

# 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: 32.04 Baitfish Tackle Restrictions

### 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.)

### Date

Legal Notice Published ..... Aug. 15-18, Sept. 23-15, 2020

Final Date for Public Comment ..... October 14, 2020

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 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\_\_\_\_\_  
 Signature  
 501-223-6327 James.Goodhart@agfc.ar.gov  
 Phone Number General Counsel E-mail Address  
 Title  
 October 19, 2020  
 Date

SEAL OF THE SECRETARY OF STATE  
 ARKANSAS  
 FILED  
 AR REGISTER DIV  
 2020 OCT 20 PM 12:04

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 All laws, rules, regulations, or orders in conflict with the regulations in this Code Book are hereby repealed by the Arkansas State Game and Fish Commission.

### **32.04 Baitfish Tackle Restrictions**

It is unlawful to use tackle for taking or attempting to take baitfish from waters of the state other than as specified below. Only baitfish may be retained for bait, and all other species of fish must be immediately returned to the waters where taken. The tackle allowed for taking baitfish is as follows:

- A. Seines not in excess of 50 feet long and 4 feet in depth with square mesh of 1/4 inch.
- B. Square traps or lifts not exceeding 6 feet by 6 feet by 3 feet in depth, and round traps not exceeding 3 feet in diameter and 6 feet long with up to 3/4 inch wire or mesh and throat size of 2 inches square.
- C. Throw nets and casting nets with square mesh not larger than 1 inch, or shad trawl nets with square mesh not larger than 1 inch.
- D. Plastic or wire mesh minnow traps not in excess of 1 gallon capacity with throat size of not more than 1.5 inches.
- E. Hand-operated dip nets or lifts with up to 1 inch square bar mesh used to take legal baitfish for personal use while in the act of sport fishing day or night.

**PENALTY:** Class 1

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 General 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: 20-051 SUBJECT: 2021 Fishing Regulations  
 DATE PASSED: October 15, 2020  
 PAGE 1 of 1 PAGES LOCATION: Statewide

WHEREAS, the Arkansas Game and Fish Commission and its staff have proposed the attached 2021 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.

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.

	<u>STAFF APPROVAL</u>	<u>COMMISSION APPROVAL</u>
Submitted by:	<u>BBB</u> Ben Batten Chief	<u>Andrew Parker</u> Andrew Parker Chairman
Division:	<u>Fisheries</u>	<u>Joe Morgan</u> Joe Morgan Vice Chairman
Approved:	<u>[Signature]</u> Director	<u>[Signature]</u> Bobby Martin Commissioner
Approved:	<u>AJ Hoodhart</u> Legal	<u>[Signature]</u> Stan Jones Commissioner
Approved:	<u>[Signature]</u> Fiscal	<u>[Signature]</u> J. D. Neeley Commissioner
		<u>[Signature]</u> Anne Marie Doramus Commissioner
		<u>[Signature]</u> Rob Finley Commissioner