

# SOUTH DAKOTA GAME, FISH, AND PARKS FINALIZATION

## Park Land Hunting Restrictions

Chapter 41:03:01:16, 41:06:20:02, & 41:06:40:05

Commission Meeting Dates:	Proposal	January 12, 2023	Pierre
	Public Hearing	March 9, 2023	Pierre
	Finalization	March 9, 2023	Pierre

### DEPARTMENT RECOMMENDATION

#### Proposed changes:

1. These changes would provide the Department the option to open portions of state parks and recreation areas to hunting during the months of September and May by means of posting, signage, and other designations.
2. Current administrative rule does not allow for hunting in any form on Oahe Downstream recreation area park lands west of SD Hwy 1806 and north of Fort Pierre.
3. The proposed rule change would allow for hunters to legally hunt park lands west of SD Hwy 1806. This would clear up the rule to coincide with what is currently enforced. Park lands include OHV and land outside the fenced shooting complex perimeter.
4. This proposal would restrict and clarify Revheim Bay Recreation Area as archery only.
5. This proposal would clarify Newton Hills State Park, Rocky Point Recreation Area, and Lake Poinsett Recreation Area to archery hunting and shotgun only, but with options to post certain areas for open hunting.

Department recommended changes to proposal: None

### SUPPORTIVE INFORMATION

State Parks and Recreation Areas are closed to hunting during the months of May through September with some exceptions. The proposed change would allow the Department to open portions of state parks and recreation areas to hunting with signage and other designations. This will provide increased opportunity for hunting species including archery deer, Mourning dove, and spring turkey.

Legal hunting was permitted at the above-mentioned areas at Oahe Downstream prior to 2002, when the state took over management responsibilities from the Corps of Engineers under Title VI. A firearm hunting restriction was placed on the entire recreation area as a safety measure due to the level of development and public use of the area at the time. After further evaluation, the Department recommends that those portions of the recreation area that are separate from the main camping and river access areas to the east can be safely opened to public firearm hunting. These areas are often referenced as the Oahe Downstream OHV, Rifle Range, and Archery Range.

Revheim Bay Recreation Area is a small recreation area within a mile of the city limits of Mobridge. It is used for hiking, swimming, picnicking, fishing, and other day use activities. Due to its small size and proximity to the City of Mobridge, the chances of firearm projectiles leaving the area are very probable. Archery hunting would be retained on the property.

Newton Hills rifle restriction was in place prior to 2019 and was inadvertently dropped during other rule modifications, and this would reinstate the historic practices of allowing bows, crossbows, and shotguns. Portion of the Lake Lakota unit of Newton Hills could be posted as open to firearm hunting and remain consistent with the adjacent Game Production Area.

Rocky Point Recreation Area is located within the Bureau of Reclamation Belle Fourche/Orman Dam Operations Unit. The recreation area is developed with roads, boat ramps, trails, campgrounds picnic and fishing areas. Restricting this area to shotgun w/shotshells, archery and crossbow would reflect current hunting rules on adjacent Reclamation-managed recreation areas. There is nearly 5,000 acres of Game Production Areas or other Reclamation properties adjacent to the recreation area that offer open hunting.

Lake Poinsett Recreation Area is a small and narrow park that is more than 75% developed and is surrounded by heavily developed private property. Archery and shotgun with shot shells would remain as authorized methods of hunting.

Changes to 41:06:20:02 and 41:06:40:05 are subsequently necessary for the opening of portions of Oahe Downstream units to hunting where similar conditions are also contained in rules for west river deer and Mourning dove seasons.

## DRAFT ADMINISTRATIVE RULE CHANGES

The following are proposed draft changes that are intended to incorporate the recommended changes adopted by the 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,~~ and Oahe Downstream Recreation Area west of highway 1806, or any portion of a state park or recreation area that is designated open to hunting.
- (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 east of SD Highway 1806 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 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, Revheim Bay 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, Newton Hills State Park, Rocky Point Recreation Area, Lake Poinsett Recreation Area, and the portions of North Point State Recreation Area that are situated to the west of 381<sup>st</sup> Street and north of 297<sup>th</sup> Avenue, west of 382<sup>nd</sup> Avenue and north of 297<sup>th</sup> Street, and south of 297<sup>th</sup> 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 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, 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\(1\)\(8\)](#).

**41:06:20:02. Open units -- Exceptions.** The following is a description of the open units:

(34) Unit WRD-58D: Stanley County, except the portions included in Units WRD-45C and WRD-45D but including the portions of department campground Oahe Downstream RA below Oahe Dam east of Highway 1806. Licenses are only available to persons who use a wheelchair. Additional licenses may be issued to nonresident hunters who use a wheelchair;

**Source:** SL 1975, ch 16, § 1; 1 SDR 78, effective June 19, 1975; 2 SDR 88, effective July 1, 1976; 3 SDR 87, effective June 26, 1977; 4 SDR 88, effective June 27, 1978; 5 SDR 6, effective August 3, 1978; 5 SDR 108, effective June 28, 1979; 6 SDR 129, effective July 13, 1980; 7 SDR 128, effective July 13, 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; 13 SDR 9, effective August 3, 1986; 14 SDR 14, effective August 6, 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; 21 SDR 14, effective August 3, 1994; 22 SDR 16, effective August 15, 1995; 23 SDR 20, effective August 13, 1996; 24 SDR 16, effective August 13, 1997; 25 SDR 193, effective July 19, 1998; 26 SDR 9, effective August 1, 1999; 27 SDR 13, effective August 27, 2000; 28 SDR 24, effective August 28, 2001; 29 SDR 29, effective August 26, 2002; 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; 32 SDR 69, effective November 9, 2005; 33 SDR 1, effective July 18, 2006; 34 SDR 67, effective September 10, 2007; 35 SDR 47, effective September 8, 2008; 36 SDR 21, effective August 18, 2009; 36 SDR 170, effective May 11, 2010; 37 SDR 18, effective August 16, 2010; 38 SDR 8, effective August 3, 2011; 39 SDR 10, effective August 1, 2012; 40 SDR 14, effective July 29, 2013; 41 SDR 7, effective July 30, 2014; SL 2015, ch 56, § 1, effective May 1, 2015; 42 SDR 14, effective August 10, 2015; 43 SDR 9, effective August 1, 2016; 44 SDR 17, effective August 7, 2017; 45 SDR 155, effective June 24, 2019; 46 SDR 116, effective April 29, 2020; 47 SDR 137, effective June 29, 2021.

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

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

**41:06:40:05. Restrictions.** Mourning dove hunting restrictions are as follows:

(1) Doves may be shot only in flight; and

(2) All state parks and state recreation areas are closed to dove hunting except Angostura State Recreation Area excluding that portion of the area lying east of the dam, and Shadehill State Recreation Area, the portions of Oahe Downstream Recreation Area located west of SD Highway 1806, or any portion of a state park or recreation area posted as open as described in chapter 41:03:01.

**Source:** 8 SDR 19, effective August 31, 1981; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 25 SDR 21, effective August 27, 1998; 46 SDR 116, effective April 29, 2020; 49 SDR 9, effective August 8, 2022.

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

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

## FISCAL IMPACT

The described changes would offer increased hunting opportunity or are for the purpose of safety and result in a net zero fiscal impact on the Department's budget.

APPROVE \_\_\_\_\_

MODIFY \_\_\_\_\_

REJECT \_\_\_\_\_

NO ACTION \_\_\_\_\_