

Agenda Item _____

Arkansas Game and Fish Commission
Wildlife Management Division
May 26, 2005

Ivory-billed Woodpecker Presented by Doyle Shook

On April 28 an Emergency Proclamation was immediately put into effect, by Director Henderson, prohibiting the use of audio devices, including mechanical or electronic callers, musical instruments, recordings or similar artificial devices which simulate the call of the Ivory-billed Woodpecker on Cache River and White River National Wildlife Refuges and Benson Creek Natural Area, Dagmar and Rex Hancock Black Swamp Wildlife Management Areas. The Proclamation also included prohibiting the taking or harassing of the Ivory-billed Woodpecker on these areas. Attached is a minute order ratifying this Emergency Proclamation.

Doyle Shook, Chief
Wildlife Management Division

ARKANSAS GAME AND FISH COMMISSION
Little Rock, Arkansas

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| MINUTE ORDER NO: _____ DATE PASSED: <u>May 26, 2005</u> PAGE <u>1</u> of <u>1</u> PAGES | SUBJECT: <u>Ivory-billed Woodpecker</u> LOCATION: <u>Cache River NWR, White River</u> <u>NWR, Benson Creek Natural Area</u> <u>WMA, Dagmar WMA and Rex</u> <u>Hancock Black Swamp WMA</u> |
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WHEREAS, based upon recent sightings of the Ivory-billed Woodpecker (previously believed extinct) in forested areas along the Cache and White Rivers in eastern Arkansas, Arkansas Game and Fish Commission Director Scott Henderson issued an Emergency Proclamation on April 28, 2005, (copy of which is attached), which implemented the prohibition of the use of audio devices, including mechanical or electronic callers, musical instruments, recordings, or similar artificial devices for simulating the call of the Ivory-billed Woodpecker or any other birds on Cache River National Wildlife Refuge, White River National Wildlife Refuge, Benson Creek Natural Area Wildlife Management Area, Dagmar Wildlife Management Area and Rex Hancock Black Swamp Wildlife Management Area, except by employees of the Arkansas Game and Fish Commission and U.S. Fish and Wildlife Service and members of the Corridor of Hope Cooperative Conservation team in the performance of their official duties; **and**

WHEREAS, the Commission believes it is vitally important for the protection of these rare birds that the potential for disturbance from persons hoping to observe one of these birds be minimized; **and**

WHEREAS, given the unusual circumstances and the need for action to protect these birds the Commission now wishes to ratify the emergency action taken by Director Henderson and make permanent the adoption of this code prohibiting the use of audio devices, including mechanical or electronic callers, musical instruments, recordings, or similar artificial devices for simulating the call of the Ivory-billed Woodpecker on those areas listed above, which must be replaced or amended in the various sections of the AGFC Code Book affected, and then certified to the Secretary of State, the Arkansas State Library and the Bureau of Legislative Research in accordance with applicable law;

NOW, THEREFORE, BE IT RESOLVED this 26th day of May 2005, that the Arkansas Game and Fish Commission hereby declares that an emergency exists, and confirms and ratifies the aforementioned action taken, and the emergency proclamation signed, by Director Scott Henderson on April 28, 2005.

FURTHERMORE, BE IT ORDERED, that the Commission hereby approves and adopts the attached codes, and authorizes the Commission staff to proceed with making the appropriate AGFC code Book revisions and legal certification.

| | <u>STAFF APPROVAL</u> | <u>COMMISSION APPROVAL</u> | |
|----------------------|-----------------------|----------------------------|--------------|
| Submitted by: | Doyle Shook | Chairman | Commissioner |
| Division: | Wildlife | Vice Chairman | Commissioner |
| Approved: | Director | Commissioner | Commissioner |
| Approved: | Legal | Commissioner | |
| Approved: | Fiscal | | |

**14.05
05-05**

TAKING OR HARASSING IROVY-BILLED WOODPECKERS PROHIBITED. It shall be unlawful to take, injure, harass, disturb, or collect, or attempt to take, injure, harass, disturb, or collect any Ivory-billed Woodpecker.

EXCEPTION:

- (1) Employees of the Arkansas Game and Fish Commission, employees of the U.S. Fish and Wildlife Service and members of the Corridor of Hope Cooperative Conservation team in the performance of their official duties.

PENALTY: \$1,000.00 to \$10,000.00. In addition, a jail sentence of up to one year may be imposed.

**14.06
05-05**

PROHIBITED METHODS FOR BIRD CALLING ON CACHE RIVER NWR, WHITE RIVER NWR, BENSON CREEK NATURAL AREA WMA, DAGMAR WMA AND REX HANCOCK BLACK SWAMP WMA. It shall be unlawful to use audio devices, including mechanical or electronic callers, musical instruments, recordings, or similar artificial devices for simulating the call of the Ivory-billed Woodpecker or any other birds on the Cache River NWR, the White River NWR, Benson Creek WMA, Dagmar WMA and Rex Hancock Black Swamp WMA.

EXCEPTIONS:

- (1) Employees of the Arkansas game and Fish Commission, employees of the U.S. Fish and Wildlife Service and members of the Corridor of Hope Cooperative Conservation team, while in the performance of their official duties.
- (2) Game birds may be called in compliance with legal methods identified in Commission codes during open hunting seasons.

PENALTY: \$100.00 to \$1,000.00.

ARKANSAS GAME AND FISH COMMISSION

EMERGENCY PROCLAMATION

WHEREAS, Narrows Dam on the Little Missouri River near Murfreesboro is operated by the U.S. Army Corps of Engineers for hydropower generation and contains three turbine generator units. Two units supply water temperatures in the range of 75-80°F during the summer and the third provides water temperature around 50°F. Together, water temperatures during summer months are sufficiently low for trout survival and a year-round trout fishery has been created in the first mile below the dam under catch-and-release regulation; and

WHEREAS, Last summer turbine unit #3 that supplies cold water was taken off-line for re-coiling in August and, unfortunately, trout within the catch-and-release area subsequently died due to high water temperature. The Corps of Engineers has reported that repairs to unit #3 will be extended into August 2005 and the unit will remain off-line until then. High water temperatures lethal to trout once again are expected to occur, beginning in mid to late June; and

WHEREAS, given the unusual circumstances and in order to protect the public welfare and prevent unnecessary waste of a valuable resource, the tackle restrictions currently applicable in the seasonal and year-round catch-and-release areas on the Little Missouri River Narrows Dam Tailwater should be immediately lifted so that the public may harvest the trout prior to the occurrence of lethal high water temperature in the river.

BE IT THEREFORE PROCLAIMED that, until further notice, an emergency is hereby declared to exist and the provisions of AGFC Code 45.07 (copy of which is attached) affecting the trout fishery for the Little Missouri River Narrows Dam Tailwater are hereby suspended from enforcement.

EFFECTIVE IMMEDIATELY

ARKANSAS GAME AND FISH COMMISSION

By _____
Scott Henderson, Director

Date May 16, 2005

45.07

08-04/11-04

SPECIFIC TROUT WATER REGULATIONS. It shall be unlawful to fail to comply with each of the listed restrictions pertaining to a specific body of water as described herein:

- (A) Beaver Tailwater (White River from 100 yards below Beaver Dam to Highway 62 bridge).
- (1) No fishing, boating or wading within 100 yards of Beaver Dam.
 - (2) An angler shall use no more than one fishing rod or pole, and must attend it at all times. No other devices shall be used to catch fish other than as specified for the paddlefish-snagging season.
 - (3) From April 15 through June 15, snagging game fish is legal only from 100 yards below Beaver Dam from the Corps of Engineers “No Fishing Beyond This Point” sign downstream to the first Corps of Engineers boat ramp on the left deciding bank to the first boat-launching ramp. Snagging must cease after half the daily limit of any game fish has been snagged. Snagged fish of any species shall not be released.
 - (4) Special Regulation Area:
Catch and Release Area from approximately 0.5 mile below Beaver Dam to approximately 100 yards upstream of Parker Bend Access as indicated by signs.
 - (a) All trout caught must be immediately released.
 - (b) Only artificial lures with a single, barbless hooking point shall be used. Natural or scented baits are not allowed.
 - (c) Chumming is not allowed.
- (B) Bull Shoals Tailwater (White River from 100 yards below Bull Shoals Dam to Hwy 58 Bridge at Guion).
- (1) No fishing, boating or wading within 100 yards of Bull Shoals Dam.
 - (2) An angler shall use no more than one fishing rod or pole, and must attend it at all times.
 - (3) Special Regulation Areas:
 - (a) Bull Shoals Dam Catch and Release Area – Open to fishing from February 1 - October 31 from 100 yards below Bull Shoals Dam to the upstream boundary of Bull Shoals/White River State Park.
 - (1) All trout caught must be immediately released.
 - (2) Only artificial lures with a single, barbless hooking point or a single, barbless treble hook, shall be used. Natural or scented baits are not allowed.
 - (3) Chumming is not allowed.
 - (b) Bull Shoals Dam Closed Area - the area 100 yards below Bull Shoals Dam to the wing dike at the Bull Shoals/White River State Park Trout Dock. This area is closed to fishing or wading from November 1 - January 31.
 - (c) Bull Shoals Dam Seasonal Brown Trout Catch and Release Area, from November 1 - January 31. From the wing dike at

Bull Shoals/White River State Park Trout Dock to the downstream boundary of the Bull Shoals/White River State park.

- (1) All brown trout must be immediately released.
 - (2) Only artificial lures with a single, barbless hooking point or a single, barbless treble hook shall be used. Natural or scented baits are not allowed.
 - (3) No fishing from 30 minutes after sunset until 30 minutes before sunrise.
 - (4) Chumming is not allowed.
- (d) Rim Shoals Catch and Release Area (near Cotter), from mouth of Jenkins Creek to the first electric power line downstream.
- (1) All trout caught must be immediately released.
 - (2) Only artificial lures with a single, barbless hooking point shall be used. Natural or scented baits are not allowed.
 - (3) Chumming is not allowed.
- (e) Monkey Island Catch and Release Area (between Reds Landing Access and Chesmond Ferry Access), from the upstream end of Monkey Island to mouth of Moccasin Creek.
- (1) All trout caught must be immediately released.
 - (2) Only artificial lures with a single, barbless hooking point shall be used. Natural or scented baits are not allowed.
 - (3) Chumming is not allowed.
- (f) Sylamore Catch and Release Area (immediately upstream of Jack's Resort) – upstream boundary is downstream of the Mt. Olive Access and the downstream boundary is immediately upstream of Jack's Resort, as indicated by signs.
- (1) All trout caught must be immediately released.
 - (2) Only artificial lures with a single, barbless hooking point shall be used. Natural or scented baits are not allowed.
 - (3) Chumming is not allowed.
- (C) Norfolk Tailwater (North Fork of the White River from 100 yards below Norfolk Dam to the confluence of the White River).
- (1) No fishing, boating or wading within 100 yards below Norfolk Dam.
 - (2) Chain dragging is prohibited. It shall be unlawful to drag chains or other objects from boats, capable of destroying aquatic vegetation.
 - (3) An angler shall use no more than one fishing rod or pole, and must attend it at all times.
 - (4) Special Regulation Areas:

- (a) Norfolk Catch and Release Area – from the mouth of Otter Creek to 100 yards above Bill Ackerman/River Ridge Access, as indicated by signs.
 - (1) All trout caught must be immediately released.
 - (2) Only artificial lures with a single, barbless hooking point shall be used. Natural or scented baits are not allowed.
 - (3) Chumming is not allowed.
- (D) Greers Ferry Tailwater (Little Red River from 100 yards below Greers Ferry Dam to the Hwy 305 Bridge).
 - (1) No fishing, boating or wading within 100 yards of Greers Ferry Dam.
 - (2) An angler shall use no more than one fishing rod or pole, and must attend it at all times.
 - (3) Special Regulation Areas:
 - (a) JFK Catch and Release Area (at John F. Kennedy Park below Greers Ferry Dam) – from 100 yards downstream from Greers Ferry Dam to approximately 0.5 miles downstream to the last Greer’s Ferry National Fish Hatchery effluent outfall in John F. Kennedy Park, as indicated by signs.
 - (1) All trout caught must be immediately released.
 - (2) Only artificial lures with a single, barbless hooking point shall be used. Natural or scented baits are not allowed.
 - (3) Chumming is not allowed.
 - (b) Cow Shoals Seasonal Catch and Release Area, from October 1 – December 31. From the head of Cow Shoals to the mouth of Canoe Creek.
 - (1) All trout caught must be immediately released. Closed to night fishing (one-half hour before sunset to one-half hour before sunrise).
 - (2) Only artificial lures with a single, barbless hooking point shall be used. Natural or scented baits are not allowed.
 - (3) Chumming is not allowed.
 - (c) Mossy Shoals Catch and Release Area – from the head of Dunham Shoals downstream to the end of Mossy Shoals.
 - (1) All trout caught must be released.
 - (2) Only artificial lures with a single, barbless hooking point shall be used. Natural or scented baits are not allowed.
 - (3) Chumming is not allowed.
- (E) Collins Creek (from its source in John F. Kennedy Park below Greers Ferry Dam to the confluence of the Little Red River).

- (1) Catch and Release Stream. All trout caught must be immediately released.
 - (2) Only artificial lures with a single, barbless hooking point shall be used. Natural or scented baits are not allowed.
 - (3) Fishing is allowed from sunrise to sunset.
 - (4) Chumming is not allowed.
 - (5) Fishing is limited to youths under age 16 upstream of the wooden vehicle bridge in John F. Kennedy Park.
 - (6) Downstream of the wooden vehicle road bridge in John F. Kennedy Park, anglers with a valid fishing license and a valid trout permit may fish when accompanied by an actively fishing youth under age 16.
 - (7) An angler shall use no more than one fishing rod or pole, and must attend it at all times. No other devices shall be used to catch fish.
- (F) Dry Run Creek (from it's source on the east side of Norfolk National Fish Hatchery below Norfolk Dam to the confluence with the North Fork of the White River).
- (1) Catch and Release Stream. All trout caught must be immediately released.
 - (2) Only artificial lures with a single, barbless hooking point shall be used. Natural or scented baits are not allowed.
 - (3) Fishing is allowed from sunrise to sunset.
 - (4) Chumming is not allowed.
 - (5) Fishing is limited to youths under age 16.
 - (6) Fishing from the pier on Dry Run Creek is limited to mobility impaired anglers only.
 - (7) An angler shall use no more than one fishing rod or pole, and must attend it at all times. No other devices shall be used to catch fish.
- (G) Blanchard Spring/Mirror Lake (in Ozark National Forest Blanchard Spring, from its source to the confluence with North Sylamore Creek, including Mirror Lake).
- (1) An angler shall use no more than two fishing rods or poles, and must attend them at all times, no other devices shall be used to catch fish.
 - (2) Trout daily creel limit is five.
- (H) Spring River (Fulton County) from 100 yards below Dam No. 1 at Mammoth Spring State Park to the mouth of Myatt Creek.
- (1) An angler shall use no more than two fishing rods or poles, and must attend them at all times, no other devices shall be used to catch fish.
- (I) Spavinaw Creek (Benton County), from it's source downstream to the Hwy 59 bridge.
- (1) Catch and Release Stream. All trout caught must be immediately released.
 - (2) Only artificial lures with a single, barbless hooking point shall be used. Natural or scented baits are not allowed.

- (3) Chumming is not allowed.
 - (4) An angler shall use no more than one fishing rod or pole, and must attend it at all times. No other devices shall be used to catch fish.
- (J) Narrows Tailwater – Little Missouri River from 100 yards below Narrows Dam (Lake Greeson) downstream to the Hwy 27 bridge.
- (1) An angler shall use no more than two fishing rods or poles, and must attend them at all times. No other devices shall be used to catch fish.

~~(2) **Special Regulation Areas:**~~

~~(a) **Narrows Catch and Release Area** from 100 yards below Narrows Dam downstream to the upstream boundary of Riverside Park Access.~~

~~(1) All trout caught must be immediately released.~~

~~(2) Only artificial lures with a single, barbless hooking point shall be used. Natural or scented baits are not allowed.~~

~~(3) Chumming is not allowed.~~

~~(b) **Narrows Seasonal Catch and Release Area** from May 1–October 15. Downstream from the upstream boundary of the Riverside Park Access to the gas line crossing above River Ridge Pool.~~

~~(1) All trout caught must be immediately released.~~

~~(2) Only artificial lures with a single, barbless hooking point shall be used. Natural or scented baits are not allowed.~~

~~(3) Chumming is not allowed.~~

(K) **Big Spring (in Cotter, at the AGFC access to the White River) from its source to the confluence with the White River, unless otherwise specified.**

(1) **Catch and Release Stream. All fish caught must be released. Only artificial lures with barbless hook(s) may be used. Natural or scented baits are not allowed. Chumming is not allowed. Fishing is allowed from sunrise to sunset.**

(2) **Fishing is limited to youths under age 16 and disabled anglers.**

(3) **Youth under age 16 must be accompanied by an adult when fishing.**

(4) **Adult disabled anglers must carry proof that they are 100% permanently and totally disabled (see Code 01.00-C) and possess a valid AGFC sport fishing, lifetime fishing, or combination hunting & fishing license, plus a valid trout permit.**

(5) **Anglers may use no more than one fishing rod or pole, and must attend it at all times. No other devices may be used to catch fish.**

(6) **No fishing in the “swimming hole” at the upstream end of Big Spring, as indicated by signs.**

- (7) No motorized boats allowed in Big Spring.
- (8) Fishing derbies must be requested, and permitted in writing by AGFC District 2 fisheries biologist, and can include fishing with natural or scented baits, and harvest of trout.

PENALTY: \$100.00 to \$1,000.00

ARKANSAS GAME AND FISH COMMISSION
Little Rock, Arkansas

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| MINUTE ORDER NO: _____ DATE PASSED: _____ PAGE <u> 1 </u> of <u> 2 </u> PAGES | SUBJECT: <u>Emergency Proclamation for</u> <u>Trout Fishery</u> LOCATION: <u>Little Missouri River Narrows Dam</u> <u>Tailwater -- Pike County</u> |
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WHEREAS, Narrows Dam on the Little Missouri River near Murfreesboro is operated by the U.S. Army Corps of Engineers for hydropower generation and contains three turbine generator units. Two units supply water temperatures in the range of 75-80°F during the summer and the third provides water temperature around 50°F. Together, water temperatures during summer months are sufficiently low for trout survival and a year-round trout fishery has been created in the first mile below the dam under catch-and-release regulation; and

WHEREAS, Last summer turbine unit #3 that supplies cold water was taken off-line for re-coiling and, unfortunately, trout within the catch-and-release area subsequently died due to high temperatures. The Corps of Engineers has reported that repairs to unit #3 will be extended into August 2005 and the unit will remain off-line until then. High water temperatures lethal to trout are once again expected to occur, beginning in mid to late June; and

WHEREAS, given the unusual circumstances and in order to protect the public welfare and prevent unnecessary waste of a valuable resource, the tackle restrictions currently applicable in the seasonal and year-round catch-and-release areas on the Little Missouri River Narrows Dam Tailwater were lifted so that the public may harvest the trout prior to the occurrence of lethal high water temperature in the river; and

WHEREAS, on May 16, 2005, Director Scott Henderson proclaimed that an emergency existed and, by authority delegated to him as director of the Arkansas Game and Fish Commission, ordered that the provisions of AGFC Code 45.07 affecting the trout fishery for the Little Missouri River Narrows Dam Tailwater were suspended from enforcement until further notice; and

WHEREAS, the Commission now wishes to ratify the emergency action taken by Director Henderson and amend AGFC Code 45.07.

NOW, THEREFORE, BE IT RESOLVED that the Arkansas Game and Fish Commission hereby declares that an emergency exists, and confirms and ratifies the aforementioned action taken, and emergency proclamation (copy of which is attached) signed, by Director Scott Henderson on May 16, 2005.

BE IT FURTHER RESOLVED that the Commission hereby amends AGFC Code 45.07, effective immediately, to delete the provisions affecting the trout fishery for the Little Missouri River Narrows Dam Tailwater as identified in the May 16, 2005 emergency proclamation.

| | <u>STAFF APPROVAL</u> | <u>COMMISSION APPROVAL</u> | |
|----------------------|-----------------------|----------------------------|-----------------------|
| Submitted by: | Mike Gibson _____ | _____ | _____ |
| Division: | Fisheries _____ | Chairman _____ | Commissioner _____ |
| Approved: | _____ | Vice Chairman _____ | Commissioner _____ |
| Approved: | Director _____ | Commissioner _____ | Commissioner _____ |
| Approved: | Legal _____ | Commissioner _____ | |
| Approved: | Fiscal _____ | | |