

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 20.02 – Firearm Restrictions on WMAs

Newspaper Name Arkansas Democrat Gazette

Date of Publishing April 16-18, 2023

Final Date for Public Comment May 18, 2023

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

April 2023 Proposal Summary:

1. **Proposal:** Establish a new Natural area called Sugar Loaf Mountains-Midland Peak 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 1191 acres in Sebastian County. WMA zone 609
Code: 19.04, 20.02, 20.24, C1.01, C1.02, C1.04, C1.09, C1.13, C1.16
2. **Proposal:** Establish a new Natural area called Goats Beard Bluff 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 540 acres in Saline County. WMA zone 267
Code: 19.04, 20.02, 20.24, C1.01, C1.02, C1.04, C1.09, C1.13, C1.16
3. **Proposal:** To add a dog tag permit fee for non-resident deer dog hunters.
Justification: This is will be a \$20 permit that is needed to establish data to determine how many individuals with dogs are coming into the state for hunting deer with dogs and impacting the wildlife resources. This yearly permit will only be sold through June 2026 then end.
Code: 8.08, D1.01
4. **Proposal:** Allow the riding of horse on Choctaw WMA for raccoon hunters.
Justification: This will allow hunters to use horses on the WMA for raccoon hunting between sunset and sunrise without interfering with open deer season.
Code: 20.20
5. **Proposal:** Make an exception for the Cache River at Black Swamp.
Justification: This will enable boating transit to remain unimpeded for the general public on this waterway.
Code: C1.12
6. **Proposal:** Establish a new WMA of the Hot Springs State Forest WMA.
Justification: AR Dept. of Agriculture Division of Forestry has purchased 2974 acres within the Hot Springs recharge area of the Hot Springs National Park, Mr. Joe Fox of Division of Forestry, State Forester approached the AGFC in regards to establishing a new WMA for regulating hunting on the property. WMA Zone 365
Code: 19.04, 20.02, 20.24, C1.01, C1.02, C1.04, C1.09, C1.13, C1.16
7. **Proposal:** Increase license fees for non-resident hunting. Also increase the guide license fees for non-resident hunting and fishing.
Justification: These prices have not increased in years and the Commission needs to raise additional income for management of the State's wildlife resources. Create a Non-resident WMA Waterfowl 5 day permit, Alligator, Bear, turkey and elk permit in addition to license required.
Code: D1.01, 3.04

FINANCIAL / ECONOMIC IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

(Attach additional pages if needed)

DEPARTMENT: Arkansas Game & Fish Commission

DIVISION: Wildlife Management

PERSON COMPLETING THIS STATEMENT: Sandra Garrett

TELEPHONE #: 501-223-6435

FAX #: 501-223-6452

EMAIL:

Sandra.Garrett@agfc.ar.gov

SHORT TITLE OF THIS RULE: Season dates for new WMAs, access on Cache River, horse riders on WMA

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.

Current Fiscal Year

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

Next Fiscal Year

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

4. What is the total estimated cost by fiscal year to any **party** subject to the proposed, amended, or repealed rule? (Estimated cost includes fees, administrative penalties, reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs associated with compliance.) Identify the **party** subject to the proposed rule, and explain how they are impacted.

Current Fiscal Year: \$ 0

Next Fiscal Year: \$ 0

Party Subject to Rule: hunters

Effect on Party Subject to Rule: date changes

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: \$ 0

Next Fiscal Year: \$ 0

Financial Benefit to Agency: none

6. Do alternative means exist for accomplishing the objectives of the rules that might be less burdensome to small business? Yes: No: ☒

Why were such alternatives not proposed:

7. Compare this rule with federal and state counterparts: Federal started AGFC is complying

INSTRUCTIONS FOR COMPLETING THIS FORM:

The Division responsible for a regulation proposal must complete this form and include it as the last page(s) of a regulation proposal that is submitted to the Commission for review, and again when the proposal is submitted to the Commission for a vote. After regulation adoption, Legal Division will submit the form to the appropriate State offices.

20.02 – Firearm Restrictions on WMAs

- A. It is unlawful to possess buckshot, rifled slugs, centerfire firearms, or rimfire firearms larger than .22 caliber on WMAs other than during open modern gun deer, bear, or elk seasons and in compliance with Codes [06.02](#), [06.09](#), [06.10](#).
- B. It is unlawful to possess muzzleloaders larger than .40 caliber on any WMA other than during an open muzzleloader or modern gun deer, bear, or elk seasons and in compliance with Code [06.03](#).

WMA SPECIFIC RESTRICTIONS:

- A. All Commission-owned WMAs, Blue Mountain WMA, Camp Robinson WMA, Dardanelle WMA, J. Perry Mikles Blue Mountain SUA, Nimrod Lloyd Millwood WMA, Ozark Lake WMA, and all USDA Forest Service lands including WMAs lying within the Ouachita National Forest and the St. Francis/Ozark National Forest –bobcat, fox, and coyote may be taken during daylight hours with firearms of any caliber during bobcat, fox, and coyote seasons.
- B. Beaver Lake, Big Lake, Brushy Creek, Dave Donaldson Black River, Frierson, Holland Bottoms, St. Francis Sunken Lands, Shirey Bay Rainey Brake, U of A Pine Tree Experimental Station, W.E. Brewer Scatter Creek, and Wedington WMAs – only shotguns with slugs (no buckshot allowed) or muzzleloading rifles (in compliance with Code [06.03](#)) shooting a single projectile only during modern gun season.
- C. Trusten Holder WMA – within the boundaries of the Arkansas Post National Memorial buffer zone, discharge of any firearm is prohibited. No rifles are allowed on that part of Trusten Holder, including all Corps of Engineers lands, lying north and east of the centerline of the Arkansas River which fall within the area that lies east of Pendleton Bridge to just south of Dam 2 and those lands west of Tichnor Blacktop and Nady Road.
- D. Big Lake WMA – it is unlawful to transport firearms in that portion of Ditch 28 on the Big Lake WMA without firearms being dismantled or encased.
- E. Lafayette County WMA – no buckshot.
- F. Bell Slough WMA – shotguns, muzzleloader or rimfire rifles only.
- G. Johnson County WRA on Dardanelle WMA – muzzleloaders shooting a single projectile or shotguns with slugs only.
- H. DeGray Lake WMA – within the boundaries of the Lower DeGray Lake Waterfowl Rest Area, all firearms and archery equipment are prohibited except by permitted participants of special hunts and archery equipment used for bowfishing.
- I. Greers Ferry WMA – shotguns and muzzleloaders are allowed during the youth deer permit hunt.
- J. The farm units within Bald Knob, Cache River, and Wapanocca NWRs – muzzleloaders shooting a single projectile, shotguns with slugs (no buckshot allowed) or legal handguns only.
- K. Maumelle River WMA – shotguns using legal, non-toxic ammunition may be used to take squirrel, rabbit, furbearer, quail, crow, dove as designated on the public use map in compliance with Code [23.03](#).
- L. DeQueen Lake WMA – all property lying south of Bellah Mine Road (excluding property contained within the boundaries of the Dike C Firearms Unit and Jordan Tract Firearms Unit) – firearms are not allowed. All COE Recreational Areas are closed to hunting. Refer to COE/AGFC Public Use Map.
- M. **RESERVED.** Hot Springs State Forest WMA- shotguns and rim fire rifles using legal ammunition may be used to take crow, dove, furbearer, quail, rabbit and wild turkey on areas designated on the public use map as open for firearms. Firearms legal for taking deer allowed during Modern Gun Special Youth Permit Hunt on areas designated on the public use map.

EXCEPTIONS:

- A. Private landowners within boundaries of WMAs where they maintain a bona fide residence, within their homes or on their own land where normal agricultural activity is conducted.
- B. Trusten Holder WMA mobility impaired muzzleloader deer hunters may use shotguns with slugs.
- C. DeGray Lake WMA special hunt permit holders may possess loaded firearms within the delineated boundaries of the Lower DeGray Lake Waterfowl Rest Area during the special hunts.
- D. In compliance with Code [05.19](#).

PENALTY: Class 1

LEGAL NOTICE

The regular monthly meeting of the Arkansas Game and Fish Commission will be held beginning at 9:00 a.m. Thursday, May 18, 2023, at the Vada Sheid Community Development Center on the Arkansas State University-Mountain Home campus, 1600 South College Street, Mountain Home, AR 72653. 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 throughout the day on Wednesday, May 17, 2023, beginning at 8:00 a.m. at the Vada Sheid Community Development Center on the Arkansas State University-Mountain Home campus. All interested persons are invited to attend these meetings.

The Commission meeting on May 18th 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 May meeting dates draw closer.

Items on the agenda for the May 18, 2023 meeting will include discussion and/or adoption of proposed regulations that previously were considered at the April 19-20, 2023 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:

- **Fishing Regulations** – Amend existing regulations for Non-Resident Fishing License Requirements, including remove option for Non-Resident 14-Day Trip Fishing License and increase amount of Non-Resident Guide License/Fishing.
- **Hunting Regulations** –
 - Amend existing regulations for Non-Resident Hunting License Requirements, including annual license fee amounts and requirements for hunting various game animals, including small game, waterfowl, alligator, deer, turkey, bear, and elk. More specifically, increase amounts of Non-Resident Deer Hunting Licenses, Non-Resident Guide License/Hunting, Non-Resident WMA Waterfowl Hunting Permit (5-day trip), and Arkansas Non-Resident Waterfowl Stamp, and establish Non-Resident Permits for hunting bear, turkey, elk, and alligator.
 - Adopt regulation to require a Non-Resident Hunting Dog Permit before a nonresident may use any dog to hunt, chase, pursue or retrieve deer, or to train a dog for such purposes.
 - Amend existing regulations for Wildlife Management Areas, including establish Hot Springs State Forest WMA, Goat's Beard Bluff Natural Area WMA, and Sugarloaf Mountains-Midland Peak Natural Area WMA plus establish user requirements for these WMAs, including restrictions for camping, firearms, and hunting deer, turkey, furbearers, feral hogs, and other game.
 - Amend existing regulation to clarify that prohibition for horses and mules on Freddie Black Choctaw Island WMA Deer Research Area applies from sunrise to sunset during an open deer season.

- Amend existing regulation for boating and duck hunting on certain WMAs and lakes to clarify that on Rex Hancock Black Swamp WMA the Common Restriction A applies except within the Cache River.
- **Policy/Procedures** – Adopt policy and procedures to establish (1) Civil Rights Complaint and Appeal Procedure; and (2) Limited English Proficiency Plan and Policy.

All persons wishing to be heard on these subjects should submit comments in writing to this office before the start of the May 18, 2023 meeting (preferably by 4:30 p.m. on the day before). Any request to make an oral presentation at the meeting should be submitted in writing to this office on or before May 8, 2023. 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