

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State
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Name of Department Legal Division

Agency or Division Name Arkansas Game & Fish Commission

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

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Name of Rule Addendum K1.01 Policies on Land Use Around AGFC Lakes

Newspaper Name Arkansas Democrat Gazette

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Final Date for Public Comment March 19, 2020

Location and Time of Public Meeting Fulton/Spring Hill Suite of Hempstead Hall at the University of Arkansas Hope, 2500 S Main St, Hope AR 71801

**K1.01 POLICIES ON LAND USE AROUND ARKANSAS GAME AND FISH
COMMISSION LAKES**

By Order of the Arkansas Game and Fish Commission

Updated October 18, 2018

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POLICIES ON LAND USE AROUND
ARKANSAS GAME AND FISH COMMISSION LAKES
**Be sure to review the Arkansas Game and Fish Guidelines for Resolving Real Estate
Encroachments (Section 10.8) and the AGFC Fishing Guidebook*

1.0 Introduction

The Arkansas Game and Fish Commission (the Commission, AGFC) has built many lakes throughout the state in an effort to provide fishing for the citizens of Arkansas. The Game and Fish Commission controls, manages and maintains these lakes within the established boundaries of ownership. Around each Commission-owned lake a state boundary of ownership exists. The size and extent of the state-owned boundary varies depending on the lake. These lands are necessary to provide for fluctuating water levels, to control and protect the public investments and to insure public use and access to the shoreline of these lakes. The Commission attempts to maintain boundary markings, however if construction and/or land-clearing activities are anticipated, it is the landowner's responsibility to locate all boundaries by a survey based on the metes and bounds land description.

2.0 Definitions

- 2.1 Lake Management Buffer** – The strip of Commission-owned land adjacent to AGFC lakes that the Commission deems necessary to provide for public access, flood control, and lake management. The width of the lake management buffer varies from lake-to-lake (typically between 20 to 100 feet wide) and either is described relative to a known elevation or in metes and bounds pursuant to a survey. (Refer to Section 9 for specific lake boundary descriptions; see also the current Arkansas Game and Fish Guidelines for Resolving Real Estate Encroachments in Section 10.8). The lake management buffer is public property and is open to the public at all times.
- 2.2 Lakefront Property** - private property that directly adjoins the Arkansas Game and Fish Commission lake management buffer. No other properties will be considered lakefront properties. Only lakefront property owners may request permits for and construct such permitted structures on the Commission-owned lake management buffers and lakes.
- 2.3 Mean Sea Level (msl)** – A measurement of the average height of the ocean's surface; used as a standard in reckoning land elevation.
- 2.4 Metes and Bounds Survey**: A metes and bounds survey is a survey of land by references to courses and distances around the tract (e.g. "Thence North 40 degrees West 1320 feet to a 1" pipe"), as opposed to a description of a tract of land within a subdivision (e.g. "Lot 6, Wooded Hills Subdivision"). A metes and bounds survey is typically seen in rural or non-urban areas, such as around AGFC lakes and WMAs.

3.0 Permits

- 3.1 General Information** –Applications for all permits are provided in the Appendix. Applicants should allow at least 30 days to process the permit application(s). Permits are not transferable upon resale or transfer of ownership of the property. It is the current landowner's responsibility to disclose the Policies on Land Use Around AGFC Lakes upon resale or transfer of ownership of his/her property. New lakefront landowners purchasing

properties with an existing pier, boathouse, boat slide or irrigation system must apply for a new permit and in the new property owner's name. Proof of home ownership is required. All permits must be renewed on the AGFC's three-year cycle as follows: by December 31, 2021, and by December 31 every third year thereafter. Permits issued on or after November 15 of a renewal year will be valid until December 31 of the following renewal year. Each permit issued will clearly indicate its expiration date. A new registration sticker will be sent with the renewed permit. New property owners are responsible for permitting or removing the structure within 90 days of taking possession. Structures not removed or permitted during that time are subject to removal by the Commission at the property owner's expense.

- 3.2 Agreement** – The Application(s) for permits must be completed and signed by the lakefront property owner. In signing the application(s) the lakefront property owner agrees to comply with all applicable requirements outlined in the Policies on Land Use Around Arkansas Game and Fish Commission Lakes and to repair or remove boathouses, piers, boat slides, or irrigation units should they at any time deteriorate to be in violation of the Policy. The landowner assumes all liability associated with said structures. A copy of private boathouse, boat slide, or pier construction plans, dimensions, and list of materials to be used and a copy of the plat map with the boathouse, boat slide, pier, or irrigation unit location marked must accompany the Application. Failure of not sending in all required information will result in delay of permit issuance

3.3 Permit Display Requirements and Fees

Piers, boathouses, boat slides, and irrigation units must display the Arkansas Game and Fish Commission permit number on the structure. Permit numbers must be a minimum of 3 inches in height. Along with issuance of the permit, you will receive a metal placard and a colored registration sticker for each boathouse, boat slide, pier, or irrigation pump. The permit numbers shall be placed on the left side of the placard and the registration sticker shall be placed to the right of the permit numbers on the placard. Permit numbers must be clearly visible, legible and of a color that contrasts with that of the metal placard. The placard must be placed on the side of the structure facing the center of the lake, making it visible at all times. Boat slides and irrigation units must have the placard attached to a 4"x 4" post that is securely set in the ground, as a part of or near the structure. The placard must also be placed at least 3 feet above the ground or normal water elevation of the lake. The metal placard cannot be placed on doors. Upon renewal of the permit, you will receive a new registration sticker to place on the placard. If a placard must be replaced, contact the Licensing Division at (501) 223-6300 or 1(800) 364-GAME.

- Pier, boathouse, or boat slide fee (for each structure): \$30.00
- Irrigation Permit fee (Fee required only if you do not have a boathouse and/or pier. Metal placard must be placed on a post near the irrigation unit. Refer to Section 4.6): \$30.00
- Metal Placard(s) fee (For use on boathouses/boat slides/piers/irrigation units. This fee covers all required metal placards for each landowner.): \$25.00
- Replacement placard fee: \$5.00 per placard



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February 14, 2020

Ms. Jacqueline Cowan
Arkansas Secretary of State, Rules & Regulation Filing
500 Woodlane Drive, Room 26
Little Rock, AR 72201
Via email only: register@sos.arkansas.gov

RE: Legal Notice for Proposed Rules or Regulations – March 2020 meeting

Dear Ms. Cowan:

Attached please find for filing and immediate publication on the Secretary of State's website the following:

Legal Notice for upcoming Commission Meetings to be held on March 18-19, which will run in the Arkansas Democrat-Gazette on February 16, 17, and 18, 2020.

Attached is the Policies on Land Use Around AGFC Lakes proposal and the revised Application for Boathouse Permit that will be reviewed by the Commission at the upcoming meeting.

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

Cc: Ms. Barbara Brown, Bureau of Legislative Research
brownb@blr.arkansas.gov

SUMMARY FOR COMMITTEE ITEM

Date: February 19, 2020

Explanation:

Prepared by: Ben Batten
Fisheries Division Chief

APPLICATION FOR BOATHOUSE / BOAT SLIDE / PIER / IRRIGATION ON PUBLIC LAND

LAKEFRONT PROPERTY OWNER COMPLIANCE AGREEMENT

(Please print or type)

Name _____
(First) (Middle) (Last)

Mailing Address _____

City _____ Zip Code _____

Lake Address _____

City _____ Zip Code _____

Home Phone _____ Business Phone _____ County _____

Date of Birth _____ Height _____ Eye Color _____

Sex _____ Driver's License Number or Social Security Number _____

(Please check no more than one pier and one boathouse or boat slide)

PIER: New: _____ or Existing: _____ Floating: _____ Fixed: _____

BOATHOUSE: New: _____ or Existing: _____ Floating: _____ Fixed: _____

BOAT SLIDE: New: _____ or Existing: _____ Floating: _____ Fixed: _____

Existing structure current permit number (if applicable): _____

(There is a \$30.00 permit fee for each structure and a \$25.00 **permit** fee for all required metal placards. All permits must be renewed on the AGFC's three-year cycle as follows: by December 31, 2021, and by December 31 every third year thereafter.)

☐

Please check box if you will be irrigating with lake water. (If you have a boathouse/ pier/boat slide and will be irrigating, there is no additional cost. If you do not have a boathouse/pier/boat slide and will be irrigating with lake water, you must complete the Irrigation Application, pay a \$30.00 permit fee and purchase a metal placard for the irrigation unit.)

Location of Structure(s) and/or Irrigation System

Lake: _____

Sub-Division: _____

Lot: _____ Block: _____

Failure to send in all required information will result in a delay of issuance of permit.

Check-off list of documents you must provide with this application:

___ Proof of property ownership

___ Plat showing location of pier/boathouse/
boat slide (Available from Circuit Clerk)

___ Construction plans or picture of existing structure that gives dimensions

AGREEMENT

By signing this document, I have read and hereby agree to comply with **ALL ITEMS** listed in the AGFC Land Use Policy, as revised time to time. I further agree to build any structure(s) using Arkansas Game and Fish Commission plans, maintain the structure(s) listed on this application in good repair and to remove structure(s) if they at any time are damaged or deteriorated beyond repair or abandoned. I also understand that I accept all liability associated with said structures. I understand that I must renew my permit annually by paying the applicable fees and that a Commission employee may inspect my permitted structures and adjacent AGFC lake management buffer at any time. I also understand my failure to abide by this agreement may result in fines and/or mandatory removal of the structure(s).

Requested activity cannot commence until receipt of approved permit.

PLEASE MAKE CHECK OR MONEY ORDER PAYABLE TO ARKANSAS GAME AND FISH COMMISSION OR

VISA/MASTERCARD/DISCOVER# _____

EXP. DATE _____

APPLICANT SIGNATURE

DATE

Send completed form, other information and application fees to:

Arkansas Game & Fish Commission
#2 Natural Resources Dr.
Little Rock, AR 72205

Do not write below this line (Office use only)

Application Received: _____

(Date and Initial)

Site Visit: _____

(Approving AGFC Biologist Date and Sign)

Permit Approved as Submitted: _____

Work should be completed no later than the following date: _____

Permit Approved with Modifications: _____ (Modifications noted on project site plan and scope of work)

Permit Denied: _____ Reasons for denial: _____