ARKANSAS REGISTER



Transmittal Sheet

Use only for **<u>FINAL</u>** and **<u>EMERGENCY RULES</u>**

Secretary of State
John Thurston
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Little Rock, Arkansas 72201-1094
(501) 682-5070
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Effective Date	Code Number	
Name of Agency		
Department		
Contact	_E-mail	Phone
Statutory Authority for Promulgating Rule	es	
Dula Title.		
Intended Effective Date (Check One)		Date
Emergency (ACA 25-15-204)	Legal Notice Published	·····
10 Days After Filing (ACA 25-15-204)	Final Date for Public Comment	
Other	Reviewed by Legislative Council	
	Adopted by State Agency	·····
Electronic Conv of Pule a mailed from (Paquira	d under ACA 25 15 218)	

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted

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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.

Phone Number	E-mail Address
Ti	tle
Ti	tle

Revised 7/2015 to reflect new legislation passed in the 2015 Regular Session (Act 1258). This act changed the effective date from 30 days to 10 days after filing the rule.

27.01 Trout Permit Requirements

It is unlawful for persons 16 or older to keep trout from waters of the state or to fish without a valid trout permit on the following waters:

- A. Beaver Lake Tailwater from Beaver Dam to the boundary signs at Houseman Access;
- B. Lake Greeson Tailwater from Narrows Dam to Muddy Fork Road (low-water bridge);
- C. Little Red River from Greers Ferry Dam to the Arkansas Highway 305 bridge;
- D. North Fork of the White River downstream of Norfork Dam;
- E. White River from Bull Shoals Dam to the Arkansas Highway 58 bridge at Guion; and
- F. Spring River from 100 yards below Dam 1 at Mammoth Spring State Park downstream to the mouth of Myatt Creek.

EXCEPTIONS:

- A. In compliance with Chapter 36.00.
- B. Persons possessing a Lifetime Resident Combination Sportsman's License and Permit or Resident Disabled Military Veteran Lifetime Combination License and Permit.

PENALTY: Class 1

ITEM NO. VII-e.

ARKANSAS GAME AND FISH COMMISSION Little Rock, Arkansas

MINUTE	e Order No):	23-0	05	SUBJECT:	Miscellaneous Fishing and Hunting
DATE P	ASSED:		Janua	ary 19, 2023		Regulation Amendments
PAGE	1	of _	1	PAGES	LOCATION:	Statewide

WHEREAS, the Arkansas Game and Fish Commission and its staff have proposed the attached amendments for the purpose of clarifying various existing hunting and fishing regulations, including correcting grammar, punctuation and making other minor changes to wording; 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 the Director, 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 19th day of January 2023, that the Arkansas Game and Fish Commission hereby approves and adopts the attached regulations, which shall become effective immediately upon public filing or as soon thereafter as possible.

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.

Submitted by:	STAFF APPROVAL Ben Batten	COMPRISSION APPROVAL	Rob/Finley
	Deputy Director	Chair	Commissioner
Division:	Administration	STA me	Julit ly
	ANDH	Stan Lones Vice Chair	Philip Tappan Commissioner
Approved:	Jush JooTL		But
	Director	J. D. Neeley Commissioner	Bill'Jones Commissioner
Approved:	A F Hoodhart Legal	Anne Marie Doramus	
Approved:	Ening Hunde	Commissioner	

FINANCIAL/ECONOMIC IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY (Attach additional pages if needed)

DEPARTMENT:Arkansas Game and Fish CommissionDIVISION:Fisheries ManagementPERSON COMPLETING THIS STATEMENT:Jason OliveTELEPHONE #:501-223-6428FAX #:SHORT TITLE OF THIS RULE:2023 Fishing Regulations.

- 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	<u>Next Fiscal Year</u>	
General Revenue	\$ General Revenue	\$
Federal Funds	\$ Federal Funds	\$
Cash Funds	\$ Cash Funds	\$
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: NA Next Fiscal Year: Unknown

Party Subject to Rule: Anglers

Effect on Party Subject to Rule: This is a clarification of grammar and punctuation.

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: Clarification of grammar and punctuation.

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: N/A

7. Compare this rule with federal and state counterparts: N/A

LEGAL NOTICE

The regular monthly meeting of the Arkansas Game and Fish Commission will be held beginning at 9:00 a.m. <u>Thursday, January 19, 2023</u>, 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 throughout the day on <u>Wednesday, January 18, 2023</u>, 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 Commission meeting on January 19th 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 <u>https://www.agfc.com</u> for additional up-to-date details as the January meeting dates draw closer.

Items on the agenda for the January 19, 2023 meeting will include 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:

- Clarify what to do with certain prohibited live carp when caught;
- Clarify list of waters where a trout permit is required to keep trout;
- Remove Lake Sylvia as an exception to the statewide daily limit for largemouth bass;
- Remove Horseshoe Lake (Crittenden County) as an exception to the statewide daily limit for crappie;
- Remove Lake Austell (Cross County) and Lake Greenlee from the length limit restrictions on keeping largemouth bass;
- Remove Lake Charles from the length limit restrictions on keeping crappie;
- Clarify the deer season bag limits for Zone 9;
- Clarify the effective dates of waterfowl hunting restrictions on specific WMAs and lakes; and
- Correct a technical error in the spelling of Dyer Lake regarding waterfowl hunting restrictions on specific WMAs and lakes.

All persons wishing to be heard on these subjects should submit comments in writing to this office before the start of the January 19, 2023 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 January 9, 2023. Copies of any proposed rules or regulations may be obtained at the Arkansas Game and Fish Commission main office and at <u>www.agfc.com</u>, 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