ARKANSAS REGISTER



Transmittal Sheet

Use only for FINAL and EMERGENCY RULES

Secretary of State John Thurston

500 Woodlane, Suite 026 Little Rock, Arkansas 72201-1094 (501) 682-5070

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For Office Use Only: Effective Date ______Code Number _____ Name of Agency Arkansas Game and Fish Commission Department Legal Division Contact James Goodhart, General Counsel E-mail james.goodhart@agfc.ar.gov Phone 501-223-6327 Statutory Authority for Promulgating Rules Amendment 35 Rule Title: 26.21 Yo-Yo, Freefloating, Trotline, Limbline Fishing Requirements **Intended Effective Date** Date (Check One) Aug. 15-18, Sept. 23-15, 2020 Legal Notice Published Emergency (ACA 25-15-204) October 14, 2020

10 Days After Filing (ACA 25-15-204)

Other January 1, 2021
(Must be more than 10 days after filing date.)

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

April M. Soman

April.Soman@agfc.ar.gov

October 19, 2020

October 15, 2020

Contact Person

E-mail Address

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted

KKASEXYSK KOXSE EX ZESKKYKKYYKY SON HEHROOXSHEHRIKKY SEEK KASHOON HEKKY SEEKKYKYKKKKK a 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 amply 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/ James F.	Goodhart				
501-223-6327	Signature James.Goodhart@agfc.ar.gov 70 : 51 Hd 07 L3				
Phone Number	General Counsel	E-mail Address AIC 85151938 87			
	Title October 19, 2020 Date	02713			

Final Date for Public Comment

Reviewed by Legislative Council.....

Adopted by State Agency

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 All laws, rules, regulations, or orders in conflict with the regulations in this Code Book are hereby repealed by the Arkansas State Game and Fish Commission.

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

It is unlawful for a person to:

- A. Fish more than 25 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 25 freefloating fishing devices (jugs) and to fail to attend such devices at all times:
- F. Use trotlines and limblines 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 every 48 hours;
- I. Fail to remove any trotline or limbline when no longer in use for fishing (not baited for 48 hours or more); or
- J. 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. Limblines may not be used within the boundaries of Buffalo River National Park.

PENALTY: Class 1

FINANCIAL / ECONOMIC IMPACT STATEMENT

. . . .

DIVISION: Fisheries

ben.batten@agfc.ar.gov

TELEPHONE #: 501-223-6300

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

SHORT TITLE OF THIS RULE: 2021 General Fishing Regulation Change Proposals

FAX #: 501-223-6372

EMAIL:

DEPARTMENT: Arkansas Game & Fish Commission

PERSON COMPLETING THIS STATEMENT: Ben Batten

1.	Does this proposed, a	amended, No: X	or repealed r	ule or regulation have a finar	ncial imp	oact?	`	
2.	Do you believe that t prohibitive? Yes:		opment of a fin No: X	nancial impact statement is s If "Yes", please explain:	so specul	lative as to be o	cost	
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.							
	Current Fiscal Year General Revenue Federal Funds Cash Funds Special Revenue Other (Identify) Total	·	N/A	Next Fiscal Year General Revenue Federal Funds Cash Funds Special Revenue Other (Identify) Total	\$ \$ \$ \$ \$	N/A		
4	repealed rule? (Estime equipment, construction	nated cost on, labor the part	includes fees , professional	r to any party subject to the, administrative penalties, re services, revenue loss, or othe proposed rule, and explain Next Fiscal Year:	porting, her costs a how th	record keeping associated with	g, th	
	Party Subject to Rule:	•			Ψ	11/12		
	Effect on Party Subject	t to Rule:	Neutral					
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.						е	
	Current Fiscal Year	: \$	N/A	Next Fiscal Year:	\$	N/A		
	Financial Benefit to A	gency: I	N/A					
6.	Do alternative means burdensome to small	exist for a business?	accomplishing Yes:	g the objectives of the rules t No: \mathbf{X}	hat migl	nt be less		
	Why were such altern	atives no	t proposed:					
7.	Compare this rule wit	h federal	and state cour	nterparts:				

ARKANSAS GAME AND FISH COMMISSION Little Rock, Arkansas

MINUTE ORDER NO:		20-051		SUBJECT:	2021 Fishing Regulations		
DATE PASSED:		Octo	ber 15, 2020	_			
PAGE 1	of.	1	PAGES	LOCATION:	Statewide		
WHEREAS,			ansas Game an 2021 fishing re		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.					
	reby ap				020, that the Arkansas Game and Fish ons, which shall become effective on		
filing the attach	ned reg	ulations v	vith the Secreta	staff is authorize ary of State, Stat ission Code Book	d to proceed with legally certifying and te Library, and Bureau of Legislative and Addendum.		
Submitted by:	STAF Ben B		<u>/AL</u>	COMMISSION Andrew Parke Chairman	J. D. Neeley Commissioner		
Division:	Fishe	ries		/Joe Morgan	Anne Marie Doramus		
Approved:	Direc	tor		Vice Chairma Bobby Martin Commissione	Kob Emley		

Commissioner

Approved:

Approved: