

**NOTICE OF PROPOSED RULEMAKING**  
**TITLE 12. NATURAL RESOURCES**  
**CHAPTER 4. GAME AND FISH COMMISSION**

**PREAMBLE**

1. **Sections Affected**                      **Rulemaking Action**  
  
R12-4-201                                      Amend  
  
R12-4-202                                      Amend  
  
R12-4-203                                      Amend  
  
R12-4-204                                      New Section  
  
R12-4-208                                      Amend  
  
R12-4-215                                      Repealed  
  
R12-4-216                                      Amend  
  
R12-4-217                                      Amend
  
2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**  
  
Authorizing statute: A.R.S. § 17-231  
  
Implementing statutes: A.R.S. § 17-336(1) for R12-4-201; A.R.S. § 17-336(2) for R12-4-202; A.R.S. §§ 17-235, 17-333.01, and 17-333.03 for R12-4-203; A.R.S. § 17-231(B)(7) for R12-4-204; A.R.S. § 17-362 for R12-4-208; A.R.S. § 17-301 for R12-4-216; and A.R.S. § 17-301 for R12-4-217.
  
3. **A list of all previous notices appearing in the Register addressing the proposed rules:**  
  
Notice of Docket Opening: 10 A.A.R. 2890, July 16, 2004;  
  
Second Notice of Docket Opening: 11 A.A.R., July 22, 2005.
  
4. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**  
  
Name:                      Carlos Ramirez, Rule Writer  
  
Address:                      Arizona Game and Fish Department  
  
                                    2221 W. Greenway Rd., DORR  
  
                                    Phoenix, AZ 85023

Telephone: (602) 789-3288 ext. 206

FAX: (602) 789-3677

5. **An explanation of the rules, including the agency's reasons for initiating the rules:**

The Department is proposing to amend the rules principally as stated in the five-year rule review submitted to the Governor's Regulatory Review Council and approved at their December 2003 Meeting. The Department will amend the rules as follows:

**R12-4-201. Pioneer License**

The Department will amend the rule to add a new subsection to give notification to individuals whose application for a pioneer license has been denied. The rule will also be amended to refer to the appeals process for license denial in A.R.S. Title 41. The Department will also amend the rule, as necessary, to make it more clear, concise, and understandable.

**R12-4-202. Disabled Veteran's License**

The Department will amend the rule to add a new subsection (C) to give notification to individuals whose application for a disabled veteran's license has been denied. The rule will also be amended to refer to the appeals process for license denial in A.R.S. Title 41. The Department will also delete the requirement that an applicant for a disabled veteran's license submit certification of disability with an application within 90 days of receiving the certification. The Department does not find it reasonable to issue a deadline for submission of a document that asserts a permanent condition. In addition, the Department will remove the license renewal requirement for an individual that receives a disabled veteran's license under a 100% permanent disability rating that will not be reevaluated. The Department will also amend the rule, as necessary, to make it more clear, concise, and understandable.

**R12-4-203. National Harvest Information Program**

The Department will amend the rule to make it consistent with Department rules and terms, and current APA guidelines for rulemaking language and style.

**R12-4-204. Repealed Sikes Act Habitat Management Stamps**

The Department will adopt a new rule to address issues regarding the use of wildlife habitat management stamps authorized by memoranda of understanding or other agreements between the Department and the federal government, specifically under the Sikes Act. This rule will prescribe procedures for use of the stamps. Currently, the only stamp authorized under such a federal agreement is the Unit 12A (North Kaibab) Habitat Management Stamp listed in R12-4-102.

**R12-4-208. Guide Licenses**

The Department will amend subsection (B) to expand the criteria that disqualify an individual from receiving a guide license. A new subsection (C) will also be added to give special consideration to those applicants for guide licenses who voluntarily report their own wildlife violation. The Department will also amend subsection (E), formerly (D), to allow an individual to take the guide license test on the first Monday of the month, and to give Department employees that administer the test greater flexibility in doing so relative to their current workload. The Department will amend new subsection (I) to clarify that when a guide and a client are hunting with the aid of dogs, the client shall be present during the pursuit of the wildlife. The Department is also adding a new subsection (J) to clearly state that the Department will hold guides criminally accountable for in any way assisting a client in committing a wildlife violation or not reporting a violation. New subsection (M), formerly (K), will be clarified to address the Commission's authority for revoking or suspending a guide's license. The Department will also amend the subsection to no longer require a fishing guide to retake a guide exam if the guide wishes to renew his license, but was convicted of a violation of ARS Title 5 Chapter 3, Boating and Water Sports. The Department does not believe that violation of watercraft laws necessarily demonstrates ignorance of wildlife laws, which is the principle knowledge a guide is responsible to have. Also, because some guides provide their services as their primary source of income, the Department does not want to deprive a guide of a livelihood for a violation that is not related to wildlife. The Department will also amend the rule, as necessary, to make it more clear, concise, and understandable.

**R12-4-215. Tournament Fishing License**

The Department proposes to delete this rule, because there is no statutory authority to support it.

#### **R12-4-216. Crossbow Permit**

The Department will amend the rule to delete subsections (E) and (F). These subsections place requirements on the agency that are not generally extended to other licensing procedures, and prescribe practices that belong in Department policy. The Department does not believe that this will affect how crossbow permits are issued. The Department will also amend this rule to allow any doctor licensed by a state of the United States to issue a certification of disability. Non-resident hunters have had problems applying for crossbow permits because they are not reasonably able to receive the required disability certification from an Arizona-licensed doctor, even though they meet the disability criteria to apply. The Department will also amend the rule to make it consistent with Department rules and terms, and the current requirements for rulemaking language and style.

#### **R12-4-217. Challenged Hunter Access/Mobility Permit**

The Department will amend subsections (C)(2)(a),(b), and (c) to clarify what disabilities make an individual eligible to be issued a Challenged Hunter Access Mobility Permit (CHAMP). The Department will also amend this rule to allow any doctor licensed by a state of the United States to issue a certification of disability. Non-resident hunters have had problems applying for the CHAMP because they are not reasonably able to receive the required disability certification from an Arizona-licensed doctor, even though they meet the disability criteria to apply. The Department will amend the rule to delete subsections (E) and (F). These subsections place requirements on the agency that are not generally extended to other licensing procedures, and prescribe practices that belong in Department policy. The Department does not believe that this will affect how a CHAMP is issued. The Department will also amend the rule, as necessary, to make it more clear, concise, and understandable.

6. **A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rules and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:**

Not applicable.

7. **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.

8. **The preliminary summary of the economic, small business, and consumer impact:**

The proposed rulemaking will not result in any added costs to the Department. The rulemaking will also benefit licensed guides and their clients by clarifying what a guide may legally do while aiding or assisting a client in the taking of wildlife. Crossbow permit applicants will benefit from the clarification regarding disability certification requirements. Applicants for the CHAMP will also benefit from the clarification regarding disability certification requirements. The rulemaking will benefit applicants by making the overall language of the rule easier to understand. The rules create no additional costs to any political subdivisions of this state, or businesses. The rules do not impact private or public employment. Because the Department is not supported by the state general fund, the rules do not affect state revenues. The Department has determined there are no alternative methods of achieving the purpose of the rules.

9. **The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Carlos Ramirez, Rulewriter

2221 W. Greenway Rd., DORR

Phoenix, AZ 85023

(602) 789-3288 ext. 206

10. **The time, place, and nature of the proceedings for the making, amendment, or repeal of the rules; or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:**

Written comments will be accepted at the above address until thirty days after this Notice is published.

Public hearings to discuss this proposal will be held as follows:

Date: October 21-22, 2005

Time: TBA

Location: Avondale City Council Chambers

11465 W. Civic Center Dr.

Avondale, AZ 85323

Nature: Game and Fish Commission meeting

The Arizona Game and Fish Commission follows Title II of the Americans with Disabilities Act. The Commission does not discriminate against persons with disabilities who wish to make oral or written comments on proposed rulemaking or otherwise participate in the public comment process. Individuals with disabilities who need a reasonable accommodation (including auxiliary aids or services) to participate in the public comment process, or who require this information in an alternate form, may contact Carlos Ramirez at (602)789-3288 ext. 206; 2412 W. Greenway Road, Phoenix, Arizona 85023-4399. Requests should be made as soon as possible so that the Arizona Game and Fish Department will have sufficient time to respond.

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

Not applicable.

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

Not applicable.

**13. The full text of the rules follows:**

**TITLE 12. NATURAL RESOURCES**  
**CHAPTER 4. GAME AND FISH COMMISSION**  
**ARTICLE 2. MISCELLANEOUS LICENSES AND PERMITS**

**Sections:**

R12-4-201. Pioneer ~~License~~ License

R12-4-202. Disabled Veteran's License

R12-4-203. National Harvest Information Program (HIP)

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

R12-4-208. Guide License

R12-4-215. ~~Tournament Fishing Permit Regulations~~ Repealed

R12-4-216. Crossbow Permit

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

## ARTICLE 2. MISCELLANEOUS LICENSES AND PERMITS

### R12-4-201. Pioneer license License

- A. In addition to urban fishing privileges granted in A.R.S. § 17-333(A)(9), a pioneer license ~~shall grant~~ grants all of the hunting and fishing privileges of a Class F combination hunting and fishing license.
- B. ~~Persons meeting~~ An individual who meets the criteria ~~set forth~~ in A.R.S. § 17-336(1) may apply for a pioneer license as follows:
1. ~~Persons who have not previously been granted a pioneer license~~ An applicant for a pioneer license shall submit one of the following documents with ~~their~~ the application. ~~Original or certified copies shall be returned~~ The Department shall return to the applicant any original or certified copy after the Department has verified receipt on the application form.
    - a. ~~Passport; or~~ A passport;
    - b. ~~Original~~ An original or certified copy of the applicant's birth certificate; ~~or~~
    - c. ~~Original~~ An original or ~~photocopy~~ copy of a valid Arizona driver's license; or
    - d. ~~Original~~ An original or ~~photocopy~~ copy of a valid Arizona Motor Vehicle Division identification card.
  2. ~~Application shall be made on a~~ 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 ~~attesting~~ that affirms the applicant 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. ~~Full~~ The applicant's name, age, date of birth, Department identification number, and physical description;
    - b. Current residence address; or physical location of residence;
    - c. The year Arizona residency was established;
    - d. Current mailing address; and
    - e. ~~Applicant's~~ The applicant's signature ~~shall be,~~ either witnessed by a Department employee or notarized.
- C. ~~Failure to comply with subsection (B) of this rule, or providing false information upon or with the application for a pioneer license, shall result in denial of the license~~ 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 application for a pioneer license is denied. The applicant may appeal the denial to the Commission as prescribed in A.R.S. Title 41, Chapter 6, Article 10.

~~D. The Department shall issue the license or deny the application within 30 calendar days of receipt of the documents prescribed in subsection (B).~~

~~E. The Department shall issue a duplicate pioneer license without charge upon written request from the licensee stating that the original license has been lost or destroyed, when Department records prove that the original pioneer license was issued to the licensee~~ A pioneer license holder may request a duplicate of their 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.

~~F. This rule is effective January 1, 1995.~~

#### **R12-4-202. Disabled Veteran's License**

A. A disabled veteran's license ~~shall grant~~ grants all of the hunting and fishing privileges of a Class F combination hunting and fishing license and an urban fishing license.

~~B. Persons meeting~~ An individual who meets the criteria ~~set~~ in A.R.S. § 17-336(2) may apply for a disabled veteran's license as follows. Eligibility for the license is based on 100% disability and not on the percentage of compensation.

1. An applicant for a disabled veteran's license shall apply on an application form available from any Department office. The applicant shall provide all of the following ~~on the application form~~ information on the application form:

- a. ~~Full~~ The applicant's name and, date of birth, Department identification number, and physical description;
- b. Current residence address; or physical location of residence;
- c. Current mailing address;

- d. If applicant has resided at the current residence or physical location of residence for less than one year, the ~~residence~~ address or physical location of each residence within the year immediately preceding application; and
  - e. ~~Applicant's~~ The applicant's signature, either witnessed by a Department employee or notarized.
2. ~~The applicant shall submit, as part of the application, an original certification, issued within 90 days of application, from the Department of Veterans Affairs. The Department shall issue the license only if the Department of Veterans Affairs certification includes the following information~~ An applicant shall submit with the application form an original certification from the Department of Veterans' Services that includes the following information:
- a. Full name and date of birth of the applicant;
  - 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 will not require reevaluation, or that the 100% rating is permanent but will be reevaluated in three years; and
  - d. Signature and title of an agent of the Department of ~~Veterans Affairs issuing or approving~~ Veterans' Services who issued or approved the certification.
- C. ~~The Department shall deny a disabled veteran's license if the~~ an applicant is not eligible for the license, fails to comply with the requirements of this Section, or if the applicant provides false information upon or with during the application ~~for a disabled veteran's license process. The Department shall provide written notice to the applicant if the application for a disabled veteran's license is denied. The applicant may appeal the denial to the Commission as prescribed in A.R.S. Title 41, Chapter 6, Article 10.~~
- D. ~~The Department shall issue a duplicate disabled veteran's license without charge upon written request from the licensee stating that the original license has been lost or destroyed, when Department records prove that the original disabled veteran's license was issued to the licensee~~ A disabled veteran's license holder may request a duplicate 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.

E. A If the certification required in subsection (B) indicates that the applicant's disability rating of 100% is permanent and will be reevaluated, then a disabled veteran's license is valid for three years from the date of issuance. If the Department of ~~Veterans Affairs~~ Veterans' Services certifies that the applicant's disability ~~rate~~ rating of 100% is permanent and will not be reevaluated, ~~a new certification is not required for renewal~~ the license does not need to be renewed.

### **R12-4-203. National Harvest Information Program (HIP)**

A. An individual ~~taking~~ who takes ducks, geese, swans, doves, band-tailed pigeons, snipe, coots, common moorhen, or blue grouse in ~~the state of~~ Arizona shall participate in the National Harvest Information Program.

~~Participation requires:~~

1. ~~A person~~ If the individual is taking ducks, geese, or swans, the individual shall ~~have in possession an~~ Arizona possess a state waterfowl stamp, affixed to a Class F, G, or H, complimentary or lifetime license as prescribed in R12-4-101, that accompanies a valid hunting license. The stamp expires on June 30 of each year.

2. ~~A person~~ If the individual is taking doves, band-tailed pigeons, snipe, coots, common moorhen, or blue grouse, the individual shall ~~have in possession an Arizona possess a state migratory bird stamp, affixed to a~~ Class F, G, or H, complimentary or lifetime license that accompanies a valid state hunting license as stated in R12-4-101(21). The stamp expires on June 30 of each year.

B. The Department shall make state waterfowl stamps and state migratory bird stamps available annually ~~from July 1 through March 10.~~

1. To obtain a state waterfowl stamp or state migratory bird stamp, ~~a person~~ an individual shall pay the required fee ~~and complete~~ and submit a completed HIP registration form to ~~the~~ a license dealer or a Department office. The individual shall provide on the HIP registration form ~~shall include the person's~~ the individual's name, home mailing address, date of birth, and information on past and anticipated hunting activity.

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

~~C. This rule is effective July 1, 2000.~~

**R12-4-204. Sikes Act Habitat Management Stamps**

- 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, 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.

**R12-4-208. Guide License**

- A. ~~A person~~ An individual shall not act as a guide, as defined in A.R.S. § 17-101, without a valid guide license.

The Department shall issue the following guide licenses to eligible applicants:

1. A hunting guide license, ~~authorizing the licensee~~ which authorizes the license holder to act as a guide for taking wildlife; other than aquatic wildlife.
2. A fishing guide license, ~~authorizing the licensee~~ which authorizes the license holder to act as a guide for taking aquatic wildlife only.
3. A hunting and fishing guide license, ~~authorizing the licensee~~ which authorizes the license holder to act as a guide for taking all wildlife.

- B. The Department shall not issue a guide license to an applicant if any of the following apply:

1. The applicant has been convicted, within five years preceding the date of application, of a felony violation of ~~any of the following federal laws:~~ wildlife law:
  - a. ~~Lacey Act, 16 U.S.C. 3371-3378.~~
  - b. ~~Endangered Species Act, 16 U.S.C. 1531-1543.~~
  - e. ~~Bald Eagle Protection Act, 16 U.S.C. 668-668e.~~
  - d. ~~Airborne Hunting Act, 16 U.S.C. 742j-1.~~
  - e. ~~Migratory Bird Treaty Act, 16 U.S.C. 703-711.~~

2. The applicant has been convicted, within five years preceding the date of application, of a violation of ~~the provisions of~~ A.R.S. § 17-309(D);
3. The applicant's privilege to take or possess wildlife or to guide or act as a guide is under current suspension or revocation ~~by the government of any state or of anywhere in~~ the United States; for violation of a federal or state wildlife law; or
4. The applicant has been convicted, as of 2006, of a violation of a federal or state wildlife law for which a license to take wildlife can be revoked or suspended within five years preceding application.

C. Unless the Commission is currently considering suspension or revocation of an applicant's license under A.R.S. § 17-340, the Department may issue a license to an applicant if:

1. The applicant otherwise meets the criteria prescribed by this Section; and
2. The applicant has been convicted of a violation of any wildlife law stated in subsection (B) but the applicant voluntarily reported the violation immediately after committing it.

€ D. The Department shall issue a guide license to an applicant who satisfies the requirements of A.R.S. § 17-362 and meets the following criteria:

1. An applicant for a hunting guide license shall:
  - a. Have a current Arizona hunting license; and
  - b. Answer correctly at least 80% of the questions in a written examination, supervised and administered by the Department, which covers:
    - i. A.R.S. Title 17, ~~Arizona~~ Game and Fish ~~Laws~~, and the Commission's rules on the taking and handling of terrestrial wildlife;
    - ii. Requirements for guiding on federal lands;
    - iii. Identification of wildlife, special state and federal laws ~~that cover~~ regarding certain species, and general knowledge of species habitat and wildlife that may occur in the same habitat; and
    - iv. General knowledge of the types of habitat within the state, and knowledge of special or concurrent jurisdictions within the state.
2. An applicant for a fishing guide license shall:
  - a. Have a current Arizona fishing license; and

b. Answer correctly at least 80% of the questions in a written examination, supervised and administered by the Department, which covers:

- i. A.R.S. Title 17, ~~Arizona~~ Game and Fish ~~Laws~~, and the Commission's rules on taking and handling of aquatic wildlife;
- ii. A.R.S. Title 5, Chapter 3, ~~Arizona~~ Boating and ~~Watersport~~ Water Sports, and the Commission's rules on boating;
- iii. Identification of aquatic wildlife species, special state and federal laws regarding certain species, and general knowledge of species habitat and wildlife that may occur in the same habitat.
- iv. General knowledge of the types of habitat and special or concurrent jurisdictions upon bodies of water within the state.

3. An applicant for a hunting and fishing guide license shall:

- a. Have a current Arizona hunting and fishing license; and
- b. Answer correctly at least 80% of the questions in the written examination required in subsection ~~(C)(D)~~(1) and the written examination required in subsection ~~(C)(D)~~(2).

4. An applicant shall apply for a guide license according to subsections ~~(E)(F)~~ and ~~(F)(G)~~.

~~DE~~. The Department shall ~~give~~ administer the examinations required in subsection ~~(C)~~ quarterly ~~(D)~~ on the first Monday of the month at a any Department Office. ~~The Department shall provide exact dates for examinations by the first working day of each year. The written examination~~ The Department shall either provide the examination score after the exam is completed or mail the examination score ~~shall be mailed~~ to the applicant within seven working days of the examination date.

~~EF~~. An applicant for a guide license shall ~~obtain from and submit to the Department an application form providing~~ apply on an application form available from any Department office. The applicant shall provide all of the following information on the application form:

1. ~~Applicant's~~ The applicant's full name, home address, telephone number, residency status, date of birth, Department identification number, and physical description;
2. Designation of guide license sought:
  - a. Hunting guide;
  - b. Fishing guide; or

c. Hunting and fishing guide;

3. ~~Applicant's~~ The applicant's current Arizona hunting and fishing license numbers, as applicable;
4. Responses to questions regarding applicant's eligibility for licensure under subsection (B) ~~and (C); and~~
5. ~~Applicant's~~ The applicant's signature.

**FG.** An applicant for a guide license shall ~~also~~ submit the following with the application form:

1. ~~Applicant's~~ The applicant's original written examination score, dated within the past 12 months, for each examination required ~~in~~ by subsection ~~(C); (D); and~~
2. One of the following as proof of the applicant's ~~identification~~ identity. The Department shall return ~~an~~ any original or certified copy to the applicant after the Department has verified receipt on the application form:
  - a. ~~Passport~~ A passport;
  - b. ~~Original~~ An original or certified copy of the applicant's birth certificate;
  - c. ~~Original~~ An original or ~~photocopy of~~ copy of a valid Arizona driver's license; or
  - d. ~~Original~~ An original or ~~photocopy of~~ copy of a valid Arizona Motor Vehicle Division identification card.

**GH.** The Department shall deny a guide license if ~~the~~ an applicant is not eligible for the license, fails to comply with the requirements of this Section, ~~or if the applicant provides false information upon or with~~ during the application process for a guide license. Any guide license so obtained is void and of no effect from the date of issuance. The Department shall provide written notice to an applicant whose application for a guide license is denied. The applicant may appeal the denial to the Commission as prescribed in ARS Title 41, Chapter 6, Article 10.

**HI.** ~~A person acting~~ An individual who acts as a guide, who may or may not be hunting with the aid of dogs, shall not pursue any wildlife or hold at bay any wildlife for a hunter unless the hunter is present during the pursuit to take the wildlife. The hunter shall be continuously present during the entire pursuit of that specific animal. ~~When~~ If dogs are ~~being~~ used, the hunter shall be present when the dogs are released on a specific target animal and shall be continuously present for the remainder of the pursuit. Any wildlife taken in violation of this subsection is unlawfully taken. ~~A person~~ An individual shall hold wildlife at bay only during daylight hours ~~except when, unless a Commission order~~ Order authorizes take of the species at night.

J. An individual who acts as a guide shall not aid, counsel, agree to aid, or attempt to aid another individual in planning or engaging in conduct that results in a violation. An individual who acts as a guide shall report any violation committed by a client.

~~IK. A licensed guide, when acting as a guide,~~ When acting as a guide, a licensed guide shall carry an original or legible copy of the valid guide license and shall exhibit it upon request to any peace officer.

~~JL. A guide license expires on December 31 of the year of issuance that it was issued. And~~ An applicant may renew the license may be renewed for the new following license year;

1. The Department shall accept an application for renewal of a guide license after December 1 of the year ~~preceding the new license year it was issued,~~ but shall not start the application administrative review process, required by A.R.S. § 41-1072 et seq., ~~prior to~~ before January 10 of the ~~new~~ following license year unless the applicant's annual report, required by A.R.S. § 17-362, is received by the Department.

2. The current guide license shall remain valid, pending Department action on the application for renewal, only if the application for renewal is made ~~prior to~~ before the guide license expiration date and the annual report required by A.R.S. § 17-362 is received by January 10 of the ~~new~~ following license year.

~~KM.~~ The Department shall renew a guide license only if the applicant continues to satisfy the requirements of A.R.S. § 17-362 and meets all of the following criteria:

1. The applicant is not ~~ineligible~~ prohibited from being issued a license under subsection (B);

2. The applicant has a current valid Arizona hunting or fishing license ~~as required for the guide license sought,~~ in accordance with subsection (D);

3. The applicant applies for ~~a~~ the guide license as required in subsection ~~(E)~~ (F) and (G);

4. The applicant ~~has submitted~~ submits the annual report for the preceding license year as required by A.R.S. § 17-362;

5. The applicant takes or re-takes and passes each applicable written examination required in subsection ~~(C)~~, only if required to do so because (D). An applicant is only required to do so if:

a. The applicant ~~is seeking~~ seeks to add a guiding authority to a current guide license;

b. The applicant for a hunting guide ~~authority~~ license has been convicted, within one year preceding the date of application, of a violation of A.R.S. Title 17, ~~Arizona~~ Game and Fish ~~Laws~~, or the Commission's rules governing the taking and handling of terrestrial wildlife;

- c. The applicant for a fishing guide ~~authority~~ license has been convicted, within one year preceding the date of application, of a violation of A.R.S. Title 17, ~~Arizona Game and Fish Laws,~~ or the Commission's rules governing the taking and handling of aquatic wildlife, ~~A.R.S. Title 5, Chapter 3, Arizona Boating Laws,~~ or the rules governing boating and water sports.;
- d. The applicant ~~failed~~ fails to submit ~~the~~ a renewal application ~~prior to~~ postmarked before the expiration date of the guide license. ; or
- e. ~~The applicant failed to submit by January 10 of the new license year the annual report for the preceding license year required by A.R.S. § 17-362. The applicant fails to submit the annual report for the preceding license year, required by ARS § 17-362, postmarked before January 10 of the following license year.~~

~~L.N~~ The Commission may revoke a guide license issued to any ~~person~~ individual for conviction ~~regarding of~~ a violation of statute or rule, as provided in A.R.S. § 17-362(A), ~~for revocation or suspension of or revoke or suspend~~ any license held by the guide as provided in A.R.S. § 17-340, or revoke or suspend a guide license for conviction of a felony violation of ~~the laws~~ any law listed in subsection (B), or for revocation of the privilege to take wildlife by any government jurisdiction.

~~M. This rule is effective January 1, 2000.~~

#### **R12-4-215. Tournament Fishing Permit Regulations Repealed**

~~A. Application for a tournament fishing permit pursuant to A.R.S. § 17-347 requires that the following information be provided by the tournament director to the Department:~~

- ~~1. Name of tournament director, date of birth, telephone number, and mailing address. The "tournament director" means the individual designated by the sponsor as the person responsible for compliance with this rule.~~
- ~~2. Tournament name and sponsor.~~
- ~~3. Location and dates.~~
- ~~4. Anticipated number of participants.~~

~~B. A tournament fishing permit shall be available for inspection by Department personnel at the weigh in sites.~~

~~C. This rule is effective January 1, 1995.~~

**R12-4-216. Crossbow Permit**

- A. ~~Crossbow~~ For the purposes of this Section, "crossbow permit" means a document issued by the Department that authorizes the ~~named hunter~~ permit holder to use a crossbow during an archery-only season, ~~established as prescribed~~ under R12-4-318.
- B. A crossbow permit is valid only when the ~~legal~~ designated animal for the archery-only season may otherwise be taken by crossbow under R12-4-304. Possession of a crossbow permit does not waive any other requirement ~~regarding for~~ method of take or licensing.
- C. An applicant for a crossbow permit shall apply on an application form available from any Department office. The applicant shall provide all of the following information on the application form:
1. ~~Applicant's~~ The applicant's name, identification number, mailing address, and telephone number; and
  2. A statement from an M.D., doctor of medicine, ~~licensed under A.R.S. § 32-1421 et seq.~~ with a valid license to practice issued by any state, or a D.O., doctor of osteopathic medicine, ~~licensed under A.R.S. § 32-1821 et seq., attesting~~ with a valid license to practice issued by any state, that affirms the applicant has a permanent disability of at least 90% impairment of function of one arm and ~~providing~~ provides the physician's typed or printed name, business address, and signature.
- D. All information and documentation provided by an applicant for a crossbow permit is subject to verification by the Department.
- E. ~~The Department shall return, without denial or approval, an incomplete application for a crossbow permit unless the Department is able to obtain the information needed to complete the application. The Department shall attach a letter to a returned application that explains why the application is returned.~~
- F. ~~When an applicant is able to provide verbally the information that caused an application for a crossbow permit to be incomplete, the Department shall add the information to the application, note where each change is made, date each change, and indicate the source of the added information.~~
- G. The Department shall provide written notice to an applicant whose application for a crossbow permit is denied. The applicant may appeal the denial to the Commission as prescribed in A.R.S. ~~§ 41-1092.02 through 41-1092.12~~ Title 41, Chapter 6, Article 10.

~~H E.~~ A crossbow permit is valid as long as the criteria for obtaining the permit are met, unless the Commission revokes the permit.

~~I G.~~ When acting under the authority of a crossbow permit, the crossbow ~~permittee shall be in possession of permit holder shall possess the permit,~~ and shall exhibit ~~the crossbow permit~~ it upon request ~~of a~~ to any peace officer.

~~J H.~~ A crossbow ~~permittee permit holder~~ shall not transfer the permit to another individual or allow another individual to use the permit ~~issued to the crossbow permittee.~~

~~K I.~~ After a hearing ~~and upon sufficient cause showing,~~ the Commission shall revoke the crossbow permit of a crossbow ~~permittee permit holder~~ who transfers the permit to another individual or allows another individual to use the permit. An individual whose crossbow permit is revoked by the Commission may petition the Commission for rehearing in accordance with R12-4-607.

~~L.~~ This rule is effective January 1, 2000.

#### **R12-4-217. Challenged Hunter Access/Mobility Permit**

A. The Department shall issue to a qualified ~~individuals~~ individual a Challenged Hunter Access/Mobility Permit, ~~also known as a CHAMP, (CHAMP)~~ that allows the individual to perform the following activities ~~by the licensed hunter to whom the CHAMP is issued:~~

1. Discharge ~~of~~ a firearm or other legal hunting device from a motor vehicle ~~when if,~~ under existing conditions, the discharge is otherwise lawful ~~and,~~ the motor vehicle is motionless, it is not on any road as defined by A.R.S. § 17-101, and ~~has its~~ the engine is turned off;
2. Discharge ~~of~~ a firearm or other legal hunting device from a watercraft (except a sinkbox), including ~~those a~~ watercraft propelled by a motor, sail and wind, or both; ~~when if~~ if the motor has been shut off, the sail furled, or both; and progress has ceased. The watercraft may be drifting as a result of current or wind action, beached, moored, resting at anchor, or propelled by paddle, oars, or pole. A watercraft under power may be used to retrieve dead or wounded wildlife but ~~no~~ discharge of a firearm from a watercraft is ~~permitted~~ while prohibited if the watercraft is underway;
3. ~~Access to~~ Use off-road locations in a motor vehicle ~~when the access if use~~ is is not in conflict with other ~~law~~ laws and the motor vehicle is used as a place to wait for game. A motor vehicle shall not be used to chase or pursue game;

4. Designation of an assistant to track and dispatch a wounded animal, and to retrieve the animal, in accordance with the requirements of this ~~rule~~ Section.
- B. A qualified individual who possesses a CHAMP shall comply with all legal requirements governing method of take and licensing.
- C. An applicant for a CHAMP shall apply on an application form available from any Department office. The applicant shall provide all of the following information on the application form:
1. ~~Applicant's~~ The applicant's full name, hunter identification number, mailing address, and telephone number.
  2. A statement from an M.D., doctor of medicine, ~~licensed under A.R.S. § 32-1421 et seq.~~ with a valid license to practice issued by any state, or a D.O., doctor of osteopathic medicine, ~~licensed under A.R.S. § 32-1821 et seq.~~ with a valid license to practice issued by any state, that ~~includes~~ provides the physician's printed or typed name, business address, and signature, ~~attesting that~~ and affirms the applicant is permanently disabled as follows:
    - a. Has a disability or combination of disabilities ~~creating that creates~~ a minimum permanent impairment of function of or equivalent to no less than 90% loss of function in one leg; ~~or no more than 10% maximal functional use in one leg regardless of the functional level of the other leg;~~ or
    - b. Has a visual field of no more than 20% in the ~~better~~ applicant's best functioning eye; or
    - c. Has vision ~~in the better eye~~ of 20/200 or less after best correction in the applicant's best functioning eye.
- D. All information and documentation provided by the applicant for the CHAMP is subject to verification by the Department.
- E. ~~The Department shall return, without denial or approval, an incomplete application for a CHAMP unless the Department is able to obtain the information needed to complete the application. The Department shall attach a letter to a returned application that explains why the application is returned.~~
- F. ~~When an applicant is able to provide verbally the information that caused an application for a CHAMP to be incomplete, the Department shall add the information to the application, note where each change is made, date each change, and indicate the source of the added information.~~
- G. The Department shall provide written notice to an applicant whose application for a CHAMP is denied. The applicant may appeal the denial to the Commission as prescribed in ~~A.R.S. § 41-1092.02 through 41-1092.12~~ A.R.S. Title 41, Chapter 6, Article 10.

H E. While a motor vehicle or watercraft is in use under subsection (A), the CHAMP ~~permittee holder~~ shall display on the motor vehicle or watercraft the CHAMP vehicle placard ~~issued by the Department~~ that the Department issues with the CHAMP.

I G. The Department shall provide a CHAMP ~~permittees holder~~ with a dispatch permit that allows the CHAMP ~~permittee holder~~ ~~may use~~ to designate a licensed hunter as an assistant to dispatch and retrieve ~~or to retrieve~~ an animal wounded by the CHAMP holder or retrieve wildlife killed by the CHAMP ~~permittee holder~~. The CHAMP ~~permittee holder~~ shall designate the assistant only after the animal is wounded or killed. The CHAMP ~~permittee holder~~ shall ensure that designation on the permit is in ink and includes a description of the animal, the assistant's name and hunting license number, and the date and time the animal was wounded or killed. The CHAMP ~~permittee holder~~ shall also ensure compliance with all of the following requirements:

1. The site where the animal is wounded and the location from which tracking begins is are marked so ~~it~~ they can be identified later.
2. The assistant possesses the dispatch permit while tracking and dispatching the wounded animal.
3. The CHAMP ~~permittee holder~~ is in the field while the assistant is tracking and dispatching the wounded animal.
4. The assistant does not transfer the dispatch permit to anyone except the CHAMP ~~permittee holder~~.
5. Dispatch is made by a method that is lawful for the take of the particular animal in the particular season.
6. The assistant attaches the dispatch permit to the carcass of the animal and returns the carcass to the CHAMP ~~permittee holder~~, and the tag of the CHAMP ~~permittee holder~~ is affixed to the carcass.
7. If the assistant is unsuccessful in locating and dispatching the wounded animal, the assistant returns the dispatch permit to the CHAMP ~~permittee holder~~ who strikes the name and authorization of the assistant from the dispatch permit.

J H. A dispatch permit is void ~~when~~ if all spaces for designation of an assistant are filled or the dispatch permit is attached to a carcass.

K I. A CHAMP is valid as long as the criteria for obtaining the permit are met, unless the Commission revokes the permit.

L J. When acting under the authority of the CHAMP, the ~~permittee permit holder~~ shall ~~be in possession of~~ possess and exhibit the CHAMP, upon request, to a any peace officer.

~~M K.~~ A CHAMP permittee holder shall not transfer the permit to another individual or allow another individual to use the permit issued to the ~~CHAMP permittee~~.

~~N L.~~ After a hearing and upon sufficient cause showing, the Commission shall revoke the CHAMP of a ~~permittee~~ permit holder who transfers the permit to another individual or allows another individual to use the permit, ~~or~~ upon conviction ~~of~~ for violating A.R.S. § 17-312 or any other law ~~governing~~ that governs the take of wildlife, or for violation of this ~~rule~~ Section. ~~An individual whose~~ If an individual's CHAMP permit is revoked by the Commission, the individual may petition the Commission for rehearing in accordance with R12-4-607.

~~O. This rule is effective January 1, 2000.~~