

ARKANSAS REGISTER

Proposed Rule Cover Sheet



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Name of Department Arkansas Game and Fish Commission

Agency or Division Name Legal Division

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

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Name of Rule 35.01 Live Fish Trade Permit Requirements

Newspaper Name Arkansas Democrat Gazette

Date of Publishing August 16, 17, 18, 2020 and September 13, 14, 15, 2020

Final Date for Public Comment October 15, 2020

Location and Time of Public Meeting 2 Natural Resources Drive, Little Rock AR 72205, 9:00 a.m.

35.01 ~~Fish Farmer Permit Requirements~~ Live Fish Trade Permit Requirements

It is unlawful for fish farmers, distributors, wholesalers, pond consultants, aquaponics/hydroponics producers, or independent live haulers to possess, propagate or ~~sell~~ offer for sale farm reared (egg to harvest) aquaculture species or fertilized eggs without a ~~current Fish Farmer Permit~~ an appropriate valid permit. Permits are non-transferrable and are required to be renewed annually. See Addendum J1.01 for Approved commercial Aquaculture Species and Addendum I1.00 for Aquatic Animal Health Requirements.

A. Resident Fish Farmer Permit- Resident who possesses, propagates, and raises farm-reared approved aquaculture species/eggs on an approved fish farm in Arkansas. With this permit a resident fish farmer may also sell, distribute, hold and/or transport farm-reared approved aquaculture species/eggs within and into the state from approved fish farm sources and provide pond and aquaponics/hydroponics consulting.

B. Non-resident Fish Farm Permit- Non-resident who possesses, propagates, and raises farm-reared approved aquaculture species/eggs on an approved fish farm in a location outside the state of Arkansas. With this permit a non-resident fish farmer may also sell, distribute, hold and/or transport farm-reared approved aquaculture species/eggs within and into the state from approved fish farm sources and provide pond and aquaponics/hydroponics consulting.

C. Resident Fish Dealer/Independent Hauler- Resident, who sells, distributes, holds, and/or transports farm-reared approved aquaculture species/eggs within and into the state from AGFC approved fish farm sources and provide pond and aquaponics/hydroponics consulting, includes resident pond consultants.

D. Non-resident Fish Dealer/Independent Hauler- Non-resident who sells, distributes, and/or transports farm reared approved aquaculture species/eggs within and into the state from AGFC approved fish farm sources and provide pond and aquaponics/hydroponics consulting , includes non-resident pond consultants.

E. Research/Educational/Exhibition/Government Fish Culture Facility Permit- Any research, educational, public aquaria, or state and federally owned aquaculture facilities that possess and/or propagate fish for research, exhibition, or public stocking purposes and provide pond and aquaponics/hydroponics consulting . This permit does not allow the holder to sell live species in commercial trade, however, accredited zoos may sell species to other accredited zoos.

Exceptions:

1. Retail Bait Dealer (Bait Shop) must comply with Code 32.02 regarding permitting and licensing requirements.
2. Commercial fishermen must comply with Code 30.01 regarding permitting and licensing requirements.
3. Licensed fishing guides are not required to purchase a fish dealer's permit when providing baitfish during the act of guiding.
4. No AGFC issued permit is required for shipments of live fish or fertilized eggs passing through the state with no loading or unloading within the state; however

restrictions do apply and all shipments of live fish/ fertilized eggs must comply with Codes 35.03, 35.11, and 35.12.

5. Marine and tropical aquatic fish commonly distributed in the aquarium trade may be sold without special permits, as long as they are held only in closed systems and not otherwise prohibited.

6. All other aquatic wildlife species traded commercially must comply with AGFC Code of Regulations, including captive wildlife.

7. Common shipping carrier services (ex. Fed-Ex, UPS, USPS, etc.) are not required to obtain a hauler permit.

PENALTY: Class 1 and shipments found in violation will be escorted back to the in-state originating source or to the state line for non-resident sources and not allowed to re-enter state until in compliance.