

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State
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Name of Department Legal Division

Agency or Division Name Arkansas Game & Fish Commission

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

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Name of Rule 9.01 Possession of Certain Wildlife In Captivity Prohibited

Newspaper Name Arkansas Democrat Gazette

Date of Publishing March 22, 23, and 24, 2020 and April 19, 20, and 21, 2020

Final Date for Public Comment May 21, 2020

Location and Time of Public Meeting AGFC Auditorium, 2 Natural Resources Drive, Little Rock AR 72205,
at 10:00 a.m.

9.01 Possession of Certain Wildlife In Captivity Prohibited

It is unlawful to possess, hold captive, confine, or enclose any live wildlife, whether native or non-native, migratory or imported, unless otherwise specified herein.

EXCEPTIONS:

- A. Accredited members of the Association of Zoos and Aquariums.
- B. Persons possessing and holding captive wildlife in compliance with Chapter 09.00.
- C. Persons possessing and holding captive fish, bullfrogs, mussels, aquatic turtles, alligators, and other aquatic wildlife in compliance with Chapters 29.00,30.00,31.00,32.00, 33.00, 34.00, 35.00 and Addendum Chapter J1.00.
- D. Persons may be permitted to possess and hold captive on a temporary basis captive-reared mallards, pen-raised northern bobwhite quail, coyote, fox, squirrel, or raccoon for the sole purpose of dog training or conducting field trials sanctioned by the American Kennel Club, National Field Retriever Association, North American Hunting Retriever Association, Hunting Retrievers Club, United Kennel Club, Professional Kennel Club, or American Coon Hunters Association upon requesting and receiving a Shoot-to-Kill Retrieving Dog Training Permit (for captive-reared mallards) and/or written approval from the Chief of Wildlife Management.
- E. Persons determined by the Commission to be involved in bona fide scientific research, education, or conservation efforts of significant benefit to wildlife or wildlife ~~habitat~~ habitat in Arkansas may be permitted to possess and hold captive wildlife in compliance with the terms of a special permit issued by the Chief of Wildlife Management.
- F. ~~Persons with a valid U.S. Department of Agriculture Wildlife Exhibition Permit may possess and hold captive wildlife allowed by that permit. Holders of this permit are not exempt from subsequent regulations in Chapter 09.00.~~
AVAILABLE
- G. Persons with a valid U.S. Fish and Wildlife Service migratory bird permit may possess migratory birds in compliance with the terms of that permit. Holders of this permit are not exempt from subsequent regulations in Chapter 09.00. Holders of a valid U.S. Fish and Wildlife Service Raptor Propagation Permit are not required to obtain a Commission Wildlife Breeder/Dealer Permit to propagate or distribute raptors.
- H. Persons may possess species listed in Addendum R1.01.
- I. Persons may possess terrestrial invertebrate species not otherwise prohibited by this Code or by federal or state regulations.

PENALTY: Class 2

- A. Any wildlife possessed in violation of this regulation may be declared contraband and subject to immediate seizure.
- B. Upon conviction, or before, if so ordered by a court having legal jurisdiction, title to the wildlife shall be forfeited to the Commission and released or disposed of in compliance with Commission policy.
- C. 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.
- D. 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.