

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



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: N1.02 Length And Protected Length Limits On Certain Lakes And Rivers

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
Contact Person

April.Soman@agfc.ar.gov
E-mail Address

October 19, 2020
Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted

~~DO NOT CHECK WITH THE ARKANSAS SECRETARY OF STATE UNDER ACT 25-15-204~~

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 All laws, rules, regulations, or orders in conflict with the regulations in this Code Book are hereby repealed by the Arkansas State Game and Fish Commission.

N1.02 Length and Protected Length Limits on Certain Lakes and Rivers

- A. **BLACK BASS:** It is unlawful to possess black bass as follows:
1. Largemouth bass less than 12 inches on Lake Frierson and Greers Ferry Lake.
 2. Spotted bass (Kentucky bass) less than 12 inches on, Bull Shoals, Norfolk, and Table Rock lakes.
 3. All black bass less than 12 inches in Horseshoe Bend Pool on the Strawberry River.
 4. Largemouth less than 13 inches on Lake Ouachita.
 5. Largemouth bass 13-16 inches on lakes Austell (Cross County), Barnett (White County), Brewer, Wilhelmina (Polk County), Bear Creek Lake, Bob Kidd, Lee Creek, and Sugar Loaf Lake.
 6. Largemouth bass less than 13 inches on DeGray Lake and within the boundaries of Felsenthal NWR.
 - i. **EXCEPTION:** No restriction in Woodland Trail Pond - located at the Felsenthal NWR Headquarters on U.S. Highway 82 (Ashley County); Locust Ridge Pond - located at Locust Ridge on U.S. Highway 82 (Union County); Eagle Lake Pond- located north of Eagle Lake on Bradley County Road 53 (Bradley County); and Shallow Lake Field Pond located west of Shallow Lake (Union County). Person(s) keeping largemouth bass less than 13 inches from these waters must exit the NWR boundaries immediately upon leaving these ponds and may not enter NWR campgrounds or fish other NWR waters with largemouth bass less than 13 inches from these 4 ponds in their possession.
 7. Largemouth bass less than 14 inches on the Arkansas River and its tributaries.
 8. Smallmouth bass less than 15 inches on Beaver, Bull Shoals, Norfolk and Table Rock lakes.
 9. Largemouth bass less than 15 inches on Beaver Lake, Blue Mountain, Bull Shoals, Georgia Pacific, Kingfisher, Norfolk and Table Rock lakes; Upper and Lower Lake Chicot (including Connerly Bayou downstream from Connerly Dam to the bayou's mouth and Ditch Bayou from the inlet on Lake Chicot to Ditch Bayou Dam); Lake Greenlee and Moss Creek Pond.
 10. Black bass greater than 16 inches in Lake Winona.
 11. Largemouth bass 16-21 inches on Lake Atkins. Daily limit 10 (only 1 of which may be longer than 21 inches).
 12. Largemouth bass less than 16 inches on Lake June.
 13. Largemouth bass daily limit 10 (only 1 of which may be longer than 20 inches) on Lake Columbia, Lake Austell (Cross County), Lake Dunn (Cross County), and Lower White Oak Lake.
 14. Largemouth bass daily limit 10 (only 1 of which may be longer than 18 inches) on Lake SWEPCO.
 15. Smallmouth bass less than 18 inches on the lower Little Missouri River from Narrows Dam to its mouth. Daily limit 1.
 16. Largemouth bass 14-17 inches on Mallard Lake. Daily limit 10, only 1 of which may be larger than 17 inches.

17. RESERVED.

B. **CRAPPIE:** It is unlawful to possess crappie as follows:

1. Less than 10 inches in Beaver, Table Rock, Bull Shoals, and Norfolk reservoirs; Cane Creek Lake in Lincoln County; Lake Chicot (including Connerly Bayou downstream from Connerly Dam to the bayou's mouth and Ditch Bayou from the inlet on Lake Chicot to Ditch Bayou Dam); Lake Charles, Lake Conway (including Gold Creek downstream from the Sturgis Road Bridge, Stone Dam Creek downstream of Interstate 40 Bridge, Caney Creek/Little Creek downstream from the Arkansas Highway 286 Bridge, and Palarm Creek downstream from the Arkansas Highway 286 Bridge), Lake Overcup, Harris Brake Lake, Lake Dardanelle, and Lake Atkins.
2. Less than 9 inches on Blue Mountain Lake.

C. **CATFISH (channel, blue and flathead):** It is unlawful to possess flathead catfish less than 20 inches on the Ouachita River from Sandy Beach Access (Ouachita County) to Rimmel Dam.

D. **STRIPED BASS:** It is unlawful to possess striped bass less than 20 inches on Lake Norfolk and Beaver Lake

E. **SHOVELNOSE STURGEON:** It is unlawful to possess shovelnose sturgeon less than 21 inches. Shovelnose sturgeon may not be taken from the Mississippi River.

1. **EXCEPTION:** Sportfish may be snagged (except in catch-and-release areas) in compliance with Codes 26.05 and 26.17, and within the restrictive size limits in this Addendum chapter.

F. **WALLEYE:** It is unlawful to possess walleye less than 14 inches on Greers Ferry Lake and its tributaries.

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

- Does this proposed, amended, or repealed rule or regulation have a financial impact?
Yes: No: **X**
- 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:
- 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	\$

- 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

- 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

- 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:

- 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

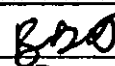
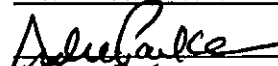
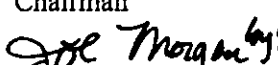



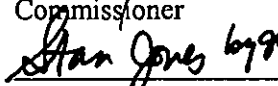
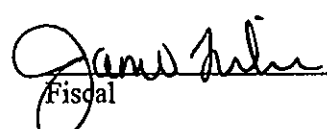
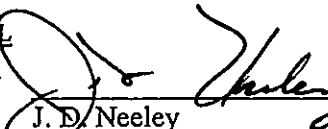


WHEREAS, the Arkansas Game and Fish Commission and its staff have proposed the attached 2021 fishing regulations; and

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></u> Ben Batten Chief	<u></u> Andrew Parker Chairman
Division:	<u>Fisheries</u>	<u></u> Joe Morgan Vice Chairman
Approved:	<u></u> Director	<u></u> Bobby Martin Commissioner
Approved:	<u></u> Legal	<u></u> Stan Jones Commissioner
Approved:	<u></u> Fiscal	<u></u> J. D. Neeley Commissioner
		<u></u> Anne Marie Doramus Commissioner
		<u></u> Rob Emley Commissioner