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Arkansas Game and Fish Commission

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April 30, 2019

Mr. Rustin Jackson
Office of the Arkansas Secretary of State
Rules & Regulation Filing
500 Woodlane Drive, Room 26
Little Rock, AR 72201

RE: Arkansas Game and Fish Commission Regulations Adopted on April 25, 2019

Dear Mr. Jackson:

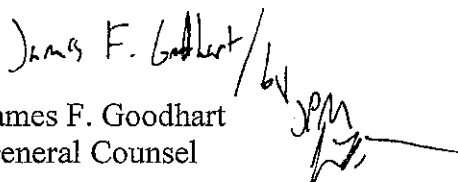
Enclosed please find for filing hard copies of the following rules/regulations adopted by the Arkansas Game and Fish Commission on April 25, 2019:

1. Migratory Waterfowl Hunting Regulations; and,
2. Digital Codification of Existing, Approved Regulations

The Commission respectfully requests that these become effective immediately upon public filing or as soon thereafter as possible.

Should you have any questions or comments concerning this filing, please do not hesitate to contact me at (501) 223-6327 at your convenience

Sincerely,


James F. Goodhart
General Counsel

JFG/as
Enclosures
cc: register@sos.arkansas.gov

2 Natural Resources Drive • Little Rock, AR 72205 • www.agfc.com
Phone (800) 364-4263 • (501) 223-6300 • Fax (501) 223-6448

The Arkansas Game and Fish Commission's mission is to conserve and enhance Arkansas's fish and wildlife and their habitats while promoting sustainable use, public understanding and support

Use only for **FINAL** and **EMERGENCY RULES**



Revised 7/2015 to reflect new legislation passed in the 2015 Regular Session (Act 1258). This act changed the effective date from 30 days to 10 days after filing the rule.

ARKANSAS GAME AND FISH COMMISSION
 Little Rock, Arkansas

MINUTE ORDER NO:	<u>19-023</u>	SUBJECT:	<u>Digital Codification of Existing,</u>
DATE PASSED:	<u>April 25, 2019</u>		<u>Approved Regulations</u>
PAGE <u>1</u> of <u>2</u> PAGES		LOCATION:	<u>Statewide</u>

WHEREAS, for the past several years, the Arkansas Game and Fish Commission and its staff have compiled all Commission-approved regulations in a printed Code Book and Addendum that has served as the official repository of Commission regulations and has been made available in PDF form via the AGFC website at www.agfc.com; and

WHEREAS, the Commission and its staff have proposed codifying all existing, approved regulations in digital form within a software platform accessible via <https://apps.agfc.com/regulations> (the "Digital Code") and making that the official repository of Commission regulations; and

WHEREAS, maintaining Commission regulations within the Digital Code software platform will enable staff to more easily and accurately make regulation changes when approved by the Commission and will improve public usability, transparency, and accountability by offering features such as public comment on proposed regulations and amendments, revision history and comparison tools, clickable cross-references, search, and access on mobile and other devices; and

WHEREAS, it was not the intent of the digital codification to make any substantive changes to the existing, approved regulations; and

WHEREAS, transferring the existing, approved regulations into the software platform for the Digital Code did necessitate making certain non-substantive, technical modifications to the formatting, internal numbering scheme, and organization of the regulations, and also led to removing typographical errors and generally improving the readability of the regulations; and

WHEREAS, notice of the impending digital codification of Commission regulations and the availability of a preview draft at <https://apps.agfc.com/regulations> has been communicated through a variety of media avenues to sportsmen and the general public throughout the state for review and comment for at least the past 30 days; and

WHEREAS, after carefully considering the recommendations of the Director and AGFC staff, as well as comments received from the public, the Commission has determined that approving the regulations as codified with technical modifications in the Digital Code promotes sound wildlife conservation and management and is consistent with Amendment 35 of the Arkansas Constitution, and that these regulations should now be approved for application statewide.

NOW, THEREFORE, BE IT ORDERED this 25th day of April 2019, that the Arkansas Game and Fish Commission hereby approves and adopts the regulations as codified with technical modifications in the Digital Code, which effective immediately shall be the official repository of Commission regulations.

BE IT FURTHER ORDERED that that the Commission staff is authorized to proceed with legally certifying and filing the regulations as codified with technical modifications in the Digital Code with the Secretary of State, State Library, and Bureau of Legislative Research, and reproducing the Digital Code into a printed Code Book and Addendum as necessary or useful. When codifying approved regulations into the Digital Code, the Commission staff is also authorized to make non-substantive corrections to formatting and obvious typographical errors, as may be necessary from time-to-time, to maintain consistency in the appearance and functionality of the Digital Code.

STAFF APPROVAL
Submitted by: Jim Goodhart
Jim Goodhart
General Counsel
Division: Legal
Approved: [Signature]
Director
[Signature]
Fiscal

COMMISSION APPROVAL
[Signature] [Signature]
Ford Overton Bobby Martin
Chairman Commissioner
[Signature] [Signature]
Ken Reeves Stan Jones
Vice Chairman Commissioner
[Signature] [Signature]
Andrew Parker J. D. Neeley
Commissioner Commissioner
[Signature]
Joe Morgan
Commissioner

AGFC Digital Code Approval

Date: April 25, 2019

Explanation: The Administrative, IT, Communications, and Legal Divisions have collaborated to codify all existing, Commission-approved regulations into digital form within a software platform accessible via <https://apps.agfc.com/regulations> (the "Digital Code") and propose making that the new, official repository of Commission regulations. Maintaining the Commission regulations within this Digital Code software platform will enable staff to more easily and accurately make regulation changes when approved by the Commission and will improve public usability, transparency, and accountability by offering features such as public comment on proposed regulations and amendments, revision history and comparison tools, clickable cross-references, search, and access on mobile and other devices.

It was not the intent of the digital codification to make any substantive changes to the existing, approved regulations. On the other hand, transferring the existing, approved regulations into the software platform for the Digital Code did necessitate making certain non-substantive, technical modifications to the formatting, internal numbering scheme, and organization of the regulations, and also led to removing typographical errors and generally improving the readability of the regulations.

Last month, the Regulations Committee gave approval for the proposed Digital Code to be made available for comment by the public. Afterwards, notice of the impending digital codification of Commission regulations and the availability of a preview draft at <https://apps.agfc.com/regulations> was communicated through a variety of media avenues to sportsmen and the general public throughout the state for review and comment. No negative comments were received during that time. Accordingly, the Digital Code is now ready for final consideration by the full Commission and a proposed Minute Order is included.

Prepared by: Jim Goodhart, General Counsel

FINANCIAL / ECONOMIC IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY
(Attach additional pages if needed)

DEPARTMENT: Arkansas Game and Fish Commission

DIVISION: Legal

PERSON COMPLETING THIS STATEMENT: Jim Goodhart, General Counsel

TELEPHONE #: 501-223-6327 **FAX #:** 501-223-6463

EMAIL: james.goodhart@agfc.ar.gov

SHORT TITLE OF THIS RULE: AGFC Digital Code

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?
Yes: No: X
2. Do you believe that the development of a financial impact statement is so speculative as to be cost prohibitive? Yes: No: X
If "Yes", please explain:

3. If the purpose of this rule is to implement a **federal** rule or regulation, please give the incremental cost for implementing the regulation. Please indicate if the cost provided is the cost of the program.

Current Fiscal Year

General Revenue	\$ N/A
Federal Funds	\$ N/A
Cash Funds	\$ N/A
Special Revenue	\$ N/A
Other (Identify)	\$ N/A
Total	\$ N/A

Next Fiscal Year

General Revenue	\$ N/A
Federal Funds	\$ N/A
Cash Funds	\$ N/A
Special Revenue	\$ N/A
Other (Identify)	\$ N/A
Total	\$ N/A

4. What is the total estimated cost by fiscal year to any **party** subject to the proposed, amended, or repealed rule? (Estimated cost includes fees, administrative penalties, reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs associated with compliance.) Identify the **party** subject to the proposed rule, and explain how they are impacted.

Current Fiscal Year: \$ N/A

Next Fiscal Year: \$ N/A

Party Subject to Rule: General Public, particularly Hunters and Anglers.

Effect on Party Subject to Rule: the Digital Code software platform will enable staff to more easily and accurately make regulation changes when approved by the Commission and will improve public usability,

transparency, and accountability by offering features such as public comment on proposed regulations and amendments, revision history and comparison tools, clickable cross-references, search, and access on mobile and other devices.

5. What is the total estimated cost by fiscal year to the **agency** to implement this rule? Explain the financial benefit to the agency from implementing this rule.

Current Fiscal Year: \$N/A

Next Fiscal Year: \$ N/A

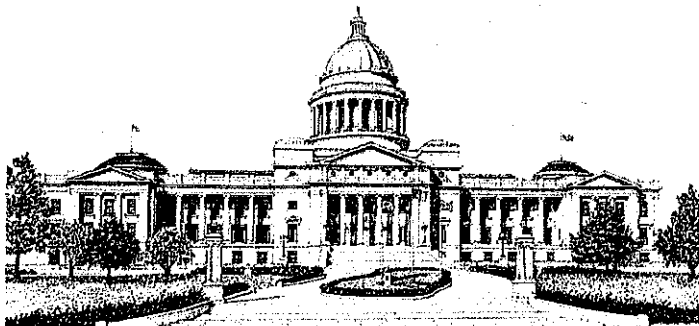
Financial Benefit to Agency: N/A (except there could be savings on paper printing and reproduction).

6. Do alternative means exist for accomplishing the objectives of the rules that might be less burdensome to small business? Yes: No: X

Why were such alternatives not proposed: N/A

7. Compare this rule with federal and state counterparts: N/A

Use only for FINAL and EMERGENCY RULES



www.sos.arkansas.gov



Effective Date _____ Code Number _____

Statutory Authority for Promulgating Rules Amendment 35

Rule Title: Migratory Waterfowl Hunting Regulations

Adopted by State Agency..... April 25, 2019

Date _____

~~XXXXXXXXXXXXXX Arkans. Codebook State Act. XXXX-25-5-201 et seq~~

Date _____

Arkansas Game and Fish Commission
Little Rock, Arkansas

MINUTE ORDER NO: 19-024 SUBJECT: Migratory Waterfowl Hunting
DATE PASSED: April 25, 2019 Regulations
PAGE 1 of 1 PAGES LOCATION: Statewide

WHEREAS, the Arkansas Game and Fish Commission and its staff have proposed the attached regulations for migratory waterfowl hunting, including season dates; and

WHEREAS, the attached regulations have been communicated through a variety of media avenues to sportsmen and the general public throughout the state for review and comment for at least the past 30 days; and

WHEREAS, after carefully considering the recommendations of Commission staff and the Regulations Committee, as well as comments received from the public, the Commission has determined that the attached regulations promote sound wildlife conservation and management and are consistent with Amendment 35 of the Arkansas Constitution and that these regulations should now be approved for application statewide.

NOW, THEREFORE, BE IT ORDERED this 25th day of April 2019, that the Arkansas Game and Fish Commission hereby approves and adopts the attached regulations, which shall become effective immediately upon public filing or as soon thereafter as possible.

BE IT FURTHER ORDERED that the Commission staff is authorized to proceed with legally certifying and filing the attached regulations with the Secretary of State, State Library, and Bureau of Legislative Research, and incorporating them into the Commission Code Book and Addendum.

STAFF APPROVAL

Submitted by: Brad Carner
Brad Carner
Chief

Division: Wildlife Management

Approved: [Signature]
Director

Approved: [Signature]
Legal

Approved: [Signature]
Fiscal

COMMISSION APPROVAL

[Signature] [Signature]
Ford Overton Bobby Martin
Chairman Commissioner

[Signature] [Signature]
Ken Reeves Stan Jones
Vice Chairman Commissioner

[Signature] [Signature]
Andrew Parker J. D. Neeley
Commissioner Commissioner

[Signature] [Signature]
Joe Morgan
Commissioner

B1.01 MOURNING, WHITE WINGED, AND EURASIAN COLLARED DOVE SEASON AND LIMITS

05-18 First day of September to 4th Sunday in October and for 33 days prior to and including January 15

EXCEPTION:

In compliance with WMA regulations

LIMIT: Mourning dove and White-winged Dove: Daily limit 15, possession limit 45.

Eurasian collared-doves: No daily or possession limit. Eurasian collared-doves must remain fully feathered in the field and while being transported from the field.

B1.08 DUCK, COOT AND MERGANSER SEASON AND LIMITS

05-17 First segment starting on the Saturday before Thanksgiving closing first Monday after Thanksgiving, Second segment opening second Wednesday in December through the day before Christmas Eve, Third segment opening the day after Christmas and closing on the last day in January for 60 days

EXCEPTION:

Ducks, coots and mergansers may be taken during the Special Youth Waterfowl Hunt (Code 11.04).

LIMIT DUCKS: Daily limit six. No more than four mallards (no more than two of which may be females), one pintail, one mottled duck, three scaup, three wood ducks, two redheads, two black duck and two canvasback.

Possession limit: no more than three daily limits.

MERGANSERS: Daily limit of five (no more than two of which may be hooded mergansers).

Possession limit: no more than three daily limits.

COOT: Daily limit 15, possession limit 45.

MERGANSERS: Daily limit of five (no more than two of which may be hooded mergansers).

Possession limit: no more than three daily limits.

COOT: Daily limit 15, possession limit 45.

B1.09 WHITE-FRONTED GOOSE SEASON AND LIMITS

05-18 Fourth Saturday in October for five (5) days, Saturday prior to Thanksgiving for fourteen (14) days, First Sunday in December through the last day in January for fifty-five (55) days statewide.

LIMIT: Daily limit three, possession limit nine.

B1.10 SNOW, BLUE AND ROSS' GOOSE SEASON AND LIMITS

05-18 Fourth Saturday in October for five (5) days, Saturday prior to Thanksgiving for fourteen (14) days, First Sunday in December through the last day in January for fifty-five (55) days statewide.

EXCEPTION:

In compliance with the Addendum B1.14.

LIMIT: Daily limit 20, no possession limit.

B1.11 **CANADA GOOSE SEASON AND LIMITS**
05-18 Early Canada Goose Statewide Season: Sept.1-30, annually
Fourth Saturday in October for five (5) days, Saturday prior to Thanksgiving
for fourteen (14) days, First Sunday in December through the last day in
January for fifty-five (55) days statewide.
Shooting hours are from one-half hour before sunrise to sunset statewide.

EXCEPTION:

Holla Bend NWR is closed.

LIMIT: Daily limit two. Possession limit six

EXCEPTION:

The daily limit is five Canada geese from Sept. 1-30, annually, possession limit 15.

B1.13 **SPECIAL YOUTH WATERFOWL HUNTING SEASON AND LIMITS**
05-18 First Saturday in December and the Second Saturday in February statewide
LIMIT: Same as statewide.

B1.14 **SNOW, BLUE AND ROSS' GOOSE CONSERVATION ORDER SEASON**
05-18 **AND LIMITS**
First Saturday in October for twenty-one (21) days; Thursday after the first snow,
blue and Ross's goose regular season segment for through the day before the first
day of the second Snow, Blue, and Ross' goose season (18); Saturday after the last
day of regular duck season for seven (7) days; second Sunday in February through
April 25 (77) days statewide.
LIMIT: No limit.

24.09 **NON-RESIDENT WATERFOWL HUNTING PERMIT REQUIREMENTS**
ON CERTAIN WMAs

05-01, 08-
13, 1/17,
05/18
08/18 It is unlawful for any non-resident hunters who does not possess a valid Non-
resident WMA Waterfowl Hunting Permit to take or attempt to take waterfowl
without during regular duck season on the following WMAs: Bell Slough Camp
Robinson WMA, Beryl Anthony Lower Ouachita, Big Lake, Dr. Lester Sitzes III
Bois d'Arc, Cut-Off Creek, Sheffield Nelson Dagmar, Dave Donaldson Black
River, Earl Buss Bayou DeView, Ed Gordon Point Remove, Freddie Black
Choctaw Island East Unit, Frog Bayou, Galla Creek, George H. Dunklin Jr Bayou
Meto, Harris Brake, Henry Gray Hurricane Lake, Holland Bottoms, Ozan, Petit
Jean River, Rex Hancock Black Swamp, Seven Devils, Shirey Bay Rainey Brake,
St. Francis Sunken Lands, Steve N. Wilson Raft Creek Bottoms, Sulphur River,
Trusten Holder, and Craig D. Campbell Lake Conway Reservoir (Camp Robinson
WDA).

As of the 2019-2020 season:

Permits may be purchased for the following dates only: First ten (10) days of the
first segment; Second (2nd) day after Christmas for ten (10) days; last ten (10) days
of the third segment Each permit will allow the non-resident to hunt waterfowl on
a specified WMA for up to five (5) consecutive days. The desired WMA and
hunting dates must be selected from the options available at the time of purchase
and all selections are final. Permit purchases are nonrefundable and
nontransferable to other persons, dates, or WMAs.

This permit is in addition to hunting and/or guide license requirements as stated in Chapter 03.00. This permit must be in the person's possession while taking or attempting to take waterfowl on these WMAs.

PENALTY: Class 2

B1.01 MOURNING, WHITE WINGED, AND EURASIAN COLLARED DOVE SEASON AND LIMITS

05-18 First day of September to 4th Sunday in October and for 33 days prior to and including January 15.

EXCEPTION:

In compliance with WMA regulations

LIMIT: Mourning dove and White-winged Dove: Daily limit 15, possession limit 45.

Eurasian collared-doves: No daily or possession limit. Eurasian collared-doves must remain fully feathered in the field and while being transported from the field.

B1.08 DUCK, COOT AND MERGANSER SEASON AND LIMITS

05-17 First segment starting on the Saturday before Thanksgiving and closing on the first Monday after Thanksgiving; Second segment opening second Wednesday in December through the day before Christmas Eve; Third segment opening the day after Christmas and closing on the last day in January for 60 days total statewide.

(First Segment Nov. 23-Dec. 2, 2019, Second Segment Dec. 11- Dec. 23, 2019, Third Segment Dec. 26, 2019 – Jan. 31, 2020)

EXCEPTION:

Ducks, coots and mergansers may be taken during the Special Youth Waterfowl Hunt (Code 11.04).

LIMIT DUCKS: Daily limit six. No more than four mallards (no more than two of which may be females), one pintail, one mottled duck, three scaup, three wood ducks, two redheads, one black duck and one canvasback.

Possession limit: no more than three daily limits.

MERGANSERS: Daily limit of five (no more than two of which may be hooded mergansers).

Possession limit: no more than three daily limits.

COOT: Daily limit 15, possession limit 45.

B1.09 WHITE-FRONTED GOOSE SEASON AND LIMITS

05-18 Fourth Saturday in October for five (5) days, Saturday prior to Thanksgiving for fourteen (14) days, First Sunday in December through the last day in January for fifty-five (55) days total statewide.

LIMIT: Daily limit three, possession limit nine.

B1.10 SNOW, BLUE AND ROSS' GOOSE SEASON AND LIMITS

05-18 Fourth Saturday in October for five (5) days, Saturday prior to Thanksgiving ~~in~~ for fourteen (14) days, First Sunday in December through the last day in January for fifty-five (55) days statewide.

EXCEPTION:

In compliance with the Addendum B1.14.

LIMIT: Daily limit 20, no possession limit.

B1.11 CANADA GOOSE SEASON AND LIMITS

05-18 Early Canada Goose Statewide Season: Sept.1-30, annually
Fourth Saturday in October for five (5) days, Saturday prior to Thanksgiving
for fourteen (14) days, First Sunday in December through the last day in
January for fifty-five (55) days statewide.
Shooting hours are from one-half hour before sunrise to sunset statewide.
(Oct. 26-30, Nov. 23-Dec. 6, Dec. 8- Jan. 31, 2020)

EXCEPTION:

Holla Bend NWR is closed.

LIMIT: Daily limit two. Possession limit six

EXCEPTION:

The daily limit is five Canada geese from Sept. 1-30, annually,
possession limit 15.

B1.13 SPECIAL YOUTH WATERFOWL HUNTING SEASON AND LIMITS

05-18 First Saturday in December and the Second Saturday in February statewide

LIMIT: Same as statewide.

B1.14 SNOW, BLUE AND ROSS' GOOSE CONSERVATION ORDER SEASON AND LIMITS

05-18 First Saturday in October for twenty-one (21) days; Thursday after the first
snow, blue and Ross's goose regular season segment for twenty-three (23)
days; Saturday after the last day of regular duck season for seven (7) days;
second Sunday in February through April 25 for seventy-seven (77) days
statewide.

LIMIT: No limit.

24.09 NON-RESIDENT WATERFOWL HUNTING PERMIT REQUIREMENTS ON CERTAIN WMAs

05-01, It is unlawful for any non-resident hunters who does not possess a valid Non-
08-13, resident WMA Waterfowl Hunting Permit to take or attempt to take
1-17, waterfowl without during regular duck season on the following WMAs: Bell
05-18 Slough Camp Robinson WMA, Beryl Anthony Lower Ouachita, Big Lake,
08-18 Dr. Lester Sitzes III Bois d'Arc, Cut-Off Creek, Sheffield Nelson Dagmar,
Dave Donaldson Black River, Earl Buss Bayou DeView, Ed Gordon Point
Remove, Freddie Black Choctaw Island East Unit, Frog Bayou, Galla Creek,
George H. Dunklin Jr Bayou Meto, Harris Brake, Henry Gray Hurricane
Lake, Holland Bottoms, Ozan, Petit Jean River, Rex Hancock Black
Swamp, Seven Devils, Shirey Bay Rainey Brake, St. Francis Sunken Lands,
Steve N. Wilson Raft Creek Bottoms, Sulphur River, Trusten Holder, and
Craig D. Campbell Lake Conway Reservoir (Camp Robinson WDA).

As of the 2019-2020 season:

Permits may be purchased for the following dates only: Nov. 23- Dec. 2,
2019, Dec. 27, 2019- Jan. 5, 2020, Jan 22- 31, 2020 Each permit will allow

the non-resident to hunt waterfowl on a specified WMA for up to five (5) consecutive days. The desired WMA and hunting dates must be selected from the options available at the time of purchase and all selections are final. Permit purchases are nonrefundable and nontransferable to other persons, dates, or WMAs.

This permit is in addition to hunting and/or guide license requirements as stated in Chapter 03.00. This permit must be in the person's possession while taking or attempting to take waterfowl on these WMAs.

PENALTY: Class 2

FINANCIAL/ECONOMIC IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY
(Attach additional pages if needed)

DEPARTMENT: Arkansas Game and Fish Commission

BUREAU: Wildlife Management

PERSON COMPLETING THIS STATEMENT: Garrick Dugger

TELEPHONE #: 501-978-7329 FAX #: 501-223-6452

EMAIL: garrick.duggger@agfc.ar.gov

SHORT TITLE OF THIS RULE: Waterfowl Season Dates.

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?
Yes: ☒ No: ☐
2. Do you believe that the development of a financial impact statement is so speculative as to be cost prohibitive? Yes: ☐ No: ☒ If "Yes", please explain:
3. If the purpose of this rule is to implement a **federal** rule or regulation, please give the incremental cost for implementing the regulation. Please indicate if the cost provided is the cost of the program.

<u>Current Fiscal Year</u>		<u>Next Fiscal Year</u>	
General Revenue	\$	General Revenue	\$
Federal Funds	\$	Federal Funds	\$
Cash Funds	\$	Cash Funds	\$
Special Revenue	\$	Special Revenue	\$
Other (Identify)	\$	Other (Identify)	\$
Total	\$	Total	\$

4. What is the total estimated cost by fiscal year to any **party** subject to the proposed, amended, or repealed rule? (Estimated cost includes fees, administrative penalties, reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs associated with compliance.) Identify the **party** subject to the proposed rule, and explain how they are impacted.

Current Fiscal Year: NA

Next Fiscal Year: Unknown

Party Subject to Rule: Hunters

Effect on Party Subject to Rule: Potentially, there could be fines.

5. What is the total estimated cost by fiscal year to the **agency** to implement this rule? Explain the financial benefit to the agency from implementing this rule.

Current Fiscal Year: \$N/A

Next Fiscal Year: \$N/A

6. Do alternative means exist for accomplishing the objectives of the rules that might be less burdensome to small business? Yes: ☐ No: ☒

Why were such alternatives not proposed: N/A

7. Compare this rule with federal and state counterparts: N/A