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ARTICLE 1. GENERAL PROVISIONS

5-301. Definitions

In this chapter, unless the context otherwise requires:

1. "Commercial motorized watercraft" means a motorized watercraft that carries passengers or property for a valuable consideration that is paid to the owner, charterer, operator or agent or to any other person interested in the watercraft.

2. "Commission" means the Arizona game and fish commission.

3. "Department" means the Arizona game and fish department.

4. "Motorboat" means any watercraft that is not more than sixty-five feet in length and that is propelled by machinery whether or not such machinery is the principal source of propulsion.

5. "Motorized watercraft" means any watercraft that is propelled by machinery whether or not the machinery is the principal source of propulsion.

6. "Operate" means to operate or be in actual physical control of a watercraft while on public waters.

7. "Operator" means a person who operates or is in actual physical control of a watercraft while on public waters.

8. "Person" includes any individual, firm, corporation, partnership or association, and any agent, assignee, trustee, executor, receiver or representative thereof.

9. "Public waters" means any body of water which is publicly owned or which the public is permitted to use without permission of the owner upon which a motorized watercraft can be navigated, including that part of waters common to interstate boundaries which is within the boundaries of this state.

10. "Revocation" means invalidating the certificate of number, numbers and annual validation decals issued by the department to a watercraft and prohibiting the operation of the watercraft on the waters of this state during a period of noncompliance with this chapter.

11. "Sailboard" means any board of less than fifteen feet in length which is designed to be propelled by wind action upon a sail for navigation on the water by a person operating the board.

12. "Special anchorage area" means an area set aside and under the control of a federal, state or local governmental agency, or by a duly authorized marina operator or concessionaire for the mooring, anchoring or docking of watercraft.

13. "Underway" means that a watercraft on public waters is not at anchor, is not made fast to the shore or is not aground.

14. "Undocumented watercraft" means any watercraft which does not have and is not required to have a valid marine document as a watercraft of the United States.

15. "Wakeless speed" means a speed that does not cause the watercraft to create a wake, but in no case in excess of five miles per hour.

16. "Watercraft" means any boat designed to be propelled by machinery, oars, paddles or wind action upon a sail for navigation on the water, or as may be defined by rule of the commission.

17. "Waterway" means any body of water, public or private, upon which a watercraft can be navigated. **1994**

5-302. Application of chapter

A. The provisions of this chapter apply to all watercraft operating on all of the waterways of this state, including that part of waters common to interstate boundaries which is within the boundaries of this state, excluding vessels owned by agencies of the federal government in performance of their official duties.

B. The provisions of section 5-391, subsections F and G and sections 5-329 and 5-393 apply to all watercraft in this state, whether or not operating on waterways of this state, and includes watercraft operating on waterways that are part of water common to interstate boundaries which are within the boundaries of this state. **1987**

ARTICLE 2. POWERS AND DUTIES

5-311. Powers and duties of the commission

A. The commission may:

1. Make rules and regulations required to carry out in the most effective manner all the provisions of this chapter.

2. Modify the equipment requirements in conformity with the provisions of the federal navigation laws or with the navigation regulations promulgated by the United States coast guard.

3. Prescribe additional equipment requirements not in conflict with federal navigation laws or regulations.

4. Provide for a uniform waterway marking system and establish, operate and maintain aids to navigation and regulatory markers on the waters of this state.

5. Make regulations for the registration and operation of watercraft.

6. Prescribe regulations for the issuance of permits for motor boat races, regattas or other watercraft events.

7. Administer the law enforcement and boating safety program on the state level, and accept federal grants for the purpose of boating safety and related enforcement.

B. Regulations established under this section shall not be in conflict with those prescribed by the United States coast guard. **1981**

ARTICLE 3. REGISTRATION AND TAXATION OF WATERCRAFT

5-321. Numbering; registration fees; exemption from taxation; penalty; procedures

A. Except as provided in section 5-322, the owner of each motorized watercraft requiring numbering by this state shall file an application for a registration number with the department, or its agent, on forms approved by the department. Except as provided by rule adopted by the commission, the application shall be signed by the owner of the motorized watercraft and shall be accompanied by a registration fee levied at the following rates:

1. For a resident owner, defined as a person who owns a boat for which registration is required and who is required to and does register motor vehicles owned by the person in this state or, if no motor vehicle is owned by the person owning the boat, the person is a resident as defined by section 28-2001, a registration fee as follows:

Twelve feet and less	$20.00
Twelve feet one inch through sixteen feet	$22.00
Sixteen feet one inch through twenty feet	$30.00
Twenty feet one inch through twenty-six feet	$35.00
Twenty-six feet one inch through thirty-nine feet	$39.00
Thirty-nine feet one inch through sixty-four feet	$44.00
Sixty-four feet one inch and over	$66.00

2. For a nonresident owner, defined as any person who owns a boat for which registration is required and who is not a resident owner as defined by this section, a registration fee as follows:

Twelve feet and less	$100.00
Twelve feet one inch through sixteen feet	$110.00
Sixteen feet one inch through twenty feet	$222.00
Twenty feet one inch through twenty-six feet	$259.00
Twenty-six feet one inch through thirty-nine feet	$292.00
Thirty-nine feet one inch through sixty-four feet	$330.00
Sixty-four feet one inch and greater	$495.00

B. Pursuant to article IX, section 16, Constitution of Arizona, watercraft are exempt from ad valorem property tax and from license taxes in lieu of property tax.

C. The length of the motorized watercraft shall be measured from the most forward part of the bow excluding the bowsprit or jibboom, over the centerline to the rearmost part of the transom excluding sheer, outboard motor, rudder, handles or other attachments.

D. The commission may assess an additional registration fee, to be collected at the same time and in the same manner as the registration fee imposed by subsection A, paragraph 1 or 2 of this section. The amount of the additional fee shall be determined by the commission and may be imposed in different amounts with respect to resident and nonresident owners. An additional registration fee under this subsection is to be used solely for the purpose of the lower Colorado river multispecies conservation program under section 48-3713.03.

E. Upon receipt of the application in approved form with the applicable fees and license tax, the department or its agent shall enter the application on the records of its office and issue to the applicant two current annual decals and a certificate of number stating the number issued to the watercraft and the name and address of the owner. The owner shall display the assigned number and the current annual decals in such manner as may be prescribed by rules of the commission. The number and decals shall be maintained in legible condition. The certificate of number or commission approved proof of valid certificate of number, except as provided in section 5-371, shall be available at all times for inspection by a peace officer whenever the watercraft is in operation. No number issued by another state or the United States coast guard, unless granted exemption or exception pursuant to this chapter, shall be displayed on the watercraft.

F. No motorized watercraft shall be purchased, sold or otherwise transferred without assignment by the owner of the current numbering certificate or other documentation as may be prescribed by rules of the commission. Within fifteen days after such transfer, the person to whom such transfer is made shall make application to the department to have the motorized watercraft registered in the person's name by the department, for which the department shall charge a transfer fee of four dollars. The department shall not issue or transfer a numbering certificate for a motorized watercraft to a person who is subject to the use tax under title 42, chapter 5, article 4 unless the applicable tax has been paid as shown by a receipt from the collecting officer. Persons doing business as marine dealers and licensed as such by this state are not required to register in their name any watercraft in their possession that may be offered for resale.

G. In the event of the loss or destruction of the certificate of number or annual decal, the department shall issue a duplicate to the owner upon payment of a fee of two dollars.

H. The department may issue any certificate of number directly or may authorize any person to act as agent for the issuance of the certificate of number in conformity with this chapter and with any rules of the commission. An agent that contracts with the commission to renew certificates of number by telecommunication may impose additional fees for the services as provided in the contract.

I. The owner shall furnish to the department notice of the transfer of all or any part of the owner's interest other than the creation of a security interest in a motorized watercraft numbered in this state pursuant to the provisions of this chapter or of the destruction or abandonment of such watercraft within fifteen days. Such transfer, destruction or abandonment shall terminate the certificate of number of such watercraft, except that in the case of a transfer of a part interest which does not affect the owner's right to operate such watercraft, the transfer shall not terminate the certificate of number.

J. Any holder of a certificate of number shall notify the department within fifteen days if the holder's address no longer conforms to the address appearing on the certificate and shall, as a part of such notification,

furnish the department with the holder's new address. The commission may provide in its rules for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or the alteration of an outstanding certificate to show the new address of the holder.

K. On renewal of any motorized watercraft registration that has not been renewed by the current expiration date, the department shall assess a penalty unless the watercraft ownership has been transferred and the watercraft was not registered subsequent to the expiration date. The commission shall establish the penalty which shall not exceed fifteen dollars. If more than twelve months have lapsed since the expiration date of the last registration or renewal the penalty and back fees are waived. 2005

5-321.01. Staggered watercraft registration; rules

A. The commission shall establish a system of staggered registration on a monthly basis in order to distribute the work of registering watercraft as uniformly as practicable throughout the twelve months of the calendar year.

B. All watercraft registrations provided for in this article expire in accordance with the schedules established by the commission. The commission may set the number of renewal periods within a month from one each month to one each day depending on which system is most economical and best accommodates the public.

C. The commission, in order to initiate the staggered registration system, may register a watercraft for a period of greater or less than twelve months up to a period of eighteen months. If a registration period is set for a period other than twelve months the commission may prorate the registration fee.

D. The commission shall adopt rules necessary to accomplish the purposes of this section. 2005

5-322. Motorized watercraft to be numbered; exceptions

A. All undocumented motorized watercraft whether underway, moored or anchored on the waters within the boundaries of the state shall be numbered in accordance with this chapter or rules of the commission in accordance with the federally approved numbering system except:

1. Foreign watercraft temporarily using the waters of the state.

2. Military or public vessels of the United States, except recreational type public vessels.

3. Watercraft used solely as lifeboats.

4. Undocumented watercraft operating under a valid temporary certificate issued pursuant to rules adopted by the commission.

B. Motorized watercraft owned and operated exclusively by the state or by any political subdivision of the state shall be numbered, but no registration fee shall be paid on the watercraft.

C. All nonresident owners of motorized watercraft when in the course of interstate operation displaying a current and valid number issued under an approved federal numbering system of the United States coast guard, a state, the Commonwealth of Puerto Rico, the Virgin Islands, Guam or the District of Columbia shall register such watercraft with the department prior to the expiration of the reciprocity period prescribed by rules of the commission.

D. All nonresident-owned motorized watercraft, when in the course of interstate operation and not required to be numbered in their state of principal use, shall comply with the requirements of subsection C of this section.

E. Except as provided in subsection F of this section, any person who is a resident of this state and who is the owner of a motorized watercraft shall number the watercraft pursuant to section 5-321 prior to operating such watercraft on the waterways of the state.

F. When this state becomes the new state of principal use of a motorized watercraft displaying a current number issued under a federally approved numbering system, the validity of such number shall be recognized for a period of ninety days. Upon expiration of the ninety-day period and prior to any subsequent use, the owner shall number any motorized watercraft pursuant to section 5-321.

G. Each dealer or manufacturer in this state engaged in the sale of motorized watercraft using the watercraft for demonstration shall obtain one or more dealer watercraft certificates of number with the current validating decals. Applications, renewal and display of certificates of number shall be as prescribed in this chapter or by rules of the commission, except that the annual fee will be two dollars fifty cents for each certificate of number and accompanying current decals. 2005

5-323. Disposition of fees

Each month monies received from the registration fees received under this chapter for the numbering of watercraft shall be deposited, pursuant to sections 35-146 and 35-147, in a fund designated as the watercraft registration fee clearing account. Each month, on notification by the department, the state treasurer shall distribute the monies in the clearing account as follows:

1. All revenues collected from the registration fees collected pursuant to section 5-321, subsection A, paragraphs 1 and 2 shall be allocated as follows:

(a) Sixty-five per cent shall be deposited in a special fund to be known as the watercraft licensing fund. The watercraft licensing fund is to be used by the department for administering and enforcing this chapter and providing an information and education program relating to boating and boating safety. These monies are subject to legislative appropriation.

(b) Thirty-five per cent of such revenues shall be further allocated as follows:

(i) Fifteen per cent to the state lake improvement fund to be used as prescribed by section 5-382.

(ii) Eighty-five per cent to the law enforcement and boating safety fund to be used as prescribed by section 5-383.

2. All revenues collected from any additional registration fees collected pursuant to section 5-321, subsection C shall be paid to an account designated by a multi-county water conservation district established under title 48, chapter 22 to be used solely for the lower

Colorado river multispecies conservation program and for no other purpose. 2005

5-324. Public records; identification of requester; supplying information by mail; records custodians; certification of records

A. All records of the department made or kept pursuant to this article are public records.

B. The department shall furnish information or copies from the records kept pursuant to this section subject to sections 39-121.01 and 39-121.03.

C. Persons requesting a copy of a public record pursuant to this section shall identify themselves and state the reason for making the request. The department shall verify the name and address of the person making the request by requiring the person to produce necessary information to ensure that the information given is true and correct.

D. The department shall not divulge any information from a watercraft registration record unless the person requesting the information provides the following:

1. The name of the owner.
2. The hull identification number of the watercraft.
3. The department issued number assigned to the watercraft.

E. The procedures required by subsections C and D of this section do not apply to:

1. This state or any of its departments, agencies or political subdivisions.
2. A court.
3. A law enforcement officer.
4. A licensed private investigator.
5. Financial institutions and enterprises under the jurisdiction of the department of financial institutions or a federal monetary authority.
6. The federal government or any of its agencies.
7. An attorney admitted to practice in this state who alleges the information is relevant to any pending or potential court proceeding.
8. An operator of a self-service storage facility located in this state who alleges both of the following:

(a) That the watercraft on which the operator is requesting the record is in the operator's possession.

(b) That the record is requested to allow the operator to notify the registered owner and any lienholders of record of the operator's intent to foreclose its lien and to sell the watercraft.

9. A towing company located in this state that alleges both of the following:

(a) That the watercraft on which the towing company is requesting the record is in the towing company's possession.

(b) That the record is requested to allow the towing company to notify the registered owner and any lienholders of record, if known, of the towing company's intent to sell the watercraft.

F. The department may supply the requested information by mail or telecommunications.

G. The director may designate as custodian of the department's public records those department employees the director deems necessary. If a public record of the department has been certified by a records custodian and authenticated as required under proof of records (records of public officials), rules of civil procedure and the rules of evidence for courts in this state, it is admissible in evidence without further foundation.

H. Notwithstanding subsection D of this section, information may be supplied for commercial purposes, as defined in section 39-121.03, if the information is transmitted in a machine readable form such as computer magnetic tape to the person making the request.

I. The department shall maintain for a period of at least one year a file of requests for information that shall be maintained by the name of the person whose record was requested, except those requests made by government agencies. 2004

5-325. Investment of temporary monies; earned interest

On notice from the commission, the state treasurer shall invest and divest monies in the fund as provided by section 35-313, and monies earned from investment shall be credited to the fund. 2000

ARTICLE 4. REQUIRED EQUIPMENT

5-331. Personal flotation devices; exceptions

A. All watercraft, except sailboards, shall carry United States coast guard approved personal flotation devices of the type and category prescribed by regulations of the commission. There shall be one such device in good and serviceable condition for each person on board and so placed as to be readily accessible for immediate use.

B. Any person being towed behind a watercraft shall wear a buoyant belt or personal flotation device while being towed except for a performer engaged in a professional exhibition.

C. A child twelve years of age or under on board a watercraft shall wear a United States coast guard approved type I, II or III personal flotation device whenever the watercraft is underway.

D. The provisions of subsection C shall not apply to small passenger vessels that are not for hire on navigable waters, that maintain a coast guard certificate of inspection and that are being operated by United States coast guard licensed pilots within a distance of one-fourth mile from the nearest shore as a means of transporting passengers and when the duration of time the vessel is underway on the water does not exceed ten minutes. 1992

5-332. Fire extinguishers

A. All watercraft, unless exempted by the commission, carrying as fuel any volatile liquid having a flash point of one hundred ten degrees fahrenheit or less shall have aboard a readily accessible United States coast guard approved fire extinguisher in a condition available for immediate and effective use.

B. All watercraft over twenty-six feet in length and carrying as fuel any volatile liquid having a flash point of one hundred ten degrees fahrenheit or less shall have aboard such fire extinguishers as may be prescribed or approved by the regulations of the United States coast guard. 1972

5-333. Classification of watercraft; lights

A. Watercraft subject to the provisions of this chapter shall be divided into four classes as follows:

1. Class A. Less than sixteen feet in length.

2. Class 1. Sixteen feet or over and less than twenty-six feet in length.

3. Class 2. Twenty-six feet or over and less than forty feet in length.

4. Class 3. Forty feet or over and not more than sixty-five feet in length.

B. Every motorboat, in all weather from sunset to sunrise, shall carry and exhibit the following lights when underway and, during such time, no other lights which may be mistaken for those prescribed shall be exhibited:

1. Every motorboat of classes A and 1 shall carry the following lights:

(a) A bright white light aft to show all around the horizon.

(b) A combined light in the fore part of the watercraft and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points (22½°) abaft the beam on their respective sides.

2. Every motorboat of classes 2 and 3 shall carry the following lights:

(a) A bright white light in the fore part of the watercraft as near the stem as practicable, so constructed as to show the unbroken light over an arc of the horizon of twenty points (225°) of the compass, so fixed as to throw the light ten points (112½°) on each side of the watercraft, namely, from right ahead to two points (22½°) abaft the beam on either side.

(b) A bright white light aft, mounted higher than the white light forward, to show all around the horizon.

(c) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of ten points (112½°) of the compass, so fixed as to throw the light from right ahead to two points (22½°) abaft the beam on the starboard side. On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of ten points (112½°) of the compass, so fixed as to throw the light from right ahead to two points (22½°) abaft the beam on the port side. The side lights shall be fitted with inboard screens so set as to prevent these lights from being seen across the bow.

3. Motorboats of classes A and 1 when propelled by sail alone shall exhibit the combined light prescribed by paragraph 1 of this subsection and a twelve point (135°) white light aft. Motorboats of classes 2 and 3, when so propelled, shall exhibit the colored side lights, suitably screened as prescribed by paragraph 2 of this subsection and a twelve point (135°) white light aft.

4. Every white light prescribed by this section shall be of such character as to be visible at a distance of at least two miles. Every colored light prescribed by this section shall be of such character as to be visible at a distance of at least one mile. The word "visible" in this subsection, when applied to lights, shall mean visible on a dark night with clear atmosphere.

5. When propelled by sail and machinery, every motorboat shall carry the lights required by this section for a motorboat propelled by machinery only.

6. All other watercraft over sixty-five feet in length and those propelled solely by wind effect on the sail shall display lights prescribed by the federal regulations.

C. Manually propelled watercraft shall carry, ready at hand, a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision. Manually propelled watercraft used on the waters of this state where power driven watercraft are prohibited are exempt from the provisions of this section.

D. Any watercraft may carry and exhibit the lights required by the international rules of the road as adopted by the federal regulations for preventing collisions at sea, 1960, federal act of September 24, 1963, (33 USC 1051-1053 and 1061-1064) as amended, in lieu of the lights required by subsection B of this section.

E. All watercraft, when anchored, other than in a special anchorage area, shall, from sunset to sunrise, carry and display a steady white light visible all around the horizon for a distance of no less than two miles.

F. No watercraft may display a blue light of any size or type unless it is either an authorized law enforcement watercraft of the federal, state or local government actually engaged in the enforcement of this chapter or an emergency watercraft. **1972**

5-334. Flame arrestor

All watercraft using gasoline as fuel, except outboard motors, shall attach to the carburetor or carburetors a backfire flame arrestor that is approved for marine use and suitably secured to the air intake with flame tight connections, or any attachment to the carburetor or the engine air induction system by means of which flames caused by engine backfire will be dispersed to the atmosphere outside the watercraft in such a manner that the flames will not endanger the watercraft, persons on board or nearby watercraft and structures. All attachments shall be of a metallic construction with flame tight connections and firmly secured to withstand vibration, shock and engine backfire. **1994**

5-335. Ventilation

A. All watercraft, except open boats, using as fuel any liquid of a volatile nature shall be provided with such means for properly and efficiently ventilating the bilges of the engine and fuel tank compartments so as to remove any explosive or flammable gases.

B. The regulations for ventilation shall be as prescribed by the United States coast guard or as otherwise provided by the commission. **1972**

5-336. Muffling devices

A. Every motor driven watercraft shall at all times be equipped with effective equipment, in good working order and in constant operation, to prevent excessive or unusual noise except as provided in subsection C.

B. It is not the intent of this section to prohibit the use of any type of exhaust system or exhaust device, including those systems and devices which do not discharge water with the exhaust gases, if such system or device complies with subsection A of this section.

C. All watercraft actually competing in a regatta, boat race or official trials for speed records, and within the time limits authorized by the sanctioning body of such event are exempt from this section. Permits designating place and time limits are required and shall be

issued by the department prior to the testing of watercraft on the water when sufficient evidence is provided by the applicant that such watercraft is actually entered in an event sanctioned by a national or regional organization having jurisdiction over the event. 1972

ARTICLE 5. OPERATION OF WATERCRAFT

5-341. Negligent operation of watercraft or water skis; restriction in operation of watercraft; violation; classification

A. No person shall operate a watercraft in a careless, reckless or negligent manner.

B. A person shall not operate a watercraft while allowing a person to ride on the gunwales, the transom or the decked over bow of a watercraft propelled by machinery operating in excess of wakeless speed except if:

1. That portion of the watercraft was designed and constructed for the purpose of carrying passengers at all speeds.

2. The watercraft is being maneuvered for anchoring, mooring or casting off moorings.

C. No watercraft shall be operated with a passenger or passengers on the bow in such a manner as to obstruct the view of the operator.

D. No person on water skis, a surfboard or a similar contrivance shall behave in a careless, reckless or negligent manner.

E. Except in case of emergency no person under the age of twelve years may operate a watercraft propelled by a motor of greater than eight horsepower unless the person's parent or legal guardian or at least one person who is eighteen years of age or older is present on the watercraft.

F. Except as provided in subsection E, it is unlawful for any person to allow another person under the age of twelve to operate a motor-powered watercraft.

G. A person violating Subsection A, B, C or D is guilty of a class 2 misdemeanor. 2001

5-343. Speed restrictions; excessive wake

No person shall operate a watercraft in excess of the posted limit or at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with any person or other watercraft, swamping other watercraft or otherwise endangering the lives or property of other persons. 1972

5-344. Overloading

A. No watercraft shall be loaded and operated with passengers or cargo beyond its safe carrying capacity or the limitations on the manufacturer's load capacity plate.

B. All new watercraft twenty feet in length and under designed to carry two or more persons and to be propelled by machinery or oars, offered for sale or manufactured in the state after January 1, 1971, shall have affixed permanently thereto a manufacturer's load capacity plate in a location easily observed from the position designed or intended to be occupied by the operator. Canoes and sailboats shall be exempt from the provisions of this section.

C. The load capacity plate shall be certified by a licensed manufacturer or the United States coast guard. 1975

5-345. Navigation rules

A. The operator of a watercraft under power shall yield right-of-way to any craft not under power, unless such nonpowered watercraft is overtaking a power craft.

B. The area from a point directly ahead to one hundred twelve and one-half degrees of the compass to the starboard side of the watercraft shall be designated the danger zone. Operators of the watercraft shall yield the right-of-way to any other watercraft occupying or entering into this danger zone which may result in collision.

C. Operators of watercraft may pass on either side of any other watercraft overtaken, but the passing operator shall be responsible for the wake of the watercraft which might cause damage to overtaken watercraft or danger to occupants of overtaken watercraft. The overtaken watercraft shall maintain course and speed until such time as the overtaking watercraft is clear. Watercraft approaching head-on shall pass port side to port side where practical to do so.

D. Normal traffic on the waterways of this state shall be counterclockwise. Watercraft shall approach shoreline areas from the right and leave to the left as observed from a point on the water looking toward the shore. Watercraft leaving the shoreline area shall yield right-of-way to watercraft approaching the shoreline area, notwithstanding the provisions of subsection B of this section.

E. Subsections A through D of this section shall not apply on any waterways of this state where power driven watercraft are prohibited.

F. In every case, the operator of any watercraft shall use due caution to avoid an accident or collision with another watercraft or person. 1972

5-346. Water skiing

A. No watercraft which has in tow a person or persons on water skis, a surfboard or similar contrivance shall be operated in or upon any waterway unless such watercraft shall be occupied by at least two persons, an operator and an observer.

B. The operator shall observe other watercraft traffic, swimmers and hazards and shall not tow a person or persons on water skis, a surfboard or similar contrivance so close to other watercraft, swimmers or structures as to constitute a hazard to life or limb of any person.

C. The observer shall continuously observe the person or persons being towed and shall display a flag immediately after the towed person or persons falls into the water and during the time preparatory to skiing while the person or persons are still in the water. Such flag shall be a bright or brilliant orange or red color, measuring no less than twelve inches on each side, mounted on a handle and displayed as to be visible from every direction.

D. No watercraft operator shall have in tow a person or persons on water skis, a surfboard or similar contrivance during the hours between sunset and sunrise. 1972

5-347. Interference with navigation or launching areas

A. No person shall unreasonably or unnecessarily interfere with other watercraft, with the free and proper use of the waterways of the state or with areas used for launching watercraft onto such waterways. Anchoring or swimming in heavily traveled channels or launching areas shall constitute such interference.

B. No person shall camp or park any vehicle on any boat launching area or otherwise restrict or prevent free access to any area. **1972**

5-348. Dumping refuse, rubbish or debris on waterways

No person shall dump, deposit, place, throw or leave refuse, rubbish, debris, filthy or odoriferous objects, substances or other trash on any waterways or the shorelines of any waterways of the state. **1972**

5-349. Watercraft casualties; violation; classification

A. The operator of a watercraft involved in a collision, accident or other casualty shall, to the extent the operator can do so without serious danger to the operator's own watercraft or persons aboard, render all practical and necessary assistance to persons affected to save them from danger caused by the collision, accident or casualty.

B. The operator of a watercraft involved in a collision, accident or other casualty shall give the operator's name and address and the identification of the operator's watercraft to any person injured and to the owners of any property damaged.

C. Whenever death or injury results from any watercraft collision, accident or other casualty, a written report shall be submitted within forty-eight hours. For every other collision, accident or other casualty involving property damage exceeding five hundred dollars, a report shall be submitted within five days after the incident by the operator or owner of the watercraft involved. Written reports shall be submitted directly to the department for use in statistical studies for casualty prevention. Reports shall not be used as evidence in any trial, civil or criminal, arising from any collision, accident or other casualty. Upon request, a report shall be forwarded to the United States coast guard or other authorized federal agency to be used in statistical studies for casualty prevention.

D. To maintain uniformity, watercraft casualty reports shall be on a form approved by the commission.

E. Every peace officer who, in the regular course of duty, investigates any watercraft collision, accident or other casualty involving death or personal injury or involving property damage exceeding five hundred dollars shall prepare and transmit a report to the department pursuant to Subsection C of this section.

F. If the operator of a watercraft is involved in a collision or accident that results in death or serious physical injury, as defined in section 13-105, and the operator fails to stop or comply with the requirements of Subsection A of this section, the operator is guilty of a class 5 felony. If the operator of a watercraft is involved in a collision or accident that results in injury other than death or serious physical injury and the operator fails to stop and comply with the requirements of Subsection A of this section, the operator is guilty of a class 6 felony. If the operator of a watercraft is involved in a collision or accident that results only in damage to another watercraft that is operated or attended by another person, and the operator fails to stop and comply with the requirements of Subsection B of this section, the operator is guilty of a class 3 misdemeanor. **2001**

5-350. Personal watercraft; requirements for operation; definition

A. A person shall not operate a personal watercraft unless each person aboard is wearing a wearable personal flotation device that is approved by the United States coast guard.

B. A person who operates a personal watercraft that is equipped by the manufacturer with a lanyard type engine cutoff switch shall attach the lanyard to his body, clothing or personal flotation device as appropriate for the specific watercraft.

C. A person shall not operate or knowingly allow another person to operate a personal watercraft under his ownership or control in a reckless or negligent manner endangering the life or property of another person. Prima facie evidence of reckless operation exists if the person commits two or more of the following acts simultaneously:

1. Operates the personal watercraft within a zone of proximity to another watercraft closer than sixty feet unless both are leaving a flat wake or are traveling at a speed of five nautical miles per hour or less.

2. Operates the personal watercraft within the vicinity of a motorboat in a manner that obstructs the visibility of either operator.

3. Heads into the wake of a motorboat that is within a zone of proximity closer than sixty feet and causes one-half or more of the length of the personal watercraft to leave the water.

4. Within a zone of proximity to another watercraft closer than sixty feet, maneuvers quickly, turns sharply or swerves, unless the maneuver is necessary to avoid a collision.

D. If equipped by the manufacturer, a person shall not operate a personal watercraft without a functioning spring-loaded throttle mechanism that immediately returns the engine to an idle speed on release of the operator's hand from the control or without any other engine cutoff feature that is installed by the manufacturer.

E. A personal watercraft shall not be loaded and operated with passengers or cargo beyond its safe carrying capacity or the manufacturer's recommended limits.

F. A person who owns, leases or hires a personal watercraft or who has charge or control over a personal watercraft shall not authorize or knowingly permit the personal watercraft to be operated in violation of this section.

G. This section does not apply to a performer who engages in a professional exhibition or to a person who participates in an officially sanctioned regatta, race, marine parade, tournament or exhibition.

H. For purposes of this section, "personal watercraft" means a watercraft that is less than sixteen feet

long, propelled by machinery powering a water jet pump and designed to be operated by a person who sits, stands or kneels on rather than sitting or standing inside the watercraft. 1994

ARTICLE 6. UNIFORM WATERWAY MARKING SYSTEM

5-361. Uniform navigational marking of waters; intergovernmental agreements

A. No city, county or person shall mark the waters of this state in any manner in conflict with the uniform navigational marking standards of waters as prescribed by the commission or the United States coast guard.

B. On waters where the uniform state waterway marking system has been established and maintained by a governmental agency, the commission may, upon request of such agency, enter into agreements to assist with the maintenance of the system. 1981

5-362. Diver flag

A red flag with white diagonal stripe from staffhead to opposite corner shall be recognized as a diver flag and shall be displayed when a person or persons are actually diving below the water surface and are equipped with apparatus to allow such person or persons to breathe under water. 1994

ARTICLE 7. BOAT LIVERIES

5-371. Boat liveries; requirements

A. The owner of a boat livery shall keep or cause to be kept a record of the name and address of the person or persons hiring any watercraft which is designed or permitted by him to be operated as a watercraft, the identification number thereof, the departure date and time and the expected and actual time of return. Such record shall be preserved for at least three months.

B. Neither the owner of a boat livery nor his agent or employee shall permit any watercraft to be operated from his premises unless it shall have been provided, either by the owner or renter, with the equipment required by this chapter.

C. The certificate of number for a watercraft less than twenty-six feet in length that is leased or rented to a person for noncommercial use of less than twenty-four hours may be retained on shore by the owner or his representative at the place from which the watercraft departs or returns to the possession of the owner or his representative. A watercraft which does not have the certificate of number on board shall be identified while in use as may be prescribed by the regulations of the commission. 1972

ARTICLE 8. LAKE IMPROVEMENT AND BOATING SAFETY FUNDS

Article effective retroactively to January 1, 1993

5-382. State lake improvement fund; administration; report

A. A state lake improvement fund is established. Monies deposited in the fund shall be used only as provided in this section.

B. All monies in the state lake improvement fund are appropriated to the Arizona state parks board solely for the purposes provided in this section. Interest earned on monies in the fund shall be credited to the fund. Monies in the state lake improvement fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations.

C. The Arizona state parks board shall administer the monies in the fund as follows:

1. To fund staff support to plan and administer the state lake improvement fund and the law enforcement and boating safety fund established by section 5-383 in conjunction with other administrative tasks and recreation plans of the board.

2. To fund projects on waters where gasoline powered boats are permitted and shall be limited to the following:

(a) Public launching ramps.

(b) Public piers, marinas or marina stadia.

(c) Public toilets, sanitation facilities and domestic waters.

(d) Public picnic tables and facilities.

(e) Public parking areas.

(f) Lake construction or improvement.

(g) Marking buoys and other safety facilities.

(h) Watercraft.

(i) Public campgrounds.

(j) Acquisition of real and personal property through purchase, lease, agreement or otherwise for the purpose of providing access to waters where boating is permitted.

(k) Design and engineering projects.

D. Projects involving expenditure of monies from such fund may be accomplished by the Arizona state parks board, by the Arizona game and fish commission, by the board of supervisors of any county or by the governing body of a city or town, provided such projects do not interfere with any vested water rights, or the operation or maintenance of water projects, including domestic, municipal, irrigation district, drainage district, flood control district or reclamation projects. The Arizona outdoor recreation coordinating commission, established by section 41-511.25, shall examine applications for eligible projects, determine the amount of funding, if any, for each project and submit a list of projects, subject to prior review by the joint committee on capital review, to the Arizona state parks board for allocation from the fund. The board shall annually report to the legislature the expenditures made for such projects in conjunction with the report required by section 41-511.12.

E. State lake improvement funds may be used on projects where matching funds are made available. 2006

5-383. Law enforcement and boating safety fund; grants to counties

A. A law enforcement and boating safety fund is established that consists of monies distributed to the fund pursuant to section 5-323. The monies are subject to legislative appropriation. The Arizona state parks board shall administer the fund and establish and adopt procedures for the allocation of the monies.

B. The board of supervisors of any county may apply for law enforcement and boating safety fund grants

from the Arizona outdoor recreation coordinating commission for the ensuing fiscal year on forms provided by the Arizona outdoor recreation coordinating commission.

C. The Arizona outdoor recreation coordinating commission may distribute grant monies from the law enforcement and boating safety fund to counties that properly apply to receive the monies. In allocating the monies the commission may consider the following:

1. The adequacy of existing county boating safety programs that include accident investigations.

2. The number of recreational days of use on water within the jurisdiction of the counties in areas of administrative authority.

3. The surface acreage of water within the jurisdiction of the counties in areas of administrative authority.

4. The county water safety record.

5. The ability of the county to constructively use additional monies.

6. The ratio of boating use to water surface within the jurisdiction of the counties in areas of administrative authority.

7. The ability of participating counties to provide continued funding of the program.

D. The monies distributed to a county shall be used by the law enforcement agencies of the county solely for boating law enforcement, personnel, equipment and training.

E. A county that applies for monies pursuant to this section and that has a law enforcement and boating safety program that was in existence before July 1, 1980 shall match the monies received pursuant to this section by an equal amount for that county's law enforcement and boating safety program. **1994**

ARTICLE 9. VIOLATIONS AND PENALTIES

5-391. Enforcement; violation; classification

A. Any person who violates any provision of this chapter, except section 5-341, subsection A, B, C or D, section 5-349, section 5-350, subsection C, section 5-393, 5-395, 5-396 or 5-397 and subsection C, F or G of this section or any rule issued thereunder, is guilty of a petty offense. Any person who violates section 5-350, subsection C or subsection C of this section is guilty of a class 2 misdemeanor.

B. All peace officers of the state, counties and cities shall enforce the provisions of this chapter and all laws and rules relating to the operation of watercraft.

C. In the enforcement of this chapter, the operator of the watercraft upon being hailed by any peace officer shall stop immediately and lay to, or maneuver in such a way as to permit the peace officer to come aboard or alongside. The operator may be ordered ashore to correct any unlawful condition, issued a written warning or written repair order, or issued a citation for any violation of this chapter.

D. In the enforcement of this chapter, the provisions of sections 13-2506 and 13-3903 shall apply.

E. Each failure to obey an order or to comply with a warning order issued under the provisions of subsection C of this section shall constitute a separate offense punishable as a separate violation of this chapter.

F. A person is guilty of a class 6 felony who knowingly removes, defaces, obliterates, changes, alters or causes to be removed, defaced, obliterated, changed or altered a factory, engine, serial, outdrive, lower unit, power trim or hull identification number or mark on a watercraft.

G. A person is guilty of a class 2 misdemeanor who:

1. Knowingly displays or has in his possession a fictitious, stolen, revoked or altered certificate of number, department issued number or annual decal.

2. Lends to or knowingly permits the use of his certificate of number, department issued number or annual decal on a watercraft for which those items have not been issued.

H. Upon receipt of notice of conviction of a person under subsection F or G of this section, the department may revoke the numbers and decals issued to the watercraft which was involved in the violation and any other watercraft owned by the person convicted. **2002**

5-392. Seizure and forfeiture of watercraft

A. Peace officers, in the manner provided in title 13, chapter 39:

1. May seize any watercraft and its trailer if the watercraft displays a fictitious, falsified or altered number or annual decal, or an annual decal from which the accountability or expiration numbers have been intentionally removed or partially removed. This paragraph does not apply to a boat owner or an authorized agent who removes decals or boat numbers for routine maintenance or repair.

2. May seize for forfeiture any watercraft which has had a manufacturer's hull identification number, mark or label or any engine, outdrive, lower unit or power trim number intentionally removed, partially removed, falsified or altered.

B. Allocation of watercraft seized for forfeiture pursuant to subsection A, paragraph 2 of this section shall follow the provisions of section 13-4315, except that if the forfeited property is sold by public or otherwise commercially reasonable sale the expenses of keeping and selling the property and the amount of all valid interests established by claimants shall first be paid out of the proceeds of the sale and the balance shall be deposited, pursuant to sections 35-146 and 35-147, in the state general fund. **2000**

5-393. Inspection for stolen watercraft; violation; classification

A. For purposes of enforcing this chapter or locating stolen watercraft or parts of watercraft, peace officers may inspect watercraft to examine the hull identification number, manufacturer's label, outdrive, lower unit or power trim number, or the annual decal or state issued number in a public marina, a storage, repair, sales, leasing or rental lot or facility or a salvage yard or other similar location or establishment and may inspect the registration, title and certificate of number of the watercraft to establish the rightful ownership or possession of the watercraft.

B. Inspections shall be conducted at a time and in a manner so as to minimize any unreasonable interference with or delay of the use of the watercraft or the operation of the business where the watercraft is located.

C. A person who refuses to permit an inspection under this section is guilty of a class 1 misdemeanor.

1987

ARTICLE 10. BOATING WHILE INTOXICATED

5-395. Operating or in actual physical control of a motorized watercraft while intoxicated; violation; classification; definition

A. It is unlawful for any person to operate or be in actual physical control of a motorized watercraft that is underway within this state under any of the following circumstances:

1. While under the influence of intoxicating liquor, any drug, a vapor releasing substance containing a toxic substance or any combination of liquor, drugs or vapor releasing substances if the person is impaired to the slightest degree.

2. If the person has an alcohol concentration of 0.08 or more within two hours of operating or being in actual physical control of the motorized watercraft and the alcohol concentration results from alcohol consumed either before or while operating or being in actual physical control of the motorized watercraft.

3. While there is any drug as defined in section 13-3401 or its metabolite in the person's body.

4. If the motorized watercraft is a commercial motorized watercraft and the person has an alcohol concentration of 0.04 or more.

B. It is not a defense to a charge of a violation of Subsection A, paragraph 1 of this section that the person is or has been entitled to use the drug under the laws of this state. A person using a drug prescribed by a medical practitioner licensed pursuant to Title 32, Chapter 7, 11, 13 or 17 is not guilty of violating Subsection A, paragraph 3 of this section.

C. The state shall not dismiss a charge of violating this section for either of the following:

1. In return for a plea of guilty or no contest to any other offense by the person charged with the violation of this section.

2. For the purpose of pursuing any other misdemeanor or a petty offense, including those arising out of the same event or course of conduct, unless there is clearly an insufficient legal or factual basis to pursue the charge of violating this section.

D. In any prosecution for a violation of this section the state, for the purpose of classification and sentencing pursuant to section 5-395.01 or 5-396, shall allege all prior convictions of violating this section occurring within the past thirty-six months, unless there is clearly an insufficient legal or factual basis to do so.

E. In any trial, action or proceeding for a violation of this section or section 5-396 other than a trial, action or proceeding involving operating or being in actual physical control of a commercial motorized watercraft, the defendant's alcohol concentration within two hours of the time of operating or being in actual physical control as shown by analysis of the defendant's blood, breath or other bodily substance gives rise to the following presumptions:

1. If there was at that time 0.05 or less alcohol concentration in the defendant's blood, breath or other bodily substance, it may be presumed that the defendant was not under the influence of intoxicating liquor.

2. If there was at that time in excess of 0.05 but less than 0.08 alcohol concentration in the defendant's blood, breath or other bodily substance, such fact shall not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.

3. If there was at that time 0.08 or more alcohol concentration in the defendant's blood, breath or other bodily substance, it may be presumed that the defendant was under the influence of intoxicating liquor.

Paragraph 1, 2 or 3 of this subsection shall not be construed as limiting the introduction of any other competent evidence bearing on the question of whether or not the defendant was under the influence of intoxicating liquor.

F. If a blood test is administered, only a physician, a registered nurse or another qualified person may withdraw blood for the purpose of determining the alcohol concentration or drug content. The qualifications of the individual withdrawing the blood and the method used to withdraw the blood are not foundational prerequisites for the admissibility of any blood alcohol content determination made pursuant to this subsection.

G. If a law enforcement officer administers a duplicate breath test and the person tested is given a reasonable opportunity to arrange for an additional test pursuant to Subsection H of this section, a sample of the person's breath does not have to be collected or preserved.

H. The person tested shall be given a reasonable opportunity to arrange for any physician, registered nurse or other qualified person of the tested person's own choosing to administer a test or tests in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person does not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

I. If a person under arrest refuses to submit to a test or tests under section 5-395.03, whether or not a sample was collected pursuant to Subsection J of this section or a search warrant, evidence of refusal is admissible in any civil or criminal action or other proceeding. The issue of refusal shall be an issue of fact to be determined by the trier of fact in all cases.

J. Notwithstanding any other law, if a law enforcement officer has probable cause to believe that a person has violated this section and a sample of blood, urine or any other bodily substance is taken from that person for any reason a portion of that sample sufficient for analysis shall be provided to a law enforcement officer if requested for law enforcement purposes. A person who fails to comply with this subsection is guilty of a class 1 misdemeanor.

K. A person who collects blood, urine or any other bodily substance under this section or any hospital, laboratory or clinic employing or utilizing the services of the person does not incur any civil liability as a result of this activity if requested by a law enforcement officer to collect blood, urine or any other bodily substances

unless the person, while performing the activity, acts with gross negligence.

L. A statement by the defendant that the defendant was operating a motorized watercraft that was underway and that was involved in an accident resulting in injury to or death of any person is admissible in any criminal proceeding without further proof of corpus delicti if it is otherwise admissible.

M. At the arraignment, the court shall inform the defendant that the defendant may request a trial by jury and that the request, if made, shall be granted.

N. In this section, "alcohol concentration" means grams of alcohol per one hundred milliliters of blood or grams of alcohol per two hundred ten liters of breath.

2001

5-395.01. Operating or in actual physical control of a motorized watercraft while intoxicated; classification; penalties

A. A person who is convicted of a violation of section 5-395 is guilty of a class 1 misdemeanor. The person shall pay a fine of not less than two hundred fifty dollars. In addition to any other penalties under this section, the judge shall order the person to complete alcohol or other drug screening that is provided by a facility approved by the department of health services or a probation department. If a judge determines that the person requires further alcohol or other drug education or treatment, the person may be required pursuant to court order to obtain alcohol or other drug education or treatment under the court's supervision from an approved facility. The judge may review an education or treatment determination at the request of the state or the defendant or on the judge's initiative. The person shall pay the costs of the screening, education or treatment unless the court waives part or all of the costs.

B. Except as provided in section 5-398.01, the court may suspend any imposed sentence for a first violation of section 5-395 if the person completes a court ordered alcohol or other drug screening, education or treatment program. If the person fails to complete the court ordered alcohol or other drug screening, education or treatment program and has not been placed on probation, the court shall issue an order to show cause to the defendant as to why the remaining jail sentence should not be served.

C. A court may order a person sentenced pursuant to this section to perform community restitution.

D. Notwithstanding subsection B of this section, if within a period of sixty months a person is convicted of a second violation of section 5-395 or is convicted of a violation of section 5-395 and has previously been convicted of an act in another state that if committed in this state would be a violation of section 5-395, the person shall be sentenced to serve not less than ninety days in jail, thirty days of which shall be served consecutively, and the person is not eligible for probation or suspension of execution of sentence unless the entire sentence has been served, except that the judge may suspend at the time of sentencing all but thirty days of the sentence if the person completes a court ordered alcohol or other drug screening, education or treatment program. If the person fails to complete the court ordered alcohol or other drug screening, education or treatment program and has not been placed on probation, the court shall issue an order to show cause as to why the remaining jail sentence should not be served. The judge shall order the person to pay a fine of not less than five hundred dollars.

E. The dates of the commission of the offense are the determining factor in applying the sixty month provision of subsection D of this section, irrespective of the sequence in which the offenses were committed. A second violation for which a conviction occurs as provided in this section shall not include a conviction for an offense arising out of the same series of acts.

F. If a person is referred to a screening or treatment facility, that facility shall report to the court whether the person has successfully completed the screening, education or treatment program.

G. Any political subdivision processing or utilizing the services of a person ordered to perform community restitution pursuant to this section does not incur any civil liability to the person ordered to perform community restitution as a result of these activities unless the political subdivision or its agent or employee acts with gross negligence.

H. After a person who is sentenced pursuant to subsection B of this section has served twenty-four consecutive hours in jail or after a person who is sentenced pursuant to subsection D of this section has served forty-eight consecutive hours in jail and after receiving confirmation that the person is employed or is a student, the court, on pronouncement of any jail sentence under this section, may provide in the sentence that the person may be permitted, if the person is employed or is a student and can continue the person's employment or studies, to continue such employment or studies for not more than twelve hours per day nor more than five days per week, and the remaining day, days or parts of days shall be spent in jail until the sentence is served. The person shall be allowed out of jail only long enough to complete the actual hours of employment or studies and no longer.

I. A person who is sentenced pursuant to this section is eligible for a home detention program pursuant to the provisions of section 9-499.07, subsections M through R or section 11-459, subsections L through Q.

J. The court shall allow the allegation of a prior conviction or other pending charge of a violation of section 5-395 filed twenty or more days before the date the case is actually tried and may allow the allegation of a prior conviction or other pending charge of a violation of section 5-395 filed any time before the date the case is actually tried, provided that when the allegation is filed this state must make available to the defendant a copy of any information obtained concerning the prior conviction or other pending charge. Any conviction may be used to enhance another conviction irrespective of the dates on which the offenses occurred within the sixty month provision.

K. If a person is placed on probation for violating section 5-395, the probation shall be supervised unless the court finds that supervised probation is not necessary or the court does not have supervisory probation services.

L. Persons who are convicted pursuant to section 5-395 shall pay an additional assessment of five hundred dollars or, if the person is convicted of a second violation pursuant to subsection D of this section, shall pay an additional assessment of one thousand two hundred fifty dollars to be deposited by the state treasurer in the prison construction and operations fund established by section 41-1651. These assessments are not subject to any surcharge. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer.

M. Persons convicted pursuant to section 5-395 shall pay an additional assessment of five hundred dollars or for a second violation pursuant to subsection D of this section shall pay an additional assessment of one thousand two hundred fifty dollars to be deposited by the state treasurer in the state general fund. These assessments are not subject to any surcharge. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer. **2005**

5-395.02. Admissibility of breath test or other records

A. The results of a breath test administered for the purpose of determining a person's alcohol concentration as defined in section 5-395 are admissible as evidence in any trial, action or proceeding on establishing the following foundational requirements:

1. The test was performed using a quantitative breath testing device approved by the department of health services or the department of public safety. A properly authenticated certification by the department of health services or the department of public safety or judicial notice of department of health services or department of public safety rules is sufficient to establish this requirement.

2. The operator who conducted the test possessed a valid permit issued by the department of health services or the department of public safety to operate the device used to conduct the test.

3. Duplicate tests were administered and the test results were within 0.02 alcohol concentration of each other or an operator observed the person charged with the violation for twenty minutes immediately preceding the administration of the test.

4. The operator who conducted the test followed an operational checklist approved by the department of health services or the department of public safety for the operation of the device used to conduct the test. The testimony of the operator is sufficient to establish this requirement.

5. The device used to conduct the test was in proper operating condition. Records of periodic maintenance that show that the device was in proper operating condition are admissible in any proceeding as prima facie evidence that the device was in proper operating condition at the time of the test. Calibration checks with a standard alcohol concentration solution bracketing each persons's duplicate breath test are one type of records of periodic maintenance that satisfies the requirements of this section. The records are public records.

B. Compliance with subsection A of this section is the only requirement for the admission in evidence of a breath test result.

C. The inability of any person to obtain manufacturer's schematics and software for a quantitative breath testing device that is approved as prescribed in subsection A of this section shall not affect the admissibility of the results of a breath test pursuant to this section

D. Records that may be obtained or are otherwise maintained pursuant to section 28-1327 are admissible as evidence in any trial, action or proceeding. **2006**

5-395.03. Test for alcohol concentration or drug content; refusal; civil penalty

A. Any person who operates a motorized watercraft that is underway within this state shall submit, subject to section 4-244, paragraph 34, section 5-395 or section 5-396, to a test or tests of the person's blood, breath, urine or other bodily substance for the purpose of determining alcohol concentration or drug content if the person is arrested for any offense arising out of acts alleged to have been committed in violation of this chapter or section 4-244, paragraph 34 while the person was operating or in actual physical control of a motorized watercraft that was underway while under the influence of intoxicating liquor or drugs. The test or tests chosen by the law enforcement agency shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been operating or in actual physical control of a motorized watercraft that is underway within this state while under the influence of intoxicating liquor or drugs, or if the person is under twenty-one years of age, with spirituous liquor in the person's body.

B. Following an arrest a violator shall be requested to submit to and successfully complete any test or tests prescribed by subsection A of this section, and if the violator refuses the violator shall be informed that the violator is subject to a civil penalty.

C. A person who refuses any test or tests prescribed by subsection A of this section is subject to a civil penalty of seven hundred fifty dollars and shall pay an additional civil penalty of five hundred dollars to be deposited by the state treasurer in the prison construction and operations fund established by section 41-1651. The additional civil penalty of five hundred dollars is not subject to any surcharge. If the additional civil penalty is imposed by the superior court or a justice court, the court shall transmit the amount collected for the additional civil penalty to the county treasurer. If the additional civil penalty is imposed by a municipal court, the court shall transmit the amount collected for the additional civil penalty to the city treasurer. The city or county treasurer shall transmit the monies received pursuant to this subsection to the state treasurer.

D. If a person under arrest refuses to submit to the test designated by the law enforcement agency as provided in subsection A of this section none shall be given, except as provided in section 5-395, subsection J or pursuant to a search warrant. 2004

5-395.04. Preliminary breath tests; authority

A. A law enforcement officer who has reasonable suspicion to believe that a person has committed a violation of section 5-395 may request that the person submit to a preliminary breath test or tests before an arrest.

B. In addition to a breath test or tests the officer may require that the person submit to further testing pursuant to section 5-395.03.

C. The director of the department of health services or the department of public safety shall adopt rules prescribing the approval of quantitative preliminary breath testing devices. 2006

5-396. Aggravated operating or actual physical control of motorized watercraft while under the influence of intoxicating liquor or drugs; classification

A. A person is guilty of aggravated operating or actual physical control of a motorized watercraft that is underway while under the influence of intoxicating liquor or drugs if the person commits a third or subsequent violation of section 5-395 or 5-397 or this section or is convicted of a violation of section 5-395 or 5-397 or this section and has previously been convicted of any combination of convictions of section 5-395 or 5-397 or this section or acts committed in another state that if committed in this state would be a violation of section 5-395 or 5-397 or this section within a period of sixty months.

B. The dates of the commission of the offenses are the determining factor in applying the sixty month provision provided in subsection A of this section regardless of the sequence in which the offenses were committed. For purposes of this section, a third or subsequent violation for which a conviction occurs does not include a conviction for an offense arising out of the same series of acts.

C. Aggravated operating or actual physical control of a motorized watercraft that is underway while under the influence of intoxicating liquor or drugs is a class 4 felony.

D. Notwithstanding section 41-1604.06, a person who is convicted under subsection A of this section and who within a sixty month period has been convicted of two prior violations of section 5-395 or 5-397 or this section, or acts committed in another state that if committed in this state would be a violation of section 5-395 or 5-397 or this section, is not eligible for probation, pardon, commutation or suspension of sentence or release on any other basis until the person has served not less than four months in prison.

E. Notwithstanding section 41-1604.06, a person who is convicted under subsection A of this section and who within a sixty month period has been convicted of three or more prior violations of section 5-395 or 5-397 or this section, or acts committed in another state that if committed in this state would be a violation of section 5-395 or 5-397 or this section, is not eligible for probation, pardon, commutation or suspension of sentence or release on any other basis until the person has served not less than eight months in prison.

F. A person who is convicted of a violation of this section and who is placed on probation shall attend and complete alcohol or drug screening, counseling and education from an approved facility and, if ordered by the court, treatment from an approved facility. If the person fails to comply with this subsection, in addition to section 13-901 the court may order that the person be incarcerated as a term of probation as follows:

1. For a person sentenced pursuant to subsection D of this section, for an individual period of not more than four months and a total period of not more than one year.

2. For a person sentenced pursuant to subsection E of this section, for an individual period of not more than eight months and a total period of not more than two years.

G. The time that a person spends in custody pursuant to subsection D, E or F of this section shall not be counted toward the sentence imposed if the person's probation is revoked and the person is sentenced to prison following revocation of probation.

H. A person convicted of a violation of this section shall pay a fine of not less than seven hundred fifty dollars.

I. In addition to any other penalty prescribed by law, persons convicted pursuant to this section shall pay an additional assessment of one thousand five hundred dollars to be deposited by the state treasurer in the prison construction and operations fund established by section 41-1651. This assessment is not subject to any surcharge. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer.

J. In addition to any other penalty prescribed by law, persons convicted pursuant to this section shall pay an additional assessment of one thousand five hundred dollars to be deposited by the state treasurer in the state general fund. This assessment is not subject to any surcharge. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer. 2005

5-396.01. Aggravated operating or actual physical control of a motorized watercraft while under the influence of intoxicating liquor or drugs; forfeiture of motorized watercraft; disposition

A. If a person is convicted of violating section 5-396 the court, in addition to any other penalty imposed by law, shall order the motorized watercraft owned and operated by the person at the time of the offense forfeited in the same manner as provided under title 13, chapter 39.

B. A motorized watercraft used by any person as a common carrier in the transaction of business as a common carrier is not subject to forfeiture unless it appears that the owner or other person in charge of the vehicle consented to or was privy to a violation described in subsection A of this section.

C. Any property that is subject to forfeiture and all interests in property that are forfeited under this section shall be disposed of and allocated in the same manner as provided in title 13, chapter 39, except that all monies that are obtained as a result of forfeiture under this section shall be deposited, pursuant to sections 35-146 and 35-147, in the state general fund.

2000

5-397. Operating or in actual physical control of a motorized watercraft while under the extreme influence of intoxicating liquor; trial by jury; sentencing; classification; definition

A. It is unlawful for a person to operate or be in actual physical control of a motorized watercraft that is underway within this state if the person has an alcohol concentration of 0.15 or more within two hours of operating or being in actual physical control of the motorized watercraft and the alcohol concentration results from alcohol consumed either before or while operating or being in actual physical control of the motorized watercraft.

B. A person who is convicted of a violation of this section is guilty of operating or being in actual physical control of a motorized watercraft while under the extreme influence of alcohol.

C. At the arraignment, the court shall inform the defendant that the defendant may request a trial by jury and that the request, if made, shall be granted.

D. A person who is convicted of a violation of this section:

1. Shall be sentenced to serve not less than thirty consecutive days in jail and is not eligible for probation or suspension of execution of sentence unless the entire sentence is served.

2. Shall pay a fine of not less than two hundred fifty dollars.

3. May be ordered by a court to perform community restitution.

4. Shall pay an additional assessment of one thousand dollars to be deposited by the state treasurer in the prison construction and operations fund established by section 41-1651. This assessment is not subject to any surcharge. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer.

5. Shall pay an additional assessment of one thousand dollars to be deposited by the state treasurer in the state general fund. This assessment is not subject to any surcharge. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer.

E. Notwithstanding subsection D, paragraph 1 of this section, at the time of sentencing the judge may suspend all but ten days of the sentence if the person completes a court ordered alcohol or other drug screening, education or treatment program. If the person fails to complete the court ordered alcohol or other drug screening, education or treatment program and has not been placed on probation, the court shall issue an order to show cause to the defendant as to why the remaining jail sentence should not be served.

F. If within a period of sixty months a person is convicted of a second violation of this section or is convicted of a violation of this section and has previously been convicted of a violation of section 5-395 or 5-396 or an act in another jurisdiction that if committed in this state would be a violation of this section or section 5-395 or 5-396, the person:

1. Shall be sentenced to serve not less than one hundred twenty days in jail, sixty days of which shall be served consecutively, and is not eligible for probation or suspension of execution of sentence unless the entire sentence has been served.

2. Shall pay a fine of not less than five hundred dollars.

3. May be ordered by a court to perform community restitution.

4. Shall pay an additional assessment of one thousand two hundred fifty dollars to be deposited by the state treasurer in the prison construction and operations fund established by section 41-1651. This assessment is not subject to any surcharge. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer.

5. Shall pay an additional assessment of one thousand two hundred fifty dollars to be deposited by the state treasurer in the state general fund. This assessment is not subject to any surcharge. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer.

G. Notwithstanding subsection F, paragraph 1 of this section, at the time of sentencing, the judge may suspend all but sixty days of the sentence if the person completes a court ordered alcohol or other drug screening, education or treatment program. If the person fails to complete the court ordered alcohol or other drug screening, education or treatment program and has not been placed on probation, the court shall issue an order to show cause as to why the remaining jail sentence should not be served.

H. In applying the sixty month provision of subsection F of this section, the dates of the commission of the offense shall be the determining factor, irrespective of the sequence in which the offenses were committed.

I. A second violation for which a conviction occurs as provided in this section shall not include a conviction for an offense arising out of the same series of acts.

J. A person who is convicted of a violation of this section is guilty of a class 1 misdemeanor.

K. For the purposes of this section, "alcohol concentration" means grams of alcohol per one hundred milliliters of blood or grams of alcohol per two hundred ten liters of breath. 2005

5-398. Reimbursement of incarceration costs

A. The court shall order a person who is sentenced to a term of incarceration for a violation of this article to reimburse the political subdivision that is responsible for the costs of the person's incarceration for those incarceration costs.

B. The court may determine the amount of incarceration costs to be paid based on the following factors:

1. The per diem per person cost of incarceration incurred by the political subdivision that incarcerates the person.

2. The person's ability to pay part or all of the incarceration costs. 2002

5-398.01. Waiver of fine, surcharge or assessment

Notwithstanding any other law, the court shall not waive a fine or assessment imposed pursuant to this article or a surcharge imposed pursuant to section 12-116.01 or 12-116.02 for a conviction of an offense listed in this article. 2003

5-398.02. Records of convictions and judgments; abstract of record; reports

A. Each magistrate, judge or hearing officer of a court shall:

1. Keep or cause to be kept a record of each violation of this article deposited with or presented to the court.

2. Keep a record of each official action by the court in reference to each violation of this article deposited with or presented to the court, including but not limited to a record of:

(a) Each conviction, forfeiture of bail or deposit or judgment of acquittal.

(b) The amount of the penalty, fine or forfeiture resulting from each complaint deposited with or presented to the court.

B. Within ten days after the conviction, judgment or forfeiture of bail or deposit of a person on a charge of violating this article, each magistrate of the court or clerk of the court of record in which the conviction or judgment was had or bail or deposit was forfeited shall prepare and immediately forward to the department of transportation an abstract of the record of the court covering the case in which the person either:

1. Was convicted.

2. Was adjudicated to have committed a violation.

3. Forfeited bail or deposit.

C. The person required to prepare the abstract shall certify that it is true and correct.

D. The abstract shall be made on a form furnished or in a manner prescribed by the department of transportation and shall include:

1. The name and address of the party charged.

2. The number, if any, of the driver license, permit or identification license of the party charged.

3. The nature of the offense or violation.

4. The disposition or whether bail or deposit was forfeited.

5. The amount of the fine, penalty or forfeiture.

E. The department of transportation shall keep all abstracts received under this section for inspection as required by law. 2004

ARTICLE 11. TOWING OF WATERCRAFT

5-399. Towing companies

A. If a towing company tows a watercraft, the towing company shall provide written notification by mail to the owner and lienholder, if known, of the watercraft's location. The towing company shall obtain the owner and lienholder information pursuant to section 5-324.

B. If the watercraft's owner or lienholder, if known, does not remove the watercraft from the towing company's premises within fifteen days of mailing of notice under subsection A of this section, the towing company shall:

1. Report the watercraft on forms prescribed by the director of the Arizona game and fish department.

2. Submit the report to the director of the Arizona game and fish department. 2002

5-399.01. Abandoned watercraft; notice of intent to transfer ownership

A. On receipt of a report as required by this article, the director shall determine the names and addresses of the owner and lienholder, if known, or any other person identified on the department's record who may have an interest in the watercraft by either:

1. Searching the department records.

2. Asking the watercraft registration agency of another state if the watercraft is registered in that state.

B. On receipt of information from reports pursuant to section 5-399 and after determining the names and addresses of the owner and lienholder, if known, or any other person identified on the department's record who may have an interest in the watercraft, the director shall notify all interested persons by mail within five business days for a watercraft with a record in this state or within thirty days for all other watercraft. The notice shall include:

1. A complete description of the watercraft.

2. A notice of intent to transfer ownership of the watercraft to the towing company in possession of the watercraft if within thirty days from the date indicated in the notification by the department the owner or lienholder, if known, or a person who has an interest in the watercraft does not notify the department of the owner's, lienholder's, if known, or person's interest in the watercraft and claim the watercraft.

3. The watercraft's hull identification number.

4. The state issued registration number assigned to the watercraft.

5. The place from which and date the watercraft was towed.

6. The storage location of the watercraft.

C. If the records of the department or out of state jurisdiction do not disclose the names and addresses of

the owner and lienholder, if any, or any other person identified on the department's record who may have an interest in the watercraft, or if the notice is returned marked unclaimed or address unknown, the department shall publish a notice of the intent of the director to transfer ownership of the towed watercraft pursuant to this article once in a newspaper or other publication of general circulation in the county in which the watercraft was towed. The published notice shall include a statement of the intent of the director to transfer ownership of the watercraft after ten days of the published notice and the department shall make available to the public a complete description of abandoned watercraft subject to transfer of ownership.

D. The towing company that filed the report shall notify the director within twenty-four hours and in the manner prescribed by the director if the watercraft is released or returned to or redeemed or repossessed by the lawful owner or lienholder, if any, or any other known person who is identified on the department's record who may have an interest in the watercraft. **2002**

5-399.02. Unclaimed watercraft; transfer of ownership; violation; classification

A. If a watercraft remains unclaimed at the expiration of the deadlines prescribed in section 5-399.01, subsections B and C, the director shall make an inquiry to determine if the watercraft is stolen. On receiving notice that the watercraft has not been reported stolen, the director may transfer ownership of the watercraft to the towing company free and clear of all liens or encumbrances on compliance with this article.

B. An application for transfer of ownership shall be completed and signed by the towing company or authorized agent of the towing company and shall contain a certified statement that includes the following:

1. As of the date of application, no person has presented proof of ownership or proof of interest in the watercraft and entered into an agreement for the release or return of the watercraft.

2. The towing company is currently in possession of the watercraft.

C. This state and its agencies, employees and agents are not liable for relying in good faith on the contents of the reports or affidavits as prescribed by this article.

D. If a towing company complies with this article, the towing company in possession of a watercraft is not liable for obtaining a transfer of ownership of the watercraft.

E. A towing company that obtains watercraft pursuant to this article shall maintain records of all of the following:

1. The request made pursuant to section 5-324.

2. The notification provided pursuant to section 5-399.

3. The application for transfer of ownership pursuant to this section.

4. Any documents pertaining to ownership transfer of abandoned watercraft that the director deems necessary.

F. A towing company shall maintain the records prescribed by subsection E of this section for three years from the date the ownership of the watercraft is transferred. The records may be audited by any law enforcement officer or employee of the department during normal business hours.

G. A tower who fails to maintain records as prescribed in this section is guilty of a class 2 misdemeanor. **2002**

5-399.03. Abandoned watercraft processing rules; fees

The department may:

1. Adopt rules to carry out the requirements of this article.

2. Establish fees to implement this article. **2002**

TITLE 13

CRIMINAL CODE

Ch.	Art.	Section
29.	OFFENSES AGAINST PUBLIC ORDER	13-2901

CHAPTER 29

OFFENSES AGAINST PUBLIC ORDER

Section
13-2927. Unlawful feeding of wildlife; classification.

13-2927. Unlawful feeding of wildlife; classification

A. A person commits unlawful feeding of wildlife by intentionally, knowingly or recklessly feeding, attracting or otherwise enticing wildlife into an area, except for:

1. Persons lawfully taking or holding wildlife pursuant to title 17 or pursuant to rules or orders of the Arizona game and fish commission.

2. Public employees or authorized agents acting within the scope of their authority for public safety or for wildlife management purposes.

3. Normal agricultural or livestock operational practices.

4. Tree squirrels or birds.

B. This section applies in a county with a population of more than two hundred eighty thousand persons.

C. Unlawful feeding of wildlife is a petty offense. **2006**

Recent legislative year: Laws 2006, Ch. 238, § 3.

TITLE 17

GAME AND FISH

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CHAPTER 1

GENERAL PROVISIONS

ARTICLE 1. DEFINITIONS AND AUTHORITY OF THE STATE

Section
17-101. Definitions.
17-102. Wildlife as state property; exceptions.
17-103. Duties of county attorneys.
17-104. Duties of peace officers as special game rangers.
17-105. Immunity of witnesses.

ARTICLE 1. DEFINITIONS AND AUTHORITY OF THE STATE

17-101. Definitions

A. In this title unless the context otherwise requires:

1. "Angling" means the taking of fish by one line and not to exceed two hooks, by one line and one artificial lure, which may have attached more than one hook, or by one line and not to exceed two artificial flies or lures.

2. "Bag limit" means the maximum limit, in number or amount, of wildlife which may lawfully be taken by any one person during a specified period of time.

3. "Closed season" means the time during which wildlife may not be lawfully taken.

4. "Commission" means the Arizona game and fish commission.

5. "Department" means the Arizona game and fish department.

6. "Device" means any net, trap, snare, salt lick, scaffold, deadfall, pit, explosive, poison or stupefying substance, crossbow, firearm, bow and arrow, or other implement used for taking wildlife. Device does not include a raptor or any equipment used in the sport of falconry.

7. "Falconry" means the sport of hunting or taking quarry with a trained raptor.

8. "Fishing" means to lure, attract or pursue aquatic wildlife in such a manner that the wildlife may be captured or killed.

9. "Fur dealer" means any person engaged in the business of buying for resale the raw pelts or furs of wild mammals.

10. "Guide" means a person who, for pay, aids or assists any person in taking wildlife.

11. "License year" means the twelve-month period between January 1 and December 31, inclusive.

12. "Nonresident" means a citizen of the United States or an alien who has not been a bona fide resident of the state of Arizona for six months immediately preceding the date of application for a license.

13. "Open season" means the time during which wildlife may be lawfully taken.

14. "Possession limit" means the maximum limit, in number or amount of wildlife, which may be possessed at one time by any one person.

15. "Resident" means a person who has been a bona fide resident of the state of Arizona for six months immediately preceding the date of application for a license, or a member of the armed forces who has been stationed in Arizona for a period of thirty days immediately preceding the date of application for a license.

16. "Road" means any maintained right-of-way for public conveyance.

17. "Statewide" means all lands except those areas lying within the boundaries of state and federal refuges, parks and monuments, unless specifically provided differently by commission order.

18. "Take" means pursuing, shooting, hunting, fishing, trapping, killing, capturing, snaring or netting wildlife or the placing or using of any net or other device or trap in a manner that may result in the capturing or killing of wildlife.

19. "Taxidermist" means any person who engages for hire in the mounting, refurbishing, maintaining, restoring or preserving of any display specimen.

20. "Traps" or "trapping" means taking wildlife in any manner except with a gun or other implement in hand.

21. "Wild" means, in reference to mammals and birds, those species which are normally found in a state of nature.

22. "Wildlife" means all wild mammals, wild birds and the nests or eggs thereof, reptiles, amphibians, mollusks, crustaceans, and fish, including their eggs or spawn.

23. "Zoo" means a commercial facility open to the public where the principal business is holding wildlife in captivity for exhibition purposes.

B. The following definitions of wildlife shall apply:

1. Aquatic wildlife are all fish, amphibians, mollusks, crustaceans and soft-shelled turtles.

2. Game mammals are deer, elk, bear, pronghorn (antelope), bighorn sheep, bison (buffalo), peccary (javelina), mountain lion, tree squirrel and cottontail rabbit.

3. Big game are wild turkey, deer, elk, pronghorn (antelope), bighorn sheep, bison (buffalo), peccary (javelina), bear and mountain lion.

4. "Trophy" means:

(a) A mule deer buck with at least four points on one antler, not including the eye-guard point.

(b) A whitetail deer buck with at least three points on one antler, not including the eye-guard point.

(c) A bull elk with at least six points on one antler, including the eye guard point and the brow tine point.

(d) A pronghorn (antelope) buck with at least one horn exceeding or equal to fourteen inches in total length

(e) Any bighorn sheep.

(f) Any bison (buffalo).

5. Small game are cottontail rabbits, tree squirrels, upland game birds and migratory game birds.

6. Fur-bearing animals are muskrats, raccoons, otters, weasels, bobcats, beavers, badgers and ringtail cats.

7. Predatory animals are foxes, skunks, coyotes and bobcats.

8. Nongame animals are all wildlife except game mammals, game birds, fur-bearing animals, predatory animals and aquatic wildlife.

9. Upland game birds are quail, partridge, grouse and pheasants.

10. Migratory game birds are wild waterfowl, including ducks, geese and swans; sandhill cranes; all coots, all gallinules, common snipe, wild doves and bandtail pigeons.

11. Nongame birds are all birds except upland game birds and migratory game birds.

12. Raptors are birds that are members of the order of falconiformes or strigiformes and include falcons, hawks, owls, eagles and other birds that the commission may classify as raptors.

13. Game fish are trout of all species, bass of all species, catfish of all species, sunfish of all species, northern pike, walleye and yellow perch.

14. Nongame fish are all the species of fish except game fish.

15. Trout means all species of the family salmonidae, including grayling. **2006**

17-102. Wildlife as state property; exceptions

Wildlife, both resident and migratory, native or introduced, found in this state, except fish and bullfrogs impounded in private ponds or tanks or wildlife and birds reared or held in captivity under permit or license from the commission, are property of the state and may be taken at such times, in such places, in such manner and with such devices as provided by law or rule of the commission. **1998**

17-103. Duties of county attorneys

Each county attorney shall prosecute and defend on behalf of the state, in all courts of the county, all actions, criminal or civil, arising under this title in which the state, commission member, or department employee is a party thereof. **1958**

17-104. Duties of peace officers as special game rangers

All county, city and town peace officers are ex officio special game rangers and are required to carry out the duties of this title. **1958**

17-105. Immunity of witnesses

No person called upon by the state to testify as a witness in any action brought under this title shall be excused or exempted from so testifying or from producing documentary evidence on the ground that the testimony or evidence might incriminate him, but the person shall not thereafter be prosecuted for an offense concerning which he is called upon to give such testimony or evidence. **1958**

CHAPTER 2

GAME AND FISH DEPARTMENT AND GAME AND FISH COMMISSION

ARTICLE 1. MEMBERSHIP

Section

17-201. Game and fish department and game and fish commission members; appointment; removal; meetings.

ARTICLE 2. DIRECTOR AND EMPLOYEES

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ARTICLE 1. MEMBERSHIP

17-201. Game and fish department and game and fish commission members; appointment; removal; meetings

A. The laws of the state relating to wildlife shall be administered by the game and fish department. Control of the department is vested in the game and fish commission. The commission shall consist of five members, appointed by the governor pursuant to section 38-211. Not more than three members shall be members of the same political party, and no two members may be residents of the same county. Members shall be well informed on the subject of wildlife and requirements for its conservation. Appointments shall be for a term of five years and shall expire on the third Monday in January of the appropriate year.

B. The governor may, after public hearing, remove a member for inefficiency, neglect of duty or misconduct in office. Upon removal of a member the governor shall file in the office of the secretary of state a complete statement of all charges made against the members and his findings thereon, together with a complete record of the proceedings.

C. Each member of the commission while attending general or specific meetings of the commission or while performing official duties for the commission shall receive compensation as determined pursuant to section 38-611. A commission member who is otherwise employed as a public officer shall not receive such payment if it is prohibited by law. Compensation and expenses shall be paid monthly from the game and fish fund.

D. The commission shall have its principal office at the state capitol but meetings may be held at any time or place within the state. The commission shall meet at least once quarterly. Meetings may be held at the call of the chairman or majority of the commission. A majority of the commission shall constitute a quorum to transact business. **1972**

ARTICLE 2. DIRECTOR AND EMPLOYEES

17-211. Director; selection; removal; powers and duties; employees

A. The commission shall appoint a director of the Arizona game and fish department, who shall be the chief administrative officer of the game and fish department. The director shall receive compensation as determined pursuant to section 38-611. The director shall be selected on the basis of administrative ability and general knowledge of wildlife management. The director shall act as secretary to the commission, and shall serve for a term of five years, but may be removed by the commission, after public hearing, for inefficiency, neglect of duty or misconduct in office. If the director is removed, the commission shall make, in its minutes, a complete statement of the proceedings and all charges made against the director, and its findings. The director shall not hold any other office, and shall devote the entire time to the duties of office.

B. The commission shall prepare an examination for the post of director to comply with the requirements of this title. The examination shall be conducted at the offices of the commission at the capital to establish an active list of eligible applicants. The director shall be selected from those scoring satisfactory grades and having other qualities deemed advisable by the commission. The commission may call for additional examinations from time to time for selection of a new list of eligible applicants to fill a vacancy.

C. The director may appoint employees necessary to carry out the purposes of this title, when funds for the payment of their salaries are appropriated. Department employees shall be located in different sections of the state where their services are most needed. All appointments must be made in accordance with procedures and qualifications established by the commission. Compensation for persons appointed shall be as determined pursuant to section 38-611. The director may dismiss an employee for inefficiency, neglect of duty or misconduct. Such employee shall be entitled to an appeal before the commission after filing a written request for a hearing within thirty days after the date of discharge. The director shall file in the department office a complete statement of charges made against the employee and the findings after such written request is received. If the employee fails to file such request within the thirty-day period, the right of appeal is waived and the action of the director shall be final.

D. The director shall :

1. Have general supervision and control of all activities, functions and employees of the department.

2. Enforce all provisions of this title, including all commission rules.

3. Collaborate with the state forester in presentations to legislative committees on issues associated with forest management and wildfire prevention and suppression as provided by section 37-622, subsection B.

E. Game rangers and wildlife managers may, in addition to other duties:

1. Execute all warrants issued for a violation of this title.

2. Execute subpoenas issued in any matter arising under this title.

3. Search without warrant any aircraft, boat, vehicle, box, game bag or other package where there is sufficient cause to believe that wildlife or parts of wildlife are possessed in violation of law.

4. Inspect all wildlife taken or transported and seize all wildlife taken or possessed in violation of law, or showing evidence of illegal taking.

5. Seize as evidence devices used illegally in taking wildlife and hold them subject to the provisions of section 17-240.

6. Generally exercise the powers of peace officers with primary duties the enforcement of this title.

7. Seize devices that cannot be lawfully used for the taking of wildlife and are being so used and hold and dispose of them pursuant to section 17-240. **2003**

17-212. Director's seal; authentication of records

A. The director shall adopt a seal of office which shall be used to authenticate records and copies of records required by law to be made and kept by the department.

B. The director and any department employees the director designates in writing may use the seal to authenticate records and copies of records.

C. Authenticated records or authenticated copies of records shall be received in evidence without further proof of their authenticity. **1977**

17-213. Prohibition on political activity

Neither the director nor any employee of the department shall take active part in a political campaign nor use his office to influence in any way an election or the results thereof. Failure to abide by the provisions of this section shall constitute grounds for dismissal of the director or any employee. **1958**

17-214. Arizona game and fish department reserve; members; powers and duties; compensation

A. The commission may establish a volunteer organization known as the Arizona game and fish department reserve and prescribe the qualifications for membership. Members of the reserve serve at the pleasure of the director who has general supervision and control of all reserve activities.

B. The reserve shall assist the department as an auxiliary body and perform such duties in the areas of education, conservation and enforcement as the commission prescribes by rule or regulation. The director may designate qualified reservists as peace officers in the same manner and with the same powers as game rangers and wildlife managers. Such reservists are not entitled to participate in the public safety personnel retirement system pursuant to title 38, chapter 5, article 4.

C. Members of the reserve are not eligible to receive compensation but are eligible for reimbursement of expenses pursuant to title 38, chapter 4, article 2. Members of the reserve are deemed to be employees of this state for the purpose of coverage under Arizona workers' compensation pursuant to title 23, chapter 6. **1984**

ARTICLE 3. POWERS AND DUTIES

17-231. General powers and duties of the commission

A. The commission shall:

1. Make rules and establish services it deems necessary to carry out the provisions and purposes of this title.

2. Establish broad policies and long-range programs for the management, preservation and harvest of wildlife.

3. Establish hunting, trapping and fishing rules and prescribe the manner and methods which may be used in taking wildlife.

4. Be responsible for the enforcement of laws for the protection of wildlife.

5. Prescribe grades, qualifications and salary schedules for department employees.

6. Provide for the assembling and distribution of information to the public relating to wildlife and activities of the department.

7. Prescribe rules for the expenditure, by or under the control of the director, of all funds arising from appropriation, licenses, gifts or other sources.

8. Exercise such powers and duties necessary to carry out fully the provisions of this title and in general exercise powers and duties which relate to adopting and carrying out policies of the department and control of its financial affairs.

9. Prescribe procedures for use of department personnel, facilities, equipment, supplies and other resources in assisting search or rescue operations on request of the director of the division of emergency management.

10. Cooperate with the Arizona-Mexico commission in the governor's office and with researchers at universities in this state to collect data and conduct projects in the United States and Mexico on issues that are within the scope of the department's duties and that relate to quality of life, trade and economic development in this state in a manner that will help the Arizona-Mexico commission to assess and enhance the economic competitiveness of this state and of the Arizona-Mexico region.

B. The commission may:

1. Conduct investigations, inquiries or hearings in the performance of its powers and duties.

2. Establish game management units or refuges for the preservation and management of wildlife.

3. Construct and operate game farms, fish hatcheries, fishing lakes or other facilities for or relating to the preservation or propagation of wildlife.

4. Expend funds to provide training in the safe handling and use of firearms and safe hunting practices.

5. Remove or permit to be removed from public or private waters fish which hinder or prevent propagation of game or food fish and dispose of such fish in such manner as it may designate.

6. Purchase, sell or barter wildlife for the purpose of stocking public or private lands and waters and take at any time in any manner wildlife for research, propagation and restocking purposes or for use at a game farm or fish hatchery and declare wildlife salable when in the public interest or the interest of conservation.

7. Enter into agreements with the federal government, with other states or political subdivisions of the state and with private organizations for the construction and operation of facilities and for management studies, measures or procedures for or relating to the preservation and propagation of wildlife and expend funds for carrying out such agreements.

8. Prescribe rules for the sale, trade, importation, exportation or possession of wildlife.

9. Expend monies for the purpose of producing publications relating to wildlife and activities of the department for sale to the public and establish the price to be paid for annual subscriptions and single copies of such publications. All monies received from the sale of such publications shall be deposited in the game and fish publications revolving fund.

10. Contract with any person or entity to design and produce artwork on terms which, in the commission's judgment, will produce an original and valuable work of art relating to wildlife or wildlife habitat.

11. Sell or distribute the artwork authorized under paragraph 10 of this subsection on such terms and for such price as it deems acceptable.

12. Consider the adverse and beneficial short-term and long-term economic impacts on resource dependent communities, small businesses and the state of Arizona, of policies and programs for the management, preservation and harvest of wildlife by holding a public hearing to receive and consider written comments and public testimony from interested persons.

C. The commission shall confer and coordinate with the director of water resources with respect to the commission's activities, plans and negotiations relating to water development and use, restoration projects under the restoration acts pursuant to chapter 4, article 1 of this title, where water development and use are involved, the abatement of pollution injurious to wildlife and in the formulation of fish and wildlife aspects of the director of water resources' plans to develop and utilize water resources of the state and shall have jurisdiction over fish and wildlife resources and fish and wildlife activities of projects constructed for the state under or pursuant to the jurisdiction of the director of water resources.

D. The commission may enter into one or more agreements with a multi-county water conservation district and other parties for participation in the lower Colorado river multispecies conservation program under section 48-3713.03, including the collection and payment of any monies authorized by law for the purposes of the lower Colorado river multispecies conservation program. **2005**

17-232. Agreements with other states for reciprocal use of licenses

The commission, subject to the approval of the governor and the attorney general, is authorized to enter into reciprocal agreements with corresponding state or county agencies of adjoining states pertaining to the establishment of a basis whereby licenses or permits issued by either of the parties may be used by the licensees within the jurisdiction of either party to the agreement. **1958**

17-233. Acquisition and disposition of buffalo and buffalo meat

The commission may purchase, sell, barter, or give away buffalo or buffalo meat provided the same may be given only to public institutions or charitable institutions and monies derived therefrom shall be deposited in the game and fish fund. **1958**

17-234. Open or closed seasons; bag limits; possession limits

The commission shall by order open, close or alter seasons and establish bag and possession limits for wildlife, but a commission order to open a season shall be issued not less than ten days prior to such opening date. The order may apply statewide or to any portion of the state. Closed season shall be in effect unless opened by commission order. **1958**

17-235. Migratory birds

The commission shall prescribe seasons, bag limits, possession limits and other regulations pertaining to taking migratory birds in accordance with the migratory bird treaty act and regulations issued thereunder, but the commission may shorten or modify seasons, bag and possession limits and other regulations on migratory birds as it deems necessary. **1958**

17-236. Taking birds; possession of raptors

A. It is unlawful to take or injure any bird or harass any bird upon its nest, or remove the nests or eggs of

any bird, except as may occur in normal horticultural and agricultural practices and except as authorized by commission order. Nothing in this title shall be construed to prohibit the taking of such birds for scientific purposes under permits issued by the commission.

B. The commission shall issue licenses to permit the possession and transportation of raptors for sport falconry consistent with the requirements of the migratory bird treaty act (40 Stat. 755; 16 United States Code sections 703 through 711) and the endangered species act of 1973 (P.L. 93-205; 87 Stat. 884; 16 United States Code sections 1531 through 1544). **1998**

17-237. Pollution of waters

The commission is authorized to bring suit in the name of the state against any person, corporation, or government agency, to restrain or enjoin the person, corporation, or government agency from discharging or dumping into a stream or body of water in the state any deleterious substance which is injurious to wildlife. **1958**

17-238. Special licenses for field trials, for shooting preserves and for collecting or holding wildlife in captivity

A. The commission may adopt rules and regulations and issue licenses for the conduct of field trials, shooting preserves, private wildlife farms and zoos, or for the personal use and possession of wildlife so as to safeguard the interests of the wildlife and people of the state.

B. The commission, at its discretion and under such regulations as it deems necessary, may issue a permit to take wildlife for scientific purposes to any person or duly accredited representative of public educational or scientific institutions, or governmental departments of the United States engaged in the scientific study of wildlife.

C. A person holding a permit issued pursuant to this section may, upon advance approval by the commission, buy, sell and transport wildlife legally possessed. Each person receiving a permit under this section shall file with the department within fifteen days after requested by the department a report of his activities under the permit. The commission may revoke such licenses or permits for noncompliance with regulations. **1986**

17-239. Wildlife depredations; investigations; corrective measures; disposal; reports; judicial review

A. Any person suffering property damage from wildlife may exercise all reasonable measures to alleviate the damage, except that reasonable measures shall not include injuring or killing game mammals, game birds or wildlife protected by federal law or regulation unless authorized under subsection D of this section. A person may not retain or sell any portion of an animal taken pursuant to this subsection except as provided in section 3-2403.

B. Any person suffering such property damage, after resorting to the relief as is provided in subsection A of this section, may file a written report with the director, advising the director of the damage suffered, and the species of animals causing the damage, and the director shall immediately order an investigation and report by an employee trained in the handling of wild animal depredation.

C. The department shall provide technical advice and assist in the necessary anti-depredation measures recommended in the report, including trapping, capturing and relocating animals.

D. If harvest of animals is found to be necessary to relieve damage, the commission may establish special seasons or special bag limits, and either set reduced fees or waive any or all license fees required by this title, to crop that wildlife. If the commission determines that this cropping by hunters is impractical, it may issue a special permit for taking that wildlife to the landowner, lessee, livestock operator or municipality suffering damage, provided that the edible portions, or other portions as prescribed by the commission, of all the wildlife taken by the person suffering damage are turned over to an agent of the department for delivery to a public institution or charitable organization.

E. Except as provided in section 41-1092.08, subsection H, in the event any person suffering property damage from wildlife is dissatisfied with the final decision of the commission, the person may seek judicial review pursuant to title 12, chapter 7, article 6. **2000**

17-240. Disposition of wildlife; devices; unlawful devices; notice of intention to destroy; waiting period; destruction; jurisdiction of recovery actions; disposition of unclaimed property

A. Wildlife seized under this title may be disposed of in such manner as the commission or the court may prescribe, except that the edible portions shall be given to public institutions or charitable organizations. In consultation with the department of health services and the chief veterinary meat inspector, the commission shall adopt rules for the handling, transportation, processing and storing of game meat given to public institutions and charitable organizations.

B. Devices, excepting firearms, which cannot be used lawfully for the taking of wildlife and being so used at the time seized may be destroyed. Notice of intention to destroy such devices as prescribed in this section must be sent by registered mail to the last known address of the person from whom seized if known and posted in three conspicuous places within the county wherein seized, two of said notices being posted in the customary place for posting public notices about the county courthouse of said county. Such device shall be held by the department for thirty days after such posting and mailing, and if no action is commenced to recover possession of such device within such time, the same shall be summarily destroyed by the department, or if such device shall be held by the court in any such action to have been used for the taking of wildlife, then such device shall be summarily destroyed by the department immediately after the decision of the court has become final. The justice court shall have jurisdiction of any such actions or proceedings commenced to recover the possession of such devices.

C. Devices other than those referred to in subsection B, including firearms seized under this title shall, after final disposition of the case, be returned to the person

from whom the device was seized. If the person from whom the device was seized cannot be located or ascertained, the device seized shall be retained by the department at least ninety days after final disposition of the case, and all devices so held by the department may be:

1. Sold annually.

2. Destroyed only if considered a prohibited or defaced weapon, as defined in section 13-3101, except that any seized firearm registered in the national firearms registry and transfer records of the United States treasury department or has been classified as a curio or relic by the United States treasury department shall not be destroyed.

D. If no complaint is filed pursuant to this title, the device shall be returned to the person from whom seized within thirty days from the date seized.

E. A complete report of all wildlife and devices seized by the department showing a description of the items, the person from whom it was seized, if known, and a record of the disposition shall be kept by the department. The money derived from the sale of any devices shall be deposited in the game and fish fund. **1998**

17-241. Acquisition and disposition of lands and waters; retention of rights; disposition of proceeds

A. The commission, in the name of the state, with the approval of the governor may:

1. Acquire by purchase, lease, exchange, gift or condemnation lands for use as fish hatcheries, game farms, firing ranges, reservoir sites or rights of way to fishing waters.

2. Acquire by purchase, lease, exchange or gift lands or waters for use as fish hatcheries, game farms, shooting areas, firing ranges or other purposes necessary to carry out the provisions of this title.

3. Acquire by condemnation waters for use as fish hatcheries. The acquisition of land acquired by condemnation shall be limited to a maximum of one hundred sixty acres unless first approved by the legislature.

B. The commission may, with approval of the governor and state land commissioner, lease, sublease, exchange, or sell, in the name of the state, any land acquired by gift, purchase, lease, exchange, or other method.

C. Notwithstanding any other provision of law, the sale or transfer of any lands under the provisions of this section shall be subject to a reservation to the state of all mineral rights and may be subject to the right of entry thereon by the public for hunting and fishing purposes.

D. Money derived from a sale or lease shall be deposited in the game and fish fund. **1958**

17-242. Guaranteeing irrigation district assessment; sale of land located within federal reclamation projects and irrigation districts

A. The commission, by and with the approval of the governor and state land commissioner, may make contracts with irrigation districts in the name of the state to guarantee the payment of and to pay to the irrigation district the full amount of district assessments or charges against land owned by the game and fish commission located within a federal reclamation project, or an irrigation district which is served wholly or in part by such federal reclamation project, at any time such assessments or charges become delinquent.

B. If the commission sells any of the land referred to in subsection A, it shall require at least one-fourth of the sale price to be paid at the time of sale and the balance payable in not less than twenty years. The contract of sale or other document of sale shall require that the purchaser pay such irrigation district assessments or charges before delinquency, and that failure to do so shall constitute a breach of the terms of sale. If a purchaser defaults in the payment of such irrigation district assessments or charges and the interest of the purchaser in such land is terminated, the subsequent purchaser shall pay to the commission as reimbursement the full amount of delinquent assessments due upon such land.

C. The contract or other document of sale shall also require that if the purchaser defaults upon any term or condition of the sale and does not remedy the default within six months, the irrigation district may perform or remedy the default of the purchaser. When the irrigation district cures the default in the terms of sale, the interest of the purchaser shall be cancelled and his interest in such land shall be transferred to the irrigation district subject to the contract of sale.

D. Nothing in this section shall be construed as creating any lien upon state lands or against the interest of the state therein, or as creating any obligation of the state to pay any charges, assessments or debts incurred by any districts other than those described in this section. **1958**

17-243. Sale of surplus products of federal aid projects; disposition of proceeds

The commission may sell surplus products of federal aid wildlife projects. The proceeds of such sale shall be placed in a special game and fish fund to be known as the federal aid wildlife projects maintenance fund and may be used by the commission for maintenance of federal aid projects wherever located in the state. **1958**

17-244. Bulletin; refuge signboards; posted lands

A. A hunting and fishing bulletin shall be available through all license dealers and at such places as the commission may designate.

B. Notices or signboards shall be of a size not less than eight by eleven inches and as many of the notices or signboards shall be posted as the commission determines necessary to give public notice of the location of the boundaries of the closed area. The notices or signboards shall be removed immediately upon the reopening of such closed area. **1958**

17-245. Game management units or refuges; establishment

In the establishment of game management units or refuges the commission shall describe such areas by commission order and shall record copies of the order with the county recorder of the county or counties in which such area is located. One copy of each order shall be kept on file in the Phoenix office of the commission. **1966**

17-246. Ground leases; installment purchase of facilities

A. In this section and section 17-247, "game and fish facilities" has the same meaning as prescribed in section 17-281.

B. For the purpose of acquiring and financing game and fish facilities and with the approval of the joint legislative budget committee the commission may:

1. Enter into leases, as lessor, of land held by the department or the commission, including land held in fee, in the name of this state, by institutional lease from the state land department or by permit from the federal government, if a game and fish facility is to be built, renovated or improved on the land and sold to the department under an installment purchase agreement.

2. Enter into installment purchase agreements pursuant to section 17-247 for the purpose of acquiring a game and fish facility.

3. Contract that any game and fish facility to be purchased is deemed to be personal property notwithstanding the fact that the facility is permanently attached to the land. **1984**

17-247. Terms of agreements

Installment purchase agreements entered into under section 17-246:

1. Shall include an interest component in the payments to be made pursuant to the agreement.

2. May provide for annual, monthly or other payment periods.

3. May provide that payments be made in advance, at the start of each payment period.

4. May provide for the inception of payments before the construction, renovation or improvement of the game and fish facility being acquired.

5. May permit the sale of certificates of participation or other representations of interest in some or all of the seller's rights under the installment purchase agreement and the assignment of some or all of the seller's rights under the installment purchase agreement to a trustee on behalf of the seller and the holders of the certificates or other representations of interests. The agreements and the certificates or other representations of interest, their transfer and the income from them are free from taxation in this state and are exempt from title 44, chapter 12.

6. Shall provide that all right, title and interest in and to the game and fish facility purchased vest in this state or the department when full payment has been made and all other conditions in the agreement have been complied with.

7. Shall provide that the commission shall operate and maintain the game and fish facility during the life of the installment purchase agreement.

8. May provide either that the seller shall construct, renovate or improve the game and fish facility and turn over the completed facility to the commission or that the commission enter into and administer the construction, renovation or improvement of the facility as the seller's agent. If the commission acts as the seller's agent, the seller shall deliver to a fiscal agent agreed on by the seller and the commission monies in an amount reasonably expected to be sufficient to pay for the construction, renovation or improvement of the facility to be acquired. The monies advanced shall be held in trust until they are expended for construction, renovation or improvement of the facility. On completion of the facility, any excess monies shall be returned to the seller. If the commission acts as the agent for construction, renovation or improvement, all contracts regarding construction shall be awarded and administered pursuant to title 34, chapters 2 and 3.

9. May provide that on an event of default, which is not cured as provided in the installment purchase agreement, the commission shall vacate the game and fish facility which is the subject of the installment purchase agreement. The superior court has jurisdiction to enforce this provision by an appropriate injunction and other relief.

10. May contain such other terms, covenants and conditions as the commission prescribes.

11. May be for any term not to exceed thirty years. The installment purchase agreement is not an obligation of this state, the commission or the department in any fiscal year, except to the extent that monies for payment on the installment purchase agreement have been appropriated by the legislature and allocated for payment on the installment purchase agreement by the department for that fiscal year and the commission has executed an annual renewal of the installment purchase agreement for that fiscal year. On appropriation, allocation and annual renewal, the installment purchase agreement is a binding contract of the department in full force and effect for that fiscal year. **1984**

17-248. Certification of installment purchase agreements by the attorney general

A. The commission shall submit to the attorney general any initial installment purchase agreement after all actions for the authorization of the installment purchase agreement have been taken by the commission and the department. The attorney general shall examine into and pass upon the validity of the initial installment purchase agreement submitted and the regularity of all proceedings in connection with the installment purchase agreement. If the attorney general determines that the proceedings conform to the provisions of this article and that the installment purchase agreement, when executed and delivered, will constitute a binding and legal obligation of the commission according to its terms and subject to the limitations of section 17-247, paragraph 11, the attorney general shall certify on the installment purchase agreement that it is issued in accordance with the constitution and laws of this state.

B. The commission may submit to the attorney general any subsequent installment purchase agreement after all actions for the authorization of the installment purchase agreement have been taken by the commission and the department if the terms of the installment purchase agreement are substantially the same as the terms of the initial installment purchase agreement reviewed pursuant to subsection A of this section. The attorney general shall examine into and pass on the validity of any installment purchase agreement submitted and the regularity of all proceedings in connection with the installment purchase agreement. If the attorney general determines that the proceedings con-

form to the provisions of this article and that the installment purchase agreement, when executed and delivered, will constitute a binding and legal obligation of the commission according to its terms and subject to the limitations of section 17-247, paragraph 11, the attorney general shall certify on the installment purchase agreement that it is issued in accordance with the constitution and laws of this state. **1984**

17-249. Inmate labor

The commission may contract with the state department of corrections or ARCOR enterprises for the use of inmate labor, including juveniles, in constructing, operating or maintaining game and fish facilities. **1984**

17-250. Wildlife diseases; order of director; violation; classification; rule making exemption

A. If a wildlife disease is suspected or documented in freeranging or captive wildlife, the director may issue orders that are necessary to minimize or eliminate the threat from the disease. The director may also order or direct an employee of the department to:

1. After notification of and in coordination with the state veterinarian, establish quarantines and the boundary of the quarantine.

2. Destroy wildlife as necessary to prevent the spread of any infectious, contagious or communicable disease.

3. Control the movement of wildlife, wildlife carcasses or wildlife parts that may be directly related to spreading or disseminating diseases that pose a health threat to animals or humans.

4. Require any individual who has taken wildlife, who is in possession of wildlife or who maintains wildlife under a license issued by the department to submit the wildlife or parts for disease testing.

B. On finding there is reason to believe an infectious, contagious or communicable disease is present, the director may require an employee of the department to enter any place where wildlife may be located and take custody of the wildlife for purposes of disease testing. If search warrants are required by law, the director shall apply for and obtain warrants for entry to carry out the requirements of this subsection.

C. A person who violates any lawful order issued under this section is guilty of a class 2 misdemeanor.

D. An order issued under this section is exempt from title 41, chapter 6, article 3, except that the director shall promptly file a copy of the order with the secretary of state for publication in the Arizona administrative register pursuant to section 41-1013. **2003**

ARTICLE 4. FISCAL PROVISIONS

17-261. Game and fish fund

On or before the fifth day of each month the department shall deposit, pursuant to sections 35-146 and 35-147, the money received from licenses or from any other source under this title in a special fund known as the game and fish fund which is set aside, appropriated and made available to the commission in carrying out the provisions of this title, and such funds shall be used for no other purpose. Expenditures of such funds shall be under control of the budget laws of the state and no money shall be expended from such funds except:

1. By the annual budget and to match federal grants for wildlife restoration as provided for by the legislature.

2. For emergency purposes not to exceed twenty-five thousand dollars in any one fiscal year when authorized by the governor and the department of administration. **2000**

17-261.01. Game and fish revolving fund

A. Notwithstanding the provisions of section 35-193, there is established a permanent game and fish revolving fund in an amount not to exceed thirty thousand dollars for use in making cash outlays for postage, C.O.D. packages, travel or other minor disbursements which are proper as ultimate claims for payment from the game and fish fund. The director of the department of administration shall prescribe rules and regulations for expenditures from this fund and reimbursement to the fund.

B. The game and fish permanent revolving fund shall be established as a separate account on the books of the game and fish department and a full accounting of its use shall be made to the director of the department of administration annually or as required by the director of the department of administration.

C. All monies deposited in the game and fish revolving fund are appropriated to the game and fish department for use as provided in this section and are exempt from the provisions of section 35-190, relating to lapsing of appropriations. **1983**

17-262. Investment of surplus funds; earned interest

A. When the commission is of the opinion that the actual amount of funds held by the commission is in excess of the amount necessary to meet the immediate demands, the commission may authorize the investment of such funds, unless prohibited by federal and state rules and regulations.

B. On notice from the commission, the state treasurer shall invest and divest monies in the fund as provided by section 35-313, and monies earned from investment shall be credited to the game and fish fund. **2000**

17-263. Membership dues

The department may expend monies for membership dues in organizations dealing directly with fish and game management. **1989**

17-264. Budget appropriation

The legislature shall, in its general appropriation measure and in accordance with the budget laws of the state, make an appropriation for the operation of the commission and department, the appropriation to be payable from game and fish funds. **1958**

17-266. Construction by employees or force account

Notwithstanding sections 41-2535 and 41-2572, the commission may build, alter, repair, improve or demolish a structure or other improvement by employees or force account if the project cost does not exceed thirty-five thousand dollars. This exemption does not apply to

an office or residence building or to storage facilities for equipment and supplies. In fiscal year 1986-1987, and each fiscal year thereafter, the maximum project cost for which construction by employees or force account is authorized shall be adjusted by the annual percentage change in the GDP price deflator as defined in section 41-563, subsection E. **1993**

17-267. Land and water conservation and recreation development fund

A. There is established a land and water conservation and recreation development fund. The monies of such fund may be used by the commission to pay for recreation benefits in connection with fish and wildlife restoration projects. The monies of such fund may be used to match other funds available from the Pittman-Robertson federal aid in wildlife restoration act in 50 Stat. 917, 16 U.S.C. 669-669j, the Dingell-Johnson federal aid in fish restoration act in 64 Stat. 430, 16 U.S.C.A. 777-777k and the rules and regulations pursuant thereto, land and water conservation fund act which is Public Law 88-578 of 1965 and rules and regulations pertaining thereto, the state lake improvement fund, the state game and fish restoration fund or funds available from other federal, state, county or municipal sources. The monies of such fund may also be used for purchase of engineering services, land, rights of way, water rights or for construction on a participating basis in such projects or to provide recreational facilities appurtenant thereto.

B. The commission may review and recommend to the legislature in its annual budget request, projects which will provide recreation benefits in connection with fish and wildlife restoration projects.

C. All monies in the land and water conservation and recreation development fund shall be subject to annual legislative appropriation. **1978**

17-268. Game, non-game, fish and endangered species fund

A. A game, non-game, fish and endangered species fund is established to be used by the commission for game, non-game, fish and endangered species purposes. Monies in the fund are subject to annual legislative appropriation pursuant to section 35-143.01.

B. Monies received by this state pursuant to section 43-615 shall be deposited, pursuant to sections 35-146 and 35-147, in the fund.

C. On notice from the commission, the state treasurer shall invest and divest monies in the fund as provided by section 35-313, and notwithstanding section 17-262, monies earned from investment of the game, non-game, fish and endangered species fund shall be credited to the fund. **2000**

17-269. Game and fish publications revolving fund

A game and fish publications revolving fund is established consisting of monies received from the sale of publications pursuant to section 17-231, subsection B, paragraph 9. The monies in the fund are appropriated to the department to produce and distribute department publications and information. Monies in the game and fish publications revolving fund that at any time are in excess of eighty thousand dollars shall immediately revert to the game and fish fund. Monies in the game and fish publications revolving fund up to an amount of eighty thousand dollars are exempt from the provisions of section 35-190 relating to lapsing of appropriations. **2003**

17-270. Waterfowl conservation fund

A. A waterfowl conservation fund is established consisting of monies received from selling waterfowl stamps and artwork pursuant to section 17-333.01 and from gifts, grants and other contributions received for such purpose. Monies in the fund are subject to appropriation under section 35-143.01 and may be expended by the commission for developing migratory waterfowl habitat and associated research and management to increase the number of migratory waterfowl in this state. The commission may expend the monies to match contributions from any other source for such purposes. None of such monies may be used for administrative salaries.

B. Notwithstanding section 17-262, interest earned from investing monies in the waterfowl conservation fund shall be credited to the fund. **1988**

17-271. Wildlife endowment fund

A. A wildlife endowment fund is established to be used by the commission for wildlife conservation and management purposes. The fund consists of:

1. Revenues from sales of lifetime hunting and fishing licenses as provided by section 17-335.01.
2. Gifts, grants and contributions specifically designated for the fund.
3. Interest and investment income derived from monies in the fund as provided by subsection C of this section.

B. Monies in the wildlife endowment fund are:

1. Subject to annual appropriation by the legislature pursuant to section 35-143.01.
2. Exempt from lapsing under section 35-190.

C. The commission shall administer the wildlife endowment fund. On notice from the commission the state treasurer shall invest and divest monies in the wildlife endowment fund as provided by section 35-313, and monies earned from investment shall be credited to the fund. On July 1 of each year the department of administration shall transfer from the wildlife endowment fund to the game and fish fund an amount equal to the interest and investment income deposited in the wildlife endowment fund during the preceding fiscal year. **2000**

17-272. Voluntary contributions in lieu of property taxes

A. If the commission purchases real property and if the property was subject to taxation, or was exempt from taxation under section 42-11114 or 42-11115, at the time of purchase, then, notwithstanding any other law, the commission may make voluntary contributions of money to the state, the county, the municipality, school districts, a community college district and any other special taxing district organized under title 48 in which the property is located. On or before April 1 of each year in which the commission elects to make voluntary contributions under this section, the commission shall notify the county assessor of the county in

which the property is located of its election to make a voluntary contribution pursuant to this section. Contributions under this section:

1. May be made from the game, nongame, fish and endangered species fund, the conservation development fund, the waterfowl conservation fund, the Arizona game and fish commission heritage fund or any other source of monies available to and budgeted by the commission, except that monies from the heritage fund may be used only with respect to property acquired pursuant to section 17-298.

2. Are subject to legislative appropriation if legislative appropriation is required for the particular source of monies.

B. The department shall consult with the assessor of the county in which the property is located and determine the assessed valuation of the property and the amount of the contribution under this section. Each year the contribution shall be computed assuming classification as class two property pursuant to section 42-12002 and shall be valued each year as agricultural land pursuant to section 42-13101. The assessed valuation used to compute the contribution shall not be increased from one tax year to the next tax year by more than two per cent.

C. The amount of the contribution shall be determined by applying the current aggregate tax rate to the determined valuation.

D. The county treasurer shall collect and the commission shall pay the amount of contribution under this section at the same time and in the same manner as ad valorem property taxes are collected and paid.

E. The county treasurer shall distribute the monies received under this section to the various taxing jurisdictions in which the property is located in the same manner as property taxes are distributed.

F. This section does not apply to, and the commission shall not make contributions with respect to, lands acquired for fish hatcheries, game farms, firing ranges, reservoir sites, administrative sites or rights-of-way to fishing waters. **1999**

17-273. Firearms safety and ranges fund; uses; criteria

A. The firearms safety and ranges fund is established consisting of monies transferred to the fund pursuant to section 42-5029, subsection D, paragraph 4, subdivision (e) and revenues derived from the sale or lease of real property owned by the commission and acquired for or used for the purpose of providing public shooting ranges. The Arizona game and fish commission shall administer the fund which is continuously appropriated. Monies in the fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations. Interest earned on monies in the fund shall be credited to the fund.

B. The Arizona game and fish commission shall use monies in the fund on shooting ranges open to the public and operated by government or nonprofit entities for the following purposes:

1. Shooting range engineering and studies.
2. Noise abatement.
3. Safety enhancement.
4. Shooting range design.
5. New shooting range sites and construction.
6. Shooting range relocation.
7. Other projects that are necessary to operate and maintain a shooting range under good practices and management.

C. The director of the Arizona game and fish department shall consult with the state land commissioner to identify eligible state trust land suitable for the location or relocation of shooting ranges.

D. The Arizona game and fish commission may accept and spend private grants, gifts and contributions to assist in carrying out this section. **2001**

ARTICLE 5. CONSERVATION DEVELOPMENT FUND

17-281. Definitions

In this article, unless the context otherwise requires:

1. "Bonds" means bonds issued by the commission pursuant to this article.

2. "Game and fish facilities purpose" means:

(a) Construction of game and fish facilities.

(b) Acquiring, converting, renovating or improving existing facilities for game and fish facilities.

(c) Acquiring real property for game and fish facilities.

(d) Establishing reserves to secure payment of principal, interest and premiums due on the bonds.

(e) Refunding any matured or unmatured bonds.

(f) Expenses of the commission incident to and reasonable and necessary to carry out the purposes specified in this paragraph.

3. "Game and fish facility" means any real property, fixtures, furnishings and equipment that the commission deems appropriate to carry out this title, including the preservation or propagation of wildlife and the preservation or development of habitat.

4. "Resolution" means any resolution adopted by the commission and any trust indenture or other agreement executed by the commission pursuant to a resolution. **1984**

17-282. Conservation development fund; purposes

A. The conservation development fund is established.

B. The fund shall be held and administered by a fiscal agent designated by the commission pursuant to section 17-290.

C. Monies in the fund are not subject to the appropriation or budget laws of this state and no action of the legislature is required for expenditure of monies from the fund. **1984**

17-283. Issuance of bonds; negotiability; resolution; notice; tax exemption

A. The commission, with the approval of the joint legislative budget committee, may issue bonds for game and fish facilities purposes. The bonds are payable solely from the monies in the conservation development fund. The commission may pledge and assign all or any portion of these monies necessary to secure payment of the bonds to a fiscal agent or to a trustee in trust for the bondholders.

B. Bonds issued under this article are fully negotiable within the meaning and for all purposes of title 44.

C. The commission may prescribe by resolution any of the following:

1. Whether the bonds are in one or more series.

2. The date of the bonds.

3. The place, medium, manner and time of payment for the bonds.

4. The maturity date of the bonds which shall not exceed forty years from the date of the bond.

5. Any registration privileges.

6. The manner of execution and form of the bonds, either unregistered, registered as to principal only or registered as to both principal and interest and either certificated or uncertificated.

7. Whether the bonds are additionally secured by reserve or sinking funds which may either be capitalized in whole or in part by bond proceeds or accumulated over the term of the bonds from pledged revenues.

8. The denomination, interest rate, price and method of sale of the bonds. The commission may provide for interest rates which change from time to time based on a percentage of a recognized indicator of interest rates if a maximum and minimum rate of interest is specified in the resolution.

9. The terms on and manner in which bonds are callable. The bonds may be refunded by the issuance of refunding bonds either at or before maturity, but the issuance of refunding bonds shall not be construed to advance the maturity or change stated call dates of the bonds being refunded.

10. Any provisions necessary to secure the bonds and any terms, covenants or conditions deemed necessary by the commission.

D. In conjunction with the issuance of bonds the commission may enhance the security of the bonds by acquiring insurance covering the payment of debt service, acquiring letters of credit or other credit facilities or entering into investment agreements which provide for fixed yields on monies of the commission which may either be received from bond proceeds or from the revenues pledged to the payment of debt service. The commission may enter into an agreement to pay for insurance or letters of credit which pledges bond proceeds or monies deposited in the conservation development fund for the payments. The agreement shall not be effective for a term longer than the final maturity of the bonds being secured, except for payment of fees due from the commission.

E. The bonds, their transfer and the income from them are free from taxation in this state. **1984**

17-284. Pledges; lien; personal liability; incontestability

A. Any pledge made pursuant to this article is valid and binding from the time the pledge is made. Monies pledged and received by the commission or its fiscal agent for deposit in the conservation development fund are immediately subject to the lien of the pledge without any physical delivery or further act, and the lien of the pledge is valid and binding against all parties with or without notice of the pledge who have claims of any kind against the commission. The instrument by which the pledge is created is, when placed in the records of the commission, notice to all persons of the creation of the pledge and need not be recorded in any other place.

B. The members of the commission and any person executing a bond are not personally liable for the payment of a bond.

C. After the sale and delivery of a bond it is incontestable by the commission and is a legal and binding obligation of the commission notwithstanding any imperfection in proceedings with respect to site selection, property acquisition, planning, construction, operation or administration of or for any game and fish facility or any other action taken by the commission not directly affecting the issuance of the bonds. **1984**

17-285. Bonds as legal investments; state nonliability

A. Bonds issued under this article are legal investments for all banks, trust companies and insurance companies organized and operating under the laws of this state.

B. The bonds and interest on the bonds shall be paid solely according to their terms and are not obligations general, special or otherwise of this state. The bonds do not constitute a legal debt of this state and are not enforceable against this state. The commission is not in any event liable for the payment of the principal of or interest on the bonds from any source of revenues other than those pledged for the payment of the bonds. The bonds shall not be construed to constitute an indebtedness of the commission within the meaning of any constitutional or statutory provision. **1984**

17-286. Certification of bonds by attorney general

A. The commission shall submit to the attorney general any initial bond to be offered after all actions for the authorization of the bond have been taken by the commission. The attorney general shall examine into and pass upon the validity of any bond submitted and the regularity of all proceedings in connection with the bond. If the attorney general determines that the proceedings conform to the provisions of this article and that the bond, when delivered and paid for, will constitute a binding and legal obligation of the commission, the attorney general shall certify on the bond or any certificate used to indicate ownership that the bond is issued in accordance with the constitution and laws of this state.

B. The commission may submit to the attorney general any subsequent bond to be offered after all actions for the authorization of the bond have been taken by the commission if the terms of the bond are substantially the same as the terms of the initial bond reviewed pursuant to subsection A of this section. The attorney general shall examine into and pass on the validity of any bond submitted and the regularity of all proceedings in connection with the bond. If the attorney general determines that the proceedings conform to the provisions of this article and that the bond, when delivered and paid for, will constitute a binding and legal obligation of the commission, the attorney general shall certify on the bond or any certificate used to indicate ownership that the bond is issued in accordance with the constitution and laws of this state. **1984**

17-287. Impairment of bondholder rights; prohibition; inclusion in resolutions and indentures

A. This state shall not limit or alter the rights vested in the commission to collect the surcharges necessary to produce sufficient revenue to fulfill the terms of any agreement made with the bondholders or in any way impair the rights and remedies of bondholders until the terms of all bonds and the costs in connection with any action enforcing the terms of the bonds are fully met and discharged.

B. The commission as agent of this state may include in its resolutions and indentures securing bonds an agreement to abide by the provisions of subsection A. **1984**

17-288. Distributions from the conservation development fund

A. Not later than the first day of each month, the fiscal agent shall distribute from the conservation development fund to the appropriate bond payment funds and accounts such monies as are necessary to pay when due the principal of, interest on and any premium on all outstanding bonds. The time, method, amounts, priority and appropriate fund of these distributions shall be as provided in the resolution authorizing the issuance of the bonds and the agreement with the bondholders.

B. If the monies in all the funds and accounts are sufficient to pay when due all principal coming due on outstanding bonds during the ensuing twelve months and all other amounts coming due on outstanding bonds during the ensuing six months, the fiscal agent shall distribute any excess monies in the conservation development fund to the capital improvement fund. **1984**

17-289. Bond proceeds fund; investment

A. The proceeds received from the sale and delivery of bonds after deducting the necessary costs and expenses of the issuance and sale of the bonds shall be deposited with the trustee designated by the commission pursuant to section 17-290 to be placed in a bond proceeds fund, which shall be established for each series or issue of bonds. The bond proceeds fund shall be separate and apart from all other funds, except that the trustee shall first apply those amounts of the bond proceeds set forth in the resolution issuing the bonds or notes to all reserve and sinking funds if required by the bond resolution. Monies in the bond proceeds fund may be spent for any game and fish facilities purpose consistent with the resolution authorizing the bonds.

B. On order of the commission, all monies in a bond proceeds fund shall be invested by the trustee for the series or issue of bonds in obligations issued or guaranteed by the United States or any of the senior debt of its agencies, sponsored agencies, corporations, sponsored corporations or instrumentalities or any investments authorized by any other agencies of the United States government which are now authorized for use to secure public deposits or state, county or municipal bonds issued in this state on which the payments of interest have not been deferred. The order directing the trustee to invest the monies shall set forth the specified time when the proceeds from the sale of the bonds shall be used for the purposes directed in the bond resolution, and the trustee shall invest the proceeds from the sale of the bonds, in the securities described in this subsection. If authorized by the commission, the trustee may purchase any of these securities which mature on a date after the date specified in the order if the trustee obtains a commitment to repurchase the securities on the date specified in the order from a bank or financial institution. The trustee shall exercise reasonable care in choosing the bank or financial institution repurchasing the securities.

C. The separate game and fish bond proceeds funds for different series of bonds may be held by different trustees designated pursuant to section 17-290.

D. If the revenues pledged to secure the bonds or any series of the bonds ever become insufficient to pay the annual principal and interest on the bonds, the commission shall direct the liquidation of the securities remaining in the respective bond proceeds fund and order the trustee to use the proceeds of the liquidation to make current all payments then due on the bonds. **2001**

17-290. Designation of fiscal agent and trustees; monies of the authority; fees

A. The commission shall designate a fiscal agent to receive and administer on behalf of the commission all monies to be paid into the conservation development fund, trustees to receive and administer on behalf of the commission all monies to be paid into the bond proceeds funds, a trustee to receive and administer on behalf of the commission all monies to be paid into the funds and accounts established by resolutions and a fiscal agent to receive and administer on behalf of the commission all monies to be paid into the capital improvement fund.

B. The designations in subsection A shall be made from banks or trust companies authorized to do business in this state. A single bank or trust company may act in more than one of the capacities described in this section.

C. Monies derived from the sale of bonds or pledged to the payment of these bonds shall not be paid into the state treasury but shall be deposited by the commission's treasurer or other fiscal officer, fiscal agent or trustee designated pursuant to this section in a separate bank account designated by the commission. All deposits of these monies shall be secured by obligations of the United States of America, of a market value equal at all times to the amount of the deposit, and all banks and trust companies may give such security. The monies shall be held for and on behalf of the commission and the holders of any bonds. These monies shall be disbursed as directed by the commission and according to the terms of any agreements with the holder of any bonds. This section shall not be construed as limiting the power of the commission to agree in connection with the issuance of any of its bonds as to the custody and disposition of the monies received from the sale of the bonds or the income and revenue pledged and assigned to or interest for the benefit of the holder of the bonds.

D. The fees and expenses of the fiscal agent and trustees designated pursuant to this section shall be paid from the conservation development fund or the bond proceeds fund as directed by the commission. **1984**

17-291. Additional bonds

After the original issuance of bonds, the commission, with the approval of the joint legislative budget committee, may issue additional bonds. Additional bonds may be issued on a parity with one or more outstanding issues on such terms and conditions as the commission prescribes by resolution. **1984**

17-292. Capital improvement fund

A. The capital improvement fund is established and shall be held and administered by a fiscal agent designated by the commission pursuant to section 17-290.

B. Monies in the capital improvement fund may be expended by the department, subject to legislative appropriation for:

1. Constructing game and fish facilities.

2. Acquiring, converting, renovating or improving existing facilities for game and fish facilities.

3. Acquiring real property for game and fish facilities.

4. Expenses of the commission incident to and reasonable and necessary to carry out the purposes of this subsection.

C. If at any time the monies in the conservation development fund are insufficient or the commission reasonably expects these monies to become insufficient for the distributions required in section 17-288, monies in the capital improvement fund not otherwise committed shall be transferred by the fiscal agent to the conservation development fund until the monies in the conservation development fund are sufficient to make the required distributions when due. **1984**

17-293. Unlawful interest in real property by commission member; violation; classification

A. A member of the commission shall not have any direct or indirect financial interest in any real property purchased with monies made available by the issuance of bonds.

B. A person who violates subsection A is guilty of a class 2 misdemeanor. **1984**

17-294. Annual audit of funds

A. The commission shall cause an annual audit to be made of the conservation development fund, capital improvement fund and any bond proceeds, sinking, reserve or other operation fund established pursuant to this article. The audit shall be made by a certified public accountant within thirty days after the close of the fiscal year, and a certified copy of the audit shall be filed with the auditor general.

B. The auditor general may, if he deems it advisable, make such further audits and examinations as he deems necessary and take appropriate action in relation thereto as provided by title 41, chapter 7, article 10.1. Unless the auditor general takes official action within thirty days after filing of the audit, the audit shall be deemed sufficient.

C. The fees and expenses, if any, of the certified public accountant and of the auditor general for audits and examinations pursuant to this section shall be paid from the conservation development fund or the bond proceeds fund as directed by the commission. **1984**

17-295. Limitation on bonding

A. The aggregate amount of bonds that may be issued pursuant to this article shall be determined by the joint committee on capital review but shall not exceed seven million five hundred thousand dollars. The limit determined by the joint committee on capital review shall not be less than the amount issued prior to the date such limit is determined.

B. The limitations of this section shall not apply to bonds issued to refund bonds lawfully issued under this article. **1988**

ARTICLE 6. ARIZONA GAME AND FISH COMMISSION HERITAGE FUND

17-296. Definitions

In this article:

1. "Public access" means providing entry to publicly held lands for recreational use where such entry is consistent with the provisions establishing those lands.

2. "Sensitive habitat" means the specific areas within the geographical area historically or currently occupied by a species or community of species in which are found those physical or biological features essential to the establishment or continued existence of the species and which may require special management, conservation or protection considerations.

3. "Endangered species" means a species or subspecies of native Arizona wildlife whose population has been reduced due to any cause whatsoever to such levels that it is in imminent danger of elimination from its range in Arizona, or has been eliminated from its range in Arizona.

4. "Threatened species" means a species or subspecies of native Arizona wildlife that, although not presently in imminent danger of being eliminated from its range in Arizona, is likely to become an endangered species in the foreseeable future.

5. "Candidate species" means a species or subspecies of native Arizona wildlife for which habitat or population threats are known or suspected but for which substantial population declines from historic levels have not been documented.

6. "Urban wildlife" means the wildlife that occurs within the limits of an incorporated area or in close proximity to an urban area that receives significant impact from human use.

7. "Environmental education" means educational programs dealing with basic ecological principles and the effects of natural and man related processes on natural and urban systems and programs to enhance public awareness of the importance of safeguarding natural resources.

8. "Habitat evaluation" means the assessment of the status, condition and ecological value of habitat and subsequent recommendations of management, conservation or other protection measures, or mitigation measures, including but not limited to, recommendation of reasonable alternatives for the proposed projects that might otherwise affect the habitat under assessment.

9. "Habitat protection" means the process of protecting the quality, diversity, abundance, and serviceability

of habitats for the purposes of maintaining or recovering populations of Arizona wildlife. 1990

17-297. Arizona game and fish commission heritage fund

A. The Arizona game and fish commission heritage fund is established consisting of monies deposited from the state lottery fund pursuant to section 5-522 and interest earned on those monies.

B. The fund shall be administered by the Arizona game and fish commission and is not subject to appropriation and expenditures from the fund are not subject to outside approval notwithstanding any provision of section 17-241 or 17-261 or any other statutory provision to the contrary. Monies received pursuant to section 5-522 shall be deposited directly with the Arizona game and fish commission heritage fund. On notice from the Arizona state game and fish commission, the state treasurer shall invest and divest monies in the fund as provided by section 35-313, and monies earned from investment shall be credited to the fund.

C. All monies in the Arizona game and fish commission heritage fund shall be spent by the Arizona game and fish commission only for the purposes and in the percentages set forth in this article. In no event shall any monies in the fund revert to the state general fund and monies in the fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations.

D. The commission shall not use its rights of eminent domain to acquire property to be paid for with money from the Arizona game and fish commission heritage fund. 2000

17-298. Expenditures from fund; purpose and amounts; annual report

A. Five per cent of the monies received pursuant to section 5-522 shall be spent on public access, including maintenance and operation expenses.

B. Sixty per cent of the monies received pursuant to section 5-522 shall be spent on the identification, inventory, acquisition, protection and management, including maintenance and operations, of sensitive habitat. At least forty per cent of the monies available under this subsection shall be spent on the acquisition of sensitive habitat utilized by endangered, threatened and candidate species. The commission may dispose of any lands acquired for use as habitat by an endangered, threatened or candidate species under this subsection when the species no longer qualifies as an endangered, threatened or candidate species. The Arizona game and fish commission shall dispose of the land in a manner consistent with the preservation of the species of concern. The disposal may include conservation easements and fee simple transfers with associated instruments of protection. The commission shall follow the guidelines established pursuant to section 37-803 relating to the disposition of real property by a state agency. In addition, disposal shall include a written agreement between the commission and the purchaser requiring the purchaser to incorporate management actions to ensure proper maintenance of the species of concern. Management actions may include maintenance of habitat, selective control of nonnative species, maintenance of genetic viability, monitoring of populations and habitat, coordinating conservation activities, funding conservation actions and assessing conservation progress.

C. Fifteen per cent of the monies received pursuant to section 5-522 shall be spent on habitat evaluation or habitat protection.

D. Fifteen per cent of the monies received pursuant to section 5-522 shall be spent on urban wildlife and urban wildlife habitat programs.

E. Five per cent of the monies received pursuant to section 5-522 shall be spent on environmental education.

F. All monies earned as interest on monies received pursuant to section 5-522 shall be spent only in the percentages and for the purposes described in subsections A through E of this section or for costs of administering the Arizona game and fish commission heritage fund in such amounts as determined by the Arizona game and fish commission.

G. On or before December 31 each year the commission shall submit its annual report to the president of the senate, the speaker of the house of representatives and the chairmen of the senate and house of representatives committees on natural resources and agriculture, or their successor committees. The annual report shall include information on:

1. The amount of monies spent or encumbered in the fund during the preceding fiscal year and a summary of the projects, activities and expenditures relating to:

(a) Property acquisition.

(b) Identification, inventory, protection and management of sensitive habitat.

(c) Habitat evaluation and protection.

(d) Urban wildlife.

(e) Environmental education.

(f) Public access.

2. The number and location of parcels of property acquired during the preceding fiscal year.

3. For personal and real properties acquired with fund monies during the preceding fiscal year, the amount of property tax revenue paid to each taxing jurisdiction during the last full tax year prior to acquisition.

4. The amount of money spent from the fund during the preceding fiscal year for employee personal services.

5. The number of full-time employees employed in the preceding fiscal year in connection with property acquisition, including survey, appraisal and other related activities.

6. The total number of full-time employees employed in the preceding fiscal year for the programs listed in subsections A through E of this section.

7. A list of the grants awarded during the preceding fiscal year including information on the recipients, purposes and amounts. 1998

17-298.01. Decennial performance audit

Beginning in 2001 and every tenth succeeding year thereafter, the auditor general shall conduct a performance audit, as defined in section 41-1278, of the programs and expenditures of the Arizona game and fish commission heritage fund pursuant to this article. The auditor general shall submit copies of the performance audit to the president of the senate, the speaker

of the house of representatives and the chairmen of the senate and house of representatives committees on natural resources and agriculture, or their successor committees. **1997**

ARTICLE 7. ARIZONA WILDLIFE CONSERVATION FUND

17-299. Arizona wildlife conservation fund

A. The Arizona wildlife conservation fund is established consisting of monies deposited pursuant to section 5-601.02(H)(3)(b)(iii) and interest earned on those monies. The Arizona state game and fish commission shall administer the fund. The fund is not subject to appropriation, and expenditures from the fund are not subject to outside approval notwithstanding any provision of sections 17-241 or 17-261 or any other statutory provisions to the contrary.

B. Monies received pursuant to section 5-601.02 shall be deposited directly with the Arizona wildlife conservation fund. On notice from the Arizona state game and fish commission, the state treasurer shall invest and divest monies in the fund as provided by section 35-313, and monies earned from investment shall be credited to the fund. No monies in the Arizona wildlife conservation fund shall revert to or be deposited in any other fund, including the state general fund. Monies in the Arizona wildlife conservation fund are exempt from the provisions of section 35-190 relating to the lapsing of appropriations. Monies provided from the Arizona wildlife conservation fund shall supplement, not supplant, existing monies.

C. All monies in the Arizona wildlife conservation fund shall be spent by the Arizona state game and fish commission to conserve, enhance, and restore Arizona's diverse wildlife resources and habitats for present and future generations, and which may include the acquisition of real property. The commission may grant monies to any agency of the state or any political subdivision, Indian tribe, or non-profit organization exempt from federal income taxation under section 501(c) of the internal revenue code for the purpose of conservation of wildlife or wildlife habitat or acquisition of real property or interest in real property that is wildlife habitat. A grant of money under this subsection to a nonprofit organization is conditioned on the organization providing reasonable public access to any land that is wholly or partly purchased with that money. **2002**

CHAPTER 3

TAKING AND HANDLING OF WILDLIFE

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ARTICLE 1. GENERAL REGULATIONS

17-301. Times when wildlife may be taken; exceptions; methods of taking

A. A person may take wildlife, except aquatic wildlife, only during daylight hours unless otherwise prescribed by the commission. A person shall not take any species of wildlife by the aid or with the use of a jacklight, other artificial light, or illegal device, except as provided by the commission.

B. A person shall not take wildlife, except aquatic wildlife, or discharge a firearm or shoot any other device from a motor vehicle, including an automobile, aircraft, train or powerboat, or from a sailboat, boat under sail, or a floating object towed by powerboat or sailboat except as expressly permitted by the commission. No person may knowingly discharge any firearm or shoot any other device upon, from, across or into a road or railway.

C. Fish may be taken only by angling unless otherwise provided by the commission. The line shall be constantly attended. In every case the hook, fly or lure shall be used in such manner that the fish voluntarily take or attempt to take it in their mouths.

D. It shall be unlawful to take wildlife with any leghold trap, any instant kill body gripping design trap, or by a poison or a snare on any public land, including state owned or state leased land, lands administered by the United States forest service, the federal bureau of land management, the national park service, the United States department of defense, the state parks board and any county or municipality.

This subsection shall not prohibit:

1. The use of the devices prescribed in this subsection by federal, state, county, city, or other local departments of health which have jurisdiction in the geographic area of such use, for the purpose of protection from or surveillance for threats to human health or safety.

2. The taking of wildlife with firearms, with fishing equipment, with archery equipment, or other implements in hand as may be defined or regulated by the Arizona game and fish commission, including but not limited to the taking of wildlife pursuant to a hunting or fishing license issued by the Arizona game and fish department.

3. The use of snares, traps not designed to kill, or nets to take wildlife for scientific research projects, sport falconry, or for relocation of the wildlife as may be defined or regulated by the Arizona game and fish commission or the government of the United States or both.

4. The use of poisons or nets by the Arizona game and fish department to take or manage aquatic wildlife as determined and regulated by the Arizona game and fish commission.

5. The use of traps for rodent control or poisons for rodent control for the purpose of controlling wild and domestic rodents as otherwise allowed by the laws of the state of Arizona, excluding any fur-bearing animals as defined in section 17-101. **1998**

17-301.01. Protection from wildlife

A. Notwithstanding any other provision of this title, any person may take wildlife in self-defense or in defense of another person if it is immediately necessary to protect oneself or to protect the other person.

B. A person shall notify the department within five days after taking wildlife under this section. No animal or part of an animal taken pursuant to this section may be retained, sold or removed from the site without authorization from the department. **1997**

17-302. Taking of bear or mountain lion for protection of property; report

A. Other provisions of this title notwithstanding, a landowner or lessee, who is a livestock operator and who has recently had livestock attacked or killed by bear or mountain lion, may, if he complies with subsection B, lawfully exercise such measures as necessary to prevent further damage from the offending bear or lion, including the taking of such bear or mountain lion in the following manner:

1. All traps shall be inspected within seventy-two hours and nontarget animals released without further injury. The department shall provide technical advice and assistance in the release of nontarget bears and lions. Nontarget animals seriously injured and unable to leave the scene upon release shall be humanely dispatched. Target bears and lions shall be humanely dispatched immediately.

2. Bears and lions may be taken only by means of:

(a) Leg hold traps without teeth and with an open jaw spread not exceeding eight and one-half inches.

(b) Leg snares.

(c) Firearms.

(d) Other legal hunting weapons and devices.

3. All traps and snares shall be identified as to the person or agency setting the trap or snare.

4. A livestock operator taking a lion or bear pursuant to this section shall notify a department office within five days after setting traps or initiating pursuit in any manner. The notification for both bears and lions shall include information on the number and kind of livestock attacked or killed and the name and address of the livestock operator experiencing depredation. Such information shall not be public information.

5. A livestock operator taking a bear or lion pursuant to this section shall provide reasonable evidence of having livestock recently attacked or killed if a person authorized by the director requests such evidence within forty-eight hours of the department being notified pursuant to paragraph 4. Information shall include location description of sufficient detail to allow the site

of depredation and traps set to be located. Such information shall not be public information.

6. Dogs may be used to facilitate the pursuit of depredating bears and lions.

B. A license or tag shall not be required for the taking of a bear or mountain lion under this section, but within ten days after the taking, the livestock operator shall file a written report with the department. The location of the take, identity of the livestock operator filing the report and location and date of livestock depredation are not public information. Such report shall also contain the following information:

1. Name and address of livestock operator experiencing depredation losses.
2. Number, ages and kinds of livestock lost.
3. Numbers and location of bears or lions taken.
4. Sex and estimated age of each bear or lion taken.
5. Location and date of livestock depredation.

C. No portion of an animal taken pursuant to this section shall be retained or sold by any person except as authorized by the commission.

D. No animal trapped or taken alive under this section shall be held in captivity.

E. In addition to other penalties provided by law, persons not in compliance with the provisions of this section may be ordered by the department to remove devices not in compliance with the requirements of this section and to cease and desist current pursuit activities intended to take the depredating bear or lion which the livestock operator has failed to comply with the provisions of this section.

F. A livestock operator entitled to take a bear or lion under the provisions of this section may contract with another person for the taking of the depredating bear or lion. The person under contract shall comply with all of the provisions of this section. **1990**

17-303. Taking or driving wildlife from closed areas

It is unlawful for any person, except by commission order, to enter upon a game refuge or other area closed to hunting, trapping or fishing and take, drive or attempt to drive wildlife from such areas. **2000**

17-304. Prohibition by landowner upon hunting; posting; exception

A. Landowners or lessees of private land who desire to prohibit hunting, fishing or trapping on their lands without their written permission shall post such lands closed to hunting, fishing or trapping using notices or signboards.

B. State or federal lands including those under lease may not be posted except by consent of the commission.

C. The notices or signboards shall meet all of the following criteria:

1. Be not less than eight inches by eleven inches with plainly legible wording in capital and bold-faced lettering at least one inch high.
2. Contain the words “no hunting”, “no trapping” or “no fishing” either as a single phrase or in any combination.
3. Be conspicuously placed on a structure or post at least four feet above ground level at all points of vehicular access, at all property or fence corners and at intervals of not more than one-quarter mile along the property boundary, except that a post with one hundred square inches or more of orange paint may serve as the interval notices between property or fence corners and points of vehicular access. The orange paint shall be clearly visible and shall cover the entire aboveground surface of the post facing outward and on both lateral sides from the closed area.

D. The entry of any person for the taking of wildlife shall not be grounds for an action for trespassing unless the land has been posted pursuant to this section. **2000**

17-305. Carrying firearms or game-taking devices in closed areas; exceptions; permits

A. It is unlawful for a person to carry, transport or have in his possession devices for taking game within or upon a game refuge except under seal or by written consent of the commission.

B. This section shall not apply to officers of the law in performance of official duties; nor to persons traversing such refuges or over roads therein carrying unloaded devices.

C. The provisions of this section shall not prohibit a landowner, lessee, permittee, their employees, or licensed trappers from carrying arms while in the performance of their lawful duties. **1958**

17-306. Importation, transportation, release or possession of live wildlife

No person shall import or transport into the state or sell, trade or release within the state or have in his possession any live wildlife except as authorized by the commission or as defined in title 3, chapter 16. **1990**

17-307. Possession, storage, sale and gift of the carcass or parts thereof of wildlife

A. The carcass or parts thereof of wildlife lawfully obtained in accordance with the provisions of this title and commission regulations may be possessed by the person taking such wildlife.

B. The carcass or parts thereof of wildlife lawfully obtained may be placed in storage in accordance with the provisions of this title.

C. The carcass or parts thereof of wildlife lawfully produced by or lawfully obtained from a commercial wildlife breeding or processing establishment may be sold in this state.

D. A person may make a gift of the carcass or parts thereof of his lawfully obtained wildlife, or he may have it prepared in a public eating place and served to himself and his guests. **1969**

17-308. Unlawful camping

It is unlawful for a person to camp within one-fourth mile of a natural water hole containing water or a man-made watering facility containing water in such a place that wildlife or domestic stock will be denied access to the only reasonably available water. **1976**

17-309. Violations; classification

A. Unless otherwise prescribed by this title, it is unlawful for a person to:

1. Violate any provision of this title or any rule adopted pursuant to this title.
2. Take, possess, transport, buy, sell or offer or expose for sale wildlife except as expressly permitted by this title.

3. Destroy, injure or molest livestock, growing crops, personal property, notices or signboards, or other improvements while hunting, trapping or fishing.

4. Discharge a firearm 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.

5. Take a game bird, game mammal or game fish and knowingly permit an edible portion thereof to go to waste, except as provided in section 17-302.

6. Take big game, except bear or mountain lion, with the aid of dogs.

7. Make more than one use of a shipping permit or coupon issued by the commission.

8. Obtain a license or take wildlife during the period for which the person's license has been revoked or suspended or the person has been denied a license.

9. Litter hunting and fishing areas while taking wildlife.

10. Possess while hunting any contrivance designed to silence, muffle or minimize the report of a firearm.

11. Take wildlife during the closed season.

12. Take wildlife in an area closed to the taking of that wildlife.

13. Take wildlife with an unlawful device.

14. Take wildlife by an unlawful method.

15. Take wildlife in excess of the bag limit.

16. Possess wildlife in excess of the possession limit.

17. Possess or transport any wildlife or parts of the wildlife which was unlawfully taken.

18. Possess or transport the carcass of big game without a valid tag being attached.

19. Use the edible parts of any game mammal or any part of any game bird or nongame bird as bait.

20. Possess or transport the carcass or parts of a carcass of any wildlife which cannot be identified as to species and legality.

21. Take game animals, game birds and game fish with an explosive compound, poison or any other deleterious substances.

22. Import into this state or export from this state the carcass or parts of a carcass of any wildlife unlawfully taken or possessed.

B. Unless a different or other penalty or punishment is specifically prescribed a person who violates any provision of this title, or who violates or fails to comply with a lawful order or rule of the commission, is guilty of a class 2 misdemeanor.

C. A person who knowingly takes any big game during a closed season or who knowingly possesses, transports or buys any big game which was unlawfully taken during a closed season is guilty of a class 1 misdemeanor.

D. A person is guilty of a class 6 felony who knowingly:

1. Barters, sells or offers for sale any big game or parts of big game taken unlawfully.

2. Barters, sells or offers for sale any wildlife or parts of wildlife unlawfully taken during a closed season.

3. Barters, sells or offers for sale any wildlife or parts of wildlife imported or purchased in violation of this title or a lawful rule of the commission.

4. Assists another person for monetary gain with the unlawful taking of big game.

5. Takes or possesses wildlife while under permanent revocation under section 17-340, subsection B.

E. A peace officer who knowingly fails to enforce a lawful rule of the commission or this title is guilty of a class 2 misdemeanor. **2006**

17-310. Agreement to appear in court

Game rangers, wildlife managers, and other peace officers may take any person before a magistrate within the county in which an offense is committed for a violation of any provision of this title, but any person apprehended for violating any provision of this title punishable as a misdemeanor may be issued a notice to appear before such magistrate bearing the date, time and place for such appearance, the offense charged, and the location or approximate location where the violation was committed. The notice shall be signed by the person notified to appear, and he shall be given a copy thereof and thereupon may be released from custody. Failure of such person to appear at the time and place specified shall be cause for issuance of a warrant for his arrest for failure to appear. **1958**

17-311. Duty to report shooting accident resulting in injury or death; duty to give assistance; authority of officers

A. Any person who, while taking wildlife, is involved in a shooting accident resulting in injury to another person shall render every possible assistance to the injured person, and if the accident is fatal, he shall immediately report the accident to the nearest law enforcement officer available and render such assistance as may be required.

B. Such person shall within ten days file with the department a full and complete written report of such accident. **1958**

17-312. Misuse of firearms

A. It is unlawful for any person while taking wildlife, or while in any hunting area, to handle or discharge any firearm while intoxicated or in a careless or reckless manner or with wanton disregard for the safety of human life or property.

B. Nothing in this section shall be construed in any way to limit the right of the state to prosecute any person who injures or kills another. **1958**

17-313. Disposition of fines, forfeitures and penalties; reports

A. Fines, forfeitures and penalties collected for violations of this title shall be deposited, pursuant to sections 35-146 and 35-147, immediately by the officer collecting or receiving them in the wildlife theft prevention fund.

B. The state treasurer shall notify the commission of all monies received and paid under the provisions of this title.

C. Each justice of the peace and each clerk of a court of record shall, within twenty days after a judgment has been rendered under the provisions of this title, report in writing to the commission the results of the prosecution, the amount of fines, forfeitures and penalties collected, and disposition thereof. **2000**

17-314. Civil liability for illegally taking or wounding wildlife; recovery of damages

A. The commission or any officer charged with enforcement of the laws relating to game and fish, if so directed by the commission, may bring a civil action in the name of the state against any person unlawfully taking, wounding or killing, or unlawfully in possession of, any of the following wildlife, or part thereof, and seek to recover the following minimum sums as damage:

1. Each turkey or javelina $500.00
2. Each bear, mountain lion, antelope or deer, other than trophy $1,500.00
3. For each elk or eagle, other than trophy or endangered species $2,500.00
4. For each predatory, fur-bearing or nongame animal $250.00
5. For each small game or equatic wildlife animal $50.00
6. For each trophy or endangered species animal $8,000.00

B. No verdict or judgment recovered by the state in such action shall be for less than the sum fixed in this section. The minimum sum that the commission may seek to recover as damages from a person pursuant to this section may be doubled for a second verdict or judgment and tripled for a third verdict or judgment. The action for damages may be joined with an action for possession, and recovery had for the possession as well as the damages.

C. The pendency or determination of an action for damages or payment of a judgment, or the pendency or determination of a criminal prosecution for the same taking, wounding, killing or possession, is not a bar to the other, nor does either affect the right of seizure under any other provision of the laws relating to game and fish.

D. All monies recovered pursuant to this section shall be placed in the wildlife theft prevention fund. **2006**

17-315. Wildlife theft prevention fund; authorized expenditures

A. A wildlife theft prevention fund is established consisting of:

1. Monies received from damage assessments pursuant to section 17-314.
2. Money received from donations to the fund.
3. Monies appropriated by the legislature for the purposes provided in this article.
4. Monies received as fines, forfeitures and penalties collected for violations of this title.

B. Monies in the wildlife theft prevention fund shall be expended only for the following purposes:

1. The financing of reward payments to persons, other than peace officers, game and fish department personnel and members of their immediate families, responsible for information leading to the arrest of any person for unlawfully taking, wounding or killing, possessing, transporting or selling wildlife and attendant acts of vandalism. The commission shall establish the schedule of rewards to be paid for information received and payment shall be made from monies available for this purpose.
2. The financing of a statewide telephone reporting system under the name of "operation game thief", which shall be established by the director under the guidance of the commission.
3. The promotion of the public recognition and awareness of the wildlife theft prevention program.
4. Investigations of the unlawful commercial use of wildlife.

C. The wildlife theft prevention fund shall be expended in conformity with the laws governing state financial operations. Balances remaining at the end of the fiscal year are exempt from the provisions of section 35-190 relating to lapsing of appropriations. **2006**

17-316. Interference with rights of hunters; classification; civil action; exceptions

A. It is a class 2 misdemeanor for a person while in a hunting area to intentionally interfere with, prevent or disrupt the lawful taking of wildlife by:

1. Harassing, driving or disturbing any wildlife.
2. Blocking, obstructing or impeding, or attempting to block, obstruct or impede, a person lawfully taking wildlife.
3. Erecting a barrier without the consent of the landowner or lessee with the intent to deny ingress to or egress from areas where wildlife may be lawfully taken.
4. Making or attempting to make physical contact, without permission, with a person lawfully taking wildlife.
5. Engaging in, or attempting to engage in, theft, vandalism or destruction of real or personal property.
6. Disturbing or altering, or attempting to disturb or alter, the condition or authorized placement of real or personal property intended for use in the lawful taking of wildlife.
7. Making or attempting to make loud noises or gestures, set out or attempt to set out animal baits, scents or lures or human scent, use any other natural or artificial visual, aural, olfactory or physical stimuli, or engage in or attempt to engage in any other similar action or activity, in order to disturb, alarm, drive, attract or affect the behavior of wildlife or disturb, alarm, disrupt or annoy a person lawfully taking wildlife.
8. Interjecting oneself into the line of fire of a person lawfully taking wildlife.

B. It is a class 3 misdemeanor for a person to enter or remain on a designated hunting area on any public or private lands or waters or state lands including state trust lands with the intent to interfere with, prevent or disrupt the lawful taking of wildlife.

C. The commission or any person properly licensed to take wildlife who is directly affected by a violation of this section may bring an action to restrain conduct declared unlawful in this section and to recover damages.

D. A peace officer who reasonably believes that a person has violated this section may order the person to desist or to leave the area or arrest such person upon refusal to desist or leave.

E. The conduct declared unlawful in this section does not:

1. Include any incidental interference arising from lawful activity by public land users, including ranchers, miners or recreationists.

2. Apply to landowners, permittees, lessees or their agents or contractors engaged in animal husbandry practices or agricultural operations. **2006**

17-317. Possession and containment of white amur; determination of closed aquatic system

A. The commission shall establish a procedure by rule to permit the possession of certified triploid white amur (ctenopharyngodon idellus).

B. The department shall evaluate potential sites for the stocking of certified triploid white amur in this state. These sites shall be in closed aquatic systems as determined by the commission. The commission shall determine what constitutes a closed aquatic system after at least one public hearing and shall consider at least the following factors:

1. Hydrologic:

(a) Flood potential of the aquatic system.

(b) Proximity of the aquatic system to other aquatic systems.

(c) Water movement into and out of the aquatic system.

2. The risk of severe damage to the aquatic habitat in other bodies of water due to the possession and use of white amur. **1988**

17-318. Disease assessment and treatment before importing wildlife and transporting big game

A. The department shall test all cloven-hoofed wildlife it introduces or imports into this state, and all cloven-hoofed big game transported and released in this state for the purpose of creating new or expanding existing populations, for presence of diseases that can be transmitted to livestock. The tests to be conducted shall be determined by consultation with the state veterinarian. The department shall treat and cure all wildlife infected with any known disease that can be transmitted to livestock before the wildlife are released in this state.

B. Before introducing or importing cloven-hoofed wildlife into this state, or transporting and releasing cloven-hoofed big game in this state for purposes of creating new or expanding existing populations, the department shall determine the potential for livestock and domestic animals infecting the wildlife and, if possible, immunize the wildlife before they are released in this state. **1989**

17-319. Big game killed by motor vehicle; salvage permit; violation; classification

A. Notwithstanding any other provision of this title, the carcass of a big game animal that has been killed as a result of an accidental collision with a motor vehicle on a maintained road may be possessed and transported by the driver of the vehicle if the driver first obtains a big game salvage permit issued by a peace officer. A person may possess or transport the carcass or any part of the carcass of a big game animal killed as a result of an accidental collision with a motor vehicle only as provided by this section.

B. The department shall provide big game salvage permit forms to peace officers on request. The permit may be issued only in the name of the driver of the motor vehicle and is not transferable. The permit form shall require the following information:

1. The name and address of the motor vehicle driver.

2. A description of the big game animal that was killed.

3. The date of the collision.

4. The specific location of the collision.

5. A description of the motor vehicle.

6. The destination where the carcass will be transported.

7. The name of the peace officer who issued the permit.

C. The peace officer shall:

1. Complete all of the information required on the permit.

2. Give the original of the permit to the driver of the motor vehicle.

3. Mail a copy of the permit to the department within forty-eight hours after issuing the permit.

D. A peace officer may inspect the carcass and motor vehicle prior to issuing the permit. The carcass and motor vehicle are subject to inspection by a game ranger within twenty days after issuance of the permit. If the carcass has been processed or if the motor vehicle has been repaired, a game ranger may inspect the invoices or other documents recording the processing or repair.

E. A person who possesses the carcass of a big game animal pursuant to this section may place all or part of the carcass in storage pursuant to section 17-373 or may make a gift of the carcass or parts to another individual.

F. A permit issued under this section carries no representation or implication that any part of the carcass is edible. Neither the peace officer, the agency employing the peace officer nor the department is liable with respect to any use made of the carcass.

G. A person who possesses a carcass of a big game animal under authority of a big game salvage permit that was obtained by fraud is guilty of a class 1 misdemeanor. **1991**

17-320. Jaguar; protection; violation; classification; civil liability; exception

A. Notwithstanding section 17-239 or any other provision of this title, if the secretary of the interior publishes in the federal register a determination for the removal of jaguar (felis onca) from the list as required under section 4(c) of the endangered species act of 1973, as amended, (P.L. 93-205; 87 Stat. 884; 16 United States Code sections 1531 through 1544):

1. It is unlawful for a person to knowingly kill, wound or possess a jaguar or any part thereof.

2. A person who unlawfully kills, wounds or possesses a jaguar or any part thereof:

(a) Is guilty of a class 1 misdemeanor.

(b) Is liable for civil damages of not more than seventy-two thousand five hundred dollars for each

violation pursuant to procedures set forth in section 17-314.

B. Subsection A of this section does not apply to:

1. A jaguar or parts of a jaguar that were lawfully possessed under state and federal law before August 21, 1997.

2. Any person who kills or wounds a jaguar, if it can be shown by a preponderance of the evidence that the person committed an act based on a good faith belief that the person was acting to protect himself, a member of the person's family or any other individual from bodily harm from a jaguar.

C. A person shall notify the department within five days after killing or wounding a jaguar under subsection B, paragraph 2 of this section. A jaguar killed or wounded pursuant to subsection B, paragraph 2 of this section shall not be retained, sold or removed from the site without authorization from the department. **1998**

ARTICLE 2. LICENSES

17-331. License or proof of purchase required; violation of child support order

A. Except as provided by this title or commission order, a person shall not take any wildlife in this state without a valid license or a commission approved proof of purchase. The person shall carry the license or proof of purchase and produce it upon request to any game ranger, wildlife manager or peace officer.

B. A certificate of noncompliance with a child support order issued pursuant to section 25-518 invalidates any license or proof of purchase issued to the support obligor for taking wildlife in this state and prohibits the support obligor from applying for any additional licenses issued by an automated drawing system under this title.

C. On receipt of a certificate of compliance with a child support order from the court pursuant to section 25-518 and without further action:

1. Any license or proof of purchase issued to the support obligor for taking wildlife that was previously invalidated by a certificate of noncompliance and that has not otherwise expired shall be reinstated.

2. Any ineligibility to apply for any license issued by an automated drawing system shall be removed. **1999**

17-332. Form and contents of license; duplicate licenses; period of validity

A. Licenses and license materials shall be prepared by the department and furnished and charged to dealers authorized to issue licenses. The license shall be issued in the name of the department and countersigned by an issuing dealer. Except as provided by rule adopted by the commission, each license shall be signed by the licensee in ink on the face of the license and any license not signed is invalid. With each license authorizing the taking of big game the department shall provide such tags as the commission may prescribe, which the licensee shall attach to the big game animal in such manner as prescribed by the commission. The commission shall limit the number of big game permits issued to nonresidents in a random drawing to ten per cent or fewer of the total hunt permits, but in extraordinary circumstances, at a public meeting the commission may increase the number of permits issued to nonresidents in a random drawing if, on separate roll call votes the members of the commission unanimously:

1. Support the finding of a specifically described extraordinary circumstance.

2. Adopt the increased number of nonresident permits for the hunt.

B. The commission shall issue with each license a shipping permit entitling the holder of the license to a shipment of game or fish as provided by article 4 of this chapter.

C. It is unlawful, except as provided by the commission, for any person to apply for or obtain in any one license year more than one original license permitting the taking of big game. A duplicate license or tag may be issued by the department or by a license dealer if the person requesting such license or tag furnishes the information deemed necessary by the commission. A fee of four dollars shall be collected for each duplicate license or tag issued.

D. No license or permit is transferable, nor shall such license or permit be used by anyone except the person to whom such license or permit was issued, except that:

1. A person may transfer the person's big game permit or tag to a qualified organization for use by a minor child who has a life threatening medical condition. The commission may prescribe the manner and conditions of transferring and using permits and tags under this paragraph. For the purposes of this paragraph, "qualified organization" means a nonprofit organization that is qualified under section 501(c)(3) of the United States internal revenue code and that affords opportunities and experiences to children with life threatening medical conditions.

2. A parent or legal guardian may allow the parent's or guardian's minor child to use the parent's or guardian's big game permit or tag to take big game pursuant to the following requirements:

(a) The parent or guardian must transfer the permit or tag to the child in a manner prescribed by the commission.

(b) The parent or guardian must accompany the child in the field and must be within fifty yards of the child when the animal is taken.

(c) The child must possess a class F or class G license and, if under the age of fourteen, must satisfactorily complete the Arizona hunter education course or another comparable hunter education course that is approved by the director.

(d) Any big game that is taken counts toward the child's bag limit.

E. No refunds may be made for the purchase of a license or permit.

F. Licenses are valid for a license year and expire on December 31 except for special licenses issued by the commission, pioneer complimentary licenses, resident and nonresident trapping licenses, sport falconry licenses and classes B, C and D licenses as provided in section 17-333 and lifetime class A, F and G licenses and lifetime trout stamps as provided in section 17-

335.01. Trapping licenses are valid from July 1 through June 30 of the following year. Lifetime licenses and lifetime trout stamps are valid for the lifetime of the licensee. **2006**

17-333. Licenses; classes; fees; definition

A. Licenses shall be divided into classes and maximum fees to be paid for such licenses are as follows:

1. Class A, general fishing license, valid for the taking of all aquatic wildlife, except trout statewide, and aquatic wildlife from commission designated urban waters, resident, twenty-five dollars; nonresident, eighty-five dollars, except that the maximum fee for a class A license issued in November or December is one-half of the fee otherwise prescribed by this paragraph.

2. Trout stamp, validates general and lifetime class A licenses for the taking of trout, resident, fifteen dollars; nonresident, sixty dollars. The stamp is valid for a license year and expires on December 31, whether it validates a general or lifetime license.

3. Class B, nonresident general four month fishing license, valid for the taking of all aquatic wildlife, except from commission designated urban waters, thirty-eight dollars.

4. Class C, nonresident general five-day fishing license, valid for the taking of all aquatic wildlife, except from commission designated urban waters, thirty-four dollars and nine dollars for each additional day.

5. Class D, one-day fishing license, valid for the taking of all aquatic wildlife, resident, sixteen dollars and eight dollars for each additional day; nonresident, eighteen dollars and nine dollars for each additional day.

6. Resident youth group two-day fishing license, valid for taking all aquatic wildlife except on the Colorado river, issued to a nonprofit organization which sponsors adult supervised activities for groups of juveniles fourteen years of age through seventeen years of age, not to exceed twenty juveniles for any one group license, twenty-five dollars.

7. Class E, Colorado river fishing license, valid for the taking of all aquatic wildlife, nonresident, fifty-five dollars.

8. Class F, combination general hunting and fishing license, valid for the taking of all aquatic wildlife except from commission designated urban waters, small game, fur-bearing animals, predatory animals, nongame animals, nongame birds, upland game birds and migratory game birds, except ducks, geese and swans, resident, sixty dollars; nonresident, two hundred seventy dollars.

9. Urban fishing license, valid for taking all aquatic wildlife from commission designated urban waters, residents and nonresidents, twenty-one dollars. The privileges granted by a pioneer license shall include the right to fish in all commission designated urban waters.

10. Class G, general hunting license, valid for the taking of small game, fur-bearing animals, predatory animals, nongame animals, nongame birds, upland game birds and migratory game birds, except ducks, geese and swans, resident, thirty-five dollars; nonresident, one hundred eighty-five dollars.

11. Class H, three-day hunting license, valid for the taking of small game, fur-bearing animals, predatory animals, nongame animals, nongame birds, upland game birds and migratory game birds, except ducks, geese and swans, nonresident, sixty-seven dollars.

12. Class I, resident family fishing licenses, valid for taking all aquatic wildlife except aquatic wildlife from commission designated urban waters, issued to members of an immediate family residing in the same household. The fees for persons who are licensed pursuant to this paragraph are:

(a) For one adult licensed under this paragraph, the current fee for a class A general fishing license and trout stamp, including any surcharge pursuant to section 17-345.

(b) For any additional adult licensed under this paragraph in the immediate family, eighty per cent of the current fee for a class A general fishing license and trout stamp, including any surcharge pursuant to section 17-345.

(c) Two dollars for any child licensed under this paragraph in the immediate family.

13. Class J, resident family hunting license, valid for taking small game, fur-bearing animals, predatory animals, nongame animals, nongame birds, upland game birds and migratory game birds, except ducks, geese and swans, issued to members of an immediate family residing in the same household. The fees for persons who are licensed pursuant to this paragraph are:

(a) For one adult licensed under this paragraph, the current fee for a class G general hunting license, including any surcharge pursuant to section 17-345.

(b) For any additional adult licensed under this paragraph in the immediate family, eighty per cent of the current fee for a class G general hunting license, including any surcharge pursuant to section 17-345.

(c) Fifteen dollars for any child licensed under this paragraph in the immediate family.

14. Class K, combination resident family hunting and fishing license, valid for taking all aquatic wildlife except from commission designated urban waters, small game, fur-bearing animals, predatory animals, nongame animals, nongame birds, upland game birds and migratory game birds, except ducks, geese and swans, issued to members of an immediate family residing in the same household. The fees for persons who are licensed pursuant to this paragraph are:

(a) For one adult licensed under this paragraph, the current fee for a class F combination general hunting and fishing license, including any surcharge pursuant to section 17-345.

(b) For any additional adult licensed under this paragraph in the immediate family, eighty per cent of the current fee for a class F combination general hunting and fishing license, including any surcharge pursuant to section 17-345.

(c) Twenty dollars for any child licensed under this paragraph in the immediate family.

15. Class L, super conservation fishing license, valid for taking all aquatic wildlife, including trout and aquatic wildlife from commission designated urban waters, resident, fifty dollars; nonresident, sixty dollars.

16. Class M, super conservation hunting license, valid for taking small game, fur-bearing animals, predatory animals, nongame animals, nongame birds, upland game birds and migratory game birds, except ducks, geese and swans, and including tags and stamps prescribed by the commission, resident, one hundred fifteen dollars.

17. Class N, combination super conservation hunting and fishing license, valid for taking all aquatic wildlife, including trout and aquatic wildlife from commission designated urban waters, small game, fur-bearing animals, predatory animals, nongame animals, nongame birds, upland game birds and migratory game birds, except ducks, geese and swans, and including tags and stamps prescribed by the commission, resident, one hundred sixty dollars.

18. Javelina tag, validates class F, G, J, K, M or N license for taking javelina, resident, thirty dollars; nonresident, one hundred twenty-five dollars.

19. Turkey tag, validates class F, G, J, K, M or N license for taking turkey, resident, twenty-five dollars; nonresident, ninety dollars.

20. Bear tag, validates class F, G, J, K, M or N license for the taking of bear, resident, thirty dollars; nonresident, two hundred seventy-five dollars.

21. Mountain lion tag, validates class F, G, J, K, M or N license for the taking of mountain lion, resident, nineteen dollars; nonresident, two hundred fifty dollars.

22. Deer tag class A, validates class F, G, J, K, M or N license for the taking of deer, resident, one hundred fifty dollars; nonresident, one thousand two hundred dollars. Deer tag class B, validates class F, G, J, K, M or N, for the taking of deer, resident, fifty dollars; nonresident, three hundred twenty-five dollars. Not more than five per cent of the total deer tags issued in any calendar year shall be class A tags.

23. Antelope tag, validates class F, G, J, K, M or N license for the taking of antelope, resident, ninety dollars; nonresident, six hundred thirty dollars.

24. Elk tag class A, validates class F, G, J, K, M or N license for the taking of elk, resident, three hundred fifty dollars; nonresident, three thousand two hundred dollars. Elk tag class B, validates class F, G, J, K, M or N for the taking of elk, resident, one hundred fifty dollars; nonresident, seven hundred seventy-five dollars. Not more than five per cent of the total elk tags issued in any calendar year shall be class A tags.

25. Bighorn sheep tag, validates class F, G, J, K, M or N license for the taking of bighorn sheep, resident, three hundred thirty-five dollars; nonresident, three thousand dollars.

26. Private game farm license, seventy-five dollars.

27. Minnow dealer's license, forty dollars.

28. Guide license, five hundred dollars.

29. Taxidermist license, two hundred fifty dollars.

30. Wildlife hobby license, five dollars.

31. Zoo license, one hundred thirty dollars.

32. Shooting preserve license, one hundred thirty dollars.

33. Field trial license, seven dollars.

34. Trapping license, resident, fifty dollars; nonresident, five hundred dollars; resident juvenile trapping license, fourteen years of age through seventeen years of age, thirty dollars.

35. Fur dealer's license, one hundred thirty dollars.

36. Permit application fee, ten dollars.

37. State waterfowl stamp, validates class F, G, H, K, L, M or N license for taking ducks, geese and swans, ten dollars.

38. State migratory bird stamp, validates class F, G or H license or complimentary or lifetime license for taking migratory birds or grouse, six dollars.

39. White amur (ctenopharyngodon idellus) stocking license, three hundred dollars.

40. License dealer's license, a minimum of twenty-five dollars and a maximum of one hundred twenty-five dollars provided, however, that the maximum of one hundred twenty-five dollars may be exceeded by a dealer with multiple business establishments who shall pay an additional fee of twenty-five dollars for each establishment at which licenses will be sold.

41. Resident lifetime classes A, F and G licenses and resident lifetime trout stamp as provided by section 17-335.01.

42. Two-pole stamp, validates general or lifetime class A, B, C, D, E or F license, pioneer or urban fishing license or class I fishing license issued to an individual member of an immediate family for simultaneous fishing with two lines, resident, eight dollars; nonresident, twenty-four dollars. The stamp is valid for a license year and expires on December 31 regardless of whether it validates a general or lifetime license.

43. Sport falconry license, valid for possessing and transporting raptors as prescribed by the commission and validates class G general hunting license for hunting or taking quarry with a trained raptor, one hundred dollars. The license is valid from the date it is issued by the department until the third December from the date of issue.

B. The commission shall set fees for classes of licenses designated in subsection A of this section for firearms, bow and arrow and all other authorized devices within the maximum limit authorized. The commission may establish subclassifications within a class of license, permit or tag and set a fee for each subclassification within the maximum authorized limit. The commission may reduce license fees any amount deemed necessary. If it becomes necessary to limit or further regulate the taking of any species of wildlife, the commission may order issuance of an additional license or permit and fix fees for such license or permit.

C. For the purposes of this section, "immediate family" means one adult, or two adults who are married to each other, and their minor children, if any, who will be at least fourteen years of age during the license year, including adoptive children, stepchildren, foster chil-

dren and other children for whom they are legal guardians. 2005

17-333.01. State waterfowl stamp

A. It is unlawful for a person sixteen years of age or older to take or possess a duck, goose or swan in the field unless the person has in his possession a current valid state waterfowl stamp. A stamp is validated by the licensee's signature written in ink across its face. The commission shall issue state waterfowl stamps annually, expiring from and after June 30.

B. The commission shall prescribe the form of the waterfowl stamps and furnish them to dealers to issue in the same manner as other stamps, tags and licenses and for the fee prescribed pursuant to section 17-333.

C. The commission may contract for the design and production of waterfowl stamps and artwork with any person or entity on terms which, in its judgment, will produce an original and valuable work of art. The production and reproduction of the original work of art are exempt from the requirements of title 41, chapter 23. The commission shall own and control all property rights and reproduction rights in works of art acquired under this section. The commission may sell or distribute the artwork and surplus stamps on such terms and for such price as it deems acceptable. 1986

17-333.02. Trapping license; education; exemption

A. A person applying for a trapping license must successfully complete a trapping education course conducted or approved by the department before being issued a trapping license. The department shall conduct or approve an educational course of instruction in responsible trapping and environmental ethics. The course shall include instruction on the history of trapping, trapping ethics, trapping laws, techniques in safely releasing nontarget animals, trapping equipment, wildlife management, proper catch handling, trapper health and safety and considerations and ethics intended to avoid conflicts with other public land users. A person must pass a written examination to successfully complete the course. The department shall not approve a trapping education course conducted by any person, agency, corporation or other organization for which a fee is charged greater than twenty-five dollars per person.

B. A person born before January 1, 1967 or who has completed, from and after December 31, 1987 and prior to the effective date of this section, the voluntary trapper education course on responsible trapping conducted in cooperation with the Arizona game and fish department is exempt from the provisions of subsection A. 1992

17-333.03. State migratory bird stamp

A. The commission shall:

1. Issue state migratory bird stamps annually, expiring from and after June 30 of each year.

2. Prescribe the form of the migratory bird stamp and furnish the stamps to dealers to sell in the same manner as other stamps, tags and licenses for the fee prescribed pursuant to section 17-333.

B. A stamp is validated by the licensee's signature written in ink across the stamp's face.

C. Beginning on July 1, 2000, it is unlawful for a person sixteen years of age or older to take or possess a migratory bird in the field, other than ducks, geese or swans, unless the person possesses a current valid state migratory bird stamp. 1999

17-334. Sale of licenses

Hunting, fishing and other licenses shall be issued by such person as may be designated license dealers by the commission. The commission may suspend or revoke a dealer's license for failure to comply with rules specified by commission order. 1988

17-335. Minors; blind residents

A. A blind resident or a resident or nonresident under the age of fourteen years may fish without a license and shall be entitled to the same privileges as the holder of a valid license, except that such person shall be entitled only to one-half the legal bag and possession limit of trout.

B. A resident or nonresident under the age of fourteen years may, without a license, when accompanied by a person eighteen years of age or older holding a valid Arizona hunting license, take wildlife, except big game species, during open season, but not more than two such children shall accompany a person holding such a license.

C. No child under the age of fourteen may take big game unless the child has satisfactorily completed the Arizona hunter education course or another comparable hunter education course that is approved by the director.

D. The proper license shall be required, except as otherwise specified by the commission, for taking of big game species. 1995

17-335.01. Lifetime hunting and fishing licenses and trout stamps; fees

A. The department shall issue lifetime hunting and fishing licenses and trout stamps as provided by this section.

B. The classes of lifetime licenses are as follows:

1. Resident lifetime class A, general fishing license, valid for taking all aquatic wildlife, except trout and aquatic wildlife from commission designated urban waters.

2. Resident lifetime class G, general hunting license, valid for taking small game, fur-bearing animals, predatory animals, nongame animals, nongame birds, upland game birds and migratory game birds except ducks, geese and swans.

3. Resident lifetime class F, combination general hunting and fishing license, valid for taking all aquatic wildlife except from commission designated urban waters, small game, fur-bearing animals, predatory animals, nongame animals, nongame birds, upland game birds and migratory game birds, except ducks, geese and swans.

4. Resident lifetime trout stamp to validate a lifetime class A general fishing license for taking trout.

C. The fee for a lifetime license or trout stamp under subsection B of this section is determined according to the age of the applicant as follows:

Age	Computation of Fee
0 through 13 years	seventeen times the maximum fee prescribed by section 17-333 for the equivalent annual license
14 through 29 years	eighteen times the maximum fee prescribed by section 17-333 for the equivalent annual license
30 through 44 years	sixteen times the maximum fee prescribed by section 17-333 for the equivalent annual license
45 through 61 years	fifteen times the maximum fee prescribed by section 17-333 for the equivalent annual license
62 and older	eight times the maximum fee prescribed by section 17-333 for the equivalent annual license

D. An additional class of lifetime license is resident lifetime wildlife benefactor class F, combination general hunting and fishing license, valid for taking all aquatic wildlife except from commission designated urban waters, small game, fur-bearing animals, predatory animals, nongame animals, nongame birds, upland game birds and migratory game birds, except ducks, geese and swans. The fee for a resident lifetime wildlife benefactor class F, combination general hunting and fishing license is one thousand dollars. The difference between one thousand dollars and the fee the licensee would otherwise pay for a resident lifetime class F license under subsections B and C of this section:

1. Is considered a donation to this state for continued management, protection and conservation of this state's wildlife.

2. Shall be credited to the wildlife endowment fund established by section 17-271.

3. Is tax deductible to the extent allowed by federal and state income tax statutes for contributions to qualifying tax-exempt organizations.

E. Lifetime licenses and trout stamps may be issued only at offices of the department. An applicant for a lifetime license or trout stamp shall provide proof of age and residency as prescribed by the commission.

F. Lifetime licenses and trout stamps may be denied or suspended pursuant to, and for the offenses described in, section 17-340.

G. Lifetime licenses and trout stamps remain valid if the licensee subsequently resides outside this state, but the licensee must pay the nonresident fee to purchase any additional stamps, permits and tags required to hunt and fish in this state. Limits set by the commission on issuing nonresident stamps, permits or tags do not apply to stamps, permits or tags sold to a lifetime licensee.

H. Except as provided by subsection D, paragraph 2 of this section, monies derived from selling lifetime licenses and trout stamps shall be distributed as follows:

1. An amount equal to the fee for an equivalent annual license or stamp shall be deposited in the game and fish fund established by section 17-261 for the year in which the lifetime license or trout stamp was sold.

2. An amount equivalent to two times the maximum fee prescribed by section 17-333 for the equivalent annual license shall be deposited in the conservation development fund established by section 17-282 for the year in which the lifetime license or trout stamp was sold.

3. The remaining monies shall be deposited in the wildlife endowment fund. **1999**

17-336. Complimentary licenses

The commission may issue a complimentary license to:

1. A pioneer seventy years of age or older who has been a resident of this state for twenty-five or more consecutive years immediately preceding application for the license. The pioneer license is valid for the lifetime of the licensee, and the commission shall not require renewal of the license.

2. A veteran of the armed forces of the United States who has been a resident of this state for one year or more immediately preceding application for the license and who is receiving compensation from the United States government for permanent service connected disabilities rated as one hundred per cent disabling. **1990**

17-337. Soldier's hunting and fishing licenses

A member of the armed forces of the United States on active duty and stationed in this state for a period of thirty days immediately preceding the date of application for a license may purchase a resident license permitting the taking of wildlife. **1959**

17-337.01. Licenses for enrollees in the job corps

Enrollees in the job corps created by the economic opportunity act of 1964, who are stationed within the state, shall be entitled to purchase a fishing license as provided by law for other residents of the state. **1966**

17-338. Remission of fees from sale of licenses or permits; noncompliance; classification

A. License dealers shall by the tenth day of each month transmit to the department all license or permit fees collected and furnish such information as the commission may prescribe. The failure to make such a transmission within thirty days shall be cause to cancel a license dealer's license. The knowing failure to transmit all collected license and permit fees within thirty days is a class 2 misdemeanor.

B. Persons issuing licenses or permits other than the department shall retain as their compensation five per cent of the selling price of each license or permit, except that:

1. Compensation for Arizona, California, Nevada and Utah-Colorado river special use permits shall be established through agreement between the respective states and the commission.

2. License dealers who contract with the commission to sell licenses by telecommunication may impose additional fees for their services as provided in the contract. **1999**

17-339. Reports and returns by license dealers; noncompliance; classification

A. Each license dealer shall by January 10, or on demand of the commission or department, return to the department:

1. All duplicate stubs, unused licenses, permits and big game tags.

2. All due and unremitted license and permit fees collected.

3. A full and complete report of the licenses, permits and big game tags returned.

B. The failure to make such return within thirty days shall automatically cancel the license dealer's license, and intentional failure to comply with the provisions of this section is a class 1 misdemeanor. Any license dealer who makes a false or fraudulent return or report or who fails to submit returns, reports or all due and unremitted fees as required under this section with the intent of defrauding the department is guilty of a class 6 felony. **1995**

17-340. Revocation, suspension and denial of privilege of taking wildlife; notice; violation; classification

A. Upon conviction or after adjudication as a delinquent juvenile as defined in section 8-201 and in addition to other penalties prescribed by this title, the commission, after a public hearing, may revoke or suspend a license issued to any person under this title and deny the person the right to secure another license to take or possess wildlife for a period of not to exceed five years for:

1. Unlawful taking, unlawful selling, unlawful offering for sale, unlawful bartering or unlawful possession of wildlife.

2. Careless use of firearms which has resulted in the injury or death of any person.

3. Destroying, injuring or molesting livestock, or damaging or destroying growing crops, personal property, notices or signboards, or other improvements while hunting, trapping or fishing.

4. Littering public hunting or fishing areas while taking wildlife.

5. Knowingly allowing another person to use the person's big game tag, except as provided by section 17-332, subsection D.

6. A violation of section 17-303, 17-304 or 17-341.

7. A violation of section 17-309, subsection A, paragraph 1 involving any unlawful use of aircraft to take, assist in taking, harass, chase, drive, locate or assist in locating wildlife.

B. On conviction or after adjudication as a delinquent juvenile and in addition to any other penalties prescribed by this title:

1. For a first conviction or a first adjudication as a delinquent juvenile, for unlawfully taking or wounding wildlife at any time or place, the commission, after a public hearing, may revoke, suspend or deny a person's privilege to take wildlife for a period of up to five years.

2. For a second conviction or a second adjudication as a delinquent juvenile, for unlawfully taking or wounding wildlife at any time or place, the commission, after a public hearing, may revoke, suspend or deny a person's privilege to take wildlife for a period of up to ten years.

3. For a third conviction or a third adjudication as a delinquent juvenile, for unlawfully taking or wounding wildlife at any time or place, the commission, after a public hearing, may revoke, suspend or deny a person's privilege to take wildlife permanently.

C. In accordance with title 41, chapter 6, article 10 and notwithstanding subsection A of this section, any person who is assessed civil damages under section 17-314 for the unlawful taking or possession of wildlife may be denied the right to secure a license to take wildlife until damages have been paid in full.

D. On receiving a report from the licensing authority of a state which is a party to the wildlife violator compact, adopted under chapter 5 of this title, that a resident of this state has failed to comply with the terms of a wildlife citation, the commission, after a public hearing, may suspend any license issued under this title to take wildlife until the licensing authority furnishes satisfactory evidence of compliance with the terms of the wildlife citation.

E. In carrying out the provisions of this section the director shall notify the licensee, within one hundred eighty days after conviction, to appear and show cause why the license should not be revoked, suspended or denied. The notice may be served personally or by certified mail sent to the address appearing on the license.

F. The commission shall furnish to license dealers the names and addresses of persons whose licenses have been revoked or suspended, and the periods for which they have been denied the right to secure licenses.

G. The commission may use the services of the office of administrative hearings to conduct hearings and to make recommendations to the commission pursuant to this section.

H. Except for a person who takes or possesses wildlife while under permanent revocation, a person who takes wildlife in this state, or attempts to obtain a license to take wildlife, at a time when the person's privilege to do so is suspended, revoked or denied under this section is guilty of a class 1 misdemeanor. **2006**

17-341. Applying for or obtaining license or permit by fraud or misrepresentation; classification

A. It is unlawful for a person to knowingly apply for, or to obtain, by fraud or misrepresentation a license or permit to take wildlife and a license or permit so obtained is void and of no effect from the date of issuance thereof.

B. Any person who violates this section is guilty of a class 2 misdemeanor. **2002**

17-342. Colorado river special use permit

A. A person taking fish or amphibians for purposes other than for profit from or while on a boat or other floating device on all waters of the Colorado river south of the Nevada-Arizona boundary shall have in his possession a valid angling or fishing license issued by either the state of Arizona or the state of California. In addition to one of the above described licenses, such person shall have in his possession a valid California or Arizona-Colorado river special use permit, as provided by sections 17-343 and 17-344, which shall be obtained on payment of a fee to be fixed by the commission at not to exceed four dollars. Such a permit shall not be required to take fish or amphibians from canals, drains or ditches used to carry water from the Colorado river for irrigation or domestic purposes.

B. A person having in his possession a valid Arizona fishing license must have a California-Colorado river special use permit to legally fish the waters described in subsection A of this section. A person having in his possession a valid California angling license must have an Arizona-Colorado river special use permit to legally fish the waters described in subsection A of this section. Such special use permit when accompanied by the proper license will allow the holder to fish in any portion of such waters and permit him to enter the waters from any point.

C. Shore line fishing does not require a Colorado river special use permit as long as the fisherman remains on the shore of the state from which he holds a valid license and does not embark on the water. **1978**

17-343. Reciprocal sale of licenses and special use permits

The Arizona game and fish department and the California department of fish and game may enter into a reciprocal agreement to handle licenses and special use permits of either state and issue them to their authorized dealers. Arizona shall by April 30 of each year make an audit report together with remittance to California covering such sales. California shall by April 30 of each year make an audit report and remittance to Arizona covering such sales. **1991**

17-344. Period of validity of special permits

Arizona-Colorado river special use permits and California-Colorado river special use permits shall be valid from January 1 to December 31, inclusive. **1962**

17-345. Surcharges; purposes

In addition to any other fees, the commission may impose and collect:

1. A surcharge of up to three dollars on a class A, B, C, D, F, G, H, I, J, K, L, M or N license and on a trout stamp. Monies collected pursuant to this paragraph shall be segregated from other fees and deposited in the conservation development fund.

2. Surcharges on Arizona-Colorado river special use permits, California-Colorado river special use permits and Nevada-Colorado river special use permits issued in this state as provided by sections 17-342, 17-343 and 17-344. The amount of the surcharges shall be determined by the commission. A surcharge under this paragraph is to be used solely for the purpose of the lower Colorado river multispecies conservation program under section 48-3713.03. Any monies collected pursuant to this paragraph shall be segregated from other revenues and deposited, pursuant to sections 35-146 and 35-147, in a fund designated as the Colorado river special use permit clearing account. Each month, on notification by the department, the state treasurer shall pay all of the monies in the clearing account to an account designated by a multi-county county water conservation district established under title 48, chapter 22 to be used solely for the lower Colorado river multispecies conservation program and for no other purpose. **2005**

17-346. Special big game license tags

In addition to the regular big game license tags issued under section 17-333 the commission may issue special big game license tags in the name of an incorporated nonprofit organization which is dedicated to wildlife conservation. No more than three special big game license tags may be issued for each species of big game in a license year. Notwithstanding section 17-332, subsection D, an organization which receives special big game license tags issued under this section may sell and transfer them if all proceeds of the sale are used in this state for wildlife management. **2005**

ARTICLE 3. TRAPPERS, GUIDES AND TAXIDERMISTS

17-361. Trappers; licensing; restrictions; duties; reports

A. The holder of a trapping license, may trap predatory, nongame, and fur-bearing mammals under such restrictions as the commission may specify.

B. All traps shall be plainly identified with the name, address, or registered number of the owner, and such markings of identification shall be filed with the department. All traps in use shall be inspected daily.

C. It shall be unlawful for a person to disturb the trap of another unless authorized to do so by the owner.

D. Pursuant to rules and regulations of the commission, each trapping licensee shall, on dates designated by the commission, submit on forms provided by the department, a legible report of the number of each kind of predatory, nongame and fur-bearing mammal taken and the names and addresses of the persons to whom they were shipped or sold or the wildlife management units where the animals were taken. **1978**

17-362. Guides; appointment; licenses; duties; reports; carrying firearms

A. No person shall act as a guide without first satisfying the director of his qualifications and without having procured a license therefor. No person under the age of eighteen years shall be issued a guide license. If a licensed guide fails to comply with the provisions of this title or is convicted of violating any provision of this title, his license may, after public hearing, be revoked by the commission and he shall be liable to punishment as for a violation of this title.

B. By January 10, or at the request of the commission, guides shall report to the department, on forms provided therefor, the name and address of each person guided, the number of days he has been so employed and the number and species of game animals taken. No guide license shall be issued to any person who has failed to deliver the report to the department for his preceding license year, or until meeting such requirements as the commission may prescribe.

C. No person acting as guide shall carry firearms other than a revolver or pistol. **1994**

17-363. License to practice taxidermy

A. No person shall engage in the business of a taxidermist for hire until such person has procured a license which may be granted to any person at the discretion of the commission.

B. A taxidermist shall keep a register, and exhibit it upon request of authorized representatives of the game and fish department and the United States fish and wildlife service, of the names and addresses of persons who furnish raw and unmounted specimens, the taker's

tag or license number, the date and number of each species of wildlife received, and shall by the tenth day of October, January, April and July, file a legible report in English with the department of such entries except names and addresses on forms provided therefor. **1978**

17-364. Fur dealer's license; records; reports

A. No person shall engage in the business of buying for resale any specimen of predatory, nongame and fur-bearing mammals taken within this state without obtaining a fur dealer's license.

B. A fur dealer shall keep a record of the date, number and species of all pelts or furs received, the name and addresses of the persons from whom such pelts or furs were received and the names and addresses of the persons to whom such pelts or furs were shipped or sold.

C. Fur dealers shall by the tenth day of October, January, April and July file a legible report with the department of all such records required by paragraph B on forms provided by the department. **1977**

ARTICLE 4. TRANSPORTATION AND STORAGE

17-371. Transportation, possession and sale of wildlife and wildlife parts

A. A person may transport in his possession his legally taken wildlife, or may authorize the transportation of his legally taken big game, provided such big game or any part thereof has attached thereto a valid transportation permit issued by the department. Such wildlife shall be transported in such manner that it may be inspected by authorized persons upon demand until the wildlife is packaged or stored. Species of wildlife, other than game species, may be transported in any manner unless otherwise specified by the commission. A person possessing a valid license may transport lawfully taken wildlife other than big game given to him but in no event shall any person possess more than one bag or possession limit.

B. A holder of a resident license shall not transport from a point within to a point without the state any big game species or parts thereof without first having obtained a special permit issued by the department or its authorized agent.

C. Migratory birds may be possessed and transported in accordance with the migratory bird treaty act and regulations thereunder.

D. A holder of a sport falconry license may transport one or more raptors that the person lawfully possesses under terms and conditions prescribed by the commission.

E. Heads, horns, antlers, hides, feet, or skin of wildlife lawfully taken, or the treated or mounted specimens thereof, may be possessed, sold and transported at any time, except that:

1. Migratory birds may be possessed and transported only in accordance with federal regulations.

2. It is unlawful to sell the heads, horns, hides, feet or skin of bighorn sheep taken on or after October 1, 2005, but the department may sell heads, horns, hides, feet or skin of bighorn sheep that were illegally taken and confiscated by or donated to the department. **2005**

17-372. Shipment by common carrier

A. A common carrier shall not transport any wildlife except as provided for under this title or title 3, chapter 16.

B. Wildlife may be shipped during the open season, or within five days thereafter, but such shipment shall not exceed the possession limit for any one species and no more than one such possession limit may be shipped in a period of seven consecutive days. When shipped a valid permit shall be firmly attached to such shipment and the specimens shall be clearly and conspicuously labeled with the name and address of the consignor and consignee and an accurate statement of the contents of package.

C. A resident may ship wildlife as provided under this section, except that a holder of a resident license shall not ship or offer for shipment from a point within to a point without the state any big game species or parts thereof without first having obtained a special permit issued by the department or its authorized agent. **1990**

17-373. Storage; exception

A. Commercial food establishments processing or storing wildlife shall stamp all packages containing such wildlife with a stamp furnished by the department and such packages shall be marked with the date received or processed. The operator of such establishment shall keep a record, and exhibit it upon request, of the names and addresses of persons who furnish such wildlife for processing or storage, the date, amount, and species of such wildlife received.

B. This section does not apply to processing or storing aquatic animals that are cultivated, propagated or maintained in an aquaculture facility that is licensed under title 3, chapter 16. **1990**

CHAPTER 4

CONSERVATION PROJECTS AND FEDERAL COOPERATION

ARTICLE 1. RESTORATION PROJECTS

Section
17-401. Definitions.
17-402. Acceptance of federal aid acts.
17-403. Restoration projects.
17-404. Acquisition of lands.
17-405. Acceptance of grants.
17-406. Revolving fund; appropriation; purpose and reimbursement.
17-407. Acquisition of lands by United States for migratory bird conservation.

ARTICLE 2. FISH HATCHING AND FISH CULTURE

17-421. Right to conduct fish hatching and culture; limitations.

ARTICLE 3. WILDLIFE HABITAT PROTECTION

17-451. Definitions.
17-452. Restrictions on motor vehicle use; recommendations; agreements; rules.

Section
17-453. Notices of restrictions; posting; publication.
17-454. Prohibition against vehicle travel.
17-455. Exceptions.
17-456. Expenditure of funds; source; functions.
17-457. Enforcement of article.
17-458. Violations; classification.

ARTICLE 1. RESTORATION PROJECTS

17-401. Definitions

In this article, unless the context otherwise requires:

1. "Secretary" means the secretary of the interior of the United States, or any officer or agency of the United States authorized to administer the restoration acts.

2. "Restoration acts" means the Pittman-Robertson federal aid in wildlife restoration act found in 50 Stat. 917, 16 U.S.C.A. sections 669 through 669j; and the Dingell-Johnson federal aid in fish restoration act found in 64 Stat. 430, 16 U.S.C.A. sections 777 through 777k, and includes the rules and regulations issued by the secretary pursuant thereto.

3. "Restoration projects" or "projects" means a project for selection, restoration, rehabilitation or improvement of areas of land or water adaptable as feeding, resting or breeding places for wildlife or fish, and includes acquisition by purchase, lease or gift of the property or interest therein as may be suitable or capable of being made suitable therefor, and the construction of such works as may be necessary to efficient administration of wildlife resources, and such preliminary or incidental expenses as may be incurred in and about the project. **1958**

17-402. Acceptance of federal aid acts

A. The state assents to the provisions of Public Law 415, 75th Congress, chapter 899, first session, and Public Law 681, 81st Congress, chapter 658, second session.

B. The commission shall be the agency of the state for the purposes of this article. **1958**

17-403. Restoration projects

The commission may cooperate and enter into agreements with the secretary for establishment, maintenance and completion of restoration projects, pursuant to the restoration acts. **1958**

17-404. Acquisition of lands

The commission, in the name of the state and with approval of the governor, may acquire by purchase, lease or gift, either for cash or upon installments, such lands or other property or interest therein as may be necessary for the purpose of carrying on a restoration project pursuant to an agreement entered into between the commission and the secretary. **1958**

17-405. Acceptance of grants

A. The commission shall notify the secretary of its desires to avail itself of monies apportioned not later than sixty days after receipt of certification by the secretary of the estimated amount to be apportioned to this state.

B. Upon receipt of final certification by an agency of the federal government allocating funds to this state for any fiscal year or portion thereof available to the Arizona game and fish department, the commission shall transfer this state's share of the amount so allocated from any monies appropriated by the legislature of this state for the purpose of carrying out wildlife programs and if the monies are insufficient, the commission may transfer from the game and fish fund such sum as it deems advisable to further match the federal apportionments. Monies received from funds of the United States shall be deposited in the federal aid accounts. Claims against the accounts shall be made and paid in the manner provided by law for payment of claims against the game and fish fund.

C. Monies in the federal aid accounts shall be expended solely for work allowable under the provisions of the projects. **2000**

17-406. Revolving fund; appropriation; purpose and reimbursement

A. There is established a permanent revolving fund to be known as the game and fish revolving fund.

B. The fund is appropriated for the initial financing or continuation of projects approved in compliance with the provisions of the restoration acts of Congress known as the Pittman-Robertson act and the Dingell-Johnson act and provisions of section 17-402 and other wildlife projects in which the cost may be partially or wholly reimbursed from federal funds.

C. Funds received from the federal government for deposit and appropriated state matching money shall be deposited to the credit of revolving fund to the extent of expenditures therefrom.

D. This article is exempt from the provisions of section 35-190 relating to lapsing appropriations. **1963**

17-407. Acquisition of lands by United States for migratory bird conservation

A. Notwithstanding section 37-620.01, the consent of this state is given pursuant to title 16 United States Code section 715f and article I, section 8, clause 17 of the Constitution of the United States for the acquisition by the United States of land and any buildings and other improvements required for migratory bird conservation purposes.

B. This state shall maintain concurrent civil and criminal jurisdiction over persons on lands acquired by the United States under this section. **1986**

ARTICLE 2. FISH HATCHING AND FISH CULTURE

17-421. Right to conduct fish hatching and culture; limitations

A. The secretary of the interior is granted the privilege to conduct fish hatching, fish culture and other operations connected therewith, including the acquisition of land, with the approval of the commission, in any manner and at any time that may be considered by the secretary necessary and proper, any laws of the state to the contrary notwithstanding.

B. Nothing in this section shall be construed as permitting or granting to the secretary jurisdiction over or interference with the established activities or facilities of the department nor shall this section be construed as contravening any law of this state relating to public health or water rights. **1958**

ARTICLE 3. WILDLIFE HABITAT PROTECTION

17-451. Definitions

In this article, unless the context otherwise requires:

1. "Cross-country" means travel over the countryside other than by road.

2. "Road" means any maintained or unmaintained road that has been utilized by the public. 1972

17-452. Restrictions on motor vehicle use; recommendations; agreements; rules

A. When the commission determines that the operation of motor vehicles within a certain area, except private land, is or may be damaging to wildlife reproduction, wildlife management or wildlife habitat of such area, the commission, with the concurrence of the land management agency involved and after a public hearing, may order such area closed to motor vehicles for not more than five years from the date of such closure, provided that all roads in such area shall remain open unless specifically closed.

B. The commission may also recommend that particular areas of land be set aside or made available for the use of recreational vehicles.

C. The commission may enter into agreements with landowners and agencies controlling areas that the commission has made recommendations on pursuant to subsection B. Any such agreement shall stipulate the restrictions, prohibitions and permitted uses of motor vehicles in such area and the duties of the commission and such landowner or agency relating to the enforcement of the terms of such agreement.

D. The commission shall adopt rules pursuant to title 41, chapter 6 to carry out the provisions of this section. 1991

17-453. Notices of restrictions; posting; publication

A. For all areas specified under agreements pursuant to section 17-452, the commission shall cause notices of the restrictions, prohibitions or permitted uses of such area to be posted, prior to the effective date of such restrictions, prohibitions or permitted uses, on the main traveled roads and highways entering such area and such locations that the commission deems appropriate.

B. In addition to the posted notices required by subsection A of this section, the commission shall cause a notice of such restrictions, prohibitions or permitted uses, together with a description of the area, to be published three times in a newspaper of general circulation in the state prior to the effective date of such restrictions, prohibitions or permitted uses. 1972

17-454. Prohibition against vehicle travel

No person shall drive a motor operated vehicle cross-country on public or private lands where such cross-country driving is prohibited by rule or regulation or, in the case of private lands, by proper posting. 1972

17-455. Exceptions

A. The restrictions, prohibitions or permitted uses established pursuant to section 17-452 shall not apply to:

1. Public employees acting in the scope of their employment.

2. Valid licensees and permittees of state agencies and land management agencies. Holders of such licenses and permits shall be limited to the specific purposes and areas of travel for which such licenses or permits were issued or granted.

3. Necessary travel within or across restricted or prohibited land by employees and agents of public utilities, subject to Arizona corporation commission (or any successor agency) or federal power commission regulation, of suppliers of water or power acting as agents of the federal government, and employees or agents of mining companies exercising rights pursuant to any state or federal mining law or regulation. Other persons who are regularly engaged in prospecting or mineral exploration shall upon application be issued vehicular access permits by the director.

4. A licensed hunter who enters an area solely to pick up a big game animal which he has legally killed.

B. Emergency situations, such as fire or other disasters, or when otherwise necessary to protect life or property shall not require a permit.

C. Parking and camping shall be allowed along open roads in closed areas, except that no vehicle shall be parked or operated at a distance greater than three hundred feet from such roads. 1972

17-456. Expenditure of funds; source; functions

The commission may expend such funds as may become available from general fund appropriations to carry out the provisions of this article, including, but not limited to:

1. Investigations and surveys of actual or possible wildlife habitat damage by motor vehicles and the study of areas to be recommended for recreational vehicle use.

2. Posting notices of restrictions, prohibitions and permitted uses of motor vehicles.

3. Providing maps.

4. An informational and educational program on wildlife habitat preservation and restoration.

5. The enforcement of the provisions of this article. 1972

17-457. Enforcement of article

All peace officers of the state, counties and municipalities and other duly authorized state and federal employees shall enforce the provisions of this article. 1972

17-458. Violations; classification

Any person who violates any provision of this article or any rule or regulation adopted pursuant to this article is guilty of a class 3 misdemeanor. 1978

ARTICLE 4. WILDLIFE HABITAT RESTORATION AND ENHANCEMENT FUND

17-471. Wildlife habitat restoration and enhancement fund; commission duties

A. The wildlife habitat restoration and enhancement fund is established consisting of legislative appropriations for specific wildlife habitat restoration and enhancement projects. Monies in the fund are subject to legislative appropriation and are exempt from the provisions of section 35-190 relating to lapsing of ap-

propriations. On notice from the director of the Arizona game and fish department, the state treasurer shall invest and divest monies in the fund as provided in section 35-313 and monies earned from investment shall be credited to the fund.

B. The commission shall:

1. Monitor and have oversight of specific projects for which the legislature appropriates monies to the wildlife habitat restoration and enhancement fund.

2. If necessary, change the priority of appropriated projects under its oversight, but any change in priority shall be subject to approval of the commission at a public hearing.

3. Submit a semiannual report on the work, goals, objectives and funding of the wildlife habitat restoration and enhancement fund to the governor, the president of the senate, the speaker of the house of representatives, the chairpersons of the senate and house of representatives appropriations committees and provide a copy of the report to the secretary of state and the director of the Arizona state library, archives and public records. **2006**

CHAPTER 5

WILDLIFE VIOLATOR COMPACT

ARTICLE 1. ADOPTION

Section
17-501. Short title.
17-502. Adoption and text of compact.
17-503. Administration; expenses.

ARTICLE 1. ADOPTION

17-501. Short title

This chapter shall be known and may be cited as "the wildlife violator compact". **1990**

17-502. Adoption and text of compact

The wildlife violator compact is adopted and enacted into law as follows:

Article I

Findings, Declaration of Policy and Purpose

(a) The participating states find that:

(1) Wildlife resources are managed in trust by the respective states for the benefit of all residents and visitors.

(2) The protection of the wildlife resources of a state is materially affected by the degree of compliance with state statutes, laws, regulations, ordinances and administrative rules relating to the management of such resources.

(3) The preservation, protection, management and restoration of wildlife contributes immeasurably to the aesthetic, recreational and economic aspects of such natural resources.

(4) Wildlife resources are valuable without regard to political boundaries; therefore, every person should be required to comply with wildlife preservation, protection, management and restoration laws, ordinances, and administrative rules and regulations of the participating states as a condition precedent to the continuance or issuance of any license to hunt, fish, trap or possess wildlife.

(5) Violation of wildlife laws interferes with the management of wildlife resources and may endanger the safety of persons and property.

(6) The mobility of many wildlife law violators necessitates the maintenance of channels of communication among the various states.

(7) In some states, a person who is cited for a wildlife violation in a state other than his home state:

(i) Is required to post collateral or a bond to secure appearance for a trial at a later date; or

(ii) Is taken into custody until the collateral or bond is posted; or

(iii) Is taken directly to court for an immediate appearance.

(8) The purpose of the enforcement practices set forth in paragraph (7) of this article is to ensure compliance with the terms of a wildlife citation by the cited person who, if permitted to continue on his way after receiving the citation, could return to his home state and disregard his duty under the terms of the citation.

(9) In most instances, a person receiving a wildlife citation in his home state is permitted to accept the citation from the officer at the scene of the violation and immediately continue on his way after agreeing or being instructed to comply with the terms of the citation.

(10) The practices described in paragraph (7) of this article cause unnecessary inconvenience and, at times, a hardship for the person who is unable at the time to post collateral, furnish a bond, stand trial or pay a fine, and thus is compelled to remain in custody until some alternative arrangement is made.

(11) The enforcement practices described in paragraph (7) of this article consume an undue amount of law enforcement time.

(b) It is the policy of the participating states to:

(1) Promote compliance with the statutes, laws, ordinances, regulations and administrative rules relating to management of wildlife resources in their respective states.

(2) Recognize the suspension of wildlife license privileges of any person whose license privileges have been suspended by a participating state and treat such suspension as if it had occurred in their state provided the violation which resulted in the suspension could have been the basis for suspension in their state.

(3) Allow a violator, except as provided in paragraph (b) of article III, to accept a wildlife citation and, without delay, proceed on his way, whether or not a resident of the state in which the citation was issued, provided that the violator's home state is party to this compact.

(4) Report to the appropriate participating state, as provided in the compact manual, any conviction recorded against any person whose home state was not the issuing state.

(5) Allow the home state to recognize and treat convictions recorded against its residents, which convictions occurred in a participating state, as though they had occurred in the home state.

(6) Extend cooperation to its fullest extent among the participating states for enforcing compliance with the terms of a wildlife citation issued in one participating state to a resident of another participating state.

(7) Maximize effective use of law enforcement personnel and information.

(8) Assist court systems in the efficient disposition of wildlife violations.

(c) The purpose of this compact is to:

(1) Provide a means through which a participating state may join in a reciprocal program to effectuate the policies enumerated in paragraph (b) of this article in a uniform and orderly manner.

(2) Provide for the fair and impartial treatment of wildlife violators operating within participating states in recognition of the violator's right to due process and the sovereign status of a participating state.

Article II

Definitions

As used in this compact, unless the context requires otherwise:

(a) "Citation" means any summons, complaint, summons and complaint, ticket, penalty assessment or other official document issued to a person by a wildlife officer or other peace officer for a wildlife violation which contains an order requiring the person to respond.

(b) "Collateral" means any cash or other security deposited to secure an appearance for trial in connection with the issuance by a wildlife officer or other peace officer of a citation for a wildlife violation.

(c) "Compliance" with respect to a citation means the act of answering a citation through an appearance in a court or tribunal, or through the payment of fines, costs and surcharges, if any.

(d) "Conviction" means a conviction, including any court conviction, for any offense related to the preservation, protection, management or restoration of wildlife which is prohibited by state statute, law, regulation, ordinance or administrative rule, and such conviction shall also include the forfeiture of any bail, bond or other security deposited to secure appearance by a person charged with having committed any such offense, the payment of a penalty assessment, a plea of nolo contendere and the imposition of a deferred or suspended sentence by the court.

(e) "Court" means a court of law, including magistrate's court and the justice of the peace court.

(f) "Home state" means the state of primary residence of a person.

(g) "Issuing state" means the participating state which issues a wildlife citation to the violator.

(h) "License" means any license, permit or other public document which conveys to the person to whom it was issued the privilege of pursuing, possessing or taking any wildlife regulated by statute, law, regulation, ordinance or administrative rule of a participating state.

(i) "Licensing authority" means the department or division within each participating state which is authorized by law to issue or approve licenses or permits to hunt, fish, trap or possess wildlife.

(j) "Participating state" means any state which enacts legislation to become a member of this wildlife compact.

(k) "Personal recognizance" means an agreement by a person made at the time of issuance of the wildlife citation that such person will comply with the terms of the citation.

(l) "State" means any state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the provinces of Canada and other countries.

(m) "Suspension" means any revocation, denial or withdrawal of any or all license privileges, including the privilege to apply for, purchase or exercise the benefits conferred by any license.

(n) "Terms of the citation" means those conditions and options expressly stated upon the citation.

(o) "Wildlife" means all species of animals including, but not limited to, mammals, birds, fish, reptiles, amphibians, mollusks and crustaceans, which are defined as "wildlife" and are protected or otherwise regulated by statute, law, regulation, ordinance or administrative rule in a participating state. Species included in the definition of "wildlife" vary from state to state and determination of whether a species is "wildlife" for the purposes of this compact shall be based on local law.

(p) "Wildlife law" means any statute, law, regulation, ordinance or administrative rule developed and enacted for the management of wildlife resources and the uses thereof.

(q) "Wildlife officer" means any individual authorized by a participating state to issue a citation for a wildlife violation.

(r) "Wildlife violation" means any cited violation of a statute, law, regulation, ordinance or administrative rule developed and enacted for the management of wildlife resources and the uses thereof.

Article III

Procedures for Issuing State

(a) When issuing a citation for a wildlife violation, a wildlife officer shall issue a citation to any person whose primary residence is in a participating state in the same manner as though the person were a resident of the issuing state and shall not require such person to post collateral to secure appearance, subject to the exception noted in paragraph (b) of this article, if the officer receives the recognizance of such person that he will comply with the terms of the citation.

(b) Personal recognizance is acceptable (1) if not prohibited by local law or the compact manual and (2) if the violator provides adequate proof of identification to the wildlife officer.

(c) Upon conviction or failure of a person to comply with the terms of a wildlife citation, the appropriate official shall report the conviction or failure to comply to the licensing authority of the participating state in which the wildlife citation was issued. The report shall be made in accordance with procedures specified by the issuing state.

(d) Upon receipt of the report of conviction or noncompliance pursuant to paragraph (c) of this article, the licensing authority of the issuing state shall trans-

mit to the licensing authority of the home state of the violator the information in form and content as prescribed in the compact manual.

Article IV

Procedure for Home State

(a) Upon receipt of a report from the licensing authority of the issuing state reporting the failure of a violator to comply with the terms of a citation, the licensing authority of the home state shall notify the violator and shall initiate a suspension action in accordance with the home state's suspension procedures and shall suspend the violator's license privileges until satisfactory evidence of compliance with the terms of the wildlife citation has been furnished by the issuing state to the home state licensing authority. Due process safeguards will be accorded.

(b) Upon receipt of a report of conviction from the licensing authority of the issuing state, the licensing authority of the home state shall enter such conviction in its records and shall treat such conviction as though it occurred in the home state for the purposes of the suspension of license privileges.

(c) The licensing authority of the home state shall maintain a record of actions taken and shall make reports to issuing states.

Article V

Reciprocal Recognition of Suspension

(a) All participating states shall recognize the suspension of license privileges of any person by any participating state as though the violation resulting in the suspension had occurred in their state and could have been the basis for suspension of license privileges in their state.

(b) Each participating state shall communicate suspension information to other participating states in form and content as contained in the compact manual.

Article VI

Applicability of Other Laws

(a) Except as expressly required by provisions of this compact; nothing herein shall be construed to affect the right of any participating state to apply any of its laws relating to license privileges to any person or circumstance or to invalidate or prevent any agreement or other cooperative arrangement between a participating state and a nonparticipating state concerning wildlife law enforcement.

Article VII

Compact Administrator Procedures

(a) For the purpose of administering the provisions of this compact and to serve as a governing body for the resolution of all matters relating to the operation of this compact, a board of compact administrators is established. The board shall be composed of one representative from each of the participating states to be known as the compact administrator. The compact administrator shall be appointed by the head of the licensing authority of each participating state and shall serve and be subject to removal in accordance with the laws of the state he represents. A compact administrator may provide for the discharge of his duties and the performance of his function as a board member by an alternate. An alternate shall not be entitled to serve unless written notification of his identity has been given to the board.

(b) Each member of the board of compact administrators shall be entitled to one vote. No action of the board shall be binding unless taken at a meeting at which a majority of the total number of the board's votes are cast in favor thereof. Action by the board shall be only at a meeting at which a majority of the participating states are represented.

(c) The board shall elect annually from its membership a chairman and vice-chairman.

(d) The board shall adopt bylaws not inconsistent with the provisions of this compact or the laws of a participating state for the conduct of its business and shall have the power to amend and rescind its bylaws.

(e) The board may accept for any of its purposes and functions under this compact any and all donations and grants of monies, equipment, supplies, materials and services conditional or otherwise, from any state, the United States or any governmental agency, and may receive, utilize and dispose of same.

(f) The board may contract with, or accept services or personnel from, any governmental or intergovernmental agency, individual, firm or corporation, or any private nonprofit organization or institution.

(g) The board shall formulate all necessary procedures and develop uniform forms and documents for administering the provisions of this compact. All procedures and forms adopted pursuant to board action shall be contained in a compact manual.

Article VIII

Entry Into Compact and Withdrawal

(a) This compact shall become effective at such time as it is adopted in a substantially similar form by two or more states.

(b) (1) Entry into the compact shall be made by resolution of ratification executed by the authorized officials of the applying state and submitted to the chairman of the board.

(2) The resolution shall substantially be in the form and content as provided in the compact manual and shall include the following:

(i) A citation of the authority from which the state is empowered to become a party to this compact;

(ii) An agreement of compliance with the terms and provisions of this compact;

(3) The effective date of entry shall be specified by the applying state but shall not be less than sixty days after notice has been given (a) by the chairman of the board of the compact administrators or (b) by the secretary of the board to each participating state that the resolution from the applying state has been received.

(c) A participating state may withdraw from participation in this compact by official written notice to each participating state, but withdrawal shall not become effective until ninety days after the notice of with-

drawal is given. The notice shall be directed to the compact administrator of each member state. No withdrawal of any state shall affect the validity of this compact as to the remaining participating states.

Article IX

Amendments to the Compact

(a) This compact may be amended from time to time. Amendments shall be presented in resolution form to the chairman of the board of compact administrators and shall be initiated by one or more participating states.

(b) Adoption of an amendment shall require endorsement by all participating states and shall become effective thirty days after the date of the last endorsement.

Article X

Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes stated herein. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States, or the applicability thereof to any government, agency, individual or circumstance is held invalid, the validity of the remainder of this compact shall not be affected thereby. If this compact shall be held contrary to the constitution of any participating state, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the participating state affected as to all severable matters.

Article XI

Title

This compact shall be known as the "wildlife violator compact". **1990**

17-503. Administration; expenses

A. The department is designated as the licensing authority in this state for purposes of the compact. The director shall furnish to the appropriate authorities of the participating states any information or documents reasonably necessary to facilitate the administration of the compact.

B. The compact administrator from this state is not entitled to any additional compensation for his service as such but is eligible for reimbursement for expenses incurred in connection with his responsibilities as administrator in the same manner as expenses incurred in connection with other responsibilities of his office or employment. **1990**

CHAPTER 6

SHOOTING RANGES

ARTICLE 1. OUTDOOR SHOOTING RANGE NOISE STANDARDS

Section
17-601. Definition of outdoor shooting range.
17-602. State outdoor shooting range noise standards; preemption; measurement; definitions.
17-603. Preexisting outdoor shooting ranges; noise buffering or attenuation.
17-604. Nighttime outdoor shooting range operations.
17-605. Noise pollution; nuisance; defense; costs.

ARTICLE 2. DISCLOSURE OF PROXIMITY TO SHOOTING RANGE

17-621. Recording proximity to shooting range; definition.

ARTICLE 1. OUTDOOR SHOOTING RANGE NOISE STANDARDS

17-601. Definition of outdoor shooting range

In this article, unless the context otherwise requires, "outdoor shooting range" or "range" means a permanently located and improved area that is designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or any other similar sport shooting in an outdoor environment. Outdoor shooting range does not include any area for the exclusive use of archery or air guns or a totally enclosed facility that is designed to offer a totally controlled shooting environment that includes impenetrable walls, floor and ceiling, adequate ventilation, lighting systems and acoustical treatment for sound attenuation suitable for the range's approved use. **2002**

17-602. State outdoor shooting range noise standards; preemption; measurement; definitions

A. The legislature finds that outdoor shooting range noise standards are a matter of statewide concern. City, town, county and any other state noise standards are preempted as applied to outdoor shooting ranges.

B. Each outdoor shooting range in this state shall measure the noise emitted from the range pursuant to subsection E at least once. In addition, the range shall measure the noise it emits if the range expands the area designed and operated for the use of firearms or explosives by more than twenty per cent in size than at the time of its initial noise measurement or if the range introduces the use of a type of firearm or explosive device that will increase noise production. The range shall pay for the measurement and shall keep the results of the measurement at the range at all times. Any person may review the noise measurement during the range's business hours. Ranges that are located at least one mile from areas that are zoned for residences, schools, hotels, motels, hospitals or churches are exempt from this subsection.

C. Any person, at the person's expense, may measure the noise emitted from an outdoor shooting range pursuant to subsection E.

D. The noise emitted from an outdoor shooting range shall not exceed an LEQ(h) of sixty-four DBA.

E. In measuring the noise emitted from an outdoor shooting range:

1. If a range performs the measurement of noise pursuant to subsection B, sound pressure measurements shall be taken twenty feet from the nearest occupied residence, school, hotel, motel, hospital or

church, or from the nearest proposed location of a residence, school, hotel, motel, hospital or church if the property is zoned for such a structure but is currently unimproved. If a person performs the measurement of noise pursuant to subsection C, sound pressure measurements shall be taken twenty feet from the person's residence, school, hotel, motel, hospital or church, or twenty feet from the proposed location of the person's residence, school, hotel, motel, hospital or church if the property is zoned for such a structure but is currently unimproved.

2. Sound pressure measurements shall be made in a location directly between the range and the nearest existing or proposed residence, school, hotel, motel, hospital or church. If there are natural or artificial obstructions that prevent an accurate noise measurement, the measurement may be taken within an additional twenty feet radius from the initial measurement location.

3. Sound pressure measurements shall be made on the A-weighted fast response mode scale. Measurements shall be taken during the noisiest hour of peak use during the operation of the range. Measurements shall be taken according to American National Standards Institute's standard methods ANSI S1.2-1962 (R1976) American national standard method for physical measurement of sound and ANSI S1.2-1971 (R1976) American national standard method for measuring sound pressure levels. Measurements shall be taken using a type 1 sound meter meeting the requirements of ANSI S1.4l-1971. Any part of the measurements conducted on a range shall comply with the range safety rules.

F. Outdoor shooting ranges in operation on July 1, 2002 shall comply with the provisions of this section before July 1, 2003. Ranges not in operation on July 1, 2002 shall comply with the provisions of this section when they begin operation.

G. For the purposes of this section:

1. "A-weighted" means a frequency weighting network used to account for changes in sensitivity as a function of frequency.

2. "DBA" means A-weighted decibels, taking into account human response to sound energy in different frequency bands.

3. "Decibel" means the unit of measure for sound pressure denoting the ratio between two quantities that are proportional to power. The number of decibels is ten times the base ten logarithm of this ratio.

4. "LEQ(h)" means the equivalent energy level that is the steady state level that contains the same amount of sound energy as a time varying sound level for a sixty minute time period. **2002**

17-603. Preexisting outdoor shooting ranges; noise buffering or attenuation

A. If an outdoor shooting range was constructed before July 1, 2002 in compliance with existing applicable county or municipal ordinances and zoning requirements and if property located within one mile of the exterior property boundary of the range is rezoned after July 1, 2002 for residential use or any other use that includes a school, hotel, motel, hospital or church, the zoning authority must provide for noise buffers or attenuation devices that are either:

1. Within the new development as a condition for developing the property or as supplied by the zoning authority.

2. Supplied or funded by the zoning authority for location in the range.

B. Property owners, developers, zoning authorities and ranges may negotiate and provide for noise buffers or attenuation devices located on or off the range.

C. Any noise buffering or attenuation under this section must comply with the state noise standards prescribed by section 17-602. **2002**

17-604. Nighttime outdoor shooting range operations

A. Outdoor shooting ranges that are located in areas that are zoned for residential use or any other use that includes a school, hotel, motel, hospital or church shall not operate from 10:00 p.m. through 7:00 a.m.

B. This section does not apply to any outdoor shooting range while it is providing law enforcement or military training. These ranges must provide adequate public notice including posting in four public locations within one mile of the exterior boundaries of the range each calendar quarter of the schedule of when the range will operate from 10:00 p.m. through 7:00 a.m. and the purpose for those nighttime operations. Nighttime operations under this subsection must comply with the nighttime noise standards prescribed by section 17-602. **2002**

17-605. Noise pollution; nuisance; defense; costs

A. It is an affirmative defense to any civil liability or claim for equitable relief arising from any allegation regarding noise or noise pollution that results from owning, operating or using an outdoor shooting range if the entity or individual owning, operating or using the range complies with this article.

B. In any action where a defense has been raised pursuant to subsection A, the court shall award the prevailing party its costs and all expenses, including the party's costs incurred in measuring noise emitted from the range and reasonable attorney fees. **2002**

ARTICLE 2. DISCLOSURE OF PROXIMITY TO SHOOTING RANGE

17-621. Recording proximity to shooting range; definition

A. A city with a population of more than one million persons shall execute and record in the office of the county recorder a document relating to real property located within one-half mile of the exterior boundaries of any shooting range that is owned by this state and that is located within or adjacent to the exterior municipal boundaries on or before January 1, 2004. The city attorney shall prepare the document in recordable form. The document must be on eight and one-half inch by eleven inch paper containing the following information in twelve point type:

1. A legal description of the property within one-half mile of the exterior boundaries of the shooting range. To assist in identifying that property, the game and fish

commission shall submit the legal description of the shooting range to the city attorney.

2. The following disclosure:

This property is located within one-half mile of the exterior boundaries of a shooting range and may be subject to:

1. Increased noise.

2. Restrictions on the use of the property under the city's general plan and zoning ordinances.

B. The game and fish commission shall not close a shooting range described in this section unless all of the following occur:

1. The director of the department recommends the closure in writing.

2. The commission issues a report detailing the basis for the recommendation.

3. The commission unanimously approves the closure after public hearings have been held to discuss the closure in the three counties with the highest population.

4. The joint committee on capital review reviews the closure recommendation.

5. The governor approves the closure in an executive order.

C. For the purposes of this section, "shooting range" means a permanently located and improved area that is designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or any other similar sport shooting in an outdoor environment. Shooting range does not include:

1. Any area for the exclusive use of archery or air guns.

2. An enclosed indoor facility that is designed to offer a totally controlled shooting environment and that includes impenetrable walls, floor and ceiling, adequate ventilation, lighting systems and acoustical treatment for sound attenuation suitable for the range's approved use.

3. A national guard facility located in a city or town with a population of more than one million persons.

4. A facility that was not owned by this state before January 1, 2002. **2004**

TITLE 28

TRANSPORTATION

Ch.	Art.	Section
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	20. Off-highway Vehicles	28-1171

CHAPTER 3

TRAFFIC AND VEHICLE REGULATION

ARTICLE 20. OFF-HIGHWAY VEHICLES

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28-1172. Applicability; private and Indian lands.
28-1173. Enforcement.
28-1174. Operation restrictions; violation; classification.
28-1175. Instruction course; fee.
28-1176. Off-highway vehicle recreation fund.

ARTICLE 20. OFF-HIGHWAY VEHICLES

28-1171. Definitions

In this article, unless the context otherwise requires:

1. "Highway" means the entire width between the boundary lines of every way publicly maintained by the federal government, the department, a city, a town or a county if any part of the way is generally open to the use of the public for purposes of vehicular travel.

2. "Off-highway recreation facility" includes off-highway vehicle use areas and trails specifically developed and designated for use by off-highway vehicles.

3. "Off-highway vehicle":

(a) Means a motorized vehicle when operated off of highways on land, water, snow, ice or other natural terrain or on a combination of land, water, snow, ice or other natural terrain.

(b) Includes a two-wheel, three-wheel or four-wheel vehicle, motorcycle, four-wheel drive vehicle, dune buggy, amphibious vehicle, ground effects or air cushion vehicle and any other means of land transportation deriving motive power from a source other than muscle or wind.

(c) Does not include a vehicle that is either:

(i) Designed primarily for travel on, over or in the water.

(ii) Used in installation, inspection, maintenance, repair or related activities involving facilities for the provision of utility or railroad service.

4. "Off-highway vehicle special event" means an event endorsed or sponsored by a county or municipality in which the event participants operate off-highway vehicles on specific routes designated by a local authority pursuant to section 28-627.

5. "Off-highway vehicle trail" means a multiple use corridor that is all of the following:

(a) Open to recreational travel by an off-highway vehicle.

(b) Not normally suitable for travel by conventional two-wheel drive vehicles.

(c) Opened by the managing authority of the property that the trail traverses for the specific designated purpose of recreational off-highway vehicle use.

6. "Off-highway vehicle use area" means the entire area of a parcel of land, except for camping and approved buffer areas, that is managed specifically for off-highway vehicle use through the development or designation of off-highway vehicle trails. **2004**

28-1172. Applicability; private and Indian lands

This article applies to all lands in this state except private land and Indian land. **1996**

28-1173. Enforcement

All peace officers of this state and counties, cities or towns and other duly authorized state and federal employees shall enforce this article. **1996**

28-1174. Operation restrictions; violation; classification

A. It is unlawful for a person to drive an off-highway vehicle with reckless disregard for the safety of persons or property.

B. A person who violates this section is guilty of a class 2 misdemeanor.

C. In addition to or in lieu of the fine prescribed by this section, a judge may order the person to perform at least eight but not more than twenty-four hours of community restitution or to complete an approved safety course, or both. **2005**

28-1175. Instruction course; fee

A. The department shall conduct or approve an educational course of instruction in off-highway vehicle safety and environmental ethics. The course shall include instruction on off-highway vehicle uses that limit air pollution and harm to natural terrain, vegetation and animals. Successful completion of the course requires successful passage of a written examination.

B. Any governmental agency, corporation or other individual that conducts a training and educational course that is approved by the department may collect a fee that is reasonable and commensurate for the training and that does not exceed fifty dollars. **1996**

28-1176. Off-highway vehicle recreation fund

A. An off-highway vehicle recreation fund is established. The fund consists of:

1. Monies appropriated by the legislature.
2. Monies deposited pursuant to section 28-5927.
3. Federal grants and private gifts.
4. Matching monies from federal, state, local or private entities.

B. Monies in the off-highway vehicle recreation fund are appropriated to the Arizona state parks board solely for the purposes provided in this article. Interest earned on monies in the fund shall be credited to the fund. Monies in the off-highway vehicle recreation fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations.

C. The Arizona game and fish department shall spend thirty per cent of the monies in the off-highway vehicle recreation fund for an informational and educational program on off-highway vehicle recreation and law enforcement activities relating to this article and for off-highway vehicle law enforcement pursuant to title 17, chapter 4, article 3.

D. The Arizona state parks board shall spend seventy per cent of the monies in the off-highway vehicle recreation fund for the following purposes:

1. No more than eighteen per cent to fund staff support to plan and administer the off-highway vehicle recreation fund.
2. To establish a facility development program based on the priorities established in the off-highway vehicle plan.
3. To establish a matching fund program for funding off-highway related law enforcement, informational and environmental education programs, mitigation of environmental damage, facility development, land acquisition and construction of off-highway vehicle related facilities.

E. The allocation of the monies in the matching fund program prescribed in subsection D, paragraph 3 of this section and the percentages allocated to each of the purposes prescribed in the program shall be determined by an off-highway vehicle plan prepared by the Arizona outdoor recreation coordinating commission and approved by the state parks board.

F. Monies in the matching fund program established under subsection D, paragraph 3 of this section shall be distributed in an amount determined by the Arizona outdoor recreation coordinating commission to a qualified state or federal agency, city, town, county or tribal government. The Arizona state parks board may require additional matching monies that may be direct monies or in-kind services from these entities before the distribution pursuant to this subsection.

G. Agencies receiving monies under this section shall use the monies:

1. To designate, construct, maintain and manage off-highway vehicle recreation facilities, off-highway vehicle use areas and off-highway vehicle trails within land under the jurisdiction of the particular agency.
2. For enforcement of off-highway vehicle laws.
3. For mitigation of damages to land.
4. For off-highway vehicle related environmental education.

H. The Arizona outdoor recreation coordinating commission shall examine applications for eligible projects and determine the amount of funding, if any, for each project. **2003**

Arizona Game and Fish Commission Rules

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TITLE 12

NATURAL RESOURCES

CHAPTER 4

GAME AND FISH COMMISSION

(Authority: A.R.S. § 17-201 *et seq.*)

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ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS

R12-4-101. Definitions.

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

1. "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.
2. "Bonus point" means a credit that authorizes the Department to issue an applicant an additional computer-generated random number.
3. "Commission Order" means a document adopted by the Commission that does any or all of the following: open, close, or alter seasons and open areas for taking wildlife; specify wildlife that may or may not be taken; set bag or possession limits for wildlife; or set the number of permits available for limited hunts.
4. "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.
5. "Hunt area" means a game management unit, portion of a unit, or group of units opened to hunting by a particular hunt number.
6. "Hunt number" means the number assigned by Commission Order to any hunt area where a limited number of hunt permits is available.
7. "Hunt permits" means the number of hunt permit-tags made available to the public as a result of a Commission Order.
8. "Hunt permit-tag" means a tag for a hunt for which a Commission Order has assigned a hunt number.
9. "Identification number" means a number assigned to each applicant or license holder by the Department, as prescribed in R12-4-111.
10. "License dealer" means a business authorized to sell hunting, fishing, and other licenses under to R12-4-105.
11. "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.
12. "Management unit" means an area established by the Commission for management purposes.
13. "Minnow trap" means a trap with dimensions that do not exceed 12 inches in depth, 12 inches in width and 24 inches in length.
14. "Muzzle-loading handgun" means a firearm intended to be fired from the hand, 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.
15. "Muzzle-loading 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.
16. "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.
17. "Restricted nonpermit-tag" means a tag issued for a supplemental hunt under R12-4-115.
18. "Simultaneous fishing" means taking fish by using two lines and not more than two hooks or two artificial lures or flies per line.
19. "Sink box" means a low floating device with a depression that affords a hunter a means of concealment beneath the surface of the water.
20. "Stamp" means a form of authorization in addition to a license that allows the license holder to take wildlife specified by the stamp. The Department shall issue a stamp by one of the following methods:
    a. Print the name of the stamp on the applicable license;
    b. Print the name of the stamp on a separate license form that the license holder shall attach to or carry with the applicable license; or
    c. Provide an actual stamp with an adhesive backing that the license holder shall affix to the back of the applicable license and signs across the face of the stamp.
21. "Tag" means the authorization that an individual is required to obtain from the Department under A.R.S. Title 17 and 12 A.A.C. 4 before taking certain wildlife.
22. "Waterdog" means the larval or metamorphosing stage of salamanders.
23. "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:

1. "Antlered" means having an antler fully erupted through the skin and capable of being shed.
2. "Antlerless" means not having an antler, antlers, or any part thereof erupted through the skin.
3. "Bearded turkey" means a turkey with a beard that extends beyond the contour feathers of the breast.

4. "Buck antelope" means a male pronghorn antelope.
5. "Bull elk" means an antlered elk.
6. "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.
7. "Ram" means any male bighorn sheep, excluding male lambs.

Authorizing Statute
General: A.R.S. § 17-101
Specific: A.R.S. § 17-231(A)(1)

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).

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

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

Hunting and Fishing License Fees		**Fees effective for licenses, tags, stamps, and permits to be used beginning in 2007**
Class A, General Fishing License		
• Resident	$18.00	$23.50
• Nonresident	$51.50	$88.00
Under A.R.S. § 17333(A)(1), the fee for this license issued in November or December of the year for which the license is valid is half price; that includes half of the surcharge prescribed as authorized by A.R.S. § 17345.		
Class B, Four-month Fishing License		
• Nonresident	$37.50	$39.75
Class C, Five-day Fishing License		
• Nonresident	$26.00	$32.00 + $9.00 for each additional day
Class D, One-day Fishing License		
• Resident	$12.50	$16.25 + $9.00 for each additional day
• Nonresident		$17.25 + $9.00 for each additional day
Class E, Colorado River Only Fishing License		
• Nonresident	$42.50	$48.75
Class F, Combination Hunting and Fishing License		
• Resident Adult	$44.00	$54.00
• Nonresident Adult	$177.50	$225.75
• Resident or Nonresident Youth.	$25.50	$26.50
Fee applies before and through the calendar year of the applicant's 20th birthday.		
Class G, General Hunting License		
• Resident	$25.50	$32.25
• Nonresident	$113.50	$151.25
Class H, Three-day Hunting License		
• Nonresident	$51.50	$61.25
• Resident Youth Group Two-day Fishing License	$25.00	$25.00
Class I, Resident Family Fishing License		
• For Primary Adult	$28.50	$39.25

Hunting and Fishing License Fees		Fees effective for licenses, tags, stamps, and permits to be used beginning in 2007
• For one additional adult in the immediate family, as prescribed in A.R.S. § 17-333	+$22.80	+$31.40
• For any child in the immediate family, as prescribed in A.R.S. § 17-333	+$2.00 per child	+$2.00 per child
Class J, Resident Family Hunting License		
• For Primary Adult		$32.25
• For one additional adult in the immediate family, as prescribed in A.R.S. § 17-333		+$25.80
• For any child in the immediate family, as prescribed in A.R.S. § 17-333		+$15.00 per child
Class K, Combination Resident Family Hunting and Fishing License		
• For Primary Adult		$54.00
• For one additional adult in the immediate family, as prescribed in A.R.S. § 17-333		+$43.20
• For any child in the immediate family, as prescribed in A.R.S. § 17-333		+$20.00 per child
Class L, Super Conservation Fishing License		
• Resident		$53.00
• Nonresident		$63.00
Class M, Super Conservation Hunting License		
• Resident		$118.00
Class N, Combination Super Conservation Hunting and Fishing License		
• Resident		$163.00
Class U, Urban Fishing License		
• Resident or Nonresident	$16.00	$18.50
Hunt Permit-tag Fees		
Antelope		
• Resident	$65.00	$77.50
• Nonresident	$325.00	$477.50
Bear		
• Resident	$14.50	$22.25
• Nonresident	$200.00	$237.50
Bighorn Sheep		
• Resident	$195.00	$265.00
• Nonresident	$1,000.00	$1,400.00
Buffalo		
• Adult Bulls or Any Buffalo		
• Resident	$750.00	$1,087.50
• Nonresident	$3,750.00	$5,444.75
• Adult Cows		
• Resident	$450.00	$652.00
• Nonresident	$2,250.00	$3,255.25
• Yearling		
• Resident	$240.00	$355.25
• Nonresident	$1,200.00	$1,747.25
• Yearling or Cow		
• Resident	$450.00	$652.00
• Nonresident	$2,250.00	$3,255.25
Deer and Archery Deer		
• Resident	$19.50	$34.75
• Nonresident	$125.50	$225.25
• Junior, resident and nonresident		$25.00
Elk		
• Resident	$78.00	$114.00
• Nonresident	$400.00	$587.50
• Junior, resident and nonresident		$50.00
Javelina and Archery Javelina		
• Resident	$12.50	$21.25
• Nonresident	$70.00	$97.50
Mountain Lion		
• Resident	$10.00	$14.50
• Nonresident	$200.00	$225.00
Turkey and Archery Turkey		

Hunting and Fishing License Fees		**Fees effective for licenses, tags, stamps, and permits to be used beginning in 2007**
• Resident	$11.00	$18.00
• Nonresident	$50.50	$70.25
• Junior, resident and nonresident		$10.00
Sandhill Crane		
• Resident or Nonresident	$5.00	$7.50
Nonpermit-tag and Restricted Nonpermit-tag Fees		
Antelope		
• Resident	$65.00	$77.50
• Nonresident	$325.00	$477.50
Bear		
• Resident	$14.50	$22.25
• Nonresident	$200.00	$237.50
Bighorn Sheep		
• Resident	$195.00	$265.00
• Nonresident	$1,000.00	$1,400.00
Buffalo		
• Adult Bulls or Any Buffalo		
• Resident	$750.00	$1,087.50
• Nonresident	$3,750.00	$3,444.75
• Adult Cows		
• Resident	$450.00	$652.00
• Nonresident	$2,250.00	$3,255.25
• Yearling		
• Resident	$240.00	$355.25
• Nonresident	$1,200.00	$1,747.25
• Yearling or Cow		
• Resident	$450.00	$652.00
• Nonresident	$2,250.00	$3,255.25
Deer and Archery Deer		
• Resident	$19.50	$34.75
• Nonresident	$125.50	$225.25
• Junior, resident and nonresident		$25.00
Elk		
• Resident	$78.00	$114.00
• Nonresident	$400.00	$587.50
• Junior, resident and nonresident		$50.00
Javelina and Archery Javelina		
• Resident	$12.50	$21.25
• Nonresident	$70.00	$97.50
• Junior, resident and nonresident		$15.00
Mountain Lion		
• Resident	$10.00	$14.50
• Nonresident	$200.00	$225.00
Turkey and Archery Turkey		
• Resident	$11.00	$18.00
• Nonresident	$50.50	$70.25
• Junior, resident and nonresident		$10.00
Sandhill Crane		
• Resident or Nonresident	$5.00	$7.50
Stamps and Special Use Permit Fees		
Arizona Colorado River Special Use Permit Stamp. For use by California fishing license holders, resident or nonresident.	$3.00	$3.00
Arizona Colorado River Special Use Permit Stamp. For use as prescribed by R12-4-312.	$3.00	$3.00
Arizona Lake Powell Stamp. For use by resident Utah licensees.	$3.00	$3.00
Bobcat Permit Tag. For resident or nonresident.	$2.00	$3.00
State Waterfowl Stamp. Validates a hunting license to allow the license holder to take waterfowl as prescribed in R12-4-203.	$7.50	$8.75
State Migratory Bird Stamp, as prescribed in A.R.S. § 17-333.03, resident or nonresident. Validates a hunting license to allow the license holder to take migratory game birds as prescribed in R12-4-203.	$3.00	$4.50

Hunting and Fishing License Fees		Fees effective for licenses, tags, stamps, and permits to be used beginning in 2007
Trout Stamp. Validates a Class A license to allow the license holder to take trout.		
• Resident	$10.50	$15.75
• Nonresident	$49.50	$57.75
Two-Pole Stamp, resident or nonresident. Validates a fishing license to allow the license holder to engage in simultaneous fishing, as defined in R12-4-101.	The fee for a two-pole stamp shall be $4.00 until September 1, 2006. Afterwards, the fee shall be $5.00.	$6.00
Unit 12A (North Kaibab) Habitat Management Stamp, resident or nonresident. Sikes Act stamp, validates a hunting license to allow the license holder to take deer in unit 12A as prescribed by R12-4-204.	$15.00	$15.00
Other License Fees		
Game Bird Field Trial License	$5.00	$6.00
Game Bird Hobby License	$5.00	$5.00
Game Bird Shooting Preserve License	$100.00	$115.00
Fur Dealer's License	$100.00	$115.00
Guide License		
• Resident or Nonresident	$100.00	$300.00
License Dealer's License	$75.00	$100.00
License Dealer's Outlet License	$25.00	$25.00
Live Bait Dealer's License	$30.00	$35.00
Private Game Farm License	$40.00	$57.50
Sport Falconry License (3-year license)	$75.00	$87.50
Taxidermist License	$50.00	$150.00
Trapping License		
• Resident	$10.00	$30.00
• Nonresident	$50.00	$275.00
• Resident Juvenile	$10.00	$10.00
White Amur Stocking and Holding License		
• Non-business. Under R12-4-424, an individual that holds a non-business white amur stocking and holding license does not pay the required fee if renewing the license.	$200.00	$250.00
• Business	$200.00	$250.00
Zoo License	$100.00	$115.00
Administrative Fees		
Duplicate Fee. Duplicates are not issued for Trout Stamps, Arizona Colorado River Special Use Permits, Arizona Colorado River Special Use Permit Stamps, Arizona Lake Powell Stamps, State Migratory Bird Stamps, or State Waterfowl Stamps.	$3.00	$4.00
Permit Application Fee.	$5.00	$7.50

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-333, 17-345

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).

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.

Authorizing Statute
General: A.R.S. §§ 17-231(A), 17-332(A)
Specific: A.R.S. § 17-332(C)

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 individuals may apply as a group.

B. An individual is eligible to apply:

1. For a hunt permit-tag if the individual:
   a. Is at least 10 years old at the start of the hunt for which the individual applies;
   b. Has completed a department-approved hunter education course by the start date of the hunt for which the individual applies, if the individual is under the age of 14; and
   c. Does not have his or her license or license privileges to hunt in this state suspended or revoked at the time the individual submits an application, as a result of an action under either A.R.S. §§ 17-340 or 17-502.
2. For a bonus point if the individual:
   a. Is at least 10 years old by the deadline to apply; and
   b. Does not have his or her license or license privileges to hunt in this state suspended or revoked at the time the individual submits an application, as a result of an action under either A.R.S. §§ 17-340 or 17-502.

C. An applicant for a hunt permit-tag or a bonus point shall complete and submit a Hunt Permit-tag Application Form, available from any Department office, the Department's Internet web site, or a license dealer. An applicant shall apply at the times, locations, and in the manner established by the hunt permit-tag application schedule that is published annually by the Department and available at any Department office, the Department's Internet web site, or a license dealer. Under A.R.S. § 17-231, the Commission shall set application deadlines for hunt permit-tag drawing applications. The Director has the authority to extend any draw deadline date if problems occur that prevent the public from submitting a hunt permit-tag application within the deadlines set by the Commission.

D. An applicant shall sign the Hunt Permit-tag Application Form, or provide permission for another individual to sign the application form on behalf of the applicant. If applying electronically over the Internet, an applicant shall attest to, or provide permission for another individual to attest to, the information electronically provided.

E. An applicant shall provide the following information on the Hunt Permit-tag Application Form:

1. The applicant's name, the applicant's home mailing address, the applicant's residency status, and the applicant's date of birth;
2. The applicant's social security number, as required under A.R.S. §§ 25-320(N) and 25-502(K), and the applicant's Department identification number, if different from the social security number;
3. If licensed to take wildlife in this state, the number of the applicant's license for the year the hunt will take place;
4. If not licensed for the year in which the applicable hunt will take place, the applicant shall purchase a license by completing the License Application portion of the Hunt Permit-tag Application Form, providing the applicant's name, Department identification number, home mailing address, class of license for which application is made, residency status, length of Arizona residency (if applicable), date of birth, sex, weight, height, and color of hair and eyes; and
5. If an applicant is younger than age 14, and is applying for a hunt other than big game, but is not required to have a license under A.R.S. § 17-335(B), the applicant shall indicate "juvenile" in the space provided for the license number on the Hunt Permit-tag Application Form.

F. An applicant shall include as part of the hunt permit-tag application, the following fees as prescribed by R12-4-102:
1. The fee for the applicable hunt permit-tag, unless application is submitted electronically over the Internet or telephone;
2. A permit application fee; and
3. The license fee if the applicant has not previously purchased a license for the year in which the hunt takes place.

G. An applicant shall enclose payment for a hunt permit-tag with a single hunt permit-tag application form, made payable in U.S. currency to the Arizona Game and Fish Department, by certified check, cashier's check, money order, or personal check. If applying electronically over the Internet or telephone, an applicant shall include payment by valid credit card as a part of the hunt permit-tag application.

H. An applicant shall apply for a specific hunt or a bonus point by the current hunt number. If all hunts selected by the applicant are filled at the time the application is processed in the drawing, the Department shall deem the application unsuccessful, unless the application is for a bonus point.

I. An applicant shall make all hunt choices for the same genus within one application.

J. An applicant shall not include applications for different genera of wildlife in the same envelope.

K. All members of a group shall apply for the same hunt numbers and in the same order of preference. The Department shall not issue a hunt permit-tag to any group member unless sufficient hunt permit-tags are available for all group members.

L. An applicant shall submit only one valid application per genus of wildlife for any calendar year, except:
1. If the bag limit is one per calendar year, an unsuccessful applicant may re-apply for remaining hunt permit-tags in unfilled hunt areas, as specified in the hunt permit-tag application schedule published annually by the Department.
2. For genera that have multiple draws within a single calendar year, an individual who successfully draws a hunt permit-tag during an earlier season may apply for a later season for the same genus if the individual has not taken the bag limit for that genus during a preceding hunt in the same calendar year.
3. If the bag limit is more than one per calendar year, an individual may apply as specified in the hunt permit-tag application schedule published annually by the Department for remaining hunt permit-tags in unfilled hunt areas.

M. An individual shall not apply for a hunt permit-tag for Rocky Mountain bighorn sheep or desert bighorn sheep if that individual has met the lifetime bag limit for that sub-species. An individual shall not apply for a hunt permit-tag for buffalo if the individual has met the lifetime bag limit for that species.

N. To participate in the bonus point system, an applicant shall comply with R12-4-107.

O. The Department shall reject as invalid a Hunt Permit-Tag Application Form not prepared or submitted in accordance with this Section or not prepared in a legible manner. If the Department rejects an application from any member of a group, the Department shall reject all applications from the group.

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 bonus point shall not be refunded.

Q. If the Director determines that Department error caused an individual to submit an invalid application for a hunt permit-tag, prevented an individual 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. An individual 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.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. § 17-231(A)(2)(8)

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).

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 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.

Authorizing Statute
General: A.R.S. § 17-331
Specific: A.R.S. § 17-333(A)(35)

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

Name of License	Governing Rule	Administrative Completeness Review Time-Frame	Substantive Review Time Frame	Overall Time Frame
Guide License	R12-4-208	10 days	20 days	30 days
License Dealer's License	R12-4-105	10 days	20 days	30 days
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.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. § 41-1073

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:
1. "Bonus point hunt number" means the hunt number assigned by the Commission in a Commission Order for use by an applicant applying only for a bonus point for a genus identified in this Section; and
2. "Loyalty bonus point" means a bonus point awarded to an individual who has submitted a valid application for a hunt permit-tag or a bonus point for a specific genus identified in subsection (B) at least once annually for a consecutive five-year period.

B. The bonus point system grants an individual one entry in each drawing for antelope, bear, bighorn sheep, buffalo, deer, elk, javelina, or turkey for each bonus point that individual has accumulated under this Section. Each bonus point entry is in addition to the entry normally granted by R12-4-104. When processing "group" applications, as defined in R12-4-104, the Department shall use the average number of bonus points accumulated by the individuals in the group, rounded to the nearest whole number. If the average is equal to or greater than .5, the total will be rounded to the next higher number.

C. The Department shall award one bonus point to an applicant who submits a valid Hunt Permit-tag Application Form if all of the following apply:
1. The application is unsuccessful in the drawing or the application is for a bonus point only;
2. The application is not for a hunt permit-tag left over after the drawing and available on a first-come, first-served basis as prescribed in R12-4-114; and
3. The applicant, before the drawing, purchases a hunting license valid for the year in which the hunt takes place. The applicant shall either provide the hunting license number on the application, or submit an application and fees for the license with the Hunt Permit-tag Application Form.

D. An applicant who purchases a bonus point only shall:
1. Submit a valid Hunt Permit-tag Application Form, as prescribed in R12-4-104, with the Commission-assigned bonus point hunt number for the particular genus as the first choice hunt number on the application. Placing the bonus point only hunt number as a choice other than the first choice or including any other hunt number on the application will result in rejection of the application;
2. Include with the application, payment for the hunt permit-tag application fee and a fee for a hunting license if the applicant does not already possess a license valid for the year for which the draw is conducted (If an applicant who purchases a bonus point has not already purchased a license for the year for which the applicant is applying, the applicant shall also submit all applicable

information designated under R12-4-104(E)(4). If an applicant who purchases a bonus point has already purchased a license for the year for which the applicant is applying, the applicant shall also submit the number of the applicant's license); and

3. Submit only one Hunt Permit-tag Application Form for the same genus for each season that bonus points are issued for that genus.

E. With the exception of the hunter education bonus point, each bonus point accumulated is valid only for the genus designated on the Hunt Permit-tag Application Form.

F. Except for a permanent bonus point awarded for hunter education, or loyalty bonus points that are accrued and forfeited as prescribed in subsection (K), all of an individual's accumulated bonus points for a genus are forfeited if:

1. The individual is issued a hunt permit-tag for that genus in a computer drawing; or
2. The individual fails to submit a Hunt Permit-tag Application Form for that genus for five consecutive years.

G. An applicant issued a first-come, first-served hunt permit-tag under R12-4-114(C)(2)(d) after the computer drawing does not lose bonus points for that genus, and a valid but unsuccessful applicant for a first-come, first-served hunt permit-tag remaining after the computer drawing does not gain a bonus point.

H. The Department shall award one permanent bonus point for each genus upon an individual's first graduation from the Department's Arizona Hunter Education Course or for serving as a Department hunter education instructor.

1. The Department shall credit an individual who graduated after January 1, 1980, but before January 1, 1991, or an individual certified by the Department as an active hunter education instructor after January 1, 1980, with one permanent bonus point for each genus if the individual 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 an individual other than an instructor, the month and year of graduation from the Department's Arizona Hunter Education Course.
2. An instructor or an individual who has graduated from the Department's Arizona Hunter Education Course shall submit the required form 30 days before a drawing's application deadline, as specified in the hunt permit-tag application schedule, in order for the bonus point to be counted by the Department in that drawing.

I. The Department shall make an applicant's total number of accumulated bonus points available on the Department's application web site or IVR telephone system. If the applicant disagrees with the total, the applicant may request from the Department proof of compliance with this Section to prove Department error. In the event of an error, the Department shall correct the applicant's record.

J. The Department shall credit bonus points under an applicant's Department identification number for the genus on the application. The Department shall not transfer bonus points between individuals or genera.

K. The following provisions apply to the loyalty bonus point program:

1. The Department shall award a loyalty bonus point if an applicant submits a valid application at least once a year for a hunt permit-tag or a bonus point for a specific genus consecutively for a five-year period.
2. An applicant retains a loyalty bonus point once accrued as long as the applicant submits a valid application annually for a hunt permit-tag or a bonus point for the genus for which the loyalty bonus point was accrued.
3. If an applicant who has accrued a loyalty bonus point fails to apply in any calendar year for a hunt permit-tag for the genus for which the loyalty bonus point was accrued, the applicant's loyalty bonus point for that genus is forfeited.
4. For the purpose of the loyalty bonus point program, year one of the calculation of consecutive application years is 2001, and the Department shall award a loyalty bonus point to an applicant who qualifies for the loyalty bonus point on or after the effective date of this Section.
5. A loyalty bonus point is accrued in addition to all other bonus points.

L. The Department shall reinstate any bonus points forfeited for a successful hunt permit-tag application for military personnel, military reserve personnel, national guard personnel, or public agency employees who are unable to use the hunt permit-tag due to mobilization, activation, or required duty in response to a declared national or state emergency, or required duty in response to an action by the President, Congress, or a governor of the United States or its territories. Under A.R.S. § 17-332(E), no refunds for a license or hunt permit-tag will be issued to an applicant who applies for reinstatement of bonus points under this subsection. To request that forfeited bonus points be reinstated under these circumstances, an applicant shall submit all of the following to the Arizona Game and Fish Department, Draw Section, 2221 W. Greenway Rd., Phoenix, AZ 85023:

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.

Authorizing Statute
General: A.R.S. § 17-231(A)(2)(8)
Specific: A.R.S. § 17-231(A)(3)

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).

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. See R12-4-117.

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; southerly on the Vernon-McNary Rd. (FR 224) to the Fort 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; southwesterly along U.S. Hwy 60 to the Fort 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; southeasterly 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.; 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; southwesterly 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 Creek (mp 337.5 on FH3); southeasterly 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 Creek (mp 210.2); southwesterly along Walnut Creek to Walnut Canyon National Monument; southwesterly along the northern boundary of the Walnut Canyon National Monument to Walnut Creek; southwesterly along Walnut Creek to FH3 (mp 337.5).Unit 5B -- Beginning at Lake Mary-Clint's Well Rd. (FH3) and Walnut Creek (mp 337.5 on FH3); southeasterly 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 Creek (mp 210.2); southwesterly along Walnut Creek to Walnut Canyon National Monument; southwesterly along the northern boundary of the Walnut Canyon National Monument to Walnut Creek; southwesterly along Walnut Creek to FH3 (mp 337.5).

Unit 6A — Beginning at the junction of U.S. Hwy 89A and FR 237; southwesterly on U.S. Hwy 89A to the Verde River; southeasterly along the Verde River to Childs; easterly on the Childs-Strawberry Rd. to 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; southwesterly on FR 132 to FR 296; southwesterly on FR 296 to FR 296A; southwesterly on FR 296A to FR 132; northwesterly on FR 132 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 Mountainaire Rd.; west on Mountainaire 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 ⅓ 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; north on 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 Creek (mp 337.5 on FH3); northeasterly along Walnut Creek to the Walnut Canyon National Monument boundary; northeasterly along the northern boundary of the Walnut Canyon National Monument to Walnut Creek; northeasterly along Walnut Creek 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; south on 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; southeast approximately ⅓ 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 Mountainaire Rd.; easterly on Mountainaire 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 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; southeasterly on FH3 to Walnut Creek (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; northeasterly 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 Cold Spring Wash; 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) on Mohave County Rd. 257 to BLM Rd. 1045; south on BLM Rd. 1045 to Cold Spring Wash; 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 AZ Hwy 95 (Exit 9); southerly on AZ Hwy 95 to the Bill Williams River Rd. (milepost 161.4); easterly along the Bill Williams River Rd. to Mineral Wash Rd.; continuing 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 AZ Hwy 95; north on AZ 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.; southwesterly 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; southwesterly 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 northwesterly through Prescott 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; northwest 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 Kirk-

land 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 the Tonto-Coconino National Forest boundary along the Mogollon Rim; easterly along this boundary to the Tonto-Sitgreaves National Forest boundary; 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 Fort 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 88 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 88; northerly on AZ Hwys 88 and 288 to the Salt River; westerly along the Salt River to Bush Hwy at the Blue Point Bridge; westerly on Bush Hwy to the Usery Pass Rd. (Ellsworth Rd.); southerly on the Usery Pass Rd. to the Tonto National Forest Boundary; 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 115th Ave. and the Gila River; easterly to the western boundary of the Gila Indian Reservation; southeasterly along the reservation boundary to AZ Hwy 347 (Maricopa Rd.); south on AZ Hwy 347 (Maricopa Rd.) to AZ Hwy 84; east on AZ Hwy 84 to Stanfield; south on the Stanfield-Cocklebur Rd. to the Tohono O'odham (Papago) Indian Reservation; easterly along the reservation 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. Hwy 60 to the Meridian Extension (Maricopa-Pinal County Line); south on the Meridian Extension (Maricopa-Pinal County Line) to Empire Blvd.; west on Empire Blvd. to the Gila Indian Reservation boundary; north and west along the Gila River Indian Reservation boundary to 115th Ave.; except those portions that are sovereign tribal lands of the Gila River Indian Community and the Ak-Chin Indian Community.

Unit 26M — Beginning at the junction of I-17 and New River Rd. (Exit 232); west on New River Rd. to AZ Hwy 74; west on AZ Hwy 74 to the junction with U.S. Hwy 93; southeasterly on U.S. Hwy 93 to the Beardsley Canal; southwesterly along 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; east along the Gila River to 115th Ave.; north on 115th Ave. to I-10; west along I-10 to Litchfield Rd.; north on Litchfield Rd. to Bell Rd.; east on Bell Rd. to the New River; north along the New River to the Carefree Hwy; east along Carefree Hwy to Cave Creek Rd.; northeast along Cave Creek Rd. to Pima Rd.; south on Pima Rd. to Loop 101; south on loop 101 to the Salt River; easterly along the Salt River to the Tonto National Forest boundary; southeasterly to Usery Pass Rd.; north on Usery Pass Rd. to Bush Hwy; easterly on Bush Hwy to the Salt River at the Blue Point Bridge; westerly along the Salt River to the Verde River; northerly along the Verde River to the Tonto National Forest boundary; northwesterly along this boundary to Fig Springs Rd.; southwesterly on Fig Springs Rd.; west on New River Rd. to I-17 (Exit 232); except those portions that are sovereign tribal lands of the Salt River Pima-Maricopa Indian Community and the Fort McDowell Mohave-Apache Community.

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 San Carlos-Morenci-Clifton Rd.; west on San Carlos-Morenci-Clifton 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 Clifton-Morenci-San Carlos 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 ½ 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 the Lochiel- Canelo Pass-Elgin Rd.; north on the Lochiel-Canelo Pass-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 the Lochiel-Canelo Pass-Elgin Rd.; north on the Lochiel-Canelo Pass-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; southwesterly on AZ Hwy 86 to AZ Hwy 286; southerly on AZ Hwy 286 to the Arivaca Rd.; easterly 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 Rd.; east 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 ½ 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 (Maricopa Rd.); south on AZ Hwy 347 (Maricopa Rd.) 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 AZ 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.; southwesterly 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; southwesterly 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 AZ 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.; east along the Stone Cabin-King Valley Rd. to the west boundary of the Kofa National Wildlife Refuge; northerly along the refuge boundary to the Crystal Hill Rd.; northwesterly on the Crystal Hill 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.; west along the Stone Cabin-King Valley 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 portions that are sovereign tribal lands of the Colorado River Indian Tribes.

Unit 44B — Beginning at Quartzite; south on U.S. Hwy 95 to the Crystal Hill Rd.; east on the Crystal Hill 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 Quartzite.

Unit 45A — Beginning at the junction of the Stone Cabin-King Valley Rd. and Kofa National Wildlife Refuge boundary; east on the Stone Cabin-King Valley 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; north on the Midwell-Alamo Spring-Kofa Cabin 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.

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; north on the Midwell-Alamo Spring-Kofa Cabin 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.; north and west on the Stone Cabin-King Valley Rd. to O-O Junction.

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

Unit 47M — Beginning at the junction of I-17 and the Carefree Hwy; east along the Carefree Hwy to Cave Creek Rd.; northeast along Cave Creek Rd. to Pima Rd.; south on Pima Rd. to Loop 101; south on Loop 101 to the Salt River; easterly along the Salt River to the Tonto National Forest boundary; northeasterly to the Tonto National Forest boundary; southeasterly along the Forest boundary to Forest Rd. 77 (Peralta Rd.); southwesterly on Forest Road 77 (Peralta Rd.) to U.S. Hwy 60; northwesterly on U.S. Hwy 60 to the Meridian Extension (Maricopa-Pinal County Line); south on the Meridian Extension (Maricopa-Pinal County Line) to Empire Blvd.; west on Empire Blvd. to the Gila River Indian Reservation boundary; north and west along the Gila River Indian Reservation boundary to the Gila River; west along the Gila River to 115th Ave.; north on 115th Ave. to I-10; west along I-10 to Litchfield Rd.; north on Litchfield Rd. to Bell Rd.; east on Bell Rd. to the New River; north along the New River to the Carefree Hwy; east along Carefree Hwy to I-17.

D. This Section is effective July 1, 2006.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-231(B)(4), 17-234, 17-245, 41-1005(2)

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).

R12-4-109. Repealed

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).

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 ¼ 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. Appropriate, 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.

Authorizing Statute
General: A.R.S. § 17-231(A)
Specific: A.R.S. §§ 17-304, 17-102

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

A. 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.

Authorizing Statute
General: A.R.S. § 17-231(A)(2)(8)
Specific: A.R.S. § 17-331

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.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-332(C), 17-231(A)(2)(8)

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.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. § 17-239(A)-(E)

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).

Authorizing Statute
General: A.R.S. § 17-331(A)
Specific: A.R.S. §§ 17-332(A), 17-371

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

B. For the purposes of authorizing a population management hunt, the Commission through Commission Order shall open a season or seasons and prescribe a maximum number of restricted nonpermit-tags that the Director may issue under this Section.

C. The Director shall implement a population management hunt under the open season or seasons prescribed in subsection (B) if the Director finds that:
1. Regular seasons have not met or will not meet management objectives;
2. Take of wildlife is necessary to meet management objectives; and
3. Issuance of a specific number of restricted nonpermit-tags is likely to meet management objectives.

D. To implement a population management hunt under subsection (B), the Director shall do the following:
1. Select season dates, within the range of dates prescribed by the Commission through Commission Order;
2. Select specific hunt areas, within the range of hunt areas prescribed by the Commission through Commission Order;
3. Select the legal animal that may be taken from the list of legal animals prescribed by the Commission through Commission Order;
4. Determine the number of restricted nonpermit-tags that will be issued from the maximum number of tags prescribed by the Commission through Commission Order; and
5. Reduce restricted nonpermit-tag fees up to 75% if the normal fee structure will not generate adequate participation from either the hunter pool or hunt permit-tag holders under subsection (J).

E. The Director shall not issue more restricted nonpermit-tags than the maximum number prescribed by the Commission through Commission Order.

F. To participate in a supplemental hunt, an individual shall obtain a restricted non-permit tag as prescribed by this Section. A restricted non-permit tag is valid only for the supplemental hunt for which it is issued.

G. If the season dates and open areas of a supplemental hunt prescribed by the Commission through Commission Order exactly match the season dates and open areas of another big game animal for which a hunt number is assigned and hunt permit-tags are issued through the draw, the Department shall make the restricted nonpermit-tags available only to holders of the hunt permit-tags, and not the hunter pool.

H. To obtain a restricted nonpermit-tag under subsection (G), an applicant shall provide to a Department office the applicant's name, address, Department identification number, and hunt permit-tag number on a form prescribed by the Department.
   a. The applicant shall provide verification that the applicant legally obtained the hunt permit-tag for the hunt described under subsection (G) by presenting the hunt permit-tag to a Department office for verification.
   b. The applicant shall not apply for or obtain a restricted nonpermit-tag to take wildlife in excess of the bag limit prescribed by the Commission.

I. The Department or its authorized agent shall maintain a hunter pool for supplemental hunts and shall randomly select applicants from the hunter pool for participation in a supplemental hunt, if the season dates and open areas of the supplemental hunt do not exactly match the season dates and open areas of another big game animal for which a hunt number is assigned and hunt permit-tags are issued through the draw.

J. When issuing restricted nonpermit-tags to the hunter pool, the Department or its authorized agent shall randomly select applicants from the hunter pool. The Department or its authorized agent shall attempt to contact each randomly-selected applicant by telephone at least three times during a 24-hour period. If an applicant cannot be contacted or cannot participate in the supplemental hunt, the Department or its authorized agent shall return the application to the hunter pool and draw another application. The Department or its authorized agent shall draw no more applications after the number of restricted nonpermit-tags prescribed in subsection (D)(4) has been issued.

K. The Department shall purge and renew the hunter pool annually.

L. An applicant for a supplemental hunt shall submit the following information on a form available from the Department or its authorized agent:

1. Applicant's name, home mailing address, whether a resident or nonresident, and date of birth;
2. Daytime and evening telephone numbers;
3. The species that the applicant would like to hunt if drawn; and
4. The number of the applicant's hunting license for the year that corresponds with the applicable supplemental hunt.

M. Along with the application form, an applicant for a supplemental hunt shall submit the permit application fee prescribed in R12-4-102.

N. The Department shall not accept group applications, as described in 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 prescribed by R12-4-102, or as prescribed by subsection (D)(5) if the fee has been reduced, and
2. The number of the applicant's hunting license, valid for the year of the supplemental hunt.

P. The Department shall reserve a restricted nonpermit-tag for an applicant only for the period specified by the Department when contact is made with the applicant. The Department shall issue a restricted nonpermit-tag not purchased within the specified period to another individual whose application is drawn from the hunter pool as prescribed by this Section. The Department or its authorized agent shall remove from the hunter pool the application of any successful applicant who does not purchase a tag after being contacted and agreeing to purchase the tag.

Q. An individual who participates in a supplemental hunt through the hunter pool shall be removed from the supplemental hunter pool for the genus for which the individual participated. An individual who participates in a supplemental hunt shall not reapply for the hunter pool for that genus until that hunter pool is renewed.

R. The provisions of R12-4-104, R12-4-107, R12-4-114, and R12-4-609 do not apply to supplemental hunts. A supplemental hunt application submitted in accordance with this Section does not invalidate any application for a hunt permit-tag. The issuance of a restricted nonpermit-tag does not authorize an individual to exceed the bag limit established by the Commission.

Authorizing Statute
General: A.R.S. §§ 17-231, 17-239
Specific: A.R.S. § 17-239

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).

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.

Authorizing Statute
General: A.R.S. § 17-314
Specific: A.R.S. § 17-315

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).

Authorizing Statute
General: A.R.S. § 17-331
Specific: A.R.S. § 17-309(A)(20)

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.

Authorizing Statute
General: A.R.S. § 17-211
Specific: A.R.S. § 17-214

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.

Authorizing Statute
General: A.R.S. §§ 17-332, 17-333
Specific: A.R.S. § 17-346

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. A parent or guardian to whom a big game hunt permit-tag is issued may transfer the unused permit or tag to the parent's or guardian's minor child, if:
1. The minor child is from 10 to 17 years old on the date of transfer,
2. The minor child has a valid hunting license on the date of transfer, and
3. A minor child less than 14 years old satisfactorily completes a Department-approved hunter education course by the beginning date of the hunt.

B. A parent or guardian may obtain a transfer, in person, at any Department office. To obtain a transfer, a parent or guardian shall provide the following:
1. Proof of ownership of the big game permit or tag to be transferred;
2. The minor's valid hunting license; and
3. The unused big game permit or tag.

C. An individual to whom a hunt permit-tag is issued or the individual's legal representative may donate the unused tag to a non-profit organization if:
1. The organization is exempt from federal taxation under Section 501(c) of the Internal Revenue Code;
2. The organization provides opportunities and experiences to children with life-threatening medical conditions; and
3. The individual or legal representative that donates the tag provides the organization with some type of statement that indicates that the tag is voluntarily donated to that organization.

D. A non-profit organization that receives a hunt permit-tag under subsection (C) may obtain a transfer by contacting any Department office. To obtain a transfer, an organization shall:
1. Provide proof of donation of the big game permit-tag to be transferred;
2. Provide the unused big game permit or tag;
3. Provide proof of the minor child's valid hunting license; and
4. Transfer the tag to a minor child who meets the following criteria:
   a. Has a life-threatening medical condition;
   b. Is 10 to 17 years old by the date of the transfer;
   c. Has a valid hunting license; and
   d. If is less than 14 years old, satisfactorily completes a Department-approved hunter education course before the beginning date of the hunt.

E. The Department shall issue a transfer permit or tag in the name of the minor child if it is lawfully submitted according to this Section.

Authorizing Statute
General: A.R.S. § 17-331
Specific: A.R.S. § 17-332(D)

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).

R12-4-122. Handling, Transportation, 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 satisfactorily 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.

Authorizing Statute
General: A.R.S. § 17-231(A)
Specific: A.R.S. § 17-240(A)

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.

Authorizing Statute
General: A.R.S. § 17-211
Specific: A.R.S. § 17-231(A)(7)

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

Authorizing Statute
General: A.R.S. § 17-231
Specific: A.R.S. § 17-316(A)

Historical Note

New Section made by emergency rulemaking under A.R.S. § 41-1026 at 8 A.A.R. 3127, effective October 29, 2004 for a period of 180 days (Supp. 04-4). Emergency expired (05-2).

ARTICLE 2. MISCELLANEOUS LICENSES AND PERMITS

R12-4-201. Pioneer License

A. In addition to urban fishing privileges granted in A.R.S. § 17-333(A)(9), a pioneer license grants all of the hunting and fishing privileges of a Class F combination hunting and fishing license.

B. An individual who meets the criteria in A.R.S. § 17-336(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 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;

b. Current residence address or physical location of residence;
c. The year Arizona residency was established;
d. Current mailing address; and
e. The applicant's signature, either witnessed by a Department employee or notarized.

C. The Department shall deny a pioneer license if an applicant is not eligible for a pioneer license, fails to comply with the requirements of this Section, or provides false information during the application process. The Department shall provide written notice to the applicant if the pioneer license is denied. The applicant may appeal the denial to the Commission as prescribed in A.R.S. Title 41, Chapter 6, Article 10.

D. A pioneer license holder may request a duplicate license if:
1. The license has been lost or destroyed;
2. The license holder submits a written request to the Department for a duplicate license; and
3. The Department has a record that shows a pioneer license was previously issued to that individual.

Authorizing Statute
General: A.R.S. §§ 17-231(A)(1), 17-333(A)(8), 17-333(A)(9)
Specific: A.R.S. § 17-336(1)

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).

R12-4-202. Disabled Veteran's License

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

B. An individual who meets the criteria in A.R.S. § 17-336(2) may apply for a disabled veteran's license as follows. Eligibility for the license is based on 100% disability and not on the percentage of compensation.
1. An applicant for a disabled veteran's license shall apply on an application form available from any Department office. The applicant shall provide all of the following information on the application form:
   a. The applicant's name, date of birth, Department identification number, and physical description;
   b. Current residence address or physical location of residence;
   c. Current mailing address;
   d. If the applicant has resided at the current residence or physical location of residence for less than one year, the address or physical location of each residence within the year immediately preceding application; and
   e. The applicant's signature, either witnessed by a Department employee or notarized.
2. An applicant shall submit with the application form an original certification from the Department of Veterans' Services that includes the following information:
   a. Full name and date of birth of the applicant;
   b. Certification that the applicant is receiving compensation for permanent service-connected disabilities rated as 100% disabling;
   c. Certification that the 100% rating is permanent and will not require reevaluation, or that the 100% rating is permanent but will be reevaluated in three years; and
   d. Signature and title of an agent of the Department of Veterans' Services who issued or approved the certification.

C. The Department shall deny a disabled veteran's 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. 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 in A.R.S. Title 41, Chapter 6, Article 10.

D. A disabled veteran's license holder may request a duplicate license if:
1. The license has been lost or destroyed;
2. The license holder submits a written request to the Department for a duplicate license; and
3. The Department has a record that shows a disabled veteran's license was previously issued to that individual.

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

Authorizing Statute
General: A.R.S. §§ 17-231(A)(1), 17-333(A)(8)
Specific: A.R.S. § 17-336(2)

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).

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

A. An individual who takes ducks, geese, swans, doves, band-tailed pigeons, snipe, coots, common moorhen,

or blue grouse in Arizona shall participate in the National Harvest Information Program.

1. If the individual is taking ducks, geese, or swans, the individual shall possess an Arizona state waterfowl stamp, as prescribed in R12-4-101, that accompanies a valid Arizona hunting license. The stamp expires on June 30 of each year.
2. If the individual is taking doves, band-tailed pigeons, snipe, coots, common moorhen, or blue grouse, the individual shall possess an Arizona state migratory bird stamp as prescribed in R12-4-101, that accompanies a valid Arizona hunting license. The stamp expires on June 30 of each year.

B. The Department shall make state waterfowl stamps and state migratory bird stamps available annually.

1. To obtain a state waterfowl stamp or state migratory bird stamp, an individual shall pay the required fee and submit a completed HIP registration form to a license dealer or a Department office. The individual shall provide on the HIP registration form the individual's name, home mailing address, date of birth, and information on past and anticipated hunting activity.
2. A license dealer shall submit HIP registration forms for all state waterfowl stamps and state migratory bird stamps sold with the monthly report required by A.R.S. § 17-338.

Authorizing Statute
General: A.R.S. § 17-231(B)(7)
Specific: A.R.S. §§ 17-235, 17-333.01, 17-333.03

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).

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. Sikes Act Habitat Management Stamps

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

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

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).

Editor's Note

For similar subject matter, see Section R12-4-412.

R12-4-205. Repealed

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).

Editor's Note

For similar subject matter, see Section R12-4-413.

R12-4-206. Repealed

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).

Editor's Note

For similar subject matter, see Section R12-4-414.

R12-4-207. Repealed

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).

Editor's Note

For similar subject matter, see Sections R12-4-415 and R12-4-416.

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.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-101(A)(10), 17-333(A)(23), 17-362(A)

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. Repealed

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).

Editor's Note

For similar subject matter, see Section R12-4-417.

R12-4-210. Repealed

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).

Editor's Note

For similar subject matter, see Section R12-4-418.

R12-4-211. Repealed

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).

Editor's Note

For similar subject matter, see Section R12-4-419.

R12-4-212. Repealed

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).

Editor's Note

For similar subject matter, see Section R12-4-422.

R12-4-213. Repealed

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).

Editor's Note

For similar subject matter, see Section R12-4-420.

R12-4-214. Repealed

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).

R12-4-215. Expired

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).

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.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-102, 17-301

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 propelled 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.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-102, 17-301(B)

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. Restrictions for Taking Wildlife in Maricopa County Parks

A. Lands and water within the boundaries of all Maricopa County parks are open to hunting and trapping when a Commission order establishes an open season. Individuals may use only the following methods of take:
1. Archery hunting, when lawful for the wildlife taken under R12-4-304.
2. Shotguns shooting shot, when taking small game, predatory, furbearing, and nongame animals during quail season in Lake Pleasant, White Tank Mountains, McDowell Mountain, and Estrella Mountain regional park, subject to subsection (F).

B. An individual is prohibited from using rifled firearms within all Maricopa County parks except to take deer during deer seasons established by Commission order with concurrence of the Maricopa County Recreation Services Department.

C. An individual shall not trap within any Maricopa County park except under the provisions of A.R.S. § 17-239, or when the Maricopa County Recreation Services Department and the Arizona Game and Fish Department determine that wildlife numbers need to be reduced in a park area because of a danger to the public or other wildlife.

D. An individual shall not hunt within ¼ mile of any developed picnic area, boat ramp, shooting range, golf course, or other recreational area developed for public use.

E. Individuals entering any Maricopa County park for the purpose of hunting shall declare their intention of hunting and pay any fees required by Maricopa County Recreation Services Department at an entry station when entering the park, if the park has an entry station in operation.

F. This rule does not authorize an individual to use a method of take that is prohibited by a city ordinance.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-102, 17-234

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).

R12-4-302. Use of Tags

A. In addition to meeting the requirements of 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 takes wildlife shall not possess a tag issued to anyone else, except as provided in this Section and R12-4-305, or attach to wildlife a tag issued to anyone else, except as provided in R12-4-217.

D. An individual shall not allow a tag issued to that individual to be attached to wildlife killed by anyone else, except as provided in R12-4-217.

E. An individual shall not attach a tag issued to that individual to wildlife killed by anyone else, except as provided in R12-4-217.

F. An individual shall take and tag only the wildlife identified on the tag.

G. An individual shall use a tag only in the season and hunt area for which the tag is valid.

H. 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 for that genus or species.

I. Immediately after an individual kills wildlife, unless exempted under R12-4-217 or the individual who took the wildlife wishes to divide the carcass under R12-4-305, the individual shall attach his or her valid 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 a deer, elk, or antelope, seal the tag around the antler or horn, or through the gambrel of a hind leg;
   b. For a javelina, bighorn sheep, mountain lion, buffalo, or bear, seal the tag through the gambrel of a hind leg; and
   c. For a turkey, sandhill crane, or pheasant, seal the tag around the neck or a leg.

J. An individual who lawfully takes wildlife under a tag and wishes to authorize another individual to possess, transport, or ship any portion of a carcass under R12-4-305 shall, at the time the portions are to be possessed, transported, or shipped independent from the original tag holder:

1. Tear and separate the tag portions along the perforated line,
2. Legibly complete and sign the Carcass/Transportation/Shipping Permit portion in accordance with R12-4-305(D), and
3. Provide to the individual who will possess and transport the portions of the carcass the completed Carcass/Transportation/Shipping permit.

K. An individual who possesses, transports, or ships a carcass or any part or parts of a carcass and is not the original tag holder shall possess the completed Carcass/Transportation/Shipping permit issued as part of the original permit authorizing the take of that animal.

L. If a tag or a separated portion of a tag has been sealed or mutilated, or the Carcass/Transportation/Shipping permit portion of the tag is signed or filled out, the tag is no longer valid for taking wildlife.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-102, 17-331, 17-332, 17-309

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).

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

A. In addition to the prohibitions prescribed in A.R.S. §§ 17-301 and 17-309, the following devices, methods, and ammunition are unlawful for taking any wildlife in this state. An individual shall not use or possess any of the following while taking wildlife:

1. Fully automatic firearms, including firearms capable of selective automatic fire;
2. Tracer, armor-piercing, or full-jacketed ammunition designed for military use;
3. Shotguns larger than 10 gauge or shotguns capable of holding more than five shells in the magazine, unless plugged with a one-piece filler that cannot be removed without disassembling the gun, and that limits the magazine capacity to five shells;
4. Semiautomatic centerfire rifles with a magazine capacity of more than five cartridges, unless the magazine is modified with a filler or stop that cannot be removed without disassembling the magazine;
5. Contrivances designed to silence, muffle, or minimize the report of a firearm;
6. Poisoned projectiles, or projectiles that contain explosives; or
7. Pitfalls of greater than 5-gallon size, explosives, poisons, or stupefying substances, except as permitted in A.R.S. § 17-239, or as allowed by a scientific collecting permit issued under A.R.S. § 17-238.

B. An individual shall not place substances in a manner intended to attract bears.

C. An individual shall not use manual or powered jacking or prying devices to take reptiles or amphibians.

D. An individual shall not use live decoys, recorded bird calls, electronically amplified bird calls, or baits to take migratory game birds, as prohibited by 50 CFR 20.21, revised June 14, 2001. This material is incorporated by reference in this Section, but does not include any later amendments or editions. A copy is available from any Department office, or it may be ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. § 17-102

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).

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

A. An individual may use the following methods to take big game, subject to the restrictions in 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;
   g. Bows with a standard pull of 40 or more pounds, using arrows with broadheads no less than ⅞ inch in width with metal cutting edges; and
   h. For individuals holding a crossbow permit issued under R12-4-216, crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than ⅞ inch in width with metal cutting edges.
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;
   g. Bows with a standard pull of 40 or more pounds, using arrows with broadheads no less than ⅞ inch in width with metal cutting edges;
   h. For individuals holding a crossbow permit issued under R12-4-216, crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than ⅞ inch in width with metal cutting edges; and
   i. Pursuit with dogs between August 1 and December 31.
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;
   g. Bows with a standard pull of 40 or more pounds, using arrows with broadheads no less than ⅞ inch in width with metal cutting edges; and
   h. For individuals holding a crossbow permit issued under R12-4-216, crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than ⅞ inch in width with metal cutting edges.
4. To take buffalo:
   a. At the House Rock Wildlife Area:
      i. Centerfire rifles;
      ii. Muzzleloading rifles;
      iii. All other rifles using black powder or synthetic black powder;
      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 50 or more pounds, using arrows with broadheads of no less than ⅞ inch in width with metal cutting edges; and
      vi. For individuals holding a crossbow permit issued under R12-4-216, crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than ⅞ inch in width with metal cutting edges.
   b. At the Raymond Wildlife Area:
      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;
   g. Bows with a standard pull of 40 or more pounds, using arrows with broadheads no less than ⅞ inch in width with metal cutting edges; and

h. Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than ⅞ inch in width with metal cutting edges.

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;
   g. Bows with a standard pull of 40 or more pounds, using arrows with broadheads no less than ⅞ inch in width with metal cutting edges; and
   h. For individuals holding a crossbow permit issued under R12-4-216, crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than ⅞ inch in width with metal cutting edges.
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;
   g. Bows with a standard pull of 40 or more pounds, using arrows with broadheads no less than ⅞ inch in width with metal cutting edges;
   h. Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than ⅞ inch in width with metal cutting edges;
   i. .22 rimfire magnum rifles; and
   j. 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;
   g. Bows with a standard pull of 40 or more pounds, using arrows with broadheads no less than ⅞ inch in width with metal cutting edges; and
   h. Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than ⅞ inch in width with metal cutting edges; and
   i. Pursuit with dogs.
9. To take turkey:
   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;
   g. Bows with a standard pull of 40 or more pounds, using arrows with broadheads no less than ⅞ inch in width with metal cutting edges;
   h. Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than ⅞ inch in width with metal cutting edges;
   i. .22 rimfire magnum rifles;
   j. 5 mm rimfire magnum rifles;
   k. .17 rimfire magnum rifles; and
   l. Shotguns shooting shot.

B. An individual may use the following methods to take small game, subject to the restrictions in R12-4-318.
1. To take cottontail rabbits and tree squirrels:
   a. Firearms not prohibited in R12-4-303,
   b. Bow and arrow,
   c. Crossbow,
   d. Pneumatic weapons,
   e. Slingshots, and
   f. Falconry.
2. To take all upland game birds:
   a. Bow and arrow,
   b. Falconry,
   c. Shotguns shooting shot,
   d. Handguns shooting shot, and
   e. Crossbow.
3. To take migratory game birds:
   a. Bow and arrow;
   b. Crossbow;
   c. Falconry;
   d. Shotguns shooting shot, except that lead shot shall not be used or possessed while taking ducks, geese, swans, mergansers, common moorhens, or coots; and
   e. Shotguns shooting shot and incapable of holding more than two shells in the magazine, unless plugged with a one-piece filler that cannot be removed without disassembling the gun that limits the magazine capacity to two shells.

C. An individual may take waterfowl from a watercraft except a sinkbox, under the following conditions:
1. The motor, if any, is shut off, the sail, if any, is furled, and any progress from a motor or sail has ceased;
2. The watercraft may be drifting as a result of current or wind action; may be beached, moored, or resting at anchor; or may be propelled by paddle, oars, or pole; and
3. The individual may use the watercraft under power to retrieve dead or crippled waterfowl, but no shooting is permitted while the watercraft is underway.

D. An individual may take predatory and furbearing animals by using the following methods, subject to the restrictions in R12-4-318:
1. Firearms not prohibited in R12-4-303;
2. Bow and arrow;
3. Crossbow;
4. Traps not prohibited by R12-4-307; and

5. Artificial light while taking raccoon, 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.

E. An individual may take nongame mammals and birds by any method not prohibited in R12-4-303 or R12-4-318, under the following conditions. An individual:
1. Shall not take nongame mammals and birds using foothold steel 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 in R12-4-303 or R12-4-318 under the following conditions. 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, 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.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-102, 17-231(A)(3), 17-235, 17-301

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).

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

A. For the purposes of this Section, "evidence of legality" means:
1. The wildlife is identifiable as the "legal wildlife" prescribed by Commission order, which may include evidence of species, gender, antler or horn growth, maturity and size; and
2. The wildlife is accompanied by the applicable license, tag, separated portion of a tag under R12-4-302, stamp or permit required by law.

B. 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 or transports, until arrival at the individual's permanent abode, a commercial processing plant, or the place where the wildlife is to be consumed.

C. In addition to the requirement in subsection (B), an individual possessing or transporting the following wildlife shall also ensure that:
1. Big game, sandhill cranes, and pheasant each have the required valid tag attached as prescribed in R12-4-302;
2. Migratory game birds, except sandhill cranes, each have one fully feathered wing attached;
3. Each sandhill crane has either the fully feathered head or one fully feathered wing attached; and
4. Each quail has attached a fully feathered head, or a fully feathered wing, or a leg with foot attached, if the current Commission order has established separate bag or possession limits for any species of quail.

D. An individual who has lawfully taken wildlife that requires a valid tag when prescribed by the Commission, such as big game, sandhill crane, or pheasant, may authorize its transportation or shipment by completing and signing the Transportation/Shipping Permit portion of the valid tag for that animal. A separate Transportation/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, an individual may ship other lawfully taken wildlife by common carrier after obtaining a valid Transportation/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 of the individual who took the wildlife and that individual's address, license number, license class, and tag number;
3. Name and address of the individual who receives a portion of the divided carcass of the wildlife under subsection (E), if applicable;
4. Address of destination where the wildlife is to be transported or shipped; and
5. Name and address of transporter or shipper.

E. 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 in R12-4-302. 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 in R12-4-308.

G. An individual who sells, offers for sale, or exports the raw pelt of a bobcat taken in this state shall obtain a bobcat permit tag available for a fee as provided in R12-4-102 at Department offices and other locations at those times and places as determined and published by the Department, and shall ensure that the bobcat permit tag is locked through the mouth or eye openings so that it cannot be removed.

H. Unless an individual has taken the annual bag limit for bear or mountain lion, an individual who takes bear or mountain lion under A.R.S. § 17-302, if the season for bear or mountain lion is closed, may retain the carcass of the wildlife if the individual has a valid hunting license and the carcass is tagged with a nonpermit-tag as required by R12-4-114 and R12-4-302. An animal retained shall count towards the annual bag limit for bear or mountain lion as authorized in Commission Order. The individual shall comply with R12-4-308.

I. An individual may import into this state carcasses or parts of carcasses of wildlife that have been lawfully taken in another state or country if accompanied by evidence of legality.

J. Individuals who obtain buffalo meat under R12-4-306 may sell the meat.

K. An individual may import into this state the carcasses or parts of aquatic wildlife that have been lawfully taken in another state or country if accompanied by evidence of legality, and if transported and exported in accordance with the laws of the state or country of origin.

L. An individual in possession of or transporting the carcasses of any freshwater fish that have been 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.

M. An individual in possession of a carp (*Cyprinus carpio*) or buffalofish (*Ictiobus* spp.) carcass taken under Commission order may sell the carcass.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-231(B)(8), 17-309(A)(17)(18)(20)(22), 17-235, 17-371

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).

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. An unsuccessful hunter with a buffalo hunt permit-tag for the House Rock Wildlife Area herd shall check out in person or by telephone at either the Department's Flagstaff regional office or the House Rock Wildlife Area headquarters within three days following the close of the season. A successful buffalo hunter shall report information about the kill to the Department within five business days after taking the buffalo either in person at the House Rock Wildlife Area headquarters or in person or by telephone at the Department's Flagstaff regional office. If the kill is reported by telephone, the report shall include the name of the hunter, the hunter's tag number, the sex of the buffalo taken, the number of days hunted, and a telephone number where the hunter can be reached for additional information.

C. A hunter with a buffalo hunt permit-tag for the Raymond Wildlife Area herd shall hunt in the order scheduled by the Department.

D. A hunter with buffalo hunt permit-tag for the Raymond Wildlife Area herd shall be accompanied by an authorized Department employee who shall designate the animal to be harvested.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-231(A)(3), 17-231(B)(6)

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).

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

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

1. "Body-gripping trap" means a device designed to capture an animal by gripping the animal's body.
2. "Confinement trap" means a device designed to capture wildlife alive and hold it without harm.
3. "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.
4. "Land set" means any trap used on land rather than in water.
5. "Leghold trap" means a device designed to capture an animal by the leg or foot.
6. "Paste-type bait" means a partially liquefied substance intended for use as a lure for animals.

7. "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 dried or bleached bones with no attached tissue or less than two ounces of paste-type baits or trap flags.
8. "Trap flag" means an attractant made from materials other than animal parts that is suspended at least three feet above the ground.
9. "Water set" means any trap used and anchored in water rather than on land.

B. A valid trapping license is required for an individual 14 years of age or older for trapping predatory and fur-bearing animals. An individual born on or after January 1, 1967 shall successfully complete a Department-approved trapping education course to obtain a trapping license. Traps may be used to take predatory and fur-bearing animals only during the trapping season established by Commission order.

C. All trappers shall inspect their traps daily and kill or release all predatory and fur-bearing animals. All trappers shall release without additional injury all animals that cannot lawfully be taken by trap. While in the field, all trappers shall possess a device that is designed or manufactured to restrain trapped animals so that a trapped animal can be removed from a trap when its release is required by this Section. All trappers, in units designated by Commission order as javelina hunt units, shall possess a choke restraint device that enables the trapper to release a javelina from a trap.

D. An individual shall not:
1. Set a trap within ½ mile of any of the following areas developed for public use: a boat launching area, picnic area, camping area, or roadside rest area;
2. Set a trap, other than a confinement trap, within ½ mile of any occupied residence or building without permission of the owner or resident;
3. Set a trap, other than a confinement trap, within 100 yards of an interstate highway or any other highway maintained by the Arizona Department of Transportation, within 25 yards of any other road as defined by A.R.S. § 17-101, or within 50 feet of any trail maintained for public use by a government agency;
4. Set a leghold trap within 30 feet of a sight-exposed bait;
5. Bait a confinement trap with live animals or portions of game mammals, big game, small game, upland game birds, migratory game birds, or game fish, or use bait with a confinement trap that is not wholly contained within the confinement trap;
6. Use any trap with teeth;
7. Use any snare;
8. Use any trap with an open jaw spread that exceeds 6 ½ inches for any land set;
9. Use a body-gripping or other instant kill trap with an open jaw spread that exceeds five inches for any land set;
10. Use a leghold trap with an open jaw spread that exceeds 7 ½ inches for any water set; or
11. Use a body-gripping or other instant kill trap with an open jaw spread that exceeds 10 inches for any water set.

E. An individual who uses a leghold trap to take wildlife with a land set shall use:
1. A commercially-manufactured, padded, or rubber-jawed trap, or an unpadded trap with jaws permanently offset to a minimum of 3⁄16 inch and a device to allow for pan tension adjustment;
2. A commercially-manufactured jawed trap that does not exceed 5 ½ inches, modified with a pan safety device that prevents capture of non-targeted wildlife or domestic animals and a separate device that allows for pan tension adjustment; or
3. A commercially manufactured leghold trap that captures wildlife by means of an enclosed bar or spring designed to prevent capture of non-targeted wildlife or domestic animals.

F. An individual who uses a leghold trap to take wildlife with a land set shall ensure that the trap has an anchor chain with at least two swivels. Anchor chains that are 12 inches or less in length shall have a swivel attached at each end. Anchor chains that are greater than 12 inches 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.

G. Every licensed trapper shall file a complete written report as required by A.R.S. § 17-361(D) with the Phoenix Office of the Department by April 1 of each year on a form available from any Department office. The trapper shall file the report even if no trapping is done.

H. 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. Exemption under this Section does not authorize any form of trapping prohibited by A.R.S. § 17-301.

I. All trappers shall ensure that their traps are plainly identified with the name and address or registered number of the owner as prescribed by A.R.S. § 17-361(B). All trappers shall ensure that each of their traps has the name and address or registered number of the owner legibly marked on a metal tag attached to the trap. The number assigned by the Department is the only acceptable registered number. For the purpose of this Section, "owner" means the person placing, setting, or using the trap.

J. An individual who applies for a trapping license shall provide the following information on a form available from any Department office:
1. Full name, address, and telephone number;
2. Date of birth and physical description;
3. An identification number assigned by the Department;
4. Category of license: resident, nonresident, or juvenile; and
5. The signature of the applicant.

K. The Department shall issue a registered number to a trapper and enter the number on the trapping license at the time the trapper purchases the li-

cense. A trapper under the age of 14 is not required to purchase a trapping license, but shall obtain a registration number from any Department office before taking wildlife with a trap. A trapper's registration number is not transferable.

L. All trappers shall ensure that the unskinned carcass of a bobcat that they have trapped in this state or the pelt of any bobcat that they have trapped in this state has a validated bobcat transportation tag attached to the carcass or pelt, except for a pelt tagged for sale and export under subsection (M).

1. Trappers shall provide the following information on the bobcat transportation tag: current trapping license number, game management unit where the bobcat was taken, sex of the bobcat, and method by which the bobcat was taken. The Department shall provide transportation tags with each trapping license. A licensed trapper may obtain additional transportation tags from any Department office at no charge.
2. Trappers shall validate transportation tags immediately upon taking the bobcat by legibly and completely filling in all information required on the tag.

M. Trappers shall ensure that pelts of bobcats that they have taken in this state that are sold, offered for sale, or exported from the state shall have bobcat permit tags (export tags) locked through the mouth and an eye opening, or through both eye openings so that the permit tag cannot be removed without being damaged. Trappers may obtain bobcat permit tags as follows:

1. Bobcat permit tags are available for a fee as provided in R12-4-102 at Department offices and other locations at those times and places as determined and published by the Department.
2. When available, bobcat permit tags are issued on a first-come, first-served basis from November 1 through April 10 of each year.
3. Department personnel or authorized agents of the Department shall attach and lock bobcat permit tags only to those pelts presented with validated transportation tags. Department personnel or authorized agents of the Department shall collect the transportation tags before attaching the bobcat permit tags.
4. The April 10 deadline is waived for pelts consigned to licensed taxidermists for tanning or mounting.
5. Department personnel shall attach bobcat permit tags to bobcat pelts seized under A.R.S. § 17-211(D)(4) before disposal by the Department. The April 10 deadline is waived for pelts tagged under this subsection.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. § 17-361

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 Secretary 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).

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

A. The Department has the authority to establish mandatory wildlife check stations. The Department shall publish the location, check-in requirements, and check-out requirements for a season with the published Commission order establishing the season.

1. Hunters shall personally check in at a wildlife check station before hunting in a season with a published check-in requirement.
2. The Department shall ensure that wildlife check stations with a published check-in requirement are open continuously from 8:00 a.m. the day before the season until 8:00 p.m. the first day of the season, and from 8:00 a.m. to 8:00 p.m. during each day of the season.
3. Hunters shall personally check out after hunting in a season with a published check-out requirement, and shall present for inspection any wildlife taken and display any license, tag, or permit required for taking or transporting wildlife.
4. The Department shall ensure that wildlife check stations with a published check-out requirement are open continuously from 8:00 a.m. to 8:00 p.m. during each day of the season and remain open until 12:00 noon on the day following the close of the season.

B. The Department has the authority to conduct inspections for bighorn sheep, archery deer, bear, mountain lion and special big game license-tags (deer, elk, antelope, and buffalo) at the Department's Phoenix and regional offices or designated locations. Regional offices are open 8:00 a.m. to 5:00 p.m., Monday through Friday, except on legal state holidays.

1. All bighorn sheep hunters shall personally check out within three days after the close of the season. Each hunter who takes a bighorn sheep shall submit the intact horns and skull for inspection

and photographing. The Department representative shall affix a mark or seal to one horn of each bighorn sheep lawfully taken under Commission order. The hunter shall not remove, alter, or obliterate the mark or seal.

2. All special big game license-tag hunters who tag a deer, elk, antelope, or buffalo shall submit the intact horns or antlers and skull or skullcap for inspection and photographing within three days after the close of the season.
3. A successful non-permit tag archery deer hunter shall report information about the kill to a Department office in person or by telephone within 10 days of taking the deer if the hunt area does not have a check station requirement.
4. A successful bear or mountain lion hunter shall report information about the kill in person or by telephone within 48 hours of taking the wildlife. The report shall include the name of the hunter, the hunter's hunting license number, the sex of the wildlife taken, the management unit where the wildlife was taken, and a telephone number where the hunter can be reached for additional information. Within 10 days of taking the wildlife, each hunter who takes a bear or mountain lion shall present the skull, hide, and attached proof of sex for inspection. 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.

C. The Director or Director's designee 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 under A.R.S. §§ 17-211(D) and 17-331, or to establish voluntary wildlife survey stations to gather biological information.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-231(A)(4), 17-211(D)(3)(4)

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).

R12-4-309. Repealed

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).

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. The permit will allow individuals with physical, developmental, or mental disabilities to fish without a fishing license. The permit will authorize this activity for up to 20 individuals for the two days specified on the permit 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. The individuals fishing under the authority of the permit shall comply with other statutes, Commission orders, and rules not contained in this Section.

B. An applicant for a Fishing Permit shall provide the following to the Department:

1. A completed application form obtained from the Department that contains:
   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 who will be responsible for supervising the individuals who will be 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. 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.

C. The Department shall issue or deny the Fishing Permit to an applicant within 30 calendar days of receiving an application.

D. The Fishing Permit permittee shall provide one hour of 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 permittee.

E. 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.

F. The permittee shall submit a report to the Department not later than 30 days after the end of the authorized fishing dates. The Department may deny issuance of future Fishing Permits to permittees who fail to submit the report. The permittee shall report on a form available from the Department:

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.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. § 17-331

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).

R12-4-311. Exemptions from Requirement to Possess an Arizona Fishing License while Taking Aquatic Wildlife

A. A fishing license is not required to take aquatic wildlife from private waters that are not open to the public and not managed by the Department.

B. An individual may take terrestrial mollusks or crustaceans from private property without a fishing license.

C. Any individual fishing in Arizona on the designated Saturday during National Fishing and Boating Week may fish without an Arizona fishing license if the individual's privilege to take aquatic wildlife has not been revoked by the Commission. The provisions of this subsection apply to all waters except the Colorado River adjacent to California and Nevada, where fishing without a license is limited to the shoreline, unless the state with concurrent jurisdiction removes licensing requirements on the same day. The provisions of this subsection do not apply to Reservation lands except as authorized by tribal governments.

D. An individual participating in an introductory fishing clinic organized, sanctioned, and sponsored by the Department may fish without a fishing license while an authorized Department instructor is present.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. § 17-311

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). 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).

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

A. Any individual fishing from a watercraft or other floating device or object on the waters of Lake Mead, Lake Mohave, or that portion of the Colorado River that forms the mutual boundary between Arizona and Nevada, shall have in possession:

1. A valid Arizona-Colorado River special use stamp affixed to a valid Arizona fishing license, or
2. A valid Nevada-Colorado River special use stamp affixed to a valid Nevada fishing license.

B. Any individual fishing from the Arizona shorelines of the waters named in subsection (A), unless exempted by R12-4-310 or R12-4-311, shall have in possession either:

1. A valid Arizona fishing license, unless exempted under A.R.S. § 17-335; or
2. A valid Nevada-Colorado River special use stamp affixed to a valid Nevada fishing license.

C. Any individual fishing in the waters of Mittry Lake or Topock Marsh, unless exempted by R12-4-310 or R12-4-311, shall have in possession either:
1. A valid Arizona fishing license, unless exempted under A.R.S. § 17-335; or
2. A valid Arizona-Colorado River special use permit stamp affixed to a valid California fishing license.

D. Any individual fishing in the Arizona portion of Lake Powell, unless exempted by R12-4-310 or R12-4-311, shall have in possession either:
1. A valid Arizona fishing license, unless exempted under A.R.S. § 17-335; or
2. A valid Arizona-Lake Powell stamp affixed to a valid Utah resident fishing license.

E. The requirements of this Section are in addition to those contained in A.R.S. §§ 17-342, 17-343, and 17-344.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-232, 17-342

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).

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

A. An individual may take aquatic wildlife as defined in A.R.S. § 17-101, subject to the restrictions prescribed in 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 in 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 in R12-4-101 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, except sunfish of the genus *Lepomis,* as bait;
3. May use live baitfish, as defined in 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 of R12-4-303, R12-4-317, and this Section:
1. Carp (*Cyprinus carpio*), buffalofish, mullet, tilapia, goldfish, and shad may also be taken by bow and arrow, crossbow, snare, gig, spear, spear gun, or snagging. Except for snagging, an individual shall not practice any of these methods of take within 200 yards of any boat dock or designated swimming area.
2. Striped bass may also be taken by spear or spear gun in waters designated by Commission order.
3. Live baitfish may also be taken for personal use as bait by:
   a. A cast net not to exceed a radius of four feet measured from the horn to the leadline;
   b. A minnow trap, as defined in R12-4-101;
   c. A seine net not to exceed 10 feet in length and four feet in width; or
   d. A dip net.
4. Amphibians, soft-shelled turtles, mollusks, and crustaceans may also 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 by this Section.
5. In addition to the methods described in subsection (D)(4) of this Section, bullfrogs may also be taken by bow and arrow, crossbow, or slingshot.
6. In addition to the methods described in subsection (D)(4) of this Section, crayfish may also be taken with the following devices:
   a. A trap not more than three feet in the greatest dimension; or
   b. A seine net not larger than ten feet in length and four feet in width.

E. An individual who uses a crayfish and minnow trap shall attach a water-resistant identification tag to the trap if it is unattended. The tag shall include the legible name, address, and fishing license number of the individual using the trap. An individual using a crayfish and minnow trap shall raise and empty the trap daily.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-231(A)(3), 17-102, 17-301

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).

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 under R12-4-313 on the waters where taken, except when the take or possession is expressly prohibited by the provisions of R12-4-313 or R12-4-317, but the individual shall not transport the fish alive from the waters where taken except as allowed in R12-4-316.

B. An individual who places any unattended live boxes or stringers holding fish shall attach water resistant identification legibly bearing the name, address, and fishing license number of the individual using and holding fish in the live box or stringer.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17231(B)(8), 17-306, 17-102

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).

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 in accordance with this Section and R12-4-317.

B. An individual may possess or transport the following live baitfish for personal use as live bait in accordance with R12-4-317. An individual who possesses a valid Arizona fishing license may import these live baitfish from California or Nevada without accompanying documentation certifying the fish are free of disease, or may import these live baitfish from any other state with accompanying documentation certifying that the fish are free of Furunculosis.

1. Fathead minnow (*Pimephales promelas*);
2. Mosquitofish (*Gambusia affinis*);
3. Red shiner (*Cyprinella lutrensis*);
4. Threadfin shad (*Dorosoma petenense*);
5. Golden shiners (*Notemigonus crysoleucas*); and
6. Goldfish (*Carassius auratus*).

C. An individual who possesses a valid Arizona fishing license may 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.

D. An individual shall not 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.

E. An individual may trap or capture live crayfish as provided in R12-4-313. A person may 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.

F. An individual shall not 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.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-231(A)(3), 17-301(C), 17-306

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).

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 in 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 in this Section. While taking aquatic wildlife under R12-4-313:

1. An individual participating in an "artificial lures and flies only" season shall use only artificial lures and flies as defined in R12-4-101. The Commission may further restrict "artificial lures and flies only" season to the use of barbless or single barbless hooks. A barbless hook is any fishhook manufactured without barbs or on which barbs have been completely closed or removed.
2. An individual participating in a "live baitfish" season shall not use any species of fish as live bait, or possess any species of fish for use 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 allowed in R12-4-316.
3. An individual participating in 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. An individual participating in a "catch and immediate release" season shall immediately release the designated species.
5. An individual participating in an "immediate kill" season shall immediately kill and retain the designated species as part of the bag limit.
6. An individual participating in a "snagging" season shall use this method only at times and locations designated by Commission order.
7. An individual participating in 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 or Department fish renovation activities, or as designated by Commission order.

Authorizing Statute
General: A.R.S. § 17-231(A)(1) through (3)
Specific: A.R.S. §§ 17-231(A)(3)(B)(6)(8) and 17-301 (C)

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).

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

A. Methods of lawfully taking wild mammals and birds during seasons designated by Commission order as "general" seasons are designated in R12-4-304. Restrictions designated in subsection (C) do not apply to general seasons.

B. Methods of lawfully taking big game during seasons designated by Commission order as "special" are designated in R12-4-304. "Special" seasons are open only to individuals who possess special big game license tags issued under A.R.S. § 17-346 and R12-4-120.

C. When designated by Commission order, the following seasons have specific requirements and lawful methods of take more restrictive than those for general and special seasons, as prescribed in this Section. While taking the species authorized by the season:

1. An individual participating in a "muzzleloader" season shall not use or possess any firearm other than muzzle-loading rifles or muzzle-loading handguns, as defined in R12-4-101.
2. An individual participating in an "archery-only" season shall use and possess only a bow and arrow as prescribed in R12-4-304, and shall not use or possess any other weapons, including crossbows or any other bows with a device that holds the bow in a drawn position, except as authorized by R12-4-216.
3. An individual participating in a "handgun, archery, and muzzleloader (HAM)" season may only use or possess any or all of the following: handguns, muzzle-loading rifles as defined in R12-4-101, crossbows, and bows and arrows as prescribed in R12-4-304.
4. An individual who possesses a valid tag for a bear season between January 1 and July 31 shall not use dogs to take bear.
5. An individual participating in a "pursuit-only" season may use dogs to pursue bears, mountain lions, or raccoons as designated by Commission order, but shall not kill or capture the quarry. An individual participating in a "pursuit-only" season shall possess and, at the request of Department personnel, produce a valid hunting license and any required tag for taking the animal pursued, even though there shall be no kill.
6. An individual participating in a "limited weapon" season may only use or possess the following methods or devices for taking wildlife, when prescribed in R12-4-304 as lawful for the species hunted: bow and arrow; crossbow; pneumatic weapons; falconry; slingshots; any trap except foot-hold steel traps; nets; hand-propelled projectiles; or capture by hand.
7. An individual participating in a "limited weapon-shotgun" season may only use or possess the following methods or devices for taking wildlife, when prescribed in R12-4-304 as lawful for the species hunted: shotgun shooting shot or slug; bow and arrow; crossbow; pneumatic weapons; falconry; slingshots; any trap except foot-hold

steel traps; nets; hand-propelled projectiles; or capture by hand.

8. An individual participating in a "limited weapon-shotgun shooting shot" season may only use or possess the following methods or devices for taking wildlife, when prescribed in R12-4-304 as lawful for the species hunted: shotgun shooting shot, bow and arrow, crossbow, pneumatic weapons, falconry, slingshots, any trap except foot-hold steel traps, nets, hand-propelled projectiles, or capture by hand.
9. An individual participating in a "limited weapon-rimfire" season may only use or possess the following methods or devices for taking wildlife, when prescribed in R12-4-304 as lawful for the species hunted: rifled firearms using rimfire cartridges; shotgun shooting shot or slug; bow and arrow; crossbow; pneumatic weapons; falconry; slingshots; any trap except foot-hold steel traps; nets; hand-propelled projectiles; or capture by hand.
10. An individual participating in a "falconry-only" season shall be a falconer either licensed under R12-4-422 or exempted under R12-4-407, and use no method of take except falconry.
11. An individual may participate in a "juniors-only hunt" up to and throughout the calendar year of the individual's 17th birthday, provided the individual meets the requirements of A.R.S. § 17-335.
12. An individual participating in a "CHAMP" season shall be a challenged hunter access/mobility permittee under R12-4-217.
13. An individual participating in a "raptor capture" season shall be a licensed falconer under R12-4-422 or exempted under R12-4-407.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-102, 17-231(A)(2)

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).

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

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

1. "Aircraft" means any contrivance used for flight in the air or any lighter-than-air contrivance.
2. "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 administer or protect or aid in the administration or protection of land, water, wildlife, livestock, domesticated animals, human life, or crops.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-102, 17-301(B)

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 an as 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).

R12-4-320. Harassment of Wildlife

A. In addition to the provisions of 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 in R12-4-319, or with or from any motorized terrestrial or aquatic vehicle.

B. This Section does not apply to individuals acting:

1. Under the provisions of 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 administer or protect or aid in the administration or protection of land, water, wildlife, livestock, domesticated animals, human life, or crops.

Authorizing Statute
General: A.R.S. § 17-231(A)(1) through (3)
Specific: A.R.S. § 17-231(A)(3)

Historical Note

New Section made by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1).

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 including 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.

Authorizing Statute
General: A.R.S. § 17-101
Specific: A.R.S. § 17-231(A)(1)

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.

Authorizing Statute
General: A.R.S. § 17-231(A)(2)
Specific: A.R.S. § 17-306

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.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-238, 17-306

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.

Authorizing Statute
General: A.R.S. §§ 17-102, 17-231(A)(1), 17-306
Specific: A.R.S. § 17-331

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.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. § 17-306

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. With the exception of all live cervids, which shall not be imported, transported, or possessed except as allowed under R12-4-430, an individual shall possess an appropriate special license listed in R12-4-409(A) or act under a lawful exemption from the requirements of this Article in order to use wildlife listed in this Section for any activity prohibited by A.R.S. § 17-306 or R12-4-402. Exemptions from these requirements are listed in R12-4-316, R12-4-404, R12-4-405, R12-4-407, R12-4-425, and R12-4-427.

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, solenodonts, 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 Mearn'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 Atractaspidae. 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, Phygocentrus, 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 Hemiscilliidiae, Orectolobidae, Brachaeluridae, and Triakidae; genera of the family Scylirhinidae, including Aulohalaerlusrus, 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 *Astyanyx*;
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 *Dressena bugensis*;
4. Rosy wolfsnail, the species *Euglandina rosea*; and
5. Zebra mussel, the species *Dreissena plymorpha*.

Authorizing Statute
General: A.R.S. § 17-231(B)(8)
Specific: A.R.S. § 17-306

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).

R12-4-407. 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.

Authorizing Statute
General: A.R.S. §§ 17-231, 17-238
Specific: A.R.S. § 17-306

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.

Authorizing Statute
General: A.R.S. §§ 17-231(A)(2), 17-238
Specific: A.R.S. § 17-306

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 introduction 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.

Authorizing Statute
General: A.R.S. §§ 17-231(A)(1), 17-238
Specific: A.R.S. § 17-306

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.

Authorizing Statute
General: A.R.S. §§ 17-231(A)(1), 17-238
Specific: A.R.S. § 17-306

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.

Authorizing Statute
General: A.R.S. §§ 17-231(A)(1), 17-238
Specific: A.R.S. § 17-306

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. Repealed

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).

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 facility 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.

Authorizing Statute
General: A.R.S. §§ 17-231(A)(1), 17-306
Specific: A.R.S. § 17-238

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, 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.

Authorizing Statute
General: A.R.S. §§ 17-231(A)(1), 17-306
Specific: A.R.S. § 17-238

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.

Authorizing Statute
General: A.R.S. §§ 17-231(A)(1), 17-306
Specific: A.R.S. § 17-238

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 pos-

sessed 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.

Authorizing Statute
General: A.R.S. §§ 17-231(A)(1), 17-306
Specific: A.R.S. § 17-238

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 issu-

ing 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.

Authorizing Statute
General: A.R.S. §§ 17-231(A)(1), 17-306
Specific: A.R.S. § 17-238

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 govern-

ment 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.

Authorizing Statute
General: A.R.S. §§ 17-231(A)(1), 17-306
Specific: A.R.S. § 17-238

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.

Authorizing Statute
General: A.R.S. §§ 17-231(A)(1), 17-306
Specific: A.R.S. § 17-238

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.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-238, 17-306

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, transport, 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.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-238, 17-306

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. For the purposes of this Section, the following definitions apply:
1. "Eyas" means a flightless raptor that is found in the nest and is dependent upon a parent bird for food.
2. "Form 3-186A" means U.S. Fish and Wildlife Service Migratory Bird Acquisition and Disposition Report, Form 3-186A, dated July 1999, not including any later revisions. This form is incorporated by reference. A copy of the incorporated form is on file with the Secretary of State and available from the U.S. Fish and Wildlife Service, Migratory Bird Permit Office, P.O. Box 709, Albuquerque, New Mexico, 87103-0709, and all Arizona Game and Fish Department Regional offices.
3. "Passage" means a raptor in immature plumage, capable of flight and able to hunt and obtain its own food, and which is less than 1 year of age.
4. "Raptor" means a live bird of the Order Falconiformes or the Order Stringiformes, other than a bald eagle (haliaeetus leucocephalus), which under the provisions of this rule may be used in the practice of falconry;
5. "Sponsor" means a licensed Class II or Class III falconer who agrees to supervise and instruct no more than 3 Class I falconers in the practice of falconry at any one time.

B. An Arizona resident possessing any raptor for the purpose of sport falconry shall possess an Arizona Sport Falconry License. An Arizona resident possessing a raptor not listed in 50 CFR 10.13 for a purpose other than sport falconry is not required to possess an Arizona Sport Falconry License. Visiting nonresident falconers licensed in their state of residency are exempted under R12-4-407.

C. The Department shall inspect the raptor housing facilities and equipment of any applicant not previously licensed in Arizona, and determine that the facilities and equipment meet the requirements of this rule, before issuing a license to the applicant. A license is valid from the date it is issued by the Department until the 3rd December from the date of issue. The Department shall issue a Sport Falconry License to an applicant who complies with application procedures in this rule and meets the following criteria:
1. For a Class I Apprentice Sport Falconry License:
   a. Is 14 years of age or older;
   b. Has a sponsor at the time of application, and shall provide to the Department a written commitment from the sponsor to continue sponsoring the applicant for the 1st 2 years as a licensed falconer;
   c. Answers correctly at least 80% of the questions on an examination supervised and administered by the Department and approved by the U.S. Fish and Wildlife Service, relating to basic biology, care, and handling of raptors, and other subject matter related to falconry.
2. For a Class II General Sport Falconry License:
   a. Is 18 years of age or older;
   b. Has at least 2 years of falconry experience at the Class I level, computed from the date that the applicant obtained the 1st Class I Apprentice Sport Falconry License.
3. For a Class III Master Sport Falconry License:
   a. Is 23 years of age or older;
   b. Has at least 5 years of falconry experience at the Class II level, computed from the date that the applicant obtained the 1st Class II General Sport Falconry License.

D. Any new resident shall make application for an Arizona Sport Falconry License within 30 days of importing any raptor possessed by the authority of a license authorizing falconry issued by another lawful jurisdiction. Any applicant for an Arizona Sport Falconry License shall present any raptor in possession for inspection at the time their facilities are inspected.

E. Applicants shall provide the following information on a form available from the Department, and shall sign the completed form:
1. Name, address, and telephone number;
2. Physical description and date of birth;
3. Valid Arizona hunting license number and identification number;
4. The Sport Falconry License classification desired. Class I applicants shall supply their sponsor's name and address on the form;
5. The number of raptors the applicant possesses at the time of application and the species; age, if known; sex, if known; band numbers (if banded); date of acquisition; and source of each.

F. A Class I licensee may possess only 1 raptor at a time; the raptor may be lawfully obtained in another state. The Class I licensee shall obtain all birds from the wild and shall not obtain more than 1 raptor for replacement purposes during any 12-month period. A Class I licensee shall not take an eyas bird.

G. A Class II licensee shall not possess more than 2 raptors at a time. The raptors may be any species except a golden eagle or a species listed as endan-

gered or threatened. A Class II licensee shall not obtain more than 2 raptors during any 12-month period.

H. A Class III licensee shall not possess more than 3 raptors at a time. The raptors may be of any species. A Class III licensee shall not obtain more than 2 raptors taken from the wild during any 12-month period, but may obtain raptors from other lawful sources within the 3-raptor possession limit.

I. All Sport Falconry License applicants and licensees shall provide either an indoor or outdoor housing facility with the following attributes, designed to protect the raptor from the environment, predators and undue disturbances:

1. Indoor facilities.
   a. An area large enough to allow easy access for caring for the raptors housed in the facility;
   b. An area for each bird large enough to allow each raptor to fully extend its wings, with perches textured to prevent foot problems;
   c. At least 1 window, protected on the inside by vertical bars, spaced narrower than the width of the raptor's body, and a door that can be easily closed and secured;
   d. A well drained floor designed to permit easy cleaning;
   e. Tethers or partitions separating each raptor, if the licensee is keeping more than 1 raptor in the same facility.
2. Outdoor facilities.
   a. A fenced and covered enclosure with netting or wire, or roofed to protect the raptors from disturbance and attack by predators, except that perches more than 6 ½ feet high need not be covered or roofed;
   b. An enclosed area large enough to ensure the raptors cannot strike the fence when flying from the perch;
   c. Protection from the sun, wind, and inclement weather for each raptor and perches which are textured to prevent foot problems.

J. All Sport Falconry License applicants and licensees shall possess and use the following equipment:

1. At least 1 pair of jesses constructed of pliable, high-quality leather or synthetic material, containing bracelets to affix to each leg of a raptor, with a grommet through which a strap passes freely so that an escaped raptor can pull the strap out of the bracelet. The licensee shall use this equipment when any raptor is flown free. Licensees may use traditional 1-piece jesses on raptors only when not being flown;
2. At least 1 flexible, weather-resistant leash and 1 strong swivel designed for falconry;
3. At least 1 container, 2 to 6 inches deep and wider than the length of the raptor, for drinking and bathing for each raptor;
4. At least 1 raptor perch for each raptor;
5. A reliable scale or balance suitable for weighing the raptor or raptors, held and graduated to increments of not more than ½ ounce, or 15 grams.

K. A Sport Falconry License Class I, II, or III falconer licensed in Arizona or a state recognized by the U.S. Fish and Wildlife Service as meeting federal falconry standards may capture raptors for the purpose of falconry only, in accordance with the Commission order establishing raptor capture seasons for licensed falconers. When there is reason to believe that a species of raptors may be overharvested by nonresidents if the number of permits is not limited, the Commission shall specify the number of permits available to nonresidents in the Commission order.

1. During capture, the licensee shall have in possession the Sport Falconry License or falconer license issued by another lawful jurisdiction, Arizona hunting license, and any required hunt permit-tag issued to that licensee.
2. The licensee shall immediately release any nontarget raptor inadvertently captured. If the raptor is wearing a band or other marker the licensee shall report the capture and release of the marked bird to the Department, along with any identifying number and related information.
3. The licensee shall not remove any eyas raptor from any nest unless 1 or more live eyas raptors remain in the nest after the removal.
4. The licensee may capture raptors only with traps or bird nets which are unlikely to cause injury to the raptor, and shall not use mist nets, steel-jawed traps, or stupefying substances.
5. The licensee shall ensure that all traps or nets in use are in constant attendance, and that any raptor trap or net being used is plainly identified with the licensee's name and address.
6. The licensee shall present each captured Harris hawk, Gyrfalcon, or Peregrine falcon to the Department within 5 calendar days after capture. A Department representative shall attach a numbered band to 1 leg of the lawfully obtained raptor. This band shall not be removed except by an authorized official of the Department, or except as provided in this rule. Licensees shall not alter, counterfeit, or deface a band but may remove the rear tab on the band and may smooth any imperfect surface provided the integrity of the band and numbering are not affected. Raptors other than Harris Hawks, Gyrfalcons, or Peregrine falcons shall not be banded.

L. A licensee may exhibit or use for educational display a lawfully held raptor.

M. Licensees may retain and exchange feathers that are molted or those feathers from raptors held in captivity that die only for purposes of repairing or replacing a broken feather with a feather.

N. If any raptor used in falconry incidentally kills any species of wildlife for which there is no open season or for which the season is closed, the licensee shall not take the dead wildlife into possession. The licensee shall leave the wildlife where it lies, but may allow the raptor making the kill to feed on the dead wildlife before leaving the site.

O. Licensees may transfer raptors taken from the wild in Arizona to an Arizona resident's federal raptor propagation license, with the concurrence of the U.S. Fish and Wildlife Service.

P. A licensee shall not transfer a raptor taken from the wild in Arizona to another falconer or raptor breeder licensed outside of Arizona, or export the raptor from the state, without written authorization from the Department. The Department shall not authorize exportation transactions involving more than 2 raptors taken from the wild in Arizona, singly or in combination, per licensee in any calendar year. The Department shall deny any request for authorization of exportation when the number or species which have been or are being exported is not in the best interest of raptor management.

Q. A licensee may place a raptor or raptors listed in 50 CFR Part 10.13 in temporary facilities, under the care of another licensee, for a period not to exceed 30 days, providing that the licensee completes a Form 3-186A naming the temporary caregiver as the recipient and provides the raptor to the temporary caregiver to retain at the location where the raptor is being held. A licensee possessing a nonlisted raptor may place it under the care of another person without restriction.

R. A licensee may do 1 of the following when in possession of a raptor no longer used in the practice of falconry:

1. Release the raptor to the wild into suitable habitat, provided that the raptor was taken from the wild in Arizona, and that all jesses, markers, or other equipment are removed, and that any federal marker is removed and returned to the Department within 10 days of release;
2. Give the raptor to another licensed falconer, except as provided in subsection (P);
3. Transfer the raptor to the Department;
4. Sell or trade the raptor, if it is a lawfully possessed captive bred raptor marked with a seamless leg band.

S. Licensees changing residence to another jurisdiction may export their lawfully possessed raptors.

T. A licensee shall transfer the carcass of a raptor listed in 50 CRF Part 10.13 to a Department office, or destroy the carcass after receiving authorization for destruction of the carcass from the Department. The licensee shall remove any federal markers prior to destroying the carcass and return the markers to the Department.

U. A licensee shall report the escape of a raptor to the Department within 5 days. Any licensed falconer may recapture an escaped raptor at any time and shall notify the Department within 5 calendar days of the capture.

V. Within 5 calendar days of acquiring a raptor for falconry purposes, or disposing of a raptor possessed under the authority of this Section, a sport falconry licensee shall submit a copy of Form 3-186A to the Department, completed and signed in accordance with the instructions on the form.

W. A sport falconry licensee shall comply with R12-4-409.

X. For federal requirements and permits, a sport falconry licensee shall consult applicable U.S. Fish and Wildlife Service regulations governing the possession and use of raptors.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. § 17-236(B)

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).

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 time-frames 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 Depart-

ment 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.

Authorizing Statute
General: A.R.S. §§ 17-231(A)(1), 17-238
Specific: A.R.S. § 17-306

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 by R12-4-102.

J. A white amur stocking and holding license holder is subject to R12-4-409.

Authorizing Statute
General: A.R.S. §§ 17-231(A)(1), 17-306
Specific: A.R.S. § 17-317

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).

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.

Authorizing Statute
General: A.R.S. §§ 17-231(A)(1), 17-238
Specific: A.R.S. § 17-306

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. For the purposes of this Section, the following definitions apply:
2. "Primate" means a non-human animal in the order Primate not listed in R12-4-406(G)(4).
3. "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.

Authorizing Statute
General: A.R.S. § 17-231
Specific: A.R.S. § 17-238

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).

R12-4-427. Exemption from Requirements to Possess a Wildlife Rehabiliatation 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.

Authorizing Statute
General: A.R.S. §§ 17-231, 17-238
Specific: A.R.S. § 17-306

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 peri-

ods 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.

Authorizing Statute
General: A.R.S. § 17-231
Specific: A.R.S. § 17-238

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.

Authorizing Statute
General: A.R.S. § 17-231
Specific: A.R.S. § 17-306

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 in A.R.S. § 5-301, the following definitions apply to this Article unless the context requires otherwise:

1. "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.
2. "Bill of sale" means a written agreement transferring ownership of a watercraft and listing the following: the name of the buyer and seller; the manufacturer of the watercraft sold, if known; the hull identification number, unless exempted by R12-4-505; the purchase price and sales tax paid, if any; and the signature of the seller.
3. "Boats keep out" means that an operator or user of a watercraft, or a person being towed by a watercraft on waterskis, a surfboard, or similar device or equipment shall not enter.
4. "Controlled-use marker" means an anchored or fixed marker on the water, shore, or on a bridge that controls the operation of watercraft, water skis, surfboard, or similar devices or equipment.
5. "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. A watercraft assembled from a kit, or constructed from an unfinished manufactured hull, is a "homemade watercraft" if not already assigned a hull identification number by the manufacturer.
6. "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.
7. "Letter of gift" means a document transferring ownership of a watercraft and listing the following: the name of both the previous owner and the new owner; the name of the manufacturer of the watercraft if known; the hull identification number, unless exempted by R12-4-505; a statement that the watercraft is a gift; and the signature of the previous owner.
8. "Livery" means a business authorized to rent watercraft without an operator under A.R.S. § 5-371.
9. "No ski" means a person shall not be towed on water skis, an inflatable device, or similar equipment.
10. "No wake" means wakeless speed, as defined by A.R.S. § 5-301, and flat wake as referenced in A.R.S. § 5-350.
11. "Owner" in reference to a watercraft means a person who claims lawful possession of a watercraft by virtue of legal title or equitable interest, which entitles that person to possession.
12. "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 by A.R.S. § 5-331(A), (C), and (D); A.R.S. § 5-350(A); and R12-4-511.
13. "Regatta" means an organized water event of limited duration that affects the use of waterways by the public and is conducted according to a prearranged schedule, for which a lawful jurisdiction has issued a permit, but the term does not include fishing tournaments.
14. "Registered owner" means the person or persons to whom a watercraft is currently registered by any jurisdiction.
15. "Regulatory marker" means a waterway marker placed on, in, or near the water to indicate the presence of a danger or a restricted or controlled-use area or to convey general information and directions.
16. "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.
17. "Staggered registration" means the system of renewing watercraft registrations that expire in accordance with the schedule contained in R12-4-504.
18. "State of principal use" means the state on whose waters the watercraft is used or to be used most during the calendar year.
19. "Use" in reference to a watercraft means any watercraft underway, moored, anchored, or beached on the waterways of the state.
20. "Watercraft" means a boat or other floating device of rigid or inflatable construction designed to carry people or cargo on the water that is propelled by machinery, oars, paddles, or wind action on a sail. Exceptions are sea-planes, make-

shift contrivances constructed of innertubes 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. Only motorized watercraft are subject to registration.

21. "Watercraft agent" means a person authorized by the Department to collect appropriate fees for the registration and numbering of watercraft.
22. "Watercraft number" means the registration number issued by the Department under A.R.S. § 5-321.
23. "Watercraft registration" means the validated certificate of number and validating decals issued by the Department.

Authorizing Statute
General: A.R.S. § 5-311(A)(1)
Specific: A.R.S. § 5-301

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).

R12-4-502. Application for Watercraft Registration

A. A person shall apply for watercraft registration under A.R.S. § 5-321 using a form provided by the Department. The applicant shall provide the following information for registration of all watercraft except homemade watercraft, which are addressed in subsection (B):

1. Type of watercraft and propulsion type;
2. Overall length of watercraft;
3. Manufacturer's name, if known;
4. Year built or model year, if known;
5. Hull identification number;
6. Hull material;
7. Fuel type;
8. Category of use;
9. Watercraft number previously issued for the watercraft, if any;
10. State of principal use; and
11. Name, mailing address, and date of birth of each owner. To simplify the description of joint ownership when a watercraft is owned by more than one person, the applicant shall indicate ownership by use of one of the following methods:
    a. Where ownership is joint tenancy with right of survivorship or community property with right of survivorship, the applicant shall use "and/or" between the names of the owners. To transfer registration of the watercraft, each party shall provide a signature if both are living. Upon legal proof of the death of either party, the living party may transfer registration of the watercraft upon the signature of the living party.
    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 party shall provide a signature. In the event of the death of any party, the interest of the deceased party shall be handled through appropriate legal proceedings.
    c. Where the ownership is joint tenancy 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 party's signature is sufficient for transfer.

B. The owner or owners of a homemade watercraft shall sign the application and have it notarized unless it is signed in the presence of a Department employee. The applicant shall provide the following information for registration of homemade watercraft, using the same ownership designations specified in subsection (A):

1. Type of watercraft and propulsion type;
2. Overall length of watercraft;
3. Year built;
4. Hull material;
5. Fuel type;
6. Category of use;
7. Name, mailing address, and date of birth of each owner;
8. State of principal use;
9. Whether the watercraft was assembled from a kit or rebuilt from a factory or manufacturer's hull; and
10. Hull identification number, if assigned.

C. In accordance with A.R.S. § 5-321, the applicant shall submit with the application for registration a receipt for use tax paid from the Arizona Department of Revenue unless at least one of the following applies:

1. The applicant is exempt from use tax as provided in 15 A.A.C. 5,
2. The applicant is transferring the watercraft from another jurisdiction to Arizona without changing ownership,
3. Sales or use tax paid is shown on the bill of sale or receipt submitted by the applicant, or
4. The applicant submits a notarized affidavit of exemption stating that the acquisition of the watercraft was for rental or resale purposes.

D. To obtain registration as a commercial watercraft under A.R.S. § 5-322(H), the owner shall provide evidence of payment of the ad valorem property tax under the provisions of Article 9, Section 16 of the Arizona Constitution; the tax privilege license number; and the business name, address, and telephone number.

E. To obtain watercraft dealer registration under A.R.S. § 5-322(G), the applicant shall be a business offering watercraft for sale, or a watercraft manufacturer registered by the U.S. Coast Guard. A person shall display dealer numbers for demonstration purposes only. "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. Demonstration also 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, employee of a dealer or manufacturer, family member of a dealer or manufacturer, or an associate of a dealer or manufacturer. The Department shall issue the number of certificates and decals specified on the application, or deny issuance within 30 calendar days of receiving the application. The applicant shall provide the following information on a form available from the Department:

1. All business names used for the sale or manufacture of watercraft in Arizona, and the mailing address and telephone number for each business to be issued watercraft dealer registrations;
2. Tax privilege license number;
3. U.S. Coast Guard manufacturer identification code, if applicable;
4. Total number of certificates of number and decals to be issued; and
5. Name, address, signature, and phone number of the owner or manager of the principal business.

F. In addition to submitting the application form and any other information required by this Section, the applicant for watercraft registration shall submit one of the following additional forms of documentation:

1. An original title if the watercraft is titled in another state, and a release of interest if the watercraft is being transferred to an individual other than the original listed owner;
2. An original registration if the watercraft is from a registration state, and a release of interest if the watercraft is being transferred to an individual other than the original listed owner;
3. A bill of sale as defined in R12-4-501 if the watercraft has never been registered or titled in any state;
4. A letter of gift as defined in R12-4-501 if the watercraft was received as a gift and was never registered or titled in another state;
5. A court order or other legal documentation establishing lawful transfer of ownership; or
6. A statement of fact form available from any Department office if none of the documentation identified in 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. The owner or owners of the watercraft shall sign the statement of fact form and shall have it notarized unless it is signed in the presence of an authorized Department employee. The owner or owners of the watercraft shall provide the hull identification number of the watercraft on the statement of fact form and shall certify one of the following:
   a. The watercraft was manufactured prior to 1972, is 12 feet in length or less, and is not propelled by an inboard engine;
   b. The watercraft is owned by the applicant, and it has never been registered or titled;
   c. The watercraft was owned in a state that required registration, but the watercraft was never registered or titled; or
   d. The watercraft has not been registered, titled, or otherwise documented in the past five years.

G. 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 statement of fact by the applicant as prescribed in subsection (F)(6) if the watercraft has not been registered, titled, or otherwise documented in the past five years, or
3. An affidavit of publication demonstrating the applicant's compliance with R12-4-507.

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. The applicant's name,
   b. The applicant's address,
   c. The watercraft make, and
   d. The watercraft hull identification number (HIN).
2. The applicant shall ensure that the lien holder provides the following information on the form:
   a. The lien holder's name,
   b. The lien holder's address,
   c. The name of the person completing the form for the lien holder,
   d. The title of the person completing the form for the lien holder, and
   e. The notarized signature of the person completing the form for the lien holder.

I. A person shall not apply for or obtain a watercraft registration by making a false statement or providing false information on any application, statement of fact, or written instrument submitted to the Department. The Department shall provide notice that a watercraft registration is invalid if the registration is obtained by an applicant who makes a false statement or provides false information on any application, statement of fact, or written instrument submitted to the Department, and as prescribed in R12-4-506.

J. 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 under R12-4-509. An application is not considered valid if the Department receives legal documentation that legal action may affect ownership of the watercraft.

K. All watercraft registrations and supporting documentation are subject to verification by the Department and to the requirements of 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 that the information provided by the applicant is inaccurate or false.

Authorizing Statute
General: A.R.S. §§ 5-321(A), 5-391(A), 5-311(A)(1)
Specific: A.R.S. § 5-3(A)(5)

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).

R12-4-503. Renewal of Watercraft Registration

A. The Department shall mail renewal notices to the address of the watercraft owner, as shown on the certificate of number, six weeks before the last day of the month of expiration established under R12-4-504. The owner of a watercraft shall ensure that the watercraft's registration is renewed regardless of whether the renewal notice is received.

B. To renew a watercraft's registration in person or by mail, an applicant shall submit the registration fee required by A.R.S. § 5-321 and the renewal notice provided by the Department. In the absence of the renewal notice, the registered owner shall present one of the following:

1. A current or prior certificate of number;
2. A valid driver's license;
3. A valid Arizona Motor Vehicle Division identification card; or
4. A valid passport.

C. To renew a watercraft's registration by telecommunications, an applicant shall pay the registration fee required by A.R.S. § 5-321 and shall provide either of the following to the Department or its agent:

1. The name and address of the watercraft's registered owner as it appears on the renewal notice, and
2. The assigned Arizona watercraft number (AZ number) of the watercraft being renewed, or
3. The Department-assigned identification number or password.

D. The Department or its agent shall renew a watercraft's registration within 30 calendar days of receiving a valid application for renewal. The Department shall mail the renewal to the address of record unless the applicant renews the watercraft's registration in person, or unless there is a notarized request from the registered owner to mail it to another address.

Authorizing Statute
General: A.R.S. § 5-311(A)(1)
Specific: A.R.S. § 5-321

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).

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

A. All new watercraft registrations expire 12 months after they are issued.

B. Upon renewal of resident or non-resident pleasure use, or an Indian or soldier's tax-exempt use, the registration expires on the last day of the month indicated by the last two numeric digits of the watercraft number, as shown in the following table:

Last two numeric digits of watercraft 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
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. Upon renewal of registrations issued to dealers or manufacturers under A.R.S. § 5-322(G), or for governmental use, the registration expires on October 31.

D. Upon renewal of registrations issued to liveries or for other commercial use, the registration expires on November 30.

E. The Department or its agent shall collect the entire registration fee and license tax for a late registration renewal, and a penalty fee of $5, except as exempted by A.R.S. § 5-321(H), 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 collect the penalty fee for a renewal mailed before the expiration date, as evidenced by the postmark.

Authorizing Statute
General: A.R.S. § 5-311(A)(1)
Specific: A.R.S. §§ 5-321.01, 5-321(H)

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).

R12-4-505. Hull Identification Numbers

A. The Department shall not register a watercraft without a hull identification number.

B. The Department shall assign a hull identification number to a watercraft with a missing hull identification number only if the Department determines that:

1. A hull identification number has not been illegally removed or altered, unless the application is made by a governmental agency and is accompanied by an order of forfeiture or 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 in R12-4-501.

C. The Department shall assign or deny assignment of a hull identification number within 30 days of receipt of a valid application, as described in R12-4-502.

D. The Department shall 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 (B).

E. The applicant or the Department shall affix the hull identification number as follows:
1. 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.
2. 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.
3. On a catamaran or pontoon boat, affix the hull identification number on the aft crossbeam within one foot of the starboard hull attachment.
4. If the hull identification number would not be visible because of rails, fittings, or other accessories, affix it as close as possible to the applicable location prescribed in subsection (E)(1).
5. Affix a duplicate of the visibly affixed hull identification number in an unexposed location on a permanent part of the hull.
6. Burn, carve, stamp, emboss, mold, bond, or otherwise permanently affix each hull identification number to a non-removable part of the watercraft so that alteration, removal, or replacement will be obvious.
7. Ensure that the characters of each hull identification number affixed to the watercraft are no less than ¼ inch in height.

Authorizing Statute
General: A.R.S. § 5-311(A)(1)
Specific: A.R.S. § 5-311(A)(5)

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. 8-4). 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).

R12-4-506. Invalidation of Watercraft Registration

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 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 use;
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; or
6. The Department revokes the certificate of number, numbers, and decals as provided in A.R.S. § 5-391(H).

C. A person shall return the certificate of number and decals that are invalid under subsections (A) or (B) to the Department within 15 calendar days of receiving written notification from the Department that the certificate of number and decals are invalid.

D. The Department shall not validate or renew an invalid watercraft registration until the reason for invalidity has been corrected or no longer exists.

Authorizing Statute
General: A.R.S. § 5-311(A)(1)
Specific: A.R.S. § 5-311

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).

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

A. For the purpose of this Section the following definitions apply:
1. "Abandoned watercraft" means a watercraft that is deserted on a highway, a public street, or on public or private property or waters. A watercraft left under a written repair or storage order is not an abandoned watercraft.
2. "Unreleased watercraft" means a watercraft for which there is no release of interest from the registered owner.
3. "Release of interest" means a statement giving up, surrendering, or abandoning unconditionally any claim or right of ownership or use in a watercraft.

B. Unless an abandoned or unreleased watercraft is reported stolen the last registered owner is presumed to be responsible for the watercraft.

C. An applicant seeking transfer of ownership of an abandoned or unreleased watercraft shall submit the following information, if available, on a form obtained from the Department:

1. Hull identification number, unless exempted by 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. If the watercraft is abandoned, the description or address of the location where the watercraft was found;
8. Condition of the watercraft: whether wrecked, stripped, or intact; and
9. State in which the watercraft will be used.

D. The Department shall attempt to determine the name and address of the registered owner and, if successful, shall send written notice of the attempt to register the watercraft by the applicant to the registered owner by certified mail, return receipt requested.

1. After 30 calendar days from the date the Department mails the notice, if service is successful, or upon receipt of a response from the registered owner, the Department shall advise the applicant in writing according to the following:
   a. If the registered owner provides a written release of interest in the watercraft, the Department shall provide the applicant with the release and the applicant may then register the watercraft under R12-4-502.
   b. If the registered owner provides written notice to the Department refusing to release an interest in the watercraft, the Department shall advise the applicant of the refusal, and the Department shall not register the watercraft to the applicant unless the applicant provides proof of ownership and complies with R12-4-502.
   c. If service is successful and the registered owner does not respond to the notice in writing within 30 days from the date of mailing, when service was successful, the Department shall advise the applicant of the failure to respond, and the Department shall not register the watercraft to the applicant unless the applicant provides proof of ownership and complies with R12-4-502.
2. If the Department cannot determine who the registered owner of the watercraft is, or if the written notice is returned unclaimed or refused, the Department shall advise the applicant in writing within 15 days of the notice being returned that the attempt to identify or contact the registered owner was unsuccessful.

E. If the Department is unsuccessful in its attempt to identify or serve the registered owner under subsection (D)(2), the Department shall publish a notice of intent of the Director of the Department to transfer ownership of the abandoned or unreleased watercraft 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 (D)(2). The published notice shall include a statement of the intent of the Director to transfer ownership of the watercraft as provided by R12-4-502 10 days after the notice is published, unless the Department receives notice from the registered owner refusing to release interest in the watercraft. The Department shall make available to the public upon request a description of the abandoned or unreleased watercraft subject to transfer of ownership.

Authorizing Statute
General: A.R.S. § 5-311(A)(1)
Specific: A.R.S. § 5-311(A)(5)

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).

R12-4-508. New Watercraft Exchanges

A. The Department may replace registration for new watercraft never previously registered which is returned to the seller within 30 calendar days of registration, provided that the seller replaces the watercraft with a duplicate watercraft, and application for replacement registration is made to the Department within the same 30 calendar days.

B. In order to obtain replacement registration, the registered owner shall provide the Department with the registration for the original watercraft and with a letter signed by the seller stating that the watercraft has been replaced, and providing the hull identification numbers for both the original and the replacement watercraft and the name of both the buyer and the seller.

C. The Department shall issue replacement registration for the replacement watercraft with no charge in addition to the fee and license tax already paid.

Authorizing Statute
General: A.R.S. § 5-311(A)(1)
Specific: A.R.S. § 5-311(A)(5)

Historical Note

Adopted effective May 27, 1992 (Supp. 92-2).

R12-4-509. Watercraft Agents

A. The Department has the authority to authorize an agent to act for the Department for the purpose of issuing temporary certificates of number valid for 30 days for new watercraft only if:

1. The applicant's previous authority to act as a watercraft agent under A.R.S. § 5-321(E) has not been cancelled by the Department within the preceding 24 months, and
2. The applicant is a business located and operating within this state that sells watercraft for an identified manufacturer.

B. An applicant for watercraft agent authorization shall apply on forms provided by the Department. The Department shall issue authorization or deny the application within 30 calendar days of receiving the application. The applicant shall provide the following information on the application:
1. The principal business or corporation name, address, and telephone number;
2. If not a corporation, the full name, address, and telephone number of all owners or partners;
3. The name, address, and telephone number of the owner or manager that is responsible for compliance with this Section;
4. Whether or not the applicant has previously issued temporary certificates of number under A.R.S. § 5-321(E);
5. The storefront name, street address, type of business, name of the manager, telephone number, and business hours of the location from which new watercraft are to be sold and temporary certificates of number issued;
6. The manufacturers of the watercraft to be distributed; and
7. The signature of the person named under subsection (B)(3).

C. Authorization to act as a watercraft agent is specific to the business location designated on the application and approved by the Department. The only exception is if the agent is participating in a scheduled, advertised boat show for the purpose of selling watercraft.

D. The Department shall assign an agent number to a watercraft agent upon approval of the application, and shall supply the agent with forms and a schedule of fees to be collected for compliance with A.R.S. § 5-321.

E. A watercraft agent shall not destroy prenumbered temporary certificate of number applications provided by the Department but shall mark an application "void" if necessary and return the application to the Department with the monthly report required in subsection (I).

F. An agent shall verify that watercraft agent supplies were received within seven days of receipt. The Department shall provide new supplies within 30 calendar days after receipt of an agent's request form.

G. A watercraft agent shall comply with the following if the agent is issuing a temporary certificate of number to the purchaser of a new watercraft:
1. The watercraft agent shall obtain an application if the watercraft is purchased from the agent, or the applicant's bill of sale that shows the following:
   a. The watercraft is new as distinguished from used,
   b. The names and addresses of the buyer and seller,
   c. The date of purchase,
   d. The amount of sales tax paid,
   e. The purchase price,
   f. The manufacturer's name,
   g. The length of the watercraft,
   h. The year of manufacture, and
   i. The hull identification number.
2. The agent shall identify to the applicant the state registration fee and the appropriate watercraft license tax separately from any other costs; and
3. The agent shall, within 72 hours after issuing a temporary certificate of number, deliver to the Department's Phoenix office or deposit in the U.S. mail the legible original application, a legible original or copy of the bill of sale, and a check or money order for the state's fees.

H. The Department shall accept applications only on prenumbered temporary certificate of number application forms provided to the agent by the Department, as prescribed in R12-4-502.

I. By the 10th day of each month, a watercraft agent shall submit a report of activity for the previous month to the Department on a form provided by the Department. The watercraft agent shall submit the report whether or not any temporary certificates of number are issued during the reporting period. The report shall include:
1. The name and address of the watercraft agent, and the agent number assigned by the Department;
2. For each temporary certificate of number issued, the application number, the name of the purchaser, the hull identification number, and the date of issuance; and
3. A list of any voided or missing application numbers, with explanation.

J. The Department may cancel authorization to be a watercraft agent and demand return of or collect all supplies issued to the agent based on consideration of the following:
1. Failure to comply with this Section;
2. Issuing more than one check with insufficient funds to the Department within a calendar year;
3. Predating, postdating, altering, or providing or knowingly allowing false information to be provided on or with an application for a temporary certificate of number;
4. Knowingly issuing a temporary certificate of number for a used watercraft; or
5. Falsifying the application for authorization as a watercraft agent, or falsifying the monthly report required by subsection (F).

K. Denial of an application to become a watercraft agent, or cancellation of watercraft agent status by the Department, may be appealed to the Commission as prescribed in A.R.S. Title 41, Chapter 6, Article 10, Uniform Administrative Appeals Procedures.

Authorizing Statute
General: A.R.S. § 5-311(A)(1)
Specific: A.R.S. §§ 5-311(A)(5), 5-321(E)

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).

R12-4-510. Refunds for Renewals

A. The Department shall issue refunds for fees paid for renewal of watercraft registration under the following circumstances:

1. The Department shall issue a refund for 1 renewal fee when the registered owner has paid twice for the same registration renewal for the same watercraft.
2. The Department shall issue a refund for a renewal fee when a registered owner has erroneously paid for renewal of a watercraft that has already been sold to another individual, provided that the application for refund is made within 30 calendar days of the renewal.
3. The person applying for the refund shall surrender an original certificate of number and 1 set of decals to the Department in order to receive the refund.

B. The Department shall not refund payment of any penalty fee for late registration.

Authorizing Statute
General: A.R.S. §§ 5-321(H), 5-311(A)(1)
Specific: A.R.S. § 5-311(A)(5)

Historical Note

Adopted effective May 27, 1992 (Supp. 92-2). Amended effective November 7, 1996 (Supp. 96-4).

R12-4-511. Personal Flotation Devices

A. The operator of a canoe, kayak, or other watercraft shall ensure that 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 that 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.

B. In addition to the personal flotation devices prescribed in subsection (A), the operator of a watercraft that is 16 feet or more in length, except a canoe or kayak, shall ensure that the watercraft is also equipped with a U.S. Coast Guard-approved buoyant cushion, ring buoy, or horseshoe buoy (Type IV Personal Flotation Device).

C. Persons on board a watercraft or personal watercraft shall wear an appropriately-sized, U.S. Coast Guard-approved personal flotation device as prescribed in A.R.S. § 5-331(C) and A.R.S. § 5-350(A).

D. For the purpose of this Section, "wear" means that the personal flotation device is being worn according to the manufacturer's design or recommended use; that all closures of the personal flotation device are fastened, snapped, tied, zipped, or secured according to the manufacturer's design or recommended use; and that the personal flotation device is adjusted for a snug fit.

E. Subsections (A), (B), and (C) 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.

Authorizing Statute
General: A.R.S. § 5-311(A)(1)
Specific: A.R.S. § 5-331

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).

R12-4-512. Fire Extinguishers Required for Watercraft

A. Under A.R.S. § 5-332, an operator of a 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:

1. An inboard engine,
2. Closed compartments where portable fuel tanks may be stored,
3. Double bottoms not sealed to the hull or which are not completely filled with flotation materials,
4. Closed living spaces,
5. Closed stowage compartments in which combustible or flammable materials are stored,
6. Permanently installed fuel tanks (fuel tanks secured so that they cannot be moved in case of fire or other emergency are considered permanently installed), and
7. A fixed fire extinguishing system installed in the engine compartment.

B. Under A.R.S. § 5-332, an operator of a Class 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:

1. At least two B-I type hand-portable fire extinguishers or at least one B-II type hand-portable fire extinguisher, or
2. At least one B-I type approved hand-portable fire extinguisher if a fixed fire extinguishing system is installed in the engine compartment.

C. Under A.R.S. § 5-332, an operator of a Class 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:

1. 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
2. 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.

Authorizing Statute
General: A.R.S. § 5-311(A)(1)
Specific: A.R.S. §§ 5-311(A)(5), 5-332

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).

R12-4-513. Watercraft Accident and Casualty Reports

A. The operator or owner of a watercraft involved in any collision, accident or other casualty that results in injury or death shall submit the report required by A.R.S. § 5-349 on a form provided by the Department. The operator or owner of a watercraft involved in any collision or accident that results in property damage only shall submit the report required by A.R.S. § 5-349, on a form provided by the Department, only if the property damage exceeds $500. The operator or owner of the watercraft submitting the report required by A.R.S. § 5-349 shall complete the form provided by the Department in full, and shall clearly identify on the form any information that is not applicable or that is unknown. The operator or owner of the watercraft submitting the report required by A.R.S. § 5-349 shall provide the following information on the form provided by the Department:

1. The operator's name, address, date of birth, gender, and telephone number;
2. The owner's name, address, date of birth, and telephone number;
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:
   a. Type of watercraft, make, and model;
   b. Watercraft propulsion and year built;
   c. Watercraft construction and year built;
   d. Hull material;
   e. Hull identification number; and
   f. State registration number;
6. Information on the accident:
   a. Date and time;
   b. General and specific location;
   c. Type of operation at time of accident;
   d. Type of accident;
   e. Weather, water conditions, wind, visibility, and estimated temperature at the time of accident; and
   f. Cause of accident;
7. Estimated cost of damage to the watercraft;
8. Whether the watercraft sank, and if so, whether recovered, and the name, address, and telephone number of the person who made recovery;
9. Whether the watercraft was adequately equipped with U.S. Coast Guard-approved personal flotation devices, whether they were accessible, and whether they were used;
10. Whether fire extinguishers were used, and the types and number of fire extinguishers used;
11. Information on operators and owners of each of the other watercraft involved in the accident: name, address, telephone number, and watercraft registration number;
12. Information on persons killed or injured in the accident: name, address, date of birth, cause of death or nature of injury, and the name and location of the receiving hospital;
13. The name, address, date of birth, and telephone number of all passengers in the watercraft;
14. The location of passengers, skiers, and swimmers at the time of the accident;
15. If there was damage to property other than any of the watercraft involved:
    a. Name, address, and telephone number of owner;
    b. Description of damage; and
    c. Estimated cost of damage;
16. The name, address, and telephone number of any witnesses other than passengers;
17. A diagram and narrative explaining the accident.

B. Any person filling out the form shall sign the form; designate whether the person is the owner, operator, or any other party; and provide name, address, telephone number, and the date the form is submitted to the Department.

Authorizing Statute
General: A.R.S. § 5-311(A)(1)
Specific: A.R.S. § 5-349

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).

R12-4-514. Liveries

Pursuant to A.R.S. § 5-371, a watercraft owned by a boat livery which 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, and to be kept in the possession of, the person operating the rented watercraft. The receipt shall contain the following information:

1. The business name and address of the livery as shown on the certificate of number;
2. The watercraft registration number as issued by the Department;
3. The beginning date and time of the rental period.

Authorizing Statute
General: A.R.S. § 5-311(A)(1)
Specific: A.R.S. § 5-371

Historical Note

Adopted effective May 27, 1992 (Supp. 92-2).

R12-4-515. Display of Numbers and Decals

A. No person shall use or operate, or grant permission to use or operate, a watercraft on the waters within the boundaries of this state unless such watercraft has, on each side of the bow, a valid number and current annual decal displayed pursuant to this

rule, except that a watercraft may be used or operated for 30 days when a valid temporary numbering certificate has been issued pursuant to R12-4-509 and except for watercraft otherwise exempted in A.R.S. § 5-321 or 5-322.

B. The number awarded to each watercraft by the Department shall be painted on or attached to each side of the forward half of the watercraft in such position as to be clearly visible. The number shall read from left to right with well-proportioned block letters not less than 3 inches in height, excluding outline. The number shall be a color that will contrast with the background so as to be easily read. The letters AZ and the suffix shall be separated from the numerals by a hyphen or equivalent space. The decals shall be affixed 3 inches in front of the AZ on both sides of the forward half of the watercraft.

C. On watercraft so constructed that it is impractical or impossible to display the numbers in a prominent position on the forward half of the hull or permanent superstructure, the number may be displayed on brackets or fixtures securely attached to the forward half of the watercraft.

D. Persons possessing a dealer watercraft certificate issued pursuant to A.R.S. § 5-322(B) shall visibly display their numbers and validating decals as prescribed in this rule, except that the numbers and decals may be printed or attached to removable signs which may be temporarily but securely attached to the watercraft being demonstrated.

E. Expired decals issued by any jurisdiction shall be covered or removed from watercraft, so that only the current decal shall be visible.

F. Invalid watercraft numbers or decals shall not be displayed. See R12-4-506.

Authorizing Statute
General: A.R.S. § 5-311(A)(1)
Specific: A.R.S. § 5-321

Historical Note

Section R12-4-515 renumbered from R12-4-501 and amended effective May 27, 1992 (Supp. 92-2).

R12-4-516. Watercraft Sound Level Restriction

A. It shall be unlawful for any person to operate a watercraft upon the waters of this state under any condition or in any manner that the watercraft emits a sound level in excess of 86 decibels on the "A" weighted scale when measured from a distance of 50 feet or more from the watercraft.

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

Authorizing Statute
General: A.R.S. § 5-311(A)(1)
Specific: A.R.S. §§ 5-311(A)(5), 5-336(A)

Historical Note

Former Section R12-4-82 renumbered as Section R12-4-516 without change effective August 13, 1981 (Supp. 81-4).

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:

Ackre Lake
Arivaca Lake
Bear Canyon Lake
Black Canyon Lake
Bunch Reservoir
Carnero Lake
Chaparral Lake
Cluff Ponds
Coconino Reservoir
Coors Lake
Dankwork Pond
Dogtown Reservoir
Fortuna Lake
Goldwater Lake
Granite Basin Lake
Horsethief Basin Lake
Hulsey Lake
J.D. Lake
Knoll Lake
Lee Valley Lake
Lynx Lake
McKellips Park Lake
Pena Blanca Lake
Pratt Lake
Quigley Lake
Redondo Lake
Riggs Flat Lake
Roper Lake
Rucker Canyon Lake
Santa Fe Lake
Scott's Reservoir
Sierra Blanca Lake
Soldier Lake (in Coconino County)
Stehr Lake
Stoneman Lake
Tunnel Reservoir
Whitehorse Lake
Willow Lake
Woodland Reservoir
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:

Ashurst Lake
Becker Lake
Big Lake
Blue Ridge Reservoir
Cataract Lake
Chevelon Canyon Lake
Cholla Lake Hot Pond
Concho Lake
Crescent Lake
Fool Hollow Lake
Kaibab Lake
Kinnikinick Lake
Little Mormon Lake
Luna Lake
Mexican Hay Lake
Nelson Reservoir
Parker Canyon Lake
Rainbow Lake

River Reservoir
Show Low Lake
Whipple Lake
White Mountain Lake (in Apache County)
Willow Springs Lake

C. A person shall not operate a watercraft on Frye Mesa Reservoir, Rose Canyon Lake, or Snow Flat Lake.

D. This rule 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.

Authorizing Statute
General: A.R.S. § 5-311(A)(1)
Specific: A.R.S. § 5-311(A)(5)

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).

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 terminate 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 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.

Authorizing Statute
General: A.R.S. § 5-311(A)(1)
Specific: A.R.S. § 5-311(A)(6)

Historical Note

Adopted effective March 5, 1982 (Supp. 82-2).

R12-4-519. Reciprocity

All watercraft which are currently numbered or exempt from numbering under the provisions of their state of principal use are exempt from numbering for a period of 90 days after entering the state. See also A.R.S. § 5-322(C) and (F).

Authorizing Statute
General: A.R.S. § 5-311(A)(1)
Specific: A.R.S. § 5-322

Historical Note

Section R12-4-519 renumbered from R12-4-503 and amended effective May 27, 1992 (Supp. 92-2).

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

The Arizona Uniform State Waterway Marking System is that prescribed in 33 CFR 62, revised July 1, 1998, not including any later editions or amendments, which is incorporated by reference in this Section. A copy is on file with the Secretary of State and is available from any Department office, or it may be ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

Authorizing Statute
General: A.R.S. § 5-311(A)(1)
Specific: A.R.S. §§ 5-311(A)(4), 5-361

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).

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

A. No person shall 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 prescribed in R12-4-520, without authorization from the governmental agency or the private interest having jurisdiction on such waters.

B. No person shall 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 prescribed in R12-4-520, except in the performance of authorized maintenance responsibilities or as authorized pursuant to R12-4-518 or R12-4-522.

Authorizing Statute
General: A.R.S. § 5-311(A)(1)
Specific: A.R.S. §§ 5-311(A)(4), 5-361

Historical Note

Section R12-4-520 adopted effective May 27, 1992 (Supp. 92-2).

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 that 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 if controlled-use markers have been placed and include in that report the type, purpose, and placement of markers, and whether the markers are expected to be permanent or temporary; the governmental agency shall also advise the Department of the removal of controlled-use markers. The report shall be made within 30 days of establishment or removal of controlled-use markers. A report is not required for establishment or removal of markers for less than 30 days.

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 the reasons for the request to the Director of the Arizona Game and Fish Department, who shall either accept or deny the request within 60 days of receipt. A person may appeal the Director's denial of a request to the Commission as an appealable agency action under A.R.S. Title 41, Chapter 6, Article 10.

Authorizing Statute
General: A.R.S. § 5-311(A)(1)
Specific: A.R.S. §§ 5-311(A)(4), 5-361

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).

R12-4-523. Controlled Operation of Watercraft

A. A person shall not operate any watercraft, or use any watercraft to tow a person on waterskis, 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 in subsection (A) do not authorize any person to operate a watercraft in a careless, negligent, or reckless manner as prescribed in A.R.S. § 5-341.

Authorizing Statute
General: A.R.S. § 5-311(A)(1)
Specific: A.R.S. §§ 5-311(A)(4), 5-361

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).

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.

Authorizing Statute
General: A.R.S. § 5-311(A)(1)
Specific: A.R.S. §§ 5-346(C), 5-311

Historical Note

New Section made by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3).

R12-4-525. Watercraft Certificate of Number, Numbers, and Decal Revocation

A. For the purposes of this Section, "person" has same meaning as prescribed in A.R.S. § 5-301(8).

B. Upon notice of conviction of a person under A.R.S. § 5-391(F), the Department shall revoke for a period not to exceed two years the certificates of number, numbers, and decals of any Arizona registered watercraft involved in the violation that the convicted person owns. If the conviction under A.R.S. § 5-391(F) involves stolen watercraft, the Department shall revoke for a period not to exceed two years the certificates of number, numbers, and decals of any Arizona registered watercraft that the convicted person owns.

C. Upon notice of conviction of a person under A.R.S. § 5-391(G), the Department shall revoke for a period not to exceed one year the certificates of number, numbers, and decals for any Arizona registered watercraft involved in the violation that the convicted person owns.

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, numbers, and decals of watercraft the person owns are subject to revocation.

E. A person whose certificates of number, numbers, and 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, 2221 W. Greenway Rd., Phoenix, AZ 85023, within 15 calendar days of receiving the notice provided in subsection (D).

F. If the person requests a hearing, the Department shall, within 30 days of receiving the request, schedule a hearing before the Director or request, in accordance with A.R.S. § 41-1092.05, that the Office of Administrative Hearings schedule a hearing.

G. After a final decision to revoke, 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, numbers, and decals does not affect the legal title to or any property rights in the watercraft. Upon application to the Department, 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 that the transfer is proposed in good faith and not for the purpose of defeating the revocation.

Authorizing Statute
General: A.R.S. § 5-311(A)(1)
Specific: A.R.S. § 5-391(H)

Historical Note

New Section made by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3).

R12-4-526. Reserved

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 under A.R.S. § 5-324 for a towed watercraft, the towing company shall present the towed watercraft to the closest Department regional office for identification if there is no discernible hull identification number or state-issued registration number.

C. A towing company that wants to transfer the ownership of a towed watercraft shall submit the following to the Director of the Department:

1. Evidence of compliance with notification requirements in A.R.S. § 5-399;
2. A report on a form available from the Department that includes the following:
   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 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 under A.R.S. § 5-399.01, and if the Department has determined that the towed watercraft is not stolen under A.R.S. § 5-399.02(A), the towing company shall follow the application procedures in A.R.S. § 5-399.02(B) and R12-4-502 to register the towed watercraft.

Authorizing Statute
General: A.R.S. § 5-311(A)(1)
Specific: A.R.S. § 5-399.03

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).

R12-4-528. Reserved

R12-4-529. Repealed

Historical Note

Adopted effective October 22, 976 (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).

R12-4-530. Reserved

R12-4-531. Reserved

R12-4-532. Reserved

R12-4-533. Reserved

R12-4-534. Reserved

R12-4-535. Reserved

R12-4-536. Reserved

R12-4-537. Reserved

R12-4-538. Reserved

R12-4-539. Reserved

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 in 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 (as defined in A.R.S. § 41-1001) under A.R.S. § 41-1033, shall submit a petition as prescribed in 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, 2221 West Greenway Rd., Phoenix, Arizona 85023. The Commission shall render a decision on the petition as required by 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, by complying with 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 ½" 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 (A.A.C.) 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 (A.A.C.) 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 in 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 to 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 (H)(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.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. § 41-1033

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).

R12-4-602. 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.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 41-1003, 41-1023

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.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 41-1003, 41-1023

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.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. § 41-1033

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.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. § 17-340

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.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-314, 17-340, 41-1092, et seq.

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.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 41-1001(4) through 41-1003, 41-1092.09

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.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-234, 38-431.02, 41-1005(A)(2)

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. Any individual or agency requesting that the Commission consider closing state or federal land to hunting, fishing, or trapping under R12-4-110 or A.R.S. § 17-304(B); or closing roads or trails on state lands 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. The petitioner shall file an original and one copy of the petition shall be filed with the Director of the Arizona Game and Fish Department, 2221 West Greenway, Phoenix, Arizona 85023, 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 this Section, R12-4-110, and A.R.S. § 17-452. 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 of R12-4-603.
2. If a petition does not meet the requirements prescribed in this Section, R12-4-110, and A.R.S. § 17-452, 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 ½ 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.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-304(B), 17-452

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).

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 file the original and one copy of the petition with the Arizona Game and Fish Department, Director's Office, 2221 W. Greenway Rd., Phoenix, Arizona 85023.

D. The petitioner shall ensure that the petition is typewritten, computer or word processor printed, or legibly handwritten, and double-spaced on 8 ½" 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.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 41-1092 through 41-1092.12

Historical Note

New Section made by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2).

ARTICLE 7. HERITAGE GRANTS

R12-4-701. Heritage Grant Definitions

In addition to the definitions provided in A.R.S. §§ 17-101 and 17-296, the following definitions apply to this Article:

1. "Administrative subunit" means the branch, department, division, section, school, or other similar divisional entity of a public agency where a participant contact is directly employed, for example, an individual school, but not the entire school district; an individual field office or project office, but not the entire agency; or an individual administrative department, but not the entire city government.
2. "Approved application" means a participant's application including any changes, exceptions, deletions, or additions made by the Department before approval.
3. "Commission" means the Game and Fish Commission.
4. "Department" means the Game and Fish Department.
5. "Facilities" means capital improvements.
6. "Fund" means a granting source from the Game and Fish Heritage Fund, under A.R.S. § 17-297.
7. "Grant effective date" means the date the Director of the Arizona Game and Fish Department signs the Grant-in-Aid Participant Agreement.
8. "Grant Prioritization Process" means a document approved by the Game and Fish Commission based upon the Department mission statement, strategic plans, and current guiding statements that defines the Department's priorities. This document is also used for prioritizing grant applications.
9. "Heritage Grant" means an Arizona Game and Fish Commission Heritage Fund Grant.
10. "Participant" means an eligible applicant that has been awarded a grant from the fund.
11. "Participant contact" means an eligible applicant's employee who is responsible for administering a Heritage Grant funded project.
12. "Project" means an activity, or series of related activities, which is described in the specific project scope of work and which results in specific products or services.
13. "Project period" means the time during which all approved work and related expenditures associated with an approved project are to be accomplished by the participant.
14. "Public agency" means the federal government or any federal department or agency, Indian tribe, this state, all departments, agencies, boards, and commissions of this state, counties, school districts, cities, towns, all municipal corporations, and any other political subdivision of this state.
15. "Specific scope of work" means the units of work to be accomplished by an approved project.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-296, 17-297, 17-298

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).

R12-4-702. General Provisions

A. The application deadline is the last working day of November each year and funds become available July 1 of the following year. The Department shall ensure that the exact time and date for the application deadline and the exact application submission location are designated in the Arizona Game and Fish Department's "Grant Application Manual." The Department shall ensure that the "Heritage Grant Application Manual," application forms and instructions, the Grant Prioritization Process, and any annualized information on project emphasis for each fund are available from the Department's Funds Planning Section within the Phoenix office.

B. Applicants shall be public agencies as defined in R12-4-701 and shall apply for Heritage grants in accordance with A.R.S. §§ 17-296, 17-297, 17-298, and Commission rules within 12 A.A.C. 4, Article 7,

to be eligible for consideration. An applicant who has failed to comply with the rules or conditions of a Grant-in-Aid Participant Agreement is not eligible for further grants until the applicant's project is brought into compliance.

C. The Department shall notify applicants in writing of the results of their applications and announce grant awards at a regularly scheduled open meeting of the Game and Fish Commission. An unsuccessful applicant may submit an appeal regarding a grant award within 30 calendar days of the Commission meeting in accordance with A.R.S. Title 41, Chapter 6, Article 10, Uniform Administrative Appeals Procedures.

D. Participants shall not begin projects described in an application until the grant effective date as defined in R12-4-701. A participant shall complete projects as specified in the Grant-in-Aid Participant Agreement. A participant shall submit records that substantiate the expenditure of funds.

E. A participant shall operate and maintain properties, facilities, equipment, and services funded by a Heritage grant for the benefit of the public for the useful life of the project.

F. The participant shall control land or waters on which capital improvements are to be made, through fee title, lease, easement, or agreement. To be eligible for a Heritage Grant, the applicant's management or control rights to the proposed site shall be equivalent to the proposed investment in at least one of the following three respects:

1. The time remaining on the use agreement is a term sufficient, in the judgment of the Department, to ensure a period of public use equal in value to the expenditure of awarded funds.
2. The use agreement is not revocable at will by the property owner and provides for the option to renew by the managing agency.
3. The applicant shows evidence that public access exists to the actual site where the project is proposed, unless the purpose of the project proposal is to specifically create access or limit access.

G. A participant shall give public acknowledgment of grant assistance for the life 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 and dollar amounts of all funds. The participant may include the cost of this signage as part of the original project, but is responsible for maintenance or replacement of the sign as required. For other project types, the participant shall include funding acknowledgment on any publicly available or accessible products resulting from the project.

H. The Department shall not accept project proposals for less than $1000.

I. A participant shall pay operation and maintenance costs, including costs for reprinting of publications or other media.

J. A participant shall not use grant funds to pay compensation in excess of the legally established salary for any permanent public employee.

K. If specified in the Grant-in-Aid Participant Agreement, including the Special Conditions attachment, the participant shall provide evidence of compliance with local, state, and federal law to the Department before the release of the initial grant funds and before project implementation.

L. If a participant contact has a Heritage Grant funded project in extension, the participant contact and the administrative subunit employing the participant contact are not eligible for further Heritage Grants until the project under extension is completed. This restriction does not apply to the participant contact's public agency as a whole, or to any other participant contact employed by the same public agency in any other administrative subunit, so long as the other participant contact does not have a Heritage Grant funded project in extension. For the purposes of this restriction, the Department shall determine what constitutes an administrative subunit.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-296, 17-297, 17-298

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).

R12-4-703. Review of Proposals

A. Grant proposals are competitive and the Department shall make awards based on a proposed project's compatibility with the priorities of the Game and Fish Department and the project's feasibility, merit, and usefulness. The Department shall evaluate and rank all eligible proposals under the criteria established in this Section and the Department's Grant Prioritization Process as approved by the Commission and available from the Department's Funds Planning Section in the Phoenix office.

B. The Department shall make funding of an awarded project contingent upon revision of the application if the Department determines that substantive changes are necessary for the successful completion of the project.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-296, 17-297, 17-298

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).

R12-4-704. Urban Wildlife and Urban Wildlife Habitat Grants

A. "Urban wildlife" means the wildlife that occurs within the limits of an incorporated area or in close proximity to an urban area that receives significant impact from human use. (A.R.S. § 17-296(6)).

B. In order to be eligible for a grant award, an applicant shall ensure that a proposed project location meets 1 of the following criteria:

1. It is within the corporate limits of an incorporated city or town;
2. It is within the communities of Green Valley, Flowing Wells, Sun City, or Sun City West;
3. It is within 5 miles, in straight distance, of the boundary of an incorporated area or 1 of the communities listed above.

C. In order to be eligible for an urban wildlife or urban wildlife habitat grant award, applicants shall ensure that proposed projects are designed to conserve, enhance, and establish wildlife habitats and populations in harmony with urban environments, and increase public awareness of and support for urban wildlife resources.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-296, 17-297, 17-298

Historical Note

Adopted effective July 12, 1996 (Supp. 96-3).

R12-4-705. Public Access Grants

A. "Public access" has the meaning prescribed in A.R.S. § 17-296(1).

B. "Publicly held lands" means federal, public, and reserved lands, State Trust Lands, and other lands within Arizona that are owned, controlled, or managed by the United States, the state of Arizona, agencies, or political subdivisions of the state.

C. To be eligible for a public access grant award, an applicant shall ensure that a proposed is designed to increase or maintain public access for recreational use in cooperation with federal land managers, local and state governments, private landowners, and public users. An applicant shall also ensure that a proposed project is designed to inform and educate the public about recreational use of publicly held lands and public access to those lands. To be eligible for Heritage access grant funding, an applicant's potential project shall provide for substantive recreational access opportunities. Examples include providing new access into an area where no access currently exists, re-establishing access into an area where access existed historically, maintaining or enhancing existing access routes to better serve a specific segment of the population, or relocating an existing access corridor to avoid biologically sensitive areas.

D. Ineligible projects are those projects not in compliance with this Section and those project types listed as ineligible in the Heritage Grant Application Manual or other materials available from the Department's Funds Planning Section in the Phoenix office.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-296, 17-297, 17-298

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).

R12-4-706. Environmental Education Grants

A. "Environmental education" has the meaning prescribed in A.R.S. § 17-296(7).

B. To be eligible for an environmental education grant, an applicant shall ensure that a project proposal is for no less than $1,000 and no more than $10,000, and that 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. Have impact on Arizona schools and school children.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-296, 17-297, 17-298

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).

R12-4-707. Schoolyard Habitat Grants

A. In order to be eligible for a schoolyard habitat grant, the applicant must be a public school within Arizona.

B. In order to be eligible for a schoolyard habitat grant, applicants shall ensure that proposed projects are designed to:

1. Encourage wildlife education on school sites or adjacent areas that allow wildlife education activities and encourage use by urban wildlife species;
2. Encourage native wildlife species, utilize a majority of native plant materials, and demonstrate water conservation techniques;
3. Actively use school children in the planning, development, and construction process, demonstrate long-term sustainability, and be fully integrated into the school curriculum.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-296, 17-297, 17-298

Historical Note

Adopted effective July 12, 1996 (Supp. 96-3).

R12-4-708. IIAPM: Grants for Identification, Inventory, Acquisition, Protection, and Management of Sensitive Habitat

A. "Habitat protection" has the meaning prescribed in A.R.S. § 17-296(9).

B. "Sensitive habitat" has the meaning prescribed in A.R.S. § 17-296(2).

C. To be eligible for an IIAPM grant, an applicant shall ensure that the proposed project is designed to:

1. Preserve and enhance Arizona's natural biological diversity, and
2. Incorporate at least one of the following elements:
   a. Identification, inventory, acquisition, protection, or management of sensitive habitat; or
   b. Inventory, identification, protection, or management of species as addressed within A.R.S. § 17-296.

D. Each year the Department shall provide a listing of habitat and species as defined within A.R.S. § 17-296 that it will consider in accordance with biological, conservation, and management status changes.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-296, 17-297, 17-298

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).

R12-4-709. Grant Applications

A. To be eligible for a Heritage grant, an applicant shall submit a grant application in accordance with the schedule established by R12-4-702.

B. The applicant shall submit a separate application for each funding source.

C. The applicant shall submit the original plus two copies of each application on paper sized 8 ½" x 11", and shall ensure that the original and the copies are legible.

D. The Department shall not accept facsimile or "faxed" copies of a grant application.

E. The applicant shall ensure that the "Application Checklist" lists all items included within the application. The applicant shall check off an item if it is included within the application, and initial each item that is not applicable.

F. The applicant shall provide the following information on the grant application form:

1. Name of the eligible applicant;
2. Any county and legislative district where the project will be developed or upon which the project will have impact;
3. The official mailing address of the applicant;
4. The name, title, and telephone number of the individual who will have the day-to-day responsibility for the proposed project;
5. Identification of the particular grant fund from which assistance is being requested, under R12-4-704, R12-4-705, R12-4-706, R12-4-707, or R12-4-708;
6. The proposed project title incorporating the name of the site, if any, and the type of work to be accomplished;
7. A clear and concise description of the scope and objective of the proposed project, the nature of what is to be accomplished, the methods to be used, and the desired result from the project;
8. The beginning and ending dates for the project; and
9. The funding amounts that will be needed to accomplish the project, including the Heritage Grant funds requested, and evidence of secured matching funds or contributions.

G. The person who on behalf of the applicant has authority to bind the applicant to the terms of the Grant-in-Aid Participant Agreement shall sign the grant application form. The person signing the grant application form represents that the applicant has authority to enter into agreements, accept funding, and fulfill the terms of the Grant-in-Aid Participant Agreement.

H. The applicant shall submit a map clearly identifying project locations or project proposal areas, and, if applicable, the applicant shall also submit a site plan and floor plan.

I. The applicant shall submit with the grant application the following information to provide evidence of control and tenure at the project site. The Department shall determine the appropriateness of the evidence of control and tenure as a part of the grant application review process:

1. If the project site is owned by the applicant, a copy of the legal document showing title in the name of the applicant and the legal description of the property;
2. If the project site will be managed by the applicant, a copy of the lease, special use permit, intergovernmental agreement, or other official instrument or documentation; or
3. For research project proposals relating to sites not controlled by the applicant, a copy of the permit or agreement allowing the research or, at a minimum, evidence of permission from the land manager allowing the research.

J. The applicant shall submit an estimated project cost sheet form with the following information:

1. Project title as designated on the application form;
2. If applicable, pre-agreement costs requested;
3. If applicable, all estimated development costs in order of priority of need, facilities to be constructed, unit measurements, number of items, and total costs;
4. All land parcels to be acquired listed in priority order, with acreage involved and anticipated dates of acquisition;
5. The cost, title, and name of personnel who would accomplish the project objectives and who would receive benefit from the grant; and
6. The total cost for the entire project proposal with each of the following amounts listed separately:
   a. Heritage grant funds requested;
   b. Applicant contribution to the project, if applicable; and
   c. Any other sources of funding.

K. The applicant shall answer all questions relevant to the grant applied for and to the Grant Prioritization Process by which the Department evaluates and ranks proposals.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-296, 17-297, 17-298

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).

R12-4-710. State Historic Preservation Office Certification

The Department shall not release grant funds until certification is received from the State Historic Preservation Officer in accordance with A.R.S. §§ 41-861 through 41-864, the State Preservation Act, which

mandates that all state agencies consider the potential of activities or projects to impact significant cultural resources.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-296, 17-297, 17-298

Historical Note

Adopted effective July 12, 1996 (Supp. 96-3).

R12-4-711. Grant-in-Aid Participant Agreements
Before any transfer of funds, a participant shall agree to and sign a Grant-in-Aid Participant Agreement that includes the following minimum stipulations:

1. The participant shall use awarded grant funds solely for eligible purposes of the funding program as defined by law and as approved by the Department. The participant shall not exceed the grant allocation unless the parties amend the Grant-in-Aid Participant Agreement.
2. If both parties agree that all project costs shall be expended within the first quarter of the project period, the Department shall transfer the total amount of awarded grant funds to the participant within the first quarter of the project period. In all other cases, the Department shall transfer awarded grant funds, less ten percent, to the participant within one year of the grant effective date. The Department shall transfer the final ten percent less any adjustment for actual expenditures upon receipt of a written request and a certification of project completion from the participant, unless the participant violates state law or the Grant-in-Aid Participant Agreement. The Department has the authority under the Grant-in-Aid Participant Agreement to perform completion inspections and reviews before release of final payment.
3. The participant shall deposit transferred grant funds in a separate project account carrying the name and number of the project. The participant shall expend funds from the account only as authorized under the terms of the Grant-in-Aid Participant Agreement.
4. The participant may request changes to the terms, scope, conditions, or provisions of the Grant-in-Aid Participant Agreement by writing to the Department. Requests for extension beyond the approved project period shall be submitted by the participant no later than 30 days before the contract expiration date. The Department shall prepare in writing any approved amendments, which must be signed by both the participant and the Department to be valid.
5. Notwithstanding subsection (4), the Department shall issue an administrative extension to unilaterally extend the project period by no more than 90 days to perform completion inspections or to complete administrative work if completion inspections or administrative work cannot be completed within the time-frame of the existing Grant-in-Aid Participant Agreement.
6. If the participant violates state law or the Grant-in-Aid Participant Agreement, the Department shall seek recovery of all funds granted and classify the participant as ineligible for Heritage Funds grants for a period not to exceed five years.
7. The participant shall operate and maintain grant-assisted capital improvements and provide reasonable protection of any project improvements.
8. The participant sponsoring a third party or subcontractor is responsible for compliance with the Grant-in-Aid Participant Agreement provisions if the third party or subcontractor defaults.
9. The participant shall use awarded grant funds solely for costs associated with approved project work incurred during the project period.
10. The project period is designated to be three years from the grant effective date unless otherwise agreed upon by the Department and the participant.
11. If a balance of awarded grant funds is available upon completion of approved project elements, the participant may, with Department approval, develop additional scope elements.
12. The participant shall request amendments to accommodate additions or changes to the Grant-in-Aid Participant Agreement in writing, stating the need and rationale for the amendments.
13. The participant shall use equipment purchased with grant funds for an approved public purpose for the useful life of the equipment, or surrender the equipment to the Department upon completion of the project, whichever comes first, if the equipment has an acquisition cost of more than $500. If the equipment is sold, the participant shall pay the Department the amount of any resulting proceeds in the ratio equivalent to the funds provided for the purchase.
14. The participant shall ensure that the value of real property purchased with grant assistance is appraised by an Arizona certified appraiser within one year before the purchase or lease according to the Uniform Standards of Professional Appraisal Practice. The Department has the authority to select an appraiser for independent evaluation if the Department has evidence that the appraised value of real property is not accurate as submitted by the participant. The Department's acceptance of land conveyance documents is contingent upon approval by the Game and Fish Commission and the governor.
15. The Department shall delay grant payment to a participant who fails to submit project-status reports as required in R12-4-712 until the participant has submitted all past due project-status reports.
16. The Department has the authority under the Grant-in-Aid Participant Agreement to conduct inspections to ensure compliance with all terms of the contract.
17. The participant shall not use grant funds for the purpose of producing income. However, the participant may engage in income-producing activities incidental to the accomplishment of approved purposes if the participant uses the activities to further the purposes of the approved project or returns the income to the original

funding source designated in the Grant-in-Aid Participant Agreement. The participant shall return funds remaining at the end of the project period to the Department.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-296, 17-297, 17-298

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).

R12-4-712. Reporting and Record Requirements

A. A participant shall submit biannual project-status reports to the Department covering activities for the project period, unless otherwise specified in the Grant-in-Aid Participant Agreement, including the Special Conditions attachment. The exact timing of the submission of reports to the Department will be as specified in the Grant-in-Aid Participant Agreement and the Special Conditions attachment. A participant shall include a separate section in each report covering all of the following subjects:
1. Progress in completing approved work,
2. Itemized, cumulative project expenditures, and
3. Anticipated delays and problems preventing on-time completion of the project.

B. A participant shall account for income or interest derived from project funds in the participant's report.

C. Each participant shall retain and shall contractually require each subcontractor to retain all books, accounts, reports, files, and other records relating to the acquisition and performance of the contract for a period of five years after the completion of the contract. The Department may inspect and audit participant and subcontractor records based on verified complaints or evidence that indicates the need for an inspection or audit. Upon the Department's request, a participant or subcontractor shall produce a legible copy of these records. The participant shall bear full responsibility for acceptable performance by a subcontractor under each subcontract. The participant may substitute microfilm copies in place of the original records after project costs have been verified.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-296, 17-297, 17-298

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).

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; and
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, or
2. Federally-owned lands of unique wildlife habitat where cooperative agreements provide wildlife management and research implementation.
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. Effective May 1, 2000.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. § 17-231(B)(2)

Historical Note

New Section adopted by exempt rulemaking at 6 A.A.R. 1731, effective May 1, 2000 (Supp. 00-2).

R12-4-802. Wildlife Area Restrictions

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, on designated trails, or in designated areas only.
   d. Open to hunting in season.
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. Posted portions closed to discharge of all firearms from April 1 to July 31 annually.
   e. Open to hunting in season, except posted portions closed to hunting from April 1 to 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. Closed to discharge of all firearms.
   c. Open to hunting in season with bow and arrow only.
4. Arlington Wildlife Area (located in Unit 39):
   a. No open fires.
   b. No firewood cutting or gathering.
   c. No overnight public camping.
   d. Target or claybird shooting permitted in designated areas only.
   e. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
   f. Open to hunting in season.
5. Base and Meridan Wildlife Area (located in Units 39 M and 42M):
   a. No open fires.
   b. No firewood cutting or gathering.
   c. No overnight public camping.
   d. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
   e. Closed to discharge of rifled firearms.
   f. Open to hunting in season.
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 only.
   d. Posted portions closed to public entry from December 15 to July 31 annually.
   e. Open to hunting in season, except posted portions. Legal weapons restricted to shotguns shooting shot and bow and arrow.
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, on designated trails, or in designated areas only.
   e. Open to hunting in season.
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 only, except as permitted by R12-4-110(G).
   e. Open to hunting in season.
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 only, except as permitted by R12-4-110(G).
   e. Posted portions closed to all public entry.
   f. Additional posted portions closed to public entry from October 1 to February 1 annually.
   g. Open to hunting in season, except posted portions closed to hunting from October 1 to February 1 annually.
10. 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.
11. 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, on designated trails, or in designated areas only.
    e. Posted portions around Department housing closed to discharge of all firearms.
    f. Closed to discharge of centerfire rifled firearms.
    g. Open to hunting in season.
12. 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, on designated trails, or in designated areas only.
    e. Closed to hunting.
13. House Rock Wildlife Area (located in Unit 12A):
    a. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
    b. Open to hunting in season.
14. Jacques Marsh Wildlife Area (located in Unit 3B):
    a. No open fires.
    b. No firewood cutting or gathering.
    c. No overnight public camping.

d. Open to hunting in season. Legal weapons restricted to shotguns shooting shot and bow and arrow.

15. Lamar Haines Wildlife Area (located in Unit 7):
    a. No firewood cutting or gathering.
    b. No overnight public camping.
    c. No motorized vehicles.
    d. Open to hunting in season.
16. Luna Lake Wildlife Area (located in Unit 1):
    a. Posted portions closed to public entry from April 1 to July 31 annually.
    b. Open to hunting in season, except closed to hunting from April 1 to July 31 annually.
17. 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, on designated trails, or in designated areas only.
    d. Posted portions closed to public entry from November 15 to February 15 annually.
    e. Open to hunting in season, except posted portions closed to hunting from November 15 to February 15 annually.
18. 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, on designated trails, or in designated areas only.
    e. Open to hunting in season.
19. Quigley Wildlife Area (located in Unit 41):
    a. No open fires.
    b. No overnight public camping.
    c. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
    d. Posted portions closed to public entry from September 1 to March 31 annually.
    e. Open to hunting in season, except posted portions closed to hunting from September 1 to March 31 annually.
20. Raymond Ranch Wildlife Area (located in Unit 5B):
    a. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
    b. Open to hunting in season.
21. 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, on designated trails, or in designated areas only from one hour before sunrise to one hour after sunset daily.
    e. Parking in designated areas only.
    f. Target or claybird shooting permitted in designated areas only.
    g. Posted portions around Department housing closed to discharge of all firearms.
    h. Closed to discharge of centerfire rifled firearms.
    i. Open to hunting in season.
22. Roosevelt Lake Wildlife Area (located in Units 22, 23, and 24B):
    a. Posted portions closed to public entry from November 15 to February 15 annually.
    b. Open to hunting in season, except posted portions closed to hunting from November 15 to February 15 annually.
23. Santa Rita Wildlife Area (located in Unit 34A)
    a. Motorized vehicle travel permitted on designated roads as permitted by R12-5-533(D).
    b. Open to all hunting as permitted by R12-4-304 and R12-4-318, except that the take of wildlife with firearms is prohibited from March 1 to August 31.
    c. All other uses of state land will be according to the provisions of the Arizona State Land Department's Recreational Permit.
24. 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 only, except as permitted by R12-4-110(G).
    e. Posted portions around Department housing closed to discharge of all firearms.
    f. Open to hunting in season.
25. Springerville Marsh Wildlife Area (located in Unit 2B):
    a. No open fires.
    b. No firewood cutting or gathering.
    c. No overnight public camping.
    d. Closed to discharge of all firearms.
    e. Closed to hunting.
26. Sunflower Flat Wildlife Area (located in Unit 8):
    a. No overnight public camping.
    b. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
    c. Open to hunting in season.
27. Three Bar Wildlife Area (located in Unit 22):
    a. Portions within the fenced enclosure inside the loop formed by Tonto National Forest Road 647 closed to public entry.
    b. Open to hunting in season, except portions within the fenced enclosure inside the loop formed by Tonto National Forest Road 647 closed to hunting.
28. Tucson Mountain Wildlife Area (located in Unit 37M):
    a. Closed to discharge of all firearms.
    b. Open to hunting in season with bow and arrow only.
    c. Archery deer and archery javelina hunters must check in with the Arizona Game and Fish Tucson Regional Office prior to going afield.
29. Upper Verde River Wildlife Area (located in Unit 19A):
    a. No firewood cutting or gathering.

b. Overnight public camping allowed in designated areas only.
c. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
d. Open to hunting in season.
e. Closed to discharge of firearms within ¼ mile radius of visitor parking area.

30. 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 only, except as permitted by R12-4-110(G).
e. Posted portions closed to discharge of all firearms.
f. Open to hunting in season.

31. 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 only, except as permitted by R12-4-110(G).
d. Posted portions closed to public entry.
e. Open to hunting in season.

32. 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, on designated trails, or in designated areas only.
d. Closed to discharge of centerfire rifled firearms.
e. Posted portions closed to public entry from October 15 to March 15 annually.
f. Open to hunting in season, except posted portions closed to hunting from October 15 through March 15 annually.

33. Willcox Playa Wildlife Area (located in Unit 30A):
a. Open fires allowed in designated sites 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, on designated trails, or in designated areas only.
e. Posted portions closed to public entry from October 15 through March 15 annually.
f. Open to hunting in season, except posted portions closed to hunting from October 15 through March 15 annually.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. § 17-231(B)(2)

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).

R12-4-803. Wildlife Area Boundary Descriptions

Wildlife Areas are described as follows:

1. Alamo Wildlife Area: The Alamo Wildlife Area shall be those areas described as:

T10N, R13W
Section 1, W½NW¼, NW¼SW¼;
Section 2 and Section 3;
Section 4, E½SW¼, SE¼;
Section 9, NE¼, E½NW¼;
Section 10, N½NW¼, NW¼NE¼.

T11N, R11W
Section 7, S½SW¼;
Section 18, N½NW¼.

T11N, R12W
Section 4, Lots 2, 3 and 4, SW¼NE¼, S½NW¼, SW¼, W½SE¼;
Section 5, Lot 1, SE¼NE¼, E½SE¼;
Section 7, S½, SE¼NE¼;
Section 8, NE¼, S½NW¼, S½;
Section 9;
Section 10, S½NW¼, S½;
Section 11, S½S½;
Section 12, S½S½;
Section 13, N½, N½SW¼, NW¼SE¼;
Section 14, N½, E½SE¼;
Section 15, N½, SW¼SW¼, SW¼SE¼;
Section 16, 17, 18 and 19;
Section 20, N½, N½SW¼;
Section 21, NW¼;
Section 29, SW¼, SW¼SE¼;
Section 30;
Section 31, N½, N½S½;
Section 32, NW¼, N½SW¼.

T11N, R13W
Section 12, SE¼SW¼, SW¼SE¼, E½SE¼;
Section 13;
Section 14, S½NE¼, SE¼SW¼, SE¼;
Section 22, S½SW¼, SE¼;
Section 23, E½, E½NW¼, SW¼NW¼, SW¼;
Section 24, 25 and 26;
Section 27, E½, E½W½;
Section 34, E½, E½NW¼, SW¼;
Sections 35 and 36.

T12N, R12W
Section 19, E½, SE¼SW¼;
Section 20, NW¼NW¼, SW¼SW¼;
Section 28, W½SW¼;
Section 29, W½NW¼, S½, SE¼NW¼;
Section 30, E½, E½NW¼, NE¼SW¼;
Section 31, NE¼NE¼;
Section 32, N½, N½SE¼, SE¼SE¼;
Section 33, W½E½, W½.

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:
   T10N, R22E
   Section 32, SE¼;
   Section 33, S½SW¼.
   T11N, R22E
   Section 4, N½NW¼.
   T10N, R22E
   Section 4: the posted portion of the NW¼SW¼.
   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, E½SE¼.
   T2S, R5W
   Section 3, W½W½;
   Section 4, E½;
   Section 9, E½, SW¼;
   Section 15, those portions of S½N½ and NW½SW¼ lying west of the primary through road;
   Section 16;
   Section 21, E½, E½SW¼, SE¼NW¼.
   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, and 8, and NE¼SW¼.
   T1N, R1W
   Section 34, N½SE¼;
   Section 35, S½;
   Section 36, S½N½SE¼.
   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, SE¼SW¼;
   Section 20, SW¼SW¼, W½NW¼, and NW¼SW¼;
   Section 29, E½NE¼;
   Section 30, NE¼SE¼;
   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 Hustead 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 ¾ 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

Sections 9 and 10.

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 ¼ 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 that area lying in the NE¼ Section 26, and E½ of Section 23, all in T18N, R17E, G&SRB&M, Navajo County, Arizona, consisting of approximately 668 acres.
10. Clarence May and C.M.H. May Memorial Wildlife Area: Clarence May and C.M.H. May Memorial Wildlife Area shall be the SE¼ of Section 8 and N½NE¼ of Section 17, Township 17 South, Range 31 East, and the W½SE¼, S½NW¼, SW¼ of Section 9, T17S, R31E, G&SRB&M, Cochise County, Arizona, consisting of approximately 560 acres.
11. 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.
12. 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.
13. 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 SW¼SW¼ of Section 16, T34N, R4E; thence meandering northerly along the west side of the Cockscomb to the bottom of North Canyon in the SE¼ 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.

14. Jacques Marsh Wildlife Area: The Jacques Marsh Wildlife Area is that area within the fenced and posted portions of the SE¼SW¼, NE¼SW¼, NE¼SW¼SW¼, NW¼SW¼, N½NW¼SE¼, SW¼SW¼NE¼, S½SE¼NW¼, SE¼SE¼NW¼, Section 11; and N½NE¼NW¼ Section 14; T9N, R22E, G&SRB&M, Navajo County, Arizona.
15. Lamar Haines Wildlife Area: The Lamar Haines Wildlife Area is that area described as: T22N, R6E, Section 12 NW¼, 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.
16. 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 N½, G&SRB&M, Apache County, Arizona.
17. Mittry Lake Wildlife Area: The Mittry Lake Wildlife Area shall be those areas described as:

T6S, R21W

Section 31: All of Lots 1, 2, 3, 4, E½W½, and that portion of E½ lying westerly of Gila Gravity Main Canal Right-of-Way.

T7S, R21W

Section 5: that portion of SW¼SW¼ 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, S½NE¼, SE¼ lying westerly of Gila Gravity Main Canal R/W;

Section 7: all of Lots 1, 2, 3, 4, E½W½, S½E½, and that portion of E½E½ lying westerly of Gila Gravity Main Canal R/W;

Section 8: that portion of W½W½ lying westerly of Gila Gravity Main Canal R/W;

Section 18: all of Lots 1, 2, 3, E½NW¼, and that portion of Lot 4, NE¼, E½SW¼, NW¼SE¼ 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, SE¼SE¼;

Section 13: all of Lots 1, 2, 3, 4, 5, 6, 7, 8, NE¼, N½SE¼, and that portion of S½SE¼ lying northerly of Gila Gravity Main Canal R/W, all in G&SRB&M, Yuma County, Arizona.

18. Powers Butte (Mumme Farm) Wildlife Area: The Powers Butte Wildlife Area shall be that area described as:

T1S, R5W

Section 25, N½SW¼, SW¼SW¼;

Section 26, S½;

Section 27, E½SE¼;

Section 34.

T2S, R5W

Section 3, E½W½, W½SE¼, NE¼SE¼, NE¼;

Section 10, NW¼, NW¼NE¼;

Section 15, SE¼SW¼;

Section 22, E½NW¼, NW¼NW¼.

All in G&SRB&M, Maricopa County, Arizona.

19. Quigley Wildlife Area: The Quigley Wildlife Area shall be those areas described as:

T8S, R17W

Section 13, W½SE¼, SW¼NE¼, 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 1/16 line of said Section 13; thence North 89°17'36" East along said north 1/16 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, SE¼NE¼, and a portion of land in the NE¼NE¼ 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 NE¼NE¼ 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, NW¼, N½SW¼, W½NE¼ all in G&SRB&M, Yuma County, Arizona.

20. Raymond Ranch Wildlife Area: The Raymond Ranch Wildlife Area is that area described as: All of Sections 24, 25, 26, 34, 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 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.
21. Robbins Butte Wildlife Area: The Robbins Butte Wildlife Area shall be those areas described as:

T1S, R3W

Section 17, S½NE¼, SE¼, NW¼SW¼;

Section 18, Lots 3, 4, and E½SW¼, S½NE¼, W½SE¼, NE¼SE¼.

T1S, R4W

Section 13, all EXCEPT that portion of W½SW¼SW¼ lying west of State Route 85;

Section 14, all EXCEPT the W½NW¼ and that portion of the SW¼ lying north of the Arlington Canal;

Section 19, S½SE¼;

Section 20, S½S½, NE¼SE¼;

Section 21, S½, S½NE¼, SE¼NW¼;

Section 22, all EXCEPT for NW¼NW¼;

Section 23;

Section 24, that portion of SW¼, W½SW¼NW¼ lying west of State Route 85;

Section 25, that portion of the NW¼NW¼ lying west of State Route 85;

Section 26, NW¼, W½NE¼, NE¼NE¼;

Section 27, N½, SW¼;

Section 28;

Section 29, N½N½, SE¼NE¼;

Section 30, Lots 1,2, and E½NW¼, NE¼, SE¼SE¼.

All in G&SRB&M, Maricopa County, Arizona.

22. 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.
23. 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.
24. Sipe White Mountain Wildlife Area: The Sipe White Mountain Wildlife Area shall be those areas described as:

T7N, R29E

Section 1, SE¼, SE¼NE¼, S½NE¼NE¼, SE¼SW¼NE¼, NE¼SE¼SW¼, and the SE¼NE¼SW¼.

T7N, R30E

Section 5, W½W½SE¼SW¼, and the SW¼SW¼;

Section 6, Lots 1, 2, 3, 7 and 8, SW¼NW¼NW¼, SW¼NW¼, S½NW¼NE¼SE¼, S½NE¼SE¼, S½NE¼SE¼, N½SE¼SE¼, E½SE¼SE¼SE¼, SW¼SE¼ and the SE¼SW¼;

Section 7, Parcel 10: Lots 1 and 2, E½NW¼, E½E½NE¼NE¼, W½SW¼NE¼, NW¼SE¼, W½NE¼SE¼, NE¼SW¼, E½NW¼SW¼, and the NW¼NE¼;

Section 8, NW¼NW¼, and the W½W½NE¼NW¼.

T8N, R30E

Section 31, SE¼NE¼, SE¼, and the SE¼SW¼, all in G&SRB&M, Apache County, Arizona.

25. Springerville Marsh Wildlife Area: The Springerville Marsh Wildlife Area shall be those areas described as: S½ SE¼ Section 27 and N½ NE¼ Section 34, T9N, R29E, G&SRB&M, Apache County, Arizona.
26. Sunflower Flat Wildlife Area: The Sunflower Flat Wildlife Area shall be those areas described as:

T20N, R3E

Section 11, NE¼SE¼, N½NW¼SE¼, SE¼NW¼SE¼, NE¼SE¼SE¼, W½SE¼NE¼, S½SE¼SE¼NE¼, E½SW¼NE¼;

Section 12, NW¼SW¼SW¼, NW¼NE¼SW¼SW¼, SW¼NW¼SW¼, S½NW¼NW¼SW¼, W½SE¼NW¼SW¼, SW¼NE¼NW¼ SW¼ all in the G&SRB&M, Coconino County, Arizona.

27. 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 ½ 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.
28. 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.
29. Upper Verde River Wildlife Area: The Upper Verde River Wildlife Area consists of four parcels totaling approximately 796 acres located eight

miles north of Chino Valley in Yavapai County, Arizona, along the upper Verde River and lower Granite Creek described as:

a. Sullivan Lake Parcel: Located immediately downstream of Sullivan Lake, the headwaters of the Verde River: the NE¼NE¼ lying east of the California, Arizona, and Santa Fe Railway Company right-of-way in Section 15, T17N, R2W; and also the NW¼NE¼ of sec. 15 consisting of approximately 80 acres.

b. Granite Creek Parcel: Includes one mile of Granite Creek to its confluence with the Verde River: The SE¼SE¼ of Section 11; the NW¼SW¼ and SW¼NW¼ of Section 13; the E½NE¼ of Section 14; all in T17N, R1W consisting of approximately 239 acres.

c. Campbell Place Parcel: Tracts 40 and 41 in Section 7, T17N, R1W and Section 12, T17N, R2W consisting of approximately 315 acres.

d. Tract 39 Parcel: The east half of Tract 39 within the Prescott National Forest boundary, SE¼SW¼ and SW¼SE¼ of Section 5, T18N, R1W; and the W½ of Tract 39 outside the Forest boundary, SW¼SW¼ of Section 5 and NW¼NW¼ of Section 8, T18N, R1W consisting of approximately 163 acres.

30. Wenima Wildlife Area: The Wenima Wildlife Area shall be those areas described as:

T9N, R29E

Section 5, SE¼ SW¼, and SW¼ SE¼ EXCEPT E½ E½ SW¼ SE¼

Section 8, NE¼ NW¼, and NW¼ NE¼

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.

31. 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.

32. White Water Draw Wildlife Area: The White Water Draw Wildlife Area shall be those areas described as:

T21S, R26E

Section 19, S½ SE¼

Section 29, W½ NE¼, and E½ NE¼

Section 30, N½ NE¼

Section 32

T22S, R26E

Section 4, Lots 3 and 4

T22S, R26E

Section 5, Lots 1 to 4, EXCEPT an undivided ½ interest in all minerals, oil, and/or gas as reserved in Deed recorded in Docket 209, page 117, records of Cochise County, Arizona.

33. 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 ¼ corner of Section 10; thence South 89°47'15" West 2578.59 feet to the center ¼ corner of Section 10; thence, North 1°45'24" East 2647.85 feet to the center ¼ corner of Section 3; thence, North 1°02'42" West 2647.58 feet to the center 1f4 corner of said Section 3; thence North 89°41'37" East to the common ¼ 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 89D°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.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. § 17-231(B)(2)

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).

R12-4-804. Public Solicitation or Event on Department Property

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

1. "Applicant" means a person who makes application to the Department to conduct a solicitation or event on Department property;
2. "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 (if applicable), auto, real, and personal property liability coverage determined by the Director as adequate for the solicitation or event activities;
3. "Department" means the Arizona Game and Fish Department;
4. "Department property" means those buildings or grounds under the jurisdiction of the Arizona Game and Fish Commission;
5. "Director" means the Director of the Arizona Game and Fish Department or the Director's designated agent;
6. "Person" has the meaning set forth in A.R.S. § 1-215;
7. "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. The distribution or posting of advertising, handbills, leaflets, circulars, posters, or other printed materials for these purposes constitutes solicitation;
8. "Solicitation material" means advertising, circulars, flyers, handbills, leaflets, posters, or other printed information;
9. "Solicitor" means the person or persons conducting a solicitation;
10. "Work site" means any location on Department property where employees conduct the daily business of the Department. Eating areas and break rooms are work sites.

B. All Department property is designated as a non-public forum and shall be closed to solicitation and events unless permitted by the Director.

C. Hours of use for Department property shall be as designated by facility.

D. A person who would like to conduct a solicitation or event on Department property shall apply for a permit by completing and filing, either in person or by mail, a Department approved solicitation or event application form, available from all Department offices. An applicant shall submit a completed application form for a solicitation or event to either a Regional Department office or to Department Headquarters, Director's Office, at 2221 W. Greenway Rd., Phoenix, AZ 85023, whichever is appropriate for the solicitation or event venue. To allow for the Department to review the application and the applicant to comply with permit requirements, an applicant shall submit an application at least 14 days prior to the scheduled date of the solicitation or event for all solicitations other than the posting of advertising, handbills, leaflets, circulars, posters, or other printed materials. An applicant shall submit an application at least 10 days prior to the scheduled date of a solicitation or event for the posting of advertising, handbills, leaflets, circulars, posters, or other printed materials. The Director shall approve or deny an application within 10 business days of the receipt of the completed application.

E. A completed solicitation or event application is one that is submitted on a Department form specified in subsection (D), and one that is legible and contains, at a minimum, all of the following information:

1. The name, address, and telephone number of the applicant;
2. Applicant's e-mail address, if available;
3. A contact person, if the applicant is an organization;
4. The proposed date of the solicitation or event and the starting and approximate concluding times;
5. The specific, proposed location for the solicitation or event;
6. A general description of the solicitation or event's purpose;
7. Anticipated number of attendees, if applicable;
8. Amount of fees, if any, that attendees will be charged;
9. A detailed description of any activity that will occur at the solicitation or event, including a detailed layout of the solicitation or event and any props that will be used (for example, tents, tables, etc.);
10. Copies of any solicitation materials to be distributed to the public or posted on Department property.

F. The Department shall ensure that an application for a solicitation or event on Department property includes provisions to protect the state from liability due to the solicitation or event. The Department

shall also ensure that an application includes provisions to protect the Department from costs due to the solicitation or event, solicitation or event cleanup, or solicitation or event damage repair. The Department shall inspect the solicitation or event site at the conclusion of activities and document any damage or cleanup costs incurred as a result of the solicitation or event. The Department shall hold an applicant responsible for any cleanup or damage costs associated with the solicitation or event.

G. A solicitation or event is not considered scheduled or approved until the applicant is notified in writing by the Department.

H. A solicitation or event permit shall not be issued earlier than six months prior to the solicitation or event.

I. The Department reserves the right at all times to immediately remove, or cause to be removed, any and all items of the solicitation or event that would damage state property, inhibit egress, or pose safety issues. The Department also reserves the right to immediately remove, or cause to be removed, any and all solicitors or event organizers or attendees who are found to be damaging state property, inhibiting egress, or posing safety issues.

J. The Director may take one or more of the following actions to the extent it is necessary and in the best interests of the state:

1. Impose additional conditions not specified in this Section on the conduct of the solicitation or event in the permit;
2. Require the applicant to post a deposit against damage and cleanup expense;
3. Require the applicant to carry adequate liability insurance and provide a certificate of insurance; and
4. Require the applicant to provide medical support, sanitary services (including toilets), and security.

K. The Director may consider the following criteria to determine whether one or more of the actions in subsection (J) is necessary and in the best interests 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.

L. 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.

M. If the Director requires insurance for a solicitation or event, the applicant shall list the state of Arizona and the Arizona Game and Fish Department as additional insured entities.

N. The applicant is liable to the Department for any damage done to Department property and for any expense arising out of the solicitor's or event organizer's use of Department property.

O. The Director shall deny an application for one or more 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 events or solicitations for which applications have been approved or are pending;
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; and
5. The applicant has not complied with the requirements of the application process or this Section.

P. When the Director denies an application, the Department shall send the applicant a written notice explaining:

1. The reason for denial;
2. The applicant's right to seek a hearing under A.R.S. § 41-1092 et seq., to appeal the denial; and
3. The time periods for appealing the denial.

Q. The Director 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. When the Director revokes a permit, the Department shall send the applicant written notice explaining the reason for revocation.

R. An applicant who is denied a solicitation or event permit, or whose solicitation or event permit is revoked, may appeal to the Commission as provided under A.R.S. § 41-1092, et seq.

S. A person shall not conduct partisan political activity on Department property or in Department work sites.

T. A person shall not post solicitation material on Department property without obtaining a permit from the Department. Solicitation material shall be posted only in designated posting areas.

U. A solicitor or event organizer bringing a vehicle onto Department property shall only park in designated parking areas.

V. A solicitor or event organizer on Department property shall follow all posted requirements and restrictions and shall designate one monitor for every 50 persons expected to be in attendance at a solicitation or event. The monitor shall act as a contact person for the Department for the purposes of the solicitation or event.

W. A solicitor or event organizer shall ensure that all safety standards, guidelines, and requirements are followed when conducting a solicitation or event on Department property. The solicitor or event organizer shall implement additional safety requirements upon request by the Department. If an applicant fails to comply with a safety requirement or request from the Department, the Department shall cancel or terminate the solicitation or event. At a minimum, a solicitor or event organizer shall comply with the following safety requirements:

1. All activities shall be performed in compliance with federal, state, and local laws, ordinances, statues, rules, and regulations, including those of OSHA;

2. Layout of the solicitation or event shall ensure that emergency vehicles will have access at all times;
3. An applicant shall allow the Department to make periodic safety checks throughout the solicitation or event;
4. Obstructions and hazards shall be eliminated;
5. Trash and waste disposal is required throughout the solicitation or event.

X. A solicitor or event organizer shall ensure that a solicitation or event on Department property causes a minimum amount of degradation of Department property and a minimum infringement of use to the general public and government operation. A solicitor or event organizer shall modify or terminate a solicitation or event, upon request by the Department, if the solicitation or event is found to exceed acceptable limits of degradation or infringement on Department property.

Y. An applicant shall not allow solicitors or event organizers or attendees to bring alcoholic beverages onto the solicitation or event site.

Z. An applicant shall be responsible for furnishing all necessary labor, material, and equipment for a solicitation or event.

AA. This Section does not apply to government agencies.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. § 17-231(A)(1)

Historical Note

New Section made by exempt rulemaking at 9 A.A.R. 1424, effective June 14, 2003 (Supp. 03-2).

ARTICLE 9. ARIZONA WILDLIFE CONSERVATION FUND GRANTS

R12-4-901. Definitions

In addition to the definitions provided in A.R.S. §§ 17-101 and 41-2701, the following definitions apply to this Article:

1. "Administrative subunit" means a branch, chapter, department, division, section, school, or other similar divisional entity of an eligible applicant that has a representative. For example, an individual school, but not an entire school district; an individual field office or project office, but not an entire agency; or an individual administrative department, but not an entire city government.
2. "Application" means an eligible applicant's written request for a grant.
3. "Arizona Wildlife Conservation Fund prioritization" means the granting priorities, prescribed by the Commission, based upon the Department mission statement, strategic plans, and current guiding statements that define the Department's priorities, to the extent that these priorities are consistent with A.R.S. § 17-299.
4. "Commission" means the state Game and Fish Commission.
5. "Department" means the state Game and Fish Department.
6. "Eligible applicant" means any state agency, political subdivision, Indian tribe, or non-profit organization exempt from federal income taxation under Section 501(c) of the Internal Revenue Code that has met the requirements of this Article and not obtained an extension of the project period under R12-4-905(6).
7. "Facilities" means capital improvements.
8. "Fund" means the Arizona Wildlife Conservation Fund, established by A.R.S. § 17-299.
9. "Grant agreement" means the document that memorializes terms and conditions of a grant project that are binding on the participant and the Department.
10. "Grant effective date" means the date the Director of the Department signs the grant agreement.
11. "Participant" means an eligible applicant that has been awarded a grant from the fund.
12. "Pre-agreement costs" means costs identified within the scope of work and incurred by an applicant before an application is submitted.
13. "Project" means an activity, series of related activities, or services that are described in the scope of work and result in a specific end product.
14. "Project period" means the time during which a participant shall accomplish all approved work and related expenditures associated with an approved project.
15. "Representative" means an individual who is authorized to represent an eligible applicant or an administrative subunit and is responsible for administering a project.
16. "Scope of work" means the written description or units of work to be accomplished during the project period.

Authorizing Statute
General: A.R.S. § 17-201
Specific: A.R.S. § 41-1005(A)(1)

Historical Note

New Section made by final rulemaking at 11 A.A.R. 1109, effective April 30, 2005 (05-1).

R12-4-902. General Provisions

A. The Department shall receive grant applications according to a schedule of due dates determined by the Director. The Director shall ensure that the schedule complies with A.R.S. Title 41, Chapter 24, Article 1. The Department shall provide public notice of the time, location, and due date for application submission. After providing public notice, the Department shall furnish materials necessary to complete the application.

B. Any state agency, political subdivision, Indian tribe, or non-profit organization exempt from federal income taxation under Section 501(c) of the Internal Revenue Code may apply for a grant from the fund in accordance with A.R.S. § 17-299 and this Article.

C. A participant shall not begin a project until after the grant effective date. A participant shall complete the project as specified under the terms and conditions of the grant agreement.

D. The Department shall announce grant awards 30 days after the Commission reviews and acts on the Department's recommendations at a regularly scheduled public meeting, and notify each applicant of the result.

E. An applicant shall demonstrate control of land or waters where projects are to be completed by providing documentation of a fee title, lease, easement, land use agreement, or similar evidence of control for the purposes of conservation enhancement, restoration, or public access that is sufficient to meet the terms and conditions in the grant agreement, and complies with A.R.S. § 17-299(C). The Department shall determine whether or not similar evidence of control and tenure of land or waters that the applicant submits with an application is sufficient during the grant application review process.

F. In accordance with A.R.S. § 17-299, a non-profit participant shall provide evidence of reasonable public access to any land that is wholly or partly purchased with grant monies.

G. A participant shall operate and maintain properties, facilities, equipment, and services funded by a grant for the benefit of the public as required under A.R.S. § 17-299 and the terms and conditions of the grant agreement.

H. A participant shall provide public acknowledgment of the Arizona Wildlife Conservation Fund for the life of a project. 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 that describes the Fund at the project site. The participant may include the cost of the sign as part of the project, but shall pay for maintenance or replacement of the sign through non-grant monies, if necessary. For other project types, a participant shall provide a substantially similar form of Fund acknowledgement.

I. A participant shall not use grant monies to replace monies already budgeted for the project. The Department shall review each application to ensure that grant monies for proposed projects will not replace existing monies from another source.

J. The Department has the authority to require an eligible applicant or a participant to provide evidence of compliance with local, state, and federal laws that are applicable to a project before the release of grant monies or project implementation.

K. In accordance with A.R.S. Title 41, Chapter 24, an unsuccessful applicant may submit an appeal.

L. An applicant that does not 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.

M. 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 grant monies until the project is completed.

N. If applicable, an applicant shall comply with A.R.S. Title 41, Chapter 4.2 (Historic Preservation), and provide evidence to the Department that the applicant has satisfied all the necessary requirements of these statutes.

Authorizing Statute
General: A.R.S. § 17-201
Specific: A.R.S. § 41-1005(A)(1)

Historical Note

New Section made by final rulemaking at 11 A.A.R. 1109, effective April 30, 2005 (05-1).

R12-4-903. 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 and the project's costs, benefits, feasibility, relative merit, and usefulness, to the extent that these priorities and factors are consistent with A.R.S. § 17-299. The Department shall evaluate and rank all proposals using the criteria established in this subsection and A.R.S. § 17-299.

B. If applicable, the Department shall make funding of an awarded project contingent upon revision of the application if the Department determines that substantive changes are 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.

Authorizing Statute
General: A.R.S. § 17-201
Specific: A.R.S. § 41-1005(A)(1)

Historical Note

New Section made by final rulemaking at 11 A.A.R. 1109, effective April 30, 2005 (05-1).

R12-4-904. Grant Applications

A. To be eligible for a grant, an applicant shall submit a grant application in accordance with the schedule described in R12-4-902.

B. An applicant shall submit an original and one copy of each application.

C. The Department does not accept facsimile or "faxed" copies of a grant application.

D. An applicant shall provide the following information on the grant application form:

1. The name of the applicant;
2. The name, title, mailing address, and telephone number of the applicant's representative;
3. If subsection (D)(2) does not apply, provide the name, title, address, and telephone number of the individual who will have the day-to-day responsibility for the proposed project;
4. Any county and legislative district where the project will be developed or upon which the project will have a direct impact;
5. A descriptive project title;
6. The name of the site, primary location, and any other locations of the project;
7. A clear and concise description of the scope of work and the objective of the proposed project; the nature of the project; the methods for achieving the objective; and the desired result of the project;

8. A map that clearly identifies the project location, locations, or area and if applicable, a site plan and floor plan;
9. The beginning and ending dates for the project; and
10. 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.

E. If the applicant is a non-profit 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.

F. An applicant or the applicant's representative shall provide documentation to the Department of the representative's authority to execute a grant agreement.

G. An applicant shall provide evidence of control and tenure of the project site with the application by submitting the following information:
1. If applicable, evidence that legal and reasonable physical access to the subject property or lands exists;
2. If the project site is owned by the applicant, a copy of all documents showing title in the name of the applicant and the legal description of the property;
3. If the project site will be managed by the applicant, a copy of the lease, special use permit, intergovernmental agreement, or other official instrument or documentation; or
4. For project proposals that relate to sites not directly controlled by the applicant, a copy of the permit or agreement that allows the project or evidence of permission for public access from the land owner or manager.

H. An applicant shall submit an estimated cost sheet for the scope of work that contains the following information:
1. Project title, as designated on the application form;
2. If applicable, pre-agreement costs to be used as a match. These costs are only to be applied as matching dollars and not to be considered for funding under the grant;
3. If applicable, all estimated costs for the scope of work, including an itemized list of work projects with a separate description of the costs of work that are necessary to achieve the desired result, the costs of secondary activities, and the total cost;
4. If applicable, a list of all land parcels to be acquired, in priority order, with the acreage involved and anticipated dates of acquisition;
5. The hourly rate, title, and name of personnel who will accomplish the project objectives; and
6. 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.

I. As part of the application process, an applicant shall answer all questions relevant to the grant and to the Arizona Wildlife Conservation Fund prioritization.

Authorizing Statute
General: A.R.S. § 17-201
Specific: A.R.S. § 41-1005(A)(1)

Historical Note

New Section made by final rulemaking at 11 A.A.R. 1109, effective April 30, 2005 (05-1).

R12-4-905. Grant Agreements

Before the Department will transfer any monies, a participant shall sign a grant agreement that includes the following terms and conditions:
1. A participant shall use awarded grant monies solely for the purposes defined in A.R.S. § 17-299, as approved by the Department. The participant shall not exceed the grant allocation unless the parties amend the grant agreement.
2. The Department shall transfer awarded grant monies, less 10 percent, to the participant within one year of the grant effective date. The Department shall transfer the remaining 10 percent, less any adjustment for actual expenditures, upon receipt of a written request and a certification of project completion from the participant, unless the participant violates state law or the grant agreement.
3. The Department has the authority, under the grant agreement, to perform completion inspections and reviews of an awarded project or projects before release of final payment.
4. A participant shall deposit transferred grant monies into a bank account for each project, under the name and number of the project. The participant shall expend monies and interest from the account only as authorized under the terms of the grant agreement. The participant shall maintain a list of itemized expenditures.
5. A participant shall submit project status reports, as required by R12-4-906. The Department shall not make any grant payment until the participant has submitted all past due project status reports.
6. If both parties agree, the Department and the participant may amend the grant agreement. During the project period, the participant may submit a written request and justification to amend the agreement.
7. The Department shall prepare any approved amendment in writing, and both the Department and the participant shall sign the amendment. An amendment that lacks a required signature is invalid.
8. Notwithstanding subsection (6), the Department has the authority to extend the project period for good cause.
9. Upon completion of the awarded project, a participant shall return to the Department any unused monies. The participant may make a written request that the Department award the unused monies for an additional project that is consistent with the original scope of work.
10. If a participant violates state or federal law or the grant agreement, the Department shall seek recovery of all monies awarded and classify the

participant as ineligible for grant monies for a period that does not exceed five years.

11. If applicable, a participant shall operate and maintain grant-assisted capital improvements, provide reasonable protection of any project improvements, and ensure that reasonable public access is maintained as specified in the grant agreement.
12. If a participant contracts with a third party or subcontractor, the participant is responsible for compliance with the grant agreement provisions if the third party or subcontractor defaults or violates any terms or conditions of the grant agreement.
13. The project period is two years from the grant effective date unless otherwise agreed upon by the Department and the participant.
14. A participant shall use equipment purchased with grant funds in a manner consistent with the purposes of the grant agreement, for the useful life of the equipment, or surrender the equipment to the Department upon completion of the project if the equipment has an acquisition cost of more than $500. If the equipment is sold, the participant shall pay to the Department the amount of any proceeds according to a ratio equivalent to the Department's share of funds provided for the purchase.
15. A participant shall ensure that the value of 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 has evidence that the participant's appraised value of the real property is not accurate.
16. Notwithstanding subsection (3), the Department has the authority to conduct inspections to ensure compliance with all terms and conditions of the grant agreement.
17. The Department has the authority to inspect or audit participant and subcontractor records based on verified complaints or evidence that indicates the need for an inspection or audit. 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.
18. A participant shall not use grant monies for the purpose of generating income. If the participant generates income from a project, the participant shall use the money to pay costs of the project.

Authorizing Statute
General: A.R.S. § 17-201
Specific: A.R.S. § 41-1005(A)(1)

Historical Note

New Section made by final rulemaking at 11 A.A.R. 1109, effective April 30, 2005 (05-1).

R12-4-906. Reporting and Recordkeeping Requirements

A. A participant shall submit biannual project status reports to the Department that describe ongoing and completed activities for the project period, unless another method of reporting is specified in the grant agreement. The participant shall include in the biannual report the following:

1. Progress towards completing approved work;
2. An itemized, cumulative project expenditure sheet;
3. Any anticipated delays or other problems that may prevent on-time completion of the project; and
4. Any additional information from the participant that the Department has the authority to request in accordance with the grant agreement.

B. Each participant shall retain and 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 after completion of the contract.

Authorizing Statute
General: A.R.S. § 17-201
Specific: A.R.S. § 41-1005(A)(1)

Historical Note

New Section made by final rulemaking at 11 A.A.R. 1109, effective April 30, 2005 (05-1).

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