

41:04:05:02.01. Personal flotation device use required. If a boat is operated at ~~greater than~~
~~no-wake~~ greater-than-no-wake speed, personal flotation device use on the boat is required as
follows:

(1) The operator of the boat shall ~~assure~~ ensure that each child on board under the age of
~~seven-years-of-age~~ is wearing a Coast Guard-approved personal flotation device, ~~unless such the~~
child is ~~within~~ in a cabin or below deck; and

(2) Any ~~person~~ individual who claims a ~~Type V Hybrid~~ hybrid or an inflatable personal
flotation device as ~~his or her~~ the individual's life jacket personal flotation device of choice shall
~~wear the device unless the person is within a cabin or below deck~~ use that personal flotation
device in accordance with any requirements on the approval label or in the owner's manual.

Source: 29 SDR 21, effective August 26, 2002.

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

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

41:04:05:03. Fire extinguishers required -- Exception. ~~A working fire extinguisher with the~~
that bears an unexpired U.S. Coast Guard stamp of approval of the U.S. Coast Guard and is in
serviceable condition is required on ~~boats~~ a motorboat operated on public waters as follows:

(1) Each Class A or Class 1 motorboat must carry at least one fire extinguisher of B-I type or larger;

(2) Each Class 2 motorboat must carry at least two fire extinguishers of B-I type or larger; and

(3) Each Class 3 motorboat must carry at least one B-II type and one B-I type or three B-I type fire extinguishers; ~~or.~~

~~(4) A Class A or Class 1 motorboat less than 26 feet long and not carrying passengers for hire is exempt from the requirements of this section if the construction of the boat will not permit the entrapment of explosive or flammable gases or vapors.~~

Source: SL 1975, ch 16, § 1; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 16 SDR 32, effective August 20, 1989; 23 SDR 197, effective May 27, 1997; 38 SDR 178, effective April 30, 2012; 46 SDR 74, effective December 2, 2019.

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

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

Cross-Reference: Classification of boats for equipment purposes, SDCL 32-3A-18.

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 "buck 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~~ subdivision 41:06:01:15(4), 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; 51 SDR 13, effective August 14, 2024.

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 operate or live as owner or tenant on agricultural, timber, or grazing lands pursuant to SDCL 41-6-21. To qualify as a landowner-operator applicant, the person must own or lease a minimum of two hundred forty acres of land within an elk unit that has had at least five hundred days of elk use since the last day of the previous application period. A day of elk use is any day an elk feeds or waters on private land. Any qualifying landowner or operator'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 apply for a landowner-operator preference elk license in the first draw. For purposes of this subdivision, a ranch unit means all private property owned or leased for agricultural, timber, or grazing purposes by written agreement by 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~~ any of the following open prairie elk hunting season-unit units, as described in chapter 41:06:59: PRE-09A, PRE-11D, PRE-11E, PRE-27A, PRE-35A, PRE-35B, and PRE-WRA. 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; 51 SDR 13, effective August 14, 2024.

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.

41:06:03:01. Tagging required. ~~The locking seal issued with each big game license, swan license, or special Canada goose license is an adhesive tag.~~ The licensee shall sign the tag issued with each big game license or swan license and date it by cutting out completely the month and day of the ~~date of~~ associated kill ~~only~~. The licensee shall attach the tag securely around one leg of a mountain lion, turkey, or swan, or goose. The licensee shall attach the tag securely to ~~all a~~ a hoofed big game ~~animals~~ animal:

- (1) Around one hind leg between the hoof and ankle joint;
- (2) Around the hock tendon directly above the ankle joint on one hind leg; or
- (3) Around the base of the antler or horn.

Source: SL 1975, ch 16, § 1; 2 SDR 74, effective May 18, 1976; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 172, effective June 27, 1985; 20 SDR 45, effective October 4, 1993; 29 SDR 29, effective August 26, 2002; 45 SDR 124, effective April 17, 2019.

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

Law Implemented: SDCL 41-2-18(2)(10), 41-6-22, 41-14-14, 41-14-16.

41:06:16:03. Daily bag limit. For purposes of this section, the term "ducks" includes "mergansers." The daily bag limit is six ducks, unless the person chooses the second-tier option at which the daily bag limit is an aggregate of three ducks or mergansers 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~~ three pintail, two canvasback, and five mallards, of which no more than two may be hen mallards.

During the first ~~16~~ nine 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 coots is ~~15~~ fifteen.

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 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; 47 SDR 38, effective October 6, 2020; 47 SDR 110, effective April 29, 2021 48 SDR 132, effective July 5, 2022.

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

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

CHAPTER 41:06:16

WATERFOWL HUNTING SEASONS

Section

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- 41:06:16:02 High Plains duck hunting season established.
- 41:06:16:02.01 Low Plains duck hunting season established.
- 41:06:16:03 Daily bag limit.
- 41:06:16:04 Repealed.
- 41:06:16:05 Possession limit.
- 41:06:16:06 Repealed.
- 41:06:16:06.01 Goose definitions.
- 41:06:16:07 Goose hunting season, ~~Conservation Order~~ conservation order, and August ~~Management Take~~ management take established -- Shooting hours -- Exceptions -- Open units -- Closed areas.
- 41:06:16:07.01 Shotgun shell limit exception.
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- 41:06:16:08 Special Canada goose hunting unit established -- Limited permits -- Applications.
- 41:06:16:09 Bag and possession limits on geese.
- 41:06:16:09.01 Tundra swan season established -- Open units -- Shooting hours.
- 41:06:16:10 Certain roadways closed to hunting.
- 41:06:16:11 Maximum number of nonresident waterfowl licenses -- Open units -- Dates -- License restrictions.

41:06:16:11.01 Nonresident waterfowl license purchase restrictions -- Unsold licenses.

41:06:16:12 Waterfowl management area.

41:06:16:13 Repealed.

41:06:16:07. Goose hunting season, ~~Conservation Order~~ conservation order, and August Management Take established -- Shooting hours -- Exceptions -- Open units -- Closed areas. The light goose hunting season is open statewide for one hundred and five consecutive days beginning on the last Saturday of September. A ~~Conservation Order~~ conservation order is open statewide from the day after Unit 2 dark goose season ends to May fifteenth. Only light geese, as defined in § 41:06:16:06.01, may be taken during a ~~Conservation Order~~ conservation order.

As used in this article, a ~~Conservation Order~~ conservation order is a ~~Congressional Order~~ which amends the Fish and Wildlife Service regulations based on a 1999 Congressional action (Pub. L. No. 106-108,) effectively reinstating regulations intended to reduce the population of mid-continent light geese as described in 50 C.F.R. § 21.180 (February 7, 2022).

Additionally, an August Management Take for ~~the taking of~~ Canada geese is open to South Dakota residents beginning on the third Saturday of August through August thirty-first in Meade County south of South Dakota Highway 34, Pennington County west of the Cheyenne River, and the counties of Brown, Clark, Codington, Day, Deuel, Edmunds, Faulk, Hamlin, Grant, Marshall, McPherson, Roberts, and Spink.

The white-fronted goose season is open statewide for seventy-four consecutive days beginning on the last Saturday of September.

The dark goose season is open statewide as ~~specifically~~ provided for in this section ~~and the special Canada goose hunting units in § 41:06:16:08:~~

(1) Unit 1: the counties of Aurora, Beadle, Brookings, Brown, Butte, Campbell, Clark, Codington, Corson, Davison, Day, Deuel, Douglas, Edmunds, Faulk, Grant, Haakon, Hamlin, Hand, Hanson, Harding, Hutchinson, Jackson, Jerauld, Jones, Kingsbury, Lake, McCook, McPherson, Marshall, Meade, Mellette, Moody, Miner, Oglala Lakota, Roberts, Sanborn, Spink, Todd, Turner, Walworth, and Ziebach; that portion of Dewey County north of Bureau of Indian Affairs Road 8, Bureau of Indian Affairs Road 9, and the section of U.S. Highway 212 east of the Bureau of Indian Affairs Road 8 junction; that portion of Potter County east of U.S. Highway 83; that portion of Sully County east of U.S. Highway 83; portions of Hyde, Buffalo, Brule, Charles Mix, and Bon Homme counties north and east of a line beginning at the Hughes-Hyde county line on State Highway 34, east to Lees Boulevard, southeast to the State Highway 34, east seven miles to 350th Avenue, south to Interstate 90 on 350th Avenue, south and east on State Highway 50 to Geddes, east on 285th Street to U.S. Highway 281, north on U.S. Highway 281 to the Charles Mix-Douglas county boundary; the portion of Bon Homme County north of State Highway 50, the portions of Yankton and Clay counties north of County Highway 585 (306th Street) to U.S. Highway 81, then north on U.S. Highway 81 to 303rd Street, then east on 303rd Street to 444th Avenue, then south on 444th Avenue to 305th Street, then east on Bluff Road (305th Street) to County Highway 19, south to State Highway 50 and east to the Clay/Union County line; the portion of Perkins County west of State Highway 75 and south of State Highway 20; that portion of Lincoln County west of State Highway 17 and south of County Highway 116 (Klondike Road); and the portion of Minnehaha County north of a line beginning at the junction of the South Dakota-Minnesota state line and County Highway 122 (254th Street)

west to its junction with County Highway 149 (464th Avenue), the portion west of County Highway 149 (464th Avenue) to Hartford, the portion west of County Highway 151 (463rd Avenue) to State Highway 42, the portion south of State Highway 42 to State Highway 17, and the portion west of State Highway 17 to the Minnehaha-Lincoln county boundary. The season is open for one hundred and seven consecutive days, less the number of days set aside for the ~~Early Fall Canada Goose~~ early fall Canada goose season established in chapter 41:06:50 ~~that begins on October first;~~ and

(2) Unit 2: those portions of the state not described in Unit 1 ~~and Unit 3~~. The season is open for one hundred and five consecutive days preceding and including the Sunday closest to February fifteenth; ~~and~~

~~(3) Unit 3: Bennett County. The season is open for nine consecutive days beginning on the second Saturday of January.~~

Except for the light goose ~~Conservation Order~~ conservation order, shooting hours for geese are one-half hour before sunrise to sunset daily. The shooting hours for the light goose ~~Conservation Order~~ conservation order are one-half hour before sunrise to one-half hour after sunset daily.

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; 9 SDR 37, effective September 28, 1982; 10 SDR 23, effective September 22, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 41, effective September 25, 1984; 12 SDR 50, effective October 1, 1985; 13 SDR 37, effective October 7, 1986; 14 SDR 57, effective October 21, 1987; 15 SDR 50, effective

October 6, 1988; 16 SDR 44, effective September 13, 1989; 16 SDR 64, effective October 10, 1989; 17 SDR 51, effective October 10, 1990; 18 SDR 61, effective October 8, 1991; 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; 23 SDR 125, effective February 11, 1997; 24 SDR 44, effective October 14, 1997; 25 SDR 43, effective September 28, 1998; 25 SDR 108, effective February 28, 1999; 25 SDR 157, effective June 24, 1999; 26 SDR 41, effective September 28, 1999; 26 SDR 117, effective March 16, 2000; 26 SDR 174, effective July 4, 2000; 27 SDR 18, effective September 12, 2000; 27 SDR 101, effective April 18, 2001; 28 SDR 44, effective October 3, 2001; 28 SDR 48, effective October 10, 2001; 29 SDR 29, effective September 8, 2002; 31 SDR 39, effective September 23, 2004; 31 SDR 115, effective February 14, 2005; 32 SDR 45, effective September 20, 2005; 33 SDR 43, effective September 18, 2006; 33 SDR 107, effective December 27, 2006; 34 SDR 67, effective September 10, 2007; 35 SDR 47, effective September 8, 2008; 35 SDR 184, effective February 2, 2009; 36 SDR 39, effective September 23, 2009; 36 SDR 112, January 11, 2010, 36 SDR 215, effective July 1, 2010; 37 SDR 18, effective August 16, 2010; 38 SDR 8, effective August 3, 2011; 39 SDR 10, effective August 1, 2012; 39 SDR 33, effective September 5, 2012; 40 SDR 14, effective July 29, 2013; 40 SDR 29, effective August 20, 2013; 40 SDR 39, effective September 9, 2013; 41 SDR 7, effective July 30, 2014; 41 SDR 34, effective September 2, 2014; SL 2015, ch 56, § 1, effective May 1, 2015; 42 SDR 14, effective August 10, 2015; 42 SDR 31, effective September 8, 2015; 42 SDR 97, effective January 5, 2016; 42 SDR 146, effective May 5, 2016; 43 SDR 146, effective May 22, 2017; 44 SDR 151, effective April 30, 2018; 45 SDR 89, effective December 31, 2018; 47 SDR 110, effective April 29, 2021; 50 SDR 129, effective May 15, 2024.

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

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

CHAPTER 41:06:16

WATERFOWL HUNTING SEASONS

Section

- 41:06:16:01 Duck hunting season established.
- 41:06:16:02 High Plains duck hunting season established.
- 41:06:16:02.01 Low Plains duck hunting season established.
- 41:06:16:03 Daily bag limit.
- 41:06:16:04 Repealed.
- 41:06:16:05 Possession limit.
- 41:06:16:06 Repealed.
- 41:06:16:06.01 Goose definitions.
- 41:06:16:07 Goose hunting season, Conservation Order, and August Management Take established -- Shooting hours -- Exceptions -- Open units -- Closed areas.
- 41:06:16:07.01 Shotgun shell limit exception.
- 41:06:16:07.02 Federal migratory waterfowl stamp -- Exception.
- 41:06:16:08 ~~Special Canada goose hunting unit established -- Limited permits -- Applications Repealed.~~
- 41:06:16:09 Bag and possession limits on geese.
- 41:06:16:09.01 Tundra swan season established -- Open units -- Shooting hours.
- 41:06:16:10 Certain roadways closed to hunting.
- 41:06:16:11 Maximum number of nonresident waterfowl licenses -- Open units -- Dates -- License restrictions.
- 41:06:16:11.01 Nonresident waterfowl license purchase restrictions -- Unsold licenses.

41:06:16:12 Waterfowl management area.

41:06:16:13 Repealed.

41:06:16:08. Special Canada goose hunting unit established -- Limited permits --

~~Application. Unit CGW 11A: Bennett County, including tribal trust lands, is open for the special Canada goose hunting season for 65 consecutive days beginning on the third Saturday of October; 800 permits with three tags per permit.~~

~~A person may not hunt Canada geese unless the person has been issued a special permit and tags. Each tag is valid for taking one Canada goose consistent with the provisions of § 41:06:16:09. Each goose must be tagged immediately upon retrieval.~~

~~Half of the permits are available to persons with land occupant preference. If licenses remain unsold following an initial first come, first served period, a person already holding a license may apply for up to two additional licenses Repealed.~~

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; 9 SDR 37, effective September 28, 1982; 10 SDR 23, effective September 22, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 41, effective September 25, 1984; 12 SDR 50, effective October 1, 1985; 13 SDR 37, effective October 7, 1986; 14 SDR 4, effective July 22, 1987; 14 SDR 57, effective October 21, 1987; 15 SDR 50, effective October 6, 1988; 16 SDR 44, effective September 13, 1989; 17 SDR 34, effective September 6, 1990; 18 SDR 41, effective September 5, 1991; 19 SDR 36, effective September 16, 1992; 20 SDR 28, effective August 29, 1993; 20 SDR 204, effective

June 7, 1994; 21 SDR 219, effective June 26, 1995; 22 SDR 46, effective October 8, 1995; 22 SDR 188, effective July 10, 1996; 23 SDR 70, effective November 14, 1996; 23 SDR 220, effective June 26, 1997; 25 SDR 193, effective July 19, 1998; 25 SDR 157, effective June 24, 1999; 26 SDR 117, effective March 16, 2000; 26 SDR 117, adopted March 16, 2000, effective July 1, 2000; 26 SDR 174, effective July 4, 2000; 27 SDR 126, effective June 6, 2001; 28 SDR 166, effective June 4, 2002; 29 SDR 160, effective June 3, 2003; 30 SDR 189, effective June 7, 2004; 31 SDR 213, effective July 4, 2005; 32 SDR 225, effective July 3, 2006; 34 SDR 332, effective July 7, 2008; 46 SDR 116, effective April 29, 2020.

General Authority: ~~SDCL 41-2-18(10)(17), 41-11-5.~~

Law Implemented: ~~SDCL 41-2-18(10)(17), 41-11-5.~~

41:06:16:09. Bag and possession limits on geese. ~~The daily bag limit in the special Canada goose hunting unit established in § 41:06:16:08 may include no more than 50 light geese, three geese that may be a combination of Canada geese and black Brant, and three white-fronted geese.~~

The daily bag limit in Unit 1 during the goose hunting season may include no more than ~~50~~ fifty light geese, eight geese that may be a combination of Canada geese and black ~~Brant~~ brant, and three white-fronted geese. The daily bag limit in Unit 2 during the goose hunting season may include no more than ~~50~~ fifty light geese, four geese that may be a combination of Canada geese and black ~~Brant~~ brant, and three white-fronted geese. ~~The daily bag limit in Unit 3 during the goose hunting season may include no more than 50 light geese, and four geese that may be a combination of Canada geese and black Brant.~~ The possession limit is three times the daily bag limit, except there is no possession limit for light geese.

There is no daily bag or possession limit for light geese taken during a ~~Conservation Order~~ conservation order.

During the August Management Take, the daily bag limit is ~~15~~ fifteen Canada geese. There is no possession limit for Canada geese during the August Management Take.

Source: 1 SDR 26, effective September 11, 1974; 2 SDR 18, effective September 16, 1975; 3 SDR 22, effective September 27, 1976; 4 SDR 15, effective September 15, 1977; 6 SDR 31, effective October 2, 1979; 7 SDR 31, effective October 8, 1980; 8 SDR 31, effective September 30, 1981; 9 SDR 37, effective September 28, 1982; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 41, effective September 25, 1984; 12 SDR 50, effective October 1, 1985; 13 SDR 37, effective October 7, 1986; 14 SDR 57, effective October 21, 1987; 15 SDR 50, effective October 6, 1988; 16 SDR 64, effective October 10, 1989; 17 SDR 51, effective

October 10, 1990; 18 SDR 61, effective October 8, 1991; 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; 23 SDR 220, effective June 26, 1997; 24 SDR 44, effective October 14, 1997; 25 SDR 43, effective September 28, 1998; 26 SDR 41, effective September 28, 1999; 26 SDR 117, effective March 16, 2000; 27 SDR 18, effective September 12, 2000; 32 SDR 45, effective September 20, 2005; 34 SDR 67, effective September 10, 2007; 36 SDR 215, effective July 1, 2010; 38 SDR 8, effective August 3, 2011; 38 SDR 116, effective January 10, 2012; 40 SDR 14, effective July 29, 2013; 40 SDR 39, effective September 9, 2013; 41 SDR 34, effective September 2, 2014; 45 SDR 89, effective December 31, 2018.

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

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

41:06:16:11. Maximum number of nonresident waterfowl licenses -- Open units -- Dates --

License restrictions. The maximum number of nonresident waterfowl licenses to be issued by lottery is four thousand two hundred special nonresident waterfowl licenses, two thousand early fall Canada goose temporary nonresident licenses, two thousand one hundred fall three-day temporary nonresident waterfowl licenses, one hundred nonresident youth waterfowl licenses, and ten thousand spring snow goose temporary nonresident licenses divided for administrative purposes as follows:

(1) Unit NRW-00A: the counties of Union, Clay, Yankton, Bon Homme, and Charles Mix. No more than two hundred and fifty special nonresident waterfowl licenses may be issued;

(2) Unit NRW-00B: all ~~open~~ counties not in ~~Units~~ Unit NRW-00A or NRW-11A. No more than three thousand, nine hundred and ~~twenty-five~~ fifty special nonresident waterfowl licenses may be issued;

(3) Unit NRW-00C: ~~those units as described in § 41:06:50:02~~ the area described in 41:06:16:07(1). No more than two thousand early fall Canada goose temporary nonresident waterfowl licenses may be issued;

~~(4) Unit NRW-11A: Bennett County. No more than twenty-five special nonresident waterfowl licenses may be issued. The season in this unit is open for sixty-five consecutive days beginning on the third Saturday of October and during any period that Bennett County is open in January as described in subdivision 41:06:16:07(3);~~

~~(5)~~ Unit NRW-00X: the counties of Potter, Stanley, Sully, Hughes, and Lyman. No more than seven hundred and fifty fall three-day, temporary nonresident waterfowl licenses may be issued. The licenses issued pursuant to this subdivision are valid only on private property;

~~(6)~~(5) Unit ~~NRW-00V~~ NRW-00V: the counties of Brown, Campbell, Edmunds, Faulk, McPherson, and Walworth. No more than five hundred and fifty fall three-day, temporary nonresident waterfowl licenses may be issued. The licenses issued pursuant to this subdivision are valid only on private property;

~~(7)~~(6) Unit NRW-00Y: the counties of Spink, Marshall, Roberts, Day, Grant, Clark, Codington, Deuel, and Hamlin. No more than five hundred three-day, temporary nonresident waterfowl licenses may be issued;

~~(8)~~(7) Unit ~~NRW-00Z~~ NRW-00Z: statewide except the counties in Units ~~NRW-00A~~ NRW-00A, ~~NRW-11A~~, ~~NRW-00V~~ NRW-00V, ~~NRW-00X~~ NRW-00X and ~~NRW-00Y~~ NRW-00Y. No more than three hundred fall three-day, temporary nonresident waterfowl licenses may be issued. The licenses issued pursuant to this subdivision are valid only on private property;

~~(9)~~(8) Unit NRW-ST1: statewide. No more than ten thousand spring snow goose temporary nonresident licenses may be issued. The licenses issued pursuant to this subdivision are valid only during a ~~Conservation Order~~ conservation order issued pursuant to 50-~~CFR~~ C.F.R. § 21.180;

~~(10)~~(9) Unit NYW-YW1: statewide. No more than one hundred nonresident youth waterfowl licenses may be issued for the youth waterfowl season established in § 41:06:49:01. A nonresident youth may also hunt during the youth waterfowl season, with a valid waterfowl hunting license, as provided for in this section.

Licenses issued under this section are valid only in the unit for which they are issued. ~~Licenses for Unit NRW-11A include two tags for Canada geese. Each tag is valid for taking one Canada goose, consistent with the provisions of § 41:06:16:09. Each goose must be tagged immediately upon retrieval.~~

Source: 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; 8 SDR 31, effective September 30, 1981; 9 SDR 37, effective September 28, 1982; 10 SDR 23, effective September 22, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 12 SDR 50, effective October 1, 1985; 13 SDR 37, effective October 7, 1986; 14 SDR 57, effective November 21, 1987; 15 SDR 50, effective October 6, 1988; 16 SDR 44, effective September 13, 1989; 17 SDR 51, effective October 10, 1990; 21 SDR 207, effective June 5, 1995; 23 SDR 220, effective June 26, 1997; 25 SDR 193, effective July 19, 1998; 25 SDR 157, effective June 24, 1999; 26 SDR 117, effective March 16, 2000; 26 SDR 117, adopted March 16, 2000, effective July 1, 2000; 26 SDR 174, effective July 4, 2000; 28 SDR 24, effective August 28, 2001; 28 SDR 166, effective June 4, 2002; 29 SDR 160, effective June 3, 2003; 30 SDR 189, effective June 7, 2004; 31 SDR 213, effective July 4, 2005; 34 SDR 332, effective July 7, 2008; 42 SDR 14, effective August 10, 2015; SL 2016, ch 211, § 1, effective July 1, 2016; SL 2017, ch 185, § 1, effective July 1, 2017; 44 SDR 17, effective August 7, 2017; 46 SDR 116, effective April 29, 2020; 47 SDR 137, effective June 29, 2021; 47 SDR 124, effective July 3, 2023.

General Authority: SDCL 41-2-18(2)(10)(17), ~~41-6-18.2~~, 41-6-18.4.

Law Implemented: SDCL 41-2-18(2)(10)(17), 41-6-18.2, 41-6-18.4, 41-11-5.

Cross-Reference: Youth waterfowl hunting season -- Eligibility requirements and restrictions (~~Youth waterfowl hunting season~~), § 41:06:49:04.

41:06:50:02. Open unit and season dates. Early fall Canada goose hunting season is open September-1 first through September-30 thirtieth. This season is open statewide except in ~~Units~~ Unit 2 and 3 as described in § 41:06:16:07.

Source: 23 SDR 38, effective September 26, 1996; 24 SDR 23, effective August 31, 1997; 26 SDR 21, effective August 23, 1999; 27 SDR 13, effective August 27, 2000; 28 SDR 24, effective August 28, 2001; 29 SDR 21, effective August 26, 2002; 30 SDR 21, effective August 25, 2003; 31 SDR 21, effective August 23, 2004; 32 SDR 31, effective August 29, 2005; 33 SDR 43, effective September 18, 2006; 34 SDR 49, effective August 22, 2007; 35 SDR 47, effective September 8, 2008; 36 SDR 39, effective September 23, 2009; 38 SDR 40, effective September 21, 2011; 40 SDR 29, effective August 20, 2013; 42 SDR 146, effective May 5, 2016; 46 SDR 116, effective April 29, 2020; 47 SDR 110, effective April 29, 2021.

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

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

Cross-Reference: Special Canada goose hunting unit established -- Limited permits -- Application, § 41:06:16:08.

41:06:56:02. Open units. The open units for the bighorn sheep hunting season are as follows:

(1) Unit BHS-BH2: that portion of Custer and Fall River Counties within a line beginning at the junction of U.S. Highway 16 and the Wyoming state line, east on U.S. Highway 16 to the intersection of U.S. Highway 16 and Mann Road (USFS Road 270) then south along Mann Road to Pass Creek Road (USFS Road 272) then south on Pass Creek Road to Richardson Cutoff (USFS Road 276) then east on Richardson Cutoff to Pleasant Valley Road (USFS Road 715) then south on Pleasant Valley Road to Pilger Mountain Road (USFS Road 317) then south on Pilger Mountain Road to County Road 15 then south on County Road 15 to U.S. Highway 18 then west on U.S. Highway 18 to County Road 16 then north on County Road 16 to Dewey Road (USFS Road 769) then north and west on Dewey Road to the Custer County line then west on the Custer County line to the Wyoming state line then north on the Wyoming state line to the point of origin;

(2) Unit BHS-BH3: that portion of Pennington County east of the Cheyenne River and north of Highway 44 and that portion of Jackson County north of the White River, ~~excluding the Badlands National Park;~~

(3) Unit BHS-BH4: that portion of Custer, Meade, Lawrence, and Pennington Counties beginning at the junction of the Wyoming state line, ~~Lawrence County line, and Pennington County line then east on the Pennington County line to~~ and Interstate 90 then south on Interstate 90 to Elk Vale Road then south on Elk Vale Road to SD Highway 79 then south on SD Highway 79 to the Custer/Fall River County line then west on the Custer/Fall River County line to Pilger Mountain Road then north on Pilger Mountain Road to Pleasant Valley Road then north and east on Pleasant Valley Road to Richardson Cutoff then north on Richardson Cutoff to Pass Creek Road then west and north on Pass Creek Road to Mann Road then north on Mann Road to U.S.

Highway 16 then west on U.S. Highway 16 to the Wyoming state line, then north on the Wyoming state line to the point of origin, excluding ~~Jewel Cave National Monument, Wind Cave National Park, and~~ Custer State Park; and

(4) Unit BHS-CSP: the fenced portion of Custer State Park.

Source: 26 SDR 162, effective June 14, 2000; 29 SDR 160, effective June 3, 2003; 33 SDR 212, effective June 4, 2007; 34 SDR 297, effective June 4, 2008; 40 SDR 175, effective February 11, 2014; 44 SDR 151, effective April 30, 2018; 45 SDR 155, effective June 24, 2019; 46 SDR 116, effective April 29, 2020; 50 SDR 129, effective May 15, 2024.

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

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

41:06:59:01. Prairie elk hunting season established -- Number and type of licenses

available -- Season dates. The prairie elk hunting season is open from one-half hour before sunrise to one-half hour after sunset each day of the season. No more than two hundred "any elk" licenses and no more than four hundred "antlerless elk" licenses may be issued for the prairie elk hunting season. The prairie elk hunting seasons are as follows:

(1) Unit PRE-09A is open from September ~~fifteenth~~ first through ~~October thirty-first~~ and ~~from December first through~~ December thirty-first;

(2) Unit PRE-11A is open from July fifteenth through August thirty-first;

(3) Unit PRE-11B is open from September first through October fifteenth;

(4) Unit PRE-11C is open from October sixteenth through November thirtieth;

(5) Unit PRE-11D is open from September first through October thirty-first;

(6) Unit PRE-11E is open from November first through December thirty-first;

(7) Unit PRE-11F is open from January first through the last day of February;

(8) Unit PRE-15A is open from September first through December thirty-first;

(9) Unit PRE-15B is open from December first through January thirty-first;

(10) Unit PRE-27A is open from ~~October~~ September first through ~~October thirty-first~~ and ~~from December first through~~ December thirty-first;

(11) Unit PRE-35A is open from September fifteenth through December thirty-first;

(12) Unit PRE-35B is open from September fifteenth through December thirty-first;

(13) Unit PRE-35C is open from October first through November fifteenth;

(14) Unit PRE-35D is open from November sixteenth through December thirty-first;

(15) Unit PRE-35E is open from October first through November fifteenth;

(16) Unit PRE-35F is open from November sixteenth through December thirty-first;

(17) Unit PRE-49A is open from September fifteenth through October thirty-first and from December first through December thirty-first; and

(18) Unit PRE-WRA is open from September first through December thirty-first.

Source: 27 SDR 111, effective May 8, 2001; 42 SDR 146, effective May 5, 2016; 44 SDR 184, effective June 25, 2018; 46 SDR 130, effective May 28, 2020; 48 SDR 115, effective May 24, 2022; 50 SDR 129, effective May 15, 2024.

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

Law Implemented: SDCL 41-2-18(1)(2)(17), 41-6-21.

Cross-References:

Hunting license fees, § 41:06:02:03.

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

Resident big game license---Privileges and fee---Violation as misdemeanor, SDCL 41-6-

19.

41:06:59:02. Open units. The open units for the prairie elk hunting season are as follows:

(1) Unit PRE-09A: those portions of Lawrence and Butte Counties within a line beginning at the intersection of U.S. Highways 85 and 212, then east on Highway 212 to Whitewood Valley Road, then south on Whitewood Valley Road to Interstate 90, then west on Interstate 90 to U.S. Highway 85, then north on U.S. Highway 85 to the point of beginning;

(2) Unit PRE-11A: Bennett County, the portion of Jackson County south of State Highway 44 and Bureau of Indian Affairs Highway 2, and those portions of Mellette County south of State Highway 44 and west of U.S. Highway 83;

(3) Unit PRE-11B: Bennett County, the portion of Jackson County south of State Highway 44 and Bureau of Indian Affairs Highway 2, and those portions of Mellette County south of State Highway 44 and west of U.S. Highway 83;

(4) Unit PRE-11C: Bennett County, the portion of Jackson County south of State Highway 44 and Bureau of Indian Affairs Highway 2, and those portions of Mellette County south of State Highway 44 and west of U.S. Highway 83;

(5) Unit PRE-11D: Bennett County, the portion of Jackson County south of State Highway 44 and Bureau of Indian Affairs Highway 2, and those portions of Mellette County south of State Highway 44 and west of U.S. Highway 83;

(6) Unit PRE-11E: Bennett County, the portion of Jackson County south of State Highway 44 and Bureau of Indian Affairs Highway 2, and those portions of Mellette County south of State Highway 44 and west of U.S. Highway 83;

(7) Unit PRE-11F: Bennett County, the portion of Jackson County south of State Highway 44 and Bureau of Indian Affairs Highway 2, and those portions of Mellette County south of State Highway 44 and west of U.S. Highway 83;

(8) Unit PRE-15A: the portion of Butte County beginning at the junction of the South Dakota-Wyoming border, east on Sourdough Road to U.S. Highway 85, then south on U.S. Highway 85 to Interstate 90, then west on Interstate 90 to the South Dakota-Wyoming border, then north to the point of beginning;

(9) Unit PRE-15B: the portion of Butte County beginning at the junction of the South Dakota-Wyoming border, east on Sourdough Road to U.S. Highway 85, then south on U.S. Highway 85 to Interstate 90, then west on Interstate 90 to the South Dakota-Wyoming border, then north to the point of beginning;

(10) Unit PRE-27A: the portion of Fall River County not included in BHE-H3 or BHE-H4;

(11) Units PRE-35A, PRE-35C, and PRE-35D: the portion of Harding County west of U.S. Highway 85;

(12) Units PRE-35B, PRE-35E, and PRE-35F: the portion of Harding County east of U.S. Highway 85;

(13) Unit PRE-49A: the portion of Meade County within a line beginning at the junction of Interstate 90 and Elk Creek Road, then east on Elk Creek Road to Ricard Road, then north on Ricard Road to Tilford Road, then east on Tilford Road to Middle Alkalai Road, then north on Middle Alkalai Road to Alkalai Road, then west on Alkalai Road to SD Highway 34, then west on SD Highway 34 to Interstate 90, then south on Interstate 90 to the point of beginning; and

(14) Unit PRE-WRA: the portion of the state west of the Missouri River not associated with another prairie elk unit, Custer State Park, or any Black Hills elk unit described in chapter 41:06:26 ~~excluding the Lower Brule Indian Reservation and Corson, Dewey, Oglala Lakota, Todd, and Ziebach Counties.~~

Source: 27 SDR 111, effective May 8, 2001; 28 SDR 166, effective June 4, 2002; 29 SDR 160, effective June 3, 2003; 30 SDR 171, effective May 11, 2004; 31 SDR 191, effective June 7, 2005; 32 SDR 203, effective June 5, 2006; 33 SDR 212, effective June 4, 2007; 34 SDR 297, effective June 4, 2008; 35 SDR 306, effective July 2, 2009; 36 SDR 215, effective July 1, 2010; 37 SDR 215, effective May 31, 2011; 38 SDR 213, effective June 19, 2012; 39 SDR 204, effective June 11, 2013; 40 SDR 197, effective May 27, 2014; 41 SDR 173, effective May 11, 2015; 42 SDR 146, effective May 5, 2016; 44 SDR 184, effective June 25, 2018; 46 SDR 130, effective May 28, 2020; 48 SDR 115, effective May 24, 2022; 50 SDR 129, effective May 15, 2024.

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

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

41:06:61:06. Application requirements -- License and season restrictions -- Special conditions -- Carcass check-in procedures. Only a resident may apply for a mountain lion

hunting license. The following requirements, restrictions, special conditions, and procedures apply to all ~~applications for license and to all~~ licenses issued under this chapter:

- ~~(1)~~ (1) Only residents of the state may apply for a license;
- ~~(2)~~ (2) No person may harvest more than one mountain lion in a season;
- ~~(3)~~ (2) No person may harvest or attempt to harvest a mountain lion with a spotted coat or any mountain lion accompanying another mountain lion;
- ~~(4)~~ (3) No person may hunt mountain lions with the aid of traps or bait;
- ~~(5)~~ (4) The use of dogs to hunt mountain lions is allowed only during those specified hunting intervals in Custer State Park that allow the use of dogs; and year-round outside of the Black Hills Fire Protection District ~~when on private land, with permission of the landowner or lessee. However, a pursuit of a mountain lion by dogs that originates on private land may cross over or culminate on private land, with permission from the landowner or lessee, or on public land, unless expressly prohibited by the managing entity;~~
- ~~(6)~~ (5) No person may release dogs on tracks indicating multiple mountain lions traveling together;
- ~~(7)~~ (6) In Custer State Park, a person using dogs shall attempt to harvest the first legal mountain lion the person has a reasonable opportunity to harvest, except under the condition in which the lion pursued shows obvious signs of lactation;
- ~~(8)~~ (7) Licensed hunters must accompany the dog handler when the dogs are released and must continuously participate in the hunt until the hunt is completed;

~~(9)~~(8) A person may use any firearm, muzzleloader, or bow and arrow established by statute or administrative rule as legal implements for the taking of deer;

~~(10) Wind Cave National Park, Jewel Cave National Park, and Mount Rushmore National Memorial are closed to mountain lion hunting; and~~

~~(11)~~(9) All mountain lions harvested must be presented to a department representative within ~~24~~ twenty-four hours of harvest for inspection.

Source: 32 SDR 45, effective September 20, 2005; 33 SDR 1, effective July 18, 2006; 34 SDR 67, effective September 10, 2007; 37 SDR 112, effective December 8, 2010; 38 SDR 101, effective December 5, 2011; 39 SDR 100, effective December 3, 2012; 41 SDR 126, effective March 2, 2015; 46 SDR 116, effective April 29, 2020; 48 SDR 60, effective December 8, 2021.

General Authority: SDCL 41-2-18(1)(2)(14)(17), 41-8-15(1).

Law Implemented: SDCL 41-2-18(1)(2)(14)(17), 41-8-15(1).

Cross-References:

Hunting guide activities barred from certain state-owned or state-managed areas---
Violations, SDCL 41-4-13.