

GAME, FISH, AND PARKS COMMISSION ACTION PROPOSAL

Leaving of human remains at Bear Butte State Park prohibited.

Chapter 41:03:01:33

Commission Meeting Dates:	Proposal	January 9-10, 2025	Pierre
	Public Hearing	March 6, 2025	Pierre
	Finalization	March 6-7, 2025	Pierre

INFORMATION

At the August 2002, Game, Fish and Parks Commission meeting, the Commission approved an administrative rule prohibiting the leaving of human remains at Bear Butte State Park. The rule was inadvertently repealed in December of 2019 during an administrative rule cleanup process.

COMMISSION PROPOSAL

This proposal would reinstate the rule prohibiting the leaving of human remains at Bear Butte State Park.

SUPPORTIVE INFORMATION

Bear Butte has spiritual, historical, and cultural significance for the Lakota, Cheyenne, and several other tribes. The Bear Butte Forum was established in 1997 to provide a process by which spiritual practitioners and other stakeholders to provide input on the management of Bear Butte State Park. At the Bear Butte Forum in April of 2002, the Forum provided a recommendation to the Game, Fish and Parks Commission to promulgate a rule to prohibit the leaving or dispersal of human remains at Bear Butte State Park. Spreading of human remains at Bear Butte is not in accordance with acceptable spiritual and cultural practices. Spreading of human remains is not restricted on lands managed by the Department of Game, Fish and Parks. This rule proposal would only apply to Bear Butte State Park and is necessary to preserve the spiritual sanctity of the park.

DRAFT ADMINISTRATIVE RULE CHANGES

41:03:01:33. Leaving of human remains at Bear Butte State Park prohibited. No person may leave, scatter, or bury any human remains, including cremated remains, within the boundaries of Bear Butte State Park.

Source: 29 SDR 29, effective September 8, 2002. Repealed effective September 8, 2002; 46 SDR 74, effective December 2, 2019.

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

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

RESIDENT/NONRESIDENT CRITERIA

1. The Issue – NA
2. Historical Considerations – NA
3. Biological Considerations – NA
4. Social Considerations – NA
5. Financial considerations – NA

RECRUITMENT, RETENTION, REACTIVATION (R3) CRITERIA

1. Does the regulation or fee inhibit a user's ability to participate? NA
2. Does the regulation increase the opportunity for new and existing users? NA
3. How does the regulation impact the next generation of hunters, anglers, trappers, and outdoor recreationists? NA
4. Does the regulation enhance the quality of life for current and future generations by getting families outdoors? N

FISCAL IMPACT

There are no fiscal impacts associate with this proposal.

APPROVE _____ MODIFY _____ REJECT _____ NO ACTION _____