

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State
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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

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Contact Phone 501-223-6327 Legal Division

Name of Rule CL12 – Special Usage Restrictions on Certain WMAs and Lakes

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

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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.

C1.12 – Special Usage Restrictions on Certain WMAs and Lakes

A. Restrictions Common to Multiple Listed WMAs and Lakes:

1. Common Restriction A:

- i. From the Saturday before the first day of the first segment of the regular duck season until the first day of the first segment of regular duck season:
 - a. No boats allowed all day.
- ii. During regular duck season open days:
 - a. No entry or access is allowed from 2 a.m. to 4 a.m. (except in designated campsites, parking areas, boat launch ramps and designated boat staging areas); and
 - b. No boats are allowed from 1 p.m. until 4 a.m. (Central Time) except boats may be launched after 2 a.m. under the limited condition that any such boat must remain physically occupied at all times while kept in boat staging areas between 2 a.m. and 4 a.m.
 - c. On Dave Donaldson Black River and George H. Dunklin Jr. Bayou Meto WMAs, no boats are allowed from noon until 4 a.m. (Central Time) except boats may be launched after 2 a.m. under the limited condition that any such boat must remain physically occupied at all times while kept in boat staging areas between 2 a.m. and 4 a.m.
- iii. During regular duck season splits:
 - a. No boats allowed all day.
- iv. During the last day of the last segment of regular duck season and during the special youth/veteran waterfowl hunt:
 - a. No entry or access is allowed from 2 a.m. to 4 a.m. (except in designated campsites, parking areas, boat launch ramps and designated boat staging areas); and
 - b. No boats are allowed from 6:30 p.m. until 4 a.m.

B. Restrictions on Specific WMAs and Lakes:

1. **George H. Dunklin Jr. Bayou Meto:** Common Restriction A applies. Boats are prohibited on the Government Cypress Greentree Reservoir. Boating access is allowed from noon until 6:30 p.m. during regular duck season open days, all day during regular duck season splits, and all day from the Monday before the first segment of regular duck season until the first day of the first segment of regular duck season at the following waterbodies:
 - i. Mulberry Access, to include all of the Salt Bayou Ditches to the confluence of Little Bayou Meto
 - ii. Buckingham Flats Access to include Big Bayou Meto, and Cannon Brake Access to include Little Bayou Meto only on the Cannon Brake Impoundment
 - iii. Cox Cypress and Grand Cypress Lake
2. **Bell Slough:** Common Restriction A applies. Effective November 1, 2023: Only open to waterfowl hunting on Tuesday, Thursday, Saturday, and Sunday from the first day of the first segment of regular duck season until the next-to-last day of the last segment of regular duck season. All-day hunting is allowed the last day of the last segment of regular duck season and during special youth waterfowl and veteran and military hunts. Non-motorized boat access to designated water trails is allowed from 1 p.m. until 6:30 p.m. during regular duck season open days, all day during regular duck season splits, and all day from Monday before the first segment of regular duck season until the first day of the first segment of regular duck season.

3. **Beryl Anthony Lower Ouachita:** Common Restriction A applies except within the Ouachita River. Use of boats for fishing and non-hunting activities are allowed.
4. **Big Lake:** Common Restriction A applies. Mallard Lake is closed to all hunting except for the special early teal season; fishing and non-hunting activities are allowed. Boating access is allowed from 1 p.m. until 6:30 p.m. during the regular duck season open days, all day during regular duck season splits, and all day from the Monday before the first segment of regular duck season until the first day of the first segment of regular duck season at the following waterbodies:
 - i. The north/south ditch, all lateral ditches, and borrow pits.
5. **Brewer Lake, Cypress Creek, Camp Robinson SUA, and Cedar Creek:** Closed to waterfowl hunting.
6. **Camp Robinson WMA:** Common Restriction A applies.
7. **Cane Creek Lake (Lincoln County):** Waterfowl hunting ends at noon.
8. **Coal Pile Lake:** Closed to all hunting. Fishing and non-hunting activities are allowed.
9. **Cut-Off Creek:** Common Restriction A applies. Travel by boat is limited to Cut-Off Creek.
10. **Cypress Bayou:** Common Restriction A applies.
11. **Dardanelle:** Waterfowl hunting is not allowed on that part of Big Spadra and Little Spadra creeks lying north of the Missouri Pacific Railroad, east of Crawford Street, south of I-40, and west of Arkansas Highway 103. Dogs, hunting, or trapping devices are prohibited on Johnson County WRA.
12. **Dave Donaldson Black River:** Common Restriction A applies except within the Black River. Lake Ashbaugh and Hubble Lake are closed to all hunting, except both are open for the special early teal season; fishing and non-hunting activities are allowed. Boating access is allowed from noon until 6:30 p.m. during the regular duck season open days, all day during regular duck season splits, and all day from the Monday before the first segment of regular duck season until the first day of the first segment of regular duck season at the following waterbodies:
 - i. Little River
 - ii. Reyno Canal Access
 - iii. Winchester Canal Access
13. **DeGray Lake:** All weapons are prohibited on Lower DeGray Lake WRA except by permitted participants of special hunts and bowfishing on the lake.
14. **Dr. Lester Sitzes III Bois d'Arc:** Common Restriction A applies.
15. **Earl Buss Bayou DeView:** Common Restriction A applies. Lake Hogue is closed to all hunting except for the special early teal season; fishing and non-hunting activities are allowed. Boating access is allowed only from 1 p.m. until 6:30 p.m. during regular duck season open days, all day during regular duck season splits, and all day from the Monday before the first segment of regular duck season until the first day of the first segment of regular duck season at the following waterbodies:
 - i. Thompson Tract boat ramp to include boat run
 - ii. North Oliver Campground primitive boat access to include the natural slough
16. **Ed Gordon Point Remove:** Common Restriction A applies. Effective November 1, 2023: Only open to waterfowl hunting on Tuesday, Thursday, Saturday, and Sunday from the first day of the first segment of regular duck season until the next-to-last day of the last segment of regular duck season. All-day hunting is allowed the last day of the last segment of regular duck season and during special youth waterfowl and veteran and military hunts.
17. **Frog Bayou:** Common Restriction A applies. Effective November 1, 2023: Only open to waterfowl hunting on Tuesday, Thursday, Saturday, and Sunday from the first day of the first segment of regular duck season until the next-to-last day of the last segment of regular duck season. All-day hunting is allowed the last day of the last

segment of regular duck season and during special youth waterfowl and veteran and military hunts.

18. **Galla Creek:** Common Restriction A applies. **Exception:** Arkansas River Cutoff west of Flag Lake Road. Effective November 1, 2023: Only open to waterfowl hunting on Tuesday, Thursday, Saturday, and Sunday from the first day of the first segment of regular duck season until the next-to-last day of the last segment of regular duck season. All-day hunting is allowed the last day of the last segment of regular duck season and during special youth waterfowl and veteran and military hunts.
19. **Harris Brake:** Common Restriction A applies except within Harris Brake Lake. Open to waterfowl hunting only Tuesday, Thursday, Saturday and Sunday. All-day hunting is allowed the last day of the last segment of regular duck season. Only shotguns and archery equipment are allowed for hunting. Harris Brake Lake is open to Canada goose hunting September 1-15.
20. **Henry Gray Hurricane Lake:** Common Restriction A applies except within the White River and Little Red River.
 - i. When the main road gate at Mitchell Corner is closed, boating access is allowed from 1 p.m. until 6:30 p.m. during regular duck season open days, all day during regular duck season splits, and all day from the Monday before the first segment of regular duck season until the first day of the first segment of regular duck season at the following waterbodies:
 - a. Glaise Creek (to include Glaise Creek access trail #2 from Mitchell Corner north boat ramp to the creek channel) from the WMA northern boundary to the main water-control structure at Whirl Lake
 - b. Whirl Lake access, to include Whirl Creek
 - ii. When the main road gate at Mitchell Corner is open, boating access is allowed from 1 p.m. until 6:30 p.m. during regular duck season open days, all day during regular duck season splits, and all day from the Monday before the first segment of regular duck season until the first day of the first segment of regular duck season at the following waterbodies:
 - a. Big Bell Lake (to include Little Bell Lake)
 - b. Big Hurricane Lake (to include Little Hurricane Lake)
 - c. Bollie Pond
 - d. Glaise Creek
 - e. Honey Lake
 - f. Mallard Lake
 - g. Whirl Lake
 - h. Willow Pond.
21. **Craig D. Campbell Lake Conway Reservoir:** Closed to waterfowl hunting, except on the Caney Creek, Dix Creek, Palarm Creek, and Pierce Creek bays outside posted buffer zones. Waterfowl hunting ends at noon.
22. **Lake Overcup:** Waterfowl hunting ends at noon.
23. **Maumelle River:** Closed to waterfowl hunting. All boating activities and access are prohibited in the Restricted Area Zone 1 on the east end of Lake Maumelle as marked by buoy lines. No hunting, camping or other access is allowed on any island on Lake Maumelle.
24. **Ozark Lake:** Dyer Lake Units open to waterfowl hunting on Tuesday, Thursday, Saturday, and Sunday from the first day of the first segment of regular duck season until the next-to-last day of the last segment of regular duck season. All-day hunting is allowed the last day of the last day of regular duck season and during special youth waterfowl and veteran and military hunts.
25. **Petit Jean River:** Common Restriction A applies. Boating access is allowed from 1 p.m. until 6:30 p.m. during regular duck season open days, all day during regular duck splits, and all day from the Monday before the first segment of regular duck

season until the first day of the first segment of regular duck season at the following waterbodies:

- i. Keeland Lake
 - ii. Club House Pond
 - iii. Lily Pad Pond
 - iv. Kingfisher Lake
 - v. Petit Jean River
26. **Rex Hancock Black Swamp:** Common Restriction A applies **except within the Cache River**. Boating access is allowed from 1 p.m. until 6:30 p.m. during regular duck season open days, all day during regular duck season splits, and all day from the Monday before the first segment of regular duck season until the first day of the first segment of regular duck season at the following waterbodies:
- i. Gregory Access (from County Road 758) down the ditch to the Cache River
 - ii. Float Road Access (from County Road 752) down the marked trail to the Cache River
 - iii. Cache River within the boundaries of the WMA
27. **Rick Evans Grandview Prairie:** Waterfowl hunting closed on all lakes and ponds.
28. **Seven Devils:** Common Restriction A applies.
29. **Steve N. Wilson Raft Creek Bottoms:** Common Restriction A applies. The Jim Sullivan Youth Waterfowl Unit is closed to all access, except for youth waterfowl hunting permit holders during youth waterfowl permit hunts, from the last day of the modern gun permit hunt to the last day of waterfowl season (including the waterfowl special youth hunt).
30. **St. Francis National Forest:** Waterfowl hunting ends at noon.
31. **St. Francis Sunken Lands:** The Snowden Field Waterfowl Rest Area levee is open to foot traffic around the north end of the unit.
32. **Sheffield Nelson Dagmar:** Common Restriction A applies. The Conway George Tract is closed to all access, except for waterfowl hunting permit holders. Boating access is allowed from 1 p.m. until 6:30 p.m. during regular duck season open days, all day during regular duck season splits, and all day from the Monday before the first segment of regular duck season until the first day of the first segment of regular duck season at the following waterbodies:
- i. Robe Bayou Access to include from the WMA northern boundary to the low water crossing at Interstate 40
 - ii. Gator Pond Access to include only the open water pond area and not flooded timber
 - iii. Bayou DeView designated water trail
33. **Shirey Bay Rainey Brake:** Common Restriction A applies except within the Black River. Boating access is allowed from 1 p.m. until 6:30 p.m. during regular duck season open days, all day during regular duck season splits, and all day from the Monday before the first segment of regular duck season until the first day of the first segment of regular duck season at the following waterbodies:
- i. Shirey Bay, Horseshoe Lake, and Hill Slough
 - ii. Diversion ditch from County Road 317 to the diversion ditch water-control structure
 - iii. **EXCEPTION:** Fishing and non-hunting activities are allowed on Shirey Bay, Horseshoe Lake, and Hill Slough.
34. **Sulphur River:** Common Restriction A applies except within the Sulphur River or Mercer Bayou.
35. **Tommy L. Sproles Lake Pickthorne:** Closed to waterfowl hunting.

EXCEPTION: Commission staff, volunteers, and participants during Commission-sponsored mentored hunt programs.

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
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