

# GAME, FISH AND PARKS COMMISSION ACTION PROPOSAL

## Public Waters Chapter 41:04:02

<b>Commission Meeting Dates:</b>	<b>Proposal</b>	<b>January 4-5, 2022</b>	<b>Pierre</b>
	<b>Public Hearing</b>	<b>April 7, 2022</b>	<b>Watertown</b>
	<b>Finalization</b>	<b>April 7-8, 2022</b>	<b>Watertown</b>

### COMMISSION PROPOSAL

#### Proposed changes from last year:

1. Remove no boating zones and allow for non-motorized watercraft within the Waubay National Wildlife Refuge and the Waubay State Game Bird Refuge.
2. Establish a no wake zone at a new boat ramp at Lake Poinsett State Recreation Area in Brookings County.
3. Modify the no wake zone at the Belle Fourche Reservoir in Butte County to include all boat ramps.
4. Modify to use existing safety zone definitions currently in rule (41:04:01:06).

### SUPPORTIVE INFORMATION

GFP and the USFWS have been collaborating on ways to increase recreational opportunities, while still meeting the objectives of the refuge system. The USFWS Refuge System recently removed restrictions in order to provide increased outdoor recreational opportunities at Waubay National Wildlife Refuge that aligned with their mission and management responsibilities. Several administrative rules listed in 41:04:02:15 are prohibiting the USFWS from allowing these outdoor opportunities.

During the project development of the new Lake Poinsett Recreation Area east boat ramp the GFP held a public open house. During this open house residents of the South Lake Drive made a request of adding a "no wake" zone in the fronting waters of the new east boat ramp. This would give an added protection of this new ramp for loading and unloading of watercrafts. Due to the size of this new boat ramp, it will be the largest ramp on the lake serving the majority of Lake Poinsett's watercraft recreational users.

The establishment of a new boat ramp at the Belle Fourche Reservoir in Butte County warrants a modification to the current administrative rule to provide a buffer for structural and human safety concerns for all boat ramps.

### DRAFT ADMINISTRATIVE RULE CHANGES

The following are proposed draft changes that are intended to incorporate the recommended changes adopted by the Commission.

**41:04:02:18. Day County public water safety zones.** Day County public water safety zones are as follows:

~~(3) The waters of Hillebrand's Lake are a "no boating zone";~~

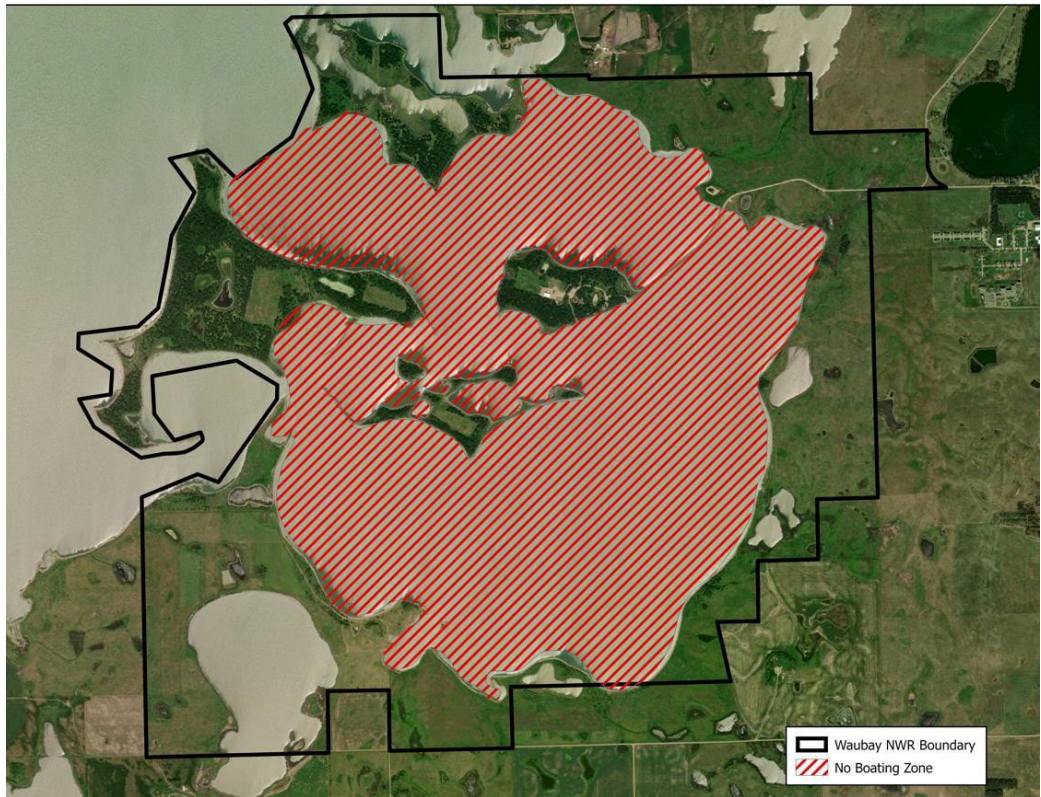
~~(4) The waters of Spring Lake are a "no boating zone";~~

~~(5) The waters of Swan Pond are a "no boating zone";~~

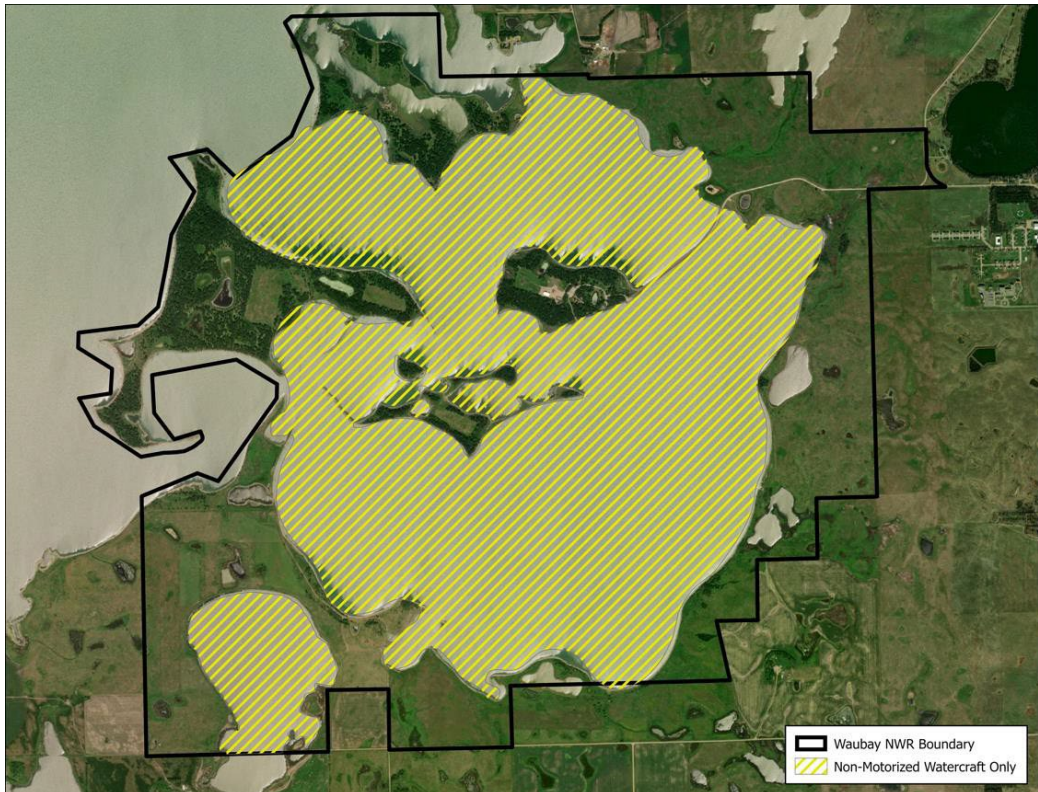
(3) The waters within the boundary of Waubay National Wildlife Refuge, including the waters within the Waubay State Game Bird Refuge, ~~except for designated trails,~~ are a "no motor vehicle zone" and a "no motors zone"; ~~non-motorized watercraft are allowed;~~

APPROVE \_\_\_\_\_ MODIFY \_\_\_\_\_ REJECT \_\_\_\_\_ NO ACTION \_\_\_\_\_

**Waubay National Wildlife Refuge—Current**



**Waubay National Wildlife Refuge—Proposed**



**APPROVE** \_\_\_\_\_ **MODIFY** \_\_\_\_\_ **REJECT** \_\_\_\_\_ **NO ACTION** \_\_\_\_\_



**41:04:02:05. Brookings County public water safety zones.** Brookings County public water safety zones are as follows:

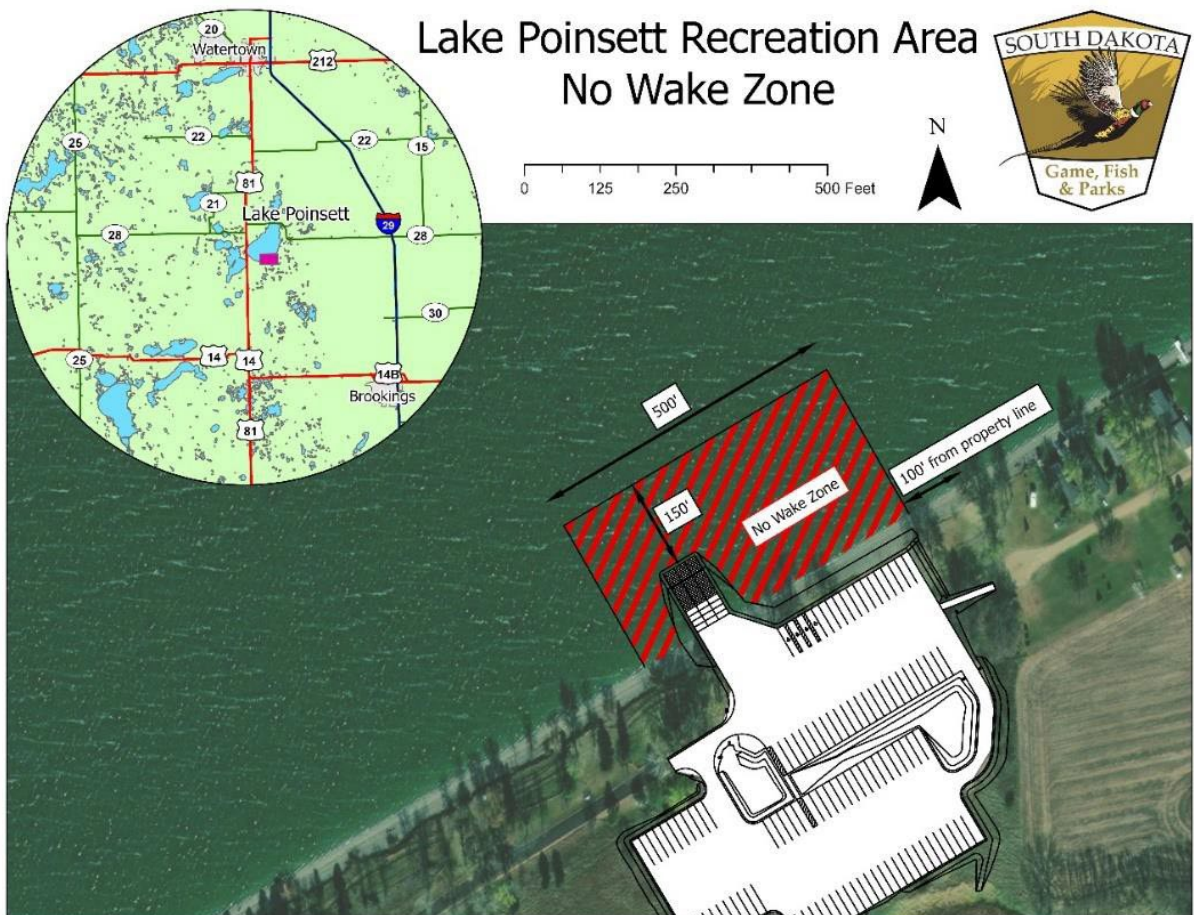
(1) Lake Poinsett:

(a) The waters fronting on that portion of the shoreline beginning approximately 1,800 feet west of the east property line marker located between sections 3 and 4 of the department public access area in the north half of section 4, township 112, range 52 west of the fifth principal meridian and extending approximately 700 feet westerly from this point are a "public swimming zone";

(b) The waters fronting on the waterfront area north of the main building of the Lake Poinsett Methodist Camp for a distance of 500 feet along the shoreline centering just north of the main building are a "public swimming zone";

(c) The waters fronting on that portion of Lake Poinsett State Recreation Area beginning at a point 500 feet west of the west boat ramp and extending 2,150 feet west are a "no wake zone";

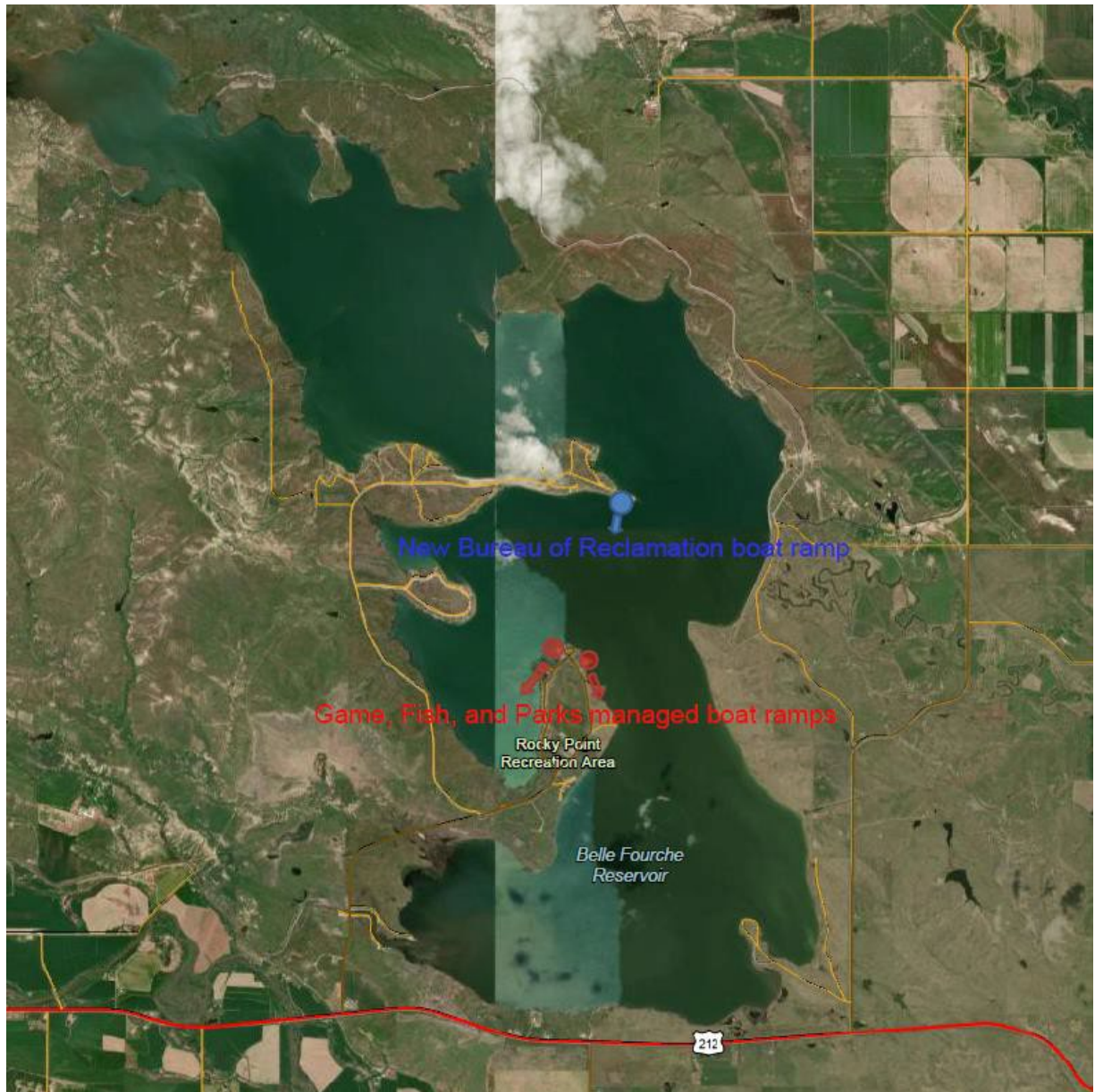
(d) The waters fronting on that portion of Lake Poinsett State Recreation Area beginning at a point 100 feet west of the east property boundary of the state recreation area and extending 500 feet west is a "no wake zone";



APPROVE	_____	MODIFY	_____	REJECT	_____	NO ACTION	_____
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**41:04:02:09. Butte County public water safety zones.** Butte County public water safety zones are as follows:

- (1) The waters within a 300-foot radius of the boat ramps located in Rocky Point Recreation Area on Belle Fourche Reservoir are a "no wake zone";



APPROVE \_\_\_\_\_ MODIFY \_\_\_\_\_ REJECT \_\_\_\_\_ NO ACTION \_\_\_\_\_

**RESIDENT/NONRESIDENT CRITERIA**

1. The Issue
  - The USFWS Refuge System recently removed restrictions in order to provide increased outdoor recreational opportunities within their mission and management responsibilities. State administrative rules are currently prohibiting the USFWS from allowing these outdoor opportunities.
  - Currently state law prohibits wake speed from motorized watercraft within 150 feet from docks and other requirements. The park will also move the current courtesy dock to the east side of this ramp within the offset that correlates to the parking lot. This rule will allow GFP to visibly mark the 150' barrier from the docks and raise boater awareness and increase safety.
2. Historical Considerations
  - Until recently, these areas within Waubay National Wildlife Refuge were closed to the above-described activities.
  - This is a new development location for the state recreation area boat launch facility.
3. Biological Considerations
  - Not applicable.
4. Social Considerations
  - The park held a public open house describing the project and details. The local homeowners requested a No Wake Zone to aid in slowing down boat traffic on their way to a busy boat launch.
5. Financial considerations
  - Not applicable.

**RECRUITMENT, RETENTION, REACTIVATION (R3) CRITERIA**

1. Does the regulation or fee inhibit a user's ability to participate? No.
2. Does the regulation increase the opportunity for new and existing users?
  - Yes, it provides recreational opportunities on waters within Waubay National Wildlife Refuge boundary for those using non-motorized watercraft in a new area.
  - No for changes to Lake Poinsett State Recreation Area.
3. How does the regulation impact the next generation of hunters, anglers, trappers, and outdoor recreationists?
  - Waubay National Wildlife Refuge: Provides recreational opportunities for those using non-motorized boats, canoes, and kayaks in a new area.
  - Lake Poinsett State Recreation Area: Visibly marking the 150-foot regulation will educate more recreationalists.
4. Does the regulation enhance the quality of life for current and future generations by getting families outdoors?
  - Yes. It would allow families to use non-motorized watercraft.
  - Yes. A more organized boat launch experience will promote multiple use and recreation and respect.

**FISCAL IMPACT**

Not applicable.

**APPROVE** \_\_\_\_\_ **MODIFY** \_\_\_\_\_ **REJECT** \_\_\_\_\_ **NO ACTION** \_\_\_\_\_