

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State

Cole Jester

500 Woodlane Street, Suite 026
Little Rock, Arkansas 72201-1094
(501) 682-5070
www.sos.arkansas.gov



Name of Department _____

Agency or Division Name _____

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person _____

Contact E-mail _____

Contact Phone _____

Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____

Proposal: Amend Code 05.37 – Obstruction of Hunting, Fishing or Trapping Prohibited.

Justification: Amendments to Code 05.37 - Obstruction of Hunting, Fishing or Trapping Prohibited are requested to address inappropriate behavior by hunters on WMAs. In addition to past reports of hunter harassment and aggressive behavior, game wardens arrested hunters for fighting on WMAs during this past duck season. The proposed revisions will provide game wardens with additional regulatory authority and increased penalties to hold hunters accountable for their actions. A conviction for violating this code will subject the offender to license revocation. Revocation of the offender's license would result in the prohibition of the offender entering Commission-owned WMAs and lakes for the duration of the revocation period.

Code affected: 05.37

FINANCIAL / ECONOMIC IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

(Attach additional pages if needed)

DEPARTMENT: Arkansas Game and Fish Commission

DIVISION: Wildlife Management

PERSON COMPLETING THIS STATEMENT: Matthew Warriner

TELEPHONE #: 501-382-3414 **FAX #:** N/A **EMAIL:** matthew.warriner @agfc.ar.gov

SHORT TITLE OF THIS RULE: Code 05.37 – Obstruction of Hunting, Fishing or Trapping Prohibited

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 Does this proposed, amended, or repealed rule or regulation have a financial impact?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: X No: If “Yes,” please explain: determining the financial impact of the proposed rule is not economically feasible.

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

General Revenue	\$
Federal Funds	\$
Cash Funds	\$
Special Revenue	\$
Other (Identify)	\$
Total	\$

Next Fiscal Year

General Revenue	\$
Federal Funds	\$
Cash Funds	\$
Special Revenue	\$
Other (Identify)	\$
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: \$0

Next Fiscal Year: \$0

Party Subject to Rule: duck hunters

Effect on Party Subject to Rule: The proposed rule change will address inappropriate and aggressive behavior of hunters on WMAs by providing game wardens with additional regulatory authority and increasing penalties for those persons convicted of violating the code.

5. What is the total estimated cost by fiscal year to the **agency** to implement this rule?
There is no additional cost to implement the rule.

Explain the financial benefit to the agency from implementing this rule: N/A

Current Fiscal Year: \$0

Next Fiscal Year: \$0

Financial Benefit to Agency: None

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

05.37 Obstruction, **Harassment** of Hunting, Fishing or Trapping **Activities and Public Disorder Prohibited**

- A. It is unlawful to willfully obstruct~~or~~, impede **or harass, directly or indirectly**, the **current or future** participation of any individual in the lawful activity of hunting, fishing or trapping.
1. Obstruction would include, but is not limited to, any physical obstruction or impeding or any verbal obstruction or impeding by way of threats or coercion.
- B. It is unlawful to engage in physical altercations with the purpose to cause public inconvenience, annoyance, alarm or recklessly creating a risk of public inconvenience, annoyance or alarm to any individual who is engaged, or attempting to engage, in the lawful activity of hunting, fishing or trapping, by:
1. Engaging in fighting or in violent, threatening, or tumultuous behavior;
 2. Making unreasonable or excessive noise;
 3. In a public place, using abusive or obscene language, or making an obscene gesture in a manner likely to provoke a violent or disorderly response; or
 4. Obstructing vehicular or pedestrian traffic including, but not limited to, roadways, trails and boat ramps.

EXCEPTION: Nothing in this regulation shall prohibit a landowner or lessee from exercising his lawful right to prohibit hunting, fishing or trapping on his land or from exercising any other legal right **or a person lawfully defending their persons from an aggressor(s) to prevent injury to themselves.**

PENALTY**IES:**

- A. Obstruction or Harassing: Class 3
- B. Public Disorder (Non-Physical): Class 3
Public Disorder (Physical): Class 4

LEGAL NOTICE

The regular monthly meeting of the Arkansas Game and Fish Commission will be held beginning at 8:00 a.m. Thursday, June 19, 2025, at the Golden Glo Studio located at 1238 Country Club Road, Camden, AR 71701. 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, June 18, 2025, beginning at 12:00 p.m. at the Golden Glo Studio located at 1238 Country Club Road, Camden, AR 71701. All interested persons are invited to attend these meetings.

The Commission meeting on June 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 meeting dates draw closer.

Items on the agenda for the June 19, 2025 meeting will include discussion and/or adoption of proposed regulations that previously were considered at the May 14-15, 2025 Commission Meetings, plus 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:

- Provide that persons convicted of violating Code 05.37 (regarding disorderly conduct while hunting, fishing or trapping) shall not be eligible to have their license suspension term reduced by the Administrative Hearing Officer (Code 01.00-R).
- Permit the Administrative Hearing Officer to modify a person's license suspension to allow hunting if there were no hunting-related offenses, or fishing if there were no fishing-related offenses, provided that the person's hunting and fishing licenses, rights, and privileges have not been suspended or revoked within the previous 15 years (Code 01.00-R).
- Create a resident combination hunting/fishing guide license for \$350 (Code 03.14 & Addendum D1.01).
- Prohibit and penalize harassment and public disorder of hunting, fishing or trapping activities (Code 05.37).
- Modify boating restrictions on certain WMAs and NWRs by increasing the penalties for negligent operation from Class 2 to Class 3 & for reckless or intentional operation from Class 3 to Class 4 (Code 20.27).
- Modify wild turkey season dates (Addendum A1.02).
- Modify wild turkey season dates and limits on WMAs (Addendum C1.04).
- Modify Turkey Zone Descriptions (Addendum E1.02).
- Create an exemption from the 16-inch length restriction for largemouth bass on Lakes Barnett, Brewer, and Poinsett during agency-approved fishing tournaments (Addendum N1.02).
- Discussion of access restrictions during duck season on WMAs.

All persons wishing to be heard on these subjects should submit comments in writing to this office before the start of the June 19, 2025 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 June 9, 2025. 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.

If you need assistance to participate in this public meeting due to a disability as defined under the Americans with Disabilities Act, please contact AGFC's ADA Coordinator in Human Resources at 501-382-3813 at least three (3) business days prior to the scheduled meeting to request an accommodation. Every reasonable effort will be made to meet your request.

DOUG SCHOENROCK, DIRECTOR
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Chris Racey
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Dalton B. Swindell
Assistant General Counsel

May 16, 2025

Arkansas Register
Arkansas Secretary of State, Rules & Regulation Filing
500 Woodlane Drive, Room 26
Little Rock, AR 72201
Via email only: arkansasregister@sos.arkansas.gov

RE: Legal Notice for Proposed Rules or Regulations – May 2025 meetings

Dear Arkansas Register:

Included are nine (9) proposed regulation changes that will be published in the Legal Notice to the Arkansas Democrat Gazette on May 18-20, 2025. Should you have any questions or comments concerning this filing, please do not hesitate to contact Sarah Milligan or me at (501) 382-3807 at your convenience.

Sincerely,

John P. Marks
General Counsel

JPM/srm
Attachment

cc: Ms. Rebecca Miller-Rice, Bureau of Legislative Research
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Ms. Sheri Thomas, Bureau of Legislative Research
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The Arkansas Game and Fish Commission's mission is to conserve and enhance Arkansas's fish and wildlife and their habitats while promoting sustainable use, public understanding and support.