

STATE OF SOUTH DAKOTA  
OFFICE OF THE GOVERNOR  
EXECUTIVE ORDER 2024-04

**Whereas,** The State of South Dakota has been impacted by severe storms, flooding, and predicted water flows show additional flooding; and,

**Whereas,** These severe storms have caused damage to roads, bridges, dams, and other public infrastructure; and,

**Whereas,** Citizens have sustained significant damage to their property as a result of the severe storms; and,

**Whereas,** State, tribal, and local government resources have been committed to help alleviate the effects of the severe storm throughout the event; and,

**Whereas,** South Dakota Codified Law states, under subsection 42-8-1.2, "The Governor or the Governor's designee may prohibit or restrict the recreational use or navigation of any portion of any river, stream, lake or other public waterway within the boundaries of the state in order to protect the public peace, health, and safety"; and SDCL 42-8-1.4 states that a person who violates such restriction is guilty of a Class 2 misdemeanor; and,

**Whereas,** SDCL 42-8-1.3 provides, "The Governor or the Governor's designee, upon issuing a prohibition or restriction on the recreational use of waterways pursuant to SDCL 42-8-1.2, shall direct one or more appropriate state or local government agencies to provide notice to the public of the restriction or prohibition. The notice shall be provided in a manner to reasonably notify potential users of the restriction or prohibition in one or more of the following forms:

- 1) Erection of suitable barriers to restrict public use;
- 2) Posted warnings and notice of the restriction or prohibition;
- 3) Declaration by the Governor or other state or local officials;
- 4) Publication or broadcast of the restriction or prohibition by state and local news media; or
- 5) Other emergency methods that will provide reasonable notification"; and,

**Whereas,** Several lakes and streams in eastern South Dakota are at or above flood stage and lands, homes and other private property are in danger of flooding and may incur property damage due to extremely high water levels caused by recent heavy rains; and,

**Whereas,** Boat usage on these lakes and streams will present serious safety risks to boaters, kayakers, canoers and paddle boarders on these waters. Furthermore, damage from wakes of motor boats can cause significant damage to properties and shoreline when lakes are flooded:

**NOW, THEREFORE, I, KRISTI NOEM,** Governor of the State of South Dakota, under provisions of SDCL 34-48A, otherwise known as the Emergency Management law, do hereby declare a state of emergency to exist in South Dakota.

**IT IS FURTHER DECLARED,** That technical resources available to state government will be utilized under coordination of the Department of Public Safety, Office of Emergency Management, in support of city, county, and tribal governments to restore normal travel conditions and emergency services.

**IT IS FURTHER DECLARED,** To protect public health, safety and private property, a “no boating declaration” shall be put into effect on the waters of Lake Alvin in Lincoln County, Lake Henry in Bon Homme County, Marindahl Lake in Yankton County, Menno Lake in Hutchinson County, Swan Lake in Turner County, South Dakota. This restriction shall be in full force and effect from this date forward until modified or removed by a subsequent declaration by the Office of the Governor, or by Kevin Robling, Secretary of the Department of Game, Fish and Parks, who I am hereby appointing as my designee in order to enable him to add to, delete or modify boating restrictions for any bodies of water similarly affected in South Dakota.

This Executive Order shall expire upon the conclusion of the emergency, but no later than July 22, 2024.

Dated in Pierre, South Dakota, this 22nd day of June, 2024.



  
Kristi Noem  
Governor of South Dakota

ATTEST

  
Monae L. Johnson  
Secretary of State