

38.01 Closure To All Commercial Harvest On Certain Waters

The Arkansas State Board of Health has issued a fish consumption advisory and closed the following bodies of water to commercial harvest and fishing:

- A. Big Bayou Meto and all tributaries extending 5 miles above their confluence with the bayou from the Arkansas Highway 11 bridge at the Jefferson/Arkansas County line to the headwaters of Bayou Meto, and all overflow lakes, sloughs and bayous, including Little Bayou Meto north of Arkansas Highway 88 and all water exchange ditches between Little Bayou Meto and Big Bayou Meto.
- B. Big Creek tributary in Columbia County from the intersection of the tributary with Arkansas Highway 82B and L&NW Railroad in Magnolia downstream to its confluence with Big Creek.
- C. Champagnolle Creek from its mouth to Arkansas Highway 4, including all of Little Champagnolle Creek in Calhoun County.
- D. Moro Bay (Creek) from its mouth to Arkansas Highway 160.
- E. Cut-Off Creek from the Arkansas Highway 35 Bridge in Drew County to the creek's confluence with Bayou Bartholomew in Ashley County.
- F. Bayou Bartholomew between Arkansas Highway 35 in Drew County and Arkansas Highway 82 in Ashley County, including all lakes, bays or other bodies of water, other than tributary streams.
- G. Certain fish in the lower Ouachita River and Saline River as specified below. These waters, including oxbows and overflow lakes when accessible by boat from the main channel, are open to legal commercial tackle as defined in Codes [30.05](#) and [30.15](#). The oxbows and overflow lakes within the Ouachita River floodplain, when not accessible by boat from the main channel, are open from noon September 30 to noon May 1 to legal gill and trammel nets.
 1. Flathead catfish, bowfin, drum and gar may not be taken or possessed by commercial fishermen in the Ouachita River, oxbows, and overflow lakes from Smackover Creek to the northern boundary of Felsenthal NWR.
 2. Flathead catfish, blue catfish, bowfin, drum and gar may not be taken or possessed by commercial fishermen on the Ouachita River, oxbows, and overflow lakes within Felsenthal NWR downstream to the Louisiana state line; any and all waters within Felsenthal NWR; and the Saline River from its mouth within the Felsenthal NWR to the Stillion railroad bridge in Ashley and Bradley Counties.
 3. Flathead catfish, blue catfish, bowfin, drum, gar and redhorse suckers may not be taken or possessed by commercial fishermen on the Saline River from the Stillion railroad bridge upstream to the U.S. Highway 278 Bridge in Bradley County.

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></u> Director	<u>Joe Morgan</u> <u>Anne Marie Doramus</u> by C.C. Commissioner Commissioner
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
Phone: 501-223-6327

Rob Brown
Assistant General Counsel
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 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

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.