



## **F1.02 Game Bird Shooting Resort Requirements**

- A. Game Bird Shooting Resort Permits may be issued to applicants complying with the following requirements:
1. The applicant must be at least 18 years old and shall not have been convicted of, or entered a plea of guilty or nolo contendere for, violating any federal, state or municipal law governing captive wildlife, illegal appropriation or commercialization of wildlife, or cruelty to animals within 5 years of application date.
  2. The applicant shall provide to the Commission, in writing, proof from the county judge or sheriff and any municipal planning commission or board with jurisdiction, stating the applicant's resort shall be in compliance with all local ordinances.
  3. The applicant shall submit a written application (available from the Commission) for each facility to be permitted.
- B. The requested permit shall be denied if:
1. The applicant fails to meet any of the issuance criteria set forth in this addendum chapter;
  2. The applicant fails to disclose material information required, makes false statements as to any material fact in connection with the application, or supplies false information or makes a false statement on the application;
  3. The Commission finds, through further inquiry or investigation, the issuance of the permit may be potentially harmful to the wildlife resources of the State.
- C. Permit Requirements:
1. Holders of a Game Bird Shooting Resort Permit shall comply with the following requirements:
    - i. The resort operator shall release only the number of game birds intended to be harvested each day, less the number of birds released but not harvested the previous hunt;
    - ii. The resort owner shall release only the number of captive-reared mallards intended to be harvested each day and, after hunting is completed, shall capture all non-harvested mallards released for the hunt and return them to their enclosure.
    - iii. All acreage in the shooting resort will be contiguous and not exceed 1,500 acres;
    - iv. The perimeter of each game bird shooting resort must be posted at least every 300 feet with yellow signs marked with "Game Bird Shooting Resort" in black letters at least 4 inches tall.
    - v. Operators of Game Bird Shooting Resorts may release captive-reared mallards for the sole purpose of flight training during daylight hours July 1-September 1. After flight training has been completed, captive-reared mallards shall be returned to their enclosure before sunset.
- D. Reporting and Record-Keeping Requirements:
1. Owners or operators of game bird shooting resorts must keep legible and complete records (on forms provided by the Commission) showing the name and current address of each hunter, the date, number and type of birds released each day and the number taken by each hunter.
  2. Records shall include evidence of legal possession of all wildlife kept under this permit, including licenses, bills of sale, bills of lading, receipts, invoices or other satisfactory evidence of ownership. Records shall include the date of acquisition, place of origin, and the name, address and telephone number of the person from whom the wildlife was acquired.
  - 3.

Records must be retained throughout the time the wildlife is possessed by the permittee or for five years, whichever is longer.

4. Permit holders shall submit a completed Game Bird Shooting Resort Daily Release and Harvest Report (form available from the Commission) by May 1.
5. Stock shall only be acquired from either a Commission-permitted Wildlife Breeder/Dealer or have been brought into the state in accordance with a Commission Wildlife Importation Permit. Permits will not be issued to and existing permits may be revoked for facilities that have acquired stock by any other method.

E. Disease Testing and Control:

1. The director of the Commission, in consultation with the director of the Arkansas Livestock and Poultry Commission, or their designees, shall determine mechanisms and procedures for control of diseases and parasites in captive wildlife within Arkansas. Such mechanisms and procedures shall include, but not be limited to, examination, testing, quarantine and slaughter or destruction of individual animals and/or herds or flocks that are, or in the opinion of the Commission may be, infected with a disease or parasite that may have significant detrimental effect on native wildlife, other captive wildlife, livestock or the public health of the citizens of Arkansas.
2. Examinations, testing, quarantine and slaughter of captive wildlife shall be conducted at the expense of the owner. As a condition of any permit issued under this addendum chapter, the Commission may require the captive wildlife be quarantined for a period specified by the Commission.

F. Facility and Caging Requirements:

1. Birds possessed in captivity shall be maintained in buildings or covered pens that prevent escape, protect the birds from injury and prevent entry of wild birds.
2. Enclosures shall be kept in good repair at all times and gates shall be securely fastened with latches or locks.
3. Permit holders whose facilities, including enclosures, are not in compliance with this addendum chapter shall correct the violation within 10 days of notification, or sooner if so ordered by the Commission.
4. If the violation has not been corrected within the required time, the Commission may revoke or suspend any existing permit and may refuse to issue any future permit. Such revocation, suspension or refusal to issue a future permit shall be in addition to any criminal charges that may be filed.
5. All wildlife shall be maintained in humane and healthy conditions.

G. Harvest Identification Requirements: Any person in possession of game birds harvested from a game bird shooting resort shall have on his person written information stating the name and address of the hunter who harvested the game birds, the number, species and harvest date of the game birds, and the name and address of the resort.

H. Inspection:

1. Permit holders shall allow agents of the Commission to enter and inspect the premises, including books, records or permits required to be kept and any wildlife and/or facilities kept under authority of permit.
2. Each permittee shall pen the captive wildlife in suitable pens and restrain them for inspection, at a reasonable time, when requested to do so by an agent of the Commission.

I. Permit Renewal, Transfer, Suspension and Revocation:

1. Persons in violation of the terms of this permit, this addendum chapter, Commission Codes, or convicted of violating associated regulations of the U.S. Fish and Wildlife Service, shall be notified in writing and shall have 20 days to

respond with just cause as to why their permit should not be suspended or revoked.

2. If after 20 days just cause has not been given, the Commission may suspend or revoke any existing permit held by the violator and may refuse to issue future permits. Permit suspension, revocation or refusal shall be in addition to any criminal charges that may be filed.
3. Upon revocation, permit holder must remove by legal means all captive wildlife within the time designated in the revocation, not to exceed 60 days, and failure to do so shall result in the Commission taking action, per Commission policy, at the permit holder's expense.

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

MINUTE ORDER NO:	20-021	SUBJECT:	2020-2021 General Hunting
DATE PASSED:	May 21, 2020		Regulations Approval
PAGE <u>1</u> of <u>1</u> PAGES		LOCATION:	Statewide

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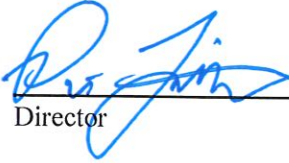
**WHEREAS,** the Arkansas Game and Fish Commission and its staff have proposed the attached regulations for 2020-2021 Hunting Seasons, including game seasons, bag limits, geographic zones, wildlife management areas, boating access, weapon restrictions, captive wildlife, and manner-of-taking-game requirements for alligator, bear, deer, elk, furbearing animals, quail, rabbit, squirrel, turkey, dove, waterfowl, and other game species; **and**

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

**WHEREAS,** after carefully considering the recommendations of the Director and Commission staff, as well as comments received from the public, the Commission has determined that the attached regulations promote sound wildlife conservation and management and are consistent with Amendment 35 of the Arkansas Constitution and that these regulations should now be approved for application statewide.

**NOW, THEREFORE, BE IT ORDERED** this 21st day of May 2020, that the Arkansas Game and Fish Commission hereby approves and adopts the attached regulations, which shall become effective immediately upon public filing or as soon thereafter as possible.

**BE IT FURTHER ORDERED** that the Commission staff is authorized to proceed with legally certifying and filing the attached regulations with the Secretary of State, State Library, and Bureau of Legislative Research, and incorporating them into the Commission Code Book and Addendum.

	<u>STAFF APPROVAL</u>	<u>COMMISSION APPROVAL</u>
Submitted by:	Brad Carner Chief	<u>Ken Reeves</u> Ken Reeves by C.C. Chairman
Division:	Wildlife Management	<u>Stan Jones</u> Stan Jones by C.C. Commissioner
Approved:	 Director	<u>Andrew Parker</u> Andrew Parker by C.C. Vice Chairman
Approved:	Legal	<u>J.D. Neeley</u> J.D. Neeley by C.C. Commissioner
Approved:	Fiscal	<u>Joe Morgan</u> Joe Morgan by C.C. Commissioner
		<u>Bobby Martin</u> Bobby Martin by C.C. Commissioner

**FINANCIAL/ECONOMIC IMPACT STATEMENT**

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

**DEPARTMENT:** Arkansas Game and Fish Commission

**DIVISION:** Wildlife Management

**PERSON COMPLETING THIS STATEMENT:** Mark Hutchings/Matthew Warriner

**TELEPHONE #:** 501-223-6352 **FAX #:** 501-223-6452

**EMAIL:** mark.hutchings@agfc.ar.gov / matthew.warriner@agfc.ar.gov

**SHORT TITLE OF THIS RULE:** 2020-2021 Hunting, WMA, Captive Wildlife and Miscellaneous Regulation Proposals.

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?  
Yes: X No:
2. Do you believe that the development of a financial impact statement is so speculative as to be cost prohibitive? Yes: X No: If "Yes," please explain: the financial impact of many of the regulation changes is not easily quantifiable due to the nature of the proposed changes.

3. If the purpose of this rule is to implement a **federal** rule or regulation, please give the incremental cost for implementing the regulation. Please indicate if the cost provided is the cost of the program.

<u>Current Fiscal Year</u>		<u>Next Fiscal Year</u>	
General Revenue	\$	General Revenue	\$
Federal Funds	\$	Federal Funds	\$
Cash Funds	\$	Cash Funds	\$
Special Revenue	\$	Special Revenue	\$
Other (Identify)	\$	Other (Identify)	\$
Total	\$	Total	\$

4. What is the total estimated cost by fiscal year to any **party** subject to the proposed, amended, or repealed rule? (Estimated cost includes fees, administrative penalties, reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs associated with compliance.) Identify the **party** subject to the proposed rule, and explain how they are impacted.

**Current Fiscal Year:** N/A

**Next Fiscal Year:** Unknown

Amend existing and adopt new regulations including:

- Adopt a quota system for alligator hunting on private lands - Alligator Zones 1, 2 and 3
- Increase bear quota in Bear Zone 1 (Ozarks) from 340 to 500
- Reduce the Public Land Elk Quota by 3 either sex and 3 antlerless permits
- Reduce the Private Land Elk Quota from 12 bulls to 10 bulls and from 40 antlerless elk to 25
- Require all Deer, Turkey, Bear, Alligator, and Elk to be checked within 12 hours from the time of harvest

- Require all hunters (including youth) to obtain a Customer Identification Number (CID) in order to check game or apply for permit hunts
- Simplify turkey regulations by reducing the number of turkey zones from 18 to 2 zones (by county)
- Restrict the harvest of bearded hens
- Reduce bag limits for wild turkeys on all Wildlife Management Areas from 2 to 1 legal turkey
- Allow hunters to harvest only 1 turkey during the first seven days of the season and establish a 1 bird bag limit during the special youth turkey hunt.
- Move turkey season to the third Monday in April, and extend season length in proposed Zone 2 to 21 days with a 2 bird bag limit. Proposed Zone 1 will retain the conservative 9 day season and 1 bird bag limit.
- Create a youth and regular permit turkey hunt on Devil's Eyebrow Natural Area
- Create a new youth permit turkey hunt on Shirey Bay Rainey Brake WMA
- Combine Deer Zones 8 and 8A
- Combine Deer Zones 1A, 6, and 6A
- Combine Deer Zones 4 and 4B and align modern gun deer season with zone 4B (extending from 2 days to 9 days)
- Combine Deer Zones 5 and 5B and align modern gun deer season with Zone 5B (extending from 4 days to 9 days)
- Increase bag limits for Deer Zones 3,6,6A,7,8,8A,10,11, and 13 from 4 deer to 5 deer
- Reduce the aggregate bag limit in Deer Zone 12 and Deer Zone 17 from six deer to five deer
- Create a new muzzleloader deer hunt at Bell Slough WMA
- Create a new modern gun mobility impaired hunt for deer and bear on Bearcat Hollow WMA
- Change the current December Special Modern Gun Youth Hunt on Bearcat Hollow WMA to a regular three day muzzleloader hunt
- Add a new Modern Gun Youth Permit Hunt on Stone Prairie WMA (to coincide with statewide youth season)
- Remove permit requirements for youth deer hunts on Ed Gordon and Hope Upland WMAs
- Open a new Youth Deer Hunt on the following 18 WMAs: Bell Slough, Benson Creek Natural Area, Cattail Marsh, Cut Off Creek, Dr. Lester Sitzes III Bois D' Arc, Earl Buss Bayou De View, Ethel, George H. Dunklin Jr. Bayou Meto, Henry Gray Hurricane Lake, McIlroy Madison County, Rex Hancock Black Swamp, Ring Slough, Robert L. Hankins Mud Creek, Scott Henderson Gulf Mountain, Sheffield Nelson Dagmar, Two Bayou Creek, Village Creek and Whitehall
- Move the current Private Lands Antlerless-only Modern Gun Hunt from the 2<sup>nd</sup> weekend in October to December, and reduce it from a 5 day hunt to a 3 day hunt (Dec. 29-31) statewide
- Clarify that a lesser weapon may be used during the private land antlerless modern gun deer hunt. Hunter orange still required and only one weapon of choice allowed
- Increase the number of days antlerless deer may be taken on Piney Creeks and Sylamore WMAs and change the bag limit on Muddy Creek and Mt. Magazine WMAs to allow one antlerless deer with muzzleloader or one antlerless first two days of modern gun season.

- Move the Modern Gun Deer Permit Hunt on Cypress Bayou WMA from the fourth Friday in November to the second Saturday in November for 5 days
- Provide an annual Disabled Veterans Modern Gun Hunt on Longview Saline and Warren Prairie WMAs
- Add Independence and Jackson County to the CWD Management Zone
- Remove antler restrictions on the following WMAs in Independence and Jackson Counties to comply with CWD Management Zone regulations: Cherokee, Foushee Cave, Jamestown, and Village Creek WMAs
- Open Wylie Cox Field trial Area (140 ac.) on Ed Gordon Point Remove WMA by removing SUA status and adjust the regulations to be consistent with the remainder of the WMA.
- Create a new leased land WMA at Winona to be named Cedar Mountain WMA.
- Include Camp Robinson WMA in the spinning wing decoys restrictions
- Clarify that an electric bicycle is considered a motorized vehicle and must adhere to motorized vehicle restrictions on WMAs
- Remove firewood restrictions on all Commission-owned WMAs
- Open Bobcat, coyote, and fox hunting with shotguns and rimfire rifles at Little Bayou and Crossett Experimental Forest WMAs
- Allow for applications for new fur dealer permits to be denied if they failed to provide a report the previous year.
- Move the last day of muskrat trapping season from March 31 to February 28
- Change furbearer ammunition restrictions on private lands to only apply to raccoon, opossum, and bobcat being hunted at night.
- Require holders of a wildlife depredation or predator control permit and their designees, to purchase a valid hunting license.
- Exclude bats from the list of species that can be killed when a nuisance except for when rabies testing is needed.
- Add the Little Brown Bat (*Myotis Lucifgus*) as a state listed endangered species.
- Edit some of the wording in the season dates for code clarification and correction of errors made during the electronic conversion of codebook.
- Add USFWS Special Purpose Abatement requirements to falconry code.
- Remove 7 species of federally protected birds from the exceptions list of birds that are not protected
- Allow non-resident falconers with a non-resident hunting license to apply for an Arkansas Passage Peregrine Falcon Permit. Also update the falconry data entry website to new web address.
- Increase Quail Habitat Stamp price from \$4.50 to \$9.50
- Re-establish the annual dove season opening date as the first Saturday in September
- Clarify dates for non-resident waterfowl hunters on WMAs
- Reduce the Scaup daily limit from 2 to 1
- Propose two options for white-fronted goose season; either 74 days (current structure) with a 3 bird bag limit or 88 days with a 2 bird bag limit
- Clarify that the Salt ditches on Bayou Meto WMA adhere to Common Restriction A.
- Implement permitted waterfowl hunting on the Red Cut Slough tract at Cypress Bayou WMA during the regular duck season.
- Allow all day waterfowl hunting on WMAs on the last day of regular duck season and



during the special youth/veteran waterfowl hunts.

- Modify Common Restriction A to restrict boat access all day on 21 WMAs for 5 days before waterfowl season and during waterfowl splits. Add Cypress Bayou WMA and 5 additional water bodies on Petit Jean River and Dave Donaldson Black River WMAs and remove 2 from Ed Gordon Point Remove WMA from the exceptions in Common Restriction A.
- Clarify and update definitions relating to captive game birds and Shoot-to-Kill Bird Dog Training permit.
- Clarify exception relating to field trials and eliminate exception relating to USDA Wildlife Exhibition permits.
- Clarify that non-native birds be kept in buildings or covered pens. And clarify what constitutes proof of ownership.
- Clarify which species of quail and pheasant may be released in accordance with certain permits and clarify what methods of confinement for birds are adequate.
- Clarify that the exception from the Wildlife Breeder/Dealer Permit regulations, allowing for the sale of up to 20 individual animals per year of species on the Permitted Species List, does not apply to certain species for which Wildlife Breeder/Dealer Permits are restricted.
- Eliminate Mountain Lion Permit.
- Eliminate certain redundant language in the Game Bird Shooting Resort Permit code.
- Eliminate redundant language in the Commercial Wildlife Hunting Resort Permit code.
- Update reasons for suspension or revocation of Wildlife Breeder/Dealer permits to match language used as reasons for denial of new permit applications.
- Modifying Wildlife Importation Permit requirements to allow those importing birds to provide proof of participation in the National Poultry Improvement Program by the out-of-state facility to satisfy disease testing requirements and to require those importing venomous reptiles into Arkansas for temporary exhibition follow certain caging requirements.
- Clarify that rules regarding temporary display of venomous reptiles in F1. (C) (4) may also apply to individuals without permits. Update terms for suspension or revocation.
- Clarify that captive born native species of birds being kept as pets be kept in buildings or covered pens. Clarify the use of tongs and snake hooks would be allowed to hand capture native wildlife and clarify what constitutes proof of legal possession of captive born native wildlife pets.
- Clarify that holders of the Conservation Education Permit must conduct at least 20 hours of conservation education each year to be eligible for renewal. Update terms for permit suspension or revocation to match terms for which initial application would have been denied.
- Add 3 bird species and 81 reptile species to Addendum R1.01 – Unrestricted Captive Wildlife Species that upon staff review do not appear to be inherently dangerous and pose no significant risk to human health and safety, native fish and wildlife health or populations, agriculture, and can be safely confined in a humane manner.
- Add 4 bird species and 31 mammal species to Addendum R1.02 – Permitted Captive Wildlife Species List that upon staff review appear to pose a moderate but manageable risk to human health and safety, native fish and wildlife health or populations, or agriculture, such that they warrant further restriction or oversight.

- Add 30 mammal, 5 reptile and 123 amphibian species to Addendum R1.03 --Prohibited Captive Wildlife Species List to prohibit the breeding, sale or importation of these species. Importation, breeding and sale of these species (as well as blackbuck antelope black-tailed prairie dogs) will be allowed for those permitted by the required dates.
- Add capybara, nilgai, aoudad sheep, oryx, kudu, lechwe, ibex, jaguar, leopard, snow leopard, hippopotamus, warthog, rhinoceros, newts and fire salamanders, and large Asian and African pythons to Addendum F1.03 for the purpose of prohibiting the sale of these species to only persons who possess a current Wildlife Breeder/Dealer Permit for the respective species or to buyers outside of Arkansas.
- Add a disease testing requirement in Addendum F1.04 – Wildlife Importation Permit Requirements for brindled gnu which is being proposed to be permitted for importation, breeding and sale.
- Extend deadline to apply for Wildlife Breeder/Dealer Permits for those animals that do not meet standard documentation requirements and the deadline by which a Venomous Reptile Permit has to be obtained for those possessing these medically significant venomous species to July 1, 2021. Also extend deadline to July 21, 2021 for certain caging, facility and transport requirements for those with medically significant venomous reptiles kept under the native wildlife pet code.
- Authorize transfer of un-releasable wild animals from rehabilitators to holders of a Commission-issued Conservation Education Permit.
- Add exceptions for possession of certain threatened and endangered species to the Commission’s endangered species code.
- Limit the amount of time that holders of Live Fox and Coyote Permits may keep live-caught animals to 30 days or less prior to sale and restrict sales to fox pen owners only.
- Clarify within the Wildlife Breeder/Dealer regulation that a Live Fox and Coyote Permit is needed to sell live fox and coyote.
- Reduce the time for Venomous Reptile Permit holders to correct caging problems from 30 days to 10 days.
- Clarify warning sign requirements for permanent and temporary venomous reptile enclosures.

Party Subject to Rule: hunters, trappers and persons engaged in captive wildlife related activities will be primarily subject to these rules.

Effect on Party Subject to Rule: The proposed changes, as listed above, will effect parties subject to the regulations as categorized to liberalize or expand opportunity (26%); clarify existing code (33%); simplify or reduce regulations (15%) and restrictions (26%).

5. What is the total estimated cost by fiscal year to the **agency** to implement this rule? Explain the financial benefit to the agency from implementing this rule.

**Current Fiscal Year:** N/A

**Next Fiscal Year:** Unknown

Financial Benefit to Agency: Increase to price of Voluntary Quail stamp from \$4.50 to \$9.50 could result in increased revenue for habitat management

6. Do alternative means exist for accomplishing the objectives of the rules that might be less burdensome to small business? Yes: No: X

Why were such alternatives not proposed: N/A

7. Compare this rule with federal and state counterparts: Regulations vary greatly among states.



Chris Colclasure  
Deputy Director

## Arkansas Game and Fish Commission

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May 28, 2020

Ms. Kayla Sansom, Rules & Regulation Filing  
Office of the Arkansas Secretary of State  
500 Woodlane Drive, Room 26  
Little Rock, AR 72201

RE: Arkansas Game and Fish Commission Regulation Adopted on May 21, 2020

Dear Ms. Sansom:

Attached please find a link to the 93 regulations approved by the Arkansas Game and Fish Commission on April 23, 2020. Also included for each individual regulation is the required transmittal sheet, and applicable Financial Impact Statement and the signed Minute Order. The Commission respectfully requests that these regulation become effective 10 days after filing.

Notices for the proposed regulations were published in the Arkansas Democrat-Gazette on March 22, 23, and 24, 2020, and April 19, 20, and 21, 2020.

Hard copies of the approved regulations will be in the mail in the next day or so. **Kindly notify April Soman at [april.soman@agfc.ar.gov](mailto:april.soman@agfc.ar.gov) to confirm receipt of both the electronic submission and hard copies.** Should you have any questions or concerns regarding this filing, please do not hesitate to contact me at (501) 223-6327 at your convenience.

Sincerely,

James F. Goodhart  
General Counsel

JFG/as  
Enclosures  
cc: register@sos.arkansas.gov