

41:06:01:07.03. Landowner own land license types. For the West River, East River, and Black Hills firearm deer hunting seasons, a qualifying landowner or owner-operator may purchase one "any deer" license or one two-tag "any deer" and "any antlerless deer" license. For the antelope firearm hunting season, a qualifying landowner or owner-operator may purchase one "any antelope" license or one two-tag "any antelope" and "any doe-fawn antelope" license. For the prairie elk hunting season units PRE-11D, PRE-11E, PRE-35A, PRE-35B, and PRE-WRA, as described in chapter 41:06:59, a qualifying landowner or lessee, as described in subdivision 41:06:01:15(4), may purchase one “antlerless elk” license.

Source:47 SDR 137, effective June 29, 2021.

General Authority: SDCL 41-6-19.3, 41-6-19.4, 41-6-19.9.

Law Implemented: SDCL 41-6-19.3, 41-6-19.4, 41-6-19.9.

41:06:01:15. Elk application requirements. The following requirements and restrictions apply to all license applications for elk seasons:

(1) Only a resident of the state may apply for a license;

(2) Except for a qualifying landowner-operator applicant described in subdivisions (3) and (4), and except as provided in § 41:06:01:09, a person who received an elk hunting license for this season in the first lottery drawing or the second drawing by using preference points in any of the nine preceding years may not apply for a license under this chapter for the next nine years; and

(3) Fifty percent of the licenses are available to persons who ~~qualify for landowner-operator preference under the provisions of~~ operate or live as owner or tenant on agricultural, timber, or grazing lands pursuant to SDCL 41-6-21. ~~A To qualify as a landowner-operator applicant, the person must own or lease a minimum of 240~~ two hundred forty acres of land within an elk unit ~~which that~~ that has had at least ~~500~~ five hundred days of elk use since the last day of the previous application period ~~is required to qualify. An elk use day~~ A day of elk use is any day an elk feeds or waters on private land. ~~For purposes of elk preference eligibility, members of the qualifying landowner-operator's family including grandparents, parents, spouse, children, children's spouse, or grandchildren~~ Any qualifying landowner or operator's grandparent, parent, spouse, child, child's spouse, or grandchild who ~~live~~ lives on the ranch unit or in the closest community and ~~have~~ has an active role in the ranch operation also ~~qualify~~ qualifies. Only one qualifying applicant per ranch unit per year may apply for a landowner-operator preference elk license in the first draw. ~~A For purposes of this subdivision, a ranch unit is described as~~ means all private property owned ~~and or~~ or leased for agricultural, timber, or grazing purposes by written

agreement by ~~an individual~~ a qualifying landowner in the state. A ranch unit may not be subdivided for the purpose of qualifying for more than one landowner-operator preference; and

(4) A person is eligible for a landowner-on-own-land license, pursuant to SDCL 41-6-19.9, by owning or leasing a minimum of two hundred forty acres of land within an open prairie elk hunting season unit. Any qualifying landowner's grandparent, parent, spouse, child, child's spouse, or grandchild who lives on the ranch unit or in the closest community and has an active role in the ranch operation also qualifies. Only one qualifying applicant per ranch unit per year may purchase the license. A qualifying applicant for a ranch unit may not purchase the license if any qualifying member of the ranch unit holds an elk license obtained using landowner-operator preference, as provided in subdivision (3), in the prairie elk hunting season. For purposes of this subdivision, a ranch unit means all private property owned or leased for agricultural purposes by written agreement by an individual qualifying landowner in the state. A ranch unit may not be subdivided for the purpose of qualifying for more than one landowner-on-own-land elk license. The elk may be harvested only on land that is owned or leased by the qualifying landowner within the designated open prairie elk hunting season unit.

Source: 39 SDR 10, effective August 1, 2012; 42 SDR 146, effective May 5, 2016; 46 SDR 116, effective April 29, 2020.

General Authority: SDCL 41-2-18(12)(13), 41-6-19.9, 41-6-21.

Law Implemented: SDCL 41-2-18(12)(13), 41-6-19.9, 41-6-21.

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

- (1) Resident predator/varmint license, five dollars;
- (2) Resident small game license:
 - (a) Eighteen years of age and older, ~~\$27~~ twenty-seven dollars; and
 - (b) Under ~~18~~ eighteen years of age, five dollars;
- (3) Resident one-day small game license, ~~\$12~~ twelve dollars;
- (4) Resident combination license, ~~\$49~~ forty-nine dollars;
- (5) Senior combination license, ~~65~~ sixty-five years of age and older, ~~\$34~~ thirty-four dollars;
- (6) Resident furbearer license, ~~\$30~~ thirty dollars;
- (7) Nonresident furbearer license, ~~\$275~~ two hundred seventy-five dollars;
- (8) Resident spring one-tag wild turkey license, ~~\$19~~ nineteen dollars;
- (9) Resident spring two-tag wild turkey license, ~~\$29~~ twenty-nine dollars;
- (10) Resident fall one-tag wild turkey license, nine dollars;
- (11) Resident fall two-tag wild turkey license, ~~\$14~~ fourteen dollars;
- (12) Resident deer or antelope one-tag license, ~~\$34~~ thirty-four dollars;
- (13) Resident deer or antelope two-tag license, ~~\$44~~ forty-four dollars;
- (14) Resident antelope three-tag license, ~~\$44~~ forty-four dollars;
- (15) Landowner-on-own land elk, deer, or antelope license, one-half the fee of the elk, deer, or antelope license that has been applied for;
- (16) Resident one-tag antlerless deer or doe-fawn antelope license, ~~\$14~~ fourteen dollars;
- (17) Resident two-tag antlerless deer or doe-fawn antelope license, ~~\$24~~ twenty-four dollars;

- (18) Resident three-tag any deer and two any antlerless deer license, ~~\$44~~ forty-four dollars;
- (19) Resident three-tag three any antlerless deer license; ~~\$24~~ twenty-four dollars;
- (20) Resident three-tag any whitetail and two antlerless whitetail deer license, ~~\$44~~ forty-four dollars;
- (21) Resident three-tag three antlerless whitetail deer license, ~~\$24~~ twenty-four dollars;
- (22) Resident three-tag doe-fawn antelope license, ~~\$24~~ twenty-four dollars;
- (23) Resident elk license:
- (a) Any elk or bull elk, ~~\$169~~ one hundred sixty-nine dollars; and
 - (b) Antlerless elk, ~~\$110~~ one hundred ten dollars;
- (24) Resident landowner depredation elk, one-half the fee of the elk license that has been applied for;
- (25) Resident mountain goat license, ~~\$274~~ two hundred seventy-four dollars;
- (26) Resident Black Hills bighorn sheep license, ~~\$274~~ two hundred seventy-four dollars;
- (27) Canada goose special unit permit, ten dollars;
- (28) Nonresident small game license:
- (a) Eighteen years of age and older, ~~\$115~~ one hundred fifteen dollars; and
 - (b) Under ~~18~~ eighteen years of age, ten dollars;
- (29) Special nonresident waterfowl license, ~~\$110~~ one hundred ten dollars;
- (30) Fall three-consecutive days temporary nonresident waterfowl license, ~~\$75~~ seventy-five dollars;
- (31) Spring snow goose temporary nonresident license:
- (a) Eighteen years of age and older, ~~\$39~~ thirty-nine dollars; and
 - (b) Under ~~18~~ eighteen years of age, ~~\$15~~ fifteen dollars;

- (32) Early fall Canada goose temporary nonresident license, ~~\$39~~ thirty-nine dollars;
- (33) Nonresident youth waterfowl season hunting license under ~~18~~ eighteen years of age,
five dollars;
- (34) Nonresident spring one-tag wild turkey license, ~~\$94~~ ninety-four dollars;
- (35) Nonresident spring two-tag wild turkey license, ~~\$119~~ one hundred nineteen dollars;
- (36) Nonresident fall one-tag wild turkey license, ~~\$84~~ eighty-four dollars;
- (37) Nonresident fall two-tag wild turkey license, ~~\$94~~ ninety-four dollars;
- (38) Nonresident deer or antelope one-tag license, ~~\$280~~ two hundred eighty dollars;
- (39) Nonresident deer or antelope two-tag license, ~~\$330~~ three hundred thirty dollars;
- (40) Nonresident antelope three-tag license, ~~\$330~~ three hundred thirty dollars;
- (41) Nonresident one-tag antlerless deer or doe-fawn antelope license, ~~\$74~~ seventy-four
dollars;
- (42) Nonresident two-tag antlerless deer or doe-fawn antelope license, ~~\$114~~ one hundred
fourteen dollars;
- (43) Nonresident three-tag doe-fawn antelope license, ~~\$114~~ one hundred fourteen dollars;
- (44) Nonresident three-tag any deer and two any antlerless deer license, ~~\$330~~ three
hundred thirty dollars;
- (45) Nonresident three-tag three any antlerless deer license, ~~\$114~~ one hundred fourteen
dollars;
- (46) Nonresident three-tag any whitetail and two antlerless whitetail deer license, ~~\$330~~
three hundred thirty dollars;
- (47) Nonresident three-tag three antlerless whitetail deer license, ~~\$114~~ one hundred
fourteen dollars;

(48) Nonresident predator license, ~~\$40~~ forty dollars;

(49) Custer State Park elk license:

(a) Custer State Park rifle any elk license, ~~\$300~~ three hundred dollars;

(b) Custer State Park early archery elk license, ~~\$300~~ three hundred dollars;

(c) Custer State Park late archery elk license, ~~\$200~~ two hundred dollars; and

(d) Custer State Park special antlerless elk license, ~~\$200~~ two hundred dollars;

(50) Custer State Park deer license:

(a) Custer State Park any deer license, ~~\$150~~ one hundred fifty dollars;

(b) Custer State Park one-tag any whitetail deer license, ~~\$150~~ one hundred fifty dollars; and

(c) Custer State Park one-tag muzzleloader whitetail antlerless deer license, ~~\$25~~ twenty-five dollars;

(51) Custer State Park bison license:

(a) Custer State Park trophy bull bison license, ~~\$6,500~~ six thousand five hundred dollars;

(b) Custer State Park nontrophy bull bison license, ~~\$3,250~~ three thousand two hundred fifty dollars; and

(c) Custer State Park cow bison license, ~~\$1,750~~ one thousand seven hundred fifty dollars;

(52) Custer State Park bighorn sheep license, ~~\$500~~ five hundred dollars;

(53) Custer State Park coyote license, ten dollars;

(54) Custer State Park antelope license:

(a) Custer State Park any antelope license, ~~\$150~~ one hundred fifty dollars; and

- (b) Custer State Park doe-fawn license, ~~\$25~~ twenty-five dollars;
- (55) Nonrefundable application fee:
 - (a) Archery and rifle elk, ten dollars;
 - (b) Mountain goat, ten dollars;
 - (c) Bighorn sheep, ten dollars;
 - (d) Resident hunt for habitat, ten dollars; and
 - (e) Nonresident hunt for habitat, ~~\$20~~ twenty dollars;
- (56) Resident special any deer, any whitetail deer, or any antelope license, ~~\$169~~ one hundred sixty-nine dollars;
- (57) Nonresident special any deer, any whitetail deer, or any antelope license, ~~\$554~~ five hundred fifty-four dollars;
- (58) Youth deer license:
 - (a) Resident, five dollars; and
 - (b) Nonresident, ten dollars;
- (59) Tundra swan permit:
 - (a) Resident, ~~\$12~~ twelve dollars; and
 - (b) Nonresident, ~~\$19~~ nineteen dollars;
- (60) Migratory bird certification permit, five dollars;
- (61) Nonresident shooting preserve license:
 - (a) One-day, ~~\$40~~ forty dollars;
 - (b) Five-consecutive days, ~~\$70~~ seventy dollars; and
 - (c) Annual, ~~\$115~~ one hundred fifteen dollars;
- (62) Mountain lion license, ~~\$22~~ twenty-two dollars;

(63) Mentored youth deer, antelope, or turkey license:

(a) Resident, five dollars; and

(b) Nonresident, ten dollars;

(64) Resident ~~Apprentice~~-apprentice hunter deer license, five dollars; and

(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 for which a preference point is awarded for an unsuccessful application for license:

(a) Resident, five dollars; and

(b) Nonresident, ten dollars.

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 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; 47 SDR 27, effective September 15, 2020; 47 SDR 38, effective October 6, 2020; 47 SDR 137, effective June 29, 2021; 48 SDR 14, effective August 22, 2021; 48 SDR 132, effective July 5, 2022.

General Authority: SDCL 41-6-10, 41-6-18.4, 41-6-19.6, 41-6-19.9, 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, 41-6-19.9, 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.

CHAPTER 41:06:27

CUSTER STATE PARK ELK HUNTING SEASON

Section

- 41:06:27:01 Custer State Park elk hunting season established -- Number and type of licenses -- Season dates.
- 41:06:27:02 Open unit.
- 41:06:27:02.01 One elk license available by raffle.
- 41:06:27:02.02 Criteria for selection by commission of exempt organization.
- 41:06:27:02.03 Application procedures.
- 41:06:27:02.04 Application deadline.
- 41:06:27:02.05 Selection of organization by commission.
- 41:06:27:02.06 Execution of agreement on participation in elk license raffle -- Contents of agreement.
- 41:06:27:02.07 Eligibility of successful entrant for other elk licenses, Repealed.
- 41:06:27:03 Repealed.
- 41:06:27:04 Repealed.
- 41:06:27:05 Repealed.

41:06:27:02.07. Eligibility of successful entrant for other elk licenses. ~~A successful entrant is not eligible again for any Custer State Park rifle elk license obtained through a raffle similar to the raffle contained in this chapter. The license received from this raffle, however, does not bar eligibility for a Custer State Park rifle elk license issued through the lottery selection process by the licensing division of the department. The restrictions of chapter 41:06:07 do not disqualify the successful entrant from obtaining a license through this raffle, but the recipient of the license~~

~~from the raffle may not apply for or obtain a Custer State Park rifle elk license through the state lottery for the same year~~ Repealed.

Source: 17 SDR 12, effective July 31, 1990; 18 SDR 223, effective July 13, 1992; 24 SDR 156, effective May 17, 1998; 46 SDR 116, effective April 29, 2020.

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

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

41:08:01:12. Nonresident restrictions. Notwithstanding the season dates established in this chapter, ~~no~~ a nonresident may not take any mink or weasel from February ~~1~~ first through November ~~30~~ thirtieth; or take any muskrat, beaver, or raccoon from March ~~16~~ sixteenth through November ~~30~~ thirtieth; or take any bobcat from February ~~16~~ sixteenth through the Friday preceding the second Saturday of January. ~~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; 47 SDR 27, effective September 15, 2020.

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

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