

# ARKANSAS REGISTER

## Transmittal Sheet Use only for FINAL and EMERGENCY RULES



Secretary of State

**John Thurston**

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[www.sos.arkansas.gov](http://www.sos.arkansas.gov)



For Office

Use Only:

Effective Date \_\_\_\_\_ Code Number \_\_\_\_\_

Name of Agency \_\_\_\_\_

Department \_\_\_\_\_

Contact \_\_\_\_\_ E-mail \_\_\_\_\_ Phone \_\_\_\_\_

Statutory Authority for Promulgating Rules \_\_\_\_\_

Rule Title: \_\_\_\_\_

**Intended Effective Date**  
(Check One)

**Date**

- |  |                                       |       |
|--|---------------------------------------|-------|
| <input type="checkbox"/> Emergency (ACA 25-15-204)                                     | Legal Notice Published .....          | _____ |
| <input type="checkbox"/> 10 Days After Filing (ACA 25-15-204)                          | Final Date for Public Comment .....   | _____ |
| <input type="checkbox"/> Other _____<br>(Must be more than 10 days after filing date.) | Reviewed by Legislative Council ..... | _____ |
|  | Adopted by State Agency .....         | _____ |

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Contact Person

E-mail Address

Date

### CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted

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In Substantial Compliance with Act 434 of 1967 the Arkansas Administrative Procedures Act. Pursuant to 2011 decision rendered by the Pulaski County Circuit Court and 2000 opinion by the Arkansas Attorney General, the rulemaking requirements in the Arkansas Administrative Procedures Act cannot be constitutionally applied to the AGFC. Nevertheless, the AGFC does substantially comply with the rulemaking provisions under Ark. Code Ann. section 25-15-204 for public notice, opportunity for comment, and filing of all regulations adopted by the Commission.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
E-mail Address

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

## 26.21 Yo-Yo, Freefloating, Trotline, Setline And Limbline Fishing Requirements

It is unlawful for a person to:

- A. Fish more than 30 yo-yos or other mechanical fishing devices or to leave such unattended (out of sight or hearing) during daylight hours;
- B. Suspend more than one yo-yo or mechanical fishing device from any horizontal line, wire, limb or support;
- C. Use a stake to mount a yo-yo, limbline, or mechanical fishing device on a Commission-owned lake unless the stake is made from wood or cane;
- D. Fail to remove any mounting stake placed in a Commission-owned lake after the stake is no longer in use for fishing;
- E. Fish in excess of 20 freefloating fishing devices (jugs) and to fail to attend such devices at all times;
- F. Use trotlines, setlines and limbelines with drops or hooks less than 24 inches apart statewide;
- G. Use any trotline or snagline below any lock and dam on the Arkansas River from the dam to the nearest arrival point navigation marker downstream;
- H. Fail to run any line and remove catch daily; or
- I. Fish any more than 100 hooks at any time between the main levees of the Mississippi River (Code [26.08](#)).

All fishing devices must be clearly labeled, in a durable manner with one of the following:

- A. the name and address;
- B. driver's license number; or
- C. current vehicle license plate number of the person using such equipment.

### EXCEPTIONS:

- A. Freefloating Fishing Devices are not required to be attended from sunset to sunrise.
- B. Trotlines that otherwise comply with the provisions of this regulation may be used on Lake Maumelle, except in areas where signs prohibiting use of trotlines are posted by the Commission or Central Arkansas Water Authority.
- C. Limbines may not be used within the boundaries of Buffalo River National Park.

**PENALTY:** Class 1

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

MINUTE ORDER NO: 20-018 SUBJECT: 2020 Regulations Review Project  
DATE PASSED: May 21, 2020 Approval  
PAGE 1 of 1 PAGES LOCATION: Statewide

**WHEREAS,** the Arkansas Game and Fish Commission and its staff have proposed the attached regulations for the 2020-2021 Hunting Seasons and the 2020 Fishing Year, along with several miscellaneous updates to the AGFC Code of Regulations; **and**

**WHEREAS,** the attached regulations have been communicated through a variety of media avenues to sportsmen and the general public throughout the state for review and comment for at least the past 30 days; **and**

**WHEREAS,** after carefully considering the recommendations of the Director and Commission staff, as well as comments received from the public, the Commission has determined that the attached regulations promote sound wildlife conservation and management and are consistent with Amendment 35 of the Arkansas Constitution, and that these regulations should now be approved for application statewide.

**NOW, THEREFORE, BE IT ORDERED** this 21st day of May 2020, that the Arkansas Game and Fish Commission hereby approves and adopts the attached regulations, which shall become effective immediately upon public filing or as soon thereafter as possible.

**BE IT FURTHER ORDERED** that the Commission staff is authorized to proceed with legally certifying and filing the attached regulations with the Secretary of State, State Library, and Bureau of Legislative Research, and incorporating them into the Commission Code Book and Addendum.

	<u>STAFF APPROVAL</u>	<u>COMMISSION APPROVAL</u>
Submitted by:	<u>Chris Racey</u> Deputy Director	<u>Ken Reeves</u> by C.C. <u>Stan Jones</u> by C.C. Chairman Commissioner
Division:	<u>Administration</u>	<u>Andrew Parker</u> by C.C. <u>J. D. Neeley</u> by C.C. Vice Chairman Commissioner
Approved:	<u>[Signature]</u> Director	<u>Joe Morgan</u> <u>Anne Marie Doramus</u> Commissioner Commissioner by C.C.
Approved:	<u>Legal</u>	<u>Bobby Martin</u> by C.C. Commissioner
Approved:	<u>Fiscal</u>	

**FINANCIAL/ECONOMIC IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**  
(Attach additional pages if needed)

**DEPARTMENT:** Arkansas Game and Fish Commission  
**DIVISION:** Administration  
**PERSON COMPLETING THIS STATEMENT:** Chris Racey  
**TELEPHONE #:** 501-978-7336  
**EMAIL:** chris.racey@agfc.ar.gov  
**SHORT TITLE OF THIS RULE:** 2020 Regulations Review Project.

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?  
Yes: **X** No:
2. Do you believe that the development of a financial impact statement is so speculative as to be cost prohibitive? Yes: No: **X** If "Yes", please explain:
3. If the purpose of this rule is to implement a **federal** rule or regulation, please give the incremental cost for implementing the regulation. Please indicate if the cost provided is the cost of the program.

<u>Current Fiscal Year</u>		<u>Next Fiscal Year</u>	
General Revenue	\$	General Revenue	\$
Federal Funds	\$	Federal Funds	\$
Cash Funds	\$	Cash Funds	\$
Special Revenue	\$	Special Revenue	\$
Other (Identify)	\$	Other (Identify)	\$
Total	\$	Total	\$

4. What is the total estimated cost by fiscal year to any **party** subject to the proposed, amended, or repealed rule? (Estimated cost includes fees, administrative penalties, reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs associated with compliance.) Identify the **party** subject to the proposed rule, and explain how they are impacted.

**Current Fiscal Year:** NA **Next Fiscal Year:** Unknown

Party Subject to Rule: Hunters, Anglers, Trappers, Commercial Baitfish Dealers

Effect on Party Subject to Rule: Generally, this is a positive effect as the proposed regulations simplify, clarify or reduce regulatory barriers.

5. What is the total estimated cost by fiscal year to the **agency** to implement this rule? Explain the financial benefit to the agency from implementing this rule.

**Current Fiscal Year:** \$N/A **Next Fiscal Year:** \$0

Financial Benefit to Agency: Past reducing enforcement effort in some areas, there is little financial benefit to the agency. The benefit is largely social in nature, by providing less regulation complexity for our users and staff.

6. Do alternative means exist for accomplishing the objectives of the rules that might be less burdensome to small business? Yes: No: **X**

Why were such alternatives not proposed: N/A

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



Chris Colclasure  
Deputy Director

## Arkansas Game and Fish Commission

Pat Fitts  
Director

Chris Racey  
Deputy Director

James F. Goodhart  
General Counsel

Christian N. Parks  
Assistant General Counsel

John P. Marks  
Sr. Assistant General Counsel  

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Rob Brown  
Assistant General Counsel  

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Fax: 501-223-6463

May 28, 2020

Ms. Kayla Sansom, Rules & Regulation Filing  
Office of the Arkansas Secretary of State  
500 Woodlane Drive, Room 26  
Little Rock, AR 72201

RE: Arkansas Game and Fish Commission Regulation Adopted on May 21, 2020

Dear Ms. Sansom:

Attached please find a link to the 93 regulations approved by the Arkansas Game and Fish Commission on April 23, 2020. Also included for each individual regulation is the required transmittal sheet, and applicable Financial Impact Statement and the signed Minute Order. The Commission respectfully requests that these regulation become effective 10 days after filing.

Notices for the proposed regulations were published in the Arkansas Democrat-Gazette on March 22, 23, and 24, 2020, and April 19, 20, and 21, 2020.

Hard copies of the approved regulations will be in the mail in the next day or so. **Kindly notify April Soman at [april.soman@agfc.ar.gov](mailto:april.soman@agfc.ar.gov) to confirm receipt of both the electronic submission and hard copies.** Should you have any questions or concerns regarding this filing, please do not hesitate to contact me at (501) 223-6327 at your convenience.

Sincerely,

James F. Goodhart  
General Counsel

JFG/as  
Enclosures  
cc: register@sos.arkansas.gov