

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State
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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

Name of Rule 03.04 – Nonresident Hunting 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.

April 2023 Proposal Summary:

1. **Proposal:** Establish a new Natural area called Sugar Loaf Mountains-Midland Peak Natural Area for hunting.
Justification: Arkansas Natural Heritage requested that the area be opened to hunting opportunities as the other Natural areas are. This is 1191 acres in Sebastian County. WMA zone 609
Code: 19.04, 20.02, 20.24, C1.01, C1.02, C1.04, C1.09, C1.13, C1.16
2. **Proposal:** Establish a new Natural area called Goats Beard Bluff Natural Area for hunting.
Justification: Arkansas Natural Heritage requested that the area be opened to hunting opportunities as the other Natural areas are. This is 540 acres in Saline County. WMA zone 267
Code: 19.04, 20.02, 20.24, C1.01, C1.02, C1.04, C1.09, C1.13, C1.16
3. **Proposal:** To add a dog tag permit fee for non-resident deer dog hunters.
Justification: This is will be a \$20 permit that is needed to establish data to determine how many individuals with dogs are coming into the state for hunting deer with dogs and impacting the wildlife resources. This yearly permit will only be sold through June 2026 then end.
Code: 8.08, D1.01
4. **Proposal:** Allow the riding of horse on Choctaw WMA for raccoon hunters.
Justification: This will allow hunters to use horses on the WMA for raccoon hunting between sunset and sunrise without interfering with open deer season.
Code: 20.20
5. **Proposal:** Make an exception for the Cache River at Black Swamp.
Justification: This will enable boating transit to remain unimpeded for the general public on this waterway.
Code: C1.12
6. **Proposal:** Establish a new WMA of the Hot Springs State Forest WMA.
Justification: AR Dept. of Agriculture Division of Forestry has purchased 2974 acres within the Hot Springs recharge area of the Hot Springs National Park, Mr. Joe Fox of Division of Forestry, State Forester approached the AGFC in regards to establishing a new WMA for regulating hunting on the property. WMA Zone 365
Code: 19.04, 20.02, 20.24, C1.01, C1.02, C1.04, C1.09, C1.13, C1.16
7. **Proposal:** Increase license fees for non-resident hunting. Also increase the guide license fees for non-resident hunting and fishing.
Justification: These prices have not increased in years and the Commission needs to raise additional income for management of the State's wildlife resources. Create a Non-resident WMA Waterfowl 5 day permit, Alligator, Bear, turkey and elk permit in addition to license required.
Code: D1.01, 3.04

FINANCIAL / ECONOMIC IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

(Attach additional pages if needed)

DEPARTMENT: Arkansas Game & Fish Commission

DIVISION:

PERSON COMPLETING THIS STATEMENT: Sandra Garrett

TELEPHONE #: 501-223-6435

FAX #: 501-223-6452

EMAIL:

Sandra.garrett@agfc.ar.gov

SHORT TITLE OF THIS RULE: Non-resident license

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.

Current Fiscal Year

General Revenue	\$
Federal Funds	\$
Cash Funds	\$
Special Revenue	\$
Other (Identify)	\$
Total	\$

Next Fiscal Year

General Revenue	\$ 3062070.00
Federal Funds	\$
Cash Funds	\$
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: \$ 0

Next Fiscal Year: \$ 3062070.00

Party Subject to Rule: Non-Resident hunters

Effect on Party Subject to Rule: license fee increase

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: \$ 0

Next Fiscal Year: \$ undetermined

Financial Benefit to Agency: none

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

INSTRUCTIONS FOR COMPLETING THIS FORM:

The Division responsible for a regulation proposal must complete this form and include it as the last page(s) of a regulation proposal that is submitted to the Commission for review, and again when the proposal is submitted to the Commission for a vote. After regulation adoption, Legal Division will submit the form to the appropriate State offices.

3.04 – Nonresident Hunting License Requirements

It is unlawful for a nonresident, 16 years of age or older, to hunt wildlife by any means in Arkansas without possessing on the person the appropriate Arkansas hunting license as provided herein:

- A. To hunt waterfowl, small game, alligator, deer, turkey, bear or elk, the hunter must have physical possession of a valid Arkansas hunting license and any permit required to hunt that species (Addendum D1.01).
- B. Nonresidents hunting waterfowl or small game only (excluding deer, elk, turkey, alligator and bear). Requirements: Non-Resident Annual Hunting License, Nonresident Non-Resident Annual Small Game Hunting License, or Nonresident Non-Resident 5-Day Small Game Hunting License, and a Nonresident Non-Resident Trappers Permit if trapping furbearers. ~~Small game may also be taken on the Nonresident All Game Licenses.~~ If hunting waterfowl, an Arkansas Nonresident Non-Resident Waterfowl Stamp, Federal Waterfowl Stamp and Harvest Information Program (HIP) are required.
- C. Nonresidents hunting deer ~~and/or wild turkey~~. Requirements: Nonresident Non-Resident Annual All Game Hunting License (provides holder all applicable tags for 6 deer tags, bear and turkey); Nonresident Non-Resident 1-Day All Game Deer Hunting License (provides holder 1 game deer tag); Non-Resident 3-Day All Game Deer Hunting License (provides holder 2 game 1 deer tags); or a Nonresident Non-Resident 5-Day All Game Deer Hunting License (provides holder 3 game 2 deer tags), and a Nonresident Non-Resident Trappers Permit if trapping furbearers.
- D. Nonresidents hunting bear, elk, turkey or alligator. Requirements: Nonresident Non-Resident Annual All Game Hunting License and the applicable Non-Resident Permit for each species to be hunted as follows: Non-Resident Bear Permit (provides holder 1 bear tag), Non-Resident Turkey Permit (provides holder 1 turkey tag per purchase, limit 2 purchases annually), Non-Resident Elk Permit (provides holder 1 elk tag), or Non-Resident Alligator Permit (provides holder 1 alligator tag).
- E. Nonresidents are ineligible to obtain public land permits through the permit draw process for hunting elk or alligators.

EXCEPTIONS:

- A. Nonresidents hunting on a licensed game bird shooting resort in compliance with regulations (Code 09.06).
- B. In compliance with Code 04.04, Addenda B1.14, H1.01, H1.03.
- C. Nonresidents who possess a Resident Lifetime License for either hunting or combination hunting-and-fishing (Addendum D1.01) obtained prior to September 1, 2021, while a bona fide Arkansas resident (Code 01.00-C, RESIDENT) are eligible to obtain public land permits through the permit draw process for hunting elk or alligators.

PENALTY: Class 2

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 18th 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, or through a written request mailed to the address below.

AUSTIN BOOTH, DIRECTOR
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