

A black and white photograph of the Illinois State Capitol building. The building is a grand, classical structure with a large central dome topped by a statue. The facade is composed of numerous tall columns supporting a pediment. Two flags are visible on poles in front of the building. The foreground shows a wide, paved walkway leading to the entrance, flanked by manicured lawns and several trees. A small, circular fountain is located in the center of the walkway.

Use only for **FINAL** and **EMERGENCY RULES**

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Effective Date _____ Code Number _____

Statutory Authority for Promulgating Rules Amendment 35

Revised 7/2015 to reflect new legislation passed in the 2015 Regular Session (Act 1258). This act changed the effective date from 30 days to 10 days after filing the rule.

19.16 -- Removal Of Objects Prohibited

- A. It is unlawful to remove any objects, including rocks, fruits, nuts, acorns, artifacts, plants, etc., from any Commission-controlled property, without permission from the Commission.
- B. It is unlawful to remove endangered plants from Commission-owned lands without a Scientific Collection Permit from the Commission.
- C. It is unlawful to remove any objects from natural areas managed in conjunction with the Commission without a permit from Arkansas Natural Heritage Commission.
- D. It is unlawful to remove any objects, including rocks, fruits, nuts, acorns, artifacts, plants, etc., from Maumelle River WMA without a permit from Central Arkansas Water.

EXCEPTION: Limited removal of manmade objects (except historical or archaeological artifacts) during daylight hours may be permitted by General or Special Use Permit issued by the Director under special circumstances (e.g., during an AGFC lake draw-down and renovation). Any person acting under authority of such permit must carry the permit on his or her person while collecting or removing any object and must comply with all conditions of the permit and with all applicable laws and regulations governing the permitted activity.

PENALTY: Class 1

ARKANSAS GAME AND FISH COMMISSION
 Little Rock, Arkansas

MINUTE ORDER NO: <u>23-049</u>	SUBJECT: <u>Amendment to AGFC Code 19.16 --</u>
DATE PASSED: <u>October 26, 2023</u>	<u>Removal of Objects Prohibited</u>
PAGE <u>1</u> of <u>1</u> PAGES	LOCATION: <u>Statewide</u>

WHEREAS, the Arkansas Game and Fish Commission and its staff have proposed the attached amended regulation to authorize an exception that will allow for limited removal of manmade objects (except historical or archaeological artifacts) from Commission-controlled property during daylight hours pursuant to the Director issuing a General or Special Use Permit under special circumstances (e.g., during an AGFC lake draw-down and renovation); **and**

WHEREAS, the attached regulation has been communicated through a variety of media avenues to sportsmen and the general public throughout the state for review and comment for at least the past 30 days; **and**

WHEREAS, after carefully considering the recommendations of Commission staff and the Regulations Committee, as well as comments received from the public, the Commission has determined that the attached regulation promotes sound wildlife conservation and management and is consistent with Amendment 35 of the Arkansas Constitution and that this regulation should now be approved for application statewide.

NOW, THEREFORE, BE IT ORDERED this 26th day of October 2023, that the Arkansas Game and Fish Commission hereby approves and adopts the attached regulation, which shall become effective immediately upon public filing or as soon thereafter as possible.

BE IT FURTHER ORDERED that the Commission staff is authorized to proceed with legally certifying and filing the attached regulation with the Secretary of State, State Library, and Bureau of Legislative Research and incorporating it into the Commission Code Book and Addendum.

	<u>STAFF APPROVAL</u>	<u>COMMISSION APPROVAL</u>	
Submitted by:	<u>BBB</u> Ben Batten Deputy Director	<u>Stan Jones</u> Stan Jones Chair	<u>Philip Tappan</u> Philip Tappan Commissioner
Division:	<u>Administrative</u>	<u>J. D. Neeley</u> J. D. Neeley Vice Chair	<u>Bill Jones</u> Bill Jones Commissioner
Approved:	<u>Cristi Batten</u> Director	<u>Anne Marie Doramus</u> Anne Marie Doramus Commissioner	<u>Brandon Adams</u> Brandon Adams Commissioner
Approved:	<u>AFK</u> Legal	<u>Rob Finley</u> Rob Finley Commissioner	
Approved:	<u>Emily Stumate</u> Fiscal		

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: Ben Batten

TELEPHONE #: (501) 813-0224

FAX #:

EMAIL: Ben.Batten@agfc.ar.gov

SHORT TITLE OF THIS RULE: AGFC Code 19.16 -- Removal of Objects Prohibited

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.

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: \$0

Next Fiscal Year: \$0

Party Subject to Rule: **Residents & visitors of Arkansas**

Effect on Party Subject to Rule: **This regulation will allow for limited removal of manmade objects (except historical or archaeological artifacts) during daylight hours pursuant to the Director issuing a General or Special Use Permit under special circumstances (e.g., during an AGFC lake draw-down and renovation). Once finally adopted, this regulation amendment could be applicable for the drawdown of Lake Conway.**

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: N/A

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.

LEGAL NOTICE

The regular monthly meeting of the Arkansas Game and Fish Commission will be held beginning at 9:00 a.m. Thursday, October 26, 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, October 25, 2023, beginning at 9:00 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 October 26th 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 meeting dates draw closer.

Items on the agenda for the October 26, 2023 meeting will include discussion and/or adoption of proposed regulations that previously were considered at the September 20-21, 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:

- Amend an existing regulation that prohibits removal of objects from any Commission-controlled property without permission from the Commission to make exception for limited removal of manmade objects (except historical or archaeological artifacts) during daylight hours by General or Special Use Permit issued by the Director under special circumstances (e.g., during an AGFC lake draw-down and renovation).

All persons wishing to be heard on these subjects should submit comments in writing to this office before the start of the October 26, 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 October 16, 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



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
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Phone: 501-223-6327

Christian N. Parks
Assistant General Counsel

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

October 26, 2023

Arkansas Registrar
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 Approved Rules or Regulations – October 2023 meetings

Dear Arkansas Registrar:

Included is one (1) approved regulation change that was published in the Legal Notice to the Arkansas Democrat Gazette on September 24-26, 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
Mr. Matthew Beaver, Bureau of Legislative Research
beaverm@blr.arkansas.gov
aslib-govdocs@ade.arkansas.gov