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41:06:04:04. Accompaniment by nonlicensee Nonlicensee armed

accompaniment prohibited -- Exception. While hunting in the field during a big game season, no licensee possessing a firearm big game license may be accompanied by another person carrying 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 ~~firearm~~ big game license that is valid for the same geographic area and time of year as the licensee. For the purposes of this section, ~~firearm big game license~~ means any license that authorizes the licensee to use a firearm, including a muzzleloading firearm, in the taking of big game animals. The provisions of this section do not apply to any person who is carrying a pistol and possesses a valid concealed pistol permit as provided in SDCL chapter 23-7. 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.

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

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

41:06:04:14. Muzzleloading restrictions. In seasons restricted to muzzleloading rifles, ~~only rifles with open sights may be used. Telescopic~~ No telescopic sights and smokeless powder are not allowed may be used. Telescopic sights are those sights that utilize magnification.

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Source: 21 SDR 102, effective December 8, 1994; 28 SDR 166, effective June 4, 2002.

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

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

41:06:16:03. Daily bag limit. The daily bag limit for ducks is six ducks. The total daily limit of six ducks may include no more than two redheads, ~~two~~ four scaup, three wood ducks, two pintails, one canvasback, and five mallards of which no more than two may be hen mallards.

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

The daily bag limit for coot is 15.

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

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

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

41:06:16:05. Possession limit. A person may possess at any one time no more than twelve ducks. The total of twelve ducks may include no more than four redheads,

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~~four~~ eight scaup, six wood ducks, four pintails, two canvasbacks, and ten mallards of which no more than four may be hen mallards.

A person may possess at any time no more than ten mergansers, of which no more than four may be hooded mergansers.

A person may possess at any one time no more than 30 coot 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.

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 86 consecutive days beginning on the last Saturday of September. A Conservation Order is open statewide for 79 consecutive days beginning on the 106th day from the Saturday closest to November 1. 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

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(Pub. L. No. 106-108,) effectively reinstating regulations intended to reduce the population of mid-continent light geese (MCLG). The law authorizes the use of additional hunting methods (electronic calls and unplugged guns) to increase the take of MCLG. As a result, a Conservation Order for the reduction of the MCLG population was authorized.

Additionally, an August Management Take for the taking of Canada geese is open to South Dakota residents for 16 consecutive days beginning on the Saturday immediately prior to August 16, inclusive, in the counties of Brookings, Clark, Codington, Day, Deuel, Hamlin, Hanson, Grant, Kingsbury, Lake, Lincoln, McCook, Marshall, Minnehaha, Miner, Moody, Roberts, and Union.

The white-fronted goose season is open statewide for 86 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 Campbell, Marshall, Roberts, Day, Clark, Codington, Grant, Hamlin, Deuel, Walworth, 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 7 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, south on U.S. Highway 281 to State Highway 50, east and south to State Highway 50 to the Bon Homme-Yankton county boundary, McPherson, Edmunds, Kingsbury, Brookings, Lake, Moody, Miner, Faulk, Hand, Jerauld, Douglas, Hutchinson,

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Turner, Lincoln, Union, Clay, Yankton, Aurora, Beadle, Davison, Hanson, Sanborn, Spink, Brown, Harding, Butte, Lawrence, Meade, Pennington, ~~Perkins~~, Shannon, Jackson, Mellette, Todd, Jones, Haakon, Corson, Ziebach, Tripp, McCook, and Minnehaha. The season is open for 107 consecutive days, less the number of days set aside for the Early Fall Canada Goose season as established in chapter 41:06:50 beginning October 1;

(2) Unit 2: the counties of Perkins, Gregory, Charles Mix, Brule, Bon Homme, Buffalo, Lyman, Stanley, Hughes, that portion of Hyde County south of U.S. Highway 44 34, that portion of Sully County west of U.S. Highway 83, that portion of Potter County west of U.S. Highway 83, those portions of Hyde, Buffalo, Brule, Charles Mix, and Bon Homme counties south and west of a line beginning at the Hughes-Hyde county line on State Highway 34, east to Lees Boulevard, southeast to State Highway 34, east 7 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, south on U.S. Highway 281 to State Highway 50, east and south on State Highway 50 to the Bon Homme-Yankton county boundary, that portion of Fall River County east of State Highway 71 and U.S. Highway 385, that portion of Custer County east of State Highway 79 and south of French Creek, and that portion of Dewey County south 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. The season is open for 105 consecutive days beginning on the Saturday closest to November 1;

(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.

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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.

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

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

41:08:02:06. Body grip trap restrictions. The following restrictions apply to the use of body grip traps commonly know as conibears:

(1) No person may set or operate above the water's edge of a stream, river, or other body of water a body grip trap ~~or killer trap~~ with a jaw spread greater than of eight inches ~~or more;~~ and

(2) On all public lands and public road right-of-ways statewide, no person may set or operate a body grip trap used in conjunction with any bait, lure, or scent with a jaw spread greater than six and three-quarter inches unless:

(a) The trap is recessed in a plastic, wood, or metal cubby a minimum of seven inches from the front edge of the cubby to the trigger of the trap; or

(b) The trap is set below the waters edge of a stream, river, or other body of water.

Source: 9 SDR 30, effective September 13, 1982; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 13 SDR 26, effective September 10, 1986; 14 SDR 40, effective September 23, 1987; 30 SDR 21, effective August 25, 2003.

General Authority: SDCL 41-2-18(14), 41-8-20.

Law Implemented: SDCL 41-2-18(14), 41-8-20.

41:08:02:08. Restrictions on colony traps. The size of colony traps used for muskrats may not exceed ~~12 inches in diameter and~~ 36 inches in overall length. If using a round colony trap, the diameter may not exceed 12 inches. If using a box colony trap, the height may not exceed 12 inches and the width my not exceed 12 inches.

Source: 15 SDR 24, effective August 14, 1988; 30 SDR 21, effective August 25, 2003.

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

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

ARTICLE 41:09

SPECIAL PERMITS AND LICENSES

Chapter

- 41:09:01 Private shooting preserves.
- 41:09:02 Captive game birds.
- 41:09:03 Boats for hire, Repealed.
- 41:09:04 Bait.
- 41:09:05 Frog dealers, Repealed.
- 41:09:06 Raptors.
- 41:09:07 Private fish hatcheries.
- 41:09:08 Importation of fish.
- 41:09:09 Professional goose hunting, Repealed.
- 41:09:10 Fur dealers.
- 41:09:11 Taxidermists.
- 41:09:12 Persons with disabilities.
- 41:09:13 Dog training.
- 41:09:14 Nursing home group fishing.
- 41:09:15 Fishing tournaments.
- 41:09:16 Scientific collectors.
- 41:09:17 Non-game bird damage, Repealed.
- 41:09:18 Wildlife rehabilitation.

41:09:04:03. Waters open to taking of bait. All public waters except those listed in § 41:07:01:03, the James River, Big Sioux River, Vermillion River, East Vermillion

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River, West Vermillion River, Firesteel Creek below Lake Mitchell, and Missouri River below Gavins Point Dam, and those posted as game fish rearing ponds of or special waterfowl management areas are open to the taking of bait by lawful anglers for noncommercial use. All public waters are open to the taking of bait by any licensed resident wholesale or resident retail bait dealer except those excepted above in this section and those listed as follows:

WATERS CLOSED YEAR-ROUND TO COMMERCIAL TAKING OF BAIT

AURORA COUNTY

Wilmarth

BEADLE COUNTY

Ravine

Staum

BENNETT COUNTY

Allen Dam

Little White River Project

Lacreek Refuge Pools 1-10

Lake Creek

Cedar Creek Dam 1, 2, and 3

BON HOMME COUNTY

Missouri River

Lake Lewis and Clark

Henry

BROOKINGS COUNTY

Sinai

Poinsett

Interstate Lake

BROWN COUNTY

Elm

Richmond

Pigors

Wiley Park

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BRULE COUNTY

Wells

Lake Francis Case

BUFFALO COUNTY

Lake Francis Case

Lake Sharpe

BUTTE COUNTY

Orman (Belle Fourche Reservoir)

Newell

Red Water River

CAMPBELL COUNTY

Campbell

Chester

Pocasse

Lake Oahe

CHARLES MIX COUNTY

Academy

Andes, South Unit

Andes, North Unit

Dante

Geddes

Platte

Wagner

Francis Case

Missouri River

CODINGTON COUNTY

Kampeska

Kampeska Fish Ponds (Sand Pits)

Pelican

Bramble Pond

Punished Woman

Horseshoe Lake

McKilligans Lake

CORSON COUNTY

Lake Oahe

Pudwell

CUSTER COUNTY

Bismark

Stockade

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Tetanka

Biltmore

Morristown, East and West

Center

Mallard

Legion

McGee

Sylvan

Custer Memorial Pond

All trout streams

DAVISON COUNTY

DAY COUNTY

Mitchell

Amsden

Antelope

Bitter

Blue Dog

Campbell Slough

East Krause

Enemy Swim

Hazelton

Horseshoe

Pickerel

Pierpont

Middle Lynn

Minnewasta

Owen Creek

Waubay

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DEUEL COUNTY

Alice
Bullhead
Cochrane
Gary Creek
Cobb Creek

DEWEY COUNTY

Lake Oahe
Adams
Dewberry
Eagle Butte
Isabel
Moreau #1
Moreau #2

DOUGLAS COUNTY

Corsica

EDMUNDS COUNTY

Bowdle-Hosmer
Loyalton
Mina

FALL RIVER COUNTY

Angostura
Coldbrook
All trout streams

FAULK COUNTY

Cresbard
Faulkton

GRANT COUNTY

Blue Cloud Abbey
Hunter Granite Quarry
Summit

GREGORY COUNTY

Berry
Burke
Fairfax
Herrick

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Lake Francis Case

Missouri River

HAAKON COUNTY

Sunshine

Waggoners

Kroetch

HAMLIN COUNTY

Poinsett

Mickelson Marsh

HAND COUNTY

Dakota

Jones

Louise

Pearl

Rosehill

HANSON COUNTY

Ethan

Hanson

HARDING COUNTY

Buffalo (Gardner)

HUGHES COUNTY

Woodruff

Oahe

Lake Sharpe

HUTCHINSON COUNTY

Tripp

Dimick

Menno

HYDE COUNTY

Boehm

Chappelle

Peno

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Quirk

Lake Sharpe

JERAULD COUNTY

Twin

JONES COUNTY

Murdo

Murdo Railroad

National Grassland Dams

KINGSBURY COUNTY

Iroquois

Thompson

LAKE COUNTY

Madison

Brant

Round

Herman and its connecting waters

Long Lake

LAWERENCE COUNTY

Coxes

Mirror

Mud

Reausaw

Roubaix

Iron Creek

Dalton

All trout streams

LINCOLN COUNTY

Alvin

Lakota

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LYMAN COUNTY

Brakke
Dying
Fate
Kundson
Larson
National Grassland Dams
Reliance
Lake Sharpe
Lake Francis Case

McCOOK COUNTY

Vermillion
~~E. Vermillion River above Lake~~
~~Vermillion and south of~~
~~Interstate 90~~

McPHERSON COUNTY

Eureka #1
Eureka #2
Wolff

MARSHALL COUNTY

North Buffalo
South Buffalo
Bullhead
Clear
Cottonwood
Hickman
Nine Mile
Red Iron, South
Roy
Six Mile
White

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MEADE COUNTY

Bear Butte
Curlew
Durkee
Ft. Meade BLM
Lake
Tisdale

MELLETT COUNTY

Blackpipe
Diess
Rohloff
White River Dam

MINER COUNTY

Carthage

MINNEHAHA COUNTY

Wall

PENNINGTON COUNTY

Canyon Drive
Deerfield
Horsethief
Major
Mitchell
Newton Fork
Pactola
Sheridan
State Creek Dam
Cement Plant Pond
New Underwood

PERKINS COUNTY

Shadehill
Lemon State
Flat Creek
Sorum
Coal Springs
Owen
Cole
73 Dam

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New Wall

Old Wall

Quinn

Quinn Township

Tennyson

Wicksville

All trout streams

POTTER COUNTY

Simon

Potts

Hurley

Lake Oahe

ROBERTS COUNTY

Whitestone

SANBORN COUNTY

Twin

SPINK COUNTY

Dudley

Cottonwood

Mirage

Bierman

Mud

Twin

STANLEY COUNTY

Hayes

SULLY COUNTY

Lake Oahe

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National Grassland Dams

Cottonwood

Red Plum

Fuller

Lake Oahe

Sully

Lake Sharpe

Missouri River

TODD COUNTY

Boarding School

He Dog

Hidden Timber

TRIPP COUNTY

Roosevelt

Beaulieu

Carter

King

Rahn

Sundahl

Witten

Hamill

Lone Tree

Dog Ear

Irwin

Sully

TURNER COUNTY

Swan

UNION COUNTY

McCook

WALWORTH COUNTY

YANKTON COUNTY

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Oahe

Marindahl

Hiddenwood

Yankton (Cottonwood)

Molstad

Lake Lewis and Clark

Swan

ZIEBACH COUNTY

Bednor

Lake Oahe

Glad Valley

Miller

Buffalo

**WATERS CLOSED TO COMMERCIAL TAKING OF BAIT FROM
MAY 1 TO JULY 31, INCLUSIVE**

CODINGTON COUNTY

That portion of Long Lake that lies in sections 11, 12, 13, and 14 of township 117 north, range 55 west

Goose Lake Game Production area land and water

Stover Lake in sections 8 and 9, township 118 north, range 55 west (GPA)

Cotton/Yahota Slough in section 10, township 117 north, range 53 west (GPA)

Hodgins Area (Warner Lake GPA) in section 18, township 118 north, range 55 west (GPA)

DEUEL COUNTY

Altamont Area in section 16, township 116 north, range 49 west (GPA)

HAMLIN COUNTY

Johnson's Slough in sections 21 and 28, township 113 north, range 55 west (GPA and water)

Eidsness Area in section 6, township 115 north, range 55 west (GPA)

Gertsen Slough in section 36, township 113 north, range 54 west (GPA)

MARSHALL COUNTY

Four-Mile Clubhouse (GPA)

All waters of the state, including waters bordering with other states, are closed to the harvest of mollusks for commercial purposes.

Source: SL 1975, ch 16, § 1; 10 SDR 76, 10 SDR 102, effective July 1, 1984; 11 SDR 156, effective May 27, 1985; 15 SDR 103, effective January 19, 1989; 16 SDR 114, effective January 18, 1990; 18 SDR 98, effective December 12, 1991; 19 SDR 82, effective December 7, 1992; 20 SDR 87, effective December 13, 1993; 21 SDR 102, effective December 8, 1994; 25 SDR 85, effective December 21, 1998; 27 SDR 47, effective November 12, 2000; 30 SDR 99, effective December 22, 2003; 31 SDR 89, effective December 27, 2004; 32 SDR 109, effective December 27, 2005; 34 SDR 179, effective December 24, 2007; 35 SDR 253, effective May 13, 2009; 37 SDR 112, effective December 8, 2010; 38 SDR 116, effective January 10, 2012.

General Authority: SDCL 41-2-18(1)(2)(3)(4)(5)(21).

Law Implemented: SDCL 41-2-18(1)(2)(3)(4)(5)(21), 41-6-44, 41-6-45, 41-14-35.

Chapter 41:09:18

WILDLIFE REHABILITATION

Section

41:09:18:01. Definition of terms.

41:09:18:02. Wildlife rehabilitator permit required -- Expiration.

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- 41:09:18:03. Application for wildlife rehabilitator permit.
- 41:09:18:04. Permit renewal -- Required documentation.
- 41:09:18:05. Inspection of facilities.
- 41:09:18:06. Allowed wildlife species.
- 41:09:18:07. Release of wildlife.
- 41:09:18:08. Temporary care of wildlife.
- 41:09:18:09. Financial assistance -- Wildlife rehabilitation fees.
- 41:09:18:10. Indemnification and liability.
- 41:09:18:11. Suspension and revocation of permits.

41:09:18:01. Definition of terms. Terms used in this chapter mean:

(1) "Rehabilitation," the process of rescuing, raising, or arranging for veterinary medical care of orphaned, sick, displaced, or injured wild, non-migratory animals with a goal of releasing to animals back to their natural habitats;

(2) "Rehabilitator," a person legally permitted to accept animals from another person to carry out the act of rehabilitation;

(3) "Nonreleasable animal," an animal that cannot be released back into the wild because of physical injuries or behavioral problems;

(4) "Veterinarian commitment", a signed declaration that a doctor of veterinary medicine will assist the permitted rehabilitator in such activities as assessing initial health and injury status and potential for rehabilitation, determining the need for and administering humane euthanasia tools, and in assessing health status and survival potential prior to release to the wild.

Source:

Law Implemented: SDCL 41-2-18(1)(2)(3)(20).

General Authority: SDCL 41-2-18(1)(2)(3)(20).

41:09:18:02. Wildlife rehabilitator permit required -- Expiration. A rehabilitator may not possess any wildlife species, except migratory birds, for the purpose of rehabilitation without obtaining and complying with the terms and conditions of a valid wildlife rehabilitator's permit issued by the department. A wildlife rehabilitator permit expires on January 31st. A wildlife rehabilitator permit is not required for a person to provide temporary care of migratory birds for rehabilitation purposes, if the person possesses a valid migratory bird rehabilitation permit from the U.S. Fish and Wildlife Service.

Source:

Law Implemented: SDCL 41-2-18(1)(2)(3)(20).

General Authority: SDCL 41-2-18(1)(2)(3)(20).

41:09:18:03. Application for wildlife rehabilitator permit. Only residents of South Dakota at least 21 years of age may apply for a wildlife rehabilitator permit. An applicant for a wildlife rehabilitator permit shall fill out an application form furnished by the department and submit the form to the department with a veterinarian commitment. The department reserves the right to limit the number of permitted wildlife rehabilitators.

Source:

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

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

41:09:18:04. Permit renewal -- Required documentation. A wildlife rehabilitator may renew a wildlife rehabilitator permit upon submission to the department of a permit renewal application together with a report of all wildlife rehabilitated, released, and euthanized during the previous calendar year on forms furnished by the department. A permit holder shall maintain a log of each animal taken into custody to include date the animal was received, county of origin, treatment, condition and disposition.

Source:

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

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

41:09:18:05. Inspection of facilities. Before issuance of a permit allowing the rehabilitation of wildlife, a department representative shall inspect the applicant's facilities for rehabilitating wildlife. The facilities and equipment shall comply with pages 1 to 116, inclusive, of the **Minimum Standards for Wildlife Rehabilitation**, 2012 edition, compiled by the National Wildlife Rehabilitators Association and International Wildlife Rehabilitation Council. A permitted wildlife rehabilitator shall allow any department representative to enter the rehabilitation facilities during normal hours of operation for the purpose of inspecting the facilities, logs, and wildlife held in the facilities to assure compliance with the provisions of this chapter.

Source:

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

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

Reference: **Minimum Standards for Wildlife Rehabilitation**, 2012 edition, National Wildlife Rehabilitators Association and International Wildlife Rehabilitation Council. Copies may be obtained from the National Wildlife Rehabilitators Association, 2625 Clearwater Road, Suite 110, St. Cloud, MN 56301. Cost: \$15.

41:09:18:06. Allowed wildlife species. Only those wildlife species allowed by the department listed on a permit are approved for temporary care.

Source:

Law Implemented: SDCL 41-2-18(1)(2)(3)(20).

General Authority: SDCL 41-2-18(1)(2)(3)(20).

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41:09:18:07. Release of wildlife. No successfully rehabilitated animal may be released without approval from the department's respective regional wildlife manager.

Source:

Law Implemented: SDCL 41-2-18(1)(2)(3)(20).

General Authority: SDCL 41-2-18(1)(2)(3)(20).

41:09:18:08. Temporary care of wildlife. Any animal under the temporary care of a wildlife rehabilitation permit remains the property of the state of South Dakota. No permitted wildlife rehabilitator may permanently possess any animal that is deemed nonreleasable. No rehabilitator may display any animal in the rehabilitator's temporary care. If necessary, humane euthanasia shall be administered.

Source:

Law Implemented: SDCL 41-2-18(1)(2)(3)(20).

General Authority: SDCL 41-2-18(1)(2)(3)(20).

41:09:18:09. Financial assistance -- Wildlife rehabilitation fees. The department assumes no financial obligations for and may not provide any financial assistance to a permitted wildlife rehabilitator. No permitted wildlife rehabilitator may charge any fee for any wildlife rehabilitation services.

Source:

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

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

41:09:18:10. Indemnification and liability. A person providing temporary care for any animal under the authority of a rehabilitation permit is neither an employee nor agent of the State of South Dakota. By accepting a wildlife rehabilitator's permit, a rehabilitator assumes all liability for and indemnifies and holds harmless the State of South Dakota, its

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officers, representatives and employees, against liability for personal injury, death and property damage caused by any animal or bird under the rehabilitator's care and control.

Source:

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

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

41:09:18:11. Suspension and revocation of permits. The department may pursuant to SDCL chapter 1-26 revoke or suspend a wildlife rehabilitator for any violation of the provisions of this chapter or any other state or federal wildlife laws and regulations committed by the permitted wildlife rehabilitator or any person involved in the operation of the wildlife rehabilitation facilities.

Source:

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

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