

ARKANSAS GAME AND FISH COMMISSION
Little Rock, Arkansas

MINUTE ORDER NO:	SUBJECT: Commercial Game Bird Shooting Resort Permit Amendment
DATE PASSED: _____	_____
PAGE <u> 1 </u> of <u> 2 </u> PAGES	LOCATION: <u> Statewide </u>

WHEREAS, recently, it has come to the attention of the Arkansas Game and Fish Commission that certain landowners in the state wish to engage in the releasing of captive-reared mallards in large numbers (e.g., 4 – 5,000 at one time) for the purpose of hunting these birds within the confines of their lands, including during the state migratory waterfowl hunting season; and

WHEREAS, the private releasing of large numbers of captive-reared mallards or other free-flighted waterfowl could greatly increase the likelihood of these birds intermingling with wild populations of ducks migrating to Arkansas, which is commonly regarded as having some of the most important wintering grounds for migratory waterfowl in all of the United States; and

WHEREAS, pursuant to AGFC Code 15.05, the Commission prohibits “the release into the wild [of] any native or non-native species of wildlife without prior approval of the Commission,” except under limited circumstances, including “in accordance with a valid Commercial Game Bird Shooting Resort Permit”; and

WHEREAS, pursuant to AGFC Code 15.06, the Commission has issued permits to various applicants allowing them to operate commercial game bird shooting resorts and engage in the controlled releasing and harvesting of pen-raised game birds. However, the Commission’s commercial game bird shooting resort regulations are not intended to allow large-scale releases of captive-reared mallards or other waterfowl into areas where they are likely to mix with wild populations of migratory waterfowl; and

WHEREAS, the Commission also is aware there previously have been confirmed outbreaks of duck plague enteritis in Arkansas involving captive-reared mallards (i.e., June 1999 -- approx. 20 domestic mallards, muscovy, & Pekin ducks died at Little Rock Air Force Base; July 2001 -- approx. 120 domestic mallards and muscovy ducks died at Lake Hamilton); and

WHEREAS, at the urging of the four North American Flyway Councils and the International Association of Fish and Wildlife Agencies, the U.S. Fish and Wildlife Service (USFWS) has conducted a review of the potential conflicts of releasing free-flighted captive-reared mallards on state-licensed shooting preserves and to assess the resulting effects upon migratory waterfowl. In a draft final report dated August 7, 2003, the USFWS provided the following conclusions:

Based upon this review, the Service’s Division of Migratory Bird Management concludes that there is evidence of the potential for increased risks of disease transmission, genetic introgression and hybridization, confounding of established waterfowl-management databases, and greater potential for violations of regulatory statutes stemming from these activities. The threat of disease transmission remains the primary concern among nearly all State wildlife agencies, and there is circumstantial evidence of possible association between the releases of captive-reared mallards and duck-plague outbreaks. These outbreaks appear to occur most frequently in areas where

the largest numbers of captive-reared mallards are being released. Also, there is evidence of duck-plague vaccine virus spreading from captive-reared mallards to migratory waterfowl in Maryland....

There is also the potential for increased risk of violations of Federal waterfowl hunting regulations involving live decoys, baiting, over-bagging, and take of wild ducks out of season. The inability to distinguish between captive-reared and wild mallards while in flight and the potential for problems caused by these birds intermixing, both on and off shooting preserves, are at the heart of law-enforcement issues regarding releases of free-flighted captive-reared mallards on shooting preserves. If a hunter happens to take a wild duck on a shooting preserve, all hunting prohibitions will apply to that "take"; and

WHEREAS, based upon all of these facts, the Commission believes that it is imperative to take prompt action to restrict the practice of releasing captive-reared mallards and other waterfowl in a free-flighted or free-ranging condition in Arkansas, including in accordance with a Commercial Game Bird Shooting Resort Permit.

NOW, THEREFORE, BE IT RESOLVED that the Arkansas Game and Fish Commission finds that, in view of the imminent peril to the wildlife resources of this state, an emergency exists and hereby adopts a moratorium on the permitting of commercial game bird shooting resorts engaging in the releasing and harvesting of captive-reared mallards and other waterfowl until further notice. This moratorium is necessary to afford the Commission additional time to address these issues in conjunction with the U.S. Fish and Wildlife Service and other state wildlife agencies, and possibly implement new policy and regulations to protect the wildlife resources of the State of Arkansas.

BE IT FURTHER RESOLVED that the Commission hereby amends AGFC Code 15.06 effective immediately, as follows:

15.06 **COMMERCIAL GAME BIRD SHOOTING RESORT ~~LICENSE~~-PERMIT**
11-00 **REQUIREMENTS.** It shall be unlawful for any person, firm or corporation to engage in the business of harvesting ~~pen~~captive-raised game birds by hunters for pay or other consideration without first obtaining a Commercial Game Bird Shooting Resort ~~Lie~~ense Permit from the Commission. After November 20, 2003, the Commission shall not issue any Commercial Game Bird Shooting Resort Permits permitting the hunting of any captive-raised game birds classified by the U.S. Fish and Wildlife Service as migratory birds or waterfowl.
PENALTY: \$100.00 to \$1,000.00.

	<u>STAFF APPROVAL</u>	<u>COMMISSION APPROVAL</u>	
Submitted by:	Donny Harris		
	_____	_____	_____
	Wildlife Management	Chairman	Commissioner
Approved:	_____	_____	_____
	Legal	Vice Chairman	Commissioner
Approved:	_____	_____	_____
	Director	Commissioner	Commissioner
Approved:	_____	_____	
	Fiscal	Commissioner	

Arkansas Game and Fish Commission

Little Rock, Arkansas
Fiscal Services Division

MEMORANDUM

TO: Ray Sebren, Chief **DATE:** August 27, 2003
FROM: Alice Browning, Asst. Chief **CC:**
SUBJECT: Code Clarification

Following are the clarifications (noted in red) that need to be made in Section 1.00 of the Code:

01.00-C **DEFINITION OF TERMS.** For the purposes of the Arkansas Game and
07-03 Fish Commission Code of Regulations, the following terms shall be construed, respectively, to
mean and include:

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, Resident Commercial Fisherman's Permit & Fisheries Conservation License, Commercial Fisherman's Helper 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 Licenses.

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

For comparison purposes, the current code is shown on the next page.