

# ARKANSAS REGISTER

## Proposed Rule Cover Sheet



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



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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 501-223-6327 Legal Division

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Name of Rule 03.02 – Fishing License Requirements

Newspaper Name Arkansas Democrat Gazette

Date of Publishing April 16-18, 2023

Final Date for Public Comment May 18, 2023

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

## **Fisheries Regulation Proposals**

### **1. Remove the Nonresident 14-Day Trip Fishing License from Code 03.02.**

This proposal will eliminate the Nonresident 14-Day Trip Fishing License and further clarify the codebook. Currently there is discontinuity between Code 03.02 which lists a “Nonresident 14-Day Trip Fishing License” and Code D1.01 which lists a “Nonresident 7-Day Fishing License.”

## 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: Eliminate "Nonresident 14-Day Trip Fishing License" from Code 03.02.

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 Does this proposed, amended, or repealed rule or regulation have a financial impact?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

### Next Fiscal Year

General Revenue	\$	
Federal Funds	\$	
Cash Funds	\$	<b>N/A</b>
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: **This clarification will better define fishing license options for nonresident anglers.**

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.

### 03.02 Fishing License Requirements

It is unlawful to fish in any manner in Arkansas without possessing on the person the appropriate Arkansas fishing license as provided herein:

- A. Arkansas Resident (16 years of age and older) – Resident Fisheries Conservation License; Resident 3-Day Trip Fishing License; Lifetime Resident Combination Sportsman's License and Permit; Resident 65 Plus Lifetime Fishing License (or Resident 65 Plus Lifetime Combination License); Resident 65 Plus Annual Fishing License (or Resident 65 Plus Annual Combination License); Disabled Lifetime Fishing License (or Resident Disabled Lifetime Combination License); Resident Disabled Fishing 3-Year License (or Resident Disabled Combination 3-Year License); or Resident Disabled Military Veteran Lifetime Fishing License (or Resident Disabled Military Veteran Lifetime Combination License or Resident Disabled Military Veteran Lifetime Combination License and Permit).
- B. Nonresidents (16 years of age and older) – Non-Resident Annual Fishing License; ~~or Non-Resident 3-Day Trip Fishing License~~ ~~or Nonresident 14-Day Trip Fishing License~~.
- C. Persons must possess a valid Commercial Fishing Permit and Sportfishing License (CFS) or Aquatic Turtle Harvest Permit (THP) to purchase tags for commercial tackle or to operate commercial tackle. A CFS or THP holder may purchase a Helper Permit, which will allow the permitted helper to operate the CFS or THP holder's tackle. Tackle tags may not be purchased with the Helper Permit. Permitted helpers must possess a Resident Fisheries Conservation License. Youths and individuals 65 years of age or older are required to purchase a Junior/Senior Commercial Fishing Permit.
- D. In lieu of an Arkansas Nonresident Fishing License, Missouri resident fishing license holders, age 16 or older, are required to purchase a White River Border Lakes License (Addendum [H1.04](#)), in compliance with the White River Lakes License Agreement.

**EXCEPTION:** Persons fishing in put-and-take pay lakes licensed by the Commission.

**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, May 18, 2023, at the Vada Sheid Community Development Center on the Arkansas State University-Mountain Home campus, 1600 South College Street, Mountain Home, AR 72653. 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, May 17, 2023, beginning at 8:00 a.m. at the Vada Sheid Community Development Center on the Arkansas State University-Mountain Home campus. All interested persons are invited to attend these meetings.

The Commission meeting on May 18<sup>th</sup> 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 May meeting dates draw closer.

Items on the agenda for the May 18, 2023 meeting will include discussion and/or adoption of proposed regulations that previously were considered at the April 19-20, 2023 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:

- **Fishing Regulations** – Amend existing regulations for Non-Resident Fishing License Requirements, including remove option for Non-Resident 14-Day Trip Fishing License and increase amount of Non-Resident Guide License/Fishing.
- **Hunting Regulations** –
  - Amend existing regulations for Non-Resident Hunting License Requirements, including annual license fee amounts and requirements for hunting various game animals, including small game, waterfowl, alligator, deer, turkey, bear, and elk. More specifically, increase amounts of Non-Resident Deer Hunting Licenses, Non-Resident Guide License/Hunting, Non-Resident WMA Waterfowl Hunting Permit (5-day trip), and Arkansas Non-Resident Waterfowl Stamp, and establish Non-Resident Permits for hunting bear, turkey, elk, and alligator.
  - Adopt regulation to require a Non-Resident Hunting Dog Permit before a nonresident may use any dog to hunt, chase, pursue or retrieve deer, or to train a dog for such purposes.
  - Amend existing regulations for Wildlife Management Areas, including establish Hot Springs State Forest WMA, Goat's Beard Bluff Natural Area WMA, and Sugarloaf Mountains-Midland Peak Natural Area WMA plus establish user requirements for these WMAs, including restrictions for camping, firearms, and hunting deer, turkey, furbearers, feral hogs, and other game.
  - Amend existing regulation to clarify that prohibition for horses and mules on Freddie Black Choctaw Island WMA Deer Research Area applies from sunrise to sunset during an open deer season.

- Amend existing regulation for boating and duck hunting on certain WMAs and lakes to clarify that on Rex Hancock Black Swamp WMA the Common Restriction A applies except within the Cache River.
- **Policy/Procedures** – Adopt policy and procedures to establish (1) Civil Rights Complaint and Appeal Procedure; and (2) Limited English Proficiency Plan and Policy.

All persons wishing to be heard on these subjects should submit comments in writing to this office before the start of the May 18, 2023 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 May 8, 2023. Copies of any proposed rules or regulations may be obtained at the Arkansas Game and Fish Commission main office and at [www.agfc.com](http://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



**Austin Booth**  
Director

**Chris Racey**  
Chief of Staff

**Spencer Griffith**  
Deputy Director

**Roger Mangham**  
Deputy Director

## Arkansas Game and Fish Commission

**James F. Goodhart**  
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**Christian N. Parks**  
Assistant General Counsel

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Assistant General Counsel  
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April 14, 2023

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 – April 2023 meetings

Dear Ms. Cowan:

Included are fifteen (15) proposed regulation changes regarding the 2023-2024 Hunting & Fishing Seasons along with two proposed policy adoptions that will be published in the Legal Notice to the Arkansas Democrat Gazette on April 16-18, 2023 to be voted on at the May 18, 2023 Commission Meeting.

Should you have any questions or comments concerning this filing, please do not hesitate to contact Sarah Milligan or me at (501) 382-3807 at your convenience.

Sincerely,

James F. Goodhart  
General Counsel

JFG/srm  
Attachment

cc: Ms. Rebecca Miller-Rice, Bureau of Legislative Research  
miller-ricer@blr.arkansas.gov  
Mr. John Jones, Bureau of Legislative Research  
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Ms. Sheri Thomas, Bureau of Legislative Research  
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