

ARKANSAS REGISTER

Transmittal Sheet

Use only for FINAL and EMERGENCY RULES



Secretary of State

John Thurston

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Little Rock, Arkansas 72201-1094

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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: 30.12 Possession Of Rare And Endangered Fish By Commercial Fishers Prohibited

Intended Effective Date
(Check One)

Date

Emergency (ACA 25-15-204)

Legal Notice Published

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

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

Final Date for Public Comment

October 14, 2020

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

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)

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, ACA 25-15-204 or 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

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 All laws, rules, regulations, or orders in conflict with the regulations in this Code Book are hereby repealed by the Arkansas State Game and Fish Commission.

30.12 Slat-Type Fish Trap And Fiddler-Size Hoop Net Restrictions

NEW TITLE: Possession Of Rare And Endangered Fish By Commercial Fishers Prohibited

It is unlawful for a commercial fisher to possess rare and endangered fish. Rare fish that may not be possessed include Lake Sturgeon, Alligator Gar, American Eel, Striped Mullet, Highfin Carpsucker, Pealip Redhorse, and Silver Redhorse. Endangered fish species are listed in Addendum P1.01.

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.

<u>Current Fiscal Year</u>			<u>Next Fiscal Year</u>		
General Revenue	\$		General Revenue	\$	
Federal Funds	\$		Federal Funds	\$	
Cash Funds	\$	N/A	Cash Funds	\$	N/A
Special Revenue	\$		Special Revenue	\$	
Other (Identify)	\$		Other (Identify)	\$	
Total	\$		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: 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

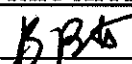
WHEREAS, the attached regulations have been communicated through a variety of media avenues to sportsmen and the general public throughout the state for review and comment for at least the past 30 days; and

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.

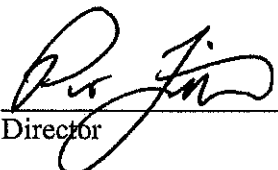
NOW, THEREFORE, BE IT ORDERED this 15th day of October 2020, that the Arkansas Game and Fish Commission hereby approves and adopts the attached regulations, which shall become effective on January 1, 2021, with the exception of the changes to 30.03 Commercial Fishing Reporting Requirements which will 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.

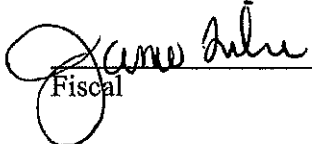
STAFF APPROVAL

Submitted by: 
 Ben Batten
 Chief

Division: Fisheries

Approved: 
 Director

Approved: 
 Legal

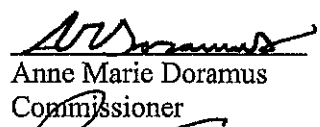
Approved: 
 Fiscal

COMMISSION APPROVAL


 Andrew Parker
 Chairman


 J. D. Neeley
 Commissioner


 Joe Morgan
 Vice Chairman


 Anne Marie Doramus
 Commissioner


 Bobby Martin
 Commissioner


 Rob Finley
 Commissioner


 Stan Jones
 Commissioner