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## Arkansas Game and Fish Commission

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January 18, 2019

Ms. Jami Triplett  
Arkansas Secretary of State  
Elections Division  
500 Woodlane Drive, Room 26  
Little Rock, AR 72201

RE: Arkansas Game and Fish Commission - Minute Order No. 19-007 - Modification of Permits Suspension for Venomous and Poisonous Species

Dear Ms. Triplett:

Enclosed please find for filing a hard copy of Minute Order No. 19-007 - Modification of Permits Suspension for Venomous and Poisonous Species passed by the Arkansas Game and Fish Commission on January 17, 2019. The Commission requests that the modification to Minute Order No. 18-071 (filed with the Secretary of State on June 22, 2018 and enclosed herein) be effective until the proposed captive wildlife regulations are formally adopted and become effective, or until February 21, 2019, whichever occurs earlier.

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,

Handwritten signature of James F. Goodhart in black ink.  
James F. Goodhart  
General Counsel

JFG/as  
Enclosures  
cc: register@sos.arkansas.gov



**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>

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**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 21<sup>st</sup> 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.

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.

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	<u>STAFF APPROVAL</u>	<u>COMMISSION APPROVAL</u>
Submitted by:	<u>Brad Carner</u> Brad Carner Chief	<u>Steve Cook</u> <u>Joe Morgan</u> Steve Cook Chairman Joe Morgan Commissioner
Division:	<u>Wildlife Management</u>	
Approved:	<u>[Signature]</u> Director	<u>Ford Overton</u> <u>Bobby Martin</u> Ford Overton Vice Chairman Bobby Martin Commissioner
Approved:	<u>A. F. Hoodhart</u> Legal	<u>Ken Reeves</u> <u>Stan Jones</u> Ken Reeves Commissioner Stan Jones Commissioner
Approved:	<u>[Signature]</u> Fiscal	<u>Andrew Parker</u> Andrew Parker Commissioner

ARKANSAS GAME AND FISH COMMISSION  
Little Rock, Arkansas

MINUTE ORDER NO:	<u>19-007</u>	SUBJECT:	<u>Modification of Permits Suspension</u>
DATE PASSED:	<u>January 17, 2019</u>		<u>for Venomous and Poisonous Species</u>
PAGE	<u>1</u>	of	<u>2</u> PAGES
		LOCATION:	<u>Statewide</u>

**WHEREAS,** by Minute Order No. 18-071 issued on October 18, 2018, the Arkansas Game and Fish Commission adopted a temporary suspension concerning issuance of any Wildlife Importation Permits (except for accredited members of the Association of Zoos and Aquariums) and/or Wildlife Breeder/Dealer Permits for wildlife species that are venomous or poisonous until proposed captive wildlife regulations are reconsidered, formally adopted, and become effective, or until February 21, 2019, whichever occurs earlier; **and**

**WHEREAS,** the Commission and its staff have now proposed revised regulations to amend existing and adopt new captive wildlife regulations, and these revised regulations will be communicated through a variety of media avenues to sportsmen and the general public throughout the state for review and opportunity for comment, and will be considered for final adoption in February 2019; **and**

**WHEREAS,** the Commission has been informed that individual members of the public have expressed interest in being able to resume obtaining Wildlife Importation Permits from AGFC to allow temporary public exhibition of venomous or poisonous wildlife species in the state and then, following exhibition, immediately return the wildlife to its original location outside the state of Arkansas; **and**

**WHEREAS,** it is the Commission's desire to authorize issuance of Wildlife Importation Permits to accommodate such requests for short-term public exhibition of venomous or poisonous wildlife species within the state as long as the Director and staff determine, upon review of an application for Wildlife Importation Permit, that the following safeguards are met: (1) the permit applicant is capable of complying with all existing regulations applicable for such captive wildlife species; (2) the permit applicant agrees to voluntarily comply with the proposed regulations concerning possession of venomous reptile species, including caging and handling requirements; and (3) the duration of the visit will be no longer than seven (7) calendar days.

**WHEREAS,** after carefully considering the recommendations of Commission staff and the Regulations Committee, the Commission has determined that the temporary suspension on issuance of any Wildlife Importation Permits pursuant to Minute Order No. 18-071 should be modified to authorize the Director and AGFC staff to issue Wildlife Importation Permits for short-term public exhibition of venomous or poisonous wildlife species within the state as long as the Director and staff determine, upon review of an application for Wildlife Importation Permit, that the previously-listed safeguards are satisfied.

**NOW, THEREFORE, BE IT ORDERED** this 17<sup>th</sup> day of January 2019, that the Arkansas Game and Fish Commission hereby modifies Minute Order No. 18-071 issued on October 18, 2018, to authorize the Director and AGFC staff to issue Wildlife Importation Permits for short-term public exhibition of

venomous or poisonous wildlife species within the state as long as the Director and staff determine, upon review of an application for Wildlife Importation Permit, that: (1) the permit applicant is capable of complying with all existing regulations applicable for such captive wildlife species; (2) the permit applicant agrees to voluntarily comply with proposed regulations concerning possession of venomous reptile species, including caging and handling requirements; and (3) the duration of the visit will be no longer than seven (7) calendar days.

**BE IT FURTHER ORDERED** that Minute Order No. 18-071, as modified, shall remain in effect until the proposed captive wildlife regulations are formally adopted and become effective, or until February 21, 2019, whichever occurs earlier.

STAFF APPROVAL  
Submitted by: Brad Carner  
Brad Carner  
Chief  
Division: Wildlife Management  
Approved: [Signature]  
Director  
Approved: A.F. Goodhart  
Legal  
Approved: [Signature]  
Fiscal

COMMISSION APPROVAL  
[Signature] [Signature]  
Ford Overton Bobby Martin  
Chairman Commissioner  
[Signature] [Signature]  
Ken Reeves Stan Jones  
Vice Chairman Commissioner  
[Signature] [Signature]  
Andrew Parker J. D. Neeley  
Commissioner Commissioner  
[Signature]  
Joe Morgan  
Commissioner



ARKANSAS GAME AND FISH COMMISSION  
Little Rock, Arkansas

MINUTE ORDER NO:	<u>18-071</u>	SUBJECT:	<u>Captive Wildlife Regulations Review</u>
DATE PASSED:	<u>October 18, 2018</u>		<u>and Additional Suspension of Permits</u>
PAGE <u>1</u> of <u>2</u> PAGES		LOCATION:	<u>Statewide</u>

- WHEREAS, by Minute Order No. 18-051, issued on June 21, 2018, the Arkansas Game and Fish Commission adopted a temporary (120-day) suspension on issuance of any Wildlife Importation Permits (except for accredited members of the Association of Zoos and Aquariums, previously known as the American Zoo and Aquarium Association) and/or Wildlife Breeder/Dealer Permits for wildlife species that are venomous or poisonous; and
- WHEREAS, the Commission also charged AGFC staff with studying the existing captive wildlife regulations and proposing any amendments or new regulations that may be needed so that they could be considered for Commission approval prior to the October 19, 2018 expiration of the temporary suspension; and
- WHEREAS, the Commission and its staff have proposed regulations to amend existing and adopt new captive wildlife regulations, including: to create a Venomous Reptile Possession Permit with associated requirements; to authorize a process for issuance of permits based on staff evaluation of species for risk to human health and safety, native fish and wildlife health or populations, or agriculture, or cannot be safely confined in a humane manner; to, upon Commission approval, add evaluated species to an unrestricted, permitted, or prohibited species list; and to allow persons until January 1, 2020, to submit a Wildlife Breeder/Dealer permit application to come into compliance with Commission regulations; and
- WHEREAS, the proposed captive wildlife regulations have been communicated through a variety of media avenues to sportsmen and the general public throughout the state for review and comment for at least the past 30 days; and
- WHEREAS, some individuals who submitted comments requested that the Commission postpone deciding whether to adopt the proposed regulations until after AGFC staff gives additional study and consideration to certain issues raised in their comments, including whether to allow venomous reptiles to be exhibited outside required caging and whether veterinary inspections should be required for reptiles; and
- WHEREAS, after carefully considering the recommendations of Commission staff and the Regulations Committee, as well as comments received from the public, the Commission has determined that AGFC staff should utilize additional time to consider several issues raised through public comments and that there should be an additional suspension on issuance of any Wildlife Importation Permits (except for accredited members of the Association of Zoos and Aquariums) and/or Wildlife Breeder/Dealer Permits for wildlife species that are venomous or poisonous while this process resumes.

NOW, THEREFORE, BE IT ORDERED this 18<sup>th</sup> day of October 2018, that the Arkansas Game and Fish Commission hereby tables further consideration of the proposed captive wildlife regulations until January 17, 2019, while staff study and consider certain issues raised through public comments.

BE IT FURTHER ORDERED that the temporary suspension on the issuance of Wildlife Importation Permits (except for accredited members of the Association of Zoos and Aquariums) and/or Wildlife Breeder/Dealer Permits shall continue, but only until the proposed captive wildlife regulations are reconsidered, formally adopted, and become effective, or until February 21, 2019, whichever occurs earlier.

STAFF APPROVAL  
Submitted by: Brad Carner  
Brad Carner  
Chief  
Division: Wildlife Management  
Approved: [Signature]  
Director  
Approved: A F Nordhart  
Legal  
Approved: [Signature]  
Fiscal

COMMISSION APPROVAL  
[Signature] [Signature]  
Ford Overton Bobby Martin  
Chairman Commissioner  
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Ken Reeves Stan Jones  
Vice Chairman Commissioner  
[Signature] [Signature]  
Andrew Parker J. D. Neeley  
Commissioner Commissioner  
[Signature]  
Joe Morgan  
Commissioner