

**74:51:01:60. Water resource enhancement or restoration projects -- Department approval required.** Projects designed to enhance or restore overall water quality or beneficial uses may include application of registered pesticides for elimination of nuisance aquatic life, including algae, weeds, and undesirable fish life; furtherance of fish and wildlife research projects; and removal of accumulated sediment. The secretary may allow these projects after review and approval of a written project plan and after opportunity for public review and comment if this is required pursuant to § 74:51:01:61. The project plan shall be submitted on a form provided by the department and shall contain the following information:

- (1) Name and address of responsible party;
- (2) Project goals and purpose;
- (3) Project description;
- (4) Legal location of project;
- (5) Bodies of water affected;
- (6) Estimated date and duration of project;
- (7) Methods implemented to minimize pollution;
- (8) Other alternatives available and reasons for rejection;
- (9) Name and label of product to be used;
- (10) Application rates;
- (11) Application methods; and
- (12) Surfactant toxicity information, if available.

If applicable, the applicant shall provide the department proof of application to or authorization from the South Dakota Department of Game, Fish and Parks under the provisions of SDCL 41-13-1 and 41-13-2 and of 41-12-13. The applicant shall provide the department proof of notification to the local emergency planning committee for projects that include the use of a registered pesticide.

**Source:** 18 SDR 128, effective February 11, 1992; 19 SDR 111, effective January 31, 1993; 21 SDR 214, effective June 21, 1995; transferred from § 74:03:02:47.02, July 1, 1996; 24 SDR 10, effective July 20, 1997.

**General Authority:** SDCL 34A-2-11, 34A-2-93.

**Law Implemented:** SDCL 34A-2-10, 34A-2-11.