

# ARKANSAS REGISTER

## Transmittal Sheet

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



Secretary of State

**John Thurston**

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For Office

Use Only:

Effective Date 7/8/19

Code Number 002-00.19-009F

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:** Non-Resident Waterfowl Hunting Permit Requirements on WMAs

**Intended Effective Date**  
(Check One)

**Date**

☐ Emergency (ACA 25-15-204)

Legal Notice Published .....

5/19/2019

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

Final Date for Public Comment .....

6/20/2019

☐ Other  
(Must be more than 10 days after filing date.)

Reviewed by Legislative Council .....

NA

Adopted by State Agency .....

6/20/2019

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

April M. Soman

April.Soman@agfc.ar.gov

6/21/2019

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 Goodhart

501-223-6327  
Phone Number

James.Goodhart@agfc.ar.gov  
E-mail Address

Chief Counsel  
Title

6-21-19  
Date

SECRETARY OF STATE

2019 JUN 28 PM 11:07

REGISTERED

FILED

**ARKANSAS GAME AND FISH COMMISSION**  
Little Rock, Arkansas

|                                 |                      |           |                                       |
|---------------------------------|----------------------|-----------|---------------------------------------|
| MINUTE ORDER NO:                | <u>19-044</u>        | SUBJECT:  | <u>Non-Resident Waterfowl Hunting</u> |
| DATE PASSED:                    | <u>June 20, 2019</u> |           | <u>Permit Requirements on WMAs</u>    |
|                                 |                      |           | <u>Approval</u>                       |
| PAGE <u>1</u> of <u>2</u> PAGES |                      | LOCATION: | <u>Statewide</u>                      |

**WHEREAS,** the Arkansas Game and Fish Commission and its staff have proposed the attached regulations for the 2019-2020 waterfowl season to amend existing Non-Resident Waterfowl Hunting Permit Requirements on WMAs to replace the current 27 WMA-specific, 5-day permits for non-resident WMA waterfowl hunting with a single, general 5-day permit that must be possessed by non-resident hunters while taking or attempting to take waterfowl on any WMA. No change is being recommended for the existing permit fee (\$30.50); **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 20th day of June 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.

**Submitted by:** STAFF APPROVAL  
Brad Carner  
Brad Carner  
Chief

**Division:** Wildlife Management

**Approved:** [Signature]  
Director

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

Approved: A. F. Woodhart  
Legal

Joe Morgan  
Commissioner

Approved: Jami Indur  
Fiscal

## 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:** Matthew Warriner

**TELEPHONE #:** 501-223-6435 **FAX #:** 501-223-6452

**EMAIL:** brad.carter@agfc.ar.gov

**SHORT TITLE OF THIS RULE:** Non-Resident WMA Permit Regulations

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:** N/A

**Next Fiscal Year:** Unknown

The proposed regulations add species to the unrestricted and permitted captive wildlife species list. Authorization is also being provided to the Director to extend current Wildlife Breeder/Dealer and Wildlife Importation permits for up to 90 days from the permit expiration date of June 30, 2019, for those permittees authorized to import, breed or sell certain mammal species

Party Subject to Rule: Individuals, businesses and other organizations proposing to import, breed or sell species being added to the unrestricted and permitted captive wildlife species list.

Effect on Party Subject to Rule: Allow Non-Resident to hunt multiple WMAs with one permit

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:** Unknown

Financial Benefit to Agency:

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

## 24.09 -- Nonresident Waterfowl Hunting Permit Requirements On WMAs

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☐ [apps.agfc.com/regulations/detail/f012baf6-3ed6-4eb4-befb-82137bd2a832](https://apps.agfc.com/regulations/detail/f012baf6-3ed6-4eb4-befb-82137bd2a832)

[Update](#) [View Current Regulation](#)

### Proposed Regulation

1. It is unlawful for any nonresident hunter who does not possess a valid Nonresident WMA Waterfowl Hunting Permit to take or attempt to take waterfowl during regular duck season on any WMA.
2. Permits may be purchased for the following dates only:
  1. November 23, 2019, through December 2, 2019
  2. December 27, 2019, through January 5, 2020
  3. January 22, 2020, through January 31, 2020.
3. Each permit will allow the nonresident to hunt waterfowl on any WMA for up to 5 consecutive days. The desired 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.
4. 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 any WMA.

**PENALTY:** Class 2

## D1.01 -- Licenses, Permits, Stamps, Tags, Costs, And Expiration Dates

[apps.agfc.com/regulations/detail/23c75a66-65ec-4212-91ef-310c17cb76e1](https://apps.agfc.com/regulations/detail/23c75a66-65ec-4212-91ef-310c17cb76e1)

[Update View Current Regulation](#)

[Parent](#) [Next](#)

### Proposed Regulation

#### SPORT FISHING:

|  |     |                                  |         |
|--|-----|----------------------------------|---------|
| 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                             | **      |
| Non-Resident 7-Day Trip Fishing License    | NT7 | \$25                             | *       |
| Non-Resident 3-Day Trip Fishing License    | NT3 | \$16                             | *       |
| Arkansas Trout Permit                      | TPR | \$5 (Approved eff. 8-1-19 \$10)  | **      |
| Non-Resident Trout Permit                  | TPN | \$12 (Approved eff. 8-1-19 \$20) | **      |
| White River Border Lakes License           | WRL | \$10                             | **      |
| Resident Guide License/Fishing             | GLF | \$25                             | **      |
| Non-Resident Guide License/Fishing         | GNF | \$150                            | **      |
| Resident 65 Plus Annual Fishing License    | PAF | \$3.50                           | **      |

#### SPECIAL AND COMMERCIAL FISHING:

|  |    |     |         |
|--|----|-----|---------|
| Hoop Nets (with or w/o leads), Turtle Nets | HN | \$4 | Dec. 31 |
|--|----|-----|---------|

|  |     |         |         |
|--|-----|---------|---------|
| Slat Traps and Fiddler Nets  | FS  | \$12.50 | Dec. 31 |
| Commercial Trotlines (inc. snaglines, throw-lines, limb lines, set hooks) per 100 ft.        | TL  | \$5     | Dec. 31 |
| Box Traps Turtle Trap  | TT  | \$2     | Dec. 31 |
| Commercial Tackle (Seine, Trammel and Gill Nets) 100 yds. or fractional part thereof per tag | SNS | \$15    | Dec. 31 |
| Commercial Fisherman's Permit and Sportfishing License                                       | CFS | \$25    | Dec. 31 |
| Commercial Fisherman's Helper Permit   | CFH | \$25    | Dec. 31 |
| Junior/Senior Commercial Fishing Permit  | JSC | \$14.50 | Dec. 31 |
| Alligator Farmer/Dealer Permit   | AFP | \$200   | June 30 |
| Alligator Tags   |     | \$4     | June 30 |
| Alligator Snapping Turtle Breeder/Dealer Permit  | AST | \$100   | June 30 |
| Aquatic Turtle Harvest Permit  | THP | \$100   | Dec. 31 |
| Aquatic Turtle Harvest Helper Permit   | TH  | \$50    | Dec. 31 |
| Junior Aquatic Turtle Harvest Permit   | JTH | \$25    | Dec. 31 |
| Aquatic Turtle Dealer Permit   | TDR | \$250   | Dec. 31 |
| Non-Resident Aquatic Turtle Dealer Permit  | TDN | \$500   | Dec. 31 |
| Aquatic Turtle Farmer Permit   | TBP | \$100   | Dec. 31 |



|   |     |         |           |
|---|-----|---------|-----------|
| Resident Shell Taker and Seller                       | STS | \$100   | Dec. 31   |
| Shell Taker Helper Permit                             | SH  | \$100   | Dec. 31   |
| Shell Buyer   | SBR | \$1,000 | Dec. 31   |
| Non-Resident Shell Buyer                              | SBN | \$2,000 | Dec. 31   |
| Shell Buyer's Agent Permit                            | SA  | \$100   | Dec. 31   |
| Resident Fish Dealer                                  | MD  | \$10    | Dec. 31   |
| Non-Resident Fish Dealer                              | FDN | \$250   | Dec. 31   |
| Minnow Dealer Tackle (Minnow, Seine, Traps or Lifts)  | MS  | \$5     | Dec. 31   |
| Fish Farm Health Inspection Permit                    | VHS | \$200   | +++       |
| Fish Farmer (Aquaculturist) Permit                    | FF  | \$25    | Dec. 31++ |
| Bull Frog Permit (Must have valid Fish Farmer Permit) | BP  | \$25    | Dec. 31   |
| Resident Roe Taker/Seller Permit                      | RTS | \$500   | Dec. 31   |
| Resident Roe Taker/Helper Permit                      | RH  | \$100   | Dec. 31   |
| Resident Roe Buyer/Exporter Permit                    | RBE | \$1,000 | Dec. 31   |
| Non-Resident Roe Buyer Permit                         | RBN | \$2,000 | Dec. 31   |
| Commercial Facility Operator's Permit                 | BDN | \$25    | Dec. 31   |
| Private Boat House/Irrigation (Single)                | BHS | \$30    | Dec. 31   |

|                                    |     |       |         |
|------------------------------------|-----|-------|---------|
| Private Pier/Irrigation            | DPS | \$30  | Dec. 31 |
| Irrigation Permit                  | IP  | \$30  | Dec. 31 |
| Put and Take Pay Lake              | PLO | \$150 | Dec. 31 |
| Venomous Reptile Possession Permit | VRP | \$75  | June 30 |
| Scientific Collection Permit       | SCP | Free  | *****   |
| Conservation Education Permit      | CEP | Free  | June 30 |

#### **HUNTING LICENSE AND PERMITS:**

|  |     |         |         |
|--|-----|---------|---------|
| Deferred Hunter Education                  | DHE | Free    | *       |
| Resident Wildlife Conservation License     | HNT | \$10.50 | June 30 |
| Resident Sportsman's Permit                | RS  | \$25    | June 30 |
| Resident Disabled Hunting 3-Yr License     | RDH | \$25    | +       |
| Resident Disabled Combination 3-Yr License | RDC | \$35.50 | +       |
| Non-Resident Annual All Game License       | NBG | \$350   | June 30 |
| Non-Resident 5-Day All Game License        | AG5 | \$180   | *       |
| Non-Resident 3-Day All Game License        | AG3 | \$125   | *       |
| Non-Resident 1-Day All Game License        | AG1 | \$55    | *       |
| Non-Resident Annual Small Game License     | NRH | \$110   | June 30 |
| Non-Resident 5-Day Small Game License      | SG5 | \$70    | *       |
| Non-Resident Trappers Permit               | NFT | \$125   | June 30 |

|  |     |        |         |
|--|-----|--------|---------|
| Private Lands Elk Permit   | PLE | \$5    | ****    |
| Arkansas Resident Waterfowl Stamp                                | DSR | \$7    | June 30 |
| Arkansas Non-Resident Waterfowl Stamp                            | DSN | \$35   | June 30 |
| Arkansas Quail Stamp (Voluntary only)                            | QS  | \$4.50 | June 30 |
| Resident 65 Plus Annual Sportsman's Hunting License              | PAH | \$3.50 | June 30 |
| WMA General Use Permit   | WMP | Free   | June 30 |
| <b>AGFC Leased Lands Permit (Hunting, Trapping and Camping):</b> |     |        |         |
| Casey Jones WMA  | LCJ | \$40   | **      |
| Big Timber WMA   | LBT | \$40   | **      |
| Cherokee WMA   | LCH | \$40   | **      |
| Gum Flats WMA  | LGF | \$40   | **      |
| Howard County WMA  | LHC | \$40   | **      |
| Provo WMA  | LPR | \$40   | **      |
| Lafayette County WMA   | LLC | \$40   | **      |
| Lake Greeson WMA   | LLG | \$40   | **      |
| Jack Mountain WMA  | LJM | \$40   | **      |
| Jim Kress WMA  | LJK | \$40   | **      |
| Falconry Permit Apprentice                                       | FPA | \$25   | June 30 |
| Falconry Permit General  | FPG | \$25   | June 30 |
| Falconry Permit Master   | FPM | \$25   | June 30 |
| Resident Guide License/Hunting                                   | GLH | \$25   | June 30 |
| Non-Resident Guide License/Hunting                               | GNH | \$150  | June 30 |
| Resident Special Guide License                                   | GLS | \$150  | June 30 |

|   |     |         |         |
|---|-----|---------|---------|
| Non-Resident WMA Waterfowl Hunting Permit (5-day trip) (Code 24.09) | NW5 | \$30.50 | June 30 |
|---|-----|---------|---------|

#### **HUNTING COMMERCIALIZATION:**

|   |     |       |         |
|---|-----|-------|---------|
| Resident Trappers Permit                  | TP  | Free  | June 30 |
| Resident Fur Dealer                       | FD  | \$50  | June 30 |
| Non-Resident Fur Dealer                   | NFD | \$100 | June 30 |
| Game Bird Shooting Resort Permit          | CSR | \$250 | June 30 |
| Commercial Wildlife Hunting Resort Permit | CHR | \$600 | June 30 |
| Wildlife Breeder/Dealer Permit            | WBD | \$75  | June 30 |
| Wildlife Importation Permit               | WTP | \$50  | June 30 |
| Mountain Lion Permit                      | MLP | \$50  | June 30 |
| Live Fox and Coyote Permit                | FCP | \$25  | June 30 |

#### **LIFETIME LICENSE:**

|  |     |                                    |              |
|--|-----|------------------------------------|--------------|
| Resident Military Retiree Lifetime Fishing License               | MRF | \$10.50                            | Non-Expiring |
| Resident Military Retiree Lifetime Hunting License               | MRH | \$25                               | Non-Expiring |
| Resident Military Retiree Lifetime Combination License           | MRC | \$35.50                            | Non-Expiring |
| Resident Military Retiree Lifetime Waterfowl Permit              | MRD | \$7                                | Non-Expiring |
| Resident Military Retiree Lifetime Trout Permit                  | MRT | \$5<br>(Approved eff. 8-1-19 \$10) | 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                               | Non-Expiring |

|  |     |                                    |              |
|--|-----|------------------------------------|--------------|
| Resident 65 Plus Lifetime Combination License  | PLC | \$35.50                            | Non-Expiring |
| Resident 65 Plus Lifetime Waterfowl Permit   | PLD | \$7                                | Non-Expiring |
| Resident 65 Plus Lifetime Trout Permit   | PLT | \$5<br>(Approved eff. 8-1-19 \$10) | Non-Expiring |
| Lifetime Resident Combination Sportsman's License and Permit   | LSP | \$1,000                            | Non-Expiring |
| Resident Disabled Military Veteran Lifetime 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 (includes Hunting and Fishing only)  | VLC | \$3                                | Non-Expiring |
| Resident Disabled Military Veteran Lifetime Waterfowl Permit   | VLD | \$7                                | Non-Expiring |
| Resident Disabled Military Veteran Lifetime Trout Permit   | VLT | \$5<br>(Approved eff. 8-1-19 \$10) | Non-Expiring |
| (Eff. 8-1-19) Resident Disabled Military Veteran Lifetime Combination License and Permit (includes Hunting, Fishing, Trout, and Waterfowl) | VLL | \$52.50                            | Non-Expiring |

#### **COMBINATION LICENSE:**

|   |     |         |         |
|---|-----|---------|---------|
| Resident 65 Plus Annual Combination License | PAC | \$4.50  | June 30 |
| Resident Combination License                | CS  | \$35.50 | June 30 |

\*Good from requested day of issue for period of license.

\*\*Good for 1 year from date of purchase.

\*\*\*\*Expires when the zone quota has been reached (Addendum A1.09).

\*\*\*\*\*Good for that season only.

\*\*\*\*\*Good for 1 year from date of issuance.

- +Good for 3 years from date of purchase.
- ++Fee applies to initial purchase. No fee for annual renewal.
- +++Permit is annual permit issued in 26-month intervals.