

## ***Proposed Aquatic Turtle Regulation Code Changes for 2006***

Additions in **RED**

Deletions in **RED STRIKETHROUGH**

### **01.00-D CONFISCATION AND SEIZURE.**

- 03-04 (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.
  - 15.17 Wildlife Translocation 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.
  - 18.05 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.
  - 39.01 Aquatic Turtle Harvest Permit Requirements
  - 39.01(A) Aquatic Turtle Dealer Permit Requirements
  - 39.01(B) Non-Resident Aquatic Turtle Dealer Permit Requirements
  - 39.01(C) Aquatic Turtle Farmer Permit Requirements
  - 39.02 Commercial Aquatic Turtle Harvest Restrictions
  - 39.03 Aquatic Turtle Tackle Tagging
  - 39.04 Aquatic Turtle Tackle Restrictions
  - 39.07(A) Take or Possession of Alligator Snapping Turtles Prohibited
  - 39.07(B) Take of Chicken Turtles Prohibited
  - 39.08 Importation of Alligator Snapping Turtles and Chicken Turtles Prohibited
  - 39.09 Alligator Snapping Turtle Breeder/Dealer Permit Requirements
  - 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.

**01.00J**  
03-04

**POINT SYSTEM FOR HUNTING AND/OR FISHING VIOLATIONS**

Upon the accumulation of 12 points for hunting and/or fishing violations within a three year period, the individual will be ineligible to apply for any Commission deer, turkey and elk permit hunts for the following three-years. The accumulation of 18 points for hunting and/or fishing violations within a three-year period may result in the revocation of all hunting and/or fishing licenses and the privileges attached thereto for one year, and the accumulation of 30 points within a five year period may result in the loss of all licenses and privileges for three years. A revocation of hunting and/or fishing licenses and privileges occurring for a third time during an individual's lifetime may result in the lifetime revocation of all hunting and/or fishing licenses and privileges. Any person who forfeits bond,

pleads guilty or nolo contendere, or is found guilty of violating any hunting or fishing regulation shall be assigned points as follows:

<b>CODE NO.</b>	<b>TYPE OF VIOLATION</b>	<b>POINTS</b>
02.13A	Arkansas Wildlife Harvest Recording Requirements	12
02.13B	Arkansas Wildlife Harvest Checking Requirements	12
02.14	Bear Hunting Season	18
02.18	Shooting Bears in Dens Prohibited	18
02.20	Hunting Bear Over Bait	18
02.21	Elk Hunting Season	30
03.08	Counterfeiting License	18
03.13	Special Guide License Requirements	18
11.04	Hunting or Fishing After Revocation of License Prohibited	30
11.08	Hunting, Fishing or Trapping Without Landowner/Leassee Permission Prohibited	9
17.03	Legal Bull Elk Requirements	18
17.04	Taking of Antlerless Elk Prohibited	18
18.01	Hunting Wildlife in Closed Season	30
18.02	Night Hunting	30
18.03	Selling Game	**
18.04	Road Hunting	18
18.14	Taking of Alligators	18
18.20	Taking of Raptors and Bald Eagles Prohibited	18
19.12	Endangered Species	30
25.09	Guiding Restrictions on Certain WMAs (Guides)	18
25.09	Guiding Restrictions on Certain WMAs (Guided Hunters)	09
31.07	Sale of Game Fish	18
32.01	Taking Fish with Electrical Devices or Toxic Substances	30
36.03	Sale of Bullfrogs	18
38.01	Mussel Shell Taker, Buyer and Seller License and Reporting Requirements	18
39.01	Aquatic Turtle Harvest Permit Requirements	18
39.01(A)	Aquatic Turtle Dealer Permit Requirements	18
39.01(C)	Aquatic Turtle Farmer Permit Requirements	18
39.02	Commercial Aquatic Turtle Harvest Restrictions	9
39.04	Aquatic Turtle Tackle Restrictions	9
39.05	Aquatic Turtle Harvest and Dealer Reporting Requirements	9
39.06	Possession of Sportfish by Aquatic Turtle Harvest Permittees Prohibited	9
39.07(A)	Take or Possession of Alligator Snapping Turtles Prohibited	18

39.07(B)	Take of Chicken Turtles Prohibited	9
39.08	Importation of Alligator Snapping Turtles And Chicken Turtles Prohibited	18
39.09	Alligator Snapping Turtle Breeder/Dealer Permit Requirements	18
41.05 (A)	Resident Roe Taker/Seller Permit Requirements	18
41.05 (B)	Resident Roe Buyer/Exporter and Non-Resident Roe Buyer/Exporter Permit Requirements	18
41.05 (C)	Roe Buyer/Exporter Reporting Requirments	18
41.13	Commercial Fishing by Non-Resident Prohibited	18
41.39	Closed Paddlefish, Sturgeon and Bowfin Harvest Season	18
44.06	Commercial Fishing for Certain Fish Prohibited in Lower Ouachita River	18
*All Others		06

\*Boating regulations are not included in points toward revocation.

\*\*18.03 Selling Wildlife Restrictions. A conviction for violating this regulation may result in the lifetime revocation of all hunting and/or fishing licenses.

The following violations shall result in a double assessment of the respective point value for the violation committed upon final court disposition:

- 1) Any violation occurring on a Commission-owned Wildlife Management Area (except boating statutes).
- 2) Any violation of harvest regulations committed by a Guide License holder.
- 3) Any violation of trout harvest regulations in a trout catch and release area.
- 4) Any violation of bass harvest regulations on lakes designated as Trophy Bass Management Areas (Lakes Monticello, Lower White Oak, Columbia, SWEPCO, Pickthorne and Austelle).
- 5) Adults 21 years or older when accompanying youth under 16.

**EXPIRATION DATES**

<b><u>SPORT FISHING:</u></b>	<b><u>CODE</u></b>	<b><u>COST</u></b>	<b><u>EXP. DATE</u></b>	
Resident Fisheries Conservation License.....	FSH	\$ 10.50		**
Resident 3-Day Trip License.....	RT3	\$ 6.50		*
Resident Disabled Fishing 3-Yr License.....	RDF	\$ 10.50	+	
Resident Disabled Combination 3-Yr License..	RDC	\$ 35.50	+	
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	**	

**SPECIAL AND COMMERCIAL FISHING:**

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 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	
Commercial Fisherman's Permit & Sportfishing License.....	CFS	\$ 25.00	Dec. 31	
Commercial Fisherman's Helper Permit.....	CFH	\$ 25.00	Dec. 31	
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	
Aquatic Turtle Harvest Permit.....	THP	\$100.00	Dec. 31	
Aquatic Turtle Harvest Helper Permit.....	TH	\$50.00	Dec. 31	
Junior Aquatic Turtle Harvest Permit.....	JTH	\$25.00	Dec. 31	
Aquatic Turtle Dealer Permit.....	TDR	\$250.00	Dec. 31	
Non-Resident Aquatic Turtle Dealer Permit....	TDN	\$500.00	Dec. 31	
Aquatic Turtle Farmer Permit.....	TBP	\$100.00	Dec. 31	
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	<b><u>June 30</u></b>
Resident Sportsman's Permit.....	RS	\$ 25.00	<b><u>June 30</u></b>
Resident Disabled Hunting 3-Yr License.....	RDH	\$ 25.00	+
Resident Disabled Combination 3-Yr License.	RDC	\$ 35.50	+
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.....	DSR	\$ 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

+ Good for 3 years from date of purchase

### 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
<b>Commercial</b> Wildlife Hunting Resort Permit.....	CHR	\$ 500.00	June 30
Wildlife Breeder/Dealer Permit.....	WBD	\$ <b>50.00</b>	June 30
Wildlife <b>Importation</b> 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
Resident 65 Plus Lifetime Waterfowl Permit.....	PLD	\$ 7.00	Non-Expiring
Resident 65 Plus Lifetime Trout Permit .....	PLT	\$ 5.00	Non-Expiring
Non-Expiring Lifetime Resident Hunting & Fishing Sportsman's Permit.....	LSP	\$ 1,000.00	Non-Expiring

**15.17**

11-00/05-05

**WILDLIFE IMPORTATION PERMIT REQUIREMENTS.** A Wildlife **Importation** Permit, authorized by the Arkansas Game and Fish Commission, shall be required to import wildlife into 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 **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 **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 and aquatic turtles listed on the Approved Aquaculture Species List other than those prohibited by Commission Code 32.13 (Certain Exotic Fish Prohibited).**
- (2) **Wildlife exchanged with other states by the Commission.**

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

**Section 39.00  
Aquatic Turtle Regulations**

- 39.01** ~~Permit/License Requirements for the Commercial Harvest and Sale of Aquatic Turtles~~ **Harvest Permit Requirements.**
- 39.01(A)** **Aquatic Turtle Dealer Permit Requirements.**
- 39.01(B)** **Non-Resident Aquatic Turtle Dealer Permit Requirements.**
- 39.01(C)** **Aquatic Turtle Farmer Permit Requirements**
- 39.02** **Commercial Aquatic Turtle Harvest Restrictions.**
- 39.03** **Aquatic Turtle Tackle Tagging.**
- 39.04** **Aquatic Turtle Tackle Restrictions.**
- 39.05** **Aquatic Turtle Harvest Permittee and Aquatic Turtle Dealer Permittee Reporting Requirements** ~~for Sale of Aquatic Turtles by Commercial Fisherman.~~
- 39.06** **Possession of Sport Fish by Commercial Aquatic Turtle Harvesters Permittees Prohibited.**
- 39.07(A)** **Take or Possession of Alligator Snapping Turtles Prohibited.**
- 39.07(B)** **Take of Chicken Turtles Prohibited.**
- 39.08** **Importation of Alligator Snapping Turtles and Chicken Turtles Prohibited.**
- 39.09** **Alligator Snapping Turtle Breeder/Dealer Permit Requirements.**
- 39.10** **Alligator Snapping Turtle Breeder/Dealer Reporting Requirements.**

~~**39.01** — **PERMIT/LICENSE REQUIREMENTS FOR THE COMMERCIAL**  
**08-04** — **HARVEST AND SALE OF AQUATIC TURTLES.** It shall be unlawful for any person to operate any tackle for the purpose of taking aquatic turtles for commercial purposes and/or engage in the sale or purchase of aquatic turtles without first obtaining a Commercial Fisherman Permit and Sportfishing License and the proper tackle tags. A valid Arkansas fishing license is required to take aquatic turtles for noncommercial purposes (see Exception 3). Nonresidents are not permitted to obtain or possess a Commercial Fisherman Permit and Sportfishing License.~~

~~**EXCEPTION:**~~

- ~~(1) A person with a valid Commercial Fisherman Helpers Permit may independently operate properly tagged tackle of a Commercial Fisherman Permit and Sportfishing Licensee. This does not allow the holder of a Helper permit to sell aquatic turtles.~~
- ~~(2) Fish farmers operating under a valid Fish Farmer's Permit on those specific ponds, impoundments, and drainages where valid fish farming operations are occurring are not required to obtain a commercial fishing license or tags.~~
- ~~(3) Aquatic turtles taken in compliance with Code 15.16 (Native Wildlife Pet Restrictions) may be kept as pets but not sold.~~

~~**PENALTY:** \$250.00 to \$1,000.00. **Second offense may result in revocation of the Commercial Fisherman Permit and Sportfishing License in accordance with Code 11.05, Revocation of Privileges.**~~

**39.01 AQUATIC TURTLE HARVEST PERMIT REQUIREMENTS.**

**00-05**

It shall be unlawful for any individual to: (1) operate any tackle for the purpose of taking aquatic turtles for commercial purposes; or (2) engage in the sale of aquatic turtles without first obtaining a Commercial Fisherman Permit and Sportfishing License and an Aquatic Turtle Harvest Permit. Aquatic Turtle Harvest Permittees may sell aquatic turtles to possessors of an Aquatic Turtle Dealer Permit or Non-Resident Aquatic Turtle Dealer Permit. Non-residents are not permitted to harvest aquatic turtles. (Permittees must comply with reporting requirements see Code 39.05.)

**EXCEPTIONS:**

- (1) A person with an Aquatic Turtle Harvest Helper Permit in his immediate possession may assist in taking aquatic turtles and operate the properly tagged tackle of a licensed aquatic turtle harvest permittee.
- (2) Individuals under age 16, possessing a Junior Aquatic Turtle Harvest Permit may harvest and sell aquatic turtles to possessors of an Aquatic Turtle Dealer Permit or Non-Resident Aquatic Turtle Dealer Permit.
- (3) Aquatic turtles taken in compliance with Code 37.07 Aquatic Pet Restrictions may be kept as pets but not sold, bartered or traded.
- (4) Fish Farmer Permittees and their employees may remove aquatic turtles from those specific ponds, impoundments, and drainages where valid fish farming operations are occurring and release them back into the wild at another location. (See also Code 39.02 Exception 2)
- (5) Fish Farmer Permittees must obtain an Aquatic Turtle Harvest Permit if they intend to sell turtles taken from their property.
- (6) Private pond/lake owners when involved in taking and removing aquatic turtles for non-commercial purposes from their pond/lake and release them back into the wild at a different location.

**PENALTY:** \$500.00 to \$5,000.00. Equipment used in such violations (including but not limited to nets, traps and boats) may be confiscated in accordance with Codes 1.00-D and 1.00-J.

**39.01(A) AQUATIC TURTLE DEALER PERMIT REQUIREMENTS.**

**00-05**

It shall be unlawful for any individual to engage in the purchase, resale, or out of state export of aquatic turtles without first obtaining a Commercial Fisherman Permit and Sportfishing License (CFS) and an Aquatic Turtle Dealer Permit. Persons with a valid CFS and an Aquatic Turtle Dealer Permit may also harvest turtles in accordance with all applicable regulations. Such permits may be granted in accordance with Commission requirements, including:

- (A) A site plan, to include a legal (Section, Township, and Range) and physical (geographic) description of all facilities, to include the location and approximate size of holding ponds, to be used to hold aquatic turtles must be provided on the application form.
- (B) All sites shall be inspected and approved by Commission personnel prior to issuance of a permit.

- (C) Holding ponds/impoundments shall be fenced and maintained in such manner as to prevent the egress of captives and ingress of wild stock.
- (D) Facilities shall be subject to inspection at any time by Commission personnel.
- (E) Permit holders who harvest turtles must complete monthly reports as specified in Code 39.05.
- (F) Fish farmers with an aquaculturist permit are exempt from having to obtain a Commercial Fisherman Permit and Sportfishing License.
- (G) Fish markets selling only dressed turtles for human consumption within the state of Arkansas are exempt from having to obtain an Aquatic Turtle Dealer Permit.

**PENALTY:** \$500.00 to \$5,000.00. Equipment used in such violations (including but not limited to nets, traps and boats) may be confiscated in accordance with Codes 1.00-D and 1.00-J.

**39.01(B) NON-RESIDENT AQUATIC TURTLE DEALER PERMIT REQUIREMENTS**

00-05

It shall be unlawful for non-residents to engage in the purchase, sale, or transport of aquatic turtles within the state or export across state lines without first obtaining a Non-Resident Aquatic Turtle Dealer Permit.

**PENALTY:** \$500.00 to \$5,000.00. Equipment used in such violations (including but not limited to transport vehicles) may be confiscated in accordance with Code 1.00-D.

**39.01(C) AQUATIC TURTLE FARMER PERMIT REQUIREMENTS**

00-05

It shall be unlawful for any individual or enterprise to engage in the propagation or sale of aquatic turtles (See E below) without first obtaining an Aquatic Turtle Farmer Permit. Such permits may be granted in accordance with Commission requirements and permittees must adhere to the conditions, as listed:

- (A) A site plan, to include a legal (Section, Township, and Range) and physical (geographic) description of all facilities, to include the location and approximate size of ponds/impoundments used to hold aquatic turtles, must be provided to the Chief of the Fisheries Division.
- (B) All sites shall be inspected and approved by Commission personnel prior to issuance of a permit.
- (C) Holding ponds/impoundments shall be fenced and maintained in such manner as, to prevent egress of captives and ingress of wild stock.
- (D) Facilities shall be subject to inspection at any time by Commission personnel.
- (E) Aquatic Turtle Farmer Permittees are allowed to propagate and sell only captive produced turtles from their facilities. This permit does not allow for the purchase, barter, trade, exchange, or sale of wild caught turtles of any size.

**PENALTY:** \$500.00 to \$5,000.00. Any offense may result in permanent permit

revocation and stock confiscation (Reference Codes 1.00-D and 1.00-J).

### 39.02

08-90/08-04

#### **COMMERCIAL AQUATIC TURTLE HARVEST RESTRICTIONS.**

It shall be unlawful to take aquatic turtles for commercial purposes by any means other than hoop net or box type turtle traps in the following counties and/or bodies of water:

Arkansas, Ashley, Bradley, Calhoun, Chicot, Cleveland, Clay, Columbia, Craighead, Crittenden, Cross, Dallas, Desha, Drew, Grant, Greene, Hempstead, Jackson, Jefferson, Lafayette, Lawrence (see Exception 4), Lee, Lincoln, Little River, Lonoke, Miller, Mississippi, Monroe, Nevada, Ouachita, Phillips, Poinsett, Prairie, Pulaski, Randolph (see Exception 4), St. Francis, Saline, Union, White, Woodruff, and the Arkansas River, from its mouth to the Arkansas/Oklahoma state line, including that part of the Arkansas River from the Ozark Dam to the Arkansas-Oklahoma state line, bounded on the north by the Union Pacific Railroad and on the south by Highway 22 (In compliance with Code 41.19). Arkansas waters between the main levees of the Mississippi River. All lakes, bays or other bodies of water, other than tributary streams, connected to waters as specified above, when accessible by boat, from the main channel except as limited by Section 30.00 (Reciprocal License Agreements). When a river or stream forms the boundary between opened and closed counties, that boundary segment shall be open to tackle legal in the open county.

#### **EXCEPTIONS:**

- (1) Only box type turtle traps may be used in counties or waters not specifically opened to hoop net turtle traps as listed above.
- (2) Fish farmers operating under a valid Fish Farmer's (Aquaculturist's) Permit may take aquatic turtles on those specific ponds, impoundments and drainages where valid fish farming operations are occurring. (See **Exception 3 Code 39.01**)
- (3) Bayou Meto Bayou, in accordance with Code 44.01, Closure to All Commercial Harvest - Bayou Meto Bayou, is closed to all commercial harvest.
- (4) The following waters are closed to hoop net traps:  
Eleven-Point River in Randolph County; Spring River in Lawrence and Randolph counties; Lake Erling, including all tributaries upstream from 100 yards below Lake Erling Dam to State Highway 313 in Lafayette County; all lakes owned by the Arkansas Game and Fish Commission (excluding Grand Lake and all natural or channel scar lakes on WMAs located in counties listed above), Lake Columbia in Columbia County, Horseshoe Lake in Crittenden County, Lake Wallace in Drew and Chicot Counties, Upper and Lower Lake Chicot (Connerly Bayou to Ditch Bayou Dam inclusive) in Chicot County.
- (5) U.S. Forest Service lakes, State Park lakes and lakes owned by municipalities or property-owner associations are closed to commercial turtle trapping, unless specifically opened.

**PENALTY:** \$100.00 to \$1,000.00. **Second offense may result in revocation of the Commercial Fisherman Permit and Sportfishing License in accordance**

~~with Code 11.05, Revocation of Privileges.~~ Equipment used in such violations (including but not limited to nets, traps and boats) may be confiscated in accordance with Codes 1.00-D and 1.00-J.

**39.03**

08-90/08-03

**AQUATIC TURTLE TACKLE TAGGING.** It shall be unlawful to fail to attach the proper tag to each turtle trap net or box type trap as specified herein:

- (A) Turtle net tags must be attached to the first hoop at the opening of the net.
- (B) Box type trap tags must be attached to the side of the trap and be visible above the waterline.

**EXCEPTIONS:**

- (1) Fish farmers when removing aquatic turtles from their permitted facilities.
- (2) Private pond owners when removing aquatic turtles from their ponds for non-commercial purposes.

**PENALTY:** \$100.00 to \$1,000.00. Equipment used in such violations (including but not limited to nets, traps and boats) may be confiscated in accordance with Code 1.00-D.

**39.04**

08-90/08-04

**AQUATIC TURTLE TACKLE RESTRICTIONS.** It shall be unlawful to take or attempt to take aquatic turtles by the use of chemicals, explosives, or tackle other than as specified herein:

- (A) Hoop nets with ramp netting attached to the first hoop and a slot opening secured against fish entry by parallel lines to the second hoop. Net to be set with slot horizontal. Maximum slot opening 1 inch by 3 feet. Minimum mesh size shall be 1 ½ inches ~~on the~~ square ~~bar~~ mesh. Wings or leads may not be used. Nets must be set so that a portion of the enclosure remains above water surface at all times.
- (B) Box type traps with an open top that is above the water surface. All other trap surfaces must be fully closed and incapable of taking fish. Box type turtle traps may not exceed 4x4x4 feet in dimension.
- (C) ~~A Commercial Fisherman Permittee~~ Turtle trappers must check and remove catch from all hoop nets ~~and/or traps~~ at least once during each 24-hour period ~~and from all box traps at least once every 72-hours (3 days).~~

**EXCEPTIONS:**

- (1) Legal mesh hoop nets when appropriately tagged and commercially fished in waters open to their use.
- (2) Fish farmers when removing aquatic turtles from their permitted facilities.
- (3) Private pond owners when removing aquatic turtles from their ponds for non-commercial purposes.

**PENALTY:** ~~\$100.00~~ \$500.00 to ~~\$1,000.00~~ \$5,000.00. Equipment used in such violations (including but not limited to nets, traps and boats) may be confiscated in accordance with Codes 1.00-D and 1.00-J.

**39.05**

**AQUATIC TURTLE HARVEST PERMITTEE AND AQUATIC TURTLE DEALER**

08-03

**PERMITTEE REPORTING REQUIREMENTS FOR SALE OF AQUATIC TURTLES BY COMMERCIAL FISHERMAN.** It shall be unlawful for ~~Commercial Fishermen~~ Aquatic Turtle Harvest Permittees and Aquatic Turtle Dealer Permittees to fail to mail or deliver to the Commission on or before the 10th of each month, a legible, itemized Aquatic Turtle Harvest Form (provided by the Commission) for all wild caught aquatic turtles harvested ~~and sold~~ during the preceding month. ~~A copy of this~~ This form shall be retained by the permittee for a period of twelve (12) months and made available for inspection by any agent of the Commission.

**PENALTY:** \$100.00 to \$1,000.00. Second offense ~~may~~ shall result in revocation of the Aquatic Turtle Harvest Permit or Aquatic Turtle Dealer Permit. ~~Commercial Fisherman Permit and Sportfishing License.~~

39.06

08-90/08-04

**POSSESSION OF SPORT FISH BY COMMERCIAL AQUATIC TURTLE HARVESTERS PROHIBITED.** It shall be unlawful for ~~a Commercial Fisherman permitted aquatic turtle harvesters~~ Permittee to sportfish or possess game fish in the same waters where ~~he~~ the permittee is engaged in turtle trapping.

**EXCEPTION:**

- (1) Scaled rough fish ~~and bullheads~~, caught in turtle traps, may be retained for use as bait.
- (2) If hoop nets or box type traps are baited with fish, only scaled rough fish ~~and bullheads~~ may be used.
- (3) Fish farmers on their permitted facilities.

**PENALTY:** \$100.00 to \$1,000.00. Second offense ~~may~~ shall result in revocation of the Aquatic Turtle Harvest Permit or Aquatic Turtle Dealer Permit. ~~Commercial Fisherman Permit and Sportfishing License in accordance with Code 11.05, Revocation of Privileges.~~

39.07(A)

01-94/08-03

**TAKE OR POSSESSION OF ALLIGATOR SNAPPING TURTLES PROHIBITED.** It shall be unlawful to take, attempt to take, possess, or kill alligator snapping turtles (*Macrochelys temminckii*) ~~their eggs, or any part thereof from the wild.~~

**EXCEPTIONS:**

- (1) A legally acquired alligator snapping turtle may be possessed for display and educational purposes by written authorization approved by the Chief of Fisheries. Such authorizations specifically do not allow for the propagation, sale, or exchange of these turtles in any form without written authorization from the Chief of Fisheries.
- (2) In compliance with Commission Code 39.09 Alligator Snapping Turtle Breeder/Dealer Permit.
- (3) Fish farmers for immediate relocation of Alligator Snapping Turtle's removed from their permitted facilities.

**PENALTY:** \$500.00 to ~~\$1,000.00~~ \$5,000.00. Equipment used in such violations (including but not limited to nets, traps and boats) may be confiscated in accordance with Codes 1.00-D and 1.00-J.

**39.07(B) TAKE OF CHICKEN TURTLES PROHIBITED.**

It shall be unlawful to take, attempt to take, or kill chicken turtles (*Deirochelys reticularia*), their eggs, or any part thereof from the wild.

**EXCEPTION:**

(1) Chicken Turtles in legal possession as of January 1, 2006 and their progeny thereafter in compliance with Code 39.01(A) Aquatic Turtle Dealer Permit Requirements and 39.01(C) Aquatic Turtle Farmer Permit Requirements.

**PENALTY:** \$500.00 to ~~\$1,000.00~~ \$5,000.00. Equipment used in such violations (including but not limited to nets, traps and boats) may be confiscated in accordance with Codes 1.00-D and 1.00-J.

**39.08 IMPORTATION OF ALLIGATOR SNAPPING TURTLES AND CHICKEN TURTLES PROHIBITED.**

02-98

It shall be unlawful to import alligator snapping turtles and chicken turtles from outside the state of Arkansas.

**PENALTY:** \$500.00 to ~~\$1,000.00~~ \$5,000.00. Equipment used in such violations (including but not limited to transport vehicles) may be confiscated in accordance with Codes 1.00-D and 1.00-J.

**39.09 ALLIGATOR SNAPPING TURTLE BREEDER/DEALER PERMIT**

02-98/08-04

**REQUIREMENTS.** It shall be unlawful to possess, buy or sell alligator snapping turtles without first obtaining an Alligator Snapping Turtle Breeder/Dealer Permit. Such permits may be granted in accordance with Commission requirements, including:

- (A) A site plan, to include physical and geographic description, of all facilities to be used to hold alligator snapping turtles must be provided to the Fisheries Division Chief.
- (B) All sites shall be inspected and approved by Commission personnel prior to issuance of a permit. Holding ponds/~~areas-impoundments~~ shall be fenced and maintained in such manner as, to prevent egress of captives and ingress of wild stock.
- (C) Facilities shall be subject to random inspection by Commission personnel in the performance of their duties.
- (E) Alligator Snapping Turtle Breeder/Dealer Permit holders are the only allowed source for the purchase of alligator snapping turtles and alligator snapping turtle eggs.
- (F) Transport of alligator snapping turtles must be accompanied by a bill of sale or bill of lading and must contain the following information: name, address, and telephone number of buyer, name and permit number of ~~breeder/dealer~~, and number of turtles.
- (G) Permit holders must complete monthly reports as detailed in Code 39.10.
- (H) Alligator snapping turtles in excess of five (5) inches curved carapace length may not be sold, bartered, traded, or transferred.

**PENALTY:** \$500.00 to ~~\$1,000.00~~ \$5,000.00. Any offense may result in permanent permit revocation and stock confiscation (Reference Codes

1.00-D and 1.00-J). ~~in accordance with Code 11.05, Revocation of Privileges.~~

**39.10**

02-98/08-04

**ALLIGATOR SNAPPING TURTLE BREEDER/DEALER**

**REPORTING REQUIREMENTS.** It shall be unlawful for alligator snapping turtle breeder/dealers to fail to mail or deliver to the Commission by the 10<sup>th</sup> of each month a legible, itemized inventory of all alligator snapping turtles purchased, sold, or in possession during the prior month. This inventory shall include the names, addresses and phone numbers of the person(s) to or from whom alligator snapping turtles were sold, bartered, traded or transferred. This inventory shall be recorded on a form provided by the Commission.

**PENALTY:** \$100.00 to \$1,000.00. Second offense ~~may shall~~ result in **permanent** revocation of ~~aAlligator sSnapping tTurtle bBreeder/dDealer pPermit.~~ ~~in accordance with Code 11.05, Revocation of Privileges.~~

**41.07**

08-03

**REQUIREMENTS FOR SELLING COMMERCIAL FISH ~~AND AQUATIC~~ TURTLES.**

It shall be unlawful for any person to own or operate commercial fishing tackle, ~~and or~~ sell fish ~~or aquatic turtles~~ taken with such tackle, to fail to obtain a Commercial Fisherman Permit as specified in Commission Code 41.05 (Commercial Fisherman's Permit and Reporting Requirements).

**PENALTY:** \$100.00 to \$500.00.

**41.13**

04-96

**COMMERCIAL FISHING BY NON-RESIDENTS PROHIBITED.**

It shall be unlawful for nonresidents to assist or participate in any commercial harvest operation or to possess commercial fish, mussel, crayfish, **aquatic** turtles or commercial tackle associated with commercial harvest on Arkansas waters. Resident - 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 who declares intentions of becoming a citizen of Arkansas.

**EXCEPTION:**

(1) In compliance with Commission Code 30.01, 30.02, 30.03 (Reciprocal Agreements).

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