

**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.

9. (New Rule) ARSD 41:10:04 – Aquatic Invasive Species (Local boat registries)

Effect: The proposal would create a new rule that authorizes the creation of local boater registries.

Reason: The creation of local boater registries will allow the department to permit authorized users of “containment waters” to transport and possess AIS species according to provisions established for each local boater registry. The purpose of the registries is to provide reasonable opportunities for watercraft users to comply with AIS regulations and track the movement of potentially infested watercraft.

10. (New Rule) ARSD 41:10:04 – Aquatic Invasive Species (Decontamination of boats with compartment containing more than one gallon of water)

Effect: The proposal would create a new rule that requires the decontamination of boats with at least one gallon of water from a lake, river or stream remaining in the watercraft, that cannot be drained after all drain plugs, bailers, valves, or other devices used to control the drainage of water have been opened or removed, after use in a “containment water.”

Reason: Watercraft equipped with ballast tanks that cannot be fully drained present the greatest risk of movement of AIS to other waters. Requiring the decontamination of these compartments will reduce the risk of introduction of undetectable and microscopic life stages of AIS to other waters.

11. (New Rule) ARSD 41:10:04 – Aquatic Invasive Species (Decontamination of boats moored in a “containment water”)

Effect: The proposal would create a new rule that requires decontamination of boats that have been moored in a “containment water” for three or more continuous days.

Reason: It is highly probable that watercraft moored in “Containment Waters” for three or more continuous days will have AIS attached or present on the hull or in boat

compartments. Decontamination of these areas is required to adequately remove the AIS and reduce the risk of AIS movement to other waters.

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 3rd day of February, 2017.



Kelly R Hepler

Kelly R. Hepler, Secretary

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