

Agenda Item _____

Arkansas Game and Fish Commission

Wildlife Management Division

February 23, 2006

Wildlife Breeder/Dealer Permits for Mountain Lions Approval

Presented by Blake Sasse

This proposal, which will extend the period in which the Commission will issue Wildlife Breeder/Dealer permits to owners of mountain lions, was presented at the January meeting. Attached is the final proposal and minute order for Commission approval.

Doyle Shook, Chief
Wildlife Management Division

Approved Mountain Lion Permit Approval

Approved Change - Red Ink

15.12
05-05

WILDLIFE BREEDER/DEALER PERMIT REQUIREMENTS.

It shall be unlawful for a person to rear, breed, propagate, produce or distribute any fur-bearing animals, game animals, game birds, or other wildlife without a Wildlife Breeder/Dealer Permit.

- (A) Wildlife Breeder/Dealer Permits for new facilities rearing, breeding, propagating, producing or distributing any member of the cervidae family, including, but not limited to white-tailed deer and elk shall not be issued after October 17, 2002.
- (B) Closure of Commercial Trade in Box Turtles (genus *Terrapene*). Wildlife Breeder/Dealer Permits shall not be issued after September 1, 2004 for any person or operation engaged in the importation, propagation, sale, transfer, barter, or distribution of box turtles (genus *Terrapene*). The importation, propagation, sale, transfer, barter, or distribution of any *Terrapene* will be prohibited after June 30, 2005.
- (C) ~~Wildlife Breeder/Dealer Permits for new facilities for rearing, breeding, propagating, producing or distributing large carnivores and mountain lions, other than for individuals or organizations determined to be involved in bona fide scientific or conservation efforts, shall not be issued after December 31, 2005.~~ **Wildlife Persons legally possessing a large carnivore or mountain lion on or before December 31, 2005 may apply for and receive a Wildlife Breeder/Dealer Permit up until June 30, 2006. After June 30, 2006, Wildlife Breeder/Dealer Permits for new facilities shall not be issued for those species other than to individuals or organizations determined to be involved in bona fide scientific or conservation efforts or to those possessing existing Wildlife Breeder/Dealer permits wishing to transfer their permit to a new location, provided that the new facility passes an inspection in accordance with Commission Code 15.11(B).**

EXCEPTION:

- (1) Fish, bullfrogs, mussels, aquatic turtles and alligators in compliance with the following Commission Codes:
 - (a) Commission Code Section 36.00 (Bull Frog Regulations);
 - (b) Commission Code Section 37.00 (Minnow Regulations);
 - (c) Commission Code Section 38.00 (Fresh Water Mussel Regulations);
 - (d) Commission Code Section 39.00 (Aquatic Turtle Regulations);
 - (e) Commission Code Section 40.00 (Alligator Farming Regulations);
 - (f) Commission Code Section 41.00 (Commercial Fishing Regulations);

- (g) Commission Code Section 42.00 (Fish Farmer Regulations);
- (h) Game birds legally killed on a Game Bird Shooting Resort.
Ref. Code 15.08 (Game Bird Shooting Resort License).

PENALTY: \$500.00 to \$5,000.00.

15.13

11-00/05-05

WILDLIFE BREEDER/DEALER PERMIT GENERAL PROVISIONS.

It shall be unlawful to fail to comply with the following provisions:

- (A) The applicant must supply satisfactory evidence that stock has been/will be secured from a legal source other than the wild stock of the state.
- (B) Stock may be slaughtered in accordance with established husbandry practices for slaughter of domestic livestock.
- (C) Fencing of enclosures in which deer, elk or other big game animals are to be held must consist of a permanent deer-proof fence at least eight (8) feet in height and constructed in a manner so as to prohibit escape of captive wildlife and the possible ingress of native wildlife.
- (D) It shall be unlawful for owners or operators of commercial wildlife breeder/dealer facilities to fail to submit legible and complete reports by the 5th of each month on a form provided by the Commission of their inventory on the last day of the month, the number of animals of each species that were born or died that month, the species and number of each species acquired or distributed each month, and the name, current address and phone number of each person from whom wildlife was acquired or to whom it was distributed.
- (E) Permits for Wildlife Breeder/Dealer facilities that keep waterfowl will not be issued for properties where poultry is raised for sale, show or exhibition.
- (F) Permitted Wildlife Breeder/Dealer facilities in which birds are kept are required to adhere to applicable Arkansas Livestock and Poultry Commission requirements regarding pullorum-typhoid disease tests and are encouraged to participate in the National Poultry Improvement Plant.
- (G) Each Wildlife Breeder/Dealer facility in which waterfowl are kept are required to test 60 birds for duck virus enteritis using the PCR technique every May. Facilities containing less than 60 birds shall test all birds in stock. Samples shall be taken by a licensed veterinarian and submitted to the Arkansas Livestock and Poultry Commission at the owner's expense. Copies of test results shall be forwarded to the Arkansas Game and Fish Commission within 7 days of receipt. Flocks that test positive for duck virus enteritis shall be quarantined or destroyed by the owner or operator within 14 days and the carcasses disposed of in accordance with Arkansas Livestock and Poultry Commission regulations. Waterfowl hatched in the facility shall be banded with a seamless metal band.
- (H) Those with Wildlife Breeder/Dealer Permits may only sell live cervids, including but not limited to white-tailed deer and elk, to

buyers outside the state of Arkansas or to Arkansas residents that possess a current Wildlife Breeder/Dealer Permit or Commercial Wildlife Hunting Resort Permit.

- (I) Those with Wildlife Breeder/Dealer Permits may only sell or distribute large carnivores or mountain lions to individuals outside the state of Arkansas or to Arkansas residents that possess a current Wildlife Breeder/Dealer Permit for those species.**

EXCEPTION:

- (1) Red fox, gray fox and coyote that have originated from the wild in Arkansas and are in compliance with the disease control provisions of Commission Code 15.11C, may be reared, bred, propagated, produced or distributed by individuals with a current Wildlife Commercial Breeder/Dealer Permit.

PENALTY: \$500.00 to \$5,000.00.

FINANCIAL/ECONOMIC IMPACT STATEMENT

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

DEPARTMENT: Arkansas Game & Fish Commission

DIVISION: WMD

PERSON COMPLETING THIS STATEMENT: Blake Sasse

TELEPHONE #: 501-223-6370 FAX #: 501-223-6452 EMAIL:
dbsasse@agfc.state.ar.us

SHORT TITLE OF THIS RULE: Breeder/Dealer Permits for Mountain Lions

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: \$ 0 **Next Fiscal Year: \$ 0**

Party Subject to Rule: Owners of captive mountain lions.

Effect on Party Subject to Rule: Allows additional time to acquire permit required by current regulations. Will be to their benefit since if the time period in which a permit can be issued is not extended, owners of animals without permits will be prosecuted and potentially face very high legal costs.

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: \$ 0

Next Fiscal Year: \$ 0

Financial Benefit to Agency: \$1000 or less

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

Why were such alternatives not proposed: This regulation is directed at those who own these animals as personal pets. Commercial operations have been required to have this permit for many years.

7. Compare this rule with federal and state counterparts: No applicable federal regulation.

ARKANSAS GAME AND FISH COMMISSION
Little Rock, Arkansas

| | | | |
|------------------|-------------------|-----------|---------------------------------|
| MINUTE ORDER NO: | _____ | SUBJECT: | Wildlife Breeder/Dealer Permits |
| DATE PASSED: | February 23, 2006 | | for Mountain Lions Approval |
| PAGE | 1 | of | 1 |
| | | PAGES | |
| | | LOCATION: | Statewide |

WHEREAS, the Arkansas Game and Fish Commission, meeting in regular session on February 23, 2006, has carefully reviewed and approved the attached hunting regulation proposals for statewide application; **and**

WHEREAS, the various sections of the AGFC Code Book affected by the adoption of these regulations must be replaced or amended, and then legally certified to the Secretary of State, the Arkansas State Library and the Bureau of Legislative Research in accordance with applicable law;

NOW, THEREFORE, BE IT ORDERED, THIS 23rd day of February the Arkansas Game and Fish Commission hereby approves and adopts the attached hunting regulations, and authorizes the Commission staff to proceed with making the appropriate AGFC Code Book revisions and legal certification.

| | <u>STAFF APPROVAL</u> | <u>COMMISSION APPROVAL</u> | |
|----------------------|-----------------------|----------------------------|--------------|
| Submitted by: | _____ | _____ | _____ |
| | Doyle Shook | Chairman | Commissioner |
| Division: | _____ | _____ | _____ |
| | Wildlife | Vice Chairman | Commissioner |
| Approved: | _____ | _____ | _____ |
| | Director | Commissioner | Commissioner |
| Approved: | _____ | _____ | |
| | Legal | Commissioner | |
| Approved: | _____ | | |
| | Fiscal | | |