

## TITLE 12. NATURAL RESOURCES

## CHAPTER 4. GAME AND FISH COMMISSION

Authority: A.R.S. § 17-201 et seq.

*Editor's Note: The Office of the Secretary of State publishes all Chapters on white paper (Supp. 01-2).**Editor's Note: This Chapter contains rules which were adopted or amended under an exemption from the Arizona Administrative Procedure Act (A.R.S. Title 41, Chapter 6), pursuant to A.R.S. § 41-1005(A)(1). Exemption from A.R.S. Title 41, Chapter 6 means that the Game and Fish Commission did not submit notice of this rulemaking to the Secretary of State's Office for publication in the Arizona Administrative Register; the Governor's Regulatory Review Council did not review these rules; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules. Because this Chapter contains rules which are exempt from the regular rulemaking process, the Chapter is printed on blue paper.*

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*Article 5 Article heading amended effective November 7, 1996 (Supp. 96-4).*

##### Section

- R12-4-501. Boating and Water Sports Definitions  
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#### ARTICLE 6. RULES OF PRACTICE BEFORE THE COMMISSION

*Article 6, consisting of Sections R12-4-601 through R12-4-606, adopted and Section R12-4-115 renumbered as Section R12-4-607, effective December 22, 1987.*

##### Section

- R12-4-601. Petition for Rule or Review of Practice or Policy  
 R12-4-602. Written Comments on Proposed Rules  
 R12-4-603. Oral Proceedings Before the Commission  
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 R12-4-611. Petition for a Hearing Before the Commission When No Remedy is Provided in Statute, Rule, or Policy

#### ARTICLE 7. HERITAGE GRANTS

*Article 7, consisting of Sections R12-4-701 through R12-4-712, adopted effective July 12, 1996 (Supp. 96-3).*

##### Section

- R12-4-701. Heritage Grant Definitions  
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 R12-4-709. Renumbered  
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 R12-4-712. Renumbered

#### ARTICLE 8. WILDLIFE AREAS AND DEPARTMENT PROPERTY

*Article 8, consisting of Sections R12-4-801 through R12-4-803, adopted by exempt rulemaking at 6 A.A.R. 1731, effective May 1, 2000 (Supp. 00-2).*

##### Section

- R12-4-801. General Provisions  
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- erty Restrictions  
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#### ARTICLE 9. ARIZONA WILDLIFE CONSERVATION FUND GRANTS

*Article 9, consisting of Sections R12-4-901 through R12-4-906, made by final rulemaking at 11 A.A.R. 1109, effective April 30, 2005 (Supp. 05-1).*

##### Section

- R12-4-901. Definitions  
 R12-4-902. General Provisions  
 R12-4-903. Grant Application  
 R12-4-904. Review of Proposals  
 R12-4-905. Grant Agreement  
 R12-4-906. Reporting and Recordkeeping Requirements

#### ARTICLE 10. RESERVED

#### ARTICLE 11. AQUATIC INVASIVE SPECIES

*Article 11, consisting of Sections R12-4-1101 and R12-4-1102, made by final rulemaking at 18 A.A.R. 196, effective January 10, 2012 (Supp. 12-1).*

*Article 11, consisting of Sections R12-4-1103 and R12-4-1104, made by emergency rulemaking at 17 A.A.R. 1218, effective June 2, 2011 for 180 days (Supp. 11-2). Article 11 renewed by emergency rulemaking at 17 A.A.R. 2376 for 180 days, effective November 3, 2012 (Supp. 11-4).*

##### Section

- R12-4-1101. Definitions  
 R12-4-1102. Aquatic Invasive Species; Prohibitions; Inspection, Decontamination Protocols

##### EMERGENCY RULEMAKING

- R12-4-1103. Definitions

##### EMERGENCY RULEMAKING

- R12-4-1104. Aquatic Invasive Species; Prohibitions; Inspection, Decontamination Protocols

#### ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS

##### R12-4-101. Definitions

- A. In addition to the definitions provided under A.R.S. § 17-101, R12-4-301, R12-4-401, and R12-4-501, the following definitions apply to this Chapter, unless otherwise specified:

“Bonus point” means a credit that authorizes the Department to issue an applicant an additional computer-generated random number.

“Commission Order” means a document adopted by the Commission that does one or more of the following:

- Open, close, or alter seasons;
- Open areas for taking wildlife;
- Set bag or possession limits for wildlife;
- Set the number of permits available for limited hunts; or
- Specify wildlife that may or may not be taken.

“Day-long” means the 24-hour period from midnight to midnight.

“Firearm” means any loaded or unloaded handgun, pistol, revolver, rifle, shotgun or other weapon that will discharge, is designed to discharge or may readily be converted to discharge a projectile by the action of an explosion caused by the burning of smokeless powder, black powder, or black powder substitute.

“Hunt area” means a game management unit, portion of a unit, or group of units, or any portion of Arizona described in a Commission Order and not included in a game management unit, opened to hunting by a particular hunt number.

“Hunt number” means the number assigned by Commission Order to any hunt area where a limited number of hunt permits are available.

“Hunt permits” means the number of hunt permit-tags made available to the public as a result of a Commission Order.

“Hunt permit-tag” means a tag for a hunt for which a Commission Order has assigned a hunt number.

“Identification number” means the number assigned to each applicant or license holder by the Department, as established under R12-4-111.

“License dealer” means a business authorized to sell hunting, fishing, and other licenses as established under to R12-4-105.

“Live baitfish” means any species of live freshwater fish designated by Commission Order as lawful for use in taking aquatic wildlife under R12-4-317.

“Management unit” means an area established by the Commission for management purposes.

“Nonpermit-tag” means a tag for a hunt for which a Commission Order does not assign a hunt number and the number of tags is not limited.

“Restricted nonpermit-tag” means a tag issued for a supplemental hunt as established under R12-4-115.

“Stamp” means a form of authorization in addition to a license that allows the license holder to take wildlife specified by the stamp.

“Tag” means the Department authorization that an individual is required to obtain before taking certain wildlife as established under A.R.S. Title 17 and 12 A.A.C. 4.

“Waterdog” means the larval or metamorphosing stage of salamanders.

“Wildlife area” means an area established under 12 A.A.C. 4, Article 8.

- B. If the following terms are used in a Commission Order, the following definitions apply:

“Antlered” means having an antler fully erupted through the skin and capable of being shed.

“Antlerless” means not having an antler, antlers, or any part of an antler erupted through the skin.

“Bearded turkey” means a turkey with a beard that extends beyond the contour feathers of the breast.

“Buck antelope” means a male pronghorn antelope.

“Bull elk” means an antlered elk.

“Designated” means the gender, age, or species of an animal or the specifically identified animal the Department authorizes to be taken and possessed with a valid tag.

“Ram” means any male bighorn sheep, excluding male lambs.

#### Historical Note

Amended effective May 3, 1976 (Supp. 76-3). Amended

effective October 22, 1976 (Supp. 76-5). Amended effective June 29, 1978 (Supp. 78-3). Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-01 renumbered as Section R12-4-101 without change effective August 13, 1981 (Supp. 81-4). Amended effective April 22, 1982 (Supp. 82-2). Amended subsection (A), paragraph (10) effective April 7, 1983 (Supp. 83-2). Amended effective June 4, 1987 (Supp. 87-2). Amended subsection (A) effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Amended subsection (A) effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended effective May 27, 1992 (Supp. 92-2). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 9 A.A.R. 610, effective April 6, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 845, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 11 A.A.R. 991, effective April 2, 2005 (Supp. 05-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2).

**R12-4-102. License, Permit, Stamp, and Tag Fees**

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

Hunting and Fishing License Fees	Resident	Nonresident
General Fishing License	\$37	\$55
Community Fishing License	\$24	\$24
General Hunting License	\$37	Not available
Combination Hunting and Fishing License	\$57	\$160
Youth Combination Hunting and Fishing License, fee applies until the applicant's 18th birthday.	\$5	\$5
High Achievement Scout License, as authorized under A.R.S. § 17-336(B). Fee applies until the applicant's 21st birthday.	\$5	Not available
Short-term Combination Hunting and Fishing License	\$15	\$20
Youth Group Two-day Fishing License	\$25	Not available

Hunt Permit-tag Fees	Resident	Nonresident
Antelope	\$90	\$550
Bear	\$25	\$150
Bighorn Sheep	\$300	\$1,800
Buffalo		

Adult Bulls or Any Buffalo	\$1,100	\$5,400
Adult Cows	\$650	\$3,250
Yearling	\$350	\$1,750
Cow or Yearling	\$650	\$3,250
Deer and Archery Deer	\$45	\$300
Youth	\$25	\$25
Elk	\$135	\$650
Youth	\$50	\$50
Javelina	\$25	\$100
Youth	\$15	\$15
Pheasant non-archery, non-falconry	Application fee only	Application fee only
Turkey and Archery Turkey	\$25	\$90
Youth	\$10	\$10
Sandhill Crane	\$10	\$10

Nonpermit-tag and Restricted Non-permit-tag Fees	Resident	Nonresident
Antelope	\$90	\$550
Bear	\$25	\$150
Buffalo		
Adult Bulls or Any Buffalo	\$1,100	\$5,400
Adult Cows	\$650	\$3,250
Yearling	\$350	\$1,750
Cow or Yearling	\$650	\$3,250
Deer	\$45	\$300
Youth	\$25	\$25
Elk	\$135	\$650
Youth	\$50	\$50
Javelina	\$25	\$100
Youth	\$15	\$15
Mountain Lion	\$15	\$75
Turkey	\$25	\$90
Youth	\$10	\$10
Sandhill Crane	\$10	\$10

Stamps and Special Use Fees	Resident	Nonresident
Arizona Colorado River Special Use Permit Stamp. For use by California and Nevada licensees	Not available	\$3
Bobcat Seal	\$3	\$3
State Migratory Bird Stamp	\$5	\$5

Other License Fees	Resident	Nonresident
Fur Dealer's License	\$115	\$115
Guide License	\$300	\$300
License Dealer's License	\$100	\$100
License Dealer's Outlet License	\$25	\$25
Taxidermist License	\$150	\$150
Trapping License	\$30	\$275
Youth	\$10	\$10

Administrative Fees	Resident	Nonresident
Duplicate License Fee	\$4	\$4

Application Fee	\$13	\$15
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- D.** A person desiring a replacement of a Migratory Bird or Arizona Colorado River Special Use Permit Stamp shall repurchase the stamp.

#### Historical Note

Amended effective May 3, 1976 (Supp. 76-3). Amended effective March 31, 1977 (Supp. 77-2). Amended effective June 28, 1977 (Supp. 77-3). Amended effective October 20, 1977 (Supp. 77-5). Amended effective January 1, 1979 (Supp. 78-6). Amended effective June 4, 1979 (Supp. 79-3). Amended effective January 1, 1980 (Supp. 79-6). Amended paragraphs (1), (7) through (11), (13), (15), (29), (30), and (32) effective January 1, 1981 (Supp. 80-5). Former Section R12-4-30 renumbered as Section R12-4-102 without change effective August 13, 1981. Amended effective August 31, 1981 (Supp. 81-4). Amended effective September 15, 1982 unless otherwise noted in subsection (D) (Supp. 82-5). Amended effective January 1, 1984 (Supp. 83-4). Amended subsections (A) and (C) effective January 1, 1985 (Supp. 84-5). Amended effective January 1, 1986 (Supp. 85-5). Amended subsection (A), paragraphs (1), (2), (8) and (9) effective January 1, 1987; Amended by adding a new subsection (A), paragraph (31) and renumbering accordingly effective July 1, 1987. Both amendments filed November 5, 1986 (Supp. 86-6). Amended subsections (A) and (C) effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Amended subsections (A) and (C) filed December 30, 1988, effective January 1, 1989"; Amended subsection (C) effective April 28, 1989 (Supp. 89-2). Section R12-4-102 repealed, new Section R12-4-102 filed as adopted November 26, 1990, effective January 1, 1991 (Supp. 90-4). Amended effective September 1, 1992; filed August 7, 1992 (Supp. 92-3). Amended effective January 1, 1993; filed December 18, 1993 (Supp. 92-4). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended effective December 16, 1995 (Supp. 94-4). Amended effective January 1, 1997; filed in the Office of the Secretary of State November 14, 1995 (Supp. 95-4). Amended subsection (D), paragraph (4), and subsection (E), paragraph (10), effective October 1, 1996; filed in the Office of the Secretary of State July 12, 1996 (Supp. 96-3). Amended subsection (B), paragraph (6) and subsection (E) paragraph (4), effective January 1, 1997; filed with the Office of the Secretary of State November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 1146, effective July 1, 2000 or January 1, 2001, as designated within the text of the Section (Supp. 00-1). Amended by final rulemaking at 9 A.A.R. 610, effective April 6, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 1157, effective May 1, 2004 (Supp. 04-1). Amended by final rulemaking at 10 A.A.R. 2823, effective August 13, 2004 (Supp. 04-2). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 12 A.A.R. 1391, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 13 A.A.R. 462, effective February 6, 2007 (Supp. 07-1). Amended by final rulemaking at 17 A.A.R. 1472, effective July 12, 2011 (Supp. 11-3). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

#### R12-4-103. Duplicate Tags and Licenses

- A.** Under A.R.S. § 17-332(C), the Department and its license dealers shall issue a duplicate license or tag to an applicant who pays the fee prescribed by R12-4-102 for a duplicate license or tag, and who signs an affidavit that includes and attests to the following:
1. The applicant's name and identification number, if previously issued to the applicant;
  2. The applicant purchased an original license or tag;
  3. The resident status and class of the original license or tag. If the applicant is a resident, the applicant shall also attest to the length of residency;
  4. The approximate date the applicant purchased the original license or tag;
  5. The license dealer from whom the applicant purchased the original license or tag; and
  6. The applicant that purchased the original tag for which a duplicate is being purchased did not use the tag, and that the tag is lost, destroyed, mutilated, or otherwise unusable; or
  7. If applicable, the applicant placed the original tag on a harvested animal that was subsequently condemned and the carcass and all parts of the animal were surrendered to a Department employee under R12-4-112(B) and (C).
- B.** If an applicant is applying for a duplicate tag under subsection (A)(7), the applicant shall also submit a condemned meat duplicate tag authorization form issued by the Department.

#### Historical Note

Amended effective June 7, 1976 (Supp. 76-3). Amended effective October 20, 1977 (Supp. 77-5). Former Section R12-4-07 renumbered as Section R12-4-103 without change effective August 13, 1981 (Supp. 81-4). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1).

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

- A.** For the purposes of this Section, "group" means all applicants who have placed their names on a single application form contained in a single envelope, or submitted electronically over the Internet as part of the same application. No more than four persons may apply as a group.
- B.** A person is eligible to apply:
1. For a hunt permit-tag if the person:
    - a. Is at least 10 years old at the start of the hunt for which the person applies;
    - b. Has completed a department-approved hunter education course by the start date of the hunt for which the person applies, if the person is under the age of 14; and
    - c. Does not have his or her license or license privileges to hunt in this state suspended or revoked at the time the person submits an application, as a result of an action under either A.R.S. §§ 17-340 or 17-502.
  2. For a bonus point if the person:
    - a. Is at least 10 years old by the deadline to apply; and
    - b. Does not have his or her license or license privileges to hunt in this state suspended or revoked at the time the person submits an application, as a result of an action under either A.R.S. §§ 17-340 or 17-502.
- C.** An applicant for a hunt permit-tag or a bonus point shall complete and submit a Hunt Permit-tag Application Form, available from any Department office, the Department's Internet web site, or a license dealer. An applicant shall apply at the

- times, locations, and in the manner established by the hunt permit-tag application schedule that is published by the Department and available at any Department office, the Department's Internet web site, or a license dealer. Under A.R.S. § 17-231, the Commission shall set application deadlines for hunt permit-tag drawing applications. The Director has the authority to extend any application deadline date if problems occur that prevent the public from submitting a hunt permit-tag application within the deadlines set by the Commission.
- D.** An applicant shall sign the Hunt Permit-tag Application Form, or provide permission for another person to sign the application form on behalf of the applicant. If applying electronically over the Internet, an applicant shall attest to, or provide permission for another person to attest to, the information electronically provided.
- E.** An applicant shall provide the following information on the Hunt Permit-tag Application Form:
1. The applicant's personal information:
    - a. Name;
    - b. Date of birth,
    - c. Social security number, as required under A.R.S. §§ 25-320(N) and 25-502(K);
    - d. Department identification number, when applicable;
    - e. Residency status and number of years of residency immediately preceding application, when applicable;
    - f. Mailing address, when applicable;
    - g. Physical address;
    - h. Telephone number, when available; and
    - i. E-mail address, when available; and
  2. If the applicant possesses a valid license authorizing the take of wildlife in this state, the number of the applicant's license;
  3. If the applicant does not possess a valid license at the time of the application, the applicant shall purchase a license as established under subsection (N). The applicant shall provide all of the following information on the license application portion of the Hunt Permit-tag Application:
    - a. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - b. Residency status and number of years of residency immediately preceding application, when applicable; and
    - c. Type of license for which the person is applying.
  4. An applicant who is:
    - a. Under the age of ten and is submitting an application for a hunt other than big game is not required to have a license under this Chapter. The applicant shall indicate "youth" in the space provided for the license number on the Hunt Permit-tag Application Form.
    - b. Age nine or older and is submitting an application for a big game hunt is required to purchase an appropriate license as required under this Section. The applicant shall either enter the appropriate license number in the space provided for the license number on the Hunt Permit-tag Application Form or purchase a license at the time of application, as applicable.
- F.** An applicant shall include as part of the hunt permit-tag application, the following fees as established under R12-4-102:
1. The fee for the applicable hunt permit-tag, unless the application is submitted electronically over the Internet or telephone;
  2. The permit application fee; and
  3. The license fee if the applicant does not possess a license that will be valid at the time of application deadline.
- G.** An applicant shall enclose payment for a hunt permit-tag with a single hunt permit-tag application form, made payable in U.S. currency to the Arizona Game and Fish Department, by certified check, cashier's check, money order, or personal check. If applying electronically over the Internet or telephone, an applicant shall include payment by valid credit card as a part of the hunt permit-tag application.
- H.** An applicant shall apply for a specific hunt or a bonus point by the current hunt number. If all hunts selected by the applicant are filled at the time the application is processed in the drawing, the Department shall deem the application unsuccessful, unless the application is for a bonus point.
- I.** An applicant shall make all hunt choices for the same genus within one application.
- J.** An applicant shall not include applications for different genera of wildlife in the same envelope.
- K.** All members of a group shall apply for the same hunt numbers and in the same order of preference. The Department shall not issue a hunt permit-tag to any group member unless sufficient hunt permit-tags are available for all group members.
- L.** An applicant shall submit only one valid application per genus of wildlife for any calendar year, except:
1. If the bag limit is one per calendar year, an unsuccessful applicant may re-apply for remaining hunt permit-tags in unfilled hunt areas, as specified in the hunt permit-tag application schedule published by the Department.
  2. For genera that have multiple draws within a single calendar year, a person who successfully draws a hunt permit-tag during an earlier season may apply for a later season for the same genus if the person has not taken the bag limit for that genus during a preceding hunt in the same calendar year.
  3. If the bag limit is more than one per calendar year, a person may apply as specified in the hunt permit-tag application schedule published by the Department for remaining hunt permit-tags in unfilled hunt areas.
- M.** A person shall not apply for a hunt permit-tag for Rocky Mountain bighorn sheep or desert bighorn sheep if that person has met the lifetime bag limit for that sub-species. A person shall not apply for a hunt permit-tag for buffalo if the individual has met the lifetime bag limit for that species.
- N.** To participate in:
1. The drawing system, an applicant shall possess an appropriate hunting license that shall be valid, either:
    - i. On the last day of the application deadline for that draw, as established by the hunt permit-tag application schedule published by the Department, or
    - ii. On the last day of an extended deadline date, as authorized under subsection (C). If an applicant does not possess an appropriate hunting license that meets the requirements of this subsection, the applicant shall purchase the license at the time of application.
  2. The bonus point system, an applicant shall comply with the requirements established under R12-4-107.
- O.** The Department shall reject as invalid a Hunt Permit-Tag Application Form not prepared or submitted in accordance with this Section or not prepared in a legible manner. If the Department rejects an application from any member of a group, the Department shall reject all members of the group application.

- P.** Any hunt permit-tag issued for an application that is subsequently found not to be in accordance with this Section is invalid.
- Q.** The Department or its authorized agent shall mail hunt permit-tags to successful applicants. The Department shall return application overpayments to the applicant designated "A" on the Hunt Permit-tag Application Form. Permit application fees shall not be refunded. License fees submitted with a valid application for a hunt permit-tag or bonus point shall not be refunded.
- R.** If the Director determines that Department error caused a person to submit an invalid application for a hunt permit-tag, prevented a person from lawfully submitting an application, caused the rejection of an application for a hunt permit-tag, or caused the denial of a hunt permit-tag, the Director may authorize an additional hunt permit-tag if the issuance of an additional hunt permit-tag will have no significant impact on the wildlife population to be hunted and the application for the hunt permit-tag would have otherwise been successful based on its random number. The Director may also authorize the awarding of a bonus point to correct the error if a hunt permit-tag is not issued. If the Director determines that Department error caused the failure to apply an applicant's bonus points to an application, the Director may authorize an additional hunt permit-tag to correct the error, if the issuance of an additional hunt permit-tag will have no significant impact on the wildlife population to be hunted. The Director may also authorize the awarding of a bonus point to correct the error if a hunt permit-tag is not issued. A person who is denied a hunt permit-tag or a bonus point under this procedure may appeal to the Commission as provided under A.R.S. Title 41, Chapter 6, Article 10.

#### Historical Note

Amended effective May 3, 1976 (Supp. 76-3). Amended effective June 28, 1977 (Supp. 77-3). Amended effective July 24, 1978 (Supp. 78-4). Former Section R12-4-06 renumbered as Section R12-4-104 without change effective August 13, 1981. Amended subsections (N), (O), and (P) effective August 31, 1981 (Supp. 81-4). Former Section R12-4-104 repealed, new Section R12-4-104 adopted effective May 12, 1982 (Supp. 82-3). Amended subsection (D) as an emergency effective December 27, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-6). Emergency expired. Amended effective June 20, 1983 (Supp. 83-3). Amended subsection (F)(3) effective September 12, 1984. Amended subsection (F)(9) and added subsections (F)(10) and (G)(3) effective October 31, 1984 (Supp. 84-5). Amended effective May 5, 1986 (Supp. 86-3). Amended effective June 4, 1987 (Supp. 87-2). Section R12-4-104 repealed, new Section R12-4-104 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 9 A.A.R. 610, effective April 6, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 845, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 11 A.A.R. 991, effective April 2, 2005; amended by final rulemaking at 11 A.A.R. 1177, effective May 2, 2005 (Supp. 05-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

#### R12-4-105. License Dealer's License

- A.** For the purposes of this Section, unless the context otherwise requires:
1. "Dealer number" means a number assigned by the Department to each dealer outlet.
  2. "Dealer outlet" means a specified location authorized to sell licenses under a license dealer's license.
  3. "License" means any hunting or fishing license, stamp, tag, or permit that may be sold by a dealer or dealer outlet under this rule Section.
  4. "License dealer" means a business licensed by the Department to sell licenses from one or more dealer outlets.
- B.** The Department shall issue a license dealer's license if the following criteria are met:
1. The applicant has not had the privilege to sell licenses for the Department revoked or canceled under A.R.S. §§ 17-334, 17-338, or 17-339 within the past two calendar years;
  2. The applicant's credit record or assets assure the Department that the value of the licenses shall be adequately protected;
  3. The applicant agrees to assume financial responsibility for licenses provided to dealers and dealer outlets by the Department at the maximum value established in R12-4-102, less the dealer commission allowed by A.R.S. § 17-338(B).
- C.** Upon denial of a license dealer's license by the Department, the applicant may appeal to the Commission as provided under A.R.S. Title 41, Chapter 6, Article 10.
- D.** An applicant for a license dealer's license shall obtain an application form from the Department and submit it to any Department office. The applicant shall provide all of the following on the form:
1. Principal business or corporation name, address, and telephone number;
  2. If not a corporation, the full name, address, and telephone number of each owners;
  3. Name, business address, and business telephone number of an individual designated by the applicant to ensure compliance with this Section;
  4. Whether the applicant has previously sold licenses under A.R.S. § 17-334;
  5. Whether the applicant is seeking renewal of an existing license dealer's license;
  6. Credit references and a statement of assets and liabilities; and
  7. The name, address, and telephone number of each dealer outlet, and the name of a person responsible for the sale of licenses at each dealer outlet.
- E.** A license dealer may request to add dealer outlets to the license dealer's license during a license year by submitting the application form containing the information required by subsection (D).
- F.** The Department shall provide to the license dealer all licenses that the license dealer will make available to the public for sale, except license dealers that are authorized to use their own license stock.
- G.** A license dealer shall maintain at each outlet an inventory of licenses for sale to the public. A license dealer may request that the Department provide additional licenses for sale in writing or verbally. A request shall include the name of the license dealer, the assigned dealer number, a list of the items needed, and the name of the individual making the request. Within 10 calendar days from receipt of a request from a license dealer, the Department shall provide to an outlet the

licenses requested unless licenses previously provided to the outlet have not been acknowledged under subsection (H) or the outlet is not in compliance with applicable statutes and rules.

- H. Upon receipt of licenses from the Department, the license dealer shall verify that the licenses received are those licenses identified on the shipment inventory provided by the Department with the shipment. The individual performing the verification shall clearly designate any discrepancies on the shipment inventory, sign and date the shipping inventory, and return it to the Department within five working days from receipt of the shipment. The Department shall verify any discrepancies identified by the license dealer and credit or debit the license dealer's inventory accordingly.
- I. A license dealer shall submit a monthly report, as required by A.R.S. § 17-338, on forms obtained from the Department, regardless of whether the license dealer makes a sale during the month. The license dealer shall include in the monthly report all of the following information for each outlet:
  1. Name of the dealer and the assigned dealer number;
  2. Reporting period;
  3. Number of sales and dollar amount of sales for reporting period, by type of license sold;
  4. Dollar amount of commission;
  5. Debit and credit adjustments for previous reporting periods, if any;
  6. Number of affidavits received for which a duplicate license was issued under R12-4-103. A license dealer who fails to submit an affidavit for an issued duplicate shall remit to the Department the face value of the original license replaced;
  7. List of lost or missing licenses; and
  8. Signature of the preparer.
- J. The Department shall provide written notice of suspension and demand return of all inventory within five calendar days from any license dealer who:
  1. Fails to remit monies due the Department under A.R.S. § 17-338; or
  2. Issues to the Department more than one check with insufficient funds during a calendar year; or
  3. Otherwise fails to comply with this Section.
- K. The value of licenses not returned to the Department in accordance with A.R.S. § 17-339; not returned upon termination of business by a license dealer; or reported by a dealer outlet or discovered by the Department to be lost, missing, stolen, or destroyed for any reason, is due and payable to the Department within 15 working days from the date the Department provides written notice to the licensed dealer.
- L. In addition to those violations that may result in revocation or suspension of a license dealer's license, provided under A.R.S. §§ 17-334, 17-338 and 17-339, the Commission may revoke a license dealer's license if the licensed dealer or an employee of the licensed dealer is convicted of counseling, aiding, or attempting to aid any person in obtaining a fraudulent license.

**Historical Note**

Amended effective June 7, 1976 (Supp. 77-3). Former Section R12-4-08 renumbered as Section R12-4-105 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-105 repealed, new Section R12-4-105 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-105 repealed, new Section R12-4-105 adopted effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1996; filed in the Office of the Secretary of

State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1).

**R12-4-106. Licensing Time-frames**

- A. As required by A.R.S. § 41-1072 et seq., the Department shall either grant or deny the following licenses within the listed time-frames. During the administrative completeness review time-frame, the Department may return to the applicant, without denial, any incomplete application that is lacking information required by the Section governing the specific license. The Department shall issue a written notice that accompanies each returned application listing the information that the applicant failed to provide. The administrative completeness review time-frame and the overall time-frame for the applicable license in this Section are suspended from the date on the notice until the date that the Department receives the missing information from the applicant. During the substantive review time-frame, the Department may make one comprehensive written request for additional information, except the Department and the applicant may mutually agree in writing to allow the agency to submit supplemental requests for additional information. The substantive review time-frame and the overall time-frame listed for the applicable license in this Section are suspended from the date on the request until the date that the Department receives the additional information from the applicant. All periods listed are calendar days, and all are maximum time periods. Licenses may be reviewed and issued or denied in less time.

Name of License	Governing Rule	Administrative Completeness Review Time-frame	Substantive Review Time-frame	Overall Time-frame
Aquatic Wildlife Stocking Permit	R12-4-410	10 days	170 days	180 days
Challenged Hunter Access/Mobility Permit	R12-4-217	1 day	29 days	30 days
Crossbow Permit	R12-4-216	1 day	29 days	30 days
Disabled Veteran's License	R12-4-202	1 day	29 days	30 days
Fishing Permits	R12-4-310	10 days	20 days	30 days
Game Bird Field Training Permit	R12-4-416	10 days	20 days	30 days
Game Bird Field Trial License	R12-4-415	10 days	20 days	30 days
Game Bird Hobby License	R12-4-419	10 days	20 days	30 days
Game Bird Shooting Preserve License	R12-4-414	10 days	20 days	30 days
Guide License	R12-4-208	10 days	20 days	30 days
License Dealer's License	R12-4-105	10 days	20 days	30 days



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Live Bait Dealer's License	R12-4-411	10 days	20 days	30 days
Pioneer License	R12-4-201	1 day	29 days	30 days
Private Game Farm License	R12-4-413	10 days	20 days	30 days
Scientific Collecting Permit	R12-4-418	10 days	20 days	30 days
Small Game Depredation Permit	R12-4-113	10 days	20 days	30 days
Sport Falconry License	R12-4-422	10 days	20 days	30 days
Watercraft Agents	R12-4-509	10 days	20 days	30 days
White Amur Stocking License	R12-4-424	10 days	20 days	30 days
Wildlife Holding License	R12-4-417	10 days	20 days	30 days
Wildlife Rehabilitation License	R12-4-423	10 days	50 days	60 days
Wildlife Service License	R12-4-421	10 days	50 days	60 days
Zoo License	R12-4-420	10 days	20 days	30 days

- B.** Issuance of Special License Tags is governed by R12-4-120. Proposals are accepted between March 1 to May 31 of each year. Administrative review is completed by the Department within 10 days. The Game and Fish Commission makes its decision on issuance or denial in an open meeting within 30 days after the closing date for proposals. The substantive review time-frame is 110 days and the overall time-frame is 120 days.

#### Historical Note

Editorial correction subsections (F) through (G) (Supp. 78-5). Former Section R12-4-09 renumbered as Section R12-4-106 without change effective August 13, 1981 (Supp. 81-4). Repealed effective May 27, 1992 (Supp. 92-2). New Section adopted June 10, 1998 (Supp. 98-2). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1).

#### R12-4-107. Bonus Point System

- A.** For the purpose of this Section, the following definitions apply:

“Bonus point hunt number” means the hunt number assigned by the Commission in a Commission Order for use by an applicant applying only for a bonus point for a genus identified in this Section; and

“Loyalty bonus point” means a bonus point awarded to a person who has submitted a valid application for a hunt permit-tag or a bonus point for a specific genus identified in subsection (B) at least once annually for a consecutive five-year period.

- B.** The bonus point system grants a person one random number entry in each drawing for antelope, bear, bighorn sheep, buffalo, deer, elk, javelina, or turkey for each bonus point that person has accumulated under this Section. Each bonus point random number entry is in addition to the entry normally granted under R12-4-104. When processing “group” applica-

tions, as defined under R12-4-104, the Department shall use the average number of bonus points accumulated by all persons in the group, rounded to the nearest whole number. If the average is equal to or greater than .5, the total will be rounded to the next higher number.

- C.** The Department shall award one bonus point to an applicant who submits a valid Hunt Permit-tag Application Form if all of the following apply:
1. The application is unsuccessful in the drawing or the application is for a bonus point only;
  2. The application is not for a hunt permit-tag left over after the drawing and available on a first-come, first-served basis as established under R12-4-114; and
  3. The applicant either provides the appropriate hunting license number on the application or submits an application and fees for the applicable license with the Hunt Permit-tag Application Form, as applicable.
- D.** An applicant who purchases a bonus point only shall:
1. Submit a valid Hunt Permit-tag Application Form, as prescribed under R12-4-104, with the Commission-assigned bonus point hunt number for the particular genus as the first choice hunt number on the application. The Department shall reject any application that:
    - a. Indicates the bonus point only hunt number as any choice other than the first choice, or
    - b. Includes any other hunt number on the application;
  2. Include the applicable fees:
    - a. Application fee, and
    - b. Applicable license fee, required when the applicant does not possess a valid license at the time of application; and
  3. Submit only one Hunt Permit-tag Application Form per genus per drawing.
- E.** With the exception of the hunter education bonus point, each bonus point accumulated is valid only for the genus designated on the Hunt Permit-tag Application Form.
- F.** Except for a permanent bonus point awarded for hunter education, or loyalty bonus points that are accrued and forfeited as prescribed in subsection (K), all of a person's accumulated bonus points for a genus are forfeited if:
1. The person is issued a hunt permit-tag for that genus in a computer drawing; or
  2. The person fails to submit a Hunt Permit-tag Application Form for that genus for five consecutive years.
- G.** An applicant issued a first-come, first-served hunt permit-tag under R12-4-114(C)(2)(d) after the computer drawing does not lose bonus points for that genus, and a valid but unsuccessful applicant for a first-come, first-served hunt permit-tag remaining after the computer drawing does not gain a bonus point.
- H.** The Department shall award one permanent bonus point for each genus upon a person's first graduation from the Department's Arizona Hunter Education Course or for serving as a Department hunter education instructor.
1. The Department shall credit a person who graduated after January 1, 1980, but before January 1, 1991, or a person certified by the Department as an active hunter education instructor after January 1, 1980, with one permanent bonus point for each genus if the person provides the following information on a form available from the Department: Department identification number; name; address; residency status, and length of Arizona residency, if applicable; date of birth; sex; weight; height; color of hair and eyes; and, for a person other than an instructor, the month and year of graduation from the Department's Arizona Hunter Education Course.

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

#### Historical Note

Former Section R12-4-03 renumbered as Section R12-4-107 without change effective August 13, 1981 (Supp. 81-4). Section R12-4-107 repealed, new Section R12-4-107 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective July 29, 1992 (Supp. 92-3). Section R12-4-107 repealed, new Section R12-4-107 adopted effective January 1, 1999; filed with the Office of the Secretary of State February 9, 1998 (Supp. 98-1). Amended by final rulemaking at 9 A.A.R. 610, effective April 6, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 845, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 11 A.A.R. 991, effective April 2, 2005 (Supp. 05-1). Amended by final rulemaking at 11 A.A.R. 991, effective April 2, 2005; amended by final rulemaking at 11 A.A.R. 1177, effective May 2, 2005 (Supp. 05-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

#### R12-4-108. Management Unit Boundaries

- A.** For the purpose of this Section, parentheses mean "also known as," and the following definitions shall apply:
1. "FH" means "forest highway," a paved road.
  2. "FR" means "forest road," an unpaved road.
  3. "Hwy" means "Highway."
  4. "mp" means "milepost."
- B.** The state is divided into units for the purpose of managing wildlife. Each unit is identified by a number or a number and letter. For the purpose of this Section, Indian reservation land contained within any management unit is not under the jurisdiction of the Arizona Game and Fish Commission or the Arizona Game and Fish Department.
- C.** Management unit descriptions are as follows:

Unit 1 – Beginning at the New Mexico state line and U.S. Hwy 60; west on U.S. Hwy 60 to Vernon Junction; south on the Vernon-McNary road (FR 224) to the White Mountain Apache Indian Reservation boundary; east and south along the reservation boundary to Black River; east and north along Black River to the east fork of Black River; north along the east fork to Three Forks; and continuing north and east on the Three Forks-Williams Valley-Alpine Rd. (FR 249) to U.S. Hwy 180; east on U.S. Hwy 180 to the New Mexico state line; north along the state line to U.S. Hwy 60.

Unit 2A – Beginning at St. Johns on U.S. Hwy 191 (AZ Hwy 61); north on U.S. Hwy 191 (AZ Hwy 61) to the Navajo Indian Reservation boundary; westerly along the reservation boundary to AZ Hwy 77; south on AZ Hwy 77 to Exit 292 on I-40; west on the westbound lane of I-40 to Exit 286; south on AZ Hwy 77 to U.S. Hwy 180; southeast on U.S. Hwy 180 to AZ Hwy 180A; south on AZ Hwy 180A to AZ Hwy 61; east on AZ Hwy 61 to U.S. Hwy 180 (AZ Hwy 61); east to U.S. Hwy 191 at St. Johns; except those portions that are sovereign tribal lands of the Zuni Tribe.

Unit 2B – Beginning at Springerville; east on U.S. Hwy 60 to the New Mexico state line; north along the state line to the Navajo Indian Reservation boundary; westerly along the reservation boundary to U.S. Hwy 191 (AZ Hwy 61); south on U.S. Hwy 191 (U.S. Hwy 180) to Springerville.

Unit 2C – Beginning at St. Johns on U.S. Hwy 191 (AZ Hwy 61); west on to AZ Hwy 61 Concho; southwest on AZ Hwy 61 to U.S. Hwy 60; east on U.S. Hwy 60 to U.S. Hwy 191 (U.S. Hwy 180); north on U.S. Hwy 191 (U.S. Hwy 180) to St. Johns.

Unit 3A – Beginning at the junction of U.S. Hwy 180 and AZ Hwy 77; south on AZ Hwy 77 to AZ Hwy 377; southwesterly on AZ Hwy 377 to AZ Hwy 277; easterly on AZ Hwy 277 to Snowflake; easterly on the Snowflake-Concho Rd. to U.S. Hwy 180A; north on U.S. Hwy 180A to U.S. Hwy 180; northwesterly on U.S. Hwy 180 to AZ Hwy 77.

Unit 3B – Beginning at Snowflake; southerly along AZ Hwy 77 to U.S. Hwy 60; southwest along U.S. Hwy 60 to the White Mountain Apache Indian Reservation boundary; easterly along the reservation boundary to the Vernon-McNary Rd. (FR 224); northerly along the Vernon-McNary Rd. to U.S. Hwy 60; west on U.S. Hwy 60 to AZ Hwy 61; northeasterly on AZ Hwy 61 to AZ Hwy 180A; northerly on AZ Hwy 180A to Concho-Snowflake Rd.; westerly on the Concho-Snowflake Rd. to Snowflake.

Unit 3C – Beginning at Snowflake; westerly on AZ Hwy 277 to AZ Hwy 260; westerly on AZ Hwy 260 to the Sitgreaves National Forest boundary with the Tonto National Forest; easterly along the Apache-Sitgreaves National Forest boundary to U.S. Hwy 60 (AZ Hwy 77); northeasterly on U.S. Hwy 60 (AZ Hwy 77) to Showlow; northerly along AZ Hwy 77 to Snowflake.

Unit 4A – Beginning on the boundary of the Apache-Sitgreaves National Forest with the Coconino National Forest at the Mogollon Rim; north along this boundary (Leonard Canyon) to East Clear Creek; northerly along East Clear Creek to AZ Hwy 99; north on AZ Hwy 99 to AZ Hwy 87; north on AZ Hwy 87 to Business I-40 (3rd St.); west on Business I-40 (3rd St.) to Hipkoe Dr.; northerly on Hipkoe Dr. to I-40; west on I-40 to mp 221.4; north to the southwest corner of the Navajo Indian Reservation boundary; east along the Navajo Indian Reservation boundary to the Little Colorado River; southerly along the Little Colorado River to Chevelon Creek; southerly along Chevelon Creek to Woods Canyon; westerly along Woods Canyon to Woods Canyon Lake Rd.; westerly and southerly along the Woods Canyon Lake Rd. to the Mogollon Rim; westerly along the Mogollon Rim to the boundary of the Apache-Sitgreaves National Forest with the Coconino National Forest.

Unit 4B – Beginning at AZ Hwy 260 and the Sitgreaves National Forest boundary with the Tonto National Forest; northeasterly on AZ Hwy 260 to AZ Hwy 277; northeasterly on AZ Hwy 277 to Hwy 377; northeasterly on AZ Hwy 377 to AZ Hwy 77; northeasterly on AZ Hwy 77 to I-40 Exit 286; northeasterly along the westbound lane of I-40 to Exit 292; north on AZ Hwy 77 to the Navajo Indian Reservation boundary; west along the reservation boundary to the Little Colorado River; southerly along the Little Colorado River to Chevelon Creek; southerly along Chevelon Creek to Woods Canyon; westerly along Woods Canyon to Woods Canyon Lake Rd.; westerly and southerly along the Woods Canyon Lake Rd. to the Mogollon Rim; easterly along the Mogollon Rim to AZ Hwy 260.

Unit 5A – Beginning at the junction of the Sitgreaves National Forest boundary with the Coconino National

Forest boundary at the Mogollon Rim; northerly along this boundary (Leonard Canyon) to East Clear Creek; northeasterly along East Clear Creek to AZ Hwy 99; north on AZ Hwy 99 to AZ Hwy 87; north on AZ Hwy 87 to Business I-40 (3rd St.); west on Business I-40 (3rd St.) to Hipkoe Dr.; north on Hipkoe Dr. to I-40; west on I-40 to the Meteor Crater Rd. (Exit 233); southerly on the Meteor Crater-Chavez Pass-Jack's Canyon Rd. (FR 69) to AZ Hwy 87; southwest along AZ Hwy 87 to the Coconino-Tonto National Forest boundary; easterly along the Coconino-Tonto National Forest boundary (Mogollon Rim) to the Sitgreaves National Forest boundary with the Coconino National Forest.

Unit 5B – Beginning at Lake Mary-Clint's Well Rd. (FH3) and Walnut Canyon (mp 337.5 on FH3); south-easterly on FH3 to AZ Hwy 87; northeasterly on AZ Hwy 87 to FR 69; westerly and northerly on FR 69 to I-40 (Exit 233); west on I-40 to Walnut Canyon (mp 210.2); southwest along Walnut Canyon to Walnut Canyon National Monument; southwest along the northern boundary of the Walnut Canyon National Monument to Walnut Canyon; southwest along Walnut Canyon to FH3 (mp 337.5).

Unit 6A – Beginning at the junction of U.S. Hwy 89A and FR 237; southwest along U.S. Hwy 89A to the Verde River; southeast along the Verde River to Childs; easterly on the Childs-Strawberry Rd. to Fossil Creek north on the creek to Fossil Springs; southeast on FS trail 18 (Fossil Spring Trail) to the top of the rim; northeasterly on the rim to Nash Point on the Tonto-Coconino National Forest boundary; easterly along this boundary to AZ Hwy 87; northeasterly on AZ Hwy 87 to Lake Mary-Clint's Well Rd. (FH3); northwesterly on FH3 to FR 132; southwest along FR 132 to FR 296; southwest along FR 296 to FR 296A; southwest along FR 296A to FR 132; northwesterly on FR 132 to FR 235; westerly on FR 235 to Priest Draw; southwest along the bottom of Priest Draw to FR 235; westerly on FR 235 to FR 235A; westerly on FR 235A to FR 235; southerly on FR 235 to FR 235K; northwesterly on FR 235K to FR 700; northerly on FR 700 to Mountaineer Rd.; west on Mountaineer Rd. to FR 237; westerly on FR 237 to U.S. Hwy 89A except those portions that are sovereign tribal lands of the Yavapai-Apache Nation.

Unit 6B – Beginning at mp 188.5 on I-40 at a point just north of the east boundary of Camp Navajo; south along the eastern boundary of Camp Navajo to the southeastern corner of Camp Navajo; southeast approximately 1/3 mile through the forest to the forest road in section 33; southeast on the forest road to FR 231 (Woody Mountain Rd.); easterly on FR 231 to FR 533; southerly on FR 533 to U.S. Hwy 89A; southerly on U.S. Hwy 89A to the Verde River; northerly along the Verde River to Sycamore Creek; northeasterly along Sycamore Creek and Volunteer Canyon to the southwest corner of the Camp Navajo boundary; northerly along the western boundary of Camp Navajo to the northwest corner of Camp Navajo; continuing north to I-40 (mp 180.0); easterly along I-40 to mp 188.5.

Unit 7 – Beginning at the junction of AZ Hwy 64 and I-40 (in Williams); easterly on I-40 to FR 171 (mp 184.4 on I-40); northerly on FR 171 to the Transwestern Gas Pipeline; easterly along the Transwestern Gas Pipeline to FR 420 (Schultz Pass Rd.); northeasterly on FR 420 to U.S. Hwy 89; across U.S. Hwy 89 to FR 545; east on FR 545

to the Sunset Crater National Monument; easterly along the southern boundary of the Sunset Crater National Monument to FR 545; east on FR 545 to the 345 KV transmission lines 1 and 2; southeasterly along the power lines to I-40 (mp 212 on I-40); east on I-40 to mp 221.4; north to the southwest corner of the Navajo Indian Reservation boundary; northerly and westerly along the reservation boundary to the Four Corners Gas Line; southwesterly along the Four Corners Gas Line to U.S. Hwy 180; west on U.S. Hwy 180 to AZ Hwy 64; south on AZ Hwy 64 to I-40.

Unit 8 – Beginning at the junction of I-40 and U.S. Hwy 89 (in Ash Fork, Exit 146); south on U.S. Hwy 89 to the Verde River; easterly along the Verde River to Sycamore Creek; northerly along Sycamore Creek to Volunteer Canyon; northeasterly along Volunteer Canyon to the west boundary of Camp Navajo; north along the boundary to a point directly north of I-40; west on I-40 to U.S. Hwy 89.

Unit 9 – Beginning where Cataract Creek enters the Havasupai Reservation; easterly and northerly along the Havasupai Reservation boundary to Grand Canyon National Park; easterly along the Grand Canyon National Park boundary to the Navajo Indian Reservation boundary; southerly along the reservation boundary to the Four Corners Gas Line; southwesterly along the Four Corners Gas Line to U.S. Hwy 180; westerly along U.S. Hwy 180 to AZ Hwy 64; south along AZ Hwy 64 to Airpark Rd.; west and north along Airpark Rd. to the Valle-Cataract Creek Rd.; westerly along the Valle-Cataract Creek Rd. to Cataract Creek at Island Tank; northwesterly along Cataract Creek to the Havasupai Reservation Boundary.

Unit 10 – Beginning at the junction of AZ Hwy 64 and I-40; westerly on I-40 to Crookton Rd. (AZ Hwy 66, Exit 139); westerly on AZ Hwy 66 to the Hualapai Indian Reservation boundary; northeasterly along the reservation boundary to Grand Canyon National Park; east along the park boundary to the Havasupai Indian Reservation; easterly and southerly along the reservation boundary to where Cataract Creek enters the reservation; southeasterly along Cataract Creek in Cataract Canyon to Island Tank; easterly on the Cataract Creek-Valle Rd. to Airpark Rd.; south and east along Airpark Rd. to AZ Hwy 64; south on AZ Hwy 64 to I-40.

Unit 11M – Beginning at the junction of Lake Mary-Clint's Well Rd. (FH3) and Walnut Canyon (mp 337.5 on FH3); northeasterly along Walnut Canyon to the Walnut Canyon National Monument boundary; northeasterly along the northern boundary of the Walnut Canyon National Monument to Walnut Canyon; northeasterly along Walnut Canyon to I-40 (mp 210.2); east on I-40 to the 345 KV transmission lines 1 and 2 (mp 212 on I-40); north and northeasterly along the power line to FR 545 (Sunset Crater Rd.); west along FR 545 to the Sunset Crater National Monument boundary; westerly along the southern boundary of the Sunset Crater National Monument to FR 545; west on FR 545 to U.S. Hwy 89; across U.S. Hwy 89 to FR 420 (Schultz Pass Rd.); southwesterly on FR 420 to the Transwestern Gas Pipeline; westerly along the Transwestern Gas Pipeline to FR 171; south on FR 171 to I-40 (mp 184.4 on I-40); east on I-40 to a point just north of the eastern boundary of Camp Navajo (mp 188.5 on I-40); south along the eastern boundary of Camp Navajo to the southeast corner of Camp Navajo; south-east approximately 1/3 mile to the forest road in section

33; southeasterly along the forest road to FR 231 (Woody Mountain Rd.); easterly on FR 231 to FR 533; southerly on FR 533 to U.S. Hwy 89A; southerly on U.S. Hwy 89A to FR 237; northeasterly on FR 237 to Mountaineer Rd.; easterly on Mountaineer Rd. to FR 700; southerly on FR 700 to FR 235K; southeasterly on FR 235K to FR 235; northerly on FR 235 to FR 235A; easterly on FR 235A to FR 235; easterly on FR 235 to Priest Draw; northeasterly along the bottom of Priest Draw to FR 235; easterly on FR 235 to FR 132; southeasterly on FR 132 to FR 296A; northeasterly on FR 296A to FR 296; northeasterly on FR 296 to FR 132; northeasterly on FR 132 to FH3; south-easterly on FH3 to Walnut Canyon (mp 337.5 on FH3).

Unit 12A – Beginning at U.S. Hwy 89A and the Kaibab National Forest boundary near mp 566; southerly and easterly along the forest boundary to Grand Canyon National Park; southerly and westerly along the park boundary to Kanab Creek; northerly along Kanab Creek to Snake Gulch; northerly, easterly and southerly around the Kaibab National Forest boundary to U.S. Hwy 89A near mp 566.

Unit 12B – Beginning at U.S. Hwy 89A and the Kaibab National Forest boundary near mp 566; southerly and easterly along the forest boundary to Grand Canyon National Park; northeasterly along the park boundary to Glen Canyon National Recreation area; easterly along the recreation area boundary to the Colorado River; north-easterly along the Colorado River to the Arizona-Utah state line; westerly along the state line to Kanab Creek; southerly along Kanab Creek to the Kaibab National Forest boundary; northerly, easterly, and southerly along this boundary to U.S. Hwy 89A near mp 566; except those portions that are sovereign tribal lands of the Kaibab Band of Paiute Indians.

Unit 13A – Beginning on the western edge of the Hurricane Rim at the Utah state line; southerly along the western edge of the Hurricane Rim to Mohave County Rd. 5 (the Mt. Trumbull Rd.); west along Mohave County Rd. 5 to the town of Mt. Trumbull (Bundyville); south from the town of Mt. Trumbull (Bundyville) on Mohave County Rd. 257 to BLM Rd. 1045; south on BLM Rd. 1045 to where it crosses Cold Spring Wash near Cold Spring Wash Pond; south along the bottom of Cold Spring Wash to Whitmore Wash; southerly along the bottom of Whitmore Wash to the Colorado River; easterly along the Colorado River to Kanab Creek; northerly along Kanab Creek to the Utah state line; west along the Utah state line to the western edge of the Hurricane Rim; except those portions that are sovereign tribal lands of the Kaibab Band of Paiute Indians.

Unit 13B – Beginning on the western edge of the Hurricane Rim at the Utah state line; southerly along the western edge of the Hurricane Rim to Mohave County Rd. 5 (the Mt. Trumbull Rd.); west along Mohave County Rd. 5 to the town of Mt. Trumbull (Bundyville); south from the town of Mt. Trumbull (Bundyville) on Mohave County Rd. 257 to BLM Rd. 1045; south on BLM Rd. 1045 to where it crosses Cold Spring Wash near Cold Spring Wash Pond; south along the bottom of Cold Spring Wash to Whitmore Wash; southerly along the bottom of Whitmore Wash to the Colorado River; westerly along the Colorado River to the Nevada state line; north along the Nevada state line to the Utah state line; east along the Utah state line to the western edge of the Hurricane Rim.

Unit 15A – Beginning at Pearce Ferry on the Colorado River; southerly on the Pearce Ferry Rd. to Antares Rd.; southeasterly on Antares Rd. to AZ Hwy 66; easterly on AZ Hwy 66 to the Hualapai Indian Reservation; west and north along the west boundary of the reservation to the Colorado River; westerly along the Colorado River to Pearce Ferry; except those portions that are sovereign tribal lands of the Hualapai Indian Tribe.

Unit 15B – Beginning at Kingman on I-40 (Exit 48); northwesterly on U.S. Hwy 93 to Hoover Dam; north and east along the Colorado River to Pearce Ferry; southerly on the Pearce Ferry Rd. to Antares Rd.; southeasterly on Antares Rd. to AZ Hwy 66; easterly on AZ Hwy 66 to Hackberry; southerly on the Hackberry Rd. to its junction with U.S. Hwy 93; north and west on U.S. Hwy 93 and I-40 (Exit 71) to Kingman.

Unit 15C – Beginning at Hoover Dam; southerly along the Colorado River to AZ Hwy 68 and Davis Dam; easterly on AZ Hwy 68 to U.S. Hwy 93; northwesterly on U.S. Hwy 93 to Hoover Dam.

Unit 15D – Beginning at AZ Hwy 68 and Davis Dam; southerly along the Colorado River to I-40; east and north on I-40 to Kingman (Exit 48); northwest on U.S. Hwy 93 to AZ Hwy 68; west on AZ Hwy 68 to Davis Dam; except those portions that are sovereign tribal lands of the Fort Mohave Indian Tribe.

Unit 16A – Beginning at Kingman Exit 48 on I-40; south and west on I-40 to U.S. Hwy 95 (Exit 9); southerly on U.S. Hwy 95 to the Bill Williams River; easterly along the Bill Williams and Santa Maria rivers to U.S. Hwy 93; north and west on U.S. Hwy 93 and I-40 to Kingman (Exit 48).

Unit 16B – Beginning at I-40 on the Colorado River; southerly along the Arizona-California state line to the Bill Williams River; east along the Bill Williams River to U.S. Hwy 95; north on U.S. Hwy 95 to I-40 (Exit 9); west on I-40 to the Colorado River.

Unit 17A – Beginning at the junction of the Williamson Valley Rd. (County Road 5) and the Camp Wood Rd. (FR 21); westerly on the Camp Wood road to the west boundary of the Prescott National Forest; north along this boundary to the Baca Grant; east, north and west around the grant to the west boundary of the Prescott National Forest; north and east along this boundary to the Williamson Valley Rd. (County Rd. 5, FR 6); southerly on Williamson Valley Rd. (County Rd. 5, FR 6) to the Camp Wood Rd.

Unit 17B – Beginning in Prescott; at the junction of Iron Springs Rd. and Williamson Valley Rd. westerly on the Prescott-Skull Valley-Hillside-Bagdad Rd. to Bagdad; northeast on the Bagdad-Camp Wood Rd. (FR 21) to the Williamson Valley Rd. (County Rd. 5, FR 6); south on the Williamson Valley Rd. (County Rd. 5, FR 6) to the Iron Springs Rd.

Unit 18A – Beginning at Seligman; westerly on AZ Hwy 66 to the Hualapai Indian Reservation; southwest and west along the reservation boundary to AZ Hwy 66; southwest on AZ Hwy 66 to the Hackberry Rd.; south on the Hackberry Rd. to U.S. Hwy 93; south on U.S. Hwy 93 to Cane Springs Wash; easterly along Cane Springs Wash to the Big Sandy River; northerly along the Big Sandy River to Trout Creek; northeast along Trout Creek to the Davis Dam-Prescott power line; southeasterly along the

power line to the west boundary of the Prescott National Forest; north and east along the forest boundary to the Williamson Valley Rd. (County Rd. 5, FR 6); northerly on the Williamson Valley Rd. (County Rd. 5, FR 6) to Seligman and AZ Hwy 66; except those portions that are sovereign tribal lands of the Hualapai Indian Tribe.

Unit 18B – Beginning at Bagdad; southeast on AZ Hwy 96 to the Santa Maria River; southwest along the Santa Maria River to U.S. Hwy 93; northerly on U.S. Hwy 93 to Cane Springs Wash; easterly along Cane Springs Wash to the Big Sandy River; northerly along the Big Sandy River to Trout Creek; northeasterly along Trout Creek to the Davis Dam-Prescott power line; southeasterly along the power line to the west boundary of the Prescott National Forest; south along the forest boundary to the Baca Grant; east, south and west along the joint Baca Grant Prescott Forest Boundary. Continuing south along the west boundary of the Prescott National Forest; to the Camp Wood-Bagdad Rd.; southwest on the Camp Wood-Bagdad Rd. to Bagdad; except those portions that are sovereign tribal lands of the Hualapai Indian Tribe.

Unit 19A – Beginning at AZ Hwy 69 and U.S. Hwy 89 (in Prescott); northerly on U.S. Hwy 89 to the Verde River; easterly along the Verde River to I-17; southwest on the southbound lane of I-17 to AZ Hwy 69; northwesterly on AZ Hwy 69 to U.S. Hwy 89; except those portions that are sovereign tribal lands of the Yavapai-Prescott Tribe and the Yavapai-Apache Nation.

Unit 19B – Beginning at the intersection of U.S. Hwy 89 and AZ Hwy 69, west on Gurley St. to Grove Ave.; north on the Grove Ave. to Miller Valley Rd.; northwest on the Miller Valley Rd. to Iron Springs Rd.; northwest on the Iron Springs Rd. to the junction of Williamson Valley Rd. and Iron Springs Rd.; northerly on the Williamson Valley-Prescott-Seligman Rd. (FR 6, Williamson Valley Rd.) to AZ Hwy 66 at Seligman; east on Crookton Rd. (AZ Hwy 66) to I-40 (Exit 139); east on I-40 to U.S. Hwy 89; south on U.S. Hwy 89 to the junction with AZ Hwy 69; except those portions that are sovereign tribal lands of the Yavapai-Prescott Tribe.

Unit 20A – Beginning at the intersection of U.S. Hwy 89 and AZ Hwy 69; west on Gurley St. to Grove Ave.; north on the Grove Ave. to Miller Valley Rd., northwest on the Miller Valley Rd. to Iron Springs Rd., west and south on the Iron Springs-Skull Valley-Kirkland Junction Rd. to U.S. Hwy 89; continue south and easterly on the Kirkland Junction-Wagoner-Crown King-Cordes Rd. to Cordes, from Cordes southeast to I-17 (Exit 259); north on the southbound lane of I-17 to AZ Hwy 69; northwest on AZ Hwy 69 to junction of U.S. Hwy 89 at Prescott; except those portions that are sovereign tribal lands of the Yavapai-Prescott Tribe.

Unit 20B – Beginning at the Hassayampa River and U.S. Hwy 93 (in Wickenburg); northeasterly along the Hassayampa River to the Kirkland Junction-Wagoner-Crown King-Cordes road (at Wagoner); southerly and northeasterly along the Kirkland Junction-Wagoner-Crown King-Cordes Rd. (at Wagoner) to I-17 (Exit 259); south on the southbound lane of I-17 to the New River Road (Exit 232); west on the New River Road to State Highway 74; west on AZ Hwy 74 to the junction of AZ Hwy 74 and U.S. Hwy 93; northwesterly on U.S. Hwy 93 to the Hassayampa River.

Unit 20C – Beginning at U.S. Hwy 93 and the Santa Maria River; northeasterly along the Santa Maria River to AZ Hwy 96; easterly on AZ Hwy 96 to Kirkland Junction; southeasterly along the Kirkland Junction-Wagoner-Crown King-Cordes road to the Hassayampa River (at Wagoner); southwesterly along the Hassayampa River to U.S. Hwy 93; northwesterly on U.S. Hwy 93 to the Santa Maria River.

Unit 21 – Beginning on I-17 at the Verde River; southerly on the southbound lane of I-17 to the New River Road (Exit 232); east on New River Road to Fig Springs Road; northeasterly on Fig Springs Road to the Tonto National Forest boundary; southeasterly along this boundary to the Verde River; north along the Verde River to I-17.

Unit 22 – Beginning at the junction of the Salt and Verde Rivers; north along the Verde River to Childs; easterly on the Childs-Strawberry Rd. to Fossil Creek; north on the creek to Fossil Springs; southeasterly on FS trail 18 (Fossil Spring Trail) to the top of the rim; northeasterly on the rim to Nash Point on the Tonto-Coconino National Forest boundary along the Mogollon Rim; easterly along this boundary to Tonto Creek; southerly along the east fork of Tonto Creek to the spring box, north of the Tonto Creek Hatchery, and continuing southerly along Tonto Creek to the Salt River; westerly along the Salt River to the Verde River; except those portions that are sovereign tribal lands of the Tonto Apache Tribe and the Fort McDowell Mohave-Apache Community.

Unit 23 – Beginning at the confluence of Tonto Creek and the Salt River; northerly along Tonto Creek to the spring box, north of the Tonto Creek Hatchery, on Tonto Creek; northeasterly along the east fork of Tonto Creek to the Tonto-Sitgreaves National Forest boundary along the Mogollon Rim; east along this boundary to the White Mountain Apache Indian Reservation boundary; southerly along the reservation boundary to the Salt River; westerly along the Salt River to Tonto Creek.

Unit 24A – Beginning on AZ Hwy 177 in Superior; southeasterly on AZ Hwy 177 to the Gila River; northeasterly along the Gila River to the San Carlos Indian Reservation boundary; easterly, westerly and northerly along the reservation boundary to the Salt River; southwesterly along the Salt River to AZ Hwy 288; southerly on AZ Hwys 288 and 188 to U.S. Hwy 60; southwesterly on U.S. Hwy 60 to AZ Hwy 177.

Unit 24B – Beginning on U.S. Hwy 60 in Superior; northeasterly on U.S. Hwy 60 to AZ Hwy 188; northerly on AZ Hwys 188 and 288 to the Salt River; westerly along the Salt River to the Tonto National Forest boundary near Granite Reef Dam; southeasterly along Forest boundary to Forest Route 77 (Peralta Rd.); southwesterly on Forest Route 77 (Peralta Rd.) to U.S. Hwy 60; easterly on U.S. Hwy 60 to Superior.

Unit 25M – Beginning at the junction of 51st Ave. and I-10; west on I-10 to AZ Loop 303, northeasterly on AZ Loop 303 to I-17; north on I-17 to Carefree Hwy; east on Carefree Hwy to Cave Creek Rd.; northeasterly on Cave Creek Rd. to the Tonto National Forest boundary; easterly and southerly along the Tonto National Forest boundary to Fort McDowell Yavapai Nation boundary; northeasterly along the Fort McDowell Yavapai Nation boundary to the Verde River; southerly along the Verde River to the Salt River; southwesterly along the Salt River to the Tonto National Forest boundary; southerly along the Tonto National Forest boundary to Bush Hwy/

Power Rd.; southerly on Bush Hwy/Power Rd. to AZ Loop 202; easterly, southerly, and westerly on AZ Loop 202 to the intersection of Pecos Rd. at I-10; west on Pecos Rd. to the Gila River Indian Community boundary; northwesterly along the Gila River Indian Community boundary to 51st Ave; northerly on 51st Ave to I-10; except those portions that are sovereign tribal lands.

Unit 26M – Beginning at the junction of I-17 and New River Rd. (Exit 232); southwesterly on New River Rd. to AZ Hwy 74; westerly on AZ Hwy 74 to U.S. Hwy 93; southeasterly on U.S. Hwy 93 to the Beardsley Canal; southwesterly on the Beardsley Canal to Indian School Rd.; west on Indian School Rd. to Jackrabbit Trail; south on Jackrabbit Trail to I-10 (Exit 121); west on I-10 to Oglesby Rd. (Exit 112); south on Oglesby Rd. to AZ Hwy 85; south on AZ Hwy 85 to the Gila River; northeasterly along the Gila River to the Gila River Indian Community boundary; southeasterly along the Gila River Indian Community boundary to AZ Hwy 347 (John Wayne Parkway); south on AZ Hwy 347 (John Wayne Parkway) to AZ Hwy 84; east on AZ Hwy 84 to Stanfield; south on the Stanfield-Cocklebur Rd. to the Tohono O'odham Nation boundary; easterly along the Tohono O'odham Nation boundary to Battaglia Rd.; east on Battaglia Rd. to Toltec Rd.; north on Toltec Rd. to I-10 (Exit 203); southeasterly on I-10 to AZ Hwy 87 (Exit 211); north on AZ Hwy 87 to AZ Hwy 287 north of Coolidge; east on AZ Hwy 287 to AZ Hwy 79; north on AZ Hwy 79 to U.S. Hwy 60; northwesterly on U.S. Highway 60 to Peralta Rd.; northeasterly along Peralta Rd. to the Tonto National Forest boundary; northwesterly along the Tonto National Forest boundary to the Salt River; northeasterly along the Salt River to the Verde River; northerly along the Verde River to the Tonto National Forest boundary; northwesterly along the Tonto National Forest boundary to Fig Springs Rd.; southwesterly on Fig Springs Rd. to New River Rd.; west on New River Rd. to I-17 (Exit 232); except Unit 25M and those portions that are sovereign tribal lands.

Unit 27 – Beginning at the New Mexico state line and AZ Hwy 78; southwest on AZ Hwy 78 to U.S. Hwy 191; north on U.S. Hwy 191 to Lower Eagle Creek Rd. (Pump Station Rd.); west on the Lower Eagle Creek Rd. (Pump Station Rd.) to Eagle Creek; north along Eagle Creek to the San Carlos Apache Indian Reservation boundary; north along the San Carlos Apache Indian Reservation boundary to Black River; northeast along Black River to the East Fork of Black River; northeast along the East Fork of Black River to Three Forks-Williams Valley-Alpine Rd. (FR 249); easterly along Three Forks-Williams Valley-Alpine Rd. to U.S. Hwy 180; southeast on U.S. Hwy 180 to the New Mexico state line; south along the New Mexico state line to AZ Hwy 78.

Unit 28 – Beginning at I-10 and the New Mexico state line; north along the state line to AZ Hwy 78; southwest on AZ Hwy 78 to U.S. Hwy 191; northwest on U.S. Hwy 191 to Clifton; westerly on the Lower Eagle Creek Rd. (Pump Station Rd.) to Eagle Creek; northerly along Eagle Creek to the San Carlos Indian Reservation boundary; southerly and west along the reservation boundary to U.S. Hwy 70; southeast on U.S. Hwy 70 to U.S. Hwy 191; south on U.S. Hwy 191 to I-10 Exit 352; easterly on I-10 to the New Mexico state line.

Unit 29 – Beginning on I-10 at the New Mexico state line; westerly on I-10 to the Bowie-Apache Pass Rd.;

southerly on the Bowie-Apache Pass Rd. to AZ Hwy 186; southeast on AZ Hwy 186 to AZ Hwy 181; south on AZ Hwy 181 to the West Turkey Creek-Kuykendall cutoff road; southerly on the Kuykendall cutoff road to Rucker Canyon Rd.; easterly on the Rucker Canyon Rd. to Tex Canyon Rd.; southerly on Tex Canyon Rd. to U.S. Hwy 80; northeast on U.S. Hwy 80 to the New Mexico state line; north along the state line to I-10.

Unit 30A – Beginning at the junction of the New Mexico state line and U.S. Hwy 80; south along the state line to the U.S.-Mexico border; west along the border to U.S. Hwy 191; northerly on U.S. Hwy 191 to I-10 Exit 331; northeasterly on I-10 to the Bowie-Apache Pass Rd.; southerly on the Bowie-Apache Pass Rd. to AZ Hwy 186; southeasterly on AZ Hwy 186 to AZ Hwy 181; south on AZ Hwy 181 to the West Turkey Creek - Kuykendall cutoff road; southerly on the Kuykendall cutoff road to Rucker Canyon Rd.; easterly on Rucker Canyon Rd. to the Tex Canyon Rd.; southerly on Tex Canyon Rd. to U.S. Hwy 80; northeast on U.S. Hwy 80 to the New Mexico state line.

Unit 30B – Beginning at U.S. Hwy 191 and the U.S.-Mexico border; west along the border to the San Pedro River; north along the San Pedro River to I-10; northeasterly on I-10 to U.S. Hwy 191; southerly on U.S. Hwy 191 to the U.S.-Mexico border.

Unit 31 – Beginning at Willcox Exit 340 on I-10; north on Fort Grant Rd. to Brookerson Rd.; north on Brookerson Rd. to Ash Creek Rd.; west on Ash Creek Rd. to Fort Grant Rd.; north on Fort Grant Rd. to Bonita; northerly on the Bonita-Klondyke Rd. to the junction with Aravaipa Creek; west along Aravaipa Creek to AZ Hwy 77; northerly along AZ Hwy 77 to the Gila River; northeast along the Gila River to the San Carlos Indian Reservation boundary; south then east and north along the reservation boundary to U.S. Hwy 70; southeast on U.S. Hwy 70 to U.S. Hwy 191; south on U.S. Hwy 191 to the 352 exit on I-10; southwest on I-10 to Exit 340.

Unit 32 – Beginning at Willcox Exit 340 on I-10; north on Fort Grant Rd. to Brookerson Rd.; north on Brookerson Rd. to Ash Creek Rd.; west on Ash Creek Rd. to Fort Grant Rd.; north on Fort Grant Rd. to Bonita; northerly on the Bonita-Klondyke Rd. to the junction with Aravaipa Creek; west along Aravaipa Creek to AZ Hwy 77; southerly along AZ Hwy 77 to the San Pedro River; southerly along the San Pedro River to I-10; northeast on I-10 to Willcox Exit 340.

Unit 33 – Beginning at Tangerine Rd. and AZ Hwy 77; north and northeast on AZ Hwy 77 to the San Pedro River; southeast along the San Pedro River to I-10 at Benson; west on I-10 to Marsh Station Rd. (Exit 289); northwest on the Marsh Station Rd. to the Agua Verde Rd.; north on the Agua Verde Rd. to its terminus then north 1/2 mile to the Coronado National Forest boundary; north and west along the National Forest boundary; then west, north, and east along the Saguaro National Park boundary; continuing north and west along the Coronado National Forest boundary to the southern boundary of Catalina State Park; west along the southern boundary of Catalina State Park to AZ Hwy 77; north on AZ Hwy 77 to Tangerine Rd.

Unit 34A – Beginning in Nogales at I-19 and Grand Avenue (U.S. Highway 89); northeast on Grand Avenue (U.S.

Hwy. 89) to AZ Hwy 82; northeast on AZ Hwy 82 to AZ Hwy 83; northerly on AZ Hwy 83 to the Sahuarita road alignment; west along the Sahuarita road alignment to I-19 Exit 75; south on I-19 to Grand Avenue (U.S. Hwy 89).

Unit 34B – Beginning at AZ Hwy 83 and I-10 Exit 281; easterly on I-10 to the San Pedro River; south along the San Pedro River to AZ Hwy 82; westerly on AZ Hwy 82 to AZ Hwy 83; northerly on AZ Hwy 83 to I-10 Exit 281.

Unit 35A – Beginning on the U.S.-Mexico border at the San Pedro River; west along the border to Lochiel Rd.; north on Lochiel Rd. to Patagonia San Rafael Rd.; north on the Patagonia San Rafael Rd. to San Rafael Valley-FS 58 Rd.; north on the San Rafael Valley-FS 58 Rd. to Christian Ln.; north on the Christian Ln. to Ranch Rd.; east and north on the Ranch Rd. to FR 799-Canelo Pass Rd.; northeasterly on the FR 799-Canelo Pass Rd. to AZ Hwy 83; northwesterly on the AZ Hwy 83 to Elgin Canelo Rd.; northeasterly on the Elgin-Canelo Rd. to Upper Elgin Rd.; north on the Upper Elgin Rd. to AZ Hwy 82; easterly on AZ Hwy 82 to the San Pedro River; south along the San Pedro River to the U.S.-Mexico border.

Unit 35B – Beginning at Grand Avenue (U.S. Hwy 89) at the U.S.-Mexico border in Nogales; east along the U.S.-Mexico border to Lochiel Rd.; north on the Lochiel Rd. to Patagonia San Rafael Rd.; north on the Patagonia San Rafael Rd. to San Rafael Valley-FS 58 Rd.; north on the San Rafael Valley-FS 58 Rd. to Christian Ln.; north on the Christian Ln. to Ranch Rd.; east and north on the Ranch Rd. to FR 799-Canelo Pass Rd.; northeasterly on FR 799-Canelo Pass Rd. to AZ Hwy 83; northwesterly on the AZ Hwy 83 to Elgin Canelo Rd.; north on the Elgin Canelo Rd. to Upper Elgin Rd.; north on the Upper Elgin Rd. to AZ Hwy 82; southwest on AZ Hwy 82 to Grand Avenue; southwest on Grand Avenue to the U.S.-Mexico border.

Unit 36A – Beginning at the junction of Sandario Rd. and AZ Hwy 86; southwest on AZ Hwy 86 to AZ Hwy 286; southerly on AZ Hwy 286 to the Arivaca-Sasabe Rd.; southeasterly on the Arivaca-Sasabe Rd. to the town of Arivaca; from the town of Arivaca northeasterly on the Arivaca Rd. to I-19; north on I-19 to the southern boundary of the San Xavier Indian Reservation boundary; westerly and northerly along the reservation boundary to the Sandario road alignment; north on Sandario Rd. to AZ Hwy 86.

Unit 36B – Beginning at I-19 and Grand Avenue (U.S. Hwy 89) in Nogales; southwest on Grand Avenue to the U.S.-Mexico border; west along the U.S.-Mexico border to AZ Hwy 286; north on AZ Hwy 286 to the Arivaca-Sasabe Rd.; southeasterly on the Arivaca-Sasabe Rd. to the town of Arivaca; from the town of Arivaca northeasterly on the Arivaca Rd. to I-19; south on I-19 to Grand Avenue (U.S. Hwy 89).

Unit 36C – Beginning at the junction of AZ Hwy 86 and AZ Hwy 286; southerly on AZ Hwy 286 to the U.S.-Mexico border; westerly along the border to the east boundary of the Tohono O'odham (Papago) Indian Reservation; northerly along the reservation boundary to AZ Hwy 86; easterly on AZ Hwy 86 to AZ Hwy 286.

Unit 37A – Beginning at the junction of I-10 and Tangerine Rd. (Exit 240); southeast on I-10 to Avra Valley Rd. (Exit 242); west on Avra Valley Rd. to Sandario Rd.;

south on Sandario Rd. to AZ Hwy 86; southwest on AZ Hwy 86 to the Tohono O'odham (Papago) Indian Reservation boundary; north, east, and west along the reservation boundary to Battaglia Rd.; east on Battaglia Rd. to Toltec Rd.; north on Toltec Rd. to I-10 (Exit 203); southeast on I-10 to AZ Hwy 87 (Exit 211); north on AZ Hwy 87 to AZ Hwy 287; east on AZ Hwy 287 to AZ Hwy 79 at Florence; southeast on AZ Hwy 79 to its junction with AZ Hwy 77; south on AZ Hwy 77 to Tangerine Rd.; west on Tangerine Rd. to I-10.

Unit 37B – Beginning at the junction of AZ Hwy 79 and AZ Hwy 77; northwest on AZ Hwy 79 to U.S. Hwy 60; east on U.S. Hwy 60 to AZ Hwy 177; southeast on AZ Hwy 177 to AZ Hwy 77; southeast and southwest on AZ Hwy 77 to AZ Hwy 79.

Unit 38M – Beginning at the junction of I-10 and Tangerine Rd. (Exit 240); southeast on I-10 to Avra Valley Rd. (Exit 242); west on Avra Valley Rd. to Sandario Rd.; south on Sandario Rd. to the San Xavier Indian Reservation boundary; south and east along the reservation boundary to I-19; south on I-19 to Sahuarita Rd. (Exit 75); east on Sahuarita Rd. to AZ Hwy 83; north on AZ Hwy 83 to I-10 (Exit 281); east on I-10 to Marsh Station Rd. (Exit 289); northwest on Marsh Station Rd. to the Agua Verde Rd.; north on the Agua Verde Rd. to its terminus, then north 1/2 mile to the Coronado National Forest boundary; north and west along the National Forest boundary, then west, north, and east along the Saguaro National Park boundary; continuing north and west along the Coronado National Forest boundary to the southern boundary of Catalina State Park; west along the southern boundary of Catalina State Park to AZ Hwy 77; north on AZ Hwy 77 to Tangerine Rd.; west on Tangerine Rd. to I-10.

Unit 39 – Beginning at AZ Hwy 85 and the Gila River; east along the Gila River to the western boundary of the Gila River Indian Reservation; southeasterly along the reservation boundary to AZ Hwy 347 (John Wayne Parkway); south on AZ Hwy 347 (John Wayne Parkway) to AZ Hwy 84; east on AZ Hwy 84 to Stanfield; south on the Stanfield-Cocklebur Rd. to I-8; westerly on I-8 to Exit 87; northerly on the Agua Caliente Rd. to the Hyder Rd.; northeasterly on Hyder Rd. to 555th Ave.; north on 555th Ave. to Lahman Rd.; east on Lahman Rd., which becomes Agua Caliente Rd.; northeasterly on Agua Caliente Rd. to Old Hwy 80; northeasterly on Old Hwy 80 to Arizona Hwy 85; southerly on AZ Hwy 85 to the Gila River; except those portions that are sovereign tribal lands of the Tohono O'odham Nation and the Ak-Chin Indian Community.

Unit 40A – Beginning at Ajo; southeasterly on AZ Hwy 85 to Why; southeasterly on AZ Hwy 86 to the Tohono O'odham (Papago) Indian Reservation; northerly and easterly along the reservation boundary to the Cocklebur-Stanfield Rd.; north on the Cocklebur-Stanfield Rd. to I-8; westerly on I-8 to AZ Hwy 85; southerly on AZ Hwy 85 to Ajo.

Unit 40B – Beginning at Gila Bend; westerly on I-8 to the Colorado River; southerly along the Colorado River to the Mexican border at San Luis; southeasterly along the border to the Cabeza Prieta National Wildlife Refuge; northerly, easterly and southerly around the refuge boundary to the Mexican border; southeast along the border to the Tohono O'odham (Papago) Indian Reservation;

northerly along the reservation boundary to AZ Hwy 86; northwesterly on AZ Hwy 86 to AZ Hwy 85; north on AZ Hwy 85 to Gila Bend; except those portions that are sovereign tribal lands of the Cocopah Tribe.

Unit 41 – Beginning at I-8 and U.S. Hwy 95 (in Yuma); easterly on I-8 to exit 87; northerly on the Agua Caliente Rd. to the Hyder Rd.; northeasterly on Hyder Rd. to 555th Ave.; north on 555th Ave. to Lahman Rd.; east on Lahman Rd., which becomes Agua Caliente Rd.; northeasterly on Agua Caliente Rd. to Old Hwy 80; northeasterly on Old Hwy 80 to Arizona Hwy 85; northerly on AZ Hwy 85 to Oglesby Rd.; north on Oglesby Rd. to I-10; westerly on I-10 to Exit 45; southerly on Vicksburg-Kofa National Wildlife Refuge Rd. to the Refuge boundary; easterly, southerly, westerly, and northerly along the boundary to the Castle Dome Rd.; southwestly on the Castle Dome Rd. to U.S. Hwy 95; southerly on U.S. Hwy 95 to I-8.

Unit 42 – Beginning at the junction of the Beardsley Canal and U.S. Hwy 93 (U.S. 89, U.S. 60); northwesterly on U.S. Hwy 93 to AZ Hwy 71; southwestly on AZ Hwy 71 to U.S. Hwy 60; westerly on U.S. Hwy 60 to Aguila; south on the Eagle Eye Rd. to the Salome-Hassayampa Rd.; southeasterly on the Salome-Hassayampa Rd. to I-10 (Exit 81); easterly on I-10 to Jackrabbit Trail (Exit 121); north along Jackrabbit Trail to the Indian School road; east along Indian School Rd. to the Beardsley Canal; northeasterly along the Beardsley Canal to U.S. Hwy 93.

Unit 43A – Beginning at U.S. Hwy 95 and the Bill Williams River; west along the Bill Williams River to the Arizona-California state line; southerly to the south end of Cibola Lake; northerly and easterly on the Cibola Lake Rd. to U.S. Hwy 95; south on U.S. Hwy 95 to the Stone Cabin-King Valley Rd. (King Rd.); east along the Stone Cabin-King Valley Rd. (King Rd.) to the west boundary of the Kofa National Wildlife Refuge; northerly along the refuge boundary to the Crystal Hill Rd. (Blevens Rd.); northwesterly on the Crystal Hill Rd. (Blevens Rd.) to U.S. Hwy 95; northerly on U.S. Hwy 95 to the Bill Williams River; except those portions that are sovereign tribal lands of the Colorado River Indian Tribes.

Unit 43B – Beginning at the south end of Cibola Lake; southerly along the Arizona-California state line to I-8; southeasterly on I-8 to U.S. Hwy 95; easterly and northerly on U.S. Hwy 95 to the Castle Dome road; northeast on the Castle Dome Rd. to the Kofa National Wildlife Refuge boundary; north along the refuge boundary to the Stone Cabin-King Valley Rd. (King Rd.); west along the Stone Cabin-King Valley Rd. (King Rd.) to U.S. Hwy 95; north on U.S. Hwy 95 to the Cibola Lake Rd.; west and south on the Cibola Lake Rd. to the south end of Cibola Lake; except those portions that are sovereign tribal lands of the Quechan Tribe.

Unit 44A – Beginning at U.S. Hwy 95 and the Bill Williams River; south along U.S. Hwy 95 to AZ Hwy 72; southeasterly on AZ Hwy 72 to Vicksburg; south on the Vicksburg-Kofa National Wildlife Refuge Rd. to I-10; easterly on I-10 to the Salome-Hassayampa Rd. (Exit 81); northwesterly on the Salome-Hassayampa Rd. to Eagle Eye Rd.; northeasterly on Eagle Eye Rd. to Aguila; east on U.S. Hwy 60 to AZ Hwy 71; northeasterly on AZ Hwy 71 to U.S. Hwy 93; northwesterly on U.S. Hwy 93 to the Santa Maria River; westerly along the Santa Maria and Bill Williams rivers to U.S. Hwy 95; except those por-



tions that are sovereign tribal lands of the Colorado River Indian Tribes.

Unit 44B – Beginning at Quartzsite; south on U.S. Hwy 95 to the Crystal Hill Rd. (Blevens Rd.); east on the Crystal Hill Rd. (Blevens Rd.) to the Kofa National Wildlife Refuge; north and east along the refuge boundary to the Vicksburg-Kofa National Wildlife Refuge Rd.; north on the Vicksburg-Kofa National Wildlife Refuge Rd. to AZ Hwy 72; northwest on AZ Hwy 72 to U.S. Hwy 95; south on U.S. Hwy 95 to Quartzsite.

Unit 45A – Beginning at the junction of the Stone Cabin-King Valley Rd. (King Rd.) and Kofa National Wildlife Refuge boundary; east on the Stone Cabin-King Valley Rd. (King Rd.) to O-O Junction; north from O-O Junction on the Kofa Mine Rd. to the Evening Star Mine; north on a line over Polaris Mountain to Midwell-Alamo Spring-Kofa Cabin Rd. (Wilbanks Rd.); north on the Midwell-Alamo Spring-Kofa Cabin Rd. (Wilbanks Rd.) to the El Paso Natural Gas Pipeline Rd.; north on a line from the junction to the north boundary of the Kofa National Wildlife Refuge; west and south on the boundary line to Stone Cabin-King Valley Rd. (King Rd.).

Unit 45B – Beginning at O-O Junction; north from O-O Junction on the Kofa Mine Rd. to the Evening Star Mine; north on a line over Polaris Mountain to Midwell-Alamo Spring-Kofa Cabin Rd. (Wilbanks Rd.); north on the Midwell-Alamo Spring-Kofa Cabin Rd. (Wilbanks Rd.) to the El Paso Natural Gas Pipeline Rd.; north on a line from the junction to the north Kofa National Wildlife Refuge boundary; east to the east refuge boundary; south and west along the Kofa National Wildlife Refuge boundary to the Stone Cabin-King Valley Rd. (Wellton-Kofa Rd./Ave 40E); north and west on the Stone Cabin-King Valley Rd. (Wellton-Kofa Rd./Ave 40E) to O-O Junction.

Unit 45C – Beginning at the junction of the Stone Cabin-King Valley Rd. (King Rd.) and Kofa National Wildlife Refuge; south, east, and north along the refuge boundary to the Stone Cabin-King Valley Rd. (King Rd.); north and west on the Stone Cabin-King Valley Rd. (King Rd.) to the junction of the Stone Cabin-King Valley Rd. (King Rd.) and Kofa National Wildlife Refuge boundary.

Unit 46A – That portion of the Cabeza Prieta National Wildlife Refuge east of the Yuma-Pima County line.

Unit 46B – That portion of the Cabeza Prieta National Wildlife Refuge west of the Yuma-Pima County line.

#### Historical Note

Amended as an emergency effective April 10, 1975 (Supp. 75-1). Amended effective March 5, 1976 (Supp. 76-2). Amended effective May 17, 1977 (Supp. 77-3). Amended effective September 7, 1978 (Supp. 78-5). Amended effective June 4, 1979 (Supp. 79-3). Former Section R12-4-10 renumbered as Section R12-4-108 without change effective August 13, 1981 (Supp. 81-4). Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective February 4, 1993 (Supp. 93-1). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 6 A.A.R. 1146, effective July 1, 2000 (Supp. 00-1). Amended by final rulemaking at 7 A.A.R. 865, effective July 1, 2001 (Supp. 01-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 18 A.A.R. 1458, effective January 1, 2013 (Supp. 12-2).

#### R12-4-109. Approved Trapping Education Course Fee

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

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

#### Historical Note

Amended as an emergency effective April 10, 1975 (Supp. 75-1). Amended effective May 3, 1976 (Supp. 76-3). Editorial correction paragraph (14) (Supp. 78-5). Former Section R12-4-11 renumbered as Section R12-4-109 without change effective August 13, 1981 (Supp. 81-4). Amended by adding paragraphs (2) and (3) and renumbering former paragraphs (2) through (17) as paragraphs (4) through (19) effective May 12, 1982 (Supp. 82-3). Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Section repealed by final rulemaking at 6 A.A.R. 211, effective May 1, 2000 (Supp. 99-4). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

#### R12-4-110. Posting and Access to State Land

A. For the purpose of this Section:

1. “Corrals,” “feed lots,” or “holding pens” mean completely fenced areas used to contain livestock for purposes other than grazing, including feeding, roundup, branding, doctoring, and other related purposes.
2. “Existing road” means any maintained or unmaintained road, way, highway, trail or path that has been used for motorized vehicular travel and clearly shows or has a history of established vehicle use.
3. “State lands” means all land owned or held in trust by the state that is managed by the State Land Department and lands that are owned or managed by the Game and Fish Commission.

B. In addition to those prohibitions against posting in A.R.S. § 17-304, an individual shall not lock a gate, construct a fence, place an obstacle or otherwise commit an act that denies legally available access to or use of any existing road upon state lands by persons lawfully taking or retrieving wildlife. An individual in violation of this Section shall take immediate corrective action to remove any lock, fence, or other obstacle that unlawfully blocks access to state lands. If immediate corrective action is not taken, a representative of the Department may remove any unlawful posting and remove any lock, fence, or other obstacle that unlawfully blocks access to state lands. In addition, the Department may take appropriate legal action to recover expenses incurred in the removal of any unlawful posting or obstacle that blocks access to state land.

C. The provisions of this Section do not allow any individual to trespass upon private land to gain access to any state land.

D. An individual may post state lands within 1/4 mile of any occupied residence, cabin, lodge, or other building and lands within corrals, feed lots, or holding pens containing concentrations of livestock other than for grazing purposes as closed to hunting, fishing, or trapping without further action by the Commission.

E. An individual may post state lands other than those referred to in subsection (D) as closed to hunting, fishing, or trapping only if the individual has obtained a permit from the Commission, and the Commission determines that the closing is necessary:

1. Because the taking of wildlife constitutes an unusual hazard to permitted users;
2. To prevent unreasonable destruction of plant life or habitat; or

3. For proper resource conservation, use, or protection, including but not limited to high fire danger, excessive interference with mineral development, developed agricultural land, or timber or livestock operations.
- F.** An individual shall submit an application for posting state land to prohibit hunting, fishing, or trapping under subsection (E), or to close an existing road under subsection (J), as required by R12-4-610. If an application to close state land to hunting, fishing, or trapping is made by an individual other than the state land lessee, the Department shall provide notice to the lessee and the State Land Commissioner before the Commission considers the application. The state land lessee or the State Land Commissioner shall file any objections in writing within 30 days after receipt of notice, after which the matter shall be submitted to the Commission for determination.
- G.** An individual may use a vehicle on or off a road to pick up lawfully taken big game animals.
- H.** The closing of state land to hunting, fishing, or trapping shall not restrict any other permitted use of the land.
- I.** State trust land may be posted with signs that read "State Land No Trespassing" but such posting shall not prohibit access to such land by any individual lawfully taking or retrieving wildlife.
- J.** The Commission may grant permission to lock or obliterate a gate or close a road or trail that provides legally available access to state lands for licensed hunters and fishermen if access to such lands is provided by a reasonable alternate route. Under R12-4-610, the Director may grant a permit to a state land lessee to temporarily lock a gate or close an existing road that provides access to state lands if the taking of wildlife will cause unreasonable interference during a critical livestock or commercial operation. This permit shall not exceed 30 days. Applications for permits for more than 30 days shall be submitted to the Commission for approval. If a permit is issued to temporarily close a road or gate, a copy of the permit shall be posted at the point of the closure during the period of the closure.
- K.** When hunting, fishing, or trapping on state land, a license holder shall not:
1. Break or remove any lock or cut any fence to gain access to state land;
  2. Open and not immediately close a gate;
  3. Intentionally or wantonly destroy, deface, injure, remove, or disturb any building, sign, equipment, marker, or other property;
  4. Harvest or remove any vegetative or mineral resources or object of archaeological, historic, or scientific interest;
  5. Appropriately mutilate, deface, or destroy any natural feature, object of natural beauty, antiquity, or other public or private property;
  6. Dig, remove, or destroy any tree or shrub;
  7. Gather or collect renewable or non-renewable resources for the purpose of sale or barter unless specifically permitted or authorized by law; or
  8. Frighten or chase domestic livestock or wildlife, or endanger the lives or safety of others when using a motorized vehicle or other means.

#### Historical Note

Adopted effective June 1, 1977 (Supp. 77-3). Editorial correction subsection (F) (Supp. 78-5). Former Section R12-4-13 renumbered as Section R12-4-110 without change effective August 13, 1981 (Supp. 81-4). Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1).

#### R12-4-111. Identification Number

An applicant for a Department identification number may either:

1. Assign his or her own number by using his or her social security number; or
2. Obtain a number from the Department by providing the Department with full name and any aliases, date of birth, and mailing address.

#### Historical Note

Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-05 renumbered as Section R12-4-111 without change effective August 13, 1981 (Supp. 81-4). Section R12-4-111 repealed effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). New Section adopted effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1).

#### R12-4-112. Diseased, Injured, or Chemically Immobilized Wildlife

- A.** The Director may authorize Department employees to condemn the carcass of lawfully taken and lawfully possessed diseased, injured, or chemically immobilized wildlife taken under any permit tag that is, in the opinion of the employee, unfit for human consumption, if the individual who took the wildlife requests it and this condition was not created by the actions of the individual who took the wildlife. A Department employee may condemn wildlife that is chemically immobilized if the wildlife was taken during the established withdrawal period of that immobilizing drug.
- B.** The individual who took the wildlife shall surrender the entire condemned wildlife carcass and any parts thereof to the Department employee.
- C.** After condemnation and surrender of the wildlife, the Department employee shall provide written authorization to the individual who took the wildlife to purchase and use a duplicate tag. The license holder may purchase the tag from any dealer where the tag is available. The license dealer shall forward the written authorization to the Department with the report of the tag sale.

#### Historical Note

Former Section R12-4-04 renumbered as Section R12-4-112 without change effective August 13, 1981 (Supp. 81-4). Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1).

#### R12-4-113. Small Game Depredation Permit

- A.** Under A.R.S. § 17-239(D), the Commission determines that it is impractical to resolve property damage problems caused by small game by establishing special seasons or bag limits for the purpose of taking small game by hunters. The Commission finds it necessary to waive license fees, bag limits, and seasons for small game causing property damage.
- B.** The Department shall issue a complimentary small game depredation permit to take small game to a landowner, lessee, livestock operator, or municipality suffering property damage, if the Department determines that all other remedies in A.R.S. § 17-239(A), (B), and (C) have been exhausted and the take of the small game is necessary to alleviate the damage. A small game depredation permit is not valid for migratory birds unless the permit holder obtains a federal special purpose permit under 50 CFR 21.27, revised October 1, 1988, not including any later amendments or editions, which is incorporated by reference herein. A copy of the incorporated matter is available for inspection at any Department office, or it may be

ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

- C. Notwithstanding the requirements of R12-4-304 and R12-4-318, individuals or municipalities issued a small game depredation permit under this Section may take depredating small game by whatever safe and humane means are practical for the particular situation.

#### Historical Note

Adopted effective August 5, 1976 (Supp. 76-4). Former Section R12-4-12 renumbered as Section R12-4-113 without change effective August 13, 1981 (Supp. 81-4). Amended as an emergency effective September 20, 1985, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 85-5). Amended effective May 5, 1986 (Supp. 86-3). Section R12-4-113 repealed, new Section R12-4-113 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1).

#### R12-4-114. Issuance of Nonpermit-tags and Hunt Permit-tags

- A. In accordance with A.R.S. § 17-332 and the provisions of this Section, the Department shall annually provide numbered tags for sale to the public. The Department shall ensure that each tag includes a transportation and shipping permit as prescribed in A.R.S. §§ 17-332 and 17-371, and that each tag is made of tear-resistant material with an adhesive back covered by a detachable paper backing and clearly identifies the animal for which the tag is valid.
- B. If the Commission establishes a big game season for which a hunt number is not assigned, the Department or its authorized agent, or both, shall sell nonpermit-tags.
1. To obtain a nonpermit-tag, an applicant shall provide to a license dealer or Department office the applicant's name, home mailing address, and Department identification number.
  2. An applicant shall not apply for or obtain nonpermit-tags in excess of the bag limit prescribed by the Commission when it established the season for which the nonpermit-tags are valid.
- C. If the number of hunt permits for a species in a particular hunt area must be limited, a Commission Order establishes a hunt number for that hunt area, and a hunt permit-tag is required to take the species in that hunt area.
1. To apply for a hunt permit-tag, an applicant shall submit an application under R12-4-104.
  2. The Department shall use the following procedure to determine whether a hunt permit-tag will be issued to an applicant:
    - a. The Department shall reserve a maximum of 20% of the hunt permit-tags for each hunt number for antelope, bear, deer, elk, javelina, and turkey to issue to individuals and groups that have bonus points. The Department shall reserve a maximum of 20% of the hunt permit-tags for all hunt numbers combined statewide for bighorn sheep and buffalo to issue to individuals and groups that have bonus points.
    - b. The Department shall issue the reserved hunt permit-tags for hunt numbers designated by eligible applicants as their first or second choices. The Department shall issue the reserved hunt permit-tags by random selection:
      - i. First, to eligible applicants with the highest number of bonus points for that genus;
      - ii. Next, if there are reserved hunt permit-tags remaining, to eligible applicants with the next

highest number of bonus points for that genus; and

- iii. If there are still tags remaining, to the next eligible applicants with the next highest number of bonus points; continuing in the same manner until all of the reserved tags have been issued or until there are no more applicants for that hunt number who have bonus points.
  - c. The Department shall ensure that the first selection from all unreserved hunt permit-tags is by random drawing.
  - d. If the bag limit established by Commission Order is more than one per calendar year, or if there are hunt permit-tags remaining unissued after the random drawings, the Department shall ensure that these hunt permit-tags are available on a set date on a first-come, first-served basis as specified in the hunt permit-tag application schedule published annually.
- D. The Department shall not make available more than one hunt permit-tag or 10% of the total hunt permit-tags, whichever is greater, for bighorn sheep or buffalo in any draw to nonresidents. The Department shall not make available more than 50% nor more than two bighorn sheep or buffalo hunt permit-tags of the total in any hunt number to nonresidents.
- E. The Department shall not make available more than 10%, rounded down, of the total hunt permit-tags in any hunt number to nonresidents for antelope, antlered deer, bull elk, javelina, or turkey. If a hunt number for antelope, antlered deer, bull elk, javelina or turkey has 10 hunt permit-tags or fewer, no more than one hunt permit-tag will be made available to a nonresident, except that if a hunt number has only one hunt permit-tag, that tag shall only be available to a resident.
- F. Any cap established under this Section applies only to hunt permit-tags issued by random drawing under subsections (C)(2)(b) and (c).

#### Historical Note

Adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended effective January 1, 1997; filed with the Office of the Secretary of State November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 9 A.A.R. 610, effective April 6, 2003 (Supp. 03-1). Amended by final rulemaking at 11 A.A.R. 1183, effective May 2, 2005 (Supp. 05-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1).

#### R12-4-115. Supplemental Hunts and Hunter Pool

- A. For the purposes of this Section, the following definitions apply:
- “Management objectives” means goals, recommendations, or guidelines contained in Commission-approved wildlife management plans, which include hunt guidelines, operational plans, or hunt recommendations;
- “Hunter pool” means all persons who have submitted an application for a supplemental hunt; and
- “Supplemental hunt” means a season established by the Commission for the following purposes:

Take of depredating wildlife under A.R.S. § 17-239;

Take of wildlife under an Emergency Season if the Commission adopts, amends, or repeals a Commission Order for reasons constituting an immediate

threat to the health, safety, or management of wildlife or its habitat, or to public health or safety; or

Take of wildlife under a population management hunt if the Commission has prescribed restricted nonpermit-tags by Commission Order for the purpose of meeting management objectives because regular seasons are not, have not been, or will not be sufficient or effective to achieve management objectives.

- B.** For the purposes of authorizing a population management hunt, the Commission through Commission Order shall open a season or seasons and prescribe a maximum number of restricted nonpermit-tags that the Director may issue under this Section.
- C.** The Director shall implement a population management hunt under the open season or seasons prescribed in subsection (B) if the Director finds that:
1. Regular seasons have not met or will not meet management objectives;
  2. Take of wildlife is necessary to meet management objectives; and
  3. Issuance of a specific number of restricted nonpermit-tags is likely to meet management objectives.
- D.** To implement a population management hunt under subsection (B), the Director shall do the following:
1. Select season dates, within the range of dates prescribed by the Commission through Commission Order;
  2. Select specific hunt areas, within the range of hunt areas prescribed by the Commission through Commission Order;
  3. Select the legal animal that may be taken from the list of legal animals prescribed by the Commission through Commission Order;
  4. Determine the number of restricted nonpermit-tags that will be issued from the maximum number of tags prescribed by the Commission through Commission Order; and
  5. Reduce restricted nonpermit-tag fees up to 75% if the normal fee structure will not generate adequate participation from either the hunter pool or hunt permit-tag holders under subsection (J).
- E.** The Director shall not issue more restricted nonpermit-tags than the maximum number prescribed by the Commission through Commission Order.
- F.** A restricted non-permit tag is valid only for the supplemental hunt for which it is issued. To participate in a supplemental hunt, a person shall:
1. Obtain a restricted non-permit tag as prescribed under this Section, and
  2. Possess a valid hunting license. If the applicant does not possess a valid license or the license will expire before the supplemental hunt, the applicant shall purchase an appropriate license at the time of application.
- G.** If the season dates and open areas of a supplemental hunt prescribed by the Commission through Commission Order exactly match the season dates and open areas of another big game animal for which a hunt number is assigned and hunt permit-tags are issued through the draw, the Department shall make the restricted nonpermit-tags available only to holders of the hunt permit-tags, and not the hunter pool.
- H.** To obtain a restricted nonpermit-tag under subsection (G), an applicant shall provide to a Department office the applicant's name, address, Department identification number, and hunt permit-tag number on a form prescribed by the Department.
1. The applicant shall provide verification that the applicant legally obtained the hunt permit-tag for the hunt described under subsection (G) by presenting the hunt permit-tag to a Department office for verification.
  2. The applicant shall not apply for or obtain a restricted nonpermit-tag to take wildlife in excess of the bag limit prescribed by the Commission.
- I.** The Department or its authorized agent shall maintain a hunter pool for supplemental hunts and shall randomly select applicants from the hunter pool for participation in a supplemental hunt, if the season dates and open areas of the supplemental hunt do not exactly match the season dates and open areas of another big game animal for which a hunt number is assigned and hunt permit-tags are issued through the draw.
- J.** When issuing restricted nonpermit-tags to the hunter pool, the Department or its authorized agent shall randomly select applicants from the hunter pool. The Department or its authorized agent shall attempt to contact each randomly-selected applicant by telephone at least three times during a 24-hour period. If an applicant cannot be contacted or cannot participate in the supplemental hunt, the Department or its authorized agent shall return the application to the hunter pool and draw another application. The Department or its authorized agent shall draw no more applications after the number of restricted nonpermit-tags prescribed under subsection (D)(4) has been issued.
- K.** The Department shall purge and renew the hunter pool annually.
- L.** An applicant for a supplemental hunt shall submit the following information on a form available from the Department or its authorized agent:
1. Applicant's name, home mailing address, whether a resident or nonresident, and date of birth;
  2. Daytime and evening telephone numbers;
  3. The species that the applicant would like to hunt if drawn; and
  4. The applicant's hunting license number.
- M.** Along with the application form, an applicant for a supplemental hunt shall submit the permit application fee established under R12-4-102.
- N.** The Department shall not accept group applications, as described under R12-4-104, for supplemental hunts.
- O.** A hunter pool applicant who is drawn and who wishes to participate in a supplemental hunt shall submit the following to the Department to obtain a restricted nonpermit-tag:
1. The fee for the tag as established under R12-4-102 or subsection (D)(5) if the fee has been reduced, and
  2. The applicant's hunting license number. The applicant shall possess an appropriate license that is valid at the time of the supplemental hunt.
- P.** The Department shall reserve a restricted nonpermit-tag for an applicant only for the period specified by the Department when contact is made with the applicant. The Department shall issue a restricted nonpermit-tag not purchased within the specified period to another person whose application is drawn from the hunter pool as prescribed by this Section. The Department or its authorized agent shall remove from the hunter pool the application of any successful applicant who does not purchase a tag after being contacted and agreeing to purchase the tag.
- Q.** A person who participates in a supplemental hunt through the hunter pool shall be removed from the supplemental hunter pool for the genus for which the person participated. A person who participates in a supplemental hunt shall not reapply for the hunter pool for that genus until that hunter pool is renewed.
- R.** The provisions of R12-4-104, R12-4-107, R12-4-114, and R12-4-609 do not apply to supplemental hunts. A supplemental hunt application submitted in accordance with this Section does not invalidate any application for a hunt permit-tag. The

issuance of a restricted nonpermit-tag does not authorize a person to exceed the bag limit established by the Commission.

#### Historical Note

Adopted effective June 13, 1977 (Supp. 77-3). Former Section R12-4-14 renumbered as Section R12-4-115 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-115 renumbered as Section R12-4-607 without change effective December 22, 1987 (Supp. 87-4). New Section R12-4-115 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended by final rulemaking at 9 A.A.R. 610, effective April 6, 2003 (Supp. 03-1). Amended by final rulemaking at 11 A.A.R. 991, effective April 2, 2005; amended by final rulemaking at 11 A.A.R. 1177, effective May 2, 2005 (Supp. 05-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

#### R12-4-116. Reward Payments

- A.** Subject to the restrictions in A.R.S. § 17-315, an individual may claim a reward from the Department if the individual provides information that leads to an arrest through the Operation Game Thief Program. The individual who reports the unlawful activity will then become eligible to receive a reward as prescribed in subsections (C) and (D), provided that:
1. Funds are available in the wildlife theft prevention fund;
  2. The individual who reported the violation provides the Operation Game Thief control number issued by Department law enforcement personnel, as prescribed in subsection (B);
  3. If more than one individual provides information or evidence that leads to an arrest for a violation, the Department may divide the reward payment among the individuals that provided the information if the total amount of the reward payment does not exceed the maximum amount of a monetary reward prescribed in subsections (C) or (D);
  4. The information provided relates to a violation of any provisions of A.R.S. Title 17, A.A.C. Title 12, Chapter 4, or federal wildlife laws enforced by and under the jurisdiction of the Department, but not on Indian Reservations; and
  5. The individual who reports the violation is not the individual who committed the violation, the individual did not provide information during a criminal investigation or judicial proceeding, or the individual is not a peace officer, a Department employee, or an immediate family member of a Department employee.
- B.** The Department shall inform an individual who provides information regarding a wildlife violation of the procedure for claiming a reward if the information results in an arrest. The Department shall also provide the individual with the control number assigned to the reported violation.
- C.** The following are the criteria for reward payments for information that results in an arrest for the reported violation:
1. For cases that involve bighorn sheep, buffalo, elk, or bald eagles, \$350;
  2. For cases that involve antelope, bear, deer, javelina, mountain lion, turkey, or endangered or threatened wildlife as defined in R12-4-401, \$250;
  3. For cases that involve wildlife that are not covered in subsections (C)(1) or (2), a minimum of \$50, not to exceed \$150, unless excepted under subsection (C)(4); and

4. For cases that involve any wildlife, an additional \$1,000 may be made available based on:
    - a. The value of the information;
    - b. The unusual value of the wildlife;
    - c. The number of individual animals taken;
    - d. Whether or not the individual who committed the unlawful act was arrested for commercialization of wildlife; and
    - e. Whether or not the individual who committed the unlawful act is a repeat offender.
- D.** Notwithstanding subsection (C), the Department may offer and pay a reward up to the minimum civil value of the wildlife unlawfully taken, as prescribed in A.R.S. § 17-314, if a violation is discovered and the Department believes that a reward may result in sufficient information to make an arrest.

#### Historical Note

Adopted effective January 10, 1979 (Supp. 79-1). Former Section R12-4-15 renumbered as Section R12-4-116 without change effective August 13, 1981 (Supp. 81-4). Amended effective December 18, 1985 (Supp. 85-6). Section R12-4-116 repealed, new Section R12-4-116 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1).

#### R12-4-117. Indian Reservations

A state license, tag, or permit is not required to hunt or fish on any Indian reservation in this state. Wildlife lawfully taken on an Indian reservation may be transported or processed anywhere in the state if it can be identified as to species and legality as provided in A.R.S. § 17-309(A)(20). All wildlife transported is subject to inspection under the provisions of A.R.S. § 17-211(E)(4).

#### Historical Note

Former Section R12-4-02 renumbered as Section R12-4-117 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-117 repealed, new Section R12-4-117 adopted effective April 10, 1984 (Supp. 84-2). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1).

#### R12-4-118. Repealed

#### Historical Note

Adopted effective April 8, 1983 (Supp. 83-2). Section R12-4-118 repealed effective March 1, 1991; filed February 28, 1991 (Supp. 91-1).

#### R12-4-119. Arizona Game and Fish Department Reserve

- A.** The Commission shall establish an Arizona Game and Fish Department Reserve under A.R.S. § 17-214, consisting of commissioned reserve officers and noncommissioned reserve volunteers.
- B.** Commissioned reserve officers shall:
1. Meet and maintain the minimum qualifications and training requirements necessary for peace officer certification by the Arizona Peace Officer Standards and Training Board as prescribed in 13 A.A.C. 4, and
  2. Assist with wildlife enforcement patrols, boating enforcement patrols, off-highway vehicle enforcement patrols, special investigations, and other enforcement and related non-enforcement duties as designated by the Director.
- C.** Noncommissioned reserve volunteers shall:
1. Meet qualifications that the Director determines are related to the services to be performed by the volunteer and the success or safety of the program mission, and

2. Perform any non-enforcement duties designated by the Director for the purposes of conservation and education to maximize paid staff time.

**Historical Note**

Adopted effective September 29, 1983 (Supp. 83-5). Section R12-4-119 repealed, new Section R12-4-119 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended by final rulemaking at 8 A.A.R. 1702, effective March 11, 2002 (Supp. 02-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1).

**R12-4-120. Issuance, Sale, and Transfer of Special Big Game License Tags**

- A. Proposals for special big game license tags under A.R.S. § 17-346 shall be submitted to the Director of the Arizona Game and Fish Department from March 1 to May 31 preceding the year when the tags may be legally used. The proposal shall contain and identify:
  1. The name of the organization making the proposal and the name, address, and telephone number of each member of the organization who is coordinating the proposal;
  2. The number of special big game license tags and the species requested;
  3. The purpose to be served by the issuance of these tags;
  4. The method or methods by which the tags will be sold and transferred;
  5. The estimated amount of money to be raised and the rationale for that estimate;
  6. Any special needs or particulars relevant to the proposal, including time-frame, limitations, or schedules;
  7. Unless a current and correct copy is already on file with the Department, one copy of the organization's articles of incorporation and evidence that the organization has tax-exempt status under Section 501(c) of the Internal Revenue Code;
  8. The proposal or a letter accompanying the proposal shall include a statement that the individual or organization that is submitting the proposal agrees to the conditions in A.R.S. § 17-346 and this Section. The proposal or the letter accompanying the proposal shall be signed and dated by the president and secretary-treasurer of the organization or their equivalent.
- B. The Director shall return to the applicant any application that does not comply with the requirements of A.R.S. § 17-346 and this Section. The Director shall submit any timely and valid application to the Commission for consideration. In selecting an applicant, the Commission shall consider the written proposal, the proposed uses for tag proceeds, the qualifications of the applicant as a fund raiser, the proposed fund raising plan, the applicant's previous involvement with wildlife management, and the applicant's conservation objectives. The Commission may accept any proposal in whole or in part and may reject any proposal if it is in the best interest of wildlife to do so. Commission approval and issuance of any special big game license tag is contingent upon compliance with this Section.
- C. A successful applicant shall agree in writing to all of the following:
  1. To underwrite all promotional and administrative costs to sell and transfer each special big game license tag;
  2. To transfer all proceeds to the Department within 90 days of the date that the applicant sells or awards the tag. A special tag shall not be issued until the Department receives all proceeds;

3. To sell and transfer each special big game license tag as described in the proposal; and
4. To provide the Department with the name, address, and physical description of each individual to whom a special big game license tag is transferred.

- D. The Department and the successful applicant shall coordinate on:
  1. The specific projects or purposes identified in the proposal;
  2. The arrangements for the deposit of the proceeds, the accounting procedures, and final audit; and
  3. The dates when the wildlife project or purpose will be accomplished.
- E. The Department shall dedicate all proceeds generated by the sale or transfer of a special big game license tag to the management of the species for which the tag was issued. The Department shall not refund proceeds.
- F. A special big game license tag is valid only for the individual named on the tag, for the season dates on the tag, and for the species for which the tag was issued. A hunting license is not required for the tag to be valid. Possession of a special big game license tag does not invalidate any other big game tag or application for any other big game tag. Wildlife taken under the authority of a special big game license tag does not count towards the normal bag limit for that species.

**Historical Note**

Adopted effective September 22, 1983 (Supp. 83-5). Amended effective April 7, 1987 (Supp. 87-2). Correction, balance of language in subsection (I) is deleted as certified effective April 7, 1987 (Supp. 87-4). Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1).

**R12-4-121. Big Game Permit or Tag Transfer**

- A. For the purposes of this Section, "unused tag" means a big game hunt permit-tag, non-permit tag, or special license tag that has not been attached to any animal.
- B. A parent, grandparent, or guardian issued a big game hunt permit-tag, non-permit tag, or special license tag may transfer the unused tag to the parent's, grandparent's, or guardian's minor child or grandchild.
  1. A parent, grandparent, or guardian issued a tag may transfer the unused tag to a minor child or grandchild at any time prior to the end of the season for which the unused tag was issued.
  2. A parent, grandparent, or guardian may transfer the unused tag by providing all of the following documentation in person at any Department office:
    - a. Proof of ownership of the unused tag to be transferred,
    - b. The unused tag, and
    - c. The minor's valid hunting license.
  3. If a parent, grandparent, or legal guardian is deceased, the personal representative of the individual's estate may transfer an unused tag to an eligible minor. The individual acting as the personal representative shall present:
    - a. The deceased individual's death certificate, and
    - b. Proof of the individual's authority to act as the personal representative of the deceased individual's estate.
  4. To be eligible to receive an unused tag from a parent, grandparent, or legal guardian, the minor child shall meet the criteria established under subsection (D).
  5. A minor child or grandchild receiving an unused tag from a parent, grandparent, or legal guardian shall be accompa-

nied into the field by any grandparent, parent, or legal guardian of the minor child.

- C. An individual issued a tag or the individual's legal representative may donate the unused tag to a non-profit organization for use by a minor child who has a life threatening medical condition or permanent physical disability.
1. A qualifying organization:
    - a. Is exempt from federal taxation under Section 501(c) of the Internal Revenue Code, and
    - b. Provides hunting opportunities and experiences to children with life-threatening medical conditions or permanent physical disabilities.
  2. The individual or legal representative that donates the unused tag shall provide the non-profit organization with a written statement indicating the unused tag is voluntarily donated to the organization.
  3. The non-profit organization receiving a donated tag under this subsection may transfer the unused tag to an eligible minor child by contacting any Department office.
    - a. To obtain a transfer, the non-profit organization shall:
      - i. Provide proof of donation of the unused tag to be transferred,
      - ii. Provide the unused tag,
      - iii. Provide proof of the minor child's valid hunting license; and
    - b. To be eligible to receive a donated unused tag from a qualifying organization, the minor child shall meet the criteria established under subsection (D).
- D. To receive an unused tag authorized under subsection (B) or (C), an eligible minor child shall meet the following criteria:
1. Possess a valid hunting license, and
  2. Is 10 to 17 years of age on the date of the transfer. A minor child under the age of 14 shall have satisfactorily completed a Department-approved hunter education course before the beginning date of the hunt.

#### Historical Note

Adopted effective October 10, 1986, filed September 25, 1986 (Supp. 86-5). Rule expired one year from effective date of October 10, 1986. Rule readopted without change for one year effective January 22, 1988, filed January 7, 1988 (Supp. 88-1). Rule expired effective January 22, 1989 (Supp. 89-1). New Section R12-4-121 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Repealed effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). New Section made by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 18 A.A.R. 1195, effective June 30, 2012 (Supp. 12-2).

#### R12-4-122. Handling, Transporting, Processing, and Storing of Game Meat Given to Public Institutions and Charitable Organizations

- A. Under A.R.S. § 17-240 and this Section, the Department may donate the following wildlife, except that the Department shall not donate any portion of an animal killed in a collision with a motor vehicle or an animal that died subsequent to immobilization by any chemical agent:
1. Big game, except bear or mountain lion;
  2. Upland game birds;
  3. Migratory game birds;
  4. Game fish.
- B. The Director shall not authorize an employee to handle game meat for the purpose of this Section until the employee has sat-

isfactorily completed a course designed to give the employee the expertise necessary to protect game meat recipients from diseased or unwholesome meat products. A Department employee shall complete a course that is either conducted or approved by the State Veterinarian. The employee shall provide a copy of a certificate that demonstrates satisfactory completion of the course to the Director.

- C. Only an employee authorized by the Director shall determine if game meat is safe and appropriate for donation. An authorized Department employee shall inspect and field dress each donated carcass before transporting it. The Department shall not retain the game meat in storage for more than 48 continuous hours before transporting it, and shall reinspect the game meat for wholesomeness before final delivery to the recipient.
- D. Final processing and storage is the responsibility of the recipient.

#### Historical Note

Adopted effective August 6, 1991 (Supp. 91-3). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1).

#### R12-4-123. Expenditure of Funds

- A. The Director may expend funds available through appropriations, licenses, gifts, or other sources, in compliance with applicable laws and rules, and:
1. For purposes designated by lawful Commission agreements and Department guidelines;
  2. In agreement with budgets approved by the Commission;
  3. In agreement with budgets appropriated by the legislature;
  4. With regard to a gift, for purposes designated by the donor, the Director shall expend undesignated donations for a public purpose in furtherance of the Department's responsibilities and duties.
- B. The Director shall ensure that the Department implements internal management controls to comply with subsection (A) and to deter unlawful use or expenditure of funds.

#### Historical Note

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1).

#### R12-4-124. Reserved

#### R12-4-125. Emergency Expired

#### Historical Note

New Section made by emergency rulemaking at 10 A.A.R. 4777, effective November 4, 2004 for 180 days (Supp. 04-4). Emergency expired (05-2).

### ARTICLE 2. LICENSES; PERMITS; STAMPS; TAGS

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

- A. A pioneer license grants all of the hunting and fishing privileges of a combination hunting and fishing license.
- B. A person who meets the criteria prescribed under A.R.S. § 17-336(A)(1) may apply for a pioneer license as follows:
1. An applicant for a pioneer license shall submit one of the following documents with the application. The Department shall return to the applicant any original or certified copy after the Department has verified receipt on the application form.
    - a. A passport;
    - b. An original or certified copy of the applicant's birth certificate;
    - c. An original or copy of a valid Arizona driver's license; or

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

#### Historical Note

Former Section R12-4-31 renumbered as Section R12-4-201 without change effective August 13, 1981. New Section R12-4-201 amended effective August 31, 1981 (Supp. 81-4). Amended subsection (B) effective December 9, 1985 (Supp. 85-6). Amended subsections (D) and (E), and changed application for a Pioneer License effective September 24, 1986 (Supp. 86-5). Former Section repealed, new Section adopted effective December 22, 1989 (Supp. 89-4). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 12 A.A.R. 212, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

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

- A. A disabled veteran's license grants all of the hunting and fishing privileges of a combination hunting and fishing license.
  - B. A person meeting the criteria prescribed under A.R.S. § 17-336(A)(2) may apply for a disabled veteran's license. Eligibility for the disabled veteran's license is based on 100% disability, not on the percentage of compensation received by the veteran.
    - 1. An applicant desiring a disabled veteran's license shall apply on an application form furnished by the Department and available at any Department office. The applicant shall provide all of the following information on the application form:
      - a. The applicant's:
        - i. Name;
        - ii. Date of birth;
        - iii. Department identification number;
        - iv. Physical description, to include the applicant's eye color, hair color, height, and weight;
      - b. All physical addresses for the calendar year immediately preceding application;
      - c. Mailing address; and
      - d. The applicant's signature, acknowledged before a Notary Public or witnessed by a Department employee.
  - 2. An applicant shall submit with the application form an original certification from the Department of Veterans' Services. The certification shall include all of the following information:
    - a. The applicant's full name,
    - b. Certification that the applicant is receiving compensation for permanent service-connected disabilities rated as 100% disabling,
    - c. Certification that the 100% rating is permanent and:
      - i. Will not require reevaluation or
      - ii. Will be reevaluated in three years, and
    - d. The signature and title of an agent of the Department of Veterans' Services who issued or approved the certification.
- C. If the certification required under subsection (B)(2)(c) indicates that the applicant's disability rating of 100% is permanent and:
  - 1. Will not be reevaluated, the disabled veteran's license will not expire.
  - 2. Will be reevaluated in three years, the disabled veteran's license will expire three years from the date of issuance.
- D. The Department shall deny a disabled veteran's license to an applicant who:
  - 1. Is not eligible for the license,
  - 2. Fails to comply with the requirements of this Section, or
  - 3. Provides false information during the application process.
- E. The Department shall provide written notice to the applicant if the disabled veteran's license is denied. The applicant may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.
- F. A disabled veteran's license holder may request a no-fee duplicate paper license if:
  - 1. The license has been lost or destroyed,
  - 2. The license holder submits a written request to the Department for a duplicate license, and
  - 3. The Department has a record that shows a disabled veteran's license was previously issued to that person.
- G. A person issued a disabled veteran's license prior to the effective date of this Section shall be entitled to the privileges established under subsection (A).

#### Historical Note

Former Section R12-4-66 renumbered, then repealed and readopted as Section R12-4-43 effective February 20, 1981 (Supp. 81-1). Former Section R12-4-43 renumbered as Section R12-4-202 without change effective August 13, 1981 (Supp. 81-4). Amended effective December 31, 1984 (Supp. 84-6). Repealed effective April 28, 1989 (Supp. 89-2). New Section R12-4-202 adopted effective December 22, 1989 (Supp. 89-4). Amended by final rulemaking at 6 A.A.R. 211, effective December 14, 1999 (Supp. 99-4). Amended by final rulemaking at 12 A.A.R. 212, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 18 A.A.R. 1199, effective June 30, 2012 (Supp. 12-2). Amended by final rulemaking at 19



A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

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

- A.** All state fish and wildlife agencies are required to obtain data to assess the harvest of migratory game birds in compliance with the federally mandated National Harvest Information Program administered by the United States Fish and Wildlife Service in accordance with 50 C.F.R. Part 20.
- B.** In compliance with the National Harvest Information Program, the Department requires a person to possess a migratory bird stamp or authorization number, which may be affixed to or written on the appropriate license, and a current, valid federal waterfowl stamp. The migratory bird stamp and authorization number are required to take band-tailed pigeons, moorhen, coots, doves, ducks, geese, snipe, or swans.
1. The state migratory bird stamp expires on June 30 of each year. To obtain a state migratory bird stamp, a person shall submit:
    - a. The fee required under R12-4-102, and
    - b. A completed state migratory bird registration form to a license dealer or a Department office.
  2. The person shall provide on the state migratory bird registration form the person's:
    - a. Name,
    - b. Mailing address,
    - c. Date of birth, and
    - d. Information on past and anticipated hunting activity.
  3. The youth combination hunting and fishing license includes the state migratory bird stamp privileges. A youth hunter who possesses a valid combination hunting and fishing license shall obtain:
    - a. A Federal waterfowl stamp when the youth hunter is 16 years of age or older and is taking ducks, geese, swans, coots, gallinules; or
    - b. A permit-tag when the youth hunter is taking sand-hill crane.
- C.** A license dealer shall submit state migratory bird registration forms for all state migratory bird stamps sold with the monthly report required under A.R.S. § 17-338.

**Historical Note**

Amended effective March 7, 1979 (Supp. 79-2).

Amended effective April 22, 1980 (Supp. 80-2).

Amended subsections (A), (C), (D), and (G) effective December 29, 1980 (Supp. 80-6). Former Section R12-4-41 renumbered as Section R12-4-203 without change effective August 13, 1981 (Supp. 81-4). Amended subsections (A), (C), (E), (G) and added Form 7016 (Supp. 81-6). Repealed effective April 28, 1989 (Supp. 89-2). New Section adopted effective July 1, 1997; filed with the Office of the Secretary of State November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 6 A.A.R. 1146, effective July 1, 2000 (Supp. 00-1). Amended by final rulemaking at 12 A.A.R. 212, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 13 A.A.R. 462, effective February 6, 2007 (Supp. 07-1). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

**Editor's Note**

For similar subject matter, see Section R12-4-411.

This editor's note does not apply to the new Section adopted effective July 1, 1997 (Supp. 96-4).

**R12-4-204. Repealed**

**Historical Note**

Amended effective May 31, 1976 (Supp. 76-3). Correction, Historical Note Supp. 76-3 should read "Amended effective May 3, 1976" (Supp. 78-5). Amended effective March 7, 1979 (Supp. 79-2). Amended effective March 20, 1981 (Supp. 81-2). Former Section R12-4-32 renumbered as Section R12-4-204 without change effective August 13, 1981 (Supp. 81-4). Repealed effective April 28, 1989 (Supp. 89-2). New Section made by final rulemaking at 12 A.A.R. 212, effective March 11, 2006 (Supp. 06-1). Repealed by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

**R12-4-205. High Achievement Scout License**

- A.** A high achievement scout license is offered to a resident who is:
1. Eligible for a combination hunting and fishing license, and
  2. Under 21 years of age, and
  3. A member of the Boy Scouts of the United States of America and has attained the rank of Eagle Scout, or
  4. A member of the Girl Scouts of the United States of America and has attained the Gold Award.
- B.** The high achievement scout license grants all of the hunting and fishing privileges of the youth combination hunting and fishing license and is only available at Department offices.
1. The license is valid for one-year from the date of purchase or selected start date provided the date selected is no more than 60 calendar days from and after the date of purchase.
  2. A valid hunt permit-tag, nonpermit-tag, or stamp is required to validate the high achievement scout license for the take of big game animals, migratory game birds, or other wildlife authorized by an applicable tag or stamp.
- C.** An applicant for a high achievement scout license shall apply on an application form available from any Department office and on the Department's web site at [www.azgfd.gov](http://www.azgfd.gov). The applicant shall provide all of the following information on the application form:
1. The applicant's name, date of birth, Department identification number, and physical description, to include the applicant's eye color, hair color, height, and weight;
  2. Current residence address or physical location of residence;
  3. Current mailing address; and
  4. The applicant's signature either witnessed by a Department employee or acknowledged by a notary public.
- D.** In addition to the application, an eligible applicant shall present with the application form:
1. For an applicant who is a member of the Boy Scouts of the United States of America, any one of the following original documents:
    - a. A certification letter from the Boy Scouts of the United States of America stating that the applicant has attained the rank of Eagle Scout,
    - b. A Boy Scouts of the United States of America Eagle Scout Award Certificate, or
    - c. A Boy Scouts of the United States of America Eagle Scout wallet card.
  2. For an applicant who is a member of the Girl Scouts of the United States of America, any one of the following original documents:
    - a. A certification letter from the Girl Scouts of the United States of America stating that the applicant has completed the award,

- b. A Girl Scouts of the United States of America Gold Award Certificate, or
  - c. A Girl Scouts Gold Award Certificate from the local council.
- E.** The Department shall deny a high achievement scout license to an applicant who:
- 1. Is not eligible for the license;
  - 2. Fails to comply with the requirements of this Section; or
  - 3. Provides false information during the application process;
  - 4. The applicant may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.

#### Historical Note

Amended effective May 3, 1976 (Supp. 76-3). Editorial correction subsection (A) (Supp. 78-5). Amended effective March 7, 1979 (Supp. 79-2). Amended effective September 23, 1980 (Supp. 80-5). Former Section R12-4-33 renumbered as Section R12-4-205 without change effective August 13, 1981 (Supp. 81-4). Repealed effective April 28, 1989 (Supp. 89-2). New Section made by final rulemaking at 17 A.A.R. 1472, effective July 12, 2011 (Supp. 11-3). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

#### R12-4-206. General Hunting License; Exemption

- A.** A general hunting license is valid for the taking of small game, fur-bearing animals, predatory animals, nongame animals, and upland game birds. A valid hunt permit-tag, nonpermit-tag, or stamp is required to validate the general hunting license for the take of big game animals, migratory game birds, or other wildlife authorized by an applicable tag or stamp.
- B.** The general hunting license is valid for one-year from:
- 1. The date of purchase when a person purchases the hunting license from a license dealer, as defined under R12-4-101;
  - 2. On the last day of the application deadline for that draw, as established by the hunt permit-tag application schedule published by the Department;
  - 3. On the last day of an extended deadline date, as authorized under subsection R12-4-104(C). If an applicant does not possess an appropriate license that meets the requirements of this subsection, the applicant shall purchase the license at the time of application; or
  - 4. The selected start date when a person purchases the hunting license from a Department office or online. A person may select the start date for the hunting license provided the date selected is no more than 60 calendar days from and after the date of purchase.
- C.** A resident may apply for a general hunting license by submitting an application to the Department, a License Dealer as defined under R12-4-101, or online at [www.azgfd.gov](http://www.azgfd.gov). The application is furnished by the Department and is available at any Department office, license dealer, and online at [www.azgfd.gov](http://www.azgfd.gov). A general hunting license applicant shall provide the following information on the application:
- 1. The applicant's:
    - a. Name;
    - b. Date of birth,
    - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - d. Department identification number, when applicable;
    - e. Residency status and number of years of residency immediately preceding application, when applicable;
    - f. Mailing address, when applicable;
    - g. Physical address;

- h. Telephone number, when available; and
  - i. E-mail address, when available; and
2. Affirmation that the information provided on the application is true and accurate; and
3. Applicant's signature and date.
- D.** In addition to the requirements listed under subsection (C), at the time of application an applicant who is applying for a general hunting license:
- 1. In person shall pay the applicable fee required under R12-4-102.
  - 2. Online shall electronically pay the fee required under R12-4-102 and print the new license. A person applying online shall affirm, or provide permission for another person to affirm, the information electronically provided is true and accurate.
- E.** A person who is under 10 years of age may hunt wildlife other than big game without a hunting license when accompanied by a properly licensed person who is 18 years of age or older.

#### Historical Note

Amended effective March 7, 1979 (Supp. 79-2). Amended effective December 4, 1980 (Supp. 80-6). Former Section R12-4-34 renumbered as Section R12-4-206 without change effective August 13, 1981 (Supp. 81-4). Repealed effective April 28, 1989 (Supp. 89-2). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

#### R12-4-207. General Fishing License; Exemption

- A.** A general fishing license is valid for the taking of all aquatic wildlife and allows the license holder to engage in simultaneous fishing as defined under R12-4-301. The general fishing license is valid:
- 1. State-wide including Mittry Lake and Topock Marsh and the Arizona shoreline of Lake Mead, Lake Mohave and Lake Havasu, and Commission designated community waters. The list of Commission designated community waters is available at any license dealer, Department office, and online at [www.azgfd.gov](http://www.azgfd.gov).
  - 2. On that portion of the Colorado River that forms the common boundary between Arizona and Nevada and Arizona and California and connected adjacent water, provided Arizona has an agreement with California and Nevada that recognizes a general fishing license as valid for taking aquatic wildlife on any portion of the Colorado River that forms the common boundary between Arizona and Nevada and Arizona and California.
- B.** The general fishing license is valid for one-year from:
- 1. The date of purchase when a person purchases the fishing license from a license dealer, as defined under R12-4-101; or
  - 2. The selected start date when a person purchases the fishing license from a Department office or online. A person may select the start date for the fishing license provided the date selected is no more than 60 calendar days from and after the date of purchase.
- C.** A resident or nonresident may apply for a general fishing license by submitting an application to the Department, a License Dealer as defined under R12-4-101, or online at [www.azgfd.gov](http://www.azgfd.gov). The application is furnished by the Department and is available at any Department office, license dealer, and online at [www.azgfd.gov](http://www.azgfd.gov). A general fishing license applicant shall provide the following information on the application:
- 1. The applicant's:
    - a. Name;
    - b. Date of birth,

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- c. Physical description, to include the applicant's eye color, hair color, height, and weight;
  - d. Department identification number, when applicable;
  - e. Residency status and number of years of residency immediately preceding application, when applicable;
  - f. Mailing address, when applicable;
  - g. Physical address;
  - h. Telephone number, when available; and
  - i. E-mail address, when available; and
2. Affirmation that the information provided on the application is true and accurate; and
  3. Applicant's signature and date.
- D.** In addition to the requirements listed under subsection (C), an applicant who is applying for a general fishing license:
1. In person shall pay the applicable fee required under R12-4-102.
  2. Online shall electronically pay the fee required under R12-4-102 and print the new license. A person applying online shall affirm, or provide permission for another person to affirm, the information electronically provided is true and accurate.
- E.** In addition to the exemption prescribed under A.R.S. § 17-335, a person who is under 10 years of age may fish without a fishing license.
- Historical Note**
- Amended effective March 7, 1979 (Supp. 79-2).  
Amended effective December 4, 1980 (Supp. 80-6). Former Section R12-4-35 renumbered as Section R12-4-207 without change effective August 13, 1981 (Supp. 81-4).  
Repealed effective April 28, 1989 (Supp. 89-2). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).
- R12-4-208. Guide License**
- A.** 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, which authorizes the license holder to act as a guide for taking wildlife other than aquatic wildlife.
  2. A fishing guide license, which authorizes the license holder to act as a guide for taking aquatic wildlife only.
  3. A hunting and fishing guide license, 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 federal wildlife law;
  2. The applicant has been convicted, within five years preceding the date of application, of a violation 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 anywhere in the United States for violation of a federal or state wildlife law; or
  4. The applicant has been convicted, within five years preceding the date of application, of a violation of a federal or state wildlife law for which a license to take wildlife may be revoked or suspended. Subsection (B)(4) shall become effective beginning August 1, 2006.
- 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 in accordance with 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, Game and Fish, 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 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, Game and Fish, and the Commission's rules on taking and handling of aquatic wildlife;
      - ii. A.R.S. Title 5, Chapter 3, Boating and 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 within the state and knowledge of 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 (D)(1) and the written examination required in subsection (D)(2).
  4. An applicant shall apply for a guide license according to subsections (F) and (G).
- E.** The Department shall administer the examinations required in subsection (D) on the first Monday of the month at any Department Office. The Department shall either provide the examination score after the exam is completed or mail the examination score to the applicant within seven working days of the examination date.
- F.** An applicant for a guide license 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. The applicant's 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. 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. The applicant's signature.
- G.** An applicant for a guide license shall submit the following with the application form:
1. The applicant's original written examination score, dated within the past 12 months, for each examination required by subsection (D); and
  2. One of the following as proof of the applicant's identity. The Department shall return any original or certified copy to the applicant after the Department has verified receipt on the application form:
    - a. A passport;
    - b. An original or certified copy of the applicant's birth certificate;
    - c. An original or copy of a valid Arizona driver's license; or
    - d. An original or copy of a valid Arizona Motor Vehicle Division identification card.
- H.** The Department shall deny a guide license if an applicant is not eligible for the license, fails to comply with the requirements of this Section, or provides false information 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 A.R.S. Title 41, Chapter 6, Article 10.
- I.** 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. If dogs are 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. An individual shall hold wildlife at bay only during daylight hours, unless a Commission 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.
- K.** 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.
- L.** A guide license expires on December 31 of the year that it was issued. An applicant may renew the license for the following license year.
1. The Department shall accept an application for renewal of a guide license after December 1 of the year it was issued, but shall not start the application administrative review process, required by A.R.S. § 41-1072 et seq., before January 10 of the 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 before the guide license expiration date and the annual report required by A.R.S. § 17-362 is received by January 10 of the following license year.
- M.** 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 prohibited from being issued a license under subsection (B);
  2. The applicant has a current valid Arizona hunting or fishing license in accordance with subsection (D);
  3. The applicant applies for the guide license as required in subsections (F) and (G);
  4. The applicant 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 (D). An applicant is only required to do so if:
    - a. The applicant seeks to add a guiding authority to a current guide license;
    - b. The applicant for a hunting guide license has been convicted, within one year preceding the date of application, of a violation of A.R.S. Title 17, Game and Fish, or the Commission's rules governing the taking and handling of terrestrial wildlife;
    - c. The applicant for a fishing guide license has been convicted, within one year preceding the date of application, of a violation of A.R.S. Title 17, Game and Fish, or the Commission's rules governing the taking and handling of aquatic wildlife;
    - d. The applicant fails to submit a renewal application postmarked before the expiration date of the guide license; or
    - e. The applicant fails to submit the annual report for the preceding license year, required by A.R.S. § 17-362, postmarked before January 10 of the following license year.
- N.** The Commission may revoke a guide license issued to any individual for conviction of a violation of statute or rule, as provided in A.R.S. § 17-362(A), 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 any law listed in subsection (B), or for revocation of the privilege to take wildlife by any government jurisdiction.

#### Historical Note

Amended effective March 7, 1979 (Supp. 79-2). Former Section R12-4-40 renumbered as Section R12-4-208 without change effective August 13, 1981 (Supp. 81-4). Former rule repealed, new Section R12-4-208 adopted effective December 22, 1989 (Supp. 89-4). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 12 A.A.R. 212, effective March 11, 2006 (Supp. 06-1).

#### R12-4-209. Community Fishing License; Exemption

- A.** A community fishing license is valid for taking all aquatic wildlife from Commission designated community waters, only, and allows the license holder to engage in simultaneous fishing as defined under R12-4-301. The list of Commission designated community waters is available at any license dealer, Department office, and online at [www.azgfd.gov](http://www.azgfd.gov).
- B.** The community fishing license is valid for one-year from:

1. The date of purchase when a person purchases the community fishing license from a license dealer, as defined under R12-4-101; or
  2. The selected start date when a person purchases the community fishing license from a Department office or online. A person may select the start date for the community fishing license provided the date selected is no more than 60 calendar days from and after the date of purchase.
- C.** A resident or nonresident may apply for a community fishing license by submitting an application to the Department, a License Dealer as defined under R12-4-101, or online at [www.azgfd.gov](http://www.azgfd.gov). The application is furnished by the Department and is available at any Department office, license dealer, and online at [www.azgfd.gov](http://www.azgfd.gov). A community fishing license applicant shall provide the following information on the application:
1. The applicant's:
    - a. Name;
    - b. Date of birth,
    - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - d. Department identification number, when applicable;
    - e. Residency status and number of years of residency immediately preceding application, when applicable;
    - f. Mailing address, when applicable;
    - g. Physical address;
    - h. Telephone number, when available; and
    - i. E-mail address, when available; and
  2. Affirmation that the information provided on the application is true and accurate; and
  3. Applicant's signature and date.
- D.** In addition to the requirements listed under subsection (C), an applicant who is applying for a community fishing license:
1. In person shall pay the applicable fee required under R12-4-102.
  2. Online shall electronically pay the fee required under R12-4-102 and print the new license. A person applying online shall affirm, or provide permission for another person to affirm, the information electronically provided is true and accurate.
- E.** In addition to the exemption prescribed under A.R.S. § 17-335, a person who is under 10 years of age may fish in Commission designated community waters without a fishing license.
- Historical Note**
- Adopted effective March 20, 1981 (Supp. 81-2). Former Section R12-4-42 renumbered as Section R12-4-209 without change effective August 13, 1981 (Supp. 81-4). Repealed effective April 28, 1989 (Supp. 89-2). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).
- R12-4-210. Combination Hunting and Fishing License; Exemption**
- A.** A combination hunting and fishing license is valid for the taking of small game, fur-bearing animals, predatory animals, nongame animals, and upland game birds.
- B.** A combination hunting and fishing license is valid for the taking of all aquatic wildlife and allows the license holder to engage in simultaneous fishing as defined under R12-4-101. The combination hunting and fishing license is valid:
1. State-wide including Mittry Lake and Topock Marsh and the Arizona shoreline of Lake Mead, Lake Mohave and Lake Havasu, and Commission designated community waters. The list of Commission designated community waters is available at any license dealer, Department office, and online at [www.azgfd.gov](http://www.azgfd.gov).
  2. On that portion of the Colorado River that forms the common boundary between Arizona and Nevada and Arizona and California and connected adjacent water, provided Arizona has an agreement with California and Nevada that recognizes a combination hunting and fishing license as valid for taking aquatic wildlife on any portion of the Colorado River that forms the common boundary between Arizona and Nevada and Arizona and California.
- C.** The Department offers three combination hunting and fishing licenses:
1. A short-term combination hunting and fishing license, valid for one 24-hour period from midnight to midnight.
    - a. The short-term combination hunting and fishing license is not valid for the take of big game animals.
    - b. The short-term combination hunting and fishing license is valid for the take of migratory game birds and waterfowl, provided the person possesses the applicable State Migratory Bird stamp and Federal Waterfowl stamp.
    - c. The Department does not limit the number of short-term combination hunting and fishing licenses a resident or nonresident may purchase.
  2. A combination hunting and fishing license for a person age 18 and over.
    - a. The combination hunting and fishing license is valid for one-year from:
      - i. The date of purchase when a person purchases the combination hunting and fishing license from a license dealer, as defined under R12-4-101;
      - ii. On the last day of the application deadline for that draw, as established by the hunt permit-tag application schedule published by the Department;
      - iii. On the last day of an extended deadline date, as authorized under subsection R12-4-104(C). If an applicant does not possess an appropriate license that meets the requirements of this subsection, the applicant shall purchase the license at the time of application; or
      - iv. The selected start date when a person purchases the combination hunting and fishing license from a Department office or online. A person may select the start date for the combination hunting and fishing license provided the date selected is no more than 60 calendar days from and after the date of purchase.
    - b. A valid hunt permit-tag, nonpermit-tag, or stamp is required to validate the combination hunting and fishing license for the take of big game animals, migratory game birds, or other wildlife authorized by an applicable tag or stamp.
  3. A youth combination hunting and fishing license for a person through age 17.
    - a. The combination hunting and fishing license is valid for one-year from:
      - i. The date of purchase when a person purchases the combination hunting and fishing license from a license dealer, as defined under R12-4-101;
      - ii. On the last day of the application deadline for that draw, as established by the hunt permit-tag

- application schedule published by the Department;
- iii. On the last day of an extended deadline date, as authorized under subsection R12-4-104(C). If an applicant does not possess an appropriate license that meets the requirements of this subsection, the applicant shall purchase the license at the time of application; or
  - iv. The selected start date when a person purchases the combination hunting and fishing license from a Department office or online. A person may select the start date for the combination hunting and fishing license provided the date selected is no more than 60 calendar days from and after the date of purchase.
- b. A valid hunt permit-tag, nonpermit-tag, or stamp is required to validate the combination hunting and fishing license for the take of big game animals, migratory game birds, or other wildlife authorized by an applicable tag or stamp.
- D.** A resident or nonresident may apply for a combination hunting and fishing license by submitting an application to the Department, a License Dealer as defined under R12-4-101, or online at [www.azgfd.gov](http://www.azgfd.gov). The application is furnished by the Department and is available at any Department office, license dealer, and online at [www.azgfd.gov](http://www.azgfd.gov). A combination hunting and fishing license applicant shall provide the following information on the application:
1. The applicant's:
    - a. Name;
    - b. Date of birth,
    - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - d. Department identification number, when applicable;
    - e. Residency status and number of years of residency immediately preceding application, when applicable;
    - f. Mailing address, when applicable;
    - g. Physical address;
    - h. Telephone number, when available; and
    - i. E-mail address, when available; and
  2. Affirmation that the information provided on the application is true and accurate; and
  3. Applicant's signature and date.
- E.** In addition to the requirements listed under subsection (C), an applicant who is applying for a combination hunting and fishing license:
1. In person shall pay the applicable fee required under R12-4-102.
  2. Online shall electronically pay the fee required under R12-4-102 and print the new license. A person applying online shall affirm, or provide permission for another person to affirm, the information electronically provided is true and accurate.
- F.** Exemptions authorized under R12-4-206(E), R12-4-207(E), and R12-4-209(E) also apply to this Section, as applicable.

#### Historical Note

Former Section R12-4-39 repealed, new Section R12-4-39 adopted effective January 20, 1977 (Supp. 77-1). Editorial correction subsection (A), paragraph (2) (Supp. 78-5). Amended effective March 7, 1979 (Supp. 79-2). Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-39 repealed, new Section R12-4-39 adopted effective March 17, 1981 (Supp. 81-2). Former Section R12-4-39 renumbered as Section R12-4-210 without change effective August 13, 1981 (Supp. 81-4).

Amended effective December 16, 1982 (Supp. 82-6). Repealed effective April 28, 1989 (Supp. 89-2). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

#### R12-4-211. Lifetime License

- A.** The Department offers the following lifetime licenses:
1. A lifetime hunting license includes the privileges established under R12-4-206(A).
  2. A lifetime fishing license includes the privileges established under R12-4-207(A).
  3. A lifetime combination hunting and fishing license includes the privileges established under R12-4-210(A) and (B).
- B.** A lifetime license does not expire and remains valid if the licensee subsequently resides outside of this state.
1. A licensee who resides outside of Arizona shall submit the nonresident fee to purchase any required permit-tag, nonpermit-tag, or stamp to hunt and fish in this state.
  2. Limits established under R12-4-114 for nonresident permit-tags do not apply to a lifetime license holder.
- C.** A resident may apply for a lifetime license by submitting an application to the Department and paying the applicable fee required under subsection (D). The application is furnished by the Department and is available at any Department office and online at [www.azgfd.gov](http://www.azgfd.gov). A lifetime license applicant shall provide the following information on the application:
1. The applicant's:
    - a. Name;
    - b. Date of birth,
    - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - d. Social Security Number, when required under A.R.S. §§ 25-320(P) and 25-502(K);
    - e. Department identification number, when applicable;
    - f. Residency status and number of years of residency immediately preceding application, when applicable;
    - g. Mailing address, when applicable;
    - h. Physical address;
    - i. Telephone number, when available; and
    - j. E-mail address, when available; and
  2. Affirmation that the information provided on the application is true and accurate; and
  3. Applicant's signature and date.
- D.** The fees for resident lifetime licenses are determined by the age of the applicant as follows:
1. Age 0 through 13 years is 17 times the fee established under R12-4-102 for the equivalent one-year license.
  2. Age 14 through 29 years is 18 times the fee established under R12-4-102 for the equivalent one-year license.
  3. Age 30 through 44 years is 16 times the fee established under R12-4-102 for the equivalent one-year license.
  4. Age 45 through 61 years is 15 times the fee established under R12-4-102 for the equivalent one-year license.
  5. Age 62 and older is 8 times the fee established under R12-4-102 for the equivalent one-year license.
  6. For the purposes of this subsection, when the applicant is under the age of 18, the fee for the lifetime license is based on the full priced license fee, not the youth license fee.
- E.** A lifetime license may be denied or suspended pursuant to, and for the offenses described under, A.R.S. § 17-340.
- F.** A person issued a lifetime license prior to the effective date of this Section shall be entitled to the privileges established under subsection (A)(1), (A)(2), or (A)(3), as applicable, for the equivalent lifetime license.

**Historical Note**

Amended effective March 7, 1979 (Supp. 79-2). Amended effective October 9, 1980 (Supp. 80-5). Former Section R12-4-36 renumbered as Section R12-4-211 without change effective August 13, 1981 (Supp. 81-4). Repealed effective April 28, 1989 (Supp. 89-2). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

**R12-4-212. Benefactor License**

- A.** A benefactor license includes the privileges established under R12-4-210(A) and (B). A valid hunt permit-tag, nonpermit-tag, or stamp is required to validate the benefactor license for the take of big game animals, migratory game birds, or other wildlife authorized by an applicable tag or stamp.
- B.** A benefactor license does not expire and remains valid if the licensee subsequently resides outside of this state.
1. A licensee who resides outside of Arizona shall submit the nonresident fee to purchase any required permit-tag, nonpermit-tag, or stamp to hunt and fish in this state.
  2. Limits established under R12-4-114 for nonresident permit-tags do not apply to a benefactor license holder.
- C.** The benefactor license fee is \$1,500. The difference between \$1,500 and the license fee for a resident lifetime combination hunting and fishing license established under R12-4-211(D):
1. Is a donation to the State for continued management, protection, and conservation of the State's wildlife.
  2. Shall be credited to the wildlife endowment fund established under A.R.S. § 17-271.
  3. May be tax deductible to the extent allowed by federal and state income tax statutes for contributions to qualifying tax-exempt organizations.
- D.** A resident may apply for a benefactor license by submitting an application to the Department. The application is furnished by the Department and is available at any Department office and online at [www.azgfd.gov](http://www.azgfd.gov). A benefactor license applicant shall provide the following information on the application:
1. The applicant's:
    - a. Name;
    - b. Date of birth;
    - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - d. Social Security Number, when required under A.R.S. §§ 25-320(P) and 25-502(K);
    - e. Department identification number, when applicable;
    - f. Residency status and number of years of residency immediately preceding application, when applicable;
    - g. Mailing address, when applicable;
    - h. Physical address;
    - i. Telephone number, when available; and
    - j. E-mail address, when available; and
  2. Affirmation that the information provided on the application is true and accurate; and
  3. Applicant's signature and date.
- E.** A benefactor license may be denied or suspended pursuant to, and for the offenses described under, A.R.S. § 17-340.
- F.** A person issued a benefactor license prior to the effective date of this Section shall be entitled to the privileges established under subsection (A).

**Historical Note**

Amended as an emergency effective April 10, 1975 (Supp. 75-1). Amended effective January 1, 1977 (Supp. 76-5). Former Section R12-4-37 renumbered as Section R12-4-211 without change effective August 13, 1981 (Supp. 81-4). Repealed effective April 28, 1989 (Supp.

89-2). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

**R12-4-213. Hunt Permit-tags and Nonpermit-tags**

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

**Historical Note**

Amended effective March 7, 1979 (Supp. 79-2). Amended effective December 4, 1980 (Supp. 80-6). Former Section R12-4-38 renumbered as Section R12-4-213 without change effective August 13, 1981 (Supp. 81-4). Repealed effective April 28, 1989 (Supp. 89-2). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

**R12-4-214. Apprentice License**

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

- f. E-mail address, when available;
- g. Physical description, to include the applicant's eye color, hair color, height, and weight;
- f. Mailing address, when applicable;
- g. Physical address; and
- h. Residency status.

#### Historical Note

Former Section R12-4-67 renumbered as Section R12-4-214 without change effective August 13, 1981 (Supp. 81-4). Repealed effective December 22, 1989 (Supp. 89-4).

New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

#### R12-4-215. Youth Group Two-day Fishing License

- A. A youth group two-day fishing license authorizes a nonprofit organization or governmental entity as defined under subsection (C) that sponsors adult supervised activities for youth to take up to 25 youths fishing. The youth group two-day fishing license is only available from a Department office. The youth group two-day fishing license is valid for:
  - 1. Two consecutive days,
  - 2. The take of all aquatic wildlife, and
  - 3. All privileges established under R12-4-207(A).
- B. A nonprofit organization or governmental entity may apply for a youth group two-day fishing license at any Department office. An applicant for a youth group two-day fishing license shall be a resident. The applicant shall pay the fee required under R12-4-102 and provide the following information at the time of application:
  - 1. The nonprofit organization's or governmental entity's:
    - a. Name;
    - b. Mailing address; and
    - c. Telephone number, when available;
  - 2. The applicant's:
    - a. Name;
    - b. Date of birth,
    - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - d. Department identification number, when applicable;
    - e. Mailing address, when applicable;
    - f. Physical address;
    - g. Telephone number, when available; and
    - h. E-mail address, when available;
  - 3. The dates on which the nonprofit organization intends to conduct the youth group fishing activity.
  - 4. The approximate number of youth participating in the group fishing activity.
- C. For the purpose of this Section, "governmental entity" means any town, city, county, municipality, or other political subdivision of this state or any department, agency, board, commission, authority, division, office, public school, public charter school, public corporation, or other public entity of this state or any department agency bureau, or office of the federal government that is physically located within this state.

#### Historical Note

Adopted effective December 9, 1982 (Supp. 82-6). Section repealed, new Section adopted effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Section expired under A.R.S. § 41-1056(E) at 11 A.A.R. 4308, effective December 31, 2003 (Supp. 05-4). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

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

- A. For the purposes of this Section, "crossbow permit" means a document issued by the Department that authorizes the permit holder to use a crossbow during an archery-only season, as prescribed under R12-4-318.
- B. A crossbow permit is valid only when the 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 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. The applicant's name, Department identification number, mailing address, and telephone number; and
  - 2. A statement from an M.D., doctor of medicine, with a valid license to practice issued by any state, or a D.O., doctor of osteopathic medicine, 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 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 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. Title 41, Chapter 6, Article 10.
- F. A crossbow permit is valid as long as the criteria for obtaining the permit are met, unless the Commission revokes the permit.
- G. When acting under the authority of a crossbow permit, the crossbow permit holder shall possess the permit, and shall exhibit it upon request to any peace officer.
- H. A crossbow permit holder shall not transfer the permit to another individual or allow another individual to use the permit.
- I. After a hearing and upon sufficient cause showing, the Commission shall revoke the crossbow permit of a crossbow 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.

#### Historical Note

Adopted effective April 7, 1983 (Supp. 83-2). Repealed effective January 1, 1993; filed December 18, 1993 (Supp. 92-4). New Section adopted effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 12 A.A.R. 212, effective March 11, 2006 (Supp. 06-1).

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

- A. The Department shall issue to a qualified individual a Challenged Hunter Access/Mobility Permit (CHAMP) that allows the individual to perform the following activities:
  - 1. Discharge a firearm or other legal hunting device from a motor vehicle if, under existing conditions, the discharge is otherwise lawful, the motor vehicle is motionless, it is not on any road as defined by A.R.S. § 17-101, and the engine is turned off.
  - 2. Discharge a firearm or other legal hunting device from a watercraft (except a sinkbox), including a watercraft pro-



- pelled by a motor, sail and wind, or both; 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 discharge of a firearm from a watercraft is prohibited if the watercraft is underway.
3. Use off-road locations in a motor vehicle if use is not in conflict with other 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 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. The applicant's name, Department identification number, mailing address, and telephone number.
  2. A statement from an M.D., doctor of medicine, with a valid license to practice issued by any state, or a D.O., doctor of osteopathic medicine, with a valid license to practice issued by any state, that provides the physician's printed or typed name, business address, and signature, and affirms the applicant is permanently disabled as follows:
    - a. Has a disability or combination of disabilities that creates a minimum permanent impairment of function of or equivalent to no less than 90% loss of function in one leg;
    - b. Has a visual field of no more than 20% in the applicant's best functioning eye; or
    - c. Has vision 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 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. Title 41, Chapter 6, Article 10.
- F.** While a motor vehicle or watercraft is in use under subsection (A), the CHAMP holder shall display on the motor vehicle or watercraft the CHAMP vehicle placard that the Department issues with the CHAMP.
- G.** The Department shall provide a CHAMP holder with a dispatch permit that allows the CHAMP holder to designate a licensed hunter as an assistant to dispatch and retrieve an animal wounded by the CHAMP holder or retrieve wildlife killed by the CHAMP holder. The CHAMP holder shall designate the assistant only after the animal is wounded or killed. The CHAMP 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 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 are marked so they can be identified later.
  2. The assistant possesses the dispatch permit while tracking and dispatching the wounded animal.
  3. The CHAMP 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 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 holder, and the tag of the CHAMP 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 holder who strikes the name and authorization of the assistant from the dispatch permit
- H.** A dispatch permit is void if all spaces for designation of an assistant are filled or the dispatch permit is attached to a carcass.
- I.** A CHAMP is valid as long as the criteria for obtaining the permit are met, unless the Commission revokes the permit.
- J.** When acting under the authority of the CHAMP, the permit holder shall possess and exhibit the CHAMP, upon request, to any peace officer.
- K.** A CHAMP holder shall not transfer the permit to another individual or allow another individual to use the permit.
- L.** After a hearing and upon sufficient cause showing, the Commission shall revoke the CHAMP of a permit holder who transfers the permit to another individual or allows another individual to use the permit, or upon conviction for violating A.R.S. § 17-312 or any other law that governs the take of wildlife, for violation of this Section. 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.

#### Historical Note

Adopted effective October 9, 1980 (Supp. 80-5). Former Section R12-4-59 renumbered as Section R12-4-310 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-310 renumbered as R12-4-217 and amended effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-310 renumbered as R12-4-217 and amended effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Section repealed, new Section adopted effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 12 A.A.R. 212, effective March 11, 2006 (Supp. 06-1).

#### R12-4-218. Repealed

#### Historical Note

Adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Adopted effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Repealed effective November 7, 1996 (Supp. 96-4).

#### R12-4-219. Renumbered

#### Historical Note

Adopted as an emergency effective July 5, 1988 pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-3). Correction, Historical Note, Supp. 88-3, should read, "Adopted as an emergency effective July 15, 1988..."; readopted and amended as an emergency effective October 13, 1988 pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted without change as an emergency effective January 24, 1989 pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency

expired. Former Section R12-4-219 amended and adopted as a permanent rule and renumbered as Section R12-4-424 effective April 28, 1989 (Supp. 89-2).

#### **R12-4-220. Repealed**

##### **Historical Note**

Adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Adopted effective January 1, 1989, filed December 30, 1988" (Supp. 89-2).

Repealed effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4).

### **ARTICLE 3. TAKING AND HANDLING OF WILDLIFE**

#### **R12-4-301. Definitions**

In addition to the definitions provided under A.R.S. § 17-101, the following definitions apply to this Article unless otherwise specified:

"Administer" means to pursue, capture, or otherwise restrain wildlife in order to directly apply a drug to wildlife by injection, inhalation, ingestion or any other means.

"Aircraft" means any contrivance used for flight in the air or any lighter-than-air contrivance.

"Artificial lures and flies" means man-made devices intended as visual attractants for fish and does not include living or dead organisms or edible parts of those organisms, natural or prepared food stuffs, artificial salmon eggs, artificial corn, or artificial marshmallows.

"Barbless hook" means any fishhook manufactured without barbs or on which the barbs have been completely closed or removed.

"Body-gripping trap" means a device designed to capture an animal by gripping the animal's body.

"Cervid" means any member of the deer family (Cervidae); which includes caribou, elk, moose, mule deer, reindeer, wapiti, and whitetail deer.

"Confinement trap" means a device designed to capture wildlife alive and hold it without harm.

"Crayfish net" means a net that does not exceed 36 inches on a side or in diameter and is retrieved by means of a hand-held line.

"Dip net" means any net, excluding the handle, that is no greater than 3 feet in the greatest dimension, that is hand-held, non-motorized, and the motion of the net is caused by the physical effort of the individual.

"Drug" means any chemical substance, other than food or mineral supplements, which affects the structure or biological function of wildlife.

"Evidence of legality" means the wildlife is accompanied by the applicable license, tag, stamp, or permit required by law and is identifiable as the "legal wildlife" prescribed by Commission Order, which may include evidence of species, gender, antler or horn growth, maturity and size.

"Foothold trap" means a device designed to capture an animal by the leg or foot.

"Instant kill trap" means a device designed to render an animal unconscious and insensitive to pain quickly with inevitable subsidence into death without recovery of consciousness.

"Land set" means any trap used on land rather than in water.

"Minnow trap" means a trap with dimensions that do not exceed 12 inches in depth, 12 inches in width and 24 inches in length.

"Muzzleloading handgun" means a firearm intended to be fired from the hand, incapable of firing fixed ammunition, having a single barrel, and loaded through the muzzle with black powder or synthetic black powder and a single projectile.

"Muzzleloading rifle" means a firearm intended to be fired from the shoulder, incapable of firing fixed ammunition, having a single barrel and single chamber, and loaded through the muzzle with black powder or synthetic black powder and a single projectile.

"Nonprofit organization" means an organization that is recognized as nonprofit under Section 501(c) of the U.S. Internal Revenue Code.

"Paste-type bait" means a partially liquefied substance used as a lure for animals.

"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.

"Pre-charged pneumatic weapon" means an air gun or pneumatic weapon that is charged from an external high compression source such as an air compressor, air tank, or external hand pump.

"Sight-exposed bait" means a carcass or parts of a carcass lying openly on the ground or suspended in a manner so that it can be seen from above by a bird. This does not include a trap flag, dried or bleached bone with no attached tissue, or less than two ounces of paste-type bait.

"Simultaneous fishing" means taking fish by using two lines and not more than two hooks or two artificial lures or flies per line.

"Sinkbox" means a low floating device with a depression that affords a hunter a means of concealment beneath the surface of the water.

"Trap flag" means an attractant made from materials other than animal parts that is suspended at least three feet above the ground.

"Water set" means any trap used and anchored in water rather than on land.

##### **Historical Note**

Amended as an emergency effective April 10, 1975 (Supp. 75-1). Amended effective May 3, 1976, Amended effective June 7, 1976 (Supp. 76-3). Amended effective May 26, 1978 (Supp. 78-3). Editorial correction subsection (D) (Supp. 78-5). Amended effective June 4, 1979 (Supp. 79-3). Former Section R12-4-50 renumbered as Section R12-4-301 without change effective August 13, 1981 (Supp. 81-4). Amended subsection (A) effective May 12, 1982 (Supp. 82-3). Amended effective July 3, 1984 (Supp. 84-4). Amended effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Amended effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended effective February 9, 1998 (Supp. 98-1). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Former R12-4-301 renumbered to R12-4-

321; new Section made by final rulemaking at 18 A.A.R. 1458, effective January 1, 2013 (Supp. 12-2). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2).

**R12-4-302. Use of Tags**

- A.** In addition to meeting requirements prescribed under A.R.S. § 17-331, an individual who takes wildlife shall have in possession any tag required for the particular season or hunt area.
- B.** A tag obtained in violation of statute or rule is invalid and shall not be used to take, transport, or possess wildlife.
- C.** An individual who lawfully possesses both a nonpermit-tag and a hunt permit-tag shall not take a genus or species in excess of the bag limit established by Commission Order for that genus or species.
- D.** An individual shall:
  - 1. Take and tag only the wildlife identified on the tag; and
  - 2. Use a tag only in the season and hunt for which the tag is valid, as specified by Commission Order.
- E.** Except as permitted under R12-4-217, an individual shall not:
  - 1. Allow their tag to be attached to wildlife killed by another individual,
  - 2. Allow their tag to be possessed by another individual who is in a hunt area,
  - 3. Attach their tag to wildlife killed by another individual,
  - 4. Attach a tag issued to another individual to wildlife, or
  - 5. Possess a tag issued to another individual while in a hunt area.
- F.** Except as permitted under R12-4-217, immediately after an individual kills wildlife, the individual shall attach the tag to the wildlife carcass in the following manner:
  - 1. Remove all of the detachable paper covering from the adhesive back of the tag;
  - 2. Seal the exposed adhesive portions of the tag around the wildlife so the tag cannot be removed or reused and all printing on the face of the tag is visible, and
    - a. For antelope, deer, or elk: seal the tag around the antler or horn, or through the gambrel of a hind leg;
    - b. For bear, bighorn sheep, buffalo, javelina, or mountain lion: seal the tag through the gambrel of a hind leg; and
    - c. For pheasant, sandhill crane, or turkey: seal the tag around the neck or a leg.
- G.** An individual who lawfully takes wildlife with a valid tag and authorizes another individual to possess, transport, or ship the tagged portion of the carcass shall complete the Transportation and Shipping Permit portion of the original tag authorizing the take of that animal.
- H.** If a tag is sealed or mutilated or the Transportation and Shipping Permit portion of the tag is signed or filled out, the tag is no longer valid for the take of wildlife.

**Historical Note**

Former Section R12-4-51 renumbered as Section R12-4-302 without change effective August 13, 1981 (Supp. 81-4). Amended subsections (A), (D), (E), and repealed subsection (G) effective May 12, 1982 (Supp. 82-3). Amended effective March 23, 1983 (Supp. 83-2). Amended subsection (F) effective October 31, 1984 (Supp. 84-5). Amended subsections (A), (D), (F) and (G) and added a new Section (H) effective June 4, 1987 (Supp. 87-2). Amended effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Amended effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Section R12-4-302 repealed, new Section R12-4-302 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective

January 1, 1993; filed December 18, 1992 (Supp. 92-4). Section repealed, new Section adopted effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 12 A.A.R. 683, effective April 8, 2006 (Supp. 06-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2).

**R12-4-303. Unlawful Devices, Methods, and Ammunition**

- A.** In addition to the prohibitions prescribed under A.R.S. §§ 17-301 and 17-309, the following devices, methods, and ammunition are unlawful for taking any wildlife in this state:
  - 1. An individual shall not use any of the following to take wildlife:
    - a. Fully automatic firearms, including firearms capable of selective automatic fire; or
    - b. Tracer, armor-piercing, or full-jacketed ammunition designed for military use.
  - 2. An individual shall not use or possess any of the following while taking wildlife:
    - a. Poisoned projectiles or projectiles that contain explosives;
    - b. Pitfalls of greater than 5-gallon size, explosives, poisons, or stupefying substances, except as permitted under A.R.S. § 17-239 or as allowed by a scientific collecting permit issued under A.R.S. § 17-238;
    - c. Any lure, attractant, or cover scent containing any cervid urine; or
    - d. Electronic night vision equipment, electronically enhanced light-gathering devices, thermal imaging devices or laser sights; except for devices such as laser range finders, scopes with self-illuminating reticles, and fiber optic sights with self-illuminating sights or pins that do not project a visible light onto an animal.
  - 3. An individual shall not:
    - a. Hold wildlife at bay other than during daylight hours, unless authorized by Commission Order.
    - b. Injure, confine, or place a tracking device in or on wildlife for the purpose of aiding another individual to take wildlife.
    - c. Place any substance, device, or object in, on, or by any water source to prevent wildlife from using that water source.
    - d. Place any substance in a manner intended to attract bears.
    - e. Use a manual or powered jacking or prying device to take reptiles or amphibians.
    - f. Use dogs to pursue, tree, corner or hold at bay any wildlife for a hunter unless that hunter is present for the entire hunt.
    - g. Take migratory game birds, except Eurasian Collared-doves, using a shotgun larger than 10 gauge, a shotgun of any description capable of holding more than three shells unless it is plugged with a one-piece filler that cannot be removed without disassembling the shotgun so that its total capacity does not exceed three shells, electronically amplified bird calls, or baits, as prohibited under 50 CFR 20.21, revised October 1, 2009. The material incorporated by reference in this Section does not include any later amendments or editions. The incorporated material is available at any Department office, online from the Government Printing Office web site [www.gpoaccess.gov](http://www.gpoaccess.gov), or may be ordered from the

Superintendent of Documents, U.S. Government Printing Office, 732 N. Capitol St. N.W., Stop IDCC, Washington, D.C. 20401.

- h. Discharge a pneumatic weapon .30 caliber or larger while taking wildlife within one-fourth mile of an occupied farmhouse or other residence, cabin, lodge or building without permission of the owner or resident.
  4. An individual shall not use edible or ingestible substances to aid in taking big game. The use of edible or ingestible substances to aid in taking big game is unlawful when:
    - a. An individual places edible or ingestible substances for the purpose of attracting or taking big game, or
    - b. An individual knowingly takes big game with the aid of edible or ingestible substances placed for the purpose of attracting wildlife to a specific location.
  5. Subsection (A)(4) does not limit Department employees or Department agents in the performance of their official duties.
  6. For the purposes of subsection (A)(4), edible or ingestible substances do not include any of the following:
    - a. Water.
    - b. Salt.
    - c. Salt-based materials produced and manufactured for the livestock industry.
    - d. Nutritional supplements produced and manufactured for the livestock industry and placed during the course of livestock or agricultural operations.
- B.** Wildlife taken in violation of this Section is unlawfully taken.
- C.** This Section does not apply to any activity allowed under A.R.S. § 17-302, to an individual acting within the scope of their official duties as an employee of the state or United States, or as authorized by the Department.

#### Historical Note

Amended effective May 3, 1976 (Supp. 76-3). Amended effective April 29, 1977 (Supp. 77-2). Amended effective September 7, 1978 (Supp. 78-5). Former Section R12-4-52 renumbered as Section R12-4-303 without change effective August 13, 1981 (Supp. 81-4). Amended effective March 28, 1983 (Supp. 83-2). Amended subsections (A) and (C) effective October 31, 1984 (Supp. 84-5). Amended effective June 4, 1987 (Supp. 87-2). Former Section R12-4-303 repealed, new Section R12-4-303 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-303 repealed, new Section R12-4-303 adopted effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended effective February 9, 1998 (Supp. 98-1). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2).

#### R12-4-304. Lawful Methods for Taking Wild Mammals, Birds, and Reptiles

- A.** An individual may only use the following methods to take big game when authorized by Commission Order and subject to the restrictions under R12-4-303 and R12-4-318.
1. To take antelope:
    - a. Centerfire rifles;
    - b. Muzzleloading rifles;
    - c. All other rifles using black powder or synthetic black powder;
    - d. Centerfire handguns;
    - e. Handguns using black powder or synthetic black powder;

- f. Shotguns shooting slugs, only;
  - g. Pre-charged pneumatic weapons .35 caliber or larger;
  - h. Bows with a standard pull of 30 or more lbs, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges; and
  - i. Crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(1)(h) to be drawn and held with an assisting device.
2. To take bear:
    - a. Centerfire rifles;
    - b. Muzzleloading rifles;
    - c. All other rifles using black powder or synthetic black powder;
    - d. Centerfire handguns;
    - e. Handguns using black powder or synthetic black powder;
    - f. Shotguns shooting slugs, only;
    - g. Pre-charged pneumatic weapons .35 caliber or larger;
    - h. Bows with a standard pull of 30 or more lbs, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges;
    - i. Crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(2)(h) to be drawn and held with an assisting device; and
    - j. Pursuit with dogs only between August 1 and December 31, provided the individual shall immediately kill or release the bear after it is treed, cornered, or held at bay. For the purpose of this subsection, "release" means the individual removes the dogs from the area so the bear can escape on its own after it is treed, cornered, or held at bay.
3. To take bighorn sheep:
    - a. Centerfire rifles;
    - b. Muzzleloading rifles;
    - c. All other rifles using black powder or synthetic black powder;
    - d. Centerfire handguns;
    - e. Handguns using black powder or synthetic black powder;
    - f. Shotguns shooting slugs, only;
    - g. Pre-charged pneumatic weapons .35 caliber or larger;
    - h. Bows with a standard pull of 30 or more lbs, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges; and
    - i. Crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(3)(h) to be drawn and held with an assisting device.
4. To take buffalo:
    - a. State-wide, except for the game management units identified under subsection (A)(4)(b):
      - i. Centerfire rifles;
      - ii. Muzzleloading rifles;
      - iii. All other rifles using black powder or synthetic black powder;

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- iv. Centerfire handguns no less than .41 Magnum or centerfire handguns with an overall cartridge length of no less than two inches;
  - v. Bows with a standard pull of 40 or more lbs, using arrows with broadheads of no less than 7/8 inch in width with metal cutting edges; and
  - vi. Crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(4)(a)(v) to be drawn and held with an assisting device.
- b. In game management units 5A and 5B:
- i. Centerfire rifles,
  - ii. Muzzleloading rifles, and
  - iii. All other rifles using black powder or synthetic black powder.
5. To take deer:
- a. Centerfire rifles;
  - b. Muzzleloading rifles;
  - c. All other rifles using black powder or synthetic black powder;
  - d. Centerfire handguns;
  - e. Handguns using black powder or synthetic black powder;
  - f. Shotguns shooting slugs, only;
  - g. Pre-charged pneumatic weapons .35 caliber or larger;
  - h. Bows with a standard pull of 30 or more lbs, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges; and
  - i. Crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(5)(h) to be drawn and held with an assisting device.
6. To take elk:
- a. Centerfire rifles;
  - b. Muzzleloading rifles;
  - c. All other rifles using black powder or synthetic black powder;
  - d. Centerfire handguns;
  - e. Handguns using black powder or synthetic black powder;
  - f. Shotguns shooting slugs, only;
  - g. Bows with a standard pull of 30 or more lbs, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges; and
  - h. Crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(6)(g) to be drawn and held with an assisting device.
7. To take javelina:
- a. Centerfire rifles;
  - b. Muzzleloading rifles;
  - c. All other rifles using black powder or synthetic black powder;
  - d. Centerfire handguns;
  - e. Handguns using black powder or synthetic black powder;
  - f. Shotguns shooting slugs, only;
  - g. Pre-charged pneumatic weapons .35 caliber or larger;
- h. Bows with a standard pull of 30 or more lbs, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges;
  - i. Crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(7)(h) to be drawn and held with an assisting device;
  - j. .22 rimfire magnum rifles; and
  - k. 5 mm rimfire magnum rifles.
8. To take mountain lion:
- a. Centerfire rifles;
  - b. Muzzleloading rifles;
  - c. All other rifles using black powder or synthetic black powder;
  - d. Centerfire handguns;
  - e. Handguns using black powder or synthetic black powder;
  - f. Shotguns shooting slugs or shot;
  - g. Pre-charged pneumatic weapons .35 caliber or larger;
  - h. Bows with a standard pull of 30 or more lbs, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges;
  - i. Crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(8)(h) to be drawn and held with an assisting device;
  - j. Artificial light, during seasons with day-long hours, provided the light is not attached to or operated from a motor vehicle, motorized watercraft, watercraft under sail, or floating object towed by a motorized watercraft or a watercraft under sail; and
  - k. Pursuit with dogs, provided the individual shall immediately kill or release the mountain lion after it is treed, cornered, or held at bay. For the purpose of this subsection, "release" means the individual removes the dogs from the area so the mountain lion can escape on its own after it is treed, cornered, or held at bay.
9. To take turkey:
- a. Shotguns shooting shot;
  - b. Bows with a standard pull of 30 or more lbs, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges; and
  - c. Crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(9)(b) to be drawn and held with an assisting device.
- B.** An individual may only use the following methods to take small game, when authorized by Commission Order and subject to the restrictions under R12-4-303 and R12-4-318.
- 1. To take cottontail rabbits and tree squirrels:
    - a. Firearms,
    - b. Bow and arrow,
    - c. Crossbow,
    - d. Pneumatic weapons,
    - e. Slingshots,
    - f. Hand-held projectiles,
    - g. Falconry, and
    - h. Dogs.

2. To take all upland game birds and Eurasian Collared-doves:
    - a. Bow and arrow;
    - b. Falconry;
    - c. Pneumatic weapons;
    - d. Shotguns shooting shot, only;
    - e. Handguns shooting shot, only;
    - f. Crossbow;
    - g. Slingshot;
    - h. Hand-held projectiles; and
    - i. Dogs.
  3. To take migratory game birds, except Eurasian Collared-doves:
    - a. Bow and arrow;
    - b. Crossbow;
    - c. Falconry;
    - d. Dogs;
    - e. Shotguns shooting shot:
      - i. Ten gauge or smaller, except that lead shot shall not be used or possessed while taking ducks, geese, swans, mergansers, common moorhens, or coots; and
      - ii. Incapable of holding more than a total of three shells, as prescribed under 50 CFR 20.21, published October 1, 2009. The material incorporated by reference in this subsection does not include any later amendments or editions. The material is available at any Department office, online from the Government Printing Office web site [www.gpoaccess.gov](http://www.gpoaccess.gov), or may be ordered from the Superintendent of Documents, U.S. Government Printing Office, 732 N. Capitol St. N.W., Stop: IDCC, Washington, D.C. 20401.
- C.** An individual may take waterfowl from any watercraft, except a sinkbox, subject to the following conditions:
1. The motor is shut off, the sail is furled, as applicable, and any progress from a motor or sail has ceased;
  2. The watercraft may be:
    - a. Adrift as a result of current or wind action;
    - b. Beached;
    - c. Moored;
    - d. Resting at anchor; or
    - e. Propelled by paddle, oars, or pole; and
  3. The individual may only use the watercraft under power to retrieve dead or crippled waterfowl; shooting is prohibited while the watercraft is underway.
- D.** An individual may take predatory and furbearing animals by using the following methods, when authorized by Commission Order and subject to the restrictions under R12-4-303 and R12-4-318:
1. Firearms;
  2. Pre-charged pneumatic weapons .22 caliber or larger;
  3. Bow and arrow;
  4. Crossbow;
  5. Traps not prohibited under R12-4-307;
  6. Artificial light while taking raccoon provided the light is not attached to or operated from a motor vehicle, motorized watercraft, watercraft under sail, or floating object towed by a motorized watercraft or a watercraft under sail;
  7. Artificial light while taking coyote during seasons with day-long hours, provided the light is not attached to or operated from a motor vehicle, motorized watercraft, watercraft under sail, or floating object towed by a motorized watercraft or a watercraft under sail; and
  8. Dogs.
- E.** An individual may take nongame mammals and birds by any method authorized by Commission Order and not prohibited under R12-4-303 or R12-4-318, subject to the following restrictions. An individual:
1. Shall not take nongame mammals and birds using foothold traps;
  2. Shall check pitfall traps of any size daily, release non-target species, remove pitfalls when no longer in use, and fill any holes;
  3. Shall not use firearms at night; and
  4. May use artificial light while taking nongame mammals and birds, if the light is not attached to or operated from a motor vehicle, motorized watercraft, watercraft under sail, or floating object towed by a motorized watercraft or a watercraft under sail.
- F.** An individual may take reptiles by any method not prohibited under R12-4-303 or R12-4-318 subject to the following restrictions. An individual:
1. Shall check pitfall traps of any size daily, release non-target species, remove pitfalls when no longer in use, and fill any holes;
  2. Shall not use firearms at night; and
  3. May use artificial light while taking reptiles provided the light is not attached to or operated from a motor vehicle, motorized watercraft, watercraft under sail, or floating object towed by a motorized watercraft or a watercraft under sail.

#### Historical Note

Amended effective May 21, 1975 (Supp. 75-1). Amended effective May 3, 1976 (Supp. 76-3). Amended effective October 20, 1977 (Supp. 77-5). Amended effective January 11, 1978 (Supp. 78-1). Amended effective September 7, 1978 (Supp. 78-5). Amended effective November 14, 1979 (Supp. 79-6). Amended effective July 22, 1980 (Supp. 80-4). Former Section R12-4-53 renumbered as Section R12-4-304 without change effective August 13, 1981 (Supp. 81-4). Amended effective May 12, 1982 (Supp. 82-3). Amended effective April 7, 1983 (Supp. 83-2). Amended subsection (I) effective June 7, 1984 (Supp. 84-3). Amended effective February 28, 1985 (Supp. 85-1). Amended effective September 16, 1985 (Supp. 85-5). Amended effective June 4, 1987 (Supp. 87-2). Former Section R12-4-304 repealed, new Section R12-4-304 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-304 repealed, new Section R12-4-304 adopted effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Former Section R12-4-304 repealed, new Section R12-4-304 adopted effective February 9, 1998 (Supp. 98-1). Amended by final rulemaking at 8 A.A.R. 1702, effective March 11, 2002 (Supp. 02-1). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by exempt rulemaking at 17 A.A.R. 2629, effective December 9, 2011 (Supp. 11-4). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2).

#### R12-4-305. Possessing, Transporting, Importing, Exporting, and Selling Carcasses or Parts of Wildlife

- A.** An individual shall ensure that evidence of legality remains with the carcass or parts of a carcass of any wild mammal, bird, or reptile that the individual possesses, transports, or imports until arrival at the individual's permanent abode, a

commercial processing plant, or the place where the wildlife is to be consumed.

- B.** In addition to the requirement in subsection (A), an individual possessing or transporting the following wildlife shall ensure each:
1. Big game animal, sandhill crane, and pheasant has the required valid tag attached as prescribed under R12-4-302;
  2. Migratory game bird, except sandhill cranes, has one fully feathered wing attached;
  3. Sandhill crane has either the fully feathered head or one fully feathered wing attached; and
  4. Quail has attached a fully feathered head, or a fully feathered wing, or a leg with foot attached, when the current Commission Order has established separate bag or possession limits for any species of quail.
- C.** An individual who has lawfully taken wildlife that requires a valid tag when prescribed by the Commission may authorize its transportation or shipment by completing and signing the Transportation and Shipping Permit portion of the valid tag for that animal. A separate Transportation and Shipping Permit issued by the Department is necessary to transport or ship to another state or country any big game taken with a resident license. Under A.R.S. § 17-372(B), an individual may ship other lawfully taken wildlife by common carrier after obtaining a valid Transportation and Shipping Permit issued by the Department. The individual shall provide the following information on the permit form:
1. Number and description of the wildlife to be transported or shipped;
  2. Name, address, license number, and license class of the individual who took the wildlife;
  3. Tag number;
  4. Name and address of the individual receiving a portion of the carcass of the wildlife as authorized under subsection (D), if applicable;
  5. Address of destination where the wildlife is to be transported or shipped; and
  6. Name and address of transporter or shipper.
- D.** An individual who lawfully takes wildlife under a tag may authorize another individual to possess the head or carcass of the wildlife by separating and attaching the tag as prescribed under R12-4-302.
- E.** An individual who receives a portion of the wildlife shall provide the identity of the individual who took and gave the portion of the wildlife.
- F.** An individual shall not possess the horns of a bighorn sheep, taken by a hunter in this state, unless the horns are marked or sealed as prescribed under R12-4-308.
- G.** Except as provided under R12-4-307, before an individual may sell, offer for sale, or export the raw pelt or unskinned carcass of a bobcat taken in this state the individual shall:
1. Present the bobcat for inspection at any Department office, and
  2. Purchase a bobcat seal by paying the fee established under R12-4-102 at any Department office or other location as determined and published by the Department. Department personnel or an authorized agent shall attach and lock the bobcat seal only to a pelt or unskinned carcass presented with a validated transportation tag.
- H.** An individual who takes bear or mountain lion under A.R.S. § 17-302 during a closed season may retain the carcass of the wildlife if the individual has a valid hunting license and the carcass is immediately tagged with a nonpermit-tag as required under R12-4-114 and R12-4-302, unless the individual has already taken the applicable bag limit for that big game animal. An animal retained under this subsection shall count towards the applicable bag limit for bear or mountain lion as authorized by Commission Order. The individual shall comply with inspection and reporting requirements established under R12-4-308.
- I.** An individual may possess, transport, or import only the following portions of a cervid lawfully taken in another state or country:
1. Boneless portions of meat, or meat that has been cut and packaged;
  2. Clean hides and capes with no skull or soft tissue attached, except as required for proof of legality;
  3. Clean skulls with antlers, clean skull plates, or antlers with no meat or soft tissue attached;
  4. Finished taxidermy mounts or products; and
  5. Upper canine teeth with no meat or tissue attached.
- J.** A private game farm license holder may transport a cervid lawfully killed or slaughtered at the license holder's game farm to a licensed meat processor.
- K.** An individual may possess or transport only the following portions of a cervid lawfully killed or slaughtered at a private game farm authorized under R12-4-413:
1. Boneless portions of meat, or meat that has been cut and packaged;
  2. Clean hides and capes with no skull or soft tissue attached;
  3. Clean skulls with antlers, clean skull plates, or antlers with no meat or soft tissue attached;
  4. Finished taxidermy mounts or products; and
  5. Upper canine teeth with no meat or tissue attached.
- L.** An individual who obtains buffalo meat as authorized under R12-4-306 may sell the meat.
- M.** Except for cervids, which are subject to requirements established under subsections (I), (J), and (K), an individual may import into this state the carcasses or parts of wildlife, including aquatic wildlife, lawfully taken in another state or country if transported and exported in accordance with the laws of the state or country of origin.
- N.** An individual in possession of or transporting the carcass of any freshwater fish taken within this state shall ensure that the head, tail, or skin is attached so that the species can be identified, numbers counted, and any required length determined.
- O.** An individual shall not transport live crayfish from the site where taken, except as permitted under R12-4-316.
- P.** An individual in possession of a carp (*Cyprinus carpio*), buffalofish (*Ictiobus* spp.), or crayfish (families *Astacidae*, *Cambaridae*, and *Parastacidae*) carcass taken under Commission Order may sell the carcass.

#### Historical Note

Amended effective May 3, 1976 (Supp. 76-3). Former Section R12-4-54 renumbered as Section R12-4-305 without change effective August 13, 1981 (Supp. 81-4). Amended effective May 12, 1982 (Supp. 82-3). Amended effective June 14, 1983 (Supp. 83-3). Amended effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Amended effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Section repealed, new Section adopted effective April 1, 1997; filed in the Office of the Secretary of State July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 12 A.A.R. 683, effective April 8, 2006 (Supp. 06-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2).

**R12-4-306. Buffalo Hunt Requirements**

- A.** When authorized by Commission Order, the Department shall conduct a hunt to harvest buffalo from the state's buffalo herds.
- B.** A hunter with a buffalo permit-tag or nonpermit-tag shall:
1. Provide a signed written acknowledgment that the hunter received, read, understands, and agrees to comply with the requirements of this Section.
  2. Be accompanied by an authorized Department employee, when required, and
  3. Take only the buffalo designated by the Department employee, when required.
- C.** For the House Rock Herd (Units 12A, 12B, and 13A): when required by the Department, a hunter with a nonpermit-tag shall:
1. Hunt in the order scheduled.
  2. Be accompanied by a Department employee who:
    - a. Shall designate the buffalo to be harvested, and
    - b. May assist in taking the buffalo if the hunter fails to dispatch a wounded buffalo within a reasonable period.
- D.** For the Raymond Herd (Units 5A and 5B):
1. A hunter with a permit-tag shall:
    - a. Hunt in the order scheduled, and
    - b. Be accompanied by an authorized Department employee who:
      - i. Shall designate the buffalo to be harvested, and
      - ii. May assist in taking the buffalo if the hunter fails to dispatch a wounded buffalo within a reasonable period.
  2. When required by the Department, a hunter with a nonpermit-tag shall:
    - a. Hunt in the order scheduled,
    - b. Be accompanied by a Department employee who:
      - i. Shall designate the buffalo to be harvested.
      - ii. May assist in taking the buffalo if the hunter fails to dispatch a wounded buffalo within a reasonable period.
- E.** A hunter issued a buffalo permit-tag or non-permit tag shall check out no more than three days after the end of the hunt, regardless of whether the hunter was successful, unsuccessful, or did not participate in a buffalo hunt.
1. House Rock Herd (Units 12A, 12B, and 13A): a hunter may check out either in person or by telephone at the House Rock Wildlife Area headquarters, the Jacob Lake Check station when open during deer season, or the Department's Flagstaff regional office.
  2. Raymond Herd (Units 5A and 5B):
    - a. A successful hunter shall check out in person at the Raymond Wildlife Area headquarters or the Department's Flagstaff regional office. The hunter shall present the buffalo to the Department for the purpose of gathering biological data.
    - b. An unsuccessful hunter shall check out by telephone at the Raymond Wildlife Area headquarters or the Department's Flagstaff regional office.
  3. At the time of check-out, the hunter shall provide all of the following information:
    - a. Hunter's name,
    - b. Hunter's contact number,
    - c. Tag number,
    - d. Sex of buffalo taken,
    - e. Age of the buffalo taken: adult or yearling,
    - f. Number of days hunted, and
    - g. Number of buffalo seen while hunting.

4. When accompanied by an authorized Department employee, the employee shall conduct the check-out at the end of the hunt.

- F.** Failure to comply with the requirements of this Section shall result in the invalidation of the hunter's permit-tag or nonpermit-tag, consistent with the written acknowledgment signed and agreed to by the hunter.

**Historical Note**

Former Section R12-4-55 renumbered as Section R12-4-306 without change effective August 13, 1981 (Supp. 81-4). Amended subsections (A), (B), and (D) effective May 12, 1982 (Supp. 82-3). Amended effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Amended effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2).

**R12-4-307. Trapping Regulations, Licensing; Methods; Tagging of Bobcat Pelts**

- A.** An Arizona trapping license permits an individual to trap predatory and fur-bearing animals. The Department shall issue a registration number to a trapper and enter the number on the trapping license at the time the trapper purchases the license. The trapper registration number is not transferable.
- B.** A trapping license is required for any individual 14 years of age and older. An individual under the age of 14 is not required to purchase a trapping license, but shall apply for and obtain a registration number.
- C.** An individual born on or after January 1, 1967 shall successfully complete a Department-approved trapping education course before applying for a trapping license.
- D.** An individual applying for a trapping registration number or trapping license shall pay the applicable fees established under R12-4-102.
- E.** An individual applying for a trapping registration number or trapping license shall apply using a form furnished by the Department. The form is available at any Department office and online at [www.azgfd.gov](http://www.azgfd.gov). The individual shall provide all of the following information on the form:
1. Applicant's:
    - a. Full name, address, and telephone number;
    - b. Date of birth and physical description;
  2. Identification number assigned by the Department;
  3. Category of license:
    - a. Resident,
    - b. Nonresident, or
    - c. Juvenile, and
  4. The applicant's signature.
- F.** A trapper may only trap predatory and fur-bearing animals during trapping seasons established by Commission Order.
- G.** A trapper shall:
1. Inspect traps daily;
  2. Kill or release all predatory and fur-bearing animals;
  3. Possess a choke restraint device that enables the trapper to release a javelina from a trap when trapping in a javelina hunt unit, as designated by Commission Order;
  4. Possess a device that is designed or manufactured to restrain a trapped animal while it is being removed from a trap when its release is required by this Section; and
  5. Release, without additional injury, all animals that cannot lawfully be taken by trap.
  6. Subsections (G)(3) and (G)(4) do not apply when the trapper is using a confinement trap.
- H.** A trapper shall not:



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1. Bait a confinement trap with:
    - a. A live animal;
    - b. Any edible parts of small game, big game, or game fish; or
    - c. Any part of any game bird or nongame bird.
  2. Set any trap within:
    - a. One-half mile of any of the following areas developed for public use:
      - i. Boat launching area,
      - ii. Camping area,
      - iii. Picnic area, or
      - iv. Roadside rest area.
    - b. One-half mile of any occupied residence or building without permission of the owner or resident.
    - c. One-hundred yards of an interstate highway or any other highway maintained by the Arizona Department of Transportation.
    - d. Fifty feet of any trail maintained for public use by a government agency.
    - e. Seventy-five feet of any other road as defined under A.R.S. § 17-101.
    - f. Subsections (H)(2)(b), (H)(2)(c), (H)(2)(d), and (H)(2)(e) do not apply when the trapper is using a confinement trap.
  3. Set a foothold trap within 30 feet of sight-exposed bait.
  4. Use any:
    - a. Body-gripping or other instant kill trap with an open jaw spread that exceeds 5 inches for any land set or 10 inches for any water set;
    - b. Foothold trap with an open jaw spread that exceeds 7 1/2 inches for any water set;
    - c. Snare, unless authorized under subsection (I);
    - d. Trap with an open jaw spread that exceeds 6 1/2 inches for any land set; or
    - e. Trap with teeth.
- I.** A trapper who uses a foothold trap to take wildlife with a land set shall use commercially manufactured traps that meet the following specifications:
1. A padded or rubber-jawed trap or an unpadded trap with jaws permanently offset to a minimum of 3/16 inch and a device that allows for pan tension adjustment;
  2. A foothold trap that captures wildlife by means of an enclosed bar or spring designed to prevent the capture of non-targeted wildlife or domestic animals; or
  3. A powered cable device with an inside frame hinge width no wider than 6 inches, a cable loop stop size of at least 2 inches in diameter to prevent capture of small non-target species, and a device that allows for a pan tension adjustment.
- J.** A trapper who uses a foothold trap to take wildlife with a land set shall ensure that the trap has an anchor chain equipped with at least two swivels as follows:
1. An anchor chain 12 inches or less in length shall have a swivel attached at each end.
  2. An anchor chain greater than 12 inches in length shall have one swivel attached at the trap and one swivel attached within 12 inches of the trap. The anchor chain shall be equipped with a shock-absorbing spring that requires less than 40 pounds of force to extend or open the spring.
- K.** A trapper shall ensure that each trap has either the name and address or the registration number of the trapper marked on a metal tag attached to the trap. The number assigned by the Department is the only acceptable registration number.
- L.** A trapper shall immediately attach a valid bobcat transportation tag to the pelt or unskinned carcass of a bobcat taken in this state. The trapper shall validate the transportation tag by providing all of the following information on the bobcat transportation tag:
1. Current trapping license number,
  2. Game management unit where the bobcat was taken,
  3. Sex of the bobcat, and
  4. Method by which the bobcat was taken.
- M.** The Department shall provide transportation tags with each trapping license. Additional transportation tags are available at any Department office at no charge.
- N.** A trapper shall ensure that all bobcats taken in this state have a bobcat seal attached and locked either through the mouth and an eye opening or through both eye openings no later than 10 days after the close of trapping season.
1. When available, bobcat seals are issued on a first-come, first-served basis at Department offices and other locations at those times and places as determined and published by the Department.
  2. The trapper shall pay the bobcat seal fee established under R12-4-102.
  3. Department personnel or an authorized agent shall attach and lock a bobcat seal only to a pelt or unskinned carcass presented with a validated transportation tag and a complete lower jaw identified with labels provided with the transportation tag. Department personnel or authorized agents shall collect the transportation tags and jaws before attaching the bobcat seal.
- O.** Department personnel shall attach a bobcat seal to a bobcat pelt seized under A.R.S. § 17-211(E)(4) before disposal by the Department to the public.
- P.** A licensed trapper shall file the annual report prescribed under A.R.S. § 17-361(D).
1. The trapper shall submit the report to Arizona Game and Fish Department, Game Branch, 5000 W. Carefree Highway, Phoenix, AZ 85086 by April 1 of each year.
  2. A report is required even when trapping activities were not conducted. The report form is available at any Department office and online at [www.azgfd.gov](http://www.azgfd.gov).
  3. The Department shall deny a trapping license to any trapper who fails to submit an annual report until the trapper complies with reporting requirements.
- Q.** Persons suffering property loss or damage due to wildlife and who take responsive measures as permitted under A.R.S. §§ 17-239 and 17-302 are exempt from this Section. This exemption does not authorize any form of trapping prohibited under A.R.S. § 17-301.

**Historical Note**

Repealed effective May 3, 1976 (Supp. 76-3). New Section R12-4-56 adopted effective September 2, 1977 (Supp. 77-5). Amended effective December 27, 1979 (Supp. 79-6). Former Section R12-4-56 renumbered as Section R12-4-307 without change effective August 13, 1981. New Section R12-4-307 amended effective August 31, 1981 (Supp. 81-4). Amended effective August 4, 1982 (Supp. 82-4). Correction, Former Section R12-4-56 renumbered as Section R12-4-307 without change effective August 13, 1981 should read "effective August 31, 1981." Amended as an emergency effective March 29, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-2). Amended subsections (B), (C)(6), (7), and (8) and added subsection (I)(5) as a permanent rule effective August 27, 1984 (Supp. 84-4). Amended subsection (C), paragraph (4), subsection (D), subsection (H), paragraph (1), subsection (I), paragraphs (3), (4) and (5) effective September 12, 1986 (Supp. 86-5). Amended effective March 1, 1994; filed in the Office of the Secre-

tary of State November 23, 1993; Exhibit A - "Trapping Report" Form 2050, repealed from Section R12-4-307 (Supp. 93-4). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Corrected mislabeled subsection "C" to subsection "D" as per the Commission's request July 22, 1997 (Supp. 97-2). Amended effective February 9, 1998 (Supp. 98-1). Amended by final rulemaking at 8 A.A.R. 1702, effective March 11, 2002 (Supp. 02-1). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2).

#### **R12-4-308. Wildlife Inspections, Check Stations, and Roadblocks**

- A.** The Department has the authority to establish mandatory wildlife check stations.
1. The Department shall publish in the Commission Order establishing the season the:
    - a. Location,
    - b. Check in requirements, and
    - c. Check-out requirements for that specific season.
  2. The Department shall ensure a wildlife check station with a published:
    - a. Check in requirement is open:
      - i. 8:00 a.m. the day before the season until 8:00 p.m. the first day of the season, and
      - ii. 8:00 a.m. to 8:00 p.m. during each day of the season.
    - b. Check-out requirement is open:
      - i. 8:00 a.m. to 8:00 p.m. during each day of the season, and
      - ii. Until 12:00 noon on the day after the close of the season.
  3. A hunter shall:
    - a. Check in at a wildlife check station in person before hunting when the Department includes a check in requirement in the Commission Order for that season;
    - b. Check out at a wildlife check station in person after hunting when the Department includes a check-out requirement in the Commission Order for that season and shall:
      - i. Present for inspection any wildlife taken; and
      - ii. Display any license, tag, or permit required for taking or transporting wildlife.
- B.** The Department may conduct inspections of lawfully taken wildlife at the Department's Phoenix and regional offices or designated locations during the posted business hours.
1. A bighorn sheep hunter shall check out either in person or by designee within three days after the close of the season. The hunter or designee shall submit the intact horns and skull for inspection and photographing. A Department representative shall affix a mark or seal to one horn of each bighorn sheep lawfully taken under Commission Order. It is unlawful for any person to remove, alter, or obliterate the mark or seal.
  2. A successful bear or mountain lion hunter shall:
    - a. Report information about the kill to the Department either in person or by telephone within 48 hours of taking the wildlife. The report shall include the:
      - i. Name of the hunter,
      - ii. Hunter's hunting license number,
      - iii. Sex of the wildlife taken,
      - iv. Management unit where the wildlife was taken,
      - v. Telephone number where the hunter can be reached for additional information, and

- vi. Any additional information required by the Department.
  - b. Present either in person or by designee the skull, hide, and attached proof of sex for inspection within 10 days of taking the wildlife. If a hunter freezes the skull or hide before presenting it for inspection, the hunter shall prop the jaw open to allow access to the teeth and ensure that the attached proof of sex is identifiable and accessible.
3. For seasons other than bear, bighorn sheep, or mountain lion, where a harvest objective is established, a successful hunter shall report information about the kill either in person or by telephone within 48 hours of taking the wildlife. The report shall include the information required under subsection (B)(2)(a).
- C.** The Director may establish vehicle roadblocks at specific locations when necessary to ensure compliance with applicable wildlife laws. Any occupant of a vehicle at a roadblock shall, upon request, present for inspection all wildlife in possession, and produce and display any license, tag, stamp, or permit required for taking or transporting wildlife.
- D.** This Section does not limit the game ranger or wildlife manager's authority to conduct stops, searches, and inspections authorized under A.R.S. §§ 17-211(E), 17-250(A)(4), and 17-331, or to establish voluntary wildlife survey stations to gather biological information.

#### **Historical Note**

Amended effective June 29, 1978 (Supp. 78-3). Former Section R12-4-57 renumbered as Section R12-4-308 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-308 repealed, new Section R12-4-308 adopted effective May 12, 1982 (Supp. 82-3). Amended subsections (B), (D), and (F), and added subsection (G) effective July 3, 1984 (Supp. 84-4). Former Section R12-4-308 repealed, new Section R12-4-308 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-308 repealed, new Section R12-4-308 adopted effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended effective July 12, 1996 (Supp. 96-3). Amended effective November 10, 1997 (Supp. 97-4). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 12 A.A.R. 683, effective April 8, 2006 (Supp. 06-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2).

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

- A.** 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 (E).
- B.** A person requesting written authorization for the use of drugs on wildlife shall submit the request in writing to the Department at 5000 W. Carefree Hwy, Phoenix, AZ 85086 and 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 that includes the following, as applicable:
    - i. Timing,
    - ii. Sex and number of animals to be treated,
    - iii. Percentage of the population to be treated,
    - iv. Calculated population effect, and
    - v. 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; and
  4. Written permission from landowners or lessees in all locations where the drug will be administered.
- C.** 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 regarding:
1. Locations and time-frames,
  2. Drugs and methodology,
  3. Limitations,
  4. Reporting requirements, and
  5. Any other conditions deemed necessary by the Department.
- D.** 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.
  5. Comply with all conditions and requirements set forth in the written authorization.
- E.** This Section does not prohibit the treatment of wildlife by a licensed veterinarian or holder of a special license in accordance with R12-4-407(A)(2) and (8), R12-4-428(B)(13), activities as authorized under R12-4-418, R12-4-420, R12-4-421, and R12-4-423, an individual exempt from special licensing under R12-4-407(A)(4) and (5), or reasonable lethal removal activities for wildlife control as authorized under A.R.S. § 17-239(A).
- F.** This Section does not limit:
1. Department employees or Department agents in the performance of their official duties related to wildlife management,
  2. The practices of aquaculture facilities administered by the US Fish and Wildlife Service, and commercial aquaculture facilities operating under a valid license from the Arizona Department of Agriculture, or
  3. The use of supplements or drugs as a part of conventional livestock operations where those supplements may incidentally be consumed by wildlife.
- G.** The Department shall take possession of and dispose of any remaining wildlife drugs administered in violation of this Section and any devices and paraphernalia used to administer those drugs, as authorized under A.R.S. §§ 17-211(E), 17-231(A), and 17-240(B).

#### Historical Note

Amended effective May 21, 1975 (Supp. 75-1). Amended effective May 3, 1976 (Supp. 76-3). Amended effective March 7, 1979 (Supp. 79-2). Former Section R12-4-58 renumbered as Section R12-4-309 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-309 repealed, new Section R12-4-309 adopted effective May 12, 1982 (Supp. 82-3). Amended subsection (A) effective July 3, 1984 (Supp. 84-4). Former Section R12-4-309 repealed, new Section R12-4-309 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-309 repealed, new Section R12-4-309 adopted effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended effective January 1, 1997; filed with the Office of the Secretary of State November 7, 1996 (Supp. 96-4). Amended effective January 1, 1999; filed with the Office of the Secretary of State December 4, 1998 (Supp. 98-4). Section repealed by final rulemaking at 8 A.A.R. 1702, effective March 11, 2002 (Supp. 02-1). New Section made by final rulemaking at 16 A.A.R. 1460, effective September 11, 2010 (Supp. 10-3). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2).

#### R12-4-310. Fishing Permits

- A.** The Department may issue a fishing permit to state, county, or municipal agencies or departments and to nonprofit organizations licensed by or contracted with the Department of Economic Security or Department of Health Services, whose primary purpose is to provide physical or mental rehabilitation or training for individuals with physical, developmental, or mental disabilities.
- B.** The permit:
1. Is valid for the two days specified on the permit;
  2. Authorizes up to 20 individuals with physical, developmental, or mental disabilities to fish without a fishing license upon any public waters except that fishing in the waters of the Colorado River is restricted to fishing from the Arizona shoreline only, unless the persons fishing under the authority of the permit also possess a valid Colorado River stamp from the adjacent state; and

3. Does not exempt individuals fishing under the authority of the permit from compliance with other statutes, Commission Orders, and rules not contained in this Section.
- C.** An applicant for a fishing permit shall submit a properly completed application to the Department. The application is furnished by the Department and is available from any Department office and online at [www.azgfd.gov](http://www.azgfd.gov).
1. The applicant shall provide all of the following information:
    - a. The name, address, and telephone number of the agency, department, or nonprofit organization requesting the permit;
    - b. The name, position title, and telephone number of the individual responsible for supervising the individuals fishing under the authority of the permit;
    - c. The total number of individuals who will be fishing under the authority of the permit;
    - d. The dates of the two days for which the permit will be valid; and
    - e. The location for which the permit will be valid.
  2. In addition to the information required under subsection (C)(1), nonprofit organizations shall also submit documentation that they are licensed by or have a contract with the Department of Economic Security or the Department of Health Services for the purpose of providing rehabilitation or treatment services to individuals or groups with physical, developmental, or mental disabilities.
- D.** The Department shall issue or deny the fishing permit to an applicant within 30 calendar days of receiving an application.
- E.** The fishing permit holder shall provide instruction on fish identification, fishing ethics, safety, and techniques to the individuals who will be fishing under authority of the permit. The Department shall provide the lesson plan for this instruction to the permit holder.
- F.** Each individual fishing without a license under the authority of the fishing permit may take only one-half the regular bag limit established by Commission Order for any species, unless the regular bag limit is one, in which case the permit authorizes the regular limit.
- G.** The permit holder shall submit a report to the Department not later than 30 days after the end of the authorized fishing dates. The report form is furnished by the Department and is available at any Department office. The permit holder shall report all of the following information on the form:
1. The fishing permit number and the information contained in the permit;
  2. The total number of individuals who fished and total hours fished;
  3. The total number of fish caught, kept, and released, by species.
- H.** The Department may deny future fishing permits to a permit holder who failed to submit the report until the permit holder complies with reporting requirements.

#### Historical Note

Adopted effective October 9, 1980 (Supp. 80-5). Former Section R12-4-59 renumbered as Section R12-4-310 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-310 renumbered as R12-4-217 and amended effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-310 renumbered as R12-4-217 and amended effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). New Section adopted November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by

final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2).

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

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

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

#### Historical Note

Amended as an emergency effective April 10, 1975 (Supp. 75-1). Amended effective May 3, 1976 (Supp. 76-3). Amended effective May 26, 1978 (Supp. 78-3). Amended effective May 31, 1979. Amended effective June 4, 1979 (Supp. 79-3). Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-60 renumbered as Section R12-4-311 without change effective August 13, 1981 (Supp. 81-4). Amended subsections (A), (B), and (D) and added subsections (F) and (G) effective December 17, 1981 (Supp. 81-6). Amended as an emergency effective May 12, 1982, pursuant to A.R.S. § 41-1003, valid for 90 days (Supp. 82-3). Emergency certification expired. Amended subsections (A) through (E) effective December 7, 1982 (Supp. 82-6). Amended subsections (C) and (D) effective February 9, 1984 (Supp. 84-1).

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Amended effective December 13, 1985 (Supp. 85-6). Amended subsections (A) and (D) effective December 16, 1986 (Supp. 86-6). Former Section R12-4-311 repealed, new Section R12-4-311 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-322 repealed, new Section R12-4-311 adopted effective January 1, 1989, filed effective December 30, 1988" (Supp. 89-2). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

**R12-4-312. Repealed****Historical Note**

Amended effective June 4, 1979 (Supp. 79-3). Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-61 renumbered as Section R12-4-312 without change effective August 13, 1981 (Supp. 81-4). Amended subsections (B), (E) and (F) effective December 17, 1981 (Supp. 81-6). Amended subsections (A), (C), (D), (E), and added subsection (G) effective December 9, 1982 (Supp. 82-6). Amended subsection (A), paragraph (1) effective November 27, 1984 (Supp. 84-6). Amended effective December 13, 1985 (Supp. 85-6). Former Section R12-4-312 repealed, new Section R12-4-312 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-312 repealed, new Section R12-4-312 adopted effective January 1, 1989, filed December 30, 1988 (Supp. 89-2). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Repealed by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

**R12-4-313. Lawful Methods of Taking Aquatic Wildlife**

- A. An individual may take aquatic wildlife as defined under A.R.S. § 17-101, subject to the restrictions prescribed under R12-4-303, R12-4-317, and this Section. Aquatic wildlife may be taken during the day or night and may be taken using artificial light as prescribed under A.R.S. § 17-301.
- B. The Commission may, through Commission Order, prescribe legal sizes for possession of aquatic wildlife.
- C. An individual may take aquatic wildlife by angling or simultaneous fishing as defined under R12-4-301 with any bait, artificial lure, or fly subject to the following restrictions, an individual:
  1. Shall not possess aquatic wildlife other than aquatic wildlife prescribed by Commission Order;
  2. Shall not use the flesh of game fish as bait, except sunfish of the genus *Lepomis*;
  3. May use live baitfish, as defined under R12-4-101, only in areas designated by Commission Order; and
  4. Shall not use waterdogs as live bait in that portion of Santa Cruz County lying east and south of State Highway 82 or that portion of Cochise County lying west of the San Pedro River and south of State Highway 82.
- D. In addition to angling, an individual may also take the following aquatic wildlife using the following methods, subject to the restrictions established under R12-4-303, R12-4-317, and this Section:
  1. Carp (*Cyprinus carpio*), buffalofish, mullet, tilapia, goldfish, and shad may be taken by:
    - a. Bow and arrow,

- b. Crossbow,
  - c. Snare,
  - d. Gig,
  - e. Spear or spear gun, or
  - f. Snagging,
2. Except for snagging, an individual shall not use any of the methods of take listed under subsection (D)(1) within 200 yards of any boat dock or designated swimming area.
  3. Striped bass may be taken by spear or spear gun in waters designated by Commission Order.
  4. Live baitfish may be taken for personal use as bait by:
    - a. A cast net not to exceed a radius of 4 feet measured from the horn to the leadline;
    - b. A minnow trap, as defined under R12-4-301;
    - c. A seine net not to exceed 10 feet in length and 4 feet in width; or
    - d. A dip net.
  5. Catfish may be taken by bow and arrow or crossbow in waters designated by Commission Order.
  6. Amphibians, soft-shelled turtles, mollusks, and crustaceans may be taken by minnow trap, crayfish net, hand, or with any hand-held, non-motorized implement that does not discharge a projectile, unless otherwise permitted under this Section.
  7. In addition to the methods described under subsection (D)(6), bullfrogs may be taken by:
    - a. Bow and arrow,
    - b. Crossbow,
    - c. Pneumatic weapon, or
    - d. Slingshot.
  8. In addition to the methods described under subsection (D)(6), crayfish may be taken with the following devices:
    - a. A trap not more than 3 feet in the greatest dimension,
    - b. A dip net as defined under R12-4-301, or
    - c. A seine net not larger than 10 feet in length and 4 feet in width.
- E. An individual who uses a crayfish net and minnow trap shall:
1. Attach a water-resistant identification tag to the trap when it is unattended. The tag shall include the individual's:
    - a. Name,
    - b. Address, and
    - c. Fishing license number.
  2. Raise and empty the trap daily.

**Historical Note**

Amended as an emergency effective April 10, 1975 (Supp. 75-1). Amended effective May 17, 1977 (Supp. 77-3). Amended effective June 29, 1978 (Supp. 78-3). Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-62 renumbered as Section R12-4-313 without change effective August 13, 1981 (Supp. 81-4). Amended effective December 7, 1982 (Supp. 82-6). Amended subsection (A)(7) and added subsection (E)(3) effective November 27, 1984 (Supp. 84-6). Amended subsections (A) and (E) effective December 9, 1985 (Supp. 85-6). Amended subsections (A) and (E) effective December 16, 1986 (Supp. 86-6). Former Section R12-4-313 repealed, new Section R12-4-313 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-313 repealed, new Section R12-4-313 adopted effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended effective October 14, 1993 (Supp. 93-4). Amended by final rulemaking at 7 A.A.R.

2220, effective May 25, 2001 (Supp. 01-2). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2).

#### **R12-4-314. Repealed**

##### **Historical Note**

Amended effective May 3, 1976 (Supp. 76-3). Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-63 renumbered as Section R12-4-314 without change effective August 13, 1981 (Supp. 81-4). Amended subsection (B) effective December 31, 1984 (Supp. 84-6).

Amended effective December 30, 1988 (Supp. 88-4).

Correction, former Historical Note should read "Amended effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Section repealed by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1).

#### **R12-4-315. Possession of Live Fish; Unattended Live Boxes and Stringers**

- A. An individual may possess fish taken alive as provided under R12-4-313 on the waters where taken, except when the take or possession is expressly prohibited under R12-4-313 or R12-4-317, but the individual shall not transport the fish alive from the waters where taken except as authorized under R12-4-316.
- B. An individual shall attach water resistant identification to any unattended live boxes or stringers holding fish and ensure the identification bears the individual's:
  1. Name,
  2. Address, and
  3. Fishing license number.

##### **Historical Note**

Former Section R12-4-64 renumbered as Section R12-4-315 without change effective August 13, 1981 (Supp. 81-4). Amended effective December 30, 1988 (Supp. 88-4).

Correction, former Historical Note should read "Amended effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2).

#### **R12-4-316. Possession, Transportation, or Importation of Live Baitfish, Crayfish, or Waterdogs**

- A. An individual may possess live baitfish, crayfish, or waterdogs for use as live bait only as established under R12-4-317 and this Section.
- B. An individual may possess or transport the following live baitfish for personal use as live bait as established under R12-4-317:
  1. Fathead minnow (*Pimephales promelas*),
  2. Mosquitofish (*Gambusia affinis*),
  3. Threadfin shad (*Dorosoma petenense*),
  4. Golden shiners (*Notemigonus crysoleucas*), and
  5. Goldfish (*Carassius auratus*).
- C. An individual who possesses a valid Arizona fishing license may:
  1. Import, transport, or possess live waterdogs for personal use as bait, except in the portion of Santa Cruz County lying east and south of State Highway 82 or the portion of Cochise County lying west of the San Pedro River and south of State Highway 82.
  2. Import live baitfish listed under subsection (B) from California or Nevada without accompanying documentation certifying the fish are free of disease.

3. Import live baitfish listed under subsection (B) from any other state with accompanying documentation certifying that the fish are free of Furunculosis.

#### **D. An individual may:**

1. Trap or capture live crayfish as provided under R12-4-313.
2. Use live crayfish as bait only in the body of water where trapped or captured, not in an adjacent body of water, except for the portion of La Paz County west of Highway 95 and south of Interstate 10, Yuma County, and on the Colorado River from the Palo Verde Diversion Dam downstream to the Southern international boundary with Mexico.

#### **E. An individual shall not:**

1. Import, transport, move between waters, or possess live crayfish for personal use as live bait except as allowed in 12 A.A.C. 4, Article 4, and except for the portion of La Paz County west of Highway 95 and south of Interstate 10, Yuma County, and on the Colorado River from the Palo Verde Diversion Dam downstream to the southern international boundary with Mexico.
2. Transport crayfish alive from the site where taken except for the portion of La Paz County west of Highway 95 and south of Interstate 10, Yuma County, and on the Colorado River from the Palo Verde Diversion Dam downstream to the southern international boundary with Mexico.
3. Import, transport, move between waters, or possess live red shiner (*Cyprinella lutrensis*) for personal use.

##### **Historical Note**

Amended effective May 3, 1976 (Supp. 76-3). Amended effective June 4, 1979 (Supp. 79-3). Amended subsections (A), (B), (C), and (D) effective December 29, 1980 (Supp. 80-6). Former Section R12-4-65 renumbered as Section R12-4-316 without change effective August 13, 1981 (Supp. 81-4). Amended subsections (B), (C) and (F) effective February 9, 1984 (Supp. 84-1). Amended effective December 31, 1984 (Supp. 84-6). Former Section R12-4-316 repealed, new Section R12-4-316 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-316 repealed, new Section R12-4-316 adopted effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended by final rulemaking at 7 A.A.R. 2147, effective May 25, 2001 (Supp. 01-2). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2).

#### **R12-4-317. Seasons for Lawfully Taking Fish, Mollusks, Crustaceans, Amphibians, and Aquatic Reptiles**

- A. Methods of lawfully taking aquatic wildlife during seasons designated by Commission Order as "general" seasons are designated under R12-4-313.
- B. Other seasons designated by Commission Order have specific requirements and lawful methods of take more restrictive than those for general seasons, as prescribed under this Section. While taking aquatic wildlife under R12-4-313 an individual participating in:
  1. An "artificial lures and flies only" season shall use only artificial lures and flies as defined under R12-4-301. The Commission may further restrict "artificial lures and flies only" season to the use of barbless or single barbless hooks as defined under R12-4-301.
  2. A "live baitfish" season shall not possess or use any species of fish as live bait at, in, or upon any waters unless that species is specified as a live baitfish for those waters

by Commission Order. Live baitfish shall not be transported from the waters where taken except as authorized under R12-4-316.

3. An "immediate kill or release" season shall kill and retain the designated species as part of the bag limit or immediately release the wildlife. Further fishing is prohibited after the legal bag limit is killed.
  4. A "catch and immediate release" season shall immediately release the designated species.
  5. An "immediate kill" season shall immediately kill and retain the designated species as part of the bag limit.
  6. A "snagging" season shall use this method only at times and locations designated by Commission Order.
  7. A "spear or spear gun" season shall use this method only at times and locations designated by Commission Order.
- C. A "special" season may be designated by Commission Order to allow fish to be taken by hand or by any hand-held, non-motorized implement that does not discharge a projectile. The "special" season may apply to any waters where a fish die-off is imminent due either to poor or low water conditions, Department fish renovation activities, or as designated by Commission Order.

#### Historical Note

Renumbered, then repealed and readopted as Section R12-4-43 effective February 20, 1981 (Supp. 81-1). Former Section R12-4-66 renumbered as Section R12-4-317 without change effective August 13, 1981 (Supp. 81-4).

Correction, Section R12-4-317 formerly shown as repealed should have read reserved. Former Historical Note erroneous, see R12-4-202. Section R12-4-317 adopted effective June 20, 1984 (Supp. 84-3). Repealed effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Repealed effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). New Section made by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2).

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

- A. Methods of lawfully taking wild mammals, birds, and reptiles during seasons designated by Commission Order as "general" seasons are designated under R12-4-304.
- B. Methods of lawfully taking big game during seasons designated by Commission Order as "special" are designated under R12-4-304. "Special" seasons are open only to a person who possesses a special big game license tag authorized under A.R.S. § 17-346 and R12-4-120.
- C. When designated by Commission Order, the following seasons have specific requirements and lawful methods of take more restrictive than those for general and special seasons, as prescribed under this Section. While taking the species authorized by the season, a person participating in:
  1. A "CHAMP" season shall be a challenged hunter access/mobility permit holder as established under R12-4-217.
  2. A "youth-only hunt" shall be under the age of 18. A youth hunter whose 18th birthday occurs during a "youth-only hunt" for which the youth hunter has a valid permit or tag may continue to participate for the duration of that "youth-only hunt."
  3. A "pursuit-only" season may use dogs to pursue bears, mountain lions, or raccoons as designated by Commission Order, but shall not kill or capture the quarry. A person participating in a "pursuit-only" season shall possess and, at the request of Department personnel, produce an

appropriate and valid hunting license and any required tag for taking the animal pursued, even though there shall be no kill.

4. A "restricted season" may use any lawful method authorized for a specific species under R12-4-304, except dogs may not be used to pursue the wildlife for which the season was established.
5. An "archery-only" season shall not use any other weapons, including crossbows or bows with a device that holds the bow in a drawn position except as authorized under R12-4-216. A person participating in an "archery-only" season may use one or more the following methods or devices if authorized under R12-4-304 as lawful for the species hunted:
  - a. Bows and arrows, and
  - b. Falconry.
6. A "handgun, archery, and muzzleloader (HAM)" season may use one or more of the following methods or devices if authorized under R12-4-304 as lawful for the species hunted:
  - a. Bows and arrows,
  - b. Crossbows or bows to be drawn and held with an assisting device,
  - c. Handguns, and
  - d. Muzzle-loading rifles as defined under R12-4-301.
7. A "muzzleloader" season may use one or more of the following methods or devices if authorized under R12-4-304 as lawful for the species hunted:
  - a. Bows and arrows;
  - b. Crossbows or bows to be drawn and held with an assisting device; and
  - c. Muzzleloading rifles or handguns, as defined under R12-4-301.
8. A "limited weapon" season may use one or more of the following methods or devices for taking wildlife, if authorized under R12-4-304 as lawful for the species hunted:
  - a. Any trap except foothold traps,
  - b. Bows and arrows,
  - c. Capture by hand,
  - d. Crossbows or bows to be drawn and held with an assisting device,
  - e. Dogs,
  - f. Falconry,
  - g. Hand-propelled projectiles,
  - h. Nets,
  - i. Pneumatic weapons discharging a single projectile .25 caliber or smaller, or
  - j. Slingshots.
9. A "limited weapon hand or hand-held implement" season may use one or more of the following methods or devices for taking wildlife, if authorized under R12-4-304 as lawful for the species hunted:
  - a. Catch-pole,
  - b. Hand,
  - c. Snake hook, or
  - d. Snake tongs.
10. A "limited weapon-pneumatic" season may use one or more of the following methods or devices for taking wildlife, if authorized under R12-4-304 as lawful for the species hunted:
  - a. Capture by hand,
  - b. Dogs,
  - c. Falconry,
  - d. Hand-propelled projectiles,
  - e. Nets,

- f. Pneumatic weapons discharging a single projectile .25 caliber or smaller, or
  - g. Slingshots.
11. A "limited weapon-rimfire" season may use one or more of the following methods or devices for taking wildlife, if authorized under R12-4-304 as lawful for the species hunted:
    - a. Any trap except foothold traps,
    - b. Bows and arrows,
    - c. Capture by hand,
    - d. Crossbows or bows to be drawn and held with an assisting device,
    - e. Dogs,
    - f. Falconry,
    - g. Hand-propelled projectiles,
    - h. Nets,
    - i. Pneumatic weapons,
    - j. Rifled firearms using rimfire cartridges,
    - k. Shotgun shooting shot or slug, or
    - l. Slingshots.
  12. A "limited weapon-shotgun" season may use one or more of the following methods or devices for taking wildlife, if authorized under R12-4-304 as lawful for the species hunted:
    - a. Any trap except foothold traps,
    - b. Bows and arrows,
    - c. Capture by hand,
    - d. Crossbows or bows to be drawn and held with an assisting device,
    - e. Dogs,
    - f. Falconry,
    - g. Hand-propelled projectiles,
    - h. Nets,
    - i. Pneumatic weapons,
    - j. Shotgun shooting shot or slug, or
    - k. Slingshots.
  13. A "limited weapon-shotgun shooting shot" season may use one or more of the following methods or devices for taking wildlife, if authorized under R12-4-304 as lawful for the species hunted:
    - a. Any trap except foothold traps,
    - b. Bows and arrows,
    - c. Capture by hand,
    - d. Crossbows or bows to be drawn and held with an assisting device,
    - e. Dogs,
    - f. Falconry,
    - g. Hand-propelled projectiles,
    - h. Nets,
    - i. Pneumatic weapons,
    - j. Shotgun shooting shot, or
    - k. Slingshots.
  14. A "falconry-only" season shall be a falconer licensed under R12-4-422 unless exempt under A.R.S. § 17-236(C) or R12-4-407. A falconer participating in a "falconry-only" season shall use no other method of take except falconry.
  15. A "raptor capture" season shall be a falconer licensed under R12-4-422 unless exempt under R12-4-407.

#### Historical Note

Adopted effective June 4, 1987 (Supp. 87-2). Amended effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Amended effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1993;

filed December 18, 1992 (Supp. 92-4). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended effective January 1, 1997; filed in the Office of the Secretary of State July 12, 1996 (Supp. 96-3). Amended effective January 1, 1998; filed in the Office of the Secretary of State November 10, 1997 (Supp. 97-4). Amended by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 16 A.A.R. 1460, effective September 11, 2010 (Supp. 10-3). Amended by final rulemaking at 18 A.A.R. 1458, effective January 1, 2013 (Supp. 12-2). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2).

#### R12-4-319. Use of Aircraft to Take Wildlife

- A. For the purposes of this Section, "locate" means any act or activity that does not take or harass wildlife and is directed at locating or finding wildlife in a hunt area.
- B. An individual shall not take or assist in taking wildlife from or with the aid of aircraft.
- C. Except in hunt units with Commission-ordered special seasons under R12-4-115 and R12-4-120 and hunt units with seasons only for mountain lion and no other concurrent big game season, an individual shall not locate or assist in locating wildlife from or with the aid of an aircraft in a hunt unit with an open big game season. This restriction begins 48 hours before the opening of a big game season in a hunt unit and extends until the close of the big game season for that hunt unit.
- D. An individual who possesses a special big game license tag for a special season under R12-4-115 or R12-4-120 or an individual who assists or will assist such a licensee shall not use an aircraft to locate wildlife beginning 48 hours before and during a Commission-ordered special season.
- E. This Section does not apply to any individual acting within the scope of official duties as an employee or authorized agent of the state or the United States to manage or protect or aid in the management or protection of land, water, wildlife, livestock, domesticated animals, human life, or crops.

#### Historical Note

Amended effective May 21, 1975 (Supp. 75-1). Amended effective May 3, 1976 (Supp. 76-3). Amended effective June 12, 1979 (Supp. 79-3). Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-68 renumbered as Section R12-4-319 without change effective August 13, 1981 (Supp. 81-4). Repealed effective April 28, 1989 (Supp. 89-2). New Section R12-4-319 adopted as an emergency effective October 18, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-4). Emergency expired. New Section adopted by final rulemaking at 6 A.A.R. 211, effective December 14, 1999 (Supp. 99-4). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

#### R12-4-320. Harassment of Wildlife

- A. In addition to the provisions established under A.R.S. § 17-301, it is unlawful to harass, molest, chase, rally, concentrate, herd, intercept, torment, or drive wildlife with or from any aircraft as defined under R12-4-301, or with or from any motorized terrestrial or aquatic vehicle.
- B. This Section does not apply to individuals acting:



1. In accordance with the provisions established under A.R.S. § 17-239; or
2. Within the scope of official duties as an employee or authorized agent of the state or the United States to manage or protect or aid in the management or protection of land, water, wildlife, livestock, domesticated animals, human life, or crops.

#### Historical Note

New Section made by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2).

#### R12-4-321. Restrictions for Taking Wildlife in City, County, or Town Parks and Preserves

- A. All city, county, and town parks and preserves are closed to hunting, unless open by Commission Order.
- B. Unless otherwise provided under Commission Order or rule, a city, county, or town may:
  1. Limit or prohibit any individual from hunting or trapping within 1/4 mile of any:
    - a. Developed picnic area,
    - b. Developed campground,
    - c. Boat ramp,
    - d. Shooting range,
    - e. Occupied structure, or
    - f. Golf course.
  2. Require an individual entering a city, county, or town park or preserve, for the purpose of hunting, to declare the individual's intent to hunt when entering the park or preserve, if the park or preserve has an entry station in operation.
  3. Allow an individual to take wildlife in a city, county, or town park or preserve only during the posted park or preserve hours.

#### Historical Note

New Section R12-4-321 renumbered from R12-4-301 and amended by final rulemaking at 18 A.A.R. 1458, effective January 1, 2013 (Supp. 12-2).

#### R12-4-322. Pickup and Possession of Wildlife Carcasses or Parts

- A. For the purposes of this Section, the following definitions apply:
  1. "Fresh" means the majority of the wildlife carcass or part is not exposed dry bone and is comprised mainly of hair, hide, or flesh.
  2. "Not fresh" means the majority of the wildlife carcass or part is exposed dry bone due to natural processes such as scavenging, decomposition, or weathering.
- B. If not contrary to federal law or regulation, an individual may pick up and possess naturally shed antlers or horns or other wildlife parts that are not fresh without a permit or inspection by a Department officer.
- C. If not contrary to federal law or regulation, an individual may only pick up and possess a fresh wildlife carcass or its parts under this Section if the individual notifies the Department prior to pick up and possession and:
  1. The Department's first report or knowledge of the carcass or its parts is voluntarily provided by the individual wanting to possess the carcass or its parts;
  2. A Department law enforcement officer is able to observe the carcass or its parts at the site where the animal was found in the same condition and location as when the animal was originally found by the individual wanting to possess the carcass or its parts; and

3. A Department law enforcement officer, using the officer's education, training, and experience, determines the animal died from natural causes. The Department may require the individual to take the officer to the site where the animal carcass or parts were found when an adequate description or location cannot be provided to the officer.

- D. If a Department law enforcement officer determines that the individual wanting to possess the carcass or its parts is authorized to do so under subsection (C), the officer may authorize possession of the carcass or its parts.
- E. Wildlife parts picked up and possessed from areas under control of jurisdictions that prohibit such activity, such as other states, reservations, or national parks, are illegal to possess in this state.
- F. This Section does not authorize the pickup and possession of a threatened or endangered species carcass or its parts.

#### Historical Note

New Section made by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2).

### ARTICLE 4. LIVE WILDLIFE

#### R12-4-401. Live Wildlife Definitions

In addition to definitions given in A.R.S. § 17-101, and for the purposes of this Article, the following definitions apply:

1. "Agent" means an individual that assists a special license holder in performing activities that are authorized by the special license to achieve the objectives for which the license was issued.
2. "Aquarium trade" means the commercial industry that lawfully trades in aquatic live wildlife and its customers.
3. "Captive live wildlife" means live wildlife that is held in captivity, physically restrained, confined, impaired, or deterred to prevent it from escaping to the wild or moving freely in the wild.
4. "Cervid" means a mammal classified as a Cervidae or member of the deer family found anywhere in the world, as defined in the taxonomic classification from Volumes I and II of Walker's Mammals of the World, Sixth Edition, 1999, and not including any later edition. A copy is available for inspection at any Department office and from the Johns Hopkins University Press, 2715 North Charles Street, Baltimore MD, 21218-4363.
5. "Circus" means a scheduled event where a variety of entertainment is the principal business, primary purpose, and attraction. "Circus" does not include animal displays or exhibits held as an attraction for a secondary commercial endeavor.
6. "Collect" means to take wildlife alive under the provisions of a scientific collecting permit.
7. "Commercial" means the buying or selling of wildlife or their parts, or the exchange of anything of monetary value for the use of wildlife.
8. "Domestic" means an animal species that does not exist in the wild, and includes animal species that have only become feral after they were released by humans that held them in captivity, or are individuals or populations that escaped from human captivity.
9. "Educational display" means a display of captive live wildlife to increase public understanding of wildlife biology, conservation, and management without requiring or soliciting payment from an audience or an event sponsor. For the purposes of this Article, "to display for educational purposes" refers to display as part of an educational display.
10. "Endangered or threatened" means wildlife that is listed in 50 CFR 17.11, revised as of August 4, 2004 not includ-

- ing any later amendments or editions, which is incorporated by reference. A copy of the list is available for inspection at any Department office, or it may be ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.
11. "Evidence of lawful possession" means any license or permit that allows possession of a specific live wildlife species or individual, or other documentation that establishes lawful possession. Other forms of documentation may include but are not limited to: a statement of nonrequirement for a license or permit for specific live wildlife species, or individual granted by the country or state of origin.
  12. "Exhibit" means to display captive live wildlife in public, or to allow photography of captive live wildlife, for any commercial purpose.
  13. "Exotic" means wildlife or offspring of wildlife that is not native to North America.
  14. "Fish farm" means a commercial operation designed and operated for propagating, rearing, or selling aquatic wildlife for any purpose.
  15. "Game farm" means a commercial operation that is designed and operated for the purpose of propagating, rearing, or selling terrestrial wildlife or the parts of terrestrial wildlife for any purpose stated in R12-4-413.
  16. "Hybrid wildlife" means an offspring from two different wildlife species or genera. Offspring from a wildlife species and a domestic animal species are not considered to be wildlife.
  17. "Live baitfish" means any species of live freshwater fish designated by Commission order as lawful for use in taking aquatic wildlife under R12-4-313.
  18. "Live bait" means aquatic live wildlife used or intended for use in taking aquatic wildlife.
  19. "Native" means wildlife or offspring of wildlife that occurred naturally within the present boundaries of Arizona before European settlement.
  20. "Nonnative" means wildlife or its offspring that did not occur naturally within the present boundaries of Arizona before European settlement.
  21. "Photography" means any process that captures light to produce an exact image of wildlife or parts of wildlife on another medium.
  22. "Propagate" means the production of offspring that qualify as wildlife from captive live wildlife parents.
  23. "Rehabilitated wildlife" means live wildlife that is injured, orphaned, sick, or otherwise debilitated and is provided care to restore it to a healthy condition suitable for release to the wild or for lawful captive use.
  24. "Restricted live wildlife" means wildlife that cannot be imported, exported, or possessed without a special license or lawful exemption. Restricted live wildlife are listed in R12-4-406.
  25. "Shooting preserve" means any operation where live wildlife is released for the purpose of hunting.
  26. "Special license" means any permit or license issued under this Article, including any additional stipulations placed on the license that authorizes specific activities normally prohibited by A.R.S. § 17-306 and R12-4-402.
  27. "Stock" and "stocking" mean to release live aquatic wildlife into public or private waters other than the waters where taken.
  28. "Wildlife of special concern" means any species listed in "Wildlife of Special Concern," published by the Arizona Game and Fish Department. A copy is available for inspection at any Department office.
  29. "Zoonotic" means a disease that can be transmitted to humans from other animals.
- Historical Note**
- Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1).
- R12-4-402. Live Wildlife: Unlawful Acts**
- A. An individual shall not perform any of the following activities with live wildlife unless authorized by this Chapter or A.R.S. Title 3, Chapter 16:
    1. Import any live wildlife into the state;
    2. Export any live wildlife from the state;
    3. Transport, possess, offer for sale, sell, sell as live bait, trade, give away, purchase, rent, lease, display, exhibit, propagate, stock, or release live wildlife within the state; or
    4. Kill any captive live wildlife;
  - B. If an individual lawfully possesses wildlife, but holds it in a manner that poses an actual or potential threat to other wildlife, or the safety, health, or welfare of the public, the Department shall seize, quarantine, or hold the wildlife.
- Historical Note**
- Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1).
- R12-4-403. Escaped or Released Live Wildlife**
- The Department may take any live wildlife that has been released, escapes, or is likely to escape if the wildlife poses an actual or potential threat to native wildlife or to the safety, health, or welfare of the public. An individual shall not release live wildlife under A.R.S. § 17-306, unless authorized by this Chapter. The Department may also take live wildlife as prescribed by this Section if the wildlife is held under a special license.
- Historical Note**
- Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1).
- R12-4-404. Possession of Live Wildlife Taken Under an Arizona Hunting or Fishing License**
- A. An individual may take wildlife from the wild alive under a valid Arizona hunting or fishing license only if there is a Commission Order that prescribes a live bag and possession limit for that wildlife and the individual possesses the appropriate license. An individual may possess, transport, place on educational display, photograph, propagate, or kill for personal use any wildlife taken under an Arizona hunting or fishing license, except that live baitfish may be possessed and transported only in accordance with R12-4-316. An individual shall dispose of any wildlife taken under an Arizona hunting or fishing license as prescribed by subsection (B).
  - B. An individual who possesses wildlife or offspring of wildlife under this Section shall only dispose of the wildlife or its offspring by giving it as a gift, exporting it to another state or jurisdiction, or as directed in writing by the Department. An individual shall not dispose of wildlife taken as prescribed by this Section or offspring of the wildlife by selling, bartering, trading, or exporting it for commercial purposes. Exported live wildlife and its offspring shall not be sold, bartered, purchased, rented, leased, offered for sale, or used for any commercial

purpose. An individual shall not export live desert tortoises (*Gopherus agassizii*) from the state without written authorization from the Department. The Department shall only authorize an individual to export live desert tortoises to another jurisdiction where they can be legally possessed. An individual may release live wildlife possessed under this Section into the wild, but only if the wildlife is not removed from the area where it was taken.

- C. An individual shall not exceed the possession limit of live wildlife established by Commission Order for that species. Offspring of wildlife possessed under this Section count towards the possession limit. If any offspring of amphibians or reptiles exceed the possession limit, they may be held in captivity for 12 months from the date of birth or hatching. Before or on the day the offspring of reptiles and amphibians reach 12 months of age, the individual that possesses them shall dispose of them by giving them as gifts or as directed by the Department.
- D. An individual may propagate desert tortoises possessed under R12-4-407(A)(1), and may hold offspring in captivity for 24 months from the date of hatching. An individual shall dispose of desert tortoises at the end of the 24 months by giving them as gifts or as directed in writing by the Department.
- E. An individual who possesses live wildlife or offspring of wildlife under this Section shall report the wildlife to the Department as prescribed under R12-4-425 if the wildlife becomes restricted under R12-4-406.

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1).

#### R12-4-405. Importing, Purchasing, and Transporting Live Wildlife Without an Arizona License or Permit

- A. An individual may import mammals, birds, and reptiles not listed in R12-4-406 without a license or permit from the Department if the animals are lawfully possessed under a valid license, permit, or other form of authorization from another state, the United States, another country, or are possessed under a lawful exemption.
- B. An individual may import live aquatic wildlife not listed in R12-4-406 without a license or permit from the Department under the following conditions:
  1. The wildlife is lawfully possessed under a valid license, permit, or other form of authorization from another state, the United States, another country, or is possessed under a lawful exemption;
  2. The wildlife is used only for the aquarium trade or a fish farm, as defined in R12-4-401, or for restaurants or markets that are licensed to sell food to the public;
  3. If the wildlife is for the aquarium trade or a fish farm, the wildlife is accompanied by a valid license or permit issued by another state or the United States that allows the wildlife to be transported through this state;
  4. If the wildlife is for restaurants or markets, the wildlife is killed before it is transported from the restaurant or market, or if transported alive from the market is conveyed directly to its final destination for preparation as food; and
  5. If the individual is engaged in the aquarium trade and wishes to purchase aquatic live wildlife or the individual wishes to purchase aquatic live wildlife for restaurants or fish markets.

- C. Aquatic live wildlife that is used in the aquarium trade shall not be used for any reason other than as a pet or in an ornamental display. An individual in the aquarium trade shall not use wildlife that is listed as restricted live wildlife under R12-4-406. An individual shall keep live aquatic wildlife that is used in the aquarium trade in an aquarium or an enclosed pond that does not allow the wildlife to leave the aquarium or pond, and does not allow other live aquatic wildlife to enter.
- D. An individual shall obtain an appropriate special license listed in R12-4-409(A) before importing aquatic live wildlife for any purpose not stated in subsection (B). An individual may import aquatic live wildlife into this state if an exemption exists in this Chapter.
- E. An individual may purchase, possess, exhibit, transport, propagate, trade, rent, lease, give away, sell, offer for sale, export, or kill wildlife or aquatic wildlife or its offspring without an Arizona license or permit if the wildlife is lawfully imported and possessed as prescribed under subsections (A) or (B).
- F. An individual shall use and dispose of wildlife that is taken under an Arizona hunting or fishing license as prescribed by R12-4-404, or R12-4-417 and this Article, if applicable.

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1).

#### R12-4-406. Restricted Live Wildlife

- A. For the purposes of this Section, "transgenic species" means any organism that has had genes from another organism put into its genome through direct human manipulation of that genome. Transgenic species do not include natural hybrids nor individuals that have had their chromosome number altered to induce sterility. A transgenic animal is considered wildlife if the animal is an offspring of a wildlife species.
- B. In addition to any applicable federal license or permit an individual shall possess the appropriate special license listed under R12-4-409(A) or act under a lawful exemption from the requirements of this Article in order to possess wildlife listed under this Section for any activity prohibited under A.R.S. §§ 17-255.02, 17-306, R12-4-402, or R12-4-1102. Exemptions from these requirements are listed under A.R.S. § 17-255.04, R12-4-316, R12-4-404, R12-4-405, R12-4-407, R12-4-425, R12-4-427, and R12-4-430.
- C. Requirements for the use of wildlife that occurs in the wild in this state and that has been taken alive under the authority of a valid state hunting and fishing license are prescribed in R12-4-404 and R12-4-405.
- D. Domestic animals, as defined in R12-4-401, are not subject to restrictions under A.R.S. Title 17, this Chapter, or Commission Orders.
- E. Hybrid wildlife, as defined in R12-4-401, that result from the interbreeding of at least one parent species of wildlife that is listed under this Section are regulated by this Section.
- F. Unless specified otherwise in this Article, all transgenic species are restricted live wildlife.
- G. Unless specified otherwise, mammals listed below are restricted live wildlife as defined in R12-4-401. The taxonomic classification from Volumes I and II of Walker's Mammals of the World, Sixth Edition, 1999, and not including any later edition, is the authority in the following designations. A copy is available for inspection at any Department office and from the Johns Hopkins University Press, 2715 N. Charles St., Baltimore, MD 21218-4363.

1. All species of the genus *Didelphis*. Common name: American opossums;
  2. All species of the order Insectivora. Common names include: Insectivores, shrews, hedgehogs, tenrecs, solenodons, and moles;
  3. All species of the order Chiroptera. Common name: bats;
  4. All species of the family Pongidae of the order Primates. Common names include: orangutans, chimpanzees, gorillas;
  5. All species of the order Xenarthra. Common names include: edentates; or sloths, anteaters, and armadillos;
  6. All species of the order Lagomorpha, except the genus *Oryctolagus*. Common names include: pikas, rabbits, and hares. Genus *Oryctolagus*, containing domestic rabbits, is not wildlife;
  7. All species of the following families of the order Rodentia. Common name: rodents.
    - a. The family Sciuridae. Common names: squirrels, chipmunks, marmots, woodchucks, and prairie dogs;
    - b. The family Geomyidae. Common name: pocket gophers;
    - c. The family Castoridae. Common name: beavers;
    - d. The family Erethizontidae. Common name: New World porcupines; and
    - e. The family Capromyidae. Common names include: hutias, coypus, or nutrias;
  8. All species of the order Carnivora. Common names include: carnivores, skunks, raccoons, bears, foxes, and weasels; and
  9. All species of the following families of the order Artiodactyla. Common name: even-toed ungulates.
    - a. The family Tayassuidae. Common name: peccaries;
    - b. The family Cervidae. Common names include: cervid; or deer, elk, moose, wapiti, and red deer;
    - c. The family Antilocapridae. Common name: pronghorn; and
    - d. The family Bovidae. Common names include: cattle, buffalo, bison, oxen, duikers, antelopes, gazelles, goats, and sheep, except that the following are not restricted:
      - i. The genus *Bubalus*. Common name: water buffalo; and
      - ii. The genus *Bison*. Common name: bison, American bison or buffalo.
- H.** Birds listed below are restricted live wildlife as defined in R12-4-401.
1. The following species within the family Phasianidae. Common names: partridges, grouse, turkeys, quail, and pheasants.
    - a. *Callipepla gambelii*. Common name: Gambel's quail;
    - b. *Callipepla squamata*. Common name: scaled quail;
    - c. *Colinus virginianus*. Common name: northern bobwhite. Restricted only in game management units 34A, 36A, 36B, and 36C as prescribed in R12-4-108;
    - d. *Cyrtonyx montezumae*. Common name: Montezuma, harlequin or Mearns's quail; and
    - e. *Dendragapus obscurus*. Common name: blue grouse; and
  2. The species *Rhynchopsitta pachyrhyncha*. Common name: thick-billed parrot.
- I.** Reptiles listed below are restricted live wildlife as defined in R12-4-401.
1. All species of the order Crocodylia. Common names include: gavials, caimans, crocodiles, and alligators;
  2. The following species of the order Testudines. Common names include: turtles and tortoises;
    - a. All species of the family Chelydridae. Common name: snapping turtles; and
    - b. All species of the genus *Gopherus*. Common name: gopher tortoises, including the desert tortoise; and
  3. All species of the following families or genera of the order Squamata.
    - a. The family Helodermatidae. Common names include: Gila monster and Mexican beaded lizard;
    - b. The family Elapidae. Common names include: cobras, mambas, coral snakes, kraits, and Australian elapids;
    - c. The family Hydrophiidae. Common name: sea snakes;
    - d. The family Viperidae. Common names include: true vipers and pit vipers, including rattlesnakes;
    - e. The family Atractaspididae. Common name: burrowing asps; and
    - f. The following species and genera of the family Colubridae:
      - i. *Dispholidus typus*. Common name: boomslang;
      - ii. *Thelotornis kirtlandii*. Common names include: bird snake or twig snake;
      - iii. *Rhabdophis*. Common name: keelback; and
      - iv. *Boiga irregularis*. Common name: brown tree snake.
- J.** Amphibians listed below are restricted live wildlife as defined in R12-4-401. The following species within the order Anura, common names frogs and toads.
1. All species of the genus *Xenopus*. Common name: clawed frogs;
  2. The species *Bufo horribilis*, *Bufo marinus*, *Bufo paracnemis*. Common names include: giant or marine toads; and
  3. All species of the genus *Rana*. Common names include: leopard frogs and bullfrogs. Bullfrogs possessed under A.R.S. § 17-102 are exempt.
- K.** Fish listed below are restricted live wildlife as defined in R12-4-401.
1. Arctic grayling, the species *Thymallus arctius*;
  2. Bass, all species of the family Serranidae;
  3. Bighead carp, the species *Aristichthys nobilis*;
  4. Black carp, the species *Mylopharyngodon piceus*;
  5. Bony tongue, the species *Arapaima gigas*;
  6. Bowfin, the species *Amia calva*;
  7. Catfish, all species of the family Ictaluridae;
  8. Crucian carp, the species *Carassius carassius*;
  9. Electric catfish, the species *Malapterurus electricus*;
  10. Electric eel, the species *Electrophorus electricus*;
  11. European whitefish or ide, the species *Leuciscus idus* and *Idus idus*;
  12. Freshwater drum, the species *Aplodinotus grunniens*;
  13. Freshwater stingrays, all species of the family Potamotrygonidae;
  14. Gars, all species of the family Lepisosteidae;
  15. Goldeye, mooneye, and all species of the family Hiodontidae;
  16. Herring, all species of the family Clupeidae;
  17. Indian carp, all of the species *Catla catla*, *Cirrhina mrigala*, and *Labeo rohita*;
  18. Lampreys, all species of the family Petromyzontidae;
  19. Nile perch, all species of the genus *Lates* and *Luciolates*;
  20. Pike or pickerels, all species of the family Esocidae;
  21. Pike topminnow, the species *Belonesox belizanus*;

22. Piranha, all species of the genera *Serrasalmus*, *Serrasalmo*, *Phylocentrus*, *Teddyella*, *Rooseveltiella*, and *Pygopristis*;
  23. Rudd, the species *Scardinius erythrophthalmus*;
  24. Shad, all species of the family Clupeidae except threadfin shad, species *Dorosoma petenense*;
  25. Sharks, all species, both marine and freshwater, of the orders Hexanchiformes, Heterodontiformes, Squaliformes, Pristiophoriformes, Squatiniformes, Orectolobiformes, Lamniformes, and Carcharhiniformes, except for all species of the families Hemiscilliidae, Orectolobidae, Brachaeluridae, and Triakidae; genera of the family Scyliorhinidae, including *Aulohalaerlurus*, *Halaelurus*, *Haploblepharus*, *Poroderma*, and *Scyliorhinus*; and genera of the family Parascylliidae, including *Cirroscyllium* and *Parascyllium*;
  26. Silver carp, the species *Hypophthalmichthys molitrix*;
  27. Snakehead, all species of the family Channidae;
  28. South American parasitic catfish, all species of the family Trichomycteridae and Cetopsidae;
  29. Sunfish, all species of the family Centrarchidae;
  30. Temperate basses of the family Moronidae;
  31. Tetras, all species of the genus *Astyanax*;
  32. Tiger fish, the species *Hoplias malabaricus*;
  33. Trout, all species of the family Salmonidae;
  34. White amur or grass carp, the species *Ctenopharyngodon idella*;
  35. Walking or airbreathing catfish, all species of the family Clariidae; and
  36. Walleye, and pike perches, all species of the family Percida.
- L.** Crustaceans listed below are restricted live wildlife as defined in R12-4-401.
1. Asiatic mitten crab, the species *Eriocheir sinensis*; and
  2. Australian crayfish and all freshwater species within the families Astacidae, Cambaridae, and Parastacidae.
- M.** Mollusks listed below are restricted live wildlife as defined in R12-4-401:
1. Asian clam, the species *Corbicula fluminea*;
  2. New Zealand mud snail, the species *Potamopyrgus antipodarum*;
  3. Quagga mussel, the species *Dreissena bugensis*;
  4. Rosy wolfsnail, the species *Euglandina rosea*; and
  5. Zebra mussel, the species *Dreissena polymorpha*.
- Historical Note**
- Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 7 A.A.R. 2220, effective May 25, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 18 A.A.R. 196, effective January 10, 2012 (Supp. 12-1).
- R12-4-407. Exemptions from Special License Requirements for Restricted Live Wildlife**
- A.** An individual is not required to possess a special license to lawfully possess restricted live wildlife under the following exemptions:
1. An individual may possess, transport, or give away a desert tortoise (*Gopherus agassizii*) without a special license if that individual possessed it before April 28, 1989. An individual who possessed a desert tortoise before this date may propagate it, and hold offspring in captivity for 24 months from the date of hatching. The individual shall dispose of the offspring of desert tortoises before or at the end of the 24 months by giving them as a gift or as directed in writing by the Department. An individual who receives a desert tortoise that is given away under this Section is also exempt from the special license requirements. An individual shall not export a desert tortoise from this state unless authorized in writing by the Department.
  2. A licensed veterinarian may possess wildlife while providing medical care to the wildlife and may release rehabilitated wildlife as directed by the Department, if:
    - a. The veterinarian keeps records of restricted live wildlife as required by the Veterinary Medical Examining Board and makes the records available for inspection by an authorized Department employee; and
    - b. The Commission or Department assumes no financial responsibility for any care that a veterinarian provides, except care authorized by the Department.
  3. An individual may import, possess, and export restricted live wildlife if that individual:
    - a. Transports the wildlife through the state within 72 continuous and consecutive hours;
    - b. Ensures that only one individual transports the wildlife. The individual may transport the wildlife personally or allow another individual to transport the wildlife;
    - c. Ensures that the wildlife is neither transferred nor sold to another individual; and
    - d. Ensures that the wildlife is accompanied by evidence of lawful possession, as defined in R12-4-401.
  4. With the exception of all live cervids, which shall not be imported, transported, or possessed except as allowed under R12-4-430, an individual may import, transport, possess, exhibit, and export restricted live wildlife for a government-authorized state or county fair or circus; or may import, possess, transport, and export the wildlife for the purpose of photography. An individual may perform any of these activities if the individual:
    - a. Possesses evidence of lawful possession as defined in R12-4-401 for the wildlife;
    - b. Ensures that the evidence of lawful possession accompanies the wildlife stated on that evidence;
    - c. Ensures that the wildlife does not come into physical contact with the public;
    - d. Keeps the wildlife under complete control by safe and humane means; and
    - e. Ensures that the wildlife is not in this state for more than 60 consecutive days.
  5. With the exception of all live cervids, which shall not be imported, transported, or possessed except as allowed under R12-4-430, an individual may import, transport, possess, exhibit for advertising purposes other than photography, and may export restricted live wildlife if that individual:
    - a. Ensures that the wildlife is accompanied by evidence of lawful possession as defined in R12-4-401;
    - b. Maintains the wildlife under complete control by safe and humane means;
    - c. Prevents the wildlife from coming into contact with the public or being photographed with the public;
    - d. Does not charge a fee to the public to view the wildlife; and
    - e. Exports the wildlife from the state within 10 days of importation.

6. An individual may possess restricted live wildlife that is taken alive under R12-4-404, R12-4-405, and R12-4-427, but the individual must possess the wildlife as prescribed by those Sections.
  7. An Arizona sport falconry license is not required for a visiting nonresident falconer hunting on a valid Arizona hunting license if the falconer is licensed in the falconer's state of residency.
  8. An individual may import, purchase, possess, transport, trade, give away, propagate, kill, and export restricted live wildlife if the individual is doing so for a medical or scientific research facility that is registered with the United States Department of Agriculture under 9 CFR Subchapter A, Animal Welfare, revised January 2000, not including any later amendments or editions, which is incorporated by reference in this Section. A copy is available for inspection at any Department office, or it may be ordered from the United States Department of Agriculture, Marketing, and Regulatory Programs, Animal and Plant Health Inspection Service, Animal Care, Western Region, 9580 Micron Ave., Suite J, Sacramento, CA 95827-2623, (916) 857-6205.
  9. An individual may import and transport live game fish and crayfish directly to restaurants or markets that are licensed to sell food to the public.
  10. Restaurants and markets that are licensed to sell food to the public may possess, exhibit, offer for sale, and sell live game fish or crayfish. Live game fish and crayfish shall be killed before they are transported from the restaurant or market.
  11. An individual may possess and propagate live freshwater crayfish (families Astacidae, Cambaridae, and Parastacidae) and their offspring without a special license, if the crayfish were possessed before January 1, 2001. An individual may not transport, sell, offer for sale, give away, or release live freshwater crayfish except as allowed under this Section or R12-4-316.
- B.** An exemption granted by this Section is not valid for any wildlife protected by federal statute or regulation unless supported by federal permission or documentation rendering the exemption lawful.

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 7 A.A.R. 2220, effective May 25, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1).

#### R12-4-408. Holding Wildlife for the Department

- A.** A game ranger may authorize an individual to possess or transport live wildlife on behalf of the Department if the wildlife is needed as evidence in a pending civil or criminal proceeding.
- B.** With the exception of live cervids, a designated Department employee has the authority to allow an individual to possess and transport captive live wildlife for up to 72 hours.
- C.** The Director has the authority to allow an individual to hold a live cervid for the Department.

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1).

#### R12-4-409. General Provisions and Penalties for Special Licenses

- A.** Special licenses are listed as follows:
1. Aquatic wildlife stocking permit, prescribed by R12-4-410;
  2. Game bird field training permit, prescribed by R12-4-416;
  3. Game bird field trial license, prescribed by R12-4-415;
  4. Game bird hobby license, prescribed by R12-4-419;
  5. Game bird shooting preserve license, prescribed by R12-4-414;
  6. Live bait dealer's license, prescribed by R12-4-411;
  7. Private game farm license, prescribed by R12-4-413;
  8. Scientific collecting permit, prescribed by R12-4-418;
  9. Sport falconry license, prescribed by R12-4-422;
  10. White amur stocking and holding license, prescribed by R12-4-424;
  11. Wildlife holding license, prescribed by R12-4-417;
  12. Wildlife rehabilitation license, prescribed by R12-4-423;
  13. Wildlife service license, prescribed by R12-4-421; and
  14. Zoo license, prescribed by R12-4-420.
- B.** An applicant for any special license listed in subsection (A) shall submit an application to the Department for that license according to the Section that prescribes requirements for that special license. Applications for special licenses are available at any Department office. The Department shall either grant or deny a special license within the overall time-frame prescribed for that special license under R12-4-106, and in a manner consistent with A.R.S. Title 41, Section 6, Article 7.1. By signing the application, the applicant attests that they are authorized or have permission to conduct special license activities at any locations specified in the application.
- C.** In addition to any criteria prescribed by a special license's governing Section, the Department shall deny a special license to an applicant if:
1. The applicant's live wildlife privileges are revoked or suspended in this state, any other state, or by the United States;
  2. The applicant has been convicted of illegally holding or possessing live wildlife within three years of applying for a special license;
  3. The applicant knowingly provides false information on an application; or
  4. The applicant submits an incomplete application.
- D.** If an individual obtains a special license despite meeting any criteria for denial, the license shall be void and of no effect from the date of issuance. If an applicant is denied a special license listed in subsection (A), the Department shall provide a written notice to the applicant that states the reason for denial with references to the statutes or rules on which the denial is based. The applicant may appeal the denial to the Commission as prescribed in A.R.S. Title 41, Chapter 6, Article 10.
- E.** Special license holders are not exempt from any municipal, county, state or federal statutes, rules, or ordinances. A special license does not authorize an individual to engage in any activity using wildlife if the wildlife is protected by federal regulation. A special license holder may only engage in authorized activities using federally-protected wildlife if the license holder possesses a valid license, permit, or other form of documentation issued by the United States that authorizes the license holder to use that wildlife in a manner consistent with the special license.
- F.** The Department has the authority to place additional stipulations on a special license at the time of application or renewal if necessary to conserve wildlife populations, prevent intro-

duction and proliferation of wildlife diseases, prevent wildlife from escaping, or for public health or safety.

- G.** A special license holder shall keep live wildlife in a facility according to the captivity standards prescribed by R12-4-428, or if applicable, as otherwise required by the Section that prescribes captivity requirements under the special license. The Department may authorize one of its employees to make a reasonable inspection of a facility to ensure that it complies with all requirements prescribed by this Article. The Department shall ensure that an inspection does not inadvertently transmit disease among facilities.
- H.** A special license holder shall keep records according to the Section that prescribes requirements for the special license. The license holder shall make the records available for inspection to any authorized Department employee upon reasonable request.
- I.** If a disease or other emergency condition exists that poses an immediate threat to the public or the welfare of wildlife, including wildlife held under a special license, as determined by a person with relevant expertise, the Department shall immediately order a cessation of operation under the special license and, if necessary, order humane disposition or quarantine of any contaminated or threatened wildlife. The license holder shall perform disease testing, submit biological samples to the Department or its designee, quarantine the wildlife, or destroy the wildlife as directed by the Department. The license holder shall ensure that any disease giving rise to an emergency condition under this subsection is diagnosed by an individual or individuals professionally certified to make the diagnosis. Once operation has ceased and an emergency no longer exists, subsection (J) applies.
- J.** If a condition exists, including disease or any violation of this Article, that poses a threat to the welfare of wildlife, including the wildlife held, or the public, but the threat does not constitute an emergency, the Department shall provide the license holder a written notice of the condition, by certified mail or personal service, specifying a reasonable time for the license holder to cure the noticed condition. Failure of the license holder to cure the noticed condition within the time specified by the Department is a violation under subsection (K). If a licensee receives three notices under this subsection for the same condition within a two-year period, the Department shall treat the third notice as a failure to cure.
- K.** The Department has the authority to do any or all of the following as it deems necessary: file criminal charges; suspend a special license; seize, or seize in place any wildlife held under a special license, and unless the license holder appeals the conviction, humanely dispose of the wildlife, if a special license holder:
  1. Violates any provision of this Section;
  2. Violates any provision of the special license that the individual possesses, including any stipulations applied by the Department;
  3. Violates A.R.S. § 13-2908, relating to criminal nuisance;
  4. Violates A.R.S. § 13-2910, relating to cruelty to animals;
  5. Is convicted of any other criminal offense involving cruelty to animals;
  6. Refuses to allow reasonable inspection of facilities, wildlife, or required records; or
  7. Fails to keep records or submit reports if required by this Section or the Section that governs any special license, listed in subsection (A), that the individual possesses.
- L.** An individual may appeal to the Commission any Department action listed in subsection (K), except filing of criminal charges, as prescribed by A.R.S. Title 41, Chapter 6, Article 10.

- M.** All special licenses listed in subsection (A) expire on December 31 for the year issued unless otherwise specified in the governing Section. If the special license holder does not submit an application to the Department for a new license by the date that the license expires, any live wildlife possessed under the license is considered unlawfully possessed, and the Department has the authority to seize it. If the special license holder submits an application for a new license on or before the date that the license expires, the license holder's current license remains valid until the Department grants or denies the new special license. If the Department denies the new license, and the license holder appeals the denial to the Commission as prescribed by subsection (D), the license holder may continue to hold the wildlife until the date that the Commission makes its final decision on the denial.
- N.** If the special license holder chooses to renew the license, the license holder shall submit an application for a new license as required by the governing Section.
- O.** If required by the governing Section, a special license holder shall submit an annual report to the Department before January 31 of each year on activities performed under the license for the previous calendar year. If the license holder is acting as a representative of an institution, organization, or agency for the purposes of the special license, the annual report is due within 30 days after the license holder's termination of affiliation with that entity. The special license holder shall submit the following information and any additional information required by the governing Section.
  1. The license holder's name, address, telephone number, and special license number;
  2. The number and species of all restricted live wildlife obtained and the date when it was obtained;
  3. The source of all restricted live wildlife obtained and the date when it was obtained;
  4. The number of offspring propagated by all restricted live wildlife; and
  5. If applicable, the number, species, and date of disposition and manner of disposition of all wildlife, including the names and addresses of individuals to whom the wildlife was sold, bartered, or given, if authorized.

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1).

#### **R12-4-410. Aquatic Wildlife Stocking Permit**

- A.** An aquatic wildlife stocking permit allows an individual to perform any of the following: import, purchase, possess, transport and stock any species designated on the permit at the location specified on the permit.
- B.** An applicant shall apply for an aquatic stocking permit on forms provided by the Department. Applications are available at any Department office. An applicant shall provide the following on the application:
  1. Name, address, telephone number, birthdate, physical description, and if applicable, Department ID number;
  2. If the applicant will use the wildlife for a commercial purpose, the name, address, and telephone number of the applicant's business;
  3. The wildlife species, the number of animals per species, and the approximate size of the wildlife that will be used

- under the license. If the application is for use of multiple species, the applicant shall list each species and the number of animals per species;
4. The name, address, and telephone number of the location where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical location of the holding site, including river drainage, township, range, and section. If the applicant applies to hold wildlife in more than one location, the applicant shall submit a separate application for each location;
  5. A detailed description or diagram of the facilities where the applicant will hold the wildlife;
  6. The name, address, and telephone number of all wildlife suppliers from whom the applicant will obtain wildlife;
  7. The date wildlife will be stocked, or dates if stocking will take more than one day;
  8. If the applicant is applying for an aquatic wildlife stocking permit to stock wildlife in an area where the wildlife has not already been introduced, or where the wildlife is not currently established, or to stock wildlife that conflicts with the Department's efforts to conserve wildlife, a typewritten, computer or word processor printed, or legibly handwritten proposal that clearly states:
    - a. The purpose for introducing the aquatic live wildlife species;
    - b. The anticipated benefits from introducing the aquatic live wildlife species;
    - c. The potential adverse economic impacts of introducing the aquatic live wildlife species;
    - d. The potential dangers the introduced species could create for native and game fish, including whether or not the introduced species is compatible with native or game fish;
    - e. The potential ecological problems that the introduced species could create;
    - f. The diseases and parasites inherent in or associated with the introduced species;
    - g. The anticipated hybridization concerns with introducing the species; and
    - h. Any suggestions to evaluate the status and impact of the species after it is introduced; and
  9. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information provided is true and correct to the applicant's knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.
- C. An aquatic wildlife stocking permit holder shall stock wildlife only on the date or dates stated on the permit. An aquatic wildlife stocking permit holder is only authorized to stock wildlife for 20 consecutive days.
  - D. The Department shall issue an aquatic wildlife stocking permit in compliance with R12-4-106. The Department shall deny a wildlife stocking permit if the applicant proposes to use aquatic wildlife that is not compatible with or poses a threat to any wildlife within the drainage or area where the stocking is to occur. If the Department determines that issuance of the permit will result in a negative impact to state wildlife, the Department shall deny the permit. If the Department denies the application for a permit, the Department shall proceed as prescribed by R12-4-409(D).
  - E. An aquatic wildlife stocking permit holder shall obtain all aquatic wildlife, live eggs, fertilized eggs, and milt from a licensed fish farm operator or a private noncommercial fish pond that has been certified free of the diseases and causative agents specified by any additional stipulation placed on the permit by the Department at the time of application or permit renewal, as authorized by R12-4-409(F). Certification is based on a physical inspection of the fish farm or fish pond of origin performed not more than 12 months before the wildlife or biological material is shipped. The Department has the authority to require that an inspection be performed sooner than 12 months. The inspection shall be performed by a qualified fish health inspector or fish pathologist. The inspection shall be performed at the fish farm or fish pond where the wildlife or biological material is held before it is shipped. A copy of the certification shall accompany each shipment.
  - F. Native aquatic wildlife species shall be obtained and disposed of as directed by the Department.
  - G. An aquatic wildlife stocking permit holder is subject to the provisions of R12-4-409 and R12-4-428.

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1).

#### R12-4-411. Live Bait Dealer's License

- A. A live bait dealer's license allows an individual to perform any of the following: import, transport, purchase, possess, exhibit for sale, offer for sale, sell as live bait, kill, trade, or export any or all of the following aquatic live wildlife as bait:
  1. Fathead minnow, *Pimephales promelas*;
  2. Golden shiner, *Notemigonus crysoleucas*;
  3. Goldfish, *Carassius auratus*;
  4. Mosquito fish, *Gambusia affinis*;
  5. Red shiner, *Cyprinella lutrensis*;
  6. Threadfin shad, *Dorosoma petenense*; and
  7. Waterdogs, *Ambystoma tigrinum*, except in that portion of Santa Cruz County lying east and south of State Highway 82, or that portion of Cochise County lying west of the San Pedro River and south of State Highway 82.
- B. An applicant for a live bait dealer's license shall apply on a form provided by the Department and available from any Department office. The applicant shall provide the following information:
  1. Name, address, telephone number, birthdate, physical description, and if applicable, Department ID number;
  2. The name, address, and telephone number of the applicant's business;
  3. The wildlife species and the number of animals per species that will be sold under the license. If the application is for use of multiple species, the applicant shall list each species and the number of animals per species;
  4. The name, address, and telephone number of the location where the wildlife will be held and sold. If the applicant applies to hold wildlife in more than one location, the applicant shall submit a separate application for each location;
  5. A detailed description or diagram of the facilities where the applicant will hold the wildlife;
  6. The name, address, and telephone number of all wildlife suppliers from whom the special license applicant will obtain wildlife; and
  7. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information provided is true and correct to the applicant's knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.



- C. The Department shall issue a live bait dealer’s license in compliance with R12-4-106. If the Department denies the application for a special license, the Department shall proceed as prescribed by R12-4-409(D).
- D. A live bait dealer’s license holder shall obtain live baitfish from a facility that is certified free of the diseases and causative agents specified in any stipulations placed on the permit by the Department as authorized by R12-4-409(F).
- E. To receive certification that a facility is free of diseases or causative agents specified in any stipulations that may be placed on the license, the operator of the facility shall ensure that:
  1. The inspection is performed by a qualified fish health inspector or fish pathologist;
  2. The inspection is performed at the facility where the wildlife is held before it is shipped; and
  3. The inspection is performed not more than 12 months before the wildlife is shipped. The Department has the authority to require that an inspection be performed sooner than 12 months before shipping.
- F. A live bait dealer’s license is subject to the provisions of R12-4-409 and R12-4-428.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 7 A.A.R. 2220, effective May 25, 2001 (Supp. 01-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1).

**R12-4-412. Special License Fees**

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

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

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Repealed effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). New Section adopted effective November 10, 1997 (Supp. 97-4). Amended by final rulemaking at 6 A.A.R. 211, effective December 14, 1999 (Supp. 99-4). Section repealed by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

**R12-4-413. Private Game Farm License**

A. A private game farm license requires the commercial use of wildlife held under the license. The commercial use of wildlife

under this license allows only the following: to offer for sale, sell, trade, rent or lease, give away, purchase, display for sale, import, possess, propagate, rear, transport, and export wildlife or the carcass of wildlife or its parts, as specified on the license. As defined in R12-4-401, propagation involves only wildlife and does not permit possession of domestic animals or other non-wildlife species for propagation. Private game farm wildlife may be killed or slaughtered, but an individual shall not kill or allow the wildlife to be killed by hunting or in a manner that could be perceived as hunting or recreational sport harvest. Private game farm wildlife shall not be killed by an individual who pays a fee to the owner of the game farm for killing the wildlife, nor shall the game farm owner accept a fee for killing the wildlife, except as allowed under R12-4-414, R12-4-415, R12-4-416, and R12-4-419.

B. An applicant shall use an application form available from any Department office. The applicant shall provide the following information on the form:

1. Name, address, telephone number, birthdate, physical description, and if applicable, Department ID number;
2. Name, address, and telephone number of the applicant’s business;
3. The wildlife species and the number of animals per species that will be used under the license. If the application is for use of multiple species, the applicant shall list each species and the number of animals per species. Except for live cervids, which shall not be imported, transported, or possessed, except as authorized by R12-4-430, the Department shall only issue a license for the following species:
  - a. Pen-reared game birds:
    - i. Blue grouse, *Dendragapus obscurus*;
    - ii. Chukar, *Alectoris chukar*;
    - iii. California or valley quail, *Callipepla californica*;
    - iv. Gambel’s quail, *Callipepla gambelii*;
    - v. Scaled quail, *Callipepla squamata*;
    - vi. Montezuma or Mearns’ quail, *Cyrtonyx montezumae*;
    - vii. Northern bobwhite, *Colinus virginianus*. License is required only for game farms located in game management units 34A, 36A, 36B, and 36C, as prescribed in R12-4-108; and
    - viii. Ringneck and whitewing pheasant, *Phasianus colchicus*;
  - b. Mammals that are restricted live wildlife listed in R12-4-406 only if:
    - i. The same species does not exist in the wild in this state;
    - ii. The applicant submits with the application proof that the applicant has a license issued by the United States Department of Agriculture under 9 CFR Subchapter A, Animal Welfare;
    - iii. The applicant submits with the application a typewritten, computer or word processor printed, or legibly handwritten proposal that clearly states the species to be possessed, the purpose of possession, the purpose of propagation, if applicable, and how the applicant will prevent escape, a threat to native wildlife, and a threat to public safety; and
    - iv. The applicant clearly states how the applicant will dispose of the wildlife, either by export from the state, to another game farm licensed under this Section, to a zoo licensed under R12-4-420, to a medical or scientific research facil-

ity exempted under R12-4-407, or as otherwise authorized by this Section;

4. If the applicant is renewing the private game farm license, the species and number of animals per species that are currently in captivity;
  5. The name, address, and telephone number of the location of the game farm where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical location of the game farm, including township, range, and section. If the applicant applies to hold wildlife in more than one location, the applicant shall submit a separate application for each location;
  6. A detailed description or diagram of the facilities where the applicant will hold the wildlife, and a description of how the facilities comply with R12-4-428 and any other captivity standards prescribed by this Section;
  7. The name, address, and telephone number of all wildlife suppliers from whom the special license applicant will obtain wildlife;
  8. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information provided is true and correct to the applicant's knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.
- C.** The Department shall issue a private game farm license in compliance with R12-4-106. If the Department denies the application for a special license, the Department shall proceed as prescribed by R12-4-409(D).
- D.** A private game farm license holder shall ensure that each shipment of live wildlife imported into the state is accompanied by a certificate of health issued by a licensed veterinarian.
- E.** A private game farm license holder shall provide a receipt to each individual that transports dead wildlife from the site of the game farm. The receipt shall include the date that the wildlife was purchased, traded, or given as a gift; the name of the game farm; and the number of dead wildlife, by species, that are being transported.
- F.** A private game farm license holder shall ensure that shipments of wildlife made by the game farm are accompanied by documentation showing the name of the game farm license holder, the license number of the valid game farm license for the current year, the date shipped, the species and the number of individuals per species of wildlife in the shipment, the name of the individual or common carrier transporting the shipment, and the name of the person who will receive the shipment.
- G.** Before January 31 of each year, a private game farm license holder shall file a written report on activities performed under the license for the previous calendar year. A private game farm license holder shall submit an annual report on a form available from the Department as prescribed by R12-4-409(O). The annual report shall also include the following information:
1. The number of animals per wildlife species, and the source of all wildlife that the license holder obtained or propagated;
  2. The date when the wildlife was obtained or propagated;
  3. The date when the wildlife was disposed of and the manner of disposition; and
  4. If the wildlife was disposed of by sale, barter, or given as a gift, the names of individuals who received the wildlife.
- H.** A private game farm license holder shall maintain records of all wildlife possessed under the license for three years. The records shall include the information required in subsection (G)(1) through (4) and R12-4-409(O)(1) through (5).
- I.** A game farm license holder is subject to the provisions R12-4-409, R12-4-428, and R12-4-430.

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1).

#### R12-4-414. Game Bird Shooting Preserve License

- A.** A game bird shooting preserve license allows the year-round release of pen-reared game birds as prescribed by the license, at the site specified on the license, for the purpose of hunting or shooting by individuals who may be charged a fee. The license also allows an individual to do any or all of the following: import, purchase, possess, transport, trade, display for sale, offer for sale give as a gift, propagate, or export the live wildlife specified on the license.
- B.** An applicant shall make application for a shooting preserve license on a form provided by the Department. The applicant shall provide the following on the application:
1. Name, address, telephone number, birthdate, physical description, and if applicable, Department ID number;
  2. If the applicant will use the wildlife for a commercial purpose, the name, address, and telephone number of the applicant's business;
  3. The wildlife species and the number of animals per species that will be used under the license. If the application is for use of multiple species, the applicant shall list each species and the number of animals per species. The Department shall only issue a license for the following game bird species:
    - a. Chukar, *Alectoris chukar*;
    - b. Mallard duck, *Anas platyrhynchos*;
    - c. Northern bobwhite, *Colinus virginianus*, except that no license will be issued for this species in game management units 34A, 36A, 36B, and 36C, as prescribed in R12-4-108; and
    - d. Ringneck and whitewing pheasant, *Phasianus colchicus*;
  4. If the applicant is renewing the game bird shooting preserve license, the species and number of animals per species that are currently in captivity;
  5. The name, address, and telephone number of the location where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical description of the location, including township, range, and section;
  6. A detailed description or diagram of the facilities where the applicant will hold the wildlife, and a description of how the facilities comply with R12-4-428, and any other captivity standards that may be prescribed by this Section;
  7. A detailed description or diagram of the shooting preserve where the applicant will release the wildlife. The shooting preserve shall not be more than 1000 acres and shall be located on private land;
  8. The name, address, and telephone number of the shooting preserve where the wildlife will be released, if applicable. Otherwise, the physical location of the shooting preserve, including township, range, and section. If the applicant applies to release wildlife at more than one shooting preserve, the applicant shall submit a separate application for each preserve;
  9. The name, address, and telephone number of all wildlife suppliers from whom the special license applicant will obtain wildlife; and

10. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information provided is true and correct to the applicant's knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.
- C.** The Department shall issue a game bird shooting preserve license in compliance with R12-4-106. The Department shall not issue a game bird shooting preserve license if escape of any species listed on the application or operation of a game bird shooting preserve will create a threat to native wildlife or public health or safety. If the Department denies the application for a special license, the Department shall proceed as prescribed by R12-4-409(D).
- D.** A game bird shooting preserve license holder shall ensure that each shipment of live wildlife imported into the state is accompanied by a certificate of health issued by a licensed veterinarian.
- E.** A game bird shooting preserve license holder shall post visible and legible signs every 100 yards that mark the boundaries of the shooting preserve. Each sign shall indicate that the area behind the sign is a private game bird shooting preserve and display the name of the shooting preserve.
- F.** A game bird shooting preserve license holder shall provide a receipt to each individual that transports dead wildlife from the site of the game bird shooting preserve. The receipt shall include the date of purchase, the name of the shooting preserve, and the number by species of wildlife to be transported.
- G.** A game bird shooting preserve license holder shall ensure that shipments of dead wildlife made by the game bird shooting preserve are accompanied by documentation showing the name of the license holder, the license number of the valid game bird shooting preserve license for the current year, the date the wildlife is shipped, the number of animals per species in the shipment, the name of the individual or common carrier transporting the shipment, and the name of the individual who will receive the shipment.
- H.** A hunting license is not required to hunt released wildlife on a licensed game bird shooting preserve. The season for taking game birds on a shooting preserve may be yearlong. Wildlife released on a shooting preserve and found outside the preserve shall not be taken under provisions of a game bird shooting preserve license.
- I.** Game birds released on a shooting preserve may be taken by any method not prohibited by R12-4-303
- J.** Before January 31 of each year, a game bird shooting preserve license holder shall file a written report on activities performed under the license for the previous calendar year. A game bird shooting preserve license holder shall submit an annual report on a form available from the Department as prescribed by R12-4-409(O). The annual report shall also include the following information:
1. The number of animals per wildlife species, and the source of all wildlife that the license holder obtained or propagated;
  2. The date when the wildlife was obtained or propagated;
  3. The date when the wildlife was disposed of, and the manner of disposition; and
  4. If the wildlife was disposed of by sale, barter, or given as a gift, the names of individuals who received the wildlife.
- K.** A game bird shooting preserve license holder shall maintain records of all wildlife possessed under the license for three years. The records shall include all information required in an annual report as stated in subsection (J)(1) through (4) and R12-4-409(O).
- L.** Game bird shooting preserve licenses are subject to the provisions of R12-4-409 and R12-4-428.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1).

**R12-4-415. Game Bird Field Trial License**

- A.** A game bird field trial license allows an individual to release and take released live pen-reared game birds specified on the license for the purpose of conducting a competition to test the performance of hunting dogs in one field trial event. It also allows the import or purchase within the state, possession, and transport of the game birds specified on the license for one field trial event. Game birds may be possessed alive by the license holder after the field trial event until December 31 of the year the license was issued. Game birds possessed alive subsequent to the field trial event may be transported and may be given away, exported, or killed.
- B.** An individual shall apply for a game bird field trial license on a form provided by the Department. An applicant shall submit the following on the application:
1. Name, address, telephone number, birthdate, physical description, and if applicable, Department ID number;
  2. If the applicant will use the wildlife for a commercial purpose, the name, address, and telephone number of the applicant's business. If the applicant will use the wildlife for an activity sponsored by an organization, the name of the organization, and the name, address, and telephone number of the organization chair or local chapter;
  3. The wildlife species and the number of animals per species that will be used under the license. If the application is for use of multiple species, the applicant shall list each species and the number of animals per species. The Department shall only issue a license for the following game bird species:
    - a. Chukar, *Alectoris chukar*;
    - b. Mallard duck, *Anas platyrhynchos*;
    - c. Northern bobwhite, *Colinus virginianus*, except that no license shall be issued for this species in game management units 34A, 36A, 36B, and 36C, as prescribed in R12-4-108; and
    - d. Ringneck and whitewing pheasant, *Phasianus colchicus*;
  4. The name, address, and telephone number of the location where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical description of the location, including township, range, and section;
  5. A description of how the license holder will comply with R12-4-428, and any other captivity standards that may be prescribed by this Section;
  6. The beginning date of the event. A game bird field trial event shall not last longer than 10 consecutive days;
  7. The name, address, and telephone number of the location where the wildlife will be released, if applicable. Otherwise, the physical description of the location, including township, range, and section. If the applicant is applying to release wildlife at multiple locations, the applicant shall provide the name, address, and telephone number of each location or the physical description of the location, including township, range, and section;
  8. The name, address, and telephone number of all wildlife suppliers from whom the special license applicant will obtain wildlife;
  9. The applicant's signature and the date of signing. By signing the application, the applicant attests that the

information provided is true and correct to the applicant's knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.

- C. The Department shall issue a game bird field trial license in compliance with R12-4-106. If the Department denies the application for a special license, the Department shall proceed as prescribed by R12-4-409(D). The Department shall not issue a game bird field trial license if:
1. Escape of any species listed on the application or operation of a game bird shooting preserve will create a threat to native wildlife or public health or safety;
  2. There is already an established wild population of upland game birds at the site where the field trial event is planned to take place, and the wild population is the same species as the wildlife listed on the license;
  3. The release of game birds interferes with wildlife or habitat restoration programs; or
  4. The release of game birds takes place during nesting periods of upland game birds or waterfowl that nest in the area.
- D. Each shipment of game birds imported shall be accompanied by a certificate of health from a licensed veterinarian for the shipment.
- E. A game bird field trial license holder shall only hold a field trial event at the location specified on the license, and shall only release or take the species of game birds specified on the permit.
- F. Any released game birds not taken or recovered during the dates specified on the license become property of the state, and shall not be taken under a game bird field trial license.
- G. A hunting license is not required to participate in a field trial event held under the provisions of this Section. The license holder or a representative for the license holder shall have the field trial license in possession during the event specified on the license. Released wildlife may be taken by any method not prohibited in R12-4-303.
- H. The license holder shall ensure that wildlife being transported from a field trial event have a tag or label affixed to each container of live birds, carcass, or package that lists the following:
1. The name of the license holder,
  2. The date of shipment or transport,
  3. The number of animals per species of wildlife, and
  4. The name of the individual or common carrier transporting them and the name and address of the individual who will receive the shipment.
- I. A game bird field trial license holder shall submit a report to the Department within 30 days following the event that specifies the species and number of birds per species released and retaken. The license holder shall maintain a list of names and addresses of participants for inspection by the Department.
- J. A field trial license holder is subject to the provisions of R12-4-409 and R12-4-428.

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1).

#### R12-4-416. Game Bird Field Training Permit

- A. A game bird field training permit allows an individual to release and take of released live pen-reared game birds specified on the permit for the purpose of training a dog or raptor to hunt. Game birds may be purchased within the state, or imported if the shipment is accompanied by a certificate of health issued by a licensed veterinarian. Game birds possessed

under this Section may be transported, given away, exported or killed.

- B. An applicant shall apply on a form provided by the Department. The form requires that the following be provided by the applicant:
1. Name, address, telephone number, birthdate, physical description, and if applicable, Department ID number;
  2. The wildlife species and the number of animals per species that will be used under the permit. If the application is for use of multiple species, the applicant shall list each species and the number of animals per species. The Department shall only issue a permit for the following game bird species:
    - a. Chukar, *Alectoris chukar*;
    - b. Mallard duck, *Anas platyrhynchos*;
    - c. Northern bobwhite, *Colinus virginianus*, except that no license shall be issued for this species in game management units 34A, 36A, 36B, and 36C, as prescribed in R12-4-108; and
    - d. Ringneck and whitewing pheasant, *Phasianus colchicus*.
  3. The name, address, and telephone number of the location where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical description of the location, including township, range, and section;
  4. A description of how the applicant will comply with R12-4-428, and any other captivity standards that may be prescribed by this Section;
  5. The name, address, and telephone number of the location where the wildlife will be released, if applicable. Otherwise, the physical description of the location, including township, range, and section. If the applicant applies to release wildlife at more than one location, the applicant shall submit a separate application for each location;
  6. A range of dates within which training may take place;
  7. The name, address, and telephone number of all wildlife suppliers from whom the applicant will obtain wildlife;
  8. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information provided is true and correct to the applicant's knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.
- C. The Department shall issue a game bird field training permit in compliance with R12-4-106. If the Department denies the application for a permit, the Department shall proceed as prescribed by R12-4-409(D). The Department shall not issue a game bird field training permit if:
1. There is already an established wild population of upland game birds at the site where the field training event is planned to take place, and the wild population is the same species as the wildlife listed on the license;
  2. The release of game birds interferes with wildlife or habitat restoration programs, or
  3. The release of game birds takes place during nesting periods of upland game birds or waterfowl that nest in the area.
- D. An applicant may request in writing that one or more named individuals be authorized to act as an agent on the applicant's behalf. An individual that has had wildlife privileges revoked in this state, any other state, or by the United States is not eligible to be agent. An agent is subject to the stipulations on the applicant's permit. The permit holder is responsible for acts of the agents if they fall within the requirements of this Section.
- E. A game bird field training permit holder may make a written request to amend the permit to add or delete an agent at any

time during the license period. The permit holder shall obtain written authorization from the Department before designating any additional agents.

- F. A game bird field training permit holder shall notify the Department in writing within 10 calendar days of terminating an agent.
- G. A game bird field training permit holder shall have the permit in possession and a permit holder's authorized agent shall have a copy of the permit in possession while conducting the activities authorized by the permit. The permit holder and agents shall make the permit and any copies of a permit available for Department inspection when conducting permitted activities.
- H. A permit holder shall release authorized wildlife only at the location specified on the permit. Any released game birds not taken or recovered after the field training activity become property of the state and shall not be taken under a game bird field training permit.
- I. A hunting license is not required to take game birds released under the provisions of this Section.
- J. A field training permit holder is subject to the provisions of R12-4-409 and R12-4-428.

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1).

#### R12-4-417. Wildlife Holding License

- A. A wildlife holding license authorizes an individual to: possess, transport, import, display for educational purposes, photograph for commercial purposes, purchase, propagate, export, give away, or euthanize either restricted live wildlife or live wildlife lawfully held under a hunting or fishing license for purposes listed in subsection (B). An individual shall perform only those authorized activities that are specifically stated on the license with the specific live wildlife listed on the license. The Department shall not issue a wildlife holding license to an individual for the use of live cervids, which shall not be imported, transported, or possessed except as allowed under R12-4-430.
- B. The Department shall issue a wildlife holding license only if the Department determines that issuing the license is in the best interest of the wildlife, it will not adversely impact other wildlife in this state, and it does not pose a threat to public health or safety, and only for the following purposes:
  1. The advancement of science, wildlife management, or promotion of public health or welfare;
  2. Education;
  3. To photograph for a commercial purpose live wildlife that is already possessed under the authority of R12-4-404, or already possessed under this Section, but only if:
    - a. The wildlife will be photographed without posing a threat to other wildlife or the public,
    - b. The photography will not adversely impact other affected wildlife in this state, and
    - c. The applicant meets the criteria prescribed in subsection (C); or
  4. To lawfully possess restricted live wildlife if:
    - a. It is necessary for an individual to give humane treatment to restricted live wildlife that has been abandoned or permanently disabled, and is therefore unable to meet its own needs in the wild; or
    - b. It is requested to lawfully possess restricted live wildlife that was possessed under another special license, and the primary purpose for that special license no longer exists.
- C. An applicant for a wildlife holding license shall apply on a form provided by the Department and available from any Department office. The applicant shall provide the following information:
  1. Name, address, telephone number, birthdate, physical description, and (if applicable) Department ID number;
  2. If the applicant will use the wildlife for a commercial purpose, the name, address, and telephone number of the applicant's business. If the applicant will use wildlife for activities authorized by an educational or scientific institution that employs, contracts, or is similarly affiliated with the applicant, the applicant shall provide the name, address, and telephone number of the institution;
  3. The wildlife species and the number of animals per species that will be used under the license. If the application is for use of multiple species, the applicant shall list each species and the number of animals per species;
  4. An applicant for a wildlife holding license shall include a typewritten, computer or word processor printed, or legibly handwritten proposal that describes the activity that the applicant intends to perform under the license, and clearly states the contribution the proposed activity will make to one or more of the primary purposes listed in subsection (B). If the applicant is applying to possess restricted live wildlife to give humane treatment, the applicant shall also explain in the written statement why the wildlife is unable to meet its own needs in the wild. If the Department determines that humane treatment is necessary as grounds for issuance of a wildlife holding license, the Department has the authority to authorize the appropriate disposition of the wildlife for humane treatment, including care, placement, or euthanasia;
  5. If the applicant is renewing the wildlife holding license, the species and number of animals per species that are currently in captivity, and evidence of lawful possession as defined in R12-4-401;
  6. A statement of the applicant's experience in handling and providing care for the wildlife to be held or the applicant's experience that may be relevant to handling or providing care for wildlife;
  7. The name, address, and telephone number of the facility where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical location of the facility, including township, range, and section. If the applicant applies to hold wildlife in more than one facility, the applicant shall submit a separate application for each facility;
  8. A detailed description or diagram of the facilities where the applicant will hold the wildlife, and a description of how the facilities comply with R12-4-428, and any other captivity standards that may be prescribed by this Section;
  9. The dates that the applicant will begin and end holding wildlife;
  10. A clear description of how the applicant intends to dispose of the wildlife once the proposed activity in subsection (C)(4) ends; and
  11. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information they have provided is true and correct to their knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.

- D. The Department shall issue a wildlife holding license in compliance with R12-4-106. If the Department denies the application for a special license, the Department shall proceed as prescribed by R12-4-409(D).
- E. The Department has the authority to require that a wildlife holding license holder permanently mark any restricted live wildlife that is used for lawful activities under the authority of the license if the Department determines it is in the best interest of the public and the wildlife. If the Department exercises this authority, the marking requirement will be specified on the license.
- F. A wildlife holding license holder shall ensure that restricted live wildlife, offspring of restricted live wildlife, or their parts obtained or held under the authority of the license are not sold, offered for sale, traded, bartered, loaned for the purposes of commercial activities, given as a gift, or disposed of in any way except as stipulated or directed in writing by the Department.
- G. A wildlife holding license is no longer valid once the primary purpose for which it was issued, as prescribed in subsection (B), no longer exists. The wildlife holding license holder shall submit a report to the Department as prescribed in subsection (J).
- H. A wildlife holding license holder shall ensure that a copy of the license accompanies any shipment of wildlife made under the authority of the license.
- I. The Department may conduct reasonable inspections of the facilities as described in R12-4-409(G) where wildlife are held under a wildlife holding license.
- J. Before January 31 of each year, a wildlife holding license holder shall file a written report on activities performed under the license for the previous calendar year. A wildlife holding license holder shall submit an annual report on a form available from the Department as prescribed by R12-4-409(O). The annual report shall also include the following information:
  1. A list of each animal by species held during the year, including the source and date the wildlife was acquired;
  2. If applicable, the permanent mark or identifier of the wildlife, such as name, number, or another identifier as prescribed in subsection (E) for each animal held during the year. This designation or identifier shall be provided with other relevant reported details for the holding or disposition of the individual animal;
  3. Whether the wildlife is alive or dead;
  4. The current location of the wildlife; and
  5. A list of all educational displays where the wildlife held under this license was utilized during the year, including the date, location, organization or audience, approximate attendance, and wildlife used.
- K. A wildlife holding license expires on December 31 of the year that it was issued, or if the license holder is a representative of an institution, organization, or agency stated in (C)(2), upon termination of affiliation with that entity, whichever comes first.
- L. A wildlife license holder shall comply with R12-4-409, R12-4-428, and R12-4-430.

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1).

#### R12-4-418. Scientific Collecting Permit

- A. A scientific collecting permit allows an individual to take, possess, transport, photograph for noncommercial purposes, and display for educational purposes the live wildlife specified on the permit, subject to the conditions specified in subsection (B). A permit holder shall not exhibit wildlife held under the permit. The Department shall issue a scientific collecting permit only if:
  1. The permit is for the purpose of wildlife management; gathering information valuable to the maintenance of wild populations; education; the advancement of science; or promotion of the public health or welfare;
  2. The permit is for a purpose that is in the best interest of the wildlife or the species, will not adversely impact other affected wildlife in this state, and may be authorized without posing a threat to wildlife or public safety;
  3. The permit is for a purpose that does not unnecessarily duplicate previously documented projects; and
  4. The applicant has submitted an acceptable typewritten, computer or word processor printed, or legibly handwritten project proposal as part of the application form required in subsection (C).
- B. Scientific collecting permits are subject to the following conditions:
  1. A scientific collecting permit holder shall only take wildlife under the permit using the least onerous, practical method possible, and shall:
    - a. Take wildlife at the locations and time periods specified on the permit by any method prescribed by R12-4-304 or R12-4-313;
    - b. Not take wildlife by using a stupefying or deleterious substance, electroshock, pitfall trap, leghold trap, snare, or net unless specifically authorized on the permit; and
    - c. Not take wildlife at night by using a firearm unless authorized by the permit.
  2. If it is in the best interest of the wildlife or public safety, the Department has the authority to:
    - a. Rescind or modify any method of take authorized by the permit;
    - b. Restrict the number of animals per species or other taxa that may be taken under the permit;
    - c. Restrict the age or condition of wildlife that may be taken under the permit;
    - d. Deny or substitute the number of specimens and taxa requested on an application.
  3. A scientific collecting permit holder shall dispose of wildlife as follows:
    - a. If the wildlife was not removed from the area where it was taken, by releasing it;
    - b. If the wildlife was removed from the area where it was taken, by releasing the wildlife in a location previously approved by the Department; or
    - c. As otherwise stipulated or directed in writing by the Department.
  4. Wildlife, its parts, or its offspring obtained or held under the authority of the license shall not be sold, offered for sale, traded, bartered, loaned for the purpose of commercial activities, given as a gift, or disposed of in any way except as stipulated or directed in writing by the Department.
- C. An applicant for a scientific collecting permit shall apply on a form provided by the Department and available from any Department office, and shall return a completed form to the Department's Phoenix Headquarters. The applicant shall provide the following information:

1. Name, address, telephone number, birthdate, physical description, and if applicable, Department ID number;
  2. If the applicant will use the wildlife for a commercial purpose, the name, address, and telephone number of the applicant's business;
  3. If the applicant will use wildlife for activities authorized by a scientific, educational, or government institution, organization, or agency that employs, contracts, or is similarly affiliated with the applicant, the applicant shall provide the name, address, and telephone number of the institution and the applicant's title or a description of the nature of affiliation with the institution or organization;
  4. A typewritten, computer or word processor printed, or legibly handwritten proposal, not to exceed three pages, that states:
    - a. The activity that the applicant intends to perform under the license, and clearly states the contribution the proposed activity will make to one or more of the purposes specified in subsection (A)(1) above;
    - b. If the applicant is applying for a permit to make a contribution to education, the applicant shall also state in the proposal the minimum number of presentations that the applicant anticipates to make during the period that the permit is valid; the name, title, address, and telephone number of individuals whom the applicant has contacted in order to hold educational presentations; and if applicable, the number of specimens of the species requested that the applicant already possesses.
    - c. The applicant's qualifications for completing the project;
    - d. The methods of take that the applicant will use to complete the project, justification for using that method, and whether the applicant proposes to:
      - i. Salvage specimens found dead;
      - ii. Collect specimens alive and keep them;
      - iii. Collect specimens by killing them; or
      - iv. Collect specimens alive at the site where taken without transporting them from that site after photographing, banding, or marking them with rings, collars, brands or other markings;
    - e. The wildlife species and the number of animals per species that will be used under the license. If the application is for use of multiple species or wildlife of a higher taxon, the applicant shall list each species and the number of animals per species;
    - f. The location where collection will take place;
    - g. How the applicant will dispose of wildlife or offspring of wildlife, if applicable, as prescribed by subsection (B)(3);
    - h. The names and addresses of any agents who will assist the applicant in carrying out the activities described in the proposal. An applicant may request that one or more individuals be authorized to act as an agent on the applicant's behalf, provided that:
      - i. An employment or supervisory relationship exists between the applicant and the agent, and
      - ii. The agent's privilege to take or possess live wildlife is not suspended or revoked by any state.
    - i. A schedule of activities and the completion date of the project; and
    - j. Whether the applicant intends to publish the project or its findings;
  5. If the applicant is renewing the wildlife holding license, the species and number of animals per species that are currently in captivity, and evidence of lawful possession as defined in R12-4-401;
  6. A statement of the applicant's experience in handling and providing care for the wildlife to be held or of the applicant's experience that may be relevant to handling or providing care for wildlife;
  7. The name, address, and telephone number of the location where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical location including township, range, and section. If the applicant applies to hold wildlife in more than one location, the applicant shall submit a separate application for each location;
  8. A detailed description or diagram of the facilities where the applicant will hold the wildlife, and a description of how the facilities comply with R12-4-428, and any other captivity standards that may be prescribed by this Section;
  9. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information they have provided is true and correct to their knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.
- D.** The Department shall issue a scientific collecting permit in compliance with R12-4-106. If the Department denies the application for a special license, the Department shall proceed as prescribed by R12-4-409(D).
- E.** Before January 31 of each year or as otherwise required by R12-4-409(O), a scientific collecting permit holder shall file a written report on activities performed under the license for the previous calendar year. A scientific collecting permit holder shall submit an annual report on a form containing the information prescribed by R12-4-409(O). The Department may stipulate submission of additional interim reports upon license application or renewal.
- F.** An agent of a scientific collecting permit holder is subject to stipulations placed on the applicant's permit at the time of application. The permit holder is responsible for acts of the agents that fall within the authority of this Section. The Department, acting on behalf of the Commission, may suspend or revoke a permit for violation of this Section by an agent.
- G.** A scientific collecting permit holder and the permit holder's agents shall have the permit or a legible copy in their possession and available for Department inspection while conducting activities authorized under the scientific collecting permit.
- H.** A scientific collecting permit holder may at any time during the license period make a written request to amend the permit to add or delete agents meeting the criteria in subsection (B)(4)(h).
- I.** A scientific collecting permit holder shall notify the Department in writing within 10 calendar days of terminating any agent.

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1).

#### R12-4-419. Game Bird Hobby License

- A.** A game bird hobby license allows an individual to do any or all of the following: import, purchase, possess, propagate, give away, kill, transport, or export pen-reared live game birds for personal, noncommercial use only. Game birds may also be

displayed for noncommercial purposes under this license, but shall not be exhibited.

- B.** An applicant for a game bird hobby license shall apply on a form provided by the Department and available at any Department office. The applicant shall provide the following:
1. Name, address, telephone number, birthdate, physical description, and if applicable, Department ID number;
  2. The wildlife species and the number of animals per species that will be obtained under the license. If the application is for use of multiple species, the applicant shall list each species and the number of animals per species. The Department shall only issue a license for the following game bird species:
    - a. Blue grouse, *Dendragapus obscurus*;
    - b. California or valley quail, *Callipepla californica*;
    - c. Chukar, *Alectoris chukar*;
    - d. Gambel's quail, *Callipepla gambelii*;
    - e. Montezuma or Mearns' quail, *Cyrtonyx montezumae*;
    - f. Northern bobwhite, *Colinus virginianus*, which only requires a game bird hobby license if used in game management units 34A, 36A, 36B, and 36C;
    - g. Ringneck and whitewing pheasant, *Phasianus colchicus*;
    - h. Scaled quail, *Callipepla squamata*;
  3. If the applicant is renewing the game bird hobby license, the species and number of animals per species that are currently in captivity;
  4. The name, address, and telephone number of the location where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical description of the location, including township, range, and section;
  5. If the applicant is applying to possess more than 50 game birds, the application shall include a detailed description or diagram of the facilities where the applicant will hold the wildlife, and a description of how the facilities comply with R12-4-428, and any other captivity standards that may be prescribed by this Section;
  6. The name, address, and telephone number of all wildlife suppliers from whom the special license applicant will obtain wildlife; and
  7. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information provided is true and correct to the applicant's knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.
- C.** The Department shall issue a game bird hobby license in compliance with R12-4-106. If the Department denies the application for a special license, the Department shall proceed as prescribed by R12-4-409(D). The Department shall issue a game bird hobby license only if:
1. A possible escape of the proposed species would not create a threat to native wildlife;
  2. The purpose for the license is in the best interest of the wildlife or the species; and
  3. The license may be issued without posing a threat to public health or safety.
- D.** Game bird hobby licenses are subject to the provisions of R12-4-409 and R12-4-428.

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1).

#### R12-4-420. Zoo License

- A.** With the exception of all live cervids, which shall not be imported, transported, or possessed except as allowed under R12-4-430, a zoo license allows an individual to perform all of the following: exhibit, display for educational purposes, import, purchase, export, possess, propagate, euthanize, transport, give away, offer for sale, sell, or trade restricted live wildlife and other Arizona wildlife legally possessed, subject to the following restrictions:
1. A zoo license holder shall hold all wildlife possessed in the facilities specified on the license except when the wildlife is transported to or from a temporary exhibit. A temporary exhibit shall not exceed 60 consecutive days at any one location.
  2. A zoo license holder shall only dispose of restricted live wildlife in this state by selling, giving, or trading it to another zoo licensed under this Section, to an appropriate special license holder such as a game farm licensed under R12-4-413, to a medical or scientific research facility exempted under R12-4-407, by exporting it to a zoo that is certified by the American Zoo and Aquarium Association, or as directed by the Department.
  3. A zoo license holder shall not accept any wildlife that is donated, purchased, or otherwise obtained without accompanying evidence of lawful possession.
  4. A zoo license holder shall dispose of all wildlife obtained under a scientific collecting permit or wildlife that has been loaned to the zoo by the Department only as directed in writing by the Department.
  5. A zoo license holder shall hold wildlife in such a manner as to prevent it from escaping from the facilities specified on the license, and to prevent the entry of unauthorized individuals or other wildlife.
- B.** The Department shall issue a zoo license only for the following purposes:
1. The advancement of science, wildlife management, or promotion of public health or welfare;
  2. Education; or
  3. Conservation, or maintaining a population of wildlife threatened with extinction in the wild.
- C.** An applicant for a zoo license shall apply on a form provided by the Department and available from any Department office. The applicant shall provide the following information:
1. Name, address, telephone number, birthdate, physical description, and Department ID number (if applicable) of the applicant;
  2. If the applicant will use the wildlife for a commercial purpose, the name, address, and telephone number of the applicant's business. If the applicant will use wildlife for activities authorized by an educational or scientific institution that employs, contracts, or is similarly affiliated with the applicant, the applicant shall provide the name, address, and telephone number of the institution;
  3. The wildlife species and the number of animals per species that will be held under the license. The list shall include scientific and common names for all wildlife held;
  4. An applicant for a zoo license shall include a typewritten, computer or word processor printed, or legibly handwritten proposal that describes the following:
    - a. How the facility or operation meets the definition of a zoo, as stated in A.R.S. § 17-101; and
    - b. The purpose of the license. Acceptable purposes of a zoo license are listed in subsection (B);
  5. If the applicant is renewing the zoo license, the species and number of animals per species that are currently in



captivity, and evidence of lawful possession as defined in A.R.S. § 17-101;

6. Proof of current licensing by the United States Department of Agriculture under 9 CFR Subchapter A, Animal Welfare;
  7. The name, address, and telephone number of the zoo where the wildlife will be held. If the applicant applies to hold wildlife in more than one location, the applicant shall submit a separate application for each location;
  8. A detailed description or diagram of the facilities where the applicant will hold the wildlife, and a description of how the facilities comply with R12-4-428, and any other captivity standards that may be prescribed by this Section. The Department shall not approve a license application until the wildlife holding facility satisfies a Department inspection; and
  9. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information they have provided is true and correct to their knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.
- D.** The Department shall issue a zoo license in compliance with R12-4-106. If the Department denies the application for a zoo license, the Department shall proceed as prescribed by R12-4-409(D). The Department shall issue a license for the purposes stated in subsection (B) if:
1. It is in the best interest of the wildlife, and
  2. Issuance of the license will not adversely impact other wildlife in the state.
- E.** A zoo license holder shall clearly display an entrance sign that states the days of the week and hours when the facility is open for viewing by the general public.
- F.** A zoo license holder shall maintain a record of each animal obtained under subsection (A)(4) for three years following the date of disposition. The record shall include the species, source of the wildlife, date received, any Department approval authorizing acquisition, and the date and method of disposition.
- G.** Before January 31 of each year, a zoo license holder shall file a written report on activities performed under the license for the previous calendar year. A zoo license holder shall submit an annual report to the Department in compliance with R12-4-409(O). The report shall summarize the current species inventory, and acquisition and disposition of all wildlife held under the license.
- H.** A zoo license holder may not add restricted live wildlife as specified in R12-4-406 to the license without making a written request to and receiving approval from the Department.
- I.** A zoo license holder is subject to R12-4-409, R12-4-428, and R12-4-430.

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1).

#### R12-4-421. Wildlife Service License

- A.** Any individual or company that provides, advertises, or offers assistance with nuisance wildlife to the general public with or without a fee shall obtain a wildlife service license. A wildlife service license allows an individual to capture, remove, trans-

port, and relocate to the wild designated live wildlife if the wildlife causes a nuisance, property damage, poses a threat to public health or safety, or if the health or well-being of the wildlife is threatened by its immediate environment. A wildlife service license holder may euthanize designated wildlife, but only as prescribed by the Department. For the purposes of this Section, the following are designated live wildlife:

1. Furbearing wildlife;
  2. Javelina (*Tayassu tajacu*);
  3. Nongame wildlife;
  4. Predatory wildlife; and
  5. Small game wildlife.
- B.** An employee of a governmental public safety agency or incorporated business authorized to provide public safety measures is not required to possess a wildlife service license if the employee is acting within the scope of the employee's official duties.
- C.** An applicant for a wildlife service license shall apply on a form provided by the Department and available from any Department office. The applicant shall provide the following information:
1. Name, address, telephone number, birthdate, physical description, and (if applicable) Department ID number;
  2. If the applicant will perform license activities for a commercial purpose, the name, address, telephone number, and hours and days of the week when the applicant will be available for service of the applicant's business;
  3. The designated wildlife species or groups of species listed in subsection (A) that will be used under the license;
  4. The methods that the wildlife license holder will use to perform authorized activities;
  5. A typewritten, computer or word processor printed, or legibly handwritten description of the following:
    - a. The applicant's experience in the capture, handling, and removal of wildlife;
    - b. Specific species that the applicant has had experience capturing, handling, or removing;
    - c. The general location and dates when the activities listed in subsection (C)(5)(b) were performed;
    - d. The methods used to carry out the activities; and
    - e. The methods used to dispose of the wildlife;
  6. The general geographic area where services will be performed;
  7. Documentation that clearly proves that the applicant has a minimum of six months of full-time employment or volunteer experience handling wildlife of the species or groups of species listed in subsection (C)(3); and
  8. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information they have provided is true and correct to their knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.
- D.** The Department shall issue a wildlife service license as prescribed in R12-4-106. If the Department denies the application for a wildlife service license, the Department shall proceed as prescribed by R12-4-409(D).
- E.** A wildlife service license holder shall possess a copy of the license at all times when performing activities authorized by the license.
- F.** A wildlife service license holder shall capture, remove, transport, and relocate designated wildlife as follows:
1. In a manner that is least likely to cause injury to the wildlife;

2. In a manner that will prevent the wildlife from coming into contact with the general public;
  3. If the license holder intends to capture, remove, transport, relocate, or euthanize javelina, the license holder shall obtain special authorization from the Department by contacting the Department regional office that has jurisdiction over the area where the activities will be conducted; and
  4. If the license holder traps wildlife, the license holder shall comply with A.R.S. § 17-361(B) and (C).
- G.** A wildlife service license holder may euthanize wildlife taken under authority of the license only if authorized to do so under the license. If authorized, the license holder shall euthanize the wildlife by the safest, quickest, and most humane method available. Unless otherwise stipulated in the license, a license holder shall dispose of all wildlife that is euthanized or that otherwise dies while held under license by burial or incineration within 30 days of death.
- H.** Except as allowed by R12-4-427, a wildlife service license holder shall not possess designated wildlife beyond the period of time necessary to transport and relocate the wildlife to the wild, or to provide euthanization. Wildlife shall not be displayed or exhibited at any time when it is possessed under this license.
- I.** A wildlife service license holder shall release captured designated wildlife as follows:
1. Without immediate threat to the animal or injurious contact with humans;
  2. During an ecologically appropriate time of year;
  3. Into a habitat suitable for sustaining it;
  4. In the same geographic area as the animal was originally captured, except that birds may be released at any location statewide within the normal range of that species in an ecological suitable habitat;
  5. In an area designated by the Department regional office that has jurisdiction over the area where it was captured; or
  6. Injured or orphaned wildlife may be given to an Arizona wildlife rehabilitation license holder.
- J.** A wildlife service license holder shall inform the Department in writing within five working days of any change in telephone number, area of service, or business hours or days previously submitted to the Department.
- K.** A wildlife service license holder may, at any time during the license period, make a written request to amend the license to add or delete authority to control and release designated species of wildlife, provided that any addition requested meets the requirements of subsection (A).
- L.** A wildlife service license holder that seeks renewal of a wildlife service license without change to the species or species groups that the license holder is authorized to handle under the license may reference supporting materials submitted previously, rather than submitting copies of the materials with the application for renewal.
- M.** Before January 31 of each year, a wildlife service license holder shall file a written report on activities performed under the license for the previous calendar year. A wildlife service license holder shall submit an annual report on a form available from the Department as prescribed by R12-4-409(O). The annual report shall also include a list of all services performed under the license during the preceding calendar year, including for each service:
1. The date and location of service;
  2. The number and species of wildlife removed, and
  3. The method of disposition for each animal removed, including the location and date of release.
- N.** A wildlife service license holder is subject to R12-4-409 and R12-4-428.

#### Historical Note

Adopted effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1).

#### R12-4-422. Sport Falconry License

- A.** In addition to the definitions provided under A.R.S. § 17-101, R12-4-101, and R12-4-401, and for the purposes of this Section, the following definitions apply:

“Abatement services” means the use of raptors possessed under a falconry permit for the control of nuisance species.

“Captive-bred raptor” means a raptor hatched in captivity.

“Hack” means the temporary release of a raptor into the wild to condition the raptor for use in falconry.

“Health certificate” means a certification issued by an accredited veterinarian.

“Imping” means using a molted feather to replace or repair a damaged or broken feather.

“Retrices” means a raptor’s tail feathers.

“Sponsor” means a licensed General or Master falconer with a valid Arizona Sport Falconry license who has committed to mentoring an Apprentice falconer.

“Suitable perch” means a perch that is of the appropriate size and texture for the species of raptor using the perch.

“USFWS” means the U.S. Fish and Wildlife Service.

“Wild raptor” means a raptor taken from the wild, regardless of how long the raptor is held in captivity or whether the raptor is transferred to another licensed falconer or other permit type.

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

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- E.** In addition to the requirements established under this Section, a licensed falconer shall also comply with special license requirements established under R12-4-409.
- F.** A Sport Falconry license does not authorize a licensed falconer to capture or release a raptor or practice falconry on public lands where prohibited or on private property without permission from the landowner or land management agency.
- G.** The Department shall deny a license to an individual who fails to meet the requirements established under R12-4-409, R12-4-428, or this Section. The Department shall provide a written notice to an applicant stating the reason for the denial. The individual may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.
- H.** The Department may issue a Sport Falconry license for the following levels to an eligible individual:
1. Apprentice level license:
    - a. An Apprentice falconer shall:
      - i. Be at least 12 years of age; and
      - ii. Have a sponsor while practicing falconry as an apprentice. When a sponsorship is terminated, the apprentice is prohibited from practicing falconry until a new sponsor is acquired. After acquiring a new sponsor, an apprentice shall submit a written statement from the new sponsor to the Department within 30 days. The written statement shall meet the requirements established under subsection (K)(3)(a)(v).
    - b. An Apprentice falconer may possess only one raptor at a time for use in falconry.
    - c. An Apprentice falconer is prohibited from possessing any:
      - i. Federally listed threatened or endangered species,
      - ii. Raptor taken from the wild as a nestling,
      - iii. Raptor that has imprinted on humans,
      - iv. Bald eagle (*Haliaeetus leucocephalus*),
      - v. White-tailed eagle (*Haliaeetus albicilla*),
      - vi. Steller's sea-eagle (*Haliaeetus pelagicus*), or
      - vii. Golden eagle (*Aquila chrysaetos*).
  2. General level license:
    - a. A General falconer shall:
      - i. Be at least 16 years of age; and
      - ii. Have practiced falconry as an apprentice falconer for at least two years, including maintaining, training, flying, and hunting with a raptor for at least four months in each year. An applicant cannot substitute any falconry school or educational program to shorten the two-year Apprentice period.
    - b. A General falconer may possess up to three raptors at a time for use in falconry.
    - c. A General falconer is prohibited from possessing a:
      - i. Bald eagle,
      - ii. White-tailed eagle,
      - iii. Steller's sea-eagle, or
      - iv. Golden eagle.
  3. Master level license:
    - a. A Master falconer shall have practiced falconry as a General falconer for at least five years using raptors possessed by that falconer.
    - b. A Master falconer may possess:
      - i. Any species of wild, captive-bred, or hybrid raptor.
      - ii. Any number of captive-bred raptors provided they are trained and used in the pursuit of wild game; and
- iii. Up to three of the following species, provided the requirements established under subsection (H)(3)(d) are met: Golden eagle, White-tailed eagle, or Steller's Sea eagle.
- c. A Master falconer is prohibited from possessing:
    - i. More than three eagles,
    - ii. A bald eagle, or
    - iii. More than five wild caught raptors.
  - d. A Master falconer who wishes to possess an eagle shall apply for and receive approval from the Department before possessing an eagle for use in falconry. The licensed falconer shall submit the following documentation to the Department before a request may be considered:
    - i. Proof the licensed falconer has experience in handling large raptors such as, but not limited to, ferruginous hawks (*Buteo regalis*) and goshawks (*Accipiter gentilis*);
    - ii. Information regarding the raptor species, to include the type and duration of the activity in which the experience was gained; and
    - iii. Written statements of reference from two individuals who have experience handling or flying large raptors such as, but not limited to, eagles, ferruginous hawks, and goshawks. Each written statement shall contain a concise history of the author's experience with large raptors, and an assessment of the applicant's ability to care for and fly an eagle.
- I.** A sponsor shall:
1. Be at least 18 years of age;
  2. Have practiced falconry as a General falconer for at least two years;
  3. Sponsor no more than three apprentices during the same period of time;
  4. Notify the Department within 30 consecutive days after a sponsorship is terminated;
  5. Determine the appropriate species of raptor for possession by an apprentice; and
  6. Provide instruction pertaining to the:
    - a. Husbandry, training, and trapping of raptors held for falconry;
    - b. Hunting with a raptor; and
    - c. Relevant wildlife laws and regulations.
- J.** A falconer licensed in another state or country is exempt from obtaining an Arizona Sport Falconry license under R12-4-407(A)(7), unless remaining in Arizona for more than 180 consecutive days. A falconer licensed in another state or country and who remains in this state for more than the 180-day period shall apply for an Arizona Sport Falconry license in order to continue practicing sport falconry in this state. The falconer licensed in another state or country shall present a copy of the out-of-state or out-of-country falconry license, or its equivalent, to the Department upon request.
1. A falconer licensed in another state shall:
    - a. Comply with all applicable state and federal falconry regulations,
    - b. Possess only those raptors authorized under the out-of-state sport falconry license, and
    - c. Provide a health certificate for each raptor possessed under the out-of-state sport falconry license when the raptor is present in this state for more than 30 consecutive days. The health certificate may be issued after the date of the interstate importation, but shall have been issued no more than 30 consecutive days prior to the interstate importation.

2. A falconer licensed in another country may possess, train, and use for falconry only those raptors authorized under the out-of-country sport falconry license, provided the import of that species into the U.S. is not prohibited. This subsection does not prohibit the falconer from flying or training a raptor lawfully possessed by any other licensed falconer.
  3. A falconer licensed in another country is prohibited from leaving an imported raptor in this state, unless authorized under federal permit. The falconer shall report the death or escape of a raptor possessed by that falconer to the Department as established under subsection (O)(1) or prior to leaving the state, whichever occurs first.
  4. A falconer licensed in another country shall:
    - a. Comply with all applicable state and federal falconry regulations;
    - b. Comply with falconry licensing requirements prescribed by the country of licensure not in conflict with federal or state law;
    - c. Notify the Department no less than 30 consecutive days prior to importing a raptor into this state;
    - d. Provide a health certificate, issued no earlier than 30 consecutive days prior to the date of importation, for each raptor imported into this state; and
    - e. Attach two functioning radio transmitters to any raptor imported into this country by the falconer while flown free in this state by any falconer.
- K.** An applicant for a Sport Falconry license shall submit a completed application to any Department office. The application is furnished by the Department and available at any Department office or online at [www.azgfd.gov](http://www.azgfd.gov).
1. An applicant shall provide all of the following information on the application:
    - a. Falconry level desired;
    - b. Name;
    - c. Date of birth;
    - d. Telephone number, when available;
    - e. Mailing address;
    - f. Department I.D. number or Social Security number;
    - g. E-mail address, when available;
    - h. Applicant's physical description:
      - i. Gender,
      - ii. Weight,
      - iii. Eye color,
      - iv. Hair color;
    - i. Arizona Hunting license number;
    - j. Number of years of experience as a falconer;
    - k. Current Falconry license level;
    - l. Physical address of a facility when the raptor is kept at another location, when applicable;
    - m. Information documenting all raptors possessed by the applicant at the time of application, to include:
      - i. Species;
      - ii. Subspecies, when applicable;
      - iii. Age;
      - iv. Sex;
      - v. Band or microchip number, as applicable;
      - vi. Date and source of acquisition; and
    - n. Applicant's signature;
    - o. Parent or legal guardian's signature, when the applicant is under the age of 18;
    - p. Date of application; and
    - q. Any other information required by the Department.
  2. An applicant shall certify that the applicant has read and is familiar with the regulations under 50 CFR 13 and the other applicable parts in 50 CFR Chapter I, Subchapter B and that the information submitted is complete and accurate to the best of the applicant's knowledge and belief.
3. In addition to the information required under subsection (K)(1), an individual applying for:
    - a. An Apprentice level license shall also provide the sponsor's:
      - i. Name,
      - ii. Date of birth,
      - iii. Mailing address,
      - iv. Department I.D. number or Social Security number, and
      - v. A written statement from the sponsor stating that the falconer agrees to sponsor the applicant.
    - b. A General level license shall also provide:
      - i. Information documenting the applicant's experience in maintaining falconry raptors, to include the species and period of time each raptor was possessed while licensed as an Apprentice falconer; and
      - ii. A written statement from the sponsor certifying that the applicant has practiced falconry at the Apprentice falconer level for at least two years, and maintained, trained, flown, and hunted with a raptor for at least four months in each year.
    - c. A Master level license shall certify that the falconer has practiced falconry as a General falconer for at least five years.
- L.** An applicant for any level Sport Falconry license shall pay all applicable fees established under R12-4-412.
- M.** The Department shall inspect the applicant's raptor facilities, materials, and equipment to verify compliance with requirements established under R12-4-409(G), R12-4-428, and this Section before issuing a Sport Falconry license. The applicant or licensed falconer shall ensure all raptors currently possessed by the falconer and kept in the facility are present at the time of inspection.
1. Department may re-inspect a facility:
    - a. After a change of location, when the Department cannot verify the facility is the same facility as the one approved by a previous inspection; or
    - b. Prior to the acquisition of a new species or addition of another raptor when the previous inspection does not indicate the facilities can accommodate a new species or additional raptor.
  2. A licensed falconer shall notify the Department no more than five business days after changing the location of a facility.
  3. When a facility is located on property not owned by the licensed falconer, the falconer shall provide a written statement signed and dated by the property owner at the time of inspection. The written statement shall specify that the licensed falconer has permission to keep a raptor on the property and the property owner permits the Department to inspect the falconry facility at any reasonable time of day and in the presence of the licensed falconer.
  4. A licensed falconer shall ensure the facility:
    - a. Provides a healthy and safe environment,
    - b. Is designed to keep predators out,
    - c. Is designed to avoid injury to the raptor,
    - d. Is easy to access,
    - e. Is easy to clean, and
    - f. Provides access to fresh water and sunlight.

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5. In addition to the requirements established under R12-4-409(G) and R12-4-428:
    - a. A licensed falconer shall ensure facilities where raptors are held have:
      - i. A suitable perch that is protected from extreme temperatures, wind, and excessive disturbance for each raptor;
      - ii. At least one opening for sunlight; and
      - iii. Walls that are solid, constructed of vertical bars spaced narrower than the width of the body of the smallest raptor housed therein, or any other suitable materials approved by the Department.
    - b. A licensed falconer shall possess all of the following equipment:
      - i. At least one flexible, weather-resistant leash;
      - ii. One swivel appropriate to the raptor being flown;
      - iii. At least one water container, available to each raptor kept in the facility, that is at least 2 inches deep and wider than the length of the largest raptor using the container;
      - iv. A reliable scale or balance suitable for weighing raptors, graduated in increments of not more than 15 grams;
      - v. Suitable equipment that protects the raptor from extreme temperatures, wind, and excessive disturbance while transporting or housing a raptor when away from the permanent facility where the raptor is kept; and
      - vi. At least one pair of jesses constructed of suitable material or Alymeri jesses consisting of an anklet, grommet, and removable strap that attaches the anklet and grommet to a swivel. The falconer may use a one-piece jess only when the raptor is not being flown.
  6. A licensed falconer may keep a falconry raptor inside the falconer's residence provided a suitable perch is supplied. The falconer shall ensure all flighted raptors kept inside a residence are tethered or otherwise restrained at all times, unless the falconer is moving the raptor into or out of the residence. This subsection does not apply to unflighted eyas, which do not need to be tethered or otherwise restrained.
  7. A licensed falconer may keep multiple raptors together in one enclosure untethered only when the raptors are compatible with each other.
  8. A licensed falconer may keep a raptor temporarily outdoors in the open provided the raptor is continually under observation by the falconer or an individual designated by the falconer.
  9. A licensed falconer may keep a raptor in a temporary facility that the Department has inspected and approved for no more than 120 consecutive days.
  10. A licensed falconer may keep a raptor in a temporary facility that the Department has not inspected or approved for no more than 30 consecutive days. The falconer shall notify the Department of the temporary facility prior to the end of the 30-day period. The Department may inspect a temporary facility as established under R12-4-409(G).
- N.** Prior to the issuance of a Sport Falconry license, an applicant shall:
1. Present proof of a previously held state-issued sport falconry license, or
  2. Correctly answer at least 80% of the questions on the Department administered written examination.
- a. An individual whose Sport Falconry license is expired more than five years shall take the examination. The Department shall issue to an eligible applicant a license for the sport falconry license type previously held by the applicant after the applicant correctly answers at least 80% of the questions on the written examination and presents proof of the previous Sport Falconry license.
  - b. An individual who holds a falconry license issued in another country shall correctly answer at least 80% of the questions on the written examination. The Department shall determine the level of license issued based upon the applicant's documentation.
- O.** A licensed falconer shall submit electronically a 3-186A form to report:
1. Any of the following raptor possession changes to the Department no more than 10 business days after the occurrence:
    - a. Acquisition,
    - b. Banding,
    - c. Escape into the wild without recovery after 30 consecutive days have passed,
    - d. Death,
    - e. Microchipping,
    - f. Rebanding,
    - g. Release,
    - h. Take, or
    - i. Transfer.
  2. A falconer shall immediately report to the Department and USFWS upon discovering the theft of a raptor.
- P.** A licensed falconer shall print and maintain copies of all required electronic database submissions for each falconry raptor possessed by the falconer. The falconer shall retain copies of all submissions for a period of five years from the date on which the raptor left the falconer's possession.
- Q.** A licensed falconer or an individual with a valid falconry license, or its equivalent, issued by any state meeting federal falconry standards may capture a raptor for the purpose of falconry only when authorized by Commission Order.
1. A falconer attempting to capture a raptor shall possess:
    - a. A valid Arizona Sport Falconry license or valid falconry license, or its equivalent, issued by another state; and
    - b. Any required Arizona hunt permit-tag issued to the licensed falconer for take of the authorized raptor; and
    - c. A valid Arizona hunting or combination license. A Three-Day Class H Hunting license is not valid for capturing a raptor under this subsection.
  2. An Apprentice falconer may take from the wild:
    - a. Any raptor not prohibited under subsection (H)(1)(c) that is less than 1 year of age, except nestlings; or
    - b. An adult raptor.
  3. A General or Master falconer may take from the wild:
    - a. A raptor of any age, including nestlings, provided at least one nestling remains in the nest; or
    - b. An adult raptor.
  4. A licensed falconer shall take no more than two raptors from the wild for use in falconry each calendar year. For the purpose of take limits, a raptor is counted towards the licensed falconer's take limit by the falconer who originally captured the raptor.
  5. A falconer attempting to capture a raptor shall:
    - a. Not use stupefying substances;
    - b. Use a trap or bird net that is not likely to cause injury to the raptor;

- c. Ensure that each trap or net the falconer is using is continually attended; and
  - d. Ensure that each trap used for the purpose of capturing a raptor is marked with the falconer's name, address, and license number.
6. A licensed falconer shall report the injury of any raptor injured due to capture techniques to the Department. The falconer shall transport the injured raptor to a veterinarian or licensed rehabilitator and pay for the cost of the injured raptor's care and rehabilitation. After the initial medical treatment is completed, the licensed falconer shall either:
    - a. Keep the raptor and the raptor shall count towards the falconer's take and possession limit, or
    - b. Transfer the raptor to a permitted wildlife rehabilitator and the raptor shall not count against the falconer's take or possession limit.
  7. When a licensed falconer takes a raptor from the wild and transfers the raptor to another falconer who is present at a capture site, the falconer receiving the raptor is responsible for reporting the take of the raptor.
  8. A General or Master falconer may capture a raptor that will be transferred to another licensed falconer who is not present at the capture site. The falconer who captured the raptor shall report the take of the raptor and the capture shall count towards the General or Master falconer's take limit. The General or Master falconer may then transfer the raptor to another falconer.
  9. A General or Master falconer may capture a raptor for another licensed falconer who cannot attend the capture due to a long-term or permanent physical impairment. The licensed falconer with the physical impairment is responsible for reporting the take of the raptor and the raptor shall count against his or her take and possession limits.
  10. A licensed falconer may capture any raptor displaying a seamless metal band, or any other item identifying it as a falconry raptor, regardless of whether the falconer is prohibited from possessing the raptor. The falconer shall return the recaptured raptor to the falconer of record. The raptor shall not count towards the falconer's take or possession limits, provided the falconer reports the temporary possession of the raptor to the Department no more than five consecutive days after capturing the raptor:
    - a. When the falconer of record cannot or does not wish to possess the raptor, the falconer who captured the raptor may keep the raptor, provided the falconer is eligible to possess the species and may do so without violating any provisions established under this Section.
    - b. When the falconer of record cannot be located, the Department shall determine the disposition of the recaptured raptor.
  11. A licensed falconer may capture and shall report the capture of any raptor wearing a transmitter to the Department no more than five business days after the capture. The falconer shall attempt to contact the researcher or licensed falconer who applied the transmitter and facilitate the replacement or retrieval of the transmitter and raptor. The falconer may possess the raptor for no more than 30 consecutive days while waiting for the researcher or falconer to retrieve the transmitter and raptor. The raptor shall not count towards the falconer's take or possession limits, provided the falconer reports the temporary possession of the raptor to the Department no more than five consecutive days after capturing the raptor. The Department shall determine the disposition of a raptor when the researcher or falconer does not replace the transmitter or retrieve the raptor within the initial 30-day period.
  12. A licensed falconer may capture any raptor displaying a federal Bird Banding Laboratory (BBL) aluminum research band or tag, except a peregrine falcon (*Falco peregrinus*). A licensed falconer who captures a raptor wearing a research band or tag shall report the following information to BBL, by calling 1(800) 327-2263, and the Department:
    - a. Species,
    - b. Band or tag number,
    - c. Location of the capture, and
    - d. Date of capture.
  13. A licensed falconer may recapture a falconer's lost or any escaped falconry raptor at any time. The Department does not consider the recapture of a wild falconry raptor as taking a raptor from the wild.
  14. When attempting to trap a raptor in Cochise, Graham, Pima, Pinal, or Santa Cruz counties, a licensed falconer shall:
    - a. Not begin trapping while a northern aplomado falcon (*Falco femoralis septentrionalis*) is observed in the vicinity of the trapping location.
    - b. Suspend trapping when a northern aplomado falcon arrives in the vicinity of the trapping location.
  15. In addition to the requirements in subsection (Q)(14), an apprentice falconer shall be accompanied by a General or Master falconer when attempting to capture a raptor in Cochise, Graham, Pima, Pinal, or Santa Cruz counties.
  16. A licensed Master falconer may take up to two golden eagles from the wild only as authorized under 50 CFR 22. The Master falconer may:
    - a. Capture an immature or sub-adult golden eagle, or
    - b. Take a nestling from its nest or a nesting adult golden eagle in a livestock depredation area if a biologist representing the agency responsible for declaring the depredation area determines the adult eagle is preying on livestock or wildlife and that any nestling of the adult will be taken by a falconer authorized to possess it.
    - c. The falconer shall inform the Department of the capture plans in person, in writing, or by telephone at least three business days before trapping is initiated. The falconer may send written notification to the Arizona Game and Fish Department's Law Enforcement Programs Coordinator at 5000 West Carefree Highway, Phoenix, Arizona 85086.
  17. A licensed falconer shall ensure any falconry activities the falconer is conducting do not cause unlawful take under the Endangered Species Act of 1973, 16 U.S.C. 1531 through 1534, or the Bald and Golden Eagle Protection Act, 16 U.S.C. 668 through 668d. The Department or USFWS may provide information regarding where take is likely to occur. The falconer shall report the take of any federally listed threatened or endangered species or bald or golden eagle to the USFWS Arizona Ecological Services Field Office.
- R.** A licensed falconer shall comply with all of the following banding requirements:
1. A licensed falconer shall ensure the following raptors are banded after capture:
    - a. Northern Goshawk,
    - b. Harris's hawk (*Parabuteo unicinctus*), and
    - c. Peregrine falcon.
  2. The falconer shall request a band no more than five consecutive days after the capture of a raptor by contacting

- the Department. A Department representative or a General or Master licensed falconer may attach the USFWS leg band to the raptor.
3. A licensed falconer shall not use a counterfeit, altered, or defaced band.
  4. A falconer holding a federal propagation permit shall ensure a raptor bred in captivity wears a seamless metal band furnished by USFWS, as prescribed under 50 CFR 21.30.
  5. A licensed falconer may remove the rear tab on a band and smooth any imperfections on the surface, provided doing so does not affect the band's integrity or numbering.
  6. A licensed falconer shall report the loss of a band to the Department no more than five business days after discovering the loss. The falconer shall reband the raptor with a new USFWS leg band furnished by the Department.
- S.** A licensed falconer may request Department authorization to implant an ISO-compliant [134.2 kHz] microchip in lieu of a band into a captive-bred raptor or raptor listed under subsection (R)(1) when the band is causing the raptor injury or health issues.
1. The falconer shall submit a written request and a statement from a licensed veterinarian indicating the band is causing the raptor injury or health issues.
  2. The falconer shall retain a copy of the Department's written authorization and any associated documentation for a period of five years from the date the raptor permanently leaves the falconer's possession.
  3. The falconer is responsible for the cost of implanting the microchip and any associated veterinary fees.
- T.** A licensed falconer may allow a falconry raptor to feed on any species of wildlife incidentally killed by the raptor for which there is no open season or for which the season is closed, but shall not take such wildlife into possession.
- U.** A General or Master falconer may hack a falconry raptor. Any raptor the falconer is hacking shall count towards the falconer's possession limit during hacking.
1. A falconer is prohibited from hacking a raptor near the nesting area of a federally threatened or endangered species or in any other location where the raptor is likely to disturb or harm a federally listed threatened or endangered species. The Department may provide information regarding where this is likely to occur.
  2. A licensed falconer shall ensure any hybrid raptor flown free or hacked by the falconer is equipped with at least two functioning radio transmitters.
- V.** A licensed falconer may release:
1. A wild-caught raptor permanently into the wild under the following circumstances:
    - a. The raptor is native to Arizona,
    - b. The falconer removes the raptor's falconry band prior to release, and
    - c. The falconer releases the raptor in a suitable habitat and under suitable seasonal conditions.
  2. A captive-bred raptor permanently into the wild only when the raptor is native to Arizona and the Department approves the release of the raptor. The falconer shall request permission to release the captive-bred raptor by contacting the Department. When permitted by the Department and before releasing the captive-bred raptor, the General or Master falconer shall hack the captive-bred raptor in a suitable habitat and the appropriate season.
3. A licensed falconer is prohibited from intentionally releasing any hybrid or non-native raptor permanently into the wild.
- W.** A Master falconer may conduct and receive payment for any abatement services conducted with a falconry raptor. The falconer shall apply for and obtain all required federal permits prior to conducting any abatement activities. A General falconer may conduct abatement services only when authorized under the federal permit held by the Master falconer.
- X.** A person other than a licensed falconer may temporarily care for a falconry raptor for no more than 45 consecutive days, unless approved by the Department. The raptor under temporary care shall remain in the falconer's facility. The raptor shall continue to count towards the falconer's possession limit. An unlicensed caretaker shall not fly the raptor. The falconer may request an extension from the Department to the temporary possession period if extenuating circumstances occur. The Department shall evaluate extension requests on a case-by-case basis.
- Y.** A licensed falconer may serve as a caretaker for another licensed falconer's raptor for no more than 120 consecutive days, unless approved by the Department. The falconer shall provide the temporary caretaker with a signed and dated statement authorizing the temporary possession of each raptor. The statement shall also include the temporary possession period and activities the caretaker may conduct with the raptor. The raptor under temporary care shall not count toward the caretaker's possession limit. The temporary caretaker may fly or train the raptor when permitted by the falconer in writing. The falconer may request an extension from the Department to the temporary possession period if extenuating circumstances occur. The Department shall evaluate extension requests on a case-by-case basis.
- Z.** A licensed falconer may assist a wildlife rehabilitator in conditioning a raptor in preparation for the raptor's release to the wild. The falconer may temporarily remove the raptor from the rehabilitation facilities while conditioning the raptor. The raptor shall remain under the rehabilitator's license and shall not count towards the falconer's possession limit. The rehabilitator shall provide the licensed falconer with a written statement authorizing the falconer to assist the rehabilitator. The written statement shall also identify the raptor by species, type of injury, and band number, when available. The licensed falconer shall return the raptor to the rehabilitator within the 180-day period established under R12-4-423(N), unless the raptor is:
1. Released into the wild in coordination with the rehabilitator and as authorized under this subsection;
  2. Allowed to remain with the rehabilitator for a longer period of time as authorized under R12-4-423(N); or
  3. Transferred permanently to the falconer, provided the falconer may legally possess the raptor and the Department approves the transfer. The raptor shall count towards the falconer's possession limit.
- AA.** A licensed falconer may use a raptor possessed for falconry in captive propagation, when permitted by USFWS. A licensed falconer is not required to transfer a raptor from a Sport Falconry license to another license when the raptor is used for captive propagation less than eight months in a year.
- BB.** A General or Master licensed falconer may use a lawfully possessed raptor in a conservation education program presented in a public venue. An Apprentice falconer, under the direct supervision of a General or Master falconer, may use a lawfully possessed raptor in a conservation education program presented in a public venue. The primary use for a raptor in a conservation education program is falconry. The falconer shall ensure the

focus of the conservation education program is to provide information about the biology, ecological roles, and conservation needs of raptors and other migratory birds. The falconer may charge a fee for presenting a conservation education program; however, the fee shall not exceed the amount required to recoup the falconer's costs for providing the program. As a condition of the Sport Falconry License, the licensed falconer agrees to indemnify the Department, its officers, and employees. The falconer is liable for any damages associated with the conservation education activities.

**CC.** A licensed falconer may allow the photography, filming, or similar uses of a falconry raptor possessed by the licensed falconer, provided:

1. The falconer is not compensated for these activities; and
2. The final product from these activities:
  - a. Promotes the practice of falconry;
  - b. Provides information about the biology, ecological roles, and conservation needs of raptors and other migratory birds;
  - c. Endorses a nonprofit falconry organization or association, products, or other endeavors related to falconry; or
  - d. Is used in scientific research or science publications.

**DD.** A licensed falconer may use or dispose of lawfully possessed falconry raptor feathers. A falconer shall not buy, sell, or barter falconry raptor feathers. A falconer may possess feathers for imping from each species of raptor that the falconer currently and previously possessed.

1. The licensed falconer may transfer or receive feathers for imping from:
  - a. Another licensed falconer,
  - b. A licensed wildlife rehabilitator, or
  - c. Any licensed propagator located in the U.S.
2. A licensed falconer may donate falconry raptor feathers, except bald and golden eagle feathers, to:
  - a. Any person or institution permitted to possess falconry raptor feathers,
  - b. Any person or institution exempt from the permit requirement under 50 CFR 21.12, or
  - c. A non-eagle feather repository. The Department may provide information regarding the submittal of falconry raptor feathers to a non-eagle feather repository.
3. A licensed falconer shall gather primary and secondary flight feathers or retrices that are molted or otherwise lost from a golden eagle and either retain the feathers for imping purposes or submit the feathers to the U.S. Fish and Wildlife Service, National Eagle Repository, Rocky Mountain Arsenal, Building 128, Commerce City, Colorado 80022.
4. A falconer whose license is either revoked or expired shall dispose of all falconry raptor feathers in the falconer's possession.

**EE.** Arizona licensed falconers importing raptors into Arizona shall have a certificate of health issued no more than 30 consecutive days:

1. Prior to the international importation, or
2. Prior to or after the inter-state importation.

**FF.** A licensed falconer may conduct any of the following activities with any captive-bred raptor provided the raptor is wearing a seamless band:

1. Barter,
2. Offer for barter,
3. Gift,
4. Purchase,
5. Sell,

6. Offer for sale, or
7. Transfer.

**GG.** A licensed falconer is prohibited from conducting any of the following activities with any wild-caught raptor protected under the Migratory Bird Treaty Act:

1. Barter,
2. Offer for barter,
3. Purchase,
4. Sell, or
5. Offer for sale.

**HH.** A licensed falconer may transfer:

1. Any wild-caught falconry raptor captured in Arizona with or without a permit tag to another Arizona Sport Falconry License holder at any time.
  - a. The raptor shall count towards the take limit for that calendar year for the falconer taking the raptor from the wild.
  - b. The raptor shall not count against the take limit of the falconer receiving the raptor.
2. Any wild-caught falconry raptor to another license or permit type under this Article or federal law, provided the raptor has been used in the sport of falconry for at least two years preceding the transfer.
3. A wild-caught falconry sharp-shinned hawk (*Accipiter striatus*), Cooper's hawk (*Accipiter cooperii*), merlin (*Falco columbarius*), or American kestrel (*Falco sparverius*) to another license or permit type under this Article or federal law, provided the raptor has been used in the sport of falconry for at least one year preceding the transfer.
4. Any hybrid or captive-bred raptor to another licensed falconer or permit type under this Article or federal law at any time.
5. Any falconry raptor that is no longer capable of being flown, as determined by a veterinarian or licensed rehabilitator, to another permit type at any time. The licensed falconer shall provide a copy of the documentation from the veterinarian or rehabilitator stating that the raptor is not usable in falconry to the Federal Migratory Bird Permits office that administers the other permit type.

**II.** A licensed falconer shall not transfer a wild-caught raptor captured in Arizona under a permit tag to a licensed falconer in another state for at least one year from the date of capture. However, a licensed falconer may transfer a wild-caught raptor captured in Arizona without a permit tag to a licensed falconer in another state at any time.

**JJ.** A surviving spouse, executor, administrator, or other legal representative of a deceased licensed falconer shall transfer any raptor held by the licensed falconer to another licensed falconer no more than 90 consecutive days after the death of the falconer. The Department shall determine the disposition of any raptor not transferred prior to the end of the 90-day period.

**KK.** A licensed falconer shall conduct the following activities, as applicable, no more than 10 business days after either the death of a falconry raptor or the final examination of a deceased raptor by a veterinarian:

1. For a bald or golden eagle, send the entire body, including all feathers, talons, and other parts, to the National Eagle Repository;
2. For any euthanized non-eagle raptor, to prevent secondary poisoning of other wildlife, the falconer shall either submit the carcass to a non-eagle repository or burn, bury, or otherwise destroy the carcass;
3. For all other species:
  - a. Submit the carcass to a non-eagle repository;



- b. Submit the carcass to the Department for submission to a non-eagle repository;
- c. Donate the body or feathers to any person or institution exempt under 50 CFR 21.12 or authorized by USFWS to acquire and possess such parts or feathers;
- d. Retain the carcass or feathers for imping purposes as established under subsection (DD);
- e. Burn, bury, or otherwise destroy the carcass; or
- f. Mount the raptor carcass. The falconer shall ensure any microchip implanted in the raptor is not removed and any band attached to the raptor remains on the mount. The falconer may use the mount for a conservation education program. The falconer shall ensure copies of the license and all relevant 3-186A forms are retained with the mount. The mount shall not count towards the falconer's possession limit.

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended effective April 4, 1997 (Supp. 97-2). Amended by final rulemaking at 6 A.A.R. 211, effective December 14, 1999 (Supp. 99-4). Amended by final rulemaking at 18 A.A.R. 958, effective January 1, 2013 (Supp. 12-2). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

#### R12-4-423. Wildlife Rehabilitation License

A. For the purposes of this Section, the following definitions apply:

- 1. "Agent," in addition to the definition in R12-4-401, means the same as "sublicensee" or "subpermitee" as these terms are used in federal regulations that this Section references.
- 2. "Assistant" means an individual who is not designated as an agent, as defined in R12-4-401 and this Section, who assists a wildlife rehabilitation license holder, and is under the direct supervision of the license holder at the premises described on the license.
- 3. "Migratory birds" means all species listed in 50 CFR 10.13, revised October 1, 1999, not including any later amendments or editions, which is incorporated by reference. A copy of the incorporated material is available for inspection at any Department office, or it may be ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.
- 4. "Taxa" means groups of animals within specific classes of wildlife occurring in the state with common characteristics that establish relatively similar requirements for habitat, food, and other ecological or behavioral factors pertinent to establishing standards of housing, care, or rehabilitation.

B. A wildlife rehabilitation license allows an individual to capture alive; transport; temporarily possess; rehabilitate; transfer to a practicing veterinarian for treatment or euthanasia or to another rehabilitator licensed for the wildlife; release; or euthanize an injured, diseased, disabled, orphaned, or otherwise debilitated live wildlife specified on the license. The license also allows an individual to export, transfer to a licensed zoo, or dispose of wildlife as directed in writing by the Department. A wildlife rehabilitation license holder shall not display for educational purposes, exhibit, or permanently possess wildlife held under the license. The Department may add stipulations to a license, as stated in R12-4-409, if the Department finds it is necessary to do so after reviewing an application for a

license, submitted as prescribed by subsection (D), and evaluating the activities that an applicant proposes to perform.

- C. Before applying for a wildlife rehabilitation license, an individual shall take an examination administered and supervised by the Department that covers wildlife rehabilitation; handling, transport, humane treatment, and nutritional, behavioral, developmental, ecological, and habitat requirements of wildlife; captivity standards established under R12-4-428; human and wildlife safety considerations; and state laws regarding wildlife rehabilitation, specifically R12-4-409 and this Section. An individual shall make an appointment with the Department to take the examination during normal business hours. An individual may request that the test be written or tape-recorded. The Department shall mail the results to the individual within 30 calendar days of the examination. The Department shall consider only those parts of the examination that are applicable to the taxa of wildlife for which the license is sought in establishing the qualifications of the applicant.
- D. An applicant shall apply for a wildlife rehabilitation license using a form available from the Department. The applicant shall provide the following information:
  - 1. Name, address, telephone number, birthdate, physical description, and (if applicable) Department ID number;
  - 2. Documentation of one or more of the following:
    - a. A valid, current license issued by a state veterinary medical examination authority that authorizes the applicant to practice as a veterinarian;
    - b. A minimum of six months of experience performing wildlife rehabilitative work for an average of at least eight hours per week for the taxa or species of animal in subsection (D)(5) that is listed on the application; or
    - c. A current and valid license, permit, or other form of authorization issued by another state or the federal government that allows the applicant to perform wildlife rehabilitation;
  - 3. Documentation that the applicant has answered correctly at least 80% of the questions on the examination in subsection (C), and that the applicant took the examination within five years of applying for the license;
  - 4. One or more of the following supporting documents:
    - a. A typed, computer or word processor printed, or legibly handwritten statement signed by the applicant that affirms that the applicant is a licensed, practicing veterinarian;
    - b. A typed, computer or word processor printed, or legibly handwritten statement signed by the Department's Adobe Mountain Wildlife Center Coordinator that the Center will assist the applicant in providing rehabilitative treatment for the wildlife to be held under the license; or
    - c. A typed, computer or word processor printed, or legibly handwritten statement signed by a licensed, practicing veterinarian that the veterinarian is reasonably available to give veterinary services requested by the applicant as necessary to facilitate rehabilitation of wildlife. The license holder shall be responsible for any veterinary expenses.
  - 5. The wildlife taxa or species that will be used under the license. The Department shall only issue a wildlife rehabilitation license for the following taxa or species of wildlife:
    - a. Amphibians: all amphibians;
    - b. Reptiles: all reptiles;
    - c. Birds:

- i. Non-passerines, birds in any order other than those named in (ii) through (vi);
- ii. Raptors, birds in the orders Falconiformes or Strigiformes;
- iii. Quails, birds in the order Galliformes;
- iv. Doves, birds in the order Columbiformes;
- v. Hummingbirds, birds in the order Trochiliformes; and
- vi. Passerines, birds in the order Passeriformes;
- d. Mammals:
  - i. Nongame mammals;
  - ii. Bats: all bats;
  - iii. Big game mammals other than cervids: bighorn sheep, bison, black bear, javelina, mountain lion, and pronghorn antelope; and
  - iv. Carnivores: bobcat, coati, coyote, foxes, raccoons, ringtail, skunks, and weasels; and
- e. The Department shall not issue a wildlife rehabilitation license for the following wildlife species unless the applicant specifically states the species on the license application:
  - i. Arizona ridge-nosed rattlesnakes;
  - ii. Banded rock rattlesnakes;
  - iii. Desert massasaugas;
  - iv. Flat-tailed horned lizards;
  - v. Gila monsters;
  - vi. Eagles; and
  - vii. Notwithstanding the taxa listed in subsections (D)(5)(a) through (d), species listed in Federal Endangered and Threatened Wildlife and Plants, 50 CFR 17.11, revised as of August 4, 2004, and species listed in Wildlife of Special Concern;
6. If the applicant is applying for a wildlife rehabilitation license to perform authorized activities with migratory birds, evidence showing that the applicant meets the following criteria:
  - a. The applicant is at least 18 years old; or
  - b. The applicant has a parent or legal guardian cosign the application and the signature is notarized;
7. A typed, computer or word processor printed, or legibly handwritten narrative that describes the following:
  - a. The method of disposing of the wildlife that the applicant prefers: export, transfer to a licensed zoo, or another method as directed in writing by the Department; and
  - b. If the applicant applies to perform authorized activities with taxa or species of wildlife that are listed in subsection (D)(4)(e), a statement of the applicant's training and experience in handling, capturing, rehabilitating, and caring for the taxa or species;
8. The name, address, and telephone number of the location where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical description of the location, including township, range, and section;
9. A detailed description or diagram of the facilities where the applicant will hold the wildlife, and a description of how the facilities comply with R12-4-428 and any other captivity standards prescribed by this Section;
10. If the applicant is authorizing an agent, the information stated in subsections (D)(1), (3), (5), (6), (7), (8), (9), and (11), as applicable to the agent. The agent shall sign and date the affidavit stated in subsection (D)(11), but shall omit (d). By signing the affidavit, the agent attests that the information provided is true and correct to the agent's knowledge and that the agent has not had live wildlife privileges revoked in this state or any other state or the United States.
11. The applicant's signature and the date of signing. By signing the application, the applicant attests to the following:
  - a. The information the applicant has provided is true and correct to the applicant's knowledge;
  - b. The applicant is applying for the license for the sole purpose of restoring wildlife to the wild through rehabilitative activities;
  - c. The applicant understands that all wildlife held under the license remains the property of the state and shall be returned to the Department upon request;
  - d. The applicant is solely responsible for all expenses incurred and all actions taken under the license, including all actions and omission of all agents and assistants when they are performing activities authorized under the license;
  - e. The applicant shall conduct rehabilitation at the location listed on the license; and
  - f. The applicant's live wildlife privileges are not revoked in this state, any other state, or the United States.
- E. The Department shall issue a wildlife rehabilitation license in compliance with R12-4-106. The Department may deny a license or limit a license based upon the training and experience of the applicant. If the Department denies the application for a wildlife rehabilitation license, the Department shall proceed as prescribed by R12-4-409(D).
- F. A wildlife rehabilitation license expires on December 31 of the third year following the date of issuance of the license. A wildlife rehabilitation license holder shall renew the license before it expires as stated in R12-4-409(M). If the license holder applies to renew the license as prescribed by subsection (D), the license holder may reference supportive material previously submitted to the Department if the license holder is not changing the species, location, or design of the facility where the wildlife will be held. The license holder shall retake the examination in subsection (B) if written reports submitted under subsection (S) indicate that the applicant did not perform any rehabilitative activities under the license.
- G. A wildlife rehabilitation license holder shall capture, remove, transport, and release wildlife under this Section in a manner that is least likely to cause injury to the affected wildlife.
- H. A wildlife rehabilitation license holder shall keep a current log that records the information specified under subsection (S).
- I. A wildlife license holder shall participate in one of the following during the license period:
  1. Eight or more hours of continuing education sessions on wildlife rehabilitation, offered by the Department at no fee. The Department shall provide each license holder with a minimum of 30 calendar days' notice of the sessions; or
  2. Eight or more hours of continuing education sessions on wildlife rehabilitation offered by an accredited university or college; the National Wildlife Rehabilitation Council, R.R. 1, Box 125 E Brighton, IL 62012; or the International Wildlife Rehabilitation Council, P.O. Box 3007, Walnut Creek, CA 94598.
- J. A wildlife rehabilitation license holder shall obtain written authorization from the Department before allowing an individual to act as an agent. The agent shall have the authorization in possession and available for Department inspection while performing activities authorized by the license. The Department

may suspend or revoke the license holder's license for violation of this Section by an agent.

- K.** A wildlife rehabilitation license holder may make a written request at any time during the license period to amend the license to add or delete an agent, to add or delete premises where wildlife is held, or to obtain authority to rehabilitate additional taxa of wildlife. To amend the license, the applicant shall submit the following:
1. To add or delete an agent, the information stated in subsections (D)(1), (3), (5) through (9), and (11), as applicable to the agent;
  2. To add or delete premises, the information stated in subsection (D)(1), (5), (8), (9), and (11); and
  3. To obtain authority to rehabilitate additional taxa or wildlife, the information stated in subsection (D)(1) through (9) and (11).
- L.** A wildlife rehabilitation license holder may accept donations from the public to compensate for expenses related to activities authorized under the license, or to provide materials or facilities necessary to perform those activities.
- M.** A wildlife rehabilitation license holder authorized to rehabilitate wildlife taxa or species listed in subsection (D)(5)(d)(iii) and (iv) or (D)(5)(e) shall contact the Department within 24 hours of receiving the individual animal to obtain instructions in handling that animal. While awaiting instructions, the license holder shall ensure that emergency veterinary care is provided as necessary.
- N.** Except when the Department has authorized possession for a longer period, a wildlife rehabilitation license holder shall not possess a bird longer than 180 days or other wildlife longer than 90 days; and all wildlife not releasable after these timeframes may be retained, transferred, disposed of, or euthanized as authorized by the Department. All wildlife held under the license remains the property of the state and shall be returned to the Department upon request. A license holder shall submit a written request to the Department to hold wildlife for longer than specified in this subsection. The Department may require the license holder to provide a typed, computer or word processor printed, or legibly handwritten statement signed by a licensed veterinarian listing the medical reasons for the extension if there is a dispute between the Department and the license holder regarding the medical necessity for the requested extension. The Department shall grant or deny a request for extension within 10 days of receipt of the request or the veterinarian's statement. The license holder may continue to hold the specified wildlife while the Department considers the request. The Department shall deny a request for extension in writing and shall include in the written denial specific, time-dated directions on disposition of the animal.
- O.** A wildlife rehabilitation license holder may hold wildlife under the license after the wildlife reaches a state of restored health only for the amount of time reasonably necessary to make humane disposition of the wildlife, but not for longer than has been authorized under subsection (N). Rehabilitated wildlife shall be released at an ecologically appropriate time of year, into a habitat suitable to sustain it and:
1. In the same geographic area from which the animal was originally obtained, except that birds may be released at any location statewide within the normal range of that species in ecologically suitable habitat; or
  2. In an area designated by the Department; and
  3. Without immediate threat to the animal of injurious contact with humans.
- P.** To permanently hold rehabilitated wildlife that is unsuitable for release, a licensee wildlife rehabilitation license holder

shall apply for and obtain a wildlife holding license under as prescribed by R12-4-417.

- Q.** Unless otherwise stipulated in the license, a wildlife license holder shall dispose of all wildlife that is euthanized or that otherwise dies while held under license within 30 days of death by burial or incineration, except that the license holder shall transfer all carcasses of endangered or threatened species, wildlife of special concern as defined in R12-4-401, or eagles to the Department.
- R.** A wildlife rehabilitation license holder shall ensure that a copy of the license, including any stipulations placed on that license, accompanies any shipment or transport of wildlife under this Section, and is available for Department inspection at each of the premises authorized by the license.
- S.** Before January 31 of each year, a wildlife rehabilitation license holder shall file a written report on activities performed under the license for the previous calendar year. The license holder shall report on a form available from the Department. The written report shall contain the following information:
1. The name, address, date of birth, and telephone number of the licensee and all agents;
  2. The permit or license number of any federal permits or licenses that relate to any rehabilitative function performed by the license holder; and
  3. An itemized list of each animal held under the license during the calendar year for which activity is being reported. For each animal held by the license holder or agent, the itemization shall include the: name of the species; condition that required rehabilitation; source, location, and date of acquisition; if reasonably determinable, age class at acquisition; status at disposition or end-of-year relative to the condition requiring rehabilitation; and method, place, and date of disposition. A copy of the rehabilitator's federal permit report of activities related to federally-protected wildlife satisfies this reporting requirement for federally protected wildlife.
- T.** A wildlife rehabilitation license holder is subject to R12-4-409, R12-4-428, and R12-4-430.

#### Historical Note

Adopted effective January 4, 1990 (Supp. 90-1).  
Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4).  
Amended by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3).  
Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1).

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

- A.** For the purposes of this Section:
1. "Closed aquatic system" means any body of water, water system, canal system, or series of lakes, canals, or ponds where triploid white amur are prevented from ingress or egress by any natural or man-made barrier, as determined by the Department.
  2. "Triploid" means a species that has 3N chromosomes.
- B.** A white amur stocking and holding license allows an individual to import, transport, stock, and possess triploid white amur (*Ctenopharyngodon idella*).
- C.** An applicant for a white amur stocking and holding license shall use a form available from any Department office. The applicant shall provide the following information on the form:
1. Name, address, telephone number, birthdate, physical description, and Department ID number (if applicable) of the applicant;

2. Whether the applicant will use the white amur for personal use or a commercial purpose. If the applicant is applying for the license for a commercial purpose, the applicant shall also provide the name, address, and telephone number of the applicant's business;
  3. The purpose of stocking the wildlife:
    - a. To control aquatic weeds that interfere with recreational, domestic, municipal, agricultural, or industrial use of water;
    - b. To control aquatic weeds that impair water quality; or
    - c. For sale from licensed fish farms.
  4. A detailed description or diagram of the aquatic system where the applicant will hold the white amur, as required by A.R.S. § 17-317, and a description of how the system meets the definition of a "closed aquatic system" in subsection (A);
  5. The name, address, and telephone number of the location where the white amur will be stocked, if applicable. Otherwise, the applicant shall provide the physical location of the stocking site, including township, range, and section. If the applicant applies to stock white amur in more than one location, the applicant shall submit a separate application for each location. The following qualify as separate locations:
    - a. Each closed aquatic system;
    - b. Each separately managed portion of a closed aquatic system; and
    - c. Multiple separate closed aquatic systems owned, controlled, or legally held by the same applicant where stocking is to occur;
  6. If the applicant will hold white amur at a business, the name, address, and telephone number of the business, and the title of the position held by the applicant;
  7. A detailed description of how the applicant will meet the requirements of A.R.S. § 17-317;
  8. The name, address, and telephone number of all white amur suppliers from whom the special license applicant will obtain white amur;
  9. The number and size of white amur to be stocked;
  10. The date white amur will be stocked, or dates if stocking will take more than one day; and
  11. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information provided is true and correct to the applicant's knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.
- D.** The Department shall issue a white amur stocking and holding license as prescribed by R12-4-106. If the Department denies the application for a special license, the Department shall proceed as prescribed by R12-4-409(D). The Department has the authority to place additional stipulations on a white amur stocking license for additional reasons than those stated in R12-4-409(F) if the Department determines it is necessary to do so during the substantive review time-frame. If the Department determines during the substantive review time-frame that stocking white amur will take place in a watershed that contains wildlife listed in "Wildlife of Special Concern" as defined in R12-4-401, the Department has the authority to request that the applicant submit a typewritten, computer or word processor printed, or legibly handwritten proposal that addresses the biological consequences of introducing white amur. The proposal shall include:
1. The purpose of introducing white amur;
  2. Expected benefits of the introduction;
  3. Possible negative impacts of the introduction;
  4. An evaluation of the ecology and potential displacement of wildlife species listed in "Wildlife of Special Concern" identified by the Department;
  5. An evaluation of disease potential; and
  6. A method for evaluating the status of wildlife listed in "Wildlife of Special Concern" and the impact introducing white amur has had on that wildlife after white amur is introduced.
- E.** If the Department denies the application for a special license, the Department shall proceed as prescribed by R12-4-409(D). The Department shall deny a white amur stocking license if the Department determines that issuing the license may result in a negative impact on state wildlife.
- F.** A white amur stocking and holding license holder shall ensure that all shipments of white amur are accompanied by certification issued by the U.S. Fish and Wildlife Service that verifies the white amur are triploid. The license holder shall provide a copy of the certificate to the Department before any stocking or restocking.
- G.** A white amur stocking and holding license holder shall report all restocking of white amur to the Department on forms provided by the Department before restocking. The license holder shall provide the following information on the form:
1. Name, address, telephone number, birthdate, physical description, and Department ID number of the license holder as it appears on the current license;
  2. If the applicant will use the white amur for a commercial purpose, the name, address, and telephone number of the applicant's business;
  3. The purpose for restocking the white amur:
    - a. Control of aquatic weeds that interfere with recreational, domestic, municipal, agricultural or industrial use of water;
    - b. Control of aquatic weeds that impair water quality; or
    - c. For sale from licensed fish farms.
  4. A detailed description or diagram of the aquatic system where the applicant will hold the white amur, and a description of how the facilities meet the definition of a "closed aquatic system";
  5. If the applicant will hold white amur at a business, the name, address, and telephone number of the business, and the title of the position held by the applicant;
  6. The name, address, and telephone number of all white amur suppliers from whom the special license applicant will obtain white amur;
  7. The number and size of white amur to be stocked;
  8. The date white amur will be stocked, or dates if stocking will take more than one day; and
  9. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information provided is true and correct to their knowledge and that the applicant's have not had their live wildlife privileges revoked in this state or any other state since the current license was issued.
- H.** The Department shall not grant authorization for restocking white amur for more than 20 days. Authorization is valid only during the dates stipulated on the license.
- I.** A white amur stocking license holder who applies to renew the license shall pay fees as prescribed under R12-4-412.
- J.** A white amur stocking and holding license holder is subject to R12-4-409.

**Historical Note**

Adopted as an emergency effective July 5, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-3).

Correction, Historical Note, Supp. 88-3, should read, "Adopted as an emergency effective July 15, 1988..."; readopted and amended as an emergency effective October 13, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted as an emergency effective January 24, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Former Section R12-4-219 amended and adopted as a permanent rule and renumbered as Section R12-4-424 effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

**R12-4-425. Restricted Live Wildlife Lawfully Possessed without License or Permit Before the Effective Date of Article 4 or Any Subsequent Amendments**

- A.** An individual who lawfully possessed restricted live wildlife without a license or permit from the Department before the effective date of this Section or any subsequent amendments to this Section may continue to possess the wildlife and to use it for any purpose that was lawful before the effective date of this Section or any subsequent amendments, and no special license shall be required if:
1. The individual notifies the Department's Phoenix office in writing of the restricted live wildlife held, including the number of individuals of each species and the purpose for which it is used; and
  2. The individual provides this notice within 30 calendar days of the effective date of this Section or any subsequent amendments to this Section; or
  3. The individual maintains documentation of the restricted live wildlife held, including the number of individuals of each species and the purpose for which it is used. Documentation shall be notarized and dated within 30 calendar days of the effective date of this Section or the effective date of any subsequent amendments in order to be valid.
- B.** An individual who possesses restricted live wildlife under this Section shall include the individual's name, address, and the location where the wildlife is held in the written notification or documentation required in subsection (A). The Department shall acknowledge receipt of notification in writing. Those individuals that maintain their own documentation under subsection (A)(3) shall make it available for inspection upon request of a designated Department employee.
- C.** An individual that possesses wildlife under this Section may dispose of it only by the following methods:
1. Exportation;
  2. Within the state, to a holder of a special license, if that special license authorizes possession of the species involved;
  3. Euthanasia; or
  4. As otherwise directed in writing by the Department.
- D.** If an individual transfers restricted live wildlife possessed under this Section to a special license holder, the license holder shall use and possess the wildlife only as prescribed by that special license.
- E.** An individual who possesses wildlife under this Section shall dispose of any offspring of that wildlife by export, euthanasia, or as otherwise directed in writing by the Department.
- F.** An individual who possesses wildlife under this Section or its offspring shall not import the wildlife back into the state unless the individual obtains a special license.
- G.** An individual is not required to give notice of possession of a desert tortoise (*Gopherus agassizii*) under this Section. Possession of desert tortoises is prescribed under R12-4-404 and R12-4-407.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1).

**R12-4-426. Possession of Primates**

- A.** For the purposes of this Section, the following definitions apply:
1. "Primate" means a non-human animal in the order Primate not listed in R12-4-406(G)(4).
  2. "Infant" means an animal weighing less than 50% of the weight of an adult as identified in "The Pictorial Guide to Living Primates," Pogonias Press 1996, and not including any later edition. This material is incorporated by reference and is available from all Department regional offices and from Pogonias Press, 1411 Shannock Rd., Charlestown, RI 02813-3278.
- B.** An individual shall not buy, sell, barter, gift, or import an infant primate in this state.
- C.** An individual shall not import a non-infant primate into this state unless:
1. The individual ensures that the primate is tested and reported to be free of any zoonotic disease, as defined in R12-4-401, that poses a serious health risk as determined by the Department. Zoonotic diseases that pose a serious health risk include, but are not limited to:
    - a. Tuberculosis;
    - b. Simian Herpes B virus; and
    - c. Simian Immunodeficiency Virus;
  2. A qualified individual, as determined by the Department, performs the test and provides the test results; and
  3. The tests required by subsection (C)(1) are conducted no more than 30 days before the primate is imported and the results are received by the Department before import.
- D.** A legal owner of a primate shall contain the primate within the confines of the legal owner's private property. A legal owner of a primate may only transport the primate by cage, crate, or carrier. A legal owner of a primate shall only transport the primate to the following locations:
1. To or from a licensed veterinarian; or
  2. Into or out of the state for lawful purposes, or within the state to complete a lawful sale.
- E.** A primate that bites, scratches, or otherwise exposes a human to pathogenic organisms, as determined by the Department, shall be examined and laboratory tested for the presence of pathogens as follows:
1. The Department Director or the Director's designee shall prescribe examinations and laboratory testing for the presence of pathogens.
  2. The owner of a primate that bites, scratches, or otherwise exposes a human to pathogenic organisms shall have the primate examined by a state licensed veterinarian who shall perform any examinations or laboratory tests as directed by the Department. The licensed veterinarian shall provide the laboratory results to the Director or the Director's designee within 24 hours of receiving the results. The Department shall notify the exposed individual and the Department of Health Services, Vector Borne and Zoonotic Disease Section within 10 days of receiving notice of the test results.

3. The legal owner of the primate shall pay all costs associated with the examination, laboratory testing, and maintenance of the primate.
- F. A primate that tests positive for a zoonotic disease that poses a serious health risk to humans, or is involved in more than one incident of biting, scratching, or otherwise exposing a human to pathogenic organisms, shall be maintained in captivity or disposed of as directed in writing by the Director or the Director's designee.

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Rule expired December 31, 1989; text rescinded (Supp. 93-2). New Section adopted by final rulemaking at 6 A.A.R. 211, effective December 14, 1999 (Supp. 99-4). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Section R12-4-426(C) corrected to include subsection (C)(1), under A.R.S. § 41-1011 and A.A.C. R1-1-108, Office File No. M11-77, filed March 4, 2011 (Supp. 10-1).

#### R12-4-427. Exemptions from Requirements to Possess a Wildlife Rehabilitation License

- A. An individual may possess, provide rehabilitative care to, and release to the wild any live wildlife listed below that is injured, orphaned, or otherwise debilitated:
1. The order Passeriformes; passerine birds;
  2. The order Columbiformes; doves;
  3. The family Phasianidae; quail, pheasant, partridge, and chukars;
  4. The order Rodentia; rodents; and
  5. The order Lagomorpha; hares and rabbits.
- B. An individual is not required to possess a hunting license to take wildlife alive listed in subsection (A). An individual shall only take wildlife listed in subsection (A) by hand or by a hand-held implement. An individual shall not possess the following under the provisions of this Section:
1. Eggs of wildlife;
  2. Wildlife listed as Wildlife of Special Concern, as defined in R12-4-401; or
  3. More than 25 animals at the same time.
- C. An individual shall not possess wildlife under this Section for more than 60 days.
- D. The exemptions granted by this Section shall not apply to any individual who, by his or her own action, has unlawfully injured or orphaned the wildlife.
- E. If the wildlife is rehabilitated and suitable for release, the individual who possesses the wildlife shall release it within the 60-day period stated in subsection (C) into a habitat that is suitable to sustain the wildlife, or as close as possible to the same geographic area from where it was taken. If the wildlife is not rehabilitated within the 60-day period or if the wildlife requires care normally provided by a veterinarian, the individual who possesses it shall:
1. Transfer it to a wildlife rehabilitation license holder or veterinarian;
  2. Humanely kill it; or
  3. Obtain a wildlife holding permit as prescribed by R12-4-417.
- F. This Section does not exempt an individual from the requirements of federal law.

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1).

#### R12-4-428. Captivity Standards

- A. An individual who holds a special license listed in R12-4-409(A) shall keep all wildlife held under the license in as humane a manner as the activities authorized by the license allow, to safeguard and protect the interests of the wildlife held. A special license holder subject to the provisions of this Section shall comply with the minimum standards for humane treatment prescribed by this Section. For the purposes of this Section, "animal" means any wildlife held under a special license, unless otherwise indicated.
- B. A special license holder shall ensure that all facilities required by the special license meet the following minimum standards.
1. The facility shall be constructed of material and be of a strength appropriate for the nature of the animal held. The facility shall be properly braced and constructed of material of sufficient strength to resist any force the animal may be capable of exerting against it. The facility shall be constructed in such a manner as to reasonably prevent the animal's escape or the entry of unauthorized individuals or animals. The facility shall be structurally sound and shall be maintained in good repair to protect the animals that are held from injury and to facilitate the humane practices prescribed by this Section.
  2. If required to comply with related provisions of this Section, there shall be safe, reliable and adequate electric power to the facility. All electric wiring shall be constructed and maintained in accordance with all applicable governmental building codes. Electrical construction and maintenance shall be sufficient to ensure that no animal has direct contact with any electrical wiring or electrical apparatus and is fully protected from any possibility of shock or electrocution from electric conducting materials.
  3. Every animal shall be supplied with sufficient potable water to meet its needs. If potable water is not accessible to the animal at all times, it shall be provided as often as necessary for the health and comfort of the animal, and the license holder shall ensure that the level of available water is monitored once daily or more often as the needs of the animal dictate. All water receptacles shall be kept in clean and sanitary condition.
  4. Food shall be wholesome, palatable, and free from contamination, and of sufficient appeal, quantity, and nutritive value to maintain in good health each animal that is held. Each animal's diet shall be prepared based upon the nutritional needs and preferences of the animal with consideration for the age, species, condition, size, and type of the animal, and all veterinary directions or recommendations in regard to diet. The quantity of food supplied to each animal shall be sufficient to meet its needs and keep it in good health. Each animal shall be fed as often as its needs dictate, taking into consideration hibernation, veterinary treatment or recommendation, normal fasts, or other professionally accepted humane practices. The license holder shall ensure that the level of available food for each animal is monitored once daily, except for those periods of time when professionally accepted humane practices dictate that the animal not consume any food during the entire day. Food and food receptacles, if used, shall be sufficient in quantity and accessible to all animals in the facility and shall be placed to minimize potential contamination. Food receptacles shall be kept clean and sanitary at all times. Any self-feeding food receptacles shall function properly and the food they provide shall not be subject to deterioration, contamination, molding, caking, or any other process that would render the food unsafe or unpalatable for the animal to be fed.

- Appropriate means of refrigeration shall be provided for supplies of perishable animal foods.
5. The facility shall be kept sanitary and regularly cleaned as the nature of the animal requires and allows. Adequate provision shall be made for the removal and disposal of animal waste, food waste, unusable bedding materials, trash, debris and dead animals not intended for food. The facility shall be maintained to minimize the potential of vermin infestation, disease, and unseemly odors. Excreta shall be removed from the primary enclosure facility as often as necessary to prevent contamination of the animals and to minimize hazard of disease and to reduce unseemly odors. The sanitary condition of the facility shall be monitored by the licensee at least daily. When the facility is cleaned by hosing, flushing or the introduction of any chemical substances, adequate measures shall be taken to ensure the animal has no direct contact with any chemical substance and is not directly sprayed with water, steam or chemical substances or otherwise wetted involuntarily.
  6. A sanitary and humane method shall be provided to rapidly eliminate excess water from the facility. If drains are utilized, they shall be properly constructed and kept in good repair to avoid foul odors, and installed so as to prevent backup or accumulation of debris or sewage.
  7. No animal shall be exposed to any human activity or environment that may have an inhumane or harmful effect upon the animal that is inconsistent with the purpose of the special license.
  8. Facilities shall not be constructed or maintained in proximity to any physical condition which may give rise to any health threat to the animal including, but not limited to, trash or garbage collection sites and/or pools of standing water. All individuals that care for the animals shall maintain themselves in a sufficiently clean condition when dealing in or around the animal so as to minimize any threat to the health of the animal.
  9. All animals housed in the same facility or within the same enclosed area shall be compatible and shall not pose a substantial threat to the health, life or well-being of any other animal in the same facility or enclosure, whether or not the other animals are held under a special license. This shall not apply to live animals placed as food items in the enclosures.
  10. Facilities for the enclosure of animals shall be constructed and maintained to provide sufficient space to allow each animal adequate freedom of movement to make normal postural and social adjustments. The facility area shall be large enough and constructed in a manner to allow the animal proper and adequate exercise as is characteristic to each animal's natural behavior and physical need. Facilities for digging or burrowing animals shall have secure safe floors below materials supplied for digging or burrowing activity. Animals that naturally climb shall be provided with safe and adequate climbing apparatus. Animals that naturally live in an aquatic environment shall be supplied with sufficient access to safe water so as to meet their aquatic behavioral needs.
  11. A special license holder shall ensure that a sufficient number of properly trained personnel are utilized to meet all the humane husbandry practices prescribed by this Section. The license holder shall be responsible for the actions of all animal care personnel and all other individuals that come in contact with the animals.
  12. The facility and holding environment shall be structured to reasonably promote the psychological well-being of any primate held under a special license.
  13. Except for wildlife hobby license holders that possess fewer than 50 birds and license holders that possess animals for less than one year, a special license holder shall designate a veterinarian licensed to practice in this state as the primary treating veterinarian for each individual species of animal to be held under any special license issued. The license holder shall ensure that all animals in their care receive proper, adequate and humane veterinary care as the needs of each animal dictate. Each animal held for one year or more and each facility used shall be inspected by the attending veterinarian at least once every year. Every animal shall receive veterinary care whenever it appears that the animal is ill, wounded, diseased, infected by parasites or behaving in a substantially abnormal manner, including but not limited to exhibiting loss of appetite or disinclination to normal physical activity. All medications, treatments and other directions prescribed by the attending veterinarian shall be properly administered by the licensee. No prescription medicine or medical treatment shall be administered by any license holder unless under the direction of a veterinarian.
  14. Any animal that is suspected of or diagnosed as harboring any infectious or transmissible disease, whether or not the animal is held under a special license, shall be isolated immediately upon suspicion or diagnosis from any animal to whom such disease could be transmitted. The isolated animal shall continue to be kept in a humane manner and in a facility as required by this Section. When there is an animal with an infectious or transmissible disease in any animal facility, whether or not the animal is held under a special license, the facility shall be reasonably sanitized so as to reasonably eliminate the chance of other animals being exposed to infection. Sanitation procedures may include, but not necessarily be limited to, the washing of facilities or animal-related materials with hot water and appropriate antibacterial chemical agents and appropriate soaps or detergents; the appropriate application of steam under pressure; and the replacement of gravel, sand, water, food, or dirt. All residue of chemical agents utilized in the sanitation process shall be reasonably eliminated from the facility before any animal is returned to the facility. Parasites and avian and mammalian pests shall be controlled and eliminated so as to ensure the continued health and well-being of all animals.
- C. A special license holder shall ensure that all indoor facilities meet the following standards in addition to those set forth in subsection (B).
1. Heating and cooling facilities shall be supplied that are sufficient to regulate the temperature to protect the animals from extremes of temperature as the nature of the wildlife requires and to provide a healthful and humane living environment and prevent discomfort to the animal. The ambient temperature shall not be allowed to fall below nor rise above temperatures compatible with the health, comfort, and humane care of any animal.
  2. Indoor facilities shall be adequately ventilated by natural or mechanical means to provide for the healthful and humane keeping of any animal and prevent the discomfort of any animal. The facility shall be provided with fresh air, either by means of windows, doors, vents, fan, or air conditioning sufficient to meet the humane needs of any animal and shall be constructed to minimize drafts, odors and moisture condensation.

3. Indoor facilities shall have lighting by either natural or artificial means, or both, that is appropriate to the nature of the animals being kept. Lighting shall be of a quality, distribution, and duration as is appropriate for the needs and nature of the animals held. Lighting shall be utilized in regular cycles as the animal's needs may dictate. Lighting of uniform distribution and sufficient intensity to permit routine inspection and cleaning of the facility shall be available. Lighting shall be designed to protect the animals from excessive or otherwise harmful aspects of illumination.
- D.** A special license holder shall ensure that all outdoor facilities meet the following standards in addition to those set forth in subsection (B).
1. If sunlight is likely to cause overheating or discomfort of any animal, sufficient shade by natural or artificial means shall be provided to allow all animals kept outdoors to humanely protect themselves from any harmful affects of direct sunlight.
  2. Sufficient natural or artificial shelter appropriate to humanely protect animals from normally expected local climatic conditions through the year shall be provided for all animals to prevent any discomfort or harm to the animals. No animal shall be exposed to any climatic condition that is potentially harmful to the animal. Individual animals shall be acclimated to outdoor climatic conditions before they are housed in any outdoor facility or otherwise exposed to the extremes of climate.
- E.** If an animal must be handled, the special license holder that possesses it shall ensure that the animal is handled in an expeditious and careful manner to ensure no unnecessary discomfort, behavioral stress, or physical harm to the animal. An animal that is transported shall be transported in an expeditious, careful, and humane fashion. During periods of transport, an animal shall be made as humanely secure as reasonably possible. No animal shall be transported in any manner that poses a substantial threat to the life, health, or behavioral well-being of the animal. All facilities and services used to transport the animal shall provide for the basic humane needs of the animal during periods when the animal is held in a transportation facility, including but not necessarily limited to providing the animal with adequate food, water, sanitary conditions, and ventilation, and any medication as prescribed by the attending veterinarian. If any animal is placed on public exhibit or educational display, such animal shall be handled in a manner minimizing the risk of harm to members of the public and to the animal: Minimization of risk shall include but not necessarily be limited to sufficient distance existing between the animal and the viewing public to assure the safety of both the public and the animals. Any restraint used on any animal shall be humane in nature and not likely in either its design or use to cause physical harm or discomfort to the restrained animal except when discomfort is necessary to control the animal due to its size or strength.
- F.** The Department may impose additional requirements on facilities that hold animals if it becomes necessary to meet the needs of the particular animal and to ensure public health and safety. Any additional special license facility requirements shall be set forth in writing by the Department at the time the special license is issued. Any additional requirements for housing facilities shall specify the reason necessitating the additional measures.

**Historical Note**

Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1).

**R12-4-429. Expired****Historical Note**

New Section made by emergency rulemaking under A.R.S. § 41-1026 at 8 A.A.R. 3127, effective July 1, 2002 for a period of 180 days (Supp. 02-3). Emergency rulemaking renewed under A.R.S. § 41-1026(D) for an additional 180-day period at 9 A.A.R. 132, effective December 27, 2002 (Supp. 02-4). Section expired effective June 24, 2003 (Supp. 03-2).

**R12-4-430. Importation, Handling, and Possession of Cervids**

- A.** For the purposes of this Section, the following definitions apply:
1. "Native cervid" means any member of the deer family in the genus *Alces*, common name moose; the genus *Odocoileus*, common name white-tailed and mule deer; or the genus *Cervus*, common name red deer, wapiti, and elk; or the genus *Rangifer*, common name reindeer and caribou.
  2. "Wildlife disease" means a disease that poses a health risk to wildlife in Arizona.
  3. "Zoo" means any facility licensed by the Arizona Game and Fish Department under R12-4-420.
- B.** Except as provided in R12-4-418, upon the effective date of this Section, no new special licenses will be issued for live cervids.
- C.** An individual, including any special license holder, shall not import a live cervid into Arizona except as allowed in subsection (K).
- D.** Except as allowed under subsection (L), an individual shall not transport a live cervid within Arizona except to:
1. Export the live cervid from Arizona for a lawful purpose;
  2. Transport the live cervid to a facility for the purpose of slaughter, when the slaughter will take place within five days of the date of transport;
  3. Transport the live cervid to or from a licensed veterinarian for medical care; or
  4. Transport the live cervid to a new holding facility owned by, or under the control of, the cervid owner, when all of the following apply:
    - a. The current holding facility has been sold or closed;
    - b. Ownership, possession, custody, or control of the cervid will not be transferred to another individual; and
    - c. The owner of the cervid has prior written approval from the Director of the Arizona Game and Fish Department.
- E.** An individual who lawfully possesses a live cervid held in captivity on the effective date of this Section, except any cervid held under a private game farm, wildlife holding, or zoo license, shall, within 30 days of the effective date of this Section, provide the Department with a written report that contains the following:
1. Name, address, and telephone number of the person possessing the live cervid;
  2. Number, genus, and species of any live cervid held; and
  3. Location where the live cervid is held.
- F.** An individual who lawfully possesses a live cervid held in captivity on the effective date of this Section, except any cervid held under a private game farm, wildlife holding, or zoo license, may continue to possess the live cervid and shall only dispose of the live cervid by the following methods:
1. Exportation,
  2. Euthanasia, or
  3. As otherwise directed by the Department.



- G.** An individual who lawfully possesses a live cervid under a private game farm, wildlife holding, or zoo license shall not move, or allow another to move, the cervid from the premises of the game farm, wildlife holding facility, or zoo except to:
1. Export the live cervid from Arizona for a lawful purpose,
  2. Transport the live cervid to a facility for the purpose of slaughter, or
  3. Transport the live cervid to or from a licensed veterinarian for medical care.
- H.** In addition to the recordkeeping requirements of R12-4-413, R12-4-417, and R12-4-420, an individual who possesses a live native cervid under a private game farm, wildlife holding, or zoo license on the effective date of this Section, and subsequent to the effective date of this Section for progeny, shall:
1. Permanently mark each live native cervid with either an individually identifiable microchip or tattoo within 30 days of the effective date of this Section;
  2. Permanently mark the progeny of each live native cervid with either an individually identifiable microchip or tattoo; and
  3. Within 30 days of the effective date of this Section, and annually by December 15, provide the Department with a report listing the following for each live native cervid in the licensee's possession:
    - a. Name of the license holder,
    - b. License holder's address and telephone number,
    - c. Number and species of live native cervids held,
    - d. The microchip or tattoo number of each live native cervid held, and
    - e. The disposition of all native cervids that were moved or that died in the six months before the effective date of this Section or during the current reporting period.
- I.** The holder of a private game farm, wildlife holding, or zoo license shall ensure that the head of a native cervid that dies while held under the special licenses (except a native cervid that is slaughtered as allowed under this Section, R12-4-413, R12-4-417, and R12-4-420) is submitted within 72 hours of the time of death to the University of Arizona Veterinary Diagnostic Laboratory for chronic wasting disease analysis. The licensee shall ensure that the shipment of the deceased animal's head is made by a common, private, or contract carrier that utilizes a tracking number system to track the shipment. The Arizona Game and Fish Department shall pay for the cost of the laboratory analysis. The holder of a private game farm, wildlife holding, or zoo license shall include the following information with the shipment of the deceased animal's head:
1. Name of the license holder,
  2. License holder's address, and
  3. License holder's telephone number.
- J.** If a zoonotic or wildlife disease, as determined by a person with relevant wildlife disease expertise, exists in any facility or on property holding cervids, and the zoonotic or wildlife disease poses an immediate threat to wildlife or humans, including those animals held under special license, the Arizona Game and Fish Department's Director shall order the immediate quarantine of all wildlife held at the facility or on the property. The Director may suspend the provisions of any applicable special license and order the humane disposition of any affected animal based on an assessment of the threat to public or wildlife health, safety, or welfare. An individual who possesses a cervid where an identified zoonotic or wildlife health risk exists shall, as ordered by the Director, quarantine the wildlife, test the wildlife for disease, submit a biological sample to the Department or its designee, and, if necessary, destroy and dispose of the wildlife as directed by the Department.
- K.** A holder of a zoo license may import any live cervid, except a native cervid, for exhibit, educational display, or propagation only if the cervid is quarantined for 30 days upon arrival, and the cervid is procured from a facility that complies with the following requirements:
1. The exporting facility has no history of chronic wasting disease or other diseases that pose a serious health risk to wildlife or humans, and there is accompanying documentation from the facility certifying that there is no history of disease at the facility;
  2. The cervid is accompanied by a health certificate issued by a licensed veterinarian in the jurisdiction of origin, and the health certificate is issued within 30 days of import; and
  3. The cervid is accompanied by evidence of lawful possession as defined in R12-4-401.
- L.** A holder of a zoo license may transport within Arizona any live cervid, except a native cervid, for the purpose of procurement or propagation only if the cervid is quarantined for 30 days upon arrival at its destination, and only if the cervid is procured from a facility that complies with the following requirements:
1. The originating facility has no history of chronic wasting disease or other diseases that pose a serious health risk to wildlife or humans, and there is accompanying documentation from the facility certifying that there is no history of disease at the facility;
  2. The cervid is accompanied by a health certificate issued by a licensed veterinarian in the jurisdiction of origin, and the health certificate is issued within 30 days of transport; and
  3. The cervid is accompanied by evidence of lawful possession as defined in R12-4-401.
- M.** An individual who possesses a cervid shall comply with all procedures for tuberculosis control and eradication for cervids prescribed in the USDA publication "Bovine Tuberculosis Eradication – Uniform Methods and Rules," USDA APHIS 91-45-011, effective January 22, 1999. This material is incorporated by reference in this Section but does not include any later amendments or editions. A copy is on file with the Secretary of State and is available from any Department office, or it may be ordered from the USDA APHIS Veterinary Services, Cattle Disease and Surveillance Staff, P. O. Box 96464, Washington D.C. 20090-6464.
- N.** An individual who possesses a cervid shall comply with the procedures for the prevention, control, and eradication of Brucellosis in cervids as prescribed in the United States Department of Agriculture publication "Brucellosis in Cervidae: Uniform Methods and Rules" U.S.D.A. A.P.H.I.S. 91-45-12, effective September 30, 1998, revised effective May 14, 1999. This material is incorporated by reference in this Section but does not include any later amendments or editions. A copy is on file with the Secretary of State and is available from any Department office, or it may be ordered from the USDA APHIS Veterinary Services, Cattle Disease and Surveillance Staff, P. O. Box 96464, Washington D.C. 20090-6464.
- O.** An individual who possesses a cervid shall comply with the procedures for the prevention, control, and eradication of Brucellosis in cervids as prescribed in the United States Department of Agriculture publication "Brucellosis Eradication: Uniform Methods and Rules" U.S.D.A. A.P.H.I.S. 91-45-11, effective February 1, 1998. This material is incorporated by reference in this Section but does not include any later amendments or editions. A copy is on file with the Secretary of State

and is available from any Department office, or it may be ordered from the USDA APHIS Veterinary Services, Cattle Disease and Surveillance Staff, P. O. Box 96464, Washington D.C. 20090-6464.

- P. The Department has the authority to seize, destroy, and dispose of, at the owner's expense, any cervid possessed in violation of this Section.

#### Historical Note

New Section made by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1).

### ARTICLE 5. BOATING AND WATER SPORTS

#### R12-4-501. Boating and Water Sports Definitions

In addition to the definitions provided under A.R.S. § 5-301, the following definitions apply to this Article unless otherwise specified:

“Abandoned watercraft” means any watercraft that has remained:

- On private property without the consent of the private property owner;
- Unattended for more than 48 hours on a highway, public street, or other public property;
- Unattended for more than 72 hours on state or federal lands; or
- Unattended for more than 14 days on state or federal waterways.

“Aids to navigation” means buoys, beacons, or other fixed objects placed on, in, or near the water to mark obstructions to navigation or to direct navigation through channels or on a safe course.

“AZ number” means the Department-assigned identification number with the prefix “AZ.”

“Bill of sale” means a written agreement transferring ownership of a watercraft that includes all of the following information:

- Name of buyer;
- Name of seller;
- Manufacturer of the watercraft, when known;
- Hull identification number, unless exempt under R12-4-505;
- Purchase price and sales tax paid, when applicable; and
- Signature of seller.

“Boats keep out” in reference to a regulatory marker means the operator or user of a watercraft, or a person being towed by a watercraft on water skis, a surfboard, or similar device or equipment shall not enter.

“Certificate of number” means the Department-issued document that is proof that a motorized watercraft is registered in the name of the owner.

“Certificate of origin” means a document provided by the manufacturer of a new watercraft or its distributor, its franchised new watercraft dealer, or the original purchaser establishing the initial chain of ownership for a watercraft, such as but not limited to:

- Manufacturer's certificate of origin (MCO);
- Manufacturer's statement of origin (MSO);
- Importer's certificate of origin (ICO);
- Importer's statement of origin (ISO); or
- Builder's certification (Form CG-1261).

“Controlled-use marker” means an anchored or fixed marker on the water, shore, or a bridge that controls the operation of watercraft, water skis, surfboards, or similar devices or equipment.

“Dealer” means any person who engages in whole or in part in the business of buying, selling, or exchanging new or used watercraft, or both, either outright or on conditional sale, consignment, or lease.

“Homemade watercraft” means a watercraft that is not fabricated or manufactured for resale and to which a manufacturer has not attached a hull identification number. If a watercraft is assembled from a kit or constructed from an unfinished manufactured hull and does not have a manufacturer assigned hull identification number it is a “homemade watercraft.”

“Hull identification number” means a number assigned to a specific watercraft by the manufacturer or by a government jurisdiction as prescribed by the U.S. Coast Guard.

“Junk watercraft” means any hulk, derelict, wreck, or parts of any watercraft in an unseaworthy or dilapidated condition that cannot be profitably dismantled or salvaged for parts or profitably restored.

“Letter of gift” means a document transferring ownership of a watercraft that includes all of the following information:

- Name of previous owner;
- Name of new owner;
- Name of manufacturer of the watercraft, when known;
- Hull identification number, unless exempt under R12-4-505;
- A statement that the watercraft is a gift; and
- Signature of previous owner.

“Livery” means a business authorized to rent watercraft without an operator as prescribed under A.R.S. § 5-371.

“Manufacturer” means any person engaged in the business of manufacturing or importing new watercraft for the purpose of sale or trade.

“Motorized watercraft” means any watercraft propelled by machinery and powered by electricity, fossil fuel, or steam.

“No ski” in reference to a regulatory marker means a person shall not be towed on water skis, an inflatable device, or similar equipment.

“Nonresident Boating Safety Infrastructure Decal” means the Department-issued decal that is proof of payment of the fee authorized under A.R.S. § 5-327.

“No wake” in reference to a regulatory marker has the same meaning as “wakeless speed” as defined under A.R.S. § 5-301.

“Operate” in reference to a watercraft means use, navigate, or employ.

“Owner” in reference to a watercraft means a person who claims lawful possession of a watercraft by virtue of legal title or equitable interest that entitles the person to possession.

“Personal flotation device” means a U.S. Coast Guard approved Type I, II, III, or V wearable, or Type IV throwable device for use on any watercraft, as prescribed under A.R.S. §§ 5-331, 5-350(A), and R12-4-511.

“Regatta” means an organized water event of limited duration affecting the public use of waterways, for which a lawful jurisdiction has issued a permit.

“Registered owner” means the person or persons to whom a watercraft is currently registered by any jurisdiction.

“Registration decal” means the Department-issued decal that is proof of watercraft registration.

“Regulatory marker” means a waterway marker placed on, in, or near the water to indicate the presence of:

A danger,

A restricted or controlled-use area, or

To convey general information and directions.

“Release of interest” means a statement surrendering or abandoning unconditionally any claim or right of ownership or use in a watercraft.

“Sound level” means the noise level measured in decibels on the A-weighted scale of a sound level instrument that conforms to recognized industry standards and is maintained according to the manufacturer’s instructions.

“Staggered registration” means the system of renewing watercraft registrations in accordance with the schedule provided under R12-4-504.

“State of principal operation” means the state in whose waters the watercraft is used or will be operated most during the calendar year.

“Unreleased watercraft” means a watercraft for which there is no written release of interest from the registered owner.

“Watercraft” means a boat or other floating device of rigid or inflatable construction designed to carry people or cargo on the water and propelled by machinery, oars, paddles, or wind action on a sail. Exceptions are sea-planes, makeshift contrivances constructed of inner tubes or other floatable materials that are not propelled by machinery, personal flotation devices worn or held in hand, and other objects used as floating or swimming aids.

“Watercraft agent” means a person authorized by the Department to collect applicable fees for the registration and numbering of watercraft.

“Watercraft registration” means the validated certificate of number and validating decals issued by the Department.

#### Historical Note

Editorial correction subsection (A) (Supp. 78-5). Former Section R12-4-83 renumbered as Section R12-4-501 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-501 renumbered to R12-4-515, new Section R12-4-501 adopted effective May 27, 1992 (Supp. 92-2). Amended effective November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19

A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

#### R12-4-502. Application for Watercraft Registration

- A. Only motorized watercraft as defined under R12-4-501 are subject to watercraft registration.
- B. A person shall apply for watercraft registration under A.R.S. § 5-321 using a form furnished by the Department and available at any Department office or online at [www.azgfd.gov](http://www.azgfd.gov). The applicant shall provide the following information for registration of all motorized watercraft except homemade watercraft, which are addressed under subsection (C):
1. Type of watercraft;
  2. Propulsion type;
  3. Engine drive type;
  4. Overall length of watercraft;
  5. Make and model of watercraft, if known;
  6. Year built or model year, if known;
  7. Hull identification number;
  8. Hull material;
  9. Fuel type;
  10. Category of use;
  11. Watercraft or AZ number previously issued for the watercraft, if any;
  12. State of principal operation; and
  13. For watercraft:
    - a. Owned by an individual:
      - i. Name,
      - ii. Mailing address, and
      - iii. Date of birth.
    - b. Owned by a business:
      - i. Name of business
      - ii. Business address, and
      - iii. Tax Identification Number
    - c. Held in a trust:
      - i. Name of trust,
      - ii. Primary trustee’s address, and
      - iii. Date of trust.
  14. When ownership of the watercraft is in more than one name, the applicant shall indicate ownership designation by use of one of the following methods:
    - a. Where ownership is joint tenancy with right of survivorship, the applicant shall use “and/or” between the names of the owners. To transfer registration of the watercraft, each owner shall provide a signature. Upon legal proof of the death or incompetency of either owner, the remaining owner may transfer registration of the watercraft.
    - b. Where ownership is a tenancy in common the applicant shall use “and” between the names of the owners. To transfer registration of the watercraft, each owner shall provide a signature. In the event of the death or incompetency of any owner, the disposition of the watercraft shall be handled through appropriate legal proceedings.
    - c. Where the ownership is joint tenancy or is community property with an express intent that either of the owners has full authority to transfer registration, the applicant shall use “or” between the names of the owners. Each owner shall sign the application for registration. To transfer registration, either owner’s signature is sufficient for transfer.
- C. The builder, owner, or owners of a homemade watercraft shall present the watercraft for inspection at a Department office. The applicant shall provide the following information for reg-

istration of homemade watercraft, using the same ownership designations specified in subsection (A)(14):

1. Type of watercraft;
  2. Propulsion type;
  3. Engine drive type;
  4. Overall length of watercraft;
  5. Year built;
  6. Hull material;
  7. Fuel type;
  8. Category of use;
  9. Each owner's:
    - a. Name,
    - b. Mailing address, and
    - c. Date of birth;
  10. State of principal operation;
  11. Whether the watercraft was assembled from a kit or rebuilt from a factory or manufacturer's hull;
  12. Hull identification number, if assigned; and
  13. Signature of the applicant, acknowledged before a Notary Public or witnessed by a Department employee.
- D.** As prescribed under A.R.S. § 5-321, the applicant shall submit a use tax receipt issued by the Arizona Department of Revenue with the application for registration unless any one of the following conditions apply:
1. The applicant is exempt from use tax as provided under A.A.C. Title 15, Chapter 5,
  2. The applicant is transferring the watercraft from another jurisdiction to Arizona without changing ownership,
  3. The applicant submits a bill of sale or receipt showing the sales or use tax was paid at the time of purchase, or
  4. The applicant submits a notarized affidavit of exemption stating that the acquisition of the watercraft was for rental or resale purposes.
- E.** An applicant for a watercraft dealer registration authorized under A.R.S. § 5-322(F), shall be a business offering watercraft for sale or a watercraft manufacturer registered by the U.S. Coast Guard. A person shall display dealer registration for demonstration purposes only. For the purposes of this Section, "demonstration" means to operate a watercraft on the water for the purpose of selling, trading, negotiating, or attempting to negotiate the sale or exchange of interest in new watercraft, which includes operation by a manufacturer for purposes of testing a watercraft. Demonstration does not include operation of a watercraft for personal purposes by a dealer or manufacturer or an employee, family member, or an associate of a dealer or manufacturer. A watercraft dealer registration applicant shall submit an application to the Department. The application is furnished by the Department and is available at any Department office. The applicant shall provide the following information on the application:
1. All business names used for the sale or manufacture of watercraft in Arizona;
  2. Mailing address and telephone number for each business for which a watercraft dealer registration is requested;
  3. Tax privilege license number;
  4. U.S. Coast Guard manufacturer identification code, when applicable;
  5. Total number of certificates of number and decals requested; and
  6. The business owner's or manager's:
    - a. Name,
    - b. Business address,
    - c. Telephone number, and
    - d. Signature.
- F.** In addition to submitting the application form and any other information required under this Section, the applicant for watercraft registration shall submit one of the following additional forms of documentation:
1. Original title if the watercraft is titled in another state,
  2. Original registration if the watercraft is from a non-titling state,
  3. Bill of sale as defined under R12-4-501 if the watercraft has never been registered or titled in any state,
  4. Letter of gift as defined under R12-4-501 if the watercraft was received as a gift and was never registered or titled in another state,
  5. Court order or other legal documentation establishing lawful transfer of ownership, or
  6. Statement of facts form furnished by the Department and available from any Department office when none of the documentation identified under subsections (F)(1) through (F)(5) exists either in the possession of the watercraft owner or in the records of any jurisdiction responsible for registering or titling watercraft. An applicant for watercraft registration under a statement of facts shall present the watercraft for inspection at a Department office. The statement of facts form shall include the following information:
    - a. Hull identification number,
    - b. Certification that the watercraft meets one of the following conditions:
      - i. The watercraft was manufactured prior to 1972, is 12 feet in length or less, and is not propelled by an inboard engine;
      - ii. The watercraft is owned by the applicant and has never been registered or titled;
      - iii. The watercraft was owned in a state that required registration, but was never registered or titled; or
      - iv. The watercraft was purchased, received as a gift, or received as a trade and has not been registered, titled, or otherwise documented in the past five years.
    - c. Signature of the applicant, acknowledged before a Notary Public or witnessed by a Department employee.
  7. An original certificate of origin when all of the following conditions apply:
    - a. The watercraft was purchased as new,
    - b. The applicant is applying for watercraft registration within a year of purchasing the watercraft, and
    - c. The certificate of origin is not held by a lien holder.
- G.** If the watercraft is being transferred to a person other than the original listed owner, the applicant for a watercraft registration shall submit a release of interest.
- H.** If the original title is held by a lien holder, the applicant for a watercraft registration shall submit a form furnished by the Department and available from any Department office along with a copy of the title. The applicant shall comply with the following requirements when submitting the form:
1. The applicant shall provide the following information on the form:
    - a. Applicant's name,
    - b. Applicant's mailing address,
    - c. Watercraft make, and
    - d. Watercraft hull identification number.
  2. The applicant shall ensure the lien holder provides the following information on the form:
    - a. Lien holder's name,
    - b. Lien holder's mailing address,
    - c. Name of person completing the form for the lien holder,

- d. Title of person completing the form for the lien holder, and
- e. Signature of the person completing the form for the lien holder, acknowledged before a Notary Public or witnessed by a Department employee.
- I. The Department shall issue a watercraft registration within 30 calendar days of receiving a valid application and documentation required by this Section, whether from the applicant or from a watercraft agent authorized under R12-4-509.
- J. The Department shall register a watercraft, if the watercraft's original title or registration is lost, upon receipt of one of the following:
  - 1. A letter or printout from any jurisdiction responsible for registering or titling watercraft that verifies the owner of record for that specific watercraft;
  - 2. A printout of the Vessel Identification System from the U.S. Coast Guard and verification from the appropriate state agency that the information regarding the owner of record for that specific watercraft is correct and current;
  - 3. A statement of facts by the applicant as described under subsection (F)(6) if the watercraft has not been registered, titled, or otherwise documented in the past five years; or
  - 4. The abandoned or unreleased watercraft approval letter issued by the Department, as established under R12-4-507(I).
- K. All watercraft registrations and supporting documentation are subject to verification by the Department and to the requirements established under R12-4-505. The Department shall require a watercraft to be presented for inspection to verify the information provided by an applicant if the Department has reason to believe the information provided by the applicant is inaccurate.
- L. The Department shall deem an application invalid if the Department receives legal documentation of any legal action that may affect ownership of the watercraft.
- M. The Department shall invalidate a watercraft registration if the registration is obtained by an applicant who makes a false statement or provides false information on any application, statement of facts, or written instrument submitted to the Department.
- C. To renew a watercraft's registration online, an applicant shall electronically pay the registration fee authorized under A.R.S. § 5-321, provide the assigned Arizona watercraft AZ number of the watercraft being renewed, and one of the following to the Department or its agent:
  - 1. Department-assigned authorization number,
  - 2. Applicant's date of birth, or
  - 3. Applicant's password.
- D. When a watercraft registration is renewed by mail or online, the Department shall mail the renewal to the address of record, unless the Department receives a notarized request from the registered owner instructing the Department to mail the renewal to another address.

**Historical Note**

Former Section R12-4-85 renumbered as Section R12-4-503 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-503 renumbered to R12-4-519, new Section R12-4-503 adopted effective May 27, 1992 (Supp. 92-2). Amended effective November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

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

- A. The owner of a motorized watercraft shall pay the applicable watercraft registration fee as authorized under A.R.S. § 5-321:
  - 1. Twelve feet and less: \$20
  - 2. Twelve feet one inch through sixteen feet: \$22
  - 3. Sixteen feet one inch through twenty feet: \$30
  - 4. Twenty feet one inch through twenty-six feet: \$35
  - 5. Twenty-six feet one inch through thirty-nine feet: \$39
  - 6. Thirty-nine feet one inch through sixty-four feet: \$44
  - 7. Sixty-four feet one inch and over: \$66
  - 8. For the purposes of this subsection, the length of the motorized watercraft shall be measured in the same manner prescribed under A.R.S. § 5-321(C).
- B. The Department or its agent shall collect the entire registration fee for a late registration renewal and a penalty fee of \$5, unless exempt under A.R.S. § 5-321(L), or unless the expiration date falls on a Saturday, Sunday, or state holiday, and the registration is renewed before the close of business on the next working day. The Department or its agent shall not assess a penalty fee when a renewal is mailed before the expiration date, as evidenced by the postmark.
- C. All new watercraft registrations expire 12 months after they are issued.
- D. Resident and nonresident watercraft registration renewals expire on the last day of the month indicated by the last two numeric digits of the AZ number, as shown in the following table:

Last two numeric digits of AZ number									Expiration month
00	12	24	36	48	60	72	84	96	December
01	13	25	37	49	61	73	85	97	January
02	14	26	38	50	62	74	86	98	February
03	15	27	39	51	63	75	87	99	March
04	16	28	40	52	64	76	88		April
05	17	29	41	53	65	77	89		May

**R12-4-503. Renewal of Watercraft Registration**

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

**Historical Note**  
 Former Section R12-4-84 renumbered as Section R12-4-502 without change effective August 13, 1981 (Supp. 81-4). Amended effective January 2, 1985 (Supp. 85-1). Former Section R12-4-502 repealed, new Section R12-4-502 adopted effective May 27, 1992 (Supp. 92-2). Amended effective November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).

06	18	30	42	54	66	78	90		June
07	19	31	43	55	67	79	91		July
08	20	32	44	56	68	80	92		August
09	21	33	45	57	69	81	93		September
10	22	34	46	58	70	82	94		October
11	23	35	47	59	71	83	95		November

- C. Watercraft dealer, manufacturer, and governmental use registration renewals expire on October 31 of each year.
- D. Livery and all other commercial use registration renewals expire on November 30 of each year.

**Historical Note**

Amended effective December 5, 1978 (Supp. 78-6).  
 Amended effective March 6, 1980 (Supp. 80-2). Former Section R12-4-86 renumbered as Section R12-4-504 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-504 repealed, new Section R12-4-504 adopted effective May 27, 1992 (Supp. 92-2).  
 Amended by final rulemaking at 9 A.A.R. 1613, effective July 5, 2003 (Sup. 03-2). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).  
 Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

**R12-4-505. Hull Identification Numbers**

- A. The Department shall not register a watercraft without a hull identification number.
- B. The Department shall verify watercraft manufactured after November 1, 1972, have a primary hull identification number that complies with the requirements established under 33 CFR 181, subpart C. The Department shall assign a hull identification number when the watercraft hull identification number does not meet the requirements established under 33 CFR 181, subpart C.
- C. The hull identification number shall be fully visible and unobstructed at all times. Watercraft manufactured prior to August 1, 1984, are exempt from this requirement provided the obstruction is original equipment and was attached by the manufacturer.
- D. The Department shall assign a hull identification number to a watercraft with a missing hull identification number only if the Department determines:
  - 1. The hull identification number was not illegally removed or altered, unless the application is accompanied by an order of forfeiture, order of seizure, or other civil process; or
  - 2. The missing hull identification number was caused by error of the manufacturer or a government jurisdiction or failure of a previous owner of a watercraft to comply with this rule, or because the watercraft is a homemade watercraft as defined under R12-4-501.
- E. The Department may assign a hull identification number within 30 days of receipt of a valid application, as described under R12-4-502.
- F. The Department may accept a bill of sale presented with a missing or improper hull identification number for registration purposes only if:
  - 1. It matches the improper hull identification number or there is no hull identification number on the watercraft; or
  - 2. A hull identification number is issued by the Department under subsection (D).
- G. Within 30 days of issuance, the applicant or registered owner shall:
  - 1. Burn, carve, stamp, emboss, mold, bond, or otherwise permanently affix each hull identification number to a

non-removable part of the watercraft in a manner that ensures any alteration, removal, or replacement will be obvious.

- 2. Ensure the characters of each hull identification number affixed to the watercraft are no less than 1/4 inch in height.
- 3. Permanently affix the hull identification number as follows:
  - a. On watercraft with transoms, affix the hull identification number to the right or starboard side of the transom within two inches of the top of the transom or hull/deck joint, whichever is lower.
  - b. On watercraft without a transom, affix the hull identification number to the starboard outboard side of the hull, back or aft within one foot of the stern and within two inches of the top of the hull, gunwale, or hull/deck joint, whichever is lowest.
  - c. On a catamaran or pontoon boat, affix the hull identification number on the aft crossbeam within one foot of the starboard hull attachment.
  - d. As close as possible to the applicable location established under subsections (a), (b), or (c) when rails, fittings, or other accessories obscure the visibility of the hull identification number.
  - e. Affix a duplicate of the visibly affixed hull identification number in an unexposed location on a permanent part of the hull.
- 4. Certify to the Department that the hull identification number was permanently affixed to the watercraft as required under subsection (G). The certification statement is furnished by the Department when the hull identification number is issued. The certification statement shall include the location of the permanently affixed hull identification number.

**Historical Note**

Amended effective January 1, 1980 (Supp. 79-6). Former Section R12-4-87 renumbered as Section R12-4-505 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-505 repealed, new Section R12-4-505 adopted effective May 27, 1992 (Supp. 92-2).  
 Amended effective November 7, 1996 (Supp. 96-4).  
 Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).

**R12-4-506. Invalidation of Watercraft Registration and Decals**

- A. Any watercraft registration obtained by fraud or misrepresentation is invalid from the date of issuance.
- B. A certificate of number and any decals issued by the Department under R12-4-502 and R12-4-529 are invalid if any of the following occurs:
  - 1. Any check, money order, or other currency certificate presented to the Department for payment of watercraft registration or renewal is found to be non-negotiable;
  - 2. Any person whose name appears on the certificate of number loses ownership of the watercraft by legal process;
  - 3. Arizona is no longer the state of principal operation;
  - 4. The watercraft is documented by the U.S. Coast Guard;
  - 5. An applicant provides incomplete or incorrect information to the Department and fails to provide the correct information within 30 days after a request by the Department;

6. The Department revokes the certificate of number, AZ numbers, and decals as provided under A.R.S. § 5-391(I); or
  7. The Department erroneously issued a certificate of number or any decals.
- C.** A person shall surrender the invalid certificate of number and decals to the Department within 15 calendar days of receiving written notification from the Department.
- D.** The Department shall not validate or renew an invalid watercraft registration or decals until the reason for invalidity is corrected or no longer exists.

#### Historical Note

Adopted effective December 4, 1984 (Supp. 84-6).

Amended subsection (B) effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Amended subsection (B) effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Former Section R12-4-506 repealed, new Section R12-4-506 adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).

#### R12-4-507. Transfer of Ownership of an Abandoned or Unreleased Watercraft

- A.** A person who has knowledge and custody of a watercraft abandoned on private property owned by that person may attempt to obtain ownership of the watercraft by way of the abandoned watercraft transfer process.
- B.** The last registered owner of an abandoned or unreleased watercraft is presumed to be responsible for the watercraft, unless the watercraft is reported stolen.
- C.** The operator of a self-storage facility located in this state and having a possessory lien shall comply with the requirements prescribed under A.R.S. Title 33, Chapter 15, Article 1 when attempting to obtain ownership of a watercraft abandoned while in storage.
- D.** A person having a possessory lien under a written rental agreement shall comply with the requirements prescribed under A.R.S. Title 33, Chapter 7, Article 6 when attempting to obtain ownership of a watercraft for which repairs or service fees remain unpaid.
- E.** Only a person acting within the scope of official duties as an employee or authorized agent of a government agency may order the removal of a watercraft abandoned on public property or a public waterway.
- F.** A person seeking ownership of an abandoned or unreleased watercraft shall submit an application to the Department. The application is furnished by the Department and available at any Department office. The application shall include the following information, if available:
1. Hull identification number, unless exempt under R12-4-505;
  2. Registration number;
  3. Decal number;
  4. State of registration;
  5. Year of registration;
  6. Name, address, and daytime telephone number of the person who found the watercraft;
  7. For abandoned watercraft:
    - a. Address or description of the location where the watercraft was found,
    - b. Whether the watercraft was abandoned on private or public property, and
  - c. When applicable, for watercraft abandoned on private property, whether the applicant is the legal owner of the property;
  8. Condition of the watercraft: wrecked, stripped, or intact;
  9. State in which the watercraft will be operated;
  10. Length of time the watercraft was abandoned;
  11. Reason why the applicant believes the watercraft is abandoned; and
  12. Signature of the applicant, acknowledged before a Notary Public or witnessed by a Department employee.
- G.** This state and its agencies, employees, and agents are not liable for relying in good faith on the contents of the application.
- H.** The Department shall attempt to determine the name and address of the registered owner by:
1. Conducting a search of its watercraft database when documentation indicates the watercraft was previously registered in this state, or
  2. Requesting the watercraft record from the other state when documentation indicates the watercraft was previously registered in another state.
- I.** If the Department is able to determine the name and address of the registered owner, the Department shall send written notice of the applicant's attempt to register the watercraft to the owner by certified mail, return receipt requested.
1. If service is successful or upon receipt of a response from the registered owner, the Department shall send the following written notification to the applicant, as appropriate:
    - a. If the registered owner provides a written release of interest in the watercraft, the Department shall mail the release of interest and an abandoned or unreleased watercraft approval letter to the applicant. The applicant shall apply for watercraft registration in compliance with the requirements established under R12-4-502.
    - b. If the registered owner provides written notice to the Department refusing to release interest in the watercraft, the Department shall notify the applicant of the owner's refusal. The Department shall not register the watercraft to the applicant unless the applicant provides proof of ownership and complies with the requirements established under R12-4-502.
    - c. If the registered owner does not respond to the notice in writing within 30 days from the date of receipt, the Department shall notify the applicant of the owner's failure to respond. The Department shall not register the watercraft to the applicant unless the applicant provides proof of ownership and complies with the requirements established under R12-4-502;
    - d. If the registered owner does not respond to the notice within 180 days from the date of receipt of the notice, this failure to act shall constitute a waiver of interest in the watercraft by any person having an interest in the watercraft, and the watercraft shall be deemed abandoned for all purposes. The Department shall mail an abandoned or unreleased watercraft approval letter to the applicant. The applicant shall apply for watercraft registration in compliance with the requirements established under R12-4-502.
  2. If the written notice is returned unclaimed or refused, the Department shall notify the applicant within 15 days of the notice being returned that the attempt to contact the registered owner was unsuccessful.
- J.** If the Department is unable to identify or serve the registered owner, the Department shall publish a notice of intent once in a newspaper or other publication of general circulation in this

state within 45 days of the Department's notification to the applicant as provided in subsection (I)(2).

1. The published notice shall include a statement of the Department's intent to transfer ownership of the watercraft ten days after the date of publication, unless the Department receives notice from the registered owner refusing to release interest in the watercraft within that ten day period following publication.
2. Upon request, the Department shall make available to the public a description of the abandoned or unreleased watercraft subject to transfer of ownership.
3. If the watercraft remains unclaimed after the ten day period, the Department shall mail an abandoned or unreleased watercraft approval letter to the applicant. The applicant shall apply for watercraft registration in compliance with the requirements established under R12-4-502.

**K.** A government agency may submit an application for authorization to dispose of a junk watercraft abandoned on state or federal lands or waterways. The application is furnished by the Department and is available at any Department Office. Upon receipt of the application, the Department shall attempt to determine the name and address of the registered owner. If the Department is unable to identify and serve the registered owner, the Department shall publish a notice of intent to authorize the disposal of the junk watercraft as described in subsection (J).

1. The published notice shall include a statement of the Department's intent to authorize the disposal of the watercraft ten days after the date of publication, unless the Department receives notice from the registered owner refusing to release interest in the watercraft within that ten day period following publication.
2. If the watercraft remains unclaimed after the ten day period, the Department shall mail an authorization to dispose of the junk watercraft to the government agency. The government agency may dispose of the abandoned watercraft and all indicia for that watercraft in any manner the agency determines expedient or convenient.

#### Historical Note

Adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 9 A.A.R. 1613, effective July 5, 2003 (Supp. 03-2). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).

#### R12-4-508. New Watercraft Exchanges

- A.** A person may request a no-fee replacement registration for a new watercraft, provided all of the following conditions apply:
1. The person purchased the newly registered watercraft from a new watercraft dealer,
  2. The person returned the watercraft to the new watercraft dealer within 30 days of purchase, and
  3. The new watercraft dealer exchanged the returned watercraft for a watercraft of the same year, make, and model within the same 30 day period.
- B.** To obtain a no-fee replacement registration, the person shall submit the original watercraft registration and a letter from the new watercraft dealer to the Department. The letter shall include all of the following information:
1. A statement that the original watercraft was replaced,
  2. The hull identification number for the original watercraft,
  3. The hull identification number for the replacement watercraft,

4. The buyer's name, and
5. The new watercraft dealer's name.

#### Historical Note

Adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).

#### R12-4-509. Watercraft Agents

- A.** The Department has the authority to authorize a watercraft dealer to act as an agent on behalf of the Department for the purpose of issuing temporary certificates of number valid for 30 days for new watercraft, provided:
1. The applicant's previous authority to act as a watercraft agent under A.R.S. § 5-321(I) has not been canceled by the Department within the preceding 24 months, and
  2. The applicant is a business located and operating within this state and sells watercraft for an identified manufacturer.
- B.** An applicant seeking watercraft dealer authorization shall submit an application to the Department. The application is furnished by the Department and available at the Arizona Game and Fish Department, 5000 W. Carefree Highway, Phoenix, AZ 85086. The applicant shall provide the following information on the application:
1. Principal business or corporation name, address, and telephone number or if not a corporation, the full name, address, and telephone number of all owners or partners;
  2. Name, address, and telephone number of the owner or manager responsible for compliance with this Section;
  3. Whether the applicant has previously issued temporary certificates of number under A.R.S. § 5-321(I);
  4. All of the following information specific to the location from which new watercraft are to be sold and temporary certificates of number issued:
    - a. Name of owner or manager;
    - b. Business hours;
    - c. Business telephone number;
    - d. Business type;
    - e. Storefront name; and
    - f. Street address;
  5. Manufacturers of the watercraft to be distributed; and
  6. Signature of person named under subsection (B)(2).
- C.** The Department shall either approve or deny the application within the licensing time-frame established under R12-4-106.
- D.** The watercraft dealer shall:
1. Use the assigned watercraft dealer number when issuing a temporary certificate of number,
  2. Use the online application system or forms supplied by the Department; and
  3. Collect the appropriate fee as prescribed under A.R.S. §§ 5-321 and 5-327.
- E.** Authorization to act as a watercraft agent is specific to the dealer's business location designated on the application and approved by the Department, unless the dealer is participating in a scheduled, advertised boat show for the purpose of selling watercraft.
- F.** A watercraft dealer shall not destroy prenumbered temporary certificate of number applications provided by the Department. The watercraft dealer shall mark the unused prenumbered application "void" and return the application to the Department with the monthly report required under subsection (J).
- G.** The Department shall provide supplies within 30 calendar days after receipt of the watercraft dealer's request form. The watercraft dealer shall verify supplies were received within seven days of receipt.



- H.** A watercraft dealer issuing a temporary certificate of number to the purchaser of a new watercraft shall comply with all the following:
1. The watercraft dealer shall obtain an application if the watercraft is purchased from the dealer or the applicant's bill of sale containing the following information:
    - a. Statement that the watercraft is new;
    - b. Names and addresses of the buyer and seller;
    - c. Date of purchase;
    - d. Amount of sales tax paid;
    - e. Purchase price;
    - f. Make and model of watercraft, if known;
    - g. Engine drive type;
    - h. Length of the watercraft;
    - i. Year of manufacture; and
    - j. Hull identification number.
  2. The watercraft dealer shall identify to the applicant the state registration fee and the nonresident boating safety infrastructure fee, when applicable, separately from any other costs.
  3. Within 72 hours after issuing a temporary certificate of number, a watercraft dealer shall deliver or mail the legible original application, a legible original or copy of the bill of sale, the original certificate of origin, and the state's fees to the Arizona Game and Fish Department, Watercraft Agent Representative, 5000 W. Carefree Highway, Phoenix, AZ 85086.
  4. The state's fees shall be submitted by check or money order with the required documentation or electronically prior to the submission of the required documentation.
- I.** The Department shall accept online applications or prenumbered temporary certificate of number application forms provided to the watercraft dealer by the Department, as established under R12-4-502.
- J.** By the 10th day of each month, a watercraft dealer shall submit a report of activity for the previous month to the Department on a form furnished by the Department and available at the Department office listed under subsection (H)(3). The watercraft dealer shall submit the report whether or not any activity occurred during the reporting period. The report shall include all of the following:
1. Name and address of the watercraft dealer;
  2. Department assigned watercraft agent number;
  3. For each temporary certificate of number issued:
    - a. Application number;
    - b. Name of the purchaser;
    - c. Hull identification number; and
    - d. Date of issuance; and
  4. A list of any voided or missing application numbers, with explanation.
  5. A watercraft dealer who processes all transactions using the Department's online application system is exempt from subsection (J).
- K.** The Department may cancel the watercraft dealer's authorization and demand the return of or collect all supplies issued to the agent if the dealer does any one of the following:
1. Fails to comply with the requirements established under this Section;
  2. Submits more than one check, draft, order, or electronic payment dishonored because of insufficient funds, payments stopped, or closed accounts to the Department within a calendar year;
  3. Predates, postdates, alters, or provides or knowingly allows false information to be provided on or with an application for a temporary certificate of number;
  4. Issues a temporary certificate of number for a used watercraft;
  5. Falsifies the application for authorization as a watercraft agent; or 6. Falsifies the monthly report required by subsection (J).
- L.** Denial of a dealer's application to become a watercraft agent, or cancellation of watercraft agent status by the Department may be appealed to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.
- Historical Note**
- Adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 9 A.A.R. 1613, effective July 5, 2003 (Supp. 03-2). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).
- R12-4-510. Refund of Fees Paid in Error**
- A.** The Department shall issue a refund for watercraft fees paid in error under the following circumstances:
1. The Department shall issue a refund for the watercraft registration renewal fee and, when applicable, the Nonresident Boating Safety Infrastructure fee when the registered owner has erroneously paid those fees twice for the same watercraft.
  2. The Department shall issue a refund for the watercraft registration renewal fee and, when applicable, the Nonresident Boating Safety Infrastructure fee when the registered owner has erroneously paid those fees for a watercraft that has already been sold to another individual.
- B.** To request a refund of fees paid in error, the person applying for the refund shall surrender all of the following to the Department:
1. Original certificate of number;
  2. Registration decals; and
  3. Nonresident Boating Safety Infrastructure Decal, when applicable.
- C.** A person requesting a refund of fees under subsections (A)(1) or (A)(2) shall submit the request to the Department within 30 calendar days of the date the payment was received by the Department.
- D.** The Department shall not refund any late registration penalty fee.
- Historical Note**
- Adopted effective May 27, 1992 (Supp. 92-2). Amended effective November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).
- R12-4-511. Personal Flotation Devices**
- A.** For the purpose of this Section, "wear" means:
1. The personal flotation device is worn according to the manufacturer's design or recommended use;
  2. All of the device's closures are fastened, snapped, tied, zipped, or secured according to the manufacturer's design or recommended use; and
  3. The device is adjusted for a snug fit.
- B.** The operator of a canoe, kayak, or other watercraft shall ensure the canoe, kayak, or other watercraft is equipped with at least one appropriately-sized, U.S. Coast Guard-approved, wearable personal flotation device that is in good and serviceable condition for each person on board the canoe, kayak, or other watercraft. The operator of a canoe, kayak, or other watercraft shall also ensure the wearable personal flotation devices on board the canoe, kayak, or other watercraft are

readily accessible and available for immediate use. The following wearable personal flotation devices are approved by the U.S. Coast Guard:

1. Type I Personal Flotation Device: off-shore life jacket,
  2. Type II Personal Flotation Device: near-shore buoyancy vest,
  3. Type III Personal Flotation Device: flotation aid, and
  4. Type V Special Use Device.
- C.** In addition to the personal flotation devices described under subsection (B), the operator of a watercraft that is 16 feet or more in length shall ensure the watercraft is also equipped with a U.S. Coast Guard-approved Type IV Personal Flotation Device: buoyant cushion, ring buoy, or horseshoe buoy. Canoes and kayaks are not subject to this subsection.
- D.** The operator of a watercraft shall ensure an individual twelve years of age or under on board a watercraft shall wear a U.S. Coast Guard approved type I, II or III personal flotation device whenever the watercraft is underway.
- E.** The operator of a personal watercraft shall ensure each individual aboard the personal watercraft is wearing a wearable personal flotation device approved by the U.S. Coast Guard whenever the personal watercraft is underway.
- F.** Subsections (B), (C), and (D) do not apply to the operation of a racing shell or rowing skull during competitive racing or supervised training, if the racing shell or rowing skull is manually propelled, recognized by a national or international association for use in competitive racing, and designed to carry and does carry only equipment used solely for competitive racing.

#### Historical Note

Amended effective May 26, 1978 (Supp. 78-3). Former Section R12-4-80 renumbered as Section R12-4-511 without change effective August 13, 1981 (Supp. 81-4). Amended effective May 27, 1992 (Supp. 92-2). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).

#### R12-4-512. Fire Extinguishers Required for Watercraft

- A.** The operator of watercraft shall ensure all required fire extinguishers are readily accessible and available for immediate use.
- B.** As prescribed under A.R.S. § 5-332, an operator of a:
1. Watercraft less than 26 feet in length shall carry one U.S. Coast Guard-approved B-I type fire extinguisher on board if the watercraft has one or more of the following:
    - a. An inboard engine,
    - b. Closed compartments where portable fuel tanks may be stored,
    - c. Double bottoms not sealed to the hull or which are not completely filled with flotation materials,
    - d. Closed living spaces,
    - e. Closed stowage compartments in which combustible or flammable materials are stored,
    - f. Permanently installed fuel tanks (fuel tanks that cannot be moved in case of a fire or other emergency are considered permanently installed), and
    - g. A fixed fire extinguishing system installed in the engine compartment.
  2. Watercraft 26 feet to less than 40 feet shall carry on board the following equipment as designated and approved by the U.S. Coast Guard:

- a. At least two B-I type hand-portable fire extinguishers or at least one B-II type hand-portable fire extinguisher, or
  - b. At least one B-I type approved hand-portable fire extinguisher if a fixed fire extinguishing system is installed in the engine compartment.
3. Watercraft 40 feet to not more than 65 feet shall carry on board the following equipment as designated and approved by the U.S. Coast Guard:
- a. At least three B-I type hand-portable fire extinguishers or at least one B-I and one B-II type hand-portable fire extinguishers, or
  - b. At least two B-I type hand-portable fire extinguishers or at least one B-II type hand-portable fire extinguisher when a fixed fire extinguishing system is installed in the engine compartment.

#### Historical Note

Former Section R12-4-81 renumbered as Section R12-4-512 without change effective August 13, 1981 (Supp. 81-4). Amended effective June 14, 1990 (Supp. 90-2). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).

#### R12-4-513. Watercraft Accident and Casualty Reports

- A.** The operator or owner of a watercraft involved in any collision, accident or other casualty resulting in injury, death, or property damage exceeding \$500 shall submit the report required under A.R.S. § 5-349 to the Department. The report shall be made on a form furnished by the Department and provided by the law enforcement officer investigating the collision, incident, or other casualty. The operator or owner of the watercraft shall complete the form in full and clearly identify on the form any information that is either not applicable or unknown. The operator or owner of the watercraft submitting the report shall provide the following information:
1. The operator's personal information;
  2. The owner's personal information;
  3. The operator's hours of experience in operating watercraft;
  4. The operator's amount of boating safety instruction;
  5. Information on the watercraft involved;
  6. Information on the accident;
  7. Estimated cost of damage to the watercraft;
  8. Whether the watercraft sank, and if so, information regarding the recovery of the watercraft;
  9. Information regarding U.S. Coast Guard-approved personal flotation devices;
  10. Information regarding fire extinguishers;
  11. Personal information for operators and owners of each of the other watercraft involved in the accident;
  12. Personal information for persons killed or injured in the accident;
  13. Personal information for all passengers in the watercraft;
  14. The location of passengers, skiers, and swimmers at the time of the accident;
  15. Information regarding damage to property other than any of the watercraft involved;
  16. Contact information for any witnesses other than passengers;
  17. A diagram and narrative explaining the accident;
  18. Contact information for the person completing the form;
  19. The signature of the person completing the form;
  20. The date the person completing the form submits the form to the Department; and

21. Any other information required by the Department to ensure compliance with 33 CFR 173.57.
- B. The person completing the form shall deliver or mail the form to the Arizona Game and Fish Department, Law Enforcement Branch at 5000 W. Carefree Hwy, Phoenix, AZ 85086.
- C. The operator or owner of a watercraft involved in any collision, accident or other casualty resulting in injury or death shall submit the report to the Department no later than 48 hours after the incident.
- D. The operator or owner of a watercraft involved in any collision, accident or other casualty resulting only in property damage exceeding \$500 shall submit the report to the Department no later than five days after the incident.
2. The registration decals shall be affixed three inches in front of "AZ" on both sides of the forward half of a non-removable portion of the watercraft.
- C. On watercraft so constructed that it is impractical or impossible to display the AZ numbers in a prominent position on the forward half of the hull or permanent superstructure, the AZ numbers may be displayed on brackets or fixtures securely attached to the forward half of the watercraft.
- D. Persons possessing a dealer watercraft certificate of number issued under A.R.S. § 5-322(F) shall visibly display the AZ numbers and validating registration decals as established under this Section, except that the numbers and decals may be printed or attached to temporary, removable signs that are securely attached to the watercraft being demonstrated.
- E. Expired registration decals issued by any jurisdiction shall be covered or removed from the watercraft, so that only the current registration decals are visible.
- F. Invalid watercraft AZ numbers and registration decals shall not be displayed on any watercraft. The owner of the watercraft shall surrender the AZ numbers and registration decals to the Department in compliance with R12-4-506(C).

#### Historical Note

Adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).

#### R12-4-514. Liveries

- A. As prescribed under A.R.S. § 5-371, a watercraft owned by a boat livery that requires registration and does not have the certificate of number on board shall be identified while in use by means of a receipt provided by the livery to the person operating the rented watercraft. The receipt shall contain the following information:
  1. Business name and address of the livery as shown on the certificate of number,
  2. Watercraft registration number as issued by the Department,
  3. Beginning date and time of the rental period, and
  4. Written acknowledgment on the receipt of compliance with the requirements prescribed under A.R.S. § 5-371, signed by both the livery operator or the livery's agent and the renter.
- B. The person operating the rented watercraft shall carry the receipt and produce it upon request to any peace officer.

#### Historical Note

Adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).

#### R12-4-515. Display of AZ Numbers and Registration Decals

- A. A person shall not use or operate, or grant permission to use or operate, a watercraft on the waters within the boundaries of this state unless such watercraft displays a valid number and current registration decal in the manner as established under subsection (B). This Section does not apply to undocumented watercraft displaying a valid temporary numbering certificate authorized under R12-4-509 or exempt under A.R.S. § 3-322.
- B. The owner of a watercraft shall ensure the AZ number and registration decals are displayed as follows:
  1. The AZ numbers shall:
    - a. Be clearly visible and painted on or attached to each exterior side of the forward half of a non-removable portion of the watercraft;
    - b. Be in a color that contrasts with the watercraft's background color so as to be easily read from a distance;
    - c. Include the letters "AZ" and the suffix, separated by a hyphen or equivalent space between the letters "AZ" and the suffix; and
    - d. Read from left to right in well-proportioned block letters that are not less than three inches in height, excluding outline.
  2. The materials incorporated by reference in subsection (A) may be viewed at any Department office and are available for purchase from SAE International, 400 Commonwealth Dr, Warrendale, PA 15096-0001 or online at [www.sae.org](http://www.sae.org).
  - C. A measurement of noise level that is in compliance with this Section does not preclude the conducting of a test or multiple tests of noise levels.
  - D. A peace officer authorized to enforce the provisions of this Section who has reason to believe a watercraft is being operated in violation of the noise levels established in this Section may direct the operator of the watercraft to submit the watercraft to an onsite test to measure noise level.
  - E. An operator of a watercraft who receives a request from a peace officer to test the noise level of the watercraft under subsection (D) shall allow the watercraft to be tested. If, based on

#### Historical Note

Section R12-4-515 renumbered from R12-4-501 and amended effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).

#### R12-4-516. Watercraft Sound Level Restriction

- A. A person shall not operate a watercraft upon the waters of this state if the watercraft emits a noise level that exceeds any of the following.
  1. A noise level of 86 dB(A), measured at a distance of 50 feet or more from the watercraft on the "A" weighted scale of a sound level instrument that conforms to recognized industry standards and is maintained according to the manufacturer's instructions.
  2. For engines manufactured:
    - a. Before January 1, 1993, a noise level of 90 dB(A) when subjected to the Society of Automotive Engineers Recommended Practice stationary sound level test SAEJ2005, revised July 2004 and containing no later editions or amendments; and
    - b. On or after January 1, 1993, a noise level of 88 dB(A) when subjected to the Society of Automotive Engineers Recommended Practice stationary sound level test SAEJ2005, revised July 2004 and containing no later editions or amendments; or
  3. A noise level of 75 dB(A) measured as specified in the Society of Automotive Engineers Recommended Practice shoreline sound test SAEJ1970, revised September 2003 and containing no later editions or amendments.
- B. The materials incorporated by reference in subsection (A) may be viewed at any Department office and are available for purchase from SAE International, 400 Commonwealth Dr, Warrendale, PA 15096-0001 or online at [www.sae.org](http://www.sae.org).
- C. A measurement of noise level that is in compliance with this Section does not preclude the conducting of a test or multiple tests of noise levels.
- D. A peace officer authorized to enforce the provisions of this Section who has reason to believe a watercraft is being operated in violation of the noise levels established in this Section may direct the operator of the watercraft to submit the watercraft to an onsite test to measure noise level.
- E. An operator of a watercraft who receives a request from a peace officer to test the noise level of the watercraft under subsection (D) shall allow the watercraft to be tested. If, based on

a measurement or test to determine the noise level of a watercraft administered under this Section, the noise level of the watercraft exceeds one or more of the decibel level standards in subsection (A), the operator of the watercraft shall take immediate measures to correct the violation as prescribed under A.R.S. § 5-391(C).

- F. This Section shall not apply to watercraft operated under permits issued in accordance with A.R.S. § 5-336(C).

**Historical Note**

Former Section R12-4-82 renumbered as Section R12-4-516 without change effective August 13, 1981 (Supp. 81-4). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).

**R12-4-517. Watercraft Motor and Engine Restrictions**

- A. A person operating a motorized watercraft on the following waters shall use an electric motor only:

1. Ackre Lake
2. Bear Canyon Lake
3. Bunch Reservoir
4. Carnero Lake
5. Chaparral Park Lake
6. Cluff Ponds
7. Coconino Reservoir
8. Coors Lake
9. Dankworth Pond
10. Dogtown Reservoir
11. Fortuna Lake
12. Goldwater Lake
13. Granite Basin Lake
14. Horsethief Basin Lake
15. Hulsey Lake
16. J.D. Dam Lake
17. Knoll Lake
18. Lee Valley Lake
19. McKellips Park Lake
20. Pratt Lake
21. Quigley Lake
22. Redondo Lake
23. Riggs Flat Lake
24. Roper Lake
25. Santa Fe Lake
26. Scott's Reservoir
27. Sierra Blanca Lake
28. Soldier Lake (in Coconino County)
29. Stehr Lake
30. Stoneman Lake
31. Tunnel Reservoir
32. Whitehorse Lake
33. Willow Valley Lake
34. Woodland Reservoir
35. Woods Canyon Lake

- B. A person operating a motorized watercraft on the following waters shall use only a single electric motor or a single gasoline engine not exceeding 10 manufacturer-rated horsepower:

1. Arivaca Lake
2. Ashurst Lake
3. Becker Lake
4. Big Lake
5. Black Canyon Lake
6. Blue Ridge Reservoir
7. Cataract Lake
8. Chevelon Canyon Lake
9. Cholla Lake Hot Pond

10. Concho Lake
11. Crescent Lake
12. Fool Hollow Lake
13. Kaibab Lake
14. Kinnikinick Lake
15. Little Mormon Lake
16. Lower Lake Mary
17. Luna Lake
18. Lynx Lake
19. Marshall Lake
20. Mexican Hay Lake
21. Nelson Reservoir
22. Parker Canyon Lake
23. Peña Blanca Lake
24. Rainbow Lake
25. River Reservoir
26. Show Low Lake
27. Whipple Lake
28. White Mountain Lake (in Apache County)
29. Willow Springs Lake

- C. A person shall not operate a watercraft on Frye Mesa Reservoir, Rose Canyon Lake, or Snow Flat Lake, except as authorized under subsection (D).

- D. A person who possesses a valid use permit issued by the U.S. Forest Service may operate a non-motorized watercraft only on Rose Canyon Lake on any Tuesday, Wednesday, or Thursday during June and July from 9:30 a.m. to 4:30 p.m. Mountain Time Zone. This subsection does not exempt the person from complying with all applicable requirements imposed by federal or state laws, rules, regulations, or orders.

- E. This Section does not apply to watercraft of governmental agencies or to Department-approved emergency standby watercraft operated by lake concessionaires if operating to address public safety or public welfare.

**Historical Note**

Amended as an emergency effective April 10, 1975 (Supp. 75-1). Amended effective May 3, 1976 (Supp. 76-3). Amended as an emergency effective July 9, 1976 (Supp. 76-4). Amended effective June 4, 1979 (Supp. 79-3). Former Section R12-4-89 renumbered as Section R12-4-517 without change effective August 13, 1981 (Supp. 81-4). Amended subsections (A) and (C) effective December 17, 1981 (Supp. 81-6). Amended effective December 28, 1982 (Supp. 82-6). Amended subsections (A) through (C) effective December 4, 1984 (Supp. 84-6). Amended effective November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by exempt rulemaking at 17 A.A.R. 1189, effective May 24, 2011 (Supp. 11-2). Subsection (A)(9) corrected clerical error (Supp. 11-3).

**R12-4-518. Regattas**

- A. When a regatta permit is issued by the Coast Guard, the person in control of the regatta shall at all times be responsible for compliance with the stipulations as prescribed within the regatta permit. Such stipulations may include but not be limited to:

1. A specified number of patrol or committee boats and identified as such.
2. Availability of emergency medical services.
3. Spectator control if there exists a danger that life or property is in jeopardy.

- B. Non-compliance with any stipulation of an authorized permit which jeopardizes the public welfare shall be cause to termi-

nate the regatta until the person in control or a person designated by the one in control satisfactorily restores compliance.

- C. When a regatta applicant is informed in writing by the Coast Guard that a permit is not required, such regatta may take place, but shall not relieve the regatta sponsor of any responsibility for the public welfare or confer any exemption from state boating and watersports laws and rules.
- D. The regatta sponsor and all participants shall comply with aquatic invasive species requirements established under A.R.S. Title 17, Chapter 2, Article 3.1 and 12 A.A.C. 4, Article 11.

#### Historical Note

Adopted effective March 5, 1982 (Supp. 82-2). Amended by final rulemaking at 18 A.A.R. 196, effective January 10, 2012 (Supp. 12-1).

#### R12-4-519. Reciprocity

As authorized under A.R.S. § 5-322(E), all watercraft currently numbered or exempt from numbering under the provisions of their state of principal operation are exempt from numbering for a period of 90 days after entering this state.

#### Historical Note

Section R12-4-519 renumbered from R12-4-503 and amended effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).

#### R12-4-520. Arizona Uniform State Waterway Marking System

The Arizona uniform state waterway marking system is the same as that prescribed under 33 CFR 62, revised July 1, 2004, which is incorporated by reference in this Section. The incorporated material is available at any Department office, online at [www.gpoaccess.gov](http://www.gpoaccess.gov), or it may be ordered from the U.S. Government Printing Office, Stop: IDCC, Washington, D.C. 20401. This Section does not include any later amendments or editions of the incorporated material.

#### Historical Note

Section R12-4-520 adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).

#### R12-4-521. Placing or Tampering with Regulatory Markers or Aids to Navigation

- A. A person shall not mark the waterways or their shorelines in this state with mooring buoys, regulatory markers, aids to navigation, or other types of permitted waterway marking devices as established under R12-4-520, without authorization from the governmental agency or the private interest having jurisdiction on such waters.
- B. A person shall not moor or fasten a watercraft to any marker not intended for mooring, or willfully damage, tamper with, remove, obstruct, or interfere with any aid to navigation, regulatory marker or other type of permitted waterway marking devices as established under R12-4-520, except in the performance of authorized maintenance responsibilities or as authorized under R12-4-518 or R12-4-522.

#### Historical Note

Section R12-4-520 adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).

#### R12-4-522. Establishment of Controlled-Use Markers

- A. If a lawful jurisdiction has not exercised its authority to control watercraft under A.R.S. § 5-361, or if waters are directly under the jurisdiction of the Commission, the Department has the authority to control watercraft within that jurisdiction in accordance with the following requirements:
  1. The Department shall place controlled-use markers only where controlled operation of watercraft is necessary to protect life, property, or habitat, and shall move or remove the markers only if the need for the protection changes.
  2. The Department shall ensure restrictions imposed are clearly communicated to the public as prescribed by rule or by wording on the markers.
- B. A governmental agency, excluding federal agencies with jurisdiction over federal navigable waterways, shall report to the Department when controlled-use markers have been placed or removed, unless the establishment or removal of markers is for a period of less than 30 days. The report shall be made within 30 days of establishment or removal of any controlled-use markers and shall include the:
  1. Report type,
  2. Purpose of markers,
  3. Placement of markers, and
  4. Whether the markers are expected to be permanent or temporary.
- C. Any person or government agency may request establishment, change, or removal of controlled-use markers on waters under the jurisdiction of the Commission or on waters not under the jurisdiction of another agency by submitting a written request providing the reasons for the request to the Arizona Game and Fish Department, 5000 W. Carefree Hwy, Phoenix, AZ 85086. The Department shall either approve or deny the request within 60 days of receipt.
- D. A person may appeal the Department's denial of a request to the Commission as an appealable agency action under A.R.S. Title 41, Chapter 6, Article 10.

#### Historical Note

Section R12-4-520 adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).

#### R12-4-523. Controlled Operation of Watercraft

- A. A person shall not operate any watercraft, or use any watercraft to tow a person on water skis, a surfboard, inflatable device, or similar object, device or equipment in a manner contrary to the area restrictions imposed by lawfully placed controlled-use markers, except for:
  1. Law enforcement officers acting within the scope of their lawful duties;
  2. Persons involved in rescue operations;
  3. Persons engaged in government-authorized activities; and
  4. Persons participating in a regatta, during the time limits of the event only.
- B. The exemptions listed under subsection (A) do not authorize any person to operate a watercraft in a careless, negligent, or reckless manner as prescribed under A.R.S. § 5-341.

#### Historical Note

Section R12-4-520 adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).

**R12-4-524. Water Skiing**

An operator of a watercraft shall ensure that the observer of a water skier is physically capable and mentally competent to act as an observer and at least 12 years of age.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4).

**R12-4-525. Revocation of Watercraft Certificate of Number, AZ Numbers, and Decals**

- A. For the purposes of this Section, "person" has same meaning as prescribed under A.R.S. § 5-301.
- B. Upon notice of conviction of a person under A.R.S. § 5-391(G), the Department shall revoke for a period not to exceed two years the certificates of number, AZ numbers, registration decals, and Nonresident Boating Safety Infrastructure decals of any Arizona registered watercraft owned by that person and involved in the violation.
- C. Upon notice of conviction of a person under A.R.S. § 5-391(H), the Department shall revoke for a period not to exceed one year the certificates of number, AZ numbers, registration decals, and Nonresident Boating Safety Infrastructure decals for any Arizona registered watercraft owned by that person and involved in the violation.
- D. Upon receiving notice of conviction, the Department shall serve notice under A.R.S. §§ 41-1092.03 and 41-1092.04 on the person convicted that the certificates of number, AZ numbers, registration decals, and Nonresident Boating Safety Infrastructure decals of watercraft the person owns are subject to revocation.
- E. A person whose certificates of number, AZ numbers, registration decals, and Nonresident Boating Safety Infrastructure decals are subject to revocation may request a hearing. The person shall submit a written request to the Arizona Game and Fish Department, Director's Office, 5000 W. Carefree Hwy, Phoenix, AZ 85086, within 30 calendar days of receiving the notice described under subsection (D).
- F. If the person requests a hearing, the Department shall, within 60 days of receiving the request, schedule a hearing as prescribed under A.R.S. § 41-1092.05.
- G. After a final decision to revoke the person's certificates of number, AZ numbers, registration decals, and Nonresident Boating Safety Infrastructure decals, the Department shall serve upon the person an Order of Revocation. Within 15 calendar days of receipt of the notice, the person shall surrender to the Department the revoked certificates of number and decals.
- H. The revocation of the certificates of number, AZ numbers, registration decals, and Nonresident Boating Safety Infrastructure decals does not affect the legal title to or any property rights in the watercraft. Upon receipt of an application to transfer watercraft registration by the new watercraft owner, the Department shall terminate the revocation and allow the owner to transfer the owner's entire interest in the watercraft if the Department is satisfied the transfer is proposed in good faith and not for the purpose of defeating the revocation.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).

**R12-4-526. Unlawful Mooring**

- A. A person, as defined under A.R.S. § 5-301, shall not moor, anchor, fasten to the shore, or otherwise secure a watercraft in any public body of water for more than 14 days within any period of 28 consecutive days unless:
  1. The person moves the watercraft at least 25 nautical miles from its previous location,
  2. The waters are a special anchorage area as defined under A.R.S. § 5-301,
  3. Authorized for private dock or moorage, or
  4. Authorized by the government agency or private interest having jurisdiction over the waters.
- B. The 14 day limit may be reached through either a number of separate moorings or 14 days of continuous overnight occupation during the 28 day period.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).

**R12-4-527. Transfer of Ownership of a Towed Watercraft**

- A. For the purpose of this Section, "towed watercraft" means a watercraft that has been impounded by and is in the possession of a towing company located in this state.
- B. At the time a towing company requests watercraft registration information prescribed under A.R.S. § 5-324 for a towed watercraft, the towing company shall present the towed watercraft to the closest Department office for identification if there is no discernible hull identification number or state-issued registration number.
- C. A towing company seeking to transfer the ownership of a towed watercraft shall submit all of the following to the Director of the Department:
  1. Evidence of compliance with notification requirements prescribed under A.R.S. § 5-399;
  2. A report on a form furnished by the Department and available at any Department office. The form shall include all of the following information:
    - a. Name of towing company;
    - b. Towing company's business address;
    - c. Towing company's business telephone number;
    - d. Towing company's Arizona Department of Public Safety tow truck permit number;
    - e. Towed watercraft's hull identification number, if known;
    - f. Towed watercraft's state-issued registration number, registration decal, and year of expiration, if known;
    - g. Towed watercraft's trailer license number, if available;
    - h. State and year of trailer registration, if available;
    - i. Towed watercraft's color and manufacturer, if known;
    - j. Towed watercraft's condition, whether intact, stripped, damaged, or burned, along with a description of any damage;
    - k. Date the watercraft was towed;
    - l. Location from which the towed watercraft was removed;
    - m. Entity that ordered the removal of the towed watercraft, and if a law enforcement agency, include officer badge number, jurisdiction, and copy of report or towing invoice;
    - n. Location where the towed watercraft is stored; and
    - o. Name and signature of towing company's authorized representative; and

3. Twenty-five dollar application fee authorized under A.R.S. § 5-399.03(2).
- D.** If the Department is unsuccessful in its attempt to identify or contact the registered owner or lienholder of the towed watercraft and has determined the towed watercraft is not stolen, the towing company shall follow the application procedures established under A.R.S. § 5-399.02(B) and R12-4-502 to register the towed watercraft.

**Historical Note**

New Section made by emergency rulemaking under A.R.S. § 41-1026 at 9 A.A.R. 1241, effective May 26, 2003 for a period of 180 days (Supp. 03-1). Emergency rulemaking repealed under A.R.S. § 41-1026(E) and permanent new Section made by final rulemaking at 9 A.A.R. 1613, effective July 5, 2003 (Supp. 03-2). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).

**R12-4-528. Watercraft Checkpoints**

- A.** A law enforcement agency may establish a watercraft checkpoint to ensure public safety on state waterways, to screen for unsafe or impaired watercraft operators, or to gather demographic, statistical, and compliance information related to watercraft activities.
- B.** An individual may be required to perform the following during a watercraft stop or at a watercraft checkpoint:
1. Stop or halt as directed when being hailed by a peace officer or entering the established checkpoint boundary as prescribed under A.R.S. § 5-391, and
  2. Provide evidence of required safety equipment and registration documentation prescribed under A.R.S. Title 5, Chapter 3, Boating and Water Sports.
- C.** This Section does not limit any state peace officer's authority to conduct routine watercraft patrol efforts prescribed under A.R.S. Title 5, Chapter 3, Boating and Water Sports.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).

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

- A.** Before placing that watercraft on the waterways of this State, a nonresident owner of a recreational watercraft who establishes this State as the state of principal operation shall pay the applicable Nonresident Boating Safety Infrastructure Fee (NBSIF) as authorized under A.R.S. § 5-327:
1. Twelve feet and less: \$80
  2. Twelve feet one inch through sixteen feet: \$88
  3. Sixteen feet one inch through twenty feet: \$192
  4. Twenty feet one inch through twenty-six feet: \$224
  5. Twenty-six feet one inch through thirty-nine feet: \$253
  6. Thirty-nine feet one inch through sixty-four feet: \$286
  7. Sixty-four feet one inch and over: \$429
  8. For the purposes of this subsection, the length of the motorized watercraft shall be measured in the same manner prescribed under A.R.S. § 5-321(C).
- B.** The nonresident recreational watercraft owner shall carry and display proof of payment of the fee while the watercraft is underway, moored, or anchored on the waterways of this State. Acceptable proof of payment includes any one of the following:
1. A current Arizona Watercraft Certificate of Number indicating the NBSIF was paid,

2. A current Arizona Watercraft Temporary Certificate of Number indicating the NBSIF was paid,
  3. A current Arizona Watercraft Registration Decal indicating the NBSIF was paid, or
  4. A current Arizona Nonresident Boating Safety Infrastructure Decal.
- C.** The Nonresident Boating Safety Infrastructure Decal shall be affixed in front of the Arizona Watercraft Registration Decal on both sides of the forward half of the watercraft.

**Historical Note**

Adopted effective October 22, 1976 (Supp. 76-5). Former Section R12-4-90 renumbered as Section R12-4-529 without change effective August 13, 1981 (Supp. 81-4). Repealed effective May 27, 1992 (Supp. 92-2). New Section made by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

**R12-4-530. Reserved through**

**R12-4-540. Reserved**

**R12-4-541. Repealed**

**Historical Note**

Former Section R12-4-88 renumbered as Section R12-4-541 without change effective August 13, 1981 (Supp. 81-4). Amended effective April 5, 1985 (Supp. 85-2). Repealed effective May 27, 1992 (Supp. 92-2).

**R12-4-542. Repealed**

**Historical Note**

Adopted as an emergency effective August 31, 1981, valid for ninety (90) days after filing pursuant to A.R.S. § 41-1003 (Supp. 81-4). Former Section R12-4-542 adopted as an emergency now adopted as permanent with further amendment effective March 5, 1982 (Supp. 82-2). Amended effective March 29, 1985 (Supp. 85-2). Repealed effective May 27, 1992 (Supp. 92-2).

**R12-4-543. Repealed**

**Historical Note**

Adopted effective January 29, 1982 (Supp. 82-1). Amended effective August 19, 1983 (Supp. 83-4). Amended subsection (A) effective July 3, 1984 (Supp. 84-4). Amended effective March 29, 1985 (Supp. 85-2). Correction, subsection (A), paragraph (2) as certified effective March 29, 1985 (Supp. 86-3). Amended subsection (A) effective June 18, 1987 (Supp. 87-2). Amended as an emergency effective May, 15, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Amended and readopted as an emergency effective August 25, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-3). Emergency expired. Emergency amendments adopted with changes effective January 5, 1990 (Supp. 90-1). Repealed effective May 27, 1992 (Supp. 92-2).

**R12-4-544. Repealed**

**Historical Note**

Adopted effective August 19, 1983 (Supp. 83-4). Amended subsection (A) effective July 3, 1984 (Supp. 84-4). Amended subsection (A) effective June 18, 1987 (Supp. 87-2). Repealed effective May 27, 1992 (Supp. 92-2).

**R12-4-545. Repealed****Historical Note**

Adopted effective April 5, 1985 (Supp. 85-2). Amended by emergency effective May 18, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-2). Emergency amendments readopted effective August 28, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-3). Emergency expired. Repealed effective May 27, 1992 (Supp. 92-2).

**ARTICLE 6. RULES OF PRACTICE BEFORE THE COMMISSION****R12-4-601. Petition for Rule or Review of Practice or Policy**

- A.** Any individual, including any organization or agency, requesting that the Commission make, amend, or repeal a rule, shall submit a petition as prescribed under this Section.
- B.** Any individual, including any organization or agency, requesting that the Commission review an existing Department practice or substantive policy that the petitioner alleges to constitute a rule under A.R.S. § 41-1033, as defined under A.R.S. § 41-1001, shall submit a petition as prescribed under this Section.
- C.** A petitioner shall not address more than one rule, practice, or substantive policy in the petition.
- D.** If the Commission has considered and denied a petition, and a petitioner submits a petition within the next year that addresses the same substantive issue, the petitioner shall provide a written statement that contains any reason not previously considered by the Commission in making a decision.
- E.** A petitioner shall submit an original and one copy of a petition to the Arizona Game and Fish Department, Director's Office, 5000 W. Carefree Highway, Phoenix, AZ 85086. The Commission shall render a decision on the petition as required under A.R.S. § 41-1033.
- F.** Within five working days after a petition is submitted, the Director shall determine whether the petition complies with this Section.
1. If the petition complies with this Section, the Director shall place the petition on a Commission open meeting agenda. The petitioner may present oral testimony at that meeting, as established under R12-4-603.
  2. If a petition does not comply with subsections (G) through (L) of this Section, the Director shall return a copy of the petition as filed to the petitioner and indicate in writing why the petition does not comply with this Section. The Director shall not place the petition on a Commission agenda. The Department shall maintain the original petition on file for five years and consider the petition as a comment during the five-year review process.
- G.** Petitions shall be typewritten, computer or word processor printed, or legibly handwritten, and double-spaced, on 8 1/2" x 11" paper; or typewritten, computer or word processor printed, or legibly handwritten on a form provided by the Department. The title shall be centered at the top of the first page and appear as "Petition to the Arizona Game and Fish Commission." The petition shall include the items listed in subsections (H) through (L). The items in the petition shall be presented in the order in which they are listed in this Section.
- H.** The title of Part 1 shall be "Identification of Petitioner." The title shall be centered at the top of the first page of this part. Part 1 shall contain:
1. If the petitioner is a private individual, the name, mailing address, and telephone number of the petitioner;
  2. If the petitioner is a private group or organization, the name and address of the group or organization; the name,

mailing address, and telephone number of an individual who is designated as the representative or official contact for the petitioner; the total number of individuals, and the number of Arizona residents represented by the petitioner; or the names and addresses of all individuals represented by the petitioner; or

3. If the petitioner is a public agency, the name and address of the agency and the name, title, and telephone number of the agency's representative.
- I.** The title of Part 2 shall be "Request for Rule" or "Request for Review," as applicable. The title shall be centered at the top of the first page of this part. Part 2 shall contain:
1. If the petition is for a new rule, a statement to this effect, followed by the heading and specific language of the proposed rule;
  2. If the request is for amendment of a current rule, a statement to this effect, followed by the *Arizona Administrative Code* number of the current rule proposed for amendment, the heading of the rule, the specific, clearly readable language of the rule, indicating language to be deleted with strikeouts, and language to be added with underlining;
  3. If the request is for repeal of a current rule, a statement to this effect, followed by the *Arizona Administrative Code* number of the rule proposed for repeal and the heading of the rule; or
  4. If the request is for review of an existing agency practice or substantive policy statement that the petitioner alleges qualifies as a rule, as defined under A.R.S. § 41-1001, a statement to this effect, followed by the practice or policy number, if any, the practice or policy heading, if any, or a brief description of the practice or policy subject matter.
- J.** The title of Part 3 shall be "Reason for the Petition." The title shall be centered at the top of the first page of this part. Part 3 shall contain:
1. The reason the petitioner believes rulemaking or review of a practice or policy is necessary;
  2. Any statistical data or other justification supporting rulemaking or review of the practice or policy, with clear reference to any exhibits that are attached to or included with the petition;
  3. An identification of any individuals or special interest groups the petitioner believes would be impacted by the rule or a review of the practice or policy, and how they would be impacted; and
  4. If the petitioner is a public agency, a summary of issues raised in any public meeting or hearing regarding the petition, or any written comments offered by the public.
- K.** The title of Part 4 shall be "Statutory Authority." The title shall be centered at the top of the first page of this part. In Part 4, the petitioner shall identify any statute that authorizes the Commission to make the rule, if known, or cite A.R.S. § 41-1033 if the petition relates to review of an existing practice or substantive policy statement.
- L.** The title of Part 5 shall be "Date and Signature." The title shall be centered at the top of the first page of this part. Part 5 shall contain:
1. An original signature of the representative or official contact, if the petitioner is a private group or organization or private individual named under subsection (H)(1) or (2); or
  2. If the petitioner is a public agency, the signature of the agency head or the agency head's designee; and
  3. The month, day, and year that the petition is signed.

**Historical Note**

Adopted effective December 22, 1987 (Supp. 87-4).



Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2). Amended by final rulemaking at 16 A.A.R. 1465, effective July 13, 2010 (Supp. 10-3).

#### **R12-4-602. Written Comments on Proposed Rules**

Any individual may submit written statements, arguments, data, and views on proposed rules that have been filed with the Secretary of State under A.R.S. § 41-1022. An individual who submits written comments to the Commission may voluntarily provide their name and mailing address. To be placed into the rulemaking record and considered by the Commission for a final decision, the individual submitting the written comments shall ensure that they:

1. Are received before or on the closing date for written comments, as published by the Secretary of State in the Arizona Administrative Register;
2. Indicate, if expressed on behalf of a group or organization, whether the views expressed are the official position of the group or organization, the number of individuals represented are represented, types of membership available, and number of Arizona residents in each membership category; and
3. Are submitted to the employee designated by the Department to receive written comments, as published in the Arizona Administrative Register.

#### **Historical Note**

Adopted effective December 22, 1987 (Supp. 87-4).  
Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2).

#### **R12-4-603. Oral Proceedings Before the Commission**

- A.** For the purposes of this Section, “matter” or “proceeding” means any contested case, appealable agency action, rule or review petition hearing, rulemaking proceeding, or any public input at a Commission meeting.
- B.** The Commission may allow an oral proceeding on any matter. At an oral proceeding:
  1. The Chair is responsible for conducting the proceeding. If an individual wants to speak, the individual shall first request and be granted permission by the Chair.
  2. Depending on the nature of the proceeding, the Chair may administer an oath to a witness before receiving testimony.
  3. The Chair may order the removal of any individual who is disrupting the proceeding.
  4. Based on the amount of time available, the Chair may limit the number of presentations or the time for testimony regarding a particular issue and shall prohibit irrelevant or immaterial testimony.
  5. Technical rules of evidence do not apply to an oral proceeding, and no informality in any proceeding or in the manner of taking testimony invalidates any order, decision, or rule made by the Commission.
- C.** The Commission authorizes the Director to designate a hearing officer for oral proceedings to take public input on proposed rulemaking. The hearing officer has the same authority as the Chair in conducting oral proceedings, as provided in this Section.
- D.** The Commission authorizes the Director to continue a scheduled proceeding to a later Commission meeting. To request a continuance, a petitioner shall:
  1. Deliver the request to the Director no later than 24 hours before the scheduled proceeding;
  2. Demonstrate that the proceeding has not been continued more than twice; and
  3. Demonstrate good cause for the continuance.

#### **Historical Note**

Adopted effective December 22, 1987 (Supp. 87-4).  
Amended effective November 10, 1997 (Supp. 97-4).  
Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2).

#### **R12-4-604. Ex Parte Communication**

- A.** For purposes of this Section:
  1. “Individual outside the Commission” means any individual other than a Commissioner, personal aide to a Commissioner, Department employee, consultant of the Commission, or an attorney representing the Commission.
  2. “Ex parte communication” means any oral or written communication with the Commission that is not part of the public record and for which no reasonable prior written notice has been given to all interested parties.
- B.** In any contested case (as defined in A.R.S. § 41-1001) or proceeding or appealable agency action (as defined in A.R.S. § 41-1092) before the Commission, except to the extent required for disposition of ex parte matters as authorized by law or these rules of procedure, the following prohibitions apply to ex parte communication:
  1. An interested individual outside the Commission shall not make or knowingly cause to be made to any Commissioner, Commission hearing officer, personal aide to a Commissioner, Department employee, or consultant who is or may reasonably be expected to be involved in the decision-making process of the proceeding, an ex parte communication relevant to the merits of the proceeding;
  2. A Commissioner, Commission hearing officer, personal aide to a Commissioner, Department employee, or consultant who is or may reasonably be expected to be involved in the decisional process of the proceeding, shall not make or knowingly cause to be made to any interested person outside the Commission an ex parte communication relevant to the merits of the proceeding.
- C.** A Commissioner, Commission hearing officer, personal aide to a Commissioner, Department employee, or consultant who is or may be reasonably expected to be involved in the decisional process of the proceeding, who receives, makes, or knowingly causes to be made a communication prohibited by subsection (B)(1) or (B)(2) of this Section, shall place on the public record of the proceeding and serve on all interested parties to the proceeding:
  1. A copy of each written communication;
  2. A memorandum stating the substance of each oral communication; and
  3. A copy of each response and memorandum stating the substance of each oral response to any communication governed by subsections (C)(1) and (C)(2).
- D.** Upon receipt of a communication made or knowingly caused to be made by a party in violation of this Section, the Commission or its hearing officer, to the extent consistent with equity and fairness, may require the party to show cause why the claim or interest in proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected because of the violation.
- E.** The provisions of this Section apply from the date that a notice of hearing for a contested case is served, a notice of appealable agency action is served, or a request for hearing is filed, whichever comes first, unless the person responsible for the communication has knowledge that a proceeding will be noticed, in which case the prohibitions apply from the date that the individual acquired the knowledge.

**Historical Note**

Adopted effective December 22, 1987 (Supp. 87-4).  
Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2).

**R12-4-605. Standards for Revocation, Suspension, or Denial of a License**

**A.** Under A.R.S. § 17-340, the Commission shall hold a hearing and may revoke, suspend, or deny any hunting, fishing, or trapping license for an individual who has been convicted of any of the following offenses:

1. Killing or wounding a big game animal during a closed season or possessing a big game animal taken during a closed season. Conviction for possession of a road-kill animal or an animal that was engaged in depredation is not considered "possessing during a closed season" for the purposes of this subsection.
2. Destroying, injuring, or molesting livestock, or damaging or destroying personal property, notices or signboards, other improvements, or growing crops while hunting, fishing, or trapping.
3. Careless use of a firearm while hunting, fishing, or trapping that results in the injury or death of any person, if the act of discharging the firearm was deliberate.
4. Applying for or obtaining a license or permit by fraud or misrepresentation in violation of A.R.S. § 17-341.
5. Entering upon a game refuge or other area closed to hunting, trapping or fishing and taking, driving, or attempting to drive wildlife from the area in violation of A.R.S. §§ 17-303 and 17-304.
6. Unlawfully posting state or federal lands in violation of A.R.S. § 17-304(B).

**B.** Under A.R.S. § 17-340, the Commission shall hold a hearing and may revoke, suspend, or deny any hunting fishing, or trapping license if the Department recommends revocation, suspension, or denial of the license for an individual convicted of any of the following offenses:

1. Unlawfully taking or possessing big game, if sufficient evidence, which may or may not have been introduced in the court proceeding, supports any of the following conclusions:
  - a. The big game was taken without a valid license or permit.
  - b. The unlawful taking was willful and deliberate.
  - c. The person in unlawful possession aided the unlawful taking or was, or should have been, aware that the taking was unlawful.
2. Unlawfully taking or possessing small game or fish, if sufficient evidence, which may or may not have been introduced in the court proceeding, supports any of the following conclusions:
  - a. The taking was willful and deliberate.
  - b. The possession was in excess of the lawful possession limit plus the daily bag limit.
3. Unlawfully taking wildlife species if sufficient evidence, which may or may not have been introduced in the court proceeding, indicates that the act of taking was willful and deliberate and showed disregard for state wildlife laws.
4. Littering a public hunting or fishing area while taking wildlife, if sufficient evidence, which may or may not have been introduced in the court proceeding, indicates that an individual littered the area, the amount of litter discarded was unreasonably large, and that the individual convicted made no reasonable effort to dispose of the litter in a lawful manner.

5. Careless use of a firearm while hunting, fishing, or trapping that resulted in injury or death to any person, if the act of discharging the firearm was not deliberate, but sufficient evidence, which may or may not have been introduced in the court proceeding, indicates that the careless use demonstrated wanton disregard for the safety of human life or property.

6. Any violation for which a license can be revoked under A.R.S. § 17-340, if the person has been convicted of a revocable offense within the past three years.

7. Violation of A.R.S. § 17-306 for unlawful possession of wildlife.

**C.** Under A.R.S. §§ 17-238, 17-362, 17-363, 17-364, and 17-340, if the Department has made a recommendation to the Commission for license revocation, the Commission shall hold a hearing and may revoke any fur dealer, guide, taxidermy, or special license (as defined in R12-4-401) in any case where license revocation is authorized by law.

**Historical Note**

Adopted effective December 22, 1987 (Supp. 87-4).  
Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2).

**R12-4-606. Proceedings for License Revocation, Suspension, or Denial of Right to Obtain a License, and Civil Damages**

**A.** The Director may commence a proceeding for the Commission to revoke, suspend or deny a license under A.R.S. §§ 17-238, 17-340, 17-362, 17-363, 17-364, R12-4-105, and R12-4-605. The Director may also commence a proceeding for civil damages under A.R.S. § 17-314.

**B.** The Commission shall conduct a hearing concerning revocation, suspension, or denial of the right to obtain a license in accordance with the Administrative Procedure Act, A.R.S. Title 41, Chapter 6, Article 10. A respondent shall limit testimony to facts that show why the license should not be revoked or denied. Because the Commission does not have the authority to consider or change the conviction, a respondent is not permitted to raise this issue in the proceeding. The Commission shall permit a respondent to offer testimony or evidence relevant to the Commission's decision to order recovery of civil damages or wildlife parts.

**C.** If a respondent does not appear for a hearing on the date scheduled, at the time and location noticed, no further opportunity to be heard is provided, unless rehearing or review is granted under R12-4-607. If the respondent does not wish to attend the hearing, the respondent may submit written testimony to the Department before the hearing date designated in the Notice of Hearing required by A.R.S. § 17-340(D). The Commission shall ensure that written testimony received at the time of the hearing is read into the record at the hearing.

**D.** The Commission shall base its decision on the officer's case report, a summary prepared by the Department, a certified copy of the court record, and any testimony presented at the hearing. With the notice of hearing required by A.R.S. § 17-340(D), the Department shall supply the respondent with a copy of each document provided to the Commission for use in reaching a decision.

**E.** Any party may apply to the Commission for issuance of a subpoena to compel the appearance of any witness or the production of documents at any hearing or deposition. Not later than 10 calendar days before the hearing or deposition, the party shall file a written application that provides the name and address of the witness, the subject matter of the expected testimony, the documents sought to be produced, and the date, time, and place of the hearing or deposition. The Commission chair has the authority to issue the subpoenas.

1. A party shall have a subpoena served as prescribed in the Arizona Rules of Civil Procedure, Rule 45. An employee of the Department may serve a subpoena at the request of the Commission chair.
  2. A party may request that a subpoena be amended at any time before the deadline provided in this Section for filing the application. The party shall have the amended subpoena served as provided in subsection (E)(1).
- F.** A license revoked by the Commission is suspended on the date of the hearing and revoked upon issuance of the findings of fact, conclusions of law, and order. If a respondent appeals the Commission's order revoking a license, the license is revoked after all appeals have been completed. A denial of the right to obtain a license is effective for a period not to exceed five years, as determined by the Commission, beginning on the date of the hearing.
- G.** A license suspended by the Commission is suspended on the date of the hearing, and suspended upon issuance of the findings of fact, conclusions of law, and order. If a respondent appeals the Commission's order suspending a license, the license is suspended after all appeals have been completed. Under A.R.S. § 17-340(A), a suspension of a license is effective for a period not to exceed five years, as determined by the Commission, beginning on the date of the hearing.

#### Historical Note

Adopted effective December 22, 1987 (Supp. 87-4).  
 Amended effective November 10, 1997 (Supp. 97-4).  
 Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2).

#### **R12-4-607. Rehearing or Review of Commission Decisions**

- A.** For purposes of this Section the following terms apply:
1. "Contested case" and "party" are defined as provided in A.R.S. § 41-1001;
  2. "Appealable agency action" is defined as provided in A.R.S. § 41-1092(3).
- B.** Except as provided in subsection (G), any party in a contested case or appealable agency action before the Commission may file a motion for rehearing or review within 30 calendar days after service of the final administrative decision. For purposes of this subsection a decision is served when personally delivered or mailed by certified mail to the party's last known residence or place of business. The party shall attach a supporting memorandum, specifying the grounds for the motion.
- C.** A party may amend a motion for rehearing or review at any time before the Commission rules upon the motion. An opposing party has 15 calendar days after service to respond to the motion or the amended motion. The Commission has the authority to require that the parties file written briefs on any issue raised in a motion or response, and allow for oral argument.
- D.** The Commission has the authority to grant rehearing or review for any of the following causes materially affecting the moving party's rights:
1. Irregularity in the proceedings of the Commission, or any order or abuse of discretion that deprived the moving party of a fair hearing;
  2. Misconduct of the Commission, its staff, an administrative law judge, or the prevailing party;
  3. Accident or surprise that could not have been prevented by ordinary prudence;
  4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the original hearing;
  5. Excessive or insufficient penalties;

6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing or during the progress of the proceeding; or
  7. That the findings of fact or decision is not justified by the evidence or is contrary to law.
- E.** The Commission may affirm or modify the decision or grant a rehearing to all or any of the parties on all or part of the issues for any of the reasons in subsection (D). The Commission's order modifying a decision or granting a rehearing shall specify the grounds for the order, and any rehearing shall cover only those specified matters.
- F.** Not later than 15 calendar days, after a decision, the Commission may grant a rehearing or review on its own initiative for any reason for which it might have granted relief on motion of a party. After giving the parties or their counsel notice and an opportunity to be heard on the matter, the Commission may grant a motion for rehearing or review for a reason not stated in the motion.
- G.** When a motion for rehearing or review is based upon affidavits, the party shall serve the affidavits with the motion. An opposing party may, within 10 calendar days after service, serve opposing affidavits. The Commission may extend this period for no more than 20 calendar days for good cause shown or by written stipulation of the parties. The Commission has the authority to permit reply affidavits.

#### Historical Note

Adopted effective June 13, 1977 (Supp. 77-3). Former Section R12-4-14 renumbered as Section R12-4-115 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-115 renumbered without change as Section R12-4-607 effective December 22, 1987 (Supp. 87-4). Amended effective November 10, 1997 (Supp. 97-4). Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2).

#### **R12-4-608. Expired**

#### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective May 27, 1992 (Supp. 92-1). Amended effective November 10, 1997 (Supp. 97-4). Amended by final rulemaking at 6 A.A.R. 211, effective December 14, 1999 (Supp. 99-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 853, effective January 31, 2002 (Supp. 02-1).

#### **R12-4-609. Commission Orders**

- A.** Except as provided in subsection (B):
1. At least 20 calendar days before a meeting where the Commission will consider a Commission Order, the Department shall ensure that a public meeting notice and agenda for the public meeting is posted in accordance with A.R.S. § 38-431.02. The Department shall also issue a public notice of the recommended Commission Order to print and electronic media at least 20 calendar days before the meeting.
  2. The Department shall ensure that the public meeting notice and agenda contains the date, time, and location of the Commission meeting where the Commission Order will be considered and a statement that the public may attend and present written comments at or before the meeting.
  3. The Department shall also ensure that the public meeting notice and agenda states that a copy of the proposed Commission Order is available for public inspection at the Department offices in Phoenix, Pinetop, Flagstaff, Kingman, Yuma, Tucson, and Mesa 10 calendar days before the meeting. The Commission may make changes

to the recommended Commission Order at the Commission meeting.

- B.** The requirements of subsection (A) do not apply to Commission orders establishing:
1. Supplemental hunts as prescribed in R12-4-115, and
  2. Special seasons for individuals that possess special license tags issued under A.R.S. § 17-346 and R12-4-120.
- C.** The Department shall publish the content of all Commission orders and make them available to the public without charge.

**Historical Note**

Adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended effective November 10, 1997 (Supp. 97-4). Amended by final rulemaking at 9 A.A.R. 610, effective April 6, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2).

**R12-4-610. Petitions for the Closure of State or Federal Lands to Hunting, Fishing, Trapping, or Operation of Motor Vehicles**

- A.** An individual or agency requesting that the Commission consider closing state or federal land to hunting, fishing, or trapping as provided under A.R.S. § 17-304(B) or R12-4-110; or closing roads or trails on state lands as provided under R12-4-110, shall submit a petition as prescribed in this Section before the Commission will consider the request.
- B.** A petition shall not address more than one contiguous closure request.
- C.** Once the Commission has considered and denied a petition, an individual who subsequently submits a petition that addresses the same contiguous closure request shall provide a written statement that contains any reason not previously considered by the Commission in making a decision.
- D.** A petitioner shall submit an original and one copy of the petition to the Director of the Arizona Game and Fish Department, Director's Office, 5000 W. Carefree Highway, Phoenix, AZ 85086, not less than 60 calendar days before a scheduled Commission meeting to be placed on the agenda for that meeting. If the Commission receives a petition after that time it will be considered at the next regularly-scheduled open meeting. At any time, the petitioner may withdraw the petition or request delay to a later regularly-scheduled open meeting.
- E.** Within 15 business days after the petition is filed, the Department shall determine whether the petition complies with the requirements established under A.R.S. § 17-452, R12-4-110, and this Section. Once the Department determines that the petition meets these requirements, and if the petitioner has not agreed to an alternative solution or withdrawn the petition, the Department, in accordance with the schedule in subsection (D), shall place the petition on the agenda for the Commission's next open meeting and provide written notice to the petitioner of the date that the Commission will consider the petition.
1. The petitioner may present oral testimony in support of the petition at the Commission meeting, in accordance with the provisions established under R12-4-603.
  2. If a petition does not meet the requirements prescribed under A.R.S. § 17-452, R12-4-110, and this Section, the Department shall return one copy of the petition as filed to the petitioner with the reasons why the petition does not meet the requirements, and not place the petition on a Commission agenda.
  3. If the Department returns a petition to a petitioner for a reason that cannot be corrected, the Department shall
- serve on the petitioner a notice of appealable agency action under A.R.S. § 41-1092.03.
- F.** The petitioner shall submit a petition that:
1. Is typewritten, computer or word processor printed, or legibly handwritten, and double-spaced, on 8 1/2" x 11" paper;
  2. Has a concise map that shows the specific location of the proposed closure;
  3. Has the title "Petition for the Closure of Hunting, Fishing, or Trapping Privileges on Public Land" or "Petition for the Closure of Public Lands to the Operation of Motor Vehicles" at the top of the first page;
  4. Is in four parts, with titles designating each part as prescribed in this subsection;
  5. Has a "Part 1" with the title "Identification of Petitioner" and contains the following information, if applicable:
    - a. If the petitioner is the leaseholder of the area proposed for closure, the name, lease number, mailing address, and home telephone number of the petitioner;
    - b. If the petitioner is anyone other than the leaseholder, the name, mailing address, and telephone number of the leaseholder; the name, mailing address, and telephone number of the petitioner; and the name of each group or organization or organizations that the petitioner represents; or
    - c. If the petitioner is a public agency, the name and address of the agency and the name, title, and telephone number of the agency's representative regarding the petition.
  6. Has a "Part 2" with the title "Request for Closure" and contains all of the following information, if applicable:
    - a. The type of closure requested: either a hunting, fishing, or trapping closure, or closure to the operation of motor vehicles;
    - b. A complete legal description of the area to be closed;
    - c. The name or identifying number of any road and the portion of the road affected by the closure; and
    - d. The dates proposed for the closure:
      - i. If the closure is to the operation of motor vehicles, the actual time period of the closure (up to five years), and whether or not the closure is seasonal; or
      - ii. If the closure is for hunting, fishing, or trapping, whether or not the request is for a permanent closure or for some other period of time.
  7. Has a "Part 3" with the title "Reason for Closure" and contains all of the following information, if applicable:
    - a. Each reason why the closure should be considered under R12-4-110, A.R.S. § 17-304(B), or A.R.S. § 17-452(A);
    - b. Any data or other justification supporting the reasons for the closure with clear reference to any exhibits that may be attached to the petition;
    - c. Each individual or segment of the public the petitioner believes will be impacted by the closure, including any other valid licensees, lessees, or permittees that will or may be affected, and how they will be impacted, including both positive and negative impacts;
    - d. If the petitioner is a public agency, a summary of issues raised in any public hearing or public meeting regarding the petition and a copy of each written comment or document of concurrence authorized

- under A.R.S. § 17-452(A), received by the petitioning agency; and
- e. A proposed alternate access route, under R12-4-110.
8. Has a "Part 4" with the title "Dates and Signatures" and contains the following:
    - a. The original signature of the private party or the official contact named under subsection (F)(5)(a) or (b) of this Section, or, if the petitioner is a public agency, the signature of the agency head or the agency head's designee; and
    - b. The month, day, and year when the petition was signed.

#### Historical Note

Adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2). Amended by final rulemaking at 16 A.A.R. 1465, effective July 13, 2010 (Supp. 10-3).

#### R12-4-611. Petition for a Hearing Before the Commission When No Remedy is Provided in Statute, Rule, or Policy

- A. If no administrative remedy exists in statute, rule or policy, an aggrieved individual may request a hearing before the Commission by following the provisions of this Section.
- B. Any individual who requests a hearing under this Section shall submit a petition as prescribed in this Section before the request for a hearing will be considered by the Commission.
- C. A petitioner shall submit an original and one copy of a petition to the Arizona Game and Fish Department, Director's Office, 5000 W. Carefree Highway, Phoenix, AZ 85086.
- D. The petitioner shall ensure that the petition is typewritten, computer or word processor printed, or legibly handwritten, and double-spaced on 8 1/2" x 11" paper. The petitioner shall place the title "Petition for Hearing by the Arizona Game and Fish Commission" at the top of the first page. The petition shall include the items listed in subsections (E) through (H). The petitioner shall present the items in the petition in the order in which they are listed in this Section.
- E. The petitioner shall ensure that the title of Part 1 is "Identification of Petitioner" and that Part 1 includes the following information, as applicable:
  1. If the petitioner is a private person, the name, mailing address, telephone number, and e-mail address (if available) of the petitioner;
  2. If the petitioner is a private group or organization, the name and address of the organization; the name, mailing address, telephone number, and e-mail address (if available) of one person who is designated as the official contact for the group or organization; the number of individuals or members represented by the private group or organization, and the number of these individuals or members who are Arizona residents. If the petitioner prefers, the petitioner may provide the names and addresses of all members; or
  3. If the petitioner is a public agency, the name and address of the agency and the name, title, telephone number, and e-mail address (if available) of the agency's representative.
- F. The petitioner shall ensure that the title of Part 2 is "Statement of Facts and Issues." Part 2 shall contain a description of the issue to be resolved, and a statement of the facts relevant to resolving the issue.
- G. The petitioner shall ensure that the title of Part 3 is "Petitioner's Proposed Remedy." Part 3 shall contain a full and

detailed explanation of the specific remedy the petitioner is seeking from the Commission.

- H. The petitioner shall ensure that the title of Part 4 is "Date and Signatures." Part 4 shall contain:
  1. The original signature of the private party or the official contact named in the petition, or, if the petitioner is a public agency, the signature of the agency head or the agency head's designee; and
  2. The month, day, and year that the petition is signed.
- I. If a petition does not comply with this Section, the Director shall return the petition and indicate why the petition is deficient.
- J. After the Director receives a petition that complies with this Section, the Director shall place the petition on the agenda of a regularly scheduled Commission meeting.
- K. If the Commission votes to deny a petition, the Department shall not accept a subsequent petition on the same matter, unless the petitioner presents new evidence or reasons for considering the subsequent petition.
- L. This Section does not apply to the following:
  1. A matter related to a license revocation or civil assessment; or
  2. An unsuccessful hunt permit-tag draw application, where there was no error on the part of the Department.

#### Historical Note

New Section made by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2). Amended by final rulemaking at 16 A.A.R. 1465, effective July 13, 2010 (Supp. 10-3).

#### ARTICLE 7. HERITAGE GRANTS

##### R12-4-701. Heritage Grant Definitions

In addition to the definitions provided under A.R.S. §§ 17-101 and 17-296, the following definitions apply to this Article:

"Administrative subunit" means a branch, chapter, department, division, section, school, or other similar divisional entity of an eligible applicant. For example, an individual:

- a. School, but not an entire school district;
- b. Field office or project office, but not an entire agency; or
- c. Administrative department, but not an entire city government.

"Eligible applicant" means any public agency or non-profit organization sponsored by a public agency that meets the applicable requirements of this Article and does not have a Heritage Fund Grant in extension as authorized under R12-4-707(B).

"Facilities" means any structure or site improvements.

"Fund" means the Arizona Game and Fish Commission Heritage Fund, established under A.R.S. § 17-297.

"Grant agreement" means a document that details the terms and conditions of a grant project.

"Grant effective date" means the date the Department Director signs the Grant Agreement.

"In-kind" means contributions other than cash, which include individual and material resources that the applicant makes available to the project, e.g. a permanent public employee's salary, volunteer time, materials, supplies, space, or other donated goods and services.

"Participant" means an eligible applicant who has been awarded a grant from the Heritage Fund.

“Project” means an activity, or series of related activities, or services described in the specific project scope of work and results in specific end products.

“Project period” means the time during which a participant shall complete all approved work and related expenditures associated with an approved project.

“Public agency” means the federal government or any federal department or agency, an Indian tribe, this state, all state departments, agencies, boards, and commissions, counties, school districts, public charter schools, cities, towns, all municipal corporations, and any other political subdivision.

“Publicly held lands” means federal, public, and reserved land, State Trust Land, and other lands within Arizona that are owned, controlled, or managed by the federal government, a state agency or political subdivision.

“Sensitive elements” means the specific areas within the geographical area, historically or currently occupied by a species or community of species, which comprise those physical or biological features essential to the establishment or continued existence of the species. These ‘sensitive elements’ may require special management, conservation or protection considerations.

“Term of public use” means the time period during which the project or facility is expected to be maintained for public use.

#### Historical Note

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2).

#### R12-4-702. General Provisions

- A. An applicant shall submit to the Department a Heritage Fund Grant application according to a schedule of due dates determined by the Director. In compliance with A.R.S. § 41-2702, the Department shall:
  1. Provide public notice of the time, location, and due date for application submission; and
  2. Furnish materials necessary to complete the application.
- B. An eligible applicant, seeking Heritage Grant funding shall submit a Heritage Grant Application as established under this Article and in compliance with the Heritage Grant application materials.
- C. An applicant shall demonstrate ownership or control of the project. Ownership or control may be demonstrated through fee title, lease, easement, or agreement. For all other project types related to sites not controlled by an applicant, an applicant shall provide written permission from the property owner authorizing the project activities and access. The applicant’s proof of ownership or control or written permission shall demonstrate:
  1. Permission for access is not revocable at will by the property owner, and
  2. Public access will be granted to the project site for the life of the project, unless the purpose of the project proposal is to limit access.
- D. The Department shall notify an applicant in writing of the results of the applicant’s submission and announce Heritage Grant awards at a regularly scheduled open meeting of the Commission.
- E. A participant shall not begin a project described in an application until after the grant effective date.

- F. A participant shall complete the project as specified under the terms and conditions of the Grant Agreement.
- G. A participant shall deposit transferred Heritage Grant Funds in a dedicated non-interest bearing account carrying the name and number of the project.
- H. A participant shall use awarded Heritage Grant Funds solely for eligible purposes of the funding program as defined by law and as approved by the Department.
- I. A participant shall not use Heritage Grant Funds for the purpose of producing income unless authorized by the Department. A participant shall use income generated to further the purpose of the approved project or surrender the income to the original funding source.
- J. If a balance of awarded Heritage Grant funds remain upon completion of approved project elements, the participant may, with Department approval, use those unexpended funds for an additional project consistent with the original scope of work or surrender those unexpended funds to the Department.
- K. A participant shall use equipment purchased with Heritage Grant funds in a manner consistent with the purposes of the Grant Agreement, and surrender the equipment to the Department upon completion of the project, if the equipment has an acquisition cost of more than \$500.
- L. A participant shall not use Heritage Grant funds to pay the salary of any permanent public employee. A participant may use a permanent employee’s time as in-kind match for the project specified in the Grant Agreement.
- M. A participant shall allow Department employees or agents to conduct inspections and reviews:
  1. To ensure compliance with all terms and conditions established under the Grant Agreement.
  2. Before release of the final payment.
- N. A participant shall submit records that substantiate the expenditure of Heritage Grant funds.
- O. A participant shall bear full responsibility for performance by subcontractors to ensure compliance with the Grant Agreement.
- P. A participant shall pay all costs associated with the operation and maintenance of properties, facilities, equipment, services, publications, and other media funded by a Heritage Grant for the term of public use as specified in the Grant Agreement.
- Q. A participant shall give public acknowledgment of Heritage Fund grant assistance for the term of public use of a project. If a project involves acquisition of property, development of public access, or renovation of a habitat site, the participant shall install a permanent sign describing the funding sources. The participant may include the cost of this signage as part of the original project. The participant is responsible for maintenance or replacement of the sign as required. For other project types, the participant shall include Heritage Fund grant funding acknowledgment on any publicly available or accessible products resulting from the project.
- R. An administrative subunit that failed to comply with the terms and conditions of a Grant Agreement shall not apply for, nor be considered for, further Heritage Grants until the administrative subunit’s project is brought into compliance.
- S. An administrative subunit that has a Heritage Grant funded project in extension shall not apply for, nor be considered for, further Heritage Grants until the administrative subunit’s project under extension is completed.

#### Historical Note

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 768, effective

June 1, 2013 (Supp. 13-2).

**R12-4-703. Heritage Grant Program Funds**

- A.** Environmental Education Grant. An eligible applicant shall ensure a proposed project is designed to:
1. Develop awareness, appreciation, and understanding of Arizona's wildlife and its environment and increase responsible actions toward wildlife;
  2. Use Arizona wildlife as its focus and present wildlife issues in a balanced and fair manner; and
  3. Benefit Arizona public schools, public charter schools, and students.
- B.** IAPM Grant: Identification, Inventory, Acquisition, Protection, and Management of Sensitive Elements. An eligible applicant shall ensure a proposed project is designed to:
1. Preserve and enhance Arizona's natural biological diversity; and
  2. Incorporate identification, inventory, acquisition, protection, or management of sensitive elements.
- C.** Outdoor Education Grant: An eligible applicant shall ensure a proposed project is designed to:
1. Provide a meaningful outdoor educational experience;
  2. Develop awareness, appreciation, and stewardship of Arizona's wildlife and wildlife habitats; and
  3. Benefit Arizona public schools, public charter schools, and students.
- D.** Public Access Grant: An eligible applicant shall ensure a proposed project:
1. Is designed to increase or maintain public access for recreational use related to wildlife;
  2. Is in cooperation with federal land managers, local and state governments, private landowners, or public users, as applicable; and
  3. Is designed to inform and educate the public about recreational use of publicly held lands and public access to those lands.
- E.** Schoolyard Habitat Grant: An eligible applicant shall ensure a proposed project is designed to:
1. Develop awareness, appreciation, and understanding of Arizona's wildlife and its environment;
  2. Encourage wildlife educational activities on Arizona school sites or adjacent areas;
  3. Encourage native wildlife species, utilize native plant materials, and demonstrate water conservation techniques;
  4. Allow Arizona students to actively participate in the planning, development, and construction process;
  5. Be integrated into the school curriculum; and
  6. Benefit Arizona public schools, public charter schools, and students.
- F.** Urban Wildlife and Urban Wildlife Habitat Grant. An eligible applicant shall ensure a proposed project:
1. Is designed to conserve, enhance, and establish wildlife habitats and populations consistent with urban environments, and increase public awareness and support for urban wildlife resources; and
  2. Meets one of the following criteria:
    - a. Is within the incorporated limits of a city or town;
    - b. Is within five miles, in straight distance, of the boundary of an incorporated area; or
    - c. Is an area that receives significant impact from residential development, as determined by the Department.

**Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6,

2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-703 renumbered to R12-4-705; new Section R12-4-703 made by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2).

**R12-4-704. Grant Application**

- A.** To be considered for a Heritage Grant, an eligible applicant shall submit a grant application as established under this Article and in compliance with the Heritage Grant Application materials.
- B.** An applicant who is applying for multiple projects, shall submit a separate application for each project.
- C.** An applicant shall provide the following information on the Heritage Grant application form:
1. The name of the applicant;
  2. Any county and legislative district where the project will be developed or upon which the project will have a direct impact;
  3. The name, title, mailing address, e-mail address, and telephone number of the individual responsible for the day-to-day management of the proposed project;
  4. Identification of the specific Heritage Grant program fund;
  5. A descriptive project title;
  6. The name of the site, primary location, and any other locations of the project;
  7. Description of the:
    - a. Scope of work and the objective of the proposed project,
    - b. Methods for achieving the objective, and
    - c. Desired result of the project;
  8. The beginning and ending dates for the project;
  9. The resources needed to accomplish the project, including grant monies requested, and, if applicable, evidence of secured matching funds or contributions;
  10. If the eligible applicant is a non-profit organization exempt from federal income taxation under Section 501(c) of the Internal Revenue Code, documentation or other evidence of the exemption; and
  11. Any additional supporting information required by the Department.
- D.** The person signing the grant application form shall have the authority to enter into agreements, accept funding, and fulfill the terms of the Grant Agreement on behalf of the applicant.

**Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-704 repealed; new Section R12-4-704 renumbered from R12-4-709 and amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2).

**R12-4-705. Review of Proposals**

- A.** Heritage Grant proposals are competitive and the Department shall make awards based on a proposed project's compatibility with the priorities of the Department, as approved by the Commission.
- B.** The Department may require an applicant to modify the application prior to awarding a Heritage Grant, if the Department determines that the modification is necessary for the successful completion of the project.

**Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 13

A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-705 repealed; new Section R12-4-705 renumbered from R12-4-703 and amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2).

#### **R12-4-706. State Historic Preservation Office Review**

When applicable, the Department shall not release Heritage Grant Funds until after the Department has consulted with the State Historic Preservation Office regarding the proposed project's potential impact on historic and archaeological properties and resources.

##### **Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-706 repealed; new Section R12-4-706 renumbered from R12-4-710 and amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2).

#### **R12-4-707. Grant Agreement**

- A. Before the Department transfers any grant funds, the applicant shall sign the Grant Agreement.
- B. A participant may request an extension beyond the approved project period by writing to the Department. Requests for an extension shall be submitted by the participant no later than 30 days before the end of the project period. If approved, an extension shall be signed by both the participant and the Department.
- C. Notwithstanding subsection (B), the Department may extend the project period for good cause such as, but not limited to, inclement weather or internal personnel changes.
- D. The Department and the participant may amend the Grant Agreement during the project period. A participant seeking to amend the Grant Agreement shall submit a written request that includes justification to amend the Grant Agreement. The Department shall prepare any approved amendment in writing and both the Department and the participant shall sign the amendment.
- E. If a participant is in default of the Grant Agreement, the Department may:
  1. Terminate the Grant Agreement,
  2. Seek recovery of grant monies awarded, and
  3. Classify the participant as ineligible for Heritage Fund Grants for a period of up to five years.
- F. The Department, at its sole discretion, has the authority to include additional conditions in the Grant Agreement prior to signing the Agreement and through Amendment.

##### **Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-707 repealed; new Section R12-4-707 renumbered from R12-4-711 and amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2).

#### **R12-4-708. Reporting and Recordkeeping Requirements**

- A. A participant shall submit project status reports to the Department as specified in the Grant Agreement. The project status report shall include the following information, as applicable:
  1. Progress in completing approved work;
  2. Itemized, cumulative project expenditures;
  3. A financial accounting of:
    - a. Heritage Grant Funds,
    - b. Matching funds,
    - c. Donations, and
    - d. Income derived from project funds;

4. Any delays or problems that may prevent the on-time completion of the project; and
5. Any other information required by the Department.

- B. At the end of the project period and for each year until the end of the term of public use, a participant shall:
  1. Certify compliance with the Grant Agreement, and
  2. Complete a post-completion report form furnished by the Department.
- C. A participant shall submit project status reports, as required in the grant materials. If a participant fails to submit a project status report, the Department may not release any remaining grant monies until the participant has submitted all past due project status reports.
- D. Each participant shall retain and shall contractually require each subcontractor to retain all books, accounts, reports, files, and any other records relating to the acquisition and performance of the contract for a period of five years from the end date of the project period. The Department may inspect and audit participant and subcontractor records as prescribed under A.R.S. § 35-214. Upon the Department's request, a participant or subcontractor shall produce a legible copy of these records.

##### **Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-708 repealed; new Section R12-4-708 renumbered from R12-4-712 and amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2).

#### **R12-4-709. Renumbered**

##### **Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-709 renumbered to R12-4-704 by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2).

#### **R12-4-710. Renumbered**

##### **Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-710 renumbered to R12-4-706 by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2).

#### **R12-4-711. Renumbered**

##### **Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-711 renumbered to R12-4-707 by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2).

#### **R12-4-712. Renumbered**

##### **Historical Note**

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-712 renumbered to R12-4-708 by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2).



**ARTICLE 8. WILDLIFE AREAS AND DEPARTMENT PROPERTY****R12-4-801. General Provisions**

- A.** Wildlife areas shall be established to:
1. Provide protective measures for wildlife, habitat, or both;
  2. Allow for special management or research practices; and
  3. Enhance wildlife and habitat conservation.
- B.** Wildlife areas shall be:
1. Lands owned or leased by the Commission and managed by the Department;
  2. Federally-owned lands of unique wildlife habitat where cooperative agreements provide wildlife management and research implementation; or
  3. Any lands with property interest conveyed to the Commission by any entity, through approved land use agreement, including but not limited to deeds, patents, leases, conservation easements, special use permits, licenses, agreement, management agreement, inter-agency agreements, letter agreements, and right-of-entry, where said property interest is sufficient for management of the lands consistent with the objectives of the wildlife area.
- C.** Wildlife area designation shall not be given to any private lands, or lands in which private parcels are located, solely for the purpose of protecting private property. Wildlife area designation on private property, or where private property is involved, shall be considered by the Commission only when the Commission and the owners arrive at a mutual agreement that shall not confine or restrict the Department in fulfilling management or research objectives, nor close the area to hunting, trapping, or fishing.
- D.** Land qualified for wildlife areas shall be:
1. Lands with unique topographic or vegetative characteristics that contribute to wildlife,
  2. Lands where certain wildlife species are confined because of habitat demands,
  3. Lands that can be physically managed and modified to attract wildlife, or
  4. Lands that are identified as critical habitat for certain wildlife species during critical periods of their life cycles.
- E.** The Department may restrict public access to and public use of wildlife areas and the resources of wildlife areas for up to 90 days when necessary to protect property, ensure public safety, or to ensure maximum benefits to wildlife. Closures or restrictions exceeding 90 days shall require Commission approval.
- F.** Closures of all or any part of a wildlife area to public entry, and any restriction to public use of a wildlife area, shall be listed in this Article or shall be clearly posted at each entrance to the wildlife area. No person shall conduct an activity restricted by this Article or by such posting.
- G.** When a wildlife area is posted against travel except on existing roads, no person shall drive a motor-operated vehicle over the countryside except by road.
- H.** The Department may take action to manage the access and use of any Commission real property or facilities. Such actions may include restrictions for the timing, type, or duration of certain activities, including the prohibition of access or type of use.
- I.** No person shall access or use any Commission real property or facilities in violation of any Department actions authorized under subsection (H), if signs are posted providing notice of the restrictions.

**Historical Note**

New Section adopted by exempt rulemaking at 6 A.A.R. 1731, effective May 1, 2000 (Supp. 00-2). Amended by exempt rulemaking at 17 A.A.R. 800, effective June 20,

2011 (Supp. 11-2). Amended by exempt rulemaking at 18 A.A.R. 1070, effective June 15, 2012 (Supp. 12-2).

**R12-4-802. Wildlife Area and Other Department Managed Property Restrictions**

- A.** No person shall violate the following restrictions on Wildlife Areas:
1. Alamo Wildlife Area (located in Units 16A and 44A):
    - a. Wood collecting limited to dead and down material, for onsite noncommercial use only.
    - b. Overnight public camping in the wildlife area outside of Alamo State Park allowed for no more than 14 days within a 45-day period.
    - c. Motorized vehicle travel permitted on designated roads or areas only, except an individual may use a vehicle on or off road to pick up lawfully taken big game animals. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    - d. Open to all hunting as permitted under R12-4-304 and R12-4-318.
  2. Allen Severson Wildlife Area (located in Unit 3B):
    - a. No open fires.
    - b. No firewood cutting or gathering.
    - c. No overnight public camping.
    - d. Motorized vehicle travel permitted on designated roads or areas only. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    - e. Posted portions closed to discharge of all firearms from April 1 through July 31 annually.
    - f. Open to all hunting as permitted under R12-4-304 and R12-4-318, except posted portions closed to hunting from April 1 through July 31 annually.
  3. Aravaipa Canyon Wildlife Area (located in Units 31 and 32):
    - a. Access to Aravaipa Canyon Wilderness Area is by permit only, available through the Safford Office of the Bureau of Land Management.
    - b. Motorized vehicle travel permitted on designated roads or areas only. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    - c. Open to all hunting as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of all firearms.
  4. Arlington Wildlife Area (located in Unit 39):
    - a. No open fires.
    - b. No firewood cutting or gathering.
    - c. No overnight public camping.
    - d. Motorized vehicle travel permitted on designated roads, trails, or areas only.
    - e. Target or clay bird shooting permitted in designated areas only.
    - f. Open to all hunting as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of rifled firearms.
  5. Base and Meridian Wildlife Area (located in Units 39 and 26M):
    - a. No open fires.
    - b. No firewood cutting or gathering.
    - c. No overnight public camping.
    - d. Motorized vehicle travel permitted on designated roads, trails, or areas only. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.

- e. No target or clay bird shooting.
  - f. Open to all hunting as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of rifled firearms.
6. Becker Lake Wildlife Area (located in Unit 1):
    - a. No open fires.
    - b. No overnight public camping.
    - c. Motorized vehicle travel permitted on designated roads, trails or areas only. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    - d. The Becker Lake boat launch access road and parking areas along with any other posted portions of the wildlife area will be closed to all public entry from one hour after sunset to one hour before sunrise daily.
    - e. Posted portions closed to public entry from December through July 31 annually.
    - f. Posted portions closed to hunting.
    - g. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of rifled firearms.
  7. Bog Hole Wildlife Area (located in Unit 35B):
    - a. No open fires.
    - b. No firewood cutting or gathering.
    - c. No overnight public camping.
    - d. Motorized vehicle travel permitted on designated roads, trails, or areas only. This subsection does not apply to Department authorized vehicles or law enforcement, fire response or other emergency vehicles.
    - e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
  8. Chevelon Canyon Ranches Wildlife Area (located in Unit 4A):
    - a. No open fires.
    - b. No firewood cutting or gathering.
    - c. No overnight public camping.
    - d. Motorized vehicle travel permitted on designated roads and areas only, except as permitted under R12-4-110(G). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    - e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
  9. Chevelon Creek Wildlife Area (located in Unit 4B):
    - a. No open fires.
    - b. No firewood cutting or gathering.
    - c. No overnight public camping.
    - d. Motorized vehicle travel permitted on designated roads and areas only, except as permitted under R12-4-110(G). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    - e. Posted portions closed to all public entry.
    - f. Additional posted portions closed to public entry from October 1 through February 1 annually.
    - g. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to hunting from October 1 through February 1 annually.
  10. Cibola Valley Conservation and Wildlife Area (located in unit 43A):
    - a. No open fires.
    - b. No firewood cutting or gathering.
  - c. No overnight public camping.
  - d. Motorized vehicle travel permitted on designated and administrative roads and areas only for the purpose of retrieving lawfully taken big game animals. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. Posted portions closed to public entry.
  - f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except legal weapons restricted to shotguns shooting shot and bow and arrow.
    11. Clarence May and C.H.M. May Memorial Wildlife Area (located in Unit 29):
      - a. Closed to discharge of all firearms.
      - b. Closed to hunting.
    12. Cluff Ranch Wildlife Area (located in Unit 31):
      - a. Open fires allowed in designated areas only.
      - b. Wood collecting limited to dead and down material, for onsite noncommercial use only.
      - c. Overnight public camping allowed in designated areas only, for no more than five days within a 14-day period.
      - d. Motorized vehicle travel permitted on designated roads, trails, or areas only. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
      - e. Posted portions around Department housing and Pond Three are closed to discharge of all firearms.
      - f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of centerfire rifled firearms.
    13. Colorado River Nature Center Wildlife Area (located in Unit 15D):
      - a. No open fires.
      - b. No firewood cutting or gathering.
      - c. No overnight public camping.
      - d. Motorized vehicle travel permitted on designated roads or areas only. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
      - e. Closed to hunting.
    14. Fool Hollow Lake Wildlife Area (located in Unit 3C):
      - a. No open fires.
      - b. No firewood cutting or gathering.
      - c. No overnight public camping.
      - d. Motorized vehicle travel permitted on designated roads, trails, or areas only. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
      - e. The parking area adjacent to Sixteenth Avenue and other posted portions of the wildlife area will be closed to all public entry daily from one hour after sunset to one hour before sunrise, except for anglers possessing a valid fishing license accessing Fool Hollow Lake/Show Low Creek.
      - f. Open to hunting in season as permitted under R12-4-304 and R12-4-318.
    15. House Rock Wildlife Area (located in Unit 12A):
      - a. Motorized vehicle travel permitted on designated roads, trails or areas only. This subsection does not apply to Department authorized vehicles or law

- enforcement, fire response, or other emergency vehicles.
- b. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
16. Jacques Marsh Wildlife Area (located in Unit 3B):
    - a. No open fires.
    - b. No firewood cutting or gathering.
    - c. No overnight public camping.
    - d. Motorized vehicle travel permitted on designated roads or areas only. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    - e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of rifled firearms.
  17. Lamar Haines Wildlife Area (located in Unit 7):
    - a. No open fires.
    - b. No firewood cutting or gathering.
    - c. No overnight public camping.
    - d. Motorized vehicle travel permitted on designated roads or areas only, except as permitted under R12-4-110(G). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    - e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
  18. Luna Lake Wildlife Area (located in Unit 1):
    - a. Posted portions closed to public entry from February 15 through July 31 annually.
    - b. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except when closed to hunting from April 1 through July 31 annually.
    - c. Motorized vehicle travel permitted on designated roads or areas only. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  19. Mittry Lake Wildlife Area (located in Unit 43B):
    - a. Open fires allowed in designated areas only.
    - b. Overnight public camping allowed in designated areas only, for no more than 10 days per calendar year.
    - c. Motorized vehicle travel permitted on designated roads or areas only. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    - d. Posted portions closed to public entry from November 15 through February 15 annually.
    - e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to hunting from November 15 through February 15 annually.
  20. Powers Butte (Mumme Farm) Wildlife Area (located in Unit 39):
    - a. No open fires.
    - b. No firewood cutting or gathering.
    - c. No overnight public camping.
    - d. Motorized vehicle travel permitted on posted designated roads, trails or areas only. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    - e. If conducted during an event approved under R12-4-804, target or clay bird shooting is permitted in designated areas only.
    - f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of centerfire rifled firearms.
  21. Quigley Wildlife Area (located in Unit 41):
    - a. No open fires.
    - b. No overnight public camping.
    - c. Motorized vehicle travel permitted on designated roads, trails or areas only. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    - d. Posted portions closed to public entry from September 1 through March 31 annually.
    - e. If conducted during an event approved under R12-4-804, target or clay bird shooting is permitted in designated areas only.
    - f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of centerfire rifled firearms.
  22. Raymond Wildlife Area (located in Unit 5B):
    - a. Overnight public camping permitted in designated sites only, for no more than 14 consecutive days.
    - b. Motorized vehicle travel permitted on designated roads, trails, or areas only, except as permitted under R12-4-110(G). All-terrain and utility type vehicles are prohibited. For the purpose of this subsection, all-terrain and utility type vehicle means a motor vehicle having three or more wheels fitted with large tires and is designed chiefly for recreational use over roadless, rugged terrain. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    - c. Open to all hunting in season as permitted under R12-4-304 and R12-4-318 except posted portions closed to hunting periodically during hunting seasons.
    - d. Members of the public are prohibited from being within 1/4 mile of the Raymond Wildlife Area buffalo herd while on Raymond Wildlife area, except when taking buffalo when accompanied by Department personnel.
    - e. Prior to entering Raymond Wildlife Area, members of the public shall sign in at a posted sign-in kiosk and by doing so acknowledge they have read and shall comply with the posted Raymond Wildlife Areas restrictions.
  23. Robbins Butte Wildlife Area (located in Unit 39):
    - a. No open fires.
    - b. No firewood cutting or gathering.
    - c. No overnight public camping.
    - d. Motorized vehicle travel permitted on designated roads, trails or areas only from one hour before sunrise to one hour after sunset daily. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    - e. Parking in designated areas only.
    - f. If conducted during an event approved under R12-4-804, target or clay bird shooting permitted in designated areas only.
    - g. Open to all hunting in season as permitted under R12-4-304 and R12-4-318 except:
      - i. Posted portions around Department housing closed to the discharge of all firearms; and

- ii. Wildlife area is closed to the discharge of centerfire rifled firearms.
- 24. Roosevelt Lake Wildlife Area (located in Units 22, 23, and 24B):
  - a. Posted portions closed to public entry from November 15 through February 15 annually.
  - b. Motorized vehicle travel permitted on designated roads, trails or areas only. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - c. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to hunting from November 15 through February 15 annually.
- 25. Santa Rita Wildlife Area (located in Unit 34A):
  - a. Motorized vehicle travel permitted on designated roads or areas only, except as permitted under R12-4-110(G). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - b. Open to all hunting as permitted under R12-4-304 and R12-4-318, except that the take of wildlife with firearms is prohibited from March 1 through August 31.
- 26. Sipe White Mountain Wildlife Area (located in Unit 1):
  - a. No open fires.
  - b. No firewood cutting or gathering.
  - c. No overnight public camping.
  - d. Motorized vehicle travel permitted on designated roads or areas only, except as permitted under R12-4-110(G). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions around Department housing closed to the discharge of all firearms.
- 27. Springerville Marsh Wildlife Area (located in Unit 2B):
  - a. No open fires.
  - b. No firewood cutting or gathering.
  - c. No overnight public camping.
  - d. Motorized vehicle travel permitted on designated roads or areas only. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. Closed to discharge of all firearms.
  - f. Closed to hunting.
- 28. Sunflower Flat Wildlife Area (located in Unit 8):
  - a. No open fires.
  - b. No overnight public camping.
  - c. Motorized vehicle travel permitted on designated roads or areas only, except as permitted under R12-4-110(G). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - d. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
- 29. Three Bar Wildlife Area (located in Unit 22):
  - a. Motorized vehicle travel permitted on designated roads, trails, or areas only. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - b. Open to hunting in season, as permitted under R12-4-304 and R12-4-318, except the area within the fenced enclosure inside the loop formed by Tonto National Forest Road 647, also known as the Walnut Canyon Enclosure, which is closed to hunting, unless otherwise provided under Commission Order.
- 30. Tucson Mountain Wildlife Area (located in Unit 38M):
  - a. Motorized vehicle travel permitted on designated roads or areas only. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - b. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except:
    - i. Portions posted as closed to hunting, and
    - ii. Wildlife area is closed to the discharge of all firearms.
  - c. Archery deer and archery javelina hunters must check in with the Arizona Game and Fish Tucson Regional Office prior to going afield.
- 31. Upper Verde River Wildlife Area (located in Unit 8 and 19A):
  - a. No open fires.
  - b. No firewood cutting or gathering.
  - c. Overnight public camping allowed in designated areas only.
  - d. Motorized vehicle travel permitted on designated roads or areas only. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of firearms within a one mile radius of visitor parking area.
  - f. All dogs must remain on leash except for hunting dogs during a legal open season.
- 32. Wenima Wildlife Area (located in Unit 2B):
  - a. No open fires.
  - b. No firewood cutting or gathering.
  - c. No overnight public camping.
  - d. Motorized vehicle travel permitted on designated roads or areas only, except as permitted under R12-4-110(G). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to the discharge of all firearms.
- 33. White Mountain Grasslands Wildlife Area (located in Unit 1):
  - a. No open fires.
  - b. No overnight public camping.
  - c. Motorized vehicle travel permitted on designated roads or areas only, except as permitted under R12-4-110(G). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - d. Posted portions closed to public entry.
  - e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
- 34. Whitewater Draw Wildlife Area (located in Unit 30B):
  - a. Open fires allowed in designated areas only.
  - b. Overnight public camping allowed in designated areas only, for no more than three days within a seven-day period.
  - c. Motorized vehicle travel permitted on designated roads, trails, or areas only. This subsection does not apply to Department authorized vehicles or law

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- enforcement, fire response, or other emergency vehicles.
- d. Motorized vehicle travel permitted on designated roads, trails, or areas only.
  - e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of centerfire rifled firearms.
35. Willcox Playa Wildlife Area (located in Unit 30A):
- a. Open fires allowed in designated areas only.
  - b. No firewood cutting or gathering.
  - c. Overnight public camping allowed in designated areas only, for no more than five days within a 14-day period.
  - d. Motorized vehicle travel permitted on designated roads, trails, or areas only. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. Posted portions closed to public entry from October 15 through March 15 annually.
  - f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to hunting from October 15 through March 15 annually.
- B.** Notwithstanding Commission Order 40, public access and use of the Hirsch Conservation Education Area and Biscuit Tank is limited to activities conducted and offered by the Department and in accordance with the Department's special management objectives for the property, which include, but are not limited to, flexible harvest, season, and methods that:
1. Allow for a variety of fishing techniques, fish harvest, fish consumption, and catch and release educational experiences;
  2. Maintain healthy, productive, and balanced fish grouping; and
  3. Provide public education activities and training courses that are compatible with the management of aquatic wildlife.

**Historical Note**

New Section adopted by exempt rulemaking at 6 A.A.R. 1731, effective May 1, 2000 (Supp. 00-2). Amended by exempt rulemaking at 8 A.A.R. 2107, effective May 1, 2002 (Supp. 02-2). Amended by exempt rulemaking at 9 A.A.R. 3141, effective August 23, 2003 (Supp. 03-2). Amended by exempt rulemaking at 10 A.A.R. 1976, effective May 14, 2004 (Supp. 04-2). Amended by exempt rulemaking at 11 A.A.R. 1927, effective May 20, 2005 (Supp. 05-2). Amended by exempt rulemaking at 12 A.A.R. 1698, effective May 19, 2006 (Supp. 06-2). Amended by exempt rulemaking at 13 A.A.R. 1741, effective May 18, 2007 (Supp. 07-2). Amended by exempt rulemaking at 14 A.A.R. 1841, effective April 22, 2008 (Supp. 08-2). Amended by exempt rulemaking at 16 A.A.R. 397, effective March 5, 2010 (Supp. 10-1). Amended by exempt rulemaking at 17 A.A.R. 800, effective June 20, 2011 (Supp. 11-2). Amended by exempt rulemaking at 18 A.A.R. 1070, effective June 15, 2012 (Supp. 12-2). Amended by exempt rulemaking at 19 A.A.R. 931, effective June 17, 2013 (Supp. 13-2).

**R12-4-803. Wildlife Area and Other Department Managed Property Boundary Descriptions****A.** Wildlife Areas are described as follows:

1. Alamo Wildlife Area: The Alamo Wildlife Area shall be those areas described as:

T10N, R13W  
 Section 1, W1/2NW1/4, NW1/4SW1/4;  
 Section 2 and Section 3;  
 Section 4, E1/2SW1/4, SE1/4;  
 Section 9, NE1/4, E1/2NW1/4;  
 Section 10, N1/2NW1/4, NW1/4NE1/4.

T11N, R11W  
 Section 7, S1/2SW1/4;  
 Section 18, N1/2 NW1/4.

T11N, R12W  
 Section 4, Lots 2, 3 and 4, SW1/4NE1/4, S1/2NW1/4, SW1/4, W1/2SE1/4;  
 Section 5, Lot 1, SE1/4NE1/4, E1/2SE1/4;  
 Section 7, S1/2, SE1/4 NE1/4;  
 Section 8, NE1/4, S1/2NW1/4, S1/2;  
 Section 9;  
 Section 10, S1/2NW1/4, S1/2;  
 Section 11, S1/2S1/2;  
 Section 12, S1/2S1/2;  
 Section 13, N1/2, N1/2SW1/4, NW1/4SE1/4;  
 Section 14, N1/2, E1/2SE1/4;  
 Section 15, N1/2, SW1/4SW1/4, SW1/4SE1/4;  
 Section 16, 17, 18 and 19;  
 Section 20, N1/2, N1/2SW1/4;  
 Section 21, NW1/4;  
 Section 29, SW1/4, SW1/4SE1/4;  
 Section 30;  
 Section 31, N1/2, N1/2S1/2;  
 Section 32, NW1/4, N1/2SW1/4.

T11N, R13W  
 Section 12, SE1/4SW1/4, SW1/4SE1/4, E1/2SE1/4;  
 Section 13;  
 Section 14, S1/2NE1/4, SE1/4SW1/4, SE1/4;  
 Section 22, S1/2SW1/4, SE1/4;  
 Section 23, E1/2, E1/2NW1/4, SW1/4NW1/4, SW1/4;  
 Section 24, 25 and 26;  
 Section 27, E1/2, E1/2W1/2;  
 Section 34, E1/2, E1/2NW1/4, SW1/4;  
 Sections 35 and 36.

T12N, R12W  
 Section 19, E1/2, SE1/4SW1/4;  
 Section 20, NW1/4NW1/4, SW1/4SW1/4;  
 Section 28, W1/2SW1/4;  
 Section 29, W1/2NW1/4, S1/2, SE1/4NW1/4;  
 Section 30, E1/2, E1/2NW1/4, NE1/4SW1/4;  
 Section 31, NE1/4NE1/4;  
 Section 32, N1/2, N1/2SE1/4, SE1/4SE1/4;  
 Section 33, W1/2E1/2, W1/2.  
 All in G&SRB&M, Mohave and La Paz Counties, Arizona.

2. Allen Severson Memorial Wildlife Area: The Allen Severson Memorial Wildlife Area shall be that area including Pintail Lake and South Marsh lying within the fenced and posted portions of:

T11N, R22E  
 Section 32, SE1/4;  
 Section 33, S1/2SW1/4.

T10N, R22E  
 Section 4, N1/2NW1/4.

T10N, R22E  
 Section 4: the posted portion of the NW1/4SW1/4.  
 All in G&SRB&M, Navajo County, Arizona, consisting of approximately 300 acres.

3. Aravaipa Canyon Wildlife Area: The Aravaipa Canyon Wildlife Area shall be that area within the flood plain of

Aravaipa Creek and the first 50 vertical feet above the streambed within the boundaries of the Aravaipa Canyon Wilderness Area administered by the Bureau of Land Management, Graham and Pinal Counties, Arizona.

4. Arlington Wildlife Area: The Arlington Wildlife Area shall be those areas described as:

T1S, R5W

Section 33, E1/2SE1/4.

T2S, R5W

Section 3, W1/2W1/2;

Section 4, E1/2, and Parcel 401-58-001A as described by the Maricopa County Assessor's Office;

Section 9;

Section 15, those portions of S1/2N1/2 and NW1/2SW1/4 lying west of the primary through road;

Section 16;

Section 21, E1/2, E1/2SW1/4, SE1/4NW1/4, and Parcel 401-61-008D as described by the Maricopa County Assessor's Office.

A parcel of land lying within Section 4, T2S, R5W, more particularly described as follows: commencing at the southwest corner of said Section 4, 2-inch aluminum cap (A.C.) in pothole stamped "RLS 36562", from which the northwest corner of said section, a 1 1/2-inch brass cap (B.C.) stamped "T1S R5W S32 S33 S5 S4 1968", bears North 00°09'36" East (basis of bearing), a distance of 4130.10 feet, said southwest corner being the point of beginning; thence along the west line of said section, North 00°09'36" East, a distance of 16.65 feet; thence leaving said west line, South 89°48'28" East, a distance of 986.79 feet; thence North 00°47'35" East, a distance of 2002.16 feet; thence North 01°07'35" East, a distance of 2102.65 feet, to the north line of said section; thence along said north line, South 89°18'45" East, a distance of 1603.61 feet, to the north quarter corner of said section, a 1/2 inch metal rod; thence leaving said north line, along the north-south mid-section line of said section, South 00°08'44" East, a distance of 4608.75 feet, to the south quarter corner of said section, a 3-inch brass cap flush (B.C.F.) stamped "T2S R5W 1/4S4 S9 RLS 46118 2008"; thence leaving said north-south mid-section line, along the south line of said section, North 79°10'54" West, a distance of 2719.41 feet, to the point of beginning. Subject to existing rights-of-way and easements. This parcel description is based on the Record of Survey for Alma Richardson Property, recorded in Book 996, page 25, Maricopa County Records (M.C.R.) and other client provided information. This parcel description is located within an area surveyed by Wood, Patel & Associates, Inc. during the month of April, 2008 and October, 2009 and any monumentation noted in this parcel description is within acceptable tolerance (as defined in Arizona Boundary Survey Minimum Standards dated 02/14/2002) of said positions based on said survey.

All in G&SRB&M, Maricopa County, Arizona.

5. Base and Meridian Wildlife Area: The Base and Meridian Wildlife Area shall be those areas described as:

T1N, R1E

Section 31

Lots 3, 5, 6, 7, 8, and NE1/4SW1/4 S1/2S1/2S1/2SW1/4NW1/4 EXCEPT S1/2SE1/4SE1/4SW1/4NW1/4, SE1/4SE1/4SW1/4NW1/4, and that portion of the north half of the southeast quarter of Section 31, T1N, R1E, described as follows: commencing at the aluminum cap set at the east quarter corner of said Section 31, from which the 3" iron pipe set at the southeast corner of said Section 31 bears South 00°20'56" West 2768.49 feet; thence South 00°20'56" West along the east line of said southeast quarter of Section 31, 1384.25 feet to the southeast corner of said north half of the southeast quarter; thence South 89°25'13" West along the south line of said north half of the southeast quarter, 2,644.35 feet to the southwest corner of said north half of the southeast quarter and the point of beginning; thence North 00°03'37" West along the west line of said southeast quarter, 746.86 feet to the south line of the north 607.00 feet of said north half of the southeast quarter; thence North 88°46' 12" East along said south line of the north 607.00 feet of the north half of the southeast quarter, 656.09 feet; thence South 00°03'37" East parallel with said west line of the southeast quarter, 754.31 feet to said south line of the north half of the southeast quarter; thence south 89°25'13" West along said south line of the north half of the southeast quarter, 655.98 feet to the point of beginning.

T1N, R1W

Section 34, N1/2SE1/4;

Section 35, S1/2;

Section 36

The W1/2SE1/4NE1/4 EXCEPT any portion of said W1/2SE1/4NE1/4 of Section 36 lying within the following described four parcels: EXCEPTION NO. 1: commencing at the Northeast corner of said W1/2SE1/4NE1/4 of section 36; thence along the East line thereof South 00°10' East 846.16 feet to the point of beginning; thence continuing South 00°18' East, a distance of 141.17 feet; thence South 87°51'15" West, a distance of 570.53 feet; thence South 00°29' East, a distance of 310.00 feet to the South line of said W1/2SE1/4NE1/4 of Section 36; thence North 89°29' West along the West line of said W1/2SE1/4NE1/4 of Section 36, a distance of 425.93 feet; said point bears South 00°29' East, a distance of 895.93 feet from the Northwest corner of said W1/2SE1/4NE1/4 of Section 36; thence North 85°54'33" East, a distance of 647.01 feet to the point of beginning. EXCEPTION NO. 2: commencing at the Northeast corner of said W1/2SE1/4NE1/4 of Section 36; thence along the East line thereof South 0018' East, a distance of 846.16 feet to the point of beginning; said point being on the Northerly line of the Flood Control District of Maricopa County parcel as shown in Document No. 84-26119, Maricopa County Records; thence South 85°54'33" West, a distance of 647.01 feet to the West line of said W1/2SE1/4NE1/4 of Section 36; thence North 00°29' West along

said West line, a distance of 30 feet; thence North 84°23'15" East, a distance of 228.19 feet; thence North 87°17'06" East, a distance of 418.85 feet to the East line of the W1/2SE1/4NE1/4 of Section 36; thence South 00°18' East along said East line, a distance of 26.00 feet to the point of beginning. EXCEPTION NO. 3: The South 37.6 feet of said W1/2SE1/4NE1/4 of Section 36. EXCEPT all oil, gas and other hydrocarbon substances, helium or other substance of gaseous nature, coal, metals, minerals, fossils, fertilizer of every name and description and except all materials which may be essential to the production of fissionable material as reserved in Arizona Revised Statutes. EXCEPTION NO. 4: That part of the West half of the Southeast quarter of the Northeast quarter (W1/2SE1/4NE1/4) of Section 36, T1N, R1W lying North of the following described line: commencing at the Northeast corner of said W1/2SE1/4NE1/4 of Section 36; thence along the East line thereof South 0018'00" East, a distance of 820.16 feet, to the point of beginning; said point being on the Northerly line of the Flood District of Maricopa County parcel as shown in Document 85-357813, Maricopa County Records; thence South 87°17'06" West, a distance of 418.85 feet; thence South 84°23'15" West, a distance of 228.19 feet to the West line of said W1/2SE1/4NE1/4 of Section 36 and the point of terminus. The above described parcel contains 162,550 sq. ft. or 3.7316 acres. The Southeast quarter of the Southeast quarter of the Northeast quarter (SE1/4SE1/4NE1/4) of Section 36, T1N, R1W, EXCEPT the South 37.6 feet of said SE1/4SE1/4NE1/4, and EXCEPT the East 55 feet of said SE1/4SE1/4NE1/4, and EXCEPT that part of said SE1/4SE1/4NE1/4 lying North of the most Southerly line of the parcel described in Record No. 84-026119, Maricopa County Records, said Southerly line being described as follows: beginning at the Northeast corner of the South half of the Northeast quarter of the Southeast quarter of the Northeast quarter (NE1/4S1/2NE1/4SE1/4NE1/4) of said Section 36; thence South 00°07' East along the East line of Section 36, a distance of 50.70 feet; thence South 89°53' West, a distance of 55.00 feet to a point on the West line of the East 55.00 feet of said Section 36; thence South 00°07' East along said line, a distance of 510.00 feet; thence South 81°4'43" West, a distance of 597.37 feet to a terminus point on the West line of said SE1/4SE1/4NE1/4 of Section 36, and EXCEPT that part of said SE1/4SE1/4NE1/4 described as follows: commencing at the East quarter corner of said Section 36; thence North 89°37'23" West along the South line of said SE1/4SE1/4NE1/4 of Section 36, a distance of 241.25 feet; thence North 18°53'04" East, a distance of 39.65 feet to the point of beginning; thence continuing North 18°53'04" East, a distance of 408.90 feet; thence South 81°04'43" West, a distance of 222.55 feet; thence South 18°53'04" West, a

distance of 370.98 feet; thence South 89°37'23" East, a distance of 207.58 feet to the point of beginning. That portion of land lying within the Southeast quarter of the Southeast quarter of the Northeast quarter (SE1/4SE1/4NE1/4) of Section 36, T1N, R1W, and the South half of the Southwest quarter of the Northwest quarter (S1/2SW1/4NW1/4) of Section 31, T1N, R1E, as described in Document Number 99-1109246. EXCEPT the West 22 feet of the property described in Recorder Number 97-0425420, also known as Assessor Parcel No. 101-44-003G; and EXCEPT the West 22 feet of the property described in Recorder Number 97-566498, also known as Assessor Parcel No. 101-44-013.

- All in the G&SRB&M, Maricopa County, Arizona.
6. Becker Lake Wildlife Area: The Becker Lake Wildlife Area shall be that area including Becker Lake lying within the fenced and posted portions of:  
T9N, R29E

Section 19, SE1/4SW1/4;

Section 20, SW1/4SW1/4, W1/2NW1/4, and NW1/4SW1/4;

Section 29, E1/2NE1/4;

Section 30, NE1/4SE1/4;

Section 32, as it is described in parcels in this Section.

All in the G&SRB&M, Apache County, Arizona, consisting of approximately 325 acres.

Parcel 1. Parcel 1 is located in section 30, T9N, R29E, G&SRB&M, Apache County, Arizona, and is adjacent to the western boundary of the Becker Lake Wildlife Area. The preliminary ALTA survey for the Enders property indicates that Parcel 1 is approximately 83 acres in size. Parcel 1 is also bounded by lands owned by The Hopi Tribe (26 Bar Ranch) and Arizona State Trust lands. The property is composed of Plains and Great Basin grassland habitat, and has historically been used for livestock grazing. This parcel is described by Apache County Assessor's Office parcel number 105-16-002.

Parcel 2. This parcel is located in the northeast quarter of section 32 T9N, R29E, G&SRB&M, Apache County, Arizona. The preliminary ALTA survey for the Enders property indicates that Parcel 2 is approximately 61 acres in size. Parcel 2 includes the southernmost portion of the subject property. The Becker Lake Ditch and a short reach of the Little Colorado River are located within Parcel 2. Parcel 2 is bounded by Parcel 3 to the west and Parcel 4 to the north. Privately owned lands are located to the east and south of Parcel 2. This parcel is described by Apache County Assessor's Office parcel number 105-18-008A.

Parcel 3. This parcel is located in the northwest quarter of section 32 T9N, R29E, G&SRB&M, Apache County, Arizona. The preliminary ALTA survey for the Enders property indicates that Parcel 3 is approximately 17 acres in size. The Becker Lake Ditch also is located within Parcel 3. Parcel 3 is bounded by Parcel 2 to the east, and Parcel 5 to the north. The Becker Lake Road comprises approximately half of the

- western boundary of Parcel 3, with a two-acre residential property located between Becker Lake Road and Becker Ditch owned by Mr. Jack Husted comprising the remainder of the western boundary of Parcel 3. Parcel 3 is described by Apache County Assessor's Office parcel number 105-18-012B.
- Parcel 4. Parcel 4 is located in the southern half of section 29 T9N, R29E, G&SRB&M, Apache County, Arizona. The preliminary ALTA survey for the Enders property indicates that Parcel 4 is approximately 56 acres in size. Both the Becker Lake Ditch and an approximately 3/4 mile reach of the LCR are located within Parcel 4. Parcel 4 is bounded by Parcel 2 to the south and Parcel 5 as well as privately owned lands to the west. Private lands are also located to the north and east of Parcel 4. Highway 60 constitutes the northeast boundary of this irregularly shaped parcel. This parcel is described by Apache County Assessor's Office parcel number 105-15-014E.
- Parcel 5. Parcel 5 is located in the southern half of the southwest quarter of section 29 T9N, R29E, G&SRB&M, Apache County, Arizona. The preliminary ALTA survey for the Enders property indicates that Parcel 5 is approximately 79 acres in size. The Becker Lake Ditch is also located within Parcel 5. Parcel 5 is bounded by Parcel 4 to the east and Parcel 3 to the south. The Becker Lake Wildlife Area bounds the western half of the northern boundary of this parcel. Privately owned lands are also located to the north of Parcel 5. The Springerville Airport as well as State Trust lands are located to the south of Parcel 5. Hopi Tribal Land (26 Bar Ranch) abuts the entire western boundary of this parcel. The Becker Lake Road and Becker Ditch bisect Parcel 5. This parcel is described by Apache County Assessor's Office parcel number 105-15-014F.
7. Bog Hole Wildlife Area: The Bog Hole Wildlife Area lying in Sections 29, 32 and 33, T22S, R17E shall be the fenced and posted area described as follows: Beginning at the southeast corner of Section 32, Township 22 South, Range 17 East, G&SRB&M, Santa Cruz County, Arizona; thence North 21°42'20" West 1394.86 feet to the true point of beginning; thence North 9°15'26" West 1014.82 feet; thence North 14°30'58" West 1088.82 feet; thence North 36°12'57" West 20.93 feet; thence North 50°16'38" West 1341.30 feet; thence North 57°51'08" West 1320.68 feet; thence N39°03'53" East 1044.90 feet; thence North 39°07'43" East 1232.32 feet; thence South 36°38'48" East 1322.93 feet; thence South 43°03'17" East 1312.11 feet; thence South 38°19'38" East 1315.69 feet; thence South 13°11'59" West 2083.31 feet; thence South 69°42'45" West 920.49 feet to the true point of beginning.
  8. Chevelon Canyon Ranches Wildlife Area: The Chevelon Canyon Ranches Wildlife Area shall be those areas described as:
    - Duran Ranch: T12N, R14E
      - Sections 6 and 7, more particularly bounded and described as follows: Beginning at Corner No. 1, from which the Standard Corner to Section 31 in T13N, R14E and Section 36 T13N, R13E, bears North 11°41' West 21.53 chains distant; thence South 26°5' East 6.80 chains to Corner No. 2; thence South 66° West 12.74 chains to Corner No. 3; thence South 19°16' West 13.72 chains to Corner No. 4; thence South 29°1' West 50.02 chains to Corner No. 5; thence North 64°15' West five chains to Corner No. 6; thence North 28°54' East 67.97 chains to Corner No. 7; thence North 55°36' East 11.02 to Corner No. 1; the place of beginning, all in G&SRB&M, Coconino County, Arizona.
    - Dye Ranch: T12N, R14E
      - Sections 9 and 16, more particularly described as follows: Beginning at Corner No. 1 from which the Standard corner to Sections 32 and 33 in T13N, R14E, bears North 2° 24' East 127.19 chains distant; thence South 50°20' East 4.96 chains to corner No. 2; thence South 29°48' West 21.97 chains to Corner No. 3; thence South 14°45' West 21.00 chains to Corner No. 4; thence North 76°23' West 3.49 chains to Corner No. 5; thence North 10°13' West 14.02 chains to Corner No. 6; thence North 19°41' East 8.92 chains to Corner No. 7; thence North 38°2' East 24.79 chains to Corner No. 1, the place of beginning, all in G&SRB&M, Coconino County, Arizona.
    - Tillman Ranch: T12N, R14E
      - Land included in H.E. Survey No. 200 embracing a portion of approximately Sections 9 and 10 in T12N R14E of the Gila and Salt River Base and Meridian. All in G&SRB&M, Coconino County, Arizona.
    - Vincent Ranch: T12N, R13E
      - Sections 3 and 4, more particularly described as follows: Begin at corner No. 1, from which the South 1/4 corner to Sec. 33, T13N, R13E, bears North 40°53' West 16.94 chains distance; thence South 53° 08' East 2.98 chains to corner No. 2; thence South 11°26' West 6.19 chains to corner No. 3; thence South 49°43' West 22.41 chains to corner No. 4; thence South 22°45' West 30.03 chains to corner No. 5; thence North 67°35' West 6.00 chains to corner No. 6; thence North 23° East 30.03 chains to corner No. 7; thence North 42°18' East 21.19 chains to corner No. 8; thence North 57°52' East 8.40 chains to corner No. 1, the place of beginning, all in G&SRB&M, Coconino County, Arizona.
    - Wolf Ranch: T12N, R14E
      - Sections 18 and 19, more particularly bounded and described as follows: Beginning at Corner No. 1, from which the U.S. Location Monument No. 184 H. E. S. bears South 88°53' East 4.41 chains distant; thence South 34°4' East 11.19 chains to Corner No. 2; thence South 40°31' West 31.7 chains to Corner No. 3; thence South 63°3' West 7.97 chains to Corner No. 4; thence South 23°15' West 10.69 chains to Corner No. 5; thence North 59° West 2.60 chains to Corner No. 6; thence North 18°45' East 10.80 chains to Corner No. 7; thence North 51°26' East 8.95 chains to Corner No. 8; thence North 30°19' East 34.37 chains to Corner No. 1; the place of beginning, all in G&SRB&M, Coconino County, Arizona.
  9. Chevelon Creek Wildlife Area: The Chevelon Creek Wildlife Area shall be those areas described as:
    - Parcel 1: The South half of the South half of the Northwest quarter and the Southwest quarter of Section



- 23, Township 18 North, Range 17 East of the Gila and Salt River Base and Meridian;
- Parcel 2: Lots 1, 2, 3 and 4 of Section 26, Township 18 North, Range 17 East of the Gila and Salt River Base and Meridian;
- Parcel 1: That portion of the Northeast Quarter of Section 26 lying Northerly of Chevelon Creek Estates East Side No. 1 Amended, according to the plat of record in Book 5 of Plats, page 35, records of Navajo County, Arizona, all in Township 18 North, Range 17 East of the Gila and Salt River Base and Meridian, Navajo County, Arizona.
- Parcel 2: That part of Tract A, CHEVELON CREEK ESTATES EAST SIDE NO. I AMENDED, according to the plat of record in Book 5 of Plats, page 35, records of Navajo County, Arizona lying Northerly of the following described line: BEGINNING at the Southwest corner of Lot 3 of said subdivision; thence Southwesterly in a straight line to the Southwest corner of Lot 6 of said subdivision.
10. Cibola Valley Conservation and Wildlife Area: The Cibola Valley Conservation and Wildlife Area shall be those areas described as:
- Parcel 1. This parcel is located in the Northwest quarter of Section 36, T1N, R24W of the Gila and Salt River Base and Meridian, La Paz County, Arizona, lying East of the right of way line of the "Cibola Channelization Project of the United States Bureau of Reclamation Colorado River Front Work and Levee System," as indicated on Bureau of Reclamation Drawing 423-300-438, dated March 31, 1964, and more particularly described as follows: beginning at the Northeast corner of the Northwest quarter of said Section 36; thence South and along the East line of the Northwest quarter of said Section 36, a distance of 2,646.00 feet to a point being the Southeast corner of the Northwest quarter of said Section 36; thence Westerly and along the South line of the Northwest quarter, a distance of 1,711.87 feet to a point of intersection with the East line of the aforementioned right of way; thence Northerly and along said East line of the aforementioned right of way, a distance of 2,657.20 feet along a curve concave Easterly, having a radius of 9,260.00 feet to a point of intersection with the North line of the Northwest quarter of said Section 36; thence Easterly and along the North line of the Northwest quarter of said Section 36, a distance of 1,919.74 feet to the point of beginning.
- Parcel 2. This parcel is located in the United States Government Survey of Lot 1 and the East half of the Southwest quarter of Section 36, T1N, R24W of the Gila and Salt River Base and Meridian, La Paz County, Arizona, lying East of the right of way line of the "Cibola Channelization Project of the United States Bureau of Reclamation Colorado River Front Work and Levee System," as indicated on Bureau of Reclamation Drawing 423-300-438, dated March 31, 1964, and more particularly described as follows: Beginning at the South quarter corner of said Section 36; thence Westerly and along the South line of said Section 36, a distance of 610.44 feet to a point of intersection with the East line of the aforementioned right of way; thence Northerly along said East line of the of the aforementioned right of way and along a curve concave Southwesterly, having a radius of 17,350.00 feet, a distance of 125.12 feet to a point; thence continuing along said right of way line and along a reverse curve having a radius of 9,260.00 feet, a distance of 2,697.10 feet to a point of intersection with the East-West midsection line of said Section 36; thence Easterly along said East-West midsection line, a distance of 1,711.87 feet to a point being the center of said Section 36; thence South and along the North-South midsection line, a distance of 2,640.00 feet to the point of beginning.
- Parcel 3. This parcel is located in the East half of the Northeast quarter of Section 36, T1N, R24W of the Gila and Salt River Base and Meridian, La Paz County, Arizona.
- Parcel 4. This parcel is located in the East half of the Northwest quarter of the Southwest quarter of Section 21, T1N, R23W of the Gila and Salt River Base and Meridian, La Paz County, Arizona, lying South of the South right of way line of U.S.A. Levee; EXCEPT therefrom that portion lying within Cibola Sportsman's Park, according to the plat thereof recorded in Book 4 of Plats, Page 58, records of Yuma (now La Paz) County, Arizona; and FURTHER EXCEPTING the North half of the East half of the Northwest quarter of the Southwest quarter.
- Parcel 5. This parcel is located in the South half of the Southwest quarter of Section 21, T1N, R23W of the Gila and Salt River Base and Meridian, La Paz County, Arizona. EXCEPT the West 33.00 feet thereof; and further EXCEPTING that portion more particularly described as follows: the North half of the Northwest quarter of the Southwest quarter of the Southwest quarter of said Section, EXCEPTING the North 33.00 feet and the East 33.00 feet thereof.
- Parcel 6. This parcel is located in the Southwest quarter of the Southeast quarter of Section 21, T1N, R23W of the Gila and Salt River Base and Meridian, La Paz County, Arizona.
- Parcel 7. This parcel is located in Sections 24 and 25, T1N, R24W of the Gila and Salt River Base and Meridian, La Paz County, Arizona, lying South of the Colorado River and East of Meander line per BLM Plat 2647C.
- Parcel 8. This parcel is located in the West half of Section 19, T1N, R23W of the Gila and Salt River Base and Meridian, La Paz County, Arizona, lying South of the Colorado River. EXCEPT that portion in condemnation suit Civil No. 5188PHX filed in District Court of Arizona entitled *USA v. 527.93 Acres of Land*; and EXCEPTING therefrom any portion of said land lying within the bed or former bed of the Colorado River waterward of the natural ordinary high water line; and also EXCEPTING any artificial accretions to said line of ordinary high water.
- Parcel 9. This parcel is located in the North half of the Northeast quarter of the Southeast quarter; and the West half of the Southwest quarter of the Northeast quarter of the Southeast quarter; and that portion of the Southeast quarter of the Northeast quarter of Section 20, T1N, R23W of the Gila and Salt River Base and Meridian, La Paz County, Arizona, lying South of the South right of way line of the U.S.B.R. Levee; EXCEPT the East 33.00 feet thereof; and further EXCEPTING that portion more particularly described as follows: Commencing at the Northeast corner of the Southeast quarter of said Section 20; thence South 0°24'00" East along the East line, a dis-

tance of 380.27 feet; thence South 89°36'00" West, a distance of 50.00 feet to the true point of beginning; thence continuing South 89°36'00" West, a distance of 193.00 feet; thence North 0°24'00" West, a distance of 261.25 feet; thence South 70°11'00" East, a distance of 205.67 feet to the West line of the East 50.00 feet of said Southeast quarter of Section 20; thence South 0°24'00" East, a distance of 190.18 feet to the true point of beginning; EXCEPTING therefrom any portion of said land lying within the bed or former bed of the Colorado River waterward of the natural ordinary high water line; and also EXCEPTING any artificial accretions to said line of ordinary high water.

Parcel 10. This parcel is located in the South half of the Southeast quarter of Section 20, T1N, R23W of the Gila and Salt River Base and Meridian, La Paz County, Arizona; EXCEPT the East 33.00 feet thereof.

Parcel 11. This parcel is located in the Southwest quarter of the Northeast quarter; and the Northwest quarter of the Southeast quarter of Section 20, T1N, R23W of the Gila and Salt River Base and Meridian, La Paz County, Arizona, lying South of the Colorado River and West of the Meander line per BLM Plat 2546B; EXCEPT any portion thereof lying within U.S.A. Lots 5 and 6 of said Section 20, as set forth on BLM Plat 2546B; and EXCEPTING therefrom any portion of said land lying within the bed or former bed of the Colorado River waterward of the natural ordinary high water line; and also EXCEPTING any artificial accretions to said line of ordinary high water.

Parcel 12. This parcel is located in the Southeast quarter of the Northeast quarter of the Southeast quarter; and the East half of the Southwest quarter of the Northeast quarter of the Southeast quarter of Section 20, T1N, R23W of the Gila and Salt River Base and Meridian, La Paz County, Arizona.

Parcel 13. This parcel is located in the East half of Section 19, T1N, R23W of the Gila and Salt River Base and Meridian, La Paz County, Arizona, lying South of the Colorado River; EXCEPT the West half of the West half of the Southeast quarter of the Southwest quarter of the Southeast quarter; EXCEPT the East half of the East half of the Southwest quarter of the Southwest quarter of the Southeast quarter; EXCEPT the Southwest quarter of the Southwest quarter of the Northeast quarter; EXCEPT the West half of the Southeast quarter of the Southwest quarter of the Northeast quarter; and EXCEPTING therefrom any portion of said land lying within the bed or former bed of the Colorado River waterward of the natural ordinary high water line; and also EXCEPTING any artificial accretions to said line of ordinary high water.

Parcel 14. This parcel is located in the Southwest quarter of the Southwest quarter of the Northeast quarter; and the West half of the Southeast quarter of the Southwest quarter of the Northeast quarter of Section 19, T1N, R23W of the Gila and Salt River Base and Meridian, La Paz County, Arizona, lying South of the Colorado River and protection levees and front work, EXCEPTING therefrom any portion of said land lying within the bed or former bed of the Colorado River waterward of the natural ordinary

high water line; and also EXCEPTING any artificial accretions to said line of ordinary high water.

Parcel 15. This parcel is located in the West half of Section 20, T1N, R23W of the Gila and Salt River Base and Meridian, La Paz County, Arizona; EXCEPT the West 133.00 feet thereof; EXCEPT any portion lying within the U.S. Levee or Channel right of way or any portion claimed by the United States for Levee purposes or related works; and EXCEPT the Southeast quarter of the Southeast quarter of the Southwest quarter of said Section 20.

Parcel 16. This parcel is located in the Southeast quarter of the Southeast quarter of the Southwest quarter of Section 20, T1N, R23W of the Gila and Salt River Base and Meridian, La Paz County, Arizona.

11. Clarence May and C.M.H. May Memorial Wildlife Area: Clarence May and C.M.H. May Memorial Wildlife Area shall be the SE1/4 of Section 8 and N1/2NE1/4 of Section 17, Township 17 South, Range 31 East, and the W1/2SE1/4, S1/2NW1/4, SW1/4 of Section 9, T17S, R31E, G&SRB&M, Cochise County, Arizona, consisting of approximately 560 acres.
12. Cluff Ranch Wildlife Area: The Cluff Ranch Wildlife Area is that area within the fenced and posted portions of Sections 13, 14, 23, 24, and 26, T7S, R24E, G&SRB&M, Graham County, Arizona; consisting of approximately 788 acres.
13. Colorado River Nature Center Wildlife Area: The Colorado River Nature Center Wildlife Area is Section 10 of T19N, R22W, that is bordered by the Fort Mojave Indian Reservation to the West, the Colorado River to the North, and residential areas of Bullhead City to the South and East, G&SRB&M, Mohave County, Arizona.
14. Fool Hollow Lake Wildlife Area: The Fool Hollow Lake Wildlife Area shall be that area lying in those portions of the South half of Section 7 and of the North half of the North half of Section 18, T10N, R22E, G&SRB&M, described as follows: Beginning at a point on the west line of the said Section 7, a distance of 990 feet South of the West quarter corner thereof; running thence South 86 degrees 12 minutes East 2533.9 feet; thence South 41 degrees 02 minutes East 634.7 feet; thence East 800 feet; thence south 837.5 feet, more or less to the South line of the said Section 7; thence south 89 degrees 53 minutes West along the South line of Section 7 a distance of 660 feet; thence South 0 degrees 07 minutes East 164.3 feet; thence North 89 degrees 32 minutes West 804.2 feet; thence North 20 degrees 46 minutes West 670 feet; thence South 88 degrees 12 minutes West 400 feet; thence North 68 degrees 04 minutes West 692 feet; thence South 2 degrees 50 minutes West 581 feet; thence North 89 degrees 32 minutes West 400 feet; thence North 12 degrees 40 minutes West 370.1 feet, more or less, the North line of the Southwest quarter of the Southwest quarter of the Southwest quarter of said Section 7; thence West 483.2 feet, more or less, along said line to the West line of Section 7; thence North to the point of beginning.
15. House Rock Wildlife Area: House Rock Wildlife Area is that area described as: Beginning at the common one-quarter corner of Sections 17 and 20, T36N, R4E; thence east along the south section lines of Sections 17, 16, 15, 14, 13 T36N, R4E, and Section 18, T36N, R5E, to the intersection with the top of the southerly escarpment of Bedrock Canyon; thence meandering southeasterly along the top of said escarpment to the top of the northerly escarpment of Fence Canyon; thence meandering along

- the top of said north escarpment to its intersection with the top of the southerly escarpment of Fence Canyon; thence meandering northeasterly along the top of said southerly escarpment to its intersection with the top of the escarpment of the Colorado River; thence meandering southerly along top of said Colorado River escarpment to its intersection with Boundary Ridge in Section 29, T34N, R5E; thence meandering westerly along Boundary Ridge to its intersection with the top of the escarpment at the head of Saddle Canyon; thence northerly along the top of the westerly escarpment to its intersection with a line beginning approximately at the intersection of the Cockscomb and the east fork of South Canyon extending southeast to a point approximately midway between Buck Farm Canyon and Saddle Canyon; thence northwest to the bottom of the east fork of South Canyon in the SW1/4SW1/4 of Section 16, T34N, R4E; thence meandering northerly along the west side of the Cockscomb to the bottom of North Canyon in the SE1/4 of Section 12, T35N, R3E; thence meandering northeasterly along the bottom of North Canyon to a point where the slope of the land becomes nearly flat; thence northerly along the westerly edge of House Rock Valley to the point of beginning; all in G&SRB&M, Coconino County, Arizona.
16. Jacques Marsh Wildlife Area: The Jacques Marsh Wildlife Area is that area within the fenced and posted portions of the SE1/4SW1/4, NE1/4SW1/4, NE1/4SW1/4SW1/4, NW1/4SW1/4, N1/2NW1/4SE1/4, SW1/4SW1/4NE1/4, S1/2SE1/4NW1/4, SE1/4SE1/4NW1/4, Section 11; and N1/2NE1/4NW1/4 Section 14; T9N, R22E, G&SRB&M, Navajo County, Arizona.
17. Lamar Haines Wildlife Area: The Lamar Haines Wildlife Area is that area described as: T22N, R6E, Section 12 NW1/4, G&SRB&M, Coconino County, Arizona; together with all improvements thereon, and that certain water right on "Hudsonian Spring" as evidenced by certificate of Water Right from the State Water Commissioner of the State of Arizona, dated December 13, 1935 and recorded in Book 5 of Water Rights, pages 374-375, records of Coconino County, Arizona, and being Certificate #624.
18. Luna Lake Wildlife Area: The Luna Lake Wildlife Area shall be the fenced, buoyed, and posted area lying north of U.S. Highway 180 T5N, R31E, Section 17 N1/2, G&SRB&M, Apache County, Arizona.
19. Mitty Lake Wildlife Area: The Mitty Lake Wildlife Area shall be those areas described as:
- T6S, R21W  
Section 31: All of Lots 1, 2, 3, 4, E1/2W1/2, and that portion of E1/2 lying westerly of Gila Gravity Main Canal Right-of-Way.
- T7S, R21W  
Section 5: that portion of SW1/4SW1/4 lying westerly of Gila Gravity Main Canal Right-of-Way;  
Section 6: all of Lots 2, 3, 4, 5, 6, 7 and that portion of Lot 1, S1/2NE1/4, SE1/4 lying westerly of Gila Gravity Main Canal R/W;  
Section 7: all of Lots 1, 2, 3, 4, E1/2W1/2, S1/2E1/2, and that portion of E1/2E1/2 lying westerly of Gila Gravity Main Canal R/W;  
Section 8: that portion of W1/2W1/2 lying westerly of Gila Gravity Main Canal R/W;  
Section 18: all of Lots 1, 2, 3, E1/2NW1/4, and that portion of Lot 4, NE1/4, E1/2 SW1/4, NW1/4SE1/4 lying westerly of Gila Gravity Main Canal R/W.
- T6S, R22W  
Section 36: all of Lots 1, 2.
- T7S, R22W  
Section 1: all of Lot 1;  
Section 12: all of Lots 1, 2, SE1/4SE1/4;  
Section 13: all of Lots 1, 2, 3, 4, 5, 6, 7, 8, NE1/4, N1/2SE1/4, and that portion of S1/2SE1/4 lying northerly of Gila Gravity Main Canal R/W, all in G&SRB&M, Yuma County, Arizona.
20. Powers Butte (Mumme Farm) Wildlife Area: The Powers Butte Wildlife Area shall be that area described as:
- T1S, R5W  
Section 25, N1/2SW1/4, SW1/4SW1/4;  
Section 26, S1/2;  
Section 27, E1/2SE1/4;  
Section 34.
- T2S, R5W  
Section 3, E1/2W1/2, W1/2SE1/4, NE1/4SE1/4, NE1/4;  
Section 10, NW1/4, NW1/4NE1/4;  
Section 15, SE1/4SW1/4;  
Section 22, E1/2NW1/4, NW1/4NW1/4.  
All in G&SRB&M, Maricopa County, Arizona.
21. Quigley Wildlife Area: The Quigley Wildlife Area shall be those areas described as:
- T8S, R17W  
Section 13, W1/2SE1/4, SW1/4NE1/4, and a portion of land in the West half of Section 13, more particularly described as follows: Beginning at the South Quarter corner, thence South 89°17'09" West along the south line of said Section 13, a distance of 2627.50 feet to the southwest corner of said Section 13; thence North 41°49'46" East, a distance of 3026.74 feet to a point; thence North 0°13'30" West, a distance of 1730.00 feet to a point on the north 1/16th line of said Section 13; thence North 89°17'36" East along said north 1/16th line, a distance of 600.00 feet to the Center of said Section 13; thence South 0°13'30" E. along the north-south mid-section line, a distance of 3959.99 feet to the point of beginning.  
Section 23, SE1/4NE1/4, and a portion of land in the NE1/4NE1/4 of Section 23, more particularly described as follows: Beginning at the Northeast Corner, thence South 0°10'19" East along the east line of said Section 23, a distance of 1326.74 feet to a point on the south line of the NE1/4NE1/4 of said Section 23; thence South 89°29'58" West along said south line, a distance of 1309.64 feet to a point; thence North 44°17'39" East, a distance of 1869.58 feet to the point of beginning.  
Section 24, NW1/4, N1/2SW1/4, W1/2NE1/4 all in G&SRB&M, Yuma County, Arizona.
22. Raymond Wildlife Area: The Raymond Wildlife Area is that area described as: All of Sections 24, 25, 26, 34, 35, 36, and the portions of Sections 27, 28, and 33 lying east of the following described line: Beginning at the west one-quarter corner of Section 33; thence northeasterly through the one-quarter corner common to Sections 28 and 33, one-quarter corner common to Sections 27 and 28 to the north one-quarter corner of Section 27 all in T19N, R11E. All of Sections 15, 16, 17, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34 all in T19N, R12E, all in G&SRB&M, Coconino County, Arizona.

23. Robbins Butte Wildlife Area: The Robbins Butte Wildlife Area shall be those areas described as:
- T1S, R3W  
 Section 17, S1/2NE1/4, SE1/4, NW1/4SW1/4;  
 Section 18, Lots 3, 4, and E1/2SW1/4, S1/2NE1/4, W1/2SE1/4, NE1/4SE1/4.
- T1S, R4W  
 Section 13, all EXCEPT that portion of W1/2SW1/4SW1/4 lying west of State Route 85;  
 Section 14, all EXCEPT the W1/2NW1/4 and that portion of the SW1/4 lying north of the Arlington Canal;  
 Section 19, S1/2SE1/4;  
 Section 20, S1/2S1/2, NE1/4SE1/4;  
 Section 21, S1/2, S1/2NE1/4, SE1/4NW1/4;  
 Section 22, all EXCEPT for NW1/4NW1/4;  
 Section 23;  
 Section 24, that portion of SW1/4, W1/2SW1/4NW1/4 lying west of State Route 85;  
 Section 25, that portion of the NW1/4NW1/4 lying west of State Route 85;  
 Section 26, NW1/4, W1/2NE1/4, NE1/4NE1/4;  
 Section 27, N1/2, SW1/4;  
 Section 28;  
 Section 29, N1/2N1/2, SE1/4NE1/4;  
 Section 30, Lots 1,2, and E1/2NW1/4, NE1/4, SE1/4SE1/4.
- All in G&SRB&M, Maricopa County, Arizona.
24. Roosevelt Lake Wildlife Area: The Roosevelt Lake Wildlife Area is that area described as: Beginning at the junction of A-Cross Road and AZ. Hwy. 188; south on AZ. Hwy. 188 to junction of AZ. Hwy. 88; east on AZ. Hwy. 88 to Carson's Landing; northeast across Roosevelt Lake to the south tip of Bass Point; directly north to the Long Gulch Road; northeast on this road to the A-Cross Road; northwest on the A-Cross Road to the point of beginning; all in G&SRB&M, Gila County, Arizona.
25. Santa Rita Wildlife Area: The Santa Rita Experimental Range is that area described as: Concurrent with the Santa Rita Experimental Range boundary and includes the posted portion of the following sections: Sections 33 through 36, T17S, R14E, Section 25, Section 35 and Section 36, T18S, R13E, Sections 1 through 4, Sections 9 through 16, and Sections 21 through 36, T18S, R14E, Sections 3 through 9, Sections 16 through 21, Sections 26 through 34, T18S, R15E, Sections 1 through 6, Sections 9 through 16, Section 23, T19S, R14E, Sections 3 through 10, Sections 16 through 18, T19S, R15E; all in G&SRB&M, Pima County, Arizona, and all being coincidental with the Santa Rita Experimental Range Area.
26. Sipe White Mountain Wildlife Area: The Sipe White Mountain Wildlife Area shall be those areas described as:
- T7N, R29E  
 Section 1, SE1/4, SE1/4NE1/4, S1/2NE1/4NE1/4, SE1/4SW1/4NE1/4, NE1/4SE1/4SW1/4, and the SE1/4NE1/4SW1/4.
- T7N, R30E  
 Section 5, W1/2W1/2SE1/4SW1/4, and the SW1/4SW1/4;  
 Section 6, Lots 1, 2, 3, 7 and 8, SW1/4NW1/4NW1/4, SW1/4NW1/4, S1/2NW1/4NE1/4SE1/4, S1/2NE1/4SE1/4, S1/2NE1/4SE1/4, N1/2SE1/4SE1/4, E1/2SE1/4SE1/4SE1/4, SW1/4SE1/4 and the SE1/4SW1/4;  
 Section 7, Parcel 10: Lots 1 and 2, E1/2NW1/4, E1/2E1/2NE1/4NE1/4, W1/2SW1/4NE1/4, NW1/4SE1/4, W1/2NE1/4SE1/4, NE1/4SW1/4, E1/2NW1/4SW1/4, and the NW1/4NE1/4;  
 Section 8, NW1/4NW1/4, and the W1/2W1/2NE1/4NW1/4.
- T8N, R30E  
 Section 31, SE1/4NE1/4, SE1/4, and the SE1/4SW1/4, all in G&SRB&M, Apache County, Arizona.
27. Springerville Marsh Wildlife Area: The Springerville Marsh Wildlife Area shall be those areas described as: S1/2 SE1/4 Section 27 and N1/2 NE1/4 Section 34, T9N, R29E, G&SRB&M, Apache County, Arizona.
28. Sunflower Flat Wildlife Area: The Sunflower Flat Wildlife Area shall be those areas described as:
- T20N, R3E  
 Section 11, NE1/4SE1/4, N1/2NW1/4SE1/4, SE1/4NW1/4SE1/4, NE1/4SE1/4SE1/4, W1/2SE1/4NE1/4, S1/2SE1/4SE1/4NE1/4, E1/2SW1/4NE1/4;  
 Section 12, NW1/4SW1/4SW1/4, NW1/4NE1/4SW1/4SW1/4, SW1/4NW1/4SW1/4, S1/2NW1/4NW1/4SW1/4, W1/2SE1/4NW1/4SW1/4, SW1/4NE1/4NW1/4 SW1/4 all in the G&SRB&M, Coconino County, Arizona.
29. Three Bar Wildlife Area: The Three Bar Wildlife Area shall be that area lying within the following described boundary: Beginning at Roosevelt Dam, northwesterly on AZ. Hwy. 188 to milepost 252 (Bumble Bee Wash); westerly along the boundary fence for approximately 7 1/2 miles to the boundary of Gila and Maricopa counties; southerly along this boundary through Four Peaks to a fence line south of Buckhorn Mountain; southerly along the barbed wire drift fence at Ash Creek to Apache Lake; northeasterly along Apache Lake to Roosevelt Dam.
30. Tucson Mountain Wildlife Area: The Tucson Mountain Wildlife Area shall be that area lying within the following described boundary: Beginning at the northwest corner of Section 33; T13S, R11E on the Saguaro National Monument boundary; due south approximately one mile to the El Paso Natural Gas Pipeline; southeast along this pipeline to Sandario Road; south on Sandario Road approximately two miles to the southwest corner of Section 15; T14S, R11E, east along the section line to the El Paso Natural Gas Pipeline; southeast along this pipeline to its junction with State Route 86, also known as the Ajo Highway; easterly along this highway to the Tucson city limits; north along the city limits to Silverbell Road; northwest along this road to Twin Peaks Road; west along this road to Sandario Road; south along this road to the Saguaro National Monument boundary; west and south along the monument boundary to the point of beginning, all in G&SRB&M, Pima County, Arizona.
31. Upper Verde River Wildlife Area: The Upper Verde River Wildlife Area consists of eight parcels totaling 1102.54 acres located eight miles north of Chino Valley in Yavapai County, Arizona, along the upper Verde River and lower Granite Creek described as:
- Sullivan Lake Parcel: Located immediately downstream of Sullivan Lake, the headwaters of the Verde River: the NE1/4NE1/4 lying east of the California, Arizona, and Santa Fe Railway Company right-of-way in Section 15, T17N, R2W; and also the NW1/4NE1/4 of Sec. 15 consisting of approximately 80 acres.
- Granite Creek Parcel: Includes one mile of Granite Creek to its confluence with the Verde River: The SE1/4SE1/4 of Section 11; the NW1/4SW1/4 and SW1/4

4NW1/4 of Section 13; the E1/2NE1/4 of Section 14; all in T17N, R1W consisting of approximately 239 acres. E1/2SW1/4SW1/4, SE1/4SW1/4, NE1/4SW1/4 and NW1/4SE1/4 of Section 12, NW1/4NW1/4 of Section 13, T17N, R2W consisting of approximately 182.26 acres.

Campbell Place Parcel: Tracts 40 and 41 in Section 7, T17N, R1W and Section 7, T17N, R1W and Section 12, T17N, R2W consisting of 315 acres. All that portion of Government Lots 9 and 10 of Section 7, T17N, R1W consisting of approximately 70.87 acres.

Tract 39 Parcel: The east half of Tract 39 within the Prescott National Forest boundary, SE1/2SW1/4 and SW1/4SE1/4 of Section 5, T18N, R1W; and the W1/2 of Tract 39 outside the Forest boundary, SW1/4SW1/4 of Section 5 and NW1/4NW1/4 of Section 8, T18N, R1W consisting of approximately 163 acres. Lot 3 and SW1/4NW1/4 of Section 8, T17N, R1W consisting of approximately 40.238 acres.

Wells Parcels: Parcel No. 1 and Parcel No. 2: All that portion of Government Lots 9 and 10, Section 7, along with Lot 3 and the Southwest quarter of the Northwest quarter, Section 8, located in Township 17 North, Range 1 West, of the Gila and Salt River base and Meridian, Yavapai County, Arizona, further described as follows: Beginning at the Northwest corner of above said Lot 9, Section 7, which is common with the Southwest corner of Tract 41, (Corner No. 3) and common with the Southeast corner of Section 12, Township 17 North, Range 2 West, being marked with a found scribed stone as shown on that plat of record found in Book 35 of land surveys, pages 98-99, records of Yavapai County, from which a found one and one-quarter inch pipe with cap marking the Southwest corner of Section 12 bears South 87° 37'09" West 5485.60 feet (basis of bearing); thence South 85° 56'23" East 3421.35 feet along the Northerly line of said Lots 9 and 10, also being the Southerly line of Tract 41, to a set one-half inch rebar with plastic cap stamped l.s. 27738; thence South 01° 23'14" East 86.70 feet to a set one-half inch rebar with a plastic cap stamped l.s. 27738; thence South 53° 08'05" East 133.31 feet to a set one-half inch rebar with plastic cap stamped l.s. 27738 on the South line of Section 7; thence South 89° 59'19" West 935.04 feet along the South line of Section 7 to the South quarter corner thereof; marked with a found scribed stone; thence North 89° 57'37" West 2588.11 feet along the South line of Section 7 to the Southwest corner thereof, marked with a found scribed stone; thence North 00° 13'48" East 407.30 feet along the West line of Section 7 to the point of beginning. Containing 22.62 acres more or less. Including all that portion of Government Lots 9 and 10, Section 7, along with Lot 3 and the Southwest quarter of the Northwest quarter Section 8, located in Township 17 North, Range 1 West, of the Gila and Salt River base and Meridian, Yavapai County, Arizona, further described as follows; Commencing at the Northwest corner of above said Lot 9, Section 7, which is common with the Southwest corner of Tract 41, (Corner No. 3) and common with the Southeast corner Section 12, Township 17 North, Range 2 West, being marked with a found scribed stone as shown on that

plat of record found in Book 35 of land surveys, pages 98-99, records of Yavapai County, from which a found one and one-quarter inch pipe with cap marking the Southwest corner of Section 12 bears South 87° 37'09" West 5485.60 feet (basis of bearing); thence South 85° 56'23" East 3471.35 feet along the Northerly line of said Lots 9 and 10, also being the Southerly line of Tract 41, to a set one-half inch rebar with a plastic cap stamped l.s. 27738 and the point of beginning for this parcel; thence South 85° 56'23" East 353.84 feet along the Northerly line of said Lots 9 and 10, also being the Southerly line of Tract 41, to Corner No. 4 of Tract 41 marked with a found scribed stone; thence North 00° 13'26" East 1306.85 feet along the Westerly line of Lot 10, also being the Easterly line of Tract 41, to Corner No. 1 of Tract 41, marked with a found scribed stone; thence South 85° 59'32" East 1331.42 feet along the Northwesterly line of Lot 10, also being the Southerly line of Tract 40, Section 7, to Corner No. 4 of Tract 40, marked with a found scribed stone; thence North 00° 54'53" East 2613.54 feet along the Westerly line of Lot 10, also being the Easterly line of Tract 40, to the Northwest corner of Lot 10, said point being common with Corner No. 1, of Tract 40 and Corner No. 3, of Tract 39, and marked with a found one-half inch rebar r.l.s. 19353; thence South 89° 36'10" East 1332.34 feet along the Northerly lines of Lot 10, and Lot 3, of Section 8, also being the Southerly line of Tract 39, to Corner No. 4 of Tract 39 marked with a found scribed stone; thence North 00° 52'40" East 480.75 feet along the Westerly line of Lot 3 and the Easterly line of Tract 39, to the point of intersection with the Westerly line of the East half of the Northwest quarter Section 8, said point being the Northerly most corner of said Lot 3; thence South 00° 01'53" East 486.44 feet along the Easterly line of the West half of the Northwest quarter of Section 8, to the Southeasterly corner of Lot 3, which is also the Northeast corner of the Southwest quarter of the Northwest quarter of Section 8, and from which a one-half inch rebar with plastic cap r.l.s. 27738, set as a witness corner bears North 89° 50'31" West 3.00 feet; thence continuing from above said Northeasterly corner, South 00° 01'53" East 1317.89 feet to the Southeast corner of the Southwest quarter of the Northwest quarter of Section 8, marked with a found one-half inch rebar r.l.s. 27738; thence North 89°50'52" West 1320.53 feet along the East-West midsection line of Section 8, to the West quarter corner thereof, marked with a found scribed stone; thence South 00°03'59" East 2635.36 feet to the Southwest corner of Section 8, marked with a found scribed stone; thence South 89°59'19" West 1642.26 feet along the South line of Section 7, to a set one-half inch rebar with a plastic cap stamped l.s. 27738; thence North 45°14'48" West 74.01 feet to a set one-half inch rebar with a plastic cap stamped l.s. 27738; thence North 26°54'11" West 124.47 feet to the point of beginning. Containing 88.488 acres more or less. Parcel No. 3 and Parcel No. 4: All that portion of the South half of Section 12 and the Northwest quarter of the Northwest quarter of Section 13, Township 17 North, Range 2 West, of the Gila and Salt River Base and Meridian, Yavapai County, Arizona,

described as follows: BEGINNING at the Southwest corner of Section 12, marked with a found one and one-quarter inch pipe with cap as shown in Book 35, of land surveys, pages 98-99, records of Yavapai County, from which a found scribed stone marking the Southeast corner of Section 12 bears North 87°37'09" East 5485.60 feet (basis of bearing); thence North 02°06'55" East 1305.61 feet along the Westerly line of Section 12 to the Northwest corner of the Southwest quarter of the Southwest quarter of Section 12 marked with a found nail in rock tagged rls 19353; thence North 87°48'37" East 1356.91 feet to the Northeast corner of the Southwest quarter of the Southwest quarter Section 12, marked with a found one-half inch rebar with plastic cap rls 27738; thence North 01°29'39" East 1300.03 feet to the Northwest corner of the Northeast quarter of the Southwest quarter Section 12, marked with a found one-half inch rebar with plastic cap rls 27738; thence North 88°00'24" East 2677.55 feet to the Northeast corner of the Northwest quarter of the Southeast quarter Section 12, from which a found one-half inch rebar set as a witness corner bears South 00°04'23" West 183.13 feet; thence South 00°04'23" West 1289.18 feet to the Southeast corner of the Northwest quarter of the Southeast quarter Section 12, marked with a found one-half inch rebar with plastic cap rls 19353; thence South 87°48'37" West 1353.25 feet to the Southwest corner of the Northwest quarter of the Southeast quarter Section 12, marked with a found one-half inch rebar with plastic cap rls 27738; thence South 00°52'03" West 1294.59 feet to the Southeast corner of the Southeast quarter of the Southwest quarter Section 12, marked with a found one-half inch rebar with plastic cap rls 27738; thence South 87°37'09" West 1371.40 feet to the Northeast corner of the Northwest quarter of the Northwest quarter Section 13, marked with a found one-half inch rebar with plastic cap rls 27738; thence South 00°42'41" East 1308.78 feet to the Southeast corner of the Northwest quarter of the Northwest quarter Section 13, marked with a found one-half inch rebar with plastic cap rls 19353; thence South 87°46'38" West 1366.74 feet to the Southwest corner of the Northwest quarter of the Northwest quarter Section 13, marked with a found one-half inch rebar with plastic cap rls 19353; thence North 00°54'41" West 1304.89 feet to the Northwest corner of Section 13 and the point of beginning. EXCEPT for the West half of the Southwest quarter of the Southwest quarter of Section 12. Containing 181.89 acres more or less.

32. Wenima Wildlife Area: The Wenima Wildlife Area shall be those areas described as:

T9N, R29E

Section 5, SE1/4 SW1/4, and SW1/4 SE1/4  
EXCEPT E1/2 E1/2 SW1/4 SE1/4

Section 8, NE1/4 NW1/4, and NW1/4 NE1/4

Sections 8, 17 and 18, within the following boundary: From the quarter corner of Sections 17 and 18, the true point of beginning; thence North 00°12'56" East 1302.64 feet along the Section line between Sections 17 and 18 to the North 1/16 corner; then North 89°24'24" West 1331.22 feet to the Northeast 1/16 corner of Section 18; thence North 00°18'02" East 1310.57 feet to

the East 1/16 corner of Sections 7 and 18; thence South 89°03'51" East 1329.25 feet to the Northeast Section corner of said Section 18; thence North 01°49'10" East 1520.28 feet to a point on the Section line between Sections 7 and 8; thence North 38°21'18" East 370.87 feet to a point; thence North 22°04'51" East 590.96 feet to a point; thence North 57°24'55" East 468.86 feet to a point on the East West mid-section line of said Section 8; thence North 89°38'03" East 525.43 feet along said mid-section line to the center West 1/16 corner; thence South 02°01'25" West 55.04 feet to a point; thence South 87°27'17" East 231.65 feet to a point; thence South 70°21'28" East 81.59 feet to a point; thence North 89°28'36" East 111.27 feet to a point; thence North 37°32'54" East 310.00 feet to a point; thence North 43°58'37" West 550.00 feet to a point; thence North 27°25'53" West 416.98 feet to the North South 1/16 line of said Section 8; thence North 02°01'25" East 380.04 feet along said 1/16 line to the Northwest 1/16 corner of said Section 8; thence North 89°45'28" East 1315.07 feet along the East West mid-sixteenth line to a point; thence South 45°14'41" East 67.69 feet to a point; thence South 49°28'18" East 1099.72 feet to a point; thence South 08°04'43" West 810.00 feet to a point; thence South 58°54'47" West 341.78 feet to a point; thence South 50°14'53" West 680.93 feet to a point in the center of that cul-de-sac at the end of Jeremy's Point Road; thence North 80°02'20" West 724.76 feet to a point, said point lying North 42°15'10" West 220.12 feet from the Northwest corner of Lot 72; thence North 34°19'23" East 80.64 feet to a point; thence North 15°54'25" East 51.54 feet to a point; thence North 29°09'53" East 45.37 feet to a point; thence North 40°09'33" East 69.21 feet to a point; thence North 25°48'58" East 43.28 feet to a point; thence North 13°24'51" East 63.12 feet to a point; thence North 16°03'10" West 30.98 feet to a point; thence North 57°55'25" West 35.50 feet to a point; thence North 80°47'38" West 48.08 feet to a point; thence South 87°28'53" West 82.84 feet to a point; thence South 72°07'06" West 131.85 feet to a point; thence South 43°32'45" West 118.71 feet to a point; thence South 02°37'48" East 59.34 feet to a point; thence South 33°03'29" East 57.28 feet to a point; thence South 28°30'29" East 54.75 feet to a point; thence South 36°39'47" East 105.08 feet to a point; thence South 24°55'07" West 394.78 feet to a point; thence South 61°32'16" West 642.77 feet to the Northwest corner of Lot 23; thence North 04°35'23" West 90.62 feet to a point; thence South 85°24'37" West 26.00 feet to a point; thence North 64°21'36" West 120.76 feet to a point; thence South 61°07'57" West 44.52 feet to a point; thence South 39°55'58" West 80.59 feet to a point; thence South 11°33'07" West 47.21 feet to a point; thence South 19°53'19" East 27.06 feet to a point; thence South 54°26'36" East 62.82 feet

- to a point; thence South 24°56'25" West 23.92 feet to a point; thence South 48°10'38" West 542.79 feet to a point; thence South 17°13'48" West 427.83 feet to the Northwest corner of Lot 130; thence South 29°10'58" West 104.45 feet to the Southwest corner of Lot 130; thence Southwesterly along a curve having a radius of 931.52 feet, and arc length of 417.52 feet to the Southwest corner of Lot 134; thence South 15°04'25" West 91.10 feet to a point; thence South 04°29'15" West 109.17 feet to a point; thence South 01°41'24" West 60.45 feet to a point, thence South 29°16'05" West 187.12 feet to a point; thence South 14°44'00" West 252.94 feet to a point; thence South 15°42'24" East 290.09 feet to a point; thence South 89°13'25" East 162.59 feet to a point; thence South 37°19'54" East 123.03 feet to the Southeast corner of Lot 169; thence South 20°36'30" East 706.78 feet to the Northwest corner of Lot 189; thence South 04°07'31" West 147.32 feet to a point; thence South 29°11'19" East 445.64 feet to a point; thence South 00°31'40" East 169.24 feet to the East West mid-section line of Section 17 and the Southwest corner of Lot 194; thence South 89°28'20" West 891.84 feet along said East West mid-section line to the true point of beginning. All in G&SRB&M, Apache County, Arizona.
33. White Mountain Grasslands Wildlife Area: The White Mountain Grasslands Wildlife Area shall be those areas described as:
- Parcel No. 1: (CL1)  
The South half of Section 24; the North half of the Northwest quarter of Section 25; the Northeast quarter and the North half of the Southeast quarter of Section 26; all in Township 9 North, Range 27 East of the Gila and Salt River Base and Meridian, Apache County, Arizona; EXCEPT all coal and other minerals as reserved to the United States in the Patent of said land.
- Parcel No. 2: (CL2)  
The Southeast quarter and the Southeast quarter of the Southwest quarter of Section 31, Township 9 North, Range 28 East of the Gila and Salt River Base and Meridian, Apache County, Arizona.
- Parcel No. 3: (CL3)  
The Northwest quarter of the Southwest quarter of Section 28; and the Southwest quarter, the South half of the Southeast quarter and the Northeast quarter of the Southeast quarter of Section 29, Township 9 North, Range 28 East of the Gila and Salt River Base and Meridian, Apache County, Arizona.
- Parcel No. 4: (CL4)  
The Southwest quarter of the Southwest quarter of Section 5; the Southeast quarter of the Southeast quarter of Section 6; the Northeast quarter of the Northeast quarter of Section 7; the Northwest quarter of the Northwest quarter, the East half of the Southwest quarter of the Northwest quarter, the West half of the Northeast quarter, the Southeast quarter of the Northwest quarter, and that portion of the South half which lies North of Highway 260, EXCEPT the West half of the Southwest quarter of Section 8; All in Township 8 North, Range 28 East of the Gila and Salt River Base and Meridian, Apache County, Arizona.
- Parcel No. 1: (O1)  
The South half of the North half of Section 10, Township 8 North, Range 28 East, of the Gila and Salt River Base and Meridian, Apache County, Arizona; EXCEPT that Parcel of land lying within the South one-half of the Northeast quarter of Section 10, Township 8 North, Range 28 East, of the Gila and Salt River Base and Meridian, Apache County, Arizona, more particularly described as follows:  
From the North 1/16 corner of Sections 10 and 11, monumented with a 5/8 inch rebar with a cap marked LS 13014, said point being the TRUE POINT OF BEGINNING; thence North 89°44'54" West 1874.70 feet along the East-West 1/16 line to a point monumented with a half-inch rebar with a tag marked LS 13014; thence South 02°26'17" West 932.00 feet to a point monumented with a half-inch rebar with a tag marked LS 13014; thence South 89°44'54" East 1873.69 feet to a point monumented with a half-inch rebar with a tag marked LS 13014, said point being on the East line of Section 10; thence North 02°30'00" East 932.00 feet along said Section line to the TRUE POINT OF BEGINNING.
- Parcel No.2: (O2)  
The North half of the South half of Section 10, Township 8 North, Range 28 East, of the Gila and Salt River Base and Meridian, Apache County, Arizona.
- Parcel No.3: (O3)  
The Southeast quarter of Section 25, Township 9 North, Range 27 East, of the Gila and Salt River Base and Meridian, Apache County, Arizona; EXCEPT all coal and other minerals as reserved to the United States in the Patent of said land.
- Parcel No.4: (O4)  
Lots 3 and 4; the East half of the Southwest quarter; the West half of the Southeast quarter; and the Northeast quarter of the Southeast quarter of Section 30, Township 9 North, Range 28 East, of the Gila and Salt River Base and Meridian, Apache County, Arizona; EXCEPT all coal and other minerals as reserved to the United States in the Patent of said land.
- Parcel No.5: (O5)  
Lots 1, 2 and 3; the South half of the Northeast quarter; the Northwest quarter of the Northeast quarter; the East half of the Northwest quarter; and the Northeast quarter of the Southwest quarter of Section 31, Township 9 North, Range 28 East, of the Gila and Salt River Base and Meridian, Apache County, Arizona; EXCEPT all coal and other minerals as reserved to the United States in the Patent of said land.
- Parcel No.6: (O6)  
Beginning at the Northwest corner of the Southeast quarter of Section 27, Township 9 North, Range 28 East, of the Gila and Salt River Base

and Meridian, Apache County, Arizona; thence East 1320.00 feet; thence South 925.00 feet; thence West 320.00 feet to the center of a stock watering tub; thence North 83° West 1000.00 feet; thence North 740.00 feet to the point of beginning; EXCEPT all gas, oil, metals and mineral rights as reserved to the State of Arizona in the Patent to said land.

34. White Water Draw Wildlife Area: The White Water Draw Wildlife Area shall be those areas described as:

T21S, R26E

Section 19, S1/2 SE1/4

Section 29, W1/2 NE1/4, and E1/2 NE1/4

Section 30, N1/2 NE1/4

Section 32

T22S, R26E

Section 4, Lots 3 and 4

T22S, R26E

Section 5, Lots 1 to 4, EXCEPT an undivided 1/2 interest in all minerals, oil, and/or gas as reserved in Deed recorded in Docket 209, page 117, records of Cochise County, Arizona.

35. Willcox Playa Wildlife Area: The Willcox Playa Wildlife Area shall be that area within the posted Arizona Game and Fish Department fences enclosing the following described area: Beginning at the section corner common to Sections 2, 3, 10 and 11, T15S, R25E, G&SRB&M, Cochise County, Arizona; thence, South 0°15'57" West 2645.53 feet to the east 1/4 corner of Section 10; thence South 89°47'15" West 2578.59 feet to the center 1/4 corner of Section 10; thence, North 1°45'24" East 2647.85 feet to the center 1/4 corner of Section 3; thence, North 1°02'42" West 2647.58 feet to the center 1/4 corner of said Section 3; thence North 89°41'37" East to the common 1/4 corner of Section 2 and Section 3; thence, South 0°00'03" West 1323.68 feet to the south 1/16 corner of said Sections 2 and 3; thence South 44°46'30" East 1867.80 feet to a point on the common section line of Section 2 and Section 11; thence South 44°41'13" East 1862.94 feet to a point; thence South 44°42'35" East 1863.13 feet to a point; thence North 0°13'23" East 1322.06 feet to a point; thence South 89°54'40" East 1276.24 Feet to a point on the west right-of-way fence line of Kansas Settlement Road; thence South 0°12'32" West 2643.71 feet along said fence line to a point; thence North 89°55'43" West 2591.30 feet to a point; thence North 0°14'14" East 661.13 feet to a point; thence North 89°55'27" West 658.20 feet to a point; thence North 0°14'39" East 1322.36 feet to a point; thence North 44°41'19" West 931.44 feet to a point; thence North 44°40'31" West 1862.85 feet to the point of beginning. Said wildlife area contains 543.10 acres approximately.

- B. Department Controlled Properties are described as follows: Hirsch Conservation Education Area and Biscuit Tank: The Hirsch Conservation Education Area and Biscuit Tank shall be that area lying in Section 3 T5N R2E. Beginning at the North East corner of Section 3, T5N, R2E, G&SRB&M, Maricopa County, Arizona; thence South 35d33'23.43" West 2938.12 feet; to the point of true beginning; thence South 81d31'35.45" West 147.25 feet; thence South 45d46'21.90" West 552.25 feet; thence South 21d28'21.59" West 56.77 feet; thence South 16d19'49.19" East 384.44 feet; thence South 5d27'54.02" West 73.43 feet; thence South 89d50'44.45" East 431.99 feet; thence North 4d53'57.68" West 81.99 feet; thence North 46d49'53.27" West 47.22 feet; thence North 43d3'3.68" East 83.74 feet; thence South 47d30'40.79" East 47.71 feet; thence

North 76d2'59.67" East 105.91 feet; thence North 15d45'0.24" West 95.87 feet; thence North 68d48'27.79" East 69.79 feet; thence North 8d31'53.39" West 69.79 feet; thence North 30d5'32.34" East 39.8 feet; thence North 46d17'32.32" East 63.77 feet; thence North 22d17'26.17" West 517.05 feet to the point of true beginning.

#### Historical Note

New Section adopted by exempt rulemaking at 6 A.A.R. 1731, effective May 1, 2000 (Supp. 00-2). Amended by exempt rulemaking at 9 A.A.R. 3141, effective August 23, 2003 (Supp. 03-2). Amended by exempt rulemaking at 11 A.A.R. 1927, effective May 20, 2005 (Supp. 05-2). Amended by exempt rulemaking at 16 A.A.R. 397, effective March 5, 2010 (Supp. 10-1). Amended by exempt rulemaking at 17 A.A.R. 800, effective June 20, 2011 (Supp. 11-2). Amended by exempt rulemaking at 18 A.A.R. 1070, effective June 15, 2012 (Supp. 12-2). Amended by exempt rulemaking at 19 A.A.R. 931, effective June 17, 2013 (Supp 13-2).

#### R12-4-804. Public Solicitation or Event on Department Property

- A. In addition to the definitions provided under A.R.S. § 17-101, the following definitions apply to this Section, unless otherwise specified:

"Applicant" means a person who submits to the Department an application to conduct a solicitation or event on Department property.

"Certificate of insurance" means an official document issued by the solicitor's or event organizer's insurance carrier providing coverage for the solicitor or event organizer for general commercial, professional, workers compensation, auto, real, and personal property liability coverage determined by the Department as adequate for the solicitation or event activities.

"Department property" means those buildings or grounds under the jurisdiction of the Arizona Game and Fish Commission.

"Person" has the meaning as provided under A.R.S. § 1-215.

"Solicitation" means any activity that may be considered or interpreted as promoting, selling, or transferring products, services, memberships, or causes, or for participation in an event or activity of any kind, including organizational, educational, public affairs, or protest activities, including the distribution or posting of advertising, handbills, leaflets, circulars, posters, or other printed materials for these purposes.

"Solicitation material" means advertising, circulars, flyers, handbills, leaflets, posters, or other printed information.

"Solicitor" means the person or persons conducting a solicitation or event.

"Work-site" means any location on Department property where employees conduct the daily business of the Department, including eating areas and break rooms.

- B. All Department property is a non-public forum, closed to all types of solicitation and events unless permitted by the Department. A person shall not:

1. Conduct partisan political activity on Department property or in Department work-sites.
2. Post solicitation material on Department property without express written permission from the Department.



## Game and Fish Commission

3. Schedule or conduct a solicitation or event on state property without express written permission from the Department.
- C.** Any person who would like to conduct a solicitation on state property may apply for a solicitation or event permit by submitting a completed solicitation or event application to any Department office or Department Headquarters, Director's Office, at 5000 W. Carefree Hwy, Phoenix, AZ 85086, whichever is appropriate for the solicitation or event venue. The application is furnished by the Department and is available at all Department offices.
1. An applicant shall apply for a solicitation or event permit no more than six months prior to the solicitation or event.
  2. An applicant shall submit an application at least:
    - a. Fourteen days prior to the desired date of the solicitation or event for solicitations other than the posting of advertising, handbills, leaflets, circulars, posters, or other printed materials.
    - b. Ten days prior to the desired date of the solicitation or event for solicitations involving only the posting of advertising, handbills, leaflets, circulars, posters, or other printed materials.
  3. An applicant shall provide all of the following information on the application:
    - a. Applicant's name, address, and telephone number;
    - b. Applicant's e-mail address, when available;
    - c. Contact person's name and telephone number, when the applicant is an organization;
    - d. Proposed date of the solicitation or event;
    - e. Specific, proposed location for the solicitation or event;
    - f. Starting and approximate concluding times;
    - g. General description of the solicitation or event's purpose;
    - h. Anticipated number of attendees, when applicable;
    - i. Amount of fees the applicant will charge attendees, when applicable;
    - j. Detailed description of any activity that will occur at the solicitation or event, including a detailed map of the solicitation or event and any equipment that will be used, e.g., tents, tables, etc.; and
    - k. Copies of any solicitation materials the applicant will distribute to the public or post on Department property.
  4. The applicant's signature on the application certifies that the applicant:
    - a. Assumes risk of injury to persons or property;
    - b. Agrees to hold harmless the state of Arizona, its officials, employees, and agents against all claims arising from the use of Department facilities;
    - c. Assumes responsibility for any damages or clean up costs due to the solicitation or event, solicitation or event cleanup, or solicitation or event damage repair; and
    - d. Agrees to surrender the premises in a clean and orderly condition.
  5. An applicant who is required to provide insurance for a solicitation or event shall list the state of Arizona and the Arizona Game and Fish Department as additional insured entities.
- D.** The Department may take any of the following actions to the extent it is necessary and in the best interest of the state:
1. Require the applicant to post a deposit against damage and cleanup expense;
  2. Require the applicant to carry adequate liability insurance and provide a certificate of insurance;
  3. Require the applicant to provide medical support, sanitary services (including public restrooms), and security; and
  4. Impose additional conditions not specified under this Section on the conduct of the solicitation or event in the permit.
- E.** The Department may consider the following criteria to determine whether any of the actions in subsection (D) are necessary and in the best interest of the state:
1. Previous experience with similar solicitations or events;
  2. Deposits required for similar solicitations or events in Arizona;
  3. Risk data;
  4. Medical, sanitary, and security services required for similar solicitations or events in Arizona and the cost of those services; and
  5. The applicant's ability to pay a deposit, an insurance premium, or a service provider.
- F.** The Department shall not provide insurance or guarantee against damage to equipment or personal property of any person using Department property for a solicitation or event.
- G.** The facility shall designate the hours of use for Department property.
- H.** The Department shall inspect the solicitation or event site at the conclusion of activities and document any damage or cleanup costs incurred because of the solicitation or event. The applicant shall be responsible for any cleanup or damage costs associated with the solicitation or event.
- I.** An applicant shall not allow solicitors or event organizers or attendees to bring alcoholic beverages onto the solicitation or event site.
- J.** The Department shall approve or deny an application within 10 business days of the receipt of the completed application. The Department shall deny an application for any of the following reasons:
1. The solicitation or event interferes with the work of an employee or the daily business of the agency;
  2. The solicitation or event conflicts with the time, place, manner, or duration of other approved or pending solicitations or events;
  3. The content of the solicitation or event is unrelated to the Department's activities or its mission;
  4. The solicitation or event creates a risk of injury or illness to persons or risk of damage to property; or
  5. The applicant has not complied with the requirements of the application process or this Section.
- K.** The Department may revoke a permit for an approved application due to emergency circumstances or for an applicant's failure to comply with this Section or other applicable laws.
- L.** The Department shall send written notice, to an applicant denied a solicitation or event permit or whose solicitation or event permit is revoked, providing:
1. The reason for the denial or revocation, and
  2. The applicant's right to seek a hearing under A.R.S. § 41-1092 et seq.
- M.** A solicitor or event organizer shall be responsible for furnishing all necessary labor, material, and equipment for a solicitation or event.
- N.** A solicitor or event organizer shall post solicitation material only in designated posting areas.
- O.** A solicitor or event organizer is liable to the Department for damage to Department property and any expense arising out of the solicitor's or event organizer's use of Department property.
- P.** A solicitor or event organizer shall ensure that a solicitation or event on Department property causes the least amount of deg-

radation of Department property and the minimum infringement of use to the public and government operation. A solicitor or event organizer shall modify or terminate a solicitation or event, upon request by the Department, if the Department determines that the solicitation or event is found to exceed acceptable limits of degradation or infringement on Department property.

- Q.** When conducting an event on Department property, a solicitor or event organizer shall:
1. Park vehicles in designated parking areas.
  2. Obey all posted requirements and restrictions.
  3. Designate one person to act as a monitor for every 50 persons anticipated to attend the solicitation or event. The monitor shall act as a contact person for the Department for the purposes of the solicitation or event.
  4. Ensure that all safety standards, guidelines, and requirements are followed.
  5. Implement additional safety requirements upon request by the Department.
  6. Ensure all obstructions and hazards are eliminated.
  7. Ensure trash and waste is disposed of throughout the solicitation or event.
- R.** At all times, the Department reserves the right to immediately remove or cause to be removed all items of the solicitation or event that could damage state property, inhibit egress, or poses a safety issue. The Department also reserves the right to immediately remove or cause to be removed all solicitors, event organizers, or attendees damaging state property, inhibiting egress, or posing a threat to public health and safety.
- S.** The Department shall cancel or terminate the solicitation or event if a solicitor or event organizer fails to comply with a Department request or the following minimum safety requirements:
1. All solicitation or event activities shall comply with all applicable federal, state, and local laws, ordinances, statutes, rules, and regulations, including those of OSHA.
  2. The layout of the solicitation or event shall ensure that emergency vehicles will have access at all times.
  3. The Department may conduct periodic safety checks throughout the solicitation or event.
- T.** This Section does not apply to government agencies.

#### Historical Note

New Section made by exempt rulemaking at 9 A.A.R. 1424, effective June 14, 2003 (Supp. 03-2). Amended by exempt rulemaking at 17 A.A.R. 800, effective June 20, 2011 (Supp. 11-2).

### ARTICLE 9. ARIZONA WILDLIFE CONSERVATION FUND GRANTS

#### R12-4-901. Definitions

In addition to the definitions provided under A.R.S. §§ 17-101 and 41-2701, the following definitions apply to this Article, unless otherwise specified:

“Administrative subunit” means a branch, chapter, department, division, section, school, or other similar divisional entity of an eligible applicant. For example, an individual:

1. School, but not an entire school district;
2. Field office or project office, but not an entire agency; or
3. Administrative department, but not an entire city government.

“Eligible applicant” means any state agency, political subdivision, Indian tribe, or nonprofit organization that has met the applicable requirements of this Article and does not have an Arizona Wildlife Conservation Fund Grant in extension as authorized under R12-4-905(B).

“Facilities” means any structure or site improvements.

“Fund” means the Arizona Wildlife Conservation Fund, established under A.R.S. § 17-299.

“Grant Agreement” means the document that details the terms and conditions of a grant project that are binding on the participant and the Commission.

“Grant effective date” means the date the Department Director signs the Grant Agreement.

“Participant” means an eligible applicant who has been awarded a grant from the Arizona Wildlife Conservation Fund Grant.

“Project” means an activity, series of related activities, or services described in the scope of work and result in a specific end product.

“Project period” means the time during which a participant shall complete all approved work and related expenditures associated with an approved project.

“Representative” means an individual who is authorized to represent an eligible applicant or an administrative subunit and is responsible for administering a project.

“Term of public use” means the time period during which the project or facility is expected to be maintained for public use.

#### Historical Note

New Section made by final rulemaking at 11 A.A.R. 1109, effective April 30, 2005 (Supp. 05-1). Amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2).

#### R12-4-902. General Provisions

- A.** An applicant shall submit to the Department an Arizona Wildlife Conservation Fund grant application according to a schedule of due dates determined by the Director as prescribed under A.R.S. Title 41, Chapter 24, Article 1. In compliance with A.R.S. § 41-2702, the Department shall:
1. Provide public notice of the time, location, and due date for application submission; and
  2. Furnish materials necessary to complete the application.
- B.** An eligible applicant may apply for a grant from the Arizona Wildlife Conservation Fund as prescribed under A.R.S. § 17-299 and this Article.
- C.** The Department shall notify an applicant in writing of the results of the applicant’s submission and announce Arizona Wildlife Conservation Fund Grant awards at a regularly scheduled open meeting of the Commission.
- D.** The Department shall distribute awarded Arizona Wildlife Conservation Fund Grant funds at its sole discretion, dependent on the proposed project scope of work. The Department may perform inspections and reviews before releasing final payment.
- E.** A participant shall not begin a project described in an application until after the grant effective date.
- F.** A participant shall complete the project as specified under the terms and conditions of the Grant Agreement.
- G.** An applicant shall demonstrate ownership or control of the project. Ownership or control may be demonstrated through fee title, lease, easement, or agreement. For all other project types related to sites not controlled by an applicant, an applicant shall provide written permission from the property owner authorizing the project activities and access. To be eligible for an Arizona Wildlife Conservation Fund Grant, the applicant’s ownership or control or written permission shall demonstrate:

1. Permission for access is not revocable at will by the property owner, and
  2. Public access will be granted to the project site for the life of the project, unless the purpose of the project proposal is to limit access.
- H.** A non-profit participant shall provide public access to any land that is wholly or partly purchased with grant monies, unless specified otherwise.
- I.** A participant shall deposit transferred Arizona Wildlife Conservation Fund Grant funds in a separate non-interest bearing account, carrying the name and number of the project.
- J.** A participant shall use awarded Arizona Wildlife Conservation Fund grant monies solely for the purposes defined under A.R.S. § 17-299, as approved by the Department. The participant shall not exceed the grant allocation unless both parties agree to amend the Grant Agreement.
- K.** If applicable, a participant shall operate and maintain grant-assisted project facility improvements, provide reasonable protection of any project improvements, and ensure that public access is maintained as specified in the Grant Agreement.
- L.** A participant shall pay all costs associated with the operation and maintenance of properties, facilities, equipment, services, publications and other media funded by a grant for the term of the public use as specified in the Grant Agreement.
- M.** A participant shall give public acknowledgment of Arizona Wildlife Conservation Fund grant assistance for the term of public use. If a project involves acquisition of property or improvements, development of public access, or renovation of a habitat site, the participant shall install a permanent sign describing the funding sources. The participant may include the cost of the signage as part of the project. The participant is responsible for maintenance or replacement of the sign as required. For other project types, the participant shall include Arizona Wildlife Conservation Fund grant funding acknowledgment on any publicly available or accessible products resulting from the project.
- N.** A participant shall not use grant monies to replace monies already budgeted for the project.
- O.** A participant shall ensure that real property purchased with grant assistance is appraised by a state certified appraiser within six months before the acquisition, in accordance with the Uniform Standards of Professional Appraisal Practice. The Department has the authority to select an appraiser for an independent evaluation if the Department determines the participant's appraised value of the real property is not accurate.
- P.** If a balance of awarded Arizona Wildlife Conservation Grant funds remain upon completion of approved project elements, the participant may, with Department approval, use those unexpended funds for an additional project consistent with the original scope of work, or surrender those unexpended funds to the Department.
- Q.** A participant shall use equipment purchased with Arizona Wildlife Conservation Grant funds in a manner consistent with the purposes of the Grant Agreement and surrender the equipment to the Department upon completion of the project if the equipment has an acquisition cost of more than \$500.
- R.** A participant is responsible for ensuring compliance with all applicable local, state and federal laws before the release of Arizona Wildlife Conservation Grant Funds and during project implementation.
- S.** In accordance with A.R.S. Title 41, Chapter 24, an unsuccessful applicant may submit an appeal.
- T.** A participant shall bear full responsibility for compliance by subcontractors of the terms and conditions of the Grant Agreement.
- U.** The Department may inspect or audit participant and subcontractor records. Upon the Department's request, a participant or subcontractor shall produce a legible copy of these records. The participant is responsible for the acceptable performance of a subcontractor under each subcontract.
- V.** A participant who fails to comply with the terms or conditions of a Grant Agreement is not eligible to apply for other grants until the applicant's project is brought into compliance.
- W.** If a representative has a grant-funded project that has been extended under R12-4-905, an administrative subunit that employs the representative is not eligible to apply for other grants until the project is completed.
- X.** When applicable, the Department shall comply with A.R.S. Title 41, Chapter 4.2, and the applicant shall provide evidence to the Department that the applicant has satisfied all the necessary requirements of these statutes established under this rule, including the proposed project's potential impact on historical and archaeological properties and resources.

#### Historical Note

New Section made by final rulemaking at 11 A.A.R. 1109, effective April 30, 2005 (Supp. 05-1). Amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2).

#### R12-4-903. Grant Application

- A.** To be considered for an Arizona Wildlife Conservation Fund grant, an eligible applicant shall submit a grant application as established under this Article and in compliance with the Arizona Wildlife Conservation Fund Grant application materials.
- B.** An applicant shall provide the following information on the Arizona Wildlife Conservation Fund grant application form:
1. The name of the applicant;
  2. The name, title, mailing address, e-mail address, and telephone number of the applicant's representative or individual responsible for the day-to-day management of the proposed project;
  3. Any county and legislative district where the project will be developed or upon which the project will have a direct impact;
  4. A descriptive project title;
  5. The name of the site, primary location, and any other locations of the project;
  6. Description of the:
    - a. Scope of work and the objective of the proposed project;
    - b. Methods for achieving the objective; and
    - c. Desired result of the project;
  7. The beginning and ending dates for the project;
  8. The resources that will be needed to accomplish the project, including the grant monies requested, and if applicable, evidence of secured matching funds or contributions; and
  9. Any additional supporting information that may be required by the Department.
- C.** If the applicant is a nonprofit organization exempt from federal income taxation under Section 501(c) of the Internal Revenue Code, the applicant shall also submit documentation or other evidence of its exemption.
- D.** Upon request, an applicant or the applicant's representative shall provide documentation to the Department of the representative's authority to sign an application and execute a Grant Agreement.
- E.** An applicant shall submit an estimated cost sheet for the scope of work that contains the following information, if applicable:
1. The project title, as designated on the application form;

2. A list of all land parcels to be acquired, in priority order, with the acreage involved and anticipated dates of acquisition;
3. The hourly rate, title, and name of personnel who will accomplish the project objectives; and
4. The total cost for the entire project proposal with each of the following amounts listed separately:
  - a. Grant monies requested;
  - b. Applicant match for the project, if applicable; and
  - c. Any other sources of funding.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1109, effective April 30, 2005 (Supp. 05-1). R12-4-903 renumbered to R12-4-904; new Section R12-4-903 renumbered from R12-4-904 and amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2).

**R12-4-904. Review of Proposals**

- A. Grant proposals are competitive and the Department shall recommend awards based on a proposed project's compatibility with the priorities of the Department, as approved by the Commission, and to the extent that these priorities and factors are consistent with A.R.S. § 17-299.
- B. If applicable, the Department may require an applicant to modify the application prior to awarding an Arizona Wildlife Conservation Fund grant, if the Department determines that the modification is necessary for the successful completion of the project. In these cases, the applicant shall provide the information requested within 10 working days from the date on the notification provided by the Department.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1109, effective April 30, 2005 (Supp. 05-1). R12-4-904 renumbered to R12-4-903; new Section R12-4-904 renumbered from R12-4-903 and amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2).

**R12-4-905. Grant Agreement**

- A. Before the Department transfers any funds, the applicant shall sign the Grant Agreement.
- B. A participant may request an extension beyond the approved project period by writing to the Department. Requests for an extension shall be submitted by the participant no later than 30 days before the end of the project period. If approved, an extension shall be signed by both the participant and the Department.
- C. Notwithstanding subsection (B), the Department may extend the project period for good cause such as, but not limited to, inclement weather or internal personnel changes.
- D. The Department and the participant may amend the Grant Agreement during the project period. A participant seeking to amend the Grant Agreement shall submit a written request that includes justification to amend the Grant Agreement. The Department shall prepare any approved amendment in writing and both the Department and the participant shall sign the amendment.
- E. If a participant is in default of the Grant Agreement, the Department may:
  1. Terminate the Grant Agreement,
  2. Seek recovery of grant monies awarded, and
  3. Classify the participant as ineligible for Arizona Wildlife Conservation Fund Grants for a period of up to five years.

- F. The Department, at its sole discretion, has the authority to include additional conditions in the Grant Agreement prior to signing the Agreement and through Amendment.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1109, effective April 30, 2005 (Supp. 05-1). Amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2).

**R12-4-906. Reporting and Recordkeeping Requirements**

- A. A participant shall submit project status reports to the Department as specified in the Grant Agreement. The project status report shall include the following, when applicable:
  1. Progress in completing approved work;
  2. Itemized, cumulative project expenditures;
  3. A financial accounting of:
    - a. Arizona Wildlife Conservation Fund Grants,
    - b. Matching funds,
    - c. Donations, and
    - d. Income derived from project funds;
  4. Any delays or problems that may prevent the on-time completion of the project; and
  5. Any other information required by the Department.
- B. Each participant shall retain and shall contractually require each subcontractor to retain all books, accounts, bank statements, reports, files, and other records that pertain to the acquisition and performance of the contract for a period of five years from the end date of the project period. The Department may inspect and audit participant and subcontractor records as prescribed under A.R.S. § 35-214. Upon the Department's request, a participant or subcontractor shall produce a legible copy of these records.
- C. At the end of the project period and for each year until the end of the term of public use, a participant shall:
  1. Certify compliance with the Grant Agreement; and
  2. Complete a post-completion report form, furnished by the Department.
- D. A participant shall submit project status reports, as required under this subsection. If a participant fails to submit a project status report, the Department may not release any remaining grant monies until the participant has submitted all past due project status reports.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1109, effective April 30, 2005 (Supp. 05-1). Amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2).

**ARTICLE 10. RESERVED**

**ARTICLE 11. AQUATIC INVASIVE SPECIES**

**R12-4-1101. Definitions**

In addition to the definitions provided under A.R.S. §§ 5-301 and 17-255, the following definitions apply to this Article, unless otherwise specified:

"Aquatic invasive species" means those species listed in Director's Order 1.

"Certified agent" means a person who meets Department standards to conduct inspections authorized under A.R.S. § 17-255.01(C)(1).

"Conveyance" means a device designed to carry or transport water. Conveyance includes, but is not limited to, dip buckets, water hauling tanks, and water bladders.

"Equipment" means an item used either in or on water; or to carry water. Equipment includes, but is not limited to,

trailers used to launch or retrieve watercraft, rafts, inner tubes, kick boards, anchors and anchor lines, docks, dock cables and floats, buoys, beacons, wading boots, fishing tackle, bait buckets, skin diving and scuba diving equipment, submersibles, pumps, sea planes, and heavy construction equipment used in aquatic environments.

“Operator” means a person who operates or is in actual physical control of a watercraft, vehicle, conveyance or equipment.

“Owner” means a person who claims lawful possession of a watercraft, vehicle, conveyance, or equipment.

“Person” has the same meaning as defined under A.R.S. § 1-215.

“Release” means to place, plant, or cause to be placed or planted in waters.

“Transporter” means a person responsible for the overland movement of a watercraft, vehicle, conveyance, or equipment.

“Waters” means surface water of all sources, whether perennial or intermittent, in streams, canyons, ravines, drainage systems, canals, springs, lakes, marshes, reservoirs, ponds, and other bodies or accumulations of natural, artificial, public or private waters situated wholly or partly in or bordering this state.

#### Historical Note

New Section made by final rulemaking at 18 A.A.R. 196, effective January 10, 2012 (Supp. 12-1).

#### **R12-4-1102. Aquatic Invasive Species; Prohibitions; Inspection, Decontamination Protocols**

- A.** A person shall not, unless authorized under Article 4:
1. Possess, import, ship, or transport into or within this state an aquatic invasive species, unless authorized by the Director.
  2. Sell, purchase, barter, or exchange in this state an aquatic invasive species.
  3. Release an aquatic invasive species into waters or into any water treatment facility, water supply or water transportation facility, device or mechanism in this state.
- B.** Upon removing a watercraft, vehicle, conveyance, or equipment from any waters listed in Director’s Order 2 and before leaving that location, a person shall:
1. Remove all clinging materials such as plants, animals, and mud.
  2. Remove any plug or other barrier that prevents water drainage or, where none exists, take reasonable measures to drain or dry all compartments or spaces that hold water. Reasonable measures include, but are not limited to, emptying bilges, application of absorbents, or ventilation.
- C.** Before transporting a watercraft, vehicle, conveyance, or equipment to any waters located within or bordering this state from waters or locations where aquatic invasive species are suspected or known to be present, as listed in Director’s Order 2, a person shall comply with the mandatory conditions and protocols identified in Director’s Order 3 for decontamination of watercraft, vehicles, conveyances, and equipment.
- D.** Department employees, certified agents, and Arizona peace officers authorized under A.R.S. § 17-104 may inspect a watercraft, vehicle, conveyance, or equipment for the purposes of determining compliance with A.R.S. Title 17, Chapter 2, Article 3.1 and this Section.
- E.** If the presence of an aquatic invasive species is documented or suspected on or in a watercraft, vehicle, conveyance, or equip-

ment, a Department employee or any Arizona peace officer may order the person to decontaminate or cause to be decontaminated such watercraft, vehicles, conveyances, and equipment using the mandatory protocols described in Director’s Order 3.

- F.** The following Director’s Orders are available at any Department office and online at azgfd.gov:
1. Director’s Order 1 – Listing of Aquatic Invasive Species for Arizona;
  2. Director’s Order 2 – Designation of Waters or Locations Where Listed Aquatic Invasive Species are Present; and
  3. Director’s Order 3 – Mandatory Conditions on the Movement of Watercraft, Vehicles, Conveyances, or Other Equipment from Listed Waters Where Aquatic Invasive Species are Present.
- G.** This Section does not apply to owners and operators exempt under A.R.S. § 17-255.04.

#### Historical Note

New Section made by final rulemaking at 18 A.A.R. 196, effective January 10, 2012 (Supp. 12-1).

#### **EMERGENCY RULEMAKING**

##### **R12-4-1103. Definitions**

In addition to the definitions provided under A.R.S. §§ 5-301 and 17-255, the following definitions apply to this Article, unless otherwise specified:

“Aquatic invasive species” means those species listed in Director’s Order 1.

“Certified agent” means a person who meets Department standards to conduct inspections authorized under A.R.S. § 17-255.01(C)(1).

“Conveyance” means a device designed to carry or transport water. Conveyance includes, but is not limited to, dip buckets, water hauling tanks, and water bladders.

“Equipment” means an item used either in or on water; or to carry water. Equipment includes, but is not limited to, trailers used to launch or retrieve watercraft, rafts, inner tubes, kick boards, anchors and anchor lines, docks, dock cables and floats, buoys, beacons, wading boots, fishing tackle, bait buckets, skin and scuba diving equipment, submersibles, pumps, sea planes, and heavy construction equipment used in aquatic environments.

“Operator” means an individual who operates or is in actual physical control of the watercraft, vehicle, conveyance, or equipment.

“Owner” means any individual, firm, corporation, partnership, or association that claims lawful possession of a watercraft, vehicle, conveyance, or equipment.

“Person” means an owner, operator, or transporter of a watercraft, vehicle, conveyance, or equipment.

“Release” means to place, plant, or cause to be placed or planted in waters.

“Transporter” means any individual, firm, corporation, partnership, or association responsible for the overland movement of watercraft, vehicles, conveyances, or equipment.

“Waters” means surface water of all sources, whether perennial or intermittent, in streams, canyons, ravines, drainage systems, canals, springs, lakes, marshes, reservoirs, ponds, and other bodies or accumulations of natural, artificial, public or private waters situated wholly or partly in or bordering this state.

**Historical Note**

New Section made by emergency rulemaking at 17 A.A.R. 1218, effective June 2, 2011 for 180 days (Supp. 11-2). Section renewed by emergency rulemaking at 17 A.A.R. 2376, effective November 3, 2011 (Supp. 11-4).

**EMERGENCY RULEMAKING****R12-4-1104. Aquatic Invasive Species; Prohibitions; Inspection, Decontamination Protocols**

- A.** A person shall not, unless authorized by the Commission under Article 4:
1. Possess, import, ship, or transport into or within this state an aquatic invasive species, unless authorized by the Director.
  2. Sell, purchase, barter, or exchange in this state an aquatic invasive species.
  3. Release an aquatic invasive species into waters or into any water treatment facility, water supply or water transportation facility, device or mechanism in this state.
- B.** Upon removing a watercraft, vehicle, conveyance, or equipment from any waters listed in Director's Order 2 and before leaving that location, a person shall:
1. Remove all clinging materials such as plants, animals, and mud.
  2. Remove any plug or other barrier that prevents water drainage or, when none exists, take reasonable measures to drain or dry all compartments or spaces that hold water. Reasonable measures include, but are not limited to, emptying bilges, application of absorbents, or ventilation.

- C.** Before transporting watercraft, vehicles, conveyances, or equipment to any waters located within or bordering this state from waters where aquatic invasive species are suspected or known to be present, as listed in Director's Order 2, a person shall comply with the mandatory conditions and protocols identified in Director's Order 3 for decontamination of watercraft, vehicles, conveyances, and equipment.
- D.** Department employees, certified agents, and Arizona peace officers authorized under A.R.S. § 17-104 may inspect watercraft, vehicles, conveyances, and equipment for the purposes of determining compliance with A.R.S. Title 17, Chapter 2, Article 3.1 and this Section.
- E.** If the presence of an aquatic invasive species is documented or suspected on or in a watercraft, vehicle, conveyance, or equipment, a Department employee or Arizona peace officer may order the person to decontaminate or cause to be decontaminated such watercraft, vehicles, conveyances, and equipment using the protocols described in Director's Order 3.
- F.** Director's Order 1 – Aquatic Invasive Species List, Director's Order 2 – Designation of Waters or Locations Where Aquatic Invasive Species are Present, and Director's Order 3 – Mandatory Conditions on Movement from Listed Waters are available at any Department office and online at [azgfd.gov](http://azgfd.gov).
- G.** This Section does not apply to owners and operators exempt under A.R.S. § 17-255.04.

**Historical Note**

New Section made by emergency rulemaking at 17 A.A.R. 1218, effective June 2, 2011 for 180 days (Supp. 11-2). Section renewed by emergency rulemaking at 17 A.A.R. 2376, effective November 3, 2011 (Supp. 11-4).