

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

A Public Hearing will be held at the Ramkota Hotel & Convention Center, 920 W. Sioux Avenue, Pierre, SD 57501 on July 11 at 10:00am, to consider adoption, amendment and repeal of Rules pertaining to:

1. ARSD 41:03:01:37 - Firewood Prohibited

Effect: The new rule prohibits people from bringing firewood into state parks property that has been in an emerald ash borer quarantined area or has been out of the state of South Dakota unless the firewood has a label affixed certifying it has been treated for emerald ash borer.

Reason: In May 2018, the emerald ash borer was discovered in Eastern South Dakota. The insect is a devastating bug that kills tens of millions of ash trees in at least 32 states. This administrative rule helps slow the spread of the insect.

2. ARSD 41:04:02:05. Brookings County public water safety zones

Effect: The proposed rule eliminates a boating zone on East Oakwood Lake.

Reason: The elimination of the boating zone is an effort to simplify the administrative rules and to provide more recreational opportunities.

3. ARSD 41:04:02:06. Brown County public water safety zones.

Effect: The proposed rule eliminates a no boating zone on Putney Slough Game Production Area and restricts the type of boats and motors used on this area.

Reason: The elimination of the boating zone is an effort to simplify the administrative rules and to provide more recreational opportunities.

4. ARSD 41:04:02:12. Clark County public water safety zones.

Effect: The proposed rule would restrict the type of boats and motors used on Swan Lake.

Reason: The proposed rule would reduce the disturbance of staging waterfowl on the waterbody.

5. ARSD 41:04:02:14. Codington County public water safety zones.

Effect: The proposed rule eliminates a no boating zone on Long Lake, MckIlligan Lake, and Horseshoe Lake and restricts the type of boats and motors used on these areas.

Reason: The elimination of the boating zone is an effort to simplify the administrative rules and to provide more recreational opportunities.

6. ARSD 41:04:02:18. Day County public water safety zones.

Effect: The proposed rule eliminates the no boating zone on the portion Waubay Lake known as Windgate Arm.

Reason: The elimination of the boating zone is an effort to simplify the administrative rules and to provide more recreational opportunities.

7. ARSD 41:04:02:33. Hutchinson County public water safety zones.

Effect: The proposed rule eliminates the no boating zone on Silver Lake.

Reason: The elimination of the boating zone is an effort to simplify the administrative rules and to provide more recreational opportunities.

8. ARSD 41:04:02:36. Jerauld County public water safety zones.

Effect: The proposed change would repeal the rule and eliminate the no boating zone on Crow Lake.

Reason: The elimination of the boating zone is an effort to simplify the administrative rules and to provide more recreational opportunities.

9. ARSD 41:04:02:38. Kingsbury County public water safety zones.

Effect: The proposed rule would eliminate the no boating zone on Spirt Lake and restricts the type of boats and motors used on this area. The rule would also eliminate the no boating zone on Whitewood Lake Waterfowl Refuge.

Reason: The elimination of the boating zone is an effort to simplify the administrative rules and to provide more recreational opportunities.

10. ARSD 41:04:02:39. Lake County public water safety zones.

Effect: The proposed rule would eliminate the no motorized zone on the meandered portion of Milwaukee Lake.

Reason: The elimination of the boating zone is an effort to simplify the administrative rules and to provide more recreational opportunities.

11. ARSD 41:04:02:43. McCook County public water safety zones.

Effect: The proposed rule would eliminate the no boating zone on the portion of Island Lake north of McCook County Road 6. The rule would also eliminate the no boating zone on Lehrman Game Production Area and restricts the type of boats and motors used on these areas.

Reason: The elimination of the boating zone is an effort to simplify the administrative rules and to provide more recreational opportunities.

12. ARSD 41:04:02:46. Meade County public water safety zones.

Effect: The proposed rule would change Bear Butte Lake from a "no motor over 25 horse power" to a "no wake zone."

Reason: The elimination of the "no motor over 25 horse power" is an effort to simplify the administrative rules.

13. ARSD 41:04:02:49. Minnehaha County public water safety zones.

Effect: The proposed rule would eliminate the no boating zone on Clear Lake and restricts the type of boats and motors used on this area. The rule would also eliminate the no boating zone on the portion of Island Lake lying north of Minnehaha County Road 110.

Reason: The elimination of the boating zone is an effort to simplify the administrative rules and to provide greater recreational opportunities.

14. ARSD 41:04:02:54. Roberts County public water safety zones.

Effect: The proposed rule would eliminate the no boating zone on portions of Cottonwood Lake Waterfowl Refuge and restricts the type of boats and motors used on this area.

Reason: The elimination of the boating zone is an effort to simplify the administrative rules and to provide greater recreational opportunities.

15. ARSD 41:05:02:05. Brookings County refuges.

Effect: The proposed rule would eliminate the refuge on East Oakwood Lake State Waterfowl Refuge.

Reason: The elimination of the refuge will provide greater recreational opportunities and simplify the administrative rules.

16. ARSD 41:05:02:10. Campbell County refuges.

Effect: The proposed rule would eliminate the refuge in Sand Lake State Game Bird Refuge located in Campbell County.

Reason: The elimination of the refuge will provide greater recreational opportunities and simplify the administrative rules.

17. ARSD 41:05:02:18. Day County game refuges.

Effect: The proposed rule would modify the size of the refuge known as the Waubay State Game Refuge. It would eliminate that portion of Waubay Lake known as Windgate Arm lying east of the dike located in the south half of section 36, township 123 north, range 55 west; and the land below the ordinary high-water mark on Waubay Lake lying adjacent to Waubay National Wildlife Refuge.

Reason: The modification of the refuge will provide greater recreational opportunities and simplify the administrative rules.

18. 41:05:02:38. Kingsbury County refuges.

Effect: The proposed rule would eliminate the Whitewood Lake State Waterfowl Refuge located in Kingsbury County.

Reason: The elimination of the refuge will provide greater recreational opportunities and simplify the administrative rules.

19. ARSD 41:05:02:57. Spink County refuges.

Effect: The proposed rule would exclude from the refuge the area owned by Game, Fish and Parks on the southern portion of Cottonwood Lake.

Reason: The exclusion of the Game, Fish and Parks property will simplify the administrative rules.

20. ARSD 41:06:05:01. Archery equipment restrictions.

Effect: The proposed rule would eliminate a number of archery restrictions to include, arrow rests, electronic devices mounted to the bow that aid in the taking of game, compound bows with a let off of more than 80 percent, compound bows shorter than 28 inches, telescopic sights, an arrow weighing less than 275 grains when hunting big game, and an arrow that is less than 26 inches. The rule would also allow for an arrow tipped with any point to be used for practice. The rule would also eliminate language regarding hunting elk with "mechanical broadhead or a bow that measures less than 40 pounds pull when hunting any other big game animal with a mechanical broadhead." The rule would also eliminate language regarding hunting elk "with a fixed blade broadhead or a bow that measures less than 30 pounds pull when hunting any other big game animal with a fixed blade broadhead."

Reason: The proposed rule would simplify the administrative rules associated with archery hunting. The simplification of rules would encourage more individuals to get involved with the sport.

21. ARSD 41:06:08:01. Pheasant hunting season established -- Open units and dates.

Effect: The proposed rule would eliminate Sand Lake National Wildlife Refuge in Brown County from Unit 2. The rule would create a new unit, Unit 3 that would include Sand Lake National Wildlife Refuge in Brown County and establish hunting seasons.

Reasons: The proposed rule would allow for more hunting opportunity by allowing for an earlier opening date.

22. ARSD 41:06:14:01. Fall turkey hunting season established -- Number and type of licenses.

Effect: The proposed rule would reduce one-tag turkey resident licenses for the Black Hills from 400 to 200. The rule would also reduce the one-tag any turkey resident license from 1,230 to 925 and the two-tag resident license from 50 to 0.

Reason: The rule meets updated unit-specific population objectives guided by the harvest management strategy table of the Wild Turkey Management Plan.

23. ARSD 41:06:14:02. Black Hills unit -- Exceptions.

Effect: The proposed rule would eliminate the counties of Lawrence, Meade and Pennington from Unit PFT-BH1.

Reason: The rule aligns harvest to meet population objectives based on estimated survival rates and population growth rates from current research project in the northern Black Hills and to address existing depredation issues in the southern Black Hills.

24. ARSD 41:06:14:02.01. Prairie units.

Effect: The proposed rule would close units PFT-08A, PFT-12A, PFT-13A, PFT-37A, PFT-53A, and PFT-62A. The rule would expand Unit PFT-48A to include all of Roberts County. The rule would create a new unit PFT-39A in Jackson County.

Reason: The rule meets updated unit-specific population objectives guided by the harvest management strategy table of the Wild Turkey Management Plan and provides additional hunting opportunities where needed to address existing depredation issues.

25. ARSD 41:07:03:03. Daily, possession, and length limit restrictions on special management waters -- Additional restrictions described.

Effect: The proposed rule would change fish harvest regulations on Reetz Lake in Day County. From May 1 through September 30, the daily limit for walleye, yellow perch, crappie, and bluegill would be one fish, for each species, and minimum lengths for harvest would be 28 inches for walleye, 14 inches for yellow perch, 15 inches for black crappie, and 10 inches for bluegill. Standard statewide daily limits would apply for other species. From October 1 through April 30, statewide daily limits would apply for all species. The current 14-18-inch protected slot, with at most one fish 18 inches or longer, for largemouth and smallmouth bass, would be removed.

Reason: In an effort to regain public fishing access to Reetz Lake; Game, Fish and Parks staff have been working on access agreement terms and conditions with the landowners of Reetz Lake; currently a closed nonmeandered lake in Day County. The proposed harvest restrictions meet the conditions set by the landowners of Reetz Lake and if approved, Reetz Lake would be open to public fishing from May 1 – Sept.30. Fishing access from Oct. 1 – April 30 would be open by landowner permission only.

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 by going to the GFP website at <http://gfp.sd.gov/forms/positions>. 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 72 hours prior to 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 13th day of June, 2018.



Kelly R Hepler
Kelly R. Hepler, Cabinet Secretary

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