

ARKANSAS'S CAPTIVE WILDLIFE REGULATIONS  
Development and Enforcement  
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## ARKANSAS'S CAPTIVE WILDLIFE REGULATIONS

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## ABSTRACT

The practice of keeping wildlife species as pets presents many challenges to the regulatory agencies facing the management of state wildlife resources. The Arkansas Game and Fish Commission is the state's wildlife conservation agency charged with the development and enforcement of captive wildlife regulations in the state. Through cooperation among work divisions within the agency, Arkansas Game and Fish Commission staff strive to craft regulations that will most effectively meet the challenges that could potentially have permanent effects on the ecosystems of the state. The Arkansas Wildlife Officer's role in the process is to monitor compliance and enforce the captive wildlife regulations as approved by the Commission.

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### INTRODUCTION

The Arkansas Game and Fish Commission was formed by the Arkansas Legislature in 1915. In 1935, Amendment 35 to the Constitution of the State of Arkansas was ratified establishing the Arkansas Game and Fish Commission in its current form:

The control, management, restoration, conservation and regulation of birds, fish, game and wildlife resources of the State, including hatcheries, sanctuaries, refuges, reservations and all property now owned, or used for said purposes and the acquisition and establishment of same, the administration of the laws now and/or hereafter pertaining thereto, shall be vested in a Commission to be known as the Arkansas State Game and Fish Commission, to consist of eight members. Seven of whom shall be active and one an associate member who shall be the Head of the Department of Zoology at the University of Arkansas, without voting power. (AR Const. amend. XXXV, §1)

Amendment 35 also set forth the mission of the agency. The modern day mission statement of the Arkansas Game and Fish Commission encompasses the charge assigned by Amendment 35 simply stating, “The Arkansas Game and Fish Commission's mission is to conserve and enhance Arkansas's fish and wildlife and their habitats while promoting sustainable use, public understanding and support.” (Arkansas Game and Fish Commission, 2019)

A crucial part of wildlife conservation is the development and enforcement of rules that protect focus animals and their habitats. Depending on the state, these rules may be found in the form of state laws, or as is the case in Arkansas, conservation agency regulations. All modern day conservation law enforcement organizations in the United

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States work closely with their scientific research branches to create a group of these regulations that best fit the animals of their regions. These regulations must address every facet of the conservation and management of fish and wildlife species, the latter of which includes both consumptive and non-consumptive uses. This paper will focus on the development and enforcement of one of those facets, that itself has several aspects; captive wildlife regulations.

### DEFINITION

Captive wildlife is a self-explanatory term referring to species of wildlife, described by the Arkansas Game and Fish Commission Code of Regulations as:

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, (Arkansas Game and Fish Commission, 2019)

held in a captive state. The word captivity is defined by the Arkansas Game and Fish Commission Code of Regulations as:

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

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controlled environment. (Arkansas Game and Fish Commission, 2019)

## HISTORY

The capture of wild animals for domestication has been a part of man's life as long as humans have recorded history. As civilization progressed, empires began to form and expand.

Conquering peoples often took examples of the animals endemic to vanquished regions to be used for entertainment and education. (Zeuner, 1963) Roman politicians imported thousands of individuals representing hundreds of species to be used in the blood sport games held in the arenas throughout the empire. (Wazer, 2013) Each emperor attempted to outdo the next with depictions of his exploits in the arena through animal exhibitions using everything from elephants (*Elephas spp.*) and rhinoceros (*Rhinoceros spp.*) to cranes (*Grus spp.*) and flamingos (*Phoenicopterus spp.*). (Mackinnon, 2006) When the Khans of the Asian steppe returned to their homelands, they brought with them examples of animals from the subjugated lands to display as trophies to their people. (Weatherford, 2005) Little thought was likely given to aspects of animal husbandry beyond keeping the animals alive long enough to be killed in the arenas or show off their trophies. Once arrived, they were kept in animal houses until they were slaughtered in "hunts" depicting the empire's most recent conquests; oftentimes first being used to execute prisoners. (Hopkins & Beard, 2005) The effects these animals had on the habitats and local endemic animal populations to which they were exposed during transport and upon arrival at their final destinations were not found in a thorough search of the literature.

## TODAY

Thankfully, the zeal for people to see animals killed in mass quantities for public entertainment and the leaders who were willing to carry out such acts died with the Roman

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Empire. The curiosity and affinity human beings have for wild animals, however, did not; hence there are zoos and other types of wild animal exhibitions all over the world to which people can go in order to quench their inquisitiveness about animals from near and far. The long term care of these animals brought about the necessity to acknowledge that wildlife kept in captivity face the same challenges as domestic animals. Along with the animals' basic needs for food, water, shelter and space; regard must be given to animal disease, human health implications and the effect these animals have on species endemic to the areas in which they are being kept.

The practice of keeping wildlife in captivity is no less prevalent today. The novelty of having individuals of native and exotic wildlife species seems to perpetuate the practice. Much like the affluent Roman Emperors, there also continue to be people who brandish their wealth by having wild and exotic animals for pets. It is much easier now to move animals from one place to another and there are also far many more people on the planet who may want to participate in such activities. The trade in wildlife species around the globe is a multibillion dollar business. (World Animal Protection, 2018) During a single year, it was recorded that 37,858,179 individually counted live amphibians, birds, mammals, and reptiles were legally imported to the United States from 163 countries. (Marano, Arguin, & Pappaioanou, 2007) There is no way to quantify the number of animals that are being moved illegally but to note that wildlife conservation regulatory agencies around the world continue to fight the uphill battle of keeping the black market trade in check.

## DISCUSSION

Mentioned previously, there are many concerns that must be considered when regulatory agencies decide whether or not to allow the possession or movement of particular species into or

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through an area. Among the considerations made during the development of captive wildlife regulations are the introduction of disease to humans and animals, safe and humane husbandry, potential impacts of escaped individuals on habitats and local animal populations, and human hazards of encountering escaped individuals. The Arkansas Game and Fish Commission Code of Regulations includes codes for both native and non-native species of wildlife (appendix A).

As charged by Amendment 35, the preeminent concern of the Arkansas Game and Fish Commission is the health and wellbeing of Arkansas's native fish and wildlife populations. In order to ensure the aforementioned is maximized, great care must be taken to research prior to making decisions and to monitor and adjust after programs have been implemented. The Arkansas Game and Fish Commission has staffs of certified professional wildlife and fisheries biologists who use data compiled in house as well as information gleaned from research around the country and world to craft regulations that will best meet the goals of the agency's mission so that they may recommend them to the Commission for approval. The captive wildlife regulations are among these, and like during hunting and fishing regulations development, opportunity for the citizens of Arkansas to interact with wildlife is juxtaposed with species health during the development of these regulations as well.

## DISEASE

Perhaps the greatest concern when addressing the keeping and transporting of wildlife in captivity is disease. There have been cases where the introduction of certain wildlife species resulted in the extinction of wildlife species over time through disease and competition. (Atkinson, 1989) Animals sometimes harbor diseases that have immense human health implications. (Beck, Cooper, & Griffith, 1993) (Daszak, Cunningham, & Hyatt, 2000) Secondly, there are many wildlife borne diseases that are transmittable to domestic livestock



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which could have crippling economic effect if not addressed in regulation. Private industries require strict biosecurity measures of pork and poultry producers in an attempt to prevent mass contaminations of their products. It has been noted that double crested cormorants (*Phalacrocorax auritus*) and other species of wild birds may carry strains of Newcastle's disease that could potentially infect tens of thousands of domestically raised turkey (*Meleagris gallopavo domesticus*) and other forms of poultry. (Heckert, 1993) There are many more examples of poultry operations that had to be wiped out as a result of contracting disease from wild animals. In 2002, 8,000 birds of many varying species were killed in California in an attempt to stop the spread of Newcastle's disease. (Broder, 2002)

In February of 2016 Chronic Wasting Disease was discovered in a wild whitetail deer (*Odocoileus virginianus*) in Arkansas. (Chronic Wasting Disease, 2019) Shortly thereafter, the disease was detected in an elk (*Cervus elaphus*) relatively close to the original animal. Chronic wasting disease is a fatal neurological disease that affects members of the deer/elk family (cervids). It was first described in 1967 in Colorado and since has spread to 26 states, Canada, South Korea, Finland and Norway. (Williams, 2005) CWD is similar to scrapie in sheep/goats and "mad cow disease" in cattle. These diseases are caused by misshapen proteins called prions, which accumulate in the tissues of affected animals, especially the brain, spinal cord, and lymph nodes. CWD is a slowly progressing disease. Infected animals will not show signs of disease for a long period of time, but late in the disease process, they will be thin and may demonstrate weakness, abnormal behavior, excessive thirst, or drooling. Animals generally die soon after the onset of these signs. (Chronic Wasting Disease, 2019)

Though the agency had been testing captive and free ranging whitetail deer throughout the state since 2000, an intense sampling of the new Chronic Wasting Disease zone determined

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that the disease has likely been in the state for decades before being detected. Since first discovering the original animal, AGFC has sampled and tested over 10,000 deer and elk from around the state. (Chronic Wasting Disease, 2019)

The Arkansas Game and Fish Commission enacted a moratorium on the importations and transportation of cervids in Arkansas just after the turn of the 21<sup>st</sup> Century, creating regulations the violation of which would impose penalties on those who would violate them. Chronic Wasting Disease was creating significant wildlife conservation issues in a number of western states. In response, the Arkansas Game and Fish Commission attempted to be proactive in its treatment of the disease and its potential to spread. Since the discovery of the disease within Arkansas's borders there have been even more constraints imposed with regard to cervids and parts thereof. When an Arkansas Game and Fish Commission Wildlife Officer encounters a violation of one of these regulations, contact is made with the violator in conjunction with Wildlife Management Division staff and a plan is developed for the disposition of the animals involved in the violation.

At one time it was legal to hand catch wild whitetail deer in Arkansas. This typically happened in late spring and early summer during the fawning period. It has been a challenging transition from an enforcement standpoint. Though there was a significant information push to get the regulations out to the people, there are still those who pick up whitetail fawns every year during this time. More often than not, people were removing the fawn, which they thought was abandoned, from a perfectly healthy mother who was simply out foraging for the day. There is no longer a legal contingency for a person to own a wild caught cervid in Arkansas. If the person in violation does not comply with the required seizure of the animal, further enforcement action is taken through warrant procedures and citations issued by the officer.

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Though not considered wildlife, feral swine (*Sus scrofa*) pose a threat to commercial pork growers as these animals may mingle close to hog houses throughout the state potentially spreading devastating diseases such as swine brucellosis and pseudorabies. The Arkansas Livestock and Poultry Commission championed legislation in Arkansas that prevents the transport of live feral swine so the feral animals do not infect the domestic swine, causing severe economic damage.

## HUSBANDRY

Safe and humane treatment of wildlife that is allowed to be possessed in the state is an obvious concern. Limiting the number of animals allowed to be possessed by an individual or household is one way to affect the health and wellbeing of these captive animals. If too many individuals are confined in a space not adequate for the size of the group, it increases animal stress and the possibility that those animals will be affected by disease. Most wildlife diseases are spread through animal to animal contact. Keeping animal densities lower in these enclosures will lower the likelihood and rate at which disease might spread if any animals were infected. Regulatory agencies consider the minimum area of confinement necessary to provide any given species adequate room to move. A minimum area may be required through regulation or may be left to the discretion of the person to whom the animals are charged, subject to review by personnel representing the regulatory agency. If multiple animals are allowed to be housed in the same enclosure, the desired size of the inside of the enclosure will increase accordingly.

The size and construction of the enclosure may also be specified in an effort to protect people and other animals from exposure to more dangerous species. These considerations are addressed by Subsection F, Section F1.03 of the Addendum to the Arkansas Game and Fish

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Commission Code of Regulations. Subsection F creates guidelines for any captive wildlife scenario that may arise:

Facility and Caging Requirements: All wildlife possessed under a Wildlife Breeder/Dealer Permit in Arkansas shall be maintained in a permanent enclosure, pen, or cage strong enough to prevent escape of the wildlife and protect them from injury. All wildlife shall be maintained in humane and healthy conditions. Birds must be kept in buildings or covered pens that prevent escape and that do not allow entry of wild birds. Enclosures 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 10 days or as specified by the Commission. (Arkansas Game and Fish Commission, 2019)

More specific attention is given to the enclosures of large carnivores, to provide for the comfort and safety of the animals and to ensure the safety of the general public. Pen floor dimensions, wall heights and construction measures are mentioned for the species of large carnivores to further reduce the opportunity for escape. Every detail must be considered in order to provide the best existence possible for the animals while they are in captivity and to ensure they remain there.

It is often assumed people who take animals into their care will strive to provide for the animals in a humane manner and it has been my experience that it is most often the case, but I have seen cases where wildlife has been kept in inhumane conditions. These experiences solidified my confidence in including husbandry expectations within the Arkansas Game and Fish Commission Code of Regulations.

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When Wildlife Officers encounter a situation where animals are being housed in inhumane conditions or inadequate enclosures according to the verbiage of the Code of Regulations they will typically conduct an inspection of the facility. Most often accompanied by an employee from the Wildlife Management Division of the agency, the employees will document deficiencies and provide a report to the person in violation. If the recommendations in the report are not followed, enforcement action may then be taken which may include the issuance of citations and the seizure of animals.

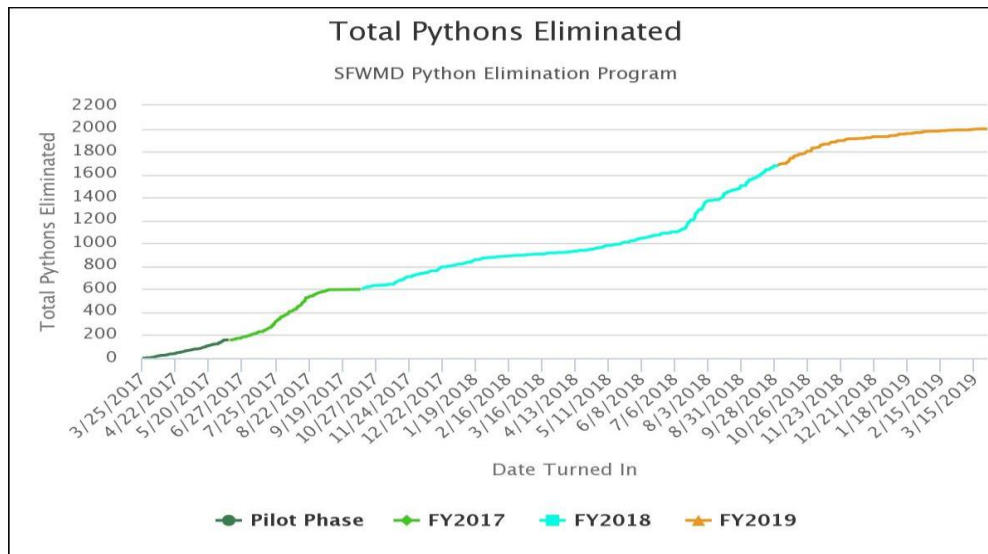
## IMPACTS ON ENDEMIC WILDLIFE

Another concern of great importance when developing captive wildlife regulations is the impact the proposed species could have on native or endemic wildlife if individuals escape. The native habitat of the animals being considered must be taken into account. Several questions arise. Can the species survive in the wild in the new area? Would breeding populations establish? Would the new species out compete natives for resources in the local ecosystem? Because of these and other questions, biologists take painstaking care in studying proposed captive wildlife species before approving or declining to put them on a list of allowed animals.

The Florida Everglades provide extensive examples of how detrimental escaped exotic wildlife can be. Every week seems to provide instances of exotic wildlife stories from the region. Breeding populations of several tropical large constrictor species have been documented in the state. Larger specimens of these hefty non-native snakes can easily consume most species of native wildlife once they grow to adult sizes to include the American alligator. (Finney & Osorio, 2018) Removal agents often report the capture individuals in excess of 10 feet in length. If this is possible, there is little doubt they are opportunistically consuming American crocodiles, a species that is currently listed as threatened according to the most recent list of animals

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protected by the Endangered Species Act of 1973. (U. S. Fish and Wildlife Service, 2019) The South Florida Water Management District which owns property throughout the region, has developed a removal program for the snakes. Since the program's inception in 2017, the numbers of animals removed has increased exponentially. The program has removed almost 25,000 pounds of snakes in two years. (South Florida Water Management District, 2019)



**SFWMD PYTHON ELIMINATION REPORT (SOUTH FLORIDA WATER MANAGEMENT DISTRICT, 2019)**

Other examples of the invasion of exotic species include the nutria (*Myocastor coypus*), which was imported from southern South America into the south Louisiana between 1899 and 1930 to establish the fur farm industry. (UDSA Wildlife Services, 2010) Escaped individuals took readily to the swampy conditions of southern coastal marshes and have since extended their range north as far as the Midwest. This exotic species is in direct competition for the niche once solely filled by the native muskrat (*Ondatra zibithicus*). This type of competition for niches has resulted in declining native populations in some areas and to the extinction of certain species. (Vitousek, 1988) (Simberloff, 2001)

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At times European starlings (*Sturnus vulgaris*) darken the sky over agricultural fields in Arkansas. In an effort to release every species of bird mentioned in Shakespeare's plays, Eugene Schieffelin imported and released 60 of these invasive exotic birds in New York's Central Park around 1890. (Zielinski, 2011) Now it is estimated there are over 200 million European starlings in the United States. A population of that size must have significant impact on the resources available

## HAZARDOUS SPECIES

The final concern I will address in this treatise is the escape of individuals or groups representing species that can pose an immediate threat of bodily injury or death to humans. Species that could potentially cause serious injury or death if a single individual escapes, regardless of likelihood, are treated in this group.

These would include large carnivores such as bears (*Ursus* spp.) and big cats (*Panthera* spp., *Puma concolor*) and venomous reptiles. It is extraordinarily rare, but occasionally people are mauled by wildlife that has escaped captivity or is able to reach the person because the enclosure in which the animal is contained is not sufficient to prevent contact between the human and the animal. This is one of the reasons animal enclosures are thoroughly addressed in the Arkansas Game and Fish Commission Code of Regulations. Subsection F of Section F1.03 (Appendix C) details enclosure requirements for all types of animals considered to be in this group.

Another group of animals that fall into this category are the venomous reptiles. Many venomous reptile bites in the United States result from the mishandling of animals. Approximately 7,000 to 8,000 people are bitten by venomous snakes each year in the United States, about 1 in 1,500 of those bites are fatal. (Centers for Disease Control and Prevention,

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2018). Most of the bites are by species native to the United States. As such, resources for treatment, such as antivenins are typically readily available; certainly in major metropolitan areas.

An added concern for wildlife conservation regulatory agencies in this area is the trade in exotic venomous species. The antivenins for these species are not as readily available in the United States. In many cases, species commonly represented in this market such as the manacled cobra (*Naja kaouthia*) and the mambas (*Dendroaspis* spp.) have venoms far more toxic to humans than native species. Also, some of the exotic species of venomous snakes are similar in appearance to nonvenomous species found in the United States (i.e. black mamba {*Dendroaspis polylepis*} v/s black racer {*Coluber constrictor*})



**BLACK MAMBA, VENOMOUS EXOTIC**



**BLACK RACER, NONVENOMOUS NATIVE**

This could create the potential for deadly confusion in the event of an escape of one of the venomous exotics similar in appearance to a harmless native when encountered by an unknowing subject.

These potentially dangerous situations are the reason escape contingency protocols are required of anyone who is permitted to keep species that fall within these two groups, whether the animals are native or nonnative (Appendix C). Animals in both groups are strictly permitted



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in an effort to keep a database containing information regarding the numbers and whereabouts of any species that may pose a public safety issue if escape occurs.

### CONCLUSION

The Arkansas Game and Fish Commission recently revamped its captive wildlife regulations, especially with regard to non-native species. The depth and breadth of study undertaken to fairly assess the regulations and to conscientiously vet all species that were perceived to potentially be introduced into the state through the pet trade market and other avenues was astounding. The list of animals considered by the current regulations is a fluid entity that will no doubt change on a regular basis, but the groundwork of regulations is solid.

Enforcement of these regulations will be fluid too. As Wildlife Officers encounter new situations, they will have to be innovative in the manner by which they handle each encounter in the field. Wildlife Officers will use the Arkansas Game and Fish Commission Code of Regulations as their guidelines to determine the proper course of action in each instance. The Code of Regulations delineates a system of penalties which are associated with each item in the code:

#### PENALTIES UPON CONVICTION

Unless otherwise noted, upon a person's conviction for violation of a Commission regulation, a court of competent jurisdiction shall be authorized to impose a monetary fine and jail sentence within the following penalty ranges:

Class 1 Offense – Fine of \$100 to \$1,000 and a jail sentence of 0 to 30 days

Class 2 Offense – Fine of \$250 to \$2,500 and a jail sentence of 0 to 60 days

Class 3 Offense – Fine of \$500 to \$5,000 and a jail sentence of 0 to 90 days

Class 4 Offense – Fine of \$750 to \$7,500 and a jail sentence of 0 to 180 days.

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Class 5 Offense - Fine of \$1,000 to \$10,000 and a jail sentence of 0 to 1 year.

(Arkansas Game and Fish Commission, 2019)

Because these captive wildlife regulations have the potential to impact Arkansas's natural resources so greatly, the majority of regulations in the section are Class 3 offenses.

Violation of multiple regulations or multiple violation of a single regulation will result in relatively serious penalties with regard to wildlife conservation regulations.

As has been demonstrated throughout this paper, the implications of violations of these vitally important regulations are far wider reaching than your every day average traffic offenses. Violations of these guidelines have the potential over time to make permanent changes to local ecosystems. When these changes add up, they create irreversible changes to our planet and to the lives of its inhabitants.

## APPENDICES

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### APPENDIX A

#### 09.14 NATIVE WILDLIFE PETS RESTRICTED

It is unlawful to possess native wildlife as pets except as follows:

(A) Native wildlife captured from the wild in Arkansas may be possessed as personal pets in compliance with the following restrictions:

(1) No more than six per household of any combination of the following animals may be possessed as pets:

(a) Hand-captured bobcat, coyote, gray fox, red fox, opossum, rabbit, raccoon and squirrel; and

(b) Deer that were captured by hand prior to July 1, 2012 may be retained until their death.

(c) Hand-captured native non-game wildlife other than birds, bats, alligator snapping turtles, ornate box turtles, hellbenders, Ouachita streambed salamanders, collared lizards, troglodytic species (cave dwellers), or those animals defined as endangered species.

(2) It is unlawful for any person to remove such wildlife or their offspring from Arkansas except under the terms of a permit that may be issued by the Chief of Wildlife Management to persons who are moving to another state and have presented proof from that state that it is legal to import the wildlife.

(3) The sale or transfer of ownership of such wildlife or their offspring is prohibited except as provided in (A) (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.

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(5) All adult deer kept in compliance with (A) of this regulation shall be confined within an enclosure that complies with the following requirements:

(a) Enclosures shall have a perimeter fence that is not less than eight 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 200 square feet for the first cervid and shall be increased in size 150 square feet for each additional cervid.

(6) Males and females of the same species 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 permitted by the Commission (39TCode 09.1239T) 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: No more than six per household of any commercially obtained, captive born native wildlife not listed in Addendum R1.01 may be possessed as personal pets in compliance with the following restrictions:

(1) 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.

(2) 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,

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address, and telephone number of the person from whom the wildlife was acquired shall be recorded. Owners shall provide these records to the Commission upon demand.

(3) Commercially obtained, captive born wildlife pets or their offspring shall only be sold in compliance with 39TCode 09.0739T.

(4) Males and females of the same species 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.

(5) 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 June 30, 2008, and are in compliance with all provisions of this regulation.

(6) Owners must immediately test all deer and elk that die in captivity for CWD and forward copies of test results to the Commission within seven days of receipt.

(7) All cervids kept in compliance with (B) of this regulation shall be confined within an enclosure that complies 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 200 square feet for the first cervid and shall be increased in size 150 square feet for each additional cervid.

(8) 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.

(C) It is unlawful for anyone to keep a native wildlife pet under inhumane or unhealthy conditions.

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(D) Beginning July 1, 2020, medically significant venomous reptiles allowed under this Code must be kept in accordance with Addendum F1.08, Sections C and F.

## APPENDIX B

## 09.02 POSSESSION OF NON-NATIVE WILDLIFE IN CAPTIVITY RESTRICTED

(A) It is unlawful to possess captive non-native wildlife not excepted under 39TCode 09.0139T or Addendum R1.01 unless the possessor can produce written documentation that such wildlife was legally obtained and has been certified by an accredited veterinarian to be free of diseases and parasites that may pose an adverse risk to native wildlife.

(B) It is unlawful for any person to possess mountain lions (*Puma concolor*) except in compliance with 39TCodes 09.0739T; 39T09.1339T. (C) It is unlawful to possess tigers, African lions and all species of bears not in compliance with Ark. Code Ann. §§20-19-501-511 or 39TCode 09.0739T.

(D) It is unlawful to keep non-native wildlife under inhumane or unhealthy conditions.

(E) All non-native 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.

(F) Males and females of the same species must be kept in separate enclosures, or if kept in the same enclosure, the owner shall provide proof that all males or all females within the enclosure have been neutered.

(G) 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,

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address, and telephone number of the person from whom the wildlife was acquired shall be recorded. Owners shall provide these records to the Commission upon demand.

(H) It is unlawful for any person to possess a primate except in compliance with Ark. Code Ann. §§20-19-601 through 20-19-610.

(I) Medically significant venomous reptiles must be kept in accordance with a Venomous Reptile Possession Permit (Code 09.17)

## APPENDIX C

Addendum Section F1.03 Subsection F (Facility and Caging Requirements):

All wildlife possessed under a Wildlife Breeder/Dealer Permit in Arkansas shall be maintained in a permanent enclosure, pen, or cage strong enough to prevent escape of the wildlife and protect them from injury. All wildlife shall be maintained in humane and healthy conditions. Birds must be kept in buildings or covered pens that prevent escape and that do not allow entry of wild birds. Enclosures 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 10 days or as specified by the Commission.

(1) Facilities containing large carnivores 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 from fire, wind, floods or other natural forces; animals attacking and/or injuring humans, and animals escaping enclosures.

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

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equipment which shall 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 tall shall completely surround cages where animals are housed or exercised outdoors. Perimeter fences 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 an 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 of equivalent strength as those prescribed for cage construction. Doors or gates in perimeter fences shall be locked when unattended.

(e) Cages shall be equipped with a lockout area that allows the keeper access 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 at least 9-gauge chain link or equivalent materials. In facilities containing mountain lions, cage construction materials shall consist of at least 11-gauge chain link or equivalent



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materials. Juvenile animals may be kept in incubation or rearing facilities not meeting these standards until they weigh more than 25 pounds.

(h) Cages containing a single African lion, tiger or bear shall have a cage floor at least 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 have a cage floor at least 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 chapter while being transported, while in veterinary care or while being quarantined provided 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 tall, topped by either: an inward-angled overhang at an angle between 35 and 55 degrees, which is at least 2 feet long and of equal strength as the cage walls; or, two strands of electric fencing, one of which is 1 foot below the top of the vertical wall, and the other at the top of the wall or the upper 3 feet of the interior of the fence consists of sheer, solid metal. Animals may not be left in exercise areas overnight. (Arkansas Game and Fish Commission, 2019)

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