

**DEFINITION.** "Game Birds" including swans; geese; brants; puddle, diving, river, and sea ducks; wild turkeys; grouse; prairie chickens; pheasants; partridges; quail; and the hatching eggs of these game birds.

**POSSESSION OF CAPTIVE GAME BIRDS PROHIBITED – EXCEPTIONS.** A person may not possess captive game birds without a valid captive game bird license or a valid private shooting preserve permit. However, a person may possess captive game birds without a captive game bird license if the birds were acquired from a South Dakota Captive Game Bird licensee and the birds are released from captivity within two full calendar days from the date of receipt. A valid bill of sale must accompany the birds.

**CLASSES OF LICENSE AND FEES.** Captive game bird license types and fees are as follows:

- (1) Noncommercial Captive Game Bird License, authorizes the licensee to possess, produce, and release game birds from captivity. Game birds possessed under this license may not be sold or offered for sale. The fee is \$10 for residents and \$20 for nonresidents;
- (2) Commercial Captive Game Bird License, authorizes the licensee to possess, produce, release from captivity, sell, offer for sale, and ship game birds as provided in this chapter. The fee is \$50 for residents and \$100 for nonresidents.

**EXPIRATION.** Captive game bird licenses expire on December 31 of the calendar year for which the license was issued.

**FEDERAL REGULATIONS.** In addition to the requirements of Game, Fish and Parks rules, all migratory waterfowl propagated, possessed, sold or offered for sale under a captive game bird license must be marked for identification and shipped in accordance with the current regulations of the U.S. Fish and Wildlife Service - 50 C.F.R. Part 21.13, 50 C.F.R. Part 21.14, and 50 C.F.R. Part 21.25, revised as of October 1, 2002. Federal Waterfowl Sale and Disposal Permit Waterfowl sale and disposal permits are issued for the purpose of lawfully selling, trading, donating, or otherwise disposing of to another person, any species of captive-reared and properly marked migratory waterfowl or their eggs. This permit has a fee of \$75 and is valid for a three-year period. Contact the

Migratory Birds Permit Office in Denver, CO at 303-236-8171 for applications and further information.

**IDENTIFICATION MARKING.** Except for partridge and quail, all game birds propagated, possessed, sold, offered for sale, or released from captivity must have one front toe or one hind toe on either foot removed back to the first joint including the nail before becoming six weeks of age. An anti-pecking device affixed to the bird before it is six weeks old and worn by the bird until it is at least 15 weeks old is acceptable in lieu of toe clipping if the anti-pecking device leaves a permanent, easily identifiable mark through the nares.

Waterfowl must be physically marked by one of the following methods, prior to six weeks of age:

- (1) Removal of the hind toe from the right foot.
- (2) Pinioning of a wing by removing the metacarpal bones of one wing or a portion of the metacarpal bones thereby rendering the bird permanently incapable of flight.
- (3) Banding of one metatarsus (leg) with a seamless metal band.
- (4) Tattooing a readily discernible number or letter or combination thereof on the web of one foot.

Game birds propagated under this chapter which have not been shot that are commercially packaged by a transparent sealed vacuum/shrink-type process may have the marked appendage removed if a label is permanently affixed to the package showing the name and address of the licensee.

**BILL OF SALE.** Game birds propagated under a captive game bird license which have not been shot may not be possessed, placed in public storage, transported, or shipped by anyone other than the licensee, unless a bill of sale accompanies the game birds. The bill of sale shall show the licensee's name, address, and license number; the number, species, and sex of the birds; the date of the transaction; and the name and address of the purchaser. When such game birds are packaged, the bill of sale shall be attached to the outside of the package.

**ENCLOSING WILD AND CAPTIVE-RAISED GAME BIRDS IN SAME PACKAGE PROHIBITED.** No wild game birds may be packaged or shipped within a container that includes game birds that have not been shot and that were propagated under a captive game bird license.

**RELEASE.** No person may release any game birds in to the wild except ringneck pheasants, hungarian or chukar partridge, wild turkey and quail within the State of South Dakota without the written consent of the Secretary of the Department of Game, Fish and Parks or his designated agent.

**INSPECTION.** Any person having game birds under his control must permit any authorized officer or agent of the Department of Game, Fish and Parks to inspect the birds and facilities wherein they are maintained during normal business hours.

**RECORDS REQUIRED.** -- Contents – Inspection – Submission of annual report. Commercial captive game bird licensees shall keep a written record of all game birds sold under the license. The record contain the following information:

- (1) The name and address of the purchaser;
- (2) The total number of game birds sold by species, sex, and age;
- (3) The date of the transaction; and
- (4) The county or counties of destination of the game birds.

Each written record shall be kept current and shall be subject to inspection by any department employee during normal business hours. The licensee shall retain each written record for a period of three consecutive calendar years beginning January 1 of the year following the year that the record was completed. In addition, commercial captive game bird licensees shall submit an annual report to the department that summarizes the total number of game birds sold by species, sex, and age. The annual report shall be submitted on forms provided by the department or forms of the licensee that have received prior department approval. This annual report for the previous calendar year must be submitted to the department no later than February 1 of the following year.

**REVOCAION OR REFUSAL TO ISSUE LICENSE.** The department may refuse to issue or may revoke a license to a licensee under the following circumstances:

- (1) The licensee has violated a provision of this chapter governing the breeding and propagation of game birds;
- (2) The licensee has made false or misleading statements or has practiced fraud or misrepresentation in connection with the buying, selling, releasing, exchanging, solicitation, or negotiation of the sale of game birds;

- (3) The licensee failed to provide adequately for the birds under care;
- (4) The licensee failed to keep required written records; or
- (5) The licensee failed to submit an annual report to the department.

The SD Animal Industry Board (AIB) has regulations for hatcheries and dealers of all poultry - domestic and nondomestic. (**Note:** All game and non-game birds are classified as poultry for health and permitting requirements). Poultry importation requires disease free certification and an importation permit or valid VS Form 9-3. No person shall sell baby poultry or started poultry without a hatchery or dealer permit from the AIB. Contact the AIB at (605) 773-3321 prior to any hatching or sales of any live poultry or eggs.