

## **Agenda Item \_\_\_\_\_**

### **Arkansas Game and Fish Commission**

Wildlife Management Division

September 13, 2007

### **Re-Proposed Captive Wildlife Codes Approval**

Presented by Ricky Chastain

At the June meeting major revisions of Code Section 15.00 Captive Wildlife and Commercial Wildlife Resorts were presented. These recommendations were developed by the agency's Captive Wildlife committee. Updates to other codes that reference codes in the 15.00 section were also proposed for update. Some additional revisions have been included based on public response to the initial proposal. These recommended revisions were re-proposed at the August meeting and are being presented at this meeting for Commission approval.

**Doyle Shook, Chief**  
Wildlife Management Division

## APPROVED CAPTIVE WILDLIFE CODES

Approved Changes - Red Ink

Approved Clarifications – Blue Ink

Approved Changes Since June Meeting – Teal Ink

01.00-C  
09-07

**DEFINITION OF TERMS.** For the purposes of the Arkansas Game and Fish Commission Code of Regulations, the following terms shall be construed, respectively, to mean and include:

respectively, to mean and include:

**AQUACULTURE SPECIES** – Any species listed on the Approved Aquaculture Species List (available from the Fisheries Division) and species not listed but allowed under Unlisted or Restricted Species Possession Permits.

**ADULT GOBBLER** – Male turkeys having at least one of the following characteristics: a) tail feathers which are the same length, b) wing feathers that have white barring all the way to the tip or c) a beard more than six (6) inches in length.

**ALLIGATOR DEALER** – Any person, firm or corporation engaging in the sale, purchase, barter, or exchange of an American alligator (*Alligator mississippiensis*) or other crocodylian species, or any part, nest or eggs thereof in the State of Arkansas.

**ALLIGATOR FARMER** – Any person, firm or corporation possessing an American alligator (*Alligator mississippiensis*) or other crocodylian species, or any part, nest or eggs thereof in the State of Arkansas for the purpose of propagation production or rearing.

**ALLIGATOR SNAPPING TURTLE DEALER** - Any person, firm or corporation engaged in the sale or purchase of alligator snapping turtles.

**ALLIGATOR SNAPPING TURTLE BREEDER** - Any person, firm or corporation possessing alligator snapping turtles for the purpose of propagation, production or rearing or sale.

**ANIMAL** – An organism of the animal kingdom, as distinguished from the plant kingdom, including any part, product, egg, or offspring thereof.

**ANTLERLESS ELK** - Any elk (male or female) not meeting requirements to be a legal bull elk

**AQUATIC WILDLIFE** – Aquatic Snails, Aquatic Turtles, Crayfish (Crawfish, Crawdads), Fish (including Minnows), Frogs, Mussels and Salamanders.

**ARKANSAS RIVER BOUNDARY (Sportfishing Only):** The Arkansas Post Canal from Lock and Dam #1 to the Arkansas River and the Arkansas River from Dam #2 upstream to the Oklahoma state line including all lakes, bays and tributary streams accessible by boat from the main channel except that portion of Big Bayou Meto upstream from Hwy 11, Plum Bayou upstream from Hwy 79, Little Maumelle River upstream from Pinnacle State Park, Maumelle River upstream from Lake Maumelle Dam, Fouché LaFave upstream from Hwy 113, Palarm Creek upstream from Interstate 40, Cadron Creek upstream from the weir, Point Remove Creek upstream from Hwy 113, Petit Jean River upstream from Pontoon Boat Ramp at Hwy 154, Illinois Bayou upstream from Russellville Waterworks Dam, Big Piney and

Little Piney Creeks upstream from Hwy 359, Horsehead Creek upstream from Interstate 40, Mulberry River upstream from Interstate 40, Frog Bayou upstream from Hwy 162 and Lee Creek upstream from Lee Creek Dam, and from the first non-navigable shoal for streams entering the Arkansas River along the left bank ascending from Lake Dardanelle Dam to the Oklahoma State Line.

**ARTIFICIAL LURE/FLY** - Terminal fishing tackle made by the method of fly tying, or made entirely of rubber, wood, metal, glass, feathers, hair, synthetic fibers, or plastic, with hook attached.

**BAG LIMIT** - The number of species allowed to be taken in a time period - 24 hours (12 o'clock midnight to 12 o'clock midnight) unless otherwise specified.

**BAITFISH** – Minnows (including bluntnose minnows, bullhead minnows, chubs, crayfish, dace, fatheads, common carp under 6 inches, small goldfish, shiners and stonerollers), logperch (also called sand pike or zebra minnows), shad, gar (other than alligator gar), drum, bowfin under 6 inches, skipjack herring, silversides (brook and inland), buffalo (bigmouth, smallmouth and black), river carpsucker, sculpin (banded and Ozark) and bream 4" and under.

**BAITING** – The direct or indirect placing, exposing, depositing, distributing, or scattering of salt, grain, or other feed that could serve as a lure or attraction for wildlife to, on, or over any areas where hunters are attempting to take them.

**BIG GAME** – Alligator, bear, deer, elk and turkey.

**BLACK BASS:** Largemouth bass, redeye bass, smallmouth bass, and spotted bass.

**BONUS DEER:** A harvested deer that is not included in a hunter's statewide bag limit.

**BOX TYPE TURTLE TRAP** – A floating trap designed to capture aquatic turtles, but does not permit capture of fish (see Code 39.04 for restrictions).

**BREAM** - Any species of the genus *Lepomis*, including bluegill, redear, warmouth and other sunfish.

**BUCK** – A male deer (See LEGAL BUCK definition).

**BUCK DEER SEASON** - Any deer season whereby no deer other than legal buck deer may be taken.

**BULL ELK (legal)** - Any elk having at least one antler visible above the hairline.

**BUY** – To purchase, barter, exchange, or trade and includes any offer to purchase, barter, exchange, or trade.

**CAPTIVITY or HOLD CAPTIVE** – The holding of living wildlife in a controlled environment that is manipulated by man for the purpose of exercising ownership, possession or control of the wildlife, and that has boundaries designed to prevent selected species from entering or leaving the controlled environment.

**CASE** - A container specifically designed for the purpose of housing a gun which completely encloses such gun by being zipped, snapped, buckled, tied or otherwise fastened with no portion of the gun exposed.

**CARCASS** – The body of a dead animal.

**CATCH-AND-RELEASE** – The requirement that fish of a designated species must be immediately released into the water where caught.

**CERVID** – A member of the family Cervidae.

**CHASE FOR PLEASURE** – To search for, pursue or chase game animals or other wildlife with the use of dogs for recreational purposes only, with no intent of taking or attempting to take such game animals or wildlife through the possession or use of any killing devices.

**CHRONIC WASTING DISEASE (CWD)** – Fatal disease affecting the brain of cervids that belongs to a group of diseases called transmissible spongiform encephalopathies.

**CHUMMING** – To dislodge or deposit any substance not attached to a hook which may attract fish.

**CITY, COUNTY, STATE, OR FEDERALLY MAINTAINED ROAD** - Any road graded or otherwise repaired by any city, county, state, or federal agency in the state of Arkansas.

**CLEAN** – Having no meat matter or tissue attached to the carcass part.

**COMMERCIAL FISH** – Bowfin (over 6 inches), buffalo, catfish, carp, drum, gar, paddlefish, sucker family, white amur and sturgeon.

**COMMERCIAL FISHERMAN** - Any person who fishes with tackle designated as commercial tackle requiring a license and/or tag issued by the Commission.

**COMMERCIAL WILDLIFE PERMIT(S)** – Shall be a term construed to identify each and/or all of the following permits: Alligator Farmer/Dealer Permit, Alligator Snapping Turtle Breeder/Dealer Permit, Resident Shell Taker and Seller Permit, Shell Buyer Permit, Non Resident Shell Buyer Permit, Resident Roe Taker/Seller Permit, Resident Roe Buyer/Exporter Permit, Non-Resident Roe Buyer Permit, Resident Fur Dealer Permit, Non-Resident Fur Dealer Permit, Special Commercial Quail Permit, Game Bird Shooting Resort Permit, Wildlife Hunting Resort Permit, Wildlife Breeder/Dealer Permit and Wildlife Translocation Permit.

**COMMISSION** - The Arkansas State Game and Fish Commission, unless otherwise designated.

**COMPUTER ASSISTED HUNTING** – The use of a computer or any other device, equipment or software to remotely control the aiming and discharge of a firearm, bow or crossbow to kill wildlife located in the state of Arkansas.

**DEFERRED HUNTER EDUCATION** – Shall be a term whose abbreviation (DHE) when dealer imprinted on an Arkansas hunting license/permit defers completion of hunter education certification while said license/permit is valid.

**DISABLED** - Any individual who is 100% permanently and totally disabled as declared by the following federal agencies: the United States

Social Security Administration, the United Department of Veteran's Affairs, or the United States Railroad Retirement Board.

**DOE** – A female deer.

**DOE DEER SEASON** – Any deer season whereby a doe may be taken.

**DROWNING SET** - Any leg hold trap that utilizes one or more of the following techniques to retain the target animal in water of suitable depth for drowning. These are: (1) a slide wire with lock; (2) tangle stake; or (3) drowning weight.

**DUCKS (includes the following species)** – All species of Teal, Merganser, Whistling Duck and Scaup; American Wigeon, American Black Duck, Bufflehead, Canvasback, Gadwall, Goldeneye, Mallard, Mottled Duck, Northern Shoveler, Redhead, Ring-necked Duck, Ruddy Duck, Northern Pintail and Wood Duck.

**EITHER-SEX** – A male or a female.

**EITHER-SEX DEER SEASON** – Any deer season whereby a doe or a legal buck may be taken.

**ENCLOSE** – To surround species of wildlife on all sides using man-made barriers, including but not limited to fencing, walls, structures or other devices, so that the wildlife are not free to leave a particular environment.

**ENCLOSURE** – Any area surrounded by a man-made barrier, including but not limited to fencing, walls, structures or other devices that prevent wildlife from leaving a particular environment.

**ENDANGERED SPECIES** - any wildlife species or subspecies endangered or threatened with extinction listed by the U. S. Department of Interior and the following native species hereby designated in Arkansas:

**MAMMALS:**

Gray bat (*Myotis grisescens*), Indiana bat (*Myotis sodalis*), Ozark big-eared bat (*Corynorhinus townsendii ingens*).

**BIRDS:**

Bald eagle (*Haliaeetus leucocephalus*), least tern (*Sterna antillarum*), Bachman's warbler (*Vermivora bachmanii*), red-cockaded woodpecker (*Picoides borealis*), ivory-billed woodpecker (*Campephilus principalis*)

**REPTILES:**

American alligator (*Alligator mississippiensis*). Currently listed as threatened due only to similarity in appearance to the American crocodile (*Crocodylus acutus*)

**FISHES:**

Ozark cavefish (*Amblyopsis rosae*), leopard darter (*Percina pantherina*), pallid sturgeon (*Scaphirhynchus albus*);

**MOLLUSKS:**

Scaleshell mussel, Curtis' pearly mussel, (*Epioblasma florentina curtisi*), fat pocketbook pearly mussel (*Potamilus capax*), pink mucket mussel (*Lampsilis abrupta*), turgid blossom mussel (*Epioblasma turgidula*), speckled pocketbook mussel (*Lampsilis streckeri*), Arkansas fatmucket mussel (*Lampsilis powelli*), winged mapleleaf mussel (*Quadrula fragosa*), Magazine Mountain shagreen land snail (*Inflectarius magazinensis*); scaleshell mussel (*Leptodea leptodon*), Ouachita rock pocketbook mussel (*Arkansia wheeleri*);

**ARTHROPODS:**

Cave crayfish (Cambarus zophonastes) and (Cambarus aculabrum);

**INSECTS:**

American burying beetle (Nicrophorus americanus);

**PLANTS:**

Geocarpon minimum (no common name), pondberry, (Lindera melissifolia), Missouri bladderpod (Lesquerella filiformis), Harperella (Ptilimnium nodosum), Eastern prairie fringed orchid (Platanthera leucophaea), running buffalo clover (Trifolium stoloniferum);

**FEE LAKE** - A lake in which there is a charge for fishing privileges. All persons 16 years of age and older must possess an Arkansas fishing license. Daily limits apply.

**FERAL HOG** – Any hog (*Sus scrofa*), including Russian and European wild boar, which is roaming freely upon public lands and is living in a wild or feral state.

**FIREARMS, LOADED** - Firearms shall be considered to be loaded if shells or cartridges are in either the chamber, magazine, or cylinder; percussion cap muzzle-loading firearms are considered loaded if the percussion cap is on the nipple; flintlock muzzle-loading firearms are considered to be loaded if there is powder in the flashpan. Electronic pulse ignition muzzeloaders are considered to be loaded if the ignition circuit is charged.

**FISH or FISHING** - To lure, attract, collect, or pursue fish species or aquatic wildlife for the purpose of taking or attempting to take such fish species or aquatic wildlife by any method.

**FISH FARM** - Waters and adjacent premises confined within a pond, tank, or lake not connected with public waters, and under management by a commercial fish farmer.

**FISH FARMER** - Any person, firm, partnership or corporation engaged in the propagation and/or production of crawfish, fish and/or minnows for sale.

**FREEFLOATING FISHING DEVICE** - Any floating fishing device unanchored or unattached to a stationary object.

**FURBEARERS** - Badger, beaver, bobcat, coyote, gray fox, red fox, mink, muskrat, nutria, opossum, raccoon, river otter, spotted skunk (civet cat), striped skunk and weasel.

**GAFFING FISH** - Taking or attempting to take fish with a hand held or handled hook prior to being caught on hook and line.

**GAME ANIMALS** – Alligator, black bear, bobcat, coyote, deer, elk, gray fox, red fox, mink, opossum, eastern cottontail rabbit, swamp rabbit, raccoon, gray squirrel and fox squirrel.

**GAME BIRDS** - Turkey, quail, pheasant, chuckar, and all birds classified by the U. S. Fish and Wildlife Service as migratory game birds.

**GAME BIRD SHOOTING RESORT** - Any person, firm, or corporation engaged, for pay or other consideration, who provides pen-raised birds for harvest by hunters.

**GAME FISH** - Alligator gar, black bass, white bass, striped bass, striped bass hybrid, crappie, catfish, trout, bream, sunfish, goggle-eye, walleye, northern pike, muskellunge, sauger, paddlefish, and pickerel.

**GEOCACHE** – Items in a container (cache) placed or hidden for individuals to subsequently find using a Global Positioning Satellite (GPS) receiver device.

**GEOCACHING** – An outdoor sport, similar to “high-tech treasure hunting”, involving use of a Global Positioning Satellite (GPS) receiver device to find a cache.

**GUIDE** - Any person who provides, for monetary or any other compensation, that person’s personal services for the purpose of assisting others to locate, pursue, catch or hunt wildlife.

**HIGH FENCE ENCLOSURE** – An enclosure that contains an area of at least 500 contiguous acres, with at least sixty percent (60%) of the acreage in forested cover that has been classified as timberland by the local county tax assessor, that has a perimeter fence at least eight (8) feet high, with no cross fencing that has the effect of reducing the size of the area to less than 500 contiguous acres with at least sixty percent (60%) of the acreage in forested cover as herein provided.

**HOGGING** – the taking of fish by the use of hands only in or under the water.

**HUNT or HUNTING** – To search for, pursue, chase, track, lure, attract, or lie in wait of game animals or other wildlife for the purpose of taking or attempting to take such game animals or wildlife by any method.

**HUNTING PARTY** - Two or more persons hunting together.

**IMPORT** – To land on, bring into, or introduce into any place within the jurisdiction of the State of Arkansas.

**IMPORTATION** – To ship, convey, carry or transport wildlife into or through the state by any means.

**JAKE** - Sub-adult turkeys having all of following characteristics: a) longer central tail feathers, b) outermost 1 or 2 wing feathers lacking white barring all the way to the tip and c) a beard six (6) inches or less in length.

**KILLING DEVICE** - Any firearm, bow and arrow, crossbow, pellet gun, or any other device capable of killing wildlife.

**LARGE CARNIVORE** - Tigers (*Panthera tigris*), African Lions (*Panthera leo*), or any hybrid thereof and all species of bears.

**LEGAL BUCK** – A buck having both antlers under two inches (including button buck) or at least one antler with at least three points including the main beam, each a minimum of one inch long. (Ref: Code 21.03)

**LITTER** – All waste which has been discarded or otherwise disposed of including, but not limited to, convenience food and beverage packages or containers, trash, garbage, all other product packages or containers, and other post consumer solid wastes.

**MIGRATORY BIRDS** – All birds protected by the federal Migratory Bird Treaty Act of 1918 and subsequent amendments.

**MIGRATORY GAME BIRDS** - Coots, crows, doves, ducks, gallinules or moorhens, geese, rails, snipe and woodcock.

**MINIMUM LENGTH LIMIT** – The shortest length of a fish, of a designated species, measured from the front of the lower jaw with the mouth closed to the tip of the tail with tail lobes pressed together, that an angler may keep. All fish not meeting the minimum length requirement for a particular water or species must be immediately released into the water where caught.

**MINNOWS** - small nongame fish commonly used for bait including bluntnose minnows, bullhead minnows, chubs, dace, fatheads, common carp under 6 inches, goldfish, shiners, and stonerollers.

**MOBILITY IMPAIRED** - Individuals who are mobility impaired in accordance with criteria on the Game and Fish application for the mobility impaired card.

**NATIVE WILDLIFE** – Those species and sub-species of wildlife that have established, naturally reproducing, free-ranging, wild populations within the state of Arkansas.

**NIGHT** - thirty (30) minutes after sunset to thirty (30) minutes before sunrise.

**NONGAME WILDLIFE** - all wildlife other than furbearing or game animals, birds and fish.

**NON-RESIDENT** - Any person not defined as resident.

**NOODLING** – The taking of fish by the use of hook or snare type device, with or without an attached line no longer than 4 feet in length, manipulated by hand when a person is in or under the water.

**NUISANCE WILDLIFE** - Any wild animal creating a problem by committing damage to personal property (Depredation Permit available).

**NUISANCE FURBEARING ANIMALS** - Beaver, muskrat, and nutria.

**OPEN SEASON** - that season during which protected wildlife may be lawfully taken.

**PEN-RAISED QUAIL** - Quail that are hatched from eggs of quail raised in captivity in pens or cages.

**PERSON** - Any individual, firm, corporation, association, or partnership in singular or plural as the context requires.

**POSSESS or POSSESSION** - To have under control. The manual or ideal custody of wildlife or anything that may be the subject of property, for one's use and enjoyment, either as owner or as the proprietor of a qualified right in it, and either held personally or by another who exercises it in one's place and name. Possession includes the act or state of possessing and that condition of facts under which one can exercise his power over a corporeal thing at his pleasure to the exclusion of all other persons. Possession includes constructive possession, which means not actual but assumed to exist, where one claims to hold by virtue of some title, without having actual custody.

**PROTECTED SLOT LIMIT** – A species/size limit which prohibits anglers from keeping fish within a designated size group, and requires fish

of that size and species to be immediately released into the water where caught.

**PROTECTED WILDLIFE** - All wildlife in the state unless a declared open season has been established by the Commission.

**PUT AND TAKE PAY LAKE** - Private waters open to public fishing for a fee, after being licensed by the Commission and where no fishing license or daily limit of fish is imposed.

**RAPTOR** - Any migratory bird of the Order Falconiformes or the Order Strigiformes and Ciconiiformes Family Cathartidae.

**REHABILITATION** – The practice of providing medical treatment or other care to orphaned, sick or injured wild animals that have come into human possession with the goal of returning the animal to the wild.

**RESIDENT** - Any person who physically inhabits a bona fide residence within Arkansas for a period of time no less than 60 days, and declares themselves to be a full-time resident of Arkansas. Additional facts to be considered in establishing proof of current Arkansas residency are:

- (1) Possession of a valid current Arkansas issued Driver's License or Arkansas issued I.D. Card.
- (2) Possession of a valid Arkansas vehicle registration in their name and displaying current Arkansas license tags on their vehicle.
- (3) Other documentation may be taken into consideration to verify proof of Arkansas residency.

Possession of Arkansas real estate and/or proof of payment of associated services or utilities do not qualify the owner/renter as a resident if they live out of state.

**EXCEPTIONS:**

- (A) The following students, carrying proof of full-time enrollment in schools, colleges or universities while hunting or fishing in Arkansas, are eligible to purchase annual or trip resident license privileges:
  - (1) Residents of Arkansas enrolled as full-time students in colleges and universities outside of Arkansas.
  - (2) Non-residents enrolled as full-time students in colleges and universities in Arkansas.
  - (3) Non-resident foreign exchange students attending school in Arkansas.
  - (4) Resident foreign exchange students attending school outside of Arkansas.
- (B) The following military personnel are eligible to purchase annual or trip resident license privileges:
  - (1) Active-duty military personnel assigned to duty stations in Arkansas.
  - (2) Active-duty military personnel who were Arkansas residents at the time of entering service, regardless of where currently stationed.

- (C) Proof of at least one (1) year residency must be provided when applying for the following licenses:  
\$1,000 Sportsman's permit, Resident Disabled 3-Year Licenses, Special Guide License, Alligator Farmer/Dealer Permit, Alligator Snapping Turtle Breeder/Dealer Permit, Commercial Fisherman's Permit & Sportfishing License, Commercial Fisherman's Helper Permit, Junior/Senior Commercial Fishing Permit, Resident Shell Taker/Seller Permit, Shell Taker Helper Permit, Shell Buyer, Resident Fish Dealer, Resident Roe Taker/Seller Permit, Resident Roe Taker Helper Permit and Resident Roe Buyer/Exporter Permit.

- (D) Proof of at least three (3) years residency must be provided when applying for the following licenses:  
65 Plus Lifetime License.

The Director or his representative shall make the final determination as to resident status of any license applicant.

**ROUGH FISH** – Gars, bowfin, common carp, asian carp (grass carp, bighead carp, silver carp), suckers (including buffalo) and drum.

**SELL** – To exchange or deliver for money or its equivalent; to offer for sale, barter, exchange, or trade or the act of selling, bartering, exchanging or trading.

**SHELL BUYER** - Anyone who buys mussels or mussel parts from a Taker. An agent purchasing for a licensed buyer is not a buyer.

**SMALL GAME** – Furbearers, migratory birds, quail, rabbit and squirrel.

**SNAGGING** – A method of taking fish using conventional rod and reel tackle where the fish is impaled by the forceful retrieval of one or more hooks.

**SNAGLINE** - Commercial tackle consisting of a horizontal line with hooks or drops less than 24 inches apart.

**SIMULATED WING MOVEMENT DECOYS** – Electronic, mechanically-operated, wind-powered or manually-powered blade devices that simulate wing movement, except for kite devices.

**TACKLE** - Any rod, reel, pole, line, net, yo-yo, seine, or any other apparatus or device used to take fish.

**TAKE** - To shoot, kill, injure, trap, net, snare, spear, catch, capture, or reduce to possession.

**TAXIDERMY** - The art of preparing, stuffing and/or mounting of wildlife and parts thereof.

**TRANSLOCATION** – To ship, convey, carry or transport wildlife from one location to another by any means, including importation, exportation, interstate and intrastate movement.

**TRAP OR TRAPPING** – To use a device such, as a clamp-like apparatus that closes, noose or cable restraint device (snare), for the purpose of catching and holding animals.

**TROUT** – Any members of the Salmonidae family including rainbow trout, brown trout, brook trout, lake trout and cutthroat trout.

**WATERFOWL** – All **wild** species of ducks, geese and swans.

**WATERS OF THE STATE** - All streams, lakes, sloughs, bayous, marshes, or any other water wholly or partially within the State. Pay lakes and fish farms are excluded from the above.

**WILD** - to be living in a state of nature and not domesticated.

**WILDLIFE** - All wild birds, mammals, fish, reptiles, amphibians and other wild aquatic forms, and all other wild animals, regardless of classification, whether resident, migratory or imported, protected or unprotected, dead or alive, and shall extend to and include any and every part of any individual species of wildlife, including animals living in a captive state and which lack a genetic distinction from members of the same species living in the wild.

**WILDLIFE CHECK STATION** – An official wildlife check station is a Commission designated (1) county check station, (2) Commission employee, (3) deer camp or (4) Commission on-line checking web site <http://www.agfc.com>.

**WILDLIFE HUNTING RESORT** – A Wildlife Hunting Resort is any facility, location, business or operation that is engaged in offering the opportunity to hunt or attempt to hunt captive wildlife other than pen-raised game birds.

**WILDLIFE MANAGEMENT AREA (WMA)** - Designated areas set aside by the Commission and distinguished by certain markers and considered a separate zone with regard to wildlife regulations. (Referred to as "WMA", "Waterfowl Rest Area (WRA)", "Wildlife Demonstration Area (WDA)", "Special Use Area (SUA)", "State Park-Conservation Area (SP-CA)" or "National Wildlife Refuge (NWR)".

**ZONE** - Any area defined or delineated by the Commission where hunting and/or fishing activities are regulated for that specific area.

**01.00-D CONFISCATION AND SEIZURE.**

09-07

- (A) Any wildlife, including but not limited to game animals, birds and fish, that is taken, transported, or sold in violation of any Commission Code regulation is declared to be contraband and may be seized under authority of this Commission Code. Upon conviction of the offender, or sooner if the court having jurisdiction so orders, title to the wildlife shall be forfeited to the Arkansas Game and Fish Commission and such wildlife released or disposed of in accordance with Commission policy.
- (B) Any equipment, including but not limited to guns, archery equipment, traps, tackle, nets, boats, lights, motors, vehicles and other fishing or hunting gear or devices, used in connection with a violation of any of the following Commission Code regulations is declared to be contraband and may be seized under authority of this Commission Code:

- 02.14 Bear Hunting Season.
- 02.21 Elk Hunting Season.
- 02.23 Alligator Hunting Season.
- 03.14 Special Guide License Requirements.
- 04.03 Hunting Wild Turkey Over Bait Prohibited.
- 04.06 Wild Turkey Hen Restrictions.
- 06.04 Taking of Doe Deer Prohibited.
- 07.03 Certain Muzzleloaders Prohibited.
- 07.04 Modern Firearms Prohibited During Muzzleloading Deer Seasons.
- 08.03 Possession of Firearms While Archery and Crossbow Hunting Prohibited.
- 11.04 Hunting or Fishing After Revocation of License Prohibited.
- 11.05(A) Revocation of Commercial Wildlife Permit Privileges.
- 15.17-10 Wildlife Importation **Permit Requirement.**
- 15.18-11 **~~Wildlife Importation Restrictions~~ Importation of Certain Wildlife Prohibited.**
- 17.03 Legal Bull Elk Requirements.
- 17.04 Taking of Antlerless Elk Prohibited.
- 18.01 Hunting Wildlife in Closed Season Prohibited.
- 18.02 Night Hunting Prohibited.
- 18.03 Selling Wildlife Restrictions.
- 18.04 Hunting From Road Prohibited.
- 18.05 Taking Wildlife at Night From a Boat Prohibited.
- 18.14 Taking of Alligator Prohibited.
- 18.20 Taking of Raptors and Bald Eagles Prohibited.
- 19.12 Endangered Species Protected.
- 20.06 Cutting Devices Prohibited on Commission Owned WMAs, SUAs and WDAs.
- 25.09 Guiding Restrictions on All Commission-Owned or Controlled WMAs, WDAs and WRAs.
- 26.02 Restrictions on Method of Taking Alligator.
- 32.01 Taking Fish With Electrical Devices, Firearms, Explosives, Toxic, Stupefying Or Killing Substances Prohibited.
- 32.02 Trapping Fish Prohibited.
- 39.01 Aquatic Turtle Harvest Permit Requirements.
- 39.01(A) Aquatic Turtle Dealer Permit Requirements.
- 39.01(B) Non-Resident Aquatic Turtle Dealer Permit Requirements.
- 39.01(C) Aquatic Turtle Farmer Permit Requirements.
- 39.02 Commercial Aquatic Turtle Harvest Restrictions.
- 39.03 Aquatic Turtle Tackle Tagging.
- 39.04 Aquatic Turtle Tackle Restrictions.

- 39.07(A) Take or Possession of Alligator Snapping Turtles Prohibited.
- 39.07(B) Take of Chicken Turtles Prohibited.
- 39.08 Importation of Alligator Snapping Turtles and Chicken Turtles Prohibited.
- 39.09 Alligator Snapping Turtle Breeder/Dealer Permit Requirements.
- 41.05(A) Resident Roe Taker/Seller Permit Requirements.
- 41.05(B) Resident Roe Buyer/Exporter and Non-Resident Roe Buyer/Exporter Permit Requirements.
- 41.05(C) Roe Buyer/Exporter Reporting Requirements.
- 41.08 Illegal Commercial Tackle Prohibited.
- 41.13 Commercial Fishing by Non-Resident Prohibited.
- 41.39 Closed Paddlefish, Sturgeon and Bowfin Harvest Season.

Upon conviction of the offender, the court having jurisdiction may order title to the equipment forfeited to the Arkansas Game and Fish Commission and such equipment disposed of in accordance with Commission policy. Equipment confiscated may be advertised and sold at public auction with the proceeds of the sale to be deposited in the Game Protection Fund.

- (C) Procedural matters regarding seizure and forfeiture of contraband not otherwise addressed herein shall be governed by the provisions of Rule 15 (Disposition of Seized Things) of the Arkansas Rules of Criminal Procedure, as amended.

**02.07**  
09-07

**FURBEARER SEASONS (2007-2008).** It shall be unlawful to take or attempt to take furbearers anytime other than during the open furbearer seasons as specified herein: (Ref: 01.00-C Furbearers).

- (A) **Gray Fox, Mink, Red Fox and Striped Skunk Hunting:** Sunrise, September 1, 2007 – Sunset, February 29, 2008. Day hunting only.
- (B) **Opossum Hunting:** Sunrise, September 1, 2007 – Sunset February 29, 2008. Day or night hunting; dogs are required to hunt at night.
- (C) **Bobcat and Coyote Hunting:** Sunrise, October 1, 2007 – Sunset February 29, 2008 (Dogs allowed to hunt bobcat and coyote during the day. Coyote may not be hunted at night. Dogs required to hunt bobcat at night.). From the first day of Spring Turkey season through the last day of Spring Squirrel Season (Day hunting only. No dogs allowed).
  - (1) Dogs are not allowed in deer zones where a firearms deer season is in progress that prohibits the use of dogs.
  - (2) During youth turkey hunts, only youths may take coyotes or bobcats.
- (D) **River Otter Hunting:** Sunrise, November 17, 2007 – Sunset, February 29, 2008. Day hunting only.

- (E) **Raccoon Hunting:** Sunset, July 1 – Sunrise, August 31, 2007 (Night hunting only. Dogs required). Sunrise, September 1, 2007 – Sunset, March 31, 2008 (Day or night hunting. Dogs are required for hunting at night).
- (F) **Muskrat, Nutria and Beaver Hunting:** Sunrise, September 1, 2007 – Sunset, March 31, 2008. Day hunting only.
- (G) **Badger, Spotted Skunk (Civet Cat), and Weasel Hunting:** Closed.
- (H) **Furbearer Trapping (Other than Beaver, Coyote, Muskrat, and Nutria):** Sunrise November 17, 2007 – Sunset, February 17, 2008.
- (I) **Coyote Trapping:** Sunrise, August 1, 2007- Sunset, March 31, 2008.
- (J) **Beaver, Muskrat, and Nutria Trapping:** Sunrise, November 17, 2007 – Sunset, March 31, 2008.

**EXCEPTIONS:**

- (1) In compliance with Commission Codes 18.01 (Hunting Wildlife in Closed Season Prohibited), 15.16 14 (Native Wildlife Pets **Restrictions**), and 18.09 (Depredation Permit Requirement).
- (2) In compliance with applicable WMA regulations. (Reference Code 24.07 Furbearer Seasons and Bag Limits on WMAs.
- (3) Coyotes who are committing damage to domestic animals or personal property may be taken in compliance with Code 18.09 Exception 3 (Depredation Permit Requirement).

**PENALTY:** \$200.00 to \$1,000.00.

**03.17 LICENSES, PERMITS, STAMPS, TAGS, COSTS AND  
09-07 EXPIRATION DATES**

**SPORT FISHING:**

	<b><u>CODE</u></b>	<b><u>COST</u></b>	<b><u>EXP. DATE</u></b>
Resident Fisheries Conservation License.....	FSH	\$ 10.50	**
Resident 3-Day Trip License	RT3	\$ 6.50	*
Non-Resident Annual Fishing License.....	NRF	\$ 40.00	**
Non-Resident 14-Day Trip Fishing License..	N14	\$ 22.00	*
Non-Resident 7-Day Trip Fishing License....	NT7	\$ 17.00	*
Non-Resident 3-Day Trip Fishing License....	NT3	\$ 11.00	*
Arkansas Trout Permit.....	TPR	\$ 5.00	**
Non-Resident Trout Permit.....	TPN	\$ 12.00	**
White River Border Lakes License.....	WRL	\$ 10.00	**
Guide License/Fishing.....	GLF	\$ 25.00	**
Non-Resident Guide License/Fishing	GNF	\$150.00	**

**SPECIAL AND COMMERCIAL FISHING:**

Hoop Nets (with or w/o leads), turtle nets...	HN	\$ 4.00	Dec. 31
Slat Traps & Fiddler Nets.....	FS	\$ 12.50	Dec. 31
Commercial Trotlines (inc. snaglines, throwlines, limb lines, set hooks) per			

100 ft.....	TL	\$ 5.00	Dec. 31
Box Traps Turtle Trap.....	TT	\$ 2.00	Dec. 31
Commercial Tackle (Seine, Trammel & Gill Nets) 100 yds. or fractional part thereof per tag.....	SNS	\$ 15.00	Dec. 31
Resident Commercial Fisherman's Permit & Sportfishing License...	CFS	\$ 25.00	Dec. 31
Commercial Fisherman's Helper Permit.....	CFH	\$ 25.00	Dec. 31
Ark. Resident Junior/Senior Commercial Fishing Permit.....	JSC	\$ 14.50	Dec. 31
Alligator Farmer/Dealer Permit.....	AFP	\$200.00	June 30
Alligator Tags.....		\$ 4.00	June 30
Alligator Snapping Turtle Breeder/ Dealer Permit.....	AST	\$100.00	June 30
Aquatic Turtle Harvest Permit.....	THP	\$100.00	Dec. 31
Aquatic Turtle Harvest Helper Permit.....	TH	\$ 50.00	Dec. 31
Junior Aquatic Turtle Harvest Permit.....	JTH	\$ 25.00	Dec. 31
Aquatic Turtle Dealer Permit.....	TDR	\$250.00	Dec. 31
Non-Resident Aquatic Turtle Dealer ... Permit .....	TDN	\$500.00	Dec. 31
Aquatic Turtle Farmer Permit.....	TBP	\$100.00	Dec. 31
Resident Shell Taker and Seller.....	STS	\$100.00	Dec. 31
Shell Taker Helper Permit.....	SH	\$100.00	Dec. 31
Shell Buyer.....	SBR	\$1,000.00	Dec. 31
Non-Resident Shell Buyer.....	SBN	\$2,000.00	Dec. 31
Shell Buyer's Agent Permit.....	SA	\$100.00	Dec. 31
Resident Fish Dealer.....	MD	\$ 10.00	Dec. 31
Non-Resident Fish Dealer .....	FDN	\$250.00	Dec. 31
Minnow Dealer Tackle (Minnow (Seine, Traps or Lifts).....	MS	\$ 5.00	Dec. 31
Fish Farmer (Aquaculturist) Permit	FF	\$ 25.00	Dec. 31
Bull Frog Permit (Must have valid Fish Farmer Permit).....	BP	\$ 25.00	Dec. 31
Resident Roe Taker/Seller Permit	RTS	\$500.00	Dec. 31
Resident Roe Taker/Helper Permit	RH	\$100.00	Dec. 31
Resident Roe Buyer/Exporter Permit	RBE	\$1,000.00	Dec. 31
Non-Resident Roe Buyer Permit	RBN	\$2,000.00	Dec. 31
Commercial Boat Dock Permit.....	BDN	\$ 25.00	Dec. 31
Commercial Boat Dock (User Fee).....	BPL	\$150.00	Dec. 31
Private Boat House (Single).....	BHS	\$ 5.00	Dec. 31
Private Boat House (Double or Joint).....	BHD	\$ 10.00	Dec. 31
Private Boat Dock (Single).....	DPS	\$ 5.00	Dec. 31
Private Boat Dock (Double or Joint).....	DPD	\$ 10.00	Dec. 31
Put & Take Pay Lake.....	PLO	\$150.00	Dec. 31

**HUNTING LICENSE AND PERMITS:**

Resident Wildlife Conservation License.....	HNT	\$ 10.50	June 30
Resident Sportsman's Permit.....	RS	\$ 25.00	June 30
Resident Disabled Hunting 3-Yr License.....	RDH	\$ 25.00	+
Resident Disabled Combination 3-Yr License.	RDC	\$ 35.50	+
Non-Resident Annual All Game License ....	NBG	\$300.00	June 30
Non-Resident 5-Day All Game License .....	AG5	\$150.00	*
Non-Resident 3-Day All Game License .....	AG3	\$100.00	*
Non-Resident Annual Small Game License.	NRH	\$ 80.00	**
Non-Resident 5-Day Small Game License..	SG5	\$ 55.00	*
Non-Resident Fur Takers.....	NFT	\$125.00	June 30
Private Lands Elk Permit.....	PLE	\$ 35.00	****
Arkansas Resident Waterfowl Stamp.....	DS	\$ 7.00	June 30
Arkansas Non-Resident Waterfowl Stamp	DSN	\$ 20.00	June 30
AG&F Leased Lands Permit			
(Hunting, Trapping and Camping)			
Casey Jones WMA.....	LCJ	\$ 20.00	**
Big Timber WMA.....	LBT	\$ 20.00	**
Cherokee WMA.....	LCH	\$ 20.00	**
Gum Flats WMA.....	LGF	\$ 20.00	**
Provo WMA.....	LPR	\$ 20.00	**
Lafayette County WMA.....	LLC	\$ 20.00	**
Jim Kress WMA.....	LJK	\$ 20.00	**
Moro Big Pine WMA.....	LMP	\$ 20.00	**
Falconry Permit Apprentice.....	FPA	\$ 25.00	***
Falconry Permit General.....	FPG	\$ 25.00	***
Falconry Permit Master.....	FPM	\$ 25.00	***
Resident Guide License/Hunting.....	GLH	\$ 25.00	June 30
Non-Resident Guide License/Hunting .....	GNH	\$150.00	June 30
Resident Special Guide License.....	GLS	\$150.00	June 30
Non-Resident WMA Waterfowl Hunting Permit (5-day trip).....	NW5	\$ 10.00	*
Non-Resident WMA Seasonal Waterfowl Hunting Permit.....	NWP	\$100.00	June 30

\*Good from requested day of issue for period of license.

\*\*Good for 1 year of purchase date.

\*\*\*Falconry Permit will expire on July 31, ~~1998 2007~~, then ~~2001 2010~~, etc., in line with the federal program.

\*\*\*\*When 10 elk have been harvested.

#### **HUNTING COMMERCIALIZATION:**

Resident Fur-Dealer.....	FD	\$ 50.00	June 30
Non-Resident Fur Dealer.....	NFD	\$200.00	June 30
Special Commercial Quail Permit.....	CQP	\$ 25.00	June 30
Game Bird Shooting			
Resort Permit.....	CSR	\$150.00	June 30
Commercial Wildlife Hunting Resort			

Permit.....	CHR	\$ 500.00	June 30
Wildlife Breeder/Dealer Permit.....	WBD	\$ 50.00	June 30
Wildlife Importation Permit.....	WTP	\$ 25.00	June 30
<b>Mountain Lion Permit.....</b>	<b>MLP</b>	<b>\$ 50.00</b>	<b>June 30</b>
<b>Live Fox and Coyote Permit.....</b>	<b>FCP</b>	<b>\$ 25.00</b>	<b>June 30</b>

**LIFETIME LICENSE:**

Resident 65 Plus Lifetime Fishing License.....	PLF	\$ 10.50	Non-Expiring
Resident 65 Plus Lifetime Sportsman’s Hunting License and Permit.....	PLH	\$ 25.00	Non-Expiring
Resident 65 Plus Lifetime Combination License.....	PLC	\$ 35.50	Non-Expiring
Non-Expiring Lifetime Resident Hunting & Fishing Sportsman’s Permit.....	LSP	\$ 1,000.00	Non-Expiring

**Section 14.00 Birds**

- 14.01 Taking of Birds & Eggs Prohibited.**
- 14.02 Baiting of Crows Prohibited.**
- ~~**14.03 Falconry Permit Required.**~~
- ~~**14.04 Falconry Report Required.**~~
- 14.05 Taking or Harassing Ivory-Billed Woodpeckers Prohibited.**
- 14.06 Prohibited Methods for Bird Calling on Certain Management Areas**

**14.01** **TAKING OF BIRDS & EGGS PROHIBITED.** It shall be unlawful  
09-07 to take or attempt to take wild birds or bird eggs.

**EXCEPTIONS:**

- (1) English Sparrows.
- (2) Black birds, starlings and crows committing damage to agricultural crops or personal property.
- (3) Crows as permitted under Commission Code 02.10 (Crow Hunting).
- (4) In compliance with Commission Code ~~14.03~~ **15.15** (Falconry).
- (5) In compliance with federal regulation: 50 CFR 21.12 (b).

**PENALTY:** \$100.00 to \$1,000.00.

~~**14.03 FALCONRY PERMIT REQUIRED. It shall be unlawful to engage in**~~  
~~**04-91 falconry without first obtaining a permit from the Commission and U.S.**~~  
~~**Fish & Wildlife Service or to fail to comply with the requirements of**~~  
~~**said permit.**~~  
~~**PENALTY: \$100.00 to \$1,000.00.**~~

~~**14.04 FALCONRY REPORT REQUIRED. It shall be unlawful for any**~~

~~07-80~~ — ~~person holding falconry permits from the Commission to fail to report to the Commission by July 31 of each year a listing of all raptors possessed on June 30 by species, marker number, sex, age, date, and source of acquisition.~~  
~~PENALTY: \$100.00 to \$1,000.00.~~

**Section 15.00**  
**Captive Wildlife and Commercial Wildlife Resorts**

- 15.01 Possession of Certain Wildlife in Captivity Prohibited.
- 15.02 Captive Non-Native Wildlife.
- 15.03 Release of Wildlife Prohibited.
- 15.04 Hunting of Captive Wildlife Prohibited.
- 15.05 Commercial Wildlife Hunting Resort.
- 15.06 Game Bird Shooting Resort.
- 15.07 Wildlife Breeder/Dealer.
- 15.08 Special Commercial Quail Permit.
- 15.09 Scientific Collection Permit.
- 15.10 Wildlife Importation.
- 15.11 Importation of Certain Wildlife Prohibited.
- 15.12 Wildlife Rehabilitation.
- 15.13 Mountain Lion Permit.
- 15.14 Native Wildlife Pets.
- 15.15 Falconry Permit.
- 15.16 Live Fox and Coyote Permit.

- 15.01            **POSSESSION OF CERTAIN WILDLIFE IN CAPTIVITY**  
09-07            **PROHIBITED. It shall be unlawful to possess alive, hold captive, confine or enclose any wildlife, including fish, whether native or non-native, migratory or imported, unless authorized or excepted as specified herein.**  
                  **EXCEPTIONS:**
- (1)            The carcass of any furbearer, game animal, game bird or game fish legally taken during a declared open season.
  - (2)            Commission employees in the performance of their authorized duties.
  - (3)            Wildlife, except those mentioned in (4) of this sub-section, may be possessed and held captive in compliance with the following regulations of this section:
    - (a) 15.02, Captive Non-Native Wildlife;
    - (b) 15.05, Commercial Wildlife Hunting Resort;
    - (c) 15.06, Game Bird Shooting Resort;
    - (d) 15.07, Wildlife Breeder/Dealer;
    - (e) 15.08, Special Commercial Quail Permit;
    - (f) 15.12, Wildlife Rehabilitation;
    - (g) 15.13, Mountain Lion Permit;

- (h) 15.14, Native Wildlife Pets;
      - (i) 15.15, Falconry
- (4) Fish, bullfrogs, mussels, aquatic turtles and alligators may be possessed and held captive in compliance with the following Code Sections:
  - a. Section 36.00, Bull Frog Regulations;
  - b. Section 37.00, Baitfish Regulations;
  - c. Section 38.00, Fresh Water Mussel Regulations;
  - d. Section 39.00, Aquatic Turtle Regulations;
  - e. Section 40.00, Alligator Farming Regulations;
  - f. Section 41.00, Commercial Fishing Regulations;
  - g. Section 42.00, Fish Farmer Regulations.
- (5) **Organizations that are accredited members of the American Zoo and Aquarium Association (AZAA).**
- (6) Individuals or organizations may be permitted to possess and hold captive on a temporary basis captive-reared mallards, pen-raised quail, coyote, fox or raccoon for the sole purpose of dog training or conducting field trials sanctioned by the American Kennel Club (AKC), National Field Retriever Association (NFRA), North American Hunting Retriever Association (NAHRA), Hunting Retrievers Club (HRC), United Kennel Club (UKC), **Professional Kennel Club (PKC)**, or American Coon Hunters Association (ACHA) upon requesting and receiving written approval from the **Chief of the Wildlife Management Division.**
- (7) Individuals or organizations that are determined by this Agency to be involved in bona fide scientific research, education or conservation efforts of significant benefit to wildlife, or wildlife habitat, in the State of Arkansas may be permitted to possess and hold captive wildlife in compliance with the terms of a special permit issued **by the Chief of Wildlife Management Division.**
- (8) Individuals or organizations with a U. S. Department of Agriculture (USDA) Wildlife Exhibition Permit may possess and hold captive wildlife allowed by that permit.  **Holders of this permit are not exempt from subsequent regulations in Section 15.**
- (9) **Individuals or organizations possessing a valid U.S. Fish and Wildlife Service migratory bird permit may possess migratory birds in compliance with the terms of that permit. Holders of these permits are not exempt from subsequent regulations in Code 15. Holders of U.S. Fish and Wildlife Service Raptor Propagation Permits are not required to obtain Commission Wildlife Breeder/Dealer Permits to propagate or distribute raptors.**

- (10) The following species of wildlife are considered exempt from rules regarding captive wildlife in Commission Codes 15.02, 15.07 and 15.10: Buffalo (*Bos bison*), Emu (*Dromaius novaehollandiae*), Llama (*Lama glama*), Muscovy duck (*Cairina moschata*), European domestic ferret (*Mustela putorius*), Hamster (*Mesocricetus auratus*, *Phodopus campbelli*, *Phodopus sungorus*, *Cricetulus griseus*, *Phodopus roborovskii*), Guinea pig (*Cavia porcellus*), Ringneck dove (*Streptopelia risoria*), Gerbils (Subfamily Gerbillinae), common white mice and common white rats, and Wolf/Dog hybrids.

**PENALTY:** \$250.00 to \$2,000.00.

- (1) Any wildlife possessed in violation of this code section may be declared contraband and subject to immediate seizure.
- (2) Upon conviction, or before if so ordered by a court having legal jurisdiction, title to the wildlife shall be forfeited to the Commission and released or disposed of in accordance with Commission policy.
- (3) Any person convicted of violating this regulation shall be liable for the costs accrued in the storage, care, and maintenance of any equipment or wildlife seized in connection with the violation.
- (4) Any person convicted of violating this regulation shall be liable for the costs of any and all tests and/or examinations of the illegal wildlife and shall be liable for the costs of destruction and/or disposal of the illegal wildlife, as is deemed necessary by the Commission for the protection of native wildlife.

## 15.02

11-00/09-07

### CAPTIVE NON-NATIVE WILDLIFE.

- (A) It shall be unlawful to possess as personal pets captive non-native wildlife not excepted under Commission regulation 15.01, Possession of Certain Wildlife in Captivity Prohibited, unless the possessor can produce written documentation that such wildlife has been certified by an accredited veterinarian to be free of diseases/parasites that may pose adverse risk to native wildlife.
- (B) It shall be unlawful to possess mountain lions (*Puma concolor*) except in compliance with Commission Codes 15.07 (Breeder/Dealer Permit) or 15.13 (Mountain Lion Permit).
- (C) ~~Large carnivores, as defined in 01.00-C,~~ Tigers, African Lions and all species of bears may only be kept in compliance with Sections 501-511 of Title 20, Chapter 19, of the Arkansas Code or in compliance with Commission regulation 15.07, Wildlife Breeder/Dealer Permit.

#### EXCEPTION:

- (1) Wildlife listed in Commission Code 15.01 Exception 10.

**PENALTY:** \$500.00 to \$2,000.00.

- (1) **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.**
- (2) **Any person convicted of violating this regulation shall be liable for the costs of any and all tests and/or examinations of the illegally possessed wildlife, and shall also be liable for the costs of destruction and/or disposal of the illegally possessed wildlife, as is deemed necessary by the Commission for the protection of native wildlife.**

### **15.03**

11-00/09-07

**RELEASE OF WILDLIFE PROHIBITED.** It shall be unlawful to release any species of wildlife into the wild without prior written approval from the Arkansas Game and Fish Commission. The Commission or its designees are authorized to recapture or **shoot to kill any wildlife to protect the health and safety of the public or Arkansas' wildlife**, whether kept legally or illegally, that escapes from or is illegally released from captivity.

#### **EXCEPTIONS:**

- (1) **In accordance with a valid Game Bird Shooting Resort Permit specially relating to captive raised quail, pheasant, chukar and mallards.**
- (2) **AGFC personnel in the performance of their official duties.**
- (3) **Native wildlife, other than mountain lions, in accordance with a valid Commission Wildlife Rehabilitation Permit or a United States Fish and Wildlife Rehabilitation Permit.**
- (4) **Individuals or organizations may be permitted to possess and hold captive on a temporary basis raccoon, fox, coyote, captive-reared mallards, pen-raised quail, or ringneck pheasant for the sole purpose of dog training or conducting field trials sanctioned by the American Kennel Club (AKC), National Field Retriever Association (NFRA), North American Hunting Retriever Association (NAHRA), Hunting Retrievers Club (HRC), United Kennel Club (UKC) or American Coon Hunters Association (ACHA) upon requesting and receiving written approval from the **Chief of the Wildlife Management Division.****
- (5) **Individuals or corporations possessing a valid federal/state Falconry permit may release raptors in accordance with all federal and state falconry regulations.**

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

- (1) **Any person convicted of violating this regulation shall be liable for the costs accrued by this Agency in the recapture, including all man-hours of Commission personal, storage and care of any released and/or recaptured wildlife in connection with the violation.**

- (2) **Any person convicted of violating this regulation shall be liable for the costs of any and all tests and/or examinations of the released wildlife and shall be liable for the costs of destruction and/or disposal of the released wildlife, as is deemed necessary by the Commission for the protection of native wildlife.**

**15.04**

11-00/09-07

**HUNTING OF CAPTIVE WILDLIFE PROHIBITED.**

- (A) **It shall be unlawful to hunt any wildlife held captive, enclosed or confined.**
- (B) **It shall be unlawful to introduce or release any wildlife into any situation in which it is held captive, enclosed or confined for the purpose of hunting such wildlife.**

**EXCEPTIONS:**

- (1) **In compliance with regulation 15.05, Commercial Wildlife Hunting Resort.**
- (2) **In compliance with regulation 15.06, Game Bird Shooting Resort.**
- (3) **Captive-reared mallards possessed in compliance with Code Section 15.00 may only be taken by the use of shotgun with live ammunition during sanctioned American Kennel Club (AKC), National Field Retriever Association (NFRA), North American Hunting Retriever Association (NAHRA), or Hunting Retrievers Club (HRC) retrieving dog field trials by first obtaining a Shoot-to-Kill Retrieving Dog Training Permit from the Commission and complying with the terms of the permit.**
- (4) **Captive-reared mallards possessed in compliance with Code Section 15.00 may only be taken by the use of shotgun with live ammunition while training waterfowl retrievers by first obtaining a Shoot-to-Kill Retrieving Dog Training Permit from the Commission and complying with the terms of the permit.**
- (5) **Facilities containing only red fox, gray fox and coyote (fox pens).**
- (6) **Native game animals, except black bear and elk, may be hunted in enclosures for non-commercial purposes without a Commercial Wildlife Hunting Resort Permit, provided it is done in accordance with all statewide hunting regulations, including bag limits and license requirements.**
- (7) **In accordance with Commission Code 18.09, Depredation Permit Requirement.**

**PENALTY:** \$500.00 to \$2,000.00

**15.05**

11-00/09-07

**COMMERCIAL WILDLIFE HUNTING RESORT. It shall be unlawful for any person to operate or maintain a commercial wildlife hunting resort for pay, or other consideration, without first obtaining a Commercial Wildlife Hunting Resort Permit from the Arkansas Game and Fish Commission. Commercial Wildlife Hunting Resort Permits for**

new facilities for the hunting of any member of the cervidae family shall not be issued after June 30, 2006.

(A) Eligibility and Application Requirements:

(1) A Commercial Wildlife Hunting Resort Permit shall not be issued to any person, firm or corporation until the applicant has demonstrated satisfactory compliance with the following requirements:

(a) The applicant shall be at least 18 years of age and shall not have been convicted of, or entered a plea of, guilty or nolo contendere for violating any federal, state or municipal law governing captive wildlife, illegal appropriation or commercialization of wildlife, or cruelty to animals within five (5) years of the date of application.

(b) The applicant shall provide to the Commission, in writing, proof from the county judge or sheriff and any municipal planning commission or board with jurisdiction, stating that the applicant's hunting resort shall be in compliance with all applicable local ordinances. Said proof of compliance shall be submitted with the application.

(c) An application for the permit must be submitted in writing on a form supplied by the Commission.

(d) A separate application shall be made for each facility.

(2) The requested permit shall be denied if:

(a) The applicant fails to meet any of the issuance criteria set forth in this Code section;

(b) The applicant fails to disclose material information required, or has made false statements as to any material fact in connection with the application, or has supplied false information or made a false statement on the application;

(c) The Commission finds, through further inquiry or investigation, the issuance of the permit may be potentially harmful to the wildlife resources of the State.

(B) Permit Requirements:

(1) Native game animals, except black bear, may be hunted within Commercial Wildlife Hunting Resorts in accordance with statewide hunting regulations and license requirements. Such high-fence enclosures shall

be equal to, or greater than, 500 contiguous acres of free range and having a fence of not less than eight (8) feet in height around the perimeter.

- (2) Deer and elk may be hunted within Commercial Wildlife Hunting Resorts with any legal method of take for deer or elk hunting from October 1 through February. Bag limits do not apply. Elk permit not required.
- (3) There shall be no cross fencing that has the effect of reducing the size of the area to less than 500 contiguous acres. Said high-fenced enclosure shall have a minimum of sixty percent (60%) forested cover that has been classified as timberland by the local county tax assessor.
- (4) High-fence enclosures operated for commercial purposes must obtain a Commercial Wildlife Hunting Resort Permit from the Commission sixty days prior to initiation of hunting and notify the Commission upon any change of ownership or enclosure size.
- (5) Taking, attempting to take, chasing, herding or corralling deer or elk with dogs within a commercial wildlife hunting enclosure is prohibited.
- (6) Hunting of non-native wildlife within a high-fence enclosure is prohibited.
- (7) The perimeter fencing of a high-fence enclosure must be clearly defined with signs posted at minimum intervals of 300 feet and bearing the words, "Commercial Wildlife Hunting Resort". **Such signs must be yellow with black letters that are at least 4 inches in height.**
- (8) All Cervids held captive under this permit that die, including those harvested by hunters, shall be tested for chronic wasting disease by The Arkansas Livestock and Poultry Commission at the expense of the permit holder. The permit holder shall submit the results of such testing to the Arkansas Game and Fish Commission within 7 days of receipt.
- (9) Permit holders whose facilities, including enclosures, pens and cages, are not in compliance with this Code section shall be notified **in writing** and shall have ten (10) days to correct the violation.
- (10) **If the violation has not been corrected in ten (10) days** this Agency may revoke any existing permit and may refuse to issue any future permit to the violator. Such revocation or refusal to issue a future permit shall be in addition to any criminal charges that may be filed.

(C) Reporting and Record Keeping Requirements:

- (1) It shall be unlawful for owners or operators of commercial wildlife hunting resorts to fail to keep legible and complete records showing the name and current address of each hunter. Said records shall also reflect the date, number of wildlife and sex of each wildlife taken by each hunter.
- (2) Records shall include evidence of legal possession of all wildlife kept under this permit, including licenses, bills of sale, bills of lading, receipts, invoices, or other satisfactory evidence of ownership. Said records shall also include the date of acquisition, place of origin, and the name, address and telephone number of the person from whom the wildlife was acquired.
- (3) All records must be either typed or written in plain and legible English and must be retained throughout the time the wildlife is possessed by the permittee or for a period of five (5) years, whichever is longer.
- (4) Permit holders shall submit a completed Commercial Wildlife Hunting Resort Harvest Report to the Commission no later than May 1 of each year. Said report shall be submitted on a form provided by the Commission.

**(D) Disease Testing and Control:**

- (1) The Director of the Arkansas Game and Fish Commission, in consultation with the Director of the Arkansas Livestock and Poultry Commission, or their designees, shall determine mechanisms and procedures for control of diseases and parasites in captive wildlife within the state of Arkansas. Such mechanisms and procedures shall include, but not be limited to, examination, testing, quarantine and slaughter or destruction of individual animals and/or herds that are, or in the opinion of the Commission may be, infected with a disease or parasite that may have significant detrimental effect on native wildlife, other captive wildlife, livestock or the public health of the citizens of the state of Arkansas.
- (2) Such examinations, testing, quarantine and slaughter of captive wildlife shall be conducted at the expense of the owner of such wildlife. As a condition of any permit issued under this Code chapter, the Commission may require the captive wildlife be quarantined for a period specified by the Commission.

**(E) Facility and Caging Requirements:**

- (1) All wildlife possessed in captivity shall be maintained in enclosures, pens, or cages that are sufficiently strong to

prevent escape of the wildlife and that will protect the wildlife from injury.

- (2) Enclosures, pens and cages shall be kept in good repair at all times and gates shall be securely fastened with latches or locks. Enclosures, pens, or cages considered unsafe or inadequate by Commission personnel shall be repaired or reconstructed within ten-days of notification, or sooner if so ordered by the Commission.
- (3) Permit holders whose facilities, including enclosures, pens and cages, are not in compliance with this Code section shall be notified **in writing** and shall have ten (10) days to correct the violation.
- (4) If the violation has not been corrected at the end of ten (10) days this Agency may revoke or suspend any existing permit and may refuse to issue any future permit. Such revocation, suspension or refusal to issue a future permit shall be in addition to any criminal charges that may be filed.

(F) **Inspection:**

- (1) Any person issued a Commercial Wildlife Hunting Resort Permit shall allow entry, at any reasonable hour, to employees or agents of the Commission upon premises where the permitted activity is conducted.
- (2) Each permittee shall pen the captive wildlife in suitable pens and restrain them for inspection, at a reasonable time, when requested to do so by an employee or agent of the Commission.
- (3) Commission employees or agents may enter such premises to inspect the location, books, records, or permits required to be kept and any wildlife and/or facilities kept under authority of said permit.

- (G) **Permit Renewal, Transfer, Suspension And Revocation:**
- (1) **Permits may be revoked by this Agency for failure to comply with the terms of the permit or with the terms of this Commission Code section.**
  - (1) **Persons in violation of the terms of this permit, violation of the Commission Codes, or upon conviction of associated regulations of the U. S. Fish and Wildlife Service, shall be notified in writing of such violations and shall have ~~thirty~~ twenty days to respond with just cause as to why their permit should not be suspended or revoked.**
  - (2) **If, at the end of the ~~thirty~~ twenty-day period, just cause has not been given, this Agency may suspend or revoke any existing permit held by the violator and may refuse to issue any future permit to the violator. Such suspension, revocation or refusal to issue a future permit shall be in addition to any criminal charges that may be filed.**
  - (2) **Upon revocation, permit holder must legally remove all captive wildlife within the time designated in the revocation, not to exceed sixty (60) days, and failure to do so shall result in the Commission taking action, per Commission policy, at the permit holder's expense.**

**EXCEPTION:**

- (1) **A Commercial Wildlife Hunting Resort Permit is not required for pens in which red fox, gray fox and coyote are pursued (fox pens) unless the facility is also a high-fence enclosure in which other native game species are hunted as part of a commercial operation.**

**PENALTY:** \$500.00 to \$5,000.00 **per violation.**

- (1) **Any person convicted of violating this regulation shall be liable for the costs accrued in the storage, care, and maintenance of any equipment and/or wildlife seized in connection with the violation.**
- (2) **Any person convicted of violating this regulation shall be liable for the costs of any and all tests and/or examinations of the illegal wildlife, and shall also be liable for the costs of destruction and/or disposal of the illegal wildlife, as is deemed necessary by the Commission for the protection of native wildlife.**

**15.06  
09-07**

**GAME BIRD SHOOTING RESORT. It shall be unlawful for any person to engage in the business of harvesting captive-raised game birds by hunters for pay, or other consideration, without first obtaining a Game Bird Shooting Resort Permit from the Arkansas Game and Fish Commission.**

(A)

**Eligibility and Application Requirements:**

- (1) A Game Bird Shooting Resort Permit shall not be issued to any person until the applicant has demonstrated satisfactory compliance with the following requirements:
  - (a) The applicant shall be at least 18 years of age and shall not have been convicted of, or entered a plea of, guilty or nolo contendere for violating any federal, state or municipal law governing captive wildlife, illegal appropriation or commercialization of wildlife, or cruelty to animals within five (5) years of the date of application.
  - (b) **The applicant shall provide to the Commission, in writing, proof from the county judge or sheriff and any municipal planning commission or board with jurisdiction, stating that the applicant's hunting resort shall be in compliance with all applicable local ordinances. Said proof of compliance shall be submitted with the application.**
  - (c) An application for the permit must be submitted in writing on a form supplied by the Commission.
  - (d) A separate application shall be made for each facility.
- (2) The requested permit shall be denied if:
  - (a) The applicant fails to meet any of the issuance criteria set forth in this Code section;
  - (b) The applicant fails to disclose material information required, or has made false statements as to any material fact in connection with the application, or has supplied false information or made a false statement on the application;
  - (c) The Commission finds, through further inquiry or investigation, the issuance of the permit may be potentially harmful to the wildlife resources of the State.

(B)

**Permit Requirements:**

- (1) It shall be unlawful for holders of a Game Bird Shooting Resort Permit to fail to comply with the following requirements:
  - (a) On any day, before hunting is allowed on a shooting resort, the resort operator shall release

no more than the number of game birds intended to be harvested that day, less the number of birds released for the previous hunt that were not harvested;

- (b) On any day hunting is allowed, the resort owner shall release only the number of captive-reared mallards intended to be harvested that day and, after hunting is completed, shall recapture all non-harvested mallards released for the hunt and return them to their building or covered pen
- (c) All acreage in the shooting resort will be contiguous and not exceed 1,500 acres;
- (d) The perimeter of each game bird shooting resort shall be clearly defined and posted with signs erected at intervals not to exceed 300 feet and bearing the words, "Game Bird Shooting Resort". **Such signs must be yellow with black letters that are at least 4 inches in height.**
- (e) Operators of Game Bird Shooting Resorts may release captive reared mallards for the sole purpose of flight training during daylight hours only from July 1 – September 1. After flight training has been completed, captive-reared mallards shall be returned to their building or covered pen before sunset.
- (f) Facilities, including enclosures, pens and cages, that are not in compliance with this Code section shall be notified in writing and shall have ten (10) days to correct the violation.
- (g) If the violation has not been corrected at the end of ten (10) days, this Agency may revoke or suspend the issued permit and may refuse to issue any future permit. Such revocation or refusal to issue a future permit shall be in addition to any criminal charges that may be filed.

(C) **Reporting and Record Keeping Requirements:**

- (1) It shall be unlawful for owners or operators of game bird shooting resorts to fail to keep legible records on a form provided by the Commission, showing the name, complete address, date, number and type of birds released each day and the number taken by each hunter.
- (2) Records shall include evidence of legal possession of all wildlife kept under this permit, including licenses, bills of sale, bills of lading, receipts, invoices, or other

satisfactory evidence of ownership. Said records shall also include the date of acquisition, place of origin, and the name, address and telephone number of the person from whom the wildlife was acquired.

- (3) All records must be either typed or written in plain and legible English and must be retained throughout the time the wildlife is possessed by the permittee or for a period of five (5) years, whichever is longer.
- (4) Permit holders shall submit a completed Game Bird Shooting Resort Daily Release And Harvest Report to the Commission on or before May 1 of each year. Said report shall be submitted on a form provided by the Commission.

**(D) Disease Testing and Control:**

- (1) The Director of the Arkansas Game and Fish Commission, in consultation with the Director of the Arkansas Livestock and Poultry Commission, or their designees, shall determine mechanisms and procedures for control of diseases and parasites in captive wildlife within the state of Arkansas. Such mechanisms and procedures shall include but not be limited to examination, testing, quarantine and slaughter or destruction of individual animals and/or herds or flocks that are, or in the opinion of the Commission may be, infected with a disease or parasite that may have detrimental effect on native wildlife, other captive wildlife, livestock or the public health of the citizens of the state of Arkansas.
- (2) Such examinations, testing, quarantine and slaughter of captive wildlife shall be conducted at the expense of the owner of such wildlife. As a condition of any permit issued under this Code chapter, the Commission may require the captive wildlife be quarantined for a period specified by the Commission.

**(E) Facility and Caging Requirements:**

- (1) All wildlife possessed in captivity shall be maintained in enclosures, pens, or cages that are sufficiently strong to prevent escape of the wildlife and that will protect the wildlife from injury.
- (2) Birds shall be kept in buildings or covered pens that prevent them from leaving the facility and that do not allow entry of wild birds.
- (3) Enclosures, pens and cages shall be kept in good repair at all times and gates shall be securely fastened with latches or locks. Enclosures, pens, or cages considered unsafe or inadequate by Commission personnel shall be

repaired or reconstructed within ten-days of notification, or sooner if so ordered by the Commission.

- (4) Permit holders whose facilities, including enclosures, pens and cages, are not in compliance with this Code section shall be notified **in writing** and shall have ten (10) days to correct the violation.
- (5) If the violation has not been corrected at the end of ten (10) days this Agency may revoke or suspend any existing permit and may refuse to issue any future permit. Such revocation, suspension or refusal to issue a future permit shall be in addition to any criminal charges that may be filed.

(F) **Harvest Identification Requirements:**

- (1) Any person in possession of harvested game birds removed from a game bird shooting resort shall have in his possession written information indicating the name and address of the hunter who harvested the game birds, number and species of game birds, and date the game birds were harvested.
- (2) Any person in possession of harvested birds removed from a game bird shooting resort shall have in his possession written information that indicates the name and address of the game bird shooting resort where the birds were harvested.

(G) **Inspection:**

- (1) Any person issued a Game Bird Shooting Resort Permit shall allow entry, at any reasonable hour, to employees or agents of the Commission upon premises where the permitted activity is conducted.
- (2) Commission employees or agents may enter such premises to inspect the location, books, records, or permits required to be kept and any wildlife and/or facilities kept under authority of said permit.
- (3) Each permittee shall pen the captive wildlife in suitable pens and restrain them for inspection, at a reasonable time, when requested to do so by an employee or agent of the Commission.

- (H) **Permit Renewal, Transfer, Suspension & Revocation:**
- (1) Permits may be revoked by this Agency for failure to comply with the terms of the permit or with the terms of this Commission Code section.
  - (2) Persons in violation of the terms of this permit, violation of the Commission Code, or upon conviction of associated regulations of the U. S. Fish and Wildlife Service, shall be notified in writing of such violations and shall have **thirty twenty** days to respond with just cause as to why their permit should not be suspended or revoked.
  - (3) If, at the end of the **thirty twenty-day** period, just cause has not been given, this Agency may suspend or revoke any existing permit held by the violator and may refuse to issue any future permit. Such suspension, revocation or refusal to issue a future permit shall be in addition to any criminal charges that may be filed.
  - (4) Upon revocation, permit holder shall legally remove all captive wildlife within the time designated in the revocation, not to exceed sixty (60) days, and failure to do so shall result in the Commission taking action, per Commission policy, at the permit holder's expense.

**PENALTY:** \$500.00 to \$5,000.00 **per violation**, except that violations of subsection (F), Harvest Information Requirements, shall be \$200.00 to \$1,000.00.

- (1) Any person convicted of violating this regulation shall be liable for the costs accrued in the storage, care, and maintenance of any equipment or wildlife seized in connection with the violation.
- (2) Any person convicted of violating this regulation shall be liable for the costs of any and all tests and/or examinations of the illegal wildlife and shall be liable for the costs of destruction and/or disposal of the illegal wildlife, as is deemed necessary by the Commission for the protection of native wildlife.

15.07  
09-07

**WILDLIFE BREEDER/DEALER PERMIT.** It shall be unlawful for any person to rear, breed, propagate, produce, distribute, sell or offer for sale any wildlife in the state of Arkansas without first obtaining a Wildlife Breeder/Dealer Permit from the Arkansas Game and Fish Commission.

- (A) **Eligibility and Application Requirements:**
- (1) A Wildlife Breeder/Dealer Permit shall not be issued to any person, firm or corporation until the applicant has demonstrated satisfactory compliance with the following requirements:

- (a) The applicant shall be at least 18 years of age and shall not have been convicted of, or entered a plea of, guilty or nolo contendere for violating any federal, state or municipal law governing captive wildlife, illegal appropriation or commercialization of wildlife, or cruelty to animals within five (5) years of the date of application.
  - (b) **The applicant shall provide to the Commission, in writing, proof from the county judge or sheriff and any municipal planning commission or board with jurisdiction, stating that the applicant's hunting resort shall be in compliance with all applicable local ordinances. Said proof of compliance shall be submitted with the application.**
  - (c) An application for the permit shall be submitted in writing on a form supplied by the Commission.
  - (d) A separate application shall be made for each facility.
- (2) The requested permit shall be denied if:
- (a) The applicant fails to meet any of the issuance criteria set forth in sub-section (1) of this Commission code;
  - (B) The applicant fails to disclose any required information, submits false information or makes false statements as to any material fact in connection with the application;
  - (c) The Commission finds, through further inquiry or investigation, the issuance of the permit may be potentially harmful to the wildlife resources of the State.
- (3) Wildlife Breeder/Dealer Permits shall not be issued for new facilities to:
- (a) Any person, firm or corporation rearing, breeding, propagating, producing, or distributing, or possessing large carnivores and mountain lions.
  - (b) Any person, firm or corporation rearing, breeding, propagating, producing or distributing any member of the cervidae family.
  - (c) Any person, firm or corporation engaged in the importation, propagation, sale, transfer, barter, or distribution of box turtles (genus *Terrapene*).

The propagation, sale, transfer, barter, or distribution of any *Terrapene* is prohibited.

(B) Permit Requirements:

- (1) The applicant shall supply satisfactory evidence that stock has been/will be secured from a legal source.
- (2) Stock may be slaughtered in accordance with established husbandry practices for slaughter of domestic livestock.
- (3) Fencing of enclosures in which deer, elk or other big game animals are to be held shall 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 prohibit the ingress of native wildlife.
- (4) Permits for Wildlife Breeder/Dealer facilities that keep waterfowl shall not be issued for properties where poultry is raised for sale, show or exhibition.
- (5) Waterfowl hatched in Wildlife Breeder/Dealer facilities shall be banded with a seamless metal band.
- (6) Facilities holding a Wildlife Breeder/Dealer Permit for cervids shall only sell live cervids to Arkansas residents who possess a current Wildlife Breeder/Dealer Permit for cervids, Arkansas residents who possess a current Commercial Wildlife Hunting Resort Permit for cervids or to buyers outside the state of Arkansas.
- (7) **Live bobwhite quail sold to Arkansas residents who do not possess a Wildlife Breeder/Dealer permit or Game Bird Shooting Resort Permit must be banded by the permit holder.**

(C) Reporting and Recordkeeping:

- (1) Records shall be kept of all wildlife acquisitions and dispositions, including births, deaths, sales, slaughter, and transport.
- (2) Records shall include evidence of legal possession of all wildlife kept under the permit, including licenses, bills of sale, bills of lading, receipts, invoices, or other satisfactory evidence of ownership. Records shall include date of acquisition, place of origin, and the name, address and telephone number of the person from whom the wildlife was acquired.
- (3) Records shall be kept of all wildlife sales, including the name, address and telephone number of the person to whom the wildlife was sold. Each record of sale shall also include species sold and the number of species sold to each person.

- (4) All records shall be either typed or written in plain and legible English, and shall be retained throughout the time the wildlife is possessed by the permittee or for a period of five (5) years, whichever is longer.
- (5) Holders of Wildlife Breeder/Dealer Permits shall submit legible and complete monthly reports of their inventory and any births, deaths, sales, or purchases of wildlife by the 5<sup>th</sup> of the following month. Said reports shall be submitted on a form provided by the Commission.
- (6) **Wildlife Breeder/Dealer Permit holders who possess cervids in facilities of greater than 25 acres in which the animals are allowed free range may report an estimated inventory number based on a survey technique approved by the Commission.**

(D) Disease Testing and Control:

- (3) The Director of the Arkansas Game and Fish Commission, in consultation with the Director of the Arkansas Livestock and Poultry Commission, or their designees, shall determine mechanisms and procedures for control of diseases and parasites in captive wildlife within the state of Arkansas. Such mechanisms and procedures shall include but not be limited to examination, testing, quarantine and slaughter or destruction of individual animals and/or herds or flocks that are, or in the opinion of the Commission may be, infected with a disease or parasite that may have detrimental effect on native wildlife, other captive wildlife, livestock or the public health of the citizens of the state of Arkansas.
- (4) Such examinations, testing, quarantine and slaughter of captive wildlife shall be conducted at the expense of the owner of such wildlife. As a condition of any permit issued under this Code chapter, the Commission may require the captive wildlife be quarantined for a period specified by the Commission.
- ~~(5) Gray foxes, red foxes and coyotes shall be vaccinated against rabies with a 3-year duration of immunity killed virus vaccine approved by the USDA for use in dogs, vaccinated for canine distemper, treated with the antihelminthic Praziquantel, and treated with Ivermectin. Proof of such testing shall be made available upon request. All live foxes and coyotes that die in captivity of non-hunting related causes or during transport shall be submitted for examination to the Arkansas Livestock and Poultry Commission laboratory within 72 hours of the time of death.~~

- (6) All Cervids that die in captivity must be tested for chronic wasting disease. Copies of test results shall be forwarded to the Arkansas Game and Fish Commission within 7 days of receipt.
- (7) Captive Cervids must demonstrate proof of compliance with all applicable Arkansas Livestock and Poultry Commission requirements.
- (8) 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 Plan.
- (9) Each Wildlife Breeder/Dealer facility in which waterfowl are kept is 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.
- (10) 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.

(E) **Facility and Caging Requirements:**

All wildlife possessed in captivity shall be maintained in a permanent enclosure, pen, or cage located within the state of Arkansas that is sufficiently strong to prevent escape of the wildlife and protect them from injury. Birds must be kept in buildings or covered pens that prevent them from leaving the facility and that do not allow entry of wild birds. Cages, fencing, and guardrails shall be kept in good repair at all times and gates shall be securely fastened with latches or locks. Enclosures, pens, or cages considered unsafe by Commission personnel must be repaired or reconstructed within sixty days or as specified by the Commission.

- (1) Facilities containing large carnivore and mountain lions shall meet the following requirements:
  - (a) A written plan of action shall be prepared and a copy submitted with permit application for use in the following events: Severe damage to enclosures due to fire, wind, floods or other

occurrences caused by natural forces; animals attacking and/or injuring humans; and escape of an animal from its enclosure. Plans should identify the location of temporary holding facilities and necessary mechanisms to safely transport large carnivores to these facilities. Recapture plans shall outline procedures for handling and recapturing escaped large carnivores. Plans should include a list of safety equipment such as fire extinguishers, darting equipment, pepper spray, which will be available for use. The Commission shall immediately be notified upon the escape of any Large Carnivores or mountain lions. In the event of sickness, the name, address, phone number, and signature of the veterinarian who has agreed to care for the animal shall be provided.

- (b) A perimeter fence sufficient to deter entry by the public, at least 8 feet in height shall completely surround cages where animals are housed or exercised outdoors. Perimeter fences constructed of materials that allow objects to be passed through them, such as chain link or welded wire shall be at least 3 feet from cages or exercise areas.
- (c) Warning signs must be posted at the entrance to the property.
- (d) All cages or enclosures shall be equipped with a safety entrance or device that allows a keeper to enter or exit a cage without providing an avenue of escape to an animal such as a double-gated entry door, interconnected cages that can be isolated from each other, a lock-down area, or other comparable device. Safety entrances shall be constructed of materials that are of equivalent strength as that prescribed for cage construction. Doors or gates in perimeter fences shall be kept locked when not attended.
- (e) Cages shall be equipped with a lockout area that allows the keeper to access and clean the cage while the animal is contained in a separate area.
- (f) Cages shall be well braced and securely anchored at ground level to prevent escape by digging or erosion. The fasteners and fittings used in construction shall be of equivalent

strength to the material required for cage construction.

- (g) In facilities containing Tigers, African Lions and Bears cage construction materials shall consist of not less than 9 gauge chain link or equivalent materials. In facilities containing mountain lions cage construction materials shall consist of not less than 11 gauge chain link or equivalent materials. Juvenile animals may be kept in incubation or rearing facilities that do not meet these standards until they weigh more than 25 pounds.
- (h) Cages containing a single African lion, tiger or bear shall provide a cage floor size of no less than 300 square feet and shall be at least 8 feet tall. For each additional animal the cage size shall be increased 100 square feet.
- (i) Cages containing a single mountain lion shall provide a cage floor size of no less than 200 square feet and shall be at least 8 feet tall. For each additional animal the cage size shall be increased 100 square feet.
- (j) Large carnivores and mountain lions may temporarily be housed in cages or enclosures smaller than specified in this section while being transported, while in veterinary care or while being quarantined provided that temporary caging is large enough for the animal to stand up, lie down and turn around without touching the sides of the enclosure or another animal.
- (k) Open-top outdoor exercise areas are allowed providing they have vertical walls at least 12 feet in height, topped by either an inward angled overhang, inclined at an angle between 35 and 55 degrees, which is at least two feet in length and of equal strength as the cage walls or two strands of electric fencing, one of which is located 1 foot below the top of the vertical wall, and the other at the top of the wall or the upper three feet of the interior of the fence consists of sheer, solid metal. Animals may not be left in exercise areas overnight.
- (l) Permit holders whose facility, including enclosures, pens and cages, is not in compliance with this Code section shall be notified in writing

and shall have ten (10) days to correct the violation.

- (m) If, at the end of ten (10) days, the violation has not been corrected this Agency may revoke any existing permit and may refuse to issue any future permit. Such revocation or refusal to issue a future permit shall be in addition to any criminal charges that may be filed.

(F) Inspection:

- (1) Any person issued a Wildlife Breeder/Dealer Permit shall allow entry, at any reasonable hour, to employees or agents of the Commission upon premises where the permitted activity is conducted.
- (2) Any person issued a Wildlife Breeder/Dealer Permit shall allow entry, at any reasonable hour, to Commission employees to inspect any wildlife and/or facilities kept under authority of the permit.
- (3) Each permittee shall pen the captive wildlife in suitable pens and restrain them for inspection, at a reasonable time, when requested to do so by an employee or agent of the Commission.

(G) Renewal, Transfer, Suspension & Revocation:

- (1) Permits may be revoked by this Agency for failure to comply with the terms of the permit or with the terms of this Commission Code section.
- (2) Persons in violation of the terms of this permit, violation of the Commission Code, or upon conviction of associated regulations of the U. S. Fish and Wildlife Service, shall be notified in writing of such violations and shall have ~~thirty~~ twenty days to respond with just cause as to why their permit should not be suspended or revoked.
- (3) If, at the end of the ~~thirty~~ twenty-day period, just cause has not been given, this Agency may suspend or revoke any existing permit held by the violator and may refuse to issue any future permit. Such suspension, revocation or refusal to issue a future permit shall be in addition to any criminal charges that may be filed.
- (4) Upon revocation, permit holder must legally remove all captive wildlife within the time designated in the revocation, not to exceed sixty (60) days, and failure to do so shall result in the Commission taking action, per Commission policy, at the permit holder's expense.

**EXCEPTIONS:**

- (1) **Fish, bullfrogs, mussels, aquatic turtles and alligators in compliance with the following Code Sections:**
    - a) **Section 36.00, Bull Frog Regulations;**
    - b) **Section 37.00, Baitfish Regulations;**
    - c) **Section 38.00, Fresh Water Mussel Regulations;**
    - d) **Section 39.00, Aquatic Turtle Regulations;**
    - e) **Section 40.00, Alligator Farming Regulations;**
    - f) **Section 41.00, Commercial Fishing Regulations;**
    - g) **Section 42.00, Fish Farmer Regulations;**
    - h) **Game birds legally killed on a Game Bird Shooting Resort. Ref. Code 15.06 (Game Bird Shooting Resort License).**
  - (2) **Red fox, gray fox and coyote that were legally trapped in Arkansas may be sold by persons with a valid hunting license and Live Fox and Coyote Permit Ref. Code 15.16 (Live Fox and Coyote Permit) have originated from the wild in Arkansas and are in compliance with the disease control provisions of Commission Code 15.07D, may be reared, bred, propagated, produced or distributed by individuals with a current Wildlife Breeder/Dealer Permit.**
  - (3) **Organizations that are accredited members of the American Zoo and Aquarium Association.**
  - (4)  **Holders of U.S. Fish and Wildlife Service Raptor Propagation Permits may breed, distribute and sell raptors without a Commission Wildlife Breeder/Dealer Permit.**
  - (5)  **Wildlife listed in Commission Code 15.01 Exception 10.**
- PENALTY: \$500.00 to \$5,000.00 per violation.**
- (1)  **Any person convicted of violating this regulation shall be liable for the costs accrued in the storage, care, and maintenance of any equipment or wildlife seized in connection with the violation.**
  - (2)  **Any person convicted of violating this regulation shall be liable for the costs of any and all tests and/or examinations of the illegal wildlife and shall be liable for the costs of destruction and/or disposal of the illegal wildlife, as is deemed necessary by the Commission for the protection of native wildlife.**

**15.08  
09-07**

**SPECIAL COMMERCIAL QUAIL PERMIT.**

- (A)  **It shall be unlawful for any person to engage in the business of selling or offering for sale the dressed carcasses of pen-raised quail without first obtaining of Special Commercial Quail Permit, stamp and Wildlife Breeder/Dealer Permit from the Arkansas Game and Fish Commission. (Ref: Section 01.00-C “Pen-Raised Quail”)**
- (B)  **Holders of a Special Commercial Quail Permit shall comply with the following requirements:**

- (1) Quail shall be harvested by means other than shooting.
  - (2) Packages containing dressed quail carcasses offered for sale shall bear the permit number and said number shall be applied with the special stamp provided with permit.
- (C) For non-compliance with the terms of this permit this Agency may suspend or revoke any existing permit held by the violator and may refuse to issue any future permit. Such suspension, revocation or refusal to issue a future permit shall be in addition to any criminal charges that may be filed.
- PENALTY: \$500.00 to \$5,000.00 per violation.**

15.09  
09-07

**SCIENTIFIC COLLECTION PERMIT.**

- (A) It shall be unlawful for any person to take wildlife for the purpose of scientific studies without first obtaining a Scientific Collection Permit issued by the Arkansas Game and Fish Commission.
- (B) Scientific Collection Permits shall be applied for on a form provided by the Commission.
- (C) An approved Scientific Collection Permit shall be in the possession of any person taking wildlife for scientific studies.

**EXCEPTION:**

- (1) Commission employees, in performance of their duties, may take wildlife or fish for scientific purposes

**PENALTY: \$1,000.00 to \$5,000.00 per violation.**

15.10  
09-07

**WILDLIFE IMPORTATION PERMIT.** It shall be unlawful for any person to import live wildlife into the state of Arkansas prior to obtaining a Wildlife Importation Permit issued by the Arkansas Game and Fish Commission. This permit shall be required regardless of the final destination of the wildlife, whether in Arkansas or points beyond. It shall be unlawful for any person to receive, acquire, purchase or possess any wildlife imported into this state in violation of this regulation.

(A) Eligibility and Application Requirements:

- (1) A Wildlife Importation Permit shall not be issued to any person, firm or corporation until the applicant has demonstrated satisfactory compliance with the following requirements:
  - (a) The applicant shall be at least 18 years of age and shall not have been convicted of, or entered a plea of guilty or nolo contendere for, violating any federal, state or municipal law governing captive wildlife, illegal appropriation or commercialization of wildlife, or cruelty to

animals within five (5) years of the date of application.

- (b) An application for a permit must be submitted in writing on a form supplied by the Commission.
- (2) The requested permit shall be denied if:
  - (a) The applicant fails to meet any of the issuance criteria set forth in section (A) of this code:
  - (b) The applicant fails to disclose material information required, or has made false statements as to any material fact in connection with the application: or
  - (c) The Director or Commission's issuing officer finds through further inquiry or investigation that the applicant is not qualified or the issuance of the permit may be potentially harmful to the wildlife resources of the State.

**(B) Permit Requirements:**

- (1) Upon approval, and after issuance of, a Wildlife Importation Permit, holders of said permit may import wildlife into or transport wildlife through the state under the following conditions provided that prior to transportation the permit holder possesses the following documentation:
  - (a) Written proof of the origin and destination of each animal.
  - (b) Documentation for each animal to demonstrate they have not been kept in, or originated from, a location from which importation has been restricted in accordance with Commission Code 15.11 (Importation of Certain Wildlife Restricted).
  - (c) A completed Arkansas Game and Fish Commission Veterinary Examination Record Form upon which an accredited veterinarian has certified each animal to be free of diseases/parasites in accordance with Code 15.11 (C).
- (2) **It shall be unlawful for the holder of a Wildlife Importation Permit to cause or permit any wild animal or bird to be imported into this state under inhumane or unhealthy conditions.**
- (3) A copy of the issued Wildlife Importation Permit and the documentation required in Section (B)(1) of this Commission code must accompany each animal during transport.

- (a) All documentation required in Section (B)(1) of this Commission code shall be submitted by the permit holder to the Commission's Wildlife Management Division within seven (7) days of the permitted importation.
- (b) For non-compliance with the terms of this permit this Agency may suspend or revoke any existing permit held by the violator and may refuse to issue any future permit. Such suspension, revocation or refusal to issue a future permit shall be in addition to any criminal charges that may be filed.

**EXCEPTIONS:**

- (1) Fish and aquatic turtles as allowed for aquaculture under Commission Code 42.09, other than those prohibited by Commission Code 32.13 (Certain Exotic Fish Prohibited).
- (2) Wildlife exchanged with other states by the Commission.
- (3) Organizations that are accredited members of the American Zoo and Aquarium Association.
- (4) A Wildlife Importation Permit is not required for a non-resident 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 that 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.
- (5) A Wildlife Importation Permit is not required for a resident falconer with a valid Arkansas Hunting License, and possessing a valid falconry permit from another state, to import legally possessed raptors into Arkansas provided that they are in compliance with Arkansas Livestock and Poultry Commission regulations relating to the entry of birds into the state.
- (6) Circuses and others possessing US 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 the Wildlife Management Division.
- (7) Wildlife listed in Commission Code 15.01 Exception 10.
- (8) Up to six (6) box turtles (genus *Terrapene*) may be brought into Arkansas as pets without a permit.

**PENALTY:** \$500.00 to \$5,000.00 **per violation.**

- (1) **All equipment, including any form of legal tender, and all wildlife imported in violation of this regulation may be seized by Enforcement Officers, confiscated by the court, forfeited to the State and disposed of according to law. (Ref. 01.00-D, Confiscation and Seizure)**
- (2) **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.**
- (3) **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 shall also be liable for the costs of destruction and/or disposal of the illegally imported wildlife, as is deemed necessary by the Commission for the protection of native wildlife.**

## **15.11**

11-00/09-07

**IMPORTATION OF CERTAIN WILDLIFE PROHIBITED.** It shall be unlawful for any person, including holders of a Wildlife Importation Permit, to import, ship, transport, or carry into the state by any means, or to cause to be imported, receive, or to assist in any manner in the importation of any of the following animals:

- (A) Any live member of the cervidae family.
- (B) Raccoons.
- (C) Bats.
- (D) Skunks.
- (E) Coyotes that originate from or have lived in Alaska, Idaho, Illinois, Indiana, Iowa, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, South Dakota, Texas, Wisconsin, Wyoming or Canada.
- (F) Gray and red foxes that originate or have lived in Alaska, Arizona, Idaho, Illinois, Indiana, Iowa, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New York, North Dakota, Ohio, South Dakota, Texas, Vermont, Wisconsin, Wyoming or Canada.
- (G) Rodents captured in the wild from Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, North Dakota, Oklahoma, Oregon, Texas, Utah or Wyoming.
- (H) All box turtles of the genus Terrapene.
- (I) All live waterfowl.
- (J) Large carnivores and mountain lions.

**EXCEPTIONS:**

- (1) **Wildlife exchanged with other states by the Commission.**
- (2) **Cervids may be imported on a temporary basis for bone fide scientific, conservation, or educational purposes under terms**

of a special permit issued by the Chief of the Wildlife Management Division.

- (3) Large carnivores and mountain lions may be imported only by holders of U.S. Department of Agriculture Wildlife Exhibition Permits for large carnivores or mountain lions ~~that were originally issued prior to July 31, 2007~~. Such importation shall be done in accordance with a current Commission Wildlife Importation Permit.
- (4) Mallard ducks may be imported by a representative of a group designated in Commission Code 15.03 Exception 3 for use in an official field trial in accordance with a current Wildlife Importation Permit provided that ducks must have a seamless metal band on one leg that identifies them as a captive-raised bird. The permit holder must possess documentation that the waterfowl have originated from a flock participating in the National Poultry Improvement Program and have tested negative for duck virus enteritis within 60 days before entry into the state and such documentation shall be submitted to the Commission in accordance with reporting requirements in Commission Code 15.10.
- (5) Mallard ducks may be imported by the holder of a Shoot-To-Kill Retrieving Dog Training Permit in accordance with a current Wildlife Importation Permit provided that ducks must have a seamless metal band on one leg that identifies them as a captive-raised bird. The permit holder must possess documentation that the waterfowl have originated from a flock participating in the National Poultry Improvement Program and have tested negative for duck virus enteritis within 60 days before entry into the state and such documentation shall be submitted to the Commission in accordance with reporting requirements in Commission Code 15.10.
- (6) Pet box turtles in accordance with Commission Code 15.10 (Wildlife Importation Permit) Exception 8.

**PENALTY:** \$500.00 to \$5,000.00 per violation.

- (1) All equipment, including any form of legal tender, and all wildlife imported in violation of this regulation may be seized by Enforcement Officers, confiscated by the court, forfeited to the State and disposed of according to law. (Ref. 01.00-D, Confiscation and Seizure)
- (2) 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.
- (3) 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 is deemed necessary by the Commission for the protection of native wildlife.**

15.12

11-00/09-07

**WILDLIFE REHABILITATION PERMIT. It shall be unlawful for any person to possess sick, injured, orphaned, or impaired native wildlife, except migratory birds, for the purpose of rehabilitation without first applying for, obtaining and complying with the terms of a Wildlife Rehabilitation Permit issued by the Arkansas Game and Fish Commission. A Commission Wildlife Rehabilitation Permit is not required to keep migratory birds for rehabilitation purposes; however, a Migratory Bird Rehabilitation Permit from the U.S. Fish and Wildlife Service is required.**

**(A) Eligibility and Application Requirements:**

- (1) A Wildlife Rehabilitation Permit shall not be issued to any person until the applicant has demonstrated satisfactory compliance with the following requirements:**
  - (a) The applicant shall be at least 18 years of age and shall not have been convicted of, or entered a plea of, guilty or nolo contendere for violating any federal, state or municipal law governing captive wildlife, illegal appropriation or commercialization of wildlife, or cruelty to animals within five (5) years of the date of application.**
  - (b) The applicant shall be a resident of the state of Arkansas having a bona fide or actual residence within the state.**
  - (c) The applicant shall provide to the Commission, in writing, proof from the county judge or sheriff and any municipal planning commission or board with jurisdiction, stating that the applicant's rehabilitation facility shall be in compliance with all applicable local ordinances. Said proof of compliance shall be submitted with the application.**
  - (d) An application for the permit shall be submitted on a form supplied by the Commission.**
  - (e) Applications will include the signature, address and phone number of a licensed veterinarian that will assist the applicant by providing consulting and referral services regarding animal rehabilitation and treatment.**
  - (f) Wildlife Rehabilitation Permits will be issued based upon documented applicant experience. Applicants shall have no less than 250 hours of**

experience in the care of sick, injured, orphaned or otherwise impaired wildlife. Applicants shall submit written documentation of such experience, including a description of the specific training or experience acquired, and the dates and locations where acquired. In addition, the application shall submit a recommendation from a permitted rehabilitator, who shall state, based upon personal knowledge, that the applicant possesses the stated experience. Additional documentation may consist of records of prior permits for rehabilitation issued by other states or the U. S. Fish and Wildlife Service, employment records of wildlife rehabilitative facilities, training course certificates, or other competent documentation of experience.

**(B) Permit Requirements:**

- (1)** Wildlife shall be cared for at the location listed in the Wildlife Rehabilitation Permit, except for wildlife kept by volunteers under the supervision of the permittee. Each permittee may have up to ten volunteers to aid in off-premise rehabilitation of wildlife and shall be fully responsible for the volunteer's treatment and possession of wildlife. A current listing of the name and address of off-premise volunteers shall be kept by the permittee. Volunteers shall possess a copy of their supervisor's rehabilitation permit when possessing wildlife off-premise.
- (2)** Persons who lack the experience necessary to apply for a Wildlife Rehabilitation Permit may serve as a volunteer for a permitted rehabilitator in accordance with sub-section (B)(1) of this Code until such time as they accumulate the required 250 hours of experience.
- (3)** Wildlife undergoing rehabilitation or medical treatment shall not be hunted, bred or displayed to the public.
- (4)** Rehabilitated native wildlife shall be released at an ecologically appropriate time of year and into a habitat suitable to sustain it near the point of capture **in, or adjacent to, the county in which it was originally captured.** Wildlife shall not be released within the limits of any incorporated city or town and shall be released in accordance with any local regulations regarding release of wildlife.
- (5)** When euthanasia of wildlife is necessary, euthanasia shall be by an acceptable method as set forth by the International Wildlife Rehabilitation Council/National

Wildlife Rehabilitators Association's current *Minimum Standards for Wildlife Rehabilitation* handbook.

- (6) Wildlife with permanent physical impairments may be kept for educational use upon approval of the Chief of the Division of Wildlife Management and in accordance with U. S. Department of Agriculture regulations regarding display of wild animals. Permittee shall not transfer permanently impaired wildlife to unauthorized individuals.
- (7) Animals that die from causes other than disease while in the custody of the permittee shall be disposed of in accordance with applicable local or state laws or be offered to a museum, university, or other educational facility.
- (8) Animals that die of disease must be destroyed in a manner that does not allow the spread of the disease to other animals or humans and must be reported to the Commission within 48 hours.
- (9) Permittees receiving any species classified as endangered or threatened shall notify the Little Rock office of the Commission's Wildlife Management Division within forty-eight (48) hours of the receipt of the animal.
- (10) Permittees or their volunteers shall not require a fee associated with wildlife rehabilitation services or for the pick-up, delivery or acceptance of sick, injured, orphaned or otherwise impaired wildlife. This limitation shall not apply to professional fees charged by a licensed veterinarian for treatment or other services requested by a permitted wildlife rehabilitator. This regulation does not in any way prohibit nor discourage the public from making voluntary donations to rehabilitators for animal care and facility maintenance.
- (11) Permittees or their volunteers are not agents of the Commission and may not represent themselves as such.
- (12) All wildlife shall be kept in pens/cages that meet or exceed the *Basic Requirements for Housing Wild Animals* and *Minimum Housing Guidelines* set forth by the current International Wildlife Rehabilitation Council/National Wildlife Rehabilitators Association's *Minimum Standards for Wildlife Rehabilitation* handbook unless otherwise authorized by the Commission.
- (13) All rehabilitation facilities, as well as off-site helpers, shall abide by *Standards Governing the Prevention of*

*Disease Transmission Within the Rehabilitation Facility and Strategy for Prevention of Transmissible Diseases* set forth by the current International Wildlife Rehabilitation Council/National Wildlife Rehabilitators Association's *Minimum Standards for Wildlife Rehabilitation* handbook.

- (14) Permittees or volunteers under their supervision who care for foxes, skunks, bats, raccoons, or coyotes must take and maintain records of pre-exposure rabies vaccination treatment.

(C) **Reporting and Record Keeping:**

- (1) All permit holders shall keep an up to date log on each animal taken into custody by themselves or volunteers under their supervision. The log shall include a record of the animal's treatment, condition and disposition and shall be subject to inspection by Commission personnel at any reasonable time.
- (2) Permit holders shall submit annual reports of such records on a form provided by the Commission. Said annual report shall be due no later than January 31.

(D) **Facility and Caging Requirements:**

- (1) All wildlife possessed in captivity shall be maintained in enclosures, pens, or cages that are sufficiently strong to prevent escape of the wildlife and protect them from injury.
- (2) Cages, fencing, and guardrails shall be kept in good repair at all times and gates shall be securely fastened with latches or locks. Enclosures, pens, or cages considered unsafe by Commission personnel must be repaired or reconstructed within sixty days or as specified by the Commission.
- (3) Permit holders whose facilities, including enclosures, pens and cages, are not in compliance with this Code section shall be notified in writing and shall have ten (10) days to correct the violation.
- (4) If, at the end of ten (10) days, the violation has not been corrected this Agency may revoke any existing permit and may refuse to issue any future permit. Such revocation or refusal to issue a future permit shall be in addition to any criminal charges that may be filed.

(E) **Inspection:**

- (1) Any person issued a Wildlife Rehabilitation Permit shall allow entry, at any reasonable hour, to Commission employees or agents to inspect the location, books, records, or permits required by the permit.

- (2) Any person issued a Wildlife Rehabilitation Permit shall allow entry, at any reasonable hour, to Commission employees or agents to inspect any wildlife and/or facilities kept under authority of the permit.
  - (3) Each permittee shall pen the captive wildlife in suitable pens and restrain them for inspection, at a reasonable time, when requested to do so by Commission employees or agents.
- (F) Renewal, Transfer, Suspension & Revocation:
- (1) Wildlife Rehabilitation Permits do not require renewal.
  - (2) Permits may be revoked by this Agency for violation of the terms of this permit, violation of the Commission Code, or upon conviction of associated regulations of the U. S. Fish and Wildlife Service.
  - (3) Permit holders shall be notified in writing of such violations and shall have ~~thirty~~ twenty days to respond with just cause as to why their permit should not be suspended or revoked.
  - (4) If, at the end of the ~~thirty~~ twenty-day period, just cause has not been given, this Agency may suspend or revoke any existing permit held by the violator and may refuse to issue any future permit. Such suspension, revocation or refusal to issue a future permit shall be in addition to any criminal charges that may be filed.
  - (5) Upon revocation, permit holder must legally remove all captive wildlife within the time designated in the revocation, not to exceed sixty (60) days, and failure to do so shall result in the Commission taking action, per Commission policy, at the permit holder's expense.

**PENALTY:** \$100.00 to \$1,000.00 **per violation.**

**15.13  
09-07**

**MOUNTAIN LION PERMIT.** It shall be unlawful to possess alive any mountain lion (*Puma concolor*) without first obtaining a Mountain Lion Permit from the Arkansas Game and Fish Commission. Mountain Lion Permits will only be issued to facilities that possessed a Wildlife Breeder/Dealer Permit for mountain lions prior to ~~June 30, 2007~~ **September 30, 2007.** ~~A Commission Wildlife Breeder/Dealer permit is also required for those that wish to rear, breed, propagate, produce, distribute, or sell mountain lions.~~

**(A) Eligibility and Application Requirements:**

- (1) A Mountain Lion Permit shall not be issued to any person until the applicant has demonstrated satisfactory compliance with the following requirements:
  - (a) The applicant shall be at least 18 years of age and shall not have been convicted of, or entered

a plea of guilty or nolo contendere for, violating any federal, state or municipal law governing captive wildlife, illegal appropriation or commercialization of wildlife, or cruelty to animals within five (5) years of the date of application.

~~(b) The applicant shall be a resident of the state of Arkansas having a bona fide or actual residence within the state for at least twelve months prior to submitting the application and who declares intentions of becoming a citizen of Arkansas.~~

(b) The applicant shall provide to the Commission, in writing, proof from the county judge or sheriff and any municipal planning commission or board with jurisdiction, stating that the applicant's facility shall be in compliance with all applicable local ordinances. Said proof of compliance shall be submitted with the application.

(c) An application for a permit must be submitted on a form supplied by the Commission.

(d) A separate application shall be made for each facility.

(2) The permit shall be denied if:

(a) The applicant fails to meet any of the issuance criteria set forth in this Code section;

(b) The applicant fails to disclose material information required, or has made false statements as to any material fact in connection with the application, or has supplied false information or made a false statement on the application; or

(c) The Director or Commission's issuing officer finds, through further inquiry or investigation, the applicant is not qualified or the issuance of the permit may be potentially harmful to the wildlife resources of the State.

(B) Facility and Caging Requirements:

(1) Facilities containing mountain lions shall meet all of the following requirements:

(a) A written plan of action shall be prepared and shall be available for review by the Commission upon request. ~~a copy submitted with permit application for use in~~ This plan shall address the following events: Severe damage to enclosures due to fire, wind, floods or other occurrences

caused by natural forces; animals attacking and/or injuring humans; and escape of an animal from its enclosure. Plans should identify the location of temporary holding facilities and necessary mechanisms to safely transport mountain lions to these facilities. Recapture plans shall outline procedures for handling and recapturing escaped mountain lions. Plans should include a list of safety equipment such as fire extinguishers, darting equipment, pepper spray, which will be available for use. The Commission shall immediately be notified upon the escape of any mountain lions. In the event of sickness, the name, address, phone number, and signature of the veterinarian who has agreed to care for the animal shall be provided.

- (b) A perimeter fence sufficient to deter entry by the public, at least 8 feet in height shall completely surround cages where animals are housed or exercised outdoors. Perimeter fences constructed of materials that allow objects to be passed through them, such as chain link or welded wire shall be at least 3 feet from cages or exercise areas.
- (c) Doors or gates in perimeter fences shall be kept locked when not attended. Warning signs must be posted at the entrance to the **property facility**.
- (d) All cages or enclosures shall be equipped with a safety entrance or device that allows a keeper to enter or exit a cage without providing an avenue of escape to an animal such as a double-gated entry door, interconnected cages that can be isolated from each other, a lock-down area, or other comparable device. Safety entrances shall be constructed of materials that are of equivalent strength as that prescribed for cage construction.
- (e) Cages shall be equipped with a lockout area that allows the keeper to access and clean the cage while the animal is contained in a separate area.
- (f) Cages should be well braced and securely anchored at ground level to prevent escape by digging or erosion. The fasteners and fittings used in construction shall be of equivalent strength to the material required for cage construction.

- (g) Cage construction materials shall consist of not less than 11 gauge chain link or equivalent materials. Juvenile animals may be kept in incubation or rearing facilities that do not meet these standards until they reach the weight of 25 45 pounds at which time they shall be kept in the required cage.
- (h) Cages containing a single mountain lion shall provide a cage floor size of no less than 200 square feet and shall be at least 8 feet tall. For each additional animal the cage size shall be increased by 100 square feet.
- (i) Mountain lions may temporarily be housed in cages or enclosures smaller than specified in this section while being transported, while in veterinary care or quarantined, provided that temporary caging is large enough for the animal to stand up, lie down, and turn around without touching the sides of the enclosure or another animal.
- (j) Open-top outdoor exercise areas are allowed providing that the exercise area has vertical walls at least 12 feet in height, topped by either an inward angled overhang, inclined at an angle between 35 and 55 degrees, which is at least two feet in length and of equal strength as the cage walls or two strands of electric fencing, one of which is located 1 foot below the top of the vertical wall, and the other at the top of the wall or the upper three feet of the interior of the fence consists of sheer, solid metal. Animals may not be left in exercise areas overnight.
- (k) Permit holders whose facilities, including enclosures, pens and cages, are not in compliance with this Code section shall be notified in writing and shall have ten (10) days to correct the violation.
- (l) If the violation has not been corrected in ten (10) days this Agency may revoke any existing permit and may refuse to issue any future permit. Such revocation or refusal to issue a future permit shall be in addition to any criminal charges that may be filed.

(C) **Reporting and Recordkeeping:**

- (1) Records shall be kept of all wildlife acquisitions and dispositions, including births, deaths, slaughter, and transport.
- (2) Records shall include evidence of legal possession of all wildlife kept under the permit, including licenses, bills of sale, bills of lading, receipts, invoices, or other satisfactory evidence of ownership. Records shall include date of acquisition, place of origin, and the name, address and telephone number of the person from whom the wildlife was acquired.
- (3) All records must be either typed or written in plain and legible English, and must be retained throughout the time the wildlife is possessed by the permittee or for a period of five (5) years, whichever is longer.
- (4) The Commission shall be notified within ~~forty-eight (48)~~ **seventy-two (72)** hours of any change in the number of mountain lions kept within the facility.

(D) **Disease Testing and Control:**

The Director of the Arkansas Game and Fish Commission, ~~in consultation with the Director of the Arkansas Livestock and Poultry Commission (or their designees)~~, shall determine mechanisms and procedures for control of diseases and parasites in captive wildlife, including mountain lions, within the state of Arkansas. Such mechanisms and procedures shall include, but not be limited to, examination, testing, quarantine and slaughter or destruction of individual animals that are, or in the opinion of the Commission may be, infected with a disease or parasite that may have significant detrimental effect on native wildlife, other captive wildlife, livestock or the public health of the citizens of the state of Arkansas. Such examinations, testing, quarantine and slaughter of captive wildlife shall be conducted at the expense of the owner of such wildlife. As a condition of this permit, the Commission may require the captive wildlife be quarantined for a period specified by the Commission.

(E) **Inspection:**

- (1) Any person issued a Mountain Lion Permit under this Code chapter shall allow entry, at any reasonable hour, to employees or agents of the Commission upon the premises where the permitted activity is conducted. Commission employees or agents may enter such premises to inspect the facility, any and all records associated with the activities relating to the permit, and any mountain lions kept under authority of the permit.
- (2) Each permittee shall pen the mountain lion in a suitable pen and restrain it for inspection, at a reasonable time,

when requested to do so by an employee or agent of the Commission.

**(F) Permit Renewal, Transfer, Suspension & Revocation:**

- (1) Permits may be revoked by this Agency for failure to comply with the terms of the permit or with the terms of this Commission Code section.**
- (2) Persons in violation of the terms of this permit, violation of the Commission Code, or upon conviction of associated regulations of the U. S. Fish and Wildlife Service, shall be notified in writing of such violations and shall have ~~thirty~~ **twenty** days to respond with just cause as to why their permit should not be suspended or revoked.**
- (3) If, at the end of the ~~thirty~~ **twenty**-day period, just cause has not been given, this Agency may suspend or revoke any existing permit held by the violator and may refuse to issue any future permit. Such suspension, revocation or refusal to issue a future permit shall be in addition to any criminal charges that may be filed.**
- (4) Upon revocation, permit holder must legally remove all captive wildlife within the time designated in the revocation, not to exceed sixty (60) days, and failure to do so shall result in the Commission taking action, per Commission policy, at the permit holder's expense.**

**EXCEPTIONS:**

- (1) Organizations that are accredited members of the American Zoo and Aquarium Association.**
- (2) ~~Mountain Lions held in compliance with a Commission Wildlife Breeder/Dealer Permit (Ref. Code 15.07 Breeder/Dealer Permit).~~**

**PENALTY: \$500.00 to \$5,000.00 per violation.**

- (1) All wildlife possessed in violation of this regulation may be seized by Enforcement Officers, confiscated by the court, forfeited to the State and disposed of according to law. (Ref. 01.00-D, Confiscation and Seizure).**
- (2) Any person convicted of violating this regulation shall be liable for the costs accrued in the storage, care, and maintenance of any equipment and/or wildlife seized in connection with the violation.**
- (3) Any person convicted of violating this regulation shall be liable for the costs of any and all tests and/or examinations of the illegal wildlife, and shall be liable for the costs of destruction and/or disposal of the illegal wildlife, as is deemed necessary by the Commission for the protection of native wildlife.**

09-07

possess native wildlife as pets except as follows:

- (A) **Animals captured from the wild.**
- (1) **It shall be unlawful to take or attempt to take from the wild and possess alive any native wildlife species other than six (6) each, per household, of the animals specified herein.**
    - (a) **Bobcat, coyote, deer, gray fox, red fox, opossum, quail, rabbit, raccoon and squirrel may be captured by hand and possessed as a wildlife pet.**
    - (b) **Native non-game wildlife, except birds, bats, alligator snapping turtles, ornate box turtles, hellbenders, troglodytic species (cave dwellers), or those animals defined as endangered species, may be captured by hand and kept as a wildlife pet.**
  - (2) **It shall be unlawful for any person to remove such wildlife, or their offspring, from the state except under the terms of a permit issued by the Chief of Wildlife Management Division. Said permit may be issued to individuals moving from the state and who have proof from the state of destination that such importation is legal.**
  - (3) **The sale or transfer of ownership of such animals or their offspring is prohibited except as provided for in (7) of this regulation.**
  - (4) **All wildlife possessed in captivity shall be maintained in enclosures, pens, or cages that are sufficiently strong to prevent escape of the wildlife and that will protect the wildlife from injury.**
  - (5) **All adult deer cervids kept in compliance with (A) of this regulation shall be confined within an enclosure. Said enclosure shall comply with the following requirements:**
    - (a) **Enclosures shall have a perimeter fence that is not less than eight (8) feet in height and shall be constructed so as to prohibit the escape of confined cervids and the ingress of native cervids.**
    - (b) **The area of the enclosure shall not be less than two hundred (200) square feet for the first cervid and shall be increased in size one hundred and fifty (150) square feet for each additional cervid.**
  - (6) **Males and females of the same species of game animal must be kept in separate enclosures, or if kept in the same enclosure, the owner shall provide proof that all males within the enclosure have been neutered.**

- (7) Native wildlife, except white-tailed deer, kept as personal pets in compliance with this regulation may be transferred to a Wildlife Rehabilitator and released back into the wild in the county where they were captured provided such animals were not confined with commercially obtained, captive born wildlife of the same species.
- (B) Captive born native-wildlife: A maximum of six (6) animals per household of a native wildlife species which were commercially obtained, captive born animals may be possessed as personal pets in compliance with the following restrictions.
- (1) Persons keeping pets under (B) of this regulation shall provide proof upon demand that the pets were purchased in compliance with regulation 15.07, Wildlife Breeder/Dealer Permit, or imported into the state in compliance with regulation 15.10, Wildlife Importation Permit or 15.11, Importation of Certain Wildlife Prohibited. Said pets shall be kept in compliance with the following restrictions:
    - (2) Commercially obtained, captive born wildlife pets and/or their offspring shall not be confined with the same species of wild born animals and/or their offspring.
    - (3) Owners shall maintain records of proof of legal ownership of such animals including licenses, bills of sale, bills of lading, receipts, invoices and copies of Wildlife Importation Permits or other satisfactory evidence. The date of acquisition, place of origin, and the name, address, and telephone number of the person from whom the wildlife was acquired shall be recorded.
    - (4) Commercially obtained, captive born wildlife pets or their offspring shall only be sold in compliance with regulation 15.07, Wildlife Breeder/Dealer Permit.
    - (5) **Males and females of the same species of game animal must be kept in separate enclosures, or if kept in the same enclosure, the owner shall provide proof that all males within the enclosure have been neutered.**
    - (6) Owners of commercially obtained or captive born white-tailed deer or elk that were acquired prior to June 30, 2005 and that are kept as personal pets may retain ownership of such animals provided they registered with the Wildlife Management Division by ~~December 30, 2005~~ **June 30, 2008** and are in compliance with all provisions of this regulation.
    - (7) **All deer and elk that die in captivity must be tested for chronic wasting disease. Copies of test results shall be**

forwarded to the Arkansas Game and Fish Commission within 7 days of receipt.

- (8) Should the number of commercially obtained wildlife kept as pets, except for white-tailed deer and elk, exceed six (6), the owner shall obtain a Wildlife Breeder/Dealer permit in accordance with Code 15.07.
- (9) All cervids kept in compliance with (B) of this regulation shall be confined within an enclosure. Said enclosure shall comply with the following requirements:
  - (a) Enclosures shall have a perimeter fence that is not less than eight (8) feet in height and shall be constructed so as to prohibit the escape of confined cervids and the ingress of native cervids.
  - (b) The area of the enclosure shall not be less than two hundred (200) square feet for the first cervid and shall be increased in size one hundred and fifty (150) square feet for each additional cervid.

**EXCEPTIONS:**

- (1) Wildlife exchanged with other states by the Commission.
- (2) Aquatic pets taken in compliance with regulation 37.07, Aquatic Pet Restrictions.

**PENALTY:** \$100.00 to \$1,000.00 per violation.

- (1) All wildlife possessed in violation of this regulation may be seized by Enforcement Officers, confiscated by the court, forfeited to the State and disposed of according to law. (Ref. 01.00-D, Confiscation and Seizure)
- (2) Any person convicted of violating this regulation shall be liable for the costs accrued in the storage, care, and maintenance of any equipment and/or wildlife seized in connection with the violation.
- (3) Any person convicted of violating this regulation shall be liable for the costs of any and all tests and/or examinations of the illegal wildlife, and shall be liable for the costs of destruction and/or disposal of the illegal wildlife, as is deemed necessary by the Commission for the protection of native wildlife.

15.15  
09-07

**FALCONRY PERMIT.** It shall be unlawful for any person to possess, take, or transport raptors or to use raptors to take game animals and game birds without first obtaining a Falconry Permit from the Arkansas Game and Fish Commission.

**(A) Eligibility and Application Requirements:**

- (1) A Falconry Permit shall not be issued to any person until the applicant has demonstrated satisfactory compliance with the following requirements:

- (a) Applicants must pass a written examination meeting federal standards with a score of at least eighty percent (80%).
- (b) The applicant must possess a valid Arkansas hunting license
- (c) Apprentice Class applicants shall be at least fourteen (14) years of age and shall have a sponsor for a period of two (2) years. The sponsor of an apprentice must hold a General or Master class falconry permit. A sponsor shall have no more than three (3) apprentices at any one time. An apprentice falconer may possess only one (1) of the following, which must be taken from the wild and may not obtain more than one (1) replacement raptor during any twelve (12) month period:
  - (1) American Kestrel (Falco sparverius)
  - (2) Red-tailed hawk (Buteo jamaicensis)
- (d) General Class applicants shall be at least eighteen (18) years of age and shall have at least two (2) years experience in falconry at the apprentice level. A general falconer may possess not more than two (2) raptors and may not obtain more than two (2) raptors for replacement during any twelve (12) month period. A general falconer may not take, transport, or possess any golden eagle (Aquila chrysaetos), or any species listed as threatened or endangered by federal law except when birds of listed species were bred in captivity.
- (e) Master Class applicants shall have at least five (5) years experience in falconry at the general class level and shall possess not more than three (3) raptors and may not obtain more than two (2) raptors for replacement birds during any twelve (12) month period. Master falconers may not take, transport, or possess a golden eagle unless authorized in writing by the U.S. Fish and Wildlife Service. Master falconers may not take, transport, or possess as a part of the three (3) bird limit, more than one raptor listed as threatened in federal regulation, except when birds listed as threatened or endangered were bred in captivity.

(B) Permit Requirements:

**It shall be unlawful for holders of Falconry Permits to fail to comply with the following requirements:**

- (1) Raptors may be taken from the wild by Permittees for the purpose of falconry only, and then only as follows**
  - (a) Young birds not capable of flight (EYASSES) may be taken only by a General or Master class falconer on Fridays, Saturdays, Sundays, and Mondays only, from March 1 through July 31. No more than two (2) eyasses may be taken by a falconer during this period. The Arkansas Game and Fish Commission (Falconry Coordinator) must be notified of the location of Cooper's hawk and Sharp-shinned hawk nests prior to taking of an eyas. Falconers must leave at least 2 chicks in the nest when taking an eyas of either of these two species. Only eyasses of the following species may be taken: red-tailed hawk, red-shouldered hawk, broad-winged hawk, Coopers hawk, sharp-shinned hawk, American kestrel, great horned owl.**
  - (b) First year (Passage) birds may be taken on Fridays, Saturdays, Sundays, and Mondays only, from September 1 through January 31, except that marked raptors or jessed raptors held under permit may be re-trapped at any time.**
  - (c) Only American kestrels and great horned owls may be taken when over one (1) year old, except that raptors other than threatened or endangered species taken under a depredation or special purpose federal permits may be used by general and master falconers. No more than two (2) raptors can be taken during any twelve (12) months in the two combined taking periods except for the re-trapping of escaped falconry.**
  - (d) Take of falconry birds from the wild by non-resident falconers will be allowed to take one (1) legal raptor per year in Arkansas provided the state of their residence reciprocates such approval for Arkansas falconers. Non-resident falconers must first purchase an Arkansas non-resident hunting license. The taking of a legal raptor by a non-resident must comply with Arkansas regulations.**
  - (e) Raptors must be taken only in a humane manner. Any device used to take birds of prey shall be labeled with the name, address and**

**phone number of the falconer, and must be attended to continually by the falconer. No eggs may be taken from raptor nests.**

- (2) No Permittee shall purchase, offer for sale, sell or barter any native raptor acquired from the wild. Permittees may transfer raptors obtained from the wild to other Permittees within the state when no money or other consideration is involved. Falconers may purchase captive bred raptors that are banded with a numbered seamless, permanent federal leg marker. Such captive bred raptors utilized for falconry shall not be treated as threatened or endangered.**
- (3) Another federally permitted person may care for the birds of a Permittee for a period not to exceed thirty (30) days, if written authorization from the Permittee accompanies the birds when they are transferred. If the period of care exceeds fifteen (15) days, the Commission must be informed of this action within three (3) days of this transfer, who is caring for them and approximately how many days they will be in the care of the second person.**
- (4) Falconry Permittees shall notify the Commission in writing of the death, loss or release of their raptors within fifteen (15) days of occurrence. Each dead bird shall be frozen and surrendered upon request to the Commission along with the band, if any, from that bird. Dead birds may be buried or burned thirty (30) days after written notification of the death to the Commission, provided that the Commission has not requested disposal by other means.**
- (5) A falconry permit holder must obtain written permission from the Chief of the Wildlife Management Division before intentionally releasing into the wild any species of raptor not indigenous to Arkansas.**
- (6) Feathers from captive falconry raptors may be possessed, retained and exchanged by Permittees for imping purposes only.**
- (7) Resident falconers may take wildlife only within the specific seasons and bag limits, except that non-migratory game species, with the exception of bobwhite quail, may be taken outside of the specified falconry seasons with a daily limit of one (1) per raptor per day.**
- (8) Except as provided above, the Permittee must leave any accidentally killed animal where it lies, except that the raptor may feed upon the animal prior to leaving the site of the kill.**

**(C) Reporting and Record Keeping Requirements:**

- (1) Permittees shall report to the AGFC by July 31, each year a listing of all raptors possessed on June 30 by species, marker number (if any), sex, age, date and source of acquisition.**
- (2) Permittees must submit a properly completed federal form 3-186-A (Migratory Bird Acquisition/Disposition Report) to the U.S. Fish and Wildlife regional office within five days of taking, acquiring, purchasing, transferring, receiving, losing or disposing of any raptor. No raptor may be possessed under a falconry permit unless the Permittee has a properly completed form 3-186-A for each bird possessed.**

**(D) Facility and Caging Requirements:**

- (1) Applicant's facilities for the keeping of raptors and equipment shall be inspected and certified to meet the following standards. Permittees must keep all facilities and equipment at or above these standards at all times. Facilities and equipment may be re-inspected by Commission personnel at any time and any raptors removed when it is judged to be in the best interest of the raptor**
- (2) Indoor Facilities (Mews) shall be large enough to allow the raptor to fully extend its wings and allow easy access for care of the raptor(s) housed in the facility. Raptors shall be tethered or separated by partitions and there shall be adequate perches, as secure door easily closed and at least one (1) window protected on the inside by vertical bars spaced narrower than the width of the bird's body. The floor shall be well drained and permit easy cleaning.**
- (3) Outdoors Area shall be fenced and covered with netting or wire or roofed except that perches more than six and one half feet (6 ½') high need not be covered or roofed. The enclosed area should be large enough to insure that birds flying from a perch cannot strike the fence. Raptors shall be provided adequate perches and protection from excessive sun, wind and inclement weather.**
- (4) Applicants for falconry permits shall possess the following equipment:**
  - (a) At least one (1) pair of Alymeri jesses or similar type constructed of pliable leather or suitable synthetic material for use when any raptor is flown free.**

- (b) At least one (1) flexible, weather resistant leash and one (1) strong swivel of acceptable falconry design.
  - (c) A suitable bath container for each raptor two to six (2"-6") inches deep and wider than the length of the raptor.
  - (d) A weathering area outdoor perch of acceptable design for each raptor.
  - (e) A reliable scale or balance suitable for weighing the raptors held and graduated to increments of no more than one half (1/2) ounce or fifteen (15) grams.
- (5) A raptor may be transported or held in temporary facilities for a period not to exceed thirty (30) days. Temporary facilities shall be provided with an adequate perch protected from excessive temperature and excessive disturbance.

(E) **Inspection:**

- (1) Any person, firm or corporation issued a Falconry Permit under this Code chapter shall allow entry, at any reasonable hour, to employees or agents of the Commission upon the premises where the permitted activity is conducted. Commission employees or agents may enter such premises to inspect the facility, any and all records associated with the activities relating to the permit, and any birds kept under authority of the permit.

(F) **Permit Renewal, Transfer, Suspension and Revocation:**

- (1) Permits may be revoked by this Agency for failure to comply with the terms of the permit or with the terms of this Commission Code section.
- (2) Persons in violation of the terms of this permit, violation of the Commission Code, or upon conviction of associated regulations of the U. S. Fish and Wildlife Service, shall be notified in writing of such violations and shall have **thirty twenty** days to respond with just cause as to why their permit should not be suspended or revoked.
- (3) If, at the end of the **thirty twenty**-day period, just cause has not been given, this Agency may suspend or revoke any existing permit held by the violator and may refuse to issue any future permit. Such suspension, revocation or refusal to issue a future permit shall be in addition to any criminal charges that may be filed.
- (4) Upon revocation, permit holder must legally remove all captive wildlife within the time designated in the

revocation, not to exceed sixty (60) days, and failure to do so shall result in the Commission taking action, per Commission policy, at the permit holder's expense.

**EXCEPTION:**

- (1) A non-resident falconer with a valid Non-resident Arkansas Hunting License, and holding a valid falconry permit from another state, may use raptors to take wildlife during open seasons. It is also provided that such a properly permitted non-resident falconer, without further permit, may enter and use raptors to take wildlife in any regional or national falconry field trial authorized by letter from the Director of the Arkansas Game and Fish Commission.

**PENALTY: \$100.00 to \$1,000.00 per violation.**

**15.16  
09-07**

**LIVE FOX AND COYOTE PERMIT.** It shall be unlawful to sell or offer for sale live gray fox, red fox, or coyote captured from the wild in Arkansas without first obtaining a Live Fox and Coyote Permit from the Arkansas Game and Fish Commission.

**PENALTY: \$1,000.00 to \$5,000.00 per violation**

**18.01  
09-07**

**HUNTING WILDLIFE IN CLOSED SEASON PROHIBITED.** It shall be unlawful to take, attempt to take, or possess any species of wildlife, or portions thereof, other than during a season opened by the Commission and by utilizing the appropriate method or methods for that season.

**EXCEPTIONS:**

- (1) In compliance with Commission Code 15.16 14 (Native Wildlife Pets **Restrictions**).
- (2) In compliance with Commission Code 18.09 (Depredation Permit Requirement).
- (3) In compliance with Commission Code Section 15.00 (Captive Wildlife/Hunting Resorts).
- (4) Carcasses of wildlife legally obtained or brought from outside the state and accompanied by verification.
- (5) Nongame wildlife, excluding wildlife, migratory birds and endangered species, which pose reasonable threat or endangerment to persons or property.
- (6) In compliance with Commission Code 39.01 (Permit/License Requirements for the Commercial Harvest and Sale of Aquatic Turtles).
- (7) In compliance with Commission Code 42.01 (Fish Farmer Permit Requirements).
- (8) Carcasses or pelts of furbearers legally taken in Arkansas may be possessed outside of the furbearer hunting and trapping seasons in compliance with Commission Code 10.10 (Unlawful Possession of Pelts)

and provided that otters are tagged in compliance with Commission Code 10.12 (Bobcat and Otter Pelt Tagging Requirement).

**PENALTY:** \$500.00 to \$2,000.00.

In addition, a jail sentence not to exceed 10 days may be imposed and hunting privileges may be suspended in accordance with Code 11.05, Revocation of Privileges. Equipment used in such violations (including but not limited to killing devices and lights) may be confiscated by the court, forfeited to the State, and disposed of according to law.

**18.03**  
09-07

**SELLING WILDLIFE RESTRICTIONS.** It shall be unlawful to purchase, sell, offer for sale, barter or trade any species of wildlife or portions thereof.

**EXCEPTIONS:**

- (1) Furbearer pelts and carcasses taken during a furbearer season may be sold by persons with valid hunting or furdealer licenses. Purchase of furbearer pelts and carcasses must be in compliance with Commission Code 10.13 (Fur Dealer License Requirement).
- (2) In compliance with Section 15.00 (Captive Wildlife/Hunting Resorts).
- (3) In compliance with Commission Code 36.04 (License Requirements for Sale of Bullfrogs by Fish Farmers).
- (4) In compliance with Commission Code 41.07 (Requirements for Selling Commercial Fish).
- (5) In compliance with Commission Code 42.01 (Fish Farmer Permit Requirements).
- (6) In compliance with Commission Code 39.01 (Permit/License Requirements for the Commercial Harvest and Sale of Aquatic Turtles).
- (7) In compliance with Commission Code 37.02 (Minnow Dealers License Requirements).
- (8) In compliance with Commission Code 38.01 (Mussel Shell Taker Buyer, and Seller License Requirements).
- (9) In compliance with 31.07-A (Sale of Bait Prohibited).
- (10) Squirrel tails, deer antlers, deer hides and feathers from non-migratory game birds legally taken.
- (11) Legally acquired commercially raised wildlife from outside the state and accompanied by documentation verifying origin and in compliance with Section 15.00.
- (12) **Red fox, gray fox and coyote that were legally trapped in Arkansas may be sold by persons with a valid hunting license and Live Fox and Coyote Permit Ref. Code 15.16 (Live Fox and Coyote Permit) ~~Live Coyote taken in Arkansas in compliance with Commission Codes 10.02, 10.06, 10.07, 10.08, 10.13, 10.14, 18.09 and 18.09A may only be sold by or purchased from those with Commission Wildlife Breeder/Dealer permits.~~**

- (13) Nonprofit organizations with a valid tax identification number may pay for the processing of deer and charitably donate processed deer to needy, qualified individuals.

**PENALTY:** 1<sup>st</sup> Offense \$500.00 to \$5,000.00. In addition, a jail sentence not to exceed one (1) year may be imposed.  
Subsequent Offenses \$2,000.00 to \$10,000.00. In addition, a jail sentence not to exceed one (1) year may be imposed.

**19.06**  
09-07

**IMPORTATION OF CERVID CARCASSES, PARTS AND PRODUCTS.** It shall be unlawful to import, transport or possess in Arkansas a cervid carcass or carcass part from any area, as proclaimed by the Arkansas Game and Fish Commission, that has a known case of Chronic Wasting Disease (CWD) or considered taken from a captive facility or within an enclosure.

**EXCEPTIONS:**

- (1) Meat that has bones removed.
- (2) Meat that has no portion of the spinal column or head attached.
- (3) Antlers, antlers attached to cleaned skull plates or cleaned skulls (where no meat or tissues are attached to the skull).
- (4) Cleaned teeth.
- (5) Finished taxidermy and antler products.
- (6) Hides and tanned products.
- (7) Deer or elk harvested in commercial wildlife hunting resorts in Arkansas providing that a chronic wasting disease sample is collected in accordance with code ~~15.11C (General Provisions Applicable to Captive Wildlife Permits)~~ 15.05B (Commercial Wildlife Hunting Resort).

The following U.S. states, portions of states, and Canadian provinces are proclaimed to be CWD positive:

Colorado	West Virginia
Illinois	Oklahoma*
Kansas	South Dakota
Minnesota*	Montana*
Nebraska	New Mexico
New York	Utah
Wisconsin	Wyoming
Alberta	Saskatchewan

\*States and provinces where CWD has been found in captive cervids only.

And any other state or province where a positive case of CWD has been detected as confirmed by United States Department of Agriculture (USDA) or Canadian Food Inspection Agency (CFIA).

**PENALTY:** \$100.00 to \$1,000.00

**FINANCIAL / ECONOMIC IMPACT STATEMENT**  
**PLEASE ANSWER ALL QUESTIONS COMPLETELY**  
**(Attach additional pages if needed)**

**DEPARTMENT:** Arkansas Game & Fish Commission  
**DIVISION:** Wildlife Management  
**PERSON COMPLETING THIS STATEMENT:** Doyle Shook  
**TELEPHONE #:** 501-223-6362 **FAX #:** 501-223-6452  
**EMAIL:** dlshook@agfc.state.ar.us

**SHORT TITLE OF THIS RULE:** Proposed Captive Wildlife Codes Approval

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?  
Yes: \_\_\_\_\_ No:
2. Do you believe that the development of a financial impact statement is so speculative as to be cost prohibitive? Yes: \_\_\_\_\_ No:  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	\$ N/A	General Revenue	\$ N/A
Federal Funds	\$ N/A	Federal Funds	\$ N/A
Cash Funds	\$ N/A	Cash Funds	\$ N/A
Special Revenue	\$ N/A	Special Revenue	\$ N/A
Other (Identify)	\$ N/A	Other (Identify)	\$ N/A
Total	\$ N/A	Total	\$ N/A

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:** \$ N/A **Next Fiscal Year:** \$ N/A

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: N/A

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: N/A

7. Compare this rule with federal and state counterparts: N/A

**Arkansas Game and Fish Commission**  
Little Rock, Arkansas

MINUTE ORDER NO:	_____	SUBJECT:	Proposed Captive Wildlife Codes
DATE PASSED:	September 13, 2007		Approval
PAGE	1	of	1
		PAGES	
		LOCATION:	Statewide

---

**WHEREAS,** the Arkansas Game and Fish Commission, meeting in regular session on September 13, 2007, 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 13<sup>th</sup>** day of September the Arkansas Game and Fish Commission hereby approves and adopts the attached hunting regulations for the 2007-2008 hunting license year, 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>	
<b>Submitted by:</b>	_____	_____	_____
	Doyle Shook	Chairman	Commissioner
<b>Division:</b>	_____	_____	_____
	Wildlife Management	Vice Chairman	Commissioner
<b>Approved:</b>	_____	_____	_____
	Director	Commissioner	Commissioner
<b>Approved:</b>	_____	_____	
	Legal	Commissioner	
<b>Approved:</b>	_____		
	Fiscal		

