# **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.

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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.

### N1.02 Length and Protected Length Limits on Certain Lakes and Rivers

- A. BLACK BASS: It is unlawful to possess black bass as follows:
  - 1. Largemouth bass less than 12 inches on Lake Frierson and Greers Ferry Lake.
  - 2. Spotted bass (Kentucky bass) less than 12 inches on Bull Shoals and Table Rock lakes.
  - 3. All black bass less than 12 inches in Horseshoe Bend Pool on the Strawberry River.
  - 4. Largemouth less than 13 inches on Norfork and Ouachita lakes.
  - 5. Largemouth bass 13-16 inches on lakes Barnett (White County), Brewer, Wilhelmina (Polk County), Bear Creek Lake, Bob Kidd, and Lee Creek.
  - 6. Largemouth bass less than 13 inches on DeGray Lake and within the boundaries of Felsenthal NWR.
    - i. EXCEPTION: No restriction in Woodland Trail Pond located at the Felsenthal NWR Headquarters on U.S. Highway 82 (Ashley County); Locust Ridge Pond – located at Locust Ridge on U.S. Highway82 (Union County); Eagle Lake Pond– located north of Eagle Lake on Bradley County Road 53 (Bradley County); and Shallow Lake Field Pond located west of Shallow Lake (Union County). Person(s) keeping largemouth bass less than 13 inches from these waters must exit the NWR boundaries immediately upon leaving these ponds and may not enter NWR campgrounds or fish other NWR waters with largemouth bass less than 13 inches from these 4 ponds in their possession.
  - 7. Largemouth bass less than 14 inches on the Arkansas River and its tributaries.
  - 8. Smallmouth bass less than 15 inches on Beaver, Bull Shoals, and Table Rock lakes.
  - 9. Largemouth bass less than 15 inches on Beaver Lake, Blue Mountain, Bull Shoals, Georgia Pacific, Kingfisher, and Table Rock lakes; Upper and Lower Lake Chicot (including 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 Moss Creek Pond.
  - 10. Black bass greater than 16 inches in Lake Winona.
  - 11. Largemouth bass 16-21 inches on Lake Atkins. Daily limit 10 (only 1 of which may be longer than 21 inches).
  - 12. Largemouth bass less than 16 inches on Lake June.
  - 13. Largemouth bass daily limit 10 (only 1 of which may be longer than 20 inches) on Lake Columbia, Lake Austell (Cross County), Lake Dunn (Cross County), and Lower White Oak Lake.
  - 14. Largemouth bass daily limit 10 (only 10f which may be longer than 18 inches) on Lake SWEPCO.
  - 15. Smallmouth bass less than 18 inches on the lower Little Missouri River from Narrows Dam to its mouth. Daily limit 1.
  - 16. Largemouth bass 14-17 inches on Mallard Lake. Daily limit 10, only 1 of which may be larger than 17 inches.
  - 17. RESERVED.
- B. **CRAPPIE:** It is unlawful to possess crappie as follows:

- 1. Less than 10 inches in Beaver, Table Rock, Bull Shoals, and Norfork reservoirs; Cane Creek Lake in Lincoln County; Lake Chicot (including Connerly Bayou downstream from Connerly Dam to the bayou's mouth and Ditch Bayou from the inlet on Lake Chicot to Ditch Bayou Dam); Lake Conway (including Gold Creek downstream from the Sturgis Road Bridge, Stone Dam Creek downstream of Interstate 40 Bridge, Caney Creek/Little Creek downstream from the Arkansas Highway 286 Bridge, and Palarm Creek downstream from the Arkansas Highway 286 Bridge), Lake Erling, Lake Overcup, Harris Brake Lake, Lake Dardanelle, and Lake Atkins.
- 2. Less than 9 inches on Blue Mountain Lake.
- C. **CATFISH (channel, blue and flathead):** It is unlawful to possess flathead catfish less than 20 inches on the Ouachita River from Sandy Beach Access (Ouachita County) to Remmel Dam.
- D. **STRIPED BASS:** It is unlawful to possess striped bass less than 20 inches on Lake Norfork and Beaver Lake
- E. **SHOVELNOSE STURGEON:** It is unlawful to possess shovelnose sturgeon less than 21 inches. Shovelnose sturgeon may not be taken from the Mississippi River.
  - 1. **EXCEPTION:** Sportfish may be snagged (except in catch-and-release areas) in compliance with Codes <u>26.05</u> and <u>26.17</u>, and within the restrictive size limits in this Addendum chapter.
- F. **WALLEYE:** It is unlawful to possess walleye less than 14 inches on Greers Ferry Lake and its tributaries.

### All fish measurements must follow procedures listed in the definition of "Length Limits" in Code 01.00-C.

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 19<sup>th</sup> 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	RobFinley
Division:	Deputy Director Administration	Chair Stan Jones	Commissioner <u><u><u></u><u></u><u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u></u></u></u>
Approved:	Lusti Boot	Vice Chair J. D. Neeley	Commissioner Bill Jones
Approved:	AF Hoodhart Legal	Commissioner           Monanue           Anne Marie Doramus	Commissioner
Approved:	Fiscal 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	Next Fiscal Year	
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 makes regulations less restrictive and will allow anglers to harvest more fish.

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 restricted waterbodies.

6. Do alternative means exist for accomplishing the objectives of the rules that might be less

burdensome to small business? Yes:

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 19<sup>th</sup> 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