



## 12.01 Taking Of Alligator Prohibited

It is unlawful to hunt, buy, sell or possess an American alligator (*Alligator mississippiensis*) or other crocodilian species, or any part, nest or eggs.

### EXCEPTIONS:

- A. Any alligator or other crocodilian species seized or otherwise acquired by the Commission may be sold.
- B. Any cured and mounted trophies and articles manufactured from the lawfully acquired skins or hides or other parts of any alligator or other crocodilian species.
- C. An alligator may be possessed for display and educational purposes in compliance with a written permit issued by the Chief of Fisheries. Only established facilities such as state and federal parks, zoos, aquariums, commercial or privately operated nature centers or similar entities may possess alligators or other crocodilian species for public display or bona fide educational purposes in compliance with a letter of authorization issued by the Chief of Fisheries (facilities accredited by the Association of Zoos and Aquariums are exempt).
- D. Personnel authorized by the Commission and engaged in the removal of nuisance alligators in compliance with the current AGFC Nuisance Alligator Procedure.
- E. In compliance with Codes [05.01](#), [12.03](#), Chapter [33.00](#), and Addendum [A1.10](#).

**PENALTY:** Class 3

**ARKANSAS GAME AND FISH COMMISSION**  
 Little Rock, Arkansas

MINUTE ORDER NO: 20-028 SUBJECT: Captive Wildlife Regulations  
 DATE PASSED: June 18, 2020 Approval  
 PAGE 1 of 2 PAGES LOCATION: Statewide

**WHEREAS,** the Arkansas Game and Fish Commission and its staff have proposed the attached regulations to amend existing requirements for captive wildlife, including to: (1) change the approving official for alligator display permits from the chief of the Wildlife Management Division to the chief of the Fisheries Division; (2) prohibit the import for commercial propagation or sale of aquatic turtle species native to the state unless imported under a Commission-issued Wildlife Importation Permit; (3) add various bird and reptile species and delete one listing of a reptile species (Corn Snake) to Addendum R1.01 – Unrestricted Captive Wildlife Species List; and (4) modify Addendum R1.02 – Permitted Captive Wildlife Species List to delete one species (Boa Constrictor); **and**

**WHEREAS,** the attached 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,** after carefully considering the recommendations of the Director and Commission staff, as well as comments received from the public, the Commission has determined that the attached regulations promote sound wildlife conservation and management and are consistent with Amendment 35 of the Arkansas Constitution and that these regulations should now be approved for application statewide.

**NOW, THEREFORE, BE IT ORDERED** this 18th day of June 2020, that the Arkansas Game and Fish Commission hereby approves and adopts the attached regulations, which shall become effective immediately upon public filing or as soon thereafter as possible.

**BE IT FURTHER ORDERED** that the Commission staff is authorized to proceed with legally certifying and filing the attached regulations with the Secretary of State, State Library, and Bureau of Legislative Research and incorporating them into the Commission Code Book and Addendum.

**STAFF APPROVAL**

**Submitted by:** \_\_\_\_\_  
 Ben Batten  
 Chief

**Division:** Fisheries

**Approved:**   
 Director

**COMMISSION APPROVAL**

  
 Ken Reeves  
 Chairman

  
 Stan Jones  
 Commissioner

  
 Andrew Parker  
 Vice Chairman

  
 J. D. Neeley  
 Commissioner


  
 Joe Morgan  
 Commissioner

  
 Anne Marie Doramus  
 Commissioner

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Approved: \_\_\_\_\_  
Legal

  
Bobby Martin  
Commissioner

Approved: \_\_\_\_\_  
Fiscal

**FINANCIAL/ECONOMIC IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**  
**(Attach additional pages if needed)**

**DEPARTMENT:** Arkansas Game and Fish Commission

**BUREAU:** Wildlife Management

**PERSON COMPLETING THIS STATEMENT:** Matthew Warriner

**TELEPHONE #:** 501-978-7318      **FAX #:** 501-223-6452

**EMAIL:** matthew.warriner@agfc.ar.gov

**SHORT TITLE OF THIS RULE:** Captive Wildlife Regulation Amendments

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?  
Yes:                       No:

2. Do you believe that the development of a financial impact statement is so speculative as to be cost prohibitive? Yes:       No:  If "Yes", please explain: the primary financial impact may be to persons wishing to import for commercial propagation or sale aquatic turtle species native to the state. A Wildlife Importation Permit at a current cost of \$50.00 and a veterinary inspection would be required prior to importation of these species. The number of persons who may want to import these species in the future is not known but is expected to be small.

3. If the purpose of this rule is to implement a **federal** rule or regulation, please give the incremental cost for implementing the regulation. Please indicate if the cost provided is the cost of the program.

<u>Current Fiscal Year</u>		<u>Next Fiscal Year</u>	
General Revenue	\$	General Revenue	\$
Federal Funds	\$	Federal Funds	\$
Cash Funds	\$	Cash Funds	\$
Special Revenue	\$	Special Revenue	\$ Other
(Identify)	\$	Other (Identify)	\$
Total	\$	Total	\$

4. What is the total estimated cost by fiscal year to any **party** subject to the proposed, amended, or repealed rule? (Estimated cost includes fees, administrative penalties, reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs associated with compliance.) Identify the **party** subject to the proposed rule, and explain how they are impacted.

**Current Fiscal Year:** Unknown

**Next Fiscal Year:** Unknown

Amend existing regulations including:

- Change the approving official of alligator display permits from the chief of the Wildlife Management Division to the chief of the Fisheries Division
- Prohibits the import for commercial propagation or sale of aquatic turtle species native into the state unless imported under a Commission-issued Wildlife Importation Permit
- Add approximately 439 species of reptiles to Addendum R1.01 – Unrestricted Captive Wildlife Species to exempt these species from Wildlife Breeder/Dealer and Wildlife Importation Permit requirements and allow breeding, sale and import without these permits.

Party Subject to Rule: Persons proposing to import for commercial propagation or sale aquatic turtle species native to the state and persons proposing to import, breed or sale species being added to the unrestricted captive wildlife species list.

Effect on Party Subject to Rule: Requiring a Wildlife Importation Permit to import for commercial propagation or sale of aquatic turtle species native to the state will necessitate the payment of a \$50.00 fee and obtaining a veterinary inspection prior to importation. Adding species to the unrestricted captive wildlife species list will allow persons to breed, sale and import species without having to have Wildlife Breeder/Dealer and Wildlife Importation Permits.

5. What is the total estimated cost by fiscal year to the **agency** to implement this rule? Explain the financial benefit to the agency from implementing this rule.

Current Fiscal Year: Unknown

Next Fiscal Year: Unknown

Financial Benefit to Agency: None

6. Do alternative means exist for accomplishing the objectives of the rules that might be less burdensome to small business? Yes: No: **X**

Why were such alternatives not proposed: N/A

7. Compare this rule with federal and state counterparts: Regulations vary greatly among states. Adding the requirement for a Wildlife Importation Permit to import for commercial propagation or sale of aquatic turtle species native would allow for consistent treatment of native wildlife species being imported. The species being proposed for the unrestricted captive wildlife species list, upon staff review, do not appear to be inherently dangerous and pose no significant risk to human health and safety, native fish and wildlife health or populations, agriculture, and can be safely.



Pat Fitts  
Director

Chris Colclasure  
Deputy Director

James F. Goodhart  
General Counsel

John P. Marks  
Sr. Assistant General Counsel  
Phone: 501-223-6327

Chris Racey  
Deputy Director

Roger Mangham  
Deputy Director

Christian N. Parks  
Assistant General Counsel

Rob Brown  
Assistant General Counsel  
Fax: 501-223-6463

## Arkansas Game and Fish Commission

June 29, 2020

Ms. Kayla Sansom, Rules & Regulation Filing  
Office of the Arkansas Secretary of State  
500 Woodlane Drive, Room 26  
Little Rock, AR 72201

RE: Arkansas Game and Fish Commission Regulation Adopted on June 18, 2020

Dear Ms. Sansom:

Attached please find Regulations 1.00C, 12.01, 20.19, 34.01, R1.01, and R1.02 approved by the Arkansas Game and Fish Commission on June 18, 2020. Also included for each regulation is the required AR Secretary of State Transmittal sheet, applicable Financial Impact Statement, and the signed Minute Order.

Notices for the approved regulations were published as indicated on the AR Secretary of State Transmittal sheet in the Arkansas Democrat-Gazette.

Hard copies of the approved regulations will be in the mail in the next day or so. **Kindly notify April Soman to confirm receipt of both the electronic submission and hard copy.** Should you have any questions or concerns regarding 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  
cc: register@sos.arkansas.gov