

ARKANSAS REGISTER

Transmittal Sheet

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



Secretary of State

Cole Jester

500 Woodlane, Suite 026

Little Rock, Arkansas 72201-1094

(501) 682-5070

www.sos.arkansas.gov



For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency _____

Department _____

Contact _____ E-mail _____ Phone _____

Statutory Authority for Promulgating Rules _____

Rule Title: _____

Intended Effective Date

(Check One)

Date

☐

Emergency (ACA 25-15-204)

Legal Notice Published _____

☐

10 Days After Filing (ACA 25-15-204)

Final Date for Public Comment _____

☐

Other _____

(Must be more than 10 days after filing date.)

Reviewed by Legislative Council _____

Adopted by State Agency _____

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Contact Person

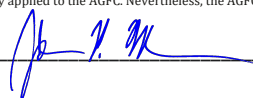
E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted

In Substantial Compliance with Act 434 of 1967 the Arkansas Administrative Procedures Act. Pursuant to 2011 decision rendered by the Pulaski County Circuit Court and 2000 opinion by the Arkansas Attorney General, the rulemaking requirements in the Arkansas Administrative Procedures Act cannot be constitutionally applied to the AGFC. Nevertheless, the AGFC does substantially comply with the rulemaking provisions under Ark. Code Ann. section 25-15-204 for public notice, opportunity for comment, and filing of all regulations adopted by the Commission.



Signature

Phone Number

E-mail Address

Title

Date

01.00-R – Administrative Hearing Procedure

- A. Any person whose hunting and fishing rights, privileges, or related licenses have been suspended or revoked by the Commission; who has been denied a Commission-issued license, permit, tag or stamp, or application or rights and privileges attached thereto; or who has received notice of intent to suspend, revoke, or deny the same may request an administrative review hearing only by notifying the Commission in writing within 20 calendar days after receipt of the notice of suspension, revocation, denial, or notice of intent thereof. The request for a hearing must include a valid, current mailing address (or email address) at which the person will receive notice of the date and time of the hearing and any other notices, and the person must notify the Commission of any change of address during pendency of the hearing. The Commission will presume delivery of all notices correctly addressed and mailed to any address that is provided pursuant to a hearing request or, if none is provided, to the address to which the original notice was mailed. Otherwise, the suspension, revocation or denial shall, without further notice, become effective on the 21st calendar day after the receipt of the notice described herein.
- B. Upon timely receipt of the hearing request, the Commission shall appoint a hearing officer and notify the person requesting the hearing (at the address provided or, if none was provided, to the address to which the original notice was mailed) of the date, time, location, and nature of the hearing. Hearing requests received after the deadline for receipt shall be denied unless the person requesting the hearing can show good cause in writing for the untimeliness of the hearing request, in which case the Commission shall appoint a hearing officer and notify the person requesting the hearing of the date, time, location, and nature of a hearing for the limited purpose of determining the person's eligibility for an administrative review hearing. If the hearing officer determines that the hearing request was timely or was untimely but for good cause, the requested hearing shall be held immediately thereafter.
- C. All hearings shall be conducted in-person at the Commission's main headquarters unless the hearing officer determines an exception is necessary for compelling reasons demonstrated in writing at the time the request for hearing is submitted. The Commission shall cause a record to be made of the proceedings.
- D. Hearings shall be conducted in an informal manner and without necessity of adherence to the rules of evidence required in judicial proceedings. Both the Commission and the person requesting the hearing shall have the right to be represented by counsel, to submit evidence in open hearing, compel the attendance of witnesses and to cross-examine any witness at the hearing. Irrelevant, immaterial or unduly repetitious evidence shall be excluded by the hearing officer. Notice may be taken of generally recognized technical or scientific facts within the Commission's specialized knowledge, and the Commission's experience, technical competence and specialized knowledge may be utilized in the evaluation of the evidence.

- E. Except as stated otherwise herein, the hearing officer shall suspend hunting and fishing licenses, rights, and privileges as set forth in Code 01.00-L beginning on the date specified in the hearing officer's final decision.
1. The hearing officer may reduce the suspension term by up to 1/2 if, after consideration of the person's violation record and evidence admitted at the hearing, the hearing officer makes all of the following findings of fact:
 - i. The person's hunting or fishing rights, privileges, or any related licenses have not been suspended or revoked by the Commission or a court of competent jurisdiction within the previous 15 years; and
 - ii. The person's suspension is not based on any Class 5 offense or Code 05.37.
 2. Any reduction granted shall be contingent upon the person successfully completing a Commission-approved hunter education course, boating education course, or both, and submitting written proof of the same to the Commission no later than 120 calendar days after suspension. The suspension reduction shall not become effective unless and until the Commission has received proof of completion of the courses.
 3. The hearing officer may modify the suspension to allow the person to retain licenses, rights, and privileges to (a) hunt, if no hunting-related offenses formed the basis of the suspension or (b) fish, if no fishing-related offenses formed the basis of the suspension, provided that the person's hunting and fishing licenses, rights, and privileges have not been suspended or revoked by the Commission or a court of competent jurisdiction for fishing- or hunting-related offenses within the previous 15 years.
- F. In matters not concerning the suspension or revocation of hunting and fishing rights, privileges, and related licenses, the hearing officer shall affirm, rescind, or modify the suspension or revocation of the license, permit, tag or stamp, or the denial of the application based upon the evidence admitted in the record of the proceedings.
- G. Decisions of the hearing officer shall be final and shall include findings of fact, conclusions of law, and a final decision. The parties shall be served either personally or by mail delivery to the address used to mail the hearing notice (or to any updated address a party provided during the hearing) with a copy of the final decision, which shall become effective immediately upon delivery.
- H. Any aggrieved party may, within 30 days after service of the final decision, file a petition for review in the circuit court of Pulaski County or the county in which they reside if they reside in Arkansas. Unless ordered by a court of competent jurisdiction, the Commission shall not stay implementation of the final decision during the pendency of any appeal of that decision.

Arkansas Game and Fish Commission
Little Rock, Arkansas

MINUTE ORDER NO: _____ SUBJECT: 2025-26 Miscellaneous Regulations
DATE PASSED: June 19, 2025
PAGE 1 of 3 PAGES LOCATION: Statewide

WHEREAS, the Arkansas Game and Fish Commission and its staff have proposed the attached regulation amendments to Codes 01.00-R (Administrative Hearing Procedures), 03.14 (Resident Guide License Requirements), 05.37 (Obstruction of Hunting, Fish or Trapping Prohibited), and 20.27 (Boating Restrictions on Certain WMAs and NWRs) of the Commission Code Book and its Addenda A1.02 (Wild Turkey Season and Limits), C1.04 (Wild Turkey Seasons and Limits on WMAs), D1.01 (Licenses, Permits, Stamps, Tags, Costs, and Expiration Dates), E1.02 (Turkey Zone Descriptions), and N1.02 (Length and Protected Length Limits on Certain Lakes and Rivers); **and**

WHEREAS, these amendments are needed to (1) address the harassment and public disorder of hunters and others in relation to hunting, fishing, trapping, or boating activities; **and**

WHEREAS, the amendments to Code 03.14 and Addendum D1.01 create a new Resident Combination Guide License (GLC) that costs \$350, expires June 30 each year, and allows Arkansas residents to guide, aid, or assist another person, for pay or other consideration, for hunting and fishing in Arkansas; **and**

WHEREAS, the amendments to Addendum N1.02 authorize the Fisheries Division to, upon request by a fishing tournament official, issue a permit exempting tournament anglers from the 16-inch length restriction on largemouth bass on Lakes Barnett, Brewer, and Poinsett; **and**

WHEREAS, the amendments to Addenda A1.02, C1.04, and E1.02 address the restructuring of wild turkey hunting season dates, harvest limits, and zones, which includes dividing the state into 5 new turkey zones that follow county lines and specifying that each wildlife management area constitutes its own zone, with individual season dates and harvest limits for each zone; **and**

WHEREAS, the amendments to Code 05.37 add a list of specifically prohibited actions (including the obstruction of lawful hunting, fishing, or trapping) and increase the penalty from Class 2 to Class 3 or 4 depending on the nature of the violation; **and**

WHEREAS, the amendments to Code 20.27 increase the penalty from Class 3 to Class 4 for recklessly or intentionally operating a motorboat or vessel in a prohibited manner on certain WMAs and NWRs; **and**

WHEREAS, a conviction of a Class 3 or 4 violation will result in the suspension of a person's hunting and fishing licenses, rights, and privileges for at least 1 year (for Class 3) or 2 years (for Class 4), and possibly longer if the person also has other points,

which suspension will prohibit the person from entering Commission-owned WMAs and lakes during the term of the suspension; **and**

WHEREAS, the amendments to Code 01.00-R provide that persons convicted of violating Code 05.37 will be ineligible for a reduction of their suspension term but that suspensions imposed more than 15 years ago will not be considered for the purpose of determining eligibility for a reduction provided in Code 01.00-R; **and**

WHEREAS, the attached revised regulations (Codes 01.00-R, 03.14, 05.37, and 20.27; and Addenda A1.02, C1.04, D1.01, E1.02, and N1.02) have been communicated through a variety of media avenues to sportsmen and women and the general public throughout the state for review and comment for at least the past 30 days; **and**

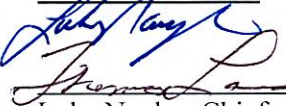
WHEREAS, after carefully considering the recommendations of the Director, Commission staff, and the Regulations Committee, as well as comments received from the public, the Commission has determined that the attached regulations promote sound fish and wildlife conservation and management, are consistent with Amendment 35 of the Arkansas Constitution, and should now be approved for application statewide.

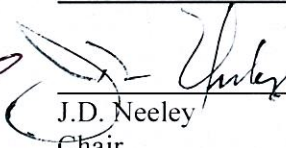
NOW, THEREFORE, BE IT ORDERED this 19th day of June 2025, that the Arkansas Game and Fish Commission hereby approves and adopts the attached regulation amendments to Codes 01.00-R (Administrative Hearing Procedures), 03.14 (Resident Guide License Requirements), 05.37 (Obstruction of Hunting, Fish or Trapping Prohibited), and 20.27 (Boating Restrictions on Certain WMAs and NWRs) of the Commission Code Book and its Addenda A1.02 (Wild Turkey Season and Limits), C1.04 (Wild Turkey Seasons and Limits on WMAs), D1.01 (Licenses, Permits, Stamps, Tags, Costs, and Expiration Dates), E1.02 (Turkey Zone Descriptions), and N1.02 (Length and Protected Length Limits on Certain Lakes and Rivers), which shall become effective immediately upon public filing or as soon thereafter as possible.

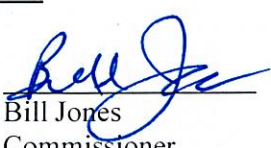
BE IT FURTHER ORDERED that the Commission staff is authorized to proceed with legally certifying and filing the attached regulations with the Secretary of State, State Library, and Bureau of Legislative Research, and incorporating them into the Commission Code Book and Addendum.

STAFF APPROVAL**COMMISSION APPROVAL**

Submitted by:

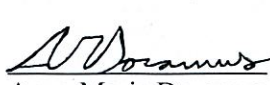

Luke Naylor, Chief
Thomas Laird, Chief


J.D. Neeley
Chair


Bill Jones
Commissioner

Division:

Wildlife Management
and
Fisheries Divisions


Anne Marie Doramus
Vice Chair


Brandon Adams
Commissioner

MINUTE ORDER NO:

PAGE 3 of 3 PAGES

Approved:



Director



Rob Foley
Commissioner

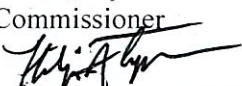


Chris Caldwell
Commissioner

Approved:



Legal



Philip Tappan
Commissioner

Approved:



Fiscal

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 01.00-R – Administrative Hearing Procedure

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 ensure that a person convicted of violating Code 05.37 does not have their revocation period reduced by up to half, as is currently permitted by this 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

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
Arkansas Game & Fish Commission
Game & Fish Commission Building
2 Natural Resources Drive
Little Rock, Arkansas 72205