

Title 2. Agriculture

Chapter III. Arkansas Board of Animal Health, Department of Agriculture

Subchapter A. Generally

Part 122. Feral Hog Airborne Eradication Rule

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "B. Authority. ACA §§ 2-32-501; 2-33-107(a); 2-38-502; 2-38-505."

Subpart 1. Generally

2 CAR § 122-101. Application.

(a) The Arkansas Board of Animal Health may issue a permit to any person to allow for the shooting of feral hogs from an aircraft if the board finds that management of feral hogs by the use of aircraft:

(1) Is necessary to protect or to aid in the administration or protection of:

- (A) Land;
- (B) Water;
- (C) Wildlife;
- (D) Livestock;
- (E) Domestic animals;
- (F) Human life; or
- (G) Crops including but not limited to, timber; and

(2) Will not have a harmful effect on indigenous species.

(b) All applications and supporting documentation shall be filed with, and payment of the permit fee shall be paid to, the Arkansas Department of Agriculture.

(c) All applications must include:

(1) An accurate and adequate description of the aircraft used, including aircraft; and

(2) Unless the applicant is the landowner, the applicant must submit to the department payment of two hundred fifty dollars (\$250) for an annual airborne eradication permit.

(d) No less than three (3) business days prior to any airborne eradication activity, the owner or operator of the aircraft to be used must submit the following information to the department:

(1) One (1) or more affidavits signed by the landowner, containing facts as well as opinion, as to why the permit should be issued for the management of feral hogs by the use of aircraft, including the purpose for which the permit will be used, specifically identifying whether the permit is necessary to protect:

- (A) Land;
- (B) Water;
- (C) Wildlife;
- (D) Livestock;
- (E) Domestic animals;
- (F) Crops including but not limited to, timber; or
- (G) Human life;

(2) An address and adequate description of the land covered by the permit, including approximate acreage;

(3)(A) Unless the applicant is the landowner, the owner or operator of the aircraft must also submit a landowner's authorization to manage feral hogs.

(B) The landowner's authorization may be signed by a group of landowners or by an association on behalf of such landowners;

- (4) The approximate number of hogs to be managed;
- (5) Flight plans including ArcGis based shape files; and
- (6) Maps with adequate delineation of subject properties, boundaries, and potential hazards.

(e) No airborne eradication activity shall occur without prior written approval from the department.

(f) Post activity removal data forms shall be submitted no later than fourteen (14) business days after each airborne eradication activity.

(g) The department may:

(1) Require permit holders to report to the department on the eradication process;

(2) Limit the number of feral hogs taken per permit;

(3) Limit airborne eradication to certain days or hours or both; and

(4) Limit the duration of a permit.

Authority. Arkansas Code §§ 2-32-501, 2-38-505.

2 CAR § 122-102. Prohibited acts.

(a) The permit provided for in this rule is for the purposes stated in this part and for no other reason.

(b) Any act not consistent with this part or state or federal law shall be grounds for revocation or suspension of the permit, including without limitation:

(1) Hunting, killing, or capturing, or attempting to hunt, kill, or capture from an aircraft any animal that is not specifically authorized by a permit issued by the Department of Agriculture;

(2) Using an aircraft to manage feral hogs without first obtaining and having in the person's immediate possession a permit and a landowner's authorization for the management of feral hogs by the use of aircraft;

(3) Using an aircraft to harass wildlife, exotic animals, or any other animal or bird including engaging in the activity of counting, photographing, relocating, capturing, or hunting wildlife or exotic animals under the authority of a permit;

(4) Hunting any animal or bird from an aircraft for sport; or

(5) Knowingly participating in using an aircraft whether in the aircraft or on the ground for any purpose referred to in this section.

(c) The acts prohibited in this section include without limitation, any person who:

(1) Pilots or assists in the operation of the aircraft from which another person shoots or shoots at wildlife while airborne; or

(2) While on the ground takes or attempts to take any wildlife by any means, aid, or use of an aircraft.

Authority. Arkansas Code § 2-38-505.

2 CAR § 122-103. Notification.

(a) All applicants shall sign a statement verifying that they understand that the Department of Agriculture will provide immediate notification to the Federal Bureau of Investigation of issuance of the application, and that the permits holders' information will also be provided to federal authorities in an annual report as required by federal law.

(b) Information provided to federal authorities may include, without limitation:

(1) Personal contact information of the permit holder and landowner;

(2) The aircraft number of the aircraft used and the location where the aircraft was used; and

(3) Any and all other information collected or assembled by the department.

Authority. Arkansas Code § 2-38-505.

2 CAR § 122-104. Penalties and authority.

Failure to comply with any of the provisions of this part may result in administrative penalties as provided by law.

Authority. Arkansas Code § 2-38-505.