

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State
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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 NI.01 Game Fish Daily Limits

Newspaper Name Arkansas Democrat Gazette

Date of Publishing May 29, 30, and 31, 2022

Final Date for Public Comment June 30, 2022

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

General Fishing Regulations

- 1. Proposal:** Temporarily suspend all game fish daily limits on Big Lake NWR.
Justification: The U.S. Fish and Wildlife Service (Service) is proposing to actively rehabilitate Big Lake in accordance with the Big Lake NWR Comprehensive Conservation Plan (CCP) and Spatial Habitat Management Plan (SHMP; USFWS 2009 and 2019). As part of the rehabilitation, Big Lake will be completely drawn down. During this draw down, game fish daily limits will be temporarily suspend to allow anglers to harvest fish that would otherwise expire during this process.
Code Change: N1.01

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

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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 Does this proposed, amended, or repealed rule or regulation have a financial impact?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.

Current Fiscal Year

| | | |
|------------------|----|-----|
| General Revenue | \$ | |
| Federal Funds | \$ | |
| Cash Funds | \$ | N/A |
| Special Revenue | \$ | |
| Other (Identify) | \$ | |
| Total | \$ | |

Next Fiscal Year

| | | |
|------------------|----|-----|
| General Revenue | \$ | |
| Federal Funds | \$ | |
| Cash Funds | \$ | N/A |
| Special Revenue | \$ | |
| Other (Identify) | \$ | |
| 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.

N1.01 Game Fish Daily Limits

| Species | Statewide Daily |
|---|---|
| Alligator Gar | 1 Under 36 Inches 1 Over 36 Inches Annually with Tag |
| Black Bass | 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** – All game fish except catfish must be released immediately, with a catfish daily limit of 5. Effective January 1, 2022, all game fish except bream and catfish must be released immediately, with a bream daily limit of 25.
3. **Mercer Bayou** (Sulphur River WMA) – All game fish must be released immediately.
4. **Big Lake NWR – EXEMPT FROM ALL GAME FISH DAILY LIMITS.**
 - i. Pursuant to Emergency Proclamation on July 1, 2022, and Emergency Minute Order adopted at the June monthly Commission meeting, there are no game fish daily limits for Big Lake NWR during the draining of the lake. This emergency action shall remain in effect for a period of ninety-two (92) days (from July 1, 2022 until September 30, 2022) and then shall terminate.

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 Rammel 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 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, Norfork 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 Norfork 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 (Norfork 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](#).

LEGAL NOTICE

The regular monthly meeting of the Arkansas Game and Fish Commission will be held beginning at 9:00 a.m. Thursday, June 30, 2022, at the United States Marshals Museum, 789 Riverfront Drive, Fort Smith, AR 72901. 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 throughout the day on Wednesday, June 29, 2022, beginning at 9:00 a.m. at the United States Marshals Museum. All interested persons are invited to attend these meetings and COVID-19 health guidance provided by the Arkansas Department of Health will be applicable. The Commission meeting on June 30th 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 June meeting dates draw closer.

Items on the agenda for the June 30, 2022 meeting will include discussion and/or adoption of proposed regulations that previously were considered at the May 18-19, 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. **Miscellaneous General Hunting and Fishing Regulations** - Amend existing Commission regulations including, but not limited to:
 - Temporarily suspend game fish daily limits on Big Lake National Wildlife Refuge in Mississippi County to allow the harvest of all fish beginning on July 1, 2022 and ending at 11:59 p.m. on September 30, 2022. The regulation amendments will temporarily suspend enforcement of game fish limits during a USFWS lake-drawdown restoration project so that the public may harvest all fish prior to their loss due to water drainage and hot temperatures. Beginning 12:00 a.m. October 1, 2022, the original regulations for game fish limits for Big Lake shall be fully in effect and enforceable.
 - Amend archery tackle restrictions, including: adopt limitations to allow use of certain bows capable of firing or holding ready-to-fire more than one arrow or bolt in succession or simultaneously without the string being re-cocked between shot; and eliminate current exception for certain archery tackle during modern-gun seasons for bear, deer, elk, and turkey.
 - Delete existing regulation that prohibits shooting radio-collared bears. In order to properly assess bear harvest rates and determine population growth rates, the prohibition is no longer necessary.
 - Clarify May 2022 revisions to camping restrictions on Commission-owned or controlled property to indicate that a person holding a valid hunting or fishing license does not need the required camping permit.

All persons wishing to be heard on these subjects should submit comments in writing to this office before the start of the June 30, 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 June 20, 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