

CHAPTER 41:06:46

DEPREDATION PERMITS

Section

41:06:46:01 ~~Pool of standby hunters authorized -- Maximum permits~~ Depredation hunts established.

41:06:46:02 ~~Eligibility for standby hunter pool -- Application procedure~~ Pool of standby hunters authorized -- Maximum permits.

41:06:46:02.01 Eligibility for standby hunter pool -- Application procedure.

41:06:46:03 Repealed.

41:06:46:04 Random drawing to determine inclusion in pool.

41:06:46:05 Selection of standby hunters for specific depredation hunts.

41:06:46:06 Landowner/operator depredation permits.

41:06:46:07 Validity of permits -- Issuance of tags.

41:06:46:08 Repealed.

41:06:46:09 Affected landowner to allow free access.

41:06:46:10 Elk depredation permit fee.

41:05:46:11 Eligibility for elk depredation permits and future elk hunting licenses.

41:06:46:01. ~~Pool of standby hunters authorized -- Maximum permits.~~ A pool of standby hunters may be established annually from which hunters for special depredation hunts authorized by the commission, by resolution pursuant to SDCL 41-6-29.1, may be drawn and issued depredation permits by the secretary. The pool of standby hunters expires on April 15 of each year.

~~Between December 1 each year and the following March 31, the department may issue up to 600 depredation permits to standby hunters selected in accordance with § 41:06:46:05.~~

Depredation hunts established. The commission by resolution, may authorize the secretary to activate depredation firearm hunts in an identified geographic area if the commission determines that other conventional methods have not been successful in alleviating the damage being caused to property. In the resolution the commission shall specify the number and type of depredation permits that may be issued. For any elk depredation hunt conducted in a geographic area lying outside of an established elk hunting unit, the hunt may be conducted within any time period determined by the department. For any elk depredation hunt conducted in a geographic area lying within an established elk hunting unit, the hunt may be conducted anytime, except during the regular elk hunting season. For other big game species, depredation hunts may only occur from December 1 to the following March 31.

Source: 19 SDR 207, effective July 14, 1993; 28 SDR 44, effective October 3, 2001; 33 SDR 43, effective September 18, 2006.

General Authority: SDCL 41-2-18(2), 41-6-29.1.

Law Implemented: SDCL 41-6-29.1.

41:06:46:02. Eligibility for standby hunter pool -- Application procedure Pool of standby hunters authorized -- Maximum permits. ~~Only residents of the state may apply for inclusion in the regional pool of standby hunters. Application may be made through the internet or by calling one of the Department of Game, Fish and Parks offices. An applicant may designate in the application no more than ten counties in which the applicant is willing to hunt. Applications received from December 1 to March 31, inclusive, may be considered for inclusion in the pool of standby hunters~~ A pool of standby hunters may be established annually from which hunters for depredation hunts authorized by commission resolution pursuant to SDCL 41-6-29.1 may be drawn and issued depredation permits by the secretary. The pool of standby hunters expires on April 15 of

August, 2016 Proposals/October, 2016 Finals

each year, except the pool of standby hunters for elk, which expires on December 31 of the following year.

Source: 19 SDR 207, effective July 14, 1993; 28 SDR 44, effective October 3, 2001; 33 SDR 43, effective September 18, 2006; 40 SDR 39, effective September 9, 2013.

General Authority: SDCL 41-2-18(2), 41-6-29.1.

Law Implemented: SDCL 41-6-29.1.

41:06:46:02.01. Eligibility for standby hunter pool -- Application procedure.

Only residents of the state may apply for inclusion in the pool of standby hunters. Application may be made through the internet. An applicant may designate in the application no more than ten counties in which the applicant is willing to hunt for deer, antelope, and turkey. An applicant may only designate one area in the application for elk. Applications received from December 1 to March 31, inclusive, may be considered for inclusion in the pool of standby hunters. Hunters that register for the pool from December 1 to December 31, inclusive will be randomly selected to determine the order in which they are contacted if a depredation hunt is needed. After December 31, additional hunters will be registered in the pool in the order that they enroll.

Source:

General Authority: SDCL 41-2-18(2), 41-6-29.1.

Law Implemented: SDCL 41-6-29.1.

41:06:46:06. Landowner/operator depredation permits. ~~The department may issue up to 200 landowner/operator depredation permits to landowners in addition to the depredation permits authorized by § 41:06:46:01.~~ A resident landowner/operator who is experiencing documented big game animal depredation and who is actually operating agricultural or grazing land within the specific geographic area in which a depredation

August, 2016 Proposals/October, 2016 Finals

hunt has been authorized and for which depredation permits are being issued pursuant to § 41:06:46:05 may apply for a landowner/operator depredation permit on a form provided by the department. The application and permits ~~is~~ are free of charge. The department may issue no more than four deer, antelope, and turkey and no more than one elk landowner/operator depredation permits to each household or ranch in the area designated for the depredation hunt. Landowner preference does not apply. The killing and taking of the game animals specified in the permit must occur on the agricultural or grazing land of the landowner/operator.

Source: 19 SDR 207, effective July 14, 1993; 28 SDR 44, effective October 3, 2001; 33 SDR 43, effective September 18, 2006.

General Authority: SDCL 41-2-18(2), 41-6-29.1.

Law Implemented: SDCL 41-6-29.1.

41:06:46:07. Validity of permits -- Issuance of tags. Depredation permits and landowner/operator depredation permits issued under this chapter are valid only for the killing and taking by the permittee of the species, gender, and number of big game animals identified in the permit in the manner, at the time, and in the specific geographic areas indicated on the permit. The department shall issue to the permittee a nonreusable tag or tags indicating the species, gender, and number of big game animals permitted to be killed and taken by the permittee and the designated time and specific geographic area of the authorized depredation hunt. All big game animals taken under a depredation permit must be properly tagged in accordance with § 41:06:03:01.

The killing and taking of big game animals must be by lawful firearm in accordance with applicable statutes and rules pertaining to the pursuit, hunting, or killing of big game animals in SDCL title 41 and this article. Depredation permits and landowner/operator

August, 2016 Proposals/October, 2016 Finals

depredation permits are not transferable and must be in the possession of the permittee when he is hunting under that authority.

Source: 19 SDR 207, effective July 14, 1993; 28 SDR 44, effective October 3, 2001.

General Authority: SDCL 41-2-18(2), 41-6-29.1.

Law Implemented: SDCL 41-6-29.1.

41:06:46:09 Affected landowner to allow free access. A landowner requesting assistance from any big game depredation shall permit hunting access to hunters possessing depredation permits without charge during the depredation hunt.

Source:

General Authority: SDCL 41-2-18(2) (12) (17), 41-6-29.1.

Law Implemented: SDCL 41-2-18(2) (12) (17), 41-6-21, 41-6-29.1.

41:06:46:10 Elk depredation permit fee. An elk depredation permit shall be issued to a successful applicant for a fee of \$20.

Source:

General Authority: SDCL 41-2-18(2) (12) (17), 41-6-21, 41-6-29.1

Law Implemented: SDCL 41-2-18(2) (12) (17), 41-6-21, 41-6-29.1

41:06:46:11 Eligibility for elk depredation permits and future elk hunting licenses. Any person regardless of being issued an elk license in the first drawing of an elk hunting season within the previous nine years is eligible to apply for an elk depredation permit. However, any person who holds an elk hunting license from the current elk drawing, is not eligible to apply in the lottery drawing for an elk depredation

permit. Issuance of an elk depredation permit under this depredation hunt does not affect future eligibility for elk licenses available in any elk hunting season or preference points.

Source:

General Authority: SDCL 41-2-18(2) (12) (17), 41-6-21, 41-6-29.1

Law Implemented: SDCL 41-2-18(2) (12) (17), 41-6-21, 41-6-29.1.

Chapter

- 41:06:00.01 General provisions.
- 41:06:01 Application for license.
- 41:06:02 License forms and fees.
- 41:06:03 Possession, processing and transportation of game.
- 41:06:04 Hunting requirements and prohibited methods.
- 41:06:05 Archery restrictions.
- 41:06:06 Controlled goose hunting.
- 41:06:07 Custer State Park restrictions.
- 41:06:08 Pheasant hunting season.
- 41:06:09 Grouse hunting season.
- 41:06:10 Sage grouse hunting season.
- 41:06:11 Quail hunting season.
- 41:06:12 Partridge hunting season.
- 41:06:13 Spring wild turkey hunting season.
- 41:06:14 Fall wild turkey hunting season.
- 41:06:15 Custer State Park spring wild turkey season.
- 41:06:16 Waterfowl hunting seasons.

August, 2016 Proposals/October, 2016 Finals

41:06:17	Common snipe hunting season.
41:06:18	Sandhill crane hunting season.
41:06:19	Black Hills deer hunting season.
41:06:20	West River prairie deer season.
41:06:21	East River deer hunting season.
41:06:22	Archery deer hunting season.
41:06:23	Antelope hunting season.
41:06:24	Archery antelope hunting season.
41:06:25	Custer State Park antelope hunting season.
41:06:26	Black Hills elk hunting season.
41:06:27	Custer State Park elk hunting season.
41:06:28	Custer State Park early archery elk hunting season.
41:06:29	Mountain goat hunting season.
41:06:30	Custer State Park bighorn sheep hunting season, Repealed.
41:06:31	Lower Brule hunting seasons, Repealed.
41:06:31.01	Rosebud hunting seasons, Repealed.
41:06:32	Jackrabbit hunting season, Transferred.
41:06:33	Special winter deer hunting season, Repealed.
41:06:34	Cottontail rabbit hunting season.
41:06:35	Tree squirrel hunting season.
41:06:36	National wildlife refuge deer hunting seasons.
41:06:37	Custer State Park coyote hunting season.
41:06:38	Custer State Park fall wild turkey season, Repealed.
41:06:39	Crow hunting season.
41:06:40	Mourning dove hunting season.

August, 2016 Proposals/October, 2016 Finals

41:06:41	Custer State Park deer hunting season.
41:06:42	Custer State Park trophy bison bull harvest.
41:06:43	Archery elk hunting season.
41:06:44	Youth deer season.
41:06:45	General muzzleloading deer hunting season.
41:06:46	Depredation permits.
41:06:47	Special Custer State Park antlerless elk hunting season.
41:06:48	Custer State Park late archery elk hunting season.
41:06:49	Youth waterfowl hunting season.
41:06:50	Early fall Canada goose hunting season.
41:06:51	Custer State Park horseback trophy bison bull harvest, Repealed.
41:06:52	Elk depredation hunt, Repealed.
41:06:53	Hunter safety course.
41:06:54	Pheasant hunting season for disabled veterans.
41:06:55	Youth pheasant hunting season.
41:06:56	Black Hills bighorn sheep hunting season.
41:06:57	Prairie dog shooting season, Repealed.
41:06:58	Resident pheasant hunting season.
41:06:59	Prairie elk hunting season.
41:06:60	Custer State Park non-trophy bison harvest.
41:06:61	Mountain lion hunting season.

CHAPTER 41:06:52

ELK DEPREDATION HUNT

(Repealed)

Section

August, 2016 Proposals/October, 2016 Finals

~~41:06:52:01 — Elk depredation hunt established.~~

~~41:06:52:02 — Permit numbers authorized — Fee.~~

~~41:06:52:03 — Applicant selection process.~~

~~41:06:52:04 — Affected qualified landowners eligible for permit.~~

~~41:06:52:05 — Eligibility for future elk season affected.~~

~~41:06:52:06 — Affected landowner to allow free access.~~

~~41:06:52:07 — Selection of permit holders — Payment of fee.~~

~~**41:06:52:01. Elk depredation hunt established.** The commission may, by resolution, authorize the secretary to activate an elk depredation firearms hunt in an identified geographic area if the commission determines that other conventional methods of control have not been successful in alleviating the damage being caused to property. In the resolution the commission shall specify the number and type of elk depredation permits that may be issued. For any hunt conducted in a geographic area lying outside of an established elk hunting unit, the hunt may be conducted within any time period determined by the department. For any hunt conducted in a geographic area lying within an established elk hunting unit, the hunt may be conducted anytime except during the regular elk season.~~

~~**Source:** 24 SDR 72, effective November 30, 1997; 25 SDR 59, effective October 26, 1998; 26 SDR 85, effective December 26, 1999; 36 SDR 39, effective September 23, 2009.~~

~~**General Authority:** SDCL 41-2-18(2)(12)(17), 41-6-29.1.~~

~~**Law Implemented:** SDCL 41-2-18(2)(12)(17), 41-6-29.1.~~

~~**41:06:52:02. Permit numbers authorized — Fee.** The secretary may authorize and issue elk depredation permits to unsuccessful elk applicants and qualified landowners up to the number provided for by the resolution of the commission under~~

August, 2016 Proposals/October, 2016 Finals

~~§ 41:06:52:01. Except as specifically provided in § 41:06:52:04, the fee for the permit is \$50.~~

~~**Source:** 24 SDR 72, effective November 30, 1997; 25 SDR 59, effective October 26, 1998; 26 SDR 85, effective December 26, 1999.~~

~~**General Authority:** SDCL 41-2-18(2)(12)(17), 41-6-29.1.~~

~~**Law Implemented:** SDCL 41-2-18(2)(12)(17), 41-6-29.1.~~

~~**41:06:52:03. Applicant selection process.** The department shall select a pool of permit applicants for the depredation hunt by lottery from the list of elk applicants for licenses established in chapter 41:06:26.~~

~~For depredation hunts conducted after the closing date of an established hunting season, but prior to June 1st, the department shall draw the names of permit applicants from the most recent past season in the following order:~~

~~(1) For antlerless hunts:~~

~~(a) First, unsuccessful any antlerless elk hunters from the first drawing for the unit in which the depredation hunt is to be conducted;~~

~~(b) Then, unsuccessful any antlerless elk hunters from the second drawing for the unit in which the depredation hunt is to be conducted;~~

~~(c) Then, unsuccessful elk applicants from the unit in which the depredation hunt is to be conducted; and~~

~~(d) Then, unsuccessful elk applicants from the units closest to the unit in which the depredation hunt is to be conducted; and~~

~~(2) For antlered hunts:~~

~~(a) First, unsuccessful any elk hunters from the unit in which the depredation hunt is to be conducted;~~

August, 2016 Proposals/October, 2016 Finals

~~(b) Then, unsuccessful any elk hunters from the second drawing for the unit in which the depredation hunt is to be conducted;~~

~~(c) Then, unsuccessful elk applicants from the unit in which the depredation hunt is to be conducted; and~~

~~(d) Then, unsuccessful elk applicants from the units closest to the unit in which the depredation hunt is to be conducted;~~

~~For any depredation hunt conducted after May 31, but prior to the opening date of an established hunting season, the department shall draw the names of permit applicants from applicants for the most recent or current season in the following order;~~

~~(1) For antlerless hunts:~~

~~(a) First, successful any antlerless elk applicants for the unit in which the depredation hunt is to be conducted;~~

~~(b) Then, unsuccessful any antlerless elk applicants from the first drawing for the unit in which the depredation hunt is to be conducted;~~

~~(c) Then, unsuccessful any antlerless elk applicants from the second drawing for the unit in which the depredation hunt is to be conducted; and~~

~~(d) Then, unsuccessful elk applicants from the units closest to the unit in which the depredation hunt is to be conducted;~~

~~(2) For antlered hunts:~~

~~(a) First, successful any elk applicants for the unit in which the depredation hunt is to be conducted;~~

~~(b) Then, unsuccessful any elk applicants from the unit in which the depredation hunt is to be conducted; and~~

~~(c) Then, unsuccessful elk applicants from the units closest to the unit in which the depredation hunt is to be conducted~~

August, 2016 Proposals/October, 2016 Finals

~~For any depredation hunt conducted outside an established elk hunting unit, the department shall draw the names of permit applicants from the list of applicants who applied in the closest established elk hunting unit.~~

~~**Source:** 24 SDR 72, effective November 30, 1997; 26 SDR 85, effective December 26, 1999; 36 SDR 39, effective September 23, 2009.~~

~~**General Authority:** SDCL 41-2-18(2)(12)(17), 41-6-29.1.~~

~~**Law Implemented:** SDCL 41-2-18(2)(12)(17), 41-6-29.1.~~

~~**41:06:52:04. Affected qualified landowners eligible for permit.** The department shall make available one elk permit for each ranch unit within the identified geographic area in the depredation unit affected at no charge to a landowner who meets the requirements contained in SDCL 41-6-19.3, who qualified for landowner preference in § 41:06:26:04, and who has not received an elk license for the most recent or current elk season.~~

~~**Source:** 24 SDR 72, effective November 30, 1997; 26 SDR 85, effective December 26, 1999.~~

~~**General Authority:** SDCL 41-2-18(2)(12)(17), 41-6-21, 41-6-29.1.~~

~~**Law Implemented:** SDCL 41-2-18(2)(12)(17), 41-6-21, 41-6-29.1.~~

~~**41:06:52:05. Eligibility for future elk season affected.** Issuance of an elk permit under this depredation hunt affects future eligibility for elk licenses available in chapter 41:06:26. The licensee is considered to have received an elk license through the regular elk season for the year. However, no previously unsuccessful applicant who received a license for a depredation hunt through the process found in § 41:06:52:07 and who elected to participate in the depredation hunt may lose any preference points. If a landowner received a regular elk license the previous fall and was successful in harvesting an elk, that landowner is not eligible for a depredation license during this~~

August, 2016 Proposals/October, 2016 Finals

depredation hunt. A landowner who has a license during the depredation hunt does not lose eligibility to apply for a license during the subsequent fall elk season.

Source: ~~24 SDR 72, effective November 30, 1997; 25 SDR 59, effective October 26, 1998; 36 SDR 39, effective September 23, 2009.~~

General Authority: ~~SDCL 41-2-18(2)(12)(17), 41-6-21, 41-6-29.1.~~

Law Implemented: ~~SDCL 41-2-18(2)(12)(17), 41-6-21, 41-6-29.1.~~

~~41:06:52:06. Affected landowner to allow free access.~~ A landowner requesting assistance from elk depredation must permit hunting access to hunters possessing an elk depredation permit without charge during the depredation hunt.

Source: ~~24 SDR 72, effective November 30, 1997.~~

General Authority: ~~SDCL 41-2-18(2)(12)(17), 41-6-21, 41-6-29.1.~~

Law Implemented: ~~SDCL 41-2-18(2)(12)(17), 41-6-21, 41-6-29.1.~~

~~41:06:52:07. Selection of permit holders -- Payment of fee.~~ After the list of eligible hunters has been determined as provided in § ~~41:06:52:03~~ and the qualified landowners have been determined, the department shall call the hunters in their order on the list until the required number of hunters agree to participate in the hunt. The department shall provide the hunter with the permit, tag, map, and elk check-in procedures. The license fee from any previously unsuccessful applicant is payable to the department before issuance of the permit and tag.

Source: ~~24 SDR 72, effective November 30, 1997; 36 SDR 39, effective September 23, 2009.~~

General Authority: ~~SDCL 41-2-18(2)(12)(17), 41-6-21, 41-6-29.1.~~

Law Implemented: ~~SDCL 41-2-18(2)(12)(17), 41-6-21, 41-6-29.1.~~

ARTICLE 41:07

FISHING SEASONS AND METHODS

August, 2016 Proposals/October, 2016 Finals

Chapter

41:07:01	General provisions.
41:07:02	Fishing seasons.
41:07:03	Fish limits.
41:07:04	Snagging of salmon, Repealed.
41:07:05	Snagging of paddlefish.
41:07:06	Spearing.
41:07:07	Underwater spearing, Transferred.
41:07:08	Hoop nets and setlines.
41:07:09	Bullfrogs.
41:07:10	Turtles.

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.

August, 2016 Proposals/October, 2016 Finals

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 <u>Repealed.</u>
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.
<u>41:07:01:20</u>	<u>Authorization for landowner to perform fisheries management activities</u> <u>- Conditions.</u>

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 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.~~

August, 2016 Proposals/October, 2016 Finals

~~However, licensed anglers may take creek chubs from water within the Black Hills 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; 42 SDR 93, effective December 30, 2015.

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

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

41:07:01:15. High-grading of fish prohibited on South Dakota-Minnesota boundary waters. ~~Any fish 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 fish caught subsequently from South Dakota-Minnesota border waters~~ Repealed.

Source: 27 SDR 47, effective November 12, 2000.

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

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

41:07:01:20. Authorization for landowner to perform fisheries management activities -- Conditions.

The Secretary may grant authorization without fee to a landowner, or the landowner's designee, to conduct fisheries management activities on created, man-made impoundments that only inundate private land under the following conditions:

- (1) Activities permitted under this authorization include the use of special equipment, stocking permitted species of fish, chemical control of vegetation, and fish removal beyond the allowance of the applicable fish limit;
- (2) The authorized landowner, or the landowner's designee, shall notify a Conservation Officer prior to transporting live fish or fish in quantities exceeding applicable fish limits away from the private land where the waters are located;
- (3) Persons fishing in waters included in this authorization shall abide by applicable fish limits in accordance with § 41:07:03; and
- (4) That access to a requested water is entirely under the applicant's control by ownership, lease, or easement. If a requested water is not entirely owned by the applicant, then the applicant shall provide with the application a true and correct copy of the written lease or easement.

Source:

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

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

Cross references:

Nets, seines, and similar devices, weirs, dams, and artificial obstructions prohibited, SDCL 41-12-9.

August, 2016 Proposals/October, 2016 Finals

Use of explosives, electrical devices, and drugs as misdemeanor, SDCL 41-12-13.

Permit required to use plant control chemicals in game fish waters, SDCL 41-13-2.

Commission authority required to introduce fish or eggs into public waters, SDCL 41-13-3.

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 Staun 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

August, 2016 Proposals/October, 2016 Finals

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 Enemy Swim including Campbell Slough, Pickerel Lake~~, Reetz Lake, and Horseshoe 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 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;

August, 2016 Proposals/October, 2016 Finals

(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, 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), Lake Enemy Swim ~~including Campbell Slough~~, Elm Lake, Lake Angostura, 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;

August, 2016 Proposals/October, 2016 Finals

(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;

(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

August, 2016 Proposals/October, 2016 Finals

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; 41 SDR 107, effective January 5, 2015; 42 SDR 93, effective December 30, 2015.

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

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

CHAPTER 41:07:04

SNAGGING OF SALMON

(Repealed. 15 SDR 88, effective December 18, 1988)

Section:

41:07:04:01. Snagging season in special management waters.

41:07:04:02. Maximum number of hooks and line allowed.

41:07:04:01. Snagging season in special management waters. The snagging season for Chinook salmon is open on Lake Oahe from October 1 to November 30, inclusive.

Source:

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

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

41:07:04:02. Maximum number of hooks and lines allowed. The maximum number of hooks per line and lines per person allowed for snagging of Chinook salmon is one line with one hook.

Source:

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

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

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.

The snagging hours on the South Dakota-Nebraska Boundary waters and areas of the Big Sioux River open to paddlefish snagging 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.

August, 2016 Proposals/October, 2016 Finals

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 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. All paddlefish anglers shall cast for and hook their own

August, 2016 Proposals/October, 2016 Finals

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, 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; 42 SDR 93, effective December 30, 2015.

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. 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, legal crossbow, or legal bow and arrow from one half hour before 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~~ May 1 to March ~~15~~ 31, inclusive;

August, 2016 Proposals/October, 2016 Finals

(3) Lake Sharpe from the Big Bend Dam upstream to the upstream edge of the U. S. Highway 14 bridge at Pierre, ~~June 15~~ May 1 to March ~~15~~ 31, inclusive;

(4) Lake Oahe from Oahe Dam upstream to the North Dakota state line, ~~June 15~~ May 1 to March ~~15~~ 31, inclusive;

(5) Shadehill Reservoir, Belle Fourche Reservoir, ~~and~~ Angostura Reservoir, Waubay and Bitter Lakes in Day County, Swan and Dry #2 Lakes in Clark County, Albert, Henry, Thompson, and Whitewood in Kingsbury County, ~~June 15~~ May 1 to March ~~15~~ 31, inclusive;

(6) Pactola Reservoir, excluding salmonids, ~~June 15~~ May 1 to March ~~15~~ 31, 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 all inland lakes waters~~, except from Lynn, Middle 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, waters closed to fishing under §§ 41:07:01:05 and 41:07:02:05, and from areas of the Missouri River closed to the spearing of game fish, from ~~January 1~~ May 1 to ~~December~~ March 31, inclusive; and

(8) 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 Sunday of February, inclusive.

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

August, 2016 Proposals/October, 2016 Finals

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; 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), 41-3-10, 41-12-5, 41-12-12.

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

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 and Clark Lake and the Missouri River above Gavins Point Dam in Yankton and Bon Homme Counties for noncommercial take; and

~~Areas: Black Hills 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

Deerfield

BUTTE COUNTY

Newell

YANKTON COUNTY

Lake Yankton

DEUEL COUNTY

Alice

WATERS CLOSED YEAR-ROUND TO COMMERCIAL TAKING OF BAIT

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

Other waters:

AURORA COUNTY

Wilmarth

BEADLE COUNTY

Ravine

Staum

BENNETT COUNTY

Allen Dam

BON HOMME COUNTY

Lewis and Clark

August, 2016 Proposals/October, 2016 Finals

Lacreek Refuge Pools 1-10

Henry

Lake Creek

Cedar Creek Dam 1, 2, and 3

Little White River

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

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
Trail City

~~CUSTER COUNTY~~

~~Bismark~~
~~Stockade~~
~~Biltmore (Lakota)~~
~~Center~~
~~Legion~~
~~Sylvan~~
~~Custer Memorial Pond~~

DAVISON COUNTY

Mitchell

DAY COUNTY

Amsden
Antelope

August, 2016 Proposals/October, 2016 Finals

Bitter

Blue Dog

Campbell Slough

East Krause

Enemy Swim

Hazeldon

Horseshoe

Lynn

Pickerel

Pierpont

Middle Lynn

Minnewasta

Owen Creek

Opitz

Waubay

DEUEL COUNTY

Bullhead

Cochrane

Gary Creek

Cobb Creek

DEWEY COUNTY

Oahe

Eagle Butte

Isabel

Moreau #1

Moreau #2

Lantry

Little Moreau #3

August, 2016 Proposals/October, 2016 Finals

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

August, 2016 Proposals/October, 2016 Finals

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

Fort Pierre National Grassland

ponds (all)

Bad River

KINGSBURY COUNTY

Thompson

Twin (west of U.S. Highway 81)

August, 2016 Proposals/October, 2016 Finals

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

Byre

White River

August, 2016 Proposals/October, 2016 Finals

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

MELLETT COUNTY

White River Dam

White River

MINER COUNTY

Carthage

August, 2016 Proposals/October, 2016 Finals

Little White River

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

POTTER COUNTY

Simon

Potts

August, 2016 Proposals/October, 2016 Finals

Flat Creek

Hurley

Sorum

Oahe

Coal Springs

Owen

Cole

73 Dam

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

August, 2016 Proposals/October, 2016 Finals

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

August, 2016 Proposals/October, 2016 Finals

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, 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,

August, 2016 Proposals/October, 2016 Finals

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; 42 SDR 93, effective December 30, 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.

August, 2016 Proposals/October, 2016 Finals

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~~ 2014 Edition or according to procedures of the "World Animal Health Organization (OIE) Aquatic Code," 19th Edition, 2016.

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; 42 SDR 93, effective December 30, 2015.

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.

Reference: "Suggested Procedures for the Detection and Identification of Certain Finfish and Shellfish Pathogens," ~~2007~~ 2014 Edition. American Fisheries Society, Fish Health Section, 5410 Grosvenor Lane, Suite 110, Bethesda, Maryland 20814 and "World

Animal Health Organization (OIE) Aquatic Code," 19th Edition, 2016 World Animal Health Organization 12, rue de Prony 75017 Paris, France.

41:09:08:03.04. Importation requirements for fish or fish reproductive products. Before the department may issue an importation permit for fish or any fish reproductive product, a current fish health certification or a fish health inspection report shall be submitted to the department.

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.

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 2014 Edition or according to procedures of the "World Animal Health Organization (OIE) Aquatic Code," 19th Edition, 2016.

The application for an importation permit shall be denied if an emergency or prohibited disease or causative pathogen is detected in wild-caught fish or at an aquaculture facility.

If a notifiable disease or causative pathogen is detected in wild-caught fish or at an aquaculture facility, the department's fish health official may allow the fish or fish

August, 2016 Proposals/October, 2016 Finals

reproductive products to be imported if the official determines the requested importation will not cause the introduction or spread of any notifiable aquatic animal pathogens to areas they currently do not occur.

The fish or fish reproductive products to be imported, if obtained from man-made or natural waters and brought into a facility prior to shipping, shall have been quarantined from other fish or fish reproductive products and inspected independently.

The fish or fish reproductive products to be imported, if obtained from man-made or natural waters, shall have been inspected within the past twelve months. In addition, other fish populations from this water shall have been inspected within the same time period as determined by the department's fish health official.

The fish or fish reproductive products to be imported, if cultured at a facility, shall have been inspected within the past twelve months.

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

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

Law Implemented: SDCL 41-2-18(1), 41-13-3.1.

Reference: "Suggested Procedures for the Detection and Identification of Certain Finfish and Shellfish Pathogens," ~~2007~~ 2014 Edition. American Fisheries Society, Fish Health Section, 5410 Grosvenor Lane, Suite 110, Bethesda, Maryland 20814 and "World Animal Health Organization (OIE) Aquatic Code," 19th Edition, 2016 World Animal Health Organization 12, rue de Prony 75017 Paris, France.