NOTICES OF FINAL RULEMAKING

Initiated After January 1, 1995

Unless exempted by A.R.S. § 4101995, each agency shall begin the rulemaking process by first filing a Notice of Proposed Rulemaking, containing the preamble and the full text of the rules, with the Secretary of State's Office. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the Arizona Administrative Register.

Under the Administrative Procedure Art (A.R.S. § 41-1001) *et seq.*), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for adoption, amendment, or repeal of any rule. A.R.S. §§ 41-1013 and 41-1022.

NOTICE OF FINAL RULEMAKING

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

PREAMBLE

1. **Sections Affected** — **Rulemaking Action**
   R12-4-102 — Amend

2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
   Authorizing statute: A.R.S. § 17-231(A)(1)
   Implementing statute: A.R.S. § 17-333(A)(8)

3. **The effective date of the rules:**
   January 1, 1997

4. **A list of all previous notices appearing in the Register addressing the final rule:**
   Notice of Rulemaking Docket Opening:
   1 A.A.R. 202, March 17, 1995
   Notice of Proposed Rulemaking:
   1 A.A.R. 458, May 12, 1995
   The record was closed on August 4, 1995.

5. **The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name:	Susan Alandar Administrative Services Manager
Address:	Game and Fish Department DO HQ 2221 West Greenway Road Phoenix, Arizona 85023
Telephone Number:	(602) 789-3289
Fax Number:	(602) 789-3299

6. **An explanation of the rule, including the agency's reasons for initiating the rule:**
   The objective of this rule is to prescribe fees, within statutory confines, to cover necessary Department expenditures. The Game and Fish Department receives no appropriation from the state general fund. The license fees prescribed in this rule are the major source of funding.

   The agency proposed to decrease fees for the Class F "combination" hunting and fishing license, effective January 1, 1997. This date was chosen to allow adequate time for changing publications and licenses which list fees and alerting all license dealers to the change. Since the licenses are valid on a calendar-year basis, this meant delaying the effective date to January 1, 1997. In conjunction with this fee decrease proposal, the agency is deleting from the rule the "Lifetime Class A general fund fishing license" and its fee of $27.50. This is a housekeeping measure only as statutory authority for this fee disappeared when the governing statute, A.R.S. § 17-335.01, "sunset" on June 30, 1992. The license has not, of course, been available to the public since June 30, 1992; there is therefore no economic impact from this deletion.

   The initial proposal, subject to evaluation during the rule process, was to reduce the Class F resident adult license by $2, the Class F resident youth license by $5, and nonresident Class F license by $37.50.

   Based upon comment from the public, the agency's final action was to not reduce the Class F resident adult license but instead create an even greater ($7) reduction in the fee for the Class F resident youth license. The special price of $18 is valid through the calendar year of the youth's 20th birthday. The intent is to encourage youth to hunt and fish, thus ensuring the future of wildlife in Arizona.

   The nonresident Class F license will go to $100, as proposed. While this appears to be a deep decrease, it should be kept in mind

that a nonresident can purchase hunting and fishing licenses separately for $4 less than the current Class F "combination" fee. In fact, if a nonresident wishes only the 4-month fishing license and a hunting license, their cost is only $107.50.

7. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable.

8. **The summary of the economic, small business, and consumer impact:**
The final changes resulting from this rulemaking are:

Resident youth: from $25 to $18 ($7 reduction)
Nonresident: from $137.50 to $100 ($37.50 reduction)

The Class F license is authorized by A.R.S. § 17-333(A)(8) with a ceiling of $32 for residents and $135.50 for nonresidents. The "resident adult" and nonresident fees currently established in R12-4-102 are at the ceiling plus including a $2 surcharge authorized by A.R.S. § 17-345. The resident youth fee also includes the $2 surcharge. No change in the surcharge was included in this proposal.

The combination license contains the same authority as a Class A, general fishing license (fee $12 resident, $38 nonresident), a Class G general hunting license (fee $18 resident, $85.50 nonresident), and trout stamp ($10 for resident and nonresident).

Principal impact of this fee decrease would be on youth resident and nonresident hunters and anglers. In particular, reducing the license fee for young resident hunters meets the agency's objective of encouraging the younger generation to hunt and fish. The reduction to $18 should encourage greater participation in hunting and fishing.

The rule as adopted would have less impact on agency revenues than the rule as proposed. Expected revenue decrease based on 1994 sales of youth license would be about $44,000.

Any increase in hunting and fishing activities has beneficial impact to businesses dealing recreational goods and services.

9. **A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable)**
As proposed, the rule amendments would have removed reference to the obsolete "Lifetime Class A general fishing license", reduced the Class F resident adult fee from $34 to $32, reduced the Class F resident youth fee from $25 to $20, and reduced the Class F nonresident fee from $137.50 to $100.

Amendments were adopted as proposed except there is no change to the Class F resident adult fee, and the Class F resident youth fee is reduced from $25 to $18.

It is believed that these deviations from the rule as proposed are not substantive changes which would have required supplemental notices or termination of proceedings pursuant to A.R.S. § 41-1025, because the initial proposal was to reduce all Class F fees; the Commission chose not to reduce one, and to make a greater reduction on the other, all within reasonable expectation of this rulemaking as originally noticed to the public.

10. **A summary of the principal comments and the agency response to them:**
Comment 1. The $2 reduction in the resident Class F license is not enough to make a difference to most individual license buyers. Instead, use the revenue reduction to make additional cuts in the youth license. This would be an investment in the future. And it would help large families. Make the youth combination license $15 and reduce the individual hunting and fishing licenses (for youth) too while you're at it.

Response. As will be seen in the additional public comments following, the $2 fee reduction for the resident adult Class F license is not seen as being particularly helpful to the average hunter/angler, while the youth fee reduction is viewed very positively. The agency agrees that it would be more beneficial at present and in the future to further reduce the youth fee instead. By applying the $2 reduction as an additional cut for youth, the resident youth Class F license would cost $18. This would purchase the same privileges as a Class A ($12), trout stamp ($10), and Class G ($18), total $40. This value could be viewed as a reduced rate for fishing and "free" hunting. It could also be viewed as being the same price as a Class G hunting license but including the privilege to fish, including trout fishing. Though this would create a revenue reduction to the Department, the potential long-term benefits to the agency and to the agency's mission would far outweigh the expected annual loss. Encouraging youth to hunt and fish ensures the future of wildlife in Arizona.

A reduction of $15, however, would undervalue the license. It should be remembered that the fee does include a $2 surcharge; so the actual license fee is now being reduced to $16.

The suggestion to reduce the individual hunting and fishing license fees as well is unnecessary due to the value of this Class F fee reduction. Nor would it be possible to reduce any other fees as part of this rulemaking, since that proposal was not noticed to the public.

Comment 2. The $37.50 cut on the nonresident combination is good business. A nonresident can save $4 by separately buying hunting ($85.50) and fishing ($38) licenses, and a trout stamp ($10). It's no wonder only 638 of the nonresident licenses were sold last year.

Response. This is true. It should also be considered that a nonresident can buy a hunting license and the relatively new 4-month fishing license for $107.50, so the cut to $100 makes the Class F combination the special value it was intended to be but has not been.

Comment 3. The Class F license is already a bargain and should not be reduced further. The "savings" of $2 spread over a year is negligible. The recreational opportunities offered are worth more than the price. Some people pay twice that or more to spend 5

hours on a golf course. A tip of $2 to a barber is not unusual. Even a game of bowling can cost more than $2. A cost of $4 is not unusual for a magazine which can be read in an hour. Instead of reducing licensing fees, any "extra" funds should be applied toward the interests and improvement of Arizona's wildlife.

Response. The agency agrees that the current price for the Class F license is already a good value. However, as discussed under comment # 1 above, it is believed that an even greater fee reduction for youth will be beneficial toward the interests and improvement of Arizona's wildlife.

Comment 4. The nonresident fee should not be reduced in an effort to promote nonresident recreation in Arizona. Our wildlife resources are already stretched to the limit. There are too many people filling up the campgrounds and boat launch ramps now.

Response. The assumption is that this fee reduction would increase nonresident participation. This is not necessarily true. Rather, the intent is to offer a value which would induce the nonresident to buy the combination license rather than just a hunting or just a fishing license.

It isn't true that wildlife is "stretched to the limit". Arizona's wildlife is managed by various methods, including slot limits, bag and possession limits, and, when necessary, even by requiring and limiting permits.

Limiting the number of licenses sold is not a management tool and would in fact be damaging to wildlife management, since license sales are what supports wildlife management.

It's understandably frustrating when recreational areas are crowded, but it is doubtful that this fee change would affect that - and discouraging nonresidents would have a detrimental impact on Arizona's economy.

Comment 5. The nonresident fee reduction will not attract additional nonresidents to profit rural communities. Any out-of-state sportsman who spends a couple of thousand dollars to hunt and fish in rural Arizona is not going to be deterred by $37.50 or attracted by a reduction of this amount, particularly when comparing our fees to other outdoor-oriented states.

Response. See previous evaluation of nonresident issue. It is the intent not necessarily to attract new nonresident hunters or anglers but to entice them to buy a combination license and try both hunting AND angling.

Comment 6. I am totally in favor of a sportsman-funded Game and Fish Department with no public tax revenues required or utilized. I am afraid that this fee reduction is in reaction to interference by politicians dictating policy and operations. The current system has created one of the finest wildlife Departments and has served us well for many years. I am in favor of raising fees as much as necessary to keep this from happening.

Response. The agency appreciates the compliment but disagrees that the fee change proposal is or was motivated by anyone outside the agency. The current system is working and it is believed that the proposal to further cut the youth fee will help to ensure that it keeps working in the future.

Comment 7. It appears that the Department would have to increase sales of the combination license by approximately 10% to make up the difference in revenue loss. It is doubtful there are that many "new" customers out there, and hunters are hunters and anglers are anglers and not likely to switch.

Response. The math expressed above is pretty accurate based on the original proposal. However, based on other public comment, the proposal is amended to address a cost cut for youth only (the fee reduction for nonresidents is a necessary measure to ensure parity).

Comment 8. The old $27.50 senior citizen fishing licensing should be reinstated.

Response. The reference to the "lifetime class A general fishing license" is being deleted from the rule because the statutory authority for that license no longer exists. Reinstating the license would require legislative change and is outside the scope and authority of this rulemaking.

Comment 9. Fee reductions will not increase participation in hunting or fishing. If there are excess funds they should be used for increasing services, programs, or projects rather than reducing income.

Response. It is believed that the deep fee decrease for youth will increase participation, and, because of that, future services will be guaranteed and improved.

Comment 10. The "resident youth" fee in the rule should be extended to "nonresident" youth.

Response. Since this was not included as a proposal at the beginning of this rule process, and since the subject of nonresident participation was a controversial part of this rule proceeding, it is believed that this could be considered a substantive change which should not be considered without additional public notice.

The agency will consider this option as a future rule proceeding. It is true that there is nationwide concern about youth recruitment to fishing and hunting, and that such a rule change could help single-parent families where kids live in Arizona part of the year; it could also help out newcomers who have no met the 6-month residency requirement. The agency will be looking into this further.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable.

12. Incorporations by reference and their location in the rules:

None.

13. Was this rule previously adopted as an emergency rule?

No.

14. The full text of the rules follows:

TITLE 6. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS

R12-4-102. Fees for Licenses, Tags, Stamps, and Permits

ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS

R12-4-102. Fees for Licenses, Tags, Stamps, and Permits

A. No change.

B. Hunting and fishing license fees:

1. Class A, general fishing license	Resident	$12.00
	Nonresident	$38.00
~~2. Lifetime Class A general fishing license~~	~~Resident~~	~~$27.50~~
~~3.~~2. Class B, 4-month fishing license	Nonresident	$22.00
~~4.~~3. Class C, 5-day fishing license	Nonresident	$18.50
~~5.~~4. Class D, 1-day fishing license	Resident or Nonresident	$8.00
~~6.~~5. Class E, Colorado River only fishing license	Nonresident	$32.50
~~7.~~6. Class F, combination hunting and fishing license	Resident Adult	$34.00
Youth fee applies before and through the calendar year of the applicant's 20th birthday.	Resident Youth	~~$25.00~~ $18.00
	Nonresident	~~$137.50~~ $100.00
~~8.~~7. Class G, general hunting license	Resident	$18.00
	Nonresident	$85.50
~~9.~~8. Class H, 3-day hunting license	Nonresident	$38.00
~~10.~~9. Resident youth group 2-day fishing license		$25.00
~~11.~~10. Urban fishing license	Resident or Nonresident	$12.00

C. No change

D. No change.

E. No change.

F. No change.

G. This rule is effective January 1, ~~1995~~ 1997.