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May 21, 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 May 16, 2019

Dear Mr. Jackson:

Enclosed please find for filing hard copy of the Regulation Amendment for Trout Permit Fee Increases adopted by the Arkansas Game and Fish Commission on May 16, 2019. The Commission respectfully requests that the Amendment become effective August 1, 2019.

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

ARKANSAS REGISTER

Transmittal Sheet

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



Secretary of State

John Thurston

500 Woodlane, Suite 026

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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Arkansas Game and Fish Commission

Department Legal Division

Contact James Goodhart, Chief Counsel E-mail james.goodhart@agfc.ar.gov Phone 501-223-6327

Statutory Authority for Promulgating Rules Amendment 35

Rule Title: Regulation Amendment for Trout Permit Fee Increases

Intended Effective Date

(Check One)

☐ Emergency (ACA 25-15-204)

☐ 10 Days After Filing (ACA 25-15-204)

☒ Other August 1, 2019
(Must be more than 10 days after filing date.)

Legal Notice Published

Final Date for Public Comment

Reviewed by Legislative Council

Adopted by State Agency

Date

April 14, 2019

May 16, 2019

NA

May 16, 2019

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

April M. Soman

April.Soman@agfc.ar.gov

May 21, 2019

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted

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In Substantial Compliance with Act 434 of 1967 the Arkansas Administrative Procedures Act. Pursuant to 2011 decision rendered by the Pulaski County Circuit Court and 2000 opinion by the Arkansas Attorney General, the rulemaking requirements in the Arkansas Administrative Procedures Act cannot be constitutionally applied to the AGFC. Nevertheless, the AGFC does substantially comply with the rulemaking provisions under Ark. Code Ann. section 25-15-204 for public notice, opportunity for comment, and filing of all regulations adopted by the Commission.

James F. Goodhart

501-223-6327
Phone Number

Signature

james.goodhart@agfc.ar.gov
E-mail Address

GENERAL COUNSEL

Title

May 21, 2019

Date

ARKANSAS GAME AND FISH COMMISSION
 Little Rock, Arkansas

MINUTE ORDER NO:	<u>19-031</u>	SUBJECT:	<u>Regulation Amendments for Trout</u>
DATE PASSED:	<u>May 16, 2019</u>		<u>Permit Fee Increases</u>
PAGE <u>1</u> of <u>2</u> PAGES		LOCATION:	<u>Statewide</u>

WHEREAS, trout fishing in Arkansas represents a major fishery with an estimated economic impact of over \$180 million per year, which is supported by strong programs for trout management, and trout culture and production by the Arkansas Game and Fish Commission; **and**

WHEREAS, the Commission and its Fisheries Division staff have proposed the attached regulation amendments to Code Addendum D1.01 to increase resident and non-resident trout fishing license and permit fees as follows: Arkansas Resident Trout Permit (TPR) from \$5.00 to \$10.00; Non-Resident Trout Permit (TPN) from \$12.00 to \$20.00; Resident Military Retiree Lifetime Trout Permit (MRT) from \$5.00 to \$10.00; Resident 65 Plus Lifetime Trout Permit (PLT) from \$5.00 to \$10.00; and Resident Disabled Military Veteran Lifetime Trout Permit (VLT) from \$5.00 to \$10.00; **and**

WHEREAS, these fee increases are needed to help maintain fish and wildlife programs for sustained fishing use, including: funding the AGFC Jim Hinkle Spring River State Fish Hatchery renovation; trout conservation, management, research, and aquaculture production; and improving trout fishing opportunities throughout the state; **and**

WHEREAS, pursuant to Act 886, which was enacted on April 11, 2019, the Arkansas General Assembly has authorized the amounts of the fee increases for resident trout fishing licenses and permits issued by the Commission; **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 addition of these funds is necessary and appropriate, 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 16th day of May 2019, that the Arkansas Game and Fish Commission hereby approves and adopts the attached regulation amendments, which shall become effective on August 1, 2019.

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.

Submitted by: Ben Batten
Ben Batten
Chief

Division: Fisheries

Approved: For Pat Fitts
Director

Approved: A. E. Goodhart
Legal

Approved: Kristin Blain
Fiscal

COMMISSION APPROVAL

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J. D. Neeley
Commissioner

Recommended Trout Permit Fee Increases:

Permit Name	Permit Code	Current Fee	Proposed Fee
Arkansas Trout Permit	TPR	\$5.00	\$10.00
Resident Military Retiree Lifetime Trout Permit	MRT	\$5.00	\$10.00
Resident 65 Plus Lifetime Trout Permit	PLT	\$5.00	\$10.00
Resident Disabled Military Veteran Lifetime Trout Permit	VLT	\$5.00	\$10.00
Non-Resident Trout Permit	TPN	\$12.00	\$20.00

CHAPTER D1.00 - LICENSE

D1.01 Licenses, Permits, Stamps, Tags, Costs, and Expiration Dates

D1.02 Application Requirements for AGFC License Dealer Permits

D1.03 AGFC License Dealer Permit Transfer, Renewal, Suspension and Revocation

02-19

D1.01 LICENSES, PERMITS, STAMPS, TAGS, COSTS AND EXPIRATION DATES

SPORT FISHING: CODE COST EXP. DATE

Alligator Gar Fishing Permit AGP Free Dec. 31
Resident Fisheries Conservation License FSH \$10.50 **
Resident 3-Day Trip License RT3 \$6.50 *
Resident Disabled Fishing 3-Yr License RDF \$10.50 +
Resident Disabled Combination 3-Yr License RDC \$35.50 +
Non-Resident Annual Fishing License NRF \$50.00 **
Non-Resident 7-Day Trip Fishing License NT7 \$25.00 *
Non-Resident 3-Day Trip Fishing License NT3 \$16.00 *
Arkansas Trout Permit TPR \$10.00**
Non-Resident Trout Permit TPN \$20.00 **
White River Border Lakes License WRL \$10.00 **
Resident Guide License/Fishing GLF \$25.00 **
Non-Resident Guide License/Fishing GNF \$150.00 **
Resident 65 Plus Annual Fishing License PAF \$

LIFETIME LICENSE:

Resident Military Retiree Lifetime Fishing License MRF \$10.50 Non-Expiring
Resident Military Retiree Lifetime Hunting License MRH \$25.00 Non-Expiring
Resident Military Retiree Lifetime Combination License MRC \$35.50 Non-Expiring
Resident Military Retiree Lifetime Waterfowl Permit MRD \$ 7.00 Non-Expiring
Resident Military retiree Lifetime Trout Permit MRT \$10.00 Non-Expiring
Resident 65 Plus Lifetime Fishing License PLF \$10.50 Non-Expiring
Resident 65 Plus Lifetime Sportsman's Hunting License and Permit PLH \$25.00 Non-Expiring
Resident 65 Plus Lifetime Combination License PLC \$35.50 Non-Expiring
Resident 65 Plus Lifetime Waterfowl Permit PLD \$7.00 Non-Expiring
Resident 65 Plus Lifetime Trout Permit PLT \$10.00 Non-Expiring
Non-Expiring Lifetime Resident Hunting & Fishing Sportsman's Permit Fishing License LSP
\$1,000.00 Non-Expiring
Fishing License VLF \$1.50 Non-Expiring
Resident Disabled Military Veteran Lifetime Hunting License VLH \$1.50 Non-Expiring
Resident Disabled Military Veteran Lifetime Combination License VLC \$3.00 Non-Expiring
Resident Disabled Military Veteran Lifetime Waterfowl Permit VLD \$ 7.00 Non-Expiring
Resident Disabled Military Veteran Lifetime Trout Permit VLT \$10.00Non-Expiring

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

SHORT TITLE OF THIS RULE: 2019 Trout Permit Fee Increases

7. Compare this rule with federal and state counterparts: