

September Finalizations  
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**41:03:01:16. Restrictions on use of firearms, air guns, crossbows, and bows in the state park system -- Exceptions.** Uncased firearms, air guns, crossbows, and bows are prohibited in the state park system with the following exceptions:

(1) Uncased firearms, air guns, crossbows, and bows are permitted on designated rifle and archery ranges year-round and may be transported or carried uncased to and from ranges and boat ramps from designated parking areas;

(2) A firearm, air gun, crossbow, or bow legally transported in a motor vehicle, trailer camper, or boat, pursuant to state law, is considered cased for purposes of this section;

(3) Hunters licensed for the special Custer State Park hunting seasons may have uncased firearms, crossbows, and bows in Custer State Park during the season for which they are licensed;

(4) From September 1 through May 31, uncased firearms, air guns, crossbows and bows are authorized for licensed hunters in all lakeside use areas and Shadehill Recreation Area;

(5) From October 1 through April 30, uncased firearms, air guns, crossbows, and bows are authorized for licensed hunters in the state park system during established hunting seasons with the following restrictions:

(a) Uncased firearms, air guns, crossbows, and bows are prohibited year-round in all established campgrounds, designated day-use areas, and at Beaver Creek Nature Area, Lake Herman State Park, Spring Creek Recreation Area, Spirit Mound Historic Prairie, Bear Butte State Park east of State Highway 79, Oahe Downstream Recreation Area except for a hunter who possesses a valid deer license for Unit WRD-58D, as described in chapter 41:06:20, or a valid turkey license for Unit PST-58B, as described in chapter 41:06:13, and Adams Homestead and Nature Preserve and Good Earth State Park, except for a resident hunter who possesses a valid archery deer license and an access permit, as described in chapter 41:06:22, or except for a resident hunter or a mentored hunter who possesses a valid archery spring turkey license and an access permit, as described in chapter 41:06:13;

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(b) Only bows and crossbows are permitted in Big Sioux Recreation Area, the Forest Drive Unit of Richmond Lake Recreation Area, Palisades State Park, LaFramboise Island Nature Area, Chief White Crane Recreation Area, Clay County Recreation Area, and the mouth of Spearfish Canyon;

(c) Only shotguns using shot shells, crossbows, and bows are permitted in West Whitlock Recreation Area, West Pickerel Recreation Area, Mina Recreation Area, Okobojo Recreation Area, Farm Island Recreation Area, Angostura Recreation Area, Cow Creek State Recreation Area, Oakwood Lakes State Park, and the portions of North Point State Recreation Area ~~which~~ that are situated to the west of 381<sup>st</sup> Street and north of 297<sup>th</sup> Avenue, ~~and situated~~ west of 382<sup>nd</sup> Avenue and north of 297<sup>th</sup> Street, and situated south of 297<sup>th</sup> Street, and west of Prairie Dog Bay; and

(d) A person who possesses a valid turkey license for Unit PST-48A<sub>1</sub> as described in chapter 41:06:13<sub>1</sub> is permitted to have an uncased shotgun using shotshells, a crossbow, a bow, or a muzzleloading shotgun within the boundary of Sica Hollow State Park from the first Saturday of April through May 31; and

(6) A person who is allowed to legally carry a concealed pistol pursuant to state law may carry a concealed pistol at any time.

**Source:** SL 1975, ch 16, § 1; 2 SDR 10, effective August 7, 1975; 4 SDR 15, effective September 15, 1977; 6 SDR 60, effective December 18, 1979; 8 SDR 85, effective January 18, 1982; 9 SDR 30, effective September 13, 1982; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 12 SDR 125, effective February 6, 1986; 12 SDR 186, effective May 28, 1986; 13 SDR 26, effective September 10, 1986; 13 SDR 192, effective June 22, 1987; 16 SDR 44, effective September 13, 1989; 19 SDR 17, effective August 12, 1992; 20 SDR 150, effective March 23, 1994; 21 SDR 148, effective March 6, 1995; 22 SDR 188, effective July 10, 1996; 25 SDR 21, effective August 27, 1998; 25 SDR 108, effective February 28, 1999; 26 SDR 9, effective August 1, 1999; 27 SDR 49, effective November 16, 2000; 27 SDR 85, effective February 26, 2001; 28

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SDR 48, effective October 10, 2001; 28 SDR 129, effective March 18, 2002; 29 SDR 160, effective June 3, 2003; 30 SDR 99, effective December 22, 2003; 31 SDR 62, effective November 4, 2004; 31 SDR 213, effective July 4, 2005; 32 SDR 183, effective May 9, 2006; 32 SDR 225, effective July 3, 2006; 33 SDR 180, effective May 7, 2007; 34 SDR 199, effective January 28, 2008; 34 SDR 332, effective July 7, 2008; 35 SDR 306, effective July 2, 2009; 36 SDR 112, effective January 11, 2010; 39 SDR 10, effective August 1, 2012; 39 SDR 120, effective January 9, 2013; 40 SDR 121, effective January 6, 2014; 41 SDR 34, effective September 2, 2014; 41 SDR 173, effective May 11, 2015; 44 SDR 151, effective April 30, 2018; 45 SDR 89, effective December 31, 2018; 46 SDR 11, effective July 29, 2019; 46 SDR 74, effective December 2, 2019.

**General Authority:** SDCL 41-17-1.1(1)(8).

**Law Implemented:** SDCL 41-17-1.1(1)(8).

**41:04:01:11. Aeration signage.** Any person who operates an aeration system on waters with public access shall post conspicuous markers sufficient to notify the public of the location of the aeration system. Signs of highly visible size and design indicating "Danger Open Water", clearly showing the location of the open water created by the aeration system shall be posted at all boat ramps and public access points any time the aeration system is in operation. Access area signs and on-lake markers must be removed by March 30 each year, or earlier, if weather conditions warrant. Aeration system as used in this section means a bubbler, water circulation, or similar system used to increase dissolved oxygen or maintain open water.

**Source:**

**General Authority:** SDCL 41-2-18(3)(4)

**Law Implemented:** SDCL 41-2-18(3)(4)

**41:04:02:16. Custer County public water safety zones.** Custer County public water safety zones are as follows:

(1) Sylvan Lake:

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(a) The waters of Sylvan Lake are an "electric motors only zone"; and

(b) The waters in the area marked with buoys in the northeast portion of Sylvan Lake are a "public swimming zone";

(2) Legion Lake:

(a) The waters of Legion Lake are an "electric motors only zone"; and

(b) The waters in the area marked with buoys in the northeast portion of Legion Lake are a "public swimming zone";

(3) Center Lake:

(a) The waters of Center Lake are a "no wake zone"; and

(b) The waters in the area marked with buoys in the northwest portion of Center Lake are a "public swimming zone"; and

(4) The waters of Stockade in the area marked with buoys in the east portion are a "public swimming zone." zone"; and

(5) The waters of Bismarck Lake are an "electric motors zone."

**Source:** SL 1975, ch 16, § 1; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 26 SDR 162, effective June 14, 2000; 28 SDR 129, effective March 18, 2002; 29 SDR 29, effective September 8, 2002; 46 SDR 74, effective December 2, 2019.

**General Authority:** SDCL 32-3A-1(3)(4).

**Law Implemented:** SDCL 32-3A-1(3)(4).

**41:04:02:51. Pennington County public water safety zones.** Pennington County public water safety zones are as follows:

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(1) The waters of Deerfield Reservoir are a "no wake zone";

(2) Pactola Reservoir:

(a) The waters inside the bay at Custer Gulch, commonly known as the South Marina, south of a line beginning 1,000 feet north of the marina store on the east shore of the bay and running approximately in a straight line west across the water to the west shore of the bay are a "no wake zone";

(b) The waters of Ranger Bay, commonly known as the South Boat Launch, southeast of a line beginning approximately 800 feet east of the boat launch and running in an arc northwesterly across the water to a point on the west shoreline of the bay where the section line between sections 3 and 10 of township 1 north, range 5 east, intersects the shoreline are a "no wake zone";

(c) The waters fronting the shoreline on the west side of the Pactola Point Day Use Area beginning at a point approximately due west of the north end of the Day Use Area parking lot, extending out into the water approximately 150 feet, then southerly for approximately 300 feet, then easterly to a point on the shoreline approximately due west of the south end of the Day Use Area parking lot are a "public swimming zone";

(d) The waters of Brennan Gulch, commonly known as the Veterans Point Day Fishing Access Area, north of a line beginning at the island off the point and extending approximately in a straight line easterly to the opposing shoreline on the face of the dam are a "no wake zone";

(e) The waters of Web Hill Draw, commonly known as the North Boat Launch, north of a line beginning at a point 500 feet south of the boat launch on the west shoreline of the bay and extending approximately in a straight line across the water to the east shoreline of the bay are a "no wake zone";

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(f) The waters of Bear Gulch lying south of an east-west line across the embayment approximately 1,000 feet north of the south end of the bay are a "no wake zone";

(g) The waters of Pactola Lake west of a line beginning approximately 1,500 feet east of the rock point at the mouth of Jenny Gulch on the north shoreline at Helen Draw and extending approximately in a straight line in a southeasterly direction to the opposing shoreline, including the waters of Inlet Bay, Empress Gulch, and Jenny Gulch, are a "no wake zone";

(h) The waters of Boarding House Gulch north of a line beginning approximately 600 feet south of the section line dividing section 34, township 2 north, range 5 east and section 3, township 1 north, range 5 east of the west shoreline of the bay and extending approximately in a straight line easterly across the water to the east shoreline of the bay are a "no wake zone"; and

(i) The waters of the bay northeast of the U.S. Forest Service Campground Loop "B", commonly known as Musekamp Draw, lying southwest of a line beginning at the northwest point at the mouth of the bay and extending southeasterly in approximately a straight line across the water to the southeast point at the mouth of the bay are a "no wake zone";

(3) Sheridan Lake:

(a) The waters of Horse Creek Bay, commonly known as the North Marina, northwest of a line beginning approximately 1,240 feet east of the boat ramp on the north shoreline and extending approximately in a straight line southwesterly to the opposing shoreline are a "no wake zone";

(b) The waters fronting on the north shoreline of Horse Creek Bay, extending out into the water approximately 150 feet, from a point on the shoreline 230 feet east of the north swim beach comfort station to a point 230 feet south of the north swim beach comfort station are a "public swimming zone";

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(c) The waters of the Spring Creek inlet south of a line beginning at a point approximately 450 feet northeast of the south swim beach comfort station on the southeast shoreline of the bay and extending in approximately a straight line across the water to the opposing shoreline are a "no wake zone";

(d) The waters fronting on the southeast shoreline of the Spring Creek Inlet Bay, extending out into the water approximately 150 feet, from a point on the shoreline approximately 215 feet north of the south swim beach comfort station to a point 180 feet northwest of the south swim beach comfort station are a "public swimming zone";

(e) The waters of the bay on the southwest side of the Sheridan Lake Campground complex southwest of a line beginning at a point on the west point of the bay and extending approximately in a straight line southeasterly to the opposing shoreline on the east side of Calumet Point are a "no wake zone"; and

(f) The waters of Calumet Bay, commonly known as the South Boat Launch area, south of a line beginning at a point 475 feet north of the boat ramp on the west shoreline of the bay, extending approximately in a straight line northwesterly to the opposing shoreline on the east shoreline of the bay are a "no wake ~~zone.~~" zone"; and

(4) The waters of Canyon Lake are an "electric motor zone."

**Source:** SL 1975, ch 16, § 1; repealed, 10 SDR 76, 10 SDR 102, effective July 1, 1984; readopted, 22 SDR 155, effective May 22, 1996; 28 SDR 129, effective March 18, 2002; 34 SDR 279, effective May 14, 2008; 35 SDR 253, effective May 13, 2009; 43 SDR 146, effective May 22, 2017; 46 SDR 74, effective December 2, 2019.

**General Authority:** SDCL 32-3A-1(3)(4).

**Law Implemented:** SDCL 32-3A-1(3)(4).

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**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;
- (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 land deer or antelope license, one-half the fee of the deer or antelope license which has been applied for;

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- (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;
  - (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~~ \$110;

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- (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;
- (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;

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- (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;
- (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:

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- (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;
- (63) Mountain lion license, \$22;
- (64) Resident mentored youth deer, antelope, or turkey license, \$5;

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(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, 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

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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.

**41:06:08:01. Pheasant hunting season established -- Open units and dates.** The pheasant hunting season is open in the units and during the dates set out in this section. The season is open from ~~12:00 noon central time to sunset each day through the Friday preceding the fourth Saturday of October. Beginning on the fourth Saturday of October, the season is open from~~ 10:00 a.m. central time to sunset each day. The open dates and units are as follows:

(1) Unit 1: all counties ~~in the state~~ except for those areas described in Unit 2 and Unit 3. The season in Unit 1 is open beginning on the third Saturday of October and remains open through ~~the first Sunday of January~~ 31;

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(2) Unit 2: Renzienhausen Game Production Area, Renzienhausen State Game Bird Refuge including its shooting and retrieval zones, Gerken State Game Bird Refuge, and White Lake State Game Bird Refuge. The season in Unit 2 is open beginning on December 1 and remains open through the first Sunday of January; and

(3) Unit 3: Sand Lake National Wildlife Refuge in Brown County. The season in Unit 3 is open beginning on the second Monday of December and remains open through the first Sunday of January.

**Source:** 1 SDR 26, effective September 11, 1974; 2 SDR 18, effective September 16, 1975; 3 SDR 22, effective September 23, 1976; 4 SDR 15, effective September 15, 1977; 5 SDR 19, effective September 14, 1978; 6 SDR 31, effective October 2, 1979; 7 SDR 31, effective October 8, 1980; 8 SDR 31, effective September 30, 1981; 8 SDR 170, effective June 20, 1982; 9 SDR 158, effective June 14, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 10 SDR 148, effective July 11, 1984; 11 SDR 172, effective June 27, 1985; 12 SDR 201, effective June 23, 1986; 14 SDR 4, effective July 22, 1987; 14 SDR 164, effective June 16, 1988; 15 SDR 193, effective June 20, 1989; 18 SDR 4, effective July 18, 1991; 21 SDR 207, effective June 5, 1995; 25 SDR 141, effective May 27, 1999; 26 SDR 162, effective June 14, 2000; 28 SDR 166, effective June 4, 2002; 30 SDR 171, effective May 11, 2004; 31 SDR 191, effective June 7, 2005; 32 SDR 203, effective June 5, 2006; 33 SDR 212, effective June 4, 2007; 34 SDR 297, effective June 4, 2008; 36 SDR 215, effective July 1, 2010; 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.

**Cross-References:**

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

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Combination licenses, SDCL 41-6-10.1.

Resident small game license, SDCL 41-6-16.

**41:06:13:01. Spring wild turkey hunting season established -- Number and type of licenses available.** The spring wild turkey hunting season is open from one-half hour before sunrise to sunset each day from the first Saturday of April through May 31, in Unit AST-ST1, and from one-half hour before sunrise to sunset each day from the second Saturday of April through May 31, or as otherwise provided in § 41:06:13:02, in all other units. Units BST-BH1 and BST-BH2 are the Black Hills units. Unit AST-ST1 is the archery unit. All other units are prairie units. The number of one-tag male turkey licenses issued is unlimited for residents and nonresidents in both the Black Hills and archery spring turkey hunting seasons. No more than ~~5,657~~ 5,807 one-tag male turkey and 600 two-tag male turkey licenses may be issued to residents for the prairie spring turkey hunting season.

**Source:** 1 SDR 60, effective February 26, 1975; 2 SDR 62, effective March 23, 1976; 3 SDR 67, effective April 3, 1977; 4 SDR 57, effective March 16, 1978; 7 SDR 92, effective March 22, 1981; 8 SDR 102, effective March 4, 1982; 9 SDR 108, effective February 20, 1983; 10 SDR 85, effective February 16, 1984; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 110, effective February 21, 1985; 13 SDR 128, effective March 22, 1987; 14 SDR 114, effective March 9, 1988; 16 SDR 148, effective March 21, 1990; 18 SDR 144, effective March 15, 1992; 26 SDR 117, effective March 16, 2000; 28 SDR 129, effective March 18, 2002; 29 SDR 147, effective May 6, 2003; 30 SDR 147, effective April 4, 2004; 31 SDR 115, effective February 14, 2005; 34 SDR 199, effective January 28, 2008; 36 SDR 112, effective January 11, 2010; 37 SDR 131, effective January 10, 2011; 43 SDR 89, effective December 29, 2016; 45 SDR 89, effective December 31, 2018; 46 SDR 116, effective April 29, 2020.

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

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

**Cross-References:**

Resident wild turkey license--Privileges--Violation as misdemeanor, SDCL 41-6-27.

Nonresident wild turkey license--Privileges--Violation as misdemeanor, SDCL 41-6-28.

**41:06:13:02. Open units -- Exceptions.** The following is a description of the open spring turkey hunting units:

(1) Unit BST-BH1: excluding Custer State Park, Wind Cave National Park, Mount Rushmore National Memorial, and Jewel Cave National Monument, that portion of Lawrence County south of Interstate 90; that portion of Meade County west and south of Interstate 90; those portions of Pennington and Custer Counties west of State Highway 79; that portion of Fall River County north and west of a line beginning at the junction of the South Dakota-Wyoming border and U.S. Highway 18, then east along U.S. Highway 18 to its junction with the Cheyenne River. then east along the Cheyenne River to its junction with State Highway 79; then north along State Highway 79 to its junction with the Custer County line;

(2) Unit BST-BH2: the same boundaries as Unit BST-BH1; Unit BST-BH2 is open beginning on May 1 ~~to~~ through May 31, ~~inclusive~~;

(3) Unit PST-01A: Minnehaha County;

(4) Unit PST-02A: that portion of Pennington County east of the Cheyenne River;

(5) Unit PST-06A: Brookings County;

(6) Unit PST-07A: Yankton County;

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

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- (8) Unit PST-08B: Davison and Hanson Counties; Unit PST-08B is open beginning on May 1 to through May 31, ~~inclusive~~;
- (9) Unit PST-11A: Bennett County;
- (10) Unit PST-12A: Bon Homme County;
- (11) Unit PST-13A: Brule ~~County~~ and Buffalo Counties;
- (12) Unit PST-15A: Butte County and that portion of Lawrence County north of Interstate 90;
- (13) Unit PST-16A: Campbell and Walworth Counties;
- (14) Unit PST-17A: Charles Mix ~~and Douglas Counties~~ County;
- (15) Unit PST 18A: Aurora and Douglas Counties;
- ~~(15)~~ (16) Unit PST-19A: Clay County;
- ~~(16)~~ (17) Unit PST-20A: Corson County;
- ~~(17)~~ (18) Unit PST-21A: that portion of Custer County east of State Highway 79 and that portion of Pennington County south of Interstate 90 between State Highway 79 and the Cheyenne River;
- ~~(18)~~ (19) Unit PST-22A: Day and Codington Counties;
- ~~(19)~~ (20) Unit PST-23A: Deuel County;
- ~~(20)~~ (21) Unit PST-24A: Dewey and Ziebach Counties;
- ~~(21)~~ (22) Unit PST-27A: that portion of Fall River County not included in Unit BST-BH1;
- ~~(22)~~ (23) Unit PST-29A: Grant County;
- ~~(23)~~ (24) Unit PST-30A: Gregory County;

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- ~~(24)~~ (25) Unit PST-31A: Haakon County;
- ~~(25)~~ (26) Unit PST-32A: Hamlin ~~County~~ and Clark Counties;
- ~~(26)~~ (27) Unit PST-35A: Harding County;
- ~~(27)~~ (28) Unit PST-36A: Hughes County;
- ~~(28)~~ (29) Unit PST-37A: Hutchinson County;
- ~~(29)~~ (30) Unit PST-39A: Jackson County;
- ~~(30)~~ (31) Unit PST-40A: ~~Jerauld County~~ Beadle, Hand, and Jerauld Counties;
- ~~(31)~~ (32) Unit PST-41A: Jones County;
- ~~(32)~~ (33) Unit PST-44A: Lincoln County; Unit PST-44A is open beginning on the second Saturday of April to through April 30, ~~inclusive~~;
- ~~(33)~~ (34) Unit PST-44B: Lincoln County; Unit PST-44B is open beginning on May 1 to through May 31, ~~inclusive~~;
- ~~(34)~~ (35) Unit PST-45A: Lyman County;
- ~~(35)~~ (36) Unit PST-48A: Marshall County and Roberts County;
- ~~(36)~~ (37) Unit PST-49A: those portions of Meade County not included in Units BST-BH1 and PST-53A, and that portion of Pennington County north of Interstate 90, west of the Cheyenne River;
- ~~(37)~~ (38) Unit PST-50A: Mellette County;
- ~~(38)~~ (39) Unit PST-52A: Moody County;
- ~~(39)~~ (40) Unit PST-53A: Perkins County and that portion of Meade County north of U.S. Highway 212;

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~~(40)~~ (41) Unit PST-56A: Sanborn County;

~~(41)~~ (42) Unit PST-58A: Stanley County;

~~(42)~~ (43) Unit PST-58B: that portion of Stanley County located at the Oahe Downstream Recreation Area to include the U.S. Army Corps of Engineers Land which is east and southeast of Powerhouse Road. This unit is bordered by the Missouri River to the east and the emergency spillway canal to the south. Licenses are available only to persons who use a wheelchair. Unit PST-58B-is open beginning on April 5 ~~to~~ through April 30, ~~inclusive~~;

~~(43)~~ (44) Unit PST-60A: Tripp County;

~~(44)~~ (45) Unit PST-61A: Turner County;

~~(45)~~ (46) Unit PST-62A: Union County;

~~(46)~~ (47) Unit PST-65A: Oglala Lakota County;

~~(47)~~ (48) Unit PST-67A: Todd County; and

~~(48)~~ (49) Unit AST-ST1: statewide for archery turkey except in Custer State Park and south of state Highway 34 in Lake County where the archery season is closed.

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

**Source:** 1 SDR 60, effective February 26, 1975; 2 SDR 62, effective March 23, 1976; 3 SDR 67, effective April 3, 1977; 4 SDR 57, effective March 16, 1978; 5 SDR 68, effective February 15, 1979; 6 SDR 94, effective March 26, 1980; 7 SDR 92, effective March 22, 1981; 8 SDR 102, effective March 4, 1982; 9 SDR 108, effective February 20, 1983; 10 SDR 85, effective February 16, 1984; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 110, effective February 21,

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1985; 12 SDR 151, effective March 16, 1986; 13 SDR 128, effective March 22, 1987; 14 SDR 114, effective March 9, 1988; 15 SDR 139, effective March 20, 1989; 16 SDR 148, effective March 21, 1990; 17 SDR 139, effective March 21, 1991; 18 SDR 144, effective March 15, 1992; 19 SDR 128, effective March 9, 1993; 20 SDR 150, effective March 23, 1994; 21 SDR 148, effective March 6, 1995; 22 SDR 111, effective March 7, 1996; 23 SDR 142, effective March 17, 1997; 24 SDR 107, effective February 26, 1998; 25 SDR 108, effective February 28, 1999; 26 SDR 117, effective March 16, 2000; 27 SDR 85, effective February 26, 2001; 28 SDR 129, effective March 18, 2002; 29 SDR 147, effective May 6, 2003; 30 SDR 147, effective April 4, 2004; 31 SDR 115, effective February 14, 2005; 33 SDR 107, effective December 27, 2006; 34 SDR 199, effective January 28, 2008; 35 SDR 184, effective February 2, 2009; 36 SDR 112, effective January 11, 2010; 37 SDR 131, effective January 10, 2011; 38 SDR 116, effective January 10, 2012; 39 SDR 10, effective August 1, 2012; 39 SDR 120, effective January 9, 2013; 40 SDR 121, effective January 6, 2014; 41 SDR 107, effective January 5, 2015; SL 2012, ch 56, § 1, effective May 1, 2015; 42 SDR 97, effective January 5, 2016; 43 SDR 89, effective December 29, 2016; 45 SDR 89, effective December 31, 2018; 45 SDR 124, effective April 17, 2019.

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

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

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

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

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

(3) A person may not use a rimfire, centerfire, or muzzleloading rifle during the spring turkey season;

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

(5) Good Earth State Park is closed to spring turkey hunting except for five turkey licensees who possess a valid spring turkey archery license and an archery turkey access permit. Adams Homestead and Nature Preserve is closed to spring turkey hunting except for ~~twenty~~ 30 licensees who possess a valid spring turkey archery license and an archery turkey access permit and 20 licensees who possess a valid mentored spring turkey archery license and access permit. The access permits may be issued by lottery drawing. Each access permit is valid from the first Saturday of April ~~to through~~ April 30, ~~inclusive~~.

**Source:** 1 SDR 60, effective February 26, 1975; 3 SDR 67, effective April 3, 1977; 4 SDR 57, effective March 16, 1978; 5 SDR 68, effective February 15, 1979; 6 SDR 94, effective March 26, 1980; 7 SDR 92, effective March 22, 1981; 8 SDR 102, effective March 4, 1982; 9 SDR 108, effective February 20, 1983; 10 SDR 85, effective February 16, 1984; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 110, effective February 21, 1985; 12 SDR 151, effective March 16, 1986; 13 SDR 128, effective March 22, 1987; 14 SDR 114, effective March 9, 1988; 15 SDR 139, effective March 20, 1989; 16 SDR 148, effective March 21, 1990; 17 SDR 139, effective March 21, 1991; 21 SDR 148, effective March 6, 1995; 24 SDR 107, effective February 26, 1998; 25 SDR 108, effective February 28, 1999; 26 SDR 117, effective March 13, 2000; 27 SDR 85, effective February 26, 2001; 29 SDR 147, effective May 6, 2003; 30 SDR 147, effective April

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4, 2004; 31 SDR 115, effective February 14, 2005; 33 SDR 107, effective December 27, 2006; 34 SDR 199, effective January 28, 2008; 35 SDR 184, effective February 2, 2009; 39 SDR 10, effective August 1, 2012; 39 SDR 120, effective January 9, 2013; 40 SDR 121, effective January 6, 2014; 41 SDR 107, effective January 5, 2015; 43 SDR 89, effective December 29, 2016; 45 SDR 89, effective December 31, 2018.

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

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

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

**41:06:16:03. Daily bag limit.** The daily bag limit for ducks is six ducks, unless the person chooses the second-tier option at which the daily bag limit for ducks is three ducks of any species or gender. The total daily limit of six ducks may include no more than two redheads, one scaup, three wood ducks, one pintail, two canvasback, and five mallards of which no more than two may be hen mallards.

During the first 16 days of the season an additional two blue-winged teal may be harvested in addition to the daily bag limit.

The daily bag limit for mergansers is five, of which no more than two may be hooded mergansers.

The daily bag limit for coot is 15.

**Source:** 1 SDR 26, effective September 11, 1974; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 15 SDR 50, effective October 6, 1988; 19 SDR 48, effective October 7, 1992; 20 SDR 45, effective October 4, 1993; 21 SDR 56, effective September 29, 1994; 22 SDR 46, effective October 8, 1995; 23 SDR 38, effective September 26, 1996; 24 SDR 44, effective October 14, 1997; 25 SDR 43, effective September 28, 1998; 26 SDR 41, effective September 28, 1999; 28

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SDR 48, effective October 10, 2001; 29 SDR 29, effective September 8, 2002; 30 SDR 40, effective October 1, 2003; 31 SDR 39, effective September 23, 2004; 32 SDR 45, effective September 20, 2005; 33 SDR 43, effective September 18, 2006; 36 SDR 39, effective September 23, 2009; 37 SDR 53, effective September 27, 2010; 39 SDR 33, effective September 5, 2012; 40 SDR 39, effective September 9, 2013; 41 SDR 34, effective September 2, 2014; 42 SDR 31, effective September 8, 2015; 43 SDR 146, effective May 22, 2017; 44 SDR 151, effective April 30, 2018; 45 SDR 89, effective December 31, 2018; 46 SDR 116, effective April 29, 2020.

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

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

**41:06:27:02.06. Execution of agreement on participation in elk license raffle --**

**Contents of agreement.** The participant selected and the commission shall enter into an agreement on the elk license raffle and the expenditure of funds raised by the raffle. ~~At a minimum,~~  
~~the~~ The agreement shall must contain the following terms and conditions:

(1) The department shall make available for raffle and shall issue one Custer State Park rifle elk license to the successful entrant;

(2) Only legal residents of this state are eligible to win the raffled Custer State Park rifle elk license. The participant must be of legal hunting age, possess a valid prerequisite license, and not otherwise be prohibited from possessing a valid hunting license because of any other legal prohibitions and restrictions;

(3) The participant must conduct the elk license raffle and the sale of raffle tickets and is accountable to the department for the total raffle tickets made available for sale, raffle tickets sold, and total proceeds from the sale of the raffle tickets;

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(4) Determination of the successful entrant and one alternate to be used in case of an emergency shall be made by an equitable drawing. Conduct of the drawing is the joint responsibility of the department and the participant. The successful entrant need not be present to win the raffle. The name, address, and valid prerequisite license number of the successful entrant and the alternate shall be provided by the participant to the department within seven days after the raffle drawing;

(5) The drawing for the successful entrant ~~shall~~ must be conducted by the department and the participant ~~at least 120 days before the Custer State Park rifle elk season begins~~ on or before July 15;

(6) The department shall issue the successful entrant one Custer State Park rifle elk license if all terms of the agreement, raffle, and rules have been complied with;

(7) Cancellation of the successful entrant's elk license and reissuance of the license to the alternate requires the approval of the department and is not allowed except in the case of the death of the successful entrant or a substantial ~~100 percent~~ disabling physical or mental condition of the successful entrant caused by accident or illness. If cancellation and reissuance is approved, no financial remuneration of any kind is allowed between any persons or entities;

(8) The elk license allows the successful entrant to hunt and harvest an elk in Custer State Park by rifle subject to all applicable hunting laws and rules in SDCL title 41 and ARSD article 41:06;

(9) The elk project advisory committee shall oversee the raffle and the expenditure of its proceeds. The committee shall determine the maximum charge for the raffle tickets, approve expenses for conducting the raffle, approve projects to be funded, and authorize expenditures from the proceeds. The committee shall have four members, two representatives of the

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participant, one representative of the Division of Wildlife, and one representative of the Division of Parks and Recreation;

(10) The amount charged for each raffle must be the same for all persons and must be printed on each raffle ticket. Raffle records must contain the name and address of the resident of this state purchasing the raffle ticket. Once sold, raffle tickets may not be assigned, resold, or transferred;

(11) Within seven days after the raffle drawing, the participant shall remit to the department payment ~~of~~ for the Custer State Park license fee set in § 41:06:02:03 and all proceeds from the raffle after deduction of necessary printing, postage, media advertising costs, and other expenses approved for payment by the elk ~~raffle~~ project advisory committee. To be approved by the committee, expenses must be incurred solely for the conduct of the raffle and may not exceed 20 percent of gross receipts. The proceeds ~~shall~~ must be deposited into a special bank account, approved by the department secretary, in the name of the elk raffle project advisory committee within 30 days after receipt;

(12) The participant, when requested by the department, shall provide to the secretary of the department a detailed summary and accounting of the conduct and results of the raffle sales as follows:

- (a) The number of ~~raffle~~ tickets obtained for the raffle;
- (b) The number of ~~raffle~~ tickets sold;
- (c) The amount of money charged and received for each ~~raffle~~ ticket sold and identified individually;
- (d) The total amount of money charged and received for all ~~raffle~~ tickets sold; and
- (e) The dates and amounts of deposits into the special account;

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(13) All of the proceeds of the raffle must be spent in this state within three years after the date of the raffle drawing for the benefit of elk, including elk habitat and funding of elk research. Proceeds may be spent only as authorized by a majority vote of the elk raffle project advisory committee. Any proceeds not spent must be deposited with the Division of Parks and Recreation, Department of Game, Fish and Parks; and

(14) The selection of the participant and the alternate and the agreement required by this rule ~~cannot~~ may not be assigned or transferred.

**Source:** 17 SDR 12, effective July 31, 1990; 18 SDR 223, effective July 14, 1992; 19 SDR 207, effective July 14, 1993; 23 SDR 197, effective May 27, 1997; 46 SDR 116, effective April 29, 2020.

**General Authority:** SDCL 41-2-18(1)(2)(12)(13)(17), 41-17-1.1(4).

**Law Implemented:** SDCL 41-2-18(1)(2)(12)(13)(17), 41-17-1.1(4).

**41:06:58:03. Shooting hours -- Bag and possession limits -- License requirements.**

The shooting hours are ~~noon~~ 10:00 a.m. Central Time to sunset each day. The daily bag limit is three male pheasants. No person may have in possession more than nine male pheasants taken according to the daily bag limit.

**Source:** 27 SDR 101, effective April 18, 2001; 32 SDR 203, effective June 5, 2006; 46 SDR 116, effective April 29, 2020.

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

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

**41:07:03:02.01. South Dakota-Nebraska boundary waters.** In the South Dakota-Nebraska boundary waters no person may harvest in one day or have in possession at any time more than the following:

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(1) Four walleye of any species combined, possession limit eight, and for the boundary beginning at the state line below Fort Randall Dam downstream to Gavin's Point Dam the minimum length limit for walleye is 15 inches;

(2) Three northern pike, possession limit six;

(3) Five largemouth bass or smallmouth bass, or combination thereof, possession limit ten;

(4) Fifteen white bass, possession limit 30;

(5) Ten channel catfish, possession limit 20;

(6) Five flathead catfish, possession limit ten; provided that no more than one flathead catfish 30 inches in length or longer, may be kept daily;

(7) One blue catfish; and

(8) ~~Seven~~ Five trout; ~~and~~ .

~~(9) The season for all species of sturgeon is closed.~~

The daily and possession limits for other species are the same as established for inland waters.

The season for all species of sturgeon is closed.

**Source:** 4 SDR 31, effective November 27, 1977; 5 SDR 46, effective January 1, 1979; 6 SDR 60, effective January 1, 1980; 7 SDR 48, effective November 25, 1980; 8 SDR 58, effective November 30, 1981; 9 SDR 76, effective December 23, 1982; 10 SDR 48, effective November 22, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 13 SDR 68, effective December 11, 1986; 15 SDR 88, effective December 18, 1988; 16 SDR 114, effective January 18, 1990; 17 SDR 78, effective December 10, 1990; 18 SDR 98, effective December 12, 1991; 18 SDR 144, effective March 15, 1992; 25 SDR 85, effective December 21, 1998; 26 SDR 85, effective December 26,

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1999; 27 SDR 47, effective November 12, 2000; 31 SDR 89, effective December 27, 2004; 32 SDR 109, effective December 27, 2005; 41 SDR 107, effective January 5, 2015; 42 SDR 93, effective December 30, 2015; 46 SDR 116, effective April 29, 2020; 46 SDR 147, effective July 2, 2020.

**General Authority:** SDCL 41-2-18(1)(2)(3)(15)(17).

**Law Implemented:** SDCL 41-2-18(1)(2)(3)(15)(17).

**41:07:06:03. Areas open to spearing of game fish.** Game fish, except paddlefish and sturgeon, may only be taken with a spear gun, spear, crossbow, or bow and arrow from one-half hour before sunrise to one-half hour after sunset in the following areas during the dates listed:

(1) South Dakota-Nebraska border waters from South Dakota-Nebraska state line downstream, July 1 through December 31;

(2) Lake Francis Case and Lake Sharpe, May 1 through March 31;

(3) Lake Oahe from Oahe Dam upstream to the North Dakota state line, May 1 through March 31;

(4) On the Missouri River from the Nebraska – South Dakota border from the point where the Missouri River is completely in South Dakota upstream to Fort Randall Dam, May 1 through March 31;

~~(4)~~ (5) Shadehill Reservoir, Belle Fourche Reservoir, and Angostura Reservoir, Waubay and Bitter Lakes in Day County, Swan and Dry #2 Lakes in Clark County, Albert, Henry, Thompson, and Whitewood in Kingsbury County, May 1 through March 31;

~~(5)~~ (6) Pactola Reservoir, excluding salmonids, May 1 through March 31;

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~~(6)~~ (7) Northern pike and catfish may be taken for noncommercial purposes from all inland waters, except from Lynn, Middle Lynn and Amsden Lakes in Day County, Lake Sinai and Twin Lake (east of U.S Highway 81) in Brookings County, Twin Lake (west of U.S. Highway 81) in Kingsbury County, and North Island and South Island Lakes in McCook and Minnehaha Counties, waters closed to fishing under §§ 41:07:01:05 and 41:07:02:01, and from areas of the Missouri River closed to the spearing of game fish, year-round; and

~~(7)~~ (8) Northern pike and catfish may be taken from all South Dakota-Minnesota boundary waters, except the Bois de Sioux River, November 15 through the last Sunday of February.

Upon written request, the commission may, by resolution, temporarily open other areas to the public.

**Source:** SL 1975, ch 16, § 1; 3 SDR 40, effective January 1, 1977; 5 SDR 46, effective January 1, 1979; 7 SDR 48, effective November 25, 1980; 8 SDR 58, effective November 30, 1981; 9 SDR 76, effective December 23, 1982; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 80, effective December 16, 1984; 12 SDR 92, effective December 4, 1985; 13 SDR 68, effective December 11, 1986; 27 SDR 47, effective November 12, 2000; 28 SDR 129, effective March 18, 2002; 31 SDR 89, effective December 27, 2004; 32 SDR 109, effective December 27, 2005; 34 SDR 179, effective December 24, 2007; 35 SDR 184, effective February 2, 2009; 37 SDR 112, effective December 8, 2010; 38 SDR 116, effective January 10, 2012; 39 SDR 100, effective December 3, 2012; 40 SDR 113, effective December 16, 2013; 41 SDR 107, effective January 5, 2015; 43 SDR 89, effective December 29, 2016; 45 SDR 89, effective December 31, 2018; 46 SDR 116, effective April 29, 2020.

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

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

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**41:08:01:08.01. Bobcat trapping and hunting season established -- Hunting restrictions -- Tagging requirements.** The bobcat trapping and hunting season is open statewide 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 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~~ must be presented to a conservation officer or wildlife damage specialist for registration and tagging of the pelt within 5 days of harvest. ~~Additionally, once~~ Once the season has closed, a person has 24 hours to notify a conservation officer or wildlife damage specialist of any untagged bobcats harvested during the season. The pelt ~~shall~~ must be removed from the carcass and the carcass ~~shall~~ must be surrendered to the conservation officer or wildlife damage specialist. After the pelt has been tagged, it ~~shall~~ must 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~~ a tag provided by the department.

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

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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.

**41:09:01:03.01. Daily bag limit -- Shooting hours.** The ~~maximum~~ daily bag limit for pheasants on shooting preserves is 20 ~~cocks~~ 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 ~~cocks~~ male pheasants. Daily bag limits for male pheasants established in this section do not apply from September 1 through the end of the statewide pheasant season on a licensed shooting preserve if a resident possesses a combination license or a nonresident possesses a nonresident small game license. A person hunting in a group may only be exempt from daily bag limits if all persons in the group are exempt from daily bag limits. The ~~maximum~~ daily bag limit for wild turkeys is 2 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.

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**CHAPTER 41:10:04**

**AQUATIC INVASIVE SPECIES**

Section

- 41:10:04:01 List of aquatic invasive species.
- 41:10:04:02 Aquatic invasive species ~~restrictions~~ exemptions.
- 41:10:04:03 ~~Watercraft~~ Boat restrictions.
- 41:10:04:04 ~~Watercraft inspections~~ Repealed.
- 41:10:04:05 Fish and bait transportation restrictions.
- 41:10:04:06 ~~Containment~~ Infested waters.
- 41:10:04:07 ~~Local boat registries~~ Repealed.
- 41:10:04:08 Decontamination required -- residual water present.
- 41:10:04:09 Decontamination required -- moored boats.
- 41:10:04:10 Decontamination procedure.

**41:10:04:02. Aquatic invasive species ~~restrictions~~ exemptions.** ~~No person may possess, transport, sell, purchase, or propagate an aquatic invasive species except for the~~ The following are exempt from SDCL 41-13A-2:

- (1) A person possessing a valid scientific collectors permit issued by the department;
- (2) A person authorized by the department to stock triploid grass carp for pond management purposes;
- (3) A person contracted by the department to conduct commercial fishing operations as authorized in SDCL 41-13-7;
- (4) A person in the process of removing an aquatic invasive species from a ~~boat, motorboat, or equipment~~ conveyance;
- (5) An owner or agent of the owner of a ~~boat registered in a department approved local boat registry~~ may transport and possess an aquatic invasive species in accordance with the

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~~provisions of the registry~~ conveyance in the process of transporting the conveyance for decontamination using a department approved procedure;

(6) An employee of a business approved by the department to transport and possess ~~boats~~ conveyances for the purpose of ~~watercraft~~ decontamination; ~~or~~ and

(7) A commercial plant harvester operating within the requirements of a department approved work plan or a lakeshore property owner ~~operating~~ operating within the requirements of a department approved permit.

In the case of fish and crayfish species, only dead specimens may be transported or possessed.

**Source:** 38 SDR 116, effective January 10, 2012; 41 SDR 173, effective May 11, 2015; 43 SDR 146, effective May 22, 2017; 45 SDR 89, effective December 31, 2018.

**General Authority:** SDCL 41-2-18(1)(2) 41-13A-2.

**Law Implemented:** SDCL 41-2-18(1)(2) 41-13A-2.

**41:10:04:03. Watercraft Boat restrictions.** ~~No person may launch or attempt to launch a boat or boat trailer into the waters of the state with an aquatic invasive species attached or onboard other than boats registered in a local boat registry launching in accordance with the provisions of the registry.~~ Except for emergency response boats or as authorized by the secretary, all trailered boats ~~shall~~ must have all drain plugs, bailers, valves ~~or~~ , and other devices used to control the drainage of water opened or removed, except while in a boat ramp parking area or while being launched or loaded.

**Source:** 38 SDR 116, effective January 10, 2012; 39 SDR 100, effective December 3, 2012; 41 SDR 173, effective May 11, 2015; 43 SDR 89, effective December 29, 2016; 43 SDR 146, May 22, 2017; 45 SDR 89, effective December 31, 2018.

**General Authority:** SDCL 41-2-18(1)(2) 41-13A-4.

**Law Implemented:** SDCL 41-2-18(1)(2) 41-13A-4.

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

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**41:10:04:04. Watercraft inspections.** ~~Any boat or boat trailer may be inspected by a department representative. A department representative may require the removal of aquatic vegetation and aquatic invasive species from any boat, motor, trailer, and associated equipment. If an aquatic invasive species is found during inspection, a department-approved decontamination process, specific to the aquatic invasive species present, is required before launching or transport of the boat to another water of the state.~~ Repealed.

**Source:** 39 SDR 100, effective December 3, 2012; 41 SDR 173, effective May 11, 2015

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

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

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

**41:10:04:06. Containment Infested water - Definition.** ~~Waters designated as containment waters for purposes of controlling the spread of aquatic invasive species include:~~

- ~~—— (1) Lewis and Clark Lake and the Missouri River upstream of the lake to Fort Randall Dam;~~
- ~~—— (2) The Missouri River from Gavins Point Dam downstream to the confluence with the Big Sioux River;~~
- ~~—— (3) McCook Lake in Union County;~~
- ~~—— (4) Lake Yankton in Yankton County;~~
- ~~—— (5) Lake Francis Case from Fort Randall Dam upstream to Big Bend Dam;~~
- ~~—— (6) Lake Sharpe from Big Bend Dam upstream to Oahe Dam, including the Bad River from its confluence with Lake Sharpe upstream to the U.S. Highway 83 bridge; and~~

For purposes of this chapter, “infested water” means a body of water that has an established zebra or quagga mussel population, a water body downstream of an infested water with a likelihood of becoming infested, or

- ~~—— (7) Waters waters that are located outside this state that are and designated by a legal jurisdiction as infested by zebra or quagga mussels~~

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**Source:** 43 SDR 146, effective May 22, 2017; 45 SDR 89, effective December 31, 2018; 46 SDR 20, (emergency rule) effective July 30, 2019; (emergency removed) effective October 30, 2019; 46 SDR 74, effective December 2, 2019.

**General Authority:** SDCL 41-2-18(1)(2) (28).

**Law Implemented:** SDCL 41-2-18(1)(2) (28).

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

**41:10:04:07. Local boat registries.** ~~The department may create registries of local boats for each containment water that includes specific requirements for registration, documentation, possession and display of special permits issued, use, transportation, storage, and decontamination of registered boats~~ Repealed.

**Source:** 43 SDR 146, effective May 22, 2017.

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

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

**41:10:04:08. Decontamination required -- residual water present.** A watercraft boat that has been loaded on a trailer or otherwise removed from ~~a containment~~ infested water ~~listed as identified in § 41:10:04:06 that~~ and which retains one gallon or more of water, after all drain plugs, bailers, valves, or other devices used to control the drainage of water have been opened or removed, must be decontaminated by a department-approved decontamination procedure prior to a subsequent launch ~~unless the watercraft is registered in a local boat registry and the boat owner or operator abides by the provisions of the registry.~~

**Source:** 43 SDR 146, effective May 22, 2017.

**General Authority:** SDCL 41-2-18(1)(2) (28)(29).

**Law Implemented:** SDCL 41-2-18(1)(2) (28)(29).

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

**41:10:04:09. Decontamination required -- moored boats.** ~~Watercraft~~ A boat that ~~are~~ is moored ~~or~~ and ~~have~~ has any part continuously in the water for three or more consecutive days

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on ~~a containment~~ an infested water ~~listed~~, as identified in § 41:10:04:06, must be decontaminated by a department-approved decontamination procedure prior to ~~the~~ a subsequent launch ~~of the~~ watercraft ~~except for~~:

—— ~~(1) Boats registered in a local boat registry and the owner or operator abides by the provisions of the registry; or~~

—— ~~(2) Boats~~ boats ~~transported by an employee of a business approved by the department to transport and possess boats for the purpose of watercraft decontamination.~~

**Source:** 43 SDR 146, effective May 22, 2017.

**General Authority:** SDCL 41-2-18~~(1)(2)~~ (28)(29).

**Law Implemented:** SDCL 41-2-18~~(1)(2)~~ (28)(29).

**41:10:04:10. Decontamination procedure.** The department approved decontamination procedures are protocols described in “Uniform Minimum Protocols and Standards for Watercraft Inspection and Decontamination Programs for Dreissenid Mussels in the Western United States” (UMPS), 3<sup>rd</sup> edition, published by the Pacific States Marine Fisheries Commission.

**Source:**

**General Authority:** SDCL 41-2-18(29).

**Law Implemented:** SDCL 41-2-18(29).

Reference: “Uniform Minimum Protocols and Standards for Watercraft Inspection and Decontamination Programs for Dreissenid Mussels in the Western United States” (UMPS) (2016), 3<sup>rd</sup> edition, published by the Pacific States Marine Fisheries Commission. Copies may be obtained from the Pacific States Marine Fisheries Commission, Portland, Oregon 97202. Cost: No cost.