

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State
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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 35.09 Possession, Rearing, Propagation or Sale of Conditional and Unlisted Aquaculture Species Prohibited

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.

35.09 Possession, Rearing, Propagation or Sale of **Restricted Conditional** and Unlisted Aquaculture Species **by Fish Farmers** Prohibited

It is unlawful for fish farmers, fish dealers, or independent live haulers to possess, rear, propagate, transport, or sell aquaculture species/eggs not listed on the Approved Aquaculture Aquatic Species List (Addendum J1.00) without a **Restricted Conditional** Species Possession Permit or an Unlisted Aquaculture Species Possession Permit from the Arkansas Game and Fish Commission Chief of Fisheries. Only permitted residential fish farmers, state and federal culture facilities, and research/ educational/ public aquaria facilities are allowed to propagate conditional and unlisted species with appropriate permits. See Addendum J1.01 for species, permitting process, and reporting requirements; Addendum I1.00 and Addendum V1.00 for aquaculture species health requirements.

EXCEPTIONS:

1. The sale of native crayfish ~~and turtle species~~ that naturally colonize in ~~culture~~ aquaculture facilities is allowed if not otherwise prohibited – **must list as species on permit.**
2. Marine and tropical aquatic ~~wildlife~~ fish commonly distributed in the aquarium trade may be sold without special permit, as long as they are held only in closed ~~aquarium~~ systems and not otherwise prohibited. **Any live release of these species is unlawful.**
3. ~~The rearing and sale of turtles as allowed under Chapter 34.00~~ Fish Farmer permittees may depredate or relocate aquatic turtles impacting commercial fish production from their facility without additional permit; however, for the harvest and sale of aquatic turtles from their aquaculture facilities they must possess a valid Aquatic Turtle Harvest Permit or Aquatic Turtle Dealer Permit in compliance with Code 34.00.
4. Accidental inclusion of 5% or less (by number) of aquatic species native to Arkansas from an otherwise legal shipment of live aquaculture organisms will be exempt from prosecution provided the included species are not otherwise prohibited.

PENALTY: Class 2