

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State
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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 501-223-6327 Legal Division

Name of Rule 24.09 – Nonresident Waterfowl Hunting Permit Requirements on WMAs

Newspaper Name Arkansas Democrat Gazette

Date of Publishing October 1, 2, & 3, 2023

Final Date for Public Comment October 31, 2023

Location and Time of Public Meeting 2 Natural Resources Drive, Little Rock AR 72205, 9:00 a.m.

Proposed Amendment to AGFC Code 24.09 and Addendum D1.01

Date: October 31, 2023

Committee: Regulations

Explanation:

Staff will be seeking Commission approval of two regulation amendments:

1. **Resident Natural State Lifetime Combination License and Permit** – A proposal to amend existing Addendum D1.01 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); and
2. **Non-Resident WMA Waterfowl Hunting Permit Requirement** – A proposal to amend existing Code 24.09 and Addendum D1.01 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.

The first reading of these proposed amendments occurred during the public Commission Meeting on September 28, 2023. The process for public notice and opportunity for comment has been followed and this will be the presentation for final Commission consideration and adoption by Minute Order.

Prepared by: Administration

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:

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.

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 for the following dates only:
 - 1. First 9 days of regular duck season.
 - 2. December 27 through January 5 Annually.
 - 3. January 21 through January 31 Annually.
- C. ~~Each permit will allow the nonresident to hunt waterfowl on any WMA for up to 5 consecutive days. 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 options available list presented at the time of purchase and all selections are final. All P~~permit purchases are nonrefundable and nontransferable to other persons, dates, or WMAs.
- D. ~~Theis~~ Nonresident WMA Waterfowl Hunting pPermit 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

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
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2 Natural Resources Drive
Little Rock, Arkansas 72205