

# 2009 BIG GAME REGULATIONS

TURN IN POACHERS – TIPs Hotline: 1-888-OVERBAG (1-888-683-7224)

It is important that you read and understand all regulations before your hunt. The following regulations apply to taking, possessing, transporting and storing big game during established seasons. Questions on specific regulations should be directed to a Game, Fish & Parks Wildlife Division Office or a conservation officer.

## THE LICENSE

The license is an "all-in-one" form. The lower portion is the tag. The upper portion carries general information. You must carry both portions while hunting the specified season. You may retain the top portion of this license and use it through Jan. 31, 2010 to hunt prairie dogs, coyotes, red or gray fox, skunks, gophers, jackrabbits, crow (in open season), ground squirrels, porcupines and marmots. License and tag cannot be transferred, and the license must be in your possession while hunting.

**WHAT A LICENSE ALLOWS A HUNTER TO TAKE:** No person may kill a big game animal for another hunter except for designated shooters for blind hunters who have obtained a special permit from the Game, Fish & Parks office in Pierre. No person may kill more big game than allowed by the license or kill a big game animal other than that specifically authorized by the license. Big game hunters who have filled their tag(s) may continue to carry a firearm with their group for the purpose of hunting coyotes, fox or other allowed species, but they cannot kill additional big game.

**LEGAL ANIMALS:** The following definitions apply to big game.

- "Any Deer" means a whitetail or mule deer buck, doe or fawn.
- "Buck" or "Bull" means a male animal with visible polished antler.
- "Antlerless" means an animal of either sex without visible antler.
- "Doe/Fawn" antelope means a pronghorn antelope of either sex without horns or with horns less than three inches long.

**TAGGING AND TRANSPORTATION:** The tag you receive with your license must be signed, dated and securely attached to the leg of the big game animal at the time it is brought to a road or into any hunting camp, farmyard, or residence, or before it is placed in or on a vehicle.

- The locking seal issued with each big game license, swan license, or special Canada goose license is an adhesive tag. You must sign your tag, and date it by cutting out completely the month and day of the date of kill only. Then you must attach the tag securely around one hind leg between the hoof and ankle joint of all hoofed big game animals, except elk, or around one leg of a turkey, swan, or goose.
- Elk must be tagged by cutting a slit through the hide on one hind leg between the hock tendon and the leg bone and securely fastening the adhesive tag around the hock tendon directly above the ankle joint.
- Tagging allows a big game animal to be transported and stored by the hunter or another person for the hunter.
- No person may possess in the field or transport a big game animal, *except turkey*, unless it is accompanied by the animal's lawfully tagged leg along with either the animal's head or a hind quarter with the visible external sex organs left naturally attached to it. Any person licensed to take "any deer," "any elk," or "any antelope" is exempt from transporting the animal's head or hind quarter if the lawfully tagged leg accompanies the animal for such license. However, the provisions of this section do not apply to a big game licensee who transports big game parts from the licensee's domicile to another location if the licensee possesses the big game tag or big game license entitling the licensee to the animal, or to big game that has been cooked or cured, by means other than freezing, for personal consumption.
- Big game taken in another state or on an Indian tribal license must be properly tagged when transported within South Dakota. If no tag was issued, the person in possession of the animal must provide proof the animal was lawfully taken.

**NONLICENSEES/ACCOMPANIMENT (Firearm Big Game Licensee):** While hunting in the field during a big game season, no licensee possessing a firearm big game license may:

- (1) Be accompanied by another person carrying a firearm or bow and arrow unless the accompanying person possesses a firearm big game license that is valid for the same geographic area and time of year as the licensee. However, this restriction does not apply to any person who is carrying a pistol and possesses a valid concealed pistol permit.
- (2) A "firearm big game license" is defined as any license that authorizes the licensee to use a firearm, including a muzzleloading firearm, in the taking of big game animals.

**NONLICENSEES/ACCOMPANIMENT (Archery-only Big Game Licensee):**

- No person who is licensed in a season restricted to archery only may:
- (1) Possess a firearm in the field while hunting with bow and arrow, except if the person is carrying a pistol and possesses a valid concealed pistol permit;
  - (2) Be accompanied in the field by a person possessing a firearm except if the person is carrying a pistol and possesses a valid concealed pistol permit ; or
  - (3) Be accompanied in the field by a person carrying a bow and arrow if the person does not possess an archery big game license that is valid for the same geographic area and time of year as the licensee.

**JUVENILES:** Juveniles under age 16 must be accompanied by a parent, guardian or other responsible adult (at least 18 years old) while hunting. A youth licensed for the youth deer season must be accompanied by an adult while hunting. The adult must be unarmed except if the adult possesses a firearm big game license that is valid for the same geographic area and time of year as the youth hunter or the adult is carrying a pistol and possesses a valid concealed pistol permit. A "firearm big game license" is defined as any license authorizing the licensee to use a firearm, including a muzzleloading firearm, in the taking of big game animals. Big game hunters using a firearm must wear one exterior garment of fluorescent orange.

## LEGAL FIREARMS

It is illegal to use an auto-loading or self-loading firearm capable of holding more than six cartridges or a firearm capable of being operated as a full automatic.

**Deer and Antelope-**Shoulder-held firearms using ammunition factory rated to produce at least 1,000 foot-pounds of energy at the muzzle, and handguns using ammunition that is factory rated to produce at least 500 foot-pounds of energy at the muzzle, may be used to hunt deer and antelope. Only soft-point or expanding bullets are permitted.

- Most common center-fire rifle calibers meet the minimum standards. Among calibers NOT legal are: .17 Remington, .218 Bee, .22 Hornet, .25-20, .30 Carbine, .32-30, .38-40 and the .44-40.

- Some of the common calibers handgun hunters may use are the .357 Magnum, 10 mm, .41 Magnum, .44 Magnum, .45 Win. Magnum, and the .357 Maximum.

- Muzzleloading rifles must shoot a .44 caliber or larger bullet. Muzzleloading pistols are not legal. During seasons restricted to muzzleloaders, only open or peep sights may be used. Smokeless powder is prohibited.

- Shotguns must discharge a single ball or rifled slug weighing at least one-half ounce. Buckshot is prohibited.

**Elk-**It is illegal to use firearms that produce less than 1,700 foot-pounds of energy at the muzzle and that are smaller than .243 caliber to hunt elk. Only soft point or expanding bullets are permitted.

**Note:** Hunters filling big game tags that are not restricted to archery or muzzleloaders may use any of the weapons described under "Legal Firearms" or "Archery" or any combination of weapons.

## ARCHERY REQUIREMENTS

- A bow must have a minimum pull of 40 pounds.

- The use or possession while hunting of compound bows with a let-off of more than 80 percent is prohibited.

- The use or possession while hunting of compound bows shorter than 28 inches as measured from axle to axle is prohibited.

- The shaft of the arrow, defined as the area from the knock to the end of the arrow minus the arrowhead, must be at least 26 inches long.

- The use or possession while hunting of a bow with an arrow rest that has more than three inches of continuous contact with the arrow is prohibited.

- Broadheads must be made of metal, must have at least two cutting edges, must have a cutting diameter at least 7/8-inches wide, and except for turkey hunting must be at least as long as they are wide.

- An arrow and attached broadhead must weigh a minimum of 275 grains for all hunting.

- The use or possession while hunting of explosive, poisonous, hydraulic, pneumatic or barbed points is prohibited.

- Mechanical broadheads are prohibited from use while elk hunting, and mechanical broadheads with a cutting diameter greater than 1-7/8 inches are prohibited for any hunting.

- The use or possession while hunting of electronic bow-mounted devices of any kind that aid in the taking of game is prohibited. This includes electronically lighted sight pins and laser sights.

- The use or possession while hunting of electronic arrow or string releases of any kind is prohibited. Also, crossbows, bolts, darts and string locks or similar mechanical devices that hold a bow at draw are prohibited except for persons who qualify and possess a valid crossbow/draw-lock permit.

- The use of telescopic sights is prohibited.

- Bow and arrow hunters may not carry a firearm in the field while hunting with an archery-only license, except if the person is carrying a pistol and possesses a valid concealed pistol permit, nor may a person carrying a firearm accompany them. (See NONLICENSEES).

**BOWHUNTER EDUCATION REQUIREMENT:** All big game archery licensees under 16, all first-time archery big game licensees regardless of age, and all archery elk licensees must possess a National Bowhunter Education Foundation certificate or certificate of completion from a bowhunter education course approved by any state or provincial government. Those under 16 must also possess the standard HuntSAFE Card.

**TREE STANDS:** Permanent tree stands and climbing devices are prohibited on lands owned, leased or controlled by Game, Fish & Parks as well as the Fort Meade Recreation Area. Portable tree stands and climbing devices that do not use nails, wire or bolts for attachment are allowed from Aug. 25-Feb. 15. One screw-in "T" may be used to stabilize the stand. Removable screw-in steps may be used to access the stand. The name and address or the year and current archery tag number of the owner or user must be on the stand and legible from the ground. Any other elevated platform device not attached to the tree must also conform to the specified dates and labeling requirements.

## GENERAL RESTRICTIONS

- No one may hunt big game on interstate highways or controlled access facilities. And no one may discharge a firearm, muzzleloader, crossbow or bow and arrow at any big game animal, except turkey, which can be taken with a shotgun using shot shells or with bow and arrow from within the right-of-way of an improved public highway.

- No one may hunt big game, except Turkey as described above, on a section line or other highway if the right-of-way has been commonly used by the public for vehicular travel as demonstrated by the existence of a well-worn trail, or if an intentional alteration has been made to the right-of-way to enhance the natural terrain's utility for vehicular travel or to permit vehicular travel where it was not previously possible.

- No one may use salt blocks or licks or bait stations to lure or attract big game (decoys are legal). "Bait station" is a place where edible foodstuffs or minerals are placed or maintained as an attractant to game animals. Use of scents alone does not constitute a bait station.

- No one may use or possess night-vision equipment or throw or cast the rays of a spotlight, headlight, or other artificial light on a highway or in a field, pasture, woodland, forest, or prairie to spot, locate, take or attempt to take or hunt an animal while having in possession or control a firearm, bow, or other implement with which game could be killed, except as allowed for taking raccoons.

However, a landowner or lessee and one guest may use artificial light to hunt predators and varmints on the owner or lessee's own land provided the weapons used and possessed are a shotgun with shotshells or .22 caliber rimfire firearm.

- Between 10 p.m. and sunrise from Sept. 1-Jan. 31, no person may cast the rays of a spotlight or other artificial light except headlights to spot, locate, take or attempt to take any wild animal, except as allowed for taking raccoons. However, a landowner or lessee and one guest may use artificial light on the owner or lessee's own land.
- No one may possess a loaded firearm while intoxicated.
- No one may hunt big or small game animals in groups of more than 20 people.
- No one may use dogs to hunt big game.
- No one may wantonly waste game, destroy a big game animal not in season, or destroy a big game animal in season and not tag and claim the animal.
- No one may sell or barter big game, except the head, hide and antlers. Legally taken velvet antlers may be sold or offered for sale if tagged by a conservation officer before sold or offered for sale.
- No one may recklessly discharge a firearm or bow and arrow.
- No one may use or possess firearms in the Fort Meade Recreation Area, South Unit, and the signed portion of the North Unit.

### MOTOR VEHICLE RESTRICTIONS

- This includes snowmobiles, motorcycles and all-terrain vehicles.
- No one may use a motor vehicle to chase, harass, intercept, pursue or disturb big game.
  - No one may send or receive a message by cellular telephone or other electronic form of communications while in or on a motor vehicle for the purpose of hunting big game, small game, or migratory waterfowl.
  - No one who is in or on a motor vehicle, except hunters with Disabled Hunter Permits, may discharge a firearm or bow and arrow at any wild animal, except coyotes, jackrabbits, rodents, skunks, badgers, raccoons and foxes.
  - No one may allow a firearm to protrude from a motor vehicle or a conveyance attached to it while the vehicle is on a public highway. However, a firearm may protrude from a stationary vehicle when shooting at coyotes, jackrabbits, rodents, skunks, badgers, raccoons and foxes.
  - No one may possess a firearm while riding on or operating a snowmobile, motorcycle, or all-terrain vehicle unless the firearm is unloaded and completely enclosed in a carrying case. This does not apply to persons using ATVs on their own land or on land they lease, but does apply to use of snowmobiles and motorcycles.
  - No one may operate motorized vehicles on lands owned, leased or controlled by the Department of Game, Fish & Parks, except on designated motor vehicle roads and parking areas; federal Waterfowl Production Areas, except designated parking areas; Fort Pierre National Grasslands between Sept. 1-Nov. 30, except on designated roads and trails; U.S. Forest Service roads as posted in the Black Hills; or private land without permission from the owner or lessee of the land.
  - No one may use aircraft to hunt, take, concentrate, drive, stir up, locate or spot big game.
  - No one may hunt within any federal refuge, national park or monument, or state game refuge unless specific seasons have been established for these areas. (See also restrictions on state-owned lands below.)
  - No person may use a motor vehicle for the purposes of hunting, fishing or trapping on any land under the control of the South Dakota Commissioner of School and Public Lands, except for roads, trails or parking areas designated and signed by the Department of Game, Fish & Parks.

### LAND RESTRICTIONS

- TRESPASS:** You may not hunt on private land or retrieve big game animals from private land without permission from the owner or lessee except in the Black Hills Fire Protection District. In that area, you may not enter private land to hunt if the land is posted or if the owner or lessee has denied you entry.
- The Black Hills Forest Fire Protection District is within the following boundary: Beginning at a point on the Wyoming-South Dakota state line at the junction of Interstate Highway 90 at the state line; then east and southeast along Interstate Highway 90 via Rapid City to the intersection of U.S. Highway 16B; then south and southwest along U.S. Highway 16B to the intersection of State Highway 79; then south along State Highway 79 to the intersection of U.S. Highway 18; then south along U.S. Highway 18 to the Cheyenne River; then west and northwest along the Cheyenne River to the Wyoming-South Dakota state line; then north along state line to the place of beginning..
  - You may not trespass on railroad right-of-ways through Hermosa, Fairburn and Buffalo Gap to the Cheyenne River, then west along the Cheyenne River to the WY state line, north along the state line to the point of beginning. If a person is convicted of knowingly trespassing, that person's hunting privilege shall be revoked for one year.

**INDIAN TRUST LAND:** State licenses are valid on private, deeded lands within the exterior boundaries of an Indian reservation. Persons planning to hunt on tribal lands should contact the appropriate tribal office concerning tribal lands.

### RESTRICTIONS ON STATE-OWNED LAND:

- Uncased firearms are prohibited on the East Pelican Lake Access in Codington County; that portion of the Beilage Game Production Area north of Christensen Drive located in Sec.24 and 25, T6N, R2E, in Lawrence County; Hazel's Haven Fishing Access in Moody County; that portion of the Marcotte Game Production Area in S16, T5N, R5E, in Meade County; Kelley's Cove Fishing Access Area in Yankton County; and the Hwy 38/James River Fishing Access in Davison County.
- No person may possess an uncased firearm on the New Underwood Lake Access in Pennington County except any licensed hunter while lawfully engaged in hunting game.
- No person may possess an uncased firearm on the Rollings Game Production Area in Lincoln County except any licensed hunter, using a shotgun with shotshells only, while hunting small game or wild turkey and persons using the shooting range when open and supervised.
- No person may possess an uncased firearm on the Lake Henry Fishing Access in Bon Homme County except any licensed hunter, using a shotgun with shotshells only, while hunting small game or turkey.
- Only shotguns using shot shells and bow 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.
- Centerfire rifles are prohibited on the Lechtenberg Game Production Area in Hand County and Cottonwood Lake Hatchery State Game Bird Refuge in Spink County.
- You may not ride or allow horses on land owned, leased or controlled by Game, Fish & Parks except on designated bridle trails or equestrian areas. Licensed hunters may use horses during deer season on Game Production Areas adjacent to the Missouri River.

**GUIDING ON PUBLIC LANDS:** No person acting as a hunting guide may guide any hunting activity on state-owned or managed Game Production Areas, state parks, recreation areas, and lakeside use areas, federal land leased or under agreement to SD and posted as a Game Production Area and managed for wildlife purposes, or private land leased or under agreement to Game, Fish & Parks for the purpose of providing public access, or on highways or other public rights-of-way within this state that otherwise meet the requirements except that a hunting guide or employees of a hunting guide may guide a hunting activity on the road right-of-way immediately adjacent to property owned or leased by the hunting guide. A hunting guide is defined as a person who holds himself or herself out to the public as a hunting guide and, for compensation or remuneration, directs or provides services to any person for the purpose of hunting any wild animals.

**RESTRICTIONS IN PARK AND RECREATION AREAS:** Uncased firearms and bows are prohibited in all state parks, recreation areas, nature areas and lakeside use areas with the following exceptions:

- Uncased firearms and bows are permitted on designated rifle and archery ranges the year around.
- Hunters licensed for the special Custer State Park hunting seasons may have uncased firearms and bows in Custer State Park during the season for which they are licensed.
- Only shotguns using shot shells, muzzleloading shotguns, and bow and arrow are permitted in Custer State Park during the Custer State Park spring turkey season.
- Uncased firearms and bows are permitted from Sept. 1-May 21, within the Cheyenne River Lakeside Use Area.
- From Oct. 1-Apr. 30, uncased firearms and bows are authorized for licensed hunters in all state parks, recreation areas, nature areas and lakeside use areas during established hunting seasons with the following restrictions:
  - Uncased firearms and bows are prohibited the year around in all established campgrounds, designated day use areas, and at Beaver Creek and Blood Run nature areas, Lake Herman State Park, Spring Creek Recreation Area, Spirit Mound Historic Prairie, Bear Butte State Park east of Highway 79, Oahe Downstream Recreation Area except for a hunter who possesses a valid deer license for Unit WRD-58B and Adams Homestead and Nature Preserve except for a resident hunter who possesses a valid archery deer license and a special permit.
  - Only bow and arrow are permitted in Big Sioux Recreation Area, the Forest Drive Unit of Richmond Lake Recreation Area, Palisades State Park, LaFramboise Island, Chief White Crane and Clay County recreation areas and the mouth of Spearfish Canyon.
  - Only shotguns using shot shells and bow and arrow are permitted in West Whitlock, West Pickerel, Mina Lake, Okobojo, Farm Island, Angostura and Cow Creek recreation areas, and that portion of North Point Recreation Area which is situated to the west of 381st St. and north of 297th Ave.
  - Only shotguns using shot shells for the wild turkey hunting seasons and bow 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.
  - From Oct. 1-Jan. 31, deer hunting with a firearm or a bow and arrow is permitted in all state parks, recreation areas, nature areas and lakeside use areas during established hunting seasons.
  - A person who possesses a valid turkey license for unit PST-55B is permitted to have an uncased bow and arrow, a shotgun using shotshells, or a muzzleloading shotgun within the boundary of Sica Hollow State Park through the third Sunday of May.
  - A person who possesses a valid concealed pistol permit may carry a concealed pistol at any time.
  - Uncased .22 caliber rimfire firearms are prohibited on all state park and recreation area lands and on the George S. Mickelson Trail the year around. However, uncased .22 caliber rimfire firearms are permitted within North Point and Oahe Downstream recreation areas the year around on rifle ranges designated by the department.

### MISCELLANEOUS

**SHOOTING HOURS:** Archery and firearm shooting hours for big game are one-half hour before sunrise to one-half hour after sunset, except Turkey which is one-half hour before sunrise to sunset.

**FLUORESCENT ORANGE CLOTHING:** Big game licensees hunting with a firearm must wear at least one exterior garment of fluorescent orange while hunting. Garments include hat, shirt, vest, jacket, coat or sweater. Turkey hunters do not need to wear fluorescent orange. Regulations at Sand Lake and Waubay National Wildlife Refuges require that firearm deer hunters must wear a minimum of 400 square inches of visible solid fluorescent orange (not camouflage orange) material on the head, chest and back.

**INSPECTION:** You may not refuse inspection and count of game. Any motor vehicle, camper or trailer may be stopped for such inspection and count at the request of any law enforcement officer.

**REPORTING:** If you receive a hunter report form, you must complete and mail it as requested. These items are valuable tools in gathering information to manage big game herds, and your cooperation is an important contribution to our wildlife resources.

**FEDERAL LACY ACT:** No person may transport or ship to another state wildlife taken unlawfully in South Dakota.

**HARASSMENT:** No one may intentionally interfere with other persons lawfully engaged in taking or attempting to take game, engage in an activity specifically intended to harass or prevent the lawful taking of game, or engage in an activity to scare or disturb game with specific intent to prevent its lawful taking.

**PENALTIES:** Violations of most big game regulations are Class 1 misdemeanors, punishable by fine and/or imprisonment and mandatory loss of hunting privileges for one year. In addition to criminal penalties, a person taking or killing big game illegally may be assessed civil damages in the amount of \$200 for each turkey, \$1,000 for each deer, antelope or bobcat, \$5,000 for each elk, mountain lion or buffalo, and \$10,000 for each mountain goat or bighorn sheep. In certain cases, fines for damages may be doubled.