

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State
John Thurston
500 Woodlane, Suite 026
Little Rock, Arkansas 72201-1094
(501) 682-5070
www.sos.arkansas.gov



Name of Department Legal Division

Agency or Division Name Arkansas Game & Fish Commission

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person April M. Soman

Contact E-mail April.Soman@agfc.ar.gov

Contact Phone 501-223-6327

Name of Rule Fl.01 Commercial Wildlife Hunting Resort Requirements

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.

F1.01 Commercial Wildlife Hunting Resort Requirements

- A. Commercial Wildlife Hunting Resort Permits may be issued to applicants complying with the following requirements:
 - 1. The applicant must be at least 18 years old and shall not have been convicted of, or entered a plea of guilty or nolo contendere for, violating any federal, state or municipal law governing captive wildlife, illegal appropriation or commercialization of wildlife, or cruelty to animals within 5 years of application date.
 - 2. The applicant shall provide to the Commission, in writing, proof from the county judge or sheriff and any municipal planning commission or board with jurisdiction, stating that the applicant's hunting resort shall be in compliance with all local ordinances.
 - 3. The applicant shall submit a written application (available from the Commission) for each facility to be permitted.
- B. The requested permit shall be denied if:
 - 1. The applicant fails to meet any of the issuance criteria set forth in this addendum chapter;
 - 2. The applicant fails to disclose material information required, makes false statements as to any material fact in connection with the application, or supplies false information or makes a false statement on the application;
 - 3. The Commission finds, through further inquiry or investigation, the issuance of the permit may be potentially harmful to the wildlife resources of the State.
- C. Commercial wildlife hunting resorts must comply with the following:
 - 1. Commercial Wildlife Hunting Resort Permits must be obtained at least 60 days before hunting begins. Operators must notify the Commission upon any change of ownership or enclosure size.
 - 2. Native game animals, except black bear, may be hunted within commercial wildlife hunting resorts in accordance with statewide hunting regulations and license requirements. Such high-fence enclosures shall be at least 500 contiguous acres of free range (no cross-fencing) with a fence at least 8 feet in height around the perimeter.
 - 3. Deer and elk may be hunted within commercial wildlife hunting resorts with any legal method of take for deer or elk hunting from October-February. Limits do not apply. An elk permit is not required.
 - 4. High-fence enclosures shall have at least 60 percent forested cover classified as timberland by the county tax assessor.
 - 5. Hunting, chasing, herding or corralling deer or elk with dogs within a commercial wildlife hunting enclosure is prohibited.
 - 6. Hunting non-native wildlife within a high-fence enclosure is prohibited.
 - 7. The perimeter fencing of a high-fence enclosure must be posted at least every 300 feet with yellow signs marked with "Commercial Wildlife Hunting Resort" in black letters at least 4 inches tall.

8. All cervids held captive under this permit that die, including those harvested by hunters, shall be tested for chronic wasting disease by the Arkansas Livestock and Poultry Commission at the expense of the permit holder. The permit holder shall submit the results of such testing to the Commission within seven days of receipt.

~~9. Permit holders whose facilities, including enclosures, pens and cages, are not in compliance with this addendum chapter shall be notified in writing and shall have 10 days to correct the violation.~~

~~10. If the violation has not been corrected in 10 days, the Commission may revoke any existing permit and may refuse to issue any future permit to the violator. Such revocation or refusal to issue a future permit shall be in addition to any criminal charges that may be filed.~~

D. Reporting and Record-Keeping Requirements:

1. Owners or operators of commercial wildlife hunting resorts must keep legible and complete records showing the name and current address of each hunter, the date, number of wildlife and sex of each animal taken.
2. Records shall include evidence of legal possession of all wildlife kept under this permit, including licenses, bills of sale, bills of lading, receipts, invoices or other satisfactory evidence of ownership. Records shall include the date of acquisition, place of origin, and the name, address and telephone number of the person from whom the wildlife was acquired.
3. Records must be retained throughout the time the wildlife is possessed by the permittee or for five years, whichever is longer.
4. Permit holders shall submit a completed Commercial Wildlife Hunting Resort Harvest Report (form available from the Commission) by May 1.
5. Stock shall only be acquired from either a Commission-permitted Wildlife Breeder/Dealer or have been brought into the state in accordance with a Commission Wildlife Importation Permit. Permits will not be issued to and existing permits may be revoked for facilities that have acquired stock by any other method.

E. Disease Testing and Control:

1. The director of the Commission, in consultation with the director of the Arkansas Livestock and Poultry Commission, or their designees, shall determine mechanisms and procedures for control of diseases and parasites in captive wildlife within Arkansas. Such mechanisms and procedures shall include, but not be limited to, examination, testing, quarantine and slaughter or destruction of individual animals and/or herds that are, or in the opinion of the Commission may be, infected with a disease or parasite that may have significant detrimental effect on native wildlife, other captive wildlife, livestock or the public health of the citizens of Arkansas.
2. Examinations, testing, quarantine and slaughter of captive wildlife shall be conducted at the expense of the owner. As a condition of any permit issued under this addendum chapter, the Commission may require the captive wildlife be quarantined for a period specified by the Commission.

F. Facility and Enclosure Requirements:

1. All wildlife possessed in captivity shall be maintained in enclosures that are sufficiently strong to prevent escape of the wildlife and will protect the wildlife from injury.
2. Enclosures shall be kept in good repair at all times and gates shall be securely fastened with latches or locks.
3. Permit holders whose facilities, including enclosures, are not in compliance with this addendum chapter shall correct the violation within 10 days of notification, or sooner if so ordered by the Commission.
4. If the violation has not been corrected within required time, the Commission may revoke or suspend any existing permit and may refuse to issue any future permit. Such revocation, suspension or refusal to issue a future permit shall be in addition to any criminal charges that may be filed.
5. All wildlife shall be maintained in humane and healthy conditions.

G. Inspection:

1. Permit holders shall allow agents of the Commission to enter and inspect the premises, including books, records or permits required to be kept and any wildlife and/or facilities kept under authority of permit.
2. Each permittee shall pen the captive wildlife in suitable pens and restrain them for inspection, at a reasonable time, when requested to do so by an agent of the Commission.

H. Permit Renewal, Transfer, Suspension And Revocation:

1. Persons in violation of the terms of this permit, this addendum chapter, Commission Codes, or convicted of violating associated regulations of the U.S. Fish and Wildlife Service, shall be notified in writing and shall have 20 days to respond with just cause as to why their permit should not be suspended or revoked.
2. If after 20 days just cause has not been given, the Commission may suspend or revoke any existing permit held by the violator and may refuse to issue future permits. Permit suspension, revocation or refusal shall be in addition to any criminal charges that may be filed.
3. Upon revocation, permit holder must remove by legal means all captive wildlife within the time designated in the revocation, not to exceed 60 days, and failure to do so shall result in the Commission taking action, per Commission policy, at the permit holder's expense.