

SOUTH DAKOTA LAWS

UAPPEAL

NONDOMESTIC ANIMALS (Agriculture)

BANS raccoon dog.

- EXEMPT: Zoo Permit and Temporary Permit

BANS possession of certain ungulates except East of Missouri River.

- Those capable of crossbreeding with free-roaming wild elk, including red deer, sika deer, sambar, Pe're Davids deer, and axis deer and hybrids
- Those capable of crossbreeding with free-roaming wild sheep and goats or competing aggressively for habitat utilized, including mouflon, argali, ural, blue sheep, auodad, barbary sheep, and hybrids

PERMIT required to import and possess listed nondomestic animals.

- Entry Permit (import captive bred)
- Temporary Permit (possess all prohibited species above up to 14 days)
- Dealer Auction Permit (broker, lease, buy and sell)
- Possession Permit (unlisted purposes)
- Zoo Permit (nonprofit exhibition)

LIST:

- Nondomestic felines
- Nondomestic canines
- Bears
- Nondomestic mustelids
- Hyenas and aardwolves
- Nondomestic Artiodactyla (even-toed ungulates)
- Tapirs
- Rhinos
- Asian and African elephants
- nonhuman primates

REQUIREMENTS:

- BANS release
- Allows seizure and destruction of nondomestic animals determined to endanger health and well-being of domestic animals
- Import requires health certificate

- Immediately report escapes to Board – may be impounded or destroyed
- Must remove free-roaming animals
- Must allow impurity testing
- intrastate movement certificate of veterinary inspection for in state transport

(S.D. Codified Laws 40-3-14, 40-3-23 to 40-3-26, 40-5-8.3 to 40-5-8.6; South Dakota Admin. Rules 12:68-18)

FUR-BEARING ANIMALS (Agriculture/Game, Fish & Parks)

All fur-bearing animals raised in captivity for 2 generations or imported from breeder are considered domesticated fur-bearing animals and are the property of the owner. All other fur-bearing animals are considered wild.

- Documentation required to possess fur-bearing animals
- Breeding fur-bearing animals is an agricultural pursuit

BANS sale and purchase of live fur-bearing animals.

BANS possession and take of live fur-bearing animals.

- EXEMPT: 1 pet raccoon, jackrabbit, skunk, red or gray fox, or coyote per household
 - May not be physically altered except descenting a skunk

(South Dakota Codified Laws 40-35; South Dakota Admin. Rules 41:08:05)

WILD BIRDS AND SMALL GAME

BANS catching, killing and possessing wild birds except small game.

- EXCLUDES:
 - Unprotected birds - English or European house sparrow, unbanded undomesticated pigeon (rock dove), Eurasian collared dove, and European starling

- Purple grackle, crow, magpie, brown headed cow bird, red-winged blackbird, Brewer's blackbird, rusty blackbird, and the bronzed grackle committing depredation

BANS purchase, sale, transport and shipment of wild birds and small game after caught.

(South Dakota Codified Laws 41-11-2, 41-11-10)

FISH, FROGS, TURTLES

BANS purchase, sale, barter and trade of turtles.

PERMIT required to catch, kill or possess fish, frogs and turtles.

- Residents:
 - resident fishing license
 - resident senior fishing license
 - temporary fishing license
 - nursing facility group fishing license

- Nonresidents:
 - nonresident fishing license
 - temporary fishing license
 - nonresident family fishing license

SEASON:

- Bullfrog – Year-round
- Turtles (except endangered/threatened) – Year-round

LIMITS:

- Bullfrogs – take 15/day and possess 30
- Turtles (except endangered/threatened) – take 2/day and possess 4

LEGAL METHODS:

- Turtles - hook and line, minnow seines, gaff hooks, spears, or special turtle traps (need 6" opening leading from it or entrance above water if mesh < 4" square)

ILLEGAL METHODS:

- Bullfrogs - firearms

(South Dakota Codified Laws 41-6-76 to 41-6-77; South Dakota Admin. Rules 41:07:09, 41:07:10)

BAIT SPECIES

- Bait = baitfish, frogs, toads, salamanders, crayfish, freshwater shrimp, clams, snails and leeches
- Baitfish = minnows (cyprinidae) except carp (cyprinus) and goldfish, suckers (castostomidae) except buffalofish (ictiobus) and carsucker (carpiodes), and stickleback (gasterosteidae)

BANS live take of gizzard shad from water caught.

Take, possession and transport of wild-caught bait requires angling license or bait dealers license.

- LIMITED TO:
 - Commercial - fathead minnow, white sucker, creek chub, golden shiner, emerald shiner, spottail shiner, flathead chub, Western silvery minnow, plains minnow, tiger salamander, leopard frog, crayfish (devil, calico, virile, and Orconectes causeyi), freshwater shrimp, and leeches
 - Noncommercial - flathead chub, western silvery minnow, plains minnow, fathead minnow, white sucker, creek chub, golden shiner, emerald shiner, spottail shiner, gizzard shad, tiger salamander, leopard frog, crayfish (devil, calico, virile, and Orconectes causeyi), freshwater shrimp, and leeches
- NONCOMMERCIAL LIMITS:
 - Baitfish (combined), crayfish (combined), freshwater shrimp, leeches – 144/day and possession per group
 - Tiger salamander and leopard frog – 24/day and possession each

PERMITS:

- Angling license
- Resident Retail Bait Dealer License (sell bait at retail)
- Nonresident Retail Bait Dealer License (sell bait at retail)

- Resident Wholesale Bait Dealer License (sell to bait dealer or transport common fish bait species to retail outlets, public fish hatcheries, aquariums, or biological supply companies)
- Nonresident Wholesale Bait Dealer License (import, possess and sell bait in state)
- Export Bait Dealer's License (export bait from state for resale)

(South Dakota Admin Rules 41:09:04:02)

ENDANGERED/THREATENED SPECIES

BANS take, possession, transport, import, export, processing, sale, offer for sale, and buying nor a common or contract carrier receive or ship state and federal native and foreign endangered and threatened species.

- PERMIT (Endangered Species Permit) issued for scientific, zoological, or educational purposes and propagation to insure survival
- EXEMPT: legal raptors other than bald eagle

LIST (2017):

Endangered:

- Birds:
 - Peregrine falcon
 - Whooping crane
 - Eskimo curlew
 - Least Tern

- Mammals:
 - Black-footed ferret

- Fish:
 - Finescale dace
 - Banded killifish
 - Pallid sturgeon
 - Blacknose shiner
 - Sicklefin chub

- Reptiles:
 - Lined snake

Threatened:

- Birds:
 - Osprey
 - Piping plover
 - American dipper

- Mammals:
 - Swift fox

- Fish:
 - Sturgeon chub
 - Northern redbelly dace
 - Longnose sucker
 - Northern pearl dace

- Reptiles:
 - False map turtle
 - Eastern hognose snake

(South Dakota Codified Laws 34A-8; South Dakota Admin. Rules 41:10:02)

SPECIES OF MANAGEMENT CONCERN

Requires Department to create list of species of management concern.

LIST: Black-tailed prairie dog

(South Dakota Codified Laws 34A-8A; South Dakota Admin. Rules 41:10:03)

NATIVE PERMITS

- License for breeding and domesticating animals and birds
- Noncommercial Captive Game Bird License (possess and breed but not sell)
 - release requires permission of department
 - Game bird - swan; goose; brant; puddle, diving, river, or sea duck; wild turkey; grouse; prairie chicken; pheasant; partridge; quail
- Commercial Captive Game Bird License (breed and sell)
- Scientific Collectors Licenses (scientific research)
- Private fish hatchery license
- Falconry Permits
- Raptor Permit (capture or possess raptor)
- Nonresident Shooting Preserve License
- Permit For Transportation Of Big Game Animal (transport parts to big game license)
- Resident Predator/Varmint License (take or kill raccoon, badger or predator/varmint)
- Wildlife Rehabilitators Permit (added 2012)

(South Dakota Codified Laws 41-3-9, 41-6-31, 41-6-32, 41-6-39, 41-6-44 to 41-6-45.1, 41-6-80, 41-11-11; South Dakota Admin Rules 41-09-01, 41:09:02, 41:09:04, 41:09:06 to 41:09:07, 41:09:16, 41:09:18)

FISH FOR SALE (Game, Fish & Parks)

Fish raised for breeding for sale and products are agricultural products, with the breeding, raising, marketing and producing a farming operation and the owner a farmer when it comes to sales tax and commercial vehicle licensing.

(South Dakota Codified Laws 41-1-7)

AQUATIC INVASIVE SPECIES (Game, Fish & Parks)

BANS possession, import, shipment and transport of aquatic invasive species.

- EXEMPT: BANS live fish and crayfish
 - scientific collectors permit
 - stock triploid grass carp for pond management purposes

- commercial fishing operations contracted by department
- removing from a conveyance
- transporting conveyance for decontamination
- approved business transporting/possessing conveyances for decontamination
- commercial plant harvester under approved work plan
- lakeshore property owner transporting for disposal

LIST (also includes plants):

- Fish:
 - Black carp
 - Common carp
 - Grass carp
 - Bighead carp
 - Silver carp
 - European rudd
 - Giant snakehead
 - Northern snakehead
 - Bullseye snakehead
 - Blotched snakehead
 - Western mosquitofish
 - Round goby
 - White perch
- Invertebrates:
 - New Zealand mudsnail
 - Rusty crayfish
 - Zebra mussel
 - Quagga mussel
 - Asian clam
 - Red rimmed melania
 - Red swap crayfish
 - Spiny waterflea

(South Dakota Codified Laws 41-13A; South Dakota Admin. Rules 41:10:04)

PETS THAT ATTACK OR BITE (Agriculture)

Allows euthanizing and testing for rabies for a pet (dog, cat, or other species of carnivore kept for domestication or display) other than a dog or cat that attacks or bites a person.

(South Dakota Codified Laws 40-12-4 to 40-12-5)

NONDOMESTIC ANIMALS AT STATE FAIR (Agriculture)

PERMIT number required to import nondomestic animals to exhibit at the state fair.

- Imported nondomestic fowl must test negative for pullorum disease or originate from pullorum-free flock or state.

Health certificate required for all nondomestic animals used in state fair exhibitions within 30 days before.

- Nondomestic ruminants also need brucellosis and tuberculosis testing

(South Dakota Admin Rules 12:02:10:04)

IMPORT (Agriculture)

PERMIT (Entry Permit) and Certificate of Veterinary Inspection required to import all animals.

(South Dakota Codified Laws 40-3-27; South Dakota Admin Rules 12:68:06:01)

IMPORT (Game, Fish & Parks)

BANS import of Salmonidae unless it complies with rules.

Import of live fish limited to:

- Fish Importation Permit
 - Annual Commercial (aquaculture hatchery, fee fishing hatchery, wholesale or retail bait dealer)
 - Noncommercial (all others)
 - ALSO NEED: fish health certification or fish health inspection report
- Angler on boundary water
- Import for aquaria

(South Dakota Codified Laws 41-13-3.1; South Dakota Admin. Rules 41:09:08)