

LICENSES. A person must have a private fish hatchery license to maintain, operate and sell fish from a fish hatchery. A person must apply for a private fish hatchery license on forms provided by the department. Existing license renewals and requests to add new facilities or waters to existing licenses must be received by the Department before January 1 for the year the license is requested. All information requested on the application forms must be complete for the application to be considered. Licenses will be issued at the discretion of the Secretary of Game, Fish and Parks. Contact a Game, Fish and Parks office or the Licensing Office for application forms.

Aquaculture Hatchery License

This license authorizes the licensee to sell, possess, transport, propagate, rear, or produce live fish or any fish reproductive product for commercial purposes in all facilities, man-made waters and natural waters approved by the Department. The licensee and licensee's employees may possess and use special netting equipment only in facilities and waters approved under this license. The licensee may provide fishing for a fee or pecuniary consideration or advantage at all facilities and waters approved under this license only. The annual fee to renew an existing aquaculture license is **\$275**. A one-time inspection fee of \$300 will be charged for each new facility, man-made water or natural water requiring Department approval for addition to an existing license. The fee for a new aquaculture license is **\$275** plus a one-time inspection fee of \$300 for each new facility, man-made water or natural water requiring Department approval. Newly created waters may be exempt for the one time inspection fee at the discretion of the department.

Fee Fishing Hatchery License

A fee fishing license authorizes the licensee to stock, manage and hold fish in all facilities, man-made waters and natural waters approved by the Department for the purpose of providing fishing for a fee or pecuniary consideration or advantage. The licensee and licensee's employees may possess and use special netting equipment only in facilities and waters approved under this license. The annual license fee to renew an existing fee fishing license is **\$150**. A one-time inspection fee of \$300 will be charged for each new facility, man-made water or natural water requiring Department approval for addition to an existing license. The fee for a new fee fishing license is **\$150** plus a one-time inspection fee of \$300 for each facility, man-made water or natural water requiring Department approval.

EXPIRATION. Licenses expire on January 31st of the calendar year directly following the year in which the license is issued.

POSSESSION AND INSPECTION OF LICENSES. A legible copy of the applicable private fish hatchery license shall be immediately available for inspection upon request by a Conservation Officer at the hatchery facility or licensee's residence. A legible copy of the applicable private fish hatchery license shall be kept in each vehicle used by a private fish hatchery licensee or designee to transport live fish or any fish reproductive product. The license or copy shall be made available for inspection upon request of any law enforcement officer as defined in SDCL 23-3-27.

LICENSE APPROVAL CRITERIA. The Department shall require compliance with the following criteria before issuing a new private

fish hatchery license or adding new facilities or waters to an existing license.

- (1) That fish escaping from the proposed facilities or waters will not be detrimental to existing fish populations or waters;
- (2) That no fish, exclusive of those propagated or held by the hatchery, may access the proposed facilities or waters;
- (3) That no game fish, **except bullheads and green sunfish**, exist within the proposed facilities or waters unless the applicant provides proof of purchase verifying the game fish were obtained from a legal source;
- (4) That the proposed facilities and waters do not interfere or limit access and use of public waters;
- (5) That the applicant possesses a discharge permit issued by the Department of Environment and Natural Resources if applicable;
- (6) That the applicant possesses a water right issued by the Department of Environment and Natural Resources if the operation of a hatchery requires a water right;
- (7) That access to the proposed facilities or waters is entirely under the applicant's control by ownership, lease, rental, or written permission. If the proposed facilities and waters are not entirely owned by the applicant, then written proof of lease, rental, or permission to access must be provided with the application;
- (8) That the proposed facilities or waters do not contain any aquatic nuisance species determined by the Department to be a threat to South Dakota waters.

This section does not apply to any private fish hatchery licensee who submits a license renewal application for the next successive year if the hatchery facility and the waters contained therein as described on the application for private fish hatchery license remain unchanged from the application approved in the preceding year.

BILL OF SALE OR OTHER WRITTEN AUTHORIZATION REQUIRED -- EXCEPTIONS. A private fish hatchery licensee shall provide to each customer a bill of sale or other form of written authorization that contains the name and address of the customer; the private fish hatchery license number as assigned by the department; the number, size, and species of fish obtained by the customer; and the date of the transaction. The bill of sale or other form of written authorization allows the customer to possess and transport the fish when the authorization is in the customer's possession. However, no written authorization is required if the customer is a lawful angler and the number of fish taken does not exceed the legal daily or possession limit for that species.

RECORDS REQUIRED. The licensee shall keep a permanent record of all transactions. If the transaction involves the purchase or receipt of fish or any fish reproductive product, the record shall contain the number, size, and species of fish; the date of the transaction; the importation permit number, if applicable; and the

name and address of the source. If the transaction involves the sale or gift of fish or any fish reproductive product, the record shall contain the number, size, and species of fish; and the date of the transaction. Each record shall be made available for inspection by a department representative during normal business hours. Each record, or a legible copy thereof, shall be submitted to the department by January 31 of the following calendar year, inclusive.

INSPECTIONS. All licensed hatchery facilities and waters shall be subject to inspection by a Department representative during normal business hours.

FISH HEALTH INSPECTION REQUIRED. An annual fish health inspection for diseases of regulatory concern described in 41:09:08:03 and aquatic nuisance species is required for any licensed aquaculture facility.

Fish Health Inspection Requirements:

1) A fish health inspection may only be conducted by a fish pathologist, fish health inspector, licensed veterinarian, or fish health specialist approved by the Department.

2) Fish health samples collected during a fish health inspection must be screened for regulated pathogens at a laboratory approved by the Department. All laboratory fees are the responsibility of the licensee and must be paid in full with 30 days after receipt of invoice. The department may refuse to issue future licenses for failure to comply with payment guidelines.

3) Fish health inspections and laboratory screenings shall be conducted according to procedures in "Suggested Procedures for the Detection and Identification of Certain Finfish and Shellfish Pathogens," 2007 Edition.

4) If an emergency or prohibited disease or causative pathogen is detected in wild-caught fish kept at an aquaculture facility, or in fish cultured at the facility, the aquaculture facility shall not stock fish in South Dakota. The Department's fish health official will determine a course of action necessary to eliminate the emergency or prohibitive disease or causative pathogen at the aquaculture facility. Two consecutive fish health inspections at six-month intervals with negative results for the pathogens of concern must be completed before the aquaculture facility may resume stocking in South Dakota.

5) If a notifiable disease, causative pathogen, or aquatic nuisance species is detected in wild-caught fish kept at an aquaculture facility or in fish cultured at the facility, the Department's fish health official may allow the fish or fish reproductive products to be stocked if the official determines the stocking will not cause the introduction or spread of any notifiable aquatic animal pathogens to areas they currently do not occur.

Reference: "Suggested Procedures for the Detection and Identification of Certain Finfish and Shellfish Pathogens," 2007 Edition. American Fisheries Society, Fish Health Section, 5410 Grosvenor Lane, Suite 110, Bethesda, Maryland, 20814.

FISH IMPORTATION PERMITS REQUIRED. Fish importation permits are required for all fish entering South Dakota. See rules regarding fish importation and application for importation permit.

Contact a Game, Fish and Parks office or the Licensing Office for application forms and importation rules

LICENSE REVOCATION. A conviction for a violation of any laws or regulations for private fish hatcheries by a hatchery licensee, a hatchery licensee's agents or employees may be cause for the immediate revocation of the hatchery licensee's current license and serve as the basis for the Department's refusal to issue a license to the hatchery licensee for the calendar year following the year of conviction.

SPECIAL EQUIPMENT PERMITS. Special equipment permits are available for existing hatchery operations to use on waters not currently on their license. These may be waters they wish to test net for clients or that they are considering requesting for addition to their hatchery license. Please contact regional fisheries managers for an application.

NEW WATER OR FACILITY REQUESTS. When submitting a request for addition of a new water or facility to a hatchery license the following materials are required:

1) A completed "Request for Addition of Water/Facility to a Private Aquaculture License" form.

2) An aerial photo or copy of plat book with pond location and an access route to the pond clearly indicated on the map.

3) Unless the applicant is the sole owner of land surrounding the water, written permission of all individuals in control of access to the requested water or facility is required.

FISH IMPORTATION PERMITS REQUIRED. Fish importation permits are required for all fish entering South Dakota. Anglers fishing boundary waters and fish designated for aquaria use are exempt. Rules regarding fish importation and application forms for importation permits are available on the Game, Fish and Parks website at <http://gfp.sd.gov> or by contacting a Game, Fish and Parks office or the Licensing Office.