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March 25, 2022

Ms. Gwen Nguyen
Arkansas Secretary of State, Rules & Regulation Filing
500 Woodlane Drive, Room 26
Little Rock, AR 72201
Via email only: register@sos.arkansas.gov

RE: Legal Notice for Proposed Rules or Regulations – April 2022 meetings

Dear Ms. Nguyen:

Included in this email, please find for filing and immediate publication on the Secretary of State's website the Legal Notice for Commission Meetings to be held on April 20-21, 2022, which is being published in the Arkansas Democrat-Gazette on March 27, 28, & 29, 2022.

Also included are the one hundred fifteen (115) regulation proposals regarding general hunting & miscellaneous wildlife regulations along with general fishing regulations being discussed at this meeting.

Should you have any questions or comments concerning this filing, please do not hesitate to contact Sarah Milligan or me at (501) 223-6327 at your convenience.

Sincerely,

James F. Goodhart
General Counsel

JFG/srm
Attachment

cc: Ms. Rebecca Miller-Rice, Bureau of Legislative Research
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LEGAL NOTICE

The regular monthly meeting of the Arkansas Game and Fish Commission will be held beginning at 9:00 a.m. Thursday, April 21, 2022, at the Little Rock Office Complex, 2 Natural Resources Drive, Little Rock, AR 72205. At that time, regulations and business pertaining to the operation of the Game and Fish Commission and other fiscal and administrative matters will be considered and acted upon. Additionally, Committee meetings attended by Commissioners and agency staff members will be held in the Director's conference room throughout the day on Wednesday, April 20, 2022, beginning at 9:00 a.m. at the Little Rock Office Complex, 2 Natural Resources Drive, Little Rock, AR 72205. All interested persons are invited to attend these meetings.

The AGFC Little Rock Office Complex currently is open to the public and COVID-19 guidelines recommended by the Arkansas Department of Health are applicable. The Commission meeting on April 21st will be live-streamed and a link for easy viewing access will be available on the agency website. Please visit the Arkansas Game and Fish Commission website at <https://www.agfc.com> for additional up-to-date details as the April meeting dates draw closer.

Items on the agenda for the April 21, 2022 meeting will include discussion and/or adoption of proposed regulations that previously were considered at the March 15-17, 2022 Commission Meetings, plus consideration of various Hunting and Fishing Regulations and regulations pertaining to the Enforcement Division of the Arkansas Game and Fish Commission, including, but not limited to:

1. **General Hunting and Miscellaneous Wildlife Regulations** – Propose general hunting regulations for 2022-23 and 2023-24 including, but not limited to, game seasons, bag limits, geographic zones, wildlife management areas (WMAs), weapon restrictions and other manner-of-taking-game requirements for alligator, bear, deer, elk, furbearing animals, quail, rabbit, squirrel, turkey, dove, waterfowl, and other game species. Changes to regulation include, but are not limited to:

Furbearer/Depredation

- Add exception for bobcat and otter pelt tagging requirement to allow bobcat and otter pelts to temporarily be shipped out of state for tanning without attaching a CITES tag.
- Reduce length of furbearer season for trapping muskrat on WMAs.
- Amend furbearing season trap restrictions to increase maximum size of foothold traps set on land (from 6" to 6¼").
- Revise Predator Control Permit requirements for taking bobcat, coyote, gray fox, opossum, raccoon, red fox, or striped skunk on private land.
- Revise Depredation Permit requirements for consistency with Predator Control Permit requirements, including for taking of certain birds (House Sparrows, European Starlings, Rock Doves, etc.).

General

- Amend Resident and Non-Resident Hunting License requirements, including: remove references to a temporary internet license or confirmation code; and revise Non-Resident License requirements for hunting elk or alligator.

- Revise codes for listing WMAs for bear and wild turkey hunting seasons and limits, including remove from list those WMAs having “closed” seasons (only WMAs with “open” season will remain listed).
- Define types of killing devices and ammunition allowed for hunting crow.
- Provide exception for prohibited methods for hunting wildlife to allow certain live-cage-type traps for use in capturing nuisance animals.
- Amend aiding and abetting prohibition to indicate the penalty is the same as the violation committed by the person who was aided or abetted.
- Amend littering prohibition to prohibit discard of any game animal carcass within 50 yards of any stream, river, pond or lake.
- Establish or revise definitions of the following terms: “Conservation Buck Tag”; “Deer Management Assistant Program”; “Large Carnivore”; “Off Highway Vehicle”; “Personal Watercraft or Jet Boat”.
- Amend dog training restrictions on Camp Robinson Special Use Area, including: restrict dog use during reserved dog field trial events in reserved compartments, except dogs participating in the field trial event; and clarify number and types of dogs allowed to be trained.
- Amend big game checking requirements to require deer, adult turkey gobblers, or bear injured or killed by incidental contact (non-hunting activity such as vehicle accident) must be reported to the AGFC Radio Room and an official salvage tag number obtained before the animal or its parts may be possessed from the point of initial contact.
- Clarify color description for hunter orange / safety green clothing requirements.
- Revise camping restrictions on Commission-owned or controlled property, including: require persons 16 years of age or older to obtain a 7-day camping permit for a fee of \$5.00, except that a daily camping permit for a fee of \$15.00 will be necessary for camping at Camp Robinson SUA; establish restrictions for large groups of 50 or more individuals; and adopt additional camping restrictions.
- Amend vehicle restrictions on WMAs, including: restrict use of off highway vehicles (OHVs), but making allowance for limited use of OHVs on certain days on designated open, maintained roads on Jack Mountain WMA.
- Amend prohibition of structures and personal property on WMAs to include prohibiting leaving any trail cameras or vehicles on a WMA, and allow a limited exception for trail cameras that have the owner’s name and address visibly and permanently affixed.
- Revise prohibition for skiing on lakes owned or controlled by the Commission to include jet boats.
- Revise prohibition for baiting or hunting over baited portions of WMAs to increase the penalty and delete exception for certain AGFC wildlife food areas.
- Amend season restrictions during permit hunts on WMAs, including: allow certain other hunting seasons to remain open during the permit hunts on Buffalo National River, Bearcat Hollow, and Gene Rush WMAs.
- Amend hunting season and limit restrictions for deer, bear, and wild turkey, including: establish open hunting seasons for Alum Fork Natural Area WMA in

Saline County and Devil's Eyebrow Natural Area WMA in Benton and Carroll Counties.

- Amend season dates, limit restrictions, and permit requirements for deer hunting on various WMAs, including: Bearcat Hollow, Lee Creek, Wedington, and White Rock WMAs; adjust dates for start and close of archery deer season on Dardanelle WMA affecting Johnson County Waterfowl Rest Area; remove current archery deer permit requirement for Maumelle River WMA; remove permit requirements for Disabled Veteran deer hunts at Warren Prairie and Longview Saline Natural Area WMAs; add youth deer permit hunts at Camp Robinson Special Use Area, Harold E. Alexander/Spring River, and Greers Ferry Lake WMAs; remove current firearm restriction for modern gun deer permit hunt and add muzzleloader deer permit hunt at Steve N. Wilson Raft Creek Bottoms WMA; and add muzzleloader deer permit hunt at Stone Prairie WMA.
- Revise various regulations to remove existing designation for Ozark National Forest WMA and incorporate those lands into other adjoining cooperative WMAs.
- Amend dog restrictions on WMAs to allow use of dogs for squirrel hunting after first 9 days of modern gun deer season on Bearcat Hollow WMA.
- Delete restrictions for motorized vehicles on Commission-owned areas and consolidate with existing code for motorized vehicle restrictions on WMAs.
- Revise dates for horse and mule restrictions on certain Commission-owned and leased land WMAs and require 30 days' advance notice for large events to obtain a Special Use Permit.
- Amend codes for Maumelle River WMA, including: allow camping in designated areas only; prohibit removal of certain objects from the WMA without a permit; remove current boating/lake hours and horsepower restrictions; and clarify kayak-use areas.
- Establish dove permit requirements on certain WMAs, including: Camp Robinson Special Use Area; Dave Donaldson Black River; Shirey Bay/Rainey Brake; and Frog Bayou WMAs.
- Amend archery tackle restrictions to prohibit the use of archery equipment capable of holding and/or firing more than one arrow or bolt in succession or simultaneously without re-cocking the device, and allow limited exception during modern gun seasons for bear, deer, elk, and turkey.
- Amend existing firearms and weapons regulations to prohibit the use of blow guns and dart guns for hunting white-tailed deer, elk, bear, wild turkey or quail.
- Amend deer hunting regulations to add certain deer zones (created during 2019-20 regulation cycle) and clarify language for private lands antlerless-only modern-gun hunt and exception for retrieving wounded deer. Also create opportunity for hunters to earn a 3rd buck tag (Conservation Buck Tag).
- Revise tagging requirements for white-tailed deer and turkey to be properly tagged or checked immediately after harvest and before moving the animal.
- Amend prohibition for hunting wildlife or possessing a killing device in a state or national park to provide an exception for parks that participate in the AGFC Deer Management Assistance Program with an approved deer management plan.
- Increase fee for the Non-resident Guide Licenses for hunting and for fishing from \$150 to \$450.00.

- Adopt prohibition for any holder of a Guide License to be guiding another person while the licensed guide is intoxicated or under the influence of any narcotic drug, barbiturate, or marijuana, with a Class 4 penalty for violation and suspension of hunting/fishing Guide Licenses as set forth in Codes 01.00-L and 01.00-K.

Wild Turkey

- Increase penalty for violation of hunting wild turkey by the aid of baiting.
- Amend season dates, limit restrictions, and permit requirements for turkey hunting on various WMAs, including: Beryl Anthony Lower Ouachita; Cut-Off Creek; Cypress Bayou; Devil's Eyebrow Natural Area; Dr. Lester Sitzes Bois D'Arc; Freddie Black Choctaw Island WMA Deer Research Area - East Unit; Longview Saline Natural Area; McIlroy Madison County; Petit Jean River; Scott Henderson Gulf Mountain; Stone Prairie; Sylamore; Trusten Holder; and Warren Prairie WMAs.
- Require a tag and notching system for turkey harvest.
- Reduce the bag limit for turkey to one bird limit.

Bear

- Amend bear season dates and limits, including: establish season framework for Bear Zones 3 and 4; modify archery and modern gun seasons for Bear Zones 1, 2, 5 and 5A; open bear archery season 10 days earlier in Bear Zones 1 and 2; and correct season dates for McIlroy Madison County WMA.
- Amend restrictions for selling wildlife to allow exception for legally harvested bear hide, skull, and claws as items that may be sold.

Elk

- Amend limit restrictions for elk hunting to reduce elk quotas, including number of public and private land elk tags.

Waterfowl

- Revise prohibition for killing devices and ammunition for hunting migratory game birds to indicate that certain non-toxic shot requirements apply to migratory waterfowl hunting only and increase the penalty for violation.
- Revise prohibition for use of non-toxic shot while hunting small game on certain WMAs to identify specific WMAs where it is unlawful to possess any shot other than federally-approved non-toxic shot while hunting migratory birds with shotguns.
- Amend season dates, limit restrictions, and permit requirements for waterfowl hunting, including for: duck, coot, and merganser; Canada Goose; Snow, Blue and Ross's Goose; and White-fronted Goose; adjust dates for special youth waterfowl hunting and veteran and active duty military waterfowl hunting; adjust dates for nonresident waterfowl hunting permit requirements on WMAs; and restrict White-fronted Goose season to 74 days to run concurrently with duck season and with a 3-bird bag limit.
- Revise special usage restrictions on certain WMAs and lakes to extend "Common Restriction A" boat access restrictions to include the 7 days preceding the first day of the first segment of regular duck season; and include waterfowl hunting restrictions on Bell Slough, Ed Gordon Point Remove, Frog Bayou, Galla Creek, and Ozark Lake (Dyer Lake Unit) WMAs.
- Amend boat motor restrictions on certain WMAs to require all boats on "Common Restriction A" WMAs to operate only with motors that have factory exhaust systems

in place effective for the 2023-24 duck season. Outboard motors must not be ported to allow exhaust to evacuate above the water line at any point during operation.

Endangered Species / Captive Wildlife

- Amend Endangered Species List to add and remove various species, including: add Red Knot and Black Rail birds; revise Red-cockaded Woodpecker name; and remove Sprague's Pipit and Magazine Mountain shagreen snail.
- Revise Commercial Wildlife Hunting Resort Permit requirements, including remove current prohibition for hunting black bear at a permitted commercial wildlife hunting resort.
- Amend Wildlife Importation Permit requirements, including: clarify this permit is necessary for import of native aquatic turtles and alligators; require disease testing and control measures; allow wildlife to be transported through Arkansas as part of interstate commerce without having to obtain a permit; and require that animals must comply with requirements for proper cages, enclosures, pens, and security, and be kept in humane and healthy conditions.
- Revise provisions prohibiting possession of certain wildlife in captivity and relocate various provisions to other captive wildlife codes for clarity.
- Amend restrictions for possession of captive non-native wildlife to indicate requirements for possession of non-native wildlife pets and mirror existing exemptions found elsewhere in the Code Book.
- Amend existing captive wildlife possession requirements and permits to allow ratites (ostriches, emus, and rheas) to be kept in uncovered pens. Also include provisions authorizing special conditions to permits (Commercial Wildlife Hunting Resort, Game Bird Shooting Resort, Wildlife Breeder/Dealer, Wildlife Importation, Wildlife Rehabilitation, and Venomous Reptile Permits) when deemed necessary by the Commission.
- Revise Wildlife Breeder/Dealer Permit requirements, including: prohibit renewal of a permit for species on the Prohibited Captive Wildlife Species list if a current permit holder has not had any of those species in possession for more than one year; require that wildlife shall not leave the facility except upon sale, for veterinary care, or for exhibition; require that animals being exhibited must comply with requirements for proper cages, enclosures, pens, and security; allow accredited members of the Global Federation of Animal Sanctuaries to keep large carnivores in exercise areas overnight; and prohibit permit holders with species included on the Prohibited Captive Wildlife Species List from selling to anyone in Arkansas that doesn't already possess such a permit or to those outside of Arkansas.
- Amend Game Bird Shooting Resort Permit requirements to remove captive-reared mallards from current list of species that may be released for hunting purposes, and allow limited exceptions for retriever training and field trial events.
- Amend prohibition for release of certain wildlife and requirements for Depredation Permits and Wildlife Rehabilitation Permits to restrict release of nuisance wildlife onto private land in the county of capture or adjacent to the county of capture.
- Amend requirements for certain captive wildlife permits to require a permit holder that does not renew his or her permit to have all remaining stock of animals that cannot be kept in accordance with applicable native or non-native pet regulations either sold to a legal buyer or euthanized prior to permit expiration.

- Amend restrictions for possessing native wildlife as pets to remove bobcat, coyote, gray fox, and red fox from current list of native species that may be captured by hand in the wild and kept as pets.
- Revise the Unrestricted, Permitted, and Prohibited Captive Wildlife Species Lists (Addenda R1.01, R1.02, and R1.03), reorganize by species types, and add new species to each of these lists. Also amend the Prohibited Captive Wildlife Species List bird selection to prohibit waterfowl without exceptions.
- Amend restrictions for bird dog training and retrieving dog training, and establish requirements for a Shoot-to-Kill Bird Dog Training Permit and a Game Bird Shoot-to-Kill Permit, including existing dog training restrictions and restrict the number of birds that may be kept at any one time to 100.
- Amend Conservation Education Permit requirements, including: require inspection of wildlife, facilities, books and records; and authorize immediate relocation of wildlife that is being given improper care or being kept in inhumane or unhealthy conditions.
- Amend Wildlife Rehabilitation Permit requirements, including: clarify landowner permission needed for all release sites; and require record keeping of the name and phone number of individuals submitting animals for rehab.
- Amend requirements for Falconry Permit to comply with federal falconry regulations required by the U.S. Fish and Wildlife Service.

Chronic Wasting Disease

- Amend CWD Management Zone description, including: change status of Searcy County from a Tier 2 to Tier 1 and implement carcass movement restriction; add Ashley, Bradley, Randolph, and Union Counties to the Zone, each with Tier 2 status; and include new management requirements from the 2021-2025 CWD Management and Responsive Plan.
- Amend restrictions for deer season and limits, including revise harvest definitions within Ashley, Bradley and Union County portions of Deer Zone 12, and within Randolph County portion of Deer Zone 4.
- Amend restrictions for deer season and limits on WMAs, including revise harvest definitions for Robert L. Hankins Mud Creek WMA within Randolph County portion of Deer Zone 4 and Beryl Anthony Lower Ouachita WMA within Ashley and Union County portions of Deer Zone 12.

2. **General Fishing Regulations** – Propose miscellaneous fishing regulations, including, but not limited to:

- Define “Game Fish Parts” in the Definition of Terms.
- Establish that it is illegal to use “game fish parts” (which includes eggs and milt) and add an exception that commercially-prepared (i.e., cured) trout eggs will be allowed.
- Remove War Memorial Park Pond from the Family and Community Fishing Program Restrictions.

Sportfish

- Reinstate statewide crappie regulations on Bois d’Arc Lake.
- Implement catch and release only for all sportfish in Lake Monticello, including all creeks and ponds in its lakebed.
- Implement 13-inch minimum length limit for Largemouth and Smallmouth Bass and remove length limit for Spotted Bass on Lake Norfolk.

- Increase the Lake Poinsett daily creel of Bream to the statewide limit of 50.
- Remove 13-16-inch slot length limit regulation for harvest of Largemouth Bass from Sugar Loaf Lake.
- Implement 10-inch minimum length limit for Crappie at Lake Erling.

Commercial Fishing

- Clarify that gill and trammel nets are the only legal commercial fishing gear on Horseshoe Lake (Crittenden County).
- Establish special commercial fishing season on Long Slough Lake (Miller County), open noon November 1 until noon February 28 regardless of Sulphur River water level.
- Remove slat traps as a legal form of gear for fishing on Millwood Lake.

Non- Sportfish

- Require certain baitfish collection devices to be clearly labeled, in a durable manner.
- Allow recreational harvest of common snapping turtles and softshell turtles for personal consumption with a combined limit of six animals harvested per day.
- Create a new regulation specific to crayfish to establish harvest restrictions and type of gear that can be used to legally take crayfish, and close certain waters to harvest, including Eleven Point, South Fork Spring, Spring, and Strawberry Rivers.

Invasive Species

- Prohibit possession of invasive aquatic plant species on properties owned, managed, or controlled by the Commission.
- Add exception for possession of White Perch and Yellow Perch, and add White Perch and Marbled Crayfish to the list of Prohibited Species.
- Remove regulation for Transportation of Zebra Mussels Prohibited.
- Amend prohibition for possession of certain live carp to add exceptions for Silver Carp, Bighead Carp, and Black Carp to be possessed with a valid Conditional and/or Unlisted Species Permit.

All persons wishing to be heard on these subjects should submit comments in writing to this office before the start of the April 21, 2022 meeting (preferably by 4:30 p.m. on the day before). Any request to make an oral presentation at the meeting should be submitted in writing to this office on or before April 11, 2022. Copies of any proposed rules or regulations may be obtained at the Arkansas Game and Fish Commission main office and at www.agfc.com, or through a written request mailed to the address below.

AUSTIN BOOTH, DIRECTOR
Arkansas Game & Fish Commission
Game & Fish Commission Building
2 Natural Resources Drive
Little Rock, Arkansas 72205

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State
John Thurston
500 Woodlane, Suite 026
Little Rock, Arkansas 72201-1094
(501) 682-5070
www.sos.arkansas.gov



Name of Department Arkansas Game and Fish Commission

Agency or Division Name Legal Division

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person Sarah Milligan

Contact E-mail Sarah.Milligan@agfc.ar.gov

Contact Phone 501-223-6327 Legal Division

Name of Rule 39.00 Crayfish Regulations

Newspaper Name Arkansas Democrat Gazette

Date of Publishing March 27, 28, & 29, 2022

Final Date for Public Comment May 19, 2022

Location and Time of Public Meeting 2 Natural Resources Drive, Little Rock AR 72205, 9:00 a.m.

39.00 Crayfish Regulations

39.01 Crayfish Harvest Restricted

39.02 Illegal Recreational Crayfish Tackle Prohibited

39.03 Crayfish Harvest Locations Restricted

39.04 Rearing, Propagation, Stocking, Importation, and Exportation of Crayfish Restricted

39.01 Crayfish Harvest Restricted

It is unlawful for a person to:

- A. Harvest crayfish (crawdads, mudbugs, crawfish) without a valid fishing license as defined in AGFC Code 3.02
- B. Fish more than 10 crayfish traps simultaneously.
- C. Fail to check crayfish trap(s) within 24 hours of setting trap(s).
- D. Fail to remove crayfish trap(s) when no longer in use for harvest.
- E. Sell crayfish recreationally harvested from waters of the state.
- F. Retain any species other than crayfish and baitfish. All other species must be immediately returned to the waters where taken.
- G. Move crayfish unless in compliance with AGFC Code 26.27.

PENALTY: Class 1

39.02 Illegal Recreational Crayfish Tackle Prohibited

It is unlawful to use tackle for taking or attempting to take crayfish for personal use from waters of the state other than as specified below.

- A. Seines not in excess of 50 feet long and 4 feet in depth with square mesh with a minimum opening of 1/2 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 throat size of 2.5 inches.
- C. Plastic or wire mesh minnow traps with throat size of not more than 2.5 inches.
- D. 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.

All fishing devices must be clearly labeled, in a durable manner with one of the following:

- A. Name and address;
- B. Driver's license number;
- C. AGFC customer identification number; or
- D. Current vehicle license plate number of the person using such equipment.

PENALTY: Class 1

39.03 Crayfish Harvest Locations Restricted

Crayfish may not be taken from the Eleven Point, South Fork Spring, Spring, or Strawberry rivers or their tributaries for any reason.

PENALTY: Class 2

39.04 Rearing, Propagation, Stocking, Importation, And Exportation Of Crayfish Restricted

- A. It is unlawful for individuals to possess, propagate, or offer for sale farm-reared crayfish without the appropriate live fish trade valid permit as defined in AGFC Code 35.01 and AGFC code 32.02. All crayfish obtained for seed stock and stocking must be obtained from a valid live fish trade permit holder. All crayfish imported must meet the requirements of AGFC Code 35.00, Addendum I1.00, and Addendum J1.00.
- B. It is unlawful to export any crayfish taken from waters of the state.

EXCEPTIONS:

1. Crayfish imported for immediate human consumption (In compliance with Addendum I1.03).

PENALTY: Class 2

General Fishing Regulations

- 1. Proposal:** Define “game fish parts” in the Definition Of Terms.
Justification: Currently regulation 26.18 bans the importation of “game fish parts” but there is not a definition of “game fish parts” in the code book. This proposed addition to the definition of terms will outline a definition of game fish parts to complement the proposed regulation change to Code 26.18.
Code Change: 01.00-C
- 2. Proposal:** Clarify that it is illegal to use “game fish parts” (which includes eggs and milt) and add an exception that commercially prepared (i.e., cured) trout eggs will be allowed.
Justification: Utilizing salmon eggs while targeting trout is a popular technique amongst many anglers; however, fresh or frozen salmonid eggs are a potential vector for a multitude of aquatic pathogens. This proposed regulation change, in conjunction with the definition of “game fish parts”, allows anglers to continue to use salmon eggs (commercially prepared only) while eliminating the potential threat of introducing aquatic pathogens.
Code Change: 26.18
- 3. Proposal:** Remove War Memorial Park Pond from the Family and Community Fishing Program Restrictions.
Justification: War Memorial Park Pond in Pulaski County is silted in and the City of Little Rock, the pond’s owner, has no plan for renovating the pond. This pond has not received regular fish stockings from AGFC in more than 4 years.
Code Change: 26.25

Invasive Species

- 4. Proposal:** Prohibit the possession of invasive aquatic plant species on properties owned, managed, or controlled by the Arkansas Game and Fish Commission.
Justification: One of the biggest threats to aquatic conservation, fishing quality, and even duck hunting in Arkansas is the spread of invasive aquatic plants. Prohibiting the possession of invasive species of aquatic plants on AGFC owned, managed, or controlled property is an essential step to limiting the spread of invasives.
Code Change: 19.20
- 5. Proposal:** (1) Add an exception for White Perch and Yellow Perch to be possessed, following the same requirement currently established in AGFC Code 26.13 for Northern Snakehead and (2) add White Perch and Marbled Crayfish to the list of prohibited species in Addendum J1.01 and J1.03.

Justification: White Perch, Yellow Perch, and Marbled Crayfish are three species that have the potential to negatively affect aquatic ecosystems in Arkansas. Adding an exception for White/Yellow Perch to AGFC Code 26.13 will allow anglers to harvest and possess these species once they have been properly dispatched. Similar to the possession exception for Northern Snakehead, the purpose of this regulation is to encourage anglers to remove these invasive species. To further reduce the potential for White Perch, Yellow Perch and Marbled Crayfish to spread these species should be added to the Prohibited Species in Addendum J1.01 and J1.03.

Code Change: 26.13

6. Proposal: Remove Code 26.14 - Transportation of Zebra Mussels Prohibited.

Justification: AGFC Code 26.14 is redundant because zebra mussels are on the prohibited species list, therefore AGFC Code 26.13 already prohibits the import, transport, or possession of zebra mussels in Arkansas.

Code Change: 26.14

7. Proposal: Add exceptions for Silver Carp, Bighead Carp, and Black Carp to be possessed, in alignment with existing language in Addendum J1.01.

Justification: Individuals possessing or desiring to possess these species for culture, research, or educational purposes are required to apply for a Conditional Species Possession Permit in addition to the appropriate permit under Code 35.01. Providing an exception to possess these three invasive carp species was an oversight when Code 26.30 was first adopted. Including the exception provides continuity between 26.30 and Addendum J1.01.

Code Change: 26.30

Commercial Fishing

8. Proposal: Clarify that gill and trammel nets are the only legal commercial fishing gear in Horseshoe Lake (Crittenden County).

Justification: The intent of this regulation was to allow commercial fishermen to remove rough fish and invasive carp from Horseshoe Lake (Crittenden County) using only gill and trammel nets. Currently, the regulation does not state that the only legal gear is gill and trammel nets, this change will provide that clarification.

Code Change: 30.13

9. Proposal: Establish a special commercial fishing season on Long Slough Lake (Miller County) open noon November 1 until noon February 28 regardless of Sulphur River water level.

Justification: This proposed regulation would open Long Slough Lake to commercial fishing. There is an abundance of commercial species in the lake, and it serves as a potential harbor for invasive carp species. Commercial fishing in Long Slough is an important component for monitoring the establishment of an invasive carp population in the lake.

Code Change: 30.13

- 10. Proposal:** Remove slat traps as a legal form of gear for fishing Millwood Lake.
Justification: Millwood Lake special permit commercial season was originally added to assist with evaluating the catfish populations that are difficult for biologists to sample. However, limited data is available to justify allowing catfish under 16" to be harvested commercially. Removing this regulation will default catfish species to a 16-inch minimum length limit.
Code Change: 30.13

Non-sportfish

- 11. Proposal:** Require certain baitfish collection devices to be clearly labeled, in a durable manner.
Justification: This change adds continuity with label requirements of other forms of passive fishing gear found in Code 26.21.
Code Change: 32.04
- 12. Proposal:** Allow recreational harvest of common snapping turtles and softshell turtles for personal consumption with limits of six animals harvested per day.
Justification: This regulation change provides opportunities for recreational harvest of specific aquatic turtles.
Code Change: 34.12
- 13. Proposal:** Create a new code specific to crayfish.
Justification: Crayfish have long been utilized as bait for sportfish harvest and are growing in popularity for personal consumption. This proposed code will clarify harvest restrictions and the type of gear that can be used to legally take crayfish. The following waters and their tributaries are closed to harvest of crayfish based on the number of Species of Greatest Conservation Need: Eleven Point, South Fork Spring, Spring, or Strawberry rivers.
Code Change: 39.01, 39.02, 39.03, 39.05, 39.06

Sportfish

- 14. Proposal:** Reinstate statewide crappie regulations on Bois d'Arc Lake.
Justification: The half (15) daily limit for crappie is a carryover from the reduced creel limits that were enacted after the lake renovation in 2004. Lake sampling data from 2015-2020 indicate that this regulation is no longer needed and the lake should return to statewide limits.
Code Change: N1.01
- 15. Proposal:** Implement catch and release only for all sportfish in Lake Monticello including all creeks and ponds in its lakebed.
Justification: Lake Monticello has recently been renovated and will be stocked with a variety of fish species during 2022. In an effort to maximize the reproductive potential of these brood fish it is essential that all fish be released immediately until these populations become established. This catch and release regulation will be

removed when the lake is refilled and sustainable sportfish populations are established.

Code Change: N1.01-A

- 16. Proposal:** Implement a 13-inch minimum length limit for Largemouth and Smallmouth Bass and remove the length limit for Spotted Bass on Lake Norfolk.
Justification: Over the last decade there has been a substantial increase in the abundance of Largemouth Bass in Norfolk Lake as a result of multiple high water years. This increase in abundance has led to a substantial increase in the number of Largemouth Bass that were below legal harvest limits and a reduction in growth. In an effort to improve growth of the Largemouth Bass population, this regulation will reduce the minimum length limit and open up a larger percent of the population to harvest.
Code Change: N1.01-B and N1.02-A
- 17. Proposal:** Increase the Lake Poinsett daily creel of Bream to the statewide limit of 50.
Justification: Lake Poinsett was recently renovated, and upon refilling, the regulation was set at half the statewide limit to provide a mix of opportunity and protection for these fish. The lake is ready to be at the statewide limit of 50 Fish per day.
Code Change: N1.01-C
- 18. Proposal:** Remove the 13-16-inch Slot length limit regulation for the harvest of Largemouth Bass from Sugar Loaf Lake.
Justification: A 13 -16 inch slot limit for the harvest of Largemouth Bass has been in effect on Sugar Loaf Lake since 1996. Size structure and age/growth data show that the slot is no longer an effective regulation for the management of Largemouth Bass in Sugar Loaf Lake. Sugar Loaf would now have statewide regulations for black bass.
Code Change: N1.02-B
- 19. Proposal:** Implement a 10-inch minimum length limit for crappie at Lake Erling.
Justification: Lake Erling is one of the top crappie fisheries in Arkansas and is currently managed under statewide regulations. However, modeling indicates that a 10" minimum length limit could further enhance the size structure of crappie in the lake. AGFC staff conducted an angler creel survey from 2020-2021, and results indicated broad support for additional harvest regulations for crappie.
Code Change: N1.02-B

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: Sean Lusk

TELEPHONE #: (877) 525-8606

FAX #: (501) 525-2265

EMAIL:

Sean.lusk@agfc.ar.gov

SHORT TITLE OF THIS RULE: 2023 Fisheries Staff 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 in Arkansas**

Effect on Party Subject to Rule: **Positive**

- 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: _____

INSTRUCTIONS FOR COMPLETING THIS FORM:

1. ECONOMIC IMPACT - In compliance with Governor's Proclamation EO 05-04, this form must be completed for **commercial licenses and permits** and submitted at the time a regulation is proposed to the Commission. The form will be forwarded to the Chief of Fiscal Services Division for review. After review, the form will be submitted to:

Director
Arkansas Department of Economic Development
One Capitol Mall
Little Rock, AR 72201

2. FINANCIAL IMPACT - After passage of any regulation changes which have a financial impact (including all sport, lifetime, and commercial licenses) this form must be completed and submitted to the Chief of the Legal Division. The form is required for filing regulation changes with the Secretary of State.