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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
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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 19.06 -Fire Restricted and Destruction of Trees Prohibited

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.

19.06 –Fire Restricted and Destruction of Trees Prohibited

It is unlawful to:

- A. Cut or disfigure trees;
- B. Cause the burning of timber, brush, or grass;
- C. Leave a fire without completely extinguishing it;
- D. Burn any material or objects that are not completely combustible; or
- E. Allow a fire to escape from control on any Commission-controlled property.
- F. Burn outside of designated campground designated fire pit.

The Commission shall have the right to prohibit any or all forms of hunting or trespassing on any unauthorized artificial openings.

EXCEPTION: As specified in the “Policies on Land Use Around Commission Lakes” (Addendum [K1.01](#)).

PENALTY: Class 1

2022

Hunting Regulations Summary of Proposals

03/16/2022

Furbearer/depredation

- 1. Proposal:** Allow bobcat and otter pelts to temporarily be shipped out of state to be tanned without having to have a CITES tag attached to them.

Justification: This proposal would make it easier for those that wish to have the pelts of otter and bobcat tanned out of state and returned to them without having to go to a Commission office to have the pelt tagged with a CITES tag.

Code: 17.06
- 2. Proposal:** Eliminate extra month of muskrat trapping season on WMAs. Addendum C1.09. These regulations were left out when it was taken out of statewide season.

Justification: The Arkansas Trappers Association requested that muskrat season be reduced by one month and that was done on private lands in the previous regulation cycle. This proposal would result in the same seasons on both public and private lands and should have been included when the statewide change was made in 2020.

Code: C 1.09
- 3. Proposal:** Increase the maximum size of foothold traps set on land from 6" to 6 ¼".

Justification: The Association of Fish and Wildlife Agencies Best Management Practices for trapping bobcat includes foothold traps of up to 6 1/8" as being efficient and humane for taking bobcats and the increase in the size of allowable trap size of 6 ¼" is being proposed in response to this information while allowing for some measurement error. Although meant to aid bobcat trappers the increase will allow for use of traps of this size for all furbearers.

Code: 17.01
- 4. Proposal:** Clarify issues that have arisen since the implementation of the Predator Control permit in 2019; specifically whether firearms caliber restrictions, use of artificial light, non-resident trapping permit requirements, and dog restrictions apply when utilizing this permit.

Justification: Since the implementation of this permit legitimate questions have arisen regarding how existing hunting method restrictions apply to the Predator Control Permit. This proposal makes it clear that firearms of any caliber and artificial light at night (except from public roads) can be used. It also clarifies that existing restrictions on use of dogs for furbearing hunting on private land apply to those using this permit.

The proposal also clarifies that the use of traps will also require that the permit holder possess a Resident Trapper Permit (free) or Non-resident trapping permit (\$125). This will help ensure the quality of data received from post-season trapper surveys that we use to monitor population trends of these species. Youth under 16 would not have to have a license to have this permit.

Code: 5.28
- 5. Proposal:** Modify language regarding take of certain birds so that it matches other existing code and exempt those with a Predator Control Permit from having to obtain a Depredation Permit to take those species on private land outside cities.

Justification: This will clarify and match rules regarding control of nuisance birds with existing regulations in Code 14.01. This will also resolve confusion over when Depredation Permits and

Predator Control Permits are required by exempting those with Predator Control Permits from the need to get a Depredation Permit for species covered by the Predator Control Permit in order to resolve issues regarding damage to personal property.

Code: 5.10

General

6. **Proposal:** Remove the reference to a temporary internet license or confirmation code. Include alligator in the non-resident license requirement.
Justification: These codes were overlooked during the last regulation cycle to be updated to reflect the approval of having electronic license. This will clarify what license is needed for non-residents to hunt alligator.
Code: 3.03, 3.04
7. **Proposal:** To simplify code by removing WMAs that are currently listed in code as closed and replace with a statement in the beginning of the code stating only WMAs with open season are listed.
Justification: With the goal to simplify code this will remove listing of closed to a season in bear and turkey WMA listed seasons and shorten these codes.
Code: C1.02, C1.04
8. **Proposal:** To define certain types of killing devices and ammunition allowed for the take of crow.
Justification: Crows was inadvertently removed from the list of species prohibited to be taken by certain firearms and ammunition under this code.
Code: 6.01
9. **Proposal:** Amend code 5.08 to reduce capturing non-target animals in traps with no escape.
Justification: Non-target mammals such as deer, elk, and black bear that can potentially get into cage-style traps often used by private landowners for trapping nuisance wildlife and/or invasive species. Some of these cage-style traps offer no means for the non-target mammals to escape resulting in serious injury or even death. Requiring and opening for these non-targeted mammals to escape would eliminate this issue.
Code: 5.08
10. **Proposal:** Increase the penalty of aid, accompany or abet to the same violation point level as the violation that the individual is helping to commit, on private and public land. Remove accompany wording.
Justification: Many times subjects play a big role in the violations committed, but because they didn't carry out a specific action, they aren't deemed as culpable under our regulations. For example, a person driving the truck engaged in night hunting, or road hunting is involved in the act by seeking out the game, stopping the truck and many times, egging the shooter on, however, is not able to be charged with the actual violation because they didn't possess the killing device. They are most often times charged with code 5.32 Aiding, Accompanying or Abetting, a set six point violation. Another example of this is youth turkey hunting involving bait. Most always when youth are caught hunting over bait, the mentor that is with the youth placed the bait to be hunted over. Since the mentor is not engaged in the act of hunting, the liability falls on the youth. Of course we are not going to charge the youth for this violation, so our officers are forced to default to the mentor and charge them with 5.32 Aiding or Abetting a six point violation. An easy fix to this would be to allow code 5.32 to mimic the points assessed

in the violation to which the violator aided or abetted in to hold them accountable for major violations that they partake in.

Code: 5.32

11. **Proposal:** Clarify unused game animal carcasses may not be disposed in bodies of public water in the littering code.

Justification: At the request of enforcement to clarify that disposing of unused portions of game animals should be considered littering when disposed of in streams, rivers and lakes.

Code: 5.25

12. **Proposal:** Include Mountain Lion (*Puma concolor*) in the definitions of large carnivore.

Justification: The Mt. Lion was excluded from the definitions in code.

Code: 1.00C

13. **Proposal:** Establish a code clarification of an Off Highway Vehicle (OHV)

Justification: Clarifies the reference of ATV, UTV and any other vehicle being restricted where "OHV" is used in the code.

Code: 20.19, 1.01C

14. **Proposal:** Prohibit all dog use during reserved dog field trial events in reserved compartments, except those dogs participating in the field trial event. Also, clarify how many and what type of dogs are allowed to be trained.

Justification: This code change is necessitated by changes to the Camp Robinson SUA Operational Plan. Access to all users will be open during field trial events. However, dog use will negatively impact field trials. Therefore, a code is needed that prohibits dog use in reserved compartments during reserved field trial events. Clarify Code 20.13 title to strike the word training due to reference to all dog use on Camp Robinson SUA. Also, clarify exception B to state that the exception only applies to during a field trial. Clarification striking the word closed in 22.01 exception C because compartments are no longer closed to other users. Strike the word beagle in 22.01 exception N because dogs beside beagles can be trained to run rabbits.

Code: 20.13

15. **Proposal:** On Camp Robinson SUA reduce the number of dogs allowed for training in Compartment 5 to open opportunity for additional users. Reduce from 4 dogs to 2 dogs to any one vehicle, remove the Tuesday and Thursday exemption.

Justification: Boone/Pepper's Pond was designed and built as a public facility for sportsmen/women to train their retrievers to prepare for trips afield. Use at the facility has far exceeded our expectations over the years resulting in additional grounds and ponds being added over the years. This top notch training facility has attracted folks from all around including an increase in professional trainers from central Arkansas. These trainers show up with multiple dogs and elaborate set ups that occupy much of the area for extended periods of time. Regional staff have fielded several calls from the public complaining about the professional trainers. These trainers are charging their cliental and making money off public facilities. It is our recommendation to continue to allow everyone to train at the facility, but to limit the number of dogs to reduce over use and crowding and provide more opportunity to more people.

Code: 20.13

16. **Proposal:** To require all deer, adult gobblers or bear injured or killed by incidental contact (non-hunting activity such as vehicle accident) must be reported to the AGFC Radio Room (800-482-

9262) and an official salvage tag number obtained through the AGFC before the animal or parts thereof can be possessed from the point of initial contact.

Justification: Many times our Wildlife Officers encounter people with animal parts such as deer antlers, turkey beards or bear hides and they are not accompanied by an official check number. The story that is oftentimes given is that the animal was hit by a vehicle and picked up off of the road. Without currently having anything in code to prevent this, Wildlife Officers often times have to walk away from these situations without recourse. Education is always our number one priority when dealing with the public, and the average person would receive just that, but when our Officers deal with a known poacher in possession of "roadkill" animals, they need some form of recourse to prevent this from simply being an excuse to possess illegally harvested animals.

Code: 5.18 (E)

17. **Proposal:** Remove the reference to nanometers in code that reference the degree of orange and chartreuse that is used for deer hunting.

Justification: As requested by enforcement to remove the reference to nanometers when this is not used in the field to determine the place on the nanometer field. Simply referring it as hunter orange or OSHA safety colors will be enough.

Code: 5.20

18. **Proposal:** Change reference" In compliance with 50 CFR 21.12 Subparts A, B, C, D, E, (50 CFR21-50CFR 21.61)" to 50 CFR all subparts.

Justification: The U.S. Fish and Wildlife Service Migratory Birds Program re-designated the regulation citations for 50 CFR part. 21.

Code: 5.10, 14.01, 14.04

WMA Regulations

19. **Proposal:** Add an exception to 19.04 that will establish a camping permit fee for the 12 campsites at Camp Robinson SUA headquarters that provide electric and water services. Also add a camping permit fee to any Commission owned WMA.

Justification: This code change is necessitated by changes to the Camp Robinson SUA Operational Plan. We suggest a fee of \$15.00/night for camping on Camp Robinson SUA and \$5 for any other Commission owned WMA. The permit needs to only be made available online. We request these funds from campsites on Camp Robinson SUA be earmarked for Camp Robinson SUA budget for maintenance. Camp Robinson SUA does not receive federal funds for these activities. Therefore, these fees are important to maintaining electric and water infrastructure at the campsite.

Code: 19.04(G, I) D1.01

20. **Proposal:** Require and annual WMA camping permit (\$5) for each individual, 16 years of age and older, to camp on all Commission-owned WMAs.

Justification: The number of consecutive day to camp on a Commission Owned WMA is 14 days this will require campers to possess a valid camping permit. This permit must be available at campsite.

Code: 19.04

21. **Proposal:** Clarify restrictions for vehicle use on Jack Mtn WMA.

Justification: 20.19 L OHVs are allowed on designated open, maintained roads on Jack Mountain WMA from September 1 - December 31 and 7 days prior to opening of turkey season through

the end of turkey season. Use of OHVs on right-of-ways is strictly prohibited unless designated as an open road.

Code: 20.19 Exception L

22. **Proposal:** As requested by Ross Foundation require a permit to camp on Jack Mountain WMA
Justification: Add requirement to obtain a camping permit from the Ross Foundation to camp on Jack Mtn. WMA. This regulation was requested by Ross Foundation staff to allow coordinated distribution of camping pressure across the WMA.
Code: 19.04 Exception M
23. **Proposal:** Edit camping restrictions on Commission Owned WMAs to add restrictions for large groups (50 or more individuals).
Justification: Under the current code there are no protections against large organized groups from monopolizing camp grounds for extended periods of time and exceeding a facilities limitations for parking, trash collection and sanitary needs. Require groups of up to 50 to obtain a permit 30 days in advance from area manager, groups over 50 to require permit from Chief of Wildlife 60 days in advance. Combine 20.18 and 19.04.
Code 20.18, 19.04 H
24. **Proposal:** Provide language in Code 20.06, Exception F requiring that trail cameras on Commission Owned WMAs and certain NWRs have the same requirements for owner identification as portable deer stands and blinds.
Justification: Enforcement staff has identified that trail cameras are almost always associated with bait sites and many trail cameras are now being deployed using screw-in adapters into trees. The requirement for visible display of the owner's identification permanently affixed via paint, tag, or sharpie would provide some information on camera ownership that is currently unavailable.
Code: 20.06
25. **Proposal:** Clarify and simplify some codes regarding general WMA regulations.
Justification: There are mistakes in the wording and removing some of the redundancy in the code for a clearer understanding of the code.
Code: 19.12, 20.05, 20.17
26. **Proposal:** Open Alum Fork Natural Area for hunting.
Justification: Arkansas Natural Heritage requested that the area be opened to hunting opportunities as the other Natural areas are. This is 492.6 acres in Saline County.
Code: C1.01, C1.02, C1.04
27. **Proposal:** Establish Devil's Eyebrow as a separate Natural Area.
Justification: This will separate Devil's Eyebrow from Beaver Lake WMA and clarify difference in regulations.
Code: C1.01, C1.02, C1.04
28. **Proposal:** Change the deer season and bag limit on Bearcat, Lee Creek and White Rock WMAs to be consistent with Piney Creeks; 1 antlerless with muzzleloader or modern gun.
Justification: This will make Bearcat, Lee Creek and White Rock WMAs all the same and reduce confusion for the hunters.
Code: C1.01
29. **Proposal:** Omit the Ozark National Forest WMA designation and incorporate those lands into adjoining Coop WMAs.

Justification: The WMA boundary changes will simplify zone designations and provide hunters better clarity.

Code: 20.24 C1.01, C1.02, C1.04

30. **Proposal:** Allow the use of dogs for squirrel hunting after the first 9 days of modern gun deer season on Bearcat Hollow WMA.

Justification: This will make Bearcat Hollow regulations consistent with other USFS WMAs in the area.

Code: 22.01 L

31. **Proposal:** Delete code 19.03 that conflicts with code 20.19 regarding motorized vehicles on a WMA.

Justification: Code 20.19 covers a more detailed scope of what is allowed and where than 19.03 and code 19.03 actually provides exceptions that are not allowed in 20.19. This request has come from enforcement.

Code 19.03

32. **Proposal:** Change the dates when horseback riding is prohibited on WMAs from October through January to the fourth Saturday in September through January increase the number of days prior notice required from 14 to 30 days.

Justification: The starting date coincides with the established opening day of archery season. The increase from 14 days to 30 days' notice of large events provides the area manager time to gather needed information and develop the special use permit.

Code: 20.20

33. **Proposal:** Code correction for Dardanelle WMA, Johnson County Waterfowl Rest Area

Justification: The opening day of archery season on the WRA should be consistent with the rest of the WMA and the statewide opening date. Additionally, because this is a WRA, it closes to access on November 1st and reopens to access on February 16th, the described opening of the second split should reflect the actual day the WRA opens for public access.

Code: C1.01

34. **Proposal:** Remove the Archery Permit requirement for Maumelle River WMA

Justification: When Maumelle River WMA was developed through a lease agreement with Central Arkansas Water (CAW), the CAW Board of Directors required that deer hunters be permitted to facilitate identification of those hunters as a water supply security measure. Additionally, AGFC staff wanted to provide deer hunting opportunity yet, prevent potential overcrowding of hunters and limit the potential for overharvest of deer. Currently, AGFC issues 300 archery permits with an unknown number of those hunters actually utilizing the WMA, anecdotally from CAW personnel, overcrowding is not an issue. Checked deer harvest has averaged 15.8 for the previous 5 years indicating stable populations and most likely stable hunter participation. The CAW Board and staff are comfortable with eliminating the permit requirement as a security measure and AGFC Wildlife staff are not concerned with overcrowding and over harvest. Removal of the permit requirement will provide hunter opportunity without the need to apply for a permit and eliminate the need to administer a permit draw for Maumelle River WMA.

Code: C1.01, C1.13, 20.17

35. **Proposal:** As requested from Central Arkansas Water (CAW) clarify the removal of object text on Maumelle River WMA. Clarify camping on Maumelle River and remove the boating/lake hours and horsepower restrictions from Sleepy Hollow access and clarify kayak use areas.
Justification: This was requested by Central Arkansas water (CAW) to include rocks, fruits, nuts, acorns, artifacts, plants, etc. for non-removal. Camping to be in designated areas only and remove the time limitation of boating on the open areas of the lake. Remove horsepower restrictions and kayak restrictions north of AR Highway 10.
Code: 19.04 (Exception D), 19.16 (D), 24.03 (F)
36. **Proposal:** Remove the permit requirements from Warren Prairie and Longview Saline Disabled Veteran hunt.
Justification: There is no longer a permitted deer hunt. The license requirements for a DAV hunt is that the hunter meets our definition (defined in licensing) for a Disabled Veteran only. No permit is required
Code: C1.01, C1.13
37. **Proposal:** Add a permit youth deer season to Camp Robinson Special Use Area and Harold E. Alexander/Spring River WMA coinciding with the statewide late youth season in January.
Justification: Currently, there are two deer permit hunts on HEASRWMA. On CRSUA there is only one permit gun hunt. There is no youth specific hunt on the area. The staff feels the area can easily withstand the pressure and harvest that a youth hunt would have and provide additional youth opportunity on the area. This proposed season is consistent with R3 efforts to expand hunting opportunities. The staff would like to have 50 permits available on this proposed youth deer hunt.
Code: C1.01, C1.13
38. **Proposal:** Add permit youth deer seasons to Greer's Ferry WMA coinciding with the statewide early youth season in November and late season in January.
Justification: Greer's Ferry WMA has traditionally had a mobility impaired muzzleloader hunt that was administered by the USACOE. They have discontinued this hunt due to COVID. We would like to replace this hunt with a limited youth hunt. This proposed hunt is consistent with R3 efforts to expanding hunting opportunities. Staff would like to have 5 permits available for each of these proposed youth deer hunts and it will go through the AGFC draw process. NOTE: This hunt will be restricted to shot guns and muzzleloaders only and maps will be emailed to selected applicants after the draw.
Code: C1.01, C1.13, 20.02 I
39. **Proposal:** Establish a five (5) day muzzleloader deer permit hunt on Steve N. Wilson Raft Creek WMA.
Justification: Regional staff recommends adding a 20 permit muzzleloader hunt on Steve N. Wilson Raft Creek WMA to provide additional hunting opportunity. This area is a 5000 acre WMA with a major emphasis on waterfowl habitat and hunting. Since the 2014-15 season when a 5 day modern gun permit hunt was established, 63 deer have been recorded as being harvested off of the WMA. This averages to approximately 10 deer being harvested yearly by archery and modern gun. Adding a 5 day muzzleloader permit hunt to coincide with the state season will not adversely affect the deer population and increase public hunting opportunities on this WMA and within Region 2.
Code: C1.01, C1.13

40. **Proposal:** Remove firearm restriction on the modern gun deer permit hunt on Steve N. Wilson Raft Creek WMA.
- Justification:** The modern gun permit hunt on Steve N. Wilson Raft Creek WMA is currently restricted to muzzleloaders and shotguns with slugs. Regional staff recommends removing the current firearm restrictions and allowing the use of centerfire cartridges. This restriction was put in place when the modern gun permit hunt was established in 2014-15. Since the 2014-15 season when a 5 day modern gun permit hunt was established, 63 deer have been recorded as being harvested off of the WMA. This averages to approximately 10 deer being harvested yearly by archery and modern gun. Removing the current firearms restrictions will not adversely affect the deer population and potentially increase public usage during the permit hunt.
- Code:** C1.01, C1.13
41. **Proposal:** Add a permit muzzleloader deer hunt to Stone Prairie Wildlife Management Area coinciding with the first five days of the early statewide muzzleloader season
- Justification:** Currently, there is one permit deer hunt on Stone Prairie WMA. It is a youth gun deer hunt. With the loss of WMA acres that provided deer hunting on Camp Robinson Wildlife Management Area, the staff wants to find areas to help make up for those lost opportunities. The staff feels the deer population on SPWMA can support a permit muzzleloader hunt and the area does need some additional harvest to maintain a healthy population. This proposed season is consistent with R3 efforts to expand hunting opportunities. The staff would like to have 5 permits available on this proposed muzzleloader deer hunt. SPWMA has to have a small permit size due to the area only being 980 acres and very open. SPWMA also has very limited parking at this time.
- Code:** C1.01, C1.13
42. **Proposal:** Adjust the mobility Impaired Deer Permit hunts for Wedington later two weeks, and the permit on White Rock later by one week.
- Justification:** The current hunt receives minimal use and a contributing factor may be that it occurs so early in the season. Adjusting the season later two weeks may draw more interest and still not conflict much with archery hunters as they increase their hunting later in October. The current hunt on White Rock receives minimal use and a contributing factor may be that it occurs so early in the season. Adjusting the season later one week may draw more interest and still not conflict with the muzzleloader season which begins on the third Saturday in October.
- Code:** C1.01
43. **Proposal:** Permit Dove fields on Camp Robinson Special Use area, Dave Donaldson Black River (Brookings Field) Shirey Bay Rainey Brake (Powhatten Field) and Frog Bayou (Power line Field) WMAs for first 2 days of season.
- Justification:** These particular dove fields are drawing a lot of hunters on opening weekend and causing some safety concerns. WMD staff believe permitting these fields the first 2 days of the season will improve the quality and safety of the dove hunts. These fields will be permitted along with our private land dove fields.
- Code:** C1.17

Turkey

44. **Proposal:** Increase the penalty for hunting turkeys over bait from a class 2 to 3 statewide.
- Justification:** Wildlife officers put in a great deal of time and effort each spring working turkey bait. Locating bait sites, monitoring sites, collecting samples and issuing citation with a penalty

that does not deter a repeat offence. Paying a fine is worth a risk vs a year suspension of one's hunting privileges.

Code: 07.05, 20.05

45. **Proposal:** Add an additional permit turkey hunt to Stone Prairie Wildlife Management Area coinciding with the first three days of Zone 2 season. This will provide two-3 day hunts.

Justification: Currently, there is one permit turkey hunt on Stone Prairie WMA. It is a youth turkey hunt. With the loss of WMA acres that provided turkey hunting on Camp Robinson Wildlife Management Area, the staff wants to find areas to help make up for those lost opportunities. The staff feels the turkey population on SPWMA can support limited permit hunting. Only one turkey has ever been harvest on SPWMA despite supporting a population on the area. This proposed season is consistent with R3 efforts to expand hunting opportunities. The staff would like to have 2 permits available for each of two 3-day permit turkey hunts on SPWMA. SPWMA has to have a small permit size due to the area only being 980 acres and very open. SPWMA also has very limited parking at this time.

Code: C1.04, C1.16

46. **Proposal:** Add a permit hunt and reduce hunt length on the Devil's Eyebrow Natural Area to two-3 day hunts.

Justification: Permit hunts for Devil's Eyebrow were first added during the last regulation cycle and followed a conservative structure to assess the potential impact to the population on the area. During the 2021 turkey season no turkeys were harvested during the youth or regular season hunts. This suggests the rugged terrain may help mitigate the effects of limited hunting pressure on the area and as such an additional hunt is not likely to negatively impact populations. Taking an incremental approach to additional opportunity is warranted to avoid over exploitation of this area.

Code: C1.04

47. **Proposal:** Establish two 3-day permit hunts for turkey hunting on Cypress Bayou WMA.

Justification: Cypress Bayou WMA encompasses 2,500 acres in Lonoke and White Counties. With the addition of the Red Cut Slough tract and habitat improvements being done on Cypress Bayou over the past few years the turkey population has responded favorably, resulting in a substantial increase in turkey hunters. Since 2019, regional staff have conducted vehicle counts on opening day, which resulted in an average of 25 vehicles being on the WMA opening day of each year. During the 2021 season, regional staff conducted a vehicle count survey 5 of the 9 available hunting days. A total of 54 vehicles were counted, with 79% (43 vehicles) counted the first three days of the season. This volume of hunters converging on 2,500 acres creates a safety concern, promotes overcrowding and reduces the quality of the hunting experience. A permit hunt will reduce the number of complaints concerning high hunter pressure and trespassing complaints from adjacent landowners. Regional staff recommend adopting two 3day quota permit hunts with 5 permits per hunt. Proposed permit dates are the first three days of the season and the last three days of the season.

Code: Addendum C1.04, C1.16

48. **Proposal:** Create a Spring Turkey Permit Hunt(s), eliminating the "same as zone" regulation on Petit Jean WMA.

Justification: A review of checked harvest data from 2010 to 2021 indicated a need to do further evaluation of the spring turkey season structure on Petit Jean. Harvest has ranged from 21 to 2

checked birds (1 bird/740 acres-1 bird/7771 acres) with a definite pattern of relative high harvest followed by years of very low harvest (Figure 1). This harvest cycle certainly is not preferred, with a more stable harvest over time and a more stable population being the goal. Currently R 5 doesn't have hunter use data, however, anecdotally hunting pressure is high and sustained throughout the season. Review of other available data, brood surveys and USGS water levels as examples, show a definite influence between high water events during April and May and brood production and subsequent harvests. High water events have been more frequent during this time period. Additionally, these high water events are occurring during the declared hunting season, rendering a significant portion of the WMA inaccessible to hunters resulting in overcrowding and potentially over harvest. This proposal is an effort to reach a more stable population and harvest, reduce overcrowding, improve hunt quality and reduce the potential for over harvest during flood events.

Code: C1.04, C1.16

49. **Proposal:** Simplify existing archery hunting code and opportunities for turkeys on Cut-Off Creek WMA, Freddie Black Choctaw Island WMA Deer Research Area - East Unit, and Scott Henderson Gulf Mountain WMA and add Dr. Lester Sitzes Bois D'Arc to the archery restrictions.

Justification: There is a need to clarify the existing archery hunting dates concurrent with the statewide season on Dr. Lester Sitzes Bois D'Arc WMA to be closed during the firearms permit hunts. Existing archery opportunities on Cut-Off Creek, Freddie Black Choctaw Island Deer Research Area – East, and Scott Henderson Gulf Mountain WMAs all remained as they were prior to the extension of season length from 16 to 21 days in the surrounding private land zones. In an effort to simplify code language pertaining to these archery hunting opportunities we recommend allowing archery hunting during the statewide seasons in the surrounding Zone (Zone 2) as is allowed on Dr. Lester Sitzes Bois D'Arc WMA. Further clarification in code language is recommended to acknowledge that closure of archery hunting without a permit during the firearms permit hunts on each area. Current observations indicate these opportunities receive low use due to the difficulty of the pursuit so reducing the number of days open to archery hunting no longer appears to be warranted on these areas. Additional opportunity outside of these areas does not appear warranted as all other WMAs open to spring turkey hunting that don't require a permit are open for archery hunting concurrently with the firearms season.

Code: C1.04, C1.16

50. **Proposal:** Add an additional 3-day turkey permit hunt opportunities on Beryl Anthony Lower Ouachita WMA.

Justification: There is an increasing demand for available WMA turkey permit hunt opportunities. With a 39% increase in demand for a static number of available permits, it is prudent to identify options available to increase opportunity without negatively impacting wild turkey populations on these limited opportunity areas. There is currently one 3-day turkey permit hunt for this highly sought after hunting opportunity in Southeast Arkansas. The majority of the WMA turkey permit hunts available follow a standard of three 3-day hunts. With increased upland acreage added in recent years, the addition of two additional 3-day hunts is not anticipated to further reduce turkey populations on the area.

Code: C1.04

51. **Proposal:** Add a hybrid style permit hunt on Longview Saline Natural Area WMA, Trusten Holder WMA and Warren Prairie WMA.

Justification: Over the past several years complaints surrounding hunter interference on these areas have indicated a desire to reduce hunter densities in an effort to improve the quality of the turkey hunting experience. Due to the limited amount of unrestricted turkey hunting opportunities in this area of the state it is not desired to fully restrict hunter numbers but staff recommend a hybrid permit hunt, similar to that enacted on the Sylamore WMA, due to overcrowding issues early in the spring turkey season on these WMAs. The purpose of this restricted permit hunt would be to provide a quality hunt opportunity with a limited number of permits followed by unrestricted hunter access for the remainder of the season. There would be no reduction in available daily hunting opportunity, but, rather a reduction of hunting pressure during the permit hunts occurring on the opening three days of the spring season.

Code: C1.04

52. **Proposal:** Add an additional turkey permit hunt on McIlroy Madison County WMA.

Justification: There is an increasing demand for available WMA turkey permit hunt opportunities. With a 39% increase in demand for a static number of available permits, it is prudent to identify options available to increase opportunity without negatively impacting wild turkey populations on these limited opportunity areas. There are currently two 3-day turkey permit hunts for this highly sought after hunting opportunity. The majority of the WMA turkey permit hunts available follow a standard of three 3-day hunts. Hunting opportunity is currently limited to two 3-day hunts for a total of six hunting days. The addition of a third 3-day hunt is not anticipated to further reduce turkey populations on the area.

Code: C1.04, C1.16

53. **Proposal:** Change the opening date of the turkey season (no permit required) on Sylamore WMA to the Thursday following the third Monday in April for 18 days.

Justification: Initially there was a desire to reduce pressure and provide a high quality hunt on this WMA in accordance with heavy use which was satisfied with a 3-day permit hunt during the first three days of the spring turkey season. On areas solely regulated by permit hunting, days off between hunts are warranted and can lead to increases in gobbling activity. However, due to the limited time off (2-days) between the existing permitted hunt on this area and the open hunt it is unlikely to result in a noticeable improvement in gobbling activity. As such, removing this closure appears warranted and may help further distribute some hunting pressure that would be maximized on the Saturday opener. This would also be consistent with a concurrent proposal for hybrid hunt opportunity on Longview Saline Natural Area, Trusten Holder, and Warren Prairie WMAs.

Code: C1.04

Deer

54. **Proposal:** 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.

Justification: The Deer Team supports prohibiting the use of archery tackle which is capable of holding and/or propelling multiple arrows or bolts in succession without being re-cocked between shots. The Deer Team feels that this technological advancement exceeds the spirit of traditional archery methods and provides an unfair sporting advantage. This restriction is supported by the Arkansas Bowhunters Association (ABA).

Code: 6.04

55. **Proposal:** Prohibit the use of blow guns and dart guns for harvesting white-tailed deer, elk and bear.

Justification: The Deer Team supports prohibiting the use of blow guns and dart guns for harvesting white-tailed deer, elk and bear. We feel that it does not provide for an ethical method of harvest and greatly decreases the chance for game retrieval.

Code: 6.02, 6.03, 6.04, 6.06, 6.10

56. **Proposal:** Update Code 08.04 and 6.02 to reflect new deer zones created during the 2019-20 regulation cycle, update “doe-only” language to reflect the private lands antlerless-only modern gun hunt, and simplify language in Exception A.

Justification: These were oversights during the 2020 regulation cycles and will simplify regulation language. These changes do not positively or negatively impact the use of dogs to hunt deer within any zone.

Code: 8.04, 6.02

57. **Proposal:** Clarify that white-tailed deer must be properly tagged or checked immediately after harvest and before moving the animal.

Justification: This code clarification will help to ensure that harvested deer and turkey are properly identified and reported and will provide more consistent tagging and checking procedures across big game species.

Code: 5.17

58. **Proposal:** Provide an exception to Code 05.11 to allow deer hunting in state and national parks in Arkansas which are participating in the AGFC’s Deer Management Assistance Program (DMAP) with an approved deer management plan. Include a definition of Deer Management Assistance Program in code.

Justification: Several state and national parks within Arkansas have expressed interest in allowing limited deer harvest opportunities in order to manage white-tailed deer populations within their boundaries. The AGFC recognizes regulated hunting as the most efficient and effective means for managing deer populations. In order to further assist municipalities, conservation agencies, and sensitive areas such as state and federal parks, the AGFC has revised its DMAP standard operating procedures manual to better assist these entities.

Code: 5.11

Bear

59. **Proposal:** Establish season framework for Bear Zone 3 & 4 and modify season structure for Zones 5 and 5A.

Justification: The current Statewide Black Bear Management Plan calls for develop harvest strategies for bear Zones 3 and 4 once a sustainable population exists. Over the past 10-20 years, AGFC has monitored occurrences of bear throughout these zones, outfitted females bear with radio collars to monitor ongoing reproduction and recruitment, and concluded a research project aimed at estimating densities and population growth throughout much of the Gulf Coastal Plain. Prior to implementing the plan to restore black bears to the Gulf Coastal Plain of Arkansas, AGFC utilized several phone surveys and public meetings methods to determine public support for the project. A phone Survey of 402 randomly chosen adults from the following southern Arkansas counties: Ashley, Bradley, Calhoun, Clark, Cleveland, Dallas, Drew, Ouachita, and Union. A majority of the respondents (72%) indicated support for bear restoration in southern Arkansas. Seventy-seven percent of hunters supported bear restoration. Although the

survey was not conducted on a statewide basis, it provides valuable insight into the opinions of Arkansas citizens about bears. AGFC has documented bear occurrence within BZ 3 and 4 over the past several years. This is more than likely the result of expanding bear populations from Zones 2, 5, 5A and the Felsenthal translocation effort. AGFC has established baseline population estimates of *...(waiting for final number)* in an effort to provide consistency across the southern part of the state, all southern bear zones should have the same season structure. By moving all southern zones to a 9 days season, it will provide consistency and allows hunters 2 full weekends to hunt.

Code: A1.08

60. **Proposal:** Code correction for Mcllroy Madison County WMA bear season dates.

Justification: Correct bear season length from 2 days to 5 days to coincide with the duration of the Muzzleloader permit hunt. (Change missed in last regulation cycle).

Code: A1.08

61. **Proposal:** Add to code 5.04 Exception C legally harvested bear hide, skull and claws as items that may be sold.

Justification: Legally harvested bear hides, skulls and claws are not listed as items that may be sold.

Code: 5.04

Elk

62. **Proposal:** Reduce the number of public and private land elk tags available. Public land elk tags from 8 to 7 either sex and from 18 to 14 antlerless tags. Reduce the private land elk hunt quota from 10 either sex to 9 either sex, and from 25 antlerless to 18 antlerless.

Justification: Since the detection of CWD in an elk in 2016, management goals have been directed at reducing the spread of the disease and stabilizing prevalence rates. Harvest quotas were increased with the intent of reducing elk population densities. The overall quota for elk was 68 in 2015. It was increased to 84 after the detection of CWD. During the last regulation cycle the overall elk quota was reduced, but further reduction is needed to help stabilize elk population trends and return to pre-CWD harvest rates.

The statewide zone was created to reduce elk movement outside the CWD management area. To date there have been 17 elk harvested from the statewide zone. This regulation also allowed for known escaped captive elk to be harvested across the state which aided in surveillance of the disease.

A new permit system was implemented on private lands for elk hunting in 2018 which allowed for more permits to be issued. In 2017 there were 149 applicants for the private land elk hunt. In 2018 there were over 800 permits issued under the new system. Private land elk hunt participation has increased significantly over the past few years. This is reflected in harvest results over the last five year period, three of those years have been a record harvest.

Target elk surveillance increased significantly after the first positive was discovered. Since the first detection of CWD there have been 90 target elk sampled. This has added to the overall harvest of elk in the state. There are multiple reports of found dead elk that were unable to be sampled. It is unknown how much impact this is having on the population. The elk genome project required some additional elk to be harvested to gather enough samples to meet research goals. Collection of samples for this project is completed.

Elk survey trends have shown a decline over the past three years since these management goals were implemented. In 2016 there were 612 elk observed during the survey. In early 2021 there were 439 elk observed. This represents a decrease of 29% in observed elk over a six year period.

These management goals have been effective in reducing the overall elk population, but harvest at current levels cannot be sustained without a continued reduction in herd numbers. The elk team proposes to reduce public land permits with a goal of maintaining the population at or near current levels.

Code: A1.09

Waterfowl

63. **Proposal:** Clarify that nontoxic shot regulations statewide apply to waterfowl only, not all migratory bird hunting. Increase the penalty class for this violation from Class 1 to Class 2.

Justification: Code 6.08Cas written is confusing in regard to nontoxic shot regulations. Nontoxic shot requirements statewide apply only to waterfowl, not to all migratory birds. A separate code change (23.05) will propose a requirement for nontoxic shot for all migratory bird hunting only on WMAs. Nontoxic shot requirements have been a key component of waterfowl hunting regulations for decades; therefore, violators should incur a greater penalty for infractions, regardless of where the violation occurs.

Code: 6.08, 23.05

64. **Proposal:** Require federally approved nontoxic shot for all migratory bird hunting on “Common Restriction A” WMAs.

Justification: Lead shot has long been known as a toxin in the environment. Past studies showing detrimental effects of spent lead shot on waterfowl are well documented. Migratory bird hunting (e.g. dove hunting) often involves the discharge of large quantities of shot or the discharge of shot in wetland habitats (e.g. webless migratory bird hunting) used by other migratory birds, including waterfowl. In some cases, both concerns occur, as in when managed dove (the most abundant and commonly hunted migratory bird) fields are adjacent to wetland habitats on WMAs. Research has shown that up to 2,500 pounds of spent shot can be deposited on a single area during the first month of dove season (James A. Reed Memorial Wildlife Area, Missouri Department of Conservation, 2005). In addition, research has shown negative effects, including death, to individual doves consuming small amounts of lead shot. Some researchers have suggested that the risk posed to mourning doves from lead shot ingestion can be reduced by banning lead shot on management areas or dove fields or disking fields after hunting season to reduce shot availability (Plautz et al. 2011. Lead Shot Ingestion by Mourning Doves on a Disked Field. *Journal of Wildlife Management* 75(4)779-785).

Research (Pierce et al. 2014. A Comparison of Lead and Steel Shot Loads for Harvesting Mourning Doves. *Wildlife Society Bulletin*) using a double-blind method to assess harvest effectiveness of lead vs. steel shotshells on mourning doves showed hunters were unable to distinguish the ammunition type being used in the field, and the researchers detected no relationship between ammunition type and level of hunter satisfaction. Analyses also detected no difference in doves bagged per shot, wounded per shot, bagged per hit, or wounded per hit amount ammunition types. In summary, steel works just as well as lead shot for dove hunting. Anecdotally, many dove hunters quickly adapted to using nontoxic shot for dove hunting on an

AGFC/USFWS cooperatively managed dove field on Cache River NWR. Nontoxic shot is required for all shotgun hunting on National Wildlife Refuges.

Awareness will be important to successful implementation of this requirement. Missouri researchers suggested informational and educational programs developed to accompany policy changes should address concerns of proponents of nontoxic shot regulations (Schultz et al. 2006. Attitudes of Missouri Small Game Hunters Toward Nontoxic-Shot Regulations. Journal of Wildlife Management 71(2):628-633).

This proposal arose from a proposal specific to Petit Jean River and Frog Bayou WMAs. If a statewide nontoxic shot requirement does not move forward during this regulations cycle, it is important that nontoxic shot requirements do move forward for these two WMAs, given current managed dove fields are immediately adjacent to existing or to-be-restored wetlands and lead shot deposition should be prevented sooner rather than later.

Code: 6.08, 23.05

65. **Proposal:** The following regular duck season date options:

Preferred Option: Nov. 26-Dec. 4; Dec. 10-23; and, Dec. 26-Jan. 31-to go into effect 2023 season

Additional Option: Nov. 19-28; Dec. 11-23; and, Dec. 26-Jan. 31

Justification: The preferred duck season date option begins regular duck season slightly later than the additional option (i.e. the traditional opening date), reducing the number of open days in November, a time when the majority of duck hunters do not prefer duck season to be open. Duck hunter surveys consistently indicate most hunters prefer duck season to open the first week of December. In a 60-day season, with the desire for at least one substantive season split and the restriction of having duck season closed Dec. 24-25, the season must start earlier than the first week of December to be open a full 60 days. Establishing the Saturday after Thanksgiving as the new “normal” duck season opening date is a priority of the Waterfowl Team, better aligns with duck hunter preferences, maintains some earlier hunting opportunity and conserves more open days during times when public lands may be more likely to be flooded as we continue to manage greentree reservoirs with a focus on habitat sustainability. In the 2022-23 season, the preferred season structure provides an additional open Saturday compared to the traditional season structure.

- 2008 survey: 18% preferred 3rd week in Nov.; 17% 4th week in Nov.; 64% 1st week in Dec.
- 2010 survey: 24% preferred 3rd week in Nov.; 17% 4th week in Nov.; 47% 1st week in Dec.
- 2012 survey: 19% preferred 3rd week in Nov.; 23% 4th week in Nov.; 44% 1st week in Dec.

It is important to note that implementation of this season structure could be delayed until the 2023-24 duck season to provide an additional year’s notice to hunters. This would result in 18 months for hunters to plan for a revised duck season opening day.

Goose seasons and special hunt days (youth and military) typically follow the decision made regarding regular duck season dates, given duck season generates much more interest and discussion.

Preferred option (Saturday after Thanksgiving)

2022-23: November 19-28; December 11-23; December 26-January 31

Youth/Veterans: Dec. 3, 2022 and Feb. 4, 2023

2023-24: November 25-December 3: December 9-23: December 27-January 31

Youth/Veterans: Feb. 3-4, 2024

Standard season structure

2022-23: November 19-28; December 11-23; December 26-January 31

Youth/Veterans: Dec. 3, 2022 and Feb. 4, 2023

2023-24: November 18-26: December 9-23: December 27-January 31

Youth/Veterans: Dec. 2 and Feb. 3, 2024

Code: B1.08, B1.11, B1.12, B1.13, B1.14, B1.15, 24.09

66. **Proposal:** Reestablish a 74-day white-fronted goose season with a 3-bird limit.

Justification: This season structure was in place from 2015-2019 and seemed popular with goose hunters. An 88-day, 2-bird bag season was in place for the 2020-21 and 2021-22 seasons. Feedback before, during and after the 2020-21 season suggests hunters may prefer to return to the 74-day season. This season length also can align better with duck season dates. Other goose season dates will be adjusted to accommodate final duck season and white-fronted goose season dates.

Code: B1.09, B1.11, B1.13, B1.14, B1.15

67. **Proposal:** Extend boat access restrictions on certain WMAs to include the 7 days preceding the first day of the first segment of regular duck season.

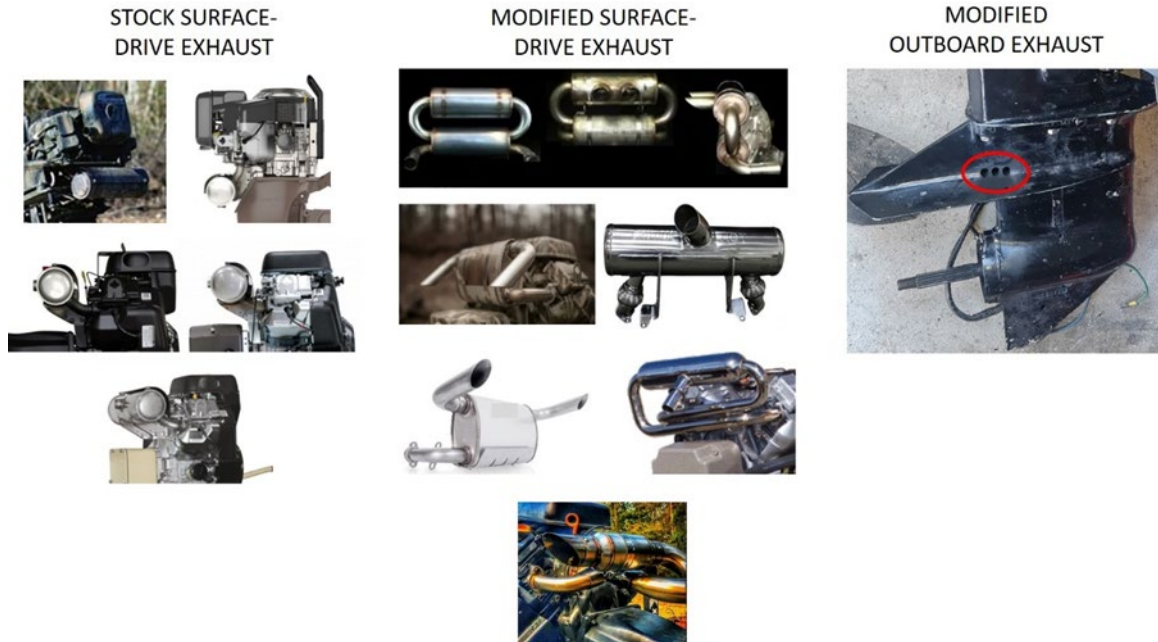
Justification: Regulation changes in 2020 restricted boat access for the five days immediately preceding the first day of regular duck season. Staff continues to notice boat activity that can provide duck disturbance before this closure date. Extending the boating restriction an additional two days would include the weekend preceding duck season opening day, further reduce disturbance and allow birds to better use the resources provided on WMAs. Exceptions would need to be made for deer permit hunt permit holders where appropriate.

Code: C1.12

68. **Proposal:** 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 season.

Justification: Staff continues to field concerns about boat motor noise on WMAs during duck season. Although comments do involve surface-drive motors, both surface-drive and outboard motors with modified exhaust systems generate noise concerns. Outboard motor modifications typically involve drilling porting holes in or near the lower unit to allow exhaust to evacuate above the water line.

Code: 24.03



69. **Proposal:** Restrict waterfowl hunting on Bell Slough, Ed Gordon Point Remove, Frog Bayou and Galla Creek WMAs and the Dyer Lake Unit of Ozark Lake WMA to Tuesday, Thursday, Saturday and Sunday only, with the exception of the last day of season.

Justification: Due to the increased popularity of waterfowl hunting and the additional hunting pressure applied to waterfowl using the areas, staff have noticed a drastic decline in waterfowl usage of the areas after the opening weekend of the season. It is our intent to increase waterfowl use – and, by extension, enhance the waterfowl hunting experience – of the areas by providing rest days during the hunting season

Code: C1.12

70. **Proposal:** Create an exception on Galla Creek WMA for Common Restriction A.

Justification: The area accessible by boat from the Arkansas River Cutoff west of Flag Lake Road is often used by deer hunters and is not part of the waterfowl habitat, therefore no restrictions to access is necessary.

Code: C1.12

Endangered Species/Captive

71. **Proposal:** Update the endangered species list.

Justification: Add Red Knot and Black Rail to endangered list and remove Sprague’s Pipit and Magazine Mountain shagreen snail from the list.

Code: P1.01

72. **Proposal:** Remove the exception of Black Bear from the language regarding Captive Hunting Resorts.

Justification: This language set in the section was formulated in response to a specific incident and has been rendered unnecessary by other newer regulations changes.

Code: F1.01

73. **Proposal:** Allow for imposition of disease testing and control measures applicable to species subject to Wildlife Importation Permits.

Justification: This will allow the Commission director to approve disease testing and quarantine rules to wildlife being brought into the state in accordance with Wildlife Importation Permits and is identical to existing language governing Commission Wildlife Breeder/Dealer Permits.

Code: F1.04

74. **Proposal:** Clarify existing regulations relating to non-native wildlife pets and add existing exemptions found elsewhere in the Code.

Justification: Many non-native wildlife species included on the Unrestricted Captive Wildlife Species list (Addendum R1.01) can be imported, bred, and sold without permits or oversight which conflicts with some of the existing requirements for non-native wildlife pets. This change would clarify that owners of species on the Unrestricted Captive Wildlife Species List do not need to maintain records of acquisition and may have males and females together in the same cage or pen but still must ensure that such caging will keep them confined and that they must be kept in humane conditions. Some existing exceptions formerly found in Code 9.01 have been added to the exceptions in this code.

Code: 9.02

75. **Proposal:** Allow ratites (ostriches, emus, rheas) to be kept in uncovered pens.

Justification: Currently all birds must be kept in buildings or covered pens so as to prevent their escape and to prevent wild birds from coming into the pens to mix with them causing a risk of disease transmission. Ratites are large flightless birds for which this is not a significant concern and staff believes that they could be safely kept confined outside in uncovered pens.

Code: 9.02, 9.03, F1.03 (F)

76. **Proposal:** Prohibit renewal of permits for species on the Prohibited Captive Wildlife Species list if the permit holder has not had any of these species in possession for over a year.

Justification: This would expand the current restriction on renewal of permits for facilities for cervids that no longer keep them in stock to all Prohibited Captive Wildlife Species. Prohibiting them from renewing their permit for this species will reduce the need for the Commission to conduct inspections to ensure that their facilities remain adequate for the safe confinement of these species.

Code: F1.03 (H) (6)

77. **Proposal:** Remove mallards from the list of species that can be released for hunting purposes at a Game Bird Shooting Resort.

Justification: Existing regulations prohibiting the release of captive-reared waterfowl (most commonly mallards) initially were recommended and passed due to concerns about the ongoing avian influenza outbreak at the time and the potential transmission of other waterfowl diseases. These disease considerations remain for waterfowl and poultry. Furthermore, ongoing research investigating the genetic makeup of wild North American mallards strongly suggests caution due to hybridization with captive-reared mallards. In fact, research suggests that intensive stocking of game-farm mallards during the last century has fundamentally changed the genetic integrity of North America's wild mallard population, especially in the east. Such changes have the potential to reduce the natural adaptiveness of wild mallards (Lavretsky et al. 2019. Assessing changes in genomic divergence following a century of human-mediated secondary contact among wild and captive-bred ducks. *Molecular Ecology* 2019; 00:1-18). Captive-mallard releases are not widespread in Arkansas at this time. The type of large-scale releases common at Game Bird Shooting Resorts could lead to future issues. Thus, establishing this restriction is a proactive

step to help reduce the likelihood of compromised mallard genetic integrity in more western portions of the U.S.

Exceptions would remain in place to allow for retriever training and field trials which are events where relatively few live ducks are released (and, generally, one at a time) and all are killed nearly immediately after release.

Code: 8.07, 9.03, F1.02

78. **Proposal:** Allow wildlife to be transported through Arkansas as part of interstate commerce without having to obtain a Commission Wildlife Importation Permit.

Justification: This proposal is being made in response to a petition received by the Commission in February, 2021. Currently a Wildlife Importation Permit is required of all wildlife brought into Arkansas even if only being transported through the state. For example, a permit would be required for an animal being transported by truck from Memphis to Oklahoma City or by an airplane that landed in Little Rock just to refuel. It is not realistic to enforce this requirement in situations where an animal may only be in the state for a few hours. While this proposal would remove the need for a permit, those transporting the animals through the state would still be responsible for adequately confining them in a safe and humane manner.

Code: 9.10, F1.04.

79. **Proposal:** Move general exceptions in Code 9.01 to codes where they are applicable and remove unnecessary exceptions.

Justification: Code 9.01 is the general code that makes possession or certain activities with captive wildlife illegal unless authorized later in Code Section 9 or elsewhere. We believe it is easier for the public to understand if these exceptions are found in the specific codes that apply. For example, that Code 9.01 Exception D regarding field trials be placed in Code 9.03 regarding release of wildlife. Exceptions A, D, G, H, and I will be moved elsewhere.

Code: 9.01, 9.03, 9.10

80. **Proposal:** Restrict release of nuisance wildlife to private land in, or adjacent, to the county of capture.

Justification: Current wildlife nuisance wildlife regulations allow for the release of wildlife under certain conditions, however, these conditions are different between these codes. We propose that release of nuisance wildlife be restricted to the county of capture or adjacent to it, which would match current rehabilitation requirements. While the Commission has always encouraged such animals to be released on private land this has not been codified. Unrestricted and unmonitored release of rehabilitated or nuisance animals on public property has the potential to cause overpopulation on these areas.

Code: 5.10, 9.03, F1.05 (B) (4)

81. **Proposal:** Require certain captive wildlife permit holders that choose not to renew their permit to dispose of any remaining stock that cannot be kept in accordance with native or non-native pet regulations.

Justification: This will clarify that if those that hold Commercial Wildlife Hunting Resort Permits, Game Bird Shooting Resort Permits, Wildlife Breeder/Dealer Permits, or Conservation Education Permits choose not to renew these permits that they must dispose of any stock that they could not continue to keep in accordance with applicable native or non-native pet regulations.

Code: F1.01, F1.02, F1.03, F1.10

82. **Proposal:** Clarify that animals kept in accordance with a Wildlife Breeder/Dealer facility shall be kept at that facility except if they are in need of veterinary care, have been sold or for exhibition. Animals exhibited under the Wildlife Breeder/Dealer permit must be caged properly.
Justification: Commission regulations currently require that holders of Wildlife Breeder/Dealer Permits have a permanent facility within Arkansas and this proposal will ensure that they are kept at this site, which has been inspected and approved by the Commission, rather than being taken to other non-inspected sites where there could be greater risk of escape, harm to the animal, or harm to people. An exception is warranted for those with a Wildlife Breeder/Dealer permit to be allowed to exhibit their animals, as customers with a Wildlife Importation Permit are given an opportunity. A provision will be added to require animals exhibited under a Wildlife Breeder/Dealer permit to be caged properly.
Code: F1.03 (F)
83. **Proposal:** Impose general requirement to keep animals being imported into the state in adequate cages and in humane and healthy conditions.
Justification: Current regulations lack any standard requiring animals that are being imported into the state be kept in adequate caging so as to prevent their escape or contact with native wildlife. Current regulations lack requirement for animals to be kept humane and healthy conditions. Imposing a general requirement for such caging and treatment will reduce the risk of their escape during transport and better ensure animals are kept in humane and healthy conditions.
Code: F1.04, 9.10
84. **Proposal:** Remove bobcat, coyote, gray fox, and red fox from list of native species that can be captured by hand in the wild and kept as pets.
Justification: These larger species pose an increased safety risk for humans that are trying to capture them by hand in the wild (which is the only way they can be obtained) or for maintaining them in captivity over time. Any animals already captured in accordance with this code would be able to be kept until their death.
Code: 9.14(A)
85. **Proposal:** Modify the Unrestricted, Permitted, and Prohibited Captive Wildlife species lists so that they are arranged by type of species and add new species to these lists.
Justification: These lists are currently organized primarily by chronological date that they were added to the list. We believe that organizing them according to the type of species (mammals, fish, birds, etc.) would make them easier to utilize by the public and by staff. Since the last regulation cycle Commission staff have evaluated a number of species and the risk that they pose to Arkansas native wildlife, agriculture, and citizens. Unrestricted species pose little risk and are recommended for the Unrestricted Captive Wildlife List, Permitted species pose some level of concern but can be kept safely in accordance with Commission permits, and Prohibited species pose a high risk and should not be allowed to be imported, bred, or sold in Arkansas and are to be added to the Prohibited Captive Wildlife Species list.
Code: R1.01, R1.02, R1.03
86. **Proposal:** Restrict Wildlife Breeder/Dealer permit holders for all species now 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.

Justification: Currently this restriction only applies to some species on the Prohibited Captive Wildlife Species list but it is believed that all species on this list pose a high risk to Arkansas native wildlife and habitats and should only be sold to those that already possess permits for these species or to those outside the state.

Code: F1.03

87. **Proposal:** Create a specific code section to implement the existing Game Bird Shoot-to-Kill Permit and Retrieving Dog Shoot-to-Kill Permits.

Justification: The Game Bird Shoot-to-Kill permit is issued by local wildlife officers to hunters that wish to train their bird dogs and allows them to release quail, pheasant, and chukar on their property to train their bird dogs. The permit exists only as an exception to the bird dog training regulations (Code 8.06) and there are many requirements that are placed on permit holders that have been written into the permit as issued but are not found in code. Similarly, the Retrieving Dog Shoot-to-Kill Permit only exists as an exception in Code 8.07. This will create codes specific to these permits and codify the existing restrictions and restrict the number of bird kept at any one time to 100.

Code: 8.06, 8.07, F1.06, F1.03 (B(6))(C(4))(E(6-7))

88. **Proposal:** Clarify that a Wildlife Importation Permit is necessary for aquatic turtles and require this permit to import alligators.

Justification: Code 34.01 already requires a Wildlife Importation Permit for native aquatic turtles and this change will clarify that they are not exempted from the need for this permit. There are robust regulations relating to importation of fish, but staff believes that handling of requests for alligator importation would best be handled through the Wildlife Importation Permit system.

Code: 9.10

89. **Proposal:** Add a provision to require Conservation Education Permit holders to allow inspection of wildlife, facilities, books and records required by the permit. Also add a provision to authorize immediate relocation of wildlife that is being given improper care of being kept in inhumane or unhealthy conditions.

Justification: This change will align with the Conservation Education Permit for native species kept in captivity with other captive wildlife permit codes.

Code: F1.10

90. **Proposal:** Clarifications of the General Class Wildlife Rehabilitation permit.

Justification: These changes will clarify the pathway to general class permitting provided through experiential route and the expansion of it. This will also clarify landowner permission is needed for all release sites. Correct typographical error and require record keeping of the name and phone number of individuals submitting animals for rehab.

Code: F1.05, A.2i, A.2.ii, A.2iii, B.4, B.6, C.1

91. **Proposal:** Change the R1.03 Captive Wildlife Prohibited Species List bird selection to read Wild Waterfowl with no exceptions.

Justification: Currently customers are permitted to hatch eggs or purchase from a Wildlife Breeder/Dealer any species of waterfowl. It is in the best interest of native waterfowl to remove this exception and prohibit all wild waterfowl hatching, importation, breeding, selling and release. Existing regulations include waterfowl on the prohibited list (with this exception of importing eggs or to purchase from a Breeder/Dealer) due to concerns about potential

transmission of waterfowl diseases, including avian influenza. These disease considerations remain for waterfowl and poultry. Additionally, ongoing research investigating the genetic makeup of wild North American mallards strongly suggests caution due to hybridization with captive-reared mallards. The majority of customers that bring wild waterfowl into the state do so in violation of our regulations (import hatchlings illegally) and release them in the wild on open ponds. We currently do not have any Commission approved Wildlife Breeder/Dealers of waterfowl or authorized controlled shooting resorts permitted for waterfowl in the state, therefore the only legal way to bring in waterfowl would be to hatch eggs and keep them in an enclosed pen. This regulation change will be clearer to customers and reduce the occurrence of illegal waterfowl in the state. Multiple states (Alaska, California, Florida, Georgia, Hawaii, Maryland, Minnesota, New York, North Dakota, Michigan) have similar regulations restricting the importation of waterfowl to varying degrees (no fowl eggs, no mute swans, no mallards, no wood ducks, no juvenile fowl, etc.) and other states are discussing similar regulations.

Exceptions would remain in place to allow for retriever training and field trials which are events where relatively few live ducks are released and all are killed nearly immediately after release. The option for the public to import numerous domesticated species of ducks would remain.

Code: R1.03

92. **Proposal:** Add language allowing staff to apply special conditions to permits (commercial wildlife hunting resorts, game bird shooting resorts, wildlife breeder/dealer, wildlife importation, wildlife rehabilitation and venomous reptile) when deemed necessary.

Justification: This language is in two existing captive wildlife codes and adding this language to the other captive codes will allow staff to apply special conditions in unforeseen circumstances.

Code F1.01, F1.02, F1.03, F1.04, F1.05, and F1.08

93. **Proposal:** To allow accredited members of the Global Federation of Animal Sanctuaries to keep their large carnivores in their exercise areas overnight.

Justification: Current regulations prohibit large carnivores from being left in exercise areas overnight. Turpentine Creek Wildlife Refuge is the only accredited member of the Global Federation of Animal Sanctuaries in Arkansas and has requested the Commission to consider adopting this regulation change. The Little Rock Zoo and other experts in the field has submitted letters supporting this change.

Code: F1.03

94. **Proposal:** Remove the option for falconers to submit a paper 3-186A to AGFC. The USFWS requires all 3-186A forms to be submitted electronically by falconers. Rework code for a clear understanding of the code requirements.

Justification: Federal falconry regulations were updated and all state falconry program regulations must be updated to match. Arkansas' falconry program operates under the approval of the USFWS and this requires incorporation of federal register notices 73 FR 59465, Oct. 8, 2008, as amended at 74 FR 64640, Dec. 8, 2009; 75 FR 931, Jan. 7, 2010; 75 FR 3395, Jan. 21, 2010; 75 FR 81141, Dec. 27, 2010; 76 FR 71912, Nov. 21, 2011; 77 FR 66408, Nov. 5, 2012; 78 FR 35152, June 12, 2013; 78 FR 72832, Dec. 4, 2013; 80 FR 38015, July 2, 2015 into Addendum F1.07

Code: F1.07

CWD

95. **Proposal:** Change the status of Searcy County from a Tier 2 to Tier 1 for the purpose of defining the CWD Management Zone and implementing carcass movement restriction regulations.

Justification: The population-level effects of CWD, as well as the inherent risk of CWD spread, naturally increase with increasing disease prevalence. It is important to monitor trends in disease prevalence to help assess risk and evaluate the response of populations to management

efforts. Unfortunately, monitoring true disease prevalence is not generally feasible in free-ranging populations. Apparent prevalence is an alternative to true prevalence that can be calculated by excluding overtly biased sample types (i.e., roadkill samples, target and found dead samples) and evaluating only samples that are collected semi-randomly (i.e., hunter harvest, surveillance and herd health sampling). These samples are affected by the biases of hunter selection and landscape distribution, but they are considered less biased overall and their associated biases are expected to remain constant over time. Therefore trends in apparent prevalence are expected to parallel trends in true prevalence, providing useful information through relatively efficient sampling strategies.

Long-term surveillance in CWD affected areas tends to demonstrate year-to-year variation. Therefore, program evaluation and decision making are better informed by long-term averages than single year calculations. Beginning in 2018, the AGFC implemented a tiered system to restrict carcass movement from high prevalence to low prevalence areas. This strategy was continued in the revised 2021-2025 CWD Management and Response Plan. In accordance with that plan, AGFC staff monitor annual apparent prevalence in all CWD Management Zone counties and use 5-year average apparent prevalence to categorize counties as Tier 1 (high prevalence) or Tier 2 (low prevalence). Among wildlife managers, a CWD prevalence of 5% is considered a significant management threshold indicating that the disease should be considered endemic in the affected population. By designating high and low prevalence counties within the CWD Management Zone and implementing a tiered carcass movement restriction, the agency can simultaneously raise public awareness for the increased CWD occurrence and reduce the risk of additional disease introductions to lesser affected areas through human activities. Such introductions could compromise ongoing management efforts.

If implemented, this change would allow intact carcasses to be moved within and between Tier 1 counties, but only low risk parts (e.g., deboned meat, clean skulls, finished taxidermy products) be moved into Tier 2 counties. Similarly, intact carcasses could be moved within and between contiguous Tier 2 counties or into Tier 1 counties, but only low risk parts could be moved out of the CWD Management Zone. Contaminated carcasses are a known source of environmental contamination and disease transmission. Restricting the movement of high risk parts reduces the likelihood of human-facilitated pathogen movement.

Code: E1.12

96. **Proposal:** Update the CWD Management Zone definition to reflect components of the 2021-2025 CWD Management and Responsive Plan, add Ashley, Bradley, Randolph and Union Counties to the CWD Management Zone with Tier 2 status.

Justification: The 2021-2025 CWD Management and Response Plan, as adopted in February 2021, changed the county inclusion criteria for Arkansas's CWD Management Zone. The 2022 regulations cycle is the first opportunity the agency has had to align code with this revised plan. Previously, all counties with a CWD positive sample as well as all counties overlapping a 10-mile radius around a positive sample were automatically included in the CWD Management Zone. A 10 mile buffer is used as a conservative estimate of normal deer movement such that areas falling within this proximity to an infected individual are at equal risk of CWD occurrence regardless of sociopolitical boundaries. Under the revised CWD Management and Response plan, all counties meeting these criteria now undergo further risk evaluation to determine their inclusion in the management zone. Staff recommend updating the definition of the CWD Management Zone in code to reflect this change in inclusion criteria.

The CWD Management and Response Plan includes a County Risk Assessment Tool (Appendix 1) that strategically evaluates the risk of CWD being present in the county's free-ranging cervid herds. The following flowchart (Figure 1) depicts the assessment tool's risk evaluation process. The factors used by the tool include a county's surveillance history, percentage of county line contacting pre-existing CWD Management Zone counties, proximity and number of positive

samples within 10 miles of the county, geographic factors expected to slow deer movement, and special circumstances such as the application of management strategies in the area. If a positive sample occurs in a captive facility, the fence integrity of that facility, species present, and disease prevalence within the facility also are considered in the evaluation.

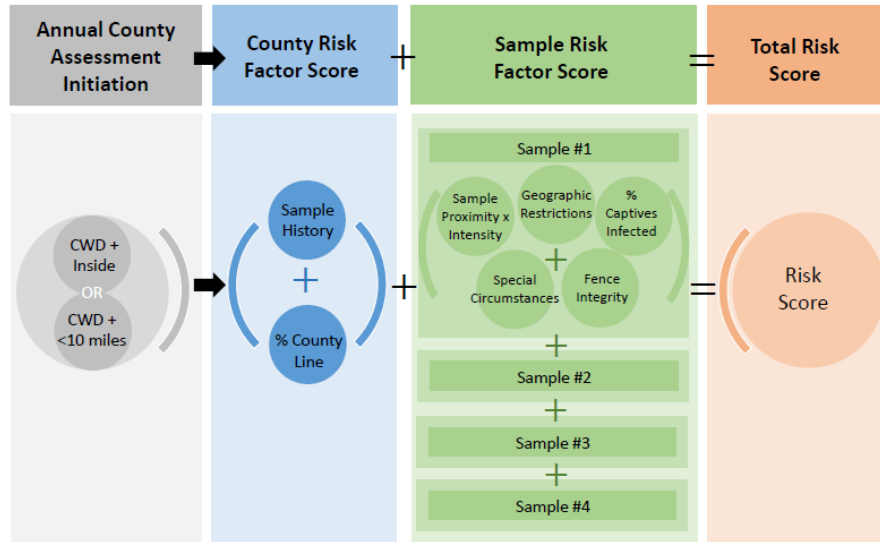


Figure 1: Example process of how the CWD County Risk Assessment Tool works.

Based on the County Risk Assessment Tool, seven new counties met the criteria for evaluation in 2022 (Figure 2; Ashley, Bradley, Crittenden, Mississippi, Randolph, Sharp, and Union counties). Of these, Ashley, Bradley, Randolph and Union counties exceeded the minimum risk threshold for inclusion in the CWD Management Zone, meaning staff have determined that the likelihood of CWD being present is high. All other counties fell below this threshold and are not recommended for inclusion at this time.

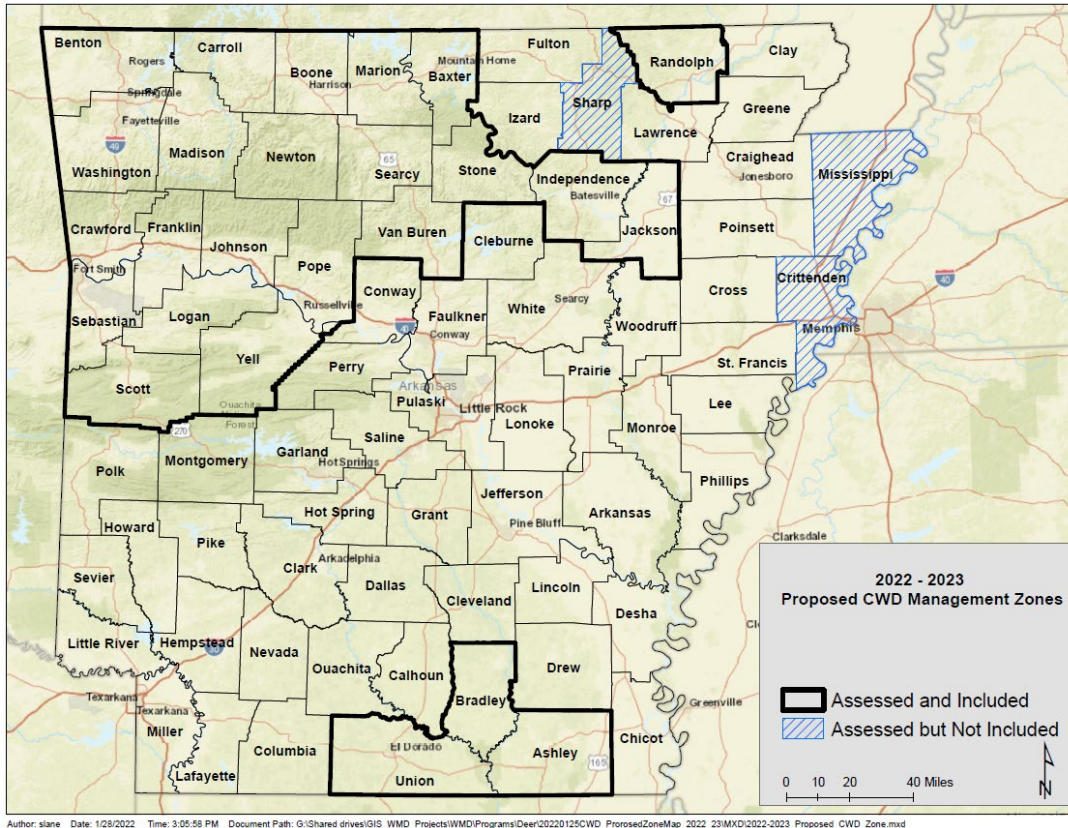


Figure 2: 2022-2023 Proposed CWD Manage Management Zone. Crittenden, Mississippi and Sharp counties were assessed by NOT included based on the available information at the time of the assessment.

Counties included in the CWD Management Zone are automatically subject to a set of special harvest regulations that facilitate harvest-based management of CWD. In CWD Management Zone counties, the following harvest regulations apply:

- Button bucks no longer count toward a hunter’s two-buck (antlered) seasonal bag limit. These deer are checked as “button bucks” and count toward a hunter’s antlerless bag limit. The purpose of this change is to encourage all age class male-focused harvest and to increase the harvest of juvenile males most likely to disperse and move CWD on the landscape. In addition, this change encourages hunters to harvest antlerless deer more generally if they were previously hesitant to do so due to the risk of unintentionally harvesting a button-buck.
- Any buck may be legally harvested (i.e., antler point restrictions no longer apply). The purpose of this change is to facilitate an all age class, male-focused harvest to slow dispersal and suppress disease prevalence.
- The feeding of wildlife (providing supplemental food without the intent to harvest) is prohibited. Research shows that artificial food sources alter wildlife behavior and break down white-tailed deer social structures, bringing animals into contact with individuals outside their normal social networks. Deer have been shown to feed for longer periods of time and come into closer contact with one another at artificial food sources compared to natural ones. Food supplementation also has the potential to sustain sick deer on the landscape for extended periods of time, increasing their opportunities for disease transmission and environmental contamination. CWD prions deposited into the environment remain infectious for many years. By congregating sick and healthy animals, wildlife feeding areas can become foci of

environmental, as well as animal-to-animal, CWD transmission. Any of these four mechanisms may occur individually or cumulatively and are predicted to artificially increase CWD transmission.

- Baiting, defined as providing supplemental food sources for the purpose of harvest, carries the same risks for increased disease transmission as wildlife feeding but has the theoretical possibility of offsetting some of the expected consequences by facilitating increased harvest. Baiting has become a deeply engrained social expectation among some hunting communities, necessitating a balance in social expectation and science-based wildlife management. Therefore, in CWD Management Zone counties bait may be used to hunt deer (and elk) from September 1st to December 31st on private land. Arkansas is the only state currently known to implement a seasonal restriction on baiting in CWD affected areas, where most states implement complete bans over various geographic ranges. This social compromise makes Arkansas one of the most liberal states regarding baiting and CWD management and is intended to represent a show of good faith that social expectations have been given due consideration.
- Carcass movement restrictions are implemented based on a tiered system. Intact carcasses may be moved within and between Tier 1 counties, but only low risk parts can be moved into Tier 2 counties. Similarly, intact carcasses may be moved within and between contiguous Tier 2 counties, but only low risk parts can be moved into other parts of the state. Contaminated carcasses are a known source of environmental contamination and disease transmission. Restricting the movement of high risk parts reduces the likelihood of human-facilitated pathogen movement to other parts of the state.

Code: E1.12

97. **Proposal:** Adjust harvest definitions within the Ashley, Bradley and Union County portions of Deer Zone 12. Adjust harvest definitions within Randolph County portion of Deer Zone 4.
- Justification:** Research indicates that one method to slow the spread of CWD and suppress prevalence is all age class, male-focused harvest. Bucks tend to carry the highest prevalence of CWD and young bucks commonly disperse from their natal ranges. Additionally, ongoing research suggests that fawns born to CWD infected does can become infected in utero, and CWD infections in animals under a year of age are well documented in the state. The AGFC has implemented changes to deer harvest regulations within the CWD Management Zone that give hunters the opportunity to engage in harvest-based CWD management activities if they desire to do so.

Based on the County Risk Assessment Tool included in the 2021-2025 CWD Management and Response Plan, Ashley, Bradley, Randolph, and Union counties have met the criteria for inclusion in the CWD Management Zone and the disease is considered likely to occur in the free-ranging deer herd as indicated by the detection of CWD positive deer in each of these areas. Because CWD Management strategies are considered most effective when applied early in a disease outbreak, staff recommend the immediate inclusion of these counties in the CWD Management Zone and the application of all associated harvest regulation changes:

- Button bucks no longer count toward a hunter's two-buck (antlered) seasonal bag limit. These deer are checked as "button bucks" and count toward a hunter's antlerless bag limit. The purpose of this change is to encourage all age class male-focused harvest and to increase the harvest of juvenile males most likely to disperse and move CWD on the landscape. In addition, this change encourages hunters to harvest antlerless deer more generally if they were previously hesitant to do so due to the risk of unintentionally harvesting a button-buck.

- Any buck may be legally harvested (i.e., antler point restrictions no longer apply). The purpose of this change is to facilitate an all age class, male-focused harvest to slow dispersal and suppress disease prevalence.

- The feeding of wildlife (providing supplemental food without the intent to harvest) is prohibited. Research shows that artificial food sources alter wildlife behavior and break down white-tailed deer social structures, bringing animals into contact with individuals outside their normal social networks. Deer have been shown to feed for longer periods of time and come into closer contact with one another at artificial food sources compared to natural ones. Food supplementation also has the potential to sustain sick deer on the landscape for extended periods of time, increasing their opportunities for disease transmission and environmental contamination. CWD prions deposited into the environment remain infectious for many years. By congregating sick and healthy animals, wildlife feeding areas can become foci of environmental, as well as animal-to-animal, CWD transmission. Any of these four mechanisms may occur individually or cumulatively and are predicted to artificially increase CWD transmission.

- Baiting, defined as providing supplemental food sources for the purpose of harvest, carries the same risks for increased disease transmission as wildlife feeding but has the theoretical possibility of offsetting some of the expected consequences by facilitating increased harvest. Baiting has become a deeply engrained social expectation among some hunting communities, necessitating a balance in social expectation and science-based wildlife management. Therefore, in CWD Management Zone counties bait may be used to hunt deer (and elk) from September 1st to December 31st on private land. Arkansas is the only state currently known to implement a seasonal restriction on baiting in CWD affected areas, where most states implement complete bans over various geographic ranges. This social compromise makes Arkansas one of the most liberal states regarding baiting and CWD management and is intended to represent a show of good faith that social expectations have been given due consideration.

- Carcass movement restrictions are implemented based on a tiered system. Intact carcasses may be moved within and between Tier 1 counties, but only low risk parts can be moved into Tier 2 counties. Similarly, intact carcasses may be moved within and between contiguous Tier 2 counties, but only low risk parts can be moved into other parts of the state. Contaminated carcasses are a known source of environmental contamination and disease transmission. Restricting the movement of high risk parts reduces the likelihood of human-facilitated pathogen movement to other parts of the state.

Most of these changes are automatically implemented when a county is added to the CWD Management Zone as defined in E1.12. However, additional changes to code A1.01 are needed to exchange the terms “legal buck” and “doe” for “antlered” buck and “antlerless deer” in the portions of Deer Zone 12 that reside within Ashley, Bradley and Union Counties and the portion of Deer Zone 4 that resides within Randolph County.

Code: A1.01

98. **Proposal:** Adjust harvest definitions for Robert L. Hankins Mud Creek WMA within the Randolph County portion of Zone 4 and Beryl Anthony Lower Ouachita WMA in Ashley and Union County portions of Zone 12.

Justification: Research indicates that one method to slow the spread of CWD and suppress prevalence is all age class, male-focused harvest. Bucks tend to carry the highest prevalence of CWD and young bucks commonly disperse from their natal ranges. Additionally, ongoing research suggests that fawns born to CWD infected does can become infected in utero, and

CWD infections in animals under a year of age are well documented in the state. The AGFC has implemented changes to deer harvest regulations within the CWD Management Zone that give hunters the opportunity to engage in harvest-based CWD management activities if they desire to do so.

Based on the County Risk Assessment Tool included in the 2021-2025 CWD Management and Response Plan, Ashley, Bradley, Randolph and Union counties have met the criteria for inclusion in the CWD Management Zone and the disease is considered likely to occur in the free-ranging deer herd as indicated by the detection of a CWD positive deer from the Felsenthal National Wildlife Refuge in November 2021. Because CWD Management strategies are considered most effective when applied early in a disease outbreak, staff recommend the immediate inclusion of these counties in the CWD Management Zone and the application of associated harvest regulation changes to certain Wildlife Management Areas occurring therein:

- Button bucks no longer count toward a hunter's two-buck (antlered) seasonal bag limit. These deer are checked as "button bucks" and count toward a hunter's antlerless bag limit. The purpose of this change is to encourage all age class male-focused harvest and to increase the harvest of juvenile males most likely to disperse and move CWD on the landscape. In addition, this change encourages hunters to harvest antlerless deer more generally if they were previously hesitant to do so due to the risk of unintentionally harvesting a button-buck.
- Any buck may be legally harvested (i.e., antler point restrictions no longer apply). The purpose of this change is to facilitate an all age class, male-focused harvest to slow dispersal and suppress disease prevalence.

As noted in a previous justification, most of the CWD management strategies are automatically implemented when a county is added to the CWD Management Zone in E1.12, however Wildlife Management Areas (WMAs) are not included in this regulation. Changes to code C1.01 are needed to exchange the terms "legal buck" and "doe" for "antlered" buck and "antlerless deer" for certain Wildlife Management Areas occurring in close proximity to the index case, specifically Beryl Anthony Lower Ouachita WMA.

Changes to bag limits and season structures are not being recommended for the Casey Jones, Crossett Experimental Forest, Little Bayou, Longview Saline Natural Area and Warren Prairie National Area WMAs because they fall on the outskirts of the affect counties and/or overlap multiple counties other than Ashley, Bradley and Randolph Counties. Changes to bag limits and season structures on the Felsenthal National Wildlife Refuge are at the discretion of the US Fish and Wildlife Service.

Code: C101

ADMINISTRATION

99. **Proposal:** Restrict White-Fronted goose season to 74 days that would run concurrently with duck season and with a 3-bird bag limit.

Justification: This would allow waterfowl and geese to utilize the habitat during the waterfowl season splits without hunter disturbance.

2022-23 White-fronted Goose Season Dates CLOSED WITH DUCK SEASON: OCT 29-NOV 11; NOV 19-28; DEC 11-23; DEC 26-JAN 31

2023-24 White-fronted Goose Season Dates CLOSED WITH DUCK SEASON: OCT 28-NOV 10; NOV 25-DEC 3; DEC 9-23; DEC 27-JAN 31

Code: B1.09, B1.11, B1.13, B1.14, B1.15

100. **Proposal:** Establish youth/veteran waterfowl hunt dates.
Justification: With the preferred proposed season framework, this would allow only youths to hunt first Saturday in February. Veterans and youths to hunt the following Sunday in February.
Code: B1.13, B1.15
101. **Proposal:** Create an opportunity for all hunters to earn a 3rd buck tag (Conservation buck tag).
Justification: Allow hunter the opportunity to earn a 3rd buck by; submitting 4 does and 2 bucks for CWD testing to receive a Free 3rd buck tag,
Code: A1.01, D1.00, 1.01, 15.01
102. **Proposal:** Open bear archery season 10 days earlier in bear zone 1 & 2.
Justification: Open bear archery season 10 days earlier in bear zone 1 & 2 with a quota of 500 bears within that quota is a quota of 400 bears during archery season.
Code: A1.08
103. **Proposal:** Create a tag and notching system for turkey harvest.
Justification: Create a turkey tag (eg. Missouri or Texas) to help reduce poaching. Agency will work with vendors for the tags. Implementation of 2024 turkey season.
104. **Proposal:** Reduce the bag limit for turkey to one bird limit.
Justification: Continue with a conservative approach to turkey management to compliment the current efforts of the agency of shorter season framework and a later opening date.
Code: A1.02
105. **Proposal:** Increase the hunting and fishing guide license for non-resident guides.
Justification: Non-resident guide license will increase from \$150 to \$450.00 beginning 2022 fall season.
Code: D1.01
106. **Proposal:** Allow use of archery equipment capable of holding and/or firing more than one arrow or bolt during the modern gun season only.
Justification: Allow hunters to utilize the technological advancements of archery equipment during modern gun seasons while maintaining the spirit of more accepted traditional archery methods during all other open seasons to include archery and muzzleloader.
Code: 6.02
107. **Proposal:** It is unlawful for Fishing of hunting guides to conduct business of guiding while under the influence or receive a BUI citation.
Justification: For the safety of the people being guided and other sportsmen/women in the area.
Code: 3.18

FINANCIAL/ECONOMIC IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

(Attach additional pages if needed)

DEPARTMENT: Arkansas Game and Fish Commission

DIVISION: Wildlife Management

PERSON COMPLETING THIS STATEMENT: Brad Carner

TELEPHONE #: 501-223-6352 **FAX #:** 501-223-6452

EMAIL: Brad.Carner@agfc.ar.gov

SHORT TITLE OF THIS RULE: 2022- 2024 Hunting Regulations.

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?
Yes: No:

2. Do you believe that the development of a financial impact statement is so speculative as to be cost prohibitive? Yes: No: 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.

<u>Current Fiscal Year</u>		<u>Next Fiscal Year</u>	
General Revenue	\$	General Revenue	\$
Federal Funds	\$	Federal Funds	\$
Cash Funds	\$	Cash Funds	\$
Special Revenue	\$	Special Revenue	\$
Other (Identify)	\$	Other (Identify)	\$
Total	\$	Total	\$

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: NA **Next Fiscal Year:** Unknown

Party Subject to Rule: Hunters

Effect on Party Subject to Rule: These are hunting regulation clarification Potentially, there could be increased fines.

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: Clarification of regulations

6. Do alternative means exist for accomplishing the objectives of the rules that might be less

burdensome to small business? Yes:

No: X

Why were such alternatives not proposed: N/A

7. Compare this rule with federal and state counterparts: N/A