

SUMMARY FOR COMMITTEE ITEM
2013 Commercial Fishing Regulations Considerations – Second Reading
Summary

Committee: Regulations Committee

Date: November 28, 2012

Title: 2013 Commercial Fishing Regulations Considerations –
Second Reading for Approval

Explanation: The Fisheries Division recommends the attached commercial fishing regulation changes. The following pages include a listing and brief explanation of the changes followed by the recommended Code Book language to be adopted. A Minute Order is also attached for approval. All approved changes would go into effect 1 January 2013.

Prepared by: Mark Oliver
Chief of Fisheries

2013 Commercial Fishing Proposed Regulations Considerations

1. Season length changes for the Arkansas River with allowances for variances by using different net types.

Paddlefish gill net mortality data from the period 2008 through 2012 have been examined. During this period, 754 paddlefish were collected by AGFC Staff from Pool 13, Ozark Pool, or Lake Dardanelle on the Arkansas River. Initial gill net mortality during this period was 13% (97 of 754 were dead upon checking nets); however initial mortality was directly related to water temperature and ranged from 0% at 43°F, to 48% at 55°F. Fish smaller than the 37-inch length limit comprised 43% of the mortalities. Males and non-gravid females of all sizes made up 93% of the mortalities. Studies have shown that the use of multifilament gillnets, rather than monofilament gillnets, during the warmer portions of the paddlefish season would reduce by-catch mortality to a sustainable level. To reduce initial gill net mortality to less than 20%, Fisheries Division is proposing that below James W. Trimble Dam, roe takers are required to use only multifilament nets from sunrise, Nov. 20 through midnight, Dec. 5 and from sunrise March 2 through midnight April 10th.

30.05 ILLEGAL COMMERCIAL TACKLE PROHIBITED

01-13

It is unlawful to use any tackle for commercial purposes other than as specified below: properly licensed drag seines; hoop nets, with or without wings or leads; where permitted, fiddler nets with or without wings or leads; where permitted, slat traps; trammel nets; gill nets; limb lines; set lines; trotlines; and, snag lines in waters open to commercial fishing.

- (A) Hoop nets, leads, heart and leads or wings minimum square bar mesh size -- 2½ inches when wet and with thread not less than 15 gauge.
- (B) Fiddler nets (where permitted by [Code 30.13](#)) minimum square bar mesh size one and 1½ inches when wet. Thread size not less than 15 gauge. Wings or leads prohibited.
- (C) Commercial fish seines, minimum square bar mesh size -- 3½ inches.
- (D) Commercial gill and trammel nets, minimum square bar mesh size -- 3½ inches.
- (E) Trotlines and snaglines must be run daily and catch removed.

EXCEPTIONS:

- (1) In compliance with [Code 35.01](#); [35.04](#).
- (2) For the purpose of taking paddlefish in the Arkansas River above Dam 2 during the paddlefish season, it is unlawful to fish or possess any nets other than 3 ½ inch mesh or 6 inch or larger mesh in the same waters while fishing for paddlefish.

PENALTY: Class 1

30.23 PADDLEFISH AND STURGEON HARVEST RESTRICTIONS

~~12-01, 11-08~~
01-13

It is unlawful to take, attempt to take, or possess paddlefish or sturgeon, or their parts, including eggs (roe), from waters of the state from midnight, April 10-sunrise, Nov. 20.

EXCEPTIONS:

- (1) Permitted resident roe buyers/exporters and permitted non-resident roe buyers may possess processed roe only with proper reports of transactions described in [Code 30.19](#).
- (2) In compliance with [Code 25.02](#).
- (3) Permitted fish farmers in compliance with [Code 35.10](#).
- (4) Sturgeon may be taken midnight Nov. 15–sunrise, May 1.
- ~~(5) — Dardanelle and Ozark pools of Arkansas River are closed to the harvest and possession of paddlefish, sturgeon, or their parts, including eggs (roe) from midnight, March 31 sunrise, Dec. 1.~~
- (5) Roe takers are required to use only multifilament nets from sunrise, Nov. 20 –midnight, Dec. 5 and from sunrise, March 2 –midnight, April 10 in the Arkansas River below James W. Trimble Dam.**

PENALTY: Class 4

2. Increase minimum length limit to 34 inches or longer for paddlefish in the open portion of the White River

Paddlefish harvest has declined in the White River and both commercial fishers and biologists are concerned with the decrease in harvest. The Arkansas Fishers and Shell Takers Association (AFSTA) approached AGFC fisheries biologists seeking an increase in the minimum length limit for paddlefish in the White River to reduce harvest which should increase harvest at some point in the future.

30.11 UNDERSIZED COMMERCIAL FISH PROHIBITED

~~01-09~~ **01-13**

It is unlawful for commercial fishermen to possess catfish or buffalo less than 16 inches or paddlefish and sturgeon of any size taken from waters of the state.

EXCEPTIONS:

- (1) Only 12-inch or larger blue and channel catfish may be taken in waters specified in [Code 30.13](#).
- (2) Holders of a current resident roe taker/seller permit or resident roe buyer/exporter permit in compliance with [Codes 30.17-18](#) may possess paddlefish 37 inches or longer in Dardanelle and Ozark lakes of the Arkansas River; 36 inches or longer in the open portion of the Arkansas River below Dardanelle Lock and Dam, downstream to the Yancopin railroad bridge on the Arkansas River and downstream to Norrell Lock and Dam on the Arkansas Navigation Canal; ~~32 inches or longer in the open portion of the White River;~~ ~~32 inches or longer in the open portion of the White River;~~ and, 34 inches or longer for all other waters open to paddlefish harvest or sturgeon when in season. Paddlefish shall be measured from the front of the eye to the fork of the tail with the fish laid flat on a rule. Catfish and sturgeon harvest in the Mississippi River must be in compliance with [Code 30.22](#).
- (3) Flathead catfish must be 20 inches or longer on the Ouachita River from Sandy Beach Access in Ouachita County to the confluence of the Caddo River.

- (4) Sturgeon harvested from the waters legal for harvest must be at least 21 inches from the tip of the snout to the fork of the tail.
- (5) Sixteen-inch minimum size limit on blue catfish taken by commercial gear in the Arkansas River from the Arkansas Highway 7 bridge in Yell County to the Oklahoma state line.

PENALTY: Class 1

3. Creation of Paddlefish Refugia on AGFC Wildlife Management Areas and the White River and closure of AR commercial fishing in the White River above the mouth of the Black River

Paddlefish are known to use channel scar lakes within the floodplain of the rivers as habitat while they are immature. These areas provide protection from predation and allow growth during development to maturity. Once they become sexually mature, they will leave these areas to spawn during spring rises in river stage and the lakes become reconnected to the river. We are proposing that channel scar lakes on Wildlife Management Areas be closed to all commercial fishing to serve as refugia for paddlefish to mature within protected areas. Currently, these areas are open to commercial fishing which results in bycatch mortality of sub-legal paddlefish, reducing the number of paddlefish that live to maturity and eventually spawn in the river. These lakes will be monitored for species composition to ensure that Asian carp are not utilizing these areas to establish large population sizes that can eventually move into the river, causing additional competition for native large-river fish species.

Some, if not all of these lakes will be opened to commercial fishing periodically. The opening and frequency for opening these lakes will be determined by the studies conducted to determine the effect this management tool has on paddlefish and other fish populations.

Also, The Arkansas Fishers and Shell Takers Association recommended closing all commercial fishing in the White River above the mouth of the Black River. This area is already closed to commercial paddlefish harvest but the AFSTA feels that closing the entire area will benefit spawning fish. According to the AFSTA, few fishers use this area for commercial harvest and those will not be affected too severely by this closure.

30.15	COMMERCIAL FISHING SEASON RESTRICTIONS
08-06 <u>01-13</u>	<p>(A) The following waters are open year-round to legal commercial tackle as defined in Code 30.05: ARKANSAS RIVER from its mouth to the Arkansas/Oklahoma state line including that part of the Arkansas River from the Ozark Dam to the Arkansas/Oklahoma state line, bounded on the north by the Union Pacific Railroad and on the south by Arkansas Highway 22 in compliance with Codes 30.24-25; ARKANSAS WATERS between the main levees of the Mississippi River. All lakes, bays or other bodies of water, other than tributary streams, connected to waters as specified above, when accessible by boat, from the main channel except as limited by Addendum Chapter H1.00; BLACK RIVER from its mouth to the Missouri state line;</p>

CACHE RIVER and lakes accessible by boat from the river;
FOURCHE La FAVE RIVER from its mouth to the Arkansas Highway 7 bridge in Perry County;
LITTLE RIVER from its mouth in Hempstead and Little River counties upstream to the Corps of Engineers boat ramp on west bank of river below Millwood Lake Dam;
OUACHITA RIVER from the Louisiana state line to the confluence of the Caddo River;
PETIT JEAN RIVER from its mouth to the Arkansas Highway 10 bridge in Yell County;
RED RIVER in Hempstead, Lafayette, Little River and Miller counties;
ST. FRANCIS RIVER upstream to the mouth of the Left Hand Chute of Little River in Poinsett County;
SALINE RIVER from its confluence with the Ouachita River upstream to the Stillion railroad bridge in Ashley and Bradley Counties;
SULPHUR RIVER from its mouth to the Texas state line;
WHITE RIVER upstream from its mouth to 100 yards below Dam No. 1 at Batesville in Independence County;

EXCEPTIONS:

- (1) Emergency Closures listed in [Chapter 38.00](#).
- (2) Flathead catfish, bowfin, drum, and gar may not be taken or possessed by commercial fishermen on the Ouachita River from Smackover Creek to the northern boundary of Felsenthal NWR.
- (3) Blue catfish, flathead catfish, bowfin, drum and gar may not be taken or possessed by commercial fishermen on the Ouachita River from the northern boundary of Felsenthal NWR to the Louisiana state line, all waters within Felsenthal NWR, and from the Saline River from its mouth within Felsenthal NWR upstream to the Stillion railroad bridge.
- (4) Island 40 Chute in Crittenden County is closed to commercial fishing except noon, Nov. 1-noon, March 30, or when accessible by boat from the Mississippi River.
- (5) The section of the Ouachita River between the confluence of the Little Missouri River and the confluence of the Caddo River shall be closed to all commercial fishing from Jan. 1-March 31.
- (B) The following waters are closed year-round to commercial fishing: Lake Erling, including all tributaries upstream from 100 yards below Lake Erling Dam to Arkansas Highway 313 in Lafayette County; All lakes owned and/or operated by Arkansas State Parks, USDA Forest Service, AGFC (~~excluding all natural lakes on Commission WMAs within counties not designated as closed~~); Columbia County Lake in Columbia County; Dorcheat Bayou from its headwaters in Nevada County to the Arkansas/Louisiana state line; Horseshoe Lake in Crittenden County; Saline River above the Arkansas Highway 278 in Bradley County; Lake Wallace in Drew and Chicot counties; Lake Chicot (from Connerly Bayou Dam to the Ditch Bayou Dam, inclusive) in Chicot County; Hensley Lake in Jefferson County; Lake Maumelle in Pulaski County; White Oak Bay (Ozark Lake/Arkansas River); Morgan Point Bendway Lake in Desha County; Little Missouri River, **White River above the mouth of the Black River**, and all lakes in the Hot Springs Village Area of Saline County.

EXCEPTION:

Hoop nets shall not be used on Grand Lake (Chicot County).

- (C) The following counties or other parts are open year-round to legal commercial fishing unless noted closed in Section B or other Chapter 30 Commission Codes. Legal gill and trammel nets may be fished in the following counties only from noon, Sept. 30 to noon, May 1: Arkansas (Emergency Closure [Code 38.01](#)), Ashley (Emergency Closure [Codes 38.04-06](#)), Bradley (Emergency Closure [Codes 38.03; 38.06](#)), Calhoun (Emergency Closure [Codes 38.03-04; 38.06](#)), Chicot, Clay, Columbia (Dorcheat Bayou closed in (B) above; also see Emergency Closure [Code 38.02](#)), Craighead, Crittenden, Cross, Dallas, Desha, Drew (see Emergency Closure [Codes 38.04-05](#)), Greene, Hempstead, Independence, Jackson, Jefferson (see Emergency Closure [Code 38.01](#)), Lafayette, Lawrence, Lee, Lincoln, Little River, Lonoke (see Emergency Closure [Code 38.01](#)), Miller, Mississippi, Monroe, Nevada (Dorcheat Bayou closed in (B) above), Ouachita, Phillips, Poinsett, Prairie (see Emergency Closure [Code 38.01](#)), Pulaski (see Emergency Closure [Code 38.01](#)), Randolph, St. Francis, White, Woodruff and Union (see Emergency Closure [Code 38.06](#)) counties.

EXCEPTIONS:

- (1) For waters in the above counties located within the White River NWR below Arkansas Highway 1, gill and trammel net season is from noon, Sept. 30-noon, Nov. 30 and from noon, March 1-noon, Sept. 30 when accessible by boat from the White River and the White River is above 23.5 feet on the St. Charles gauge. All commercial fishermen must obtain a special use permit from the White River NWR manager prior to fishing refuge waters.
- (2) Saline River and backwaters from Stillion railroad bridge in Ashley and Bradley Counties to the Arkansas Highway 278 bridge in Bradley County are closed all year to gill and trammel nets.
- (3) Open waters in Independence County include White River, Black River and oxbow lakes that are north of Arkansas Highway 14 and east of Arkansas Highway 122 and Arkansas Highway 25. Landowner permission will be required for oxbow lakes that are not accessible from the Black River.
- (D) The following counties are closed year-round to commercial fishing unless open in Section A or other 3 Commission Codes: Baxter, Benton, Boone, Carroll, Clark, Cleburne, Cleveland, Conway, Crawford, Faulkner, Franklin, Fulton, Garland, Grant, Hot Spring, Howard, Izard, Logan, Johnson, Madison, Marion, Montgomery, Newton, Perry, Pike, Polk, Pope, Saline, Scott, Searcy, Sebastian, Sevier, Sharp, Stone, Van Buren, Washington and Yell counties. When a river or stream forms the boundary between opened and closed counties, that boundary segment shall be open to tackle legal in the open county, unless closed in other Codes.

EXCEPTION:

That part of Saline River south of Arkansas Highway 371 (old Arkansas Highway 24) in Howard and Sevier counties is open year around to hoop nets.

PENALTY: Class 1

Miscellaneous Regulations

A minor clarification is needed by adding black carp under the list of injurious species, listed in the Approved Aquaculture Species List.

CHAPTER J1.00 - APPROVED AQUACULTURE SPECIES LIST

J1.01 Approved Aquaculture Species List (Oct. 1, 2002)

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The intent of this list is to delineate species that pose minimal threat to Arkansas' aquatic biota. These species may be freely imported into the state, and traded within the state, for aquaculture purposes. This does not approve the release of any species into the public waters of the state.

J1.01 APPROVED AQUACULTURE SPECIES LIST

Class Crustacea

Family Cambaridae

Procambarus acutus (White River Crayfish)

Procambarus clarkii (Red Swamp Crayfish)

Family Palaemonidae

**Macrobrachium rosenbergii* (Malaysian Prawn) – certified disease-free (certification must be posted on-site)

Class Osteichthyes

Family Polyodontidae

Polyodon spathula (Paddlefish)

Family Lepisosteidae

Lepisosteus oculatus (Spotted Gar)

Lepisosteus osseus (Longnose Gar)

Lepisosteus platostomus (Shortnose Gar)

Family Amiidae

Amia calva (Bowfin)

Family Anguillidae

Anguilla rostrata (American Eel)

Family Clupeidae

Alosa chrysochloris (Skipjack Herring)

Dorosoma cepedianum (Gizzard Shad)

Dorosoma petenense (Threadfin Shad)

Family Salmonidae

* *Oncorhynchus clarki* (Cutthroat Trout)

* *Oncorhynchus mykiss* (Rainbow Trout)

* *Salmo trutta* (Brown Trout)

* *Salvelinus fontinalis* (Brook Trout)

* *Salvelinus namaycush* (Lake Trout)

Family Esocidae

Esox americanus (Grass Pickerel)

Esox niger (Chain Pickerel)

Family Cyprinidae

* *Carassius auratus* (Goldfish, including ornamentals)

* *Ctenopharyngodon idella* (Grass Carp)

* *Mylopharyngodon piceus* (Black Carp) – TRIPLOIDS ONLY

Cyprinella venusta (Blacktail Shiner)

* *Cyprinus carpio* (Common Carp, including koi)

Hybognathus nuchalis (Miss. Silvery Minnow)

Luxilus chrysocephalus (Striped Shiner)

Lythrurus umbratilis (Redfin Shiner)

Notemigonus crysoleucas (Golden Shiner)

Notropis atherinoides (Emerald Shiner)

Notropis boops (Bigeye Shiner)

Notropis buchanani (Ghost Shiner)

Notropis volucellus (Mimic Shiner)

Opsopoeodus emiliae (Pugnose Minnow)

Pimephales notatus (Bluntnose Minnow)

Pimephales promelas (Fathead Minnow)

Pimephales vigilax (Bullhead Minnow)

Semotilus atromaculatus (Creek Chub)

Family Catostomidae

Erimyzon oblongus (Creek Chubsucker)

Erimyzon sucetta (Lake Chubsucker)

Hypentelium nigricans (Northern Hogsucker)

Ictiobus bubalus (Smallmouth Buffalo)

Ictiobus cyprinellus (Bigmouth Buffalo)

Ictiobus niger (Black Buffalo)

Minytrema melanops (Spotted Sucker)

Moxostoma erythrurum (Golden Redhorse)

Catostomus commersoni (White Sucker)

Family Ictaluridae

Ictalurus furcatus (Blue Catfish)

Ameiurus melas (Black Bullhead)

Ameiurus natalis (Yellow Bullhead)

Ameiurus nebulosus (Brown Bullhead)

Ictalurus punctatus (Channel Catfish)

Noturus gyrinus (Tadpole Madtom)

Noturus nocturnus (Freckled Madtom)

Pylodictis olivaris (Flathead Catfish)

Family Aphredoderidae

Aphredoderus sayanus (Pirate Perch)

Family Cyprinodontidae

Fundulus notatus (Blackstripe Topminnow)

Fundulus olivaceus (Blackspotted Topminnow)

Family Poeciliidae

Gambusia affinis (Mosquitofish)

Family Atherinidae

Labidesthes sicculus (Brook Silverside)

Family Percichthyidae

Morone chrysops (White Bass)
Morone mississippiensis (Yellow Bass)
* *Morone saxatilis* (Striped Bass)

Family Centrarchidae

Centrarchus macropterus (Flier)
Lepomis cyanellus (Green Sunfish)
Lepomis gulosus (Warmouth)
Lepomis humilis (Orangespotted Sunfish)
Lepomis macrochirus (Bluegill)
Lepomis marginatus (Dollar Sunfish)
Lepomis megalotis (Longear Sunfish)
Lepomis microlophus (Redear Sunfish)
Lepomis punctatus (Spotted Sunfish)
Micropterus dolomieu (Smallmouth Bass)
Micropterus punctulatus (Spotted Bass)
Micropterus salmoides (Largemouth Bass)
Pomoxis annularis (White Crappie) – < 6 inches
Pomoxis nigromaculatus (Black Crappie)
Elassoma zonatum (Banded Pygmy Sunfish)

Family Percidae

Percina caprodes (Logperch)
Stizostedion canadense (Sauger)
Stizostedion vitreum (Walleye)

Family Sciaenidae

Aplodinotus grunniens (Freshwater Drum)

Family Cichlidae

* *Oreochromis aureus* (Blue Tilapia)
* *Oreochromis mossambicus* (Mozambique Tilapia)
* *Oreochromis niloticus* (Nile Tilapia)

Class Amphibia

Family Ranidae

Rana catesbeiana (Bullfrog)
Rana sphenoccephala (Southern Leopard Frog)

* Denotes nonnative species

VHS Fish Farm Health Inspection Permit

It shall be unlawful for any person to import, transport or otherwise receive into the state of Arkansas live fish and/or fertilized eggs from any VHSV-positive state (Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, Wisconsin, and Ontario and Quebec) without first obtaining a valid Fish Farm Health Inspection Permit issued by the Arkansas Game and Fish Commission and complying with the provisions of said permit. All persons wishing to ship live fish or fish eggs into Arkansas from VHSV-positive States must first obtain the Fish Farm Health Inspection Permit and a copy of the permit must accompany all shipments into the state, even if the fish are transported by a third party. Furthermore, any person hauling live fish through Arkansas from VHS positive states are prohibited from discharging water from fish hauling tanks while within the state. All shipments of live fish or eggs coming into Arkansas must be accompanied by an invoice or bill of lading that clearly describes the origin(s) of all fish and/or eggs in the shipment. Additionally, the fish health inspection report

must be no more than 60 days old from date of reported test results at time of application for Fish Farm Health Inspection Permit from Commission. A Fish Farm Health Inspection Permit shall be an annual permit that is issued in two (2) six-month intervals (refer to [Addendum D1.01](#)). The first interval will cover the period of January 1 to June 30, and the second interval will cover the period of July 1 to December 31. The second interval of the permit will be issued only after new semi-annual testing results are submitted to the Commission. For additional information, please refer to [Addendum D1.01](#), [I1.01](#) and [Code 35.11](#).

Hybrids

It is our intent that production or sale of any hybrid is permissible if both parent species are included on the Approved Aquaculture Species List.

Wild Crayfish

The harvest and sale of native Arkansas crayfish species that naturally colonize aquaculture ponds and are cultured incidental to production of other aquaculture species is allowed.

Wild Turtles

The harvest and sale of native Arkansas turtle species that naturally colonize aquaculture ponds and are cultured incidental to production of other aquaculture species is allowed, unless the species is protected by other codes see [Code Chapter 34.00](#).

Aquarium Species

It is not the intent of this policy to constrain aquarium trade. Marine and tropical aquatic species commonly distributed in the aquarium trade may be sold without special permit, as long as they are held only in closed aquarium systems and are not prohibited by other codes (e.g. [Code 26.13](#)).

Restricted Species

Some species are well established in Arkansas aquaculture but under criticism at regional and/or national levels. While we do not currently restrict the trade in these species, persons possessing or desiring to possess these species are required to apply to AGFC for a Restricted Species Possession Permit. This permit will detail the location of their facilities, measures taken to eliminate the possibility of escape, and the numbers and species to be held (these numbers are best estimates and will only be updated when permit is renewed for the next year). The permitted culture of any restricted aquaculture species shall be conducted in a responsible manner that minimizes the possibility of escape. Permitted aquaculturists are required to construct a barrier that prevents escape of juvenile and adult fishes from culture ponds. Pond drainpipes should be double screened prior to any pond drainage with at least one screen being of a mesh size small enough to prevent the passage of any permitted fish present in the pond. These and any other measures listed on the application to eliminate the possibility of escape will be considered the “best management practices” that the applicant agrees to implement. AGFC will maintain records of the number and location of these species in the state, and

determine if sufficient precautions are taken to prevent escape into the waters of the state. AGFC will review applications based on the best information available to evaluate the potential for escape. If this potential is acceptably low, AGFC will grant a no-cost special holding permit for these species, renewable annually. In the event that restricted aquatic organisms are released or escape from a permitted facility into waters of the state, the permittee shall notify the AGFC immediately. The permittee shall not be responsible for unforeseen occurrences such as floods, lightning or sabotage. Facilities with ponds prone to flooding shall limit culture of Restricted Species to areas least likely to become inundated. Holders of Restricted Species Possession Permits are expected to assure that buyers of these species in Arkansas also have an approved permit. Failure to comply with permit terms or inability to show adequate measures of escape prevention may result in permit denial or revocation.

The species covered by these permits include the following:

Family Cyprinidae

Hypophthalmichthys molitrix (Silver Carp)

Hypophthalmichthys nobilis (Bighead Carp)

Diploid *Mylopharyngodon piceus* (Black Carp)

Scardinius erythrophthalmus (European Rudd)

*****NOTE*** THE BELOW ARE NOW LISTED AS INJURIOUS SPECIES**

Hypophthalmichthys molitrix (Silver Carp)

Hypophthalmichthys nobilis (Bighead Carp)

Mylopharyngodon piceus (Black Carp)

The injurious wildlife listing means that under the Lacey Act it is illegal to import or to transport live **silver**, **bighead**, **or black** carp, including viable eggs or hybrids of the species, across state lines, except by permit for zoological, education, medical, or scientific purposes.

EXAMPLE 1: A producer maintains diploid black carp to produce triploid black carp for sale to catfish farmers to control snails in their ponds. The individual has previously applied for a Restricted Species Possession Permit for diploid black carp, documenting sufficient measures to prevent escape and been issued a no-cost permit. The individual may sell triploid black carp to his customers and may sell diploid black carp to other black carp producers after ensuring that they also have Restricted Species Possession Permits to possess diploid black carp.

EXAMPLE 2: A food fish producer purchases bighead carp, holds them in raceways for a few days, then ships them to an out-of-state fish market. The individual has previously applied for a Restricted Species Possession Permit for bighead carp, easily documenting sufficient measures to prevent escape (held in raceways with blocked egress) and been issued a no-cost permit. The individual is then able to purchase the fish, hold them, and ship them to other markets (assuming it is in compliance with regulations of the destination state).

Turtles

The turtle species listed below are native to Arkansas and may be cultured by those who

obtain a Commercial Turtle Dealer/Breeder Permit from the Commission and report production by species (Commission Chapter 34.00).

Family Chelydridae

Chelydra serpentina (Common Snapping Turtle)

Family Emydidae

Chrysemys picta dorsalis (Southern Painted Turtle)

Deirochelys reticularia miaria (Western Chicken Turtle)

Graptemys geographica (Common Map Turtle)

Graptemys ouachitensis (Ouachita Map Turtle)

Graptemys pseudogeographica kohnii (Mississippi Map Turtle)

Pseudemys concinna (River Cooter)

Trachemys scripta elegans (Redeared Slider)

Family Kinosternidae

Kinosternon subrubrum hippocrepis (Mississippi Mud Turtle)

Sternotherus carinatus (Razorback Musk Turtle)

Sternotherus oderatus (Common Musk Turtle)

Family Trionychidae

Apolone spinifera (Spiny Softshell)

Trionyx muticus muticus (Midland Smooth Softshell)

Other Species Covered under Separate Permits

The following species are governed by separate code and have their own permit requirements. This policy does not seek to add any further permitting requirements for these species.

Family Alligatoridae

Alligator mississippiensis (American Alligator) – Federal Permit

Required

Family Chelydridae

Macrolemys temminckii (Alligator Snapping Turtle) – AST

Farmer/Dealer Permit Required

Permits to Culture Unlisted Species

Requests to import and culture species not listed in this policy will be evaluated on a case-by-case basis. The burden of proof will rest with the applicant to show measures are in place to prevent the possibility of escape will have no significant ecological impact (i.e. species can not survive in waters of Arkansas due to temperature, salinity, or other environmental factor). The permitted culture of any unlisted aquaculture species shall be conducted in a responsible manner that excludes the possibility of escape from culture ponds. Permitted aquaculturists are required to construct a barrier that prevents escape of juvenile and adult fishes from culture facilities. The applicant will also need to provide justification as to the need to import the species into the state and why species listed in this policy will not fill the need. In the event that unlisted aquatic organisms are released or escape from a permitted facility into waters of the state, the permittee shall notify the AGFC immediately.

EXAMPLE 1: A producer in southern Arkansas wishes to raise yellow perch. This species is not native to Arkansas and has begun to show up in reservoirs in the north part of the state. Since the habitat in the producer's area is hostile to

yellow perch (water chemistry and summer temperatures), AGFC issues an Unlisted Aquaculture Species Permit.

EXAMPLE 2: A producer wants to grow Australian redclaw crayfish. This species is not native to Arkansas (or the U.S.) but is found in comparable latitudes in Australia. The producer's plans are to raise them inside in heated raceways and have no discharge. This is found to eliminate the chance of escape and AGFC issues an Unlisted Aquaculture Species Permit.

PERMIT PROCESSING PROCEDURES

Permit Renewal

Restricted Species Possession Permits and Unlisted Aquaculture Species Permits will be issued on an annual basis to correspond with expiration dates of Fish Farmer Permits. The Arkansas Game and Fish Commission is responsible for providing renewal notices to permit holders six weeks in advance of permit expiration date. Existing permits will remain in effect past listed expiration date if a renewal application is pending.

Permit Review

Restricted Species Possession Permits and Unlisted Aquaculture Species Permits are granted at the approval of the AGFC. The AGFC may solicit input as needed in the review of individual applications.

Modification of Lists

Any individual may petition AGFC to add or remove species on the *Approved Aquaculture Species List* or the *Restricted Aquaculture Species List*. The petition must provide thorough documentation of why a species should or should not be included on a list. Petitions should address the biological threat of the species, including native range, habitats utilized, movement patterns, spawning requirements, reproductive rate, food habits, and temperature and water quality limitations. They should include documentation of any introductions or escapes outside the species native range. They should also evaluate the potential impacts to native species through predation, competition, disease transmission, and displacement. Petitions should include copies of all pertinent reference material.

Petitions to add or remove species on the *Approved Aquaculture Species List* or the *Restricted Aquaculture Species List* will be responded to by the Chief of Fisheries after consultation with an advisory board representing: Arkansas State Aquaculture Coordinator, Stuttgart National Aquaculture Research Center, Aquaculture / Fisheries Center at UAPB, U S Fish & Wildlife Service, Arkansas Natural Heritage Commission, and Arkansas Game and Fish Commission staff.

ARKANSAS GAME AND FISH COMMISSION
Little Rock, Arkansas

MINUTE ORDER NO:		SUBJECT:	2013 Commercial Fishing Regulation Considerations
DATE PASSED:	November 29, 2012		
PAGE	1	of	1 PAGES
		LOCATION:	Statewide

WHEREAS, Fisheries Division has identified fishing regulation changes for optimal management of the state’s fisheries; **and**

WHEREAS, these regulation changes have been communicated, through a variety of media avenues, to anglers and the general public throughout the state for review and comment; **and**

WHEREAS, having carefully considered all comments received, Fisheries Division now recommends the adoption of the regulation changes specified in the document “2013Commercial Fishing Regulation Considerations.”

WHEREAS, after carefully considering these matters, and comments and recommendations from AGFC staff and committee members, the Regulation Committees gave approval for implementing the “2013 Commercial Fishing Regulation Considerations”.

NOW, THEREFORE, BE IT ORDERED, THAT THE ARKANSAS GAME AND FISH COMMISSION HEREBY APPROVES AND ADOPTS THE CHANGES AS RECOMMENDED IN THE ATTACHED FISHING REGULATIONS FOR 2013, AND AUTHORIZES THE COMMISSION STAFF TO PROCEED WITH MAKING THE APPROPRIATE AGFC CODE BOOK REVISIONS AND LEGAL CERTIFICATION. ALL REGULATION CHANGES SHALL TAKE EFFECT BEGINNING JANUARY 1, 2013.

	<u>STAFF APPROVAL</u>	<u>COMMISSION APPROVAL</u>	
Submitted by:	_____	_____	_____
	Mark Oliver	Chairman	Commissioner
Division:	_____	_____	_____
	Fisheries	Vice Chairman	Commissioner
Approved:	_____	_____	_____
	Director	Commissioner	Commissioner
Approved:	_____	_____	
	Legal	Commissioner	
Approved:	_____		
	Fiscal		