

# 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: 30.05 Illegal Commercial Tackle Prohibited

### 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](mailto: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 Substantial Compliance with the Arkansas Administrative Procedures Act (ACA 25-15-204)~~

in 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](mailto:James.Goodhart@agfc.ar.gov)

Phone Number

General Counsel

E-mail Address

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 All laws, rules, regulations, or orders in conflict with the regulations in this Code Book are hereby repealed by the Arkansas State Game and Fish Commission.

### **30.05 Illegal Commercial Tackle Prohibited**

It is unlawful to use any tackle for commercial purposes other than properly tagged tackle in waters open to commercial fishing as specified below:

- A. Slat traps (where permitted by Code 30.14) with maximum slat trap length - 6 feet; maximum round slat trap diameter - 24 inches; maximum square trap width and height - 24 inches; maximum of seven, 1½-inch (width) by 3½-inch (length) unobstructed slots evenly spaced around perimeter of the rear portion of catch area; slat material must be wood or plastic;
- B. Hoop nets, leads, or wings with minimum square bar mesh size - 2½ inches when wet and with any nonmetallic thread or filament material of nylon or cotton not less than 15 gauge;
- C. Fiddler nets (where permitted by Code 30.13) with minimum square bar mesh size - 1½ inches when wet and with any nonmetallic thread or filament material of nylon or cotton not less than 15 gauge; Wings or leads prohibited;
- D. Commercial fish seines with minimum square bar mesh size - 3½ inches;
- E. Commercial gill and trammel nets with minimum square bar mesh size - 3½ inches; and
- F. Limb lines, set hooks, trotlines, throwlines, and snaglines.

**EXCEPTIONS:** In compliance with Codes 35.01 and 35.04.

**PENALTY:** Class 2

## FINANCIAL / ECONOMIC IMPACT STATEMENT

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

DEPARTMENT: Arkansas Game & Fish Commission

DIVISION: Fisheries

PERSON COMPLETING THIS STATEMENT: Ben Batten

TELEPHONE #: 501-223-6300

FAX #: 501-223-6372

EMAIL:

ben.batten@agfc.ar.gov

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

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?  
Yes: No: **X**
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.

### Current Fiscal Year

General Revenue	\$	
Federal Funds	\$	
Cash Funds	\$	N/A
Special Revenue	\$	
Other (Identify)	\$	
Total	\$	

### Next Fiscal Year

General Revenue	\$	
Federal Funds	\$	
Cash Funds	\$	N/A
Special Revenue	\$	
Other (Identify)	\$	
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: \$ N/A Next Fiscal Year: \$ N/A

Party Subject to Rule: Anglers and aquatic recreationalists

Effect on Party Subject 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.

Current Fiscal Year: \$ N/A Next Fiscal Year: \$ N/A

Financial Benefit to Agency: N/A

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:

7. Compare this rule with federal and state counterparts:

**ARKANSAS GAME AND FISH COMMISSION**  
 Little Rock, Arkansas

MINUTE ORDER NO:	<u>20-053</u>	SUBJECT:	<u>2021 Commercial Fishing</u>
DATE PASSED:	<u>October 15, 2020</u>		<u>Regulations</u>
PAGE <u>1</u> of <u>1</u> PAGES		LOCATION:	<u>Statewide</u>

**WHEREAS,** the Arkansas Game and Fish Commission and its staff have proposed the attached 2021 commercial 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, with the exception of the changes to 30.03 Commercial Fishing Reporting Requirements which will take effect on January 1, 2022.

**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: B Batten  
 Ben Batten  
 Chief

Division: Fisheries

Approved: Rob Finley  
 Director

Approved: A F Hoodhart  
 Legal

Approved: James Batten  
 Fiscal

**COMMISSION APPROVAL**

Andrew Parker  
 Andrew Parker  
 Chairman

Joe Morgan  
 Joe Morgan  
 Vice Chairman

Bobby Martin  
 Bobby Martin  
 Commissioner

Stan Jones  
 Stan Jones  
 Commissioner

J. D. Neeley  
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 Commissioner

Anne Marie Doramus  
 Anne Marie Doramus  
 Commissioner

Rob Finley  
 Rob Finley  
 Commissioner