

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 EEOC Policy

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.

Agenda Item Summary

Committee: Personnel-Governance

Date: April 19, 2023

Title: Civil Rights Procedures & Limited English Proficiency Plan, 1st Reading

Explanation: Landon Aaron will present a first reading of the AGFC Civil Rights Complaint and Appeal Procedures as well as the Limited English Proficiency Plan.



Arkansas Game and Fish Commission

Limited English Proficiency/Title VI Program Notice to the Public

Your Rights Under

Title VI of the Civil Rights Act of 1964

The Arkansas Game and Fish Commission hereby gives public notice that it is the policy of the agency to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all agency programs and activities. It is our policy that no person in the United States of America shall, on the grounds of race, color, national origin, sex, age, low-income, disability or limited English proficiency be excluded from the participation in, be denied the benefits of, or otherwise subjected to discrimination under any of AGFC's programs or activities.

Any person who believes they have been subjected to an unlawful discriminatory practice under Title VI has a right to file a formal complaint. A written complaint must be filed with the agency within 180 days of the last incident of discrimination.

All complaints should be submitted to:

Arkansas Game and Fish Commission
ATTN: AGFC Compliance Officer
Human Resources
2 Natural Resources Drive
Little Rock, AR 72205
Email: ComplianceOfficer@agfc.ar.gov

AGFC's LEP/Title VI Non-Discrimination Plan and Complaint Process can be found online at: <https://www.agfc.com/civil-rights/>

Civil Rights Complaint and Appeal Procedure

The Arkansas Game and Fish Commission (“AGFC” or “Commission”) makes every effort to provide fair treatment of all persons regardless of their race, color, religion, gender, national origin (including Limited English Proficiency (LEP)), income status, age, sex, or disability in their hunting, fishing, wildlife viewing, and other wildlife conservation activities, or in AGFC’s programs and facilities, in accordance with applicable federal and state law. Furthermore, it is the policy of the Commission to provide equal access to its programs, services, activities, and facilities under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, and other applicable laws and regulations. However, this policy does not waive the Commission’s federal or state sovereign immunity. AGFC is a recipient of federal financial assistance.

The Commission encourages public awareness of this policy and the procedures for making discrimination complaints or inquiries. Complaints are to be dealt with confidentially and free of harassment and intimidation. This formal complaint procedure is established in accordance with state and federal law, and may be used by anyone who wishes to file a complaint alleging discrimination on the basis of race, color, religion, gender, national origin, LEP status, income status, age, sex, or disability in the provision of services by or access to activities, programs or facilities of AGFC. A separate procedure applies to complaints relating to employment by AGFC.

A copy of AGFC’s LEP Plan and Policy is available at <http://www.agfc.com/civil-rights>.

1. File complaint

If you believe you have been discriminated against (as described above), a complaint must be in writing on the “Civil Rights Complaint/Appeal” form and contain information about the alleged discrimination, such as your (the Complainant’s) name, address, and phone number, as well as the location, date, and description of the incident. The Complainant must sign and date the form certifying the information is true and correct. Please use the Civil Rights Complaint/Appeal form to file a complaint. A complaint must be submitted by the Complainant or his or her designee as soon as possible, but no later than 180 calendar days after the alleged violation to:

Arkansas Game and Fish Commission
ATTN: AGFC Compliance Officer
Human Resources
2 Natural Resources Drive
Little Rock, AR 72205
Email: ComplianceOfficer@agfc.ar.gov

Upon request, AGFC will make available alternative means of filing a complaint, such as personal interviews or a tape recording of the complaint with language assistance services, to

LEP persons or persons with disabilities. If you need further assistance or information, please contact the AGFC Compliance Officer at 501-207-0326.

2. Commission review

Within 180 calendar days after AGFC's receipt of the complaint, the AGFC Compliance Officer or designee will communicate with the Complainant to discuss the complaint and possible resolutions.

Within 180 calendar days after the communication, the AGFC Compliance Officer or designee will respond in writing, or, where appropriate, in a format accessible to the Complainant, with a final decision of the complaint. The response will explain the position of AGFC and offer alternative options for substantive resolution of the complaint.

3. Appeal of Decision

If the response by the AGFC Compliance Officer or designee does not satisfactorily resolve the issue, the Complainant and/or his or her designee may appeal the decision within 180 calendar days after receipt of the response by submitting an additional completed Civil Rights Complaint/Appeal form to:

Arkansas Game and Fish Commission
ATTN: Director
2 Natural Resources Drive
Little Rock, AR 72205

Alternatively, the Complainant may write to:

Office of Diversity, Inclusion and Civil Rights
Department of the Interior
1849 C Street NW
Washington, DC 20240

4. Records Retention

AGFC will keep a log of all civil rights complaints received. The log will include date the complaint was filed, a summary of the allegations, the status of the complaint, and actions taken in response to the complaint. All written complaints received, notes, and responses will be retained by AGFC for at least three years.



Civil Rights Complaint/Appeal

It is the policy of the Arkansas Game and Fish Commission (AGFC) to comply with all applicable federal and state laws and regulations related to civil rights in service delivery and facility access for the public. If you believe AGFC may have discriminated against you in providing you access to AGFC's public facilities, programs, activities, or services, AGFC wants to hear from you. Complete this form and mail it to:

Arkansas Game and Fish Commission

ATTN: Compliance Officer

2 Natural Resources Drive

Little Rock, AR 72205

Phone number: (501) 207-0326

Contact information – So we can communicate with you

Tracking number (AGFC use only)

Your name	(Area code) Daytime phone	Email
Home address (Address, City, State, ZIP code)		

Incident information

Incident date (mm/dd/yyyy)	Approximate time of incident <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	Location of incident
Basis/Type of complaint (choose all that apply) <input type="checkbox"/> Race/Color <input type="checkbox"/> Disability <input type="checkbox"/> Religion <input type="checkbox"/> Other (specify) _____ <input type="checkbox"/> Gender <input type="checkbox"/> Age <input type="checkbox"/> National origin/Limited English proficiency		Have you filed a complaint with another agency regarding this incident? <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes," which agency? _____
Description of the incident (explain what happened)		
Provide and describe any supporting documents regarding the incident and attach them to this form		

Individuals involved, if applicable – Enter name, title, or phone number, if known

Name of person you believe discriminated against you	Title	(Area code) Phone number
Name of person you believe discriminated against you	Title	(Area code) Phone number
Name of person you believe discriminated against you	Title	(Area code) Phone number
Name of witness to the incident		(Area code) Phone number
Name of witness to the incident		(Area code) Phone number
Name of witness to the incident		(Area code) Phone number

X

Signature

Date

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