

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 Arkansas Game and Fish Commission

Agency or Division Name Legal Division

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person Sarah Milligan

Contact E-mail Sarah.Milligan@agfc.ar.gov

Contact Phone 501-223-6327 Legal Division

Name of Rule 09.10 – Wildlife Importation Permit Required

Newspaper Name Arkansas Democrat Gazette

Date of Publishing May 14-16, 2023

Final Date for Public Comment June 15, 2023

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

Summary

Purpose:

To amend miscellaneous regulations for the purpose of replacing all references to “Wildlife Officer” or “Enforcement Officer” in the AGFC Code Book with the term “Game Warden”. On April 13, 2023, Governor Sarah Huckabee Sanders signed Act 852 (a/k/a HB1813) approving legislative intent to change all similar references to AGFC Wildlife or Enforcement Officers in existing statutes to “Game Wardens.”

Act 852 will become effective approximately July 31, 2023, and it is AGFC staff’s recommendation to implement the complementary changes in the AGFC Code Book during this same timeframe to facilitate accuracy and consistency, and promote public understanding.

Affected Codes:

The codes to be amended include 01.00-B, 03.10, 05.04, 05.29, 05.31, 09.10, 09.11, 33.01, 35.02, 36.02, 37.03, and O1.01.

FINANCIAL/ECONOMIC IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

(Attach additional pages if needed)

DEPARTMENT: Arkansas Game and Fish Commission

DIVISION: Enforcement

PERSON COMPLETING THIS STATEMENT: Briana Zuber

TELEPHONE #: 501-382-9055 **FAX #:** 501-382-9055

EMAIL: Briana.zuber@agfc.ar.gov

SHORT TITLE OF THIS RULE: Amend AGFC Codebook to refer to officer(s) as “game warden(s)”

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?
Yes: No: **X**
2. Do you believe that the development of a financial impact statement is so speculative as to be cost prohibitive? Yes: No: **X** If “Yes”, please explain:
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: NA

Next Fiscal Year: Unknown

Party Subject to Rule: N/A

Effect on Party Subject to Rule: N/A

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: \$N/A

Next Fiscal Year: \$N/A

Financial Benefit to Agency: No

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: N/A

09.10 -- Wildlife Importation Permit Required

- A. It is unlawful to import live wildlife into Arkansas without a valid Wildlife Importation Permit issued by the Commission. It also is unlawful for any person to receive, acquire, purchase, or possess any wildlife imported into Arkansas in violation of this regulation.
- B. It is unlawful for the holder of a Wildlife Importation Permit to cause or permit any wild animal or bird to be imported into Arkansas under inhumane or unhealthy conditions (Addendum [F1.04](#)).

EXCEPTIONS:

- A. Aquatic wildlife other than native aquatic turtles, alligators, and those species prohibited by Code [26.13](#). Imports for aquaculture must comply with Code [35.09](#). Refer to the Approved Aquaculture Species List in Addendum [J1.01](#). Aquatic wildlife may not be released, Code [26.12](#).
- B. Wildlife exchanged with other states by the Commission.
- C. Accredited members of the Association of Zoos and Aquariums.
- D. A Wildlife Importation Permit is not required for a nonresident falconer with a valid Non-Resident Arkansas Hunting License, and possessing a valid falconry permit from another state, to import legally possessed raptors into Arkansas for the purposes of hunting, provided the birds will not stay in Arkansas longer than 30 consecutive days and are in compliance with Arkansas Livestock and Poultry Commission regulations relating to the entry of birds into the state.
- E. A Wildlife Importation Permit is not required for a resident falconer with a valid Arkansas Hunting License, and a valid Arkansas falconry permit to import legally possessed raptors into Arkansas, provided they are in compliance with Arkansas Livestock and Poultry Commission regulations relating to the entry of birds into the state.
- F. Circuses and others possessing U.S. Department of Agriculture Wildlife Exhibition Permits may import wildlife into or through Arkansas temporarily for the limited purposes of performance or display under terms of a special permit issued by the Chief of Wildlife Management.
- G. No Wildlife Importation Permit is necessary for wildlife listed in Addendum [R1.01](#). No Wildlife Importation Permit will be issued for wildlife listed in Addendum [R1.03](#) except in compliance with Code [09.11](#) Exceptions. An application for a permit for an unlisted species will be denied if an evaluation by Commission staff determines the species poses a significant risk to human health and safety, native fish and wildlife health or populations, or agriculture, or cannot be safely confined in a humane manner.
- H. Terrestrial invertebrate species not otherwise prohibited by Commission Code or by Federal or state regulations.
- I. A Wildlife Importation Permit is not required for a resident to return legally owned wildlife originating in Arkansas that has been out of the state for less than 30 days.
- J. Wildlife being transported through Arkansas, within a period of 12 hours or less, that remain confined within the mode of transportation and is not exhibited to the public.
- K. Terrestrial invertebrate species not otherwise prohibited by this Code or Federal or State regulations.

PENALTY: Class 3

- A. All equipment, including any form of legal tender, and all wildlife imported in violation of this regulation may be seized by ~~Enforcement Officers-Game Wardens~~, confiscated by the court, forfeited to the State and disposed of according to law (Code [01.00-D](#)).
- B. Any person convicted of violating this regulation shall be liable for the costs incurred in the storage, care, and maintenance of any equipment, wildlife, and/or fish seized in connection with the violation.
- C. Any person convicted of violating this regulation shall be liable for the costs of any and all tests and/or examinations of the illegally imported wildlife, and also shall be liable for the costs of destruction and/or disposal of the illegally imported wildlife, as deemed necessary by the Commission for the protection of native wildlife.

LEGAL NOTICE

The regular monthly meeting of the Arkansas Game and Fish Commission will be held beginning at 9:00 a.m. Thursday, June 15, 2023, at the Arkansas Game and Fish Commission Headquarters located at 2 Natural Resources Drive, Little Rock, AR 72205. At that time, regulations and business pertaining to the operation of the Game and Fish Commission and other fiscal and administrative matters will be considered and acted upon. Additionally, Committee meetings attended by Commissioners and agency staff members will be held throughout the day on Wednesday, June 14, 2023, beginning at 8:00 a.m. at the Arkansas Game and Fish Commission Headquarters located at 2 Natural Resources Drive, Little Rock, AR 72205. All interested persons are invited to attend these meetings.

The Commission meeting on June 15th will be live-streamed and a link for easy viewing access will be available on the agency website. Please visit the Arkansas Game and Fish Commission website at <https://www.agfc.com> for additional up-to-date details as the May meeting dates draw closer.

Items on the agenda for the June 15, 2023 meeting will include discussion and/or adoption of proposed regulations that previously were considered at the May 17-18, 2023 Commission Meetings, plus consideration of various Hunting and Fishing Regulations and regulations pertaining to the Enforcement Division of the Arkansas Game and Fish Commission, including but not limited to:

- Amending the codebook to reflect changes from Act 852 which concludes that AGFC officers should henceforth be referred to as “Game Wardens.”

All persons wishing to be heard on these subjects should submit comments in writing to this office before the start of the June 15, 2023 meeting (preferably by 4:30 p.m. on the day before). Any request to make an oral presentation at the meeting should be submitted in writing to this office on or before June 10, 2023. Copies of any proposed rules or regulations may be obtained at the Arkansas Game and Fish Commission main office and at www.agfc.com, or through a written request mailed to the address below.

AUSTIN BOOTH, DIRECTOR
Arkansas Game & Fish Commission
Game & Fish Commission Building
2 Natural Resources Drive
Little Rock, Arkansas 72205