

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 501-382-3807 Legal Division

Name of Rule 26.30 Possession of Certain Live Carp Prohibited

Newspaper Name Arkansas Democrat Gazette

Date of Publishing December 18, 19, & 20, 2022

Final Date for Public Comment January 19, 2022

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

2023

Fishing Regulations

Summary of Digital Codebook Revisions/Corrections

- 1. Proposal:** Clarify euthanasia requirements regarding Silver Carp, Bighead Carp, and Black Carp.

Justification: Current language implies invasive carp species must be euthanized if captured. However, the intent of this regulation is to require euthanasia if these species will be kept after capture.

Code Change: 26.30

- 2. Proposal:** Correct grammar and punctuation.

Justification: Correct grammar and punctuation.

Code Change: 27.01

- 3. Proposal:** Remove Lake Sylvia from N1.01 EXCEPTION B.2.iv.

Justification: Lake Sylvia was removed from N1.01 EXCEPTION B.2.iv by Commission action prior to 2018, but that change was inadvertently omitted from the version that was codified into the official AGFC Digital Code in 2018.

Code Change: N1.01 EXCEPTION B.2.iv.

- 4. Proposal:** Remove Horseshoe Lake (Crittenden County) from N1.01 EXCEPTION E.2.

Justification: Horseshoe Lake (Crittenden County) was removed from N1.01 EXCEPTION E.2 by Commission action prior to 2018, but that change was inadvertently omitted from the version that was codified into the official AGFC Digital Code in 2018.

Code Change: N1.01 EXCEPTION E.2.

- 5. Proposal:** Remove Lake Austell from N1.02 A.5.

Justification: Lake Austell was removed from N1.02 A.5 by Commission action prior to 2018, but that change was inadvertently omitted from the version that was codified into the official AGFC Digital Code in 2018.

Code Change: N1.02 A.5.

- 6. Proposal:** Remove Lake Greenlee from N1.02 A.9.

Justification: Lake Greenlee was removed from N1.02 A.9 by Commission action prior to 2018, but that change was inadvertently omitted from the version that was codified into the official AGFC Digital Code in 2018.

Code Change: N1.02 A.9.

- 7. Proposal:** Remove Lake Charles from N1.02 B.1.

Justification: Lake Charles was removed from N1.02 B.1 by Commission action prior to 2018, but that change was inadvertently omitted from the version that was codified into the official AGFC Digital Code in 2018.

Code Change: N1.02 B.1.

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

DEPARTMENT: Arkansas Game and Fish Commission
DIVISION: Fisheries Management
PERSON COMPLETING THIS STATEMENT: Jason Olive
TELEPHONE #: 501-223-6428 **FAX #:** 501-223-6425
EMAIL: Jason.Olive@agfc.ar.gov
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.

<u>Current Fiscal Year</u>		<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 regulation is less restrictive and will only require euthanasia of invasive carp that are caught and kept.

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 invasive carp euthanasia.

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

26.30 Possession of Certain Live Carp Prohibited

It is illegal to possess live Silver Carp (*Hypophthalmichthys molitrix*), Bighead Carp (*Hypophthalmichthys nobilis*), or Black Carp (*Mylopharyngodon piceus*). If caught, these fish must be euthanized immediately **or immediately released back into the waters from which they were taken.**

EXCEPTION: Persons possessing a valid Conditional Species Possession Permit or an Unlisted Aquaculture Species Permit for one or more of these species may possess such species alive.

PENALTY: Class 1

LEGAL NOTICE

The regular monthly meeting of the Arkansas Game and Fish Commission will be held beginning at 9:00 a.m. Thursday, January 19, 2023, 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 Wednesday, January 18, 2023, 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 <https://www.agfc.com> 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 www.agfc.com, or through a written request mailed to the address below.

AUSTIN BOOTH, DIRECTOR
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