MEMO **F10**

TO: Larry D. Voyles, Director

FROM: Gary Hovatter, Deputy Director

PRESENTER: Jennifer Stewart, Rules and Risk Branch Chief

TITLE: Request to Approve the Economic Impact Statement and Notice of Final Rulemaking Amending R12-4-309 and R12-4-318.

DESCRIPTION: The Commission will be asked to vote to approve the Economic Impact Statement and Notice of Final Rulemaking to promulgate a new rule R12-4-309 and amend R12-4-318. The statement and notice will be submitted to the Governor's Regulatory Review Council (G.R.R.C.) for placement on the July G.R.R.C. agenda. The Commission may vote to take action on and provide the Department direction on this item.

DATE: April 27, 2010

EXECUTIVE SUMMARY:

The Department is proposing to amend R12-4-309 and amend R12-4-318, addressing the taking and handling of wildlife within Article 3. The Department proposes the following substantive rule amendments:

R12-4-309. Authorization for Use of Drugs on Wildlife

- Establish a new rule allowing the Department to regulate the use of drugs on wildlife and define and describe the authorization process for allowable drug use on wildlife.

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

- Allow individuals participating in an archery-only season to possess a non-hunting handgun for personal protection.
- Allow individuals participating in a muzzleloader season to possess a non-hunting handgun for personal protection.

Originally, these rules were part of larger Article 3 rulemaking package approved by the Commission at the December 2008 Commission Meeting. The Governor's office issued a rulemaking moratorium and the rulemaking was on hold until November 30, 2009, when the

Governor's office approved the Department's request to pursue rulemaking to amend R12-4-309 and R12-4-318.

The Notices of Docket Opening and Proposed Rulemaking were approved by the Commission at the February Commission Meeting. The Notices were filed with the Secretary of State's Office and published in the Arizona Administrative Register on March 5, 2010. The rulemaking record was open for public comment from March 5 to April 4, 2010.

The Economic Impact Statement and Notice of Final Rulemaking for R12-4-309 and R12-4-318 are attached for the Commission's consideration.

If the Commission approves, the Economic Impact Statement and Notice of Final Rulemaking for R12-4-309 and R12-4-318 will be submitted to G.R.R.C. for review and placement on the G.R.R.C. July agenda.

RECOMMENDATION:

The Department requests that the Commission **VOTE TO APPROVE THE ECONOMIC IMPACT STATEMENT AND NOTICE OF FINAL RULEMAKING TO AMEND R12-4-309 and R12-4-318 WITHIN ARTICLE 3.**

GH:js:cmc

Attachments: R12-4-309 and R12-4-318 Economic Impact Statement
R12-4-309 and R12-4-318 Notice of Final Rulemaking

NOTICE OF FINAL RULEMAKING

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

PREAMBLE

1. Sections Affected	Rulemaking Action
R12-4-309	New Section
R12-4-318	Amend

2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statutes: A.R.S. §§ 17-102 and 17-231(A)(1), (2), and (3)

Implementing statutes: A.R.S. §§ 17-102, 17-211(E)(3) and (4), 17-231(A)(1), (2), (3) and (4), 17-231(B)(6) and (8), 17-234, 17-235, 17-236, 17-301, 17-309, 17-331, 17-332, 17-361, 17-371 and 17-372

3. The effective date for the rules:

Pursuant to A.R.S. § 41-1032, the rules will be effective sixty days after being filed in the office of the Secretary of State.

4. List of all previous notices appearing in the Register addressing the final rules:

Notice of Rulemaking Docket Opening: 16 A.A.R. 407, March 5, 2010

Notice of Proposed Rulemaking: 16 A.A.R. 379, March 5, 2010

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

Name: Ron Day

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

Telephone: (623) 236-7352

Fax: (623) 236-7929

E-mail: Rday@azgfd.gov

6. An explanation of the rules, including the agency's reasons for initiating the rulemaking:

Laws 2009, Third Special Session, Chapter 7, Section 28 (B)(3) allows an agency to pursue rulemaking to prevent a threat to the public health, peace, or safety. On November 30, the Governor's office approved the Department's request to pursue the rulemaking for R12-4-309 and R12-4-318.

The Commission proposes creating a new rule, R12-4-309 Authorization for Use of Drugs on Wildlife, to provide the Department with proactive regulatory measures designed to address issues involving the use of drugs on wildlife including, but not limited to, fertility drugs, growth hormones, and tranquilizers. Other

jurisdictions within the United States, including Texas and New York, have experienced issues that negatively impacted the state's public health and wildlife and, as a result, have reactively enacted regulations addressing those issues. The Commission has determined that, in order to ensure the protection and preservation of Arizona's wildlife resources, certain criteria and standards must be achieved by anyone requesting authorization to use drugs on wildlife. The new rule provides the Department with the authority to regulate the use of drugs on wildlife by establishing an application and authorization process for allowable drug use on wildlife. In addition, the new rule is consistent with the regulatory language, addressing the use of drugs on wildlife, recommended by the Association of Fish and Wildlife Agencies.

The Commission proposes to amend R12-4-318 to allow archers to possess a non-hunting handgun for personal protection during archery-only and muzzleloader-only seasons. Currently, individuals are not allowed to have a firearm in their immediate possession while participating in these seasons. The Department has an enforcement directive in effect that allows individuals to carry a non-hunting handgun for personal protection during archery-only and muzzleloader-only seasons. This law enforcement directive allows an activity which is contrary to rule. The amended rule clearly prescribes that a non-hunting handgun is a handgun with a barrel length of six inches or less that does not have a scope or any type of electronic sight. The Department recently received a comment from a muzzleloader asking to be allowed to carry a handgun for personal protection and the Department supports this change.

The Commission proposes additional amendments to ensure conformity with the Arizona Administrative Procedures Act, Secretary of State, and Governor's Regulatory Review Council rulemaking format and style requirements.

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

   Not applicable

8. **A showing of good cause why the rules are necessary to promote a statewide interest if the rules 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:**

   The Commission's intent in the proposed rulemaking is to promote public safety and allow the Department additional wildlife management oversight by regulating the use of drugs on animals and allowing an individual to carry a personal handgun for protection during archery-only and muzzleloader-only seasons. The Commission has determined that the benefits of the rulemaking outweigh any costs.

   The Commission's proposed amendments to R12-4-309 benefit the Department by ensuring it has control over the use of drugs on wildlife. If the Commission does not establish this authority, wildlife populations may be negatively impacted by individuals who lack the knowledge and expertise to make wildlife decisions that are traditionally entrusted to the Game and Fish Commission. In addition, individuals administering improper

amounts of drugs to wildlife may cause unintended mortalities to occur. If the administration of drugs on wildlife is not managed by the Department, there is a potential that drug substances could be inadvertently introduced into the environment, posing a possible risk to public health and safety.

The Commission's proposed amendments to R12-4-318 benefit the public by allowing individuals participating in archery-only or muzzleloader-only seasons to possess a non-hunting handgun for personal protection during archery and muzzleloader hunt. This activity is currently allowed by the Department under a law enforcement directive.

The Commission does not anticipate there will be a significant financial impact to individuals as a result of the new rule or the amendments proposed for R12-4-318 and the Commission holds that the benefits of the proposed rulemaking significantly outweigh any costs.

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

The intent of subsection (F) is to exempt persons conducting activities authorized under Article 4 from the requirements of R12-4-309. In response to a public comment asking if the rule applied to zoo license holders, R12-4-309(F) was revised to clearly state rule exemptions.

In addition, minor grammatical and style corrections were made at the request of the Governor's Regulatory Review Council staff.

11. A summary of the comments made regarding the rules and the agency response to them:

Written Comment: March 13, 2010. I strongly discourage the regulation of administering of drugs to wildlife due to over-regulation of an area where very few individuals are involved. If a bear needs to be sedated quickly or shot, I prefer keeping these opportunities flexible. Remember, as a practical matter, individuals possessing a dart gun are going to be knowledgeable of its use just by possessing it. If an occasional animal dies from too much medicine, it may have happened with or without the regulations. In the past, after trapping a mountain lion and upon its release, I would have preferred to use a drug rather than a choke hold when freeing such a dangerous animal. Let people who manage from a desk fill out their own reports instead of wildlife managers and outdoorsmen.

Agency Response: The Department disagrees. If the administration of drugs on wildlife is not controlled by the Department, there is a potential that drug substances could be inadvertently introduced into the environment resulting in possible risk to public health and safety and Arizona's wildlife resources.

Written Comment: March 15, 2010. Does this rule affect individuals possessing a zoo license? I assume that it does, but the verbiage under subsection (F) could be troublesome for a zoo licensee. A veterinarian may prescribe medication for an animal that is not sick or injured. For example: when transporting a tiger, the tiger is sedated for the safety of the individuals transporting the tiger and the safety of the tiger. While the medication is administered by a veterinarian, the animals receiving the medications are not "sick" or "injured".

Agency Response: The intent of subsection (F) is to exempt individuals possessing a zoo license and other special licenses issued by the Department from the requirements of this rule. The Department revised the language provided under subsection (F) to clearly state that zoo license holders are exempt from the rule.

Written Comment: February 4, 2010. I strongly oppose this rule. As a Federal LEO/Game Warden on Kofa NWR and environs for over 18 years, I believe allowing handguns of any caliber will give the unethical archer or muzzleloader the opportunity to shoot a deer if he misses with his arrow or muzzleloader. Doing so is further evidence to the increasingly vocal non-hunting public that the Department is loosening longstanding policies of special hunts and associated rules/regulations to be all-inclusive at all costs. There is no evidence whatsoever to support the need for archers/muzzleloaders to have a handgun to protect themselves from other humans or wildlife. Where is the science to corroborate the "beliefs" that somehow experienced big game hunters are facing life-or-death threats by anything or any person while afield hunting?

Agency Response: The Department disagrees. The rule is amended in response to a request to carry a non-hunting handgun for personal protection during archery-only and muzzleloader-only seasons. This amendment was proposed in an earlier expired rulemaking and the Department received a number of comments in support of the rule amendment. In addition, ethical is defined as: pertaining to or dealing with morals or the principles of morality of an individual. Ethics are a personal choice. Amending a rule to allow an individual to carry a non-hunting handgun for personal protection during archery-only and muzzleloader-only seasons will not cause a person's position regarding hunting ethics to change.

Written Comment: March 13, 2010. I agree with allowing hunters to carry a non-hunting firearm. Both my daughter and wife hunt in my family and they will not go off into the field alone without such a weapon.

Agency Response: The Department appreciates your support.

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

    None

13. **Incorporations by reference and their location in the rules:**

    Not applicable

14. **Were these rules previously made as emergency rules?**

    No

15. **The full text of the rules follows**

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

ARTICLE 3. TAKING AND HANDLING OF WILDLIFE

Section

R12-4-309. ~~Repealed~~ Authorization for Use of Drugs on Wildlife

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

ARTICLE 3. TAKING AND HANDLING OF WILDLIFE

R12-4-309. ~~Repealed~~ Authorization for Use of Drugs on Wildlife

A. For the purposes of this Section:

1. "Drug" means any chemical substance, other than food or mineral supplements, which affect the structure or biological function of any wildlife under the jurisdiction of the state.
2. "Person" means any individual, corporation, partnership, limited liability company, non-governmental organization or club, licensed animal shelter, government entity other than the Department, and any officer, employee, volunteer, member or agent of a person.

B. A person shall not administer any drug to any wildlife under the jurisdiction of the state, including but not limited to drugs used for fertility control, disease prevention or treatment, immobilization, or growth stimulation without written authorization from the Department or as otherwise provided under subsection (F).

C. A person requesting written authorization for the use of drugs on wildlife shall submit the request in writing to the Department at least 120 days before the anticipated start date of the activity and provide all of the following:

1. A plan that includes:
   a. The purpose and need for the proposed activity;
   b. A clear statement of the objectives; for fertility control the statement shall include the target wildlife population goals or densities and the anticipated time-frame for meeting these objectives;
   c. A description of the agent, drug, or method including federal approvals or permits obtained, as applicable, and any mandated labeling restrictions or limitations designed to reduce or minimize detrimental effects to wildlife and humans;
   d. Required approvals, including, but not limited to, any federal or state agency approvals for specific use;
   e. Citations of published scientific literature documenting field studies on the efficacy and safety for both target and non-target species, including predators, scavengers, and humans;
   f. A description of the activity area;
   g. A description of the target species population and current status;
   h. A description of the field methodology for delivery including timing, sex and number of animals to be treated, percentage of the population to be treated, and if applicable, calculated population effect; and
   i. Short and long term monitoring and evaluation procedures.
2. Documentation regarding the experience and credentials of the applicant or the applicant's agents as it applies to the requested activity.
3. Written endorsement from the agency or institution; required when the applicant is a government agency, university, or other institution.
4. Written permission from landowners or lessees in all locations where the drug will be administered.

D. The Department shall notify the applicant of the Department's decision to grant or deny the request within 90 days. The Department has the authority to place conditions on the written authorization in regards to:

1. Locations and time-frames;
2. Drugs and methodology;
3. Limitations;
4. Reporting requirements; and
5. Any other conditions deemed necessary by the Department.

E. A person with authorization shall:

1. Carry written authorization while engaged in the activity and exhibit it upon request to any peace officer;
2. Allow Department personnel to be present to monitor activities for compliance, public safety, and proper treatment of animals;
3. Adhere to all drug label restrictions and precautions;
4. Provide an annual and final report;
   a. The annual report must include the number of animals treated, the level of treatment effect obtained to date, and any problems including mortalities or morbidities of target animals.
   b. The final report must include the end results, including the number of wildlife treated and treatment effects on target and non-target wildlife, including mortalities, morbidities, and reproductive rate changes; and
5. Comply with all conditions and requirements set forth in the written authorization.

F. This Section does not prohibit the transport of wildlife or transport or treatment of sick or injured wildlife by a licensed veterinarian or holder of a special license in accordance with R12-4-407(A)(2), R12-4-407(A)(8), and R12-4-428(B)(13), activities as authorized under R12-4-418, R12-4-420, R12-4-421, and R12-4-423 or reasonable lethal removal activities for wildlife control as authorized under A.R.S. § 17-239(A).

G. This Section does not limit Department employees in the performance of their official duties related to wildlife management.

H. The Department shall take possession of and dispose of any wildlife drugs administered in violation of this Section as authorized under A.R.S. § 17-231(A).

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

A. No change

B. Methods of lawfully taking big game during seasons designated by Commission order as "special" are designated ~~in~~ under R12-4-304. "Special" seasons are open only to individuals who possess special big game license tags issued 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 in this Section. While taking the species authorized by the season:

1. An individual participating in a "muzzleloader" season shall not use or possess any firearm other than muzzle-loading rifles or muzzle-loading handguns, as defined ~~in~~ under R12-4-101. Individuals participating in a "muzzleloader" season may possess a non-hunting handgun for personal protection. It is unlawful to

take any wildlife with this handgun while participating in a "muzzleloader" season. For the purposes of this Section, a non-hunting handgun is defined as a handgun with a barrel length of six inches or less that does not have a scope or any type of electronic sight.

2. An individual participating in an "archery-only" season ~~shall~~ may only use ~~and~~ or possess ~~only~~ a bow and arrow as prescribed ~~in~~ under R12-4-304 and shall not use or possess any other weapons, including crossbows or ~~any other~~ bows with a device that holds the bow in a drawn position except as authorized ~~by~~ under R12-4-216. Individuals participating in an "archery-only" season may possess a non-hunting handgun for personal protection. It is unlawful to take any wildlife with this handgun while participating in an "archery-only" season. For the purposes of this Section, a non-hunting handgun is defined as a handgun with a barrel length of six inches or less that does not have a scope or any type of electronic sight.
3. No change
4. No change
5. No change
6. An individual participating in a "limited weapon" season may only use or possess the following methods or devices for taking wildlife, when ~~prescribed in~~ authorized under R12-4-304 as lawful for the species hunted: ~~bow and arrow; crossbow; pneumatic weapons; falconry; slingshots; any trap except foot-hold steel traps; nets; hand-propelled projectiles; or capture by hand~~
   a. Any trap except foothold steel traps;
   b. Bow and arrow;
   c. Capture by hand;
   d. Crossbow;
   e. Falconry;
   f. Hand-propelled projectiles;
   g. Nets;
   h. Pneumatic weapons; or
   i. Slingshots.
7. An individual participating in a "limited weapon-shotgun" season may only use or possess the following methods or devices for taking wildlife, when ~~prescribed in~~ authorized under R12-4-304 as lawful for the species hunted: ~~shotgun shooting shot or slug; bow and arrow; crossbow; pneumatic weapons; falconry; slingshots; any trap except foot-hold steel traps; nets; hand-propelled projectiles; or capture by hand~~
   a. Any trap except foothold steel traps;
   b. Bow and arrow;
   c. Capture by hand;
   d. Crossbow;
   e. Falconry;
   f. Hand-propelled projectiles;
   g. Nets;

h. Pneumatic weapons;

i. Shotgun shooting shot or slug; or

j. Slingshots.

8. An individual participating in a "limited weapon-shotgun shooting shot" season may only use or possess the following methods or devices for taking wildlife, when ~~prescribed in~~ authorized under R12-4-304 as lawful for the species hunted: ~~shotgun shooting shot; bow and arrow; crossbow; pneumatic weapons; falconry; slingshots; any trap except foot-hold steel traps; nets; hand-propelled projectiles; or capture by hand~~

   a. Any trap except foothold steel traps;

   b. Bow and arrow;

   c. Capture by hand;

   d. Crossbow;

   e. Falconry;

   f. Hand-propelled projectiles;

   g. Nets;

   h. Pneumatic weapons;

   i. Shotgun shooting shot; or

   j. Slingshots.

9. An individual participating in a "limited weapon-rimfire" season may only use or possess the following methods or devices for taking wildlife, when ~~prescribed in~~ authorized under R12-4-304 as lawful for the species hunted: ~~rifled firearms using rimfire cartridges; shotgun shooting shot or slug; bow and arrow; crossbow; pneumatic weapons; falconry; slingshots; any trap except foot-hold steel traps; nets; hand-propelled projectiles; or capture by hand~~

   a. Any trap except foothold steel traps;

   b. Bow and arrow;

   c. Capture by hand;

   d. Crossbow;

   e. Falconry;

   f. Hand-propelled projectiles;

   g. Nets;

   h. Pneumatic weapons;

   i. Rifled firearms using rimfire cartridges;

   j. Shotgun shooting shot or slug; or

   k. Slingshots.

10. No change

11. An individual may participate in a "juniors-only hunt" up to and throughout the calendar year of the individual's 17th birthday, provided the individual meets the requirements ~~of~~ prescribed under A.R.S. § 17-

335.

12. No change
13. An individual participating in a "raptor capture" season shall be a falconer licensed ~~falconer~~ under R12-4-422 ~~or exempted~~ unless exempt under R12-4-407.

ARIZONA GAME AND FISH COMMISSION

ARTICLE 3. TAKING AND HANDLING OF WILDLIFE

R12-4-309 and R12-4-318

Economic, Small Business, and Consumer Impact Summary and Statement

A. Economic, small business and consumer impact summary.

1. Identification of the proposed rule making.

The Commission proposes creating a new rule, R12-4-309 Authorization for Use of Drugs on Wildlife, to provide the Department with proactive regulatory measures designed to address issues involving the use of drugs on wildlife including, but not limited to, fertility drugs, growth hormones, and tranquilizers. Other jurisdictions within the United States, including Texas and New York, have experienced issues that negatively impacted the state's public health and wildlife and, as a result, have reactively enacted regulations addressing those issues. The Commission has determined that certain criteria and standards must be achieved by anyone requesting authorization to use drugs on wildlife in order to ensure the protection and preservation of Arizona's wildlife resources. The new rule provides the Department with the authority to regulate the use of drugs on wildlife by establishing an application and authorization process for allowable drug use on wildlife. In addition, the new rule is consistent with the regulatory language, addressing the use of drugs on wildlife, recommended by the Association of Fish and Wildlife Agencies.

The Commission proposes to amend R12-4-318 to allow archery-only and muzzleloader-only hunters to possess a non-hunting handgun for personal protection during archery-only and muzzleloader-only seasons. Currently, individuals are not allowed to have a firearm in their immediate possession while participating in these seasons. The Department currently has an enforcement directive allowing these individuals to carry a non-hunting handgun for personal protection during an archery-only or muzzleloader-only season. This directive allows an activity which is contrary to rule. The amended rule clearly prescribes that a non-hunting handgun is a handgun with a barrel length of six inches or less that does not have a scope or any type of electronic sight. The Commission recently received a comment from a muzzleloader-only hunter asking to be allowed to carry a handgun for personal protection; the Commission supports this recommendation.

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

The Commission's intent in the proposed rulemaking is to address the taking and handling of

wildlife and promote public safety. The Commission has determined that the benefits of the rulemaking outweigh any costs.

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

Name: Ron Day

Address: 5000 W. Carefree Highway
Phoenix, AZ 85086

Telephone: (623) 236-7352

Fax: (623) 236- 7929

Email: Rday@azgfd.gov

B. Economic, small business and consumer impact statement.

1. **Identification of proposed rule making.**

See item (A)(1).

2. **Identification of persons who will be directly affected by, bear the costs of or directly benefit from the proposed rule making.**

The Commission's intent in the proposed rulemaking is to promote public safety and allow the Department additional wildlife management oversight by regulating the use of drugs on animals and allowing an individual to carry a personal handgun for protection during archery-only and muzzleloader-only seasons. The Commission has determined that the benefits of the rulemaking outweigh any costs.

The Commission's proposed amendments to R12-4-309 benefit the Department by ensuring it has control over the use of drugs on wildlife. If the Commission does not establish this authority, wildlife populations may be negatively impacted by individuals who lack the knowledge and expertise to make wildlife decisions that are traditionally entrusted to the Game and Fish Commission. In addition, individuals administering improper amounts of drugs to wildlife may cause unintended mortalities to occur. If the administration of drugs on wildlife is not managed by the Department, there is a potential that drug substances could be inadvertently introduced into the environment, posing a possible risk to public health and safety.

The Commission's proposed amendments to R12-4-318 benefit the public by allowing individuals participating in archery-only or muzzleloader-only seasons to possess a non-hunting handgun for personal protection. This activity is currently allowed by the Department under a law enforcement directive.

The Commission recently received a comment from a muzzleloader-only hunter asking to be

allowed to carry a handgun for personal protection; the Commission supports this recommendation.

The Commission does not anticipate there will be a significant financial impact to individuals as a result of the new rule or the amendments proposed for R12-4-318 and the Commission holds that the benefits of the proposed rulemaking significantly outweigh any costs.

3. **Cost benefit analysis:**

   (a) **Probable costs and benefits to the Arizona Game and Fish Department and other agencies directly affected by the implementation and enforcement of the proposed rule making.**

   The Commission's proposed new rule, R12-4-309, benefits the Department by ensuring the Department has authority over the use of drugs on wildlife. If the administration of drugs on wildlife is not regulated by the Department, there is a potential that drug substances may be inadvertently introduced into the environment, posing a possible risk to public health and safety. The Commission does not anticipate incurring any additional costs resulting from this new rule as current law enforcement and research resources will be used to review and monitor this activity. Currently, this activity is not known to have a great impact on Arizona wildlife and public health. However, issue have surfaced on a national level, and the Commission is proactively positioning itself to manage this process.

   The proposed amendment to R12-4-318 benefits the Department and public by aligning the rule with a current law enforcement directive regarding the use of non hunting handguns for personal protection during the specified hunts.

   (b) **Probable costs and benefits to political subdivision of this state directly affected by implementation and enforcement of the proposed rule making.**

   The Commission does not anticipate the proposed rulemaking will significantly affect other political subdivisions of this state.

   (c) **Probable costs and benefits to businesses directly affected by the proposed rule making, including any anticipated effect on the revenues or payroll expenditures of employers who are subject to the proposed rule making.**

   The Commission does not anticipate the proposed rulemaking will affect businesses, their revenues, or their payroll expenditures. Only those persons applying for authorization to use drugs on wildlife will be affected by the proposed rulemaking. Of those who may be affected, the Commission does not anticipate the impact will be significant.

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

rulemaking.

The Commission does not anticipate the proposed rulemaking will affect public or private employment in this state.

5. **Statement of probable impact on small businesses:**

   (a) **Identification of small businesses subject to the proposed rule making.**

   Businesses that provide or administer drugs for use on wildlife.

   Businesses that provide hunting excursions.

   Businesses that provide handguns or ammunition.

   (b) **The administrative and other costs required for compliance with the proposed rule making.**

   Overall, the majority of the proposed rulemaking will not create additional costs for compliance. The Commission anticipates the majority of the costs incurred will be time related due to application process involved in requesting permission to administer drugs to wildlife.

   (c) **A description of the methods that the agency may use to reduce the impact on small businesses:**

   (i) **Establishing less costly compliance requirements in the proposed rule making for small businesses.**

   The Commission does not anticipate that any additional requirements for compliance resulting from the proposed rulemaking will result in significant costs.

   (ii) **Establishing less costly schedules or less stringent deadlines for compliance in the proposed rulemaking.**

   The Commission does not anticipate that any additional requirements for schedules or deadlines resulting from the proposed rulemaking will result in significant costs.

   (iii) **Exempting small businesses from any or all requirements of the proposed rule making.**

   The Commission does not believe exempting small businesses from the proposed requirements is in the best interest of private industry or the regulated community.

   (d) **The probable cost and benefit to private persons and consumers who are directly affected by the proposed rule making.**

   The Commission anticipates the proposed rulemaking will benefit private persons and consumers by enhancing public health and safety.

6. **A statement of the probable effect on state revenues.**

The proposed rulemaking will not significantly impact state revenues.

7. **A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed rule making.**

   The Commission has determined that there are no alternative methods of achieving the objectives of the proposed rulemaking. The Commission holds that the benefits of the proposed rulemaking outweigh any costs.

C. **If for any reason adequate data are not reasonably available to comply with the requirements of A.R.S. § 41-1055(B), the agency shall explain the limitations of the data and the methods that were employed in an attempt to obtain data. The absence of adequate data shall not be grounds for a legal challenge to the sufficiency of the economic, small business, and consumer impact statement.**

The Commission believes the data utilized in completing this economic, small business, and consumer statement is more than adequate.