

ARKANSAS REGISTER

Transmittal Sheet

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



Secretary of State
John Thurston
500 Woodlane, Suite 026
Little Rock, Arkansas 72201-1094
(501) 682-5070
www.sos.arkansas.gov



For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency _____

Department _____

Contact _____ E-mail _____ Phone _____

Statutory Authority for Promulgating Rules _____

Rule Title: _____

Intended Effective Date (Check One)

Date

- | | | |
|---|---------------------------------------|-------|
| <input type="checkbox"/> Emergency (ACA 25-15-204) | Legal Notice Published | _____ |
| <input type="checkbox"/> 10 Days After Filing (ACA 25-15-204) | Final Date for Public Comment | _____ |
| <input type="checkbox"/> Other _____ <small>(Must be more than 10 days after filing date.)</small> | Reviewed by Legislative Council | _____ |
| | Adopted by State Agency | _____ |

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

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted

~~XX~~

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.

Signature

Phone Number

E-mail Address

Title

Date

B1.09 White Fronted Goose Season and Limits

- **1st segment:** the last Saturday in October for 17 consecutive days
- **2nd segment:** the Saturday before Thanksgiving through the first Friday of December
- **3rd segment:** the first Sunday in December through January 31

LIMIT: Daily limit 3, possession limit 9.

ARKANSAS GAME AND FISH COMMISSION
Little Rock, Arkansas

MINUTE ORDER NO: 20-040 SUBJECT: 2020-2021 Migratory Bird Season
 DATE PASSED: August 20, 2020 Regulations
 PAGE 1 of 1 PAGES LOCATION: Statewide

WHEREAS, the Arkansas Game and Fish Commission and its staff have proposed the attached regulations for the 2020-2021 Migratory Bird Seasons, including waterfowl and other migratory birds; **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 August 2020, 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] ^{by [Signature]}
 Legal

Approved: [Signature]
 Fiscal

COMMISSION APPROVAL
[Signature]
 Andrew Parker
 Chair

[Signature]
 J.D. Neeley
 Commissioner

[Signature]
 Joe Morgan
 Vice Chair

[Signature]
 Anne Marie Doramus
 Commissioner

[Signature]
 Bobby Martin
 Commissioner

[Signature]
 Stan Jones
 Commissioner

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: Mark Hutchings

TELEPHONE #: 501-223-6352 **FAX #:** 501-223-6452

EMAIL: mark.hutchings@agfc.ar.gov

SHORT TITLE OF THIS RULE: 2020-2021 Migratory Bird Season Dates Approval.

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?
Yes: X No:
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.

| <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: Migratory Bird Hunters

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

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



Pat Fitts
Director

Chris Colclasure
Deputy Director

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General Counsel

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Sr. Assistant General Counsel
Phone: 501-223-6327

Chris Racey
Deputy Director

Roger Mangham
Deputy Director

Christian N. Parks
Assistant General Counsel

Rob Brown
Assistant General Counsel
Fax: 501-223-6463

Arkansas Game and Fish Commission

August 21, 2020

Ms. Jayme Franco, Rules & Regulation Filing
Office of the Arkansas Secretary of State
500 Woodlane Drive, Room 26
Little Rock, AR 72201

RE: Arkansas Game and Fish Commission Regulations Adopted on August 20, 2020

Dear Ms. Franco:

Attached please find 2020-2021 Migratory Bird Season Regulations approved by the Arkansas Game and Fish Commission on August 20, 2020. Also included for each regulation is an AR Secretary of State Transmittal sheet, Financial Impact Statement, and signed Minute Order.

Notices for the approved regulations were published as indicated on the AR Secretary of State Transmittal sheet in the Arkansas Democrat-Gazette.

Hard copies of the approved regulations will be in the mail in the next day or so. **Kindly notify April Soman to confirm receipt of both the electronic submission and hard copy.** Should you have any questions or concerns regarding 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