

41:04:02:52. Perkins County public water safety zones. Perkins County public water safety zones are as follows:

(1) Shadehill Reservoir:

(a) The waters fronting on the north side of the reservoir beginning ~~at a point along the shoreline~~ 150 feet from shore directly in front of the ~~center of the bathhouse picnic shelter~~ and extending ~~200~~ 250 feet ~~in each direction to the east~~ along the shoreline are a "public swimming zone";

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(b) The waters beginning approximately 300 feet south of the Ketterlings Point boat ramp and extending from the west shoreline to the east shoreline encompassing the bay where the Ketterlings Point boat ramp is located are a "no wake zone";

(c) The waters fronting the Ketterlings Point ~~Recreation Area~~ beginning ~~100~~ 150 feet from shore in the center of the lodge on the east side of the point and extending around the south end of the point ending approximately in the center of the lodge on the west-facing side of the point are a "no wake zone."

Source: SL 1975, ch 16, § 1; 1 SDR 78, effective June 19, 1975; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 28 SDR 129, effective March 18, 2002; 31 SDR 39, effective September 23, 2004.

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

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

CHAPTER 41:04:05

MOTORBOATS AND WATERCRAFT

Section

41:04:05:01	Transferred.
41:04:05:01.01	Boat license fees.
41:04:05:01.02	Licensing period.
41:04:05:02	Life preservers required.
41:04:05:02.01	Personal flotation device use required.
41:04:05:03	Fire extinguishers required -- Exception.
41:04:05:04	Flame arresters required.
41:04:05:04.01	Whistle required.
41:04:05:04.02	Bell required.
41:04:05:05	Ventilation required.

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41:04:05:06	Applicability of traffic rules <u>Navigation rules.</u>
41:04:05:07	Repealed.
41:04:05:08	Restriction on right-of-way.
41:04:05:09	Blockage of docks forbidden.
41:04:05:10	Overtaking -- Right-of-way <u>Repealed.</u>
41:04:05:11	Procedure for passing oncoming boats <u>Repealed.</u>
41:04:05:12	Passing of boats with tow <u>Repealed.</u>
41:04:05:13	Repealed.
41:04:05:14	Careless boat operation.
41:04:05:15	Audible signals.
41:04:05:16	Emergency signals -- Boats to stop.
41:04:05:17	Repealed.
41:04:05:18	Lights required.
<u>41:04:05:19</u>	<u>Overloading prohibited</u>

41:04:05:06. ~~Applicability of traffic rules~~ Navigation rules. ~~The traffic rules of the road provided in §§ 41:04:05:07 to 41:04:05:16, inclusive, are applicable to a boat when underway, whether the boat has headway or sternway. The rules apply to boats that are adrift or not under control, regardless of how they are powered~~ The navigation rules for all boats underway on the waters of this state are those in 33 CFR § 83.01-83.19 (December 18, 2013).

Source: SL 1975, ch 16, § 1; 10 SDR 76, 10 SDR 102, effective July 1, 1984.

General Authority: SDCL 32-3A-1.

Law Implemented: SDCL 32-3A-1.

41:04:05:10. Overtaking -- Right-of-way. ~~A boat is considered to be overtaking another boat when it is approaching from behind. The leading boat has the right-of-way~~

~~and the overtaking boat has no right-of-way. In all instances an overtaking boat shall keep clear of an overtaken boat~~ Repealed.

Source: SL 1975, ch 16, § 1; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 21 SDR 148, effective March 6, 1995.

General Authority: ~~SDCL 42-8-1.1.~~

Law Implemented: ~~SDCL 42-8-1.1.~~

41:04:05:11. Procedure for passing oncoming boats. ~~If two boats are approaching each other head-on or nearly so, each pilot shall swing the bow of the boat to starboard and pass port side to port side. If equipped with a horn, each pilot shall give a short blast of the horn and, in addition to the sounding of the horn, each pilot shall indicate what the pilot's course will be by swinging the bow sharply to starboard~~ Repealed.

Source: SL 1975, ch 16, § 1; 10 SDR 76, 10 SDR 102, effective July 1, 1984.

General Authority: ~~SDCL 42-8-1.1.~~

Law Implemented: ~~SDCL 42-8-1.1.~~

41:04:05:12. Passing of boat with tow. ~~A boat with a tow is considered one boat. Boats passing a tow shall slow down if there is a chance their wash or wave will cause damage~~ Repealed.

Source: SL 1975, ch 16, § 1; 10 SDR 76, 10 SDR 102, effective July 1, 1984.

General Authority: ~~SDCL 42-8-1.1.~~

Law Implemented: ~~SDCL 42-8-1.1.~~

41:04:05:19. Overloading prohibited. No person may operate a boat loaded beyond the maximum number of persons, weight capacity or a combination thereof as stated on the capacity plate and affixed to the boat by the manufacturer, nor may a person operate a boat powered by an inboard or attached outboard motor where the total

horsepower of the motor exceeds the total horsepower rating as stated on the capacity plate and affixed to the boat by the manufacturer.

Source:

General Authority: SDCL 32-3A-1.

Law Implemented: SDCL 32-3A-1.

CHAPTER 41:05:02

STATE GAME REFUGES

Section

41:05:02:01 to 41:05:02:04	Repealed.
41:05:02:05	Brookings County refuges.
41:05:02:06	Brown County refuges.
41:05:02:07	Brule County refuges.
41:05:02:08	Buffalo County refuges.
41:05:02:09	Repealed.
41:05:02:10	Campbell County refuges.
41:05:02:11	Charles Mix County refuges.
41:05:02:12	Clark County refuges.
41:05:02:13 and 41:05:02:14	Repealed.
41:05:02:15	Corson County refuges.
41:05:02:16 and 41:05:02:17	Repealed.
41:05:02:18	Day County refuges.
41:05:02:19	Repealed.
41:05:02:20	Dewey County refuges.
41:05:02:21	Repealed.
41:05:02:22	Edmunds County refuges.

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41:05:02:23	Repealed.
41:05:02:24	Faulk County refuges.
41:05:02:25	Grant County refuges.
41:05:02:26	Gregory County refuges.
41:05:02:27	Repealed.
41:05:02:28	Hamlin County refuges <u>Repealed.</u>
41:05:02:29	Hand County refuges.
41:05:02:30 to 41:05:02:31	Repealed.
41:05:02:32	Hughes County refuges.
41:05:02:33	Hutchinson County refuges.
41:05:02:34 to 41:05:02:37	Repealed.
41:05:02:38	Kingsbury County refuges.
41:05:02:39 and 41:05:02:41	Repealed.
41:05:02:42	Lyman County refuges.
41:05:02:43 and 41:05:02:44	Repealed.
41:05:02:45	Marshall County refuges.
41:05:02:46 to 41:05:02:51	Repealed.
41:05:02:52	Perkins County refuges.
41:05:02:53	Potter County refuges.
41:05:02:54	Roberts County refuges.
41:05:02:55 and 41:05:02:56	Repealed.
41:05:02:57	Spink County refuges.
41:05:02:58	Stanley County refuges.
41:05:02:59	Sully County refuges.
41:05:02:60 to 41:05:02:63	Repealed.

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41:05:02:64 Walworth County refuges.
41:05:02:65 Repealed.
41:05:02:66 Yankton County refuges.
41:05:02:67 Repealed.
41:05:02:68 Missouri River refuges.

41:05:02:12. Clark County refuges. Clark County refuges are as follows:

(1) The Reid Lake ~~State Game~~ Waterfowl Refuge comprises all of the land and water area within the meandered line around Reid Lake in section 18, township 118 north, range 57 west of the fifth principal meridian; in sections 13 and 24 in township 118 north, range 58 west; all of lots one, five, and six in section 19, township 118 north, range 57 west; all of lots one and two in section 24, township 118 north, range 58 west; all of lots one, two, and three in section 13, township 118 north, range 58 west; all of the land in section 18, township 118 north, range 57 west, between the meandered line and the following line: beginning at a point 2,984 and 52/100 feet, 45 and 22/100 chains, south from the northwest corner of section 18, township 118 north, range 57 west on the section line between section 18, township 118 north, range 57 west, and section 13, township 118 north, range 58 west; then 175 feet north along the section line between sections 18 and 13; then north 111 degrees east, 460 feet; then north 113 degrees east, 1,360 feet; then north 120 degrees east, 409 feet; then north 185 degrees east, 711 feet; then north 159 degrees east, 1,500 feet; then north 168 degrees east, 1,140 feet; then south 90 degrees east, 400 feet; then south 90 degrees east, 700 feet; then south 89 degrees west, 1,843 feet; then south 153 degrees west, 190 feet; then south 162 degrees 30 minutes west, 270 feet; then south 167 degrees west, 525 feet; then south 178 degrees west, 920 feet; then south 141 degrees west, 526 feet; then south 120 degrees west, 730 feet to a point on the section line between section 18, township 118 north, range 57 west

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and section 19, township 118 north, range 57 west, 1,755 feet west of the southeast corner of section 18, township 118 north, range 57 west;

(2) The Antelope Lake State Waterfowl Refuge comprises the west half and the west 47 rods of the east half of the northwest quarter of section 29; the northwest quarter and the west 47 rods of the northeast quarter of the southwest quarter of section 29; all of section 30, including lots and the meandered portion of the lake; and the south half of the south half of section 19, township 116 north, range 57 west of the fifth principal meridian, including the meandered portion of the lake.

Source: SL 1975, ch 16, § 1; 1 SDR 60, effective February 26, 1975; 2 SDR 10, effective August 7, 1975; 3 SDR 22, effective September 23, 1976; 4 SDR 15, effective September 15, 1977; 7 SDR 21, effective September 15, 1980; 7 SDR 31, effective October 8, 1980; 7 SDR 37, effective October 23, 1980; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 15 SDR 162, effective May 4, 1989; 25 SDR 126, effective April 20, 1999; 35 SDR 253, effective May 13, 2009.

General Authority: SDCL 41-2-18.

Law Implemented: SDCL 41-2-18.

41:05:02:28. Hamlin County refuges. ~~The following refuge is in Hamlin County: the Dry Lake State Waterfowl Refuge comprises the meandered area of Dry Lake~~
Repealed.

Source: SL 1975, ch 16, § 1; 7 SDR 31, effective October 8, 1980; 10 SDR 76, 10 SDR 102, effective July 1, 1984.

~~**General Authority:** SDCL 41-2-18.~~

~~**Law Implemented:** SDCL 41-2-18.~~

41:05:02:45. Marshall County refuges. The following refuge is in Marshall County
~~refuges are as follows:~~

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(1) The White Lake State Game Bird Refuge comprises the southeast quarter of section 25, and all of section 36, township 128 north, range 57 west of the fifth principal meridian;

~~(2) The Stink Lake Waterfowl Refuge comprises the waters of East and West Stink Lake, including the island in West Stink Lake.~~

Source: SL 1975, ch 16, § 1; 7 SDR 21, effective September 15, 1980; 7 SDR 31, effective October 8, 1980; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 13 SDR 159, effective May 5, 1987; 32 SDR 183, effective May 9, 2006.

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

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

CHAPTER 41:06:03

POSSESSION, PROCESSING AND TRANSPORTATION OF GAME

Section

41:06:03:01	Tagging required.
41:06:03:02	Game bird transportation and packaging.
41:06:03:03 and 41:06:03:04	Repealed.
41:06:03:05	Game transportation permits.
41:06:03:06	Identification required for transportation of big game animal – Exception.
41:06:03:07	Tagging of antlers in the velvet stage.
41:06:03:08	Transferred.
41:06:03:09	Gifting of game allowed -- Conditions.
41:06:03:10	Wildlife processing facility defined.
41:06:03:11	Records required for wildlife processing facilities.
41:06:03:12	Inspection of wildlife processing facilities.

41:06:03:13 Sale of rabbit and squirrel skins

41:06:03:13. Sale of rabbit and squirrel skins. The skins of cottontail rabbit, fox squirrel, grey squirrel, and red squirrel that have been lawfully taken by a licensed hunter may be offered for sale, sold, or purchased.

Source:

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

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

Cross-References:

Taking, possession, sale or transportation of wild bird or small game prohibited except as provided, SDCL 41-11-2.

Sale of parts of protected bird prohibited--Exceptions--Violation as misdemeanor, SDCL 41-11-8.