

CODE AMENDMENTS
for
ADMINISTRATIVE LICENSE SUSPENSION
PROCESS, VIOLATION PENALTIES, and
MISCELLANEOUS REGULATIONS

CHAPTER 01.00 – GENERAL INFORMATION

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01.00-I PENALTIES UPON CONVICTION

04-05
06-15

Unless otherwise noted, upon a person’s conviction for violation of a Commission regulation, a court of competent jurisdiction shall be authorized to impose a monetary fine and jail sentence within the following penalty ranges:

Class 1 Offense – Fine of \$100 to \$1,000 and a jail sentence of 0 to 30 days

Class 2 Offense – Fine of \$250 to \$2,500 and a jail sentence of 0 to 60 days

Class 3 Offense – Fine of \$500 to \$5,000 and a jail sentence of 0 to 90 days

Class 4 Offense – Fine of \$750 to \$7,500 and a jail sentence of 0 to 180 days.

Class 5 Offense – Fine of \$1,000 to \$10,000 and a jail sentence of 0 to 1 year.

In lieu of a jail sentence, the court may impose community service upon conviction. Further, the court may suspend or revoke that person’s hunting and/or fishing rights, privileges, and related licenses ~~and rights~~. The Commission reserves the sole authority to assign violation points for violations of Commission regulations and to administratively suspend or revoke hunting and/or fishing rights, privileges, and related licenses ~~and rights~~ as a remedial action for the protection of the wildlife resources of the State.

01.00-J ENHANCED PENALTIES

06-15

A person who is convicted of violating a Commission regulation and who has previously been convicted of violating the same or similar regulation may, at the discretion of the court, be subject to enhanced penalties as outlined in the below sentencing chart.

	Enhanced Penalty for 2nd Offense	Enhanced Penalty for 3rd Offense	Enhanced Penalty for 4th and All Subsequent Offenses
Class 1 Offense	Same as Class 2 Base Penalty	Same as Class 3 Base Penalty	Same as Class 4 Base Penalty, mandatory jail sentence
Class 2 Offense	Same as Class 3 Base Penalty	Same as Class 4 Base Penalty, mandatory jail sentence	Same as Class 5 Base Penalty, mandatory jail sentence
Class 3 Offense	Same as Class 4 Base Penalty	Same as Class 5 Base Penalty, mandatory jail sentence	Same as Class 5 Base Penalty, mandatory jail sentence
Class 4 Offense	Same as Class 5 Base Penalty	Same as Class 5 Base Penalty, mandatory jail sentence	Same as Class 5 Base Penalty, mandatory jail sentence
Class 5 Offense	Same as Class 5 Base Penalty, mandatory jail sentence	Same as Class 5 Base Penalty, mandatory jail sentence	Same as Class 5 Base Penalty, mandatory jail sentence

01.00-K POINT SYSTEM FOR HUNTING, FISHING AND/OR BOATING VIOLATIONS

01-15
06-15

(A) The Commission shall assign violation points to: (1) a person convicted of violating a Commission hunting, fishing or boating regulation; (2) a person convicted of violating a federal wildlife law or regulation in Arkansas; and (3) in

accordance with Code 01.00-Q, an Arkansas resident convicted of a wildlife offense in another state that is a member of the Interstate Wildlife Violator Compact as follows:-

<u>Class of Offense</u>	<u>Points</u>
Class 1 Offense	6
Class 2 Offense	12
Class 3 Offense	18
Class 4 Offense	30
Class 5 Offense	99

The violation point value for a federal wildlife law or regulation violation shall be equal to the violation point value for the most similar Commission regulation violation. If a court imposes an enhanced penalty pursuant to Code 01.00-J, the Commission shall assign corresponding violation points for the higher class of offense.

- (B) Violation points will remain on a person’s violation record indefinitely. However, the Commission will consider only violation points accumulated within a five-year period for the purpose of determining a person’s eligibility for suspension or revocation under Code 1.00-L(C).

01.00-L DENIAL, SUSPENSION OR REVOCATION OF LICENSES, PERMITS, TAGS AND STAMPS

05-12
06-15

- (A) The Director of the Arkansas Game and Fish Commission or his designated representative, is authorized to suspend or revoke the hunting and fishing rights and privileges and any Commission-issued license, permit, tag or stamp of any person and to deny the application of any applicant in accordance with due process upon reasonable cause or a showing through the Commission’s records or other sufficient evidence that the person has met one or more of the following criteria:
- (1) accumulated violation points for hunting, fishing, or boating violations (Code 01.00L(C));
 - (2) made a material misrepresentation or practiced fraud or deceit in an attempt to obtain or use a license, permit, tag or stamp;
 - (3) permitted a fraudulent or unlawful use of his license, permit, tag or stamp;
 - (4) under either federal law or another state’s law, has received a lifetime revocation of his or her hunting or fishing rights or privileges or any related licenses, or been convicted within the past-five years of a hunting or fishing violation, which, if the conviction had been pursuant to Arkansas law, would have been grounds for suspension or revocation;
 - (5) failed to comply with any term of a license, permit, tag or stamp;
 - (6) failed to comply with any term of a citation for a hunting or fishing violation (including, without limitation, failure to appear in court or to otherwise resolve the case such as by paying a fine); or
 - (7) has received a suspension or revocation of his or her hunting or fishing rights, privileges, or any related licenses by another state that is a member of the Interstate Wildlife Violator Compact Act. (Code 01.00-Q).
- (B) The Director of the Arkansas Game and Fish Commission, or his designated representative, shall deny for a period of three years all applications for Commission permit hunts submitted by an applicant who has accumulated 12 or more violation points within a three-year period from the date of the applicant’s application.

- (C) The Director of the Arkansas Game and Fish Commission, or his designated representative, shall suspend or revoke the hunting and fishing rights, privileges, and any related licenses for the accumulation of violation points within a five-year period as follows:

<u>Points</u>	<u>Suspension/Revocation</u>
18-29	1 year suspension
30-36	2 years suspension
37-75	3 years suspension
76+	5 years suspension
99	Lifetime revocation (if violation points accumulate from violation of a Class 5 offense)

A suspension of hunting or fishing rights, privileges, or related licenses occurring for a third time during an individual's lifetime shall result in the lifetime revocation of all hunting and fishing rights, privileges, and related licenses.

- (D) Prior to implementing a suspension or revocation of hunting and fishing rights, privileges, and any related licenses, the Director, or his designated representative, shall send the person affected written notice of the Commission's intent to suspend or revoke hunting and fishing rights, privileges, and related licenses and allow an opportunity for a hearing for the purpose of confirming the identity of the person affected and the accuracy of that person's violation record and violation points assigned under Code 01.00-L. The Commission shall provide such notice within three years from the date of the most recent assignment of violation points.
- (E) Except as stated otherwise herein, upon suspension or revocation of any license, permit, tag or stamp, denial of any application or rights and privileges attached thereto, the Director, or his designated representative, shall notify the person affected in writing. Such notification shall not be required if the person affected receives a notice of intent to suspend or revoke hunting and fishing rights, privileges, and related licenses and does not request an administrative hearing within the time allowed under Code 01.00-R.

01.00-R ADMINISTRATIVE HEARING PROCEDURE

- 06-15 (A) Any person whose hunting and fishing rights, privileges, or related licenses have been suspended or revoked by the Commission; who has been denied a Commission-issued license, permit, tag or stamp, or application or rights and privileges attached thereto; or who has received notice of intent to suspend, revoke, or deny the same may request an administrative review hearing only by notifying the Commission in writing within twenty (20) calendar days after receipt of the notice of suspension, revocation or denial or notice of intent thereof.
- (B) Upon timely receipt of the hearing request, the Commission shall appoint a hearing officer and notify the person requesting the hearing of the date, time, location, and nature of the hearing. Hearing requests received after the deadline for receipt shall be denied unless the person requesting the hearing can show good cause in writing for the untimeliness of the hearing request, in which case the Commission shall appoint a hearing officer and notify the person requesting the hearing of the date, time, location, and nature of a hearing for the limited purpose of determining the person's eligibility for an administrative review hearing. If the hearing officer determines that the hearing request was timely or was untimely but for good cause, the requested hearing shall be held immediately

thereafter.

- (C) The Commission shall cause a record to be made of the proceedings.
- (D) Hearings shall be conducted in an informal manner and without necessity of adherence to the rules of evidence required in judicial proceedings. Both the Commission and the person requesting the hearing shall have the right to be represented by counsel, to submit evidence in open hearing, compel the attendance of witnesses and to cross-examine any witness at the hearing. Irrelevant, immaterial or unduly repetitious evidence shall be excluded by the hearing officer. Notice may be taken of generally recognized technical or scientific facts within the Commission's specialized knowledge, and the Commission's experience, technical competence and specialized knowledge may be utilized in the evaluation of the evidence.
- (E) Except as stated otherwise herein, the hearing officer shall suspend hunting and fishing licenses, rights, and privileges as set forth in Code 01.00-L(C).
 - (1) The hearing officer may reduce the suspension term by one-half (1/2) if, after consideration of the person's violation record and evidence admitted at the hearing, the hearing officer makes all of the following findings of fact:
 - (a) The person's hunting or fishing rights, privileges, or any related licenses have never been suspended or revoked by the Commission or a court of competent jurisdiction; and
 - (b) The person has accumulated less than 30 violation points in the past five years.Any reduction granted shall be contingent upon the person successfully completing a hunter education course and a boating education course, both of which are approved by the Commission, and submitting written proof of the same to the Commission no later than one hundred-twenty (120) calendar days after suspension. The suspension reduction shall not become effective unless and until the Commission has received proof of completion of the courses.
 - (2) The hearing officer is not required to suspend or revoke a person's fishing rights, privileges, and related licenses if, after consideration of the person's violation record and evidence admitted at the hearing, the hearing officer finds that none of the violation points forming the basis of the suspension or revocation are related to fishing violations and the person's hunting or fishing rights, privileges, or related licenses have never been suspended or revoked by the Commission or a court of competent jurisdiction. Likewise, the hearing officer is not required to suspend or revoke a person's hunting rights, privileges, and related licenses if, after consideration of the person's violation record and evidence admitted at the hearing, the hearing officer finds that none of the violation points forming the basis of the suspension or revocation are related to hunting violations and the person's hunting or fishing rights, privileges, or related licenses have never been suspended or revoked by the Commission or a court of competent jurisdiction.
- (F) In matters not concerning the suspension or revocation of hunting and fishing rights, privileges, and related licenses, the hearing officer shall affirm, rescind, or modify the suspension or revocation of the license, permit, tag or stamp, or the denial of the application based upon the evidence admitted in the record of the proceedings.
- (G) Decisions of the hearing officer shall be final and shall include findings of fact,

conclusions of law, and a final decision. The parties shall be served either personally or by mail with a copy of the final decision.

- (H) Any aggrieved party may, within thirty days after service of the final decision, file a petition for review in the circuit court of Pulaski County or the county in which they reside if they reside in Arkansas.

CHAPTER 02.00 – ZONE REGULATIONS

- 02.01 Zone Regulation Requirements
- 02.02 Wildlife Management Areas Established as Zones
- 02.03 RESERVED
- 02.04 Hunting Deer Prohibited Within Closed Flood Prone Regions
- 02.05 Entry During Closure of Public Access and/or Zones Due to Emergency Condition
- 02.06 Waters and Submerged Lands Within or Adjacent to WMAs Included in WMA Zones

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02.03 RESERVED

03.02 FISHING LICENSE REQUIREMENTS

- 09-05, 06-15 It is unlawful to fish in any manner in Arkansas without possessing on the person the appropriate Arkansas fishing license as provided herein:
- (A) Arkansas Resident (16 years of age and older) – Resident Fisheries Conservation License; Resident 3-Day Trip Fishing License; Lifetime Resident Hunting and Fishing Sportsman's Permit; Resident 65 Plus Lifetime Fishing License (or Resident 65 Plus Lifetime Combination License); or Disabled Lifetime Fishing License (or Resident Disabled Lifetime Combination License) or Resident Disabled Fishing 3-Year License (or Resident Disabled Combination 3-Year License).
 - (B) Non-Residents (16 years of age and older) – Non-Resident Annual Fishing License; Non-Resident 3-Day Trip Fishing License or Non-Resident 14-Day Trip Fishing License.
 - (C) Persons must possess a valid Commercial Fishing Permit and Sportfishing License (CFS) to purchase tags for commercial tackle or to operate commercial tackle. A CFS holder may purchase a Helper Permit, which will allow the permitted helper to operate the CFS holder's tackle. Tackle tags may not be purchased with the Helper Permit. The Helper Permit does not confer sport-fishing rights.
 - (D) Youths and individuals 65 years of age or older are required to purchase a Junior/Senior Commercial Fishing Permit.
 - (E) In lieu of an Arkansas nonresident fishing license, Missouri resident fishing license holders, age 16 or older, are required to purchase a White River Border Lakes License (Addendum H1.04), in compliance with the White River Lakes License Agreement.

EXCEPTION:

Persons fishing in put-and-take pay lakes licensed by the Commission.

PENALTY: Class1

03.09 COUNTERFEITING LICENSE PROHIBITED

- 12-00, 06-15 It is unlawful to counterfeit or obtain by false application any license, permit, tag, stamp or hunter education or boater education certificate issued by the Commission. It also is unlawful for any unauthorized person to sell any license, permit, tag or stamp.

PENALTY: Class 3

03.15 NON-RESIDENT GUIDE LICENSE REQUIREMENTS

- 05-02, 06-15 It is unlawful for any non-resident to guide, aid or assist another person, for pay or other consideration, in the taking of any species of wildlife by any means in Arkansas without possessing on the person the appropriate Arkansas guide license as provided herein:

- (A) To guide, aid, or assist another person, for pay or other consideration, in hunting on land not owned or leased by the Commission, the guide must have physical possession of a valid Arkansas Non-Resident Guide License/Hunting.
- (B) To guide, aid, or assist another person, for pay or other consideration, in fishing in Arkansas, the guide must have physical possession of a valid Arkansas Non-Resident Guide License/Fishing.
- (C) It also is unlawful for any non-resident to exercise the rights of the Resident Special Guide License.

PENALTY: Class 3

03.16 HUNTER EDUCATION CERTIFICATE REQUIREMENTS

04-15, 06-15

It is unlawful for persons born after 1968 to hunt wildlife without having on the person a valid Arkansas hunter education certificate.

EXCEPTIONS:

- (1) Youths hunting under direct supervision of an adult at least 21 years of age.
- (2) Persons possessing a valid hunting license/permit displaying the dealer imprinted code DHE (Code 01.00C, Deferred Hunter Education). Requirements for a person to be eligible to hunt with DHE-coded licenses/permits are as follows:
 - (a) Be at least 16 years of age and born after 1968 and not hunter-education certified.
 - (b) Be in the immediate presence of an adult hunter who is at least 21 years of age and possesses valid hunter education certification, or who was born before 1969.
 - (c) Not eligible if convicted of prior violation of this regulation.
- (3) Any person who has successfully completed a hunter education course approved by another state or province and has on his person.

PENALTY: Class 1

03.17 BOATER EDUCATION CERTIFICATE REQUIREMENTS

12-00, 06-15

It is unlawful for any person with a birth date after 1985 to operate a motorboat or a personal watercraft without having on the person a valid Arkansas boater education certificate.

EXCEPTION:

Any person who has successfully completed a boater education training course approved by the National Association of State Boating Administrators and has on his person a valid boating education certificate issued by another state.

PENALTY: Class 1

05.01 HUNTING WILDLIFE IN CLOSED SEASON PROHIBITED

04-12, 06-15

It is unlawful to hunt any species of wildlife other than during a season opened by the Commission and by using legal methods for that season (Addendum Chapters A1.00; B1.00; C1.00). It also is unlawful to possess any species of wildlife, or portions thereof, illegally taken during a closed season.

EXCEPTION:

In compliance with Codes 05.10; 09.15 and Addendum F1.07.

**PENALTY: Class 2 – Small Game
Class 4 – Big Game**

05.02 NIGHT HUNTING PROHIBITED

04-12, 06-15

It is unlawful to hunt any wildlife at night.

EXCEPTIONS:

- (1) The taking of bobcat, raccoon and opossum when treed by dogs at night during an open season for that species (Addenda A1.05; C1.09).
- (2) The taking of aquatic wildlife other than mussels by legal methods during an open season.
- (3) The taking of bullfrogs by legal methods during an open season.
- (4) The taking of alligators by legal methods during an open season in compliance with Addendum A1.10 and Code 12.03.
- (5) The checking of legally set traps or snares, but must not possess a firearm larger than a .22 caliber rimfire.
- (6) In compliance with Code 05.10.

PENALTY: Class 4

05.04 SELLING WILDLIFE RESTRICTIONS

04-13, 06-15

It is unlawful to purchase, sell, offer for sale, barter or trade any species of wildlife or portions thereof.

EXCEPTIONS:

- (1) Furbearer pelts and carcasses taken during a furbearer season may be sold by persons with valid hunting or fur dealer licenses. Purchase of furbearer pelts and carcasses must be in compliance with Code 17.07.
- (2) In compliance with Chapter 09.00 or Codes 26.18; 29.03; 30.01; 31.01; 32.02; 34.01; 35.01 and Addendum F1.07.
- (3) Legally taken squirrel tails and pelts, rabbit pelts, turkey bones, deer antlers, elk antlers, deer hides, elk hides and feathers not protected by federal regulation 50 CFR §20.
- (4) Red fox, gray fox and coyote legally trapped in Arkansas may be sold by a person possessing a hunting license and trapping permit and Live Fox and Coyote Permit (Code 09.16)
- (5) Commission-approved nonprofit organizations with a valid tax identification number may pay for the processing of game and donate the meat to needy individuals.
- (6) Alligator hide, meat and parts from legally harvested alligators (Codes 05.01; 12.02; 12.03 and Addenda A1.10; C1.03) may be sold or donated in state when accompanied by documentation verifying origin and description of transferred parts. An individual alligator hide legally harvested and with an attached U.S. Fish and Wildlife Service CITES tag may be sold outside the state. Alligator meat or parts may not be sold or transferred out of state without prior written authorization from the U.S. Fish and Wildlife Service.
- (7) Certain wildlife (i.e. migratory birds) is subject to federal regulation 50 CFR. Otherwise mounted or tanned wildlife may be bought or sold when accompanied by a bill of sale. The bill of sale will state the purchase date, number and description of item and full name and address of the previous owner. This bill of sale will be made available to a Wildlife Officer upon request for a period of 1 year from the date of sale/purchase.

PENALTY: Class 4

Class 5 - Where violation involves wildlife taken out of season or over the bag limit, or capturing native wildlife

Class 5 – Where aggregate value of wildlife equals \$200.00 or more

05.05 HUNTING FROM A PUBLIC ROAD OR LEVEE PROHIBITED

10-12, 06-15

It is unlawful to shoot from or across any public road, or to hunt within 100 feet from the

center of any such road. It also is unlawful to hunt or shoot from or across the main west levee of the Mississippi or Arkansas rivers from the Louisiana-Arkansas state line to the intersection of Arkansas Highway 11 north of Grady, Lincoln County, Arkansas. There shall be a rebuttable presumption that a person is hunting from a public road or levee if he points, aims, shoots or attempts to shoot a firearm or other killing device in a direction in which wildlife is present or likely to be present, including shooting at a wildlife decoy.

EXCEPTIONS:

- (1) Persons using firearms to dispatch wildlife caught in legally set foothold or body-gripping traps.
- (2) In compliance with Code 09.15 and Addendum F1.07.

PENALTY: Class 3

05.17 ALLIGATOR, BEAR, DEER AND TURKEY TAGGING REQUIREMENTS

04-15, 06-15

- (A) Immediately after harvesting a deer or turkey, and before moving the animal, each hunter must remove the appropriate deer or turkey tag from the hunter's license and legibly fill out (in ink) the tag with all required information. The original tag must be securely fastened to the antler or ear of a deer, or to the leg of a turkey. **SPECIAL NOTE:** The original tag must remain as attached to the deer or turkey. Duplicate harvest information reflecting the name, address, species, sex, date taken and check confirmation number must remain with all other portions (if the head of the deer or leg of a turkey is removed) until reaching the point of final storage, including while the deer or turkey is in transit.
- (B) Immediately after harvesting a bear and before moving it, each hunter must legibly fill out (in ink) a game tag provided in the current Arkansas Hunting Guidebook, or use a piece of paper to make a tag, and legibly print (in ink) hunter's name, date, WMA or zone number and time of harvest. The tag must be securely fastened to the leg or ear of the bear.
- (C) Immediately after harvesting an alligator and before moving it, each hunter must attach a Temporary Alligator Possession Tag to its leg.
- (D) All youth hunters, 65+ lifetime hunting license holders, disability hunting license holders, holders of any permanent license issued by the Commission and those hunting under the Reciprocal Hunting License Agreement must legibly fill out (in ink) a game tag provided in the current Commission guidebook, or use a piece of paper to make a tag and legibly print (in ink) hunter's name, date, WMA or zone number and time of harvest. The tag must be securely fastened to the antler or ear of a deer, or to the leg of a turkey.
- (E) Bonus deer with the Deer Management Assistance Program Management tags and special urban deer hunt tags, in accordance with Section A shall be used instead of license tags where applicable.

PENALTY: Class 2

05.18 BIG GAME CHECKING REQUIREMENTS

04-14, 06-15

- (A) Upon harvesting each alligator, deer, turkey, bear or elk hunters must within 24 hours of harvest, check the game. The hunter shall provide accurate information. Evidence of an animal's sex must remain attached to the animal until checked. Game may be field dressed and/or quartered to aid in the removal from the field but the head must remain within arms length (close proximity) of all four quarters until checked. After checking duplicate harvest information reflecting the name, address, species, sex, date taken, and check confirmation number must remain with all other portions (if the head of the deer or leg of the turkey is

removed) until reaching the point of final storage, including while the deer or turkey is in transit. No big game animal may be transported across state lines before being properly checked unless normal travel routes require said hunter to cross a state line in direct route to check the animal.

- (B) Hunters must check each deer or turkey within 24 hours of harvest through a Commission-approved checking method.
- (C) Hunters must check each alligator within 12 hours of harvest by contacting the Commission and following all permit requirements furnished by the Commission before the hunt.
- (D) Hunters must check each elk within 12 hours of harvest by presenting the elk's head at a designated elk check station or to a designated AGFC employee.
- (E) Hunters are required to submit a premolar from the harvested bear within seven days of harvest to the Wildlife Management Division.

PENALTY: Class 2

05.20 HUNTER ORANGE/SAFETY GREEN CLOTHING REQUIREMENTS

04-14, 06-15

It is unlawful to hunting wildlife, or to accompany or assist anyone in hunting wildlife, in zones open to firearm deer, bear or elk seasons without:

- (A) Wearing an outer garment, above the waistline, of daylight fluorescent blaze orange within the color range of 595-605 nanometers (hunter orange) or fluorescent chartreuse within the color range of 555-565 nanometers (hunter safety green) totaling at least 400 square inches, and a hunter orange or hunter safety green hat must be worn on the head and visible.
- (B) Displaying fluorescent blaze orange (hunter orange) or fluorescent chartreuse (hunter safety green) totaling at least 144 square inches on each visible side and a minimum of three feet above the ground on each side of a portable, pop-up type ground blinds used on public land.

EXCEPTION:

While migratory bird hunting.

PENALTY: Class 1

05.27 ENDANGERED SPECIES PROTECTED

04-12, 06-15

It is unlawful to import, transport, sell, purchase, hunt, harass or possess any threatened or endangered species of wildlife or parts (including without limitation those species listed under the Federal Endangered Species Act, 50 CFR § 17.11, 50 CFR § 17.12 and Addendum Chapter P1.00).

EXCEPTIONS:

- (1) Legally acquired wildlife held under permit or held by a public zoo or museum, wildlife taken legally outside the state, or articles manufactured before Jan. 1, 1973.
- (2) In compliance with Codes 05.01; 12.03 and Addendum A1.10.

PENALTY: Class 4

05.31 FLEEING A WILDLIFE OFFICER PROHIBITED

04-05, 06-15

It is unlawful to flee from a wildlife officer to avoid imminent inspection, detention or arrest ~~is~~. Fleeing a wildlife officer is a separate offense and shall not be considered a lesser included offense.

PENALTY: Class 2

Class 3 – Fleeing resulting in property damage

Class 4 – Fleeing resulting in personal injury

Class 5 – Fleeing resulting in death

05.32 AIDING, ACCOMPANYING OR ABETTING PROHIBITED
10-12, 06-15 It is unlawful to aid, accompany or abet another in the violation of Arkansas Game and Fish Regulations.
PENALTY: Class 1
Class 2 – While guiding

05.33 HUNTING OR FISHING WHILE RIGHTS ARE SUSPENDED OR REVOKED PROHIBITED
05-05, 06-15 It is unlawful to hunt or trap while hunting rights are suspended or revoked, or fish while fishing rights are suspended or revoked.
PENALTY: Class 4

05.35 HUNTING, FISHING, TRAPPING, RELEASING HUNTING DOGS OR PURSUING WILDLIFE WITH DOGS WITHOUT LANDOWNER/LESSEE PERMISSION PROHIBITED

06-02, 04-05 (A) It is unlawful to hunt, fish, trap wildlife, release hunting dogs or pursue wildlife with dogs, upon the private property of another without having first obtained permission from an owner or lessee of the property.
(B) Notwithstanding the provisions of subsection (A), it is unlawful for any person to hunt, fish, trap wildlife, release hunting dogs or pursue wildlife with dogs, upon the private property of another without carrying written permission from an owner or lessee of the property if the property is lawfully posted or fenced in compliance with one of the methods provided in Ark. Code Ann. §§18-11-404-405. The written permission must include the name of the person permitted upon the property, the signature and telephone number of the landowner or lessee, and the beginning and ending dates of the permission period.

EXCEPTION:

Written permission is not required under subsection (B) if the person hunting, fishing or trapping wildlife is the spouse, parent, child, sibling, uncle, aunt, son-in-law, daughter-in-law, niece, nephew, grandchild or grandparent of the owner or lessee of the private property and has actual permission of the owner or lessee.

PENALTY: Class 2

05.36 HUNTING/FISHING ENDANGERMENT PROHIBITED
03-07, 06-15 It is unlawful to hunt wildlife in such a manner as to endanger the life or property of another person.

PENALTY: Class 2

Class 3 - Endangerment resulting in property damage

Class 4 - Endangerment resulting in personal injury

Class 5 - Endangerment resulting in death

05.39 VIOLATION OF COMMISSION REGULATIONS WHILE ACCOMPANYING A YOUTH PROHIBITED

06-15 It is unlawful for a person 21 years of age or older to violate Commission regulations while accompanying a person under 16 years of age.
PENALTY: Class 1

07.03 HUNTING BEAR OVER BAIT PROHIBITED
04-98, 04-14, 06-15 It is unlawful to hunt bear by the aid of baiting, or on or over any baited area, where he knows or reasonably should know that the area is or has been baited. An area is considered baited for 10 days following complete removal of the bait.

EXCEPTION:

Bears may be hunted over bait on private lands in Bear Zones 1, 2, 5 and 5A during an open bear season (Code 05.01 and Addendum A1.08).

PENALTY: Class 2

07.05 HUNTING TURKEY OVER BAIT PROHIBITED

04-14, 06-15 It is unlawful to hunt wild turkey by the aid of baiting, or on or over any baited area, where he knows or reasonably should know that the area is or has been baited. An area is considered baited for 10 days following complete removal of the bait.

PENALTY: Class 3

08.01 HUNTING DOG REQUIREMENTS

03-09, 06-15 It is unlawful to use any dog to hunt, chase, pursue or retrieve wildlife, or to train dogs for such purposes, without the dog wearing a collar bearing the name, phone number and address of the owner.

EXCEPTION:

Collars are not required for waterfowl retrievers while in the act of retrieving waterfowl if the owner or person in charge of said retriever has on his person the collar bearing the required name, phone number and address.

PENALTY: Class 1

08.04 HUNTING DEER WITH DOGS PROHIBITED

04-12, 06-15 It is unlawful to use dogs for hunting deer during archery, crossbow, muzzleloader, regular modern gun, special youth modern gun, Christmas Holiday modern gun and doe only modern gun deer seasons.

EXCEPTIONS:

- (1) One dog controlled by leash may be used to trail wounded deer after permission has been obtained from a wildlife officer.
- (2) Dogs may be used for deer hunting only during the regular modern gun deer season in deer zones 1A, 6, 6A, 7, 8, 8A, 10, 11, 12, 13, 14, 15, 16A and 17.

PENALTY: Class 2

12.01 TAKING OF ALLIGATOR PROHIBITED

04-12, 06-15 It is unlawful to hunt, buy, sell or possess an American alligator (*Alligator mississippiensis*) or other crocodylian species, or any part, nest or eggs.

EXCEPTIONS:

- (1) Any alligator or other crocodylian species seized or otherwise acquired by the Commission may be sold.
- (2) Any cured and mounted trophies and articles manufactured from the lawfully acquired skins or hides or other parts of any alligator or other crocodylian species.
- (3) An alligator may be possessed for display and educational purposes in compliance with a written permit issued by the Chief of Wildlife Management. Only established facilities such as state and federal parks, zoos, aquariums, commercial or privately operated nature centers or similar entities may possess alligators or other crocodylian species for public display or bona fide educational purposes in compliance with a letter of authorization issued by the chief of Wildlife Management (AAZPA accredited facilities are exempt).
- (4) Personnel authorized by the Commission and engaged in the removal of nuisance alligators in compliance with the current AGFC Nuisance Alligator Procedure.
- (5) In compliance with Codes 05.01; 12.03, Chapter 33.00, and Addendum A1.10.

PENALTY: Class 3

13.01 DISTURBING/SHOOTING BEARS IN DENS PROHIBITED

04-05, 06-15 It is unlawful to shoot, harass or disturb bears in dens at any time.
PENALTY: Class 3

14.04 TAKING OF RAPTORS PROHIBITED

04-05, 06-15 It is unlawful to hunt or possess raptors or any parts at any time.
EXCEPTIONS:
(1) In compliance with Code 09.15.
(2) In compliance with 50 CFR §21.12(b).
PENALTY: Class 3

16.01 TAKING OR POSSESSING ELK PROHIBITED

04-15, 06-15 It is unlawful to hunt or possess an elk.
EXCEPTIONS:
(1) Legal bull elk taken by a permit holder (Addendum Chapter S1.00) and checked in a zone or area declared open by the Commission to the taking of legal bull elk (Addendum A1.09).
(2) Antlerless elk taken by a permit holder (Addendum Chapter S1.00) and checked in a zone or area open by the Commission to the taking of antlerless elk (Addendum A1.09).
(3) Elk taken in another state and accompanied by legal verification required by state of origin (Code 05.26).
PENALTY: Class 3

19.11 OUTBOARD MOTOR SIZE AND HAZARDOUS WAKE RESTRICTIONS ON COMMISSION-OWNED LAKES

06-87, 06-15 It is unlawful to operate any boat in such a manner as to create a wake that is hazardous to persons or property, or to fail to comply with the outboard motor size restrictions on Commission waterfowl areas as noted in Code 24.03.
PENALTY: Class 1

20.24 FERAL HOG RESTRICTIONS ON WMAs

04-15, 06-15 It is unlawful to:
(A) Hunt feral hogs on WMAs.
(B) Hunt feral hogs on WMAs by the use of dogs or trapping.
(C) Possess or release live hogs on WMAs.
EXCEPTIONS:
(1) Feral hogs may only be taken by hunters who are hunting bear, deer or elk during a firearm season for these big game species with weapons legal for bear, deer or elk firearms season on the following WMAs: Bald Knob NWR, Bayou Meto, Bearcat Hollow, Beryl Anthony Lower Ouachita, Big Lake, Big Timber, Blevins, Buck Island, Buffalo National River, Cache River NWR, Camp Robinson SUA, Camp Robinson, Caney Creek, Casey Jones, Cherokee, Cut-Off Creek, Dale Bumpers White River NWR, Departee Creek, Devil's Knob Natural Area, Dr. Lester Sitzes III Bois D'Arc, Ed Gordon Point Remove, Felsenthal NWR, Freddie Black Choctaw Island Deer Research Area, Ft. Chaffee, Galla Creek, Gene Rush, Gum Flats, Harold E. Alexander Spring River, Henry Gray Hurricane Lake, Hope Upland, Howard County, Jamestown Independence County, Jim Kress, Lafayette County, Lake Greeson, Lee Creek, Little Bayou, Little River, Loafer's Glory, McIlroy Madison County, Moro Big Pine Natural Area, Mt. Magazine, Muddy

Creek, Overflow NWR, Ozan, Ozark National Forest WMA Petit Jean River, Piney Creeks, Poison Springs, Pond Creek NWR Provo, Rainey, Scott Henderson Gulf Mountain, Seven Devils, Shirey Bay Rainey Brake, Spring Bank, St. Francis National Forest, St. Francis Sunken Lands, Steve N. Wilson Raft Creek Bottoms, Sulphur River, Sylamore, Trusten Holder, U of A Pine Tree Experimental Station WDA, Wapanocca NWR, Wedington, White Rock and Winona WMAs. Hunters must comply with all hunting license and permit requirements.

- (2) Feral hogs may be taken during any daylight hunting season using weapons legal for that season on the following: Beaver Lake, Blue Mountain, Dardanelle, DeGray Lake, DeQueen Lake, Greers Ferry Lake, J. Perry Mikles Blue Mountain SUA, Jones Point, Nimrod Lloyd Millwood, Norfolk Lake, Ozark Lake WMAs.

PENALTY: Class 3

Class 4 – Violation of C above

24.08 GUIDING PROHIBITED ON ALL COMMISSIONED-OWNED OR CONTROLLED WMAs

10-00, 04-14,
06-15

It is unlawful to guide waterfowl hunters on Commission-owned or controlled WMAs. It also is unlawful for any person to take or attempt to take wildlife waterfowl while being guided on Commission-owned or controlled WMAs.

PENALTY: Class 2 – Being guided
Class 3 – Guiding

26.01 TAKING FISH WITH ELECTRICAL DEVICES, FIREARMS, EXPLOSIVES, TOXIC, STUPEFYING OR KILLING SUBSTANCES PROHIBITED

08-89, 06-15

It is unlawful to fish with electrical devices or possess electrical devices for taking fish; to fish with the use of firearms or explosives; or to deposit toxic, stupefying, or killing substances that can injure, stupefy, or kill fish into public waters or to take or attempt to take fish affected by such substances.

EXCEPTION:

Under scientific permit issued by the Commission.

PENALTY: Class 4

26.20 SALE OF GAME FISH PROHIBITED

07-87, 06-15

It is unlawful to buy, sell, possess for sale, or offer for sale any game fish.

EXCEPTIONS:

- (1) In compliance with Code 30.11 when taken by commercial fishermen.
- (2) Game fish raised in licensed fish-farming operations.
- (3) Bream 4 inches or less.

PENALTY: Class 3

26.21 YO-YO FISHING RESTRICTED

01-09, 06-15

It is unlawful for a person to fish more than 30 yo-yos or other mechanical fishing devices or to leave such unattended (out of sight or hearing) during daylight hours, or to suspend more than one yo-yo or mechanical device from any horizontal line, wire, limb or support. Stakes used for mounting yo-yos or limblines on Commissioned-owned lakes must be made from wood or cane and must be removed from the lake when not in use. Yo-yos must be clearly labeled with the name and address, vehicle operator's license number, or current vehicle license number of the person using such equipment. These regulations shall apply to all yo-yos left in place whether "set" or "tripped" (disabled).

PENALTY: Class 1

26.22 FREEFLOATING FISHING DEVICES RESTRICTED

06-88, 06-15 It is unlawful to fish in excess of 20 freefloating fishing devices (jugs) and to fail to attend such devices at all times. All freefloating fishing devices must be plainly labeled, in a durable manner, with the name and address, vehicle operator's license number, or current vehicle license number of the person using such equipment.

EXCEPTION:

Freefloating Fishing Devices are not required to be attended from sunset to sunrise.

PENALTY: Class 1

29.03 SALE OF BULLFROGS PROHIBITED

07-87, 06-15 It is unlawful to sell, buy, or offer for sale bullfrogs taken in Arkansas.

EXCEPTION:

Outside the established bullfrog season, fish farmers holding a valid bullfrog permit (Code 29.04) shall be limited to the taking of bullfrogs only on those specific ponds, impoundments, and drainages where valid fish-farming operations are occurring.

PENALTY: Class 3

30.02 COMMERCIAL FISHING BY NON-RESIDENTS PROHIBITED

08-05, 01-13, 06-15 It is unlawful for nonresidents to assist or participate in commercial harvest operations or to possess commercial fish, mussels, crayfish, aquatic turtles or commercial tackle associated with commercial harvest on Arkansas waters.

EXCEPTION:

In compliance with Addenda H1.01-03.

PENALTY: Class 3

30.17 RESIDENT ROE TAKER/SELLER PERMIT REQUIREMENTS

09-07, 01-14, 06-15 It is unlawful to take, sell or possess paddlefish or sturgeon, or their parts, including eggs (roe), without a current resident roe taker/seller permit. A commercial fishing license is required to purchase a resident roe taker/seller permit.

EXCEPTIONS:

- (1) A person with a resident roe taker/helper permit may harvest or assist in the harvest of paddlefish or sturgeon when in the immediate presence of a permitted roe taker/seller. The holder of a roe taker/seller or roe buyer/exporter permit shall be responsible for supervising the actions of the person using the roe taker/helper's permit.
- (2) Sportfishermen in compliance with Code 25.02 may take and possess but not sell paddlefish.
- (3) Permitted fish farmers in compliance with Code 35.10.
- (4) Paddlefish and sturgeon meat may be sold to individuals only for personal use as long as a bill of sale containing the name and permit number of the authorized harvester, species, total pounds of meat received, and the name of the purchaser accompanies the meat.
- (5) Paddlefish/sturgeon meat and/or roe can be transported by an authorized representative of a legally permitted resident roe taker/seller if accompanied by a bill of lading or bill of sale indicating the name and permit number of the authorizing resident taker/seller and including the species, number of pounds of roe or meat per species, and if being sold, the name of the purchaser. A true bill of lading or bill of sale must accompany the shipment to the final destination.

PENALTY: Class 3

30.18**RESIDENT ROE BUYER/EXPORTER AND NON-RESIDENT ROE BUYER/EXPORTER PERMIT REQUIREMENTS**12-01, 09-06,
06-15

It is unlawful to buy or export across the state line paddlefish or sturgeon, or their parts, including eggs (roe), without a current resident roe buyer/exporter permit or non-resident buyer/exporter permit, as applicable. Licensed commercial fishermen who hold current resident roe buyer/exporter permit may also take paddlefish and sturgeon in compliance with applicable season, size and tackle regulations.

EXCEPTIONS:

- (1) In compliance with Code 25.02.
- (2) Permitted fish farmers in compliance with Code 35.10.
- (3) Paddlefish and sturgeon meat may be purchased only from permitted roe taker/sellers and roe buyer/exporters in compliance with Code 30.01.
- (4) Paddlefish/sturgeon meat and/or roe can be transported by an authorized representative of a legally permitted resident buyer/exporter if accompanied by a bill of lading or bill of sale, indicating the name and permit number of the authorizing resident buyer/exporter and including the species, number of pounds of roe or meat per species, and if being sold, the name of the purchaser. A true bill of lading or bill of sale must accompany the shipment to the final destination.
- (5) Paddlefish, sturgeon or their meat (excluding eggs or roe) may be purchased for personal use without purchasing either a resident/non-resident roe buyer/exporter permit in compliance with this code.

PENALTY: Class 3**30.19****ROE BUYER/EXPORTER REPORTING REQUIREMENTS**

12-01, 06-15

Resident roe buyers/exporters or non-resident roe buyers/exporters must submit monthly, on or before the 16th of each month, reports of roe-buying transactions for the preceding month on forms provided by the Commission. Resident roe buyers/exporters also must report their take of roe. Failure to maintain accurate records will result in permit revocation and no renewal. These forms shall be completed at the time of purchase and available for inspection by Commission personnel at any reasonable time.

PENALTY: Class 3**30.20****PADDFISH AND STURGEON POSSESSION RESTRICTIONS ON WHITE RIVER, ARKANSAS RIVER AND BORDER WATERS**

11-08, 06-15

It is unlawful to commercially take, attempt to take, or possess paddlefish or sturgeon, or their parts including eggs (roe), from:

- (A) That part of the White River, immediately above the Newport Access and proceeding upstream to the boat ramp at Jacksonport State Park, and from the confluence of Black River upstream to Dam 1 at Batesville.
- (B) The following border waters with Louisiana: Red River in Hempstead, Lafayette, Little River, and Miller counties; Ouachita River from the Louisiana state line to 100 yards below Felsenthal Lock and Dam; Bayou Bartholomew from the Louisiana state line to its source in Jefferson County; Bodcau Bayou from the Louisiana state line to the base of Lake Erling Dam; Boeuf River from the Louisiana state line to its source in Chicot County; and Bayou Macon from the Louisiana state line to its source in Desha County.
- (C) The portion of the Arkansas River extending from Trimble Lock and Dam upstream to the Arkansas/Oklahoma state line except for during permitted special seasons determined by the Commission.

EXCEPTION:

Paddlefish or their eggs may be possessed, but not harvested, on the White River from Newport Access upstream to the boat ramp at Jacksonport State Park.

PENALTY: Class 3

30.21 CUTTING OR MUTILATION OF PADDLEFISH AND STURGEON PROHIBITED

10-02, 08-10,
06-15

It is unlawful to possess a cut or mutilated paddlefish or sturgeon while on the water unless the eggs have been removed and at least 2 inches of one ovary remains attached to each fish. Mutilation includes tearing or disfiguring of paddlefish in any way near the vent area. A 12-gauge needle may be used to determine the presence of eggs. Eggs must be kept in separate containers, one fish per container.

EXCEPTION:

Fish may be blocked out but the carcass must be at least the legal minimum length limit for the water being fished.

PENALTY: Class 4

30.23 PADDLEFISH AND STURGEON HARVEST RESTRICTIONS

11-08, 01-13,
06-15

It is unlawful to take, attempt to take, or possess paddlefish or sturgeon, or their parts, including eggs (roe), from waters of the state from midnight, April 10-sunrise, Nov. 20.

EXCEPTIONS:

- (1) Permitted resident roe buyers/exporters and permitted non-resident roe buyers may possess processed roe only with proper reports of transactions described in Code 30.19.
- (2) In compliance with Code 25.02.
- (3) Permitted fish farmers in compliance with Code 35.10.
- (4) Sturgeon may be taken midnight Nov. 15–sunrise, May 1.
- (5) Roe takers are required to use only multifilament nets from sunrise, Nov. 20 – midnight, Dec. 5 and from sunrise, March 2 – midnight, April 10 in the Arkansas River below James W. Trimble Dam.

PENALTY: Class 3

31.01 MUSSEL SHELL TAKER/SELLER AND SHELL BUYER LICENSE AND REPORTING REQUIREMENTS

08-95, 06-15

It is unlawful to take, attempt to take, buy, sell, or offer for sale freshwater mussels for commercial purposes without a current resident shell taker/seller's license, a resident shell buyer's license or a non-resident shell buyer's license. A person with a shell taker's helper permit may harvest or assist only in the immediate presence of a licensed shelltaker. Licensed resident or non-resident shell buyers may purchase up to four shell buyer's agent permits which may be transferred between employees of the licensed shell buyer. Only residents can hold an agent permit, and agents can purchase only for their licensed buyer. For the purposes of this chapter, "resident" means any person who has established a bona fide residence in Arkansas for at least 12 months and declares themselves a citizen of Arkansas.

BUYERS: Quarterly reports of mussel-buying transactions must be submitted by shell buyers on or before the 1st of January, April, July and October on forms provided by the Commission.

SELLERS: Shell Taker/Seller's License holders shall furnish the Commission the number of pounds of each species of mussels taken in Arkansas and sold out of state on or before Feb. 1 on forms provided by the Commission.

Failure to maintain accurate reports will result in license revocation and no renewal. These records shall be maintained monthly and made available for inspection by authorized Commission personnel at any reasonable time.

PENALTY: Class 3

34.01 AQUATIC TURTLE PERMIT REQUIREMENTS

09-07, 01-14,
06-15

Non-residents are not permitted to harvest aquatic turtles. It is unlawful for a resident to operate tackle, harvest, propagate, purchase or sell wild-caught aquatic turtles for commercial purposes without the following permits:

- (A) A commercial fisherman permit and sport fishing license, and either an aquatic turtle harvest permit or a junior aquatic turtle harvest permit (for resident youths) are required to harvest and sell wild aquatic turtles.
- (B) The bearer of an aquatic turtle harvest helper permit may assist in the harvest or operate the properly tagged tackle of a licensed aquatic turtle harvester or dealer.
- (C) A commercial fisherman permit and sport fishing license, and an aquatic turtle dealer permit are required to engage in the harvest, propagation, purchase, sale or export of wild-caught aquatic turtles.
- (D) An aquatic turtle farmer permit is required to engage in the propagation, sale or export of propagated aquatic turtles. This permit does not allow for the purchase, barter, trade, exchange or sale of wild-caught turtles.
- (E) An alligator snapping turtle breeder/dealer permit is required to possess, buy, sell or offer to sell alligator snapping turtles or their eggs. Alligator snapping turtles longer than 5 inches curved carapace length may not be sold, bartered, traded, or transferred without written approval of the Commission. An affidavit form provided by the Commission specifying the transaction type (transfer or sale), party type (individual or business), and number of turtles, shall be submitted to the Commission.

All sales of wild-caught aquatic turtles shall follow all transaction and reporting requirements (Code 34.07) in this chapter.

EXCEPTIONS:

- (1) Fish farmer permittees may harvest and sell turtles from their facilities with an aquatic turtle harvest permit.
- (2) Fish markets selling only dressed turtles for human consumption in Arkansas are not required to have an aquatic turtle dealer permit.
- (3) In compliance with Codes 03.07, 03.08.

PENALTY: Class 3

34.03 NON-RESIDENT AQUATIC TURTLE DEALER PERMIT REQUIREMENTS

09-05, 09-07,
06-15

It is unlawful for non-residents to purchase, sell, or offer to purchase or sell aquatic turtles in Arkansas without a non-resident Aquatic turtle dealer permit and shall follow all transaction and reporting requirements (Code 34.07).

EXCEPTION:

Non-residents may purchase aquatic turtles from holders of aquatic turtle harvest/dealer/farmer permits without a non-resident aquatic turtle dealer permit if turtles are being shipped directly out of Arkansas to the buyer, or if the buyer is picking up and transporting a purchase out of Arkansas.

PENALTY: Class 3

34.04 COMMERCIAL AQUATIC TURTLE HARVEST RESTRICTIONS

01-15, 06-15

- (A) It is unlawful to take or attempt to take aquatic turtle eggs from the wild.
- (B) It is unlawful to take or attempt to take aquatic turtles for commercial purposes by any means other than hoop nets or box type turtle traps. Commercial aquatic turtle harvest is allowed in waters of the following counties or specified portions thereof, and/or bodies of water as specified:
 - (1) Arkansas, Ashley, Bradley, Calhoun, Chicot (Exception 2), Cleveland, Clay, Columbia (Exception 2), Craighead, Crittenden (Exception 2), Cross, Dallas,

- Desha, Drew (Exception 2), Grant, Greene, Jackson, Jefferson, Lafayette (Exception 2), Lawrence (Exception 2), Lawrence (east of the Black River), Lee, Lincoln, Lonoke, Miller, Mississippi, Monroe, Nevada, Ouachita, Phillips, Poinsett, Prairie, Pulaski (south of I-30 and east of I-440 and Arkansas Highway 67), Randolph (east of the Black River) from the southern border to Pocahontas; from Pocahontas to Maynard east of Arkansas Highway 115; and from Maynard to the state line east of Arkansas Highway 166), St. Francis, Saline (east of I-30), Union, White (east of Arkansas Highway 67) and Woodruff counties;
- (2) Arkansas River, from its mouth to the Arkansas/Oklahoma state line, including that part of the Arkansas River from the Ozark Dam to the Arkansas/Oklahoma state line, bounded on the north by the Union Pacific Railroad and on the south by Arkansas Highway 22 in compliance with Code 30.25.
 - (3) Black River from its mouth to the Missouri state line;
 - (4) Little River from its mouth to the Corps of Engineers boat ramp on west bank of river below Millwood Lake Dam;
 - (5) Ouachita River from the Louisiana state line to the Arkansas Highway 79B Bridge (Camden);
 - (6) Red River from the Louisiana state line to the Oklahoma/Texas state line;
 - (7) Sulphur River from its mouth to the Texas state line;
 - (8) White River from its mouth to 100 yards below Dam No. 1 at Batesville, Independence County;
 - (9) Arkansas waters between the main levees of the Mississippi River.
 - (10) All lakes, bays or other bodies of water, other than tributary streams, connected to waters as specified above, when accessible by boat, from the main channel except as limited by Addendum Chapter H1.00.
- (C) When a river or stream forms the boundary between opened and closed counties, that boundary segment shall be open to tackle legal in the open county.

EXCEPTIONS:

- (1) Bayou Meto Bayou in compliance with Code 38.01.
- (2) The following waters are closed to commercial aquatic turtle harvest:
 - (a) Lake Erling, including all tributaries upstream from 100 yards below Lake Erling Dam to Arkansas Highway 313 (Lafayette County)
 - (b) All Commission-owned lakes (excluding all natural lakes when accessible by boat from river or stream channel on WMAs in counties listed above);
 - (c) Lake Columbia (Columbia County);
 - (d) Horseshoe Lake (Crittenden County);
 - (e) Lake Wallace (Drew and Chicot counties);
 - (f) Upper and Lower Lake Chicot (Connerly Bayou to Ditch Bayou Dam inclusive)(Chicot County).
- (3) USDA Forest Service lakes, State Park lakes and lakes owned by municipalities or property-owner associations.
- (4) Private landowners, in closed counties, can obtain from the Commission, a Private Land Nuisance Aquatic Turtle Permit. This permit allows the harvest of Common Snapping Turtles (*Chelydra serpentina*), Redear Sliders (*Trachemys scripta*), and Spiny Softshells (*Apalone spinifera*) for commercial purposes on private property under the following conditions:
 - (a) Only from manmade lakes and ponds
 - (b) Only by a licensed commercial aquatic turtle harvest or dealer permittee
 - (c) Only with legal commercial turtle harvest gear as defined above
 - (d) All harvested turtles shall be reported on aquatic turtle harvest report forms as specified in Code 34.07.

PENALTY: Class 2

34.05 AQUATIC TURTLE TACKLE RESTRICTIONS

11-08, 06-15

It is unlawful to take or attempt to take aquatic turtles other than as specified below:

- (A) Hoop nets with ramp netting attached to the first hoop and throat opening restricted by parallel lines attached to the second hoop. Maximum throat opening 1 inch by 3 feet (where throat lines attach to hoop). Minimum mesh size 1½ inches square bar mesh. Wings or leads may not be used. Nets to be set with throat horizontal and in such a manner that a portion of the enclosure remains above water surface at all times.
- (B) Box type traps (basking traps) with an open top that is above the water surface. All other trap surfaces must be fully closed and incapable of taking fish. Box type turtle traps may not exceed 4x4x4 feet in dimension.
- (C) Turtle trappers must check and remove catch from all hoop nets at least once during each 24-hour period and from all box traps at least once every 72-hours.

EXCEPTIONS:

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

PENALTY: Class 2

34.07 AQUATIC TURTLE TRANSACTION AND REPORTING REQUIREMENTS

09-05, 08-10,
06-15

- (A) It is unlawful for aquatic turtle harvest, junior aquatic turtle harvest, and aquatic turtle dealer permittees to fail to mail or deliver to the Commission on or before the 10th of each month a legibly completed and itemized aquatic turtle harvest form provided by the Commission for all wild-caught aquatic turtles harvested during the prior month. A copy of this form shall be retained by the permittee for a period of 12 months and made available for inspection by any agent of the Commission.
- (B) Aquatic turtle harvest, aquatic turtle dealer, non-resident turtle dealer, aquatic turtle farmer, and alligator snapping turtle breeder/dealer permittees must comply with the following:
 - (1) An invoice, bill of sale or true bill of lading must accompany all turtle sales shipped or transported in intrastate or interstate commerce to the final destination and must contain the following information:
 - (a) Name, address, and telephone number of buyer and seller;
 - (b) Permit number of seller, and,
 - (c) Number and species of turtles in shipment.
 - (2) Permittees may have turtles transported by their authorized representatives if accompanied with a true bill of lading or bill of sale as described above.
- (C) It is unlawful for alligator snapping turtle breeder/dealer permittees to fail to mail or deliver to the Commission by the 10th of each month a legibly completed, itemized transaction record of all alligator snapping turtles purchased, sold, bartered, traded, or transferred during the prior month transactions were made. This transaction record shall include the names, addresses and phone numbers of all persons involved in the sale, purchase, barter, trade or transfer of alligator snapping turtles. Transaction records shall be recorded on a form provided by the Commission.

PENALTY: Class 2; Second offense shall result in the revocation of the permit.

34.08	POSSESSION OF SPORT FISH BY AQUATIC TURTLE HARVESTERS PROHIBITED
08-90, 08-06, 06-15	<p>It is unlawful for permitted aquatic turtle harvesters to sport-fish or possess game fish in the same waters where the permittee is engaged in turtle trapping.</p> <p>EXCEPTIONS:</p> <ol style="list-style-type: none"> (1) Rough fish caught in turtle traps may be retained for use as bait. (2) If hoop nets or box-type traps are baited with fish, only rough fish may be used. (3) Fish farmers on their permitted facilities. <p>PENALTY: Class 2; Second offense shall result in revocation of the aquatic turtle harvest permit or aquatic turtle dealer permit.</p>
34.09	TAKING OR POSSESSION OF ALLIGATOR SNAPPING TURTLES PROHIBITED
01-94, 09-05, 06-15	<p>It is unlawful to kill, take, attempt to take, or possess alligator snapping turtles, their eggs or other parts from the wild.</p> <p>EXCEPTIONS:</p> <ol style="list-style-type: none"> (1) A legally acquired alligator snapping turtle may be possessed for display and educational purposes by written authorization approved by the Commission. Such authorizations specifically do not allow for the propagation, sale, or exchange of these turtles in any form without written authorization from the Commission. (2) In compliance with <u>Code 34.11</u>. (3) Fish farmers for immediate relocation and release of alligator snapping turtles removed from their permitted facilities. <p>PENALTY: Class 3</p>
34.10	TAKE OF CHICKEN TURTLES PROHIBITED
09-05, 06-15	<p>It is unlawful to kill, take, or attempt to take chicken turtles, their eggs or other parts from the wild.</p> <p>EXCEPTION:</p> <p>Chicken turtles in legal possession as of Jan. 1, 2006 and their progeny thereafter in compliance with <u>Codes 34.02; 34.04</u>.</p> <p>PENALTY: Class 2</p>
34.11	IMPORTATION OF ALLIGATOR SNAPPING TURTLES AND CHICKEN TURTLES PROHIBITED
02-98, 09-05, 06-15	<p>It is unlawful to import alligator snapping turtles and chicken turtles into Arkansas.</p> <p>PENALTY: Class 3</p>
37.03	BOATING RESTRICTIONS BELOW CORPS OF ENGINEERS DAMS
08-80, 06-15	<p>It is be unlawful for any vessel to enter within 300 feet downstream below any dam constructed by the Corps of Engineers on any stream or impoundment in Arkansas.</p> <p>EXCEPTIONS:</p> <ol style="list-style-type: none"> (1) Commercial river traffic. (2) Boats used by the Corps of Engineers. (3) Contractors working on construction or maintenance of dams. (4) Enforcement officers. <p>PENALTY: Class 1</p>
37.04	BOATING RESTRICTIONS ON CORPS OF ENGINEERS LAKES
08-80, 06-15	<p>It is unlawful to operate a vessel in any manner contrary to signs, markers or buoys placed by the Corps of Engineers controlling speed, skiing or operation of vessels.</p>

PENALTY: Class 1

37.05 SKIING PROHIBITED IN BAY TOWN/INDIAN BAY AREA

08-80, 06-15 It is unlawful to water ski in the Bay Town/Indian Bay area of White River where prohibiting signs are posted.
PENALTY: Class 1

37.06 SKIING RESTRICTIONS ON MELLWOOD LAKE

08-80, 06-15 It is unlawful to water ski on Mellwood Lake north of the section line common to Sections 30 and 31, Township 5 south, Range 2 east of the 5th principal meridian in Phillips County.
PENALTY: Class 1

37.07 SKIING PROHIBITED IN WHITE RIVER/LAGRUE BAYOU CONFLUENCE AREA

08-80, 06-15 It is unlawful to water ski within 1,500 feet in any direction of the confluence of LaGrue Bayou and White River.
PENALTY: Class 1

37.08 OUTBOARD MOTOR RESTRICTIONS ON BUFFALO NATIONAL RIVER

08-07, 06-15 It is unlawful to use an outboard motor on the Buffalo River upstream from Erbie Ford, or use outboard motors larger than 10 horsepower from Erbie Ford to the White River.
PENALTY: Class 1

37.09 OUTBOARD MOTOR RESTRICTIONS ON ELEVEN POINT RIVER

08-07, 06-15 It is unlawful to use outboard motors larger than 30 horsepower at the propeller or jet pump on the Eleven Point River.
PENALTY: Class 1

37.10 VESSEL RESTRICTIONS IN ARKANSAS AND WHITE RIVER NAVIGATIONAL CANAL

08-80, 06-15 It is unlawful to operate any vessel in the Arkansas and White River Navigational Canal between Dam No.1 (Norrell Dam) and the lower guardwall of the dam.
EXCEPTION:
When the tailwater elevation exceeds 104 MSL and Corps of Engineers signs are covered.
PENALTY: Class 1

37.11 POSSESSION OR USE OF GLASS CONTAINERS WITHIN THE BANKS OF NAVIGABLE WATERWAYS PROHIBITED

05-02, 06-15 It is unlawful to possess or use glass containers within a vessel within the banks of navigable waterways of this State except in compliance with the provisions of Arkansas Code § 8-6-418 (Addendum L1.03). It also is unlawful to fail to comply with the provisions of Arkansas Code §8-6-418 concerning transportation of foodstuffs, beverages, refuse, waste, or trash in navigable waterways of this State by canoe, kayak, inner tube, or other vessel easily susceptible to swamping, tipping, rolling, or otherwise discharging its contents into a waterway.
PENALTY: As provided for in Ark. Code Ann. § 8-6-418 (Fine not to exceed \$500)

38.06 COMMERCIAL FISHING FOR CERTAIN FISH PROHIBITED IN LOWER OUACHITA RIVER AND OUACHITA RIVER FLOOD PLAIN SOUTH OF SMACKOVER CREEK, SALINE RIVER AND SALINE RIVER FLOOD PLAIN SOUTH OF U.S. HIGHWAY 278

04-97, 06-15

The Arkansas Department of Health has revised fish consumption advisories for certain fish in the lower Ouachita River and Saline River as specified below. These waters, including oxbows and overflow lakes when accessible by boat from the main channel, are open to legal commercial tackle as defined in Codes 30.05 and 30.15. The oxbows and overflow lakes within Ouachita River flood plain when not accessible by boat from the main channel are open noon, Sept. 30-noon, May 1, to legal gill and trammel nets.

- (1) Flathead catfish, bowfin, drum and gar may not be taken or possessed by commercial fishermen in the Ouachita River, oxbows and overflow lakes from Smackover Creek to the northern boundary of Felsenthal NWR.
- (2) Flathead catfish, blue catfish, bowfin, drum and gar may not be taken or possessed by commercial fishermen on the Ouachita River oxbows and overflow lakes within Felsenthal NWR downstream to the Louisiana state line; any and all waters within Felsenthal NWR; and, the Saline River from its mouth within the Felsenthal NWR to the Stillion railroad bridge in Ashley and Bradley Counties.
- (3) Flathead catfish, blue catfish, bowfin, drum, gar and redhorse suckers may not be taken or possessed by commercial fishermen on the Saline River from the Stillion railroad bridge upstream to the U.S. Highway 278 bridge in Bradley County.

PENALTY: Class 3

**ARKANSAS GAME AND FISH COMMISSION
CODE BOOK ADDENDUM**

ADDENDUM INDEX

A1.00	Game Seasons and Limits
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