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June 22, 2018

RECEIVED

JUN 26 2018

BUREAU OF
LEGISLATIVE RESEARCH

Ms. Donna K. Davis
Arkansas Bureau of Legislative Research
Administrative Rules Review Section
#1 Capitol Mall, 5th Floor
Little Rock, AR 72201

RE: Arkansas Game and Fish Commission, Temporary Suspension of Wildlife Importation and Wildlife Breeder/Dealer Permits for Venomous or Poisonous Wildlife Species

Dear Ms. Davis:

Enclosed please find for filing a hard copy of the Temporary Suspension of Wildlife Importation and Wildlife Breeder/Dealer Permits for Venomous or Poisonous Wildlife Species passed by the Arkansas Game and Fish Commission on June 21, 2018. The Commission requests that this emergency rule be effective immediately upon filing for the period of one hundred and twenty (120) days.

Should you have any questions or comments concerning this filing, please do not hesitate to contact me at (501) 223-6327 at your convenience.

Sincerely,

James F. Goodhart
General Counsel

JFG/as
Enclosures

RECEIVED

JUN 26 2018

ITEM No. IV(a)

BUREAU OF
LEGISLATIVE RESEARCH

ARKANSAS GAME AND FISH COMMISSION
Little Rock, Arkansas

MINUTE ORDER NO:	<u>18-051</u>	SUBJECT:	<u>Temporary Suspension of Wildlife</u>
DATE PASSED:	<u>June 21, 2018</u>		<u>Importation and Wildlife Breeder /</u>
			<u>Dealer Permits for Venomous or</u>
			<u>Poisonous Wildlife Species</u>
PAGE <u>1</u> of <u>2</u> PAGES		LOCATION:	<u>Statewide</u>

WHEREAS, pursuant to authority under Amendment 35 to the Arkansas Constitution for control, management, restoration, conservation, and regulation of the wildlife resources of Arkansas, the Arkansas Game and Fish Commission previously has adopted regulations that restrict the importation, possession, and/or breeding of certain captive wildlife; and

WHEREAS, the Commission has charged AGFC staff with studying existing captive wildlife regulations and proposing any amendments or new regulations that may be needed to promote sound wildlife conservation and management consistent with Amendment 35, and staff members currently are investigating whether additional regulations may be needed to restrict importation, possession, and/or breeding of certain wildlife species, including species that are venomous or poisonous, and thereby can pose a substantial threat of injury to humans and/or native wildlife; and

WHEREAS, in order to protect public safety, health, and welfare while the Commission is studying its existing captive wildlife regulations and considering proposal of additional or new regulations, the Director and staff recommend that the Commission temporarily suspend issuing any Wildlife Importation Permits (except for accredited members of the American Zoo and Aquarium Association) and/or Wildlife Breeder/Dealer Permits for wildlife species that are venomous or poisonous for a period of one hundred twenty (120) days; and

WHEREAS, after carefully considering the recommendations of Commission staff and the Regulations Committee, the Commission has determined that the proposed permitting suspension promotes sound wildlife conservation and management and is consistent with Amendment 35 of the Arkansas Constitution.

NOW, THEREFORE, BE IT ORDERED this 21st day of June 2018, that the Arkansas Game and Fish Commission hereby declares that an emergency exists and adopts a temporary suspension on issuance of any Wildlife Importation Permits (except for accredited members of the American Zoo and Aquarium Association) and/or Wildlife Breeder/Dealer Permits for wildlife species that are venomous or poisonous until further notice.

BE IT FURTHER ORDERED that this emergency order shall become effective immediately upon public filing or as soon thereafter as possible, and remain in effect for a period of one hundred twenty (120) days.

STAFF APPROVAL
Submitted by: Brad Carner
Brad Carner
Chief

Division: Wildlife Management

Approved: [Signature]
Director

Approved: A. F. Hoodhart
Legal

Approved: [Signature]
Fiscal

COMMISSION APPROVAL

[Signature]
Steve Cook
Chairman

[Signature]
Ford Overton
Vice Chairman

[Signature]
Ken Reeves
Commissioner

[Signature]
Andrew Parker
Commissioner

[Signature]
Joe Morgan
Commissioner

[Signature]
Bobby Martin
Commissioner

[Signature]
Stan Jones
Commissioner

09.06

09-07

GAME BIRD SHOOTING RESORT PERMIT REQUIRED

It is unlawful to operate or maintain a game bird shooting resort without first obtaining a valid Game Bird Shooting Resort Permit from the Commission ([Addendum F1.02](#)).

PENALTY: Class 3

- (1) Any person convicted of violating this regulation shall be liable for the costs accrued in the storage, care and maintenance of any equipment or wildlife seized in connection with the violation.
- (2) Any person convicted of violating this regulation shall be liable for the costs of any and all tests and/or examinations of the illegal wildlife and also shall be liable for the costs of destruction and/or disposal of the illegal wildlife, as deemed necessary by the Commission for the protection of native wildlife.

09.07

07-15

WILDLIFE BREEDER/DEALER PERMIT REQUIRED

It is unlawful to rear, breed, propagate, produce, distribute, sell or offer for sale any wildlife in Arkansas without first obtaining a valid Wildlife Breeder/Dealer Permit from the Commission ([Addendum F1.03](#)).

EXCEPTIONS:

- (1) Fish, bullfrogs, mussels, aquatic turtles and alligators in compliance with [Code 09.06](#) and [Chapters 29.00; 30.00; 31.00; 32.00; 33.00; 34.00; 35.00](#).
- (2) Red fox, gray fox and coyote legally trapped in Arkansas may be sold by persons with a valid hunting license and trapping permit.
- (3) Accredited members of the American Zoo and Aquarium Association.
- (4) Holders of U.S. Fish and Wildlife Service Raptor Propagation Permits may propagate, distribute and sell raptors without a Commission Wildlife Breeder/Dealer Permit.
- (5) Holders of Game Bird Shooting Resort Permits do not need a Wildlife Breeder/Dealer Permit unless they are actively engaged in rearing, breeding, propagating, producing, distributing, selling or offering for sale, game birds or other wildlife.
- (6) Wildlife listed in [Code 09.01, Exception 8](#).
- (7) In compliance with [Code 09.15](#).

PENALTY: Class 3

- (1) Any person convicted of violating this regulation shall be liable for the costs accrued in the storage, care and maintenance of any equipment or wildlife seized in connection with the violation.
- (2) Any person convicted of violating this regulation shall be liable for the costs of any and all tests and/or examinations of the illegal wildlife and shall be liable for the costs of destruction and/or disposal of the illegal wildlife, as deemed necessary by the Commission for the protection of native wildlife.

09.08

5-17

RESERVED

09.09

09-07

SCIENTIFIC COLLECTION PERMIT REQUIRED

It is unlawful to take wildlife for scientific study without possessing on the person a valid Commission-issued Scientific Collection Permit.

PENALTY: Class 3

09.10

09-07,
07-15

WILDLIFE IMPORTATION PERMIT REQUIRED

- (A) It is unlawful to import live wildlife into Arkansas without a valid Wildlife Importation Permit issued by the Commission. This permit shall be required regardless of the final destination of the wildlife, whether in Arkansas or points beyond. It also is unlawful for any person to receive, acquire, purchase or possess any wildlife imported into Arkansas in violation of this regulation.
- (B) It is unlawful for the holder of a Wildlife Importation Permit to cause or permit any wild animal or bird to be imported into Arkansas under inhumane or unhealthy conditions ([Addendum F1.04](#)).

EXCEPTIONS:

- (1) Aquatic wildlife (as described under definition of wildlife), other than those species prohibited by [Code 26.13](#). Imports for aquaculture must comply with [Code 35.09](#). Refer to the Approved Aquaculture Species List in [Addendum J1.01](#). Aquatic wildlife may not be released, [Code 26.12](#).
- (2) Wildlife exchanged with other states by the Commission.
- (3) Accredited members of the American Zoo and Aquarium Association.
- (4) A Wildlife Importation Permit is not required for a nonresident falconer with a valid Non-Resident Arkansas Hunting License, and possessing a valid falconry permit from another state, to import legally possessed raptors into Arkansas for the purposes of hunting, provided the birds will not stay in Arkansas longer than 30 consecutive days and are in compliance with Arkansas Livestock and Poultry Commission regulations relating to the entry of birds into the state.
- (5) A Wildlife Importation Permit is not required for a resident falconer with a valid Arkansas Hunting License, and a valid Arkansas falconry permit to import legally possessed raptors into Arkansas, provided they are in compliance with Arkansas Livestock and Poultry Commission regulations relating to the entry of birds into the state.
- (6) Circuses and others possessing U.S. Department of Agriculture Wildlife Exhibition Permits may import wildlife into or through Arkansas temporarily for the limited purposes of performance or display under terms of a special permit issued by the Chief of Wildlife Management.
- (7) Wildlife listed in [Code 09.01, Exception 8](#).
- (8) Up to six box turtles (Genus *Terrapene*) may be brought into Arkansas as pets without a permit.

PENALTY: Class 3

- (1) All equipment, including any form of legal tender, and all wildlife imported in violation of this regulation may be seized by Enforcement Officers, confiscated by the court, forfeited to the State and disposed of according to law ([Code 01.00D](#)).
- (2) Any person convicted of violating this regulation shall be liable for the costs incurred in the storage, care and maintenance of any equipment, wildlife and/or fish seized in connection with the violation.
- (3) Any person convicted of violating this regulation shall be liable for the costs of any and all tests and/or examinations of the illegally imported wildlife, and also shall be liable for the costs of destruction and/or disposal of the illegally imported wildlife, as deemed necessary by the Commission for the protection of native wildlife.

Job	2779
Sender	harrism
Title	ReportBillDraftStatus
Interface	Network
Language	PostScript
Date	9:57:00 JUN 26 2018