

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

A Public Hearing will be held at the Holiday Inn Express, 110 East Stanley Road, Ft. Pierre, South Dakota, on March 1, 2012, 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 create a “no wake zone” on Richmond Lake (Brown County), Mina Lake (Edmunds County) and Lake Mitchell (Davison County) during certain periods of high water; amend the boundaries of the existing “no wake zone” on the west end of Lake Mitchell (Davison County); create an “electric motors zone” on the waters of Rollings Game Production Area (Lincoln County); amend an existing “no motors zone” to an “electric motors zone” on the waters of Family Park (Minnehaha County); and amend an existing “public swimming zone” to a “no wake zone” on the waters of Lewis and Clark Lake (Yankton County) adjacent to Canary Beach.

Reason: The Department creation of a “no wake zone” on Richmond Lake and Mina Lake during any time at which the water level reaches the height of eighteen inches or more over the level of the top of the spillway is intended to address public safety issues as well as property damage issues. For similar reasons, the Department recommends creating a “no wake zone” on Lake Mitchell during any time at which the water level in Lake Mitchell reaches the height of twelve inches or more over the level of the top of the spillway which would automatically be rescinded at such time when the water level of the lake drops to the level of six inches over the level of the top of the spillway. Additionally, residents living along the man-made channel on the west end of Lake Mitchell have requested the existing “no wake zone” in that area be reduced in size. The proposed change would still address shoreline erosion issues while reducing the transit time for persons traveling through this area. The proposed “electric motors zone” on the waters of Rollings Game Production

Area was requested by area residents who wanted to maintain a quiet and peaceful atmosphere given the relatively small size of the water body. Amending the existing zoning on the waters of Family Park from a “no motors zone” to an “electric motors zone” will allow for additional usage of the area by small watercraft utilizing electric trolling motors. Converting the “public swimming zone” adjacent to Canary Beach at Lewis and Clark Recreation Area to a “no wake zone” will better satisfy the demands of park users. With the increased number of campers using boats and personal watercraft, the demand for boater beaches has increased. Canary Beach is adjacent to the Gavin’s campground and has seen a decline in day use swimming activity, while the demand from boaters has increased. Designating the waters adjacent to Canary Beach as a “no wake zone” will reduce pressure on the other boating beaches that are heavily used on summer weekends and provide a safety factor for beach users.

2. Amend ARSD 41:04:05 – Motorboats and Watercraft.

Effect: The proposed amendments would clarify that Coast Guard approved fire extinguishers carried on boats must be in working order, and revise the provisions for emergency signals on law enforcement and emergency rescue boats.

Reason: Although current rule (ARSD 41:04:05:03) requires that USCG-approved fire extinguisher(s) be carried upon motorboats, the rule does not require that such fire extinguishers be in working order. The proposed amendment addresses the inherent safety risk to the boating public posed by fire extinguishers on motorboats that are not serviceable or have been discharged by requiring the fire extinguishers to be maintained in a working order. Current rule (ARSD 41:04:05:16) contemplates that authorized emergency rescue or law enforcement craft display only flashing blue emergency lights. However, numerous emergency rescue or law enforcement craft in this state display blue, red, or a combination

of both blue and red emergency lights. The proposed amendment would clarify that emergency rescue or law enforcement boats may also display red emergency lights.

3. Amend ARSD 41:06:20 – West River Prairie Deer Season (Special Buck Licenses)

Effect: The proposed amendments would increase the number of both resident and nonresident “special any deer” licenses from 500 to 600 and increase the license fee for nonresident licenses from \$500 to \$600.

Reason: Provide hunting opportunity consistent with wildlife management objectives.

4. Amend ARSD 41:07:05 – Snagging of Paddlefish

Effect: Clarify that the length restrictions in rule only apply to paddlefish snagged below Gavin’s Point Dam.

Reason: At its November 2011 meeting, the GFP Commission promulgated a rule establishing a paddlefish snagging season on Lake Francis Case during the month of May. The intent of the rule was to impose no length restrictions on paddlefish harvested during the Lake Francis Case season. However, upon review of the new rule it was discovered that length restrictions on paddlefish that could be harvested during the October paddlefish snagging season below Gavin’s Point Dam would also apply to the newly created May season for Lake Francis Case. While protecting paddlefish between 35 and 45 inches in length benefits the population below Gavin’s Point Dam, the population in Lake Francis Case functions much differently. Natural production is lacking in Lake Francis Case, with the majority of the fish in the population resulting from annual stockings of juvenile paddlefish. This is considered a put-grow-and-take fishery, with the objective of stocking being maintenance of a fishable population and return of fish to anglers. The inclusion of length restrictions on paddlefish for this fishery would severely limit harvest potential.

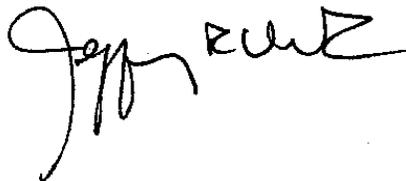
The above rule proposals may be modified or amended following receipt of public comment at the hearing to include or exclude matters that are described in this Notice of

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 Wildinfo@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. three (3) days prior to the date of 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 its consideration. All written and email comments must include the name and mailing address of the person submitting the comments.

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. Handicapped persons may contact the undersigned for assistance.

Dated this 1st day of February, 2012.



(SEAL)

Jeffrey R. Vonk, Secretary

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