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HUNTING SEASONS AND METHODS

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ARTICLE 41:06

**HUNTING SEASONS AND METHODS**

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**CHAPTER 41:06:00.01**

**GENERAL PROVISIONS**

Section

41:06:00.01:01 Seasons not applicable to Indian lands -- Exception.

41:06:00.01:02 Definitions.

 **41:06:00.01:01.  Seasons not applicable to Indian lands -- Exception.** Unless otherwise specifically provided, a season established by this article does not apply to any Indian lands as defined by 18 U.S.C. 1165 unless the tribal council with jurisdiction over those lands concurs in or consents to the season.

 **Source:** 1 SDR 78, effective June 19, 1975; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 46 SDR 116, effective April 29, 2020.

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

 **Law Implemented:** SDCL 41-2-18(1)(2), 41-11-5.

 **41:06:00.01:02.  Definitions.** As used in this article:

 (1)  "Buck" means a male deer with a visible, polished antler;

 (2)  "Bull" means a male elk with a visible, polished antler;

 (3)  "Antlerless" means a whitetail or mule deer, or elk, of either sex without a visible antler;

 (4)  "Any deer" means a whitetail or mule deer of either sex;

 (5)  "Any whitetail" means a whitetail deer of either sex;

 (6)  "Antlerless whitetail" means a whitetail deer without a visible antler;

 (7)  "Any mule deer" means a mule deer of either sex;

 (8)  "Mule buck" means a male mule deer with a visible polished antler;

 (9)  "Any elk" means an elk of either sex;

 (10)  "Any antelope" means an antelope of either sex;

 (11)  "Doe/fawn antelope" means an antelope of either sex without horns or with horns less than three inches in total length;

 (12)  "Wild turkey" means a dark turkey which bears the characteristics of a Merriam (Meleagris gallopavo merriami), Rio Grande (Meleagris gallopavo intermedia), or Eastern (Meleagris gallopavo silvestris) turkey; any such turkey released to the wild which is not marked in accordance with § 41:09:02:04 and which is within a hunting unit established by chapter 41:06:13 or 41:06:14;

 (13)  "Any turkey" means a wild turkey of either sex;

 (14)  "Male turkey" means a wild turkey with a visible beard or spurs. The beard is a feathered appendage protruding from the breast;

 (15)  "Hen turkey" means a wild turkey without a visible beard or spurs;

 (16)  "License type" means a license for a species or a family of related species, sometimes specific to a particular species, sex, and geographic unit;

 (17)  "Preference point" means a unit of license drawing opportunity that is assigned to an individual;

 (18)  "Agricultural purposes" means the producing, raising, growing, or harvesting of food or fiber upon agricultural land, including dairy products, livestock, crops, timber, and grasslands. Land leased solely for hunting, fishing, or trapping is not considered agricultural purposes;

 (19)  "Operate" means to lease or hold fee title to farm or ranch real property and be directly involved in the management decisions made for agricultural purposes on the farm or ranch;

 (20)  "Owner-operator" means an individual holding fee title to farm or ranch real property who is directly involved in the management decisions made for agricultural purposes on the farm or ranch.

 **Source:** 6 SDR 31, effective October 2, 1979; 9 SDR 171, effective July 13, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 12 SDR 14, effective August 6, 1985; 12 SDR 151, effective March 16, 1986; 13 SDR 37, effective October 7, 1986; 22 SDR 28, effective September 4, 1995; 27 SDR 101, effective April 18, 2001; 28 SDR 24, effective August 28, 2001; 29 SDR 147, effective May 6, 2003; 34 SDR 67, effective September 10, 2007; 37 SDR 235, effective June 27, 2011; 46 SDR 116, effective April 29, 2020.

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

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

**CHAPTER 41:06:01**

**APPLICATION FOR LICENSE**

Section

41:06:01:01 Applicability of chapter.

41:06:01:02 Form of application -- False representation prohibited -- License prerequisite.

41:06:01:03 Submission of application with fee.

41:06:01:03.01 Restriction on number of applications submitted jointly.

41:06:01:04 Repealed.

41:06:01:05 Repealed.

41:06:01:06 Lottery methods and procedure.

41:06:01:07 Landowner preference limited by acreage.

41:06:01:07.01 Landowner preference application requirements and restrictions.

41:06:01:07.02 Restrictions on landowner preference for legal entities.

41:06:01:07.03 Landowner own land license types.

41:06:01:08 Restriction on number of applications.

41:06:01:08.01 Restriction on applications for certain lottery deer drawings.

41:06:01:09 Application for unsold big game licenses -- Future eligibility.

41:06:01:10 Prior application preference.

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41:06:01:12 Mentored youth big game license -- Restrictions.

41:06:01:13 Designation of areas where free antlerless deer licenses can be used by farmers and ranchers.

41:06:01:14 Allocation of licenses to nonresident hunters.

41:06:01:15 Elk application requirements.

41:06:01:16 Purchase and accrual of preference points.

41:06:01:17 Access permits required for specific deer hunting units and public lands.

41:06:01:18 Authorization for terminally ill residents to hunt deer, antelope and turkeys.

41:06:01:19 Sage grouse hunting permits -- Procedure -- Requirements.

 **41:06:01:01.  Applicability of chapter.** This chapter governs the manner of applying for licenses in hunting seasons where licenses are limited by number or eligibility, or both.

 **Source:** SL 1975, ch 16, § 1; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 46 SDR 116, effective April 29, 2020.

 **General Authority:** SDCL 41-2-18(12)(13), 41-6-18.2, 41-6-21, 41-8-1, 41-11-5.

 **Law Implemented:** SDCL 41-2-18(12)(13), 41-6-18.2, 41-6-21, 41-6-27, 41-6-28, 41-6-62, 41-8-1, 41-11-5.

 **41:06:01:02.  Form of application -- False representation prohibited -- License prerequisite.** An applicant shall apply for big game and other special licenses on forms provided by the department. The application shall contain complete identification information. The applicant may not make any false representations on the application.

 **Source:** SL 1975, ch 16, § 1; 2 SDR 10, effective August 7, 1975; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 17 SDR 34, effective September 6, 1990; 25 SDR 43, effective September 28, 1998; 46 SDR 116, effective April 29, 2020.

 **General Authority:** SDCL 41-2-18(12)(13), 41-6-18.2, 41-6-21.

 **Law Implemented:** SDCL 41-2-18(12)(13), 41-6-18.2, 41-6-21.

 **Cross-References:**

 Combination licenses, SDCL 41-6-10.1, § 41:06:02:01.01.

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

 Safety instruction required for licensing of child under sixteen -- Fee waived, SDCL 41-6-16.

 **41:06:01:03.  Submission of application with fee.** Except for elk, mountain goat, and bighorn sheep, the applicant shall submit the application to the licensing section of the department together with the license fee. Except as provided in § 41:06:01:09, the application for all elk, mountain goat, and bighorn sheep licenses shall be accompanied only by the nonrefundable application fee. Upon notification, successful applicants for elk, mountain goat, or bighorn sheep licenses must submit the applicable license fee before the license is issued. If a person is successful in being drawn for more than one elk license in the same year, only one may be retained. Other elk licenses must be returned to the licensing office and any preference points for that returned license will be retained by the licensee.

 If a person is successful in being drawn for more than one bighorn sheep license in the same year, only one may be retained. Any other bighorn sheep license must be returned to the licensing office.

 **Source:** SL 1975, ch 16, § 1; 2 SDR 10, effective August 7, 1975; 10 SDR 12, effective August 17, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 14 SDR 57, effective October 21, 1987; 20 SDR 204, effective June 7, 1994; 25 SDR 141, effective May 27, 1999; 26 SDR 162, effective June 14, 2000; 28 SDR 166, effective June 4, 2002; 31 SDR 191, effective June 7, 2005; 46 SDR 116, effective April 29, 2020.

 **General Authority:** SDCL 41-2-18(12)(13), 41-6-19.6.

 **Law Implemented:** SDCL 41-2-18(12)(13), 41-6-19.6.

 **Cross-Reference:** Hunting license fees, § 41:06:02:03.

 **41:06:01:03.01.  Restriction on number of applications submitted jointly.** No more than six persons may submit applications for any license limited in number jointly in the same envelope except that no more than two applications may be submitted jointly for elk. Only one application may be submitted per envelope for mountain goat or bighorn sheep.

 **Source:** 26 SDR 162, effective June 14, 2000.

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

 **Law Implemented:** SDCL 41-2-18(12)(13).

 **41:06:01:04.  Void applications.** Repealed.

 **Source:** SL 1975, ch 16, § 1; 2 SDR 10, effective August 7, 1975; 10 SDR 76, 10 SDR 102, effective July 1, 1984; repealed, 21 SDR 86, effective November 10, 1994.

 **41:06:01:05.  No refunds and cancellations after license issuance.** Repealed.

 **Source:** SL 1975, ch 16, § 1; 10 SDR 76, 10 SDR 102, effective July 1, 1984; repealed, 21 SDR 86, effective November 10, 1994.

 **41:06:01:06.  Lottery methods and procedure.** The lottery to determine successful applicants for license may be a process of either selection or elimination. When more than one application is submitted in one envelope, the applications must be processed as a single application.

 **Source:** SL 1975, ch 16, § 1; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 46 SDR 116, effective April 29, 2020.

 **General Authority:** SDCL 41-2-18(12)(13), 41-6-18.2, 41-6-21, 41-11-5.

 **Law Implemented:** SDCL 41-2-18(12)(13), 41-6-18.2, 41-6-21, 41-6-27, 41-6-28, 41-6-62, 41-11-5.

 **41:06:01:07.  Landowner preference limited by acreage.** In big game seasons where landowner preference is established, the related provisions in SDCL 41-6-21 shall apply only to any landowner and tenant on private land tracts of 160 acres or more unless otherwise provided in the season rules. No such preference may be claimed by an applicant unless the private land is located within the hunting unit applied for.

 **Source:** SL 1975, ch 16, § 1; 1 SDR 60, effective February 26, 1975; 2 SDR 10, effective August 7, 1975; 2 SDR 88, effective July 1, 1976; 6 SDR 3, effective July 23, 1979; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 37 SDR 235, effective June 27, 2011.

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

 **Law Implemented:** SDCL 41-2-18(1)(2), 41-6-21, 41-6-62.

 **41:06:01:07.01.  Landowner preference application requirements and restrictions.** A landowner or tenant, but not both, may claim landowner preference for the same qualifying property. Employment on a farm or ranch alone does not qualify an individual for landowner preference.

 **Source:** 37 SDR 235, effective June 27, 2011; 46 SDR 116, effective April 29, 2020.

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

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

 **41:06:01:07.02.  Restrictions on landowner preference for legal entities.** Shareholders of a corporation, members of a limited liability company holding a membership interest in the company, partners in a partnership, and beneficiaries of a trust entitled to the current income and assets held in trust organized and in good standing under the laws of this state are eligible for landowner preference if:

 (1)  The entity holds title to 160 acres or more of private land located within the hunting unit applied for;

 (2)  The shareholder, member, partner, or trust beneficiary applying for landowner preference is a resident; and

 (3)  The shareholder, member, partner, or trust beneficiary is responsible for making the day-to-day management decisions for agricultural purposes on the farm or ranch.

 **Source:** 37 SDR 235, effective June 27, 2011; 46 SDR 116, effective April 29, 2020.

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

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

 **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.

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

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

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

 **41:06:01:08.  Restriction on number of applications.** Except as otherwise provided in rules applicable to a specific hunting season, a person may apply for no more than one license in the original lottery for any hunting season. Persons who are unsuccessful in the first lottery may reapply under § 41:06:01:09.

 **Source:** 2 SDR 10, effective August 7, 1975; 4 SDR 88, effective June 27, 1978; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 21 SDR 86, effective November 10, 1994; 29 SDR 160, effective June 3, 2003.

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

 **Law Implemented:** SDCL 41-2-18(12)(13), 41-6-21, 41-6-62.

 **41:06:01:08.01.  Restriction on applications for certain lottery deer drawings.** A person may submit no more than two applications for any combined drawing for Black Hills, East River, West River, Refuge, Custer State Park and Muzzleloader deer hunting seasons. However, a person who possesses a Special Buck license as provided in § 41:06:20:02.01 or 41:06:21:02.01 may submit one application.

 **Source:** 45 SDR 124, effective April 17, 2019.

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

 **Law Implemented:** SDCL 41-2-18(12)(13), 41-6-21, 41-6-62.

 **41:06:01:09.  Application for unsold big game licenses -- Future eligibility.** In antelope and turkey season units, where resident and nonresident licenses are limited in number and licenses remain unsold after a second lottery drawing, a person may apply for one leftover license in that season. After the third lottery drawing, a person may apply for an unlimited number of leftover licenses on a first-come, first-served basis. Nonresidents are not eligible for East River spring turkey or East River fall turkey licenses except for licenses unsold after the second lottery drawing. The purchase of an antelope or turkey license under this section does not affect the eligibility of the applicant in future lottery drawings.

 A person who possesses two licenses for any of the Black Hills, East River, West River, refuge, Custer State Park, or muzzleloader deer hunting seasons may not apply for a license in the second combined lottery drawing for these seasons. A person who possesses one license may apply for one additional license for a season if the person does not possess a license for that season. A resident may submit one application for each season in the third lottery drawing if the resident does not possess a license for that season. In the fourth lottery drawing, a resident may submit no more than five applications.

 In the third and fourth lottery drawings, a nonresident who does not possess a license may submit two applications for a season and a nonresident who possesses one license may submit one application for a season if the nonresident does not possess a license for that season. After the fourth lottery drawing, a person may obtain an unlimited number of licenses from a pool of remaining resident and nonresident licenses.

 If licenses remain unsold after the initial lottery drawing for the Black Hills elk hunting season, the prairie elk hunting season, and the archery elk hunting season, a person who does not already have an elk license may apply for a license in a second or subsequent lottery drawing if the person submits the nonrefundable application fee and the applicable license fee with the application. The purchase and receipt of a first-choice elk license during the first lottery drawing counts as a successful application and affects eligibility in future first lottery drawings for the same season.

 The purchase and receipt of an elk license in the second lottery drawing by the use of preference points is a successful application and affects eligibility in future lottery drawings for these seasons. The purchase and receipt of an elk license in the second lottery drawing without the use of preference points, or the purchase and receipt of an elk license in subsequent drawings, does not affect eligibility or preference in future lottery drawings for these seasons.

 **Source:** 4 SDR 88, effective June 27, 1978; 6 SDR 94, effective March 26, 1980; 9 SDR 14, effective August 8, 1982; 9 SDR 171, effective July 13, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 12 SDR 14, effective August 6, 1985; 14 SDR 14, effective August 6, 1987; 15 SDR 210, effective July 10, 1989; 17 SDR 34, effective September 6, 1990; 18 SDR 4, effective July 18, 1991; 22 SDR 188, effective July 10, 1996; 27 SDR 111, effective May 8, 2001; 28 SDR 166, effective June 4, 2002; 29 SDR 160, effective June 3, 2003; 30 SDR 21, effective August 25, 2003; 31 SDR 191, effective June 7, 2005; 33 SDR 1, effective July 18, 2006; 33 SDR 212, effective June 4, 2007; 35 SDR 47, effective September 8, 2008; 40 SDR 223, effective June 23, 2014; 42 SDR 146, effective May 5, 2016; 45 SDR 124, effective April 17, 2019; 50 SDR 62, effective November 27, 2023.

 **General Authority:** SDCL 41-2-18(1)(2)(12), 41-6-21.

 **Law Implemented:** SDCL 41-2-18(1)(2)(12), 41-6-21, 41-6-62.

 **Cross-References:**

 Hunting license fees, § 41:06:02:03.

 Combination licenses, SDCL 41-6-10.1.

 Resident big game license -- Privileges and fee -- Violation as misdemeanor, SDCL 41-6-19.

 Nonresident big game license -- Privileges and fee -- Violation as misdemeanor, SDCL 41-6-20.

 Definitions, § 41:06:00.01:02.

 **41:06:01:10.  Prior application preference.** The department shall set aside for landowner applications, as described in § 41:06:01:07, fifty percent of any licenses that are limited in number and issued by application and computer drawing, for the Black Hills deer hunting season, the West River deer hunting season except for special buck licenses, the East River deer hunting season except for special buck licenses, the antelope hunting season except for special antelope licenses, the spring wild turkey hunting season, and the fall wild turkey hunting season. If an applicant is unsuccessful in drawing a license for a first-choice unit in the initial drawing for a specific season, the applicant shall receive a preference point for that season if the applicant chooses to purchase a preference point. The preference point fee must be waived for any person who is or was age 15 or younger in the same year when the preference point is acquired for any deer season described in § 41:06:01:08.01. Any applicant for the first combined drawing of these deer seasons who meets this same age requirement and has never drawn a first-choice license must receive an additional preference point upon submission of an application. For elk, bighorn sheep, mountain goat, and free access permits, the applicant must receive a preference point at no charge if the applicant applies for one of these seasons in the first draw and is unsuccessful. Preference points shall be applied to a subsequent initial drawing or may be used in a leftover license drawing application submitted by the applicant for the season in which the preference points were earned. No additional preference points may be issued if an applicant decides to use preference points in a drawing for leftover licenses and is unsuccessful in the draw. A person who obtains a leftover license using preference points may not acquire a preference point for that season.

 **Source:** 5 SDR 108, effective June 28, 1979; 6 SDR 94, effective March 26, 1980; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 22, effective August 9, 1984; 14 SDR 14, effective August 6, 1987; 20 SDR 204, effective June 7, 1994; 21 SDR 86, effective November 10, 1994; 24 SDR 156, effective May 17, 1998; 26 SDR 162, effective June 14, 2000; 27 SDR 126, effective June 6, 2001; 28 SDR 166, effective June 4, 2002; 32 SDR 203, effective June 5, 2006; 39 SDR 10, effective August 1, 2012; 42 SDR 146, effective May 5, 2016; 45 SDR 9, effective July 30, 2018; 45 SDR 124, effective April 17, 2019; 48 SDR 14, effective August 22, 2021.

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

 **Law Implemented:** SDCL 41-2-18(12)(13), 41-6-21, 41-6-62.

 **41:06:01:11.  Restricted sale of leftover licenses**. Upon consultation with the chairman of the commission, the secretary of the department may limit the sale of any big game hunting licenses remaining unsold in specific hunting units following a second lottery drawing if the secretary determines there has been documented unforeseen deaths or illnesses of the big game animals within the respective hunting unit.

 **Source:** 33 SDR 1, effective July 18, 2006.

 **General Authority:** SDCL 41-2-18(1)(2)(17), 41-6-21.

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

 **41:06:01:12.  Mentored youth big game license -- Restrictions.** A resident parent or guardian may purchase no more than one mentored "any antlerless deer" license or "antlerless whitetail deer" license, one "doe-fawn antelope" license, one fall "any turkey" license, and one spring "male turkey" license for a designated mentored youth as provided in SDCL 41-6-81. Mentored antelope licenses are valid in any open firearm hunting unit west of the Missouri River on private land only. No youth participating in a mentored big game hunt may apply for a regular season license for that corresponding species and season.

 **Source:** 35 SDR 47, effective September 8, 2008; 45 SDR 9, effective July 30, 2018; 46 SDR 116, effective April 29, 2020; 47 SDR 137, effective June 29, 2021; 49 SDR 9, effective August 8, 2022.

 **General Authority:** SDCL 41-2-18(1)(2)(12)(13), 41-6-81.

 **Law Implemented:** SDCL 41-2-18(1)(2)(12)(13), 41-6-81.

 **41:06:01:13.  Designation of areas where free antlerless deer licenses can be used by farmers and ranchers.** Antlerless licenses authorized by SDCL 41-6-19.8 may be issued to any qualifying farmer or rancher for use in the West River, East River, apprentice hunter, youth, archery, and muzzleloading deer hunting units. Antlerless whitetail deer licenses will be available to qualifying applicants in hunting units that offer a deer license with multiple tags for antlerless deer in the lottery drawing for the East River and West River deer seasons. The requirements and equipment restrictions for each deer season apply to any free antlerless license issued.

 **Source:** 38 SDR 8, effective August 3, 2011; 43 SDR 9, effective August 1, 2016; 44 SDR 184, effective June 25, 2018; 47 SDR 137, effective June 29, 2021.

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

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

 **41:06:01:14.  Allocation of licenses to nonresident hunters.** An additional number of big game licenses may be issued to nonresident hunters for the West River prairie deer season, all west river prairie units for the spring wild turkey hunting season, the Black Hills unit for the fall wild turkey hunting season, the antelope hunting season, the Black Hills deer season, and any national wildlife refuge deer season and may not exceed eight percent of the licenses established in each unit.

 **Source:** 39 SDR 10, effective August 1, 2012; 44 SDR 17, effective August 7, 2017.

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

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

 **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, 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 SDCL 41-6-21. A minimum of 240 acres of land within an elk unit which has had at least 500 days of elk use since the last day of the previous application period is required to qualify. An elk use day 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 who live on the ranch or in the closest community and have an active role in the ranch operation also qualify. Only one qualifying applicant per ranch unit per year may apply for a landowner-operator preference elk license in the first draw. A ranch unit is described as all private property owned and 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-operator preference.

 **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), 41-6-21.

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

 **41:06:01:16.  Purchase and accrual of preference points.** In lieu of applying for a license for any hunting season with a limited license allocation, a person who is eligible to apply for the license may apply for a preference-only unit.

 **Source:** 40 SDR 223, effective June 23, 2014; 46 SDR 116, effective April 29, 2020.

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

 **Law Implemented:** SDCL 41-2-18(12)(13)

 **41:06:01:17.  Access permits required for specific deer hunting units and public lands.** Any resident or nonresident deer hunter possessing an archery deer license valid on public land shall obtain and possess a free limited access permit to hunt hunting units or public lands described in § 41:06:22:01.

 **Source:** 41 SDR 7, effective July 30, 2014; 42 SDR 14, effective August 10, 2015; 44 SDR 17, effective August 7, 2017; 44 SDR 184, effective June 25, 2018; 46 SDR 116, effective April 29, 2020; 47 SDR 137, effective June 29, 2021; 48 SDR 132, effective July 5, 2022; 49 SDR 89, effective May 1, 2023.

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

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

 **41:06:01:18.  Authorization for terminally ill residents to hunt deer, antelope and turkeys.** The secretary may authorize a resident:

 (1)  Who has been diagnosed by a licensed doctor of medicine to have a terminal illness that to a reasonable medical certainty is expected to substantially shorten the resident's life expectancy to hunt deer, antelope, or turkey; or

 (2)  Who is under the age of twenty-six and has been diagnosed by a licensed doctor of medicine to have cancer or other life-threatening illness to hunt deer, antelope, or turkey.

 Authorization to hunt issued pursuant to this section shall allow the resident to take no more than one deer, one antelope, and one turkey and shall be issued on a once-in-a-lifetime basis for each species for which authorization is requested. The secretary may waive certain restrictions related to the hunting season or impose additional terms and conditions as necessary to facilitate participation by the resident.

 **Source:** 42 SDR 117, effective March 1, 2016; 44 SDR 17, effective August 7, 2017; 46 SDR 116, effective April 29, 2020.

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

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

 **41:06:01:19.  Sage grouse hunting permits -- Procedure -- Requirements.** Free hunting permits for the sage grouse season shall be allocated to resident hunters by a lottery drawing through the initial draw. Any permit remaining after the initial draw shall be made available to resident and nonresident hunters on a first-come first-serve basis. To be eligible, an applicant for a permit shall have a valid small game or combination license.

 **Source:** 43 SDR 31, effective September 14, 2016.

 **General Authority:** SDCL 41-2-18(1)(2)(17), 41-11-5.

 **Law Implemented:** SDCL 41-2-18(1)(2)(17), 41-11-5.

**CHAPTER 41:06:02**

**LICENSE FORMS AND FEES**

Section

41:06:02:01 License forms -- Licensee to abide by license conditions.

41:06:02:01.01 Combination license.

41:06:02:01.02 Repealed.

41:06:02:01.03 Replacement of lost or destroyed license, permit, or game tag.

41:06:02:01.04 License validity.

41:06:02:01.05 Nonresident small game license -- Change of hunting period.

41:06:02:02 Repealed.

41:06:02:03 Hunting license fees.

41:06:02:04 Sale of lists of license holders.

41:06:02:05 Repealed.

41:06:02:06 Fee for subscription and license holder lists.

 **41:06:02:01.  License forms -- Licensee to abide by license conditions.** The date of purchase and validation period shall be noted on a one-day fishing license, three-day fishing license, one-day small game license, nonresident small game license, and nonresident waterfowl license.

 A license and tag are valid only for the unit, season, and dates for which the license and tag were issued. No licensee may hunt, possess, or transport any wild animal in violation of the conditions of the issued license and tag.

 **Source:** SL 1975, ch 16, § 1; 9 SDR 147, effective May 22, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 17 SDR 34, effective January 1, 1991; 25 SDR 43, effective September 28, 1998; 27 SDR 13, effective August 27, 2000; 30 SDR 99, effective December 22, 2003; 31 SDR 39, effective September 23, 2004; 39 SDR 10, effective August 1, 2012; 46 SDR 116, effective April 29, 2020.

 **General Authority:** SDCL 41-2-18(1)(2)(12)(13).

 **Law Implemented:** SDCL 41-2-18(1)(2)(12)(13).

 **41:06:02:01.01.  Combination license.** In lieu of separate purchase, a license that combines the resident small game license and the resident fishing license may be obtained by a resident.

 **Source:** 9 SDR 147, effective May 22, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 14 SDR 4, effective July 22, 1987; 15 SDR 50, effective October 6, 1988; 15 SDR 162, effective May 4, 1989; 25 SDR 43, effective September 28, 1998; 47 SDR 137, effective June 29, 2021.

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

 **Law Implemented:** SDCL 41-2-18(12)(13), 41-6-10.1.

 **Cross-Reference:** Hunting license fees, § 41:06:02:03; Fishing license fees, § 41:07:01:12.

 **41:06:02:01.02.  Replacement of combination license.** Repealed.

 **Source:** 9 SDR 147, effective May 22, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; repealed, 16 SDR 135, effective February 18, 1990.

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

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

 No license, permit, or game tag may be replaced unless the licensee completes an affidavit provided by the department verifying that the license, permit, or game tag has been lost or destroyed; through an oversight is not in the licensee's possession or has not been received by the licensee; and that no game animal or fish had been taken by the licensee as authorized by the license, permit, or game tag. Upon issuance of a replacement license, permit, or game tag, the original license, permit, or game tag becomes invalid. The original license, other than a license that is lost and destroyed or that is held at the department's licensing office, along with a copy of the affidavit must be returned to the department's licensing office and postmarked within 10 days of getting the replacement license.

 There is no administrative fee for replacement of lost or destroyed licenses, permits, or game tags.

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

 **Source:** 9 SDR 147, effective May 22, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 16 SDR 135, effective February 18, 1990; 17 SDR 34, effective January 1, 1991; 17 SDR 139, effective March 21, 1991; 25 SDR 43, effective September 28, 1998; 27 SDR 35, effective October 17, 2000; 31 SDR 89, effective December 27, 2004; 36 SDR 21, effective August 18, 2009; 38 SDR 101, effective December 5, 2011; 41 SDR 34, effective September 2, 2014; 46 SDR 116, effective April 29, 2020; 47 SDR 27, effective September 15, 2020.

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

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

 **41:06:02:01.04.  License validity.** Any license is valid from December 15 preceding the printed year on the license to January 31 following the printed year on the license, unless otherwise specified on the license.

 **Source:** 25 SDR 43, effective September 28, 1998; 27 SDR 13, effective August 27, 2000; 47 SDR 110, effective April 29, 2021.

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

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

 **41:06:02:01.05.  Nonresident small game license - Change of hunting period.** If a nonresident small game licensee desires to change one or both five-day periods as specified on the licensee's nonresident small game hunting license, the licensee may change the period through the online license system or any authorized license agent. An online revision of a hunting period for a nonresident small game license shall be issued without payment of a license fee. An authorized license agent may charge the license agent's fee established pursuant to SDCL 41-6-66.1 for revising the nonresident small game license hunting period. A hunting period may not be changed if the time period desired to be changed has already commenced.

 **Source:** 27 SDR 35, effective October 17, 2000; 39 SDR 10, effective August 1, 2012.

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

 **Law Implemented:** SDCL 41-6-10.

 **41:06:02:02.  Report required.** Repealed.

 **Source:** SL 1975, ch 16, § 1; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 17 SDR 23, effective August 16, 1990; 25 SDR 157, effective June 24, 1999; repealed, 39 SDR 10, effective August 1, 2012.

 **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; and

 (b)  Under 18 years of age, five dollars;

 (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 furbearer license, $30;

 (7)  Nonresident furbearer license, $275;

 (8)  Resident spring one-tag wild turkey license, $19;

 (9)  Resident spring two-tag wild turkey license, $29;

 (10)  Resident fall one-tag wild turkey license, nine dollars;

 (11)  Resident fall two-tag wild turkey license, $14;

 (12)  Resident deer or antelope one-tag license, $34;

 (13)  Resident deer or antelope two-tag license, $44;

 (14)  Resident antelope three-tag license, $44;

 (15)  Landowner-on-own land deer or antelope license, one-half the fee of the deer or antelope license that has been applied for;

 (16)  Resident one-tag antlerless deer or doe-fawn antelope license, $14;

 (17)  Resident two-tag antlerless deer or doe-fawn antelope license, $24;

 (18)  Resident three-tag any deer and two any antlerless deer license, $44;

 (19)  Resident three-tag three any antlerless deer license; $24;

 (20)  Resident three-tag any whitetail and two antlerless whitetail deer license, $44;

 (21)  Resident three-tag three antlerless whitetail deer license, $24;

 (22)  Resident three-tag doe-fawn antelope license, $24;

 (23)  Resident elk license:

 (a)  Any elk or bull elk, $169; and

 (b)  Antlerless elk, $110;

 (24)  Resident landowner depredation elk, one-half the fee of the elk license that has been applied for;

 (25)  Resident mountain goat license, $274;

 (26)  Resident Black Hills bighorn sheep license, $274;

 (27)  Canada goose special unit permit, ten dollars;

 (28)  Nonresident small game license:

 (a)  Eighteen years of age and older, $115; and

 (b)  Under 18 years of age, ten dollars;

 (29)  Special nonresident waterfowl license, $110;

 (30)  Fall three-consecutive days temporary nonresident waterfowl license, $75;

 (31)  Spring snow goose temporary nonresident license:

 (a)  Eighteen years of age and older, $39; and

 (b)  Under 18 years of age, $15;

 (32)  Early fall Canada goose temporary nonresident license, $39;

 (33)  Nonresident youth waterfowl season hunting license under 18 years of age, five dollars;

 (34)  Nonresident spring one-tag wild turkey license, $94;

 (35)  Nonresident spring two-tag wild turkey license, $119;

 (36)  Nonresident fall one-tag wild turkey license, $84;

 (37)  Nonresident fall two-tag wild turkey license, $94;

 (38)  Nonresident deer or antelope one-tag license, $280;

 (39)  Nonresident deer or antelope two-tag license, $330;

 (40)  Nonresident antelope three-tag license, $330;

 (41)  Nonresident one-tag antlerless deer or doe-fawn antelope license, $74;

 (42)  Nonresident two-tag antlerless deer or doe-fawn antelope license, $114;

 (43)  Nonresident three-tag doe-fawn antelope license, $114;

 (44)  Nonresident three-tag any deer and two any antlerless deer license, $330;

 (45)  Nonresident three-tag three any antlerless deer license, $114;

 (46)  Nonresident three-tag any whitetail and two antlerless whitetail deer license, $330;

 (47)  Nonresident three-tag three antlerless whitetail deer license, $114;

 (48)  Nonresident predator license, $40;

 (49)  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; and

 (d)  Custer State Park special antlerless elk license, $200;

 (50)  Custer State Park deer license:

 (a)  Custer State Park any deer license, $150;

 (b)  Custer State Park one-tag any whitetail deer license, $150; and

 (c)  Custer State Park one-tag muzzleloader whitetail antlerless deer license, $25;

 (51)  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; and

 (c)  Custer State Park cow bison license, $1,750;

 (52)  Custer State Park bighorn sheep license, $500;

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

 (54)  Custer State Park antelope license:

 (a)  Custer State Park any antelope license, $150; and

 (b)  Custer State Park doe-fawn license, $25;

 (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;

 (56)  Resident special any deer, any whitetail deer, or any antelope license, $169;

 (57)  Nonresident special any deer, any whitetail deer, or any antelope license, $554;

 (58)  Youth deer license:

 (a)  Resident, five dollars; and

 (b)  Nonresident, ten dollars;

 (59)  Tundra swan permit:

 (a)  Resident, $12; and

 (b)  Nonresident, $19;

 (60)  Migratory bird certification permit, five dollars;

 (61)  Nonresident shooting preserve license:

 (a)  One-day, $40;

 (b)  Five-consecutive days, $70; and

 (c)  Annual, $115;

 (62)  Mountain lion license, $22;

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

 (a)  Resident, five dollars; and

 (b)  Nonresident, ten dollars;

 (64)  Resident 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, 41-6-84, 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.

 **41:06:02:04.  Sale of lists of license holders.** The department may sell lists of license holders which contain the names and addresses of persons 18 years of age or older at the time of licensure. Upon receiving the commission's approval of a specific application for a list of license holders, the department may sell lists of the license holders to the applicant that contain the names and addresses of persons under the age of 18 at the time of licensure if the commission finds that the use of the list is not for the purpose of mailing information, solicitation, or any other use of mail and advertising services for the promotion or advertisement of any form of gambling, alcoholic beverages, or offensive or pornographic matters or materials. The department may sell a license list to an applicant without seeking commission approval if the commission previously approved a license list request from the same applicant for a similar purpose. Any license list request from a new applicant or for a new use shall be presented to the commission for approval.

 **Source:** 21 SDR 56, effective September 29, 1994; 39 SDR 10, effective August 1, 2012; 42 SDR 97, effective January 5, 2016.

 **General Authority:** SDCL 1-27-1.11

 **Law Implemented:** SDCL 1-27-1.11

 **41:06:02:05.  Sale of lists of license holders containing names of persons under 18.** Repealed.

 **Source:** 21 SDR 56, effective September 29, 1994; repealed, 39 SDR 10, effective August 1, 2012.

 **41:06:02:06.  Fee for subscription and license holder lists.** A person, entity, or organization may request, on forms provided by the department, a list of subscription or license holders maintained by the department. The regular fee is $100 for each 1,000 names or portion thereof contained in each list of subscription or license holders that is sold and furnished to any person, entity, or organization. A person, entity, or organization may apply for an exception to the regular fee and pay a modified fee if approved by the commission. The modified fee shall be $100 for each list of subscription or license holders sold and furnished to the applicant. A governmental entity may obtain a subscription or license holder list free of charge. A political party or an elected official shall pay the established fee in order to obtain a subscription or license holder list.

 **Source:** 21 SDR 56, effective September 29, 1994; 28 SDR 24, effective August 28, 2001; 36 SDR 215, effective July 1, 2010.

 **General Authority:** SDCL 1-27-1.11.

 **Law Implemented:** SDCL 1-27-1.11.

**CHAPTER 41:06:03**

**POSSESSION, PROCESSING AND TRANSPORTATION OF GAME**

Section

41:06:03:01 Tagging required.

41:06:03:02 Game bird transportation and packaging.

41:06:03:03 Repealed.

41:06:03:04 Repealed.

41:06:03:05 Game transportation permits.

41:06:03:06 Identification required for transportation of big game animal – Exception.

41:06:03:07 Repealed.

41:06:03:08 Transferred.

41:06:03:09 Gifting of game allowed -- Conditions.

41:06:03:10 Wildlife processing facility defined.

41:06:03:11 Records required for wildlife processing facilities.

41:06:03:12 Inspection of wildlife processing facilities.

41:06:03:13 Sale of rabbit and squirrel skins.

41:06:03:14 Process of abandonment for game left at a wildlife processing facility.

41:06:03:15 Repealed.

41:06:03:16 Interstate cervid carcass transportation and disposal requirement.

41:06:03:17 Repealed.

41:06:03:18 Intrastate cervid carcass transportation and disposal requirement.

41:06:03:19 Carcass disposal for wildlife processing facilities.

 **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 and date it by cutting out completely the month and day of the date of kill only. The licensee shall attach the tag securely around one leg of a mountain lion, turkey, swan, or goose. The licensee shall attach the tag securely to all hoofed big game animals:

 (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.

 **41:06:03:02.  Game bird transportation and packaging.** No game bird, including a wild turkey, may be possessed, placed in public storage, transported, or accepted for shipment unless the following minimum requirements are met for each listed species:

 (1)  Waterfowl shall conform to  50 CFR § 20.36 and  50 CFR § 20.43;

 (2)  Pheasants and grouse, unless processed at a wildlife processing facility and accompanied by the receipt, or at the domicile of the possessor, shall include at least one of the following attached: the head, a fully feathered wing, or a foot;

 (3)  Wild turkeys, unless processed at a wildlife processing facility and accompanied by the receipt, or at the domicile of the possessor, shall include the attached leg and foot bearing the tag issued with the license. Any person who lawfully takes a wild turkey may remove edible portions from the turkey while in the field and transport, provided the person also has in that person's possession the beard, leg, and foot with the attached tag until the bird has arrived at the domicile of the processor. Any person licensed to take "any turkey" is exempt from transporting the beard;

 (4)  All other game birds, unless processed at a wildlife processing facility and accompanied by the receipt, or at the domicile of the possessor, shall include the attached head or an attached fully feathered wing.

 If the head or wing is used for identification, it shall have sufficient plumage attached to allow for prompt identification of the game bird. Game birds, if frozen, shall be packaged no more than two per package in order to facilitate identification and count of the species. No game bird may be transported by unlicensed individuals, unless accompanied by a valid transportation permit issued by the department. However, at the conclusion of hunting a licensed hunter may transport a game bird legally taken by another person to a wildlife processing facility if the bird is tagged with the name of the hunter, the hunter's address, the total number and species of bird taken, the date the bird was killed, and signature of the hunter.

 For purposes of this section, the term, grouse, includes sharp-tailed grouse, ruffed grouse, and prairie chicken. Game birds are birds defined as small game in § 41-1-1 and those birds enumerated in § 41-11-4.

 **Source:** SL 1975, ch 16, § 1; 9 SDR 171, effective July 13, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 27 SDR 13, effective August 27, 2000; 27 SDR 101, effective April 18, 2001; 35 SDR 47, effective September 8, 2008; 45 SDR 124, effective April 17, 2019; 46 SDR 116, effective April 29, 2020.

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

 **Law Implemented:** SDCL 41-2-18(1)(2), 41-14-4, 41-14-7.

 **41:06:03:03.  Pheasant shipment -- Tags.** Repealed.

 **Source:** SL 1975, ch 16, § 1; repealed, 5 SDR 19, effective September 14, 1978.

 **41:06:03:04.  Nonresident small game tagging requirements.** Repealed.

 **Source:** SL 1975, ch 16, § 1; repealed, 8 SDR 85, effective January 18, 1982.

 **41:06:03:05.  Game transportation permits.** Except as provided in § 41:06:03:09, a nonlicensee transporting another person's legally taken game shall obtain a game transportation permit which is available without fee from any authorized department representative. This section does not apply to any person transporting another person's legally taken migratory game birds, as defined in  50 CFR § 20.11(a), tagged in accordance with 50 CFR § 20.36.

 **Source:** SL 1975, ch 16, § 1; 7 SDR 31, effective October 8, 1980; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 23 SDR 197, effective May 27, 1997; 34 SDR 179, effective December 24, 2007; 35 SDR 47, effective September 8, 2008; 46 SDR 116, effective April 29, 2020.

 **General Authority:** SDCL 41-2-18(2), 41-6-22.

 **Law Implemented:** SDCL 41-2-18(2), 41-6-22.

 **41:06:03:06.  Identification required for transportation of big game animal -- Exception.** No person may possess in the field or transport a big game animal, except turkey, unless it is accompanied by the animal's lawfully tagged leg along with either the animal's head or a hind quarter with the visible external sex organs left naturally attached to it. Any person licensed to take "any deer," "any elk," or "any antelope" is exempt from transporting the animal's head or hind quarter if the lawfully tagged portion accompanies the animal for such license. However, the provisions of this section do not apply to a big game licensee who transports big game parts from the licensee's domicile to another location if the licensee possesses the big game tag or big game license entitling the licensee to the animal, or to big game that has been cooked or cured, by means other than freezing, for personal consumption.

 **Source:** 1 SDR 78, effective June 19, 1975; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 23 SDR 197, effective May 27, 1997; 35 SDR 47, effective September 8, 2008; 46 SDR 116, effective April 29, 2020.

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

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

 **41:06:03:07.  Tagging of antlers in the velvet stage.** Repealed.

 **Source:** 9 SDR 30, effective September 13, 1982; 10 SDR 76, 10 SDR 102, effective July 1, 1984; provisions on legal acquisition transferred from § 41:06:03:08, 23 SDR 197, effective May 27, 1997; 46 SDR 74, effective December 2, 2019.

 **41:06:03:08.  Transferred to § 41:06:03:07.**

 **41:06:03:09.  Gifting of game allowed -- Conditions.** A licensee may gift game, or any part thereof, to another person if each of the following conditions are met:

 (1)  The game was lawfully taken, caught, or killed; and

 (2)  The number or amount of game gifted does not place the recipient in violation of any season, daily, or possession limit established for the species of game being gifted.

 If gifting to an unlicensed person, the licensee shall gift the game at the domicile of the recipient. For the purpose of this section, the term, gift, means the voluntary transfer of game from any person to another person made without fee or consideration.

 **Source:** 35 SDR 47, effective September 8, 2008.

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

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

 **Cross-Reference:** Gifting of fish allowed -- Conditions, § 41:07:01:07.02.

 **41:06:03:10.  Wildlife processing facility defined.** A wildlife processing facility is any person or entity that has a South Dakota sales tax license to operate a business that receives, possesses, or has in custody any wild animal, as defined in § 41-1-1, belonging to another person for purposes of picking, skinning, cleaning, freezing, processing, or storage.

 **Source:** 35 SDR 47, effective September 8, 2008.

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

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

 **41:06:03:11.  Records required for wildlife processing facilities.** No wildlife processing facility may:

 (1)  Receive or have in custody any wild animal unless accurate records are maintained that can identify each wild animal received by, or in the custody of, the facility by the name of the person from whom the wild animal was obtained and show the number of each species; the date each wild animal was received; the name and address of the owner of each wild animal; the date each wild animal was disposed of; and the name of the person or business to whom each wild animal was delivered;

 (2)  Destroy any records required to be maintained under this section for a period of one year following receipt of each wild animal; or

 (3)  Allow any wild animal, or parts thereof, to leave the facility without a receipt bearing the name of the facility, number and species of wild animal, and the name of the owner of each wild animal.

 However, the provisions of this section do not apply to any permitted bird harvested on a licensed shooting preserve and processed by the permittee.

 **Source:** 35 SDR 47, effective September 8, 2008; 43 SDR 31, effective September 14, 2016; 46 SDR 116, effective April 29, 2020.

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

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

 **41:06:03:12.  Inspection of wildlife processing facilities.** No wildlife processing facility may prevent any department representative from entering the facility during normal business hours and inspecting any wild animal, the records, and the premises of the facility.

 **Source:** 35 SDR 47, effective September 8, 2008.

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

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

 **41:06:03:13.  Sale of rabbit and squirrel skins.** The skins of cottontail rabbit, fox squirrel, grey squirrel, and red squirrel that have been lawfully taken by a licensed hunter may be offered for sale, sold, or purchased.

 **Source:** 40 SDR 197, effective May 27, 2014.

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

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

 **Cross-References:** Taking, possession, sale or transportation of wild bird or small game prohibited except as provided, SDCL 41-11-2; Sale of parts of protected bird prohibited -- Exceptions -- Violation as misdemeanor, SDCL 41-11-8.

 **41:06:03:14.  Process of abandonment for game left at a wildlife processing facility.** A wildlife processing facility and a person who deposits lawfully taken game with the facility for processing may agree upon a period of time following which the facility may consider the game, except a migratory bird, to be abandoned by the person. With the exception of a migratory bird, the facility may distribute abandoned game to any non-profit organization or any charitable organization that distributes food or other services to the needy. At no time may any abandoned game be considered the property of the wildlife processing facility.

 **Source:** 41 SDR 34, effective September 2, 2014.

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

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

 **41:06:03:15.  Chronic Wasting Disease endemic area defined.** Repealed.

 **Source:** 46 SDR 74, effective December 2, 2019; 46 SDR 116, effective April 29, 2020; 47 SDR 137, effective June 29, 2021.

 **41:06:03:16.  Interstate cervid carcass transportation and disposal requirement.** Unless delivered to a licensed taxidermist or game processor, anyone transporting whole or partial cervid carcasses from another state into this state shall dispose of all remaining cervid carcass parts with a waste management provider or a permitted landfill. Whole or partial cervid carcasses being transported through the state are exempt from this section.

 **Source:** 46 SDR 74, effective December 2, 2019; 47 SDR 137, effective June 29, 2021.

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

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

 **41:06:03:17.  Intrastate cervid carcass transportation restriction.** Repealed.

 **Source:** 46 SDR 74, effective December 2, 2019; 47 SDR 137, effective June 29, 2021.

 **41:06:03:18.  Intrastate cervid carcass transportation and disposal requirement.** Unless delivered to a licensed taxidermist or game processor, anyone transporting whole or partial cervid carcasses outside the county of harvest shall dispose of all remaining cervid carcass parts with a waste management provider or a permitted landfill.

 **Source:** 46 SDR 74, effective December 2, 2019; 47 SDR 137, effective June 29, 2021.

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

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

 **41:06:03:19.  Carcass disposal for wildlife processing facilities.** Wildlife processing facilities, as defined by § 41:06:03:10, shall dispose of all remaining cervid carcass parts through a waste management provider or a permitted landfill. Game processers licensed by another state or federal entity shall dispose of carcasses as required by the conditions associated with the license.

 **Source:** 46 SDR 74, effective December 2, 2019; 47 SDR 137, effective June 29, 2021; 49 SDR 9, effective August 8, 2022.

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

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

**CHAPTER 41:06:04**

**HUNTING REQUIREMENTS AND PROHIBITED METHODS**

Section

41:06:04:01 Disturbing game prohibited.

41:06:04:02 Repealed.

41:06:04:03 Methods prohibited.

41:06:04:04 Nonlicensee armed accompaniment prohibited -- Exception.

41:06:04:05 Migratory bird hunting season restrictions -- Nontoxic shot.

41:06:04:05.01 Nontoxic shot areas for small game.

41:06:04:06 Use of motor vehicles to disturb game prohibited.

41:06:04:07 Protrusion of firearms from motor vehicles prohibited.

41:06:04:08 Use of certain electronic forms of communication in hunting prohibited.

41:06:04:09 Repealed.

41:06:04:10 Repealed.

41:06:04:11 Minimum size and type of big game ammunition.

41:06:04:12 Use of rifles and handguns to hunt birds prohibited -- Exception for wild turkeys.

41:06:04:13 Minimum firearm size for elk.

41:06:04:14 Muzzleloading restrictions.

41:06:04:15 Turkey restrictions.

41:06:04:16 Repealed.

41:06:04:17 Minimum air gun specifications.

41:06:04:18 Licenses restricted to the use of a bow and arrow.

41:06:04:19 Mandatory inspection of harvested elk.

41:06:04:20 Mandatory inspection of harvested wolf.

41:06:04:21 Repealed.

 **41:06:04:01.  Disturbing game prohibited.** A person may not scare, chase, harass, disperse, rally, or disturb game by any means other than by legal hunting methods used in the ordinary course of hunting.

 **Source:** SL 1975, ch 16, § 1; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 16 SDR 44, effective September 13, 1989; 46 SDR 116, effective April 29, 2020.

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

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

 **41:06:04:02.  Size of party limited.** Repealed.

 **Source:** SL 1975, ch 16, § 1; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 41 SDR 173, effective May 11, 2015; 45 SDR 9, effective July 30, 2018.

 **41:06:04:03.  Methods prohibited.** A person may not establish, utilize, or maintain a bait station from August 1 through February 1 and from March 15 through May 31 to attract any big game animal, including wild turkey. A person may not use an electronic call if hunting any big game animal except a mountain lion.

 A bait station is a location where grains, fruits, vegetables, nuts, hay, minerals, or any other natural food materials, commercial products containing natural food materials, or by-products of food materials are placed or maintained as an attractant to big game animals for the purpose of hunting. The use of scents alone does not constitute a bait station.

 This section does not apply to foods that have not been placed or gathered by a person and result from normal environmental conditions or accepted farming, forest management, wildlife food plantings, orchard management, or similar land management activities.

 A person is exempt from the bait station restrictions while participating in any research or depredation management activities directed by the department.

 **Source:** SL 1975, ch 16, § 1; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 16 SDR 44, effective September 13, 1989; 23 SDR 197, effective May 27, 1997; 37 SDR 112, effective December 8, 2010; 39 SDR 32, effective September 5, 2012; 41 SDR 107, effective January 5, 2015; 46 SDR 74, effective December 2, 2019.

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

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

 **Cross-Reference:** Dogs prohibited in hunting big game -- Exception -- Violation, SDCL 41-8-15.

 **41:06:04:04.  Nonlicensee armed accompaniment prohibited -- Exception.** No person possessing a firearm, including a muzzleloading firearm, or a bow and arrow may accompany a big game hunter in the field or cooperate as part of a big game hunting group unless the accompanying person possesses a big game license that is valid for the same geographic area and time of year as the licensee. The provisions of this section do not apply to any person who is allowed to carry a concealed pistol pursuant to state law. The provisions of this section do not apply to a person who is legally licensed to hunt small game or exempt from license requirements as provided by SDCL 41-6-2 and hunting only with a shotgun using shotshells. No person hunting small game and accompanying a licensed firearm big game hunter in the field may use dogs while accompanying the big game hunter.

 **Source:** SL 1975, ch 16, § 1; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 16 SDR 44, effective September 13, 1989; 31 SDR 213, effective July 4, 2005; 39 SDR 33, effective September 5, 2012; 46 SDR 116, effective April 29, 2020.

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

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

 **41:06:04:05.  Migratory bird hunting season restrictions -- Nontoxic shot.** The following restrictions and limitations for the migratory bird hunting season are imposed:

 (1)  A person may not hunt migratory birds with a shotgun larger than 10 gauge or with a maximum capacity of more than 3 shells. The capacity of the shotgun must be limited by construction or by use of a one-piece filler plug which cannot be removed without dismantling the gun;

 (2)  A person 16 years of age or older may not hunt migratory waterfowl without a valid federal migratory waterfowl stamp; and

 (3)  Nontoxic shot is required statewide for all waterfowl, sandhill crane, snipe, swan, and coot hunting. A person may not possess lead shot while in the field hunting these species.

 **Source:** 2 SDR 18, effective September 16, 1975; 4 SDR 15, effective September 15, 1977; 6 SDR 119, effective June 25, 1980; 7 SDR 99, effective April 26, 1981; 8 SDR 15, effective August 19, 1981; 8 SDR 129, effective April 12, 1982; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 156, effective May 27, 1985; 13 SDR 9, effective August 3, 1986; 14 SDR 14, effective August 6, 1987; 14 SDR 114, effective March 9, 1988; 15 SDR 162, effective May 4, 1989; 16 SDR 44, effective September 13, 1989; 17 SDR 170, effective May 14, 1991; 18 SDR 33, effective August 19, 1991; 46 SDR 116, effective April 29, 2020.

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

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

 **41:06:04:05.01.  Nontoxic shot areas for small game.** The use of nontoxic shot is required for all small game hunting on all state game production areas, water access areas, the state park system, United States Army Corps of Engineers land, United States Bureau of Reclamation Wildlife Production Areas managed by the department, United States Fish and Wildlife Service National Wildlife Refuges, and United States Fish and Wildlife Service Waterfowl Production Areas. Lead shot may not be possessed while hunting small game on these areas.

 **Source:** 18 SDR 33, effective August 19, 1991; 23 SDR 70, effective November 14, 1996; 27 SDR 13, effective August 27, 2000; 46 SDR 116, effective April 29, 2020.

 **General Authority:** SDCL 41-2-18(1)(2)(4)(14), 41-17-1.1(1).

 **Law Implemented:** SDCL 41-2-18(1)(2)(4)(14), 41-17-1.1(1).

 **41:06:04:06.  Use of motor vehicles to disturb game prohibited.** Notwithstanding the provisions of § 41:06:04:01, a person may not use a motor vehicle to scare, harass, disperse, rally, drive, chase, intercept, pursue or disturb in any manner big game, small game, or migratory waterfowl.

 **Source:** 4 SDR 15, effective September 15, 1977; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 16 SDR 44, effective September 13, 1989; 46 SDR 116, effective April 29, 2020.

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

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

 **41:06:04:07.  Protrusion of firearms from motor vehicles prohibited.** A person may not allow a firearm to protrude from a motor vehicle or a conveyance attached to a motor vehicle on a public highway during a hunting season except while discharging the firearm at coyotes, jackrabbits, rodents, skunks, badgers, raccoons, and foxes.

 **Source:** 4 SDR 15, effective September 15, 1977; 9 SDR 147, effective May 22, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 16 SDR 44, effective September 13, 1989; 27 SDR 13, effective August 27, 2000.

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

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

 **41:06:04:08.  Use of certain electronic forms of communication in hunting prohibited.** A person may not send or receive a message by radio, cellular telephone, or other electronic form of communication while in or on a motor vehicle for the purpose of hunting big game, small game, or migratory waterfowl.

 **Source:** 4 SDR 15, effective September 15, 1977; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 16 SDR 44, effective September 13, 1989; 27 SDR 13, effective August 27, 2000.

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

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

 **41:06:04:09.  Fluorescent orange garment required for firearm big game hunting.** Repealed.

 **Source:** 11 SDR 133, effective April 7, 1985; repealed, 21 SDR 102, effective December 8, 1994.

 **41:06:04:10.  Dog training by nonresident trainers restricted.** Repealed.

 **Source:** 15 SDR 162, effective May 4, 1989; 16 SDR 44, effective September 13, 1989; 17 SDR 139, effective March 21, 1991; repealed by SL 1991, ch 340, § 4, effective July 1, 1991.

 **41:06:04:11.  Minimum size and type of big game ammunition.** Except for wild turkey as provided in § 41:06:04:12 and elk as provided in § 41:06:04:13, a person may hunt, pursue, shoot at, shoot, or kill any of the big game animals of this state only with a shoulder-held firearm using ammunition which is rated to produce at least 1,000 foot-pounds of energy at the muzzle or a handgun using ammunition which is rated to produce at least 500 foot-pounds of energy at the muzzle. Muzzleloading handguns must discharge a projectile of .50 caliber or larger. Only soft-point or expanding bullets are permitted.

 **Source:** 20 SDR 13, effective August 8, 1993; 45 SDR 9, effective July 30, 2018; 46 SDR 116, effective April 29, 2020.

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

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

 **41:06:04:12.  Use of rifles and handguns to hunt birds prohibited -- Exception for wild turkeys.** The use of rifles and handguns in the hunting of game birds is prohibited. However, shoulder-held firearms using ammunition which is factory-rated to produce at least 700 foot-pounds of energy at the muzzle and handguns using ammunition which is factory-rated to produce at least 500 foot-pounds of energy at the muzzle may be used in the hunting of wild turkeys. Muzzleloading firearms and muzzleloading shotguns may also be used in the hunting of wild turkeys.

 **Source:** 20 SDR 13, effective August 8, 1993; 26 SDR 117, effective March 16, 2000; 27 SDR 85, effective February 26, 2001; 37 SDR 131, effective January 10, 2011.

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

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

 **41:06:04:13.  Minimum firearm size for elk.** A person may not hunt, pursue, shoot at, shoot, or kill an elk with a firearm which is smaller than .243 caliber and produces less than 1,700 foot-pounds of energy at the muzzle. Only soft point or expanding bullets are permitted.

 **Source:** 20 SDR 13, effective August 8, 1993; 46 SDR 116, effective April 29, 2020.

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

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

 **41:06:04:14.  Muzzleloading restrictions.** In seasons restricted to muzzleloading firearms, no telescopic sights may be used. Telescopic sights are those sights that utilize magnification.

 **Source:** 21 SDR 102, effective December 8, 1994; 28 SDR 166, effective June 4, 2002; 39 SDR 33, effective September 5, 2012; 45 SDR 9, effective July 30, 2018.

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

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

 **41:06:04:15.  Turkey restrictions.** A person may not shoot a wild turkey that is in a tree or roost.

 **Source:** 21 SDR 102, effective December 8, 1994; 46 SDR 116, effective April 29, 2020.

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

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

 **41:06:04:16.  Use of all-terrain vehicles.** Repealed.

 **Source:** 25 SDR 126, effective April 20, 1999; 46 SDR 116, effective April 29, 2020.

 **41:06:04:17.  Minimum air gun specifications.** No person may hunt species listed in SDCL 41-8-31(1A) with an air gun that is factory-rated to produce a muzzle velocity of less than 1,000 feet per second. Only hunting pellets are permitted.

 **Source:** 38 SDR 8, effective August 3, 2011.

 **General Authority:** SDCL 41-2-18(2)(14), 41-8-31(1A).

 **Law Implemented:** SDCL 41-2-18(2)(14), 41-8-31(1A).

 **41:06:04:18.  Licenses restricted to the use of a bow and arrow.** Any license issued under an archery season is valid only for the use of a bow and arrow.

 **Source:** 39 SDR 10, effective August 1, 2012; 46 SDR 116, effective April 29, 2020.

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

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

 **41:06:04:19.  Mandatory inspection of harvested elk.** Each successful elk hunter shall submit the elk for inspection to a department representative within 24 hours after the kill.

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

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

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

 **41:06:04:20.  Mandatory inspection of harvested wolf.** Any person who harvests a wolf pursuant to SDCL 41-6-83 shall notify a conservation officer within 24 hours after the kill and submit the animal for inspection by a conservation officer or other designated department representative no later than 48 hours following the kill.

 **Source:** 40 SDR 29, effective August 20, 2013.

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

 **Law Implemented:** SDCL 41-2-18(2), 41-6-83.

 **41:06:04:21.  Mandatory submission of samples for chronic wasting disease testing.** Repealed.

 **Source:** 44 SDR 93, effective December 4, 2017; 45 SDR 9, effective July 30, 2018; 46 SDR 116, effective April 29, 2020.

**CHAPTER 41:06:05**

**ARCHERY RESTRICTIONS**

Section

41:06:05:01 Archery equipment restrictions.

41:06:05:02 Repealed.

41:06:05:03 Possession of firearm while archery hunting restricted.

41:06:05:03.01 Repealed.

41:06:05:04 Repealed.

 **41:06:05:01.  Archery equipment restrictions.** A person hunting with bow and arrow may not use or possess any of the following:

 (1)  Explosive, poisonous, hydraulic, or pneumatic points;

 (2)  Crossbows and draw-lock devices that hold the bow at partial or full draw except as provided in chapter 41:09:12;

 (3)  Electronic devices mounted to the bow that aid in the taking of game. However, cameras, video cameras, cell phones used exclusively for photographic purposes, lighted sight pins, and illuminated arrow nocks may be used;

 (4)  Electronic arrow or electronic string releases;

 (5)  Telescopic sights;

 (6)  An arrow without a broadhead (fixed or mechanical) that has at least two metal cutting edges when hunting a big game animal. However, an arrow tipped with any point may be possessed when used for practice;

 (7)  A bow that measures less than 40 pounds pull when hunting an elk; or

 (8)  A bow that measures less than 30 pounds pull when hunting big game animals other than elk.

 **Source:** SL 1975, ch 16, § 1; 8 SDR 162, effective June 10, 1982; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 16 SDR 220, effective June 21, 1990; 29 SDR 160, effective June 3, 2003; 33 SDR 225, effective June 25, 2007; 34 SDR 332, effective July 7, 2008; 36 SDR 215, effective July 1, 2010; 41 SDR 7, effective July 30, 2014; 45 SDR 30, effective September 10, 2018.

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

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

 **41:06:05:02.  Minimum size of bow and arrows.** Repealed.

 **Source:** SL 1975, ch 16, § 1; 8 SDR 162, effective June 10, 1982; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 22, effective August 9, 1984; 14 SDR 164, effective June 16, 1988; 16 SDR 220, effective June 21, 1990; 25 SDR 141, effective May 27, 1999; 29 SDR 160, effective June 3, 2003; 33 SDR 225, effective June 25, 2007; repealed, 41 SDR 7, effective July 30, 2014.

 **41:06:05:03.  Possession of firearm while archery hunting restricted.** No person who is licensed in a season restricted only to archery may possess a firearm in the field while hunting with bow and arrow except:

 (1)  A person who possesses a firearms big game license that is valid for the same geographic area and time of year as the archery license; or

 (2)  A person who is allowed legally to carry a pistol pursuant to state law.

 **Source:** 2 SDR 74, effective May 18, 1976; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 16 SDR 220, effective June 21, 1990; 31 SDR 213, effective July 4, 2005; 33 SDR 225, effective June 25, 2007; 40 SDR 14, effective July 29, 2013; 45 SDR 9, effective July 30, 2018; 46 SDR 116, effective April 29, 2020.

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

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

 **41:06:05:03.01.  Nonlicensee armed accompaniment prohibited -- Exception.** Repealed.

 **Source:** 40 SDR 14, effective July 29, 2013; 45 SDR 9, effective July 30, 2018.

 **41:06:05:04.  Bowhunter education certification required for certain archery hunters.** Repealed.

 **Source:** 19 SDR 48, effective October 7, 1992; 45 SDR 9, effective July 30, 2018.

**CHAPTER 41:06:06**

**CONTROLLED GOOSE HUNTING**

Section

41:06:06:01 Hunters restricted to designated areas.

 **41:06:06:01  Hunters restricted to designated areas.** In any controlled waterfowl hunting area established by the department pursuant to § 41-2-22, no person may hunt outside the hunting areas designated by the department. If a shooting blind has been constructed by the department, no person may hunt outside of the blind.

 **Source:** Repealed, 10 SDR 12, effective August 17, 1983; readopted, 25 SDR 193, effective July 19, 1998.

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

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

**CHAPTER 41:06:07**

**CUSTER STATE PARK RESTRICTIONS**

Section

41:06:07:01 Eligibility.

41:06:07:02 Eligibility of past licensees.

41:06:07:02.01 Repealed.

41:06:07:03 Minimum gun size for bison.

41:06:07:04 Repealed.

41:06:07:05 Transferred.

41:06:07:06 Repealed.

41:06:07:07 Repealed.

41:06:07:08 Repealed.

41:06:07:09 Repealed.

41:06:07:10 Hunting restrictions near roads and buildings.

 **41:06:07:01.  Eligibility.** Except for the Custer State Park trophy bison bull harvest and nontrophy bison bull harvest only residents of the state may apply for special Custer State Park hunting seasons.

 **Source:** SL 1975, ch 16, § 1; 8 SDR 15, effective August 19, 1981; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 12 SDR 14, effective August 6, 1985; 12 SDR 22, effective August 21, 1985: 39 SDR 204, effective June 11, 2013.

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

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

 **41:06:07:02.  Eligibility of past licensees.** A person who received a Custer State Park elk license or Custer State Park early archery elk license in any previous year may not apply for that license again. A person who received a Custer State Park bighorn sheep license or Black Hills bighorn sheep license in any previous year may not apply for a Custer State Park bighorn sheep license. A person who previously received a Custer State Park elk license is eligible to receive a Custer State Park elk license awarded through a special fundraising raffle. A person who received a first-choice unit license for the special antlerless elk season in any of the preceding nine years may not apply for a license in that season. A person who received a Custer State Park "any deer" license, "any whitetail deer," or "any whitetail deer plus antlerless whitetail deer" license in any of the preceding nine years may not apply for a unit license for the Custer State Park "any deer," "any whitetail deer," or "any whitetail deer plus antlerless whitetail deer" in that season. A person who received a Custer State Park "any antelope" license in any of the preceding nine years may not apply for a license in that season. Receiving a license for the special antlerless elk season does not affect a person's future eligibility for the Custer State Park elk license, nor does receiving the Custer State Park elk license affect future eligibility for the special antlerless elk license.

 **Source:** SL 1975, ch 16, § 1; 3 SDR 13, effective August 25, 1976; 8 SDR 15, effective August 19, 1981; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 12 SDR 14, effective August 6, 1985; 12 SDR 22, effective August 21, 1985; 16 SDR 32, effective August 20, 1989; 17 SDR 12, effective July 31, 1990; 21 SDR 207, effective June 5, 1995; 24 SDR 156, effective May 17, 1998; 28 SDR 166, effective June 4, 2002; 29 SDR 160, effective June 3, 2003; 31 SDR 191, effective June 7, 2005; 36 SDR 215, effective July 1, 2010; 37 SDR 112, effective December 8, 2010; 38 SDR 101, effective December 5, 2011; 46 SDR 116, effective April 29, 2020.

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

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

 **41:06:07:02.01.  Weighted preference system established.** Repealed.

 **Source:** 8 SDR 19, effective August 31, 1981; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 20 SDR 204, effective June 7, 1994; repealed, 36 SDR 215, effective July 1, 2010.

 **41:06:07:03.  Minimum gun size for bison.** Bison may only be hunted with a weapon which is at least .270 caliber and which produces at least 2,200 foot-pounds of muzzle energy.

 **Source:** SL 1975, ch 16, § 1; 3 SDR 13, effective August 25, 1976; 8 SDR 15, effective August 19, 1981; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 12 SDR 14, effective August 6, 1985; repealed, 21 SDR 102, effective December 8, 1994; readopted, 21 SDR 207, effective June 5, 1995; 46 SDR 116, effective April 29, 2020.

 **General Authority:** SDCL 41-2-18(14), 41-17-1.1.

 **Law Implemented:** SDCL 41-2-18(14), 41-17-1.1.

 **41:06:07:04.  Turkey licensees required to report.** Repealed.

 **Source:** SL 1975, ch 16, § 1; repealed, 3 SDR 13, effective August 25, 1976.

 **41:06:07:05.  Transferred to § 41:06:02:03.**

 **41:06:07:06.  Clothing color requirement.** Repealed.

 **Source:** 3 SDR 13, effective August 25, 1976; repealed, 7 SDR 15, effective August 25, 1980.

 **41:06:07:07.  Road use restricted -- Exception.** Repealed.

 **Source:** 3 SDR 13, effective August 25, 1976; 8 SDR 15, effective August 19, 1981; 10 SDR 76, 10 SDR 102, effective July 1, 1984; repealed, 39 SDR 10, effective August 1, 2012.

 **41:06:07:08.  Accompaniment by guides prohibited -- Exception.** Repealed.

 **Source:** 3 SDR 13, effective August 25, 1976; 8 SDR 15, effective August 19, 1981; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 12 SDR 22, effective August 21, 1985; repealed, 38 SDR 101, effective December 5, 2011.

 **41:06:07:09.  Shooting turkey in tree prohibited.** Repealed.

 **Source:** 13 SDR 192, effective June 22, 1987; repealed, 21 SDR 102, effective December 8, 1994.

 **41:06:07:10.  Hunting restrictions near roads and buildings.** No person may hunt any big game species or coyotes within 200 yards of any public access road or building in Custer State Park.

 **Source:** 36 SDR 215, effective July 1, 2010; 42 SDR 14, effective August 10, 2015; 44 SDR 51, effective September 26, 2017.

 **General Authority:** SDCL 41-17-1.1(1)(4).

 **Law Implemented:** SDCL 41-17-1.1(1)(4).

**CHAPTER 41:06:08**

**PHEASANT HUNTING SEASON**

Section

41:06:08:01 Pheasant hunting season established -- Open units and dates.

41:06:08:02 Daily bag limit.

41:06:08:03 Possession limit.

 **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 10:00 a.m. central time to sunset each day. The open dates and units are as follows:

 (1)  Unit 1: all counties 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 January 31;

 (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 through the end of the regular pheasant hunting season; 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 through the end of the regular pheasant hunting season.

 **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; 47 SDR 38, effective October 6, 2020; 47 SDR 137, effective June 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-References:**

 Combination licenses, SDCL 41-6-10.1.

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

 Nonresident small game license, SDCL 41-6-17.

 **41:06:08:02.  Daily bag limit.** The daily bag limit is three male pheasants.

 **Source:** 1 SDR 26, effective September 11, 1974; 2 SDR 18, effective September 16, 1975; 4 SDR 15, effective September 15, 1977; 5 SDR 19, effective September 14, 1978; 6 SDR 31, effective October 2, 1979; 10 SDR 76, 10 SDR 102, effective July 1, 1984.

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

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

 **41:06:08:03.  Possession limit.** A person may have in possession at any one time no more than 15 male pheasants taken according to the daily bag limit.

 **Source:** 1 SDR 26, effective September 11, 1974; 2 SDR 18, effective September 16, 1975; 4 SDR 15, effective September 15, 1977; 5 SDR 19, effective September 14, 1978; 6 SDR 31, effective October 2, 1979: 10 SDR 76, 10 SDR 102, effective July 1, 1984; 15 SDR 193, effective June 20, 1989; 32 SDR 203, effective June 5, 2006; 46 SDR 116, effective April 29, 2020.

 **General Authority:** SDCL 41-2-18(1)(2)(17), 41-11-5.

 **Law Implemented:** SDCL 41-2-18(1)(2)(17), 41-11-5.

**CHAPTER 41:06:09**

**GROUSE HUNTING SEASON**

Section

41:06:09:01 Grouse hunting season established.

41:06:09:02 Repealed.

41:06:09:03 Daily bag limit.

41:06:09:04 Possession limit.

 **41:06:09:01.  Grouse hunting season established.** The grouse hunting season is open statewide from sunrise to sunset each day beginning on the third Saturday of September. The season remains open through the first Sunday of January. "Grouse" includes sharptail grouse, ruffed grouse, and prairie chicken.

 **Source:** SL 1975, ch 16, § 1; 2 SDR 18, effective September 16, 1975; 3 SDR 22, effective September 23, 1976; 4 SDR 15, effective September 15, 1977; 8 SDR 170, effective June 20, 1982; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 10 SDR 148, effective July 11, 1984; 11 SDR 172, effective June 27, 1985; 14 SDR 4, effective July 22, 1987; 14 SDR 40, effective September 23, 1987; 14 SDR 164, effective June 16, 1988; 15 SDR 193, effective June 20, 1989; 18 SDR 4, effective July 18, 1991; 26 SDR 162, effective June 14, 2000; 31 SDR 191, effective June 7, 2005; 32 SDR 203, effective June 5, 2006; 46 SDR 116, effective April 29, 2020; 47 SDR 137, effective June 29, 2021.

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

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

 **Cross-References:**

 Combination licenses, SDCL 41-6-10.1.

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

 Nonresident small game license, SDCL 41-6-17.

 **41:06:09:02.  Open units -- Closing dates.** Repealed.

 **Source:** SL 1975, ch 16, § 1; 2 SDR 18, effective September 16, 1975; 3 SDR 22, effective September 23, 1976; 4 SDR 15, effective September 15, 1977; 5 SDR 12, effective August 21, 1978; 6 SDR 14, effective August 23, 1979; 7 SDR 21, effective September 15, 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; 16 SDR 220, effective June 21, 1990; 18 SDR 4, effective July 18, 1991; 18 SDR 192, effective May 26, 1992; 19 SDR 190, effective June 15, 1993; 21 SDR 207, effective June 5, 1995; 23 SDR 197, effective May 27, 1997; 24 SDR 16, effective August 13, 1997; 25 SDR 141, effective May 27, 1999; 25 SDR 157, effective June 24, 1999; 26 SDR 162, effective June 14, 2000; 27 SDR 111, effective May 8, 2001; 29 SDR 160, effective June 3, 2003; 30 SDR 171, effective May 11, 2004; repealed, 31 SDR 191, effective June 7, 2005.

 **41:06:09:03.  Daily bag limit.** The daily bag limit is three grouse.

 **Source:** SL 1975, ch 16, § 1; 2 SDR 18, effective September 16, 1975; 4 SDR 15, effective September 15, 1977; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 46 SDR 116, effective April 29, 2020.

 **General Authority:** SDCL 41-2-18(1)(2), 41-11-5.

 **Law Implemented:** SDCL 41-2-18(1)(2), 41-11-5.

 **41:06:09:04.  Possession limit.** A person may have in possession at any one time no more than 15 grouse taken according to the daily bag limit.

 **Source:** SL 1975, ch 16, § 1; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 32 SDR 203, effective June 5, 2006; 46 SDR 116, effective April 29, 2020.

 **General Authority:** SDCL 41-2-18(1)(2), 41-11-5.

 **Law Implemented:** SDCL 41-2-18(1)(2), 41-11-5.

**CHAPTER 41:06:10**

**SAGE GROUSE HUNTING SEASON**

Section

41:06:10:01 Sage grouse hunting season established -- Number of free hunting permits.

41:06:10:02 Open unit.

41:06:10:03 Season limit.

41:06:10:04 Repealed.

 **41:06:10:01.  Sage grouse hunting season established -- Number of free hunting permits.** The sage grouse hunting season is closed.

 **Source:** SL 1975, ch 16, § 1; 2 SDR 10, effective August 7, 1975; 5 SDR 12, effective August 21, 1978; 7 SDR 15, effective August 25, 1980; 8 SDR 15, effective August 19, 1981; 9 SDR 171, effective July 13, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 26 SDR 174, effective July 4, 2000; 27 SDR 111, effective May 8, 2001; 28 SDR 166, effective June 4, 2002; 32 SDR 31, effective August 29, 2005; 34 SDR 297, effective June 4, 2008; 40 SDR 29, effective August 20, 2013; 43 SDR 31, effective September 14, 2016; 44 SDR 51, effective September 26, 2017.

 **General Authority:** SDCL 41-2-18(1)(2)(17), 41-11-5.

 **Law Implemented:** SDCL 41-2-18(1)(2)(17), 41-11-5.

 **Cross Reference:**

 Sage grouse hunting permits -- Procedure -- Requirements. § 41:06:01:19.

 **41:06:10:02.  Open unit.** The sage grouse hunting unit is Butte County west of U.S. Highway 85 and Harding County. Only public land and private land leased for public hunting is included within this unit.

 **Source:** SL 1975, ch 16, § 1; 5 SDR 12, effective August 21, 1978; repealed, 10 SDR 76, 10 SDR 102, effective July 1, 1984; readopted, 26 SDR 174, effective July 4, 2000; 27 SDR 111, effective May 8, 2001; 46 SDR 116, effective April 29, 2020.

 **General Authority:** SDCL 41-2-18(1)(2)(17), 41-11-5.

 **Law Implemented:** SDCL 41-2-18(1)(2)(17), 41-11-5.

 **41:06:10:03.  Season limit.** The season limit is one sage grouse.

 **Source:** SL 1975, ch 16, § 1; 5 SDR 12, effective August 21, 1978; repealed, 10 SDR 76, 10 SDR 102, effective July 1, 1984; readopted, 26 SDR 174, effective July 4, 2000; 28 SDR 166, effective June 4, 2002; 46 SDR 116, effective April 29, 2020.

 General Authority: SDCL 41-2-18(1)(2)(17), 41-11-5.

 Law Implemented: SDCL 41-2-18(1)(2)(17), 41-11-5.

 **41:06:10:04.  Possession limit.** Repealed.

 **Source:** SL 1975, ch 16, § 1; 5 SDR 12, effective August 21, 1978; repealed, 10 SDR 76, 10 SDR 102, effective July 1, 1984; readopted, 26 SDR 174, effective July 4, 2000; 27 SDR 111, effective May 8, 2001; repealed, 28 SDR 166, effective June 4, 2002.

**CHAPTER 41:06:11**

**QUAIL HUNTING SEASON**

Section

41:06:11:01 Quail hunting season established.

41:06:11:02 Repealed.

41:06:11:03 Daily bag limit.

41:06:11:04 Possession limit.

 **41:06:11:01.  Quail hunting season established.** The quail hunting season is open statewide from sunrise to sunset each day beginning on the third Saturday of October and remains open through the first Sunday of January.

 **Source:** 1 SDR 26, effective September 11, 1974; 3 SDR 22, effective September 23, 1976; 4 SDR 15, effective September 15, 1977; 8 SDR 31, effective September 30, 1981; 8 SDR 170, effective June 20, 1982; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 172, effective June 27, 1985; 12 SDR 201, effective June 23, 1986; 14 SDR 164, effective June 16, 1988; 15 SDR 210, effective July 10, 1989; 21 SDR 207, effective June 5, 1995; 23 SDR 197, effective May 27, 1997; 28 SDR 166, effective June 4, 2002; 30 SDR 171, effective May 11, 2004; 33 SDR 212, effective June 4, 2007; 46 SDR 116, effective April 29, 2020.

 **General Authority:** SDCL 41-2-18(1)(2)(17), 41-11-5.

 **Law Implemented:** SDCL 41-2-18(1)(2)(17), 41-11-5.

 **Cross-References:**

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

 Combination licenses, SDCL 41-6-10.1.

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

 Nonresident small game license, SDCL 41-6-17.

 **41:06:11:02.  Open unit.** Repealed.

 **Source:** 1 SDR 26, effective September 11, 1974; 3 SDR 22, effective September 23, 1976; 4 SDR 15, effective September 15, 1977; 8 SDR 31, effective September 30, 1981; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 16 SDR 220, effective June 21, 1990; 18 SDR 192, effective May 26, 1992; 20 SDR 204, effective June 7, 1994; 31 SDR 191, effective June 7, 2005; 33 SDR 212, effective June 4, 2007; 46 SDR 116, effective April 29, 2020.

 **41:06:11:03.  Daily bag limit.** The daily bag limit is five quail.

 **Source:** 1 SDR 26, effective September 11, 1974; 4 SDR 15, effective September 15, 1977; 8 SDR 31, effective September 30, 1981; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 31 SDR 191, effective June 7, 2005.

 **General Authority:** SDCL 41-2-18(1)(2), 41-11-5.

 **Law Implemented:** SDCL 41-2-18(1)(2), 41-11-5.

 **41:06:11:04.  Possession limit.** A person may have in possession at any one time no more than 15 quail taken according to the daily bag limit.

 **Source:** 1 SDR 26, effective September 11, 1974; 4 SDR 15, effective September 15, 1977; 8 SDR 31, effective September 30, 1981; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 31 SDR 191, effective June 7, 2005.

 **General Authority:** SDCL 41-2-18(1)(2), 41-11-5.

 **Law Implemented:** SDCL 41-2-18(1)(2), 41-11-5.

**CHAPTER 41:06:12**

**PARTRIDGE HUNTING SEASON**

Section

41:06:12:01 Partridge hunting season established -- Open area and dates.

41:06:12:02 Daily bag limit.

41:06:12:03 Possession limit.

 **41:06:12:01.  Partridge hunting season established -- Open area and dates.** The partridge hunting season is open statewide from sunrise to sunset each day beginning on the third Saturday of September 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 12, effective August 21, 1978; 5 SDR 108, effective June 28, 1979; 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; 16 SDR 220, effective June 21, 1990; 18 SDR 4, effective July 18, 1991; 19 SDR 190, effective June 15, 1993; 21 SDR 207, effective June 5, 1995; 23 SDR 197, effective May 27, 1997; 24 SDR 16, effective August 13, 1997; 25 SDR 141, effective May 27, 1999; 25 SDR 157, effective June 24, 1999; 26 SDR 162, effective June 14, 2000; 30 SDR 171, effective May 11, 2004; 31 SDR 191, effective June 7, 2005; 32 SDR 203, effective June 5, 2006; 35 SDR 306, effective July 2, 2009; 46 SDR 116, effective April 29, 2020.

 **General Authority:** SDCL 41-2-18(1)(2)(17), 41-11-5.

 **Law Implemented:** SDCL 41-2-18(1)(2)(17), 41-11-5.

 **Cross-References:**

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

 Combination licenses, SDCL 41-6-10.1.

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

 Nonresident small game license, SDCL 41-6-17.

 **41:06:12:02.  Daily bag limit.** The daily bag limit is five partridge.

 **Source:** 1 SDR 26, effective September 11, 1974; 4 SDR 15, effective September 15, 1977; 8 SDR 31, effective September 30, 1981; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 46 SDR 116, effective April 29, 2020.

 **General Authority:** SDCL 41-2-18(1)(2), 41-11-5.

 **Law Implemented:** SDCL 41-2-18(1)(2), 41-11-5.

 **41:06:12:03.  Possession limit.** A person may have in possession at any one time no more than 15 partridge taken according to the daily bag limit.

 **Source:** 1 SDR 26, effective September 11, 1974; 4 SDR 15, effective September 15, 1977; 8 SDR 31, effective September 30, 1981; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 32 SDR 203, effective June 5, 2006; 46 SDR 116, effective April 29, 2020.

 **General Authority:** SDCL 41-2-18(1)(2)(17), 41-11-5.

 **Law Implemented:** SDCL 41-2-18(1)(2)(17), 41-11-5.

**CHAPTER 41:06:13**

**SPRING WILD TURKEY HUNTING SEASON**

Section

41:06:13:01 Spring wild turkey hunting season established -- Number and type of licenses available.

41:06:13:02 Open units -- Exceptions.

41:06:13:03 Repealed.

41:06:13:04 Application requirements and restrictions.

41:06:13:05 Turkey hunting recruitment license -- Open area and eligiblity.

41:06:13:06 Number and type of licenses available -- Application process.

41:06:13:07 Criteria for selection by commission of non-governmental organization.

41:06:13:08 Application deadline.

41:06:13:09 Selection of non-governmental organization by commission.

 **41:06:13:01.  Spring wild turkey hunting season established -- Number and type of licenses available.** The spring prairie wild turkey hunting season is open from one-half hour before sunrise to sunset each day from the second Saturday of April through May 31. The spring Black Hills wild turkey hunting season is open from one-half hour before sunrise to sunset each day from the fourth Saturday of April through May 31. The spring archery wild turkey hunting season is open from one-half hour before sunrise to sunset each day during the open dates of the prairie and Black Hills seasons, respectively. 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 10,000 one-tag male turkey and 2,500 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; 47 SDR 38, effective October 6, 2020; 49 SDR 46, effective November 21, 2022.

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

 **Law Implemented:** SDCL 41-2-18, 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 PST-01A: Minnehaha County;

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

 (4)  Unit PST-06A: Brookings County;

 (5)  Unit PST-07A: Yankton County;

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

 (7)  Unit PST-08B: Davison and Hanson Counties; Unit PST-08B is open beginning on May 1 through May 31;

 (8)  Unit PST-11A: Bennett County;

 (9)  Unit PST-12A: Bon Homme County;

 (10)  Unit PST-13A: Brule and Buffalo Counties;

 (11)  Unit PST-15A: Butte County and that portion of Lawrence County north of Interstate 90;

 (12)  Unit PST-16A: Campbell and Walworth Counties;

 (13)  Unit PST-17A: Charles Mix County;

 (14)  Unit PST 18A: Aurora and Douglas Counties;

 (15)  Unit PST-19A: Clay County;

 (16)  Unit PST-20A: Corson County;

 (17)  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)  Unit PST-22A: Day and Codington Counties;

 (19)  Unit PST-23A: Deuel County;

 (20)  Unit PST-24A: Dewey and Ziebach Counties;

 (21)  Unit PST-27A: that portion of Fall River County not included in Unit BST-BH1;

 (22)  Unit PST-29A: Grant County;

 (23)  Unit PST-30A: Gregory County;

 (24)  Unit PST-31A: Haakon County;

 (25)  Unit PST-32A: Hamlin and Clark Counties;

 (26)  Unit PST-35A: Harding County;

 (27)  Unit PST-36A: Hughes County;

 (28)  Unit PST-37A: Hutchinson County;

 (29)  Unit PST-39A: Jackson County;

 (30)  Unit PST-40A: Beadle, Hand, and Jerauld Counties;

 (31)  Unit PST-41A: Jones County;

 (32)  Unit PST-44A: Lincoln County; Unit PST-44A is open beginning on the second Saturday of April through April 30;

 (33)  Unit PST-44B: Lincoln County; Unit PST-44B is open beginning on May 1 through May 31;

 (34)  Unit PST-45A: Lyman County;

 (35)  Unit PST-48A: Marshall County and Roberts County;

 (36)  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)  Unit PST-50A: Mellette County;

 (38)  Unit PST-52A: Moody County;

 (39)  Unit PST-53A: Perkins County and that portion of Meade County north of U.S. Highway 212;

 (40)  Unit PST-56A: Sanborn County;

 (41)  Unit PST-58A: Stanley County;

 (42)  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. Unit PST-58B-is open beginning on the second Saturday of April through April 30, but only to licensed persons who use a wheelchair;

 (43)  Unit PST-60A: Tripp County;

 (44)  Unit PST-61A: Turner County;

 (45)  Unit PST-62A: Union County;

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

 (47)  Unit PST-67A: Todd County; and

 (48)  Unit AST-ST1: statewide for archery turkey, except in Custer State Park and south of state Highway 34 in Lake County.

 Excluding that portion of Fall River County within Unit PST-27A, 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, 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; 47 SDR 38, effective October 6, 2020; 48 SDR 60, effective December 8, 2021; 49 SDR 46, effective November 21, 2022.

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

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

 **41:06:13:03.  Licenses valid only for unit issued -- Bag and possession limit.** Repealed.

 **Source:** 1 SDR 60, effective February 26, 1975; 10 SDR 85, effective February 16, 1984; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 19 SDR 128, effective March 9, 1993; 27 SDR 85, effective February 26, 2001; repealed, 39 SDR 10, effective August 1, 2012.

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

 (1)  A resident 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 resident may not apply for or receive more than one Unit BST-BH1 license or one Unit AST-ST1 license;

 (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 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 second Saturday of April through April 30.

 **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 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; 47 SDR 38, effective October 6, 2020; 49 SDR 46, effective November 21, 2022.

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

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

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

 **41:06:13:05.  Turkey hunting recruitment license -- Open area and eligibility.** A turkey hunting recruitment license is valid statewide, excluding Custer State Park, and is open from one-half hour before sunrise to sunset each day during the open dates for the prairie and Black Hills hunting seasons, respectively. A turkey hunting recruitment license is for a designated mentored youth as provided in SDCL 41-6-81.

 **Source:** 49 SDR 9, effective August 8, 2022; 49 SDR 46, effective November 21, 2022.

 **General Authority:** SDCL 41-2-18(2)(12), 41-6-81.

 **Law Implemented:** SDCL 41-6-81.

 **41:06:13:06.  Number and types of licenses available -- Application process.** To participate in the turkey hunting recruitment license program, a sponsoring non-governmental organization shall complete an application and submit it to the department stating the name, address, and phone number of the sponsoring organization. The department may not issue more than 10 male turkey hunting recruitment licenses with no more than two of the allocated licenses issued per sponsoring non-governmental organization. The sponsoring non-governmental organization is responsible for each turkey hunting recruitment license fee.

 **Source:** 49 SDR 9, effective August 8, 2022.

 **General Authority:** SDCL 41-2-18(2)(12), 41-6-81.

 **Law Implemented:** SDCL 41-6-81.

 **41:06:13:07.  Criteria for selection by commission of non-governmental organization.** Any non-governmental organizations devoted to wildlife management; preservation; propagation; habitat; research; hunter retention; recruitment; and reactivation; and is an exempt organization under § 501(c)(3) of the United States Internal Revenue Code may apply for turkey hunting recruitment licenses.

 **Source:** 49 SDR 9, effective August 8, 2022.

 **General Authority:** SDCL 41-2-18(2)(12), 41-6-81.

 **Law Implemented:** SDCL 41-6-81.

 **41:06:13:08.  Application deadline.** To be eligible for a turkey hunting recruitment license, a completed application under § 41:06:13:06 must be received by the department by December 31 preceding the spring turkey season.

 **Source:** 49 SDR 9, effective August 8, 2022.

 **General Authority:** SDCL 41-2-18(2)(12), 41-6-81.

 **Law Implemented:** SDCL 41-6-81.

 **41:06:13:09.  Selection of non-governmental organization by commission.** The commission shall review and evaluate the information contained in each application and shall select a participant according to the criteria listed in § 41:06:13:07. The department secretary shall notify all applicants regarding the commission's selection.

 **Source:** 49 SDR 9, effective August 8, 2022.

 **General Authority:** SDCL 41-2-18(2)(12), 41-6-81.

 **Law Implemented:** SDCL 41-6-81.

**CHAPTER 41:06:14**

**FALL WILD TURKEY HUNTING SEASON**

Section

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

41:06:14:02 Black Hills unit -- Exceptions.

41:06:14:02.01 Prairie units.

41:06:14:03 Repealed.

41:06:14:04 Repealed.

41:06:14:05 Repealed.

 **41:06:14:01.  Fall turkey hunting season established -- Number and type of licenses.** The fall wild turkey hunting season is open from one-half hour before sunrise to sunset daily beginning on November 1 through January 31. No more than 500 one-tag any turkey licenses may be issued to residents for the Black Hills fall turkey hunting season. No more than 2,500 one-tag any turkey licenses and 2,000 double-tag any turkey licenses may be issued to residents for the prairie fall turkey hunting season.

 **Source:** SL 1975, ch 16, § 1; 2 SDR 10, effective August 7, 1975; 4 SDR 15, effective September 15, 1977; 5 SDR 19, effective September 14, 1978; 6 SDR 3, effective July 23, 1979; 8 SDR 15, effective August 19, 1981; 9 SDR 171, effective July 13, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 22, effective August 9, 1984; 12 SDR 14, effective August 6, 1985; 13 SDR 9, effective August 3, 1986; 14 SDR 14, effective August 6, 1987; 15 SDR 3, effective July 21, 1988; 16 SDR 32, effective August 20, 1989; 17 SDR 23, effective August 16, 1990; 18 SDR 33, effective August 19, 1991; 19 SDR 17, effective August 12, 1992; 20 SDR 13, effective August 8, 1993; 21 SDR 14, effective August 3, 1994; 22 SDR 188, effective July 10, 1996; 23 SDR 220, effective June 26, 1997; 26 SDR 9, effective August 1, 1999; 28 SDR 24, effective August 28, 2001; 29 SDR 29, effective August 26, 2002; 29 SDR 160, effective June 3, 2003; 30 SDR 189, effective June 7, 2004; 31 SDR 213, effective July 4, 2005; 33 SDR 1, effective July 18, 2006; 34 SDR 67, effective September 10, 2007; 41 SDR 34, effective September 2, 2014; 43 SDR 31, effective September 14, 2016; 45 SDR 30, effective September 10, 2018; 46 SDR 116, effective April 29, 2020; 47 SDR 27, effective September 15, 2020; 49 SDR 9, effective August 8, 2022.

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

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

 **41:06:14:02.  Black Hills unit -- Exceptions.** The following is a description of the open Black Hills unit:

 Unit PFT-BH1: excluding Custer State Park, Wind Cave National Park, and those portions of Custer and Fall River counties within a line beginning at the junction of U.S. Highway 385 and the Custer/Pennington County line, south on U.S. Highway 385 to State Highway 89, south on State Highway 89 to Pilger Mountain Road, west on Pilger Mountain Road to Dewey Road, west on Dewey Road to the Wyoming-South Dakota state line, south on the Wyoming-South Dakota state line to U.S. Highway 18, east on U.S. Highway 18 to the Cheyenne River, east along the Cheyenne River to State Highway 79, north on State Highway 79 to the Custer/Pennington County line, and west to the Custer/Pennington County line, the point of beginning.

 **Source:** SL 1975, ch 16, § 1; 2 SDR 10, effective August 7, 1975; 7 SDR 15, effective August 25, 1980; 8 SDR 15, effective August 19, 1981; 9 SDR 14, effective August 8, 1982; 9 SDR 171, effective July 13, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 22, effective August 9, 1984; 12 SDR 14, effective August 6, 1985; 13 SDR 9, effective August 3, 1986; 14 SDR 14, effective August 6, 1987; 15 SDR 3, effective July 21, 1988; 16 SDR 32, effective August 20, 1989; 17 SDR 23, effective August 16, 1990; 18 SDR 33, effective August 19, 1991; 19 SDR 17, effective August 12, 1992; 20 SDR 13, effective August 8, 1993; 21 SDR 14, effective August 3, 1994; 21 SDR 219, effective June 26, 1995; 22 SDR 16, effective August 15, 1995; 22 SDR 188, effective July 10, 1996: 23 SDR 220, effective June 26, 1997; 24 SDR 176, effective June 21, 1998; 26 SDR 9, effective August 1, 1999; 27 SDR 13, effective August 27, 2000; 28 SDR 24, effective August 28, 2001; 29 SDR 29, effective August 26, 2002; 29 SDR 160, effective June 3, 2003; 30 SDR 189, effective June 7, 2004; 31 SDR 213, effective July 4, 2005; 33 SDR 1, effective July 18, 2006; 34 SDR 67, effective September 10, 2007; 35 SDR 47, effective September 8, 2008; 36 SDR 21, effective August 18, 2009; 37 SDR 18, effective August 16, 2010; 38 SDR 8, effective August 3, 2011; 39 SDR 10, effective August 1, 2012; 40 SDR 14, effective July 29, 2013; 41 SDR 34, effective September 2, 2014; 42 SDR 14, effective August 10, 2015; 43 SDR 31, effective September 14, 2016; 45 SDR 30, effective September 10, 2018.

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

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

 **41:06:14:02.01.  Prairie units.** The following is a description of the open prairie units for the fall wild turkey hunting season:

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

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

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

 (4)  Unit PFT-07A: Yankton County;

 (5)  Unit PFT-08A: Davison and Hanson Counties. A person may use only a shotgun with shotshells, a muzzleloading shotgun, or a bow and arrow;

 (6)  Unit PFT-12A: Bon Homme County;

 (7)  Unit PFT-13A: Brule and Buffalo Counties;

 (8)  Unit PFT-15A: Butte County and that portion of Lawrence County north of Interstate 90;

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

 (10)  Unit PFT-18A: Aurora and Douglas Counties;

 (11)  Unit PFT-19A: Clay County;

 (12)  Unit PFT-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;

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

 (14)  Unit PFT-24A: Dewey and Ziebach Counties;

 (15)  Unit PFT-27A: that portion of Fall River County not included in Unit BFT-BH1;

 (16)  Unit PFT-29A: Grant County;

 (17)  Unit PFT-30A: Gregory County;

 (18)  Unit PFT-31A: Haakon County;

 (19)  Unit PFT-35A: Harding County;

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

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

 (22)  Unit PFT-39A: Jackson County;

 (23)  Unit PFT-40A: Jerauld County;

 (24)  Unit PFT-41A: Jones County;

 (25)  Unit PFT-44A: Lincoln County;

 (26)  Unit PFT-45A: Lyman County;

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

 (28)  Unit PFT-49A: those portions of Meade County not included in Units BFT-BH1 and PFT-53A, and that portion of Pennington County north of Interstate 90, west of the Cheyenne River;

 (29)  Unit PFT-50A: Mellette County;

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

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

 (32)  Unit PFT-60A: Tripp County;

 (33)  Unit PFT-61A: Turner County;

 (34)  Unit PFT-62A: Union County; and

 (35)  Unit PFT-67A: Todd County.

 **Source:** 15 SDR 3, effective July 21, 1988; 16 SDR 32, effective August 20, 1989; 17 SDR 23, effective August 16, 1990; 18 SDR 33, effective August 19, 1991; 19 SDR 17, effective August 12, 1992; 20 SDR 13, effective August 8, 1993; 21 SDR 14, effective August 3, 1994; 22 SDR 188, effective July 10, 1996; 23 SDR 220, effective June 26, 1997; 26 SDR 9, effective August 1, 1999; 27 SDR 13, effective August 27, 2000; 28 SDR 24, effective August 28, 2001; 29 SDR 29, effective August 26, 2002; 29 SDR 160, effective June 3, 2003; 30 SDR 189, effective June 7, 2004; 31 SDR 213, effective July 4, 2005; 33 SDR 1, effective July 18, 2006; 34 SDR 67, effective September 10, 2007; 35 SDR 47, effective September 8, 2008; 36 SDR 21, effective August 18, 2009; 37 SDR 18, effective August 16, 2010; 38 SDR 8, effective August 3, 2011; 39 SDR 10, effective August 1, 2012; 40 SDR 14, effective July 29, 2013; 41 SDR 34, effective September 2, 2014; 42 SDR 14, effective August 10, 2015; 43 SDR 31, effective September 14, 2016; 45 SDR 30, effective September 10, 2018; 46 SDR 116, effective April 29, 2020; 47 SDR 27, effective September 15, 2020; 49 SDR 9, effective August 8, 2022.

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

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

 **41:06:14:03.  Bag and possession limit.** Repealed.

 **Source:** SL 1975, ch 16, § 1; 7 SDR 15, effective August 25, 1980; 9 SDR 14, effective August 8, 1982; 9 SDR 171, effective July 13, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 22, effective August 9, 1984; 12 SDR 14, effective August 6, 1985; 13 SDR 9, effective August 3, 1986; 15 SDR 3, effective July 21, 1988; 23 SDR 220, effective June 26, 1997; repealed, 39 SDR 10, effective August 1, 2012.

 **41:06:14:04.  Licenses valid for unit specified.** Repealed.

 **Source:** 7 SDR 15, effective August 25, 1980; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 15 SDR 3, effective July 21, 1988; 23 SDR 220, effective June 26, 1997; 30 SDR 189, effective June 7, 2004; 39 SDR 10, effective August 1, 2012; repealed, 40 SDR 14, effective July 29, 2013.

 **41:06:14:05.  Application requirements and restrictions.** Repealed.

 **Source:** 7 SDR 15, effective August 25, 1980; 8 SDR 15, effective August 19, 1981; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 13 SDR 9, effective August 3, 1986; 14 SDR 14, effective August 6, 1987; 15 SDR 3, effective July 21, 1988; 18 SDR 33, effective August 19, 1991; 19 SDR 17, effective August 12, 1992; 23 SDR 220, effective June 26, 1997; 28 SDR 24, effective August 28, 2001; 29 SDR 29, effective August 26, 2002; 29 SDR 160, effective June 3, 2003; 30 SDR 189, effective June 7, 2004; 31 SDR 213, effective July 4, 2005; 33 SDR 1, effective July 18, 2006; 36 SDR 21, effective August 18, 2009; 39 SDR 10, effective August 1, 2012; 41 SDR 34, effective September 2, 2014; 43 SDR 31, effective September 14, 2016; 46 SDR 116, effective April 29, 2020.

**CHAPTER 41:06:15**

**CUSTER STATE PARK SPRING WILD TURKEY SEASON**

Section

41:06:15:01 Custer State Park spring wild turkey hunting season established--Number and type of licenses available.

41:06:15:02 Open unit.

41:06:15:03 Repealed.

41:06:15:04 Repealed.

 **41:06:15:01.  Custer State Park spring wild turkey hunting season established--Number and type of licenses available.** The Custer State Park spring wild turkey hunting season is open from one-half hour before sunrise to sunset each day from the fourth Saturday of April through eight days prior to Memorial Day. No more than 200 one-tag male turkey licenses may be issued to residents.

 **Source:** 1 SDR 40, effective December 4, 1974; 3 SDR 40, effective December 5, 1976; 4 SDR 57, effective March 16, 1978; 5 SDR 68, effective February 15, 1979; 6 SDR 94, effective March 26, 1980; 9 SDR 108, effective February 20, 1983; 10 SDR 85, effective February 16, 1984; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 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; 37 SDR 131, effective January 10, 2011; 46 SDR 116, effective April 29, 2020; 49 SDR 46, effective November 21, 2022.

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

 **Law Implemented:** SDCL 41-2-18, 41-11-5, 41-17-1.1.

 **41:06:15:02.  Open unit.** Unit CST-CU1: Custer State Park is open for spring wild turkey hunting.

 **Source:** 1 SDR 40, effective December 4, 1974; 2 SDR 36, effective November 12, 1975; 4 SDR 57, effective March 16, 1978; 5 SDR 68, effective February 15, 1979; 6 SDR 94, effective March 26, 1980; 8 SDR 102, effective March 4, 1982; 10 SDR 85, effective February 16, 1984; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 110, effective February 21, 1985; 15 SDR 139, effective March 20, 1989; 33 SDR 107, effective December 27, 2006; 35 SDR 184, effective February 2, 2009; 42 SDR 97, effective January 5, 2016; 49 SDR 46, effective November 21, 2022.

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

 **Law Implemented:** SDCL 41-2-18, 41-6-27, 41-6-28, 41-11-5, 41-17-1.1.

 **41:06:15:03.  Bag and possession limit.** Repealed.

 **Source:** 1 SDR 40, effective December 4, 1974; 4 SDR 57, effective March 16, 1978; 10 SDR 85, effective February 16, 1984; 10 SDR 76, 10 SDR 102, effective July 1, 1984; repealed, 39 SDR 10, effective August 1, 2012.

 **41:06:15:04.  Applications for license.** Repealed.

 **Source:** 1 SDR 40, effective December 4, 1974; 4 SDR 57, effective March 16, 1978; 10 SDR 85, effective February 16, 1984; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 46 SDR 116, effective April 29, 2020.

**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.

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.

 **41:06:16:01.  Duck hunting season established.** The duck hunting season is open as described in §§ 41:06:16:02 and 41:06:16:02.01. Shooting hours are one-half hour before sunrise to 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; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 15 SDR 50, effective October 6, 1988; 16 SDR 64, effective October 10, 1989; 23 SDR 220, effective June 26, 1997; 28 SDR 44, effective October 3, 2001; 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.

 Combination licenses, SDCL 41-6-10.1.

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

 Nonresident waterfowl license required, SDCL 41-6-18.1.

 **41:06:16:02.  High Plains duck hunting season established.** The High Plains duck hunting season is open for 97 consecutive days beginning on the second Saturday of October within the High Plains Mallard Management Unit described as that portion of South Dakota west of a line beginning at the junction of U.S. Highway 83 and the South Dakota-North Dakota border, then southerly along U.S. Highway 83 to its junction with U.S. Highway 14, then easterly along U.S. Highway 14 to Blunt, then southerly along the Blunt-Canning Road to its junction with State Highway 34, then easterly and southerly along State Highway 34 to its junction with State Highway 50 at Lee's Corner, then southerly along State Highway 50 to its junction with Interstate Highway 90, then easterly along Interstate Highway 90 to its junction with State Highway 50, then southerly along State Highway 50 to its junction with State Highway 44, then westerly along State Highway 44 across the Platte-Winner Bridge to State Highway 47, then southerly along State Highway 47 to its junction with U.S. Highway 18, then easterly along U.S. Highway 18 to its junction with State Highway 47, then southerly along State Highway 47 to the South Dakota-Nebraska border.

 **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; 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 82, effective December 7, 1992; 20 SDR 45, effective October 4, 1993; 22 SDR 46, effective October 8, 1995; 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; 27 SDR 18, effective September 12, 2000; 28 SDR 44, effective October 3, 2001; 28 SDR 48, effective October 10, 2001; 29 SDR 29, effective September 8, 2002; 30 SDR 40, effective October 1, 2003; 32 SDR 45, effective September 20, 2005; 33 SDR 43, effective September 18, 2006; 36 SDR 39, effective September 23, 2009; 46 SDR 116, effective April 29, 2020.

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

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

 **41:06:16:02.01.  Low Plains duck hunting season established.** The duck hunting season in the Low Plains north zone is open for 74 consecutive days beginning the Saturday closest to September 24. The Low Plains north zone is that portion of northeastern South Dakota east of the High Plains Unit and north of a line extending easterly along U.S. Highway 212 to the South Dakota-Minnesota border.

 The duck hunting season in the Low Plains south zone is open for 74 consecutive days beginning on the fourth Saturday of October. The Low Plains south zone is that portion of Gregory County east of State Highway 47 and south of State Highway 44; that portion of Charles Mix County south of State Highway 44 to the Douglas County line, then southerly along State Highway 50 Geddes, then easterly along the Geddes Highway to its junction with U.S. Highway 281 and U.S. Highway 18, then southerly along U.S. Highway 281 and U.S. Highway 18 to State Highway 50, then southerly and easterly along State Highway 50 to the Bon Homme County line; Bon Homme County south of State Highway 50; that portion of Yankton County south of State Highway 50; that portion of Clay County south of State Highway 50; and that portion of Union County south of State Highway 50 and west of Interstate 29.

 The duck hunting season in the Low Plains middle zone is open for 74 consecutive days beginning on the Saturday closest to September 24 in that portion of the state east of the High Plains zone, excluding the areas in the Low Plains north and south zones.

 **Source:** 8 SDR 31, effective September 30, 1981; 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; 20 SDR 45, effective October 4, 1993; 22 SDR 46, effective October 8, 1995; 23 SDR 38, effective September 26, 1996; 24 SDR 44, effective October 14, 1997; 27 SDR 18, effective September 12, 2000; 28 SDR 44, effective October 3, 2001; 28 SDR 48, effective October 10, 2001; 29 SDR 29, effective September 8, 2002; 30 SDR 40, effective October 1, 2003; 32 SDR 45, effective September 20, 2005; 33 SDR 43, effective September 18, 2006; 34 SDR 67, effective September 10, 2007; 44 SDR 151, effective April 30, 2018; 46 SDR 116, effective April 29, 2020.

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

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

 **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 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 coots 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 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.

 **41:06:16:04.  Point values of ducks -- Coots excepted.** Repealed.

 **Source:** 1 SDR 26, effective September 11, 1974; 2 SDR 18, effective September 16, 1975; 3 SDR 22, effective September 23, 1976; 5 SDR 19, effective September 14, 1978; 6 SDR 31, effective October 2, 1979; 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; repealed, 15 SDR 50, effective October 6, 1988.

 **41:06:16:05.  Possession limit.** The possession limit for ducks, including mergansers, is three times the daily bag limit for each species.

 A person may, at any one time, possess no more than 45 coots taken according to the daily bag limit.

 **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; 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 44, effective October 3, 2001; 29 SDR 29, effective September 8, 2002; 30 SDR 40, effective October 1, 2003; 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; 46 SDR 116, effective April 29, 2020; 48 SDR 132, effective July 5, 2022.

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

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

 **41:06:16:06.  Season closed on canvasbacks.** Repealed.

 **Source:** 1 SDR 26, effective September 11, 1974; 2 SDR 18, effective September 16, 1975; 3 SDR 22, effective September 23, 1976; 6 SDR 31, effective October 2, 1979; repealed, 10 SDR 23, effective September 22, 1983; readopted, 13 SDR 37, effective October 7, 1986; repealed, 21 SDR 56, effective September 29, 1994.

 **41:06:16:06.01.  Goose definitions.** The following definitions apply to goose species in the state:

 (1)  Dark geese include all Canada geese, black Brant, and white-fronted geese;

 (2)  Light geese include all other geese.

 **Source:** 9 SDR 37, effective September 28, 1982; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 14 SDR 57, effective October 21, 1987; 23 SDR 220, effective June 26, 1997.

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

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

 **41:06:16:07.  Goose hunting season, 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 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.

 As used in this article, a 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.

 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 season established in chapter 41:06:50 that begins on October first;

 (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, shooting hours for geese are one-half hour before sunrise to sunset daily. The shooting hours for the light goose 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.

 **41:06:16:07.01.  Shotgun shell limit exception.** Notwithstanding subdivision 41:06:04:05(1), a person may take light geese during a Conservation Order with a shotgun which is capable of holding more than three shells.

 **Source:** 25 SDR 108, effective February 28, 1999; 26 SDR 117, effective March 16, 2000.

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

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

 **41:06:16:07.02.  Federal migratory waterfowl stamp -- Exception.** Notwithstanding subdivision 41:06:04:05(3), a person may take light geese during a Conservation Order and Canada geese during an August Management Take without a federal migratory waterfowl stamp.

 **Source:** 26 SDR 117, effective March 16, 2000; 36 SDR 215, effective July 1, 2010.

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

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

 **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.

 **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 light geese, eight geese that may be a combination of Canada geese and black Brant, and three white-fronted geese. The daily bag limit in Unit 2 during the goose hunting season may include no more than 50 light geese, four geese that may be a combination of Canada geese and black 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.

 During the August Management Take, the daily bag limit is 15 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.

 **41:06:16:09.01.  Tundra swan season established -- Open units -- Shooting hours.** The tundra swan hunting season is open from the Saturday closest to October 1 through the end of the light goose hunting season as established in § 41:06:16:07 in the counties of McPherson, Edmunds, Campbell, Walworth, Potter, Faulk, Spink, Beadle, Kingsbury, Brookings, Brown, Marshall, Day, Clark, Codington, Sully, Hughes, Hyde, Hand, Hamlin, Roberts, Grant, Buffalo, Jerauld, Sanborn, Miner, Lake, Moody, Brule, Aurora, Davison, Hanson, McCook, Minnehaha, and Deuel. No more than 1,300 permits may be issued with one tag per permit. No more than 200 of the available permits may be issued to nonresidents. Shooting hours for tundra swans are the same as for duck hunting.

 A person may not hunt tundra swans unless the person has been issued a special permit with a tag. The tag is valid for the taking of one tundra swan. Each swan must be tagged immediately upon retrieval.

 Land occupant preference is not applicable to this season. If permits remain unsold after the first lottery drawing, only those residents and nonresidents who do not have a permit may apply in the second lottery drawing for and receive one permit from any respective remaining resident and nonresident permits. If any resident and nonresident permits remain unsold after the second lottery drawing, all permits shall be combined and any resident or nonresident may receive a permit. No person may receive more than two permits.

 **Source:** 17 SDR 34, effective September 6, 1990; 18 SDR 41, effective September 5, 1991; 19 SDR 36, effective September 16, 1992; 20 SDR 45, effective October 4, 1993; 20 SDR 204, effective June 7, 1994; 21 SDR 207, effective June 5, 1995; 22 SDR 188, effective July 10, 1996; 23 SDR 220, effective June 26, 1997; 25 SDR 193, effective July 19, 1998; 26 SDR 174, effective July 4, 2000; 27 SDR 126, effective June 6, 2001; 29 SDR 160, effective June 3, 2003; 31 SDR 213, effective July 4, 2005; 43 SDR 146, effective May 22, 2017; 46 SDR 116, effective April 29, 2020.

 **General Authority:** SDCL 41-2-18(2)(10)(17).

 **Law Implemented:** SDCL 41-2-18(2)(10)(17).

 **41:06:16:10.  Certain roadways closed to hunting.** Brown County Road 16, adjacent to Sand Lake National Wildlife Refuge in Brown County, is closed to all hunting during the waterfowl seasons and Conservation Order.

 **Source:** 1 SDR 26, effective September 11, 1974; 3 SDR 22, effective September 23, 1976; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 23 SDR 220, effective June 26, 1997; 26 SDR 117, effective March 16, 2000; 31 SDR 39, effective September 23, 2004; 35 SDR 47, effective September 8, 2008.

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

 **Law Implemented:** SDCL 41-2-18(2)(17), 41-9-1.1, 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 NRW-00A or NRW-11A. No more than three thousand, nine hundred and twenty-five special nonresident waterfowl licenses may be issued;

 (3)  Unit NRW-00C: those units as described in § 41:06:50:02. 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)  Unit NRW-OOV: 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)  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)  Unit NRW-OOZ: statewide except the counties in Units NRW-OOA, NRW-11A, NRW-OOV, NRW-OOX and NRW-OOY. 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)  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 issued pursuant to 50 CFR § 21.180;

 (10)  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:** Eligibility requirements and restrictions (Youth waterfowl hunting season), § 41:06:49:04.

 **41:06:16:11.01.  Nonresident waterfowl license purchase restrictions -- Unsold licenses.** Except as otherwise provided in this section, a person may purchase only one nonresident waterfowl license for the fall-winter general waterfowl season each year. If nonresident waterfowl licenses remain unsold after October 31, an unlimited number of such licenses may be purchased on a first-come, first-served basis.

 **Source:** 12 SDR 50, effective October 1, 1985; 13 SDR 37, effective October 7, 1986; 15 SDR 50, effective October 6, 1988; 16 SDR 44, effective September 13, 1989; 20 SDR 28, effective August 29, 1993; 20 SDR 204, effective June 7, 1994; 23 SDR 220, effective June 26, 1997; 25 SDR 21, effective August 27, 1998; 25 SDR 157, effective June 24, 1999; 26 SDR 117, effective March 16, 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; 46 SDR 116, effective April 29, 2020; 48 SDR 132, effective July 5, 2022.

 **General Authority:** SDCL 41-2-18(13), 41-6-18.2, 41-6-18.4, 41-11-5.

 **Law Implemented:** SDCL 41-2-18(13), 41-6-18.2, 41-6-18.4, 41-11-5.

 **41:06:16:12.  Waterfowl management area.** That portion of Lake Sharpe including the water, islands, and bars within the water's edge from a north-south line across the reservoir through the dredged channel at the east end of Hipple Lake downstream to a north-south line across the reservoir 100 yards east of the easternmost emergent vegetation on Antelope Island is a waterfowl management area.

 No waterfowl decoys or hunting blinds may be placed or left remaining in the area between the hours of sunset and 5:00 a.m. during the waterfowl season. No waterfowl decoys may be left in place and unattended at any time during the waterfowl season between 5:00 a.m. and sunset daily.

 **Source:** 8 SDR 170, effective June 20, 1982; 9 SDR 147, effective May 22, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 10 SDR 120, effective July 1, 1984; 15 SDR 50, effective October 6, 1988; 23 SDR 220, effective June 26, 1997.

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

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

 **41:06:16:13.  Nontoxic shot.** Repealed.

 **Source:** 9 SDR 37, effective September 28, 1982; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 23 SDR 220, effective June 26, 1997; repealed, 38 SDR 101, effective December 5, 2011.

**CHAPTER 41:06:17**

**COMMON SNIPE HUNTING SEASON**

Section

41:06:17:01 Snipe hunting season established.

41:06:17:02 Repealed.

41:06:17:03 Daily bag limit.

41:06:17:04 Possession limit.

 **41:06:17:01.  Snipe hunting season established.** The common snipe hunting season is open statewide from sunrise to sunset each day from September 1 through October 31.

 **Source:** SL 1975, ch 16, § 1; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 46 SDR 116, effective April 29, 2020.

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

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

 **Cross-References:**

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

 Combination licenses, SDCL 41-6-10.1.

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

 Nonresident small game license, SDCL 41-6-17.

 **41:06:17:02.  Open unit.** Repealed.

 **Source:** SL 1975, ch 16, § 1; 2 SDR 10, effective August 7, 1975; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 46 SDR 116, effective April 29, 2020.

 **41:06:17:03.  Daily bag limit.** The daily bag limit is 5 common snipe.

 **Source:** SL 1975, ch 16, § 1; 8 SDR 19, effective August 31, 1981; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 46 SDR 116, effective April 29, 2020.

 **General Authority:** SDCL 41-2-18(1)(2), 41-11-5.

 **Law Implemented:** SDCL 41-2-18(1)(2), 41-11-5.

 **41:06:17:04.  Possession limit.** A person may have in possession at one time no more than 15 common snipe taken according to the daily limit.

 **Source:** SL 1975, ch 16, § 1; 8 SDR 19, effective August 31, 1981; 9 SDR 30, effective September 13, 1982; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 46 SDR 116, effective April 29, 2020.

 **General Authority:** SDCL 41-2-18(1)(2), 41-11-5.

 **Law Implemented:** SDCL 41-2-18(1)(2), 41-11-5.

**CHAPTER 41:06:18**

**SANDHILL CRANE HUNTING SEASON**

Section

41:06:18:01 Sandhill crane hunting season established.

41:06:18:02 Open unit.

41:06:18:03 Daily bag limit.

41:06:18:04 Possession limit.

41:06:18:05 Repealed.

41:06:18:06 Repealed.

 **41:06:18:01.  Sandhill crane hunting season established.** The sandhill crane hunting season is open from one-half hour before sunrise to sunset for 58 days beginning on the fourth Saturday of September.

 **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; 7 SDR 21, effective September 15, 1980; 9 SDR 30, effective September 13, 1982; 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; 21 SDR 207, effective June 5, 1995; 46 SDR 116, effective April 29, 2020.

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

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

 **Cross-References:**

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

 Combination licenses, SDCL 41-6-10.1.

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

 Nonresident small game license, SDCL 41-6-17.

 **41:06:18:02.  Open unit.** The unit open to sandhill crane hunting is that portion of the state lying west of a line beginning at the South Dakota-North Dakota border and State Highway 25, then south on State Highway 25 to its junction with State Highway 34, then east on State Highway 34 to its junction with U.S Highway 81, then south on U.S. Highway 81 to the South Dakota-Nebraska border.

 **Source:** 1 SDR 26, effective September 11, 1974; 2 SDR 18, effective September 16, 1975; 4 SDR 15, effective September 15, 1977; 9 SDR 30, effective September 13, 1982; 9 SDR 37, effective September 28, 1982; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 21 SDR 56, effective September 29, 1994; 45 SDR 89, effective December 31, 2018; 46 SDR 116, effective April 29, 2020.

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

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

 **41:06:18:03.  Daily bag limit.** The daily bag limit is three sandhill cranes.

 **Source:** 1 SDR 26, effective September 11, 1974; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 46 SDR 116, effective April 29, 2020.

 **General Authority:** SDCL 41-2-18(1)(2), 41-11-5.

 **Law Implemented:** SDCL 41-2-18(1)(2), 41-11-5.

 **41:06:18:04.  Possession limit.** A person may have in possession at one time no more than nine sandhill cranes taken according to the daily bag limit.

 **Source:** 1 SDR 26, effective September 11, 1974; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 40 SDR 197, effective May 27, 2014; 46 SDR 116, effective April 29, 2020.

 **General Authority:** SDCL 41-2-18(1)(2), 41-11-5.

 **Law Implemented:** SDCL 41-2-18(1)(2), 41-11-5.

 **41:06:18:05.  Special permit required.** Repealed.

 **Source:** 2 SDR 18, effective September 16, 1975; 10 SDR 23, effective September 22, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; repealed, 33 SDR 212, effective June 4, 2007.

 **41:06:18:06.  Nontoxic shot.** Repealed.

 **Source:** 9 SDR 37, effective September 28, 1982; 10 SDR 76, 10 SDR 102, effective July 1, 1984; repealed, 38 SDR 101, effective December 5, 2011.

**CHAPTER 41:06:19**

**BLACK HILLS DEER HUNTING SEASON**

Section

41:06:19:01 Black Hills deer hunting season established -- Number and type of licenses.

41:06:19:02 Open Unit.

41:06:19:03 Repealed.

41:06:19:04 Special deer licenses.

41:06:19:05 Repealed.

41:06:19:06 Repealed.

41:06:19:07 Repealed.

 **41:06:19:01.  Black Hills deer hunting season established** -- **Number and type of licenses.** The Black Hills deer hunting season is open from one-half hour before sunrise to one-half hour after sunset daily beginning on November 1 through November 30. No more than 5,000 one-tag deer licenses may be issued to residents for the Black Hills deer hunting season.

 **Source:** 1 SDR 26, effective September 11, 1974; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 27 SDR 126, effective June 6, 2001; 30 SDR 189, effective June 7, 2004; 31 SDR 213, effective July 4, 2005; 43 SDR 9, effective August 1, 2016; 44 SDR 17, effective August 7, 2017; 45 SDR 155, effective June 24, 2019; 46 SDR 116, effective April 29, 2020; 47 SDR 137, effective June 29, 2021.

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

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

 **Cross-References:**

 Resident big game license required, SDCL 41-6-19.

 Nonresident big game license required, SDCL 41-6-20.

 **41:06:19:02.  Open Unit.** The unit open to deer hunting in the Black Hills is Unit BHD-BH1. Unit BHD-BH1 is: those portions of Lawrence, Meade, Pennington, Custer, and Fall River Counties within a line beginning at the South Dakota-Wyoming border and Interstate 90, then easterly and southerly along Interstate 90 to its junction with the city limits of Rapid City, then westerly and southerly along the city limits of Rapid City to its junction with U.S. Highway 16, then southwesterly along U.S. Highway 16 to its junction with the eastern boundary of the Black Hills National Forest, then southerly along the eastern boundaries of the Black Hills National Forest, Custer State Park, and Wind Cave National Park to the southeast corner of Wind Cave National Park, then westerly along the southern boundary of Wind Cave National Park to its junction with U.S. Highway 385, then southwesterly along U.S. Highway 385 to its junction with Fall River County Road 18 (Argyle Road), then northwesterly along Fall River County Road 18 and Custer County Road 333 to its junction with State Highway 89 at Argyle, then southerly along State Highway 89 to its junction with Fall River County Road 317 (Minnekahta-Dewey Road), then westerly along Fall River County Road 317 to its junction with Custer County Road 319, then westerly along Custer County Road 319 to its junction with Custer County Road 715, then westerly along Custer County Road 715 to its junction with Custer County Road 769, then westerly along Custer County Road 769 through Dewey to its junction with the South Dakota-Wyoming border, then northerly along the South Dakota-Wyoming border to its junction with Interstate 90, the point of beginning.

 **Source:** 1 SDR 26, effective September 11, 1974; 2 SDR 18, effective September 16, 1975; 3 SDR 22, effective September 23, 1976; 8 SDR 31, effective September 30, 1981; 9 SDR 30, effective September 13, 1982; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 19 SDR 17, effective August 12, 1992; 27 SDR 126, effective June 6, 2001; 30 SDR 189, effective June 7, 2004; 31 SDR 213, effective July 4, 2005; 33 SDR 1, effective July 18, 2006; 34 SDR 67, effective September 10, 2007; 36 SDR 21, effective August 18, 2009; 37 SDR 18, effective August 16, 2010; 38 SDR 8, effective August 3, 2011; 39 SDR 10, effective August 1, 2012; 42 SDR 14, effective August 10, 2015; 43 SDR 9, effective August 1, 2016.

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

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

 **41:06:19:03.  Bag limit.** Repealed.

 **Source:** 1 SDR 26, effective September 11, 1974; 6 SDR 31, effective October 2, 1979; 9 SDR 30, effective September 13, 1982; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 22 SDR 188, effective July 10, 1996; 30 SDR 189, effective June 7, 2004; 33 SDR 1, effective July 18, 2006; repealed, 34 SDR 67, effective September 10, 2007.

 **41:06:19:04.  Special deer licenses.** Special deer licenses valid November 1 through November 30 are available by lottery to residents. The following is a description of the open units:

 (1)  Unit BHD-BD1: those portions of Custer, Lawrence, Meade, and Pennington Counties within a line beginning at the junction of the South Dakota-Wyoming border and Interstate 90, then southeasterly along Interstate 90 to its junction with U.S. Highway 16 at Rapid City, then southerly along U.S. Highway 16 to its junction with the eastern boundary of the Black Hills National Forest near Rapid City, then southerly along the eastern boundaries of the Black Hills National Forest, western boundary of Custer State Park, western boundary of Wind Cave National Park, then easterly along the southern boundary of Wind Cave National Park to its junction with U.S. Highway 385, then southerly along U.S. Highway 385 to its junction with Fall River County Road 18 (Argyle Road), then northwesterly along Fall River County Road 18 (Argyle Road) to its junction with State Highway 89, then northerly along State Highway 89 to its junction with U.S. Highway 385 at Pringle, then northerly on U.S. Highway 385 to its junction with U.S. Highway 85 at Deadwood, then southwesterly along U.S. Highway 85 to its junction with U.S. Highway 14A near Cheyenne Crossing, then northwesterly along U.S. Highway 14A to its junction with Forest Service Road 222 at Savoy, then westerly along Forest Service Road 222 to the South Dakota-Wyoming border, then northerly along the South Dakota-Wyoming border to its junction with Interstate 90, the point of beginning;

 (2)  Unit BHD-BD2: those portions of Custer, Lawrence, and Pennington Counties within a line beginning at the junction of the South Dakota-Wyoming border and Forest Service Road 222, then easterly along Forest Service Road 222 to its junction with U.S. Highway 14A at Savoy, then southeasterly along U.S. Highway 14A to its junction with U.S. Highway 85 near Cheyenne Crossing, then northeasterly along U.S. Highway 85 to its junction with U.S. Highway 385 at Deadwood, then southerly along U.S. Highway 385 to its junction with State Highway 89 at Pringle, then southerly on State Highway 89 to its junction with Fall River County Road 317, then westerly along Fall River County Road 317 to its junction with Custer County Road 319, then westerly along Custer County Road 319 to its junction with Custer County Road 715, then westerly along Custer County Road 715 to its junction with Custer County Road 769, then westerly along Custer County Road 769 through Dewey to its junction with the South Dakota-Wyoming border, then northerly along the South Dakota-Wyoming border to its junction with Forest Service Road 222, the point of beginning.

 **Source:** 1 SDR 26, effective September 11, 1974; repealed, 2 SDR 18, effective September 16, 1975; readopted, 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 30, effective September 13, 1982; 10 SDR 12, effective August 17, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 30, effective August 30, 1984; 12 SDR 22, effective August 21, 1985; 13 SDR 26, effective September 10, 1986; 14 SDR 40, effective September 23, 1987; 15 SDR 24, effective August 14, 1988; 16 SDR 32, effective August 20, 1989; 17 SDR 23, effective August 16, 1990; 18 SDR 33, effective August 19, 1991; 19 SDR 17, effective August 12, 1992; 20 SDR 13, effective August 8, 1993; 21 SDR 14, effective August 3, 1994; 21 SDR 102, effective December 8, 1994; 22 SDR 188, effective July 10, 1996; 24 SDR 176, effective June 21, 1998; 25 SDR 157, effective June 24, 1999; 26 SDR 174, effective July 4, 2000; 27 SDR 126, effective June 6, 2001; 28 SDR 44, effective October 3, 2001; 28 SDR 178, effective July 1, 2002; 29 SDR 160, effective June 3, 2003; 30 SDR 189, effective June 7, 2004; 31 SDR 213, effective July 4, 2005; 33 SDR 1, effective July 18, 2006; 34 SDR 67, effective September 10, 2007; 35 SDR 47, effective September 8, 2008; 36 SDR 21, effective August 18, 2009; 37 SDR 18, effective August 16, 2010; 38 SDR 8, effective August 3, 2011; 39 SDR 10, effective August 1, 2012; 40 SDR 14, effective July 29, 2013; 41 SDR 7, effective July 30, 2014; 43 SDR 9, effective August 1, 2016; 46 SDR 116, effective April 29, 2020.

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

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

 **41:06:19:05.  Issuance of special licenses -- Validity.** Repealed.

 **Source:** 1 SDR 26, effective September 11, 1974; repealed, 3 SDR 22, effective September 23, 1976.

 **41:06:19:06.  Limit on licenses.** Repealed.

 **Source:** 3 SDR 22, effective September 23, 1976; 4 SDR 15, effective September 15, 1977; 9 SDR 30, effective September 13, 1982; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 14 SDR 40, effective September 23, 1987; 20 SDR 13, effective August 8, 1993; 22 SDR 188, effective July 10, 1996; 24 SDR 176, effective June 21, 1998; 26 SDR 174, effective July 4, 2000; 27 SDR 126, effective June 6, 2001; repealed, 33 SDR 1, effective July 18, 2006.

 **41:06:19:07.  Application requirements and restrictions.** Repealed.

 **Source:** 30 SDR 189, effective June 7, 2004; 33 SDR 1, effective July 18, 2006; repealed, 39 SDR 10, effective August 1, 2012.

**CHAPTER 41:06:20**

**WEST RIVER PRAIRIE DEER SEASON**

Section

41:06:20:01 West River prairie deer hunting season established -- Number and type of licenses.

41:06:20:01.01 Repealed.

41:06:20:02 Open units -- Exceptions.

41:06:20:02.01 Special any deer or any whitetail deer licenses – Restrictions.

41:06:20:03 Repealed.

41:06:20:03.01 Repealed.

41:06:20:04 Repealed.

41:06:20:05 Repealed.

41:06:20:06 Repealed.

 **41:06:20:01.  West River prairie deer hunting season established** -- **Number and type of licenses.** The West River prairie deer hunting season is open from one-half hour before sunrise to one-half hour after sunset each day for 16 consecutive days beginning on the Saturday 12 days before Thanksgiving, except as provided in § 41:06:20:02. In addition, any hunter possessing a valid antlerless deer or antlerless whitetail deer tag in any West River unit may hunt from one-half hour before sunrise to one-half hour after sunset each day for nine consecutive days beginning on the third Saturday following Thanksgiving. No more than 20,000 one-tag, 15,000 two-tag and 10,000 three-tag deer licenses may be issued to residents for the West River prairie deer hunting season.

 **Source:** SL 1975, ch 16, § 1; 1 SDR 78, effective June 19, 1975; 2 SDR 88, effective July 1, 1976; 3 SDR 87, effective June 26, 1977; 5 SDR 108, effective June 28, 1979; 8 SDR 170, effective June 20, 1982; 9 SDR 158, effective June 14, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 13 SDR 9, effective August 3, 1986; 14 SDR 14, effective August 6, 1987; 15 SDR 3, effective July 21, 1988; 19 SDR 207, effective July 14, 1993; 21 SDR 14, effective August 3, 1994; 24 SDR 156, effective May 17, 1998; 29 SDR 29, effective August 26, 2002; 30 SDR 21, effective August 25, 2003; 31 SDR 21, effective August 23, 2004; 36 SDR 21, effective August 18, 2009; 41 SDR 14, effective August 10, 2015; 43 SDR 9, effective August 1, 2016; 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 137, effective June 29, 2021.

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

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

 **Cross-References:**

 Resident big game license required, SDCL 41-6-19.

 Nonresident big game license required, SDCL 41-6-20.

 **41:06:20:01.01.  Additional season dates.** Repealed.

 **Source:** 30 SDR 21, effective August 25, 2003; 31 SDR 21, effective August 23, 2004; 32 SDR 31, effective August 29, 2005; 33 SDR 1, effective July 18, 2006; 36 SDR 21, effective August 18, 2009; 39 SDR 10, effective August 1, 2012; repealed, 42 SDR 14, August 10, 2015.

 **41:06:20:02.  Open units -- Exceptions.** The following is a description of the open units:

 (1)  Unit WRD-02A: those portions of Pennington and Meade counties within a line beginning at Interstate 90 at New Underwood, then northerly from New Underwood along 160th Avenue to Meade County Road 21 (New Underwood Road), then northerly along Meade County Road 21 to its junction with the Belle Fourche River, then easterly along the Belle Fourche River to its confluence with the Cheyenne River, then easterly along the Cheyenne River to its junction with the east Pennington County line, then southerly along the Pennington County line to its junction with Interstate 90, then westerly along Interstate 90 to New Underwood, the point of beginning;

 (2)  Unit WRD-02C: the portion of Pennington County south of Interstate 90 and east of the Cheyenne River;

 (3)  Unit WRD-11A: the portion of Bennett County north of U.S. Highway 18;

 (4)  Unit WRD-11B: the portion of Bennett County south of U.S. Highway 18, excluding Lacreek National Wildlife Refuge;

 (5)  Unit WRD-15A: Butte County, except the portion included in Unit WRD-15B;

 (6)  Unit WRD-15B: the portion of Butte County south of U.S. Highway 212 and west of State Highway 79 and the portion of Lawrence County north of Interstate 90;

 (7)  Unit WRD-20A: Corson County;

 (8)  Unit WRD-21A: the portion of Custer County east of State Highway 79 and the portion of Pennington County south of Interstate 90 between State Highway 79 and the Cheyenne River;

 (9)  Unit WRD-21B: those portions of Custer and Pennington counties within a line beginning at the junction of State Highway 79 and the section line between section 18 and section 19, township 6 south, range 7 east, then northerly along State Highway 79 to the Rapid City city limits, then westerly along the Rapid City city limits to its junction with U.S. Highway 16, then southwesterly along U.S. Highway 16 to its junction with the Black Hills National Forest boundary, then southerly along the Black Hills National Forest boundary to its junction with the northeast corner of Custer State Park, then southerly along the eastern boundaries of Custer State Park and Wind Cave National Park to the southeast corner of Wind Cave National Park, then westerly along the southern boundary of Wind Cave National Park to its junction with U.S. Highway 385, then southerly along U.S. Highway 385 to its junction with Custer County Road 101 to its junction with the section line between section 24 and section 19, township 6 south, range 7 east, then northerly along this section line to its junction with section 13 and section 18, township 6 south, range 7 east, then easterly along the section line between section 18 and section 19, township 6 south, range 7 east to its junction with State Highway 79, the point of beginning;

 (10)  Unit WRD-24A: Dewey County, excluding the Little Moreau recreation area and game production area except the portions included in WRD-24B;

 (11)  Unit WRD-24B: the Little Moreau Recreation Area and game production area in Dewey County;

 (12)  Unit WRD-27A: those portions of Custer and Fall River counties within a line beginning at the junction of the South Dakota-Wyoming border and U.S. Highway 18, then easterly along U.S. Highway 18 to its junction with the Cheyenne River, then easterly along the Cheyenne River to its junction with U.S. Highway 18 and 385, then northerly along U.S. Highway 18 and 385 to its junction with State Highway 79 and continuing along State Highway 79 to its junction with the section line between section 19 and section 18, township 6 south, range 7 east, then westerly along this section line to its junction with section 13 and section 24, township 6 south, range 7 east, then southerly along the section line between section 19 and section 24, township 6 south, range 7 east to its junction with Custer County Road 101, then westerly along Custer County Road 101 to its junction with U.S. Highway 385, then southerly along U.S. Highway 385 to its junction with Fall River County Road 18 (Argyle Road), then northwesterly along Fall River County Road 18 and Custer County Road 333 to its junction with State Highway 89, then southerly along State Highway 89 to its junction with Fall River County Road 12, then westerly along Fall River County Road 12 to its junction with Custer County Road 317, then westerly along Custer County Road 317 to its junction with Custer County Road 715, then westerly along Custer County Road 715 to its junction with Custer County Road 769, then westerly along Custer County Road 769 through Dewey to its junction with the South Dakota-Wyoming border, then southerly along the South Dakota-Wyoming border to its junction with U.S. Highway 18, the point of beginning, except the portion included in WRD-27L;

 (13)  Unit WRD-27B: Fall River County, except those portions included in WRD-27A and WRD-27L;

 (14)  Unit WRD-27L: the Hill Ranch Game Production Area; the Forest Service lands included in or connected to the Hill Ranch Game Production Area boundaries on the south side and the west side; and the state managed Bureau of Reclamation lands adjacent and connected to the Hill Ranch Game Production Area and the Forest Service lands north of the Cheyenne River and on the west side of Angostura Reservoir. Since this unit is all public land, landowner preference does not apply;

 (15)  Unit WRD-30A: Gregory County. The season is open for four consecutive days beginning on the Saturday nineteen days before Thanksgiving and then for seven consecutive days beginning on the Monday three days before Thanksgiving;

 (16)  Unit WRD-30B: Gregory County;

 (17)  Unit WRD-31A: Haakon County;

 (18)  Unit WRD-35A: the portion of Harding County west of U.S. Highway 85, excluding those portions of the Custer National Forest within WRD-35L;

 (19)  Unit WRD-35C: the portion of Harding County east of U.S. Highway 85, excluding those portions of the Custer National Forest within WRD-35L;

 (20)  Unit WRD-35L: all of Custer National Forest, except for the West Short Pines and the South Dakota portion of the Long Pines, found within Harding County. Since this unit is all public land, landowner preference does not apply;

 (21)  Unit WRD-39A: the portion of Jackson County north of the White River, excluding the Badlands National Park;

 (22)  Unit WRD-39B: the portion of Jackson County south of the White River;

 (23)  Unit WRD-41A: Jones County, except the portion included in Unit WRD-45D;

 (24)  Unit WRD-45A: Lyman County, except the portions included in Units WRD-45B, WRD-45C, and WRD-45D;

 (25)  Unit WRD-45B: Lyman County east of State Highway 47, except the portion included in Unit WRD-45C;

 (26)  Unit WRD-45C: those portions of Stanley and Lyman counties within the Lower Brule Indian Reservation;

 (27)  Unit WRD-45D: those portions of Lyman, Stanley, and Jones counties within a line beginning at the northwest corner of the Lower Brule Indian Reservation, then westerly eighteen miles, then southerly twenty miles, then easterly nineteen miles, then northerly one-and-one-half miles to the southwest corner of the Lower Brule Indian Reservation, then northerly along the reservation boundary to the northwest corner of the reservation, the point of beginning;

 (28)  Unit WRD-49A: the portion of Meade County east of Interstate 90, south of U.S. Highway 212, and west of a line beginning at the junction of U.S. Highway 212 and Meade County Road 23, then southerly along Meade County Road 23 to its junction with Meade County Road 28, then easterly along Meade County Roads 23-28, then southerly along Meade County Road 23 to its junction with State Highway 34, then southerly along Meade County Road 21 (New Underwood Road) to its junction with the Pennington County line and that portion of Pennington County west of Pennington County 160th Avenue (New Underwood Road) and north of Interstate 90;

 (29)  Unit WRD-49B: the portion of Meade County south of U.S. Highway 212; east of Meade County Road 21, Meade County Road 23, Meade County Roads 23-28, and Meade County Road 3075; and north of the Belle Fourche River;

 (30)  Unit WRD-50A: Mellette County;

 (31)  Unit WRD-53A: the portion of Perkins County north of State Highway 20;

 (32)  Unit WRD-53C: the portion of Perkins County south of State Highway 20 and the portion of Meade County north of U.S. Highway 212;

 (33)  Unit WRD-58A: Stanley County, except the portions included in Units WRD-45C and WRD-45D;

 (34)  Unit WRD-58D: Stanley County, except the portions included in Units WRD-45C and WRD-45D, but including the portions of Oahe Downstream Recreation Area below Oahe Dam east of State Highway 1806. Licenses are only available to persons who use a wheelchair. Additional licenses may be issued to nonresident hunters who use a wheelchair;

 (35)  Unit WRD-60A: Tripp County;

 (36)  Unit WRD-64A: Ziebach County;

 (37)  Unit WRD-65A: Oglala Lakota County; and

 (38)  Unit WRD-67A: Todd County.

 **Source:** SL 1975, ch 16, § 1; 1 SDR 78, effective June 19, 1975; 2 SDR 88, effective July 1, 1976; 3 SDR 87, effective June 26, 1977; 4 SDR 88, effective June 27, 1978; 5 SDR 6, effective August 3, 1978; 5 SDR 108, effective June 28, 1979; 6 SDR 129, effective July 13, 1980; 7 SDR 128, effective July 13, 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; 13 SDR 9, effective August 3, 1986; 14 SDR 14, effective August 6, 1987; 15 SDR 3, effective July 21, 1988; 15 SDR 210, effective July 10, 1989; 17 SDR 12, effective July 31, 1990; 18 SDR 4, effective July 18, 1991; 18 SDR 223, effective July 13, 1992; 19 SDR 207, effective July 14, 1993; 21 SDR 14, effective August 3, 1994; 22 SDR 16, effective August 15, 1995; 23 SDR 20, effective August 13, 1996; 24 SDR 16, effective August 13, 1997; 25 SDR 193, effective July 19, 1998; 26 SDR 9, effective August 1, 1999; 27 SDR 13, effective August 27, 2000; 28 SDR 24, effective August 28, 2001; 29 SDR 29, effective August 26, 2002; 29 SDR 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; 32 SDR 69, effective November 9, 2005; 33 SDR 1, effective July 18, 2006; 34 SDR 67, effective September 10, 2007; 35 SDR 47, effective September 8, 2008; 36 SDR 21, effective August 18, 2009; 36 SDR 170, effective May 11, 2010; 37 SDR 18, effective August 16, 2010; 38 SDR 8, effective August 3, 2011; 39 SDR 10, effective August 1, 2012; 40 SDR 14, effective July 29, 2013; 41 SDR 7, effective July 30, 2014; SL 2015, ch 56, § 1, effective May 1, 2015; 42 SDR 14, effective August 10, 2015; 43 SDR 9, effective August 1, 2016; 44 SDR 17, effective August 7, 2017; 45 SDR 155, effective June 24, 2019; 46 SDR 116, effective April 29, 2020; 47 SDR 137, effective June 29, 2021; 49 SDR 89, effective May 1, 2023; 49 SDR 124, effective July 3, 2023.

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

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

 **41:06:20:02.01.  Special any deer or any whitetail deer licenses – Restrictions.** The West River resident and nonresident "special any deer" license allocation is the greater of four percent of the total West River resident deer licenses which include an "any deer" tag allocated in the previous year, or 500 resident and 500 nonresident licenses. The West River resident and nonresident "special any whitetail deer" license allocation is the greater of four percent of the total West River resident deer licenses which include an "any whitetail deer" tag allocated in the previous year, or 500 resident and 500 nonresident licenses. These licenses are available by lottery and are valid only on private property not leased by the Department of Game, Fish and Parks for public hunting in any West River prairie deer unit. Each license is valid for one "any deer" or one "any whitetail deer." An applicant may apply for both an East River special deer license and a West River special deer license, but may only receive one special deer license in any given year. A successful West River special deer licensee may not apply for a West River deer license in the initial or second drawing. A successful West River deer licensee may not apply for a leftover West River special deer license. No person may make application for or receive the special deer license provided for in this section unless the following conditions are met:

 (1)  The applicant has permission from an owner or lessee of private land to hunt deer on the owner's or lessee's property located within the permitted area during the deer hunting season for which the special any deer license is issued; and

 (2)  The applicant includes on the application for a special any deer license the name and telephone number of the owner or lessee of the private property granting the permission.

 **Source:** 24 SDR 156, effective May 17, 1998; 25 SDR 141, effective May 27, 1999; 28 SDR 24, effective August 28, 2001; 30 SDR 147, effective April 4, 2004; 31 SDR 21, effective August 23, 2004; 31 SDR 165, effective May 10, 2005; 32 SDR 183, effective May 9, 2006; 39 SDR 168, effective April 22, 2013; 45 SDR 155, effective June 24, 2019.

 **General Authority:** SDCL 41-2-18(17), 41-6-21.

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

 **41:06:20:03.  Licenses valid only for the unit, number, and type of deer specified.** Repealed.

 **Source:** SL 1975, ch 16, § 1; 1 SDR 78, effective June 19, 1975; 5 SDR 108, effective June 28, 1979; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 10 SDR 148, effective July 11, 1984; 14 SDR 14, effective August 6, 1987; 28 SDR 24, effective August 28, 2001; 31 SDR 21, effective August 23, 2004; repealed, 39 SDR 10, effective August 1, 2012.

 **41:06:20:03.01.  Two-tag license restrictions.** Repealed.

 **Source:** 10 SDR 148, effective July 11, 1984; 13 SDR 9, effective August 3, 1986; repealed, 14 SDR 14, effective August 6, 1987.

 **41:06:20:04.  Application requirements and restrictions.** Repealed.

 **Source:** SL 1975, ch 16, § 1; 1 SDR 78, effective June 19, 1975; 2 SDR 88, effective July 1, 1976; 3 SDR 87, effective June 26, 1977; 4 SDR 88, effective June 27, 1978, 6 SDR 129, effective July 13, 1980; 7 SDR 128, effective July 13, 1981; 9 SDR 158, effective June 14, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 172, effective June 27, 1985; 13 SDR 9, effective August 3, 1986; 14 SDR 14, effective August 6, 1987; 15 SDR 3, effective July 21, 1988; 15 SDR 210, effective July 10, 1989; 18 SDR 4, effective July 18, 1991; 24 SDR 16, effective August 13, 1997; 24 SDR 156, effective May 17, 1998; 26 SDR 21, effective August 23, 1999; 27 SDR 13, effective August 27, 2000; 28 SDR 24, effective August 28, 2001; 33 SDR 1, effective July 18, 2006; repealed, 39 SDR 10, effective August 1, 2012.

 **41:06:20:05.  Requirements and restrictions on Indian land.** Repealed.

 **Source:** 2 SDR 88, effective July 1, 1976; 3 SDR 87, effective June 26, 1977; 9 SDR 158, effective June 14, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 14 SDR 14, effective August 6, 1987; 15 SDR 3, effective July 21, 1988; repealed, 17 SDR 12, effective August 1, 1990.

 **41:06:20:06.  Designation of areas where free antlerless deer licenses can be used by farmers and ranchers.** Repealed.

 **Source:** 37 SDR 18, effective August 16, 2010; repealed, 38 SDR 8, effective August 3, 2011.

**CHAPTER 41:06:21**

**EAST RIVER DEER HUNTING SEASON**

Section

41:06:21:01 East River deer hunting season established -- Number and type of licenses.

41:06:21:02 Open units --Exceptions.

41:06:21:02.01 Special any deer licenses -- Restrictions.

41:06:21:03 Repealed.

41:06:21:04 Repealed.

41:06:21:05 Repealed.

 **41:06:21:01.  East River deer hunting season established** -- **Number and type of licenses.** The East River deer hunting season is open from one-half hour before sunrise to one-half hour after sunset each day for 16 consecutive days beginning on the Saturday before Thanksgiving. In addition, any hunter possessing a valid antlerless deer or antlerless whitetail deer tag in any East River unit may hunt from one-half hour before sunrise to one-half hour after sunset each day for nine consecutive days beginning on the third Saturday following Thanksgiving. No more than 30,000 one-tag, 15,000 two-tag, and 5,000 three-tag deer licenses may be issued to residents for the East River deer hunting season.

 **Source:** SL 1975, ch 16, § 1; 1 SDR 78, effective June 19, 1975; 6 SDR 129, effective July 13, 1980; 9 SDR 14, effective August 8, 1982; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 22, effective August 9, 1984; 12 SDR 14, effective August 6, 1985; 13 SDR 26, effective September 10, 1986; 14 SDR 40, effective September 23, 1987; 21 SDR 35, effective August 31, 1994; 22 SDR 28, effective September 4, 1995; 24 SDR 23, effective August 31, 1997; 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; 36 SDR 39, effective September 23, 2009; 39 SDR 32, effective September 5, 2012; 43 SDR 9, effective August 1, 2016; 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 137, effective June 29, 2021.

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

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

 **Cross-References:**

 Resident big game license required, SDCL 41-6-19.

 Nonresident big game license required, SDCL 41-6-20.

 **41:06:21:02.  Open units -- Exceptions.** The following is a description of the open units and the maximum number and types of resident licenses available in each unit:

 (1)  Unit ERD-01A: Minnehaha County. The portion of Minnehaha County east of Interstate 29, south of Interstate 90, west of Minnehaha County Road 109, and north of the Lincoln County line is closed to firearms except for muzzleloading rifles and shotguns using slugs only;

 (2)  Unit ERD-03A: Brown County, excluding Sand Lake National Wildlife Refuge;

 (3)  Unit ERD-04A: Beadle County;

 (4)  Unit ERD-05A: Codington County;

 (5)  Unit ERD-06A: Brookings County;

 (6)  Unit ERD-07A: Yankton County;

 (7)  Unit ERD-07B: The portion of Yankton County south of state Highway 50 and west of U.S. Highway 81;

 (8)  Unit ERD-08A: Davison County;

 (9)  Unit ERD-10A: Aurora County;

 (10)  Unit ERD-12A: Bon Homme County;

 (11)  Unit ERD-12B: the portion of Bon Homme County south of State Highway 50 and State Highway 52, and east of State Highway 37;

 (12)  Unit ERD-13A: Brule County, excluding the portion in Unit ERD-13L;

 (13)  Unit ERD-13L: limited to the Brule Bottoms Game Production Area and Corps of Engineers lands north of 240th Street, including the Pease Game Production Area in southwest Buffalo County; and the Boyer Game Production Area and Corps of Engineers lands west of 342nd Avenue, south of 255th Street and Canyon Road, and south of a line extending from 256th Street west to the Missouri River in Brule County. Since this unit is all public land, landowner preference does not apply;

 (14)  Unit ERD-14A: Buffalo County, excluding the Pease Game Production Area in Unit ERD-13L;

 (15)  Unit ERD-16A: Campbell County;

 (16)  Unit ERD-17A: Charles Mix County, excluding Lake Andes National Wildlife Refuge;

 (17)  Unit ERD-18A: Clark County;

 (18)  Unit ERD-19A: Clay County;

 (19)  Unit ERD-22A: Day County, excluding Waubay National Wildlife Refuge;

 (20)  Unit ERD-23A: Deuel County;

 (21)  Unit ERD-25A: Douglas County;

 (22)  Unit ERD-26A: Edmunds County;

 (23)  Unit ERD-28A: Faulk County;

 (24)  Unit ERD-29A: Grant County;

 (25)  Unit ERD-32A: Hamlin County;

 (26)  Unit ERD-33A: Hand County;

 (27)  Unit ERD-34A: Hanson County;

 (28)  Unit ERD-36A: Hughes County, excluding Farm Island Recreation Area, LaFramboise Island Nature Area, and the strip of department land from the entrance to Farm Island west through the city of Pierre;

 (29)  Unit ERD-37A: Hutchinson County;

 (30)  Unit ERD-38A: Hyde County;

 (31)  Unit ERD-40A: Jerauld County;

 (32)  Unit ERD-42A: Kingsbury County;

 (33)  Unit ERD-43A: Lake County;

 (34)  Unit ERD-44A: Lincoln County, excluding Newton Hills State Park;

 (35)  Unit ERD-46A: McCook County;

 (36)  Unit ERD-47A: McPherson County;

 (37)  Unit ERD-48A: Marshall County;

 (38)  Unit ERD-51A: Miner County;

 (39)  Unit ERD-52A: Moody County;

 (40)  Unit ERD-54A: Potter County;

 (41)  Unit ERD-55A: Roberts County;

 (42)  Unit ERD-56A: Sanborn County;

 (43)  Unit ERD-57A: Spink County;

 (44)  Unit ERD-59A: the portion of Sully County west of U.S. Highway 83;

 (45)  Unit ERD-59B: the portion of Sully County east of U.S. Highway 83;

 (46)  Unit ERD-61A: Turner County;

 (47)  Unit ERD-62A: Union County; and

 (48)  Unit ERD-63A: Walworth County.

 **Source:** SL 1975, ch 16, § 1; 1 SDR 78, effective June 19, 1975; 2 SDR 88, effective July 1, 1976; 3 SDR 87, effective June 26, 1977; 4 SDR 88, effective June 27, 1978; 5 SDR 6, effective August 3, 1978; 5 SDR 108, effective June 28, 1979; 6 SDR 129, effective July 13, 1980; 8 SDR 15, effective August 19, 1981; 9 SDR 14, effective August 8, 1982; 9 SDR 171, effective July 13, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 22, effective August 9, 1984; 12 SDR 14, effective August 6, 1985; 13 SDR 26, effective September 10, 1986; 14 SDR 40, effective September 23, 1987; 15 SDR 24, effective August 14, 1988; 16 SDR 32, effective August 20, 1989; 17 SDR 23, effective August 16, 1990; 18 SDR 33, effective August 19, 1991; 19 SDR 17, effective August 12, 1992; 20 SDR 13, effective August 8, 1993; 21 SDR 35, effective August 31, 1994; 22 SDR 28, effective September 4, 1995; 23 SDR 35, effective September 16, 1996; 24 SDR 23, effective August 31, 1997; 25 SDR 21, effective August 27, 1998; 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; 36 SDR 170, effective May 11, 2010; 37 SDR 18, effective August 16, 2010; 38 SDR 40, effective September 21, 2011; 39 SDR 32, effective September 5, 2012; 40 SDR 14, effective July 29, 2013; 41 SDR 7, effective July 30, 2014; 42 SDR 14, effective August 10, 2015; 43 SDR 9, effective August 1, 2016; 44 SDR 17, effective August 7, 2017; 45 SDR 155, effective June 24, 2019; 46 SDR 116, effective April 29, 2020; 47 SDR 137, effective June 29, 2021.

 **General Authority:** SDCL 41-2-18(2)(17), 41-6-21.

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

 **41:06:21:02.01.  Special any deer licenses -- Restrictions.** The East River resident "special any deer" license allocation is the greater of four percent of the total East River deer licenses which included an "any deer" tag allocated in the previous year, or 500 resident licenses. These licenses are available by lottery and are valid only on private property not leased by the Department of Game, Fish and Parks for public hunting in any unit east of the Missouri River. The license is valid for one "any deer." An applicant may apply for both an East River special any deer license and a West River special any deer license, but may only receive one special any deer license in any given year. A successful East River special any deer licensee may not apply for an East River deer license in the initial or second drawing. A successful East River deer licensee may not apply for a leftover East River special any deer license. No person may make application for or receive the special any deer license provided for in this section unless the following conditions are met:

 (1)  The applicant has permission from an owner or lessee of private property to hunt deer on the owner's or lessee's property located within the permitted area during the deer hunting season for which the special any deer license is issued; and

 (2)  The applicant includes on the application for a special any deer license the name and telephone number of the owner or lessee of the private property granting the permission.

 **Source:** 1 SDR 78, effective June 19, 1975; repealed, 3 SDR 87, effective June 26, 1977; readopted, 4 SDR 88, effective June 27, 1978; 5 SDR 6, effective August 3, 1978; repealed, 5 SDR 108, effective June 28, 1979; readopted, 24 SDR 156, effective May 17, 1998; 25 SDR 141, effective May 27, 1999; 28 SDR 24, effective August 28, 2001; 30 SDR 147, effective April 4, 2004; 31 SDR 21, effective August 23, 2004; 31 SDR 165, effective May 10, 2005; 32 SDR 31, effective August 29, 2005; 33 SDR 180, effective May 7, 2007; 36 SDR 170, effective May 11, 2010; 39 SDR 168, effective April 22, 2013.

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

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

 **41:06:21:03.  License valid only for unit, number, and type of deer specified.** Repealed.

 **Source:** SL 1975, ch 16, § 1; 1 SDR 78, effective June 19, 1975; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 22, effective August 9, 1984; 12 SDR 14, effective August 6, 1985; 13 SDR 26, effective September 10, 1986; 14 SDR 40, effective September 23, 1987; 24 SDR 23, effective August 31, 1997; repealed, 39 SDR 10, effective August 1, 2012.

 **41:06:21:04.  Application requirements and restrictions.** Repealed.

 **Source:** SL 1975, ch 16, § 1; 1 SDR 78, effective June 19, 1975; 2 SDR 88, effective July 1, 1976; 3 SDR 87, effective June 26, 1977; 4 SDR 88, effective June 27, 1978; 6 SDR 129, effective July 13, 1980; 9 SDR 14, effective August 8, 1982; 9 SDR 171, effective July 13, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 22, effective August 9, 1984; 12 SDR 14, effective August 6, 1985; 13 SDR 26, effective September 10, 1986; 14 SDR 40, effective September 23, 1987; 24 SDR 23, effective August 31, 1997; 26 SDR 21, effective August 23, 1999; 28 SDR 24, effective August 28, 2001; 31 SDR 21, effective August 23, 2004; 33 SDR 43, effective September 18, 2006; repealed, 39 SDR 10, effective August 1, 2012.

 **41:06:21:05.  Designation of areas where free antlerless deer licenses can be used by farmers and ranchers.** Repealed.

 **Source:** 37 SDR 18, effective August 16, 2010; repealed, 38 SDR 40, effective September 21, 2011.

**CHAPTER 41:06:22**

**ARCHERY DEER HUNTING SEASON**

Section

41:06:22:01 Archery deer hunting season established -- Number and type of licenses -- Access permits.

41:06:22:01.01 Open units.

41:06:22:01.02 Nonresident archery deer hunting season restrictions.

41:06:22:02 Restricted areas -- Exceptions.

41:06:22:03 Repealed.

41:06:22:03.01 License purchase restrictions.

41:06:22:04 Repealed.

41:06:22:05 Repealed.

41:06:22:06 Repealed.

 **41:06:22:01.  Archery deer hunting season established -- Number and type of licenses -- Access permits.** The archery deer hunting season is open statewide from one-half hour before sunrise to one-half hour after sunset each day beginning September first through January first, except as otherwise provided in § 41:06:22:02.

 Unlimited resident any deer licenses may be issued for units ARD-ST1, ARD-ER1, and ARD-WR1 and unlimited resident and nonresident antlerless whitetail deer licenses may be issued for unit ARD-LM1.

 Unlimited nonresident any deer licenses valid on private land not leased by the department for public hunting may be issued for unit ARD-ST1.

 Two thousand and two hundred nonresident any deer licenses may be issued for unit ARD-ST1 valid on public and private lands.

 One thousand single-tag any antlerless deer licenses may be issued for use in ARD-MP1, ARD-MP2 and ARD-MP3.

 No more than ten any deer and fifty antlerless whitetail deer access permits may be issued to residents for Adams Homestead and Nature Preserve.

 No more than ten any deer and twenty-five antlerless whitetail deer access permits may be issued to residents for Good Earth State Park.

 No more than five hundred any deer access permits may be issued to residents and no more than one hundred and twenty-five any deer access permits may be issued to nonresidents for unit WRD-35L described in § 41:06:20:02.

 No more than twenty any deer access permits may be issued to residents and no more than five any deer access permits may be issued to nonresidents for Unit WRD-27L, described in § 41:06:20:02.

 **Source:** SL 1975, ch 16, § 1; 1 SDR 78, effective June 19, 1975; 6 SDR 129, effective July 13, 1980; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 19 SDR 190, effective June 15, 1993; 20 SDR 204, effective June 7, 1994; 22 SDR 172, effective June 11, 1996; 24 SDR 156, effective May 17, 1998; 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 225, effective July 3, 2006; 37 SDR 215, effective May 31, 2011; 40 SDR 14, effective July 29, 2013; 43 SDR 9, effective August 1, 2016; 44 SDR 184, effective June 25, 2018; 45 SDR 9, effective July 30, 2018; 45 SDR 155, effective June 24, 2019; 46 SDR 11, effective July 29, 2019; 46 SDR 116, effective April 29, 2020; 46 SDR 147, effective July 2, 2020; 47 SDR 137, effective June 29, 2021; 48 SDR 132, effective July 5, 2022; 49 SDR 89, effective May 1, 2023.

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

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

 **Cross-References:**

 Resident big game license required, SDCL 41-6-19.

 Nonresident big game license required, SDCL 41-6-20.

 **41:06:22:01.01.  Open units.** The following is a description of the open units for deer:

 (1)  Unit ARD-ST1: statewide, excluding Custer State Park;

 (2)  Unit ARD-ER1: all counties east of the Missouri River;

 (3)  Unit ARD-WR1: all counties west of the Missouri River, excluding Custer State Park;

 (4)  Unit ARD-LM1: antlerless whitetail deer licenses are available in hunting units that offer a deer license for antlerless deer in the lottery drawing for the Black Hills, West River, and East River deer seasons;

 (5)  Unit ARD-MP1: for those designated areas within the city limits of Custer;

 (6)  Unit ARD-MP2: for those designated areas within the city limits of Rapid City; and

 (7)  Unit ARD-MP3: for those designated areas within the city limits of Sioux Falls.

 **Source:** 13 SDR 192, effective June 22, 1987; 19 SDR 190, effective June 15, 1993; 20 SDR 204, effective June 7, 1994; 21 SDR 207, effective June 5, 1995; 22 SDR 172, effective June 11, 1996; 23 SDR 197, effective May 27, 1997; 25 SDR 141, effective May 27, 1999; 26 SDR 162, effective June 14, 2000; 29 SDR 160, effective June 3, 2003; 30 SDR 171, effective May 11, 2004; 31 SDR 191, effective June 7, 2005; 32 SDR 225, effective July 3, 2006; 35 SDR 306, effective July 2, 2009; 38 SDR 8, effective August 3, 2011; 39 SDR 10, effective August 1, 2012; 40 SDR 14, effective July 29, 2013; 41 SDR 7, effective July 30, 2014; 42 SDR 14, effective August 10, 2015; 43 SDR 9, effective August 1, 2016; 44 SDR 17, effective August 7, 2017; 45 SDR 155, effective June 24, 2019; 46 SDR 147, effective July 2, 2020; 47 SDR 137, effective June 29, 2021; 49 SDR 9, effective August 8, 2022.

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

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

 **41:06:22:01.02.  Nonresident archery deer hunting season restrictions.** A nonresident may not hunt deer on private lands leased for public access by the department or public lands prior to October first.

 **Source:** 46 SDR 11, effective July 29, 2019; 47 SDR 137, effective June 29, 2021; 49 SDR 89, effective May 1, 2023.

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

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

 **41:06:22:02.  Restricted areas -- Exceptions.** The archery deer hunting season is restricted in the following areas with the applicable restrictions or exceptions noted:

 (1)  Sand Lake National Wildlife Refuge in Brown County is open September 1 through January 1, except during the firearm deer seasons established for the refuge in chapter 41:06:36;

 (2)  Lake Andes National Wildlife Refuge in Charles Mix County is closed;

 (3)  Lacreek National Wildlife Refuge in Bennett County is open September 1 through January 1, except during the firearm deer seasons established for the refuge in chapter 41:06:36;

 (4)  Waubay State Game Bird Refuge and Waubay National Wildlife Refuge in Day County are open September 1 through January 1, except during the refuge firearm deer seasons established in chapter 41:06:36;

 (5)  Adams Homestead and Nature Preserve is closed to archery deer hunting except for resident archery deer licensees who possess a valid archery "any deer" license and an "any deer" access permit and resident archery deer licensees who possess a valid "antlerless whitetail deer" license and an "antlerless whitetail deer" access permit, as provided for in § 41:06:22:01. Access permits may be issued by lottery drawing;

 (6)  Good Earth State Park is closed to archery deer hunting except for resident archery deer licensees who possess a valid archery "any deer" license and an "any deer" access permit as provided in § 41:06:22:01. Access permits may be issued by lottery drawing; and

 (7)  Except as expressly authorized, all national parks, national monuments, and national memorials are closed to archery deer hunting.

 **Source:** SL 1975, ch 16, § 1; 1 SDR 78, effective June 19, 1975; 2 SDR 74, effective May 18, 1976; 3 SDR 87, effective June 26, 1977; 4 SDR 88, effective June 27, 1978; 5 SDR 108, effective June 28, 1979; 6 SDR 129, effective July 13, 1980; 7 SDR 128, effective July 13, 1981; 8 SDR 162, effective June 10, 1982; 9 SDR 147, effective May 22, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 10 SDR 120, effective July 1, 1984; 11 SDR 172, effective June 27, 1985; 13 SDR 192, effective June 22, 1987; 14 SDR 164, effective June 16, 1988; 15 SDR 193, effective June 20, 1989; 16 SDR 220, effective June 21, 1990; 18 SDR 33, effective August 19, 1991; 18 SDR 192, effective May 26, 1992; 19 SDR 17, effective August 12, 1992; 19 SDR 190, effective June 15, 1993; 20 SDR 13, effective August 18, 1993; 20 SDR 204, effective June 7, 1994; 22 SDR 172, effective June 11, 1996; 25 SDR 141, effective May 27, 1999; 26 SDR 162, effective June 14, 2000; 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 225, effective July 3, 2006; 33 SDR 225, effective June 25, 2007; 34 SDR 332, effective July 7, 2008; 35 SDR 306, effective July 2, 2009; 38 SDR 8, effective August 3, 2011; 39 SDR 10, effective August 1, 2012; 40 SDR 14, effective July 29, 2013; 41 SDR 7, effective July 30, 2014; 42 SDR 14, effective August 10, 2015; 43 SDR 9, effective August 1, 2016; 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; 46 SDR 147, effective July 2, 2020; 47 SDR 110, effective April 29, 2021.

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

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

 **Cross-References:**

 West River prairie deer season, ch 41:06:20.

 East River deer hunting season, ch 41:06:21.

 National wildlife refuge deer hunting seasons, ch 41:06:36.

 **41:06:22:03.  Licenses valid in specific unit -- Archery only.** Repealed.

 **Source:** SL 1975, ch 16, § 1; 1 SDR 78, effective June 19, 1975; 2 SDR 74, effective May 18, 1976; 3 SDR 87, effective June 26, 1977; 4 SDR 88, effective June 27, 1978; 5 SDR 108, effective June 28, 1979; 7 SDR 128, effective July 13, 1981; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 172, effective June 27, 1985; 13 SDR 192, effective June 22, 1987; 19 SDR 190, effective June 15, 1993; 20 SDR 204, effective June 7, 1994; 25 SDR 141, effective May 27, 1999; 26 SDR 162, effective June 14, 2000; 31 SDR 191, effective June 7, 2005; repealed, 39 SDR 10, effective August 1, 2012.

 **41:06:22:03.01.  License purchase restrictions.** A resident may purchase one statewide any deer license valid on public and private land. In lieu of a statewide any deer license, a resident may purchase one East River any deer license and one West River any deer license valid on public and priave land. A nonresident may purchase one statewide any deer license valid on private land only or apply for one any deer license valid statewide on public and private land made available through a lottery draw. A nonresident may not purchase more than one archery any deer license. No person may purchase more than one antlerless whitetail deer archery license.

 **Source:** 31 SDR 191, effective June 7, 2005; 33 SDR 225, effective June 25, 2007; 41 SDR 7, effective July 30, 2014; 46 SDR 116, effective April 29, 2020; 49 SDR 89, effective May 1, 2023.

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

 **Law Implemented:** SDCL 41-2-18(2)(12)(13).

 **41:06:22:04.  Limitation on tree stands in Lawrence County.** Repealed.

 **Source:** SL 1975, ch 16, § 1; 1 SDR 78, effective June 19, 1975; 10 SDR 76, 10 SDR 102, effective July 1, 1984; repealed, 11 SDR 172, effective June 27, 1985.

 **41:06:22:05.  Season dates, open units, and number and type of licenses available for the special antlerless deer archery hunting season.** Repealed.

 **Source:** 11 SDR 172, effective June 27, 1985; 12 SDR 92, effective December 4, 1985; repealed, 12 SDR 186, effective May 28, 1986; readopted, 13 SDR 37, effective October 7, 1986; repealed, 13 SDR 192, effective June 22, 1987; readopted, 17 SDR 23, effective August 16, 1990; 18 SDR 33, effective August 19, 1991; 19 SDR 17, effective August 12, 1992; 20 SDR 13, effective August 8, 1993; 20 SDR 204, effective June 7, 1994; 21 SDR 207, effective June 5, 1995; 22 SDR 172, effective June 11, 1996; 23 SDR 197, effective May 27, 1997; 24 SDR 156, effective May 17, 1998; 25 SDR 141, effective May 27, 1999; 26 SDR 162, effective June 14, 2000; 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; repealed, 31 SDR 191, effective June 7, 2005.

 **41:06:22:06.  Application requirements and restrictions.** Repealed.

 **Source:** 17 SDR 23, effective August 16, 1990; 19 SDR 17, effective August 12, 1992; 27 SDR 111, effective May 8, 2001; 31 SDR 191, effective June 7, 2005; repealed, 39 SDR 10, effective August 1, 2012.

**CHAPTER 41:06:23**

**ANTELOPE HUNTING SEASON**

Section

41:06:23:01 Antelope hunting season established -- Number and type of licenses.

41:06:23:02 Open units -- Exceptions.

41:06:23:03 Repealed.

41:06:23:04 Repealed.

41:06:23:05 Repealed.

41:06:23:06 Repealed

41:06:23:07 Repealed.

41:06:23:08 Repealed

41:06:23:09 Repealed.

 **41:06:23:01.  Antelope hunting season established -- Number and type of licenses.** The antelope hunting season is open from one-half hour before sunrise to one-half hour after sunset each day for 16 consecutive days beginning on the Saturday closest to October 1, unless prohibited in the unit descriptions in §§  41:06:23:02. No more than 8,000 one-tag antelope licenses, no more than 3,000 two-tag antelope licenses, and no more than 50 "special antelope" licenses may be issued to residents for the antelope hunting season. No more than 50 "special antelope" licenses may be issued to nonresidents for the antelope hunting season. If a person applies for a "special antelope" license, the person may not apply for another antelope license until the third lottery drawing. A successful "special antelope" applicant may not apply for a leftover "special antelope" license.

 **Source:** SL 1975, ch 16, § 1; 4 SDR 10, effective August 25, 1977; 6 SDR 14, effective August 23, 1979; 9 SDR 30, effective September 13, 1982; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 16 SDR 44, effective September 13, 1989; 24 SDR 23, effective August 31, 1997; 32 SDR 31, effective August 29, 2005; 33 SDR 43, effective September 18, 2006; 36 SDR 215, effective July 1, 2010; 38 SDR 40, effective September 21, 2011; 43 SDR 31, effective September 14, 2016; 44 SDR 51, effective September 26, 2017; 46 SDR 30, effective September 9, 2019; 46 SDR 116, effective April 29, 2020; 48 SDR 14, effective August 22, 2021; 49 SDR 9, effective August 8, 2022.

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

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

 **Cross-References:**

 Resident big game license required, SDCL 41-6-19.

 Nonresident big game license required, SDCL 41-6-20.

 **41:06:23:02.  Open units -- Exceptions.** The following is a description of the open units for the antelope hunting season:

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

 (2)  Unit PRA-11A: Bennett and Oglala Lakota Counties;

 (3)  Unit PRA-15A: that portion of Butte County enclosed by a line beginning at the junction of the Harding-Butte County line and the South Dakota-Montana state line; then east on the county line to U.S. Highway 85; then south on U.S. Highway 85 to the junction of U.S. Highway 212; then west on U.S. Highway 212 to the South Dakota-Wyoming line; then north on the state line to the Harding-Butte county line, the point of beginning;

 (4)  Unit PRA-15B: that portion of Butte County not included in Unit PRA-15A and Lawrence County north of the Black Hills National Forest boundary;

 (5)  Unit PRA-20A: Corson County;

 (6)  Unit PRA-21A: that portion of Custer County east of Highway 385 and the eastern boundaries of Wind Cave National Park and Custer State Park and that portion of Pennington County south of Interstate 90, east of the eastern boundary of the Black Hills National Forest boundary, and east of U.S. Highway 16;

 (7)  Unit PRA-22A: those portions of Brown, Clark, Day, and Spink Counties east of State Highway 37, south of U.S. Highway 12, west of State Highway 25, and north of U.S. Highway 212;

 (8)  Unit PRA-24A: Dewey County;

 (9)  Unit PRA-27A: Fall River County and that portion of Custer County south of U.S. Highway 16 and west of U.S. Highway 385;

 (10)  Unit PRA-31A: Haakon County;

 (11)  Unit PRA-35A: that portion of Harding County west of U.S. Highway 85;

 (12)  Unit PRA-35B: that portion of Harding County east of U.S. Highway 85;

 (13)  Unit PRA-36A: Hughes County;

 (14)  Unit PRA-38A: Buffalo, Hand, and Hyde Counties;

 (15)  Unit PRA-39A: Jackson County;

 (16)  Unit PRA-41A: Jones County;

 (17)  Unit PRA-45A: Lyman County except for United States Corps of Engineers land and excluding that area described in Unit PRA-45B;

 (18)  Unit PRA-45B: those portions of Lyman, Stanley, and Jones Counties enclosed by a line beginning at the northwest corner of the Lower Brule Indian Reservation, then west 18 miles, then south 20 miles, then east 19 miles, then north 1 1/2 miles to the southwest corner of the Lower Brule Indian Reservation, then northerly along the reservation boundary to the northwest corner of the reservation, the point of beginning;

 (19)  Unit PRA-48A: that portion of Marshall County north of State Highway 10;

 (20)  Unit PRA-49A: that portion of Meade County north of State Highway 34 and south of U.S. Highway 212;

 (21)  Unit PRA-49B: that portion of Meade County east of Interstate 90 and south of State Highway 34 and that portion of Pennington County east and north of Interstate 90 and west of the Cheyenne River;

 (22)  Unit PRA-50A: Mellette and Todd Counties;

 (23)  Unit PRA-53A: that portion of Perkins County north of State Highway 20;

 (24)  Unit PRA-53B: that portion of Perkins County south of State Highway 20 and that portion of Meade County north of U.S. Highway 212;

 (25)  Unit PRA-58A: Stanley County;

 (26)  Unit PRA-59A: Sully County;

 (27)  Unit PRA-60A: Tripp County;

 (28)  Unit PRA-63A: Campbell, Potter, and Walworth Counties;

 (29)  Unit PRA-64A: Ziebach County; and

 (30)  Unit PRA-PR: Private property not leased by the Department of Game, Fish and Parks for public hunting in any open unit identified in this section for the use of a special antelope license.

 If no license is allocated for a specific hunting unit, that unit is dissolved for the purposes of designating areas open to hunting, as they pertain to the archery antelope season, and areas open to hunting under SDCL 41-6-19.3.

 **Source:** SL 1975, ch 16, § 1; 2 SDR 10, effective August 7, 1975; 3 SDR 13, effective August 25, 1976; 4 SDR 10, effective August 25, 1977; 5 SDR 12, effective August 21, 1978; 6 SDR 14, effective August 23, 1979; 7 SDR 21, effective September 15, 1980; 8 SDR 19, effective August 31, 1981; 9 SDR 30, effective September 13, 1982; 10 SDR 23, effective September 22, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 30, effective August 30, 1984; 12 SDR 22, effective August 21, 1985; 13 SDR 26, effective September 10, 1986; 14 SDR 40, effective September 23, 1987; 15 SDR 33, effective August 28, 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; 21 SDR 35, effective August 31, 1994; 22 SDR 28, effective September 4, 1995; 23 SDR 35, effective September 16, 1996; 24 SDR 23, effective August 31, 1997; 25 SDR 21, effective August 27, 1998; 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; 36 SDR 215, effective July 1, 2010; 37 SDR 18, effective August 16, 2010; 38 SDR 40, effective September 21, 2011; 39 SDR 10, effective August 1, 2012; 39 SDR 32, effective September 5, 2012; 40 SDR 29, effective August 20, 2013; 41 SDR 34, effective September 2, 2014; SL 2015, ch 56, § 1, effective May 1, 2015; 42 SDR 14, effective August 10, 2015; 43 SDR 31, effective September 14, 2016; 46 SDR 30, effective September 9, 2019; 46 SDR 116, effective April 29, 2020; 48 SDR 14, effective August 22, 2021; 49 SDR 9, effective August 8, 2022.

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

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

 **41:06:23:03.  East River units -- Exceptions.** Repealed.

 **Source:** SL 1975, ch 16, § 1; 2 SDR 10, effective August 7, 1975; 3 SDR 13, effective August 25, 1976; 4 SDR 10, effective August 25, 1977; 5 SDR 12, effective August 21, 1978; 6 SDR 14, effective August 23, 1979; 7 SDR 21, effective September 15, 1980; 8 SDR 19, effective August 31, 1981; 9 SDR 30, effective September 13, 1982; 10 SDR 23, effective September 22, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 30, effective August 30, 1984; 12 SDR 22, effective August 21, 1985; 13 SDR 26, effective September 10, 1986; 14 SDR 40, effective September 23, 1987; 15 SDR 33, effective August 28, 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; 21 SDR 35, effective August 31, 1994; 22 SDR 28, effective September 4, 1995; 23 SDR 35, effective September 16, 1996; 24 SDR 23, effective August 31, 1997; 25 SDR 21, effective August 27, 1998; 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; 37 SDR 18, effective August 16, 2010; 38 SDR 40, effective September 21, 2011; 39 SDR 10, effective August 1, 2012; 39 SDR 32, effective September 5, 2012; 40 SDR 29, effective August 20, 2013; 42 SDR 14, effective August 10, 2015; 43 SDR 31, effective September 14, 2016; 46 SDR 30, effective September 9, 2019; 46 SDR 116, effective April 29, 2020; 48 SDR 14, effective August 22, 2021.

 **41:06:23:04.  Licenses valid for unit specified -- Limit.** Repealed.

 **Source:** SL 1975, ch 16, § 1; 6 SDR 14, effective August 23, 1979; 8 SDR 19, effective August 31, 1981; 10 SDR 23, effective September 22, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 30, effective August 30, 1984; 12 SDR 22, effective August 21, 1985; 13 SDR 26, effective September 10, 1986; 28 SDR 24, effective August 28, 2001; repealed, 39 SDR 10, effective August 1, 2012.

 **41:06:23:05.  Application requirements and restrictions.** Repealed.

 **Source:** SL 1975, ch 16, § 1; 2 SDR 10, effective August 7, 1975; 7 SDR 21, effective September 15, 1980; 9 SDR 56, effective November 7, 1982; 10 SDR 23, effective September 22, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 14 SDR 40, effective September 23, 1987; 16 SDR 44, effective September 13, 1989; 19 SDR 36, effective September 16, 1992; 24 SDR 23, effective August 31, 1997; 27 SDR 13, effective August 27, 2000; 28 SDR 24, effective August 28, 2001; 33 SDR 43, effective September 18, 2006; repealed, 39 SDR 10, effective August 1, 2012.

 **41:06:23:06.  Requirements and restrictions on Indian land.** Repealed.

 **Source:** 4 SDR 10, effective August 25, 1977; repealed, 9 SDR 30, effective September 13, 1982.

 **41:06:23:07.  Antelope reduction season.** Repealed.

 **Source:** 9 SDR 56, effective November 7, 1982; repealed, 10 SDR 76, 10 SDR 102, effective July 1, 1984.

 **41:06:23:08.  Reduction season units -- Number of licenses.** Repealed.

 **Source:** 9 SDR 56, effective November 7, 1982; repealed, 10 SDR 76, 10 SDR 102, effective July 1, 1984.

 **41:06:23:09.  Application requirements and restrictions for reduction season.** Repealed.

 **Source:** 9 SDR 56, effective November 7, 1982; 10 SDR 76, 10 SDR 102, effective July 1, 1984; repealed, 12 SDR 22, effective August 21, 1985.

**CHAPTER 41:06:24**

**ARCHERY ANTELOPE HUNTING SEASON**

Section

41:06:24:01 Archery antelope hunting season established -- Open area -- Number and type of licenses available.

41:06:24:02 Repealed.

41:06:24:03 Repealed.

41:06:24:04 Application requirements and restrictions.

 **41:06:24:01.  Archery antelope hunting season established -- Open area -- Number and type of licenses available.** The archery antelope hunting season is open in those areas of the state with a firearm antelope season and in the portions of Custer and Pennington counties within the Black Hills Fire Protection District with access permits from one-half hour before sunrise to one-half hour after sunset each day beginning on the third Saturday of August through October thirty-first, except during the firearm antelope season. Archery antelope hunting is closed in Custer State Park.

 The department may issue:

 (1)  An unlimited number of resident one-tag antelope licenses valid on public and private land;

 (2)  An unlimited number of nonresident one-tag archery antelope licenses valid on private land not leased by the department for public hunting;

 (3)  No more than four hundred and fifty nonresident one-tag archery antelope licenses valid on public and private land; and

 (4)  Access permits by lottery drawing.

 Source: SL 1975, ch 16, § 1; 1 SDR 78, effective June 19, 1975; 2 SDR 74, effective May 18, 1976; 6 SDR 129, effective July 13, 1980; 8 SDR 162, effective June 10, 1982; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 156, effective May 27, 1985; 13 SDR 192, effective June 22, 1987; 14 SDR 164, effective June 16, 1988; 15 SDR 193, effective June 20, 1989; 24 SDR 156, effective May 17, 1998; 29 SDR 160, effective June 3, 2003; 31 SDR 191, effective June 7, 2005; 32 SDR 225, effective July 3, 2006; 34 SDR 332, effective July 7, 2008; 35 SDR 306, effective July 2, 2009; 38 SDR 8, effective August 3, 2011; 39 SDR 10, effective August 1, 2012; 46 SDR 30, effective September 9, 2019; 46 SDR 116, effective April 29, 2020; 49 SDR 9, effective August 8, 2022; 49 SDR 89, effective May 1, 2023.

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

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

 **41:06:24:02.  Open units -- Number and type of licenses.** Repealed.

 **Source:** SL 1975, ch 16, § 1; 1 SDR 78, effective June 19, 1975; 2 SDR 74, effective May 18, 1976; 4 SDR 88, effective June 27, 1978; 7 SDR 128, effective July 13, 1981; 8 SDR 162, effective June 10, 1982; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 13 SDR 192, effective June 22, 1987; 14 SDR 164, effective June 16, 1988; 15 SDR 193, effective June 20, 1989; 16 SDR 220, effective June 21, 1990; 17 SDR 188, effective June 13, 1991; 18 SDR 192, effective May 26, 1992; 20 SDR 204, effective June 7, 1994; 21 SDR 207, effective June 5, 1995; 22 SDR 172, effective June 11, 1996; 24 SDR 156, effective May 17, 1998; 26 SDR 162, effective June 14, 2000; 29 SDR 160, effective June 3, 2002; 30 SDR 171, effective May 11, 2004; repealed, 31 SDR 191, effective June 7, 2005.

 **41:06:24:03.  Bag and possession limit -- Archery only.** Repealed.

 **Source:** SL 1975, ch 16, § 1; 1 SDR 78, effective June 19, 1975; 6 SDR 129, effective July 13, 1980; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 13 SDR 192, effective June 22, 1987; 15 SDR 193, effective June 20, 1989; 21 SDR 102, effective December 8, 1994; 24 SDR 156, effective May 17, 1998; 31 SDR 191, effective June 7, 2005; 32 SDR 225, effective July 3, 2006; repealed, 39 SDR 10, effective August 1, 2012.

 **41:06:24:04.  Application requirements and restrictions.** A person may apply for and receive no more than one archery antelope license.

 **Source:** 16 SDR 220, effective June 21, 1990; 20 SDR 204, effective June 7, 1994; 24 SDR 156, effective May 17, 1998; 27 SDR 111, effective May 8, 2001; 29 SDR 160, effective June 3, 2003; 31 SDR 191, effective June 7, 2005.

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

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

**CHAPTER 41:06:25**

**CUSTER STATE PARK ANTELOPE HUNTING SEASON**

Section

41:06:25:01 Custer State Park antelope hunting season established.

41:06:25:02 Number of licenses -- Type -- Dates.

41:06:25:03 Repealed.

41:06:25:04 Repealed.

 **41:06:25:01.  Custer State Park antelope hunting season established.** The Custer State Park antelope hunting season is closed.

 **Source:** 5 SDR 12, effective August 21, 1978; 8 SDR 15, effective August 19, 1981; 9 SDR 158, effective June 14, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 12 SDR 186, effective May 28, 1986; 36 SDR 39, effective September 23, 2009; 39 SDR 10, effective August 1, 2012; 44 SDR 51, effective September 26, 2017.

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

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

 **41:06:25:02.  Number of licenses -- Type -- Dates.** The Custer State Park antelope hunting season includes Unit CUA-CU1 where a maximum of 3 "any antelope" licenses may be issued. Antelope may be taken by any legal means from one-half hour before sunrise to one-half hour after sunset each day beginning the Tuesday following Native American Day for nine consecutive days.

 **Source:** 5 SDR 12, effective August 21, 1978; 6 SDR 14, effective August 23, 1979; 8 SDR 15, effective August 19, 1981; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 10 SDR 120, effective July 1, 1984; 11 SDR 156, effective May 27, 1985; 36 SDR 39, effective September 23, 2009; 38 SDR 40, effective September 21, 2011; 46 SDR 116, effective April 29, 2020.

 **General Authority:** SDCL 41-2-18(2)(17), 41-6-21, 41-17-1.1(1)(4).

 **Law Implemented:** SDCL 41-2-18(2)(17), 41-6-21, 41-17-1.1(1)(4).

 **41:06:25:03.  License valid for dates and types specified.** Repealed.

 **Source:** 5 SDR 12, effective August 21, 1978; 6 SDR 14, effective August 23, 1979; 8 SDR 15, effective August 19, 1981; 10 SDR 76, 10 SDR 102, effective July 1, 1984; repealed, 39 SDR 10, effective August 1, 2012.

 **41:06:25:04.  Applications -- Lottery.** Repealed.

 **Source:** 5 SDR 12, effective August 21, 1978; 10 SDR 76, 10 SDR 102, effective July 1, 1984; repealed, 36 SDR 39, effective September 23, 2009.

**CHAPTER 41:06:26**

**BLACK HILLS ELK HUNTING SEASON**

Section

41:06:26:01 Black Hills elk hunting season established -- Number and type of licenses -- Season dates.

41:06:26:02 Open units.

41:06:26:03 Repealed.

41:06:26:04 Repealed.

41:06:26:05 Raffle elk license valid for established seasons in open Black Hills units.

41:06:26:06 Antlerless elk contingency licenses -- Maximum licenses.

41:06:26:07 Eligibility for antlerless elk contingency licenses -- Application procedure and selection.

 **41:06:26:01.  Black Hills elk hunting season established -- Number and type of licenses -- Season dates.** The Black Hills 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 eight hundred "any elk" licenses and no more than one thousand, five hundred "antlerless elk" licenses may be issued for the Black Hills elk hunting season. The Black Hills elk hunting seasons are as follows:

 (1)  Units BHE-H1A, BHE-H2A, BHE-H3A, BHE-H4A, BHE-H5A, BHE-H7A, and BHE-H9A are open from October first through October thirty-first;

 (2)  Units BHE-H1B, BHE-H4B, BHE-H7B, and BHE-H9B are open from October fifteenth through October thirty-first and from December first through December sixteenth;

 (3)  Units BHE-H2B, BHE-H2E, BHE-H2H, BHE-H3B, and BHE-H3E are open from October fifteenth through October thirty-first;

 (4)  Units BHE-H2C, BHE-H2F, BHE-H2I, BHE-H3C, and BHE-H3F are open from December first through December sixteenth; and

 (5)  Units BHE-H2D, BHE-H2G, BHE-H2J, BHE-H3D, and BHE-H3G are open from December seventeenth through December thirty-first.

 **Source:** SL 1975, ch 16, § 1; 2 SDR 10, effective August 7, 1975; 4 SDR 10, effective August 25, 1977; 5 SDR 12, effective August 21, 1978; 7 SDR 15, effective August 25, 1980; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 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).

 **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.

 **41:06:26:02.  Open units.** The following is a description of the open units for the Black Hills elk hunting season:

 (1)  Units BHE-H1A and BHE-H1B: the portion of Lawrence County within a line beginning at the junction of the South Dakota-Wyoming border and Interstate 90, then easterly on Interstate 90 to the junction of U.S. Highway 85 at Exit 17, then southerly on U.S. Highway 85 to its junction with the South Dakota-Wyoming border, then northerly along the South Dakota-Wyoming border to its junction with Interstate 90, the point of beginning;

 (2)  Unit BHE-H2A: those portions of Lawrence, Pennington, and Custer Counties beginning at the junction of the South Dakota-Wyoming border and U.S. Highway 85, then northerly and easterly along U.S. Highway 85 to its junction with U.S. Highway 385, then southerly along U.S. Highway 385 to its junction with U.S. Highway 16 at Custer, then westerly along U.S. Highway 16 to its junction with the South Dakota-Wyoming border, then northerly along the South Dakota-Wyoming border to its junction with U.S. Highway 85, the point of beginning;

 (3)  Units BHE-H2B, BHE-H2C, and BHE-H2D: those portions of Lawrence, Pennington, and Custer Counties beginning at the junction of the South Dakota-Wyoming border and U.S. Highway 85, then northeasterly along U.S. Highway 85 to its junction with U.S. Highway 385 at Deadwood, then southerly along U.S. Highway 385 to its junction with Deerfield Road, then northwesterly on Deerfield Road to its junction with East Slate Road, then southerly on East Slate Road to its junction with Six Mile Road, then westerly along the Six Mile Road to its junction with the Boles Canyon Road at Moon, then southerly along the Boles Canyon Road to its junction with the Summit Ridge Road, then southwesterly along the Summit Ridge Road to the South Dakota-Wyoming border, then northerly along the South Dakota-Wyoming border to its junction with U.S. Highway 85, the point of beginning;

 (4)  Units BHE-H2E, BHE-H2F, and BHE-H2G: those portions of Pennington and Custer Counties beginning at the junction of the South Dakota-Wyoming border and U.S. Highway 16, then easterly along U.S. Highway 16 to its junction with U.S. Highway 385 at Custer, then northerly along U.S. Highway 385 to its junction with the Custer Limestone Road, then westerly along the Custer Limestone Road approximately one-half mile to its junction with the Medicine Mountain Road, then northerly along the Medicine Mountain Road to its junction with the Six Mile Road, then westerly along the Six Mile Road to its junction with Boles Canyon Road at Moon, then southerly along the Boles Canyon Road to its junction with the Summit Ridge Road, then southwesterly along the Summit Ridge Road to the South Dakota-Wyoming border, then southerly along the South Dakota-Wyoming border to its junction with U.S. Highway 16, the point of beginning;

 (5)  Units BHE-H2H, BHE-H2I, and BHE-H2J: those portions of Custer and Pennington Counties within a line beginning at the junction of U.S. Highway 385 and Deerfield Road, then northwesterly on Deerfield Road to its junction with East Slate Road, then southerly on East Slate Road to its junction with Medicine Mountain Road, then southeasterly on Medicine Mountain Road to its junction with U.S. Highway 385, then northeasterly on U.S. Highway 385 to its junction with Deerfield Road, the point of beginning;

 (6)  Unit BHE-H3A: those portions of Custer and Fall River Counties within a line beginning at the junction of the South Dakota-Wyoming state line and U.S. Highway 16, then east along U.S. Highway 16 to the Custer State Park western boundary, then south along the Custer State Park western boundary and the Wind Cave National Park western boundary to U.S. Highway 385, then south along U.S. Highway 385 to State Highway 79, then south along State Highway 79 to the Cheyenne River, then west along the Cheyenne River to the South Dakota-Wyoming state line, then north along the state line to the point of beginning;

 (7)  Units BHE-H3B, BHE-H3C, and BHE-H3D: those portions of Custer county within a line beginning at the junction of the South Dakota-Wyoming state line and U.S. Highway 16, then east along U.S. Highway 16 to the Custer State Park western boundary, then south along the Custer State Park western boundary and the Wind Cave National Park western boundary to U.S. Highway 385, then north and west along U.S. 385 to its junction with State Highway 89 at Pringle, then south along State Highway 89 to its junction with 18 Mile Road (Forest Service 316), then west along 18 Mile Road to its junction with Pleasant Valley Road (Forest Service 715), then west along Pleasant Valley Road to Dewey Road (Forest Service 769), then west along Dewey road to the South Dakota-Wyoming state line, then north along the state line to the point of beginning;

 (8)  Units BHE-H3E, BHE-H3F, and BHE-H3G: those portions of Custer and Fall River counties within a line beginning at the junction of the Wind Cave National Park western boundary and U.S. Highway 385, then south along U.S. Highway 385 to State Highway 79, then south along State Highway 79 to the Cheyenne River, then west along the Cheyenne River to the South Dakota-Wyoming state line, then north along the state line to its junction with Dewey Road (Forest Service 769), then east along Dewey Road to its junction with Pleasant Valley Road (Forest Service 715), then east along Pleasant Valley Road to its junction with 18 Mile Road (Forest Service 316), then east along 18 Mile Road to its junction with State Highway 89, then north along State Highway 89 to its junction with U.S. Highway 385, then south and east along U.S. Highway 385 to the point of beginning;

 (9)  Units BHE-H4A and BHE-H4B: those portions of Custer, Fall River, and Pennington Counties beginning at the junction of U.S. Highway 385 and the south boundary of Wind Cave National Park, then southerly along U.S. Highway 385 through Hot Springs and Maverick Junction to its junction with the Cheyenne River, then northeasterly along the Cheyenne River to its junction with Fall River County Road 6291 (South Buffalo Gap Road), then northerly along Fall River County Road 6291 to its junction with Custer County Road 101, then northerly along Custer County Road 101 to its junction with Custer County Road 656 (River Side Road) at Buffalo Gap, then easterly along Custer County Road 656 one-half mile to its junction with Custer County Road 17 (Beaver Valley Road), then northerly and easterly along Custer County Road 17 to its junction with Custer County Road 719 (South Fairburn Road), then northerly along Custer County Road 719 to its junction with Custer County Road 18 at Fairburn, then northerly along Custer County Road 18 to its junction with State Highway 79, then northerly along State Highway 79 to its junction with State Highway 40, then northwesterly along State Highway 40 to its junction with Pennington County Road 330 (Playhouse Road), then southerly along Pennington County Road 330 to its junction with U.S. Highway 16A, then southerly along U.S. Highway 16 to its junction with the north boundary of Custer State Park, then easterly along the Custer State Park boundary to its junction with the northeast corner of Custer State Park, then southerly along the east Custer State Park boundary and Wind Cave National Park boundary to the southeast corner of Wind Cave National Park, then westerly along the south boundary of Wind Cave National Park to its junction with U.S. Highway 385, the point of beginning;

 (10)  Unit BHE-H5A: those portions of Custer and Pennington Counties beginning at the junction of U.S. Highway 16A and the west Custer State Park boundary, then westerly along U.S Highway 16A to its junction with U.S. Highway 385 at Custer, then northerly along U.S. Highway 385 to its junction with State Highway 44 near Pactola Lake, then easterly along State Highway 44 to its junction with the Black Hills National Forest boundary, then southerly along the Black Hills National Forest boundary to its junction with U.S. Highway 16, then westerly along U.S. Highway 16 to its junction with the South Rockerville Road at Rockerville, then southerly along the South Rockerville Road to its junction with State Highway 40 approximately 1,000 feet to its junction with the Playhouse Road, then southerly along the Playhouse Road to its junction with U.S. Highway 16A near Spokane, then southeasterly along U.S. Highway 16A to its junction with the north Custer State Park boundary, then westerly and southerly along the Custer State Park boundary to its junction with U.S. Highway 16A, the point of beginning. The Mount Rushmore National Memorial, including all private lands within the memorial, is closed;

 (11)  Units BHE-H7A and BHE-H7B: those portions of Pennington, Lawrence, and Meade Counties within a line beginning at the junction of U.S. Highway 85 and Interstate 90 at Exit 17, then southerly along U.S. Highway 85 to its junction with U.S. Highway 385 at Pluma, then southerly along U.S. Highway 385 to its junction with State Highway 44 near Pactola, then easterly along State Highway 44 to its junction with State Highway 79 (Sturgis Road) in Rapid City, then northerly along State Highway 79 to its junction with Interstate 90 at Black Hawk, then northerly along Interstate 90 to its junction with U.S. Highway 85 at Exit 17, the point of beginning; and

 (12)  Units BHE-H9A and BHE-H9B: those portions of Custer and Pennington Counties within an area bounded as follows: beginning at the junction of State Highway 40 and State Highway 79 at Hermosa, then northerly along State Highway 79 to its junction with State Highway 44 in Rapid City, then westerly along State Highway 44 to its junction with the Black Hills National Forest boundary, then southerly along the Black Hills National Forest boundary to its junction with the South Rockerville Road, then southerly along the South Rockerville Road to its junction with State Highway 40, then easterly along State Highway 40 to its junction with State Highway 79 at Hermosa, the point of beginning.

 **Source:** SL 1975, ch 16, § 1; 3 SDR 13, effective August 25, 1976; 5 SDR 12, effective August 21, 1978; 7 SDR 15, effective August 25, 1980; 8 SDR 15, effective August 19, 1981; 8 SDR 170, effective June 20, 1982; 9 SDR 171, effective July 13, 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; 15 SDR 3, effective July 21, 1988; 15 SDR 210, effective July 10, 1989; 17 SDR 12, effective July 31, 1990; 18 SDR 4, effective July 18, 1991; 18 SDR 223, effective July 13, 1992; 19 SDR 207, effective July 14, 1993; 20 SDR 204, effective June 7, 1994; 21 SDR 207, effective June 5, 1995; 22 SDR 172, effective June 11, 1996; 23 SDR 197, effective May 27, 1997; 24 SDR 156, effective May 17, 1998; 25 SDR 141, effective May 27, 1999; 26 SDR 162, effective June 14, 2000; 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; 46 SDR 116, effective April 29, 2020; 48 SDR 115, effective May 24, 2022.

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

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

 **41:06:26:03.  Licenses valid for type of elk and unit specified.** Repealed.

 **Source:** SL 1975, ch 16, § 1; 2 SDR 10, effective August 7, 1975; 4 SDR 10, effective August 25, 1977; 6 SDR 3, effective July 23, 1979; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 31 SDR 191, effective June 7, 2005; repealed, 39 SDR 10, effective August 1, 2012.

 **41:06:26:04.  Application requirements and restrictions.** Repealed.

 **Source:** SL 1975, ch 16, § 1; 2 SDR 10, effective August 7, 1975; 3 SDR 13, effective August 25, 1976; 6 SDR 3, effective July 23, 1979; 7 SDR 15, effective August 25, 1980; 8 SDR 15, effective August 19, 1981; 8 SDR 19, effective August 31, 1981; 9 SDR 171, effective July 13, 1983; 10 SDR 62, effective December 22, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 172, effective June 27, 1985; 14 SDR 4, effective July 22, 1987; 15 SDR 3, effective July 21, 1988; 17 SDR 12, effective July 31, 1990; 18 SDR 4, effective July 18, 1991; 19 SDR 17, effective August 12, 1992; 19 SDR 207, effective July 14, 1993; 21 SDR 207, effective June 5, 1995; 22 SDR 172, effective June 11, 1996; 24 SDR 156, effective May 17, 1998; 25 SDR 141, effective May 27, 1999; 26 SDR 162, effective June 14, 2000; 28 SDR 166, effective June 4, 2002; 33 SDR 212, effective June 4, 2007; repealed, 39 SDR 10, effective August 1, 2012.

 **41:06:26:05.  Raffle elk license valid for established seasons in open Black Hills units.** The elk license won by the successful entrant in the raffle referenced in chapter 41:06:27 is also valid during the season established in any open unit in which an "any elk" license is issued.

 **Source:** 39 SDR 32, adopted September 5, 2012, effective January 1, 2013.

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

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

 **Cross-Reference:** One elk license available by raffle, § 41:06:27:02.01.

 **41:06:26:06.  Antlerless elk contingency licenses -- Maximum licenses.** As deemed necessary for elk management in the Black Hills, the commission by resolution may allocate antlerless elk contingency licenses. A maximum of 20 percent of all "antlerless elk" licenses available for all combined Black Hills elk hunting units shall be used to determine the number of "antlerless elk" contingency licenses.

 Source: 41 SDR 173, effective May 11, 2015; 46 SDR 116, effective April 29, 2020.

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

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

 **41:06:26:07.  Eligibility for antlerless elk contingency licenses -- Application procedure and selection.** Only a resident who was not issued an elk license from any regular elk drawing may apply for an "antlerless elk" contingency license. Any such application shall be made through the department website. Landowner preference or preference points do not apply. A resident's purchase and receipt of an "antlerless elk" contingency license does not affect the resident's eligibility or preference in future lottery drawings for elk seasons. The nine year waiting period for a person does not apply.

 **Source:** 41 SDR 173, effective May 11, 2015; 46 SDR 116, effective April 29, 2020.

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

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

**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.

41:06:27:03 Repealed.

41:06:27:04 Repealed.

41:06:27:05 Repealed.

 **41:06:27:01.  Custer State Park elk hunting season established** -- **Number and type of licenses -- Season dates.** The Custer State Park elk hunting season is open from one-half hour before sunrise to one-half hour after sunset each day of the season and is restricted by chapter 41:06:07. No more than thirty "any elk" licenses and no more than thirty "antlerless elk" licenses may be issued for the Custer State Park elk hunting season. The Custer State Park elk hunting season for Unit CUE-CU1 is open from October first through October thirty-first.

 **Source:** SL 1975, ch 16, § 1; 3 SDR 13, effective August 25, 1976; 7 SDR 15, effective August 25, 1980; 8 SDR 15, effective August 19, 1981; 9 SDR 158, effective June 14, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 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), 41-17-1.1(1)(4).

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

 **Cross-References:**

 Hunting license fees, § 41:06:02:03.

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

 **41:06:27:02.  Open unit.** The unit open to elk hunting under this chapter is Unit CUE-CU1. Unit CUE-CU1 is open within the boundaries of Custer State Park.

 **Source:** SL 1975, ch 16, § 1; 2 SDR 10, effective August 7, 1975; 3 SDR 13, effective August 25, 1976; 4 SDR 10, effective August 25, 1977; 5 SDR 12, effective August 21, 1978; 6 SDR 3, effective July 23, 1979; 7 SDR 15, effective August 25, 1980; 8 SDR 15, effective August 19, 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; 13 SDR 192, effective June 22, 1987; 14 SDR 164, effective June 16, 1988; 15 SDR 210, effective July 10, 1989; 17 SDR 12, effective July 31, 1990; 18 SDR 4, effective July 18, 1991; 24 SDR 156, effective May 17, 1998; 27 SDR 111, effective May 8, 2001; 29 SDR 160, effective June 3, 2003; 34 SDR 297, effective June 4, 2008; 36 SDR 215, effective July 1, 2010; 37 SDR 215, effective May 31, 2011; 38 SDR 213, effective June 19, 2012; 40 SDR 197, effective May 27, 2014; 41 SDR 173, effective May 11, 2015; 42 SDR 146, effective May 5, 2016.

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

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

 **41:06:27:02.01.  One elk license available by raffle.** One of the elk licenses allowed in § 41:06:27:01 may be provided to a successful entrant in a raffle to be conducted by a nonprofit organization organized for and devoted to providing big game management, preservation, propagation, habitat, and research and recognized as an exempt organization under § 501(c)(3) of the United States Internal Revenue Code.

 **Source:** 17 SDR 12, effective July 31, 1990; 18 SDR 4, effective July 18, 1991; 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).

 **Law Implemented:** SDCL 41-2-18(12)(13).

 **41:06:27:02.02.  Criteria for selection by commission of exempt organization.** Any organization meeting the basic requirements in § 41:06:27:02.01 may apply for selection as the participant in the raffle authorized by that section. The commission shall consider the following criteria in selecting the participant in the raffle:

 (1)  The organization's goals and objectives relating to big game management;

 (2)  The methods used by the organization to achieve its goals and objectives relating to big game management;

 (3)  The organization's experience in raising funds for big game management and the methods it uses;

 (4)  The organization's projects and past accomplishments relating to big game management, preservation, propagation, habitat, and research;

 (5)  The financial stability and integrity of organization; and

 (6)  The ability of the organization to fulfill the intent of and the terms of the agreement as specified in § 41:06:27:02.06.

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

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

 **Law Implemented:** SDCL 41-2-18(12)(13).

 **41:06:27:02.03.  Application procedures.** An organization interested in applying for selection as the participant in the elk license raffle shall forward its application to the department at its main office on a form provided by the department. The application must include the following minimum information:

 (1)  A statement that if selected as the participant, the organization will enter into the agreement referred to in § 41:06:27:02.06;

 (2)  The organization's federal tax exempt identification number and verification of its effective status;

 (3)  Evidence of the organization's goals and objectives relating to big game management, including a statement of those goals and objectives;

 (4)  Evidence of the organization's methods used in achieving its goals and objectives relating to big game management;

 (5)  Evidence of the organization's experience in fund raising and the methods it uses to raise funds for big game management, including the conduct of any raffles;

 (6)  Identification and explanation of the organization's specific projects and past accomplishments relating to big game management, preservation, propagation, habitat, and research;

 (7)  Financial records showing evidence of the organization's financial stability and integrity; and

 (8)  Any other information necessary to substantiate the organization's compliance with the criteria to be considered by the commission.

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

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

 **Law Implemented:** SDCL 41-2-18(12)(13).

 **41:06:27:02.04.  Application deadline.** The completed application under § 41:06:27:02.03 must be received by the department by June 30 of the year preceding the license year.

 **Source:** 17 SDR 12, effective July 31, 1990; 18 SDR 223, effective July 13, 1992; 23 SDR 197, effective May 27, 1997; 46 SDR 116, effective April 29, 2020.

 **General Authority:** SDCL 41-2-18(1)(2)(12)(17).

 **Law Implemented:** SDCL 41-2-18(1)(2)(12)(17).

 **41:06:27:02.05.  Selection of organization by commission.** The commission shall review and evaluate the information contained in the applications according to the criteria listed in § 41:06:27:02.02 and shall select the participant it considers best qualified. The department secretary shall notify all applicants regarding the commission's selection.

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

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

 **Law Implemented:** SDCL 41-2-18(12)(13).

 **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. The agreement 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;

 (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 must be conducted by the department and the participant 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 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 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 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 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 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 tickets obtained for the raffle;

 (b)  The number of tickets sold;

 (c)  The amount of money charged and received for each ticket sold and identified individually;

 (d)  The total amount of money charged and received for all tickets sold; and

 (e)  The dates and amounts of deposits into the special account;

 (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 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; 47 SDR 38, effective October 6, 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).

 **41:06:27:02.07.  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.

 **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).

 **41:06:27:03.  License valid for dates and types specified.** Repealed.

 **Source:** SL 1975, ch 16, § 1; 7 SDR 15, effective August 25, 1980; 8 SDR 15, effective August 19, 1981; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 24 SDR 156, effective May 17, 1998; repealed, 39 SDR 10, effective August 1, 2012.

 **41:06:27:04.  Applications -- Lottery.** Repealed.

 **Source:** SL 1975, ch 16, § 1; 6 SDR 3, effective July 23, 1979; repealed, 7 SDR 15, effective August 25, 1980.

 **41:06:27:05.  Mandatory inspection.** Repealed.

 **Source:** 18 SDR 4, effective July 18, 1991; 24 SDR 156, effective May 17, 1998; repealed, 39 SDR 10, effective August 1, 2012.

**CHAPTER 41:06:28**

**CUSTER STATE PARK EARLY ARCHERY ELK HUNTING SEASON**

Section

41:06:28:01 Custer State Park early archery elk hunting season established -- Number and type of licenses -- Season dates.

41:06:28:02 Open unit.

41:06:28:03 Repealed.

41:06:28:04 Repealed.

41:06:28:05 Repealed.

 **41:06:28:01.  Custer State Park early archery elk hunting season established -- Number and type of licenses -- Season dates.** The Custer State Park early archery elk hunting season is open one-half hour before sunrise to one-half hour after sunset each day and is restricted by chapter 41:06:07. No more than twenty "any elk" licenses and no more than twenty "antlerless elk" licenses may be issued for the Custer State Park early archery elk hunting season. The Custer State Park early archery elk hunting season is open from September first through September thirtieth.

 **Source:** SL 1975, ch 16, § 1; 2 SDR 10, effective August 7, 1975; 3 SDR 13, effective August 25, 1976; 7 SDR 15, effective August 25, 1980; 8 SDR 15, effective August 19, 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; 12 SDR 186, effective May 28, 1986; 13 SDR 192, effective June 22, 1987; 14 SDR 164, effective June 16, 1988; 15 SDR 193, effective June 20, 1989; 21 SDR 207, effective June 5, 1995; 42 SDR 146, effective May 5, 2016; 46 SDR 116, effective April 29, 2020; 48 SDR 115, effective May 24, 2022; 50 SDR 129, effective May 15, 2024.

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

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

 **41:06:28:02.  Open unit.** The unit open to elk hunting under this chapter is Unit CEE-CU1. Unit CEE-CU1 is open within the boundaries of Custer State Park.

 **Source:** SL 1975, ch 16, § 1; 3 SDR 13, effective August 25, 1976; 4 SDR 10, effective August 15, 1977; 5 SDR 12, effective August 21, 1978; 6 SDR 3, effective July 23, 1979; 7 SDR 15, effective August 25, 1980; 8 SDR 15, effective August 19, 1981; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 14 SDR 164, effective June 16, 1988; 15 SDR 193, effective June 20, 1989; 16 SDR 220, effective June 21, 1990; 17 SDR 188, effective June 13, 1991; 21 SDR 207, effective June 5, 1995; 22 SDR 172, effective June 11, 1996; 25 SDR 141, effective May 27, 1999; 29 SDR 160, effective June 3, 2003; 35 SDR 306, effective July 2, 2009; 36 SDR 215, effective July 1, 2010; 37 SDR 215, effective May 31, 2011; 40 SDR 197, effective May 27, 2014; 42 SDR 146, effective May 5, 2016.

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

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

 **41:06:28:03.  Bag and possession limit -- Archery only.** Repealed.

 **Source:** SL 1975, ch 16, § 1; 7 SDR 15, effective August 25, 1980; 8 SDR 15, effective August 19, 1981; 9 SDR 158, effective June 14, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 20 SDR 204, effective June 7, 1994; repealed, 39 SDR 10, effective August 1, 2012.

 **41:06:28:04.  Applications -- Preference -- Lottery.** Repealed.

 **Source:** SL 1975, ch 16, § 1; 3 SDR 13, effective August 25, 1976; repealed, 7 SDR 15, effective August 25, 1980.

 **41:06:28:05.  Mandatory inspection.** Repealed.

 **Source:** 17 SDR 188, effective June 13, 1991; repealed, 39 SDR 10, effective August 1, 2012.

**CHAPTER 41:06:29**

**MOUNTAIN GOAT HUNTING SEASON**

Section

41:06:29:01 Mountain goat hunting season established.

41:06:29:02 Open unit.

41:06:29:03 Number and type of licenses available.

41:06:29:04 Application requirements and restrictions.

41:06:29:05 Mandatory briefing and checkin.

 **41:06:29:01.  Mountain goat hunting season established.** The mountain goat hunting season is open from one-half hour before sunrise to one-half hour after sunset each day beginning on September 1 through December 31.

 **Source:** 2 SDR 74, effective May 18, 1976; 3 SDR 87, effective June 26, 1977; 4 SDR 88, effective June 27, 1978; 9 SDR 30, effective September 13, 1982; 10 SDR 12, effective August 17, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 12 SDR 22, effective August 21, 1985; 13 SDR 26, effective September 10, 1986; 14 SDR 40, effective September 23, 1987; 15 SDR 33, effective August 28, 1988; 15 SDR 210, effective July 10, 1989; 26 SDR 162, effective June 14, 2000; 32 SDR 203, effective June 5, 2006; 41 SDR 173, effective May 11, 2015; 46 SDR 116, effective April 29, 2020.

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

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

 **Cross-References:**

 Resident big game license required, SDCL 41-6-19.

 **41:06:29:02.  Open unit.** The unit open to mountain goat hunting under this chapter is Unit BMG-BG1 and includes those portions of Pennington and Custer Counties west of Highway 79 except Mount Rushmore National Memorial, Jewel Cave National Monument, and the fenced portion of Custer State Park and Wind Cave National Park.

 **Source:** 2 SDR 74, effective May 18, 1976; repealed, 9 SDR 30, effective September 13, 1982; readopted, 12 SDR 22, effective August 21, 1985; 15 SDR 33, effective August 28, 1988; 15 SDR 210, effective July 10, 1989; 26 SDR 162, effective June 14, 2000; 29 SDR 160, effective June 3, 2003; 31 SDR 191, effective June 7, 2005.

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

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

 **41:06:29:03.  Number and type of licenses available.** No licenses may be issued in Unit BMG-BG1.

 **Source:** 2 SDR 74, effective May 18, 1976; 3 SDR 87, effective June 26, 1977; repealed, 9 SDR 30, effective September 13, 1982; readopted, 12 SDR 22, effective August 21, 1985; 13 SDR 26, effective September 10, 1986; 14 SDR 40, effective September 23, 1987; 17 SDR 12, effective July 31, 1990; 22 SDR 172, effective June 11, 1996; 23 SDR 197, effective May 27, 1997; 28 SDR 166, effective June 4, 2002; 29 SDR 160, effective June 3, 2003; 31 SDR 191, effective June 7, 2005; 33 SDR 212, effective June 4, 2007; 41 SDR 173, effective May 11, 2015; 49 SDR 89, effective May 1, 2023.

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

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

 **41:06:29:04.  Application requirements and restrictions.** Application for license may be made by any resident who has not been previously issued a mountain goat license in this state.

 **Source:** 2 SDR 74, effective May 18, 1976; 6 SDR 129, effective July 13, 1980; repealed, 9 SDR 30, effective September 13, 1982; readopted, 12 SDR 22, effective August 21, 1985; 26 SDR 162, effective June 14, 2000; 39 SDR 10, effective August 1, 2012.

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

 **Law Implemented:** SDCL 41-2-18(12)(13).

 **41:06:29:05.  Mandatory briefing and checkin.** All licensees are required to attend an orientation meeting preceding the opening day of the season at the regional office in Rapid City. All successful hunters must submit their mountain goat to a conservation officer or other designated department representative for inspection within 24 hours after the kill.

 **Source:** 4 SDR 88, effective June 27, 1978; repealed, 9 SDR 30, effective September 13, 1982; readopted, 12 SDR 22, effective August 21, 1985; 13 SDR 26, effective September 10, 1986; 14 SDR 40, effective September 23, 1987; 26 SDR 162, effective June 14, 2000; 46 SDR 116, effective April 29, 2020.

 **General Authority:** SDCL 41-2-18(1)(2)(9).

 **Law Implemented:** SDCL 41-2-18(1)(2)(9).

**CHAPTER 41:06:30**

**CUSTER STATE PARK BIGHORN SHEEP HUNTING SEASON**

(Repealed. 39 SDR 10, effective August 1, 2012)

**CHAPTER 41:06:31**

**LOWER BRULE HUNTING SEASONS**

(Repealed. 4 SDR 10, effective August 25, 1977)

**CHAPTER 41:06:31.01**

**ROSEBUD HUNTING SEASONS**

(Repealed. 5 SDR 12, effective August 21, 1978)

**CHAPTER 41:06:32**

**JACKRABBIT HUNTING SEASON**

(Transferred to § 41:08:01:08.03, 4 SDR 10, effective August 25, 1987)

**CHAPTER 41:06:33**

**SPECIAL WINTER DEER HUNTING SEASON**

(Repealed. 21 SDR 102, effective December 8, 1994)

**CHAPTER 41:06:34**

**COTTONTAIL RABBIT HUNTING SEASON**

Section

41:06:34:01 Cottontail rabbit hunting season established.

41:06:34:02 Repealed.

41:06:34:03 Bag and possession limits.

41:06:34:04 Landowners and guests of landowners exempted.

 **41:06:34:01.  Cottontail rabbit hunting season established.** The cottontail rabbit hunting season is open statewide from sunrise to sunset each day beginning on September 1 through the last day of February except as provided in § 41:06:34:04.

 **Source:** 1 SDR 60, effective February 26, 1975; 4 SDR 88, effective June 27, 1978; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 10 SDR 120, effective July 1, 1984; 11 SDR 172, effective June 27, 1985; 12 SDR 201, effective June 23, 1986; 32 SDR 203, effective June 5, 2006; 46 SDR 116, effective April 29, 2020.

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

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

 **Cross-References:**

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

 Combination licenses, SDCL 41-6-10.1.

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

 Nonresident small game license, SDCL 41-6-17.

 **41:06:34:02.  Open area.** Repealed.

 **Source:** 1 SDR 60, effective February 26, 1975; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 32 SDR 203, effective June 5, 2006; 46 SDR 116, effective April 29, 2020.

 **41:06:34:03.  Bag and possession limits.** A person may not take more than ten cottontail rabbits in any one day or possess more than 30 cottontail rabbits taken according to the daily limit, except as provided in § 41:06:34:04.

 **Source:** 1 SDR 60, effective February 26, 1975; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 32 SDR 203, effective June 5, 2006; 46 SDR 116, effective April 29, 2020.

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

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

 **41:06:34:04.  Landowners and guests of landowners exempted.** The limitations and restrictions established under this chapter do not apply to any landowner who hunts cottontail rabbits on property owned by the landowner or any person who hunts cottontail rabbits on the landowner's property with consent of the landowner.

 **Source:** 32 SDR 203, effective June 5, 2006; 33 SDR 212, effective June 4, 2007.

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

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

**CHAPTER 41:06:35**

**TREE SQUIRREL HUNTING SEASON**

Section

41:06:35:01 Tree squirrel hunting season established.

41:06:35:02 Repealed.

41:06:35:03 Bag and possession limits.

 **41:06:35:01.  Tree squirrel hunting season established.** The tree squirrel hunting season is open statewide from sunrise to sunset each day from September 1 through the last day of February. Only red squirrel, gray squirrel, and fox squirrel may be hunted pursuant to this section

 **Source:** 1 SDR 60, effective February 26, 1975; 4 SDR 88, effective June 27, 1978; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 10 SDR 120, effective July 1, 1984; 11 SDR 172, effective June 27, 1985; 12 SDR 201, effective June 23, 1986; 46 SDR 116, effective April 29, 2020.

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

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

 **Cross-References:**

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

 Combination licenses, SDCL 41-6-10.1.

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

 Nonresident small game license, SDCL 41-6-17.

 **41:06:35:02.  Open area.** Repealed.

 **Source:** 1 SDR 60, effective February 26, 1975; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 46 SDR 116, effective April 29, 2020.

 **41:06:35:03.  Bag and possession limits.** A person may not take more than five tree squirrels in one day or possess more than 15 tree squirrels taken according to the daily limit.

 **Source:** 1 SDR 60, effective February 26, 1975; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 46 SDR 116, effective April 29, 2020.

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

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

**CHAPTER 41:06:36**

**NATIONAL WILDLIFE REFUGE DEER HUNTING SEASONS**

Section

41:06:36:01 Sand Lake deer hunting season established -- Number and type of licenses.

41:06:36:01.01 Lacreek deer hunting season established -- Number and type of licenses.

41:06:36:01.02 Waubay deer hunting season established -- Number and type of licenses.

41:06:36:02 Sand Lake open units.

41:06:36:02.01 Lacreek open units.

41:06:36:02.02 Waubay open units.

41:06:36:03 Repealed.

41:06:36:04 Repealed.

 **41:06:36:01.  Sand Lake deer hunting season established -- Number and type of licenses.** The Sand Lake deer hunting season is open within the boundaries of the Sand Lake National Wildlife Refuge from one-half hour before sunrise to one-half hour after sunset daily as provided in § 41:06:36:02. No more than 200 one-tag and 100 two-tag deer licenses may be issued to residents for the Sand Lake deer hunting season.

 **Source:** 2 SDR 88, effective July 1, 1976; 6 SDR 129, effective July 13, 1980; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 23 SDR 220, effective June 26, 1997; 31 SDR 213, effective July 4, 2005; 43 SDR 9, effective August 1, 2016; 45 SDR 155, effective June 24, 2019; 46 SDR 116, effective April 29, 2020; 47 SDR 137, effective June 29, 2021.

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

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

 **Cross-References:**

 Resident big game license required, SDCL 41-6-19.

 Nonresident big game license required, SDCL 41-6-20.

 **41:06:36:01.01.  Lacreek deer hunting season established -- Number and type of licenses.** The Lacreek deer hunting season is open within the boundaries of the Lacreek National Wildlife Refuge from one-half hour before sunrise to one-half hour after sunset daily as provided in § 41:06:36:02.01. No more than 100 one-tag and 50 two-tag deer licenses may be issued to residents.

 **Source:** 9 SDR 14, effective August 8, 1982; 9 SDR 171, effective July 13, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 23 SDR 220, effective June 26, 1997; 43 SDR 9, effective August 1, 2016; 44 SDR 17, effective August 7, 2017; 45 SDR 155, effective June 24, 2019; 46 SDR 116, effective April 29, 2020; 47 SDR 137, effective June 29, 2021.

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

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

 **41:06:36:01.02.  Waubay deer hunting season established -- Number and type of licenses.** The Waubay deer hunting season is open within the boundaries of the Waubay National Wildlife Refuge and the Waubay State Game Bird Refuge from one-half hour before sunrise to one-half hour after sunset daily as provided in § 41:06:36:02.02. No more than 75 one-tag deer licenses may be issued to residents.

 **Source:** 14 SDR 40, effective September 23, 1987; 15 SDR 24, effective August 14, 1988; 16 SDR 32, effective August 20, 1989; 18 SDR 33, effective August 19, 1991; 23 SDR 220, effective June 26, 1997; 26 SDR 174, effective July 4, 2000; 43 SDR 9, effective August 1, 2016; 44 SDR 17, effective August 7, 2017; 44 SDR 184, effective June 25, 2018; 46 SDR 116, effective April 29, 2020; 47 SDR 110, effective April 29, 2021; 47 SDR 137, effective June 29, 2021.

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

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

 **41:06:36:02.  Sand Lake open units.** The following is a description of the units open to deer hunting on the Sand Lake National Wildlife Refuge:

 (1)  Unit RFD-SL1 is open for five consecutive days beginning on the second Saturday of November. The licenses are restricted to muzzleloading rifles without telescopic sights, as provided in § 41:06:04:14;

 (2)  Unit RFD-SL2 is open for five consecutive days beginning on the day following the end of the Unit RFD-SL1 season;

 (3)  Unit RFD-SL3 is open for six consecutive days beginning on the day following the end of the Unit RFD-SL2 season;

 (4)  Unit RFD-SL4 is open for seven consecutive days beginning on the day following the end of the Unit RFD-SL3 season. The licenses are restricted to muzzleloading rifles without telescopic sights, as provided in § 41:06:04:14; and

 (5)  Unit RFD-SL5 is open for seven consecutive days beginning on the day following the end of the Unit RFD-SL4 season.

 A hunter possessing an unfilled antlerless deer license for any Sand Lake deer hunting unit may hunt the refuge for nine consecutive days beginning on the day following the end of the Unit RFD-SL5 season.

 **Source:** 2 SDR 88, effective July 1, 1976; 3 SDR 87, effective June 26, 1977; 4 SDR 88, effective June 27, 1978; 5 SDR 108, effective June 28, 1979; 6 SDR 129, effective July 13, 1980; 8 SDR 15, effective August 19, 1981; 9 SDR 14, effective August 8, 1982; 9 SDR 171, effective July 13, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 12 SDR 14, effective August 6, 1985; 12 SDR 92, effective December 4, 1985; 13 SDR 9, effective August 3, 1986; 14 SDR 40, effective September 23, 1987; 15 SDR 24, effective August 14, 1988; 16 SDR 32, effective August 20, 1989; 17 SDR 23, effective August 16, 1990; 18 SDR 33, effective August 19, 1991; 19 SDR 17, effective August 12, 1992; 20 SDR 13, effective August 8, 1993; 21 SDR 14, effective August 3, 1994; 21 SDR 219, effective June 26, 1995; 22 SDR 188, effective July 10, 1996; 23 SDR 220, effective June 26, 1997; 24 SDR 176, effective June 21, 1998; 25 SDR 157, effective June 24, 1999; 26 SDR 174, effective July 4, 2000; 27 SDR 126, effective June 6, 2001; 31 SDR 21, effective August 23, 2004; 31 SDR 213, effective July 4, 2005; 33 SDR 1, effective July 18, 2006; 34 SDR 49, effective August 22, 2007; 35 SDR 47, effective September 8, 2008; 36 SDR 39, effective September 23, 2009; 37 SDR 18, effective August 16, 2010; 38 SDR 40, effective September 21, 2011; 39 SDR 10, effective August 1, 2012; 39 SDR 32, effective September 5, 2012; 40 SDR 14, effective July 29, 2013; 41 SDR 7, effective July 30, 2014; 42 SDR 14, effective August 10, 2015; 43 SDR 9, effective August 1, 2016; 45 SDR 155, effective June 24, 2019; 46 SDR 116, effective April 29, 2020; 49 SDR 124, effective July 3, 2023.

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

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

 **41:06:36:02.01.  Lacreek open units.** The following is a description of the units open to deer hunting on the Lacreek National Wildlife Refuge:

 (1)  Unit RFD-LC1 is open for seven consecutive days beginning on the third Wednesday of October; and

 (2)  Unit RFD-LC2 is open for seven consecutive days beginning on the fourth Wednesday of November.

 The deer hunting units within the refuge are set by Lacreek Refuge. Unit information is available at Lacreek Refuge headquarters and will be mailed to successful applicants.

 All Lacreek open units are restricted to muzzleloading rifles without scopes.

 **Source:** 9 SDR 14, effective August 8, 1982; 9 SDR 171, effective July 13, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 22, effective August 9, 1984; 12 SDR 14, effective August 6, 1985; 13 SDR 9, effective August 3, 1986; 14 SDR 40, effective September 23, 1987; 15 SDR 24, effective August 14, 1988; 16 SDR 32, effective August 20, 1989; 17 SDR 23, effective August 16, 1990; 18 SDR 33, effective August 19, 1991; 19 SDR 17, effective August 12, 1992; 20 SDR 13, effective August 8, 1993; 21 SDR 14, effective August 3, 1994; 21 SDR 219, effective June 26, 1995; 22 SDR 188, effective July 10, 1996; 23 SDR 220, effective June 26, 1997; 24 SDR 176, effective June 21, 1998; 25 SDR 157, effective June 24, 1999; 26 SDR 174, effective July 4, 2000; 27 SDR 126, effective June 6, 2001; 31 SDR 21, effective August 23, 2004; 31 SDR 213, effective July 4, 2005; 34 SDR 49, effective August 22, 2007; 38 SDR 40, effective September 21, 2011; 39 SDR 10, effective August 1, 2012; 39 SDR 32, effective September 5, 2012; 41 SDR 7, effective July 30, 2014; 43 SDR 9, effective August 1, 2016; 46 SDR 116, effective April 29, 2020; 49 SDR 124, effective July 3, 2023.

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

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

 **41:06:36:02.02.  Waubay open units.** The following is a description of the units open to deer hunting on the Waubay National Wildlife Refuge:

 (1)  Unit RFD-WA1 is open for nine consecutive days beginning seven days before the beginning of East River deer hunting season;

 (2)  Unit RFD-WA2 is open for five consecutive days beginning on the day following the end of the Unit RFD-WA1 season;

 (3)  Unit RFD-WA3 is open for nine consecutive days beginning on the day following the end of the Unit RFD-WA2 season.

 All Waubay open units are restricted to muzzleloading rifles without telescopic sights as provided in § 41:06:04:14.

 **Source:** 14 SDR 40, effective September 23, 1987; 16 SDR 32, effective August 20, 1989; 17 SDR 23, effective August 16, 1990; 18 SDR 33, effective August 19, 1991; 19 SDR 17, effective August 12, 1992; 20 SDR 13, effective August 8, 1993; 21 SDR 14, effective August 3, 1994; 21 SDR 219, effective June 26, 1995; 22 SDR 188, effective July 10, 1996; 23 SDR 220, effective June 26, 1997; 24 SDR 176, effective June 21, 1998; 25 SDR 157, effective June 24, 1999; 26 SDR 174, effective July 4, 2000; 27 SDR 126, effective June 6, 2001; 31 SDR 21, effective August 23, 2004; 31 SDR 213, effective July 4, 2005; 34 SDR 49, effective August 22, 2007; 35 SDR 47, effective September 8, 2008; 37 SDR 18, effective August 16, 2010; 39 SDR 10, effective August 1, 2012; 39 SDR 32, effective September 5, 2012; 40 SDR 14, effective July 29, 2013; 41 SDR 7, effective July 30, 2014; 42 SDR 14, effective August 10, 2015; 43 SDR 9, effective August 1, 2016; 44 SDR 17, effective August 7, 2017; 45 SDR 155, effective June 24, 2019; 46 SDR 116, effective April 29, 2020.

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

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

 **41:06:36:03.  Bag limit.** Repealed.

 **Source:** 2 SDR 88, effective July 1, 1976; 9 SDR 171, effective July 13, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 22, effective August 9, 1984; 14 SDR 40, effective September 23, 1987; 23 SDR 220, effective June 26, 1997; repealed, 39 SDR 10, effective August 1, 2012.

 **41:06:36:04.  Application requirements and restrictions.** Repealed.

 **Source:** 2 SDR 88, effective July 1, 1976; 4 SDR 88, effective June 27, 1978; 6 SDR 129, effective July 13, 1980; 9 SDR 14, effective August 8, 1982; 9 SDR 171, effective July 13, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 22, effective August 9, 1984; 13 SDR 9, effective August 3, 1986; 14 SDR 40, effective September 23, 1987; 16 SDR 32, effective August 20, 1989; 27 SDR 126, effective June 6, 2001; repealed, 39 SDR 10, effective August 1, 2012.

**CHAPTER 41:06:37**

**CUSTER STATE PARK COYOTE HUNTING SEASON**

Section

41:06:37:01 Season established.

41:06:37:02 Repealed.

41:06:37:03 Repealed.

41:06:37:04 Open area -- Exceptions.

41:06:37:05 Repealed.

 **41:06:37:01.  Season established.** The coyote hunting season in Custer State Park is Unit CUC-CU1 and is open from one-half hour before sunrise to one-half hour after sunset each day from December 26 through April 30.

 **Source:** 6 SDR 80, effective February 14, 1980; 8 SDR 31, effective September 30, 1981; 9 SDR 14, effective August 8, 1982; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 14 SDR 4, effective July 22, 1987; 15 SDR 3, effective July 21, 1988; 28 SDR 166, effective June 4, 2002; 29 SDR 160, effective June 3, 2003; 33 SDR 212, effective June 4, 2007; 44 SDR 51, effective September 26, 2017; 46 SDR 74, effective December 2, 2019; 46 SDR 116, effective April 29, 2020.

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

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

 **Cross-References:**

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

 Combination licenses, SDCL 41-6-10.1.

 **41:06:37:02.  License and access permit required.** Repealed.

 **Source:** 6 SDR 80, effective February 14, 1980; 9 SDR 171, effective July 13, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 22, effective August 9, 1984; 17 SDR 12, effective July 31, 1990; 33 SDR 212, effective June 4, 2007; 44 SDR 51, effective September 26, 2017; 46 SDR 74, effective December 2, 2019.

 **41:06:37:03.  Bag limit.** Repealed.

 **Source:** 6 SDR 80, effective February 14, 1980; repealed, 7 SDR 48, effective November 25, 1980.

 **41:06:37:04.  Open area -- Exceptions.** The fenced area of the park is open to coyote hunting in this season. However, the roads and rights-of-way of U.S. Highway 16A are closed to hunting.

 **Source:** 6 SDR 80, effective February 14, 1980; 7 SDR 48, effective November 25, 1980; 9 SDR 171, effective July 13, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 46 SDR 116, effective April 29, 2020.

 **General Authority:** SDCL 41-2-18(1)(2)(17), 41-17-1.1(1)(4)(9), 41-17-18.

 **Law Implemented:** SDCL 41-2-18(1)(2)(17), 41-17-1.1(1)(4)(9), 41-17-18.

 **41:06:37:05.  Restrictions and application requirements.** Repealed.

 **Source:** 6 SDR 80, effective February 14, 1980; 7 SDR 48, effective November 25, 1980; 9 SDR 171, effective July 13, 1983; repealed, 10 SDR 76, 10 SDR 102, effective July 1, 1984.

**CHAPTER 41:06:38**

**CUSTER STATE PARK FALL WILD TURKEY SEASON**

(Repealed. 39 SDR 10, effective August 1, 2012)

**CHAPTER 41:06:39**

**CROW HUNTING SEASON**

Section

41:06:39:01 Crow hunting season established.

41:06:39:02 Repealed.

41:06:39:03 Daily bag.

41:06:39:04 Possession limit.

 **41:06:39:01.  Crow hunting season established.** The crow hunting season is open statewide beginning on September 1 through October 31 and from March 1 through April 30.

 **Source:** 8 SDR 27, effective September 20, 1981; 9 SDR 30, effective September 13, 1982; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 31 SDR 191, effective June 7, 2005; 46 SDR 116, effective April 29, 2020.

 **General Authority:** SDCL 41-2-18(1)(2)(17), 41-11-5.

 **Law Implemented:** SDCL 41-2-18(1)(2)(17), 41-11-5.

 **Cross-References:**

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

 Combination licenses, SDCL 41-6-10.1.

 **41:06:39:02.  Open unit.** Repealed.

 **Source:** 8 SDR 27, effective September 20, 1981; 9 SDR 30, effective September 13, 1982; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 46 SDR 116, effective April 29, 2020.

 **41:06:39:03.  Daily bag.** A person may have an unlimited number of crows in that person's daily bag.

 **Source:** 8 SDR 27, effective September 20, 1981; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 46 SDR 116, effective April 29, 2020.

 **General Authority:** SDCL 41-2-18(1)(2), 41-11-5.

 **Law Implemented:** SDCL 41-2-18(1)(2), 41-11-5.

 **41:06:39:04.  Possession limit.** The number of crows a person may have in that person's possession is unlimited.

 **Source:** 8 SDR 27, effective September 20, 1981; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 46 SDR 116, effective April 29, 2020.

 **General Authority:** SDCL 41-2-18(1)(2), 41-11-5.

 **Law Implemented:** SDCL 41-2-18(1)(2), 41-11-5.

**CHAPTER 41:06:40**

**MOURNING DOVE HUNTING SEASON**

Section

41:06:40:01 Dove hunting season established.

41:06:40:02 Repealed.

41:06:40:03 Daily bag limit.

41:06:40:04 Possession limit.

41:06:40:05 Restrictions.

 **41:06:40:01.  Dove hunting season established.** The mourning dove hunting season is open statewide from one-half hour before sunrise to sunset each day beginning on September 1 through November 9.

 **Source:** 8 SDR 19, effective August 31, 1981; 9 SDR 30, effective September 13, 1982; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 13 SDR 26, effective September 10, 1986; 30 SDR 171, effective May 11, 2004; 32 SDR 203, effective June 5, 2006; 36 SDR 215, effective July 1, 2010; 46 SDR 116, effective April 29, 2020.

 **General Authority:** SDCL 41-2-18(1)(2)(17), 41-11-5.

 **Law Implemented:** SDCL 41-2-18(1)(2)(17), 41-11-5.

 **Cross-References:**

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

 Combination licenses, SDCL 41-6-10.1.

 **41:06:40:02.  Open unit.** Repealed.

 **Source:** 8 SDR 19, effective August 31, 1981; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 46 SDR 116, effective April 29, 2020.

 **41:06:40:03.  Daily bag limit.** The daily bag limit is 15 mourning doves.

 **Source:** 8 SDR 19, effective August 31, 1981; 9 SDR 30, effective September 13, 1982; 10 SDR 12, effective August 17, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 46 SDR 116, effective April 29, 2020.

 **General Authority:** SDCL 41-2-18(1)(2), 41-11-5.

 **Law Implemented:** SDCL 41-2-18(1)(2), 41-11-5.

 **41:06:40:04.  Possession limit.** A person may have in possession no more than 45 mourning doves taken according to the daily bag limit.

 **Source:** 8 SDR 19, effective August 31, 1981; 9 SDR 30, effective September 13, 1982; 10 SDR 12, effective August 17, 1983; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 40 SDR 197, effective May 27, 2014; 46 SDR 116, effective April 29, 2020.

 **General Authority:** SDCL 41-2-18(1)(2), 41-11-5.

 **Law Implemented:** SDCL 41-2-18(1)(2), 41-11-5.

 **41:06:40:05.  Restrictions.** Mourning dove hunting restrictions are as follows:

 (1)  Doves may be shot only in flight; and

 (2)  All state parks and state recreation areas are closed to dove hunting except Angostura State Recreation Area excluding that portion of the area lying east of the dam, Shadehill State Recreation Area, the portions of Oahe Downstream Recreation Area located west of State Highway 1806, and any portions of a state park or recreation area posted as open.

 **Source:** 8 SDR 19, effective August 31, 1981; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 25 SDR 21, effective August 27, 1998; 46 SDR 116, effective April 29, 2020; 49 SDR 9, effective August 8, 2022; 49 SDR 89, effective May 1, 2023.

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

 **Law Implemented:** SDCL 41-2-18(2), 41-11-5, 41-17-1.1(4).

**CHAPTER 41:06:41**

**CUSTER STATE PARK DEER HUNTING SEASON**

Section

41:06:41:01 Custer State Park deer hunting season established -- Number and type of licenses.

41:06:41:02 Repealed.

41:06:41:03 Repealed.

41:06:41:04 Repealed.

41:06:41:05 Repealed.

 **41:06:41:01.  Custer State Park deer hunting season established -- Number and type of licenses.** The Custer State Park deer hunting season is open from November first through December fifteenth. Any deer and whitetail deer licenses are valid from November first through November thirtieth and antlerless whitetail deer licenses are valid from December first through December fifteenth. No more than one hundred one-tag deer licenses may be issued for the Custer State Park deer hunting season.

 **Source:** 8 SDR 31, effective September 30, 1981; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 13 SDR 26, effective September 10, 1986; 14 SDR 4, effective July 22, 1987; 15 SDR 210, effective July 10, 1989; 18 SDR 4, effective July 18, 1991; 24 SDR 156, effective May 17, 1998; 29 SDR 160, effective June 3, 2003; 31 SDR 191, effective June 7, 2005; 38 SDR 213, effective June 19, 2012; 43 SDR 9, effective August 1, 2016; 44 SDR 17, effective August 7, 2017; 45 SDR 155, effective June 24, 2019; 46 SDR 116, effective April 29, 2020; 47 SDR 137, effective June 29, 2021; 49 SDR 124, effective July 3, 2023.

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

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

 **41:06:41:02.  Number and type of licenses available.** Repealed.

 **Source:** 8 SDR 31, effective September 30, 1981; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 30, effective August 30, 1984; 13 SDR 26, effective September 10, 1986; 15 SDR 3, effective July 21, 1988; 15 SDR 210, effective July 10, 1989; 24 SDR 156, effective May 17, 1998; 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; 34 SDR 297, effective June 4, 2008; 37 SDR 215, effective May 31, 2011; 38 SDR 213, effective June 19, 2012; 40 SDR 14, effective July 29, 2013; 43 SDR 9, effective August 1, 2016.

 **41:06:41:03.  Bag and possession limit.** Repealed.

 **Source:** 8 SDR 31, effective September 30, 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; 24 SDR 156, effective May 17, 1998; 29 SDR 160, effective June 3, 2003; 34 SDR 297, effective June 4, 2008; repealed, 39 SDR 10, effective August 1, 2012.

 **41:06:41:04.  Open area -- Exceptions.** Repealed.

 **Source:** 8 SDR 31, effective September 30, 1981; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 24 SDR 156, effective May 17, 1998; 28 SDR 166, effective June 4, 2002; repealed, 29 SDR 160, effective June 3, 2003.

 **41:06:41:05.  Report card required.** Repealed.

 **Source:** 8 SDR 31, effective September 30, 1981; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 24 SDR 156, effective May 17, 1998; 46 SDR 116, effective April 29, 2020.

**CHAPTER 41:06:42**

**CUSTER STATE PARK TROPHY BISON BULL HARVEST**

Section

41:06:42:01 Season established.

41:06:42:02 Number of licenses.

41:06:42:03 Repealed.

41:06:42:04 Guides required.

41:06:42:05 Preference established.

 **41:06:42:01.  Season established.** The trophy bull bison harvest in Custer State Park is open for 61 days beginning the third Monday in November. A licensee is restricted to three consecutive days for the hunt.

 **Source:** 11 SDR 80, effective December 16, 1984; 12 SDR 14, effective August 6, 1985; 13 SDR 9, effective August 3, 1986; 14 SDR 14, effective August 6, 1987; 15 SDR 3, effective July 21, 1988; 18 SDR 4, effective July 18, 1991; 18 SDR 223, effective July 13, 1992; 24 SDR 156, effective May 17, 1998; 39 SDR 204, effective June 11, 2013; 44 SDR 184, effective June 25, 2018; 46 SDR 116, effective April 29, 2020.

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

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

 **41:06:42:02.  Number of licenses.** Eight "trophy bull bison" licenses are available by lottery, with two "trophy bull bison" licenses allocated to residents in a first draw.

 **Source:** 11 SDR 80, effective December 16, 1984; 15 SDR 3, effective July 21, 1988; 15 SDR 210, effective July 10, 1989; 18 SDR 4, effective July 18, 1991; 23 SDR 197, effective May 27, 1997; 24 SDR 156, effective May 17, 1998: 39 SDR 204, effective June 11, 2013; 46 SDR 116, effective April 29, 2020.

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

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

 **41:06:42:03.  Bag and possession limit.** Repealed.

 **Source:** 11 SDR 80, effective December 16, 1984; 24 SDR 156, effective May 17, 1998; 39 SDR 204, effective June 11, 2013; 46 SDR 116, effective April 29, 2020.

 **41:06:42:04.  Guides required.** All licensees shall be accompanied by an authorized Custer State Park official while hunting.

 **Source:** 12 SDR 14, effective August 6, 1985; 24 SDR 156, effective May 17, 1998; 39 SDR 204, effective June 11, 2013; 46 SDR 116, effective April 29, 2020.

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

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

 **41:06:42:05.  Preference established.** The department shall give preference, utilizing the procedure established for unsuccessful applicants in § 41:06:01:10, to applicants who are unsuccessful in drawing licenses authorized by this chapter. No applicant may apply for more than one license in the initial lottery. A successful applicant may apply for additional licenses as provided in § 41:06:01:09.

 **Source:** 12 SDR 14, effective August 6, 1985; 23 SDR 197, effective May 27, 1997; 24 SDR 156, effective May 17, 1998; 39 SDR 204, effective June 11, 2013.

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

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

**CHAPTER 41:06:43**

**ARCHERY ELK HUNTING SEASON**

Section

41:06:43:01 Archery elk hunting season established -- Number and type of licenses available -- Season dates.

41:06:43:02 Open units.

41:06:43:03 Repealed.

41:06:43:04 Repealed.

 **41:06:43:01.  Archery elk hunting season established -- Number and type of licenses available -- Season dates.** The archery 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 three hundred "any elk" licenses and no more than three hundred "antlerless elk" licenses may be issued for the archery elk hunting season. The archery elk hunting season for Units AAE-H1A, AAE-H2A, AAE-H3A, AAE-H4A, AAE-H5A, AAE-H7A, and AAE-H9A is open from September first through September thirtieth.

 **Source:** 12 SDR 186, effective May 28, 1986; 13 SDR 192, effective June 22, 1987; 21 SDR 207, effective June 5, 1995; 31 SDR 191, effective June 7, 2005; 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).

 **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.

 Nonresident big game license -- Privileges and fee -- Violation as misdemeanor, SDCL 41-6-20.

 **41:06:43:02.  Open units.** The open units for the archery elk hunting season are as follows:

 (1)  Unit AEE-H1A: the portion of Lawrence County within a line beginning at the junction of the South Dakota-Wyoming border and Interstate 90, then easterly on Interstate 90 to the junction of U.S. Highway 85 at Exit 17, then southerly on U.S. Highway 85 to its junction with the South Dakota-Wyoming border, then northerly along the South Dakota-Wyoming border to its junction with Interstate 90, the point of beginning;

 (2)  Unit AEE-H2A: those portions of Lawrence, Pennington, and Custer Counties beginning at the junction of the South Dakota-Wyoming border and U.S. Highway 85, then northerly and easterly along U.S. Highway 85 to its junction with U.S. Highway 385, then southerly along U.S. Highway 385 to its junction with U.S. Highway 16 at Custer, then westerly along U.S. Highway 16 to its junction with the South Dakota-Wyoming border, then northerly along the South Dakota-Wyoming border to its junction with U.S. Highway 85, the point of beginning;

 (3)  Unit AEE-H3A: those portions of Custer and Fall River Counties within a line beginning at the junction of the South Dakota-Wyoming state line and U.S. Highway 16, then east along U.S. Highway 16 to the Custer State Park western boundary, then south along the Custer State Park western boundary and the Wind Cave National Park western boundary to U.S. Highway 385, then south along U.S. Highway 385 to State Highway 79, then south along State Highway 79 to the Cheyenne River, then west along the Cheyenne River to the South Dakota-Wyoming state line, then north along the state line to the point of beginning;

 (4)  Unit AEE-H4A: those portions of Pennington, Custer, and Fall River Counties beginning at the junction of U.S. Highway 385 and the southern boundary of Wind Cave National Park, then southerly along U.S. Highway 385 through Hot Springs and Maverick Junction to its junction with the Cheyenne River, then northeasterly along the Cheyenne River to its junction with Fall River County Road 6291 (South Buffalo Gap Road), then northerly along Fall River County Road 6291 and Custer County Road 101 to Buffalo Gap and its junction with Custer County Road 656 (River Side Road), then easterly along Custer County Road 656 one-half mile to Custer County Road 17 (Beaver Valley Road), then northerly and easterly along Custer County Road 17 to its junction with Custer County Road 719 (South Fairburn Road), then northerly along Custer County Road 719 to Fairburn to its junction with Custer County Road 18, then northerly along Custer County Road 18 (North Fairburn Road) to its junction with U.S. Highway 79, then northerly along U.S. Highway 79 to its junction with State Highway 40, then northwesterly along State Highway 40 to its junction with Pennington County Road 330 (Playhouse Road), then southerly along Pennington County Road 330 to its junction with U.S. Highway16A, then southerly along U.S. Highway 16A to its junction with the north boundary of Custer State Park, then easterly along the Custer State Park boundary to the northeast corner of Custer State Park, then southerly along the east boundaries of Custer State Park and Wind Cave National Park to the southeast corner of Wind Cave National Park, then westerly along the south boundary of Wind Cave National Park to its junction with U.S. Highway 385, the point of beginning;

 (5)  Unit AEE-H5A: those portions of Pennington and Custer Counties beginning at the junction of U.S. Highway 16A and the west boundary of Custer State Park, then westerly along U.S. Highway 16A to its junction with U.S. Highway 385 at Custer, then northerly along U.S. Highway 385 to its junction with State Highway 44 near Pactola Lake, then easterly along State Highway 44 to its junction with the Black Hills National Forest boundary, then southerly along the Black Hills National Forest boundary to its junction with U.S. Highway 16, then westerly along U.S. Highway 16 to its junction with the South Rockerville Road at Rockerville, then southerly along the South Rockerville Road to its junction with State Highway 40 at Harney, then easterly along State Highway 40 approximately one thousand feet to its junction with the Playhouse Road, then southerly along the Playhouse Road to its junction with U.S. Highway 16A near Spokane, then southeasterly along U.S. Highway 16A to its junction with the north boundary of Custer State Park, then westerly and southerly along the Custer State Park boundary to its junction with U.S. Highway 16A, the point of beginning. The Rushmore National Memorial, including all private lands within the memorial, is closed;

 (6)  Unit AEE-H7A: those portions of Pennington, Lawrence, and Meade Counties within a line beginning at the junction of U.S. Highway 85 and Interstate 90 at Exit 17, then southerly along U.S. Highway 85 to its junction with U.S. Highway 385 at Pluma, then southerly along U.S. Highway 385 to its junction with State Highway 44 near Pactola, then easterly along State Highway 44 to its junction with State Highway 79 (Sturgis Road) in Rapid City, then northerly along State Highway 79 to its junction with Interstate 90 at Black Hawk, then northerly along Interstate 90 to its junction with U.S. Highway 85 at Exit 17, the point of beginning; and

 (7)  Unit AEE-H9A: those portions of Custer and Pennington Counties within an area bounded as follows: beginning at the junction of State Highway 40 and State Highway 79 at Hermosa, then northerly along State Highway 79 to its junction with State Highway 44 in Rapid City, then westerly along State Highway 44 to its junction with U.S. Highway 16, then westerly along U.S. Highway 16 to its junction with the South Rockerville Road, then southerly along the South Rockerville Road to its junction with State Highway 40, then easterly along State Highway 40 to its junction with State Highway 79 at Hermosa, the point of beginning.

 **Source:** 12 SDR 186, effective May 28, 1986; 14 SDR 164, effective June 16, 1988; 17 SDR 188, effective June 13, 1991; 19 SDR 190, effective June 15, 1993; 20 SDR 204, effective June 7, 1994; 21 SDR 207, effective June 5, 1995; 22 SDR 172, effective June 11, 1996; 23 SDR 197, effective May 27, 1997; 24 SDR 156, effective May 17, 1998; 25 SDR 141, effective May 27, 1999; 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; 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).

 **41:06:43:03.  Bag and possession limit.** Repealed.

 **Source:** 12 SDR 186, effective May 28, 1986; 31 SDR 191, effective June 7, 2005; repealed, 39 SDR 10, effective August 1, 2012.

 **41:06:43:04.  Restrictions for applications and licenses.** Repealed.

 **Source:** 12 SDR 186, effective May 28, 1986; 16 SDR 220, effective June 21, 1990; 19 SDR 190, effective June 15, 1993; 21 SDR 207, effective June 5, 1995; 22 SDR 172, effective June 11, 1996; 24 SDR 156, effective May 17, 1998; 25 SDR 141, effective May 27, 1999; 28 SDR 166, effective June 4, 2002; 33 SDR 212, effective June 4, 2007; repealed, 39 SDR 10, effective August 1, 2012.

**CHAPTER 41:06:44**

**APPRENTICE HUNTER DEER SEASON**

Section

41:06:44:01 Apprentice hunter deer hunting season established.

41:06:44:02 Number and type of licenses available.

41:06:44:02.01 Closed areas.

41:06:44:03 Repealed.

41:06:44:04 Application requirements and restrictions.

41:06:44:05 Repealed.

 **41:06:44:01.  Apprentice hunter deer hunting season established.** The apprentice hunter deer hunting season is open from one-half hour before sunrise to one-half hour after sunset beginning on the second Saturday of September through January 1.

 **Source:** 17 SDR 23, effective August 16, 1990; 19 SDR 207, effective July 14, 1993; 23 SDR 220, effective June 26, 1997; 24 SDR 176, effective June 21, 1998; 28 SDR 178, effective July 1, 2002; 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; 37 SDR 215, effective May 31, 2011; 44 SDR 184, effective June 25, 2018; 46 SDR 116, effective April 29, 2020; 47 SDR 137, effective June 29, 2021.

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

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

 **Cross-References:**

 Resident big game license required, SDCL 41-6-19.

 Nonresident big game license required, SDCL 41-6-20.

 **41:06:44:02.  Number and type of licenses available.** An unlimited number of "antlerless deer" and "antlerless whitetail deer" licenses may be issued for apprentice hunter deer hunting season. Apprentice hunters are limited to one "antlerless deer" or "antlerless whitetail deer" license for areas open to the apprentice hunter deer hunting season. The following describes the open units:

 (1)  Unit APD-03: West River Units 02A, 15A, 15B, 31A, 35A, 35C, 35L, 49A, 49B, 53A, 53C, and 64A. Only a single tag "any antlerless deer" license is valid in this unit.

 (2)  Unit APD-13: That portion of the state not included in Unit YOD-03. Only a single tag "antlerless whitetail deer" license is valid in this unit.

 **Source:** 17 SDR 23, effective August 16, 1990; 18 SDR 33, effective August 19, 1991; 18 SDR 223, effective July 13, 1992; 19 SDR 207, effective July 14, 1993; 21 SDR 14, effective August 3, 1994; 21 SDR 219, effective June 26, 1995; 22 SDR 188, effective July 10, 1996; 23 SDR 220, effective June 26, 1997; 24 SDR 176, effective June 21, 1998; 25 SDR 157, effective June 24, 1999; 26 SDR 174, effective July 4, 2000; 27 SDR 126, effective June 6, 2001; 28 SDR 178, effective July 1, 2002; 29 SDR 160, effective June 3, 2002; 30 SDR 189, effective June 7, 2004; 31 SDR 213, effective July 4, 2005; 46 SDR 116, effective April 29, 2020; 47 SDR 137, effective June 29, 2021.

 **General Authority:** SDCL 41-2-18(2)(17), 41-6-21.

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

 **41:06:44:02.01.  Closed areas.** The apprentice hunter deer season is closed and licenses are not valid in the following areas:

 (1)  Sand Lake National Wildlife Refuge in Brown County, unless otherwise allowed by the refuge;

 (2)  Lacreek National Wildlife Refuge in Bennett County, unless otherwise allowed by the refuge;

 (3)  Lake Andes National Wildlife Refuge in Charles Mix County, unless otherwise allowed by the refuge; and

 (4)  Waubay National Wildlife Refuge and Waubay State Game Bird Refuge in Day County, unless otherwise allowed by the refuge.

 **Source:** 31 SDR 213, effective July 4, 2005; 40 SDR 14, effective July 29, 2013; 44 SDR 184, effective June 25, 2018; 46 SDR 116, effective April 29, 2020; 49 SDR 124, effective July 3, 2023.

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

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

 **41:06:44:03.  Licenses valid only for number and type of deer specified.** Repealed.

 **Source:** 17 SDR 23, effective August 16, 1990; 30 SDR 189, effective June 7, 2004; 31 SDR 213, effective July 4, 2005; repealed, 39 SDR 10, effective August 1, 2012.

 **41:06:44:04.  Application requirements and restrictions.** The following requirements and restrictions apply to all applications for apprentice hunter deer hunting license under this chapter:

 (1)  Any resident who has not held a license to hunt deer in the past 10 years, may purchase a license and hunt the entire season;

 (2)  Receipt of an apprentice hunter deer hunting license for this season does not affect eligibility for a license in any other season; and

 (3)  Land operator preference is not applicable to apprentice hunter deer hunting licenses.

 **Source:** 17 SDR 23, effective August 16, 1990; 18 SDR 223, effective July 13, 1992; 23 SDR 220, effective June 26, 1997; 24 SDR 176, effective June 21, 1998; 28 SDR 178, effective July 1, 2002; 29 SDR 160, effective June 3, 2003; 30 SDR 189, effective June 7, 2004; 31 SDR 213, effective July 4, 2005; 33 SDR 225, effective June 25, 2007; 34 SDR 332, effective July 7, 2008; 35 SDR 306, effective July 2, 2009; 38 SDR 8, effective August 3, 2011; 39 SDR 10, effective August 1, 2012; 40 SDR 14, effective July 29, 2013; 41 SDR 7, effective July 30, 2014; 44 SDR 184, effective June 25, 2018; 46 SDR 116, effective April 29, 2020; 47 SDR 137, effective June 29, 2021.

 **General Authority:** SDCL 41-2-18(2)(17), 41-6-21.

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

 **41:06:44:05.  Land operator preference not applicable.** Repealed.

 **Source:** 17 SDR 23, effective August 16, 1990; 23 SDR 220, effective June 26, 1997; repealed, 31 SDR 213, effective July 4, 2005.

**CHAPTER 41:06:45**

**GENERAL MUZZLELOADING DEER HUNTING SEASON**

Section

41:06:45:01 General muzzleloading deer hunting season established -- Open unit --Number and type of licenses.

41:06:45:02 Open units.

41:06:45:02.01 Closed areas.

41:06:45:03 Repealed.

41:06:45:04 Application requirements and restrictions.

41:06:45:05 Repealed.

 **41:06:45:01.  General muzzleloading deer hunting season established -- Open unit -- Number and type of licenses.** The general muzzleloading deer hunting season is open statewide from one-half hour before sunrise to one-half hour after sunset each day beginning on December 1 through January 1. Unlimited single tag "antlerless whitetail deer" licenses and no more than 1,500 "any deer" licenses may be issued.

 **Source:** 18 SDR 33, effective August 19, 1991; 24 SDR 16, effective August 13, 1997; 27 SDR 111, effective May 8, 2001; 28 SDR 166, effective June 4, 2002; 31 SDR 191, effective June 7, 2005; 32 SDR 225, effective July 3, 2006; 37 SDR 215, effective May 31, 2011; 40 SDR 14, effective July 29, 2013; 43 SDR 9, effective August 1, 2016; 44 SDR 184, effective June 25, 2018; 46 SDR 116, effective April 29, 2020; 47 SDR 137, effective June 29, 2021.

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

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

 **41:06:45:02.  Open units.** The following is a description of the open units for the general muzzleloading deer hunting season:

 (1)  Unit MZD-ST1: statewide, excluding Custer State Park; and

 (2)  Unit MZD-LM1: antlerless whitetail deer licenses are available in hunting units that offer a deer license for antlerless deer in the lottery drawing for the Black Hills, West River, and East River deer seasons.

 **Source:** 18 SDR 33, effective August 19, 1991; 19 SDR 17, effective August 12, 1992; 20 SDR 13, effective August 8, 1993; 21 SDR 14, effective August 3, 1994; 22 SDR 16, effective August 15, 1995; 23 SDR 20, effective August 13, 1996; 24 SDR 16, effective August 13, 1997; 25 SDR 193, effective July 19, 1998; 26 SDR 9, effective August 1, 1999; 26 SDR 162, effective June 14, 2000; 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; 33 SDR 225, effective June 25, 2007; 34 SDR 332, effective July 7, 2008; 35 SDR 306, effective July 2, 2009; 38 SDR 8, effective August 3, 2011; 39 SDR 10, effective August 1, 2012; 40 SDR 14, effective July 29, 2013; 41 SDR 7, effective July 30, 2014; 43 SDR 9, effective August 1, 2016; 44 SDR 17, effective August 7, 2017; 45 SDR 155, effective June 24, 2019; 47 SDR 137, effective June 29, 2021; 49 SDR 9, effective August 8, 2022.

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

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

 **41:06:45:02.01.  Closed areas.** The general muzzleloader deer hunting season is closed and licenses are not valid in the following areas:

 (1)  Sand Lake National Wildlife Refuge in Brown County;

 (2)  Lacreek National Wildlife Refuge in Bennett County;

 (3)  Lake Andes National Wildlife Refuge in Charles Mix County;

 (4)  Waubay National Wildlife Refuge and Waubay Game Bird Refuge in Day County;

 (5)  Farm Island State Recreation Area and LaFramboise Island Nature Area in Hughes County; and

 (6)  Fort Meade Bureau of Land Management South unit and the signed portion of the North unit in Meade County.

 **Source:** 31 SDR 191, effective June 7, 2005; 46 SDR 116, effective April 29, 2020; 47 SDR 110, effective April 29, 2021.

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

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

 **41:06:45:03.  Licenses valid only for unit, number, and type of deer specified.** Repealed.

 **Source:** 18 SDR 33, effective August 19, 1991; 27 SDR 111, effective May 8, 2001; repealed, 39 SDR 10, effective August 1, 2012.

 **41:06:45:04.  Application requirements and restrictions.** The following requirements and restrictions apply to all applications for license under this chapter:

 (1)  A person may possess no more than two general muzzleloader deer licenses, of which only one can be an "antlerless whitetail deer" license; and

 (2)  Only residents of the state may apply for a general muzzleloader "any deer" license.

 **Source:** 18 SDR 33, effective August 19, 1991; 19 SDR 17, effective August 12, 1992; 27 SDR 111, effective May 8, 2001; 28 SDR 166, effective June 4, 2002; 30 SDR 171, effective May 11, 2004; 31 SDR 191, effective June 7, 2005; 32 SDR 225, effective July 3, 2006; 33 SDR 225, effective June 25, 2007; 39 SDR 10, effective August 1, 2012; 41 SDR 7, effective July 30, 2014.

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

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

 **41:06:45:05.  Land operator preference not applicable.** Repealed.

 **Source:** 18 SDR 33, effective August 19, 1991; 27 SDR 111, effective May 8, 2001; repealed, 31 SDR 191, effective June 7, 2005.

**CHAPTER 41:06:46**

**DEPREDATION PERMITS**

Section

41:06:46:01 Depredation hunts established.

41:06:46:02 Pool of standby hunters authorized -- Maximum permits.

41:06:46:02.01 Eligibility for standby hunter pool -- Application procedure.

41:06:46:03 Repealed.

41:06:46:04 Random drawing to determine inclusion in pool.

41:06:46:05 Selection of standby hunters for specific depredation hunts.

41:06:46:06 Landowner/operator depredation permits.

41:06:46:07 Validity of permits -- Issuance of tags.

41:06:46:08 Repealed.

41:06:46:09 Affected landowner to allow free access.

41:06:46:10 Repealed.

41:06:46:11 Eligibility for elk depredation permits and future elk hunting licenses.

 **41:06:46:01.  Depredation hunts established.** The commission by resolution, may authorize the secretary to activate depredation firearm hunts in an identified geographic area if the commission determines that other conventional methods have not been successful in alleviating the damage being caused to property. In the resolution the commission shall specify the number and type of depredation permits that may be issued. For any elk depredation hunt conducted in a geographic area lying outside of an established elk hunting unit, the hunt may be conducted within any time period determined by the department. For any elk depredation hunt conducted in a geographic area lying within an established elk hunting unit, the hunt may be conducted anytime, except during the regular elk hunting season. For other big game species, depredation hunts may only occur from August 15 through March 31.

 **Source:** 19 SDR 207, effective July 14, 1993; 28 SDR 44, effective October 3, 2001; 33 SDR 43, effective September 18, 2006; 43 SDR 89, effective December 29, 2016; 44 SDR 184, effective June 25, 2018; 46 SDR 116, effective April 29, 2020.

 **General Authority:** SDCL 41-2-18(2), 41-6-29.1.

 **Law Implemented:** SDCL 41-6-29.1.

 **41:06:46:02.  Pool of standby hunters authorized -- Maximum permits.** A pool of standby hunters may be established annually from which hunters for depredation hunts authorized by commission resolution pursuant to SDCL 41-6-29.1 may be drawn and issued depredation permits by the secretary. The pool of standby hunters expires on December 31 of the following year.

 **Source:** 19 SDR 207, effective July 14, 1993; 28 SDR 44, effective October 3, 2001; 33 SDR 43, effective September 18, 2006; 40 SDR 39, effective September 9, 2013; 43 SDR 89, effective December 29, 2016; 44 SDR 184, effective June 25, 2018.

 **General Authority:** SDCL 41-2-18(2), 41-6-29.1.

 **Law Implemented:** SDCL 41-6-29.1.

 **41:06:46:02.01.  Eligibility for standby hunter pool -- Application procedure.** Only residents of the state may apply for inclusion in the pool of standby hunters. Application may be made through the internet. An applicant may designate in the application no more than ten counties in which the applicant is willing to hunt for deer, antelope, and turkey. An applicant may only designate one area in the application for elk. Applications received from December 1 through March 31 may be considered for inclusion in the pool of standby hunters. Hunters that register for the pool from December 1 through December 31 will be randomly selected to determine the order in which they are contacted if a depredation hunt is needed. After December 31, additional hunters will be registered in the pool in the order that they enroll.

 **Source:** 43 SDR 89, effective December 29, 2016; 46 SDR 116, effective April 29, 2020.

 **General Authority:** SDCL 41-2-18(2), 41-6-29.1.

 **Law Implemented:** SDCL 41-6-29.1.

 **41:06:46:03.  Application fee.** Repealed.

 **Source:** 19 SDR 207, effective July 14, 1993; 28 SDR 44, effective October 3, 2001; 33 SDR 43, effective September 18, 2006; repealed, 38 SDR 101, effective December 5, 2011.

 **41:06:46:04.  Random drawing to determine inclusion in pool.** The department shall conduct a random drawing of the names of applicants whose completed applications are received prior to December 31. The department shall place applicants in the pool of standby hunters in the order in which their names are drawn. Inclusion in the pool makes a standby hunter eligible to be selected for issuance of a depredation permit.

 Those persons who submitted applications from January 1 through March 31 may be placed on the list immediately following the last qualified pool hunter in the first random drawing, and will be added on a first-come, first-served basis.

 **Source:** 19 SDR 207, effective July 14, 1993; 28 SDR 44, effective October 3, 2001; 33 SDR 43, effective September 18, 2006; 46 SDR 116, effective April 29, 2020.

 **General Authority:** SDCL 41-2-18(2), 41-6-29.1.

 **Law Implemented:** SDCL 41-6-29.1.

 **41:06:46:05.  Selection of standby hunters for specific depredation hunts.** Upon approval of the annual depredation hunter pool resolution by the commission and subsequent issuance of depredation permits by the secretary, the regional office in which the hunt will occur shall call standby hunters in their order on the list until the required number of hunters agrees to participate in the hunt.

 **Source:** 19 SDR 207, effective July 14, 1993; 28 SDR 44, effective October 3, 2001; 33 SDR 43, effective September 18, 2006.

 **General Authority:** SDCL 41-2-18(2), 41-6-29.1.

 **Law Implemented:** SDCL 41-6-29.1.

 **41:06:46:06.  Landowner/operator depredation permits.** A resident landowner/operator who is experiencing documented big game depredation and who is actually operating agricultural or grazing land within the specific geographic area in which a depredation hunt has been authorized and for which depredation permits are being issued pursuant to § 41:06:46:05 may apply for a landowner/operator depredation permit on a form provided by the department. The application and permits are free of charge. The department may issue no more than four deer, antelope, and turkey and no more than one elk landowner/operator depredation permits to each household or ranch in the area designated for the depredation hunt. Landowner preference does not apply. The killing and taking of the game animals specified in the permit must occur on the agricultural or grazing land of the landowner/operator.

 **Source:** 19 SDR 207, effective July 14, 1993; 28 SDR 44, effective October 3, 2001; 33 SDR 43, effective September 18, 2006; 43 SDR 89, effective December 29, 2016.

 **General Authority:** SDCL 41-2-18(2), 41-6-29.1.

 **Law Implemented:** SDCL 41-6-29.1.

 **41:06:46:07.  Validity of permits -- Issuance of tags.** Depredation permits and landowner/operator depredation permits issued under this chapter are valid only for the killing and taking by the permittee of the species, gender, and number of big game animals identified in the permit in the manner, at the time, and in the specific geographic areas indicated on the permit. The department shall issue to the permittee a nonreusable tag or tags indicating the species, gender, and number of big game animals permitted to be killed and taken by the permittee and the designated time and specific geographic area of the authorized depredation hunt. All big game animals taken under a depredation permit must be properly tagged in accordance with § 41:06:03:01.

 The killing and taking of big game animals must be by lawful firearm in accordance with applicable statutes and rules pertaining to the pursuit, hunting, or killing of big game animals in SDCL title 41 and this article. Depredation permits and landowner/operator depredation permits are not transferable and must be in the possession of the permittee when he is hunting under that authority.

 **Source:** 19 SDR 207, effective July 14, 1993; 28 SDR 44, effective October 3, 2001; 43 SDR 89, effective December 29, 2016.

 **General Authority:** SDCL 41-2-18(2), 41-6-29.1.

 **Law Implemented:** SDCL 41-6-29.1.

 **41:06:46:08.  Hunter report card.** Repealed.

 **Source:** 19 SDR 207, effective July 14, 1993; 28 SDR 44, effective October 3, 2001; repealed, 39 SDR 10, effective August 1, 2012.

 **41:06:46:09.  Affected landowner to allow free access.** A landowner requesting assistance from any big game depredation shall permit hunting access to hunters possessing depredation permits without charge during the depredation hunt.

 **Source:** 43 SDR 89, effective December 29, 2016.

 **General Authority:** SDCL 41-2-18(2)(12)(17), 41-6-29.1.

 **Law Implemented:** SDCL 41-2-18(2)(12)(17), 41-6-21, 41-6-29.1.

 **41:06:46:10.  Elk depredation permit fee.** Repealed.

 **Source:** 43 SDR 89, effective December 29, 2016; 44 SDR 184, effective June 25, 2018.

 **41:06:46:11.  Eligibility for elk depredation permits and future elk hunting licenses.** Any person regardless of being issued an elk license in the first drawing of an elk hunting season within the previous nine years is eligible to apply for an elk depredation permit. However, any person who holds an elk hunting license from the current elk drawing, is not eligible to apply in the lottery drawing for an elk depredation permit. Issuance of an elk depredation permit under this depredation hunt does not affect future eligibility for elk licenses available in any elk hunting season or preference points.

 **Source:** 43 SDR 89, effective December 29, 2016.

 **General Authority:** SDCL 41-2-18(2)(12)(17), 41-6-21, 41-6-29.1.

 **Law Implemented:** SDCL 41-2-18(2)(12)(17), 41-6-21, 41-6-29.1.

**CHAPTER 41:06:47**

**SPECIAL CUSTER STATE PARK ANTLERLESS ELK HUNTING SEASON**

Section

41:06:47:01 Special Custer State Park antlerless elk hunting season established -- Number and type of licenses available -- Season dates.

41:06:47:02 Open.

41:06:47:03 Repealed.

41:06:47:04 Repealed.

41:06:47:05 Repealed.

41:06:47:06 Special antlerless elk population management licenses.

41:06:47:07 Licensee selection process -- Payment of fee.

41:06:47:08 Eligibility of license holders for future elk seasons affected.

 **41:06:47:01.  Special Custer State Park antlerless elk hunting season established -- Number and type of licenses available -- Season dates.** The special Custer State Park "antlerless elk" hunting season is open from one-half hour before sunrise to one-half hour after sunset each day of the season and is restricted by chapter 41:06:07. No more than twenty "antlerless elk" licenses may be issued for the special Custer State Park "antlerless elk" hunting season.

 **Source:** 20 SDR 204, effective June 7, 1994; 42 SDR 146, effective May 5, 2016; 44 SDR 93, effective December 4, 2017; 45 SDR 155, effective June 24, 2019; 46 SDR 116, effective April 29, 2020; 50 SDR 129, effective May 15, 2024.

 **General Authority:** SDCL 41-17-1.1(1)(4).

 **Law Implemented:** SDCL 41-17-1.1.

 **41:06:47:02.  Open units**. Units CAE-CU1 and CAE-CU2 are established for the special Custer State Park antlerless elk hunting season.

 Units CAE-CU1 and CAE-CU2 are open to that portion of Custer State Park south of the R&D Pasture fence line.

 **Source:** 20 SDR 204, effective June 7, 1994; 21 SDR 207, effective June 5, 1995; 22 SDR 172, effective June 11, 1996; 23 SDR 197, effective May 27, 1997; 24 SDR 156, effective May 17, 1998; 25 SDR 141, effective May 27, 1999; 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; 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; 42 SDR 146, effective May 5, 2016; 44 SDR 184, effective June 25, 2018.

 **General Authority:** SDCL 41-17-1.1(4).

 **Law Implemented:** SDCL 41-17-1.1(4).

 **41:06:47:03.  Licenses valid for the dates and types specified.** Repealed.

 **Source:** 20 SDR 204, effective June 7, 1994; repealed, 39 SDR 10, effective August 1, 2012.

 **41:06:47:04.  Mandatory inspection.** Repealed.

 **Source:** 20 SDR 204, effective June 7, 1994; repealed, 39 SDR 10, effective August 1, 2012.

 **41:06:47:05.  Legal weapons.** Repealed.

 **Source:** 21 SDR 207, effective June 5, 1995; 24 SDR 156, effective May 17, 1998; 46 SDR 116, effective April 29, 2020.

 **41:06:47:06.  Special antlerless elk population management licenses.** The Game, Fish, and Parks Commission may, by resolution, authorize Unit 557-CUC and the number of "antlerless elk" licenses that may be issued. Unit 557-CUC licenses shall be valid for nine consecutive days beginning on the first Saturday following January 1.

 **Source:** 29 SDR 160, effective June 3, 2003; 30 SDR 171, effective May 11, 2004; 31 SDR 213, effective July 4, 2005.

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

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

 **41:06:47:07.  Licensee selection process -- Payment of fee.** The department may select an alternate pool of licensees for the special antlerless elk population management license by lottery during the drawing for licenses established in § 41:06:47:02. After determining the number of additional licenses required, the department shall call the hunters in their order on the list until the required number of hunters agree to participate in the hunt. The department shall provide the hunter with the license, tag, map, and elk check-in procedures. The license fee as provided in § 41:06:02:03 shall be paid to the department before the issuance of the license and tag.

 **Source:** 29 SDR 160, effective June 3, 2003.

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

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

 **41:06:47:08.  Eligibility of license holders for future elk seasons affected.** Issuance to a person of an elk license under § 41:06:47:03 affects the person's future eligibility for other elk licenses available under this chapter. The licensee is considered to have received a first-choice unit antlerless elk license through the regular Custer State Park antlerless elk season for the year.

 **Source:** 29 SDR 160, effective June 3, 2003.

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

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

**CHAPTER 41:06:48**

**CUSTER STATE PARK LATE ARCHERY ELK HUNTING SEASON**

Section

41:06:48:01 Custer State Park late archery elk hunting season established.

41:06:48:02 Open unit -- Dates -- Number and type of licenses.

41:06:48:03 Repealed.

41:06:48:04 Repealed.

 **41:06:48:01.  Custer State Park late archery elk hunting season established.** The Custer State Park late archery elk hunting season is open one-half hour before sunrise to one-half hour after sunset each day.

 **Source:** 21 SDR 207, effective June 5, 1995; 24 SDR 156, effective May 17, 1998; 46 SDR 116, effective April 29, 2020.

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

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

 **Cross-References:**

 Resident elk license - Privileges and fee - Violation as misdemeanor, SDCL 41-6-19.1.

 **41:06:48:02.  Open unit -- Dates -- Number and type of licenses.** The unit open to elk hunting under this chapter is Unit 556-CUA. In Unit 556-CUA, no "any elk" licenses may be issued and are valid within the boundaries of Custer State Park for 23 consecutive days beginning the third Saturday in November. In Unit 556-CUZ, no elk licenses may be issued. However, an applicant shall accrue a preference point as provided in § 41:06:01:09.

 **Source:** 21 SDR 207, effective June 5, 1995; 22 SDR 172, effective June 11, 1996; 23 SDR 197, effective May 27, 1997; 24 SDR 156, effective May 17, 1998; 29 SDR 160, effective June 3, 2003; 36 SDR 215, effective July 1, 2010; 37 SDR 215, effective May 31, 2011; 38 SDR 213, effective June 19, 2012.

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

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

 **41:06:48:03.  Bag and possession limit -- Archery only.** Repealed.

 **Source:** 21 SDR 207, effective June 5, 1995; repealed, 39 SDR 10, effective August 1, 2012.

 **41:06:48:04.  Mandatory inspection.** Repealed.

 **Source:** 21 SDR 207, effective June 5, 1995; 24 SDR 156, effective May 17, 1998; repealed, 39 SDR 10, effective August 1, 2012.

 **CHAPTER 41:06:49**

**YOUTH WATERFOWL HUNTING SEASON**

Section

41:06:49:01 Youth waterfowl hunting season established.

41:06:49:02 Repealed.

41:06:49:03 Daily limit.

41:06:49:04 Eligibility requirements and restrictions.

 **41:06:49:01.  Youth waterfowl hunting season established.** The youth waterfowl hunting season is open statewide for two consecutive days from one-half hour before sunrise to sunset daily beginning 14 days prior to the Saturday closest to September 24.

 **Source:** 23 SDR 38, effective September 26, 1996; 24 SDR 23, effective August 31, 1997; 25 SDR 21, effective August 27, 1998; 26 SDR 21, effective August 23, 1999; 27 SDR 18, effective September 12, 2000; 28 SDR 24, effective August 28, 2001; 31 SDR 21, effective August 23, 2004; 34 SDR 49, effective August 22, 2007; 46 SDR 116, effective April 29, 2020.

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

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

 **41:06:49:02.  Open area.** Repealed.

 **Source:** 23 SDR 38, effective September 26, 1996; 25 SDR 21, effective August 27, 1998; 46 SDR 116, effective April 29, 2020.

 **41:06:49:03.  Daily limit.** The daily limit of waterfowl is the same as during the regular waterfowl season.

 **Source:** 23 SDR 38, effective September 26, 1996; 24 SDR 23, effective August 31, 1997; 25 SDR 21, effective August 27, 1998; 26 SDR 21, effective August 23, 1999; 27 SDR 18, effective September 12, 2000; 46 SDR 116, effective April 29, 2020.

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

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

 **Cross Reference:**

 Daily bag limit, § 41:06:16:03.

 Bag and possession limit on geese, § 41:06:16:09.

 Daily and possession limits, § 41:06:50:03.

 **41:06:49:04.  Eligibility requirements and restrictions.** Persons who have not reached the age of 18 years by the first day of the season may hunt during the youth waterfowl season.

 **Source:** 23 SDR 38, effective September 26, 1996; 25 SDR 21, effective August 17, 1998; 35 SDR 47, effective September 8, 2008; 46 SDR 116, effective April 29, 2020; 46 SDR 147, effective July 2, 2020; 47 SDR 137, effective June 29, 2021.

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

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

 **Cross-References:** Waterfowl hunting seasons, ch 41:06:16.

**CHAPTER 41:06:50**

**EARLY FALL CANADA GOOSE HUNTING SEASON**

Section

41:06:50:01 Early fall Canada goose season established.

41:06:50:02 Open unit and season dates.

41:06:50:03 Daily and possession limits.

41:06:50:04 Eligibility requirements and restrictions, Repealed.

 **41:06:50:01.  Early fall Canada goose season established.** The early fall Canada goose season is open as described in § 41:06:50:02. Shooting hours are one-half hour before sunrise to sunset daily.

 **Source:** 23 SDR 38, effective September 26, 1996; 24 SDR 23, effective August 31, 1997; 25 SDR 21, effective August 27, 1998; 26 SDR 21, effective August 23, 1999; 27 SDR 13, effective August 27, 2000.

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

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

 **41:06:50:02.  Open unit and season dates.** Early fall Canada goose hunting season is open September 1 through September 30. This season is open statewide except in Units 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.

 **41:06:50:03.  Daily and possession limits.** The daily limit is 15 Canada geese. A person may have in possession no more than three times the daily limit of Canada geese taken according to the daily limit.

 **Source:** 23 SDR 38, effective September 26, 1996; 24 SDR 23, effective August 31, 1997; 25 SDR 21, effective August 27, 1998; 26 SDR 21, effective August 23, 1999; 37 SDR 18, effective August 16, 2010; 39 SDR 32, effective September 5, 2012; 40 SDR 29, effective August 20, 2013; 44 SDR 151, effective April 30, 2018; 46 SDR 116, effective April 29, 2020; 47 SDR 110, effective April 29, 2021.

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

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

 **41:06:50:04.  Eligibility requirements and restrictions.** Repealed.

 **Source:** 23 SDR 38, effective September 26, 1996; 27 SDR 13, effective August 27, 2000; 28 SDR 24, effective August 28, 2001; 32 SDR 31, effective August 29, 2005; 34 SDR 49, effective August 22, 2007; 46 SDR 116, effective April 29, 2020; 48 SDR 132, effective July 5, 2022.

**CHAPTER 41:06:51**

**CUSTER STATE PARK HORSEBACK TROPHY BISON BULL HARVEST**

(Repealed. 27 SDR 111, effective May 8, 2001)

**CHAPTER 41:06:52**

**ELK DEPREDATION HUNT**

(Repealed. 43 SDR 89, effective December 29, 2016

Section

41:06:52:01 Repealed.

41:06:52:02 Repealed.

41:06:52:03 Repealed.

41:06:52:04 Repealed.

41:06:52:05 Repealed.

41:06:52:06 Repealed.

41:06:52:07 Repealed.

 **41:06:52:01.  Elk depredation hunt established.** Repealed.

 **Source:** 24 SDR 72, effective November 30, 1997; 25 SDR 59, effective October 26, 1998; 26 SDR 85, effective December 26, 1999; 36 SDR 39, effective September 23, 2009; 43 SDR 89, effective December 29, 2016.

 **41:06:52:02.  Permit numbers authorized -- Fee.** Repealed.

 **Source:** 24 SDR 72, effective November 30, 1997; 25 SDR 59, effective October 26, 1998; 26 SDR 85, effective December 26, 1999; 43 SDR 89, effective December 29, 2016.

 **41:06:52:03.  Applicant selection process.** Repealed.

 **Source:** 24 SDR 72, effective November 30, 1997; 26 SDR 85, effective December 26, 1999; 36 SDR 39, effective September 23, 2009; 43 SDR 89, effective December 29, 2016.

 **41:06:52:04.  Affected qualified landowners eligible for permit.** Repealed.

 **Source:** 24 SDR 72, effective November 30, 1997; 26 SDR 85, effective December 26, 1999; 43 SDR 89, effective December 29, 2016.

 **41:06:52:05.  Eligibility for future elk season affected.** Repealed.

 **Source:** 24 SDR 72, effective November 30, 1997; 25 SDR 59, effective October 26, 1998; 36 SDR 39, effective September 23, 2009; 43 SDR 89, effective December 29, 2016.

 **41:06:52:06.  Affected landowner to allow free access.** Repealed.

 **Source:** 24 SDR 72, effective November 30, 1997; 43 SDR 89, effective December 29, 2016.

 **41:06:52:07.  Selection of permit holders -- Payment of fee.** Repealed.

 **Source:** 24 SDR 72, effective November 30, 1997; 36 SDR 39, effective September 23, 2009; 43 SDR 89, effective December 29, 2016.

**CHAPTER 41:06:53**

**HUNTER SAFETY COURSE**

Section

41:06:53:01 Hunter safety course requirements.

41:06:53:02 Hunter safety courses -- When and where offered.

41:06:53:03 Volunteer instructors.

41:06:53:04 Reimbursement for instructor expenses.

41:06:53:05 Certificates issued on completion of course.

 **41:06:53:01  Hunter safety course requirements.** The hunter safety course shall consist of not less than ten hours of instruction.

 **Source:** 24 SDR 107, effective February 26, 1998.

 **General Authority:** SDCL 41-7-2.

 **Law Implemented:** SDCL 41-7-2.

 **41:06:53:02.  Hunter safety courses -- When and where offered.** A hunter safety course shall be offered two times each year in every county or as deemed necessary by the conservation officer responsible for the county.

 **Source:** 24 SDR 107, effective February 26, 1998.

 **General Authority:** SDCL 41-7-2.

 **Law Implemented:** SDCL 41-7-2.

 **41:06:53:03.  Volunteer instructors.** Conservation officers and other department employees shall recruit, train, and equip volunteer instructors to teach hunter safety courses.

 **Source:** 24 SDR 107, effective February 26, 1998.

 **General Authority:** SDCL 41-7-2.

 **Law Implemented:** SDCL 41-7-2.

 **41:06:53:04.  Reimbursement for instructor expenses.** An instructor may be reimbursed for expenses incurred in conducting hunter safety courses in the amount of three dollars per student enrolled. No more than one instructor may file for reimbursement for each class. To claim such reimbursement, the instructor must submit a voucher approved by a conservation officer, together with a list of the names of students attending the course.

 **Source:** 24 SDR 107, effective February 26, 1998; 34 SDR 242, effective April 7, 2008.

 **General Authority:** SDCL 41-7-2.

 **Law Implemented:** SDCL 41-7-2.

 **41:06:53:05.  Certificates issued on completion of course.** The instructor shall sign and issue a certificate of completion to each person who completes a hunter safety course.

 **Source:** 24 SDR 107, effective February 26, 1998.

 **General Authority:** SDCL 41-7-2.

 **Law Implemented:** SDCL 41-7-2.

**CHAPTER 41:06:54**

**PHEASANT HUNTING FOR DISABLED VETERANS**

Section

41:06:54:01 Special pheasant hunting authorized -- Valid on private land only.

41:06:54:02 Season length – Shooting hours -- Bag limits -- License requirements.

41:06:54:03 Application process.

41:06:54:04 Repealed.

41:06:54:05 Season assistants.

41:06:54:06 Report required.

 **41:06:54:01.  Special pheasant hunting authorized -- Valid on private land only.** Upon application by a sponsoring nonprofit organization, a special pheasant hunting season for qualifying disabled veterans and purple heart recipients may be established anytime beginning September 1 through the end of the regular pheasant hunting season. A special pheasant hunting season is valid only on private lands.

 **Source:** 24 SDR 176, effective June 21, 1998; 43 SDR 31, effective September 14, 2016; 46 SDR 116, effective April 29, 2020; 47 SDR 137, effective June 29, 2021.

 **General Authority:** SDCL 41-2-18(2)(17), 41-11-5.5.

 **Law Implemented:** SDCL 41-2-18(2)(17), 41-11-5.5.

 **41:06:54:02.  Season length -- Shooting hours -- Bag limits – License requirements.** The shooting hours for a special pheasant hunting season are sunrise to sunset except that after the start of the regular state pheasant season established pursuant to chapter 41:06:08, shooting hours are the same as those established for the regular state pheasant hunting season. The bag limit is three male pheasants. No hunting license or fee is required of qualifying disabled veterans and purple heart recipients.

 **Source:** 24 SDR 176, effective June 21, 1998; 43 SDR 31, effective September 14, 2016; 46 SDR 116, effective April 29, 2020.

 **General Authority:** SDCL 41-2-18(2)(17), 41-11-5.5.

 **Law Implemented:** SDCL 41-2-18(2)(17), 41-11-5.5.

 **41:06:54:03.  Application process.** A sponsoring nonprofit organization shall complete and submit an application to the department stating the name, address, and phone number of the sponsoring organization; the requested date of the season; the location of the hunt; and the name of any landowner providing the land for the hunt.

 **Source:** 24 SDR 176, effective June 21, 1998; 46 SDR 116, effective April 29, 2020.

 **General Authority:** SDCL 41-2-18(12), 41-11-5.5.

 **Law Implemented:** SDCL 41-2-18(12), 41-11-5.5.

 **41:06:54:04.  Season eligibility.** Repealed.

 **Source:** 24 SDR 176, effective June 21, 1998; 43 SDR 31, effective September 14, 2016.

 **41:06:54:05.  Season assistants.** A person assisting in a special pheasant season conducted prior to the regular state pheasant hunting season who does not meet the qualifications to hunt in the special season may not actively participate in shooting pheasants.

 **Source:** 24 SDR 176, effective June 21, 1998; 46 SDR 116, effective April 29, 2020.

 **General Authority:** SDCL 41-2-18(2), 41-11-5.5.

 **Law Implemented:** SDCL 41-2-18(2), 41-11-5.5.

 **41:06:54:06.  Report required.** The sponsor of a special pheasant hunting season for disabled veterans shall provide a report of the season to the department after the date of the special season. That report must include the name and address of each participant and the total number of pheasants harvested during the season.

 **Source:** 24 SDR 176, effective June 21, 1998; 46 SDR 116, effective April 29, 2020.

 **General Authority:** SDCL 41-2-18(2), 41-11-5.5.

 **Law Implemented:** SDCL 41-2-18(2), 41-11-5.5.

**CHAPTER 41:06:55**

## YOUTH PHEASANT HUNTING SEASON

Section

41:06:55:01 Special youth pheasant hunting season established -- Not valid on certain public road rights-of-way.

41:06:55:02 Shooting hours -- Bag and possession limits -- License requirements.

41:06:55:03 Season eligibility.

41:06:55:04 Adult armed accompaniment prohibited.

 **41:06:55:01.  Special youth pheasant hunting season established -- Not valid on certain public road rights-of-way.** A special youth pheasant hunting season is open statewide for nine consecutive days beginning 21 days prior to the third Saturday of October and includes Lacreek National Wildlife Refuge. The youth pheasant hunting season is not open on public road rights-of-way except for those public road rights-of-way as defined in SDCL 41-9-1.3 and contiguous to and a part of those public lands identified in § 41:06:58:02.

 **Source:** 25 SDR 141, effective May 27, 1999; 27 SDR 101, effective April 18, 2001; 29 SDR 160, effective June 3, 2003; 31 SDR 191, effective June 7, 2005; 33 SDR 212, effective June 4, 2007; 34 SDR 297, effective June 4, 2008; 46 SDR 147, effective July 2, 2020.

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

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

 **41:06:55:02.  Shooting hours -- Bag and possession limits -- License requirements.** The shooting hours are 10:00 a.m. Central Time to sunset each day. The bag limit is three male pheasants daily, and no person may have in possession more than 15 male pheasants taken according to the daily bag limit.

 **Source:** 25 SDR 141, effective May 27, 1999; 27 SDR 101, effective April 18, 2001; 29 SDR 160, effective June 3, 2003; 33 SDR 212, effective June 4, 2007; 34 SDR 297, effective June 4, 2008; 46 SDR 116, effective April 29, 2020.

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

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

 **41:06:55:03.  Season eligibility.** A person who has not reached age 18 is eligible for this youth pheasant season.

 **Source:** 25 SDR 141, effective May 27, 1999; 34 SDR 297, effective June 4, 2008.

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

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

 **41:06:55:04.  Adult armed accompaniment prohibited.** If a parent or guardian is required to accompany the youth, the parent or guardian may not carry a firearm or actively participate in shooting pheasants. This section does not prohibit the carrying of a concealed pistol pursuant to state law.

 **Source:** 25 SDR 141, effective May 27, 1999; 27 SDR 101, effective April 18, 2001; 30 SDR 189, effective June 7, 2004; 47 SDR 137, effective June 29, 2021.

 **General Authority:** SDCL 41-2-18(2)(17), 41-6-13.

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

**CHAPTER 41:06:56**

**BIGHORN SHEEP HUNTING SEASON**

Section

41:06:56:01 Bighorn sheep hunting season established.

41:06:56:02 Open units.

41:06:56:03 Number and type of licenses.

41:06:56:04 Application requirements and restrictions.

41:06:56:05 Mandatory briefing and check-in.

41:06:56:06 One bighorn sheep license available by auction.

41:06:56:07 Criteria for selection by commission of exempt organization.

41:06:56:08 Application procedures.

41:06:56:09 Repealed.

41:06:56:10 Selection of organization by commission.

41:06:56:11 Execution of agreement on participation in bighorn sheep auction license -- Contents of agreement.

 **41:06:56:01.  Bighorn sheep hunting season established.** The bighorn sheep hunting season is open from one-half hour before sunrise to one-half hour after sunset each day beginning on September 1 through December 31.

 **Source:** 26 SDR 162, effective June 14, 2000; 32 SDR 203, effective June 5, 2006; 34 SDR 297, effective June 4, 2008; 36 SDR 215, effective July 1, 2010; 44 SDR 151, effective April 30, 2018; 46 SDR 116, effective April 29, 2020.

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

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

 **Cross-References:**

 Resident big game license required, SDCL 41-6-19.

 **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 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 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).

 **41:06:56:03.  Number and type of licenses.** No more than twenty ram bighorn sheep licenses may be issued for the bighorn sheep hunting season. One bighorn sheep license may be issued for sale by auction pursuant to the procedures established in this chapter, valid for one ram bighorn sheep.

 **Source:** 26 SDR 162, effective June 14, 2000; 29 SDR 160, effective June 3, 2003; 30 SDR 171, effective May 11, 2004; 33 SDR 212, effective June 4, 2007; 34 SDR 297, effective June 4, 2008; 37 SDR 215, effective May 31, 2011; 38 SDR 213, effective June 19, 2012; 39 SDR 133, effective February 11, 2013; 40 SDR 175, effective February 11, 2014; 44 SDR 93, effective December 4, 2017; 44 SDR 151, effective April 30, 2018; 46 SDR 116, effective April 29, 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).

 **41:06:56:04.  Application requirements and restrictions.** Except for the auction license, an application for license may be made by any resident who has not been previously issued a bighorn sheep license in this state. Landowner-operator preference does not apply to the bighorn sheep hunting season. Persons who are eligible for a bighorn sheep license may apply for both a bighorn sheep license and a Custer State Park bighorn sheep license. Applicants who successfully draw more than one bighorn sheep license are subject to the provisions as set forth in § 41:06:01:03. The license designated by the commission as an auction license as set in the provisions of § 41:06:56:03 is available to residents and nonresidents.

 **Source:** 26 SDR 162, effective June 14, 2000; 39 SDR 120, effective January 9, 2013; 44 SDR 151, effective April 30, 2018; 46 SDR 116, effective April 29, 2020.

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

 **Law Implemented:** SDCL 41-2-18(12)(13).

 **41:06:56:05.  Mandatory briefing and check-in.** Each bighorn sheep licensee shall attend an orientation meeting at the regional office in Rapid City preceding the first day of hunting by the licensee. All successful hunters must submit their bighorn sheep to a designated department representative for inspection and permanent marking within 24 hours after the kill.

 **Source:** 26 SDR 162, effective June 14, 2000; 46 SDR 116, effective April 29, 2020; 48 SDR 115, effective May 24, 2022.

 **General Authority:** SDCL 41-2-18(1)(2)(9).

 **Law Implemented:** SDCL 41-2-18(1)(2)(9).

 **41:06:56:06.  One bighorn sheep license available by auction.** One bighorn sheep license shall be allocated as an auction license in § 41:06:56:03 if a minimum of three bighorn sheep licenses are approved by the commission. The commission shall determine in which unit or units the auction license is valid. The auction license made available to a successful bidder at an auction to be conducted by a nonprofit organization organized for and devoted to providing big game management, preservation, propagation, habitat, and research and recognized as an exempt organization under § 501(c)(3) of the United States Internal Revenue Code.

 **Source:** 39 SDR 120, effective January 9, 2013; 46 SDR 116, effective April 29, 2020.

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

 **Law Implemented:** SDCL 41-2-18(12)(13).

 **41:06:56:07.  Criteria for selection by commission of exempt organization.** Any organization meeting the basic requirements in § 41:06:56:06 may apply for selection as the participant for the auction license authorized by that section. The commission shall consider the following criteria in selecting the participant for the auction license:

 (1)  The organization's goals and objectives relating to big game management;

 (2)  The methods used by the organization to achieve its goals and objectives relating to big game management;

 (3)  The organization's experience in raising funds for big game management and the methods it uses;

 (4)  The organization's projects and past accomplishments relating to big game management, preservation, propagation, habitat, and research;

 (5)  The financial stability and integrity of the organization; and

 (6)  The ability of the organization to fulfill the intent of and the terms of the agreement as specified in § 41:06:56:11.

 **Source:** 39 SDR 120, effective January 9, 2013.

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

 **Law Implemented:** SDCL 41-2-18(12)(13).

 **41:06:56:08.  Application procedures.** An organization interested in applying for selection as the participant in the bighorn sheep auction license shall submit its application letter to the department. The application shall include:

 (1)  A statement that if selected as the participant, the organization will enter into the agreement referred to in § 41:06:56:11;

 (2)  The organization's federal tax exempt identification number and verification of its effective status;

 (3)  Evidence of the organization's goals and objectives relating to big game management, including a statement of the goals and objectives;

 (4)  Evidence of the organization's methods used in achieving its goals and objectives relating to big game management;

 (5)  Evidence of the organization's experience in fund raising and the methods it uses to raise funds for big game management, including the conduct of any auction;

 (6)  Identification and explanation of the organization's specific projects and past accomplishments relating to big game management, preservation, propagation, habitat, and research;

 (7)  Financial records showing evidence of the organization's financial stability and integrity; and

 (8)  Any other information necessary to substantiate the organization's compliance with the criteria to be considered by the commission.

 **Source:** 39 SDR 120, effective January 9, 2013; 46 SDR 116, effective April 29, 2020.

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

 **Law Implemented:** SDCL 41-2-18(12)(13).

 **41:06:56:09.  Application deadline.** Repealed.

 **Source:** 39 SDR 120, effective January 9, 2013; 46 SDR 11, effective July 29, 2019.

 **41:06:56:10.  Selection of organization by commission.** The commission shall review and evaluate the information contained in each application letter according to the criteria listed in § 41:06:56:08. The commission shall, by resolution, select the participant it considers best qualified. The department secretary shall notify all applicants regarding the commission's selection.

 **Source:** 39 SDR 120, effective January 9, 2013.

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

 **Law Implemented:** SDCL 41-2-18(12)(13).

 **41:06:56:11.  Execution of agreement on participation in bighorn sheep auction license -- Contents of agreement.** The participant selected and the commission shall enter into an agreement to auction a bighorn sheep license. The agreement shall contain the following terms and conditions:

 (1)  The department shall make available for auction and shall issue one bighorn sheep license to the successful bidder;

 (2)  The successful bidder shall be of legal hunting age and not otherwise be prohibited from possessing a valid hunting license because of any other legal prohibitions and restrictions;

 (3)  The participant which conducts the bighorn sheep auction is accountable to the department for the total amount of the winning bid for the auction license within 14 days of the date the license is auctioned;

 (4)  The name and address of the successful bidder shall be provided by the participant to the department within 14 days after the auction and the department shall issue the successful bidder one bighorn sheep license if all terms of the agreement and rules have been complied with; and

 (5)  The bighorn sheep auction license is subject to all applicable hunting laws and rules in SDCL title 41 and ARSD article 41:06.

 **Source:** 39 SDR 120, effective January 9, 2013.

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

 **Law Implemented:** SDCL 41-2-18(12)(13).

**CHAPTER 41:06:57**

**PRAIRIE DOG SHOOTING SEASON**

(Repealed. SL 2011, ch 193)

**CHAPTER 41:06:58**

**RESIDENT PHEASANT HUNTING SEASON**

# Section

41:06:58:01 Resident pheasant hunting season established.

41:06:58:02 Areas open to hunting.

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

41:06:58:04 Season eligibility.

 **41:06:58:01.  Resident pheasant hunting season established.** A resident pheasant hunting season is open statewide for three consecutive days beginning on the second Saturday of October.

 **Source:** 27 SDR 101, effective April 18, 2001; 31 SDR 191, effective June 7, 2005.

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

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

 **41:06:58:02.  Areas open to hunting.** The resident pheasant hunting season is only open to hunting on the following areas:

 (1)  All department owned, leased, managed, or controlled property otherwise open to hunting;

 (2)  Department managed or leased property designated as a Walk In Area;

 (3)  Property otherwise open to the hunting of upland game birds located on U.S. Fish and Wildlife Service waterfowl production areas, U.S. Bureau of Reclamation property, U.S. Forest Service National Grasslands property, U.S. Army Corps of Engineers property adjacent to the Missouri River, and State School and Public Lands; and

 (4)  Public road rights-of-way as defined in SDCL 41-9-1.3 which are contiguous to and a part of those public lands as identified in subdivisions (1), (2), and (3).

 **Source:** 27 SDR 101, effective April 18, 2001; 31 SDR 191, effective June 7, 2005; 46 SDR 116, effective April 29, 2020.

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

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

 **41:06:58:03.  Shooting hours -- Bag and possession limits -- License requirements.** The shooting hours are 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; 47 SDR 38, effective October 6, 2020.

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

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

 **41:06:58:04.  Season eligibility.** Only residents of the state are eligible to hunt during this season.

 **Source:** 27 SDR 101, effective April 18, 2001.

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

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

**CHAPTER 41:06:59**

**PRAIRIE ELK HUNTING SEASON**

Section

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

41:06:59:02 Open units.

41:06:59:03 Repealed.

41:06:59:04 Repealed.

 **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 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 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, 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).

 **41:06:59:03.  Licenses valid for type of elk and unit specified.** Repealed.

 **Source:** 27 SDR 111, effective May 8, 2001; repealed, 39 SDR 10, effective August 1, 2012.

 **41:06:59:04.  Application requirements and restrictions.** Repealed.

 **Source:** 27 SDR 111, effective May 8, 2001; 28 SDR 166, effective June 4, 2002; 29 SDR 160, effective June 3, 2003; 33 SDR 212, effective June 4, 2006; repealed, 39 SDR 10, effective August 1, 2012.

**CHAPTER 41:06:60**

**CUSTER STATE PARK NON-TROPHY BISON HARVEST**

Section

41:06:60:01 Season established.

41:06:60:02 Number and type of licenses.

41:06:60:03 Repealed.

41:06:60:04 Guide required.

41:06:60:05 Preference established.

 **41:06:60:01.  Season established.** The non-trophy bison harvest in Custer State Park is open for 40 days beginning the first Monday in October. A licensee is restricted to one day for the hunt.

 **Source:** 29 SDR 160, effective June 3, 2003; 41 SDR 173, effective May 11, 2015; 42 SDR 146, effective May 5, 2016; 44 SDR 17, effective August 7, 2017; 44 SDR 184, effective June 25, 2018; 46 SDR 116, effective April 29, 2020.

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

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

 **41:06:60:02.  Number and type of licenses.** Fifteen non-trophy bull bison licenses are available by lottery, with seven non-trophy bull bison licenses allocated to residents in a first draw. No cow bison licenses may be issued.

 **Source:** 29 SDR 160, effective June 3, 2003; 39 SDR 204, effective June 11, 2013; 42 SDR 146, effective May 5, 2016; 44 SDR 17, effective August 7, 2017.

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

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

 **41:06:60:03.  Bag and possession limit.** Repealed.

 **Source:** 29 SDR 160, effective June 3, 2003; 46 SDR 116, effective April 29, 2020.

 **41:06:60:04.  Guide required.** A licensee shall be accompanied by an authorized Custer State Park official while hunting.

 **Source:** 29 SDR 160, effective June 3, 2003.

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

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

 **41:06:60:05.  Preference established.** The department shall give preference, utilizing the procedure established for unsuccessful applicants in § 41:06:01:10, to applicants who are unsuccessful in drawing licenses authorized by this chapter. Applicants may apply for no more than one license in the initial lottery. Successful applicants may apply for additional licenses as provided in § 41:06:01:09.

 **Source:** 29 SDR 160, effective June 3, 2003; 39 SDR 204, effective June 11, 2013.

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

 **Law Implemented:** SDCL 41-2-18(12)(13).

**CHAPTER 41:06:61**

**MOUNTAIN LION HUNTING SEASON**

Section

41:06:61:01 Mountain lion hunting season established.

41:06:61:02 Black Hills Fire Protection District -- Harvest limit -- Season dates -- Season closure.

41:06:61:03 Repealed.

41:06:61:04 Season extension -- Commission resolution required.

41:06:61:05 Repealed.

41:06:61:06 Application requirements -- License and season restrictions -- Special conditions -- Carcass check-in procedures.

 **41:06:61:01.  Mountain lion hunting season established.** The mountain lion hunting season is open statewide year-round from one-half hour before sunrise to one-half hour after sunset each day, except as provided in § 41:06:61:02.

 **Source:** 32 SDR 45, effective September 20, 2005; 33 SDR 1, effective July 18, 2006; 35 SDR 47, effective September 8, 2008; 39 SDR 100, effective December 3, 2012; 46 SDR 116, effective April 29, 2020.

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

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

 **41:06:61:02.  Black Hills Fire Protection District -- Harvest limit -- Season dates – Season closure.** The season harvest limit for the area within the Black Hills Fire Protection District is 60 mountain lions or 40 female mountain lions. The mountain lion hunting season in the Black Hills Fire Protection District is open December 26 through April 30, provided that the department shall close the mountain lion hunting season in the Black Hills Fire Protection District if the harvest limit for that area is reached prior to April 30. Custer State Park is closed to mountain lion hunting, except for 75 persons who possess a mountain lion license and a temporary access permit structured to include:

 (1)  Four hunting intervals, each having 15 access permits in which hunting with dogs is not allowed; and

 (2)  Five hunting intervals, each having three access permits in which hunting with dogs is allowed.

 Hunting in Custer State Park must begin with an interval that allows the use of dogs and must rotate every 14 days with an interval that does not allow the use of dogs, until the mountain lion season closes in the Black Hills Fire Protection District. The temporary access permits are issued free of charge and may be issued by a random drawing.

 **Source:** 32 SDR 45, effective September 20, 2005; 33 SDR 1, effective July 18, 2006; 34 SDR 67, effective September 10, 2007; 35 SDR 47, effective September 8, 2008; 36 SDR 31, effective September 3, 2009; 37 SDR 112, effective December 8, 2010; 38 SDR 101, effective December 5, 2011; 39 SDR 100, effective December 3, 2012; 40 SDR 113, effective December 16, 2013; 42 SDR 93, effective December 30, 2015; 46 SDR 74, effective December 2, 2019; 46 SDR 116, effective April 29, 2020; 48 SDR 60, effective December 8, 2021.

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

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

 **41:06:61:03.  Prairie unit description -- Number of licenses available -- Licenses available only to resident landowners.** Repealed.

 **Source:** 32 SDR 45, effective September 20, 2005; repealed, 34 SDR 67, effective September 10, 2007.

 **41:06:61:04.  Season extension -- Commission resolution required.** The commission may, by resolution, extend the mountain lion hunting season past April 30.

 **Source:** 32 SDR 45, effective September 20, 2005; 33 SDR 1, effective July 18, 2006; 35 SDR 47, effective September 8, 2008; 46 SDR 74, effective December 2, 2019.

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

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

 **41:06:61:05.  Licenses valid only for unit specified.** Repealed.

 **Source:** 32 SDR 45, effective September 20, 2005; repealed, 39 SDR 10, effective August 1, 2012.

 **41:06:61:06.  Application requirements -- License and season restrictions -- Special conditions -- Carcass check-in procedures.** The following requirements, restrictions, special conditions, and procedures apply to all applications for license and to all licenses issued under this chapter:

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

 (2)  No person may harvest more than one mountain lion in a season;

 (3)  No person may harvest or attempt to harvest a mountain lion with a spotted coat or any mountain lion accompanying another mountain lion;

 (4)  No person may hunt mountain lions with the aid of traps or bait;

 (5)  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)  No person may release dogs on tracks indicating multiple mountain lions traveling together;

 (7)  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)  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)  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)  All mountain lions harvested must be presented to a department representative within 24 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.

**CHAPTER 41:06:62**

**HUNT FOR HABITAT**

# Section

41:06:62:01 Season established.

41:06:62:02 License valid period.

41:06:62:03 Number of licenses.

41:06:62:03 Applications allowed.

 **41:06:62:01.  Season established.** Tags issued with a hunt for habitat hunting license are valid during any hunting season provided in Article 41:06 that allows the licensee to take any animal that is permitted if the licensee abides by the requirements and restrictions for the hunting season.

 **Source:** 45 SDR 155, effective June 24, 2019.

 **General Authority:** SDCL 41-2-18(1)(2)(17), 41-6-84.

 **Law Implemented:** SDCL 41-2-18(1)(2)(17), 41-6-84.

 **41:06:62:02.  License valid period.** Each hunt for habitat license tag shall be valid during the calendar year of drawing or subsequent calendar year.

 **Source:** 45 SDR 155, effective June 24, 2019.

 **General Authority:** SDCL 41-2-18(1)(2)(17), 41-6-84.

 **Law Implemented:** SDCL 41-2-18(1)(2)(17), 41-6-84.

 **41:06:62:03.  Number of licenses.** One "any bison" license, two "any deer" licenses, and three license packages with each having one "any deer" and one "any elk" tag may be issued. Both residents and nonresidents are eligible to receive the single "any deer" tag deer licenses, the license packages and the "any bison" license, provided no more than one license package may be issued to a nonresident.

 **Source:** 45 SDR 155, effective June 24, 2019; 50 SDR 62, effective November 27, 2023.

 **General Authority:** SDCL 41-2-18(1)(2), 41-6-84.

 **Law Implemented:** SDCL 41-2-18(1)(2), 41-6-84.

 **41:06:62:04.  Applications allowed.** Any person who is eligible to hold a hunting license in this state may submit an unlimited number of applications for hunt for habitat licenses. Unsuccessful applicants will not accrue preference points for these drawings.

 **Source:** 45 SDR 155, effective June 24, 2019.

 **General Authority:** SDCL 41-2-18(1)(2)(17), 41-6-84.

 **Law Implemented:** SDCL 41-2-18(1)(2)(17), 41-6-84.

**CHAPTER 41:06:63**

**YOUTH DEER HUNTING SEASON**

# Section

41:06:63:01 Youth deer hunting season -- Established.

41:06:63:02 Number and types of licenses availble.

41:06:63:03 Open units.

41:06:63:04 Closed areas.

41:06:63:05 Application eligibility -- Restrictions.

 **41:06:63:01.  Youth deer hunting season -- Established.** The youth deer hunting season is open statewide from one-half hour before sunrise to one-half hour after sunset beginning on the second Saturday of September through January 1.

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

 **General Authority:** SDCL 41-2-18(2)(17), 41-6-21.

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

 **41:06:63:02.  Number and types of licenses available.** An unlimited number of "antlerless deer" and "antlerless whitetail deer" licenses may be issued for this season. Youth deer hunters are limited to one "antlerless deer" or "antlerless whitetail deer" licenses for areas open to youth deer hunting.

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

 **General Authority:** SDCL 41-2-18(2)(17), 41-6-21.

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

 **41:06:63:03.  Open units.** The following is a description of the open units:

 (1)  Unit YOD-03: West River Units 02A, 15A, 15B, 31A, 35A, 35C, 35L, 49A, 49B, 53A, 53C, and 64A. Only a single tag "any antlerless deer" license is valid in this unit.

 (2)  Unit YOD-13: That portion of the state not included in Unit YOD-03. Only a single tag "antlerless whitetail deer" license is valid in this unit.

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

 **General Authority:** SDCL 41-2-18(2)(17), 41-6-21.

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

 **41:06:63:04.  Closed areas.** The youth deer season is closed and licenses are not valid in the following areas:

 (1)  Sand Lake National Wildlife Refuge in Brown County, unless otherwise allowed by the refuge;

 (2)  Lacreek National Wildlife Refuge in Bennett County, unless otherwise allowed by the refuge;

 (3)  Lake Andes National Wildlife Refuge in Charles Mix County, unless otherwise allowed by the refuge; and

 (4)  Waubay National Wildlife Refuge and Waubay State Game Bird Refuge in Day County, unless otherwise allowed by the refuge.

 **Source:** 47 SDR 137, effective June 29, 2021; 49 SDR 124, effective July 3, 2023.

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

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

 **41:06:63:05.  Application eligibility -- Restrictions.** The following are eligible to participate in the youth deer season:

 (1)  Any person who has reached the age of 12 years during the period September through December 31 and has not reached the age of 18 years by June 30; and

 (2)  Any person who has not received a mentored deer license.

 Land operator preference is not applicable under this chapter.

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

 **General Authority:** SDCL 41-2-18(2)(17), 41-6-21.

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

**CHAPTER 41:06:64**

**RESIDENT DISABLED VETERAN DEER HUNTING SEASON**

# Section

41:06:64:01 Deer hunting season for resident disabled veterans established -- Eligibility.

41:06:64:02 Number and types of licenses available -- Application process.

 **41:06:64:01.  Deer hunting season for resident disabled veterans established -- Eligibility.** The disabled veteran deer hunting season is open statewide on private land from one-half hour before sunrise to one-half hour after sunset beginning on the second Saturday of September through January 1.

 A resident qualifies if:

 (1)  The veteran has been adjudicated by the United States Department of Veterans Affairs as 20 percent or more disabled due to a service-connected disability or has received the United States Department of Veterans Affairs K Award;

 (2)  The veteran served on active duty in the armed forces of the United States or has served as a member of the armed forces reserve or national guard, and the veteran is 40 percent or more disabled for purposes of receiving social security benefits; or

 (3)  The veteran is a purple heart recipient.

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

 **General Authority:** SDCL 41-2-18(2)(17), 41-6-21.

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

 **41:06:64:02.  Number and types of licenses available -- Application process.** A sponsoring nonprofit organization shall complete and submit an application to the department stating the name, address, and phone number of the sponsoring organization and the name of any landowner providing the land for the hunt. No more than 50 "any deer" licenses may be issued with no more than 10 of the allocated licenses issued per sponsoring nonprofit organization. The sponsoring nonprofit organization shall be responsible for license fees.

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

 **General Authority:** SDCL 41-2-18(2)(17), 41-6-21.

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