

May Proposals / June Finals
Game, Fish and Parks

41:06:01:10. Prior application preference. Fifty percent of any licenses which are limited in number and are issued by application and computer drawing are set aside for landowner applications as described in § 41:06:01:07 for the Black Hills deer hunting season, the West River deer hunting season except for special buck licenses, the East River deer hunting season except for special buck licenses, the antelope hunting season, the spring wild turkey hunting season, and the fall wild turkey hunting season. If an applicant is unsuccessful in drawing a license for a first-choice unit in the initial drawing for a specific season, the applicant shall receive a preference point for that season if they chose to purchase a preference point. For elk, bighorn sheep, mountain goat, and free access permits the applicant shall receive a preference point at no charge if they apply for one of these seasons in the first draw and are unsuccessful. Preference points shall be applied to a subsequent initial drawing application submitted by the applicant for the season in which the preference points were earned, except for elk hunting seasons pursuant to § 41:06:01:09. No additional preference points may be issued if an applicant decides to use preference points in the second draw for elk and is unsuccessful in the draw. ~~An applicant who fails to submit an initial drawing application in a single season for a period of five consecutive years forfeits any preference points accrued for that season.~~

Source: 5 SDR 108, effective June 28, 1979; 6 SDR 94, effective March 26, 1980; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 22, effective August 9, 1984; 14 SDR 14, effective August 6, 1987; 20 SDR 204, effective June 7, 1994; 21 SDR 86, effective November 10, 1994; 24 SDR 156, effective May 17, 1998; 26 SDR 162, effective June 14, 2000; 27 SDR 126, effective June 6, 2001; 28 SDR 166, effective June 4, 2002; 32 SDR 203, effective June 5, 2006; 39 SDR 10, effective August 1, 2012; 42 SDR 146, effective May 5, 2016.

General Authority: SDCL 41-2-18(12)(13), 41-6-21.

Law Implemented: SDCL 41-2-18(12)(13), 41-6-21, 41-6-62.

41:06:01:12. Mentored youth big game license -- Restrictions. A resident parent or guardian may purchase no more than one mentored "antlerless deer" license, one "doe-fawn

May Proposals / June Finals
Game, Fish and Parks

antelope" license, one fall "any turkey" license, and one spring "male turkey" license for a designated mentored youth ~~who is at least 10 and younger than 16 years of age~~ as provided in SDCL 41-6-81. No youth participating in a mentored big game hunt may apply for a regular season license for that corresponding species and season.

Source: 35 SDR 47, effective September 8, 2008.

General Authority: SDCL 41-2-18(1)(2)(12)(13), 41-6-81.

Law Implemented: SDCL 41-2-18(1)(2), 41-6-81.

41:06:04:02. Size of party limited. ~~No more than 20 persons may possess a bow and arrow, crossbow, or firearm, including a muzzleloading firearm, while cooperating as a party in hunting, except when hunting a predator/varmint. The provisions of this section do not apply to a person who is only carrying a concealed pistol, if the person possesses a valid concealed pistol permit as provided in SDCL chapter 23-7. Repealed.~~

~~—— **Source:** SL 1975, ch 16, § 1; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 41 SDR 173, effective May 11, 2015.~~

~~—— **General Authority:** SDCL 41-2-18(19).~~

~~—— **Law Implemented:** SDCL 41-2-18(19).~~

~~—— **Cross-Reference:** Professional goose hunting group size, § 41:09:09:03.~~

41:06:04:11. Minimum size and type of big game ammunition. Except for wild turkey as provided in § 41:06:04:12 and elk as provided in § 41:06:04:13, a person may hunt, pursue, shoot at, shoot, or kill any of the big game animals of this state only with a shoulder-held firearm using ammunition which is ~~factory~~-rated to produce at least 1,000 foot-pounds of energy at the muzzle or a handgun using ammunition which is ~~factory~~-rated to produce at least 500 foot-pounds of energy at the muzzle. Muzzleloading handguns must discharge a projectile of .50 caliber or larger. Only soft-point or expanding bullets are permitted.

Source: 20 SDR 13, effective August 8, 1993.

General Authority: SDCL 41-2-18.

Law Implemented: SDCL 41-2-18.

41:06:04:14. Muzzleloading restrictions. In seasons restricted to muzzleloading ~~rifles~~ firearms, no telescopic sights may be used. Telescopic sights are those sights that utilize magnification.

Source: 21 SDR 102, effective December 8, 1994; 28 SDR 166, effective June 4, 2002; 39 SDR 33, effective September 5, 2012.

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

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

41:06:04:21. Mandatory submission of samples for chronic wasting disease testing. Each successful elk or deer hunter shall submit samples for chronic wasting disease testing for all elk and deer harvested from any Custer State Park elk hunting unit.

Source: 44 SDR 93, effective December 4, 2017.

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

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

41:06:05:03. Possession of firearm while archery hunting ~~prohibited~~ restricted. No person who is licensed in a season restricted to archery only may possess a firearm in the field while hunting with bow and arrow except: ~~if the person is carrying a pistol and possesses a valid concealed pistol permit as provided in SDCL chapter 23-7.~~

(1) A person who possesses a firearms big game license that is valid for the same geographic area and time of year as the archery license; or

(2) A person who is carrying a pistol and possesses a valid concealed pistol permit as provided in SDCL chapter 23-7.

Source: 2 SDR 74, effective May 18, 1976; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 16 SDR 220, effective June 21, 1990; 31 SDR 213, effective July 4, 2005; 33 SDR 225, effective June 25, 2007; 40 SDR 14, effective July 29, 2013.

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

May Proposals / June Finals
Game, Fish and Parks

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

~~**41:06:05:03.01. Nonlicensee armed accompaniment prohibited -- Exception.** No person accompanying a licensee who is hunting big game in the field with bow and arrow under an archery only license may:~~

- ~~—— (1) Possess a bow and arrow (or crossbow), crossbow, firearm, or a muzzleloading firearm if the person does not possess an archery a big game license that is valid for the same geographic area and time of year as the licensed archery hunter; or~~
- ~~—— (2) Possess a firearm, including a muzzleloading firearm, except if the person is carrying a pistol and possesses a valid concealed pistol permit as provided in SDCL chapter 23-7.~~

Repealed.

~~—— **Source:** 40 SDR 14, effective July 29, 2013.~~

~~—— **General Authority:** SDCL 41-2-18(2).~~

~~—— **Law Implemented:** SDCL 41-2-18(2).~~

~~**41:06:05:04. Bowhunter education certification required for certain archery hunters.**~~

~~Beginning with the 1993 archery seasons, possession of a National Bowhunter Education Foundation certificate or a certificate of completion from a bowhunter education course approved by any state or provincial government is required of all archery big game licensees 11 through 15 years of age regardless of previous experience or licensing, all first-time archery big game licensees regardless of age, and all archery elk licensees. Repealed.~~

~~—— **Source:** 19 SDR 48, effective October 7, 1992.~~

~~—— **General Authority:** SDCL 41-6-21.~~

~~—— **Law Implemented:** SDCL 41-6-21.~~

41:06:22:01. Archery deer hunting season established -- Number and type of licenses --

Access permits. The archery deer hunting season is open statewide from one-half hour before sunrise to one-half hour after sunset each day beginning ~~on the fourth Saturday of September 1~~ and to remain open until January 15, inclusive, except as provided in § 41:06:22:02. Only an

May Proposals / June Finals
Game, Fish and Parks

any antlerless deer license is valid January 1 to January 15, inclusive. Unlimited any deer licenses may be issued for units ARD-ST1, ARD-ER1, and ARD-WR1 and unlimited antlerless whitetail deer licenses may be issued for unit ARD-LM1. No more than 5 any deer and 25 antlerless whitetail deer access permits may be issued to residents for Adams Homestead and Nature Preserve. No more than 5 any deer access permits may be issued to residents for Good Earth State Park.

Source: SL 1975, ch 16, § 1; 1 SDR 78, effective June 19, 1975; 6 SDR 129, effective July 13, 1980; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 19 SDR 190, effective June 15, 1993; 20 SDR 204, effective June 7, 1994; 22 SDR 172, effective June 11, 1996; 24 SDR 156, effective May 17, 1998; 27 SDR 111, effective May 8, 2001; 28 SDR 166, effective June 4, 2002; 29 SDR 160, effective June 3, 2003; 30 SDR 171, effective May 11, 2004; 31 SDR 191, effective June 7, 2005; 32 SDR 225, effective July 3, 2006; 37 SDR 215, effective May 31, 2011; 40 SDR 14, effective July 29, 2013; 43 SDR 9, effective August 1, 2016.

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

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

Cross-References:

Hunting license fees, § 41:06:02:03.

Combination licenses--Issuance, SDCL 41-6-10.1.

Resident big game license required, SDCL 41-6-19.

Nonresident big game license required, SDCL 41-6-20.

41:08:02:05. Snare restrictions. A snare must be equipped with a mechanical lock, a swivel device on the anchor end, and a permanent stop to prevent the capture loop from closing to a diameter of less than two and one-half inches. A snare, such as the Hopkins S-hook or the Kelly (Amberg) snare, that is equipped with a snare lock or device with a breaking strength of 350 pounds of pressure or less may be used in lieu of a snare with a permanent stop that prevents the capture loop from closing to less than two and one-half inches. A snare equipped with the

May Proposals / June Finals
Game, Fish and Parks

breakaway lock instead of the permanent stop must be affixed to an immovable object solidly attached to the ground. Any person using a snare that is not equipped with a permanent stop must, upon request, submit the snare for a test of its breaking strength.

No snare may be set within a feedlot, pasture, cropland, or other fenced area containing domestic livestock without the permission of the landowner or tenant.

A snare must be attached by the swivel device directly to the anchoring device or by chain or cable between the swivel and the anchoring device. When the snare is set, the swivel must operate freely. The swivel device on a snare may not exceed four inches in total length. No snare may be attached to a drag-type anchoring device or to any part of a fence along road rights-of-way adjacent to private land without permission of the adjoining landowner or tenant.

From May 1 to November 13, inclusive, no snare is permitted on public lands or within any improved road rights-of-way statewide.

No snare with a spring or other device that applies pressure to the locking mechanism may be placed on a Game Production Area or Waterfowl Production Area unless the snare is placed below the surface of water or ice.

Source: 9 SDR 30, effective September 13, 1982; 10 SDR 12, effective August 17, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 12 SDR 22, effective August 21, 1985; 14 SDR 40, effective September 23, 1985; 15 SDR 24, effective August 14, 1988; 25 SDR 21, effective August 27, 1998; 26 SDR 21, effective August 23, 1999; 30 SDR 21, effective August 25, 2003.

General Authority: SDCL 41-2-18(14), 41-8-20.

Law Implemented: SDCL 41-2-18(14), 41-8-20.

41:09:10:05 – Eligibility for fur dealers, agents and employees. A fur dealer shall list each employee or agent on their application who will engage in purchasing or contracting to purchase fur-bearing animals. No person other than one who is registered as an agent or an employee of a licensed fur dealer may exercise the privileges conveyed in the license in accordance with

May Proposals / June Finals
Game, Fish and Parks

SDCL § 41-6-25. The department may refuse to issue or amend a fur dealer's license to any fur dealer who employs an individual or has an agent exercising those privileges and either:

a) during the previous or current calendar year, has had their fur dealer license suspended or revoked; or

b) during the previous or current calendar year, has been denied a fur dealer's license.

The period of ineligibility of a person to be employed by a fur dealer for a cause pursuant to this section may not exceed one calendar year.

Source:

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

Law Implemented: SDCL 41-2-18(1)(15), 41-6-25, 41-14-18, 4-14-21, 41-14-22.