

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 19.16 – Removal Of Objects Prohibited

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 first reading 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

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

SHORT TITLE OF THIS RULE: Exception to Removal of Object Prohibited

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.

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