ARKANSAS REGISTER

Proposed Rule Cover Sheet

Secretary of State
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Name of Department Legal Division

Agency or Division Name Arkansas Game & Fish Commission

Other Subdivision or Department, If Applicable

Previous Agency Name, If Applicable

Contact Person April M. Soman

Contact E-mail April.Soman@agfc.ar.gov

Contact Phone 501-223-6327

Name of Rule 20.19 Vehicle Restrictions on WMAs

Newspaper Name Arkansas Democrat Gazette

Date of Publishing March 22, 23, and 24, 2020 and April 19, 20, and 21, 2020

Final Date for Public Comment May 21, 2020

Location and Time of Public Meeting AGFC Auditorium, 2 Natural Resources Drive, Little Rock AR 72205, at 10:00 a.m.

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Director

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April 17, 2020

Ms. Jayme Franco
Arkansas Secretary of State, Rules & Regulation Filing
500 Woodlane Drive, Room 26
Little Rock, AR 72201
Via email only: register@sos.arkansas.gov

RE: Legal Notice for Proposed Rules or Regulations – May 2020 meeting

Dear Ms. Franco:

Attached please find for filing and immediate publication on the Secretary of State's website the following:

> Legal Notice for upcoming Commission Meeting to be held on May 21, 2020, which will run in the Arkansas Democrat-Gazette on April 19, 20, and 21, 2020.

Yesterday April Soman provided a link to the proposed regulation changes that will be reviewed by the Commission at the upcoming meeting (96 proposals). Please get in touch which her if you have any difficulty accessing the file.

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

Sincerely,

James F. Goodhart
General Counsel

Cc: Ms. Barbara Brown, Bureau of Legislative Research
brownb@blr.arkansas.gov

LEGAL NOTICE

The regular monthly meeting of the Arkansas Game and Fish Commission will be held beginning at 9:00 a.m. Thursday, May 21, 2020, at the Little Rock Office Complex, 2 Natural Resources Drive, Little Rock, AR 72205. At that time, regulations and business pertaining to the operation of the Game and Fish Commission and other fiscal and administrative matters will be considered and acted upon. It is important to note that the AGFC Little Rock Office Complex currently is closed to the public due to the COVID-19 coronavirus public health emergency and, depending upon public health conditions in our state, is likely to remain closed on May 21st. Therefore, in-person attendance at this meeting likely will be limited to only Commission members, the Director, representatives of the media, and other individuals necessary to the proceedings as determined by the Commission Chairman and Director. However, the meeting will be live-streamed for viewing by members of the press and the public and a link for easy access will be available on the agency website. Please visit the Arkansas Game and Fish Commission website at https://www.agfc.com for additional up-to-date details.

Items on the agenda for the May 21, 2020, meeting will include discussion of proposed regulations that previously were considered at the April 23, 2020, Commission Meetings, plus consideration of various Hunting and Fishing Regulations and regulations pertaining to the Enforcement Division of the Arkansas Game and Fish Commission, including but not limited to:

1. **Miscellaneous Regulations** – Amend existing Commission regulations including, but not limited to:
   - Prohibition of commercial activity on Commission-owned property without permission of Director's designee to allow exception for filming or video of hunts on WMAs.
   - Prohibition of accessing or going upon any Commission-owned WMA or Commission-owned Lake after revocation of the person's hunting or fishing license for the period of such revocation.
   - Requirement of a Minnow Dealer Tackle license to take baitfish from waters of the state.
   - Elimination of redundant codes regarding plug and non-toxic shot requirement for migratory bird hunting, and labeling requirements for shipping pelts. Plus eliminate all references to "temporary" license and prohibition on herding trout.
   - Clarify regulations regarding permission from private landowners to harvest game from private property;
   - Combine individual listing of the closure of certain bodies of water to commercial harvesting and fishing due to Arkansas State Board of Health consumption advisory;
   - Combine ammunition and killing devices for hunting migratory birds, bobcat, fox, or coyote; prohibit importation, transportation, or possession of any live species commonly known as snakehead;
   - Merge current requirements regarding YoYo, Freefloating, Trotline, Setline, and Limbline fishing identification.
2. **2020-2021 General Hunting and Fishing Regulation –** Propose general hunting regulations for 2018-19 including, but not limited to, game seasons, bag limits, geographic zones,

wildlife management areas (WMAs), weapon restrictions and other manner-of-taking-game requirements for alligator, bear, deer, elk, furbearing animals, quail, rabbit, squirrel, turkey, dove, waterfowl, and other game species. Changes to general hunting regulation include, but are not limited to:

- Adopt similar "quota" system for alligator hunting on private lands that currently is used for the elk program.
- Increase archery, muzzleloader and modern gun bear quota in Bear Zone 1 (Ozark Region) from 340 to 500 bears.
- Reduce the public land elk hunt quota within the core elk management zone by 3 either-sex and 3 antlerless permits, and reduce private land elk quota to 10 either-sex and 25 antlerless permits.
- All deer, turkey, bear, alligator and elk must be checked within 12 hours after the game is harvested by one of the approved checking methods.
- Require all hunters, including youth, to obtain a Customer Identification Number (CID) in order to check game or apply for permit hunts. No product purchase is required.
- Reduce the number of turkey zones and combine the current eighteen zones into two statewide zones.
- Restrict the harvest of bearded hen turkeys.
- Reduce bag limits for wild turkeys on all WMAs from 2 to 1 legal turkey. Allow hunters to harvest only 1 turkey during the first 7 days of the season, and establish a 1-bird bag limit during the special youth turkey hunt, and a turkey bag limit of 2 legal turkeys total for the spring season.
- 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.
- Create a new youth and regular permit turkey hunt on Devils Eyebrow Natural Area and Shirey Bay Rainey Brake WMA.
- Amend various deer zones -- combine Deer Zones 8 and 8A and retain the name Deer Zone 8; combine Deer Zones 1A, 6, and 6A and retain the name Deer Zone 6; combine Deer Zones 4 and 4B and retain the name Deer Zone 4, and align the modern-gun deer season in Zone 4 with Zone 4B for nine consecutive days; combine Deer Zones 5 and 5B and retain the name Deer Zone 5, and align the modern-gun deer season in Zone 5 with Zone 5B for nine consecutive days.
- Increase bag limits for Deer Zones 3, 6, 6A, 7, 8, 8A, 10, 11, and 13 in their entirety from 4-deer bag limit to 5-deer bag limit: 2 antlered buck and 3 antlerless (with firearms combined) or 5 antlerless with archery. The removal of antler point restrictions and restrictions to baiting/feeding would still be only applicable to the CWD Management Zone (i.e. county level).
- Reduce aggregate bag limit in Deer Zone 12 and Deer Zone 17 from six to five deer.
- Create a new muzzleloader deer hunt at Bell Slough WMA to align with other WMA permit hunts.
- Create a new modern-gun, mobility-impaired hunt for deer and bear on Bearcat Hollow WMA for the first Saturday in October for two days. Also change the December Special Modern-Gun youth hunt on Bearcat Hollow WMA to a 3-day muzzleloader hunt to provide opportunity to all hunters in December.
- Add a new modern-gun youth permit deer hunt coinciding with statewide youth season on Stone Prairie WMA.

- Remove permit requirements for the youth deer hunt on Ed Gordon Point Remove and Hope Upland WMAs and remove youth permit restrictions.
- Open a new youth deer hunt on the following 18 WMAs: Bell Slough (Nov. only) , Benson Creek Natural Area (Nov. only) , Cattail Marsh, Cut Off Creek, Dr. Lester Sitzes III Bois D'Arc (Nov. only), Earl Buss Bayou DeView, Ethel, George H. Dunklin Jr. Bayou Meto (Nov. only), Henry Gray Hurricane Lake (Nov only), McIIroy Madison County, Rex Hancock Black Swamp (Nov. only), Ring Slough, Robert L. Hankins Mud Creek, Scott Henderson Gulf Mountain, Sheffield Nelson Dagmar (Nov. only), Two Bayou Creek, Village Creek, and Whitehall to coincide with the annual statewide modern gun youth deer hunt. Bag limit will be one buck, no antler restrictions and up to two does.
- Move the current Private Lands Antlerless-only Modern-Gun Deer Hunt from the 2nd weekend in October to December, and reduce it from a 5-day hunt to a 3-day hunt (December 29-31) statewide. This proposal would also remove the late, 3-day muzzleloader season from Deer Zones 9, 12, 13, 16, 16A, and 17.
- Clarify that a lesser weapon may be used during the Private Land Antlerless Modern-Gun Deer Hunt. Hunter orange will still be required and only one weapon of choice allowed.
- Increase the number of days that antlerless deer may be harvested on Piney Creeks and Sylamore WMAs. Clarify that 1 antlerless deer may be taken during either the muzzleloader or modern-gun deer season.
- Change the bag limit on Mt. Magazine and Muddy Creek WMAs that one antlerless deer may be harvested during the muzzleloader or one antlerless deer may be harvested the first 2 days of modern-gun deer seasons.
- Move the modern-gun deer permit hunt on Cypress Bayou WMA from fourth Friday in November to the second Saturday in November for five days.
- Provide an annual Disabled Veterans Modern-Gun Deer Hunt on Longview Saline and Warren Prairie Natural Area WMAs. This hunt would be for one weekend only (2 consecutive days) coinciding with Zone 12 Modern-Gun Deer Season starting each year on the second Saturday in November each year. Bag limits same as Zone 12, legal bucks same as Zone 12. This recommendation will require addition of this hunt to Longview Saline WMA regulations and modification of an existing disabled veterans hunt for Warren Prairie WMA regulations.
- Add Independence and Jackson Counties to the CWD Management Zone.
- Remove antler restrictions from the following WMAs: Cherokee, Foshee Cave, Jamestown and Village Creek due to being included into the CWD Management Zone to the following WMAs: Cherokee, Foushee Cave, Jamestown and Village Creek.
- Open Wylie Cox Field Trial Area (140 acres) on Ed Gordon Point Remove WMA by removing the SUA status from it. Adjust regulations for the Wylie Cox Field Trial Area to be consistent with the remainder of Ed Gordon Point Remove WMA.
- Create new lease land WMA at Winona WMA.
- Due to user conflicts between individuals and professional dog trainers, reduce the number of dogs allowed for training at Pepper's Pond: In Compartment 5 reduce the number of dogs per individual trainer or party from 5 to 2. This will increase opportunity for additional users. Remove the Tuesday and Thursday restriction for professional dog trainers.
- Include Camp Robinson WMA in the spinning wing decoys restrictions to reduce confusion with the surrounding WMAs.

- Clarify that an electric bicycle is considered a motorized vehicle and should adhere to the same vehicle restrictions on WMAs.
- Remove the restriction of bringing firewood onto a WMA as a reduction in regulations.
- Open bobcat, coyote and fox hunting with shotguns and rimfire rifles at Little Bayou and Crossett Experimental Forest WMAs in order to increase hunter opportunity.
- Allow for applications for new fur dealer permits to be denied if they failed to provide a report for the previous year.
- Change the last day of muskrat trapping season from March 31 to Feb. 28.
- Change furbearer ammunition restrictions on private lands to only apply to raccoon, opossum, and bobcat being hunted at night.
- Require holders of wildlife depredation or predator control permit 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 lucifugus) as an Endangered Species.
- Add USFWS Special Purpose Abatement requirements to the falconry code.
- Remove 7 species of federally-protected birds from the exceptions of lists of bird species that are not protected.
- Allow non-resident falconers with a non-resident hunting license to apply for an Arkansas Passage Peregrine Falcon Permit.
- Charge a fee of $1.50 for Harvest Information Program (HIP), Resident Trapper Permit (TP) and Light Goose Conservation Order Registration (SGR).
- Increase Quail Stamp price from $4.50 to $9.50.
- Reestablish the annual dove season opening date as the first Saturday in September.
- Clarify the dates when non-resident waterfowl hunting allowed on WMAs for future seasons.
    1. November 23, 2019, through December 2, 2019, First 10 days of regular duck season;
    2. December 27, through January 5, Annually;
    3. January 22, through January 31, Annually.
- Change scaup daily limit from 2 to 1 for the full 60-day season.
- Propose the following white-fronted goose season date options:
    1. Option 1 - Oct 31- Nov 2, Nov 21-Dec 4 and Dec 6 - Jan 31 Daily Bag limit of 3 (74 days)
    2. Option 2 - Oct 31 - Nov 16, Nov 21 - Dec 4 and Dec 6 - Jan 31 Daily Bag limit of 2 (88 days)
- Clarify that all Salt Ditches in Bayou Meto WMA adhere to Common Restriction A.
- Implement permitted waterfowl hunting on the Red Cut Slough Tract at Cypress Bayou WMA during regular duck season.
- Allow all-day waterfowl hunting on WMAs only on the last day of regular duck season and during the special youth and veteran waterfowl hunts.
- Restrict boat access all-day on 21 WMAs listed under Common Restriction A for 5 days before waterfowl season and during waterfowl splits. Also add Cypress Bayou WMA and 5 water bodies to the exceptions on certain WMAs.
- Clarify and update definitions relating to captive game birds, 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. Clarify what constitutes proof of legal ownership.
- Clarify which species of quail and pheasant may be released in accordance with certain permits. Clarify what methods of confinement for birds are adequate to avoid violation of this code.
- 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. Some species of wildlife that are on the Permitted Species List for which new Wildlife Breeder/Dealer permits will not be issued, but that allow for ongoing operations of existing facilities. This will clarify that those that possess these animals as personal pets would not be able to sell them.
- Eliminate Mountain Lion Permit.
- Eliminate certain redundant language in the regulations for Game Bird Shooting Resort Permit and Commercial Wildlife Hunting Resort Permit.
- Update reasons for suspension or revocation of Wildlife Breeder/Dealer Permits.
- Modify Wildlife Importation Permit requirements to allow those importing birds to provide proof of participation in National Poultry Improvement Program by the out-of-state facility to satisfy disease testing requirements and to require those importing venomous reptile into Arkansas for temporary exhibition follow certain caging requirements.
- Clarify that rules regarding temporary display of venomous reptiles in F1.08(C) (4) may also apply to individuals without permits. Update terms for permit suspension or revocation.
- Clarify that captive-born native species of birds being kept as pets must be kept in buildings or covered pens. Clarify that the use of tongs and snake hooks to capture wildlife would be allowed to capture these species. 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 species, 8 reptile species and 123 amphibian species to Addendum R1.03 -- Prohibited Captive Wildlife Species List to prohibit the breeding, sale or importation of these species.

- 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 1, 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 which will provide an alternative to euthanasia for un-releasable wild animals.
- Add exceptions for possession of certain threatened and endangered species to the Commission's endangered species code to allow possession of endangered species under certain conditions and/or permits which would match our regulations to federal law.
- 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 that Venomous Reptile Permit holders have to fix caging problems from 30 days to 10 days.
- Clarify warning sign requirements for permanent and temporary venomous reptile enclosures.
- Move the time to end waterfowl hunting daily from 12:00 p.m. to 11:00 a.m. and the time to be off the water from 1:00 p.m. to 12:00 p.m. on Wildlife Management Areas.
- Boating restrictions from the Monday before the first segment of regular duck season until the first day of the first segment of regular duck season.

All persons wishing to be heard on these subjects should submit comments in writing to this office before the start of the May 21, 2020, meeting (preferably by 4:30 p.m. on the day before). Copies of any proposed rules or regulations may be obtained at the Arkansas Game and Fish Commission main office, at www.agfc.com, or through a written request mailed to the address below.

PAT FITTS, DIRECTOR
Arkansas Game & Fish Commission
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2 Natural Resources Drive
Little Rock, Arkansas 72205