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Assistant General Counsel
Fax: 501-223-6463

October 22, 2018

Ms. Donna K. Davis
Arkansas Bureau of Legislative Research
Administrative Rules Review Section
#1 Capitol Mall, 5th Floor
Little Rock, AR 72201

RECEIVED
OCT 24 2018
BUREAU OF
LEGISLATIVE RESEARCH


RE: Arkansas Game and Fish Commission, 2019 Land Use Around AGFC Lakes

Dear Ms. Davis:

Enclosed please find for filing a hard copy of the 2019 Land Use Around AGFC Lakes passed by the Arkansas Game and Fish Commission on October 18, 2018. The Commission requests that the Land Use regulation change be effective January 1, 2019.

Should you have any questions or comments concerning this filing, please do not hesitate to contact me at (501) 223-6327 at your convenience.

Sincerely,


James F. Goodhart
General Counsel

JFG/as
Enclosures

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ITEM NO. IV(b)

ARKANSAS GAME AND FISH COMMISSION
Little Rock, Arkansas

LEGISLATIVE COUNCIL

MINUTE ORDER NO: 18-068 SUBJECT: Amendment to AGFC Code K1.01 --
DATE PASSED: October 18, 2018 Land Use Around AGFC Lakes
PAGE 1 of 1 PAGES LOCATION: Statewide

WHEREAS, the Arkansas Game and Fish Commission and its staff have proposed the attached amendment to AGFC Code K1.01 - Policies on Land Use Around Arkansas Game and Fish Commission Lakes to change the fee and term for permits for private boathouses, fishing piers, and irrigation activities on AGFC-owned lakes. Currently, these permits have a one-year term only and \$10 annual fee; the recommended change is for these permits to have a three-year term with a \$30 fee, which still amounts to \$10 per year; and

WHEREAS, the attached amended regulation has 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 amended regulation promotes sound wildlife conservation and management and is consistent with Amendment 35 of the Arkansas Constitution and that the regulation should now be approved for application statewide.

NOW, THEREFORE, BE IT ORDERED this 18th day of October 2018, that the Arkansas Game and Fish Commission hereby approves and adopts the attached regulation, which shall become effective on January 1, 2019.

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.

STAFF APPROVAL
Submitted by: BBB
Ben Batten
Chief
Division: Fisheries
Approved: Cume for PF
Director
Approved: A. F. Goodhart
Legal
Approved: James Miller
Fiscal

COMMISSION APPROVAL
Ford Overton
Ford Overton
Chairman
Ken Reeves
Ken Reeves
Vice Chairman
Andrew Parker
Andrew Parker
Commissioner
Joe Morgan
Joe Morgan
Commissioner
Bobby Martin
Bobby Martin
Commissioner
Stan Jones
Stan Jones
Commissioner
J. D. Neeley
J. D. Neeley
Commissioner

FINANCIAL / ECONOMIC IMPACT STATEMENT

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

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OCT 24 2018

DEPARTMENT: Arkansas Game & Fish Commission

DIVISION: Fisheries

PERSON COMPLETING THIS STATEMENT: Cody Wyatt

TELEPHONE #: (877) 425-7577

FAX #: (870) 425-6596

Christopher.Wyatt@agfc.ar.gov

BUREAU OF
LEGISLATIVE RESEARCH

EMAIL:

SHORT TITLE OF THIS RULE: Changing Boathouse/Pier Permit from 1 to 3 years

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?
Yes: No: **X**
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: \$ 0

Next Fiscal Year: \$ 0

Party Subject to Rule: Those who own boathouses and/or fishing piers on AGFC lakes.

Effect on Party Subject to Rule: Neutral

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: \$ 0

Next Fiscal Year: \$ 0

Financial Benefit to Agency: 0

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:

7. Compare this rule with federal and state counterparts: N/A

SUMMARY FOR COMMITTEE ITEM
Amendment to AGFC Code K1.01 Land Use Around AGFC Lakes

Committee: Regulations Committee

Date: October 17, 2018

Title: Amendment to AGFC Code K1.01 – Land Use Around AGFC Lakes

Explanation:

Owners of private boathouses and fishing piers located on AGFC-owned lakes are required by code to purchase and display a permit for their structure. Currently those permits cost \$10 per structure and expire annually. The Fisheries Division recommends changing these permits to a three year cycle and increasing the cost to \$30, which is still \$10 per year. Fiscal (Licensing) and Enforcement Divisions also support this change. This change would make enforcement of this regulation much simpler.

Prepared by: Jason Olive
Assistant Chief of Fisheries Management

CODE BOOK LANGUAGE FOR CHANGES TO BOATHOUSE, PIER, AND IRRIGATION PERMITS ON AGFC LAKES

CHAPTER K1.00 - LAND USE POLICY

K1.01 Policies on Land Use Around Arkansas Game and Fish Commission Lakes

K1.01 POLICIES ON LAND USE AROUND ARKANSAS GAME AND FISH

COMMISSION LAKES

By Order of the Arkansas Game and Fish Commission

Updated March 19, 2015

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- 8.0 Violations and Variances
- 9.0 Commission-owned Boundaries
- 10.0 Applications and Permit Application Contact Information
- 10.8 Arkansas Game and Fish Guidelines for Resolving Real Estate Encroachments

POLICIES ON LAND USE AROUND

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ARKANSAS GAME AND FISH LAKES

*Be sure to review the Arkansas Game and Fish Guidelines for Resolving Real Estate Encroachments (Section 10.8) and the AGFC Fishing Guidebook

3.0 Permits

3.1 General Information –Applications for all permits are provided in the Appendix. Applicants should allow at least 30 days to process the permit application(s). Permits are not transferable upon resale or transfer of ownership of the property. It is the current landowner's responsibility to disclose the Policies on Land Use Around AGFC Lakes upon resale or transfer of ownership of his/her property. New lakefront landowners purchasing properties with an existing pier, boathouse, boat slide or irrigation system must apply for a new permit and number in the new property owner's name. Proof of home ownership is required. ~~All permits must be renewed annually.~~ Permit renewals will be on a three year cycle. A new registration sticker will be sent with the renewed permit. New property owners are responsible for permitting or removing the structure within 90 days of taking possession. Structures not removed or permitted during that time are subject to removal by the Commission at the property owner's expense.

3.2 Agreement – The Application(s) for permits must be completed and signed by the lakefront property owner. In signing the application(s) the lakefront property owner agrees to comply with all applicable requirements outlined in the Policies on Land Use Around Arkansas Game and Fish Commission Lakes and to repair or remove boathouses, piers, boat slides, or irrigation units should they at any time deteriorate to be in violation of the Policy. The landowner assumes all liability associated with said structures. A copy of private boathouse, boat slide, or pier construction plans, dimensions, and list of materials to be used and a copy of the plat map with the boathouse, boat slide, pier, or irrigation unit location marked must accompany the Application. Failure of not sending in all required information will result in delay of

permit issuance.

3.3 Permit Display Requirements and Fees

Piers, boathouses, boat slides, and irrigation units must display the Arkansas Game and Fish Commission permit number on the structure. Permit numbers must be a minimum of 3 inches in height. Along with issuance of the permit, you will receive a metal placard and a colored registration sticker for each boathouse, boat slide, pier, or irrigation pump. The permit numbers shall be placed on the left side of the placard and the registration sticker shall be placed to the right of the permit numbers on the placard. Permit numbers must be clearly visible, legible and of a color that contrasts with that of the metal placard. The placard must be placed on the side of the structure facing the center of the lake, making it visible at all times. Boat slides and irrigation units must have the placard attached to a 4"x 4" post that is securely set in the ground, as a part of or near the structure. The placard must also be placed at least 3 feet above the ground or normal water elevation of the lake. The metal placard cannot be placed on doors. ~~Each year~~ Every three years, upon renewal of the permit, you will receive a new registration sticker to place on the placard. If a placard must be replaced, contact the Licensing Division at (501) 223-6300 or 1(800) 364-GAME.

☐ Pier, boathouse, or boat slide fee (for each structure): \$130.00

☐ Irrigation Permit fee (Fee required only if you do not have a boathouse and/or pier.

Metal placard must be placed on a post near the irrigation unit. Refer to Section 4.6):

\$130.00

☐ Metal Placard(s) fee (For use on boathouses/boat slides/piers/irrigation units. This fee covers all required metal placards for each landowner.): \$25.00

☐ Replacement placard fee: \$5.00 per placard

4.0 Activities Requiring a Permit

4.1 Summary of Activities

Boathouses, Shoreline Stabilizations, Dredging for Boat, Access Boat Slides, Piers, Herbicides and Pesticides, Deepening the Shoreline, Irrigation using lake water (Permit required only if you do not have a permitted boathouse and/or pier)

4.6 Lawn Irrigation – Lakefront property owners may pump water out of AGFC-owned lakes for lawn/garden irrigation needs. Irrigation for agricultural/commercial purposes will not be permitted. Those property owners with a currently permitted boathouse/pier/boatslide will not be required to pay irrigation permit fees or purchase a metal placard for irrigation purposes. Those property owners without a current boathouse, pier, or boat slide permit must apply for an annual Irrigation Permit for irrigation purposes as well as purchase a metal placard for the irrigation unit. Irrigation permits will be on the same three year cycle as boathouse and pier permits. No submersible pumps will be allowed. Relift pumps with no more than 1.5 horsepower may be used. Relift pumps may be located on an existing boathouse, pier or the landowner's property. Intake pipes must have screening on them. No part of the pump may be on the AGFC property (lake management buffer). Discharge or intake lines may traverse AGFC property. If electric power lines traverse AGFC property, they must be encased and buried according to State of Arkansas and local codes. The discharge outlet from the pump must be no more than 1 1/2 -inch inside diameter within 5.0 feet of the pump and prior to dispersal for irrigation. Water withdrawal for irrigation is prohibited when the lake elevation reaches 1.0 foot below normal lake elevation.

CHAPTER K1.00 - LAND USE POLICY

K1.01 Policies on Land Use Around Arkansas Game and Fish Commission Lakes

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K1.01 POLICIES ON LAND USE AROUND ARKANSAS GAME AND FISH
COMMISSION LAKES

By Order of the Arkansas Game and Fish Commission

Updated January 01, 2019

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- 10.8 Arkansas Game and Fish Guidelines for Resolving Real Estate
Encroachments

POLICIES ON LAND USE AROUND ARKANSAS GAME AND FISH LAKES

**Be sure to review the Arkansas Game and Fish Guidelines for Resolving Real
Estate Encroachments (Section 10.8) and the AGFC Fishing
Guidebook*

1.0 Introduction

The Arkansas Game and Fish Commission (the Commission, AGFC) has built many lakes throughout the state in an effort to provide fishing for the citizens of Arkansas. The Game and Fish Commission controls, manages and maintains these lakes within the established boundaries of ownership. Around each Commission-owned lake a state boundary of ownership exists. The size and extent of the state-owned boundary varies depending on the lake. These lands are necessary to provide for fluctuating water levels, to control and protect the public investments and to insure public use and access to the shoreline of these lakes. The Commission attempts to maintain boundary markings, however if construction and/or land-clearing activities are anticipated, it is the landowner's responsibility to locate all boundaries by a survey based on the metes and bounds land description.

2.0 Definitions

- 2.1 Lake Management Buffer – The strip of Commission-owned land adjacent to AGFC lakes that the Commission deems necessary to provide for public access, flood control, and lake management. The width of the lake management buffer varies from lake-to-lake (typically between 20 to 100 feet wide) and either is described relative to a known elevation or in metes and bounds pursuant to a survey. (Refer to Section 9 for specific lake boundary descriptions; see also the current Arkansas Game and Fish Guidelines for Resolving Real Estate Encroachments in Section 10.8). The lake management buffer is public property and is open to the public at all times.
- 2.2 Lakefront Property - private property that directly adjoins the Arkansas Game and Fish Commission lake management buffer. No other properties will be considered lakefront properties. Only lakefront property owners may request permits for and construct such permitted structures on the Commission-owned lake management buffers and lakes.
- 2.3 Mean Sea Level (msl) – A measurement of the average height of the ocean's surface; used as a standard in reckoning land elevation.
- 2.4 Metes and Bounds Survey: A metes and bounds survey is a survey of land by references to courses and distances around the tract (e.g. "Thence North 40 degrees West 1320 feet to a 1" pipe"), as opposed to a description of a tract of land within a subdivision (e.g. "Lot 6, Wooded Hills Subdivision"). A metes and bounds survey is typically seen in rural or non-urban areas, such as around AGFC lakes and WMAs.

3.0 Permits

- 3.1 General Information – Applications for all permits are provided in the Appendix. Applicants should allow at least 30 days to process the permit application(s). Permits are not transferable upon resale or transfer of ownership of the property. It is the current landowner's responsibility to disclose the Policies on Land Use Around AGFC Lakes upon resale or transfer of ownership of his/her property. New lakefront landowners purchasing properties with an existing pier, boathouse, boat slide or irrigation system must apply for a new permit and number in the new property owner's name. Proof of home ownership is required. Permit renewals will be on a three year cycle. A new registration sticker will be sent with the renewed permit. New property owners are responsible for permitting or removing the structure within 90 days of taking possession. Structures not removed or permitted during that time are subject to removal by the Commission at the property owner's expense.
- 3.2 Agreement – The Application(s) for permits must be completed and signed by the lakefront property owner. In signing the application(s) the lakefront property owner agrees to comply with all applicable requirements outlined in the Policies on Land Use Around Arkansas Game and Fish Commission Lakes and to repair

or remove boathouses, piers, boat slides, or irrigation units should they at any time deteriorate to be in violation of the Policy. The landowner assumes all liability associated with said structures. A copy of private boathouse, boat slide, or pier construction plans, dimensions, and list of materials to be used and a copy of the plat map with the boathouse, boat slide, pier, or irrigation unit location marked must accompany the Application. Failure of not sending in all required information will result in delay of permit issuance.

3.3 Permit Display Requirements and Fees

Piers, boathouses, boat slides, and irrigation units must display the Arkansas Game and Fish Commission permit number on the structure. Permit numbers must be a minimum of 3 inches in height. Along with issuance of the permit, you will receive a metal placard and a colored registration sticker for each boathouse, boat slide, pier, or irrigation pump. The permit numbers shall be placed on the left side of the placard and the registration sticker shall be placed to the right of the permit numbers on the placard. Permit numbers must be clearly visible, legible and of a color that contrasts with that of the metal placard. The placard must be placed on the side of the structure facing the center of the lake, making it visible at all times. Boat slides and irrigation units must have the placard attached to a 4"x 4" post that is securely set in the ground, as a part of or near the structure. The placard must also be placed at least 3 feet above the ground or normal water elevation of the lake. The metal placard cannot be placed on doors. Every three years, upon renewal of the permit, you will receive a new registration sticker to place on the placard. If a placard must be replaced, contact the Licensing Division at (501) 223-6300 or 1(800) 364-GAME.

- Pier, boathouse, or boat slide fee (for each structure): \$30.00
- Irrigation Permit fee (Fee required only if you do not have a boathouse and/or pier. Metal placard must be placed on a post near the irrigation unit. Refer to Section 4.6):
\$10.00
- Metal Placard(s) fee (For use on boathouses/boat slides/piers/irrigation units. This fee covers all required metal placards for each landowner.): \$25.00
- Replacement placard fee: \$5.00 per placard

4.0 Activities Requiring a Permit

4.1 Summary of Activities

Boathouses
Shoreline Stabilizations
Dredging for Boat
Access Boat Slides

Piers
Herbicides and
Pesticides
Deepening the
Shoreline

Irrigation using
lake water (Permit
required only if
you do not have a
permitted
boathouse and/or
pier)

4.2 Shoreline Stabilization - Lakefront property owners may sometimes need to stabilize a shoreline adjacent to their property that is eroding due to wave action. A permit from the District Fisheries Supervisor must be obtained before beginning such work. An application form is included. A site plan drawing indicating dimensions and descriptions of the work to be performed and the materials to be used must accompany the application.

A 404 permit may be required from the U.S. Army Corps of Engineers (USACOE) depending on the size and scope of stabilization work requested. Contact your local USACOE office to determine if the permit is required.

Only approved materials may be used for stabilization work. Approved materials consist of: riprap placed over landscape fabric; cedar revetments, log cribs and vegetative cover. You must have AGFC approval for placement of any fill material on the lake management buffer. The Arkansas Stream Team Program has further guidelines for acceptable stabilization work. Call your local District Fisheries Supervisor for more information.

No other manipulation of the shoreline will be permitted. It is not permissible to:

1. Extend or cut into the shoreline in any manner
2. Dig canals
3. Construct a private boat launch
4. Construct a retaining wall
5. Construct swimming beaches.
6. Place any fill material on the lake management buffer without AGFC approval

4.3 Lake Dredging - Deepening of the lake area near the shoreline is allowed only to create a boat lane from shallow to deeper water when it otherwise would be impassable. This operation must be carried out when the lake is drawn down for maintenance or fishery purposes. No other deepening is allowed. A permit must be obtained before any work is started. A permit application form is attached. All material removed during deepening must be disposed of on the lakefront property owner's lot. You must have AGFC approval for placement of any fill material on the lake management buffer. Excavated material may not be

hauled away without prior written approval from the District Fisheries Supervisor. Mitigation for removal of spawning habitat may be required (i.e. construction of spawning beds using creek gravel). A 404 Permit from the USACOE may be required.

4.4 Herbicide and Pesticide Use – Only chemicals approved by the United States Dept. of Agriculture for aquatic weed control may be used. Chemicals must be applied per the manufacturer's recommendations. Chemical application must be confined to the area of the lake directly in front of the property owner's lakefront lot. Prior to herbicide application, property owner must obtain a permit from the District Fisheries Supervisor.

4.5 Boathouses, Boat Slides and Piers – Lakefront property owners may obtain permits to build one pier and either one boathouse or one boat slide on the Commission-owned property adjacent to their lakefront property. Landowners may not have both a boathouse and a boat slide. Boathouses, piers and boat slides must be separate structures, although they may be located in close proximity to each other. Construction of a new pier, boathouse or boat slide may only begin after first obtaining the necessary permit from the Arkansas Game and Fish Commission. Permit applications are attached. Commission personnel may also inspect the site before structures are built.

Boathouses, piers and boat slides may only be built using plans available from the Arkansas Game and Fish Commission and with approved materials. No other designs and material will be allowed for construction on Commission property. Plans for: floating boathouses, floating piers, fixed boathouses, fixed piers, and boat slides are provided. Commercially made piers, boathouses, and boat slides will be approved if they fall within the allowable dimensions. Framing of commercially made piers, boathouses, and boat slides may be made of galvanized metal.

Piers, boathouses and/or boat slides are the sole property of the permit holder and may be locked or gated at the entrance. Permit holders bear all responsibility and liability for upkeep and any injury resulting from the use of the structure.

4.5.1 Dimensions & Design – Piers may be either fixed or floating and must not exceed a total length of 50 feet and total width of 8 feet. Piers may include a "T" or "L" constructed at the end, measuring no more than 8 feet by 16 feet in size, but total length of pier may not exceed 50 feet. Piers must be placed a minimum of 1.0 feet above normal lake elevation. Roofs are not allowed on piers.

Boathouses may be either fixed or floating. Boathouses shall not exceed 24 feet in length and 16 feet in width and shall not have a walkway from shore to boathouse longer than 16 feet in length and 8 feet in width. Roofing is

required on boathouses and shall be metal. Sheathing to enclose the boathouses is optional and shall be metal in an earth toned shade. Inside dimensions of boat slip can be variable as long as the structure does not exceed 16 feet wide and 24 feet long. Sleeping, living or toilet facilities in boathouses are prohibited.

Boat slides must be permanently fixed to the shoreline and cannot be floating. Boat slides cannot completely cross the lake management buffer, and they cannot change the configuration of the shoreline in any manner (digging/excavation is not allowed). Boat slides shall not exceed 20 feet in length and 8 feet in width. Handrails are allowed as long as they fit within the allowed dimensions. Roofs are not allowed on boat slides.

Placement and extension of piers, boathouses and/or boat slides into the lake must not encroach on an imaginary extension of the landowner's existing property lines. No guide lines or cables may be affixed to the shore to stabilize a pier, boathouse or boat slide.

4.5.2 Materials – All posts shall be 4"x 4" minimum pressure treated lumber and shall be spaced no more than 8 feet apart (8 foot spacing recommended). Posts may be driven or set in concrete. Deck framing shall be 2"x 6" minimum pressure treated lumber. Decking shall be 5/4" x 6" or 2"x 6" minimum pressure treated lumber. Railings shall be 2"x 6" pressure treated lumber with mid-rail height of 18 inches and height of top-rail shall be 36 inches. Floor joists: On 16" centers use 2" x 8" minimum pressure treated lumber. On 12" centers, use 2" x 6" minimum pressure treated lumber. Fasteners shall be galvanized, stainless or coated steel screws. Floating structures must be buoyed with encapsulated foam flotation. Floating structures may not be stabilized by using cables, guidelines, or poles attached to concrete anchors along the shoreline or on the lake management buffer. Floating structures should utilize anchors in the lake or use standing pipe and guides.

A hand-cranked or battery operated winch/come-along system is allowed on boathouses, boat slides and piers as long as it does not change the configuration of the structure and must be mounted on a post (minimum 4" x 4" pressured treated lumber).

Rollers for boat house lifts and boat slides shall be constructed of galvanized metal or plastic. Alternatively, runners constructed of 2" x 4" pressure treated lumber, covered with marine carpet may be used.

4.5.3 Electrical – All electrical improvements must meet or exceed State of Arkansas and local codes. All electrical fixtures attached to piers and/or boathouses must be a minimum of 3 feet above normal pool elevation. All

electric power lines attached to piers and boathouses must be encased in conduit and attached at least 3 feet above normal pool elevation. Any electric power lines that traverse AGFC property must be encased and buried according to State of Arkansas and local codes. Light poles are not allowed. Submerged electrical wiring is prohibited on the entire lake.

- 4.5.4 *Maintenance* – Piers, boathouses and boat slides must be maintained to be safe and functional and in good repair at all times. Failure of structures to pass inspection by the Arkansas Game and Fish Commission will be grounds for revocation of permit, mandatory removal and potential fine. Repairs must be made within 90 days of receiving notice of need to repair. Repairs will be made at the adjacent landowner's expense.
- 4.5.5 *Inspections* – Arkansas Game and Fish Commission personnel may inspect piers, boat slides and boathouses at any time. Property owner will be informed of maintenance needs and have 90 days to make stated repairs. Repairs will be made at the adjacent landowner's expense.
- 4.5.6 *Existing Structures* – Boathouses, piers, and retaining walls that were in place prior to January 1, 2008 and that do not conform to these regulations may be left in place until major repairs are needed. At that time the structure must be removed. Boat slides in place as of September 2009 will be permitted if they meet the specified dimensions (Section 4.5.1) and are not in need of major repairs. Grandfathered structures cannot have any additions added to the structures that alter the outside dimensions of the original structure. All new structures must comply with the Policies on Land Use around Arkansas Game and Fish Commission Lakes and a new permit issued. Joint boathouses will not be re-permitted and retaining walls may not be replaced. Structures not brought into compliance when major repairs are needed must be removed by property owner within 60 days at their own expense.
- 4.6 Lawn Irrigation – Lakefront property owners may pump water out of AGFC-owned lakes for lawn/garden irrigation needs. Irrigation for agricultural/commercial purposes will not be permitted. Those property owners with a currently permitted boathouse/pier/boat slide will not be required to pay irrigation permit fees or purchase a metal placard for irrigation purposes. Those property owners without a current boathouse, pier, or boat slide permit must apply for an Irrigation Permit for irrigation purposes as well as purchase a metal placard for the irrigation unit. Irrigation permits will be on the same three year cycle as boathouse and pier permits. No submersible pumps will be allowed. Relift pumps with no more than 1.5 horsepower may be used. Relift pumps may be located on an existing boathouse, pier or the landowner's property. Intake pipes must have screening on them. No part of the pump may be on the AGFC property (lake management buffer). Discharge or intake lines may traverse

AGFC property. If electric power lines traverse AGFC property, they must be encased and buried according to State of Arkansas and local codes. The discharge outlet from the pump must be no more than 1 ½ -inch inside diameter within 5.0 feet of the pump and prior to dispersal for irrigation.

Water withdrawal for irrigation is prohibited when the lake elevation reaches 1.0 foot below normal lake elevation.

- 4.7 Damaged trees – If a tree on AGFC property is threatening a house or structure on private property, AGFC will pay for the removal of the tree (please contact your District Fisheries Supervisor as soon as possible). If structures on private property are damaged due to fallen trees originating on AGFC property, landowners must write a damage recovery request letter to the AGFC Director. The letter shall include: Location, description and date of damage; cost estimate of damage along with any incurred relevant bills that have been paid; an indication of whether the landowner has homeowner's insurance (or other relevant insurance) and what percentage of damages the insurance will pay, along with the deductible. The agency will review the damage request and determine the appropriate path moving forward. No dead timber may be removed from the lake.