

Caroline Cone
Chief of Staff and Deputy Director



Chris Colclasure
Assistant Deputy Director

Arkansas Game and Fish Commission

Pat Fitts
Director

James F. Goodhart
General Counsel
John P. Marks
Sr. Assistant General Counsel
Phone: 501-223-6327

Christian N. Parks
Assistant General Counsel
Andrew Whitley Cox
Assistant General Counsel
Fax: 501-223-6463

June 15, 2018

Ms. Jami Triplett
Arkansas Secretary of State
Rules & Regulation Filing
500 Woodlane Drive, Room 26
Little Rock, AR 72201
Via email only: register@sos.arkansas.gov

RE: Legal Notice for Proposed Rules or Regulations

Dear Ms. Triplett:

Attached please find for filing and immediate publication on the Secretary of State's website the following:

Legal Notice for upcoming Commission Meeting to be held on July 19, 2018, which will run in the Arkansas Democrat-Gazette on June 17, 18, and 19, 2018.

Attached also are the proposed rules or regulations to be reviewed by the Commission at the upcoming meeting.

Should you have any questions or comments concerning this filing, please do not hesitate to contact me at (501) 223-6327 at your convenience.

Sincerely,

A handwritten signature in black ink that reads "Jim Goodhart".
James F. Goodhart
General Counsel

Cc: Ms. Barbara Brown, Bureau of Legislative Research
brownb@blr.arkansas.gov

2 Natural Resources Drive • Little Rock, AR 72205 • www.agfc.com
Phone (800) 364-4263 • (501) 223-6300 • Fax (501) 223-6448

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.

LEGAL NOTICE

The regular monthly meeting of the Arkansas Game and Fish Commission will be held beginning at 10:00 a.m. Thursday, July 19, 2018, at the Batesville Community Center and Aquatics, 1420 20th Street, Batesville, AR. 72501. At that time, regulations and business pertaining to the operation of the Game and Fish Commission and other fiscal and administrative matters will be considered and acted upon, and all interested persons are invited to attend. No Committee meetings will be held on Wednesday, July 18, 2018.

Items on the agenda for the July 19, 2018, 10:00 a.m. meeting will include adoption of proposed regulations that previously were considered at the June 20 and 21, 2018, Commission Meetings, plus consideration of various Hunting and Fishing Regulations and regulations pertaining to the Enforcement Division of the Arkansas Game and Fish Commission, including but not limited to:

2018-19 Fishing Regulations – Consider proposals of general fishing regulations, to become effective on January 1, 2019, including, but not limited to:

- Remove the restriction on Common Carp use as baitfish on Dierks and DeQueen Lakes;
- Extend the Special Commercial Fishing Season on Bois d'Arc Lake to include two extra months;
- Establish a limited winter commercial fishing season on Horseshoe Lake;
- Remove the 16-21 inch protective slot limit for Largemouth Bass on Tommy L. Sproles Lake Pickthorne;
- Addition of Giant Floater (*Pygandon grandis*) to Aquaculture Clean List;
- Restrict Largemouth Bass harvest on Lake Austell to one fish over 20 inches with a statewide creel limit of 10 total;
- Restrict Largemouth Bass harvest on Lake Dunn to one fish over 20 inches with a statewide creel limit of 10 total;
- Remove the special 50 fish daily creel limit for crappie on Horseshoe Lake, and return to the statewide creel limit of 30 fish per day;
- Continue Lake Chicot special commercial fishing season during the months of November and December each year until no longer needed;
- Extend Old River Lake special commercial fishing season during the months of December through February each year until no longer needed;
- Add the White Hall Community Pond and Arkansas State University Pond to the Community Fishing Program Restrictions;
- Reduce Lake Chicot sportfish daily creel limits to half during 2019 drawdown;
- Reduce sportfish daily creel limits for Lake June during refilling after renovation;
- Prohibit possession of live Asian carp;
- Close commercial fishing on Grand Lake; and
- Restrict Cypress Bayou WMA, Black Swamp WMA, and Pinetree WDA ponds to rod and pole fishing only.

Aquatic Turtle Regulations – Consider petition from third parties requesting amendments to certain regulations, and repeal of others, in AGFC Code Chapter 34.00– Aquatic Turtle Regulations to prohibit commercial harvesting of all aquatic turtles in the state, to become effective immediately.

All persons wishing to be heard on these subjects should submit comments in writing to this office before the start of the July 19, 2018, meeting (preferably by 4:30 p.m. on the day before). Any request to make an oral presentation at the meeting should be submitted in writing to this office on or before July 9, 2018. Copies of any proposed rules or regulations may be obtained at the Arkansas Game and Fish Commission main office, at www.agfc.com, or through a written request mailed to the address below.

PAT FITTS, DIRECTOR
Arkansas Game & Fish Commission
Game & Fish Commission Building
2 Natural Resources Drive
Little Rock, Arkansas 72205

**SUMMARY FOR COMMITTEE ITEM
2019 Fishing Regulations – Staff Proposals**

Committee: Regulations Committee

Date: April 18, 2018

Title: 2019 Fishing Regulations – Staff Proposals

Explanation:

Fisheries Division staff is considering the following proposals for 2019 Fishing Regulations. These proposals include items that were brought forward by AGFC staff, and members of the public, and have been reviewed by Fisheries Division staff. Public comment on the proposals will be accepted via email, letters, telephone calls and an online survey on the AGFC website during May. The Fisheries Division will report results of the public comments at the July Regulations Committee meeting. A list of staff recommended regulation changes for 2019 will be presented at the July Regulations Committee meeting and Commission meeting. Staff will present a final regulation package for Commission approval during the August Commission Meeting.

Prepared by: Jason Olive
Assistant Chief of Fisheries Management, Region 2

Proposed Fisheries Regulations for implementation January 1, 2019

1. Remove the restriction on Common Carp use as baitfish on Dierks and DeQueen Lakes

Common Carp are already present in high numbers in these lakes, so this restriction is no longer needed.

2. Extend the Special Commercial Fishing Season on Bois d'Arc Lake to include two extra months

Bigmouth Buffalo entered the lake during a high water event following the 2006 renovation. A two month commercial season has been somewhat successful at removing some buffalo from the lake. Commercial fishers believe they could do even more if given more opportunity. The need still exists for removal of these rough fish to improve sport fish populations, so staff is proposing to add the months of November and December, in addition to the current January-February season.

3. Establish a limited winter commercial fishing season on Horseshoe Lake

During winter experimental gill netting (2015-2016) buffalo comprised 43% of the catch by weight. Asian carp have been documented in the lake since spring 2016 and are starting to cause problems with boaters. Allowing commercial harvest will help allocate more resources toward sport fish and reduce Asian carp numbers in the lake. The season would run from November 1 through February 28.

4. Remove the 16-21 inch protective slot limit for Largemouth Bass on Tommy L Sproles Lake Pickthorne

Years of population sampling since the implementation of this regulation have shown that this lake is not suitable for trophy bass management. Removal of the slot limit will allow more opportunities for angler harvest.

5. Addition of Giant Floater (*Pygandon grandis*) to Aquaculture Clean List

This species is native to the Arkansas and Mississippi River Basin. It is considered to be one of the least threatened species and is naturally found in many aquaculture ponds.

6. Restrict Largemouth Bass harvest on Lake Austell to one fish over 20 inches with a statewide creel limit of 10 total

Currently the two small lakes within Village Creek State Park, Austell and Dunn, have different regulations for Largemouth Bass. Austell has a 13-16 inch protected slot limit and Dunn has no special length restriction. In the interest of simplifying regulations and maximizing the trophy bass potential that both of these lakes have shown, we are proposing to implement a one bass over 20 inches restriction with a statewide daily creel limit of 10 for both lakes.

7. Restrict Largemouth Bass harvest on Lake Dunn to one fish over 20 inches with a statewide creel limit of 10 total

Currently the two small lakes within Village Creek State Park, Austell and Dunn, have different regulations for Largemouth Bass. Austell has a 13-16 inch protected slot limit and Dunn has no special length restriction. In the interest of simplifying regulations and maximizing the trophy bass potential that both of these lakes have shown, we are proposing to implement a one bass over 20 inches restriction with a statewide daily creel limit of 10 for both lakes.

8. Remove the special 50 fish daily creel limit for crappie on Horseshoe Lake, and return to the statewide creel limit of 30 fish per day

Crappie population samples from 2014-2016 revealed annual mortality estimates ranging from 57 to 75 percent. Percent of crappie in the sample over 10 inches never exceeded 12% and percent of crappie in the sample age 3.5 or older never exceeded 9%. Mortality needs to be reduced to improve the average size of crappie available to anglers in this highly fertile lake.

9. Continue Lake Chicot special commercial fishing season during the months of November and December each year until no longer needed

Silver Carp have been a hazard in Lake Chicot for a number of years. A special commercial fishing season was held on Lake Chicot in 2017 from November 1-December 31 to reduce the number of Silver Carp. A total of 62,736 pounds of Silver Carp were removed. We are proposing to extend this special commercial season until the Silver Carp population has been decimated.

10. Extend Old River Lake special commercial fishing season during the months of December through February each year until no longer needed

Asian Carp have been noted in this waterbody, and this season would facilitate removal of some of this biomass along with other common commercial species. All carp species and all rough fish, excluding Alligator Gar that are caught must be removed from the lake. Commercial fisherman must register with the district biologist before fishing the lake and submit monthly catch records. A successful season was conducted this past winter.

11. Add the White Hall Community Pond and Arkansas State University Pond to the Community Fishing Program Restrictions

The City of White Hall is located in Jefferson County Arkansas and functions as a suburb of Pine Bluff. In the past, the Family and Community Fishing Program maintained two stocking locations in Jefferson County but currently only one location exists due to infrastructure issues. Adding the White Hall Pond location will increase the opportunity for Jefferson County residents. Likewise, in Jonesboro, AR there is currently only one Family and Community Fishing Program location in and it is age restricted with fishing open to youths or age 65 and older. More angling opportunities will be available in the City of Jonesboro and to the 14,000 plus college students by adding the Arkansas State University Pond location to the Community Fishing Program Restrictions.

12. Reduce Lake Chicot sportfish daily creel limits to half during 2019 drawdown

Public meetings were held in February and March of 2017 to develop a Lake Chicot Fishery Management Plan. One of the objectives in the Lake Chicot Management Plan is to conduct a drawdown on the lake every 5 years. The next scheduled drawdown is in 2019. Daily creel limit for all sportfish on Lake Chicot would be half the normal Lake Chicot daily limit (no limit on channel catfish) during the drawdown (July 9 – December 31, 2019). This has been done each time Chicot has been drawn down and is well received by the public as a measure to prevent over-harvest.

13. Reduce sportfish daily creel limits for Lake June during refilling after renovation

Upon completion of the renovation of Lake June in 2018, and subsequent refilling and restocking in 2019, we wish to limit harvest until sport fish populations can reach self-supporting levels. We are proposing a daily limit for Channel Catfish of 5, and catch and release only for Largemouth Bass, crappie, and bream for 2019.

14. Prohibit possession of live Asian carp

Silver Carp, Bighead Carp and Black Carp are considered injurious species by the USFWS. The Lacey Act, as previously applied, prevented interstate movement of these species. However, a recent court ruling further defined the Lacey Act and this prohibition was removed and therefore no longer applies to injurious species. These species are also increasing their range and doing harm to our native species. This rule will help keep the potential relocation of these species at a minimum. By prohibiting possession of these species as live individuals, interstate movement will fall under the Lacey Act again.

15. Close commercial fishing on Grand Lake

The Channel Catfish population on Grand Lake was sampled by tandem baited hoop nets in 2016 and 2017. The catch rates were 7.6/ net series in 2016 and 0.9/net series in 2017. The state average is 7.6/ net series. The lake is currently open to slat trap fishing from November through March. The current tandem baited hoop net data suggest that this population cannot currently support a commercial fishery.

16. Restrict Cypress Bayou WMA, Black Swamp WMA, and Pinetree WDA ponds to rod and pole fishing only

These small WMA ponds receive heavy public use and annual stockings of catchable channel catfish. Restricting the fishing tackle to rod and pole only will help prevent overharvest and make regulations consistent throughout WMA ponds in the region.

Petition from third parties

Close all commercial aquatic turtle harvest in Arkansas

The Commission received a petition from third parties on September 25, 2017 requesting regulation changes to close all commercial aquatic turtle harvest in Arkansas. This proposed rulemaking was submitted pursuant to Arkansas Code Section 25-15-204(d) and is requesting amendments to certain regulations, and repeal of others, in AGFC Code Chapter 34.00 – Aquatic Turtle Regulations to prohibit commercial harvesting of all aquatic turtles in the state.