

41:03:01:05. Destruction or removal of natural or cultural features prohibited -

- **Exception.** A person may not destroy, damage, or remove a living or dead tree, shrub, or vegetation; disturb any earth, rocks, minerals, natural formations, or cultural resources; or destroy, damage, or remove ~~any antlers~~, skulls, or other parts of animal carcass located on lands owned or leased by the department without written permission from the secretary or a designated agent. However, a person participating in religious activities in Bear Butte State Park or on department land owned or leased adjacent to the Missouri River may use grasses and forbs taken from these lands for ceremonial purposes. For purposes of this rule, a cultural resource includes historic properties, archaeological resources, and Native American cultural items (including human remains, associated funerary objects, unassociated funerary objects, sacred objects, and objects of cultural patrimony, as defined in the Native American Graves Protection and Repatriation Act of 1990, 25 U.S.C. § 3001, as amended through February 2, 2009).

Source: SL 1975, ch 16, § 1; 6 SDR 96, effective April 1, 1980; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 23 SDR 142, effective March 17, 1997; 28 SDR 129, effective March 18, 2002; 35 SDR 253, effective May 13, 2009.

General Authority: SDCL 41-2-18(4), 41-17-1.1(1)(3).

Law Implemented: SDCL 41-2-18(4), 41-17-1.1(1)(3).

CHAPTER 41:06:13

SPRING WILD TURKEY HUNTING SEASON

Section

41:06:13:01 Spring wild turkey hunting season established -- Number and type of licenses available.

41:06:13:02 Open units -- ~~Number and type of licenses available~~ Exceptions.

41:06:13:03 Repealed.

41:06:13:04 Application requirements and restrictions.

41:06:13:01. Spring wild turkey hunting season established -- Number and type of licenses available. The spring wild turkey hunting season is open from one-half hour before sunrise to sunset each day from the first Saturday of April to the eighth day prior to Memorial Day, inclusive, in Unit AST-ST1, and from one-half hour before sunrise to sunset each day from the second Saturday of April to the eighth day prior to Memorial Day, inclusive, or as otherwise provided in § 41:06:13:02 in all other units. Units BST-BH1 and BST-BH2 are the Black Hills units. Unit AST-ST1 is the archery unit. All other units are prairie units. The number of one-tag male turkey licenses issued is unlimited for residents and nonresidents in both the Black Hills and archery spring turkey hunting seasons. No more than 5,602 one-tag male turkey and 750 two-tag male turkey licenses may be issued to residents for the prairie spring turkey hunting season.

Source: 1 SDR 60, effective February 26, 1975; 2 SDR 62, effective March 23, 1976; 3 SDR 67, effective April 3, 1977; 4 SDR 57, effective March 16, 1978; 7 SDR 92, effective March 22, 1981; 8 SDR 102, effective March 4, 1982; 9 SDR 108, effective February 20, 1983; 10 SDR 85, effective February 16, 1984; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 110, effective February 21, 1985; 13 SDR 128, effective March 22, 1987; 14 SDR 114, effective March 9, 1988; 16 SDR 148, effective March 21, 1990; 18 SDR 144, effective March 15, 1992; 26 SDR 117, effective March 16, 2000; 28 SDR 129, effective March 18, 2002; 29 SDR 147, effective May 6, 2003; 30 SDR 147, effective April 4, 2004; 31 SDR 115, effective February 14, 2005; 34 SDR 199, effective January 28, 2008; 36 SDR 112, effective January 11, 2010; 37 SDR 131, effective January 10, 2011.

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

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

Cross-References:

Hunting license fees, § 41:06:02:03.

Basic or general hunting license required, SDCL 41-6-11.

Combination licenses, SDCL 41-6-10.1.

41:06:13:02. Open units -- ~~Number and type of licenses available~~ Exceptions.

The following is a description of the open spring turkey hunting units ~~and the number and type of licenses available in each unit:~~

(1) Unit BST-BH1: excluding Custer State Park, Wind Cave National Park, Mount Rushmore National Memorial, and Jewel Cave National Monument, that portion of Lawrence County south of Interstate 90; ~~that portion of Custer County west of State Highway 79, that portion of Fall River County north and west of a line beginning at the junction of the South Dakota-Wyoming border and U.S. Highway 18, then easterly along U.S. Highway 18 to its junction with the Cheyenne River, then easterly along the Cheyenne River to its junction with U.S. Highway 18 and 385, then northerly along U.S. Highway 18 and 385 to its junction with State Highway 79 and continuing northerly along State Highway 79 to its junction with the Custer County line; that portion of Meade County west and south of a line beginning at the junction of State Highway 79 and the Meade-Butte County line, south on State Highway 79 to State Highway 34, east on State Highway 34 to Alkali Road, east on Alkali Road to Middle Alkali Road, south on Middle Alkali Road to Tilford Road, west on Tilford Road to Ricard Road, south on Ricard Road to Elk Creek Road, east on Elk Creek Road to North Haines Avenue, south on North Haines Avenue to the junction of Haines Avenue and the Meade-Pennington County line~~ that portion of Meade County west and south of Interstate 90; those portions of Pennington and Custer Counties west of State Highway 79; that portion of Fall River County north and west of a line beginning at the junction of the South Dakota-Wyoming

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border and U.S. Highway 18, then east along U.S. Highway 18 to its junction with the Cheyenne River, then east along the Cheyenne River to its junction with State Highway 79; then north along State Highway 79 to its junction with the Custer County line. The number of "male turkey" licenses issued is unlimited;

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

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

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

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

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

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

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

(9) Unit PST-11A: Bennett County; ~~50 "male turkey" licenses;~~

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

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

(12) Unit PST-15A: Butte County and that portion of Lawrence County north of Interstate 90; ~~350 "male turkey" licenses;~~

(13) Unit PST-16A: Campbell and Walworth Counties; ~~10 "male turkey" licenses;~~

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

(15) Unit PST-19A: Clay County; ~~120 "male turkey" licenses;~~

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

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(17) Unit PST-21A: that portion of Custer County east of State Highway 79 and that portion of Pennington County south of Interstate 90 between State Highway 79 and the Cheyenne River; ~~150 two-tag licenses with each tag valid for one "male turkey";~~

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

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

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

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

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

(23) Unit PST-30A: Gregory County; ~~800 "male turkey" licenses;~~

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

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

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

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

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

(29) Unit PST-39A: Jackson County; ~~200 "male turkey" licenses;~~

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

(31) Unit PST-41A: Jones County; ~~75 "male turkey" licenses;~~

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

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

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

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(35) Unit PST-48A: Marshall County and Roberts County; ~~400 "male turkey"~~ licenses;

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

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

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

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

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

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

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

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

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

(45) Unit PST-62A: Union County; ~~120 "male turkey" licenses;~~

(46) Unit PST-65A: Oglala Lakota County; ~~60 "male turkey" licenses;~~

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

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(48) Unit AST-ST1: statewide for archery turkey except in Custer State Park where the archery season is closed. ~~The number of "male turkey" licenses issued is unlimited for residents and nonresidents.~~

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

Source: 1 SDR 60, effective February 26, 1975; 2 SDR 62, effective March 23, 1976; 3 SDR 67, effective April 3, 1977; 4 SDR 57, effective March 16, 1978; 5 SDR 68, effective February 15, 1979; 6 SDR 94, effective March 26, 1980; 7 SDR 92, effective March 22, 1981; 8 SDR 102, effective March 4, 1982; 9 SDR 108, effective February 20, 1983; 10 SDR 85, effective February 16, 1984; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 110, effective February 21, 1985; 12 SDR 151, effective March 16, 1986; 13 SDR 128, effective March 22, 1987; 14 SDR 114, effective March 9, 1988; 15 SDR 139, effective March 20, 1989; 16 SDR 148, effective March 21, 1990; 17 SDR 139, effective March 21, 1991; 18 SDR 144, effective March 15, 1992; 19 SDR 128, effective March 9, 1993; 20 SDR 150, effective March 23, 1994; 21 SDR 148, effective March 6, 1995; 22 SDR 111, effective March 7, 1996; 23 SDR 142, effective March 17, 1997; 24 SDR 107, effective February 26, 1998; 25 SDR 108, effective February 28, 1999; 26 SDR 117, effective March 16, 2000; 27 SDR 85, effective February 26, 2001; 28 SDR 129, effective March 18, 2002; 29 SDR 147, effective May 6, 2003; 30 SDR 147, effective April 4, 2004; 31 SDR 115, effective February 14, 2005; 33 SDR 107, effective December 27, 2006; 34 SDR 199, effective January 28, 2008; 35 SDR 184, effective February 2, 2009; 36 SDR 112, effective January 11, 2010; 37 SDR 131, effective January 10, 2011; 38 SDR 116, effective January 10, 2012; 39 SDR 10, effective August 1, 2012; 39 SDR 120, effective January 9, 2013; 40 SDR 121, effective January 6, 2014; 41 SDR 107, effective

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January 5, 2015¹ ; SL 2012, ch 56, § 1, effective May 1, 2015; 42 SDR 97, effective January 5, 2016.

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

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

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

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

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

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

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

(5) Good Earth State Park is closed to spring turkey hunting except for five turkey licensees who possess a valid spring turkey archery license and an archery turkey access permit. Adams Homestead and Nature Preserve is closed to spring turkey hunting

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except for ~~ten~~ twenty licensees who possess a valid spring turkey archery license and an archery turkey access permit. The access permits may be issued by lottery drawing. Each access permit is valid from the first Saturday of April to April 30, inclusive.

Source: 1 SDR 60, effective February 26, 1975; 3 SDR 67, effective April 3, 1977; 4 SDR 57, effective March 16, 1978; 5 SDR 68, effective February 15, 1979; 6 SDR 94, effective March 26, 1980; 7 SDR 92, effective March 22, 1981; 8 SDR 102, effective March 4, 1982; 9 SDR 108, effective February 20, 1983; 10 SDR 85, effective February 16, 1984; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 110, effective February 21, 1985; 12 SDR 151, effective March 16, 1986; 13 SDR 128, effective March 22, 1987; 14 SDR 114, effective March 9, 1988; 15 SDR 139, effective March 20, 1989; 16 SDR 148, effective March 21, 1990; 17 SDR 139, effective March 21, 1991; 21 SDR 148, effective March 6, 1995; 24 SDR 107, effective February 26, 1998; 25 SDR 108, effective February 28, 1999; 26 SDR 117, effective March 13, 2000; 27 SDR 85, effective February 26, 2001; 29 SDR 147, effective May 6, 2003; 30 SDR 147, effective April 4, 2004; 31 SDR 115, effective February 14, 2005; 33 SDR 107, effective December 27, 2006; 34 SDR 199, effective January 28, 2008; 35 SDR 184, effective February 2, 2009; 39 SDR 10, effective August 1, 2012; 39 SDR 120, effective January 9, 2013; 40 SDR 121, effective January 6, 2014; 41 SDR 107, effective January 5, 2015.

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

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

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

41:07:01:07. Transportation and storage of fish. No person may possess fish on the ice or transport dressed fish from the waters of this state to the person's domicile unless those fish can be readily counted. Two fillets are the equivalent of one fish. Frozen fish shall be packaged individually when transported or when placed in public storage.

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Fish placed in public storage shall be identified and tagged according to the requirements set forth in SDCL 41-14-4.

Source: SL 1975, ch 16, § 1; 8 SDR 58, effective November 30, 1981; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 80, effective December 16, 1984; 15 SDR 88, effective December 18, 1988; 16 SDR 114, effective January 18, 1990; 21 SDR 102, effective December 8, 1994; 35 SDR 47, effective September 8, 2008.

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

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

CHAPTER 41:07:03

FISH LIMITS

Section

- 41:07:03:01 Inland waters.
- 41:07:03:02 South Dakota-Minnesota boundary waters.
- 41:07:03:02.01 South Dakota-Nebraska boundary waters.
- 41:07:03:02.02 South Dakota-Iowa boundary waters.
- 41:07:03:03 Daily, possession, and length limit restrictions on special management waters -- Additional restrictions described.
- 41:07:03:04 Repealed.
- 41:07:03:05 Anglers restricted to one day's limit while on the water or actively fishing -- Exception, possession limits allowed while ice fishing.
- 41:07:03:06 Daily and possession limit for nonresident family fishing license.

41:07:03:05. Anglers restricted to one day's limit while on the water or actively fishing -- Exception, possession limits allowed while ice fishing. No person may possess more than one day's limit of fish while on the water or actively engaged in fishing. Persons on the ice are allowed to keep a possession limit of fish taken in

accordance to the daily limit and transportation regulations set forth in § 41:07:01:07. No person may possess a fish unless the fish conforms to the fishing regulations in effect for that body of water. Where and when water specific size limits apply for a species of gamefish, any person in possession of ~~any~~ that species ~~of gamefish~~ while the person is on the water, ice or fishing shall keep the fish whole with the head, skin, and fins attached. Only gills, entrails, scales, and eyes may be removed. The provisions of this section do not apply to the statewide daily limit of one walleye over 20 inches set forth in § 41:07:03:03.

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; 42 SDR 93, effective December 30, 2015.

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

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

41:10:04:01. List of aquatic invasive species. Species classified as aquatic invasive species in the state are as follows;

(1) Fish:

- (a) Black carp, **Mylopharyngodon piceus**;
- (b) Common carp, **Cyprinus carpio**;
- (c) Grass carp, **Ctenopharyngodon idella**;
- (d) Bighead carp, **Hypophthalmichthys nobilis**;
- (e) Silver carp, **Hypophthalmichthys molitrix**;
- (f) European rudd, **Scardinius erythrophthalmus**;
- (g) Giant snakehead, **Channa micropeltes**;
- (h) Northern snakehead, **Channa argus**;

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- (i) Bullseye snakehead, **Channa marulius**;
 - (j) Blotched snakehead, **Channa maculata**; and
 - (k) Western mosquitofish, **Gambusia affinis**;
- (2) Plants:
- (a) Brittle naiad, **Najas minor**;
 - (b) Curly pondweed, **Potamogeton crispus**;
 - (c) Didymo, **Didymosphenia geminata**;
 - (d) Eurasian water-milfoil, **Myriophyllum spicatum**;
 - (e) Purple loosestrife, **Lythrum salicaria**;
 - (f) Flowering rush, **Butomus umbellatus**; and
 - (g) Common reed, **Phragmites australis**;
- (3) Invertebrates:
- (a) New Zealand mudsnail, **Potamopyrgus antipodarum**;
 - (b) Rusty crayfish, **Orconectes rusticus**;
 - (c) Zebra mussel, **Dreissena polymorpha**;
 - (d) Quagga mussel, **Dreissena rostriformis bugensis**;
 - (e) Asian clam, **Corbicula fluminea**; and
 - (f) Red rimmed melania, **Melanoides tuberculata**; and
 - (g) Red swap crayfish, **Procambarus clarkii**.

Source: 38 SDR 116, effective January 10, 2012; 39 SDR 100, effective December 3, 2012; 41 SDR 173, effective May 11, 2015.

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

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

41:10:04:03. Watercraft restrictions. No person may launch or attempt to launch a boat or boat trailer into the waters of the state with an aquatic invasive species attached

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or onboard. Except for emergency response boats, all trailered boats shall have all drain plugs, bailers, valves or other devices used to control the drainage of water opened or removed except while in a boat ramp parking area, or while being launched or loaded, ~~or en route from a body of water to an immediately adjacent fish cleaning station.~~

Source: 38 SDR 116, effective January 10, 2012; 39 SDR 100, effective December 3, 2012; 41 SDR 173, effective May 11, 2015.

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

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

Cross-Reference: Definition, waters of the state, SDCL 34A-2-2(12).

41:10:04:05. Fish and bait transportation restrictions. Except as authorized by the Secretary, a person may not transport fish or aquatic bait in water obtained from a lake, river, or stream except ~~while en route from a lake, river or stream to an immediately adjacent fish cleaning station~~ when in a boat ramp parking area.

Source: 41 SDR 173, effective May 11, 2015.

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

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

Cross-Reference: Definitions, lake, § 74:51:01:01(31); stream, § 74:51:01:01(43); river, SDCL 46A-1-3(14).