

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

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Contact Phone 501-223-6327 Legal Division

Name of Rule 05.04 – Selling Wildlife Restrictions

Newspaper Name Arkansas Democrat Gazette

Date of Publishing May 14-16, 2023

Final Date for Public Comment June 15, 2023

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

Summary

Purpose:

To amend miscellaneous regulations for the purpose of replacing all references to “Wildlife Officer” or “Enforcement Officer” in the AGFC Code Book with the term “Game Warden”. On April 13, 2023, Governor Sarah Huckabee Sanders signed Act 852 (a/k/a HB1813) approving legislative intent to change all similar references to AGFC Wildlife or Enforcement Officers in existing statutes to “Game Wardens.”

Act 852 will become effective approximately July 31, 2023, and it is AGFC staff’s recommendation to implement the complementary changes in the AGFC Code Book during this same timeframe to facilitate accuracy and consistency, and promote public understanding.

Affected Codes:

The codes to be amended include 01.00-B, 03.10, 05.04, 05.29, 05.31, 09.10, 09.11, 33.01, 35.02, 36.02, 37.03, and O1.01.

FINANCIAL/ECONOMIC IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

(Attach additional pages if needed)

DEPARTMENT: Arkansas Game and Fish Commission

DIVISION: Enforcement

PERSON COMPLETING THIS STATEMENT: Briana Zuber

TELEPHONE #: 501-382-9055 **FAX #:** 501-382-9055

EMAIL: Briana.zuber@agfc.ar.gov

SHORT TITLE OF THIS RULE: Amend AGFC Codebook to refer to officer(s) as “game warden(s)”

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 Does this proposed, amended, or repealed rule or regulation have a financial impact?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.

<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: N/A

Effect on Party Subject to Rule: N/A

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: No

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

05.04 -- Selling Wildlife Restrictions

It is unlawful to purchase, sell, offer for sale, barter or trade any species of wildlife or portions thereof.

EXCEPTIONS:

- A. Furbearer pelts and carcasses taken during a furbearer season may be sold by persons with valid hunting or fur dealer licenses. Purchase of furbearer pelts and carcasses must be in compliance with Code [17.07](#).
- B. In compliance with Chapter [09.00](#) or Codes [26.18](#), [29.03](#), [30.01](#), [31.01](#), [32.02](#), [34.01](#), [35.01](#), and Addendum [F1.07](#).
- C. Legally taken squirrel tails and pelts, rabbit pelts, turkey bones, deer antlers or clean skulls, elk antlers or clean skulls, deer hides, elk hides, bear skulls, claws, or bear hides and feathers not protected by federal regulation 50 CFR 20.
- D. Red fox, gray fox and coyote legally trapped in Arkansas may be sold by a person possessing a hunting license and trapping permit and Live Fox and Coyote Permit (Code [09.16](#)).
- E. Commission-approved nonprofit organizations with a valid tax identification number may pay for the processing of game and donate the meat to needy individuals.
- F. Alligator hide, meat and parts from legally harvested alligators (Codes [05.01](#), [12.02](#), [12.03](#), and Addenda [A1.10](#), [C1.03](#)) may be sold or donated in state when accompanied by documentation verifying origin and description of transferred parts. An individual alligator hide legally harvested and with an attached U.S. Fish and Wildlife Service Convention on International Trade in Endangered Species tag may be sold outside the state. Alligator meat or parts may also be sold or transferred out of state with documentation accompanying each part of the legal CITES assignment from the U.S. Fish and Wildlife Service.
- G. Certain game birds (i.e. migratory birds) are subject to federal regulation 50 CFR. Otherwise mounted or tanned wildlife may be bought or sold when accompanied by a bill of sale. The bill of sale will state the purchase date, number and description of item and full name and address of the previous owner. This bill of sale will be made available to a ~~Wildlife Officer~~ Game Warden upon request for a period of 1 year from the date of sale/purchase.

PENALTIES:

Class 4

Class 5: Where violation involves wildlife taken out of season or over the bag limit, or capturing native wildlife; or where aggregate value of wildlife equals \$200 or more.

LEGAL NOTICE

The regular monthly meeting of the Arkansas Game and Fish Commission will be held beginning at 9:00 a.m. Thursday, June 15, 2023, at the Arkansas Game and Fish Commission Headquarters located at 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, June 14, 2023, beginning at 8:00 a.m. at the Arkansas Game and Fish Commission Headquarters located at 2 Natural Resources Drive, Little Rock, AR 72205. All interested persons are invited to attend these meetings.

The Commission meeting on June 15th 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 June 15, 2023 meeting will include discussion and/or adoption of proposed regulations that previously were considered at the May 17-18, 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:

- Amending the codebook to reflect changes from Act 852 which concludes that AGFC officers should henceforth be referred to as “Game Wardens.”

All persons wishing to be heard on these subjects should submit comments in writing to this office before the start of the June 15, 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 June 10, 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
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