

## **Approved Codes Summary**

**Committee:** Regulations

**Date:** October 20, 2012

**Explanation:**

Three code clarifications that were overlooked during the revision of the code book and addendum in August were proposed at the September meeting for consideration. These three codes are being presented at the October meeting for approval (12.01, 10.05 and Q1.01).

**Prepared by:** David Goad

**12.01**

04-07

**TAKING OF ALLIGATOR PROHIBITED**

It is unlawful to hunt, buy, sell or possess an American alligator (*Alligator mississippiensis*) or other crocodylian species, or any part, nest or eggs.

**EXCEPTIONS:**

- (1) ~~Alligators taken by Commission employees or law enforcement officials while in performance of their official job duties.~~
- (2) Any alligator or other crocodylian species seized or otherwise acquired by the Commission may be sold.
- (3) Any cured and mounted trophies and articles manufactured from the lawfully acquired skins or hides or other parts of any alligator or other crocodylian species.
- (4) An alligator may be possessed for display and educational purposes in compliance with a written permit issued by the Chief of Wildlife Management.
- (5) Personnel authorized by the Commission and engaged in the removal of nuisance alligators in compliance with the current AGFC Nuisance Alligator Procedure.
- (6) In compliance with Codes 05.01; 12.03, Chapter 33.00, and Addendum A1.10.

PENALTY: Class 2

**19.05**

04-96

**SIGNS PROHIBITED**

It is unlawful, ~~other than Commission employees,~~ to erect or post any sign, notice or advertisement on any Commission-controlled property.

**EXCEPTIONS:**

- (1) Regulatory and informational signs posted by government agencies.
- (2) Signs posted by lessee as approved under lease agreement with the Commission.

PENALTY: Class 1

**Q1.01****RESTITUTION VALUES FOR WILDLIFE SPECIES**

SPECIES	RANGE	VALUE
Alligator snapping turtle	\$100-250	\$150
American alligator	\$300-1,000	\$500
American coot	\$10-30	\$15
American woodcock	\$20-40	\$30
Amphibian	\$20-100	Varies
Bachman's warbler	\$1,000-5,000	\$2,000
Bald eagle	\$1,000-5,000	\$2,000
Bats, other	\$5-20	\$5
Beaver	\$5-25	\$10
Black Bear	\$250-750	\$500
Black duck	\$50-150	\$100
Black-tailed jackrabbit	\$75-150	\$100
Blue-winged teal	\$30-75	\$40
Bobcat	\$75-200	\$150

Bobwhite quail	\$30-75	\$50
Bufflehead	\$30-75	\$40
Canada goose	\$100-200	\$150
Canvasback	\$75-200	\$100
Common bird, others	\$25-75	\$40
Common snipe	\$20-40	\$30
Cottontail rabbit	\$10-30	\$20
Coyote	\$10-50	\$20
Crow	\$1-10	\$3
Eastern spotted skunk	\$10-40	\$25
Elk	\$750-2,500	\$1,500
Fox squirrel	\$10-30	\$20
Gadwall	\$20-50	\$30
Goldeneye	\$30-75	\$40
Gray bat	\$250-750	\$300
Gray fox	\$30-100	\$50
Gray squirrel	\$10-30	\$20
Green-winged teal	\$20-50	\$30
Hooded merganser	\$30-75	\$50
Indiana bat	\$250-750	\$300
Interior least tern	\$1,000-5,000	\$2,000
Ivory-billed woodpecker	\$1,000-5,000	\$2,500
Lesser scaup	\$20-50	\$30
Lizard	\$1-5	\$1
Long-tailed weasel	\$50-150	\$75
Mallard	\$30-75	\$50
Mergansers, other	\$20-50	\$30
Mink	\$25-75	\$40
Moorhen/Purple gallinule	\$30-75	\$50
Mountain lion	\$1,000-5,000	\$2,500
Mourning dove	\$20-40	\$30
Muskrat	\$5-20	\$8
Nutria	\$5-20	\$5
Opossum	\$10-40	\$20
Ozark big-eared bat	\$250-750	\$500
Peregrine falcon	\$1,000-5,000	\$2,500
Pintail	\$30-75	\$50
Raccoon	\$25-75	\$40
Raptors	\$25-100	\$50
Rare bird, other	\$200-500	\$250
Red fox	\$75-150	\$100
Red-cockaded woodpecker	\$1,000-5,000	\$2,000
Redhead	\$30-75	\$40
Ringneck duck	\$20-50	\$30
Ringtail	\$75-150	\$100
River otter	\$100-250	\$250
Ruddy duck	\$10-30	\$20

Ruffed grouse	\$250-750	\$350
Shoveler	\$20-40	\$20
Small mammal, other	\$1-10	\$3
Snake	\$5-20	\$10
Snow goose	\$40-100	\$50
Stripped skunk	\$5-20	\$5
Swamp rabbit	\$50-150	\$100
Turtle, other	\$5-20	\$15
Uncommon bird, other	\$100-250	\$100
Virginia/Sora rail	\$20-50	\$30
White-fronted goose	\$40-100	\$75
<b>White-tailed deer</b>	<b>\$300-600</b>	<b>\$400</b>
Wigeon	\$30-75	\$40
Wild turkey	\$250-500	\$350
Woodchuck	\$20-50	\$25
Wood duck	\$30-75	\$50

For restitution values for fish and mussels refer to the "Investigation and Monetary Values of Fish and Freshwater Mussel Kills", American Fisheries Society Special Publication 30 and also the AGFC Fisheries Bureau.

## FINANCIAL / ECONOMIC IMPACT STATEMENT

### PLEASE ANSWER ALL QUESTIONS COMPLETELY

(Attach additional pages if needed)

**DEPARTMENT:** Arkansas Game and Fish Commission

**BUREAU:** Wildlife Management

**PERSON COMPLETING THIS STATEMENT:** David Goad

**TELEPHONE #:** 501-223-6362 **FAX #:** 501-223-6452

**EMAIL:** cdgoad@agfc.state.ar.us

**SHORT TITLE OF THIS RULE:** Proposed Misc. Codes Approval

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 Next Fiscal Year**

General Revenue	\$ N/A	General Revenue	\$ N/A
Federal Funds	\$ N/A	Federal Funds	\$ N/A
Cash Funds	\$ N/A	Cash Funds	\$ N/A
Special Revenue	\$ N/A	Special Revenue	\$ N/A
Other (Identify)	\$ N/A	Other (Identify)	\$ N/A
Total	\$ N/A	Total	\$ N/A

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:** \$ N/A

**Next Fiscal Year:** \$ N/A

Party Subject to Rule: N/A

Effect on Party Subject to Rule: Cost of license

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: \$N/A**

**Next Fiscal Year: \$ N/A**

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: N/A

**Arkansas Game and Fish Commission**  
Little Rock, Arkansas

MINUTE ORDER NO:	<u>11-122</u>	SUBJECT:	<u>Amendments to Misc. Codes in</u>
DATE PASSED:	<u>October 20, 2011</u>		<u>Recently Revised Codebook</u>
PAGE <u>1</u> of <u>2</u> PAGES		LOCATION:	<u>Statewide</u>

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**WHEREAS,** during 2010 and 2011, the Arkansas Game and Fish Commission conducted a comprehensive review of the AGFC Code Book in an effort to streamline its regulations and, on August 11, 2011, finally adopted a revised AGFC Code Book and Addendum, which became effective on September 15, 2011; **and**

**WHEREAS,** after final adoption of the revised AGFC Code Book and Addendum, it was discovered that several regulation provisions were either incomplete or required clarification – more specifically, Code 12.01 (Taking of Alligator Prohibited) and Code 19.05 (Signs Prohibited) needed amendment to remove redundant exceptions, and Addendum Code Q1.01 (Restitution Values for Wild Species) needed to be amended to include a restitution range and value for White-tailed deer; **and**

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

**WHEREAS,** after carefully considering the recommendations of Commission staff and the Regulations Committee, as well as any 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 20<sup>th</sup> day of October 2011, that the Arkansas Game and Fish Commission hereby 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.

	<u>STAFF APPROVAL</u>	<u>COMMISSION APPROVAL</u>
<b>Submitted by:</b>	<u>David Goad</u> David Goad	<u>George Dunklin, Jr.</u> George Dunklin, Jr. Chairman
<b>Division:</b>	<u>Wildlife Management</u>	<u>Emon Mahony</u> Emon Mahony Commissioner
<b>Approved:</b>	<u>[Signature]</u> Director	<u>Ron Pierce</u> Ron Pierce Vice Chairman
<b>Approved:</b>	<u>[Signature]</u> Legal	<u>Fred Brown</u> Fred Brown Commissioner
<b>Approved:</b>	<u>[Signature]</u> Fiscal	<u>Rick Watkins</u> Rick Watkins Commissioner
		<u>Steve Cook</u> Steve Cook Commissioner
		<u>Ron Duncan</u> Ron Duncan Commissioner