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## Arkansas Game and Fish Commission

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August 18, 2023

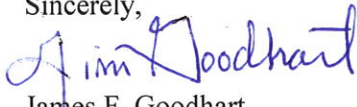
Ms. Jacqueline Cowan  
Arkansas Secretary of State, Rules & Regulation Filing  
500 Woodlane Drive, Room 26  
Little Rock, AR 72201  
*Via email only:* [register@sos.arkansas.gov](mailto:register@sos.arkansas.gov)

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](mailto:miller-ricer@blr.arkansas.gov)  
Ms. Sheri Thomas, Bureau of Legislative Research  
[thomass@blr.arkansas.gov](mailto:thomass@blr.arkansas.gov)  
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# 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 501-382-3807 Legal Division

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Name of Rule 03.02 – Fishing License 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 (1<sup>st</sup> 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 94<sup>th</sup> 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 1<sup>st</sup> 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       | \$ | <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: \$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.

### 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; Resident Sportsman's Lifetime Resident Combination Sportsman's License and Permit; Resident Natural State Lifetime Combination 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.
- 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, 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](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