

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State

Cole Jester

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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 _____

Summary

Proposal: Add Conway County to the CWD Management Zone with Tier 2 status.

Justification: The 2021-2025 CWD Management and Response Plan, as adopted in February 2021, changed the county inclusion criteria for Arkansas's CWD Management Zone. Previously, all counties with a CWD positive sample as well as all counties overlapping a 10-mile radius around a positive sample were automatically included in the CWD Management Zone. Under the revised CWD Management and Response plan, all counties meeting these criteria now undergo further risk evaluation to determine their inclusion in the management zone. Based on the County Risk Assessment Tool Conway County exceeds the minimum risk threshold (≥ 55) for inclusion in the CWD Management Zone. Counties included in the CWD Management Zone are automatically subject to a set of special harvest regulations that facilitate harvest-based management of CWD. In CWD Management Zone counties, the following harvest regulations apply:

- Button bucks no longer count toward a hunter's two-buck (antlered) seasonal bag limit. These deer are checked as "button bucks" and count toward a hunter's antlerless bag limit. The purpose of this change is to encourage all age class male-focused harvest and to increase the harvest of juvenile males most likely to disperse and move CWD on the landscape. In addition, this change encourages hunters to harvest antlerless deer more generally if they were previously hesitant to do so due to the risk of unintentionally harvesting a button-buck.
- Any buck may be legally harvested (i.e., antler point restrictions no longer apply). The purpose of this change is to facilitate an all age class, male-focused harvest to slow dispersal and suppress disease prevalence.
- The feeding of wildlife (providing supplemental food without the intent to harvest) is prohibited. Research shows that artificial food sources alter wildlife behavior and break down white-tailed deer social structures, bringing animals into contact with individuals outside their normal social networks. Deer have been shown to feed for longer periods of time and come into closer contact with one another at artificial food sources compared to natural ones. Food supplementation also has the potential to sustain sick deer on the landscape for extended periods of time, increasing their opportunities for disease transmission and environmental contamination. CWD prions deposited into the environment remain infectious for many years. By congregating sick and healthy animals, wildlife feeding areas can become foci of environmental, as well as animal-to-animal, CWD transmission. Any of these four mechanisms may occur individually or cumulatively and are predicted to artificially increase CWD transmission.
- Baiting, defined as providing supplemental food sources for the purpose of harvest, carries the same risks for increased disease transmission as wildlife feeding but has the theoretical possibility of offsetting some of the expected consequences by facilitating increased harvest. Baiting has become a deeply engrained social expectation among some hunting communities, necessitating a balance in social expectation and science-based wildlife management. Therefore, in CWD Management Zone counties bait may be used to hunt deer (and elk) from September 1st to December 31st on private land.
- Carcass movement restrictions are implemented based on a tiered system. Intact carcasses may be moved within and between Tier 1 counties, but only low risk parts can be moved into Tier 2 counties. Similarly, intact carcasses may be moved within and between contiguous Tier 2 counties, but only low risk parts can be moved into other parts of the state. Contaminated carcasses are a known source of environmental contamination and disease transmission. Restricting the movement of high risk parts reduces the likelihood of human-facilitated pathogen movement to other parts of the state.

FINANCIAL / ECONOMIC IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

(Attach additional pages if needed)

DEPARTMENT: Arkansas Game and Fish Commission

DIVISION: Research

PERSON COMPLETING THIS STATEMENT: Cory Gray

TELEPHONE #: 870-723-4885

FAX #:

EMAIL: Cory.Gray@agfc.ar.gov

SHORT TITLE OF THIS RULE: E1.12 - CWD Management Zone

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: **X** 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	\$ 0.00
Federal Funds	\$ 0.00
Cash Funds	\$ 0.00
Special Revenue	\$ 0.00
Other (Identify)	\$ 0.00
Total	\$ 0.00

Next Fiscal Year

General Revenue	\$ 0.00
Federal Funds	\$ 0.00
Cash Funds	\$ 0.00
Special Revenue	\$ 0.00
Other (Identify)	\$ 0.00
Total	\$ 0.00

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: \$ 0.00

Next Fiscal Year: \$ 0.00

Party Subject to Rule: 0.00

Effect on Party Subject to Rule: 0.00

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: \$0.00

Next Fiscal Year: \$0.00

Financial Benefit to Agency: 0.00

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:

7. Compare this rule with federal and state counterparts: No

E1.12 – CWD MANAGEMENT ZONE

CWD MANAGEMENT ZONE: any county where a wild or captive cervid has tested positive for chronic wasting disease (CWD) and any county that encompasses any portion of a 10-mile radius buffer around any CWD positive sample collection site that the Commission has deemed high risk for CWD occurrence through the risk evaluation process set forth in CWD Management Strategy Plan. Zone includes all lands within Ashley, Benton, Boone, Carroll, Cleburne, [Conway](#), Craighead, Crawford, Franklin, Independence, Jackson, Johnson, Logan, Madison, Marion, Mississippi, Newton, Pope, Searcy, Sebastian, Sharp, Van Buren, Washington, and Yell counties. Where any other county or a portion thereof is within a 10-mile radius of a CWD positive sample collection site and deemed to be high risk, the Director or his or her designee may add that entire county to the CWD Management Zone upon notice to the public through posting an updated description of the CWD Management Zone on the AGFC website, social media or other means reasonably calculated to inform the public.

The CWD Management Zone is further divided into the following tiers:

- A. **Tier 1 (Red) Counties:** Boone, Carroll, Madison, Newton, and Searcy counties.
- B. **Tier 2 (Orange) Counties:** Ashley, Benton, Bradley, Cleburne, [Conway](#), Craighead, Crawford, Franklin, Independence, Jackson, Johnson, Logan, Marion, Mississippi, Pope, Randolph, Sebastian, Sharp, Union, Van Buren, Washington, and Yell counties, plus any county in the CWD Management Zone that is not in the list of Tier 1 counties.

LEGAL NOTICE

The regular monthly meeting of the Arkansas Game and Fish Commission will be held beginning at 9:00 a.m. Thursday, March 20, 2025, at the AGFC Headquarters located at 2 Natural Resources Drive, Little Rock, AR 72205. At that time, regulations and business pertaining to the operation of the AGFC 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, March 19, 2025, beginning at 9:00 a.m. at the AGFC Headquarters located at 2 Natural Resources Drive, Little Rock, AR 72205. All interested persons are invited to attend these meetings.

The Commission meeting on March 20th will be live-streamed and a link for easy viewing access will be available on the agency website. Please visit the AGFC website at <https://www.agfc.com> for additional up-to-date details as the meeting dates draw closer.

Items on the agenda for the March 20, 2025 meeting will include discussion and/or adoption of proposed regulations that previously were considered at the February 19-20, 2025 Commission Meetings, plus consideration of various Hunting and Fishing Regulations and regulations pertaining to the Enforcement Division of the AGFC, including but not limited to:

- Remove the prohibition on the use of natural deer urine and other biofluids while hunting (Code 05.40).
- Add language to the prohibition on hunting wild turkey over bait to indicate that an area is considered baited for 10 days following removal of the bait. This change is a correction of the previous inadvertent removal of such language (Code 18.01).
- Replace the term “legal buck” with “antlered buck” and “doe” with “antlerless deer” in the harvest definitions for Ed Gordon Point Remove WMA, Cove Creek Natural Area WMA, Lake Overcup WMA, and Norfork Lake WMA. Remove the requirement that an antlerless deer be harvested and checked prior to harvesting an antlered buck on Ed Gordon Point Remove WMA (Addendum C1.01).
- Remove the antler size restrictions on harvesting buck deer from Ed Gordon Point Remove WMA (Addendum C1.14).
- Add Conway County to the Chronic Wasting Disease (CWD) Management Zone as a Tier 2 County (Addendum E1.12).

All persons wishing to be heard on these subjects should submit comments in writing to this office before the start of the March 20, 2025 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 March 10, 2025. Copies of any proposed rules or regulations may be obtained at the AGFC 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.

CHRIS RACEY, INTERIM DIRECTOR
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Little Rock, Arkansas 72205