

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

A Public Hearing will be held at the Ramada Inn, 1301 W. Russell St., Sioux Falls, South Dakota, on September 7, 2017, at 2:00 o'clock P.M. (CDT), to consider adoption, amendment and repeal of Rules pertaining to:

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

Effect: The proposed amendment would create a “no boating zone” on the waters of Swan Lake in Clark County from October 20 to December 31, inclusive.

Reason: The department received a petition that was filed for several reasons, including: adjacent landowner support, providing a protected resting area for migratory waterfowl, and benefit for field hunters in surrounding areas.

2. (New rule) ARSD 41:04:06 – Nonmeandered Waters.

Effect: The proposed rule would establish a process whereby an owner of private property underlying any nonmeandered lake listed in SDCL 41-23-8 may petition the GFP Commission to allow the owner of private property to restrict recreational use of the water overlying the owner's private property.

Reason: During the 2017 Special Session, the legislature (through HB1001) enacted SDCL 41-23-9 that requires the GFP Commission to promulgate rules to establish the petition process to restrict recreational use of a listed nonmeandered lake.

The above rule proposals may be modified or amended following receipt of public comment at the hearing to include or exclude matters that are described in this Notice of Hearing. The hearing may be continued from time to time until its business has been completed and may be rescheduled.

Interested persons will be given reasonable opportunity to submit data, opinions, arguments, and their views, either orally or in writing (or both) at the hearing. Persons unable to attend the hearing may mail data, opinions, arguments, and their views to the

office of the Secretary of the Department of Game, Fish, and Parks, Foss Building, 523 East Capitol, Pierre, South Dakota 57501, or transmit by email to either wildinfo@state.sd.us or gfpadminrules@state.sd.us. All persons who desire to submit written data, opinions, arguments, and their views by mail or email are encouraged to mail or transmit the same in sufficient time so that it is received by and in the office of the Secretary of the Department of Game, Fish, and Parks on or before 12:00 o'clock P.M. on the date of the hearing. Interested persons will be given reasonable opportunity to submit data, opinions, arguments and their views, either orally or in writing (or both) to the Commission for their consideration. All written and email comments must include the name, home town/city, and state of the person submitting the comments.

The above rule proposals are available for review on the internet by going to <https://rules.sd.gov/> and copies of the proposed rules may be requested from the office of the Secretary of the Department of Game, Fish, and Parks, Foss Building, 523 East Capitol, Pierre, South Dakota 57501. Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Any individuals with disabilities who will require a reasonable accommodation in order to participate in the hearing should submit a request to the undersigned at 605.773.3718 or 605.223.7684 (Telecommunication Device for the Deaf).

Dated this 4th day of August, 2017.



Kelly R Hepler
Kelly R. Hepler, Secretary

This Notice of Public Hearing is published at the approximate cost of \$_____.