

ARKANSAS REGISTER

Proposed Rule Cover Sheet



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Name of Department Arkansas Game and Fish Commission

Agency or Division Name Legal Division

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

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Name of Rule 11.01 Definitions

Newspaper Name Arkansas Democrat Gazette

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Final Date for Public Comment July 22, 2021

Location and Time of Public Meeting 2 Natural Resources Drive, Little Rock AR 72205, 9:00 a.m.

11.01 – Definitions

For purposes of the requirements in this Addendum Chapter, the following definitions shall apply:

Appropriate Fish Sample– A number of fish, as described below, must include any fish with lesions or behavioral anomalies.

Facility inspection sample number based on an assumed pathogen prevalence level (APPL). Facility inspections must be conducted at the 2% APPL level.

Population Size (Number of fish)	Number of Fish Required for Sample at 2% APPL
50	50
100	75
250	110
500	130
2000	145
>100,000	150

Facility Inspection: An inspection of an entire facility that establishes whether or not the facility is free from specific diseases. Critical parts of a facility inspection program are 1) the facility must have biosecurity to prevent the introduction of diseases between inspections, and 2) that any fish introduced onto the facility meet the Commissions inspection requirements, and are free of regulated pathogens. Facility level inspections are the preferred testing method and the model set by international standards (OIE).

Facility Inspection Requirements: Fish Farms with over >100,000 fish on the facility must submit 150 fish representing all fish species and culture units present on a farm or facility. The ratio of fish species on the farm or facility should be reflected in the composition of the sample. The sample should not be collected from tanks or raceways used for short-term storage of fish produced in other culture units. Biosecurity must be in place and maintained to prevent a change in health status during the period from sample collection to harvesting and moving of the fish. Sample must be collected during appropriate season by a qualified independent party. Facility inspections must be conducted at least once annually, but twice annually for Viral Hemorrhagic Septicemia Virus (VHSV) positive areas.

Lot Inspection: An inspection of a single lot of fish (fish that are of the same age, species, brood stock, facility, and water source). Lot inspections establish only the disease status of a specific group of fish on a particular day. Lot Inspections are valid only for as long as the disease status of the lot is protected by biosecurity measures.

Lot Inspection Requirements: – 60 fish per lot of fish of the same age, species, brood stock, facility, and water source; which must not be co-mingled with other fish populations between sample collection and fish shipment. Biosecurity must be in place and maintained to prevent a change in health status during period from sample collection to harvesting and moving of the fish. A sample must be collected during appropriate season by a qualified independent party and testing should be conducted as close as possible to anticipated fish movement. Facilities holding species listed as threatened, endangered, or of greatest conservation concern may utilize a sentinel species from the same genus which are located in the same water source for a minimum of 30 days prior to sample collection.

Appropriate Season– The first day of March until the first day of June solstice, and the first day of September until the first day of December solstice.

Appropriate Testing Methods– A screening and confirmatory test conducted as described in the inspection section of the most recent edition of the “American Fisheries Society – Fish Health Section Blue Book,” or the most recent edition of the World Organization for Animal Health “Manual of Diagnostic Tests for Aquatic Animals,” or conducted according to the approved protocols in a laboratory listed by the U.S. Department of Agriculture’s Animal and Plant Health Inspection Service which has been approved to test for aquatic animal pathogens, or in a USDA NAHLN laboratory by an official NAHLN protocol.

Biosecurity Required–

For facilities relying on Facility Inspections:

New aquatic animals must have a health certification status equivalent to, or greater than, that of current health certification status of the facility, or they must be maintained in a biosecure quarantine that protects the main facility from infectious disease introduction. Disinfected eggs from quarantined animals may be moved out of quarantine and the fry moved onto the main facility. Facilities may only use water sources for which the Commission deems there is no evidence that regulated pathogens are present, or must disinfect the water prior to its introduction onto the facility proper.

For facilities relying on Lot Inspections:

A lot of fish (same age, species, water source, broodstock, and facility) must not be co-mingled with other fish on the facility between sample collection and fish shipments. Between sampling and shipping, the fish must be maintained in water sources for which there is no evidence that regulation pathogens are present, or must disinfect the water prior to its introduction into the quarantine area.

Certificate of Veterinary Inspection (CVI)– An official document issued by a federal, state, tribal, or accredited veterinarian certifying that the fish identified on the document have been inspected and were found to satisfy the regulations pertaining to their intended movement – within the same state, between states, or internationally. Void 30 days after issuance.

Certificate of Veterinary Usage– A CVI documenting no clinical signs of disease and infection will be accepted for health certification for educational display purposes (e.g. zoos, public aquaria, museums) where individual specimens remain in captivity in a closed system throughout their life.

Culture Units– Ponds, raceways, cages or other containments used to rear fish.

Farm-raised– Fish that spend their entire life (egg to sale) on a farm or commercial facility.

Qualified Independent Party– A veterinarian, a fish health inspector certified by the Fish Health Section of the American Fisheries Society, or an employee of a state agency recognized as a competent authority for fish health and assigned by that agency to collect fish inspection samples and verify biosecurity.

Qualified Testing Laboratory– Any state, federal, or private laboratory recognized by the AGFC as competent to conduct fish inspections.

Pathogens of Concern (list subject to change as new pathogens of concern emerge)–

Fish Pathogens: (Required for fish species)

- Epizootic hematopoietic necrosis (EHN)**
- Infectious hematopoietic necrosis (IHN)** (Administrative NOTE: this asterisk is a strikethrough, to be removed; formatting makes it difficult to see as strikethrough)
- ~~Oncorhynchus~~ *Oncorhynchus masou* virus disease**
- Spring viremia of carp
- Viral hemorrhagic septicemia virus (VHSV)
- Infectious pancreatic necrosis (IPN)
- Bacterial kidney disease (*Renibacterium salmoninarum*)**
- Piscirickettsiosis (*Piscirickettsia salmonis*)**
- Whirling disease (*Myxobolus cerebralis*)**

** **not** required for warm water species

Mollusk Pathogens: (Required for mollusk species)

- *Bonamia exitiosus*
- *Bonamia ostreae*
- *Marteilia refringens*
- *Marteilia sydneyi*
- *Marteilia chungmuensis*
- *Mikrocytos roughleyi*
- *Perkinsus olseni* / *atlanticus*
- *Candidatus Xenohalictis californiensis*
- *Haplosporidium nelsoni*
- *Haplosporidium costale*
- *Pekinsus marinus*
- QPX

Crustaceans Pathogens: (Required for crustacean species, see Addendum J1.01 for shrimp species)

- Taura syndrome virus
- Yellowhead disease
- Spherical baculovirus (*Penaeus monodon*-type)
- Infectious hypodermal and hematopoietic necrosis
- White spot disease
- Tetrahedral baculovirus (*Baculovirus penaei*)
- Crayfish plague (*Aphanomyces astaci*)
- Necrotizing hepatopancreas diseases (HPD)

VHSV-free Water Source– Water from a well, borehole or spring (the spring must be covered and free of fish), or disinfected water source which does not contain VHSV. **VHSV-positive State**– Any state in the U.S. or any Canadian province listed by the U.S. Department of Agriculture’s Animal and Plant Health Inspection Service as positive for viral hemorrhagic septicemia virus (Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, Wisconsin, Ontario and Quebec).

LEGAL NOTICE

The regular monthly meeting of the Arkansas Game and Fish Commission will be held beginning at 9:00 a.m. Thursday, July 22, 2021, at the Little Rock Office Complex, 2 Natural Resources Drive, Little Rock, AR 72205, in the auditorium. 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. Additionally, Committee meetings attended by Commissioners and agency staff members will be held in the Director's conference room throughout the day on Wednesday, July 21, 2021, beginning at 9:00 a.m. All interested persons are invited to attend these meetings.

The AGFC Little Rock Office Complex currently is open to the public and COVID-19 guidelines recommended by the Arkansas Department of Health are applicable. The Commission meeting on July 22nd will be live-streamed and a link for easy viewing 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 as the July meeting dates draw closer.

Items on the agenda for the July 22, 2021 9:00 a.m. meeting will include adoption of proposed regulations that previously were considered at the June 16-17, 2021 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:

Miscellaneous Regulations Concerning Resident Lifetime Hunting & Fishing Licenses and Permits, Nonresident License Requirements, and Nonresident Waterfowl Hunting Permit Requirements on WMAs – Consider proposals to miscellaneous regulations including, but not limited to:

- Clarify that nonresidents are ineligible to obtain public land permits through the permit draw process for hunting elk or alligators, and include an exception for nonresidents who possess a Resident Lifetime License for either hunting or combination hunting-and-fishing obtained prior to September 1, 2021;
- Amend regulation that prohibits illegal possession of a resident license by a nonresident to provide an exception for former residents who possess a valid Resident Lifetime License for hunting, fishing, or combination hunting-and-fishing, or possess a Resident Lifetime Permit for trout or waterfowl, and increase the penalty for violation to Class 4;
- Amend regulations that prohibit counterfeiting or falsifying information on any AGFC license, permit, tag, stamp, certificate, etc. to increase the penalty for violation from Class 3 to Class 4;
- Amend regulation for Nonresident Waterfowl Hunting Permit Requirements on WMAs to provide an exception for former residents who possess a Waterfowl Permit and a Resident Lifetime License for either hunting or combination hunting-and-fishing obtained prior to September 1, 2021. This exception will allow such individuals to hunt waterfowl on any WMA in compliance with Chapter 24.00 without a Nonresident WMA Waterfowl Hunting Permit and without being subject to certain date restrictions applicable to other nonresident hunters; and

- Clarify names of existing Resident Lifetime Licenses.

2021-2022 Waterfowl Hunting Regulations – Adopt amendments to adjust specific dates for waterfowl hunting seasons to conform to Federal framework and update waterfowl names, including:

- Duck, Coot and Merganser — Nov. 20-29, Dec. 11-23, and Dec. 26-Jan. 31;
- Canada Goose — Sept. 1-30, Oct. 30-Nov. 1, Nov. 20-Dec. 3, and Dec. 5-Jan. 31;
- Snow, Blue, Ross's, and White-fronted Goose — Oct. 30-Nov. 14, Nov. 20-Dec. 3, and Dec. 5-Jan. 31;
- Youth and Veteran/Active Military Hunts — Dec. 4 and Feb. 5;
- Light Goose Conservation Order — Oct. 2-22, Oct. 28-Nov. 19, and Feb. 5-April 25; and
- Renaming of “Common Snipe” to “Wilson’s Snipe” and renaming “Common Moorhen” to “Gallinule” to reflect Federal references.

2021-2022 Fishing Regulations – Adopt amendments to miscellaneous fishing regulations including, but not limited to:

- Amend regulation for game fish daily limits at Lake Poinsett to require: (1) for the remainder of 2021, all game fish, except catfish, must be released immediately and the catfish daily limit is 5; and (2) effective Jan. 1, 2022, all game fish, except bream and catfish, must be released immediately and the bream daily limit is 25; and
- Amend regulation for Aquatic Animal Health Requirements to clarify definitions and listing of certain warm water fish pathogens of concern.

All persons wishing to be heard on these subjects should submit comments in writing to this office before the start of the July 21, 2021, meeting (preferably by 4:30 p.m. on the day before). Any request to make an oral presentation at the meeting should be submitted in writing to this office on or before July 9, 2021. Copies of any proposed rules or regulations may be obtained at the Arkansas Game and Fish Commission main office, and at www.agfc.com, or through a written request mailed to the address below.

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