ARKANSAS REGISTER



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

April M. Soman

Contact Person

Transmittal Sheet

Use only for FINAL and EMERGENCY RULES

Secretary of State John Thurston

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October 19, 2020

For Office Use Only: Code Number _____ Effective Date Name of Agency Arkansas Game and Fish Commission Department Legal Division E-mail_james.goodhart@agfc.ar.gov Phone 501-223-6327 Contact James Goodhart, General Counsel Statutory Authority for Promulgating Rules Amendment 35 Rule Title: 26.12 Release of Native or Non-Native Aquatic Wildlife Prohibited Intended Effective Date Date (Check One) Aug. 15-18, Sept. 23-15, 2020 Emergency (ACA 25-15-204) Legal Notice Published October 14, 2020 10 Days After Filing (ACA 25-15-204) Final Date for Public Comment Other January 1, 2021
(Must be more than 10 days after filing date.) Reviewed by Legislative Council..... October 15, 2020 Adopted by State Agency

CERTIFICATION OF AUTHORIZED OFFICER

E-mail Address

April.Soman@agfc.ar.gov

I Hereby Certify That The Attached Rules Were Adopted

KRIBEK YEK KOZEK KEKAN ZIKAK YAKEN HERIKAK KARIKAKAK KEKAK KEKAK KEKAK KARIKAK HERIKAKAK KIKAK KAKAK KAKAK KAKA

n 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 rkansas Attorney General, the rulemaking requirements in the Arkansas Administrative Procedures Act cannot be constitutionally applied to the AGFC. Nevertheless, the AGFC does substantially omply 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.

/s/ J	ames F. Goodhart		
501-223-6327	Signature James.Goodh	07.100	
Phone Number	General Counsel	E-mail Address	- co: 23/1/2 1
	Title October 19, 2020 Date		

Arkansas Game and Fish Commission

Code Book

The regulations in this Code Book are hereby adopted by the Arkansas State Game and Fish Commission under authority of Amendment 35 to the Constitution of the State of Arkansas. All laws, rules, regulations, or orders in conflict with the regulations in this Code Book are hereby repealed by the Arkansas State Game and Fish Commission.

26.12 Release Of Native Or Non-Native Aquatic Wildlife Prohibited

It is unlawful to release native or non-native aquatic wildlife, including their eggs, into the waters of the state without the written permission of the Chief of Fisheries of the Arkansas Game and Fish Commission and in compliance with AGFC Code Chapter <u>35.00</u> and Addendum Chapters <u>I1.00</u>, <u>J1.00</u>, and <u>V1.00</u>. Importation of live, wild caught fish prohibited.

EXCEPTIONS:

- A. Aquatic species may be immediately released back into the waters from which they were taken.
- B. A person may, while fishing in waters of the state, use baitfish as bait in compliance with Code 26.18, 26.19, and 26.27.
- C. A person who has obtained a valid Trout Stocking Permit from the Commission Chief of Fisheries (Addendum Chapter <u>V1.00</u>) may release trout and trout eggs into waters of the state in compliance with the terms of the permit.
- D. A permit is not required for stocking fish and fertilized fish into public waters as part of an officially coordinated project with the Arkansas Game and FIsh Commission with written authorization from the Chief of Fisheries.
- E. A person may stock approved farm-reared species obtained from a Commission-permitted fish farm, fish dealer, or independent hauler, into privately owned single landowner confined/impounded waters, and privately owned multiple landowner confined/impounded waters without written permission, in compliance with Addendum Chapter 11.00 and Addendum 11.00 and addendum 11.00, provided the landowner has legal right of access to said waters and the said waters are not deemed public waters.

PENALTY: Class 2

FINANCIAL / ECONOMIC IMPACT STATEMENT

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

DEPARTMENT: Arkansas Game & Fish Commission

PERS TELE ben.ba	ON: FISHERIES ON COMPLETING PHONE #: 501-223-6 atten@agfc.ar.gov RT TITLE OF THIS I	5300	FAX #: 501-2	223-6372 EM	AIL:	
1.	Does this proposed, a	amended, o No: X	or repealed rule or re	egulation have a fina	ncial imp	pact?
2.	Do you believe that to prohibitive? Yes:			impact statement is s", please explain:	so specul	ative as to be cost
3.	If the purpose of this rule is to implement a federal rule or regulation, please give the incremental confor implementing the regulation. Please indicate if the cost provided is the cost of the program.					e incremental cost e program.
4	Current Fiscal Year General Revenue Federal Funds Cash Funds Special Revenue Other (Identify) Total What is the total estim repealed rule? (Estim equipment, construction compliance.) Identify	\$ \$ \$ \$ \$ \$ ated cost in the c	ncludes fees, admir professional service	nistrative penalties, res, revenue loss, or of	eporting, ther costs	record keeping, associated with
	Current Fiscal Year Party Subject to Rule:	·	N/A Frade Industry	Next Fiscal Year:	\$	N/A
one-tir	Effect on Party Subject ne with no renewal fee		Yearly increase of \$	25 for license fee ren	ewal; for	merly the fee was
5.	5. What is the total estimated cost by fiscal year to the agency to implement this rule? Explain financial benefit to the agency from implementing this rule.				le? Explain the	
	Current Fiscal Year	: \$	N/A	Next Fiscal Year:	\$	N/A
	Financial Benefit to A	agency: N	/ A			
6. Do alternative means exist for accomplishing the objectives of the rules burdensome to small business? Yes: No: X				that migl	nt be less	
	Why were such altern	atives not	proposed:			
7.	Compare this rule with federal and state counterparts:					

ITEM NO.	IV(c)	
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ARKANSAS GAME AND FISH COMMISSION Little Rock, Arkansas

MINUTE ORDER	R No:	20-052 October 15, 2020		SUBJECT:	2021 Live Fish Trade Regulations		
DATE PASSED:				<u> </u>			
PAGE 1	of	1	PAGES	LOCATION:	Statewide		
WHEREAS,				nd Fish Commiss rade regulations; a	sion and its staff have proposed the		
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 Commission staff and the Regulations Committee, 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.					
					020, that the Arkansas Game and Fish, which shall become effective January		
filing the attac	hed regi	ulations v	vith the Secret		d to proceed with legally certifying and te Library, and Bureau of Legislative and Addendum.		
Submitted by:	STAF Ben E Chief		/ <u>AL</u>	COMMISSION Andrew Parke Chairman	J. D. Neeley		
Division:	Fisher				Anne Marie Doramus		
Approved:	Direct	or the	2	Vice Chairma Bobby Martin Commissioner	Complissioner Rob Finley		

Commissioner

Approved:

Approved: