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 <u>19.16 – Removal Of Objects Prohibited</u>				
Newspaper Name Arkansas Democrat Gazette				
Date of Publishing September 24, 25, & 26, 2023				
Final Date for Public Comment October 26, 2023				
Location and Time of Public Meeting 2 Natural Resources Drive, Little Rock, AR 72205, 9:00 a.m.				

Proposed Amendment to AGFC Code 19.16

Date: September 20, 2023

Committee: Regulations

Explanation:

Staff will be seeking Commission approval to propose an amendment to AGFC Code 19.16 -- Removal of Objects Prohibited to authorize an Exception that 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.

This will be a <u>first reading</u> of the proposed amendment and, following the process for public notice and opportunity for comment, staff will present a final Code amendment at the October 2023 Commission meeting for your consideration.

Prepared by: Ben Batten

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: Exception to Removal of Object 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 Does this proposed, amended, or repealed rule or regulation have a financial impact?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 Yea	<u>r</u>		Next Fiscal Year	
General Revenue	\$		General Revenue	\$
Federal Funds	\$		Federal Funds	\$
Cash Funds	\$	N/A	Cash Funds	\$ N/A
Special Revenue	\$		Special Revenue	\$
Other (Identify)	\$		Other (Identify)	\$
Total	\$		Total	\$

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 <u>commercial licenses and permits</u> 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.

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

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