

A black and white photograph of the Georgia State Capitol building. The building is a large, classical-style structure with a prominent central dome. The dome has a series of arched windows around its base. The main entrance is flanked by two wings, each with a portico supported by columns. A wide, grand staircase leads up to the central entrance. In front of the building is a large, open plaza with some landscaping, including trees and flower beds. Two flags are visible on poles in front of the building. The overall style is that of a historical photograph.

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

www.sos.arkansas.gov



Effective Date _____ Code Number _____

Name of Agency Arkansas Game and Fish Commission

Department Legal Division

Contact James Goodhart, General Counsel E-mail james.goodhart@agfc.ar.gov Phone 501-382-3807

Statutory Authority for Promulgating Rules Amendment 35

Rule Title: 24.09 - Nonresident Waterfowl Hunting Permit Requirements on WMAs

October 31, 2023

October 31, 2023⁺

Date _____

I Hereby Certify That The Attached Rules Were Adopted

~~XXXXXXXXXXXXX~~

In Substantial Compliance with Act 434 of 1967 the Arkansas Administrative Procedures Act. Pursuant to 2011 decision rendered by the Pulaski County Circuit Court and 2000 opinion by the Arkansas Attorney General, the rulemaking requirements in the Arkansas Administrative Procedures Act cannot be constitutionally applied to the AGFC. Nevertheless, the AGFC does substantially comply with the rulemaking provisions under Ark. Code Ann. section 25-15-204 for public notice, opportunity for comment, and filing of all regulations adopted by the Commission.

W F Moorhart

501-382-3807

Signature
James.Goodhart@agfc.ar.gov

Phone Number

E-mail Address

Chief Counsel

Title

October 31, 2023

Date _____

24.09 Nonresident Waterfowl Hunting Permit Requirements on WMAs

- A. It is unlawful for any nonresident hunter who does not possess a valid Nonresident WMA Waterfowl Hunting Permit to take or attempt to take waterfowl during regular duck season on any WMA.
- B. Permits may be purchased that will allow a nonresident to hunt waterfowl on any WMA open to waterfowl hunting during select dates from the following list only:
 - 1. First 9 days of regular duck season.
 - 2. December 27 through January 5 Annually.
 - 3. January 21 through January 31 Annually.
- C. Nonresident hunters may purchase either one or more 5-day permits, each usable for 5 or fewer consecutive days from the above list only, or a 30-day permit that is usable for all available dates from the above list only. For the 5-day permit, the desired hunting dates must be selected from the list presented at the time of purchase and all selections are final. All permit purchases are nonrefundable and nontransferable to other persons, dates, or WMAs.
- D. The Nonresident WMA Waterfowl Hunting Permit is in addition to hunting and/or guide license requirements as stated in Chapter 03.00. This permit must be in the person's possession while taking or attempting to take waterfowl on any WMA.

EXCEPTIONS:

- A. Former residents, who possess a Waterfowl Permit and a Resident Lifetime License for either hunting or combination hunting-and-fishing (Addendum D1.01) obtained prior to September 1, 2021, while a bona fide Arkansas resident (Code 01.00-C, RESIDENT), may hunt waterfowl on any WMA in compliance with Chapter 24.00 without a Nonresident WMA Waterfowl Hunting Permit and are not subject to the above date restrictions.

PENALTY: Class 2

ARKANSAS GAME AND FISH COMMISSION

Little Rock, Arkansas

MINUTE ORDER NO:	<u>23-053</u>	SUBJECT:	<u>2023-24 Miscellaneous Hunting and</u>
DATE PASSED:	<u>October 31, 2023</u>		<u>Fishing Regulations</u>
PAGE <u>1</u> of <u>2</u> PAGES		LOCATION:	<u>Statewide</u>

WHEREAS, the Arkansas Game and Fish Commission and its staff have proposed the attached amended regulations for multiple purposes, including: amending the Resident Natural State Lifetime Combination License and Permit to increase its availability for residents who are age 10 or younger from "not to exceed 500" per fiscal year to "not to exceed 1,000" per fiscal year (July 1 through June 30); and amending the Non-Resident WMA Waterfowl Hunting Permit Requirement to create a 30-day permit for \$200 fee and provide that non-resident hunters may purchase either one or more 5-day permits (each usable for 5 or fewer consecutive days from the list of available dates only) or a 30-day permit that is usable for all available dates for WMA hunting by non-residents, etc.; **and**

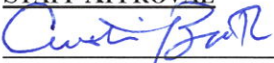
WHEREAS, the seasons for modern-gun deer hunting and migratory waterfowl hunting are scheduled to begin very soon and it is important these regulation amendments take effect promptly to allow hunters to properly plan for the upcoming seasons and benefit from the new license and permit opportunities; **and**

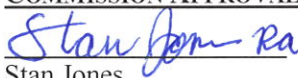
WHEREAS, the attached regulations have been communicated through a variety of media avenues to sportsmen and the general public throughout the state for review and comment for at least the past 30 days; **and**

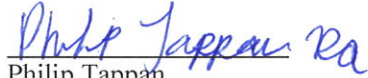
WHEREAS, after carefully considering the recommendations of Commission staff and the Regulations Committee, as well as comments received from the public, the Commission has determined that the attached regulations promote sound wildlife conservation and management and are consistent with Amendment 35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

NOW, THEREFORE, BE IT ORDERED this 31st day of October 2023, that the Arkansas Game and Fish Commission hereby declares that an emergency exists, and approves and adopts the attached regulations, 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 regulations with the Secretary of State, State Library, and Bureau of Legislative Research and incorporating them into the Commission Code Book and Addendum.

Submitted by: Staff APPROVAL

Austin Booth
Director

Commission APPROVAL

Stan Jones
Chair


Philip Tappan
Commissioner

Division: Administrative

Approved: *Cristi Zoot*
Director

Approved: *A F Goodhart*
Legal

Approved: *Delia for Emily Stumate*
Fiscal

J D Neeley RA *Bill Jones RA*
J. D. Neeley Vice Chair Bill Jones Commissioner

AN Doramus RA *Brandon Adams RA*
Anne Marie Doramus Commissioner Brandon Adams Commissioner

Rob Finley RA
Rob Finley Commissioner

FINANCIAL / ECONOMIC IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

(Attach additional pages if needed)

DEPARTMENT: Arkansas Game & Fish Commission

DIVISION: Administration / Legal

PERSON COMPLETING THIS STATEMENT: James Goodhart

TELEPHONE #: (501) 382-3358

FAX #:

EMAIL: James.Goodhart@agfc.ar.gov

SHORT TITLE OF THIS RULE: Nonresident Waterfowl Hunting Permit Requirements on WMAs

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: (\$40 savings to certain hunters) **Next Fiscal Year:** \$0

Party Subject to Rule: **Nonresident Waterfowl Hunters**

Effect on Party Subject to Rule: **The addition of a 30-day nonresident waterfowl permit will allow a potential total savings of \$40 for nonresident waterfowl hunters who otherwise would choose to purchase six 5-day Nonresident Waterfowl Hunting Permits at a current cost of \$40 per permit (\$240 total cost for six 5-day permits).**

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: break even

Next Fiscal Year: \$0

Financial Benefit to Agency: negligible

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:

LEGAL NOTICE

The Arkansas Game and Fish Commission will hold a special meeting beginning at 9:00 a.m. Tuesday, October 31, 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. All interested persons are invited to attend this meeting.

This special Commission meeting 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 date draws closer.

Items on the agenda for the special meeting will include discussion and/or adoption of proposed regulations that previously were considered at the September 28, 2023 special Commission meeting, 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:

- **Resident Natural State Lifetime Combination License and Permit** – Amend existing regulation to increase availability of this lifetime license and permit for residents who are age 10 or younger from “not to exceed 500” per fiscal year to “not to exceed 1,000” per fiscal year (July 1 through June 30).
- **Non-Resident WMA Waterfowl Hunting Permit Requirement** – Amend existing regulations to create a 30-day permit for \$200 fee and provide that non-resident hunters may purchase either one or more 5-day permits (each usable for 5 or fewer consecutive days from the list of available dates only) or a 30-day permit that is usable for all available dates (first 9 days of regular duck season; December 27 through January 5; and January 21 through January 31) for WMA hunting by non-residents.

All persons wishing to be heard on these subjects should submit comments in writing to this office before the start of the October 31, 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 21, 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.

If you need assistance to participate in this public meeting due to a disability as defined under the Americans with Disabilities Act, please contact AGFC's ADA Coordinator in Human Resources at 501-382-3813 at least three (3) business days prior to the scheduled meeting to request an accommodation. Every reasonable effort will be made to meet your request.

AUSTIN BOOTH, DIRECTOR
Arkansas Game & Fish Commission
Game & Fish Commission Building
2 Natural Resources Drive
Little Rock, Arkansas 72205

Chris Racey
Chief of Staff

Ben Batten
Deputy Director



Brad Carner
Deputy Director

Spencer Griffith
Deputy Director

Arkansas Game and Fish Commission

Austin Booth
Director

James F. Goodhart
General Counsel

John P. Marks
Sr. Assistant General Counsel
Phone: 501-382-3807

Christian N. Parks
Assistant General Counsel

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

October 31, 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 Special Meeting

Dear Arkansas Registrar:

Included are two (2) approved regulation changes that were published in the Legal Notice to the Arkansas Democrat Gazette on October 1-3, 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
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The Arkansas Game and Fish Commission's mission is to conserve and enhance Arkansas's fish and wildlife and their habitats while promoting sustainable use, public understanding and support.