

**NOTICE OF PUBLIC HEARING
DEPARTMENT OF GAME, FISH AND PARKS**

A Public Hearing will be held at the RedRossa Convention Center, 808 W. Sioux Avenue, Pierre, South Dakota, on March 2, 2017, at 2:00 o'clock P.M. (CST), to consider adoption, amendment and repeal of Rules pertaining to:

1. Amend ARSD 41:04:02 – Public Water Zoning.

Effect: The proposed amendments would (a) add a “public swimming zone” on Lake Madison in Lake County; (b) modify the size and configuration of the “public swimming zone” on Lake Alvin in Lincoln County; (c) amend and clarify the public water safety zone regulations for Sheridan Lake in Pennington County; and (d) add a “no motors zone” on Lewis and Clark Lake in Yankton County.

Reason: (a) The Lake County Commission has asked the department to establish a “public swimming zone” on a portion of the Lake County Public Access Area located on the southwest corner of Lake Madison to ensure the public has a safe place to swim while maintaining other types of recreational use and access to the lake from this location. (b) The proposal would provide a convenient place for users of canoes, kayaks and paddle boards to launch legally at Lake Alvin Recreation Area near the day-use area and associated parking lot while still leaving 350 feet of zoned swimming beach available for public use. (c) The proposal would clarify the locations of the public water safety zones on Sheridan Lake and ensure that the docks and mooring areas installed by the marina operator are located within the “no wake zones” as described. (d) The proposal would create a safe area within Lewis and Clark Recreation Area for the launch and use of canoes, kayaks, paddle boards and other motor less boats by creating a no motors zone..

2. Amend ARSD 41:04:05 – Motorboats and watercraft (Careless boat operation).

Effect: The proposal would amend ARSD 41:04:05:14 to provide a more workable definition of what is meant by “careless boat operation.”

Reason: The current definition of “careless boat operation” is too specific and fails to address the variability of what careless operation can encompass, resulting in both officers and state’s attorneys being hampered in their ability to enforce violations of this rule. The proposed amendments will provide officers with greater latitude in determining what conduct constitutes “careless operation” and enable prosecuting attorneys to more effectively prosecute boat operators who operate their boats in a careless manner.

3. (New rule) ARSD 41:04:05 – Motorboats and watercraft (Eluding by boat operator).

Effect: The proposal would create a new rule prohibiting a boat operator from eluding law enforcement.

Reason: Currently there is no state law or regulation which prohibits a boat operator from fleeing from or eluding law enforcement. The proposed new rule will authorize conservation officers and other law enforcement officers to charge and state’s attorneys to prosecute boat operators who flee from or elude law enforcement by boat.

4. Amend ARSD 41:06:16 (Duck Hunting Season).

Effect: The proposed amendment would decrease the daily bag limit for pintail from 2 to 1.

Reason: Provide hunting opportunity consistent with wildlife management objectives.

5. Amend ARSD 41:06:16 (Goose Hunting Season).

Effect: The proposed amendment would increase the number of days for the light goose hunting season from 86 days to 105 days as allowed by the U.S. Fish and Wildlife Service.

Reason: Provide hunting opportunity consistent with wildlife management objectives.

6. Amend ARSD 41:06:16 (Tundra Swan Hunting Season).

Effect: The proposed amendments would increase the total number of licenses from 1,300 to 1,675, and of the adjusted total number of available licenses increase the number of nonresident licenses from 200 to 250.

Reason: Provide hunting opportunity consistent with wildlife management objectives.

7. Amend ARSD 41:10:04 – Aquatic Invasive Species.

Effect: The proposed amendments would allow businesses approved by the department to transport and possess boats with aquatic invasive species attached for purpose of decontamination; allow participants in a local boater registry to transport and possess aquatic invasive species in accordance with the provisions of the registry; and allow participants in a local boater registry to launch a boat with an aquatic invasive species attached if it is done in accordance with the provisions of the registry. (See paragraph 9 of this Public Notice which proposes a new rule to establish “local boater registries.”)

Reason: An allowance for businesses approved by the department to transport and possess AIS will facilitate watercraft decontamination or repair. Allowances for participants in a local boater registry to transport and possess AIS according to the provisions of the registry and launch a watercraft with AIS attached or onboard back into the water in which it is registered will provide reasonable opportunities for watercraft users to comply with AIS regulations.

8. (New Rule) ARSD 41:10:04 – Aquatic Invasive Species (Containment Waters)

Effect: The proposal would create a new rule that defines and identifies specific waters that will be classified as “containment waters.”

Reason: The transport of water or Aquatic Invasive Species (AIS) from infested waters is the primary vector for the spread of AIS. Establishment of a containment water list will facilitate promulgation of rules to require decontamination of boats that have been in containment waters and still contain water, in an effort to limit the movement of AIS.