

# ARKANSAS REGISTER

## Transmittal Sheet

Use only for FINAL and EMERGENCY RULES



Secretary of State

**John Thurston**

500 Woodlane, Suite 026

Little Rock, Arkansas 72201-1094

(501) 682-5070

[www.sos.arkansas.gov](http://www.sos.arkansas.gov)



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:** 30.14 Possession And Use Of Fiddler-Size Hoop Nets And Slat-Type Fish Traps Restricted To Certain Public Waters

**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 Act (ACA 25-15-204) of 2011~~

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

Phone Number

Signature

James.Goodhart@agfc.ar.gov

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 All laws, rules, regulations, or orders in conflict with the regulations in this Code Book are hereby repealed by the Arkansas State Game and Fish Commission.**

## **30.14 Combining Commercial Fishing And Sport Fishing Prohibited**

NEW TITLE: Possession And Use Of Fiddler-Size Hoop Nets And Slat-Type Fish Traps Restricted To Certain Public Waters

It is unlawful to use or possess fiddler-size hoop nets or slat-type fish traps in any waters of the state other than those specified below, including all lakes, bays or other bodies of water, other than tributary streams, connected to waters as specified below, when accessible by boat, from the main channel except as limited by Addendum Chapter H1.00, and in accordance with landowner permission Code 05.35:

- A. Arkansas River, including all impoundments, from its mouth to the Oklahoma state line. Fiddler-size hoop nets are prohibited in the Arkansas River from the Arkansas Highway 7 Bridge in Yell County to the Oklahoma state line.
- B. L'Anguille River from its mouth to the point of origin.
- C. Little River from its mouth to the Corps of Engineers boat ramp on the west side of Little River below Millwood Dam.
- D. Little River upstream of Patterson Shoals boat ramp to the Oklahoma state line slat traps may be fished year-round. In Millwood Lake slat traps may be fished from noon Sept. 30 - noon June 1.
- E. All waters of the Mississippi River bounding Arkansas.
- F. Red River from the Louisiana state line to the Oklahoma state line.
- G. St. Francis River from its mouth to the Missouri state line in Clay County.
- H. St. Francis Floodway Diversion Ditch from its mouth upstream to U.S. Highway 63 in Poinsett County.
- I. Bay Ditch (Cross, Poinsett, and Craighead counties) from its mouth upstream to U.S. Highway 63 in Craighead County.
- J. Old Town Lake in Phillips County: slat traps only. Fiddler-size hoop nets are prohibited.
- K. White River from its mouth to the Interstate 40 Bridge: slat traps only. Fiddler-size hoop nets are prohibited.
- L. Cypress Bayou (Whiskey Chute) in Phillips County (slat traps only).
- M. Sulphur River from its mouth to the Texas state line.
- N. Boeuf River from the Louisiana state line to the point of origin.

**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.

**Submitted by:** *BBB*  
Ben Batten  
Chief

**Division:** Fisheries

**Approved:** *Rob Finley*  
Director

**Approved:** *A F Hoodman*  
Legal

**Approved:** *James Siler*  
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*  
J. D. Neeley  
Commissioner

*Anne Marie Doramus*  
Anne Marie Doramus  
Commissioner

*Rob Finley*  
Rob Finley  
Commissioner