

Title 15. Natural Resources and Economic Development

Chapter XXII. Arkansas Natural Heritage Commission, Division of Arkansas Heritage, Department of Parks, Heritage, and Tourism

Subchapter A. Generally

Part 320. Rules of the Arkansas Natural Heritage Commission

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"(REVISED 2011)"

"ARTICLE XXI

Severability

If any part of these rules or any application thereof shall be held invalid, the remainder hereof shall nevertheless be and remain in full force and effect."

Subpart 1. Generally

15 CAR § 320-101. Name.

The name of this commission shall be the Arkansas Natural Heritage Commission (Arkansas Code § 15-20-304), hereinafter referred to as the commission.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

Subpart 2. Duties

15 CAR § 320-201. Duties — Authority.

The Arkansas Natural Heritage Commission shall have the following rights, powers, and duties (Arkansas Code §§ 15-20-308, 15-20-309, 15-20-312, 15-20-317, and 15-23-308):

- (1) Choose lands, waters, and interests therein to be acquired for inclusion in the system of natural areas;
- (2) Acquire fee or other interests in real property for inclusion in the system of natural areas;
- (3) Consider the characteristics of the natural area, the type and extent of management required to maintain that area, the types and extent of activity permissible, and other factors, and retain fee title or convey that title to another agency or department of the state;
- (4) Acquire and hold any interest in real property less than fee, including environmental or scenic easements;
- (5) Establish and amend policies and rules for the selection, acquisition, management, protection, and use of the system of natural areas;
- (6) Cooperate and contract with:
 - (A) Government agencies;
 - (B) Private organizations; and
 - (C) Individuals;
- (7) Maintain a registry or inventory of lands and waters in the state that retain their primeval character to a substantial degree or that have features of significant scientific, educational, or recreational interest;
- (8) Maintain:
 - (A) An inventory of habitats of rare, vanishing, or endangered species, subspecies, or populations of plants and animals; and
 - (B) Other appropriate records;
- (9) Conduct research and investigations, and publish and disseminate information and recommendations;
- (10) Supervise the protection, management, and use of the system of natural areas and administer and enforce its policies and rules;
- (11) Investigate, promote, advise, and assist in the preservation, protection, and management of natural areas;

(12) Advise agencies of the federal government concerning areas or streams eligible for treatment under federal criteria as:

- (A) Wildlife refuges;
- (B) Wilderness areas; or
- (C) Wild, scenic, or recreational rivers;

(13) Submit to the Governor and General Assembly and publish on or before December 1 of each year a report that describes and accounts for the status and condition of each:

- (A) Portion of the system of natural areas; and
- (B) Natural area listed in the Registry of Natural Areas;

(14) Receive gifts, grants, donations, fee conveyances, or transfers of money and property and sell or dispose of such property;

(15) With the advice and consent of the Legislative Council and the Governor:

- (A) Acquire real property for the purpose of trade or exchange; and
- (B) Exchange such property for lands to be included in the system of

natural areas;

(16) Cause articles of dedication to be recorded in each county wherein any portion of the property affected by the articles shall lie;

(17) Establish by rule and operate a system of fees to defray the expense of providing research services to users of the heritage data system;

(18) Survey, evaluate, and assess rivers to be considered for designation as components of the Arkansas Natural and Scenic Rivers System;

(19) Recommend to the General Assembly rivers to be considered for entry into the Arkansas Natural and Scenic Rivers System;

(20) Contract for professional services with any agency or private individual or organization for the proper performance of its functions with respect to natural and scenic rivers;

(21) Organize, establish, and serve on an advisory committee for each river considered for recommendation; and

(22) Review water-related projects for their potential impacts on the Arkansas Natural and Scenic Rivers System.

Authority. Arkansas Code §§ 15-20-308, 15-20-317, 15-20-502.

15 CAR § 320-202. Compliance with statutes.

All procedures and all actions taken by the Arkansas Natural Heritage Commission will conform with the:

(1) Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.; and

(2) Arkansas Freedom of Information Act of 1967, Arkansas Code § 25-19-101 et seq.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

Subpart 3. Public Information and Education

15 CAR § 320-301. Public information and education — Authority.

(a)(1) The Arkansas Natural Heritage Commission is empowered to publish and disseminate information and recommendations pertaining to natural areas and to the system of natural areas.

(2) Arkansas Code § 15-20-308(7).

(b)(1) The commission is required to submit to the Governor and the General Assembly and to publish on or before December 1 of each year a report that describes and accounts for the status and condition of each:

(A) Portion of the system; and

(B) Natural area listed on the Registry of Natural Areas.

(2) Arkansas Code § 15-20-308(11) [repealed].

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

Codification Notes. Arkansas Code § 15-20-308(11) was repealed by Acts 2017, No. 720, § 5.

15 CAR § 320-302. Annual report.

The Arkansas Natural Heritage Commission shall:

- (1) Publish an annual report on or before December 1 of each year; and
- (2) Make the publication available in a digital format suitable for accessing through the internet.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

15 CAR § 320-303. Access to information.

(a) Information about the Arkansas Natural Heritage Commission and its activities is provided to anyone requesting it.

(b)(1) The commission will make available a description of its organization, the general course and methods of operation, and the location of its central office, including:

- (A) Telephone numbers;
- (B) Street mailing address;
- (C) Electronic mail address; and
- (D) Internet address.

(2) Arkansas Code § 25-19-108.

(c)(1) Charges are assessed for certain kinds of information.

(2) See 15 CAR § 320-1104.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

Subpart 4. Members

15 CAR § 320-401. Arkansas Natural Heritage Commission members.

The Arkansas Natural Heritage Commission shall consist of fifteen (15) members (Arkansas Code § 15-20-305), as follows.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

15 CAR § 320-402. Members appointed by the Governor.

(a) Nine (9) members appointed by the Governor from persons with an interest in the preservation of natural areas, with two (2) members appointed from each congressional district and one (1) member appointed from the state at large.

(b) Of these:

(1) One (1) member of the Arkansas Natural Heritage Commission shall be a member of the board of directors of a levee or drainage district;

(2) One (1) member shall be chosen from a list of five (5) persons jointly nominated by the:

(A) Arkansas Farm Bureau Federation;

(B) Arkansas Farmers Union; and

(C) Agricultural Council of Arkansas;

(3) One (1) member shall be chosen from a list of five (5) persons nominated by the Arkansas Forestry Association; and

(4) One (1) member shall be chosen from a list of five (5) persons nominated by the Arkansas Wildlife Federation.

(c) Any successor appointments and appointment to vacancies on the commission shall be appointed in the same manner.

Authority. Arkansas Code § 15-20-308.

15 CAR § 320-403. Terms of members appointed by the Governor.

(a) Members appointed by the Governor shall serve:

(1) Terms of nine (9) years; and

(2) Until their successors have been appointed and qualified.

(b) When an appointment is made to fill a member vacancy, the appointment shall be for the remaining term of the position vacated.

(c) A member of the Arkansas Natural Heritage Commission appointed by the Governor who has served two (2) consecutive full terms shall not be eligible for reappointment for a period of one (1) year following the expiration of the second full term.

(d) Members of the commission appointed by the Governor shall be subject to confirmation by the Senate.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

15 CAR § 320-404. Other members.

(a) Three (3) members shall be appointed by the Speaker of the House of Representatives to serve at the pleasure of the Speaker of the House of Representatives.

(b) Three (3) members shall be appointed by the President Pro Tempore of the Senate to serve at the pleasure of the President Pro Tempore of the Senate.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

15 CAR § 320-405. Compensation.

(a) Members of the Arkansas Natural Heritage Commission shall serve without compensation, except that they may receive expense reimbursement and stipends in accordance with Arkansas Code § 25-16-901 et seq.

(b)(1) The commission may vote at its first regularly scheduled meeting of each calendar year to authorize expense reimbursement for each member for performing official duties.

(2) The expense reimbursement shall not exceed the rate established for state employees by state travel regulations.

(3) See Arkansas Code § 25-16-902.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

15 CAR § 320-406. Attendance.

(a)(1) A member appointed by the Governor who shall be absent from three (3) successive regular meetings without attending any intermediary called special meetings shall be subject to removal in the event he or she fails to present to the Governor a satisfactory excuse for such absence.

(2) In that event, such unexcused absence shall be forthwith certified to the Governor by the Arkansas Natural Heritage Commission, pursuant to Arkansas Code § 25-16-804.

(b)(1) Within thirty (30) calendar days after each regular commission meeting, the Secretary of the Arkansas Natural Heritage Commission shall notify the Governor in writing of any member who has been absent from three (3) successive regular meetings without attending any intermediary called special meetings.

(2) The notice to the Governor shall include a copy of all meeting notices and attendance records for the past year.

(c) Any member referred to the Governor because of excessive absences shall not be entitled to any per diem, stipend, or expense reimbursement for travel to or attendance at subsequent meetings until the member receives notice from the Governor that the member has been excused for the absences, pursuant to Arkansas Code § 25-16-804.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

15 CAR § 320-407. Code of ethics.

(a) All members of the Arkansas Natural Heritage Commission shall comply with the Arkansas code of ethics law, Arkansas Code § 21-8-301 et seq.

(b) No commission member shall use his or her position on the commission to secure special privileges or exemption for himself or herself, his or her spouse, child, parents, or other persons standing in the first degree of relationship, or those with whom he or she has a substantial financial relationship that are not available to others, except as may be otherwise provided by law, pursuant to the Arkansas code of ethics law, Arkansas Code § 21-8-301 et seq., or any successor act thereto.

(c)(1) No commission member shall:

(A) Accept employment or engage in any public or professional activity while serving as a public official that he or she might reasonably expect would require or induce him or her to disclose any information acquired by him or her by reason of his or her official position that is declared by law or rule to be confidential;

(B) Disclose any such information gained by reason of his or her position;

or

(C) Otherwise use such information for his or her personal gain or benefit.

(2) Arkansas Code § 21-8-304.

(d) Members shall disclose any personal or financial past, current, or anticipated interest concerning an item to be discussed and then may participate in the discussion.

(e) Members shall abstain from any official action taken by the commission concerning any item of business in which they have a conflict of interest.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

Subpart 5. Officers

15 CAR § 320-501. Officers and duties.

(a)(1) The officers of the Arkansas Natural Heritage Commission shall be a:

(A) Chair of the Arkansas Natural Heritage Commission;

(B) Vice Chair of the Arkansas Natural Heritage Commission; and

(C) Secretary of the Arkansas Natural Heritage Commission.

(2) Officers shall perform the duties prescribed by:

(A) This part; and

(B) The parliamentary authority adopted by the commission.

(3) Officers shall:

(A) Have general supervision of the affairs of the commission between its regular meetings;

(B) Fix the hour, place, and agendas of meetings; and

(C) Make recommendations to the commission.

(4) Officers shall be subject to the orders of the commission, and none of their acts shall conflict with action taken by the commission.

(b)(1) All officers shall be elected by ballot.

(2) Ballots shall be dispensed with by unanimous vote when there is but one (1) candidate for office.

(c) **Chair.**

(1) The chair shall be chosen by the voting members of the commission.

(2) The chair shall preside at meetings, appoint committees, may join in debate, and shall vote on all questions.

(3) On roll call votes, the chair's name shall be called last.

(d) **Vice chair.**

(1) The vice chair shall be chosen by the voting members of the commission.

(2) The vice chair shall preside in the absence of the chair.

(3) If there is a vacancy in the chairship, the vice chair shall become chair for the remainder of the term.

(4) If the vice chairship becomes vacant, the commission's members shall elect a new vice chair by ballot.

(e) **Secretary.**

(1) The secretary shall:

(A) Send to members of the commission a copy of the minutes of the previous meeting as provided in 15 CAR § 320-607;

(B) Record the minutes of each meeting;

(C) Notify members of meetings as provided in 15 CAR § 320-605 hereof;

(D) Record the votes on all motions;
(E) Be the custodian of the records of the commission; and
(F) Engage in correspondence on behalf of the commission at the direction thereof.

(2)(A) Within thirty (30) calendar days after each regular commission meeting, the secretary shall notify the Governor in writing of any member who has been absent from three (3) successive regular meetings without attending any intermediary called special meetings.

(B) The notice to the Governor shall include a copy of all meeting notices and attendance records for the past year.

(3) The secretary shall make available for public inspection all minutes, resolutions, and records of the commission at all reasonable times.

(4) The secretary may delegate these duties to the commission staff, but shall be responsible therefor.

(5) In the absence of the secretary, a temporary secretary shall be appointed by the presiding officer of the meeting.

(6) If the office of secretary becomes vacant, the commission's members shall elect a new secretary by ballot.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

15 CAR § 320-502. Terms of office.

(a) Officers shall:

- (1) Be elected once a year at the first meeting after January 14; and
- (2) Serve for a period of one (1) year or until their successors are elected.

(b) Officers may be elected to succeed themselves.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

Subpart 6. Meetings

15 CAR § 320-601. Meetings generally.

All meetings of the Arkansas Natural Heritage Commission and of its committees shall:

- (1) Be open to the public except as noted in Arkansas Code § 25-17-208; and
- (2) In all other respects comply with the Freedom of Information Act of 1967, Arkansas Code § 25-19-101 et seq.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

15 CAR § 320-602. Regular meetings.

(a) The Arkansas Natural Heritage Commission shall meet in regular session on a date set by the commission at least once during each quarterly period and shall meet in special session as often as the commission's business may require, pursuant to Arkansas Code § 25-17-208.

(b) The Secretary of the Arkansas Natural Heritage Commission shall provide written notice of each meeting to every member of the commission.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

15 CAR § 320-603. Special called meetings.

(a) The Arkansas Natural Heritage Commission shall meet on call of the Chair of the Arkansas Natural Heritage Commission or upon request of three (3) or more members of the commission, such call to be filed with the Secretary of the Arkansas Natural Heritage Commission not less than ten (10) days before the date of the meeting.

(b) The purpose of the meeting shall be stated in the call.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

15 CAR § 320-604. Emergency voting.

(a)(1) When timing of a decision is critical, the Chair of the Arkansas Natural Heritage Commission or acting chair may arrange a telephone conference call for the purpose of taking a vote, provided that the public and the news media are advised in advance and given the opportunity to participate in accordance with provisions of the Freedom of Information Act of 1967, Arkansas Code § 25-19-101 et seq.

(2) Arkansas Code § 25-19-106.

(b) The purpose of the conference call shall be stated in the meeting notice, and action taken by the Arkansas Natural Heritage Commission during the call shall be limited to the announced purpose.

(c) Such a conference call may include:

- (1) A presentation of information;
- (2) Questions and answers; and
- (3) Discussion.

(d) Participation in the call may also include the Director of the Arkansas Natural Heritage Commission and such other persons as the chair may designate.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

15 CAR § 320-605. Quorum and action taken.

(a) A quorum of the Arkansas Natural Heritage Commission for the transaction of business is prescribed in Arkansas Code § 15-20-306.

(b) When a quorum is in attendance action may be taken by the commission upon an affirmative vote of more than one-half (1/2) of the members in attendance.

(c)(1) Every member present when a question is stated by the presiding officer shall vote thereon, unless excused by the members present because of personal interest in the question.

(2) If so excused, he or she shall not vote.

(d) At the request of any two (2) members, a roll call vote shall be taken on any question.

(e) Whenever a person or delegation presents a request in a meeting of the commission, at the commission's discretion, action on that request may be deferred to the next meeting.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

15 CAR § 320-606. Committee meetings.

(a) Committee meetings may be called by the respective chairs of each committee.

(b) Decisions may be made by a majority vote of the committee members.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

15 CAR § 320-607. Record of meetings.

(a) The Secretary of the Arkansas Natural Heritage Commission or his or her designated representative shall record minutes at all regular and special meetings of the Arkansas Natural Heritage Commission.

(b) As soon as practical, but not less than seven (7) days prior to the next regular meeting, the secretary shall send to each member a draft copy of the proposed minutes of the previous regular meeting in order that the members may review and make corrections to the proposed minutes.

(c) Any draft minutes of special meetings held since the last regular meeting shall be forwarded as soon as practical in order that the members may review and make corrections to the proposed minutes.

(d) Upon resolution of approval by the commission, these minutes shall be the official record of the commission's action.

(e) The secretary may, at the request of the Chair of the Arkansas Natural Heritage Commission or if he or she deems it appropriate, prepare a verbatim transcript of meetings or portions of meetings to preserve the record in its totality.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

Subpart 7. Parliamentary Authority

15 CAR § 320-701. Parliamentary authority generally.

The rules contained in the current edition of Robert's Rules of Order Newly Revised shall guide the Arkansas Natural Heritage Commission in all cases to which they are applicable and in which they are not inconsistent with:

- (1) Law;
- (2) This part; or
- (3) Any special rules of order the commission may adopt.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

Subpart 8. Committees

15 CAR § 320-801. Committees generally.

The Chair of the Arkansas Natural Heritage Commission shall appoint committee members for standing or ad hoc committees as the Arkansas Natural Heritage Commission or officers shall from time to time deem necessary for conducting the work of the commission.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

Subpart 9. Suspension of Rules

15 CAR § 320-901. Suspension of rules generally.

(a) Any provision of these rules may be suspended or waived to adopt a motion that sets out the circumstances necessitating such action.

(b) This action requires an affirmative vote of the Arkansas Natural Heritage Commission members as stated in 15 CAR § 320-605 hereof.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

Subpart 10. Fiscal Procedures

15 CAR § 320-1001. Fiscal year.

The Arkansas Natural Heritage Commission shall operate on the State of Arkansas's fiscal year.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

15 CAR § 320-1002. Compliance with other laws.

(a) Disbursement of funds shall be limited to the appropriation to the Arkansas Natural Heritage Commission and funds made available by law for support of the commission's appropriation.

(b) In disbursement of funds the commission shall comply strictly with the restrictions of the:

- (1) Fiscal control laws of the State of Arkansas where applicable; and
- (2) Rules promulgated by the Department of Finance and Administration as authorized by law.

(c) Contracts for any professional or consultant services shall be subject to the restrictions for state contracts.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

15 CAR § 320-1003. Auditing.

The financial operations of the Arkansas Natural Heritage Commission shall be subject to auditing by the staff of Arkansas Legislative Audit.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

Subpart 11. Research

15 CAR § 320-1101. Research — Authority.

(a)(1) The Arkansas Natural Heritage Commission is to conduct research and investigation and to publish and disseminate information and recommendations pertaining to natural areas and to the system of natural areas.

(2) Arkansas Code § 15-20-308(7).

(b)(1) The commission shall maintain:

(A) An inventory of habitats of rare, vanishing, or endangered species, subspecies, or populations of plants and animals; and

(B) Other records of natural areas.

(2) Arkansas Code § 15-20-308(6)(A).

(c)(1) The commission also shall survey, evaluate, and assess the rivers to be considered for designation as components in the Arkansas Natural and Scenic Rivers System.

(2) Arkansas Code § 15-23-308(10).

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

15 CAR § 320-1102. Inventory.

(a) For practical reasons, the Arkansas Natural Heritage Commission relies on its staff to maintain an extensive inventory of elements of natural diversity in the State of Arkansas.

(b) It has adopted the natural heritage data system used by the international network of heritage programs and conservation data centers for organizing its inventory data.

(c) The primary purpose of the inventory is to aid the commission in making sound land protection decisions.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

15 CAR § 320-1103. Data sharing.

(a) The Arkansas Natural Heritage Commission shares inventory information with all who need it for educational purposes, research, and planning economic development, in accordance with the policy of the State of Arkansas to strike a proper balance among population growth, economic development, environmental preservation, and ecological diversity.

(b) Arkansas Code § 15-20-302.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

15 CAR § 320-1104. Fees for data research.

(a)(1)(A) The Arkansas Natural Heritage Commission shall establish by rule and operate a system of fees or special charges to defray a portion of the expense of providing research services to users of the natural heritage data system.

(B) Arkansas Code § 15-20-317.

(2)(A) Any and all moneys so collected shall be:

(i) Used solely for the purpose of carrying out the provisions of Arkansas Code § 15-20-308 (Arkansas Code § 15-20-318); and

(ii) Placed in an account created specifically for the continuing operation of the natural heritage data system.

(B) Arkansas Code § 15-20-319.

(b) The fee schedule adopted by the commission is as follows:

FEES FOR DATA RESEARCH

Data user	for staff time	per-record charge
agencies of government, 501(c)(3)-qualified, not-	no charge for the first two hours of any project;	no charge for the first 20 records;

for-profit organizations, and students engaged in completing their assignments	thereafter, \$30.00/hour or fraction of an hour	thereafter, \$1.50/record
all other organizations, offices, and individuals	\$30.00/hour or fraction of an hour	\$1.50/record

(c)(1) Notwithstanding the schedule of fees detailed above, the Director of the Arkansas Natural Heritage Commission is authorized to enter into fixed-price contracts to provide services that go beyond retrieval of data already on hand.

(2) In such cases the fee will be determined through negotiation.

(3) The director is authorized also to negotiate agreements to supply data/information in exchange for data/information.

(d)(1) When requested, the commission's staff will provide an estimate of cost prior to initiating research services.

(2)(A) Prepayment is not required.

(B) Invoices normally are sent with the data for which the charge is made.

(e)(1) Prospective users of the commission's data services should send requests to the attention of the commission's data manager/environmental review coordinator.

(2) Submissions may be made:

(A) Through the United States mail; or

(B) By email.

(3) Requests should:

(A) State how the information will be used; and

(B) Include project boundaries either:

(i) Depicted on a United States Geological Survey topographic map;

or

(ii) Provided as a geographic information system layer.

(4) Location coordinates or a legal description (township/range/section) may be submitted if mapped boundaries are unavailable.

(5) Typically, a two-week turn-around period is required, but larger jobs may take longer.

Authority. Arkansas Code §§ 15-20-308, 15-20-317, 15-20-502.

Subpart 12. Approval for Acquisition of Land or Interests in Land

15 CAR § 320-1201. Approval for acquisition of land or interests in land — Authority.

(a)(1) The Arkansas Natural Heritage Commission is to acquire, by purchase, gift, devise, grant, dedication, as hereinafter defined, or otherwise, the fee or other interest in real property for inclusion in the system.

(2) Arkansas Code § 15-23-308(2).

(b)(1) The commission has authority at its discretion either to retain fee title or to convey said title to such other agency or department of state government as the commission may select.

(2) Arkansas Code § 15-20-308(2).

(c)(1) The commission is authorized, with the advice and consent of the Legislative Council and the Governor, to:

(A) Acquire, by purchase or otherwise, real property for the purpose of trade or exchange; and

(B) Trade or exchange any such property acquired for lands to be included in the system of natural areas.

(2)(A) However, the commission shall exercise this power in such manner that any and all property acquired for the purpose of trade or exchange shall in fact be traded or exchanged forthwith and without delay.

(B) Arkansas Code § 15-20-309.

(d)(1) The commission has the authority to purchase or receive, by gift, devise, grant, or dedication, conservation easements in real property for the protection of rivers and streams in the state.

(2) Arkansas Code § 15-23-309.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

15 CAR § 320-1202. Limitations.

(a)(1) No acquisition of lands, waters, or any interests therein, whether by dedication or otherwise, shall become effective until after the Governor shall have received thirty (30) days' notice in writing.

(2) Arkansas Code § 15-20-310(c).

(b)(1) In any county in which thirty-three percent (33%) or more of the total acreage is publicly owned land, the Arkansas Natural Heritage Commission shall not purchase in excess of forty (40) acres per year.

(2) However, the commission may purchase not to exceed forty (40) additional acres in any year in any such county if it first obtains approval of the Legislative Council.

(3) The commission shall not under any circumstance purchase in excess of eighty (80) acres in any such county in any one (1) year unless specifically authorized to do so by legislation enacted by the General Assembly at a regular or special session.

(4) Arkansas Code § 15-20-311.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

15 CAR § 320-1203. Disposition of interests in real property.

The Arkansas Natural Heritage Commission shall, after due consideration of the particular characteristics of a natural area, the type and extent of management required to maintain that area in its natural condition, the types and extent of activity permissible that are consistent with the preservation of natural heritage, and other

factors relating to conservation, retain fee title or convey that title to such agency or department of the state as it may select (Arkansas Code § 15-20-308(2)).

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

15 CAR § 320-1204. Preliminary approval.

(a)(1) Each tract of land proposed for acquisition shall be examined and described to members of the Arkansas Natural Heritage Commission and advisors by a person or persons designated by the commission.

(2) Tract information shall include the ecological values and approximate description but need not refer to the precise boundaries or possible terms of acquisition.

(3) After discussion, the commission shall be asked to grant preliminary approval for acquisition, based on the tract information presented.

(b)(1) If, after receipt of a preliminary report, the commission finds that a tract is suitable for acquisition, the commission shall vote to grant preliminary approval.

(2)(A) Such approval shall be captured in the official meeting minutes and kept as an official record.

(B) The commission's approval for submission of a grant application that names the tract in question or a group of tracts in which it is included may constitute preliminary approval.

(C) A vote granting preliminary approval shall not bind the commission to any further action.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

15 CAR § 320-1205. Notification to the Governor.

The Arkansas Natural Heritage Commission shall notify the Governor of its intent at least thirty (30) days before the acquisition of land or interest in land shall become effective, and this notification shall be in writing.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

15 CAR § 320-1206. Final approval.

(a)(1) A written report will be required by the Arkansas Natural Heritage Commission for consideration of final approval for acquisition of land or interests in land.

(2) The report shall include the following information:

(A) A map delineating the property location and boundaries;

(B) The ecological significance of the tract in relation to the natural division and to the state in general;

(C) Information about ownership;

(D) A description of the general character and condition of the tract, including:

(i) Its natural features;

(ii) The degree of disturbance;

(iii) Its relation to adjoining lands; and

(iv) General proposals for custody and management;

(E) An acquisition summary that documents the:

(i) Monetary value;

(ii) Terms of acquisition (purchase agreement);

(iii) Access;

(iv) Clear title; and

(v) Availability of funds;

(F) Full description of any grant agreement or partnership agreement; and

(G) Confirmation of Governor's notification.

(b) Final approval shall be by roll call vote.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

Subpart 13. Articles of Dedication — Entry into the System of Natural Areas

15 CAR § 320-1301. Articles of dedication — Authority.

(a)(1) Dedication is defined as the creation of a scenic, conservation, or environmental easement to be vested in and legally enforceable by the Arkansas Natural Heritage Commission.

(2) Arkansas Code § 15-20-312(a).

(3) Dedication may be donated or for consideration.

(b)(1) The commission shall have the power to acquire, by purchase, gift, devise, grant, dedication, as hereinafter defined, or otherwise, the fee or other interest in real property for inclusion in the system of natural areas.

(2) Arkansas Code § 15-20-308(1).

(c)(1) The following categories of real property shall be eligible for inclusion in the system:

(A) Areas representative of the various types of lands and habitats typical of those portions of the state still substantially untrammelled by the works of man;

(B) Areas of substantially undisturbed natural quality;

(C) Areas containing habitats for rare, vanishing, or endangered species, subspecies, or populations of animals or plants;

(D) Areas of unusual aesthetic or ecological quality along the banks of:

(i) Rivers;

(ii) Lakes; or

(iii) Streams;

(E) Areas in private ownership within the boundaries of national forests, wildlife refuges, state wildlife management areas, or similar publicly owned or administered areas;

(F) Swamps, overflow lands, flood plains, or wetlands of unusual aesthetic or ecological quality;

(G) Areas necessary or desirable to serve as buffer zones to protect other portions of the system; and

(H) Any other lands, waters, or interests therein listed in the Registry of Natural Areas.

(2) Arkansas Code § 15-20-310.

(d)(1) The owner of fee title to certain real property, whether a private individual, private organization, or a public or government agency or department, may dedicate property by executing and delivering to the commission, with its consent, articles of dedication specifying the terms and conditions of the easement.

(2) Arkansas Code § 15-20-312(c).

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

15 CAR § 320-1302. Intent, procedure, and execution.

(a)(1) The strongest protection the Arkansas Natural Heritage Commission can give to land is that bestowed through the process of dedication.

(2) When the commission itself acquires land for the purpose of placing it in the system of natural areas, it subsequently impresses articles of dedication and has them recorded.

(3) As the landowner in such a case, it is the commission that executes the articles.

(b) Interests in land to be dedicated shall have first satisfied the requirements stated in 15 CAR §§ 320-1204 – 320-1206 hereof.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

15 CAR § 320-1303. Recording.

(a) Articles of dedication shall be:

- (1) In writing;
- (2) Under seal; and
- (3) Acknowledged.

(b) The Arkansas Natural Heritage Commission shall cause the articles to be recorded by the recorder of deeds in each county wherein any portion of the property affected by the articles shall lie.

(c) Arkansas Code § 15-20-312(d).

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

15 CAR § 320-1304. Effect of dedication.

Interests in land created by dedication shall be perpetual and may not be altered, changed, or modified (Arkansas Code § 15-20-314(a)) unless specific conditions given in 15 CAR § 320-1306 below are met.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

15 CAR § 320-1305. Naming system areas.

(a) Naming areas in the system of natural areas shall be the responsibility of the Arkansas Natural Heritage Commission.

(b) The name of each natural area shall be determined at the time of dedication.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

15 CAR § 320-1306. Removing land from the system.

(a) Under extreme circumstances, lands dedicated into the system of natural areas may be removed from it.

(b) The procedure for doing so is as follows:

(1)(A) First, the Arkansas Natural Heritage Commission must find, after public notice and hearing, that:

(i) The particular change, alteration, or modification is required by imperative public necessity;

(ii) There is no feasible and prudent alternative thereto; and

(iii) All possible planning has been done to minimize harm caused to the system thereby.

(B) Arkansas Code § 15-20-314(a).

(C) No portion of the system may be alienated or encumbered, directly or indirectly, in whole or in part, except in accordance with procedures set forth in Arkansas Code §§ 15-20-314 and 15-20-315;

(2)(A) At least thirty (30) days written notice of any such hearing shall be given to:

(i) The Governor;

(ii) Each official advisor to the commission;

(iii) Each member of the General Assembly; and

(iv) Each person, organization, or entity that shall have requested

notice.

(B) Arkansas Code § 15-20-314(b);

(3)(A) Any finding made by the commission as a result of such a hearing shall be subject to judicial review under the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

(B) Arkansas Code § 25-15-201 and § 15-20-314(c); and

(4)(A) No such alteration, change, or modification of any interest created by dedication shall become effective until the next regular session of the General Assembly following the fulfillment of this section shall have adjourned sine die.

(B) Arkansas Code § 15-20-314(d).

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

Subpart 14. Stewardship of the System of Natural Areas

15 CAR § 320-1401. Stewardship of the system of natural areas — Authority.

(a)(1) The Arkansas Natural Heritage Commission shall establish and, from time to time, amend such policies and rules for the selection, acquisition, management, protection, and use of the system of natural areas as it may find necessary or appropriate to preserve the lands or interests in land acquired under that law.

(2) Arkansas Code § 15-23-308(4).

(b)(1) These policies and rules shall prevail, in the event of conflict, over any policies, rules, and practices of any agency or department that may receive title to any portion of the system.

(2) Arkansas Code § 15-20-308(4).

(c)(1) The commission shall have the authority to promulgate rules establishing policies governing the use and protection of natural areas.

(2) Arkansas Code § 15-20-502(a).

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

15 CAR § 320-1402. Plans and records.

(a) Records shall be kept for each natural area.

(b)(1) A management plan shall be developed for each property within the system of natural areas.

(2) The management plan shall set forth in detail the purpose, character, resources, management, and other considerations for the protection and use of the specific natural area.

(3) The management plan shall include, but not be limited to, text and attachments such as and maps.

(4) The form and method of administration and stewardship of the natural area is explained in the management plan.

(c) Each management plan and all subsequent revisions shall be reviewed by a peer committee made up of:

(1) One (1) member of the Arkansas Natural Heritage Commission appointed by the Chair of the Arkansas Natural Heritage Commission; and

(2) At least two (2) representatives from the following groups:

- (A) A conservation-related agency of state government;
- (B) A conservation-related agency of federal government;
- (C) A private conservation organization; and
- (D) A researcher or recognized authority in a related field from a college or university.

(d)(1) Subsequent revisions of the management plan that indicate a substantive change in management philosophy and/or management activities will be distributed to the peer review committee for a thirty-day comment period.

(2) Incidental changes such as editorial formatting, correction of typographical errors, and routine updating of attachments shall not constitute a substantive change and therefore shall not require peer review.

(3) At the end of the review period, staff of the commission will compile a summary report of all comments received and note any changes made to the plans as a result of these comments.

(e) A summary of the revisions to each management plan will be presented to the commission for review and approval.

(f)(1) Each management plan shall be reviewed at least once every five (5) years.

(2) A list of each plan reviewed will be provided to the commission.

(g)(1) Site assessments document the condition of the natural area, management needs, management/stewardship activities and accomplishments, natural catastrophes, and other influences affecting natural conditions within each natural area.

(2) Site assessments will be:

(A) Maintained by the staff of the commission; and

(B) Retained with the natural area records.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

15 CAR § 320-1403. General rules.

(a) Within the system of natural areas, there shall be no intrusions of structure, easements, rights of way, or land use that do not conform to the management plan.

(b) Defacement, destruction, or removal of signs, gates, fences, barricades, and other effects of the Arkansas Natural Heritage Commission is prohibited in natural areas.

(c) Boundary markers shall be posted at regular intervals along the perimeter of the property.

(d) **Vehicle use.**

(1) Vehicles may not be operated off-road within a natural area except for management purposes authorized by the staff of the Arkansas Natural Heritage Commission in accordance with the management plan.

(2) Access lanes for motorized vehicles will be established and maintained within a natural area where essential for:

(A) Public access;

(B) Management or research activities in accordance with the management plan; or

(C) Fire control.

(e) **Littering.** Dropping, discarding, or otherwise disposing of litter on natural areas is prohibited.

(f) **Use of fire.** No fires shall be set or spread within natural areas, except for management purposes authorized by the Arkansas Natural Heritage Commission in accordance with the management plan.

(g) **Collection and removal activities.** Removal, alteration, or consumptive use of any material, product, or object from a natural area is prohibited, with the following exceptions:

(1) **Permits for research or education activities.**

(A) A person or persons wishing to engage in research or educational activities on a natural area otherwise not permitted by this part shall secure a permit approved by the staff of the Arkansas Natural Heritage Commission.

(B) Permit requests should be sent to the attention of the agency's Data Manager/Environmental Review Coordinator using the appropriate permit request form.

(C) Permit requests must be signed and may be made through the United States mail or by email.

(D) Each permit shall contain provisions and restrictions necessary to comply with the management plan.

(E) A person holding the permit shall report to the staff before commencing and upon completing the permitted activities; and

(2) **Public hunting.** For those natural areas where public hunting is permitted:

(A) Notification and current regulations shall be listed annually in the Arkansas State Game and Fish Commission's hunting regulations publication;

(B) Game animals may be removed in accordance with the most current Arkansas State Game and Fish Commission regulations and other rules specified herein;

(C) No off-road motorized vehicles may be utilized for hunting unless specifically authorized in writing by the Arkansas Natural Heritage Commission; and

(D) No structures, buildings, etc., may be erected by the public.

(h) **Prohibited public hunting.**

(1) For those natural areas where public hunting is prohibited, notification shall be conspicuously posted at the entrance or entrances to the natural area.

(2) Public hunting is prohibited on the following natural areas by deed, easement, or other legal instrument:

(A) Byrd Lake;

(B) Gap Creek;

(C) Konecny Grove;

(D) Konecny Prairie;

(E) Mills Park;

(F) Pine Hollow;

(G) Searles Prairie; and

(H) Striplin Woods.

(i) **Closing hours.** Closing hours for a natural area:

- (1) May be established in accordance with the management plan; and
- (2) Shall be conspicuously posted at the entrance or entrances to the natural

area.

Authority. Arkansas Code § 15-20-308.

15 CAR § 320-1404. Enforcement and penalties.

(a)(1) Any person violating any of the rules promulgated by the Arkansas Natural Heritage Commission shall upon conviction be fined not less than twenty-five dollars (\$25.00) nor more than two hundred fifty dollars (\$250) or imprisoned for not less than ten (10) days nor more than thirty (30) days for each and every offense.

(2) Arkansas Code § 15-20-502(b).

(b)(1) Any law enforcement officer shall have the right to issue citations and to apprehend persons detected violating any rules promulgated by the Arkansas Natural Heritage Commission for use and protection of natural areas and to take offenders before any court having jurisdiction in the county where the offense is committed.

(2) Arkansas Code § 15-20-502(c).

(c) By memorandum of agreement, the Arkansas State Game and Fish Commission agrees to enforce standard wildlife management area regulations on natural areas, including:

- (1) Access by motorized vehicles;
- (2) Littering; and
- (3) Timber cutting.

(d)(1) The Director of the Arkansas Natural Heritage Commission may apply to the chancery court of any county in which a violation of Arkansas Code § 15-20-501 et seq., is occurring or in which the director has reasonable cause to believe a violation of Arkansas Code § 15-20-501 et seq., is about to occur, and that court shall have jurisdiction to grant a temporary or permanent injunction restraining any person from

violating Arkansas Code § 15-20-501 et seq., without requiring the director to post bond during the pendency of this action.

(2) Arkansas Code § 15-20-502(d).

(e)(1) In addition to criminal penalties set forth above, any person who violates any rules promulgated by the Arkansas Natural Heritage Commission or who causes such violation by his or her employee or agent shall be liable for a civil penalty of five hundred dollars (\$500) or triple the value of the damages caused, whichever is greater, such penalty to be recovered in an action brought by the Attorney General or the Arkansas Natural Heritage Commission's attorney in the proper circuit court.

(2) The penalty shall be used to restore the natural area or to secure the preservation of similar areas.

(3) Arkansas Code § 15-20-502(e).

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

Subpart 15. Property Acquired for Purposes other than the System of Natural Areas

15 CAR § 320-1501. Property acquired for purposes other than the system of natural areas generally.

(a)(1) The Arkansas Natural Heritage Commission may acquire an interest in real property less than fee for purposes other than entry in the system of natural areas, including environmental or scenic easements.

(2) Arkansas Code § 15-20-308.

(b) These purposes include, but are not limited to:

- (1) Wetland conservation easements;
- (2) Access easements;
- (3) Riparian easements;
- (4) Leases; and
- (5) Buffer lands.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

15 CAR § 320-1502. Wetland conservation easements.

(a) Purpose.

(1) In recognition of the high degree of interrelation between individual parcels of land in wetland ecosystems, the Arkansas Natural Heritage Commission administers a program for acquiring wetland conservation easements.

(2) By entering wetland conservation easements, the commission is able to maintain the hydrological relationships that are essential for preservation of the wetland ecosystem.

(b) Terms.

(1) The terms of wetland conservation easements are perpetual, but they may be less restrictive than those of conservation easements that dedicate land into the system of natural areas.

(2) Trees may be harvested, including commercial timber production, on a sustained yield basis, in accordance with a plan prepared in consultation with a registered forester and approved by the commission.

(3) No hydrologic modifications are allowed.

(c) Procedures.

(1) The commission issues a "Request for Written Proposal" advertisement in a statewide newspaper that identifies area of interest.

(2) Commission staff conducts an ecological assessment of each proposed tract.

(3) Proposals are rated based on ecological values for the ecosystem as identified in the "Request for Written Proposals" and related to the proposal's cost per acre.

(4) Once the price per acre is established, it may be applied to other tracts of land within the same ecosystem project.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

15 CAR § 320-1503. Other single-purpose easements.

(a) The Arkansas Natural Heritage Commission acquires access easements, whenever necessary, to connect lands purchased for other purposes to nearby public roads and to use for developing parking facilities.

(b) The commission has specific authority to acquire and hold any interest in real property less than fee, including environmental or scenic easements (Arkansas Code § 15-20-308(3)).

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

15 CAR § 320-1504. Leases.

The Arkansas Natural Heritage Commission purchases leases on property that it deems to have sufficient conservation value if:

- (1) The property is not for sale; and
- (2) A perpetual easement cannot be acquired.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

15 CAR § 320-1505. Buffer lands.

(a) Where appropriate, the Arkansas Natural Heritage Commission acquires land not in a natural condition to serve as buffer for protection of adjacent land acquired for the system.

(b) Arkansas Code § 15-20-310(a)(7).

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

15 CAR § 320-1506. Procedure for approval.

The approval process for acquiring such interests in land is the same as that outlined for natural areas in 15 CAR §§ 320-1204 and 320-1205, and hereof.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

Subpart 16. Stewardship of Property Acquired for Purposes other than the System of Natural Areas

15 CAR § 320-1601. Stewardship of property acquired for purposes other than the system of natural areas — Authority.

(a) Wetlands conservation easements, riparian easements, and leases all require periodic monitoring for compliance with the terms under which the Arkansas Natural Heritage Commission holds its interests.

(b) Access easements and buffer lands are held for particular benefits to the natural areas to which they are applicable, and the commission's parameters for maintaining them are spelled out in the monitoring plans for nonsystem properties.

(c) Arkansas Code § 15-20-409(c).

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

15 CAR § 320-1602. Plans and records.

(a) Records shall be kept for each location/property.

(b) Monitoring of each property will be conducted periodically and reports will be maintained by the staff of the Arkansas Natural Heritage Commission.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

Subpart 17. Registry of Natural Areas

15 CAR § 320-1701. Registry of Natural Areas — Authority.

(a)(1) The Arkansas Natural Heritage Commission maintains 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 floral, faunal, ecological, geological, or archaeological features of significant scientific, educational, or recreational interests.

(2)(A) The registry, to be known as the Registry of Natural Areas, maintains:

(i) An inventory of habitats of rare, vanishing, or endangered species, subspecies, or populations of plants and animals; and

(ii) Other records.

(B) Arkansas Code § 15-20-308(6).

(b)(1) The commission accounts in its annual report for the status and condition of each natural area on the registry.

(2) Arkansas Code § 15-20-308(11).

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

15 CAR § 320-1702. Limitations.

(a) The Arkansas Natural Heritage Commission shall have no regulatory jurisdiction over lands or interests not actually acquired for the system of natural areas.

(b) Arkansas Code § 15-20-308(6).

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

15 CAR § 320-1703. Procedure.

(a) At the meeting held October 13, 2000, the Arkansas Natural Heritage Commission defined that the Registry of Natural Areas would consist of the list of special species and their locations that is contained in the inventory of information maintained by the commission's staff.

(b) The registry is published in the commission's annual report in the form of county lists of elements of special concern.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

Subpart 18. Designation of a River — Entry into the Arkansas Natural and Scenic Rivers System

15 CAR § 320-1801. Designation of a river — Entry into the Arkansas Natural and Scenic Rivers System — Authority.

Arkansas Code § 15-23-311 establishes procedures that the Arkansas Natural Heritage Commission shall follow to submit a river to the General Assembly for designation as a component in the Arkansas Natural and Scenic Rivers System.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

15 CAR § 320-1802. Classification.

(a) Following is the classification and evaluation system for determining the priority of rivers to be considered for inclusion in the Arkansas Natural and Scenic Rivers System:

(1) "Natural river" means those rivers or sections thereof that are generally free from man-made impoundments and may have primitive, undeveloped roads, whose lands are essentially primitive, with a minimal level of human disturbance;

(2) "Pastoral river" means those rivers or sections thereof that:

(A) Are readily accessible;

(B) Have some housing or other development near their shorelines;

(C) Have preexisting impoundments that do not substantially alter the character and quality of the stream; and

(D) Partially or predominantly flow through agricultural areas; and

(3)(A) "Scenic river" means those rivers or sections thereof that are largely free of impoundments.

(B) Their shorelines may have a moderate amount of human disturbance that does not substantially interfere with the public use or fish and wildlife, natural vegetation, or water quality of the river.

(b) Arkansas Code § 15-23-303.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

15 CAR § 320-1803. Procedures for designation.

(a)(1) The Arkansas Natural Heritage Commission shall decide, based upon the classification and evaluation system, the priority of rivers for inclusion in the Arkansas Natural and Scenic Rivers System.

(2) Arkansas Code § 15-23-311(1).

(b) After selection of a river, the commission, with the advice of the local county government through which the river flows, shall establish a river designation advisory committee pursuant to Arkansas Code § 15-23-311(2).

(c)(1) After a management plan has been developed, the commission shall conduct a public hearing for its review.

(2) Arkansas Code § 15-23-311(3)(A).

(d)(1) The commission shall submit to the General Assembly a report on the proposed river designation.

(2) The report shall include the:

- (A) Proposed area (river segment) and the river's classification;
- (B) Characteristics that qualify the river for inclusion in the system;
- (C) General ownership and land use in the area; and
- (D) Management plan approved by the commission.

(3) Arkansas Code § 15-23-311(4)(A).

(e)(1) The report shall be made available to other concerned agencies for comment.

(2) Arkansas Code § 15-23-314(B).

(f)(1) A river or river segment may be included in the Arkansas Natural and Scenic Rivers System by the General Assembly's enacting its management plan into law.

(2) Arkansas Code § 15-23-311(5).

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

15 CAR § 320-1804. River Designation Advisory Committee.

(a) **Members.**

(1) Three (3) members from the Arkansas Natural Heritage Commission appointed by the Chair of the Arkansas Natural Heritage Commission to represent the state at large.

(2) Five (5) members who are residents of the river area and appointed by the local quorum court, at least three (3) of whom must be riparian landowners.

(3)(A) If the river flows through more than one (1) county, four (4) members shall be appointed by each county quorum court.

(B) At least three (3) of the local residents of the four (4) appointed from each county shall be riparian landowners.

(b) **Chair.** The River Designation Advisory Committee shall elect a chair from among its members.

(c) **Duties.** The committee shall assist and advise the commission concerning plans for managing and protecting the river, including development of a management plan.

(d) **Scheduling meetings.** The committee shall serve at the call of:

(1) The commission; or

(2) A majority of the members of the committee.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

15 CAR § 320-1805. Natural and scenic river management plan.

(a) **Approval.**

(1)(A) The management plan developed by the River Designation Advisory Committee shall be submitted to the quorum court of each county through which the river flows.

(B) If the court fails to take action within three (3) months from the date when the plan was submitted, the plan or portions thereof not acted upon by the court shall be deemed to have been approved.

(C) Arkansas Code § 15-23-312.

(2)(A) The management plan also must be approved by the Arkansas Natural Heritage Commission before submission to the General Assembly.

(B) Arkansas Code § 15-23-311(4)(A).

(b) Date of effect.

(1) The management plan shall not be effective until enacted into law by the General Assembly.

(2) Arkansas Code § 15-23-311(5).

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

15 CAR § 320-1806. Monitoring.

Periodic assessments for compliance with the classification criteria for inclusion in the Arkansas System of Natural and Scenic Rivers will be accomplished by:

(1) Site visits (with landowner approval); and

(2) Information maintained in the inventory of elements of natural diversity by the Arkansas Natural Heritage Commission's staff.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

Subpart 19. Collaboration

15 CAR § 320-1901. Collaboration — Authority.

(a) The Arkansas Natural Heritage Commission shall have the right, power, and duty to cooperate and contract with any:

- (1) Federal, state, or local government agency;
- (2) Private organization; or
- (3) Individual.

(b) Arkansas Code § 15-20-308.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

15 CAR § 320-1902. Procedure.

(a) Cooperative agreements (system of natural areas).

(1) The staff of the Arkansas Natural Heritage Commission may propose cooperative agreements for the conservation and stewardship of properties included in the system of natural areas.

(2) Each proposed cooperative agreement shall be presented in writing to the commission for approval.

(b) Cooperative agreements (not related to the system of natural areas).

(1) Through cooperative agreements, the commission may promote conservation of natural diversity on lands not included in the system of natural areas.

(2) The cooperative agreement shall specify the commitment of commission staff time and other resources.

(3) Each proposed cooperative agreement shall be presented in writing to the commission for approval.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.

Subpart 20. Amendment of Rules

15 CAR § 320-2001. Amendment of rules generally.

(a) This part may be amended at any regular meeting of the Arkansas Natural Heritage Commission by affirmative vote of eight (8) members of the commission provided that the amendment has been submitted in writing to all members of the commission at the previous meeting.

(b) The commission will follow the procedures specified in the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq., for adoption of amended rules.

(c) All previous rules are revoked and replaced by this part.

Authority. Arkansas Code §§ 15-20-308, 15-20-502.