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41:07:01:16. Ice fishing shelter removal deadlines. ~~No~~ On South Dakota-Minnesota border waters no ice fishing house, fishing shanty, or other structure or shelter may remain upon the ice ~~of any of the public waters of this state~~ later than ~~the last day of February~~ March 5 of each year, unless authorized by the secretary. After this date, a shelter may be ~~placed upon the ice of any of the public waters of this state at any time if the shelter is removed from the ice daily~~ used on the ice and removed daily and may only remain on the ice between midnight and one hour before sunrise when occupied or attended.

Source: 28 SDR 84, effective December 20, 2001; 30 SDR 99, effective December 22, 2003; 37 SDR 112, effective December 8, 2010; 46 SDR 116, effective April 29, 2020.

General Authority: SDCL 41-2-18(5)(14), 41-12-3.

Law Implemented: SDCL 41-2-18(5)(14), 41-12-3.

41:07:01:17. Liberalized take of silver carp, bighead carp, smelt, and lake herring. Smelt and lake herring may be taken by hook and line, seines, lift nets, cast nets, and dip nets. ~~A net legal for taking smelt is a net as defined by § 41:09:04:04.~~ Silver carp and bighead carp that inadvertently jump into any boat or are netted from the air using a dip net may be retained. No person may transport live smelt, live silver carp, or live bighead carp away from the water in which they were taken.

Source: 37 SDR 112, effective December 8, 2010; 41 SDR 107, effective January 5, 2015; 46 SDR 116, effective April 29, 2020.

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

Law Implemented: *SDCL* 41-2-18(5)(14).

41:07:03:03. Daily, possession, and length limit restrictions on special management waters. -- Additional restrictions described. Daily limit, possession limit, length limit, and additional restrictions on special management waters are as follows:

(1) Catfish may be taken without limit on the Grand, Moreau, Cheyenne, Belle Fourche, Bad, White, and Little Missouri Rivers; and in the inland waters of the Missouri River and its impoundments;

(2) In the waters of Lake Yankton in Yankton County and ~~Burke Lake in Gregory County~~ Lake Mitchell in Davison County, the minimum length limit for largemouth and smallmouth bass is 15 inches;

(3) In New Wall Dam in Pennington County, only those largemouth and smallmouth bass less than 14 inches in length or 18 inches or greater in length may be taken, and of the largemouth and smallmouth bass taken daily no more than one may be 18 inches or greater in length;

(4) In the Black Hills Fish Management Area:

(a) The areas described in subsections (b), (c), and (d) are restricted to artificial lures only and the use or possession of worms, baitfish, salmon eggs, corn, marshmallows, insects, moldable scented bait or naturally-occurring or man-made food intended to be used as bait, within 100 feet of the water in those areas, is prohibited;

(b) Rapid Creek, including the Pactola Stilling Basin below Pactola Dam to the foot bridge at Placerville Camp and Upper and Lower Yates Ponds at Cheyenne Crossing, are restricted to catch and release;

(c) Rapid Creek in Rapid City from Jackson Boulevard upstream to Park Drive is restricted to catch and release;

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(d) Spearfish Creek from Homestake Hydro Dam No. 2 to Maurice Dam is restricted to catch and release for rainbow trout. Other trout species may be retained within established limits; and

(e) Only one trout 14 inches or greater in length, regardless of species, may be taken daily from streams within the Black Hills Fish Management Area. However, in the Black Hills Fish Management Area the minimum length limit for lake trout or brook trout-lake trout (splake) cross is 24 inches or greater in length and the daily limit is one;

(5) All waters statewide are restricted to catch and release only for muskellunge and northern-muskellunge (tiger) cross;

(6) The season on paddlefish is closed, except as provided in §§ 41:07:05:02 and 41:07:06:03.01;

(7) In inland waters only one walleye 20 inches or greater in length may be taken daily, except as provided in subdivisions (10) and (11) of this section;

(8) In Lakes Francis Case and Sharpe, the minimum length limit for walleye is 15 inches, from September 1 through June 30;

(9) In Angostura Reservoir, Shadehill Reservoir, and from the Ft. Randall Dam downstream to the South Dakota-Nebraska state line on the Missouri River, the minimum length limit for walleye is 15 inches;

(10) In Belle Fourche Reservoir and all waters contiguous thereto, including the terminal drop inlet canal, only those walleye less than 15 inches in length or 18 inches or greater in length may be taken, and of the walleye taken daily no more than one may be 18 inches or greater in length;

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(11) In Twin Lakes in Minnehaha County and Horseshoe Lake in Day County, the daily limit for walleye of any species is one, 28 inches or greater in length;

(12) In Lynn and Middle Lynn Lakes in Day County, Opitz Lake in Day and Marshall Counties, Newell Lake in Butte County, and Curlew Lake in Meade County, the daily limit for walleye of any species combined is two and the minimum length limit is 15 inches;

(13) From the Ft. Randall Dam downstream to the South Dakota-Nebraska state line on the Missouri River, the daily limit for white bass is 15, possession limit 30; and

(14) In Reetz Lake in Day County, the daily limit is: one walleye 28 inches or greater in length; one yellow perch 14 inches or greater in length; one black crappie 15 inches or greater in length; and one bluegill 10 inches or greater in length, from May 1 through September 30.

Source: SL 1975, ch 16, § 1; 2 SDR 36, effective November 12, 1975; 4 SDR 31, effective November 27, 1977; 5 SDR 46, effective January 1, 1979; 6 SDR 60, effective January 1, 1980; 7 SDR 48, effective November 25, 1980; 8 SDR 58, effective November 30, 1981; 9 SDR 76, effective December 23, 1982; 10 SDR 48, effective November 22, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 80, effective December 16, 1984; 12 SDR 92, effective December 4, 1985; 13 SDR 68, effective December 11, 1986; 14 SDR 81, effective December 10, 1987; 15 SDR 88, effective December 18, 1988; 16 SDR 114, effective January 18, 1990; 17 SDR 87, effective December 10, 1990; 17 SDR 109, effective January 29, 1991; 18 SDR 98, effective December 12, 1991; 19 SDR 82, effective December 7, 1992; 19 SDR 108, effective January 26, 1993; 20 SDR 87, effective December 13, 1993; 21 SDR 102, effective December 8, 1994; 22 SDR 82, effective December 10, 1995; 23 SDR 87, effective December 3, 1996; 24 SDR 72,

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effective November 30, 1997; 25 SDR 85, effective December 21, 1998; 25 SDR 85, effective December 24, 1998; 26 SDR 85, effective December 26, 1999; 27 SDR 47, effective November 12, 2000; 28 SDR 44, effective October 3, 2001; 28 SDR 84, effective December 20, 2001; 28 SDR 166, effective June 4, 2002; 29 SDR 80, effective December 10, 2002; 29 SDR 107, effective February 3, 2003; 30 SDR 99, effective December 22, 2003; 30 SDR 115, effective February 4, 2004; 30 SDR 171, effective May 11, 2004; 31 SDR 89, effective December 27, 2004; 32 SDR 109, effective December 27, 2005; 33 SDR 107, effective December 27, 2006; 34 SDR 179, effective December 24, 2007; 35 SDR 184, effective February 2, 2009; 36 SDR 112, effective January 11, 2010; 37 SDR 112, effective December 8, 2010; 38 SDR 116, effective January 10, 2012; 39 SDR 100, effective December 3, 2012; 40 SDR 113, effective December 16, 2013; 41 SDR 107, effective January 5, 2015; 42 SDR 93, effective December 30, 2015; 43 SDR 89, effective December 29, 2016; 44 SDR 93, effective December 4, 2017; 44 SDR 151, effective April 30, 2018; 45 SDR 30, effective September 10, 2018; 45 SDR 89, effective December 31, 2018; 46 SDR 116, effective April 29, 2020; 48 SDR 115, effective May 24, 2022.

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

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

41:07:05:02. Paddlefish season in special management areas. Any paddlefish angler 18 years of age and older shall obtain and have in possession a valid South Dakota fishing license and a valid, nontransferable paddlefish permit and associated unlocked tag to take or attempt to take a paddlefish with a bow and arrow or a crossbow or take or attempt to take paddlefish or rough fish by snagging. A Nebraska resident possessing a South Dakota nonresident paddlefish permit is exempt from the South Dakota fishing

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license requirement if the Nebraska resident angler possesses a valid Nebraska fishing license or is legally exempt from compliance with Nebraska license or permit requirements. Any paddlefish angler under 18 years of age shall have a valid paddlefish permit and associated unlocked tag in possession while shooting paddlefish with bow and arrow or a crossbow or snagging paddlefish or rough fish.

Each paddlefish caught and kept must have the tag immediately affixed to the fish and locked in the manner and place indicated in the instructions provided with the tag. Each paddlefish caught and not kept must be immediately returned, unharmed, to the water from which it was taken. All paddlefish anglers shall cast for and hook their own fish. No person may attempt to snag any fish after all paddlefish tags issued to the person have been locked.

(1) The snagging season for paddlefish and rough fish is open on the South Dakota-Nebraska boundary waters below Gavin's Point Dam and on the Big Sioux River from the I-29 bridge to the confluence of the Big Sioux River and the Missouri River from October 1 through October 31.

The snagging hours on the South Dakota-Nebraska Boundary waters and areas of the Big Sioux River open to paddlefish snagging are from 7:00 a.m. to 7:00 p.m. central time daily. Only a legal angler with a valid paddlefish permit and associated unlocked tag may snag paddlefish and rough fish during this season.

For the South Dakota-Nebraska boundary waters the annual quota of 3,200 fish is allocated by a permit and tag issued by each state according to the following schedule: Nebraska - 1,600 permits; South Dakota - 1,550 resident and 50 nonresident permits. Permits and associated tags are available by lottery drawing after application. Any

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resident or nonresident permit remaining after the first lottery drawing is available on a first-come, first-served basis to any person not already holding a paddlefish permit, who applies. After September 1, a person may apply for a second permit. A person may obtain a maximum of two permits a year. ~~In addition to the 1,600 permits available in South Dakota, a person may apply for Unit SPF-ZZ1 for a preference point only and no opportunity for issuance of a permit.~~

(2) Paddlefish may be taken from sunrise to sunset from June 1 through June 30 from the Missouri River below Gavin's Point Dam with a bow and arrow. In addition to a bow and arrow, a crossbow may be used to take paddlefish downstream from the Highway 81 bridge.

Except as provided in this rule, an archery paddlefish angler 18 years of age and older shall obtain and have possession of a valid South Dakota fishing license and a valid, nontransferable paddlefish permit and associated tag available from the licensing section of the department before participating in archery fishing for paddlefish. A Nebraska resident possessing a South Dakota nonresident archery paddlefish permit is exempt from the South Dakota fishing license requirement if the Nebraska resident angler possesses a valid Nebraska fishing license or is legally exempt from compliance with Nebraska license or permit requirements. Any paddlefish angler under 18 years of age shall have a valid paddlefish permit and associated tag in possession while archery fishing paddlefish.

Two hundred fifty-five archery permits and associated tags are available to residents by lottery drawing after application. Individual paddlefish archery anglers may apply for a second permit and associated tag if any are available following the initial lottery drawing.

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Anglers may obtain a maximum of two archery paddlefish permits and associated tags each year. An additional eight percent of the permits available to residents may be issued to nonresidents by lottery drawing after application. ~~In addition to the 255 permits available in this state, a person may apply for Unit APF-ZZ1 for a preference point only and no opportunity for issuance of a permit.~~

(3) Paddlefish and rough fish season is open on the waters of Lake Francis Case and the White River up to the Highway 47 bridge from May 1 through May 31. Paddlefish may be taken by snagging or, bow and arrow, or a crossbow.

The snagging and archery hours on the waters of Lake Francis Case and the White River up to the Highway 47 bridge are from 6:00 a.m. through 9:00 p.m., central time daily. Only a legal angler with a valid paddlefish permit and associated unlocked tag may shoot paddlefish with a bow and arrow or snag paddlefish and rough fish during this season.

For the waters of Lake Francis Case and the White River up to the Highway 47 bridge, the annual quota of 350 fish is allocated by a permit and tag. Permits and associated tags are available by lottery drawing after application. Any resident permit remaining after the first lottery drawing is available first-come, first-served to any applicant not already holding a paddlefish permit. After April 1, a person may apply for a second permit. A person may obtain a maximum of two permits a year. ~~In addition to the 350 permits available in this state, a person may apply for Unit SFC-ZZ1 for a preference point only and no opportunity for issuance of a permit.~~

Source: SL 1975, ch 16, § 1; 3 SDR 40, effective January 1, 1977; 7 SDR 48, effective November 25, 1980; 8 SDR 58, effective November 30, 1981; 9 SDR 76,

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effective December 23, 1982; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 12 SDR 92, effective December 4, 1985; 13 SDR 68, effective December 11, 1986; 15 SDR 88, effective December 18, 1988; 18 SDR 98, effective December 12, 1991; 23 SDR 87, effective December 3, 1996; 24 SDR 72, effective November 30, 1997; 26 SDR 85, effective December 26, 1999; 28 SDR 178, effective July 1, 2002; 34 SDR 179, effective December 24, 2007; 36 SDR 112, effective January 11, 2010; 38 SDR 116, effective January 10, 2012; 42 SDR 93, effective December 30, 2015; 43 SDR 89, effective December 29, 2016; (transferred from § 46:07:06:03.01) 45 SDR 89, effective December 31, 2018; 46 SDR 116, effective April 29, 2020; 47 SDR 137, effective June 29, 2021.

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

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

41:07:08:05. Use of another person's hoop nets, traps, setlines, or floatlines.

A person may not use or tend the hoop nets, traps, ~~or~~ setlines, or floatlines of another person without the licensee present.

Source: SL 1975, ch 16, § 1; 4 SDR 10, effective August 25, 1977; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 16 SDR 220, effective June 21, 1990; 46 SDR 116, effective April 29, 2020.

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

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

41:07:08:05.02. Tending hoop nets, traps, setlines, and floatlines. All hoop nets, traps, and setlines must be checked and emptied of fish ~~at least once in every 72-hour period~~ prior to 12 o'clock midnight of the second full calendar day, while being fished.

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All floatlines used for fishing must be under the direct supervision of and within the unaided observation of the licensee at all times.

Source: 14 SDR 81, effective December 10, 1987; 46 SDR 116, effective April 29, 2020; 48 SDR 60, effective December 8, 2021.

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

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

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 must be submitted to the department.

A fish health inspection may only be conducted by:

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

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

(3) A licensed veterinarian who has completed a fish health inspection training program approved by the department. Any fish health sample collected during a fish health inspection must be screened for regulated pathogens at a laboratory approved by the department.

Each fish health inspection and laboratory screening must be conducted according to procedures in "Suggested Procedures for the Detection and Identification of Certain

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

The application for an importation permit ~~must~~ will be denied if ~~an emergency or prohibited disease or causative~~ a pathogen of regulatory concern is detected in ~~wild-caught fish or at an aquaculture facility~~ fish reproductive products that are requested to be imported.

~~If a notifiable disease or causative pathogen is detected in wild-caught fish or at an aquaculture facility, the~~ The department's fish health official Aquatic Section Chief 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 of regulatory concern to areas in which 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, must have been quarantined from other fish or fish reproductive products and inspected independently.

The fish or fish reproductive products to be imported, if obtained from man-made or natural waters, must have been inspected within the past twelve months. Other fish populations from this water must 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, must 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; 47 SDR 27, effective September 15, 2020.

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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, and "World Animal Health Organization (OIE) Aquatic Code," 19th Edition, 2016 World Animal Health Organization.

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

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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.

41:09:12:08 Disabled angler assistance permit.

41:09:12:08 Disabled angler assistance permit. The department may issue a disabled angler assistance permit to a person with a valid fishing license, or who is exempt from licensing requirements, who has a physical or developmental disability that prevents them from being able to perform any of the activities associated with fishing. The permit allows another person to assist the permitted individual while fishing, in accordance with existing regulations, and without the need to possess a valid fishing license. A disabled angler assistance permit may be issued on either a temporary or permanent basis, dependent on the type of disability, at the discretion of the department.

Source: SDC 1939, § 25.0106 (1); SL 1957, ch 96; SL 1983, ch 288, § 2; SL 1984, ch 273, § 38; SL 1991, ch 337, § 4; SL 1993, ch 311, § 6; SL 2017 (SS), ch 1, § 19, eff. June 12, 2017; SL 2020, ch 181, § 8, eff. Feb. 26, 2020.

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

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

41:10:02:01. List of endangered birds. Birds classified as endangered in the state are as follows

(1) Peregrine falcon, ***Falco peregrinus***;

(2) Whooping crane, ***Grus americana***;

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(3) (2) Eskimo curlew, ***Numenius borealis***;

(4) (3) Least Tern, ***Sternula antillarum***.

Source: 4 SDR 57, effective March 16, 1978; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 30 SDR 21, effective August 25, 2003; 34 SDR 242, effective April 7, 2008; 44 SDR 93, effective December 4, 2017.

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

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

41:10:02:02. List of threatened birds. Birds classified as threatened in the state are as follows:

(1) Osprey, ***Pandion haliaetus***;

(2) Piping plover, ***Charadrius melodus***;

(3) American dipper, ***Cinclus mexicanus***;

(4) Peregrine falcon, ***Falco peregrinus***;

Source: 4 SDR 57, effective March 16, 1978; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 12 SDR 102, effective December 22, 1985; 17 SDR 139, effective March 21, 1991; 22 SDR 155, effective May 22, 1996; 30 SDR 21, effective August 25, 2003; 34 SDR 242, effective April 7, 2008; 42 SDR 31, effective September 8, 2015.

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

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