

ARKANSAS REGISTER

Transmittal Sheet

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



Secretary of State

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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: 26.26 Aquatic Wildlife Pet Restrictions

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.)

Legal Notice Published

Final Date for Public Comment

Reviewed by Legislative Council

Adopted by State Agency

Date

Aug. 15-18, Sept. 23-15, 2020

October 14, 2020

NA

October 15, 2020

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

April M. Soman

April.Soman@agfc.ar.gov

October 19, 2020

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted

~~IN COMPLIANCE WITH THE ARKANSAS ADMINISTRATIVE PROCEDURES ACT, ACT 25-15-204~~

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 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_____

501-223-6327

Signature

James.Goodhart@agfc.ar.gov

Phone Number

General Counsel

E-mail Address

Title

October 19, 2020

Date

FILED
AR REGISTER DIV.
2020 OCT 20 PM 12:03
SECRETARY OF STATE

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 All laws, rules, regulations, or orders in conflict with the regulations in this Code Book are hereby repealed by the Arkansas State Game and Fish Commission.

26.26 Aquatic Wildlife Pet Restrictions

- A. It is unlawful to possess native aquatic wildlife as pets except as follows:
 - 1. No more than 6 live individuals of native fish, crayfish, or snails may be possessed per household;
 - 2. Must be taken by hand or by any method described in Code 32.04;
 - 3. Game fish may only be taken in compliance with codes in Chapter 26.00; and
 - 4. Possession of aquatic turtles and salamanders in compliance with Captive Wildlife codes in Chapter 09.00.
- B. It also is unlawful to sell or purchase such wildlife or their progeny, or to release them into waters other than those from which they were collected.
- C. It also is unlawful to possess alligator snapping turtles, Ozark Hellbenders, Ouachita streambed salamanders, troglodytic (cave-dwelling) species or species state or federally listed as threatened or endangered.

EXCEPTIONS:

- A. Fish are exempt from the 6 individual pets per household provision.
- B. Commercial fish may be taken only in compliance with Chapter 30.00.
- C. Collecting in compliance with a scientific collection permit or other special use permit issued by the Commission.
- D. Permitted fish farms in compliance with Chapter 35.00.
- E. Licensed commercial fishermen in compliance with Chapter 30.00.

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.

	<u>STAFF APPROVAL</u>	<u>COMMISSION APPROVAL</u>
Submitted by:	<u>Ben Batten</u> Ben Batten Chief	<u>Andrew Parker</u> Andrew Parker Chairman
Division:	<u>Fisheries</u>	<u>J. D. Neeley</u> J. D. Neeley Commissioner
Approved:	<u>Joe Morgan</u> Joe Morgan Vice Chairman	<u>Anne Marie Doramus</u> Anne Marie Doramus Commissioner
Approved:	<u>Bobby Martin</u> Bobby Martin Commissioner	<u>Kob Finley</u> Kob Finley Commissioner
Approved:	<u>Stan Jones</u> Stan Jones Commissioner	
Approved:	<u>James Fisher</u> Fiscal	