

NOTICES OF EXEMPT RULEMAKING

The Administrative Procedure Act requires the *Register* publication of the rules adopted by the state's agencies under an exemption from all or part of the Administrative Procedure Act. Some of these rules are exempted by A.R.S. §§ 41-1005 or 41-1057; other rules are exempted by other statutes; rules of the Corporation Commission are exempt from Attorney General review pursuant to a court decision as determined by the Corporation Commission.

NOTICE OF FINAL EXEMPT RULEMAKING

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

Editor's Note: The following Notice of Final Exempt Rulemaking is exempt from Executive Order 2012-03 as issued by Governor Brewer. (See the text of the executive order on page 3286.)

[R13-175]

PREAMBLE

- | <u>1. Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
|--|--------------------------|
| R12-4-102 | Amend |
| R12-4-104 | Amend |
| R12-4-107 | Amend |
| R12-4-109 | New Section |
| R12-4-115 | Amend |
| R12-4-201 | Amend |
| R12-4-202 | Amend |
| R12-4-203 | Amend |
| R12-4-204 | Repeal |
| R12-4-205 | Amend |
| R12-4-206 | New Section |
| R12-4-207 | New Section |
| R12-4-209 | New Section |
| R12-4-210 | New Section |
| R12-4-211 | New Section |
| R12-4-212 | New Section |
| R12-4-213 | New Section |
| R12-4-214 | New Section |
| R12-4-215 | New Section |
| R12-4-311 | Amend |
| R12-4-312 | Repeal |
| R12-4-318 | Amend |
| R12-4-412 | New Section |
| R12-4-422 | Amend |
| R12-4-424 | Amend |
| R12-4-501 | Amend |
| R12-4-503 | Amend |
| R12-4-504 | Amend |
| R12-4-529 | Amend |
- 2. Citations to the agency's statutory authority to include the authorizing statute (general) and the implementing statute (specific):**
Authorizing statute: A.R.S. §§ 5-302, 5-311(A)(1), and 17-231(A)(1)
Implementing statute: A.R.S. §§ 5-301, 5-311(A)(1), 5-311(A)(5), 5-321, 5-321.01, 5-326, 5-327, 17-101, 17-102, 17-231(A)(2), 17-231(A)(3), 17-231(A)(8), 17-231(B)(7), 17-231(B)(8), 17-234, 17-235, 17-236(B), 17-238(A), 17-239, 17-240(A), 17-245, 17-251, 17-301, 17-305, 17-306, 17-307, 17-317, 17-331, 17-332, 17-333, 17-333.02, 17-333.03, 17-335.01, 17-336, 17-340, 17-342, 17-345, 17-346, 17-361, 17-362, 17-371, 25-320(P), 25-502(K), 25-518, and Laws 2013, 1st Regular Session, Ch. 197, Section 25
- 3. The effective date of the rule and the agency's reason it selected the effective date:**

Notices of Exempt Rulemaking

The Commission requests the rulemaking become effective on January 1, 2014. This delayed effective date will allow the Department the time needed to ensure necessary programmatic changes occur and all affected publications, licenses, applications, permits, tags, and Internet pages are revised before rulemaking becomes effective.

4. A list of all previous notices published in the Register as specified in R1-4-409(A) that pertain to the record of the exempt rulemaking:

Not applicable

5. The agency's contact person who can answer questions about the rulemaking:

Name: Celeste Cook, Rules Analyst

Address: Game and Fish Department
5000 W. Carefree Highway
Phoenix, AZ 85086

Telephone: (623) 236-7390

Fax: (623) 236-7677

E-mail: ccook@azgfd.gov

Please visit the AZGFD web site to track progress of this rule and any other agency rulemaking matters at http://www.azgfd.gov/inside_azgfd/rules/rulemaking_updates.shtml.

6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:

During the First Regular Session of the 51st Arizona State Legislature, the Legislature amended A.R.S. Titles 5 and 17 to allow the Arizona Game and Fish Commission to establish license classifications and fees.

The Commission proposes to amend rules within Title 12 A.A.C. Ch. 4, Articles 1, 2, 3, 4, and 5 to implement recent legislative amendments resulting from Laws 2013, 1st Regular Session, Ch. 197, Section 25 (Senate Bill 1223).

The initial concept for these changes began when customers asked for a simpler license structure. In 2011, the Commission approved, two "Goals and Objectives" for the Arizona Game and Fish Department Director related to license and fee simplification. One was to secure additional revenue in existing funds using an analytical and business model approach to address increasing operational expenses at a time of declining agency revenues. The other was to develop a simpler license structure, find a way to provide more value to traditional customers, and establish a consistent definition of youth.

In August 2012, the Commission combined these two items into one goal and objective with the following description: The Department will seek measures to provide the Commission authority and flexibility to fully implement a new basic license structure; including licenses, tags, stamps, and permits. The new structure will generate additional revenue for the Game and Fish Fund, be easier to understand, and provide more value to recruit and retain customers.

The Department is continually challenged by environmental factors that impact recreational opportunities and therefore impair the agency's revenue capabilities. The state's extended drought continues to affect wildlife habitat and populations, which requires the agency to expend considerable resources to maintain habitat and wildlife populations.

The state's forests are recovering after significant damage caused by forest fires, including the Horseshoe, Monument, and Wallow fires that occurred between 2010 and 2012, which had significant resource impacts. Often, public access is still limited in some of these areas due to the extent of the damage and the ongoing recovery. In addition to the damages to habitat caused by the fires, emerging wildlife diseases have the potential to reduce native populations and threaten the state's biological diversity as well as limit recreational opportunities, prompting the agency to adopt a more aggressive stance in monitoring for these conditions. The Department does not receive money from the state general fund to address these additional costs.

The Commission and the Department, like any business, constantly evaluates staffing and resource allocations. Over the past several years, sales of licenses, permits, stamps, and tags have trended downward while operational costs and Department responsibilities have increased or expanded. The Commission and the Department have made numerous budget adjustments to address rising costs and flat revenue. Some of these budget adjustments included keeping positions vacant and making cuts to program budgets to address rising costs. However, operational expenses and employer related costs have increased to the point where the Commission and Department may have to reduce essential programs such as law enforcement and support services.

It is important to note that fees have not been raised since 2007; and when those fees were established, the Commission made a commitment to sportsmen not to raise fees again for five years. The Commission has exceeded that commitment despite having to navigate the challenges posed by the economic downturn of the past few years as well as the cumulative effect of inflation and increasing costs.

Since the last fee increase and in addition to overall increases in operational costs Department-wide; helicopter survey costs have increased by 43%, fuel costs have increased by 40%, urban fishing stocking costs have increased: cat-

Notices of Exempt Rulemaking

fish costs by 44% and trout costs by 11%, fish hatchery production costs by 13%, and mandated employer related costs have increased: insurance costs by 69% and public safety personnel retirement costs by 92%.

The previous process for changing the Commission's license structure and fees was complex and time-consuming and prevented the timely reaction to changing conditions or customer needs. Prior to the passage of Senate Bill 1223, the Commission needed legislative approval (i.e., passage of a bill) to increase fees above the statutory cap or change the license structure and associated fees. This was the case even if the Commission wanted to offer customers a simplified structure, a discount, or incentive pricing. Once a bill passed under the old process, the Commission then had to initiate the regular rulemaking process to implement the structure. The total process could take three or more years to complete.

In developing the proposal for the recently passed legislation, the Department determined that it is logical and appropriate to transfer the authority to establish the license structure and fees to the Commission in order to give the Department the ability to operate more like a business. As a result, the Legislature amended A.R.S. §§ 5-321, 5-327, 17-332, 17-333, and 17-345 to allow the Commission to establish a watercraft registration fee, duplicate registration fee, late registration penalty, nonresident boating safety infrastructure fee, and license classification, license, permit, surcharge, tag, and application fees by rule. The Legislature also authorized the Commission to establish licenses and fees through exempt rulemaking.

The Commission's objectives for the exempt rulemaking are to establish a simpler license structure, generate revenue to address rising operational expenses, carry out its duties more effectively to manage the state's wildlife resources, and provide quality recreational wildlife opportunities and access for the regulated community.

To solicit feedback and support, the Department deployed an extensive outreach campaign from October through December 2012 to inform the public of the proposed legislation; and May through June 2013 to inform the public of the newly passed legislation and collect feedback about 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). In addition, the Department created a dedicated web page (www.azgfd.gov/LicenseSimplification) with a dedicated e-mail address through which the public could submit comments and suggestions. Press releases were issued to announce public meeting dates and direct people to the web page. 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 more than 200 people who attended the public meetings. The Department received more than 800 comments via e-mail during this same time-frame. The Department also conducted a science-based mail survey of hunters and anglers and received more than 1,480 responses. One of the most discussed concepts was that of a "premium" hunt structure for certain deer and elk hunts. Based on the public comment received (predominantly against the premium concept) the Commission did not include a premium hunt structure in the draft Notice of Exempt Rulemaking.

The Commission proposes a new license structure that is simpler and easier-to-understand. The complexity of the current structure has been identified as a barrier to hunter and angler recruitment and retention. In establishing the new license structure, the Commission is also proposing to increase the value of hunting and fishing licenses offered by the Department. For example, the proposed resident general fishing license will include trout, simultaneous fishing (means taking fish using two lines), community (urban) fishing privileges and Colorado River privileges for a \$37 fee. Previously, a resident had to purchase all of these additional privileges separately for a combined total cost of \$69.75 (class A fishing license \$23.50, Urban fishing license \$18.50, trout stamp \$15.75, two-pole stamp \$6, and Arizona/California and Arizona/Nevada Colorado River stamps \$6).

The Commission proposes to implement a one-year (365-day) license program where most licenses offered by the Department are valid for one-year as follows: when the hunting or fishing license is purchased from a license dealer, the license is valid for one-year from the date of purchase; when the applicant submits the Hunt Permit-tag Application Form in person or by mail, and is also purchasing a hunting license at the same time, the hunting license is valid for one-year from the application deadline date; 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. Currently, most licenses are valid for a calendar year (January 1 through December 31), causing the perception that a license will have less value when purchased later in the year.

The Commission proposes to establish a hunting and fishing license exemption for youth under age 10 and a reduced-fee combination hunting and fishing license for youth ages 10 to 17 to promote hunting and fishing in families and youth. Previously under A.R.S. § 17-335, youth under 14 were exempt from most licensing requirements. A youth who is nine years of age and is submitting an application for a big game hunt is required to purchase an appropriate license.

For R12-4-102, the rule is amended to repeal the following license fees: resident and nonresident Class A fishing license, nonresident Class B four-month fishing license, nonresident Class C five-day fishing license, resident and nonresident Class D one-day fishing license, nonresident Class E Colorado River-only fishing license, resident and nonresident Class F Combination hunting and fishing license (adult, youth, and child), resident and nonresident Class G hunting license (adult and child), nonresident Class H three-day hunting license, Class I, J, and K resident family licenses (primary adult, additional adult, and child), resident and nonresident Class L Super Conservation fishing

Notices of Exempt Rulemaking

license, resident Class M Super Conservation hunting license, resident Class N Combination Super Conservation hunting and fishing license, and Class U Urban fishing license. In addition, the rule is also amended to repeal the following fees: trout stamp, all Colorado River Special Use permits and stamps, Lake Powell stamp (for use by a Utah fishing license holder), state waterfowl stamp, two-pole stamp, and resident and nonresident additional fishing day stamp. The privileges associated with these stamps and permits have been included in the new proposed license structure, as described above, to enhance the value of those items.

The rule is amended to establish fees for the new licenses. Fees were also rounded to the nearest dollar value to eliminate the possibility of rejecting an application because the applicant failed to include the odd cents with the application. The Department has applied a common equation to almost all fees being amended or adopted, based on factors such as value, principles of the North American Model, customer input, and Commission direction.

The rule is amended to establish a \$3 surcharge by rule. This surcharge is not a new fee, it was previously authorized under A.R.S. § 17-245 and was also included in the license fee. The rulemaking does not propose a change to the current surcharge fee. The surcharge is included in the license fees established under R12-4-102, where applicable. The Commission also proposes youth, as defined under A.R.S. § 17-101, are exempt from the surcharge.

The rule is amended to transfer the fee information for licenses listed under Article 4 Live Wildlife to a new rule, R12-4-412 Special License Fees.

The rule is amended to combine the State Waterfowl and Migratory Bird stamp privileges and fees into one to simplify the license structure.

The rule is amended to increase the application fee to recover resources expended by the Department related to application processing and to fund access, habitat conservation, and hunter/angler recruitment/retention projects throughout the state. The Commission proposes that \$3 of each resident application fee and \$5 of each nonresident application fee shall be deposited into the Game and Fish for the purpose of funding access, habitat conservation, and hunter/angler recruitment/retention projects.

The rule is also amended to repeal the Sikes Act Habitat Management (Unit 12A) stamp fee as the Commission believes all hunters should contribute equally to habitat conservation, and hunter/angler recruitment/retention projects. Currently, a person is required to purchase the unit 12A stamp when successfully drawn for a 12A deer permit-tag and the unit 12A stamp generates approximately \$25,000 each year. The funds generated by the unit 12A stamp provided funding for the planning, maintenance, development, and coordination for fish and wildlife conservation, habitat management, wildlife check stations, or other activities through cooperative agreements with the U.S. Forest Service. The Commission anticipates the funds generated by the application fee change will allow the Department to conduct similar projects state-wide, for all wildlife.

For R12-4-104, the rule is amended to remove references to “calendar year” and to require a person to possess an appropriate hunting license that is valid on the day of the application deadline as established by the hunt permit-tag application schedule or on the day of the extension deadline to comply with the recent statutory amendments. The license must also be valid when the person is in an open area during the hunting season for which the permit-tag or nonpermit-tag in possession is valid. The rule is also amended to replace the term “juvenile” with “youth” to maintain consistency between Commission rules.

For R12-4-107, the rule is amended to remove references to “calendar year” and to require a person to possess an appropriate hunting license that is valid on the day of the application deadline as established by the hunt permit-tag application schedule or on the day of the extension deadline to comply with the recent statutory amendments.

R12-4-109, the rule is adopted to establish the maximum fee a person may charge for a trapping education course to comply with the recent statutory amendments. The trapping education course fee limitation was previously prescribed under A.R.S. § 17-333.02. The rulemaking only establishes the maximum trapping education course fee in rule and does not propose a change to the current maximum trapping education course fee.

For R12-4-115, the rule is amended to remove references to “calendar year” to comply with the recent statutory amendments. In addition, the rule is amended to require a person to possess a valid license at the time of application for a restricted nonpermit-tag and when in an open area during the hunting season for which the restricted nonpermit-tag in possession is valid to comply with the recent statutory amendments.

For R12-4-201, the rule is amended to establish license privileges for the Pioneer license. Previously, Pioneer license privileges are prescribed under A.R.S. § 17-336(A)(1) and included the same privileges as the Class F combination hunting and fishing license. The rule is amended to state the Pioneer license includes the same privileges as the proposed combination hunting and fishing license, which includes community fishing and simultaneous fishing privileges. In addition, the rule is amended to clarify the Pioneer license is a complimentary lifetime license and does not expire. The rule is also amended to grant persons issued a Pioneer license prior to the effective date of the rule the same privileges as the new Pioneer license.

For R12-4-202, the rule is amended to establish license privileges for the Disabled Veteran's license. Previously, Disabled Veteran's license privileges are prescribed under A.R.S. § 17-336(A)(2) and included the same privileges as the Class F combination hunting and fishing license. The rule is amended to state the Disabled Veteran's license includes the same privileges as the proposed combination hunting and fishing license, which includes community fishing and

Notices of Exempt Rulemaking

simultaneous fishing privileges. In addition, the rule is amended to clarify the Disabled Veteran's license is a complimentary lifetime license and may not expire. The rule is also amended to grant persons issued a Disabled Veteran's license prior to the effective date of the rule the same privileges as the new Disabled Veteran's license.

For R12-4-203, the rule is amended to combine State Waterfowl and Migratory Bird stamp privileges and requirements and will be valid for the take of migratory game birds, ducks, geese, swans, all coots, all gallinules, snipe, wild doves, and band-tailed pigeons to simplify the license structure. State Waterfowl and Migratory Bird privileges are included in the youth combination hunting and fishing license. This does not negate the federal stamp requirement when the youth hunter is 16 years of age or older and is taking ducks, geese, swans, coots, gallinules, or the permit-tag requirement when the youth hunter is taking sandhill crane. In addition, the rule is amended to remove references to license classifications that are no longer offered by the Department.

For R12-4-204, the rule is repealed. The Commission believes all hunters should contribute equally to fund access, habitat conservation, and hunter/angler recruitment/retention projects. Currently, a person is required to purchase the Sikes Act Habitat Management (Unit 12A) stamp when successfully drawn for a 12A deer permit-tag. The unit 12A stamp generates approximately \$25,000 each year and provides funding for the planning, maintenance, development, and coordination for fish and wildlife conservation, habitat management, wildlife check stations, or other activities through cooperative agreements with the U.S. Forest Service. The Commission anticipates the funds generated by the application fee change will allow the Department to conduct similar projects state-wide, for all wildlife. It is also important to note, repealing this rule will not prohibit the Commission from partnering with the U.S. Forest Service now or in the future as A.R.S. § 17-231(B)(7) authorizes the Commission to enter into cooperative agreements.

For R12-4-205, the rule is amended to establish license privileges for the high achievement scout license (honorary scout). Previously, high achievement scout license privileges are prescribed under A.R.S. § 17-336. The high achievement scout license now grants the same privileges as the new general combination hunting and fishing privileges, which includes community fishing and simultaneous fishing privileges. The rule is amended to establish age requirements and state the license is valid for one-year from the date of purchase to comply with recent statutory amendments.

For R12-4-206, the rule is adopted to establish a general hunting license and its associated privileges and exemptions. The resident general hunting license is valid for the take of small game, fur-bearing animals, predatory animals, non-game animals, and upland game birds. The general hunting license is also valid for the take of migratory birds when the person possesses the applicable migratory bird stamp, and for big game when the person possesses the applicable big game tag. The license is valid for a one-year period as follows: when the license is purchased from a license dealer, as defined under R12-4-101, the license is valid for one-year from the date of purchase; when the applicant submits the Hunt Permit-tag Application Form in person or by mail, and is also purchasing a license at the same time, the license is valid for one-year from the application deadline date; 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 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 Commission does not intend to offer a nonresident hunting license. The only hunting license that will be available to a nonresident is the combination hunting and fishing license. The Commission proposes to offer only a combination hunting and fishing license, at a greatly reduced fee of \$160 (current fee is \$225.75), to increase value for the nonresident applicant. At \$160, the combination hunting and fishing license is only \$8.75 more than the current nonresident hunting license; and, for a nominal increase in the fee, a person who is not successful in the draw is still able to use the combination hunting and fishing license to fish in Arizona.

For R12-4-207, the rule is adopted to establish a general fishing license and its associated privileges and exemptions. 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.

For R12-4-209, the rule is adopted to establish a community fishing license and its associated privileges and exemptions. The resident and nonresident community fishing license is valid for the take of aquatic wildlife from those Commission designated community waters specifically listed in the Department's fishing regulations and allows simultaneous fishing. The license is valid for a one-year period as follows: when the license is purchased from a license dealer, as defined under R12-4-101, the license is valid for one-year from the date of purchase; when the applicant purchases the license online or at a Department office, the applicant may choose their start date, provided that date is in the future and is no more than 60 calendar days from the date of purchase. A person under 10 years of age may fish in designated community waters without a fishing license.

For R12-4-210, the rule is adopted to establish a combination hunting and fishing license and its associated privileges. The combination hunting and fishing license is valid state-wide for the take of small game, fur-bearing animals, predatory animals, nongame animals, and upland game and the take of all aquatic wildlife, allows simultaneous fishing, and includes community program fishing privileges. The Commission proposes to establish three variations of the combination hunting and fishing license: resident and nonresident one-year combination hunting and fishing

Notices of Exempt Rulemaking

license available to persons 18 years of age and older, resident and nonresident one-year youth combination hunting and fishing license available to person's age 10 through 17, and resident and nonresident short-term combination hunting and fishing license available to persons age 18 and older. The short-term license is valid for one 24-hour period from midnight to midnight. The short-term combination hunting and fishing license is the only short term license offered by the Department and provides the same privileges as the one-year combination hunting and fishing license, except that it is not valid for the take of big game animals. The Commission does not propose to 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, a person may still choose to purchase consecutive short-term licenses. The adult and youth license is valid as follows: The license is valid for a one-year period as follows: when the license is purchased from a license dealer, as defined under R12-4-101, the license is valid for one-year from the date of purchase; when the applicant submits the Hunt Permit-tag Application Form in person or by mail, and is also purchasing a license at the same time, the license is valid for one-year from the application deadline date; 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. The adult one-year combination hunting and fishing license is valid for take of migratory game birds and waterfowl when the person possesses the applicable stamps. Both the adult and youth one-year combination hunting and fishing license are valid for the take of big game when the person also possesses the applicable big game permit-tag.

For R12-4-211, the rule is adopted to establish resident lifetime license privileges and fees by rule. The lifetime license was previously prescribed under A.R.S. § 17-335.01. The rule is adopted to establish three variations of the resident lifetime license: lifetime hunting license, lifetime fishing license, and lifetime combination hunting and fishing license with each granting the same privileges as the corresponding one-year license. The previous lifetime fishing license and lifetime combination hunting and fishing license did not include simultaneous fishing, community, and Colorado River fishing privileges. In addition, the previous lifetime fishing license did not include trout privileges. A person who desired these additional privileges had to purchase them separately on an annual basis, with the exception of trout fishing privileges which could be purchased either annually or for a lifetime. The rule is also amended to grant persons issued a lifetime license prior to the effective date of the rule the same privileges as the applicable new lifetime license.

For R12-4-212, the rule is adopted to establish resident lifetime wildlife benefactor combination hunting and fishing license privileges and fees by rule. The lifetime wildlife benefactor combination hunting and fishing license was previously prescribed under A.R.S. § 17-335.01(D). The lifetime wildlife benefactor combination hunting and fishing license grants the same privileges as the one-year general combination hunting and fishing license. For the lifetime wildlife benefactor combination hunting and fishing license, the difference between the cost of the lifetime combination hunting and fishing license and the cost of the lifetime wildlife benefactor combination hunting and fishing license is considered a donation and may be tax deductible to the extent allowed by federal and state income tax statutes for contributions to qualifying tax-exempt organizations. The previous lifetime wildlife benefactor combination hunting and fishing license did not include trout, simultaneous fishing, community, and Colorado River fishing privileges. A person who desired these additional privileges had to purchase them separately on an annual basis, with the exception of trout fishing privileges which could be purchased either annually or for a lifetime. The rule is also amended to grant persons issued a benefactor license prior to the effective date of the rule the same privileges as the applicable new lifetime license.

For R12-4-213, the rule is adopted to establish permit-tag and nonpermit-tag requirements. Because tags are issued by the season and the Commission proposes to no longer issue a hunting or combination hunting and fishing license that is valid for the calendar year, the Commission believes it is necessary to adopt a rule establishing permit-tag and nonpermit-tag requirements.

For R12-4-214, the rule is adopted to establish apprentice license privileges and mentor requirements by rule to comply with the recent statutory amendments. Apprentice license privileges and mentor requirements were previously prescribed under A.R.S. § 17-333. The apprentice license is a complimentary license and is valid for the take of small game, fur-bearing animals, predatory animals, nongame animals, and upland game birds. The apprentice license is valid for the take of migratory game birds and waterfowl when the license holder also possesses the applicable state and federal stamp. The apprentice license is not valid for the take of big game.

For R12-4-215, the rule is adopted to establish youth group two-day fishing license privileges and requirements by rule to comply with the recent statutory amendments. The youth group two-day fishing license requirements were previously prescribed under A.R.S. § 17-333. The youth group two-day fishing license is issued to a nonprofit organization or governmental entity that sponsors adult supervised activities for groups of no more than 25 youth, ages 10 through 17, and is valid for taking all aquatic wildlife.

For R12-4-311, the rule is amended to replace the term "exemptions" with "exemption" to comply with the recent statutory amendments as A.R.S. § 17-335 was amended to prescribe a fishing license exemption for a blind resident, only.

For R12-4-312, the rule is repealed. The Commission proposes to establish a general fishing license under R12-4-207, which will include Colorado River fishing privileges and amend agreements with California, Nevada, and Utah to eliminate the need for the Arizona-Colorado River special use stamp, Nevada-Colorado River special use stamp, and Arizona-Lake Powell stamp (used by Utah license holders).

Notices of Exempt Rulemaking

For R12-4-318, the rule is amended to remove the reference to A.R.S. § 17-335 and replace the term “junior's-only hunt” with “youth-only hunt” to maintain consistency between Commission rules.

For R12-4-412, the rule is adopted to establish a new rule addressing special license fees for licenses listed under Article 4 Live Wildlife. No changes have been made to the special license fees themselves, the fee information was simply transferred from R12-4-102 to the new rule.

For R12-4-422, the rule is amended to state that the sport falconry license validates a hunting license or combination hunting and fishing license for taking quarry with a trained raptor. The rule is amended to state the sport falconry license is valid until the third December from the date of issuance. These requirements were previously prescribed under A.R.S. § 17-333. In addition, the rule is amended to clarify that a licensed falconer must possess a valid sport falconry license and a valid hunting or combination hunting and fishing license when taking quarry using a raptor. The rule is also amended to replace references to R12-4-102 with R12-4-412, Special License Fees as the sport falconry license fees were moved from Article 1. Definitions and General Provisions to Article 4. Live Wildlife.

For R12-4-424, the rule is amended to replace the reference to R12-4-102 with R12-4-412, Special License Fees as the white amur stocking license fee requirement was moved from R12-4-102 to R12-4-412.

For R12-4-501, the rule is amended to replace the term “required” with “authorized” to comply with recent statutory amendments.

For R12-4-503, the rule is amended to replace the term “required” with “authorized” to comply with recent statutory amendments.

For R12-4-504, the rule is amended to establish watercraft registration fees by rule. Watercraft registration fees were previously prescribed under A.R.S. § 5-321. The rulemaking only establishes watercraft registration fees by rule and does not propose any changes to the current watercraft registration and late penalty fees.

For R12-4-529, the rule is amended to establish nonresident boating safety infrastructure fees by rule. Nonresident boating safety infrastructure fees were previously prescribed under A.R.S. § 5-327. The rulemaking only establishes the nonresident boating safety infrastructure fees by rule and does not propose any changes to the current nonresident boating safety infrastructure fees.

The Commission believes the exempt rulemaking will remove barriers for recruitment of new hunters and anglers due to the simplified the license structure, bundled privileges, and reduced costs for youth licenses.

7. A reference to any study relevant to the rule that the agency reviewed and proposes to either rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

The agency did not rely on any study on its evaluation of or justification for the rule.

8. A showing of good cause why the rule is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. The summary of the economic, small business, and consumer impact, if applicable:

Wildlife and fish resources and their associated recreational opportunities are important to Arizona and play an integral role in the state’s economy. Hunters and anglers spend more than \$1.4 billion each year on equipment and trip-related expenditures in the state (Source: U.S. Fish and Wildlife Service, 2011 National Survey of Fishing, Hunting and Wildlife-Associated Recreation, preliminary state overview). By law, the Arizona Game and Fish Commission and Arizona Game and Fish Department have the responsibility to manage these vital resources. The Department receives no Arizona tax dollars (general fund dollars) and, like any business, operates primarily with revenue it generates.

Over the past several years, sales of licenses, permits, stamps, and tags have trended downward while operational costs and Department responsibilities have increased or expanded. The Commission and the Department have made numerous budget adjustments to address rising costs and flat revenue. Some of these budget adjustments included keeping positions vacant and making cuts to program budgets to address rising costs. However, operational expenses and employer related costs have increased to the point where the Commission and Department may have to reduce essential programs such as law enforcement and support services.

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.

The Commission’s objectives for the exempt rulemaking are to simplify the license structure and remove barriers for recruitment of new hunters and anglers. The Commission anticipates the new, simplified license structure will benefit constituents and the Department.

Notices of Exempt Rulemaking

The exempt rulemaking establishes new license classifications and prescribes fees for those licenses, permits, stamps, and tags, as authorized under A.R.S. § 17-333. The Commission anticipates these changes will generate revenue sufficient to enable the Department to address rising operational expenses, carry out its duties effectively in managing the state's wildlife resources, and provide quality recreational wildlife opportunities and access for the regulated community.

Although nonresident fees are higher than resident fees, the Commission holds that it is in its best interest to maintain opportunities for the resident community not only to generate revenue, but to instill a sense of ownership in the local wildlife resource and to maintain consistently available participation in the management of that resource.

License, permit, stamp, and tag fees that are reduced will most significantly affect members of the regulated community, both resident and nonresident, and the Department. While a reduced fee will have some impact on the Department's revenue, the Commission anticipates reducing some fees, increasing the value of licenses, and offering a simpler license structure will increase overall license, permit, stamp, and tag sales.

License, permit, stamp, and tag fees that are increased will most significantly affect members of the regulated community, both resident and nonresident, and the Department. However, fishing and hunting are voluntary recreational activities and only those persons who choose to participate in the activities requiring the necessary license, permit, stamp, or tag will pay the increased fee. The Commission does not anticipate the fee increase will significantly affect a person's ability to practice an activity or have a significant impact on a person's income, revenue, or employment in this state related to that activity. The effective date for the license fee increases is January 1, 2014, which is seven years from the time of the last over-all fee increase.

The Commission does not anticipate the fee increase will significantly affect businesses that sell sporting goods or provide food and/or lodging. The Commission believes the simplified license structure and bundling of license privileges will increase participation in hunting and fishing activities, which may result in increased revenue for affected businesses.

The Department's principle operational revenue comes from the sale of hunting and fishing licenses, hunt permit-tags, stamps and matching funds from federal excise taxes hunters and anglers pay on guns, ammunition, fishing tackle, motorboat fuels, and related equipment. Although the Department's revenue projections indicate a \$3.8 million revenue increase may result from the exempt rulemaking, this amount is not certain and is based on a variety of factors.

The Commission anticipates the exempt rulemaking will have no impact on the general fund.

The Commission has determined there are no alternative means of achieving the objective of the rulemaking.

10. A description of the changes between the proposed exempt rules, including supplemental notices, and the final exempt rulemaking package (if applicable):

Throughout the rulemaking document: the term "individual" is replaced with "person" to ensure consistency between Commission rules; application requirements are revised to ensure consistency between Commission rules; minor grammatical and style corrections are made to increase clarity.

Throughout the rulemaking document: for all licenses that are valid for a period of one-year, license start dates were clarified as the manner in which a person applies for or purchases a license will impact the start date.

Throughout the rulemaking document: references to "hunting or combination hunting and fishing license" were replaced with "appropriate hunting license" to make the rules less cumbersome.

For all licenses that may be applied for online or at a Department office, the time-frame in which a person may select the license start date is extended to 60 days from 30 days.

For R12-4-102, subsection (B), is revised to clarify rule fee requirements. Under subsection (C), the reference to the disposition of funds is removed as A.R.S. § 17-345, and corrections are made to the javelina fee and Youth turkey fee as the intention was to remove only reference to ".00" from the fee column and replace the term "junior" with "youth." The Colorado River Special Use stamp fee is maintained, in the event revised agreements with California and Nevada are not finalized before the rulemaking process is complete.

For R12-4-104, subsection (N) is revised to clarify license requirements when applying for the draw. Subsection (O) is revised to clarify that the Department will reject all members listed on the rejected group application to address the misconception that the Department will reject all applications from members listed on the rejected group application. Subsection (Q) is revised to clarify license fees submitted for a permit-tag will not be refunded to increase consistency between Department rules.

For R12-4-107, subsection (B), the term "random number" is added to clarify the Department's process.

For R12-4-109, the title is revised to state "Approved Trapping Education Course Fee."

For R12-4-115, under subsection (F), the requirement to possess a valid license at the time of application and at the time of the hunt is added to increase consistency between Commission rules.

For R12-4-201, subsection (B) is revised to clarify eligibility requirements.

Notices of Exempt Rulemaking

For R12-4-206, subsection (B) is revised to clarify the period of time the license is valid and the license effective date.

For R12-4-210, subsections (C)(2) and (3) are revised to clarify the period of time the license is valid and the license effective date.

For R12-4-211, subsection (C)(1)(f) is revised to use consistent language regarding residency status.

For R12-4-212, subsection (D)(1)(f) is revised to use consistent language regarding residency status.

For R12-4-213, subsection (E), is revised to clarify license and tag possession requirements.

For R12-4-215, subsection (A) is revised to clarify that the permit is for valid youth age of 17 and under.

For R12-4-422, subsection (B), is revised to clarify hunting and sport falconry license requirements to clarify current licensing requirements.

11. A summary of the public stakeholder comments made about the rulemaking and the agency response to the comments, (if applicable):

The following comments express support for the proposed rule amendments:

Written Comment: June 21, 2013: Excellent. I agree with all proposals.

Written Comment: June 21, 2013: I vote and agree with the proposal to make a new fishing license valid for one year from the date of purchase. Many times, I buy the fishing license late in the year only to have it valid for two to three months. In the past three years, I have only caught one small blue gill. For this year, I stopped fishing because I am not a good angler and it is waste of money to pay for license that is valid for only two to three months. If the Department changes the fee structure to full-year from date of purchase, I will buy the license.

Written Comment: July 3, 2013. I live in Mississippi and fish a lot here, but I have spent time fishing community (urban) lakes in the Phoenix area. My favorites are Red Mountain and Veterans Oasis. I heartily approve the proposed fishing license changes from \$18.50 to \$24 for the Community License. I especially like the 365-day license life versus the current calendar year.

Written Comment: July 10, 2013. I vote for licenses lasting for 12 months from the date of purchase.

Written Comment: July 30, 2013. Please adopt the new simplified licenses as proposed by the committees.

Written Comment: July 30, 2013. I think changing the fishing license to include urban lakes and ponds and two-pole and trout stamp privileges is great. I have always felt that buying a license is the best spent money. I really like the idea of license being valid for a year from the date you purchase it instead of ending on December 31st.

Written Comment: July 30, 2013. I like the new proposal. It makes sense to me.

Written Comment: July 30, 2013. As a life-long hunting and fishing family member and an Arizona resident since 1981, I am pleased with the logic of the proposed new license and fees. Thanks for offering a mechanism for feedback.

Agency Response: The Commission appreciates your support.

The following comments express opposition to the proposed fee increases:

Written Comment: June 18, 2013: I appreciate the need to “simplify” the current hunting and fishing license structure and fee process. However, I have serious concerns about the proposal that (with few exceptions) calls for significant increases in fees for licenses and tags. This seems ill advised, particularly at a time when Arizona citizens are slowly working their way out of the worst economic conditions in decades and avid hunters and organizations involved with the shooting sports (including the Department) are widely trying to encourage new hunters and shooters of all ages and demographics. If this was simply and effort to “simplify” the cost structure would not the Department simply round the fees up or down to the nearest \$5? I am sure the intent of this proposal is not to preclude low-income residents from enjoying the fabulous hunting and fishing opportunities that our great state offers. I would only ask the Department to reconsider the possible ramifications should these cost increases go in to effect.

Written Comment: June 21, 2013: This sounds like a cash grab. The Department's fees were already high enough and to almost double the application fee, when I am never drawn for anything year after year. Why not stick it to the nonresidents? They have plenty of disposable income to pay guides to do the hunting for them. Applying for hunts in this state is worse than doing your taxes. Good work you have lost another customer.

Written Comment: June 21, 2013: If your reason for raising fees is because they have not been raised since 2007 and the economy; the Department should be lowering the fees to induce more people to apply for and purchase tags and licenses. Raising fees will only reduce the number of people purchasing tags, licenses like me. If the Department wants to increase its operating budget: reduce the salaries to staff, management, and their pensions and health care. Since the private sector has had to do it, it makes sense that all state and federal employees have their pay reduced. Get rid of middle management. Have personnel use gas saving vehicles instead of the gas guzzling, big trucks. Get rid of any waste. If the Department raises fees, I will go to Colorado to hunt, hike, and fish.

Notices of Exempt Rulemaking

Written Comment: June 21, 2013: Charging \$45 for a deer tag is ridiculous. We are in one of the worst economies ever and the Department wants to increase a deer tag by 29.5%. The Department is turning hunting in Arizona into a rich man's sport. The Department should hold prices steady until the economy recovers and then implement a gradual increase of 10%. Charging \$135 for an elk tag? Our resident prices are too high now.

Written Comment: June 21, 2013: This is very disappointing. What I thought was going to be a good thing was really just a disguise for an across the board price increase. The Department just priced my family out of hunting and fishing. I have three sons, ages 17 to 20 (two are in college). I cannot afford to take my three sons hunting now. It will cost me \$52 to apply, even if I am not drawn. I will go out-of-state to hunt on my relatives land now. The \$5 youth license is the only thing good idea that came out of this and because the person has to be under the age of 17, it does me no good. Dove and quail hunting are the only opportunities I see.

Written Comment: June 21, 2013: I am adamantly against increasing the cost of tags for residents. I have not gotten a raise in over seven years and, if the Department's increases are passed (sounds like your minds are made up), it will cause many of us to quit hunting.

Written Comment: June 21, 2013: The cost is becoming exclusionary. Hunting in Arizona is becoming the pastime of the well-to-do. The Department will have priced me out, along with many of my hunting partners. In the long term, it will not be sustainable. I, for one, will no longer be hunting in Arizona.

Written Comment: June 22, 2013: In Colorado, tag fees for elk are \$46, deer are \$31, antelope are \$31, and the combination hunting and fishing license fee is \$41. In Utah, tag fees for elk are \$50, deer are \$40, antelope are \$55 and the combination hunting and fishing license fee is \$30. In New Mexico, tag fees for elk are \$61, deer are \$42, antelope are \$61 and the combination hunting and fishing license fee is \$30. Arizona proposes to charge \$135 for an elk tag, \$45 for deer, \$90 for antelope and \$57 for a combination hunting and fishing license. Comparing these fees to those in surrounding states, a person will see that the deer tag fee is the only fee that Arizona even comes close to the surrounding state's fees. Arizona's elk and antelope tag fees are double any surrounding states. Arizona's combination hunting and fishing license fee is \$16 higher than Colorado and \$27 higher than New Mexico and Utah. Arizona's nonrefundable application fee is higher than the other states. I have lived in Arizona for 48 years and I have hunted as long as I can remember. The new fees are very high. Why are the fees so much lower in the surrounding states? With the new fees, it seems like the Department wants wealthy hunters only and to cut out the people that need and want the meat and not just the horns. Anyway, it does not matter what I write or think. The Department will raise the fees and charge much more than any state around, get what it wants, and continue pushing its weight around.

Written Comment: June 22, 2013: It seems you folks will take any chance you can to raise the price of hunting and fishing. That is not right.

Written Comment: June 24, 2013: Why are you making it harder and harder to go hunting when the fees keep going up? Arizona has some of the highest prices for tags and License. **Follow-up Comment: July 22, 2013.** I believe deer tags should be \$28, elk tags should be \$68, and a hunting license should be \$32.

Written Comment: June 25, 2013. I feel our rights are being shoved from underneath us. Not by taking the right away, but by forcing it out of our hands with fees and pricing. I understand that there must be money sufficient to pay for legal items, such as payroll etc., but the purpose of the Department's post is to help wildlife flourish and provide all rich and poor have great memories of hunting in Arizona. Believe it or not, many of us do not have money sufficient to put in anymore. It is sad. On top of that, our wildlife population is in the toilet. I have never seen it in such low quality before. I believe it is because the Department is overstepping its bounds with permit numbers. I have never seen so many hunters in units that are so scarce with wildlife. It is a money grab. Find another way, but do not lash the backs of the people with Department matters.

Written Comment: June 25, 2013: Why all the smoke and mirrors? Just raise all the fees like you normally do.

Written Comment: June 25, 2013. I recently moved to New Mexico. I intended to continue to hunt and fish in Arizona on a yearly basis. With the current proposition to increase tag and license costs, I will either dismiss the option of accumulating points or not buy over-the-counter tags and/or licenses. I really hate to hear this, as I just moved to the Southwest and was really looking forward to hunting and spending my valuable time and money in the state of Arizona. Please consider my opposition against increasing tag and license fees. I feel I share the view of many sportsmen and this will cost the state valuable revenue in the future.

Written Comment: June 27, 2013. Who is making the game and fish rules? It seems that it is not really the voice of the people, but a small group with special interests (wildlife, themselves, the Department's sustainability). I do not think public comment meetings are necessary. It is nice of the Department to sit there and get beat up for a while, but pointless. Just drop the meetings for feedback and do as the Department wishes. This final one especially, sounds like the Department may have heard the people about the trophy structure (must have been the letters and e-mails), but the final comment period really makes me ask why. Why do it if the Department is already moving forward and has made up its mind?

Written Comment: July 9, 2013. I have been an Arizona resident since 1989 and have hunted every year since 2006. I am a legal professional. I hold my times afield as among the very best times I have had in the Copper State. However, I am deeply disturbed by the so-called license simplification structure. Any increase in application fees, tag fees and license fees is not warranted. Logically, "simplification" should produce lower, not higher, fees. This is a

Notices of Exempt Rulemaking

curve ball in my book. It also appears the lifetime license fee is soaring. The only aspect I support is the 365-day license valid from the day of purchase instead of from January. The increase in application, permit, and license fees will cause me to apply and hunt less. I think another five-year commitment needs to be made to hold fees steady, rather than patting yourself on the back for having done so for six years. We need more hunters and anglers in and on our fields, deserts, forests, streams, and lakes. I can almost guarantee you the increase in fees will produce a drop in the overall number of participants, and that is a shame. In my book, when you increase fees, you breach your public trust. **Follow-up Comment: July 9, 2013.** I miscalculated the lifetime license increase. It is moderate rather than soaring. However, the application fee increase from \$7.50 to \$13, even with a portion going to hunter access and habitat enhancement, is outrageous. I simply will not be applying for as many hunts. Why does the Department have to make a good thing worse?

Written Comment: July 17, 2013. The Department is destroying hunting in Arizona one dollar at a time. The Department is turning hunting into a rich man's game all for the mighty dollar. It is ridiculous to pay \$135 for an in-state elk tag. Look at other states' fees; in Idaho they have the "sportsman's package" for \$124.25 - it is a combination hunting and fishing license and you also get a deer, elk, bear, mountain lion, turkey, wolf, salmon, and steelhead tag. That made it attractive for anyone to hunt. The new fees proposed by the Department make it so only the wealthy can hunt; turning an enjoyable pastime into something only those of means can partake in. The Department should be lowering fees to bring in new hunters, not raising them to drive away life-long hunters who love hunting for what it truly is. It is not a business, if it was there would be competition. The Department has the monopoly and is killing hunting in Arizona.

Written Comment: July 17, 2013. The Department is raising the price of going hunting and fishing again. This is bad for recruitment and retention. The Department's reason for streamlining the system is to make it easier for the Department and the public. If so, why is the Department reducing its costs and raising fees? It seems like these savings should be passed on to the customer if, in the Department's words, it wants to run more like a business. When it is said, "the Department will be able to react to changing market conditions," that usually means higher prices for me in the future. How does the Department expect the normal hunter and angler to continue paying for the privilege of hunting and/or fishing in Arizona? I know it costs money to do the things the Department does, but the Department should do what most businesses have done which is to reduce costs and pass that on to the customer. If needed, just keeping the price the same works as well. Which may be needed to keep a person buying licenses and everything else that comes with the sport? For me it is still not cost prohibitive, but for others with small kids who are just learning the sport it may be. The cost of the youth license is lower, which is good, but it may be made up with the increase to adult fees.

Written Comment: July 18, 2013. I have been hunting here as a resident since 1999. I used to buy a combination hunting and fishing license and put in for deer and elk. Not anymore. With the price of gas, ammunition, fees, and license increases, I simply cannot afford to do it all. I have not put in for elk or bought a fishing license since 2007. Every little fee, sticker, and permit adds up. When I hunt deer these days, the majority of the people I run into have huge trucks, fancy RVs, and brand new quads. Why? Because hunting is turning into a rich man's sport. The "average Joe" cannot afford it anymore. Please do not raise the price on tags and licenses.

Written Comment: July 24, 2013. Do not change anything.

Written Comment: July 25, 2013. I am a 62 year old Arizona native. My father was born here and my grandfather was born here before Arizona became a state. I think longtime residents, who have paid their dues, deserve more consideration when it comes to tags and fees, over someone who has been here for only six months or is from out-of-state with a lot of money. I am on disability, with a fixed income and I am afraid I will not be able to hunt the "king's deer" any more.

Written Comment: July 25, 2013. This is not a license simplification; it is a political money grab. Now a fisherman who does not like trout or does not go the Colorado River still has to pay for that privilege. Now a guy who only believes in using one pole or who only owns one pole has to pay for a two-pole stamp. It is really not that confusing, by reading three pages a person will know all they need to in order to purchase a fishing license. The Department has said it is important to get our youth involved in the outdoors and I agree; then the Department requires them to buy a license. This is wrong in so many ways. The Department has made it so a family has to choose between going hunting and paying their mortgage. This is completely ridiculous and greedy. The Department should learn to live within its means and make do with the funds it already squeezes out of the hard working outdoor enthusiasts. How about purchasing one less new enforcement boat a year and fix the water holes that do not hold water anymore. I do not know a single outdoorsman who does not agree with throwing some money in the pot to help keep our woods and waterways in good shape, however there is a limit to what they are willing to pay.

Written Comment: July 27, 2013. I have three children, so I buy four licenses and four deer and elk tags. With the Department's proposal, how is the average person going to be able to afford to put in for the draw? The proposal is ridiculous. Arizona's wildlife belongs to all citizens, not just the upper middle class. This looks like the same system Europe has in place, which has priced the "average Joe" out of hunting. Stop this madness. The Department is not a private business; it is a state agency that should keep the "average Joe" in mind.

Notices of Exempt Rulemaking

Written Comment: July 30, 2013. Arizona has the highest priced hunting licenses and tags of most states and hardly any benefits come with the license. The prices are going up so that people who have been hunting 40 or 50 years can no longer afford to buy the license or the tags and have very little chance of getting drawn for anything except deer or javelina. It is almost cheaper to hunt in another state.

Written Comment: July 31, 2013. As a nonresident who has applied for years and desperately would like to draw an Arizona elk tag, the cost to apply is becoming increasingly burdensome. Please take this under consideration.

Written Comment: July 31, 2013. The nonresident fees and pricing for big game tags should be higher, mainly the high quality hunts such as bighorn sheep, elk, pronghorn, and the Kaibab mule deer hunts. Every year Arizona residents put in for nonresident tags in other states and the minimum elk tag is \$750. Arizona has the best herds, highest participating resident population, and yet Arizona offers nonresident tags at the cheapest of most western states in our draw. It is ridiculous. Every couple years costs rise for residents. I can barely afford to hunt anymore, yet the out-of-state folks pile in to areas we used to frequent. It is very frustrating. The Department should pass the increases on to the nonresident hunters instead of those who actually pay state taxes year-round and not just on our hunt?

Agency Response: Wildlife conservation and management of game animals by the Department is made possible by funding generated from the sale of hunting and fishing licenses, hunt permit-tags, stamps and matching funds from federal excise taxes hunters and anglers pay on guns, ammunition, fishing tackle, motorboat fuels, and related equipment. Hunters and anglers are the foundation of the state's conservation community, concerned about caring for the state's habitats, forestland, and waterways. The Commission's proposal will make it simpler for people to purchase licenses, help attract newcomers to hunt and fish in Arizona and ensure that the programs that the hunting and fishing communities enjoy continue to be funded.

This would be the first increase in license and tag fees since 2007. At that time, the Game and Fish Commission made a commitment to the public that it would not raise fees again for at least five years. The Commission and Department have honored that commitment despite the challenges presented by the economy over the past several years.

The Department operates primarily on the funding generated from the sale of hunting and fishing licenses, hunt permit-tags, stamps and matching funds from federal excise taxes hunters and anglers pay on guns, ammunition, fishing tackle, motorboat fuels, and related equipment. Over the past several years, sales of licenses, permits, stamps, and tags have trended downward while operational costs and Department responsibilities have increased or expanded. The Commission and the Department have made numerous budget adjustments to address rising costs and flat revenue. Some of these budget adjustments included keeping positions vacant and making cuts to program budgets to address rising costs. However, operational expenses and employer related costs have increased to the point where the Commission and Department may have to reduce essential programs such as law enforcement and support services. The Commission anticipates the fee increases will generate revenue sufficient to enable the Department to address rising operational expenses, carry out its duties effectively in managing the state's wildlife resources, and provide quality recreational wildlife opportunities and access for the regulated community.

Any increases approved through this exempt rulemaking will not go into effect until 2014; seven years since the last fee increase. Most tag fees will be increased under the proposal; however, in all cases, the fee increases do not exceed the former statutory fee caps which were in place prior to passage of Senate Bill 1223.

Each state is different and it is not always a simple comparison of a fee; comparing license and tag fees with other states is like comparing apples to oranges. Each state has unique habitat, environmental (both natural and man-made), wildlife management, and wildlife population issues and concerns. In addition, while a license or tag fee may be lower in some states, many states require a person who is purchasing a hunting or fishing license to pay additional non-license/tag fees, such as a drawing fee, hunter access enhancement fee, predator management fee, a conservation fee, habitat fee, private land use fee, etc.

The Department applied a common equation to almost all fees being amended or adopted, based on the current fees, previous statutory maximum fee caps, and customer input. Even though most fees are being increased, the Commission anticipates the new license structure will be simpler and easier-to-understand, therefore making it easier for persons to enjoy the sport of hunting and fishing.

The following comments express opposition to the proposed application fee increase:

Written Comment: June 22, 2013: I am writing as being against the increase of application fees. I believe this will have a direct impact on hunter recruitment and retention. This 200% increase will eliminate many families from being able to allow their sons or daughters to have a chance at being drawn for a big game tag. In my case, I apply for my son, daughter, and myself for each species. I am used to spending (donating) the \$7.50 per application just to have an opportunity to draw a tag (\$157.50). I will now have to spend (donate) \$315. I think what the Department is doing will create a hardship on many Arizona families and not allow parents to build bonus points for their kids. Without allowing them to build bonus points, they will have a very slim opportunity to draw pronghorn, sheep, Gould's turkey, and buffalo tags within their lifetime. This will also eliminate the longevity bonus point. I think the hunting license program should cover any processing fees that the application fee may incur, as the license is only a number to allow an individual to apply. I am asking the commission to keep the \$7.50 application fee.

Notices of Exempt Rulemaking

Written Comment: June 25, 2013. Obviously, the proposed costs are significant increases from previous fees. While I understand that costs always seem to increase over time, the almost doubling of the application fee seems excessive. If a hunter were to apply for all of the big game species, during a year's time that would account for \$130 of non-refundable charges for nothing more than the "opportunity" to be drawn. At a time when the economy is still struggling and hunter numbers are decreasing (and are projected to continue to do so in the coming years), the continual increase in hunting fees does not make sense. Hunting is slowly becoming a rich man's sport in Arizona, much the way it now is in other states. If the Commission is not careful, they will start to see many tags left unapplied for and will be forced to cut back on their staff and activities. I urge the Commission to reconsider increasing costs at such a fast pace. One suggestion would be to add the application fees back into the cost of the hunts, so people are charged a fee only when they are actually drawn.

Written Comment: June 25, 2013. I support the changes in general. I believe the bundled "general fishing license" is a really good move. In urban areas where some lakes are under the general license and others under the Urban license has been very confusing. This way you just buy a fishing license if you want to fish. Being able to just by a single fishing license that lets you fish anywhere in the state is a real improvement. The combination hunting and fishing license (with the bundled fishing privileges) is also a very good move. I disagree with the increase in the application fee for processing a hunting license application for big game. I have always felt \$7.50 more than covers the cost of processing an application, particularly with the advent of the digital age and the online application. I feel that moving this cost up to \$13 is just a money making grab and does not reflect the real cost increases to the Department. This fee should not just enrich the Department, but should represent a fair cost of the service like "a business" should be run. There are so many people who are turned down for applications and to further penalize them with an increased fee without a real improvement in the service (or a justifiable cost incurred by the Department) is without foundation. The application fee should stay at \$7.50.

Written Comment: June 28, 2013. My wife and I are native Arizonans and avid hunters. We are raising three children who are hunting or will be very soon. I hope that my comments will at least be heard. I know that in most businesses, once a proposal is put forth, it is already set in stone and a public forum is just a formality that allows for people to vent. After watching the webinar, it is good to see that some of the public's gripes were not only addressed but shelved. It was nice to know that the premium fee structure will not make the cut. Although I feel that many of the people who hunt the premium areas could afford the cost (as evident with the swarms of guides that litter these units), it is not at all fair to take away the opportunity for the "paycheck to paycheck, do-it-yourself, good ol' boy" to have a chance for the premium hunt. Personally, I feel it would be nice to hammer the guided hunters with a premium fee since they are exploiting our state by taking our premium animals and generally not contributing much else to the states wildlife. Beyond that, I think that some of the proposals are good ideas. The 12A stamp is crazy and it will be nice to see it go away or get included with the tag. Combining the waterfowl and migratory bird (HIP) stamps is great. I'm glad to see that the combination hunting and fishing license now includes some extras for only a few dollars more. Although, if I were buying just the fishing license I would be a little irked if I was forced to buy all the extras if I did not want or use them. The \$5 license for kids seems fair especially considering you can barely buy a fast food meal for \$5. Including a free fishing license with the nonresident mandatory hunting license is a good perk, since the cost of an out-of-state license is so high. Another good idea to consider is a reduced fee for a nonresident cow permit. The webinar stated that most of the nonresidents who apply for elk apply for bull. It makes sense since no right-minded hunter will pay close to a thousand dollars for a cow tag. If the tag were cheaper, a lot more nonresidents would apply. Lastly, move forward with the welcome home hunt, good idea. Hunting is family. The only thing I have heartburn with is the almost doubling of the application fee. Cover the draw services, but do not kill us on the fees. I understand that even though Arizona has some of the highest tag prices, they were inevitably going to rise again. When my wife and I apply for at least five hunts (each) a year, our daughter applies for four hunts a year, and I have two more that will soon be doing the same; it is going to cost us close to \$300 each year just to apply. I hope that this will be reconsidered, it seems awfully steep.

Written Comment: July 3, 2013. I personally think raising the application fee from \$7.50 to \$13 is excessive. I would rather pay more for a tag once I am successfully drawn. I apply for almost every species, my wife applies for about half the species and I now have a 10-year old grandson that I will be applying for, for every species starting with the upcoming spring draw and I will be paying his fees. With the draw odds being as bad as they are, the cost for just applying is already excessive and will now double? I think this proposal is very unreasonable.

Written Comment: July 16, 2013. My comment on the license simplification is that overall I think it is a fair and decent improvement. My issue is with the large increase in the cost of permit applications and permit costs. The Department is proposing increases of 15%-30% which I strongly feel is excessive and becomes cost prohibitive for me and my family to enjoy hunting. When the cost of the license is factored in with the cost of the permit, it is well in excess of what other states charge. I strongly oppose such increases and feel that in doing so, the Department will alienate a large group of hunters that struggle to already afford the costs of hunting. Please do not resort to such increases and keep Arizona's hunting tradition alive.

Agency Response: The Department charges an application fee to cover some of the costs involved in processing the application, which includes application review, system maintenance and development, temporary draw personnel, and basic administrative costs. In addition, the Commission proposes to use a portion of the application fee to fund access, habitat conservation, and hunter/angler recruitment/retention projects throughout the state. The Commission proposes that \$3 of each resident application fee and \$5 of each nonresident application fee shall be deposited into the

Notices of Exempt Rulemaking

Game and Fish fund for the purpose of funding access, habitat conservation, and hunter/angler recruitment/retention projects. Typically, the number of permits that are available are far below demand. For example, an early bull elk hunt in game management unit 1 will attract over 8,000 first- and second-choice applicants for approximately 40 permits and a late antlered deer hunt in game management unit 12A West will attract over 5,000 first- and second-choice applicants for approximately 175 permits. Using this example, the Department would process over 13,000 applications to issue 215 permits. It is not operationally sound to charge an application fee only to persons who are successful in the draw.

The following comments ask questions relating to lifetime license privileges:

Written Comment: June 21, 2013: Several years ago, I purchased a lifetime combination hunting and fishing license. Do any of the new changes affect my lifetime license or me?

Written Comment: June 21, 2013: I have a question on how the new fee structure will affect lifetime license holders. Will I, as a lifetime fishing and trout stamp license holder, receive the benefits of the two-pole stamp, Colorado River Stamps, etc. or will I have to purchase them separately?

Written Comment: June 29, 2013. I have read the Department's proposed rulemaking and many of my fellow sportsmen's inputs. What are some of these people thinking? My comments are short and sweet. I hold a lifetime license and presently, I am drawn every one to three years for elk and every one to two years for deer. I have hunted since I was seven years old (I am 76 now) and it is sad that the drawings have come to such poor results for residents. I have never hunted out of state. I can afford the tag fee increases, but when all is said and done with this program update, I hope that the trout and two-pole stamps are included in my current lifetime hunting and fishing license.

Written Comment: June 30, 2013. Will the new lifetime license have the stamps and two-pole privileges like the proposed regular fishing license?

Written Comment: July 31, 2013. What is the impact of the new format on lifetime licensees?

Written Comment: July 31, 2013. With the urban fishing and two-pole stamp being included in the new fishing licenses, how will existing lifetime license holders be handled? Will they still have to purchase separate urban fishing licenses and a two pole stamp?

Agency Response: The Commission proposes to grant persons issued a lifetime license prior to the effective date of the rule the same privileges as the applicable new lifetime license. Current lifetime fishing and combination hunting and fishing license holders privileges will include community (urban) fishing, trout, simultaneous fishing (two-pole), and (pending completion of interstate agreements) Colorado River fishing privileges. At this time, the Commission is not considering altering the formula for the lifetime licenses. However, the Commission intends to conduct further analysis of the lifetime fees in the near future.

Written Comment: June 18, 2013: I just bought a lifetime license for my 10 year old because the person at the counter said they did not expect any changes or fee increases to the lifetime licenses. Is there an option to add an urban license to the current lifetime license holders?

Agency Response: The Commission proposes to grant persons issued a lifetime license prior to the effective date of the rule the same privileges as the applicable new lifetime licenses. If you purchased a lifetime fishing or lifetime combination hunting and fishing license, the community (urban) fishing privileges are automatically added to the lifetime license; also included are trout, simultaneous fishing (two-pole), and (pending completion of interstate agreements) Colorado River fishing privileges. If you purchased a lifetime hunting license for your son, you will need to purchase an annual Community fishing license in order to fish community (urban) lakes. At this time, the Commission does not propose to issue a lifetime Community fishing license.

Written Comment: June 24, 2013. Why did the Commission not adjust the lifetime hunting license for us older residents? I am under the assumption that the Commission will issue a free combination license at age 65 anyway. If the Commission wants a revenue builder, then make worth someone's time to do it. From age 51 on up to 61 a person loses money buying a lifetime license. At age 62 a person will not need to buy a license in three years, so why pay eight times the amount of the license. If this is to produce revenue from these age groups, the formula for ages 51 to 61 and 62 on up should be adjusted.

Agency Response: The assumption that all persons are eligible for a complimentary Pioneer license upon reaching the age of 65 is not accurate. The requirements for the complimentary Pioneer license are prescribed under A.R.S. § 17-336(A)(1), which states an eligible applicant is a person 70 of age or older who has been a resident for twenty-five or more consecutive years. Therefore, a person who is 70 years of age may still not qualify for the complimentary Pioneer license because they do not meet residency requirements. At this time, the Commission is not considering altering the formula for the lifetime licenses. However, the Commission intends to conduct further analysis of the lifetime fees in the near future.

Written Comment: July 15, 2013. Tag fees should be set at \$7 for resident and \$10 for nonresident and, if the Department wants to, add the habitat fee on top of that. I am skeptical about how the Department is going to dedicate that money specifically for enhancement and not to some general fund that can be earmarked for something else. The bonus point purchase option should not be the full price of an application fee; it should be capped at \$5 for both resident and nonresident. Since it is only an option, not a tag, it should not qualify as an application fee. The current fees

Notices of Exempt Rulemaking

for all big game species should be increased no more than 10% for residents and no more than 20% for residents. A 10% increase is more than enough (when combined with the application fee) to offset the additional costs incurred by the Department. All junior hunting licenses and tag fees should be held at \$15, this will be consistent and easy to budget for. Since their parents pay for them, do not subsidize the juniors by having the adults make up the difference, the fees are basically coming from the same wallet. I like the simplifying of the fishing license structure, all those additional stamps were a bit confusing. My only concern is that I have a lifetime combination hunting and fishing license and have not read anything about what the new structure means for those folks. I hope the Department reconsiders these drastic/steep price increases; knowing that most hunters have families who may only be able to put in for one or two major big game hunts instead of three or four, which will result in lost revenue for the Department. I and all my family members will be affected by these fee increases, of which more than half will not likely continue to participate at their current capacity.

Agency Response: Please see the Agency Response on page 22 as it relates to fee increases. The Commission proposes to grant persons issued a lifetime license prior to the effective date of the rule the same privileges as the applicable new lifetime licenses. Community (urban) fishing, trout, simultaneous fishing (two-pole), and (pending completion of interstate agreements) Colorado River fishing privileges are automatically added to your lifetime combination hunting and fishing license.

Written Comment: June 20, 2013: I just received my lifetime combination hunting and fishing license, with the trout stamp. I would like to see the following changes made to lifetime combination hunting and fishing licenses: The license should be good for fishing at all urban lakes. The lakes are in the state of Arizona, are stocked by the Department, and the persons fishing at the lakes are inspected by game wardens. The license should be good for two-poles, anywhere I fish. The license should be good for the take of small game fowl, such as quail and pigeon. These privileges should be included in the cost of the lifetime license. The license should be valid for fishing lakes located on Indian reservations in the state of Arizona. The Department should also award extra bonus points for all big game drawings to lifetime license holders. It would also be nice to have a co-op between other states; the Arizona license would be valid in the other state, but the person would have to buy a fishing stamp or hunting stamp.

Agency Response: The Commission proposes to grant persons issued a lifetime license prior to the effective date of the rule the same privileges as the applicable new lifetime licenses. Your current lifetime combination hunting and fishing license will include community (urban) fishing, trout, simultaneous fishing (two-pole), and (pending completion of interstate agreements) Colorado River fishing privileges. Currently, the combination hunting and fishing license allows the take of the following small game fowl: band-tailed pigeons coots, common snipe, ducks, gallinules, geese and swans; grouse, partridge, pheasants, quail, sandhill cranes, and wild doves. However, a state and/or federal stamps may be required for migratory birds and waterfowl. The Commission has no authority over the licensing structure on Tribal lands, and cannot expand validity of state licenses to include Tribal lands. The Commission's draw process is designed to provide equal opportunity to all classes of individuals and not to provide an advantage to certain classes. As a result, the Department does not believe that any class of individuals should be awarded bonus points for which others are not eligible. The Department believes implementing a co-op between state wildlife agencies would be extremely problematic. Multiple factors would influence implementation of such a system, such as the creation of new legislation in each state to allow such an activity, existing state laws, and law enforcement issues.

Written Comment: June 21, 2013: I currently hold a lifetime fishing license and buy a trout stamp each year. Under the proposed new license structure, will trout stamps still be available? What will the cost of a trout stamp be and will it be for a one-year period from time of purchase as proposed for the new license structure? Also, I have a relative who lives in California who comes over to visit and we go trout fishing a few times a year. What will the changes be in the proposed new license fees for nonresident fishing? **Follow-up Comment: June 21, 2013.** Sounds good. Count my vote as a "yea."

Agency Response: The Commission proposes to grant persons issued a lifetime license prior to the effective date of the rule the same privileges as the applicable new lifetime licenses. Your current lifetime fishing license will include community (urban) fishing, trout, simultaneous fishing (two-pole), and (pending completion of interstate agreements) Colorado River fishing privileges. The proposed fee for the nonresident fishing license is \$55 and the license will include all of the fishing privileges listed above.

The following comments address various aspects of the proposed amendments or offer additional suggestions for the rulemaking:

Written Comment: June 18, 2013: Thanks for making the power point available. Good information. I have been a hunter since I was eight years old. I have been an Arizona Hunter Education Instructor for 17 years and have been lucky enough to hunt in almost every Western State. Here are my thoughts: I like the proposed license structure and most of the fee increases, but I am confused over the urban fishing license. I have bought one every year, but did not see it in the \$37 proposed fishing license slide. I also wish the disabled complimentary Disabled Veteran's license was offered to disabled veterans with a disability rating of 50% or more. The javelina tag fee is already too high and should be same as the lion tag. Keep deer and elk tags at the current price. I think you are pricing the average hunter out of the elk hunt at the current level. I like the idea of premium tags, but should be twice the price of a regular tag, especially for the December deer hunt. I also like the idea of a fee difference for bull vs. cow. I disagree with including archery bull hunts in the premium structure. This was not proposed for deer. Archery hunter success rates are pretty low and it takes several years to get drawn. This makes no sense to me. The application fee is too high already

Notices of Exempt Rulemaking

and the Department makes a killing on these fees; but now to double it? I disagree. I would rather pay the higher application fee each year than the above mentioned premium bull tag fee for archery. Future items to consider: recommend the Department put a mechanism in place for archery deer hunters who purchase an over-the-counter tag be given a credit for a bonus point; same as someone who applies through the draw. I should not have to "buy" a bonus point when I am paying the same amount for a deer tag. I end up paying twice. I understand the need to generate more money. I do not agree that these funds should be raided by the state government. Arizona provides great hunting and fishing opportunities, but caution must be taken not to price the average sportsman out. Maybe the Department could hold a couple more raffles for tags to generate more funds. It cost a lot more than just the price of a tag to hunt or fish. Usually, each trip I take costs \$300 or more, not including the tag. Anyway, thanks for the chance to let me provide input and remember the Department does not have to raise the fees, just because it can.

Agency Response: The Commission appreciates your support. The Department is rebranding the urban fishing program to the "community fishing program" and community (urban) fishing privileges are included in the proposed fishing license. The requirements for the complimentary Disabled Veteran's license are prescribed under A.R.S. § 17-336(A)(2), which states an eligible applicant is a disabled veteran who has been a resident of this state for one year or more immediately preceding application for the license and who is receiving compensation from the United States government for permanent service connected disabilities rated as 100% disabling. A legislative amendment is required before the Department may change the requirements established under the rule. The Commission took into consideration a variety of factors, including comments on the conceptual license structure and fees received during Phase 1 of the public input process in May and June. One of the most discussed concepts was that of a "premium" hunt structure for certain deer and elk hunts. Based on the public comment received, the Commission did not include a premium hunt structure in the draft proposal. The Department applied a common equation to almost all nonresident fees being amended or adopted, based on the proposed resident fees and customer input. The Commission proposes to establish a nonresident license/tag fee that is five or six times the corresponding resident license/tag fee. This resulted in some fees being raised while others were lowered. The Department operates primarily on the funding generated from the sale of hunting and fishing licenses, hunt permit-tags, stamps and matching funds from federal excise taxes hunters and anglers pay on guns, ammunition, fishing tackle, motorboat fuels, and related equipment; the Legislature's approval of the fiscal budget allows the Department to spend the money it generates. Over the past several years, sales of licenses, permits, stamps, and tags have trended downward while operational costs and Department responsibilities have increased or expanded. The Commission and the Department have made numerous budget adjustments to address rising costs and flat revenue. Some of these budget adjustments included keeping positions vacant and making cuts to program budgets to address rising costs. However, operational expenses and employer related costs have increased to the point where the Commission and Department may have to reduce essential programs such as law enforcement and support services. The Commission anticipates the fee increases will generate revenue sufficient to enable the Department to address rising operational expenses, carry out its duties effectively in managing the state's wildlife resources, and provide quality recreational wildlife opportunities and access for the regulated community. The Department charges an application fee to cover some of the costs involved in processing the application, which includes application review, system maintenance and development, temporary draw personnel, and basic administrative costs. In addition, the Commission proposes to use a portion of the application fee to fund access, habitat conservation, and hunter/angler recruitment/retention projects throughout the state. The Commission proposes that \$3 of each resident application fee and \$5 of each nonresident application fee shall be deposited into the Game and Fish fund for the purpose of funding access, habitat conservation, and hunter/angler recruitment/retention projects. The Department does not award a bonus point to every person who applies through the draw; a bonus point is awarded to an applicant who submits a valid application and is either unsuccessful in the drawing or the application is for a bonus point only. The requirements for the special big game license tags are prescribed under A.R.S. § 17-346, which states "No more than three special big game license tags may be issued for each species of big game in a license year. Notwithstanding section 17-332, subsection D, an organization which receives special big game license tags issued under this section may sell and transfer them if all proceeds of the sale are used in this state for wildlife management." A legislative amendment is required before the Department may offer additional special big game tags for raffles.

Written Comment: June 18, 2013: Here is a financial suggestion and I expect that it will be somewhat controversial. How about the Department stop supporting the ill-fated, wolf re-introduction program? What a waste. The dollars saved could then be used for waterhole and other habitat preservation projects across the state. What a great idea. Let the wolves die out and then the Department can sell big game tags for the sheep, elk, deer, turkeys, antelope and javelina that will no longer be a food source. Sounds like a financial "win-win" to me. Further, expanding the wolf recovery area to the entire corridor between I-40 and I-10 in New Mexico and Arizona will be a monumental mistake. Further, it may be a future project and this state needs to say "no" to expansion of wolf habitat into the entire corridor between Interstate Highways 40 and 10.

Agency Response: All of the dollars the Department spends on Mexican wolf come from the Arizona heritage fund or U.S. Fish and Wildlife Service funds dedicated to endangered species. These funds are not eligible for spending on big game, so spending zero dollars on Mexican wolves would not result in more money to spend on game projects. As far as expanding the wolf recovery area, the Department is developing comments on the U.S. Fish and Wildlife Service proposed rule on that expansion. The Department values comments and insights like yours, and those that are shared with us by others. The Department will use all feedback received to form its comments back to the Fish and Wildlife Service on these proposals. The proposals that were shared with the public by the Fish and Wildlife Service

Notices of Exempt Rulemaking

are not a final decision. These proposals, and feedback from the public, will funnel into an Environmental Impact Analysis that will consider the proposals and viable alternatives. The U.S. Fish and Wildlife Service asked the Department to work with them on this analysis. The Department is seeking guidance from the Commission to determine its participation in that detailed analysis that will help to form the U.S. Fish and Wildlife Service's final decision; a process that may take up to several years.

Written Comment: June 20, 2013: I am 63 years young and live in Alaska. I also have a home in Gold Canyon, Arizona. I am a long-time bird hunter and wish to hunt dove and quail. It is my understanding that dove are migratory birds. If this is correct, it is noted in the proposed rules that a nonresident could not hunt doves under the proposed nonresident combination hunting and fishing license as the "migratory bird" notation is missing. Is this correct or is "migratory bird" notation removed from the nonresident combination hunting and fishing license for hunting ducks, geese etc.? Also, why not issue a nonresident small game hunting license for dove and quail only? That is all I would like to hunt.

Agency Response: The proposed nonresident combination hunting and fishing license will be valid for the take of migratory game birds when the license holder also possesses the required state migratory bird stamp and federal waterfowl stamp (if hunting waterfowl). Issuing a small game hunting license for dove and quail only is counter to the thrust of this simplification effort and would increase complexity and create more confusion among license purchasers.

Written Comment: June 21, 2013: My husband and I were discouraged and I did not bother to buy a license for myself this year. There is not enough enforcement here at the Tucson urban lakes. My husband still goes once in a while, but they are always fished out due mostly to poaching. He says the few times a game officer came to check licenses, the poachers scattered like cockroaches. I would not mind paying the \$37 for a combined fishing license, but it is expensive when there are never any fish to catch because of all the derelicts.

Agency Response: There are several valid reasons that fish levels may be low in the urban lakes you visit that are not attributable to poaching/overfishing. Fish levels may be low because the lake is either smaller than two acres and/or has poor water quality to support stocked fish; the lake has inadequate facilities or is not open to the public; the lake's managing entity or the city chose not to enter into a cooperative agreement with the Department; the lake has lower use and high catch rates and fish stocking rates were reduced by 10-20%. Additionally, due to extreme heat conditions every summer, the Department does not stock fish in urban lakes and ponds between June 25 and September 15 each year. As far as enforcement at urban lakes, all state and local law enforcement agencies may enforce laws on federal and state navigational waterways; however, law enforcement agencies set their own directives in an effort to better manage their own resources as needed. In addition, your concerns were forwarded to Regional personnel for consideration and follow-up.

Written Comment: June 21, 2013: On the Department's License Simplification web page it states: "The proposal would make a new hunting or fishing license valid for one-year from the date of purchase." Will the over-the-counter archery tags be good for the life of the hunting license or would the tags also be valid for one-year from the date of purchase?

Agency Response: The number of tags available per species are determined and adjusted annually from the results of science-based studies, surveys, and management goals for maintaining healthy, sustainable wildlife populations and habitats. The over-the-counter tags will remain valid for the calendar year. The proposed rules require a person to possess a valid license at either the time of the application deadline or the extended deadline (as applicable) for the tag and when in an open area during the hunting season for which the tag in possession is valid to comply with the recent statutory amendments.

Written Comment: June 21, 2013. Under the new structure, what would it cost a nonresident to hunt turkeys and doves in Arizona? **Follow-up Comment: June 23, 2013.** Is the Department aware that I can hunt on the Indian reservations along the Colorado River for a quarter of the cost it is attempting to charge? Does it make sense to charge so much that nonresidents like me will simply go elsewhere? I used to hunt in Arizona, but no longer. I know many other hunters who are in the same boat. We bring 14 hunters with us who will buy a Cocopah Reservation licenses instead. Does your Governor know you are doing this? It is driving high-dollar tourists away, instead of catering to them. Sounds like something California would do. **Additional Follow-up Comment: July 23, 2013.** I read about the one day license shortly after I sent this e mail. I hope there is no limit to the number of those one day licenses I can buy?

Agency Response: Please see the Agency Response on page 22 as it relates to fee increases. The Commission does not propose to limit the number of short-term licenses a person may purchase.

Written Comment: June 21, 2013: Under the proposed fee structure, how will the Game Coop Fee be handled? I hope it is kept separate for 12A deer hunters as it was intended and does not get mixed in with other fees where it is hard to track. **Follow-up Comment June 25, 2013:** I strongly support the concept of bundling licenses and special stamps; especially the proposed changes in the fishing license structure. I do have concerns about bundling the Kaibab Habitat Stamp with the hunting license. I am certain more dollars will be raised by this action since now all license holders rather than just Kaibab deer hunters will be assessed the fee. My concern is based on the fact the fee will lose its identity, i.e. be blended into a larger fund and not be available for its specified use in unit 12A. If there is some mechanism in place to ensure the number of deer hunters in unit 12A x \$15 is earmarked for use in 12A, then I could support the bundling concept. The Kaibab Habitat Stamp (Game Cooperative Fee, Government Fee, depending

Notices of Exempt Rulemaking

on what one recalls it being called) has a long and rich history in the evolution of wildlife management on National Forest lands. I have personal knowledge of the fund and its use from 1975-99 and can testify to the fact it served well; especially in years of lean federal aid and game and fish budgets. It should not be blended with money for other purposes or money to be used in other areas of the state. **Additional Follow-up Comment June 25, 2013:** I cannot support meddling with the Kaibab fee. If \$15 for every 12A deer hunter is earmarked for 12A, I can support it. Otherwise I cannot. I recall how important those funds were during my tenure; especially during the lean budget years.

Agency Response: The Commission believes all Arizona wildlife has value and all hunters should contribute equally to fund access, habitat conservation, and hunter/angler recruitment/retention projects. Currently, a person is required to purchase the unit 12A stamp when successfully drawn for a 12A deer permit-tag and the unit 12A stamp generates approximately \$25,000 each year. The funds generated by the unit 12A stamp provided funding for the planning, maintenance, development, and coordination for fish and wildlife conservation, habitat management, wildlife check stations, or other activities through cooperative agreements with the U.S. Forest Service. The Commission anticipates the funds generated by the application fee change will allow the Department to conduct similar projects state-wide, for all wildlife.

Written Comment: June 23, 2013: I understand that part of the new proposed fee structure would include “premium” hunts at higher costs. Part of the justification I’ve heard is that fees have not been raised in several years. I would rather see slight increases on all hunts than see significant increases on select hunts. It would impact me in a very negative way, because I had to move out-of-state and am a nonresident. I have 14 bonus points and am getting closer to drawing the tag that I’ve waited years to draw. An increase like the one being proposed will more than likely put me out of the game. I know I am just one person, but I hate to see the fees go up so much that I will not be able to try anymore. I feel like I am getting the short end of the stick. I know that I could choose another unit, but I’ve got property in unit 1 and want to hunt there. If costs go up, but they should go up across the board; I do not support the idea of premium tags and the higher prices they require. I feel an increase would be okay as long as it is not too big, but a drastic change will kill me.

Agency Response: The Commission took into consideration a variety of factors, including comments on the conceptual license structure and fees received during Phase 1 of the public input process in May and June. One of the most discussed concepts was that of a “premium” hunt structure for certain deer and elk hunts. Based on the public comment received, the Commission did not include a premium hunt structure in the draft proposal. The Department applied a common equation to almost all nonresident fees being amended or adopted, based on the proposed resident fees and customer input.

Written Comment: June 24, 2013: We have hunted Arizona for 22 years and now the Department has increased the fees to the point where we will not be able to hunt there. Charging \$300 for a nonresident deer tag is ridiculous. I would rather drive to Michigan and hunt whitetail, it is cheaper. The Commission should allow bow hunters to take either sex deer during Archery season.

Agency Response: Please see the Agency Response on page 22 as it relates to fee increases. Under R12-4-101(A)(3), Commission Orders specify wildlife that may or may not be taken. Consequently, this suggestion is not relevant to this rulemaking package and should be addressed through the annual hunt guidelines, specifically Commission Order 2 (for deer).

Written Comment: June 24, 2013 (2): In 2004, the deer tag fee was raised to \$19.50; if the proposed tag increase is adopted, it will mean an increase of 131% over the last ten years. That is wrong. In 2004, the elk tag fee was raised to \$71; if the proposed tag increase is adopted, it will mean an increase of 90% over the last ten years. That is wrong. In 2004, the turkey tag fee was raised to \$11; if the proposed tag increase is adopted, it will mean an increase of 127% over the last ten years. That is wrong. In 2004, the javelina tag fee was raised to \$12.50; if the proposed tag increase is adopted, it will mean an increase of 100% over the last ten years. That is wrong. The Commission's appropriated funds have doubled in the last ten years and revenue has increased by 43%. Since I am now retired, my income is less than what it was ten years ago, yet I am being asked to pay more. Isn't \$100 million dollars annually enough for the Department to do their job? In the goals and guiding principles listed for the conceptual license structure and fees, one of the listed goals is “to operate like a business.” That cannot really happen since the Game and Fish Department is a monopoly and I, the consumer, can either pay what the Commission charges or give up hunting. I do not have the option of doing business with a competitor. Likewise, I am not aware of any “customer demand” to pay more. In addition, one of the listed principles was to “remove barriers for recruitment of new hunters.” Does that mean “minors?” I grew up in a northeast urban environment and did not start hunting until the age of 25, in part because it was relatively inexpensive 38 years ago. That's not the case anymore. Please consider the little guy.

Agency Response: Please see the Agency Response on page 22 as it relates to fee increases. The complexity of the current structure has been identified as a barrier to hunter and angler recruitment and retention. In addition, the Commission proposes to implement a one-year (365-day) license program where most licenses offered by the Department are valid for one-year from the date of purchase. Currently, most licenses are valid for a calendar year, causing the perception that a license will have less value when purchased later in the year. The Commission anticipates increasing the value of hunting and fishing licenses offered by the Department will increase participation in both sports. The Department is like a business in that it operates primarily on the revenue it generates. For the Department to operate like a business, it must have the ability to react to customer needs or changing conditions in a timely manner.

Notices of Exempt Rulemaking

Written Comment: June 25, 2013. Seems there are a few issues that need to be carefully reviewed: Prices vs. Colorado, Utah, Montana, and Wyoming (states with a greater elk population). Arizona could price itself out of the market. Or import more elk. It appears no efforts are being made to limit big game draw eligibility. If drawn for big game tag, a person should sit out from the draw for two years. Do something specifically for disabled American veterans; give them 15 permanent big game bonus points for bull elk. Issue a free license to disabled veterans with an 80% disability rating with written proof from the Veteran's Administration of such rating. No loss of use one arm, that person is a danger to all in the field. Automatically issue a Crossbow Permit to all disabled veteran's license holders. Clarify boundaries for hunt areas with GPS alert stakes. 6. Review rules every two years with corrective measures taken as needed. Thanks and happy to see some changes coming to Arizona Hunting and hope you leave the attorney's out of the writing of Rules. They just make everything more confusing and less friendly for all. Simplify as these changes designed for.

Agency Response: On an annual basis, Arizona issues approximately 24,000 elk tags; Colorado issues 253,000, Montana issues 151,000, Utah issues 73,000, and Wyoming issues 90,000. While the proposed elk tag fee is higher than Colorado, Utah, and Wyoming's tag fees (the Montana nonresident elk is higher than the proposed nonresident elk tag fee), given the quality of an Arizona elk hunt and the number of elk tags available annually, the Commission believes the fee is reasonable. The Commission believes excluding hunters who were drawn for tags will not significantly affect the odds for other hunters. For example, the percentage of early firearms bull elk applicants receiving tags would change from 2.79% currently to 3.05%, 3 years later if this rule was adopted. For general deer excluding all late season hunts, the draw success would change from 95% currently to not having enough applicants to fill the hunts one year later (this assumes hunters apply equaling between hunts; the Department recognizes this is a faulty assumption). For pronghorn after an eight year waiting period, the draw success would change from 4.2% currently to 6.3%, only a 2.1% increase in a hunter's chance of being drawn eight years later. In addition, the public through a public process rejected a waiting period system in favor of the bonus point system the Department currently uses. In addition, forcing successful hunters to defer from applying after they have drawn tags offers little or no benefit for hunters to remain in the draw. Few hunters are lucky enough to be drawn more often than others and it is understandable that those not drawn want to improve their chances. However, because the draw is based on probabilities, there is no way to eliminate this possibility without undue complication to the draw process. The Commission's draw process is designed to provide equal opportunity to all classes of individuals and not to provide an advantage to certain classes. As a result, the Department does not believe that any class of individuals should be awarded bonus points for which others are not eligible. The requirements for the complimentary Disabled Veteran's license are prescribed under A.R.S. § 17-336(A)(2), which states an eligible applicant is a disabled veteran who has been a resident of this state for one year or more immediately preceding application for the license and who is receiving compensation from the United States government for permanent service connected disabilities rated as 100% disabling. A legislative amendment is required before the Department may change the requirements established under the rule. A person may use a crossbow during any season authorizing the use of a crossbow when the crossbow is listed as a valid method of take for the target animal under R12-4-304. The Commission proposes to amend the crossbow permit rule to expand the criteria for eligible applicants to include other medical conditions; however, because automatically issuing a crossbow permit to all Disabled Veteran's license holders will skew the Department's historical data, the Commission is reluctant to do so. Rules are amended and reviewed on a five-year basis in accordance with statutory requirements. The Commission believes the current boundary descriptions are more than adequate for the average hunter as most game management unit boundaries provided in rule are easily identifiable land marks. Under A.R.S. § 41-1056, all rulemaking agencies are required to review a rule at least once every five years.

Written Comment: June 25, 2013. I would like to suggest a two-year adult fishing license for \$50 and a five-year for \$100. Also, I would like to suggest the Department issue a Senior 60 and Over lifetime license for \$150. There should also be special veteran's fees to also include Arizona National Guard Service members. The child license should be for youth ages 15 to 17. I teach fishing to children and I believe having to buy a fishing license for a 10 to 14-year old will discourage families from letting their kids take part in this incredibly valuable lifelong activity and that would be a shame and reduce the amount of licenses purchased every year. It is because it is free for them that I am able to teach them to be responsible fisherman and show them good environmental behavior and get them hooked for life. Maybe a possible one-time fee of \$52 for a Child's Fishing License until they turn 18 would encourage more families to purchase a license for their children of this age.

Agency Response: The Department appreciates your suggestions. With the passage of Senate Bill 1223, the Commission was given the authority to establish a watercraft registration fee, duplicate registration fee, late registration penalty, nonresident boating safety infrastructure fee, and license classification, license, permit, surcharge, tag, and application fees by rule. In addition, the Commission was given the authority to temporarily reduce fees. However, at this time, the Commission is only pursuing rulemaking to establish a simpler license structure and fee increases to generate additional revenue.

Written Comment: June 25, 2013. Suggest the Commission either reduce fees or create a "pay as you draw" system for nonresidents who hunt with relatives who are residents? My Dad lives in Ohio and he hunts with me in Arizona and it's really expensive. He is not going to hunt birds, so his annual license is money thrown in the trash if he is not drawn. It would be nice if he did not have to pay for a license unless he is drawn, as some other states allow.

Notices of Exempt Rulemaking

Agency Response: The requirement to purchase a license with a big game draw application was put in place for hunt year 2005. The Commission, through an extensive public meeting process, amended the rule to require a person to purchase a hunting license in order to be considered during the hunt draw process. This requirement was put in place with the understanding that the ultimate beneficiaries, Arizona's wildlife resources and hunters (both resident and nonresident), will benefit from the requirement since license fees go directly into wildlife conservation, development, and management. The Commission and Department hold that over time, the increased costs will create a benefit to all hunters who enjoy Arizona's wildlife opportunities by providing greater revenue for Department wildlife management objectives. Ultimately, this will enable us to maintain the nationally-recognized wildlife populations for which Arizona is known. Furthermore, while unsuccessful applicants may not have the opportunity to hunt the big game animal of their choice in Arizona, the license they purchase will allow them to participate in many other hunting and fishing opportunities within the state including over-the-counter archery deer hunts, population management hunts, and multiple small game hunting opportunities. In addition, several other western states require draw applicants to purchase a hunting license in order to participate in their limited draws: Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming.

Written Comment: June 25, 2013: What are the proposed buffalo tag fees?

Agency Response: The proposed buffalo tag fees are as follows: Adult Bulls or Any Buffalo: resident \$1,100 and nonresident \$5,400; Adult Cows: resident \$650 and nonresident \$3,250; Yearling resident \$350 and nonresident \$1,750. Cow or Yearling: resident \$650 and nonresident \$3,250.

Written Comment: June 25, 2013. Can I suggest that the date of a "year" be changed to the "purchase date?" It is unfair to make a person pay a fee for a year when six months have already passed. Many other use fees are sold on the date purchased, how hard can it be for the state of Arizona to be fair about the charges? The lifetime license fees are way too high. I am a senior citizen, how many days do you really think I am going to be fishing or hunting?

Agency Response: The Commission proposes to implement a one-year (365-day) license program where most licenses offered by the Department are valid for one-year from the date of purchase. Currently, most licenses are valid for a calendar year, causing the perception that a license will have less value when purchased later in the year. The Commission anticipates increasing the value of hunting and fishing licenses offered by the Department will increase participation in both sports.

Written Comment: June 25, 2013. Under present law, no out of state all-terrain vehicle can be used in Arizona, which is silly. New Mexico and other states offer a \$15 or so permit to allow this. There is no good reason for this present exclusion. Half of the Department's income should come from Arizona's general fund as wildlife belongs to all of Arizona, not just hunters and fishermen. The Department's gouging of the latter in recent years to pay for inflated salaries and the mansion on Carefree Hwy is obnoxious. I remember when a person could go to an office the day before deer season opened and buy a \$5 license and a \$1 deer tag; and you could hunt about anywhere you wanted. The Department hypocritically calls for more to participate, while feeing those who apply to death. The Department is using the resources of Arizona to financially benefit itself with what amounts to a lottery with an increasingly diminished chance to harvest game by burdening applicants with too high fees.

Agency Response: Under current statute and rule, it is not necessary to obtain an Arizona title in order to use your out-of-state all-terrain vehicle in Arizona. For lawful Arizona off-highway operation, if the owner of an all-terrain (off-highway vehicle) is not a resident of Arizona and the off-highway vehicle displays a current off-highway vehicle user indicia or registration from the owner's state of residency, and provided the off-highway vehicle is temporarily used in Arizona for no more than 30 days, an Arizona off-highway indicia is not required. However, some state and federal agencies may have additional requirements that may impact your ability to use any all-terrain vehicle on their land. Regulations are required because off-road use of vehicles can present serious and special problems of impact on the environment and incompatibility with other users of the land and may result in physical soil damage such as erosion and soil compaction, serious adverse impact on flora and its regeneration, degradation of trails to include rutting and breakdown of trail edges, disruption of wildlife breeding and nesting habitats, disturbance of wildlife, damage to archaeological, scientific, historical and other significant sites, damage to natural features and competition with other land users. There is a legislative proposal to change the off-highway vehicle statutes that will allow for reciprocity between states. The Arizona Legislature approves (appropriates) the Department's fiscal budget. This does not mean the Department is funded by the general fund (tax dollars). The Department operates primarily on the funding generated from the sale of hunting and fishing licenses, hunt permit-tags, stamps and matching funds from federal excise taxes hunters and anglers pay on guns, ammunition, fishing tackle, motorboat fuels, and related equipment. However, the Carefree Office is paid for by Indian Gaming dollars and not sportsmen dollars. The Legislature's approval of the fiscal budget only allows the Department to spend the money it generates. Over the past several years, sales of licenses, permits, stamps, and tags have trended downward while operational costs and Department responsibilities have increased or expanded. The Commission and the Department have made numerous budget adjustments to address rising costs and flat revenue. Some of these budget adjustments included keeping positions vacant and making cuts to program budgets to address rising costs. However, operational expenses and employer related costs have increased to the point where the Commission and Department may have to reduce essential programs such as law enforcement and support services. The Commission anticipates the fee increases will generate revenue sufficient to enable the Department to address rising operational expenses, carry out its duties effectively in managing the state's wildlife resources, and provide quality recreational wildlife opportunities and access for the regulated community.

Notices of Exempt Rulemaking

Written Comment: June 27, 2013. After reviewing many of the comments on the proposed license fee changes, I have to agree with the majority of respondents on most of the proposed changes. Do not charge premium fees for trophy deer and elk tags. Charge nonresidents more for nonresident tags. Almost all of the nonresident hunters apply for bull elk tags and they should pay more for them. If they do not like the higher prices, they can stay home and hunt. The Department should tighten their own belt before asking hunters and anglers to cover the cost of their own mismanagement. One item that was not mentioned is the Mexican wolf recovery project. This program is counterproductive to the stated objectives of providing more big game hunting opportunities to the general public. It would be interesting to know how much money is being spent on this project, and how many game animals have been lost because of it. Anyone who thinks we need more wolves in the wild, should have them released in their own backyard, as we in the White Mountains have had.

Agency Response: The Commission took into consideration a variety of factors, including comments on the conceptual license structure and fees received during Phase 1 of the public input process in May and June. One of the most discussed concepts was that of a “premium” hunt structure for certain deer and elk hunts. Based on the public comment received, the Commission did not include a premium hunt structure in the draft proposal. Typically, an agency may assess a nonresident a higher license or tag fee, the argument being a resident subsidizes wildlife conservation in many ways through various taxes, etc. that a nonresident is not subject to. However, the higher nonresident fee cannot be so high as to be unreasonably discriminatory under the Equal Protection Clause. In addition, nonresident hunters spend approximately \$24 million each year in Arizona, a significant contribution to the state's economy, particularly in rural parts of our state. The Department applied a common equation to almost all nonresident fees being amended or adopted, based on the proposed resident fees and customer input. The Commission proposes to establish a nonresident license/tag fee that is five or six times the corresponding resident license/tag fee. This resulted in some fees being raised while others were lowered. The Department operates primarily on the funding generated from the sale of hunting and fishing licenses, hunt permit-tags, stamps and matching funds from federal excise taxes hunters and anglers pay on guns, ammunition, fishing tackle, motorboat fuels, and related equipment. Over the past several years, sales of licenses, permits, stamps, and tags have trended downward while operational costs and Department responsibilities have increased or expanded. The Commission and the Department have made numerous budget adjustments to address rising costs and flat revenue. Some of these budget adjustments included keeping positions vacant and making cuts to program budgets to address rising costs. However, operational expenses and employer related costs have increased to the point where the Commission and Department may have to reduce essential programs such as law enforcement and support services. The Commission anticipates the fee increases will generate revenue sufficient to enable the Department to address rising operational expenses, carry out its duties effectively in managing the state's wildlife resources, and provide quality recreational wildlife opportunities and access for the regulated community. Funds spent and a report on Mexican wolf in Arizona can be accessed using the following link: http://www.fws.gov/southwest/es/mexicanwolf/pdf/MW_Project_Costs_to_Date_2012.pdf. Although it is not updated in the report posted on the above U.S. Fish and Wildlife Services web page, in 2012, Arizona spent \$105,623 in state dollars (heritage funding) and \$316,868 in federal dollars (endangered species funding, only eligible for endangered species). In addition, Arizona received \$165,000 in additional funding from the U.S. Fish and Wildlife Service for aviation costs and survey of Mexican wolf. Likewise, these funds are only available for endangered species. They are not offered or available for big game management. As far as impact to big game populations, game surveys to date have not been able to detect decline in elk numbers in the management units where the wolves are in Arizona. This is not to say that wolves do not eat elk, they do, but so far they have not affected elk populations enough to detect with current survey and hunt tags levels. Realize that last year's end count of Mexican wolves in Arizona and New Mexico was 75 wolves (January 2013), with 22 of that estimated minimum count being in non-tribal lands in Arizona. This total is nowhere near the numbers of wolves in Northern Rocky states where declines in big game populations have been perceived. The U.S. Fish and Wildlife Service Mexican wolf progress report can be accessed using the following link: http://www.fws.gov/southwest/es/mexicanwolf/pdf/2012_MW_Progress_Report_Final.pdf

Written Comment: June 27, 2013. I am usually critical of fee increases, but in this case I actually like what the Department has proposed. Even though the costs are slightly higher, the hunting license system seems a lot simpler. Removing the Premium tag change was also a positive, even though that change would not have had much of an impact on my personal situation. I am a native and life time resident of Arizona, but started hunting in Colorado several years ago to ensure I am able to hunt every year. Since I do hunt in Colorado as a nonresident, I have a firsthand understanding of, and the ability to compare, nonresident license and tag fees. Colorado fees are \$575 for bull elk, \$350 for cow elk, and \$350 for deer and include the cost of the license. So, Arizona's proposed costs of \$600 for an elk tag and \$300 for a deer tag is not out of line except for the required additional \$160 cost for a nonresident hunting license. One negative comment I hear from nonresidents applying for hunts in Arizona is they have zero opportunity to draw an elk tag or a high demand deer tag in units 9, 10, 12A, or 27 due to the bonus point system coupled with the 10% limit. A future consideration might be to offer at least one nonresident tag for each of those hunts base on an “at large” opportunity regardless of points. The draw would consist of one random number for each nonresident application regardless of bonus points. Every nonresident has an opportunity for that one tag and the Department may keep more nonresidents applying and purchasing the \$160 license simply for the opportunity to draw that one tag. Not sure many would agree with me, but I would be fine with that change even if the Department took the one tag out of the resident pool. I am sure the Department has heard this suggestion before, but I thought I would take this opportunity to provide my opinion. I hope the Department achieves its objective with the new 2014 fee structure.

Notices of Exempt Rulemaking

Agency Response: The Commission took into consideration a variety of factors, including comments on the conceptual license structure and fees received during Phase 1 of the public input process in May and June. One of the most discussed concepts was that of a “premium” hunt structure for certain deer and elk hunts. Based on the public comment received, the Commission did not include a premium hunt structure in the draft proposal. The requirement to purchase a license with a big game draw application was put in place for hunt year 2005. The Commission, through an extensive public meeting process, amended the rule to require a person to purchase a hunting license in order to be considered during the hunt draw process. This requirement was put in place with the understanding that the ultimate beneficiaries, Arizona’s wildlife resources and hunters (both resident and nonresident), will benefit from the requirement since license fees go directly into wildlife conservation, development, and management. The Commission and Department hold that over time, the increased costs will create a benefit to all hunters who enjoy Arizona’s wildlife opportunities by providing greater revenue for Department wildlife management objectives. Ultimately, this will enable us to maintain the nationally-recognized wildlife populations for which Arizona is known. Furthermore, while unsuccessful applicants may not have the opportunity to hunt the big game animal of their choice in Arizona, the license they purchase will allow them to participate in many other hunting and fishing opportunities within the state including over-the-counter archery deer hunts, population management hunts, and multiple small game hunting opportunities. In addition, several other western states require draw applicants to purchase a hunting license in order to participate in their limited draws: Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming. The draw process is governed primarily by Article 1 rules. The Article 1 rule review process is currently underway and operating independently of the license and fee structure exempt rulemaking process. Currently, within the Article 1 review process, there are several ideas for providing nonresidents with a chance at being drawn for high-demand hunts that are routinely awarded to only those nonresidents with maximum bonus points. This idea will be considered through the Article 1 review process as the draw process is not relevant to this rulemaking package.

Written Comment: June 28, 2013. For the most part, I agree with the changes made to tag fees, license fees and combinations. I feel the prices are fair and reflect a well thought out price increase. Given the proposed pricing in the draft, I would continue to apply for big game hunts and purchase a license just the same as I would with the current pricing. However, I am still not keen on the drastic increase in the application fee. While it may not be that big of a deal in terms of a dollar amount increase, it has probably the greatest percentage increase of any changes proposed in the draft. For what it’s worth, I would like to see a more reasonable application fee. Somewhere around \$10 (closer to a 25% increase) seems like a much more reasonable price. Other than the application fee, I think the changes proposed in the draft are fair and just. I have one question that perhaps can be explained in the future rules and regulations; how will the migratory bird stamp work with a 365 day license? The proposed hunting license will be valid for 365 days from the purchase date, but the migratory bird stamp has a fixed expiration date. For example, if I purchase a resident hunting license on September 5, 2014, it will expire September 4, 2015. If I purchase a migratory bird stamp to hunt dove on August 31, 2015, it will be attached to the license that expires in the middle of early dove season. To continue hunting dove I will need to purchase a new license on September 5, 2015, but will I need to purchase another migratory bird stamp to accompany the new license? Could I just retain my expired license to keep the still valid migratory bird stamp? Any clarification of a situation like this would be gratefully appreciated. I would like to once again thank the Department for providing a webcast of the draft proposal. It was of great benefit to those of us who have conflicting schedules and cannot attend meetings in person. More importantly, I would like to thank the Department for welcoming public input on topics such as this to decide the future of hunting and fishing in this state.

Agency Response: The Commission appreciates your support. The Department charges an application fee to cover some of the costs involved in processing the application, which includes application review, system maintenance and development, temporary draw personnel, and basic administrative costs. In addition, the Commission proposes to use a portion of the application fee to fund access, habitat conservation, and hunter/angler recruitment/retention projects throughout the state. The Commission proposes that \$3 of each resident application fee and \$5 of each nonresident application fee shall be deposited into the Game and Fish fund for the purpose of funding access, habitat conservation, and hunter/angler recruitment/retention projects. Currently, the Migratory Bird stamp is valid from July 1 to June 30 of the following year. The Commission intends to maintain the current valid period in order to comply with federal sampling requirements. In addition, the Commission proposes to combine the State Waterfowl and Migratory Bird stamp fees into one fee to simplify the license structure and increase value. Yes, the recently expired license (with the stamp) coupled with the new valid hunting or combination hunting and fishing license will allow a person to lawfully hunt migratory game birds during the July 1 to June 30 time-frame.

Written Comment: June 30, 2013: Allow bow and arrow fishing for striped bass at Lake Pleasant.

Agency Response: Your suggestion is outside of the scope of this rulemaking and will require a rule change to R12-4-313 before this method of take may be included in a Commission Order. Your comment will be placed in the rule record for consideration by the next rulemaking or rule review team, whichever occurs first.

Written Comment: June 30, 2013. I am a member of the Catfish-one site. I was hoping the Department could put in the rule that we can use more than two fishing poles. While fishing on the main lakes, most of us practice CPR (catch, picture, and release). Most other states allow a person to use more than two rods at one time, so I do not see why we cannot do the same here in Arizona.

Notices of Exempt Rulemaking

Agency Response: Your suggestion is outside of the scope of this rulemaking and will require a rule change to R12-4-313 before a person may lawfully fish with more than two poles. Your comment will be placed in the rule record for consideration by the next rulemaking or rule review team, whichever occurs first.

Written Comment: July 2, 2013. I just watched the webinar. I like a lot of things proposed, but have some concerns over others. My concerns are mostly with the application fee. I feel it is too high. The Department is almost doubling the fee. I would not have a problem with it if I only put in for one species, but when I put in for four or more species, it gets rather pricey. Start adding a few kids into the mix for multiple species and lowering the cost of the youth license does not compensate. Youth end up paying more than they did under the old structure. One suggestion is to lower the fee for persons who submit multiple applications. I would be for this and I think the Department would get more people on board with the application fee increase if the Department did something like this. My other suggestion is to raise the license fee higher and reduce application fee or add the habitat portion of the fee to license. This could move more people to lifetime license. I am not sure if this is a goal or not, but seems like it should be. The Department would also get the revenue. I would rather have to explain one higher charge on a license than four different fees to my wife. My other concern is with the application fee as well. The habitat and hunter access portion of the fee. I am concerned that the money will be used to setup some sort of land owners program. One of the great things about this state is you do not have to go pay some extra fee to someone else to hunt their land. I would suggest that some stipulation be included on what this money can be used for so that it cannot go to make someone else money. I would like to say that I like the simplification of the licenses were well thought out. I am glad that no premium structure was setup. I think the Department is going in the right direction of keeping the youth in the game. I thank you for letting us give some input. One question I have is why was the revenue so high in 2008? I thought applications were down for that year due to fees being increased, so should revenues have been down? Have not hunter applications have been increasing since 2007, so should revenues have been increasing?

Agency Response: The Commission appreciates your support. Please see the Agency Response on page 25 as it relates to the application fee increase. Typically, the number of permits that are available are far below demand. For example, an early bull elk hunt in game management unit 1 will attract over 8,000 first- and second-choice applicants for approximately 40 permits and a late antlered deer hunt in game management unit 12A West will attract over 5,000 first- and second-choice applicants for approximately 175 permits. Using this example, the Department would process over 13,000 applications to issue 215 permits. It is not operationally sound to charge an application fee only to persons who are successful in the draw. With the passage of Senate Bill 1223, the Commission was also granted the authority to temporarily reduce fees. However, the Commission is only pursuing rulemaking to establish a simpler license structure and fee increases to generate additional revenue. Your suggestions were placed in the record for consideration at a future date. The Commission took into consideration a variety of factors, including comments on the conceptual license structure and fees received during Phase 1 of the public input process in May and June. One of the most discussed concepts was that of a "premium" hunt structure for certain deer and elk hunts. Based on the public comment received, the Commission did not include a premium hunt structure in the draft proposal. The Game and Fish fund consists of monies received from licenses, permits, tags, and stamps, from the sale of goods or services at locations other than at shooting ranges that the Commission owns and operates. In 2008, actual license and tag sale revenue was \$27.4 million, but overall agency revenues for the Game and Fish Fund were \$35.1 million. This was due to the receipt of a settlement the Department received and the sale of the Greenway property. In 2007-2008, the Department went off-line and to a paper process only, causing a significant drop in the number of applications received by the Department. The online system was implemented again beginning with the 2012 hunts. Because the number of hunter applications greatly exceeds the number of permit-tags issued, simply having an increase in the number of applicants does not equal an increase in overall revenue, only an increase in the amount of application fees collected. License sales have been in a fairly steady downward trend, except for a very slight increase in 2012; however sales for each year since 2007 were significantly below those for 2006.

Written Comment: July 2, 2013. I would like to propose the Department issue a lifetime lion tag. If I can buy a lifetime hunting license, why not offer a lifetime lion tag? The Department would still maintain the annual bag limits, but the tag I bought would be valid for more than just the one year. The Department could produce a much cheaper carcass tag, like that in Colorado. When it is used, the hunter would simply purchase another carcass tag at a lesser cost than the annual lion tag. Would not this be of some benefit in multiple bag limit scenarios where only a new carcass tag is needed? More tags are sold than the number of tags filled and those of us who have been buying them for 20 years without ever using one could see the value in buying a tag that covers me for the rest of my life for the day when I do take a lion. What, if any, are the limitations or reasons for not offering a lifetime mountain lion tag?

Agency Response: There are several complications that may arise from offering this type of a tag. For example, how would a hunter affix the "lifetime" tag to their carcass? Should it be necessary to obtain an annual carcass tag? Should there be an annual fee associated with the annually acquired carcass tag or could it simply be acquired by simply presenting your valid lifetime tag to an approved vendor? As proposed, the mountain lion tag fee is relatively inexpensive and it is possible that lifetime mountain lion tags may not generate much interest. However, the primary reason for not pursuing this approach is that it is counter to the thrust of this simplification effort and would increase complexity and create more confusion among license purchasers.

Written Comment: July 9, 2013. The Department should allow a person under age ten to apply for bonus points. This is something hunting parents would not only appreciate and participate in for their under age children, but it would increase the Department's revenue significantly. Theoretically, this would positively impact hunter retention

Notices of Exempt Rulemaking

and recruitment efforts by enabling the child to enter the first draw with enough bonus points to draw a tag in a low draw odds unit. This would have long term retention benefits.

Agency Response: Through an extensive public meeting process, the Commission determined that bonus points should be awarded to eligible hunters, not future hunters. If a youth who is under the age of ten at the time of application deadline selects the bonus point-only hunt number, the youth is not eligible to receive a bonus point. However, if that same youth would turn age ten prior to start date of a hunt for which the youth applied, and the youth is not drawn, a bonus point would be awarded.

Written Comment: July 17, 2013. I do not like the idea of premium permits for deer and elk. Certainly, most of these permits are excellent and extremely hard to draw. I believe the Department's mission is to manage wildlife in trust for Arizona residents, taxpayers, and future generation. If an average person is lucky enough to draw one of these permits, I think the person should pay the same cost as they would for a regular tag. I support the youth permits and programs. In fact, I suggest the current wording for the youth permits of at least 5% be replaced with higher values. Either "at least 8%" or range values depending on the species. Mr. Wakeling indicated 10% is normal for youth javelina. If so, I would like to see 10% to 15% for those permits. I like the idea of getting away from the different stamps for fishing. I like the proposed fees and structure for nonresident fishing and combination hunting and fishing licenses. My brother and son no longer live in Arizona and we enjoy hunting and fishing together and appreciate the nonresident fees being so reasonable.

Agency Response: The Commission appreciates your support. The Commission took into consideration a variety of factors, including comments on the conceptual license structure and fees received during Phase 1 of the public input process in May and June. One of the most discussed concepts was that of a "premium" hunt structure for certain deer and elk hunts. Based on the public comment received, the Commission did not include a premium hunt structure in the draft proposal. Youth tag allocations are governed through the Hunt Guidelines which are approved by the Commission every two years. The biennial Hunt Guidelines review is currently underway and operating independently of the license simplification process. This comment was forwarded to the Game Branch for consideration through that process. Hunt Guideline recommendations will be presented to the Commission in September 2013.

Written Comment: July 17, 2013. I really like the new ideas for simplifying the purchases of hunting and fishing licenses. Combining the general fishing license with many of the stamp privileges will help a lot. All of the stamps make it very confusing for many fishermen to know what stamps are needed where. Adding the urban fishing permit to the general license is also a great idea. I have wanted to use local urban fishing lakes, but did not want to have to get another fishing license. One of my favorites is the new youth license. Including the ten to thirteen year olds will help them learn they need a license and also to help them to remember to bring it with them. Starting them off early will help them later in life. The price is also great with all the privileges that come with it. Although I like the new fishing licenses, the new application and the tag prices are a little steep for adults. I realize in this tough economy the prices on tags and tag applications are going to have to go up, but I think the prices are just a little steep. I think a \$10 application fee would be fairer. Instead of these high increases, maybe keep the fees that could be reduced the same and the increase the fees that are going to be increased just "a little bit" instead of the steep increase. This may soothe some of the hunters tension.

Agency Response: The Commission appreciates your support. Please see the Agency Response on page 22 as it relates to fee increases.

Written Comment: July 22, 2013. I like the new structure, except for one item. I do not believe the nonresident combination hunting and fishing license fee should be reduced to \$160. I believe lowering the fees will encourage more nonresident hunt applications, which would not be a good thing for Arizona's hunters. I believe Arizona's wildlife resources should be here for resident privileges.

Agency Response: The Commission appreciates your support. The reasoning behind the nonresident combination hunting and fishing license fee is two-fold. Currently, the Department sells approximately 21,000 nonresident hunting licenses and 660 nonresident combination hunting and fishing license. The Department is eliminating the nonresident hunting license and by offering only the nonresident combination hunting and fishing license anticipates an increase in revenue of \$131,000. In addition, the Department will be able to count both license privileges (hunting and fishing) as part of license certification which is used to determine the amount of Wildlife and Sport Fish Restoration Act Funds apportioned to the Department. It is also important to remember that nonresident tags are capped at 10%. So, while the supply remains the same the Department is effectively increasing the revenue without impacting the resource.

Written Comment: July 23, 2013. I really appreciate the proposal that licenses will be valid for 365 days from date of purchase, as opposed to calendar year. I typically buy a Super Conservation fishing license. Under your proposal, not only will I be able to save money buying this license (\$53 vs. \$37), but I will also get the two-pole and Colorado River privileges. This represents superior value to me. For almost the same price as I currently pay for the Super Conservation fishing license, for \$57 I can also get a combination hunting and fishing license that includes the additional fishing privileges. I am unclear as to whether the current combination hunting and fishing license (at \$54) includes the additional fishing privileges. If it does not, then this proposal represents superior value to me. I am unclear as to what the proposal is for the current family license structure. Is it being preserved or done away with? I appreciate the proposal for the youth licenses. Although the cost would no longer be zero for persons between ages 10 and 13, the

Notices of Exempt Rulemaking

proposal extends the affordability of taking youth hunting and fishing through age 17. It is unclear to me as to whether the same fishing limits would apply to youth license holders. Currently youth under the age of 14 have reduced bag limits compared to regular license holders. Overall, I think the Department achieves its goals of simplifying the license structure and removing barriers to the recruitment of new anglers and hunters.

Agency Response: The Commission appreciates your support. The current Class F combination hunting and fishing license includes trout privileges; a person would have to purchase the additional fishing privileges. The Commission proposes to repeal the family fishing licenses. Because the current family licenses are only available at a Department office and a person must purchase a license for all family members at one time has affected the popularity of the family license. The Commission believes the proposed license structure will provide families with greater value at near or less than the cost of the current family licenses. The Commission proposes to eliminate the previous fishing bag limit that applied to those persons who are not required to possess a valid fishing license.

Written Comment: July 31, 2013. I have hunted and fished in Arizona for over 20 years. I was talking to my Dad about going hunting, but after I told him that the hunting license is pretty much worthless by itself he told me that when he was young it cost \$5 for a hunting license - there were no stamps, no off-highway vehicle sticker, and no parking fees. I understand costs have gone up since then, but I have never seen the Department do anything but raise rates. I have been stopped by Wildlife Managers who want to make sure I have a tag, and that is it. I have reported broken water tanks to the Department and was told the tanks belong to the Forest Service and to talk to them. Should this be a big enough concern for the Department? I am told the off-highway vehicle sticker fees go to improve roads. I have not seen one road improved, unless shutting roads down is the improvement and you have to get a book that tells of road closures. Hunting was a way to supply my family with meat. Now it is cheaper to go to the grocery store. I use to speak highly of the Department, but now have nothing good to say.

Agency Response: Please see the Agency Response on page 22 as it relates to fee increases. Under A.R.S. § 28-1176, monies generated by the off-highway user indicia shall be used as follows: The Arizona Game and Fish department shall spend 35% of the monies in the off-highway vehicle recreation fund for informational and educational programs related to safety, the environment and responsible use with respect to off-highway vehicle recreation and law enforcement activities relating to off-highway vehicles and for off-highway vehicle law enforcement; The State Land Department shall spend 5% of the monies to allow occupants of off-highway vehicles with user indicia to mitigate damage to the land, for necessary environmental, historical and cultural clearance, or compliance activities and to fund enforcement of off-highway vehicle laws; The Arizona State Parks Board shall spend 60% of the for the following purposes: no more than 12% to fund staff support and off-highway vehicle recreational planning (which includes designating, constructing, maintaining, renovating, repairing or connecting off-highway vehicle routes and designating, managing, and acquiring land for access roads, off-highway vehicle recreation facilities and off-highway vehicle use areas) and no more than 35% for construction of new off-highway vehicle trails, enforcement of off-highway vehicle laws, off-highway vehicle related informational and environmental education programs, information, signage, maps and responsible use programs, mitigation of damages to land, revegetation, and the prevention and restoration of damages to natural and cultural resources, including the closure of existing access roads, off-highway vehicle use areas and off-highway vehicle routes and trails, and for necessary environmental, historical and cultural clearance, or compliance activities. Monies in the off-highway vehicle recreation fund shall not be used to construct new off-highway vehicle trails or routes on environmentally or culturally sensitive land unless the appropriate land management agency determines that certain new trail construction would benefit or protect cultural or sensitive sites.

Written Comment: July 31, 2013. I like the fishing license changes, it will give people added options at the spur of the moment; they can grab a pole and go out and catch a few fish. The big game fee increases are a mistake considering the economy and the fact that the Department needs to encourage hunting, participation has been on the decline now for several years, even though the population has increased. I suggest leaving them as they are or lowering them a little, including the nonresident fees, to encourage people who come to the West for the winter hunts and who are looking for a different venue due to Colorado's new gun laws. I have spoken to several hunters from back east and they say they are not going to hunt in Arizona; I have encouraged them to hunt in Arizona because the elk and deer populations and quality is every bit as good as Colorado. Arizona is viewed as a desert and the high country and forests are not considered. Maybe one good hunt in Arizona will change that perception and encourage them to come back and even tell their friends. For added revenue, the Department should provide a program, for a small fee, that would teach people how to camp responsibly: how to clear a campsite, to set up and put out a campfire, to store food, etc. A program like this would help keep our forests clean and hopefully reduce forest fires. The Department could offer persons who have completed the course a reduced fee for camping in developed camp grounds. I have personally put out campfires that were abandoned by campers who didn't extinguish the fire properly and have cleaned up debris they left behind.

Agency Response: The Commission appreciates your support. Please see the Agency Response on page 22 as it relates to fee increases. While your suggestion has merit, the Commission does not have the statutory authority to establish such a program as suggested nor does the Department charge a fee for the use of its wildlife areas that allow overnight camping.

Written Comment: July 31, 2013. The chart indicates that roughly six times as many tags will be reserved for non-residents as will be made available to residents for most big game draws. Either this a glaring editorial error or the Department has proposed resident/nonresident permit ratios that are utterly unacceptable.

Notices of Exempt Rulemaking

Agency Response: The chart included in the PowerPoint presentation (available on the License Simplification website) does not indicate the number of tags Arizona has allotted for nonresidents; it is merely a comparison between the total number of tags Arizona allocates and the total number of tags other states allocate. It is also important to remember that nonresident tags are capped at 10%.

Written Comment: July 31, 2013. I think lowering the fee for the super conservation fishing license from \$53 to \$37 is a good step. I do not think raising the price of a resident fishing license from \$23.50 to \$37 is the way to go. I think it would be better to leave the price as it is or lower it, so more people would buy them. Some people live near places where they want to fish, so they do not want to pay for all the other extras and that may cause the Department to lose revenue. I also think lowering the price of nonresident licenses would allow the Department to increase revenue, but limit the licenses to catch and release only because those nonresidents are our friends and we want to be able to fish with our "buddies." Another suggestion is to allow residents to buy a "no-name" fishing license at the full price (catch and release-only), so people can introduce fishing to friends, family, church groups, charity groups, etc. We can take these people to a fishing spot and introduce them to fishing without any cost to them. This would let additional people try fishing without losing the resources we have. If they like it, they can buy a fishing license which would generate more revenue for the Department to use for better fish quality and quantity in our great state fisheries.

Agency Response: Please see the Agency Response on page 22 as it relates to fee increases. With the passage of Senate Bill 1223, the Commission was also granted the authority to temporarily reduce fees. However, the Commission is only pursuing rulemaking to establish a simpler license structure and fee increases to generate additional revenue. Your suggestion was placed in the record for consideration at a future date.

Written Comment: July 31, 2013. Instead of showing the current tag fees which includes the application fee and proposed tag fees which do not include the application fee, show the real total costs being proposed. Every time I read a new draft, it sickens me to see the back-handed trickery the Department is using to make it look like it is not trying to rape the residents of the state. Stop trying to make money and actually manage our wildlife; that would be great. Charge nonresidents more and leave our fees alone.

Agency Response: The Department deployed an extensive outreach campaign from May through June 2013 to inform the public of the newly passed legislation and collect feedback about a conceptual license and fee structure. The campaign included public meetings and a webcast (available through the Department's website). The Department created a dedicated web page (www.azgfd.gov/LicenseSimplification). Press releases were issued to announce public meeting dates and direct people to the web page. In addition, only one draft Notice of Exempt Rulemaking was made available to the public; as is the Department's policy for all rulemakings undertaken by the Commission. In every case, both the current and proposed fee information did not combine the tag and application fees into one fee. Typically, an agency may assess a nonresident a higher license or tag fee, the argument being a resident subsidizes wildlife conservation in many ways through various taxes, etc. that a nonresident is not subject to. However, the higher nonresident fee cannot be so high as to be unreasonably discriminatory under the Equal Protection Clause. In addition, nonresident hunters spend approximately \$24 million each year in Arizona, a significant contribution to the state's economy, particularly in rural parts of our state. Please see the Agency Response on page 22 as it relates to fee increases.

Written Comment: July 31, 2013. This year I applied for a deer tag and was not drawn. Then I mailed in an application for an over-the-counter (first-come, first-served) tag. It was returned for insufficient funds. By the time I received the returned application, all of the over-the-counter tags were gone. I spent two hours reading the available information to determine how much it would cost for my 13-year old stepson who recently finished his hunter education course before sending our application. I was \$9 short. He worked really hard to complete the course before the deadline and was very excited about getting his first tag. Now, I have to tell him we were unsuccessful because I could not find the answer to how much we needed to pay for his tag, application, and hunting license. I feel that the massive amount of information available and the lack of a direct route to an answer for each individual situation are to blame. The Department should develop a "one stop" flow chart for each species and age bracket that tells the customer exactly what the fees are for each situation. I believe this would have given me to a definitive answer and prevented us from losing out on this year's opportunity, which should have been my child's first. I would be willing to volunteer time to create a fee schedule flow chart with the Tucson Office if necessary.

Agency Response: Because the current license structure is complex and each person's situation is unique, it was difficult to create a chart that provides the total fees for each situation. With the simplified license structure, the Department anticipates that it will be easier for persons to determine the type of license and fees that are required. However, the Department agrees that a chart such as the one you described would be a helpful tool and your suggestion was placed in the record for consideration at a future date. Thank you also for offering to volunteer your personal time to create a chart.

Written Comment: July 31, 2013. Offering a nonresident combination hunting and fishing license that is valid for 365 days, good for the take of small and big game, and includes trout, two-pole, urban, Colorado River privileges for \$160. This decrease from \$225.75 is not fair. Nonresidents should pay at least \$230 (5% increase).

Agency Response: The Commission appreciates your support. The reasoning behind the nonresident combination hunting and fishing license fee is two-fold. Currently, the Department sells approximately 21,000 nonresident hunting licenses and 660 nonresident combination hunting and fishing license. The Department is eliminating the nonresident

Notices of Exempt Rulemaking

hunting license and by offering only the nonresident combination hunting and fishing license anticipates an increase in revenue of \$131,000. In addition, the Department will be able to count both license privileges (hunting and fishing) as part of license certification which is used to determine the amount of Wildlife and Sport Fish Restoration Act Funds apportioned to the Department. It is also important to remember that nonresident tags are capped at 10%. So, while the supply remains the same the Department is effectively increasing the revenue without impacting the resource.

Written Comment: July 31, 2013. I would like to start by saying the Department does good job overall with wildlife management throughout the state and the Department contains many great folks in law enforcement as well as research and other components of management. I am glad to see a reduction for the younger generation of hunters, which I believe is quite warranted and should continue. I dislike the increases in fees, though I partially understand the reasoning. I think that perhaps raising fees associated with fines could serve as a potential way of avoiding added increases, especially for those of us who follow the rules. Unfortunately, many citizens are experiencing tough economic times which makes it difficult, especially with the additional ways in which funds are or will be collected by the Department (e.g. bird stamps, off-highway vehicle decals, and the new habitat fees proposed under this process to name a few). In no way do I agree with reducing salaries of those in the Department. However, the Department should consider ways to provide better oversight of funding since most of us have to do this. I understand this may be easier said than done, since some politicians have mastered ways in which they raid or reduce funding to a particular agency. Consider holding more tag raffles to raise funding rather than increasing fees? Many who work hard and like to hunt and/or fish may not have the means to continually pay more, considering the numerous increases in other consumer costs. Consider dramatic fine increases for littering and harmful impacts toward the habitat. It is tough to see places close because a few people freely throw their garbage on the ground or create new trails or disturbance. Consider the possibility of increasing or adding fees for violators as part of their restitution. This could cover important ideas evolving around habitat restoration and other relative topics. Perhaps this could include some type of computer generated training which could, to a certain extent, reduce the workload for Department staff. I do agree with the change of licensing as it relates to the one-year period. I appreciate the opportunity to provide a few comments and hope that these ideas may provide a little something to consider.

Agency Response: The Commission appreciates your support. Please see the Agency Response on page 22 as it relates to fee increases. An agency may only impose fines authorized under statute. A legislative amendment is required before the Department may impose the fines or penalties you suggest. The requirements for the special big game license tags are prescribed under A.R.S. § 17-346, which states “No more than three special big game license tags may be issued for each species of big game in a license year. Notwithstanding section 17-332, subsection D, an organization which receives special big game license tags issued under this section may sell and transfer them if all proceeds of the sale are used in this state for wildlife management.” A legislative amendment is required before the Department may offer additional special big game tags for raffles.

Written Comment: July 31, 2013. The Department should offer a no-fee or reduced-fee license to active duty military and/or National Guard members. Texas, Alaska, and other states do it; why not Arizona? There is not a real high number of military within the state and not all military members hunt and fish, so I do not think it will have a great impact on the funding the Department receives. However, it would be a great benefit to us military members who hunt and fish. There are also times when our military members put in for a hunt permit-tag and are drawn, only to find out they are being sent on another deployment; causing them to lose out on that hunt and fees that were paid.

Agency Response: With the passage of Senate Bill 1223, the Commission was also granted the authority to temporarily reduce fees. However, the Commission is only pursuing rulemaking to establish a simpler license structure and fee increases to generate additional revenue. Your suggestion was placed in the record for consideration at a future date. Under A.R.S. § 17-332 and R12-4-121, a person who is unable to use a tag may transfer that tag to their minor child or grandchild or donate the tag to a nonprofit organization for use by a minor child who has a life threatening medical condition or permanent physical disability. In addition, the Commission is considering adopting a tag surrender rule which would allow a hunter to surrender their unused, original hunt permit-tag and purchase another hunt permit-tag through the first-come, first-served process for a future hunt.

The following comments suggest the Commission offer additional licenses and discounts:

Written Comment: July 5, 2013. Last weekend I attended the annual meeting of the Arizona Wildlife Federation. One of the topics discussed was the license simplification and fee flexibility proposals before the Commission. The only substantive comment that I recorded from that discussion (other than general favor) was the idea of establishing a separate habitat conservation stamp rather than adding it to the application fee. The idea was that if a habitat conservation stamp was adopted, then nontraditional users (such as bird watchers, wildlife viewers, etc.) might be encouraged to purchase the stamp to raise added dollars for conservation. This is currently the case with some purchasers of the federal duck stamp.

Written Comment: July 24, 2013. The Department should offer senior discounts on fees for applicants over age 62. I do not think it is fair to make me pay for Community and Colorado River fees when I do not want and will not use them. These two extras should still require an additional fee. The proposed combination hunting and fishing license fee should be lowered so that I am not forced to pay for items I do not want or need in the interests of fairness and justice.

Notices of Exempt Rulemaking

Written Comment: July 30, 2013. I believe the lifetime license rates for older residents are unfair. You can do better. I would suggest a rate reduction every five years between ages 45 and 60. The proposed application fee increase is okay, providing that the \$3 resident and \$5 nonresident habitat, access, land fund concept is fully exercised. The Commission should buy land with this money; we can all pray for rain, but what we need now is access.

Written Comment: July 31, 2013. How about discounted license for military veterans and people who are disabled? Give them a price break. I am talking about all veterans and regular people with disabilities, not just the disabled veterans. I am a veteran and after having open heart surgery last year, I am classified as disabled because I can never work again and cannot lift over 10 pounds. I still love to fish and hunt with my friends.

Written Comment: July 31, 2013. The Department offers a free military disability license, but nothing for permanently disabled police and firemen. They should be included. They are the State's "front line troops."

Written Comment: July 31, 2013. I suggest that the Department offer with a life time or multiple year lion tag. This would create instant revenue. I am sure there are some people who come across a lion, harvest it, and then buy a tag.

Agency Response: With the passage of Senate Bill 1223, the Commission was also granted the authority to temporarily reduce fees. However, the Commission is only pursuing rulemaking to establish a simpler license structure and fee increases to generate additional revenue. Your suggestion was placed in the record for consideration at a future date.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules. Additional matters include but are not limited to:

a. Whether the rule requires a permit, whether a general permit is used, and if not, the reason why a general permit is not used:

The rules require alternative permits specifically authorized under A.R.S. §§ 17-331, 17-333, and 17-336.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law, and if so, citation to the statutory authority to exceed the requirements of federal law:

Federal law, 50 C.F.R. Part 20, 16 U.S.C. §§ 670a through 670o, and 16 U.S.C. §§ 703 through 712, are applicable to the subject of the rule; the rule is not more stringent than federal law.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

The agency has not received an analysis.

13. A list of any incorporated material and its location in the rule:

50 C.F.R. 10.13 is incorporated by reference under R12-4-422(D).

14. Whether the rule was previously made, amended, repealed, or renumbered as an emergency rule? If so, shall state where the text changed between the emergency and exempt rulemaking packages:

Not applicable.

15. The full text of the rules follows:

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS

Section

- R12-4-102. ~~Fees for Licenses, Tags, Stamps, and Permits~~ License, Permit, Stamp, and Tag Fees
- R12-4-104. Application Procedures for Issuance of Hunt Permit-tags by Drawing and Purchase of Bonus Points
- R12-4-107. Bonus Point System
- R12-4-109. ~~Repealed~~ Approved Trapping Education Course Fee
- R12-4-115. Supplemental Hunts and Hunter Pool

ARTICLE 2. MISCELLANEOUS LICENSES; AND PERMITS; STAMPS; TAGS

Section

- R12-4-201. Pioneer License
- R12-4-202. Disabled Veteran's License
- R12-4-203. National Harvest Information Program (HIP); State Waterfowl and Migratory Bird Stamp
- R12-4-204. ~~Sikes Act Habitat Management Stamps~~ Repeal

Notices of Exempt Rulemaking

- R12-4-205. ~~Honorary High Achievement Scout License; Reduced Fee Youth Class F License~~
- R12-4-206. ~~Repealed General Hunting License; Exemption~~
- R12-4-207. ~~Repealed General Fishing License; Exemption~~
- R12-4-209. ~~Repealed Community Fishing License; Exemption~~
- R12-4-210. ~~Repealed Combination Hunting and Fishing License; Exemption~~
- R12-4-211. ~~Repealed Lifetime License~~
- R12-4-212. ~~Repealed Benefactor License~~
- R12-4-213. ~~Repealed Hunt Permit-tags and Nonpermit-tags~~
- R12-4-214. ~~Repealed Apprentice License~~
- R12-4-215. ~~Repealed Youth Group Two-day Fishing License~~

ARTICLE 3. TAKING AND HANDLING OF WILDLIFE

Section

- R12-4-311. Exemptions from Requirement to Possess an Arizona Fishing License or Hunting License While Taking Wildlife
- R12-4-312. ~~Special Use Permits and Stamps for Fishing on Waters with Shared Jurisdiction~~ Repeal
- R12-4-318. Seasons for Lawfully Taking Wild Mammals, Birds, and Reptiles

ARTICLE 4. LIVE WILDLIFE

Section

- R12-4-412. ~~Repealed Special License Fees~~
- R12-4-422. Sport Falconry License
- R12-4-424. White Amur Stocking and Holding License

ARTICLE 5. BOATING AND WATER SPORTS

Section

- R12-4-501. Boating and Water Sports Definitions
- R12-4-503. Renewal of Watercraft Registration
- R12-4-504. ~~Staggered Watercraft Registration Schedule; Fees; Penalty for Late Registration; Staggered Registration Schedule~~
- R12-4-529. Nonresident Boating Safety Infrastructure ~~Fee~~ Fees; Proof of Payment; Decal

ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS

R12-4-102. ~~Fees for Licenses, Tags, Stamps, and Permits~~ License, Permit, Stamp, and Tag Fees

- A.** ~~An individual~~ A person who purchases a license, tag, stamp, or permit listed in this Section shall pay at the time of purchase all applicable fees at the time of application, prescribed under this Section or pay the fees as prescribed by the Director authorizes under R12-4-115.
- B.** A person who applies to purchase a hunt permit-tag shall submit with the application all applicable fees using acceptable forms of payment as required under R12-4-104(F) and (G).
- C.** As authorized under A.R.S. § 17-345, the license fees in this section include a \$3 surcharge, except Youth and High Achievement Scout licenses.

Hunting and Fishing License Fees	Resident	Nonresident
Class A, General Fishing License	\$23.50	\$70.25
Class A, General Fishing License issued in November or December of the year for which the license is valid; this includes half of the surcharge prescribed as authorized under A.R.S. § 17-345	\$11.75	\$35.15
Class B, Four-month Fishing License	Not available	\$39.75
Class C, Five-day Fishing License	Not available	\$32.00 + \$9.00 for each additional consecutive day

Arizona Administrative Register / Secretary of State

Notices of Exempt Rulemaking

Class D, One-day Fishing License	\$16.25 + \$8.00 for each additional consecutive day	\$17.25 + \$9.00 for each additional consecutive day
Class E, Colorado River Only Fishing License	Not available	\$48.75
Class F, Combination Hunting and Fishing License	\$54.00	\$225.75
Youth, fee applies before and through the calendar year of the applicant's 20th birthday	\$26.50	\$26.50
Honorary Scout, fee applies to an applicant eligible under A.R.S. § 17-336(B) before and through the calendar year of the applicant's 20th birthday	\$5.00	Not available
Child, fee applies to children who will be at least 10 years of age during the license year but will be less than 14 years of age	\$20.00	\$20.00
Class G, General Hunting License	\$32.25	\$151.25
Child, fee applies to children who will be at least 10 years of age during the license year but will be less than 14 years of age	\$15.00	\$15.00
Class H, Three-day Hunting License	Not available	\$61.25
Resident Youth Group Two-day Fishing License	\$25.00	Not available
Class I, Resident Family Fishing License, as prescribed under A.R.S. § 17-333		Not available
Primary Adult	\$36.25	
One additional adult in the immediate family	\$29.00	
Any child in the immediate family	\$2.00 per child	
Class J, Resident Family Hunting License, as prescribed under A.R.S. § 17-333		Not available
Primary adult	\$32.25	
One additional adult in the immediate family	\$25.80	
Any child in the immediate family	\$15.00 per child	
Class K, Combination Resident Family Hunting and Fishing License, as prescribed under A.R.S. § 17-333		Not available
Primary adult	\$54.00	
One additional adult in the immediate family	\$43.20	
Any child in the immediate family	\$20.00 per child	
Class L, Super Conservation Fishing License. Gives the same privileges as a Class A General Fishing License, a Class U Urban Fishing License, and a Trout Stamp	\$53.00	\$63.00
Class M, Super Conservation Hunting License. Gives the same privileges as a Class G General Hunting License, and includes a nonpermit tag for archery deer, archery turkey, fall bear, and mountain lion, and a Unit 12A (North Kaibab) Habitat Management Stamp, a State Waterfowl Stamp, and a State Migratory Bird Stamp	\$118.00	Not available
Class N, Combination Super Conservation Hunting and Fishing License. Gives the same privileges as a Class F Combination Hunting and Fishing License and a Class U Urban Fishing License, and includes a nonpermit tag for archery deer, archery turkey, fall bear, and mountain lion, and a Unit 12A (North Kaibab) Habitat Management Stamp, a State Waterfowl Stamp, and a State Migratory Bird Stamp	\$163.00	Not available
Class U, Urban Fishing License	\$18.50	\$18.50
Class U, Urban Fishing License issued in November or December of the year for which the license is valid; this includes half of the surcharge prescribed as authorized under A.R.S. § 17-345	\$9.25	\$9.25

<u>Hunting and Fishing License Fees</u>	<u>Resident</u>	<u>Nonresident</u>
General Fishing License	\$37	\$55
Community Fishing License	\$24	\$24
General Hunting License	\$37	Not available
Combination Hunting and Fishing License	\$57	\$160

Notices of Exempt Rulemaking

<u>Youth Combination Hunting and Fishing License, fee applies until the applicant's 18th birthday.</u>	<u>\$5</u>	<u>\$5</u>
<u>High Achievement Scout License, as authorized under A.R.S. § 17-336(B). Fee applies until the applicant's 21st birthday.</u>	<u>\$5</u>	<u>Not available</u>
<u>Short-term Combination Hunting and Fishing License</u>	<u>\$15</u>	<u>\$20</u>
<u>Youth Group Two-day Fishing License</u>	<u>\$25</u>	<u>Not available</u>

Hunt Permit-tag Fees	Resident	Nonresident
Antelope	\$77.50 <u>\$90</u>	\$477.50 <u>\$550</u>
Bear	\$22.25 <u>\$25</u>	\$237.50 <u>\$150</u>
Bighorn Sheep	\$265.00 <u>\$300</u>	\$1,400.00 <u>\$1,800</u>
Buffalo		
Adult Bulls or Any Buffalo	\$1,087.50 <u>\$1,100</u>	\$5,444.75 <u>\$5,400</u>
Adult Cows	\$652.00 <u>\$650</u>	\$3,255.25 <u>\$3,250</u>
Yearling	\$355.25 <u>\$350</u>	\$1,747.25 <u>\$1,750</u>
Cow or Yearling or Cow	\$652.00 <u>\$650</u>	\$3,255.25 <u>\$3,250</u>
Deer and Archery Deer	\$34.75 <u>\$45</u>	\$225.25 <u>\$300</u>
Junior Youth	\$25.00 <u>\$25</u>	\$25.00 <u>\$25</u>
Elk	\$114.00 <u>\$135</u>	\$587.50 <u>\$650</u>
Junior Youth	\$50.00 <u>\$50</u>	\$50.00 <u>\$50</u>
Javelina and Archery Javelina	\$21.25 <u>\$25</u>	\$97.50 <u>\$100</u>
Junior Youth	\$15.00 <u>\$15</u>	\$15.00 <u>\$15</u>
Mountain Lion	\$14.50	\$225.00
Pheasant non-archery, non-falconry	Permit application fee only	Permit application fee only
Turkey and Archery Turkey	\$18.00 <u>\$25</u>	\$70.25 <u>\$90</u>
Junior Youth	\$10.00 <u>\$10</u>	\$10.00 <u>\$10</u>
Sandhill Crane	\$7.50 <u>\$10</u>	\$7.50 <u>\$10</u>

Nonpermit-tag and Restricted Nonpermit-tag Fees	Resident	Nonresident
Antelope	\$77.50 <u>\$90</u>	\$477.50 <u>\$550</u>
Bear	\$22.25 <u>\$25</u>	\$237.50 <u>\$150</u>
Bighorn Sheep	\$265.00	\$1,400.00
Buffalo		
Adult Bulls or Any Buffalo	\$1,087.50 <u>\$1,100</u>	\$5,444.75 <u>\$5,400</u>
Adult Cows	\$652.00 <u>\$650</u>	\$3,255.25 <u>\$3,250</u>
Yearling	\$355.25 <u>\$350</u>	\$1,747.25 <u>\$1,750</u>
Cow or Yearling or Cow	\$652.00 <u>\$650</u>	\$3,255.25 <u>\$3,250</u>
Deer and Archery Deer	\$34.75 <u>\$45</u>	\$225.25 <u>\$300</u>
Junior Youth	\$25.00 <u>\$25</u>	\$25.00 <u>\$25</u>
Elk	\$114.00 <u>\$135</u>	\$587.50 <u>\$650</u>
Junior Youth	\$50.00 <u>\$50</u>	\$50.00 <u>\$50</u>
Javelina and Archery Javelina	\$21.25 <u>\$25</u>	\$97.50 <u>\$100</u>
Junior Youth	\$15.00 <u>\$15</u>	\$15.00 <u>\$15</u>
Mountain Lion	\$14.50 <u>\$15</u>	\$225.00 <u>\$75</u>
Pheasant non-archery, non-falconry	Permit application fee only	Permit application fee only
Turkey and Archery Turkey	\$18.00 <u>\$25</u>	\$70.25 <u>\$90</u>
Junior Youth	\$10.00 <u>\$10</u>	\$10.00 <u>\$10</u>
Sandhill Crane	\$7.50 <u>\$10</u>	\$7.50 <u>\$10</u>

Arizona Administrative Register / Secretary of State

Notices of Exempt Rulemaking

Stamps and Special Use Permit Fees	Resident	Nonresident
Arizona Colorado River Special Use Permit Stamp. For use by resident California and Nevada licensees	Not available	\$3.00 \$3
Arizona Colorado River Special Use Permit Stamp. For use as established under R12-4-312	Not available	\$3.00
Arizona Lake Powell Stamp. For use by resident Utah licensees	Not available	\$3.00
Bobcat Permit Tag Seal	\$3.00 \$3	\$3.00 \$3
State Waterfowl Stamp, as prescribed under A.R.S. § 17-333.01. Validates a hunting license to allow the license holder to take waterfowl as established under R12-4-203	\$8.75	\$8.75
State Migratory Bird Stamp, as prescribed in A.R.S. § 17-333.03. Validates a hunting license to allow the license holder to take migratory game birds as prescribed under R12-4-203	\$4.50 \$5	\$4.50 \$5
Trout Stamp. Validates a Class A license to allow the license holder to take trout	\$15.75	\$57.75
Two Pole Stamp. Validates a fishing license to allow the license holder to engage in simultaneous fishing, as defined under R12-4-101	\$6.00	\$6.00
Unit 12A (North Kaibab) Habitat Management Stamp Sikes Act stamp, validates a hunting license to allow the license holder to take deer in unit 12A as established under R12-4-204	\$15.00	\$15.00

Other License Fees	Resident	Nonresident
Game Bird Field Trial License	\$6.00	\$6.00
Game Bird Hobby License	\$5.00	\$5.00
Game Bird Shooting Preserve License	\$115.00	\$115.00
Fur Dealer's License	\$115.00 \$115	\$115.00 \$115
Guide License	\$300.00 \$300	\$300.00 \$300
License Dealer's License	\$100.00 \$100	\$100.00 \$100
License Dealer's Outlet License	\$25.00 \$25	\$25.00 \$25
Live Bait Dealer's License	\$35.00	\$35.00
Private Game Farm License	\$57.50	\$57.50
Sport Falconry License (3-year license)	\$87.50	Not available
Taxidermist License	\$150.00 \$150	\$150.00 \$150
Trapping License	\$30.00 \$30	\$275.00 \$275
Juvenile Youth	\$10.00 \$10	Not available \$10
White Amur Stocking and Holding License, business. Initial and renewal license fee	\$250.00	\$250.00
White Amur Stocking and Holding License, non-business. Under R12-4-424, an individual who holds a non-business white amur stocking and holding license does not pay the required fee when renewing the license	\$250.00	\$250.00
Zoo License	\$115.00	\$115.00

Administrative Fees	Resident	Nonresident
Duplicate License Fee	\$4.00 \$4	\$4.00 \$4
Permit Application Fee	\$7.50 \$13	\$7.50 \$15

B-D. An individual ~~A person~~ desiring a replacement of the following a Migratory Bird or Arizona Colorado River Special Use Permit Stamp shall repurchase the stamp or permit:

1. Trout Stamp.
2. Arizona Colorado River Special Use Permit.
3. Arizona Colorado River Special Use Permit Stamp.
4. Arizona Lake Powell Stamp.

Notices of Exempt Rulemaking

- 5- State Migratory Bird Stamp.
- 6- State Waterfowl Stamp.
- 7- Two-Pole Stamp.
- 8- Resident Additional Fishing Day Stamp.
- 9- Nonresident Additional Fishing Day Stamp.
- 10- Unit 12A (North Kaibab) Habitat Management Stamp.

R12-4-104. Application Procedures for Issuance of Hunt Permit-tags by Drawing and Purchase of Bonus Points

- A. For the purposes of this Section, "group" means all applicants who have placed their names on a single application form contained in a single envelope, or submitted electronically over the Internet as part of the same application. No more than four ~~individuals~~ persons may apply as a group.
- B. ~~An individual~~ A person is eligible to apply:
 - 1. For a hunt permit-tag if the ~~individual person~~:
 - a. Is at least 10 years old at the start of the hunt for which the ~~individual person~~ applies;
 - b. Has completed a department-approved hunter education course by the start date of the hunt for which the ~~individual person~~ applies, if the ~~individual person~~ is under the age of 14; and
 - c. Does not have his or her license or license privileges to hunt in this state suspended or revoked at the time the ~~individual person~~ submits an application, as a result of an action under either A.R.S. §§ 17-340 or 17-502.
 - 2. For a bonus point if the ~~individual person~~:
 - a. Is at least 10 years old by the deadline to apply; and
 - b. Does not have his or her license or license privileges to hunt in this state suspended or revoked at the time the ~~individual person~~ submits an application, as a result of an action under either A.R.S. §§ 17-340 or 17-502.
- C. An applicant for a hunt permit-tag or a bonus point shall complete and submit a Hunt Permit-tag Application Form, available from any Department office, the Department's Internet web site, or a license dealer. An applicant shall apply at the times, locations, and in the manner established by the hunt permit-tag application schedule that is published ~~annually~~ by the Department and available at any Department office, the Department's Internet web site, or a license dealer. Under A.R.S. § 17-231, the Commission shall set application deadlines for hunt permit-tag drawing applications. The Director has the authority to extend any ~~draw application~~ application deadline date if problems occur that prevent the public from submitting a hunt permit-tag application within the deadlines set by the Commission.
- D. An applicant shall sign the Hunt Permit-tag Application Form, or provide permission for another ~~individual person~~ person to sign the application form on behalf of the applicant. If applying electronically over the Internet, an applicant shall attest to, or provide permission for another ~~individual person~~ person to attest to, the information electronically provided.
- E. An applicant shall provide the following information on the Hunt Permit-tag Application Form:
 - 1. ~~The applicant's name, the applicant's home mailing address, the applicant's residency status, the applicant's date of birth;~~
 - 2. ~~The applicant's social security number, as required under A.R.S. §§ 25-320(N) and 25-502(K), and the applicant's Department identification number, if different from the social security number; personal information:~~
 - a. Name;
 - b. Date of birth;
 - c. Social security number, as required under A.R.S. §§ 25-320(N) and 25-502(K);
 - d. Department identification number, when applicable;
 - e. Residency status and number of years of residency immediately preceding application, when applicable;
 - f. Mailing address, when applicable;
 - g. Physical address;
 - h. Telephone number, when available; and
 - i. E-mail address, when available; and
 - 3-2. ~~If licensed to the applicant possesses a valid license authorizing the take of wildlife in this state, the number of the applicant's license for the year the hunt will take place;~~
 - 4-3. ~~If not licensed for the year in which the applicable hunt will take place the applicant does not possess a valid license at the time of the application, the applicant shall purchase a license by completing the License Application portion of the Hunt Permit-tag Application Form, providing the applicant's name, Department identification number, home mailing address, class of license for which application is made, residency status, length of Arizona residency (if applicable), date of birth, sex, weight, height, and color of hair and eyes; and as established under subsection (N). The applicant shall provide all of the following information on the license application portion of the Hunt Permit-tag Application:~~
 - a. Physical description, to include the applicant's eye color, hair color, height, and weight;
 - b. Residency status and number of years of residency immediately preceding application, when applicable; and
 - c. Type of license for which the person is applying.
 - 5-4. ~~If an applicant is younger than age 14, and is applying for a hunt other than big game, but is not required to have a license under A.R.S. § 17-335(B), the applicant shall indicate "juvenile" in the space provided for the license number~~

Notices of Exempt Rulemaking

- ~~on the Hunt Permit-tag Application Form. An applicant who is:~~
- a. Under the age of ten and is submitting an application for a hunt other than big game is not required to have a license under this Chapter. The applicant shall indicate "youth" in the space provided for the license number on the Hunt Permit-tag Application Form.
 - b. Age nine or older and is submitting an application for a big game hunt is required to purchase an appropriate license as required under this Section. The applicant shall either enter the appropriate license number in the space provided for the license number on the Hunt Permit-tag Application Form or purchase a license at the time of application, as applicable.
- F. An applicant shall include as part of the hunt permit-tag application, the following fees as ~~prescribed by~~ established under R12-4-102:
1. The fee for the applicable hunt permit-tag, unless the application is submitted electronically over the Internet or telephone;
 2. The permit application fee; and
 3. The license fee if the applicant ~~has~~ does not previously purchased possess a license ~~for the year in which the hunt takes place~~ that will be valid at the time of application deadline.
- G. An applicant shall enclose payment for a hunt permit-tag with a single hunt permit-tag application form, made payable in U.S. currency to the Arizona Game and Fish Department, by certified check, cashier's check, money order, or personal check. If applying electronically over the Internet or telephone, an applicant shall include payment by valid credit card as a part of the hunt permit-tag application.
- H. An applicant shall apply for a specific hunt or a bonus point by the current hunt number. If all hunts selected by the applicant are filled at the time the application is processed in the drawing, the Department shall deem the application unsuccessful, unless the application is for a bonus point.
- I. An applicant shall make all hunt choices for the same genus within one application.
- J. An applicant shall not include applications for different genera of wildlife in the same envelope.
- K. All members of a group shall apply for the same hunt numbers and in the same order of preference. The Department shall not issue a hunt permit-tag to any group member unless sufficient hunt permit-tags are available for all group members.
- L. An applicant shall submit only one valid application per genus of wildlife for any calendar year, except:
1. If the bag limit is one per calendar year, an unsuccessful applicant may re-apply for remaining hunt permit-tags in unfilled hunt areas, as specified in the hunt permit-tag application schedule published ~~annually~~ by the Department.
 2. For genera that have multiple draws within a single calendar year, ~~an individual a person~~ an individual a person who successfully draws a hunt permit-tag during an earlier season may apply for a later season for the same genus if the ~~individual person~~ individual person has not taken the bag limit for that genus during a preceding hunt in the same calendar year.
 3. If the bag limit is more than one per calendar year, ~~an individual a person~~ an individual a person may apply as specified in the hunt permit-tag application schedule published ~~annually~~ by the Department for remaining hunt permit-tags in unfilled hunt areas.
- M. ~~An individual A person~~ A person shall not apply for a hunt permit-tag for Rocky Mountain bighorn sheep or desert bighorn sheep if that ~~individual person~~ individual person has met the lifetime bag limit for that sub-species. ~~An individual A person~~ A person shall not apply for a hunt permit-tag for buffalo if the individual has met the lifetime bag limit for that species.
- N. To participate in ~~the bonus:~~
1. The drawing system, an applicant shall possess an appropriate hunting license that shall be valid, either:
 - i. On the last day of the application deadline for that draw, as established by the hunt permit-tag application schedule published by the Department, or
 - ii. On the last day of an extended deadline date, as authorized under subsection (C). If an applicant does not possess an appropriate hunting license that meets the requirements of this subsection, the applicant shall purchase the license at the time of application.
 2. The bonus point system, an applicant shall comply with the requirements established under R12-4-107.
- O. The Department shall reject as invalid a Hunt Permit-Tag Application Form not prepared or submitted in accordance with this Section or not prepared in a legible manner. If the Department rejects an application from any member of a group, the Department shall reject all ~~applications from members of the group~~ application.
- P. Any hunt permit-tag issued for an application that is subsequently found not to be in accordance with this Section is invalid.
- Q. The Department or its authorized agent shall mail hunt permit-tags to successful applicants. The Department shall return application overpayments to the applicant designated "A" on the Hunt Permit-tag Application Form. Permit application fees shall not be refunded. License fees submitted with a valid application for a hunt permit-tag or bonus point shall not be refunded.
- R. If the Director determines that Department error caused ~~an individual a person~~ an individual a person to submit an invalid application for a hunt permit-tag, prevented ~~an individual a person~~ an individual a person from lawfully submitting an application, caused the rejection of an application for a hunt permit-tag, or caused the denial of a hunt permit-tag, the Director may authorize an additional hunt permit-tag if the issuance of an additional hunt permit-tag will have no significant impact on the wildlife population to be hunted and the application for the hunt permit-tag would have otherwise been successful based on its random number. The Direc-

Notices of Exempt Rulemaking

tor may also authorize the awarding of a bonus point to correct the error if a hunt permit-tag is not issued. If the Director determines that Department error caused the failure to apply an applicant's bonus points to an application, the Director may authorize an additional hunt permit-tag to correct the error, if the issuance of an additional hunt permit-tag will have no significant impact on the wildlife population to be hunted. The Director may also authorize the awarding of a bonus point to correct the error if a hunt permit-tag is not issued. ~~An individual~~ A person who is denied a hunt permit-tag or a bonus point under this procedure may appeal to the Commission as provided under A.R.S. Title 41, Chapter 6, Article 10.

R12-4-107. Bonus Point System

- A. For the purpose of this Section, the following definitions apply:
 - 1. "Bonus point hunt number" means the hunt number assigned by the Commission in a Commission Order for use by an applicant applying only for a bonus point for a genus identified in this Section; and
 - 2. "Loyalty bonus point" means a bonus point awarded to ~~an individual~~ a person who has submitted a valid application for a hunt permit-tag or a bonus point for a specific genus identified in subsection (B) at least once annually for a consecutive five-year period.
- B. The bonus point system grants ~~an individual~~ a person one random number entry in each drawing for antelope, bear, bighorn sheep, buffalo, deer, elk, javelina, or turkey for each bonus point that ~~individual~~ person has accumulated under this Section. Each bonus point random number entry is in addition to the entry normally granted by under R12-4-104. When processing "group" applications, as defined in under R12-4-104, the Department shall use the average number of bonus points accumulated by ~~the individuals~~ all persons in the group, rounded to the nearest whole number. If the average is equal to or greater than .5, the total will be rounded to the next higher number.
- C. The Department shall award one bonus point to an applicant who submits a valid Hunt Permit-tag Application Form if all of the following apply:
 - 1. The application is unsuccessful in the drawing or the application is for a bonus point only;
 - 2. The application is not for a hunt permit-tag left over after the drawing and available on a first-come, first-served basis as ~~prescribed in~~ established under R12-4-114; and
 - 3. The applicant, ~~before the drawing, purchases a hunting license valid for the year in which the hunt takes place. The applicant shall either provide~~ either provides the appropriate hunting license number on the application; or ~~submit~~ submits an application and fees for the applicable license with the Hunt Permit-tag Application Form, as applicable.
- D. An applicant who purchases a bonus point only shall:
 - 1. Submit a valid Hunt Permit-tag Application Form, as prescribed in under R12-4-104, with the Commission-assigned bonus point hunt number for the particular genus as the first choice hunt number on the application. ~~Placing the bonus point only hunt number as a choice other than the first choice or including any other hunt number on the application will result in rejection of the application. The Department shall reject any application that:~~
 - a. Indicates the bonus point only hunt number as any choice other than the first choice, or
 - b. Includes any other hunt number on the application;
 - 2. ~~Include with the application, payment for the hunt permit tag application fee and a fee for a hunting license if the applicant does not already possess a license valid for the year for which the draw is conducted (If an applicant who purchases a bonus point has not already purchased a license for the year for which the applicant is applying, the applicant shall also submit all applicable information designated under R12-4-104(E)(4). If an applicant who purchases a bonus point has already purchased a license for the year for which the applicant is applying, the applicant shall also submit the number of the applicant's license)~~ the applicable fees:
 - a. Application fee, and
 - b. Applicable license fee, required when the applicant does not possess a valid license at the time of application; and
 - 3. ~~Submit only one Hunt Permit-tag Application Form for the same per genus for each season application period that bonus points are issued for that genus per drawing.~~
- E. With the exception of the hunter education bonus point, each bonus point accumulated is valid only for the genus designated on the Hunt Permit-tag Application Form.
- F. Except for a permanent bonus point awarded for hunter education, or loyalty bonus points that are accrued and forfeited as prescribed in subsection (K), all of ~~an individual's~~ a person's accumulated bonus points for a genus are forfeited if:
 - 1. The ~~individual~~ person is issued a hunt permit-tag for that genus in a computer drawing; or
 - 2. The ~~individual~~ person fails to submit a Hunt Permit-tag Application Form for that genus for five consecutive years.
- G. An applicant issued a first-come, first-served hunt permit-tag under R12-4-114(C)(2)(d) after the computer drawing does not lose bonus points for that genus, and a valid but unsuccessful applicant for a first-come, first-served hunt permit-tag remaining after the computer drawing does not gain a bonus point.
- H. The Department shall award one permanent bonus point for each genus upon ~~an individual's~~ a person's first graduation from the Department's Arizona Hunter Education Course or for serving as a Department hunter education instructor.
 - 1. The Department shall credit ~~an individual~~ a person who graduated after January 1, 1980, but before January 1, 1991, or ~~an individual~~ a person certified by the Department as an active hunter education instructor after January 1, 1980, with one permanent bonus point for each genus if the ~~individual~~ person provides the following information on a form

Notices of Exempt Rulemaking

available from the Department: Department identification number; name; address; residency status, and length of Arizona residency, if applicable; date of birth; sex; weight; height; color of hair and eyes; and, for ~~an individual a person~~ other than an instructor, the month and year of graduation from the Department's Arizona Hunter Education Course.

2. An instructor or ~~an individual a person~~ who has graduated from the Department's Arizona Hunter Education Course shall submit the required form 30 days before a drawing's application deadline, as specified in the hunt permit-tag application schedule, in order for the bonus point to be counted by the Department in that drawing.
- I. The Department shall make an applicant's total number of accumulated bonus points available on the Department's application web site or IVR telephone system. If the applicant disagrees with the total, the applicant may request from the Department proof of compliance with this Section to prove Department error. In the event of an error, the Department shall correct the applicant's record.
- J. The Department shall credit bonus points under an applicant's Department identification number for the genus on the application. The Department shall not transfer bonus points between ~~individuals persons~~ or genera.
- K. The following provisions apply to the loyalty bonus point program:
1. The Department shall award a loyalty bonus point if an applicant submits a valid application at least once a year for a hunt permit-tag or a bonus point for a specific genus consecutively for a five-year period.
 2. An applicant retains a loyalty bonus point once accrued as long as the applicant submits a valid application annually for a hunt permit-tag or a bonus point for the genus for which the loyalty bonus point was accrued.
 3. If an applicant who has accrued a loyalty bonus point fails to apply in any calendar year for a hunt permit-tag for the genus for which the loyalty bonus point was accrued, the applicant's loyalty bonus point for that genus is forfeited.
 4. For the purpose of the loyalty bonus point program, year one of the calculation of consecutive application years is 2001, and the Department shall award a loyalty bonus point to an applicant who qualifies for the loyalty bonus point on or after the effective date of this Section.
 5. A loyalty bonus point is accrued in addition to all other bonus points.
- L. The Department shall reinstate any bonus points forfeited for a successful hunt permit-tag application for military personnel, military reserve personnel, national guard personnel, or public agency employees who are unable to use the hunt permit-tag due to mobilization, activation, or required duty in response to a declared national or state emergency, or required duty in response to an action by the President, Congress, or a governor of the United States or its territories. Under A.R.S. § 17-332(E), no refunds for a license or hunt permit-tag will be issued to an applicant who applies for reinstatement of bonus points under this subsection. To request ~~that reinstatement of~~ forfeited bonus points ~~be reinstated~~ under these circumstances, an applicant shall submit all of the following information to the Arizona Game and Fish Department, Draw Section, ~~2221 W. Greenway Rd.~~ 5000 W. Carefree Highway, Phoenix, AZ ~~85023~~ 85086:
1. A letter from the applicant requesting reinstatement of bonus points;
 2. The hunt number for which the hunt permit-tag is valid;
 3. Evidence of mobilization or duty status, such as a letter from the public agency or official orders;
 4. An official declaration of a state of emergency from the public agency or authority making the declaration of emergency, if applicable; and
 5. The valid, unused hunt permit-tag, which must be received before the beginning date of the hunt for which the hunt permit-tag is valid, or evidence of mobilization or activation that precluded the applicant from submitting the tag before the beginning date of the hunt.

R12-4-109. ~~Repealed~~ Approved Trapping Education Course Fee

Under A.R.S. § 17-333.02(A), the provider of an approved educational course of instruction in responsible trapping and environmental ethics may collect a fee from each participant that:

1. Is reasonable and commensurate for the course, and
2. Does not exceed \$25.

R12-4-115. Supplemental Hunts and Hunter Pool

- A. For the purposes of this Section, the following definitions apply:
1. "Management objectives" means goals, recommendations, or guidelines contained in Commission-approved wildlife management plans, which include hunt guidelines, operational plans, or hunt recommendations;
 2. "Hunter pool" means all ~~individual persons~~ who have submitted an application for a supplemental hunt; and
 3. "Supplemental hunt" means a season established by the Commission for the following purposes:
 - a. Take of depredating wildlife under A.R.S. § 17-239;
 - b. Take of wildlife under an Emergency Season if the Commission adopts, amends, or repeals a Commission Order for reasons constituting an immediate threat to the health, safety, or management of wildlife or its habitat, or to public health or safety; or
 - c. Take of wildlife under a population management hunt if the Commission has prescribed restricted nonpermit-tags by Commission Order for the purpose of meeting management objectives because regular seasons are not, have not been, or will not be sufficient or effective to achieve management objectives.

Notices of Exempt Rulemaking

- B. For the purposes of authorizing a population management hunt, the Commission through Commission Order shall open a season or seasons and prescribe a maximum number of restricted nonpermit-tags that the Director may issue under this Section.
- C. The Director shall implement a population management hunt under the open season or seasons prescribed in subsection (B) if the Director finds that:
 - 1. Regular seasons have not met or will not meet management objectives;
 - 2. Take of wildlife is necessary to meet management objectives; and
 - 3. Issuance of a specific number of restricted nonpermit-tags is likely to meet management objectives.
- D. To implement a population management hunt under subsection (B), the Director shall do the following:
 - 1. Select season dates, within the range of dates prescribed by the Commission through Commission Order;
 - 2. Select specific hunt areas, within the range of hunt areas prescribed by the Commission through Commission Order;
 - 3. Select the legal animal that may be taken from the list of legal animals prescribed by the Commission through Commission Order;
 - 4. Determine the number of restricted nonpermit-tags that will be issued from the maximum number of tags prescribed by the Commission through Commission Order; and
 - 5. Reduce restricted nonpermit-tag fees up to 75% if the normal fee structure will not generate adequate participation from either the hunter pool or hunt permit-tag holders under subsection (J).
- E. The Director shall not issue more restricted nonpermit-tags than the maximum number prescribed by the Commission through Commission Order.
- F. ~~To participate in a supplemental hunt, an individual shall obtain a restricted non-permit tag as prescribed by this Section.~~ A restricted non-permit tag is valid only for the supplemental hunt for which it is issued. To participate in a supplemental hunt, ~~an individual~~ a person shall:
 - 1. Obtain a restricted non-permit tag as prescribed under this Section, and
 - 2. Possess a valid hunting license. If the applicant does not possess a valid license or the license will expire before the supplemental hunt, the applicant shall purchase an appropriate license at the time of application.
- G. If the season dates and open areas of a supplemental hunt prescribed by the Commission through Commission Order exactly match the season dates and open areas of another big game animal for which a hunt number is assigned and hunt permit-tags are issued through the draw, the Department shall make the restricted nonpermit-tags available only to holders of the hunt permit-tags, and not the hunter pool.
- H. To obtain a restricted nonpermit-tag under subsection (G), an applicant shall provide to a Department office the applicant's name, address, Department identification number, and hunt permit-tag number on a form prescribed by the Department.
 - ~~a.~~1. The applicant shall provide verification that the applicant legally obtained the hunt permit-tag for the hunt described under subsection (G) by presenting the hunt permit-tag to a Department office for verification.
 - ~~b.~~2. The applicant shall not apply for or obtain a restricted nonpermit-tag to take wildlife in excess of the bag limit prescribed by the Commission.
- I. The Department or its authorized agent shall maintain a hunter pool for supplemental hunts and shall randomly select applicants from the hunter pool for participation in a supplemental hunt, if the season dates and open areas of the supplemental hunt do not exactly match the season dates and open areas of another big game animal for which a hunt number is assigned and hunt permit-tags are issued through the draw.
- J. When issuing restricted nonpermit-tags to the hunter pool, the Department or its authorized agent shall randomly select applicants from the hunter pool. The Department or its authorized agent shall attempt to contact each randomly-selected applicant by telephone at least three times during a 24-hour period. If an applicant cannot be contacted or cannot participate in the supplemental hunt, the Department or its authorized agent shall return the application to the hunter pool and draw another application. The Department or its authorized agent shall draw no more applications after the number of restricted nonpermit-tags prescribed ~~in~~ under subsection (D)(4) has been issued.
- K. The Department shall purge and renew the hunter pool annually.
- L. An applicant for a supplemental hunt shall submit the following information on a form available from the Department or its authorized agent:
 - 1. Applicant's name, home mailing address, whether a resident or nonresident, and date of birth;
 - 2. Daytime and evening telephone numbers;
 - 3. The species that the applicant would like to hunt if drawn; and
 - 4. ~~The number of the applicant's hunting license for the year that corresponds with the applicable supplemental hunt~~ number.
- M. Along with the application form, an applicant for a supplemental hunt shall submit the permit application fee ~~prescribed in~~ established under R12-4-102.
- N. The Department shall not accept group applications, as described ~~in~~ under R12-4-104, for supplemental hunts.
- O. A hunter pool applicant who is drawn and who wishes to participate in a supplemental hunt shall submit the following to the Department to obtain a restricted nonpermit-tag:

Notices of Exempt Rulemaking

1. The fee for the tag as ~~prescribed by established under~~ R12-4-102, or as ~~prescribed by~~ subsection (D)(5) if the fee has been reduced, and
 2. The applicant's hunting license number of the applicant's hunting license. The applicant shall possess an appropriate license that is valid for the year at the time of the supplemental hunt.
- P.** The Department shall reserve a restricted nonpermit-tag for an applicant only for the period specified by the Department when contact is made with the applicant. The Department shall issue a restricted nonpermit-tag not purchased within the specified period to another ~~individual person~~ whose application is drawn from the hunter pool as prescribed by this Section. The Department or its authorized agent shall remove from the hunter pool the application of any successful applicant who does not purchase a tag after being contacted and agreeing to purchase the tag.
- Q.** ~~An individual~~ A person who participates in a supplemental hunt through the hunter pool shall be removed from the supplemental hunter pool for the genus for which the ~~individual person~~ participated. ~~An individual~~ A person who participates in a supplemental hunt shall not reapply for the hunter pool for that genus until that hunter pool is renewed.
- R.** The provisions of R12-4-104, R12-4-107, R12-4-114, and R12-4-609 do not apply to supplemental hunts. A supplemental hunt application submitted in accordance with this Section does not invalidate any application for a hunt permit-tag. The issuance of a restricted nonpermit-tag does not authorize ~~an individual a person~~ to exceed the bag limit established by the Commission.

ARTICLE 2. MISCELLANEOUS LICENSES; AND PERMITS; STAMPS; TAGS

R12-4-201. Pioneer License

- A.** ~~In addition to urban fishing privileges granted in A.R.S. § 17-333(A)(9), a~~ A pioneer license grants all of the hunting and fishing privileges of a ~~Class F~~ combination hunting and fishing license.
- B.** ~~An individual~~ A person who meets the criteria ~~in prescribed under~~ A.R.S. § ~~17-336(1)~~ 17-336(A)(1) may apply for a pioneer license as follows:
1. An applicant for a pioneer license shall submit one of the following documents with the application. The Department shall return to the applicant any original or certified copy after the Department has verified receipt on the application form.
 - a. A passport;
 - b. An original or certified copy of the applicant's birth certificate;
 - c. An original or copy of a valid Arizona driver's license; or
 - d. An original or copy of a valid Arizona Motor Vehicle Division identification card.
 2. An applicant for a pioneer license shall apply on an application form available from any Department office. The form shall include an affidavit to be signed by the applicant that affirms the applicant is 70 years of age or older and has been a resident of this state for 25 or more consecutive years immediately preceding application for the license. The applicant shall provide all of the following information on the application form:
 - a. The applicant's name, age, date of birth, Department identification number, and physical description, to include the applicant's eye color, hair color, height, and weight;
 - b. Current residence address or physical location of residence;
 - c. The year Arizona residency was established;
 - d. Current mailing address; and
 - e. The applicant's signature, either witnessed by a Department employee or notarized.
- C.** The Department shall deny a pioneer license if an applicant is not eligible for a pioneer license, fails to comply with the requirements of this Section, or provides false information during the application process. The Department shall provide written notice to the applicant if the pioneer license is denied. The applicant may appeal the denial to the Commission as prescribed ~~in under~~ A.R.S. Title 41, Chapter 6, Article 10.
- D.** A pioneer license holder may request a no-fee duplicate of the paper license if:
1. The license has been lost or destroyed;
 2. The license holder submits a written request to the Department for a duplicate license; and
 3. The Department has a record that shows a pioneer license was previously issued to that ~~individual person~~.
- E.** A person issued a pioneer license prior to the effective date of this Section shall be entitled to the privileges established under subsection (A).

R12-4-202. Disabled Veteran's License

- A.** A disabled veteran's license grants all of the hunting and fishing privileges of a ~~Class F~~ combination hunting and fishing license ~~and an urban fishing license~~.
- B.** ~~An individual~~ A person meeting the criteria prescribed under A.R.S. § 17-336(A)(2) may apply for a disabled veteran's license. Eligibility for the disabled veteran's license is based on 100% disability, not on the percentage of compensation received by the veteran.
1. An applicant desiring a disabled veteran's license shall apply on an application form furnished by the Department and available at any Department office. The applicant shall provide all of the following information on the application form:

Notices of Exempt Rulemaking

- a. The applicant's:
 - i. Name;
 - ii. Date of birth;
 - iii. Department identification number;
 - iv. Physical description, to include the applicant's eye color, hair color, height, and weight;
 - b. All physical addresses for the calendar year immediately preceding application;
 - c. Mailing address; and
 - d. The applicant's signature, acknowledged before a Notary Public or witnessed by a Department employee.
2. An applicant shall submit with the application form an original certification from the Department of Veterans' Services. The certification shall include all of the following information:
- a. The applicant's full name,
 - b. Certification that the applicant is receiving compensation for permanent service-connected disabilities rated as 100% disabling,
 - c. Certification that the 100% rating is permanent and:
 - i. Will not require reevaluation or
 - ii. Will be reevaluated in three years, and
 - d. The signature and title of an agent of the Department of Veterans' Services who issued or approved the certification.
- C. If the certification required under subsection (B)(2)(c) indicates that the applicant's disability rating of 100% is permanent and:
- 1. Will not be reevaluated, the disabled veteran's license will not expire.
 - 2. Will be reevaluated in three years, the disabled veteran's license will expire three years from the date of issuance.
- D. The Department shall deny a disabled veteran's license to an applicant who:
- 1. Is not eligible for the license,
 - 2. Fails to comply with the requirements of this Section, or
 - 3. Provides false information during the application process.
- E. The Department shall provide written notice to the applicant if the disabled veteran's license is denied. The applicant may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.
- F. A disabled veteran's license holder may request a no-fee duplicate paper license if:
- 1. The license has been lost or destroyed,
 - 2. The license holder submits a written request to the Department for a duplicate license, and
 - 3. The Department has a record that shows a disabled veteran's license was previously issued to that ~~individual~~ person.
- G.** A person issued a disabled veteran's license prior to the effective date of this Section shall be entitled to the privileges established under subsection (A).

R12-4-203. National Harvest Information Program (HIP); State Waterfowl and Migratory Bird Stamp

- A. ~~An individual who takes ducks, geese, swans, doves, band-tailed pigeons, snipe, coots, or common moorhen, in Arizona shall participate in the National Harvest Information Program. All state fish and wildlife agencies are required to obtain data to assess the harvest of migratory game birds in compliance with the federally mandated National Harvest Information Program administered by the United States Fish and Wildlife Service in accordance with 50 C.F.R. Part 20.~~
- 1. ~~If the individual is taking ducks, geese, or swans, the individual shall possess an Arizona state waterfowl stamp, as prescribed in R12-4-101, and a current, valid federal waterfowl stamp that accompanies a valid Arizona hunting license. The state waterfowl stamp expires on June 30 of each year, except for stamps purchased under Class M and N licenses, which expire on December 31 of each year.~~
 - 2. ~~If the individual is taking doves, band-tailed pigeons, snipe, coots, or common moorhen, the individual shall possess an Arizona state migratory bird stamp as prescribed in R12-4-101, that accompanies a valid Arizona hunting license. The state migratory bird stamp expires on June 30 of each year, except for stamps purchased under Class M and N licenses, which expire on December 31 of each year.~~
- B. ~~The Department shall make state waterfowl stamps and state migratory bird stamps available annually. In compliance with the National Harvest Information Program, the Department requires a person to possess a migratory bird stamp or authorization number, which may be affixed to or written on the appropriate license, and a current, valid federal waterfowl stamp. The migratory bird stamp and authorization number are required to take band-tailed pigeons, moorhen, coots, doves, ducks, geese, snipe, or swans.~~
- 1. The state migratory bird stamp expires on June 30 of each year. To obtain a state migratory bird stamp, a person shall submit:
 - a. The fee required under R12-4-102, and
 - b. A completed state migratory bird registration form to a license dealer or a Department office.
 - 1.2. To obtain a state waterfowl stamp or state migratory bird stamp, an individual shall pay submit the required fee and submit a completed waterfowl or state migratory bird registration form to a license dealer or a Department office. The individual person shall provide on the waterfowl or state migratory bird registration form the individual's person's

Notices of Exempt Rulemaking

name:

- a. Name, home mailing
- b. Mailing address, date
- c. Date of birth, and information
- d. Information on past and anticipated hunting activity.

~~2-3.~~ The youth combination hunting and fishing license includes the state migratory bird stamp privileges. A youth hunter who possesses a valid combination hunting and fishing license shall obtain:

- a. A Federal waterfowl stamp when the youth hunter is 16 years of age or older and is taking ducks, geese, swans, coots, gallinules; or
- b. A permit-tag when the youth hunter is taking sandhill crane.

C. A license dealer shall submit ~~waterfowl or state migratory bird registration forms for all state waterfowl stamps and state migratory bird stamps sold with the monthly report required by~~ under A.R.S. § 17-338.

R12-4-204. ~~Sikes Act Habitat Management Stamps Repeal~~

A. ~~If the Department requires an individual to possess a habitat management stamp to take big game under an agreement between the Department and the United States Forest Service, in accordance with the federal Sikes Act, 16 U.S.C. 670 et seq., an individual shall purchase the applicable habitat management stamp for the fee prescribed in R12-4-102 and possess the stamp as prescribed in R12-4-101.~~

B. ~~Applicable game management units and species for a habitat management stamp are prescribed by Commission Order.~~

R12-4-205. ~~Honorary High Achievement Scout License; Reduced Fee Youth Class F License~~

A. ~~An Honorary Scout Class F Youth License~~ A high achievement scout license is offered to a resident who is:

1. Eligible for a Class F Youth License combination hunting and fishing license, and
2. Under 21 years of age, and

~~2-3.~~ A member of the Boy Scouts of the United States of America and has attained the rank of Eagle Scout, or

~~3-4.~~ A member of the Girl Scouts of the United States of America and has attained the Gold Award.

B. ~~The Honorary Scout Class F Youth License~~ high achievement scout license grants all of the hunting and fishing privileges of the Class F youth combination hunting and fishing license and is only available at Department offices.

1. The license is valid for one-year from the date of purchase or selected start date provided the date selected is no more than 60 calendar days from and after the date of purchase.

2. A valid hunt permit-tag, nonpermit-tag, or stamp is required to validate the high achievement scout license for the take of big game animals, migratory game birds, or other wildlife authorized by an applicable tag or stamp.

C. An applicant for ~~an Honorary Scout Class F Youth License~~ a high achievement scout license shall apply on an application form available from any Department office and on the Department's web site at www.azgfd.gov. The applicant shall provide all of the following information on the application form:

1. The applicant's name, date of birth, Department identification number, and physical description, to include the applicant's eye color, hair color, height, and weight;
2. Current residence address or physical location of residence;
3. Current mailing address; and
4. The applicant's signature either witnessed by a Department employee or acknowledged by a notary public.

D. In addition to the application, an eligible applicant shall present with the application form:

1. For an applicant who is a member of the Boy Scouts of the United States of America, any one of the following original documents:

- a. A certification letter from the Boy Scouts of the United States of America stating that the applicant has attained the rank of Eagle Scout,
- b. A Boy Scouts of the United States of America Eagle Scout Award Certificate, or
- c. A Boy Scouts of the United States of America Eagle Scout wallet card.

2. For an applicant who is a member of the Girl Scouts of the United States of America, any one of the following original documents:

- a. A certification letter from the Girl Scouts of the United States of America stating that the applicant has completed the award,
- b. A Girl Scouts of the United States of America Gold Award Certificate, or
- c. A Girl Scouts Gold Award Certificate from the local council.

E. The Department shall deny ~~an Honorary Scout Class F Youth License~~ a high achievement scout license to an applicant who:

1. Is not eligible for the license;
2. Fails to comply with the requirements of this Section; or
3. Provides false information during the application process;
4. The applicant may appeal the denial to the Commission as prescribed in ~~in~~ under A.R.S. Title 41, Chapter 6, Article 10.

R12-4-206. ~~Repealed General Hunting License; Exemption~~

Notices of Exempt Rulemaking

- A.** A general hunting license is valid for the taking of small game, fur-bearing animals, predatory animals, nongame animals, and upland game birds. A valid hunt permit-tag, nonpermit-tag, or stamp is required to validate the general hunting license for the take of big game animals, migratory game birds, or other wildlife authorized by an applicable tag or stamp.
- B.** The general hunting license is valid for one-year from:
1. The date of purchase when a person purchases the hunting license from a license dealer, as defined under R12-4-101;
 2. On the last day of the application deadline for that draw, as established by the hunt permit-tag application schedule published by the Department;
 3. On the last day of an extended deadline date, as authorized under subsection R12-4-104(C). If an applicant does not possess an appropriate license that meets the requirements of this subsection, the applicant shall purchase the license at the time of application; or
 4. The selected start date when a person purchases the hunting license from a Department office or online. A person may select the start date for the hunting license provided the date selected is no more than 60 calendar days from and after the date of purchase.
- C.** A resident may apply for a general hunting license by submitting an application to the Department, a License Dealer as defined under R12-4-101, or online at www.azgfd.gov. The application is furnished by the Department and is available at any Department office, license dealer, and online at www.azgfd.gov. A general hunting license applicant shall provide the following information on the application:
1. The applicant's:
 - a. Name;
 - b. Date of birth;
 - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
 - d. Department identification number, when applicable;
 - e. Residency status and number of years of residency immediately preceding application, when applicable;
 - f. Mailing address, when applicable;
 - g. Physical address;
 - h. Telephone number, when available; and
 - i. E-mail address, when available; and
 2. Affirmation that the information provided on the application is true and accurate; and
 3. Applicant's signature and date.
- D.** In addition to the requirements listed under subsection (C), at the time of application an applicant who is applying for a general hunting license:
1. In person shall pay the applicable fee required under R12-4-102.
 2. Online shall electronically pay the fee required under R12-4-102 and print the new license. A person applying online shall affirm, or provide permission for another person to affirm, the information electronically provided is true and accurate.
- E.** A person who is under 10 years of age may hunt wildlife other than big game without a hunting license when accompanied by a properly licensed person who is 18 years of age or older.

R12-4-207. ~~Repeated~~ General Fishing License: Exemption

- A.** A general fishing license is valid for the taking of all aquatic wildlife and allows the license holder to engage in simultaneous fishing as defined under R12-4-101. The general fishing license is valid:
1. State-wide including Mittry Lake and Topock Marsh and the Arizona shoreline of Lake Mead, Lake Mohave and Lake Havasu, and Commission designated community waters. The list of Commission designated community waters is available at any license dealer, Department office, and online at www.azgfd.gov.
 2. On that portion of the Colorado River that forms the common boundary between Arizona and Nevada and Arizona and California and connected adjacent water, provided Arizona has an agreement with California and Nevada that recognizes a general fishing license as valid for taking aquatic wildlife on any portion of the Colorado River that forms the common boundary between Arizona and Nevada and Arizona and California.
- B.** The general fishing license is valid for one-year from:
1. The date of purchase when a person purchases the fishing license from a license dealer, as defined under R12-4-101; or
 2. The selected start date when a person purchases the fishing license from a Department office or online. A person may select the start date for the fishing license provided the date selected is no more than 60 calendar days from and after the date of purchase.
- C.** A resident or nonresident may apply for a general fishing license by submitting an application to the Department, a License Dealer as defined under R12-4-101, or online at www.azgfd.gov. The application is furnished by the Department and is available at any Department office, license dealer, and online at www.azgfd.gov. A general fishing license applicant shall provide the following information on the application:
1. The applicant's:
 - a. Name;

Notices of Exempt Rulemaking

- b. Date of birth.
- c. Physical description, to include the applicant's eye color, hair color, height, and weight;
- d. Department identification number, when applicable;
- e. Residency status and number of years of residency immediately preceding application, when applicable;
- f. Mailing address, when applicable;
- g. Physical address;
- h. Telephone number, when available; and
- i. E-mail address, when available; and

2. Affirmation that the information provided on the application is true and accurate; and

3. Applicant's signature and date.

D. In addition to the requirements listed under subsection (C), an applicant who is applying for a general fishing license:

1. In person shall pay the applicable fee required under R12-4-102.

2. Online shall electronically pay the fee required under R12-4-102 and print the new license. A person applying online shall affirm, or provide permission for another person to affirm, the information electronically provided is true and accurate.

E. In addition to the exemption prescribed under A.R.S. § 17-335, a person who is under 10 years of age may fish without a fishing license.

R12-4-209. ~~Repealed Community Fishing License; Exemption~~

A. A community fishing license is valid for taking all aquatic wildlife from Commission designated community waters, only, and allows the license holder to engage in simultaneous fishing as defined under R12-4-101. The list of Commission designated community waters is available at any license dealer, Department office, and online at www.azgfd.gov.

B. The community fishing license is valid for one-year from:

1. The date of purchase when a person purchases the community fishing license from a license dealer, as defined under R12-4-101; or

2. The selected start date when a person purchases the community fishing license from a Department office or online. A person may select the start date for the community fishing license provided the date selected is no more than 60 calendar days from and after the date of purchase.

C. A resident or nonresident may apply for a community fishing license by submitting an application to the Department, a License Dealer as defined under R12-4-101, or online at www.azgfd.gov. The application is furnished by the Department and is available at any Department office, license dealer, and online at www.azgfd.gov. A community fishing license applicant shall provide the following information on the application:

1. The applicant's:

a. Name;

b. Date of birth,

c. Physical description, to include the applicant's eye color, hair color, height, and weight;

d. Department identification number, when applicable;

e. Residency status and number of years of residency immediately preceding application, when applicable;

f. Mailing address, when applicable;

g. Physical address;

h. Telephone number, when available; and

i. E-mail address, when available; and

2. Affirmation that the information provided on the application is true and accurate; and

3. Applicant's signature and date.

D. In addition to the requirements listed under subsection (C), an applicant who is applying for a community fishing license:

1. In person shall pay the applicable fee required under R12-4-102.

2. Online shall electronically pay the fee required under R12-4-102 and print the new license. A person applying online shall affirm, or provide permission for another person to affirm, the information electronically provided is true and accurate.

E. In addition to the exemption prescribed under A.R.S. § 17-335, a person who is under 10 years of age may fish in Commission designated community waters without a fishing license.

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

A. A combination hunting and fishing license is valid for the taking of small game, fur-bearing animals, predatory animals, nongame animals, and upland game birds.

B. A combination hunting and fishing license is valid for the taking of all aquatic wildlife and allows the license holder to engage in simultaneous fishing as defined under R12-4-101. The combination hunting and fishing license is valid:

1. State-wide including Mittry Lake and Topock Marsh and the Arizona shoreline of Lake Mead, Lake Mohave and Lake Havasu, and Commission designated community waters. The list of Commission designated community waters

Notices of Exempt Rulemaking

is available at any license dealer, Department office, and online at www.azgfd.gov.

2. On that portion of the Colorado River that forms the common boundary between Arizona and Nevada and Arizona and California and connected adjacent water, provided Arizona has an agreement with California and Nevada that recognizes a combination hunting and fishing license as valid for taking aquatic wildlife on any portion of the Colorado River that forms the common boundary between Arizona and Nevada and Arizona and California.

C. The Department offers three combination hunting and fishing licenses:

1. A short-term combination hunting and fishing license, valid for one 24-hour period from midnight to midnight.
 - a. The short-term combination hunting and fishing license is not valid for the take of big game animals.
 - b. The short-term combination hunting and fishing license is valid for the take of migratory game birds and waterfowl, provided the person possesses the applicable State Migratory Bird stamp and Federal Waterfowl stamp.
 - c. The Department does not limit the number of short-term combination hunting and fishing licenses a resident or nonresident may purchase.
2. A combination hunting and fishing license for a person age 18 and over.
 - a. The combination hunting and fishing license is valid for one-year from:
 - i. The date of purchase when a person purchases the combination hunting and fishing license from a license dealer, as defined under R12-4-101;
 - ii. On the last day of the application deadline for that draw, as established by the hunt permit-tag application schedule published by the Department;
 - iii. On the last day of an extended deadline date, as authorized under subsection R12-4-104(C). If an applicant does not possess an appropriate license that meets the requirements of this subsection, the applicant shall purchase the license at the time of application; or
 - iv. The selected start date when a person purchases the combination hunting and fishing license from a Department office or online. A person may select the start date for the combination hunting and fishing license provided the date selected is no more than 60 calendar days from and after the date of purchase.
 - b. A valid hunt permit-tag, nonpermit-tag, or stamp is required to validate the combination hunting and fishing license for the take of big game animals, migratory game birds, or other wildlife authorized by an applicable tag or stamp.
3. A youth combination hunting and fishing license for a person through age 17.
 - a. The combination hunting and fishing license is valid for one-year from:
 - i. The date of purchase when a person purchases the combination hunting and fishing license from a license dealer, as defined under R12-4-101;
 - ii. On the last day of the application deadline for that draw, as established by the hunt permit-tag application schedule published by the Department;
 - iii. On the last day of an extended deadline date, as authorized under subsection R12-4-104(C). If an applicant does not possess an appropriate license that meets the requirements of this subsection, the applicant shall purchase the license at the time of application; or
 - iv. The selected start date when a person purchases the combination hunting and fishing license from a Department office or online. A person may select the start date for the combination hunting and fishing license provided the date selected is no more than 60 calendar days from and after the date of purchase.
 - b. A valid hunt permit-tag, nonpermit-tag, or stamp is required to validate the combination hunting and fishing license for the take of big game animals, migratory game birds, or other wildlife authorized by an applicable tag or stamp.

D. A resident or nonresident may apply for a combination hunting and fishing license by submitting an application to the Department, a License Dealer as defined under R12-4-101, or online at www.azgfd.gov. The application is furnished by the Department and is available at any Department office, license dealer, and online at www.azgfd.gov. A combination hunting and fishing license applicant shall provide the following information on the application:

1. The applicant's:
 - a. Name;
 - b. Date of birth;
 - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
 - d. Department identification number, when applicable;
 - e. Residency status and number of years of residency immediately preceding application, when applicable;
 - f. Mailing address, when applicable;
 - g. Physical address;
 - h. Telephone number, when available; and
 - i. E-mail address, when available; and
2. Affirmation that the information provided on the application is true and accurate; and
3. Applicant's signature and date.

E. In addition to the requirements listed under subsection (C), an applicant who is applying for a combination hunting and

Notices of Exempt Rulemaking

fishing license:

1. In person shall pay the applicable fee required under R12-4-102.
2. Online shall electronically pay the fee required under R12-4-102 and print the new license. A person applying online shall affirm, or provide permission for another person to affirm, the information electronically provided is true and accurate.

F. Exemptions authorized under R12-4-206(E), R12-4-207(E), and R12-4-209(E) also apply to this Section, as applicable.

R12-4-211. ~~Repealed~~ Lifetime License

A. The Department offers the following lifetime licenses:

1. A lifetime hunting license includes the privileges established under R12-4-206(A).
2. A lifetime fishing license includes the privileges established under R12-4-207(A).
3. A lifetime combination hunting and fishing license includes the privileges established under R12-4-210(A) and (B).

B. A lifetime license does not expire and remains valid if the licensee subsequently resides outside of this state.

1. A licensee who resides outside of Arizona shall submit the nonresident fee to purchase any required permit-tag, non-permit-tag, or stamp to hunt and fish in this state.
2. Limits established under R12-4-114 for nonresident permit-tags do not apply to a lifetime license holder.

C. A resident may apply for a lifetime license by submitting an application to the Department and paying the applicable fee required under subsection (D). The application is furnished by the Department and is available at any Department office and online at www.azgfd.gov. A lifetime license applicant shall provide the following information on the application:

1. The applicant's:
 - a. Name;
 - b. Date of birth;
 - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
 - d. Social Security Number, when required under A.R.S. §§ 25-320(P) and 25-502(K);
 - e. Department identification number, when applicable;
 - f. Residency status and number of years of residency immediately preceding application, when applicable;
 - g. Mailing address, when applicable;
 - h. Physical address;
 - i. Telephone number, when available; and
 - j. E-mail address, when available; and
2. Affirmation that the information provided on the application is true and accurate; and
3. Applicant's signature and date.

D. The fees for resident lifetime licenses are determined by the age of the applicant as follows:

1. Age 0 through 13 years is 17 times the fee established under R12-4-102 for the equivalent one-year license.
2. Age 14 through 29 years is 18 times the fee established under R12-4-102 for the equivalent one-year license.
3. Age 30 through 44 years is 16 times the fee established under R12-4-102 for the equivalent one-year license.
4. Age 45 through 61 years is 15 times the fee established under R12-4-102 for the equivalent one-year license.
5. Age 62 and older is 8 times the fee established under R12-4-102 for the equivalent one-year license.
6. For the purposes of this subsection, when the applicant is under the age of 18, the fee for the lifetime license is based on the full priced license fee, not the youth license fee.

E. A lifetime license may be denied or suspended pursuant to, and for the offenses described under, A.R.S. § 17-340.

F. A person issued a lifetime license prior to the effective date of this Section shall be entitled to the privileges established under subsection (A)(1), (A)(2), or (A)(3), as applicable, for the equivalent lifetime license.

R12-4-212. ~~Repealed~~ Benefactor License

A. A benefactor license includes the privileges established under R12-4-210(A) and (B). A valid hunt permit-tag, nonpermit-tag, or stamp is required to validate the benefactor license for the take of big game animals, migratory game birds, or other wildlife authorized by an applicable tag or stamp.

B. A benefactor license does not expire and remains valid if the licensee subsequently resides outside of this state.

1. A licensee who resides outside of Arizona shall submit the nonresident fee to purchase any required permit-tag, non-permit-tag, or stamp to hunt and fish in this state.
2. Limits established under R12-4-114 for nonresident permit-tags do not apply to a benefactor license holder.

C. The benefactor license fee is \$1,500. The difference between \$1,500 and the license fee for a resident lifetime combination hunting and fishing license established under R12-4-211(D):

1. Is a donation to the State for continued management, protection, and conservation of the State's wildlife.
2. Shall be credited to the wildlife endowment fund established under A.R.S. § 17-271.
3. May be tax deductible to the extent allowed by federal and state income tax statutes for contributions to qualifying tax-exempt organizations.

D. A resident may apply for a benefactor license by submitting an application to the Department. The application is furnished by the Department and is available at any Department office and online at www.azgfd.gov. A benefactor license applicant

Notices of Exempt Rulemaking

shall provide the following information on the application:

1. The applicant's:
 - a. Name;
 - b. Date of birth;
 - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
 - d. Social Security Number, when required under A.R.S. §§ 25-320(P) and 25-502(K);
 - e. Department identification number, when applicable;
 - f. Residency status and number of years of residency immediately preceding application, when applicable;
 - g. Mailing address, when applicable;
 - h. Physical address;
 - i. Telephone number, when available; and
 - j. E-mail address, when available; and
 2. Affirmation that the information provided on the application is true and accurate; and
 3. Applicant's signature and date.
- E.** A benefactor license may be denied or suspended pursuant to, and for the offenses described under, A.R.S. § 17-340.
- F.** A person issued a benefactor license prior to the effective date of this Section shall be entitled to the privileges established under subsection (A).

R12-4-213. ~~Repealed~~ Hunt Permit-tags and Nonpermit-tags

- A.** A valid hunt permit-tag or nonpermit-tag is required to validate a license to take a big game animal or other wildlife requiring a valid tag. Before a person may take a big game animal or other wildlife requiring a tag, the person shall apply for and obtain the appropriate tag required for the take of that big game animal or other wildlife.
- B.** A person may apply for a hunt permit-tag in accordance with R12-4-104 and at the times, locations, and in the manner established by the hunt permit-tag application schedule that the Department publishes and is available at any Department office, online at www.azgfd.gov, or a license dealer as defined under R12-4-101.
- C.** A person applying for a nonpermit-tag shall apply in accordance with R12-4-114 and pay the required fee established under R12-4-102.

R12-4-214. ~~Repealed~~ Apprentice License

- A.** An apprentice license authorizes the taking of small game, fur-bearing animals, predatory animals, nongame animals, and upland game birds. The apprentice license is only available from a Department office.
- B.** An apprentice license is:
 1. A complimentary license.
 2. Valid for any two consecutive days; and
 3. Issued to a person only once per calendar year.
- C.** The apprentice license is not valid for the take of big game animals.
- D.** The apprentice license is valid for the take of migratory game birds and waterfowl when the apprentice also possesses the applicable Migratory Bird stamp and federal waterfowl stamp.
- E.** An apprentice license holder shall be accompanied by a mentor at all times while in the field. A mentor is eligible to apply for no more than two apprentice hunting licenses in any calendar year. A mentor shall:
 1. Be a resident of Arizona.
 2. Be 18 years of age or older.
 3. Possess an appropriate and valid Arizona hunting license, and
 4. Provide the apprentice with instruction and supervision on safe and ethical hunting practices.
 5. A short-term license does not meet the license requirement of this subsection.
- F.** A mentor may apply for an apprentice license at any Department office. An applicant for an apprentice license shall provide the following information at the time of application:
 1. The mentor's:
 - a. Name;
 - b. Arizona hunting license number and effective date of the license; and
 2. The applicant's:
 - a. Name;
 - b. Age;
 - c. Date of birth;
 - d. Telephone number, when available;
 - e. Department identification number, when applicable;
 - f. E-mail address, when available;
 - g. Physical description, to include the applicant's eye color, hair color, height, and weight;
 - f. Mailing address, when applicable;
 - g. Physical address; and

Notices of Exempt Rulemaking

h. Residency status.

R12-4-215. ~~Repeated Youth Group Two-day Fishing License~~

A. A youth group two-day fishing license authorizes a nonprofit organization or governmental entity as defined under subsection (C) that sponsors adult supervised activities for youth to take up to 25 youths fishing. The youth group two-day fishing license is only available from a Department office. The youth group two-day fishing license is valid for:

1. Two consecutive days.
2. The take of all aquatic wildlife, and
3. All privileges established under R12-4-207(A).

B. A nonprofit organization or governmental entity may apply for a youth group two-day fishing license at any Department office. An applicant for a youth group two-day fishing license shall be a resident. The applicant shall pay the fee required under R12-4-102 and provide the following information at the time of application:

1. The nonprofit organization's or governmental entity's:
 - a. Name;
 - b. Mailing address; and
 - c. Telephone number, when available;
2. The applicant's:
 - a. Name;
 - b. Date of birth;
 - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
 - d. Department identification number, when applicable;
 - e. Mailing address, when applicable;
 - f. Physical address;
 - g. Telephone number, when available; and
 - h. E-mail address, when available;
3. The dates on which the nonprofit organization intends to conduct the youth group fishing activity.
4. The approximate number of youth participating in the group fishing activity.

C. For the purpose of this Section, "governmental entity" means any town, city, county, municipality, or other political subdivision of this state or any department, agency, board, commission, authority, division, office, public school, public charter school, public corporation, or other public entity of this state or any department agency bureau, or office of the federal government that is physically located within this state.

ARTICLE 3. TAKING AND HANDLING OF WILDLIFE

R12-4-311. Exemptions from Requirement to Possess an Arizona Fishing License or Hunting License While Taking Wildlife

In addition to the exemptions prescribed under A.R.S. § 17-335, R12-4-206(E), R12-4-207(E), and R12-4-209(E) and provided the ~~individual's~~ person's fishing and hunting license privileges are not currently revoked by the Commission:

1. A fishing license is not required when ~~an individual~~ a person is:
 - a. Fishing from artificial ponds, tanks, and lakes contained entirely on private lands that are not:
 - i. Open to the public, and
 - ii. Managed by the Department.
 - b. Taking terrestrial mollusks or crustaceans from private property.
 - c. Fishing in Arizona on any designated Saturday occurring during National Fishing and Boating Week, except in waters of the Colorado River forming the common boundaries between Arizona and California, Nevada, or Utah where fishing without a license is limited to the shoreline, unless the state with concurrent jurisdiction removes licensing requirements on the same day.
 - d. Participating in an introductory fishing education program sanctioned by the Department, during scheduled program hours, only. A sanctioned program shall have a Department employee, sport fishing contractor, or authorized volunteer instructor present during scheduled program hours. For the purposes of this subsection, "authorized volunteer instructor" means ~~an individual~~ a person who has successfully passed the Department's required background check and sport fishing education workshop.
2. A hunting license is not required when ~~an individual~~ a person is participating in an introductory hunting event organized, sanctioned, or sponsored by the Department. The ~~individual~~ person may hunt small game, furbearing, predator, and designated mammals during scheduled event hours, only. To hunt migratory game birds, the individual shall have any stamps required by federal regulation. The introductory hunting event shall have a Department employee, certified hunter education instructor, or authorized volunteer present during scheduled hunting hours. For the purposes of this subsection, "authorized volunteer" means ~~an individual~~ a person who has successfully passed the Department's required background check and Department event best practices training. This subsection does not apply to any event that requires participants to obtain a permit-tag or nonpermit-tag.

Notices of Exempt Rulemaking

R12-4-312. ~~Special Use Permits and Stamps for Fishing on Waters with Shared Jurisdiction~~ Repeal

- ~~A. Any individual fishing from a watercraft or other floating device or object on the waters of Lake Mead, Lake Mohave, or that portion of the Colorado River that forms the common boundary between Arizona and Nevada shall have in possession:~~
- ~~1. A valid Arizona Colorado River special use stamp and a valid Arizona fishing license, or~~
 - ~~2. A valid Nevada Colorado River special use stamp and a valid Nevada fishing license.~~
- ~~B. Any individual fishing from the Arizona shorelines of the waters named in subsection (A), unless exempt under A.R.S. § 17-335, R12-4-310, or R12-4-311, shall have in possession either:~~
- ~~1. A valid Arizona fishing license, or~~
 - ~~2. A valid Nevada Colorado River special use stamp and a valid Nevada fishing license.~~
- ~~C. Any individual fishing in the waters of Mitty Lake or Topock Marsh, unless exempt under A.R.S. § 17-335, R12-4-310, or R12-4-311, shall have in possession either:~~
- ~~1. A valid Arizona fishing license, or~~
 - ~~2. A valid Arizona Colorado River special use permit stamp and a valid California fishing license.~~
- ~~D. Any individual fishing in the Arizona portion of Lake Powell, unless exempt under A.R.S. § 17-335, R12-4-310, or R12-4-311, shall have in possession either:~~
- ~~1. A valid Arizona fishing license, or~~
 - ~~2. A valid Arizona Lake Powell stamp and a valid Utah resident fishing license.~~
- ~~E. The requirements of this Section are in addition to those prescribed under A.R.S. §§ 17-342, 17-343, and 17-344.~~

R12-4-318. Seasons for Lawfully Taking Wild Mammals, Birds, and Reptiles

- A. Methods of lawfully taking wild mammals, birds, and reptiles during seasons designated by Commission Order as “general” seasons are designated under R12-4-304.
- B. Methods of lawfully taking big game during seasons designated by Commission Order as “special” are designated under R12-4-304. “Special” seasons are open only to ~~individual a person~~ who ~~possess~~ possesses a special big game license tag authorized under A.R.S. § 17-346 and R12-4-120.
- C. When designated by Commission Order, the following seasons have specific requirements and lawful methods of take more restrictive than those for general and special seasons, as prescribed under this Section. While taking the species authorized by the season, ~~an individual a person~~ participating in:
1. A “CHAMP” season shall be a challenged hunter access/mobility permit holder as established under R12-4-217.
 2. A “junior's-only youth-only hunt” shall be under the age of 18 ~~and meet the requirements prescribed under A.R.S. § 17-335~~. A youth hunter whose 18th birthday occurs during a “~~junior's-only youth-only~~ youth-only hunt” for which the youth hunter has a valid permit or tag may continue to participate for the duration of that “~~junior's-only youth-only~~ youth-only hunt.”
 3. A “pursuit-only” season may use dogs to pursue bears, mountain lions, or raccoons as designated by Commission Order, but shall not kill or capture the quarry. ~~An individual A person~~ participating in a “pursuit-only” season shall possess and, at the request of Department personnel, produce ~~a~~ an appropriate and valid hunting license and any required tag for taking the animal pursued, even though there shall be no kill.
 4. A “restricted season” may use any lawful method authorized for a specific species under R12-4-304, except dogs may not be used to pursue the wildlife for which the season was established.
 5. An “archery-only” season shall not use any other weapons, including crossbows or bows with a device that holds the bow in a drawn position except as authorized under R12-4-216. ~~An individual A person~~ participating in an “archery-only” season may use one or more the following methods or devices if authorized under R12-4-304 as lawful for the species hunted:
 - a. Bows and arrows, and
 - b. Falconry.
 6. A “handgun, archery, and muzzleloader (HAM)” season may use one or more of the following methods or devices if authorized under R12-4-304 as lawful for the species hunted:
 - a. Bows and arrows,
 - b. Crossbows or bows to be drawn and held with an assisting device,
 - c. Handguns, and
 - d. Muzzle-loading rifles as defined under R12-4-301.
 7. A “muzzleloader” season may use one or more of the following methods or devices if authorized under R12-4-304 as lawful for the species hunted:
 - a. Bows and arrows;
 - b. Crossbows or bows to be drawn and held with an assisting device; and
 - c. Muzzleloading rifles or handguns, as defined under R12-4-301.
 8. A “limited weapon” season may use one or more of the following methods or devices for taking wildlife, if authorized under R12-4-304 as lawful for the species hunted:
 - a. Any trap except foothold traps,
 - b. Bows and arrows,

Notices of Exempt Rulemaking

- c. Capture by hand,
 - d. Crossbows or bows to be drawn and held with an assisting device,
 - e. Dogs,
 - f. Falconry,
 - g. Hand-propelled projectiles,
 - h. Nets,
 - i. Pneumatic weapons discharging a single projectile .25 caliber or smaller, or
 - j. Slingshots.
9. A “limited weapon hand or hand-held implement” season may use one or more of the following methods or devices for taking wildlife, if authorized under R12-4-304 as lawful for the species hunted:
- a. Catch-pole,
 - b. Hand,
 - c. Snake hook, or
 - d. Snake tongs.
10. A “limited weapon-pneumatic” season may use one or more of the following methods or devices for taking wildlife, if authorized under R12-4-304 as lawful for the species hunted:
- a. Capture by hand,
 - b. Dogs,
 - c. Falconry,
 - d. Hand-propelled projectiles,
 - e. Nets,
 - f. Pneumatic weapons discharging a single projectile .25 caliber or smaller, or
 - g. Slingshots.
11. A “limited weapon-rimfire” season may ~~only~~ use one or more of the following methods or devices for taking wildlife, if authorized under R12-4-304 as lawful for the species hunted:
- a. Any trap except foothold traps,
 - b. Bows and arrows,
 - c. Capture by hand,
 - d. Crossbows or bows to be drawn and held with an assisting device,
 - e. Dogs,
 - f. Falconry,
 - g. Hand-propelled projectiles,
 - h. Nets,
 - i. Pneumatic weapons,
 - j. Rifled firearms using rimfire cartridges,
 - k. Shotgun shooting shot or slug, or
 - l. Slingshots.
12. A “limited weapon-shotgun” season may use one or more of the following methods or devices for taking wildlife, if authorized under R12-4-304 as lawful for the species hunted:
- a. Any trap except foothold traps,
 - b. Bows and arrows,
 - c. Capture by hand,
 - d. Crossbows or bows to be drawn and held with an assisting device,
 - e. Dogs,
 - f. Falconry,
 - g. Hand-propelled projectiles,
 - h. Nets,
 - i. Pneumatic weapons,
 - j. Shotgun shooting shot or slug, or
 - k. Slingshots.
13. A “limited weapon-shotgun shooting shot” season may use one or more of the following methods or devices for taking wildlife, if authorized under R12-4-304 as lawful for the species hunted:
- a. Any trap except foothold traps,
 - b. Bows and arrows,
 - c. Capture by hand,
 - d. Crossbows or bows to be drawn and held with an assisting device,
 - e. Dogs,
 - f. Falconry,
 - g. Hand-propelled projectiles,

Notices of Exempt Rulemaking

- h. Nets,
 - i. Pneumatic weapons,
 - j. Shotgun shooting shot, or
 - k. Slingshots.
14. A “falconry-only” season shall be a falconer licensed under R12-4-422 unless exempt under A.R.S. § 17-236(C) or R12-4-407. A falconer participating in a “falconry-only” season shall use no other method of take except falconry.
15. A “raptor capture” season shall be a falconer licensed under R12-4-422 unless exempt under R12-4-407.

ARTICLE 4. LIVE WILDLIFE

R12-4-412. ~~Repealed~~ Special License Fees

A person who applies for a special license authorized under this Article shall pay all applicable fees at the time of application.

Special License Fees	Resident	Nonresident
<u>Game Bird</u>		
<u>Field Trial License</u>	<u>\$6</u>	<u>\$6</u>
<u>Hobby License</u>	<u>\$5</u>	<u>\$5</u>
<u>Shooting Preserve License</u>	<u>\$115</u>	<u>\$115</u>
<u>Live Bait Dealer's License</u>	<u>\$35</u>	<u>\$35</u>
<u>Private Game Farm License</u>	<u>\$57.50</u>	<u>\$57.50</u>
<u>Sport Falconry License</u>	<u>\$87.50</u>	<u>Not available</u>
<u>White Amur Stocking and Holding License, business. Initial and renewal license fee</u>	<u>\$250</u>	<u>\$250</u>
<u>White Amur Stocking and Holding License, non-business. Initial license fee</u>	<u>\$250</u>	<u>\$250</u>
<u>Zoo License</u>	<u>\$115</u>	<u>\$115</u>

R12-4-422. Sport Falconry License

- A.** No change
- “Abatement services” No change
 - “Captive-bred raptor” No change
 - “Hack” No change
 - “Health certificate” No change
 - “Imping” No change
 - “Retrices” No change
 - “Sponsor” No change
 - “Suitable perch” No change
 - “USFWS” No change
 - “Wild raptor” No change
- B.** An Arizona Sport Falconry license permits ~~an individual~~ a person to capture, possess, train, and train transport a raptor for the purpose of sport falconry in compliance with the Migratory Bird Treaty Act and the Endangered Species Act of 1973. ~~A resident who possesses or intends to possess a raptor for the purpose of sport falconry shall hold an Arizona Sport Falconry license, unless the individual is exempt under A.R.S. § 17-236(C) or possesses only raptors not listed under 50 CFR 10.13, revised October 1, 2010, and no later amendments or editions. The incorporated material is available from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000, and is on file with the Department.~~
1. The sport falconry license validates the appropriate license for hunting or taking quarry with a trained raptor. When taking quarry using a raptor, a person must possess a valid:
 - a. Sport falconry license, and
 - b. Appropriate hunting license.
 2. The sport falconry license is valid until the third December from the date of issuance.
 3. A licensed falconer may capture, possess, train, or transport wild, captive-bred, or hybrid raptors, subject to the limitations established under subsections (H)(1), (H)(2), and (H)(3), as applicable.
- C.** The Department shall comply with the licensing time-frame established under R12-4-106 to issue a Sport Falconry license and collect the fee established under ~~R12-4-102~~ R12-4-412.
- D.** ~~A licensed falconer may possess and train wild, captive bred, or hybrid raptors, subject to the limitations established under subsections (H)(1), (H)(2), and (H)(3), as applicable. A resident who possesses or intends to possess a raptor for the purpose of sport falconry shall hold an Arizona Sport Falconry license, unless the person is exempt under A.R.S. § 17-236(C) or possesses only raptors not listed under 50 C.F.R. Part 10.13, revised October 1, 2010, and no later amendments or editions. The incorporated material is available from the U.S. Government Printing Office, Superintendent of Docu-~~

Notices of Exempt Rulemaking

ments, P.O. Box 979050, St. Louis, MO 63197-9000, and is on file with the Department.

- E.** No change
- F.** No change
- G.** No change
- H.** No change
 - 1. No change
 - a. No change
 - i. No change
 - ii. No change
 - b. No change
 - c. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - v. No change
 - vi. No change
 - vii. No change
 - 2. No change
 - a. No change
 - i. No change
 - ii. No change
 - b. No change
 - c. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - 3. No change
 - a. No change
 - b. No change
 - i. No change
 - ii. No change
 - iii. No change
 - c. No change
 - i. No change
 - ii. No change
 - iii. No change
 - d. No change
 - i. No change
 - ii. No change
 - iii. No change
- I.** No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
 - a. No change
 - b. No change
 - c. No change
- J.** No change
 - 1. No change
 - a. No change
 - b. No change
 - c. No change
 - 2. No change
 - 3. No change

Notices of Exempt Rulemaking

- 4. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
- K.** No change
 - 1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - i. No change
 - j. No change
 - k. No change
 - l. No change
 - m. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - v. No change
 - vi. No change
 - n. No change
 - o. No change
 - p. No change
 - q. No change
 - 2. No change
 - 3. No change
 - a. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - v. No change
 - b. No change
 - i. No change
 - ii. No change
 - c. No change
- L.** An applicant for any level Sport Falconry license shall pay all applicable fees established under ~~R12-4-102~~ R12-4-412.
- M.** No change
 - 1. No change
 - a. No change
 - b. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change

Notices of Exempt Rulemaking

- e. No change
- f. No change
- 5. No change
 - a. No change
 - i. No change
 - ii. No change
 - iii. No change
 - b. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - v. No change
 - vi. No change
- 6. No change
- 7. No change
- 8. No change
- 9. No change
- 10. No change
- N.** No change
 - 1. No change
 - 2. No change
 - a. No change
 - b. No change
- O.** No change
 - 1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. No change
 - i. No change
 - 2. No change
- P.** No change
- Q.** No change
 - 1. No change
 - a. No change
 - b. No change
 - c. No change
 - 2. No change
 - a. No change
 - b. No change
 - 3. No change
 - a. No change
 - b. No change
 - 4. No change
 - 5. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - 6. No change
 - a. No change
 - b. No change
 - 7. No change
 - 8. No change

Notices of Exempt Rulemaking

- 9. No change
- 10. No change
 - a. No change
 - b. No change
- 11. No change
- 12. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
- 13. No change
- 14. No change
 - a. No change
 - b. No change
- 15. No change
- 16. No change
 - a. No change
 - b. No change
 - c. No change
- 17. No change
- R.** No change
 - 1. No change
 - a. No change
 - b. No change
 - c. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
- S.** No change
 - 1. No change
 - 2. No change
 - 3. No change
- T.** No change
- U.** No change
 - 1. No change
 - 2. No change
- V.** No change
 - 1. No change
 - a. No change
 - b. No change
 - c. No change
 - 2. No change
 - 3. No change
- W.** No change
- X.** No change
- Y.** No change
- Z.** No change
 - 1. No change
 - 2. No change
 - 3. No change
- AA.** No change
- BB.** No change
- CC.** No change
 - 1. No change
 - 2. No change
 - a. No change
 - b. No change

Notices of Exempt Rulemaking

- c. No change
- d. No change

DD. No change

- 1. No change
 - a. No change
 - b. No change
 - c. No change
- 2. No change
 - a. No change
 - b. No change
 - c. No change
- 3. No change
- 4. No change

EE. No change

- 1. No change
- 2. No change

FF. No change

- 1. No change
- 2. No change
- 3. No change
- 4. No change
- 5. No change
- 6. No change
- 7. No change

GG. No change

- 1. No change
- 2. No change
- 3. No change
- 4. No change
- 5. No change

HH. No change

- 1. No change
 - a. No change
 - b. No change
- 2. No change
- 3. No change
- 4. No change
- 5. No change

II. No change

JJ. No change

KK. No change

- 1. No change
- 2. No change
- 3. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change

R12-4-424. White Amur Stocking and Holding License

A. No change

- 1. No change
- 2. No change

B. No change

C. No change

- 1. No change
- 2. No change
- 3. No change

Notices of Exempt Rulemaking

- a. No change
- b. No change
- c. No change
- 4. No change
- 5. No change
 - a. No change
 - b. No change
 - c. No change
- 6. No change
- 7. No change
- 8. No change
- 9. No change
- 10. No change
- 11. No change
- D.** No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
- E.** No change
- F.** No change
- G.** No change
 - 1. No change
 - 2. No change
 - 3. No change
 - a. No change
 - b. No change
 - c. No change
 - 4. No change
 - 5. No change
 - 6. No change
 - 7. No change
 - 8. No change
 - 9. No change
- H.** No change
- I.** A white amur stocking license holder who applies to renew the license shall pay fees as prescribed by ~~R12-4-102~~ R12-4-412 under R12-4-412.
- J.** No change

ARTICLE 5. BOATING AND WATER SPORTS

R12-4-501. Boating and Water Sports Definitions

No change

“Abandoned watercraft” No change

No change

No change

No change

No change

“Aids to navigation” No change

“AZ number” No change

“Bill of sale” No change

“Boats keep out” No change

Notices of Exempt Rulemaking

- “Certificate of number: No change
- “Certificate of origin” No change
 - No change
- “Controlled-us marker” No change
- “Dealer” No change
- “Homemade watercraft” No change
- “Hull identification number” No change
- “Junk watercraft” No change
- “Letter of gift” No change
 - No change
- “Livery” No change
- “Manufacturer” No change
- “Motorized watercraft” No change
- “No ski” No change
- “Nonresident Boating Safety Infrastructure Decal” means the Department-issued decal that is proof of payment of the fee ~~required~~ authorized under A.R.S. § 5-327.
- “No wake” No change
- “Operate” No change
- “Owner” No change
- “Personal flotation device” No change
- “Regatta” No change
- “Registered owner” No change
- “Registration decal” No change
- “Regulatory marker” No change
 - No change
 - No change
 - No change
- “Release of interest” No change
- “Sound of level” No change
- “Staggered registration” No change
- “State of principal operation” No change
- “Unreleased watercraft” No change
- “Watercraft” No change
- “Watercraft agent” No change
- “Watercraft registration” No change

R12-4-503. Renewal of Watercraft Registration

- A. The owner of a registered watercraft shall ensure the watercraft's registration is renewed no later than the day before the prior registration period expires.
- B. To renew a watercraft's registration in person or by mail, an applicant shall ~~submit~~ pay the registration fee ~~required~~ authorized under A.R.S. § 5-321 and present one of the following:
 - 1. Current or prior certificate of number,
 - 2. Valid driver's license,
 - 3. Valid Arizona Motor Vehicle Division identification card,
 - 4. Valid passport, or
 - 5. Department-issued renewal notice.
- C. To renew a watercraft's registration online, an applicant shall electronically ~~submit~~ pay the registration fee ~~required~~ authorized under A.R.S. § 5-321, provide the assigned Arizona watercraft AZ number of the watercraft being renewed, and one of the following to the Department or its agent:
 - 1. Department-assigned authorization number,
 - 2. Applicant's date of birth, or

Notices of Exempt Rulemaking

- 3. Applicant's password.
- D. When a watercraft registration is renewed by mail or online, the Department shall mail the renewal to the address of record, unless the Department receives a notarized request from the registered owner instructing the Department to mail the renewal to another address.

R12-4-504. ~~Staggered Watercraft Registration Schedule Fees; Penalty for Late Registration; Staggered Registration Schedule~~

A. The owner of a motorized watercraft shall pay the applicable watercraft registration fee as authorized under A.R.S. § 5-321:

- 1. Twelve feet and less: \$20
- 2. Twelve feet one inch through sixteen feet: \$22
- 3. Sixteen feet one inch through twenty feet: \$30
- 4. Twenty feet one inch through twenty-six feet: \$35
- 5. Twenty-six feet one inch through thirty-nine feet: \$39
- 6. Thirty-nine feet one inch through sixty-four feet: \$44
- 7. Sixty-four feet one inch and over: \$66
- 8. For the purposes of this subsection, the length of the motorized watercraft shall be measured in the same manner prescribed under A.R.S. § 5-321(C).

B. The Department or its agent shall collect the entire registration fee for a late registration renewal and a penalty fee of \$5, unless exempt under A.R.S. § 5-321(L), or unless the expiration date falls on a Saturday, Sunday, or state holiday, and the registration is renewed before the close of business on the next working day. The Department or its agent shall not assess a penalty fee when a renewal is mailed before the expiration date, as evidenced by the postmark.

~~**A-C.** All new watercraft registrations expire 12 months after they are issued.~~

~~**B-D.** Resident and nonresident watercraft registration renewals expire on the last day of the month indicated by the last two numeric digits of the AZ number, as shown in the following table:~~

<i>Last two numeric digits of AZ number</i>								<i>Expiration month</i>
00		36	48	60	72	84	96	December 24 12
01		37	49	61	73	85	97	January 25 13
02		38	50	62	74	86	98	February 26 14
03		39	51	63	75	87	99	March 27 15
04		40	52	64	76	88		April 28 16
05		41	53	65	77	89		May 29 17
06		42	54	66	78	90		June 30 18
07		43	55	67	79	91		July 31 19
08		44	56	68	80	92		August 32 20
09		45	57	69	81	93		September 33 21
10		46	58	70	82	94		October 34 22
11		47	59	71	83	95		November 35 23

- C. Watercraft dealer, manufacturer, and governmental use registration renewals expire on October 31 of each year.
- D. Livery and all other commercial use registration renewals expire on November 30 of each year.
- ~~E. The Department or its agent shall collect the entire registration fee for a late registration renewal, and a penalty fee of \$5, unless exempt under A.R.S. § 5-321(L), or unless the expiration date falls on a Saturday, Sunday, or state holiday, and the registration is renewed before the close of business on the next working day. The Department or its agent shall not assess a penalty fee when a renewal is mailed before the expiration date, as evidenced by the postmark.~~

R12-4-529. Nonresident Boating Safety Infrastructure Fee Fees; Proof of Payment; Decal

A. A Before placing that watercraft on the waterways of this State, a nonresident owner of a recreational watercraft who establishes this State as the state of principal operation shall pay the applicable Nonresident Boating Safety Infrastructure Fee (NBSIF) established as authorized under A.R.S. § 5-327 before placing that watercraft on the waterways of this State;

- 1. Twelve feet and less: \$80
- 2. Twelve feet one inch through sixteen feet: \$88
- 3. Sixteen feet one inch through twenty feet: \$192
- 4. Twenty feet one inch through twenty-six feet: \$224
- 5. Twenty-six feet one inch through thirty-nine feet: \$253
- 6. Thirty-nine feet one inch through sixty-four feet: \$286
- 7. Sixty-four feet one inch and over: \$429
- 8. For the purposes of this subsection, the length of the motorized watercraft shall be measured in the same manner pre-

Notices of Exempt Rulemaking

scribed under A.R.S. § 5-321(C).

- B.** The nonresident recreational watercraft owner shall carry and display proof of payment of the fee while the watercraft is underway, moored, or anchored on the waterways of this State. Acceptable proof of payment ~~means~~ includes any one of the following:
1. A current Arizona Watercraft Certificate of Number indicating the NBSIF was paid,
 2. A current Arizona Watercraft Temporary Certificate of Number indicating the NBSIF was paid,
 3. A current Arizona Watercraft Registration Decal indicating the NBSIF was paid, or
 4. A current Arizona Nonresident Boating Safety Infrastructure Decal.
- C.** The Nonresident Boating Safety Infrastructure Decal shall be affixed in front of the Arizona Watercraft Registration Decal on both sides of the forward half of the watercraft.