

# 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 \_\_\_\_\_

Contact Person Sarah Milligan

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Contact Phone 501-223-6327 Legal Division

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Name of Rule 09.11 – Importation Of Certain Living Wildlife Prohibited

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 Does this proposed, amended, or repealed rule or regulation have a financial impact?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

## 09.11 -- Importation Of Certain Living Wildlife Prohibited

It is unlawful to import, ship, transport, or carry into Arkansas by any means, or to cause to be imported, receive, or to assist in any manner in the importation of any species listed in Addendum [R1.03](#).

### EXCEPTIONS:

- A. Wildlife exchanged with other states by the Commission.
- B. RESERVED.
- C. Large carnivores and mountain lions may be imported only by holders of valid U.S. Department of Agriculture Wildlife Exhibition Permits for large carnivores or mountain lions. Such importation shall be done in compliance with a current Commission Wildlife Importation Permit.
- D. Mallards may be imported by a representative of a group designated in Code [09.03](#), Exception 3, for use in an official field trial in compliance with a current Wildlife Importation Permit provided that ducks are identified as captive reared by one of the following methods: 1) banding of one metatarsus with a seamless metal band; 2) removal of the hind toe from the right foot; 3) pinioning of a wing by removal of all or some of the metacarpal bones of one wing, which renders the bird permanently incapable of flight; or 4) a readily discernible tattoo of numbers and/or letters on the web of one foot. The permit holder must possess documentation that the waterfowl have originated from a flock participating in the National Poultry Improvement Program and such documentation shall be submitted to the Commission in compliance with reporting requirements in Code [09.10](#).
- E. Mallards may be imported by the holder of a Shoot-To-Kill Retrieving Dog Training Permit in compliance with a current Wildlife Importation Permit provided that ducks are identified as captive reared by one of the following methods: 1) banding of one metatarsus with a seamless metal band; 2) removal of the hind toe from the right foot; 3) pinioning of a wing by removal of all or some of the metacarpal bones of one wing, which renders the bird permanently incapable of flight; or 4) a readily discernible tattoo of numbers and/or letters on the web of one foot. The permit holder must possess documentation that the waterfowl have originated from a flock participating in the National Poultry Improvement Program and such documentation shall be submitted to the Commission in compliance with reporting requirements in Code [09.10](#).
- F. RESERVED.
- G. These species, excluding cervids, may be moved through the state of Arkansas with a Wildlife Importation Permit provided that it is done in accordance with a properly issued U.S. Department of Agriculture VS-127 Restricted Movement Document and that the container the animals are in is sealed in the originating state and that seal remains unbroken while in the State of Arkansas.
- H. Individuals must provide prior notification to the Wildlife Management Division before any live cervid can be moved through the State of Arkansas.
- I. Apes, baboons, and macaques may be imported, shipped, or transported only in accordance with a current Commission Wildlife Importation Permit or special permit issued by the Chief of Wildlife Management, and in accordance with Ark. Code Ann. §§ 20-19-601 through 20-19-610.
- J. Accredited members of the Association of Zoos and Aquariums.

### 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, 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 15<sup>th</sup> 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](http://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