

ARKANSAS REGISTER

Transmittal Sheet Use only for FINAL and EMERGENCY RULES



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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: N1.03 Specific Trout Water Regulations

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 COMPLIANCE WITH THE ARKANSAS ADMINISTRATIVE PROCEDURES ACT, ACT 25-15-204, 2015 REG. SESS.~~
 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
 Signature
501-223-6327 Phone Number
James.Goodhart@agfc.ar.gov E-mail Address
 General Counsel
 Title
October 19, 2020
 Date

SECRETARY OF STATE
 OFFICE OF ARKANSAS
 2020 OCT 20 PM 12:05
 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 All laws, rules, regulations, or orders in conflict with the regulations in this Code Book are hereby repealed by the Arkansas State Game and Fish Commission.

N1.03 Specific Trout Water Regulations

- A. **Beaver Tailwater** (White River from 100 yards below Beaver Dam to boundary signs at Houseman Access):
1. No fishing, boating, or wading within 100 yards of Beaver Dam.
 2. An angler shall use no more than one fishing rod or pole and must attend it at all times. No other devices shall be used to catch fish other than as specified for the paddlefish-snagging season.
 3. Bait fishing allowed only with a single, hooking point.
 4. From April 15 - June 15, snagging game fish is legal only from 100 yards below Beaver Dam from the Corps of Engineers "No Fishing Beyond This Point" sign downstream to the first Corps of Engineers boat ramp on the left descending bank to the first boat-launching ramp. Snagging must cease after half the daily limit of any game fish has been snagged. Snagged fish of any species shall not be released.
 5. Special Regulation Area: Artificial Lures Only Area/No Bait Zone from approximately 0.5 mile below Beaver Dam to approximately 100 yards upstream of Parker Bend Access, as indicated by signs.
 - i. Only artificial lures or flies shall be used. All hooking points must be barbless. Natural or scented baits are prohibited.
 - ii. Chumming is prohibited.
- B. **Bull Shoals Tailwater** (White River from 100 yards below Bull Shoals Dam to Arkansas Highway 58 Bridge at Guion):
1. No fishing, boating, or wading within 100 yards of Bull Shoals Dam.
 2. An angler shall use no more than one fishing rod or pole and must attend it at all times. No other devices shall be used to catch fish. Only a single hooking point per pole may be used for bait fishing.
 3. Special Regulation Areas:
 - i. Bull Shoals Dam Catch-and-Release Area - Open to fishing from February 1 - October 31 from 100 yards below Bull Shoals Dam to the upstream boundary of Bull Shoals/White River State Park, as indicated by signs.
 - a. All trout caught must be immediately released.
 - b. Only artificial lures or flies shall be used. All hooking points must be barbless. Natural or scented baits are prohibited.
 - c. Chumming is prohibited.
 - ii. Bull Shoals Dam Closed Area - the area 100 yards below Bull Shoals Dam to the wing dike at the Bull Shoals/White River State Park Trout Dock. This area is closed to fishing or wading November 1 - January 31.
 - iii. Bull Shoals Dam Seasonal Brown Trout Catch-and-Release Area, November 1 - January 31. From the wing dike at Bull Shoals/White River State Park Trout Dock to the downstream boundary of the Bull Shoals/White River State Park.
 - a. All brown trout must be immediately released.
 - b. Only artificial lures or flies shall be used. All hooking points must be barbless. Natural or scented baits are prohibited.
 - c. Chumming is prohibited.

d. No fishing 30 minutes after sunset to 30 minutes before sunrise.

iv. Rim Shoals Catch-and-Release Area (near Cotter). From sign immediately above mouth of Jenkins Creek to the first electric power line downstream, as indicated by signs.

a. All trout caught must be immediately released.

b. Only artificial lures or flies shall be used. All hooking points must be barbless. Natural or scented baits are prohibited.

c. Chumming is prohibited.

C. **Norfolk Tailwater** (North Fork of the White River from 100 yards below Norfolk Dam to the confluence of the White River):

1. No fishing, boating, or wading within 100 yards below Norfolk Dam.

2. An angler shall use no more than one fishing rod or pole and must attend it at all times. No other devices shall be used to catch fish. Only a single hooking point per pole may be used for bait fishing.

3. Special Regulation Areas:

i. Norfolk Catch-and-Release Area - from the downstream end of Long Hole to the Bill Ackerman River Ridge Walk-in Access (about 1-2 miles), as indicated by signs.

a. All trout caught must be immediately released.

b. Only artificial lures or flies shall be used. All hooking points must be barbless. Natural or scented baits are prohibited.

c. Chumming is prohibited.

D. **Greers Ferry Tailwater** (Little Red River from 100 yards below Greers Ferry Dam to the Arkansas Highway 305 Bridge):

1. No fishing, boating, or wading within 100 yards of Greers Ferry Dam.

2. An angler shall use no more than one fishing rod or pole and must attend it at all times. No other devices shall be used to catch fish. Only a single hooking point per pole may be used for bait-fishing.

3. Special Regulation Areas:

i. JFK Catch-and-Release Area (at John F. Kennedy Park below Greers Ferry Dam) - from 100 yards downstream from Greers Ferry Dam to approximately 0.5 miles downstream to the last Greer's Ferry National Fish Hatchery effluent outfall in John F. Kennedy Park, as indicated by signs.

a. All trout caught must be immediately released.

b. Only artificial lures or flies shall be used. All hooking points must be barbless. Natural or scented baits are prohibited.

c. Chumming is prohibited.

ii. Cow Shoals Catch-and-Release Area - from the head of Cow Shoals to the mouth of Canoe Creek, as indicated by signs.

a. All trout caught must be immediately released.

b. Only artificial lures with a single, barbless hooking point per pole shall be used. Natural or scented baits are prohibited.

c. Chumming is prohibited.

- d. Closed to night fishing from October 1 – December 31 (No fishing one-half hour after sunset to one-half hour before sunrise).
 - iii. Mossy Shoals Catch-and-Release Area – from the head of Dunham Shoals downstream to the end of Mossy Shoals, as indicated by signs.
 - iv. All trout caught must be immediately released.
 - v. Only artificial lures or flies shall be used. All hooking points must be barbless. Natural or scented baits are prohibited.
 - vi. Chumming is prohibited.
- E. **Collins Creek** (from its source in John F. Kennedy Park below Greers Ferry Dam to the confluence of the Little Red River):
1. An angler shall use no more than one fishing rod or pole and must attend it at all times. No other devices shall be used to catch fish.
 2. Catch-and-Release Stream. All trout caught must be immediately released.
 3. Only artificial lures with a single, barbless hooking point shall be used. Natural or scented baits are prohibited.
 4. Chumming is prohibited.
 5. Fishing is limited to youths upstream of the wooden vehicle bridge in John F. Kennedy Park.
 6. Fishing is allowed from sunrise to sunset.
 7. Downstream of the wooden vehicle road bridge in John F. Kennedy Park, fishing is limited to youths under age 16, anglers with a fishing license and a trout permit who are accompanying a youth under age 16 in the act of fishing, and mobility impaired anglers.
 8. Mobility impaired anglers shall fish from the mobility impaired access piers only.
 9. Mobility impaired card is required for mobility-impaired anglers in compliance with Addendum C1.11.
- F. **Dry Run Creek** (from its source on the east side of Norfolk National Fish Hatchery below Norfolk Dam to the confluence with the North Fork of the White River):
1. An angler shall use no more than one fishing rod or pole and must attend it at all times. No other devices shall be used to catch fish.
 2. Catch-and-Release Stream. All trout caught must be immediately released.
 3. Only artificial lures with a single, barbless hooking point shall be used. Natural or scented baits are prohibited.
 4. Chumming is prohibited.
 5. Fishing is limited to youths and mobility impaired anglers.
 6. Fishing is allowed from sunrise to sunset.
 7. Mobility impaired anglers shall fish from the mobility impaired access pier or boardwalk only.
 8. Mobility-impaired card is required for mobility-impaired anglers in compliance with Addendum C1.11.
- G. **Blanchard Spring Mirror Lake** (in Ozark National Forest Blanchard Spring, from its source to the confluence with North Sylamore Creek):
1. An angler shall use no more than two fishing rods or poles and must attend them at all times. No other devices shall be used to catch fish.

H. **Spring River** (from 100 yards below Dam No. 1 at Mammoth Spring State Park to the mouth of Myatt Creek):

1. An angler shall use no more than one fishing rod or pole and must attend them it all times. No other devices shall be used to catch fish.

I. **Spavinaw Creek (Benton County)** (from its source downstream to the Arkansas Highway 59 bridge):

1. An angler shall use no more than one fishing rod or pole and must attend it at all times. No other devices shall be used to catch fish.
2. Catch and Release Stream. All trout caught must be immediately released.
3. Only artificial lures with a single, barbless hooking point shall be used. Natural or scented baits are prohibited.
4. Chumming is prohibited.

J. **Narrows Tailwater - Little Missouri River** from 100 yards below Narrows Dam (Lake Greeson) downstream to the low-water bridge (Arkansas Highway 27 Bridge):

1. An angler shall use no more than one fishing rod or pole and must attend them it all times. No other devices shall be used to catch fish.

2. Special Regulation Areas:

i. Narrows Catch-and-Release Area - from 100 yards below Narrows Dam downstream to the upstream boundary of Riverside Park Access.

- a. All trout caught must be immediately released.
- b. Only artificial lures with a single, barbless hooking point per pole shall be used. Natural or scented baits are prohibited.
- c. Chumming is prohibited.

ii. Narrows Summer Catch-and-Release Area - May 1 - October 15. Downstream from the upstream boundary of the Riverside Park Access to the gas line crossing above River Ridge Pool.

- a. All trout caught must be immediately released.
- b. Only artificial lures with a single, barbless hooking point per pole shall be used. Natural or scented baits are not allowed.
- c. Chumming is not allowed.

iii. Narrows Winter Catch-and-Release Area - October 16 - April 30. From approximately 300 yards downstream of Hinds Bluff Access to approximately 300 yards upstream of Old Factory Site (Weir 2), as indicated by signs.

- a. All trout caught must be immediately released.
- b. Only artificial lures with a single, barbless hooking point per pole shall be used. Natural or scented baits are prohibited.
- c. Chumming is prohibited.

K. **Big Spring** (at Cotter) from its source to the confluence with the White River:

1. Fishing is limited to youths and disabled anglers. Youths must be accompanied by an adult when fishing. Adult disabled anglers must carry proof they are 100 percent permanently and totally disabled (Code 01.00-C) and possess a sport fishing, lifetime fishing, or combination hunting and fishing license, plus a trout permit.

2. An angler may use no more than one fishing rod or pole and must attend it at all times. No other devices may be used to catch fish.
3. All fish caught must be released.
4. Only artificial lures with barbless hook(s) may be used. Natural or scented baits are prohibited.
5. Chumming is prohibited.
6. Fishing is allowed from sunrise to sunset.
7. No fishing in the swimming hole at the upstream end of Big Spring, as indicated by signs.
8. No motorized boats allowed in Big Spring.

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