

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



For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency _____

Department _____

Contact _____ E-mail _____ Phone _____

Statutory Authority for Promulgating Rules _____

Rule Title: _____

Intended Effective Date

(Check One)

- | | | Date |
|--|---------------------------------------|-------|
| <input type="checkbox"/> Emergency (ACA 25-15-204) | Legal Notice Published | _____ |
| <input type="checkbox"/> 10 Days After Filing (ACA 25-15-204) | Final Date for Public Comment | _____ |
| <input type="checkbox"/> 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: (Required under ACA 25-15-218)

| Contact Person | E-mail Address | Date |
|----------------|----------------|------|
|----------------|----------------|------|

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted

~~XX~~

In Substantial Compliance with Act 434 of 1967 the Arkansas Administrative Procedures Act. Pursuant to 2011 decision rendered by the Pulaski County Circuit Court and 2000 opinion by the Arkansas Attorney General, the rulemaking requirements in the Arkansas Administrative Procedures Act cannot be constitutionally applied to the AGFC. Nevertheless, the AGFC does substantially comply with the rulemaking provisions under Ark. Code Ann. section 25-15-204 for public notice, opportunity for comment, and filing of all regulations adopted by the Commission.

James F. Woodhart

| | |
|-----------------------|-------------------------|
| _____ Signature | |
| _____ Phone Number | _____ E-mail Address |
| _____ Title | |
| _____ Date | |

J1.03 Approved Stocking Species List For Privately Owned Lakes And Ponds

Private landowners may purchase the approved farm-raised species listed below from AGFC-permitted sources (Resident/Non-Resident Fish Farmer, Resident/Non-Resident Fish Dealer / Independent Hauler) for stocking without a permit from AGFC (see Code [26.12](#)). No importation of live wild caught fish species for stocking is allowed. All imported fish species must meet health certificate requirements set forth by state and federal regulations (see Addendum Chapter [11.00](#)). A true bill of lading, invoice, and health certificate (if required) must accompany every shipment of live fish entering or being transported through the state (see Codes [35.03](#), [35.11](#), and [35.12](#)).

Class Crustacea Family

Cambaridae

Procambarus acutus (White River crayfish)

Procambarus clarkii (Red Swamp crayfish)

Class Osteichthyes Family

Centrarchidae

Lepomis cyanellus (Green sunfish)

Lepomis macrochirus (Bluegill) *Lepomis*

microlophus (Redear sunfish)

Micropterus salmoides (Largemouth bass)

Pomoxis annularis (White crappie) *Pomoxis*

nigromaculatus (Black crappie)

Family Cichlidae - Species must be obtained from a permitted source and spawned and reared only in the United States.

* *Oreochromis aureus* (Blue tilapia)

* *Oreochromis mossambicus* (Mozambique tilapia)

* *Oreochromis niloticus* (Nile tilapia)

Family Clupeidae

Dorosoma petenense (Threadfin shad)

Dorosoma cepedianum (Gizzard shad)

Family Cyprinidae

* *Carassius auratus* (Goldfish, including ornamentals)

* *Ctenopharyngodon idella* (Grass carp) – USFWS Certified Triploids Only

* *Cyprinus carpio* (**Koi only** - must be obtained from a permitted source and spawned and reared only in the United States.)

Notemigonus crysoleucas (Golden shiner)

Pimephales promelas (Fathead minnow)

Family Ictaluridae

Ictalurus furcatus (Blue catfish)

Ictalurus punctatus (Channel catfish)

Family Moronidae

Morone chrysops X *Morone saxatilis* (Hybrid Striped bass)

Hybrids:

It is our intent that stocking of any hybrid fish species is permissible if both parent species are included on the Approved Stocking Species List for Privately owned Lakes and Ponds, with the exception of Hybrid Catfish (*Ictalurus furcatus* X *Ictalurus punctatus*).

Salmonid species:

Requires a valid Trout Importation/ Stocking permit and must meet all requirements set forth in Code [27.07](#), Code Chapter [35.00](#), Addenda Chapters [11.00](#), [J1.00](#), and [V1.00](#).

VHS Fish Farm Health Inspection Permit:

It shall be unlawful for any person to import, transport or otherwise receive into the state of Arkansas live fish and/or fertilized eggs from any VHSV-positive state (Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, Wisconsin, and Ontario and Quebec) without first obtaining the appropriate permit (see Code [35.01](#)), in addition to a valid Fish Farm Health Inspection Permit issued by the Commission and complying with the provisions of said permit. All persons wishing to ship live fish or fish eggs into Arkansas from VHSV-positive states must first obtain the Fish Farm Health Inspection Permit and a copy of the permit must accompany all shipments into the state, even if the fish are transported by a third party. Furthermore, any person hauling live fish through Arkansas from VHS- positive states are prohibited from discharging water from fish-hauling tanks while within the state. All shipments of live fish or eggs coming into Arkansas must be accompanied by an invoice, or bill of lading, and appropriate health certificates in compliance with Code [35.03](#). Additionally, the fish health inspection report must be no more than 60 days old from date of reported test results at time of application for Fish Farm Health Inspection Permit from Commission.

Permission to Import, Rear, or Stock Unlisted Species:

Requests to import, possess, and stock species not listed in this policy will be scientifically evaluated on a case-by-case basis. The burden of proof will rest with the applicant to provide justification as to the need to import and stock the species, justify why currently approved species listed in this policy will not fill the need, and provide information that the requested species will have no significant ecological impact on native species or resources of the state. The stocking of any

unlisted aquaculture species shall be conducted in a responsible manner that excludes the possibility of escape from holding and culture units. Permit holders are required to construct a barrier that prevents escape of juvenile and adult species from their location and meet all biosecurity, containment, and health certificate requirements set forth by the AGFC Fisheries Division scientific review of the species. Additional biosecurity and containment requirements may be required as part of the terms of the permit based on scientific review of the species. In the event that unlisted aquatic organisms are released or escape from the stocked location, the permittee shall notify the AGFC Fisheries Division immediately. Additional screening for aquatic animal health pathogens maybe required for unlisted species due to country of origin, water source, or specific pathogens of concern and will be considered on a case by case basis.

Prohibited Species:

It is unlawful to import for private lake or pond stocking any specimen or hybrid from species commonly known as:

- Alewife *Alosa pseudoharengus*
- Blueback herring *Alosa aestivalis*
- Eurasian ruffe *Gymnocephalus cernua*
- Mexican banded tetra *Astyanax aeneus*
- Orfe *Leuciscus idus*
- Piranha *Family Serrasalminidae*
- Roach fish *Rutilus rutilus*
- Round Goby *Neogobius melanostomus*
- Rudd *Scardinius erythrophthalmus*
- Snakehead *Family Channidae*
- Stickleback fish *Family Gasteroseidae*
- Walking catfish *Clarias batrachus*
- White Perch *Morone americana*
- Yellow perch *Perca flavescens*

- Chinese mitten crab *Ericher sinensis*
- Marbled crayfish *Procambarus virginalis*
- Everglades crayfish *Procambarus alleni*
- Redclaw crayfish *Family Cherax*
- Rusty crayfish *Orconectes rusticus*
- Smooth Marron *Cherax cainii*
- Yabby *Cherax destructor*

- Big-Ear radix *Radix auricularia*
- Channeled apple snail *Pomacea canaliculata*
- Chinese mystery snail *Cipangopaludina chinensis*
- Ghost Ramshorn snail *Biomphalaria havanensis*
- New Zealand mud snail *Potamopyrgus antipodarum*
- Quagga mussel *Dreissena bugensis*
- Quilted melania *Tarebia granifera*
- Red-rim melania *Melanoides tuberculata*
- Zebra mussel *Dreissena polymorpha*

Modification of Lists:

Any individual may petition AGFC to add or remove species on the *Approved Stocking Species List for Privately Owned Lakes and Ponds*. The petition must

provide thorough documentation of why a species should or should not be included on a list. Petitions must address the biological threat of the species, including native range, habitats utilized, movement patterns, spawning requirements, reproductive rate, food habits, and temperature, pathogens of concern, and water-quality limitations. Documentation of any introductions or escapes outside the species' native range must be included and evaluate the potential impacts to native species through predation, competition, disease transmission, and displacement. Petitions must include copies of all pertinent reference material.

Petitions to add or remove species on the *Approved Stocking Species List for Privately Owned Lakes and Ponds* will be responded to by the Chief of Fisheries after thorough scientific review of the species and a consultation with an advisory board representing AGFC staff.

ARKANSAS GAME AND FISH COMMISSION
Little Rock, Arkansas

MINUTE ORDER NO: 22-031 SUBJECT: 2022-23 Fishing Regulations
 DATE PASSED: May 19, 2022
 PAGE 1 of 1 PAGES LOCATION: Statewide

WHEREAS, the Arkansas Game and Fish Commission and its staff have proposed the attached 2022-23 fishing regulations; **and**

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

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

NOW, THEREFORE, BE IT ORDERED this 19th day of May 2022, that the Arkansas Game and Fish Commission hereby approves and adopts the attached regulations, which shall become effective January 1, 2023.

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

STAFF APPROVAL

Submitted by: 
Ben Batten
Chief

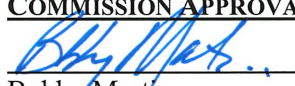
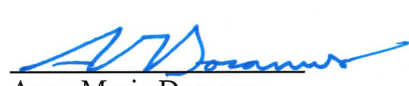
Division: Fisheries


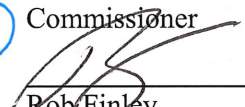
Approved: 
Director

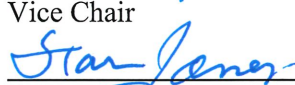
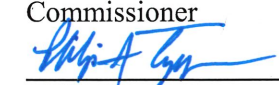
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Legal

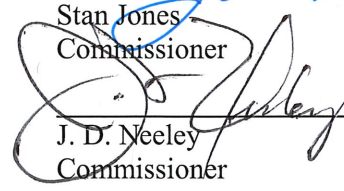
Approved: 
Fiscal

COMMISSION APPROVAL

 
Bobby Martin Anne Marie Doramus
Chair Commissioner

 
Bennie Westphal Rob Finley
Vice Chair Commissioner

 
Stan Jones Philip Tappan
Commissioner Commissioner


J. D. Neeley
Commissioner

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.

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.
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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.

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- 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

LEGAL NOTICE

The regular monthly meeting of the Arkansas Game and Fish Commission will be held beginning at 9:00 a.m. Thursday, May 19, 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, May 18, 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 May 19th 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 May 19, 2022 meeting will include discussion and/or adoption of proposed regulations that previously were considered at Commission Meetings held on March 15-17, April 7, and April 20-21, 2022, 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.
- Amend Point System for Violation of Commission Regulations to indicate that, for the purpose of determining a person's eligibility for suspension or revocation under Code 01.00-L, the Commission will not consider violation points that have: (1) previously been counted and formed the basis for issuance of a suspension or revocation, or (2) expired.
- Amend prohibition for certain firearms during muzzleloading deer or bear seasons to allow buckshot No. 4 or larger to be fired from a muzzleloader, and allow limited use of blow guns and dart guns.
- Amend wildlife records requirements applicable to commercial facilities and taxidermists receiving, processing, or storing wildlife to omit "deer camps" from the list of entities required to maintain records of harvested wildlife for one year.

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.
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- 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.
- Amend the definition of “Zone” in the Definition of Terms and provide that a zone can include individually designated creeks, lakes, rivers, streams, and other waterbodies; catch-and- release areas; special regulation areas; WMAs; and specific lands and waters described in Addendum Chapter E1.00.
- Adopt regulation establishing certain waters as zones and indicate that specific public waterbodies or areas on waters controlled by the Commission may be designated as separate zones for which the Commission may establish and apply fishing regulations.

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.
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- 3. Procedure for Conducting Commission Business** – Amend existing internal procedure for conducting Commission business to delete requirement that a minimum of two Commissioners must be physically present in a meeting room at the time of a Commission meeting, and permit all Commissioners to participate in public meetings conducted by way of telephone or video conference.

All persons wishing to be heard on these subjects should submit comments in writing to this office before the start of the May 19, 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 May 9, 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.

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