

Proposed Miscellaneous Code Revisions

Committee: Regulations

Date: September 19, 2012

Explanation:

- Code 05.32-The current language used in deals only with a person violating an AGFC regulation involving the consumptive use (illegally taking, attempting to take, possessing, buying, or selling of wildlife). There are several regulations where Officers could apply this and it be the correct code to charge a person with. The examples below involve a person who drives a vehicle for another person, but does not ever get out of the vehicle to be actively involved with committing a violation of the regulation. A person drives a vehicle never getting out and the passenger (1) dumps trash or litter on a WMA, (2) unloads ATV's for subjects to ride on a WMA and picks them up later at another location, (3) is pulling a trailer loaded with feral hogs that are released by the passenger on a WMA. This proposed change will allow the driver to be charged with Aiding, Accompanying or Abetting Prohibited in these violations which has a Class 1 Penalty and carries 6 violation points.
- Code 06.11-This code will ban the use of all military ball and full metal jacket ammunition for hunting any type of wildlife. This type of ammunition is not designed for hunting and does not expand to create a clean and humane taking of wildlife with a firearm. It will include all full metal jacket ammunition and military ammunition such as tracers, and armor piercing. Currently it is banned for deer and bear hunting but not for furbearer and elk. By creating this code it will be banned for the taking of all wildlife and also prohibit a hunter from having this type of ammunition in their possession. It will be referenced in the deer, bear, furbearer, and elk codes also attached. (codes also affected 06.02, 06.07, 06.09 and 06.10)
- Codes/Addenda 05.05, 17.01, 20.10, G1.01-Oneida Victor Ltd Inc. recently contacted the state of Arkansas requesting that the word "Conibear" be removed from all state laws and regulations in order to protect their ability to defend this trademarked term. The Conibear was one of the first models of body-gripping traps to reach the market and many states, including Arkansas, used that term when describing such traps in their regulations. In order to comply with this request we are proposing that "Conibear" be replaced with "body-gripping trap" in applicable codes.

- Addenda C1.01-When the 2012-2013 General Hunting Regulations package was approved during the April 2012 Commission meeting, there was a typographical error for the modern gun permit hunt on Wedington WMA. The Code of Regulations says December 10-11, 2012. However, the correct date is November 10-11, 2012. Attached is a proposed code for consideration to change the month to November.
- Code 20.07-In order to collect hunter use data from the Sweet Sixteen WMAs, hunters are required to obtain a free use permit prior to any hunting or trapping activity on these WMAs. This proposed code modification will eliminate the need for youth hunters, less than 16 years of age, to obtain this permit. Many youth hunters do not have an email address or proper identification to complete the survey, and this change would reduce the amount of needed paper work and requirements for youth hunters.

Prepared by: David Goad

05.05

04-12

HUNTING FROM A PUBLIC ROAD OR LEVEE PROHIBITED

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 Coonbear** traps.
- (2) In compliance with ([Code 09.15](#) and [Addendum F1.07](#)).

PENALTY: Class 3

05.32

04-05

AIDING, ACCOMPANYING OR ABETTING PROHIBITED

It is unlawful to aid, accompany or abet another in ~~illegally taking, attempting to take, possessing, buying or selling wildlife~~ the violation of **Arkansas Game and Fish Regulations**.

PENALTY: Class 1

06.02

03-06

CERTAIN FIREARMS AND AMMUNITION PROHIBITED DURING MODERN GUN DEER SEASONS

(A) It is unlawful to hunt deer during statewide modern gun deer seasons with:

- Prohibited muzzleloading firearms ([Code 06.03](#));
- Any .410 shotguns using ammunition other than slugs;
- Any shotguns using shot smaller than No. 4 buckshot;
- Handguns having barrels shorter than 4 inches using conventional straight-wall cased handgun calibers less than .357 caliber or bottleneck-case handgun calibers less than .22 caliber;
- Rifles and handguns using rimfire cartridges, **military or full-metal-jacket ammunition in compliance with Code 06.11**;
- Any centerfire rifle or handgun smaller than .22 caliber.

(B) It also is unlawful for any person to hunt deer during modern gun deer seasons in Deer Zones 4, 4B, 5, 5B with any firearms other than the following:

- Shotguns (.410 or larger) with slugs only;
- Legal muzzleloading long guns ([Code 06.03](#));
- Handguns having barrels between 4 and 10 inches in length and chambered specifically for straight-wall centerfire cartridge cases and hunting with lead and, lead alloy, soft-nose and/or hollow-point bullets no less than .30 caliber.

EXCEPTION:

In compliance with [Code 05.19](#).

PENALTY: Class 1

06.07

CERTAIN AMMUNITION PROHIBITED FOR HUNTING FURBEARERS

04-12

It is unlawful to hunt furbearers with any rifled slug or shot size larger than No. T, or with any rifle or handgun ammunition other than rimfire ammunition of .22 caliber or smaller.

EXCEPTIONS:

- (1) In compliance with [Codes 05.10; 06.11,20.02](#).
- (2) Bobcat, fox or coyote may be taken during daylight hours in an open season for that species with firearms of any caliber.

PENALTY: Class 1

06.09

CERTAIN KILLING DEVICES PROHIBITED FOR HUNTING BEAR

04-05

It is unlawful to hunt bear with killing devices other than those in compliance with Codes 06.02-04 **and 06.11**.

EXCEPTIONS:

- (1) Shotguns 20 gauge or larger with only rifled slugs may be used.
- (2) In compliance with [Code 05.19](#).

PENALTY: Class 1

06.10

CERTAIN WEAPONS AND AMMUNITION PROHIBITED FOR HUNTING ELK

04-98

It is unlawful to hunt elk with:

- (A) Muzzleloading firearms smaller than .50 caliber;
- (B) Shotguns smaller than 20 gauge;
- (C) Shot for shotguns other than slugs;
- (D) Archery tackle that is not in compliance with [Code 06.04](#);
- (E) Crossbows;
- (F) Conventional straight-wall case handgun calibers smaller than .41 caliber (.410) or bottleneck-case handgun calibers smaller than .24 caliber (.244/6mm);
- (G) Modern firearms smaller than .24 caliber (6mm);
- (H) Modern firearms that are not centerfire; or
- (I) Modern firearm ammunition with bullet weight less than 100 grains **in compliance with Code 06.11**.

EXCEPTION:

In compliance with [Code 05.19](#).

PENALTY: Class 1

06.11

CERTAIN AMMUNITION PROHIBITED FOR HUNTING WILDLIFE

08-12

It is unlawful to hunt wildlife with, or have in possession while hunting wildlife the following types of ammunition.

- (A) Military ball ammunition.**
- (B) Full-metal jacket ammunition.**

PENALTY: Class 1

17.01

REGULAR FURBEARING SEASON TRAP RESTRICTIONS

04-12

It is unlawful to possess or use any cable-restraining device (snare) or trap during open furbearing animal seasons ([Addendum A1.05](#)) without complying with the following restrictions:

- (A) Bait Restrictions:
Animal matter, including meat, skin, bones, feathers, hair or any other solid substance that used to be part of an animal, may not be used as bait within 20 feet of a trap set, unless it is adequately covered to

prevent it being seen from above. The cover also must withstand wave and wind action or other normal environmental conditions that could cause the bait to become visible.

- (B) Permissible Land-Set Traps:
- (1) Smooth-jawed traps with a jaw spread of 6 inches or less (traps in excess of 5 inches, measured from the inside edge of the trap at the dog, must have offset or rubber-padded jaws);
 - (2) Size 110, 120 and 160 ~~Conibear~~, or comparable body-gripping traps, with a jaw spread of 6 inches or less (measured on the inside edge of the trap from hinge-to-hinge and from top-to-bottom at the dog and may not exceed the specified maximum size either horizontally or vertically); and
 - (3) Box traps.
- (C) Permissible Water-Set Traps:
- (1) Smooth-jawed traps with a jaw spread of 8.5 inches or less (measured from the inside edge of the trap at the dog);
 - (2) ~~Conibear or comparable~~ **B**body-gripping traps with a jaw spread of 11 inches or less (measured on the inside edge of the trap from hinge-to-hinge and from top-to-bottom at the dog and may not exceed the specified maximum size either horizontally or vertically); and
 - (3) Box traps.
- (D) Snare (Cable Restraint Device) Restrictions:
- (1) Snares are allowed in water sets;
 - (2) Snares are allowed as land sets provided that snares set more than 20 feet from a permanent body of water have a functional “deer lock” that will not allow the snare to close smaller than 2.5 inches;
 - (3) Land snares must be constructed of braided cable with a loop no more than 12 inches in diameter (side-to-side) and a lower loop no more than 10 inches off the ground. Only snares with single-piece locks may be used on land;
 - (4) Leg snares are prohibited;
 - (5) No snare shall be set or maintained in any public road; and
 - (6) Fully extended snares may not touch any fence.

PENALTY: Class 1

20.07 PERMIT REQUIREMENTS ON CERTAIN WMAs

04-12

It is unlawful to take or attempt to take wildlife during an open season on certain WMAs without first obtaining the required permit ([Codes 20.16](#); [20.17](#) and [Addendum Chapter C1.00](#)) and as specified below:

- (A) A permit is required on Bald Knob, Big Lake, Cache River, Felsenthal, Holla Bend, Overflow, Pond Creek and Wapanocca NWRs; ~~Bayou Meto, Crossett Experimental Forest, Dave Donaldson Black River, Dr. Lester Sitzes, HI Bois d'Arc, Ed Gordon Point Remove, Freddie Black Choctaw Island WMA Deer Research Area, Harold E. Alexander Spring River, Henry Gray Hurricane Lake, Hope Upland, Mellroy Madison County, Mike Freeze Wattensaw, Moro Big Pine Natural Area, Rick Evans Grandview Prairie, Scott Henderson Gulf~~

~~Mountain, Sheffield Nelson Dagmar, Shirey Bay Rainey Brake, Trusten Holder WMAs;~~ and U of A Pine Tree Experimental Station WDA.

- (B) A leased land permit is required for persons 16 years and older to camp, hunt or trap wildlife on Big Timber, Casey Jones, Cherokee, Gum Flats, Jim Kress, Lafayette County (except no permit is required to camp on Lafayette County), and Provo Leased Lands WMAs.
- (C) A permit is required to camp, hunt, fish, or for the operation of an ATV on White River NWR.
- (D) **A permit is required for persons 16 years and older on the Sweet Sixteen WMAs: Bayou Meto, Dave Donaldson Black River, Dr. Lester Sitzes, III Bois d'Arc, Ed Gordon Point Remove, Freddie Black Choctaw Island WMA Deer Research Area – East/West Units, Harold E. Alexander Spring River, Henry Gray Hurricane Lake, Hope Upland, McIlroy Madison County, Mike Freeze Wattensaw, Moro Big Pine Natural Area, Rick Evans Grandview Prairie, Scott Henderson Gulf Mountain, Sheffield Nelson Dagmar, Shirey Bay Rainey Brake, and Trusten Holder WMA.**

PENALTY: Class 1

20.10 HUNTING FROM ROADS PROHIBITED ON WMAs

03-09

It is unlawful to shoot across, or to hunt within 100 feet from the center line of any city, county, state or federal maintained road open to public vehicular traffic on WMAs. It is unlawful to shoot across, or to hunt within 100 feet from the center line of any privately maintained road which is open to public vehicular traffic and falls under the control of the Commission through ownership, lease, cooperative agreement, conservation easement or memorandum of understanding on WMAs. It is unlawful to place or leave any stand, blind or other hunting apparatus with the intent of hunting from any of these roads or railroad rights-of-way on WMAs. In addition to other evidence introduced in a prima facie case of road hunting, there shall be a rebuttable presumption a person is "hunting" if the person points, aims, shoots or attempts to shoot a firearm or other killing device from a said road or railroad right-of-way in a direction in which game or other wildlife is present or likely to be present (including shooting at a game or wildlife decoy).

EXCEPTIONS:

- (1) Persons engaged in a lawful action to protect their livestock.
- (2) Persons having a valid Mobility Impaired Access Permit may hunt from designated, signed Mobility Impaired Access Trails where public vehicular access is not allowed in compliance with [Code 20.19](#).
- (3) Persons having a valid Mobility Impaired Access Permit may hunt from the two specially designated abandoned railroad rights-of-way on the Moro Big Pine Natural Area WMA.
- (4) Small game (excluding fox, bobcat and coyote) pursued or treed by a dog or is under point of a dog may be taken within 100 feet from the centerline of a road on Big Timber, Casey Jones, Cherokee, Gum Flats, Howard County, Jim Kress, Lafayette County, Lake Greeson, Moro Big Pine Natural Area and Provo WMAs provided the road is not city, county, state or federally maintained.
- (5) Persons using foothold and ~~Conibear~~ (body-gripping) traps and using firearms to dispatch live animals caught in legally set traps.

- (6) Licensed/permitted falconers hunting with or trapping birds of prey in compliance with state and federal falconry regulations.

PENALTY: Class 2

C1.01 DEER SEASON AND LIMIT RESTRICTIONS ON WMAs

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WEDINGTON WMA

Archery: Sept. 15, 2012-Dec. 31, 2012.

Muzzleloader: Closed.

Modern Gun (special youth hunts): Nov. 3-4, 2012 and Jan. 5-6, 2013.

Modern Gun (permit hunt): ~~Dec.~~ **Nov.** 10-11, 2012.

Seasonal limit of two deer; no more than one legal buck. No more than one legal buck or up to two does may be taken with archery tackle. No more than one buck or one doe may be taken during the modern gun permit hunt. Limit during the modern gun special youth hunt is one deer, buck (no antler restrictions) or doe, this is not a bonus deer and will count towards the seasonal limit ([Codes 20.02; 21.02](#)).

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G1.01 DEPREDATION PERMIT GENERAL PROVISIONS

04-05

The following general requirements shall apply with respect to all Depredation Permits:

- (A) Landowners or their designees with Depredation Permits may be approved to use any of the following methods to control nuisance wildlife:
- (1) Any trapping method legal for use in the fur-trapping season. ~~Comibear or comparable B~~body-gripping traps with jaw spreads of up to 10 inches may be used inside buildings. Cage-style live traps may be used. Traps set in the outdoors must be marked in accordance with [Code 17.03](#).
 - (2) Firearms may be used day or night if specifically approved by the Commission employee issuing the permit.

02.06 WATERS AND SUBMERGED LANDS WITHIN OR ADJACENT TO WMAS INCLUDED IN WMA ZONES

- 10-12 (A) All portions of navigable and non-navigable waters of the state and their Submerged lands as defined in Ark. Code Ann § 22-6-201 that are located within the exterior boundaries of a WMA zone (Code 02.02) and not within the boundaries of a private inholding (Code 02.02) shall be considered part of the WMA for purposes of wildlife regulations.
- (B) All portions of navigable waters of the state or Commission-owned or managed waters and their submerged lands as defined in Ark. Code Ann § 22-6-201 located adjacent to the exterior boundaries of a WMA zone (Code 02.02 shall be considered part of the WMA for purposes of wildlife regulation.

EXCEPTION:

Unless otherwise authorized by a state agency or officer or by state law or regulation, navigable waters of the state and their submerged lands as defined in Ark. Code Ann § 22-6-201 that are located within or adjacent to a WMA zone (Code 02.02) shall not be considered part of the WMA for the limited purpose of prohibiting (Codes 20.06 and 24.06) the building, attaching, or erecting of a structure within the WMA. All other WMA regulations and the prohibitions on hunting, taking, or attempting to take wildlife from such structures shall apply. Persons wishing to place a structure within navigable waters of the state or their submerged lands as defined in Ark. Code Ann § 22-6-201 must request permission to do so from the Arkansas Commissioner of State Lands.