ARKANSAS REGISTER



Transmittal Sheet

Use only for FINAL and EMERGENCY RULES

Secretary of State
John Thurston

500 Woodlane, Suite 026 Little Rock, Arkansas 72201-1094 (501) 682-5070



www.sos.arkansas.gov

| Effective Date | Code Number | |
|---|---|--|
| Name of Agency | | |
| Department | | |
| Contact | E-mail | Phone |
| Statutory Authority for Promulgating Ru | iles | |
| Rule Title: | | |
| Intended Effective Date | | Date |
| Emergency (ACA 25-15-204) | Legal Notice Published | |
| 10 Days After Filing (ACA 25-15-204) | Final Date for Public Comment | |
| Other(Must be more than 10 days after filing date.) | Reviewed by Legislative Council | |
| (| Adopted by State Agency | |
| Electronic Copy of Rule e-mailed from: (Require | red under ACA 25-15-218) | |
| Contact Person | E-mail Address | Date |
| | ION OF AUTHORIZED OFF | |
| | tify That The Attached Rules Were Adopted | |
| ntial Compliance with Act 434 of 1967 the Arkansas Administrativ Attorney General, the rulemaking requirements in the Arkansas Ad ith the rulemaking provisions under Ark. Code Ann. section 25-15-20 | re Procedures Act. Pursuant to 2011 decision rendered by tl ministrative Procedures Act cannot be constitutionally appli | he Pulaski County Circuit Court and 2000 opi ed to the AGFC. Nevertheless, the AGFC does so |
| | Signature | _ |
| Phone Number | E-mail Address | _ |
| | Title | _ |
| | Date | |

A1.01 Deer Season And Limits

ARCHERY AND CROSSBOW

All deer zones: Fourth Saturday in September through the last day in February (Codes 06.04 - 06.05).

EXCEPTIONS:

- A. In compliance with WMA regulations (Addendum C1.01).
- B. Urban Deer Permits (Code 15.05).

MODERN GUN

Zones 1, 2, 3, 6, 7, 8, 10 and 11: Second Saturday in November for 23 days.

Zones 4A, 5A, 14 and 15: Second Saturday in November for 30 days.

Zones 4 and 5: Second Saturday in November for 9 days.

Zones 9, 12 and 13: Second Saturday in November for 37 days.

Zones 16, 16A and 17: Second Saturday in November through Christmas Day.

EXCEPTIONS·

- A. In compliance with WMA regulations (Addendum C1.01).
- B. Deer Management Assistance Program (DMAP) Deer Management Tags.
- C. Private Land CWD Management Tags.

CHRISTMAS HOLIDAY MODERN GUN DEER HUNT

All deer zones: December 26-28, Annually.

EXCEPTIONS:

- A. WMAs closed during modern gun deer season are excluded from the Christmas Holiday Deer Hunt (Addendum C1.01).
- B. WMAs requiring a permit for the modern gun or muzzleloader deer season are excluded from the Christmas Holiday Deer Hunt (Addendum C1.01).
- C. In compliance with applicable WMA regulations (Addendum C1.01).
- D. Deer Management Assistance Program (DMAP) Deer Management Tags.
- E. Private Land CWD Management Tags.

SPECIAL YOUTH MODERN GUN DEER HUNT

All deer zones: First Saturday in November for 2 days and the first Saturday in January for 2 days.

EXCEPTIONS:

- A. In compliance with WMA regulations (Addendum C1.01).
- B. WMAs requiring a WMA deer permit are closed to the Special Modern Gun Deer Youth Hunt (Addendum C1.01).
- C. Deer Management Assistance Program (DMAP) Deer Management Tags.
- D. Private Land CWD Management Tags.

PRIVATE LAND ANTLERLESS DEER ONLY MODERN GUN DEER HUNT

All deer zones: December 29-31 Annually.

EXCEPTIONS:

In compliance with regulations (Code 11.02).

- B. In compliance with WMA regulations (Addendum C1.01).
- C. Deer Management Assistance Program (DMAP) Deer Management Tags.
- D. Hunters using archery equipment may harvest bucks.
- E. Private Land CWD Management Tags.
- F. Hunters may only possess one type of weapon.

MUZZLELOADER

Zones 1, 2, 3, 6, 7, 8, 10 and 11: Third Saturday in October for 9 days and second Saturday in December for 3 days.

Zones 4A, 5A, 14 and 15: Third Saturday in October for 9 days and third Saturday in December for 3 days.

Zones 9, 12, 13, 16, 16A and 17: Third Saturday in October for 9 days.

EXCEPTIONS:

- A. In areas open during regular gun deer seasons.
- B. In compliance with WMA regulations (Addendum C1.01).
- C. Deer Management Assistance Program (DMAP) Deer Management Tags.
- D. Private Land CWD Management Tags.

LIMIT

Statewide seasonal limit of 6 deer, no more than 2 legal bucks using any legal method.

Zones 1, 2, 3, 6, 7, 8, 9, 10, 11, and 13: Seasonal bag limit of 5 deer, no more than 2 antlered bucks. No more than 2 antlered bucks or up to 5 antlerless may be taken with archery tackle. No more than 2 antlered bucks and 3 antlerless deer may be taken with firearms.

Zones 9, 14, 15, 16, and 16A: Seasonal bag limit of 4 deer, no more than 2 legal bucks. No more than 2 legal bucks or up to 4 does may be taken with archery tackle. No more than 2 legal bucks and 2 does may be taken with firearms.

Zones 4 and 5: Seasonal bag limit of 3 deer, no more than 2 legal bucks. No more than 2 legal bucks or up to 3 does may be taken with archery tackle. No more than 2 legal bucks and 1 doe may be taken with firearms.

Zones 4A and 5A: Seasonal bag limit of 3 deer, no more than 2 legal bucks. No more than 2 legal bucks or up to 3 does may be taken with archery tackle. No more than 2 legal bucks or up to 2 does may be taken with firearms.

Zones 12 and 17: Seasonal bag limit of 5 deer, no more than 2 legal bucks. No more than 2 legal bucks or up to 5 does may be taken with archery tackle. No more than 2 legal bucks or up to 5 does may be taken with firearms.

Youths 6 to 15 years of age hunting during the Special Youth Modern Gun Deer Hunt may harvest bucks or does during the first full weekend Saturday/Sunday in November for 2 days and the first Saturday in January for 2 days in accordance with the zone firearm bag limits. **EXCEPTIONS:**

- A. Commission-registered deer camps that participate in the Deer Management Assistance Program (DMAP) receiving deer management tags and bonus deer on certain WMAs (Addendum C1.01) do not apply toward an individual seasonal limit.
- B. Subject to applicable limit restrictions on WMAs (Addendum C1.01).
- C. Private Land CWD Management Tags.

Arkansas Game and Fish Commission Little Rock, Arkansas

SUBJECT:

20-021

MINUTE ORDER NO:

Fiscal

| MINUTE ORD | ER NO: | | 20-021 | SUBJECT: | 2020-2021 General Hunting | |
|-----------------|--|---|--|--|--|--|
| DATE PASSEI | D: | N | fay 21, 2020 | | Regulations Approval | |
| PAGE | 1 o | f 1 | PAGES | LOCATION: | Statewide | |
| WHEREAS, | | regulation geograpsic captive elk, furt | ons for 2020-20 hic zones, wildli wildlife, and ma | 21 Hunting Seaso fe management ar nner-of-taking-gar | and its staff have proposed the attached ns, including game seasons, bag limits, eas, boating access, weapon restrictions, me requirements for alligator, bear, deer, rrel, turkey, dove, waterfowl, and other | |
| WHEREAS, | the attached regulations have been communicated through a variety of mavenues to sportsmen and the general public throughout the state for review comment for at least the past 30 days; and | | | | | |
| WHEREAS, | | determin manager | s well as commended that the attacement and are comment and are comment and are comment are comment are comment are comment and are comment are commen | nents received fr ched regulations pr nsistent with Amer | ations of the Director and Commission om the public, the Commission has comote sound wildlife conservation and adment 35 of the Arkansas Constitution pproved for application statewide. | |
| Commission | nereby | BE IT OR approves | DERED this 21s | t day of May 202 e attached regula | 20, that the Arkansas Game and Fish tions, which shall become effective | |
| filing the atta | iched re | gulations | with the Secreta | staff is authorized ary of State, Stat ission Code Book | I to proceed with legally certifying and E Library, and Bureau of Legislative and Addendum. | |
| Submitted by | : | FF APPRO | VAL | COMMISSION Ken Reeves Chairman | NAPPROVAL Stan Jones Commissioner A class 7 has a large standard from the standard | |
| Division: | Wild | llife Manag | gement | Andrew Park Vice Chairma | er by Cc J.D. Neeley | |
| Approved: | Dire | ctor | m | Joe Morgan Gommişsione | by C. C. Anne Marie Doramus has a | |
| Approved: | Lega | 1 | | Bobby Martin Commissione | Martin by C C | |
| Approved: | | | | | | |

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

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

SHORT TITLE OF THIS RULE: 2020-2021Hunting, 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.

| Current Fiscal Year | <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 | \$ |

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 antierless elk to
- Require all Deer, Turkey, Bear, Alligator, and Elk to be checked within <u>12</u> 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 2nd 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 outof-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 livecaught 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

Chris Racey Deputy Director

James F. Goodhart

General Counsel

Christian N. Parks
Assistant General Counsel

John P. Marks

Sr. Assistant General Counsel

Phone: 501-223-6327

Rob Brown

Assistant General Counsel

Fax: 501-223-6463

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** 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