

**From:** [info@gfp.sd.us](mailto:info@gfp.sd.us)  
**To:** [blakeroetman14@gmail.com](mailto:blakeroetman14@gmail.com)  
**Cc:** [Kierl, Liz](#); [Harrington, Nick](#)  
**Subject:** Petition for Rule Change Form  
**Date:** Wednesday, April 10, 2024 4:39:26 PM

---

## South Dakota - Game, Fish, and Parks

### Petition for Rule Change

A new form was just submitted from the <http://gfp.sd.gov/> website with the following information:

**ID:** 213

**Petitioner Name:** Blake Roetman

**Address:** 1423 Firesteel Drive  
Mitchell, SD 57301

**Email:** [blakeroetman14@gmail.com](mailto:blakeroetman14@gmail.com)

**Phone:** 712-348-0004

**Rule Identification:** ARSD 41:06:04:17-No person may hunt species listed in SDCL 41-8-31(1A) with an air gun that is factory-rated to produce a muzzle velocity of less than 1,000 feet per second. Only hunting pellets are permitted.

**Describe Change:** Reduce the required air gun factory-rated muzzle velocity of 1,000 feet per second to 600 feet per second.

**Reason for Change:** 1. Availability: Most larger bore air rifles (.25 caliber and larger) do not meet the 1,000 fps regulation. Air rifles that do produce 1,000 fps are typically .177 caliber air rifles and a limited number of .22 caliber air rifles. It is common for companies to use light alloy pellets to produce these velocities, not hunting pellets. Therefore, even air rifles that are marketed with 1,000 fps may not reach those velocities with lead hunting pellets. Manufacturers of high-end air rifles (mainly PCP air rifles (pre-charged pneumatic)) typically do not market or state a max fps and market the max energy instead. 2. Energy: (Foot pounds of energy (FPE) at the muzzle figured by online calculator) \*Air rifles are short range weapons (typically 50-75 yards or less). a. 9.7 grains is a typical weight for .177 caliber hunting pellets. At 1,000 fps, this pellet will produce 21.54 foot/pounds of energy at the muzzle. b. 18.13 grain .22 caliber pellet, traveling 750 fps, has 22.65 foot/pounds of energy at the muzzle c. 44.75 grain .30 caliber pellet, traveling 600 fps, has 35.75 foot/pounds of energy at the muzzle d. In Summary, larger caliber rifles with heavier pellets can produce more FPE than smaller caliber pellets traveling +1,000 fps. The current regulation prohibits the use of these more hunting capable air rifles because of point 1. 3. Safety: The current regulation severely limits the air rifles that can be used, even though they are a safer alternative to firearms, especially when hunting on farmsteads or public land that is located near residential areas (common in eastern South Dakota). Following are reasons why they are a safer alternative: \*These examples do not negate the need for proper firearm handling and shooting. They show that when handled properly, compared to traditional firearms, they can be a safer alternative. a. For smaller calibers, the lighter pellet and slower fps (when compared with a .22lr) reduces the risk for dangerous ricochet that could cause damage or injury. b. Pellets use drag for stabilization. When compared to a .22lr slug, air rifle pellets will travel and contain harmful foot pounds of energy for significantly less distance. c. PCP air rifles' power is adjustable. The fps and pellet weight can be adjusted to get the desired FPE to a lower number for safety, if the hunting situation dictates it. d. Air rifles, when calibrated to the situation, can be a good substitute for people who do not want to use a shotgun due to damage to the animal, especially small game. e. Air rifles can be used as a safer alternative when introducing youth to firearms and hunting situations. 4. Accuracy: Pellets are designed to use drag for stabilization. Pellets are the most stable, and the most accurate, when they are below roughly 950 fps. Above 950 fps, the pellets struggle to stabilize the faster they go, and it can cause them to be less accurate. 5. Other States: I reached out to multiple surrounding states to gather information about their regulations. The following states responded to my inquiry and the summaries are below: a. Iowa: Allowed without restrictions for rabbits and squirrels. b. Minnesota: Allowed without restrictions for rabbits and squirrels. c. North Dakota: Allowed without restrictions for squirrels, rabbits, and other varmint species. i. North Dakota also allows the use of PCP air rifle to hunt Moose, Elk, and Bighorn Sheep. The FPS requirement is that the air rifle must project a 350 grain projectile at a minimum of 600 fps for these species. 6. Summary: The current regulation of

a minimum 1,000 fps forces the use of less hunting capable air rifles. Air rifles that are larger than .177 cal. that shoot 1,000 fps are extremely limited. Larger caliber rifles with slower, heavier pellets can produce more FPE (foot pounds of energy) than smaller caliber pellets traveling +1,000 fps. Air rifles are a safer alternative to firearms, especially around populated areas. They could also be a good learning tool for youth. Pellets are the most accurate below 950 fps. Multiple neighboring states allow the use of air rifles to harvest small game and varmint species without any restrictions.