

Agenda Item _____

Arkansas Game and Fish Commission
Wildlife Management Division
May 26, 2005

Ivory-billed Woodpecker Presented by Doyle Shook

On April 28 an Emergency Proclamation was immediately put into effect, by Director Henderson, prohibiting the use of audio devices, including mechanical or electronic callers, musical instruments, recordings or similar artificial devices which simulate the call of the Ivory-billed Woodpecker on Cache River and White River National Wildlife Refuges and Benson Creek Natural Area, Dagmar and Rex Hancock Black Swamp Wildlife Management Areas. The Proclamation also included prohibiting the taking or harassing of the Ivory-billed Woodpecker on these areas. Attached is a minute order ratifying this Emergency Proclamation.

Doyle Shook, Chief
Wildlife Management Division

ARKANSAS GAME AND FISH COMMISSION
Little Rock, Arkansas

MINUTE ORDER NO: _____	SUBJECT: Ivory-billed Woodpecker
DATE PASSED: May 26, 2005	LOCATION: Cache River NWR, White River
PAGE 1 of 1 PAGES	NWR, Benson Creek Natural Area
	WMA, Dagmar WMA and Rex
	Hancock Black Swamp WMA

WHEREAS, based upon recent sightings of the Ivory-billed Woodpecker (previously believed extinct) in forested areas along the Cache and White Rivers in eastern Arkansas, Arkansas Game and Fish Commission Director Scott Henderson issued an Emergency Proclamation on April 28, 2005, (copy of which is attached), which implemented the prohibition of the use of audio devices, including mechanical or electronic callers, musical instruments, recordings, or similar artificial devices for simulating the call of the Ivory-billed Woodpecker or any other birds on Cache River National Wildlife Refuge, White River National Wildlife Refuge, Benson Creek Natural Area Wildlife Management Area, Dagmar Wildlife Management Area and Rex Hancock Black Swamp Wildlife Management Area, except by employees of the Arkansas Game and Fish Commission and U.S. Fish and Wildlife Service and members of the Corridor of Hope Cooperative Conservation team in the performance of their official duties; **and**

WHEREAS, the Commission believes it is vitally important for the protection of these rare birds that the potential for disturbance from persons hoping to observe one of these birds be minimized; **and**

WHEREAS, given the unusual circumstances and the need for action to protect these birds the Commission now wishes to ratify the emergency action taken by Director Henderson and make permanent the adoption of this code prohibiting the use of audio devices, including mechanical or electronic callers, musical instruments, recordings, or similar artificial devices for simulating the call of the Ivory-billed Woodpecker on those areas listed above, which must be replaced or amended in the various sections of the AGFC Code Book affected, and then certified to the Secretary of State, the Arkansas State Library and the Bureau of Legislative Research in accordance with applicable law;

NOW, THEREFORE, BE IT RESOLVED this 26th day of May 2005, that the Arkansas Game and Fish Commission hereby declares that an emergency exists, and confirms and ratifies the aforementioned action taken, and the emergency proclamation signed, by Director Scott Henderson on April 28, 2005.

FURTHERMORE, BE IT ORDERED, that the Commission hereby approves and adopts the attached codes, and authorizes the Commission staff to proceed with making the appropriate AGFC code Book revisions and legal certification.

	<u>STAFF APPROVAL</u>	<u>COMMISSION APPROVAL</u>	
Submitted by:	_____	_____	_____
	Doyle Shook	Chairman	Commissioner
Division:	_____	_____	_____
	Wildlife	Vice Chairman	Commissioner
Approved:	_____	_____	_____
	Director	Commissioner	Commissioner
Approved:	_____	_____	
	Legal	Commissioner	
Approved:	_____		
	Fiscal		

**14.05
05-05** **TAKING OR HARASSING IROVY-BILLED WOODPECKERS
PROHIBITED.** It shall be unlawful to take, injure, harass, disturb, or collect, or attempt to take, injure, harass, disturb, or collect any Ivory-billed Woodpecker.
EXCEPTION:
(1) Employees of the Arkansas Game and Fish Commission, employees of the U.S. Fish and Wildlife Service and members of the Corridor of Hope Cooperative Conservation team in the performance of their official duties.
PENALTY: \$1,000.00 to \$10,000.00. In addition, a jail sentence of up to one year may be imposed.

**14.06
05-05** **PROHIBITED METHODS FOR BIRD CALLING ON CACHE
RIVER NWR, WHITE RIVER NWR, BENSON CREEK NATURAL
AREA WMA, DAGMAR WMA AND REX HANCOCK BLACK
SWAMP WMA.** It shall be unlawful to use audio devices, including mechanical or electronic callers, musical instruments, recordings, or similar artificial devices for simulating the call of the Ivory-billed Woodpecker or any other birds on the Cache River NWR, the White River NWR, Benson Creek WMA, Dagmar WMA and Rex Hancock Black Swamp WMA.
EXCEPTIONS:
(1) Employees of the Arkansas game and Fish Commission, employees of the U.S. Fish and Wildlife Service and members of the Corridor of Hope Cooperative Conservation team, while in the performance of their official duties.
(2) Game birds may be called in compliance with legal methods identified in Commission codes during open hunting seasons.
PENALTY: \$100.00 to \$1,000.00.