

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: N1.01 Game Fish Daily Limits

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 FULL COMPLIANCE WITH THE ARKANSAS ADMINISTRATIVE PROCEDURES ACT (ACA 25-15-204) AND~~

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/s James F. Goodhart

501-223-6327

Phone Number

Signature

James.Goodhart@agfc.ar.gov

E-mail Address

General Counsel

Title

October 19

, 2020

Date

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

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 All laws, rules, regulations, or orders in conflict with the regulations in this Code Book are hereby repealed by the Arkansas State Game and Fish Commission.

N1.01 Game Fish Daily Limits

Species	Statewide Daily Limit
Alligator Gar	1 Under 36 Inches 1 Over 36 Inches Annually with Tag
Black Basses	10 (including no more than 4 Smallmouth)
Bream (over 4 inches length)	50
Catfish (except Bullhead)	10
Crappie	30
Rock Bass	10
Paddlefish	2
Sauger	6
Saugeye	6
Shovelnose Sturgeon	No Limit
Striped Bass or Hybrid (Combination)	6
Trout	5 (including no more than 2 Brown, 2 Cutthroat, 2 Brook)
Walleye	6
White Bass	25

EXCEPTIONS:

A. The following bodies of water are restricted as follows:

1. **Horseshoe Bend Pool** (Strawberry River in Izard County) - 1/2 the daily limit for all sportfish.
2. **Lake Poinsett** - no daily limit for harvest of game fish.
3. **Mercer Bayou** (Sulphur River WMA) - no daily limit for harvest of game fish.

B. **BLACK BASS (LARGEMOUTH, SPOTTED, SMALLMOUTH):**

1. **Smallmouth bass:**

- i. **Ozark Zone** (Baxter, Benton, Boone, Carroll, Clay, Cleburne, Fulton, Independence, Izard, Lawrence, Madison, Marion, Newton, Randolph, Searcy, Sharp, Stone, Van Buren and Washington counties) - smallmouth bass minimum length limit of 12 inches with a daily limit of 4, except Bull Shoals, Beaver, Greers Ferry, Table Rock, and Norfolk lakes (see Ex. 1(B) below). Greers Ferry Lake - smallmouth bass minimum length limit of 12 inches, daily limit 6.
- ii. **Ozark Zone Blue Ribbon Streams** - Crooked Creek from Arkansas Highway 101 bridge downstream to the confluence with the White River; between the U.S. Highways 62-412 and U.S. Highway 62 Spur bridges at Pyatt - smallmouth bass minimum length limit 18 inches, daily limit of 1; Buffalo River from confluence with Clabber Creek downstream to the

confluence with the White River - smallmouth bass minimum length limit 18 inches, daily limit of 1; all other water of Crooked Creek and Buffalo River - smallmouth bass minimum length limit of 14 inches, daily limit of 2.

- iii. **Ozark Zone Catch-and-Release Area** - Crooked Creek, along boundary of Arkansas Game and Fish Foundation property near Kelley's Slab Access.
- iv. **Ozark Zone Quality Streams** - Kings River from Trigger Gap to U.S. Highway 62 bridge -smallmouth bass minimum length limit of 18 inches, daily limit of 1; all other water of the Kings, Illinois, Spring, South Fork of the Spring and Eleven Point rivers and War Eagle Creek - smallmouth bass minimum length limit of 14 inches, daily limit of 2.
- v. **Ouachita/Boston Zone** (all Arkansas counties not included in the Ozark Zone) - smallmouth bass minimum length limit of 10 inches, daily limit of 4.
- vi. **Ouachita/Boston Zone Quality Streams** - (Mulberry, Caddo above DeGray Lake, DeGray Lake, Cossatot River, Ouachita River upstream from Lake Ouachita, Ouachita River downstream from Remmel Dam, Saline River, including its 4headwater forks in Saline, Perry and Garland counties, South Fork/Ouachita, Little Missouri above Lake Greeson) - smallmouth bass minimum length limit of 12 inches, daily limit of 2.
- vii. **Ouachita/Boston Zone Catch-and-Release Area** - all smallmouth bass caught in Lake Catherine must be immediately returned to the water.

2. **Largemouth bass:**

- i. Lake Terre Noire, Lake June, and Lake Sylvia - daily limit 5.
- ii. Lake Millwood - daily limit 6.
- iii. Mallard Lake - daily limit 1.
- iv. Marion McCollum Lake, Lake Sylvia - Largemouth bass caught must be immediately returned to the water.

3. **Black Bass (all species combined):**

- i. Beaver, Bull Shoals, DeGray, Norfork, Table Rock lakes, Lake Jack Nolen, Ouachita, Ashbaugh - daily limit 6.
- ii. Lake Lou Emma - daily limit 5.
- iii. War Eagle Creek - daily limit 2.
- iv. Lakes Ouachita, DeGray, and Greeson - in addition to the daily limit of black basses, 10 spotted bass may be taken.

C. **BREAM:** No limit on bream 4 inches or shorter.

D. **CATFISH:**

1. No limit on catfish on Grand Lake - Chicot County, Lake Chicot (including that portion of Connerly Bayou downstream from Connerly Dam to the bayou's mouth and Ditch Bayou from the inlet on Lake Chicot to Ditch Bayou Dam) and between the main levees of the Mississippi River, from the confluence of the Mississippi/White rivers upstream to the Benzal Railroad Bridge, and from the confluence of the Mississippi/Arkansas rivers upstream to the Yancopin Railroad Bridge.

2. No limit on blue and channel catfish from Little River (below Millwood Dam) Red and Sulphur rivers.
3. No limit on channel catfish on Marion McCollum Lake Greenlee - Monroe County and Lake Erling.
4. Catfish daily limit - 5 in DeWitt City Park Lake (Arkansas County); Lake Atalanta (Benton County); Hidden Lake (Carroll County); Big Timber Lake and Gurdon Lake (Clark County); Hubble Lake (Clay County); Lake Bailey (Conway County); Lake Cambadelle and Lake Lou Emma (Crawford County); Marion City Park Lake (Crittenden County); Village Creek State Park Lakes (Cross and St. Francis Counties); Lake Bennett (Faulkner County); Lake Clearfork (Garland County); Crowley Ridge State Park Lake and Reynolds Park Lake (Greene County); Newark City Lake (Independence County); Lake June (Lafayette County); Ward City Park Lake (Lonoke County); Hindsville Lake (Madison County); Blytheville City Park Lake (Mississippi County); Donald Branch Fishing Pond (Monroe County); Lake Sylvia (Perry County); Shady Lake (Polk County); Twin Lakes A and B, Camp Ferncliff (Pulaski County); Old Davidsonville State Park Lake (Randolph County); Forrest City Park Lake (St. Francis County); Truman Baker Lake (Scott County); Cave City's Lakes (Sharp County); Gunner Pool and Hayden Bend Pond (Stone County); Devils Den State Park (Washington County); Spring Lake, Kingfisher, Clubhouse Lakes in Petit Jean WMA (Yell County) and posted USDA Forest Service ponds and lakes.
5. In addition to daily limit, 10 channel catfish may be taken on the Arkansas River.
6. In addition to daily limit, 10 blue catfish may be taken in Lake Erling.

E. CRAPPIE:

1. Crappie daily limit - 15 in Beaver, Table Rock, Bull Shoals, Norfolk reservoirs, Cane Creek Lake (Lincoln County), Gurdon Lake (Clark County) and Dr. Lester Sitzes III Bois d'Arc Lake.
2. Crappie daily limit - 50 between the main levees of the Mississippi River, from the confluence of the Mississippi/White rivers upstream to the Benzal Railroad Bridge, from the confluence of the Mississippi/Arkansas rivers upstream to the Yancopin Railroad Bridge and on Horseshoe Lake (Crittenden County).
3. Crappie daily limit - 20 in Lake Chicot and Blue Mountain Lake.
4. No crappie daily limit on Lake Charles, Lake Frierson, and Lake Hogue.

F. WALLEYE:

1. Beaver Lake and its tributaries; Table Rock Lake and its tributaries to Beaver Dam; Bull Shoals Lake, and Norfolk Lake - minimum length limit of 18 inches, daily limit 4.
2. In compliance with Addendum N1.02 and Code Chapter 28.00.

G. WHITE BASS, STRIPED BASS, HYBRID STRIPED BASS:

1. White bass:

- i. Between the main levees of the Mississippi river, from the confluence of the Mississippi and White rivers upstream to the Benzal Railroad Bridge, and from the confluence of the Mississippi and Arkansas rivers upstream to the Yancopin Railroad Bridge - daily limit of 50, possession limit of 100.

- ii. Beaver Lake and its tributaries; Bob Kidd Lake; Greers Ferry Lake and its tributaries; Lakes Ashbaugh, Sequoyah, and Monticello - no limit.

2. Striped bass and hybrid striped bass (combined):

- i. Beaver and Norfolk Lakes; Lake Ouachita - daily limit 3.
- ii. Arkansas River and connecting lakes - daily limit 10.
- iii. Lake Monticello - no limit.

H. ALLIGATOR GAR:

- 1. Alligator gar longer than 36 inches may not be harvested from noon May 1 - noon July 1 statewide.
- 2. Alligator Gar Tag is required to harvest alligator gar over 36 inches (Code 26.28).

I. TROUT (BROOK, BROWN, CUTTHROAT, RAINBOW, TIGER):

1. Brown trout:

- i. White River from Bull Shoals Dam to Arkansas Highway 58 Bridge (Bull Shoals Tailwater) and North Fork White River (Norfolk Tailwater) - minimum length 24 inches, daily limit 1; only 1 of trout daily limit may be longer than 14 inches.
- ii. Spavinaw Creek (Benton County) west of Arkansas Highway 59 - minimum length 16 inches, daily limit 2.
- iii. Spring River (from 100 yards below Dam No.1 at Mammoth Spring State Park to the mouth of Myatt Creek.) - minimum length 14 inches, daily limit 1; only 1 of trout daily limit may be longer than 14 inches.
- iv. Little Red River from Greers Ferry Dam to Arkansas Highway 305 Bridge (Greers Ferry Tailwater) - daily limit of 5 (only 1 of trout daily limit may be longer than 16 inches).
- v. White River from Beaver Dam to boundary signs at Houseman Access (Beaver Tailwater) - protected slot limit of 13-16 inches, daily limit of 5 (only 1 of trout daily limit may be longer than 16 inches).
- vi. Little Missouri River from Narrows Dam to Arkansas Highway 27 Bridge (Narrows Tailwater) - all brown trout must be released immediately.

2. Cutthroat trout:

- i. White River from Bull Shoals Dam to Arkansas Highway 58 Bridge (Bull Shoals Tailwater) - minimum length 24 inches, daily limit of 1; only 1 of trout daily limit may be longer than 14 inches.
- ii. North Fork White River (Norfolk Tailwater), Spavinaw Creek (Benton County) west of Arkansas Highway 59 - minimum length 16 inches, daily limit of 2.
- iii. Little Red River from Greers Ferry Dam to Arkansas Highway 305 Bridge (Greers Ferry Tailwater) - only 1 of trout daily limit may be longer than 16 inches.
- iv. White River from Beaver Dam to boundary signs at Houseman Access (Beaver Tailwater) - protected slot limit of 13-16 inches (only 1 of trout daily limit may be longer than 16 inches).

3. Brook trout:

- i. White River from Bull Shoals Dam to Arkansas Highway 58 Bridge (Bull Shoals Tailwater), North Fork White River (Norfolk

Tailwater) - minimum length 14 inches, daily limit of 1; only 1 of trout daily limit may be longer than 14 inches.

- ii. Spavinaw Creek (Benton County) west of Arkansas Highway 59 - minimum length 14 inches, daily limit 2.
- iii. Little Red River from Greers Ferry Dam to Arkansas Highway 305 Bridge (Greers Ferry Tailwater) - only 1 of trout daily limit may be longer than 16 inches.
- iv. White River from Beaver Dam to boundary signs at Houseman Access (Beaver Tailwater) - protected slot limit of 13-16 inches (only 1 of trout daily limit may be longer than 16 inches).

4. Rainbow trout:

- i. Lake Atalanta (Benton County) - daily limit of 5.
- ii. White River from Bull Shoals Dam to Arkansas Highway 58 Bridge (Bull Shoals Tailwater), North Fork White River (Norfork Tailwater), Spring River - daily limit of 5 (only 1 of trout daily limit may be longer than 14 inches).
- iii. Little Red River from Greers Ferry Dam to Arkansas Highway 305 Bridge (Greers Ferry Tailwater) - daily limit of 5 (only 1 of trout daily limit may be longer than 16 inches).
- iv. White River from Beaver Dam to boundary signs at Houseman Access (Beaver Tailwater) - protected slot limit of 13-16 inches, daily limit of 5 (only 1 of trout daily limit may be longer than 16 inches).

5. Tiger trout:

- i. White River from Bull Shoals Dam to Arkansas Highway 58 Bridge (Bull Shoals Tailwater) and North Fork White River (Norfork Tailwater) - minimum length 24 inches, daily limit 1; only 1 of trout daily limit may be longer than 14 inches.

All fish measurements must follow procedures listed in the definition of "Length Limits" in Code 01.00-C.

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.

<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: 20-051 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>[Signature]</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