

**APPROVAL OF PROPOSED CHANGES TO CAPTIVE MALLARD
IMPORTATION REGULATIONS**

Approved Changes - Red Ink

15.18

05-02/07-07

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

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

EXCEPTIONS:

- (1) Wildlife exchanged with other states by the Commission.
- (2) Cervids may be imported on a temporary basis for bona fide scientific, conservation or educational purposes under terms of a special permit issued by the Chief of Wildlife Management Division.
- (3) **Mallard ducks may be imported by a representative of a group designated in Commission Code 15.05 Exception 4 for use in an official field trial in accordance with a current Wildlife Importation Permit provided that ducks 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 and such documentation shall be submitted to the Commission in accordance with reporting requirements in Commission Code 15.17.**

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

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: Doyle Shook
TELEPHONE #: 501-223-6362 **FAX #:** 501-223-6452
EMAIL: dlshook@agfc.state.ar.us

SHORT TITLE OF THIS RULE: Approval of Captive Mallard Importation Regulations

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: N/A

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

Arkansas Game and Fish Commission
Little Rock, Arkansas

MINUTE ORDER NO:	_____	SUBJECT:	Approval of Captive Mallard
DATE PASSED:	July 19, 2007		Importation Regulations
PAGE	1	of	1
		PAGES	
		LOCATION:	Statewide

WHEREAS, the Arkansas Game and Fish Commission, meeting in regular session on July 19, 2007, has carefully reviewed and approved the attached hunting regulation proposals for statewide application; **and**

WHEREAS, the various sections of the AGFC Code Book affected by the adoption of these regulations must be replaced or amended, and then legally certified to the Secretary of State, the Arkansas State Library and the Bureau of Legislative Research in accordance with applicable law;

NOW, THEREFORE, BE IT ORDERED, THIS 19th day of July the Arkansas Game and Fish Commission hereby approves and adopts the attached hunting regulations for the 2007 hunting license year, and authorizes the Commission staff to proceed with making the appropriate AGFC Code Book revisions and legal certification.

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

Proposed 2007-2008 Early Migratory Bird Codes Approval

Approved Changes - Red Ink

Approved Calendar Adjustments – Orange Ink

- 12.01**
07-07 **MOURNING AND EURASIAN COLLARED DOVE SEASON RESTRICTIONS.** It shall be unlawful to take or attempt to take Mourning and Eurasian Collared Doves other than from September 1-23, 2007, October 6-21, 2007 and December 15, 2007-January 4, 2008.
EXCEPTION:
(1) In compliance with applicable WMA regulations.
PENALTY: \$200.00 to \$1,000.00.
- 12.03**
07-07 **TEAL SEASON RESTRICTIONS.** It shall be unlawful to take or attempt to take Teal other than from September 15-30, 2007.
EXCEPTION:
(1) Teal may be taken in compliance with Code 12.15, Duck and Coot Season Restrictions and Code 12.17, Duck Daily Bag and Possession Restrictions.
PENALTY: \$200.00 to \$1,000.00.
- 12.05**
07-07 **RAIL (VIRGINIA & SORA) SEASON RESTRICTIONS.** It shall be unlawful to take or attempt to take Rail other than from ~~September 1-~~
November 9, 2006 September 15-November 23, 2007.
PENALTY: \$200.00 to \$1,000.00.
- 12.07**
07-07 **WOODCOCK SEASON RESTRICTIONS.** It shall be unlawful to take or attempt to take woodcock other than from November 10-December 24, 2007.
PENALTY: \$200.00 to \$1,000.00.
- 12.09**
07-07 **COMMON SNIPE SEASON RESTRICTIONS.** It shall be unlawful to take or attempt to take common snipe other than from November 1, 2007-February 15, 2008.
PENALTY: \$200.00 to \$1,000.00.
- 12.11**
07-07 **PURPLE GALLINULE SEASON RESTRICTIONS.** It shall be unlawful to take or attempt to take purple gallinule other than from September 1-November 9, 2007.
PENALTY: \$200.00 to \$1,000.00.
- 12.13**
07-07 **COMMON MOORHEN SEASON RESTRICTIONS:** It shall be unlawful to take or attempt to take common moorhen other than September 1-November 9, 2007.
PENALTY: \$200.00 to \$1,000.00.

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: N/A

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

Arkansas Game and Fish Commission
Little Rock, Arkansas

MINUTE ORDER NO: _____	SUBJECT: <u>2007-2008 Early Migratory Bird</u>
DATE PASSED: <u>July 19, 2007</u>	<u>Codes Approval</u>
PAGE <u>1</u> of <u>1</u> PAGES	LOCATION: <u>Statewide</u>

WHEREAS, the Arkansas Game and Fish Commission, meeting in regular session on July 19, 2007, has carefully reviewed and approved the attached hunting regulation proposals for statewide application; **and**

WHEREAS, the various sections of the AGFC Code Book affected by the adoption of these regulations must be replaced or amended, and then legally certified to the Secretary of State, the Arkansas State Library and the Bureau of Legislative Research in accordance with applicable law;

NOW, THEREFORE, BE IT ORDERED, THIS 19th day of July the Arkansas Game and Fish Commission hereby approves and adopts the attached hunting regulations for the 2007-2008 hunting license year, and authorizes the Commission staff to proceed with making the appropriate AGFC Code Book revisions and legal certification.

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

**2007-2008 LEGAL MUZZLELOADER EQUIPMENT RECOMMENDATION
APPROVAL**

Approved Changes - Red Ink

01.00-C
07-07

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:

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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 crocodylian species, or any part, nest or eggs thereof in the State of Arkansas.

ALLIGATOR FARMER – Any person, firm or corporation possessing an American alligator (*Alligator mississippiensis*) or other crocodylian species, or any part, nest or eggs thereof in the State of Arkansas for the purpose of propagation production or rearing.

ALLIGATOR SNAPPING TURTLE DEALER - Any person, firm or corporation engaged in the sale or purchase of alligator snapping turtles.

ALLIGATOR SNAPPING TURTLE BREEDER - Any person, firm or corporation possessing alligator snapping turtles for the purpose of propagation, production or rearing or sale.

ANIMAL – An organism of the animal kingdom, as distinguished from the plant kingdom, including any part, product, egg, or offspring thereof.

ANTLERLESS ELK - Any elk (male or female) not meeting requirements to be a legal bull elk

AQUATIC WILDLIFE – Aquatic Snails, Aquatic Turtles, Crayfish (Crawfish, Crawdads), Fish (including Minnows), Frogs, Mussels and Salamanders.

ARKANSAS RIVER BOUNDARY (Sportfishing Only): The Arkansas Post Canal from Lock and Dam #1 to the Arkansas River and the Arkansas River from Dam #2 upstream to the Oklahoma state line including all lakes, bays and tributary streams accessible by boat from the main channel except that portion of Big Bayou Meto upstream from Hwy 11, Plum Bayou upstream from Hwy 79, Little Maumelle River upstream from Pinnacle State Park, Maumelle River upstream from Lake Maumelle Dam, Fouche LaFave upstream from Hwy 113, Palarm Creek upstream from Interstate 40, Cadron Creek upstream from the weir, Point Remove Creek upstream from Hwy 113, Petit Jean River upstream from Pontoon Boat Ramp at Hwy 154,

Illinois Bayou upstream from Russellville Waterworks Dam, Big Piney and Little Piney Creeks upstream from Hwy 359, Horsehead Creek upstream from Interstate 40, Mulberry River upstream from Interstate 40, Frog Bayou upstream from Hwy 162 and Lee Creek upstream from Lee Creek Dam, and from the first non-navigable shoal for streams entering the Arkansas River along the left bank ascending from Lake Dardanelle Dam to the Oklahoma State Line.

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

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

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

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

BIG GAME – Alligator, bear, deer, elk and turkey.

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

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

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

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

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

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

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

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

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

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

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.

CHASE FOR PLEASURE – To search for, pursue or chase game animals or other wildlife with the use of dogs for recreational purposes only, with no intent of taking or attempting to take such game animals or wildlife through the possession or use of any killing devices.

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.

COMPUTER ASSISTED HUNTING – The use of a computer or any other device, equipment or software to remotely control the aiming and discharge of a firearm, bow or crossbow to kill wildlife located in the state of Arkansas.

DEFERRED HUNTER EDUCATION – Shall be a term whose abbreviation (DHE) when dealer imprinted on an Arkansas hunting license/permit defers completion of hunter education certification while said license/permit is valid.

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 (*Picoides borealis*), ivory-billed woodpecker (*Campephilus principalis*)

REPTILES:

American alligator (*Alligator mississippiensis*). Currently listed as threatened due only to similarity in appearance to the American crocodile (*Crocodylus acutus*)

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. **Electronic pulse ignition muzzeloaders are considered to be loaded if the ignition circuit is charged.**

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

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

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

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

FURBEARERS - Badger, beaver, bobcat, coyote, gray fox, red fox, mink, muskrat, nutria, opossum, raccoon, river otter, spotted skunk (civet cat), striped 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 – Alligator, black bear, bobcat, coyote, deer, elk, gray fox, red fox, mink, opossum, eastern cottontail rabbit, swamp rabbit, raccoon, gray squirrel and fox 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.

GEOCACHE – Items in a container (cache) placed or hidden for individuals to subsequently find using a Global Positioning Satellite (GPS) receiver device.

GEOCACHING – An outdoor sport, similar to “high-tech treasure hunting”, involving use of a Global Positioning Satellite (GPS) receiver device to find a cache.

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)

LITTER – All waste which has been discarded or otherwise disposed of including, but not limited to, convenience food and beverage packages or containers, trash, garbage, all other product packages or containers, and other post consumer solid wastes.

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 physically inhabits a bona fide residence within Arkansas for a period of time no less than 60 days, and declares themselves to be a full-time resident of Arkansas. Additional facts to be considered in establishing proof of current Arkansas residency are:

- (1) Possession of a valid current Arkansas issued Driver's License or Arkansas issued I.D. Card.
- (2) Possession of a valid Arkansas vehicle registration in their name and displaying current Arkansas license tags on their vehicle.
- (3) Other documentation may be taken into consideration to verify proof of Arkansas residency.

Possession of Arkansas real estate and/or proof of payment of associated services or utilities do not qualify the owner/renter as a resident if they live out of state.

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 annual or trip resident license privileges:
 - (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) The following military personnel are eligible to purchase annual or trip resident license privileges:
 - (1) Active-duty military personnel assigned to duty stations in Arkansas.
 - (2) Active-duty military personnel who were Arkansas residents at the time of entering service, regardless of where currently 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 resident status of any license applicant.

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

SIMULATED WING MOVEMENT DECOYS – Electronic, mechanically-operated, wind-powered or manually-powered blade devices that simulate wing movement, except for kite devices.

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.

TRAP OR TRAPPING – To use a device such, as a clamp-like apparatus that closes, noose or cable restraint device (snare), for the purpose of catching and holding animals.

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)", "Special Use Area (SUA)", "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.

07.03
07-07

CERTAIN MUZZLE-LOADERS PROHIBITED. It shall be unlawful to hunt deer or bear during the muzzle-loading deer or bear seasons with:

- (A) Firearms capable of being loaded by means other than through the muzzle;
- (B) Firearms converted from cartridge type firearms which remain capable of firing a self-contained cartridge or being altered or reconverted back into a firearm capable of firing a conventional cartridge;
- (C) Firearms not using flint or percussion igniters (percussion caps or primers) **or electronic pulse ignition** to ignite the gunpowder;
- (D) Firearms less than .40 caliber and with barrels less than 18 inches in length;
- (E) Firearms firing more than one projectile per barrel or chamber (buckshot prohibited);

- (F) Muzzleloading handguns with barrels less than nine (9) inches in length, of less than .45 caliber, and loaded with a projectile weighing less than 200 grains (.45 caliber or larger conical bullets, or .530 and larger round balls);

EXCEPTION:

- (1) Any caliber muzzle-loading pistol or (cap and ball) percussion revolver permitted to be carried when a legal muzzle-loading long gun is in hunter's immediate possession.

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

Financial Benefit to Agency: None

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

Arkansas Game and Fish Commission
Little Rock, Arkansas

MINUTE ORDER NO:	_____	SUBJECT:	2007-2008 Legal Muzzleloader
DATE PASSED:	July 19, 2007		Equipment Approval
PAGE	1	of	1
		PAGES	
		LOCATION:	Statewide

WHEREAS, the Arkansas Game and Fish Commission, meeting in regular session on July 19, 2007, has carefully reviewed and approved the attached hunting regulation proposals for statewide application; **and**

WHEREAS, the various sections of the AGFC Code Book affected by the adoption of these regulations must be replaced or amended, and then legally certified to the Secretary of State, the Arkansas State Library and the Bureau of Legislative Research in accordance with applicable law;

NOW, THEREFORE, BE IT ORDERED, THIS 19th day of July the Arkansas Game and Fish Commission hereby approves and adopts the attached hunting regulations for the 2007-2008 hunting license year, and authorizes the Commission staff to proceed with making the appropriate AGFC Code Book revisions and legal certification.

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

