

**ARIZONA GAME AND FISH
COMMISSION**

2024 FIVE-YEAR REVIEW REPORT

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

ARTICLE 2. LICENSES; PERMITS; STAMPS; TAGS



PREPARED FOR THE
GOVERNOR'S REGULATORY REVIEW COUNCIL

ARIZONA GAME AND FISH COMMISSION
ARTICLE 2. LICENSES: PERMITS: STAMPS; TAGS
FIVE-YEAR REVIEW REPORT

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

For all rules within Article 2, the authorizing statute is A.R.S. § 17-231(A)(1).		
For each rule within Article 2, the implementing statutes are as follows:		
R12-4-201.	Pioneer License	• A.R.S. §§ 17-33(C)(1), and 41-1005
R12-4-202.	Complimentary and Reduced-fee Disabled Veteran's License; Reduced-fee Purple Heart Medal License	• A.R.S. §§ 17-33(C)(1), and 41-1005
R12-4-203.	National Harvest Information Program (HIP); State Waterfowl and Migratory Bird Stamp	• A.R.S. §§ 17-102, 17-231(A)(2), 17-231(B)(7), 17-235, 17-333, 17-333.03, and 41-1005
R12-4-204.	Taxidermy Registration; Register	• A.R.S. §§ 17-101, 17-102, 17-333, 17-335.01, 17-363, and 41-1005
R12-4-205.	High Achievement Scout License	• A.R.S. §§ 17-333(C)(5) and 41-1005
R12-4-206.	General Hunting License; Exemption	• A.R.S. §§ 17-333 and 41-1005
R12-4-207.	General Fishing License; Exemption	• A.R.S. §§ 17-333 and 41-1005
R12-4-208.	Guide License	• A.R.S. §§ 17-101, 17-245, 17-333, 17-340, 17-362, and 41-1005
R12-4-209.	Repealed	
R12-4-210.	Combination Hunting and Fishing License; Exemption	• A.R.S. §§ 17-333 and 41-1005
R12-4-211.	Lifetime License; Benefactor License	• A.R.S. §§ 17-333, 17-335.01, and 41-1005
R12-4-212.	Repealed	
R12-4-213.	Hunt Permit-tags and Nonpermit-tags	• A.R.S. §§ 17-333 and 41-1005
R12-4-214.	Repealed	
R12-4-215.	Youth Group Two-day Fishing License	• A.R.S. §§ 17-333 and 41-1005
R12-4-216.	Crossbow Permit	• A.R.S. §§ 17-102, 17-231(A)(3), 17-301(D)(2), and 41-1005
R12-4-217.	Challenged Hunters Access/Mobility Permit (CHAMP)	• A.R.S. §§ 17-102, 17-231(A)(3), 17-301(B), and 41-1005
R12-4-218.	Repealed	
R12-4-219.	Renumbered	
R12-4-220.	Repealed	

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

R12-4-201. Pioneer License: 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. § 17-333(C)(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 all game species, with the proper tags where applicable, and the tale of all aquatic wildlife, allows simultaneous fishing, and includes community program fishing privileges.

- The complimentary pioneer license is valid for the lifetime of the licensee.

- The Department issues an average of 4,529 complimentary pioneer licenses on an annual basis.
- The pioneer license is free of charge to eligible applicants.

R12-4-202. Complimentary and Reduced-fee Disabled Veteran's License; Reduced-fee Purple Heart Medal License: The objective of the rule is to establish eligibility, application requirements, and hunting and fishing privileges for the complimentary licenses that are issued to disabled veterans and Purple Heart Medal recipients. The rule was adopted to comply with the statutory mandate under A.R.S. § 17-333(C)(2) and (3). The Department offers three types of veterans' licenses: a complimentary license available to veterans who are receiving compensation from the United States government for a service connected disability rated as 100% disabling, a 25% reduced fee license to a veteran who is receiving such compensation for a service connected disability of any rating, and a 50% reduced-fee license to a person who is a bona fide recipient of a Purple Heart Medal. Under A.R.S. § 17-333(C)(2) and (3), a person applying for one of these licenses must have been a resident of Arizona for at least one year immediately preceding application. The disabled veteran's license and reduced-fee disabled veteran and Purple Heart Medal grant all of the hunting and fishing privileges of a combination hunting and fishing license.

- The complimentary disabled veteran's license is either valid for the lifetime of the licensee and does not require renewal, or for three years if the certification or benefits letter indicates the veteran's disability status will be re-examined in a three-year period.
 - The Department issues an average of 769 complimentary disabled veteran's licenses on an annual basis.
- The reduced fee veteran's licenses are valid for one year from the date of purchase or activation, when activated no more than 60 days after initial purchase.
 - The Department issued approximately 108 reduced-fee disabled veteran's licenses since the rule was adopted on August 21, 2021.
 - The fee for the reduced-fee disabled veteran's license is \$42.
 - The Department issued approximately 8 Purple Heart Medal licenses since the rule was adopted on September 26, 2022.
 - The fee for the reduced-fee Purple Heart Medal license is \$28.

R12-4-203. National Harvest Information Program (HIP); State Waterfowl and Migratory Bird Stamp: The objective of the rule is to establish requirements for the application and use of the Arizona migratory bird stamp, which covers the take of waterfowl and migratory game birds. The Arizona stamp is separate from the Federal waterfowl stamp (also known as "Duck stamp"), which is required when a person wants to hunt waterfowl in Arizona. The stamp enables 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 State waterfowl and migratory bird stamp is valid from July 1 through June 30 of each year.
- The Department issues an average of 69,588 Arizona Migratory Bird Stamps on an annual basis.

- The fee for the Arizona Migratory Bird stamp is \$5.

R12-4-204. Taxidermy Registration; Register: The objective of the rule is to establish the requirements necessary to allow a person to engage in the business of taxidermy for hire. A taxidermy registration authorizes a person to mount, refurbish, maintain, restore, or preserve wildlife as defined under A.R.S. § 17-101. The rule was adopted to comply with the requirements established under A.R.S. § 17-363.

- The taxidermy registration expires on December 31 each year.
- The Department recently implemented an online registration and reporting process which has skewed the registration data. It is believed the number of registered taxidermists has increased since the Department went from issuing a license to a registration and the annual fee was lowered \$50.
- The fee for the taxidermy registration is \$100.

R12-4-205. High Achievement Scout License: The objective of the rule is to establish application requirements and hunting and fishing privileges for the high achievement 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 "Scouts BSA" program 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 provided the scout is under 21 years of age. 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 high achievement scout license is valid for one year from the date of purchase or activation, when activated no more than 60 days after initial purchase.
- The Department issues an average of 61 high achievement scout licenses on an annual basis.
- The fee for the high achievement scout license is \$5.

R12-4-206. General Hunting License; Exemption: 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 stamps, and for big game when the person possesses the applicable big game tag. The general hunting license is not available to nonresidents. 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 the license start date when purchasing the license online or at a Department office, provided that date is in the future and is no more than 60 calendar days from the date of purchase. The general license must be valid on the last day of the application deadline for the big game draw or last day of an extended deadline. 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 general hunting license is valid for one year from the date of purchase or activation, when activated no more than 60 days after initial purchase.
- The Department issues an average of 40,643 general hunting licenses on an annual basis.
- The fee for the resident hunting license is \$37.

R12-4-207. General Fishing License; Exemption: 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, when accompanied by a person, 18 years of age or older, who possesses a valid Arizona fishing license.

- The general fishing license is valid for one year from the date of purchase or activation, when activated no more than 60 days after initial purchase.
- On an annual basis, the Department issues approximately:
 - o 158,846 resident fishing licenses, and
 - o 24,182 nonresident fishing licenses.
- The fees for the general fishing licenses are as follows:
 - o Resident general fishing license - \$37, and
 - o Nonresident general fishing license - \$55.

R12-4-208. Guide License: 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 guide license expires on December 31 each year.
- The Department issues an average of 1072 guide licenses on an annual basis
- The fee for the resident and nonresident guide license is \$300.

R12-4-210. Combination Hunting and Fishing License; Exemption: 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 combination hunting and fishing license is also valid for the take of migratory birds when the person possesses the applicable migratory bird stamp(s), and for big game when the person possesses the applicable big game tag. The Commission established three variations of the combination hunting and fishing license: a 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 persons 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 combination hunting and fishing license is valid for one year from the date of purchase or activation, when activated no more than 60 days after initial purchase.
 - On an annual basis, the Department issues approximately:
 - 67,230 resident youth combination hunting and fishing licenses,
 - 113,381 resident combination hunting and fishing licenses,
 - 8,732 nonresident youth combination hunting and fishing licenses, and
 - 40,397 nonresident combination hunting and fishing licenses.
 - The fee for the combination hunting and fishing licenses are as follows:
 - Resident and nonresident youth combination hunting and fishing license - \$5,
 - Resident combination hunting and fishing license - \$57, and
 - Nonresident combination hunting and fishing license - \$160.
- The short-term combination hunting and fishing license is valid for one 24-hour period from midnight to midnight.
 - On an annual basis, the Department issues approximately:
 - 18,555 resident short-term combination hunting and fishing licenses, and
 - 33,331 nonresident short-term combination hunting and fishing licenses.
 - The fee for the short-term combination hunting and fishing licenses are as follows:
 - Resident combination hunting and fishing license - \$15, and

- Nonresident combination hunting and fishing license - \$20.

R12-4-211. Lifetime License; Benefactor License: 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 costliest lifetime license: combination license for a person aged 14 to 29 for \$1029. 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. 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 lifetime hunting license, combination hunting and fishing license, and the benefactor license are also valid for the take of migratory birds when the person possesses the applicable migratory bird stamp(s), and for big game when the person possesses the applicable big game tag.

- On an annual basis, the Department issues:
 - 85 lifetime fishing licenses,
 - 211 lifetime hunting licenses, and
 - 392 lifetime combination hunting and fishing licenses, and
 - 11 lifetime benefactor combination hunting and fishing licenses.
- 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.

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

R12-4-213. Hunt Permit-tags and Nonpermit-tags: The objective of the rule is to establish requirements to validate a license for the taking of a big game animal or any other wildlife requiring a valid tag. The rule was adopted to establish permit-tag and nonpermit-tag requirements. Tags are issued by the season and validate the hunting or combination hunting and fishing license that is valid for the same season; the Commission believed the rule was necessary.

R12-4-215. Youth Group Two-day Fishing License: 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.

- The Department issues an average of 39 youth group two-day fishing licenses on an annual basis.
- The fee for the youth group two-day fishing license is \$25.

R12-4-216. Crossbow Permit: 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 permits are valid as follows:
 - The permanent crossbow permit is valid for the permit holder's lifetime.
 - The temporary crossbow permit is valid for one-year from the date the medical certification portion of the application is signed by the healthcare provider.
- On an annual basis, the Department issues approximately:
 - 1014 permanent crossbow permits, and
 - 208 temporary crossbow permits.

R12-4-217. Challenged Hunter Access/Mobility Permit (CHAMP): 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 627 CHAMPs on an annual basis.

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

At the beginning of each rule review, Department employees are asked to provide comments and suggested rule changes. In addition, comments received since the last rule review was conducted are reviewed and considered. Comments indicate the rules are understandable and applicable. The Department believes this data indicates the rules are effective. The Department believes the following rules are effective in achieving the objectives identified above:

- R12-4-201. Pioneer License
- R12-4-202. Complimentary and Reduced-fee Disabled Veteran's License; Reduced-fee Purple Heart Medal License
- R12-4-203. National Harvest Information Program (HIP); State Waterfowl and Migratory Bird Stamp
- R12-4-204. Taxidermy Registration; Register
- R12-4-205. High Achievement Scout License
- R12-4-206. General Hunting License; Exemption
- R12-4-207. General Fishing License; Exemption
- R12-4-208. Guide License
- R12-4-210. Combination Hunting and Fishing License; Exemption
- R12-4-211. Lifetime License; Benefactor License
- R12-4-213. Hunt Permit-tags and Nonpermit-tags
- R12-4-215. Youth Group Two-day Fishing License
- R12-4-217. Challenged Hunter Access/Mobility Permit (CHAMP)
- **R12-4-216. Crossbow Permit:** The difference between a crossbow and the typically used compound bow is that a crossbow can be drawn, locked into place, and stabilized on an object when firing. From January 1, 1996 through January 2, 2015, the Department offered only permanent (lifetime) crossbow permits to persons with a permanent disability of at least 90% impairment of function of one arm. In response to customer comments regarding the overly restrictive eligibility requirements and the need for a temporary crossbow permit, on January 3, 2015, the Commission established a temporary crossbow permit that was valid for the time-frame specified by the healthcare professional and greatly expanded the eligibility criteria.

The Department relies on the medical health professional to determine whether the applicant's medical condition is temporary or permanent. No specific testing is required by the medical health professional conducting the evaluation and no documentation of the evaluation is required to be submitted with the application for the crossbow permit. The only requirement is a general diagnosis as to whether the applicant's disability is permanent or temporary and a signature from the medical health professional. As a result, some applicants were receiving the permit who should not have otherwise qualified, while other applicants were denied permits.

The Department has heard the permits are too easy to obtain and the continuing steady rise in the number of permits being issued each year are an indication that this is a possibility. The Department has also heard the number of crossbow permits on the landscape has negatively impacted archery-only hunts but this remains to be proven.

The Department believes it necessary to more fully evaluate the challenges resulting from the ability to use these devices during an archery-only hunt and recommends conducting public outreach activities (i.e., public meetings, webinars, surveys, working groups, etc.) to evaluate the current crossbow permit eligibility requirements and make recommendations to increase consistency in how eligibility is established and permits are issued; and increase equity between crossbow and archery hunters in the field during an archery-only hunt. Ultimately, the Department's goal is to establish a standardized evaluation process and provide equal opportunity to all disabled individuals interested in obtaining a crossbow permit. The information gained from this evaluation will help shape future revisions to the crossbow permit rule.

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 Department believes the following rules are consistent with regulations, statutes, and rules; regulations, statutes, and rules used to determine consistency include 50 C.F.R. Part 20, A.R.S. § Title 17 and 12 A.A.C. Chapter 4:

- R12-4-201. Pioneer License
- R12-4-204. Taxidermy Registration; Register
- R12-4-205. High Achievement Scout License
- R12-4-206. General Hunting License; Exemption
- R12-4-207. General Fishing License; Exemption
- R12-4-208. Guide License
- R12-4-210. Combination Hunting and Fishing License; Exemption
- R12-4-211. Lifetime License; Benefactor License

- R12-4-213. Hunt Permit-tags and Nonpermit-tags
- R12-4-215. Youth Group Two-day Fishing License
- R12-4-216. Crossbow Permit
- R12-4-217. Challenged Hunter Access/Mobility Permit (CHAMP)

Overall the following rules are not consistent with or are in conflict with statutes and rules; the Department proposes to increase their consistency with statutes and rules as described below:

- **R12-4-202. Complimentary and Reduced-fee Disabled Veteran's License; Reduced-fee Purple Heart Medal License:** Like the lifetime licenses issued under R12-4-211 (Lifetime License), the permanent (lifetime) Disabled Veteran's License is valid for the person's lifetime and continues to remain valid if the license holder moves out-of-state. The out-of-state license holder must pay the nonresident fee when purchasing any required hunt permit-tag, nonpermit-tag, or stamp to hunt and fish in Arizona, but the hunt-permit tag issuance limitations for nonresident permit holders do not apply to a Disabled Veteran's License holder. The Department recommends amending the rule to clarify the Disabled Veteran's License (lifetime license) benefits and limitations to increase consistency between rules within Article 2. This change is in response to customer comments received by the Department.
- **R12-4-203. National Harvest Information Program (HIP); State Waterfowl and Migratory Bird Stamp:** Internal discussions indicate the U.S. Fish and Wildlife Service is considering amending the federal regulation to offer a tiered stamp structure to increase participation in migratory game bird hunting. The tiered structure will offer hunters the option to select either a 'standard' waterfowl season, with set harvest limits on particular species, or a 'splash' waterfowl season that offers a reduced harvest limit but allows hunters to harvest any legal waterfowl species to meet that limit. The Department will monitor the proposed regulation and may amend the rule to reflect the tiered structure if the proposed regulation is adopted in the future. In addition, the U.S. Fish and Wildlife Service is exploring the concept of issuing e-stamps that are valid the entire waterfowl season rather than a hard copy stamp a hunter has to carry with them, in addition to their hunting license. The Department will monitor the proposed regulation and may amend the rule to reflect the e-stamp if the proposed regulation is adopted in the future.

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

The following rules are currently being enforced. Department employees can inspect documentation for rule compliance. Officers can check for rule compliance when routinely patrolling the lands and waterways of Arizona, and issue warning orders or citations. To the extent that the Department is aware, the Department believes there are no problems with the enforcement of the following rules:

- R12-4-201. Pioneer License
- R12-4-202. Complimentary and Reduced-fee Disabled Veteran's License; Reduced-fee Purple Heart Medal

License

- R12-4-203. National Harvest Information Program (HIP); State Waterfowl and Migratory Bird Stamp
- R12-4-204. Taxidermy Registration; Register
- R12-4-205. High Achievement Scout License
- R12-4-206. General Hunting License; Exemption
- R12-4-207. General Fishing License; Exemption
- R12-4-210. Combination Hunting and Fishing License; Exemption
- R12-4-211. Lifetime License; Benefactor License
- R12-4-213. Hunt Permit-tags and Nonpermit-tags
- R12-4-215. Youth Group Two-day Fishing License
- R12-4-217. Challenged Hunter Access/Mobility Permit (CHAMP)

The Department proposes to increase the ability to enforce the following rules as indicated:

- **R12-4-208. Guide License:** Under subsection (T), a licensed guide is required to report any violation of a federal or state wildlife regulation, law, or rule personally witnessed by the guide license holder. In addition, most guides use support personnel (who are not licensed guides) to assist the guide in locating an animal. The Department was recently involved with a lengthy criminal trial, civil lawsuit, and Office of Administrative Hearings (OAH) hearing with a licensed guide and a friend of the guide who operated a powered parachute plane. The guide accepted information through text and phone calls regarding wildlife locations, herd size, horn size of bighorn sheep, and various essential information from the friend who operated the powered parachute plane to locate wildlife during an open big game season in violation of R12-4-319. The Department was successful in prosecuting the friend of the guide for locating wildlife during a big game season and the OAH hearing regarding the guide accepting this information in violation of R12-4-319(B) and failing to report this information to the Department in violation of R12-4-208(T)(2)(d), but it was a difficult hearing. The argument used by the defense was the guide did not “personally witness the violation.” The Department recommends amending the rule to replace "personally witnessed the violation" with “knew or should have known of the violation” to increase the ability to enforce the rule. In addition, internal discussions indicate guides and their assistants are using e-bikes to enter areas that are closed to motorized travel. This activity is unlawful and damages wildlife habitat, some of which may never recover. The Department recommends evaluating measures, to include rulemaking, that will reduce the number of occurrences. In addition, a person whose hunting and fishing privileges are revoked is prohibited from obtaining a guide license while under revocation. A guide whose license is revoked is also unable to assist a person in locating or taking wildlife. The Department is aware of instances where a revoked guide will hire another licensed guide to take their clients on a guided hunt, thus usurping the Commission-ordered revocation while collecting guiding fees from the customer. The Department recommends amending the rule to prohibit a licensed guide from acting as an agent for a revoked guide: “A guide license holder shall not aid, assist, serve as an agent or represent a person whose privilege to take wildlife or guide has been revoked

pursuant to A.R.S. §§ 17-340 or 17-362.”

- **R12-4-216. Crossbow Permit:** In 2019, the Commission amended the rule to allow a person issued a permanent or temporary crossbow permit to use a pneumatic weapon that discharges an arrow or bolt during an Archery-only hunt. In a subsequent rulemaking, this language was deleted in error. The intent of the amendment was to allow a person with a permanent disability to use a pneumatic weapon during an Archery-only hunt. To align the rule with the original intent, the Department recommends amending the rule to allow a CHAMP holder who also possesses a Department-issued crossbow permit to use a pneumatic weapon that discharges an arrow or bolt during an Archery-only hunt.

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

The Department believes the following rules are clear, concise, understandable, are logically organized, and generally written in the active voice:

- R12-4-201. Pioneer License
- R12-4-202. Complimentary and Reduced-fee Disabled Veteran’s License; Reduced-fee Purple Heart Medal License
- R12-4-204. Taxidermy Registration; Register
- R12-4-206. General Hunting License; Exemption
- R12-4-207. General Fishing License; Exemption
- R12-4-208. Guide License
- R12-4-210. Combination Hunting and Fishing License; Exemption
- R12-4-211. Lifetime License; Benefactor License
- R12-4-213. Hunt Permit-tags and Nonpermit-tags
- R12-4-215. Youth Group Two-day Fishing License
- R12-4-216. Crossbow Permit
- R12-4-217. Challenged Hunter Access/Mobility Permit (CHAMP)

Overall, the following rules are clear, concise, understandable, are logically organized, and generally written in the active voice, however, the Department proposes to further clarify the following rules as indicated:

- **R12-4-203. National Harvest Information Program (HIP); State Waterfowl and Migratory Bird Stamp:** The rule requires a person to purchase a stamp in order to take band-tailed pigeons, moorhen, coots, doves, ducks, geese, snipe, or swans. The Department recommends amending the rule to replace the term “moorhen” with “gallinules” as this is the current reference for the group of legal species that may be found in Arizona.
- **R12-4-205. High Achievement Scout License:** The “Boy Scouts of America” program where young men could earn an Eagle Scout has been rebranded to “Scouts BSA” to include both male and female participants. The Department recommends amending the rule to reflect the organization’s current program.

7. **Summary of the written criticisms of the rule received by the agency within the five years immediately preceding the Five-year Review Report, including letters, memoranda, reports, written analyses submitted to the agency questioning whether the rule is based on scientific or reliable principles, or methods, and written allegations made in litigation and administrative proceedings in which the agency was a party that the rule is discriminatory, unfair, unclear, inconsistent with statute, or beyond the authority of the agency to enact, and the conclusion of the litigation and administrative proceedings.**

The Department did not receive any written comments for the following rules.

- R12-4-202. Complimentary and Reduced-fee Disabled Veteran's License; Reduced-fee Purple Heart Medal License
- R12-4-203. National Harvest Information Program (HIP); State Waterfowl and Migratory Bird Stamp
- R12-4-204. Taxidermy Registration; Register
- R12-4-205. High Achievement Scout License
- R12-4-206. General Hunting License; Exemption
- R12-4-211. Lifetime License; Benefactor License
- R12-4-213. Hunt Permit-tags and Nonpermit-tags
- R12-4-215. Youth Group Two-day Fishing License
- R12-4-217. Challenged Hunter Access/Mobility Permit (CHAMP)

The Department received the following comments relating to rules within Article 2. Licenses; Permits; Stamps; Tags:

R12-4-201. Pioneer License:

Comments suggest the Commission amend the rule to reduce the age and years of continuous residency requirement.

Agency Response: The age and residency requirements are established in statute, see A.R.S. § 17-333(C)(1). A legislative amendment is required before the Commission is able to amend the rule as suggested.

Comments suggest the Pioneer license also include crossbow permit privileges which allow a person to use a crossbow during an archery-only hunt.

Agency Response: The Department disagrees with this suggestion. The Crossbow Permit has specific requirements related to medical conditions that make it difficult for a person to draw and hold a bow; age and residency are not considered. However, a Pioneer License holder who does not apply for and obtain a crossbow permit may still use a crossbow during the general season.

R12-4-206. General Hunting License; Exemption

R12-4-207. General Fishing License; Exemption

Comments suggest the Department offer a reduced fee hunting and/or fishing license to seniors, disabled persons,

and veterans (other than the 100% disabled veteran's license).

Agency Response: License, permit, stamp, and tag fees are set, through the Commission, utilizing a public process. The current fee structure serves the best interest of the public and the Department for preserving and protecting Arizona's wildlife. In 2014, the rules were amended to offer licenses that are valid for one-year from the date of purchase. Previously, most licenses were valid for the calendar year (January 1 through December 31), which gave the perception that the license had less value when purchased later in the year. The Department and Commission are currently reviewing requests and contemplating the best way to offer benefits to seniors and maintain the critical funding necessary to properly manage the state's wildlife. The Commission will again seek public input before making any change to the current license structure or fees. It is important to note, sportsmen are the nation's oldest conservationists and provide more direct support for wildlife than any other group. The purchase of a license is the cornerstone of the user pay public benefit model, not only providing direct revenue for conservation but factoring in to other constructs such as the apportionment of Wildlife and Sportfish Restoration dollars to the states.

Comments suggest the Commission establish a fishing license that would allow two people to use one license and/or allow a family to share one pole, one license.

Agency Response: The Commission sets bag limits based on an individual person; there are no "party" bag limits. This would also be very difficult to enforce.

R12-4-208. Guide License:

Comments suggest the Commission should decrease or limit the number of guides in Arizona.

Agency Response: The Department has no interest in reducing or limiting the number of licensed guides in the State. Guides provide a necessary service and can benefit persons who are unfamiliar with the territory or the type of game they're after. Guides can be important to hunters and/or anglers who do not have the ability or resources to have a safe and legal trip.

Comments suggest the Commission should limit the number of assistants/scouts a guide can employ in Arizona.

Agency Response: Under A.R.S. § 41-1093.01, State agencies are restricted to making only those occupational regulations that are demonstrated to be necessary to specifically fulfill a public health, safety, or welfare concern. The Department has no interest in limiting the number of assistants/scouts a particular guide may use.

R12-4-210. Combination Hunting and Fishing License; Exemption:

Comments suggest the Commission consider issuing a complimentary hunting and fishing license to its employees. The intent is that Game and Fish employees could be "hunt/fish license ambassadors" to the general public. A lifetime license could be issued to an employee who has been with the Department a significant amount of time, for example ten to fifteen years of service.

Agency Response: The Department recommends exploring the ability to issue a complimentary license to

Department employees.

Comments suggest the Commission amend the rule to allow military spouses to maintain their Arizona resident status throughout the spouse's active duty military career while stationed at duty station outside of Arizona.

Agency Response: Resident, nonresident, and domicile are defined in statute. A legislative amendment is required before the Commission may implement this suggestion.

R12-4-216. Crossbow Permit:

Comments suggest the Commission amend the rule to establish the crossbow permit is only valid for a particular season.

Agency Response: The Commission established a temporary crossbow permit in response to customer comments, however, internal discussions indicate the perceived abuse of the temporary crossbow permit is cause for concern. Requiring a person with a permanent disability to reapply for a crossbow permit after every season is not cost effective for the Department and imposes additional costs and burdens to persons regulated by the rule. However, the Department agrees the current process allowing the medical professional to establish the time-frame has resulted in inconsistencies in the way these permits are issued. The Department intends to benchmark with other states and evaluate options to determine whether a process or rule change is required.

Comments suggest the Commission limit persons who possess a crossbow permit to participating in handgun, archery, and muzzleloader (HAM) hunts, only.

Agency Response: The Department encourages people to hunt with all applicable weapon types in a safe and legal manner and does not intend to restrict crossbow permit holders to HAM hunts.

Comments suggest the crossbow permit is too easy to obtain and the Commission should repeal the rule so a crossbow cannot be used during an archery-only hunt.

Agency Response: The Department strongly supports offering/providing hunting opportunities to persons with disabilities. The crossbow permit application requires the healthcare provider to certify the person named on the application meets eligibility criteria.

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 last rulemaking resulted in the estimated economic, small business, and consumer impacts as stated in the final rulemaking package approved by the Governor's Regulatory Review Council (G.R.R.C.) on December 1, 2020.

- R12-4-201. Pioneer License
- R12-4-203. National Harvest Information Program (HIP); State Waterfowl and Migratory Bird Stamp
- R12-4-205. High Achievement Scout License
- R12-4-206. General Hunting License; Exemption
- R12-4-207. General Fishing License; Exemption
- R12-4-208. Guide License
- R12-4-210. Combination Hunting and Fishing License; Exemption
- R12-4-211. Lifetime License; Benefactor License
- R12-4-213. Hunt Permit-tags and Nonpermit-tags
- R12-4-215. Youth Group Two-day Fishing License
- R12-4-216. Crossbow Permit
- R12-4-217. Challenged Hunter Access/Mobility Permit (CHAMP)

The Commission anticipated the rulemaking would benefit persons regulated by the rule, members of the public, and the Department by clarifying rule language, creating consistency among existing Commission rules, and reducing the burden on persons regulated by the rule where practical.

R12-4-204. Taxidermy Registration; Register: The last rulemaking resulted in the estimated economic, small business, and consumer impacts as stated in the final rulemaking package approved by Governor's Regulatory Review Council (G.R.R.C.) on July 2, 2019.

The Commission anticipated the rulemaking would benefit the Department through compliance with statute and benefit currently licensed taxidermist through the reduced fee (reduced from \$150 to \$100).

R12-4-202. Complimentary and Reduced-fee Disabled Veteran's License; Reduced-fee Purple Heart Medal License, was last amended through exempt rulemaking made effective September 26, 2022, and the Department offers the following economic, small business, and consumer impact statement: The exempt rulemaking establishes a reduced-fee license for a person who has been a resident of this state for one year or more immediately before applying for the license and who is a bona fide Purple Heart Medal recipient as authorized under A.R.S. § 17-333(C)(4). The purchase of a license is the cornerstone of the user pay public benefit model, not only providing direct revenue for conservation but factoring into other constructs such as the apportionment of Wildlife and Sportfish Restoration dollars to the states. The Department receives no appropriations from the general fund and operates primarily with the revenue it generates. A disabled veteran who does not qualify for the complimentary or reduced-fee disabled veteran's licenses authorized under A.R.S. § 17-333(C)(2) and (C)(3) will benefit from the amended rule by being able to purchase the 25% reduced-fee Disabled Veteran's License. The Commission anticipates these changes will result in a decline in revenue due to the \$29 fee reduction. Data from the U.S. Department of Veterans Affairs indicates there are close to 500,000 living

Purple Heart Medal recipients in the world. Because it is not possible to extract the number of Purple Heart Medal recipients living in Arizona, the specific amount of revenue lost is difficult to quantify.

The Commission anticipates the rulemaking will benefit the Department through compliance with the requirements of A.R.S. § 17-333(C)(4). The Commission anticipates the rulemaking will not impose increased monetary or regulatory costs on other state agencies, political subdivisions of this State, persons, or individuals so regulated. The Commission anticipates the rulemaking will have no impact on businesses, both large and small. The Commission anticipates the rulemaking will have a minimal impact on persons regulated by the rule. The Commission anticipates the rulemaking in general will benefit persons regulated by the rule by creating the reduced-fee Purple Heart Medal license. The Commission anticipates the proposed amendments will not 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 Commission anticipates the rulemaking will not impact public or private employment. The Commission anticipates the rulemaking will not have any impact on State revenues or the general fund. The Commission has determined that there are no alternative methods of achieving the objectives of the proposed exempt rulemaking and that the benefits of the proposed exempt rulemaking outweigh the costs.

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 for Article 2 rules.

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

The Department completed the course of action indicated in the previous five-year review report as follows:

- Permission to pursue rulemaking granted: September 23, 2019
- Notice of Rulemaking Docket Opening: 26 A.A.R. 1135, June 5, 2020
- Notice of Proposed Rulemaking: 26 A.A.R. 1117, June 5, 2020
- Public Comment Period: June 5, 2020 through July 5, 2020
- G.R.R.C. approved the Notice of Final Rulemaking at the December 2, 2020 Council Meeting
- Notice of Final Rulemaking: 26 A.A.R. 3225, December 18, 2020

The Department did not indicate a course of action in the previous five-year review report for the following rules:

- R12-4-203. National Harvest Information Program (HIP); State Waterfowl and Migratory Bird Stamp
- R12-4-205. High Achievement Scout License
- R12-4-213. Hunt Permit-tags and Nonpermit-tags
- R12-4-215. Youth Group Two-day Fishing License

- R12-4-216. Crossbow Permit
- R12-4-217. Challenged Hunter Access/Mobility Permit (CHAMP)

R12-4-204. Taxidermy Registration; Register was adopted after the previous five-year review report was approved by the Governor's Regulatory Review Council on June 4, 2019.

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 purpose of the Arizona Game and Fish Commission (Commission), the Arizona Game and Fish Department (Department), and the Director of the Department is "to manage wildlife and wildlife habitat in this state as provided by law." Laws 2012, Ch. 283 § 3. "Control of the department is vested in the game and fish commission." A.R.S. § 17-201(A). The Commission appoints the Director who is "the chief administrative officer of the game and fish department." A.R.S. § 17-211(A).

With regard to general rulemaking authority, the Commission is required to "[a]dopt rules and establish services it deems necessary to carry out the provisions and purposes of [A.R.S. Title 17, Game and Fish]."

The Department actively seeks to ensure its processes and programs align with current technology and circumstances, such as implementing an online guide license examination. Rules are also designed to update best business practices, such as requiring taxidermy registration license holders to retain license related documentation (includes names and addresses of persons who furnish raw and unmounted specimens, the taker's tag or license number, and the date and number of each species of wildlife received) for an established period of time (five years).

The rules allow for the adoption of updated business practices and represent the most cost-effective and efficient method of fulfilling the Commission's and Department's responsibilities and impose only those requirements that are necessary to meet the Commission's objectives.

When amending Commission rules, the Department tasks a team of subject matter experts to review and make recommendations for rules. In its review, the team considers all comments from the public and agency staff that administer and enforce the rules, historical data, current processes and environment, and the Department's overall mission. The team takes a customer-focused approach, considers each recommendation from a resource perspective and determines whether the recommendation would cause undue harm to the Department's goals and objectives. The team then determines whether the request is in keeping with overarching guidance provided by the Governor, authorized by statute, in keeping with overarching guidance provided by the Commission, consistent with the Department's overall mission, is least burdensome to persons regulated by the rule, if it could

be effectively implemented given agency resources, and if it is acceptable to the public.

A.A.C. Title 12, Chapter 4, Article 2 contains fourteen rules denominated as licenses, permits, stamps, and tags. The intent of the Article 2 rules is to provide greater clarity to the rules governing hunting and fishing licenses. Article 2 rules establish the privileges associated with the hunting and fishing licenses, permits, stamps, and tags issued by the Department, to include exemptions from hunting and fishing license requirements. It is important to note; hunters and anglers are the nation's oldest conservationists and provide more direct support for wildlife than any other group. The purchase of a license is the cornerstone of the user pay public benefit model, not only providing direct revenue for conservation but factoring in other constructs such as the apportionment of Wildlife and Sportfish Restoration dollars to the states.

In 2014, the Commission established a simpler license structure after deploying an extensive outreach campaign from May through June 2013 to collect feedback on a conceptual license and fee structure. The campaign included public meetings in Ajo, Eagar, Flagstaff, Globe, Havasu, Kingman, Mesa, Page, Payson, Phoenix, Pinetop, Prescott, Safford, Sierra Vista, Tucson, Wickenburg, and Yuma (the Phoenix meeting was also webcast through the Department website). The Department also held meetings with a number of conservation groups to discuss the conceptual license structure and fees. The public meeting campaign resulted in 658 comments from people who attended the public meetings, and another 800 comments were submitted via e-mail during this same time-frame. The Department also received more than 1,480 responses from a science-based mail survey of hunters and anglers. In establishing the new license structure that is simpler and easier to understand, the Commission also increased the value of hunting and fishing licenses offered by the Department. For example, the general fishing license includes trout, simultaneous fishing (means taking fish using two lines), community (urban) fishing privileges and Colorado River privileges for one \$37 fee (previously, all of these additional privileges were purchased separately for a combined total cost of \$69.75). In addition, a one-year (365-day) license program was implemented. Previously, most licenses were valid for a calendar year (January 1 through December 31).

The public benefits from rules that clearly outline hunting and fishing license privileges, requirements, and exemptions.

The public benefits from rules that support the North American Model of Conservation. There is no alternative funding system in place to replace the potential lost funds for conservation. If hunting ends, funding for wildlife conservation is in peril. The Department benefits from rules that help ensure the proper management and conservation of the State's wildlife resources.

The public benefits from rules that are clear and concise. The Department benefits from rules that allow continued regulatory oversight of activities pertaining to wildlife. The public and Department benefit from rules that are understandable.

The Department believes the rules impose the least burdens and costs to persons regulated by the rule.

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

The following rules are based on state law and federal law is not directly applicable to the rule:

- R12-4-201. Pioneer License
- R12-4-202. Complimentary and Reduced-fee Disabled Veteran's License; Reduced-fee Purple Heart Medal License
- R12-4-204. Taxidermy Registration; Register
- R12-4-205. High Achievement Scout License
- R12-4-206. General Hunting License; Exemption
- R12-4-207. General Fishing License; Exemption
- R12-4-208. Guide License
- R12-4-210. Combination Hunting and Fishing License; Exemption
- R12-4-211. Lifetime License; Benefactor License
- R12-4-213. Hunt Permit-tags and Nonpermit-tags
- R12-4-215. Youth Group Two-day Fishing License
- R12-4-216. Crossbow Permit
- R12-4-217. Challenged Hunter Access/Mobility Permit (CHAMP)

The Department has determined the following rule is not more stringent than its corresponding federal laws:

- **R12-4-203. National Harvest Information Program (HIP); State Waterfowl and Migratory Bird Stamp**, federal regulation 50 C.F.R. Part 20 is applicable to the subject of the rule. 50 C.F.R. Part 20 establishes migratory bird hunting stamp requirements as they apply to the take, possession, and transport of migratory birds and are in addition to the provisions of the Migratory Bird Hunting Stamp Act of 1934.

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

The following rules require the issuance of a "general permit" as defined under A.R.S. § 41-1001(11) and are in compliance with A.R.S. § 41-1037.

- R12-4-201. Pioneer License
- R12-4-202. Complimentary and Reduced-fee Disabled Veteran's License; Reduced-fee Purple Heart Medal License
- R12-4-203. National Harvest Information Program (HIP); State Waterfowl and Migratory Bird Stamp

- R12-4-204. Taxidermy Registration; Register
- R12-4-205. High Achievement Scout License
- R12-4-206. General Hunting License; Exemption
- R12-4-207. General Fishing License; Exemption
- R12-4-208. Guide License
- R12-4-210. Combination Hunting and Fishing License; Exemption
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- R12-4-216. Crossbow Permit
- R12-4-217. Challenged Hunter Access/Mobility Permit (CHAMP)

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 the following rules as indicated in this report:

- R12-4-202. Complimentary and Reduced-fee Disabled Veteran's License; Reduced-fee Purple Heart Medal License
- R12-4-203. National Harvest Information Program (HIP); State Waterfowl and Migratory Bird Stamp
- R12-4-205. High Achievement Scout License
- R12-4-208. Guide License
- R12-4-216. Crossbow Permit

The Department anticipates requesting an exception to the rulemaking moratorium proscribed under A.R.S. 41-1039(A) by December 2023 and submitting the Notice of Final Rulemaking for actions proposed in this report to the Council by March 2025, provided the Commission is granted permission to pursue rulemaking.

The Department proposes no action for the following rules:

- R12-4-201. Pioneer License
- R12-4-204. Taxidermy Registration; Register
- R12-4-206. General Hunting License; Exemption
- R12-4-207. General Fishing License; Exemption
- R12-4-210. Combination Hunting and Fishing License; Exemption

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- R12-4-211. Lifetime License; Benefactor License
- R12-4-213. Hunt Permit-tags and Nonpermit-tags
- R12-4-215. Youth Group Two-day Fishing License
- R12-4-217. Challenged Hunter Access/Mobility Permit (CHAMP)