

# 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](http://www.sos.arkansas.gov)



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Name of Department Arkansas Game and Fish Commission

Agency or Division Name Legal Division

Other Subdivision or Department, If Applicable \_\_\_\_\_

Previous Agency Name, If Applicable \_\_\_\_\_

Contact Person Sarah Milligan

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

Contact Phone 501-223-6327 Legal Division

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Name of Rule 20.20 – Horse And Mule Restrictions on Commission Owned and Leased Land 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.

## 20.20—Horse And Mule Restrictions on Commission Owned and Leased Land WMAs

- A. It is unlawful to use or possess horses and mules on Commission-owned or leased WMAs from the fourth Saturday in September through January, and April through May. Permits are required for organized events of more than 10 horses or mules per party during the remainder of the year. Permits are available at the Regional Office and must be requested 30 days in advance of the event. Horses and mules are allowed only in camping areas that are designated for equestrian use. Horses in camping areas may only be tied to trailers or to a highline using tree-saver straps.
- B. It is unlawful for any person to allow horses or mules to damage trees or other woody vegetation. Soil disturbance must be restored, manure must be scattered, and excess feed, hay, and trash must be removed.

### EXCEPTIONS:

- A. Legal hunting activities may use horses and mules during specified hunting seasons (Addendum [C1.00](#)).
- B. At night during furbearing season (Addendum [C1.09](#)).
- C. Horses and mules are prohibited on all U.S. Army Corps of Engineers' property on Trusten Holder WMA, including Jardis Point.
- D. Horses and mules are prohibited on the Freddie Black Choctaw Island WMA Deer Research Area [from sunrise to sunset](#) during [an](#) open deer season.
- E. The Camp Robinson SUA is divided into 7 public use compartments. Non-reserved/open compartments 1, 3, 4 and 7 are open year round for pleasure riding, except when closed for reserved events. Compartments 2 and 5 are closed for horse and mule riding for pleasure. No permit or reservation is required unless a participant is requesting to reserve any of the public use facilities or compartments.
- F. All organized horse and mule events on J. Perry Mikles Blue Mountain SUA are required to be scheduled or reserved annually by July 1 through the area manager. All pleasure riding is restricted to dates when no field trials are being conducted. The annual field trial schedule will be posted at area headquarters.
- G. Horses and mules are prohibited for use on that portion of the Gene Rush WMA lying east of Searcy County Road 14 and west of the Buffalo National River property line from Woolum Ford on the Buffalo National River to the intersection of Searcy County Roads 12 and 14.
- H. Horses and mules are prohibited on Maumelle River WMA (except by special permit from Central Arkansas Water).
- I. Horses and mules are allowed at night during furbearer season on Poison Springs WMA.
- J. Horses and mules are prohibited for use on Stone Prairie WMA.

**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 18<sup>th</sup> 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](http://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