

**GAME, FISH, AND PARKS COMMISSION ACTION
PROPOSAL**

**USES OF PARKS AND PUBLIC LANDS
CHAPTER 41:03:01:16**

Commission Meeting Dates:	Proposal	June 5-6, 2014	Yankton
	Public Hearing	July 9, 2014	Pierre
	Finalization	July 9, 2014	Pierre

DEPARTMENT RECOMMENDATION

Amend 41:03:01:16 and 41:03:01:16.02 to clarify the restriction of firearms, crossbows, and bows in state parks, state recreation areas, state nature areas, state lakeside use areas, lake and fishing access areas and game production areas.

Recommended changes:

41:03:01:16. Restrictions on use of firearms, crossbows and bows -- Exceptions. Uncased firearms, crossbows 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, crossbows 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, crossbows, and bows in Custer State Park during the season for which they are licensed;

(3) Only shotguns using shot shells, muzzleloading shotguns, crossbows, and bows ~~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, crossbows, and bows are permitted from September 1 to May 21, inclusive, within the ~~Cheyenne River~~ Sheps Canyon Lakeside Use Area;

(5) From October 1 to April 30, inclusive, uncased firearms, crossbows, 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, crossbows, 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-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 who possesses a valid archery spring turkey license and an access permit as described in chapter 41:06:13;

(b) Only crossbows and bows ~~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, crossbows, and bows ~~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, crossbows and bows ~~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, crossbow, or a bow 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 crossbow, 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

(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.

41:03:01:16.02. Restrictions on use or possession of firearms on lake and fishing access areas and game production areas -- Exceptions. Uncased firearms are prohibited in the following areas:

(1) East Pelican Lake Access Area in Codington County;

(2) That portion of the Beilage Game Production Area north of Christensen Drive located in sections 24 and 25, township 6 north, range 2 east, in Lawrence County;

(3) Hazel's Haven Fishing Access Area in Moody County;

(4) That portion of the Marcotte Game Production Area in section 16, township 5 north, range 5, east in Meade County;

(5) Kelley's Cove Fishing Access Area in Yankton County;

(6) Highway 38/James River Fishing Access Area in Davison County;

(7) New Underwood Lake Access Area in Pennington County except any licensed hunter while lawfully engaged in hunting;

(8) Rollings Game Production Area in Lincoln County except any licensed hunter, using a shotgun with shotshells only, while hunting small game or wild turkey during an open season and any person using a firearm on the shooting range located on the game production area when the range is open; and

(9) Lake Henry Fishing Access Area in Bon Homme County except any licensed hunter, using a shotgun with shotshells only, while hunting small game or wild turkey during an open season.

Only shotguns using shot shells, crossbows and bows ~~and arrow~~ are permitted on lands owned by the Otter Tail Power Company and leased by the department as a game production area in Grant County and the Lake Andes Unit's game production areas in Charles Mix County.

SUPPORTIVE INFORMATION

HB 1130, which was passed during the 2014 legislative session and will become law on July 1, 2014, allows any person who holds a big game license to take a big game animal during the firearm season with a crossbow in lieu of a firearm. This rule modification acknowledges the change in statute and adjusts the exemptions to the weapons restrictions on GFP lands accordingly.

APPROVE MODIFY REJECT NO ACTION