

CHAPTER 41:06:61

MOUNTAIN LION HUNTING SEASON

Section

- 41:06:61:01 Mountain lion hunting season established.
- 41:06:61:02 Black Hills Fire Protection District -- Harvest ~~quota~~ limit -- Season dates --
Season closure.
- 41:06:61:03 Repealed.
- 41:06:61:04 Season extension -- Commission resolution required.
- 41:06:61:05 Repealed.
- 41:06:61:06 Application requirements -- License and season restrictions -- Special
conditions -- Carcass check-in procedures.

**41:06:61:02. Black Hills Fire Protection District -- Harvest ~~quota~~ limit --
Season dates – Season closure.** The season harvest ~~quota~~ limit for the area within the
Black Hills Fire Protection District is ~~75~~ 60 mountain lions or ~~50~~ 40 female mountain lions.
The mountain lion hunting season in the Black Hills Fire Protection District is open
December 26 to March 31, inclusive. However, the department shall close the mountain
lion hunting season in the Black Hills Fire Protection District if the harvest ~~quota~~ limit for
that area is reached prior to March 31. Custer State Park is closed to mountain lion
hunting except for ~~136~~ 57 mountain lion licensees who possess a valid mountain lion
license and a temporary ~~special~~ access permit structured to include:

- (1) ~~Four~~ Three hunting intervals each having ~~30~~ 15 access permits, ~~valid for 17~~
~~consecutive days~~, in which hunting with dogs is not allowed; and
- (2) Four hunting intervals each having ~~four~~ three access permits, ~~valid for seven~~
~~consecutive days~~, in which hunting with dogs is allowed.

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Hunting in Custer State Park shall begin with an interval that allows the use of dogs and rotate every 14 days with an interval that does not allow the use of dogs until the lion season closes in the Black Hills Fire Protection District. The temporary access permits are issued free-of-cost and may be issued by a random drawing.

Source: 32 SDR 45, effective September 20, 2005; 33 SDR 1, effective July 18, 2006; 34 SDR 67, effective September 10, 2007; 35 SDR 47, effective September 8, 2008; 36 SDR 31, effective September 3, 2009; 37 SDR 112, effective December 8, 2010; 38 SDR 101, effective December 5, 2011; 39 SDR 100, effective December 3, 2012; 40 SDR 113, effective December 16, 2013.

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

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

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 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.

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- 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.
- 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 silver carp, bighead carp, smelt, and lake herring.
- 41:07:01:18 Felt sole footwear prohibited.
- 41:07:01:19 Commercial take of white bass.

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 ~~Treat~~ Fish 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

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near the city of Hot Springs, then westerly on State Highway 18 to Edgemont, 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 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;

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(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 a snaghook that is rapidly and intermittently jerked through the water;

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

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

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

(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; 41 SDR 107, effective January 5, 2015.

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

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

41:07:01:03. Baitfish use restricted. A person may not use or possess minnows or live baitfish at or adjacent to the following waters:

(1) The waters in the Black Hills ~~Trout~~ Fish Management Area except Stockade Lake, Custer County, and Sheridan and Pactola Lakes, Pennington County, where it is lawful to use baitfish or minnows for the purpose of taking fish; and

(2) Lake Creek, Cedar Creek Dam No. 1, and Cedar Creek Dam No. 2 on the Lacreek National Wildlife Refuge in Bennett County.

However, licensed anglers may take creek chubs from water within the Black Hills ~~Trout~~ Fish Management Area for use on waters where live minnows or live baitfish are permitted.

Source: SL 1975, ch 16, § 1; 3 SDR 40, effective January 1, 1977; 4 SDR 31, effective November 27, 1977; 5 SDR 46, effective January 1, 1979; 6 SDR 60, effective January 1, 1980; 7 SDR 103, effective May 14, 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; 14 SDR 81, effective December 10, 1987; 15 SDR 88, effective December 18, 1988; 16 SDR 114, effective January 18, 1990; 17 SDR 78, effective December 10, 1990; 19 SDR 82, effective December 7, 1992; 20 SDR 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; 25 SDR 85, effective December 21, 1998; 27 SDR 47, effective November 12, 2000; 28 SDR 84, effective December 20, 2001; 29 SDR 80, effective December 10, 2002; 31 SDR 89, effective December 27, 2004; 36 SDR 112, effective January 11, 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).

41:07:01:14. High-grading of fish prohibited. Any walleye, sauger, and walleye-sauger hybrid caught and reduced to possession by placing it on a stringer or placing it in a livewell or other storage container may not be exchanged for a walleye, sauger, and walleye-sauger hybrid caught subsequently.

In the Black Hills Trout ~~Trout~~ Fish Management Area, any trout caught and reduced to possession by placing it on a stringer or placing it in a livewell or other storage container may not be exchanged for another trout caught subsequently.

Source: 25 SDR 85, effective December 21, 1998; 28 SDR 84, effective December 20, 2001; 30 SDR 99, effective December 22, 2003; 38 SDR 116, effective January 10, 2012.

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

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

41:07:01:19. Commercial take of white bass. White bass are declared to be rough fish for the purpose of contract commercial fishing. A holder of a rough fish removal contract may take and sell white bass from waters and in amounts dictated by the terms of the holder's rough fish removal contract.

Source:

General Authority: SDCL 41-2-18(1)(2)(14)(15)(17), 41-13-6.

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

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

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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~~ Fifteen white bass, possession limit ~~50~~ 30;

(5) Ten channel catfish, possession limit 20;

(6) Five flathead catfish, possession limit 10;

(7) One blue catfish; and

(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.

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; 41 SDR 107, effective January 5, 2015.

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 in Davison County, Firesteel Creek above Lake Mitchell to Davison County Road No. 12 (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 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, Stockade Lake and Bismarck 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,

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Reetz Lake, and 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~~ Fish 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;

(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;

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(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 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, and from the Ft. Randall Dam downstream to the South Dakota-Nebraska state line on the Missouri River, 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;

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(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;

(13) From the Ft. Randall Dam downstream to the South Dakota-Nebraska state line on the Missouri River, the daily limit for white bass is 15, possession limit 30.

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 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,

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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; 41 SDR 107, effective January 5, 2015.

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

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

41:07:03:05. Anglers restricted to one day's limit while on the water or actively fishing. A No person may possess ~~no~~ more than one day's limit of fish while on the water or actively engaged in fishing, ~~and any fish in possession must conform.~~ No person may possess a fish unless the fish conforms to the fishing regulations in effect for that body of water. Where and when size limits apply, any ~~species of fish in possession while a person is on the water or fishing must be~~ person in possession of any species of gamefish while the person is on the water or fishing shall keep the fish whole with the head, skin, and fins attached. Only gills, entrails, ~~and scales,~~ and eyes may be removed.

Source: 10 SDR 48, effective November 22, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 16 SDR 114, effective January 18, 1990; 17 SDR 78, effective December 10, 1990; 29 SDR 80, effective December 10, 2002.

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

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

41:07:05:02. Snagging season in special management areas. The snagging season for paddlefish and rough fish is open on the South Dakota-Nebraska boundary waters below Gavin's Point Dam and on the Big Sioux River from the I-29 bridge to the confluence of the Big Sioux River and the Missouri River from October 1 to October 31, inclusive.

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The snagging hours on the South Dakota-Nebraska Boundary waters are from 7:00 a.m. to 7:00 p.m. central time daily. Only a legal angler with a valid paddlefish permit and associated unlocked tag may snag paddlefish and rough fish during this season.

For the South Dakota-Nebraska boundary waters the annual quota of 3,200 fish is allocated by a permit and tag issued by each state according to the following schedule: Nebraska - 1,600 permits; South Dakota - 1,550 resident and 50 nonresident permits. Permits and associated tags are available by lottery drawing after application. Any resident or nonresident permit remaining after the first lottery drawing is available first-come, first-served to any person not already holding a paddlefish permit who apply. After September 1, a person may apply for a second permit. A person may obtain a maximum of two permits a year. In addition to the 1,600 permits available in South Dakota, a person may apply for Unit SPF-ZZ1 for a preference point only and no opportunity for issuance of a permit.

The snagging season for paddlefish and rough fish is open on the waters of Lake Francis Case and the White River up to the Highway 47 bridge from May 1 to May 31, inclusive.

The snagging hours on the waters of Lake Francis Case and the White River are from 6:00 a.m. to 9:00 p.m., inclusive, central time daily. Only a legal angler with a valid paddlefish permit and associated unlocked tag may snag paddlefish and rough fish during this season.

For the waters of Lake Francis Case and the White River, the annual quota of 350 fish is allocated by a permit and tag. Permits and associated tags are available by lottery drawing after application. Any resident permit remaining after the first lottery drawing is available first-come, first-served to any applicant not already holding a paddlefish permit. After April 1, a person may apply for a second permit. A person may obtain a maximum of

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two permits a year. In addition to the 350 permits available in South Dakota, a person may apply for Unit SFC-ZZ1 for a preference point only and no opportunity for issuance of a permit.

Any resident paddlefish angler 16 years of age and older and any nonresident paddlefish angler, except for a Nebraska resident paddlefish angler, regardless of age must obtain and have in possession a valid South Dakota fishing license and a valid, nontransferable paddlefish permit and associated unlocked tag to take or attempt to take paddlefish or rough fish by snagging. Any Nebraska resident angler possessing a valid Nebraska fishing license, or who is legally exempt from compliance with Nebraska license or permit requirements, is exempt from the South Dakota fishing license requirement. Any resident angler under 16 years of age shall have a valid paddlefish permit and associated unlocked tag in possession while snagging paddlefish or rough fish.

Each paddlefish caught and kept shall have the tag immediately affixed to the fish and locked in the manner and place indicated in the instructions provided with the tag. Each paddlefish caught and not kept shall be immediately returned, unharmed, to the water from which it was taken. ~~Any paddlefish tag that is locked closed before attachment or that is altered or modified in any way is void and may not be replaced.~~ All paddlefish anglers shall cast for and hook their own fish. No person may attempt to snag any fish after all paddlefish tags issued to the person have been locked.

Source: SL 1975, ch 16, § 1; 3 SDR 40, effective January 1, 1977; 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; 12 SDR 92, effective December 4, 1985; 13 SDR 68, effective December 11, 1986; 15 SDR 88, effective December 18, 1988; 18 SDR 98, effective December 12, 1991; 23 SDR 87, effective December 3, 1996; 24 SDR 72, effective November 30, 1997; 26 SDR 85,

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effective December 26, 1999; 28 SDR 178, effective July 1, 2002; 34 SDR 179, effective December 24, 2007; 36 SDR 112, effective January 11, 2010; 38 SDR 116, effective January 10, 2012.

General Authority: SDCL 41-2-18(1)(2)(10)(12)(13)(14)(15)(17).

Law Implemented: SDCL 41-2-18(1)(2)(10)(12)(13)(14)(15)(17).

Cross-Reference: Archery allowed for taking paddlefish, § 41:07:06:03.01.

41:07:06:03.01. Archery allowed for taking paddlefish from portion of Missouri River. Paddlefish may be taken from sunrise to sunset ~~for 30 consecutive days beginning on the second Saturday of July~~ from June 1 to June 30, inclusive, from the Missouri River below Gavin's Point Dam by use of a legal bow and arrow.

Except as provided in this rule, a resident archery paddlefish angler 16 years of age and older and any nonresident archery paddlefish angler regardless of age must obtain and have in their possession a valid South Dakota fishing license and a valid, nontransferable paddlefish permit and associated tag available from the licensing section of the department before participating in archery fishing for paddlefish. A Nebraska resident possessing a South Dakota nonresident archery paddlefish permit is exempt from the South Dakota fishing license requirement if the Nebraska resident angler possesses a valid Nebraska fishing license or is legally exempt from compliance with Nebraska license or permit requirements. A resident angler under 16 years of age must have a valid paddlefish permit and associated tag in possession while archery fishing paddlefish.

Two hundred fifty-five archery permits and associated tags are available to residents by lottery drawing after application. Individual paddlefish archery anglers may apply for a second permit and associated tag if any are available following the initial lottery drawing. Anglers may obtain a maximum of two archery paddlefish permits and associated tags

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each year. An additional eight percent of the permits available to residents may be issued to nonresidents by lottery drawing after application. In addition to the 255 permits available in South Dakota, a person may apply for Unit APF-ZZ1 for a preference point only and no opportunity for issuance of a permit.

Source: 6 SDR 60, effective January 1, 1980; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 13 SDR 68, effective December 11, 1986; 15 SDR 88, effective December 18, 1988; 18 SDR 98, effective December 12, 1991; 23 SDR 87, effective December 3, 1996; 24 SDR 72, effective November 30, 1997; 26 SDR 85, effective December 26, 1999; 28 SDR 84, effective December 20, 2001; 28 SDR 178, effective July 1, 2002; 31 SDR 89, effective December 27, 2004; 34 SDR 199, effective January 28, 2008; 38 SDR 116, effective January 10, 2012.

General Authority: SDCL 41-2-18(1)(2)(10)(12)(13)(14)(15)(17).

Law Implemented: SDCL 41-2-18(1)(2)(10)(12)(13)(14)(15)(17).

41:08:01:08.01. Bobcat trapping and hunting season established -- Hunting restrictions -- Tagging requirements. The bobcat trapping and hunting season is open from sunrise on December 26 to sunset on February 15, inclusive, in all counties west of the Missouri River and from sunrise on December 26 to sunset on the third Sunday of January, inclusive, in Buffalo, Brule, Clay, Charles Mix, Bon Homme, Hughes, Hutchinson, Hyde, Union and Yankton Counties. Any trapper or hunter participating in the bobcat season east of the Missouri River is limited to one bobcat per trapper or hunter.

A bobcat taken shall be presented to a conservation officer or wildlife damage specialist for registration and tagging of the pelt within 5 days of harvest. Additionally, once the season has closed, a person has 24 hours to notify a conservation officer or wildlife damage specialist of any untagged bobcats harvested during the season. The pelt shall be removed from the carcass and the carcass shall be surrendered to the

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conservation officer or wildlife damage specialist. After the pelt has been tagged, it shall be returned to the hunter or trapper. Upon request, the carcass may be returned to the hunter or trapper after the carcass has been inspected and the lower jaw has been removed. A person may only possess, purchase or sell raw bobcat pelts that are tagged through the eyeholes with the tag provided by the department.

Source: 2 SDR 18, effective September 16, 1975; 3 SDR 22, effective September 23, 1976; 4 SDR 15, effective September 15, 1977; 6 SDR 14, effective August 23, 1979; 7 SDR 21, effective September 15, 1980; 8 SDR 19, effective August 31, 1981; 9 SDR 30, effective September 13, 1982; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 30, effective August 30, 1984; 13 SDR 26, effective September 10, 1986; 14 SDR 40, effective September 23, 1987; 20 SDR 13, effective August 8, 1993; 22 SDR 16, effective August 15, 1995; 23 SDR 20, effective August 13, 1996; 24 SDR 16, effective August 13, 1997; 30 SDR 21, effective August 25, 2003; 38 SDR 8, effective August 3, 2011; 39 SDR 10, effective August 1, 2012; 40 SDR 29, effective August 20, 2013.

General Authority: SDCL 41-2-18(2)(17), 41-8-20.

Law Implemented: SDCL 41-2-18(2)(17), 41-8-20.

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:

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

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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 Fish 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
Sixteen

BUFFALO COUNTY

Francis Case
Sharpe

BUTTE COUNTY

CAMPBELL COUNTY

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Orman (Belle Fourche Reservoir)

Campbell

Red Water River

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

Trail City

CUSTER COUNTY

Bismark

Stockade

Biltmore (Lakota)

Center

Legion

Sylvan

Custer Memorial Pond

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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

Cochrane

Gary Creek

Cobb Creek

DEWEY COUNTY

Oahe

Eagle Butte

Isabel

Moreau #1

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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

HAND COUNTY

Dakota

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Mickelson Marsh

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

Murdo Railroad

Okaton

Draper

KINGSBURY COUNTY

Thompson

Twin (west of U.S. Highway 81)

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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)

Reliance

Sharpe

Francis Case

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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

Six Mile

White

MEADE COUNTY

Bear Butte

Curlew

Durkee

Ft. Meade BLM

Tisdale

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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

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

TRIPP COUNTY

Roosevelt

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Cottonwood

Beaulieu

Sully

King

Rahn

Dog Ear

White River

Keya Paha River

TURNER COUNTY

UNION COUNTY

Swan

McCook

WALWORTH COUNTY

YANKTON COUNTY

Oahe

Marindahl

Hiddenwood

Lewis and Clark

Molstad

Swan

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 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,

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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; 41 SDR 107, effective January 5, 2015.

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.

41:09:07:06.04. Fish health inspection required. An annual fish health inspection for diseases of regulatory concern described in § 41:09:08:03.03 and aquatic nuisance species is required for any licensed aquaculture facility.

A fish health inspection may only be conducted by:

- (1) A person who is currently certified by the American Fisheries Society as a fish pathologist or a fish health inspector;
- (2) A person who is currently authorized by the department to conduct official fish health inspections and who has completed a fish health inspection training program approved by the department; or
- (3) A licensed veterinarian who has completed a fish health inspection training program approved by the department.

Any fish health sample collected during a fish health inspection shall be screened for regulated pathogens at a laboratory approved by the department. All laboratory fees are the responsibility of the licensee. The licensee shall pay in full any fee within 30 days after receipt of an invoice. The department may refuse to issue any future license for

failure to comply with payment requirements of this section and for failure to include a copy of the previous year's fish health inspection results with each license renewal application.

Each fish health inspection and laboratory screening shall be conducted according to procedures in "Suggested Procedures for the Detection and Identification of Certain Finfish and Shellfish Pathogens," 2007 Edition.

If an emergency or prohibited disease or causative pathogen is detected in wild-caught fish kept at an aquaculture facility, or in fish cultured at the facility, the aquaculture facility may not stock fish in South Dakota. The department's fish health official shall determine a course of action necessary to eliminate the emergency or prohibitive disease or causative pathogen at the aquaculture facility. Two consecutive fish health inspections at six-month intervals with negative results for the pathogens of concern shall be completed before the aquaculture facility may resume stocking in South Dakota.

If a notifiable disease, causative pathogen, or aquatic nuisance species is detected in wild-caught fish kept at an aquaculture facility or in fish cultured at the facility, the department's fish health official may allow the fish or fish reproductive products to be stocked if the official determines the stocking will not cause the introduction or spread of any notifiable aquatic animal pathogens to areas they currently do not occur.

Source: 29 SDR 80, effective December 10, 2002; 35 SDR 184, effective February 2, 2009; 36 SDR 112, effective January 11, 2010; 37 SDR 112, effective December 8, 2010.

General Authority: SDCL 41-2-18(1)(22).

Law Implemented: SDCL 41-2-18(1)(22), 41-6-39, 41-6-40, 41-6-43.

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Reference: "Suggested Procedures for the Detection and Identification of Certain Finfish and Shellfish Pathogens," 2007 Edition. American Fisheries Society, Fish Health Section, 5410 Grosvenor Lane, Suite 110, Bethesda, Maryland 20814.