

ARTICLE 4 FIVE-YEAR REVIEW REPORT - SUMMARY OF RECOMMENDED AMENDMENTS

For all special license rules		<ul style="list-style-type: none"> • Clarify a special license does not allow the license holder to conduct any activities using federally-protected wildlife unless the license holder possesses a valid form of authorization issued by the United States. • Clarify the license holder is responsible for compliance with all applicable regulatory requirements. • Clarify a special license does not exempt the license holder from complying with all applicable city, county, state, and federal codes, ordinances, rules, laws, and regulations. • Expand the Dept's ability to deny a special license to an applicant who has been convicted of illegally holding or possessing wildlife within five years of applying for a license instead of three years to increase consistency between rules within 12 A.A.C. 4, where applicable. • Clarify the license holder is responsible for all costs associated with the care and treatment of wildlife. • Replace the signatory requirements with acknowledgment requirements to allow the Dept to accept applications electronically. • Require the license holder to possess the special license while conducting authorized activities and to present the license to a Dept employee/agent upon request. • Expand reporting requirements to include persons who have not conducted activities as this information is necessary for the Dept's end of the year reporting.
R12-4-401	Live Wildlife Definitions	<ul style="list-style-type: none"> • Amend or update several definitions to increase consistency within Article 4 rules.
R12-4-402	Live Wildlife; Unlawful Acts	<ul style="list-style-type: none"> • Establish the Dept's authority to euthanize acquired/seized wildlife to provide a mechanism to dispose of said wildlife.
R12-4-403	Escaped or Released Wildlife	<ul style="list-style-type: none"> • Clarify no person may release wildlife unless authorized by the Dept. to protect wildlife habitat and public property, safety, health, and welfare. • Provide additional options for permitting the temporary possession of live wildlife to allow the Dept. greater flexibility.
R12-4-404	Possession of Live Wildlife Taken Under an Arizona Hunting or Fishing License	<ul style="list-style-type: none"> • Replace the term "personal use" with the term "noncommercial use" in reference to authorized activities as "personal use" is an ambiguous term. • Clarify where/how temporarily taken wildlife may be released to reduce potential wildlife disease transmission. • Clarify that offspring propagated in captivity cannot be released in the wild. • Allow the use of reptiles for aversion training as this activity is currently allowed, but is not addressed in rule.
R12-4-405	Importing, Purchasing, and Transporting Live Wildlife Without an Arizona License or Permit	<ul style="list-style-type: none"> • Require mammals, birds, or reptiles imported into this state to be accompanied by the health certificate required under 3 A.A.C. Ch 2, Articles 4 and 6, when applicable to minimize disease exposure to wildlife populations. • Clarify the restrictions for fish farms, pet trade, restaurants, and markets utilizing live aquatic wildlife.
R12-4-406	Restricted Live Wildlife	<ul style="list-style-type: none"> • Indicate that federally listed threatened/endangered species and all transgenic are restricted live wildlife. • Incorporate the online taxonomic authority as the ITIS (system) is nationally recognized and easy to access. • Remove hedgehogs from the restricted live wildlife list to allow their use as pets. • Expand "restricted primates" to include all non-human primates in an effort to protect public health and safety. • Improve consistency between federal and state rules by listing all MBTA birds as restricted live wildlife. • Include the Red shiner, certain species of tilapia, paddlefish, sturgeon, Chinese mystery snail, and false dark mussel as restricted live wildlife as all pose a significant threat to native fishes when establishing themselves in native waters. • Include all wildlife, as defined under 17-101, and listed under AIS Director's Order #1 as restricted live wildlife.
R12-4-407	Exemptions from Special License Requirements for Restricted Wildlife	<ul style="list-style-type: none"> • Clarify that a person can give away, possess, or transport desert tortoises adopted from the Dept. • Require wildlife to be accompanied by the health certificate required under 3 A.A.C. Ch 2, Articles 4 and 6, when applicable to address disease concerns. • Provide a person with the ability to setup temporary wildlife exhibits with live wildlife.

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		<ul style="list-style-type: none"> Establish requirements for disposal of wildlife that dies while in transport to address wildlife disease concerns and prevent improper disposal of wildlife. Allow the use of wildlife for commercial photography while simultaneously protecting the public health and safety. Incorporate recent version of the Animal Welfare Act.
R12-4-408	Holding Wildlife for the Department	<ul style="list-style-type: none"> Allow the Dept greater latitude in determining the amount of time it may designate a person to hold or transport wildlife.
R12-4-409	General Provisions and Penalties for Special Licenses	<ul style="list-style-type: none"> Clarify the applicant is responsible for regulatory compliance with federal, state, and local requirements. Expand the Dept's ability to deny a special license to an applicant convicted of illegally holding/possessing wildlife from 3 to 5 years to increase consistency between rules within 12 A.A.C. 4. Provide the Dept with additional options should a license holder fail to adhere to applicable rules. Expand reporting requirements to include persons who have not conducted activities as this information is necessary for the Dept's end of the year reporting. Allow a license holder whose license renewal is denied to possess wildlife held under the special license until the final day on which a judicial review may be requested to allow due process.
R12-4-410	Aquatic Wildlife Stocking Permit License	<ul style="list-style-type: none"> Clarify the aquatic wildlife stocking license is only required when stocking restricted species to reduce the regulatory burden on the Dept and regulated public. Establish a protocol for disease control to increase consistency between rules within Article 4. Establish the Department's ability to perform inspections of the stocking location.
R12-4-411	Live Bait Dealer's License	<ul style="list-style-type: none"> Remove red shiner from live bait species list to minimize it's spread and impact on native aquatic wildlife.
R12-4-413	Private Game Farm License	<ul style="list-style-type: none"> Clarify language regarding propagation as it may be misinterpreted as preventing the possession of domestic animals with captive game animals. This improves clarity without compromising the intent of the rule. Specify the documents to be held by the special license holder to improve compliance.
R12-4-414	Game Bird Shooting Preserve License	<ul style="list-style-type: none"> Combine R12-4-414, R12-4-415, R12-4-416, and R12-4-419 into one rule to provide one point of reference for the public related to the handling of pen-reared game birds.
R12-4-417	Wildlife Holding License	<ul style="list-style-type: none"> Allow the issuance of a wildlife holding license for humane holding under strict guidelines. Clarify the rule applies to the transportation of live wildlife. Clarify the educational component of the wildlife holding license. Allow the applicant to submit a certification issued by an institution or facilities' animal care and use procedure. These procedures are an agreed upon national standard similar to, or more demanding than those described under R12-4-428.
R12-4-418	Scientific Collecting Permit	<ul style="list-style-type: none"> Allow the applicant to submit a certification issued by an institution or facilities' animal care and use procedure. These procedures are an agreed upon national standard similar to, or more demanding, than those described under R12-4-428. Expand the requirement the license holder dispose of wildlife as directed by the Dept to include wildlife parts and offspring of wildlife held under the license.
R12-4-420	Zoo License	<ul style="list-style-type: none"> Restrict the disposition of restricted live wildlife from zoos to a private game farm in an effort to protect wildlife resources and prevent unregulated commercial breeding of wildlife. Require a new applicant to submit photographs of facility if it is not accredited by the Association of Zoos and Aquariums or Zoological Association of America. Both national associations provide an accreditation process for zoos and aquaria. This view is not discriminatory, as an accredited zoo must meet peer-review requirements that are more stringent than the rule or APHIS USDA regulations. Clarify transport and holding of wildlife requirements. Any wildlife with potential contact with the public that tests

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		<p>positive for a zoonotic disease shall not be imported into this state without review and approval by the Dept.</p> <ul style="list-style-type: none"> Clarify that Dept authorization is required prior to acquisition when the zoo license holder is adding a new species of restricted wildlife to their existing collection that was not previously held and noted on the prior year’s license report.
R12-4-421	Wildlife Service License	<ul style="list-style-type: none"> Prohibiting the possession of wildlife carcasses or parts as this practice is not consistent with the intent of the rule.
R12-4-422	Sport Falconry License	<ul style="list-style-type: none"> Expand the restriction placed on apprentices regarding the possession of Federally-listed or endangered species to include subspecies. Clarify when a license holder may capture an adult raptor. Require the license holder to remove “any other falconry equipment” prior to releasing a raptor. Clarify that a raptor may only be transferred to a person who possesses an appropriate license. Prohibit the transfer of permit-tag, nonpermit-tag, and quota regulated raptor species to out-of-state falconers within 1 year of capture.
R12-4-423	Wildlife Rehabilitation License	<ul style="list-style-type: none"> Define the term “volunteer” and clarify that a volunteer receives no compensation. Add “turkey” and “small game mammals” to the list of wildlife that may be possessed or rehabilitated. Reduce the length of time in which the license examination results remain valid from five to three years. Require an applicant to disclose how they intend to humanely euthanize wildlife. Remove requirements specific to applicants under the age of 18 to comply with USFWS authorizations. Expand the list of continuing wildlife education courses applicable to the license holders to renew, and eliminate the Department’s responsibility to provide these courses. Remove option for applicants to depend upon the Dept Wildlife Center as health treatment provider. Medical care should be provided by a licensed veterinarian arranged by the rehabilitator instead of wildlife center staff. Require a license holder to contact the Dept if they receive and treat special status species referenced in the rule. Allow the Department to deny a license to a person who intentionally causes an animal to imprint on humans. This action is not consistent with the intent of the license which is conditioning wildlife for release to the wild. Allow a license holder to transfer bird remains to a USFWS feather repository.
R12-4-424	White Amur Stocking and Holding License	<ul style="list-style-type: none"> Define “triploid” in keeping with language used by modern fishery biologists. Require applicants to further examine the potential for adverse impacts on existing wildlife species in a licensed area. Establish a protocol for disease control. Establish the Department’s ability to perform inspections of the stocking location.
R12-4-425	Restricted Live Wildlife Lawfully Possessed without License or Permit Before the Effective Date of Article 4 or Any Subsequent Amendments	<ul style="list-style-type: none"> Require a person holding restricted wildlife, before the rule change, to notify the Department of which species are possessed, purpose of possessing, and individual unique identifiers. Require a person to provide information to the Dept to improve enforcement capabilities and help prevent a person from substituting animals under the exemption. Restrict propagation of live wildlife lawfully possessed under this rule. Specify the transfer of wildlife held under this rule by the licensee will nullify the exemption. Remove language implying that offspring are exempt since propagation is no longer authorized under this Section. Require a person to report any previous offspring in order to exempt offspring from the requirements of this Article. Require a person to permanently mark wildlife possessed under this rule.
R12-4-426	Possession of Primates	<ul style="list-style-type: none"> Restrict the possession of primates to zoo license holders, research facilities, and persons exempt under R12-4-425. Add other zoonotic diseases to communicate the various testing requirements. Require persons to transport primates in a secure cage, crate, or carrier to reduce the risk of escape and threat to public health, safety, and welfare.

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		<ul style="list-style-type: none"> • Allow a zoo license holder or research facility to use quarantine and testing procedures recommended by the American Association of Zoo Veterinarians and Centers for Disease Control as the recommended procedures are more stringent than the rule.
R12-4-427	Exemption from Requirements to Possess a Wildlife Rehabilitation License	<ul style="list-style-type: none"> • Clarify that some species of wildlife may be held and are exempt from special licensing for rehabilitation. • Clarify the rule does not allow the license holder to conduct any activities with federally-protected wildlife unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States. • Replace “Wildlife of Special Concern” with “Species of Greatest Conservation Need.”
R12-4-428	Captivity Standards	<ul style="list-style-type: none"> • Clarify the accessibility and monitoring of food and fresh water provided to captive animals. • Clarify the methods that must be in place to prevent the spread of disease, vermin, and minimize stress. • Require the facility to provide an enclosure that promotes the psychological well-being of captive animals. • Require the person to provide veterinary care even when the animal will be kept for less than one year.
R12-4-430	Importation, Handling, and Possession of Cervids	<ul style="list-style-type: none"> • Reference R12-4-305, which establishes requirements for transporting cervid carcasses or its from a private game farm. • Expand disease testing options to reduce the Dept's and regulated community's burden and costs. • Clarify disease testing and record keeping requirements.