

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State
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Name of Department _____

Agency or Division Name _____

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person _____

Contact E-mail _____

Contact Phone _____

Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____

Proposal: Update of Aquaculture Species Lists, Move Prohibited Aquatic Species List, and add Prohibited Aquatic Species

Justification: The prohibited aquatic species list is currently housed in both J1.01 and J1.03, and is referenced by several other regulations. Establishing it as a distinct addendum will make it easier to reference throughout the Code of Regulations. Additionally, fifteen species are being added to the list which are currently listed as harmful, injurious or invasive by one or more federal agencies. Recent taxonomic name changes also necessitated revisions to the various species lists within the Live Fish Trade code language.

Code Change: J1.03

FINANCIAL / ECONOMIC IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY
(Attach additional pages if needed)

DEPARTMENT: Arkansas Game & Fish Commission

DIVISION: Fisheries

PERSON COMPLETING THIS STATEMENT: Kelly Winningham

TELEPHONE #: (501) 538-3976 **FAX #:** (501) 525-2265 **EMAIL:**

Kelly.Winningham@agfc.ar.gov

SHORT TITLE OF THIS RULE: Revised Live Fish Trade Code

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?
Yes: No: **X** None anticipated.
2. Do you believe that the development of a financial impact statement is so speculative as to be cost prohibitive? Yes: No: **X** If "Yes", please explain: None anticipated
3. If the purpose of this rule is to implement a **federal** rule or regulation, please give the incremental cost for implementing the regulation. Please indicate if the cost provided is the cost of the program.

Current Fiscal Year

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

Next Fiscal Year

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

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 What is the total estimated cost by fiscal year to any **party** subject to the proposed, amended, or repealed rule?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

Current Fiscal Year: \$0

Next Fiscal Year: Uncertain

Party Subject to Rule: Anglers, private water owners, aquaculture industry, pet trade industry, horticulture or water garden industry, and aquarium and water garden enthusiasts

Effect on Party Subject to Rule: This rule clarifies prohibitions on the import, sale and possession of several species known to be invasive in the United States. These changes will make it easier to communicate with the affected industries on which species are prohibited in Arkansas.

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: Reduce management and remediation costs associated with eradicating, containing, or controlling aquatic invasive species, if introduced or established. Reduce management costs associated with pathogens on native aquatic wildlife and aquaculture, if introduced. Prevent loss of fishing and hunting license revenue resulting from use restrictions, habitat dedredation, or declines in native fish populations due to invasive species introductions or establishment.

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?

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

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

Class

Crustacea

Family

Cambarid

ae

Procambarus acutus (White River crayfish)

Procambarus clarkii (Red Swamp crayfish)

Class

Osteichth

yes

Family

Centrarc

hidae

Lepomis cyanellus

(Green sunfish)

Lepomis macrochirus

(Bluegill)

Lepomis microlophus (Redear sunfish)

Micropterus salmoides (~~Largemouth~~)

Florida bass)
Micropterus nigricans
(Largemouth bass)
Pomoxis annularis (White crappie)
Pomoxis nigromaculatus
(Black crappie)

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

- * *Oreochromis aureus* (Blue tilapia)
- * *Oreochromis mossambicus* (Mozambique tilapia)
- * *Oreochromis niloticus* (Nile tilapia)

Family ~~Clupeidae~~ Dorosomatidae

Dorosoma petenense (Threadfin shad)
Dorosoma cepedianum (Gizzard shad)

Family Cyprinidae

- * *Carassius auratus* (Goldfish, including ornamentals)
- ~~* *Ctenopharyngodon idella* (Grass carp) – USFWS Certified Triploids Only~~
- * *Cyprinus carpio* (**Koi only** - must be obtained from a permitted source and spawned and reared only in the United States.)

~~*Notemigonus crysoleucas* (Golden shiner)~~
~~*Pimephales promelas* (Fathead minnow)~~

Family Leuciscidae

~~*Notemigonus crysoleucas* (Golden shiner)~~
~~*Pimephales promelas* (Fathead minnow)~~

Family Xenocyprididae

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

Family Ictaluridae

Ictalurus furcatus (Blue catfish)

Ictalurus punctatus (Channel catfish)

Family Moronidae

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

Hybrids:

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

Salmonid species:

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

VHS Fish Farm Health Inspection Permit:

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

Permission to Import, Rear, or Stock Unlisted Species:

Requests to import, possess, and stock species not listed in this policy will be scientifically evaluated on a case-by-case basis. The burden of proof will rest with the applicant to provide justification as to the need to import and stock the species, justify why currently

approved species listed in this policy will not fill the need, and provide information that the requested species will have no significant ecological impact on native species or resources of the state. The stocking of any unlisted aquaculture species shall be conducted in a responsible manner that excludes the possibility of escape from holding and culture units. Permit holders are required to construct a barrier that prevents escape of juvenile and adult species from their location and meet all biosecurity, containment, and health certificate requirements set forth by the AGFC Fisheries Division scientific review of the species. Additional biosecurity and containment requirements may be required as part of the terms of the permit based on scientific review of the species. In the event that unlisted aquatic organisms are released or escape from the stocked location, the permittee shall notify the AGFC Fisheries Division immediately. Additional screening for aquatic animal health pathogens maybe required for unlisted species due to country of origin, water source, or specific pathogens of concern and will be considered on a case by case basis.

Prohibited Species: In accordance with Code 26.13, it is unlawful to import or stock any specimen or, hybrid, or viable egg from species listed in Addendum J1.04.

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

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

- ~~• Chinese mitten crab *Eriocher sinensis*~~
- ~~• Marbled crayfish *Procambarus virginialis*~~
- ~~• Everglades crayfish *Procambarus alleni*~~
- ~~• Redclaw crayfish Family *Cherax*~~

- ~~Rusty crayfish *Orconectes rusticus*~~
- ~~Smooth Marron *Cherax cainii*~~
- ~~Yabby *Cherax destructor*~~

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

Modification of Lists:

Any individual may petition AGFC to add or remove species on the *Approved Stocking Species List for Privately Owned Lakes and Ponds*. The petition must provide thorough documentation of why a species should or should not be included on a list. Petitions must address the biological threat of the species, including native range, habitats utilized, movement patterns, spawning requirements, reproductive rate, food habits, and temperature, pathogens of concern, and water-quality limitations. Documentation of any introductions or escapes outside the species' native range must be included and evaluate the potential impacts to native species through predation, competition, disease transmission, and displacement. Petitions must include copies of all pertinent reference material.

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

LEGAL NOTICE

The regular monthly meeting of the Arkansas Game and Fish Commission will be held beginning at 9:00 a.m. Thursday, April 11, 2024, at the Arkansas Game & Fish Headquarters located at 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 throughout the day on Wednesday, April 10, 2024, beginning at 9:00 a.m. at the Arkansas Game & Fish Headquarters located at 2 Natural Resources Drive, Little Rock, AR 72205. All interested persons are invited to attend these meetings.

The Commission meeting on April 11 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 meeting dates draw closer.

Items on the agenda for the April 11, 2024 meeting will include discussion and/or adoption of proposed regulations that will be considered at the March 20-21, 2024 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 2024-2025 and 2025-2026 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 regulations include, but are not limited to:

Furbearer/Depredation

- Clarify which Commission-owned properties are open to hunting and trapping.
- Specify that striped skunks are not subject to wanton waste restrictions on wildlife.
- Specify that the requirements to possess another's wildlife are met by current fur dealer reporting requirements.
- Add an exception that would allow raccoon, opossum, or bobcat to be taken at night with the use of any caliber of rifle in accordance with a Predator Control Permit.
- Clarify that otter and bobcat tagging requirements apply to pelts or carcasses.
- Specify that only live red fox, gray fox, and coyote can be sold with a Live Fox and Coyote Permit.
- Clarify depredation permit information and requirements. Specify that nuisance birds, deer, and elk cannot be live captured and moved by the public.
- Authorize riding horses on Commission-owned WMAs for coon hunting or other purposes that are deemed to be appropriate and not in conflict with the agency's management of resources, permit hunts, etc.

Captive Wildlife

- Clarify that game birds are covered under Game Bird Shooting Resorts code and not under Commercial Wildlife Hunting Resort code.
- Clarify who needs to register animal sales with the agency.

- Add an exception for customers with fewer than 100 Bobwhite Quail for personal consumption that will not be moved off the property and that are either from a Wildlife Breeder/Dealer or an NPIP flock.
- Combine similar codes to reduce confusion and number of regulations.
- Clarify the requirement for movement of wildlife across the state.
- Clarify that any non-prohibited species that is permitted can be imported with a Wildlife Importation Permit.
- Clarify that sanctioned field trials require a special permit letter from the Chief of Wildlife Management, not a shoot-to-kill permit.
- Update the details of CWD testing requirements for Commercial Hunting Resort Requirements.
- Update the Captive Wildlife Species Lists for those species that have been evaluated since the past regulation cycle.
- Clarify that unlisted species are prohibited until evaluated.
- Adjust reporting requirements to semi-annual reporting.
- Clarify that a current and valid veterinarian exam form is required.
- Clarify rules for exhibition of imported wildlife.
- Make a declaration of the agency's right to inspect wildlife being imported into the state.
- Revise code to reflect that shoot-to-kill bird dog training permits are valid from date of issuance to December 31 of that calendar year.
- Add an annual reporting requirement for Venomous Reptile Possession Permit.
- Add a stipulation that you must be an Arkansas resident to apply for a Conservation Education Permit.
- Clarify that permits are required for breeding, sale, and importation of certain species.
- Clarify process of interim approvals for captive wildlife species list and handling of species not listed.
- Adjust fees of various captive wildlife permitting to account for inflation, to include, but not limited to: Game Bird Shooting Resort Permit, Commercial Wildlife Hunting Resort Permit, Wildlife Breeder/Dealer Permit, and Wildlife Importation Permit.
- Allow temporary exhibits of prohibited species for display, education, or conservation purposes to those with USDA permits.
- Remove requirement of Wildlife Importation Permit for Game Bird Shooting Resorts while ensuring birds are obtained from an NPIP source or a Wildlife Breeder/Dealer permittee.
- Allow for the revocation of Wildlife Importation Permits if requirements are not met.

Wildlife Management Areas (WMAs)

- Remove regulation regarding geocaching permits on WMAs because geocaching has since been prohibited.
- Affirm the prohibition of non-permit holders being on WMAs during permit hunts.
- Revise the end date for quail and rabbit dog training on WMAs from April 1 to March 31.
- Define camping to clarify that parking vehicles, boats, etc. in WMA parking lots for extended periods of time is camping and is prohibited outside designated camping areas.
- Allow tree hooks to be used on WMAs.
- Specify that all dog training and field trial activities on a WMA require a hunting license.
- Remove the unnecessary exception that allows for waterfowl retrievers to be used during open migratory bird seasons as these dogs are already allowed.
- Remove references to Ozark National Forest WMA as this WMA no longer exists.

- Expand incidental take of feral hogs on WMAs during open deer, elk, and bear seasons with weapons allowed during those seasons.
- At Camp Robinson SUA:
 - Add muzzleloader permit deer hunt.
 - Add early permit youth deer hunt.
 - Open waterfowl season.
- At Bell Slough WMA:
 - Add early permit youth deer hunt.
 - Add late youth modern gun deer hunt.
- At Stone Prairie WMA:
 - Add late youth modern gun deer hunt.
- At Spring River/Harold E. Alexander WMA:
 - Move modern gun permit deer hunt to statewide opener for gun season.
 - Move deer muzzleloader season up one week to match regular muzzleloader season.
 - Add early permit youth modern gun deer hunt.
 - Change the late youth modern gun deer hunt to an open youth modern gun deer hunt.
- At Ed Gordon Point Remove WMA:
 - Require that the head from all does harvested be left at the WMA work center for verification of harvest.
 - Clarify that access restrictions do not apply to Lake Cargile.
- At J. Perry Mikles Blue Mountain SUA:
 - Allow trapping with enclosed pull-activated or “dog proof” type traps.
 - Move the modern gun deer permit hunt from the second Wednesday in November to the second Thursday in November.
 - Allow hunting of Mourning, White-Winged and Eurasian Collared Dove while field trials are in progress.
 - Allow walk-in hunting of small game (rabbits and squirrel), migratory birds and archery deer while field trials are in progress.
- At Dr. Lester Sitzes III Bois D’Arc WMA:
 - Modify dates of muzzleloader permit hunt to no longer overlap with modern gun youth hunt.

Deer/Elk

- Allow the use of rifles which fire straight-walled cartridges .30 caliber and larger in Deer Zones 4 and 5 for modern gun deer season.
- Remove private lands antlerless-only modern gun hunt.
- Limit the bull elk harvest to one bull per landowner property during the private land elk hunt.
- Modify the public land elk hunt quota to issue 6 either-sex and 12 antlerless elk permits while closing Elk Zone 1 to hunting.
- Modify the private land elk hunt quota to 6 bulls and 12 antlerless elk.
- Allow spears for deer, elk, and bear hunting.
- Adjust buck deer restrictions on Big Lake (Mississippi County) and Harold E. Alexander/Spring River (Sharp County).

Turkey

- Prohibit the use of electronic decoys for hunting wild turkeys.
- Require Non-Resident Lifetime License Holders to add a no-cost turkey hunting permit to their license before turkey hunting in Arkansas.
- Create a mandatory no-cost resident turkey tag product that is required to hunt wild turkeys in Arkansas, and require all Resident Hunting License Holders and Resident Lifetime License Holders who hunt turkey to manually add this to their license each year.
- Open Camp Robinson SUA to spring turkey hunting by permit and manage permit hunt in combination with Stone Prairie WMA.
- Add a hybrid permit hunt on R.L. Hankins Mud Creek WMA.

Migratory Birds

- Include boat motor exhaust restrictions on the Cache River, Dale Bumpers White River, Felsenthal, and Overflow National Wildlife Refuges.
- Allow the taking of Egyptian geese and their eggs.
- Require hunters to have a federal migratory bird hunting stamp to harvest light geese during snow goose season.
- Clarify that the light goose conservation order is exempt from proof of Harvest Information Program (HIP) registration.
- Clarify that geese may be harvested during any open youth and veteran/military hunt with bag limits.
- Implement a waterfowl draw permit hunt on portions of Frog Bayou WMA.
- Clarify the rules of waterfowl permit hunts.
- Remove requirements for boat motors at Frog Bayou WMA as boat motors are not allowed on Frog Bayou.
- Clarify non-resident waterfowl hunting permit requirements.
- Allow non-resident duck hunters to purchase up to ten (10) three-day non-resident WMA waterfowl hunting permits throughout the regular duck season.
- Clarify the rules of veteran/military waterfowl hunts.
- Propose 2024-2025 and 2025-2026 duck season dates.
- Restrict access times at Nimrod Lloyd Millwood WMA Special Regulatory Area.
- Allow non-motorized boat access to all designated water trails.
- Establish a 25-shell limit for waterfowl hunters on all WMAs with a waterfowl-hunting focus, with an exception during special youth waterfowl hunts.
- Restrict waterfowl hunting east of Hwy 7 at Petit Jean River WMA to Tuesday, Thursday, Saturday, Sunday, and the last day of duck season.
- Revise the end date on early Canada goose season from September 15 to October 15.
- Allow an electronic copy of the federal migratory bird hunting stamp to be valid for the entirety of waterfowl season.
- Clarify that the prohibition of guiding waterfowl hunters exists on both Commission-owned or -controlled WMAs and National Wildlife Refuges.
- Clarify resident/non-resident eligible hunting days for landowners owning inholdings on WMAs.

Miscellaneous

- Define the term “hunting assistance” and clarify that individuals with a suspended hunting license cannot provide “hunting assistance.”
- Clarify what anatomical parts of wildlife are legal to sell and which parts are illegal to sell.

- Define the term “customer identification (CID)” and allow CID numbers to be used as a method of labeling personal items (tree stands, trotlines, etc.) and tagging harvested game.
- Increase violation points for obstructing hunting, fishing, or trapping.
- Create consistency in the penalty for hunting over bait.
- Clarify that wildlife baiting prohibitions apply to Federal lands in addition to state-owned WMAs.
- Reduce the violation for failing to label or remove a tree stand every 7 days from Class 2 to Class 1.
- Increase the number of days a tree stand can remain in one location from 7 days to 14 days to match regulations on Federal lands.
- Create consistency in the penalty for road hunting by making all road hunting violations Class 3.
- Extend WMA-entry restrictions for boating violations to National Wildlife Refuges.
- Restrict individuals with revoked/suspended hunting and/or fishing licenses from being able to mentor or assist youths in hunting and fishing-related activities.
- Clarify legality of waterfowl hunting on Lake Catherine and Lake Hamilton.
- Clarify the term “written permission” and when written permission is required.
- Clarify rules regarding hunting from a vessel so that it is clearly prohibited with an exception for alligator and waterfowl.
- Create consistency in the penalty for hunting from a vessel by making all violations Class 3.
- Modify verbiage regarding dogs chasing wildlife for “pleasure” to dogs chasing wildlife for “training.”
- Modify requirements for tracking wounded game.
- Remove code requiring individuals to immediately disclose the possession of a concealed handgun.
- Reduce handgun restrictions on Commission-owned or controlled property or while hunting, fishing, or trapping on private property.
- Reinstate the ban on harvesting a collared bear.
- Allow use of unmanned aerial vehicles (drones) for wildlife surveys on private lands and for game recovery if equipped with thermal capabilities.
- Require that dogs not under physical restraint and used for pursuing wildlife be equipped and monitored with devices (e.g. collars) that allow remote tracking and behavior correction.

2. **General Fishing Regulations** – Propose miscellaneous fishing regulations, including, but not limited to:

Alligator

- Remove alligator farmer and dealer permit regulations.
- Remove alligator hunter radio room call requirement.
- Clarify rules regarding non-residents hunting alligators on private lands in zones where alligator hunting is allowed.

American Eel

- Add American Eel to the list of sportfish with a creel limit of 2.

Bass

- Modify Largemouth Bass limits for Lake Barnett (White County) from 13-16 inch protective slot limit to no minimum length limit with only 1 Largemouth Bass over 16 inches.
- Modify Largemouth Bass limits for Lake Brewer from a 13-16 inch protective slot limit to no minimum length limit with only 1 Largemouth Bass over 16 inches.
- Modify Largemouth Bass limits for Cane Creek Lake from statewide regulations to a 15 inch minimum length limit.
- Modify Largemouth Bass limits for Lake Poinsett to allow a daily limit of 10, only 1 of which may be larger than 16 inches.
- Remove the Smallmouth Bass special regulation areas on Crooked Creek.
- Remove Redeye Bass from the Black Bass definition.
- Implement a Bass Management Assistance Program and Permit which aims to provide technical assistance with black bass management for private landowners with lakes and ponds 10 acres or greater in size. The permit would allow private lake or pond owners to legally harvest above Arkansas's black bass daily and possession limits as long as they comply with the terms and provisions of the permit.

Blue Sucker

- Add Blue Sucker to the list of rare species illegal to possess by Commercial Fishers.

Bullfrog

- Modify current hunting season to begin after breeding season (late May) while reducing daily bag and possession limits to allow more breeding adults to survive for reproduction.

Catfish

- Modify catfish hogging and noodling season based on openness of waterbody to commercial fishing versus geographic location. Waterbodies that are not open to commercial fishing are generally less productive and can benefit for postponing hogging and noodling until after catfish have had the opportunity to spawn.

Commercial Fishing

- Modify commercial fishing fee structure to reflect two separate user groups (for-profit & personal use). Create a recreational netting permit (RNP) to provide an opportunity for recreational netters to keep fish for personal use. The new RNP would permit harvesting commercial fish species and three daily limits of catfish with netting gear on waters open to commercial fishing while prohibiting the sale of catch. The RNP permit would not have any reporting requirements.
- Decrease the commercial tackle checking rule for SNS (e.g. gill nets, trammel nets, and seines) & TL (e.g. trot lines, limb lines, snaglines, throw lines, and set hooks) gear from 48 hours to 24 hours while increasing HN (e.g. hoop nets) and FS (e.g. fiddler nets and slat traps) to 72 hours.
- Prohibit the overland transport of commercially-harvested fish alive in water.

Crappie

- Set Crappie daily limit on Lake Poinsett.

Crayfish

- Modify importation restrictions on crayfish to minimize impacts to interstate commerce.

Paddlefish

- Establish Paddlefish Snagging Season below Houseman Access on White River to Missouri State Line.

- Implement a 34 inch minimum length limit for Paddlefish during new snagging season on the White River below the Houseman Access downstream to the Missouri State Line and in the current snagging area below Beaver Dam.
- Establish Paddlefish Permit System & Tagging Requirements for Upper White River above Beaver Lake with a 2 fish annual limit.

Tournaments

- Implement fishing tournament registration to improve agency's knowledge of such tournaments to help with management efforts on the waterbodies where these tournaments occur.

Trout

- Modify special regulations for Cutthroat Trout on the North Fork White River.
- On the Beaver, Bull Shoals, Norfork, and Greers Ferry, and Spring River Tailwaters, prohibit the nighttime harvest of any fish other than Rainbow Trout.

Miscellaneous

- Modify definitions for bait fish, game fish, rough fish, and disabled angler.
- Modify the prohibited aquatic species list and clarify that it applies to more than just Live Fish Trade regulations.
- Restore statewide game fish regulations for Mercer Bayou beginning January 1, 2025.
- Reduce use of unused passive gear, clarify the number of hooks that may be used on various types of passive gear, and add additional methods of labeling fishing devices.
- Differentiate violations for non-residents illegally possessing a resident hunting license from non-residents illegally possessing a resident fishing license. A non-resident illegally possessing a resident fishing license would be a Class 2 offense.
- Require unattended portable live bait containers to be labeled.
- Shift Mattocks Park Lake, Lake Village Community Fishing Pond, Mom's Lake, Monticello High School Pond, Mike and Janet Huckabee Youth Fishing Pond, Monticello High School Pond, and Walnut Ridge City Lake from the Family Fishing Program Restrictions to the Community Fishing Program Waters Restrictions.
- Increase the spearfishing limits on currently legal species from half the daily limit to full daily limit.
- Require resident and non-resident hunting and fishing guides to carry in their possession proof of \$100,000 general liability insurance.
- Redefine the downstream boundary of the Beaver Tailwater.
- Remove game fish daily limit exceptions from Lake Poinsett while establishing a crappie daily limit of 15 fish.

All persons wishing to be heard on these subjects should submit comments in writing to this office before the start of the April 11, 2024 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 1, 2024. 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.

If you need assistance to participate in this public meeting due to a disability as defined under the Americans with Disabilities Act, please contact AGFC's ADA Coordinator in Human Resources

at 501-382-3813 at least three (3) business days prior to the scheduled meeting to request an accommodation. Every reasonable effort will be made to meet your request.

AUSTIN BOOTH, DIRECTOR
Arkansas Game & Fish Commission
Game & Fish Commission Building
2 Natural Resources Drive
Little Rock, Arkansas 72205

LEGAL NOTICE

The regular monthly meeting of the Arkansas Game and Fish Commission will be held beginning at 9:00 a.m. Thursday, May 16, 2024, at the El Dorado Union County Chamber of Commerce located at 111 W. Main St., El Dorado, AR 71730. 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 15, 2024, beginning at 9:00 a.m. at El Dorado Union County Chamber of Commerce located at 111 W. Main St., El Dorado, AR 71730. All interested persons are invited to attend these meetings.

The Commission meeting on May 16th 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 meeting dates draw closer.

Items on the agenda for the May 16, 2024, meeting will include discussion and/or adoption of proposed regulations that previously were considered at the April 10-11, 2024, 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** – Adopt general hunting regulations for 2024-2025 and 2025-2026 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 regulations include, but are not limited to:

Furbearer/Depredation

- Clarify which Commission-owned properties are open to hunting and trapping.
- Specify that striped skunks are not subject to wanton waste restrictions on wildlife.
- Specify that the requirements to possess another's wildlife are met by current fur-dealer reporting requirements.
- Add an exception that would allow raccoon, opossum, or bobcat to be taken at night with the use of any caliber of rifle in accordance with a Predator Control Permit.
- Clarify that otter and bobcat tagging requirements apply to pelts or carcasses.
- Specify that only live red fox, gray fox, and coyote can be sold with a Live Fox and Coyote Permit.
- Clarify Depredation Permit information and requirements. Specify that nuisance birds, deer, and elk cannot be live-captured and moved by the public.
- Authorize riding horses on Commission-owned WMAs for coon hunting or other purposes that are deemed to be appropriate and not in conflict with AGFC's management of resources, permit hunts, etc.

Captive Wildlife

- Clarify that game birds are covered under Game Bird Shooting Resorts code and not under Commercial Wildlife Hunting Resort code.

- Clarify who needs to register animal sales with AGFC.
- Add an exception for persons with fewer than 100 Bobwhite Quail for personal consumption that will not be moved off the property and that are either from a Wildlife Breeder/Dealer or an NPIP flock.
- Combine similar codes to reduce confusion and number of regulations.
- Clarify the requirement for movement of wildlife across the state.
- Clarify that any non-prohibited species that are permitted can be imported with a Wildlife Importation Permit.
- Clarify that sanctioned field trials require a special permit letter from the Chief of Wildlife Management, not a Shoot-to-Kill Permit.
- Update the details of CWD testing requirements for Commercial Hunting Resort Requirements.
- Update the Captive Wildlife Species Lists for those species that have been evaluated since the past regulation cycle.
- Clarify that unlisted species are prohibited until evaluated.
- Adjust reporting requirements to semi-annual reporting.
- Clarify that a current and valid veterinarian exam form is required.
- Clarify rules for exhibition of imported wildlife.
- Make a declaration of AGFC's right to inspect wildlife being imported into the state.
- Revise code to reflect that Shoot-to-Kill Bird Dog Training Permits are valid from date of issuance to December 31st of that calendar year.
- Add an annual reporting requirement for Venomous Reptile Possession Permit.
- Add a stipulation that a person must be an Arkansas resident to apply for a Conservation Education Permit.
- Clarify that permits are required for breeding, sale, and importation of certain species.
- Clarify process of interim approvals for captive wildlife species list and handling of species not listed.
- Adjust fees of various captive wildlife permitting to account for inflation, to include, but not limited to: Game Bird Shooting Resort Permit, Commercial Wildlife Hunting Resort Permit, Wildlife Breeder/Dealer Permit, and Wildlife Importation Permit.
- Allow temporary exhibits of prohibited species for display, education, or conservation purposes to those with USDA permits.
- Remove requirement of Wildlife Importation Permit for Game Bird Shooting Resorts while ensuring birds are obtained from an NPIP source or a Wildlife Breeder/Dealer permittee.
- Allow for the revocation of Wildlife Importation Permits if requirements are not met.

Wildlife Management Areas (WMAs)

- Remove regulation regarding Geocaching Permits on WMAs because geocaching activity has been prohibited.
- Affirm the prohibition of non-permit holders being on WMAs during permit hunts.
- Add muzzleloader permit deer hunt at Camp Robinson SUA.
- Add early permit youth deer hunt at Camp Robinson SUA and Bell Slough WMA.
- Add late youth modern gun deer hunt at Stone Prairie WMA and Bell Slough WMA.
- Move modern gun permit deer hunt at Spring River/Harold E. Alexander WMA to statewide opener for gun season.
- Move deer muzzleloader season at Spring River/Harold E. Alexander WMA up one week to match regular muzzleloader season.

- Create an early permit youth modern gun deer hunt at Spring River/Harold E. Alexander WMA.
- Switch the late youth modern gun deer hunt to an open youth modern gun deer hunt at Spring River/Harold E. Alexander WMA.
- Open waterfowl season on Camp Robinson SUA.
- Require that the head from all does harvested at Ed Gordon Point Remove WMA be left at the WMA Work Center for verification of harvest.
- Revise the end-date for quail and rabbit dog training on WMAs from April 1 to March 31.
- Add and/or amend definitions for multiple terms, including “Big Bore Air Rifles”, “Camping”, “Chase for Training”, “Customer Identification Number”, “Disabled”, “Hunt or Hunting”, and “Hunting Assistance”.
- Clarify that access restrictions do not apply to Lake Cargile at Ed Gordon Point Remove WMA.
- Allow trapping with enclosed pull-activated or “dog proof” type traps on J. Perry Mikles Blue Mountain SUA.
- Move the modern gun deer permit hunt at J. Perry Mikles Blue Mountain SUA from the second Wednesday in November to the second Thursday in November.
- Allow hunting of Mourning, White-Winged and Eurasian Collared Dove at J. Perry Mikles Blue Mountain SUA while field trials are being conducted.
- Allow walk-in hunting of small game (rabbits and squirrel), migratory birds and archery deer while field trials are in progress at J. Perry Mikles Blue Mountain SUA.
- Modify dates of muzzleloader permit hunt to no longer overlap with modern gun youth hunt at Dr. Lester Sitzes III Bois D’Arc WMA.
- Allow tree hooks to be used on WMAs.
- Specify that all dog training and field trial activities on a WMA require a hunting license.
- Remove the unnecessary exception that allows for waterfowl retrievers to be used during open migratory bird seasons as these dogs are already allowed.
- Remove references to Ozark National Forest WMA, as this large geographic area has been redesignated.
- Remove restrictions for motion decoys (including spinning-wing decoys) for waterfowl hunting on AGFC-owned WMAs.

Deer/Elk

- Allow the use of rifles that fire straight-walled cartridges .30 caliber and larger in Deer Zones 4 and 5 for modern gun deer season.
- Remove private lands antlerless-only modern gun hunt.
- Limit the bull elk harvest to one bull per landowner property during the private land elk hunt.
- Modify the public land elk hunt quota to issue 6 either-sex and 12 antlerless elk permits while closing elk zone 1 to hunting.
- Modify the private land elk hunt quota to 6 bulls and 12 antlerless elk.
- Allow spears for deer, elk, and bear hunting.
- Adjust buck deer restrictions on Big Lake (Mississippi County) and Harold E. Alexander/Spring River (Sharp County) within Mississippi and Sharp Counties.
- Allowing weapons capable of firing straight-walled ammunition statewide during all muzzleloader seasons. Certain weapon restrictions will apply.

- Implement a 3-day velvet buck archery hunt the first Saturday in September for 3 days on private lands and AGFC-owned and leased-land WMAs.
- Limit nonresident deer hunting with dogs to the last 9 days of modern gun deer season - excluding the Christmas modern gun deer hunt - with a one-deer bag limit.

Turkey

- Prohibit the use of electronic decoys for hunting wild turkeys.
- Require Non-Resident Lifetime License Holders to add a turkey hunting permit at no-cost to their license before turkey hunting in Arkansas.
- Create a mandatory no-cost resident turkey tag product that is required to hunt wild turkeys in Arkansas, and require all resident hunting license holders and resident lifetime license holders who hunt turkey to manually add this to their license each year.
- Open Camp Robinson SUA to spring turkey hunting by permit and manage permit hunt in combination with Stone Prairie WMA.
- Add a hybrid permit hunt on R.L. Hankins Mud Creek WMA.

Migratory Birds

- Include boat motor exhaust restrictions on the Cache River, Dale Bumpers White River, Felsenthal, and Overflow National Wildlife Refuges.
- Allow the taking of Egyptian geese and their eggs.
- Require hunters to have a federal migratory bird hunting stamp to harvest light geese during snow goose season.
- Clarify that the light goose conservation order is exempt from proof of Harvest Information Program (HIP) registration.
- Clarify that geese may be harvested during any open youth and veteran/military hunt with bag limits.
- Implement a waterfowl draw permit hunt on portions of Frog Bayou WMA.
- Clarify the rules of waterfowl permit hunts.
- Remove requirements for boat motors at Frog Bayou WMA as boat motors are not allowed on Frog Bayou.
- Clarify non-resident waterfowl hunting permit requirements.
- Allow non-resident duck hunters to purchase up to ten (10) three-day non-resident WMA waterfowl hunting permits throughout the regular duck season.
- Clarify the rules of veteran/military waterfowl hunts.
- Propose 2024-2025 and 2025-2026 duck season dates.
- Restrict access times at Nimrod Lloyd Millwood WMA Special Regulatory Area.
- Allow non-motorized boat access to all designated water trails.
- Establish a 25-shell limit for waterfowl hunters on all WMAs with a waterfowl-hunting focus with an exception during special youth waterfowl hunts.
- Restrict waterfowl hunting east of Hwy 7 at Petit Jean River WMA to Tuesday, Thursday, Saturday, Sunday, and the last day of duck season.
- Revise the end date on early Canada goose season from September 15th to October 15th.
- Allow an electronic copy of the federal migratory bird hunting stamp to be valid for the entirety of waterfowl season.
- Clarify that the prohibition of guiding waterfowl hunters exists on both Commission-owned or controlled WMAs and National Wildlife Refuges.
- Clarify resident/non-resident eligible hunting days for landowners owning inholdings on WMAs.

- Reduce the daily bag limit for mallard hens from two to one per day.
- Modify white-fronted goose season to be 69 days and reduce daily bag limit to two per day.

Miscellaneous

- Define the term “hunting assistance” and clarify that individuals with a suspended hunting license cannot provide “hunting assistance.”
- Clarify what anatomical parts of wildlife are legal to sell and which parts are illegal to sell.
- Define the term “customer identification (CID)” and allow CID numbers to be used as a method of labeling personal items (tree stands, trotlines, etc.) and tagging harvested game.
- Increase violation points for obstructing hunting, fishing, or trapping.
- Create consistency in the penalty for hunting over bait.
- Clarify that wildlife baiting prohibitions apply to Federal lands in addition to state-owned WMAs.
- Reduce the violation for failing to label or remove a tree stand every 7 days from Class 2 to Class 1.
- Increase the number of days a tree stand can remain in one location from 7 days to 14 days to match regulations on Federal lands.
- Create consistency in the penalty for road hunting by making all road hunting violations Class 3.
- Extend WMA-entry restrictions for boating violations to National Wildlife Refuges.
- Restrict individuals with revoked/suspended hunting and/or fishing licenses from being able to mentor or assist youths in hunting and fishing-related activities.
- Clarify legality of waterfowl hunting on Lake Catherine and Lake Hamilton.
- Clarify the term “written permission” and when written permission is required.
- Clarify rules regarding hunting from a vessel so that it is clearly prohibited with an exception for alligator and waterfowl.
- Create consistency in the penalty for hunting from a vessel by making all violations Class 3.
- Modify verbiage regarding dogs chasing wildlife for “pleasure” to dogs chasing wildlife for “training.”
- Modify requirements for tracking wounded game.
- Remove code requiring individuals to immediately disclose the possession of a concealed handgun.
- Reduce handgun restrictions on Commission-owned or controlled property or while hunting, fishing, or trapping on private property.
- Require resident and nonresident hunting guides to carry in their possession proof of \$100,000 general liability insurance.

2. **General Fishing Regulations** – Propose miscellaneous fishing regulations, including, but not limited to:

Alligator

- Remove alligator farmer and permit regulations to close the loop hole that would allow someone to purchase this permit to possess a crocodilian as a pet.
- Remove alligator hunter radio room call requirement.

- Clarify rules regarding nonresidents hunting alligators on private lands in zones where alligator hunting is allowed.

American Eel

- Add American Eel to the list of sportfish with a creel limit of 2 fish.

Bass

- Modify Largemouth Bass limits for Lake Barnett (White County) from 13-16 inch protective slot limit to no minimum length limit with only 1 Largemouth Bass over 16 inches.
- Modify Largemouth Bass limits for Lake Brewer from a 13-16 inch protective slot limit to no minimum length limit with only 1 Largemouth Bass over 16 inches.
- Modify Largemouth Bass limits for Cane Creek Lake from statewide regulations to a 15 inch minimum length limit.
- Modify Largemouth Bass limits for Lake Poinsett to allow a daily limit of 10, only 1 of which may be longer than 16 inches.
- Remove the Smallmouth Bass special regulation areas on Crooked Creek.
- Remove Redeye Bass from the Black Bass definition.
- Implement a Bass Management Assistance Program & Permit which aims to provide technical assistance with black bass management for private landowners with lakes and ponds ten acres or greater in size. The permit would allow private lake or pond owners to legally harvest above Arkansas's black bass daily and possession limits as long as they comply with the terms and provisions of the permit.
- Modify Largemouth Bass limits for Lake Pickthorne to allow a daily limit of 2, only 1 of which may be longer than 21 inches.

Beaver Tailwater Boundary

- Redefine the downstream boundary of the Beaver Tailwater.

Blue Sucker

- Add Blue Sucker to the list of rare species illegal to possess by Commercial Fishers.

Bullfrog

- Modify current hunting season to begin after breeding season (June 1-Dec. 31) and maintain 18 frog daily limit.

Catfish

- Modify catfish hogging and noodling season based on openness of waterbody to commercial fishing versus geographic location. Waterbodies that are not open to commercial fishing are generally less productive and can benefit for postponing hogging and noodling until after catfish have had the opportunity to spawn.

Commercial Fishing

- Modify commercial fishing fee structure to reflect two separate user groups (for-profit & personal use). Create a recreational netting permit (RNP) to provide an opportunity for recreational netters to keep fish for personal use. The new RNP would permit harvesting commercial fish species and three daily limits of catfish with netting gear on waters open to commercial fishing while prohibiting the sale of catch. The RNP permit would not have any reporting requirements.
- Prohibit the transport of live commercial fish in water.

Crayfish

- Modify importation restrictions on crayfish to minimize impacts to interstate commerce.

Paddlefish

- Establish Paddlefish Snagging Season below Houseman Access on White River to Missouri State Line.
- Implement a 34 inch minimum length limit for Paddlefish during new snagging season on the White River below the Houseman Access downstream to the Missouri State Line and in the current snagging area below Beaver Dam.
- Establish Paddlefish Permit System & Tagging Requirements for Upper White River above Beaver Lake.

Tournaments

- Implement fishing tournament registration to improve agency's knowledge of such tournaments to help with management efforts on the waterbodies where these tournaments occur.

Trout

- Modify special regulations for Cutthroat Trout on the North Fork White River.
- Adopt restriction for only Rainbow Trout to be harvested from 30 minutes after sunset to 30 minutes before sunrise (no other trout species permitted during those times).

Miscellaneous

- Modify definitions for bait fish, game fish, rough fish, and disabled angler.
- Modify the prohibited aquatic species list and clarify that it applies to more than just Live Fish Trade regulations.
- Restore statewide game fish regulations for Mercer Bayou beginning January 1, 2025.
- Reduce use of unused passive gear, clarify the number of hooks that may be used on various types of passive gear, and add additional methods of labeling fishing devices.
- Differentiate violations for nonresidents illegally possessing a resident hunting license from nonresidents illegally possessing a resident fishing license. A nonresident illegally possessing a resident fishing license would be a Class 2 offense.
- Require unattended portable live bait containers to be labeled.
- Shift Mattocks Park Lake, Lake Village Community Fishing Pond, Mom's Lake, Monticello High School Pond, Mike and Janet Huckabee Youth Fishing Pond, Monticello High School Pond, and Walnut Ridge City Lake from the Family Fishing Program Restrictions to the Community Fishing Program Waters Restrictions. Craighead Forest Park Fishing Pond to remain listed under the Family Fishing Program Restrictions.
- Increase the spearfishing limits on currently legal species from half the daily limit to full daily limit.
- Allow use of nets (up to 5 nets) for holders of a recreational fish netting license.
- Decrease the passive tackle requirements for TL (e.g. trot lines, limb lines, snaglines, throw lines, and set hooks) gear from 48 hours to 24 hours.
- Remove game fish size restrictions and daily limits on Lake Conway and Lake Wilhelmina (to apply during the planned renovation process at each lake).
- Require resident and nonresident fishing guides to carry in their possession proof of \$100,000 general liability insurance.
- Increase fees for various licenses and permits, including fee for Resident Guide Fishing License, Resident Commercial Fishing Permit, and Resident Commercial Fishing Helper's Permit.

All persons wishing to be heard on these subjects should submit comments in writing to this office before the start of the May 16, 2024 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 6, 2024. 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.

If you need assistance to participate in this public meeting due to a disability as defined under the Americans with Disabilities Act, please contact AGFC's ADA Coordinator in Human Resources at 501-382-3813 at least three (3) business days prior to the scheduled meeting to request an accommodation. Every reasonable effort will be made to meet your request.

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