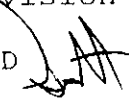


ARKANSAS GAME AND FISH COMMISSION  
HAMPTON WATERFOWL RESEARCH CENTER  
RT. 1 BOX 188A  
HUMPHREY, AR 72073

3 May 1990

MEMORANDUM

TO: Don Akers, Chief, Wildlife Management Division  
FROM: Scott C. Yaich, Wetlands Coordinator, WMD   
SUBJECT: Canada Goose Hunting Near the Arkansas NWRs

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On 19 April 1990 I met with personnel of the White River National Wildlife Refuge (WRNWR), Don Orr (USFWS Migratory Bird Field Coordinator), and Kevin Wood (USFWS Law Enforcement, AR) to discuss the situation which exists with respect to Canada goose hunting on private lands adjoining the White River NWR. Marvin Hurdle (WRNWR Refuge Mgr.) requested the meeting because of his concern that they might be creating a baited situation on private lands located next to the Farm Unit, the only goose habitat on WRNWR. In order to make their crops (principally corn) available for feeding, they knock the crops to the ground gradually throughout the course of the winter. This is a standard management practice for Canada geese.

However, now that we have a Canada goose hunting season in Arkansas and people have been successfully hunting next to the Farm Unit, the question of whether they are technically taking baited geese due to the refuge crop manipulation practices has arisen. The Law Enforcement viewpoint is that these could technically be considered to be baited, although the Arkansas agents are not looking for this type of case. However, other agents in other states have at times greatly altered refuge waterfowl habitat management programs by declaring the the refuge operations created a baited situation on adjoining hunted lands. It is only due to the individual discretion required of officers in the interpretation of baiting laws that this has not happened in Arkansas.....yet.

We spent a considerable amount of time discussing the possible ways to clearly stay out of the baiting situation. One way was to not manipulate crops, but the biologists among us were vehemently against this. This would essentially eliminate the value of the Farm Unit to Canada geese, which would ultimately result in the reduction or elimination of this goose flock. Given

all of the money put into its past management, any reduction in the carrying capacity of the available refuge habitat is clearly unacceptable. I firmly believe that the value of the habitat management to the maintenance of this goose flock is much greater than the cost of losing a relatively few birds to hunting. In my mind, sound population and habitat management practices should almost never be forced to be significantly and detrimentally altered as a result of concerns over the technical aspects of the application of legal interpretations; it seems biologically wiser to look at the legal problems and make adjustments there first, if at all possible.

There was a discussion of alternative crops which might not require manipulation to be utilized by the geese. Although WRNWR personnel indicated a willingness and desire to try some of these, most of the potentially alternative crops are really not yet proven with respect to their preference by and value to geese in this region, or in some cases anywhere. WRNWR does have the ability to rotate to some extent their manipulation of crops to minimize the possibility of creating a baiting interpretation during the open hunting season (i.e., knocking down crops farthest from the refuge boundary during the open season, and manipulating crops near the boundary either well before or after the season). I believe that they plan on doing this as much as is reasonably possible without negatively impacting the value of their goose habitat.

The possibility of establishing a "closure zone" on private lands near the Farm Unit was also discussed. The state would have to declare that Canada goose hunting on the delineated private lands would be closed. While there is precedence for this (e.g., Holla Bend NWR and waterfowl hunting), I do not think it would be very palatable to the affected landowners and therefore potentially not politically feasible. Biologically, this might be advantageous to our overall statewide management of Canada geese now that we have hunting seasons. We are carefully watching harvest, habitat use, etc. associated with our relatively isolated goose refuges. If there is any indication that, due to insufficient refuge acreage, these populations are being negatively affected by the hunting seasons, it may become necessary to pursue some differential regulations or other potential remedies near refuges (Big Lake, Wapanocca, White River, and Cache River NWRs). For example, a possible solution might be for the USFWS to lease private cropland for refuge establishment, as they are currently doing elsewhere under the NAWMP, if this additional "refuge" came to be recognized as a necessity. As we compile additional information regarding this concern, we will keep you informed.

Finally, we addressed what we all perceived to be the desirability of having a clearer, regional policy with regard to the interpretation of baiting regulations as they pertain to

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habitat management in refuges and state wildlife management areas. However, this could only be accomplished through the coordinated efforts of representatives of both law enforcement and habitat managers from the USFWS and other states within Region 4. This concern over baiting law interpretation related to public land habitat management programs has surfaced over the years all across the Southeast. For that reason, I am recommending that the Director consider requesting that the USFWS Regional Director consider coordinating such a regional meeting of law enforcement personnel and biologists. Even if a regional policy did not immediately result from this effort, the discussions that will have occurred would represent a significant advance from where we are today. I have enclosed a draft letter for the Director's consideration and signature if you agree with this recommendation and forward all of this to him, and if he also agrees and wishes to make this recommendation to Pulliam.

I will continue to keep you informed of pertinent information as we continue to move ahead in our Canada goose management. This past season's harvest estimate (available in late June) could be a particularly valuable piece of information in evaluating our current status and determining future management directions.

cc: Dave Urbston

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Orr  
Wood

# Arkansas Game & Fish Commission

2 Natural Resources Drive Little Rock, Arkansas 72205



Steve N. Wilson  
Director

May 7, 1990

Tommy L. Sproles  
Chairman  
Little Rock

William E. Brewer  
Vice-Chairman  
Paragould

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Danville

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Stuttgart

Maurice Lewis, Jr.  
Magnolia

David E. Miller  
Melbourne

Charles J. Amlaner, Jr., Ph.D.  
University of Arkansas  
Fayetteville

Mr. James W. Pulliam, Jr.  
Richard B. Russell Federal Bldg.  
75 Spring St., S.W. Rm. 1200  
Atlanta, GA 30303

Dear Mr. Pulliam:

It has come to my attention that members of my staff recently met with U. S. Fish and Wildlife Service personnel to discuss a mutual concern regarding the possibility that ongoing Canada goose habitat management practices being conducted at the White River National Wildlife Refuge (WRNWR) might potentially be creating what could be interpreted as a baited situation for private landowners adjoining the refuge. Inasmuch as we just conducted only our second Canada goose hunting season since 1979, this situation has not been a problem with which we have had to deal in the past, but it is certainly an important one to resolve as we move ahead with Canada goose management in Arkansas. However, I am aware from my past discussions with other Region 4 state directors that the questions which arose in the discussion here at WRNWR are a continuing source of concern, and that an interdisciplinary, cooperative effort to begin development of a regional policy might be a worthwhile endeavor.

Although the details of the circumstances vary from place to place, the primary issue is the relationship of waterfowl habitat management on public lands as it relates to the interpretation and enforcement of baiting regulations on nearby private lands (or at times even nearby public hunting areas). It is certainly the obligation of managers to be fully aware of all applicable hunting regulations, and flexible enough in the application of habitat management practices so as to minimize potential conflicts with law enforcement concerns. However, there are at times circumstances which lead to a very uncertain situation which results in one of two things: either enforcement officers feel as if they have to "look the other way" when they might genuinely feel that a baited situation has been created; or, managers feel as if they have been forced to unnecessarily compromise their area's management objectives to the overall detriment of the wildlife resource. Either way, the uncertainty associated with the interpretation of baiting regulations to some extent forces these two partners in waterfowl management to be at uneasy odds with one another.

Mr. James Pulliam: page 2

Also, the intensity and results of this conflict seem to vary significantly from place to place depending upon the individual enforcement officers involved. In this regard, we here in Arkansas consider ourselves lucky in having a group of federal enforcement officers that has enforced the laws stringently but with a considerable degree of wisdom and discretion, and who have a good understanding of management principles and have the overall welfare of the resource at heart. However, I have heard tales from other directors which have reinforced in my mind both our good fortune in Arkansas, and the very real and important problems that can result from differential interpretation.

Due to the concern that I, and judging from past discussions, other directors have about this issue, particularly at a time such as this when nearly record low waterfowl populations dictate that we maximize the value of our public waterfowl lands, I would like to request that you consider the following approach to the situation. I believe that the development of a more consistent, region-wide policy regarding these issues would be desirable to and benefit both the law enforcement and habitat management arms of our collective waterfowl management community. I also believe that if you were to direct the initiation of this cooperative, interdisciplinary effort including both law enforcement and management personnel from both the USFWS and Region 4 states, significant progress could be made in discussing and hopefully resolving some of these important questions and concerns. There are relatively few opportunities for these two groups to collectively meet and discuss these types of issues, and the initiation of this process could only be considered as a positive step by all parties.

Please consider this request in the positive light with which it is offered. We have not in the past had a significant problem here in Arkansas; however, I would certainly like to be pro-active in heading off potential problems before they escalate, and view this as just such an opportunity. You may desire to get the input of other region directors, and I would also welcome their direct thoughts on this approach. I will look forward to hearing from you on this, and please do not hesitate to contact me if you would like to discuss this.

Cordially,

STEVE N. WILSON  
Director