

TITLE 12. NATURAL RESOURCES
CHAPTER 4. GAME AND FISH COMMISSION
ARTICLE OR RULE NUMBERS

ECONOMIC, SMALL BUSINESS AND CONSUMER IMPACT STATEMENT

**R12-4-201, R12-4-202, R12-4-203, R12-4-204, R12-4-205, R12-4-206, R12-4-207, R12-4-208, R12-4-210,
R12-4-211, R12-4-213, R12-4-215, R12-4-216, R12-4-217, AND, R12-4-318**

A. The economic, small business and consumer impact summary:

1. Identification of the proposed rulemaking:

The Arizona Game and Fish Commission (Commission) proposes to amend its Article 2 rules, addressing licenses, permits, stamps, and tags to enact amendments developed during the preceding Five-year Review Report. The amendments proposed in the five-year review report are designed to clarify current rule language; facilitate job growth and economic development; enable the Department to provide better customer service; and reduce regulatory and administrative burdens wherever possible. After evaluating the scope and effectiveness of the proposed amendments specified in the review, the Commission proposes additional amendments to further implement the original proposals.

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 Commission proposes to amend the rule to correct the reference to the governing statute, replacing 17-336(C)(1) with 17-333(C)(1) to make the rule more concise.

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 or reduced fee licenses 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. 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 Commission proposes to amend the rule to clarify the permanent disabled veteran's license will remain valid if the license holder moves out-of-state and is not subject to the limits placed on nonresident permit-tags. This amendment will also increase consistency between the

permanent disabled veteran's license and other lifetime licenses issued by the Department. This change is in response to customer comment.

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). On December 19, 2023, President Biden signed into law the Duck Stamp Modernization Act of 2023. The Act modifies provisions regarding the Migratory Bird Hunting and Conservation Stamp to allow a person to carry an electronic stamp for the entire waterfowl hunting season; the U.S. Fish and Wildlife Service Migratory Bird Program has been working diligently to implement this Act for the 2024-2025 hunting season. The Commission proposes to amend the rule to reference the federal e-stamp. In addition, the U.S. Fish and Wildlife Service is in the process of evaluating whether to amend federal migratory waterfowl hunting rules from which states may select season dates, limits, and other options for migratory bird hunting seasons. Over the past 20 years, waterfowl hunter numbers have declined significantly. Many factors are associated with this, including the harvest restrictions for certain species and sexes of ducks, which puts pressure on new or inexperienced hunters to be able to correctly identify waterfowl during their hunt. Because duck identification can be difficult, it is believed this could be preventing potential hunters from getting into the sport. To help address the issue, the U.S. Fish and Wildlife Service recently approved a two-tier duck regulation experiment. Nebraska and South Dakota are piloting the new system and, if proven a success through waterfowl hunter numbers and duck populations, the program will be extended to additional states. In order to prepare for this potential opportunity in the near future, the Commission proposes to put language in rule that, once authorized, will require a waterfowl hunter to select which tier/bag limit to operate under for the entirety of the waterfowl season: 1) a traditional season with the current species and sex restrictions, and bag and possession limits; or 2) a three-duck limit with no species or sex restrictions. Once an option is selected, the hunter must stay with that option for the duration of the duck season. There is no requirement to "move up" after a certain period; waterfowl hunters may select either the traditional or three-duck option each year.

R12-4-204. Taxidermy Registration; Register: The objective of the rule is to establish registration requirements with the Department before engaging in the business of taxidermy for hire. The Commission proposes to amend the rule to correct the references to "Department identification number" with "Customer identification number."

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 "Scouting America" 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 "Boy Scouts of America," a program where young men could earn an Eagle Scout has been rebranded to "Scouting America" which includes both male and female participants. In addition, the "Girls Scouts of the United States of America," a program where young women could earn a Gold Award has been rebranded to "Girl Scouts of the USA." The Commission proposes to amend the rule to reflect the organization's current programs.

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 Commission proposes to amend the rule to correct the references to "Department identification number" with "Customer identification number."

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 Commission proposes to amend the rule to correct the references to "Department identification number" with "Customer identification number."

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. 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. While 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), it was a difficult hearing. The argument used by the defense was the guide did not "personally witness the violation." The Commission proposes to amend the rule to replace "personally witnessed the violation" with "knew or should have known" to increase the ability to enforce the rule. In addition, a guide 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 still collecting guiding fees from the customer. The Commission proposes to amend 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 to, or represent, associate, or contract with a person whose privilege to take wildlife or guide is currently suspended or revoked pursuant to A.R.S. §§ 17-340 or 17-362.”

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 Commission proposes to amend the rule to correct the references to “Department identification number” with “Customer identification number.”

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. Because the fees for the lifetime licenses are based on the applicant’s age, the Commission proposes to amend the rule to clarify the kind of documents required in order to determine the applicant’s age for the purpose of establishing the fee for the license.

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 Commission proposes to amend the rule to correct the references to “Department identification number” with “Customer identification number.”

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 statutory amendments. The Commission proposes to amend the rule to correct the references to “Department identification number” with “Customer identification number.”

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. 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. There is widespread concern over the issuance of these permits. Public comments voicing concerns over the abuse of the Crossbow Permit have come from multiple sources over the last 5 years (various article reviews, "Call to the Public" during which an individual may speak to the Commission at a public meeting, Hunt Guidelines reviews, etc.). When the public expresses consistent and considerable consternation over a topic, the Department and Commission feel that topic warrants further review and scrutiny. In addition, the Department's law enforcement officers have personally witnessed incidents of abuse of the Crossbow Permits in the field, further emphasizing the need to scrutinize concerns voiced by our hunting public. The overarching concern is that people are using the permanent and temporary Crossbow Permits to gain access to mature bulls and bucks in premium, high-demand hunts when the animals are very vulnerable (i.e., in the rut). Harvesting an animal with a crossbow is easier than with a compound or traditional bow, and the rates of success are higher, thus skewing success rates in archery-only seasons and closing seasons early or limiting opportunities for archery-only hunters using more traditional devices. Looking at recent data, from 2010-2013 to 2014-2018, the Department saw an average annual increase in permanent crossbow permits go from 895 per year to 925 per year; this is an average increase of 3.3%. From 2014-2018 to 2019-2023, the number of permanent crossbow permits increased to 1098 per year; an increase of 15.8%, which is five times greater than the earlier time frame. Many archery groups (e.g. Pope & Young and ABA) and hunters believe that crossbows function more like firearms, especially when equipped with scopes. Several bowhunting groups and archers have voiced the opinion that to use a compound, long, or recurved bow successfully and skillfully requires lots of diligent practicing and patience, while the ability of a scoped crossbow to shoot out to greater distances with greater accuracy allows for a relatively unskilled and unpracticed hunter to take a crossbow to the field, point, shoot, and harvest, with no real archery skills or real effort like hunting with a vertical bow requires. After a number of meetings with a group of hunters and stakeholders, the Commission proposes to amend the rule to establish stricter standards towards the issuance of permits to ensure all applicants are meeting the criteria and intent of the rule. Furthermore, the Commission will set all existing crossbow permits to expire on June 30, 2026, and anyone seeking a new permit will need to requalify under the new standards certifying the individual suffers a

physical disability that restricts the applicants's ability to use a bow. There will be an additional inclusion restricting the use of magnifying optics, magnifying red dots and external support devices for crossbow permits. The Commission also proposes to replace references to "Department identification number" with "Customer identification number."

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 Commission previously amended R12-4-216 to clarify that the use of a pneumatic weapon using bolts or arrows during an archery-only season is limited to persons who possess both a Crossbow Permit issued under R12-4-216 and a CHAMP issued under R12-4-217. The Commission proposes to amend the rule to state a CHAMP holder may use any of the following during an archery-only season as prescribed under R12-4-318: a crossbow, as defined under R12-4-101, using a single bowstring, capable of firing only a single arrow or bolt with each loading and cocking action; any bow to be drawn and held with an assisting device, or a pre-charged pneumatic weapon, as defined under R12-4-301, using arrows or bolts and capable of firing only a single arrow or bolt at a time. The Commission further proposes to expire all existing CHAMPs on June 30, 2026 and anyone seeking a new CHAMP will be required to recertify under the new guidance certifying the existence of a disability that impairs mobility or affects life functions. The Commission also proposes to replace references to "Department identification number" with "Customer identification number."

(a) The conduct and its frequency of occurrence that the rule is designed to change:

Overall, the Commission believes the amendments proposed in this rulemaking result in rules that are either less burdensome or have no significant impact on the regulated community. Therefore, this subsection will address only those rules deemed to have a significant impact on the regulated community.

For R12-4-208. Guide License: A.R.S. § 17-362(B) states, when a person who holds a Guide License is convicted of violating any provision of Title 17, the Commission may revoke the Guide License and deny the person the right to secure another license for a period of up to five years for a first offense, ten years for a second offense, and permanently for a third offense. 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 Commission proposes to amend the rule to prohibit a licensed guide from acting as an agent for a revoked guide.

For R12-4-216 Crossbow Permit: Public comments expressed by a segment of the hunting public indicates there's a strong belief there is widespread abuse of crossbows by permit holders during archery-only hunts. There is a concern that this abuse removes opportunity from other archery-only

hunters as well as those persons the crossbow permit should serve; the primary concern is for over-the-counter (OTC) archery-only deer hunting opportunities. The OTC archery-only hunts offer opportunities to hunt both whitetail and mule deer, but hunters focus most of the hunting pressure on mule deer hunts and also primarily target mule deer in 'Any Antlered Deer' (AAD) units. Once a harvest objective is met in a specific archery-only unit, that unit is closed. Mandatory harvest reporting for OTC archery-only deer over the past two years suggests only 10% of hunters used a crossbow, but harvest reports indicate crossbow harvest is greater than 10% in the majority of mule deer and AAD units; in some units the crossbow harvest was as high as 31% (AAD units). This higher take contributes to exceeding the target harvest threshold, both for numbers of deer harvested and the proportion of total harvest allocated to archery, and biological concerns over the potential impacts of crossbow harvest on big game populations (i.e. deer, elk, and pronghorn) are emerging. Higher harvest by crossbow hunters also impacts other units because fewer open units concentrate hunt pressure into the remaining open archery-only units, resulting in less opportunity for archery bow hunters. Changes to the CHAMP permit requiring recertification, which provide hunters additional privileges, such as hunting from vehicles or having an assistant finish off and retrieve a wounded animal, are intended to limit the potential for these additional privileges being abused by hunters who do not qualify for CHAMP, thus reducing the likelihood of these hunters crowding out hunters who legitimately qualify for CHAMP. Department Wildlife Managers have personally witnessed the abuse of the Crossbow Permit; in one instance a man was hunting with his young teenage daughter and was openly bragging about his daughter's mule deer buck being taken with a Crossbow Permit, freely admitting that she'd qualified for the permit simply because she could not pull the 30 pounds required on a regular bow. Yet the Crossbow Permit rule and application explicitly state a failed functional draw test that equals 30 pounds of resistance and involves holding it for four seconds may not be used to determine eligibility for the permit when it is not associated with a disability. However, healthcare providers are signing applications verifying the applicant's eligibility. 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. Arizona has apparently moved from a reputation for being one of the most difficult states to obtain a crossbow permit to one of the easiest (if not *the* easiest). The proposed changes should provide stricter guidelines for healthcare professionals to evaluate the medical necessity of hunters who are requesting crossbow permits. This will limit the future issuance of the permits to hunters who meet strict requirements. It should be noted that if crossbows are removed from archery-only hunts, hunters who possess crossbows can still hunt during the General, HAM (Handgun,

Archery, Muzzleloader) or Muzzleloader hunts, and within each of these hunts, the proposed restrictions on magnifying optics and external support devices are not required.

(b) The harm resulting from the conduct the rule is designed to change and the likelihood it will continue to occur if the rule is not changed:

For R12-4-208. Guide License: A guide whose license is revoked will continue to be able to collect guiding fees from the customer, thus usurping the Commission-ordered revocation and making a mockery of the civil process associated with revocation hearings.

For R12-4-216 Crossbow Permit: Harvest reports also indicate crossbow hunters average 8.5 days vs. 11.5 days for compound bow hunters for harvest in OTC archery-only deer hunts. This same trend is emerging in permit tag archery elk, pronghorn, and deer hunts, and the number of crossbow permittees applying for all these archery-only hunts has been increasing significantly (e.g., 880 in 2022 to 2300 in 2024 for OTC archery-only deer; 32 crossbow permittees in 2015 to > 3200 crossbow permittees in 2024 archery-only elk hunts). If the early harvest trend continues and crossbow use continues to increase, this may cause the Commission to move the OTC archery-only opportunities to a computer draw. Guidelines for the OTC archery-only deer unit state that a unit may move to draw if one or both of the following are met: 1) when the 3-year mean archery deer harvest by species exceeds 20% of the total harvest of that species; and 2) the established harvest limit is exceeded for 2 of 3 years. Many of the OTC archery-only deer units are at the cusp of meeting one or both of the required conditions in the near future, thus jeopardizing the Department's ability to maintain highly desirable OTC archery-only hunt opportunities, especially for mule deer.

(c) The estimated change in frequency of the targeted conduct expected from the rule change:

The Commission anticipates the rule changes will prevent or diminish the frequency of the targeted conduct. While it is not possible to quantify the actual change in frequency of the targeted conduct expected from the rule changes, the Commission believes that over time, through continued outreach, education, and enforcement of the rule changes identified in paragraph (A)(1)(a), the frequency of the targeted conduct will be significantly reduced.

2. Brief summary of the information included in the economic, small business and consumer impact statement.

The Commission's intent in proposing the amendments indicated in (A)(1) is to benefit the regulated community, members of the public, and the Department by clarifying rule language, creating consistency among existing Commission rules, creating and maintaining opportunity for archery hunters, and reducing the burden on the regulated community where practical. The Commission anticipates the rulemaking will result in an overall benefit to the regulated community, members of the public, and the Department. The Commission anticipates the rulemaking will result in little or no impact to political subdivisions of this state; private and public employment in businesses, agencies or political subdivisions, or state revenues. The Commission has determined that there are no less intrusive or costly alternative methods of achieving the purpose of the rulemaking. Therefore, the Commission has determined that the benefits of the

rulemaking outweigh any costs.

3. The name and address of agency employees who may be contacted to submit or request additional data on the information included in the economic, small business and consumer impact statement:

Name: Larisa Harding

Title: Small Game Program Manager

Division: Wildlife Management Division

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B. Economic, small business and consumer impact statement shall include:

1. Identification of the proposed rulemaking:

See paragraph (A)(1) above.

2. Identification of the persons who will be directly affected by, bear the costs of or directly benefit from the proposed rulemaking:

Persons who will bear costs from the proposed rulemaking:

The Commission believes that because the rulemaking will require individuals seeking a crossbow permit and CHAMP to recertify, customers will have to pay any associated costs to visit a qualified medical provider for evaluation. For those wishing to obtain a CHAMP, applicants will have to visit a qualified physician once to certify. Hunters who seek a crossbow permit will need to requalify annually with a visit to a qualified physician; the annual renewal of a crossbow permit reflects the annual cycle that hunt permit tags are offered and expire, and just as hunters may not hunt archery-only hunts every year, they may not seek a crossbow permit every year. The Commission believes despite this cost, opportunities and experiences for hunters in archery-only seasons will benefit by reducing overcrowding and exploitation, creating a fairer hunt for individuals who qualify for a crossbow permit or CHAMP.

Persons who will benefit from the proposed rulemaking:

Persons applying for a Disabled Veteran's License will benefit from the amendment that clarifies the lifetime Disabled Veteran's License remains valid when the license holder moves to another state.

Persons who participate in waterfowl hunting will benefit from the tiered seasonal frameworks.

Persons regulated by the rules will benefit from the amendments that make the rules more concise.

3. Cost benefit analysis:

(a) The probable costs and benefits to the implementing agency and other agencies directly affected by the implementation and enforcement of the proposed rulemaking:

The principal benefit the Department will receive from the proposed rulemaking is increasing customer satisfaction. As a result, some of the proposed amendments will create costs to the agency. The Commission anticipates the rulemaking will impact the Department due to costs to develop and

implement the waterfowl hunting tiered structure. The Department may also incur costs in efforts to notify all existing permanent crossbow and CHAMP holders of their expiration on June 30, 2026. There will be additional staff time to process the new crossbow permits and CHAMP at the front counters and to create new codes to record new permits in the Department's data system during the re-issuance. Additional staff time will be devoted to notifying the public, educating the public, and creating new applications, updating the website, and ensuring the Department's partners also display the correct information. These amendments will not require new full-time employees as the Department has designated employees who administer the information and technology program and Commission Order process. The Commission anticipates the rulemaking will have little or no impact on other state agencies affected by the implementation and enforcement of the rulemaking. The Commission believes the benefits of the rulemaking outweigh any costs.

(b) The probable costs and benefits to a political subdivision of this State directly affected by the implementation and enforcement of the proposed rulemaking:

The Commission anticipates the proposed amendments will have little or no impact on political subdivisions of this state directly affected by the implementation and enforcement of the proposed rulemaking.

(c) The probable costs and benefits to businesses directly affected by the proposed rulemaking, including any anticipated effect on the revenues or payroll expenditures of employers who are subject to the proposed rulemaking:

Overall, the Commission anticipates the proposed amendments will have little or no impact on businesses directly affected by the implementation and enforcement of the proposed rulemaking.

4. General description of the probable impact on private and public employment in businesses, agencies and political subdivisions of this state directly affected by the proposed rulemaking:

The Commission anticipates the proposed amendments will have no substantive impact on private and public employment in businesses, agencies, and political subdivisions of this state directly affected by the proposed rulemaking. Because, in most instances, the rulemaking either reduces or makes no change to the current regulatory burden, the Commission anticipates persons directly affected by the rule will incur the additional cost of certification; however, this is an elective process for those seeking a crossbow permit and a one-time cost for CHAMP holders. Hunters can still use crossbows during the General, HAM, and Muzzleloader seasons. For most businesses directly affected by the rulemaking, any anticipated costs incurred are strictly administrative in nature and are believed to be insignificant.

5. Statement of the probable impact of the proposed rulemaking on small businesses:

(a) Identification of the small businesses subject to the proposed rulemaking.

The Commission anticipates the rulemaking will result in little or no impact to small businesses. Because, in most instances, the rulemaking either reduces or makes no change to the current regulatory burden, the Commission anticipates small businesses affected by the rule will not incur any additional costs as a result of the rulemaking. For most small businesses affected by the rulemaking, any

anticipated costs incurred are strictly administrative in nature and are believed to be insignificant.

(b) Administrative and other costs required for compliance with the proposed rulemaking.

Overall, the Commission believes the amendments proposed in this rulemaking result in rules that are either less burdensome or have no significant impact on persons regulated by the rule.

(c) Description of the methods that the agency may use to reduce the impact on small businesses.

The Commission believes establishing less stringent compliance requirements for small businesses is not necessary as the proposed rules do not place any compliance or reporting requirements on businesses.

(d) Probable cost and benefit to private persons and consumers who are directly affected by the proposed rulemaking.

The Commission anticipates the rulemaking will benefit private persons and consumers. Because, in most instances, the rulemaking either reduces or makes no change to the current regulatory burden, the Commission anticipates private persons and consumers will incur the additional one-time cost of recertifying for CHAMP and the annual cost of recertifying for a crossbow permit. The Department's customers are a voluntary constituency who determine if, and at what levels, they choose to participate. They are not required to participate and have the ultimate vote with their hard-earned dollars. Given this reality and the fact that the Department is not a general fund (tax-funded) agency, the Commission and Department need to be responsive to constituent desires and concerns regarding opportunities and products. For an agency to operate like a business, it must have the ability to react to customer needs or changing conditions in a timely manner.

7. Description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed rulemaking including the monetizing of the costs and benefits for each option and providing rationale for not using the nonselected alternatives.

The Commission believes that because the rulemaking reduces burdens and costs on persons regulated by the rule that there are no less costly alternative methods of achieving the objectives of the proposed rulemaking.

8. Description of any data on which a rule is based with a detailed explanation of how the data was obtained and why the data is acceptable data. An agency advocating that any data is acceptable data has the burden of proving that the data is acceptable. For the purposes of this paragraph, "acceptable data" means empirical, replicable and testable data as evidenced in supporting documentation, statistics, reports, studies or research.

For this rulemaking, the Commission relied on empirical data based on agency experience and observations, which included comments from the public and agency staff who administer and enforce rules included in this rulemaking, standardized hunter surveys, and data from big game draws. Additionally, the Commission relied on historical data, current processes, benchmarking with other states, and the Department's overall mission. This rulemaking includes rules that govern licenses, permits, stamps, and tags valid for the take of wildlife. The subject the rules address are based on statutory requirements rather

than natural sciences, thus recommendations relied more heavily on empirical qualitative data using agency experience and observations instead of quantitative data. The Commission approached this rulemaking and the use of the documentation, statistics, and research in a methodical way, testing various approaches and trying to replicate approaches that were successful in other states.

- C. If for any reason adequate data are not reasonably available to comply with the requirements of subsection B of this section, the agency shall explain the limitations of the data and the methods that were employed in the attempt to obtain the data and shall characterize the probable impacts in qualitative terms. The absence of adequate data, if explained in accordance with this subsection, shall not be grounds for a legal challenge to the sufficiency of the economic, small business and consumer impact statement.**

The Department tasked a team of subject matter experts to review and make recommendations for rules contained within Article 2. In addition, the Department met with a focus group made up of Department staff, sportsmen/women, business owners, organization leaders who represent and sponsor disabled hunter events (e.g., for CHAMP and crossbow permittees), and industry members to specifically discuss the issues surrounding the use of crossbows by permit holders during archery-only hunts. In its review, the team considered all comments from agency staff that administer and enforce Article 2 rules, historical data, current processes and environment, comments submitted by the public, and the Department's overall mission. The team took a customer-focused approach, considering each recommendation from a resource perspective and determining whether the recommendation would cause undue harm to the Department's objectives. The 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 Commission believes the data utilized in completing this economic, small business, and consumer statement is more than adequate.