

Use only for **FINAL** and **EMERGENCY RULES**



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.

05.35 Hunting, Fishing, Trapping, Releasing Hunting Dogs Or Pursuing Wildlife With Dogs Without Landowner/ Lessee Permission Prohibited

- A. It is unlawful to hunt, fish, trap wildlife, release hunting dogs, or pursue wildlife with dogs, or retrieve harvested game upon the private property of another without having first obtained permission from an owner or lessee of the property.
- B. Notwithstanding the provisions of subsection (A), it is unlawful for any person to hunt, fish, trap wildlife, release hunting dogs or pursue wildlife with dogs, upon the private property of another without carrying written permission from an owner or lessee of the property if the property is lawfully posted or fenced in compliance with one of the methods provided in Ark. Code Ann. §§ 18-11-404-405. The written permission must include the name of the person permitted upon the property, the signature and telephone number of the landowner or lessee, and the beginning and ending dates of the permission period.

EXCEPTION: Written permission is not required under subsection (B) if the person hunting, fishing or trapping wildlife is the spouse, parent, child, sibling, uncle, aunt, son-in-law, daughter-in-law, niece, nephew, grandchild, or grandparent of the owner or lessee of the private property and has actual permission of the owner or lessee.

PENALTY: Class 2

Arkansas Game and Fish Commission
Little Rock, Arkansas

MINUTE ORDER NO: 20-018 SUBJECT: 2020 Regulations Review Project
 DATE PASSED: May 21, 2020 Approval
 PAGE 1 of 1 PAGES LOCATION: Statewide

WHEREAS, the Arkansas Game and Fish Commission and its staff have proposed the attached regulations for the 2020-2021 Hunting Seasons and the 2020 Fishing Year, along with several miscellaneous updates to the AGFC Code of Regulations; **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 and Commission staff, 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 21st day of May 2020, 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.

STAFF APPROVAL

Submitted by: _____
Chris Racey
Deputy Director

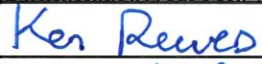
Division: Administration

Approved: 
Director

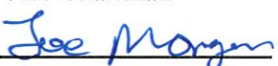
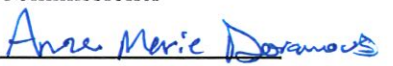
Approved: _____
Legal

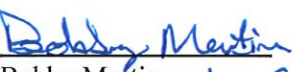
Approved: _____
Fiscal

COMMISSION APPROVAL

 
Ken Reeves by C.C. Stan Jones by C.C.
Chairman Commissioner

 
Andrew Parker by C.C. J. D. Neeley by C.C.
Vice Chairman Commissioner

 
Joe Morgan Anne Marie Doramus by C.C.
Commissioner Commissioner


Bobby Martin by C.C.
Commissioner

FINANCIAL/ECONOMIC IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

(Attach additional pages if needed)

DEPARTMENT: Arkansas Game and Fish Commission

DIVISION: Administration

PERSON COMPLETING THIS STATEMENT: Chris Racey

TELEPHONE #: 501-978-7336

EMAIL: chris.racey@agfc.ar.gov

SHORT TITLE OF THIS RULE: 2020 Regulations Review Project.

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?
Yes: **X** No:
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: Hunters, Anglers, Trappers, Commercial Baitfish Dealers

Effect on Party Subject to Rule: Generally, this is a positive effect as the proposed regulations simplify, clarify or reduce regulatory barriers.

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: \$0

Financial Benefit to Agency: Past reducing enforcement effort in some areas, there is little financial benefit to the agency. The benefit is largely social in nature, by providing less regulation complexity for our users and staff.

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



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Deputy Director

Arkansas Game and Fish Commission

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May 28, 2020

Ms. Kayla Sansom, Rules & Regulation Filing
Office of the Arkansas Secretary of State
500 Woodlane Drive, Room 26
Little Rock, AR 72201

RE: Arkansas Game and Fish Commission Regulation Adopted on May 21, 2020

Dear Ms. Sansom:

Attached please find a link to the 93 regulations approved by the Arkansas Game and Fish Commission on April 23, 2020. Also included for each individual regulation is the required transmittal sheet, and applicable Financial Impact Statement and the signed Minute Order. The Commission respectfully requests that these regulation become effective 10 days after filing.

Notices for the proposed regulations were published in the Arkansas Democrat-Gazette on March 22, 23, and 24, 2020, and April 19, 20, and 21, 2020.

Hard copies of the approved regulations will be in the mail in the next day or so. **Kindly notify April Soman at april.soman@agfc.ar.gov to confirm receipt of both the electronic submission and hard copies.** Should you have any questions or concerns regarding this filing, please do not hesitate to contact me at (501) 223-6327 at your convenience.

Sincerely,

James F. Goodhart
General Counsel

JFG/as
Enclosures
cc: register@sos.arkansas.gov