

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

PREAMBLE

1. **Sections Affected** **Rulemaking Action**

R12-4-102 Amend

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

Authorizing statute: A.R.S. § 17-231

Implementing statute: A.R.S. §§ 17-332, 17-333, and 17-345

3. **A list of all previous notices appearing in the *Register* addressing the proposed rules:**

Notice of Docket Opening: 11 A.A.R. 4142, October 22, 2005

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

Name: Carlos Ramírez, Rule Writer

Address: Arizona Game and Fish Department

 2221 W. Greenway Rd DORR

 Phoenix, AZ 85023-4399

Telephone: (602) 789-3288

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

During the First Regular Session of the 47th Arizona State Legislature, the Game and Fish Commission pursued amendments to A.R.S. § 17-333 to increase the maximum amount that may be charged for the licenses, tags, permits, and stamps listed under the statute, and to authorize new fees for new types of licenses and tags. The purpose of the legislation was to address increasing operational expenses at a time of declining agency revenues. Both A.R.S. §§ 17-332 and 17-345 were also amended to raise fees for duplicate licenses and tags and surcharges. The Arizona Game and Fish Department is an agency supported principally on the dedicated funds generated from the sale of these items as well as other sources. Over the past five years sales

of licenses, tags, stamps and permits have steadily decreased while operational costs and Department responsibilities have increased or expanded. These costs include but are not limited to: increasing fuel prices, rising agency property expenses, employee insurance and turnover, public access issues, and outdoor and wildlife programs. The agency does not receive money from the state general fund to address these costs.

In addition to these concerns, the Department is facing environmental factors that present obstacles to recreational opportunities and therefore impair the agency's revenue capabilities. The state's extended drought continues to affect wildlife habitat, which requires the agency to spend resources to maintain those areas so that they remain functional. The state's forests are recovering after significant damage caused by forest fires, of particular note the Rodeo-Chediski fire in 2002. Public access is still limited in some areas due to the extent of the damage and the ongoing recovery. 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 Commission's objectives for proposing this rulemaking are to generate revenue to carry out its duties effectively in managing the state's wildlife resources and to provide quality recreational wildlife opportunities and access for the regulated community. The proposed rule prescribes new fees for the licenses, tags, stamps, and permits listed under R12-4-102 and to add new types of licenses and permits authorized by A.R.S. § 17-333. The Department is adding the following licenses and permits:

- The Class J resident family hunting license and the Class K combination resident family hunting and fishing license. The Department's objective is to promote hunting and fishing in families and youth by prescribing in rule group licenses for families at a reduced price. The fees for these licenses are determined by the fees for general hunting and fishing licenses.
- The Class L super conservation fishing license, the Class M super conservation hunting license, and the Class N combination super conservation hunting and fishing license. These licenses give the purchaser the same privileges to hunt and fish as if purchasing each license individually but at a reduced price. The

Class L license combines a Class A general fishing license, a Class U urban fishing license, and a trout stamp. The Class M license combines a Class G general hunting license and any stamp authorized by the Commission. The Class N license combines a Class A general fishing license, a Class G general hunting license, a Class U urban fishing license, a trout stamp, and any stamp authorized by the Commission.

Most proposed fees are determined by subtracting the current fee for a license tag, stamp, or permit listed in R12-4-102 from the recently amended statutory fee ceiling. The difference is divided by two, and that amount is then added to the current fee. An additional surcharge of \$3.00 is added if applicable under A.R.S. § 17-345. For those new licenses that have no existing fee, the Commission is proposing to prescribe the statutory maximum as the new fee. The Commission did not use these methods when determining the following fees:

- The fee for a nonresident bighorn sheep hunt permit-tag and nonpermit-tag will be increased to \$1400.
- To encourage youth hunting in this state, the Commission proposes to create four big game hunt permit-tag classifications for youth, both resident and nonresident, at the following fees: junior elk at \$50, junior deer at \$25, junior javelina at \$15, and junior turkey at \$10.
- The fee for a Class F, combination hunting and fishing license, for resident and nonresident youth will remain at the current fee of \$23.50. However, because the attached surcharge increased to \$3, the fee will increase to \$26.50.

6. **A reference to any study relevant to the rules that the agency reviewed and either proposes to 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:**

None

7. **A showing of good cause why the rules are necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

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

Increased fees for the licenses, tags, stamps, and permits will most significantly affect members of the regulated community, both resident and nonresident, and the Game and Fish Department. The Department has applied a common equation to almost all the fees that are being amended, but the percentage increase is not equal. Although fees for nonresidents will increase more than residents, the agency 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. Increased fees for certain special licenses, such as the guide license or the taxidermist license, will likely affect individuals who receive income from those activities. However, the Department does not anticipate the fee increase will significantly affect an individual's ability to practice that activity or have a significant impact on income, revenue, or employment in this state related to that activity. The Department does not believe the proposed rulemaking will affect the general fund. The Department holds that there are no alternative means of achieving the objectives of the proposed rulemaking.

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 Ramírez, Rule Writer
Arizona Game and Fish Department
2221 W. Greenway Rd. DORR
Phoenix, AZ 85023
(602) 789-3288

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:**

The Game and Fish Commission will hold a public hearing to receive oral comment from the regulated community on:

Date: February 10-11, 2006
Time: TBA
Location: Shilo Inn
1550 S. Castle Dome Rd

Yuma, AZ 85365

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 Dustin McKissen at (602)789-3288 (Voice); 1-800-367-8939 (TDD); 2221 W. Greenway Road, Phoenix, Arizona 85023. 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:

The base text of the rule reflects the amendments currently being made under a separate rulemaking.

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS

Sections:

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

ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS

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

Persons ~~purchasing the licenses, tags, stamps, or permits~~ An individual who purchases a license, tag, stamp, or permit listed in this Section shall pay ~~the prescribed~~ all applicable fees at the time of application, or ~~the pay fees as~~ prescribed by the Director under R12-4-115.

Hunting and Fishing License Fees	Fees Effective for Licenses, Tags, Stamps, and Permits to Be Used Until 2005	Fees Effective for Licenses, Tags, Stamps, and Permits to Be Used Beginning in 2005	<u>Fees effective for licenses, tags, stamps, and permits to be used beginning in 2007</u>
Class A, General Fishing License			
· Resident	\$18.00	\$18.00	<u>\$23.50</u>
· Nonresident Pursuant to <u>Under</u> A.R.S. § 17-333(A)(1), the fee for this license issued in November or December of the year for which the license is valid is half price; that includes half of the surcharge prescribed as authorized by A.R.S. § 17-345.	\$51.50	\$51.50	<u>\$88.00</u>
Class B, Four-month Fishing License			
· Nonresident	\$37.50	\$37.50	<u>\$39.75</u>
Class C, Five-day Fishing License			
· Nonresident	\$26.00	\$26.00	<u>\$32.00 + \$9.00 for each additional day</u>

Class D, One-day Fishing License			
· Resident or Nonresident	\$12.50	\$12.50	<u>\$16.25 + \$8.00</u> for each additional day
· <u>Nonresident</u>			<u>\$17.25 + 9.00</u> for each additional day
Class E, Colorado River Only Fishing License			
· Nonresident	\$42.50	\$42.50	<u>\$48.75</u>
Class F, Combination Hunting and Fishing License			
· Resident Adult	\$44.00	\$44.00	<u>\$54.00</u>
· Nonresident Adult	\$177.50	\$177.50	<u>\$225.75</u>
· Resident or Nonresident Youth. Fee applies before and through the calendar year of the applicant's 20th birthday.	\$25.50	\$25.50	<u>\$26.50</u>
Class G, General Hunting License			
· Resident	\$25.50	\$25.50	<u>\$32.25</u>
· Nonresident	\$113.50	\$113.50	<u>\$151.25</u>
Class H, Three-day Hunting License			
· Nonresident	\$51.50	\$51.50	<u>\$61.25</u>
· Resident Youth Group Two-day Fishing License	\$25.00	\$25.00	<u>\$25.00</u>
<u>Class I, Resident Family Fishing License</u>			
· For primary adult		<u>\$28.50</u>	<u>\$39.25</u>
· <u>For one additional adult in the immediate family, as prescribed in A.R.S. § 17-333(A)(12)</u>		<u>+ \$22.80</u>	<u>+ \$31.40</u>

· For any additional children in the immediate family, as prescribed in A.R.S. § 17-333(A)(12)		+ \$2.00 per child	+ \$2.00 per child
<u>Class J Resident Family Hunting License</u>			
· For primary adult			\$32.25
· For one additional adult in the immediate family, as prescribed in A.R.S. § 17-333			+25.80
· For any additional children in the immediate family, as prescribed in A.R.S. § 17-333(A)(12)			+15.00 per child
<u>Class K Combination Resident Family Hunting and Fishing License</u>			
· For primary adult			\$54.00
· For one additional adult in the immediate family, as prescribed in A.R.S. § 17-333			+\$43.20
· For any additional children in the immediate family, as prescribed in A.R.S. § 17-333(A)(12)			+\$20.00 per child
<u>Class L Super Conservation Fishing License</u>			
· Resident			\$53.00
· Nonresident			\$63.00
<u>Class M Super Conservation Hunting License</u>			
· Resident			\$118.00
<u>Class N Combination Super Conservation Hunting and Fishing License</u>			
· Resident			\$163.00
<u>Class U, Urban Fishing License</u>			

· Resident or Nonresident	\$16.00	\$16.00	<u>\$18.50</u>
Hunt Permit-tag Fees			
Antelope			
· Resident	\$59.50	\$65.00	<u>\$77.50</u>
· Nonresident	\$299.50	\$325.00	<u>\$477.50</u>
Bear			
· Resident	\$13.00	\$14.50	<u>\$22.25</u>
· Nonresident	\$183.00	\$200.00	<u>\$237.50</u>
Bighorn Sheep			
· Resident	\$179.50	\$195.00	<u>\$265.00</u>
· Nonresident	\$915.00	\$1,000.00	<u>\$1,400.00</u>
Buffalo			
· Adult Bulls or Any Buffalo			
· Resident	\$750.00	\$750.00	<u>\$1,087.50</u>
· Nonresident	\$3,750.00	\$3,750.00	<u>\$5,444.75</u>
· Adult Cows			
· Resident	\$450.00	\$450.00	<u>\$652.00</u>
· Nonresident	\$2,250.00	\$2,250.00	<u>\$3,255.25</u>
· Yearling			
· Resident	\$240.00	\$240.00	<u>\$355.25</u>
· Nonresident	\$1,200.00	\$1,200.00	<u>\$1,747.25</u>
· Yearling or Cow			
· Resident	\$450.00	\$450.00	<u>\$652.00</u>

· Nonresident	\$2,250.00	\$2,250.00	<u>\$3,255.25</u>
Deer and Archery Deer			
· Resident	\$17.50	\$19.50	<u>\$34.75</u>
· Nonresident	\$108.50	\$125.50	<u>\$225.25</u>
· <u>Junior, resident and nonresident</u>			<u>\$25.00</u>
Elk			
· Resident	\$71.50	\$78.00	<u>\$114.00</u>
· Nonresident	\$366.00	\$400.00	<u>\$587.50</u>
· <u>Junior, resident and nonresident</u>			<u>\$50.00</u>
Javelina and Archery Javelina			
· Resident	\$11.00	\$12.50	<u>\$21.25</u>
· Nonresident	\$63.00	\$70.00	<u>\$97.50</u>
· <u>Junior, resident and nonresident</u>			<u>\$15.00</u>
Mountain Lion			
· Resident	\$13.00	\$10.00	<u>\$14.50</u>
· Nonresident	\$183.00	\$200.00	<u>\$225.00</u>
Turkey and Archery Turkey			
· Resident	\$10.00	\$11.00	<u>\$18.00</u>
· Nonresident	\$50.50	\$50.50	<u>\$70.25</u>
· <u>Junior, resident and nonresident</u>			<u>\$10.00</u>
Sandhill Crane			
· Resident or Nonresident	\$5.00	\$5.00	<u>\$7.50</u>
Nonpermit-tag and Restricted Nonpermit-tag Fees			

Antelope			
· Resident	\$59.50	\$65.00	<u>\$77.50</u>
· Nonresident	\$299.50	\$325.00	<u>\$477.50</u>
Bear			
· Resident	\$13.00	\$14.50	<u>\$22.25</u>
· Nonresident	\$183.00	\$200.00	<u>\$237.50</u>
Bighorn Sheep			
· Resident	\$179.50	\$195.00	<u>\$265.00</u>
· Nonresident	\$915.00	\$1,000.00	<u>\$1,400.00</u>
Buffalo			
· Adult Bulls or Any Buffalo			
· Resident	\$750.00	\$750.00	<u>\$1,087.50</u>
· Nonresident	\$3,750.00	\$3,750.00	<u>\$5,444.75</u>
· Adult Cows			
· Resident	\$450.00	\$450.00	<u>\$652.00</u>
· Nonresident	\$2,250.00	\$2,250.00	<u>\$3,255.25</u>
· Yearling			
· Resident	\$240.00	\$240.00	<u>\$355.25</u>
· Nonresident	\$1,200.00	\$1,200.00	<u>\$1,747.25</u>
· Yearling or Cow			
· Resident	\$450.00	\$450.00	<u>\$652.00</u>
· Nonresident	\$2,250.00	\$2,250.00	<u>\$3,255.25</u>
Deer and Archery Deer			

· Resident	\$17.50	\$19.50	
· Nonresident	\$108.50	\$125.50	
<u>Deer and Archery Deer, Class A</u>			
· Resident			<u>\$84.75</u>
· Nonresident			<u>\$662.75</u>
<u>Deer and Archery Deer, Class B</u>			
· Resident			<u>\$34.75</u>
· Nonresident			<u>\$225.25</u>
Elk			
· Resident	\$71.50	\$78.00	
· Nonresident	\$366.00	\$400.00	
<u>Elk, Class A</u>			
· Resident			<u>\$214.00</u>
· Nonresident			<u>\$1,800.00</u>
<u>Elk, Class B</u>			
· Resident			<u>\$114.00</u>
· Nonresident			<u>\$587.50</u>
Javelina and Archery Javelina			
· Resident	\$11.00	\$12.50	<u>\$21.25</u>
· Nonresident	\$63.00	\$70.00	<u>\$97.50</u>
Mountain Lion			
· Resident	\$13.00	\$10.00	<u>\$14.50</u>
· Nonresident	\$183.00	\$200.00	<u>\$225.00</u>

Turkey and Archery Turkey			
· Resident	\$10.00	\$11.00	<u>\$18.00</u>
· Nonresident	\$50.50	\$50.50	<u>\$70.25</u>
<u>Sandhill Crane</u>			
· <u>Resident or Nonresident</u>		<u>\$5.00</u>	<u>\$7.50</u>
Stamps and Special Use Permit Fees			
Arizona Colorado River Special Use Permit Stamp. For use by California fishing licensees <u>license holders</u> , resident or nonresident.	\$3.00	\$3.00	<u>\$3.00</u>
Arizona Colorado River Special Use Permit Stamp. For use by Nevada fishing licensees , resident or nonresident as prescribed by R12-4-312.	\$3.00	\$3.00	<u>\$3.00</u>
Arizona Lake Powell Stamp. For use by resident Utah licensees.	\$3.00	\$3.00	<u>\$3.00</u>
Bobcat Permit Tag. For resident or nonresident.	\$2.00	\$2.00	<u>\$3.00</u>
State Waterfowl Stamp. Validates a resident or nonresident Class F, G, or H <u>Validates a hunting license for ducks, geese, and swans to allow the license holder to take waterfowl as prescribed in R12-4-203.</u>	\$7.50	\$7.50	<u>\$8.75</u>
State Migratory Bird Stamp, as prescribed in A.R.S. § 17-333.03. Resident, <u>resident</u> or nonresident. <u>Validates a hunting license to allow the license holder to take migratory game birds as prescribed in R12-4-203.</u>	\$3.00	\$3.00	<u>\$4.50</u>
Trout Stamp. When affixed to the back of the license, validates <u>Validates a Class A license to allow the license holder to take</u>			

for trout.			
· Resident	\$10.50	\$10.50	<u>\$15.75</u>
· Nonresident	\$49.50	\$49.50	<u>\$57.75</u>
Two-Pole Stamp, resident or nonresident. When affixed to the back of a Class A, B, C, D, E, F. Pioneer or Urban fishing license, allows simultaneous fishing as defined in R12-4-101 Validates a fishing license to allow the license holder to engage in simultaneous fishing, as defined in R12-4-101.	\$4.00	\$4.00 The fee for a two-pole stamp shall be \$4.00 until September 1, 2006. Afterwards, the fee shall be \$5.00.	<u>\$6.00</u>
Unit 12A (North Kaibab) Habitat Management Stamp, resident or nonresident. <u>Sikes Act stamp, validates a hunting license to allow the license holder to take deer in unit 12A as prescribed by R12-4-204.</u>	\$15.00	\$15.00	<u>\$15.00</u>
Other License Fees			
Falconer License	\$75.00	\$75.00	
<u>Game Bird Field Trial License</u>	\$5.00	\$5.00	<u>\$6.00</u>
<u>Game Bird Hobby License</u>		<u>\$5.00</u>	<u>\$7.50</u>
<u>Game Bird Shooting Preserve License</u>		<u>\$100.00</u>	<u>\$115.00</u>
Fur Dealer's License	\$100.00	\$100.00	<u>\$115.50</u>
Guide License			
· Resident or Nonresident	\$100.00	\$100.00	<u>\$300.00</u>

License Dealer's License	\$75.00	\$75.00	<u>\$100.00</u>
<u>License Dealer's Outlet License</u>		<u>\$25.00</u>	<u>\$25.00</u>
Minnow Live Bait Dealer's License	\$30.00	\$30.00	<u>\$35.00</u>
Private Game Farm License	\$40.00	\$40.00	<u>\$57.50</u>
Shooting Preserve License	\$100.00	\$100.00	
<u>Sport Falconry License (3-year license)</u>		<u>\$75.00</u>	<u>\$87.50</u>
Taxidermist License	\$50.00	\$50.00	<u>\$150.00</u>
Trapping License			
· Resident	\$10.00	\$10.00	<u>\$30.00</u>
· Nonresident	\$50.00	\$50.00	<u>\$275.00</u>
· Resident Juvenile	\$10.00	\$10.00	<u>\$10.00</u>
White Amur Stocking <u>and Holding</u> License	\$100.00	\$200.00	
· <u>Non-business. Under R12-4-424, an individual that holds a non-business white amur stocking and holding license does not pay the required fee if renewing the license.</u>		<u>\$200.00</u>	<u>\$250.00</u>
· <u>Business</u>		<u>\$200.00</u>	<u>\$250.00</u>
Wildlife Hobby License	\$5.00	\$5.00	
Zoo License	\$100.00	\$100.00	<u>\$115.00</u>
Administrative Fees			
Duplicate Fee. Duplicates are not issued for Trout Stamps, Arizona Colorado River Special Use Permits, Arizona Colorado River Special Use Permit Stamps, Arizona Lake Powell Stamps, State Migratory Bird Stamps, or State Waterfowl Stamps.	\$3.00	\$3.00	<u>\$4.00</u>

Permit Application Fee.	\$5.00	\$5.00	<u>\$7.50</u>
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