



Austin Booth
Director

Chris Racey
Chief of Staff

Spencer Griffith
Deputy Director

Roger Mangham
Deputy Director

Arkansas Game and Fish Commission

James F. Goodhart
General Counsel

John P. Marks
Sr. Assistant General Counsel
Phone: 501-223-6327

Christian N. Parks
Assistant General Counsel

James R. Brown
Assistant General Counsel
Fax: 501-223-6463

March 25, 2022

Ms. Gwen Nguyen
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 – April 2022 meetings

Dear Ms. Nguyen:

Included in this email, please find for filing and immediate publication on the Secretary of State's website the Legal Notice for Commission Meetings to be held on April 20-21, 2022, which is being published in the Arkansas Democrat-Gazette on March 27, 28, & 29, 2022.

Also included are the one hundred fifteen (115) regulation proposals regarding general hunting & miscellaneous wildlife regulations along with general fishing regulations being discussed at this meeting.

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

Sincerely,

James F. Goodhart
General Counsel

JFG/srm
Attachment

cc: Ms. Rebecca Miller-Rice, Bureau of Legislative Research
miller-ricer@blr.arkansas.gov
Mr. John Jones, Bureau of Legislative Research
jonesj@blr.arkansas.gov
Ms. Sheri Thomas, Bureau of Legislative Research
thomass@blr.arkansas.gov
aslib-govdocs@ade.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, April 21, 2022, 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. Additionally, Committee meetings attended by Commissioners and agency staff members will be held in the Director's conference room throughout the day on Wednesday, April 20, 2022, beginning at 9:00 a.m. at the Little Rock Office Complex, 2 Natural Resources Drive, Little Rock, AR 72205. 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 April 21st 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 April meeting dates draw closer.

Items on the agenda for the April 21, 2022 meeting will include discussion and/or adoption of proposed regulations that previously were considered at the March 15-17, 2022 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. **General Hunting and Miscellaneous Wildlife Regulations** – Propose general hunting regulations for 2022-23 and 2023-24 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 regulation include, but are not limited to:

Furbearer/Depredation

- Add exception for bobcat and otter pelt tagging requirement to allow bobcat and otter pelts to temporarily be shipped out of state for tanning without attaching a CITES tag.
- Reduce length of furbearer season for trapping muskrat on WMAs.
- Amend furbearing season trap restrictions to increase maximum size of foothold traps set on land (from 6" to 6¼").
- Revise Predator Control Permit requirements for taking bobcat, coyote, gray fox, opossum, raccoon, red fox, or striped skunk on private land.
- Revise Depredation Permit requirements for consistency with Predator Control Permit requirements, including for taking of certain birds (House Sparrows, European Starlings, Rock Doves, etc.).

General

- Amend Resident and Non-Resident Hunting License requirements, including: remove references to a temporary internet license or confirmation code; and revise Non-Resident License requirements for hunting elk or alligator.

- Revise codes for listing WMAs for bear and wild turkey hunting seasons and limits, including remove from list those WMAs having “closed” seasons (only WMAs with “open” season will remain listed).
- Define types of killing devices and ammunition allowed for hunting crow.
- Provide exception for prohibited methods for hunting wildlife to allow certain live-cage-type traps for use in capturing nuisance animals.
- Amend aiding and abetting prohibition to indicate the penalty is the same as the violation committed by the person who was aided or abetted.
- Amend littering prohibition to prohibit discard of any game animal carcass within 50 yards of any stream, river, pond or lake.
- Establish or revise definitions of the following terms: “Conservation Buck Tag”; “Deer Management Assistant Program”; “Large Carnivore”; “Off Highway Vehicle”; “Personal Watercraft or Jet Boat”.
- Amend dog training restrictions on Camp Robinson Special Use Area, including: restrict dog use during reserved dog field trial events in reserved compartments, except dogs participating in the field trial event; and clarify number and types of dogs allowed to be trained.
- Amend big game checking requirements to require deer, adult turkey gobblers, or bear injured or killed by incidental contact (non-hunting activity such as vehicle accident) must be reported to the AGFC Radio Room and an official salvage tag number obtained before the animal or its parts may be possessed from the point of initial contact.
- Clarify color description for hunter orange / safety green clothing requirements.
- Revise camping restrictions on Commission-owned or controlled property, including: require persons 16 years of age or older to obtain a 7-day camping permit for a fee of \$5.00, except that a daily camping permit for a fee of \$15.00 will be necessary for camping at Camp Robinson SUA; establish restrictions for large groups of 50 or more individuals; and adopt additional camping restrictions.
- Amend vehicle restrictions on WMAs, including: restrict use of off highway vehicles (OHVs), but making allowance for limited use of OHVs on certain days on designated open, maintained roads on Jack Mountain WMA.
- Amend prohibition of structures and personal property on WMAs to include prohibiting leaving any trail cameras or vehicles on a WMA, and allow a limited exception for trail cameras that have the owner’s name and address visibly and permanently affixed.
- Revise prohibition for skiing on lakes owned or controlled by the Commission to include jet boats.
- Revise prohibition for baiting or hunting over baited portions of WMAs to increase the penalty and delete exception for certain AGFC wildlife food areas.
- Amend season restrictions during permit hunts on WMAs, including: allow certain other hunting seasons to remain open during the permit hunts on Buffalo National River, Bearcat Hollow, and Gene Rush WMAs.
- Amend hunting season and limit restrictions for deer, bear, and wild turkey, including: establish open hunting seasons for Alum Fork Natural Area WMA in

Saline County and Devil's Eyebrow Natural Area WMA in Benton and Carroll Counties.

- Amend season dates, limit restrictions, and permit requirements for deer hunting on various WMAs, including: Bearcat Hollow, Lee Creek, Wedington, and White Rock WMAs; adjust dates for start and close of archery deer season on Dardanelle WMA affecting Johnson County Waterfowl Rest Area; remove current archery deer permit requirement for Maumelle River WMA; remove permit requirements for Disabled Veteran deer hunts at Warren Prairie and Longview Saline Natural Area WMAs; add youth deer permit hunts at Camp Robinson Special Use Area, Harold E. Alexander/Spring River, and Greers Ferry Lake WMAs; remove current firearm restriction for modern gun deer permit hunt and add muzzleloader deer permit hunt at Steve N. Wilson Raft Creek Bottoms WMA; and add muzzleloader deer permit hunt at Stone Prairie WMA.
- Revise various regulations to remove existing designation for Ozark National Forest WMA and incorporate those lands into other adjoining cooperative WMAs.
- Amend dog restrictions on WMAs to allow use of dogs for squirrel hunting after first 9 days of modern gun deer season on Bearcat Hollow WMA.
- Delete restrictions for motorized vehicles on Commission-owned areas and consolidate with existing code for motorized vehicle restrictions on WMAs.
- Revise dates for horse and mule restrictions on certain Commission-owned and leased land WMAs and require 30 days' advance notice for large events to obtain a Special Use Permit.
- Amend codes for Maumelle River WMA, including: allow camping in designated areas only; prohibit removal of certain objects from the WMA without a permit; remove current boating/lake hours and horsepower restrictions; and clarify kayak-use areas.
- Establish dove permit requirements on certain WMAs, including: Camp Robinson Special Use Area; Dave Donaldson Black River; Shirey Bay/Rainey Brake; and Frog Bayou WMAs.
- Amend archery tackle restrictions to prohibit the use of archery equipment capable of holding and/or firing more than one arrow or bolt in succession or simultaneously without re-cocking the device, and allow limited exception during modern gun seasons for bear, deer, elk, and turkey.
- Amend existing firearms and weapons regulations to prohibit the use of blow guns and dart guns for hunting white-tailed deer, elk, bear, wild turkey or quail.
- Amend deer hunting regulations to add certain deer zones (created during 2019-20 regulation cycle) and clarify language for private lands antlerless-only modern-gun hunt and exception for retrieving wounded deer. Also create opportunity for hunters to earn a 3rd buck tag (Conservation Buck Tag).
- Revise tagging requirements for white-tailed deer and turkey to be properly tagged or checked immediately after harvest and before moving the animal.
- Amend prohibition for hunting wildlife or possessing a killing device in a state or national park to provide an exception for parks that participate in the AGFC Deer Management Assistance Program with an approved deer management plan.
- Increase fee for the Non-resident Guide Licenses for hunting and for fishing from \$150 to \$450.00.

- Adopt prohibition for any holder of a Guide License to be guiding another person while the licensed guide is intoxicated or under the influence of any narcotic drug, barbiturate, or marijuana, with a Class 4 penalty for violation and suspension of hunting/fishing Guide Licenses as set forth in Codes 01.00-L and 01.00-K.

Wild Turkey

- Increase penalty for violation of hunting wild turkey by the aid of baiting.
- Amend season dates, limit restrictions, and permit requirements for turkey hunting on various WMAs, including: Beryl Anthony Lower Ouachita; Cut-Off Creek; Cypress Bayou; Devil's Eyebrow Natural Area; Dr. Lester Sitzes Bois D'Arc; Freddie Black Choctaw Island WMA Deer Research Area - East Unit; Longview Saline Natural Area; McIlroy Madison County; Petit Jean River; Scott Henderson Gulf Mountain; Stone Prairie; Sylamore; Trusten Holder; and Warren Prairie WMAs.
- Require a tag and notching system for turkey harvest.
- Reduce the bag limit for turkey to one bird limit.

Bear

- Amend bear season dates and limits, including: establish season framework for Bear Zones 3 and 4; modify archery and modern gun seasons for Bear Zones 1, 2, 5 and 5A; open bear archery season 10 days earlier in Bear Zones 1 and 2; and correct season dates for McIlroy Madison County WMA.
- Amend restrictions for selling wildlife to allow exception for legally harvested bear hide, skull, and claws as items that may be sold.

Elk

- Amend limit restrictions for elk hunting to reduce elk quotas, including number of public and private land elk tags.

Waterfowl

- Revise prohibition for killing devices and ammunition for hunting migratory game birds to indicate that certain non-toxic shot requirements apply to migratory waterfowl hunting only and increase the penalty for violation.
- Revise prohibition for use of non-toxic shot while hunting small game on certain WMAs to identify specific WMAs where it is unlawful to possess any shot other than federally-approved non-toxic shot while hunting migratory birds with shotguns.
- Amend season dates, limit restrictions, and permit requirements for waterfowl hunting, including for: duck, coot, and merganser; Canada Goose; Snow, Blue and Ross's Goose; and White-fronted Goose; adjust dates for special youth waterfowl hunting and veteran and active duty military waterfowl hunting; adjust dates for nonresident waterfowl hunting permit requirements on WMAs; and restrict White-fronted Goose season to 74 days to run concurrently with duck season and with a 3-bird bag limit.
- Revise special usage restrictions on certain WMAs and lakes to extend "Common Restriction A" boat access restrictions to include the 7 days preceding the first day of the first segment of regular duck season; and include waterfowl hunting restrictions on Bell Slough, Ed Gordon Point Remove, Frog Bayou, Galla Creek, and Ozark Lake (Dyer Lake Unit) WMAs.
- Amend boat motor restrictions on certain WMAs to require all boats on "Common Restriction A" WMAs to operate only with motors that have factory exhaust systems

in place effective for the 2023-24 duck season. Outboard motors must not be ported to allow exhaust to evacuate above the water line at any point during operation.

Endangered Species / Captive Wildlife

- Amend Endangered Species List to add and remove various species, including: add Red Knot and Black Rail birds; revise Red-cockaded Woodpecker name; and remove Sprague's Pipit and Magazine Mountain shagreen snail.
- Revise Commercial Wildlife Hunting Resort Permit requirements, including remove current prohibition for hunting black bear at a permitted commercial wildlife hunting resort.
- Amend Wildlife Importation Permit requirements, including: clarify this permit is necessary for import of native aquatic turtles and alligators; require disease testing and control measures; allow wildlife to be transported through Arkansas as part of interstate commerce without having to obtain a permit; and require that animals must comply with requirements for proper cages, enclosures, pens, and security, and be kept in humane and healthy conditions.
- Revise provisions prohibiting possession of certain wildlife in captivity and relocate various provisions to other captive wildlife codes for clarity.
- Amend restrictions for possession of captive non-native wildlife to indicate requirements for possession of non-native wildlife pets and mirror existing exemptions found elsewhere in the Code Book.
- Amend existing captive wildlife possession requirements and permits to allow ratites (ostriches, emus, and rheas) to be kept in uncovered pens. Also include provisions authorizing special conditions to permits (Commercial Wildlife Hunting Resort, Game Bird Shooting Resort, Wildlife Breeder/Dealer, Wildlife Importation, Wildlife Rehabilitation, and Venomous Reptile Permits) when deemed necessary by the Commission.
- Revise Wildlife Breeder/Dealer Permit requirements, including: prohibit renewal of a permit for species on the Prohibited Captive Wildlife Species list if a current permit holder has not had any of those species in possession for more than one year; require that wildlife shall not leave the facility except upon sale, for veterinary care, or for exhibition; require that animals being exhibited must comply with requirements for proper cages, enclosures, pens, and security; allow accredited members of the Global Federation of Animal Sanctuaries to keep large carnivores in exercise areas overnight; and prohibit permit holders with species included on the Prohibited Captive Wildlife Species List from selling to anyone in Arkansas that doesn't already possess such a permit or to those outside of Arkansas.
- Amend Game Bird Shooting Resort Permit requirements to remove captive-reared mallards from current list of species that may be released for hunting purposes, and allow limited exceptions for retriever training and field trial events.
- Amend prohibition for release of certain wildlife and requirements for Depredation Permits and Wildlife Rehabilitation Permits to restrict release of nuisance wildlife onto private land in the county of capture or adjacent to the county of capture.
- Amend requirements for certain captive wildlife permits to require a permit holder that does not renew his or her permit to have all remaining stock of animals that cannot be kept in accordance with applicable native or non-native pet regulations either sold to a legal buyer or euthanized prior to permit expiration.

- Amend restrictions for possessing native wildlife as pets to remove bobcat, coyote, gray fox, and red fox from current list of native species that may be captured by hand in the wild and kept as pets.
- Revise the Unrestricted, Permitted, and Prohibited Captive Wildlife Species Lists (Addenda R1.01, R1.02, and R1.03), reorganize by species types, and add new species to each of these lists. Also amend the Prohibited Captive Wildlife Species List bird selection to prohibit waterfowl without exceptions.
- Amend restrictions for bird dog training and retrieving dog training, and establish requirements for a Shoot-to-Kill Bird Dog Training Permit and a Game Bird Shoot-to-Kill Permit, including existing dog training restrictions and restrict the number of birds that may be kept at any one time to 100.
- Amend Conservation Education Permit requirements, including: require inspection of wildlife, facilities, books and records; and authorize immediate relocation of wildlife that is being given improper care or being kept in inhumane or unhealthy conditions.
- Amend Wildlife Rehabilitation Permit requirements, including: clarify landowner permission needed for all release sites; and require record keeping of the name and phone number of individuals submitting animals for rehab.
- Amend requirements for Falconry Permit to comply with federal falconry regulations required by the U.S. Fish and Wildlife Service.

Chronic Wasting Disease

- Amend CWD Management Zone description, including: change status of Searcy County from a Tier 2 to Tier 1 and implement carcass movement restriction; add Ashley, Bradley, Randolph, and Union Counties to the Zone, each with Tier 2 status; and include new management requirements from the 2021-2025 CWD Management and Responsive Plan.
- Amend restrictions for deer season and limits, including revise harvest definitions within Ashley, Bradley and Union County portions of Deer Zone 12, and within Randolph County portion of Deer Zone 4.
- Amend restrictions for deer season and limits on WMAs, including revise harvest definitions for Robert L. Hankins Mud Creek WMA within Randolph County portion of Deer Zone 4 and Beryl Anthony Lower Ouachita WMA within Ashley and Union County portions of Deer Zone 12.

2. **General Fishing Regulations** – Propose miscellaneous fishing regulations, including, but not limited to:

- Define “Game Fish Parts” in the Definition of Terms.
- Establish that it is illegal to use “game fish parts” (which includes eggs and milt) and add an exception that commercially-prepared (i.e., cured) trout eggs will be allowed.
- Remove War Memorial Park Pond from the Family and Community Fishing Program Restrictions.

Sportfish

- Reinstate statewide crappie regulations on Bois d’Arc Lake.
- Implement catch and release only for all sportfish in Lake Monticello, including all creeks and ponds in its lakebed.
- Implement 13-inch minimum length limit for Largemouth and Smallmouth Bass and remove length limit for Spotted Bass on Lake Norfolk.

- Increase the Lake Poinsett daily creel of Bream to the statewide limit of 50.
- Remove 13-16-inch slot length limit regulation for harvest of Largemouth Bass from Sugar Loaf Lake.
- Implement 10-inch minimum length limit for Crappie at Lake Erling.

Commercial Fishing

- Clarify that gill and trammel nets are the only legal commercial fishing gear on Horseshoe Lake (Crittenden County).
- Establish special commercial fishing season on Long Slough Lake (Miller County), open noon November 1 until noon February 28 regardless of Sulphur River water level.
- Remove slat traps as a legal form of gear for fishing on Millwood Lake.

Non- Sportfish

- Require certain baitfish collection devices to be clearly labeled, in a durable manner.
- Allow recreational harvest of common snapping turtles and softshell turtles for personal consumption with a combined limit of six animals harvested per day.
- Create a new regulation specific to crayfish to establish harvest restrictions and type of gear that can be used to legally take crayfish, and close certain waters to harvest, including Eleven Point, South Fork Spring, Spring, and Strawberry Rivers.

Invasive Species

- Prohibit possession of invasive aquatic plant species on properties owned, managed, or controlled by the Commission.
- Add exception for possession of White Perch and Yellow Perch, and add White Perch and Marbled Crayfish to the list of Prohibited Species.
- Remove regulation for Transportation of Zebra Mussels Prohibited.
- Amend prohibition for possession of certain live carp to add exceptions for Silver Carp, Bighead Carp, and Black Carp to be possessed with a valid Conditional and/or Unlisted Species Permit.

All persons wishing to be heard on these subjects should submit comments in writing to this office before the start of the April 21, 2022 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 April 11, 2022. 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.

AUSTIN BOOTH, DIRECTOR
Arkansas Game & Fish Commission
Game & Fish Commission Building
2 Natural Resources Drive
Little Rock, Arkansas 72205

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State
John Thurston
500 Woodlane, Suite 026
Little Rock, Arkansas 72201-1094
(501) 682-5070
www.sos.arkansas.gov



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 _____

Contact Person Sarah Milligan

Contact E-mail Sarah.Milligan@agfc.ar.gov

Contact Phone 501-223-6327 Legal Division

Name of Rule 01.00-C -Definition of Terms

Newspaper Name Arkansas Democrat Gazette

Date of Publishing March 27, 28, & 29, 2022

Final Date for Public Comment May 19, 2022

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

01.00-C Definition Of Terms

For the purposes of the Arkansas State Game and Fish Code of Regulations, the following terms shall be construed, respectively, to mean and include:

ACTIVE DUTY MILITARY – Members of active duty, including members of the National Guard and Reserves on active duty (other than for training), may participate.

ADULT GOBBLER – Male turkeys having at least 1 of the following characteristics:

- A. Tail feathers which are the same length,
- B. Wing feathers that have white barring all the way to the tip, or
- C. A beard more than 6 inches in length.

AGFC LICENSE SYSTEM – The point-of-sale system that the Commission uses to sell and dispense Commission-issued licenses, permits, stamps, tags, and other privileges to the public.

ALLIGATOR DEALER – Any person, firm, or corporation engaging in the sale, purchase, barter, or exchange of an American alligator (*Alligator mississippiensis*) or other crocodilian species, or any part, nest, or eggs thereof in Arkansas.

ALLIGATOR FARMER – Any person, firm, or corporation possessing an American alligator (*Alligator mississippiensis*) or other crocodilian species, or any part, nest or eggs thereof in Arkansas for the purpose of propagation, production, or rearing.

ALLIGATOR SNAPPING TURTLE DEALER – Any person, firm, or corporation engaged in the sale or purchase of alligator snapping turtles.

ALLIGATOR SNAPPING TURTLE BREEDER – Any person, firm, or corporation possessing alligator snapping turtles for the purpose of propagation, production, rearing, or sale.

ANIMAL – An organism of the animal kingdom, as distinguished from the plant kingdom, including any part, product, egg, or offspring thereof.

ANTLERLESS DEER – A doe or a buck having less than 2 inches of hardened bone antler.

ANTLERLESS ELK – Any elk (male or female) not meeting requirements to be a legal bull elk.

AQUACULTURE SPECIES – Any species listed on the Approved Aquaculture Species List (Addendum Chapter J1.00) and species not listed but allowed under Unlisted or Restricted Species Possession Permits.

AQUATIC WILDLIFE – All aquatic species, including aquatic snails, aquatic turtles, crayfish (crawfish and crawdads), fish (including minnows), frogs, mussels, and salamanders.

ARKANSAS RIVER BOUNDARY (Sportfishing Only) – The Arkansas Post Canal from Norrell Lock and Dam No. 1 to the Arkansas River and the Arkansas River from Wilbur D. Mills Dam No. 2 upstream to the Oklahoma

state line, including all lakes, bays, and tributary streams accessible by boat from the main channel except:

- Big Bayou Meto upstream from Arkansas Highway 11;
- Plum Bayou upstream from U.S. Highway 79;
- Little Maumelle River upstream from Pinnacle Mountain State Park;
- Maumelle River upstream from Lake Maumelle Dam;
- Fourche LaFave upstream from Arkansas Highway 113;
- Palarm Creek upstream from Interstate 40;
- Cadron Creek upstream from the weir;
- Point Remove Creek upstream from Arkansas Highway 113;
- Petit Jean River upstream from Pontoon Boat Ramp at Arkansas Highway 154;
- Illinois Bayou upstream from Russellville Waterworks Dam;
- Big Piney and Little Piney creeks upstream from Arkansas Highway 359;
- Horsehead Creek upstream from Interstate 40;
- Mulberry River upstream from Interstate 40;
- Frog Bayou upstream from Arkansas Highway 162 and Lee Creek upstream from Lee Creek Dam; and
- From the first non-navigable shoal for streams entering the Arkansas River along the right bank descending from the Oklahoma state line to Lake Dardanelle Dam.

ARTIFICIAL LURE OR FLY – Terminal fishing tackle made entirely of rubber, wood, metal, glass, feathers, hair, synthetic fibers, or plastic, with hook attached.

BAIT FISH – Minnows, logperch, gizzard and threadfin shad, gar (other than alligator gar), bullhead catfish, crayfish, drum, bowfin under 6 inches, skipjack herring, brook and inland silversides, bigmouth, smallmouth and black buffalo, river carpsucker, spotted sucker, black redhorse, golden redhorse, banded and Ozark sculpin, bream 4 inches and under, and bream over 4 inches that are caught by hook and line.

BAITING – The direct or indirect placing, exposing, depositing, distributing, or scattering of salt, grain, or other feed that could serve as a lure or attractant for wildlife to, on, or over any areas where hunters are attempting to take them.

BIG GAME – Alligator, black bear, deer, elk, and turkey.

BLACK BASS – Largemouth bass, redeye bass, smallmouth bass, and spotted bass.

BLOCKING OUT – The removal of the head or tail associated with the processing of a commercial fish. The blocked-out carcass (bullet) must be at least the minimum length required for the body of water where the commercial fish was harvested (Code [30.11](#)).

BONUS DEER – A harvested deer that is not included in a hunter's statewide bag limit.

BOX TYPE TURTLE TRAP – A floating trap designed to capture aquatic turtles, but does not permit capture of fish (Code [34.07](#)).

BREAM – A species of the genus *Lepomis*, including bluegill, redear, warmouth, and other sunfish.

BUCK – A male deer (see **LEGAL BUCK** definition).

BUCK DEER SEASON – A deer season in which no deer other than legal buck deer may be taken.

BUY – To purchase, barter, exchange, or trade, including any offer to purchase, barter, exchange, or trade.

CAPTIVITY OR HOLD CAPTIVE – The holding of living wildlife in a controlled environment that is manipulated by man for the purpose of exercising ownership, possession, or control of the wildlife, and that has boundaries designed to prevent selected species from entering or leaving the controlled environment.

CARCASS – The body of a dead animal.

CASE – A container specifically designed to hold a firearm which completely encloses the firearm by being zipped, snapped, buckled, tied, or otherwise fastened with no portion of the firearm exposed.

CATCH-AND-RELEASE – The requirement that fish of a designated species must be immediately released into the water where caught.

CERVID – A member of the Family Cervidae, including without limitation deer, reindeer, moose, elk, and caribou.

CHASE FOR PLEASURE – To search for, pursue, or chase game animals or other wildlife with the use of dogs for recreational purposes only, with no intent of hunting such game animals or wildlife.

CHECKING WILDLIFE – The accurate and complete reporting of specific information to the Commission concerning harvest of alligator, bear, deer, elk, and turkey by one of the following methods: phoning a designated number to report bear, deer, or turkey harvests, or electronically through the Commission's online deer, bear, elk, alligator, and turkey checking website or mobile applications.

CHRONIC WASTING DISEASE (CWD) – Fatal disease affecting the brain of cervids that belongs to a group of diseases called transmissible spongiform encephalopathies.

CHUMMING – To dislodge or deposit any substance not attached to a hook which may attract fish.

CITES TAG – A permit that allows shipping of certain animal pelts outside the State of Arkansas and assures compliance with the Convention on the International Trade of Endangered Species.

CLEAN – Having no meat matter or tissue attached to the carcass.

COMPUTER-ASSISTED HUNTING – The use of a computer or any other device, equipment, or software to remotely control the aiming and discharge of a firearm, bow, or crossbow to kill wildlife located in Arkansas.

COMMERCIAL FISH – Bowfin (over 6 inches), paddlefish, shovelnose, sturgeon, and all species of buffalo, catfish, carp, drum, gar, and sucker family (except silver redhorse).

COMMERCIAL FISHERMAN – Any person who fishes with tackle designated as commercial tackle requiring a license or tag issued by the Commission.

COMMERCIAL TACKLE – Properly licensed tackle used to catch aquatic wildlife for commercial purposes.

COMMERCIAL WILDLIFE HUNTING RESORT – A facility, location, business, or operation that offers, for pay or other consideration, an opportunity to hunt native wildlife, other than pen-raised game birds, held in captivity. Includes all contiguous land, structures, other appurtenances, and improvements on the land, used for the hunting activities.

COMMERCIAL WILDLIFE PERMIT – Any or all of the following permits: Alligator Farmer/Dealer, Alligator Snapping Turtle Breeder/Dealer, Resident Shell Taker and Seller, Shell Buyer, Non-Resident Shell Buyer, Resident Roe Taker/Seller, Resident Roe Buyer/Exporter, Non-Resident Roe Buyer, Resident Fur Dealer, Non-Resident Fur Dealer, Special Commercial Quail, Game Bird Shooting Resort, Commercial Wildlife Hunting Resort, Wildlife Breeder/Dealer, and Wildlife Importation.

COMMISSION – The Arkansas State Game and Fish Commission, unless otherwise designated.

CONSERVATION CARD – A physical card that the Commission issues to a person and that is linked to that person's AGFC licenses, permits, stamps, and tags. Before engaging in an activity requiring an AGFC license, permit, stamp, or tag, the cardholder must purchase and verify issuance and valid expiration date of all required AGFC licenses, permits, stamps, and tags via www.agfc.com or 1-800-364-GAME. The card itself is not a license and conveys no independent right or privilege beyond the extent of any license, permit, stamp, or tag that has been linked to the card by purchase and has not been suspended, revoked, or expired.

DEFERRED HUNTER EDUCATION (DHE) – Designates a holder of a valid Arkansas hunting license/permit who has deferred completion of the hunter education program.

DISABLED – Any individual who is 100% permanently and totally disabled as declared by one or more of the following federal agencies: the U.S. Social Security Administration, the U.S. Department of Veteran's Affairs, or the U.S. Railroad Retirement Board.

DISABLED VETERAN – Any individual who is a resident of Arkansas and a military veteran, who has been determined by the United States Department of Veterans Affairs (VA) to have a:

- A. 100% total and permanent service-connected disability rating (applies to licenses VLF, VLH, VLC, VLD, and VLT in Addendum [D1.01](#)); or
- B. 70% or higher service-connected disability rating (applies to license VLL in Addendum [D1.01](#)); or
- C. 50% or higher service-connected disability rating and is a recipient of the Purple Heart medal (applies to license VLL in Addendum [D1.01](#)).

DOE – A female deer.

DOE DEER SEASON – A deer season in which a doe may be taken.

DROWNING SET – Any leg-hold trap that uses one or more of the following techniques to retain the target animal in water of suitable depth for drowning: a slide wire with lock, a tangle stake, or a drowning weight.

DUCKS – All species of teal, merganser, whistling duck, scaup, American wigeon, American black duck, bufflehead, canvasback, gadwall, common goldeneye, mallard, mottled duck, northern shoveler, redhead, ring-necked duck, ruddy duck, northern pintail, and wood duck.

EDIBLE PORTIONS – Portions of the following animals are considered edible as stated below:

- A. **Game Mammals:** front quarters, hind quarters, loins, and tenderloins.
- B. **Game Fish:** fillets of fish.

C. Game Birds: breasts.

D. Frogs: hind legs.

E. Alligators: tails, legs, flanks, loins, and tenderloins.

ELECTRIC BICYCLE – A bicycle equipped with fully operable pedals and an electric motor of less than seven hundred fifty watts (750 W) that meets one of the following classifications:

- “Class 1 electric bicycle” means an electric bicycle equipped with a motor that provides assistance only when the operator is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of twenty miles per hour (20 m.p.h.).
- “Class 2 electric bicycle” means an electric bicycle equipped with a motor that may be used exclusively to propel the electric bicycle and that is not capable of providing assistance when the electric bicycle reaches the speed of twenty miles per hour (20 m.p.h.).
- “Class 3 electric bicycle” means an electric bicycle equipped with a motor that provides assistance only when the operator is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of twenty-eight miles per hour (28 m.p.h.).

EITHER-SEX – A male or a female.

EITHER-SEX DEER SEASON – A deer season in which a doe or a legal buck may be taken.

EMERGENCY CONDITION – Any condition involving:

- A. Imminent peril to the health, safety, or welfare of the public or the wildlife resources of the State; or
- B. Immediate action mandated by federal law or regulation.

ENCLOSE – To surround wildlife using man-made barriers, including but not limited to fencing, walls, structures, or other devices, so that the wildlife are not free to leave a particular environment.

ENCLOSURE – Any area surrounded by a man-made barrier, including but not limited to fencing, walls, structures, or other devices that prevent wildlife from leaving a particular environment.

ENDANGERED SPECIES – A wildlife species or subspecies endangered or threatened with extinction that is listed or proposed as a candidate for listing by the U.S. Fish and Wildlife Service or any native species or subspecies listed as endangered by the Commission (Addendum Chapter [P1.00](#)).

EVISCERATED – Internal organs, excluding the brain and gills, have been removed.

FALCONRY – The caring for and training of raptors for pursuit of wild game, and hunting wild game with raptors. It includes the taking of raptors from the wild to use in the sport and caring for, training, and transporting raptors held for falconry.

FEDERAL WATERS – Waters designated by federal law as federally controlled or under the jurisdiction of a department or agency of the United States Government.

FEE LAKE – A lake in which there is a fee for fishing rights. All persons 16 years of age and older must possess an Arkansas fishing license. Daily limits apply.

FEEDING WILDLIFE– The direct or indirect placing, exposing, depositing, distributing, or scattering of salt, grain or other feed that serves or could serve as a lure, attractant, or supplemental food source for wildlife.

FERAL HOG – Any hog, including but not limited to Russian and European wild boar, any Old World swine, or the family Tayassuidae, including without limitation peccary, javelin, and New World swine, which is roaming freely and is living in a wild or feral state, and is not conspicuously identified as required under Arkansas Code Annotated § 2-34-101 and § 2-34-102.

FIREARM – Any device designed, made, or adapted to expel a projectile through a barrel, including without limitation modern guns, air guns and muzzleloaders (see **LOADED FIREARM**).

FISH OR FISHING – To lure, attract, collect, or pursue fish species or aquatic wildlife for the purpose of taking or attempting to take such species by any method.

FISH DEALER – Any person who sells live fish, including baitfish.

FISH FARM – Waters and adjacent premises confined within a pond, tank, or lake, not connected with public waters and under management of a fishfarmer.

FISH FARMER (AQUACULTURIST) – A person, firm, partnership, or corporation engaged in the propagation or rearing of aquaculture species for sale.

FREEFLOATING FISHING DEVICE – A floating fishing device unanchored or unattached to a stationary object.

FURBEARERS – Badger, beaver, bobcat, coyote, gray fox, red fox, mink, muskrat, nutria, opossum, raccoon, river otter, spotted skunk, striped skunk, and weasel.

GAFF – To take or attempt to take fish with a hand-held or handled hook.

GAME ANIMALS – Alligator, black bear, bobcat, coyote, deer, elk, gray fox, red fox, mink, opossum, eastern cottontail rabbit, swamp rabbit, raccoon, gray squirrel, and fox squirrel.

GAME BIRD SHOOTING RESORT – A facility, location, business, or operation that offers, for pay or other consideration, an opportunity to hunt captive-raised game birds. Includes all contiguous land, structures, other appurtenances, and improvements on the land used for the hunting activities.

GAME BIRDS – Turkey, northern bobwhite quail, pheasant, chukar Eurasian collared dove, and all birds classified by the U.S. Fish and Wildlife Service as migratory game birds.

GAME FISH – Alligator gar, largemouth bass, spotted bass, smallmouth bass, bluegill, longear sunfish, redear sunfish, green sunfish, warmouth, Ozark bass, rock bass, shadow bass, white bass, striped bass, black crappie, white crappie, blue catfish, channel catfish, flathead catfish, brook trout, brown trout, cutthroat trout, rainbow trout, tiger trout, walleye, sauger, paddlefish, shovelnose sturgeon, and hybrids of these species.

GAME FISH PARTS – Any part of a game fish including muscle (fillets), organs (guts), skin, fins, bones, blood, gametes (including fresh or frozen eggs or milt).

GEOCACHE – Items in a container (cache) placed or hidden for individuals to subsequently find using a Global Positioning System (GPS) receiver.

GEOCACHING – An outdoor sport, similar to “high-tech treasure hunting,” involving use of a Global Positioning System (GPS) receiver to find a cache.

GUIDE – A person who provides, for monetary or any other compensation, that person’s personal services for the purpose of assisting others to locate, pursue, catch, or hunt wildlife.

HACKING – The temporary release of a raptor held for falconry to the wild so that it must survive on its own.

HARASS – An intentional or negligent act which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral pattern which include but are not limited to breeding, feeding, or sheltering.

HAZARDOUS WAKE – Wash or wake upon an approaching, passing, or stationary vessel, including but not limited to a wake that causes other vessels to take on water, or a wash or wake that is sufficient to toss occupants of other vessels about in a manner that causes injury or the risk of injury.

HARVEST/HARVESTING – To reduce to possession.

HEN TURKEY – Female turkey with or without a beard.

HIGH-FENCE ENCLOSURE – An enclosure that contains an area of at least 500 contiguous acres, with at least 60 percent of the acreage in forested cover that has been classified as timberland by the local county tax assessor, that has a perimeter fence at least 8 feet high, with no cross-fencing that has the effect of reducing the size of the area to less than 500 contiguous acres with at least 60 percent of the acreage in forested cover as herein provided.

HOGGING – The taking of fish by the use of hands only, in or under the water.

HUNT OR HUNTING – Taking or attempting to take wildlife by any method including but not limited to searching, pursuing, chasing, tracking, luring, or attracting.

HUNTING INCIDENT – When bodily injury above basic first aid or death occurs due to an activity directly related to a hunting or trapping excursion in the field. Examples of such activities would include discharge of a firearm, bow, or crossbow, and falls from an elevated platform (tree stand, tower stand, or elevated duck blind).

HUNTING PARTY – 2 or more persons hunting together.

HYBRID RAPTORS – A raptor produced from cross-breeding birds of two different taxa, one or both of which are listed in [50 CFR 10.13](#), and any offspring of such raptors.

IMPORT OR IMPORTATION – To ship, convey, carry, transport, bring, or introduce into Arkansas anything from outside its borders.

IMPRINT – A bird that is hand-raised in isolation from other raptors from 2 weeks of age until it has fledged and will be considered to be an imprinted bird for its entire life.

JAKE – Sub-adult male turkey having all these characteristics:

- A. Longer central tail feathers,
- B. Outermost one or two wing feathers lacking white barring all the way to the tip, and
- C. A beard 6 inches or less in length.

KILLING DEVICE – Any firearm, bow and arrow, crossbow, compressed gas or spring-powered pistol or rifle, blowgun, speargun, hand-thrown spear, slingshot, irritant gas device, explosive device, or any other implement designed to discharge a projectile capable of killing wildlife.

LARGE CARNIVORE – Tigers (*Panthera tigris*), African Lions (*Panthera*

leo), or any hybrid thereof, and all species of bears (family *Ursuidae*).

LEGAL BUCK – A male deer may be considered legal under the following rules as applied by this Code:

- A. **Antlered Buck:** A male deer with 2 inches, or more, of hardened bone antler.
- B. **Buck of Choice:** A male deer.
- C. **Button Buck:** A male deer with less than 2 inches of hardened bone antler.
- D. **3-point Rule:** A male deer having both antlers under 2 inches (including button buck) or at least 1 antler with at least 3 points, each a minimum of 1 inch long, including the tip of the main beam. (Code [21.03](#)).
- E. **12/15 Rule:**
 - 1. A male deer having both antlers under 2 inches (including button buck),
 - 2. A male deer having an inside spread of at least 12 inches or more in width, or
 - 3. A male deer having at least one main beam 15 inches or more in length (Code [21.03](#)).
- F. **15/18 Rule:**
 - 1. A male deer having both antlers under 2 inches (including button buck),
 - 2. A male deer having an inside spread of at least 15 inches or more in width, or
 - 3. A male deer having at least one main beam 18 inches or more in length. (Code [21.03](#)).
- G. **WMA Special Restrictions:** Special restrictions may apply on certain WMAs (Code [21.03](#)).

LEGAL BULL ELK – An elk having at least 1 antler visible above the hairline.

LEGAL TURKEY – A turkey may be considered legal under the following rules as applied by this Code:

- A. **Hunters 16 years and older:** A legal turkey is an adult gobbler.
- B. **Hunters 6 to 15 years of age:** A legal turkey is an adult gobbler or jake.

LENGTH LIMITS –

- A. **Minimum Length Limit:** The shortest length of a fish of a designated species that can be kept.
- B. **Maximum Length Limit:** The maximum length of a fish of a designated species that can be kept.
- C. **Protected Length:** A species/size limit that prohibits anglers from keeping fish within a designated size group.

Unless otherwise specified, all fish are measured from the front of the lower jaw with the mouth closed to the tip of the tail with tail lobes pressed together when laid flat on a rule, on its side. All fish not meeting the length

limit requirements for a particular water or species must be immediately released into the water where caught.

LIMBLINE – A line anchored to a stationary object above the water surface and extending into the water with two or fewer hooks attached to that line.

LIMITS –

- A. **Daily Limit:** The maximum number of a species allowed to be taken during a specific 24-hour time period (midnight to midnight, unless otherwise specified).
- B. **Seasonal Limit:** The maximum number of a species allowed to be taken during a specific season.
- C. **Possession Limit:** The maximum number of species allowed to be possessed at any time. Any fish or wildlife, excluding migratory game birds, legally taken for personal consumption and stored in processed form within a residence of the possessor shall not count toward the possession limit.

LITTER – All waste which has been discarded or otherwise disposed of, including but not limited to, convenience food and beverage packages or containers, trash, garbage, all other product packages or containers, and other post-consumer solid wastes as referenced in State Law, or discarded animal carcasses.

LOADED FIREARM – Firearms are considered loaded if shells or cartridges are in the chamber, magazine, or cylinder. Percussion cap muzzleloading firearms are considered loaded if the percussion cap is on the nipple. Flintlock muzzleloading firearms are considered loaded if there is powder in the flashpan. Electronic pulse ignition muzzleloaders are considered loaded if the ignition circuit is charged.

MEDICALLY SIGNIFICANT VENOMOUS REPTILE SPECIES – The following reptiles, including their taxonomic successors, subspecies, or hybrids thereof, are designated as medically significant: *Daboia russelii*, *Dendroaspis spp.*, *Naja spp.*, *Oxyuranus spp.*, *Pseudonaja spp.*, *Notechis spp.*, *Pseudechis spp.*, *Boulengerina spp.*, *Echis spp.*, *Bothrops spp.*, *Aspidelaps spp.*, *Atheris spp.*, *Proatheris spp.*, *Dispholidus spp.*, *Pseudohaje spp.*, *Atropoides spp.*, *Crotalus spp.*, *Lachesis spp.*, *Walterinnesia spp.*, *Calliophis spp.* or *Maticora spp.*, *Bungarus spp.*, *Ophryacus spp.*, *Porthidium spp.*, *Deinagkistrodon spp.*, *Azemiops spp.*, *Bitis spp.*, *Gloydius spp.*, *Protobothrops spp.*, *Vipera spp.*, *Ophiophagus spp.*, *Vermicella spp.*, *Eristocophis spp.*, *Cerrophidion spp.*, *Ovophis spp.*, *Trimeresurus spp.*, *Tropidolaemus spp.*, *Sistrurus spp.*, *Agkistrodon spp.*, *Bothrocophias spp.*, *Bothriechis spp.*, *Hypnale spp.*, *Bothriopsis spp.*, *Calloselasma spp.*, *Mixcoatlus spp.*, *Cerastes spp.*, *Pseudocerastes spp.*, *Micrurus spp.*, *Micruroides spp.*, and subfamily *Hydrophiinae* and *Heloderma spp.*

MIGRATORY BIRDS – All birds protected by the Federal Migratory Bird Treaty Act of 1918 and subsequent amendments.

MIGRATORY GAME BIRDS – Coots, crows, doves, Eurasian collared doves, ducks, gallinules or moorhens, geese, rails, snipe, and woodcock.

MILITARY RETIREE – Any individual at least 60 years of age who is entitled to retired pay as a result of his or her United States military

service.

MINNOWS – Small nongame fish commonly used for bait including bluntnose minnows, bullhead minnows, chubs, dace, fatheads, common carp under 6 inches, goldfish, shiners, and stonerollers.

MOBILITY IMPAIRED – A designation made by the Commission based upon a satisfactory showing that a person has a permanent physical condition, verified by a physician duly licensed to practice medicine by a state medical board, which severely impairs the person's mobility and prevents him or her from being able to engage in hunting or fishing activities without the use of an ATV or similar specialized device for transportation.

MOTORIZED BICYCLE – A bicycle with a transmission and a motor of any type which propels the bicycle.

NATIVE WILDLIFE – Those species and sub-species of wildlife that have established, naturally reproducing, free-ranging, wild populations within Arkansas.

NIGHT – The time period 30 minutes after sunset to 30 minutes before sunrise.

NOODLING – The taking of fish by the use of a pole-mounted breakaway hook that detaches at the time of the strike or catch, or snare type device, with an attached line manipulated by hand when a person is in or under the water.

NONGAME WILDLIFE – All wildlife other than furbearing or game animals, game birds, and game fish.

NON-NATIVE WILDLIFE – Any wildlife not defined as native wildlife.

NONRESIDENT – A person not defined as a resident.

NUISANCE WILDLIFE – Any wildlife creating a problem by committing damage to personal property or crops.

OPEN SEASON – A time frame established by the Commission during which a designated species may be lawfully taken.

PEN-RAISED QUAIL – Northern bobwhite raised or hatched in captivity.

PERSON – Any individual, firm, corporation, association, partnership, or other legal entity in singular or plural as the context requires. All pronouns shall include the masculine, feminine, and neuter.

PORTABLE HUNTING STAND – Any device or structure used for the purpose of hunting that can be carried in its entirety and erected by hand, including but not limited to tripod stands, lean-to stands, lock-on stands, ladder stands, and climbing stands (box stands are not portable hunting stands).

PORTABLE POP-UP BLIND – A structure used to conceal a person that can be collapsed and carried in its entirety by 1 person.

POSSESS OR POSSESSION – Having or holding wildlife or any property in one's power; the exercise of dominion over property. Possession includes actual possession (physical occupancy or control over property) and constructive possession (control or dominion over property without actual possession or custody of the property).

PRIMATE – A live individual animal of the taxonomic order Primates, excluding humans.

PROPAGATE OR PROPAGATION – To allow plants or animals to breed or multiply.

PUBLIC ROAD –The traveled portion and the shoulders on each side of anyroad maintained for public travel by a city, county, state, or federal government and includes all structures within the limits of the right-of-wayof any such road.

PUBLIC WATERS – Waters that members of the public have a legal right to access and use for recreational purposes, including all legally navigable waters.

PUT-AND-TAKE PAY LAKE – Private waters open to public fishing for a fee, after being licensed by the Commission and where no fishing license or daily limit of fish is imposed.

RAPTOR – Migratory bird of the Order Falconiformes, Accipitriformes, or the Order Strigiformes.

REAR OR REARING – To maintain plants or animals to increase their size or development.

REHABILITATION – Providing medical treatment or other care to orphaned, sick, or injured wild animals that have come into human possession with the goal of returning the animal to the wild.

RESIDENCE –Any dwelling such as a house, manufactured home, or apartment that is permanently fixed in place and is owned, leased, or rented fully or in part by an individual. This term does not include tents; temporary lodging or rental units such as hotels, motels, resorts, or commercial campgrounds; recreational vehicles; mobile travel trailers; or motor vehicles.

RESIDENT –

- A. A natural person whose domicile currently is in Arkansas and has been for at least 60 consecutive days. “Domicile” means the one and only place where a person has physically established a true, fixed and permanent home, and to where, whenever the person is briefly and temporarily absent, the person intends to return. Children younger than 18 are presumed to have the same resident status as their custodial parent or legal guardian unless otherwise documented. A person is not considered a resident under this Code if the person:
 - 1. Resides in the state only for a special or temporary purpose, but not limited to, engaging in hunting, fishing, or trapping, or
 - 2. Has been issued any resident license, permit, or tag (except ones that are designated as non-expiring) to hunt, fish or trap in another state or country that is still valid in that state or country.
- B. The following persons also qualify as a “resident” under this Code:
 - 1. Residents of Arkansas enrolled as full-time students in colleges and universities outside of Arkansas.
 - 2. Nonresidents enrolled as full-time students in colleges and universities in Arkansas.
 - 3. Nonresident foreign exchange students attending school in Arkansas.
 - 4. Resident foreign exchange students attending school outside of Arkansas.
 - 5. Active-duty military personnel assigned to duty stations in Arkansas.

6. Active-duty military personnel who were Arkansas residents at the time of entering service, regardless of where currently stationed.
 7. Members of the National Guard who are assigned to an Arkansas Guard Unit.
 8. Nonresidents residing and working at least 60 consecutive days in Arkansas pursuant to a written commitment as full-time employees or volunteers of a nonprofit charitable organization (other than one established principally for the recreational benefit of its stockholders or members) that (a) is registered and in good standing with the Arkansas Secretary of State, and (b) has received a 501(c)(3) designation from the United States Internal Revenue Service.
- C. Applicants for Commission-issued resident, licenses, permits, and tags have the burden of proving they qualify as a “resident” under this Code. Facts that may be considered in establishing proof of current Arkansas residency for the purpose of purchasing Commission-issued resident licenses, permits, and tags include but are not limited to:
1. Possession of a valid Arkansas driver’s license or official, state-issued Arkansas identification card,*
 2. Possession of a valid Arkansas vehicle registration in the applicant’s name and display of current Arkansas license tag on the applicant’s vehicle,*
 3. Two documents bearing the applicant’s current name and address, not issued by himself or herself, including but not limited to:
 - i. Arkansas voter registration card,* and
 - ii. Income tax returns issued by the Internal Revenue Service and/or the State of Arkansas.
 4. Documentation from a college or university in Arkansas verifying that the applicant currently is enrolled as a full-time student;
 5. Documentation from any branch of the United States Military or the duty station or unit in Arkansas; and
 6. In the case of a child under 18, identification from a parent or legal guardian proving the parent or legal guardian qualifies as a “resident” under this Code.
 - *Items marked with a * must have been issued at least 60 days prior to the license, permit, or tag application.
- D. Additionally, to be eligible to be issued any of the following resident licenses, permits, or tags, an Arkansas resident must provide proof that he or she has qualified as a “resident” under this Code for at least the past 1 continuous year;
1. All Non-Expiring Lifetime Licenses and Permits (Addendum [D1.01](#));
 2. Resident Special Guide License (Code [03.14](#));
 3. Alligator Farmer/Dealer Permit (Code [33.01](#));
 4. Alligator Snapping Turtle Breeder/Dealer Permit (Code [34.02](#));
 5. Commercial Fisherman’s Permit & Sportfishing License (Code [30.01](#));
 6. Commercial Fisherman’s Helper Permit (Code [30.01](#));

7. Junior/Senior Commercial Fishing Permit (Code [31.01](#));
 8. Resident Shell Taker/Seller's License (Code [31.01](#));
 9. Shell Taker Helper Permit (Code [31.01](#));
 10. Shell Buyer's License (Code [31.01](#));
 11. Resident Fish Dealer License (Code [31.01](#));
 12. Resident Roe Taker/Seller Permit (Code [30.17](#));
 13. Resident Roe Taker/Helper Permit (Code [30.17](#)); and
 14. Resident Roe Buyer/Exporter Permit (Code [30.18](#))
- E. The Commission's director or his or her representative shall make the final determination as to whether a license, permit, or tag applicant qualifies as a "resident" under this Code.

ROUGH FISH – Shortnose gar, longnose gar, spotted gar, bowfin, yellow bullhead, black bullhead, common carp, goldfish, grass carp, bighead carp, silver carp, black carp, black buffalo, bigmouth buffalo, smallmouth buffalo, creek chubsucker, river carpsucker, quillback, northern hog sucker, spotted sucker, river redhorse, black redhorse, blacktail redhorse, golden redhorse, shorthead redhorse, freshwater drum, gizzard shad, threadfin shad, skipjack herring, yellow perch, white perch, and yellow bass.

SEINE – A fishing net that hangs vertically in the water where the ends can be drawn together to entrap fish.

SEINING – The act of moving a seine by boat or human power to capture fish.

SELL OR SALE – To exchange or deliver for money or its equivalent; to offer for sale, barter, exchange, or trade; or the act of selling, bartering, consigning, exchanging, or trading.

SHELL BUYER – Anyone who buys mussels or mussel parts from a Taker. An agent purchasing for a licensed buyer is not a buyer.

SIMULATED WING MOVEMENT DECOY – Any electric, mechanically-operated, wind-powered, or manually-powered apparatus or device that simulates wing movement, including any device that spins one or more fixed- or stationary-winged decoys around a central axis.

SMALL GAME – Furbearers, migratory game birds, quail, rabbit, and squirrel.

SNAG – To take fish or other aquatic animals using conventional rod-and-reel tackle by a repeated drawing motion rather than enticement by live bait or artificial lure, regardless of what terminal tackle is attached to the fishing line.

SNAGLINE – Commercial tackle consisting of a horizontal line with hooks or drops less than 24 inches apart.

SPORTFISH – See **GAME FISH**.

TACKLE – An apparatus or device used to take wildlife.

TAKE – To shoot, kill, injure, trap, net, snare, spear, catch, capture, or reduce to possession.

TAXIDERMY – The art of preparing, stuffing, or mounting wildlife and parts thereof.

TRAP OR TRAPPING – A device to catch and hold wildlife.

TROTLINE – A line anchored to a stationary object at one or more points and with more than two hooks attached at intervals along that line.

TROUT – Any members of the Salmonidae family including rainbow trout,

brown trout, brook trout, lake trout, cutthroat trout, salmon, and char.

VESSEL – Every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation, including motorboats and personal watercraft.

VETERAN – (As defined in section 101 of title 38, United States Code) served in the active military, naval, air service or Reserves or National Guard serving on title 32 orders in a combat zone and was discharged or released under Honorable.

WATERFOWL – All species of coots, ducks, geese, and swans.

WATERS OF THE STATE – All streams, lakes, ponds, sloughs, bayous, marshes, or any other waters either permanent or intermittent located wholly or partially within Arkansas. Provided, however, “waters of the state” shall not include pay lakes and fish farms or any waters that are confined within a pond, tank, or lake, situated entirely on the premises of a single private owner and which, except under abnormal flood conditions, are not connected with any of other flowing stream or body of water that extends beyond the premises of such owner.

WILD – To be living in a state of nature and not domesticated.

WILDLIFE – All wild birds, mammals, fish, reptiles, amphibians, other wild aquatic forms, and all other wild animals, regardless of classification, whether resident, migratory or imported, protected or unprotected, dead or alive, and shall extend to and include any and every part of any individual species of wildlife, including animals living in a captive state.

WILDLIFE CHECK METHODS – The following are the official wildlife check methods:

- A. The Commission's online deer, elk, bear, and turkey checking web site and mobile applications;
- B. The Commission's online alligator checking website; and
- C. The designated bear checking telephone number or the designated deer, bear, and turkey checking telephone number.

WILDLIFE MANAGEMENT AREA (WMA) – Designated areas owned or controlled by the Commission and distinguished by certain markers and considered a separate zone with regard to wildlife regulations including: wildlife management area (WMA), waterfowl rest area (WRA), wildlife demonstration area (WDA), special use area (SUA), and state park- conservation area (SP-CA).

YOUTH –

- A. For sections of this Code pertaining to big game, “youth” means any individual between the ages of 6 and 15 years old.
- B. For all other sections of this Code, “youth” means any individual less than 16 years of age.

ZONE – An area defined by the Commission where hunting or fishing activities are regulated.

General Fishing Regulations

1. **Proposal:** Define “game fish parts” in the Definition Of Terms.

Justification: Currently regulation 26.18 bans the importation of “game fish parts” but there is not a definition of “game fish parts” in the code book. This proposed addition to the definition of terms will outline a definition of game fish parts to complement the proposed regulation change to Code 26.18.

Code Change: 01.00-C

2. **Proposal:** Clarify that it is illegal to use “game fish parts” (which includes eggs and milt) and add an exception that commercially prepared (i.e., cured) trout eggs will be allowed.

Justification: Utilizing salmon eggs while targeting trout is a popular technique amongst many anglers; however, fresh or frozen salmonid eggs are a potential vector for a multitude of aquatic pathogens. This proposed regulation change, in conjunction with the definition of “game fish parts”, allows anglers to continue to use salmon eggs (commercially prepared only) while eliminating the potential threat of introducing aquatic pathogens.

Code Change: 26.18

3. **Proposal:** Remove War Memorial Park Pond from the Family and Community Fishing Program Restrictions.

Justification: War Memorial Park Pond in Pulaski County is silted in and the City of Little Rock, the pond’s owner, has no plan for renovating the pond. This pond has not received regular fish stockings from AGFC in more than 4 years.

Code Change: 26.25

Invasive Species

4. **Proposal:** Prohibit the possession of invasive aquatic plant species on properties owned, managed, or controlled by the Arkansas Game and Fish Commission.

Justification: One of the biggest threats to aquatic conservation, fishing quality, and even duck hunting in Arkansas is the spread of invasive aquatic plants. Prohibiting the possession of invasive species of aquatic plants on AGFC owned, managed, or controlled property is an essential step to limiting the spread of invasives.

Code Change: 19.20

5. **Proposal:** (1) Add an exception for White Perch and Yellow Perch to be possessed, following the same requirement currently established in AGFC Code 26.13 for Northern Snakehead and (2) add White Perch and Marbled Crayfish to the list of prohibited species in Addendum J1.01 and J1.03.

Justification: White Perch, Yellow Perch, and Marbled Crayfish are three species that have the potential to negatively affect aquatic ecosystems in Arkansas. Adding an exception for White/Yellow Perch to AGFC Code 26.13 will allow anglers to harvest and possess these species once they have been properly dispatched. Similar to the possession exception for Northern Snakehead, the purpose of this regulation is to encourage anglers to remove these invasive species. To further reduce the potential for White Perch, Yellow Perch and Marbled Crayfish to spread these species should be added to the Prohibited Species in Addendum J1.01 and J1.03.

Code Change: 26.13

- 6. Proposal:** Remove Code 26.14 - Transportation of Zebra Mussels Prohibited.

Justification: AGFC Code 26.14 is redundant because zebra mussels are on the prohibited species list, therefore AGFC Code 26.13 already prohibits the import, transport, or possession of zebra mussels in Arkansas.

Code Change: 26.14

- 7. Proposal:** Add exceptions for Silver Carp, Bighead Carp, and Black Carp to be possessed, in alignment with existing language in Addendum J1.01.

Justification: Individuals possessing or desiring to possess these species for culture, research, or educational purposes are required to apply for a Conditional Species Possession Permit in addition to the appropriate permit under Code 35.01. Providing an exception to possess these three invasive carp species was an oversight when Code 26.30 was first adopted. Including the exception provides continuity between 26.30 and Addendum J1.01.

Code Change: 26.30

Commercial Fishing

- 8. Proposal:** Clarify that gill and trammel nets are the only legal commercial fishing gear in Horseshoe Lake (Crittenden County).

Justification: The intent of this regulation was to allow commercial fishermen to remove rough fish and invasive carp from Horseshoe Lake (Crittenden County) using only gill and trammel nets. Currently, the regulation does not state that the only legal gear is gill and trammel nets, this change will provide that clarification.

Code Change: 30.13

- 9. Proposal:** Establish a special commercial fishing season on Long Slough Lake (Miller County) open noon November 1 until noon February 28 regardless of Sulphur River water level.

Justification: This proposed regulation would open Long Slough Lake to commercial fishing. There is an abundance of commercial species in the lake, and it serves as a potential harbor for invasive carp species. Commercial fishing in Long Slough is an important component for monitoring the establishment of an invasive carp population in the lake.

Code Change: 30.13

- 10. Proposal:** Remove slat traps as a legal form of gear for fishing Millwood Lake.
Justification: Millwood Lake special permit commercial season was originally added to assist with evaluating the catfish populations that are difficult for biologists to sample. However, limited data is available to justify allowing catfish under 16" to be harvested commercially. Removing this regulation will default catfish species to a 16-inch minimum length limit.
Code Change: 30.13

Non-sportfish

- 11. Proposal:** Require certain baitfish collection devices to be clearly labeled, in a durable manner.
Justification: This change adds continuity with label requirements of other forms of passive fishing gear found in Code 26.21.
Code Change: 32.04
- 12. Proposal:** Allow recreational harvest of common snapping turtles and softshell turtles for personal consumption with limits of six animals harvested per day.
Justification: This regulation change provides opportunities for recreational harvest of specific aquatic turtles.
Code Change: 34.12
- 13. Proposal:** Create a new code specific to crayfish.
Justification: Crayfish have long been utilized as bait for sportfish harvest and are growing in popularity for personal consumption. This proposed code will clarify harvest restrictions and the type of gear that can be used to legally take crayfish. The following waters and their tributaries are closed to harvest of crayfish based on the number of Species of Greatest Conservation Need: Eleven Point, South Fork Spring, Spring, or Strawberry rivers.
Code Change: 39.01, 39.02, 39.03, 39.05, 39.06

Sportfish

- 14. Proposal:** Reinstate statewide crappie regulations on Bois d'Arc Lake.
Justification: The half (15) daily limit for crappie is a carryover from the reduced creel limits that were enacted after the lake renovation in 2004. Lake sampling data from 2015-2020 indicate that this regulation is no longer needed and the lake should return to statewide limits.
Code Change: N1.01
- 15. Proposal:** Implement catch and release only for all sportfish in Lake Monticello including all creeks and ponds in its lakebed.
Justification: Lake Monticello has recently been renovated and will be stocked with a variety of fish species during 2022. In an effort to maximize the reproductive potential of these brood fish it is essential that all fish be released immediately until these populations become established. This catch and release regulation will be

removed when the lake is refilled and sustainable sportfish populations are established.

Code Change: N1.01-A

- 16. Proposal:** Implement a 13-inch minimum length limit for Largemouth and Smallmouth Bass and remove the length limit for Spotted Bass on Lake Norfolk.

Justification: Over the last decade there has been a substantial increase in the abundance of Largemouth Bass in Norfolk Lake as a result of multiple high water years. This increase in abundance has led to a substantial increase in the number of Largemouth Bass that were below legal harvest limits and a reduction in growth. In an effort to improve growth of the Largemouth Bass population, this regulation will reduce the minimum length limit and open up a larger percent of the population to harvest.

Code Change: N1.01-B and N1.02-A

- 17. Proposal:** Increase the Lake Poinsett daily creel of Bream to the statewide limit of 50.

Justification: Lake Poinsett was recently renovated, and upon refilling, the regulation was set at half the statewide limit to provide a mix of opportunity and protection for these fish. The lake is ready to be at the statewide limit of 50 Fish per day.

Code Change: N1.01-C

- 18. Proposal:** Remove the 13-16-inch Slot length limit regulation for the harvest of Largemouth Bass from Sugar Loaf Lake.

Justification: A 13 -16 inch slot limit for the harvest of Largemouth Bass has been in effect on Sugar Loaf Lake since 1996. Size structure and age/growth data show that the slot is no longer an effective regulation for the management of Largemouth Bass in Sugar Loaf Lake. Sugar Loaf would now have statewide regulations for black bass.

Code Change: N1.02-B

- 19. Proposal:** Implement a 10-inch minimum length limit for crappie at Lake Erling.

Justification: Lake Erling is one of the top crappie fisheries in Arkansas and is currently managed under statewide regulations. However, modeling indicates that a 10" minimum length limit could further enhance the size structure of crappie in the lake. AGFC staff conducted an angler creel survey from 2020-2021, and results indicated broad support for additional harvest regulations for crappie.

Code Change: N1.02-B

FINANCIAL / ECONOMIC IMPACT STATEMENT

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

DEPARTMENT: Arkansas Game & Fish Commission

DIVISION: Fisheries

PERSON COMPLETING THIS STATEMENT: Sean Lusk

TELEPHONE #: (877) 525-8606

FAX #: (501) 525-2265

EMAIL:

Sean.lusk@agfc.ar.gov

SHORT TITLE OF THIS RULE: 2023 Fisheries Staff Regulation Change Proposals

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?
Yes: No: **X**
2. Do you believe that the development of a financial impact statement is so speculative as to be cost prohibitive? Yes: No: **X** If "Yes", please explain:
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

General Revenue	\$	
Federal Funds	\$	
Cash Funds	\$	N/A
Special Revenue	\$	
Other (Identify)	\$	
Total	\$	

Next Fiscal Year

General Revenue	\$	
Federal Funds	\$	
Cash Funds	\$	N/A
Special Revenue	\$	
Other (Identify)	\$	
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: \$ **N/A**

Party Subject to Rule: **Anglers in Arkansas**

Effect on Party Subject to Rule: **Positive**

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: \$ **N/A**

Financial Benefit to Agency: **N/A**

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:

7. Compare this rule with federal and state counterparts:

INSTRUCTIONS FOR COMPLETING THIS FORM:

1. ECONOMIC IMPACT - In compliance with Governor's Proclamation EO 05-04, this form must be completed for **commercial licenses and permits** and submitted at the time a regulation is proposed to the Commission. The form will be forwarded to the Chief of Fiscal Services Division for review. After review, the form will be submitted to:

Director
Arkansas Department of Economic Development
One Capitol Mall
Little Rock, AR 72201

2. FINANCIAL IMPACT - After passage of any regulation changes which have a financial impact (including all sport, lifetime, and commercial licenses) this form must be completed and submitted to the Chief of the Legal Division. The form is required for filing regulation changes with the Secretary of State.