

# Proposed Commercial Fishing Regulations for Implementation in 2009

- Code Clarification: 1.00J POINT SYSTEM FOR HUNTING AND/OR FISHING VIOLATIONS. Assign violation points to Non-resident Aquatic Turtle Dealer Permit Requirements.  
Code 39.01B does not have violation points assigned to it, therefore 18 violation points need to be added.
- Code Clarification: 37.05 TAKING BAITFISH BELOW DAMS PROHIBITED.  
The intent of this regulation is to prohibit taking baitfish within 100 feet below dams, except for taking shad with hand-held operated dip nets. Exception 1 refers to 37.04C, when it should refer to 37.04E.
- Code Clarification: 39.04 AQUATIC TURTLE TACKLE RESTRICTIONS.  
Language in this code needs to be changed because it was not defined where exactly the lines attach to the hoop and where to begin measuring the 1 inch throat size.
- Code 41.12: UNDERSIZED COMMERCIAL FISH PROHIBITED.  
Changing the minimum length limit on paddlefish on the MS River.  
After meeting with commercial fishermen, it has been agreed the minimum length limit on paddlefish in the Mississippi River will remain 34 inches. It was also agreed the minimum length limit for paddlefish on the AR River below Dardanelle will remain 36 inches.
- Code 41.24: POSSESSION AND USE OF FIDDLER SIZE HOOP NETS AND SLAT TYPE FISH TRAPS RESTRICTED TO CERTAIN PUBLIC WATERS.  
Allow Fiddler Size Hoop Nets in the Sulphur River.  
The Sulphur River is in Southwest Arkansas and enters Arkansas from Texas. This river is open to the use of commercial tackle but is the only river that is not open to the use of fiddler sized hoop nets in the area. By allowing the use of fiddler nets, the regulations pertaining to the use of this gear in SW Arkansas will be more consistent with those of the Red and Little rivers.
- Code 41.30: PADDLEFISH AND STURGEON POSSESSION RESTRICTIONS ON WHITE RIVER, ARKANSAS RIVER AND BORDER WATERS.  
Changing the boundary on the White River to the Newport Access above the Hwy 367 bridge.  
Commercial fishermen requested the boundary to be changed because they use the Newport Access on a regular basis. Under the current boundaries, when they have their catch and leave the river, they cannot legally use the Newport Access. By changing this regulation, the commercial fishermen will be able to use the access and the paddlefish sanctuary will still be protected.
- Code 41.39: PADDLEFISH AND STURGEON HARVEST RESTRICTIONS.  
Changing the season dates for paddlefish and sturgeon statewide, except for the Dardanelle and Ozark Pools of the AR River.

After meeting with commercial fishermen, it has been agreed to change the season dates for paddlefish to sunrise, November 20 through midnight, April 10, with the exceptions of the Dardanelle and Ozark Pools on the AR River. The season starting date has also been changed to November 15 for sturgeon.

## Sportfish Regulation

- Code 31.01B: Prohibiting the take of Largemouth bass in Lake Hindsville  
 Lake Hindsville was recently renovated and is filling with water. It has been recently stocked with fingerling largemouth bass, therefore it is imperative to place a catch and release regulation on this lake to protect the bass.

**01.00J**  
03-08

**POINT SYSTEM FOR HUNTING AND/OR FISHING VIOLATIONS**

Upon the accumulation of 12 points for hunting and/or fishing violations within a three year period, the individual will be ineligible to apply for any Commission deer, turkey and elk permit hunts for the following three-years. The accumulation of 18 points for hunting and/or fishing violations within a three-year period may result in the revocation of all hunting and/or fishing licenses and the privileges attached thereto for one year, and the accumulation of 30 points within a five year period may result in the loss of all licenses and privileges for three years. A revocation of hunting and/or fishing licenses and privileges occurring for a third time during an individual’s lifetime may result in the lifetime revocation of all hunting and/or fishing licenses and privileges. Any person who forfeits bond, pleads guilty or nolo contendere, or is found guilty of violating any hunting or fishing regulation shall be assigned points as follows:

<u>CODE NO.</u>	<u>TYPE OF VIOLATION</u>	<u>POINTS</u>
39.01(B)	Non-Resident Aquatic Turtle Dealer Permit Requirements	18

**37.05**  
08-02

**TAKING BAITFISH IMMEDIATELY BELOW DAMS PROHIBITED.** It shall be unlawful to take baitfish within one hundred (100) yards below dams or similar constructions.

**EXCEPTION:**

(1) Shad may be taken in compliance with Code 37.04(G E).

**PENALTY:** \$100.00 to \$1,000.00.

**39.01**  
09-07

**AQUATIC TURTLE HARVEST PERMIT REQUIREMENTS.** It shall be unlawful for any individual to: (1) operate any tackle for the purpose of taking aquatic turtles for commercial purposes; (2) engage in the sale of aquatic turtles without first obtaining a Commercial Fisherman Permit and Sportfishing License and an Aquatic Turtle Harvest Permit; or (3) fail to provide an invoice for each sale transaction. Required information on invoices is as follows: name, permit number, purchaser’s name and permit number, date of sale, body of water taken from, county taken from,

species and number of turtles and the seller's and buyer's signatures. (Note: this information is found on the triplicate copy of each turtle harvest report form provided by the Commission.) Non-residents are not permitted to harvest aquatic turtles. (Permittees must comply with reporting requirements see Code 39.05.)

**EXCEPTIONS:**

- (1) A person with an Aquatic Turtle Harvest Helper Permit in his immediate possession may assist taking aquatic turtles and operate the properly tagged tackle of licensed aquatic turtle harvester **and/or dealer** permittee.
- (2) Individuals under age 16, possessing a Junior Aquatic Turtle Harvest Permit may harvest and sell aquatic turtles to possessors of an Aquatic Turtle Dealer Permit or Non-Resident Aquatic Turtle Dealer Permit.
- (3) Aquatic turtles taken in compliance with Code 37.07 Aquatic Pet Restrictions may be kept as pets but not sold, bartered or traded.
- (4) Fish Farmer Permittees and their employees may remove aquatic turtles from those specific ponds, impoundments, and drainages where valid fish farming operations are occurring and release them back into the wild at another location. (See also Code 39.02 Exception 2)
- (5) Fish Farmer Permittees must obtain an Aquatic Turtle Harvest Permit or Aquatic Turtle Farmer Permit if they intend to sell turtles taken from their property.
- (6) Private pond/lake owners when involved in taking and removing aquatic turtles for non-commercial purposes from their pond/lake and release them back into the wild at a different location.

**PENALTY:** \$500.00 to \$5,000.00. Equipment used in such violations (including but not limited to nets, traps and boats) may be confiscated in accordance with Codes 1.00-D and 1.00-J.

**39.04 AQUATIC TURTLE TACKLE RESTRICTIONS.** It shall be unlawful

08-90/09-05 to take or attempt to take aquatic turtles by the use of chemicals, explosives, or tackle other than as specified herein:

- (A) ~~Hoop nets with ramp netting attached to the first hoop and a slot opening secured against fish entry by parallel lines to the second hoop. Not to be set with slot horizontal. Maximum slot opening 1 inch by 3 feet. Minimum mesh size shall be 1 ½ inches square bar mesh. Wings or leads may not be used. Nets must be set so that a portion of the enclosure remains above water surface at all times.~~ Hoop nets with ramp netting attached to first hoop and throat opening restricted by parallel lines attached to the second hoop. Maximum throat opening 1 inch by 3 feet (where throat lines attach to hoop). Minimum mesh size 1 ½ inches square bar mesh. Wings or leads may not be used. Nets to be set with throat horizontal and

in such manner that a portion of the enclosure remains above water surface at all times.

- (B) Box type traps (**basking traps**) with an open top that is above the water surface. All other trap surfaces must be fully closed and incapable of taking fish. Box type turtle traps may not exceed 4x4x4 feet in dimension.
- (C) Turtle trappers must check and remove catch from all hoop nets at least once during each 24-hour period and from all box traps at least once every 72-hours (3 days).

**EXCEPTIONS:**

- (1) Legal ~~mesh~~ **commercial fishing** hoop nets (**fingering throats**) when appropriately tagged and commercially fished in waters open to their use.
- (2) Fish farmers when removing aquatic turtles from their permitted facilities.
- (3) Private pond owners when removing aquatic turtles from their ponds for non-commercial purposes.

**PENALTY:** \$500.00 to \$5,000.00. Equipment used in such violations (including but not limited to nets, traps and boats) may be confiscated in accordance with Codes 01.00-D and 01.00-J.

**41.12**  
10-07

**UNDERSIZED COMMERCIAL FISH PROHIBITED.** It shall be unlawful for commercial fishermen to possess catfish or buffalo fish less than 16 inches in length or paddlefish and sturgeon of any size taken from public waters.

**EXCEPTIONS:**

- (1) Twelve (12) inch or larger blue and channel catfish only may be taken in waters specified in Section 41.24.
- (2) Holders of a current Resident Roe Taker/Seller Permit or Resident Roe Buyer/Exporter Permit in compliance with Code 41.05(A) or Code 41.05(B) may possess paddlefish 37 inches or larger in Dardanelle and Ozark lakes of the Arkansas River, 36 inches or larger 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 larger in body length in the open portion of the White River and 34 inches or larger in body length for all other waters open to paddlefish harvest or sturgeon when in season. Paddlefish shall be measured from front of eye to fork of tail with the fish laid flat on a rule.
- (3) See also 41.38 Harvest Restriction of Catfish and Sturgeon in the Mississippi River.
- (4) It shall be unlawful for commercial fishermen to possess flathead catfish less than 20 inches in length on the Ouachita River from

the confluence of the Little Missouri River to the confluence of the Caddo River.

(5) 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.

~~(6) Effective January 2009, the Arkansas River from the Dardanelle Dam downstream to the Mississippi River will have a 37 inch minimum length limit of paddlefish.~~

~~(7) Effective January 2009, the Mississippi River from the Tennessee state line to the Louisiana state line will have a 36 inch minimum length limit on paddlefish.~~

**PENALTY:** \$100.00 to \$1,000.00 and fishing privileges may be suspended in accordance with Code 11.05, Revocation of Privileges.

41.24  
09-07

**POSSESSION AND USE OF FIDDLER SIZE HOOP NETS AND SLAT TYPE FISH TRAPS RESTRICTED TO CERTAIN PUBLIC**

**WATERS.** It shall be unlawful to use or possess fiddler size hoop nets or slat type fish traps in any public waters other than those specified herein:

- (A) Arkansas River, including impoundments thereon, from the mouth at the Mississippi River to Arkansas-Oklahoma State Line.
- (B) L'Anguille River from the mouth at the St. Francis River to the point of origin.
- (C) Little River from its mouth to Corps of Engineers Boat Ramp on the west side of Little River below Millwood Dam.
- (D) All Arkansas waters of the Mississippi River bounding Arkansas.
- (E) Red River from the Louisiana State Line to the Oklahoma state line.
- (F) St. Francis River from the mouth at the Mississippi River to the Missouri state line in Clay County.
- (G) Old Town Lake, Phillips County.
- (H) White River from Interstate 40 bridge to its mouth.
- (I) All lakes, bays or other bodies of water, other than tributary streams, connected to waters specified, when accessible by boat from the main channel.
- (J) Bay Ditch, (Cross, Poinsett and Craighead Counties) from its mouth upstream to U.S. Highway 63 in Craighead County.
- (K) St. Francis Floodway Diversion Ditch from its mouth upstream to U.S. Highway 63 in Poinsett County.
- (L) Cypress Bayou (Whiskey Chute) in Phillips County (Slat traps only).
- ~~(M) Sulphur River from the mouth of the Red River to the Texas State Line.~~

**EXCEPTIONS:**

- (1) Fiddler size hoop nets prohibited in Arkansas River from the State Highway 7 Bridge, Yell County, to the Arkansas-Oklahoma State Line; in the White River from Interstate 40 bridge to its mouth; and

all lakes, bays or other bodies of water connected to White River as specified, whether or not accessible by boat from the main channel; and in Old Town Lake, Phillips County.

- (2) Slat traps may be fished from Noon September 30 to Noon June 1 only in Millwood Lake and year-round in Little River above Millwood Lake to the Oklahoma state line.
- (3) Sixteen inch size limit on blue catfish taken by commercial gear in the Arkansas River from the Hwy 7 bridge (Yell County) to the Oklahoma state line.

**PENALTY:** \$100.00 to \$1,000.00.

**41.30**  
02-08

**PADDLEFISH AND STURGEON POSSESSION RESTRICTIONS ON WHITE RIVER, ARKANSAS RIVER AND BORDER WATERS.** It shall be unlawful to commercially take or possess paddlefish (also called spoonbill catfish) or sturgeon, or their parts including eggs (roe), from

- (A) That part of the White River, ~~from immediately above the Newport Access and proceeding Hwy 367 bridge at Newport,~~ upstream to the boat ramp at Jacksonport State Park, and from the confluence of Black River upstream to Dam 1 at Batesville.
- (B) The following border waters with Louisiana: Red River in Hempstead, Lafayette, Little River, and Miller counties; Ouachita River from the Louisiana State Line to 100 yards below Felsenthal Lock and Dam; Bayou Bartholomew from the Louisiana state line to its source in Jefferson County; Bodcau Bayou from the Louisiana state line to the base of Lake Erling Dam; Boeuf River from the Louisiana state line to its source in Chicot County; and Bayou Macon from the Louisiana state line to its source in Desha County.
- (C) The portion of the Arkansas River extending from Trimble Lock and Dam upstream to the Arkansas/Oklahoma State line year-round except for during permitted special seasons as determined by the Director of the Arkansas Game and Fish Commission.

**EXCEPTION:**

- (1) ~~Paddlefish or their eggs may be possessed, but not harvested, on the White River from Newport Access upstream to the boat ramp at Jacksonport State Park.~~

**PENALTY:** \$1,000.00 to \$2,500.00 and fishing privileges may be suspended in accordance with Code 11.05, Revocation of Privileges.

**41.39**  
12-01/09-07

**PADDLEFISH AND STURGEON HARVEST RESTRICTIONS.**

It shall be unlawful to take from public waters or possess paddlefish (also called spoonbill catfish) or sturgeon, or their parts, including eggs (roe), during the period of ~~Noon-Midnight, March 31~~ April 10 to ~~Noon-Sunrise, December 1~~ November 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 41.05(C).
  - (2) Sportfishermen in compliance with Code 31.01B, Game Fish Possession Limit Restrictions.
  - (3) Permitted fish farmers in compliance with Code 42.10, Paddlefish, Sturgeon and Bowfin Roe Regulations.
  - (4) Sturgeon may be taken ~~until Noon~~, **Midnight, November 15 to Sunrise, May 1.**
  - (5) **Dardanelle and Ozark Pools of AR River are closed to the harvest and possession of paddlefish, sturgeon, or their parts, including eggs (roe) during Midnight, March 31 to Sunrise, December 1.**
- PENALTY:** **\$1,000.00 to \$2,500.00**, and fishing privileges may be suspended in accordance with Code 11.05, Revocation of Privileges.

**Sportfish Regulation**

**31.01B**      **GAME FISH POSSESSION LIMIT RESTRICTIONS.** It shall be  
 10-06      unlawful to possess more than two (2) daily limits of game fish or the aggregate thereof.

Daily Limit - Black Basses(including not more than four Smallmouth).....	10
Daily Limit - Rock Bass.....	10
Daily Limit - Catfish(exc. Bullhead).....	10
Daily Limit - Bream(over 4" in length).....	50
Daily Limit - Crappie.....	20
Daily Limit - Muskellunge.....	6
Daily Limit - Pickerel.....	6
Daily Limit - Northern Pike.....	6
Daily Limit - Sauger.....	6
Daily Limit - Saugeye.....	6
Daily Limit - Striped Bass or Hybrid Combination.....	6
Daily Limit - Walleye.....	6
Daily Limit - White Bass.....	25
(Yellow Bass - No Limit)	
Daily Limit - Paddlefish.....	2
Daily Limit - Alligator Gar.....	2
Daily Aggregate Limit.....	75
Daily Limit for all sportfish on Bois d'Arc in Hempstead County	½ daily limit

**EXCEPTIONS:**

- (1) **LARGEMOUTH, SPOTTED, SMALLMOUTH (BLACK BASS):**

- (A) Ozark Zone (Baxter, Benton, Boone, Carroll, Cleburne, Fulton, Independence, Izard, Lawrence, Madison, Marion, Newton, Randolph, Searcy, Sharp, Stone, Van Buren, and Washington counties) - smallmouth bass minimum length limit 12 inches with a daily limit of 4, except Bull Shoals Lake, Beaver Lake, Lake Norfolk, and Table Rock Lake (see exception 1(B) below).  
Ozark Zone Blue Ribbon Streams (Crooked Creek and Buffalo River) - smallmouth bass minimum length limit of 14 inches with a daily limit of 2. Smallmouth bass minimum length limit on Crooked Creek 18 inches with a daily limit of 1: from 101 bridge downstream to the confluence with the White River; between the Hwy 62-412 and Hwy 62 Spur bridges at Pyatt.  
Ozark Zone Catch and Release Area – Crooked Creek, along boundary of Arkansas Game and Fish Foundation property near Kelly’s Slab Access.  
Ozark Zone Quality Streams (Kings, Spring, South Fork/Spring and Eleven Point rivers) - smallmouth bass minimum length limit of 14 inches with a daily limit of 2, except on Kings River from Trigger Gap to Hwy 62 bridge: minimum length limit 18 inches and daily limit of 1.  
Ouachita/Boston Zone (all Arkansas counties not included in the Ozark Zone) - smallmouth bass minimum length limit of 10 inches with a daily limit of 4.  
Ouachita/Boston Zone Quality Streams (Mulberry, Caddo above DeGray Lake, DeGray Lake, Ouachita River upstream from Lake Ouachita, **Ouachita River downstream from Remmel Dam**, Saline River, including its four headwater forks in Saline, Perry and Garland counties, South Fork/Ouachita, Little Missouri above Lake Greeson and Lake Greeson) - smallmouth bass minimum length limit of 12 inches with a daily limit of 2.  
Ouachita/Boston Zone Catch-and-Release Area - all smallmouth bass caught in Lake Ouachita including the Ouachita River upstream to the River Bluff access area must be immediately returned to the stream.
- (B) Black Bass daily limit - six (6) on Beaver Lake, Bull Shoals, **DeQueen Lake**, Norfolk Lake, Lake Ouachita and Table Rock Lake, five (5) on Lake Lou Emma - Crawford County, and four (4) on Lake Atkins; Largemouth bass daily limit – five (5) on Grandview Lake #2, eight (8) in Lower White Oak Lake and **Lake Columbia, and one (1) on Mallard Lake and the Little Missouri River**.
- (C) Largemouth bass caught must be immediately returned to the water in **Marion McCollum** Lake **Greenlee** in Monroe



County, Lake Sylvia in Perry County, Dr. Lester Sitzes III  
Bois d'Arc Lake, Lake Ashbaugh in Greene County and  
Lake Hindsville in Madison County.