



SOUTH DAKOTA DEPARTMENT OF GAME, FISH AND PARKS

523 EAST CAPITOL AVENUE | PIERRE, SD 57501

February 9, 2021

TO THE NEWSPAPER ADDRESSED:

To Whom It May Concern:

Please publish the enclosed notice in your paper as a "legal line ad" for one issue no later than Thursday, February 11, 2021. Please note that the State of South Dakota no longer requires these to be run as "Display Ads".

Once publication has been completed, please provide me with your "Affidavit of Publication." Your failure to return your Affidavit of Publication with your invoice to the above address will nullify your claim for publication fees.

Please notify me by phone (605.773.2750) or email (jon.kotilnek@state.sd.us) as to whether you are able to publish on or by February 11, 2021.

Sincerely,

Jon Kotilnek
Senior Staff Attorney
SD Department of Game, Fish and Parks

Attachments – Public Notice

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

A Public Hearing will be held on March 4, 2021 at 2:00pm (Central). The public hearing will be held virtually and can be accessed at the following link <https://state-sd.zoom.us/j/98909937130?pwd=NUV3bnBpTlJtRy9vVFdObmUzYIR6QT09>. The Meeting ID is 989 0993 7130 and Passcode is 996090 and is required to access either. The hyperlink and additional information can be found at <https://gfp.sd.gov/commission/information/>. The public hearing is in relation to consider adoption, amendment and repeal of Rules pertaining to:

1. ARSD 41:04:02:11 Charles Mix County public water safety zones.

Effect: The proposed change would extend the “no wake zone” at the St. Francis Boat Ramp.

Reason: Department has seen an increase in risk for accidents due to a significant increase in beach use, recreational boating, and fishing. As such, a larger “no wake zone” is warranted.

2. ARSD 41:04:06 Nonmeandered waters transportation lane process (Two New Rules)

Effect: One rule would create a process to establish a transportation lane to a nonmeandered body of water. The other rule in would create a list of transportation lanes and create requirements for during access of the transportation lane.

Reason: During a special legislative session in 2017, the Legislature passed the nonmeandered waters compromise. As part of that legislation, the GFP Commission is obligated to establish a process to create a transportation lane to a portion of a nonmeandered lake that is open for recreational use.

3. ARSD 41:05:02:12 Clark County refuges (State Game Refuges)

Effect: The proposed change would remove several sections of property from the Antelope Lake State Waterfowl Refuge.

Reason: Due to recent changes in land ownership the new landowner wishes to be able to hunt their land.

4. ARSD 41:06:00:01.02 Definitions (Hunting seasons and methods)

Effect: The proposed change would create a definition of what constitutes an “expanding bullet.”

Reason: There have been recent technological advances in bullet construction which make additional expanding bullets effective at taking big game animals.

5. ARSD 41:06:02:01.04 License validity.

Effect: The proposed change would add language to the rule that would provide flexibility of when a license is valid.

Reason: The change is necessary to account for a new tier of duck hunting. Without the change it would be possible for someone to possess two different state migratory bird certification permits.

6. ARSD 41:06:16:03 Daily bag limits (Ducks)

Effect: The proposed changes would adjust the daily bag limit for duck hunting.

Reason: The adjustment of the daily bag limit is a management tool used to maximize hunter participation and is made in connection with federal partner agencies.

7. ARSD 41:06:16:07 Goose hunting season, Conservation Order, and August Management Take established — Shooting hours – Exceptions – Open units – Closed areas (Waterfowl Hunting Seasons)

Effect: The proposed change would modify the open area for the August Management Take.

Reason: The adjustment of the open area is a management tool that is used to maximize hunter participation and meet the objectives as identified in the Canada goose management plan.

8. ARSD 41:06:22:02 Restricted areas – Exceptions (Archery Deer Hunting)

Effect: The proposed change would correct nomenclature of a refuge on Waubay Lake.

Reason: The name was changed in 2019 and this change is a correction.

9. ARSD 41:06:36:01.02 Waubay deer hunting season established – Number and type of license (National Wildlife Refuge Deer Hunting Seasons)

Effect: The proposed change would correct nomenclature of a refuge on Waubay Lake.

Reason: The name was changed in 2019 and this change is a correction.

10. ARSD 41:06:45:02.01 Closed areas (General Muzzleloading Deer Hunting Season)

Effect: The proposed change would correct nomenclature of a refuge on Waubay Lake.

Reason: The name was changed in 2019 and this change is a correction.

11. ARSD 41:06:50:02 Open unit and season dates (Early fall Canada goose)

Effect: The proposed change would adjust the start date for this season.

Reason: The adjustment of the start date is a management tool used to maximize hunter participation and meet the objectives as identified in the Canada goose management plan.

12. ARSD 41:06:50:03 Daily and possession limits (Early fall Canada goose)

Effect: The proposed change would adjust the daily bag limit and possession limit.

Reason: The adjustment in the bag limit and possession limit is a management tool that is used to maximize hunter participation and meet the objectives as identified in the Canada goose management plan.

13. ARSD 41:08:06:02 Applications – Contents – Submission (Aerial Hunting)

Effect: The proposed change would remove the requirement that certain documents be provided in the application process to the Department.

Reason: The Department issues aerial hunting permits and requires applicants to provide copies of several documents. These documents are no longer needed by the Department but are still required for the applicant to maintain.

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, hometown/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 8th day of Feb, 2021.




Kevin Robling, Interim Secretary

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