

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 All laws, rules, regulations, or orders in conflict with the regulations in this Code Book are hereby repealed by the Arkansas State Game and Fish Commission.

V1.01 Trout Stocking Permit Requirements

A. Trout Stocking Permits may be issued by the Chief of Fisheries to applicants complying with the following requirements:

1. The applicant must be at least 18 years old and shall not have been convicted of (as defined in Code 01.00-C) for violating any federal, state, or municipal law or regulation governing wildlife or fisheries, illegal appropriation or commercialization of wildlife or fisheries, or cruelty to animals within 5 years of the application date;
2. The applicant must provide satisfactory proof of applicant's ownership of the land beneath the waters for which the permit is sought;
3. The applicant shall certify in writing that he/she is in compliance with all federal, state, and local laws or regulations and possesses all required permits or licenses;
4. The applicant shall submit a written application (available from the Commission) for each stocking to be permitted. Each application submitted shall contain the applicant's contact information; a general description and the location (including section, township, range, county) of the water(s) to be stocked; the proposed stocking date(s); the originating facility's contact information; the species, size, and number of trout and trout eggs to be stocked; and any other information requested on the application form; and
5. The applicant shall include with the application a disease-free certification for the AGFC-permitted fish farm or other facility from which the trout or trout eggs will originate. The certification must have been issued under the guidelines in Addendum Chapter I1.00 and meet all fish health requirements.

B. The requested permit shall be denied if:

1. The applicant fails to meet any of the issuance criteria set forth in this regulation;
2. The land beneath the waters for which the permit is sought is publicly-owned or such waters constitute navigable or otherwise public waters;
3. The applicant fails to disclose material information required, or makes false statements as to any material fact in connection with the application, or supplies false information or makes a false statement on the application;
4. The Commission finds, through further inquiry or investigation (including the inspection detailed below), that the issuance of the permit may be potentially harmful to the fishery resources of the state or that the stocking action is inconsistent with the Commission's management objectives for the water and the watershed to be stocked;
5. The Commission's Fisheries Pathologist disapproves the disease-free certification submitted by the applicant; or
6. The trout species for which the permit is requested is restricted or prohibited under federal or state law or Commission regulation.

C. Inspection:

1. The Fisheries Division shall inspect the waters for which the permit is sought before issuance or disapproval of the permit. Inspection will be

for the purpose of evaluating the public versus private nature of the waters, connectivity of the waters, suitability of the waters for the trout species proposed to be stocked, biosecurity of the waters and related facility (if any), opportunity for escapement of the stocked trout, potential impact of trout on aquatic resources, and likelihood of viability for trout populations outside of the proposed permitted stocking location.

2. Applicants and permittees shall allow agents of the Commission to enter and inspect the premises, including books, records or permits required to be kept, and any trout, trout eggs, or facilities kept under authority of permit at reasonable times upon request by an agent of the Commission.

D. Permit Requirements:

1. Permittee must notify the Fisheries Division in writing of the actual date of each stocking and provide a current disease-free certification at least 21 calendar days prior to the stocking event.
2. The stocking permit must be available at the location of any stocking.
3. Within 14 calendar days after each stocking event, the permittee must submit a report regarding the event that includes the permittee's contact information, the permit number, the waters stocked, the location (including section, township, range, county) of the stocking, the stocking date, originating facility, the species, size, and number of trout and trout eggs stocked.

E. Reporting and Record-keeping Requirements:

1. Legible records of all trout and trout egg acquisitions and dispositions, including origin, stocking dates, the waters stocked, the location (including section, township, range, county) of the stocking, and the species, size, and number of trout or trout eggs stocked, shall be kept.
2. Records shall include evidence of legal possession of all trout or trout eggs stocked under the permit, including permits, licenses, bills of sale, bills of lading, receipts, invoices or other satisfactory evidence of ownership. Records shall include date of acquisition, place of origin, and the name, address and telephone number of the person from whom the trout or trout eggs were acquired.
3. Records must be retained for 5 years.

F. Permit Renewal, Transfer, Suspension And Revocation:

1. Trout Stocking Permits shall expire on December 31 each year. Permits may be reviewed and renewed following receipt and approval by the Chief of Fisheries of a permit renewal application (available from the Commission). Permit renewal applications must be submitted to the Chief of Fisheries within 60 days of permit expiration.
2. Trout Stocking Permits are not transferable.
3. Persons in violation of the terms of this permit, Commission Codes, or convicted of violating associated regulations of the U.S. Fish and Wildlife Service, shall be notified in writing and shall have 20 days to respond with just cause as to why their permit should not be suspended or revoked.
4. If after 20 days just cause has not been given, the Commission may suspend or revoke any existing permit held by the violator and may refuse to issue future permits. Permit suspension, revocation or

refusal shall be in addition to any criminal charges that may be filed. Upon revocation, permit holder must remove by legal means all trout and trout eggs within the time designated in the revocation, not to exceed 60 days, and failure to do so shall result in the Commission taking action, per Commission policy, at the permit holder's expense.

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: Live Fish Trade Regulations Adoption

- 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: **Live Fish Trade Industry**

Effect on Party Subject to Rule: **Yearly increase of \$25 for license fee renewal; formerly the fee was one-time with no renewal fee.**

- 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: 20-052 SUBJECT: 2021 Live Fish Trade 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 live fish trade 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 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.

STAFF APPROVAL

Submitted by: BBB
Ben Batten
Chief

Division: Fisheries

Approved: [Signature]
Director

Approved: A.F. Woodhart
Legal

Approved: [Signature]
Fiscal

COMMISSION APPROVAL

[Signature]
Andrew Parker
Chairman

[Signature]
Joe Morgan
Vice Chairman

[Signature]
Bobby Martin
Commissioner

[Signature]
Stan Jones
Commissioner

[Signature]
J. D. Neeley
Commissioner

[Signature]
Anne Marie Doramus
Commissioner

[Signature]
Rob Finley
Commissioner