

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: 30.10 Possession Of Undersized Commercial Fish 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 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, Section~~

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

Phone Number General Counsel E-mail Address

Title

October 19, 2020

Date

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 All laws, rules, regulations, or orders in conflict with the regulations in this Code Book are hereby repealed by the Arkansas State Game and Fish Commission.

30.10 Possession Of Game Fish By Commercial Fishermen Prohibited

NEW TITLE: Possession Of Undersized Commercial Fish Prohibited

It is unlawful for a commercial fisher to possess any of the following fish taken from waters of the state:

- A. Catfish or buffalo less than 16 inches in length; or
- B. Paddlefish or sturgeon of any size.

EXCEPTIONS:

- A. Only 12-inch or longer blue and channel catfish may be taken in waters specified in Code 30.14.
- B. Only 16-inch or longer blue catfish may be taken by commercial gear in the Arkansas River from the Arkansas Highway 7 bridge in Yell County to the Oklahoma state line.
- C. Holders of a current resident Roe Taker/Seller Permit or Resident Roe Buyer/Exporter Permit in compliance with Codes 30.17 and 30.18 may possess paddlefish 37 inches or longer in Dardanelle and Ozark lakes of the Arkansas River; 36 inches or longer in the open portion of the Arkansas River, including tributaries, below Dardanelle Lock and Dam, downstream to the Yancopin railroad bridge on the Arkansas River and downstream to Norrell Lock and Dam on the Arkansas Navigation Canal; 35 inches or longer in the Mississippi River; and 34 inches or longer for all other waters open to paddlefish harvest or sturgeon when in season. Paddlefish shall be measured from the front of the eye to the fork of the tail with the fish laid flat on a rule.
- D. Sturgeon harvested from the waters legal for harvest must be at least 21 inches long, measured from the tip of the snout to the fork of the tail.

PENALTY: Class 2

ARKANSAS GAME AND FISH COMMISSION
Little Rock, Arkansas

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

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: BBB
Ben Batten
Chief
Division: Fisheries
Approved: [Signature]
Director
Approved: [Signature]
Legal
Approved: [Signature]
Fiscal

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