



MARK WILLIAMS
COMMISSIONER

TED WILL
DIRECTOR

August 26, 2022

MEMORANDUM

TO: INTERESTED PERSONS AND ORGANIZATIONS

FROM: Ted Will

SUBJECT: **NOTICE AND SYNOPSIS OF PROPOSED RULE MAKING**

Notice is hereby given that, pursuant to authority contained in Title 27, Game and Fish (O.C.G.A. Secs. 27-5-2 and 27-5-4), the Board of Natural Resources proposes to promulgate rules updating the taxonomy and appending the list of wild animals for which a license or permit is required in O.C.G.A. Sec. 27-5-5. The proposed rules (copy attached hereto), when adopted, amends Chapter 391-4, Wildlife Resources, by creating a new Subject 391-4-8, Wild Animals.

SYNOPSIS AND MAIN FEATURES

The purpose of agency rules is to dispense its statutory authorities in carrying out assigned functions to conserve, manage, and protect the state's natural resources. The proposed rules reflect the need to update the taxonomy of wild animals for which a license or permit is required, append the list of wild animals for which a license or permit is required, prohibit certain species presenting a significant threat to native wildlife and natural resources, and for subsequent housekeeping purposes.

This notice and synopsis of the proposed rule, together with an exact copy of proposed rule, is being mailed to all persons who have requested in writing that they be placed on the mailing list and have tendered the actual cost of such mailing. Copies of all these documents are available by electronic mail and are available for review on the Wildlife Resource's Division web page (<https://georgiawildlife.com>). Please call (706-557-3223) or email (brett.albanese@dnr.ga.gov) Brett Albanese to request a copy.

Members of the public will have an opportunity to participate in a virtual public hearing on September 13th, 2022 at 7:00 PM. Instructions for the virtual public meeting will be publicly noticed through the website (<https://georgiawildlife.com/regulations/meetings>) and by direct electronic mail to those persons who have indicated an interest in regulations. Members of the public may comment on these proposals electronically by sending an email to WCScomments@dnr.ga.gov, through the Wildlife Resources Division website, by telephone (706-557-3223), or by submitting written statements by close of business on September 30, 2022. Written comments should be mailed to the attention of Brett Albanese at:

Department of Natural Resources
Wildlife Resources Division
2067 U.S. Highway 278, S.E.
Social Circle, Georgia 30025

The Board of Natural Resources will consider adoption of these proposals and any comments received during the public comment process at its meeting at 9:00 a.m. on October 25, 2022 at Fort McAllister State Park, Group Shelter, 3894 Fort McAllister Road, Richmond Hill, Georgia 31324. Please bring this notice to the attention of interested persons.

TW/jwb

Attachment: Proposed Rule

SUBJECT	PROPOSED CHANGE	CURRENT REGULATION	CHANGE	JUSTIFICATION
391-4-8-.01. Purpose and Scope				
	Explanatory statements describing the purpose and scope of the rules	None	New Rule	Provides understanding as to the purpose of the rules.
391-4-8-02. Definitions				
	Provides definitions for the terms, "Aquaria or tanks", "Tags", and "Wild Animal" necessary to clarify and ensure consistency across the Subject rules	None	New Rule	Provides clarification and consistency within the rules.
391-4-8-.03 Prohibited Wild Animals				
	Identifies species of wild animals that pose unnecessary risk to Georgia's wildlife and other natural resources and to the citizens of and visitors to this state and are thus prohibited.	None	New Rule prohibits 1 family of mammals, 2 bird species, 1 family, 2 genera, and 3 species of fishes, and 1 family, 1 sub-family, and 1 species of invertebrates.	Prohibiting live individuals of certain species is necessary when their risk to Georgia's wildlife and other natural resources and to the citizens of and visitors to this state cannot be minimized through the licensing or permitting process.
391-4-8-.04 Inherently Dangerous Wild Animals, License and Insurance Required				
	Identifies species of wild animals that are inherently dangerous to human beings and are subject to license or permit and insurance requirements.	None	New Rule updates taxonomy of existing wild animals in statute and supplements list to include all species in 1 family of mammals, 1 family of reptiles, 1 family and 2 genera of fishes, and 3 genera and 2 species of invertebrates.	Taxonomic updates clarify what species are regulated under the rule. Additional species that are inherently dangerous to human beings are added to the list for public safety.
391-4-8-.05 Wild Animals, License Required				
	Identifies species of wild animals that pose a threat to Georgia's wildlife and other natural resources and are subject to license or permit requirements.	None	New Rule updates taxonomy of existing wild animals in statute and supplements list to include 6 species of reptiles, 3 families and 1 genus of fishes, 9 families, 4 genera, and 2 species of invertebrates, and all freshwater or marine	Taxonomic updates clarify what species are regulated under the rule. Additional species that pose a possibility of harmful competition for wildlife, the introduction of a disease or pest harmful to wildlife, problems of enforcing laws and regulations relative to wildlife or threatening

SUBJECT	PROPOSED CHANGE	CURRENT REGULATION	CHANGE	JUSTIFICATION
			invertebrate wild animals not held in aquaria or tanks.	wildlife or other natural resources are added to the list to protect Georgia's wildlife and other natural resources.

**RULES
OF
GEORGIA DEPARTMENT OF NATURAL RESOURCES**

**CHAPTER 391-4
WILDLIFE RESOURCES**

**SUBJECT 391-4-8
WILD ANIMALS**

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391-4-8-.05	Wild Animals, License Required.

391-4-8-.01 Purpose and Scope.

The purpose of these rules is to update the list of wild animals provided in O.C.G.A. Sec. 27-5-5. Pursuant to O.C.G.A. Sec. 27-5-2, these rules maintain and supplement the list of wild animals requiring a license, insurance, or both and prohibit certain species. These rules include all species originally listed in O.C.G.A. Sec. 27-5-5 and species appended by the Board of Natural Resources.
Authority O.C.G.A. Sec. 27-5-2.

391-4-8-.02 Definitions.

Unless the context clearly requires otherwise, the following terms as used in this Subject have the following meanings:

(a) "Aquaria or tanks" means containers for holding freshwater or marine fishes or freshwater or marine invertebrates from which no water is discharged, except during periodic cleaning, and such discharged water is passed through a filtering system capable of removing all animals and eggs and is disposed of only in a septic tank permitted by the county or in a waste-water treatment system permitted by the Environmental Protection Division of the department. Further, aquaria, tanks, and related components shall be constructed, maintained, and located to contain such species under normal and adverse operating and environmental conditions.

(b) "Tag" means uniquely marked as determined by the department.

(c) "Wild animal" is as defined in O.C.G.A. Sec. 27-1-2(75).

Authority O.C.G.A. Sec. 27-5-2.

391-4-8-.03 Prohibited Wild Animals

(1) The following wild animals are considered a significant threat to wildlife or other natural resources and live individuals are prohibited.

(a) Mammals:

1. Order Carnivora: Family Herpestidae (mongooses) - All species;

(b) Birds:

1. Order Gruiformes: Family Rallidae (rails) - Porphyrio porphyrio (Purple Swamphen);
2. Order Psittaciformes: Family Psittacidae - Myiopsitta monachus (monk parakeet or Quaker parrot) except those individuals possessing monk parakeets or Quaker parrots under a wild animal license that is current on the effective date of this rule may continue to possess these animals according to their license conditions;

(c) Fishes:

1. Order Anabantiformes: Family Channidae (snakeheads)-All species;
2. Order Characiformes: Family Alestidae-Hydrocynus goliath (African tigerfish);
3. Order Cypriniformes: Family Xenocypridae:
 - (i) Genus Hypophthalmichthys (bighead and silver carps);
 - (ii) Mylopharyngodon piceus (black carp);
4. Order Perciformes: Family Latidae (lates perches): Genus Lates-All species;
5. Order Siluriformes: Family Siluridae (sheatfishes) - Siluris glanis (wels catfish);

(d) Invertebrates:

1. Order Myida: Family Dreissenidae (dreissenid mussels) – All species;
2. Order Stylommatophora: Family Achatinidae: Subfamily Achatininae (giant African land snails)-All species; and
3. Order Decapoda: Family Cambaridae (crayfishes)-*Procambarus virginalis* (marbled crayfish or “marmokrebs”).

Authority O.C.G.A. Sec. 27-5-2.

391-4-8-.04 Inherently Dangerous Wild Animals, License and Insurance Required

(1) The following wild animals are considered inherently dangerous to human beings and pursuant to O.C.G.A. Sec. 27-5-4 are subject to licensing and liability insurance requirements.

(a) Mammals:

1. Order Artiodactyla (even-toed ungulates):

(i) Family Bovidae (ruminant mammals):

(I) Genera Addax, Alcelaphus, Boselaphus, Connochaetes, Syncerus, and Taurotragus (addax, hartebeests, nilgai, gnu, wildebeests, African buffalo, elands, etc) - All species;

(II) *Bos sauveli* (kouprey);

(III) *Hippotragus niger* (sable);

(IV) *Oryx gazella* (gemsbok);

(ii) Family Hippopotamidae - *Hippopotamus amphibius* (hippopotamus);

(iii) Family Suidae: Genus *Phacochoerus* (warthogs) - All species;

2. Order Carnivora:

(i) Family Canidae: Genera *Canis*, *Chrysocyon*, *Cuon*, and *Lycaon* (wolves, jackals, dingos, etc.) - All species, except as provided in Rule 391-4-2-.16 for coyotes;

(ii) Family Felidae (cats) - All species;

(iii) Family Hyaenidae (hyenas) - All species;

(iv) Family Mustelidae - *Gulo gulo* (wolverine);

(v) Family Ursidae (bears) - All species;

3. Order Diprotodontia: Family Macropodidae (Kangaroos, wallabies, wallaroos, etc.) - All species;

4. Order Perissodactyla: Family Rhinocerotidae (rhinoceroses) - All species;

5. Order Proboscidea (elephants) - All species;

6. Order Primates:

(i) Family Hominidae: Genera *Gorilla*, *Pan*, and *Pongo* (Gorillas, Chimpanzees, Orangutan, etc.) - All species;

(ii) Family Hylobatidae (gibbons, siamangs, etc.) - All species;

(iii) Family Cercopithecidae: Genera *Macaca*, *Mandrillus*, *Theropithecus*, and *Papio* (macaques, mandrills, drills, and baboons) - All species;

(b) Reptiles:

1. Order Crocodylia (alligators and caimans, crocodiles, gharials)
- All species;

2. Order Squamata:

(i) Family Atractaspididae (mole-vipers or stiletto snakes) - All species;

(ii) Family Colubridae:

(I) Genera *Balanophis*, *Macropisthodon*, and *Rhabdophis* (keelbacks) - All species;

(II) Genus *Dispholidus* (boomslangs) - All species;

(III) Genus *Thelotornis* (twig snakes) - All species;

(IV) Genus *Thrasops* (bold-eyed tree snakes) - All species;

(iii) Family Elapidae - All species;

(iv) Family Helodermatidae (*Gila* monster and beaded lizards) - All species;

(v) Family Viperidae (vipers and pit vipers) - All species;

(c) Fishes:

1. Order Characiformes: Family Serrasalminidae: Subfamily Serrasalminae (pirhanas) - All species;

2. Order Gymnotiformes: Family Gymnotidae (gymnotid eels): Genus *Electrophorus* - All species;

3. Order Myliobatiformes: Family Potamotrygonidae (American stingrays) - All species;

4. Order Perciformes:

i. Family Synanceiidae (stonefishes): Genus *Synanceia* - All species;

ii. Family Trachinidae (weeverfishes) - All species;

5. Order Siluriformes: Family Trichomycteridae (*candirus*, etc.): Genus *Vandellia* - All species;

6. Species listed in subparagraphs (c)2 and (c)4 and held in aquaria or tanks in Georgia before the effective date of this rule

may be possessed, sold, transported or transferred for a 12-month period following the effective date of this rule;

(d) Invertebrates:

1. Order Scorpiones:

(i) Family Buthidae:

(I) Genus Androctonus (fattail scorpions) - All species;

(II) Genus Centruroides (bark scorpions) - All species;

(III) Genus Parabuthus (burrowing thicktailed scorpions – All species;

(IV) Leiurus quinquestriatus (deathstalker); and

(ii) Family Scorpionidae - *Opisthophthalmus glabrifrons* (yellow-legged creeping scorpion).

Authority O.C.G.A. Secs. 27-5-2 and 27-5-4.

391-4-8-.05 Wild Animals, License Required

(1) The following wild animals are subject to licensing requirements pursuant to O.C.G.A. Sec. 27-5-4.

(a) Mammals

1. Order Afrosoricida (golden moles, tenrecs) – All species;

2. Order Artiodactyla (even-toed ungulates) - All species except *Bison bison* (buffalo), *Bubalus bubalus* (water buffalo), Genus *Lama* (llamas), and Genus *Vicugna* (alpaca);

3. Order Carnivora (weasels, ferrets, cats, bears, wolves, etc.) - All species, except that European ferret (*Mustela putorius furo*) may be sold, purchased, exhibited, or held as a pet without a license or permit; provided, however, that the ferret owner has in possession valid documentation that each ferret was sexually neutered prior to seven months of age and is vaccinated against rabies with a properly administered vaccine approved for use on ferrets by the United States Department of Agriculture;

4. Order Chiroptera (bats) - All species;

5. Order Cingulata (armadillos, etc.) - All species;

6. Order Dermoptera (flying lemurs) - All species;

7. Orders Diprotodontia and Peramelemorphia (Marsupials) - All species except that *Petaurus breviceps* (sugar glider) may be sold, purchased, exhibited, or held as a pet without a license or permit if the owner thereof possesses valid documentation that the animal originated from a source inspected and regulated by the United States Department of Agriculture;

8. Order Erinaceomorpha (hedgehogs) - All species;

9. Order Hyracoidea (conies) - All species;

10. Order Lagomorpha (Rabbits, hares, etc) - All species;

11. Order Macroscelida (elephant shrews) - All species;

12. Order Perissodactyla (odd-toed ungulates) - All species;

13. Order Pholidota (pangolins, scaly anteaters, etc.) - All species;

14. Order Pilosa (sloths, etc.) - All species;

15. Order Primates (monkeys, apes, etc) - All species;

16. Order Rodentia (rats, mice, etc.) - All species except Genera *Cavia*, *Chinchilla*, *Gerbillus*, *Meriones*, *Mesocricetus*, and species *Mus musculus*, *Rattus rattus*, and *Rattus norvegicus*;

17. Order Sirenia (manatees, dugongs) - All species;

18. Order Scandentia (tree shrews) - All species;

19. Order Soricomorpha (shrews, moles, etc) - All species;

20. Order Tubulidentata (aardvark) - All species;

(b) Birds:

1. Order Accipitriformes (Hawks, eagles, hawk-eagles, sea-eagles, harriers, osprey, Old World vultures, and kites) - All species;

2. Order Cathartiformes (New World vultures and condors) - All species;

3. Order Cuculiformes: Family Cuculidae (cuckoos) - All species;

4. Order Falconiformes (Forest-falcons, falcons, and caracaras) - All species;

5. Order Galliformes: Family Phasianidae (turkeys) - Genus *Meleagris*;

6. Order Passeriformes:

- (i) Family Alaudidae (larks) - *Alauda arvensis* (Eurasian sky lark);
 - (ii) Family Corvidae (crows, ravens, etc.) - All species;
 - (iii) Family Emberizidae (Old World buntings, etc.) - *Emberiza citrinella* (yellow hammer);
 - (iv) Family Icteridae (New World blackbirds, grackles, orioles, etc.): Genera *Molothrus*, *Quiscalus*, and *Agelaius* - All species;
 - (v) Family Ploceidae (sparrows, weavers, queleas, weaver finches, etc.):
 - (I) Genus *Passer* — All species except *Passer domesticus* (English house sparrow);
 - (II) *Ploceus capensis* (cape weaver);
 - (III) *Ploceus philippinus* (Baya weaver);
 - (IV) Genus *Quelea* - All species;
 - (vi) Family Pycnonotidae (bulbuls) - All species;
 - (vii) Family Turdidae (thrushes, Old World blackbirds, fieldfare, etc.): Genus *Turdus* - All species;
 - (viii) Family Zosteropidae (white eyes): Genus *Zosterops* - All species;
 - (ix) Family Estrildidae (waxbills, ricebirds, munias, etc.) - *Padda oryzivora* (Java sparrow);
 - (x) Family Sturnidae (starlings, mynas, etc.) - All species, except *Sturnus vulgaris* (starling) and *Gracula religiosa* (Hill mynas);
7. Order Strigiformes (owls) - All species;
8. The species listed in subparagraphs (b)1., (b)4., and (b)7. may be possessed by individuals having a valid Georgia falconry license or permit without obtaining a wild animal license;

(c) Reptiles:

- 1. Order Squamata:
 - (i) Family Pythonidae - *Python molurus* (Indian rock python);
 - (ii) Family Pythonidae - *Python bivittatus* (Burmese python);
 - (iii) Family Teiidae - *Salvator merianae* (Argentine black-and-white tegu);
 - (iv) Family Varanidae - *Varanus niloticus* (Nile monitor);
- 2. Order Testudines:

(i) Family Pelomedusidae - Pelomedusa subrufa (African helmeted turtle);

(ii) Family Trionychidae (softshell turtles) - Pelodiscus sinensis (Chinese softshell turtle);

3. The species listed in subparagraph (c) shall only be licensed for scientific, educational, or public exhibition purposes consistent with O.C.G.A. Sec. 27-5-4; provided, however, that such species possessed on or before the effective date of this rule may be held as a pet without a license or permit provided that the owner tags and registers all individuals with the Georgia DNR Law Enforcement Division within 12 months following the effective date of this rule;

(d) Amphibians:

1. Order Anura: Family Bufonidae (true toads): Genus Rhinella (cane toads) - All species;

(e) Fishes:

1. Order Osteoglossiformes: Family Arapaimidae (Arapaimas) - All species;

2. Order Characiformes:

(i) Family Characidae (characins) - Psalidodon fasciatus (banded Astyanax);

(ii) Family Erythrinidae (trahiras) - All species;

3. Order Cypriniformes:

(i) Family Xenocyprididae (east Asian minnows) - Ctenopharyngodon idella (grass carp);

4. Order Siluriformes:

(i) Family Clariidae (airbreathing catfishes) - All species;

(ii) Family Heteropneustidae (airsac catfishes, giant walking catfishes) - All species;

(iii) Family Sisoridae (sisorid catfishes): Genus Bagarius (goonch catfishes) - All species;

5. Order Synbranchiformes: Family Synbranchidae (swamp eels) - All species;

6. All exotic fishes which are not held in aquaria or tanks. This includes any fish species meeting the definition of wild animals. This subparagraph shall not apply to any species of fish regulated by any rule in this Subject, to domestic fish as defined in 27-1-2(23), or by any other Georgia law;

7. Species listed in subparagraphs (e)1, (e)2(ii), (e)4(iii), and (e)5 and held in aquaria or tanks in Georgia before the effective date of this rule may be possessed, sold, transported, or transferred for a 12-month period following the effective date of this rule;

(f) Invertebrates:

1. Order Architaenioglossa:

(i) Family Ampulariidae: Genus Pomacea (apple snails) - All species;

(ii) Family Viviparidae: Genus Cipangopaludina (asian mystery snails) - All species;

2. Order Decapoda:

(i) Family Astacidae (crayfishes) - All species;

(ii) Family Cambaridae (crayfishes) - All species, except that *Cambarellus* spp., *Procambarus clarkii* (red swamp crayfish), and *Procambarus zonangulus* (White River crayfish) may be sold, purchased or possessed without a license or permit;

(iii) Family Cambaroididae (crayfishes) - All species;

(iv) Family Parastacidae (crayfishes) - All species;

(v) Family Penaeidae (penaeid shrimps) - All species, except that dead penaeid shrimps may be possessed without a license when purchased for human consumption;

3. Order Littorinimorpha; Family Tateidae: – *Potamopyrgus antipodarum* (New Zealand Mud Snail);

4. Order Neogastropoda: Family Nasseridae – *Anentome helena* (assassin/bumblebee snail);

5. Order Unionida:

(i) Family Etheriidae (etheriid mussels) - All species;

(ii) Family Hyriidae (hyriid mussels) -All species;

(iii) Family Iridinidae (iridinid mussels) - All species;

(iv) Family Mycetopodidae (Mycetopodid mussels) - All species;

(v) Family Unionidae: Genera Anodonta and Sinanodonta (pond mussels) - All species;

6. All freshwater and marine invertebrate wild animals which are not held in aquaria or tanks. This subparagraph shall not apply to any species of invertebrate regulated by any other rule in this Subject;

7. Species listed in subparagraphs (f)1, f)2, f)3, f)4, or f)5 and held in aquaria or tanks in Georgia before the effective date of this rule may be possessed, sold, transported or transferred for a 12-month period following the effective date of this rule; and

8. The species listed in subparagraph (f)1 shall only be licensed for scientific purposes consistent with O.C.G.A. Sec. 27-5-4.

Authority O.C.G.A. Secs. 27-5-2 and 27-5-4.