

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 terminology regarding how we handle unlisted species and interim approvals for species-listing proposals. Revise code to say "current and valid" vet exam form to reflect USDA regulation. Add the authorization to revoke a Wildlife Importation Permit and the applicable requirements. Add requirements for exhibition of captive wildlife to the Wildlife Importation Code. Move F1.04(C)(1)(iv) to F1.04(E)(1)(ii). Add the authorization for staff to inspect wildlife being imported.

Justification: Clarifies the authorization for the permitting of unlisted species upon evaluation and determination that the species does not pose a significant risk to native fish and wildlife health or populations, human health and safety, agriculture and that the species can be humanely confined. This change also authorizes the Chief of Wildlife Management or their designee to issue permits for the species classified as permitted. Currently, the code authorizes the Director or their designee to issue the permits.

The current Addendum F1.04(C)(1)(iii) regarding vet exams for Wildlife Importation Permits does not have a limit on the period of time prior to importation that the exam must have occurred. While the U.S. Department of Agriculture certificate of veterinary examination form expires after 30 days, the Code does not stipulate the exam form must be valid.

As with the other captive wildlife permits, a process to revoke permits is needed. A specific code section allowing revocation of a Wildlife Importation Permit if requirements are not met is needed.

Many customers import wildlife for exhibition. This Code change will incorporate requirements for caging and exhibition which will make the rules for exhibition more clear.

This regulation statement regarding caging requirements of exhibiting Venomous Reptiles would be better suited in the proposed section regarding caging requirements of temporary exhibition. This change allows for better flow and organization of the addendum.

Currently, the Code does not authorize staff to inspect wildlife being imported.

Codes affected: 09.07, 09.10, F1.03, F1.04, R1.02

FINANCIAL / ECONOMIC IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

(Attach additional pages if needed)

DEPARTMENT: Arkansas Game & Fish Commission

DIVISION: Wildlife

PERSON COMPLETING THIS STATEMENT: Sandee Schultz

TELEPHONE #: 501-382-9092

FAX #:

EMAIL:

sandee.schultz@agfc.ar.gov

SHORT TITLE OF THIS RULE: F1.04 Wildlife Importation Permit Requirements

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	\$	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: \$ 0

Party Subject to Rule: holders of Wildlife Importation Permits

Effect on Party Subject to Rule:

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.

Next Fiscal Year: \$ 0

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

7. Compare this rule with federal and state counterparts:

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.

F1.04 Wildlife Importation Permit Requirements

A. Eligibility and Application Requirements:

1. The applicant must be at least 18 years old and shall not have been convicted of, or entered a plea of guilty or nolo contendere for, violating any federal, state or municipal law governing captive wildlife, illegal appropriation or commercialization of wildlife, or cruelty to animals within five years of the application date.
2. The applicant shall submit a written application (available from the Commission) for each facility to be permitted.

B. The requested permit shall be denied if:

1. The applicant fails to meet any of the issuance criteria set forth in this addendum chapter;
2. The applicant fails to disclose material information required, makes false statements as to any material fact in connection with the application, or supplies false information or makes a false statement on the application;
3. The Commission finds, through further inquiry or investigation, the issuance of the permit may be potentially harmful to the wildlife resources of the State.

C. Permit Requirements:

1. Wildlife Importation Permit holders may import wildlife into the State under the following conditions provided that, prior to transportation, the permit holder possesses the following documentation:
 - i. Written proof of the origin and destination of each animal.
 - ii. Documentation for each animal to demonstrate they have not been kept in, or originated from, a location from which importation has been restricted in accordance with **Code 09.10 and Addendum R1.03 09.11.**
 - iii. A **current and valid** completed state or federal certificate of veterinary inspection form upon which an accredited veterinarian has certified each animal to be free of diseases/parasites or provision of proof that birds originated from a flock that is part of the National Poultry Improvement Program. Animals other than cervids originating within Arkansas and that are taken from the state for less than 30 days may re-enter the state without the need for a veterinary exam.
 - iv. ~~Venomous reptiles being temporarily imported into the state for the purpose of exhibition must comply with caging requirements in Code Addendum F1.08(C).~~
2. The Wildlife Importation Permit and issued documentation required in Addendum **F1.04(C)(1)** must accompany each animal during transport.
 - i. All documentation required in Addendum **F1.04(C)(1)** shall be submitted by the permit holder to the Commission's Wildlife Management Division within 7 days of the permitted importation.
 - ii. Failure to comply may result in suspension or revocation of any existing permit held by the violator and denial of any future permits. Additionally, criminal charges may be filed.
3. It is unlawful to keep wildlife held in accordance with this permit under inhumane or unhealthy conditions.

4. Wildlife shall be maintained in an enclosure, pen or cage strong enough to prevent escape of the wildlife and protect them from injury and to prevent contact with native wildlife.
5. Other conditions as set forth in the Wildlife Importation Permit.

D. Disease Testing:

1. Prior to importation, brindled gnu (*Connochaetes taurine*) must test negative for Alcelaphine herpesvirus-1 by virus neutralization, or other serologic test as recommended by the U.S. Department of Agriculture's National Veterinary Services Laboratory, within 30 days of import and evidence of such testing must be documented in accordance with Addendum [F1.04\(C\)\(1\)](#).
2. The director of the Commission, in consultation with the director of the Arkansas Livestock and Poultry Commission, or their designees, shall determine mechanisms and procedures for control of diseases and parasites in captive wildlife within Arkansas. Such mechanisms and procedures shall include, but not be limited to, examination, testing, quarantine and slaughter or destruction of individual animals and /or herds or flocks that are, or in the opinion of the Commission may be infected with a disease or parasite that may have significant detrimental effect on native wildlife, other captive wildlife, livestock or the public health of the citizens of Arkansas.
3. Examinations, testing, quarantine and slaughter of captive wildlife shall be conducted at the expense of the owner. As a condition of any permit issued under this addendum chapter, the Commission may require the captive wildlife be quarantined for a period specified by the Commission.

E. Facility and Caging Requirements

1. Animals being temporarily exhibited under a Wildlife Importation permit must meet the above requirements and the following:
 - i. Cages, enclosures, or pens holding animals for temporary exhibition must be strong enough to prevent escape of the wildlife and protect them from injury;
 - ii. Venomous reptiles being temporarily imported into the state for the purpose of exhibition must comply with caging requirements in Addendum F1.08(C).
 - iii. Enclosures shall be kept in good repair at all times and gates shall be securely fastened with latches or locks;
 - iv. Enclosures, pens, or cages deemed unsafe by Commission personnel must be repaired or reconstructed immediately or animals must be returned to their state of origin; and
 - v. A permit holder or a trained representative of the permit holder must be on-site at all times when animals are in a temporary exhibition area; When such an individual is not present, permitted animals must be kept in locked enclosures.

F. Inspection:

1. Any person issued a Wildlife Importation Permit shall allow entry, at any reasonable hour, to Commission employees or their agents to inspect any wildlife and/or facilities kept under authority of the permit.
2. Each permittee shall confine the captive wildlife in suitable pens and restrain them for inspection, at a reasonable time, when requested to do so by the Commission employee or agent.

G. Renewal, Expiration, Transfer, Suspension, and Revocation:

1. Permits may be revoked for failure to comply with the terms of the permit or with the terms of this Addendum Chapter F1.00.

2. Persons in violation of the terms of this permit, violation of the Addendum Chapter F1.00, or upon conviction or entry of a plea of guilty or nolo contendere for violation of any federal, state, or municipal law governing captive wildlife, illegal appropriation or commercialization of wildlife, or cruelty to animals, shall be notified in writing of such violations and shall have 20 days to respond.
3. If, at the end of 20 days, just cause has not been given, the Commission may suspend or revoke any existing permit and refuse to issue any future permit. Permit suspension, revocation, or refusal shall be in addition to any criminal charges that may be filed.
4. Upon revocation, the permit holder must legally remove all captive wildlife within the time designated in the revocation, not to exceed 60 days, and failure to do so shall result in the Commission taking action, per Commission policy, at the permit holder's expense.

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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