

# **Arizona Game and Fish Commission 2019 Five-Year-Review Report**

**TITLE 12. NATURAL RESOURCES  
CHAPTER 4. GAME AND FISH COMMISSION  
ARTICLE 2. LICENSES; PERMITS; STAMPS; TAGS**



**A Report to the Governor's Regulatory Review Council**

**ARIZONA GAME AND FISH COMMISSION**  
**12 A.A.C. 4, ARTICLE 2. LICENSES; PERMITS; STAMPS; TAGS**  
**2017 FIVE-YEAR REVIEW REPORT**  
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## **REPORT: ARTICLE 2. LICENSES; PERMITS; STAMPS; TAGS**

Under A.R.S. § 41-1056, every agency shall review its rules at least once every five years to determine whether any rule should be amended or repealed. Each agency shall prepare a report summarizing its findings, its supporting reasons, and any proposed course of action; and obtain approval of the report from the Governor's Regulatory Review Council (G.R.R.C.).

G.R.R.C. determines the review schedule. The Arizona Game and Fish Commission's rules listed under Article 3, Taking and Handling Wildlife, are scheduled to be reviewed by April 2019.

The Arizona Game and Fish Department (Department) tasked a team of employees to review the rules contained within Article 2. The Department prepared a report of its findings based on G.R.R.C. standards. In its report, the review team addressed all internal comments from agency staff as well as comments received from the public. The team took a customer-focused approach, considering each comment from a resource perspective and determining whether the request would cause undue harm to the state's wildlife or negatively affect the Department's wildlife objectives. The review team then determined whether the request was consistent with the Department's overall mission, if it could be effectively implemented given agency resources, and if it was acceptable to the public.

The Department anticipates requesting an exception to the rulemaking moratorium by May 2019 and submitting the Notice of Final Rulemaking for actions proposed in this report to the Council by February 2021, provided the current moratorium is not extended or the Commission is granted permission to pursue rulemaking.

With this report, the Department also certifies its compliance with the requirements of A.R.S. § 41-1091:

1. The Department publishes an annual directory summarizing the subject matter of all currently applicable rules and substantive policy statements;
2. The Department maintains a copy of the directory and all substantive policy statements at the Arizona Game and Fish Department Headquarters, 5000 W. Carefree Highway, Phoenix, AZ 85086;
3. The Department includes the notice specified under A.R.S. § 41-1091(B) on the first page of each substantive policy statement; and
4. The Department provides the directory, rules, substantive policy statements, and any other material incorporated by reference in the directory, rules or substantive policy statements. These documents are open to public inspection at the Department Headquarters, 5000 W. Carefree Highway, Phoenix, AZ 85086.

## **R12-4-201. PIONEER LICENSE**

**1. General and specific statutes authorizing the rule, including any statute that authorizes the agency to make rules.**

Authorizing statute: A.R.S. § 17-231(A)(1)

Implementing statute: A.R.S. §§ 17-332, 17-333, 17-336(A)(1), and 41-1005

**2. Objective of the rule, including the purpose for the existence of the rule.**

The objective of the rule is to establish application requirements and hunting and fishing privileges for the pioneer license. The rule was adopted to comply with the statutory mandate under A.R.S. § 17-336(A)(1). This license may be issued to a person who is seventy years of age or older and who has been a resident of this state for twenty-five or more consecutive years immediately preceding application for the license. The pioneer license is valid for the lifetime of the licensee and does not require renewal. The complimentary combination hunting and fishing license is valid state-wide for the take of small game, fur-bearing animals, predatory animals, nongame animals, and upland game and the take of all aquatic wildlife, allows simultaneous fishing, and includes community program fishing privileges

The pioneer license is free of charge to eligible applicants.

The Department issues an average of 4,415 complimentary pioneer licenses on an annual basis.

**3. Effectiveness of the rule in achieving its objective, including a summary of any available data supporting the conclusion reached.**

The rule appears to be effective in achieving the objective stated above. At the beginning of each rule review, Department employees are asked to provide comments and suggested rule changes for any areas of concern. Responses indicate the rule is understandable and applicable. The Department believes this data indicates the rule is effective.

**4. Consistency of the rule with state and federal statutes and other rules made by the agency, and a listing of the statutes or rules used in determining the consistency.**

The rule is consistent with and is not in conflict with statutes and rules. Statutes and rules used in determining consistency include A.R.S. Title 17 and A.A.C. Title 12, Chapter 4.

Like the lifetime licenses issued under R12-4-211 (lifetime license) and R12-4-212 (benefactor license), the

pioneer license is valid for the person's lifetime and continues to remain valid even when the person moves to another state. The Department proposes to amend the rule to establish a pioneer license holder who resides outside of this state must pay the nonresident fee when purchasing any required permit-tag, nonpermit-tag, or stamp to hunt and fish in Arizona; and the limits established under R12-4-114 (issuance of nonpermit-tags and hunt permit-tags) for nonresident permit holders do not apply to a pioneer license holder to increase consistency between rules within Article 2.

**5. Agency enforcement policy, including whether the rule is currently being enforced and, if so, whether there are any problems with enforcement.**

The rule is enforced as written and the Department is not aware of any problems with the enforcement of the rule. All peace officers of the state (including city and county) are charged with enforcement. Officers can check for rule compliance during routine patrols. Officers may issue a warning order or a citation.

**6. Clarity, conciseness, and understandability of the rule.**

The rule is clear, concise, and understandable. The rule is logically organized and generally written in the active voice so it will be understood by the general public. However, the Department proposes to amend the rule to remove the Department website Uniform Resource Location (url) and simply reference "Department's website" to ensure the rule remains concise in the event the Department's url should change.

**7. Summary of written criticisms of the rule received in last five years including any written analyses submitted to the agency questioning whether the rule is based on valid scientific or reliable principles or methods.**

The Department received the following written criticisms of the rule:

**Written Comment: August 1, 2013.** If I make it to 70 years of age, I will be too crippled to hunt. Why not change the age and residency requirements to something reasonable, like 60 years of age with at least 30 years of residency?

**Written Comment: March 20, 2017.** I was wondering why you have to be a resident of Arizona for 25 years to get a pioneer license. I have been here for 15 years and do not plan on moving anywhere till the day I die, then I will go in a hole in Cave Creek. I checked other states and theirs is as long as you have residence in the state. I will be 70 in December and thought I could get one until I was told different. I don't think that is right and it needs to be changed. **Follow-up Comment: April 11, 2017.** Thank you for your feedback. I misunderstood the rule; I thought the 25 years was for the city you live in, not the State. So, I will be okay.

**Agency Response:** The twenty five year requirement is based on statute; A.R.S. 17-336(A)(1) requires a person to be at least 70 years of age and a resident of Arizona for twenty-five or more consecutive years immediately preceding application for the license. The legislative amendment must occur before the Department may issue a Pioneer License to a person under the age of 70 or has been a resident of Arizona for less than 25 years.

- 8. A comparison of the estimated economic, small business, and consumer impact of the rule with the economic, small business, and consumer impact statement prepared on the last making of the rule or, if no economic, small business, and consumer impact statement was prepared on the last making of the rule, an assessment of the actual economic, small business, and consumer impact of the rule.**

The Commission amended the rule to clarify the pioneer license is a complimentary, no-fee, license and is valid for the license holder's lifetime provided the person continues to meet the statutory requirements; clarify that a duplicate paper pioneer license is also complimentary; reference age and residency requirements; and establish a person issued a pioneer license prior to January 1, 2014 is granted all of the privileges established by the last rulemaking. The Commission anticipated the amendments would result in a rule that is either less burdensome or would have no significant impact on persons regulated by the rule.

- 9. Any analysis submitted to the agency by another person regarding the rule's impact on the competitiveness of businesses in this state as compared to the competitiveness of businesses in other states.**

The Department did not receive any analyses.

- 10. If applicable, how the agency completed the course of action indicated in the agency's previous five-year review report.**

The report was approved by G.R.R.C. at the November 26, 2013 Council Meeting; the report stated the Department anticipated submitting the final rules to the Council by February 2015. The Department completed the course of action indicated in the previous five-year review report as follows:

- Notice of Rulemaking Docket Opening: 20 A.A.R. 1233, May 30, 2014
- Notice of Proposed Rulemaking: 20 A.A.R. 1191, May 30, 2014
- Notice of Public Information: 20 A.A.R. 1335, June 13, 2014
- G.R.R.C. approved the Notice of Final Rulemaking at the November 4, 2014 Council Meeting.
- Notice of Final Rulemaking: 20 A.A.R. 3045, November 21, 2014.

- 11. A determination after analysis that the probable benefits of the rule within this state outweigh the probable costs of the rule and the rule imposes the least burden and costs to persons regulated by the rule, including paperwork and other compliance costs necessary to achieve the underlying regulatory**

**objective.**

The rule establishes application requirements and hunting and fishing privileges for the pioneer license. The Department issues an average of 4,415 complimentary pioneer licenses on an annual basis. The public and the Department benefit from the proposed rulemaking through clarification of rule language governing licenses and permits issued by the Department. The public and Department benefit from a rule that is understandable. Currently, the rule requires an applicant to submit an original or certified copy of their proof of name and date of birth document (i.e., valid government-issued driver license, birth certificate, etc.) and have their signature either notarized or witnessed by a Department employee. The Department has determined these requirements do not benefit the Department and are considered burdensome to Pioneer License applicants. The Department proposes to amend the rule to remove these requirements. The Department believes that once the proposed amendments indicated in the report are made, the probable benefits of the rule within this state outweigh the probable costs of the rule and the rule imposes the least burden and costs to persons regulated by the rule necessary to achieve the underlying regulatory objective.

**12. A determination that the rule is not more stringent than corresponding federal law unless there is statutory authority to exceed the requirements of that federal law.**

Federal law is not directly applicable to the subject of the rule. The rule is based on state law.

**13. For a rule adopted after July 29, 2010, that require the issuance of a regulatory permit, license, or agency authorization, whether the rule complies with A.R.S. § 41-1037.**

The rule requires a general permit and is in compliance with the requirements prescribed under A.R.S. § 41-1037.

**14. Course of action the agency proposes to take regarding the rule, including the month and year in which the agency anticipates submitting the rule to the Council if the agency determines it is necessary to amend or repeal an existing rule or make a rule. If no issues are identified for a rule in the report, an agency may indicate that no action is necessary for the rule.**

The Department proposes to amend R12-4-201 to:

- Establish a pioneer license holder who resides outside of this state must pay the nonresident fee when purchasing any required permit-tag, nonpermit-tag, or stamp to hunt and fish in Arizona to increase consistency between rules within Article 2.
- Establish the limits prescribed under R12-4-114 (issuance of nonpermit-tags and hunt permit-tags) for nonresident permit holders do not apply to a pioneer license holder to increase consistency between rules within Article 2.

- Remove the Department website Uniform Resource Location (url) and simply reference "Department's website" to ensure the rule remains concise in the event the Department's url should change.
- Remove the requirement that an applicant's signature be either notarized or witnessed by a Department employee to reduce burdens and costs to persons regulated by the rule.
- Allow an applicant to submit a copy of their valid U.S. passport, birth certificate, or valid government-issued driver's license or identification card to reduce burdens and costs to persons regulated by the rule.

Subject to the evaluation of the economic, small business and consumer impact of any proposed amendments, the Department anticipates submitting a Notice of Final Rulemaking to the Council by February 2021.

#### **R12-4-202. DISABLED VETERAN'S LICENSE**

**1. General and specific statutes authorizing the rule, including any statute that authorizes the agency to make rules.**

Authorizing statute: A.R.S. § 17-231(A)(1)

Implementing statute: A.R.S. §§ 17-332, 17-333, 17-336(A)(2), and 41-1005

**2. Objective of the rule, including the purpose for the existence of the rule.**

The objective of the rule is to establish application requirements and hunting and fishing privileges for the disabled veteran's license. This license may be issued to a disabled veteran who has been a resident for at least one year prior to application and who is receiving compensation from the United States Government for a service connected disability that is 100% disabling. Eligibility is determined by disability rating and not compensation received. The disabled veteran's license is valid for three years if the licensee's 100% permanent disability rating will be reevaluated within three years or for the lifetime of the licensee without requirement for renewal if the license's 100% disability rating will not be reevaluated. The complimentary combination hunting and fishing license is valid state-wide for the take of small game, fur-bearing animals, predatory animals, nongame animals, and upland game and the take of all aquatic wildlife, allows simultaneous fishing, and includes community program fishing privileges. The rule was adopted to comply with the statutory mandate under A.R.S. §17-231(A)(2).

The disabled veteran's license is free of charge to eligible applicants.

The Department issues an average of 400 complimentary disabled veteran's licenses on an annual basis.

**3. Effectiveness of the rule in achieving its objective, including a summary of any available data supporting the conclusion reached.**

The rule appears to be effective in achieving the objective stated above. At the beginning of each rule review, Department employees are asked to provide comments and suggested rule changes for any areas of concern. Responses indicate the rule is understandable and applicable. The Department believes this data indicates the rule is effective.

**4. Consistency of the rule with state and federal statutes and other rules made by the agency, and a listing of the statutes or rules used in determining the consistency.**

The rule is consistent with and is not in conflict with statutes and rules. Statutes and rules used in determining consistency include A.R.S. Title 17 and A.A.C. Title 12, Chapter 4.

**5. Agency enforcement policy, including whether the rule is currently being enforced and, if so, whether there are any problems with enforcement.**

The rule is enforced as written and the Department is not aware of any problems with the enforcement of the rule. All peace officers of the state (including city and county) are charged with enforcement. Officers can check for rule compliance during routine patrols. Officers may issue a warning order or a citation.

**6. Clarity, conciseness, and understandability of the rule.**

The rule is clear, concise, and understandable. The rule is logically organized and generally written in the active voice so it will be understood by the general public.

**7. Summary of written criticisms of the rule received in last five years including any written analyses submitted to the agency questioning whether the rule is based on valid scientific or reliable principles or methods.**

The Department received the following criticisms of the rule:

**Oral Comment: March 7, 2018.** I don't understand why Arizona requires a person to be a resident of the state in order to obtain a Disabled Veteran's License. Other states allow a nonresident to get a disabled veteran's license. A veteran serves the entire U.S., why do they have to be a resident of a state in order to qualify for a reduced license?

**Agency Response:** The requirement that a veteran of the armed forces of the United States be a resident of this state for one year preceding application for the complimentary disabled veteran's license is described in statute, A.R.S. 17-336(A)(2). No legislative intent clause or other explanation of this requirement could be located, and any attempt to explain the motivation for requiring residency would therefore be speculative.

**Proposed Amendment:** Consider issuing a three-year disabled veteran's license to a military member who is rated 100% unemployable (IU).

**Agency Response:** The recent passage of *Laws, 2018, Chapter 103* has codified the Game and Fish Commission's authority to offer complimentary and discounted licenses at its discretion. It is therefore appropriate for the Commission to consider this amendment as a potential new license discount or complimentary license, rather than an amendment to the existing rule.

- 8. A comparison of the estimated economic, small business, and consumer impact of the rule with the economic, small business, and consumer impact statement prepared on the last making of the rule or, if no economic, small business, and consumer impact statement was prepared on the last making of the rule, an assessment of the actual economic, small business, and consumer impact of the rule.**

The Commission amended the rule in order to accept a benefits letter issued by the United States Department of Veteran's Affairs (DVA) or an eBenefits letter downloaded from the DVA website as proof of eligibility and allowing applicants to attest that application information is true and correct, instead of requiring a notarized signature. The Commission anticipated the amendments would benefit persons regulated by providing a financial benefit to applicants who would no longer incur costs associated travel and notary fees. There were no negative fiscal impacts to the Department, other state agencies, small business, or state revenues associated with this amendment.

- 9. Any analysis submitted to the agency by another person regarding the rule's impact on the competitiveness of businesses in this state as compared to the competitiveness of businesses in other states.**

The Department did not receive any analyses.

- 10. If applicable, how the agency completed the course of action indicated in the agency's previous five-year review report.**

The report was approved by G.R.R.C. at the November 26, 2013 Council Meeting; the report stated the Department anticipated submitting the final rules to the Council by February 2015. The Department completed the course of action indicated in the previous five-year review report as follows:

- Notice of Rulemaking Docket Opening: 20 A.A.R. 1233, May 30, 2014
- Notice of Proposed Rulemaking: 20 A.A.R. 1191, May 30, 2014
- Notice of Public Information: 20 A.A.R. 1335, June 13, 2014
- G.R.R.C. approved the Notice of Final Rulemaking at the November 4, 2014 Council Meeting.

- Notice of Final Rulemaking: 20 A.A.R. 3045, November 21, 2014.

**11. A determination after analysis that the probable benefits of the rule within this state outweigh the probable costs of the rule and the rule imposes the least burden and costs to persons regulated by the rule, including paperwork and other compliance costs necessary to achieve the underlying regulatory objective.**

The rule establishes application requirements and hunting and fishing privileges for the disabled veteran's license. The Department issues an average of 400 complimentary disabled veteran's licenses on an annual basis. The public benefits from a rule that allows a veteran who has been a resident for at least one year prior to application and who is receiving compensation from the United States Government for a service connected disability that is 100% disabling to receive a complimentary combination hunting and fishing license. The Department benefits from a rule that is understandable. The Department has determined that the probable benefits of the rule within this state outweigh the probable costs of the rule and the rule imposes the least burden and costs to persons regulated by the rule necessary to achieve the underlying regulatory objective.

**12. A determination that the rule is not more stringent than corresponding federal law unless there is statutory authority to exceed the requirements of that federal law.**

Federal law is not directly applicable to the subject of the rule. The rule is based on state law.

**13. For a rule adopted after July 29, 2010, that require the issuance of a regulatory permit, license, or agency authorization, whether the rule complies with A.R.S. § 41-1037.**

The rule requires a general permit and is in compliance with the requirements prescribed under A.R.S. § 41-1037.

**14. Course of action the agency proposes to take regarding the rule, including the month and year in which the agency anticipates submitting the rule to the Council if the agency determines it is necessary to amend or repeal an existing rule or make a rule. If no issues are identified for a rule in the report, an agency may indicate that no action is necessary for the rule.**

The Department proposes to amend R12-4-202 to:

- Remove the Department website Uniform Resource Location (url) and simply reference "Department's website" to ensure the rule remains concise in the event the Department's url should change.

The Department anticipates submitting the Notice of Final Rulemaking to the Council by April 2020, provided the current moratorium is not extended or the Commission is granted permission to pursue rulemaking.

**R12-4-203. NATIONAL HARVEST INFORMATION PROGRAM (HIP);  
STATE WATERFOWL AND MIGRATORY BIRD STAMP**

- 1. General and specific statutes authorizing the rule, including any statute that authorizes the agency to make rules.**

Authorizing statute: A.R.S. § 17-231(A)(1)

Implementing statute: A.R.S. §§ 17-102, 17-231(A)(2), 17-235, 17-332, 17-333, and 41-1005

- 2. Objective of the rule, including the purpose for the existence of the rule.**

The objective of the rule is to establish requirements for the application and use of both the waterfowl and state migratory bird stamps, which enable the Department to obtain hunter participation and harvest data for migratory game birds in compliance with the requirements of the federally mandated National Harvest Information Program; which is administered by the United States Fish and Wildlife Service (USFWS).

The fee for the State Waterfowl Migratory Bird stamp is \$5.

The Department issues an average of 53,030 State Waterfowl and Migratory Bird Stamps on an annual basis.

- 3. Effectiveness of the rule in achieving its objective, including a summary of any available data supporting the conclusion reached.**

The rule appears to be effective in achieving the objective stated above. At the beginning of each rule review, Department employees are asked to provide comments and suggested rule changes for any areas of concern. Responses indicate the rule is understandable and applicable. The Department believes this data indicates the rule is effective.

- 4. Consistency of the rule with state and federal statutes and other rules made by the agency, and a listing of the statutes or rules used in determining the consistency.**

The rule is consistent with and is not in conflict with statutes and rules. Statutes and rules used in determining consistency include A.R.S. Title 17 and A.A.C. Title 12, Chapter 4.

- 5. Agency enforcement policy, including whether the rule is currently being enforced and, if so, whether there are any problems with enforcement.**

The rule is enforced as written and the Department is not aware of any problems with the enforcement of the

rule. All peace officers of the state (including city and county) are charged with enforcement. Officers can check for rule compliance during routine patrols. Officers may issue a warning order or a citation.

**6. Clarity, conciseness, and understandability of the rule.**

The rule is clear, concise, and understandable. The rule is logically organized and generally written in the active voice so it will be understood by the general public.

**7. Summary of written criticisms of the rule received in last five years including any written analyses submitted to the agency questioning whether the rule is based on valid scientific or reliable principles or methods.**

No written criticisms were received.

**8. A comparison of the estimated economic, small business, and consumer impact of the rule with the economic, small business, and consumer impact statement prepared on the last making of the rule or, if no economic, small business, and consumer impact statement was prepared on the last making of the rule, an assessment of the actual economic, small business, and consumer impact of the rule.**

The Commission amended the rule to combine State Waterfowl and Migratory Bird stamp privileges and requirements to simplify the license structure. This resulted in requiring only one stamp for the taking of migratory birds and waterfowl. The Commission anticipated the amendments would benefit persons regulated by providing a financial benefit to applicants who previously had to purchase two different stamps for taking migratory birds and waterfowl. There were no negative fiscal impacts to the Department, other state agencies, small business, or state revenues associated with this amendment.

**9. Any analysis submitted to the agency by another person regarding the rule's impact on the competitiveness of businesses in this state as compared to the competitiveness of businesses in other states.**

The Department did not receive any analyses.

**10. If applicable, how the agency completed the course of action indicated in the agency's previous five-year review report.**

The report was approved by G.R.R.C. at the November 26, 2013 Council Meeting; the report stated the Department anticipated submitting the final rules to the Council by February 2015. The Department completed the course of action indicated in the previous five-year review report as follows:

- Notice of Exempt Rulemaking: 190 A.A.R. 3225, October 18, 2013

**11. A determination after analysis that the probable benefits of the rule within this state outweigh the probable costs of the rule and the rule imposes the least burden and costs to persons regulated by the rule, including paperwork and other compliance costs necessary to achieve the underlying regulatory objective.**

The objective of the rule is to establish requirements for the application and use of the state migratory bird stamp, which enable the Department to obtain hunter participation and harvest data for migratory game birds in compliance with the requirements of the federally mandated National Harvest Information Program. The Department issues an average of 53,030 State Waterfowl and Migratory Bird Stamps on an annual basis. The Department collects the participation and harvest data online. The Department has determined that the probable benefits of the rule within this state outweigh the probable costs of the rule and the rule imposes the least burden and costs to persons regulated by the rule necessary to achieve the underlying regulatory objective.

**12. A determination that the rule is not more stringent than corresponding federal law unless there is statutory authority to exceed the requirements of that federal law.**

Federal law, 50 C.F.R. Part 20, is applicable to the subject of the rule. The Department has determined the rule is not more stringent than federal law.

**13. For a rule adopted after July 29, 2010, that require the issuance of a regulatory permit, license, or agency authorization, whether the rule complies with A.R.S. § 41-1037.**

The rule requires a general permit and is in compliance with the requirements prescribed under A.R.S. § 41-1037.

**14. Course of action the agency proposes to take regarding the rule, including the month and year in which the agency anticipates submitting the rule to the Council if the agency determines it is necessary to amend or repeal an existing rule or make a rule. If no issues are identified for a rule in the report, an agency may indicate that no action is necessary for the rule.**

No action.

**R12-4-205. HONORARY SCOUT; REDUCED FEE YOUTH CLASS F LICENSE**

**1. General and specific statutes authorizing the rule, including any statute that authorizes the agency to make rules.**

Authorizing statute: A.R.S. § 17-231(A)(1)

Implementing statute: A.R.S. §§ 17-332, 17-333, 17-336(B), and 41-1005

**2. Objective of the rule, including the purpose for the existence of the rule.**

The objective of the rule is to establish application requirements and hunting and fishing privileges for the reduced-fee honorary scout license. The combination hunting and fishing license is offered to a resident of this state who is a member of the Boy Scouts of America and who has attained the rank of Eagle Scout or a member of the Girl Scouts of the U.S.A. who has received the Gold Award. The rule was adopted to comply with amendments made to A.R.S. § 17-336(B), which honored the 100th anniversary of the Boy Scouts of America.

The fee for the honorary scout license is \$5.

The Department issues an average of 120 Honorary Scout reduced-fee youth class licenses on an annual basis.

**3. Effectiveness of the rule in achieving its objective, including a summary of any available data supporting the conclusion reached.**

The rule appears to be effective in achieving the objective stated above. At the beginning of each rule review, Department employees are asked to provide comments and suggested rule changes for any areas of concern. Responses indicate the rule is understandable and applicable. The Department believes this data indicates the rule is effective.

**4. Consistency of the rule with state and federal statutes and other rules made by the agency, and a listing of the statutes or rules used in determining the consistency.**

The rule is consistent with and is not in conflict with statutes and rules. Statutes and rules used in determining consistency include A.R.S. Title 17 and A.A.C. Title 12, Chapter 4.

**5. Agency enforcement policy, including whether the rule is currently being enforced and, if so, whether there are any problems with enforcement.**

The rule is enforced as written and the Department is not aware of any problems with the enforcement of the rule. All peace officers of the state (including city and county) are charged with enforcement. Officers can check for rule compliance during routine patrols. Officers may issue a warning order or a citation.

**6. Clarity, conciseness, and understandability of the rule.**

The rule is clear, concise, and understandable. The rule is logically organized and generally written in the active voice so it will be understood by the general public.

- 7. Summary of written criticisms of the rule received in last five years including any written analyses submitted to the agency questioning whether the rule is based on valid scientific or reliable principles or methods.**

No written criticisms were received.

- 8. A comparison of the estimated economic, small business, and consumer impact of the rule with the economic, small business, and consumer impact statement prepared on the last making of the rule or, if no economic, small business, and consumer impact statement was prepared on the last making of the rule, an assessment of the actual economic, small business, and consumer impact of the rule.**

The Commission amended the rule to increase consistency between Commission rules. The Commission anticipated the amendments resulted in a rule that had no significant impact on persons regulated by the rule.

- 9. Any analysis submitted to the agency by another person regarding the rule's impact on the competitiveness of businesses in this state as compared to the competitiveness of businesses in other states.**

The Department did not receive any analyses.

- 10. If applicable, how the agency completed the course of action indicated in the agency's previous five-year review report.**

The report was approved by G.R.R.C. at the November 26, 2013 Council Meeting; the report stated the Department anticipated submitting the final rules to the Council by February 2015. The Department completed the course of action indicated in the previous five-year review report as follows:

- Notice of Rulemaking Docket Opening: 20 A.A.R. 1233, May 30, 2014
- Notice of Proposed Rulemaking: 20 A.A.R. 1191, May 30, 2014
- Notice of Public Information: 20 A.A.R. 1335, June 13, 2014
- G.R.R.C. approved the Notice of Final Rulemaking at the November 4, 2014 Council Meeting.
- Notice of Final Rulemaking: 20 A.A.R. 3045, November 21, 2014.

- 11. A determination after analysis that the probable benefits of the rule within this state outweigh the probable costs of the rule and the rule imposes the least burden and costs to persons regulated by the rule, including paperwork and other compliance costs necessary to achieve the underlying regulatory**

**objective.**

The objective of the rule is to establish application requirements for the reduced-fee honorary scout license. The combination hunting and fishing license is offered to a resident of this state who is a member of the Boy Scouts of America and who has attained the rank of Eagle Scout or a member of the Girl Scouts of the U.S.A. who has received the Gold Award. The Department issues an average of 120 Honorary Scout reduced-fee youth class licenses on an annual basis. The Department has determined that the probable benefits of the rule within this state outweigh the probable costs of the rule and the rule imposes the least burden and costs to persons regulated by the rule necessary to achieve the underlying regulatory objective.

**12. A determination that the rule is not more stringent than corresponding federal law unless there is statutory authority to exceed the requirements of that federal law.**

Federal law is not directly applicable to the subject of the rule. The rule is based on state law.

**13. For a rule adopted after July 29, 2010, that require the issuance of a regulatory permit, license, or agency authorization, whether the rule complies with A.R.S. § 41-1037.**

The rule requires a general permit and is in compliance with the requirements prescribed under A.R.S. § 41-1037.

**14. Course of action the agency proposes to take regarding the rule, including the month and year in which the agency anticipates submitting the rule to the Council if the agency determines it is necessary to amend or repeal an existing rule or make a rule. If no issues are identified for a rule in the report, an agency may indicate that no action is necessary for the rule.**

No action.

**R12-4-206. GENERAL HUNTING LICENSE; EXEMPTION**

**1. General and specific statutes authorizing the rule, including any statute that authorizes the agency to make rules.**

Authorizing statute: A.R.S. § 17-231(A)(1)

Implementing statute: A.R.S. §§ 17-332, 17-333, and 41-1005

**2. Objective of the rule, including the purpose for the existence of the rule.**

The objective of the rule is to establish application requirements and hunting privileges for the general hunting license. The rule was adopted to ensure compliance with statutory amendments resulting from the Fifty-first Legislature, 1st Regular Session, which amended statutes within Title 17 to authorize the Commission to establish license, permit, tag, and stamp fees by rule. The resident general hunting license is valid for the take of small game, fur-bearing animals, predatory animals, nongame animals, and upland game birds. The general hunting license is also valid for the take of migratory birds when the person possesses the applicable migratory bird stamp, and for big game when the person possesses the applicable big game tag. The license is valid for a one-year period as follows: when the license is purchased from a license dealer, as defined under R12-4-101, the license is valid for one-year from the date of purchase; the applicant may choose their start date, provided that date is in the future and is no more than 60 calendar days from the date of purchase. A person under 10 years of age may hunt wildlife other than big game without a license, when accompanied by a person, 18 years of age or older, who possesses a valid Arizona hunting license.

The fee for the resident hunting license is \$37.

The Department issues an average of 53,140 general hunting licenses on an annual basis.

**3. Effectiveness of the rule in achieving its objective, including a summary of any available data supporting the conclusion reached.**

The rule appears to be effective in achieving the objective stated above. At the beginning of each rule review, Department employees are asked to provide comments and suggested rule changes for any areas of concern. Responses indicate the rule is understandable and applicable. The Department believes this data indicates the rule is effective.

**4. Consistency of the rule with state and federal statutes and other rules made by the agency, and a listing of the statutes or rules used in determining the consistency.**

The rule is consistent with and is not in conflict with statutes and rules. Statutes and rules used in determining consistency include A.R.S. Title 17 and A.A.C. Title 12, Chapter 4.

**5. Agency enforcement policy, including whether the rule is currently being enforced and, if so, whether there are any problems with enforcement.**

The rule is enforced as written and the Department is not aware of any problems with the enforcement of the rule. All peace officers of the state (including city and county) are charged with enforcement. Officers can check for rule compliance during routine patrols. Officers may issue a warning order or a citation.

**6. Clarity, conciseness, and understandability of the rule.**

The rule is clear, concise, and understandable. The rule is logically organized and generally written in the active voice so it will be understood by the general public.

**7. Summary of written criticisms of the rule received in last five years including any written analyses submitted to the agency questioning whether the rule is based on valid scientific or reliable principles or methods.**

No written criticisms were received.

**8. A comparison of the estimated economic, small business, and consumer impact of the rule with the economic, small business, and consumer impact statement prepared on the last making of the rule or, if no economic, small business, and consumer impact statement was prepared on the last making of the rule, an assessment of the actual economic, small business, and consumer impact of the rule.**

The Commission anticipated establishing new license classifications and prescribing fees for those licenses, as authorized under A.R.S. § 17-333, would generate revenue sufficient to enable the Department to address rising operational expenses, carry out its duties effectively in managing the state's wildlife resources, and provide quality recreational wildlife opportunities and access for the persons regulated by the rule. The Commission's objectives for amending the license rules were to simplify the license structure and remove barriers for recruitment of new hunters and anglers. The Commission increased the cost of the general hunting license by \$5, which the Commission determined would affect persons regulated by the rule. The Department applied a common equation to almost all fees that were amended or adopted, based on factors such as value, principles of the North American Model, customer input, and Commission direction. In addition, fees were also rounded to the nearest dollar value to eliminate the possibility of rejecting an application because the applicant failed to include the odd cents with the application. It is important to note, hunting is a voluntary recreational activity and only those persons who choose to participate in the activity will pay the fee. The Commission did not anticipate the fee increase would significantly affect a person's ability to participate in the activity or have a significant impact on a person's income, revenue, or employment in this state related to that activity. The license fee increase was effective January 1, 2014, which was seven years after the last over-all fee increase.

**9. Any analysis submitted to the agency by another person regarding the rule's impact on the competitiveness of businesses in this state as compared to the competitiveness of businesses in other states.**

The Department did not receive any analyses.

**10. If applicable, how the agency completed the course of action indicated in the agency's previous five-year review report.**

Not applicable; the rule was adopted January 1, 2014

**11. A determination after analysis that the probable benefits of the rule within this state outweigh the probable costs of the rule and the rule imposes the least burden and costs to persons regulated by the rule, including paperwork and other compliance costs necessary to achieve the underlying regulatory objective.**

The objective of the rule is to establish application requirements and hunting privileges for the general hunting license. The Department issues an average of 53,140 general hunting licenses on an annual basis. Purchasing a general hunting license is voluntary and a person who chooses to purchase a license will incur those costs associated with the license. The public and Department benefit from a rule that is understandable. The Department has determined that the probable benefits of the rule within this state outweigh the probable costs of the rule and the rule imposes the least burden and costs to persons regulated by the rule necessary to achieve the underlying regulatory objective.**12. A determination that the rule is not more stringent than corresponding federal law unless there is statutory authority to exceed the requirements of that federal law.**

Federal law is not directly applicable to the subject of the rule. The rule is based on state law.

**13. For a rule adopted after July 29, 2010, that require the issuance of a regulatory permit, license, or agency authorization, whether the rule complies with A.R.S. § 41-1037.**

The rule requires a general permit and is in compliance with the requirements prescribed under A.R.S. § 41-1037.

**14. Course of action the agency proposes to take regarding the rule, including the month and year in which the agency anticipates submitting the rule to the Council if the agency determines it is necessary to amend or repeal an existing rule or make a rule. If no issues are identified for a rule in the report, an agency may indicate that no action is necessary for the rule.**

The Department proposes to amend R12-4-206 to remove the Department website Uniform Resource Location (url) and simply reference "Department's website" to ensure the rule remains concise in the event the Department's url should change.

The Department anticipates submitting the Notice of Final Rulemaking to the Council by April 2020, provided

the current moratorium is not extended or the Commission is granted permission to pursue rulemaking.

#### **R12-4-207. GENERAL FISHING LICENSE; EXEMPTION**

**1. General and specific statutes authorizing the rule, including any statute that authorizes the agency to make rules.**

Authorizing statute: A.R.S. § 17-231(A)(1)

Implementing statute: A.R.S. §§ 17-332, 17-333, and 41-1005

**2. Objective of the rule, including the purpose for the existence of the rule.**

The objective of the rule is to establish application requirements and hunting privileges for the general fishing license. The rule was adopted to ensure compliance with statutory amendments resulting from the Fifty-first Legislature, 1st Regular Session, which amended statutes within Title 17 to authorize the Commission to establish license, permit, tag, and stamp fees by rule. The resident and nonresident general fishing license is valid for the take of aquatic wildlife, includes trout, community, and Colorado River fishing privileges and allows simultaneous fishing as defined under R12-4-301. The license is valid for a one-year period as follows: when the license is purchased from a license dealer, as defined under R12-4-101, the license is valid for one-year from the date of purchase; and when the applicant purchases the license online or at a Department office, the applicant may choose their start date, provided that date is in the future and is no more than 60 calendar days from the date of purchase. A person under 10 years of age may fish without a fishing license.

The fees for the general fishing license are as follows:

- Resident general fishing license is \$37, and
- Nonresident general fishing license is \$55.

On an annual basis, the Department issues:

- 149,700 resident fishing licenses, and
- 15,505 nonresident fishing licenses on an annual basis.

**3. Effectiveness of the rule in achieving its objective, including a summary of any available data supporting the conclusion reached.**

The rule appears to be effective in achieving the objective stated above. At the beginning of each rule review, Department employees are asked to provide comments and suggested rule changes for any areas of concern. Responses indicate the rule is understandable and applicable. The Department believes this data indicates the rule is effective.

**4. Consistency of the rule with state and federal statutes and other rules made by the agency, and a listing of the statutes or rules used in determining the consistency.**

The rule is consistent with and is not in conflict with statutes and rules. Statutes and rules used in determining consistency include A.R.S. Title 17 and A.A.C. Title 12, Chapter 4.

**5. Agency enforcement policy, including whether the rule is currently being enforced and, if so, whether there are any problems with enforcement.**

The rule is enforced as written and the Department is not aware of any problems with the enforcement of the rule. All peace officers of the state (including city and county) are charged with enforcement. Officers can check for rule compliance during routine patrols. Officers may issue a warning order or a citation.

**6. Clarity, conciseness, and understandability of the rule.**

The rule is clear, concise, and understandable. The rule is logically organized and generally written in the active voice so it will be understood by the general public.

**7. Summary of written criticisms of the rule received in last five years including any written analyses submitted to the agency questioning whether the rule is based on valid scientific or reliable principles or methods.**

No written criticisms were received.

**8. A comparison of the estimated economic, small business, and consumer impact of the rule with the economic, small business, and consumer impact statement prepared on the last making of the rule or, if no economic, small business, and consumer impact statement was prepared on the last making of the rule, an assessment of the actual economic, small business, and consumer impact of the rule.**

The Commission anticipated establishing new license classifications and prescribing fees for those licenses, as authorized under A.R.S. § 17-333, would generate revenue sufficient to enable the Department to address rising operational expenses, carry out its duties effectively in managing the state's wildlife resources, and provide quality recreational wildlife opportunities and access for the persons regulated by the rule. The Commission's objectives for amending the license rules were to simplify the license structure and remove barriers for recruitment of new hunters and anglers. Although the Commission increased the cost of the resident general fishing license by \$13.50, the Commission also increased the value of the license by including trout, simultaneous fishing, community fishing, and Colorado River fishing privileges. Previously, a resident had to

purchase all of these additional privileges separately for a combined total cost of \$69.75 (class A fishing license \$23.50, Urban fishing license \$18.50, trout stamp \$15.75, two-pole stamp \$6, and Arizona/California and Arizona/Nevada Colorado River stamps \$6). An internal analysis indicated nonresident fishing license sales were poor in comparison to resident fishing license sales, so the nonresident fishing license fee was reduced by \$15.25. The Department applied a common equation to almost all fees that were amended or adopted, based on factors such as value, principles of the North American Model, customer input, and Commission direction. In addition, fees were also rounded to the nearest dollar value to eliminate the possibility of rejecting an application because the applicant failed to include the odd cents with the application. It is important to note, fishing is a voluntary recreational activity and only those persons who choose to participate in the activity will pay the fee. The Commission did not anticipate the resident fee increase and nonresident fee reduction would significantly affect a person's ability to participate in the activity or have a significant impact on a person's income, revenue, or employment in this state related to that activity. The license fee increase was effective January 1, 2014, which was seven years after the last over-all fee increase.

- 9. Any analysis submitted to the agency by another person regarding the rule's impact on the competitiveness of businesses in this state as compared to the competitiveness of businesses in other states.**

The Department did not receive any analyses.

- 10. If applicable, how the agency completed the course of action indicated in the agency's previous five-year review report.**

Not applicable; the rule was adopted January 1, 2014

- 11. A determination after analysis that the probable benefits of the rule within this state outweigh the probable costs of the rule and the rule imposes the least burden and costs to persons regulated by the rule, including paperwork and other compliance costs necessary to achieve the underlying regulatory objective.**

The objective of the rule is to establish application requirements and fishing privileges for the general fishing license. The Department issues an average of 149,700 resident fishing licenses and 15,505 nonresident fishing licenses on an annual basis. Purchasing a general hunting license is voluntary and a person who chooses to purchase a license will incur those costs associated with the license. The public and Department benefit from a rule that is understandable. The Department has determined that the probable benefits of the rule within this state outweigh the probable costs of the rule and the rule imposes the least burden and costs to persons regulated by the rule necessary to achieve the underlying regulatory objective.**12. A determination that the rule is**

**not more stringent than corresponding federal law unless there is statutory authority to exceed the requirements of that federal law.**

Federal law is not directly applicable to the subject of the rule. The rule is based on state law.

- 13. For a rule adopted after July 29, 2010, that require the issuance of a regulatory permit, license, or agency authorization, whether the rule complies with A.R.S. § 41-1037.**

The rule requires a general permit and is in compliance with the requirements prescribed under A.R.S. § 41-1037.

- 14. Course of action the agency proposes to take regarding the rule, including the month and year in which the agency anticipates submitting the rule to the Council if the agency determines it is necessary to amend or repeal an existing rule or make a rule. If no issues are identified for a rule in the report, an agency may indicate that no action is necessary for the rule.**

The Department proposes to amend R12-4-207 to remove the Department website Uniform Resource Location (url) and simply reference "Department's website" to ensure the rule remains concise in the event the Department's url should change.

The Department anticipates submitting the Notice of Final Rulemaking to the Council by April 2020, provided the current moratorium is not extended or the Commission is granted permission to pursue rulemaking.

#### **R12-4-208. GUIDE LICENSE**

- 1. General and specific statutes authorizing the rule, including any statute that authorizes the agency to make rules.**

Authorizing statute: A.R.S. § 17-231(A)(1)

Implementing statute: A.R.S. §§ 17-245, 17-362, and 41-1005

- 2. Objective of the rule, including the purpose for the existence of the rule.**

The objective of the rule is to establish the application, reporting, and guiding requirements for those persons who provide commercial guiding services in Arizona. The rule was adopted to clarify what a guide may legally do while aiding or assisting a client in the taking of wildlife and ensure compliance with wildlife laws and rules.

The fees for the guide license are as follows:

- Resident guide license is \$300, and
- Nonresident guide license is \$300.

On an annual basis, the Department issues:

- 770 resident guide licenses, and
- 95 nonresident guide licenses on an annual basis.

**3. Effectiveness of the rule in achieving its objective, including a summary of any available data supporting the conclusion reached.**

The rule appears to be effective in achieving the objective stated above. At the beginning of each rule review, Department employees are asked to provide comments and suggested rule changes for any areas of concern. Responses indicate the rule is understandable and applicable. The Department believes this data indicates the rule is effective.

**4. Consistency of the rule with state and federal statutes and other rules made by the agency, and a listing of the statutes or rules used in determining the consistency.**

The rule is consistent with and is not in conflict with statutes and rules. Statutes and rules used in determining consistency include A.R.S. Title 17 and A.A.C. Title 12, Chapter 4.

**5. Agency enforcement policy, including whether the rule is currently being enforced and, if so, whether there are any problems with enforcement.**

The rule is enforced as written and the Department is not aware of any problems with the enforcement of the rule. All peace officers of the state (including city and county) are charged with enforcement. Officers can check for rule compliance during routine patrols. Officers may issue a warning order or a citation.

**6. Clarity, conciseness, and understandability of the rule.**

The rule is clear, concise, and understandable. The rule is logically organized and generally written in the active voice so it will be understood by the general public.

**7. Summary of written criticisms of the rule received in last five years including any written analyses submitted to the agency questioning whether the rule is based on valid scientific or reliable principles or methods.**

No written criticisms were received.

- 8. A comparison of the estimated economic, small business, and consumer impact of the rule with the economic, small business, and consumer impact statement prepared on the last making of the rule or, if no economic, small business, and consumer impact statement was prepared on the last making of the rule, an assessment of the actual economic, small business, and consumer impact of the rule.**

The Commission amended the rule to increase consistency between A.R.S. Title 17 and rules within Article 2 by citing the definition of aquatic wildlife; clarify rule language; incorporate questions regarding off-highway vehicle laws and rules into the guide license examination; require a person to provide acceptable proof of identity prior to taking the examination; allow an applicant who failed the examination to retake the examination on the same day or as otherwise agreed upon by the applicant and the examination administrator; require an applicant who fails an examination twice on the same day to wait at least seven calendar days before retaking the examination; and extend the prohibition on providing false information to required annual reports. The Commission anticipated the rulemaking would benefit persons who provide guiding services by increasing consistency between Commission rules and clarifying guide license requirements.

- 9. Any analysis submitted to the agency by another person regarding the rule's impact on the competitiveness of businesses in this state as compared to the competitiveness of businesses in other states.**

The Department did not receive any analyses.

- 10. If applicable, how the agency completed the course of action indicated in the agency's previous five-year review report.**

The report was approved by G.R.R.C. at the November 26, 2013 Council Meeting; the report stated the Department anticipated submitting the final rules to the Council by February 2015. The Department completed the course of action indicated in the previous five-year review report as follows:

- Notice of Rulemaking Docket Opening: 20 A.A.R. 1233, May 30, 2014
- Notice of Proposed Rulemaking: 20 A.A.R. 1191, May 30, 2014
- Notice of Public Information: 20 A.A.R. 1335, June 13, 2014
- G.R.R.C. approved the Notice of Final Rulemaking at the November 4, 2014 Council Meeting.
- Notice of Final Rulemaking: 20 A.A.R. 3045, November 21, 2014.

- 11. A determination after analysis that the probable benefits of the rule within this state outweigh the probable costs of the rule and the rule imposes the least burden and costs to persons regulated by the rule, including paperwork and other compliance costs necessary to achieve the underlying regulatory objective.**

The objective of the rule is to establish the application, reporting, and guiding requirements for those persons who provide commercial guiding services in Arizona. The Department issues an average of 770 resident guide licenses and 95 nonresident guide licenses on an annual basis. The public and the Department benefit from a rule that is understandable. Although the Department has determined the probable benefits of the rule within this state outweigh the probable costs of the rule and the rule imposes the least burden and costs to persons regulated by the rule necessary to achieve the underlying regulatory objective, the Department proposes to amend the rule to provide applicants the ability to apply for a guide license, take the guide examination, and submit reports to the Department electronically. These changes will make it easier for members of the public to apply for and obtain a guide license and will reduce both costs and administrative burden to applicants once implemented. The Department believes that once the proposed amendments indicated in the report are made, the rule will impose the least burden and costs to persons regulated by the rule.

**12. A determination that the rule is not more stringent than corresponding federal law unless there is statutory authority to exceed the requirements of that federal law.**

Federal law is not directly applicable to the subject of the rule. The rule is based on state law.

**13. For a rule adopted after July 29, 2010, that require the issuance of a regulatory permit, license, or agency authorization, whether the rule complies with A.R.S. § 41-1037.**

The rule requires a general permit and is in compliance with the requirements prescribed under A.R.S. § 41-1037.

**14. Course of action the agency proposes to take regarding the rule, including the month and year in which the agency anticipates submitting the rule to the Council if the agency determines it is necessary to amend or repeal an existing rule or make a rule. If no issues are identified for a rule in the report, an agency may indicate that no action is necessary for the rule.**

The Department proposes to amend R12-4-208 as follows:

- Remove rule language relating to the manual examination to implement the online examination process.
- Require a person taking the online guide examination to provide personal information for security purposes when taking the examination to implement the online examination process.
- Remove the Department website Uniform Resource Location (url) and simply reference "Department's website" to ensure the rule remains concise in the event the Department's url should change.
- Allow an applicant to submit a copy of their valid U.S. passport, birth certificate, or valid government-issued driver's license or identification card to reduce burdens and costs to persons regulated by the rule.
- Remove date of receipt information applicable to the annual report to implement the online reporting process.

Subject to the evaluation of the economic, small business and consumer impact of any proposed amendments, the Department anticipates submitting a Notice of Final Rulemaking to the Council by February 2021.

#### **R12-4-209. COMMUNITY FISHING LICENSE; EXEMPTION**

**1. General and specific statutes authorizing the rule, including any statute that authorizes the agency to make rules.**

Authorizing statute: A.R.S. § 17-231(A)(1)

Implementing statute: A.R.S. §§ 17-332, 17-333, and 41-1005

**2. Objective of the rule, including the purpose for the existence of the rule.**

The objective of the rule is to establish the requirements and privileges for both the resident and nonresident community fishing licenses. The rule was adopted to ensure compliance with statutory amendments resulting from the Fifty-first Legislature, 1st Regular Session, which amended statutes within Title 17 to authorize the Commission to establish license, permit, tag, and stamp fees by rule. The rule was adopted to provide fishing opportunities for anglers in an urban environment for the purpose of encouraging angler recruitment and reengagement. The resident and nonresident community fishing license is valid for the take of aquatic wildlife from those Commission designated community waters specifically listed in the Department's fishing regulations and allows simultaneous fishing. The license is valid for a one-year period as follows: when the license is purchased from a license dealer, as defined under R12-4-101, the license is valid for one-year from the date of purchase; when the applicant purchases the license online or at a Department office, the applicant may choose their start date, provided that date is in the future and is no more than 60 calendar days from the date of purchase. A person under 10 years of age may fish in designated community waters without a fishing license.

The fees for the community fishing license is as follows:

- Resident community fishing license is \$24, and
- Nonresident community fishing license is \$24.

On an annual basis, the Department issues:

- 4,370 resident community licenses, and
- 650 nonresident community fishing licenses.

**3. Effectiveness of the rule in achieving its objective, including a summary of any available data supporting the conclusion reached.**

The rule appears to be effective in achieving the objective stated above. At the beginning of each rule review,

Department employees are asked to provide comments and suggested rule changes for any areas of concern. Responses indicate the rule is understandable and applicable. The Department believes this data indicates the rule is effective.

**4. Consistency of the rule with state and federal statutes and other rules made by the agency, and a listing of the statutes or rules used in determining the consistency.**

The rule is consistent with and is not in conflict with statutes and rules. Statutes and rules used in determining consistency include A.R.S. Title 17 and A.A.C. Title 12, Chapter 4.

**5. Agency enforcement policy, including whether the rule is currently being enforced and, if so, whether there are any problems with enforcement.**

The rule is enforced as written and the Department is not aware of any problems with the enforcement of the rule. All peace officers of the state (including city and county) are charged with enforcement. Officers can check for rule compliance during routine patrols. Officers may issue a warning order or a citation.

**6. Clarity, conciseness, and understandability of the rule.**

The rule is clear, concise, and understandable. The rule is logically organized and generally written in the active voice so it will be understood by the general public.

**7. Summary of written criticisms of the rule received in last five years including any written analyses submitted to the agency questioning whether the rule is based on valid scientific or reliable principles or methods.**

No written criticisms were received.

**8. A comparison of the estimated economic, small business, and consumer impact of the rule with the economic, small business, and consumer impact statement prepared on the last making of the rule or, if no economic, small business, and consumer impact statement was prepared on the last making of the rule, an assessment of the actual economic, small business, and consumer impact of the rule.**

The Commission anticipated establishing new license classifications and prescribing fees for those licenses, as authorized under A.R.S. § 17-333, would generate revenue sufficient to enable the Department to address rising operational expenses, carry out its duties effectively in managing the state's wildlife resources, and provide quality recreational wildlife opportunities and access for the persons regulated by the rule. The Commission's objectives for amending the license rules were to simplify the license structure and remove barriers for

recruitment of new hunters and anglers. The Commission increased the cost of the resident and nonresident community fishing license by \$3.50. The Department applied a common equation to almost all fees that were amended or adopted, based on factors such as value, principles of the North American Model, customer input, and Commission direction. In addition, fees were also rounded to the nearest dollar value to eliminate the possibility of rejecting an application because the applicant failed to include the odd cents with the application. It is important to note, hunting and fishing are voluntary recreational activity and only those persons who choose to participate in the activity will pay the fee. The Commission did not anticipate the resident and nonresident fee reduction would significantly affect a person's ability to participate in the activity or have a significant impact on a person's income, revenue, or employment in this state related to that activity. The license fee increase was effective January 1, 2014, which was seven years after the last over-all fee increase.

- 9. Any analysis submitted to the agency by another person regarding the rule's impact on the competitiveness of businesses in this state as compared to the competitiveness of businesses in other states.**

The Department did not receive any analyses.

- 10. If applicable, how the agency completed the course of action indicated in the agency's previous five-year review report.**

Not applicable; the rule was adopted January 1, 2014

- 11. A determination after analysis that the probable benefits of the rule within this state outweigh the probable costs of the rule and the rule imposes the least burden and costs to persons regulated by the rule, including paperwork and other compliance costs necessary to achieve the underlying regulatory objective.**

The objective of the rule is to establish the requirements and privileges for both the resident and nonresident community fishing licenses. The Department issues 4,370 resident community licenses and 650 nonresident community fishing licenses on an annual basis. In 2014, through the license simplification rulemaking, fishing privileges for Commission designated community waters were added to the general fishing license to increase its value. Prior to 2014, the Department issued approximately 29,180 community fishing licenses. Since the license simplification rulemaking, the number of community fishing licenses (both resident and nonresident) issued by the Department on an annual basis has dropped to 5,020 community licenses. Overall sales for community fishing licenses have trended downward, with the exception of nonresident license sales. If the Department were to eliminate the community fishing license there would likely be a slight loss in revenue, because most residents would most likely convert to a General Fishing license, but due to the price difference we could potentially lose the nonresident Community water angler. Through creel surveys community water

angler demographics mirror those of the community in which the water is established and information gathered through the sale of this license are not currently needed or used to gain angler user data. For these reasons, the Department proposes to repeal the rule and eliminate the community fishing license. The Department believes that once the proposed amendments indicated in the report are made, the rule will impose the least burden and costs to persons regulated by the rule.

**12. A determination that the rule is not more stringent than corresponding federal law unless there is statutory authority to exceed the requirements of that federal law.**

Federal law is not directly applicable to the subject of the rule. The rule is based on state law.

**13. For a rule adopted after July 29, 2010, that require the issuance of a regulatory permit, license, or agency authorization, whether the rule complies with A.R.S. § 41-1037.**

The rule requires a general permit and is in compliance with the requirements prescribed under A.R.S. § 41-1037.

**14. Course of action the agency proposes to take regarding the rule, including the month and year in which the agency anticipates submitting the rule to the Council if the agency determines it is necessary to amend or repeal an existing rule or make a rule. If no issues are identified for a rule in the report, an agency may indicate that no action is necessary for the rule.**

The Department proposes to repeal R12-4-209. The privilege to fish Commission designated community waters is available through the purchase of a general fishing license and combination hunting and fishing license. Eliminating the community fishing license will simplify license choices available to the public at a minimal cost to the end user.

**R12-4-210. COMBINATION HUNTING AND FISHING LICENSE**

**1. General and specific statutes authorizing the rule, including any statute that authorizes the agency to make rules.**

Authorizing statute: A.R.S. § 17-231(A)(1)

Implementing statute: A.R.S. §§ 17-332, 17-333, and 41-1005

**2. Objective of the rule, including the purpose for the existence of the rule.**

The rule establishes the requirements and privileges of both the resident and nonresident hunting and fishing combination licenses. The rule was adopted to ensure compliance with statutory amendments resulting from the Fifty-first Legislature, 1st Regular Session, which amended statutes within Title 17 to authorize the Commission to establish license, permit, tag, and stamp fees by rule. The combination hunting and fishing license is valid state-wide for the take of small game, fur-bearing animals, predatory animals, nongame animals, and upland game and the take of all aquatic wildlife, allows simultaneous fishing, and includes community program fishing privileges. The Commission established three variations of the combination hunting and fishing license: resident and nonresident one-year combination hunting and fishing license available to persons 18 years of age and older, resident and nonresident one-year youth combination hunting and fishing license available to person's age 10 through 17, and resident and nonresident short-term combination hunting and fishing license available to persons age 18 and older. The short-term license is valid for one 24-hour period from midnight to midnight. The short-term combination hunting and fishing license is the only short term license offered by the Department and provides the same privileges as the one-year combination hunting and fishing license, except that it is not valid for the take of big game animals. The Commission does not limit the number of short-term licenses a person may purchase in any given year or require a person to purchase consecutive short-term licenses, however, the Department will offer an annual license when the cost of short-term licenses being purchased meets or exceeds the price of the applicable combination hunting and fishing license. A person under 10 years of age may hunt wildlife other than big game without a license, when accompanied by a person, 18 years of age or older, who possesses a valid Arizona hunting license. The only hunting license the Commission offers a nonresident is the combination hunting and fishing license.

The fees for the combination hunting and fishing licenses are as follows:

- Resident combination hunting and fishing license is \$57,
- Nonresident combination hunting and fishing license is \$160,
- Resident youth combination hunting and fishing license is \$5,
- Nonresident youth combination hunting and fishing license is \$5,
- Resident short-term combination hunting and fishing license is \$15 and
- Nonresident short-term combination hunting and fishing license is \$20.

On an annual basis, the Department issues:

- 101,190 resident combination hunting and fishing licenses,
- 27,325 nonresident combination hunting and fishing licenses,
- 66,340 resident youth combination hunting and fishing licenses,
- 3,625 nonresident youth combination hunting and fishing licenses,
- 17,925 resident short-term combination hunting and fishing licenses, and
- 30,925 nonresident short-term combination hunting and fishing licenses.

**3. Effectiveness of the rule in achieving its objective, including a summary of any available data supporting the conclusion reached.**

The rule appears to be effective in achieving the objective stated above. At the beginning of each rule review, Department employees are asked to provide comments and suggested rule changes for any areas of concern. Responses indicate the rule is understandable and applicable. The Department believes this data indicates the rule is effective.

**4. Consistency of the rule with state and federal statutes and other rules made by the agency, and a listing of the statutes or rules used in determining the consistency.**

The rule is consistent with and is not in conflict with statutes and rules. Statutes and rules used in determining consistency include A.R.S. Title 17 and A.A.C. Title 12, Chapter 4.

**5. Agency enforcement policy, including whether the rule is currently being enforced and, if so, whether there are any problems with enforcement.**

The rule is enforced as written and the Department is not aware of any problems with the enforcement of the rule. All peace officers of the state (including city and county) are charged with enforcement. Officers can check for rule compliance during routine patrols. Officers may issue a warning order or a citation.

**6. Clarity, conciseness, and understandability of the rule.**

The rule is clear, concise, and understandable. The rule is logically organized and generally written in the active voice so it will be understood by the general public.

**7. Summary of written criticisms of the rule received in last five years including any written analyses submitted to the agency questioning whether the rule is based on valid scientific or reliable principles or methods.**

No written criticisms were received.

**8. A comparison of the estimated economic, small business, and consumer impact of the rule with the economic, small business, and consumer impact statement prepared on the last making of the rule or, if no economic, small business, and consumer impact statement was prepared on the last making of the rule, an assessment of the actual economic, small business, and consumer impact of the rule.**

The Commission anticipated establishing new license classifications and prescribing fees for those licenses, as authorized under A.R.S. § 17-333, would generate revenue sufficient to enable the Department to address rising operational expenses, carry out its duties effectively in managing the state's wildlife resources, and provide quality recreational wildlife opportunities and access for the persons regulated by the rule. The Commission's objectives for amending the license rules were to simplify the license structure and remove barriers for recruitment of new hunters and anglers. The Department applied a common equation to almost all fees that were amended or adopted, based on factors such as value, principles of the North American Model, customer input, and Commission direction. In addition, fees were also rounded to the nearest dollar value to eliminate the possibility of rejecting an application because the applicant failed to include the odd cents with the application. It is important to note, hunting and fishing are voluntary recreational activities and only those persons who choose to participate in the activity will pay the fee. The Commission did not anticipate the resident fee increase of \$3 and nonresident fee reduction of \$65.75 would significantly affect a person's ability to participate in the activity or have a significant impact on a person's income, revenue, or employment in this state related to that activity. The license fee increase was effective January 1, 2014, which was seven years after the last over-all fee increase.

- 9. Any analysis submitted to the agency by another person regarding the rule's impact on the competitiveness of businesses in this state as compared to the competitiveness of businesses in other states.**

The Department did not receive any analyses.

- 10. If applicable, how the agency completed the course of action indicated in the agency's previous five-year review report.**

Not applicable; the rule was adopted January 1, 2014

- 11. A determination after analysis that the probable benefits of the rule within this state outweigh the probable costs of the rule and the rule imposes the least burden and costs to persons regulated by the rule, including paperwork and other compliance costs necessary to achieve the underlying regulatory objective.**

The rule establishes the requirements and privileges of both the resident and nonresident hunting and fishing combination licenses. The Department issues a total of 247,330 combination hunting and fishing licenses: resident and nonresident: youth, one-year, and short-term. The fee for resident and nonresident youth combination hunting and fishing license was reduced from \$26.50 to \$5 to remove barriers for recruitment of new hunters and anglers. The fee for the resident combination hunting and fishing license was increased to

\$160, which was only \$3 more than it was before. The Department believes that once the proposed amendments indicated in the report are made, the rule will impose the least burden and costs to persons regulated by the rule.

**12. A determination that the rule is not more stringent than corresponding federal law unless there is statutory authority to exceed the requirements of that federal law.**

Federal law is not directly applicable to the subject of the rule. The rule is based on state law.

**13. For a rule adopted after July 29, 2010, that require the issuance of a regulatory permit, license, or agency authorization, whether the rule complies with A.R.S. § 41-1037.**

The rule requires a general permit and is in compliance with the requirements prescribed under A.R.S. § 41-1037.

**14. Course of action the agency proposes to take regarding the rule, including the month and year in which the agency anticipates submitting the rule to the Council if the agency determines it is necessary to amend or repeal an existing rule or make a rule. If no issues are identified for a rule in the report, an agency may indicate that no action is necessary for the rule.**

The Department proposes to amend R12-4-210 to:

- Remove the Department website Uniform Resource Location (url) and simply reference "Department's website" to ensure the rule remains concise in the event the Department's url should change.
- Remove the reference to R12-4-209 because the report recommends repealing this rule.

Subject to the evaluation of the economic, small business and consumer impact of any proposed amendments, the Department anticipates submitting a Notice of Final Rulemaking to the Council by February 2021.

**R12-4-211. LIFETIME LICENSE**

**1. General and specific statutes authorizing the rule, including any statute that authorizes the agency to make rules.**

Authorizing statute: A.R.S. § 17-231(A)(1)

Implementing statute: A.R.S. §§ 17-332, 17-333, 17-335.01, and 41-1005

**2. Objective of the rule, including the purpose for the existence of the rule.**

The objective of the rule is to establish the hunting and/or fishing privileges for the three lifetime licenses, application requirements, and fees for lifetime licenses. The rule was adopted to ensure compliance with statutory amendments resulting from the Fifty-first Legislature, 1st Regular Session, which amended statutes within Title 17 to authorize the Commission to establish license, permit, tag, and stamp fees by rule. Arizona's lifetime general hunting and fishing license program provides a unique opportunity for resident sportsmen and sportswomen to participate in the long-term funding of Arizona's Wildlife Conservation programs. The dollars derived from the sale of these special licenses are deposited into the established Arizona Wildlife Endowment Fund from which only the interest accrued will be used for management programs. The license is a great value; the initial investment pays off in 18 years even when purchasing the most costly lifetime license: combination license for a person aged 14 to 29 for \$1026. The purchaser of a lifetime license is entitled to hunt and fish (as applicable) in Arizona for their lifetime, even if the license holder moves out-of-state. In addition, a lifetime license holder who moved out-of-state is not subject to the limits placed on nonresident permit-tags. The lifetime hunting license is valid for the take of small game, fur-bearing animals, predatory animals, nongame animals, and upland game birds. The lifetime fishing license is valid for the take of aquatic wildlife, includes trout, community, and Colorado River fishing privileges and allows simultaneous fishing as defined under R12-4-301. The lifetime combination hunting and fishing license is valid state-wide for the take of small game, fur-bearing animals, predatory animals, nongame animals, and upland game and the take of all aquatic wildlife, allows simultaneous fishing, and includes community program fishing privileges.

Fees for the lifetime fishing, lifetime hunting, and lifetime combination licenses are based on the applicant's age as follows:

- Age 0 through 13 years is 17 times the applicable annual license fee,
- Age 14 through 29 years is 18 times the applicable annual license fee,
- Age 30 through 44 years is 16 times the applicable annual license fee,
- Age 45 through 61 years is 15 times the applicable annual license fee, and
- Age 62 and older is 8 times the applicable annual license fee.

On an annual basis, the Department issues:

- 24 lifetime fishing licenses,
- 128 lifetime hunting licenses, and
- 195 lifetime combination hunting and fishing licenses.

**3. Effectiveness of the rule in achieving its objective, including a summary of any available data supporting the conclusion reached.**

The rule appears to be effective in achieving the objective stated above. At the beginning of each rule review, Department employees are asked to provide comments and suggested rule changes for any areas of concern. Responses indicate the rule is understandable and applicable. The Department believes this data indicates the

rule is effective.

**4. Consistency of the rule with state and federal statutes and other rules made by the agency, and a listing of the statutes or rules used in determining the consistency.**

The rule is consistent with and is not in conflict with statutes and rules. Statutes and rules used in determining consistency include A.R.S. Title 17 and A.A.C. Title 12, Chapter 4.

The Department also issues a Benefactor License. The benefactor license is an additional type of lifetime license and is similar to the lifetime hunting and fishing license, except the person purchasing the license pays an additional amount that is considered a tax deductible donation to the state for the continued management, protection and conservation of the state's wildlife. The Department proposes to amend the rule to incorporate the requirements of the Benefactor License; R12-4-212 Benefactor License will be repealed with the same rulemaking.

**5. Agency enforcement policy, including whether the rule is currently being enforced and, if so, whether there are any problems with enforcement.**

The rule is enforced as written and the Department is not aware of any problems with the enforcement of the rule. All peace officers of the state (including city and county) are charged with enforcement. Officers can check for rule compliance during routine patrols. Officers may issue a warning order or a citation.

**6. Clarity, conciseness, and understandability of the rule.**

The rule is clear, concise, and understandable. The rule is logically organized and generally written in the active voice so it will be understood by the general public.

However, the Department proposes to amend the rule to clarify the privileges included with the lifetime license do not include permit-tags, nonpermit-tags, or any stamp required to validate the lifetime license for the take of big game animals, migratory game birds, or other wildlife authorized by an applicable tag or stamp. This change is in response to customer comments received by the Department.

In addition, the Department proposes to amend the rule to remove the Department website Uniform Resource Location (url) and simply reference "Department's website" to ensure the rule remains concise in the event the Department's url should change.

**7. Summary of written criticisms of the rule received in last five years including any written analyses submitted to the agency questioning whether the rule is based on valid scientific or reliable principles or**

**methods.**

The Department received the following written criticism of the rule:

**Written Comment: November 4, 2014.** I have been inquiring about the new migratory bird stamp requirement for dove hunting. I possess a lifetime hunting/fishing license and have been given conflicting information from the Department as to whether or not I need the stamp. The majority consensus has been that I would need it. I feel that Arizona hunters who have paid for the lifetime license, under the belief that they would pay no more to hunt or fish again except for game tags, should be "grandfathered" in those rights as they stood when they bought the license. I was contemplating giving up hunting before I bought the lifetime license because of the ever increasing cost. I made the purchase believing that would save me from future inflation and expenses, except for tags of course. Now I see that new charges are being added and it is disturbing to me. Please clarify the rule language to address this issue. Furthermore, can the Department also put something out exclusive to lifetime license holders on exactly what you get (i.e. trout stamp, two-pole stamp, etc.)? What about special big game tags exclusively for lifetime license holders? That would probably draw more people into the investment.

**Agency Response:** Prior to December 31, 2013, a lifetime license holder was required to purchase additional licenses and stamps as required: community (urban) fishing license (\$18.50), Colorado River stamps (\$6), state waterfowl stamp (\$7.50), trout stamp (\$15.75), two-pole stamp (\$6), and Unit 12A Habitat Management stamp (\$15). The licenses and stamps were valid until December 31 of each year, meaning the lifetime license holder purchased these privileges separately and annually each year. On January 1, 2014 the Commission increased the value of hunting and fishing licenses by including all of the privileges listed above in the price of the license. At that time, the lifetime license privileges were amended to include all of the privileges listed above; a total savings of \$68.75 each year. The Department does not support the concept of dedicating special big game tags for lifetime license holders. Arizona's big game populations are not as robust as in many other states, mostly attributable to the arid climate. Arizona's populations are much lower and the demand for the big game tags the Department offers is very high. The Commission's draw process is designed to provide equal opportunity to all classes of persons and not to provide an advantage to certain classes. As a result, the Commission does not believe that any class of persons should be awarded or offered big game tags for which others are not eligible.

8. **A comparison of the estimated economic, small business, and consumer impact of the rule with the economic, small business, and consumer impact statement prepared on the last making of the rule or, if no economic, small business, and consumer impact statement was prepared on the last making of the rule, an assessment of the actual economic, small business, and consumer impact of the rule.**

The Commission anticipated establishing new license classifications and prescribing fees for those licenses, as authorized under A.R.S. § 17-333, would generate revenue sufficient to enable the Department to address rising operational expenses, carry out its duties effectively in managing the state's wildlife resources, and provide

quality recreational wildlife opportunities and access for the persons regulated by the rule. The Commission's objectives for amending the license rules were to simplify the license structure and remove barriers for recruitment of new hunters and anglers. The Department applied a common equation to almost all fees that were amended or adopted, based on factors such as value, principles of the North American Model, customer input, and Commission direction. In addition, fees were also rounded to the nearest dollar value to eliminate the possibility of rejecting an application because the applicant failed to include the odd cents with the application. It is important to note, hunting and fishing are voluntary recreational activities and only those persons who choose to participate in the activity will pay the fee. The Commission anticipated the new, simplified license structure would benefit persons regulated by the rule due to the increased value. While other licenses that were previously available prior to December 31, 2013 were either repealed or the fee increased, the three lifetime license fees were not increased, providing a greater benefit to current and future lifetime license holders.

- 9. Any analysis submitted to the agency by another person regarding the rule's impact on the competitiveness of businesses in this state as compared to the competitiveness of businesses in other states.**

The Department did not receive any analyses.

- 10. If applicable, how the agency completed the course of action indicated in the agency's previous five-year review report.**

Not applicable; the rule was adopted January 1, 2014

- 11. A determination after analysis that the probable benefits of the rule within this state outweigh the probable costs of the rule and the rule imposes the least burden and costs to persons regulated by the rule, including paperwork and other compliance costs necessary to achieve the underlying regulatory objective.**

The rule establishes the hunting and/or fishing privileges for the three lifetime licenses, application requirements, and fees for lifetime licenses. The Department issues a combined total of 347 lifetime licenses on an annual basis. Prior to January 1, 2014, the lifetime fishing and lifetime combination hunting and fishing licenses did not include simultaneous fishing, community, and Colorado River fishing privileges. In addition, the previous lifetime fishing license did not include trout privileges. A person who desired any or all of these additional privileges had to purchase them separately on an annual basis, with the exception of trout fishing privileges which could be purchased either annually or for a lifetime. When the rule was adopted, the Commission included these additional privileges in the license and also granted persons issued a lifetime license prior to the effective date of the rule change the same privileges applicable to the new lifetime license. The public benefits from a rule that enables a person to obtain a hunting and/or fishing license that lasts a lifetime

for a nominal fee. The Department benefits from a rule that enables the long-term funding of Arizona's Wildlife Conservation programs. The dollars derived from the sale of these special licenses are deposited into the established Arizona Wildlife Endowment Fund from which only the interest accrued will be used for management programs. The public and Department benefit from a rule that is understandable. The Department believes that once the proposed amendments indicated in the report are made, the rule will impose the least burden and costs to persons regulated by the rule.

**12. A determination that the rule is not more stringent than corresponding federal law unless there is statutory authority to exceed the requirements of that federal law.**

Federal law is not directly applicable to the subject of the rule. The rule is based on state law.

**13. For a rule adopted after July 29, 2010, that require the issuance of a regulatory permit, license, or agency authorization, whether the rule complies with A.R.S. § 41-1037.**

The rule requires a general permit and is in compliance with the requirements prescribed under A.R.S. § 41-1037.

**14. Course of action the agency proposes to take regarding the rule, including the month and year in which the agency anticipates submitting the rule to the Council if the agency determines it is necessary to amend or repeal an existing rule or make a rule. If no issues are identified for a rule in the report, an agency may indicate that no action is necessary for the rule.**

The Department proposes to amend R12-4-211 as follows:

- Incorporate the requirements of the Benefactor License; R12-4-212 Benefactor License will be repealed with the same rulemaking.
- Clarify the privileges included with the lifetime license do not include permit-tags, nonpermit-tags, or any stamp required to validate the lifetime license for the take of big game animals, migratory game birds, or other wildlife authorized by an applicable tag or stamp. This change is in response to customer comments received by the Department.
- Remove the Department website Uniform Resource Location (url) and simply reference "Department's website" to ensure the rule remains concise in the event the Department's url should change.

Subject to the evaluation of the economic, small business and consumer impact of any proposed amendments, the Department anticipates submitting a Notice of Final Rulemaking to the Council by February 2021.

## **R12-4-212. BENEFACTOR LICENSE**

### **1. General and specific statutes authorizing the rule, including any statute that authorizes the agency to make rules.**

Authorizing statute: A.R.S. § 17-231(A)(1)

Implementing statute: A.R.S. §§ 17-332, 17-333, 17-335.01, and 41-1005

### **2. Objective of the rule, including the purpose for the existence of the rule.**

The objective of the rule is to establish the hunting and fishing privileges for the benefactor combination hunting and fishing license, application requirements, and fee. The rule was adopted to ensure compliance with statutory amendments resulting from the Fifty-first Legislature, 1st Regular Session, which amended statutes within Title 17 to authorize the Commission to establish license, permit, tag, and stamp fees by rule. Arizona's lifetime general hunting and fishing license program provides a unique opportunity for resident sportsmen and sportswomen to participate in the long-term funding of Arizona's Wildlife Conservation programs. The dollars derived from the sale of the benefactor license is deposited into the established Arizona Wildlife Endowment Fund from which only the interest accrued will be used for management programs. In addition, the difference between the cost of the lifetime combination hunting and fishing license and the cost of the benefactor combination hunting and fishing license is considered a donation and may be tax deductible to the extent allowed by federal and state income tax statutes for contributions to qualifying tax-exempt organizations. The purchaser of a benefactor license is entitled to hunt and fish in Arizona for their lifetime, even if the license holder moves out-of-state. In addition, a benefactor license holder who moved out-of-state is not subject to the limits placed on nonresident permit-tags. The benefactor combination hunting and fishing license is valid state-wide for the take of small game, fur-bearing animals, predatory animals, nongame animals, and upland game and the take of all aquatic wildlife, allows simultaneous fishing, and includes community program fishing privileges.

Fee for the lifetime benefactor combination hunting and fishing license is \$1,500.

On an annual basis, the Department issues five lifetime benefactor combination hunting and fishing licenses.

### **3. Effectiveness of the rule in achieving its objective, including a summary of any available data supporting the conclusion reached.**

The rule appears to be effective in achieving the objective stated above. At the beginning of each rule review, Department employees are asked to provide comments and suggested rule changes for any areas of concern. Responses indicate the rule is understandable and applicable. The Department believes this data indicates the

rule is effective.

**4. Consistency of the rule with state and federal statutes and other rules made by the agency, and a listing of the statutes or rules used in determining the consistency.**

The rule is consistent with and is not in conflict with statutes and rules. Statutes and rules used in determining consistency include A.R.S. Title 17 and A.A.C. Title 12, Chapter 4.

**5. Agency enforcement policy, including whether the rule is currently being enforced and, if so, whether there are any problems with enforcement.**

The rule is enforced as written and the Department is not aware of any problems with the enforcement of the rule. All peace officers of the state (including city and county) are charged with enforcement. Officers can check for rule compliance during routine patrols. Officers may issue a warning order or a citation.

**6. Clarity, conciseness, and understandability of the rule.**

The rule is clear, concise, and understandable. The rule is logically organized and generally written in the active voice so it will be understood by the general public.

**7. Summary of written criticisms of the rule received in last five years including any written analyses submitted to the agency questioning whether the rule is based on valid scientific or reliable principles or methods.**

No written criticisms were received.

**8. A comparison of the estimated economic, small business, and consumer impact of the rule with the economic, small business, and consumer impact statement prepared on the last making of the rule or, if no economic, small business, and consumer impact statement was prepared on the last making of the rule, an assessment of the actual economic, small business, and consumer impact of the rule.**

The Commission anticipated establishing new license classifications and prescribing fees for those licenses, as authorized under A.R.S. § 17-333, would generate revenue sufficient to enable the Department to address rising operational expenses, carry out its duties effectively in managing the state's wildlife resources, and provide quality recreational wildlife opportunities and access for the persons regulated by the rule. The Commission's objectives for amending the license rules were to simplify the license structure and remove barriers for recruitment of new hunters and anglers. The Department applied a common equation to almost all fees that were amended or adopted, based on factors such as value, principles of the North American Model, customer input,

and Commission direction. In addition, fees were also rounded to the nearest dollar value to eliminate the possibility of rejecting an application because the applicant failed to include the odd cents with the application. It is important to note, hunting and fishing are voluntary recreational activities and only those persons who choose to participate in the activity will pay the fee. The Commission anticipated the new, simplified license structure would benefit persons regulated by the rule due to the increased value. While other licenses that were previously available prior to December 31, 2013 were either repealed or the fee increased, the lifetime benefactor license fees were not increased, providing a greater benefit to current and future benefactor license holders.

**9. Any analysis submitted to the agency by another person regarding the rule's impact on the competitiveness of businesses in this state as compared to the competitiveness of businesses in other states.**

The Department did not receive any analyses.

**10. If applicable, how the agency completed the course of action indicated in the agency's previous five-year review report.**

Not applicable; the rule was adopted January 1, 2014

**11. A determination after analysis that the probable benefits of the rule within this state outweigh the probable costs of the rule and the rule imposes the least burden and costs to persons regulated by the rule, including paperwork and other compliance costs necessary to achieve the underlying regulatory objective.**

The rule establishes establish the hunting and fishing privileges for the benefactor combination hunting and fishing license, application requirements, and fee. The Department issues five benefactor licenses on an annual basis. Prior to January 1, 2014, the benefactor combination hunting and fishing license did not include simultaneous fishing, trout, community, and Colorado River fishing privileges. A person who desired any or all of these additional privileges had to purchase them separately on an annual basis, with the exception of trout fishing privileges which could be purchased either annually or for a lifetime. When the rule was adopted, the Commission included these additional privileges in the license and also granted persons issued a benefactor license prior to the effective date of the rule change the same privileges applicable to the new benefactor license. The public benefits from a rule that enables a person to obtain a hunting and fishing license that lasts a lifetime for a nominal fee. The Department benefits from a rule that enables the long-term funding of Arizona's Wildlife Conservation programs. The dollars derived from the sale of the benefactor license is deposited into the established Arizona Wildlife Endowment Fund from which only the interest accrued will be used for management programs. In addition, the difference between the cost of the lifetime combination hunting and

fishing license and the cost of the benefactor combination hunting and fishing license is considered a donation and may be tax deductible to the extent allowed by federal and state income tax statutes for contributions to qualifying tax-exempt organizations. The public and Department benefit from a rule that is understandable. The Department believes that once the proposed amendments indicated in the report are made, the rule will impose the least burden and costs to persons regulated by the rule.

**12. A determination that the rule is not more stringent than corresponding federal law unless there is statutory authority to exceed the requirements of that federal law.**

Federal law is not directly applicable to the subject of the rule. The rule is based on state law.

**13. For a rule adopted after July 29, 2010, that require the issuance of a regulatory permit, license, or agency authorization, whether the rule complies with A.R.S. § 41-1037.**

The rule requires a general permit and is in compliance with the requirements prescribed under A.R.S. § 41-1037.

**14. Course of action the agency proposes to take regarding the rule, including the month and year in which the agency anticipates submitting the rule to the Council if the agency determines it is necessary to amend or repeal an existing rule or make a rule. If no issues are identified for a rule in the report, an agency may indicate that no action is necessary for the rule.**

The Department proposes to repeal R12-4-212 and incorporate the requirements of the Benefactor License into R12-4-211 Lifetime Licenses.

Subject to the evaluation of the economic, small business and consumer impact of any proposed amendments, the Department anticipates submitting a Notice of Final Rulemaking to the Council by February 2021.

**R12-4-213. HUNT PERMIT-TAGS AND NONPERMIT-TAGS**

**1. General and specific statutes authorizing the rule, including any statute that authorizes the agency to make rules.**

Authorizing statute: A.R.S. § 17-231(A)(1)

Implementing statute: A.R.S. §§ 17-332, 17-333, 17-345, and 41-1005

**2. Objective of the rule, including the purpose for the existence of the rule.**

The objective of the rule is to establish requirements to validate a license for the take a big game animal or any other wildlife requiring a valid tag. The rule was adopted to establish permit-tag and nonpermit-tag requirements. Because tags are issued by the season and the Department no longer issues a hunting or combination hunting and fishing license that is valid for the calendar year (expires on December 31 of each year), the Commission believed the rule was necessary.

**3. Effectiveness of the rule in achieving its objective, including a summary of any available data supporting the conclusion reached.**

The rule appears to be effective in achieving the objective stated above. At the beginning of each rule review, Department employees are asked to provide comments and suggested rule changes for any areas of concern. Responses indicate the rule is understandable and applicable. The Department believes this data indicates the rule is effective.

**4. Consistency of the rule with state and federal statutes and other rules made by the agency, and a listing of the statutes or rules used in determining the consistency.**

The rule is consistent with and is not in conflict with statutes and rules. Statutes and rules used in determining consistency include A.R.S. Title 17 and A.A.C. Title 12, Chapter 4.

**5. Agency enforcement policy, including whether the rule is currently being enforced and, if so, whether there are any problems with enforcement.**

The rule is enforced as written and the Department is not aware of any problems with the enforcement of the rule.

**6. Clarity, conciseness, and understandability of the rule.**

The rule is clear, concise, and understandable. The rule is logically organized and generally written in the active voice so it will be understood by the general public.

**7. Summary of written criticisms of the rule received in last five years including any written analyses submitted to the agency questioning whether the rule is based on valid scientific or reliable principles or methods.**

The Department received the following written criticisms of the rule:

**Written Comment: April 10, 2014.** I believe Arizona should consider conservation permits; these permits could be auctioned annually to create a large amount of money to directly benefit each species individually. Please open the link below to see how Utah structures these permits/ programs. <https://wildlife.utah.gov/hunting-in-utah/hunting-information/big-game/118-hunting/big-game/839-conservationpermitprogram.html>

**Agency Response:** Under A.R.S. § 17-346, the Commission is authorized to award ten Special Big Game License Tags to the Arizona Big Game Super Raffle for the purpose of conducting a raffle. The Arizona Big Game Super Raffle is a 501(c)(3) organization founded in 2006. These special license tags are designed to earn money for wildlife and wildlife management in Arizona. Raffle entries come from all 50 states and other countries; and every dollar raised for each species by the raffle of these special big game tags is returned to the Arizona Game and Fish Department and managed by the Arizona Habitat Partnership Committee for that particular species. With input from local habitat partners across the state, as well as the input from the organizations involved with the fundraising, they collectively determine which projects will provide the most benefit to each species represented. Since, 2006, the raffle has given the Arizona Game and Fish Department almost \$6,000,000 for habitat improvements that benefit wildlife.

**Written Comment: June 14, 2017.** This is the second time I have appealed to the Department requesting a family tag (deer, elk, etc.) be made available to hunters. I never received a response. When asking for input from the public, please include an email address on the announcement where we can respond in the event we are unable to attend the public hearings.

**Agency Response:** Currently, the computer draw process allows four applicants to apply for a specific hunt on one application. Approximately four weeks after deadline day, the draw is run by computer. There are three separate passes made during a computer draw. The first is for hunters with maximum bonus points for first and second choices, the second is the “regular pass” for first and second choices, and the third is for third, fourth and fifth choices. Each application is assigned a random number. A person receives an additional random number for each bonus point for that particular genus (bonus points for group applications are averaged). The lowest of all random numbers is the one assigned to the application for that genus for the draw. When the computer draws a group application, it first determines whether there are enough permit-tags available for all members of the group. If there are not enough permit-tags for everyone in the group, the application is rejected and the computer draw goes onto the application with the next lowest random number. Amending the rule to allow more persons to apply on a group application could result in all persons not being drawn. However, a large group can apply for hunts by submitting multiple applications.

8. **A comparison of the estimated economic, small business, and consumer impact of the rule with the economic, small business, and consumer impact statement prepared on the last making of the rule or, if no economic, small business, and consumer impact statement was prepared on the last making of the**

**rule, an assessment of the actual economic, small business, and consumer impact of the rule.**

The Commission anticipated establishing new license classifications and prescribing fees for those licenses, as authorized under A.R.S. § 17-333, would generate revenue sufficient to enable the Department to address rising operational expenses, carry out its duties effectively in managing the state's wildlife resources, and provide quality recreational wildlife opportunities and access for the persons regulated by the rule. The Commission's objectives for amending the license rules were to simplify the license structure and remove barriers for recruitment of new hunters. The Department applied a common equation to almost all fees that were amended or adopted, based on factors such as value, principles of the North American Model, customer input, and Commission direction. Some tag fees were increased, while others were reduced. In addition, fees were also rounded to the nearest dollar value to eliminate the possibility of rejecting an application because the applicant failed to include the odd cents with the application. The Commission anticipated increasing some fees will most significantly affect persons regulated by the rule, both resident and nonresident. However, hunting is a voluntary recreational activity and only those persons who choose to participate in the activity requiring the necessary permit-tag or nonpermit-tag will pay the increased fee. The Commission did not anticipate the fee increase would significantly affect a person's ability to practice an activity or have a significant impact on a person's income, revenue, or employment in this state related to that activity. The effective date for the license fee increases is January 1, 2014, which is seven years from the time of the last over-all fee increase.

- 9. Any analysis submitted to the agency by another person regarding the rule's impact on the competitiveness of businesses in this state as compared to the competitiveness of businesses in other states.**

The Department did not receive any analyses.

- 10. If applicable, how the agency completed the course of action indicated in the agency's previous five-year review report.**

Not applicable; the rule was adopted January 1, 2014

- 11. A determination after analysis that the probable benefits of the rule within this state outweigh the probable costs of the rule and the rule imposes the least burden and costs to persons regulated by the rule, including paperwork and other compliance costs necessary to achieve the underlying regulatory objective.**

The rule establishes that a person may apply for a hunt permit-tag in accordance with R12-4-104 and at the times, locations, and in the manner established by the hunt permit tag application schedule that the Department publishes at [www.azgfd.gov](http://www.azgfd.gov) or a license dealer. The public benefits from a rule that establishes permit-tag and

non-permit tag requirements. The public and Department benefit from a rule that is understandable. The Department has determined the rule imposes the least burden and costs to persons regulated by the rule.

**12. A determination that the rule is not more stringent than corresponding federal law unless there is statutory authority to exceed the requirements of that federal law.**

Federal law is not directly applicable to the subject of the rule. The rule is based on state law.

**13. For a rule adopted after July 29, 2010, that require the issuance of a regulatory permit, license, or agency authorization, whether the rule complies with A.R.S. § 41-1037.**

The rule requires a general permit and is in compliance with the requirements prescribed under A.R.S. § 41-1037.

**14. Course of action the agency proposes to take regarding the rule, including the month and year in which the agency anticipates submitting the rule to the Council if the agency determines it is necessary to amend or repeal an existing rule or make a rule. If no issues are identified for a rule in the report, an agency may indicate that no action is necessary for the rule.**

No action.

**R12-4-214. APPRENTICE LICENSE**

**1. General and specific statutes authorizing the rule, including any statute that authorizes the agency to make rules.**

Authorizing statute: A.R.S. § 17-231(A)(1)

Implementing statute: A.R.S. §§ 17-332, 17-333, and 41-1005

**2. Objective of the rule, including the purpose for the existence of the rule.**

The objective of the rule is to establish apprentice license privileges and mentor requirements by rule to comply with the recent statutory amendments. The rule was adopted to ensure compliance with statutory amendments resulting from the Fifty-first Legislature, 1st Regular Session, which amended statutes within Title 17 to authorize the Commission to establish license, permit, tag, and stamp fees by rule. The apprentice license is a tool for recruitment that provides both youth and adult novice hunters the opportunity to hunt under the supervision of a licensed hunter; these programs allow apprentice hunters to receive hands-on experience. Apprentice license privileges and mentor requirements were previously prescribed under A.R.S. § 17-333. The

apprentice license is a complimentary license and is valid for the take of small game, fur-bearing animals, predatory animals, nongame animals, and upland game birds. The apprentice license is valid for the take of migratory game birds and waterfowl provided the license holder also possesses the applicable state and federal stamp. The apprentice license is not valid for the take of big game.

The apprentice license is free of charge to eligible applicants.

The Department issues an average of 50 resident and 25 nonresident complimentary apprentice licenses on an annual basis.

**3. Effectiveness of the rule in achieving its objective, including a summary of any available data supporting the conclusion reached.**

The rule appears to be effective in achieving the objective stated above. At the beginning of each rule review, Department employees are asked to provide comments and suggested rule changes for any areas of concern. Responses indicate the rule is understandable and applicable. The Department believes this data indicates the rule is effective.

**4. Consistency of the rule with state and federal statutes and other rules made by the agency, and a listing of the statutes or rules used in determining the consistency.**

The rule is consistent with and is not in conflict with statutes and rules. Statutes and rules used in determining consistency include A.R.S. Title 17 and A.A.C. Title 12, Chapter 4.

**5. Agency enforcement policy, including whether the rule is currently being enforced and, if so, whether there are any problems with enforcement.**

The rule is enforced as written and the Department is not aware of any problems with the enforcement of the rule. All peace officers of the state (including city and county) are charged with enforcement. Officers can check for rule compliance during routine patrols. Officers may issue a warning order or a citation.

**6. Clarity, conciseness, and understandability of the rule.**

The rule is clear, concise, and understandable. The rule is logically organized and generally written in the active voice so it will be understood by the general public.

**7. Summary of written criticisms of the rule received in last five years including any written analyses submitted to the agency questioning whether the rule is based on valid scientific or reliable principles or**

**methods.**

No written criticisms were received.

- 8. A comparison of the estimated economic, small business, and consumer impact of the rule with the economic, small business, and consumer impact statement prepared on the last making of the rule or, if no economic, small business, and consumer impact statement was prepared on the last making of the rule, an assessment of the actual economic, small business, and consumer impact of the rule.**

The Commission anticipated establishing new license classifications and prescribing fees for those licenses, as authorized under A.R.S. § 17-333, would generate revenue sufficient to enable the Department to address rising operational expenses, carry out its duties effectively in managing the state's wildlife resources, and provide quality recreational wildlife opportunities and access for the persons regulated by the rule. The Commission's objectives for amending the license rules were to simplify the license structure and remove barriers for recruitment of new hunters and anglers. The apprentice license is a tool for recruitment that provides both youth and adult novice hunters the opportunity to hunt under the supervision of a licensed hunter; these programs allow apprentice hunters to receive hands-on experience. This concept is called "Try Before You Buy." However, the Department believes certain persons are using the apprentice license to avoid buying a hunting license. To date, the Department has issued 293 apprentice licenses. Of those licenses: five nonresidents were issued an apprentice license each year for three consecutive years at the start of dove season; eleven nonresidents were issued an apprentice license two consecutive years at the start of dove season; and three residents were issued an apprentice license twice in a three year period, also at the start of dove season. To prevent the abuse of this complimentary license, the Department proposes to limit the number of apprentice licenses a person may obtain to two per the person's lifetime. The Department believes the short-term combination hunting and fishing license is a valid option for persons who may want additional low cost opportunities to hunt and fish in Arizona. The Department also proposes to limit the number of hunters a person may mentor at any one time to two persons to promote hunter safety.

- 9. Any analysis submitted to the agency by another person regarding the rule's impact on the competitiveness of businesses in this state as compared to the competitiveness of businesses in other states.**

The Department did not receive any analyses.

- 10. If applicable, how the agency completed the course of action indicated in the agency's previous five-year review report.**

Not applicable; the rule was adopted January 1, 2014

- 11. A determination after analysis that the probable benefits of the rule within this state outweigh the probable costs of the rule and the rule imposes the least burden and costs to persons regulated by the rule, including paperwork and other compliance costs necessary to achieve the underlying regulatory objective.**

The rule establishes apprentice license privileges and mentor requirements. The Department issues an average of 100 resident and 190 nonresident complimentary apprentice licenses on an annual basis. Apprentice license privileges and mentor requirements were previously prescribed under A.R.S. § 17-333. The apprentice license is a complimentary license and is valid for the take of small game, fur-bearing animals, predatory animals, nongame animals, and upland game birds. The Department believes the concept of an apprentice license would be beneficial to persons who would like to try fishing before buying a fishing license. The Department proposes to amend the rule to establish an Apprentice Fishing License to assist in the recruitment of both youth and adult novice anglers by providing an opportunity to fish under the supervision of a licensed angler. The public benefits from a rule that establishes a complimentary license that allows a person to experience hunting without having to purchase a license first. The public and Department benefit from a rule that is understandable. The Department benefits from a rule that encourages hunter recruitment. The Department believes that once the proposed amendments indicated in the report are made, the probable benefits of the rule within this state outweigh the probable costs of the rule and the rule imposes the least burden and costs to persons regulated by the rule necessary to achieve the underlying regulatory objective.

- 12. A determination that the rule is not more stringent than corresponding federal law unless there is statutory authority to exceed the requirements of that federal law.**

Federal law is not directly applicable to the subject of the rule. The rule is based on state law.

- 13. For a rule adopted after July 29, 2010, that require the issuance of a regulatory permit, license, or agency authorization, whether the rule complies with A.R.S. § 41-1037.**

The rule requires a general permit and is in compliance with the requirements prescribed under A.R.S. § 41-1037.

- 14. Course of action the agency proposes to take regarding the rule, including the month and year in which the agency anticipates submitting the rule to the Council if the agency determines it is necessary to amend or repeal an existing rule or make a rule. If no issues are identified for a rule in the report, an agency may indicate that no action is necessary for the rule.**

The Department proposes to amend R12-4-214 as follows:

- Establish an apprentice fishing license to provide both youth and adult novice anglers the opportunity to fish without a license under the supervision of a licensed angler.
- Limit the number of apprentice licenses a person may obtain to two per the person's lifetime to maintain the intent of the license. The short-term combination hunting and fishing license is a valid option for persons who may want additional low cost opportunities to hunt and fish in Arizona.
- Limit the number of hunters a person may mentor at any one time to two persons to promote hunter safety.

The Department anticipates submitting the Notice of Final Rulemaking to the Council by April 2020, provided the current moratorium is not extended or the Commission is granted permission to pursue rulemaking.

#### **R12-4-215. YOUTH GROUP TWO-DAY FISHING LICENSE**

**1. General and specific statutes authorizing the rule, including any statute that authorizes the agency to make rules.**

Authorizing statute: A.R.S. § 17-231(A)(1)

Implementing statute: A.R.S. §§ 17-332, 17-333, and 41-1005

**2. Objective of the rule, including the purpose for the existence of the rule.**

The objective of the rule is to establish youth group two-day fishing license privileges and requirements by rule to comply with the recent statutory amendments. The rule was adopted to ensure compliance with statutory amendments resulting from the Fifty-first Legislature, 1st Regular Session, which amended statutes within Title 17 to authorize the Commission to establish license, permit, tag, and stamp fees by rule. Youth group two-day fishing license privileges were previously prescribed under A.R.S. § 17-333. The youth group two-day fishing license is issued to a nonprofit organization that sponsors adult supervised activities for groups of no more than 25 youth, ages 10 through 17. The youth group two-day fishing license is valid for taking all aquatic wildlife.

Fee for the youth group two-day fishing license is \$25.

The Department issues 55 youth group two-day fishing licenses on an annual basis.

**3. Effectiveness of the rule in achieving its objective, including a summary of any available data supporting the conclusion reached.**

The rule appears to be effective in achieving the objective stated above. At the beginning of each rule review, Department employees are asked to provide comments and suggested rule changes for any areas of concern. Responses indicate the rule is understandable and applicable. The Department believes this data indicates the

rule is effective.

**4. Consistency of the rule with state and federal statutes and other rules made by the agency, and a listing of the statutes or rules used in determining the consistency.**

The rule is consistent with and is not in conflict with statutes and rules. Statutes and rules used in determining consistency include A.R.S. Title 17 and A.A.C. Title 12, Chapter 4.

**5. Agency enforcement policy, including whether the rule is currently being enforced and, if so, whether there are any problems with enforcement.**

The rule is enforced as written and the Department is not aware of any problems with the enforcement of the rule. All peace officers of the state (including city and county) are charged with enforcement. Officers can check for rule compliance during routine patrols. Officers may issue a warning order or a citation.

**6. Clarity, conciseness, and understandability of the rule.**

The rule is clear, concise, and understandable. The rule is logically organized and generally written in the active voice so it will be understood by the general public.

**7. Summary of written criticisms of the rule received in last five years including any written analyses submitted to the agency questioning whether the rule is based on valid scientific or reliable principles or methods.**

No written criticisms were received.

**8. A comparison of the estimated economic, small business, and consumer impact of the rule with the economic, small business, and consumer impact statement prepared on the last making of the rule or, if no economic, small business, and consumer impact statement was prepared on the last making of the rule, an assessment of the actual economic, small business, and consumer impact of the rule.**

The Commission anticipated establishing new license classifications and prescribing fees for those licenses, as authorized under A.R.S. § 17-333, would generate revenue sufficient to enable the Department to address rising operational expenses, carry out its duties effectively in managing the state's wildlife resources, and provide quality recreational wildlife opportunities and access for the persons regulated by the rule. It is important to note, the fee for the youth group two-day fishing license was not changed. Fishing is a voluntary recreational activity and only those persons who choose to participate in the activity will pay the fee. The Commission did not anticipate the rulemaking would significantly affect a person's ability to participate in the activity or have a

significant impact on a person's income, revenue, or employment in this state related to that activity. The license fee increase was effective January 1, 2014, which was seven years after the last over-all fee increase.

- 9. Any analysis submitted to the agency by another person regarding the rule's impact on the competitiveness of businesses in this state as compared to the competitiveness of businesses in other states.**

The Department did not receive any analyses.

- 10. If applicable, how the agency completed the course of action indicated in the agency's previous five-year review report.**

Not applicable; the rule was adopted January 1, 2014.

- 11. A determination after analysis that the probable benefits of the rule within this state outweigh the probable costs of the rule and the rule imposes the least burden and costs to persons regulated by the rule, including paperwork and other compliance costs necessary to achieve the underlying regulatory objective.**

The objective of the rule is to establish youth group two-day fishing license privileges and requirements by rule to comply with the recent statutory amendments. The Department issues 55 youth group two-day fishing licenses on an annual basis. The rule was adopted to ensure compliance with statutory amendments resulting from the Fifty-first Legislature, 1st Regular Session, which amended statutes within Title 17 to authorize the Commission to establish license, permit, tag, and stamp fees by rule. The youth group two-day fishing license privileges were amended to lower the minimum age for eligible youth from 14 to 10 and increase the maximum age for eligible youth from 14 to 17 to increase consistency between Commission fishing license rules. The public benefits from a rule that establishes a low-cost fishing license that allows a nonprofit organization or governmental entity to take up to 25 youth fishing. The Department benefits from a rule that promotes angler recruitment. The public and Department benefit from a rule that is understandable. The Department believes the rule imposes the least burden and costs to persons regulated by the rule.

- 12. A determination that the rule is not more stringent than corresponding federal law unless there is statutory authority to exceed the requirements of that federal law.**

Federal law is not directly applicable to the subject of the rule. The rule is based on state law.

- 13. For a rule adopted after July 29, 2010, that require the issuance of a regulatory permit, license, or agency authorization, whether the rule complies with A.R.S. § 41-1037.**

The rule requires a general permit and is in compliance with the requirements prescribed under A.R.S. § 41-1037.

- 14. Course of action the agency proposes to take regarding the rule, including the month and year in which the agency anticipates submitting the rule to the Council if the agency determines it is necessary to amend or repeal an existing rule or make a rule. If no issues are identified for a rule in the report, an agency may indicate that no action is necessary for the rule.**

No action

#### **R12-4-216. CROSSBOW PERMIT**

- 1. General and specific statutes authorizing the rule, including any statute that authorizes the agency to make rules.**

Authorizing statute: A.R.S. § 17-231(A)(1)

Implementing statute: A.R.S. §§ 17-102, 17-231(A)(3), 17-332, 17-301(D)(2), and 41-1005

- 2. Objective of the rule, including the purpose for the existence of the rule.**

The objective of the rule is to establish eligibility requirements, conditions, and restrictions for the crossbow permit. The permit allows a person who cannot draw and hold a bow to use a crossbow during an archery-only hunt. The rule was adopted to provide a mechanism that afforded persons with a disability the opportunity to participate in hunting.

The crossbow permit (both temporary and lifetime) are free of charge to eligible applicants.

The Department issues an average of 1 lifetime crossbow permit and 85 temporary crossbow permits on an annual basis.

- 3. Effectiveness of the rule in achieving its objective, including a summary of any available data supporting the conclusion reached.**

The rule appears to be effective in achieving the objective stated above. At the beginning of each rule review, Department employees are asked to provide comments and suggested rule changes for any areas of concern. Responses indicate the rule is understandable and applicable. The Department believes this data indicates the rule is effective.

**4. Consistency of the rule with state and federal statutes and other rules made by the agency, and a listing of the statutes or rules used in determining the consistency.**

The rule is consistent with and is not in conflict with statutes and rules. Statutes and rules used in determining consistency include A.R.S. Title 17 and A.A.C. Title 12, Chapter 4.

**5. Agency enforcement policy, including whether the rule is currently being enforced and, if so, whether there are any problems with enforcement.**

The rule is enforced as written and the Department is not aware of any problems with the enforcement of the rule.

**6. Clarity, conciseness, and understandability of the rule.**

The rule is clear, concise, and understandable. The rule is logically organized and generally written in the active voice so it will be understood by the general public.

**7. Summary of written criticisms of the rule received in last five years including any written analyses submitted to the agency questioning whether the rule is based on valid scientific or reliable principles or methods.**

The Department received the following written criticisms of the rule:

**Written Comment: July 16, 2013.** The Department should allow the use of crossbows for all archery hunting opportunities. Many Arizonan's are getting older and having more difficulty drawing a compound bow back to full draw at the minimum draw weight. This would also provide more opportunity to hunters and generate more revenue for the Arizona Game and Fish Department.

**Written Comment: April 14, 2014.** I would like to suggest that people 70 years of age and older be permitted to use a crossbow during archery seasons.

**Written Comment: July 28, 2014.** It would be nice to allow the use of a crossbow for a person 70 years and older during bow season.

**Written Comment: January 7, 2015.** Arizona should allow deer hunting with a crossbow during archery season for everyone. The current crossbow disability rules are ridiculous. Stop forcing us to go to the many other states that allow crossbow hunting and spending our money there instead of at home.

**Written Comment: January 7, 2015.** Crossbows for Archery. Some of us do not qualify for the handicapped rules but with shoulder injuries that still cannot draw even today's 80% drop off compounds.

**Written Comment: July 1, 2015.** I think crossbow should be able to be used during archery seasons for senior citizens over 65.

**Written Comment: November 8, 2016.** I would like to see those that have Pioneer License be able to use a crossbow when hunting without a physical exam for disability.

**Agency Response:** The Department disagrees. Crossbows generally fire with higher levels of kinetic energy, more speed and greater accuracy, providing an advantage to a hunter who uses a crossbow over one that uses a bow and arrow. At this time, crossbows may be used during general season for the take of big game, small game, predators, furbearers, nongame, and the handgun, archery and muzzleloader (HAM) season for the take of javelina. In addition, a person with a crossbow permit issued under R12-4-216 may use a crossbow during an archery-only hunt. The Department does not believe that any class of individuals (persons of a certain age) should be afforded preferential treatment.

**Written Comment: February 1, 2016.** You may have already heard about the new arrow shooting airgun from Crosman, called the Benjamin "Pioneer Airbow" (press release copied below). It made its debut at ATA show just after the first of the year, and set social media ablaze for a few days, then at SHOT last week the interest was almost overwhelming. The weapon is basically an adaptation of the .35 cal. Bulldog PCP airgun. It shoots a full-length 26-inch 375 grain arrow at 450 feet-per-second, each and every shot due to an internal metering system. And, it actually shoots arrows more accurately than the Bulldog shoots slugs - "robin hoods" are a common occurrence out to 50 yards. I have been testing a prototype of the airbow that is very close to what the final production model will be. They are scheduled to start shipping in April, and Crosman has a pile of pre-orders. I showed the airbow to Dan Diamond and Dave Cagle in the Pinetop office, with somewhat mixed reaction. It's my contention that since it is a .35 cal. PCP airgun adapted to shoot arrows, and since AZ regulations do not specify requirements for the projectile, that this should be legal for hunting where PCP airguns are allowed. Dan questioned that it is not marked .35 cal. externally, and Crosman says this will be corrected on the final production version. I have a general javelina hunt later this month, and I hope to use this remarkable new weapon on that hunt. We also discussed that Crosman is targeting crossbow seasons with this new weapon, as it is more accurate, faster and more lethal, easier to load, unload and handle, and much safer than a crossbow. I believe this weapon to be an excellent alternative for disabled hunters or those with physical limitations that prevent them from cocking and using a crossbow (at least in a safe manner). I spoke with Celeste Cook regarding the possibility of clarifying the legality of this new weapon, since article 3 is open once again for changes. Here's what I would like to see addressed: 1) clarification so it's easily understood that the airbow is legal for use where PCP airguns are legal. 2) consideration for classification of the new airbow as a crossbow, so it can be used by disabled hunters with a legitimate crossbow permit. 3) modification of rule 3

(and also rule 2 if necessary) to allow the take of elk with the airbow (during general hunts, where .35 cal. PCP airguns are not currently legal). You may recall the EEE chart we developed in 2012 when regulations for hunting with airguns were being developed. I have attached an updated version of this chart, which includes both the airbow and modern crossbow. Finally, I would welcome the opportunity to demonstrate the airbow for you, as well as any of the other commissioners and G&F personnel that may be interested. There's a good possibility that I will have a couple of airbows available for hands-on demonstration at the Outdoor Expo at Ben Avery April 1-2. Rob Potter with Shoot Right American club has invited me to do so at his booth, and I should have an actual production model by then. **Additional Follow-up Comment: August 8, 2016.** I sent the email copied below back in February regarding the new arrow shooting airgun, and intended to follow-up since I did not hear back from you. Unfortunately, we were unable to get the necessary approvals to demonstrate the Pioneer Airbow at the Expo in April, and time flies by... I see the Commissioners will be meeting in Pinetop this month (8/26-27), and I plan to submit a blue card to speak about the Airbow and current airgun hunting regulations at this meeting. I will have one at the meeting on Friday for the Commissioners to review, and possibly shoot -- if we can get this cleared with the Pinetop office (we can probably set up a 20-30 yard range behind the office if anyone wants to try the Airbow, possible at the lunch break or after the meeting). And, I can be available for demonstrations/questions, etc. on Saturday as well if necessary. I think addressing this new weapon class is important for several reasons. There are now more than a dozen arrow shooting airguns marketed in the US, and some have greater utility as hunting weapons (safer and more lethal) than others. Also, last week Air Venturi announced they are now marketing specially adapted arrows that can be launched from virtually any .50 caliber airgun. Thus, there's no question AZGFD will be encountering more arrow launchers in the field.

**Agency Response:** The Commission is currently amending rules within Article 3, which addresses the taking and handling of wildlife, to allow a Crossbow Permit holder to use a pre-charged pneumatic weapon, as defined under R12-4-301, using bolts or arrows and with a capacity of holding and firing only one arrow or bolt at a time during an archery-only season. This change is proposed as a result of customer comments received by the Department.

**Written Comment: February 10, 2015.** I am not handicapped but my father is. I have had the pleasure of hunting with him my entire life and have seen how hard it has become for him to even get within shooting range with a rifle. In one particular year we had the chance meeting with a father and son hunter, where the son was severely handicapped and was not expected to live another three years. That young man was 16 at the time and I suspect that he has now passed as it was five years ago. Both of these hunts were right after a major muzzleloader hunt in 6A and even seeing an animal was rare as both parties were confined to road hunting. The boy was completely chair bound and my father can walk a couple of hundred yards at best in an hour. How do we as hunters and humans expect these people to have half a chance if we don't even give them a 10% chance to start. I would like to see these hunts moved in front of the rifle hunts and give them that half a chance. It also

wouldn't hurt if you allowed the animals a few days to settle down after each hunt either. So many other states have hunts that do this, why shouldn't we. It seems only fair to game more so than the hunters.

**Agency Response:** The Department appreciates your comments and suggestions. Your comment relates to the Department's hunt guidelines and was forwarded to the Department's Terrestrial Wildlife Branch for consideration during the next hunt guideline evaluation process.

- 8. A comparison of the estimated economic, small business, and consumer impact of the rule with the economic, small business, and consumer impact statement prepared on the last making of the rule or, if no economic, small business, and consumer impact statement was prepared on the last making of the rule, an assessment of the actual economic, small business, and consumer impact of the rule.**

The rule was amended to define "healthcare provider" to reduce the regulatory burden on the applicant; establish a temporary crossbow permit for applicants who are temporarily disabled to reduce the regulatory burden on the applicant; allow the Department to issue a crossbow permit to a person who holds a valid Challenged Hunter Access/Mobility Permit (CHAMP); and expand the list of qualifying medical conditions. The Commission anticipated persons who apply for a crossbow permit would benefit from the proposed amendments that expand the medical eligibility criteria and allow a person to apply for a temporary crossbow permit. The Commission anticipated the amendments would result in an overall benefit to persons regulated by the rule, members of the public, and the Department.

- 9. Any analysis submitted to the agency by another person regarding the rule's impact on the competitiveness of businesses in this state as compared to the competitiveness of businesses in other states.**

The Department did not receive any analyses.

- 10. If applicable, how the agency completed the course of action indicated in the agency's previous five-year review report.**

The report was approved by G.R.R.C. at the November 26, 2013 Council Meeting; the report stated the Department anticipated submitting the final rules to the Council by February 2015. The Department completed the course of action indicated in the previous five-year review report as follows:

- Notice of Rulemaking Docket Opening: 20 A.A.R. 1233, May 30, 2014
- Notice of Proposed Rulemaking: 20 A.A.R. 1191, May 30, 2014
- Notice of Public Information: 20 A.A.R. 1335, June 13, 2014
- G.R.R.C. approved the Notice of Final Rulemaking at the November 4, 2014 Council Meeting.
- Notice of Final Rulemaking: 20 A.A.R. 3045, November 21, 2014.

- 11. A determination after analysis that the probable benefits of the rule within this state outweigh the probable costs of the rule and the rule imposes the least burden and costs to persons regulated by the rule, including paperwork and other compliance costs necessary to achieve the underlying regulatory objective.**

The rule establishes eligibility requirements, conditions, and restrictions for the crossbow permit. The Department issues an average of 1 lifetime crossbow permit and 85 temporary crossbow permits on an annual basis. The public benefits from a rule that provides a mechanism that afforded persons with a disability the opportunity to participate in hunting. The public and Department benefit from a rule that is understandable. The Department has determined the rule imposes the least burden and costs to persons regulated by the rule.

- 12. A determination that the rule is not more stringent than corresponding federal law unless there is statutory authority to exceed the requirements of that federal law.**

Federal law is not directly applicable to the subject of the rule. The rule is based on state law.

- 13. For a rule adopted after July 29, 2010, that require the issuance of a regulatory permit, license, or agency authorization, whether the rule complies with A.R.S. § 41-1037.**

The rule requires a general permit and is in compliance with the requirements prescribed under A.R.S. § 41-1037.

- 14. Course of action the agency proposes to take regarding the rule, including the month and year in which the agency anticipates submitting the rule to the Council if the agency determines it is necessary to amend or repeal an existing rule or make a rule. If no issues are identified for a rule in the report, an agency may indicate that no action is necessary for the rule.**

No action.

#### **R12-4-217. CHALLENGED HUNTERS ACCESS/MOBILITY PERMIT (CHAMP)**

- 1. General and specific statutes authorizing the rule, including any statute that authorizes the agency to make rules.**

Authorizing statute: A.R.S. § 17-231(A)(1)

Implementing statute: A.R.S. §§ 17-102, 17-231(A)(3), 17-332, 17-301(D)(2), and 41-1005

**2. Objective of the rule, including the purpose for the existence of the rule.**

The objective of the rule is to establish eligibility requirements, conditions, and restrictions for the Challenged Hunter Access/Mobility Permit (CHAMP). The permit allows a disabled person to perform activities while hunting normally prohibited under A.R.S. § 17-301. The rule was adopted to provide a mechanism that afforded persons with a disability the opportunity to participate in hunting.

The CHAMP is free of charge to eligible applicants.

The Department issues an average of one CHAMP on an annual basis.

**3. Effectiveness of the rule in achieving its objective, including a summary of any available data supporting the conclusion reached.**

The rule appears to be effective in achieving the objective stated above. At the beginning of each rule review, Department employees are asked to provide comments and suggested rule changes for any areas of concern. Responses indicate the rule is understandable and applicable. The Department believes this data indicates the rule is effective.

**4. Consistency of the rule with state and federal statutes and other rules made by the agency, and a listing of the statutes or rules used in determining the consistency.**

The rule is consistent with and is not in conflict with statutes and rules. Statutes and rules used in determining consistency include A.R.S. Title 17 and A.A.C. Title 12, Chapter 4.

**5. Agency enforcement policy, including whether the rule is currently being enforced and, if so, whether there are any problems with enforcement.**

The rule is enforced as written and the Department is not aware of any problems with the enforcement of the rule. All peace officers of the state (including city and county) are charged with enforcement. Officers can check for rule compliance during routine patrols. Officers may issue a warning order or a citation.

**6. Clarity, conciseness, and understandability of the rule.**

The rule is clear, concise, and understandable. The rule is logically organized and generally written in the active voice so it will be understood by the general public.

**7. Summary of written criticisms of the rule received in last five years including any written analyses**

**submitted to the agency questioning whether the rule is based on valid scientific or reliable principles or methods.**

The Department received the following written criticism of the rule:

**Written Comment: August 20, 2013.** I think the CHAMP rule needs to be looked at. There are people who enjoy hunting and are very limited too. They should be able to qualify for the CHAMP; such as people who have COPD, CHF, and other similar limiting health issues. Imagine a person who takes an deer or elk, they could die trying to get it back to their truck on foot, but if they were missing a foot, arm, or leg - they could use their quad to retrieve that deer or elk. The requirements are not fair. The CHAMP should cover more than just handicapped hunters. Just because I have both arms and legs, does not mean I am not just as limited. I used to walk 15 to 20 miles a day, scouting and hunting. Now it takes me all day just to cover a couple of miles. I called the Department to ask about the CHAMP and the person I spoke to told me to get one of my children to take me hunting. That is the last thing I want; to have lean on or burden my children. My daughter is 15, if something happened to me - how would she drag me out of the woods. The second person I spoke to suggested that I write in and bring this to the Department's attention. Maybe no one has ever looked at it this way before, maybe it could be put on the agenda and voted on when considering new regulations.

**Agency Response:** On January 3, 2015, the CHAMP rule was amended to expand the list of qualifying medical conditions to include one or more permanent physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, intellectual disability, muscular dystrophy, musculoskeletal disorders, neurological disorders, paraplegia, pulmonary disorders, quadriplegia and other spinal cord conditions, sickle cell anemia, and end stage renal disease or a combination of permanent disabilities resulting in comparable substantial functional limitations.

- 8. A comparison of the estimated economic, small business, and consumer impact of the rule with the economic, small business, and consumer impact statement prepared on the last making of the rule or, if no economic, small business, and consumer impact statement was prepared on the last making of the rule, an assessment of the actual economic, small business, and consumer impact of the rule.**

The rule was amended to define "healthcare provider" to reduce the regulatory burden on the applicant; expand the list of persons authorized to complete the medical certification portion of the application; and expand the list of qualifying medical conditions. The Commission anticipated persons who apply for a CHAMP would benefit from the proposed amendments that expand the medical eligibility criteria. The Commission anticipated the amendments would result in an overall benefit to persons regulated by the rule, members of the public, and the Department.

- 9. Any analysis submitted to the agency by another person regarding the rule's impact on the**

**competitiveness of businesses in this state as compared to the competitiveness of businesses in other states.**

The Department did not receive any analyses.

**10. If applicable, how the agency completed the course of action indicated in the agency's previous five-year review report.**

The report was approved by G.R.R.C. at the November 26, 2013 Council Meeting; the report stated the Department anticipated submitting the final rules to the Council by February 2015. The Department completed the course of action indicated in the previous five-year review report as follows:

- Notice of Rulemaking Docket Opening: 20 A.A.R. 1233, May 30, 2014
- Notice of Proposed Rulemaking: 20 A.A.R. 1191, May 30, 2014
- Notice of Public Information: 20 A.A.R. 1335, June 13, 2014
- G.R.R.C. approved the Notice of Final Rulemaking at the November 4, 2014 Council Meeting.
- Notice of Final Rulemaking: 20 A.A.R. 3045, November 21, 2014.

**11. A determination after analysis that the probable benefits of the rule within this state outweigh the probable costs of the rule and the rule imposes the least burden and costs to persons regulated by the rule, including paperwork and other compliance costs necessary to achieve the underlying regulatory objective.**

The rule establishes eligibility requirements, conditions, and restrictions for the Challenged Hunter Access/Mobility Permit (CHAMP). The Department issues an average of one CHAMP on an annual basis. The public benefits from a rule that provides a mechanism that afforded persons with a disability the opportunity to participate in hunting. The public and Department benefit from a rule that is understandable. The Department has determined the rule imposes the least burden and costs to persons regulated by the rule.

**12. A determination that the rule is not more stringent than corresponding federal law unless there is statutory authority to exceed the requirements of that federal law.**

Federal law is not directly applicable to the subject of the rule. The rule is based on state law.

**13. For a rule adopted after July 29, 2010, that require the issuance of a regulatory permit, license, or agency authorization, whether the rule complies with A.R.S. § 41-1037.**

The rule requires a general permit and is in compliance with the requirements prescribed under A.R.S. § 41-1037.

**14. Course of action the agency proposes to take regarding the rule, including the month and year in which the agency anticipates submitting the rule to the Council if the agency determines it is necessary to amend or repeal an existing rule or make a rule. If no issues are identified for a rule in the report, an agency may indicate that no action is necessary for the rule.**

No action.