

## **Title 22. Public Property**

### **Chapter XI. State Parks, Recreation, and Travel Commission, State Parks Division, Department of Parks, Heritage, and Tourism**

#### **Subchapter A. Generally**

#### **Part 50. General Rules**

#### **Subpart 1. Generally**

#### **22 CAR § 50-101. The display of tourism industry brochures.**

(a) The intent of this policy is to allow publications furnished by the tourism industry to be displayed, taking into account the differences in:

- (1) Display space available;
- (2) Storage areas; and
- (3) The number of qualifying tourism businesses near the various state parks.

(b)(1) Set forth in this policy are criteria for the display of non-Department of Parks, Heritage, and Tourism brochures, circulars, booklets, etc., collectively known as "publications", limited to state park visitor centers, lodges, museums, and other designated park facilities.

(2) The following standards establish rules for all state park visitor centers.

(c) **General policy.** Contingent on space availability, the State Parks Division authorizes the display of State Parks Division concessionaries' and non-department publications from:

- (1) State and federal recreation, cultural, and natural resources (ex, Arkansas State Game and Fish Commission hunting and fishing guides, etc.);
- (2) Conservation and education partners;
- (3) State park friends organizations (501(c)(3)); and
- (4) Related entities.

(d) **Approval.**

(1) The Director of the State Parks Division shall approve in advance the display of all non-department brochures and publications provided by the tourism industry.

(2) The tourism entity must qualify as an attraction, lodging, or dining (ALD) facility by the Tourism Division (as amended).

(3) Due to space limitations in state park visitor centers and the varying number of ALDs near state parks, the director will set a maximum radius from each state park for consideration of ALD brochures in visitor centers.

(4) Requests shall be sent first to the applicable park superintendent for review, on a first-come, first-served basis.

(5)(A) Subject to space availability and prior approval of the director, contract brochure distribution companies (BDC) may be allowed to place small brochure racks in visitor centers.

(B) BDCs may provide brochures for ALDs outside of the established radius for each state park.

(C) Requests shall be directed to the park superintendent, with contracts approved by the Manager of Marketing and Revenue.

(e) **Size.** Brochure size shall be approximately three and one-half inches (3.5") to four inches (4") wide by eight and one-half inches (8.5") to nine inches (9") tall (no business cards or postcards), digest size approximately five and one-half inches by eight and one-half inches (5.5" x 8.5"), and magazine size approximately eight and one-half inches by eleven inches (8.5" x 11").

(f) **Paper stock.** Publications shall be printed on paper of sufficient weight to stand upright in the racks.

(g) **Topics.**

(1) Publications must contain or promote Arkansas tourism-related:

- (A) Attractions;
- (B) Lodging;
- (C) Dining; or
- (D) Events.

(2)(A) Publications promoting Arkansas and other states must have seventy-five percent (75%) or more of the contents dedicated to Arkansas ALDs or events.

(B) The front cover must also have seventy-five percent (75%) or greater Arkansas content.

(3) Publications on facilities such as real estate agencies, automobile repair and RV repair, etc., are not allowed for display, but business operators may place ads in regional or city guides (contact the Tourism Division for more information).

(4) ALDs being promoted must be open to the general public.

(5) Publications must be attractively designed and printed.

(6) No "open by appointment" operations will be considered.

(7) No political publications or publications containing political advertisements will be accepted.

(8) No publications containing offensive language or pictures that could be defined as being in bad taste by a park superintendent will be allowed.

(9) Only coupon books officially sanctioned by the department are approved for placement.

**(h) Publications and inserts.**

(1) ALDs will not be allowed to display an assortment of different pieces advertising their facility/attraction.

(2) One (1) publication per business may be approved, subject to space availability.

**(i) Changes.**

(1) ALDs placing publications in state park visitor centers are responsible for notifying the park superintendent of all changes in the material listed in their publications.

(2) Examples include prices, closing business, changing locations, hours of operation, seasons, etc.

**(j) Seasonal publications.** Subject to space availability, publications promoting seasonal ALDs may be approved and placed thirty (30) days prior to opening and removed the following day after the final day of operation.

**(k) Method of shipping.**

(1) ALDs shall be responsible for delivering and keeping publications supplied to the park.

(2) The park superintendent will determine available storage space and quantities.

**Authority.** Arkansas Code § 22-4-104.

**Codification Notes.** "RV" means recreational vehicle.

This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"DECEMBER 15, 2013 PARK DIRECTIVE 1160"

"APPROVED BY THE ARKANSAS STATE PARKS, RECREATION AND TRAVEL COMMISSION AT THE OCTOBER 17, 2013 MEETING AND FAVORABLY REVIEWED BY THE ARKANSAS ADMINISTRATIVE RULES AND REGULATIONS SUBCOMMITTEE AT THE DECEMBER 11, 2013 MEETING.

Replaces Pilot Study dated May 20, 2010"

**22 CAR § 50-102. Smoking, tobacco, and electronic cigarette policy.**

(a) For public health, safety, preservation, and the prevention of triggering of smoke/fire alarm/vapor sensitive systems, the use of the following products are prohibited inside or within twenty-five feet (25') of any enclosed Arkansas state park building or structure:

- (1) Smoking of tobacco;
- (2) Use of tobacco;
- (3) Use of non-Food and Drug Administration Center for Tobacco Products regulated nicotine products in any form;

- (4) Electronic cigarettes (e-cig or e-cigarette);
- (5) Personal vaporizers; and
- (6) Electronic nicotine delivery systems.

(b) In addition, to ensure water quality, reduce littering, and improve guest experience, smoking will not be allowed within the boundaries of all park beaches and on the Crater of Diamonds minefield.

(c) Park superintendents may establish designated employee and guest legal product use areas outside of buildings that are away from building entrances and out of primary public use areas.

**Authority.** Arkansas Code § 22-4-104.

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

"September 1, 2022 PARK DIRECTIVE 1191"

"Replaces PD 1191 dated February 1, 2016"

**22 CAR § 50-103. Camping discounts.**

(a)(1) United States citizens age sixty-two (62) and over and United States citizens with one hundred percent (100%) permanent and total disability will be admitted to state park campgrounds at the discounted rates established in PD 2000 [repealed].

(2) Proper identification or documentation is required to obtain a discount.

(b) **Senior citizens.**

(1) A government-issued photo ID is required for identification purposes for United States citizens age sixty-two (62) and over.

(2) Government-issued IDs accepted as proof of age include:

- (A) Driver's license;
- (B) Government-issued photo ID;

- (C) United States passport;
- (D) Military dependent or retiree ID;
- (E) United States permanent resident card; and
- (F) America the Beautiful Senior Pass or Golden Age Passport.

**(c) Disability.**

(1)(A)(i) One (1) of the following should identify United States citizens with one hundred percent (100%) disability and/or permanent and total disability.

(ii) Documents must specify "permanent and total disability" or indicate an individual is "100% disabled".

(B) Veterans:

(i) A copy of the awards letter (dated within the last two (2) years) from the United States Veterans Benefits Administration's regional office;

(ii) An Arkansas license plate beginning with the letters "DV" or "DAV", which indicates that a veteran is one hundred percent (100%) disabled; or

(iii) America the Beautiful Access Pass or Golden Access Passport.

(C) United States citizens:

(i) A qualifying document is a letter from a personal physician, United States Railroad Retirement Board, or civil service (federal or state government) dated within the last two (2) years stating "100% disabled" and/or "permanent and total disability"; or

(ii) America the Beautiful Access Pass or Golden Access Passport.

(D) **Note.** If you see that someone is totally disabled and there is no doubt in your mind (i.e., wheelchair, total blindness, etc.), give them the disability discount, but encourage them to provide written proof on their next visit.

(2)(A)(i) Some of the following identify United States citizens with disabilities that are not one hundred percent (100%) disabled.

(ii) Since these documents cannot be accepted as proof of one hundred percent (100%) disability, they cannot be used to qualify for the disability discount.

(B)(i) Social Security recipients.

(ii) The Social Security Administration provides benefits based on employability standards, not disability.

(iii) The Social Security Administration does not verify or determine the percentage or permanence of disability.

(iv) Therefore, Social Security documents are not accepted as verification of one hundred percent (100%) disability.

(C)(i) License plates.

(ii) International symbol plates and placards are provided for persons with varying degrees of disability so they may or may not be one hundred percent (100%) disabled.

(iii) Do not accept disabled insignia Arkansas license plates or placards as proof of one hundred percent (100%) disability.

**Authority.** Arkansas Code § 22-4-104.

**Codification Notes.** "ID" means identification.

This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"DECEMBER 15, 2013 PARK DIRECTIVE 2002"

"APPROVED BY THE ARKANSAS STATE PARKS, RECREATION AND TRAVEL COMMISSION AT THE OCTOBER 17, 2013 MEETING AND FAVORABLY REVIEWED BY THE ARKANSAS ADMINISTRATIVE RULES AND REGULATIONS SUBCOMMITTEE AT THE DECEMBER 11, 2013 MEETING.

Replaces PD 2000.2 dated March 25, 2008; and Pilot Study dated May 20, 2010

**22 CAR § 50-104. Rules regarding public use of the search area of the Crater of Diamonds State Park.**

(a) The following rules were formulated with each visitor's safety and welfare in mind and have been established to:

- (1) Ensure all visitors equal opportunity to enjoy the search area; and
- (2) Enhance the protection of the park's valuable natural resources.

**(b) Diamond searching equipment.**

(1) **Motor, battery, and ladder restriction.** No ladders, motor-operated or battery-operated diamond searching equipment may be used on the diamond search area.

**(2) Wheeled equipment.**

(A) Wheeled equipment is restricted to hand-operated pull or push style conveyance and may not exceed a maximum cargo capacity of six cubic feet (6 cu. ft.) (equivalent to a standard sized wheelbarrow), limit one (1) device per visitor.

(B) Additionally, baby carriages and children's wagons (i.e., Radio Flyer) are allowed for transporting children onto the search area.

**(3) Exceptions to wheels, motors, and batteries.**

(A) Exceptions to this rule shall provide for the utilization of reasonable means of transportation for persons permanently or totally and/or one hundred percent (100%) disabled (written proof of disability may be required).

(B) Reasonable means of transportation will be determined by the park superintendent or his or her representative on a case-by-case basis.

**(4) Other searching equipment.** All other diamond hunting equipment must:

- (A) Be capable of being hand-carried through the Visitor Center; and
- (B) Be of such size that it will easily pass through a standard single door opening (thirty-two inches by eighty-one inches (32" x 81")).

**(5) Shade devices.**

(A) Tents, umbrellas, tarpaulins, etc., may be erected and must be removed on a daily basis.

(B) If erected, these devices must be tied, staked, anchored, or otherwise properly and safely secured to prevent them from becoming a safety concern.

**(6) Equipment storage.**

(A) Equipment used for searching must be transported onto and removed from the search area and park property on a daily basis.

(B) Exceptions to this policy will be campers storing their own equipment at their campsite on an overnight basis or searchers who rent park provided storage facilities in the mine area.

(C) Diamond search equipment rented from the park must be returned on a daily basis.

**(7) Equipment removal.** Any equipment that is not properly stored or removed by the visitor will be considered abandoned and removed from the premises as litter.

**(c) Diamond searching activities.**

**(1) Boundaries.**

(A) All searching activity (surface searching, digging, etc.) will be confined to the plowed field.

(B) The boundaries of the search area will be clearly marked with yellow boundary markers.

(C) Digging, setting up equipment to process ore, or utilizing the area beyond the marked boundaries is strictly prohibited.

**(2) Protection of trees and vegetation.**

(A) Digging under trees and shrubs within fifteen feet (15') of the base of their trunks is strictly prohibited.

(B) This rule applies for all trees and shrubs within the diamond search area as well as those that stand outside of the mine boundary, but have part of their drip line within the boundary area.

**(3) Claims prohibited.**

(A) No area, excavated hole, or portion of the search area may be:

- (i) Guarded;
- (ii) Claimed; or
- (iii) In any way reserved.

(B) Any portion of the field is available to anyone who purchases a ticket to the search area.

(C) All park sluices and sorting tables are designed for multiple users and are included in this rule.

**(d) Digging and excavation of holes and trenches.**

**(1) Angle of repose.**

(A) To help prevent cave-ins, any excavation dug to any depth shall be sloped to the angle of repose of the excavated material, but in no case less than 1 1/2:1 (one and one-half to one) (horizontal:vertical) in all directions.

(B) For example, a hole with a vertical depth of four feet (4') should be at least twelve feet (12') wide horizontally at the surface, sloping gradually to the bottom.

**(2) Prevention of falling material.** All excavated material must be at least two feet (2') from the edge of the hole or trench.

**(3) Tunnel mining prohibited.** Undercutting or tunneling into the side walls of any excavation, trench, or hole is prohibited.

**(4) Water hazards.** Entering or otherwise occupying any excavation that contains standing or flowing water (regardless of the source) is prohibited until both the water and its source are eliminated.

**(5) Egress from excavation.** Any excavation greater than four feet (4') in depth must have safely constructed earthen steps cut into one (1) bank of the excavation at the angle of repose of the material (that is, the steps must slope gradually from the bottom of the hole to the surface).

**(6) Daily refill of excavation.** All excavations (holes and trenched) dug by visitors must be refilled with mineral soil to the level of the original surface at the end of each day.

(7) **Safety priority.** Any hole dug in any way considered unsafe by park personnel will be filled at the discretion of authorized park employees.

(e) **Removal of rock and minerals.**

(1) **Limit on quantity.**

(A) No more than a sum total equivalent to five (5) gallons of processed concentrate may be taken from the search area per paying customer per day.

(B) No exceptions.

(2) **Soil removal prohibited.**

(A) Nonprocessed lamproite soil (diamond-bearing ore that has not been run through screens or sorting devices) may not be removed from the search area.

(B) However, souvenir bags of lamproite soil may be purchased in the park gift shop in limited quantities.

(f) **Personal conduct rules.**

(1) **Posting of signs.** Posting of signs is prohibited on the search area (or any portion of the park) without permission from the park superintendent.

(2) **Soliciting.** Soliciting the sale of diamonds and other gem stones on park property is prohibited.

(3) **Behavior.** Riotous, boisterous, threatening, or indecent language or conduct is prohibited.

(4) **Littering.** Littering on the search area or any other portion of the park is prohibited.

(g) **Note.** The authorization for the searching of diamonds and other minerals at the park, along with the enforcement of rules is set forth in 22 CAR § 50-111.

(h) Repeated violation of any or all of these rules will be reason for:

(1) Suspension of searching privileges;

(2) Written citation;

(3) Arrest; or

(4) All of the aforementioned.

(i) **Notice.**

(1) To preserve scenic beauty and ecology, fences and warning signs have not been installed in some park locations.

(2) Caution and supervision of your children is required while visiting these areas.

(j)(1) Hours of operation of all park facilities are subject to seasonal change.

(2) Check park bulletin boards or at the information desk for current operating hours.

**Authority.** Arkansas Code § 22-4-104.

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

"FEBRUARY 1, 2010 PARK DIRECTIVE 2205"

"Related PDs: PD 1050 Hours of Operation

PD 2000 Fees & Charges

PD 3040 Excavations and Unauthorized Searches

Replaces PD 2205 Dated May 16, 2007"

**22 CAR § 50-105. Policy on rules.**

(a) State park rules are established for the protection of state park property and resources, and to ensure the safety, security, and peace of mind of state park visitors.

(b) Such rules as may be published from time to time are approved by the State Parks, Recreation, and Travel Commission, and will be issued as park directives for inclusion in the Park Operations Manual.

(c) In situations involving the issuance of a summons by state park law enforcement officers, reference shall be made on the citation to the state park rules

violation and the specific park directive by its number, along with a brief description of the violation.

(d) The commission's authority to establish and alter public rules is as follows:

"Arkansas Code § 22-4-104. State Parks, Recreation, and Travel Commission — Rulemaking power — Penalty.

(a) The State Parks, Recreation, and Travel Commission may establish and alter rules governing the use and protection of the state parks system and the property thereon and to preserve the peace therein.

(b) A person who violates a rule established under subsection (a) of this section shall be guilty of an unclassified misdemeanor and upon conviction shall be punished by a fine of at least one hundred dollars (\$ 100) and not more than five hundred dollars (\$ 500) or imprisonment for not more than thirty (30) days, or both.

History: Acts 1937, No. 170, § 6; Pope's Dig., § 12312; A.S.A. 1947, § 9-601; Acts 2011, No. 745, § 1."

(e) These rules are established to enable park guests to enjoy the state's outstanding natural, cultural, and historic resources, along with quality educational and recreational opportunities to the fullest.

**Authority.** Arkansas Code § 22-4-104.

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

"FEBRUARY 2, 2015 PARK DIRECTIVE 3000"

"Replaces PD 3000 dated 7/1/75"

Related PDs: PD 3000.1 through PD 3250"

**22 CAR § 50-106. Law enforcement policy.**

(a) The purpose of law enforcement is to educate the park visitors, which will affect a change in their behavior from that of violating rules to that of voluntary compliance with them through understanding.

(b)(1) Violations of these rules by park visitors are handled in the most effective, but least offensive manner.

(2) The means of making corrections are:

(A)(i) Verbal contact.

(ii) Education of violator, gaining compliance through explaining the rules and the purpose they serve; and

(B)(i) Verbal warning.

(ii) For immediate correction of a situation, indicating more serious action if the violation is repeated.

(c) It is by these means that noncommissioned uniformed personnel will take corrective actions.

(d)(1) In the event that a noncommissioned officer witnesses or has reported to him or her a life-threatening violation or the commission of a crime, he or she must obtain assistance from the park ranger, other park commissioned officers, or local law enforcement agencies immediately.

(2) If none are readily available and the instance involves a violation that has or may result in an accident, serious injury, death, or commission of a felony, he or she should take steps necessary and prudent to:

(A) Preserve life; or

(B) Prevent injury or destruction to property.

(e)(1) Beyond these levels of enforcement, actions on more serious violations or crimes become the responsibility of the park ranger or other commissioned law enforcement personnel.

(2) Persons in these positions have the authority of:

(A)(i) Written warning.

(ii) A courtesy reminder for the visitor that should this violation be repeated, court action may be necessary;

(B)(i) Issuing citations.

(ii) An invitation to appear in court to answer the charges stated on the citation.

(iii) This may require the posting of an appearance bond by the violator; and

(C)(i) Physical arrest.

(ii) Taking into custody a violator or criminal resulting in the posting of an appearance bond or incarceration of the individual.

(f)(1) Determination of the seriousness of a violation and the lowest effective level of enforcement can only be made by the person at the scene.

(2) In a marginal situation where two (2) possible courses of action are available, your guideline is to use the lowest of two (2) levels.

(3) You must keep in mind that your purpose is to correct the immediate violations and to prevent a recurrence in the reasonable future, not to punish the violator.

(g) The State Parks Division's publication of The Law Enforcement Manual contains the approved policies for handling law enforcement situations in state parks.

**Authority.** Arkansas Code § 22-4-104.

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

"JULY 15, 1988 PARK DIRECTIVE 3000.1"

**22 CAR § 50-107. Alcoholic beverages and drugs.**

(a)(1) The display or overuse of alcohol in a public use area that creates a disturbance is prohibited within a state park.

(2) The use of alcoholic beverages by a minor is illegal.

(b) The possession, display, and use of dangerous drugs or a controlled substance is illegal and prohibited within a state park.

**Authority.** Arkansas Code § 22-4-104.

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

"July 1, 1975 Park Directive 3010"

**22 CAR § 50-108. Camping rules, fee collection, registration, and reservations.**

**(a) Rules.**

(1)(A) Campsites are limited to occupancy by eight (8) persons, excluding day use guests, and one (1) camping unit, which may consist of no more than two (2) structures, such as:

(i) One (1) RV and one (1) large tent or two (2) small tents;

(ii) A motorized camping vehicle (pickup camper, motor home, etc.) towing a small trailer, the combined length of which may not exceed the capacity of the camping spur; or

(iii) Two (2) automobiles used as camping shelters, etc.

(B)(i) The camping unit may not exceed the capacity of the designated campsite as determined by the Park Superintendent or his or her designee.

(ii) In no case will two (2) or more camping units occupy the same campsite.

(2)(A) Tents must be pitched on tent pads.

(B) If no pad is available, they must be pitched on the ground at the site.

(C) No trenching.

(D) No tent pegs may be driven into:

- (i) Asphalt;
- (ii) Paved surfaces; or
- (iii) Parking areas.

(3) No camping equipment shall be placed on any campsite while that site is officially registered to another camper.

(4) Campers are not considered registered until a registration at the office is completed and the camping fee is paid.

(5)(A) A minimum of one (1) adult (eighteen (18) years of age and above) must register for and occupy the campsite during the entire registration period.

(B) Occupancy exceptions include scout troops, camping groups, or multiple family groups when sufficient adult supervision is provided.

(6)(A) Registration must be made at the park office on the day of arrival.

(B) On the day of registering for a campsite, campers must occupy the site by the time the VIC closes.

(C) Registration of campsites for use by groups or individuals other than the party registering is prohibited except for group reservations.

(D) Registration and/or occupancy with the purpose of holding a campsite for use by others is prohibited.

(7)(A) Campers may not occupy campsites within the same park in excess of fourteen (14) days within a thirty-day period.

(B) Seven-day extensions beyond this fourteen-day limit may be granted by the Park Superintendent from April through October, when campgrounds are not at capacity.

(C) Additional extensions must be approved by the Director of the State Parks Division for campers who:

- (i) Have health problems;
- (ii) Are relocating to an area; or
- (iii) Are moving due to job reassignment.

(D) November through March, longer extensions may be granted by Park Superintendents.

(E) Campers will not be permitted to move from one (1) campsite to another in the same park to evade these limits, it being the intent that campers not be permitted to establish a semi-permanent or permanent residence in a state park.

(8)(A) All vehicles and trailers must be parked on hard surfaces or designated sites.

(B) One (1) automobile used for transportation or towing may be parked at the campsite.

(C) Extra vehicles and visitors vehicles must be parked in designated parking areas.

(9)(A) Motorized vehicles must stay on roads.

(B) Motorcycles/motorbikes may not operate between 10:00 p.m. and sunrise.

(C) Unlicensed vehicles may not be operated in state parks.

(D) Loud or disturbing vehicles will not be allowed to operate and may be required to leave the park.

(10)(A) Grill fires must be kept small and must be extinguished before leaving the area.

(B) Open fires in other than designated sites are prohibited without permission.

(11)(A) Gas or propane lanterns may not be hung on trees.

(B) Metal lantern hangers are provided at each campsite.

(12)(A) State park camping areas are fee areas for use by registered campers only.

(B) The use of such camping areas by picnickers or others who are not registered campers is prohibited.

(13) Quiet must be observed between 10:00 p.m. and sunrise.

(14)(A) Boats may be launched at launching sites only.

(B) Boat trailers must be parked at launching sites or in designated parking areas.

(C) Parking boat trailers at campsites may be permitted when, in the judgment of the Park Superintendent or his or her designee, the trailer will not damage the site or area.

(15)(A) Pets must be on leash and under control.

(B) Pet litter must be:

(i) Cleaned up continuously by the owner;

(ii) Bagged or wrapped in paper; and

(iii) Deposited in trash cans.

(C) Pets disturbing other campers must be brought under control by owners immediately or removed from the park (see 22 CAR § 50-126).

**(b) Registration.**

(1)(A) Each park staff will devise a campground layout map showing the camp areas and each numbered site in relation to major features of the park.

(B) This will assist park staff when assigning sites and help guests in locating sites.

(2)(A) The registering attendant will assign all campsites.

(B)(i) Under no circumstances will a guest be advised to go out and select and occupy a site then return to register.

(ii) There will be no exceptions.

(C) The attendant should visually verify all camping units.

(D) Guests may be assigned a requested site if the requested site is available and if the site has the capability of accommodating the requesting guest's:

(i) Camping rig;

(ii) Equipment; and

(iii) Gear.

(E)(i) Campsites with fifty (50) amp or larger electrical service will be held for camping units that need larger electrical capacity.

(ii) If no reservation requests for fifty (50) amp or larger electrical service sites have been received, they may be rented on a first-come, first-served basis.

(3) During initial contact, camping guests should be advised as follows:

(A)(i) Before occupying a site, make sure no Campsite Expiration Card (Form #341) is attached to the site post.

(ii) If the site is occupied, contact uniformed staff or the office immediately;

(B) Attach the Campsite Expiration Card (Form #341) to the site post; and

(C)(i) Notify park staff if the site is to be unoccupied or unattended for any extended period.

(ii) **Note.** If a site is left unoccupied overnight without permission, camping privileges are subject to forfeit without refund.

(4) The expiration date should be recorded in large letters on the Campsite Expiration Card (Form #341) so it is readily visible during campground rounds.

(5) Campsites must be vacated by 3:00 p.m. on date of expiration.

(6) Guests are prohibited from altering Campsite Expiration Cards or switching sites without permission.

(7)(A) Designated personnel will check campgrounds regularly before 7:00 a.m. and after 3:00 p.m. to ensure all guests are registered.

(B) Guests not registered will be required to do so at the VIC.

(8)(A) Once a site number is assigned to a camper, moving to another site is permitted only by re-registering.

(B) Campers moving to another site without re-registering could lose the registered site.

(9) Superintendents, as well as other park staff, should be alert for guests who "reserve" sites for other family members or friends by arranging for "replacements" to arrive at a site, occupying it as the first party departs.

**(c) Late arrival notice of registration procedures.**

(1)(A) Appropriate signs directing campers to register at the office will be posted in a highly visible location.

(B) Per the Sign Manual, this sign will read "Campers Must Register at Office before Occupying a Site".

(2)(A) Camping fees will be posted in the park office.

(B) A sign reading "Check-Out Time is 3:00 p.m." will be placed at the park office and in camping areas.

(3)(A) When the park office is closed, a sign that reads "CLOSED – Campers Occupy an "Available" Site and Register at the Office at 8:00 a.m. Tomorrow" will be placed on the door.

(B) It must be easily read from outside the office.

(C)(i) The sign will list the location and telephone number of a park employee to contact in case of an emergency.

(ii) **Note.** This information will also be posted on all park bulletin boards.

(4)(A) The employee patrolling the campground after the office is closed should:

(i) Fill out a Late Arrival Campsite Report (Form 268); and

(ii) Leave a notice instructing guests of registration procedures.

(B) The office copy will be placed in a designated file at the registration desk by 8:00 a.m., when the file will be checked.

(C)(i) When the office opens, all occupied sites should be marked.

(ii) This will help the attendant when registering sites to new arrivals.

(D)(i) If a guest has left the park without registering or paying the site fee, the Park Superintendent will contact the guest by registered letter requesting payment.

(ii) A copy of the Late Arrival Campsite Report Form should be attached to the letter.

(iii) A copy of the letter and form should remain in a designated file.

(iv) This file should be reviewed periodically by the Regional Supervisor.

(5) **Note.** If late arrivals become a problem, the Park Superintendent should notify the Regional Supervisor, who will contact the Manager of Operations for assistance.

(d) **Camping.**

(1)(A) All defined campsites will be numbered using three-inch routed numbers mounted on a post (per the Park Design Standards Manual).

(B) Each numbered plate will be equipped with a suitable spring-loaded clip or other device used for securing the Campsite Expiration Card.

(2)(A) Under no circumstances may a guest leave a camping unit in a site to be used as a vacation home by different guests.

(B) To aid in detecting this type of activity, uniformed personnel should routinely check guest registration information.

(3)(A) When developed campgrounds are filled, guests may be placed in approved overflow areas and charged the overflow rate as indicated in PD 2000 [repealed].

(B) Permits will be issued on a daily basis until a regular campsite becomes available.

(C) A suitable log sheet labeled "OVERFLOW" will be kept on a daily basis to record:

- (i) Name;
- (ii) Camping receipt number; and
- (iii) Time of arrival.

(D) Guests will be advised to return to the VIC at 8:00 a.m. the following day to wait for a vacant site or, if desired, re-register for another day in the overflow area.

(E) Priority for assignment to vacated sites will be to those present at the VIC in the order listed on the overflow log sheet.

(F) Guests on the overflow log sheet who wish to register for a vacated site will be given priority over new arrivals.

(4)(A) Campground capacities will not be exceeded.

(B) When campgrounds and overflow areas are filled to design capacity, they will be closed and guests turned away.

(e) **Campsite reservation procedures.**

(1)(A) One hundred percent (100%) of each park's available campsites shall be reservable, and campers may reserve a specific site.

(B) Barrier-free campsites shall be held as the last available units.

(C) Once they are the only units left, they can be offered to anyone.

(D) Visitors with qualifying disabilities may reserve specific Americans with Disabilities Act, 42 U.S.C. § 12101 et seq., sites.

**(2) Reservation procedures.**

(A)(i) Reservations may be made up to twelve (12) months in advance of the scheduled arrival date.

(ii) A requested site may be assigned at the time a reservation is made, if available, and if the site has the capability of accommodating the requesting guests' camping rig, equipment, and gear.

(B)(i) Single-night reservations may be made for any night Sunday through Thursday.

(ii) Weekend reservations will be taken for a minimum of two (2) nights, Friday and Saturday.

(iii) With the exception of holiday weekends, requests for one (1) night only on a Friday or Saturday will not be considered more than one (1) week prior to arrival date.

(iv) However, the Park Superintendent or his or her designee may waive this requirement if it is apparent that sites will be available.

(C) A three-night minimum will be required when a holiday causes a three-day weekend, i.e., Memorial Day weekend, Fourth of July weekend when applicable, Labor Day weekend, etc.

(D)(i) Up to twenty percent (20%) of each park's high demand sites must be reserved for a minimum length of stay of three (3) nights (Thursday, Friday, and Saturday nights) on weekends, and four (4) nights (Thursday, Friday, Saturday, and Sunday nights) on holiday weekends.

(ii) Any of these high demand sites that have not been reserved will be released on Fridays to be rented for the weekend.

(E)(i) The nonrefundable reservation deposit will be one (1) night's full basic camping fee per site, plus tax.

(ii) The nonrefundable reservation fee for those qualifying for camping discounts per 22 CAR § 50-103 will be the discounted rate, plus tax.

(F)(i) The nonrefundable reservation deposit can be made by credit card or debit card only, and the transaction will be processed at the time the reservation is made.

(ii) A personal check may be accepted when the reservation is made in person.

(G) Confirmed reserved sites will be held until 10:00 a.m. on the day following the scheduled arrival date.

### (3) **Registration procedures for reserved sites.**

(A)(i) Each reserved site must be registered to the individual occupying the site.

(ii) This applies to group reservations, where registration still must be on an individual basis.

(B) Upon registration, all guests with reservations must pay the balance for the entire reservation period.

(C)(i) Proof of discount eligibility is required at registration.

(ii) Guests not able to provide proof of discount eligibility will be charged the full basic camping fee.

(iii) See 22 CAR § 50-103.

(iv) **Note.** Each park staff is urged to maintain a file of persons who have proved they are eligible for the approved discounts.

(D)(i) During the reservation period, guests may change sites subject to availability.

(ii) Refunds for the reservation fee for a lower-priced campsite fee will not be made.

(iii) Guests must pay the difference in campsite fees, should the change involve an upgrade.

(E) No refund will be made for early departure on a two-day reservation or a three-day holiday weekend reservation.

(F) Habitual no-shows, premature departures, or other abuses of this reservation system will result in:

(i) Loss of reservation privileges; or

(ii) The requirement of full payment for the entire reservation period in advance with no refunds.

**(4) Late arrivals with reservations.**

(A)(i) As part of evening campground rounds, staff will check the reservation log against the campground to see if any guests have confirmed reservations but have not registered.

(ii) If any are found, assign an available site, designate it as "reserved", and place the guest's name and site number on the Late Arrival Reservation Form.

(iii) Upon closing the VIC, post the Late Arrival Reservation Form at the VIC so it is clearly visible from the outside.

(B) If a guest has not registered for the remainder of the reservation period by 10:00 a.m. on the day following the scheduled arrival date, the reservation is forfeited.

(C)(i) If a guest in a reserved site leaves before the end of the reservation period, "premature departure" should be entered in client information.

(ii) If a guest registers for a period of time less than the reservation period, this should be entered as well.

**Authority.** Arkansas Code § 22-4-104.

**Codification Notes.** "VIC" means visitor information center.

"RV" means recreational vehicle.

This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"MAY 1, 2005      PARK DIRECTIVE 3015"

"Replaces PD 3015 - Camping Rules and Regulations dated March 1, 2004

Related PDs: 2000 – Fees and Charges

3130 – Pets and Animals

Related Forms: 268 – Late Arrival Campsite Report (example included)

333 – Late Arrival Reservation Form (example included)

341 – Campsite Expiration Card (example included)

344 – Reserved Campsite Card (example included)"

**22 CAR § 50-109. Closing hours.**

(a) The closing hour of the state parks is 10:00 p.m. unless the park superintendent has given special permission for a special function or for setting earlier hours due to seasonal operations or construction.

(b) Persons in overnight areas such as campgrounds, lodges, or cabin areas without a receipt or room key are considered day use persons and are violating the closing hour rule and may be considered as trespassers.

**Authority.** Arkansas Code § 22-4-104.

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

"July 1, 1975 Park Directive 3020"

**22 CAR § 50-110. Disorderly conduct.**

(a) Persons who are inadequately or indecently attired shall not be permitted in or upon park lands or facilities.

(b)(1) Riotous, boisterous, threatening, or indecent conduct, or the use of abusive, threatening, profane, or indecent language shall not be indulged in.

(2) Abuse of this rule will be cause for ejection from the premises.

(c) No person over the age of six (6) years may use the restrooms and washrooms designated for the opposite sex.

(d) No person shall loiter in or around any:

(1) Restroom;

(2) Dressing room; or

(3) Bath house.

**Authority.** Arkansas Code § 22-4-104.

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

"July 1, 1975 Park Directive 3030"

**22 CAR § 50-111. Excavations or unauthorized searches.**

(a) No person shall excavate for or search for, by any means, minerals, inorganic or organic materials, lost articles, coins, treasures, artifacts, or other materials on state park/museum properties, nor remove same from park property without written permission from the Director of the State Parks Division.

(b) The exceptions shall be the searching for diamonds and other minerals at the Crater of Diamonds State Park, which shall be conducted in accordance with policies governing the operation of the diamond mine as posted at that facility, and geocache searches.

**Authority.** Arkansas Code § 22-4-104.

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

"June 20, 2003 Park Directive 3040"

"Replaces PD 3040 dated July 1, 1975

Related PDs: 2205 - Rules and Regulations Regarding the Search Area – Crater of Diamonds  
3220 – Geocaching"

**22 CAR § 50-112. Fishing.**

(a) Persons desiring to fish in the waters of any state park or recreational area must secure a fishing license as required by laws of the State of Arkansas unless by reason of age a license is not required.

(b) Fishing must conform to laws such as:

- (1) Open season;
- (2) Size; and
- (3) Limit of catch.

(c) Copies of Arkansas State Game and Fish Commission regulations can be and should be obtained at the Arkansas State Game and Fish Commission building in Little Rock, Arkansas.

**Authority.** Arkansas Code § 22-4-104.

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

"July 1, 1975 Park Directive 3050"

**22 CAR § 50-113. Fires.**

(a) Fires may only be built in fireplaces, picnic grills, or campfire circles provided by the park and in designated areas unless special permission is given by park superintendents.

(b) Fires built in remote areas that may create a forest fire are strictly prohibited.

**Authority.** Arkansas Code § 22-4-104.

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

"July 1, 1975 Park Directive 3060"

**22 CAR § 50-114. Firearms, hunting, explosives, and fireworks.**

(a) **Use of firearms.** The public display of any firearm is prohibited:

(1) Persons displaying or discharging firearms may be ejected from the park (see exceptions in subsections (c) and (d) of this section);

(2) Firearms may be confiscated (with a receipt given) to be returned to owner upon departure from the park; and/or

(3) Unlawful use and/or careless handling will result in criminal arrest and prosecution.

(b) **Concealed handguns.**

(1)(A) Acts 2003, No. 1110, was enacted to permit persons to carry a concealed handgun into a public park.

(B)(i) Section 1 of the act addresses places in which concealed handguns are not allowed.

(ii) Among the list of places are "any building wherein a state office is located" and "schools".

(iii) See also Arkansas Code § 5-73-306.

(2) For Arkansas state parks, these buildings include:

- (A) The bladesmithing school at Historic Washington State Park;
- (B) DeGray Lake Resort State Park Lodge and Convention Center;
- (C) Maintenance buildings;
- (D) Marina sales offices;
- (E) Mather Lodge;
- (F) Mount Magazine State Park Lodge and Conference Center;
- (G) Museum buildings with offices;
- (H) Ozark Folk Center State Park lodge office, recreation room, and gift shop;
- (I) All restaurants/cafes;
- (J) Queen Wilhelmina State Park Lodge; and
- (K) Visitor information centers.

(3)(A) Signs or decals will be posted at the locations listed above indicating that carrying of a handgun is prohibited.

(B) These will be distributed by the Manager of Operations.

(4)(A) Persons carrying a concealed handgun must:

- (i) Keep it secure and out of sight; and
- (ii) Have in possession the license as well as valid photo identification.

(B) The license must be made available to law enforcement officers upon request (Arkansas Code § 5-73-315).

(5) Excluding law enforcement officers, loaded firearms of any type are prohibited in state parks located on United States Army Corps of Engineers property (Reference: 36 C.F.R. § 327.13).

**(c) Sports/hunting firearms.**

(1)(A) Persons “on a journey” may have firearms on state property (Arkansas Code § 5-73-120).

(B) However, while on state park/museum property, firearms must be kept unloaded and in a locking device or in a locked vehicle at all times.

(2)(A) The only exception to this rule will be during specified hunting seasons and in designated hunting areas at Hobbs State Park – Conservation Area under cooperative management agreement with the Arkansas State Game and Fish Commission.

(B) Designated trails within open hunting zones at Hobbs State Park – Conservation Area will be closed to all users except hunters during:

- (i) The modern gun hunt (approximately five (5) days);
- (ii) The muzzle load hunt (approximately five (5) days); and
- (iii) Mornings until 12:00 noon during the spring turkey season.

**(d) Shooting ranges.**

(1)(A) The Department of Parks, Heritage, and Tourism currently operates shooting ranges at Hobbs State Park – Conservation Area and Ozark Folk Center State Park.

(B) Firearms and related ammunition are allowed on these ranges, but firearms must be unloaded upon entry and departure from these sites.

(2)(A) Ranges operate under National Rifle Association Range Safety Guidelines and/or National Muzzle Loading Rifle Association guidelines.

(B) Rules approved by the Manager of Operations will be posted at each location.

(C) Compliance with all range rules is mandatory.

(3) Shooting clubs hosting events or law enforcement agencies during qualifications will designate a chief range officer (and assistant range officers as appropriate) to maintain a safe and efficient shooting environment.

(4)(A) Abuse or violation of range rules will be sufficient reason for park management staff to suspend clubs, groups, or individuals from the shooting range.

(B) Those suspended will only be reinstated upon approval of the Manager of Operations or the Director of the State Parks Division.

**(e) Explosives.**

(1) The use of explosives of any type is prohibited within state park/museum properties.

(2) For construction purposes, special permission for the use of explosives must be obtained from the Director of the State Parks Division or the Manager of Operations.

(f) **Fireworks.**

(1) To celebrate some national holidays and in conjunction with special events, fireworks programs or special events may be established at a park/museum.

(2) However, due to the danger of bodily harm, especially to children, the danger of starting grass fires, and the noise and disturbance to park visitors, the department prohibits the individual use and display of all types of fireworks.

(3) In addition, the sale of fireworks is prohibited in any park/museum store or any concessions inside park/museum boundaries.

(4) Any use of fireworks within the park after a warning is given will result in the confiscation of the items.

**Authority.** Arkansas Code § 22-4-104.

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

"AUGUST 4, 2005 PARK DIRECTIVE 3070"

"Replaces PD 3070 dated December 5, 2005"

**22 CAR § 50-115. Hang gliding and paragliding rules.**

(a)(1) Hang gliding and nonmotorized paragliding on state park property is permitted at approved sites only.

(2) Requests for approval of sites must be submitted to the Director of the State Parks Division by park superintendents or others.

(3) Requests must include supporting documentation detailing recreational demand analysis and impact on parks' natural and cultural resources, recreation use, facilities, and long-term development or master plan.

(4) An approved site must have a sign indicating that it is approved for these activities and shall include any restrictions that may apply, such as:

(A) Time of day; and

(B) Instructions to check in at park visitor center before the first launch.

**(b) Hang gliding and paragliding procedures.**

(1) Each calendar year, before their first flight, hang gliders must register at the park visitor center with:

(A) Proof of H-3 or P-3 (intermediate level) rating from the United States Hang Gliding and Paragliding Association (USHPA) or equivalent;

(B) Proof of at least one million dollars (\$1,000,000) personal liability insurance from USHPA or equivalent; and

(C) A signed Hang Gliding/Paragliding Checklist and Liability Release (see attached).

(2) Pilots must notify staff at the park visitor center prior to the first flight each day.

(3)(A) Pilots and passengers engaged in tandem flights must be in compliance with all USHPA requirements for this activity.

(B) Passengers must register at the park visitor center and submit a signed liability release and checklist (see attachments).

(C) A parent or legal guardian must complete the checklist and liability release form for all minors (those age seventeen (17) and under).

**(c) Hang gliding and paragliding rules.** The following rules will apply to hang gliding and paragliding in Arkansas state parks:

(1) The launch site will be a designated area approved by the Director of the State Parks Division;

(2)(A) Landing areas are not on state park property.

(B) Maintained in a permanent file at the park visitor center will be a statement from the property owner granting permission for hang gliding and paragliding participants to land on his or her property if a liability release has been signed by each pilot.

(C) Vehicles will not be allowed on landing fields.

(D) The Department of Parks, Heritage, and Tourism is not responsible for the safety, upkeep, or maintenance of landing areas, and participants land at their own risk;

(3) Park officials will utilize the "Hang Gliding/Paragliding Checklist" to approve or disapprove each flyer and passenger;

(4) Once each year, pilots and passengers must sign the checklist and liability release (see attachments);

(5) Prior to the first flight on each day they fly, pilots must notify staff at the park visitor center;

(6) Pilots must be a current member of a United States Hang Gliding and Paragliding Association;

(7) Pilots must meet one (1) of the following criteria:

(A) Pilot advanced rating H-4 or P-4 or above;

(B) Pilot intermediate rating, advanced accompanied: H-3 or P-3; or

(C) Pilot intermediate rating in addition to completing five (5) hours or more of flying and ten (10) separate flights as intermediate: H-3 or P-3;

(8) When requested, pilots shall allow park officials to review the pilot's flight log book;

(9) Pilots must wear a helmet and backup chute;

(10) Pilots must fly a glider certified by:

(A) Hang Gliders Manufacturers Association;

(B) Paragliders Manufacturers Association; or

(C) The equipment manufacturer;

(11) Pilots and friends must conduct themselves in a courteous, orderly manner and obey all park rules; and

(12) In any and all cases, state park officials have complete and final control and authority over the launch site.

**Authority.** Arkansas Code § 22-4-104.

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

"JULY 1, 2014     PARK DIRECTIVE 3075"

"Replaces PD 3075 dated August 19, 1977"

Reviewed by the Arkansas Legislative Administrative Rules and Regulations Sub-Committee on June 11, 2014.

Attachments:     --Checklist  
--Liability Release"

**22 CAR § 50-116. Horseback riding.**

(a)(1) It shall be unlawful to ride or take horses and other riding animals onto park areas not specifically designated as trails for horses by sign or by verbal permission from park officials.

(2) Such animals may be ridden on park streets or roads unless such streets or roads are marked with signs prohibiting horseback riding.

(b) Horses shall not be ridden or taken onto swimming beaches, parking areas, camping and picnic areas, nor within one hundred feet (100') of any public activity or building utilized for eating, sleeping, swimming, boat rental, or sale of any items other than a horseback riding service, such as stable area.

**Authority.** Arkansas Code § 22-4-104.

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

"July 1, 1975 Park Directive 3080"

**22 CAR § 50-117. Rappelling and rock climbing rules.**

(a)(1) Arkansas contains significant and extensive geological resources favorable for rock climbing and rappelling.

(2) Furthermore, Arkansas has a long history of rock climbing and has become a desired destination for recreational climbing.

(3) In order to responsibly manage rock climbing and steward the natural resources in which climbing occurs, this section establishes that rock climbing and rappelling on state park property is permitted at approved sites only.

**(b) Site selection.**

(1) Superintendents of state parks that have sites considered desirable for rock climbing and/or rappelling are encouraged to submit requests to the Director of the State Parks Division for approval.

(2) Requests should include complete details of the site, including:

- (A) The site location;
- (B) A detailed description;
- (C) Any potential impacts to the park's natural and cultural resources;
- (D) Any recreational uses;
- (E) Facilities;
- (F) Long-term development or master planning;
- (G) Safety hazards;
- (H) Weather;
- (I) Time-of-day influences;
- (J) Proposed rules and signing for the site; and
- (K) Degree of supervision considered necessary for use by the public.

(3)(A) Approved sites may have signage indicating that the location is approved for rappelling and rock climbing.

(B) Signage should include any restriction that may apply, such as hours of acceptable use.

(c) **Definitions.**

(1) Arkansas contains significant geologic resources favorable for rock climbing and rappelling.

(2) Rock climbing and rappelling are generally categorized as follows:

(A)(i) Sport climbing.

(ii) Climbing predominantly involving the use of:

(a) Fixed hardware;

(b) Ropes;

(c) Harnesses;

(d) Chalk; and

(e) Removable quickdraws (carabiners plus fabric sling);

(B)(i) Trad climbing.

(ii) Climbing predominantly involving the use of removable equipment (cams and stoppers, primarily) placed in the rock by the climber for protection.

(iii) Also uses the equipment listed above.

(iv) Common on rock features containing cracks/fissures and other features where removable gear can be placed;

(C)(i) Bouldering.

(ii) Climbing involving only shoes, chalk, and a bouldering pad that emphasizes difficult and often gymnastic-like movements on boulders.

(iii) Generally found on boulders and small bluffs that are low to the ground where serious injury from falling is unlikely;

(D)(i) Mixed climbing.

(ii) A combination of both sport and trad climbing; and

(E)(i) Rappelling.

(ii) Differentiated from rock climbing in that rappelling begins at the top of a rock face with the rappeller lowering down the face using ropes, harnesses, lowering devices, and often fixed hardware that has been placed in the rock at the top of the rock face.

(d) **Rules for rock climbing and rappelling in Arkansas state parks.** The following rules will apply to rock climbing and rappelling in Arkansas state parks:

(1) Rock climbers and/or rappellers must complete and sign the Rappelling and Rock Climbing Checklist Liability Release;

(2) A parent or legal guardian must complete the checklist and liability release form for all minors (those aged seventeen (17) and under);

(3)(A) Rock climbers and rappellers shall minimize their impacts to the sites and follow leave-no-trace principles.

(B) Climbers bouldering shall guard against unnecessary damage to flora by limiting cleaning of boulders and keeping crash pads in the staging area;

(4) Climbers and rappellers are expected to stay on established trails and refrain from establishing "social" trails;

(5)(A) The Department of Parks, Heritage, and Tourism recognizes that fixed hardware is an accepted and essential component both in safely facilitating rock climbing and in protecting natural resources.

(B) The department shall allow the placement and maintenance of fixed hardware (i.e., bolts) where appropriate and is encouraged to consult with a qualified local climbing organization (e.g., Arkansas Climbers Coalition) for the accepted best practices for the management of fixed hardware;

(6) Chipping, gluing, or otherwise manufacturing holds is forbidden;

(7)(A) Rappellers/climbers shall use equipment and safety gear appropriate for the activity.

(B) The department is not liable or responsible for any equipment used by rappellers or climbers, nor is the department liable or responsible for any fixed hardware.

(C) Rappellers and climbers assume all liability and risk associated with the use of fixed hardware;

(8) Rappelling and climbing participants shall conduct themselves in a courteous and orderly manner and abide by local, state, and federal laws, as well as obey all park rules; and

(9) In any and all cases, state park management shall:

(A) Have complete and final authority over all sites; and

(B) Retain the authority to revoke any privileges issued for rappelling/climbing activities.

**Authority.** Arkansas Code § 22-4-104.

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

"MAY 1, 2022

PARK DIRECTIVE 3085"

"Reviewed by the Arkansas Legislative Council – Administrative Rules Sub-Committee on \_\_\_\_\_, \_\_\_\_\_."

ATTACHMENT: RAPPELLING AND ROCK CLIMBING CHECKLIST AND LIABILITY RELEASE"

"Replaces PD 3085 dated July 1, 2014 "

**22 CAR § 50-118. Motorized recreation vehicles.**

(a) Motorized recreation vehicles (MRV) operated in state parks must be licensed and registered as required by law.

(b) MRV must be operated on improved roads only, except in areas or on trails specifically designed and marked for such vehicles.

(c)(1) Hours of operation will be from 8:00 a.m. until closing time of state park facilities such as swimming areas, eating establishments, recreation areas, etc.

(2) This will be on a park-by-park basis, but no later than 9:00 p.m.

(3) This will allow time for return to camping or lodging areas, or to leave the park.

(d)(1) The operation of MRV in designated camping or lodging areas by persons other than registered guests is prohibited.

(2) Such guests may operate such MRV as above for transportation only and at posted speed limits.

(e) Mini bikes are not licensable in the State of Arkansas and will not be operated in state parks.

**Authority.** Arkansas Code § 22-4-104.

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

"July 1, 1975 Park Directive 3090"

**22 CAR § 50-119. Motorized recreation vehicles supplement.**

(a)(1) Park officials are directed to become familiar with Arkansas Motor Vehicles and Traffic Laws, 1981, Chapter 5, "Motorcycles, Motorscooters, Motorbicycles".

(2) By way of clarification of 22 CAR § 50-118, you should understand the three (3) classifications of MRVs.

(b)(1) Motorcycles.

(2) This includes some three-wheelers.

(3) Motor displacement is two hundred fifty cubic centimeters (250 cc) or more.

(4) Standard equipment must coincide with State Highway Commission Regulation 75-1703.

- (5) Protective head and eye gear must be worn.
- (6) The cycle must have a metal license plate.
- (7) Headlight must be activated when moving.
- (8) Operators must be sixteen (16) years of age or older and must possess a motorcycle license (see State Highway Commission Regulation 75-1710).
- (9) Motorcycles can be operated in state parks for transportation purposes only.

(c)(1) Motor-driven cycle.

- (2) This includes mini-bikes and most three-wheelers.
- (3) Motor displacement is less than two hundred fifty cubic centimeters (250 cc).

(4) If operated in a state park, motor-driven cycles must have all standard equipment as specified in State Highway Commission Regulation 75-1703.

(5) Protective head and eye gear must be worn.

(6)(A) It is unlikely a motor-driven cycle will be "licensed", meaning all specified equipment is on the cycle whether or not it has been licensed in another state without it.

(B)(i) The motor has two and one-half horsepower (2.5 hp) capacity or more and a metal license tag affixed, but you should be aware that there is no age limit for persons operating a cycle under two hundred fifty cubic centimeters (250 cc).

(ii) However, if the individual is sixteen (16) years of age or older, he or she must possess a valid operator's license (see State Highway Commission Regulation 75-1710).

(d)(1) Motorized bicycle.

(2) This includes mopeds.

(3) To fit this category, a motorized bicycle must have:

(A) Human-powered pedals;

(B) An automatic transmission; and

(C) A cylinder capacity that does not exceed fifty cubic centimeters (50 cc) or propels the bike more than thirty miles per hour (30 m.p.h.).

(4) It is unlawful to operate these on:

- (A) Interstate highways;
- (B) Limited access highways; or
- (C) Sidewalks.

(5) If a moped or other motorized bicycle is operated in a state park, it must have as standard equipment:

- (A) Headlights with two hundred fifty-foot capacity;
- (B) Rear red reflector visible at one hundred fifty feet (150');
- (C) Red light lamp visible at two hundred fifty feet (250') attached to the rear;
- (D) Good hand or foot brakes;
- (E) Working horn; and
- (F) Standard muffler.

(6) An individual does not have to hold a motorcycle license to operate a motorized bicycle, nor is he or she required to wear head or eye protection.

(e)(1) In summary, motorcycles, motorscooters, and mini-bikes can be operated in state parks as long as they are "licensed" (meaning all specified equipment is on the cycle and a metal license plate is affixed).

(2) However, operators of all state and local traffic laws, ordinances, and rules.

(3) If an operator violates any provision of Chapter 5 of the Arkansas Motor Vehicle and Traffic Laws, that person is guilty of a misdemeanor and upon conviction shall be:

- (A) Fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00);
- (B) Imprisoned not more than thirty (30) days; or
- (C) Fined and imprisoned both.

(f)(1) It is also unlawful for a cycle to carry more than one (1) person unless it is equipped with a side car or extra seat with supports for the feet.

(2) Under no circumstances can more than two (2) persons ride a cycle at the same time.

(3) Also, persons under sixteen (16) years of age are prohibited from carrying another person as passenger.

**Authority.** Arkansas Code § 22-4-104.

**Codification Notes.** "m.p.h." means miles per hour.

"MRV" means motorized recreation vehicle.

This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"June 4, 1982            SUPPLEMENTAL EXPLANATION OF: Park Directive 3090  
MOTORIZED RECREATION VEHICLES"

**22 CAR § 50-120. Motorized recreation vehicles — All-terrain cycles —  
Licensing information.**

(a)(1) Three-wheel ATCs (all-terrain cycles) or three-wheelers are now licensable in Arkansas regardless of engine displacement.

(2) There are, however, certain requirements that must be met by the owner in order to receive a license.

(b)(1) Any three-wheeler to be licensed must first be registered per Acts 1983, No. 872 (Attachment #1).

(2) A one-time issued sticker should be attached to the front fork of the vehicle.

(3) After registration, the vehicle must pass a state-approved inspection (see Attachment #2).

(4) After the vehicle has been both assessed and inspected, the owner should proceed to his or her local revenue office to purchase the license.

(5) The metal license plate must be attached to the rear of the three-wheeler when in operation on any street or highway.

(c)(1) In reference to the inspection, any equipment necessary for approved inspection, lights, muffler, etc., must remain on vehicle for highway use.

(2) This means a person cannot install lights, muffler, etc., in order to pass inspection and then remove them for use on the highway.

(d)(1) All operators and passengers on any licensed three-wheeler must wear all safety equipment required of motorcycle riders.

(2) This includes helmets, eye protection, and any other rider equipment required by law (see State Highway Commission Regulation 75-1703).

(3)(A) On most three-wheelers there are no foot pegs for passengers.

(B) Therefore, in these cases passengers are not to be allowed (see State Highway Commission Regulation 75-1702).

(e) For any questions you may have concerning department policy, see 22 CAR § 50-119 or contact the Operations Section in Central Office.

**Authority.** Arkansas Code § 22-4-104.

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

"July 5, 1983 SUPPLEMENTAL EXPLANATION #2: MOTORIZED RECREATION VEHICLES"

Attachment #1 to Supplemental Explanation #2, PD 3090

**22 CAR § 50-121. Use of motorized scooters within Arkansas state parks.**

(a) Acts 2013, No. 578, allows the Department of Parks, Heritage, and Tourism to authorize the use of motorized scooters within Arkansas state parks (reference Arkansas Code § 27-67-204, Section 1, as amended).

(b) **Definition.** A motorized scooter means a two-wheeled device that:

- (1) Has handlebars;
- (2) Can be stood or sat upon by the operator;
- (3) Is powered by an electric, gasoline, or alcohol-fueled motor capable of propelling the device with or without human propulsion;
- (4) Has a top speed of twenty miles per hour (20 m.p.h.); and
- (5) Does not otherwise meet the definition of motorcycle, motor-driven cycle, or motorized bicycle under Arkansas Code § 27-20-101.

(c) **Permitted roads.** Use of a motorized scooter defined in this section shall be limited to paved park roads and Arkansas Department of Transportation 600 series state park roads.

(d) **Use period.** Use of motorized scooters as noted in Acts 2013, No. 578, is limited to the period between sunrise and sunset.

(e) **Driver requirements.**

- (1) The minimum age to operate a motorized scooter is ten (10) years of age.
- (2)(A) Drivers between the ages of ten (10) and sixteen (16) are required to wear protective headgear.
  - (B) Eye protection is recommended but not required.
- (3) No passengers are allowed on a motorized scooter.
- (4) No insurance or registration is required.

**Authority.** Arkansas Code § 22-4-104.

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

"DECEMBER 15, 2013 PARK DIRECTIVE 3095"

"APPROVED BY THE ARKANSAS STATE PARKS, RECREATION AND TRAVEL  
COMMISSION AT THE OCTOBER 17, 2013 MEETING AND FAVORABLY REVIEWED BY

THE ARKANSAS ADMINISTRATIVE RULES AND REGULATIONS SUBCOMMITTEE AT THE  
DECEMBER 11, 2013 MEETING.

Related PD 3250 Dated August 17, 2011"

**22 CAR § 50-122. Pedal assist and electric bicycles.**

(a)(1) All Class 1 pedal assist bicycles are allowed on all Arkansas state park trails designated for use by bicycles.

(2) This includes:

(A) Mountain bike trails;

(B) Paved and unpaved multi-use trails that allow bicycles of any type;

and

(C) All-terrain vehicle and off-road motorcycle trails.

(b) Class 1 and Class 3 pedal assist bicycles and Class 2 electric bikes are allowed on all roads within Arkansas state parks pursuant to Arkansas Code §§ 27-51-1702 – 27-51-1706.

(c) Arkansas state parks prohibit the use of Class 2 electric bikes and Class 3 pedal assist bicycles on mountain bike trails or paved and unpaved multi-use trails that allow bicycles of any type.

(d) **Definitions.** As used in this section:

(1) "Class 1 pedal assist bicycle" is an electric bicycle equipped with a motor that provides assistance only when the operator is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of twenty miles per hour (20 m.p.h.);

(2) "Class 2 electric bicycle" is an electric bicycle equipped with a motor that may be used exclusively to propel the electric bicycle and that is not capable of providing assistance when the electric bicycle reaches the speed of twenty miles per hour (20 m.p.h.); and

(3) "Class 3 pedal assist bicycle" is an electric bicycle equipped with a motor that provides assistance only when the operator is pedaling and that ceases to provide

assistance when the electric bicycle reaches the speed of twenty-eight miles per hour (28 m.p.h.).

**Authority.** Arkansas Code § 22-4-104.

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

"DECEMBER 18, 2020 PARK DIRECTIVE 3097"

"Related PDs: 3090 - Motorized Recreation Vehicles"

**22 CAR § 50-123. Parking.**

(a) The parking of any vehicle in any area on state park property other than in designated or established parking areas is prohibited unless otherwise directed by state park officials.

(b) Vehicles not belonging to registered overnight guests shall not be parked on state park property during the hours from 10:00 p.m. to daylight.

(c) Vehicles parked in violation of these rules are subject to removal at the expense of the owner.

**Authority.** Arkansas Code § 22-4-104.

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

"July 1, 1975 Park Directive 3100"

**22 CAR § 50-124. Picnicking.**

(a) Picnicking or eating in areas not specifically designated for this activity is prohibited, unless special permission is given by park superintendent.

(b) Picnicking or eating in camping areas by persons other than registered campers and their guests is prohibited.

(c) Persons using picnic sites or picnic pavilions must:

(1) Keep the area free of trash and litter; and

(2) Deposit all litter in receptacles provided for same prior to leaving.

(d)(1) Fires are permitted in fireplaces or grills provided for this purpose only and shall not be of such size as to unnecessarily damage the fireplaces or grills.

(2) Portable grills of safe design and condition may be used when located in areas that will not damage park facilities or natural resources.

**Authority.** Arkansas Code § 22-4-104.

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

"July 1, 1975 Park Directive 3110"

**22 CAR § 50-125. Peddling and advertising.**

(a) All vending or peddling within state parks, unless authorized in writing by the Director of the State Parks Division, is prohibited.

(b)(1) Private notices or any other advertisements shall not be posted, distributed, or displayed without the express consent of the park superintendent, who shall determine the size, extent, and location of such notices to be displayed based on current division policy.

(2) The nailing, tacking, or other attachment of such notices to buildings, trees, or other park property is prohibited.

(c) The use of any amplified device, such as bull horns or loud speakers, is prohibited.

**Authority.** Arkansas Code § 22-4-104.

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

"July 1, 1975 Park Directive 3120"

**22 CAR § 50-126. Pets and animals.**

(a) Pets or other animals brought into state parks will be appropriately leashed, caged, or otherwise restrained so as to be under the direct physical (not verbal) control of the owner.

(b) Pets or animals other than service animals for individuals with disabilities will not be permitted in public buildings or at swimming beaches or pools at any time.

(c)(1) Pets or animals shall not be left unattended by the owner to such an extent as to result in cruelty to the pet or animal.

(2) Pets or animals disturbing other guests will be removed to a remote area or the owner will be requested to leave the park without refund of any unused fee or charge.

(d)(1) Local owners of dogs, cats, or other animals running loose will be requested to remove these animals from park lands.

(2) If results are not satisfactory, such animals will be tied or caged and owner notified.

(e) Stray or abandoned pets or animals will be turned over to the humane society or, if possible, a home found for them.

(f)(1) The only time a dog will be shot is if it:

- (A) Is running wild;
- (B) Has bitten someone; and
- (C) Is suspected of being rabid.

(2) Health officers will be notified immediately.

(3) If such action is required, the animal should not be shot in the head in order that the head may be turned over to health authorities for testing.

(g) These rules apply equally to state park employees insofar as they apply to the control of pets or other animals.

**Authority.** Arkansas Code § 22-4-104.

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

"March 29, 1996 Park Directive 3130"

"Replaces PD 3130 dated July 1, 1975  
Related PD - 2010 Lodging Facilities"

**22 CAR § 50-127. Quiet hours.**

(a) In consideration of the enjoyment and peace of mind of overnight guests in state parks, there is hereby established a period of quiet hours from 10:00 p.m. until sunrise.

(b) Any undue disturbance will result in ejection from the park without refund of any unused fee or charge.

**Authority.** Arkansas Code § 22-4-104.

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

"July 1, 1975 Park Directive 3140"

**22 CAR § 50-128. State property.**

(a) The destruction, injury, defacing, removal, or disturbance in any way of any public building, sign, guide post, equipment, marker, or property of any kind belonging to or under the control of the state is unlawful.

(b) This includes:

- (1) Peeling bark;
- (2) Carving or chopping into trees;
- (3) Cutting or breaking branches;
- (4) Otherwise injuring or defacing trees; and
- (5) The removal of shrubs, plants, and flowers.

(c) Quoted below for information and guidance of all concerned is Acts 1969, No. 346, § 1, April 7, 1969:

“Section 1. It shall be unlawful for any person to intentionally damage or destroy public property maintained by the State on Interstate, Primary or other State Highway rights-of-way or in any state park. Any person intentionally damaging or destroying any public property of value of less than fifty dollars (\$50.00) in violation of this act shall be guilty of a misdemeanor and shall be punished by a fine of not less than Twenty-five dollars (\$25.00) nor more than two hundred and fifty dollars (\$250), or be imprisoned in the county jail not more than thirty (30) days, or be both so fined and imprisoned. Any person intentionally damaging or destroying any public property in which the value thereof, in the aggregate, exceeds Fifty Dollars (\$50) shall be guilty of a felony and shall be subject to a fine of not less than Five Hundred (\$500) nor more than One Thousand Dollars (\$1,000) or imprisoned in the Penitentiary for not more than three (3) years, or be both so fined and imprisoned.”

**Authority.** Arkansas Code § 22-4-104.

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

"July 1, 1975 Park Directive 3150"

**22 CAR § 50-129. Pet policy for state park cabins and lodges.**

(a)(1) As an accommodation to guests traveling with their dogs, Arkansas state parks will designate dog-friendly lodging.

(2) Designated state park lodge rooms and cabins are eligible for dog-friendly designation (hereinafter referred to as "lodging rental units").

(3) Service animals used by disabled guests qualifying under the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq., are permitted.

(4) Twenty-five percent (25%) of cabins at applicable state parks and one (1) lodge room per five (5) lodge rooms on the ground floor with an exit in each of the following locations will be established as "dog friendly":

- (A) Crowley's Ridge State Park;
- (B) DeGray Lake Resort State Park;
- (C) Devil's Den State Park;
- (D) Lake Catherine State Park;
- (E) Lake Chicot State Park;
- (F) Lake Fort Smith State Park;
- (G) Lake Ouachita State Park;
- (H) Moro Bay State Park;
- (I) Mount Magazine State Park;
- (J) Mount Nebo State Park;
- (K) Ozark Folk Center State Park;
- (L) Petit Jean State Park;
- (M) Queen Wilhelmina State Park; and
- (N) Village Creek State Park.

(b)(1) This pet policy refers only to dogs, and no other types of pets are allowed in state park lodging rental units.

(2) Park staff at each location will keep a list of nearby kennels to direct guests to for their pets.

**(c) Policy requirements.**

(1) Each guest must sign a dog policy liability agreement and the registration form (see Form 0900 FAC 208 - Attachment A and Attachment C).

(2) Guests renting/reserving a dog-friendly overnight lodging rental unit will be notified prior to making a reservation that the overnight lodging rental unit is designated as pet friendly.

(3) Guests must request a dog-friendly overnight lodging rental unit prior to arrival.

**(d) Policy regulations.**

(1) The number of dogs per overnight lodging rental unit is limited to two (2), regardless of size.

(2)(A) A nonrefundable fee per dog will be collected at check-in and covers the duration of the renter's stay.

(B) See PD 2000 [repealed] for fee.

(3)(A) Dogs must be attended all times, at any location in the park, including vehicles.

(B) Should it become necessary to leave dogs unattended inside a lodging rental unit, they must be crated.

(C) Staff will inform guests of this requirement at the time of the reservation and registration.

(4) Dog owners are responsible for any damages caused by the pet.

(5) Dog owners are responsible for cleaning up after their pets inside and outside the lodging rental unit.

(6) Dog owners whose dogs create a disturbance that annoys other guests may be asked to leave the park with no refund of remaining lodging rental unit fees.

(7) Dog owners must bring proof of current vaccination records for each dog.

- (8) Dogs must be free of:
  - (A) Ticks;
  - (B) Fleas; and
  - (C) Mange.
- (9) Female dogs must not be in season (in heat).
- (10) Dogs may not be tied to trees, fences, or anchored to the ground.
- (11) Dogs may not be taken into any park facility that is not designated as pet friendly.
- (12) Dogs must be house trained.
- (13) Dogs must be on a leash at all times when outside the lodging rental unit.
- (14)(A) Extra fees will be assessed when extra cleaning is required or if there is damage to the overnight lodging rental unit, furniture, or fixtures.
  - (B) Park management will assess damage fees based on materials and labor required to make the necessary repairs and/or clean-up.
- (15) Park management reserves the right to prohibit any dog on the premises that:
  - (A) May pose a risk to guests or staff; or
  - (B) Has a history of causing trouble.
- (16)(A) Housekeeping staff will complete the Housekeeping Check List for Dog Friendly Rentals (Form 0900 FAC 209, Attachment B).
  - (B)(i) No longer than thirty (30) days after each calendar year, park superintendents will provide a summary report from these check lists to the Manager of Operations with a copy to the Regional Supervisor and the Director of the State Parks Division.
  - (ii) This report is to include an annual occupancy percentage for each dog-friendly lodging rental unit.

**Authority.** Arkansas Code § 22-4-104.

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

"August 14, 2015 Park Directive 3155"

"Replaces PD 3155 dated February 26, 2013

Related PDs: 2000 Calendar Year Fees and Rates  
2010 Lodging and Group Facilities  
3130 Pets and Animals"

**22 CAR § 50-130. Swimming areas and pools.**

(a)(1) Swimming in any of the streams or lakes within state parks boundaries is prohibited except at such areas that are designated and marked as authorized swimming places.

(2) When such places are defined by signs or markers, swimming beyond such defined limits is prohibited.

(b)(1) Pool rules and hours of operation are posted at all state park swimming pools or beaches.

(2) Persons not abiding by such rules will not be permitted to remain.

(c)(1) Lifeguards on duty at state park swimming facilities are charged with the responsibility of:

(A) Enforcing rules; and

(B) Safeguarding participants.

(2) Any person refusing to comply with a lifeguard's instructions shall be ejected from the premises without refund of the swimming fee.

(d) The use of alcoholic beverages or drugs in swimming areas is prohibited.

**Authority.** Arkansas Code § 22-4-104.

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

"July 1, 1975      Park Directive 3160"

**22 CAR § 50-131. Unlawful occupancy.**

Quoted below for information and guidance of all concerned is an applicable excerpt of the laws of the State of Arkansas relating to the unlawful occupancy of state property:

"Unlawful acts upon state property — Penalty. — It shall be unlawful for any person to take possession, keep possession or otherwise occupy or continue to maintain his presence on or in the buildings and grounds of any institution owned and operated by the State of Arkansas, whether the same be enclosed or unenclosed, from and after he shall have been duly notified by institution to leave. Any person violating this Section or refusing to comply immediately with the notice to wit shall be punished by a fine of not less than \$25 nor more than \$100 or by imprisonment in the county jail for a period not to exceed six (6) months, or by both such fine and imprisonment." (Acts 1967, No. 328, Section 3, p. 779) (Amended to include state parks by Acts 1971, No. 325, Section 1, p. 812)

**Authority.** Arkansas Code § 22-4-104.

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

"July 1, 1975      Park Directive 3170"

**22 CAR § 50-132. Unauthorized structures.**

The construction or placement of structures on or over state park lands and/or waters is prohibited without first having secured a written permit, easement, or approval from the Director of the State Parks Division.

**Authority.** Arkansas Code § 22-4-104.

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

"DECEMBER 10, 2003 PARK DIRECTIVE 3180"

"Replaces PD 3180 dated May 1, 1991

Related PD – 3185 Use Permits "

**22 CAR § 50-133. Use permits.**

(a)(1) This section establishes the criteria, procedures, fees, and special considerations for the granting of Use Permit Agreements for residential access (individuals and developers), utility companies, and highway departments.

(2) A Use Permit Agreement shall give the holder legal permission to use State Parks Division land under a defined set of terms and conditions.

**(b) Criteria.**

(1) The Real Estate Officer shall determine if the requester has made every reasonable effort to secure access through properties other than those belonging to the division and that those efforts have been:

- (A) Denied;
- (B) Proven unfeasible; or
- (C) Deemed inaccessible.

(2) The Real Estate Officer shall determine that the granting of the requested Use Permit Agreement:

(A) Will not have a permanent detrimental impact upon a park or a museum's natural, archeological, or historical resources;

(B) Will not substantially affect the division's or the public's ability to fully utilize property adjacent to the requested permit area; and

(C) Does not conflict with a park's or museum's master plan or long-range development plan.

**(c) Procedures.**

**(1) The requester.**

(A) The requester shall submit a request for the Use Permit Agreement in writing to:

Real Estate Officer

Arkansas State Parks

One Capitol Mall, Little Rock, AR 72201

(B) The request should include the following information:

(i) The reasons for the request:

*(a)* Who;

*(b)* What;

*(c)* Where;

*(d)* How; and

*(e)* Why;

(ii) A preliminary map reflecting the location of the proposed request and all other pertinent lands/boundaries; and

(iii) Information showing any other access options available and other attempts to secure access to the requestor's property, including the results of such effort.

**(2) The Real Estate Officer.**

(A) The Real Estate Officer shall provide research, secure recommendations from staff, etc., consisting of:

(i) Reviewing the request with the Park Superintendent/Museum Director, inspecting the requested permit area, soliciting their recommendations, and contacting the Regional Supervisor for comments;

(ii) If necessary to provide clarification of ownerships, boundaries, etc., researching county courthouse records or state park land surveys; and

(iii) Analyzing the information gathered to determine the validity of the request and obtaining any other information necessary to make a recommendation to the:

(a) Manager of Operations;

(b) Manager of Planning and Development;

(c) Director of the State Parks Division; and

(d) State Parks, Recreation, and Travel Commission.

(B)(i) The Real Estate Officer shall prepare a memorandum and draft Use Permit to the Manager of Planning and Development and the Director of the State Parks Division offering a recommendation based upon information gathered to include an analysis of what impact, if granted, a Use Permit would have on the park/museum (see subdivision (b)(2) of this section).

(ii) The Real Estate Officer shall determine that the terms and conditions as recommended to the commission and as indicated in the draft Use Permit Agreement are acceptable to the requestor.

(iii) If all or part of the terms and conditions are unacceptable to the requestor, the Real Estate Officer must then determine if the request or draft Use Permit Agreement should be dropped or modified.

(iv) The final memorandum shall include:

(a) Facts of the request as presented by the requestor;

(b) Any research or information that was necessary to verify, clarify, or amplify the information supplied by the requestor;

(c) The recommendation of the:

(1) Park Superintendent/Museum Director;  
(2) Regional Supervisor;  
(3) Real Estate Officer; and  
(4) Chief Planner;  
(d) Surveys, plat maps, photographs, etc.; and  
(e) A draft Use Permit, to include any special conditions or restrictions (if applicable).

(C)(i) The Real Estate Officer will notify the requestor and the Park Superintendent/Museum Director that a memorandum is being sent to the commission for consideration.

(ii) The notification will include the date, time, and place of the commission's meeting.

**(3) The review.**

(A) The commission shall:

- (i) Review the Use Permit Agreement request; and
- (ii) Approve or disapprove such a request.

(B) **Disapproval.** If a request is disapproved the Real Estate Officer shall advise the requestor in writing of the commission's action and the reasons for the action, and must copy all staff listed at subdivisions (c)(2)(A)(i) and (c)(2)(B) of this section.

(C) **Approval.** If a request is approved, the Real Estate Officer shall notify the requestor of approval.

**(4) The records/reports.** Upon approval, the following procedures will be followed:

(A) The requestor will contact a registered land surveyor, arrange and pay for a survey, and provide the division with a legal description;

(B) The Real Estate Officer shall:

(i) Send the Use Permit Agreement, to include the legal description, to the requestor for signatures; and

(ii) Request fee payment;

(C) Upon return of the signed Use Permit Agreement from the requestor, the Real Estate Officer shall obtain the signature of the Director of the State Parks Division on the Use Permit Agreement;

(D) The Real Estate Officer shall:

(i) Obtain a copy of the commission's minute order approving the request from the executive assistant to the executive director of the commission; and

(ii) File said document with the original fully executed Use Permit Agreement;

(E)(i) The Real Estate Officer shall file the Use Permit Agreement at the local county courthouse.

(ii) All filing expenses shall be borne by the requestor;

(F) The Real Estate Officer shall:

(i) Send copies of the fully executed Use Permit Agreement to the requestor and the Park Superintendent/Museum Director; and

(ii) File the original in the land records file;

(G) The Real Estate Officer shall file a hard copy in the open files and e-file to records; and

(H) The Park Superintendent/Museum Director shall inspect and assure that the terms and conditions in the consummated Use Permit Agreement are being followed and if not shall notify the permittee in writing for corrective action and report any violations to the Real Estate Officer.

**(d) Fees.**

(1)(A) The residential and commercial development permittee shall pay associated expenses involved with processing the request for a Use Permit Agreement, which may include actual expenses and hours of time involving division personnel.

(B) The fee charged to the permittee will be determined on a case-by-case basis and approved by the commission.

(C) In addition, the permittee will be responsible to contract with a surveyor and pay for all necessary services.

(D) The survey will be performed by a registered land surveyor.

(E) The permittee will provide the division with a copy of the legal description and survey.

(2) Utility companies and government agencies permittees that develop or replace bridge improvements, new highways, widening of roads, and/or installation of utilities that are being placed for the good of the community shall not be charged a fee.

**(e) Permit conditions/permittee responsibilities.**

(1) The Real Estate Officer shall determine if there is a need to insert any special conditions or restrictions in the standard Use Permit Agreement.

(2) The following are some, but not necessarily all, of the conditions/restrictions that could be used with the standard Use Permit Agreement:

(A)(i) Residential Access Use Permits and any rights thereunder are not assignable without prior written consent of the division and do not run with the land.

(ii) Use Permit Agreements for utility companies and highway departments shall be in perpetuity, excluding abandonment of the described use;

(B)(i) The permit area for residential access shall be twenty feet (20') total width or ten feet (10') on each side of a surveyed center line.

(ii) Other use permit request right-of-way widths will be approved on a case-by-case basis.

(iii) Permittees agree to promptly pay the division for all damages caused to the lands by construction or maintenance outside the permit area.

(iv) Any removal of vegetation shall be coordinated with the Park Superintendent/Museum Director;

(C) Residential access permittees shall be responsible for providing and maintaining a locked entry gate at a location designated by the Park Superintendent/Museum Director or designated representative;

(D) Residential access permittees shall provide the Park Superintendent/Museum Director or designated representative with keyed access to the gate for:

(i) Operational purposes;

(ii) Fire protection;

(iii) Law enforcement; or

(iv) Other management duties;

(E)(i) Residential access permittees shall place and maintain a sign at the gate stating "Private Drive".

(ii) This shall be the only access granted by the division;

(F) All development and maintenance of use permit areas shall be at the expense and responsibility of the permittee;

(G) Permits shall not in any way authorize any development or activity that is in conflict with any city, county, state, or federal law;

(H) No structures or improvements of any kind shall be constructed or placed upon the permit area, nor the terrain altered in any manner, nor shall any timber or other vegetation be removed without prior written consent of the division;

(I) The permittee shall be responsible for controlling all erosion resulting from the use or development of the permit area;

(J)(i) All improvements within the permit area shall become, upon termination of the use permit, the property of the State of Arkansas, Department of Parks, Heritage, and Tourism.

(ii) The department, upon termination, may require permittees to remove any or all improvements within the permit area;

(K) Any merchantable timber six inches (6") in diameter (DBH, diameter, breast height) and greater that is removed by the permittee in order to improve the permit area shall result in the permittee compensating the division for such timber at the market rate value in the local area;

(L) The permittee hereby assumes responsibility for all damages and injuries to persons and property that may result by reason of construction, operation, maintenance, repair, and replacement of the permitted use and agrees and covenants to hold the department harmless from any such claim or claims;

(M) This agreement may be terminated by the permittee or the division with sixty (60) days written notice for default of any of the above terms or conditions or if the property is vacated for a period of one hundred twenty (120) days;

(N) The Use Permit shall not be amended, modified, or altered in any way except in writing; and

(O) Nothing in this permit shall interfere with the fulfillment, obligations, and rights of the division to manage its lands and programs.

**Authority.** Arkansas Code § 22-4-104.

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

"DECEMBER 10, 2003 PARK DIRECTIVE 3185"

"Related PD - 3180 Unauthorized Structures"

**22 CAR § 50-134. Vehicular traffic rules.**

(a) In addition to applicable state and county laws regulating the registration and operation of vehicles in the State of Arkansas, the following rules shall apply to vehicles operated on state park property:

(1) Posted speed limits shall be strictly observed wherever posted;

(2)(A) Roads and driveways.

(B) Only regularly designated paved or improved park roads or driveways will be used by vehicular traffic except as specifically authorized by park officials.

(C) Signs or barriers restricting entry to any or specific vehicles will be observed; and

(3)(A) Trucks larger than one (1) load ton, commercial vehicles, buses, tractors, or towed vehicles (other than towed recreation vehicles) not actively engaged in transportation of persons for recreational purposes are prohibited from entry on state park property.

(B) Commercial vehicles making deliveries to park activities and authorized construction vehicles are excluded, with restrictions imposed by park superintendents to prevent damage to roads and property when required.

(b) State and county highways on state park property are open to traffic as governed by applicable laws for such highways.

**Authority.** Arkansas Code § 22-4-104.

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

"July 1, 1975 Park Directive 3190"

**22 CAR § 50-135. Wildlife protection.**

(a) State parks or recreational areas are sanctuaries for wildlife of every sort, and all hunting or the killing, wounding, frightening, capturing, or attempting to capture at any time of any wild animal or fowl within the boundaries of state parks is prohibited.

(b) Any violations of the above acts should be immediately reported to the Enforcement Division of the Arkansas State Game and Fish Commission or the local Game and Fish Enforcement Officer, if available.

**Authority.** Arkansas Code § 22-4-104.

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

"July 1, 1975 Park Directive 3200"

**22 CAR § 50-136. Boating restrictions in state parks.**

(a) Powering any privately owned water craft equipped with an internal combustion engine upon the following waters in Arkansas state parks is prohibited:

- (1) Lakes Austell and Dunn at Village Creek State Park;
- (2) Lake Bailey at Petit Jean State Park (ten (10) horsepower motor and below permitted);
- (3) Lake Bennett at Woolly Hollow State Park; and
- (4) Walcott Lake at Crowley's Ridge State Park.

(b)(1) Private boat owners will not be required to remove these type engines, but must use an alternate means of powering the watercraft.

(2) Acceptable means include paddles, oars, sails, and/or battery-powered electric motors.

(c) State Parks Division boats or official rescue boats equipped with internal combustion engines may be used for maintenance, rental, and rescue at these locations.

**Authority.** Arkansas Code § 22-4-104.

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

"June 17, 2009 Park Directive 3210"

"Replaces PD 3120 dated May 22, 2000

Related PD 2000 – Fees and Charges"

**22 CAR § 50-137. The use of glass containers in state parks.**

(a)(1) In an effort to provide a reasonably safe environment for recreation, the following policy shall apply to the use of glass containers in state parks.

(2) To prevent the accidental or purposeful breakage of glass containers, the possession, transport, or use of said containers at swimming areas, on trails, along

spillways, or within fifty feet (50') of any stream, river, or lake shoreline within state park boundaries is prohibited.

(b) **Exceptions.** The public is permitted to use glass containers within park picnic areas, pavilions, campsites, or lodging facilities.

**Authority.** Arkansas Code § 22-4-104.

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

"March 2, 1990 Park Directive 3215"

**22 CAR § 50-138. Historic weapons rules for state parks personnel and volunteers conducting reenactments or living history in Arkansas state parks.**

(a)(1) These rules are for the use of State Parks Division personnel and volunteers under the direct physical control of division personnel (volunteers who are not acting as members of an organized reenactment unit) in organizing and conducting living history reenactments and firing demonstrations in-park or at division-sponsored events.

(2) They are a combination of best practices intended to provide guidance to park personnel in spotting safety violations and safe handling, storage, and use of black powder and historic weapons.

(3) They are not intended to replace the safety guidelines used by individual units that participate in events.

(b)(1) To implement these rules, the division will establish a State Park Safety Officer team that will consist of two (2) employees from each region active in black powder programming.

(2) The safety officers will participate in training designed to implement these rules.

(3) Training will consist of hands-on instruction in the handling, storage, and use of black powder and black powder firearms, procedures for conducting safety inspections, and the proper care and maintenance of historic weapons.

**(c) Requirements.**

**(1) Age limits.**

(A) Participants must be at least:

- (i) Fourteen (14) years old to carry a historic long arm or pistol;
- (ii) Sixteen (16) years old to load and fire a long arm; and
- (iii) Eighteen (18) years old to load and fire a pistol.

(B) For artillerymen, members of a gun crew in positions #1 through #4 and Gunner (see Appendix VIII) must be at least seventeen (17) years old.

(C) All participants under the age of eighteen (18) must be under the supervision of a parent, legal guardian, or responsible adult who has signed the consent form (see 22 CAR § 50-139, Waiver and Release).

**(2) Scenario.**

(A) Scenarios will be approved by State Park Safety Officers (SPSO).

(B) There will be no:

- (i) Hand-to-hand combat; or
- (ii) Unsafe deviation from scripted scenario action.

(C) Any such action observed will result in the immediate expulsion of the involved individuals from the event.

**(3) Clothing and accoutrements.**

(A) Clothing and equipment must be appropriate.

(B) All uniforms will be of period design and fabric with special attention to correct footwear.

(C) The division reserves the right to refuse persons or equipment deemed inappropriate.

**(d) Weapons.**

**(1) Long arms.**

(A) Only historically accurate pre-1945 long arms (rifles, muskets, carbines, and reproductions thereof) are allowed in Arkansas state parks.

(B) All weapons shall be in good working order with functioning half-cock/safety and blank adaptor where applicable.

(C) Flintlocks will be equipped with a:

- (i) Hammer stall;
- (ii) Frizzen cover; and
- (iii) Flash guard.

(D) In the event of a misfire, refer to Misfire Procedures for Musket and Rifle (see Appendix I).

**(2) Pistols.**

(A) Participants carrying pistols must be at least eighteen (18) years old.

(B) No solid wadding is allowed in revolvers.

(C) All revolvers should have one (1) cylinder to remain unloaded and unprimed.

(D) All weapons shall be in good working order with functioning half-cock/safety.

**(3) Ammunition.**

(A) Powder will only be carried in the form of:

- (i) Properly rolled cartridges; or
- (ii) Commercially purchased blanks.

(B)(i) A properly rolled cartridge is defined as one (1) rolled in a soft paper with between sixty (60) and one hundred (100) grains of FFg black powder (as befits caliber and type of weapon, flintlocks have extra powder for priming).

(ii) Penny wrappers, heavy bond paper, bright or neon colors, plastics, staples, or tape will not be used for rolled cartridges.

**(4) Percussion caps.**

(A) No CCI six-partition/six-flange caps.

(B) They are distinguished by their:

- (i) Copper color;

- (ii) Extra loud report; and
- (iii) Tendency to come apart.

(C) Flangeless musket caps other than #10 or #11 are not allowed as they can shatter, causing injury to the face and eyes.

(D) Percussion caps and cartridges will be carried separately and securely.

(E) Under no circumstances will projectiles be brought on site.

**(5) Inspections.**

(A) Inspections will be conducted daily under the direction of an SPSO.

(B) The division reserves the right to refuse weapons on the field if found operationally unsafe or inappropriate for the scenario.

(C) Organized units shall conduct inspections of their respective units under the direction of an SPSO.

(D) Division-owned firearms should have an ASP Small Arms Inspection Form completed monthly (see Appendix IV).

**(6) Edged weapons.**

(A) Swords and sabers will be carried only by officers and appropriate NCOs of reenacted military units.

(B) No sword fighting will be engaged in without the express written permission of division personnel.

(C) Knives carried will be of the period and secured in a period sheath.

(D) At no time will knives be drawn on the field.

(E) Bayonets must be secured in a proper scabbard with a metal tip.

(F) Bayonets may only be fixed:

- (i) During drill;
- (ii) To stack arms; or
- (iii) For educational purposes.

(G) Bayonets will not be fixed on the field.

(H) Should bayonets be fixed, State Park Safety Officers will stop the event.

**(e) Events.**

(1) **Organization.**

(A) All groups are welcome and shall be assigned to serve within the structure recognized by the division and the designated event leaders.

(B) Group leaders are responsible for the conduct of their group and shall deliver a roster of persons attending to the designated SPSO each day.

(2) **Camps.**

(A) Both military and civilian camps shall be laid out, and all participants shall camp in assigned areas.

(B) Fires shall only be permitted in designated areas.

(C) Do not discard trash in fire pits.

(3) **Vehicle access.**

(A) Vehicle access and times must be arranged by the park superintendent or designee.

(B) This will be strictly enforced.

(4) **Personal conduct.** Illegal or abused substances will not be permitted.

(f) **Rules for all mounted participants.**

(1) **Mounts.** All mounts, pack, and draft animals shall be under care and control of a designated person at all times.

(2) **Health records.**

(A) A current EIA (Coggins) is required for each animal per state and event rules.

(B) Participants will be checked at registration before entering the site.

(C) If there is no paperwork or it is not up to date, the animal will not be allowed on site.

(D) Current influenza, rhinopneumonitis, and tetanus vaccinations are highly recommended for each horse.

(g) **Rules for artillery.**

(1) **Artillery.**

(A) Only full-scale reproductions of period and theater appropriate artillery pieces are permitted.

(B) Scale reproductions may be accepted for demonstrations on a case-by-case basis and only by invitation of event organizers.

**(2) Inspections.**

(A) Satisfactory evaluation at an artillery inspection conducted by a State Parks Safety Officer is mandatory for participation.

(B) It is the responsibility of the respective crews to ensure that they submit to inspection in a timely manner.

**(3) Gun standards.**

(A) All iron or steel cannon barrels must be manufactured or retrofitted with an inner liner or sleeve.

(B) The liner must be smooth and free of pits.

(C) Carriage construction shall be authentic in detail (if authenticity is questioned, Mordecai specifications will be controlling).

(D) All implements and accoutrements shall be properly constructed to maintain an authentic appearance.

(E) All artillery pieces must have an Artillery Inspection Checklist completed prior to participating in events (see Appendix III).

(F) Each muzzle-loading gun will require the following tools and equipment:

(i) Sponge bucket;

(ii)(a) Sponge.

(b) Wool shearling or other natural fiber with a thick nap in good condition with intact seams;

(iii)(a) Rammers.

(b) The back end shall be tapered to the diameter of the rammer staff to prevent loss of hand in case of accidental misfiring;

(iv)(a) Priming wire.

(b) Pick made of brass or bronze;

(v)(a) Worm.

(b) Double-edged and fitting the bore properly;

- (vi) Thumb stall or leather glove for thumbing vent;
- (vii) Priming pouch;
- (viii) Gunner's pouch or haversack;
- (ix) Heavy leather gauntlets or gloves;
- (x) Ammunition chest;
- (xi) Vent brush;
- (xii) Gimlet;
- (xiii)(a) Lanyard.
  - (b) Five feet (5') minimum; and
- (xiv) Hearing protection.

(G) Artillery firing will only take place during the scheduled times on an appropriate blank firing range (see Appendix VI).

**(4) Ammunition.**

(A) Blank rounds for artillery should be constructed of heavy duty aluminum foil, no plastic baggies, and powder charges shall not exceed three ounces (3 oz.) of cannon-grade black powder per inch of bore.

(B) One (1) randomly selected round will be submitted to a SPSO for inspection.

**(5) Crew standards.**

(A) A gun crew shall consist of at least three (3) trained people consistent with the time period being portrayed and the type of piece, and at least this number will be present during the firing of the piece.

(B) As stated under the General Rules above, all men in positions #1 through #4 and Gunner shall be at least seventeen (17) years old.

(C) No pistols shall be carried by positions #1 through #8.

**(6) Safety standards.**

(A) The maximum rate of fire shall not exceed one (1) round per three-minute interval.

(B) Under no circumstances will artillery fire more than one (1) round per three (3) minutes.

(C) The Gunner of each piece is responsible for keeping time.

(D) Individual gun commanders may invoke a longer waiting period than the three-minute rule, regardless of orders, if they feel that it would compromise safety to fire at a faster rate.

(E)(i) All artillery pieces will cease firing when their troops advance forward of the muzzle of that piece.

(ii) Likewise, artillery crews will cease firing when opposing troops advance to within fifty (50) yards of their piece.

(F)(i) The loading and servicing of the piece will be performed in accordance with the artillery practices of the period modified for safety.

(ii) The gun commander shall regulate the correctness and rate by which the crew serves the piece.

(iii) The bore shall be wormed and thoroughly wet sponged after each round.

(iv) The vent shall be stopped with a proper thumb stall or glove from the time any implement enters the bore until the rammer is removed from the bore after the charge is rammed.

(v) No double tapping of charges is permitted.

(vi) Charges should be rammed with one (1) firm stroke.

(G)(i) In the event of a Level I misfire the Misfire Procedures for Artillery will be performed after notifying an SPSO and the appropriate time limit has elapsed.

(ii) Level II misfires must be supervised by an SPSO after the event has ended.

(iii) This will be covered during safety inspections (see Appendix II).

**Authority.** Arkansas Code § 22-4-104.

**Codification Notes.** "EIA" means Equine Infectious Anemia.

"NCO" means noncommissioned officer.

This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"NOVEMBER 15, 2010 PARK DIRECTIVE 3230"

"Related PD: PD 3240- Historic Weapons Safety Rules for Living History Participants

APPROVED BY THE ARKANSAS STATE PARKS, RECREATION AND TRAVEL COMMISSION AT THE SEPTEMBER 22-23, 2010 MEETING AND FAVORABLY REVIEWED BY THE ADMINISTRATIVE RULES AND REGULATIONS COMMITTEE OF THE ARKANSAS LEGISLATIVE COUNCIL AT THE NOVEMBER 15, 2010 MEETING."

**22 CAR § 50-139. Historic weapons safety rules for living history participants.**

(a)(1) The purpose of these rules is to promote a safe environment for participants and spectators to enjoy reenactments and demonstrations involving historic weapons.

(2) Participants in activities involving historic weapons are expected to know and follow general firearms safety.

(3) Additionally, participants are expected to know and follow the specific safety and authenticity guidelines of the organization to which they belong.

(b) While the State Parks Division has its own safety guidelines (22 CAR § 50-138) to avoid confusion, it is preferable that participants strictly adhere to safety guidelines with which they are familiar as long as those standards are acceptable to the division.

(c) These rules are designed to promote the safe and efficient interaction between participants and division personnel by utilizing the existing chain of command to facilitate that interaction.

(d) **Participant requirements.** Any person participating in an activity involving the use of black powder weapons or blank ammunition in an Arkansas state park or at an event sanctioned by the Department of Parks, Heritage, and Tourism, and not under

the direct and controlling supervision of division personnel, must comply with the following conditions:

(1)(A) Age limits.

(B) Participants must be at least:

- (i) Fourteen (14) years old to carry a historic long arm or pistol;
- (ii) Sixteen (16) years old to load and fire a long arm; and
- (iii) Eighteen (18) years old to load and fire a pistol.

(C) For artillerymen, members of a gun crew in positions #1 through #4 and Gunner (see 22 CAR § 50-138, Appendix VIII) must be at least seventeen (17) years old.

(D) All participants under the age of eighteen (18) must be under the supervision of a parent, legal guardian, or responsible adult who has signed the Waiver and Release (see attached);

(2)(A) Participants must be a member of an organized unit, group, or association hereinafter referred to as a unit.

(B) An organized unit is a group that maintains a roster of its individual members, elects or appoints leaders/officers, and attends events as a group.

(C) The unit may be independent or affiliated with a parent organization.

(D) Participants must carry proof of such membership at all times during the activity and while under arms;

(3)(A) The unit must have a published set of safety and authenticity guidelines that are presented to division personnel for approval at least thirty (30) days prior to participation.

(B) Once a unit has submitted an approved set of safety and authenticity guidelines, those guidelines will remain valid for participation in division events for five (5) years from date of receipt; and

(4) The unit must:

(A)(i) Carry a minimum of one million dollars (\$1,000,000) of liability insurance naming the department as insured.

(ii) Proof of such insurance shall be furnished to division personnel prior to participation and shall remain in effect until the policy expiration date; or

(B) Submit a completed Waiver and Release (see pages 5-8) signed by all members participating in the event to the designated State Parks Safety Officer prior to participation at each division event.

**(e) Rules for participation.**

(1) All participants must:

(A) Follow the safety rules and regulations of their respective unit; and

(B) Adhere to any additional limitations or safety rules that are presented by park staff or safety officers.

(2)(A) Walk-ons, freelancers, and other unassociated participants will not be permitted to engage in activities involving the use of black powder.

(B) Unit commanders or group leaders must not allow walk-ons, freelancers, or unassociated participants to "fall-in" with their unit.

(C) All walk-ons, freelancers, and unassociated participants attempting to engage in black powder activities shall be immediately reported to the designated State Park Safety Officer.

(3) Unit commanders or group leaders will be responsible for ensuring that all persons appearing under their command shall be fully trained and current members of their unit or its parent organization.

(4) Unit commanders or group leaders will be responsible for furnishing a copy of their unit safety and authenticity guidelines to division personnel at least thirty (30) days prior to participation.

(5)(A) Unit commanders or group leaders will furnish a roster of their participating members to the designated State Park Safety Officer at the specified time and location.

(B) Individual participants will register with their respective units.

(C) Any participant fees shall be collected by the unit and remitted with the participant roster (see Waiver and Release).

(6)(A) For units without liability insurance, a signed Waiver and Release form must be submitted to the designated State Park Safety Officer at the specified time and location.

(B) A Waiver and Release form may be submitted in lieu of a roster.

(7) All scenarios, battlefield boundaries, and artillery placements will be approved by the designated State Park Safety Officer prior to the event.

**(f) Artillery.**

(1)(A) In addition to the requirements above, all artillery commanders must attend organized training in the safe and authentic drill and firing of historic artillery.

(B) Commanders will be required to carry proof of the successful completion of such safety training.

(C) Examples of such organizations that provide the requisite training include, but are not limited to:

- (i) United States Field Artillery Association;
- (ii) National Muzzle Loading Rifle Association;
- (iii) The National Park Service;
- (iv) North-South Skirmish Association; and
- (v) Safety programs of various state organizations.

(2)(A) Persons engaging in the firing of black powder artillery must be well trained for the position which they are performing.

(B) State Park Safety Officers will observe crews in action and may halt the firing of any piece for failure to follow proper safety precautions.

(3)(A) All artillery will be in "fixed" positions and will change positions once the scenario commences.

(B) State Park Safety Officers will mark the safe firing area with range stakes.

(C) Artillery fire will cease when participants enter this area.

(4)(A) In the event of a misfire that requires an artillery charge to be unloaded, the crew shall notify a State Park Safety Officer.

(B) The safety officer will:

- (i) Clear and secure the scene; and
- (ii) Oversee the unloading procedure.

(5)(A) Only full-scale artillery pieces in good condition will be allowed.

(B) Barrel length and/or wheel height (Mordecai specifications) may be used to determine whether a particular piece is full-scale.

(C) All artillery pieces will undergo a State Park Safety Officer inspection before participating.

**(g) Additional safety rules.**

(1) Additional safety rules not included in this directive may be issued in writing to unit commanders or group leaders by division personnel.

(2) Such unit commanders or group leaders will be responsible for disseminating these additional safety rules to their respective members.

(3) The changing nature of equipment, supplies, and developments within the living history community necessitates the issuance of additional safety rules that supplement this directive to ensure the safest possible events for:

- (A) Visitors;
- (B) Participants; and
- (C) Park staff.

(h) **Reserved rights.** The department or its representative reserves the right to limit or refuse participation of any individual or group that does not comply with these requirements or is deemed to pose a risk to safety.

**Authority.** Arkansas Code § 22-4-104.

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

"NOVEMBER 15, 2010

PARK DIRECTIVE 3240"

"Related PD: PD 3230 - Historic Weapons Rules and Regulations

APPROVED BY THE ARKANSAS STATE PARKS, RECREATION AND TRAVEL COMMISSION AT THE SEPTEMBER 22-23, 2010 MEETING AND FAVORABLY REVIEWED BY THE ADMINISTRATIVE RULES AND REGULATIONS COMMITTEE OF THE ARKANSAS LEGISLATIVE COUNCIL AT THE NOVEMBER 15, 2010 MEETING."

**22 CAR § 50-140. Department of Justice Americans with Disabilities regulation on mobility devices.**

(a)(1) The Department of Justice amended its regulation implementing Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq., to increase access to public facilities and programs by people with mobility impairments.

(2) This policy directive is in response to the federal rule addressing the use of wheelchairs, manually powered mobility aids, and other power-driven mobility devices (reference Department of Justice, Title II, 28 C.F.R. pt. 35 (CRT Docket No. 105; AG Order No. 3180-2010) and Title III, 28 C.F.R. pt. 36 (CRT Docket No. 106; AG Order No. 3181-2010)).

**(b) Use of wheelchairs and manually powered mobility aids.**

(1)(A) Individuals with mobility disabilities are permitted to use wheelchairs and manually powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities in any areas open to pedestrian use.

(B) Disability documentation is not required.

(C) Reference 28 C.F.R. § 35.137 (Title II) and 28 C.F.R. § 36.311 (Title III), mobility devices.

(2)(A) A wheelchair is defined as a manually operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor or both indoor and outdoor locomotion.

(B) Reference 28 C.F.R. §§ 35.104 and 36.104, definitions.

**(c) Use of other power-driven mobility devices (OPDMD).**

(1) "Other power-driven mobility device" means any mobility device powered by batteries, fuel, or other engines, whether or not designed primarily for use by individuals with mobility disabilities, that is used by individuals with mobility disabilities for the purpose of locomotion, including golf carts, electronic personal assistance mobility devices (EPAMDs), such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes.

(2) OPDMDs are not wheelchairs.

(3) Reference 28 C.F.R. §§ 35.104 and 36.104, definitions.

(d)(1) The State Parks Division has completed an assessment of facilities, programs, safety factors, visitor risks, and environmental impacts on state parks natural, cultural, and historical resources.

(2) Based on the assessment, OPDMD types will be limited to Segway® PT, mobility scooters, or similar size and type devices.

(3)(A)(i) These devices will be allowed in public access buildings, facilities, and designated trails as follows.

(ii) **Note.** All-terrain vehicles, recreational off-highway vehicles, and golf carts are prohibited unless noted.

(B) Arkansas Museum of Natural Resources, Oil Field Exhibit Trail.

(C) Bull Shoals-White River State Park:

(i) Visitor Center Trail; and

(ii) Gaston Wildflower Garden Trail.

(D) Cane Creek State Park:

(i) Cane Creek Lake Trail; and

(ii) Delta View Trail.

(E) Cossatot River State Park-Natural Area, Water Leaf Interpretive Trail.

(F) Crater of Diamonds State Park, River Trail.

(G) Crowley's Ridge State Park:

(i) Lake Ponder Trail;

(ii) Spider Creek Trail; and

(iii) Walcott Lake Trail.

- (H)(i) Daisy State Park, Bear Creek Trail.
  - (ii) **Note.** ATVs and OHVs are allowed.
- (I) Davidsonville Historic State Park:
  - (i) Historic Townsite Trail;
  - (ii) Black River Trail; and
  - (iii) Trappers Lake Trail.
- (J) DeGray Lake Resort State Park, Green Heron Trail.
- (K) Delta Heritage Trail, Delta Heritage Trail.
- (L) Devil's Den State Park:
  - (i) Woody Plant Trail;
  - (ii) Lee Creek Trail; and
  - (iii) Cross Country Mountain Bike Trail.
- (M) Hobbs State Park-Conservation Area:
  - (i) Historic Van Winkle Trail; and
  - (ii) Ozark Plateau Trail.
- (N) Jacksonport State Park, Tunstall River Walk Trail.
- (O) Lake Charles State Park:
  - (i) Mockernut Trail;
  - (ii) White Oak Lake Trail;
  - (iii) Butterflies and Blooms; and
  - (iv) Cedar Trail.
- (P) Lake Chicot State Park, Delta Woodlands Trail.
- (Q) Lake Frierson State Park, Dogwood Lane Trail.
- (R) Lake Poinsett State Park, Blue Heron Trail.
- (S) Louisiana Purchase State Park, Louisiana Purchase Boardwalk.
- (T) Mammoth Spring State Park, Spring Lake Trail.
- (U) Millwood State Park, Wildlife Lane.
- (V) Moro Bay State Park, Low Water Trail.
- (W) Mount Magazine State Park:
  - (i) Signal Hill Trail;

- (ii) Greenfield Trail;
- (iii) Benefield Trail;
- (iv) Mossback Ridge Trail;
- (v) Will Apple's Road; and
- (vi)(a) Huckleberry Mountain Horse Trail.

(b) **Note.** ATVs and OHVs are allowed.

- (X) Mount Nebo State Park, Bench Trail.
- (Y) Parkin Archeological State Park, Village Trail.
- (Z) Petit Jean State Park, CCC Trail.
- (AA) Pinnacle Mountain State Park:
  - (i) Arkansas Arboretum Trail; and
  - (ii) Kingfisher Trail.
- (BB) Prairie Grove Battlefield State Park, Battlefield Trail.
- (CC) Queen Wilhelmina State Park, Spring Trail.
- (DD) Toltec Mounds Archeological State Park:
  - (i) Knapp Trail; and
  - (ii) Plum Bayou Trail.
- (EE) Village Creek State Park:
  - (i) Village Creek Multi-use Trails;
  - (ii) Lake Dunn Trail;
  - (iii) Arboretum Trail;
  - (iv) Center Ridge Trail; and
  - (v) Lake Trail.
- (FF) White Oak Lake State Park:
  - (i) Beech Ridge Trail; and
  - (ii) Fern Hollow Trail.
- (GG) Withrow Springs State Park, Forest Trail.

(e) **Disability identification.**

- (1) An individual with a mobility disability using an OPDMD must have:

(A) A valid, state-issued disability parking placard or card or other state-issued proof of disability as a credible assurance that the use of the other power-driven mobility device is for the individual's mobility disability; or

(B) In lieu of the requirements in subdivision (e)(1) of this section, a credible verbal assurance will be accepted.

(2) Staff shall not ask an individual using a wheelchair or OPDMD questions about the nature and extent of the individual's disability.

(f) **OPDMD speed limit.** OPDMDs shall not exceed five miles per hour (5 m.p.h.).

**Authority.** Arkansas Code § 22-4-104.

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

"August 17, 2011 Park Directive 3250"

## **Appendix A. Forms**

### **Link:**

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/170/22CARpt.50Appendix.pdf>