

June Proposals – July Finalizations
Proposed by Commission

SUBSTANTIVE CHANGES

41:03:03:03.01. Park entrance license exemptions. Park entrance license exemptions are as follows:

(1) A person who enters a state park or state recreation area in volunteer service to the park or as a volunteer worker with an assigned role at an event requiring a special permit pursuant to § 41:03:01:04 is exempt from payment of the daily park entrance license fee if the person has received a special free park entrance license from the secretary;

(2) A park entrance license is not required at Custer State Park on the day of the fall buffalo roundup and on the day of the annual buffalo auction;

(3) A recreational motorhome towing one other vehicle is considered one unit and must purchase only one park entrance license. The second vehicle will be issued a free park entrance license that is dated to expire on the last day of the visitor's stay;

(4) Any enrolled Crow Creek tribal member and their family are not required to ~~have~~ purchase a park entrance license to enter West Bend Recreational Area;

(5) Any enrolled Yankton Sioux tribal member and their family are not required to purchase a park entrance license to enter North Point Recreation Area, Fort Randall South Shore Recreation Area, Randall Creek Recreation Area, and Fort Randall Spillway Lakeside Use Area;

~~(5)~~ (6) A resident nonprofit youth group that enters a state park or state recreation area if the group obtains an approved nonprofit youth group permit from the park manager before entering the park. The park manager shall issue special free park entrance licenses to vehicles used by the youth group. The nonprofit youth group must obtain the permit no fewer than five days prior to entering the park; and

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~~(6)~~ (7) Members and guests of a South Dakota veterans organization or group, South Dakota National Guard or military reserve unit and guests, or patients currently admitted to a veterans hospital in this state and their attendants who enter a state park or state recreation area for a non-competitive special event that is hosted by the organization, group, unit or hospital if an approved special event permit has been obtained from the park manger at least five days before the special event. The park manager shall issue special free park entrance licenses to vehicles used by participants of the approved non-competitive special event.

A resident of this state who is entitled to a free lifetime park entrance license as provided in SDCL 41-17-13.4 shall fill out a form provided by the Division of Parks and Recreation and mail it to the Pierre office with a photocopy of the veteran's "K" award or a letter from the Veteran's Administration indicating that the veteran receives an allotment for total disability which is deemed a service-connected injury or that the veteran was held as a prisoner of war. The lifetime park entrance license allows the licensee and any passengers accompanying the licensee in the vehicle to enter any South Dakota state park, state recreation area, or lakeside use area that requires a valid park entrance license.

Source: 11 SDR 22, effective August 9, 1984; 17 SDR 188, effective June 13, 1991, and July 1, 1991; 18 SDR 223, effective July 13, 1992; 19 SDR 128, effective March 9, 1993; 19 SDR 190, effective June 15, 1993; 20 SDR 150, effective March 23, 1994; 21 SDR 207, effective June 5, 1995; 23 SDR 87, effective December 3, 1996; 24 SDR 99, effective February 2, 1998; 27 SDR 13, effective August 27, 2000; 28 SDR 24, effective August 28, 2001; 28 SDR 103, effective January 30, 2002; 29 SDR 107, effective February 3, 2003; 31 SDR 39, effective September 23, 2004; 31 SDR 89, effective December 27, 2004; 31 SDR 191, effective June, 7, 2005; 32 SDR 183, effective May 9, 2006; 32 SDR 225, effective July 3, 2006; 33 SDR 225, effective June 25,

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2007; 36 SDR 39, effective September 23, 2009; 40 SDR 14, effective July 29, 2013; 43 SDR 131, effective April 19, 2017; 45 SDR 155, effective June 24, 2019; 46 SDR 74, effective December 2, 2019.

General Authority: SDCL 41-17-1.1(2)(10), 41-17-13, 41-17-13.4.

Law Implemented: SDCL 41-17-1.1(2)(10), 41-17-13, 41-17-13.2, 41-17-13.4.

41:06:02:01.03. Replacement of lost or destroyed license, permit, or game tag. Any license, permit, or game tag issued by the department and lost in the mail and not received by the applicant shall be replaced by the department at no cost. No license, permit, or game tag may be replaced unless the applicant completes an affidavit form provided by the department verifying that the license, permit, or game tag was not received by the applicant.

Any license, permit, or game tag issued by the department that has been lost or destroyed after receipt by the licensee, or any license that through the licensee's oversight is not in the licensee's possession, may be replaced at any time prior to the close of the respective hunting, fishing, or trapping season. In addition, a licensee may request a replacement of any license, permit, or game tag that has been issued but has not been received by the licensee. A replacement license, permit, or game tag may be issued by an agent appointed by the department following authorization from a department representative.

No license, permit, or game tag may be replaced unless the licensee completes an affidavit form provided by the department verifying that the license, permit, or game tag has been lost or destroyed; through an oversight, is not in the licensee's possession; or has not been received by the licensee and that no game animal or fish had been taken by the licensee as authorized by the license, permit, or game tag. Upon issuance of a replacement license, permit, or game tag, the original license, permit, or game tag becomes invalid. The original license, other than a license

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that is lost and destroyed or that is held at the department's licensing office, along with a copy of the affidavit shall be returned to the department's licensing office and postmarked within 10 days of getting the replacement license.

~~Administrative fees payable to the department to replace lost or destroyed licenses, permits, or game tags are \$20~~ There is no administrative fee for replacement of lost or destroyed licenses, permits, or game tags.

License agents may, and the department shall, charge the license agent's fee established by SDCL 41-6-66.1 in issuing a permit in lieu of a lost license and any other authorized replacement licenses, permits, or game tags.

Source: 9 SDR 147, effective May 22, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 16 SDR 135, effective February 18, 1990; 17 SDR 34, effective January 1, 1991; 17 SDR 139, effective March 21, 1991; 25 SDR 43, effective September 28, 1998; 27 SDR 35, effective October 17, 2000; 31 SDR 89, effective December 27, 2004; 36 SDR 21, effective August 18, 2009; 38 SDR 101, effective December 5, 2011; 41 SDR 34, effective September 2, 2014; 46 SDR 116, effective April 29, 2020.

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

Law Implemented: SDCL 41-2-18(12)(13), 41-6-55.

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

- (1) Resident predator/varmint license, \$5;
- (2) Resident small game license:
 - (a) Nineteen years of age and older, \$27;
 - (b) Under 16 years of age, \$5;
- (3) Resident one-day small game license, \$12;

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- (4) Resident combination license, \$49;
- (5) Senior combination license, 65 years of age and older, \$34;
- (6) Resident junior combination license, 16 to 18 years of age, inclusive, \$27;
- (7) Resident furbearer license, \$30;
- (8) Nonresident furbearer license, \$275;
- (9) Resident spring one-tag wild turkey license, \$19;
- (10) Resident spring two-tag wild turkey license, \$29;
- (11) Resident fall one-tag wild turkey license, \$9;
- (12) Resident fall two-tag wild turkey license, \$14;
- (13) Resident deer or antelope one-tag license, \$34;
- (14) Resident deer or antelope two-tag license, \$44;
- (15) Resident antelope three-tag license, \$44;
- (16) ~~Resident landowner-on-own~~ Landowner-on-own land deer or antelope license, one-half the fee of the deer or antelope license which has been applied for;
- (17) Resident one-tag antlerless deer or doe-fawn antelope license, \$14;
- (18) Resident two-tag antlerless deer or doe-fawn antelope license, \$24;
- (19) Resident three-tag any deer and two any antlerless deer license, \$44;
- (20) Resident three-tag three any antlerless deer license; \$24;
- (21) Resident three-tag any whitetail and two antlerless whitetail deer license, \$44;
- (22) Resident three-tag three antlerless whitetail deer license, \$24;
- (23) Resident three-tag doe-fawn antelope license, \$24;
- (24) Resident elk license:
 - (a) Any elk or bull elk, \$169;

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- (b) Antlerless elk, \$110;
- (25) Resident landowner depredation elk, one-half the fee of the elk license which has been applied for;
- (26) Resident mountain goat license, \$274;
- (27) Resident Black Hills bighorn sheep license, \$274;
- (28) Canada goose special unit permit, \$10;
- (29) Nonresident small game license:
 - (a) Sixteen years of age and older, \$115;
 - (b) Under 16 years of age, \$10;
- (30) Special nonresident waterfowl license, includes migratory bird certification permit, \$115;
- (31) Fall three-consecutive days temporary nonresident waterfowl license, \$80;
- (32) Spring snow goose temporary nonresident license:
 - (a) Sixteen years of age and older, \$44;
 - (b) Under 16 years of age, \$20;
- (33) Early fall Canada goose temporary nonresident license, \$44;
- (34) Nonresident youth waterfowl season hunting license under 16 years of age, \$10;
- (35) Nonresident spring one-tag wild turkey license, \$94;
- (36) Nonresident spring two-tag wild turkey license, \$119;
- (37) Nonresident fall one-tag wild turkey license, \$84;
- (38) Nonresident fall two-tag wild turkey license, \$94;
- (39) Nonresident deer or antelope one-tag license, \$280;
- (40) Nonresident deer or antelope two-tag license, \$330;

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- (41) Nonresident antelope three-tag license, \$330;
- (42) Nonresident one-tag antlerless deer or doe-fawn antelope license, \$74;
- (43) Nonresident two-tag antlerless deer or doe-fawn antelope license, \$114;
- (44) Nonresident three-tag doe-fawn antelope license, \$114;
- (45) Nonresident three-tag any deer and two any antlerless deer license, \$330;
- (46) Nonresident three-tag three any antlerless deer license, \$114;
- (47) Nonresident three-tag any whitetail and two antlerless whitetail deer license, \$330;
- (48) Nonresident three-tag three antlerless whitetail deer license, \$114;
- (49) Nonresident predator license, \$40;
- (50) Custer State Park elk license:
 - (a) Custer State Park rifle any elk license, \$300;
 - (b) Custer State Park early archery elk license, \$300;
 - (c) Custer State Park late archery elk license, \$200;
 - (d) Custer State Park special antlerless elk license, \$200;
- (51) Custer State Park deer license:
 - (a) Custer State Park any deer license, \$150;
 - (b) Custer State Park one-tag any whitetail deer license, \$150;
 - (c) Custer State Park one-tag muzzleloader whitetail antlerless deer license, \$25;
- (52) Custer State Park bison license:
 - (a) Custer State Park trophy bull bison license, \$6,500;
 - (b) Custer State Park nontrophy bull bison license, \$3,250;
 - (c) Custer State Park cow bison license, \$1,750;
- (53) Custer State Park bighorn sheep license, \$500;

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- (54) Custer State Park coyote license, \$10;
- (55) Custer State Park antelope license:
 - (a) Custer State Park any antelope license, \$150;
 - (b) Custer State Park doe-fawn license, \$25;
- (56) Nonrefundable application fee:
 - (a) Archery and rifle elk, \$10;
 - (b) Mountain goat, \$10;
 - (c) Bighorn sheep, \$10;
 - (d) Resident hunt for habitat, \$10;
 - (e) Nonresident hunt for habitat, \$20;
- (57) Resident special any deer or any whitetail deer license, \$169;
- (58) Nonresident special any deer or any whitetail deer license, \$554;
- (59) Apprentice hunter deer or mentored antelope license:
 - (a) Resident, \$5;
 - (b) Nonresident, \$10;
- (60) Tundra swan permit:
 - (a) Resident, \$12;
 - (b) Nonresident, \$19;
- (61) Migratory bird certification permit, \$5;
- (62) Nonresident shooting preserve license:
 - (a) One-day, \$40;
 - (b) Five-consecutive days, \$70;
 - (c) Annual, \$115;

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(63) Mountain lion license, \$22;

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

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

(a) Resident, \$5;

(b) Nonresident, \$10.

Source: SL 1975, ch 16, § 1; 2 SDR 10, effective August 7, 1975; 2 SDR 36, effective November 12, 1975; 3 SDR 13, effective August 25, 1976; 6 SDR 80, effective February 14, 1980; 7 SDR 48, effective November 25, 1980; 8 SDR 15, effective August 19, 1981; 8 SDR 31, effective September 30, 1981; 9 SDR 108, effective February 20, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 10 SDR 148, effective July 11, 1984; 11 SDR 80, effective December 16, 1984; 12 SDR 14, effective August 6, 1985; 12 SDR 22, effective August 21, 1985; 12 SDR 186, effective May 28, 1986; 13 SDR 9, effective August 3, 1986; 13 SDR 159, effective May 5, 1987; fees transferred from §§ 41:06:02:01.01, 41:06:07:05, 41:06:16:08, and 41:08:01:10, 14 SDR 4, effective July 22, 1987; 14 SDR 40, effective September 23, 1987; 14 SDR 57, effective October 21, 1987; 15 SDR 24, effective August 14, 1988; 15 SDR 50, effective October 6, 1988; 15 SDR 162, effective May 4, 1989; 15 SDR 210, effective July 10, 1989; 17 SDR 12, effective July 31, 1990; 17 SDR 23, effective August 16, 1990; 17 SDR 34, effective September 6, 1990, and January 1, 1991; 18 SDR 223, effective July 13, 1992; 19 SDR 207, effective July 14, 1993, and January 1, 1994; 20 SDR 204, effective June 7, 1994; 21 SDR 148, effective March 6, 1995; 21 SDR 207, effective June 5, 1995; 22 SDR 172, effective June 11, 1996; 23 SDR 38, effective September 26, 1996; 23 SDR 197, effective May 27, 1997; 24 SDR 156, effective May 17, 1998; 25 SDR 193,

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effective July 19, 1998; 25 SDR 43, adopted September 28, 1998, effective January 1, 1999; 26 SDR 162, effective June 14, 2000; 27 SDR 111, effective May 8, 2001; 27 SDR 126, effective June 6, 2001; 28 SDR 150, effective May 7, 2002; 28 SDR 178, effective July 1, 2002; 29 SDR 160, effective June 3, 2003; 30 SDR 21, effective August 25, 2003; 31 SDR 89, effective December 12, 2004; 31 SDR 165, effective May 10, 2005; 31 SDR 191, effective June 7, 2005; 32 SDR 45, effective September 20, 2005; 32 SDR 203, effective June 5, 2006; 33 SDR 1, effective July 18, 2006; 33 SDR 212, adopted May 15, 2007, effective January 1, 2008; 34 SDR 67, effective September 10, 2007; 34 SDR 297, effective June 4, 2008; 35 SDR 47, effective September 8, 2008; 36 SDR 21, effective August 18, 2009; 36 SDR 39, effective September 23, 2009; 37 SDR 112, effective December 8, 2010; 37 SDR 215, effective May 31, 2011; 38 SDR 8, effective August 3, 2011; 38 SDR 101, effective December 5, 2011; 39 SDR 100, effective December 3, 2012; 39 SDR 204, effective June 11, 2013; 40 SDR 113, effective December 16, 2013; 41 SDR 107, effective January 5, 2015; 42 SDR 14, effective August 10, 2015; 44 SDR 17, effective August 7, 2017; 44 SDR 184, effective June 25, 2018; 45 SDR 155, effective June 24, 2019; 46 SDR 116, effective April 29, 2020.

General Authority: SDCL 41-6-10, 41-6-18.4, 41-6-19.6, 41-6-84, 41-17-1.1(9).

Law Implemented: SDCL 41-6-10, 41-6-10.1, 41-6-18.4, 41-6-19.1, 41-6-19.6, 41-6-84, 41-17-1.1(9).

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

41:06:14:01. Fall turkey hunting season established -- Number and type of licenses.

The fall wild turkey hunting season is open from one-half hour before sunrise to sunset daily beginning on November 1 through January 31. No more than 200 one-tag any turkey licenses

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may be issued to residents for the Black Hills fall turkey hunting season. No more than ~~525~~ 400 one-tag any turkey licenses and 35 double-tag any turkey licenses may be issued to residents for the prairie fall turkey hunting season.

Source: SL 1975, ch 16, § 1; 2 SDR 10, effective August 7, 1975; 4 SDR 15, effective September 15, 1977; 5 SDR 19, effective September 14, 1978; 6 SDR 3, effective July 23, 1979; 8 SDR 15, effective August 19, 1981; 9 SDR 171, effective July 13, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 22, effective August 9, 1984; 12 SDR 14, effective August 6, 1985; 13 SDR 9, effective August 3, 1986; 14 SDR 14, effective August 6, 1987; 15 SDR 3, effective July 21, 1988; 16 SDR 32, effective August 20, 1989; 17 SDR 23, effective August 16, 1990; 18 SDR 33, effective August 19, 1991; 19 SDR 17, effective August 12, 1992; 20 SDR 13, effective August 8, 1993; 21 SDR 14, effective August 3, 1994; 22 SDR 188, effective July 10, 1996; 23 SDR 220, effective June 26, 1997; 26 SDR 9, effective August 1, 1999; 28 SDR 24, effective August 28, 2001; 29 SDR 29, effective August 26, 2002; 29 SDR 160, effective June 3, 2003; 30 SDR 189, effective June 7, 2004; 31 SDR 213, effective July 4, 2005; 33 SDR 1, effective July 18, 2006; 34 SDR 67, effective September 10, 2007; 41 SDR 34, effective September 2, 2014; 43 SDR 31, effective September 14, 2016; 45 SDR 30, effective September 10, 2018; 46 SDR 116, effective April 29, 2020.

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

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

41:06:14:02.01. Prairie units. The following is a description of the open prairie units:

(1) Unit PFT-01A: Minnehaha County. A person may use only a shotgun with shotshells, a muzzleloading shotgun, or a bow and arrow;

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(2) Unit PFT-06A: that portion of Brookings County east of Interstate 29. A person may use only a shotgun with shotshells, a muzzleloading shotgun, or a bow and arrow;

(3) Unit PFT-07A: Yankton County;

(4) Unit PFT-08A: Those portions of Davison and Hanson Counties within a line beginning at the junction of 403rd Avenue and 247th Street, then east on 247th Street to its junction with 413th Avenue, then south on 413th Avenue to its junction with Interstate 90, then west on Interstate 90 to its junction with 403rd Avenue, then north on 403rd Avenue to the point of beginning. A person may use only a shotgun with shotshells, a muzzleloading shotgun, or a bow and arrow;

(5) Unit PFT-12A: Bon Homme County;

(6) Unit PFT-13A: Brule County;

(7) Unit PFT-17A: Charles Mix County, excluding Lake Andes National Wildlife Refuge, and Douglas County;

(8) Unit PFT-19A: Clay County;

(9) Unit PFT-23A: Deuel County: A person may use only a shotgun with shotshells, a muzzleloading shotgun, or a bow and arrow;

~~(10) Unit PFT-30A: Gregory County;~~

~~(11)~~ (10) Unit PFT-36A: Hughes County, excluding Farm Island Recreation Area, LaFramboise Island Nature Area, and department land from the Pierre city limits to Farm Island Recreation Area;

~~(12)~~ (11) Unit PFT-37A: Hutchinson County. A person may use only a shotgun with shotshells, a muzzleloading shotgun, or a bow and arrow;

~~(13)~~ (12) Unit PFT-39A: Jackson County;

~~(14)~~ (13) Unit PFT-40A: Jerauld County;

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~~(15)~~ (14) Unit PFT-44A: Lincoln County;

~~(16)~~ (15) Unit PFT-48A: those portions of Marshall County south and east of State Highway 25 and north of State Highway 10 and Roberts County. A person may use only a shotgun with shotshells, a muzzleloading shotgun, or a bow and arrow;

~~(17)~~ Unit PFT-50A: Mellette County;

~~(18)~~ (16) Unit PFT-52A: Moody County. A person may use only a shotgun with shotshells, a muzzleloading shotgun, or a bow and arrow;

~~(19)~~ (17) Unit PFT-53A: Perkins County and that portion of Meade County north of U.S. Highway 212;

~~(20)~~ Unit PFT-60A: Tripp County;

~~(21)~~ (18) Unit PFT-61A: Turner County; and

~~(22)~~ (19) Unit PFT-62A: Union County.

Source: 15 SDR 3, effective July 21, 1988; 16 SDR 32, effective August 20, 1989; 17 SDR 23, effective August 16, 1990; 18 SDR 33, effective August 19, 1991; 19 SDR 17, effective August 12, 1992; 20 SDR 13, effective August 8, 1993; 21 SDR 14, effective August 3, 1994; 22 SDR 188, effective July 10, 1996; 23 SDR 220, effective June 26, 1997; 26 SDR 9, effective August 1, 1999; 27 SDR 13, effective August 27, 2000; 28 SDR 24, effective August 28, 2001; 29 SDR 29, effective August 26, 2002; 29 SDR 160, effective June 3, 2003; 30 SDR 189, effective June 7, 2004; 31 SDR 213, effective July 4, 2005; 33 SDR 1, effective July 18, 2006; 34 SDR 67, effective September 10, 2007; 35 SDR 47, effective September 8, 2008; 36 SDR 21, effective August 18, 2009; 37 SDR 18, effective August 16, 2010; 38 SDR 8, effective August 3, 2011; 39 SDR 10, effective August 1, 2012; 40 SDR 14, effective July 29, 2013; 41 SDR 34, effective September 2,

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2014; 42 SDR 14, effective August 10, 2015; 43 SDR 31, effective September 14, 2016; 45 SDR 30, effective September 10, 2018; 46 SDR 116, effective April 29, 2020.

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

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

CHAPTER 41:08:01

FURBEARER SEASONS

Section

41:08:01:01	Mink and weasel hunting and trapping season established.
41:08:01:02	Muskrat trapping season established.
41:08:01:03 and 41:08:01:04	Repealed.
<u>41:08:01:04</u>	<u>Repealed.</u>
41:08:01:04.01	Muskrat hunting season.
41:08:01:05 and 41:08:01:06	Repealed.
<u>41:0:01:06</u>	<u>Repealed.</u>
41:08:01:07	Beaver trapping and hunting season established in East River and Black Hills Fire Protection District -- Exception.
41:08:01:08	Beaver trapping and hunting season established in West River -- Exception.
41:08:01:08.01	Bobcat trapping and hunting season established -- Hunting restrictions -- Tagging requirements.
41:08:01:08.02	Skunk, opossum, fox, raccoon, and badger trapping and hunting season established.
41:08:01:08.03	Jackrabbit hunting season established.

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41:08:01:08.04	Repealed.
<u>41:08:01:08.05</u>	<u>River otter</u>
41:08:01:09	Areas not open.
41:08:01:10	Transferred.
41:08:01:11	Permit required to trap in parks and recreation areas -- Time restrictions.
41:08:01:12	Nonresident restrictions.

41:08:01:08.05. River otter trapping season established – Harvest Limit – Tagging requirements. The river otter trapping season is open to residents, statewide, from sunrise on November 1 through sunset on December 31 or until 15 river otters have been harvested, whichever occurs first. A person is limited to one river otter per season.

Any person harvesting a river otter during the season must notify GFP within 24 hours of harvest. The entire carcass, along with the detached pelt, must be submitted to the department representative within five days of capture. Once the season has closed an individual has 24 hours to notify a department representative of any untagged river otter harvested during the season. The tagged pelt will be returned. The carcass will be surrendered to the department and may be returned upon request. A person may only possess, purchase, or sell raw river otter pelts that are tagged through the eyeholes by the department or if taken from another jurisdiction, properly and securely tagged with a tag supplied by the governmental entity issuing the license. If the governmental entity issuing the license does not issue a tag, other proof that the animal has been lawfully taken is required. Any river otter harvested 24 hours after the close of the season will be considered incidental take and must be surrendered to the department.

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ADMINISTRATIVE RULE CLEANUP

41:08

ARTICLE 41:08

FURBEARER SEASONS AND METHODS

Chapter

- 41:08:01 Furbearer seasons.
- 41:08:02 Trapping prohibitions.
- 41:08:03 ~~Bounties~~ Repealed.
- 41:08:04 Protected furbearing animals, Repealed.
- 41:08:05 Possession of live furbearers.
- 41:08:06 Aerial hunting.
- 41:08:07 Exotic animals, Transferred.

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CHAPTER 41:08:01

FURBEARER SEASONS

Section

- 41:08:01:01 Mink and weasel hunting and trapping season established.
- 41:08:01:02 Muskrat trapping season established.
- 41:08:01:03 and 41:08:01:04 Repealed.
- 41:08:01:04.01 Muskrat hunting season.
- 41:08:01:05 and 41:08:01:06 Repealed.
- 41:08:01:07 Beaver trapping and hunting season established ~~in East River and Black Hills Fire Protection District — Exception.~~
- 41:08:01:08 ~~Beaver trapping and hunting season established in West River — Exception~~
Repealed.
- 41:08:01:08.01 Bobcat trapping and hunting season established -- Hunting restrictions – Tagging requirements.
- 41:08:01:08.02 Skunk, opossum, fox, raccoon, and badger trapping and hunting season established.
- 41:08:01:08.03 Jackrabbit hunting season established.
- 41:08:01:08.04 Repealed.
- 41:08:01:09 ~~Areas not open~~ Repealed.
- 41:08:01:10 Transferred.
- 41:08:01:11 Permit required to trap in ~~parks and recreation areas~~ state park system -- Time ~~restrictions~~ Restrictions.
- 41:08:01:12 Nonresident restrictions.

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41:08:01:01. Mink and weasel hunting and trapping season established. The season is open from sunrise on ~~the first Saturday in~~ November 1 ~~to~~ through sunset on January 31 to hunt and trap mink and weasel in all counties of the state.

Source: SL 1975, ch 16, § 1; 1 SDR 26, effective September 11, 1974; 3 SDR 22, effective September 23, 1976; 5 SDR 19, effective September 14, 1978; 6 SDR 14, effective August 23, 1979; 7 SDR 21, effective September 15, 1980; 9 SDR 30, effective September 13, 1982; 10 SDR 12, effective August 17, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 30, effective August 30, 1984; 12 SDR 22, effective August 21, 1985; 13 SDR 26, effective September 10, 1986; 14 SDR 40, effective September 23, 1987; 15 SDR 24, effective August 14, 1988; 16 SDR 32, effective August 20, 1989; 17 SDR 23, effective August 16, 1990; 18 SDR 33, effective August 19, 1991; 19 SDR 17, effective August 12, 1992; 20 SDR 13, effective August 8, 1993; 22 SDR 16, effective August 15, 1995.

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

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

41:08:01:02. Muskrat trapping season established. The West River muskrat trapping season is open the ~~year around~~ year-round to trap muskrat in all counties west of the Missouri River except in that portion of the Black Hills Fire Protection District south of Interstate 90.

The Black Hills muskrat trapping season is open from sunrise on ~~the first Saturday in~~ November 1 ~~to~~ through sunset on April 30, ~~inclusive~~, to trap muskrats in that portion of the Black Hills Fire Protection District south of Interstate 90 and west of State Highway 79. The season is open the year around to trap muskrats in that portion of the Black Hills Fire Protection District north of Interstate 90.

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The East River muskrat trapping season is open from sunrise on ~~the first Saturday of~~ November ~~to~~ through sunset on April 30, ~~inclusive~~, to trap muskrats in that portion of the state lying east of the Missouri River.

Source: SL 1975, ch 16, § 1; 1 SDR 26, effective September 11, 1974; 5 SDR 19, effective September 14, 1978; 6 SDR 14, effective August 23, 1979; 7 SDR 21, effective September 15, 1980; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 13 SDR 26, effective September 10, 1986; 14 SDR 40, effective September 23, 1987; 39 SDR 10, effective August 1, 2012.

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

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

41:08:01:04.01. Muskrat hunting season. The season is open statewide from sunrise on April 1 ~~to~~ through sunset on August 31, ~~inclusive, statewide~~. The season is open only to landowners and lessees, including School and Public Lands surface lease holders, on land they own or operate and to state, county, or township highway officials within public road right-of-ways are allowed to take muskrats during the season. Non-toxic shot shall be used if using shotguns.

Source: 39 SDR 10, effective August 1, 2012.

General Authority: SDCL 41-2-18(2)(14)(17), 41-8-20.

Law Implemented: SDCL 41-2-18(2)(14)(17), 41-8-20.

41:08:01:07. Beaver trapping and hunting season established in ~~East River and Black Hills Fire Protection District~~ — Exception. The season is open from sunrise on ~~the first Saturday of~~ November 1 ~~to~~ through sunset on April 30 to catch, trap, or hunt beaver within the Black Hills Fire Protection District south of Interstate 90 and west of State Highway 79, except U. S. Forest Service lands where the beaver season is open from January 1 ~~to~~ through March 31, ~~inclusive~~. The

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season is open the ~~year-around~~ year-round to catch, trap, or hunt beaver in the remaining portion of the Black Hills Fire Protection District. In all counties east of the Missouri River the season is open from sunrise on ~~the first Saturday of November 1~~ to through sunset on April 30. The season is open the year-round to catch, trap, or hunt beaver in all counties west of the Missouri River except that portion of the Black Hills Fire Protection District.

Source: SL 1975, ch 16, § 1; 1 SDR 26, effective September 11, 1974; 3 SDR 22, effective September 23, 1976; 5 SDR 19, effective September 14, 1978; 6 SDR 14, effective August 23, 1979; 7 SDR 21, effective September 15, 1980; 8 SDR 19, effective August 31, 1981; 9 SDR 30, effective September 13, 1982; 10 SDR 12, effective August 17, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 30, effective August 30, 1984; 12 SDR 22, effective August 21, 1985; 13 SDR 26, effective September 10, 1986; 14 SDR 40, effective September 23, 1987; 15 SDR 24, effective August 14, 1988; 16 SDR 32, effective August 20, 1989; 17 SDR 23, effective August 16, 1990; 18 SDR 33, effective August 19, 1991; 23 SDR 20, effective August 13, 1996; 32 SDR 31, effective August 29, 2005; 35 SDR 47, effective September 8, 2008.

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

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

41:08:01:08. Beaver trapping and hunting season established in West River --

Exception. ~~The season is open the year-around to catch, trap, or hunt beaver in all counties west of the Missouri River except that portion of the Black Hills Fire Protection District described in § 41:08:01:07. Repealed.~~

~~— **Source:** SL 1975, ch 16, § 1; 1 SDR 26, effective September 11, 1974; 5 SDR 19, effective September 14, 1978; 6 SDR 14, effective August 23, 1979; 7 SDR 21, effective September 15,~~

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~~1980; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 14 SDR 40, effective September 23, 1987;
18 SDR 33, effective August 19, 1991; 32 SDR 31, effective August 29, 2005.~~

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

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

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

A bobcat taken shall be presented to a ~~conservation officer or wildlife damage specialist~~ department representative for registration and tagging of the pelt within ~~5~~ five days of harvest. Additionally, once the season has closed, a person has 24 hours to notify a ~~conservation officer or wildlife damage specialist~~ department representative of any untagged bobcats harvested during the season. The pelt shall be removed from the carcass and the carcass shall be surrendered to the ~~conservation officer or wildlife damage specialist~~ department representative. After the pelt has been tagged, it shall be returned to the hunter or trapper. Upon request, the carcass may be returned to the hunter or trapper after the carcass has been inspected and the lower jaw has been removed.

A person may only possess, purchase or sell raw bobcat pelts that are tagged through the eyeholes with the tag provided by the department or if taken from another jurisdiction, properly and securely tagged with a tag supplied by the governmental entity issuing the license. If the

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governmental entity issuing the license does not issue a tag, other proof that the animal has been lawfully taken is necessary.

Source: 2 SDR 18, effective September 16, 1975; 3 SDR 22, effective September 23, 1976; 4 SDR 15, effective September 15, 1977; 6 SDR 14, effective August 23, 1979; 7 SDR 21, effective September 15, 1980; 8 SDR 19, effective August 31, 1981; 9 SDR 30, effective September 13, 1982; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 30, effective August 30, 1984; 13 SDR 26, effective September 10, 1986; 14 SDR 40, effective September 23, 1987; 20 SDR 13, effective August 8, 1993; 22 SDR 16, effective August 15, 1995; 23 SDR 20, effective August 13, 1996; 24 SDR 16, effective August 13, 1997; 30 SDR 21, effective August 25, 2003; 38 SDR 8, effective August 3, 2011; 39 SDR 10, effective August 1, 2012; 40 SDR 29, effective August 20, 2013; 42 SDR 93, effective December 30, 2015.

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

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

41:08:01:08.02. Skunk, opossum, fox, raccoon, and badger trapping and hunting season established. The season is open the ~~year-around~~ year-round to hunt or trap skunks, opossum, gray fox, red fox, raccoon, and badger.

Source: 2 SDR 88, effective July 1, 1976; 7 SDR 21, effective September 15, 1980; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 14 SDR 40, effective September 23, 1987; 39 SDR 10, effective August 1, 2012.

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

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

41:08:01:08.03. Jackrabbit hunting season established. The jackrabbit hunting season is open the ~~year-around~~ year-round.

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Source: 4 SDR 10, effective August 25, 1977; 5 SDR 19, effective September 14, 1978; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 14 SDR 40, effective September 23, 1987.

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

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

41:08:01:09. Areas not open. ~~The seasons set in this chapter do not authorize a person to hunt or trap in a federal refuge except as provided in § 41:08:01:04, national park, national monument, Beaver Creek Nature Area, Adams Homestead and Nature Preserve, or Custer State Park or on any privately owned lands within those areas~~ Repealed.

~~**Source:** SL 1975, ch 16, § 1; 2 SDR 18, effective September 16, 1975; 6 SDR 44, effective November 7, 1979; 7 SDR 21, effective September 15, 1980; 8 SDR 19, effective August 31, 1981; 10 SDR 12, effective August 17, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 30, effective August 30, 1984; 13 SDR 192, effective June 22, 1987; 14 SDR 40, effective September 23, 1987.~~

~~**General Authority:** SDCL 41-2-18, 41-8-20.~~

~~**Law Implemented:** SDCL 41-2-18, 41-8-20.~~

41:08:01:11. Permit required to trap in parks and recreation areas state park system
~~-- **Time restriction**~~ **Restriction.** A person must have a permit issued by the park manager to trap in a park or recreation any area within the state park system during established furbearer seasons. Permits may only be issued for the period of November 1 through March 31 of the following year and are free. Permits may include conditions specific to the park for which the permit is issued. No permit may be issued for trapping in ~~parks and nature areas closed to trapping by § 41:08:01:09~~ Beaver Creek Nature Area, Adams Homestead and Nature Preserve, or Custer State Park or on any privately owned lands within those areas.

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Source: 18 SDR 33, effective August 19, 1991.

General Authority: SDCL 41-2-18(2)(17), 41-8-20, 41-17-1.1(1)(4).

Law Implemented: SDCL 41-2-18(2)(17), 41-8-20, 41-17-1.1(1)(4).

41:08:01:12. Nonresident restrictions. Notwithstanding the season dates established in this chapter, no nonresident may take any mink or weasel from February 1 ~~to the Friday preceding the first Saturday of December, inclusive,~~ through November 30 or take any muskrat, beaver, or raccoon from March 16 ~~to the Friday preceding the first Saturday of December, inclusive,~~ through November 30 or take any bobcat from February 16 ~~to~~ through the Friday preceding the second Saturday of January, ~~inclusive~~. No nonresident may use a dog as an aid in the taking of a raccoon.

Source: 34 SDR 67, effective September 10, 2007; 35 SDR 47, effective September 8, 2008; 38 SDR 40, effective September 20, 2011.

General Authority: SDCL 41-2-18(1)(2)(17), 41-8-20.

Law Implemented: SDCL 41-2-18(1)(2)(17), 41-8-20.

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CHAPTER 41:08:02

TRAPPING PROHIBITIONS

Section

- 41:08:02:01 Water-sets prohibited -- Dates -- Exceptions.
- 41:08:02:02 ~~Flagging of muskrat houses prohibited~~ Repealed.
- 41:08:02:03 Trap checking required.
- 41:08:02:04 Exposed bait prohibited.
- 41:08:02:05 Snare restrictions.
- 41:08:02:06 Body grip trap restrictions.
- 41:08:02:07 ~~Possession and transportation of snares~~ Repealed.
- 41:08:02:08 Restrictions on colony traps.
- 41:08:02:09 Barbed hooks prohibited.
- 41:08:02:10 Pole traps prohibited -- Exception.
- 41:08:02:11 ~~Trapping in muskrat houses prohibited~~ Repealed.
- 41:08:02:12 Possession of wild animals caught outside established season prohibited --
Immediate release or contact with department representative required.
- 41:08:02:13 Traps to be rendered inoperable -- Removal of trapping devices.
- 41:08:02:14 ~~Traps and associated equipment prohibited on public lands open to trapping --~~
Dates Repealed.
- 41:08:02:15 Use of live mammals or live birds prohibited.

41:08:02:01. Water-sets prohibited -- Dates -- Exceptions. No person may set a trap within 30 feet of water from October 1 ~~to the opening of the mink season, inclusive~~ through October 31. However, any live trap, snare, and trap designed specifically to catch raccoons ~~such~~

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~~as Coon Cuffs, Duffer Coon Trap, Lil' Grizz Coon Trap, The Egg Trap, and CSP Bandit Buster~~ may be used. In addition, body grip or killer traps set in accordance with § 41:08:02:06 may be used for beaver in all counties west of the Missouri River except that portion of the Black Hills Fire Protection District described in § 41:08:01:07.

No person may flag, mark, or otherwise attempt to claim a muskrat house on public land or waters before sunrise on November 1. No person may flag or mark any muskrat house during the muskrat season except those houses containing an operational trap set.

The placing of any traps in or on a muskrat house of any size is prohibited east of the Missouri River from March 16 through August 31.

Source: SL 1975, ch 16, § 1; 1 SDR 26, effective September 11, 1974; repealed, 7 SDR 21, effective September 15, 1980; readopted, 16 SDR 32, effective August 20, 1989; 17 SDR 23, effective August 16, 1990; 19 SDR 17, effective August 12, 1992; 30 SDR 21, effective August 25, 2003; 32 SDR 31, effective August 29, 2005; 38 SDR 8, effective August 3, 2011; 39 SDR 10, effective August 1, 2012.

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

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

41:08:02:02. Flagging of muskrat houses prohibited. ~~No person may flag, mark, or otherwise attempt to claim a muskrat house on public land or waters before sunrise on opening day of the trapping season. No person may flag or mark any muskrat house during the muskrat season except those houses containing an operational trap set~~ Repealed.

—— **Source:** SL 1975, ch 16, § 1; 1 SDR 26, effective September 11, 1974; 7 SDR 21, effective September 15, 1980; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 14 SDR 40, effective

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~~September 23, 1987; 16 SDR 32, effective August 20, 1989; 30 SDR 21, effective August 25, 2003.~~

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

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 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~~. No snare may be attached 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.

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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.

No person may possess or transport snares which are not equipped in accordance with this section. However, a manufacturer may obtain a free transportation/shipping permit from a conservation officer permitting transportation or shipment of snares not legal in this state to customers in other states.

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; 45 SDR 9, effective July 30, 2018.

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

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

41:08:02:07. Possession and transportation of snares. ~~No person may possess or transport snares which are not equipped according to § 41:08:02:05. However, a manufacturer may obtain a free transportation/shipping permit from a conservation officer permitting transportation or shipment of snares not legal in this state to customers in other states~~ Repealed.

~~— **Source:** 14 SDR 40, effective September 23, 1987; 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.~~

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41:08:02:10. Pole traps prohibited -- Exception. ~~Except as authorized by special permit obtained from the department, no~~ No person may set or allow to be set a trap, snare, or similar device on a pole or post in a manner that may capture, injure, or kill a raptor.

Source: 17 SDR 23, effective August 16, 1990; 30 SDR 21, effective August 25, 2003.

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

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

Cross-Reference: Taking or acquisition of raptors -- Trapping requirements, § 41:09:06:21.

41:08:02:11. Trapping in muskrat houses prohibited. ~~The placing of any traps in or on a muskrat house of any size is prohibited east of the Missouri River from March 16 through the end of the muskrat trapping season~~ Repealed.

~~**Source:** 19 SDR 17, effective August 12, 1992; 20 SDR 13, effective August 8, 1993; repealed, 21 SDR 14, effective August 3, 1994; readopted, 22 SDR 16, effective August 15, 1995; 30 SDR 21, effective August 25, 2003; 37 SDR 18, effective August 16, 2010.~~

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

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

~~**Cross-Reference:** East River muskrat trapping season established — Exceptions, § 41:08:01:04.~~

41:08:02:14. Traps and associated equipment prohibited on public lands open to trapping -- Dates. ~~Except as provided in §§ 41:08:02:01 and 41:08:02:02, no person may place any trap (set or unset), stake, cable, chain, wire, or other device used for the purpose of attaching a trap, or otherwise attempt to claim or mark a trap site on any public road right-of-way or public land or water open to trapping within 30 feet of water from October 1 to the opening of the mink season, inclusive~~ Repealed.

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~~Source: 37 SDR 18, effective August 16, 2010; 39 SDR 10, effective August 1, 2012.~~

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

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

41:08:02:15. Use of live mammals or live birds prohibited. The use of any live mammal or live bird to aid in the taking of a furbearing animal, predator, or varmint by a trap or snare is prohibited.

Source: 41 SDR 7, effective July 30, 2014.

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

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

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CHAPTER 41:08:03

BOUNTIES

Section

41:08:03:01 ~~Affidavit and requirements for bounty collection~~ Repealed.

41:08:03:01. Affidavit and requirements for bounty collection. ~~A person may not collect a bounty for any of the animals named in SDCL 40-36-15 unless the claim is completed on an affidavit described as follows:~~

~~STATE OF SOUTH DAKOTA~~ _____)

_____)ss.

~~COUNTY OF~~ _____)

~~I, _____ of _____ holder of the valid resident general hunting license number _____ (if landowner or occupant circle one) do solemnly swear that the following described animal(s), of which the complete skin(s) now are exhibited by me to the county auditor, have been killed by me in _____ county and that true and correct information is given below concerning the facts relating to the killing of the animal(s).~~

	Age Adult	Kill Location	Method	Date	Bounty
No. Species	or Pup	Sec. Twp. R	of Kill	of Kill	Due

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~~_____ And I do further swear that no allowance or bounty has been received or paid for the killing of the animal(s) and that there is due me for killing such animal(s) the sum of \$_____.~~

~~_____ Claimant~~

~~_____ Sworn to before me this ___ day of _____ 19___. I certify that the above named claimant presented the complete skin(s) to me on this date and that I have caused the complete skin of the lower lip to be removed.~~

~~_____ County Auditor~~

Repealed.

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

~~_____ **General Authority:** SDCL 40-36-21.~~

~~_____ **Law Implemented:** SDCL 40-36-21.~~

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CHAPTER 41:08:05

POSSESSION OF LIVE FURBEARERS

Section

- 41:08:05:01 Possession of live ~~furbearer~~ fur-bearing prohibited -- Exception.
- 41:08:05:02 Repealed.
- 41:08:05:03 Purchase of live furbearer prohibited.
- 41:08:05:04 Killing or release of furbearer required -- Exception for pet.
- 41:08:05:05 Possession of physically altered furbearer prohibited -- Exception.
- 41:08:05:06 Repealed.
- 41:08:05:07 Seizure and disposition of live furbearer possessed unlawfully.

Cross-Reference: Domesticated fur-bearing animals, SDCL 40-35.

41:08:05:01. Possession of live ~~furbearer~~ fur-bearing animals prohibited -- Exception.

A person may not possess a live ~~fur-bearing animal~~ fur-bearing animals, as defined in SDCL 41-1-1, with the following exception: no more than one raccoon, jackrabbit, skunk, red or grey fox, or coyote per household may be kept as a pet under humane and sanitary conditions.

Source: 3 SDR 22, effective September 23, 1976; 6 SDR 14, effective August 23, 1979; 10 SDR 12, effective August 17, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 27 SDR 13, effective August 27, 2000.

General Authority: SDCL 41-2-18(1)(2)(11).

Law Implemented: SDCL 41-2-18(1)(2)(11).

41:08:05:03. Purchase of live ~~furbearer~~ fur-bearing animals prohibited. A person may not offer for sale, sell, or purchase a live ~~fur-bearing~~ fur-bearing animal.

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Source: 3 SDR 22, effective September 23, 1976; 10 SDR 12, effective August 17, 1983;
10 SDR 76, 10 SDR 102, effective July 1, 1984.

General Authority: SDCL 41-2-18(1)(2)(11).

Law Implemented: SDCL 41-2-18(1)(2)(11).

41:08:05:04. Killing or release of ~~furbearer~~ fur-bearing animal required -- Exception for pet. Unless the animal is to be kept as a pet as provided in § 41:08:05:01, a person who takes a live ~~furbearing~~ animal in the wild shall immediately and humanely kill the animal or release it.

Source: 3 SDR 22, effective September 23, 1976; 10 SDR 12, effective August 17, 1983;
10 SDR 76, 10 SDR 102, effective July 1, 1984.

General Authority: SDCL 41-2-18(1)(2)(11).

Law Implemented: SDCL 41-2-18(1)(2)(11).

41:08:05:05. Possession of physically altered ~~furbearer~~ fur-bearing animal prohibited -- Exception. A person may not possess a pet ~~furbearing~~ fur-bearing animal, as authorized by § 41:08:05:01, which has been physically altered except for a de-scented skunk. Alteration includes, but is not limited to, the clipping of tendons and removal of teeth, claws, or other parts.

Source: 3 SDR 22, effective September 23, 1976; 10 SDR 12, effective August 17, 1983;
10 SDR 76, 10 SDR 102, effective July 1, 1984.

General Authority: SDCL 41-2-18.

Law Implemented: SDCL 41-2-18.

41:08:05:07. Seizure and disposition of live ~~furbearer~~ fur-bearing animals possessed unlawfully. A live ~~furbearing~~ fur-bearing animal possessed contrary to this chapter or to statute shall be immediately seized by the conservation officer and shall be disposed of in the manner directed by the secretary.

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Source: 3 SDR 22, effective September 23, 1976; 10 SDR 76, 10 SDR 102, effective July 1, 1984.

General Authority: SDCL ~~41-2-18~~ 41-15-14.

Law Implemented: SDCL ~~41-2-18, 41-14-19~~, 41-15-14.

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CHAPTER 41:08:06

AERIAL HUNTING

Section

- 41:08:06:01 Permit and authorization required.
- 41:08:06:02 Application -- Contents -- Submission.
- 41:08:06:03 County permits -- Selection.
- 41:08:06:04 Expiration of permits.
- 41:08:06:05 Repealed.
- 41:08:06:06 Hunting area limited.
- 41:08:06:06.01 ~~Permittee subject to department hunting request~~ Repealed.
- 41:08:06:07 Daily record required.
- 41:08:06:08 Quarterly reporting required.
- 41:08:06:09 ~~Cancellation~~ Repealed.

41:08:06:03. County permits -- Selection. The department may subjectively determine the number of contracts and permits in a county, may assign more than one county to a permittee, and may subjectively select the permittees contracted. The secretary may make assignment exceptions to effect cooperative agreements between the department and organized predator control districts.

Source: 3 SDR 30, effective October 20, 1976; 3 SDR 87, effective June 26, 1977; 8 SDR 162, effective June 10, 1982; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 19 SDR 128, effective March 9, 1993.

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

Law Implemented: SDCL 40-36-9, 41-2-18(2)(14), 41-8-39.2.

41:08:06:04. Expiration of permits. Permits expire on ~~the last day~~ of August 31.

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Source: 3 SDR 30, effective October 20, 1976; 3 SDR 87, effective June 26, 1977; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 27 SDR 85, effective February 26, 2001; 28 SDR 24, effective August 28, 2001.

General Authority: SDCL 41-8-39.1.

Law Implemented: SDCL 41-8-39.1.

41:08:06:06. Hunting area limited. A permittee may aerial hunt only in the counties permitted in the contract. A permittee may not aerial hunt upon or over any private land or any state or federal land except as authorized by a department representative, or as otherwise provided in this chapter.

A permittee may aerial hunt upon or over land owned or managed by the Office of School and Public Lands without prior authorization by a department representative. However, such land is closed to aerial hunting for four consecutive days beginning three days prior to the opening day of any local prairie elk, antelope, or deer firearm hunting season as provided in article 41:06. For purposes of this section, the phrase, deer firearm hunting season, does not include the ~~youth~~ apprentice deer season as provided in chapter 41:06:44 or seasons restricted to the use of muzzleloading rifles as provided in chapters 41:06:36 and 41:06:45. A landowner pilot who has obtained a permit from the department may aerial hunt land the pilot owns or leases, including land leased from the Office of School and Public Lands, and up to four miles onto any contiguous private land and land leased from the Office of School and Public Lands with written permission of the respective owner or lessee of the contiguous land. No contact with the department for authorization is necessary.

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Source: 3 SDR 30, effective October 20, 1976; 3 SDR 87, effective June 26, 1977; 8 SDR 162, effective June 10, 1982; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 25 SDR 59, effective October 26, 1998; 28 SDR 166, effective June 4, 2002; 30 SDR 189, effective June 7, 2004.

General Authority: SDCL 41-2-18(2)(14), 41-8-39.1.

Law Implemented: SDCL 40-36-9, 41-2-18(2)(14), 41-8-39.1, 41-8-39.2.

41:08:06:06.01. Permittee subject to department hunting request. ~~A permittee is subject to call by a representative of the Department of Game, Fish and Parks to aerial hunt at any time during the year~~ Repealed.

~~— **Source:** 8 SDR 162, effective June 10, 1982; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 28 SDR 166, effective June 4, 2002.~~

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

~~— **Law Implemented:** SDCL 40-36-9, 41-2-18(2)(14), 41-8-39.2.~~

41:08:06:07. Daily record required. A permittee shall maintain a daily record which shows the number of fox and coyote taken and the area where they were taken.

Source: 3 SDR 30, effective October 20, 1976; 10 SDR 76, 10 SDR 102, effective July 1, 1984.

General Authority: SDCL 41-2-18, 41-8-39.1.

Law Implemented: SDCL 40-36-9, 41-2-18, ~~41-8-39.2~~ 41-8-39.1.

41:08:06:08. Quarterly reporting required. A permittee shall file a report at the department Pierre office within 15 days after each calendar quarter. The report shall state the numbers of foxes and coyotes taken under the permit during the quarter. If no animals were taken, the report shall so state.

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Source: 3 SDR 30, effective October 20, 1976; 3 SDR 87, effective June 26, 1977; 10 SDR 76, 10 SDR 102, effective July 1, 1984.

General Authority: SDCL 41-2-18, 14-8-39.1.

Law Implemented: SDCL 40-36-9, 41-2-18, ~~41-8-39.2~~ 14-8-39.1.

41:08:06:09. Cancellation. ~~The permits and contracts issued under these rules and SDCL 41-8-39.2 may be canceled without cause upon notice by either party~~ Repealed.

~~— **Source:** 3 SDR 30, effective October 20, 1976; 3 SDR 87, effective June 26, 1977; 8 SDR 162, effective June 10, 1982; 10 SDR 76, 10 SDR 102, effective July 1, 1984.~~

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

~~— **Law Implemented:** SDCL 40-36-9, 41-2-18, 41-8-39.2.~~

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41:09

ARTICLE 41:09

SPECIAL PERMITS AND LICENSES

Chapter

- 41:09:01 Private shooting preserves.
- 41:09:02 Captive game birds.
- 41:09:03 Boats for hire, Repealed.
- 41:09:04 Bait.
- 41:09:05 Frog dealers, Repealed.
- 41:09:06 Raptors.
- 41:09:07 Private fish hatcheries.
- 41:09:08 Importation of fish.
- 41:09:09 Professional goose hunting, Repealed.
- 41:09:10 Fur dealers.
- 41:09:11 Taxidermists.
- 41:09:12 Persons with disabilities.
- 41:09:13 Dog training.
- 41:09:14 Nursing home group fishing.
- 41:09:15 Fishing tournaments.
- 41:09:16 Scientific collectors.
- 41:09:17 Non-game bird damage, Repealed.
- 41:09:18 Wildlife rehabilitation.

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CHAPTER 41:09:01

PRIVATE SHOOTING PRESERVES

Cross-Reference: Nondomestic birds, § 12:68:18:05.

Section

- 41:09:01:01 Operation plan to be submitted with application.
- 41:09:01:02 Release of male birds required -- Harvest limited.
- 41:09:01:02.01 Notification required prior to release of birds.
- 41:09:01:03 Birds that may be released -- Minimum release age -- Marking of birds.
- 41:09:01:03.01 Daily bag limit -- Shooting hours.
- 41:09:01:04 Tagging of bagged birds.
- 41:09:01:04.01 Private shooting preserve processing permit -- Exception.
- 41:09:01:04.02 Repealed.
- 41:09:01:05 Fee for kill tags -- Deadline.
- 41:09:01:05.01 Game release and guest register records required -- Deadlines.
- 41:09:01:06 Applications -- New and renewal -- Single season and three-year season permits authorized -- Fees.
- 41:09:01:06.01 Notice of public hearing
- 41:09:01:06.02 Issuance of permit for shooting preserve located within one mile of publicly owned shooting area.
- 41:09:01:07 Minimum area of preserve.
- 41:09:01:08 Definition of "other publicly owned shooting areas."
- 41:09:01:09 New and existing shooting preserves distinguished.
- 41:09:01:10 Adjustment to preserve acreage.

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41:09:01:11 Training required.

41:09:01:12 Contiguous tract of land defined.

41:09:01:01. Operation plan to be submitted with application. A person submitting an application for a shooting preserve permit shall submit with the application a detailed plan of operation for the proposed private shooting preserve for approval of the department.

Source: SL 1975, ch 16, § 1; 10 SDR 76, 10 SDR 102, effective July 1, 1984; SL 2005, ch 226, § 11, effective March 9, 2005.

General Authority: SDCL 41-2-18(13)(16), 41-10-3.

Law Implemented: SDCL 41-2-18(13)(16), 41-10-2, 41-10-3.

41:09:01:02. Release of male birds required -- Harvest limited. The A permittee must release a minimum of 600 male pheasants on each of the permittee's shooting preserves. However, the required minimum release is reduced to 300 male pheasants on each of the permittee's shooting preserves if the permittee has not received a shooting preserve operating permit any time prior to the current permit or no portion of land contained within the current permit has been a part of a previously permitted shooting preserve.

Only male birds released from August 1 to March 31, inclusive, may be counted toward the required minimum and included on the game release records. A shooting preserve may release hens; however, no such hens released may be shot. Pheasants released must be Chinese ring-necked pheasants. "Jumbo" Chinese ring-necked pheasants may not be released. Turkeys released must be wild turkeys as defined by ~~subdivision 41:06:00.01:02(15)~~. Prior to any harvest, birds of that species must be released on the preserve. At no time following the required releases may a permittee allow the number of wild and released birds harvested to exceed 100 percent of the number of birds which have been released. All birds must be healthy when released.

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Source: SL 1975, ch 16, § 1; 3 SDR 13, effective August 25, 1976; 5 SDR 46, effective December 11, 1978; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 12 SDR 170, effective April 28, 1986; 13 SDR 26, effective September 10, 1986; 14 SDR 114, effective March 9, 1988; 16 SDR 148, effective March 21, 1990; 23 SDR 20, effective August 13, 1996; 25 SDR 193, adopted July 19, 1998, effective July 1, 1999; 28 SDR 24, effective August 28, 2001; 31 SDR 191, adopted May 18, 2005, effective April 1, 2006.

General Authority: SDCL 41-2-18(2)(16).

Law Implemented: SDCL 41-2-18(2)(16), 41-10-2, 41-10-14.

41:09:01:02.01. Notification required prior to release of birds. A preserve permittee shall make personal contact with the local conservation officer to verify the bird marking method, planned date of any release, and the number of each bird species to be released.

Prior to the initial release of any of the permittee's permitted bird species, the permittee shall do one of the following:

(1) Make personal contact with the conservation officer at least 48 hours prior to any planned release;

(2) Leave a phone message ~~on the conservation officer's answering machine~~ officer at least 48 hours prior to any planned release;

(3) Send written correspondence to the conservation officer postmarked 4 four days prior to any planned release;

(4) Send a message to the conservation officer's state email address at least 48 hours prior to any planned release; or

(5) Reach a verbal or written agreement with the local conservation officer concerning notification of any release.

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If the permittee has made contact pursuant to this section and no response is received from the local conservation officer, the permittee may proceed with the planned release without further notification.

With regard to any subsequent release of each species, notification shall be made pursuant to an agreement between the permittee and the local conservation officer.

Source: 29 SDR 21, effective August 26, 2002; 38 SDR 8, effective August 3, 2011.

General Authority: SDCL 41-2-18(2)(16).

Law Implemented: SDCL 41-2-18(2)(16), 41-10-2, 41-10-10.

41:09:01:03. Birds that may be released -- Minimum release age -- Marking of birds.

Any bird released on a shooting preserve must be at least 15 weeks of age at the time of release. Except for partridge and quail, any game bird or wild turkey propagated, possessed, or released on the premises described in the preserve permit must have one front toe or one hind toe on either foot removed back to the first joint including the nail before becoming six weeks of age. An anti-pecking device affixed to the bird before it is six weeks old and worn by the bird until it is at least 15 weeks old is acceptable in lieu of toe clipping if the anti-pecking device leaves a permanent, easily identifiable mark through the nares.

Source: SL 1975, ch 16, § 1; 3 SDR 87, effective June 26, 1977; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 12 SDR 170, effective April 28, 1986; 13 SDR 128, effective March 22, 1987; 16 SDR 148, effective March 21, 1990; 22 SDR 16, effective August 15, 1995; 23 SDR 20, effective August 13, 1996; 29 SDR 21, effective August 26, 2002; 30 SDR 99, effective December 22, 2003; 40 SDR 121, effective January 6, 2014.

General Authority: SDCL 41-2-18(2)(16).

Law Implemented: SDCL 41-2-18(2)(16), 41-10-2, 41-10-10.

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41:09:01:03.01. Daily bag limit -- Shooting hours. The maximum daily bag limit for pheasants on shooting preserves is 20 ~~eeks~~ male pheasants from the beginning of the hunting preserve season through the end of the statewide pheasant season as described in § 41:06:08:01. From the end of the statewide pheasant season through the end of the private shooting preserve season, the maximum daily bag limit is 15 ~~eeks~~ male pheasants. The maximum daily bag limit for wild turkeys is ~~2~~ two birds.

The shooting hours are restricted to sunrise to sunset each day.

Source: 13 SDR 26, effective September 10, 1986; 23 SDR 20, effective August 13, 1996; 25 SDR 193, adopted July 19, 1998, effective July 1, 1999; 31 SDR 191, adopted May 18, 2005, effective April 1, 2006; 36 SDR 39, effective September 23, 2009.

General Authority: SDCL 41-2-18(2)(16), 41-10-16.

Law Implemented: SDCL 41-2-18(2)(16), 41-10-2, 41-10-11, 41-10-16.

41:09:01:04.01. Private shooting preserve processing permit -- Exception. A licensed private shooting preserve permittee may obtain a transportation permit for processing purposes from the ~~Department of Game, Fish and Parks office in Pierre~~ department. The permit allows the transportation of birds legally harvested on the shooting preserve to another location for processing. The kill tags must be attached to the birds. The permit must include the preserve name; the hunter's name; the hunter's driver's license number, state issued identification number, or youth hunter safety number; the species and number of birds transported; and the date of processing.

In lieu of the processing permit, an permittee or employee may transport permitted species harvested on a shooting preserve to another location for processing, if the carrier of the birds has a duplicate copy of the guest register required by SDCL 41-10-17. In addition, the permittee may

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use computer formats that list hunter and harvest information for the birds being transported for processing with prior department approval.

The carrier of the permit or guest register shall be an employee of the preserve and shall possess the processing permit or a copy of the guest register while in possession of the birds enroute to or from the ~~processing plant~~ processor.

Source: 22 SDR 16, effective August 15, 1995; 33 SDR 43, effective September 18, 2006; 38 SDR 8, effective August 3, 2011.

General Authority: SDCL 41-2-18(2)(16).

Law Implemented: SDCL 41-2-18(2)(16).

41:09:01:05. Fee for kill tags -- Deadline. The fee for kill tags attached to birds by the permittee is ~~twenty-five~~ 25 cents each. The fee for kill tags furnished to a permittee but not attached to a bird and not returned to the department at the end of the shooting preserve season is two dollars each. The permittee shall make payment in full for all kill tags to the ~~Pierre office~~ department no later than April 15.

Source: SL 1975, ch 16, § 1; repealed, 9 SDR 14, effective August 8, 1982; reenacted, 10 SDR 120, effective July 1, 1984; 16 SDR 148, effective March 21, 1990; 34 SDR 49, effective August 22, 2007; 36 SDR 39, effective September 23, 2009.

General Authority: SDCL 41-2-18(13)(16).

Law Implemented: SDCL 41-2-18(13)(16), 41-10-16.

41:09:01:05.01. Game release and guest register records required -- Deadlines. In addition to the records required in SDCL 41-10-17, a permittee shall maintain a separate set of game release and guest register records for each permitted shooting preserve. The permittee shall maintain and record daily all records on forms provided by the department or in computer formats

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that have received prior approval of the department. The preserve permittee shall deliver all records required by SDCL 41-10-17 and this ~~rule~~ section to the ~~Pierre office~~ department no later than April 15. The guest register records must indicate whether each bird harvested is marked or ~~unmarked~~ (~~wild~~) wild and whether each wild turkey is male or female. Each permittee shall list the number of birds released within the preserve on the game release record sheet and indicate the sex of each wild turkey released. The permittee shall include a copy of each vendor purchase receipt with the game release records sent to the ~~Pierre office~~ department. Any permittee incubating and hatching eggs shall have this process verified annually by a conservation officer.

Source: 13 SDR 26, effective September 10, 1986; 23 SDR 20, effective August 13, 1996; 34 SDR 49, effective August 22, 2007.

General Authority: SDCL 41-2-18(16).

Law Implemented: SDCL 41-2-18(16), 41-10-2, 41-10-3, 41-10-7, 41-10-17.

41:09:01:06. Applications - New and renewal -- Single season and three-year season permits authorized -- Fees. Applications for new shooting preserves and renewal applications for existing shooting preserves must be received ~~in the Pierre office of~~ by the department no earlier than January 1 and no later than March 1 of the year the shooting preserve operation is to begin. A person may apply for a shooting preserve permit for a single season or for three successive seasons upon submitting the operation plan required by § 41:09:01:01 and paying in full at the time of application all permit fees required by SDCL 41-10-4. Issuance of a three-season permit to any shooting preserve located within one mile of a publicly owned shooting area shall be conditioned upon an annual finding by the department that the preserve does not take unfair advantage of wildlife habitat developments or wildlife populations existing on the publicly owned shooting area in accordance with the provisions of § 41:09:01:06.02.

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Those permittees who are issued a three-season permit may apply for an adjustment in preserve acreages no earlier than January 1 and no later than March 1 during the second or third year of operation in which a three-season permit is in effect. All such applications shall be treated as a new shooting preserve as required by § 41:09:01:09. No refund of previously remitted preserve acreage fees is allowed for preserve acreage adjustments which lower the number of acres in a three-season preserve permit. However, previously remitted fees shall be applied toward any required permit fees that must be submitted by a permittee who is issued a three-year permit and who subsequently applies for an adjustment in preserve acreage within the term of the permit and whose new application is approved.

Source: 12 SDR 170, effective April 28, 1986; 13 SDR 26, effective September 10, 1986; 14 SDR 114, effective March 9, 1988; 16 SDR 148, effective March 21, 1990; 22 SDR 16, effective August 15, 1995; requirements for records transferred to § 41:09:01:05.01, 23 SDR 20, effective August 13, 1996; 30 SDR 21, effective August 25, 2003; SL 2005, ch 226, § 12, effective March 9, 2005; 36 SDR 39, effective September 23, 2009; 38 SDR 8, effective August 3, 2011.

General Authority: SDCL 41-2-18(2)(16).

Law Implemented: SDCL 41-2-18(2)(16), 41-10-2, 41-10-3, 41-10-17.

41:09:01:06.02. Issuance of permit for shooting preserve located within one mile of publicly owned shooting area. Upon receipt of an application for issuance of a permit for a shooting preserve located within one mile of a publicly owned shooting area, the department shall consider the following criteria in determining if the applicant has established that the preserve would not take unfair advantage of wildlife habitat developments or wildlife populations existing on the publicly owned shooting area:

- (1) Existing or potential wild pheasant population on the publicly owned shooting area;

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(2) Potential for disease transmission from an adjoining preserve to wild pheasants on the publicly owned shooting area;

(3) Extent of habitat developments on the publicly owned shooting area specifically designed to enhance a population of wild pheasants;

(4) Information related to the management of other wildlife species or recreational opportunities on the publicly owned shooting area which may be negatively affected by an adjoining shooting preserve; and

(5) Any information which may indicate detriment to the public interest.

~~The Division of Wildlife shall investigate the application. Prior to the department's decision on the application, the Division of Wildlife shall submit a report to the director of the Division of Wildlife which addresses the factors listed in SDCL 41-10-7. The report shall include the division's recommendation for action on the application.~~ The department shall consider the factors listed in SDCL 41-10-7; and this section, ~~and the report and recommendation of the Division of Wildlife in~~ making its decision on the application.

Source: 18 SDR 41, effective September 5, 1991; 32 SDR 55, effective October 17, 2005.

General Authority: SDCL 41-2-18(2)(16).

Law Implemented: SDCL 41-2-18(2)(16), 41-10-2, 41-10-7(9).

41:09:01:07. Minimum area of preserve. ~~Except for licensed shooting preserves operating prior to January 1, 1988, the~~ The minimum area required for a shooting preserve is 160 acres.

Source: 14 SDR 114, effective March 9, 1988.

General Authority: SDCL 41-2-18(16).

Law Implemented: SDCL 41-2-18(16), 41-10-2, 41-10-3, 41-10-17.

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41:09:01:08. Definition of "other publicly owned shooting areas." Areas covered by the term "other publicly owned shooting areas" in SDCL 41-10-7(10) 41-10-7(9) include all lands owned or controlled by the U.S. Fish and Wildlife service; holdings of the U.S. Bureau of Land Management, U.S. Forest Service, U.S. Bureau of Reclamation, and U.S. Corps of Engineers which are designated as wildlife areas or managed primarily for wildlife; lands leased by the department for the purpose of managing wildlife; and meandered lakes.

Source: 16 SDR 148, effective March 21, 1990; 23 SDR 20, effective August 13, 1996.

General Authority: SDCL 41-2-18(2)(16).

Law Implemented: SDCL 41-2-18(2)(16), 41-10-7.

41:09:01:10. Adjustment to preserve acreage. A permittee may apply to the ~~director of the Division of Wildlife~~ department for an adjustment of preserve acreage. The ~~director~~ department may adjust the acreage to remove from the preserve land which had substantial and detrimental changes in habitat caused by hail, flooding, drought, or fire and replace it with other land which may be but is not required to be contiguous to the preserve. An adjustment of preserve acreage is effective only for the year in which it is approved by the ~~director~~ department and may not be considered as acreage included in an "existing shooting preserve" for purposes of a renewal application.

Source: 23 SDR 20, effective August 13, 1996; 34 SDR 49, effective August 22, 2007.

General Authority: SDCL 41-2-18(2)(16).

Law Implemented: SDCL 41-2-18(16), 41-10-7.

41:09:01:11. Training required. All new preserve permittees shall attend the training and informational meeting prior to the preserve season. ~~The meeting shall include training in statutes, rules, and policies of the department relating to the release, hunting, and taking of animals and~~

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~~birds on private shooting preserves.~~ The department shall ~~mail-notice~~ notify new permittees of the time and place of scheduled meetings ~~to the permittees.~~

Source: 23 SDR 20, effective August 13, 1996; 38 SDR 8, effective August 3, 2011.

General Authority: SDCL 41-2-18(2)(16).

Law Implemented: SDCL 41-2-18(2)(16).

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CHAPTER 41:09:02

CAPTIVE GAME BIRDS

Cross-Reference: Nondomestic game birds, § 12:68:18:05.

Section

- 41:09:02:00 Definition of terms.
- 41:09:02:01 Expiration date of license.
- 41:09:02:02 Possession of captive game birds prohibited -- Exceptions -- License types and fees.
- 41:09:02:02.01 License application.
- 41:09:02:02.02 Transferred.
- 41:09:02:02.03 Repealed.
- 41:09:02:02.04 Repealed.
- 41:09:02:03 Captive waterfowl -- Compliance with federal regulations.
- 41:09:02:04 Identification marking required.
- 41:09:02:05 Bill of sale required of persons other than licensees.
- 41:09:02:06 Enclosing wild and captive-raised game birds in same package prohibited.
- 41:09:02:06.01 Release to the wild prohibited.
- 41:09:02:07 Repealed.
- 41:09:02:08 Records required -- Contents -- Inspection -- Submission of annual report.
- 41:09:02:08.01 Premises to be open to inspection.
- 41:09:02:09 Revocation or refusal to issue license.

41:09:02:00. Definition of terms. ~~Terms~~ As used in this chapter, ~~unless the context otherwise requires, mean:~~

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(1) "Game bird;" means ~~including~~ any swan; goose; brant; puddle, diving, river, and sea duck; wild turkey; grouse; prairie chicken; pheasant; partridge, quail; and any hatching eggs of these birds;

(2) "License;" means the captive game bird license issued by the ~~Department of Game, Fish and Parks~~ department;

(3) "Licensee;" means a person, corporation, or nonprofit organization that has been issued a captive game bird license.

Source: 8 SDR 86, effective January 18, 1982; 10 SDR 12, effective August 17, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 30 SDR 99, effective December 22, 2003.

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

Law Implemented: SDCL 41-2-18(11)

41:09:02:01. Expiration date of license. Any captive game bird license expires on ~~December~~ January 31 of the calendar year for which the license was issued.

Source: SL 1975, ch 16, § 1; 8 SDR 86, effective January 18, 1982; 10 SDR 12, effective August 17, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 30 SDR 99, effective December 22, 2003.

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

Law Implemented: SDCL 41-2-18(11), 41-6-31.

41:09:02:02. Possession of captive game birds prohibited -- Exceptions -- License types and fees. No person may possess captive game birds without a valid captive game bird license as provided in this chapter or a valid private shooting preserve permit as provided in SDCL chapter 41-10. However, a person may possess captive game birds without a captive game bird license if the birds were acquired from a captive game bird licensee and the birds are released from captivity

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within two full calendar days from the date of receipt. A valid bill of sale must accompany the birds as provided in § 41:09:02:05. Captive game bird license types and fees are as follows:

(1) Noncommercial captive game bird license, ~~which~~ authorizes the licensee to possess, produce, and release game birds from captivity. No game birds possessed under this license may be sold or offered for sale. The fee is \$10 for residents and \$20 for nonresidents;

(2) Commercial captive game bird license, ~~which~~ authorizes the licensee to possess, produce, release from captivity, sell, offer for sale, and ship live game birds as provided in this chapter. The fee is \$50 for residents and \$100 for nonresidents.

Source: SL 1975, ch 16, § 1; 8 SDR 86, effective January 18, 1982; 10 SDR 12, effective August 17, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 14 SDR 40, effective September 23, 1987; 30 SDR 147, effective April 4, 2004.

General Authority: SDCL 41-2-18(11)(13), 41-6-31.

Law Implemented: SDCL 41-2-18(11)(13), 41-6-31.

41:09:02:02.01. License application. The application for a captive game bird license shall include the following information:

- (1) Name and address of licensee;
- (2) Number of game birds by species and sex to be held in captivity;
- (3) Legal origin of game birds, to include date of acquisition and name and address of supplier;
- (4) Legal description of premises where game birds will be held in captivity; and
- (5) Most recent captive game bird license number and year of issuance, if applicable.

Source: 8 SDR 86, effective January 18, 1982; 10 SDR 12, effective August 17, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 30 SDR 99, effective December 22, 2003.

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General Authority: SDCL 41-2-18(11)(13).

Law Implemented: SDCL 41-2-18(11)(13), 41-6-31.

41:09:02:03. Captive waterfowl -- Compliance with federal regulations. In addition to the requirements of this chapter, all migratory waterfowl propagated, possessed, sold, or offered for sale under a captive game bird license shall be marked for identification and shipped in accordance with 50 C.F.R. Part 21.13, ~~50 C.F.R. Part 21.14, and 50 C.F.R. Part 21.25, revised as of October 1, 2002~~ 21.

Source: SL 1975, ch 16, § 1; 8 SDR 86, effective January 18, 1982; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 30 SDR 99, effective December 22, 2003.

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

Law Implemented: SDCL 41-2-18(11), 41-6-31.

41:09:02:06.01. Release to the wild prohibited. A person may not release into the wild within the state of ~~South Dakota~~ any game birds, except ring-necked pheasants, partridge, wild turkeys, or quail, without written consent of the ~~secretary~~ department.

Source: 8 SDR 86, effective January 18, 1982; 10 SDR 12, effective August 17, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 13 SDR 128, effective March 22, 1987; 40 SDR 121, effective January 6, 2014.

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

41:09:02:08. Records required -- Contents -- Inspection -- Submission of annual report. Each commercial captive game bird licensee shall keep a written record of all game birds sold under the license. The record shall include the following information:

- (1) The name and address of the purchaser;
- (2) The total number of game birds sold by species, sex, and age;

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- (3) The date of the transaction; and
- (4) The destination of the game birds by county.

Each written record shall be kept current and shall be subject to inspection by any department ~~employee~~ representative during normal business hours. The licensee shall retain each written record for a period of three consecutive calendar years beginning January 1 of the year following the year that the record was completed.

In addition, each commercial captive game bird licensee shall submit an annual report to the department that summarizes the total number of game birds sold by species, sex, and age. The annual report shall be submitted on forms provided by the department or forms of the licensee that have received prior department approval. This annual report for the previous calendar year shall be submitted to the department no later than ~~February 1~~ January 31 of the following year.

Source: SL 1975, ch 16, § 1; 10 SDR 12, effective August 17, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 30 SDR 99, effective December 22, 2003.

General Authority: SDCL 41-2-18(11)(~~13~~).

Law Implemented: SDCL 41-2-18(11)(~~13~~), 41-6-31.

41:09:02:08.01. Premises to be open to inspection. A licensee ~~having under control any of the game birds regulated under this chapter~~ shall permit an authorized ~~officer or agent~~ of the department representative to inspect during normal business hours the game birds and the facilities in which these birds are held in captivity.

Source: 8 SDR 86, effective January 18, 1982; 10 SDR 12, effective August 17, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 30 SDR 99, effective December 22, 2003.

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

Law Implemented: SDCL 41-2-18(11), 41-6-31.

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CHAPTER 41:09:04

BAIT

Section

- 41:09:04:01 Repealed.
- 41:09:04:02 Taking, possession, and transportation.
 - 41:09:04:02.01 License fees.
 - 41:09:04:02.02 Species that may be taken as bait for commercial use.
 - 41:09:04:02.03 Transferred.
 - 41:09:04:02.04 Species that may be taken as bait for noncommercial use.
 - 41:09:04:02.05 Noncommercial limits defined.
 - 41:09:04:02.06 Eligibility for bait dealers, agents and employees.
- 41:09:04:03 Waters closed to taking of bait.
- 41:09:04:04 Seines, nets, and traps limited.
- 41:09:04:05 Trap spacing limited -- Emptying required.
- 41:09:04:06 Trap marking required -- Licensee liable.
- 41:09:04:07 Game fish and endangered species to be returned to waters -- Rough fish may be destroyed.
- 41:09:04:08 Repealed.
- 41:09:04:09 Repealed.
- 41:09:04:10 Repealed.
- 41:09:04:11 Repealed.
- 41:09:04:12 Transportation of bait and other fish by bait dealer.
- 41:09:04:13 Repealed.

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- 41:09:04:14 Bait dealer's license displayed.
- 41:09:04:14.01 Bait dealer's license in possession while transporting bait.
- 41:09:04:15 Equipment identification.
- 41:09:04:16 Records required.
- 41:09:04:16.01 Records required for bait taken in South Dakota waters.
- 41:09:04:16.02 Records required for bait imported into South Dakota.
- 41:09:04:16.03 Records required for bait sold at retail in South Dakota.
- 41:09:04:16.04 Records required for bait sold at wholesale in South Dakota.
- 41:09:04:16.05 Records required for bait purchased and transported out of South Dakota.
- 41:09:04:16.06 Records required for nonresidential bait dealers for bait sold or purchased in South Dakota.
- 41:09:04:17 Conviction for violation may be cause for revocation and non-renewal of bait dealer license.

41:09:04:02.01. License fees. The fees for bait dealer licenses are as follows:

Resident retail bait dealer	_____	\$ 30
Resident wholesale bait dealer:	_____	\$275
Nonresident wholesale bait dealer:	_____	\$550
Export bait dealer:	_____	\$400
Nonresident retail bait dealer:	_____	\$ 55

- (1) Resident retail bait dealer, \$30;
- (2) Resident wholesale bait dealer, \$275;
- (3) Nonresident wholesale bait dealer, \$550;
- (4) Export bait dealer, \$400; and

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(5) Nonresident retail bait dealer, \$55;

Each bait dealer license expires on January 31 of the calendar year directly following the year in which the license was issued.

Source: 10 SDR 148, effective July 11, 1984; 11 SDR 156, effective May 27, 1985; 15 SDR 103, effective January 19, 1989; 16 SDR 114, effective January 18, 1990; 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.

General Authority: SDCL 41-6-10(2)(11)(15)(25)(28).

Law Implemented: SDCL 41-6-10(2)(11)(15)(25)(28).

41:09:04:02.05. Noncommercial limits defined. The limits for species listed in § 41:09:04:02.04 that a lawful angler may take and possess from the waters of the state for noncommercial use are:

(1) Baitfish (all species aggregate), crayfish (all species aggregate), freshwater shrimp, and leeches: 144 daily and possession for each specie aggregate; and

(2) Tiger salamander (all subspecies aggregate) and leopard frog (all subspecies aggregate): 24 daily and possession for each specie aggregate.

However, the above limits do not apply to bait purchased from a licensed bait dealer.

Source: 30 SDR 99, effective December 22, 2003; transferred from § 41:09:04:02.03, 35 SDR 184, effective February 2, 2009.

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

Law Implemented: SDCL 41-2-18(1)(2)(21).

41:09:04:02.06. Eligibility for bait dealers, agents and employees. A bait dealer shall list each employee or agent on their application who will engage in trapping, transporting, delivering,

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raising, or seining bait taken from the waters of the state. No person other than one who is registered as an agent or an employee of a licensed bait dealer may exercise the privileges conveyed in the permit in accordance with § 41:09:04:02. The department may refuse to issue or amend a bait dealer license to any bait dealer who employs an individual or has an agent exercising the aforementioned privileges that has in the previous or current calendar year:

- (a) Had their bait dealer license suspended or revoked; or
- (b) Has been denied a bait dealer license.

The period of ineligibility of a person to be employed by a bait dealer for a cause shall not exceed one calendar year.

Source: 44 SDR 151, effective April 30, 2018.

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

Law Implemented: SDCL 41-2-18(1)(21), 41-6-44, 41-6-45.

41:09:04:03. Waters closed to commercial and noncommercial taking of bait.

Notwithstanding the provisions of § 41:09:04:04, the following waters ~~listed in this section~~ are closed to commercial and noncommercial taking of bait year-round:

~~**WATERS CLOSED YEAR-ROUND TO COMMERCIAL AND NONCOMMERCIAL
TAKING OF BAIT**~~

(1) 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 Counties; 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~~

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(2) Beadle County: Lake Byron and Mud Lake;

(3) Brookings County: Interstate Lake;

(4) Butte County: Newell Lake

(5) Deuel County: Lake Alice

(6) Edmunds County: Mina Lake

(7) Pennington County: Pactola Lake, Sheridan Lake, and Deerfield Lake; and

(8) Yankton County: Lake Yankton

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~~

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~~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~~

~~Lacreek Refuge Pools 1-10~~

~~Lake Creek~~

~~Cedar Creek Dam 1, 2, and 3~~

~~Little White River~~

~~BON HOMME COUNTY~~

~~Lewis and Clark~~

~~Henry~~

~~BROOKINGS COUNTY~~

~~Sinai~~

~~Poinsett~~

~~Twin (east of U.S. Highway 81)~~

~~Brush~~

~~Nature Park East~~

~~Nature Park West~~

~~Nelson WPA/GPA~~

~~BROWN COUNTY~~

~~Elm~~

~~Richmond~~

~~Pigors~~

~~Wiley Park~~

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~~BRULE COUNTY~~

~~Wells~~

~~Francis Case~~

~~Wanlain~~

~~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~~

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~~CORSON COUNTY~~

~~Lake Oahe~~

~~Pudwell~~

~~Morristown, East and West~~

~~Mallard~~

~~McGee~~

~~Trail City~~

~~DAVISON COUNTY~~

~~Mitchell~~

~~DAY COUNTY~~

~~Amsden~~

~~Antelope~~

~~Bitter~~

~~Blue Dog~~

~~Campbell Slough~~

~~East Krause~~

~~Enemy Swim~~

~~Hazeldon~~

~~Horseshoe~~

~~Lynn~~

~~Pickereel~~

~~Pierpont~~

~~Middle Lynn~~

June Proposals – July Finalizations
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~~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~~

~~Moreau River~~

~~DOUGLAS COUNTY~~

~~Corsica~~

~~FALL RIVER COUNTY~~

~~Angostura~~

~~FAULK COUNTY~~

~~Cresbard~~

~~Faulkton~~

~~GRANT COUNTY~~

~~Hunter Granite Quarry~~

~~Summit~~

June Proposals – July Finalizations
Proposed by Commission

~~GREGORY COUNTY~~

Berry

Burke

Fairfax

Herrick

Francis Case

Missouri River

~~HAAKON COUNTY~~

Sunshine

Waggoner

Kroetch

~~HAMLIN COUNTY~~

Poinsett

Mickelson Marsh

~~HAND COUNTY~~

Dakota

Jones

Louise

Pearl

Rosehill

~~HANSON COUNTY~~

Ethan

Hanson

~~HARDING COUNTY~~

Buffalo (Gardner)

~~HUGHES COUNTY~~

Woodruff

Oahe

~~HUTCHINSON COUNTY~~

Tripp

Dimock

June Proposals – July Finalizations
Proposed by Commission

~~Lake Sharpe~~

~~Menno~~

~~HYDE COUNTY~~

~~JERAULD COUNTY~~

~~Mission (Boehm)~~

~~Twin~~

~~Peno~~

~~Sharpe~~

~~JONES COUNTY~~

~~KINGSBURY COUNTY~~

~~Murdo~~

~~Thompson~~

~~Murdo Railroad~~

~~Twin (west of U.S. Highway 81)~~

~~Okaton~~

~~Draper~~

~~Fort Pierre National Grassland~~

~~ponds (all)~~

~~Bad River~~

~~White River~~

~~LAKE COUNTY~~

~~Madison~~

~~Brant~~

~~Round~~

~~Herman and its connecting waters~~

~~Long~~

June Proposals – July Finalizations
Proposed by Commission

~~Herman State Park Pond~~

~~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~~

~~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~~

~~MEADE COUNTY~~

~~Bear Butte~~

~~Curlew~~

June Proposals – July Finalizations
Proposed by Commission

~~Bullhead~~

~~Durkee~~

~~Cattail/Kettle~~

~~Ft. Meade BLM~~

~~Clear~~

~~Tisdale~~

~~Cottonwood~~

~~Hickman~~

~~Nine Mile~~

~~Red Iron, South~~

~~Roy~~

~~Six Mile~~

~~White~~

~~MELLETT COUNTY~~

~~MINER COUNTY~~

~~White River Dam~~

~~Carthage~~

~~White River~~

~~Little White River~~

~~MINNEHAHA COUNTY~~

~~PENNINGTON COUNTY~~

~~Wall~~

~~New Underwood~~

~~Loss~~

~~New Wall~~

~~Island (north of County Highway 110)~~

~~Old Wall~~

~~Island (south of County Highway 110)~~

~~Quinn~~

~~Scott~~

~~Quinn Township~~

~~Twin~~

~~Tennyson~~

June Proposals – July Finalizations
Proposed by Commission

~~Wicksville~~

~~PERKINS COUNTY~~

~~Shadehill~~

~~Lemon State~~

~~Flat Creek~~

~~Sorum~~

~~Coal Springs~~

~~Owen~~

~~Cole~~

~~73 Dam~~

~~POTTER COUNTY~~

~~Simon~~

~~Potts~~

~~Hurley~~

~~Oahe~~

~~ROBERTS COUNTY~~

~~Whitestone~~

~~SANBORN COUNTY~~

~~Twin~~

~~SPINK COUNTY~~

~~Cottonwood~~

~~Redfield~~

~~Mud~~

~~Twin~~

~~STANLEY COUNTY~~

~~Hayes~~

~~Ft. Pierre National Grassland pond (all)~~

~~Oahe~~

~~Sharpe~~

~~Missouri River~~

~~Bad River~~

June Proposals – July Finalizations
Proposed by Commission

~~SULLY COUNTY~~

~~Oahe~~
~~Cottonwood~~
~~Sully~~

~~TRIPP COUNTY~~

~~Roosevelt~~
~~Beaulieu~~
~~King~~
~~Rahn~~
~~Dog Ear~~
~~White River~~
~~Keya Paha River~~

~~TURNER COUNTY~~

~~Swan~~

~~UNION COUNTY~~

~~McCook~~

~~WALWORTH COUNTY~~

~~Oahe~~
~~Hiddenwood~~
~~Molstad~~
~~Swan~~

~~YANKTON COUNTY~~

~~Marindahl~~
~~Lewis and Clark~~

~~ZIEBACH COUNTY~~

~~Bednor~~
~~Oahe~~
~~Glad Valley~~
~~Miller~~

June Proposals – July Finalizations
Proposed by Commission

Buffalo

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

~~CODINGTON COUNTY~~

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

~~— Goose Lake Game Production area land and water~~

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

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

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

~~DEUEL COUNTY~~

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

~~HAMLIN COUNTY~~

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

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

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

~~MARSHALL COUNTY~~

~~— Four Mile Clubhouse (GPA)~~

~~All waters of the state, including waters bordering with other states, are closed to the harvest
of freshwater mussels for commercial and noncommercial purposes. However, except for
threatened or endangered species, dead mussel shells may be possessed. No person may buy, sell,
barter, or trade any species of freshwater mussel or their shells.~~

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Source: SL 1975, ch 16, § 1; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 156, effective May 27, 1985; 15 SDR 103, effective January 19, 1989; 16 SDR 114, effective January 18, 1990; 18 SDR 98, effective December 12, 1991; 19 SDR 82, effective December 7, 1992; 20 SDR 87, effective December 13, 1993; 21 SDR 102, effective December 8, 1994; 25 SDR 85, effective December 21, 1998; 27 SDR 47, effective November 12, 2000; 30 SDR 99, effective December 22, 2003; 31 SDR 89, effective December 27, 2004; 32 SDR 109, effective December 27, 2005; 34 SDR 179, effective December 24, 2007; 35 SDR 253, effective May 13, 2009; 37 SDR 112, effective December 8, 2010; 38 SDR 116, effective January 10, 2012; 39 SDR 33, effective Sept 5, 2012; 39 SDR 100, effective December 3, 2012; 40 SDR 113, effective December 16, 2013; 41 SDR 107, effective January 5, 2015; 42 SDR 93, effective December 30, 2015; 43 SDR 89, effective December 29, 2016.

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.

41:09:04:03.01. Waters closed to commercial taking of bait. Notwithstanding the provisions of § 41:09:04:04, the following waters are closed to commercial taking of bait year-round:

(1) Aurora County: Wilmarth Lake;

(2) Beadle County: Ravine Lake and Staum Dam;

(3) Bennett County: Allen Dam, Lacreek Refuge Pools 1-10, Lake Creek, Cedar Creek Dam 1, Cedar Creek Dam 2, Cedar Creek Dam 3, and Little White River;

(4) Bon Homme County: Lewis and Clark Lake, and Lake Henry

(5) Brookings County: Lake Sinai, Lake Poinsett, Twin Lake (east of U.S. Highway 81), Brush Lake, Nature Park East Pond, Nature Park West Pond, and Nelson WPA/GPA;

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- (6) Brown County: Elm Lake, Richmond Lake, Pigors Dam, and Wiley Park Pond;
- (7) Brule County: Wells Dam, Lake Francis Case, Lake Wanalain, and Lake Sixteen;
- (8) Buffalo County: Lake Francis Case and Lake Sharpe;
- (9) Butte County: Orman Reservoir (Belle Fourche Reservoir), and Red Water River;
- (10) Campbell County: Lake Campbell, Lake Pocasse, and Lake Oahe;
- (11) Charles Mix County: Academy Lake, Lake Andes South Unit, Lake Andes North Unit, Dante Lake, Geddes Lake, Lake Platte, Lake Wagner, Lake Francis Case, and the Missouri River;
- (12) Codington County: Lake Kampeska, Kampeska Fish Ponds (Sand Pits), Pelican Lake, Bramble Pond, Punished Woman Lake, Horshoe Lake, McKilligans Slough, and 3rd Avenue Pond;
- (13) Corson County: Lake Oahe, Lake Pudwell, Lake Morristown, East and West, Mallard Slough, McGee Slough, and Trail City Dam;
- (14) Davison County: Lake Mitchell;
- (15) Day County: Lake Amsden, Antelope Lake, Bitter Lake, Blue Dog Lake, Campbell Slough, East Krause Lake, Lake Enemy Swim, Hazeldon Lake, Horshoe Lake, Lynn Lake, Pickerel Lake, Pierpont Lake, Middle Lynn Lake, Lake Minnewasta, Owen Creek, Opits Lake, and Waubay Lake;
- (16) Deuel County: Bullhead Lake, Lake Cochrane, Gary Creek, and Cobb Creek;
- (17) Dewey County: Lake Oahe, Eagle Butte Dam, Little Moreau #1 Dam, Little Moreau #2 Dam, Little Moreau #3, Lantry Lake, and the Moreau River;
- (18) Douglas County: Lake Corsica;
- (19) Fall River County: Angostura Reservoir;

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- (20) Faulk County: Lake Cresbard and Lake Faulkton;
- (21) Grant County: Hunter Granite Quarry and Summit Lake;
- (22) Gregory County: Lake Berry, Burke Lake, Fairfax Lake, Lake Herrick, Lake Francis Case, and the Missouri River;
- (23) Haakon County: Sunshine Dam, Waggoner Lake, and Kroetch Dam;
- (24) Hamlin County: Lake Poinsett and Mickleson Marsh;
- (25) Hand County: Dakota Lake, Jones Lake, Lake Louise, and Pearl Lake;
- (26) Hanson County: Lake Ethan and Lake Hanson;
- (27) Harding County: Buffalo Lake (Gardner);
- (28) Hughes County: Woodruff Dam, Lake Oahe, and Lake Sharpe;
- (29) Hutchinson County: Tripp Lake, Dimock Lake, Lake Menno;
- (30) Hyde County: Mission Dam (Boehm), Peno Dam, and Lake Sharpe;
- (31) Jerauld County: Twin Lake;
- (32))Jones: Murdo Lake, Murdo Railroad Dam, Okaton Dam, Bad River, White River, and Fort Pierre National Grassland dams (all);
- (33) Kingsbury County: Lake Thompson and Twin Lake (west of U.S. Highway 81);
- (34) Lake County: Lake Madison, Brant Lake, Round Lake, Lake Herman and its connecting waters, Long Lake, and Lake Herman State Park Pond;
- (35) Lincoln County: Lake Alvin, Lake Lakota, and Rollings GPA Pond;
- (36) Lyman County: Brakke Dam, Fate Dam, Larson Dam, Reliance Dam, Byre Dam, Lake Francis Case, Lake Sharpe, White River, and Ft. Pierre National Grassland Dams (all);
- (37) McCook County: East Vermillion Lake, Island Lake (north of County Highway 110), and Island Lake (south of County Highway 110);

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- (38) McPherson County: Lake Eureka and Lake Leola;
- (39) Marshall County: North Buffalo Lake, South Buffalo Lake, Bullhead Lake, Cattail/Kettle Lake, Clear Lake, Cottonwood Lake, Hickman Dam, Nine Mile Lake, Red Iron Lake, South, Roy Lake, Six Mile Lake, and White Lake
- (40) Meade County: Bear Butte Lake, Curlew Lake, Durkee Lake, Ft. Meade BLM Pond, and Tisdale Dam,
- (41) Mellette County: White River Dam, White River, and Little White River;
- (42) Miner County: Lake Carthage;
- (43) Minnehaha County: Wall Lake, Loss Lake, Island Lake (north of County Highway 110), Island Lake (south of County Highway 110), Scott Lake, and Twin Lake;
- (44) Pennington County: New Underwood Dam, New Wall Dam, Old Wall Dam, Quinn Dam, Quinn Township Dam, Tennyson Dam, and Wicksville Dam;
- (45) Perkins County: Shadehill Reservoir, Lemon Lake (GPA), Flat Creek Lake, Sorum Dam, Coal Springs Lake, Own Dam, Cole Dam, and 73 Dam;
- (46) Potter County: Simon Dam, Potts Dam, Lake Hurley, and Lake Oahe;
- (47) Roberts County: Whitestone Lake;
- (48) Sanborn County: Twin Lake;
- (49) Spink County: Cottonwood Lake; Redfield Lake, Mud Lake, and Twin Lake;
- (50) Stanley County: Hayes Lake, Lake Oahe, Lake Sharpe, Missouri River, Bad River, and Ft. Pierre National Grassland dams (all);
- (51) Sully County: Lake Oahe, Cottonwood Lake, and Sully Lake;
- (52) Tripp County: Roosevelt Lake, Beaulieu Dam; King Dam, Rahn Dam, Dog Ear Lake, White River and Keya Paha River;

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(53) Turner County: Swan Lake;

(54) Union County: McCook Lake;

(55) Walworth County:

(56) Walworth County: Lake Oahe, Lake Molstad, and Swan Lake;

(57) Yankton County: Lake Marindahl, and Lewis and Clark Lake;

(58) Ziebach County: Bednor Lake, Lake Oahe, Glad Valley Dam, Miller Dam, and
Buffalo Dam; and

(59) All waters within the Black Hills Fish Management Area as defined in
§ 41:07:01:01.

Source:

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.

41:09:04:03.02 Waters closed to commercial take of bait from May 1 through July 31.

Notwithstanding the provisions of § 41:09:04:04, the following waters are closed to commercial
taking of bait from May 1 to July 31, inclusive:

(1) Codington County: That portion of Long Lake that lies in sections 11, 12, 13, and 14 of
township 117 north, range 55 west, Goose Lake Game Production area land and water,
Stover Lake in sections 8 and 9, township 118 north, range 55 west (GPA), Cotton/Yahota
Slough in section 10, township 117 north, range 53 west (GPA), and Hodgins Area (Warner
Lake GPA) in section 18, township 118 north, range 55 west (GPA):

(2) Deuel County: Altamont Area in section 16, township 116 north, range 49 west (GPA);

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

(4) Marshall County: Four-Mile Clubhouse (GPA)

Source:

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.

41:09:04:03.03. Waters closed to commercial and noncommercial taking of freshwater mussels. 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.

41:09:04:05. Trap spacing limited -- Emptying required. Bait traps may not be set to cover more than one-half of the width of a stream. All bait traps must be lifted and emptied of fish often enough to prevent loss of bait or other fish, at least once every 48 hours between May 15 and September 14 and at least once every 96 hours between September 15 and May 14.

Source: SL 1975, ch 16, § 1; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 15 SDR 103, effective January 19, 1989; 17 SDR 78, effective December 10, 1990; 35 SDR 184, effective February 2, 2009.

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

Law Implemented: SDCL 41-2-18(1)(21).

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41:09:04:16.01. Records required for bait taken in South Dakota waters. Licensed ~~resident~~ wholesale and retail bait dealers shall maintain the following records for bait taken in South Dakota waters:

- (1) Date;
- (2) Name of water;
- (3) Location of the water by legal description;
- (4) Gallons of baitfish taken by species;
- (5) Number of amphibians taken by species;
- (6) Number of crustaceans taken by species; and
- (7) Pounds of leeches taken.

Source: 35 SDR 253, effective May 13, 2009.

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

Law Implemented: SDCL 41-2-18(1)(2)(21), 41-6-44, 41-6-44.1, 41-6-45, 41-6-45.1.

41:09:04:16.02. Records required for bait imported into South Dakota. Licensed ~~resident~~ wholesale and retail bait dealers shall maintain the following records for bait imported into South Dakota:

- (1) Date the bait was received;
- (2) Name and address of supplier;
- (3) Gallons of baitfish received by species;
- (4) Importation permit number for baitfish received;
- (5) Number of amphibians received by species;
- (6) Number of crustaceans received by species; and
- (7) Pounds of leeches received.

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Source: 35 SDR 253, effective May 13, 2009.

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

Law Implemented: SDCL 41-2-18(1)(2)(21), 41-6-44, 41-6-44.1, 41-6-45, 41-6-45.1.

41:09:04:16.03. Records required for bait sold at retail in South Dakota. Licensed retail

bait dealers shall maintain the following records for bait sold at retail:

- (1) Gallons of baitfish sold monthly by species;
- (2) Number of amphibians sold monthly by species;
- (3) Number of crustaceans sold monthly by species; and
- (4) Pounds of leeches sold monthly.

Source: 35 SDR 253, effective May 13, 2009.

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

Law Implemented: SDCL 41-2-18(1)(2)(21), 41-6-44, 41-6-44.1, 41-6-45, 41-6-45.1.

41:09:04:16.04. Records required for bait sold at wholesale in South Dakota. Licensed

~~resident~~ wholesale bait dealers shall maintain the following records for bait sold at wholesale:

- (1) Date sold;
- (2) Name and address of buyer;
- (3) Gallons of baitfish sold by species;
- (4) Number of amphibians sold by species;
- (5) Number of crustaceans sold by species; and
- (6) Pounds of leeches sold.

Source: 35 SDR 253, effective May 13, 2009.

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

Law Implemented: SDCL 41-2-18(1)(2)(21), 41-6-44, 41-6-44.1, 41-6-45, 41-6-45.1.

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41:09:04:16.05. Records required for bait purchased and transported out of South Dakota. Licensed export bait dealers shall maintain the following records for bait purchased and transported out of state:

- (1) Date purchased;
- (2) Name and address of supplier(s);
- (3) Name and address of purchaser;
- (4) State(s) where bait will be delivered;
- (5) Gallons of baitfish purchased by species;
- (6) Number of amphibians purchased by species; and
- (7) Number of crustaceans purchased by species.

Source: 35 SDR 253, effective May 13, 2009.

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

Law Implemented: SDCL 41-2-18(1)(2)(21), 41-6-44, 41-6-44.1, 41-6-45, 41-6-45.1.

41:09:04:16.06. Records required for nonresident bait dealers for bait sold or purchased in South Dakota. Licensed nonresident bait dealers shall maintain the following records for bait sold or purchased in the state: [POTENTIAL REPEAL]

- (1) Date of purchase or sale;
- (2) Name and address of buyer or seller;
- (3) Gallons of baitfish bought or sold by species;
- (4) Number of amphibians bought or sold by species;
- (5) Number of crustaceans bought or sold by species; and
- (6) Pounds of leeches bought and sold.

Source: 35 SDR 253, effective May 13, 2009.

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

Law Implemented: SDCL 41-2-18(1)(2)(21), 41-6-44, 41-6-44.1, 41-6-45, 41-6-45.1.

41:09:04:17. Conviction for violation may be cause for revocation and non-renewal of bait dealer license. A conviction for a violation of any of the provisions of this chapter or of SDCL 41-6-44 to through 41-6-45.1, ~~inclusive~~, by a bait dealer, or a bait dealer's agent, or employee, may be cause for immediate revocation of the bait dealer's current license and serve as the basis for the department's refusal to issue a license to the bait dealer for the calendar year following the year of conviction.

Source: SL 1975, ch 16, § 1; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 35 SDR 253, effective May 13, 2009.

General Authority: SDCL 41-2-18(1)(2)(21), 41-6-10.

Law Implemented: SDCL 41-2-18(1)(2)(21), 41-6-10, 41-6-44, 41-6-44.1, 41-6-45, 41-6-45.1.

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CHAPTER 41:09:06

RAPTORS

Section

41:09:06:01	Transferred.
41:09:06:02	Transferred.
41:09:06:03	Repealed.
41:09:06:04	Transferred.
41:09:06:05	Transferred.
41:09:06:06	Transferred.
41:09:06:07	Transferred.
41:09:06:08	Transferred.
41:09:06:09	Transferred.
41:09:06:10	Transferred.
41:09:06:11	Transferred.
41:09:06:12	Transferred.
41:09:06:13	Transferred.
41:09:06:14	Repealed.
41:09:06:15	Transferred.
41:09:06:16	Transferred.
41:09:06:17	Definitions.
41:09:06:18	Application for falconry permit -- Requirements -- Limitations.
41:09:06:19	Permit fees.
41:09:06:20	Inspection of facilities.

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- 41:09:06:21 Taking or acquisition of raptors -- Trapping requirements.
- 41:09:06:22 Threatened and endangered species protected.
- 41:09:06:23 Repealed.
- 41:09:06:24 Repealed.
- 41:09:06:25 Repealed.
- 41:09:06:26 Repealed.
- 41:09:06:27 Repealed.
- 41:09:06:28 Hunting by falconry -- Requirements -- Restrictions.
- 41:09:06:29 Captive-bred raptors -- Requirements -- Restrictions.
- 41:09:06:30 Annual reports.
- 41:09:06:31 Suspension and revocation of permits.
- 41:09:06:32 Standards for falconry.

41:09:06:17. Definitions. ~~Terms As used in this chapter have the following meanings:~~

- (1) "Falconry;" means the sport of taking quarry by means of a trained raptor;
- (2) "Raptor;" means all birds that are members of the order Falconiformes or Strigiformes; specifically, but not limited to, falcons, hawks, eagles, owls, and vultures;
- (3) "Take;" means to trap or capture, or to attempt to trap or capture, a raptor; and
- (4) "Possession;" means actual or constructive control or custody of a wild or captive bred raptor, but not ownership of a wild raptor; ~~and~~
- (5) ~~"Department," the South Dakota Department of Game, Fish and Parks.~~

Source: SL 1975, ch 16, § 1; 3 SDR 51, effective January 26, 1977; 5 SDR 108, effective June 28, 1979; 10 SDR 76, 10 SDR 102, effective July 1, 1984; transferred from § 41:09:06:01,

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12 SDR 92, effective December 4, 1985; 36 SDR 170, adopted April 21, 2010, effective January 1, 2011.

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

Law Implemented: SDCL 41-2-18(2)(20), 41-11-11.

41:09:06:18. Application for falconry permit -- Requirements -- Limitations. A person may not take, transport, possess, sell, purchase, barter, or offer to sell, purchase, or barter a raptor unless a falconry permit or a special permit to do so is obtained under this chapter. Only residents of South Dakota may apply for a falconry permit. Nonresident falconers who become residents of South Dakota have 90 days to apply for a resident falconry permit; in the interim their current state permit will remain valid. ~~Applicants for falconry permits shall fill out application forms furnished by the department.~~ The department may not issue a permit to an applicant unless the applicant has paid the fees required under § 41:09:06:19. Applicants for an apprentice permit must pass a written examination given by the department concerning raptors and falconry. The applicant must answer correctly at least 80 percent of the questions on the written examination. If the applicant fails to pass the examination, the applicant may not reapply for a license until at least six months after the date of the examination.

General or master permittees may be assigned as sponsor to no more than three apprentice permittees at one time. All permits are nontransferable. If the department ~~has no~~ does not have notice of incompetence or unfitness of an applicant whose permit has expired, a permit may be renewed without requiring further examination; otherwise, a reexamination may be required or the renewal may be denied. Applicants who are negligent in renewing their permit may have their raptors confiscated and may be required to reapply for, take, and pass the falconry permit examination.

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Source: SL 1975, ch 16, § 1; 3 SDR 51, effective January 26, 1977; 5 SDR 108, effective June 28, 1979; 10 SDR 76, 10 SDR 102, effective July 1, 1984; transferred from §§ 41:09:06:02, 41:09:06:05, and 41:09:06:12, 12 SDR 92, effective December 4, 1985; 16 SDR 169, effective April 23, 1990; 24 SDR 107, effective February 26, 1998; 25 SDR 193, effective July 19, 1998; 36 SDR 170, adopted April 21, 2010, effective January 1, 2011.

General Authority: SDCL 41-2-18(12)(13)(20).

Law Implemented: SDCL 41-2-18(12)(13)(20), 41-11-11.

~~**Cross-Reference:** Raptor license required — Violation as misdemeanor, SDCL 41-11-11.~~

41:09:06:20. Inspection of facilities. Before issuance of a permit allowing the possession of raptors, a department representative shall inspect the applicant's facilities for keeping the raptors. Any deficiencies noted ~~will~~ must be corrected before a falconry permit is issued.

Source: SL 1975, ch 16, § 1; 3 SDR 51, effective January 26, 1977; 5 SDR 108, effective June 28, 1979; 10 SDR 76, 10 SDR 102, effective July 1, 1984; transferred from § 41:09:06:06, 12 SDR 92, effective December 4, 1985; 36 SDR 170, adopted April 21, 2010, effective January 1, 2011.

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

Law Implemented: SDCL 41-2-18(2)(20), 41-11-11.

41:09:06:21. Taking or acquisition of raptors -- Trapping requirements. No person may take or attempt to take any raptor without first acquiring a raptor collecting permit issued by the department. A permittee shall have the raptor collecting permit in immediate possession while taking or attempting to take any raptor. Each nonresident applicant shall provide a copy of any federal and home state falconry permit prior to being issued a raptor collecting permit. The fee for a nonresident raptor collecting permit is \$200. No permittee may take, purchase, receive, or

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otherwise acquire or sell, barter, transfer, or otherwise dispose of any raptor unless the permittee submits a copy of the migratory bird acquisition/disposition report to the department within ten calendar days after the transaction. Wild raptors may not be sold, purchased, traded or bartered. Wild raptors may only be transferred. No more than two wild raptors may be taken in any twelve month period.

The trapping of passage raptors is permitted only between August 1 and March 31. Raptors which are marked and have subsequently escaped may be retrapped at any time throughout the year.

Only a resident general or master falconry permittee may take eyas or fledging birds from a nest or aerie. At least one eyas shall be left in the nest or aerie. Eyas may be taken only between May 1 and July 31. The permittee shall allow a department representative to observe the permittee's attempt to take eyas if so requested by the department.

The take of a wild raptor or the transfer of a raptor to or from a falconry permit must be reported to the state within ten days. The Migratory Bird Acquisition and Disposition Report (~~United States Fish and Wildlife form 3-186A~~) shall be used to submit the reports.

Source: SL 1975, ch 16, § 1; 3 SDR 51, effective January 26, 1977; 10 SDR 76, 10 SDR 102, effective July 1, 1984; transferred from § 41:09:06:08, 12 SDR 92, effective December 4, 1985; 16 SDR 169, effective April 23, 1990; 23 SDR 197, effective May 27, 1997; 34 SDR 67, effective September 10, 2007; 36 SDR 170, effective May 11, 2010; 36 SDR 170, adopted April 21, 2010, effective January 1, 2011.

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

Law Implemented: SDCL 41-2-18(20), 41-11-11.

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41:09:06:22. Threatened and endangered species protected. A person may not capture or possess a raptor designated as a threatened or endangered species under 50 C.F.R. Part 17 (~~April 10, 1987~~) or capture a raptor listed as threatened or endangered under chapter 41:10:02 without a special permit issued by the department secretary.

Source: SL 1975, ch 16, § 1; 5 SDR 108, effective June 28, 1979; 10 SDR 76, 10 SDR 102, effective July 1, 1984; transferred from § 41:09:06:15, 12 SDR 92, effective December 4, 1985; 16 SDR 169, effective April 23, 1990; 36 SDR 170, adopted April 21, 2010, effective January 1, 2011.

General Authority: SDCL 41-2-18(2)(3)(20).

Law Implemented: SDCL 41-2-18(2)(3)(20), 41-11-11.

41:09:06:28. Hunting by falconry -- Requirements -- Restrictions. A person may hunt by falconry in South Dakota only if the person has been issued a falconry permit by the person's state of residence and has obtained all state hunting licenses as required by the statutes and rules applicable to the species being hunted. Nonmigratory game birds and game animals may be hunted with raptors from September 1 to March 31, inclusive. Migratory game birds may be hunted only in accordance with state and federal migratory game bird season regulations for not more than 107 days between September 1 and January 15. The daily bag limit is three and the possession limit is six of any game species in the aggregate. During the raptor hunting season, protected nongame birds and animals taken incidentally by a raptor may not be retained or possessed by a permittee. A permittee may not hunt by falconry and be in possession of a firearm or be accompanied by a person carrying a firearm, unless the permittee or the person accompanying the permittee is ~~carrying a pistol and possesses a valid concealed pistol permit as provided in SDCL chapter 23-7~~ allowed to carry a concealed pistol pursuant to state law.

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Source: SL 1975, ch 16, § 1; 3 SDR 51, effective January 26, 1977; 5 SDR 108, effective June 28, 1979; 10 SDR 76, 10 SDR 102, effective July 1, 1984; transferred from §§ 41:09:06:09 and 41:09:06:09.01, 12 SDR 92, effective December 4, 1985; 17 SDR 51, effective October 10, 1990; 24 SDR 107, effective February 26, 1998; 34 SDR 179, effective December 24, 2007.

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

Law Implemented: SDCL 41-2-18(2)(20), 41-11-11.

~~**Cross-References:** Game and fish licenses and permits, SDCL 41-6; Hunting seasons and methods, art 41:06.~~

41:09:06:29. Captive-bred raptors -- Requirements -- Restrictions. A person may engage in raptor breeding ~~attempts~~ by obtaining written permission to do so from the department and the United States Fish and Wildlife Service. Wild raptors may not be transferred from a falconry permit to a captive breeding permit until two years after the date the wild raptor was captured. The permittee must allow a department representative to enter the permittees premises at any reasonable hour to inspect propagation facilities and any raptors and to audit or copy any permits, books, or records required to be kept by this chapter or United States Fish and Wildlife Service regulation 50 C.F.R. Parts 13 (~~October 1, 2000~~) and 21 (~~October 8, 2008~~).

Source: SL 1975, ch 16, § 1; 10 SDR 76, 10 SDR 102, effective July 1, 1984; transferred from § 41:09:06:13, 12 SDR 92, effective December 4, 1985; 16 SDR 169, effective April 23, 1990; 24 SDR 107, effective February 26, 1998; 36 SDR 170, adopted April 21, 2010, effective January 1, 2011.

General Authority: SDCL 41-2-18(12)(13)(20).

Law Implemented: SDCL 41-2-18 (12)(13)(20), 41-11-11.

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41:09:06:30. Annual reports. A report of all raptors in possession shall be submitted by each falconry permittee to the department at the time of permit application or renewal. All falconry permittees who hunt by means of raptors shall also submit a complete report to the department by April 15 each year of hunting activities for the past hunting season on the form provided by the department for that purpose. Persons who fail to submit the reports by April 15 may be required to reapply for, take, and pass the raptor permit examination, and all raptors in possession are subject to confiscation.

Source: SL 1975, ch 16, § 1; 3 SDR 51, effective January 26, 1977; 10 SDR 76, 10 SDR 102, effective July 1, 1984; transferred from § 41:09:06:09, 12 SDR 92, effective December 4, 1985; 16 SDR 169, effective April 23, 1990.

General Authority: SDCL 41-2-18(2)(12)(13)(20).

Law Implemented: SDCL 41-2-18(2)(12)(13)(20), 41-11-11.

41:09:06:31. Suspension and revocation of permits. ~~All permits are subject to revocation by administrative action of the department.~~ A permit may be summarily suspended by the secretary of the department during the pendency of any proceedings involving the permittee's misuse of privileges extended by the permit or violation of this chapter. Before confiscation of birds or reclassification of permit, the permittee has the right of a hearing before a three-person board appointed by the secretary of the department.

Any one of the following is cause to confiscate raptors or restrict numbers or species of raptors in possession and to revoke, suspend, or reclassify a permittee or application:

(1) The permittee fails to correct any deficiency noted during inspection provided for in § 41:09:06:20 within seven days following receipt of notice of the deficiency from the department;

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(2) Raptors show evidence of mishandling, mistreatment, injury, or death due to negligence;
or

(3) The permittee fails to conform to the provisions of this chapter or violates any provision of this chapter or any provision of 50 C.F.R. Part 13 (~~October 1, 2000~~) and Part 21 (~~October 8, 2008~~) and Part 17 (~~April 10, 1987~~).

Source: 5 SDR 108, effective June 28, 1979; 10 SDR 76, 10 SDR 102, effective July 1, 1984; transferred from §§ 41:09:06:06.01 and 41:09:06:16, 12 SDR 92, effective December 4, 1985; 16 SDR 169, effective April 23, 1990; 36 SDR 170, adopted April 21, 2010, effective January 1, 2011.

General Authority: SDCL 41-2-18(2)(13)(20).

Law Implemented: SDCL 41-2-18(2)(13)(20), 41-11-11.

41:09:06:32. Standards for falconry. The standards for the practice of falconry in South Dakota are those in 50 C.F.R. § 21.29 (~~February 8, 2010~~).

Source: 36 SDR 170, adopted April 21, 2010, effective January 1, 2011.

General Authority: SDCL 41-2-18(1)(2)(3)(20).

Law Implemented: SDCL 41-2-18(1)(2)(3)(20), 41-11-11.

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CHAPTER 41:09:07

PRIVATE FISH HATCHERIES

Section

- 41:09:07:01 Repealed.
- 41:09:07:02 Hatchery license types and fees.
- 41:09:07:03 Repealed.
- 41:09:07:03.01 Repealed.
- 41:09:07:03.02 License approval criteria.
- 41:09:07:04 Bill of sale or other written authorization required -- Exceptions.
- 41:09:07:05 Records required.
- 41:09:07:06 Repealed.
- 41:09:07:06.01 ~~Hatchery licenses available for inspection~~ Inspection by department representative.
- 41:09:07:06.02 Hatchery license in possession while transporting live fish or fish reproductive products.
- 41:09:07:06.03 ~~Inspection by department representative~~ Repealed.
- 41:09:07:06.04 Fish health inspection required.
- 41:09:07:07 Conviction for violation is cause for revocation and non-renewal of hatchery license.

Cross-Reference: Raising of fish deemed to be a "farming operation," SDCL 41-1-7.

41:09:07:03.02. License approval criteria. The department shall require compliance with the following criteria before issuing a new private fish hatchery license or adding any new facility or water to an existing license:

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(1) That any fish escaping from the proposed facility or water will not be detrimental to existing fish populations or waters;

(2) That no fish, exclusive of those propagated or held by the hatchery, may access the proposed facility or water;

(3) That no game fish, except bullheads or green sunfish, exists within the proposed facility or water unless the applicant provides proof of purchase verifying the game fish were obtained from a legal source;

(4) That the proposed facility or water does not interfere or limit access and use of public waters;

(5) That the applicant possesses a discharge permit issued by the Department of Environment and Natural Resources if applicable;

(6) That the applicant possesses a water right issued by the Department of Environment and Natural Resources if the operation of a hatchery requires a water right;

(7) That access to the proposed facility or water is entirely under the applicant's control by ownership, lease, easement, or permission. If the proposed facility or 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, or written permission, which establishes applicant's right to access the proposed facility and water; and

(8) That the proposed facility or water do not contain any aquatic nuisance species determined by the department to be a threat to ~~South Dakota~~ the waters of this state.

This section does not apply to any private fish hatchery licensee who submits a license renewal application for the next successive year if the hatchery facility and the waters contained

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therein as described on the application for private fish hatchery license remain unchanged from the application approved in the preceding year.

Source: 29 SDR 80, effective December 10, 2002; 34 SDR 179, effective December 24, 2007; 35 SDR 184, effective February 2, 2009; 38 SDR 116, effective January 10, 2012.

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.

41:09:07:05. Records required. The licensee shall keep a permanent record of all transactions. If the transaction involves the purchase or receipt of fish or any fish reproductive product, the record shall contain the number, size, and species of fish; the date of the transaction; the importation permit number, if applicable; and the name and address of the source. If the transaction involves the sale or gift of fish or any fish reproductive product, the record shall contain the number, size, and species of fish; and the date of the transaction. Each record shall be made available for inspection by a department representative during normal business hours at the physical location for the business where the record is kept as indicated on the license application. Each record, or a legible copy thereof, shall be submitted to the department by January 31 of the following calendar year, inclusive.

Source: SL 1975, ch 16, § 1; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 15 SDR 103, effective January 19, 1989; 29 SDR 80, effective December 10, 2002; 37 SDR 112, effective December 8, 2010.

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

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

41:09:07:06.01. ~~Hatchery licenses available for inspection~~ Inspection by department representative. A copy of the applicable private fish hatchery license shall be immediately

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available for inspection upon request by a ~~conservation officer~~ department representative at the hatchery facility or the licensee's residence.

Each licensed hatchery facility and water shall be subject to inspection by a department representative during normal business hours.

Source: 29 SDR 80, effective December 10, 2002; 35 SDR 184, effective February 2, 2009.

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.

41:09:07:06.02. Hatchery license in possession while transporting live fish or fish reproductive products. The applicable private fish hatchery license, or a legible copy thereof, shall be kept in each vehicle used by a private fish hatchery licensee or designee to transport live fish or any fish reproductive product. The license or copy shall be made available for inspection upon request of any law enforcement officer as defined in SDCL 23-3-27.

Source: 29 SDR 80, effective December 10, 2002.

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.

41:09:07:06.03. Inspection by department representative. ~~Each licensed hatchery facility and water shall be subject to inspection by a department representative during normal business hours~~ Repealed.

~~Source:~~ 29 SDR 80, effective December 10, 2002; 35 SDR 184, effective February 2, 2009.

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

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

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

A fish health inspection may only be conducted by:

(1) A person who is currently certified by the American Fisheries Society as a fish pathologist or a fish health inspector;

(2) A person who is currently authorized by the department to conduct official fish health inspections and who has completed a fish health inspection training program approved by the department; or

(3) A licensed veterinarian who has completed a fish health inspection training program approved by the department.

Any fish health sample collected during a fish health inspection shall be screened for regulated pathogens at a laboratory approved by the department. All laboratory fees are the responsibility of the licensee. The licensee shall pay in full any fee within 30 days after receipt of an invoice. The department may refuse to issue any future license for failure to comply with payment requirements of this section and for failure to include a copy of the previous year's fish health inspection results with each license renewal application.

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

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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; 43 SDR 89, effective December 29, 2016.

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," ~~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~~.

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CHAPTER 41:09:08

IMPORTATION OF FISH

Section

41:09:08:01 Repealed.

41:09:08:01.01 Fish importation prohibited -- Exceptions.

41:09:08:02 Repealed.

41:09:08:03 Repealed.

41:09:08:03.01 Application requirements for fish importation permit -- Validity requirements --
Types -- Fees.

41:09:08:03.02 Repealed.

41:09:08:03.03 Diseases of regulatory concern.

41:09:08:03.04 Importation requirements for fish or fish reproductive products.

41:09:08:03.05 Repealed.

41:09:08:04 Packaging and shipping procedure.

41:09:08:05 Inspection of shipments.

41:09:08:06 Shipments in violation of rules -- Disposal.

41:09:08:07 In-transit shipments exempt -- Exceptions.

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:

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(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," ~~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 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.

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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; 43 SDR 89, effective December 29, 2016.

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," ~~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.

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CHAPTER 41:09:10

FUR DEALERS

Section

- 41:09:10:01 Repealed.
- 41:09:10:02 Resident fur dealers' records -- Reporting.
- 41:09:10:03 Grounds for refusal to issue fur dealer license.
- 41:09:10:04 License fees.
- 41:09:10:05 Eligibility for fur dealers, agents and employees.

41:09:10:02. Resident fur dealers' records -- Reporting. Resident fur dealers shall maintain records of the number and kind of each skin purchased, the full name and address of each resident trapper or hunter, the vendor, and the average annual buying season price paid for each kind of skin on forms supplied by the department. The records shall be submitted to the department in Pierre by June 1 each year.

Source: 9 SDR 30, effective September 13, 1982; 10 SDR 76, 10 SDR 102, effective July 1, 1984.

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

Law Implemented: SDCL 41-2-18(2), 41-6-25, 41-14-23.

~~**Cross-Reference:** Duplicate invoices required for purchases by nonresident fur dealers, SDCL 41-14-24.~~

41:09:10:03. Grounds for refusal to issue fur dealer license. ~~Violation of any of the provisions of this chapter is cause for refusal to issue a fur dealer license to an individual or firm in the year following the violation.~~ A conviction for a violation of any of the provisions of this chapter may be cause for immediate revocation of the fur dealer license and serve as the basis for

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the department's refusal to issue a license to the fur dealer for the calendar year following the year of conviction.

Source: 9 SDR 30, effective September 13, 1982; 10 SDR 76, 10 SDR 102, effective July 1, 1984.

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

Law Implemented: SDCL 41-2-18(1)(2), 41-6-25, 41-14-23.

41:09:10:04. License fees. The fee for a resident fur dealer license is \$100. The fee for a nonresident fur dealer license is \$500.

Source: 10 SDR 148, effective July 11, 1984; 31 SDR 83, effective December 12, 2004.

General Authority: SDCL 41-6-10(3).

Law Implemented: SDCL 41-6-10(3).

~~**Cross Reference:** Fur dealer's license required, SDCL 41-6-25.~~

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CHAPTER 41:09:11

TAXIDERMISTS

Section

- 41:09:11:01 License fee and validity.
- 41:09:11:02 Definitions.
- 41:09:11:03 Records to be retained by taxidermist.
- 41:09:11:04 Immediate tagging of specimen -- Temporary removal of tag.
- 41:09:11:05 Transfer of specimens to another taxidermist.
- 41:09:11:06 Violation is cause for revocation of license -- Immediate return of specimens --
Exception.

41:09:11:01. License fee and validity. The fee for a taxidermist license is \$15. The license is valid from date of issue to December 31 of that calendar year, inclusive.

Source: 10 SDR 148, effective July 11, 1984; 14 SDR 40, effective September 23, 1987; 30 SDR 21, effective August 25, 2003; 31 SDR 83, effective December 12, 2004.

General Authority: SDCL 41-2-18(24), 41-6-10(33), 41-6-33.

Law Implemented: SDCL 41-2-18(24), 41-6-10(33), 41-6-33.

~~**Cross Reference:** Taxidermist's license required, SDCL 41-6-33.~~

41:09:11:02. Definitions. Terms As used in this chapter mean:

(1) "Taxidermist;" means a person who engages in the art, business, or operation of preserving or mounting in a lifelike state any bird, animal, or fish, or any part thereof, that does not belong to the person. The term does not include a person engaged in the business of mass producing artificial parts of wild animals;

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(2) "Customer," means a person who submits a bird, animal, or fish, or any part thereof, to a taxidermist and that the taxidermist accepts for the purpose of preserving or mounting in a lifelike state. The customer may or may not be the person who caught or killed the specimen;

(3) "Specimen," means any bird, animal, or fish, or part thereof, that has been submitted by a customer to a taxidermist for the purpose of preserving or mounting in a lifelike state.

Source: 30 SDR 21, effective August 25, 2003.

General Authority: SDCL 41-2-18(24), 41-6-33.

Law Implemented: SDCL 41-2-18(24), 41-6-33.

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CHAPTER 41:09:12

PERSONS WITH DISABILITIES

Section

- 41:09:12:01 Special crossbow permit.
- 41:09:12:02 Crossbow and bolt specifications.
- 41:09:12:03 Repealed.
- 41:09:12:03.01 Definitions.
- 41:09:12:03.02 Disabled hunter permit -- Eligibility requirements.
- 41:09:12:03.03 Permit application procedures -- Duration of permit -- Renewal process.
- 41:09:12:03.04 Permit authorities, limitations, and conditions.
- 41:09:12:03.05 Denial of permit or revocation of existing permit -- Reasons -- Appeal process.
- 41:09:12:04 License requirements, privileges, and restrictions.
- 41:09:12:05 Total disability defined.
- 41:09:12:06 Application procedures for licenses issued for a reduced fee based on total disability and other qualifications.
- 41:09:12:06.01 Fee -- Duration of validity of fishing and hunting licenses.
- 41:09:12:07 Designated shooter permit.
- 41:09:12:07.01 Permit authorities, limitations, and conditions.

41:09:12:01. Special crossbow permit. The ~~department secretary or an authorized agent~~ may issue a special crossbow permit to a person who is incapable of using a bow and arrow due to the loss of or use of one or both arms caused by birth defect, injury, or disease or who uses a wheelchair for mobility.

Source: 11 SDR 41, effective September 25, 1984; 34 SDR 279, effective May 14, 2008.

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General Authority: SDCL 41-2-18(14), 41-8-31(2).

Law Implemented: SDCL 41-2-18(14), 41-8-31(2).

41:09:12:02. Crossbow and bolt specifications. Crossbows used under § 41:09:12:01 shall have a minimum of 125-pound pull and be equipped with a functional mechanical safety device. The bolts shall be equipped with broadheads as provided in § 41:06:05:01.

Source: 11 SDR 41, effective September 25, 1984; 29 SDR 160, effective June 3, 2003; 42 SDR 14, effective August 10, 2015.

General Authority: SDCL 41-2-18(14), 41-8-31(2).

Law Implemented: SDCL 41-2-18(14), 41-8-31(2).

41:09:12:03.01. Definitions. ~~Terms~~ As used in this chapter ~~mean~~:

(1) "Arthritic condition;" means a condition resulting from an inflammation of one or more joints due to infectious or metabolic causes;

(2) "Blind or visually impaired;" means a person who has a visual acuity 20/200 or less in the better eye with correcting lenses or has a limited field of vision such that the widest diameter subtends an angular distance of no greater than twenty degrees;

(3) "Class III cardiac disease;" means a moderately severe disease of the heart or cardiovascular system resulting in marked limitation of physical activity. A person diagnosed with this disease is comfortable at rest, but less than ordinary activity causes fatigue, palpitation, dyspnea, or anginal pain;

(4) "Class IV cardiac disease;" means a severe disease of the heart or cardiovascular system resulting in an inability to carry on any physical activity without discomfort. A person diagnosed with this disease may exhibit symptoms of heart failure or the anginal syndrome even at rest;

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(5) "Licensed physician;" means a person who is licensed by the South Dakota Board of Medical and Osteopathic Examiners to practice medicine or osteopathy or who is licensed by a similar state or provincial agency or board in another state or province to practice medicine or osteopathy;

(6) "Lung disease;" means a disease that restricts a person's respiratory capacity to such a degree that the person's forced expiratory volume in one second is less than one liter if measured by a spirometer, or the arterial oxygen tension is less than 60 mm/hg on room air at rest;

(7) "Neurological condition;" means a condition that adversely affects the nervous system as a result of injury, disease, or birth deficiency;

(8) "Neuromuscular disorder;" means a disorder that affects the muscles or the nerves controlling the muscles. The most commonly experienced symptoms are varying degrees of mobility due to muscle weakness, regardless if the disorder originates within the motor nerve cell, the nerve, or the muscle. The symptoms of a neuromuscular disorder are most often degenerative in nature;

(9) "Orthopedic condition;" means a condition that adversely affects the skeletal system as a result of injury, disease, or birth deficiency;

(10) "Prosthetic aid;" means an artificial device that replaces a missing limb;

(11) "Roadway;" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, excluding the berm or shoulder.

Source: 31 SDR 62, effective November 4, 2004; 34 SDR 179, effective December 24, 2007.

General Authority: SDCL 41-2-18(2), 41-8-37.

Law Implemented: SDCL 41-2-18(2), 41-8-37.

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41:09:12:03.02. Disabled hunter permit -- Eligibility requirements. The ~~department~~ secretary ~~or a designated agent~~ may issue a disabled hunter permit free-of-cost to a person with at least one of the following physical disabilities or health-related conditions:

- (1) The person has lost one or both legs or has temporarily or permanently lost the use of one or both legs;
- (2) The person requires a wheelchair for mobility;
- (3) The person is physically unable to walk without the assistance of another person, prosthetic aid, brace, crutch, or other device that is intended to support or assist the person while walking;
- (4) The person is unable to walk a distance of more than 300 feet without assistance or rest due to an arthritic, neurological, or orthopedic condition;
- (5) The person has been diagnosed with a neuromuscular disorder;
- (6) The person has been diagnosed with a Class III or Class IV cardiac disease;
- (7) The person has been diagnosed with lung disease; or
- (8) The person is on portable oxygen.

Except as provided in this section, no person may be issued a disabled hunter permit unless the person's physical disability or health-related condition limits or impairs the person's ability to walk.

Source: 31 SDR 62, effective November 4, 2004.

General Authority: SDCL 41-2-18(2), 41-8-37.

Law Implemented: SDCL 41-2-18(2), 41-8-37.

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41:09:12:03.05. Denial of permit or revocation of existing permit -- Reasons -- Appeal process. The ~~department secretary or a designated agent~~ may deny or revoke a disabled hunter permit for the following reasons:

- (1) The information and documentation provided by the applicant cannot be verified;
- (2) The applicant made a false statement on the application to secure a permit;
- (3) The permittee violated the limitations or conditions of the permit; or
- (4) The permittee no longer qualifies for a disabled hunter permit as described in this

chapter.

A person who has had an application for disabled hunter permit denied or had a disabled hunter permit revoked may appeal to the Game, Fish and Parks Commission according to procedures established by SDCL chapter 1-26.

Source: 31 SDR 62, effective November 4, 2004.

General Authority: SDCL 41-2-18(2), 41-8-37.

Law Implemented: SDCL 41-2-18(2), 41-8-37.

41:09:12:04. License requirements, privileges, and restrictions. A person issued a special permit under § 41:09:12:01 has all the rights and privileges of a bow and arrow licensee provided that the permittee has purchased all the necessary licenses applicable to a particular season. A person issued a crossbow permit may not possess a firearm in the field nor may a permittee be accompanied by a person carrying a firearm during any season restricted to archery.

Source: 11 SDR 41, effective September 25, 1984.

General Authority: SDCL 41-2-18(2), 41-8-31(2), 41-8-37.

Law Implemented: SDCL 41-2-18(2), 41-8-31(2), 41-8-37.

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41:09:12:06. Application procedure for licenses issued for a reduced fee based on total disability and other qualifications. A person with a total disability as defined in § 41:09:12:05, or who otherwise qualifies for a resident hunting and fishing license at a reduced fee pursuant to SDCL 41-6-10.2, and who desires to be issued a hunting and fishing license at a reduced fee must apply to the licensing office in Pierre, South Dakota. The application shall be on forms provided by the department. An applicant with a total disability as defined in § 41:09:12:05 shall provide with the application proof of South Dakota residency and a written statement from a doctor of medicine, osteopathy, or chiropractic currently and validly licensed by the South Dakota Board of Medical and Osteopathic Examiners or Board of Chiropractic Examiners or from a doctor of optometry currently and validly licensed by the State Board of Examiners in Optometry that verifies the applicant has a total disability as defined in § 41:09:12:05. In lieu of a written statement from a doctor of medicine, osteopathy, or chiropractic, any person who has a developmental disability as defined in SDCL 27B-1-18 may submit an official letter or form from the South Dakota Department of Social Services that documents the person's developmental disability and the person's eligibility for services. For subsequent applications, a conservation officer in the county of the applicant's residence may verify the applicant's total disability in lieu of the doctor's statement. Any other applicant pursuant to SDCL 41-6-10.2 shall provide proof of South Dakota residency and compliance with the statutory requirements.

Source: 17 SDR 51, effective October 10, 1990; 21 SDR 189, effective May 9, 1995; 25 SDR 59, adopted October 26, 1998, effective January 1, 1999; 34 SDR 179, effective December 24, 2007; 37 SDR 215, effective May 31, 2011.

General Authority: SDCL 41-6-10.2.

Law Implemented: SDCL 41-2-18(13), 41-6-10.2.

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~~**Note:** Application forms required by this section may be obtained at the Licensing Office, Department of Game, Fish and Parks, GFP Missouri River Fisheries Center, 20641 SD Hwy 1806, Ft. Pierre, South Dakota 57532-6100.~~

41:09:12:06.01. Fee – Duration of validity of fishing and hunting licenses. The fee for a resident small game and fishing license issued pursuant to SDCL 41-6-10.2 is ten dollars. The license may be renewed annually for three additional years ~~by making an annual application to the licensing office in Pierre, South Dakota, on forms provided by the department without payment of any additional fee.~~

Source: 25 SDR 59, adopted October 26, 1998, effective January 1, 1999.

General Authority: SDCL 41-6-10.2.

Law Implemented: SDCL 41-6-10.2.

41:09:12:07. Designated shooter permit. ~~The department secretary or an authorized agent~~ may issue a designated shooter permit to a person who is blind or visually impaired. A designated shooter permit authorizes the permittee to designate one shooter to legally hunt, take, or kill game animals while in the immediate physical presence of the permittee. This non-transferable permit is in addition to any required hunting license and may be issued for a period of time not to exceed four consecutive years beginning on the date the permit is issued.

Source: 34 SDR 179, effective December 24, 2007.

General Authority: SDCL 41-2-18(2)(13), 41-8-31(3).

Law Implemented: SDCL 41-8-31(3).

41:09:12:07.01. Permit authorities, limitations, and conditions. A person shall apply for a designated shooter permit on forms provided by the department. An applicant shall include with the application written verification of the applicant's qualifying visual impairment from a licensed

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optometrist or ophthalmologist. The permittee shall have the permit in possession while accompanying the designated shooter and shall display the permit upon request of a ~~conservation officer or other~~ law enforcement officer. The designated shooter shall be eligible to hunt in the seasons and for the game species desired in the absence of a designated shooter permit. The permittee and designated shooter shall adhere to all applicable state laws and department regulations while hunting. Game legally taken by a designated shooter on behalf of permittee shall become part of the permittee's daily bag and possession limits and do not count against the designated shooter.

Source: 34 SDR 179, effective December 24, 2007.

General Authority: SDCL 41-2-18(2)(13), 41-8-31(3).

Law Implemented: SDCL 41-8-31(3).

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CHAPTER 41:09:13

DOG TRAINING

Section

- 41:09:13:00 Repealed.
- 41:09:13:01 Sporting dog training and field trials.
- 41:09:13:01.01 Restrictions on training dogs on public lands and public road rights-of-way --
Time and method.
- 41:09:13:01.02 Restrictions on training dogs on public lands and public road rights-of-way --
Time and ownership.
- 41:09:13:01.03 Restrictions on training dogs on public lands and public road rights-of-way --
Time -- Number of dogs and firearm restrictions.
- 41:09:13:02 Bird marking required.
- 41:09:13:03 Release traps or fluorescent streamers required for pheasants.
- 41:09:13:04 Repealed.
- 41:09:13:05 ~~Sporting dog trials permitted on public lands~~ Repealed.
- 41:09:13:06 Revocation of sporting dog trial authorization.
- 41:09:13:07 Repealed.
- 41:09:13:08 Repealed.
- 41:09:13:09 Repealed.
- 41:09:13:10 Repealed.
- 41:09:13:11 Repealed.
- 41:09:13:12 Repealed.
- 41:09:13:14 Repealed.

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41:09:13:01. Sporting dog training and field trials. No person may kill or capture any game birds except during the season and in the manner provided by SDCL title 41, article 41:06, and this chapter. However, ducks, ring-necked pheasants, ~~chukar~~ partridges, and quail which are obtained from the holder of a South Dakota captive game bird license, marked according to this chapter, and used for any event or activity related to sporting dog training or field trials may be pursued or taken on private lands at any time and on public areas with prior approval of the director of the division with management authority over the public area. A valid bill of sale that shows the licensee's name, address, and captive game bird license number; the number, species, and sex of the birds; the date of transaction; and the name and address of the possessor of the birds shall accompany the birds at all times until the birds reach the domicile of the possessor. Dog trainers may use throwing dummies, lures, or pigeons in the training of dogs at any time and in any place that such activity is not otherwise prohibited.

Sporting dog trials may be authorized and conducted on lands administered by the department. Application for a sporting dog trial must be made in writing on forms provided by the department.

Source: 15 SDR 162, effective May 4, 1989; 18 SDR 33, effective August 19, 1991; 24 SDR 23, effective August 31, 1997; 30 SDR 147, effective April 4, 2004; 39 SDR 32, effective September 5, 2012.

General Authority: SDCL 41-2-18(1)(4)(5), 41-17-1.1(4).

Law Implemented: SDCL 41-2-18(1)(4)(5), 41-17-1.1(4).

Cross-Reference: ~~Disturbing wildlife prohibited, § 41:06:04:01.~~

41:09:13:02. Bird marking required. Except for ~~chukar~~ partridge and quail, all game birds released or used in any event or activity related to sporting dog training or field trials shall be

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marked by wing pinion or must have one front toe or one hind toe on either foot removed back to the first joint including the nail, before the birds are six weeks old. An anti-pecking device affixed to the bird before it is six weeks old and worn by the bird until it is at least 15 weeks old is acceptable in lieu of toe clipping if the anti-pecking device leaves a permanent, easily identifiable mark.

Source: 15 SDR 162, effective May 4, 1989; 17 SDR 139, effective March 21, 1991; 24 SDR 23, effective August 31, 1997; 30 SDR 147, effective April 4, 2004; 39 SDR 32, effective September 5, 2012.

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

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

~~**41:09:13:05. Sporting dog trials permitted on public lands.** Sporting dog trials may be authorized and conducted on lands administered by the Department of Game, Fish and Parks with the approval of the director of the division with management authority for the specific land. Application for a sporting dog trial must be made in writing on forms provided by the Department of Game, Fish and Parks Repealed.~~

—— ~~**Source:** 15 SDR 162, effective May 4, 1989; 24 SDR 23, effective August 31, 1997.~~

—— ~~**General Authority:** SDCL 41-2-18(1)(2), 41-17-1.1.~~

—— ~~**Law Implemented:** SDCL 41-2-18(1)(2), 41-17-1.1.~~

—— ~~**Cross Reference:** Parks and public lands, art 41:03.~~

41:09:13:06. Revocation of sporting dog trial authorization. Authorization for a sporting dog trial may be revoked by ~~the director of the division with management authority for the specific area~~ the department at any time for violation of any of the rules in this chapter.

Source: 15 SDR 162, effective May 4, 1989; 24 SDR 23, effective August 31, 1997.

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

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CHAPTER 41:09:14

NURSING HOME GROUP FISHING

Section

41:09:14:01 License fee -- Expiration.

41:09:14:02 Possession of license required.

41:09:14:03 Repealed.

41:09:14:04 Repealed.

41:09:14:01. License fee -- Expiration. The fee for a nursing home group fishing license is \$35. The license expires ~~annually at midnight~~ on December 31.

Source: 16 SDR 64, effective October 10, 1989.

General Authority: SDCL 41-2-18(13), 41-6-37.2.

Law Implemented: SDCL 41-6-37.2.

41:09:14:02. Possession of license required. The supervising staff member of the licensee or the volunteer approved by the licensee to supervise must possess the group fishing license at the time fishing occurs on an outing sponsored by the nursing home.

Source: 16 SDR 64, effective October 10, 1989.

General Authority: SDCL 41-2-18(13), 41-6-37.2.

Law Implemented: SDCL 41-6-37.2.

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CHAPTER 41:09:15

FISHING TOURNAMENTS

Section

- 41:09:15:01 Definition.
- 41:09:15:02 Repealed.
- 41:09:15:03 ~~Application~~ Repealed.
- 41:09:15:04 Application -- Approval or denial of permit -- Special conditions.
- 41:09:15:05 Repealed.
- 41:09:15:06 Repealed.
- 41:09:15:07 ~~Factors considered for issuance of a permit~~ Repealed.
- 41:09:15:08 ~~Application period and issuance of permit~~ Repealed.
- 41:09:15:09 Restricted times of fishing tournaments.
- 41:09:15:10 Repealed.
- 41:09:15:11 Violation of chapter.

41:09:15:01. Definition. The term "fishing tournament" means any organized competitive angling event involving 20 or more boats or, if boats are not involved, 50 or more people, conducted on public waters of this state for the purpose of awarding prizes or for personal gain or promotional consideration. Junior fishing clinics or achievement contests for youths under age 17 are not considered to be fishing tournaments but are subject to special event requirements found in § 41:03:01:04.

Source: 16 SDR 220, effective June 21, 1990; 24 SDR 72, effective November 30, 1997; 25 SDR 108, effective February 28, 1999.

General Authority: SDCL ~~42-8-1.1~~ 32-3A-1(5).

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Law Implemented: SDCL 42-8-1.1(6) 32-3A-1(5).

41:09:15:03. Application. ~~Sponsors or organizers of fishing tournaments shall apply for a tournament permit on forms provided by the department. The application shall be reviewed by the local park manager if the fishing tournament is held in or originates from a state park, recreation area, or lakeside use area; the local conservation officer; and the staff of the Wildlife Division of the Department of Game, Fish and Parks~~ Repealed.

— **Source:** 16 SDR 220, effective June 21, 1990; 24 SDR 72, effective November 30, 1997.

— **General Authority:** SDCL 42-8-1.1.

— **Law Implemented:** SDCL 42-8-1.1(6).

41:09:15:04. Application -- Approval or denial of permit -- Special conditions.
Sponsors or organizers of fishing tournaments shall apply for a tournament permit no earlier than November 1 and must apply 30 days prior to the tournament. ~~After its review pursuant to § 41:09:15:03, the~~ The application and any accompanying documents shall be forwarded to the department for review, evaluation, and determination using the following criteria: of approval and issuance of a fishing tournament permit or denial of the application. The department shall provide notice of the determination in writing to the sponsor or organizer of the fishing tournament at its address provided in the application.

- (1) The number of participants;
- (2) Other approved scheduled events on the same date at the same area;
- (3) Previous compliance with the tournament process;
- (4) The number of participants the access areas can accommodate.

As a condition of acceptance and issuance of a permit, the department may require special conditions as necessary to protect its resources and the public, including the following:

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- (1) Requiring a safe start area to be designated;
- (2) Establishing a no-wake zone;
- (3) Providing for a weigh-in area away from the boat dock and landing;
- (4) Limiting certain waters to a catch and release tournament only;
- (5) Requiring tournament limits to be less than the daily creel limit;
- (6) Designing special parking areas for tournament participants; and
- (7) Requiring tournaments involving boats to end two hours before sunset.

Under no circumstances shall the department approve a catch and release tournament for salmon or a tournament for walleye, sauger, and walleye/sauger hybrids, where fish are taken into possession and later released, from June 1 ~~to~~ through September 15, ~~inclusive~~.

Source: 16 SDR 220, effective June 21, 1990; 24 SDR 72, effective November 30, 1997; 33 SDR 107, effective December 27, 2006; 34 SDR 179, effective December 24, 2007; 36 SDR 112, effective January 11, 2010.

General Authority: SDCL 41-2-18(2), 32-3A-1(5).

Law Implemented: SDCL ~~42-8-1.1(6)~~ 32-3A-1(5).

41:09:15:07. Factors considered for issuance of a permit. ~~The factors to be considered in determining the issuance of a tournament permit are as follows:~~

- ~~— (1) The number of participants;~~
- ~~— (2) Other approved scheduled events on the same date at the same area;~~
- ~~— (3) Previous compliance with the tournament process;~~
- ~~— (4) The number of participants the access areas can accommodate~~ Repealed.

~~**Source:** 16 SDR 220, effective June 21, 1990; 24 SDR 72, effective November 30, 1997.~~

~~**General Authority:** SDCL 42-8-1.1.~~

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— ~~Law Implemented:~~ SDCL 42-8-1.1(6).

~~41:09:15:08. Application period and issuance of permit.~~ Sponsors and organizers of a fishing tournament may apply to the department for a tournament permit no earlier than the first day of November of the year preceding the tournament and must apply at least 30 days before the tournament. The department shall review and evaluate applications and required supporting materials received by the department within the required time first come, first served according to the factors in § 41:09:15:07 Repealed.

— ~~Source:~~ 16 SDR 220, effective June 21, 1990; 24 SDR 72, effective November 30, 1997.

— ~~General Authority:~~ SDCL 42-8-1.1.

— ~~Law Implemented:~~ SDCL 42-8-1.1(6).

41:09:15:09. Restricted times of fishing tournaments. Fishing tournaments are not permitted from 8:00 a.m. on Friday to 8:00 p.m. on Sunday on the weekend in May preceding Memorial Day weekend if it is designated as free fishing and visitor appreciation weekend or on Memorial Day, July fourth, Labor Day, and on associated weekend days when those holidays fall on Friday, Saturday, Sunday, or Monday. Junior fishing clinics or achievement contests are permitted at that time with approval of the local park manager.

Source: 16 SDR 220, effective June 21, 1990; 24 SDR 72, effective November 30, 1997.

General Authority: SDCL 42-8-1.1 32-3A-1(5).

Law Implemented: SDCL 42-8-1.1(6) 32-3A-1(5).

41:09:15:11. Violation of chapter. In addition to any statutory provisions, violations of any of the provisions of this chapter are cause for revocation of the tournament permit and denial of future fishing tournament permits to the sponsor or organizer of the fishing tournament.

Source: 16 SDR 220, effective June 21, 1990.

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General Authority: SDCL ~~42-8-1.1~~ 32-3A-1(5).

Law Implemented: SDCL ~~42-8-1.1(6)~~ 32-3A-1(5).

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CHAPTER 41:09:16

SCIENTIFIC COLLECTORS

Section

41:09:16:01 Eligibility requirements.

41:09:16:02 Application for license.

41:09:16:03 Conditions of license.

41:09:16:04 Reporting required.

41:09:16:05 Violations.

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

Source: 23 SDR 35, effective September 16, 1996; 41 SDR 107, effective January 5, 2015.

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

Law Implemented: SDCL 41-3-9, ~~41-6-32~~ 41-2-18(12).

41:09:16:04. Reporting required. A licensee must keep complete records of specimens collected, dates, locations, and dispositions of specimens collected. A collection report form must be completed and submitted to the department in Pierre no later than January 31, following the year in which the scientific collector's license was issued.

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

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

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

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41:09:16:05. Violations. Violation of any terms of the license or failure to submit the required reports is grounds for termination of the license and for refusal to issue the license in ~~succeeding years~~ the following year.

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

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

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

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CHAPTER 41:09:18

WILDLIFE REHABILITATION

Section

- 41:09:18:01 Definition of terms.
- 41:09:18:02 Wildlife rehabilitator permit required -- Expiration.
- 41:09:18:03 Application for wild life rehabilitator permit.
- 41:09:18:04 Permit renewal -- Required documentation.
- 41:09:18:05 Inspection of facilities.
- 41:09:18:06 Allowed wildlife species.
- 41:09:18:07 Release of wildlife.
- 41:09:18:08 Temporary care of wildlife.
- 41:09:18:09 Financial assistance -- Wildlife rehabilitation fees.
- 41:09:18:10 ~~Indemnification and liability~~ Repealed.
- 41:09:18:11 Suspension and revocation of permits.

41:09:18:05. Inspection of facilities. Before issuance of a permit allowing the rehabilitation of wildlife, a department representative shall inspect the applicant's facilities for rehabilitating wildlife. The facilities and equipment shall comply with ~~pages 1 to 116, inclusive,~~ of the ~~Minimum Standards for Wildlife Rehabilitation~~ Minimum Standards for Wildlife Rehabilitation, 2012 edition, compiled by the National Wildlife Rehabilitators Association and International Wildlife Rehabilitation Council. A permitted wildlife rehabilitator shall allow any department representative to enter the rehabilitation facilities during normal hours of operation for the purpose of inspecting the facilities, logs, and wildlife held in the facilities to assure compliance with the provisions of this chapter.

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Source: 39 SDR 33, effective September 5, 2012.

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

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

Reference: ~~Minimum Standards for Wildlife Rehabilitation~~ Minimum Standards for Wildlife Rehabilitation, 2012 edition, National Wildlife Rehabilitators Association and International Wildlife Rehabilitation Council. ~~Copies may be obtained from the National Wildlife Rehabilitators Association, 2625 Clearwater Road, Suite 110, St. Cloud, MN 56301 Cost: \$15.~~

41:09:18:07. Release of wildlife. No successfully rehabilitated animal may be released without approval from the ~~department's respective regional wildlife manager~~ department.

Source: 39 SDR 33, effective September 5, 2012.

General Authority: SDCL 41-2-18(1)(2)(3)(20).

Law Implemented: SDCL 41-2-18(1)(2)(3)(20).

41:09:18:10. Indemnification and liability. ~~A person providing temporary care for any animal under the authority of a rehabilitation permit is neither an employee nor agent of the State of South Dakota. By accepting a wildlife rehabilitator's permit, a rehabilitator assumes all liability for and indemnifies and holds harmless the State of South Dakota, its officers, representatives, and employees, against liability for personal injury, death, and property damage caused by any animal or bird under the rehabilitator's care and control~~ Repealed.

~~— **Source:** 39 SDR 33, effective September 5, 2012.~~

~~— **General Authority:** SDCL 41-2-18(1)(2)(3).~~

~~— **Law Implemented:** SDCL 41-2-18(1)(2)(3).~~

41:09:18:11. Suspension and revocation of permits. The department may, ~~pursuant to SDCL chapter 1-26~~, revoke or suspend a wildlife rehabilitator for any violation of the provisions

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of this chapter or any other state or federal wildlife laws and regulations committed by the permitted wildlife rehabilitator or any person involved in the operation of the wildlife rehabilitation facilities.

Source: 39 SDR 33, effective September 5, 2012.

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

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

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41:10

ARTICLE 41:10

SPECIAL MANAGEMENT CATEGORIES

Chapter

- | | |
|----------|------------------------------------|
| 41:10:01 | Reserved. |
| 41:10:02 | Endangered and threatened species. |
| 41:10:03 | Species of management concern. |
| 41:10:04 | Aquatic invasive species. |

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CHAPTER 41:10:02

ENDANGERED AND THREATENED SPECIES

Section

- 41:10:02:01 List of endangered birds.
- 41:10:02:02 List of threatened birds
- 41:10:02:03 List of endangered mammals.
- 41:10:02:04 List of threatened mammals.
- 41:10:02:05 List of endangered fish.
- 41:10:02:06 List of threatened fish.
- 41:10:02:07 List of endangered reptiles.
- 41:10:02:08 List of threatened reptiles.
- 41:10:02:09 Repealed.
- 41:10:02:10 Repealed.
- 41:10:02:11 Repealed.
- 41:10:02:12 Repealed.
- 41:10:02:13 Repealed.
- 41:10:02:14 Repealed.
- 41:10:02:15 Repealed.
- 41:10:02:16 Repealed.
- 41:10:02:17 Harassment defined.
- 41:10:02:18 Harassment prohibited.
- 41:10:02:19 Endangered species permit exemption.

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41:10:02:03. List of endangered mammals. Mammals classified as endangered in the state are as follows:

(1) Blackfooted ferret, *Mustela nigripes*.

Source: 4 SDR 57, effective March 16, 1978; 10 SDR 76, 10 SDR 102, effective July 1, 1984.

General Authority: SDCL 34A-8-3, 41-2-18(1)(3).

Law Implemented: SDCL 34A-8-3, 41-2-18(1)(3).

41:10:02:05. List of endangered fish. Fish classified as endangered in the state are as follows:

(1) Finescale dace, *Chrosomus neogaeus*;

(2) Banded killifish, *Fundulus diaphanus*;

(3) Pallid sturgeon, *Scaphirhynchus albus*;

(4) Blacknose shiner, *Notropis heterolepis*;

(5) Sicklefim chub, *Macrhybopsis meeki*.

Source: 4 SDR 57, effective March 16, 1978; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 17 SDR 139, effective March 21, 1991; 22 SDR 155, effective May 22, 1996; 33 SDR 125, effective January 29, 2007; 34 SDR 242, effective April 7, 2008; 44 SDR 93, effective December 4, 2017.

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

Law Implemented: SDCL 34A-8-3, 41-2-18(1)(3).

41:10:02:06. List of threatened fish. Fish classified as threatened in the state are as follows:

(1) Sturgeon chub, *Macrhybopsis gelida*;

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(2) Northern redbelly dace, *Chrosomus eos*;

(3) Longnose sucker, *Catostomus catostomus*;

(4) Northern pearl dace, *Margariscus nachtriebi*.

Source: 4 SDR 57, effective March 16, 1978; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 17 SDR 139, effective March 21, 1991; 22 SDR 155, effective May 22, 1996; 33 SDR 125, effective January 29, 2007; 44 SDR 93, effective December 4, 2017.

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

Law Implemented: SDCL 34A-8-3, 41-2-18(1)(3).

41:10:02:07. List of endangered reptiles. Reptiles classified as endangered in the state are as follows:

(1) Lined snake, *Tropidoclonion lineatum*.

Source: 4 SDR 57, effective March 16, 1978; repealed, 10 SDR 76, 10 SDR 102, effective July 1, 1984; readopted, 22 SDR 155, effective May 22, 1996; 33 SDR 125, effective January 29, 2007; 34 SDR 242, effective April 7, 2008.

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

Law Implemented: SDCL 34A-8-3, 41-2-18(1)(3).

41:10:02:17. Harassment defined. "Harassment" means an intentional or negligent act or omission that annoys ~~wildlife~~ wild animal to such an extent that a normal behavioral pattern, such as breeding, feeding, nesting, or sheltering, is significantly disrupted.

Source: 15 SDR 210, effective July 10, 1989.

General Authority: SDCL 41-2-18.

Law Implemented: SDCL 34A-8-6.

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41:10:02:18. Harassment prohibited. Harassment of the nesting and rearing sites of ~~the least tern, an endangered species, and the piping plover, a threatened species,~~ a specie listed in this chapter is prohibited. The department shall post conspicuous signs near critical nesting and rearing sites ~~on the sandbars and shoreline of the Missouri River~~ to warn against entry during the nesting period.

Source: 15 SDR 210, effective July 10, 1989.

General Authority: SDCL 41-2-18.

Law Implemented: SDCL 34A-8-6.

Cross-References: ~~List of endangered birds, § 41:10:02:01; List of threatened birds, § 41:10:02:02.~~

41:10:02:19. Endangered species permit exemption. A state endangered species permit is not required for possession of legally acquired or legally taken raptors ~~{a live migratory bird of the Order Falconiformes or the Order Strigiformes,~~ other than a bald eagle (*Haliaeetus leucocephalus*)} or any of their progeny.

Source: 34 SDR 279, effective May 14, 2008.

General Authority: SDCL 34A-8-8, 34A-8-10, 41-2-18(2)(3)(20), 41-11-2.

Law Implemented: SDCL 34A-8-8, 34A-8-10, 41-2-18(2)(3)(20), 41-11-2.