

ARKANSAS REGISTER

Transmittal Sheet Use only for **FINAL** and **EMERGENCY RULES**



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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, Trollline, Limbline Fishing Requirements

Intended Effective Date
(Check One)

- Emergency (ACA 25-15-204)
- 10 Days After Filing (ACA 25-15-204)
- Other January 1, 2021
(Must be more than 10 days after filing date.)

	Date
Legal Notice Published	Aug. 15-18, Sept. 23-15, 2020
Final Date for Public Comment	October 14, 2020
Reviewed by Legislative Council	NA
Adopted by State Agency	October 15, 2020

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

<u>April M. Soman</u>	<u>April.Soman@agfc.ar.gov</u>	<u>October 19, 2020</u>
Contact Person	E-mail Address	Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted

~~ON OCTOBER 19, 2020, THE ARKANSAS GAME AND FISH COMMISSION ADOPTED RULES 26.21 YO-YO, FREEFLOATING, TROLLLINE, LIMBLINE FISHING REQUIREMENTS.~~

on 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.

/s/ James F. Goodhart

<u>501-223-6327</u>	Signature	<u>James.Goodhart@agfc.ar.gov</u>
Phone Number	General Counsel	E-mail Address
	Title	<u>October 19, 2020</u>
	Date	

FILED
AR REGISTER DIV.
OCT 20 PM 12:02
2020

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 All laws, rules, regulations, or orders in conflict with the regulations in this Code Book are hereby repealed by the Arkansas State Game and Fish Commission.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

ARKANSAS GAME AND FISH COMMISSION
Little Rock, Arkansas

MINUTE ORDER NO: 20-051 SUBJECT: 2021 Fishing Regulations
 DATE PASSED: October 15, 2020
 PAGE 1 of 1 PAGES LOCATION: Statewide

WHEREAS, the Arkansas Game and Fish Commission and its staff have proposed the attached 2021 fishing 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 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.

NOW, THEREFORE, BE IT ORDERED this 15th day of October 2020, that the Arkansas Game and Fish Commission hereby approves and adopts the attached regulations, which shall become effective on January 1, 2021.

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.

STAFF APPROVAL

Submitted by: [Signature]
Ben Batten
Chief

Division: Fisheries

Approved: [Signature]
Director

Approved: [Signature]
Legal

Approved: [Signature]
Fiscal

COMMISSION APPROVAL

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