

ARTICLE 4. LIVE WILDLIFE

R12-4-406. Restricted Live Wildlife

- A.** For the purposes of this Section, "transgenic species" means any organism that has had genes from another organism put into its genome through direct human manipulation of that genome. Transgenic species do not include natural hybrids nor individuals that have had their chromosome number altered to induce sterility. A transgenic animal is considered wildlife if the animal is an offspring of a wildlife species.
- B.** In addition to any applicable federal license or permit an individual shall possess the appropriate special license listed under R12-4-409(A) or act under a lawful exemption from the requirements of this Article in order to possess wildlife listed under this Section for any activity prohibited under A.R.S. §§ 17-255.02, 17-306, R12-4-402, or R12-4-1102. Exemptions from these requirements are listed under A.R.S. § 17-255.04, R12-4-316, R12-4-404, R12-4-405, R12-4-407, R12-4-425, R12-4-427, and R12-4-430.
- C.** Requirements for the use of wildlife that occurs in the wild in this state and that has been taken alive under the authority of a valid state hunting and fishing license are prescribed in R12-4-404 and R12-4-405.
- D.** Domestic animals, as defined in R12-4-401, are not subject to restrictions under A.R.S. Title 17, this Chapter, or Commission Orders.
- E.** Hybrid wildlife, as defined in R12-4-401, that result from the interbreeding of at least one parent species of wildlife that is listed under this Section are regulated by this Section.
- F.** Unless specified otherwise in this Article, all transgenic species are restricted live wildlife.
- G.** Unless specified otherwise, mammals listed below are restricted live wildlife as defined in R12-4-401. The taxonomic classification from Volumes I and II of Walker's Mammals of the World, Sixth Edition, 1999, and not including any later edition, is the authority in the following designations. A copy is available for inspection at any Department office and from the Johns Hopkins University Press, 2715 N. Charles St., Baltimore, MD 21218-4363.
 - 1. All species of the genus *Didelphis*. Common name: American opossums;
 - 2. All species of the order Insectivora. Common names include: Insectivores, shrews, hedgehogs, tenrecs, 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*, *Phygoctrus*, *Teddyella*, *Rooseveltiella*, and *Pygopristis*;
23. Rudd, the species *Scardinius erythrophthalmus*;
24. Shad, all species of the family Clupeidae except threadfin shad, species *Dorosoma petenense*;
25. Sharks, all species, both marine and freshwater, of the orders Hexanchiformes, Heterodontiformes, Squaliformes, Pristiophoriformes, Squatiniformes, Orectolobiformes, Lamniformes, and Carcharhiniformes, except for all species of the families Hemiscilliidae, Orectolobidae, Brachaeluridae, and Triakidae; genera of the family Scyliorhinidae, including *Aulohalaerulus*, *Halaerulus*, *Haploblepharus*, *Poroderma*, and *Scyliorhinus*; and genera of the family Parascylliidae, including *Cirroscyllium* and *Parascyllium*;
26. Silver carp, the species *Hypophthalmichthys molitrix*;
27. Snakehead, all species of the family Channidae;
28. South American parasitic catfish, all species of the family Trichomycteridae and Cetopsidae;
29. Sunfish, all species of the family Centrarchidae;
30. Temperate basses of the family Moronidae;
31. Tetras, all species of the genus *Astyanax*;
32. Tiger fish, the species *Hoplias malabaricus*;
33. Trout, all species of the family Salmonidae;
34. White amur or grass carp, the species *Ctenopharyngodon idella*;
35. Walking or airbreathing catfish, all species of the family Clariidae; and

36. Walleye, and pike perches, all species of the family Percida.

L. Crustaceans listed below are restricted live wildlife as defined in R12-4-401.

1. Asiatic mitten crab, the species *Eriocheir sinensis*; and
2. Australian crayfish and all freshwater species within the families Astacidae, Cambaridae, and Parastacidae.

M. Mollusks listed below are restricted live wildlife as defined in R12-4-401:

1. Asian clam, the species *Corbicula fluminea*;
2. New Zealand mud snail, the species *Potamopyrgus antipodarum*;
3. Quagga mussel, the species *Dreissena bugensis*;
4. Rosy wolfsnail, the species *Euglandina rosea*; and
5. Zebra mussel, the species *Dreissena polymorpha*.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. §§ 17-231(A)(2), 17-231(B)(8), and 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). Amended by final rulemaking at 18 A.A.R. ###, effective January 10, 2012.

ARTICLE 5. BOATING AND WATERSPORTS

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

Authorizing Statute

General: A.R.S. §§ 5-302 and 5-311(A)(1)

Specific: A.R.S. §§ 5-311(A)(5), 5-311(A)(6), 5-336(C), and 5-350(G)

Historical Note

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

ARTICLE 11. AQUATIC INVASIVE SPECIES

R12-4-1101. Definitions

In addition to the definitions provided under A.R.S. §§ 5-301 and 17-255, the following definitions apply to this Article, unless otherwise specified:

“Aquatic invasive species” means those species listed in Director’s Order 1.

“Certified agent” means a person who meets Department standards to conduct inspections authorized under A.R.S. § 17-255.01(C)(1).

“Conveyance” means a device designed to carry or transport water. Conveyance includes, but is not limited to, dip buckets, water hauling tanks, and water bladders.

“Equipment” means an item used either in or on water; or to carry water. Equipment includes, but is not limited to, trailers used to launch or retrieve watercraft, rafts, inner tubes, kick boards, anchors and anchor lines, docks, dock cables and floats, buoys, beacons, wading boots, fishing tackle, bait buckets, skin diving and scuba diving equipment, submersibles, pumps, sea planes, and heavy construction equipment used in aquatic environments.

“Operator” means a person who operates or is in actual physical control of a watercraft, vehicle, conveyance or equipment.

“Owner” means a person who claims lawful possession of a watercraft, vehicle, conveyance, or equipment.

“Person” has the same meaning as defined under A.R.S. § 1-215.

“Release” means to place, plant, or cause to be placed or planted in waters.

“Transporter” means a person responsible for the overland movement of a watercraft, vehicle, conveyance, or equipment.

“Waters” means surface water of all sources, whether perennial or intermittent, in streams, canyons, ravines, drainage systems, canals, springs, lakes, marshes, reservoirs, ponds, and other bodies or accumulations of natural, artificial, public or private waters situated wholly or partly in or bordering this State.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. §§ A.R.S. §§ 17-231(B)(2), 17-255, 17-255.01, 17-255.02, 17-255.03, and 17-255.04

Historical Note

Adopted effective January 10, 2012.

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

A. A person shall not, unless authorized under Article 4:

1. Possess, import, ship, or transport into or within this State an aquatic invasive species, unless authorized by the Director.
2. Sell, purchase, barter, or exchange in this State an aquatic invasive species.
3. Release an aquatic invasive species into waters or into any water treatment facility, water supply or water transportation facility, device or mechanism in this State.

B. Upon removing a watercraft, vehicle, conveyance, or equipment from any waters listed in Director’s Order 2 and before leaving that location, a person shall:

1. Remove all clinging materials such as plants, animals, and mud.
2. Remove any plug or other barrier that prevents water drainage or, where none exists, take reasonable measures to drain or dry all compartments or spaces that hold water. Reasonable measures include, but are not limited to, emptying bilges, application of absorbents, or ventilation.

C. Before transporting a watercraft, vehicle, conveyance, or equipment to any waters located within or bordering this State from waters or locations where aquatic invasive species are suspected or known to be present, as listed in Director’s Order 2, a person shall comply with the mandatory conditions and protocols identified in Director’s Order 3 for decontamination of watercraft, vehicles, conveyances,

and equipment.

- D.** Department employees, certified agents, and Arizona peace officers authorized under A.R.S. § 17-104 may inspect a watercraft, vehicle, conveyance, or equipment for the purposes of determining compliance with A.R.S. § Title 17, Chapter 2, Article 3.1 and this Section.
- E.** If the presence of an aquatic invasive species is documented or suspected on or in a watercraft, vehicle, conveyance, or equipment, a Department employee or any Arizona peace officer may order the person to decontaminate or cause to be decontaminated such watercraft, vehicles, conveyances, and equipment using the mandatory protocols described in Director's Order 3.
- F.** The following Director's orders are available at any Department office and online at azgfd.gov:
 - 1. Director's Order 1 - Listing of Aquatic Invasive Species for Arizona,
 - 2. Director's Order 2 – Designation of Waters or Locations Where Listed Aquatic Invasive Species are Present, and
 - 3. Director's Order 3 – Mandatory Conditions on the Movement of Watercraft, Vehicles, Conveyances, or Other Equipment from Listed Waters Where Aquatic Invasive Species are Present.
- G.** This Section does not apply to owners and operators exempt under A.R.S. § 17-255.04.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. §§ A.R.S. §§ 17-231(B)(2), 17-255, 17-255.01, 17-255.02, 17-255.03, and 17-255.04

Historical Note

Adopted effective January 10, 2012.