



Austin Booth
Director

Chris Racey
Chief of Staff

Spencer Griffith
Deputy Director

Roger Mangham
Deputy Director

Arkansas Game and Fish Commission

James F. Goodhart
General Counsel

John P. Marks
Sr. Assistant General Counsel
Phone: 501-223-6327

Christian N. Parks
Assistant General Counsel

James R. Brown
Assistant General Counsel
Fax: 501-223-6463

August 18, 2023

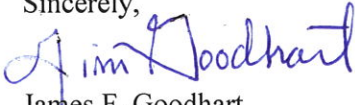
Ms. Jacqueline Cowan
Arkansas Secretary of State, Rules & Regulation Filing
500 Woodlane Drive, Room 26
Little Rock, AR 72201
Via email only: register@sos.arkansas.gov

RE: Legal Notice for Proposed Rules or Regulations

Dear Ms. Cowan:

Included are six (6) proposed regulation changes that will be published in the Legal Notice to the Arkansas Democrat Gazette on August 20-22, 2023. 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
Ms. Sheri Thomas, Bureau of Legislative Research
thomass@blr.arkansas.gov
aslib-govdocs@ade.arkansas.gov

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



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 05.17 – Alligator, Bear, Deer And Turkey Tagging Requirements

Newspaper Name Arkansas Democrat Gazette

Date of Publishing August 20, 21, & 22, 2023

Final Date for Public Comment September 21, 2023

Location and Time of Public Meeting 4699 AR-43, Ponca, AR 72670, 9:00 a.m.

August 2023 Regulations Proposal Summary (1st Reading):

1. **Proposal:** Establish a Resident Natural State Lifetime Combination License (includes Hunting, Fishing, Trout and Waterfowl privileges) at a cost of \$500 for a resident who is ten (10) years of age or younger.

Justification: This proposal is aligned with the implementation of Act 755 adopted by the State of Arkansas 94th General Assembly during the 2023 Regular Session.

Code: 03.02, 03.03, 03.05, 27.01, D1.01

2. **Proposal:** Establish a free Resident Bear Tag required for a resident to hunt bear within the state.

Justification: In order to determine and monitor bear hunters within the state, the establishment of a unique Resident Bear Tag (in addition to the existing Non-Resident Bear license) will enable Wildlife Division staff to determine the number of bear hunters within the state as well as improve opportunities to communicate with this user group. This proposal is aligned with current processes for game tag issuance in development within the new license system.

Code: 03.03, D1.01

3. **Proposal:** Clarify within existing Code of Regulations that Deer Management Assistance Program Management Tags, Urban Deer Hunt Management Tags, Chronic Wasting Disease Management Tags and Chronic Wasting Disease Replacement Tags are all free products within the AGFC license system that will be made available to approved program participants and used for deer game check purposes.

Justification: Previously these four (4) types of deer tags have been used within the agency's deer program and CWD management and response efforts. This proposal will align the issuance and use of these tags within the new AGFC license system for deer game check purposes.

Code: 05.17, D1.01

4. **Proposal:** Correct the Code of Regulations removing code language regarding the tagging of turkeys immediately after harvest that was mistakenly left within the Hunting Regulations package approved by the Commission in May 2022.

Justification: The initial 1st reading of hunting regulations proposals in March 2022 included a proposal to develop a turkey tag and notching system for implementation in 2024. This proposal was pulled from the regulation package before approval by the Commission in May 2022 but the actual proposed code language was not removed from Code 05.17

Code: 05.17

FINANCIAL / ECONOMIC IMPACT STATEMENT

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

DEPARTMENT: Arkansas Game & Fish Commission

DIVISION: Administration

PERSON COMPLETING THIS STATEMENT: Brad Carner

TELEPHONE #: (501) 627-5901

FAX #:

EMAIL: Bradley.carner@agfc.ar.gov

SHORT TITLE OF THIS RULE: Miscellaneous Regulations Regarding Tagging and Game Check Processes as well as Establishment of Resident Natural State Lifetime Combination License (voluntary)

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 | \$ | 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: \$500

Next Fiscal Year: \$0

Party Subject to Rule: **Residents of Arkansas who are ten (10) years of age or younger**

Effect on Party Subject to Rule: **This regulation will establish a voluntary license available to Arkansas Residents who are ten (10) years of age or younger at a reduced cost of \$500 from the existing Resident Lifetime Combination License (\$1,000). This is a voluntary lifetime license that is not required of the parties subject to this rule.**

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: \$0

Financial Benefit to Agency: **Undetermined**

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:

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.

05.17 – Alligator, Bear, Deer And Turkey Tagging Requirements

- A. All licensed hunters, including youth, 65+ lifetime hunting license holders, disability hunting license holders, holders of any permanent license issued by the Commission and those hunting under the Reciprocal Hunting License Agreement must either immediately check their harvest using an AGFC-approved method before moving their harvest from the site of recovery or legibly fill out (in ink) a game tag provided in the current Commission guidebook, or use a piece of paper to make a tag and legibly print (in ink) the hunter's name, date, WMA or zone number, and time of harvest. The tag must be securely fastened to the antler, ear or leg of a deer or to the leg of a turkey before moving the animal from the site of recovery. The tagged animal must then be checked using an AGFC-approved method within 12 hours of when it was recovered from the site of harvest. A harvested alligator, deer, turkey or bear does not need to be tagged when proof of checking is immediately available. SPECIAL NOTE: Harvest information reflecting the name, address, species, sex, date taken and check confirmation number must remain with all portions until reaching the point of final storage.
- B. Immediately after harvesting a bear and before moving it, each hunter must check the bear online or by phone; or each hunter must legibly fill out (in ink) a game tag provided in the current Arkansas Hunting Guidebook, or use a piece of paper to make a tag, and legibly print (in ink) the hunter's name, date, WMA or zone number, and time of harvest. The tag must be securely fastened to the leg or ear of the bear.
- C. Immediately after harvesting an alligator and before moving it, each hunter must call the AGFC Radio Dispatch to notify of harvest. Legibly fill out (in ink) a temporary game tag provided in the current Arkansas Hunting Guidebook, or use a piece of paper to make a tag, and legibly print (in ink) the hunter's name, date, alligator management zone number, and time of harvest and check harvest by one of the approved checking methods. The USFWS CITES tag will be mailed to successful hunters upon verification of online checking. The CITES tag is to be affixed to the alligator approximately 6 inches from the tip of the tail by the hunter.
- D. ~~RESERVED. Effective January 1, 2024 all turkey must be tagged immediately after harvesting and prior to moving game from site of recovery. The tagged animal must then be checked using an AGFC-approved method within 12 hours of when it was recovered from site of harvest.~~
- E. A hunter who has been issued a Deer Management Assistance Program Management Tag, Private Land CWD Management Tag, CWD Replacement Tag, or Urban Deer Hunt Management Tag may only use such tag in compliance with the special terms of the tag. Immediately after harvesting a bonus deer allowed under the Deer Management Assistance Program Management ~~tags~~ Tags, Private Land CWD Management Tags, CWD Replacement Tags, or ~~special~~ Urban Deer Hunt Management tags Tags, each hunter must physically tag the deer with the special AGFC-issued program tag before moving the deer. Immediate proof of checking does not exempt these deer from being tagged.

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, September 21, 2023, at Riverwind Lodge at the Buffalo Outdoor Center located at 4699 AR-43, Ponca, AR 72670. 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, September 20, 2023, beginning at 8:00 a.m. at Riverwind Lodge at the Buffalo Outdoor Center located at 4699 AR-43, Ponca, AR 72670. All interested persons are invited to attend these meetings (live-streaming will not be available). Visit the Arkansas Game and Fish Commission website at <https://www.agfc.com> for additional up-to-date details as the September meeting dates draw closer.

Items on the agenda for the September 21, 2023 meeting will include discussion and/or adoption of proposed regulations that previously were considered at the August 16-17, 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:

- **Miscellaneous Hunting and Fishing Regulations** – Amend existing regulations to:
 - Establish a new Resident Natural State Lifetime Combination License and Permit available for residents who are age 10 or younger; and also provide that limited availability is not to exceed 500 per fiscal year (July 1 through June 30), subject to the Director's discretion, sold on a first-come, first-served basis and only to be issued to an Arkansas resident who either (a) has not attained his or her 11th birthday on the date of purchase or (b) had not attained his or her 11th birthday on August 1, 2023, and the date of purchase is no later than December 31, 2023. All purchases are subject to availability and while quantities last.
 - Delete the requirement that a hunter must physically tag a turkey immediately after harvesting and prior to moving the turkey;
 - Require that, prior to hunting bear, a hunter must obtain and have in physical possession a free Resident Bear Tag; and
 - Require for participation in various special deer-hunting programs that a hunter must obtain and have in physical possession a free Deer Management Assistance Program (DMAP) Management Tag, Private Land CWD Management Tag, CWD Replacement Tag, and/or Urban Deer Hunt Management Tag, and clarify that a hunter must physically tag a deer with the particular special program tag immediately after harvesting and prior to moving the deer.
 - Clarify that possession of certain valid Resident Lifetime Licenses and Permits are exceptions to the State Migratory Waterfowl Hunting Stamp requirements.
 - Clarify that possession of certain valid Resident Lifetime Licenses and Permits are exceptions to the Trout Permit requirements.

All persons wishing to be heard on these subjects should submit comments in writing to this office before the start of the September 21, 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 September 11, 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