

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State
John Thurston
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Little Rock, Arkansas 72201-1094
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Name of Department Arkansas Game and Fish Commission

Agency or Division Name Legal Division

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person Sarah Milligan

Contact E-mail Sarah.Milligan@agfc.ar.gov

Contact Phone 501-382-3807 Legal Division

Name of Rule 34.12 – Take And Possession Of Aquatic Turtles For Personal Consumption Restricted

Newspaper Name Arkansas Democrat Gazette

Date of Publishing October 16, 17, & 18, 2022

Final Date for Public Comment November 17, 2022

Location and Time of Public Meeting 2 Natural Resources Drive, Little Rock AR 72205, 9:00 a.m.

2022

Fishing Regulations

Summary of Proposals 10/11/2022

General Fishing Regulation

1. Proposal: Take And Possession Of Aquatic Turtles For Personal Consumption
Restricted

Justification: Clarify that an infraction of this code is a Class 1 Penalty.

Code Change: 34.12

FINANCIAL / ECONOMIC IMPACT STATEMENT

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

DEPARTMENT: Arkansas Game & Fish Commission

DIVISION: Fisheries

PERSON COMPLETING THIS STATEMENT: Sean Lusk

TELEPHONE #: (877) 525-8606

FAX #: (501) 525-2265

EMAIL:

Sean.lusk@agfc.ar.gov

SHORT TITLE OF THIS RULE: Take And Possession Of Aquatic Turtles For Personal Consumption Restricted

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 Does this proposed, amended, or repealed rule or regulation have a financial impact?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	\$	
Federal Funds	\$	
Cash Funds	\$	N/A
Special Revenue	\$	
Other (Identify)	\$	
Total	\$	

Next Fiscal Year

General Revenue	\$	
Federal Funds	\$	
Cash Funds	\$	N/A
Special Revenue	\$	
Other (Identify)	\$	
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 What is the total estimated cost by fiscal year to any **party** subject to the proposed, amended, or repealed rule?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: \$ N/A

Party Subject to Rule: **Anglers in Arkansas**

Effect on Party Subject to Rule: **Positive**

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**

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:

7. Compare this rule with federal and state counterparts:

INSTRUCTIONS FOR COMPLETING THIS FORM:

1. ECONOMIC IMPACT - In compliance with Governor's Proclamation EO 05-04, this form must be completed for **commercial licenses and permits** and submitted at the time a regulation is proposed to the Commission. The form will be forwarded to the Chief of Fiscal Services Division for review. After review, the form will be submitted to:

Director
Arkansas Department of Economic Development
One Capitol Mall
Little Rock, AR 72201

2. FINANCIAL IMPACT - After passage of any regulation changes which have a financial impact (including all sport, lifetime, and commercial licenses) this form must be completed and submitted to the Chief of the Legal Division. The form is required for filing regulation changes with the Secretary of State.

34.12 Take And Possession Of Aquatic Turtles For Personal Consumption Restricted

It is unlawful to take or attempt to take aquatic turtles with recreational fishing tackle or by hand.

EXCEPTION: A holder of a valid Sportfishing License may, for personal consumption, take and possess up to 6 of any combination of live or depressed Common Snapping Turtles (*Chelydra serpentina*) and Spiny Softshell turtles (*Apalone spinifera*). **All other species must be released.**

PENALTY: Class 1

LEGAL NOTICE

The regular monthly meeting of the Arkansas Game and Fish Commission will be held beginning at 9:00 a.m. Thursday, November 17, 2022, at the Little Rock Office Complex, 2 Natural Resources Drive, Little Rock, AR 72205. At that time, regulations and business pertaining to the operation of the Game and Fish Commission and other fiscal and administrative matters will be considered and acted upon. Additionally, Committee meetings attended by Commissioners and agency staff members will be held throughout the day on Wednesday, November 16, 2022, beginning at 9:00 a.m. at the Little Rock Office Complex, 2 Natural Resources Drive, Little Rock, AR 72205. All interested persons are invited to attend these meetings.

COVID-19 health guidance recommended by the Arkansas Department of Health will be applicable. The Commission meeting on November 17th will be live-streamed and a link for easy viewing access will be available on the agency website. Please visit the Arkansas Game and Fish Commission website at <https://www.agfc.com> for additional up-to-date details as the November meeting dates draw closer.

Items on the agenda for the November 17, 2022 meeting will include discussion and/or adoption of proposed regulations that previously were considered at the October 19-20, 2022 Commission Meetings, plus consideration of various Hunting and Fishing Regulations and regulations pertaining to the Enforcement Division of the Arkansas Game and Fish Commission, including but not limited to:

- Amend existing regulation that restricts take and possession of aquatic turtles with recreational fishing tackle or by hand to designate penalty.
- Clarify existing regulation that prohibits use of tackle for taking or attempting to take crayfish from waters of the state.

All persons wishing to be heard on these subjects should submit comments in writing to this office before the start of the November 17, 2022 meeting (preferably by 4:30 p.m. on the day before). Any request to make an oral presentation at the meeting should be submitted in writing to this office on or before November 7, 2022. Copies of any proposed rules or regulations may be obtained at the Arkansas Game and Fish Commission main office and at www.agfc.com, or through a written request mailed to the address below.

AUSTIN BOOTH, DIRECTOR
Arkansas Game & Fish Commission
Game & Fish Commission Building
2 Natural Resources Drive
Little Rock, Arkansas 72205