

Proposed Turtle Regulations

39.01
09-05

AQUATIC TURTLE HARVEST PERMIT REQUIREMENTS. It shall be unlawful for any individual to: (1) operate any tackle for the purpose of taking aquatic turtles for commercial purposes; or (2) engage in the sale of aquatic turtles without first obtaining a Commercial Fisherman Permit and Sportfishing License and an Aquatic Turtle Harvest Permit; or (3) fail to provide an invoice for each transaction sale of turtles. Required information on the invoice is as follows: name, permit number, purchaser's name and permit number, date of sale, body of water taken from, county taken from, species and numbers of turtles and the seller's and buyer's signatures. Non-residents are not permitted to harvest aquatic turtles. (Permittees must comply with reporting requirements see Code 39.05.)

EXCEPTIONS:

- (1) A person with an Aquatic Turtle Harvest Helper Permit in his immediate possession may assist in taking aquatic turtles and operate the properly tagged tackle of a licensed aquatic turtle harvest permittee.
- (2) Individuals under age 16, possessing a Junior Aquatic Turtle Harvest Permit may harvest and sell aquatic turtles to possessors of an Aquatic Turtle Dealer Permit or Non-Resident Aquatic Turtle Dealer Permit.
- (3) Aquatic turtles taken in compliance with Code 37.07 Aquatic Pet Restrictions may be kept as pets but not sold, bartered or traded.
- (4) Fish Farmer Permittees and their employees may remove aquatic turtles from those specific ponds, impoundments, and drainages where valid fish farming operations are occurring and release them back into the wild at another location. (See also Code 39.02 Exception 2)
- (5) Fish Farmer Permittees must obtain an Aquatic Turtle Harvest Permit or Aquatic Turtle Farmer Permit if they intend to sell turtles taken from their property.
- (6) Private pond/lake owners when involved in taking and removing aquatic turtles for non-commercial purposes from their pond/lake and release them back into the wild at a different location.

PENALTY: \$500.00 to \$5,000.00. Equipment used in such violations (including but not limited to nets, traps and boats) may be confiscated in accordance with Codes 1.00-D and 1.00-J.

39.01(A)
09-05

AQUATIC TURTLE DEALER PERMIT REQUIREMENTS. It shall be unlawful for any individual or enterprise to engage in the harvest, propagation, purchase and resale, or export aquatic turtles without first obtaining a Commercial Fisherman Permit and Sportfishing License (CFS)

and an Aquatic Turtle Dealer Permit. Such permits may be granted in accordance with Commission requirements, including:

- (A) A site plan, to include a legal (Section, Township, and Range) and physical (geographic) description of all facilities, to include the location and approximate size of holding ponds, to be used to hold aquatic turtles must be provided on the application form if aquatic turtles are to be held or propagated in ponds.
- (B) All sites shall be inspected and approved by Commission personnel prior to issuance of a permit.
- (C) Holding ponds/impoundments shall be fenced and maintained in such manner as to prevent the egress of captives and ingress of wild stock.
- (D) Facilities shall be subject to inspection with prior notice by Commission personnel.
- (E) Permit holders who harvest turtles must complete monthly reports as specified in Code 39.05.
- (F) Fish farmers with an aquaculturist permit are exempt from having to obtain a Commercial Fisherman Permit and Sportfishing License.
- (G) Fish markets selling only dressed turtles for human consumption within the state of Arkansas are exempt from having to obtain an Aquatic Turtle Dealer Permit.
- (H) A bill of sale or true bill of lading must be immediately supplied to each purchaser of turtles indicating the species, number of turtles sold, name of purchaser, and name and permit number of aquatic turtle dealer permittee making the transaction, and it must accompany the shipment to the final destination.
- (I) The name and address of the consignor and consignee and the permit number must be indicated on a true bill of lading or bill of sale for turtles shipped or transported in intrastate and interstate commerce. Aquatic turtle dealer permittees may have turtles transported by their authorized representatives if accompanied with a true bill of lading or bill of sale, indicating permit number, species, number of turtles sold, name of purchaser, and name and permit number of aquatic turtle dealer permittee making the transaction. The true bill of lading must accompany a shipment to the final destination.
- (J) The original aquatic turtle dealer permittee's permit number must be indicated on each and every bill of sale, invoice or bill of lading covering each turtle transaction.

PENALTY: \$500.00 to \$5,000.00. Equipment used in such violations (including but not limited to nets, traps and boats) may be confiscated in accordance with Codes 1.00-D and 1.00-J.

39.01(B) NON-RESIDENT AQUATIC TURTLE DEALER PERMIT REQUIREMENTS.

09-05

It shall be unlawful for non-residents to engage in the purchase and sale, of aquatic turtles within the state or export across state lines without first obtaining a Non-Resident Aquatic Turtle Dealer Permit. Such permits may be granted in accordance with Commission requirements, including:

- (A) A bill of sale or true bill of lading must be immediately supplied to each purchaser of turtles indicating the species, number of turtles sold, name of purchaser, and name and permit number of aquatic turtle harvest/dealer/farmer permittee making the transaction, and it must accompany the shipment to the final destination.
- (B) The name and address of the consignor and consignee and the permit number must be indicated on a true bill of lading or bill of sale for turtles shipped or transported in intrastate and interstate commerce. Non-resident aquatic turtle dealer permittees may have turtles transported by their authorized representatives if accompanied with a true bill of lading or bill of sale, indicating permit number, species, number of turtles sold, name of purchaser, and name and permit number of aquatic turtle harvest/dealer/farmer permittee making the transaction. The true bill of lading must accompany a shipment to the final destination.
- (C) The original aquatic turtle harvest/dealer/farmer permittee's permit number must be indicated on each and every bill of sale, invoice or bill of lading covering each turtle transaction.
- (D) Non-residents may purchase aquatic turtles from holders of Aquatic Turtle Dealer/Farmer Permits without purchasing a Non-Resident Aquatic Turtle Dealer Permit.

PENALTY: \$500.00 to \$5,000.00. Equipment used in such violations (including but not limited to transport vehicles) may be confiscated in accordance with Code 1.00-D.

39.01(C) AQUATIC TURTLE FARMER PERMIT REQUIREMENTS.

09-05

It shall be unlawful for any individual or enterprise to engage in the propagation, sale, or export of propagated aquatic turtles (See E below) without first obtaining an Aquatic Turtle Farmer Permit. Such permits may be granted in accordance with Commission requirements and permittees must adhere to the conditions, as listed:

- (A) A site plan, to include a legal (Section, Township and Range) and physical (geographic) description of all facilities, to include the location and approximate size of ponds/impoundments used to hold aquatic turtles, must be provided to the Chief of the Fisheries Division.
- (B) All sites shall be inspected and approved by Commission personnel prior to issuance of a permit.

- (C) Holding ponds/impoundments shall be fenced and maintained in such manner as, to prevent egress of captives and ingress of wild stock.
- (D) Facilities shall be subject to inspection with prior notice by Commission personnel.
- (E) Aquatic Turtle Farmer Permittees are allowed to propagate, purchase and sell only captive produced turtles. This permit does not allow for the purchase, barter, trade, exchange, or sale of wild caught turtles of any size.
- (F) A bill of sale or true bill of lading must be immediately supplied to each purchaser of turtles indicating the species, number of turtles sold, name of purchaser, and name and permit number of aquatic turtle farmer permittee making the transaction, and it must accompany the shipment to the final destination.
- (G) The name and address of the consignor and consignee and the permit number must be indicated on a true bill of lading or bill of sale for turtles shipped or transported in intrastate and interstate commerce. Aquatic turtle farmer permittees may have turtles transported by their authorized representatives if accompanied with a true bill of lading or bill of sale, indicating permit number, species, number of turtles sold, name of purchaser, and name and permit number of aquatic turtle farmer permittee making the transaction. The true bill of lading must accompany a shipment to the final destination.
- (H) The original aquatic turtle farmer permittee's permit number must be indicated on each and every bill of sale, invoice or bill of lading covering each turtle transaction.

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

39.02

08-90/09-05

COMMERCIAL AQUATIC TURTLE HARVEST RESTRICTIONS.

It shall be unlawful to take aquatic turtles for commercial purposes by any means other than hoop net or box type turtle traps in the following counties and/or bodies of water:

Arkansas, Ashley, Bradley, Calhoun, Chicot, Cleveland, Clay, Columbia, Craighead, Crittenden, Cross, Dallas, Desha, Drew, Grant, Greene, Hempstead, Jackson, Jefferson, Lafayette, Lawrence (see Exception 4), Lee, Lincoln, Little River, Lonoke, Miller, Mississippi, Monroe, Nevada, Ouachita, Phillips, Poinsett, Prairie, Pulaski, Randolph (see Exception 4), St. Francis, Saline, Union, White, Woodruff, and the 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 Highway 22 (In compliance with Code 41.19). Arkansas waters between the main levees of the Mississippi River. 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 Section 30.00 (Reciprocal License Agreements). 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) Only box type turtle traps may be used in counties or waters not specifically opened to hoop net turtle traps as listed above.
- (2) Fish farmers operating under a valid Fish Farmer's (Aquaculturist's) Permit may take aquatic turtles on those specific ponds, impoundments and drainages where valid fish farming operations are occurring. **(See Exception 3, Code 39.01)**
- (3) Bayou Meto Bayou, in accordance with Code 44.01, Closure to All Commercial Harvest - Bayou Meto Bayou, is closed to all commercial harvest.
- (4) The following waters are closed to hoop net traps:
Eleven-Point River in Randolph County; Spring River in Lawrence and Randolph counties; Lake Erling, including all tributaries upstream from 100 yards below Lake Erling Dam to State Highway 313 in Lafayette County; all lakes owned by the Arkansas Game and Fish Commission (excluding Grand Lake and all natural or channel scar lakes on WMAs located in counties listed above), Lake Columbia in Columbia County, Horseshoe Lake in Crittenden County, Lake Wallace in Drew and Chicot Counties, Upper and Lower Lake Chicot (Connerly Bayou to Ditch Bayou Dam inclusive) in Chicot County.
- (5) U.S. Forest Service lakes, State Park lakes and lakes owned by municipalities or property-owner associations are closed to commercial turtle trapping, unless specifically opened.
- (6) Turtle eggs shall not be harvested from the wild.

PENALTY: \$100.00 to \$1,000.00. Equipment used in such violations (including but not limited to nets, traps and boats) may be confiscated in accordance with Codes 01.00-D and 01.00-J.

Proposed Commercial Fishing Regulations

01.00J POINT SYSTEM FOR HUNTING AND/OR FISHING VIOLATIONS

03-06 Upon the accumulation of 12 points for hunting and/or fishing violations within a three year period, the individual will be ineligible to apply for any Commission deer, turkey and elk permit hunts for the following three-years. The accumulation of 18 points for hunting and/or fishing violations within a three-year period may result in the revocation of all hunting and/or fishing licenses and the privileges attached thereto for one year, and the accumulation of 30 points within a five year period may result in the loss of all licenses and privileges for three years. A revocation of hunting and/or fishing licenses and privileges occurring for a third time during an individual's lifetime may result in the lifetime revocation of all hunting and/or fishing licenses and privileges. Any person who forfeits bond, pleads guilty or nolo contendere, or is found guilty of violating any hunting or fishing regulation shall be assigned points as follows:

<u>CODE NO.</u>	<u>TYPE OF VIOLATION</u>	<u>POINTS</u>
02.13A	Deer, Turkey and Bear Tagging Requirements	12
02.13B	Big Game Checking Requirements	12
02.14	Bear Hunting Season	18
02.21	Elk Hunting Season	30
03.08	Counterfeiting License	18
03.13	Special Guide License Requirements	18
04.03	Hunting Wild Turkey Over Bait Prohibited	18
09.03	Dogs Prohibited During Deer Season	12
11.04	Hunting or Fishing After Revocation of License Prohibited	30
11.08	Hunting, Fishing, Trapping, Releasing Hunting Dogs or Pursuing Wildlife With Dogs Without Landowner/Lessee Permission Prohibited.	9
16.05	Shooting Bears in Dens Prohibited	18
16.07	Hunting Bear Over Bait	<u>9</u>
17.03	Legal Bull Elk Requirements	18
17.04	Taking of Antlerless Elk Prohibited	18
18.01	Hunting Wildlife in Closed Season	30
18.02	Night Hunting	30
18.03	Selling Game	**
18.04	Road Hunting	18
18.14	Taking of Alligators Prohibited	18
18.20	Taking of Raptors Prohibited	18
19.12	Endangered Species	30
25.09	Guiding Prohibited on all Commission	

	Owned or Controlled WMAs (Guides)	18
25.09	Guiding Prohibited on all Commission Owned or Controlled WMAs Guided Hunters)	09
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32.01	Taking Fish with Electrical Devices, Firearms, Explosives, Toxic or Killing Substances	30
36.03	Sale of Bullfrogs	18
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39.08	Importation of Alligator Snapping Turtles and Chicken Turtles Prohibited.	18
39.09	Alligator Snapping Turtle Breeder/Dealer Permit Requirements.	18
41.05 (A)	Resident Roe Taker/Seller Permit Requirements	18
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41.30	Paddlefish and Sturgeon Possession Restrictions On White River, Arkansas River and Border Waters	18
41.39	Paddlefish and Sturgeon Harvest Restrictions	18
44.06	Commercial Fishing for Certain Fish Prohibited in Lower Ouachita River	18
	*All Others	06

*Boating regulations are not included in points toward revocation.

**18.03 Selling Wildlife Restrictions. A conviction for violating this regulation may result in the lifetime revocation of all hunting and/or fishing licenses. The following violations shall result in a double assessment of the respective point value for the violation committed upon final court disposition:

- 1) Any violation occurring on **all** Wildlife Management Areas (except boating statutes).
- 2) Any violation of harvest regulations committed by a Guide License holder.
- 3) Any violation of trout harvest regulations in a trout catch and release area.
- 4) Any violation of bass harvest regulations on lakes designated as Trophy Bass Management Areas (Lakes Monticello, Lower White Oak, Columbia, SWEPCO, Pickthorne and Austelle).
- 5) Adults 21 years or older when accompanying youth under 16.

41.03
10-00

COMMERCIAL TACKLE RESTRICTIONS. It shall be unlawful to use nets, seines, leads, heart and leads or wings or trotlines other than as specified herein:

- (A) Hoop nets, leads, heart and leads or wings minimum square bar mesh size - two and one-half (2 1/2) inches when wet and with thread not less than fifteen (15) gauge.
- (B) Fiddler nets (where permitted by Code 41.24) minimum square bar mesh size one and one-half (1 1/2) inches when wet. Thread size not less than fifteen (15) gauge. Wings or leads prohibited.
- (C) Commercial fish seines, minimum square bar mesh size - three and one-half (3 1/2) inches with thread not less than fifteen (15) gauge when wet.
- (D) Commercial gill and trammel nets, minimum square bar mesh size - three and one half (3 1/2) inches.
- (E) Trotlines must be run daily and catch removed.

EXCEPTION: For purposes of taking paddlefish in the Arkansas River above Dam 2 during the paddlefish season, Roe Buyer/ Exporter and Roe Taker/Seller Permit holders are required to use six (6) inch or larger square bar mesh nets.

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

41.05(A)
12-01/02-05

RESIDENT ROE TAKER/SELLER PERMIT REQUIREMENTS. It shall be unlawful to take, sell or possess paddlefish (also called spoonbill catfish) or sturgeon, or their parts, including eggs (roe), without first obtaining 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.
- (2) Sportfishermen in compliance with Code 31.01B, Game Fish Possession Limit Restrictions.
- (3) Permitted fish farmers in compliance with Code 42.10, Paddlefish, Sturgeon and Bowfin Roe Regulations.

(4) **Paddlefish and sturgeon flesh (meat) only may be sold in compliance with Code 41.06.**

- (5) Paddlefish/sturgeon flesh and/or roe can be transported by an authorized representative of a legally permitted Resident Roe Taker/Seller if accompanied by a true bill of lading or bill of sale indicating name and permit number of the authorizing Resident Taker/Seller and including the species, number of pounds of roe or flesh 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: \$500.00 to \$1,000.00 and fishing privileges may be suspended in accordance with Code 11.05, Revocation of Privileges.

41.05(B)

12-01/02-05

RESIDENT ROE BUYER/EXPORTER AND NON-RESIDENT ROE BUYER/EXPORTER PERMIT REQUIREMENTS. It shall be unlawful to buy or export across the state line paddlefish or sturgeon, or their parts, including eggs (roe), without first obtaining 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 accordance with applicable season, size and tackle regulations.

EXCEPTIONS:

- (1) Sportsmen in compliance with Code 31.01B, Game Fish Possession Limit Restrictions.
- (2) Permitted fish farmers in compliance with Code 42.10, Paddlefish, Sturgeon and Bowfin Roe Regulations.
- (3) Paddlefish and sturgeon flesh (meat) only may be purchased from permitted Roe Taker/Sellers and Roe Buyer/Exporters in compliance with Code 41.06.
- (4) Paddlefish/sturgeon flesh and/or roe can be transported by an authorized representative of a legally permitted Resident Buyer/Exporter if accompanied by a true bill of lading or bill of sale indicating name and permit number of the authorizing Resident Buyer/Exporter and including the species, number of pounds of roe or flesh 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 flesh (excluding eggs or roe) may be purchased for personal use without purchasing either a Resident/Non-Resident Roe Buyer/Exporter Permit in compliance with Code 41.06.

PENALTY: \$500.00 to \$1,000.00 and fishing privileges may be suspended in accordance with Code 11.05, Revocation of Privileges.

41.06
02-05

PURCHASE OF WILD-CAUGHT COMMERCIAL FISH RESTRICTIONS.

It shall be unlawful for fish markets, processors, or retailers to purchase commercial fish taken from the waters of the state without first obtaining a bill of sale from the seller for each transaction. Said bill of sale must indicate the permit number of the seller.

EXCEPTION:

- (1) Business establishments preparing fish (except paddlefish and sturgeon) for immediate consumption the premises.
- (2) Individuals purchasing paddlefish, sturgeon, or their flesh for personal use must have a bill of sale indicating name and permit number of the authorizing Resident Taker/Seller and including the species, number of pounds of flesh per species, and the name of the purchaser.

PENALTY: \$100.00 to \$500.00

41.30
10-02

PADDLEFISH AND STURGEON POSSESSION RESTRICTIONS ON WHITE RIVER, ARKANSAS RIVER AND BORDER WATERS.

It shall be unlawful to commercially take or possess paddlefish (also called spoonbill catfish) or sturgeon, or their parts including eggs (roe), from

- (A) That part of the White River, from Hwy 67 bridge at Newport, upstream to Dam 1 at Batesville.
- (B) The following border waters with Louisiana from November 1 through April 30: 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 James W. Trimble Lock and Dam upstream to the Arkansas/Oklahoma State line year-round except for during permitted special seasons as determined by the Director of the Arkansas Game and Fish Commission. Ozark Pool will be opened November 15, 2006 through November 19, 2006 with a Permit Only Special Paddlefish Harvest Season after which Ozark Pool will be opened to normal harvest regulations.

PENALTY: \$500.00 to \$1,000.00--and fishing privileges may be suspended in accordance with Code 11.05, Revocation of Privileges.