

CURRENT CODE:

**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	*
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	*

REVISIONS TO CODE:

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REVISED CODE:

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Proposed 2006 Fisheries Regulation Code Changes

Summary of Proposed Fisheries Regulation

- Modify Code 1.00 – C: Definition of Terms

The definition of *Rough Fish* should be modified since the freshwater eel is now considered to be a Species of Greatest Conservation Need (SGCN). The Fisheries Division recommends excluding the freshwater eel from the current definition of *Rough Fish*. See below for Code changes.

- 01.00-C** **DEFINITION OF TERMS.** For the purposes of the Arkansas Game and
05-05 Fish Commission Code of Regulations, the following terms shall be construed,
respectively, to mean and include:
- AQUACULTURE SPECIES** – Any species listed on the Approved Aquaculture Species List (available from the Fisheries Division) and species not listed but allowed under Unlisted or Restricted Species Possession Permits.
- 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 crocodilian 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 crocodilian 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, 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, Fouché 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 inches 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 hair line.

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.

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 fish farmer.

FISH FARMER (AQUACULTURIST) - Any person, firm, partnership or corporation engaged in the propagation or rearing of aquaculture species 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 BIRD SHOOTING RESORT - Any person, firm or corporation engaged, for pay or other consideration, who provides pen-raised birds for harvest by hunters.

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.

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)

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

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.

NOODLING – The taking of fish by the use of a pole mounted breakaway hook that detaches at the time of the strike or catch, or snare type device, with an attached line manipulated by hand when a person is in or under the water.

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

NON-RESIDENT - Any person not defined as resident.

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 - Having or holding wildlife, or any property in one's power; the exercise of dominion over property. Possession includes actual possession, which means physical occupancy or control over property, and constructive possession, which means control or dominion over property without actual possession or custody of the property.

PROPAGATE or PROPAGATION – To cause plants or animals to breed or multiply.

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.

REAR OR REARING – To maintain plants or animals in order to increase their size or developmental stage.

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

EXCEPTIONS:

- (A) 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) Residents of Arkansas enrolled as full-time students in colleges and universities outside of Arkansas.
 - (2) Non-residents enrolled as full-time students in colleges and universities in Arkansas.
 - (3) Non-resident foreign exchange students attending school in Arkansas.
 - (4) Resident foreign exchange students attending school outside of Arkansas.
- (B) 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.
- (C) Proof of at least one (1) year residency must be provided when applying for the following 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 Roe Taker Helper Permit and Resident Roe Buyer/Exporter Permit.

- (D) Proof of at least three (3) years residency must be provided when applying for the following licenses: 65 Plus Lifetime License.

The Director or his representative shall make the final determination as to the 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 OR SALE – 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 game 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.

Summary of Proposed Fisheries Regulation

- **Modify Code 19.01: Wasting Edible Portions of Wildlife Prohibited**

The Fisheries Division recommends modifying Code 19.01 by adding an exception that states all rough fish, excluding buffalo, are excluded from this specific code. Modifying this code will allow bow anglers to help aid in removing undesirable species in AR waters, specifically Asian carp. See below for Code changes.

19.01

07-80/04-05

WASTING EDIBLE PORTION OF WILDLIFE PROHIBITED. It shall be unlawful to allow the edible portion of any game, fish, bird or frog normally consumed as food to go to waste. In addition, it shall be unlawful to kill wildlife and discard any portion, which has a legal marketable or commercial value.

EXCEPTION:

(1) Crows, **bobcats, covotes and skunks.**

(2) Squirrel tails, deer antlers, deer hides and feathers from non-migratory game birds legally taken.

(3) **Nuisance wildlife taken in accordance with Commission Codes 18.09**

and 18.09A.

(4) All rough fish (gars, bowfin, common carp, grass carp, bighead carp, silver carp, suckers and drum) excluding buffalo.

PENALTY: \$250.00 to \$1,000.00.

Agenda Item _____

Arkansas Game and Fish Commission

Wildlife Management Division

October 21, 2005

**Emergency Approval of the Importation of Cervid Carcasses,
Parts and Products**

Presented by Cory Gray

Attached are proposed code changes to minimize the risk of Chronic Wasting Disease (CWD) being brought into Arkansas through cervid carcasses. These codes are being presented at this meeting for an emergency approval. These codes will be presented at the November meeting with a minute order for ratification approval.

Doyle Shook, Chief
Wildlife Management Division

EMERGENCY APPROVAL OF THE IMPORTATION OF CERVID CARCASSE CODE RECOMMENDATIONS

Approved Changes - Red Ink

01.00-C
04-05

DEFINITION OF TERMS. For the purposes of the Arkansas 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, Fouché 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.

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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 hair line.

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.

CARCASS – The body of a dead animal.

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

CERVID - A member of the family Cervidae

CHRONIC WASTING DISEASE (CWD) – Fatal disease affecting the brain of cervids that belongs to a group of diseases called transmissible spongiform encephalopathies.

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.

CLEAN - Having no meat matter or tissue attached to the carcass part.

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.

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.

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

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 Roe 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

06.03 **LEGAL BUCK DEER REQUIREMENTS.** It shall be unlawful to take, attempt to take, or possess any buck deer other than a legal buck (Ref: 04-04 01.00C Definition of Terms).

EXCEPTIONS:

- (1) Deer carcasses and parts legally harvested outside the state and accompanied by verification. (**Ref. Code 19.06 Importation of Cervid Carcasses, Parts and Products**)
- (2) In compliance with Section 15.00 (Captive Wildlife/Hunting Resorts).
- (3) Youths under the age of 16 may take any buck as their first buck harvested that year, except on Choctaw Island WMA where youths must comply with antler restrictions. Second buck must comply with the legal buck criteria.
- (4) On certain Wildlife Management Areas (Ref. Code 21.03).

PENALTY: \$150.00 to \$1,000.00.

06.04 **TAKING OF DOE DEER PROHIBITED.** It shall be unlawful to take,

03-04

attempt to take or possess doe deer.

EXCEPTIONS:

- (1) If said doe in possession was legally taken in a zone or area declared open by the Commission to the taking of doe.
- (2) Deer carcasses and parts legally harvested outside the state and accompanied by verification. **(Ref. Code 19.06 Importation of Cervid Carcasses, Parts and Products)**
- (3) In compliance with Section 15.00 (Captive Wildlife/Hunting Resorts).

PENALTY: \$150.00 to \$1,000.00, and hunting privileges may be suspended in accordance with Code 11.05, Revocation of Privileges.

15.04

11-00/05-05

COMMERCIAL WILDLIFE HUNTING RESORT PERMIT. 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.

- (A) Native game animals (except black bear) may be hunted in accordance with statewide hunting regulations 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 from the Commission sixty days prior to initiation of hunting and notify the Commission 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.

(G) Deer or elk in compliance with Code 19.06 (Importation of Cervid Carcasses, Parts and Products).

EXCEPTIONS:

- (1) Deer and elk may be hunted with any weapon legal for deer or elk hunting within 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 \$5,000.00.

17.03

04-98

LEGAL BULL ELK REQUIREMENTS. It shall be unlawful to take, attempt to take, or possess a legal bull elk.

EXCEPTIONS:

- (1) If said elk in possession was taken by a permit holder and checked in a zone or areas declared open by the Commission.
- (2) If said elk was legally taken in another state and accompanied by verification. **(Ref. Code 19.06 Importation of Cervid Carcasses, Parts and Products)**

PENALTY: \$150.00 to \$1,000.00, and hunting privileges may be suspended in accordance with Code 11.05, Revocation of Privileges.

18.01

04-05

HUNTING WILDLIFE IN CLOSED SEASON PROHIBITED. It shall be unlawful to take, attempt to take, or possess any species of wildlife, or portions thereof, other than during a season open by the Commission.

EXCEPTIONS:

- (1) In compliance with Commission Code 15.16 (Native Wildlife Pet Restrictions);
- (2) In compliance with Commission Code 18.09 (Depredation Permit Requirement);
- (3) In compliance with Commission Code Section 15.00 (Captive Wildlife/Hunting Resorts);
- (4) Wildlife legally obtained or brought from outside the state and accompanied by verification **(Ref. Code 19.06 Importation of Cervid Carcasses, Parts and Products)**;
- (5) Nongame wildlife, excluding wildlife migratory birds and endangered species, which pose reasonable threat or endangerment to persons or property.
- (6) In compliance with Commission Code 39.01 (Permit/License Requirements for the Commercial Harvest and Sale of Aquatic Turtles).
- (7) In compliance with Commission Code 42.01 (Fish Farmer Permit Requirements).

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

In addition, a jail sentence not to exceed 10 days may be imposed and hunting privileges may be suspended in accordance with Code 11.05, Revocation of Privileges. 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.

**19.06
11-05**

IMPORTATION OF CERVID CARCASSES, PARTS AND PRODUCTS. It shall be unlawful to import, transport or possess in Arkansas a cervid carcass or carcass part from any area, as proclaimed by the Arkansas Game and Fish Commission, that has a known case of Chronic Wasting Disease (CWD) or considered taken from a captive facility or within an enclosure.

EXCEPTIONS:

- (1) Meat that has bones removed.**
- (2) Meat that has no portion of the spinal column or head attached.**
- (3) Antlers, antlers attached to cleaned skull plates or cleaned skulls (where no meat or tissues are attached to the skull).**
- (4) Cleaned teeth.**
- (5) Finished taxidermy and antler products.**
- (6) Hides and tanned products.**
- (7) Deer or elk harvested in commercial wildlife hunting resorts in Arkansas providing that a chronic wasting disease sample is collected in accordance with code 15.11C (General Provisions Applicable to Captive Wildlife Permits)**

The following U.S. states, portions of states, and Canadian provinces are proclaimed to be CWD positive:

**Colorado
Illinois
Kansas*
Minnesota*
Nebraska
New York
Wisconsin
Alberta***

**West Virginia
Oklahoma*
South Dakota
Montana*
New Mexico
Utah
Wyoming
Saskatchewan**

***States and provinces where CWD has been found in captive cervids only.**

And any other state or province where a positive case of CWD has been detected as confirmed by United States Department of Agriculture (USDA) or Canadian Food Inspection Agency (CFIA).

Justification

The number one objective in the management of CWD is to prevent its spread into new areas. One theoretical mode of disease transmission is via infected carcasses. Therefore, in an effort to minimize the risk of disease spread, a number of states (23) have adopted regulations affecting the transportation of hunter-harvested cervids.

Since the suspected infective agent (prion) is concentrated in the brain, spinal cord and lymph glands, the most common regulation is the prohibition of the importation of whole carcasses harvested from CWD areas.

In 2005, New York found positive cases of CWD in both captive and wild cervids. New York officials have thoroughly performed trace-backs of captive deer and fully believe that CWD was brought into their state through a taxidermist who accepted a positive CWD head from a positive CWD state. The taxidermist removed the skull plate and hide, and disposed of the head remains on his property, which contained captive cervids. New York believes that by disposing of positive CWD tissue into the environment caused the spread on this disease in not only the captive deer, but into wild populations.

By accepting this proposal, Arkansas will increase its defense against bringing CWD into the state.

Arkansas Game and Fish Commission
Little Rock, Arkansas

MINUTE ORDER NO:	_____	SUBJECT:	Emergency Approval of the Prohibition of the Importation of
DATE PASSED:	October 21, 2005		Cervid Carcasses, Parts and Products
PAGE	1	of	1
		PAGES	
		LOCATION:	Statewide

WHEREAS, Chronic Wasting Disease (CWD) is a fatal brain disease that continues to be discovered in the cervidae family, primarily elk, mule deer and white-tailed deer, and currently found in fourteen states and two Canadian provinces; **and**

WHEREAS, since the suspected infective agent (prion) is concentrated in the brain, spinal cord and lymph glands; **and**

WHEREAS, the Arkansas Game and Fish Commission finds that importation of cervid carcasses, parts and products into the state at this time poses a serious risk of introducing Chronic Wasting Disease into the native deer and elk populations.

NOW, THEREFORE, BE IT ORDERED, THIS 21st day of October the Arkansas Game and Fish Commission finds that an emergency exists and hereby approves and adopts the attached hunting regulations for the 2005-2006, which these regulations shall remain in effect until further notice, 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/ECONOMIC IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY
(Attach additional pages if needed)

DEPARTMENT: Arkansas Game & Fish Commission

DIVISION: Wildlife Management

PERSON COMPLETING THIS STATEMENT: Cory Gray

TELEPHONE #: 877-367-3559 FAX #:870-367-6503

EMAIL:mcgray@agfc.state.ar.us

SHORT TITLE OF THIS RULE: Cervid Carcass Importation Restrictions

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?
Yes: _____ No: X

2. Do you believe that the development of a financial impact statement is so speculative as to be cost prohibitive? Yes: _____ No: X If "Yes", please explain:

3. If the purpose of this rule is to implement a **federal** rule or regulation, please give the incremental cost for implementing the regulation. Please indicate if the cost provided is the cost of the program.

<u>Current Fiscal Year</u>		<u>Next Fiscal Year</u>	
General Revenue	\$N/A	General Revenue	\$ N/A
Federal Funds	\$ N/A	Federal Funds	\$ N/A
Cash Funds	\$ N/A	Cash Funds	\$ N/A
Special Revenue	\$ N/A	Special Revenue	\$ N/A
Other (Identify)	\$ N/A	Other (Identify)	\$ N/A
Total	\$ N/A	Total	\$ N/A

4. What is the total estimated cost by fiscal year to any **party** subject to the proposed, amended, or repealed rule? (Estimated cost includes fees, administrative penalties, reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs associated with compliance.) Identify the **party** subject to the proposed rule, and explain how they are impacted.

Current Fiscal Year: \$ N/A **Next Fiscal Year:** \$ N/A

Party Subject to Rule: N/A

Effect on Party Subject to Rule: N/A

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

Current Fiscal Year: \$ N/A **Next Fiscal Year:** \$ N/A

Financial Benefit to Agency: N/A

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

Why were such alternatives not proposed:

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