ARKANSAS REGISTER



Transmittal Sheet

Use only for FINAL and EMERGENCY RULES

Secretary of State John Thurston

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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: 30.16 Roe Buyer/Exporter Requirements Intended Effective Date Date (Check One) Aug. 15-18, Sept. 23-15, 2020 Emergency (ACA 25-15-204) Legal Notice Published October 14, 2020 10 Days After Filing (ACA 25-15-204) Final Date for Public Comment Other January 1, 2021
(Must be more than 10 days after filing date.) NA Reviewed by Legislative Council.....

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

April M. Soman

April.Soman@agfc.ar.gov

October 19, 2020

October 15, 2020

Contact Person

E-mail Address

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted

a Substantial Compliance with Act 434 of 1967 the Arkausas Administrative Procedures Act. Pursuant to 2011 decision rendered by the Pulaski County Circuit Court and 2000 opinion by the rkansas Attorney General, the rulemaking requirements in the Arkansas Administrative Procedures Act cannot be constitutionally applied to the AGFC. Nevertheless, the AGFC does substantially omply 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	market of Section 1	
501-223-6327	Signature James.Goodh	art@agfc.ar.gov	24 July 18 3 100 1000
Phone Number	General Counsel	E-mail Address	- 1/49 00
	Title October 19, 2020 Date		

Adopted by State Agency

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 All laws, rules, regulations, or orders in conflict with the regulations in this Code Book are hereby repealed by the Arkansas State Game and Fish Commission.

30.16 Commercial Fisherman Reporting Requirements

NEW TITLE: Roe Buyer/Exporter Requirements

It is unlawful to buy or export across the state line paddlefish or sturgeon, or their parts, including eggs (roe), without a current Resident Roe Buyer/Exporter Permit or Nonresident Roe Buyer Permit, as applicable. Permitted commercial fishers who hold current Resident Roe Buyer/Exporter Permit may also take paddlefish and sturgeon in compliance with applicable season, size, and tackle regulations.

EXCEPTIONS:

- A. In compliance with Code 25.02.
- B. Permitted fish farmers in compliance with Code 35.10.
- C. Paddlefish and sturgeon meat may be purchased only from permitted roe taker/sellers and roe buyer/exporters in compliance with Code <u>30.02</u>.
- D. Paddlefish and sturgeon meat and/or roe can be transported by an authorized representative of a legally permitted resident buyer/exporter if accompanied by a bill of lading or bill of sale, indicating the name and permit number of the authorizing resident buyer/exporter and including the species, number of pounds of roe or meat per species, and if being sold, the name of the purchaser. A true bill of lading or bill of sale must accompany the shipment to the final destination.
- E. Paddlefish, sturgeon, or their meat (excluding eggs or roe), may be purchased for personal use without purchasing either a Resident Roe Buyer/ Exporter Permit or Nonresident Roe Buyer Permit in compliance with this code.

PENALTY: Class 3

FINANCIAL / ECONOMIC IMPACT STATEMENT

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

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

FAX #: 501-223-6372

EMAIL:

DEPARTMENT: Arkansas Game & Fish Commission

PERSON COMPLETING THIS STATEMENT: Ben Batten

DIVISION: Fisheries

ben.batten@agfc.ar.gov

TELEPHONE #: 501-223-6300

1.	Does this proposed, a Yes:	mended, No: X	or repealed rule or	regulation have a finan	icial imp	pact?		
2.	Do you believe that to prohibitive? Yes:	he develo	opment of a financia No: X If "Ye	l impact statement is s es", please explain:	o specul	lative as to be cost		
3.	If the purpose of this refor implementing the r	the purpose of this rule is to implement a federal rule or regulation, please give the incremental cost implementing the regulation. Please indicate if the cost provided is the cost of the program.						
	Current Fiscal Year General Revenue Federal Funds Cash Funds Special Revenue Other (Identify) Total		N/A	Next Fiscal Year General Revenue Federal Funds Cash Funds Special Revenue Other (Identify) Total	\$ \$ \$ \$ \$	N/A		
What is the total estimated cost by fiscal year to any party subject to the proposed, and repealed rule? (Estimated cost includes fees, administrative penalties, reporting, record equipment, construction, labor, professional services, revenue loss, or other costs assoc compliance.) Identify the party subject to the proposed rule, and explain how they are Current Fiscal Year: \$ N/A Next Fiscal Year: \$ N/A						record keeping, s associated with		
	Party Subject to Rule: Anglers and aquatic recreationalists							
	Effect on Party Subject	t 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 A	gency: I	N/A					
6.	Do alternative means burdensome to small l			bjectives of the rules t No: X	hat mig	ht be less		
	Why were such altern	atives no	t proposed:					
7.	Compare this rule wit	h federal	and state counterpar	rts:				

ARKANSAS GAME AND FISH COMMISSION Little Rock, Arkansas

MINUTE ORDER NO: DATE PASSED:		20-053	SUBJECT:	2021 Commercial Fishing		
		October 15, 202	20	Regulations		
PAGE 1	. <u> </u>	of 1 PAGES	Location:	Statewide		
WHEREAS,			e and Fish Commiss nercial fishing regulati	sion and its staff have proposed the ons; and		
WHEREAS,		avenues to sportsme		municated through a variety of media olic throughout the state for review and		
WHEREAS,		Regulations Comm Commission has det conservation and m	ittee, as well as con termined that the attach nanagement and are con and that these reg	ndations of Commission staff and the aments received from the public, the hed regulations promote sound wildlife consistent with Amendment 35 of the gulations should now be approved for		
Commission 1 January 1, 202	hereby 21, with	approves and adopts	the attached regulation	020, that the Arkansas Game and Fish ons, which shall become effective on nercial Fishing Reporting Requirements		
filing the atta	iched r		ecretary of State, Stat	d to proceed with legally certifying and te Library, and Bureau of Legislative and Addendum.		
Submitted by	":	AFF APPROVAL Batten ef	Commission Andrew Parket Chairman	Re Chiles		
Division:	Fis	heries	Joe Morgan Vice Chairma	Logen 498 Anne Marie Doramus		
Approved:	Dir	ector	Bobby Martin Commissione	Rob Fishey		
Approved:	Leg	F Kloodhar	Stan Jones Commissioner	ypres 6490		
Approved:	Fis	Canw Julie				