

## **Requirements for Obtaining Scientific Collection Permits**

The Arkansas Game & Fish Commission (AGFC) is the State Agency charged by State Constitution Amendment No. 35 with "The control, management, restoration, conservation and regulation of birds, fish, game, and wildlife resources of the State." The Commission has adopted all Federal Regulations on migratory birds, songbirds, and birds of prey and has established seasons, bag limits and the manner of taking resident game, fish, and fur-bearing animals. Although various laws protect many species, the Commission does grant scientific collecting permits (pursuant to Commission Code 9.09 and Addendum F1.09) to qualified personnel of other State and Federal Agencies, biological consulting firms, educators, college students, and other individuals (on a case-by-case basis). A permit is necessary for collection of insects.

Collection of species designated as threatened or endangered under the Endangered Species Act of 1973, as amended, require a permit from the U.S. Fish and Wildlife Service. Permits for collection or handling of threatened or endangered species or those designated by AGFC as "Species of Greatest Conservation Need" will be granted only if the need is well justified. Note that "scientific collection" includes any research that involves capture of the animals, even if the animals are subsequently released. Activities that require no contact / capture with the animals do not require a scientific collection permit, unless doing such activities on state or federal lands, or it involves an activity that could be considered as harassment of an endangered species such as entering a cave during the bat hibernation season.

Examples are as follows: Wildlife watching, acoustic surveys, track plates, use of game cameras. Please contact 1-501-776-0218 Ext 2113 if you have questions regarding the permit.

### **I. Licenses / Permits and Fees Required**

Copies of any federal permits necessary for the collections should be carried along with Scientific Collection Permits. Permission and/or permits from other federal and state lands may be required, in addition to the scientific collection permit.

There is no fee for Scientific Collection Permits.

### **II. Permit Conditions**

- (A) **Qualified Personnel of Other State and Federal Agencies or local governments:** Such permits will be issued in the name of the agency's principal officer, a section leader, or the individual who will conduct the activity. If more than one individual in a department will be conducting the same type of collections, a single permit will be issued in the name of the section leader or administrator who supervises those collectors, and include each of the collectors as sub-permittees. It is imperative that the individual named on the permit understands that they are responsible for all collecting activities conducted under their permit by sub-permittees, and that they are responsible for all related reporting.

- (B) **Biological Consulting Firms:** Such permits will be issued in the name of the firm's principal officer, a section leader, or the individual who will conduct collection activities. If more than one individual in a department will be conducting the same type of collections, a single permit will be issued in the name of the section leader or administrator who supervises those collectors, and include each of the collectors as sub-permittees. It is imperative that the actual permit holder understands that they are responsible for all collecting activities conducted under their permit by sub-permittees, and that they are responsible for all related reporting.
- (C) **Educators:** Such permits will be issued in the name of the professor / instructor. The primary permit will be issued to the professor / instructor. Graduate students (or other researchers working independently under the auspices of the primary permittee) will be listed by AGFC on the permit as sub-permittees. Professors / instructors may allow class members to collect under a copy of their permit, clearly assigned for a specific time interval, and bearing the original signature of the primary permittee. Collection by class members in the presence of their instructor will not require permit copies assigned to each student. It is imperative that the professor / instructor is clear that they are responsible for all collecting activities conducted under their permit by sub-permittees and students, and that they are responsible for all related reporting.
- (D) **College Students:** Graduate students may opt to apply for independent permits if they are to assume their own reporting responsibility, rather than working as a sub-permittee under their major professor. Permit applications by students must be accompanied by a letter of reference by their major professor.
- (E) **Museum Curators:** Curators of taxonomic collections will not be required to hold a permit in order to accept specimens collected by permitted Scientific Collectors, but shall maintain record of the permit number under which said specimens were collected.
- (F) **Sub-permittees:** If the permit will be used to take threatened or endangered species, then only those individuals that have their own federal endangered species permit for that activity or are listed as a sub-permittee on someone else's federal endangered species permit should be listed as a sub-permittee on the AGFC Scientific Collection Permit application. Field technicians that will be under the direct and personal supervision at all times of someone with or covered by a federal endangered species permit should not be requested to be sub-permittees.

If the permit is for the take of Species of Greatest Conservation Need that are not threatened or endangered, then only those sub-permittees that will be working independently of the primary permit holder should be listed. Please provide background information on requested sub-permittees that will demonstrate their ability to work with this species without direct supervision of the primary permit holder. Field technicians that will be under the direct and personal supervision at

all times of a primary permit holder or sub-permittee should not be requested to be sub-permittees.

### **III. General Permit Procedures**

- (A) Complete an *Application for Scientific Collecting Permit* form, and include a scientific proposal or detailed justification, any required federal permits and curriculum vitae and submit it to the Arkansas Game & Fish Commission. Please allow 4 to 6 weeks for processing.
- (B) The expiration date of the permit will be twelve (12) months from the date of issue. Expiration dates for permits allowing collection of bats will be December 31<sup>st</sup>.
- (C) Upon expiration of the permit, but no later than sixty (60) days after the expiration date, the permittee shall submit to the Arkansas Game & Fish Commission a complete written or electronic report of all collections in a format provided by AGFC. If for some reason this is not possible, please contact Arkansas Game and Fish for notification. Annual reports shall include the location, date found, and description of any bat roosts found using radiotelemetry or other methods.

Note:

- a. No report is required for terrestrial insect collections unless they involve a species designated as endangered, threatened, or SGCN.
  - b. Aquatic Insect collections should be reported to the lowest practical taxonomic level and the report dues date can be extended upon request.
  - c. Bird banders can provide a copy of their federal report in lieu of these reporting requirements.
- (D) The permittee shall provide copies of all articles and publications arising from collections in Arkansas.
  - (E) Permit holders will allow AGFC staff the opportunity to accompany them during collecting trips.
  - (F) Permit Renewal: Permits are not technically renewable, as they must be reviewed by staff for each period. However, consecutive permits can be requested with a completed application form noting the number of the previous permit. Every effort will be made to process applications to maintain continuous coverage, provided reapplication is made at least thirty (30) days prior to permit expiration. A report of collections up to that point must accompany the request. Collections during the remaining 30-day period should be included in the following year's

report, if “renewal” is granted, or as an addendum submitted within sixty (60) days if permit is not “renewed.”

**IV. Electronic Communication and Reporting:**

- (A) We encourage submission of annual reports in electronic format.
- (B) We also encourage permit holders to provide an email address so AGFC can communicate with you rapidly regarding your permit.
- (C) The generic report form isn’t needed for bat collections and submission of mist netting data sheets and the Excel file for bat captures are required and can be found at [www.agfc.com](http://www.agfc.com).

**V. Additional Conditions**

- (A) AGFC’s scientific collecting permits are not transferable and can be revoked in writing by the Director. Activity conducted under authority of these permits must be for official business only. Any illegal violations on private and/or public lands may result in revocation of your collection permit. Permittee must have a manually signed copy of a scientific collecting permit(s) while conducting the activity authorized. Persons in violation of the terms of this permit, violation of the Commission Addendum, 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 20 days to respond. If, at the end of 20 days, just cause has not been given, the Commission may revoke any existing permit and refuse to issue any future permit. Permit suspension, revocation or refusal shall be in addition to any criminal charges that may be filed. Upon revocation, permit holder must legally remove all captive wildlife within the time designated in the revocation, not to exceed 60 days, and failure to do so shall result in the Commission taking action, per Commission policy, at the permit holder’s expense. The applicant must be at least 18 years old 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 5 years of the application date.
- (B) AGFC’s scientific collecting permits do not authorize:
  - 1. Permittee to trespass.
  - 2. The taking of migratory birds or nests and eggs thereof, unless accompanied by a permit to take the same, issued by the U S Fish & Wildlife Service.
  - 3. Any act which is a violation of 16 USC 1531-1534 *The Endangered Species Act of 1973* — or 50 CFR 17.117.52 — *Federal Regulations governing Endangered and Threatened Wildlife and Plants*.
- (C) Any activity conducted under authority of an AGFC Scientific Collecting Permit involving an endangered or threatened species is a violation of the Federal Law unless an appropriate permit has been issued by the U S Fish and Wildlife Service pursuant to 50 CFR 17.

- (D) Nets, traps, or other capture devices which are left unattended must be clearly marked with the name and permit number of the permittee.
- (E) No collections or samples may be taken by the use of chemicals, other substances, electro-shocking devices, or explosives unless specific exemptions are noted in the permit.
- (F) Exemptions from the electro-shocking device restriction may be made at the discretion of the Chief of Fisheries. If an exemption is granted, the permittee must notify the Fisheries Division Office, in writing, at least two weeks prior to using electro-shocking devices of the date (and alternate dates) and exact location of use.
- (G) Any Arkansas state agency involved in the collection of fishes for purposes of detecting the presence of hazardous materials, contaminants, or pollutants, or for purposes involving public health, may be exempted from the electro-shocking device restriction. Such exemptions may also be given to scientific researchers for specific projects requiring such collection. The permit holder must notify the Enforcement Supervisor in the nearest Regional Office to where the electro-shocking is to be done (at least 48 hours prior to the collection) of the date (and alternate dates) and exact location of collection.
- (H) The use of any lighting devices to aid in the taking of wildlife collections or samples is prohibited, unless specific exemptions are noted in the permit.
- (I) It is incumbent upon the individual collector to obtain appropriate permission to collect from the landowner, whether private or state/federal government. This includes approval of AGFC's Regional Wildlife Supervisor or District Fisheries Biologist prior to collection on Wildlife Management Areas or Commission-Owned Lands and Lakes, respectively.
- (J) All Scientific Collection Permittees shall provide secure housing of all wildlife removed from the wild as defined herein:
  - a. 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.
  - b. All native medically significant venomous reptiles must be kept in accordance with Addendum F1.08(C) and (F).
  - c. It is unlawful for anyone to keep animals under inhumane or unhealthy conditions.

**Additional information required along with the application: Copies of all applicable federal permits, Curriculum vitae and project proposal and/or justification.**

Failure to comply with any of the above shall be grounds for revocation of the Scientific Collection Permit and/or for refusing renewal of the permit. If specimens are killed, we encourage archiving them as preserved specimens in a recognized taxonomic collection.

**Related Codes. Please review Code Section 9 and addendum F of the AGFC Codebook of Regulations.**

### **9.09 Scientific Collection Permit Required**

It is unlawful to take wildlife for scientific study without possessing a valid Commission-issued Scientific Collection Permit in compliance with the permit requirements in Addendum [F1.09](#) and in accordance with state and federal regulations.

**PENALTY:** Class 3

#### **F1.09 Scientific Collection Permit Requirements**

- A. Permit Requirements: A Scientific Collection Permit may be issued to applicants complying with the following requirements:
  - A. The applicant must be at least 18 years old 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 5 years of the application date.
  - B. The applicant shall complete and submit a written application form provided by the Commission.
  - C. Special conditions may be applied to the Scientific Collection Permit as deemed necessary by Commission staff.
- B. The requested permit shall be denied if:
  - A. The applicant fails to meet any of the issuance criteria set forth in this Addendum chapter;
  - B. The applicant fails to disclose material information required, or makes false statements as to any material fact in connection with the application, or supplies false information or makes a false statement on the application;
  - C. The Commission finds, through further inquiry or investigation, the issuance of the permit may pose a significant risk to human health and safety, native fish and wildlife health or populations, or agriculture, or the proposed species cannot be safely confined in a humane manner; or
  - D. The applicant fails to provide a report for a previously issued permit.
  - E. The requested permit may be denied if the Commission finds through further inquiry or investigation that the proposed methods are not consistent with generally accepted scientific research practices or the proposed research would not significantly contribute to scientific knowledge.
- C. Caging and Facility Requirements: All Scientific Collection Permittees shall provide secure housing of all wildlife removed from the wild as defined herein:
  - A. 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.

- B. All native medically significant venomous reptiles must be kept in accordance with Addendum F1.08(C) and (F).
- C. It is unlawful for anyone to keep animals under inhumane or unhealthy conditions.
- D. Reporting: Holders of the Scientific Collection Permit shall submit legible, complete annual reports on forms provided by the Commission.
- E. Renewal, Transfer, Suspension and Revocation:
  - A. Permits may be revoked or suspended for failure to comply with the terms of the permit or with the terms of this Addendum Chapter.
  - B. Persons in violation of the terms of this permit, violation of the Commission Addendum, 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 20 days to respond.
  - C. If, at the end of 20 days, just cause has not been given, the Commission may revoke any existing permit and refuse to issue any future permit. Permit suspension, revocation or refusal shall be in addition to any criminal charges that may be filed.
  - D. Upon revocation, permit holder must legally remove all captive wildlife within the time designated in the revocation, not to exceed 60 days, and failure to do so shall result in the Commission taking action, per Commission policy, at the permit holder's expense.