

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State
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Name of Department Arkansas Game and Fish Commission

Agency or Division Name Legal Division

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

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Name of Rule 06.02 Certain Firearms And Ammunition Prohibited During Modern Gun Deer Seasons

Newspaper Name Arkansas Democrat Gazette

Date of Publishing June 16, 17, and 18, 2024

Final Date for Public Comment July 18, 2024

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

Regulation Correction and Clarification Proposals

Proposal: Modify Code 03.04 (Nonresident Hunting License Requirements) and Addendum D1.01 (Licenses, Permits, Stamps, Tags, Costs and Expiration Dates) to add the Nonresident Turkey Tag back to the code. This change allows persons with a Nonresident Annual Hunting License to purchase one turkey tag.

Codes affected: 03.04, D1.01

Proposal: Modify Code 06.02 (Certain Firearms and Ammunition Prohibited During Modern Gun Deer Seasons) to clarify and correct the following:

- prohibited alternative firearms that are unlawful for use during the modern gun season;
- non-semi automatic straight-walled rifles may not be used during the modern gun season in zones 4 and 5;
- handgun caliber that can be used during the statewide modern gun season must be .30 or larger which is consistent with the code requirement in zones 4 and 5 and alternative firearms season;
- that hunting with only lead and lead alloy, soft-nose and/or hollow point bullets is not required in zones 4 and 5 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; and,
- that there are no longer killing device requirements for the private land antlerless modern gun deer hunt that was removed from the code in the regulation proposal adopted in May 2024.

Codes affected: 06.02

Proposal: Modify Code 06.03 (Certain Firearms Prohibited During Alternative Firearms Season) to clarify and correct the following:

- prohibited killing devices, including shotguns, that are unlawful during the alternative firearms season;
- lawful straight-walled cartridges must be metallic; and,
- handguns having barrels no less than 4 inches in length and chambered specifically for straight-walled centerfire cartridges cases .30 caliber or larger may be used during the alternative firearms season.

Codes affected: 06.03

Proposal: Modify Code 08.02 (Dogs Chasing Wildlife For Training) to remove the word “training” from this code to remove potential conflict with Code 08.03 (Deer Dog Training Restrictions).

Codes affected: 08.02

Proposal: Modify Code 08.03 (Deer Dog Training Restrictions) to clarify that nonresidents may not use dogs to chase deer except during the last nine days of the regular modern gun season in accordance with Code 08.04 (Hunting Deer with Dogs Prohibited).

Codes affected: 08.03

Proposal: Modify Code 08.04 (Hunting Deer with Dogs) to clarify and correct the following:

- nonresidents may use dogs for deer hunting on private and public land only during the last nine days of the regular modern gun deer season in Deer Zones 6, 7, 8, 10, 11, 12, 13, 14, 15, 16A and 17 and on WMAs open to hunting deer;
- private land antlerless hunt was removed from the code; and,
- code references to deer season and limit restrictions on WMAs.

Codes affected: 08.04

Proposal: Modify Code 20.17 (Seasons Restrictions During Permit Hunts on WMAs) to clarify that deer may be hunted on WMAs with dove permit hunts during the buck-only archery hunt. Currently, those WMAs with dove permit hunts would be closed to the buck-only archery hunt.

Codes affected: 20.17

Proposal: Modify Code 22.01 (Dog Restrictions on WMAs) to simplify the code regulating the WMAs where dogs may be used during modern gun season. Currently, the WMAs are listed in two parts of this code.

Codes affected: 22.01

Proposal: Modify Addendum A1.01 (Deer Season and Limits) to clarify the early season archery hunt (i.e., velvet hunt) is restricted to bucks only and no more than one deer may be harvested and add a code reference to Addendum C1.01.

Codes affected: A1.01

Proposal: Modify Addendum C1.01 (Deer Season and Limit Restrictions on WMAs) to clarify deer season limit restrictions on WMAs, including the use of dogs by nonresidents during the last nine days of the modern gun season, removal of Ozark National Forest WMA from the code and adjusting bag limits on Pond Creek NWR requested by the U.S. Fish and Wildlife Service.

Codes affected: C1.01

Proposal: Modify Addendum C1.02 (Bear Season and Limit Restrictions on WMAs) to adjust the alternative firearms bear season dates to the third Saturday in October for 5 days on Harold E. Alexander WMA to coincide with the deer permit hunt as permit holders may only hunt bears during this time.

Codes affected: C1.02

FINANCIAL / ECONOMIC IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

(Attach additional pages if needed)

DEPARTMENT: Arkansas Game & Fish Commission

DIVISION: Wildlife Management Division

PERSON COMPLETING THIS STATEMENT: Sandee Schultz

TELEPHONE #: 501-382-9092 **FAX #:**

EMAIL: sandee.schultz@agfc.ar.gov

SHORT TITLE OF THIS RULE: 06.02 Certain Firearms And Ammunition
Prohibited During Modern Gun Deer Season

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?

Yes: No: **X**

2. Do you believe that the development of a financial impact statement is so speculative as to be cost prohibitive? Yes: No: N/A 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: N/A

Effect on Party Subject to Rule: N/A

5. What is the total estimated cost by fiscal year to the **agency** to implement this rule? Explain the financial benefit to the agency from implementing this rule.

Current Fiscal Year: \$ 0

Next Fiscal Year: \$ 0

Financial Benefit to Agency: None

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

Why were such alternatives not proposed:

7. Compare this rule with federal and state counterparts: N/A

06.02 Certain Firearms And Ammunition Prohibited During Modern Gun Deer Seasons

- A. It is unlawful to hunt deer during statewide modern gun deer seasons with:
1. Prohibited alternative firearms **described in (Code 06.03) (B-F)**;
 2. Any .410 shotguns using ammunition other than slugs;
 3. Any shotguns using shot smaller than No. 4 buckshot;
 4. Handguns with either:
 - i. Barrels shorter than 4 inches,
 - ii. Conventional straight-walled calibers less than **.3057**, or
 - iii. Bottleneck-case calibers less than .22;
 5. Rifles or handguns using rimfire cartridges in compliance with Code 06.11;
 6. Any centerfire rifle smaller than .22 caliber; or
 7. Air Rifles, except big bore air rifles that meet all of the following requirements:
 - i. A minimum of .40 caliber;
 - ii. Produce a minimum of 400 foot pounds of muzzle energy;
 - iii. Are charged via an external tank; and
 - iv. Propels a single, expandable slug.
- B. It also is unlawful for any person to hunt deer during modern gun deer seasons in Deer Zones 4 or 5 with any firearms other than the following:
1. Shotguns (.410 or larger) with slugs only;
 2. Legal alternative firearms (Code 06.03);
 3. Handguns having barrels no less than 4 inches in length and chambered specifically for straight-wall centerfire cartridge cases ~~and hunting with lead and lead alloy, soft nose and/or hollow point bullets no~~ less than .30 caliber; or
 4. Big bore air rifles that meet all of the following requirements:
 - i. A minimum of .40 caliber;
 - ii. Produce a minimum of 400 foot pounds of muzzle energy;
 - iii. Are charged via an external tank; and
 - iv. Propel a single, expandable slug.
 5. ~~Rifles chambered specifically for straight-wall centerfire cartridge cases and hunting with lead and lead alloy, soft nose and/or hollow point bullets no less than .30 caliber.~~
- ~~C. Archery, muzzleloader, or modern gun may be used during the private land antlerless modern gun deer hunt, hunter orange will still be required, and only 1 weapon of choice is allowed.~~

Exception:

During Modern gun season only: Longbows, compound bows or crossbows capable of firing or holding ready-to-fire more than one arrow or bolt simultaneously or in succession without the string being re-cocked between shots.

PENALTY: Class 1

LEGAL NOTICE

The regular monthly meeting of the Arkansas Game and Fish Commission will be held beginning at 9:00 a.m. Thursday, July 18, 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, July 17, 2024, beginning at 8:00 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 July 18th will be live-streamed and a link for easy viewing access will be available on the agency website. Please visit the Arkansas Game and Fish Commission website at <https://www.agfc.com> for additional up-to-date details as the meeting dates draw closer.

Items on the agenda for the July 18, 2024 meeting will include discussion and/or adoption of proposed regulations that previously were considered at the May 15-16 and June 19-20, 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 Regulations** – Adopt general hunting regulations for 2024-2025 and 2025-2026. Changes to regulations include, but are not limited to:
 - Modify the existing code that prohibits possession of a firearm while archery or crossbow hunting bear, deer, or turkey, to allow person tracking wounded big game to possess a firearm legal for the hunting season;
 - Add back the Nonresident Turkey Tag (NRT) to allow Nonresident Annual Hunting License (NBG) holders to add one turkey tag at a discounted price over the standalone Non-Resident Annual Turkey Hunting License (NRTT);
 - Clarify firearms and ammunition that are unlawful for use during the modern gun season;
 - Prohibit non-semiautomatic straight-walled rifles during the modern gun season in Zones 4 and 5;
 - Clarify that the handgun caliber that can be used during the statewide modern gun season must be .30 or larger consistent with the code requirement in Zones 4 and 5 and alternative firearms season;
 - Clarify that hunting with only lead and lead alloy, soft-nose, and/or hollow point bullets is not required in Zones 4 and 5;
 - Allow the use of rifles firing straight-walled cartridges .30 caliber or larger in Deer Zones 4 and 5 for modern gun deer season;
 - Remove certain killing device requirements for the private land antlerless modern gun deer hunt;
 - Prohibit arrows propelled by the action of an explosive or combustible propellant and shotguns during alternative firearms season;
 - Modify exception to allow non-semiautomatic centerfire firearms firing straight-walled metallic cartridges .30 caliber or larger during alternative firearms season;

- Modify exception to allow use of handguns having barrels no less than 4 inches in length and chambered specifically for straight-walled centerfire cartridges cases .30 caliber or larger during the alternative firearms season;
- Clarify that it is unlawful to use a dog to chase any wildlife during the day from April 1-May 15 or in any open spring turkey season, alternative firearms deer season, or modern gun deer season, in a zone where hunting with dogs is prohibited or to possess a killing device while using a dog to chase wildlife, with the exception that dogs may be used to chase fox or coyote within fox or coyote enclosures day or night all year;
- Clarify that Nonresidents may not use dogs to chase deer except during the last nine days of the regular modern gun season;
- Clarify that Nonresidents may use dogs for deer hunting on private and public land only during the last nine days of the regular modern gun deer season in Deer Zones 6, 7, 8, 10, 11, 12, 13, 14, 15, 16A, and 17 and on WMAs open to hunting deer;
- Remove restriction to allow the use of dogs for hunting deer during private land antlerless only modern gun deer season;
- Include exception to season restrictions during permit hunts on WMAs to allow deer to be hunted during the buck-only archery hunt;
- Allow hunting deer with dogs during modern gun deer season during specific dates on Blue Mountain, Dardanelle, DeGray Lake, Gum Flats, Lake Greeson, Provo, Mount Magazine, Nimrod Lloyd Millwood, and Ozark Lake WMAs;
- Restrict dogs from islands within Blue Mountain, Dardanelle, DeGray Lake, Nimrod Lloyd Millwood, and Ozark Lake WMAs, except for hunting furbearers at night and waterfowl;
- Modify archery and crossbow deer seasons and limits to clarify the early season archery hunt (i.e., velvet hunt) is restricted to bucks only and no more than one deer may be harvested;
- Clarify that alternative firearms season opens in accordance with season dates and weapon restrictions set by the U.S. Fish and Wildlife Service on Bald Knob, Cache River, Overflow, and Pond Creek NWRs;
- Clarify that alternative firearms season and alternative firearms permit hunt opens in accordance with season dates and weapon restrictions set by the U.S. Fish and Wildlife Service on Dale Bumpers White River NWR;
- Clarify that the alternative firearms permit hunt opens in accordance with season dates and weapon restrictions set by the U.S. Fish and Wildlife Service on Felsenthal NWR;
- Modify the limit during the alternative firearms permit hunt on Bell Slough WMA to 2 deer, consisting of 1 buck and 1 doe;
- Clarify that the limit during the modern gun special youth permit hunt and modern gun youth hunt on Bell Slough WMA is 4 deer, consisting of 2 bucks (no antler restrictions) and 2 does;
- Allow Nonresidents to take 1 deer during the last nine days of the modern gun season on Blue Mountain, Dardanelle, DeGray Lake, Gum Flats, Lake Greeson, Mount Magazine WMA, Nimrod Lloyd Millwood, Ozark Lake, and Provo WMAs;
- Modify modern gun season dates on Brushy Creek WMA to the second Saturday in November for 9 days and December 26-28 annually;
- Add an alternative firearms permit hunt on Camp Robinson SUA to be held the third Saturday in October for 3 days;

- Allow the taking of 1 buck and 1 doe with alternative firearm and modern gun permit on Camp Robinson SUA;
- Allow the taking of 1 antlered buck or antlerless with alternative firearms permit on Fort Chaffee WMA;
- Clarify the seasonal limit on Hobbs State Park-Conservation Area to include 4 deer, with no more than 1 antlered buck (no antler restrictions);
- Remove erroneous, outdated references to Ozark National Forest WMA;
- No longer require that a doe be harvested and checked at the refuge check station before a second buck may be harvested with any weapon on Pond Creek NWR;
- Modify season limits on Pond Creek NWR to include 1 buck with archery, 3 does with archery, 1 buck or up to 2 does with alternative firearms, 1 buck and 1 doe with modern gun permit, limit during the mobility-impaired permit hunt is 3 deer with no more than 1 buck or up to 3 does;
- Clarify limits on Stone Prairie WMA during alternative firearms permit hunt, modern gun special youth hunt, and modern gun youth hunt to include 2 deer, consisting of 1 buck (no antler restrictions) and 1 doe;
- Modify bear season dates on Harold E. Alexander Spring River WMA during alternative firearms season to the third Saturday in October for 5 days (deer permit holders only, zone quota does not apply), statewide limit applies.

All persons wishing to be heard on these subjects should submit comments in writing to this office before the start of the July 18, 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 July 8, 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
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