

Agenda Item _____

Arkansas Game and Fish Commission

Wildlife Management Division

May 26, 2005

2005-2006 Captive Wildlife Code Approval

Presented by Doyle Shook

A committee composed of representatives from the Enforcement, Legal, Fisheries and Wildlife Divisions was formed to review current regulations regarding captive wildlife, which were presented at the April Commission meeting. Attached are the final proposals and minute order for your approval.

Doyle Shook, Chief
Wildlife Management Division

2005-2006 CAPTIVE WILDLIFE CODE PROPOSALS

Proposed Changes - Red Ink

Proposed Change

- 01.00-C** **DEFINITION OF TERMS.** For the purposes of the Arkansas
05-05 Game and Fish Commission Code of Regulations, the following terms shall
be construed, respectively, to mean and include:
- ADULT GOBBLER** – Male turkeys having at least one of the following characteristics: a) tail feathers which are the same length, b) wing feathers that have white barring all the way to the tip or c) a beard more than six (6) inches in length.
- ALLIGATOR DEALER** – Any person, firm or corporation engaging in the sale, purchase, barter, or exchange of an American alligator (*Alligator mississippiensis*) or other crocodylian species, or any part, nest or eggs thereof in the State of Arkansas.
- ALLIGATOR FARMER** – Any person, firm or corporation possessing an American alligator (*Alligator mississippiensis*) or other crocodylian species, or any part, nest or eggs thereof in the State of Arkansas for the purpose of propagation production or rearing.
- ALLIGATOR SNAPPING TURTLE DEALER** - Any person, firm or corporation engaged in the sale or purchase of alligator snapping turtles.
- ALLIGATOR SNAPPING TURTLE BREEDER** - Any person, firm or corporation possessing alligator snapping turtles for the purpose of propagation, production or rearing or sale.
- ANIMAL** – An organism of the animal kingdom, as distinguished from the plant kingdom, including any part, product, egg, or offspring thereof.
- ANTLERLESS ELK** - Any elk (male or female) not meeting requirements to be a legal bull elk
- AQUATIC WILDLIFE** – Aquatic Snails, Aquatic Turtles, Crayfish (Crawfish, Crawdads), Fish (including Minnows), Frogs, Mussels and Salamanders.
- ARKANSAS RIVER BOUNDARY (Sportfishing Only):** The Arkansas Post Canal from Lock and Dam #1 to the Arkansas River and the Arkansas River from Dam #2 upstream to the Oklahoma state line including all lakes, bays and tributary streams accessible by boat from the main channel except that portion of Big Bayou Meto upstream from Hwy 11, Plum Bayou upstream from Hwy 79, Little Maumelle River upstream from Pinnacle State Park, Maumelle River upstream from Lake Maumelle Dam, Fouche LaFave upstream from Hwy 113, Palarm Creek upstream from Interstate 40, Cadron Creek upstream from the weir, Point Remove Creek upstream from Hwy 113, Petit Jean River upstream from Pontoon Boat Ramp at Hwy 154, Illinois Bayou upstream from Russellville Waterworks Dam, Big Piney and Little Piney Creeks upstream from Hwy 359, Horsehead Creek upstream from Interstate 40, Mulberry River upstream from Interstate 40, Frog Bayou

upstream from Hwy 162 and Lee Creek upstream from Lee Creek Dam, and from the first non-navigable shoal for streams entering the Arkansas River along the left bank ascending from Lake Dardanelle Dam to the Oklahoma State Line.

ARTIFICIAL LURE/FLY - Terminal fishing tackle made by the method of fly tying, or made entirely of rubber, wood, metal, glass, feathers, hair, synthetic fibers, or plastic, with hook attached.

BAG LIMIT - The number of species allowed to be taken in a time period - 24 hours (12 o'clock midnight to 12 o'clock midnight) unless otherwise specified.

BAITFISH – Minnows (including bluntnose minnows, bullhead minnows, chubs, crayfish, dace, fatheads, common carp under 6 inches, small goldfish, shiners and stonerollers), logperch (also called sand pike or zebra minnows), shad, gar (other than alligator gar), drum, bowfin under 6 inches, skipjack herring, silversides (brook and inland), buffalo (bigmouth, smallmouth and black), river carpsucker, sculpin (banded and Ozark) and bream 4" and under.

BAITING – The direct or indirect placing, exposing, depositing, distributing, or scattering of salt, grain, or other feed that could serve as a lure or attraction for wildlife to, on, or over any areas where hunters are attempting to take them.

BIG GAME – Bear, deer, elk and turkey.

BLACK BASS: Largemouth bass, redeye bass, smallmouth bass, and spotted bass.

BONUS DEER: A harvested deer that is not included in a hunter's statewide bag limit.

BOX TYPE TURTLE TRAP – A floating trap designed to capture aquatic turtles, but does not permit capture of fish (see Code 39.04 for restrictions).

BREAM - Any species of the genus *Lepomis*, including bluegill, redear, warmouth and other sunfish.

BUCK – A male deer (See LEGAL BUCK definition).

BUCK DEER SEASON - Any deer season whereby no deer other than legal buck deer may be taken.

BULL ELK (legal) - Any elk having at least one antler visible above the hairline.

BUY – To purchase, barter, exchange, or trade and includes any offer to purchase, barter, exchange, or trade.

CAPTIVITY or HOLD CAPTIVE – The holding of living wildlife in a controlled environment that is manipulated by man for the purpose of exercising ownership, possession or control of the wildlife, and that has boundaries designed to prevent selected species from entering or leaving the controlled environment.

CASE - A container specifically designed for the purpose of housing a gun which completely encloses such gun by being zipped, snapped, buckled, tied or otherwise fastened with no portion of the gun exposed.

CATCH-AND-RELEASE – The requirement that fish of a designated species must be immediately released into the water where caught.

CHUMMING – To dislodge or deposit any substance not attached to a hook which may attract fish.

CITY, COUNTY, STATE, OR FEDERALLY MAINTAINED ROAD - Any road graded or otherwise repaired by any city, county, state, or federal agency in the state of Arkansas.

COMMERCIAL FISH – Bowfin (over 6 inches), buffalo, catfish, carp, drum, gar, paddlefish, sucker family, white amur and sturgeon.

COMMERCIAL FISHERMAN - Any person who fishes with tackle designated as commercial tackle requiring a license and/or tag issued by the Commission.

COMMERCIAL WILDLIFE PERMIT(S) – Shall be a term construed to identify each and/or all of the following permits: Alligator Farmer/Dealer Permit, Alligator Snapping Turtle Breeder/Dealer Permit, Resident Shell Taker and Seller Permit, Shell Buyer Permit, Non Resident Shell Buyer Permit, Resident Roe Taker/Seller Permit, Resident Roe Buyer/Exporter Permit, Non-Resident Roe Buyer Permit, Resident Fur Dealer Permit, Non-Resident Fur Dealer Permit, Special Commercial Quail Permit, Game Bird Shooting Resort Permit, Wildlife Hunting Resort Permit, Wildlife Breeder/Dealer Permit and Wildlife Translocation Permit.

GAME BIRD SHOOTING RESORT - Any person, firm, or corporation engaged, for pay or other consideration, who provides pen-raised birds for harvest by hunters.

COMMISSION - The Arkansas State Game and Fish Commission, unless otherwise designated.

DISABLED - Any individual who is 100% permanently and totally disabled as declared by the following federal agencies: the United States Social Security Administration, the United Department of Veteran's Affairs, or the United States Railroad Retirement Board.

DOE – A female deer.

DOE DEER SEASON – Any deer season whereby a doe may be taken.

DROWNING SET - Any leg hold trap that utilizes one or more of the following techniques to retain the target animal in water of suitable depth for drowning. These are: (1) a slide wire with lock; (2) tangle stake; or (3) drowning weight.

DUCKS (includes the following species) – All species of Teal, Merganser, Whistling Duck and Scaup; American Wigeon, American Black Duck, Bufflehead, Canvasback, Gadwall, Goldeneye, Mallard, Mottled Duck, Northern Shoveler, Redhead, Ring-necked Duck, Ruddy Duck, Northern Pintail and Wood Duck.

EITHER-SEX – A male or a female.

EITHER-SEX DEER SEASON – Any deer season whereby a doe or a legal buck may be taken.

ENCLOSE – To surround species of wildlife on all sides using man-made barriers, including but not limited to fencing, walls, structures or other devices, so that the wildlife are not free to leave a particular environment.

ENCLOSURE – Any area surrounded by a man-made barrier, including but not limited to fencing, walls, structures or other devices that prevent wildlife from leaving a particular environment.

ENDANGERED SPECIES - any wildlife species or subspecies endangered or threatened with extinction listed by the U. S. Department of Interior and the following native species hereby designated in Arkansas:

MAMMALS:

Gray bat (*Myotis grisescens*), Indiana bat (*Myotis sodalis*), Ozark big-eared bat (*Corynorhinus townsendii ingens*).

BIRDS:

Bald eagle (*Haliaeetus leucocephalus*), least tern (*Sterna antillarum*), Bachman's warbler (*Vermivora bachmanii*), red-cockaded woodpecker (*Dendrocopos borealis*)

REPTILES:

American alligator (*Alligator mississippiensis*),

FISHES:

Ozark cavefish (*Amblyopsis rosae*), leopard darter (*Percina pantherina*), pallid sturgeon (*Scaphirhynchus albus*);

MOLLUSKS:

Scaleshell mussel, Curtis' pearly mussel, (*Epioblasma florentina curtisi*), fat pocketbook pearly mussel (*Potamilus capax*), pink mucket mussel (*Lampsilis abrupta*), turgid blossom mussel (*Epioblasma turgidula*), speckled pocketbook mussel (*Lampsilis streckeri*), Arkansas fatmucket mussel (*Lampsilis powelli*), winged mapleleaf mussel (*Quadrula fragosa*), Magazine Mountain shagreen land snail (*Inflectarius magazinensis*); scaleshell mussel (*Leptodea leptodon*), Ouachita rock pocketbook mussel (*Arkansia wheeleri*);

ARTHROPODS:

Cave crayfish (*Cambarus zophonastes*) and (*Cambarus aculabrum*);

INSECTS:

American burying beetle (*Nicrophorus americanus*);

PLANTS:

Geocarpon minimum (no common name), pondberry, (*Lindera melissifolia*), Missouri bladderpod (*Lesquerella filiformis*), Harperella (*Ptilimnium nodosum*), Eastern prairie fringed orchid (*Platanthera leucophaea*), running buffalo clover (*Trifolium stoloniferum*);

FEE LAKE - A lake in which there is a charge for fishing privileges. All persons 16 years of age and older must possess an Arkansas fishing license. Daily limits apply.

FERAL HOG – Any hog (*Sus scrofa*), including Russian and European wild boar, which is roaming freely upon public lands and is living in a wild or feral state.

FIREARMS, LOADED - Firearms shall be considered to be loaded if shells or cartridges are in either the chamber, magazine, or cylinder; percussion cap muzzle-loading firearms are considered loaded if the

percussion cap is on the nipple; flintlock muzzle-loading firearms are considered to be loaded if there is powder in the flashpan.

FISH or FISHING - To lure, attract, collect, or pursue fish species or aquatic wildlife for the purpose of taking or attempting to take such fish species or aquatic wildlife by any method.

FISH FARM - Waters and adjacent premises confined within a pond, tank, or lake not connected with public waters, and under management by a commercial fish farmer.

FISH FARMER - Any person, firm, partnership or corporation engaged in the propagation and/or production of crawfish, fish and/or minnows for sale.

FREEFLOATING FISHING DEVICE - Any floating fishing device unanchored or unattached to a stationary object.

FURBEARERS - Badger, beaver, bobcat, civet cat, coyote, gray fox, red fox, mink, muskrat, nutria, opossum, raccoon, river otter, skunk, and weasel.

GAFFING FISH - Taking or attempting to take fish with a hand held or handled hook prior to being caught on hook and line.

GAME ANIMALS - Black bear, bobcat, coyote, deer, elk, fox, mink, opossum, rabbit, raccoon, and squirrel.

GAME BIRDS - Turkey, quail, pheasant, chuckar, and all birds classified by the U. S. Fish and Wildlife Service as migratory game birds.

GAME FISH - Alligator gar, black bass, white bass, striped bass, striped bass hybrid, crappie, catfish, trout, bream, sunfish, goggle-eye, walleye, northern pike, muskellunge, sauger, paddlefish, and pickerel.

GUIDE - Any person who provides, for monetary or any other compensation, that person's personal services for the purpose of assisting others to locate, pursue, catch or hunt wildlife.

HIGH FENCE ENCLOSURE – An enclosure that contains an area of at least 500 contiguous acres, with at least sixty percent (60%) of the acreage in forested cover that has been classified as timberland by the local county tax assessor, that has a perimeter fence at least eight (8) feet high, with no cross fencing that has the effect of reducing the size of the area to less than 500 contiguous acres with at least sixty percent (60%) of the acreage in forested cover as herein provided.

HOGGING – the taking of fish by the use of hands only in or under the water.

HUNT or HUNTING – To search for, pursue, chase, track, lure, attract, or lie in wait of game animals or other wildlife for the purpose of taking or attempting to take such game animals or wildlife by any method.

HUNTING PARTY - Two or more persons hunting together.

IMPORT – To land on, bring into, or introduce into any place within the jurisdiction of the State of Arkansas.

IMPORTATION – To ship, convey, carry or transport wildlife into or through the state by any means.

JAKE - Sub-adult turkeys having all of following characteristics: a) longer central tail feathers, b) outermost 1 or 2 wing feathers lacking white barring all the way to the tip and c) a beard six (6) inches or less in length.

KILLING DEVICE - Any firearm, bow and arrow, crossbow, pellet gun, or any other device capable of killing wildlife.

LARGE CARNIVORE - **Tigers (*Panthera tigris*), African Lions (*Panthera leo*), or any hybrid thereof and all species of bears.**

LEGAL BUCK – A buck having both antlers under two inches (including button buck) or at least one antler with at least three points including the main beam, each a minimum of one inch long. (Ref: Code 21.03)

MIGRATORY BIRDS – All birds protected by the federal Migratory Bird Treaty Act of 1918 and subsequent amendments.

MIGRATORY GAME BIRDS - Coots, crows, doves, ducks, gallinules or moorhens, geese, rails, snipe and woodcock.

MINIMUM LENGTH LIMIT – The shortest length of a fish, of a designated species, measured from the front of the lower jaw with the mouth closed to the tip of the tail with tail lobes pressed together, that an angler may keep. All fish not meeting the minimum length requirement for a particular water or species must be immediately released into the water where caught.

MINNOWS - small nongame fish commonly used for bait including bluntnose minnows, bullhead minnows, chubs, dace, fatheads, common carp under 6 inches, goldfish, shiners, and stonerollers.

MOBILITY IMPAIRED - Individuals who are mobility impaired in accordance with criteria on the Game and Fish application for the mobility impaired card.

NATIVE WILDLIFE – Those species and sub-species of wildlife that have established, naturally reproducing, free-ranging, wild populations within the state of Arkansas.

NIGHT - Thirty (30) minutes after sunset to thirty (30) minutes before sunrise.

NONGAME WILDLIFE - all wildlife other than furbearing or game animals, birds and fish.

NON-RESIDENT - Any person not defined as resident.

NOODLING – The taking of fish by the use of hook or snare type device, with or without an attached line no longer than 4 feet in length, manipulated by hand when a person is in or under the water.

NUISANCE WILDLIFE - Any wild animal creating a problem by committing damage to personal property (Depredation Permit available).

NUISANCE FURBEARING ANIMALS - Beaver, muskrat, and nutria.

OPEN SEASON - that season during which protected wildlife may be lawfully taken.

PEN-RAISED QUAIL - Quail that are hatched from eggs of quail raised in captivity in pens or cages.

PERSON - Any individual, firm, corporation, association, or partnership in singular or plural as the context requires.

POSSESS or POSSESSION - To have under control. The manual or ideal custody of wildlife or anything that may be the subject of property, for one's use and enjoyment, either as owner or as the proprietor of a qualified right in

it, and either held personally or by another who exercises it in one's place and name. Possession includes the act or state of possessing and that condition of facts under which one can exercise his power over a corporeal thing at his pleasure to the exclusion of all other persons. Possession includes constructive possession, which means not actual but assumed to exist, where one claims to hold by virtue of some title, without having actual custody.

PROTECTED SLOT LIMIT – A species/size limit which prohibits anglers from keeping fish within a designated size group, and requires fish of that size and species to be immediately released into the water where caught.

PROTECTED WILDLIFE - all wildlife in the state unless a declared open season has been established by the Commission.

PUT AND TAKE PAY LAKE - Private waters open to public fishing for a fee, after being licensed by the Commission and where no fishing license or daily limit of fish is imposed.

RAPTOR - Any migratory bird of the Order Falconiformes or the Order Strigiformes and Ciconiiformes Family Cathartidae.

REHABILITATION – The practice of providing medical treatment or other care to orphaned, sick or injured wild animals that have come into human possession with the goal of returning the animal to the wild.

RESIDENT - Any person who has established a bona fide or actual residence of at least 60 days prior to applying for a license, and who declares intentions of becoming a citizen of Arkansas. Also, the following students, carrying proof of full-time enrollment in schools, colleges or universities while hunting or fishing in Arkansas, are eligible to purchase a resident license:

- (1) Resident foreign exchange students attending school outside of Arkansas.
- (2) Non-resident foreign exchange students attending school in Arkansas.
- (3) Residents of Arkansas enrolled as full-time students in colleges and universities outside of Arkansas.
- (4) Non-residents enrolled as full-time students in colleges and universities in Arkansas.

Possession of Arkansas real estate by persons living outside the state does not qualify the owner as a resident.

Servicemen and women stationed (permanently assigned) in Arkansas are granted resident privileges for hunting and fishing. Servicemen and women who were Arkansas residents at the time of entering service are also granted resident privileges for hunting and fishing, regardless where stationed.

65 Plus Lifetime Licenses, \$1,000 Sportsman's permit, Resident Disabled 3-Year Licenses, Special Guide License, Alligator Farmer/Dealer Permit, Alligator Snapping Turtle Breeder/Dealer Permit, Commercial Fisherman's Permit & Sportfishing License, Commercial Fisherman's Helper Permit, Junior/Senior Commercial Fishing Permit, Resident Shell Taker/Seller

Permit, Shell Taker Helper Permit, Shell Buyer, Resident Fish Dealer, Resident Roe Taker/Seller Permit, Resident Taker Helper Permit and Resident Roe Buyer/Exporter Permit: Any person who has established a bona fide or actual residence of at least 12 months (one year) prior to applying for a license, and has declared citizenship in Arkansas. 65 Plus Lifetime Licenses: Any person who has established a bona fide or actual residence of at least 36 months (three years) prior to applying for a license, and has declared citizenship in Arkansas.

The Director or his representative shall make the final determination as to resident status of any license applicant.

ROUGH FISH – Gars, bowfin, common carp, asian carp (grass carp, bighead carp, silver carp), suckers (including buffalo), freshwater eel and drum.

SELL – To exchange or deliver for money or its equivalent; to offer for sale, barter, exchange, or trade or the act of selling, bartering, exchanging or trading.

SHELL BUYER - Anyone who buys mussels or mussel parts from a Taker. An agent purchasing for a licensed buyer is not a buyer.

SMALL GAME – Furbearers, migratory birds, quail, rabbit and squirrel.

SNAGGING – A method of taking fish using conventional rod and reel tackle where the fish is impaled by the forceful retrieval of one or more hooks.

SNAGLINE - Commercial tackle consisting of a horizontal line with hooks or drops less than 24 inches apart.

SPINNING/FLAPPING WING DECOYS – Electronic, mechanically-operated, wind-powered or manually-powered spinning or flapping blade devices that simulate wing movement.

TACKLE - Any rod, reel, pole, line, net, yo-yo, seine, or any other apparatus or device used to take fish.

TAKE - To shoot, kill, injure, trap, net, snare, spear, catch, capture, or reduce to possession.

TAXIDERMY - The art of preparing, stuffing and/or mounting of wildlife and parts thereof.

TRANSLOCATION – To ship, convey, carry or transport wildlife from one location to another by any means, including importation, exportation, interstate and intrastate movement.

TROUT – Any members of the Salmonidae family including rainbow trout, brown trout, brook trout, lake trout and cutthroat trout.

WATERFOWL – All species of ducks, geese and swans.

WATERS OF THE STATE - All streams, lakes, sloughs, bayous, marshes, or any other water wholly or partially within the State. Pay lakes and fish farms are excluded from the above.

WILD - to be living in a state of nature and not domesticated.

WILDLIFE - All wild birds, mammals, fish, reptiles, amphibians and other wild aquatic forms, and all other wild animals, regardless of classification, whether resident, migratory or imported, protected or unprotected, dead or

alive, and shall extend to and include any and every part of any individual species of wildlife, including animals living in a captive state and which lack a genetic distinction from members of the same species living in the wild.

WILDLIFE CHECK STATION – An official wildlife check station is a Commission designated (1) county check station, (2) Commission employee, (3) deer camp or (4) Commission on-line checking web site <http://www.agfc.com>.

WILDLIFE HUNTING RESORT – A Wildlife Hunting Resort is any facility, location, business or operation that is engaged in offering the opportunity to hunt or attempt to hunt captive wildlife other than pen-raised game birds.

WILDLIFE MANAGEMENT AREA (WMA) - Designated areas set aside by the Commission and distinguished by certain markers and considered a separate zone with regard to wildlife regulations. (Referred to as "WMA", "Waterfowl Rest Area (WRA)", "Wildlife Demonstration Area (WDA)", "Field Trail Area (FTA)", "State Park-Conservation Area (SP-CA)" or "National Wildlife Refuge (NWR)".

ZONE - Any area defined or delineated by the Commission where hunting and/or fishing activities are regulated for that specific area.

Proposed Change

01.00-D CONFISCATION AND SEIZURE.

05-05

- (A) Any wildlife, including but not limited to game animals, birds and fish, that is taken, transported or sold in violation of any Commission Code regulation is declared to be contraband and may be seized under authority of this Commission Code. Upon conviction of the offender, or sooner if the court having jurisdiction so orders, title to the wildlife shall be forfeited to the Arkansas Game and Fish Commission and such wildlife released or disposed of in accordance with Commission policy.
- (B) Any equipment, including but not limited to guns, archery equipment, traps, tackle, nets, boats, lights, motors, vehicles and other fishing or hunting gear or devices, used in connection with a violation of any of the following Commission Code regulations is declared to be contraband and may be seized under authority of this Commission Code:
 - 02.14 Bear Hunting Season.
 - 02.21 Elk Hunting Season.
 - 03.13 Special Guide License Requirements.
 - 04.03 Hunting Wild Turkey Over Bait Prohibited.
 - 04.06 Wild Turkey Hen Restrictions.
 - 06.04 Taking of Doe Deer Prohibited
 - 07.03 Modern Firearms Prohibited During Muzzleloading Deer Seasons.
 - 08.03 Possession of Firearms While Archery and Crossbow Hunting Prohibited.
 - 11.04 Hunting or Fishing After Revocation of License Prohibited.

- 11.05A Revocation of Commercial Wildlife Permit Privileges.
- 15.17 Wildlife **Translocation Importation** Permit Requirement.
- 15.18 Wildlife Importation Restrictions.
- 17.03 Legal Bull Elk Requirements
- 17.04 Taking of Antlerless Elk Prohibited
- 18.01 Hunting Wildlife in Closed Season Prohibited
- 18.02 Night Hunting Prohibited.
- 18.03 Selling Wildlife Restrictions.
- 18.04 Hunting From Road Prohibited.
- 18.05 Taking Wildlife at Night From a Boat Prohibited.
- 18.14 Taking of Alligator Prohibited.
- 18.20 Taking of Raptors and Bald Eagles Prohibited.
- 19.12 Endangered Species Protected.
- 20.06 Cutting Devices Prohibited on Commission Owned WMAs and WDAs.
- 25.09 Guiding Restrictions on Certain Wildlife Management Areas.
- 32.01 Taking Fish With Electrical Devices, Firearms, Explosives, Toxic, Stupefying Or Killing Substances Prohibited.
- 32.02 Trapping Fish Prohibited.
- 41.05(A) Resident Roe Taker/Seller Permit Requirements.
- 41.05(B) Resident Roe Buyer/Exporter and Non-Resident Roe Buyer/Exporter Permit Requirements.
- 41.05(C) Roe Buyer/Exporter Reporting Requirements.
- 41.08 Illegal Commercial Tackle Prohibited.
- 41.13 Commercial Fishing by Non-Resident Prohibited.
- 41.39 Closed Paddlefish, Sturgeon and Bowfin Harvest Season.
Upon conviction of the offender, the court having jurisdiction may order title to the equipment forfeited to the Arkansas Game and Fish Commission and such equipment disposed of in accordance with Commission policy. Equipment confiscated may be advertised and sold at public auction with the proceeds of the sale to be deposited in the Game Protection Fund.

(C) Procedural matters regarding seizure and forfeiture of contraband not otherwise addressed herein shall be governed by the provisions of Rule 15 (Disposition of Seized Things) of the Arkansas Rules of Criminal Procedure, as amended.

Proposed Change

03.03
05-05

HUNTING LICENSE REQUIREMENTS. It shall be unlawful for any resident or non-resident to take or attempt to take any wild animal or bird by any means in Arkansas without having on the person the appropriate Arkansas Hunting License as provided herein:

- (A) To hunt deer, turkey, bear or elk the hunter must have physical possession of an official hunting license. A temporary, internet license is not valid for hunting these species. A confirmation/authorization number from a telephone license order is not valid for hunting these species.
- (B) Arkansas Resident (16 years of age and older) - SMALL GAME: Resident Wildlife Conservation License; Resident Sportsman's License; BIG GAME (deer, bear, elk and turkey): Resident Wildlife Conservation License (permits residents to harvest one legal deer during the modern gun deer season); Resident Sportsman's License; Resident Combination Sportsman's License; FURBEARERS (Hunting and Trapping): Any valid hunting license. Holders of the following licenses are entitled to hunt all game, except if taking waterfowl, an Arkansas Resident Waterfowl Stamp, Federal Waterfowl Stamp and HIP are required. Resident Lifetime Hunting and Fishing Sportsman's Permit; Resident 65 Plus Lifetime Sportsman's Hunting License (or 65 Plus Lifetime Combination License); Resident Disabled Lifetime Sportsman's Hunting License (or Resident Disabled Lifetime Combination License) Resident Disabled Hunting 3-Year License (or Resident Disabled Combination 3-Year License).
- (C) Non-Residents hunting small game only (excluding deer, elk, turkey and bear).
Requirements: Non-Resident Annual Small Game License, or Non-Resident 5-Day Small Game License for a period of said license, and Non-Resident Fur-Takers Permit if hunting furbearers. Small game may also be taken on the Non-Resident All Game Licenses. If hunting waterfowl, an Arkansas Non-Resident Waterfowl Stamp, Federal Waterfowl Stamp and HIP are required.
- (D) Non-Residents hunting deer, bear, elk and/or wild turkey.
Requirements: Non-Resident Annual All Game License; Non-Resident 3-Day All Game License; or a Non-Resident 5-Day All Game License and a Non-Resident Fur-Takers Permit if hunting or trapping furbearers.

EXCEPTIONS:

- (1) **Residents and Non-Residents engaging in hunting activities on a licensed Game Bird Shooting Resort in compliance with regulations pertaining to Game Bird Shooting Resorts.**
- (~~1~~ 2) Non-Residents under 16 years of age prior to killing a deer, turkey, elk or bear providing said non-resident under 16 years of age obtains a Non-Resident Annual All Game License, or a Non-Resident 3-Day All Game License, or a Non-Resident 5-Day All Game License after taking a deer, elk, turkey or bear.

(23) In compliance with the Snow, Blue and Ross' Goose Conservation Order.

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

Non-Residents - \$300.00 to \$1,000.00.

Proposed Change

**03.16 LICENSES, PERMITS, STAMPS, TAGS, COSTS AND
05-05 EXPIRATION DATES.**

| <u>SPORT FISHING:</u> | <u>CODE</u> | <u>COST</u> | <u>EXP. DATE</u> |
|---|--------------------|--------------------|-------------------------|
| Resident Fisheries Conservation License..... | FSH | \$ 10.50 | ** |
| Resident 3-Day Trip License..... | RT3 | \$ 6.50 | * |
| Non-Resident Annual Fishing License..... | NRF | \$ 32.00 | ** |
| Non-Resident 14-Day Trip Fishing License.. | N14 | \$ 22.00 | * |
| Non-Resident 7-Day Trip Fishing License.... | NT7 | \$ 17.00 | * |
| Non-Resident 3-Day Trip Fishing License.... | NT3 | \$ 11.00 | * |
| Arkansas Trout Permit..... | TPR | \$ 5.00 | ** |
| Non-Resident Trout Permit..... | TPN | \$ 12.00 | ** |
| White River Border Lakes License..... | WRL | \$ 10.00 | ** |
| Guide License/Fishing..... | GLF | \$ 25.00 | ** |
| Non-Resident Guide License/Fishing | GNF | \$150.00 | ** |
| <u>SPECIAL AND COMMERCIAL FISHING:</u> | | | |
| Hoop Nets (with or w/o leads), turtle nets... | HN | \$ 4.00 | Dec. 31 |
| Slat Traps & Fiddler Nets..... | FS | \$ 12.50 | Dec. 31 |
| Commercial Trotlines (inc. snaglines, throwlines, limb lines, set hooks) per 100 ft. & box type turtle box traps (ea.)..... | TL | \$ 2.00 | Dec. 31 |
| Commercial Tackle (Seine, Trammel & Gill Nets) 100 yds. or fractional part thereof per tag..... | SNS | \$ 15.00 | Dec. 31 |
| Resident Commercial Fisherman's Permit & Sportfishing License... | CFS | \$ 25.00 | Dec. 31 |
| Commercial Fisherman's Helper Permit..... | CFH | \$ 25.00 | Dec. 31 |
| Ark. Resident Junior/Senior Commercial Fishing Permit..... | JSC | \$ 14.50 | Dec. 31 |
| Alligator Farmer/Dealer Permit..... | AFP | \$200.00 | June 30 |
| Alligator Tags..... | | \$ 4.00 | June 30 |
| Alligator Snapping Turtle Breeder/ Dealer Permit..... | AST | \$100.00 | June 30 |
| Resident Shell Taker and Seller..... | STS | \$100.00 | Dec. 31 |
| Shell Taker Helper Permit..... | SH | \$100.00 | Dec. 31 |
| Shell Buyer..... | SBR | \$1,000.00 | Dec. 31 |
| Non-Resident Shell Buyer..... | SBN | \$2,000.00 | Dec. 31 |
| Shell Buyer's Agent Permit..... | SA | \$100.00 | Dec. 31 |
| Resident Fish Dealer..... | MD | \$ 10.00 | Dec. 31 |

| | | | |
|---|-----|------------|---------|
| Non-Resident Fish Dealer | FDN | \$250.00 | Dec. 31 |
| Minnow Dealer Tackle (Minnow (Seine, Traps or Lifts)..... | MS | \$ 5.00 | Dec. 31 |
| Fish Farmer (Aquaculturist) Permit..... | FF | \$ 25.00 | Dec. 31 |
| Bull Frog Permit (Must have valid Fish Farmer Permit)..... | BP | \$ 25.00 | Dec. 31 |
| Resident Roe Taker/Seller Permit..... | RTS | \$500.00 | Dec. 31 |
| Resident Roe Taker/Helper Permit..... | RH | \$100.00 | Dec. 31 |
| Resident Roe Buyer/Exporter Permit..... | RBE | \$1,000.00 | Dec. 31 |
| Non-Resident Roe Buyer Permit..... | RBN | \$2,000.00 | Dec. 31 |
| Commercial Boat Dock Permit..... | BDN | \$ 25.00 | Dec. 31 |
| Commercial Boat Dock (User Fee)..... | BPL | \$150.00 | Dec. 31 |
| Private Boat House (Single)..... | BHS | \$ 5.00 | Dec. 31 |
| Private Boat House (Double or Joint)..... | BHD | \$ 10.00 | Dec. 31 |
| Private Boat Dock (Single)..... | DPS | \$ 5.00 | Dec. 31 |
| Private Boat Dock (Double or Joint)..... | DPD | \$ 10.00 | Dec. 31 |
| Put & Take Pay Lake..... | PLO | \$150.00 | Dec. 31 |

HUNTING LICENSE AND PERMITS:

| | | | |
|---|-------|----------|---------|
| Resident Wildlife Conservation License..... | HNT | \$ 10.50 | June 30 |
| Resident Sportsman's Permit..... | RS | \$ 25.00 | June 30 |
| Non-Resident Annual All Game License | NBG | \$225.00 | June 30 |
| Non-Resident 5-Day All Game License | AG5 | \$125.00 | * |
| Non-Resident 3-Day All Game License | AG3 | \$100.00 | * |
| Non-Resident Annual Small Game License. | NRH | \$ 80.00 | ** |
| Non-Resident 5-Day Small Game License.. | SG5 | \$ 55.00 | * |
| Non-Resident Fur Takers..... | NFT | \$100.00 | ** |
| Private Lands Elk Permit..... | PLE | \$ 35.00 | **** |
| Arkansas Resident Waterfowl Stamp..... | DS | \$ 7.00 | June 30 |
| Arkansas Non-Resident Waterfowl Stamp..... | DSN | \$ 20.00 | June 30 |
| AG&F Leased Lands Permit (Hunting, Trapping and Camping) | | | |
| Casey Jones WMA..... | LCJ | \$ 20.00 | ** |
| Big Timber WMA..... | LBT | \$ 20.00 | ** |
| Cherokee WMA..... | LCH | \$ 20.00 | ** |
| Gum Flats WMA..... | LGF | \$ 20.00 | ** |
| Provo WMA..... | LPR | \$ 20.00 | ** |
| Lafayette County WMA..... | LLC | \$ 20.00 | ** |
| Falconry Permit Apprentice..... | FPA | \$ 25.00 | *** |
| Falconry Permit General..... | FPG | \$ 25.00 | *** |
| Falconry Permit Master..... | FPM | \$ 25.00 | *** |
| Resident Guide License/Hunting..... | GLH | \$ 25.00 | June 30 |
| Non-Resident Guide License/Hunting | GNH | \$150.00 | June 30 |
| Resident Special Guide License..... | GLS | \$150.00 | June 30 |
| Non-Resident WMA Waterfowl Hunting Permit (5-day trip for each WMA)..... | ***** | \$ 10.00 | * |

Non-Resident WMA Seasonal Waterfowl
 Hunting Permit (for each WMA)..... ***** \$100.00 June 30

- *Good from requested day of issue for period of license.
- **Good for 1 year of purchase date.
- ***Falconry Permit will expire on July 31, 1998, then 2001,
 etc., in line with the Federal program.
- ****When 10 elk have been harvested.
- *****Good for that season only.
- *****Permits are available for 25 WMAs and are valid only for the WMA
 indicated on permit

HUNTING COMMERCIALIZATION:

| | | | |
|--|-----|------------------------------------|---------|
| Resident Fur-Dealer..... | FD | \$ 50.00 | June 30 |
| Non-Resident Fur Dealer..... | NFD | \$200.00 | June 30 |
| Special Commercial Quail Permit..... | CQP | \$ 25.00 | June 30 |
| Game Bird Shooting Resort Permit..... | CSR | \$150.00 | June 30 |
| Commercial Wildlife Hunting Resort Permit... | CHR | \$ 500.00 | June 30 |
| Wildlife Breeder/Dealer Permit..... | WBD | \$ 25.00 \$50.00 | June 30 |
| Wildlife Translocation Importation Permit..... | WTP | \$ 25.00 | June 30 |

LIFETIME LICENSE:

| | | | |
|--|-----|-------------|--------------|
| Resident 65 Plus Lifetime Fishing License..... | PLF | \$ 10.50 | Non-Expiring |
| Resident 65 Plus Lifetime Sportsman's Hunting License and Permit..... | PLH | \$ 25.00 | Non-Expiring |
| Resident 65 Plus Lifetime Combination License..... | PLC | \$ 35.50 | Non-Expiring |
| Non-Expiring Lifetime Resident Hunting & Fishing Sportsman's Permit..... | LSP | \$ 1,000.00 | Non-Expiring |

Proposed Change

11.01 REFUSING INSPECTION BY OFFICER PROHIBITED.
 05-05 It shall be unlawful to refuse or fail to immediately surrender to officers for
 inspection any weapon, license, permit, tag, stamp, check sheet, **wild game,
 wildlife, including** fish, **frogs**, fishing tackle or any device used in taking of
game, wildlife or including fish **or frogs**, whether legal or illegal.
PENALTY: \$100.00 to \$1,000.00.

Proposed Change

- 11.04 HUNTING OR FISHING AFTER REVOCATION OF LICENSE**
05-05 PROHIBITED. It shall be unlawful to take or attempt to take any wildlife ~~or~~ **including** fish ~~or frogs~~ by any means after suspension of hunting and/or fishing privileges by any court or the Arkansas Game and Fish Commission or its authorized representative for the period of such suspension.
PENALTY: \$500.00 to \$2,000.00
and in addition a jail sentence not to exceed 10 days may be imposed.
Equipment used in such violations (including but not limited to killing devices and lights) may be confiscated by the court, forfeited to the State, and disposed of according to law.

Proposed Change

Section 15.00 Captive Wildlife/Hunting Resorts

- 15.01 Possession of Certain Wildlife in Captivity Prohibited.**
15.02 Captive Non-Native Wildlife.
15.03 Hunting of Captive Wildlife.
15.04 ~~Commercial~~ Wildlife Hunting Resort Permit.
15.05 Release of Native and Non-Native Wildlife Prohibited.
15.06 Game Bird Shooting Resort Permit Requirements.
15.07 Game Bird Shooting Resort Season.
15.08 Game Bird Shooting Resort Requirements.
15.09 Game Bird Shooting Resort Record Requirements.
15.10 Game Bird Shooting Resort Kill Identification Requirements.
15.11 General Provisions Applicable to Captive Wildlife Permits.
15.12 Wildlife ~~Commercial~~ Breeder/Dealer Permit Requirements.
15.13 Wildlife ~~Commercial~~ Breeder/Dealer Permit General Provisions.
15.14 Special Commercial Quail Permit Requirements.
15.15 Scientific Collection Permit Requirements.
15.16 Native Wildlife Pet Restrictions.
15.17 Wildlife ~~Translocation~~ **Importation Permit Requirements.**
15.18 Wildlife Importation Restrictions.
15.19 Wildlife Rehabilitation Permit Requirement.
15.20 Wildlife Rehabilitation Permit.

Proposed Change

15.01
05-05

POSSESSION OF CERTAIN WILDLIFE IN CAPTIVITY PROHIBITED.

It shall be unlawful to hold captive, confine, enclose or otherwise possess alive in the State of Arkansas any **wildlife, including fish or furbearer, game animal, game bird, game fish or other wildlife**, whether native or non-native, migratory or imported, unless authorized or excepted as specified herein. Any wildlife possessed in violation of this regulation or any other regulation in Section 15 may be declared to be contraband and subject to immediate seizure by the Arkansas Game and Fish Commission. Upon conviction of the offender (or earlier if the court having jurisdiction so orders), title to the wildlife shall be forfeited to the Commission and such wildlife released or disposed of in accordance with Commission policy.

EXCEPTIONS:

- (1) Any furbearer, game animal, game bird or game fish legally taken during an authorized season in compliance with all applicable hunting, trapping and fishing restrictions in this Code Book may be possessed.
- (2) Commission employees may hold captive and possess wildlife as necessary to perform authorized duties.
- (3) Wildlife (except for fish, bullfrogs, mussels, aquatic turtles and alligators) may be held captive and possessed in compliance with the following Commission Codes:
 - (A) Commission Codes 15.08 et seq. (Game Bird Shooting Resort Requirements);
 - (B) Commission Codes 15.04 et seq. (**Commercial** Wildlife Hunting Resort Permit);
 - (C) Commission Code 15.12 et seq. (Wildlife Breeder/Dealer permit);
 - (D) Commission Codes 15.14 et seq. (Special Commercial Quail Permit Requirements);
 - (E) Commission Code 15.16 et seq. (Native Wildlife Pet Restrictions);
 - (F) Commission Codes 14.03 et. seq. (Falconry Permit);
 - (G) Commission Codes 15.02 et seq. (Captive Non-Native Wildlife).
 - (H) Commission Code 15.19 (Wildlife Rehabilitation Permit).
- (4) Fish, bullfrogs, mussels, aquatic turtles and alligators may be held captive and possessed in compliance with the following Commission codes:
 - (A) Commission Code Section 36.00 (Bull Frog Regulations);
 - (B) Commission Code Section 37.00 (Minnow Regulations);
 - (C) Commission Code Section 38.00 (Fresh Water Mussel Regulations);
 - (D) Commission Code Section 39.00 (Aquatic Turtle Regulations);
 - (E) Commission Code Section 40.00 (Alligator Farming Regulations);
 - (F) Commission Code Section 41.00 (Commercial Fishing Regulations);
 - (G) Commission Code Section 42.00 (Fish Farmer Regulations).
- (5) Organizations that are accredited members of the American Zoo and Aquarium Association (AZAA) and municipal zoos and aquariums **may hold captive and possess wildlife.**

- (6) Individuals or organizations may be permitted to hold captive and possess on a temporary basis raccoon, fox, coyote or pen-raised quail for the purpose of dog training or AKC, UKC and ACHA field trails upon requesting and receiving written approval from the Chief of Wildlife.
 - (7) Individuals or organizations that are determined to be involved in bona fide scientific research, education or conservation efforts of significant benefit to wildlife or wildlife habitat in the State of Arkansas may be permitted to hold captive and possess wildlife in compliance with the terms of a special-issued permit.
 - (8) Individuals or organizations ~~in possession of with~~ a **USDA U.S. Department of Agriculture Wildlife Exhibition exhibitor and/or rehabilitation** permit may hold captive and possess wildlife, other than mountain lions, allowed by that permit. Exhibitors ~~that are not~~ engaged in rehabilitation of sick, injured, orphaned, or impaired native wildlife **must be in compliance with Commission Code 15.19. and/or those only rehabilitating migratory birds under a U. S. Fish and Wildlife Service migratory bird rehabilitation permit.**
 - (9) **Individuals or organizations with a U.S. Fish and Wildlife Service migratory bird permit may hold captive and possess migratory birds.**
- PENALTY: \$100.00 to \$1,000.00 \$250.00 to \$2,000.00.**

Proposed Change

15.02

11-00/05-05

CAPTIVE NON-NATIVE WILDLIFE.

- (A)** Captive non-native wildlife not excepted under Code 15.01 may be possessed **as personal pets** if **the owner possesses documentation that it has been** certified by an accredited veterinarian to be free of diseases/parasites that may pose adverse risk to native wildlife. ~~and complies with all applicable health requirements for exotic animals adopted by the Arkansas Game and Fish Commission and the Arkansas Livestock and Poultry Commission.~~
- (B)** **Mountain lions (Puma concolor) may only be kept in captivity subject to city and county ordinances and must be accompanied by proof of legal purchase and ownership in compliance with Commission Code 15.12 (Wildlife Breeder/Dealer Permit Requirements).**

EXCEPTION:

- (1)** **Large carnivores, whether native or non-native may only be kept in compliance with Sections 501-511 of Title 20 Chapter 19 of the Arkansas Code or in compliance with Commission Code 15.12 (Wildlife Breeder/Dealer Permit Requirements).**

PENALTY: \$500.00 to \$1,000.00 \$2,000.00.

Proposed Change

15.03

11-00/05-05

HUNTING OF CAPTIVE WILDLIFE. It shall be unlawful to introduce or release any wildlife (native or non-native) into any situation in which they are held captive, enclosed or confined for the purpose of hunting or attempting to hunt such wildlife, or to hunt or attempt to hunt any wildlife either held captive, enclosed or confined.

EXCEPTIONS:

- (1) Pen-raised game birds may be hunted in compliance with Commission Codes 15.05 et seq. (~~Commercial~~ Game Bird Hunting Resort Requirements).
- (2) Native game may be hunted within a high-fence enclosure in compliance with Commission Codes 15.04 et seq. (**Commercial** Wildlife ~~Commercial~~ Hunting Resort Permit). Furthermore, it shall be illegal to chase, herd or corral deer or elk, with dogs or otherwise, in a high-fence enclosure, while hunting or attempting to hunt.
- (3) Facilities containing only red fox, gray fox and coyote (foxpens).
- (4) **Native game animals may be hunted in enclosures for non-commercial purposes without a Commercial Wildlife Hunting Resort Permit provided that it is done in accordance with statewide hunting regulations, including bag limits and license requirements.**

PENALTY: \$500.00 to ~~\$1,000.00~~ **\$2,000.00.**

Proposed Change

15.04

11-00/05-05

COMMERCIAL WILDLIFE HUNTING RESORT PERMIT.

- (~~A~~) It shall be unlawful for a person to operate or maintain a **commercial wildlife** hunting resort for hunting purposes without first obtaining a **Commercial** Wildlife Hunting Resort Permit **and complying with the following restrictions.**
- (~~BA~~) Native game animals (except black bear) may be hunted in accordance with statewide hunting regulations, **including bag limits and license requirements,** in enclosures equal to or greater than 500 contiguous acres of free range, having a fence of not less than eight (8) feet in height with no cross fencing that has the effect of reducing the size of the area to less than 500 contiguous acres, and having a minimum of sixty percent (60%) of forested cover that has been classified as timberland by the local county tax assessor.
- (~~B~~) **Enclosures operated for commercial purposes must obtain a Commercial Wildlife Hunting Resort permit provided the owner has properly permitted the enclosure with from** the Commission sixty days prior to initiation of hunting and **notify the Commission;** ~~or~~ upon any change of ownership or enclosure size.
- (~~C~~) Hunting of protected wildlife and non-native wildlife is prohibited.
- (~~D~~) It shall be unlawful for owners or operators of **commercial** wildlife hunting resorts to fail to keep legible and complete records showing the name, current address, date and number of wildlife taken by each

hunter. These records shall be filed with the Commission no later than May 1 of each year.

- (E) **The exterior boundaries of each wildlife hunting resort must be clearly defined and posted with signs erected around the perimeter at intervals of 300 feet or less and bearing the words, "Commercial Wildlife Hunting Resort." Such signs must be yellow with black letters at least 4 inches in height.**
- (F) **Commercial Wildlife Hunting Resort Permits for new facilities for the hunting of any member of the cervidae family, including but not limited to white-tailed deer and elk, shall not be issued after June 30, 2006.**

EXCEPTIONS:

- (1) Deer and elk may be hunted with any weapon legal for deer or elk hunting within ~~high fence enclosures~~ **Commercial Wildlife Hunting Resorts** from October 1 through February (Ref. Commission Code 02.01). **Bag limits do not apply. Elk permit not required.**
- (2) A **Commercial** Wildlife Hunting Resort Permit is not required for pens in which red fox, gray fox and coyote are pursued (foxpens) unless the facility is also a high-fence enclosure in which other native game species are hunted **as part of a commercial operation.**

PENALTY: \$500.00 to ~~\$1,000.00~~ **\$5,000.00.**

Proposed Change

15.05

11-00/05-05

RELEASE OF NATIVE AND NON-NATIVE WILDLIFE

PROHIBITED. It shall be unlawful to release into the wild any native or non-native species of wildlife without prior approval of the Commission.

EXCEPTIONS:

- (1) In accordance with a valid Game Bird Shooting Resort Permit specially relating to captive raised quail, pheasant, chukar and mallards.
- (2) AGFC personnel in the performance of their official duties.
- (3) Native wildlife, other than mountain lions, in accordance with a valid Commission Wildlife Rehabilitation Permit or a United States Fish and Wildlife Rehabilitation Permit.
- (4) Raccoon, fox, coyote and pen-raised quail held captive on a temporary basis under a permit issued by the Chief of Wildlife. Ref. Code 15.01, Exception 6 (Possession of Certain Wildlife in Captivity Prohibited).
- (5) In compliance with Exception 1 to Code 09.07 (Bird Dog Training Restrictions).
- (6) In accordance with a valid Falconry permit. Ref. Code 14.03 (Falconry Permit Required).

PENALTY: \$500.00 to ~~\$1,000.00~~ **\$5,000.00.**

Proposed Change

15.06 GAME BIRD SHOOTING RESORT PERMIT REQUIREMENTS.

05-05 It shall be unlawful for any person, firm or corporation to engage in the business of harvesting captive-raised game birds by hunters for pay or other consideration without first obtaining a Commercial Game Bird Shooting Resort Permit from the Commission.

PENALTY: ~~\$100.00 to \$1,000.00.~~ \$500.00 to \$5,000.00.

Proposed Change

15.07 GAME BIRD SHOOTING RESORT SEASON. It shall be

05-05 unlawful for operators of commercial game bird shooting resorts to permit hunting from April 1 through September 30 of each year.

PENALTY: ~~\$100.00 to \$1,000.00.~~\$500.00 to \$2,500.00.

Proposed Change

15.08 GAME BIRD SHOOTING RESORT REQUIREMENTS. It shall be unlawful

05-05 to operate any commercial game bird shooting resort other than as specified herein:

- (A) On any day, before hunting is allowed on a shooting resort, the resort operator must have released at least as many game birds as the number of birds intended to be harvested that day, less the number of the birds released the previous hunt that were not harvested;
- (B) All acreage in the shooting resort will be contiguous and not exceed 1,500 acres;
- (C) The exterior boundaries of each commercial game bird shooting resort must be clearly defined and posted with signs erected around the perimeter at intervals of 300 feet or less and bearing the words, "Commercial Game Bird Shooting Resort."

EXCEPTION:

- (1) On any day hunting is allowed, the resort operator must release only the number of captive raised mallards as will be harvested that day.

PENALTY: ~~\$100.00 to \$1,000.00.~~ \$500.00 to \$5,000.00.

Proposed Change

15.09 GAME BIRD SHOOTING RESORT RECORD REQUIREMENTS.

05-05 It shall be unlawful for owners or operators of game bird shooting resorts to fail to keep legible records on a form provided by the Commission showing the name, complete address, date, number and type of birds released each day and the number taken by each hunter. These records shall be submitted to the Commission not later than May 1 of each year.

PENALTY: ~~\$100.00 to \$1,000.00.~~ \$500.00 to \$5,000.00.

Proposed Change

15.10 **GAME BIRD SHOOTING RESORT KILL IDENTIFICATION**
05-05 **REQUIREMENTS.** It shall be unlawful for birds to be taken from the premises of a commercial game bird shooting resort without being accompanied by written information indicating name, address, number and species of birds and date taken by possessor; and name and address of shooting resort where taken.
PENALTY: ~~\$100.00~~ \$200.00 to \$1,000.00.

Proposed Change

15.11 **GENERAL PROVISIONS APPLICABLE TO CAPTIVE WILDLIFE**
11-00/05-05 **PERMITS.** The following general requirements shall apply with respect to all captive wildlife permits listed below:

- (i) Wildlife Breeder/Dealer Permit
- (ii) **Commercial** Wildlife Hunting Resort Permit
- (iii) Game Bird Shooting Resort License
- (iv) Special Commercial Quail Permit
- (v) Falconry Permit
- (vi) Wildlife ~~Translocation~~ **Importation** Permit
- (vii) Wildlife Rehabilitation Permit
- (A) Eligibility and Application Requirements

No permit shall be issued to any person unless the applicant shall demonstrate satisfactory compliance with the following requirements:

- (1) The applicant shall be at least 18 years of age 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 (5) years of the date of application.
- (2) The applicant must first obtain certification from the county and any municipal planning commission or board stating that the applicant's operation shall be in compliance with all applicable local ordinances.
- (3) An application for a permit must be submitted in writing on a form supplied by the Commission.
- (4) A separate application shall be made for each facility.
- (5) Using the information submitted by the applicant, the Commission shall determine whether the applicant has met the issuance criteria set forth in this Code section and in the section specifically governing the activity for which the permit is requested, including whether the proposed facility is adequate to comply with all legal requirements and would not result in harm to the wildlife resources of the State. If the Commission determines the applicant has met all requirements, the applicant will be notified of preliminary approval of the requested permit, and the applicant's facility shall be inspected and approved by the Commission prior to final issuance of the permit. The requested permit shall be denied if:

- (a) The applicant fails to meet any of the issuance criteria set forth in this Code section or in the section specifically governing the activity for which the permit is requested;
- (b) The applicant fails to disclose material information required, or has made false statements as to any material fact in connection with the application;
- (c) The applicant fails to demonstrate a valid justification for the permit and a showing of responsibility; or
- (d) The Director or Commission's issuing officer finds through further inquiry or investigation that the applicant is not qualified or the issuance of the permit may be potentially harmful to the wildlife resources of the State.

(B) Facility and Caging Requirements

All wildlife possessed in captivity shall be maintained in enclosures, pens, or cages that are sufficiently strong to prevent escape of the wildlife and protect them from injury. ~~Carnivores must be confined in enclosures equipped with a structural safety barrier, that prevents any physical contact between the animal and the public.~~ Birds must be kept in buildings or covered pens that prevent them from leaving the facility and that do not allow entry of wild birds. Cages, fencing, and guardrails shall be kept in good repair at all times and gates shall be securely fastened with latches or locks. Enclosures, pens, or cages considered unsafe by Commission personnel must be repaired or reconstructed within sixty (60) days or less, as specified by the Commission.

(1) Facilities containing large carnivore and mountain lions shall meet the following requirements:

- (a) A written plan of action shall be prepared and a copy submitted with permit application for use in the following events: Severe damage to enclosures due to fire, wind, floods or other occurrences caused by natural forces. Plans should identify the location of temporary holding facilities and necessary mechanisms to safely transport large carnivores to these facilities. Animals attacking and/or injuring humans, including a list of safety equipment such as fire extinguishers, darting equipment, pepper spray, which will be available for use. Escape of an animal from its enclosure. Recapture plans should outline procedures for handling and recapturing escaped large carnivores. The Commission shall immediately be notified upon the escape of any Large Carnivores or mountain lions. In the event of sickness, the name, address, phone number, and signature of the veterinarian who has agreed to care for the animal must be provided.**

- (b) A perimeter fence sufficient to deter entry by the public, at least 8 feet in height shall completely surround cages where animals are housed or exercised outdoors. Perimeter fences constructed of materials that allow objects to be passed through them, such as chain link or welded wire, shall be at least 3 feet from cages or exercise areas.**
- (c) Doors or gates in perimeter fences shall be kept locked when not attended. Warning signs must be posted at the entrance to the property.**
- (d) All cages or enclosures shall be equipped with a safety entrance or device that allows a keeper to enter or exit a cage without providing an avenue of escape to an animal such as a double-gated entry door, interconnected cages that can be isolated from each other, a lock-down area, or other comparable device. Safety entrances shall be constructed of materials that are of equivalent strength as that prescribed for cage construction.**
- (e) Cages shall be equipped with a lockout area that allows the keeper to access and clean the cage while the animal is contained in a separate area.**
- (g) Cages should be well braced and securely anchored at ground level to prevent escape by digging or erosion. The fasteners and fittings used in construction shall be of equivalent strength to the material required for cage construction.**
- (f) In facilities containing Tigers, African Lions and Bears cage construction materials shall consist of not less than 9 gauge chain link or equivalent materials. In facilities containing Mountain Lions cage construction materials shall consist of not less than 11 gauge chain link or equivalent materials. Juvenile animals may be kept in incubation or rearing facilities that do not meet these standards until they weigh more than 25 pounds.**
- (g) Cages containing a single African Lion, Tiger or Bear shall provide a cage floor size of no less than 300 square feet and shall be at least 8 feet tall. The cage size shall be increased by 150 square feet for each additional animal.**
- (h) Cages containing a single Mountain Lion shall provide a cage floor size of no less than 200 square feet and shall be at least 8 feet tall. Cage size shall be increased by 100 square feet for each additional animal.**

- (i) **Large carnivores and mountain lions may temporarily be housed in cages or enclosures smaller than specified in this section while being transported, while in veterinary care or quarantine provided that temporary caging is large enough for the animal to stand up, lie down, and turn around without touching the sides of the enclosure or another animal.**
- (j) **Open-top outdoor exercise areas are allowed providing that they have vertical walls at least 12 feet in height, topped by either an inward angled overhang, inclined at an angle between 35 and 55 degrees which is at least two feet in length and of equal strength as the cage walls or two strands of electric fencing, one of which is located 1 foot below the top of the vertical wall, and the other at the top of the wall or the upper three feet of the interior of the fence consists of sheer, solid metal. Animals may not be left in exercise areas overnight.**
- (k) **Until December 31, 2005 permits may be issued for existing large carnivore and mountain lion facilities that do not meet all requirements in Commission Code 15.11B provided that the Commission is satisfied that the facility adequately prevents escape and protects human safety.**

(C) Disease Testing and Control

The Director of the Arkansas Game and Fish Commission, in consultation with the Director of the Arkansas Livestock and Poultry Commission (or their designees), shall determine ~~the diseases and parasites of concern and the~~ mechanisms and procedures for control of diseases and parasites in captive wildlife within the state of 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 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 the state of Arkansas. Such examinations, testing, quarantine and slaughter of captive wildlife shall be conducted at the expense of the owner of such wildlife. As a condition of any permit issued under this Code chapter, the Commission may require the captive wildlife be quarantined for the period specified by the Commission.

- (1) Gray foxes, red foxes and coyotes must be vaccinated against rabies with a 3-year duration of immunity killed virus vaccine approved by the USDA for use in dogs, vaccinated for canine distemper, treated with the antihelminthic Praziquantel, and treated with Ivermectin.

All live foxes and coyotes that die in captivity of non-hunting related causes or during transport must be submitted for examination to the Arkansas Livestock and Poultry Commission laboratory or to a Commission Regional Office within 72 hours of the time of death.

- (2) All Cervids that die in captivity must be tested for chronic wasting disease and the results of such testing submitted to the Commission within 7 days of receipt by the owner.
- (3) Captive Cervids and camelids must demonstrate proof of compliance with applicable Arkansas Livestock and Poultry Commission requirements for entry, exhibition and change of ownership.

(D) Reporting & Record keeping

Records shall include evidence of legal possession of all wildlife kept under the permit, including licenses, bills of sale, bills of lading, receipts, invoices, or other satisfactory evidence of ownership. The date of acquisition, place of origin, and the name, address and telephone number of the person from which the wildlife was acquired must also be recorded. A record also must be kept of all wildlife acquisitions and dispositions, including births, deaths, sales, slaughter, and transport. All records must be either typed or written in plain and legible English, and must be retained throughout the time the wildlife is possessed by the permittee or for a period of five (5) years, whichever is longer. Permit holder shall submit reports to the Commission in accordance with the permit requirements.

(E) Inspection

Any person accepting and holding a permit under this Code chapter consents to and shall allow entry by employees or agents of the Commission upon premises where the permitted activity is conducted at any reasonable hour. Commission employees or agents may enter such premises to inspect the location; any books, records, or permits required to be kept; and any wildlife and facilities kept under authority of the permit. Each permittee shall pen the captive wildlife in suitable pens and restrain them for inspection at any reasonable time when requested to do so by an employee or agent of the Commission.

(F) Permit Renewal, Transfer, Suspension & Revocation

Permits may be revoked by the Director for failure to comply with the terms of the permit or this chapter of the Commission Code. Persons in violation of the terms of the permit or the Commission Code shall be notified in writing and shall have ten (10) days to correct the violation. If at the end of that time the violation is not corrected, the Director may revoke any existing permit and may refuse to issue any future permit. Such revocation or refusal to issue a future permit shall be in addition to any criminal charges that may be filed. Upon revocation, permit holder must legally remove captive wildlife within the time designated in the revocation not to exceed sixty (60) days and failure to do so shall result in the Commission taking action at the permit holder's expense.

- (G) Red Deer Facilities
Wildlife Commercial breeding facilities containing red deer may not exist or be constructed within the following counties: Newton, Searcy, Carroll, Boone, Madison, Johnson, Pope, Benton, Van Buren, Stone, Marion, and Baxter.

PENALTY: ~~\$100.00 to \$1,000.00~~ \$500.00 to \$5,000.00.

Proposed Change

15.12 WILDLIFE BREEDER/DEALER PERMIT REQUIREMENTS.

05-05

- (A)** It shall be unlawful for a person to rear, breed, propagate, produce or distribute any fur-bearing animals, game animals, game birds, or other wildlife ~~for commercial purposes~~ without a Wildlife Breeder/Dealer Permit.
- (BA)** Wildlife Breeder/Dealer Permits for new facilities rearing, breeding, propagating, producing or distributing any member of the cervidae family, including, but not limited to white-tailed deer and elk shall not be issued after October 17, 2002.
- (CB)** Closure of Commercial Trade in Box Turtles (genus Terrapene). Wildlife Breeder/Dealer Permits shall not be issued after September 1, 2004 for any person or operations engaged in the importation, propagation, sale, transfer, barter, or distribution of box turtles (genus Terrapene). The importation, propagation, sale, transfer, barter, or distribution of any Terrapene will be prohibited after June 30, 2005.
- (C) Wildlife Breeder/Dealer Permits for new facilities for rearing, breeding, propagating, producing or distributing large carnivores and mountain lions, other than for individuals or organizations determined to be involved in bona fide scientific or conservation efforts, shall not be issued after December 31, 2005.**

EXCEPTIONS:

- (1) Fish, bullfrogs, aquatic mussels, turtles, and alligators in compliance with the following Commission Codes:
- (a) Commission Code Section 36.00 (Bull Frog Regulations);
 - (b) Commission Code Section 37.00 (Minnow Regulations);
 - (c) Commission Code Section 38.00 (Fresh Water Mussel Regulations);
 - (d) Commission Code Section 39.00 (Aquatic Turtle Regulations);
 - (e) Commission Code Section 40.00 (Alligator Farming Regulations);
 - (f) Commission Code Section 41.00 (Commercial Fishing Regulations);
 - (g) Commission Code Section 42.00 (Fish Farmer Regulations);
 - (h) Game birds legally killed on a Game Bird Shooting Resort. Ref. Code 15.08 (Game Bird Shooting Resort License).

PENALTY: ~~\$100.00 to \$1,000.00~~ \$500.00 to \$5,000.00.

Proposed Change

15.13

WILDLIFE BREEDER/DEALER PERMIT GENERAL

11-00/05-05

PROVISIONS. It shall be unlawful to fail to comply with the following provisions.

- (A) The applicant must supply satisfactory evidence that stock has been/will be secured from a legal source other than the wild stock of the state.
- (B) Stock may be slaughtered in accordance with established husbandry practices for slaughter of domestic livestock.
- (C) Fencing of enclosures in which deer, elk, or other big game animals are to be held must consist of a permanent deer-proof fence at least eight (8) feet in height and constructed in a manner so as to prohibit escape of captive wildlife and the possible ingress of native wildlife.
- (D) It shall be unlawful for owners or operators of commercial wildlife breeder/dealer facilities to fail to submit legible and complete reports by the 5th of each month on a form provided by the Commission of their inventory on the last day of the month, the number of animals of each species that were born or died that month, the species and number of each species acquired or distributed each month, and the name, current address and phone number of each person from whom wildlife was acquired or to whom it was distributed.
- (E) Permits for Wildlife Breeder/Dealer facilities ~~in which that keep~~ waterfowl ~~will be kept~~ will not be issued ~~for properties where when~~ poultry ~~is housed on the same property is raised for sale, show or exhibition~~.
- (F) Permitted Wildlife Breeder/Dealer facilities in which birds are kept are required to adhere to applicable Arkansas Livestock and Poultry Commission requirements regarding pullorum-typhoid disease tests and are encouraged to participate in the National Poultry Improvement Plan.
- (G) Each Wildlife Breeder/Dealer facility in which waterfowl are kept are required to test 60 birds for duck virus enteritis using the PCR technique every May. Facilities containing less than 60 birds shall test all birds in stock. Samples shall be taken by a licensed veterinarian and submitted to the Arkansas Livestock and Poultry Commission at the owner's expense. Copies of test results shall be forwarded to the Arkansas Game and Fish Commission within 7 days of receipt. Flocks that test positive for duck virus enteritis shall be quarantined or destroyed by the owner or operator within 14 days and the carcasses disposed of in accordance with Arkansas Livestock and Poultry Commission regulations. Waterfowl hatched in the facility shall be banded with a seamless metal band.
- (H) **Those with Wildlife Breeder/Dealer Permits may only sell live cervids, including but not limited to white-tailed deer and elk, to buyers outside the state of Arkansas or to Arkansas residents that possess a current Wildlife Breeder/Dealer Permit or Commercial Wildlife Hunting Resort Permit.**

EXCEPTION:

- (1) Red fox, gray fox and coyote that have originated from the wild in Arkansas and are in compliance with the disease control provisions of Commission Code 15.11C, may be reared, bred, propagated, produced or distributed by individuals with a current Wildlife Commercial Breeder/Dealer Permit.

PENALTY: ~~\$100.00 to \$1,000.00~~ \$500.00 to \$5,000.00.

Proposed Change

15.14 SPECIAL COMMERCIAL QUAIL PERMIT REQUIREMENTS.

05-05 It shall be unlawful to engage in the business of selling or offering for sale the dressed carcass of pen-raised quail without first obtaining a Special Commercial Quail Permit and stamp in addition to a Wildlife Breeder/Dealer Permit. (Ref: Section 01.00-C "Pen-Raised Quail"). It is further provided that:

- (1) Quail must be killed by means other than shot.
- (2) Each dressed carcass must be stamped with special stamp with permit number prior to selling or offering for sale.

PENALTY: ~~\$100.00 to \$1,000.00~~ \$500.00 to \$5,000.00.

Proposed Change

15.15 SCIENTIFIC COLLECTION PERMIT REQUIREMENTS. It shall be unlawful for persons engaged in scientific studies to take protected species of fish or wildlife without first obtaining a scientific collection permit from the Commission Director and said wildlife species must be taken as specified in permit.

EXCEPTION:

- (1) Commission employees taking fish or wildlife for scientific purposes in performance of their duties.

PENALTY: ~~\$100.00 to \$1,000.00~~ \$1,000.00 to \$5,000.00.

Proposed Change

15.16 NATIVE WILDLIFE PET RESTRICTIONS. ~~It shall be unlawful to take or attempt to take by any method other than by hands and possess alive any native wildlife species other than six (6) each of the animals specified herein per household. The transfer of ownership of such animals or the progeny thereof is prohibited.~~

~~(A) Bobcat, coyote, deer, gray fox, red fox, opossum, quail, rabbit, raccoon and squirrel.~~

~~(B) Any native nongame wildlife excluding birds, bats, alligator snapping turtles, ornate box turtles, hellbenders, troglodytic (cave-dwelling) species or those animals defined as endangered species.~~

~~It shall be unlawful to possess native wildlife as a personal pet except in accordance with the following restrictions:~~

- ~~(A) It shall be unlawful to take or attempt to take from the wild by any method other than by hands and possess alive any native wildlife~~

species other than six (6) each of the animals specified herein per household.

- (1) Bobcat, coyote, deer, gray fox, red fox, opossum, quail, rabbit, raccoon and squirrel may be kept as wildlife pets.**
 - (2) Any native nongame wildlife excluding birds, bats, alligator snapping turtles, ornate box turtles, hellbenders, troglodytic (cave-dwelling) species or those animals defined as endangered species may be kept as wildlife pets.**
 - (3) The removal from the state of such animals or the offspring thereof is prohibited except under the terms of a permit issued by the Chief of Wildlife Management Division to individuals moving from the State and who have permission to bring this wildlife into their new State of residence.**
 - (4) The sale or transfer of ownership of such animals or the progeny offspring thereof is prohibited except as provided for in Commission Code 15.16(A)(6).**
 - (5) Game animals kept as pets of different sexes must be kept in separate enclosures or if kept together the owner must have proof that males have been neutered.**
 - (6) Native wildlife, except white-tailed deer, caught from the wild and kept as personal pets in compliance with Commission Code 15.16(A) may be transferred to a Wildlife Rehabilitator and released back into the wild in the county where they were captured in compliance with Commission Code 15.20 provided that such animals were not confined with commercially-obtained captive born wildlife of the same species.**
- (B) A maximum of six (6) commercially-obtained captive-born individuals of a native wildlife species, except white-tailed deer or elk, may be possessed as personal pets per household provided that they were purchased in compliance with Commission Code 15.12 or imported into the state in compliance with Commission Codes 15.17 and 15.18 and must be kept in compliance with the following restrictions.**
- (1) Commercially-obtained captive-born wildlife pets may not be confined with wild-born animals of the same species.**
 - (2) Owners shall maintain records of proof of legal ownership of such animals including licenses, bills of sale, bills of lading, receipts, invoices, copies of Wildlife Importation Permits or other satisfactory evidence. The date of acquisition, place of origin, and the name, address, and telephone number of the person from which the wildlife was acquired must be recorded.**
 - (3) Commercially-obtained wildlife pets or their wildlife may only be sold in compliance with Commission Code 15.12.**
 - (4) Owners of commercially-obtained captive-born white-tailed deer or elk kept as personal pets that were acquired prior to June 30, 2005 may retain ownership of such animals provided they have registered with the Wildlife Management Division by**

December 30, 2005 and are in compliance with all provisions of this code.

- (5) Should the number of commercially obtained animals, excluding white-tailed deer and elk, or their offspring kept as personal pets in a household exceed six (6) the owner must obtain a Wildlife Breeder/Dealer permit in accordance with Commission Code 15.12.**

EXCEPTIONS:

- (1) Wildlife exchanged with other states by the Commission.
(2) Aquatic pets taken in compliance with Commission Code 37.07 (Aquatic Pet Restrictions).

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

Proposed Change

15.17 WILDLIFE ~~TRANSLOCATION~~ IMPORTATION PERMIT

11-00/05-05

REQUIREMENTS. A ~~translocation~~ **wildlife importation** permit, authorized by the Arkansas Game and Fish Commission, shall be required to import wildlife into ~~or transport wildlife through~~ the state of Arkansas, **regardless of the final destination of the wildlife, whether in Arkansas or points beyond. This permit is not required to move legally possessed captive wildlife from one point to another within the state of Arkansas.**

- (A) Wildlife ~~Translocation~~ **Importation** Permit holders may import wildlife into or transport wildlife through the state under the following conditions provided that prior to transport the owner possesses the following documentation:
- (1) Written proof of the origin and destination of each animal.
 - (2) Documentation for each animal to demonstrate that they have not been kept in, or originated from, a location from which importation has been restricted as per Code 15.18.
 - (3) A completed Arkansas Game and Fish Commission Veterinary Examination Record Form upon which an accredited veterinarian has certified each animal to be free of diseases/parasites in accordance with Code 15.11 (C).
 - (4) All cervids imported into Arkansas must have a permanent tag or other marker that will allow identification of individual animals recorded in these documents.
 - (5) All waterfowl imported into Arkansas must have a seamless metal band on one leg that identifies them as a captive-raised bird. The permit holder must possess documentation that the waterfowl have originated from a flock participating in the National Poultry Improvement Program and have tested negative for duck virus enteritis within 60 days before entry into the state.
- (B) A copy of the owner's Wildlife ~~Translocation~~ **Importation** Permit and the documentation required in Section A of this code (15.17) must accompany each animal during transport.

- (C) Within seven (7) days of entry of an animal into the state, the owner must submit to the Commission's **Wildlife Management Division** all documentation required in Section A of this code (15.17).

EXCEPTIONS:

- (1) **Fish other than those prohibited by Commission Code 32.13 (Certain Exotic Fish Prohibited).**
- (2) **Wildlife exchanged with other states by the Commission.**

PENALTY: ~~\$100.00 to \$1,000.00~~ \$500.00 to \$5,000.00.

Proposed Change

15.18 **WILDLIFE IMPORTATION RESTRICTIONS.** It shall be unlawful **for**
05-02/05-05 **holders of Wildlife Importation Permits or anyone else** to import, ship, transport, or carry into the state by any means any of the following animals:

- (A) Any live member of the cervidae family, including, but not limited to white-tailed deer and elk.
- (B) Raccoons.
- (C) Bats.
- (D) Skunks.
- (E) Coyotes that originate from or have lived in Alaska, Idaho, Illinois, Indiana, Iowa, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, South Dakota, Texas, Wisconsin, Wyoming and Canada.
- (F) Gray and Red Foxes that originate or have lived in Alaska, Arizona, Idaho, Illinois, Indiana, Iowa, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New York, North Dakota, Ohio, South Dakota, Texas, Vermont, Wisconsin, Wyoming and Canada.
- (G) Rodents captured in the wild from Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, North Dakota, Oklahoma, Oregon, Texas, Utah and Wyoming.
- (H) All box turtles of the genus Terrapene (Effective June 30, 2005).

EXCEPTIONS:

- (1) **Wildlife exchanged with other states by the Commission.**
- (2) **Cervids may be imported on a temporary basis for bona fide scientific, conservation or educational purposes under terms of a special permit issued by the Chief of Wildlife Management Division.**

PENALTY: \$500.00 to ~~\$1,000.00~~ \$5,000.00.

ARKANSAS GAME AND FISH COMMISSION
Little Rock, Arkansas

| | | | |
|------------------|--------------|-----------|------------------------|
| MINUTE ORDER NO: | _____ | SUBJECT: | Captive Wildlife Codes |
| DATE PASSED: | May 26, 2005 | | _____ |
| PAGE | 1 | of | 1 |
| | | PAGES | |
| | | LOCATION: | Statewide |
| | | | _____ |
| | | | _____ |

WHEREAS, the Arkansas Game and Fish Commission, meeting in regular session on May 26, 2005, has carefully reviewed and approved the attached hunting regulation proposals for statewide application; and

WHEREAS, the various sections of the AGFC Code Book affected by the adoption of these regulations must be replaced or amended, and then legally 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 ORDERED, THIS 26th day of May the Arkansas Game and Fish Commission hereby approves and adopts the attached hunting regulations for the 2005-2006 hunting license year, 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 | | |

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Arkansas Game and Fish Commission
DIVISION Wildlife
PERSON COMPLETING THIS STATEMENT Doyle Shook
TELEPHONE NO. 501-223-6359 **FAX NO.** 501-223-6452 **EMAIL:**
dshook@agfc.state.ar.us

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Captive Wildlife Codes

- Does this proposed, amended, or repealed rule or regulation have a financial impact?
Yes _____ **No** _____
- If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
- 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.

| <u>Current Fiscal Year</u> | <u>New Fiscal Year</u> |
|----------------------------|------------------------|
| General Revenue _____ | General Revenue _____ |
| Federal Funds _____ | Federal Funds _____ |
| Cash Funds _____ | Cash Funds _____ |
| Special Revenue _____ | Special Revenue _____ |
| Other (Identify) _____ | Other (Identify) _____ |
| Total _____ | Total _____ |

- What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule? Identify the party subject to the proposed rule, and explain how they are affected.

| <u>Current Fiscal Year</u> | <u>Next Fiscal Year</u> |
|----------------------------|-------------------------|
| \$50.00 plus caging cost | \$ _____ |

- What is the total estimated cost by fiscal year to the agency to implement this rule?

| <u>Current Fiscal Year</u> | <u>Next Fiscal Year</u> |
|----------------------------|-------------------------|
| \$ 0 _____ | \$ 0 _____ |

Agenda Item _____

Arkansas Game and Fish Commission

Wildlife Management Division

May 26, 2005

2005-2006 Flood Prone Regions Approval

Presented by Ricky Chastain

The Wildlife Management Division presented proposed changes to the 2005-2006 statewide Flood Prone Regions at the April meeting. Attached are the final proposals and minute order for your approval.

Doyle Shook, Chief
Wildlife Management Division

APPROVED 2005-2006 FLOOD PRONE REGIONS CODE

Approved Changes - Red Ink

05.06

FLOOD PRONE REGIONS

05-05

FLOOD PRONE REGION A – ~~From Jonesboro, take Arkansas Hwy 1 south to the junction of Arkansas Hwy 1 and U.S. Hwy 64~~ Beginning at the junction of Hwy 1 and U.S. Hwy 63; south on Hwy 1 to Hwy 64; west on U.S. Hwy 64 to ~~the junction of U.S. Hwy 64 and~~ U.S. Hwy 49; north on U.S. Hwy 49 to ~~the junction of U.S. Hwy 49 and Arkansas~~ Hwy 42; west on ~~Arkansas~~ Hwy 42 to ~~the junction of Arkansas Hwy 42 and Arkansas~~ Hwy 37; north on ~~Arkansas~~ Hwy 37 to ~~the junction of Arkansas Hwy 37 and Arkansas~~ Hwy 14; east on ~~Arkansas~~ Hwy 14 to ~~the junction of Arkansas Hwy 14 and Arkansas~~ Hwy 37; north on ~~Arkansas~~ Hwy 37 to ~~the junction of Arkansas Hwy 37 and Arkansas~~ Hwy 18; west on ~~Arkansas~~ Hwy 18 to ~~the junction of Arkansas Hwy 18 and Arkansas~~ Hwy 384; south east on ~~Arkansas~~ Hwy 384 to ~~the junction of Arkansas Hwy 384 and~~ U.S. Hwy 67; north on U.S. Hwy 67 to ~~the junction of U.S. Hwy 67 and Arkansas~~ Hwy 230; east on ~~Arkansas~~ Hwy 230 to ~~the junction of Arkansas Hwy 230 and Arkansas~~ Hwy 91; south on ~~Arkansas~~ Hwy 91 to ~~the junction of Arkansas Hwy 91 and Arkansas~~ Hwy 18; south on ~~Arkansas~~ Hwy 18 to ~~the junction of Arkansas Hwy 18 and Arkansas~~ Hwy 226; east on ~~Arkansas~~ Hwy 226 to ~~the junction of Arkansas Hwy 226 and~~ U.S. Hwy 49; north on U.S. Hwy 49 ~~north to the junction of U.S. Hwy 49 and to~~ U.S. Hwy 63; east south on U.S. Hwy 63 ~~to the junction of U.S. Hwy 63 and~~ ~~Arkansas~~ Hwy 1.

Conditions for Closing: Flood Prone Region A will be closed to all deer hunting when the Cache River gauge at Patterson reaches ~~12~~ **11** feet. This restriction shall be lifted when the Cache River gauge at Patterson falls to or below ~~11~~ **10** feet. Current gauge readings and flood prone region closures can be obtained by calling AGFC toll free and by accessing the AGFC website @ www.agfc.com.

FLOOD PRONE REGION B - Beginning at the junction of Hwy 17 and ~~U.S. Hwy 67 south of Newport~~; south on ~~U.S. Hwy 67 to~~ ~~Arkansas~~ Hwy 36; southeast ~~to on~~ Hwy 36 to ~~Arkansas~~ Hwy 323; south on Hwy 323 to ~~Arkansas~~ Hwy 11; south on Hwy 11 to ~~Arkansas~~ Hwy 38; east on Hwy 38 to ~~Arkansas~~ Hwy 33; north on Hwy 33 to ~~Arkansas~~ Hwy 17; north on Hwy 17 to U.S. Hwy 67.

Conditions for Closing: Flood Prone Region B will be closed to all deer hunting when the White River gauge at Augusta reaches ~~31~~ **28** feet. This restriction will be lifted when the White River gauge at Augusta falls below ~~30~~ **26.5** feet ~~and the White River gauge at Georgetown falls to or below 19 feet. BOTH CONDITIONS MUST EXIST AT THE SAME TIME FOR THE REGION TO BE OPENED.~~ Current gauge readings and flood prone region closures can

be obtained by calling AGFC toll free and by accessing the AGFC website @ agfc.com.

FLOOD PRONE REGION C - Beginning at the junction of **Arkansas U.S. Hwy 49** and **Arkansas Hwy 38**; west on **Arkansas Hwy 38** to ~~the junction of Arkansas Hwy 38 and Arkansas Hwy 33~~; north on **Arkansas Hwy 33** to ~~the junction of Arkansas Hwy 33 and U.S. Hwy 64~~; west on U.S. Hwy 64 to ~~the junction of U.S. Hwy 64 and Arkansas Hwy 33~~; north on **Arkansas Hwy 33** to ~~the junction of Arkansas Hwy 33 and Arkansas Hwy 17~~; north on **Arkansas Hwy 17** to ~~the junction of Arkansas Hwy 17 and U.S. Hwy 67~~; north on U.S. Hwy 67 to ~~the junction of U.S. Hwy 67 and Arkansas Hwy 384~~; east on **Arkansas Hwy 384** to ~~the junction of Arkansas Hwy 384 and Arkansas Hwy 18~~; east on **Arkansas Hwy 18** to ~~the junction of Arkansas Hwy 18 and Arkansas Hwy 37~~; south on **Arkansas Hwy 37** to ~~the junction of Arkansas Hwy 37 and Arkansas Hwy 14~~; west of on **Arkansas Hwy 14** to ~~the junction of Arkansas Hwy 14 and Arkansas Hwy 37~~; south on **Arkansas Hwy 37** to ~~the junction of Arkansas Hwy 37 and Arkansas Hwy 42~~; east on **Arkansas Hwy 42** to ~~the junction of Arkansas Hwy 42 and U.S. Hwy 49~~; south on U.S. Hwy 49 to ~~the junction of U.S. Hwy 49 and Arkansas Hwy 38~~.

Conditions for Closing: Flood Prone Regions C will be closed to all deer hunting when the Cache River gauge at Patterson reaches **11 10** feet. This restriction shall be lifted when the Cache River Gauge at Patterson falls to or below **9.5 8.5** feet. Current gauge readings and flood prone region closures can be obtained by calling AGFC toll free and by accessing the AGFC website @ www.agfc.com.

FLOOD PRONE REGION D – Beginning at the junction of **Arkansas Hwy 11** and **Arkansas Hwy 38 at Des Arc**; east on Hwy 38 to U.S. Hwy 49; south on **U.S. Hwy 49** to U.S. Hwy 70; **south west** on **U.S. Hwy 70** to **Arkansas Hwy 302**; **south west** on Hwy 302 to U.S. Hwy 79; **southwest** on **U.S. Hwy 79** to **Arkansas Hwy 33**; **west and** north on Hwy 33 to U.S. Hwy 70; west on **U.S. Hwy 70** to **Arkansas Hwy 11**; north on Hwy 11 to **Arkansas Hwy 38**.

Conditions for Closing: Flood Prone Region D will be closed to all deer hunting when the White River gauge at Clarendon reaches **28 25** feet. This restriction will be lifted when the White River Gauge at Clarendon falls to or below **27 24** feet. Current gauge readings and flood prone region closures can be obtained by calling AGFC toll free and by accessing the AGFC website @ agfc.com.

FLOOD PRONE REGION E - Beginning at the junction of **Arkansas Hwy 1** and **Arkansas Hwy 153, 6 miles west of St. Charles**; north on **Arkansas Hwy 153** to ~~the junction of Arkansas Hwy 33~~; north on **Arkansas Hwy 33** to **Roe**; **north east** on U. S. Hwy 79 to **Arkansas Hwy 86**; **then** south on **Arkansas Hwy 86** to **Holly Grove**; south on **Arkansas Hwy 17** to **Arkansas Hwy 1**; **north on Hwy 1 to Hwy 316**; **east on Hwy 316 to Hwy 318**; **east on Hwy 318 to Hwy 20**;

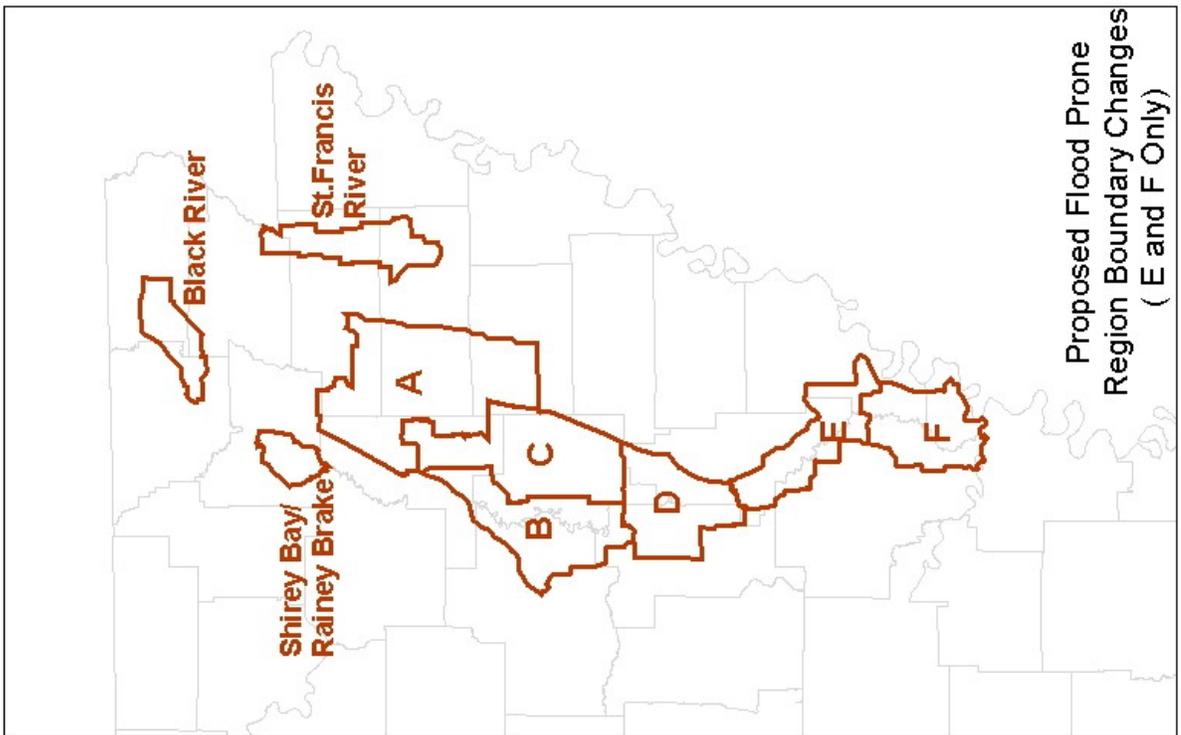
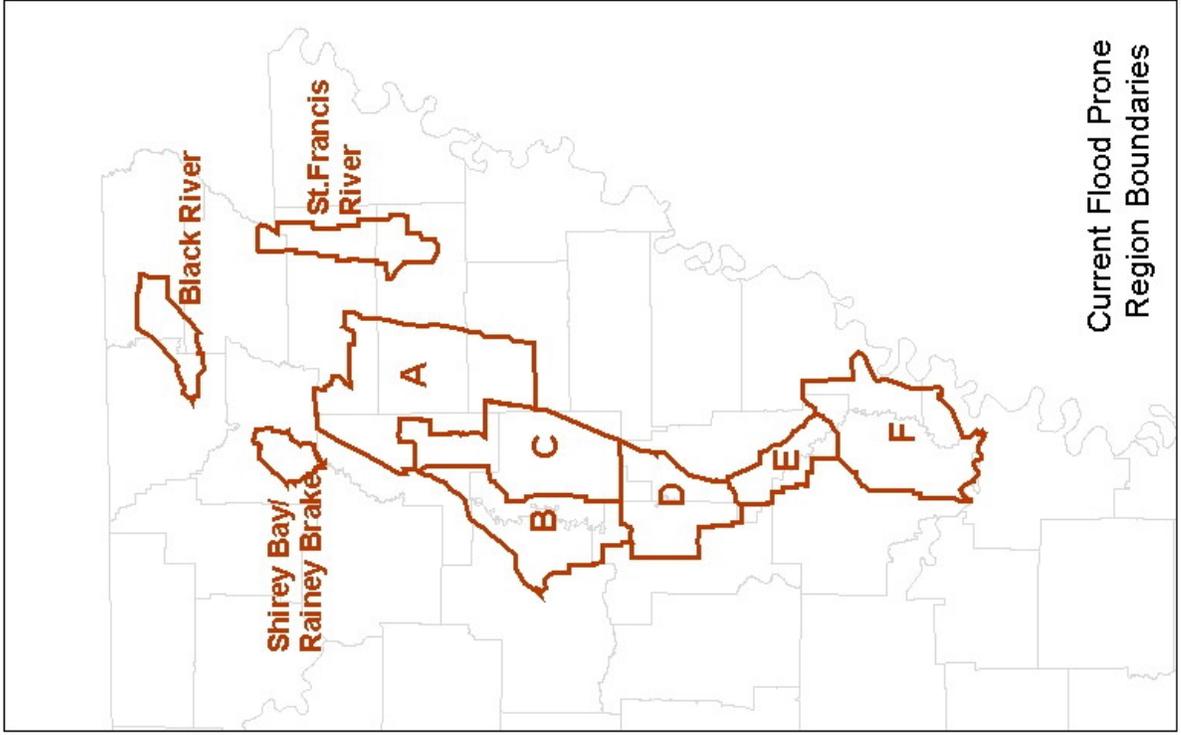
~~east on Hwy 20 to Hwy 44; south on Hwy 44 to 85 to Crumrod; west on County Road 525 to County Road 533; northwest on County Road 533 to the intersection of the power line right of way; west on power line right of way to Arkansas Hwy 44; west on Arkansas Hwy 44 to Hesser Levee County Road; north on Hesser Levee County Road to Lafargue County Road; east on Lafargue County Road to Arkansas Hwy 152; northwest on Arkansas hwy 152 to U.S. Hwy 165; north on U.S. Hwy 165 to Arkansas Hwy 1; then southwest-northeast Phillips County Road 533; west on Phillips County Road 533 to Phillips County Road 529; north on Phillips County Road 529 to Phillips County Road 514; west on Phillips County Road 514 to the White River Levee; south on the White River Levee to the pipe line right of way; west on the pipe line right of way to Ethel County Road; west on Ethel County Road to Hwy 17; north on Hwy 17 to Hwy 1; west on [Arkansas Hwy 1](#) to [junction of Arkansas Hwy 153](#) west of St. Charles.~~

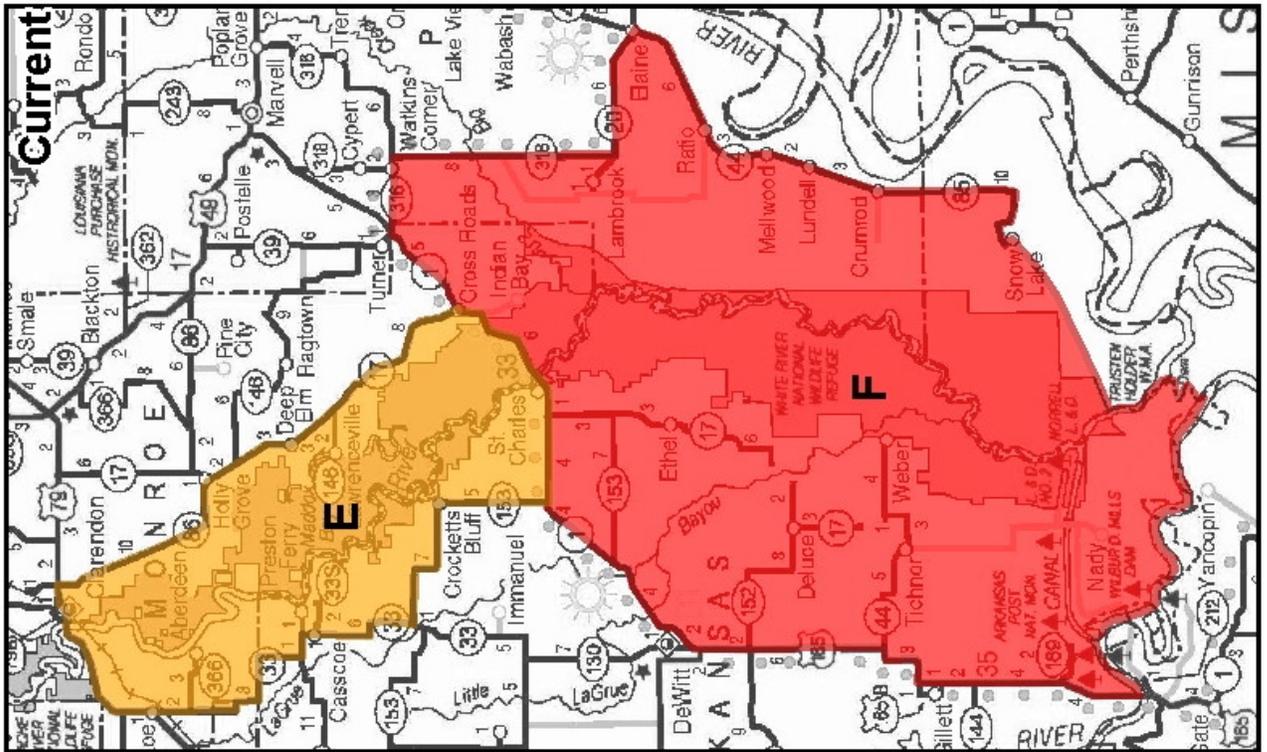
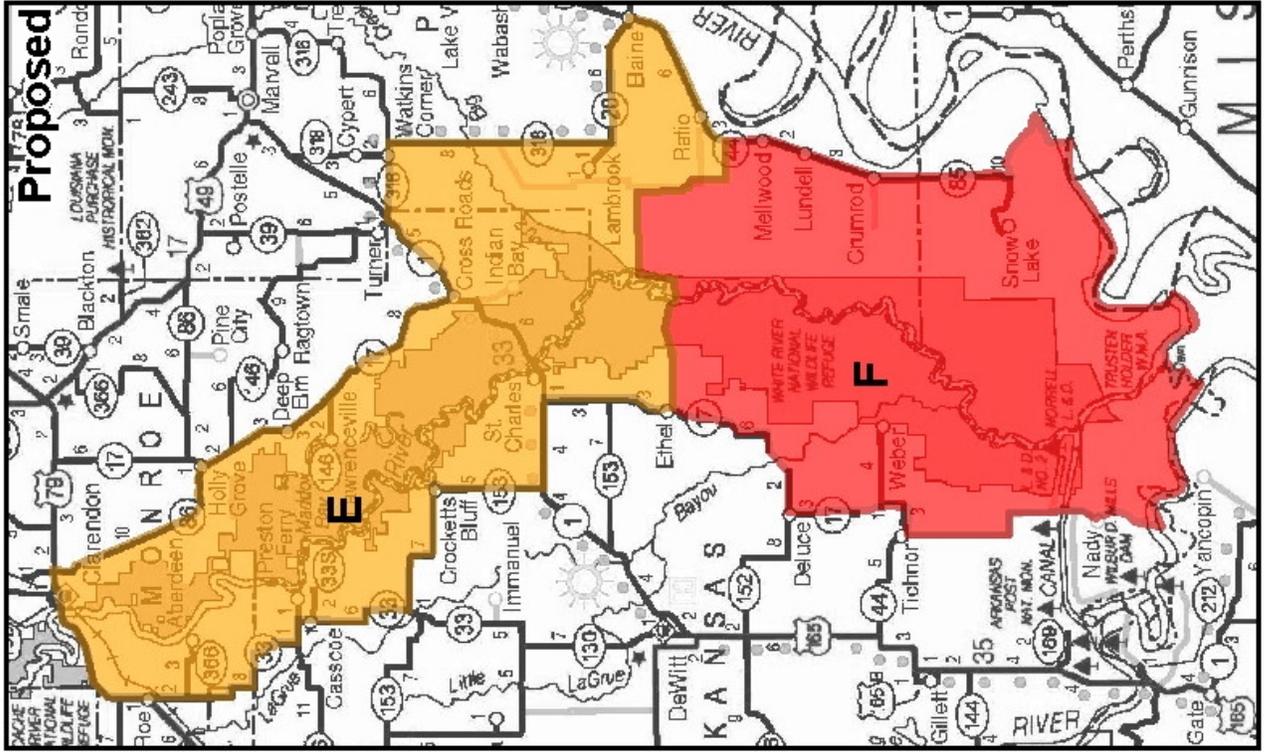
Conditions for Closing: Flood Prone Region E will be closed to all deer hunting when the White River gauge at St. Charles reaches ~~26~~ **23** feet. This restriction will be lifted when the White River gauge at St. Charles falls to or below ~~23.5~~ **21.5** feet. Current gauge readings and flood prone region closures can be obtained by calling AGFC toll free and by accessing the AGFC website @ www.agfc.com.

FLOOD PRONE REGION F - Beginning at the ~~Pendleton Bridge on the Arkansas River; north on U.S. Hwy 165 to DeWitt; northeast on Arkansas Hwy 1 to Arkansas Hwy 316; east on Arkansas Hwy 316 to Arkansas Hwy 318; south on Hwy 318 to Arkansas Hwy 20; east on Arkansas Hwy 20 to Elaine junction of Hwy 44 and Tichnor Blacktop County Road at and the power line right of way approximately 2.5 miles northwest of Tichnor; then east on the power line right of way to County Road 533; southeast on County Road 533 to County Road 525; east on County Road 525 to~~ west on Hwy 44 to the right of way on the north/south power line; north then northwest on the power line right of way to Arkansas Hwy 17; north on Hwy 17 to Hwy 152; east on Hwy 152 to the pipe line right of way; northeast on the pipe line right of way to Hwy 17; north on Hwy 17 to Ethel; east on Ethel County Road to the pipe line right of way; east on the pipe line right of way to the White River Levee; north on the White River Levee to Phillips County Road 514; east on Phillips County Road 514 to Phillips County Road 529; south on Phillips County Road 529 to Phillips County Road 533; east on Phillips County Road 533 to Hwy 44; south on Hwy 44 to Hwy 85 at Crumrod; south on [Arkansas Hwy 85](#) to County Road 76; northeast on County Road 76 to the Mississippi River levee; southeast on the Mississippi River levee to the west line of Section 31, T7S, R2E; then south on the west line of Section 31, T7S, R2E to the west line of Section 6, T8S, R2E; south on the west line of Section 6, T8S, R2E to the Arkansas-Mississippi State line; south on Arkansas-Mississippi State line to the mouth of the White River; upstream on the main channel of the White River to the White River Cut Off; southwest on the White River Cut Off to the Arkansas River; upstream on the main channel of

~~the Arkansas River to the west line of Section 29, T8S, R2W; north on the west line of Section 29, T8S, R2W to West Medina Lane County Road; southeast on West Medina Lane County Road to Nady County Road; northeast on Nady County Road to Tichnor Blacktop Road; north on Tichnor Blacktop Road to Hwy 44. then northwest on Arkansas hwy 44 to the junction of the power line right-of-way Snow Lake; southwest along the Missouri-Pacific Railroad to Benzol Bridge on White River; downstream on the main channel of the white river to the White River Cut Off; then south on the White River Cut Off to the Arkansas River; upstream o the main channel of the Arkansas River to the Pendleton Bridge.~~

Conditions for Closing: Flood Prone Region F will be closed to all deer hunting when ~~the White River gauge at St. Charles reaches 23.5 feet and~~ the gauge at Lock and Dam #1 on the Arkansas River has reached ~~145~~ 144.5 feet MSL. ~~**BOTH CONDITIONS MUST EXIST AT THE SAME TIME FOR THE REGION TO BE CLOSED.**~~ This restriction will be lifted when the ~~White River gauge at St. Charles falls to or below 21.5 feet and~~ the gauge at Lock and Dam #1 on the Arkansas River falls to or below ~~143~~ 141 feet MSL. ~~**BOTH CONDITIONS MUST EXIST AT THE SAME TIME FOR THE REGION TO BE OPENED.**~~ Current gauge readings and flood prone region closures can be obtained by calling AGFC toll free and by accessing the AGFC website @ www.agfc.com.





PUBLIC COMMENT/DIVISION PROPOSALS
COMPARISON AND JUSTIFICATIONS

| <u>FPZ</u> | <u>PUBLIC COMMENT</u> | <u>PROPOSAL</u> | <u>JUSTIFICATION</u> |
|-------------------|--|---|--|
| A | No comments received | Lower closure level from 12 ft. to 11 ft. at Patterson; revise re-opening level from 11 ft. to 10 ft. at Patterson. No proposed changes to boundaries. | Flood regime in FPZ A reflects a flash flood event and could not be modeled; based on observations of area personnel. |
| B | Received one request to increase size of FPZ B or close zone at 26 ft. at Augusta. | Lower closure level from 31 ft. to 26 ft. at Augusta; revise re-opening level from 30 ft. to 24.5 ft. at Augusta; eliminate use of White River gauge at Georgetown as part of the re-opening criteria. No proposal to change boundary descriptions. | Based on GIS, GAP, and DEM models; and does not conflict with public request. Request for boundary change not specific; Models did not support a needed boundary change |
| C | Received one request to close FPZ at 10 ft. and reopen FPZ at 8.5 ft. | Lower closure level from 11 ft. to 10 ft. at Patterson; revise re-opening level from 9.5 ft. to 8.5 ft. at Patterson. No proposal to change boundary descriptions. | Based on GIS, GAP, and DEM models; and does not conflict with public request. |
| D | Received one request to move FPZ boundary from Hwy 11 to White River. | Lower closure level from 28 ft. to 25 ft. at Clarendon; revise re-opening level from 27 ft. to 24 ft. at Clarendon. No proposal to change boundary descriptions. | Based on GIS, GAP, and DEM models. Public request offered no buffer for resource protection; no reasonable boundary markers could be identified to improve existing boundaries. |

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| E | Received one request to close FPZ at 24 ft. or lower at St Charles; Received one comment that FPZ E closes too late compared to FPZ F. | Lower closure level from 26 ft. to 23 ft. at St. Charles; revise re-opening level from 23.5 ft. to 21.5 ft. at St. Charles. Proposal to change boundary between FPZs E & F. | Based on GIS, GAP, and DEM models; does not conflict with public request. |
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| F | | Lower closure level from 145 ft. msl to 144.5 ft. msl at Norrell; revise re-opening level from 143 ft. msl to 141 ft. msl at Norrell. Eliminate closure/re-opening reference to White River gauges. Proposal to change boundary between FPZs E & F. | Based on GIS, GAP and DEM models; supports 15 of 20 public requests. |
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|---|--|--|---|--|---|---|---|---------------------------------------|
| Received one request to keep FPZ as wide as possible. | Received two requests to maintain higher gauge readings for FPZ closure. | Received two requests to use shipping canal as south boundary. | Received three requests to move west boundary further east. | Received three requests to use only Lock and Dam #1 gauge reading. Received three comments that FPZ D and E are closing too high and Deer Zone 17 doesn't close. | Received one comment that current gauge closures are satisfactory or could be adjusted lower. | Received one request from a club member from Mozart HC to be included in FPZ F. | Current proposal accomplishes this while still making some external boundary changes. Proposal recommends to lower closure levels to insure adequate habitat prior to closure. Proposal does not recommend this boundary change due to extensive flooding below this proposed boundary and no provision for resource protection. Current proposal accomplishes this while still providing adequate buffer. Current proposal accomplishes this. Current proposal will address closure criteria for FPZs D and E. Comment on Deer Zone 17 beyond the scope of this proposal. Current proposal will address this comment in gauge changes. | Current proposal honors that request. |
|---|--|--|---|--|---|---|---|---------------------------------------|

ITEM NO. _____

Arkansas Game and Fish Commission
Little Rock, Arkansas

| | | | |
|------------------|--------------|-----------|---------------------|
| MINUTE ORDER NO: | _____ | SUBJECT: | Flood Prone Regions |
| DATE PASSED: | May 26, 2005 | | _____ |
| PAGE | 1 | of | 1 |
| | | PAGES | |
| | | LOCATION: | Statewide |
| | | | _____ |
| | | | _____ |

WHEREAS, the Arkansas Game and Fish Commission, meeting in regular session on May 26, 2005, has carefully reviewed and approved the attached hunting regulation proposals for statewide application; **and**

WHEREAS, the various sections of the AGFC Code Book affected by the adoption of these regulations must be replaced or amended, and then legally 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 ORDERED, THIS 26th day of May the Arkansas Game and Fish Commission hereby approves and adopts the attached hunting regulations for the 2005-2006 hunting license year, 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 | | |

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Arkansas Game and Fish Commission
DIVISION Wildlife
PERSON COMPLETING THIS STATEMENT Doyle Shook
TELEPHONE NO. 501-223-6359 **FAX NO.** 501-223-6452 **EMAIL:**
dlshook@agfc.state.ar.us

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Flood Prone Region Codes

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?
Yes _____ **No** _____
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, 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.

| <u>Current Fiscal Year</u> | <u>New Fiscal Year</u> |
|----------------------------|------------------------|
| General Revenue _____ | General Revenue _____ |
| Federal Funds _____ | Federal _____ |
| Funds _____ | |
| Cash Funds _____ | Cash Funds _____ |
| Special Revenue _____ | Special _____ |
| Revenue _____ | |
| Other (Identify) _____ | Other (Identify) _____ |
| Total _____ | |
| Total _____ | |

3. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule? Identify the party subject to the proposed rule, and explain how they are affected.

| <u>Current Fiscal Year</u> | <u>Next Fiscal Year</u> |
|----------------------------|-------------------------|
| \$ _____ | \$ _____ |

-
5. What is the total estimated cost by fiscal year to the agency to implement this

rule?

Current Fiscal Year

Next Fiscal Year

\$ _____
\$ _____