

Equal Access Program

Montana/Dakotas Bureau of Land Management

This document details recommendations and guidelines for providing access to BLM lands for people with disabilities in Montana/Dakotas BLM. These guidelines address non-facility type access issues, primarily road and trail and off-road access, and do not cover all aspects of compliance with section 504.

I. Legal Background

Section 504 of the Rehabilitation Act of 1973 requires all Federal programs, activities and services to be accessible to visitors with disabilities. DOI regulations for implementing this law were issued in 1987 (43 CFR Part 17).

1. The purpose of *43 CFR 17.200 Subpart B – Nondiscrimination on the Basis of Handicap* is to implement section 504 of the Rehabilitation Act of 1973 and its subsequent amendments, which are designed to eliminate discrimination on the basis of handicap in any program or activity receiving Federal financial assistance. The following are the primary prohibited discriminatory actions addressed in these guidelines (*17.203 Discrimination Prohibited*):
 - a. No qualified handicapped person shall, on the basis of handicap, be excluded from participation in, or be denied the benefits of, or other wise be subjected to discrimination under any program or activity conducted by the agency.
 - b. Discriminatory actions prohibited. The agency may not:
 - i. Deny a qualified handicapped person the opportunity to participate in or benefit from, the aid, benefit or service;
 - ii. Afford a qualified handicapped person an opportunity to participate in, or benefit from, the aid, benefit or service that is not equal to that afforded others;
 - iii. Provide a qualified handicapped person with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;
 - iv. Provide different or separate aid, benefits, or services to handicapped persons or to any class of handicapped persons than is provided to others unless such action is necessary to provide qualified handicapped persons with aid, benefits, or services that are as effective as those provided to others;
 - v. Otherwise limit a qualified handicapped person in the enjoyment of any right, privilege, advantage or opportunity enjoyed by others receiving the aid, benefit or service.

II. Program Goals

BLM field offices are encouraged to provide access opportunities to BLM lands for users with disabilities, while still fulfilling our responsibility for resource care and protection and user

safety. This equal access program must be administered in conjunction with appropriate state agencies responsible for establishing hunting regulations. In addition, BLM field offices are encouraged to become aware of, and familiar with, disability resources and issues (see Appendix D).

III. Program Guidelines

1. Field Offices need to consider equal access opportunities on a short term and long term basis. This includes dealing with opportunities on a “case by case basis” as well as providing for opportunities through the formal planning process, including travel management planning.
2. Access opportunities may include allowing access to closed roads, seasonally closed roads or portions of roads, allowing access to closed areas, setting aside areas for equal access opportunities, or providing alternative methods of achieving equal program access. These access opportunities should not impact resource care and protection (see Forest Service Examples of Hunter Access Policies in Appendix E and F).
3. Travel Management Planning needs to include an analysis of the availability of roads or areas for access, and an identification of these roads or areas. In determining the roads or areas to set aside, field offices should consider:
 - a. The availability of roads or areas that can support equal access.
 - b. The opportunity to provide equal but alternative locations for the activities.
 - c. The opportunity to provide alternative but equal opportunities for participation in activities (e.g., areas where game retrieval on OHV’s by people with disabilities is permitted).
 - d. The availability of other local areas that provide access for people with disabilities (i.e., state lands, Forest Service, private lands).
 - e. Compliance with Section 504 of the Rehabilitation Act of 1973; providing for accessibility should not fundamentally change existing programs or affect compliance with environmental law.
 - f. Opportunities to provide for game retrieval for people with disabilities.
4. When considering roads or areas to open for use by people with disabilities, field offices need to consider the following:
 - a. The reason the road or area is closed.
 - b. The condition of the road.
 - c. The kind of terrain the road accesses. Will hunters with disabilities or their companions be able to retrieve the kill?
 - d. The level of activity in the area. Is there a lot of walk-in traffic in the area? Will occasional vehicle use create social or safety conflicts and/or resource degradation?
 - e. The spectrum of opportunities that the access will provide.
5. Criteria may be established for each road or area opened including:
 - a. Season of use

- b. Time of day of use
 - c. Amount of use
 - d. Length of time of use
 - e. Other stipulations as deemed necessary to protect the resource, to provide a quality and equitable recreation experience, and to provide for the protection of the users.
6. If travel management plans identify specific roads or areas available for people with disabilities, the following language should be incorporated into the plan:

This road/area will be seasonally open for recreationists with disabilities that meet the qualifications and obtain the required state and BLM permits. Please contact the field office for more information.

7. If travel management plans do not identify specific areas or roads available for people with disabilities, the following language is recommended to be included in the plan:

Individual requests for access per the Rehabilitation Act of 1973 are considered and approved at the local level on a case by case basis.

8. If current land use plans have unclear or vague language identifying qualifications for hunters with disabilities, plan maintenance can be done to clarify this language. Plan Maintenance is discussed in BLM Land Use Planning Handbook H-1601-1:

The BLM regulation in 43 CFR 1610.5-4 provides that land use plan decisions and supporting components can be maintained to reflect minor changes in data. Maintenance is limited to further refining, documenting or clarifying a previously approved decision incorporated in the plan. Maintenance must not expand the scope of resource uses or restrictions or change the terms, conditions and decisions of the approved plan.

Plan maintenance is not considered a plan amendment and does not require formal public involvement, interagency coordination or the NEPA analysis required for making new land use plan decisions. Maintenance actions must be documented in the plan or supporting components (i.e., recorded so that the change and Field Manager concurrence are evident).

Plan maintenance should provide a clarification of eligibility requirements for participation, as well as detail the steps necessary for the participant in the program. Plan maintenance actions may include notification of individuals on the plan mailing list and may also include news releases. Suggested plan maintenance language might be:

The following provides clarification of the qualifications and steps necessary for hunters with disabilities to access seasonally closed roads identified within the _____ plan. Hunters with disabilities must do the following:

1. *Obtain the required state permits:*
 - a. *Valid hunting license*
 - b. *Hunt from a Vehicle Permit*

2. *Apply for and obtain a Montana/Dakotas Equal Access Permit from the field office.*
 - a. *This permit identifies the specific conditions under which access is allowed, including the names of the participants, date of use, time of use, conditions of use, etc.*

9. Motorized wheelchairs are not considered OHV's and therefore are not restricted to established roads and trails.

IV. Steps for the Public to Take

1. Obtain the required permit/documentation to prove qualifications.
2. Take required permits/documentation to the Field Office.
3. Request permission from Field Office.
4. Complete and have Field Office authorize BLM permit. Permit will identify who, what, where, when and how long access will be permitted, as well as any specific conditions of the access.
5. Obtain a Temporary Vehicle sign from the Field Office (some offices may also have a key to check-out).

V. Program Administration

Once Field Offices have identified roads/areas available, and established criteria for their use, they will need to address a number of considerations when working with individual access requests. Even when we have identified areas for access we also must address concerns if brought to us on a case-by-case basis. The steps to follow in this program are:

1. Determine Equal Access Participant Qualifications
 - a. Hunters with Disabilities
 - i. The hunter requesting participation in the Equal Access Program must have the current licenses/permits required by the appropriate state. Appendices A, B, and C list each state policy as of fall of 2003 (check with the state contact for current information – contact information in Appendices).
 - ii. The hunter must contact the appropriate BLM field office to fill out the Equal Access Permit and to provide details of the hunting experience he/she is seeking. This information will help the BLM in determining what provisions should be made in the permit to allow for adequate assistance for the hunter and for game retrieval.
 - b. Other Recreationists with Disabilities
 - i. Recreationist has a Golden Access Pass (or qualified America the Beautiful Pass)
 - ⇒ Golden Access Passports are a free, lifetime permit issued to citizens or persons domiciled (permanent residents) in the United States, regardless of age, who have been medically

determined to be blind or permanently disabled and are eligible to receive benefits under Federal law. Note - it is not necessary for an individual to be receiving benefits, only to qualify for benefits. Persons receiving the passport must be "permanently" disabled. Definition of a blind or permanently disabled person is a modified version of the definition of "handicapped person" published in the Department of the Interior Regulations for Section 504 of the Rehabilitation Act. (43 CFR 17.503)

Individuals eligible to receive the Golden Access Passport shall be any person who has a permanent physical, mental or sensory impairment that substantially limits one or more major life activities, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning or working.

- ii. Recreationist meets the qualifications for a Golden Access or America the Beautiful Pass. Request adequate documentation of applicant's disability; documentation can include any of the following:
 - ⇒ A document issued by an office of a Federal agency providing Federal benefits, which attests that the individual has been medically determined to be eligible to receive Federal benefits as a result of blindness or permanent disability. (A Veterans Disability card at the time of discharge may not qualify for proof unless the conditions still apply.)
 - ⇒ A statement signed by a licensed physician attesting to the fact that the person does have a permanent physical, mental or sensory impairment that severely limits one or more major life activities, as well as states the nature of the condition.
 - ⇒ An official identification card or certificate issued by a state government entity identifying the person as blind or permanently disabled.
 - ⇒ An identification card issued by a national or state organization for disabled persons identifying the applicant as blind or permanently disabled.

2. Set Up an Access System

- a. This may involve locked gates and key checkout (similar to FS and Missoula Field Office).
 - ⇒ Provide a separate/additional lock and keys for roads that are part of the program.
- b. May involve signing designated areas
 - ⇒ Develop a standard sign that can be posted at gates on roads available for this purpose (see example).
 - ⇒ Develop a standard temporary sign that can be posted in the user's vehicle.

3. Set Up a Field Office permit system
 - a. Develop a standard permit (see example).
 - b. The permit shall identify the individual and their companion(s), hunting license number if applicable, vehicle identification, specific road or area authorized to use, and any other specific conditions of use.
 - c. Issue a permit and temporary sign to each individual.
4. Evaluate the program on an annual basis and make adjustments as necessary to provide equitable access and protect the resources.

SAMPLE PERMANENT SIGN:

ATTENTION PUBLIC LAND USERS
BLM EQUAL ACCESS PROGRAM



The road behind this gate is available for authorized and qualified public land users with disabilities that obtain a permit from the Bureau of Land Management.

Please do not block vehicle access through this gate.

For further information about this program, please contact:

Local Field Office
Address
Phone Number

SAMPLE VEHICLE SIGN:

BLM EQUAL ACCESS PROGRAM

This vehicle and its occupants have been authorized to travel on a closed road as part of the BLM Montana/Dakotas Equal Access Program.



Name: _____ Date of Use: _____

Location: _____

Conditions & Travel

Restrictions: _____

Signed: _____ Date: _____
Participant

Signed: _____ Date: _____
Field Office Manager

For more information contact:
Local Field Office
Phone Number

SAMPLE EQUAL ACCESS PERMIT:

**United States Department of the Interior
Bureau of Land Management
EQUAL ACCESS PROGRAM
TRAVEL PERMIT**

PERMISSION IS HEREBY GRANTED TO:

Name of participant	
Address	
Phone Number	
Disabled Hunting License	
Permit to Hunt from a Road/Vehicle	
Golden Access/America the Beautiful Eligibility	
Other Eligibility	
Name of companion(s)	
Companion Phone	

TO USE THE FOLLOWING VEHICLE:

Vehicle Make	
Model	
Color	
License Plate	

FOR THE PURPOSE OF ENTERING THE FOLLOWING ROAD / AREA:

Area/Road access permitted	
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DURING THE FOLLOWING TIME PERIOD:

Dates	
Time	

SUBJECT TO THE FOLLOWING CONDITIONS:

1. (List resource conditions such as heavy rain, etc that may cause damage to road/trail that would eliminate the opportunity to access the road/trail.)
2. Permittee must have in possession, the required licenses and permits.
3. This permit extends to the above individuals named on the permit only. No other persons are authorized to accompany the participants in the motor vehicle during the exercise of this permit.
4. The vehicle must display required permits including the Permit to Hunt from a Vehicle issued by the State Agency and the BLM Equal Access permit.
5. The permittee and companion(s) shall exercise diligence in protecting from damage the land and property of the United States covered by and used in connection with this permit, and shall pay the United States for any damage resulting from negligence or from the violation of the terms of this permit or of any law or regulation applicable to public lands by the permittee or companion(s).
6. The permittee shall fully repair all damage, other than ordinary wear and tear, to the BLM roads and trails caused by the permittee in the exercise of this permit.
7. The permit is not transferable.
8. The permittee, in exercising this permit, shall comply with the regulations of the Department of the Interior and all Federal, State, County and municipal laws, ordinances or regulations which are applicable to the area of operation covered by this permit.
9. This permit may be terminated upon breach of any of the conditions herein, or at the discretion of the Field Manager.
10. Breach of any of the conditions herein is a violation of 36, Code of Federal Regulations 261.10(k), and is punishable by law.

We, the undersigned, agree to follow all terms and conditions of this permit, to adhere to all rules and regulations, including hunting regulations when applicable, and to return the permit and key by the deadline indicated on the permit. Failure to adhere to the terms and conditions of the permit will result in loss of opportunity to participate in the Montana/Dakotas Equal Access program.

Participant Signature

Companion Signature

Companion Signature

BLM Field Manager Signature

Companion Signature

APPENDIX A: State of Montana

**Montana Fish, Wildlife and Parks
State Headquarters
1420 East Sixth Avenue
PO Box 200701
Helena, MT 59620-0701
Phone: 406-444-2535
E-mail: www.fwp.state.mt.us**

Persons with disabilities are entitled to fish and to hunt game birds with only a conservation license if they are residents of Montana not residing in an institution. MCA 87-2-803 (1).

Montana residents who are certified as disabled by the Department may purchase regular deer and elk licenses at one-half the regular fee. This is also true for blind people, who must also be accompanied by an assisting companion. MCA 87-2-803 (2) and (5b).

Non-residents or Montana residents whose mobility is substantially impaired and has a "Permit to Hunt from a Vehicle," may shoot from a vehicle, on the shoulder, berm, or barrow pit right-of-way of some public roadways, and must have a companion to assist them. MCA 87-2-803 (4).

APPENDIX B: State of North Dakota

Bismarck Office (Headquarters)
100 N. Bismarck Expressway
Bismarck, ND 58501-5095
Phone: 701-328-6300
Fax: 701-328-6352
E-mail: ndgf@state.nd.us



**REQUEST FOR PERMISSION TO SHOOT FROM
A STATIONARY MOTOR VEHICLE**
NORTH DAKOTA GAME AND FISH DEPARTMENT
LICENSING DIVISION
SFN 6096 (12-99)

NOTE: Before making application for a permit to shoot wildlife from a stationary motor vehicle, the applicant must have met eligibility requirements of Sec. 39-01-15 N.D.C.C. (Parking privileges for mobility impaired) and have in their possession a current mobility impaired identifying certificate

Name:			
Address:	City:	State:	Zip Code:

I, (the above) request a permit to shoot nonmigratory game birds or animals, in season, from a stationary motor vehicle in accordance with provisions of Section 20.1-02-05, subsection 11, N.D.C.C. I have not been convicted of any game or fish violation within the past year. I certify that I possess the following:

Current Mobility Impaired Identifying Certificate Number:	Expiration Date:
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Photocopy of mobility impaired identifying certificate must be enclosed with application. Check appropriate box.

- ☐ Temporary permission to shoot from a stationary motor vehicle. Issued for a period of three (3) months to run concurrent with temporary mobility impaired identifying certificate.
- ☐ Permanent permission to shoot from a stationary motor vehicle. Issued for a period to run concurrent with permanent mobility impaired identifying certificate.

NOTE: This permit allows the permittee to drive, or to be driven, on private land for the purpose of hunting wildlife, except that neither any other passenger within the vehicle nor the driver, if someone other than the permittee, may be a hunter, unless such other person is also a permittee. Provided, however, that the land is privately owned, and if the permittee is not going to drive or be driven along an established road or trail, the permittee must first obtain the consent of the owner or tenant to hunt on the land.

Drivers License Number:	Date of Birth:
Height:	Weight:
Color of Eyes:	Color of Hair:
Signature:	Telephone Number:

ELIGIBILITY REQUIREMENTS (39-01-15 NDCC) Mobility Impaired as used in this section includes any person who has lost the use of one or both legs; requires personal assistance or the use of crutches, a wheelchair, or a walker to walk two hundred feet (60.96 meters) without rest; is restricted by cardiac, pulmonary, or vascular disease from walking two hundred feet (60.96 meters) without rest; has a forced expiratory volume of less than one liter for one second or an arterial oxygen tension of less than sixty millimeters of mercury on room air while at rest and is classified III or IV by standards for cardiac disease set by the American Heart Association; or has an orthopedic, neurologic, or other medical condition that makes it impossible for the person to walk two hundred feet (60.96 meters) without assistance or rest.

Approval of Director or Designee:



"VARIETY IN HUNTING AND FISHING"

NORTH DAKOTA GAME AND FISH DEPARTMENT

100 NORTH BISMARCK EXPRESSWAY BISMARCK, NORTH DAKOTA 58501-5085 PHONE 701-328-6300 FAX 701-328-6352

SHOOT FROM STATIONARY VEHICLE REGULATIONS

1. Enclosed is your new permit to shoot from a stationary vehicle.
2. As of June 1, 1990 all new applicants must meet the following requirements. Before making application for a permit to shoot wildlife from a stationary motor vehicle, the applicant must have met eligibility requirements of sec. 39-01-15 N.D.C.C. (Parking privileges for mobility impaired) and have in their possession a current mobility impaired identifying certificate. The special permit to shoot wildlife from a stationary vehicle (Sec. 20.1 -02-5 N.D.C.C.) will be issued for a person that will run concurrent with the permanent mobility impaired identifying certificate and will be reissued upon application and approval by the game and fish commissioner at that time. The application for permission to shoot from a stationary vehicle will be furnished by the Game and Fish Department upon request and must be filled out and returned along with a photocopy of the special mobility impaired parking certificate.
3. Applicants for a temporary permit to shoot nonmigratory wildlife from a stationary motor vehicle must have in possession a temporary mobility impaired identifying certificate. The temporary permit to shoot wildlife from a stationary vehicle will be issued for the same period as shown on the mobility impaired parking certificate.
4. NDCC (20.1-02-05-11). This permit shall allow the permittee to drive, or to be driven, on to any land for the purpose of hunting nonmigratory wildlife, except that neither any other passenger within the vehicle nor the driver, if someone other than the permittee, shall be a hunter unless such other person is also a permittee. Provided, however, that such land is privately owned, and if the permittee is not going to drive or be driven along an established road or trail, the permittee shall first obtain the consent of the owner or tenant to hunt on such land.
5. This permit only allows the permittee to drive or be driven to the place he or she wants to hunt and to shoot from a stationary vehicle. The permittee may not use a vehicle to flush, attempt to flush, search for or chase any game bird or animal.

APPENDIX C: State of South Dakota

South Dakota Game, Fish and Parks
412 West Missouri
Pierre, SD 57501
Phone: 605/ 773-3485



South Dakota

**DISABILITY
INFORMATION FOR
HUNTING & FISHING**



Disability information (fishing, hunting, other):

<http://www.sdgfp.info/Wildlife/Disability/DisabilityIndex.htm>



DISABLED HUNTING ACCESS AREAS

South Dakota Game, Fish & Parks has purchased various land tracts called Game Production Areas (GPA's) across the state that are open to public access for hunting or wildlife viewing. Special restrictions for vehicle access are posted at the entrances to these areas. The department also has four GPA's that have been designed, modified and signed as areas providing exemptions to vehicle access for individuals qualifying as "hunters or outdoor enthusiasts with disabilities." The following are the designated areas:

- Badger GPA (1,160 acres) in Lawrence County near Spearfish. This area is located 3 miles west and 2 miles south of Spearfish. Outdoor enthusiasts may enjoy the areas scenic beauty and seek deer, elk, and turkey.

- Carpenter GPA (1,209 acres) in Lyman County near Chamberlain. This area is adjacent to the Missouri River (Lake Francis Case) 1 mile west, 1 mile south, 2 1/2 miles west, and 3 miles south of Oacoma. The area has a combination of row crops, grassland, shelterbelts, and river breaks. Outdoor enthusiasts may enjoy the areas scenic beauty and seek deer, pheasants, grouse, and coyotes.
- Long Lake GPA (358 acres) in Jerauld County, near Wessington Springs. This area is located 7 miles west and 6 miles north of Wessington Springs. Outdoor enthusiasts may seek deer and waterfowl.
- Mydland Pass (Lynn Lake) GPA (1,470 acres) in Day County near Webster. This area is located 9 miles west and 2 miles north of Roslyn. Outdoor enthusiasts will be able to view a great variety of waterfowl, shorebirds, and song birds during their yearly migration periods. Hunters may seek deer and waterfowl in the area. If you would be interested in fishing, the lake is known for its crappie and walleye fishery.

The four designated disabled access areas will permit access with all-terrain vehicles (ATV) or other vehicles on special designated roads and trails for those individuals with a disabled hunter permit. Due to the safety concerns for those with disabilities, as well as other hunters, the potential for fire danger and the need to maintain wildlife habitat, vehicles will not be allowed to travel off of these trails, except for the direct trail line to retrieve downed game. Any passengers in or on the disabled permit holders vehicle must be non-hunters, and all firearms must be fully cased and unloaded while the vehicle is in motion or transit. The access vehicle must come to a complete stop with the motor turned off while aiming, firing, or shooting a weapon. Disabled hunter permittees cannot use vehicles to retrieve game for other hunters and cannot use vehicles to chase, harass, pursue or intercept wildlife. These access trails have been selected for ease of access, adequate pull-off areas, and are located in areas where a person will likely have an opportunity to view various wildlife species.

Please be aware that such public areas will expose disabled hunters or other people with physical challenges, to various degrees of physical risk. Due to the variability of the terrain and conditions on these public areas, not all areas may be totally accessible for the disabled hunter. These public use areas have no attendants, and there would be little chance that GFP personnel would be in the local area in case of an accident or if emergency assistance is needed. Hunters will have the responsibility and right to decide their safe use of such area(s), and will need to judge their own access ability on these areas.

The department also has a special unit for the West River firearms deer season (Unit 358D - Stanley County in central South Dakota) for those persons confined to a wheelchair. This hunt takes place on a specified weekend in November. GFP will allow successful applicants to hunt as instructed with volunteers from established blinds in a forested area below the Oahe Dam (north of Ft. Pierre). The West River deer application can be downloaded from the GFP web site: www.sdgifp.info. The application deadline is the first Friday in August. It is planned to allow ten any deer licenses for residents (\$30) and one any deer license for nonresidents (\$155) in the first drawing for this unit. Any leftover licenses will be available in a second drawing for residents only. Nonresidents can apply for any remaining licenses in a possible third drawing for this unit.

In addition, the US Forest Service has a Hunters with Disabilities Access program that allows accommodations for hunters with disabilities. Park Rangers may issue permits that will allow off highway/trail vehicle (OHV) access for those people with a state-issued, disabled hunter permit. These access areas will include the Ft. Pierre, Grand River, and Buffalo Gap National Grasslands.

For a disabled hunter to participate in the program, each hunter must have the current license(s), authorization and/or disabled hunter permit required by the state that allows a hunter to shoot from a vehicle. With the US Forest Service Ranger Districts participating with the Hunters with Disabilities Access program, the hunter will be issued an entry permit allowing vehicle access on roads normally closed to the public. Only one companion (the one name in the permit) will be authorized to accompany hunters with disabilities, and must ride in a vehicle located behind a closed gate on a

restricted road. The companion must follow all appropriate state regulations. Unless specifically allowed by permit, disabled hunter companions are prohibited from hunting National Forest Service Lands beyond the specified duties for disabled hunting companions.

You may wish to contact the following US Forest Service district offices for their maps showing the public grassland areas they manage and permit information regarding the Hunters with Disabilities Access program:

<p>Tony DeToy</p> <p>Ft. Pierre Grassland 124 S. Euclid Ave. PO Box 417 Pierre, SD 57501</p> <p>(605) 224-5517</p>	<p>Bill Perry</p> <p>Buffalo Gap Grassland Wall Ranger District 708 Main St. PO Box 425 Wall, SD 57790</p> <p>(605) 279-2125</p>	<p>Jack Issacs</p> <p>Grand River Grassland PO Box 390 Lemmon, SD 57638</p> <p>(605) 374-3592</p>
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DISABLED FISHING ACCESS AREAS

The South Dakota Dept. of Game, Fish and Parks also has various fishing areas that have structures or piers that allow access for disabled individuals. To ensure everyone has an opportunity to catch a South Dakota walleye, northern pike, bluegill or brown trout, accessible fishing piers have been installed in a number of parks. These floating piers feature low railings, accessible ramps, sidewalks and nearby parking.

Fishing piers are found at the following state parks or recreation areas:

- Angostura Reservoir (near Hot Springs),
- Burke Lake (near Burke),
- Custer State Park (near Custer),
- Farm Island Recreation Area (near Pierre),
- Hartford Beach Recreation Area (near Wilmot),
- Lake Alvin (near Harrisburg),
- Lake Herman (near Madison),
- Lake Louise (near Miller),
- Lake Mitchell (near Mitchell, NE end of the lake near Hwy 37)
- Lake Vermillion (East of Canistota),
- Lewis and Clark Recreation Area (near Yankton),
- Mina Lake (near Mina),
- Oakwood Lakes (near Bruce),
- Pickerel Lake (near Waubay),
- Richmond Lake (near Aberdeen),
- Roy Lake (near Britton),
- Springfield Recreation Area (near Springfield),
- Walkers Point (near Madison).

Other fishing access areas include piers on the LaFramboise Island causeway (near Pierre), Lake Oahe tailwaters (near Pierre), Mirror Lake and Coxes Lake (near Spearfish), Bear Butte (near Sturgis), Ravine Lake (Huron) Lake Mitchell – West end fishing bridge (Mitchell).

With these state owned areas we will attempt to provide opportunities for people with disabilities to enjoy the outdoors through hunting, fishing and recreational activities.

The department is attempting to provide greater accessibility and more programs for persons with disabilities, physically challenged, or with special access needs to view and enjoy the great South Dakota outdoor resources. This also involves expanding opportunities/programs so more individuals can still participate in hunting and fishing events, but also their opportunities to use state park trails, picnic/camping areas, and boat launches, etc.

South Dakota Game, Fish and Parks Special Disability and Reduced Fee Licenses and Permits



This information is also available in PDF format by clicking [>HERE<](#)

The South Dakota Department of Game, Fish & Parks offers a variety of special licenses and permits for disabled individuals and former prisoners of war. These licenses and permits cannot be purchased or obtained over the counter at the various license agents. Specific criteria are required for their application process and approval. Some of these licenses or permits are free-of-charge and others have a permit fee. This page contains helpful background and contact information on the various special licenses and permits available from the department.

Disabled Hunter Permit

Generally speaking, it is illegal to shoot game animals from a motor vehicle in South Dakota. For the legal discharge of a weapon, a hunter must be outside of the vehicle or off an all-terrain vehicle to shoot game. However, there are two exceptions to this law. The first exception is a hunter may shoot coyotes, jackrabbits, rodents, skunks, badgers, raccoons and foxes from a motor vehicle. The second exception allows hunters who possess a valid Disabled Hunter Permit to shoot game animals from a stationary motor vehicle.

A Disabled Hunter Permit allows a qualified hunter to lawfully shoot game animals from a stationary motor vehicle. This includes big game animals such as deer, antelope, elk, and turkey, and small game animals such as grouse, pheasants, partridge, rabbits, and waterfowl. The Disabled Hunter Permit is issued free-of-charge by the department to qualified hunters. The permit is valid for a period of up to four years and may be renewed after the date of expiration.

What are the Qualifications and Application Procedures to Receive a Disabled Hunter Permit?

The applicant's disability or injury must prohibit the person from being able to step from a motor vehicle without the aid of a wheelchair or crutches. The disability must be more substantial than a discomfort from walking. Applications from a nonresident hunter must include written/signed medical evidence of their physical disability from a licensed physician or chiropractor. The resident applicant will need to complete the application and meet with their local conservation officer to verify their health situation or disability. A physician's or chiropractor's verification may be a special requirement for some resident applications.

What does the Disabled Hunter Permit Authorize and what are the Limitations of the Permit?

The Disabled Hunter Permit authorizes the permittee to legally shoot game animals from a stationary motor vehicle under the limitations provided in the permit. The permittee must still obtain the required hunting licenses for the desired species to be hunted. The following permit limitations or guidelines specify what a person can and cannot do while in possession of a Disabled Hunter Permit.

LIMITATIONS: A Disabled Hunter Permit allows the permittee to shoot from a stationary motor vehicle. However, 1) The vehicle cannot be on a federal or state highway. 2) The permittee cannot shoot across any public road. 3) For hunting big game from public road rights-of-way, the permittee must obtain prior written permission from the owner of the immediate adjoining private lands. 4) The permittee may shoot from a stationary all-terrain vehicle provided the firearm is totally unloaded and totally encased during transport. 5) The permittee may not shoot from a snowmobile or use a motor vehicle to chase or pursue any game animal. 6) The use of any motor-propelled vehicle is prohibited on lands owned, leased, or controlled by the department, except on designated roads, trails, or parking areas.

Applications are available from your local conservation officer, regional or district office, or from Game, Fish & Parks, Permits, 412 West Missouri, Suite 4, Pierre, SD 57501. Or you may call 605-773-4191 for further information.

Designated Shooter for the Blind Permit

A Designated Shooter for the Blind Permit is available to a legally blind person who is legally licensed, but who cannot safely discharge a firearm or bow and arrow. A designated sighted hunter is allowed to shoot the game for the permittee, but the permittee must be physically present and participate in the hunt. The permittee may claim the game birds and animals taken by the designated hunter in accordance with the license possessed by the legally blind hunter. These permits are valid for one season, with an annual renewal requirement.

Permits are available from Game, Fish & Parks, 523 E. Capitol, Pierre, SD 57501. Or you may call 605-773-3630 for further information.



Crossbow Permit

A Crossbow Permit is available to any person who is permanently incapable of using a bow and arrow due to the loss of use of one or both arms, caused by birth defect, injury, disease, or who is confined to a wheelchair. The applicant must include a written/signed narrative from a licensed physician on their office letterhead, verifying the applicant's examination and the extent of the disability/injuries. Resident applicants must also meet with their local conservation officer for permit consideration. A Crossbow Permit is available free-of-charge, but the permittee must still obtain the required hunting licenses for the desired species to be hunted. The permit is valid for four years and may be renewed after the date of expiration.

Crossbows used shall have a minimum pull of 125 pounds and be equipped with a functional mechanical safety device. Telescopic sights and lighted sight pins are prohibited. The bolts shall be equipped with broadheads of steel, at least 7/8 inch wide, and the combined cutting edges shall not be less than three inches long. A person issued a crossbow permit may not possess a firearm in the field

nor may a permittee be accompanied by a person carrying a firearm during any season restricted to archery.

Applications are available from your local conservation officer, regional or district office, or from Game, Fish & Parks, Permits, 412 West Missouri, Suite 4, Pierre, SD 57501. Or you may call (605) 773-4191 for further information.

Reduced Fee Hunting and Fishing Card for Persons with Total Disability and Certain Veterans

Qualified Disabled Persons Or Veterans:

- any resident who has a total disability, which is defined as the person being permanently limited to a wheelchair and physically unable to walk with or without crutches, braces, or other mechanical support;
- any resident who receives a veterans allotment for a total disability which is deemed a service connected injury or has received the United States Veterans Administration "K" award (loss of limb or organ);
- any resident who has served on active duty in the armed forces of the United States, except active duty for training as a member of the reserve or national guard, and who is totally disabled for the purposes of receiving social security benefits;
- any resident who was held as a prisoner of war.

What are the Application Procedures to Receive a Disabled/Veteran Hunting and Fishing Card?

A person must apply on forms provided by the department and provide proof of South Dakota residency with the application. The application must also include a written statement that verifies the applicant's inability to walk with or without mechanical aids from a doctor of medicine, osteopathy, or chiropractic, currently and validly licensed by the South Dakota Board of Medical and Osteopathic examiners or Board of Chiropractic Examiners. A veteran must provide proof, at the time of application, that they are in receipt of one of the following: total disability allotment, social security disability benefits, or "K" award.

What does the Disabled/Veteran Hunting And Fishing Card Authorize?

South Dakota residents who qualify and are approved will be issued a Disabled/Veteran Hunting and Fishing Card for a \$10 fee. A disabled/veterans hunting and fishing card is the equivalent of the resident fishing and small game licenses until the expiration of the card. The card shall be valid for a period of four calendar years if the permittee remains a resident of the state.

For subsequent applications, a conservation officer in the county of the applicant's residence may verify the applicant's total disability in lieu of the doctor's statement.

Applications are available from Game, Fish & Parks, Licensing, 412 West Missouri, Pierre, SD 57501. Or you may call (605) 773-3393 for further information.

Free Admission and Reduced Fees for Certain Veterans in State Parks and Recreation Areas

Any South Dakota resident who has received one of the following: 1) a veterans allotment for a total disability which is deemed a service-connected injury, 2) the United States Veterans Administration "K" Award, or 3) was held as a prisoner of war, may apply for a free park entrance permit to any South Dakota state park or recreation area. The approved applicant will also receive a camping services permit that allows the permit holder a fifty percent discount on any camping fee or associated electrical service fee for their site.

Applications are available from Game, Fish & Parks, Licensing, 412 West Missouri, Pierre, SD 57501.
Or you may call (605) 773-3393 for further information.

APPENDIX D

DISABILITY AWARENESS TRAINING SOURCES

1. Video "*All Ways Welcome*"; light, humorous coaching for interactions with people with disabilities. CONTACT: Crossing the Barriers Committee Members
2. Video "*Access for Everyone*"; overview of ADA and do's and don'ts for interacting with people with disabilities. U.S. Fish & Wildlife Service. TIME: 36:08; CONTACT - Crossing the Barriers Committee Members.
3. "*Disability Etiquette-Tips on Interacting with people with Disabilities*"; summary of tips for interactions with people with a disability and ADA. Judy Cohen and the Eastern Paralyzed Veterans Association; 800-444-0120 or publications@epva.org . All new permanent employees receive this booklet at New Employee Orientation. CONTACT - Crossing the Barriers Committee Members
4. Pamphlet: "A Guide to Planning Accessible Meetings" by June Isaacson Kailes and Darrel Junes, Houston, ILRU, 1993.
5. *Guidelines for Reporting and Writing About People with Disabilities*. CONTACT: Publications, Research and Training Center on Independent Living, 4089 Dole Bldg., University of Kansas, Lawrence KS 66045 or Email at rtcil@kuhub.cc.ukans.edu , Phone: 913-864-4095 (voice/TTY), or FAX (913) 864-5063.
6. *Accommodating All Guests*: by John P.S., Salmen, AIA; CONTACT: American Hotel & Motel Association, 1201 New York Ave, NW, Washington DC 20005.
7. *Job Accommodation Network (JAN)* The ADA Evaluation Checklist & Guide. Provided by The President's Committee on Employment of People with Disabilities'. This guide and checklist is designed to give a quick appraisal of potential problem areas for accessibility. CONTACT: Awareness Sub-Committee for copy.
8. "*Think Ability*". President's Committee on Employment of People with Disabilities Educational Kit 1999. CONTACT: 1331 F Street, NW, Washington DC 20004-11071. <http://www.dol.gov/odep/>
9. "*Universal Access to Outdoor Recreation*" (Pocket Guide). CONTACT: MIG Communications, 800 Hearst Ave, Berkley CA 94710, (800) 790-8444; FAX (510) 845-8750 or <http://www.migcom.com>

APPENDIX E: Forest Service Region 1 Hunter with Disabilities Access Program

FSM 2300 - RECREATION, WILDERNESS,
AND RELATED RESOURCE MANAGEMENT
R-1 SUPPLEMENT 2300-96-1
EFFECTIVE 02/07/96

CHAPTER 2350 - TRAIL, RIVER, AND SIMILAR RECREATION OPPORTUNITIES

2352 - ROAD RECREATION MANAGEMENT

2352.2 - Management of Recreation on Forest Development Roads.

Access Program for Disabled Hunters

1. Program Goal and Overview. The goal of the Northern Region Disabled Hunter Access Program is to assist in making hunting opportunities available for hunters with disabilities while fulfilling our responsibilities for resource care and protection.

This program is a partnership with the various State Fish and Game agencies, who are responsible for determining eligibility requirements and establishing hunting regulations. All program recommendations are made in light of current State regulations.

2. Program Guidelines. The following guidelines are offered to create program consistency throughout the Region:

- a. The Disabled Hunter Forest Access Program is **voluntary**, offered on a Forest by Forest basis. It can be terminated or changed at any time.
- b. To determine the appropriateness of the program, each Forest should perform an analysis that includes the following:
 - (1) Availability of open roads (or portions of roads) that can support hunting.
 - (2) Other offerings of disabled hunter access (for example, timber companies, private land owners, State lands), in the local hunting area.
 - (3) Perceived demand for the program in the local hunting area.
 - (4) Ability of Forest/District to administer the program.

3. Program Administration. The administration of the program should be consistent throughout the Region. See 2352.2 - Exhibit 01 for a sample program. Any Forest choosing to participate should follow these guidelines:

- a. Participant Qualification. To participate in the program, each hunter must have the current licenses/permits required by their State. Each State should be contacted for the current rules and regulations. In general, States within R1 allow disabled hunters (generally non-ambulatory and requiring some device to be mobile) to be eligible for special permits that allow them to hunt and shoot

from a vehicle (that displays symbols of disabled hunters) with a companion who may assist in finishing and retrieving game shot by the disabled hunter. They are not provided with special seasons or bag limits but may have some privileges concerning the availability of permits or the flexibility of shooting either sex. Blind hunters are discussed and there are some very specific regulations pertaining to them.

Close coordination with local state Fish, Wildlife and Parks Departments is critical for a successful program. The Forest Service does not evaluate a participants' disability qualifications. Each State determines who qualifies for the program and issues the appropriate licenses and permits, Notify the State if you suspect someone of violating permit requirements.

b. Road Selection. Only certain forest roads should be identified for this program. Consider the following in the selection process:

- (1) Why is the road closed? Is it closed to protect sensitive habitat; to limit severe resource degradation; or because of hazards that might exclude it from this program?
- (2) What is the condition of the road? It must be passable for two-wheel drive vehicles in all seasons.
- (3) What kind of terrain does the road access? Will disabled hunters (or their assistants) be able to retrieve their kill?
- (4) How much activity is in the area? Will occasional vehicle use create social or safety problems, conflict with other permitted activities or access provisions?
- (5) Does this area provide a reasonable chance for hunter success?
- (6) The gate/lock system on the road. Is it functioning?

c. Season Identification. Each Forest should establish the length of the "season" for each area, and the number of people who can participate at any one time.

d. Individual Participation. As specified by each Forest, each person may participate for a limited period of time (1 to 5 days) on 1 or 2 specified roads.

e. Local Permit or Letter of Authorization. Each Ranger District should have hunters complete and sign a local permit or letter of authorization issued according to CFR 261.51 and FSH 7709.59, Section 26.13. The permit shall include identification of the hunter and companion, number of the state hunting license, identification of the vehicle, the specific road(s) the person is permitted to use with specific days and times, and any additional permit conditions.

f. Reservations. Each Ranger District should allow qualified hunters to reserve a "spot" in the program. This helps limit the number of participants and ensures that hunters can plan in advance for their experience.

g. Keys and Locks. A lock other than the standard Forest Service lock should be used for closed roads in the program. Participants should pick up a key from

the District Office and return it within three days after their hunt. Gates are to be locked while the hunter is behind the gate.

h. Signing. Roads should be signed at the gate with a permanent notification similar to 2352.2 - Exhibit 02. When hunters visit the Ranger District to complete the permit and pick up the key, they should be issued a temporary sign similar to 2352.2 - Exhibit 03 to hang on the gate. The sign is returned to the Ranger District along with the key. The hunter's vehicle must display the appropriate state issued window decals.

i. Companion. A companion can accompany the disabled hunter according to each State's regulations.

j. Evaluation. Ranger Districts should encourage comments from participants to improve the program.

4. Information Services.

a. Regional report. Any Forest with a disabled hunter access program should send the following information to the Regional Office, WRHP, by August 1 of each year:

- (1) Brief description of the program.
- (2) Which roads/which Ranger Districts are involved
- (3) How the program is administered (reservations, key pick-ups etc.)
- (4) Who to contact for more information.

A Northern Region program synopsis will be prepared every year and supplied to each Forest and state Fish and Game agency. Information will also be sent to Independent Living Centers and others upon request.

b. Hunter Information. Regardless of whether or not a Forest participates in this program, the Forest should be able to provide hunters possessing an endorsement to hunt from a vehicle with information about open roads that might match the experience he/she is anticipating.

2352.2 - Exhibit 01

Sample Program

XXXX National Forest Disabled Hunter Access Program

DD-MON-YYYY

This program is designed to provide special access to selected restricted Forest Development roads for disabled hunters who hold a State of XXXXXXXX Disabled Resident License stamped with a Permit To Hunt From a Vehicle.

This program has been developed in cooperation with the XXXXXXXX Department of Fish Wildlife and Parks (DFWP).

Pre-Hunting Season:

- 1) Forest and DFWP select roads that are suitable for the program:
List by District and Road Name and Number
- 2) Put double locks on the gates to these roads so a key can be signed out to qualified hunters.
- 3) Sign the road at least two weeks before the big game rifle season begins that this road is available for hunters with disabilities.

During Hunting Season:

Hunter with Disabled Resident Conservation License stamped with a Permit To Hunt From a Vehicle comes to District Ranger's Office.

- 1) The qualified hunter is informed of requirements and restrictions as outlined in the permit or letter of authorization. He/she is also given any other pertinent information such as the possibility of more than one qualified hunter using the area at a time or the chance of other walk-in hunters in the area.

The hunter's signature is required on the permit. His/her assistants' signature is recommended but not required.

- 2) The hunter is given a sign to be posted on the gate while behind the gate in a vehicle and a key to the gate with a self addressed envelope to return the key to the District within three days of the end of the permit. The key will normally be checked out for each hunt. It can be checked out for any number of times during the hunting season. Longer check-out periods may be negotiated with the District Ranger or staff.

2352.2 - Exhibit 02

Sample Permanent Gate Sign

ATTENTION HUNTERS

The road behind this gate is available for disabled hunters with a XXX State Department of Fish Wildlife and Parks (DFWP) Permit to Hunt From a Vehicle and a XXXX Forest Hunter Travel Permit for Persons with Disabilities

You may encounter qualified hunters in a vehicle hunting beyond this gate.

Please park so you do not block vehicle access through the gate.

For further information contact the XXXX National Forest or DFWP in this area.

2352.2 - Exhibit 03

Sample Temporary Gate Sign

ATTENTION HUNTERS

A person with a XXX State Department of Fish Wildlife and Parks "Disabled Resident Conservation License stamped with a Permit to Hunt From a Vehicle" and a XXXX Forest "Hunter Travel Permit for Persons with Disabilities" **is now hunting from a vehicle beyond this locked gate.**

Please do not block vehicle access through the gate.

Appendix F: Lemmon Ranger District Policy

Disabled Hunter Access Policy Lemmon Ranger District Dakota Prairie National Grasslands

This policy covers the 2001 hunting season.

The intent of the Disabled Hunter policy is to provide access for disabled hunters who would like to take advantage of the hunting resources afforded by the Dakota Prairie National Grasslands (DPG). The DPG fully supports this program as does the Lemmon Ranger District. Participation in the program requires the following:

1. A participant must have the current hunting licenses required by the North or South Dakota Departments of Fish and Game.
2. A permit issued by the North or South Dakota Departments of Fish and Game allowing a disabled hunter to shoot from a stopped vehicle.
3. Completion and signature of a local permit issued by the appropriate ranger district. The permit shall include identification of the hunter, number of state hunting license and disabled hunter permit, and identification of vehicle (s) that will be used.
4. The Forest service permit must be carried with the hunter when traveling off-roads or trails.
5. A companion may accompany the disabled hunter but may not hunt.
6. Off-road or trail travel is prohibited during wet periods when rutting occurs.
7. A bucket and shovel must be carried in the vehicle.
8. All ATV's must have fully functional spark arrestors.
9. Participants must adhere to all fire restrictions.