

41:04:01:08. Diver-down flag requirements. The statutory diver-down flag shall may be not less than ~~8~~ 12 inches by ~~10~~ 15 inches in size. No person may place a diver-down flag in such a manner that the flag restricts watercraft navigation.

Source: SL 1975, ch 16, § 1; 10 SDR 76, 10 SDR 102, effective July 1, 1984.

General Authority: SDCL 42-8-1.1.

Law Implemented: SDCL 42-8-1.1, 42-8-44.1.

Cross-Reference: Use of diver-down flag, SDCL 42-8-44.1.

41:06:02:03. Hunting license fees. Hunting license fees are as follows:

- (1) Resident predator/varmint license, \$5;
- (2) Resident small game license:
 - (a) Nineteen years of age and older, \$27;
 - (b) Under 16 years of age, \$5;
- (3) Resident one-day small game license, \$12;
- (4) Resident combination license, \$49;
- (5) Senior combination license, 65 years of age and older, \$34;
- (6) Resident junior combination license, 16 to 18 years of age, inclusive, \$27;
- (7) Resident furbearer license, \$30;
- (8) Nonresident furbearer license, \$275;
- (9) Resident spring one-tag wild turkey license, \$19;
- (10) Resident spring two-tag wild turkey license, \$29;
- (11) Resident fall one-tag wild turkey license, \$9;
- (12) Resident fall two-tag wild turkey license, \$14;
- (13) Resident deer or antelope one-tag license, \$34;
- (14) Resident deer or antelope two-tag license, \$44;
- (15) Resident antelope three-tag license, \$44;

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(16) Resident-landowner-on-own land deer or antelope license, one-half the fee of the deer or antelope license which has been applied for;

(17) Resident one-tag antlerless deer or doe-fawn antelope license, \$14;

(18) Resident two-tag antlerless deer or doe-fawn antelope license, \$24;

(19) Resident three-tag any deer and two any antlerless deer license, \$44;

(20) Resident three-tag three any antlerless deer license; \$24;

(21) Resident three-tag any whitetail and two antlerless whitetail deer license, \$44;

(22) Resident three-tag three antlerless whitetail deer license, \$24;

(23) Resident three-tag doe-fawn antelope license, \$24;

(24) Resident elk license:

(a) Any elk or bull elk, \$169;

(b) Antlerless elk, \$110;

(25) Resident landowner depredation elk, one-half the fee of the elk license which has been applied for;

(26) Resident mountain goat license, \$274;

(27) Resident Black Hills bighorn sheep license, \$274;

(28) Canada goose special unit permit, \$10;

(29) Nonresident small game license:

(a) Sixteen years of age and older, \$115;

(b) Under 16 years of age, \$10;

(30) Special nonresident waterfowl license, includes migratory bird certification permit, \$115;

(31) Fall three-consecutive days temporary nonresident waterfowl license, \$80;

(32) Spring snow goose temporary nonresident license:

(a) Sixteen years of age and older, \$44;

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- (b) Under 16 years of age, \$20;
- (33) Early fall Canada goose temporary nonresident license, \$44;
- (34) Nonresident spring one-tag wild turkey license, \$94;
- (35) Nonresident spring two-tag wild turkey license, \$119;
- (36) Nonresident fall one-tag wild turkey license, \$84;
- (37) Nonresident fall two-tag wild turkey license, \$94;
- (38) Nonresident deer or antelope one-tag license, \$280;
- (39) Nonresident deer or antelope two-tag license, \$330;
- (40) Nonresident antelope three-tag license, \$330;
- (41) Nonresident one-tag antlerless deer or doe-fawn antelope license, \$74;
- (42) Nonresident two-tag antlerless deer or doe-fawn antelope license, \$114;
- (43) Nonresident three-tag doe-fawn antelope license, \$114;
- (44) Nonresident three-tag any deer and two any antlerless deer license, \$330;
- (45) Nonresident three-tag three any antlerless deer license, \$114;
- (46) Nonresident three-tag any whitetail and two antlerless whitetail deer license,
\$330;
- (47) Nonresident three-tag three antlerless whitetail deer license, \$114;
- (48) Nonresident predator license, \$40;
- (49) Custer State Park elk license:
 - (a) Custer State Park rifle any elk license, \$300;
 - (b) Custer State Park early archery elk license, \$300;
 - (c) Custer State Park late archery elk license, \$200;
 - (d) Custer State Park special antlerless elk license, \$200;
- (50) Custer State Park deer license:
 - (a) Custer State Park any deer license, \$150;

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(b) Custer State Park one-tag any whitetail deer license, \$150;

(c) Custer State Park one-tag muzzleloader whitetail antlerless deer license,

\$25;

(51) Custer State Park bison license:

(a) Custer State Park trophy bull bison license, \$5,000;

(b) Custer State Park nontrophy bull bison license, \$2,250;

(c) Custer State Park cow bison license, \$1,750;

(52) Custer State Park bighorn sheep license, \$500;

(53) Custer State Park coyote license, \$10;

(54) Custer State Park antelope license:

(a) Custer State Park any antelope license, \$150;

(b) Custer State Park doe-fawn license, \$25;

(55) Nonrefundable application fee:

(a) Archery and rifle elk, ~~\$5~~ \$10;

(b) Mountain goat, ~~\$5~~ \$10;

(c) Bighorn sheep, ~~\$5~~ \$10;

(56) Resident special any deer license, \$169;

(57) Nonresident special any deer license, \$554;

(58) Youth deer or antelope license:

(a) Resident, \$5;

(b) Nonresident, \$10;

(59) Tundra swan permit:

(a) Resident, \$12;

(b) Nonresident, \$19;

(60) Migratory bird certification permit, \$5;

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(61) Nonresident shooting preserve license:

- (a) One-day, \$40;
- (b) Five-consecutive days, \$70;
- (c) Annual, \$115;

(62) Mountain lion license, \$22;

(63) Resident mentored youth deer, antelope, or turkey license, \$5;

(64) Any unit, other than elk, bighorn sheep, or mountain goat, for which no licenses have been allocated for the purpose of acquiring a preference point or any unit where a preference point is awarded for an unsuccessful application for license:

- (a) Resident, \$5;
- (b) Nonresident, \$10.

Source: SL 1975, ch 16, § 1; 2 SDR 10, effective August 7, 1975; 2 SDR 36, effective November 12, 1975; 3 SDR 13, effective August 25, 1976; 6 SDR 80, effective February 14, 1980; 7 SDR 48, effective November 25, 1980; 8 SDR 15, effective August 19, 1981; 8 SDR 31, effective September 30, 1981; 9 SDR 108, effective February 20, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 10 SDR 148, effective July 11, 1984; 11 SDR 80, effective December 16, 1984; 12 SDR 14, effective August 6, 1985; 12 SDR 22, effective August 21, 1985; 12 SDR 186, effective May 28, 1986; 13 SDR 9, effective August 3, 1986; 13 SDR 159, effective May 5, 1987; fees transferred from §§ 41:06:02:01.01, 41:06:07:05, 41:06:16:08, and 41:08:01:10, 14 SDR 4, effective July 22, 1987; 14 SDR 40, effective September 23, 1987; 14 SDR 57, effective October 21, 1987; 15 SDR 24, effective August 14, 1988; 15 SDR 50, effective October 6, 1988; 15 SDR 162, effective May 4, 1989; 15 SDR 210, effective July 10, 1989; 17 SDR 12, effective July 31, 1990; 17 SDR 23, effective August 16, 1990; 17 SDR 34, effective September 6, 1990, and January 1, 1991; 18 SDR 223, effective July 13, 1992; 19 SDR

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207, effective July 14, 1993, and January 1, 1994; 20 SDR 204, effective June 7, 1994; 21 SDR 148, effective March 6, 1995; 21 SDR 207, effective June 5, 1995; 22 SDR 172, effective June 11, 1996; 23 SDR 38, effective September 26, 1996; 23 SDR 197, effective May 27, 1997; 24 SDR 156, effective May 17, 1998; 25 SDR 193, effective July 19, 1998; 25 SDR 43, adopted September 28, 1998, effective January 1, 1999; 26 SDR 162, effective June 14, 2000; 27 SDR 111, effective May 8, 2001; 27 SDR 126, effective June 6, 2001; 28 SDR 150, effective May 7, 2002; 28 SDR 178, effective July 1, 2002; 29 SDR 160, effective June 3, 2003; 30 SDR 21, effective August 25, 2003; 31 SDR 89, effective December 12, 2004; 31 SDR 165, effective May 10, 2005; 31 SDR 191, effective June 7, 2005; 32 SDR 45, effective September 20, 2005; 32 SDR 203, effective June 5, 2006; 33 SDR 1, effective July 18, 2006; 33 SDR 212, adopted May 15, 2007, effective January 1, 2008; 34 SDR 67, effective September 10, 2007; 34 SDR 297, effective June 4, 2008; 35 SDR 47, effective September 8, 2008; 36 SDR 21, effective August 18, 2009; 36 SDR 39, effective September 23, 2009; 37 SDR 112, effective December 8, 2010; 37 SDR 215, effective May 31, 2011; 38 SDR 8, effective August 3, 2011; 38 SDR 101, effective December 5, 2011; 39 SDR 100, effective December 3, 2012; 39 SDR 204, effective June 11, 2013; 40 SDR 113, effective December 16, 2013.

General Authority: SDCL 41-6-10, 41-6-18.4, 41-6-19.6, 41-17-1.1(9).

Law Implemented: SDCL 41-6-10, 41-6-10.1, 41-6-18.4, 41-6-19.1, 41-6-19.6, 41-17-1.1(9).

Cross-Reference: Application procedure for licenses issued for a reduced fee based on total disability and other qualifications, § 41:09:12:06.

41:06:04:03. Methods prohibited. A person may not establish, utilize, or maintain a bait station from August 15 to February 1, inclusive, and from March 15 to May 31, inclusive, to attract any big game animal, including wild turkey, and a person may not use

an electronic call when hunting any big game animal except a mountain lion. A bait station is a location where grains, fruits, vegetables, nuts, hay, minerals, or any other natural food materials, commercial products containing natural food materials, or by-products of such materials are placed or maintained as an attractant to big game animals for the purpose of hunting. The use of scents alone does not constitute a bait station.

This section does not apply to foods that have not been placed or gathered by a person and result from normal environmental conditions or accepted farming, forest management, wildlife food plantings, orchard management, or similar land management activities.

A person is exempt from the bait station restrictions while participating in any research or depredation management activities directed by the department.

Source: SL 1975, ch 16, § 1; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 16 SDR 44, effective September 13, 1989; 23 SDR 197, effective May 27, 1997; 37 SDR 112, effective December 8, 2010; 39 SDR 32, effective September 5, 2012.

General Authority: SDCL 41-2-18(1)(2)(14).

Law Implemented: SDCL 41-2-18(1)(2)(14).

Cross-Reference: Dogs prohibited in hunting big game -- Exception -- Violation, SDCL 41-8-15.

41:06:13:02. Open units -- Number and type of licenses available. The following is a description of the open units and the number and type of licenses available in each unit:

(1) Unit BST-BH1: ~~that portion of Lawrence County south of Interstate 90; that portion of Meade County south and west of a line beginning at the junction of the Butte-Meade County line and State Highway 79, then southerly along State Highway 79 to State Highway 34, then easterly along State Highway 34 to Alkali Road, then easterly~~

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~~along Alkali Road approximately 9 miles to its junction with Middle Alkali Road, then southerly along Middle Alkali Road approximately 15 miles to Elk Creek Road, then easterly along Elk Creek Road approximately 2 miles to North Haines Avenue, then southerly along North Haines Avenue to the junction of Haines Avenue and the Meade-Pennington County line; that portion of Pennington County west of Haines Avenue from the Meade-Pennington County line to Rapid City and that portion west of State Highway 79 from Rapid City to the Custer County line; that portion of Custer County, excluding Custer State Park, west of State Highway 79; that portion of Fall River County west and north of a line beginning at the junction of the Custer-Fall River County line and State Highway 79, then southerly along State Highway 79 to its junction with U.S. Highway 18 and 385 at Maverick Junction, then southerly along U.S. Highway 18 and 385 to its junction with the Cheyenne River, then westerly along the Cheyenne River to its junction with U.S. Highway 18 at Edgemont, then westerly along U.S. Highway 18 to the South Dakota-Wyoming border. Excluding Custer State Park, Wind Cave National Park, Mount Rushmore National Memorial, and Jewel Cave National Monument, that portion of Lawrence County south of Interstate 90; that portion of Custer County west of State Highway 79; that portion of Fall River County north and west of a line beginning at the junction of the South Dakota-Wyoming border and U.S. Highway 18, then easterly along U.S. Highway 18 to its junction with the Cheyenne River, then easterly along the Cheyenne River to its junction with U.S. Highway 18 and 385, then northerly along U.S. Highway 18 and 385 to its junction with State Highway 79 and continuing northerly along State Highway 79 to its junction with the Custer County line; that portion of Meade County west and south of a line beginning at the junction of State Highway 79 and the Meade-Butte County line, south on State Highway 79 to State Highway 34, east on State Highway 34 to Alkali Road, east on Alkali Road to Middle Alkali Road, south on Middle~~

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Alkali Road to Tilford Road, west on Tilford Road to Ricard Road, south on Ricard Road to Elk Creek Road, east on Elk Creek Road to North Haines Avenue, south on North Haines Avenue to the junction of Haines Avenue and the Meade-Pennington County line.

The number of "male turkey" licenses issued is unlimited;

(2) Unit BST-BH2: the same boundaries as Unit BST-BH1; the number of "male turkey" tags issued is unlimited. Unit BST-BH2 is open beginning on May 1 to the eighth day prior to Memorial Day, inclusive;

(3) Unit PST-01A: Minnehaha County; ~~100~~ 80 "male turkey" licenses;

(4) Unit PST-02A: that portion of Pennington County east of the Cheyenne River; 300 two-tag licenses with each tag valid for one "male turkey";

(5) Unit PST-06A: Brookings County; 20 "male turkey" licenses;

(6) Unit PST-07A: Yankton County; ~~280~~ 230 "male turkey" licenses;

(7) Unit PST-08A: Davison and Hanson Counties; 80 "male turkey" licenses. Unit PST-08A is open beginning on the second Saturday of April to April 30, inclusive;

(8) Unit PST-08B: Davison and Hanson Counties; 80 "male turkey" licenses. Unit PST-08B is open beginning on May 1 to the eighth day prior to Memorial Day, inclusive;

(9) Unit PST-11A: Bennett County; 70 two-tag licenses with each tag valid for one "male turkey";

(10) Unit PST-12A: Bon Homme County; ~~300~~ 250 "male turkey" licenses;

(11) Unit PST-13A: Brule County; 150 "male turkey" licenses;

(12) Unit PST-15A: Butte County and that portion of Lawrence County north of Interstate 90; 450 two-tag licenses with each tag valid for one "male turkey";

(13) Unit PST-17A: Charles Mix and Douglas Counties; 400 "male turkey" licenses;

(14) Unit PST-19A: Clay County; ~~80~~ 120 "male turkey" licenses. ~~Unit PST-19A is open beginning on the second Saturday of April to April 30, inclusive;~~

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~~(15)~~ Unit PST-19B: Clay County; 80 "male turkey" licenses. Unit PST-19B is open beginning on May 1 to the eighth day prior to Memorial Day, inclusive;

~~(16)~~ (15) Unit PST-20A: Corson County; 100 "male turkey" licenses;

~~(17)~~ (16) Unit PST-21A: that portion of Custer County east of State Highway 79 and that portion of Pennington County south of Interstate 90 between State Highway 79 and the Cheyenne River; 180 two-tag licenses with each tag valid for one "male turkey";

~~(18)~~ (17) Unit PST-22A: Day and Codington Counties; 60 "male turkey" licenses;

~~(19)~~ (18) Unit PST-23A: Deuel County; 90 "male turkey" licenses;

~~(20)~~ (19) Unit PST-24A: Dewey and Ziebach Counties; 150 "male turkey" licenses;

~~(21)~~ (20) Unit PST-27A: that portion of Fall River County not included in Unit BST-BH1; 150 two-tag licenses with each tag valid for one "male turkey";

~~(22)~~ (21) Unit PST-29A: Grant County; 220 "male turkey" licenses;

~~(23)~~ (22) Unit PST-30A: Gregory County; ~~950~~ 850 "male turkey" licenses;

~~(24)~~ (23) Unit PST-31A: Haakon County; 300 two-tag licenses with each tag valid for one "male turkey";

~~(25)~~ (24) Unit PST-32A: Hamlin County; 0 "male turkey" licenses;

~~(26)~~ (25) Unit PST-35A: Harding County; 150 "male turkey" licenses;

~~(27)~~ (26) Unit PST-36A: Hughes County; 40 "male turkey" licenses;

~~(28)~~ (27) Unit PST-37A: Hutchinson County; 80 "male turkey" licenses;

~~(29)~~ (28) Unit PST-39A: Jackson County; 200 two-tag licenses with each tag valid for one "male turkey";

~~(30)~~ (29) Unit PST-40A: Jerauld County; 10 "male turkey" licenses;

~~(31)~~ (30) Unit PST-41A: Jones County; 100 "male turkey" licenses;

~~(32)~~ (31) Unit PST-44A: Lincoln County; 50 "male turkey" licenses. Unit PST-44A is open beginning on the second Saturday of April to April 30, inclusive;

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~~(33)~~ (32) Unit PST-44B: Lincoln County; 50 "male turkey" licenses. Unit PST-44B is open beginning on May 1 to the eighth day prior to Memorial Day, inclusive;

~~(34)~~ (33) Unit PST-45A: Lyman County; 150 "male turkey" licenses;

~~(35)~~ (34) Unit PST-48A: Marshall County and Roberts County; 500 "male turkey" licenses;

~~(36)~~ (35) Unit PST-49A: those portions of Meade and Pennington Counties County not included in Units BST-BH1 and PST-53A, and that portion of Pennington County north of Interstate 90, west of the Cheyenne River, and east of Haines Avenue; 350 two-tag licenses with each tag valid for one "male turkey";

~~(37)~~ (36) Unit PST-50A: Mellette County; ~~450~~ 350 "male turkey" licenses;

~~(38)~~ (37) Unit PST-52A: Moody County; ~~40~~ 60 "male turkey" licenses;

~~(39)~~ (38) Unit PST-53A: Perkins County and that portion of Meade County north of U.S. Highway 212; 100 two-tag licenses with each tag valid for one "male turkey";

~~(40)~~ (39) Unit PST-56A: Sanborn County; ~~40~~ 20 "male turkey" licenses;

~~(41)~~ (40) Unit PST-58A: Stanley County; 50 "male turkey" licenses;

~~(42)~~ (41) Unit PST-58B: that portion of Stanley County located at the Oahe Downstream Recreation Area to include the U.S. Army Corps of Engineers Land which is east and southeast of Powerhouse Road. This unit is bordered by the Missouri River to the east and the emergency spillway canal to the south. Four resident "male turkey" licenses and one non-resident "male turkey" license are available only to persons who use a wheelchair. Unit PST-58B-is open beginning on April 5 to April 30, inclusive;

~~(43)~~ (42) Unit PST-60A: Tripp County; 400 "male turkey" licenses;

~~(44)~~ (43) Unit PST-61A: Turner County; 20 "male turkey" licenses;

~~(45)~~ (44) Unit PST-62A: Union County; ~~80~~ 120 "male turkey" licenses. ~~Unit PST-62A is open beginning on the second Saturday of April to April 30, inclusive;~~

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~~(46) Unit PST-62B: Union County; 80 "male turkey" licenses. Unit PST-62B is open beginning on May 1 to the eighth day prior to Memorial Day, inclusive;~~

~~(47)~~ (45) Unit PST-65A: Shannon County; 70 two-tag licenses with each tag valid for one "male turkey";

~~(48)~~ (46) Unit PST-67A: Todd County; ~~100~~ 75 "male turkey" licenses;

~~(49)~~ (47) Unit AST-ST1: statewide for archery turkey except in Custer State Park and Brookings County, west of Interstate 29, where the archery season is closed. The number of "male turkey" licenses issued is unlimited for residents and nonresidents;

~~(50) Unit PST-ZZ1: no licenses may be issued. However, an applicant for this unit shall accrue a preference point as provided in § 41:06:01:09.~~

Licensees in prairie units that utilize the Cheyenne or White Rivers as unit boundaries may hunt within one mile of either side of the river boundary as well as in the remainder of the unit for which the license is issued.

Source: 1 SDR 60, effective February 26, 1975; 2 SDR 62, effective March 23, 1976; 3 SDR 67, effective April 3, 1977; 4 SDR 57, effective March 16, 1978; 5 SDR 68, effective February 15, 1979; 6 SDR 94, effective March 26, 1980; 7 SDR 92, effective March 22, 1981; 8 SDR 102, effective March 4, 1982; 9 SDR 108, effective February 20, 1983; 10 SDR 85, effective February 16, 1984; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 110, effective February 21, 1985; 12 SDR 151, effective March 16, 1986; 13 SDR 128, effective March 22, 1987; 14 SDR 114, effective March 9, 1988; 15 SDR 139, effective March 20, 1989; 16 SDR 148, effective March 21, 1990; 17 SDR 139, effective March 21, 1991; 18 SDR 144, effective March 15, 1992; 19 SDR 128, effective March 9, 1993; 20 SDR 150, effective March 23, 1994; 21 SDR 148, effective March 6, 1995; 22 SDR 111, effective March 7, 1996; 23 SDR 142, effective March 17, 1997; 24 SDR 107, effective February 26, 1998; 25 SDR 108, effective February 28, 1999; 26 SDR

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117, effective March 16, 2000; 27 SDR 85, effective February 26, 2001; 28 SDR 129, effective March 18, 2002; 29 SDR 147, effective May 6, 2003; 30 SDR 147, effective April 4, 2004; 31 SDR 115, effective February 14, 2005; 33 SDR 107, effective December 27, 2006; 34 SDR 199, effective January 28, 2008; 35 SDR 184, effective February 2, 2009; 36 SDR 112, effective January 11, 2010; 37 SDR 131, effective January 10, 2011; 38 SDR 116, effective January 10, 2012; 39 SDR 10, effective August 1, 2012; 39 SDR 120, effective January 9, 2013; 40 SDR 121, effective January 6, 2014.

General Authority: SDCL 41-2-18(2)(12)(13)(14)(17), 41-11-5.

Law Implemented: SDCL 41-2-18(2)(12)(13)(14)(17), 41-11-5.

41:06:13:04. Application requirements and restrictions. The following applies to all applications for license and licenses issued under this chapter:

(1) A resident may apply for no more than one prairie unit license, one Unit BST-BH1 license, one Unit BST-BH2, and one Unit AST-ST1 license during the first license application period. A resident may not apply for or receive more than one Unit BST-BH1 license, one Unit BST-BH2, or one Unit AST-ST1 license;

(2) A nonresident may apply for no more than one prairie unit license, one Unit BST-BH1 license, and one Unit AST-ST1 license during the first license application period. A nonresident may not apply for or receive more than one Unit BST-BH1 license or one Unit AST-ST1 license;

(3) In the counties of Marshall, Roberts, Grant, Brookings, Day, Codington, Deuel, Turner, Davison, Hamlin, Hanson, Hutchinson, Jerauld, Minnehaha, Lincoln, Moody, Sanborn, and in that portion of Stanley County north of U.S. Highway 14-34, east of State Highway 1806, and south of Oahe Dam except as otherwise posted by the U.S. Corps of Engineers or by the department, a person may use only a shotgun using shot shells, a muzzleloading shotgun, or bow and arrow;

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(4) A person may not use any firearm on the south unit and the signed portion of the north unit of the Bureau of Land Management Fort Meade Recreation Area; and

(5) Good Earth State Park is closed to spring turkey hunting except for ~~ten~~ five turkey licensees who possess a valid spring turkey archery license and an archery turkey access permit. Adams Homestead and Nature Preserve is closed to spring turkey hunting except for ten licensees who possess a valid spring turkey archery license and an archery turkey access permit. The access permits may be issued by lottery drawing. Each access permit is valid from the first Saturday of April to April 30, inclusive.

Source: 1 SDR 60, effective February 26, 1975; 3 SDR 67, effective April 3, 1977; 4 SDR 57, effective March 16, 1978; 5 SDR 68, effective February 15, 1979; 6 SDR 94, effective March 26, 1980; 7 SDR 92, effective March 22, 1981; 8 SDR 102, effective March 4, 1982; 9 SDR 108, effective February 20, 1983; 10 SDR 85, effective February 16, 1984; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 110, effective February 21, 1985; 12 SDR 151, effective March 16, 1986; 13 SDR 128, effective March 22, 1987; 14 SDR 114, effective March 9, 1988; 15 SDR 139, effective March 20, 1989; 16 SDR 148, effective March 21, 1990; 17 SDR 139, effective March 21, 1991; 21 SDR 148, effective March 6, 1995; 24 SDR 107, effective February 26, 1998; 25 SDR 108, effective February 28, 1999; 26 SDR 117, effective March 13, 2000; 27 SDR 85, effective February 26, 2001; 29 SDR 147, effective May 6, 2003; 30 SDR 147, effective April 4, 2004; 31 SDR 115, effective February 14, 2005; 33 SDR 107, effective December 27, 2006; 34 SDR 199, effective January 28, 2008; 35 SDR 184, effective February 2, 2009; 39 SDR 10, effective August 1, 2012; 39 SDR 120, effective January 9, 2013; 40 SDR 121, effective January 6, 2014.

General Authority: SDCL 41-2-18(12)(13)(14), 41-11-5.

Law Implemented: SDCL 41-2-18(12)(13)(14), 41-11-5.

Cross-Reference: Turkey restrictions, § 41:06:04:15.

CHAPTER 41:07:01

GENERAL PROVISIONS

Section

- 41:07:01:01 Definition of terms.
- 41:07:01:02 South Dakota-Minnesota reciprocal access agreement.
- 41:07:01:02.01 South Dakota-Nebraska reciprocal access agreement.
- 41:07:01:02.02 South Dakota-Iowa reciprocal access agreement.
- 41:07:01:03 Baitfish use restricted.
- 41:07:01:04 Repealed.
- 41:07:01:05 No-fishing zones.
- 41:07:01:06 ~~Repealed.~~ Artificial lights.
- 41:07:01:07 Transportation and storage of fish.
- 41:07:01:07.01 Fish transportation permits.
- 41:07:01:07.02 Gifting of fish allowed – Conditions.
- 41:07:01:07.03 Temporary possession of fish allowed for charitable and non-profit organizations -- Permit requirements.
- 41:07:01:08 Maximum number of hooks and lines allowed.
- 41:07:01:09 Additional lines allowed for ice fishing.
- 41:07:01:10 Liberalized fishing waters restrictions.
- 41:07:01:11 Introduction of nonnative fish into state waters prohibited.
- 41:07:01:12 Fishing license fees.
- 41:07:01:13 Snagging prohibited -- Foul-hooked fish.
- 41:07:01:14 High-grading of fish prohibited.

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41:07:01:15 High-grading of fish prohibited on South Dakota-Minnesota boundary waters.

41:07:01:16 Ice fishing shelter removal deadlines.

41:07:01:17 Liberalized take of smelt and lake herring.

41:07:01:18 Felt sole footwear prohibited.

41:07:01:01. Definition of terms. Terms used in this article mean:

(1) "Artificial lures," flies, jigs, spoons, spinners, and plugs made of metal, plastic, wood, hair, feathers, and other inedible materials, but not fish eggs, moldable scented baits, naturally occurring foods, or man-made food;

(2) "Black Hills Trout Management Area," the waters in that portion of the Black Hills within the boundary beginning at the junction of the South Dakota-Wyoming state line and the Redwater River, then easterly along the Redwater River to U. S. Highway 85, then southerly along U.S. Highway 85 to Interstate 90, then southeasterly along Interstate 90 to U.S. Highway 16T in Rapid City, then southerly along U.S. Highway 16T to State Highway 79, then southerly along State Highway 79 to Maverick Junction near the city of Hot Springs, then northwesterly along the Burlington Northern Railroad to the South Dakota-Wyoming state line, then north along the state line to the point of beginning;

(3) "Catch and release," the immediate release of a fish unharmed back into the water from which it was caught;

(4) "Foul hooked," a circumstance in which fish are inadvertently snagged in body areas other than the mouth by conventional lures while being legally pursued by normal fishing methods;

(5) "Inland waters," all waters of the state except those ~~described in subdivisions (11), (12), and (13) of~~ defined in this section as South Dakota-Iowa boundary waters.

South-Dakota-Minnesota boundary waters, and South Dakota-Nebraska boundary waters;

(6) "Legal bow and arrow," a hand-drawn bow that has an arrow with at least one barbed point attached to the bow by a line;

(7) "Legal crossbow," a bow mounted crosswise on a stock equipped with a functional mechanical safety device that discharges a projectile with at least one barbed point attached to the crossbow by a line;

(8) "Legal spear," a shaft with a sharp, barbed point propelled by muscle-power;

(9) "Legal speargun," a muscle-loaded device that propels a spear attached to a lanyard no more than 20 feet long;

(10) "Length," the total length of a fish in inches as measured in a straight line along a flat surface from the tip of the snout to the tip of the tail, except as provided in § 41:07:05:03;

(11) "Liberalized fishing," the taking of game fish up to three times the daily and possession limits without regard to length limits;

(12) "Line," a length of string or cord to which a hook or artificial lure is attached for the purpose of catching fish;

(13) "Snagging," a fishing method intentionally used to hook fish in body areas other than the mouth by using ~~specially rigged and weighted hooks or conventional hooks and lures which are~~ a snaghook that is rapidly and intermittently jerked through the water;

(14) "Snaghook," a hook or lure that is used for snagging;

~~(14)~~ (15) "South Dakota-Iowa boundary waters," all waters of the Big Sioux River forming the South Dakota and Iowa mutual boundary;

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~~(15)~~ (16) "South Dakota-Minnesota boundary waters," all waters of Lake Hendricks, Big Stone Lake, Lake Traverse, Mud Lake, the Boisé de Sioux River, and any other waters forming the South Dakota and Minnesota mutual boundary;

~~(16)~~ (17) "South Dakota-Nebraska boundary waters," all waters of Lake Yankton, Lake Lewis and Clark, and the Missouri River, including its backwaters, chutes, sloughs, and oxbows, forming the South Dakota and Nebraska mutual boundary.

Source: SL 1975, ch 16, § 1; 4 SDR 31, effective November 27, 1977; 7 SDR 48, effective November 25, 1980; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 12 SDR 92, effective December 4, 1985; 15 SDR 88, effective December 18, 1988; 19 SDR 82, effective December 7, 1992; 22 SDR 82, effective December 10, 1995; 23 SDR 87, effective December 3, 1996; 29 SDR 80, effective December 10, 2002; 32 SDR 109, effective December 27, 2005; 33 SDR 1, effective July 18, 2006; 37 SDR 112, effective December 8, 2010; 38 SDR 116, effective January 10, 2012.

General Authority: SDCL 41-2-18(1)(2)(14)(15)(17).

Law Implemented: SDCL 41-2-18(1)(2)(14)(15)(17).

41:07:01:06. Artificial lights. ~~Repealed.~~ A person may use artificial lights while fishing with legal methods.

Source: SL 1975, ch 16, § 1; 6 SDR 60, effective January 1, 1980; repealed, 10 SDR 76, 10 SDR 102, effective July 1, 1984; readopted, 26 SDR 85, effective December 26, 1999; repealed, 39 SDR 100, effective December 3, 2012.

Law Implemented: SDCL 41-2-18(2)(5)(14)(15).

General Authority: SDCL 41-2-18(2)(5)(14)(15).

41:07:01:17. Liberalized take of silver carp, bighead carp, smelt and lake herring. ~~In the Missouri River and its impoundments, smelt~~ Smelt and lake herring may be taken by hook and line, seines, lift nets, cast nets, and dip nets. A net legal for taking

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smelt is a net as defined by § 41:09:04:04. Silver carp and bighead carp that inadvertently jump into any boat or are netted from the air using a dip net may be retained. No person may transport live smelt, silver carp, or bighead carp away from the water in which they were taken.

Source: 37 SDR 112, effective December 8, 2010.

General Authority: SDCL 41-2-18(5)(14).

Law Implemented: SDCL 41-2-18(5)(14).

41:07:03:02.01. South Dakota-Nebraska boundary waters. In the South Dakota-Nebraska boundary waters a person may not catch and keep in any one day or have in possession at any time more than the following:

(1) Four walleye, sauger, walleye-sauger hybrids, or combination thereof, possession limit eight, and for the boundary beginning at the state line below Fort Randall Dam downstream to Gavin's Point Dam the minimum length limit for walleye, sauger, and walleye-sauger hybrids is 15 inches;

(2) Three northern pike, possession limit six;

(3) Five largemouth bass, smallmouth bass, or combination thereof, possession limit ten;

(4) Twenty-five white bass, possession limit 50;

(5) ~~Five~~ Ten channel and ~~five flathead~~ catfish, possession limit ~~ten of each species~~ 20;

(6) Five flathead catfish, possession limit 10;

~~(6)~~ (7) One blue catfish; and

~~(7)~~ (8) Seven trout.

The daily and possession limits for other species are the same as those in § 41:07:03:01 for inland waters. The season is closed on all species of sturgeon.

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Source: 4 SDR 31, effective November 27, 1977; 5 SDR 46, effective January 1, 1979; 6 SDR 60, effective January 1, 1980; 7 SDR 48, effective November 25, 1980; 8 SDR 58, effective November 30, 1981; 9 SDR 76, effective December 23, 1982; 10 SDR 48, effective November 22, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 13 SDR 68, effective December 11, 1986; 15 SDR 88, effective December 18, 1988; 16 SDR 114, effective January 18, 1990; 17 SDR 78, effective December 10, 1990; 18 SDR 98, effective December 12, 1991; 18 SDR 144, effective March 15, 1992; 25 SDR 85, effective December 21, 1998; 26 SDR 85, effective December 26, 1999; 27 SDR 47, effective November 12, 2000; 31 SDR 89, effective December 27, 2004; 32 SDR 109, effective December 27, 2005.

General Authority: SDCL 41-2-18(1)(2)(3)(15)(17).

Law Implemented: SDCL 41-2-18(1)(2)(3)(15)(17).

41:07:03:03. Daily, possession, and length limit restrictions on special management waters -- Additional restrictions described. Daily limit, possession limit, length limit, and additional restrictions on special management waters are described as follows:

(1) Catfish may be taken without limit on the Grand, Moreau, Cheyenne, Belle Fourche, Bad, White, and Little Missouri Rivers; and in the inland waters of the Missouri River and its impoundments;

(2) In the waters of Lake Alvin and Nine Mile Creek from the Lake Alvin Dam to the Sioux River in Lincoln County, Lake Campbell in Campbell County, Lake Staum in Beadle County, Murdo City Lake, Murdo Railroad Lake, and Richland Dam in Jones County, Sheridan Lake in Pennington County, Lake Hiddenwood in Walworth County, Lake Dimock and Lake Menno in Hutchinson County, Lake Mitchell ~~and Lake Hanson~~ in Davison County, Firesteel Creek above Lake Mitchell to Davison County Road No. 12

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(Loomis Oil), Wilmarth Lake in Aurora County, Lake Carthage in Miner County, Lake Vermillion in McCook County, Marindahl Lake and Lake Yankton in Yankton County, Tripp Lake in Hutchinson County, Rosehill Lake and Jones Lake in Hand County, Durkee Lake and Curlew Lake in Meade County, Burke Lake in Gregory County, Simon Lake in Potter County, Corsica Lake ~~and Curlew Lake~~ in Douglas County, Richmond Lake in Brown County, Lake Henry and East and West Heritage GPA ponds in Bon Homme County, and McCook Lake in Union County, New Underwood Lake in Pennington County, ~~and~~ Stockade Lake in Custer County, and Lake Hanson in Hanson County, the minimum length limit for largemouth and smallmouth bass is 15 inches;

(3) In New Wall Dam in Pennington County, Newell Lake in Butte County, and Lake Waggoner in Haakon County, Clear Lake and Roy Lake in Marshall County, Lake Cochrane in Deuel County, Lake Enemy Swim including Campbell Slough, Pickerel Lake, Reetz Lake, Horseshoe Lake, and Waubay Lake in Day County, only those largemouth and smallmouth bass less than 14 inches in length or 18 inches or greater in length may be taken, and of the largemouth and smallmouth bass taken daily no more than one may be 18 inches or greater in length;

(4) The following special requirements pertain to the waters in the Black Hills Trout Management Area:

(a) The areas described in subsections (b), (c), and (d) are restricted to artificial lures only and the use or possession of worms, baitfish, salmon eggs, corn, marshmallows, insects, moldable scented bait or naturally-occurring or man-made food intended to be used as bait within 100 feet of the water in those areas is prohibited;

(b) Rapid Creek, including the Pactola Stilling Basin below Pactola Dam to the foot bridge at Placerville Camp and Upper and Lower Yates Ponds at Cheyenne Crossing, are restricted to catch and release;

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(c) Rapid Creek in Rapid City from Jackson Boulevard upstream to Park Drive is restricted to catch and release;

(d) Spearfish Creek from Homestake Hydro Dam No. 2 to Maurice Dam is restricted to catch and release for rainbow trout. Other trout species may be retained within established limits; and

(e) Only one trout 14 inches or greater in length, regardless of species, may be taken daily. However, in Pactola Reservoir, no more than one lake trout or brook trout-lake trout (splake) cross 24 inches or greater in length may be taken daily;

(5) In inland waters the minimum length limit for muskellunge and northern-muskellunge (tiger) cross is 40 inches;

(6) The season on paddlefish is closed except as provided in §§ 41:07:05:02 and 41:07:06:03.01;

(7) In inland waters, of the walleye, sauger, walleye-sauger hybrids, or combination thereof taken daily, no more than one may be 20 inches or greater in length, except as provided in subdivisions (10) and (11) of this section;

(8) In Lakes Francis Case and Sharpe and the Ft. Randall Dam tailwaters down to the South Dakota-Nebraska state line, the minimum length limit for walleye, sauger, and walleye-sauger hybrids is 15 inches from September 1 to June 30, inclusive. However, in Lake Francis Case, length limits for walleye, sauger, and walleye-sauger hybrids do not apply to any angler while fishing through the ice from the northern, east-west Gregory-Charles Mix county line downstream to Fort Randall Dam, and such angler may not return or release to the water any walleye, sauger, or walleye-sauger hybrid caught;

(9) In Lake Mitchell including Firesteel Creek above Lake Mitchell to Davison County Road No. 12 (Loomis Oil), Lake Poinsett, Richmond Lake, Pickerel Lake, Clear Lake (Marshall County), Roy Lake (Marshall County), the Cattail and Kettle Lakes

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complex lying east of Marshall County Road 5 (Fort Sisseton Road), north of Marshall County Road 16 (Eden Road), and south of Marshall County Road 12, except Lost Lake; Bitter Lake, Lake Enemy Swim including Campbell Slough, Elm Lake, Lake Angostura, and Shadehill Reservoir, the minimum length limit for walleye, sauger, and walleye-sauger hybrids is 15 inches;

(10) In Belle Fourche Reservoir (Orman Dam) and all waters contiguous thereto, including the terminal drop inlet canal, only those walleyes less than 15 inches in length or 18 inches or greater in length may be taken, and of the walleye taken daily no more than one may be 18 inches or greater in length;

(11) In Twin Lakes in Minnehaha County and Reetz Lake in Day County, the daily limit for walleye, sauger, or walleye-sauger hybrid is one, 28 inches or greater in length;

(12) In Lynn and Middle Lynn Lakes in Day County, Opitz Lake in Day and Marshall Counties, Newell Lake in Butte County, and Curlew Lake in Meade County, the daily limit for walleye, sauger, walleye-sauger hybrids, or combination thereof is two and the minimum length limit is 15 inches.

Source: SL 1975, ch 16, § 1; 2 SDR 36, effective November 12, 1975; 4 SDR 31, effective November 27, 1977; 5 SDR 46, effective January 1, 1979; 6 SDR 60, effective January 1, 1980; 7 SDR 48, effective November 25, 1980; 8 SDR 58, effective November 30, 1981; 9 SDR 76, effective December 23, 1982; 10 SDR 48, effective November 22, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 80, effective December 16, 1984; 12 SDR 92, effective December 4, 1985; 13 SDR 68, effective December 11, 1986; 14 SDR 81, effective December 10, 1987; 15 SDR 88, effective December 18, 1988; 16 SDR 114, effective January 18, 1990; 17 SDR 87, effective December 10, 1990; 17 SDR 109, effective January 29, 1991; 18 SDR 98, effective December 12, 1991; 19 SDR 82, effective December 7, 1992; 19 SDR 108, effective January 26, 1993; 20 SDR

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87, effective December 13, 1993; 21 SDR 102, effective December 8, 1994; 22 SDR 82, effective December 10, 1995; 23 SDR 87, effective December 3, 1996; 24 SDR 72, effective November 30, 1997; 25 SDR 85, effective December 21, 1998; 25 SDR 85, effective December 24, 1998; 26 SDR 85, effective December 26, 1999; 27 SDR 47, effective November 12, 2000; 28 SDR 44, effective October 3, 2001; 28 SDR 84, effective December 20, 2001; 28 SDR 166, effective June 4, 2002; 29 SDR 80, effective December 10, 2002; 29 SDR 107, effective February 3, 2003; 30 SDR 99, effective December 22, 2003; 30 SDR 115, effective February 4, 2004; 30 SDR 171, effective May 11, 2004; 31 SDR 89, effective December 27, 2004; 32 SDR 109, effective December 27, 2005; 33 SDR 107, effective December 27, 2006; 34 SDR 179, effective December 24, 2007; 35 SDR 184, effective February 2, 2009; 36 SDR 112, effective January 11, 2010; 37 SDR 112, effective December 8, 2010; 38 SDR 116, effective January 10, 2012; 39 SDR 100, effective December 3, 2012; 40 SDR 113, effective December 16, 2013.

General Authority: SDCL 41-2-18(1)(2)(14)(15)(17).

Law Implemented: SDCL 41-2-18(1)(2)(14)(15)(17).

41:07:05:03. Paddlefish snagging, processing, and transportation restrictions. Any paddlefish taken below Gavin's Point Dam, by snagging, which measures between 35 inches and 45 inches, inclusive, ~~from the~~ when measured with a flexible tape along and over the center line contour of the fish, lying flat, from an entire eye to the notch in the natural unaltered fork of the tail, inclusive, must be immediately released to the water from which it was caught. A person may not attempt to snag rough fish or paddlefish after reaching the limit on paddlefish. A gaff hook or other penetrating device may not be used as an aid while landing snagged paddlefish.

For paddlefish taken below Gavin's Point Dam, only the snout in front of the eyes, gills, and entrails of a paddlefish may be removed for transportation. The head, skin, and

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tail must remain attached. Final processing may only be completed once the angler has reached their domicile or immediately prior to consumption.

Source: SL 1975, ch 16, § 1; 5 SDR 46, effective January 1, 1979; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 18 SDR 98, effective December 12, 1991; 18 SDR 144, effective March 15, 1992; 23 SDR 87, effective December 3, 1996; 29 SDR 147, effective May 6, 2003; 36 SDR 112, effective January 11, 2010; 38 SDR 178, effective April 30, 2012; 39 SDR 100, effective December 3, 2012.

General Authority: SDCL 41-2-18(1)(2)(12)(13)(14)(15)(17).

Law Implemented: SDCL 41-1-3, 41-2-18(1)(2)(12)(13)(14)(15)(17), 41-3-1, 41-12-5, 41-12-12.

CHAPTER 41:07:06

SPEARING

Section

- | | |
|--------------------------------|---|
| 41:07:06:01 | Spearing of rough fish in inland waters and South Dakota-Minnesota boundary waters. |
| 41:07:06:01.01 | Spearing of rough fish in South Dakota-Nebraska boundary waters. |
| 41:07:06:01.02 and 41:07:06:02 | Repealed. |
| 41:07:06:03 | Areas open to spearing of game fish -- Additional permit required. |
| 41:07:06:03.01 | Archery allowed for taking paddlefish from portion of Missouri River. |
| 41:07:06:04 and 41:07:06:05 | Repealed. |
| 41:07:06:06 | Limits. |
| 41:07:06:07 | Restricted areas. |

41:07:06:08

~~Use of diver-down flag~~ Repealed.

41:07:06:03. Areas open to spearing of game fish -- Additional permit required. Game fish, except paddlefish and sturgeon, may only be taken upon purchase of the game fish spearing and archery fishing permit and only with a legal spear gun, legal spear, or legal bow and arrow from sunrise to sunset in the following areas during the dates listed:

(1) Lake Lewis and Clark from Gavin's Point Dam upstream to the South Dakota-Nebraska state line where the river is entirely within South Dakota, July 1 to November 30, inclusive;

(2) Lake Francis Case from Fort Randall Dam upstream to the Brule-Buffalo County line, June 15 to March 15, inclusive;

(3) Lake Sharpe from the Big Bend Dam upstream to the upstream edge of the U. S. Highway 14 bridge at Pierre, June 15 to March 15, inclusive;

(4) Lake Oahe from Oahe Dam upstream to the North Dakota state line, June 15 to March 15, inclusive;

(5) Shadehill Reservoir, Belle Fourche Reservoir, and Angostura Reservoir, June 15 to March 15, inclusive;

(6) Pactola Reservoir, excluding salmonids, June 15 to March 15, inclusive;

(7) Northern pike and catfish may be taken for noncommercial purposes from the Grand River from the Perkins-Corson county line upstream to the dam at Shadehill reservoir and inland waters from June 15 to March 15, inclusive lakes, except from Lynn and Amsden Lakes in Day County, Lake Sinai and Twin Lake (east of U.S Highway 81) in Brookings County, Twin Lake (west of U.S. Highway 81) in Kingsbury County, and North Island and South Island Lakes in McCook and Minnehaha Counties and from areas of the

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Missouri River closed to the spearing of game fish, from January 1 to December 31, inclusive; and

~~(8) Catfish may be taken from January 1 to December 31, inclusive, for noncommercial purposes, from inland waters of the Missouri River and its impoundments; and~~

~~(9) Mud Lake in Roberts County June~~ Northern pike and catfish may be taken from all South Dakota-Minnesota boundary waters, except the Bois de Sioux River, November 15 to the last day Sunday of February, inclusive. If the last day of February falls on a Saturday, the season extends through March 1.

Upon written request, the commission may, by resolution, temporarily open other areas to the public.

Source: SL 1975, ch 16, § 1; 3 SDR 40, effective January 1, 1977; 5 SDR 46, effective January 1, 1979; 7 SDR 48, effective November 25, 1980; 8 SDR 58, effective November 30, 1981; 9 SDR 76, effective December 23, 1982; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 80, effective December 16, 1984; 12 SDR 92, effective December 4, 1985; 13 SDR 68, effective December 11, 1986; 27 SDR 47, effective November 12, 2000; 28 SDR 129, effective March 18, 2002; 31 SDR 89, effective December 27, 2004; 32 SDR 109, effective December 27, 2005; 34 SDR 179, effective December 24, 2007; 35 SDR 184, effective February 2, 2009; 37 SDR 112, effective December 8, 2010; 38 SDR 116, effective January 10, 2012; 39 SDR 100, effective December 3, 2012; 40 SDR 113, effective December 16, 2013.

General Authority: SDCL 41-2-18(1)(2)(14)(15)(17).

Law Implemented: SDCL 41-2-18(1)(2)(14)(15)(17), 41-3-10, 41-12-5, 41-12-12.

Cross-Reference: Definitions, lakes, § 74:51:01:01(35).

41:07:06:06. Limits. As provided in §§ 41:07:03:01 and 41:07:03:03, the daily, ~~and possession limits of~~ possession, and length limits in effect for each species are the same as and in combination with the hook and line limits set for the areas included in § 41:07:06:03. ~~Persons~~ No person actively engaged in spearfishing or bowfishing shall not may possess speared game fish in an area not open to the spearing of game fish. If a fish is taken with a legal spear, speargun or bow and arrow, the person spearfishing shall retain the fish.

Source: Transferred from § 41:07:07:03, 3 SDR 40, effective January 1, 1977; 8 SDR 58, effective November 30, 1981; 10 SDR 76, 10 SDR 102, effective July 1, 1984.

General Authority: SDCL 41-2-18.

Law Implemented: SDCL 41-2-18, 41-12-5, 41-12-12.

41:07:06:08. Use of diver-down flag. ~~The diver-down flag shall be displayed on the water on a float or buoy during any diving or underwater spearfishing. The diver-down flag must comply with § 41:04:01:08~~ Repealed.

Source: Transferred from § 41:07:07:06, 3 SDR 40, effective January 1, 1977; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 17 SDR 78, effective December 10, 1990.

General Authority: ~~SDCL 41-2-18.~~

Law Implemented: ~~SDCL 41-2-18, 42-8-44.1.~~

41:09:04:03. Waters closed to taking of bait. Notwithstanding the provisions of § 41:09:04:04, the following waters listed in this section are closed to taking of bait:

WATERS CLOSED YEAR-ROUND TO COMMERCIAL AND NONCOMMERCIAL

TAKING OF BAIT

Creeks, streams or rivers, permanent or temporary in the following counties and areas:

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Counties: Aurora, Beadle, Bon Homme, Brown, Clay, Davison, Edmunds, Faulk, Hand, Hanson, Hutchinson, Jerauld, Lincoln, McCook, McPherson, Miner, Minnehaha, Moody, Sanborn, Spink, Turner, Union, and Yankton; with the exception of that portion of Lewis and Clark Lake and the Missouri River above Gavins Point Dam in Yankton and Bon Homme Counties for noncommercial take; and

Areas: Black Hills Trout Management area as defined in § 41:07:01:01;

Other waters:

BEADLE COUNTY

Lake Byron

Mud Lake

EDMUNDS COUNTY

Mina

BROOKINGS COUNTY

Interstate

PENNINGTON COUNTY

Pactola

Sheridan

BUTTE COUNTY

Newell

YANKTON COUNTY

Lake Yankton

DEUEL COUNTY

Alice

WATERS CLOSED YEAR-ROUND TO COMMERCIAL TAKING OF BAIT

AURORA COUNTY

Wilmarth

BEADLE COUNTY

Ravine

Staum

BENNETT COUNTY

Allen Dam

Lacreek Refuge Pools 1-10

Lake Creek

Cedar Creek Dam 1, 2, and 3

Little White River

BON HOMME COUNTY

Lewis and Clark

Henry

BROOKINGS COUNTY

Sinai

Poinsett

Twin (east of U.S. Highway 81)

Brush

Nature Park East

Nature Park West

Nelson WPA/GPA

BROWN COUNTY

Elm

Richmond

Pigors

Wiley Park

BRULE COUNTY

Wells

Francis Case

Wanalain

BUFFALO COUNTY

Francis Case

Sharpe

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Sixteen

BUTTE COUNTY

Orman (Belle Fourche Reservoir)

Red Water River

CAMPBELL COUNTY

Campbell

Pocasse

Oahe

CHARLES MIX COUNTY

Academy

Andes, South Unit

Andes, North Unit

Dante

Geddes

Platte

Wagner

Francis Case

Missouri River

CODINGTON COUNTY

Kampeska

Kampeska Fish Ponds (Sand Pits)

Pelican

Bramble Pond

Punished Woman

Horseshoe

McKilligans

3rd Avenue Pond

CORSON COUNTY

Lake Oahe

Pudwell

Morristown, East and West

Mallard

McGee

CUSTER COUNTY

Bismark

Stockade

Biltmore (Lakota)

Center

Legion

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Trail City

Sylvan

Custer Memorial Pond

DAVISON COUNTY

Mitchell

DAY COUNTY

Amsden

Antelope

Bitter

Blue Dog

Campbell Slough

East Krause

Enemy Swim

Hazeldon

Horseshoe

Lynn

Pickarel

Pierpont

Middle Lynn

Minnewasta

Owen Creek

Opitz

Waubay

DEUEL COUNTY

Bullhead

DEWEY COUNTY

Oahe

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Cochrane

Eagle Butte

Gary Creek

Isabel

Cobb Creek

Moreau #1

Moreau #2

Lantry

Little Moreau #3

Moreau River

DOUGLAS COUNTY

Corsica

FALL RIVER COUNTY

Angostura

Coldbrook

Cottonwood

FAULK COUNTY

Cresbard

Faulkton

GRANT COUNTY

Hunter Granite Quarry

Summit

GREGORY COUNTY

Berry

Burke

Fairfax

Herrick

Francis Case

Missouri River

HAAKON COUNTY

Sunshine

Waggoner

Kroetch

HAMLIN COUNTY

Poinsett

Mickelson Marsh

HAND COUNTY

Dakota

Jones

Louise

Pearl

Rosehill

HANSON COUNTY

Ethan

Hanson

HARDING COUNTY

Buffalo (Gardner)

HUGHES COUNTY

Woodruff

Oahe

Lake Sharpe

HUTCHINSON COUNTY

Tripp

Dimock

Menno

HYDE COUNTY

Mission (Boehm)

Peno

Sharpe

JERAULD COUNTY

Twin

JONES COUNTY

Murdo

KINGSBURY COUNTY

Thompson

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Murdo Railroad	Twin (west of U.S. Highway 81)
Okaton	
Draper	
Fort Pierre National Grassland	
ponds (all)	
Bad River	
White River	

LAKE COUNTY

Madison

Brant

Round

Herman and its connecting waters

Long

Herman State Park Pond

LAWRENCE COUNTY

Coxes

Mirror #1 and #2

Mud

Reausaw

Roubaix

Iron Creek Lake

Dalton

Strawberry Hill

LINCOLN COUNTY

Alvin

Lakota

Rollings GPA Pond

LYMAN COUNTY

Brakke

Fate

Larson

Ft Pierre National Grassland Pond

(all)

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Reliance

Sharpe

Francis Case

Byre

White River

McCOOK COUNTY

East Vermillion

Island (north of County Highway
110)

Island (south of County Highway
110)

McPHERSON COUNTY

Eureka

Leola

MARSHALL COUNTY

North Buffalo

South Buffalo

Bullhead

Cattail/Kettle

Clear

Cottonwood

Hickman

Nine Mile

Red Iron, South

Roy

MEADE COUNTY

Bear Butte

Curlew

Durkee

Ft. Meade BLM

Tisdale

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Six Mile

White

MELLETT COUNTY

White River Dam

White River

Little White River

MINER COUNTY

Carthage

MINNEHAHA COUNTY

Wall

Loss

Island (north of County Highway
110)

Island (south of County Highway 110)

Scott

Twin

PENNINGTON COUNTY

Canyon

Deerfield

Horsethief

Major

Mitchell

Newton Fork

State Creek Dam

Sunday Gulch Pond

Cement Plant Pond

New Underwood

New Wall

Old Wall

Quinn

Quinn Township

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Tennyson

Wicksville

PERKINS COUNTY

Shadehill

Lemon State

Flat Creek

Sorum

Coal Springs

Owen

Cole

73 Dam

POTTER COUNTY

Simon

Potts

Hurley

Oahe

ROBERTS COUNTY

Whitestone

SANBORN COUNTY

Twin

SPINK COUNTY

Cottonwood

Redfield

Mud

Twin

STANLEY COUNTY

Hayes

Ft. Pierre National Grassland pond

(all)

Oahe

Sharpe

Missouri River

Bad River

SULLY COUNTY

Oahe

Cottonwood

Sully

TRIPP COUNTY

Roosevelt

Beaulieu

King

Rahn

Dog Ear

White River

Keya Paha River

TURNER COUNTY

Swan

UNION COUNTY

McCook

WALWORTH COUNTY

Oahe

Hiddenwood

Molstad

Swan

YANKTON COUNTY

Marindahl

Lewis and Clark

ZIEBACH COUNTY

Bednor

Oahe

Glad Valley

Miller

Buffalo

**WATERS CLOSED TO COMMERCIAL TAKING OF BAIT FROM
MAY 1 TO JULY 31, INCLUSIVE**

CODINGTON COUNTY

That portion of Long Lake that lies in sections 11, 12, 13, and 14 of township 117 north, range 55 west

Goose Lake Game Production area land and water

Stover Lake in sections 8 and 9, township 118 north, range 55 west (GPA)

Cotton/Yahota Slough in section 10, township 117 north, range 53 west (GPA)

Hodgins Area (Warner Lake GPA) in section 18, township 118 north, range 55 west (GPA)

DEUEL COUNTY

Altamont Area in section 16, township 116 north, range 49 west (GPA)

HAMLIN COUNTY

Johnson's Slough in sections 21 and 28, township 113 north, range 55 west (GPA and water)

Eidsness Area in section 6, township 115 north, range 55 west (GPA)

Gertsen Slough in section 36, township 113 north, range 54 west (GPA)

MARSHALL COUNTY

Four-Mile Clubhouse (GPA)

All waters of the state, including waters bordering with other states, are closed to the harvest of ~~mollusks~~ freshwater mussels for commercial and noncommercial purposes. However, except for threatened or endangered species, dead mussel shells may be

possessed. No person may buy, sell, barter, or trade any species of freshwater mussel or their shells.

Source: SL 1975, ch 16, § 1; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 156, effective May 27, 1985; 15 SDR 103, effective January 19, 1989; 16 SDR 114, effective January 18, 1990; 18 SDR 98, effective December 12, 1991; 19 SDR 82, effective December 7, 1992; 20 SDR 87, effective December 13, 1993; 21 SDR 102, effective December 8, 1994; 25 SDR 85, effective December 21, 1998; 27 SDR 47, effective November 12, 2000; 30 SDR 99, effective December 22, 2003; 31 SDR 89, effective December 27, 2004; 32 SDR 109, effective December 27, 2005; 34 SDR 179, effective December 24, 2007; 35 SDR 253, effective May 13, 2009; 37 SDR 112, effective December 8, 2010; 38 SDR 116, effective January 10, 2012; 39 SDR 33, effective Sept 5, 2012; 39 SDR 100, effective December 3, 2012; 40 SDR 113, effective December 16, 2013.

General Authority: SDCL 41-2-18(1)(2)(3)(4)(5)(21).

Law Implemented: SDCL 41-2-18(1)(2)(3)(4)(5)(21), 41-6-44, 41-6-45, 41-14-35.

41:09:16:02. Application for license. A person or institution must apply for a scientific collector's license on forms provided by the department. The form must contain complete information on the species and numbers of nests, eggs, ~~birds,~~ and wild animals, ~~or fish~~ including any part thereof, requested to be collected, the method of collection, the locations of collection, the collection period, what the purpose or use of the collected specimens will be, the institution for which collections are being made, and final disposition of the specimens collected.

Source: 23 SDR 35, effective September 16, 1996.

General Authority: SDCL 41-2-18(12)(13), 41-6-32.

Law Implemented: SDCL 41-2-18(12)(13), 41-6-32.

41:09:16:03. Conditions of license. The license may contain special conditions and provisions for collections of specific nests, eggs, ~~birds,~~ and wild animals, ~~and fish;~~ including any part thereof. The license shall limit the numbers and specimens to be collected; and shall ~~establish~~ display the expiration date of the license.

Source: 23 SDR 35, effective September 16, 1996.

General Authority: SDCL 41-6-32.

Law Implemented: SDCL 41-3-9, 41-6-32.