

ARIZONA GAME AND FISH DEPARTMENT
SUBSTANTIVE POLICY STATEMENT
SP.003 - A2.2



A2.2 Leasing of Commission Lands

This substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona administrative procedure act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under Arizona Revised Statutes section 41-1033 for a review of the statement.

Section 17-241(B) A.R.S. states "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."

All Commission owned lands are subject to lease for rights-of-way, agricultural, commercial, recreational, or other purposes, which are not inconsistent with Commission rules, regulations, orders, policies or programs. Leases shall be granted according to law and to rules and regulations of the Commission.

All leases for commercial or agricultural purposes shall be for a term of not more than ten years and shall be by sealed bid after public advertisement. The Commission reserves the right to reject all bids.

Leases which may be classified into more than one category will be presented to the Commission in advance of the effective lease or renewal date, to allow the Commission to advise the Department on the desired method of handling said lease.

All leases for public rights-of-way, utilities or other public purposes may be without advertising.

No lease shall be granted as provided by this policy without application therefor. All applications for leases shall be by letter and shall be signed by the applicant or his authorized agent or attorney and filed with the Commission.

No lessee shall use lands leased to him except for the purpose for which the lands are leased.

No lessee shall sublease lands leased to him without written permission of the Commission.

Leases of Commission land shall expressly except and reserve to the State all oils, gases, coal, ores, minerals, fertilizers and fossils of every kind which may be in or upon the land leased.

An agricultural or commercial lease shall provide for an annual rental of not less than the appraised rental value of the lands.

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When, in the opinion of the Commission, the granting or execution of a lease will provide special benefits to the Department or enhancement or advantage to wildlife, the Commission may evaluate those benefits in arriving at the fair rental value and may approve and execute a lease which will reflect such benefit, enhancement or advantage.

All original leases shall be approved by the Commission in a public meeting. When leases contain renewal clauses, the Department is authorized to renew the lease, provided the lessee is in compliance with the terms of the original agreement.

Prior to the affixing of signatures, leases shall be reviewed by the Attorney General's office for form and when applicable, for interagency agreement provisions. Leases shall be signed by the Chairman of the Commission, the Director of the Arizona Game and Fish Department and the lessee. Following execution by the parties thereto the leases shall be forwarded to the State Land Commissioner and the Governor for appeal.

Note: Former Commission Policy J2.6, rev. 6/25/82; renumbered to E3.2. 01-01-1991; revised by motion of the Commission on 03-15-1991, and renumbered to A2.2.

This substantive policy is also published in the:
Arizona Game and Fish Department Operating Manual
Section A: Information and Commission Policies
Chapter 2: Commission Policies
Policy 2: Leasing of Commission Lands