



Harold K. Grimmiett
Director

ARKANSAS NATURAL HERITAGE COMMISSION

THE HERITAGE CENTER, SUITE 200

225 EAST MARKHAM

LITTLE ROCK, ARKANSAS 72201

Phone: (501) 371-1706

MAY 13 11 35 AM '88
W.J. "BILL" MCCUEN
SECRETARY OF STATE
LITTLE ROCK, ARKANSAS



Bill Clinton
Governor

May 11, 1988

Rick Hearn
Office of the Secretary of State
Room 010
State Capitol
Little Rock, AR 72201

Dear Mr. Hearn:

Enclosed are three copies of the revised amendments to the Arkansas Natural Heritage Commission's Rules of Procedure for Approval of Natural Areas. These rules were available for public comment and review at a public hearing held May 5, 1988, at 10:00 a.m. in Suite 350 of the Heritage Center. No comments were received.

Also enclosed are three copies of the questionnaire on proposed administrative rules with a list of persons contacted and their responses. We are also forwarding copies of these changes to Donna Davis of the Legislative Council.

Should you have any questions or need more information, please contact me at the phone number listed above.

Sincerely,

Harold Grimmiett
Director

Enclosures

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ARKANSAS REGISTER



Transmittal Sheet

MAY 13 11 35 AM '88
W.J. "BILL" McCUEN
SECRETARY OF STATE
LITTLE ROCK, ARKANSAS

W.J. "Bill" McCuen
Secretary of State
State Capitol
Little Rock, Arkansas 72201-1094

For Office
Use Only:

Effective Date 6/3/88 Code Number 2012.04.88-002

Name of Agency Department of Arkansas Heritage

Department Natural Heritage Commission

Contact Person Harold Grimmatt Telephone 371-1706

Statutory Authority for Promulgating Rules Act 112 of 1973

Intended
Effective Date

Date

☐ Emergency

☐ 20 Days
After Filing

☒ Other

Legal Notice Published

Final Date for Public Comment March 28, 1988

Filed With Legislative Council May 5, 1988

Reviewed by Legislative Council March 28, 1988

Adopted by State Agency _____

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance With Act 434 of 1987 As Amended.

SIGNATURE

Executive Director

TITLE
5/11/88
DATE

100-8840910

88/01/10

QUESTIONNAIRE
ON PROPOSED ADMINISTRATIVE RULES
WHETHER NEW, AMENDATORY OR REPEALING

FROM:

AGENCY Department of Arkansas Heritage
DIVISION Natural Heritage Commission
CONTACT PERSON Harold Grimmett
ADDRESS 225 E. Markham, Little Rock, AR 72201
PHONE NUMBER 371-1706

012704.88--002

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Leave Blank

INSTRUCTIONS

W.J. "BILL" McCUEN
SECRETARY OF STATE
LITTLE ROCK, ARKANSAS

- A. Make copies of this form for future use.
- B. Answer each question completely using layman's language. ~~Use additional sheets if necessary.~~
- C. If you have a method of indexing your rules, give the proposed citation after "SHORT TITLE OF THIS RULE" below.
- D. Submit three (3) copies of this questionnaire attached to the front of three (3) copies of your proposed rule to:

ATTENTION: Donna Davis
Subcommittee on Administrative Rules and Regulations
Arkansas Legislative Council
Room 315, State Capitol
Little Rock, AR 72201

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SHORT TITLE OF THIS RULE Rule for Approval of Natural Areas

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1. What is the subject of the proposed rule?
The subject of the proposed rule is a change in the procedure for Commission approval of natural areas.
2. Will this be a new rule or repeal or amend an existing rule? If it is an amendment, state specifically what is amended.
Section 9, paragraphs 2 and 3 of the Natural Heritage Commission's Rule for Approval of Natural Areas (See attachment).
3. What State or Federal law or regulation grants the authority for this proposed rule?
The State of Arkansas' Act 112 of 1973 grants the authority for this proposed rule.
4. What is the purpose of this proposed rule? Why is it necessary?
The purpose of this proposed rule is to make Natural Heritage Commission rules consistent with those of the Natural and Cultural Resources Council in order to facilitate the application for grants by the Natural Heritage Commission. This rule is necessary because the Natural Heritage Commission would lose grant funds from this source and others.
5. Will this proposed rule be controversial? If yes, explain nature of controversy.
No, this proposed rule will not be controversial.

(OVER)

* FAILURE TO COMPLETELY ANSWER ALL QUESTIONS COULD RESULT IN PROCESSING DELAYS *

6. What is the financial impact of this proposed rule?
The Natural Heritage Commission would stand to gain much needed grant funds if this proposed rule change is adopted.
7. Will a public hearing be held on this proposed rule? If yes, state the date, time and location of such hearing. If no, state the date the public comment period ends? ~~8.40.810~~
- * A public hearing will be held on May 5, 1988, at 10:00 a.m. in the third floor conference room on the Natural Heritage Commission, 225 E. Markham, Little Rock, AR.
8. What is the proposed effective date of this proposed rule? June 1, 1988
9. Give the names, addresses and phone numbers of all persons, groups, organizations, etc., interested in or affected by this proposed rule and the position taken by each.

Categorize them according to the following:

- (A) Those you contacted.
- (B) Those who contacted you.
- (C) Those whom you anticipate will participate in the public hearing.

NAMES, ADDRESSES & PHONE NUMBERS	CATEGORY	FOR	AGAINST
Nancy DeLamar, Director The Nature Conservancy 300 Spring Bldg. - Suite 717 Little Rock, AR 72201 372-2750	A	X	
Lance Peacock The Nature Conservancy 300 Spring Bldg. - Suite 717 Little Rock, AR 72201 371-1750	A	X	
Richard Davies, Director Dept. of Parks and Tourism One Capitol Mall Little Rock, AR 72201 682-7774	A	X	
Joan Baldridge, Director Department of Arkansas Heritage 225 East Markham Little Rock, AR 72201 371-1639	A	X	
Office of the Attorney General 201 East Markham Little Rock, AR 72201 371-2007	A	X	
Sarah Spencer Department of Arkansas Heritage 225 East Markham, Little Rock, AR 371-1639	A	X	

* Public hearing was held May 5, 1988. No comments were received.

SARRQ

REVISED: 2-17-88

* FAILURE TO COMPLETELY ANSWER ALL QUESTIONS COULD RESULT IN PROCESSING DELAYS *

9. PROCEDURES FOR APPROVAL OF NATURAL AREAS. Each area proposed as a natural area shall be examined and reported on in writing to commission members, advisors and consultants by person or persons designated by the Commission. The report on an area shall include information on its location, legal description, ownership, provision for custody and management, general character, natural types, degree of past disturbance, relation to adjoining lands, and potential as a natural area.

If after receipt of such report the commission finds that acquisition of the area as a natural area appears to be appropriate and feasible, it may adopt a resolution giving preliminary approval to acquire same. Such resolution shall include a definite or approximate legal description of the area but need not refer to proposed conditions of acquiring same, if any. Adoption of such resolution shall not bind the Commission to any further action. The resolution for preliminary approval may include approval for submission of a grant application to a potential funding source.

At a meeting subsequent to the meeting at which preliminary approval of an area was given, the Commission may give final approval of such area, provided that the funding source is identified and that either the legal description of the area and the conditions for

acquisition, if any, are identical in form to those set forth in the resolution of preliminary approval, or the proposed conditions for acquisition in final form were made available at the preceding Commission meeting or sent to Commission members, advisors, and consultants at least 7 days before the date of the meeting at which final approval of the area is considered.

10. COOPERATE. The commission will cooperate and contract with any federal, state or local governmental agency, private organization or individual to carry out its policies and purposes.

11. REGISTRY AND INVENTORY. The commission will maintain a registry or inventory of lands and waters in the State, whether publicly or privately owned, that retain their primeval character to a substantial degree, or that have flora, fauna, ecological, geological, or archaeological features of significant scientific, educational or recreational interest, said registry to be known as the registry of natural areas; and to maintain an inventory of habitats of rare, vanishing, or endangered species, subspecies, or populations of plants and animals, and other records of natural areas.

12. REPORT OF NATURAL AREAS. The commission will submit to the Governor and the General Assembly, and publish, on or before the first day of December of each year, a report which shall describe and account for the

