

**NOTICE OF PROPOSED RULEMAKING**  
**TITLE 12. NATURAL RESOURCES**  
**CHAPTER 4. GAME AND FISH COMMISSION**

**PREAMBLE**

<b><u>1. Article, Part, or Section Affected (as applicable)</u></b>	<b><u>Rulemaking Action</u></b>
R12-4-101	Amend
R12-4-103	Amend
R12-4-104	Amend
R12-4-105	Amend
R12-4-106	Amend
R12-4-107	Amend
R12-4-108	Amend
R12-4-110	Amend
R12-4-111	Amend
R12-4-112	Amend
R12-4-113	Amend
R12-4-114	Amend
R12-4-115	Amend
R12-4-116	Amend
R12-4-117	Amend
R12-4-118	New Section
R12-4-119	Amend
R12-4-120	Amend
R12-4-121	Amend
R12-4-124	New Section
R12-4-125	ReNUMBER
R12-4-125	Amend
R12-4-302	Amend
R12-4-611	Amend
R12-4-804	ReNUMBER
<b><u>2. Citations to the agency's statutory authority to include the authorizing statute (general) and the implementing statute (specific):</u></b>	
<b>Authorizing statute:</b>	A.R.S. § 17-231(A)(1)
<b>Implementing statute:</b>	A.R.S. §§ 17-102, 17-211(E)(4), 17-214, 17-231(A)(1), 17-231(A)(2), 17-231(A)(3), 17-231(A)(8), 17-231(B)(1), 17-231(B)(8), 17-234, 17-315(B)(1), 17-331(A),

17-231(B)(2), 17-234, 17-239, 17-240(A), 17-241, 17-250(A)(3), 17-301, 17-304, 17-309(A)(19), 17-331, 17-332, 17-333, 17-333.02, 17-334, 17-335.01, 17-338, 17-339, 17-342, 17-345, 17-346, 17-371, 17-452, 17-453, 17-454, 17-455, 25-320(P), 25-502(K), 25-518, 41-1005, 41-1072, and 41-1073

**3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**

Notice of Rulemaking Docket Opening: 21 A.A.R. (*to be filled in by the Register Editor*), July 10, 2015

**4. The agency's contact person who can answer questions about the rulemaking:**

Name: Amber Munig, Big Game Management Supervisor

Address: Arizona Game and Fish Department

5000 W. Carefree Highway

Phoenix, AZ 85086

Telephone: (623) 236-7355

Fax: (623) 236-7929

E-mail: AMunig@azgfd.gov

Please visit the AZGFD web site to track progress of this rule and any other agency rulemaking matters at [http://www.azgfd.gov/inside\\_azgfd/rules/rulemaking\\_updates.shtml](http://www.azgfd.gov/inside_azgfd/rules/rulemaking_updates.shtml).

**5. An agency's justification and reason why the rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**

An exemption from Executive Order 2015-01 was provided for this rulemaking by Ted Vogt, Chief of Operations in the Governor's office, in an e-mail dated June 1, 2015.

The Arizona Game and Fish Commission proposes to amend its rules following the 2014 five-year rule review of 12 A.A.C. Chapter 4, Article 1, Definitions and General Provisions. The review report, as required under A.R.S. § 41-1056, established a course of action to amend Article 1 rules. A subsequent review of these recommendations evaluated their usefulness in practice and enforcement, resulting in the rulemaking as it is submitted in this Notice. In addition to the amendments proposed in the five-year review report, the Commission proposes to amend rules within 12 A.A.C. 4 to establish requirements necessary to allow a person to surrender an unused, original hunt permit-tag; allow a person to transfer an unused big game tag to a nonprofit organization that affords hunting opportunities and experiences to veterans with service-connected disabilities and establish an application process for a qualified nonprofit organization to implement recent legislative amendments resulting from Laws 2014, 2nd Regular Session, Ch. 55, Section 1; allow the Department to reinstate bonus points expended during the computer draw when a person donates an unused big game tag to a qualifying nonprofit organization or surrenders it to the Department; provide the Department with greater flexibility in procuring tags; enable the Department to move to a paperless application process for hunting and fishing licenses and big game tags; and remove the ability to petition the Commission for the reinstatement of bonus points. The Commission is also amending rule language where necessary to increase consistency between Commission rules and ensure conformity with the Arizona Administrative Procedures Act and the Secretary of State's rulemaking format and

style requirements and standards. The Commission proposes to amend rules within 12 A.A.C. 4 as follows:

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

The objective of the rule is to establish definitions to assist in understanding the unique terms that are used throughout 12 A.A.C. 4. The rule is amended to define "bobcat seal" to provide clarity and increase consistency between Commission rules. The rule is amended to transfer definitions contained within the solicitation and events on state property rule to R12-4-101. The rule is amended to further clarify the Commission's interpretation of "day-long." In order to allow hunting in an area where a hunt number has not been assigned by Commission Order, the rule is amended to remove "by a particular hunt number" from the definition of "hunt area." The rule is amended to define "person" to simplify rule language and ensure all applicable individuals and entities are included, as appropriate for a specific rule. Under A.R.S. § 17-331(A), a person is required to carry a license or "proof of purchase" and produce it on request to any game ranger, wildlife manager, or peace officer. Because Arizona hunting and fishing licenses and tags are available at Department offices, at license dealers, and online, the size, shape, format, and features of those licenses and tags will vary depending on where they were purchased. The rule is amended to define "proof of purchase" to communicate the acceptable criteria for meeting the requirements of A.R.S. § 17-331(A). The rule is also amended to remove "excluding male lambs" from the definition of "ram" to prevent a hunter from unintentionally violating the requirements established under statute, Commission Order, and rule. In the past, hunters have taken what they believed to be a ram only to find upon closer inspection that it was actually a male lamb. In addition, the rule is amended to define "adult bull buffalo," "adult cow buffalo," "rooster," and "yearling buffalo" to provide further clarity of terms referenced within Commission Order and rule.

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

The objective of the rule is to establish requirements for the issuance of a duplicate license or tag when the original was not used and is lost, destroyed, mutilated, or otherwise unusable or a tag was placed on a harvested animal that was subsequently condemned and surrendered to the Department. The rule is amended to establish the license will expire on December 31 of the current year when the license expiration date cannot be verified. Due to the high volume of licenses sold by license dealers, the information from the sale of hunting and fishing licenses by license dealers may not be recorded in the Department's database for a period of time. This can be problematic now that a license is valid for 365 days from the date of purchase and a person can choose a license effective date up to 60 days out from the date of purchase.

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

The objective of the rule is to prescribe application requirements for hunt permit-tags issued by the computer draw or for the purchase of a bonus point. The rule is amended to prohibit a person, who has reached the bag limit for a specific genus, from applying for another hunt permit-tag for that genus during the same calendar year to align the rule with statute. Under A.R.S. § 17-309, it is unlawful for a person to take or possess wildlife in excess of the bag limit authorized by Commission Order. The rule is amended to require all applicants submitting an application to the Department to affirm the information provided on the application is true and correct to increase

consistency between Commission rules. The rule is amended to clarify the differences in how the Department processes fees submitted manually (paper application) and electronically (online application). The Department employs an online license application and computer draw system. At the time of application, a person who submits an application manually is required to submit all applicable required fees, which can include an application, tag, and license fee. If a person is unsuccessful in the computer draw, the Department processes a refund for the tag fee, only. At the time of application, a person who submits an electronic application is required to pay only the application and license fee. If a person is successful in the computer draw, the Department will then charge the applicant's debit or credit card for the tag fee. The rule is also amended to establish overpayments of \$5 or less will not be refunded and are considered a donation to the Arizona Game and Fish Fund because the processing cost for refunding these overpayments is greater than the nominal amount of the refund. The Department processes approximately 340 overpayments of \$5 or less each annually. The refund process involves multiple state agencies: the Department initiates the refund action; the General Accounting Office (GAO) processes the request and issues the warrants (refunds); the Department receives the warrants, verifies the payee and warrant amount, mails valid warrants, removes warrants payable to persons who subsequently submitted an insufficient funds payment, and initiates warrant corrections when necessary; GAO processes and issues the corrected warrants; and the Arizona Department of Revenue (ADOR) manages the unclaimed property process for any unclaimed refunds. Each refund costs the Department approximately \$2 to \$5 to process (Department materials and equipment as well as GAO and ADOR costs are not included in this estimate) and almost 70% of these refunds are not redeemed by the recipient. In addition, the rule is amended to allow a customer to retain any accrued loyalty and bonus points when the payment submitted is less than the required fees, but is sufficient to cover the application and license fees. Currently, when the Department rejects an application with insufficient funds, the applicant forfeits any accrued loyalty bonus point and is ineligible for the computer draw and the awarding of any bonus points; all funds (less the application fee) are returned to the customer. The proposed amendment will allow the Department to issue a license and award a bonus point, provided the funds submitted are sufficient to cover the application and license fees. The application will not be entered into the computer draw and any additional funds will be refunded. This change is in response to customer comments received by the Department.

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

The objective of the rule is to establish definitions, eligibility criteria, application procedures, license holder requirements, authorized activities, and prohibited activities for a license dealer's license. The rule is amended to establish that a license dealer may be given authorization to issue online licenses through a License Dealer Portal. The Department is in the process of creating an online system that will allow a license dealer to log-in, issue licenses, and access their license dealer account. The rule is amended to specify a deadline to align the rule with statute. Under A.R.S. § 17-338, a license dealer is required to transmit all license and permit fees collected to the Department within thirty days; failure to comply with this requirement shall be cause to cancel a license dealer's license. The rule is amended to clarify duplicate license and tag requirements by adding a subsection that specifically addresses duplicate affidavit requirements. The Department requires a license dealer to submit an

affidavit for each duplicate license sold by the dealer; the affidavit is included in the Arizona Game and Fish license book (on the back of the Department copy of the license). A duplicate license, tag, or permit is \$4; however, any license dealer who fails to complete and submit the affidavit portion of the Department copy must remit the full license, tag, or permit fee.

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

The objective of the rule is to establish the time-frame during which the Department will review an application packet and grant or deny an applicant a special license or authorization. The rule title is amended to clearly indicate the rule only applies to special licenses issued by the Department and does not include hunting or fishing licenses or permit- and nonpermit-tags. The rule is amended to define "overall," "administrative," and "substantive" review time-frames; describe when a time-frame period begins and ends; and specify how an applicant may withdraw an application to provide additional clarity. The rule is amended to allow the applicant and the Department to extend the over-all time-frame to ease the regulatory burden on both the applicant and the Department. The rule is amended to address scenarios where an applicant either demonstrates they are not eligible for the license prior to the substantive review or fails to respond to Department correspondence; this will increase efficiency and allow the Department to better utilize its resources. The rule is amended to establish time-frames for the Authorization for Use of Drugs on Wildlife. The rule is also amended to reflect amendments made to Article 4. Live Wildlife, which combined four game bird license rules into one overarching game bird rule. In addition, the rule is amended to remove references to special license-tags. The Commission believes the special big game license-tags technically do not fall within the definition of "license" as used in the Administrative Procedure Act because an application is not required for these licenses.

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

The objective of the rule is to establish requirements for applying for and maintaining bonus points, which may improve an applicant's draw odds for big game computer draws. The rule is amended to clarify that a bonus point is applied to a record using the person's Department identification number. The rule is amended to clarify that a bonus point is not transferable. The rule is amended to specify a person shall expend any accrued bonus points for that genus when purchasing a surrendered hunt permit-tag by any method other than first-come, first-served. The rule is amended to clarify that a person who is unsuccessful in the first-come, first-served phase of the draw shall not be awarded a bonus point. These changes are in response to customer comments received by the Department. As part of the tag surrender process, whenever it is possible to do so, the Department will attempt to re-issue a surrendered tag. The rule is amended to establish that the Department shall restore expended bonus points when a person donates or surrenders an unused, original hunt permit-tag in compliance with R12-4-118 or R12-4-121. The rule is amended to specify that the tag surrender requirements established under the proposed R12-4-118 do not apply to a person who is requesting the reinstatement of expended bonus points 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. The rule is amended to clarify that a hunter education bonus point is awarded to a person who completes the Arizona Hunter Education Course and remove language relative to hunter education instructors. This change is made in response to customer comments

submitted to the Department by the public. Completing the Department's hunter education course is one of the criteria for becoming a certified hunter education instructor. The rule is amended to specify which hunter education course qualifies a person for the hunter education bonus points. Because the Department provides a variety of hunter education courses (bow hunter education, trapper education, and hunter education), there is some confusion as to which course qualifies a person for the hunter education bonus points. This change is made in response to customer comments submitted to the Department by the public. The rule is amended to allow a customer to retain any accrued loyalty and bonus points when the payment submitted is less than the required fees, but is sufficient to cover the application and license fees. The Department will issue a license and award a bonus point when the payment submitted by the applicant is less than the total sum of all required fees, provided the funds submitted are sufficient to cover the application and license fees. This change is made in response to customer comments submitted to the Department by the public. The rule is also amended to specify that any bonus point fraudulently obtained shall be removed from the person's Department record to increase consistency between statute and rule. Under A.R.S. § 17-341, it is unlawful for a person to knowingly purchase, apply for, accept, obtain or use, by fraud or misrepresentation a license, permit, tag or stamp to take wildlife and that a license or permit so obtained is void and of no effect from the date of issuance. In addition, the rule is amended to simplify the process by which a military member may request the reinstatement of a bonus point by no longer requiring a person to submit a letter requesting the reinstatement of their bonus points. The information required in the letter is readily available on other documents that are submitted at the time of the request.

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

The objective of the rule is to establish Management Unit boundaries for the preservation and management of wildlife. The rule is amended to update Management Unit boundaries to incorporate future changes to management unit boundaries.

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

The objective of the rule is to establish standards of conduct on State Trust Lands and set forth the Commission's criteria for allowing the closure of roads leading to hunting and fishing areas. The rule is amended to provide additional clarity by further defining "existing road" to clearly indicate that an existing road is a road that has not been closed by the Commission. The rule is amended to specify that a person must comply with the requirements of A.R.S. 17-304(C) when the Commission has authorized a road closure. The rule is also amended to clarify the Commission's interpretation of the recreational permit exemption provided by the State Lands Department. In addition, the rule is amended to establish a person shall not operate a motor vehicle off-road or on roads that are closed to the public, except to pick up lawfully taken big game animals, to increase consistency between Commission rules.

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

The objective of the rule is to prescribe the information required to obtain a Department identification number, which is a unique number assigned by the Department to each applicant or licensee. The number is necessary to properly identify a person and link their license, permit, and tag records, maintained in the Department's sportsman's database, to that person. The rule is amended to remove the option that allows a person to use their

Social Security Number as the Department Identification Number to better protect the person's identity. In addition, the rule is amended to replace the term "alias" with "any additional names the person has used in the past or is known by" to provide additional clarity.

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

The objective of the rule is to establish the Director's authority to allow Department employees to condemn a lawfully taken animal deemed to be unfit for consumption and issue a duplicate tag, thus allowing the hunter the opportunity to take another permitted animal. The rule is amended only to ensure conformity with the Arizona Administrative Procedures Act and the Secretary of State's rulemaking format and style requirements and standards.

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

The objective of the rule is to establish permitted activities authorized under A.R.S. § 17-239(D), which allows any person suffering property damage to exercise all reasonable measures to alleviate damage; not to include the injuring or killing of game mammals, game birds, or wildlife protected under federal law or regulation, unless authorized by the Department or the U.S. Fish and Wildlife Service. The rule is amended to incorporate by reference the most recent edition of the applicable regulation, 50 C.F.R. 21.41. The rule is also amended to clarify depredation permit application requirements. In addition, the rule is amended to establish the Department shall specify the allowable methods of take that may be used by the permit holder.

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

The objective of the rule is to prescribe the hunt permit-tag structure, conditions under which the Commission may issue tags, application procedures, and distribution of hunt permit- and nonpermit-tags. The rule is amended to remove descriptive language relating to tag features. This change provides the Department with greater flexibility when procuring tags and implementing new tag features and enables the Department to offer "paperless" tags. The rule is amended to increase consistency between Commission rules by updating application requirements. The rule is amended to establish the Department shall make available one hunt permit-tag when a hunt number has less than five, but more than one available hunt permit-tag. Because the Department reserves a total of 20% of available hunt permit-tags for the bonus point pass of the computer draw, this amendment may result in reserving less than 20% of available hunt permit-tags in other hunt numbers. The rule is amended to describe all phases of the computer draw process to provide a more complete description of the computer draw system. The rule is amended to prohibit a person who has reached the bag limit for a specific genus from applying for another hunt permit-tag for that genus during the same calendar year to align the rule with statute. Under A.R.S. § 17-309, it is unlawful for a person to take or possess wildlife in excess of the bag limit authorized by Commission Order. The rule is amended to clarify that a person may possess the same number of hunt permit-tags equal to the applicable bag limit to align the rule with Commission Order. The rule is amended to remove javelina from the list of game subject to the 10% nonresident cap to increase opportunity for nonresidents. In addition, the rule is amended to establish the Department shall not issue more than 50% of the hunt permit-tags available to nonresidents through the initial bonus point pass of the computer draw to increase opportunity nonresidents with less than maximum or lower bonus points.

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

The objective of the rule is to establish the Commission's authority to offer a supplemental hunt when the regular season structure is not meeting management objectives, to take depredate wildlife, or address an immediate threat to the health, safety, or management of wildlife or its habitat, or public health or safety. The rule also establishes the requirements for the supplemental hunter pool, which is a listing of applicants who may be offered a restricted nonpermit-tag when the Department initiates a supplemental hunt. The rule is amended to define "companion tag" and "emergency season" to further clarify terms referenced within the rule. The rule is amended to enable the Commission to approve a supplemental hunt by Commission Order to establish a more efficient process by reducing the number of steps currently involved in the supplemental hunt process. The rule is amended to separate the processes and requirements specific to restricted nonpermit-tags and companion tags to make the rule more concise and understandable. The rule is also amended to clarify who is eligible to receive companion tag. When a supplemental hunt occurs in an area that matches the exact season dates and open areas of another big game hunt for which a computer draw has occurred, the Department will offer these restricted nonpermit-tags, also known as "companion tags," only to persons who were successful in that computer draw. In addition, the rule is amended to clarify that a person purchasing a restricted nonpermit-tag must either possess or purchase a license that is valid at the time of the supplemental hunt to increase consistency between Commission rules.

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

The objective of the rule is to establish reward payments requirements, to include the schedule of rewards. The reward program was established to motivate persons to report violations and provide information that can result in the arrest of a perpetrator when a case cannot otherwise be resolved. The rule is amended to increase the reward value to \$500 for big game, eagles, and threatened and endangered species in an effort to maintain the intent of the rule. Reward amounts were established in 1991 and have not been increased since that time; also the purchasing power of a dollar at that time was close to twice that of today. In addition, the rule is amended to establish how reward payments may be distributed when more than one person independently provides information or evidence that leads to an arrest for a wildlife violation.

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

The objective of the rule is to specify that a state license, permit, or tag is not required to hunt or fish on any Indian reservation located within Arizona, that any lawfully taken game or fish may be transported or processed anywhere in the State if it can be identified as to species and legality pursuant to statute, and that all wildlife transported in this State is subject to inspection. The rule is amended to correct a statutory reference, Laws 2012, 2nd Reg. Sess., Ch. 128, amended A.R.S. § 17-309, resulting in the renumbering of subsequent subsections. In addition, the rule is amended to clarify that an inspection may be required when a person transports wildlife taken on an Indian reservation anywhere in this State. Under A.R.S. § 17-211(E), a Game Ranger or Wildlife Manager may inspect all wildlife taken or transported in this State.

#### **R12-4-118. Hunt Permit-tag Surrender**

The objective of the proposed rule is to enable the Department to implement a tag surrender program, to include the establishment of a membership program and the requirements and limitations for the surrender of an unused,

original hunt permit-tag. Laws 2013, First Regular Session, Ch. 197 granted the Arizona Game and Fish Commission the authority to establish license classifications and fees to give the Department the ability to operate more like a business. In response to this new authority, the Commission implemented a new basic license structure to generate additional revenue for the Game and Fish Fund, remove barriers for recruitment of new hunters and anglers, and provide more value to recruit and retain customers. Although the Department's revenue projections indicate a \$3.8 million revenue increase may result from the exempt rulemaking, it is too soon to tell if the projections were correct. The Arizona Game and Fish Department's principle operational revenue comes from the sale of hunting and fishing licenses, hunt permit-tags, stamps and matching funds from federal excise taxes hunters and anglers pay on guns, ammunition, fishing tackle, motorboat fuels, and related equipment. Over the past several years, sales of licenses, permits, stamps, and tags have trended downward while operational costs and Department responsibilities have either increased or expanded. In February 2014, the Commission directed the Department to proceed with the concept of a membership program, to include bundling products and services, as a means to encourage participation in recreational activities and generate additional revenue for the Game and Fish Fund. The Commission believes establishing a membership program will provide the public with a way to stay up-to-date on the latest hunting, angling, volunteer, and Department activities; connect with others who have like interests; and make a positive impact on the greater hunter, angler, and wildlife viewer community. The Commission also believes maintaining an active membership for multiple years can provide a rewarding experience as the program and its members grow. To solicit feedback and support, the Department deployed an outreach campaign beginning in March 2014 to inform the public of the proposed membership program, to include bundling products and services; and continuing in July through August 2014 to inform the public of the proposed membership program and collect feedback about the bundled products and services. The campaign included public meetings in Mesa, Flagstaff, Glendale, Payson, Phoenix, and Tucson. The Department published information regarding the proposed membership program and bundled services on the Department's website and Facebook page. The Department also created a dedicated e-mail address through which the public could submit comments and suggestions in regards to the membership program and tag surrender concepts. The Department issued press releases to announce public meeting dates and direct people to the web page. The Department held meetings with key members of a number of conservation groups to discuss the membership program and the bundled products and services. In addition, the membership program and bundled products and services concept has been a standing agenda item at every Commission meeting since February 2014. In August 2014, the Commission directed the Department to incorporate the concept of a membership program as a means to encourage participation in recreational activities and generate additional revenue for the Game and Fish Fund into the Article 1 Rulemaking Package, for implementation in January 2016. The proposed rule specifies that different membership levels and prices will be based on the types of products and services offered. The Commission envisions the membership program and its associated benefits will continue to grow as new products and services become available. The proposed rule specifies the Department may establish the terms and conditions for the membership program, such as the membership is not transferable and that a payment made for the membership is not refundable. In addition, the proposed rule specifies the membership program is available for

purchase/enrollment online-only to ensure immediate access to member benefits and to enable the Department to link the person's membership with their Department record, when one exists. The proposed rule limits the tag surrender program to a person who has a valid and active membership in a Department membership program; "valid and active membership" as defined in the proposed rule means a paid and unexpired membership in any level of the Department's membership program. The proposed rule requires a person wishing to participate in tag surrender to submit a valid application and surrender the unused, original hunt permit-tag prior to the close of business the day before the hunt begins. One of the most common comments submitted by the public related to the ability for a person to "game" the tag surrender program. For example, a person with a high number of bonus points could offer to apply with other person(s), for a fee, in order to increase the other person(s) odds of being drawn for a valued hunt permit-tag, then the person could surrender their tag, have their bonus points restored, and then repeat the process in the next computer draw offered by the Department. To prevent this from happening, the proposed rule establishes that a person is only eligible to surrender a tag for a specific species once before the bonus points accrued for that species must be expended. The proposed rule also limits the number of tags a person may surrender based on the person's membership level. The proposed rule requires the Department to restore the bonus points expended for the surrendered tag and award any bonus points the person would have accrued had the person been unsuccessful in the computer draw for that surrendered tag. The proposed rule specifies the Department will not refund any fees paid for the surrendered tag, as prohibited under A.R.S. § 17-332(E). The proposed rule also enables the Department to re-issue or destroy the surrendered tag. The Department will base the decision to re-issue or destroy the surrendered tag using specific criteria, such as but not limited to the proximity to the start date of the hunt for which the tag is valid, the type of tag, and whether the tag is for a high demand hunt. The Commission proposes to re-issue a surrendered tag using any one or more of the following methods (in no particular order): 1) Offer the surrendered tag, beginning with the highest membership level in the Department's membership program, to a person who would have been next to receive a tag for that hunt number, as evidenced by the random numbers assigned during the Department's computer draw process. The person must possess or purchase a valid license in order to be eligible to purchase the surrendered tag. If the person is not interested in purchasing the surrendered tag or is not eligible because the person has already met the annual or lifetime bag limit for that genus, the tag would be offered to the next person within that membership level in the Department's membership program who would have been next to receive a tag for that hunt number, as evidenced by the random numbers assigned during the Department's computer draw process, and so on. 2) Offer the surrendered tag to a person who has a valid and active membership in any tier of the Department's membership program which contained a tag surrender option and would have been next to receive a tag for that hunt number, as evidenced by the random numbers assigned during the Department's computer draw process. The same limitations and requirements that apply to method #1 will apply to this method. 3) Offer the surrendered tag to an eligible person who would have been next to receive a tag, as evidenced by the random numbers assigned during the Department's computer draw process. The same limitations and requirements that apply to method 1 will apply to this method. 4) Offering the surrendered tag through the first-come, first-served process. For group applications where one or more members of the group is qualified under the particular method for re-issuing the

surrendered tag, the Commission proposes to offer the surrendered tag first to the applicant designated "A," if eligible to receive the surrendered tag. If applicant "A" chooses not to purchase the surrendered tag or is not eligible, the Department will offer the surrendered tag to the applicant designated "B" if qualified to receive a surrendered tag. This process shall continue with applicants "C" and then "D" until the surrendered tag is either purchased or all qualified members of the group application choose not to purchase the surrendered tag. The proposed rule specifies that a person purchasing the surrendered tag shall expend all bonus points accrued for that genus, except for any accrued Hunter Education and loyalty bonus points. The proposed rule also allows for an exemption if the effective date of the rule occurs after January 2016 since tag surrender is tied to deadline day for each computer draw and the computer draw deadline may occur before the effective date of this rule. The Commission is concerned that a person who is successful in the computer draw may have the desire, but not the ability to surrender a hunt permit-tag for a hunt occurring later in the same year. In addition, the proposed rule specifies that a person is not eligible to petition the Commission under R12-4-611 for reinstatement of any forfeited bonus points, except as authorized under R12-4-107(M).

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

The objective of the rule is to prescribe requirements and duties for commissioned reserve officers and noncommissioned reserve volunteers for the purposes stated under A.R.S. § 17-214(B). The rule is amended only to ensure conformity with the Arizona Administrative Procedures Act and the Secretary of State's rulemaking format and style requirements and standards.

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

The objective of the rule is to establish procedures for the application, selection criteria, award, and issuance of special big game license-tags authorized under A.R.S. § 17-346. The rule is amended to establish that an applicant cannot resubmit a corrected proposal but may apply again the following year because proposals are reviewed after the May 31 proposal deadline.

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

The objective of the rule is to establish the requirements for an unused big game tag transfer as authorized under A.R.S. § 17-332, which allows a parent, guardian, or grandparent to transfer their unused big game tag to a minor child or grandchild. The rule also allows a person to transfer their unused big game tag to a 501(c)(3) organization that provides hunting opportunities and experiences to a minor child with a life-threatening medical condition or physical disability or a veteran of the Armed Forces of the United States with a service connected disability. The rule is amended to implement recent legislative amendments resulting from Laws 2014, 2nd Regular Session, Ch. 55, Section 1 (House Bill 2303) which allows a person to donate a tag to a veteran of the Armed Forces of the United States with a service connected disability and the Commission to establish an application process for a qualified nonprofit organization. The rule is amended to define "authorized nonprofit organization" as part of the application process for a qualified nonprofit organization. The rule is also amended to clarify that a tag may not be transferred to a person who has reached the applicable annual or lifetime bag limit for that genus to increase consistency between Commission laws and rules. Under A.R.S. § 17-309, it is unlawful for a person to take or possess wildlife in excess of the bag limit authorized by Commission Order. Currently, because this restriction is

not addressed in rule, a person or organization may attempt to transfer a tag to a person who has already reached the annual or lifetime bag limit for that genus. In addition, the rule is amended to allow a person to request the reinstatement of bonus points after donating an unused, original tag to a qualified 501(c)(3) organization, provided the person had a valid and active membership in the Department's membership program with at least one available unredeemed tag surrender at the time the person donates the hunt permit-tag to a qualified 501(c)(3) organization. This is done to ensure qualified 501(c)(3) organizations are not negatively impacted by the provisions established under the proposed new rule, R12-4-118.

#### **R12-4-124. Proof of Domicile**

The Commission proposes to adopt a new rule to establish acceptable proof of domicile to align the rule with statute. Laws 2012, 2nd Regular Session, Ch. 272 amended A.R.S. §§ 5-301 and 17-101 to authorize the Commission to prescribe which documents may be used to provide acceptable "proof of domicile."

#### **R12-4-125. Public Solicitation or Event on Department Property**

The objective of the rule is to establish the requirements and procedures the public shall use to request permission to conduct a solicitation or event on Department property, and to provide guidance to the Department for the review and management of public solicitations and events on Department property. The Commission proposes to renumber R12-4-804 to R12-4-125. The rule is amended to allow mid-level managers to approve minor, incidental solicitations on Department properties to make the approval process more efficient and eliminate unnecessary administrative delay. The rule is amended to remove "rights of appeal" language as a person whose application is denied has no such right. The rule is amended to require a vendor who is working under a sponsor to provide certificates of insurance to the Department, when applicable. The rule is amended to remove the ability for the Department to waive a requirement due to an applicant's inability to pay a deposit, an insurance premium, or a service provider to reduce the Department's and State's liability. The rule is also amended to require a person who intends to serve alcohol to provide the Department with a copy of a current and valid license issued by the Arizona Department of Liquor Licenses and Control issued to the sponsor and vendor, as applicable, and a liquor liability rider, included with the insurance certificate. In addition, the rule is amended to prohibit the possession and use of unlawful drugs to reduce the Department's and State's liability.

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

The objective of the rule is to establish requirements for the possession and use of tags issued by the Department. The rule is amended to remove descriptive language relating to the manner in which the tag is attached to the animal. This change provides the Department with greater flexibility when procuring tags and when implementing new tag features.

#### **R12-4-611. Petition for Hearing Before the Commission When No Remedy is Provided in Statute, Rule, or Policy**

The objective of the rule is to establish the requirements for submitting a petition for a hearing before the Commission when no remedy is provided in statute, rule, or policy. Current statute and administrative rule do not provide a remedy to a person who applied for the wrong hunt (e.g., hunter meant to apply for a bull elk hunt, but entered a cow elk hunt number on the application) or is unable to use the hunt permit-tag for any reason. The

Commission believes the tag surrender component of the membership program will provide a satisfactory remedy to a person who applied for the wrong hunt or is unable to use the hunt permit-tag. The rule is amended to prohibit persons from petitioning the Commission for reinstatement of any expended bonus points, except as authorized under R12-4-107(J) and (M) and the proposed rule, R12-4-118. The Commission believes R12-4-107(J) and (M) and R12-4-118 provide a satisfactory remedy.

**6. A reference to any study relevant to the rule that the agency reviewed and proposes to either rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

The agency did not rely on any study in its evaluation of or justification for the rules.

**7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

**8. The preliminary summary of the economic, small business, and consumer impact:**

The Commission anticipates the proposed rulemaking in general will benefit the regulated community by creating more opportunities for the use of wildlife resources, with few costs, and maintaining resident hunting opportunity. The Commission believes the regulated community and the Department benefit from the proposed rulemaking through clarification of rule language governing general provisions. The Commission anticipates the proposed rulemaking may impact businesses, both large and small; however, the Commission has determined that the impact will not be significant enough to impact business revenues or payroll expenditures. In addition, the Commission anticipates the proposed rulemaking will provide a benefit to the regulated community and the Department by establishing a membership program and establishing the limitations and requirements for surrendering a tag and restoring the bonus points expended for the surrendered tag. It is difficult to quantify the value a person places on their bonus points; however, it can be significant. The Commission anticipates the proposed rulemaking will have a minimal impact on the regulated community. Becoming a member of the Department membership program is voluntary and only those persons who choose to participate in the program will pay a membership fee. The Commission does not anticipate the membership fee will significantly affect a person's ability to participate in an activity or have a significant impact on a person's income, revenue, or employment in this State related to that activity. The Department will benefit from the additional revenue that may be generated. The Commission anticipates the proposed rulemaking will not impact public or private employment. The Commission anticipates the proposed rulemaking will not have a significant impact on State revenues. In addition, the rulemaking will not impose increased monetary or regulatory costs on other state agencies, political subdivisions of this State, persons, or individuals so regulated. The Commission has determined that there are no alternative methods of achieving the objectives of the proposed rulemaking and that the benefits of the proposed rulemaking outweigh the costs.

**9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:**

See item #4.

**10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

Date: September 4, 2015  
Time: 8:00 a.m. to 5:00 p.m.  
Location: Springerville Heritage Center  
418 E Main Street  
Springerville, AZ 85938  
Close of record: September 4, 2015

**11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:**

**a. Whether the rule requires a permit, whether a general permit is used, and if not, the reason why a general permit is not used:**

R12-4-103, R12-4-105, R12-4-113, R12-4-114, R12-4-115, and R12-4-121 require a general permit and comply with the requirements prescribed under A.R.S. § 41-1037. For all other rules amended by this rulemaking, the rules do not require a general permit.

**b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law, and if so, citation to the statutory authority to exceed the requirements of federal law:**

For R12-4-113(A)(2), 50 C.F.R. Part 21.41 is applicable to the subject of the rule. The Department has determined the rule is not more stringent than federal law.

**c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this State to the impact on business in other states:**

The agency has not received an analysis that compares the rule's impact of competitiveness of business in this state to the impact on business in other states.

**12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:**

R12-4-113(A)(2) - 50 C.F.R. Part 21.41, revised October 1, 2014.

**13. The full text of the rules follows:**

**TITLE 12. NATURAL RESOURCES**  
**CHAPTER 4. GAME AND FISH COMMISSION**  
**ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS**

Section

- R12-4-101. Definitions
- R12-4-103. Duplicate Tags and Licenses
- R12-4-104. Application Procedures for Issuance of Hunt Permit-tags by ~~Drawing~~ Computer Draw and Purchase of Bonus Points
- R12-4-105. License Dealer's License
- R12-4-106. Special Licenses Licensing Time-frames
- R12-4-107. Bonus Point System
- R12-4-108. Management Unit Boundaries
- R12-4-110. Posting and Access to State Land
- R12-4-111. Identification Number
- R12-4-112. Diseased, Injured, or ~~Chemically-Immobilized~~ Chemically-immobilized Wildlife
- R12-4-113. Small Game Depredation Permit
- R12-4-114. Issuance of Nonpermit-tags and Hunt Permit-tags
- R12-4-115. Restricted Nonpermit-Tags; Supplemental Hunts and Hunter Pool
- R12-4-116. Reward Payments
- R12-4-117. Indian Reservations
- R12-4-118. ~~Repealed~~ Hunt Permit-tag Surrender
- R12-4-119. Arizona Game and Fish Department Reserve
- R12-4-120. Issuance, Sale, and Transfer of Special Big Game ~~License-Tags~~ License-tags
- R12-4-121. Big Game ~~Permit or~~ Tag Transfer
- R12-4-124. ~~Reserved~~ Proof of Domicile
- R12-4-125. ~~Emergency Expired~~ Public Solicitation or Event on Department Property

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

Section

- R12-4-302. Use of Tags

**ARTICLE 6. RULES OF PRACTICE BEFORE THE COMMISSION**

Section

- R12-4-611. Petition for Hearing Before the Commission When No Remedy is Provided in Statute, Rule, or Policy

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

Section

R12-4-804. R12-4-125 ~~Public Solicitation or Event on Department Property~~ Renumbered

**TITLE 12. NATURAL RESOURCES**  
**CHAPTER 4. GAME AND FISH COMMISSION**  
**ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS**

**R12-4-101. Definitions**

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

“Bobcat seal” means the tag a person is required to attach to the raw pelt or unskinned carcass of any bobcat taken by trapping in Arizona or exported out of Arizona regardless of the method of take.

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

“Certificate of insurance” means an official document issued by the sponsor's and sponsor's vendors or subcontractors insurance carrier providing insurance against claims for injury to persons or damage to property which may arise from or in connection with the solicitation or event as determined by the Department.

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

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

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

“Department property” means those buildings or real property and wildlife areas under the jurisdiction of the Arizona Game and Fish Commission.

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

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

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

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

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

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

“~~License dealer~~” means a business authorized to sell hunting, fishing, and other licenses as established under ~~to~~

R12-4-105.

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

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

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

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

“Proof of purchase,” for the purposes of A.R.S. § 17-331, means an original, or any authentic and verifiable form of the original, of any Department-issued license, permit, or stamp that establishes proof of actual purchase.

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

“Solicitation” means any activity that may be considered or interpreted as promoting, selling, or transferring products, services, memberships, or causes, or participation in an event or activity of any kind, including organizational, educational, public affairs, or protest activities, including the distribution or posting of advertising, handbills, leaflets, circulars, posters, or other printed materials for these purposes.

“Solicitation material” means advertising, circulars, flyers, handbills, leaflets, posters, or other printed information.

“Sponsor” means the person or persons conducting a solicitation or event.

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

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

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

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

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

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

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

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

“Buck antelope” means a male pronghorn antelope.

“Adult bull buffalo” means a male buffalo any age or any buffalo designated by a Department employee during an adult bull buffalo hunt.

“Bull elk” means an antlered elk.

“Adult cow buffalo” means a female buffalo any age or any buffalo designated by a Department employee during an adult cow buffalo hunt.

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

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

“Rooster” means a male pheasant.

“Yearling buffalo” means any buffalo less than three years of age or any buffalo designated by a Department employee during a yearling buffalo hunt.

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

- A. Under A.R.S. § 17-332(C), the Department and its license dealers ~~shall~~ may issue a duplicate license or tag to an applicant who ~~pays~~:
1. Pays the applicable fee prescribed by under R12-4-102 for a duplicate license or tag, and who signs
  2. Signs an affidavit that includes and attests to the following. The affidavit is furnished by the Department and is available at any Department office or license dealer.
- B. The applicant shall provide the following information on the affidavit:
1. The applicant's ~~name and identification~~ personal information:
    - a. Name;
    - b. Department identification number, if previously issued to the applicant when applicable;
    - c. Residency status and number of years of residency immediately preceding application, when applicable;
  2. The ~~applicant purchased an~~ original license or tag; information:
    - a. Type of license or tag;
    - b. Place of purchase;
    - c. Purchase date, when available;
  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. ~~3. The applicant that purchased~~ Disposition of the original tag for which a duplicate is being purchased did not use the tag, and that the:
    - a. The tag was not used and is lost, destroyed, mutilated, or otherwise unusable; or
    7. ~~b. If applicable, the applicant~~ The tag was 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 as required under R12-4-112(B) and (C). B. If an An applicant is applying for a duplicate tag under this subsection (A)(7), the applicant shall also submit a the condemned meat duplicate tag authorization form issued by the Department.
- C. In the event the Department is unable to verify the expiration date of the original license, the duplicate license shall expire on December 31 of the current year.

**R12-4-104. Application Procedures for Issuance of Hunt Permit-tags by ~~Drawing~~ Computer Draw and Purchase of Bonus Points**

- A. For the purposes of this Section, “group” means all applicants who ~~have~~ placed their names on a single application ~~form contained in a single envelope, or submitted electronically over the Internet~~ as part of the same

application. ~~No more than four persons may apply as a group.~~

**B.** A person is eligible to apply:

1. For a hunt permit-tag if the person:

- a. Is at least 10 years ~~old~~ of age at the start of the hunt for which the person ~~applies~~ is applying;
- b. Has successfully completed a ~~department approved~~ Department-sanctioned hunter education course by the start date of the hunt for which the person ~~applies~~ is applying, if when the person is under the age of 14; ~~and~~
- c. Has not reached the bag limit established under subsection (J) for that genus; and
- ~~e.d. Does Is not have his or her license or license privileges to hunt in this state~~ suspended or revoked in this state as a result of an action under A.R.S. §§ 17-340 or 17-502 at the time the person submits an application, as a result of an action under either A.R.S. §§ 17-340 or 17-502.

2. For a bonus point if the person:

- a. Is at least 10 years ~~old~~ of age by the application deadline to apply; and
- b. ~~Does Is not have his or her license or license privileges to hunt in this state~~ suspended or revoked in this state as a result of an action under A.R.S. §§ 17-340 or 17-502 at the time the person submits an application, as a result of an action under either A.R.S. §§ 17-340 or 17-502.

**C.** An applicant shall apply at the times, locations, and in the manner and method established by the hunt permit-tag application schedule published by the Department and available at any Department office, online at [www.azgfd.gov](http://www.azgfd.gov), or a license dealer.

1. The Commission shall set application deadline dates for hunt permit-tag computer draw applications through the hunt permit-tag application schedule.
2. The Director has the authority to extend any application deadline date if a problem occurs that prevents the public from submitting a hunt permit-tag application within the deadlines set by the Commission.
3. The Commission, through the hunt permit-tag application schedule, shall designate the manner and method of submitting an application, which may require an applicant to apply online only. If the Commission requires applicant's to use the online method, the Department shall accept paper applications only in the event of a Department systems failure.

**~~C.D.~~** ~~An applicant for a hunt permit-tag or a bonus point shall complete and submit a Hunt Permit-tag Application Form. The application form is available from any Department office, the Department's Internet web site, or a license dealer, or online at [www.azgfd.gov](http://www.azgfd.gov). An applicant shall apply at the times, locations, and in the manner established by the hunt permit tag application schedule that is published by the Department and available at any Department office, the Department's Internet web site, or a license dealer. Under A.R.S. § 17-231, the Commission shall set application deadlines for hunt permit tag drawing applications. The Director has the authority to extend any application deadline date if problems occur that prevent the public from submitting a hunt permit tag application within the deadlines set by the Commission.~~

- ~~D. An applicant shall sign the Hunt Permit-tag Application Form, or provide permission for another person to sign the application form on behalf of the applicant. If applying electronically over the Internet, an applicant shall attest to, or provide permission for another person to attest to, the information electronically provided.~~
- E. An applicant shall provide the following information on the Hunt Permit-tag Application ~~Form~~:
1. The applicant's personal information:
    - a. Name;
    - b. Date of birth,
    - c. Social security number, as required under A.R.S. §§ ~~25-320(N)~~ 25-320(P) and 25-502(K);
    - d. Department identification number, when applicable;
    - e. Residency status and number of years of residency immediately preceding application, when applicable;
    - f. Mailing address, when applicable;
    - g. Physical address;
    - h. Telephone number, when available; and
    - i. E-mail address, when available; ~~and~~
  2. If the applicant possesses a valid license authorizing the take of wildlife in this state, the number of the applicant's license;
  3. If the applicant does not possess a valid license at the time of the application, the applicant shall purchase a license as established under subsection (L). The applicant shall provide all of the following information on the license application portion of the Hunt Permit-tag Application:
    - a. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - b. Residency status and number of years of residency immediately preceding application, when applicable; ~~and~~
    - c. Type of license for which the person is applying; and
  4. Affirmation that the information provided on the application is true and accurate;
  - 4.5. An applicant who is:
    - a. Under the age of ~~ten~~ 10 and is submitting an application for a hunt other than big game is not required to have a license under this Chapter. The applicant shall indicate "youth" in the space provided for the license number on the Hunt Permit-tag Application ~~Form~~.
    - b. Age nine or older and is submitting an application for a big game hunt is required to purchase an appropriate license as required under this Section. The applicant shall either enter the appropriate license number in the space provided for the license number on the Hunt Permit-tag Application ~~Form~~ or purchase a license at the time of application, as applicable.
- F. ~~An~~ In addition to the information required under subsection (E), an applicant shall ~~include as part of the hunt permit tag application, the following~~ also submit all applicable fees as established under R12-4-102, as follows:
1. ~~The fee for the applicable hunt permit tag, unless the application is submitted electronically over the Internet or telephone;~~
  2. ~~The permit application fee; and~~

- ~~3. The license fee if the applicant does not possess a license that will be valid at the time of application deadline.~~
1. When applying electronically:
- a. The permit application fee; and
  - b. The license fee, when the applicant does not possess a valid license at the time of application. The applicant shall submit payment in U.S. currency using valid credit or debit card.
  - c. If an applicant is successful in the computer draw, the Department shall charge the hunt permit-tag fee using the credit or debit card furnished by the applicant.
2. When applying manually:
- a. The fee for the applicable hunt permit-tag;
  - b. The permit application fee; and
  - c. The license fee if the applicant does not possess a valid license at the time of application. The applicant shall submit payment by certified check, cashier's check, or money order made payable in U.S. currency to the Arizona Game and Fish Department.
- ~~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.G.** 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~~ computer draw, the Department shall deem the application unsuccessful, unless the application is for a bonus point.
- I.1.** An applicant shall make all hunt choices for the same genus within one application.
- I.2.** 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.H.** An applicant shall submit only one valid application per genus of wildlife for any calendar year, except:
1. If the bag limit is one per calendar year, an unsuccessful applicant may re-apply for remaining hunt permit-tags in unfilled hunt areas, as specified in the hunt permit-tag application schedule ~~published by the Department.~~
  2. For genera that have multiple draws within a single calendar year, a person who successfully draws a hunt permit-tag during an earlier season may apply for a later season for the same genus if the person has not taken the bag limit for that genus during a preceding hunt in the same calendar year.
  3. If the bag limit is more than one per calendar year, a person may apply for remaining hunt permit-tags in unfilled hunt areas as specified in the hunt permit-tag application schedule ~~published by the Department for remaining hunt permit tags in unfilled hunt areas.~~
- I.** All members of a group shall apply for the same hunt numbers and in the same order of preference.
1. No more than four persons may apply as a group.

2. The Department shall not issue a hunt permit-tag to any group member unless sufficient hunt permit-tags are available for all group members.

**M.J.** A person shall not apply for a hunt permit-tag for:

1. Rocky Mountain ~~bighorn sheep~~ or desert bighorn sheep if the person has met the lifetime bag limit for that sub-species. ~~A person shall not apply for a hunt permit tag for buffalo~~
2. Buffalo if the person has met the lifetime bag limit for that species.
3. Any species when the person has reached the bag limit for that species during the same calendar year for which the hunt permit-tag applies.

**N.K.** To participate in:

1. The ~~drawing~~ computer draw system, an applicant shall possess an appropriate hunting license that shall be valid, either:
  - i. On the last day of the application deadline for that computer draw, as established by the hunt permit-tag application schedule published by the Department, or
  - ii. On the last day of an extended deadline date, as authorized under subsection (C)(2).
  - iii. If an applicant does not possess an appropriate hunting license that meets the requirements of this subsection, the applicant shall purchase the license at the time of application.
2. The bonus point system, an applicant shall comply with the requirements established under R12-4-107.

**O.L.** The Department shall reject as invalid a Hunt Permit-Tag Application ~~Form~~ not prepared or submitted in accordance with this Section or not prepared in a legible manner. ~~If the Department rejects an application from any member of a group, the Department shall reject all members of the group application.~~

**P.M.** Any hunt permit-tag issued for an application that is subsequently found not to be in accordance with this Section is invalid.

**Q.N.** 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~~. The Department shall not refund:

1. ~~Permit application fees shall not be refunded~~ A permit application fee.
2. ~~License fees~~ A license fee submitted with a valid application for a hunt permit-tag or bonus point ~~shall not be refunded.~~
3. An overpayment of five dollars or less. The Department shall consider the overpayment to be a donation to the Arizona Game and Fish Fund.

**O.** The Department shall award a bonus point for the appropriate species to an applicant when the payment submitted is less than the required fees, but is sufficient to cover the application fee and, when applicable, license fee.

**R.P.** ~~If the Director determines that Department error caused a person to submit an invalid application for a hunt permit tag, prevented a person from lawfully submitting an application, caused the rejection of an application for a hunt permit tag, or caused the denial of a hunt permit tag, the Director may authorize an additional hunt permit tag if the issuance of an additional hunt permit tag will have no significant impact on the wildlife population to be hunted and the application for the hunt permit tag would have otherwise been successful based~~

~~on its random number. The Director may also authorize the awarding of a bonus point to correct the error if a hunt permit tag is not issued. If the Director determines that Department error caused the failure to apply an applicant's bonus points to an application, the Director may authorize an additional hunt permit tag to correct the error, if the issuance of an additional hunt permit tag will have no significant impact on the wildlife population to be hunted. The Director may also authorize the awarding of a bonus point to correct the error if a hunt permit tag is not issued. 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. When the Department determines a Department error, as defined under subsection (3), caused the rejection or denial of a valid application:~~

1. The Director may authorize either:
  - a. The issuance of an additional hunt permit-tag, provided 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, or
  - b. The awarding of a bonus point when a hunt permit-tag is not issued.
2. A person who is denied a hunt permit-tag or a bonus point under this subsection may appeal to the Commission as provided under A.R.S. Title 41, Chapter 6, Article 10.
3. For the purposes of this subsection, "Department error" means an internal processing error that:
  - a. Prevented a person from lawfully submitting an application for a hunt permit-tag,
  - b. Caused a person to submit an invalid application for a hunt permit-tag,
  - c. Caused the rejection of an application for a hunt permit-tag,
  - d. Failed to apply an applicant's bonus points to a valid application for a hunt permit-tag, or
  - e. Caused the denial of a hunt permit-tag.

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

- A.** For the purposes of this Section, unless the context otherwise requires:
- ~~1.~~ "Dealer number" means ~~a~~ the unique number assigned by the Department to ~~each~~ a 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, permit, stamp, or 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.  
"License Dealer Portal" means the secure website provided by the Department for issuing licenses and permits and accessing a license dealer's account.
- B.** ~~The Department shall issue~~ A person is eligible to apply for a license dealer's license ~~if~~, provided all of the following criteria are met:
1. ~~The applicant has not had the~~ person's privilege to sell licenses for the Department ~~has not been~~ revoked or canceled under A.R.S. §§ 17-334, 17-338, or 17-339 within the ~~past~~ two calendar years immediately preceding the date of application;

2. The ~~applicant's~~ person's credit record or assets assure the Department that the value of the licenses shall be adequately protected;
3. The ~~applicant person~~ agrees to assume financial responsibility for licenses provided ~~to dealers and dealer outlets~~ by the Department at the maximum value established ~~in~~ under R12-4-102, less the dealer commission ~~allowed by~~ prescribed under 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.C.~~ An applicant ~~A person shall apply~~ for a license dealer's license ~~shall obtain by submitting~~ an application ~~form from the Department and submit it~~ to any Department office. The application is furnished by the Department and is available at any Department office. ~~The~~ A license dealer license applicant shall provide all of the following information on the form application:

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.~~

1. The principal business or corporation information:

- a. Name,
- b. Physical address, and
- c. Telephone number;
- d. If not a corporation, the applicant shall provide the information required under subsections (a), (b), and (c) for each owner;

2. The contact information for the person responsible for ensuring compliance with this Section:

- a. Name,
- b. Business address, and
- c. Business telephone number;

3. Whether the applicant has previously sold licenses under A.R.S. § 17-334;

4. Whether the applicant is seeking renewal of an existing license dealer's license;

5. Credit references and a statement of assets and liabilities; and

6. Dealer outlet information:

- a. Name,
- b. Physical address,
- c. Telephone number, and

d. Name of the person responsible for ensuring compliance with this Section at each dealer outlet.

~~E.D.~~ A license dealer may request to add dealer outlets to the license dealer's license, at any time during a the license year, by submitting the application form containing the information required ~~by~~ under subsection ~~(D)~~ (C) to the Department.

E. An applicant who is denied a license dealer's license under this Section may appeal to the Commission as provided under A.R.S. Title 41, Chapter 6, Article 10.

F. The Department shall ~~provide~~:

1. Provide to the license dealer all licenses that the license dealer will make available to the public for sale, ~~except~~
2. Authorize the license dealers dealer that are authorized to use ~~their~~ the dealer's own license stock, or
3. Authorize the license dealer to issue licenses and permits online via the Department's License Dealer Portal.

G. Upon receipt of licenses provided by the Department, the license dealer shall verify the licenses received are the licenses identified on the shipment inventory provided by the Department with the shipment.

1. Within five working days from receipt of shipment, the person performing the verification shall:
  - a. Clearly designate any discrepancies on the shipment inventory.
  - b. Sign and date the shipping inventory, and
  - c. Return the signed shipping inventory to the Department.
2. The Department shall verify any discrepancies identified by the license dealer and credit or debit the license dealer's inventory accordingly.

~~G.H.~~ A license dealer shall maintain ~~at each outlet~~ an inventory of licenses for sale to the public at each outlet.

I. A license dealer may request ~~that the Department provide~~ additional licenses ~~for sale~~ in writing or verbally.

1. ~~A~~ The request shall include ~~the~~:
  - a. The name of the license dealer, ~~the~~
  - b. The assigned dealer number, ~~a~~
  - c. A list of the ~~items~~ licenses needed, and ~~the~~
  - d. The name of the ~~individual~~ person making the request.
2. Within 10 calendar days from receipt of a request from a license dealer, the Department shall provide to an outlet the licenses requested, unless:
  - a. The license dealer failed to acknowledge licenses previously provided to the ~~outlet have not been acknowledged~~ license dealer, as required under subsection ~~(H)~~ (G); or the outlet
  - b. The license dealer failed to transmit license fees, as required under subsection (J); or
  - c. The license dealer is not in compliance with this Section and all 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.~~

**J.** A license dealer shall transmit to the Department all license fees collected by the tenth day of each month, less the dealer commission prescribed under A.R.S. § 17-338(B). Failure to comply with the requirements of this subsection shall result in the cancellation of the license dealer's license, as authorized under A.R.S. § 17-338(A).

**I.K.** A license dealer shall submit a monthly report to the Department by the tenth day of each month, as required by prescribed under A.R.S. § 17-338, on forms obtained from the Department, regardless of whether the license dealer makes a sale during the month 17-339.

1. The monthly report form is furnished by the Department.
2. A monthly report is required regardless of whether or not activities were performed.
3. Failure to submit the monthly report in compliance with this subsection shall be cause to cancel the license dealer's license.
4. The license dealer shall include in the monthly report all of the following information for each outlet:
  - ~~1-a.~~ Name of the dealer and the;
  - b. The assigned dealer number;
  - ~~2-c.~~ Reporting period;
  - ~~3-d.~~ Number of sales and dollar amount of sales for reporting period, by type of license sold;
  - ~~4-e.~~ Dollar amount of commission authorized under A.R.S. § 17-338(B);
  - ~~5-f.~~ Debit and credit adjustments for previous reporting periods, if any;
  - ~~6-g.~~ 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-h.~~ List of lost or missing licenses; and
  - ~~8-i.~~ Signature Printed name and signature of the preparer.
5. In addition to the information required under subsection (K), the license dealer shall also provide the affidavit for each duplicate license issued by the dealer during the reporting period.
  - a. The affidavit is furnished by the Department and is included in the license book.
  - b. A license dealer who fails to submit the affidavit for a duplicate license issued by the license dealer shall remit to the Department the actual cash value of the original license replaced.

**J.L.** The Department shall provide written notice of suspension and demand the return of all inventory within five calendar days from any license dealer who:

1. Fails to remit transmit monies due the Department under A.R.S. § 17-338 by the deadline established under subsection (J); 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 and all applicable statutes and rules.

**K.M.** The As prescribed under A.R.S. § 17-338, the actual cash value of licenses not returned to the Department in accordance with A.R.S. § 17-339; is due and payable to the Department within 15 working days from the date the Department provides written notice to the license dealer. This includes, but is not limited to:

1. Licenses not returned upon termination of business by a license dealer; or
2. Licenses 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.N.~~ In addition to those violations that may result in revocation ~~or~~ suspension, or cancellation of a license dealer's license, ~~provided as prescribed under A.R.S. §§ 17-334, 17-338, and 17-339,~~ the Commission may revoke a license dealer's license if the ~~licensed license~~ dealer or an employee of the ~~licensed license~~ dealer is convicted of counseling, aiding, or attempting to aid any person in obtaining a fraudulent license.

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

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

“Administrative review time-frame” has the same meaning as prescribed under A.R.S. § 41-1072(1).

“License” means any permit or authorization issued by the Department and listed under subsection (H).

“Overall time-frame” has the same meaning as prescribed under A.R.S. § 41-1072(2).

“Substantive review time-frame” has the same meaning as prescribed under A.R.S. § 41-1072(3).

**A.B.** As required by under A.R.S. § 41-1072 et seq., within the overall time-frames listed in the table below, the Department shall either grant or deny the following licenses within the listed time frames:

1. Grant a license to an applicant after determining the applicant meets all of the criteria required by statute and the governing rule; or
2. Deny a license to an applicant when the Department determines the applicant does not meet all of the criteria required by statute and the governing rule.
  - a. The Department may deny a license at any point during the review process if the information provided by the applicant demonstrates the applicant is not eligible for the license as prescribed under statute or the governing rule.
  - b. The Department shall issue a written denial notice when it is determined that an applicant does not meet all of the criteria for the license.
  - c. The written denial notice shall provide:
    - i. The Department's justification for the denial, and
    - ii. When a hearing or appeal is authorized, an explanation of the applicant's right to a hearing or appeal.

**C.** During the overall time-frame:

1. The applicant and the Department may agree in writing to extend the overall time-frame.
2. The substantive review time-frame shall not be extended by more than 25% of the overall time-frame.

**D.** An applicant may withdraw an application at any time.

**E.** The administrative review time-frame shall begin upon the Department's receipt of an application.

1. During the administrative review time-frame, the Department may return to the applicant, without denial, ~~any incomplete~~ an application that is ~~lacking~~ missing any of the information required by under R12-4-409 and the Section rule governing the specific license. The Department shall issue to the applicant a written notice that

~~accompanies each returned application listing the~~ identifies all missing information the and indicates that the applicant failed to provide has 30 days in which to return the missing information.

2. The administrative review time-frame and the overall time-frame listed for the applicable license ~~is~~ under this Section are suspended from the date on the notice until the date ~~that~~ the Department receives the missing information ~~from the applicant.~~
3. If an applicant fails to respond to a request for missing information within 30 days, the Department shall consider the application withdrawn.

**F.** The substantive review time-frame shall begin when the Department determines an application is complete.

1. During the substantive review time-frame, the Department may make one comprehensive written request for additional information, ~~except the.~~ The written notice shall:
  - a. Identify the additional information, and
  - b. Indicate the applicant has 30 days in which to submit the additional information.
  - c. The Department and the applicant may mutually agree in writing to allow the agency to submit supplemental requests for additional information.
  - d. If an applicant fails to respond to a request for additional information within 30 days, the Department shall consider the application withdrawn.
2. The substantive review time-frame and the overall time-frame listed for the applicable license ~~is~~ under this Section are suspended from the date on the request until the date ~~that~~ the Department receives the additional information ~~from the applicant.~~

**G.** If the last day of the time-frame period falls on a Saturday, Sunday, or an official State holiday, the Department shall consider the next business day the time-frame period's last day. All periods listed are ~~calendar:~~

1. Calendar days, and all are maximum
2. Maximum time periods.

**H.** ~~Licenses may be reviewed and issued or denied in less time~~ The Department may grant or deny a license in less time than specified below.

Name of Special License	Governing Rule	Administrative <del>Completeness</del> Review Time-frame	Substantive Review Time-frame	Overall Time-frame
Aquatic Wildlife Stocking Permit	R12-4-410	10 days	170 days	180 days
<u>Authorization for Use of Drugs on Wildlife</u>	<u>R12-4-309</u>	<u>20 days</u>	<u>70 days</u>	<u>90 days</u>
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
<del>Game Bird Field Training Permit</del>	<del>R12-4-416</del>	<del>10 days</del>	<del>20 days</del>	<del>30 days</del>
<del>Game Bird Field Trial License</del>	<del>R12-4-415</del>	<del>10 days</del>	<del>20 days</del>	<del>30 days</del>
<del>Game Bird Hobby License</del>	<del>R12-4-419</del>	<del>10 days</del>	<del>20 days</del>	<del>30 days</del>
Game Bird <del>Shooting</del> Preserve License	R12-4-414	10 days	20 days	30 days
Guide License	R12-4-208	10 days	20 days	30 days
License Dealer's License	R12-4-105	10 days	20 days	30 days
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.~~

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

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

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

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

- B. The bonus point system grants a person one random number entry in each ~~drawing~~ computer draw for antelope, bear, bighorn sheep, buffalo, deer, elk, javelina, or turkey for each bonus point that person has accumulated under this Section.

1. Each bonus point random number entry is in addition to the entry normally granted under R12-4-104.

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

3. The Department shall credit a bonus point under an applicant's Department identification number for the genus on the application.

4. The Department shall not transfer bonus points between persons or genera.

- C. The Department shall award one bonus point to an applicant who submits a valid Hunt Permit-tag Application ~~Form~~ if all of provided the following apply:

1. The application is unsuccessful in the ~~drawing or the computer draw or the~~ application is for a bonus point only;

2. The application is not for a hunt permit-tag leftover after the ~~drawing~~ computer draw and available on a first-come, first-served basis as established under R12-4-114; and

3. The applicant either provides the appropriate hunting license number on the application; or submits an application and fees for the applicable license with the Hunt Permit-tag Application ~~Form~~, as applicable.

- D. An applicant who purchases a bonus point only shall:

1. Submit a valid Hunt Permit-tag Application ~~Form~~, as prescribed under R12-4-104, with the ~~Commission~~-assigned bonus point hunt number for the particular genus as the first-choice hunt number on the application. The Department shall reject any application that:

a. Indicates the bonus point only hunt number as any choice other than the first-choice, or

b. Includes any other hunt number on the application;

2. Include the applicable fees:
    - a. Application fee, and
    - b. Applicable license fee, required when the applicant does not possess a valid license at the time of application; and
  3. Submit only one Hunt Permit-tag Application ~~Form~~ per genus per ~~drawing~~ computer draw.
- E.** With the exception of the hunter education bonus point, each accumulated bonus point is valid only for the genus designated on the Hunt Permit-tag Application ~~Form~~.
- F.** ~~Except for~~ With the exception of a permanent bonus point awarded for hunter education, ~~or and a~~ loyalty bonus points point that are which is accrued and forfeited as ~~prescribed in established under~~ subsection ~~(K)~~ (L), ~~all of~~ a person's accumulated bonus points for a genus are ~~forfeited~~ expended if:
1. The person is issued a hunt permit-tag for that genus in a computer ~~drawing~~ draw; ~~or~~
  2. The person fails to submit a Hunt Permit-tag Application ~~Form~~ for that genus for five consecutive years; ~~or~~
  3. The person purchases a surrendered tag as prescribed under R12-4-118(F)(1), (2), or (3).
- G.** Notwithstanding subsection (F), the Department shall restore any expended bonus points to a person who surrenders or transfers a tag in compliance with R12-4-118 or R12-4-121.
- ~~G.H.~~** An applicant issued a first-come, first-served hunt permit-tag under ~~R12-4-114(C)(2)(d)~~ R12-4-114(C)(2)(e) after the computer ~~drawing~~ draw does not ~~lose~~ expend 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.~~
- I.** An applicant who is unsuccessful for a first-come, first-served hunt permit-tag made available by the Department after the computer draw is not eligible to receive a bonus point.
- ~~H.J~~** The Department shall award one permanent bonus point for each genus upon a person's first graduation from the Department's a Department-sanctioned Arizona Game and Fish Department Hunter Education Course or for serving as a Department hunter education instructor.
1. ~~The Department shall credit a person who graduated after January 1, 1980, but before January 1, 1991, or a person certified by the Department as an active hunter education instructor after January 1, 1980, with one permanent bonus point for each genus if the person provides the following information on a form available from the Department: Department identification number; name; address; residency status, and length of Arizona residency, if applicable; date of birth; sex; weight; height; color of hair and eyes; and, for a person other than an instructor, the month and year of graduation from the Department's Arizona Hunter Education Course. Course participants are required to provide the following information upon registration, the participants:~~
    - a. Name;
    - b. Mailing address;
    - c. Telephone number;
    - d. E-mail address, when available;
    - e. Date of birth; and

- f. Department ID number, when applicable.
- 2. An instructor or a person who has graduated from the Department's Arizona Hunter Education Course shall submit the required form 30 days before a drawing's application deadline, as specified in the hunt permit tag application schedule, in order for the bonus point to be counted by the Department in that drawing. The Arizona Game and Fish Department-certified Instructor shall submit the course paperwork to the Department within 10 business days of course completion. Course paperwork must be received by the Department no less than 30 days before the computer draw application deadline, as specified in the hunt permit-tag application schedule in order for the Department to assign hunter education bonus points in the next computer draw.
- 3. The Department shall not award hunter education bonus points for any of the following specialized hunter education courses:
  - a. Bowhunter Education,
  - b. Trapper Education, or
  - c. Advanced Hunter Education.

~~I.K.~~ The Department shall make provides an applicant's total number of accumulated bonus points available on the Department's application web site or IVR telephone system.

- 1. If the applicant disagrees with a person believes the total number of accumulated bonus points is incorrect, the applicant person may request from the Department proof of compliance with this Section, from the Department, to prove Department error.
- 2. In the event of an error, the Department shall correct the applicant's person'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.L.~~ The following provisions apply to the loyalty bonus point program:

- 1. The Department shall award a loyalty bonus point if an An applicant who 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 shall accrue a loyalty bonus point for that genus.
- 2. Except as established under subsection (N), once a loyalty bonus point is accrued, the applicant retains a shall retain the loyalty bonus point once accrued as long as provided the applicant annually submits a valid an application, with funds sufficient to cover all application fees and applicable license fees for each applicant listed on the 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 An applicant who has accrued a loyalty bonus point fails to apply in any calendar year for a hunt permit-tag or bonus point for the genus for which the loyalty bonus point was accrued, the applicant's shall forfeit the 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.M.** ~~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. A military member, military reserve member, member of the National Guard, or emergency response personnel with a public agency may request the reinstatement of any expended bonus points for a successful Hunt Permit-tag Application.~~

1. To request reinstatement of ~~forfeited~~ expended bonus points under these circumstances, an applicant shall submit all of the following information to the Arizona Game and Fish Department, Draw Section, 5000 W. Carefree Highway, Phoenix, AZ 85086:
  - ~~1. A letter from the applicant requesting reinstatement of bonus points;~~
  - ~~2. The hunt number for which the hunt permit tag is valid;~~
  - ~~3-a. Evidence of mobilization or change in duty status, such as a letter from the public agency or official orders; or~~
  - ~~4-b. An official declaration of a state of emergency from the public agency or authority making the declaration of emergency, if applicable; and~~
  - ~~5-c. 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.~~
2. The Department shall deny requests post-marked after the beginning date of the hunt for which the hunt permit-tag is valid, unless the person also submits, with the request, evidence of mobilization, activation, or a change in duty status that precluded the applicant from submitting the hunt permit-tag before the beginning date of the hunt.
3. 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.
4. Reinstatement of bonus points under this subsection is not subject to the requirements established under R12-4-118.

**N.** It is unlawful for a person to purchase a bonus point by fraud or misrepresentation and any bonus point so obtained shall be removed from the person's Department record.

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

- A.** For the purpose of this Section, parentheses mean "also known as," and the following definitions shall apply:
1. "FH" means "forest highway," a paved road.
  2. "FR" means "forest road," an unpaved road.
  3. "Hwy" means "Highway."
  4. "mp" means "milepost."

**B.** The state is divided into units for the purpose of managing wildlife. Each unit is identified by a number, or a number and letter. For the purpose of this Section, Indian reservation land contained within any management unit is not under the jurisdiction of the Arizona Game and Fish Commission or the Arizona Game and Fish Department.

**C.** Management unit descriptions are as follows:

Unit 1 - No change

Unit 2A -- No change

Unit 2B -- No change

Unit 2C -- No change

Unit 3A -- No change

Unit 3B - No change

Unit 3C -- No change

Unit 4A -- No change

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. (FH 151); westerly and southerly along the Woods Canyon Lake Rd. (FH 151) to the Mogollon Rim; easterly along the Mogollon Rim to the intersection of AZ Hwy 260 and the Sitgreaves National Forest boundary with the Tonto National Forest.

Unit 5A -- No change

Unit 5B -- Beginning at Lake Mary-Clint's Well Rd. (FH3) and Walnut Canyon (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 Canyon (mp 210.2); southwesterly along the bottom of Walnut Canyon to Walnut Canyon National Monument; southwesterly along the northern boundary of the Walnut Canyon National Monument to Walnut Canyon; southwesterly along the bottom of Walnut Canyon 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~~ the confluence with Fossil Creek; ~~easterly on the Childs Strawberry Rd. to~~ northeasterly along Fossil Creek ~~north on the creek~~ to Fossil Springs; southeasterly on FS trail 18 (Fossil Spring Trail) to the top of the rim; northeasterly on the rim to Nash Point on the Tonto-Coconino National Forest boundary; 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 Priest Draw; southwesterly along the bottom of Priest Draw to FR 235;

westerly on FR 235 to FR 235A; westerly on FR 235A to FR 235; southerly on FR 235 to FR 235K; northwesterly on FR 235K to FR 700; northerly on FR 700 to Mountaineer Rd.; west on Mountaineer Rd. to FR 237; westerly on FR 237 to U.S. Hwy 89A except those portions that are sovereign tribal lands of the Yavapai-Apache Nation.

Unit 6B -- No change

Unit 7 - No change

Unit 8 -- No change

Unit 9 -- No change

Unit 10 -- No change

Unit 11M - Beginning at the junction of Lake Mary-Clint's Well Rd (FH3) and Walnut Canyon (mp 337.5 on FH3); northeasterly along the bottom of Walnut Canyon to the Walnut Canyon National Monument boundary; northeasterly along the northern boundary of the Walnut Canyon National Monument to Walnut Canyon; northeasterly along the bottom of Walnut Canyon to I-40 (mp 210.2); east on I-40 to the 345 KV transmission lines 1&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 US Hwy 89; across US Hwy 89 to FR 420 (Schultz Pass Rd); southwestly 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 the Navajo Army Depot (mp 188.5 on I-40); south along the eastern boundary of the Navajo Army Depot to the southeast corner of the Depot; southeast approximately 1/3 mile to forest road in section 33; southeasterly along that forest road to FR 231 (Woody Mountain Rd); easterly on FR 231 to FR 533; southerly on FR 533 to US Hwy 89A; southerly on US Hwy 89A to FR 237; northeasterly on FR 237 to Mountaineer Rd; easterly on Mountaineer Rd to FR 700; southerly on FR 700 to FR 235K; southeasterly on FR 235K to FR 235; northerly on FR 235 to FR 235A; easterly on FR 235A to FR 235; easterly on FR 235 to Priest Draw; northeasterly along the bottom of Priest Draw to FR 235; easterly on FR 235 to FR 132; southeasterly on FR 132 to FR 296A; northeasterly on FR 296A to FR 296; northeasterly on FR 296 to FR 132; northeasterly on FR 132 to FH 3; southeasterly on FH 3 to the south rim of Walnut Canyon (mp 337.5 on FH3)

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

Unit 12B -- No change

Unit 13A -- No change

Unit 13B -- No change

Unit 15A -- No change

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 Rd.; southerly on the Hackberry Rd. to its junction with U.S. Hwy 93; north ~~and west~~ on U.S. Hwy 93 ~~and to~~ I-40 (Exit 71); west on I-40 to Kingman (Exit 48).

Unit 15C -- No change

Unit 15D -- No change

Unit 16A -- Beginning at Kingman ~~Exit 48~~ on I-40 (Exit 48); south and west on I-40 to U.S. Hwy 95 (Exit 9); southerly on U.S. Hwy 95 to the Bill Williams River; easterly along the Bill Williams and Santa Maria rivers to U.S. Hwy 93; north ~~and west~~ on U.S. Hwy 93 ~~and to~~ I-40 (Exit 71); west on I-40 to Kingman (Exit 48).

Unit 16B -- No change

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~~ Rd. to the west boundary of the Prescott National Forest; north along ~~this~~ the forest 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~~ the forest 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. (County Rd. 10) and Williamson Valley Rd. (County Road 5) ~~in Prescott~~; 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 -- No change

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~~ forest boundary; south along the west boundary of the Prescott National Forest; to the Camp Wood-Bagdad Rd.; southwestly on the Camp Wood-Bagdad Rd. to Bagdad; except those portions that are sovereign tribal lands of the Hualapai Indian Tribe.

Unit 19A -- No change

Unit 19B -- No change

Unit 20A -- No change

Unit 20B -- Beginning at the Hassayampa River and U.S. Hwy ~~93~~ 60/93 (in Wickenburg); northeasterly along the Hassayampa River to the Kirkland Junction-Wagoner- Crown King-Cordes road (at Wagoner); southerly and northeasterly along the Kirkland Junction-Wagoner-Crown King-Cordes Rd. (at Wagoner) to I-17 (Exit

259); south on the southbound lane of I-17 to the New River Road (Exit 232); west on the New River Road to State ~~Highway~~ Hwy 74; west on AZ Hwy 74 to the junction of AZ Hwy 74 and U.S. Hwy ~~93~~ 60/93; northwesterly on U.S. Hwy ~~93~~ 60/93 to the Hassayampa River.

Unit 20C -- Beginning at U.S. Hwy ~~93~~ 60/93 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~~ 60/93; northwesterly on U.S. Hwy ~~93~~ 60/93 to the Santa Maria River.

Unit 21 -- No change

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

Unit 23 -- No change

Unit 24A -- No change

Unit 24B -- No change

Unit 25M -- No change

Unit 26M -- No change

Unit 27 -- No change

Unit 28 - No change

Unit 29 -- No change

Unit 30A -- No change

Unit 30B -- No change

Unit 31 -- No change

Unit 32 -- No change

Unit 33 -- No change

Unit 34A -- No change

Unit 34B -- No change

Unit 35A -- No change

Unit 35B - No change

Unit 36A - No change

Unit 36B - No change

Unit 36C -- No change

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 Nation boundary; north, east, and west along ~~the reservation~~ this 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 -- No change

Unit 38M -- No change

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

Unit 40A -- No change

Unit 40B -- No change

Unit 41 -- No change

Unit 42 -- No change

Unit 43A -- No change

Unit 43B -- No change

Unit 44A -- No change

Unit 44B - No change

Unit 45A -- No change

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

Unit 45C -- No change

Unit 46A -- No change

Unit 46B -- No change

**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, and is not currently closed by the Commission.
  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~~ the prohibition against posting ~~is proscribed under~~ A.R.S. § 17-304, ~~an individual~~ a person 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 or conducting any activities that are within the scope of and take place while lawfully hunting or fishing. ~~An individual~~
1. A person in violation of this Section shall take immediate corrective action to remove any lock, fence, or other obstacle ~~that~~ unlawfully blocks preventing access to state lands.
  2. 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 prevents access to state lands.
  3. In addition, the Department may take appropriate legal action to recover expenses incurred in the removal of any unlawful posting or obstacle that blocks prevented access to state land.
- C.** The provisions of this Section do not allow any ~~individual~~ person to trespass upon private land to gain access to any state land.
- D.** ~~An individual~~ A person may post state lands as closed to hunting, fishing, or trapping without further action by the Commission when said state land is within 1/4 one-quarter mile of any occupied:
1. Occupied residence, cabin, lodge, or other building ~~and lands within corrals;~~ or
  2. 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.** The Commission may grant permission to lock, tear down, or remove a gate or close a road or trail that provides legally available access to state lands for persons lawfully taking wildlife or conducting any activities that are within the scope of and take place while lawfully hunting or fishing if access to such lands is provided by a reasonable alternate route.
1. 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.
  2. Applications for permits for more than 30 days shall be submitted to the Commission for approval.
  3. 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.
- E.F.** ~~An individual~~ A person may post state lands other than those ~~referred to in~~ referenced under subsection (D) as

closed to hunting, fishing, or trapping ~~only if, provided~~ the ~~individual person~~ has obtained a permit from the Commission, ~~and the~~ authorizing the closure. A person possessing a permit authorizing the closure of state lands shall post signs in compliance with A.R.S. 17-304(C). The Commission ~~determines that the closing may permit the closure of state land when it 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.G.~~ ~~An individual~~ A person shall submit an application for posting state land to prohibit hunting, fishing, or trapping under subsection ~~(E)~~ (F), or to close an existing road under subsection ~~(F)~~ (E), as required ~~by~~ under R12-4-610. If an application to close state land to hunting, fishing, or trapping is made by ~~an individual~~ a person 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 with the Department, in writing, within 30 days after receipt of notice, after which the matter shall be submitted to the Commission for determination.

~~G.H.~~ ~~An individual~~ A person may use a vehicle on or off a road to pick up lawfully taken big game animals.

~~H.I.~~ The closing of state land to hunting, fishing, or trapping shall not restrict any other permitted use of the land.

~~I.J.~~ 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 person~~ lawfully taking or retrieving wildlife or conducting any activities that are within the scope of and take place while lawfully hunting or fishing.

~~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; or
9. Operate a motor vehicle off road or on any road closed to the public by the Commission or landowner, except to retrieve a lawfully taken big game animal.

**R12-4-111. Identification Number**

~~An applicant for a Department identification number may either:~~

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

A person applying for a Department identification number, as defined under R12-4-101, shall provide the person's:

1. Full name.
2. Any additional names the person has lawfully used in the past or is known by.
3. Date of birth, and
4. Mailing address.

**R12-4-112. Diseased, Injured, or ~~Chemically-Immobilized~~ 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 has been 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.~~

A. A person who lawfully takes and possesses wildlife believed to be diseased, injured, or chemically-immobilized may request an inspection of the wildlife carcass provided:

1. The wildlife was lawfully taken and possessed under a valid hunt permit- or nonpermit-tag, and
2. The person who took the wildlife did not create the condition.

B. The Department, after inspection, may condemn the carcass if it is determined the wildlife is unfit for human

consumption. The Department shall condemn chemically-immobilized wildlife only when the wildlife was taken during the immobilizing drug's established withdrawal period.

- C. The person shall surrender the entire condemned wildlife carcass and any parts thereof to the Department.
  - 1. Upon surrender of the condemned wildlife, the Department shall provide to the person written authorization allowing the person to purchase a duplicate hunt permit- or nonpermit-tag.
  - 2. The person may purchase a duplicate tag from any Department office or license dealer where the permit-tag is available.
- D. If the duplicate tag is issued by a license dealer, the license dealer shall forward the written authorization to the Department with the report required under R12-4-105(K).

#### **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.~~
- A. The Department shall issue a small game depredation permit authorizing the take of small game and the allowable methods of take only after the Department has determined all other remedies prescribed under A.R.S. § 17-239(A), (B), and (C) have been exhausted and the take of the small game is necessary to alleviate the property damage. A small game depredation permit is:
  - 1. A complimentary permit.
  - 2. Not valid for the take of migratory birds unless the permit holder obtains and possesses a federal special purpose permit under 50 C.F.R. 21.41, revised October 1, 2014, which is incorporated by reference in this Section. The incorporated material is available at any Department office, online at [www.gpoaccess.gov](http://www.gpoaccess.gov), or it may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000. This incorporation by reference does not include any later amendments or editions of the incorporated material.

**B.** A person desiring a small game depredation permit shall submit to the Department an application requesting the permit. The application form is furnished by the Department and is available at any Department office and online at [www.azgfd.gov](http://www.azgfd.gov). The person shall provide all of the following information on the form:

1. Full name or, when submitted by a municipality, the name of the agency and agency contact;
2. Mailing address;
3. Telephone number or, when submitted by a municipality, agency contact number;
4. E-mail address, when available, or, when submitted by a municipality, agency contact e-mail address;
5. Description of property damage suffered;
6. Species of animal causing the property damage; and
7. Area the permit would be valid for.

**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~~ The Department shall annually provide ~~provides~~ numbered tags for sale to the public. The Department shall ensure ~~that~~ each tag ~~includes~~:

1. Includes a transportation and shipping permit as prescribed ~~in~~ under 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~~
2. 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~~ A person purchasing a nonpermit-tag shall provide all of the following information to a Department office or license dealer at the time of purchase; the applicant's:
  - a. Name,
  - b. Mailing address, and
  - c. Department identification number.
2. An applicant shall not ~~apply for or~~ obtain nonpermit-tags in excess of the bag limit ~~prescribed~~ established by ~~the Commission Order~~ 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 person applying for a hunt permit-tag, ~~an applicant~~ shall submit an application as described 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 as follows:
  - a. The Department shall reserve a maximum of 20% of the hunt permit-tags for each hunt number, except as established under subsection (b), for antelope, bear, deer, elk, javelina, and turkey ~~to issue to~~

- ~~individuals and groups that have bonus points. The Department shall reserve and 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~~ persons who have bonus points and shall issue the hunt permit-tags as established under subsection (c).
- b. For antelope, bear, deer, elk, javelin, and turkey, the Department shall reserve one hunt permit-tag for any hunt number with fewer than five, but more than one, hunt permit-tags and shall issue the tag as established under subsection (c). When this occurs, the Department shall adjust the number of available hunt permit-tags in in order to ensure the total number of hunt permit-tags available does not exceed the 20% maximum specified in subsection (a).
- ~~b.c.~~ The Department shall issue the reserved hunt permit-tags for hunt numbers that eligible applicants designate 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.
- ~~e.d.~~ The Department shall ensure that all unreserved hunt permit-tags are issued by random ~~drawing~~ selection:
- i. First, to hunt numbers designated by eligible applicants as their first or second choices; and
  - ii. Next, to hunt numbers designated by eligible applicants as their third, fourth, or fifth choices.
- e. Before each of the three passes listed above, each application is processed through the Department's random number generator program. A random number is assigned to each application; an additional random number is assigned to each application for each group bonus point, including the Hunter Education and Loyalty bonus points. Only the lowest random number generated for an application is used in the computer draw process. A new random number is generated for each application for each pass of the computer draw.
- ~~d.f.~~ If the bag limit ~~established by Commission Order~~ is more than one per calendar year, or if there are unissued hunt permit-tags remaining ~~unissued~~ after the random ~~drawings~~ computer draw, 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 annual hunt permit-tag application schedule ~~published annually~~.
- D.** A person may purchase hunt permit-tags equal to the bag limit for a genus.
1. A person shall not exceed the established bag limit for that genus.
  2. A person shall not apply for any additional hunt-permit-tags if the person has reached the bag limit for that genus during the same calendar year.
  3. A person who surrenders a tag in compliance with R12-4-118 is eligible to apply for another hunt permit-tag

for the same genus during the same calendar year, provided the person has not reached the bag limit for that genus.

**D.E.** The Department shall not make available ~~more than one~~ to nonresidents:

1. For bighorn sheep and buffalo, no more than one hunt permit-tag or 10% of the total hunt permit-tags, whichever is greater, for bighorn sheep or buffalo in any computer 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.2. The Department shall not make available more than 10%.~~ For antelope, antlered deer, bull elk, or turkey, no more than 10%, rounded down to the next lowest number, 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 or fewer hunt permit-tags ~~or fewer~~, no more than one hunt permit-tag will be made available ~~to a nonresident, except that if a~~ unless the hunt number has only one hunt permit-tag, then that tag shall only be available to a resident.

**F.** The Commission may, at a public meeting, increase the number of hunt permit-tags issued to nonresidents in a computer draw when necessary to meet management objectives.

**G.** The Department shall not issue under subsection (C)(2)(c), more than half of the hunt permit-tags made available to nonresidents under subsection (E).

**F.H.** A nonresident cap established under this Section applies only to hunt permit-tags issued by ~~random drawing computer draw~~ under subsections ~~(C)(2)(b)~~ (C)(2)(c) and ~~(e)~~ (d).

#### **R12-4-115. Restricted Nonpermit-Tags; Supplemental Hunts and Hunter Pool**

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

~~“Management objectives” means goals, recommendations, or guidelines contained in Commission approved wildlife management plans, which include hunt guidelines, operational plans, or hunt recommendations;~~

~~“Hunter pool” means all persons who have submitted an application for a supplemental hunt; and~~

~~“Supplemental hunt” means a season established by the Commission for the following purposes:~~

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

~~Take of wildlife under an Emergency Season if the Commission adopts, amends, or repeals a Commission Order for reasons constituting an immediate threat to the health, safety, or management of wildlife or its habitat, or to public health or safety; or~~

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

**B.** For the purposes of authorizing a population management hunt, the Commission through Commission Order shall open a season or seasons and prescribe a maximum number of restricted nonpermit tags that the Director may issue under this Section.

**C.** The Director shall implement a population management hunt under the open season or seasons prescribed in

subsection (B) if the Director finds that:

1. Regular seasons have not met or will not meet management objectives;
  2. Take of wildlife is necessary to meet management objectives; and
  3. Issuance of a specific number of restricted nonpermit tags is likely to meet management objectives.
- D.** To implement a population management hunt under subsection (B), the Director shall do the following:
1. Select season dates, within the range of dates prescribed by the Commission through Commission Order;
  2. Select specific hunt areas, within the range of hunt areas prescribed by the Commission through Commission Order;
  3. Select the legal animal that may be taken from the list of legal animals prescribed by the Commission through Commission Order;
  4. Determine the number of restricted nonpermit tags that will be issued from the maximum number of tags prescribed by the Commission through Commission Order; and
  5. Reduce restricted nonpermit tag fees up to 75% if the normal fee structure will not generate adequate participation from either the hunter pool or hunt permit tag holders under subsection (J).
- E.** The Director shall not issue more restricted nonpermit tags than the maximum number prescribed by the Commission through Commission Order.
- F.** A restricted non permit tag is valid only for the supplemental hunt for which it is issued. To participate in a supplemental hunt, a person shall:
1. Obtain a restricted non permit tag as prescribed under this Section, and
  2. Possess a valid hunting license. If the applicant does not possess a valid license or the license will expire before the supplemental hunt, the applicant shall purchase an appropriate license at the time of application.
- G.** If the season dates and open areas of a supplemental hunt prescribed by the Commission through Commission Order exactly match the season dates and open areas of another big game animal for which a hunt number is assigned and hunt permit tags are issued through the draw, the Department shall make the restricted nonpermit tags available only to holders of the hunt permit tags, and not the hunter pool.
- H.** To obtain a restricted nonpermit tag under subsection (G), an applicant shall provide to a Department office the applicant's name, address, Department identification number, and hunt permit tag number on a form prescribed by the Department.
1. The applicant shall provide verification that the applicant legally obtained the hunt permit tag for the hunt described under subsection (G) by presenting the hunt permit tag to a Department office for verification.
  2. The applicant shall not apply for or obtain a restricted nonpermit tag to take wildlife in excess of the bag limit prescribed by the Commission.
- I.** The Department or its authorized agent shall maintain a hunter pool for supplemental hunts and shall randomly select applicants from the hunter pool for participation in a supplemental hunt, if the season dates and open areas of the supplemental hunt do not exactly match the season dates and open areas of another big game animal for which a hunt number is assigned and hunt permit tags are issued through the draw.
- J.** When issuing restricted nonpermit tags to the hunter pool, the Department or its authorized agent shall randomly

~~select applicants from the hunter pool. The Department or its authorized agent shall attempt to contact each randomly selected applicant by telephone at least three times during a 24 hour period. If an applicant cannot be contacted or cannot participate in the supplemental hunt, the Department or its authorized agent shall return the application to the hunter pool and draw another application. The Department or its authorized agent shall draw no more applications after the number of restricted nonpermit tags prescribed 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 applicant's hunting license number.~~
- ~~**M.** Along with the application form, an applicant for a supplemental hunt shall submit the permit application fee established under R12 4 102.~~
- ~~**N.** The Department shall not accept group applications, as described under R12 4 104, for supplemental hunts.~~
- ~~**O.** A hunter pool applicant who is drawn and who wishes to participate in a supplemental hunt shall submit the following to the Department to obtain a restricted nonpermit tag:
  - 1. The fee for the tag as established under R12 4 102 or subsection (D)(5) if the fee has been reduced, and
  - 2. The applicant's hunting license number. The applicant shall possess an appropriate license that is valid at the time of the supplemental hunt.~~
- ~~**P.** The Department shall reserve a restricted nonpermit tag for an applicant only for the period specified by the Department when contact is made with the applicant. The Department shall issue a restricted nonpermit tag not purchased within the specified period to another person whose application is drawn from the hunter pool as prescribed by this Section. The Department or its authorized agent shall remove from the hunter pool the application of any successful applicant who does not purchase a tag after being contacted and agreeing to purchase the tag.~~
- ~~**Q.** A person who participates in a supplemental hunt through the hunter pool shall be removed from the supplemental hunter pool for the genus for which the person participated. A person who participates in a supplemental hunt shall not reapply for the hunter pool for that genus until that hunter pool is renewed.~~
- ~~**R.** The provisions of R12 4 104, R12 4 107, R12 4 114, and R12 4 609 do not apply to supplemental hunts. A supplemental hunt application submitted in accordance with this Section does not invalidate any application for a hunt permit tag. The issuance of a restricted nonpermit tag does not authorize a person to exceed the bag limit established by the Commission.~~
- A.** For the purposes of this Section, the following definitions apply:
  - “Companion tag” means a restricted nonpermit-tag valid for a supplemental hunt prescribed by Commission Order that exactly matches the season dates and open areas of another big game hunt, for which a hunt number is assigned and hunt permit-tags are issued through the computer draw.

“Emergency season” means a season established for reasons constituting an immediate threat to the health, safety or management of wildlife or its habitat, or public health or safety.

“Management objectives” means goals, recommendations, or guidelines contained in Department or Commission-approved wildlife management plans, which include hunt guidelines, operational plans, or hunt recommendations;

“Hunter pool” means all persons who have submitted an application for a supplemental hunt.

“Restricted nonpermit-tag” means a permit limited to a season for a supplemental hunt established by the Commission for the following purposes:

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

Take of wildlife under an Emergency Season; or

Take of wildlife under a population management hunt if the Commission has prescribed 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.** The Commission shall, by Commission Order, open a season or seasons and prescribe a maximum number of restricted nonpermit-tags to be made available under this Section.
- C.** The Department shall implement a population management hunt under the open season or seasons established under subsection (B) if the Department determines the:
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 established by Commission Order, the Department shall:
1. Select season dates, within the range of dates listed in the Commission Order;
  2. Select specific hunt areas, within the range of hunt areas listed in the Commission Order;
  3. Select the legal animal that may be taken from the list of legal animals identified in the Commission Order;
  4. Determine the number of restricted nonpermit-tags that will be issued from the maximum number of tags authorized in the Commission Order.
    - a. The Department shall not issue more restricted nonpermit-tags than the maximum number prescribed by Commission Order.
    - b. A restricted nonpermit-tag is valid only for the supplemental hunt for which it is issued.
- E.** The provisions of R12-4-104, R12-4-107, R12-4-114, and R12-4-609 do not apply to a supplemental hunt.
- F.** If the Department anticipates the normal fee structure will not generate adequate participation, then the Department may reduce restricted nonpermit-tag fees up to 75%, as authorized under A.R.S. § 17-239(D).
- G.** A supplemental hunt application submitted in accordance with this Section does not invalidate any other application submitted by the person for a hunt permit-tag.
1. The Department shall not accept a group application, as defined under R12-4-104, for a restricted nonpermit-tag.
  2. An applicant shall not apply for or obtain a restricted nonpermit-tag to take wildlife in excess of the bag limit

established by Commission Order.

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

**H.** To participate in a supplemental hunt, a person shall:

1. Obtain a restricted nonpermit-tag as prescribed under this Section, and
2. Possess a valid hunting license. If the applicant does not possess a valid license or the license will expire before the supplemental hunt, the applicant shall purchase an appropriate license.

**I.** The Department or its authorized agent shall maintain a hunter pool for supplemental hunts other than companion tag hunts.

1. The Department shall purge and renew the hunter pool on an annual basis.
2. An applicant for a restricted nonpermit-tag under this subsection shall submit a hunt permit-tag application to the Department. The application is available at any Department office, an authorized agent, or online at [www.azgfd.gov](http://www.azgfd.gov). The applicant shall provide all of the following information on the application:
  - a. The applicant's:
    - i. Name,
    - ii. Mailing address,
    - iii. Number of years of residency immediately preceding application,
    - iv. Date of birth, and
    - v. Daytime and evening telephone numbers.
  - b. The species that the applicant would like to hunt, if selected,
  - c. The applicant's hunting license number.
3. In addition to the requirements established under subsection (2), at the time of application the applicant shall submit the application fee required under R12-4-102.
4. When issuing a restricted nonpermit-tag, the Department or its authorized agent shall randomly select applicants from the hunter pool.
  - a. The Department or its authorized agent shall attempt to contact each randomly-selected applicant by telephone at least three times within a 24-hour period.
  - b. If an applicant cannot be contacted or is unable to participate in the supplemental hunt, the Department or its authorized agent shall return the application to the hunter pool and draw another application.
  - c. In compliance with subsection (D)(4), the Department or its authorized agent shall select no more applications after the number of restricted nonpermit-tags established by Commission Order are issued.
5. 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. If an applicant fails to purchase the nonpermit-tag within the specified period, the Department or its authorized agent shall:
  - a. Remove the person's application from the hunter pool, and
  - b. Offer that restricted nonpermit-tag to another person whose application is drawn from the hunter pool as established under this Section.

6. A person who participates in a supplemental hunt through the hunter pool shall be removed from the supplemental hunter pool for the genus for which the person participated. A hunter pool applicant who is selected and who wishes to participate in a supplemental hunt shall submit the following to the Department to obtain a restricted nonpermit-tag:
    - a. The fee for the tag as established under R12-4-102 or subsection (F) if the fee has been reduced, and
    - b. The applicant's hunting license number. The applicant shall possess an appropriate license that is valid at the time of the supplemental hunt. The applicant shall purchase a license at the time of application when:
      - i. The applicant does not possess a valid license, or
      - ii. The applicant's license will expire before the supplemental hunt.
  7. A person who participates in a supplemental hunt shall not reapply for the hunter pool for that genus until the hunter pool is renewed.
- J.** The Department shall only make a companion tag available to a person who possesses a matching hunt permit-tag and not a person from the hunter pool. Authorization to issue a companion tag occurs when the Commission establishes a hunt in Commission Order under subsection (B).
1. The requirements of subsection (D) are not applicable to a companion tag issued under this subsection.
  2. To obtain a companion tag under this subsection, an applicant shall submit a hunt permit-tag application to the Department. The application is available at any Department office and online at [www.azgfd.gov](http://www.azgfd.gov). The applicant shall provide all of the following information on the application, the applicant's:
    - a. Name,
    - b. Mailing address,
    - c. Department identification number, and
    - d. Hunt permit-tag number, to include the hunt number and permit number, corresponding with the season dates and open areas of the supplemental hunt.
  3. In addition to the requirements established under subsection (2), at the time of application the applicant shall:
    - a. Provide verification that the applicant lawfully obtained the hunt permit-tag for the hunt described under this subsection by presenting the hunt permit-tag to a Department office for verification, and
    - b. Submit all applicable fees required under R12-4-102.

**R12-4-116. Reward Payments**

- A.** Subject to the restrictions ~~in~~ prescribed under A.R.S. § 17-315, ~~an individual~~ a person may claim a reward from the Department ~~if~~ when the ~~individual~~ person provides information that leads to an arrest through the Operation Game Thief Program. The ~~individual~~ person who reports the unlawful activity will then become eligible to receive a reward as ~~prescribed in~~ established under subsections (C) and (D), provided ~~that~~ funds are available in the Wildlife Theft Prevention Fund and:
1. ~~Funds are available in the wildlife theft prevention fund;~~
  - 2.1. The ~~individual~~ person who reported the violation provides the Operation Game Thief control number issued by Department law enforcement personnel, as ~~prescribed in~~ established under 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);~~
- ~~4.2.~~ 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~~
- ~~3. The person did not first provide information during a criminal investigation or judicial proceeding; and~~
- ~~5.4.~~ The ~~individual~~ person 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;~~
- a. The person who committed the violation,
  - b. A peace officer,
  - c. A Department employee, or
  - d. An immediate family member of a Department employee.
- B.** The Department shall inform ~~an individual who provides~~ the person providing 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~~ person with the control number assigned to the reported violation.
- C.** ~~The following are the criteria for reward~~ Reward payments for information that results in an arrest for the reported violation are as follows:
1. For cases that involve antelope, eagles, bear, bighorn sheep, buffalo, deer, elk, javelina, mountain lion, turkey, or bald eagles endangered or threatened wildlife as defined under R12-4-401, \$350; \$500;
  2. ~~For cases that involve antelope, bear, deer, javelina, mountain lion, turkey, or endangered or threatened wildlife as defined in R12-4-401, \$250;~~
  - 3.2. For cases that involve wildlife that are not ~~covered in subsections listed under subsection (1) or (2),~~ a minimum of \$50, not to exceed \$150, ~~unless excepted~~ except for additional amounts authorized under subsection ~~(C)(4) (3);~~ and
  - 4.3. 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~~ person who committed the unlawful act was arrested for commercialization of wildlife; and
    - e. Whether or not the ~~individual~~ person who committed the unlawful act is a repeat offender.
- D.** If more than one person independently provides information or evidence that leads to an arrest for a violation, the Department may divide the reward payment among the persons who provided the information if the total amount

of the reward payment does not exceed the maximum amount of a monetary reward established under subsections (C) or (E);

**D.E.** Notwithstanding subsection (C), the Department may offer and pay a reward up to the minimum civil damage value of the wildlife unlawfully taken, wounded or killed, or unlawfully possessed as prescribed in under A.R.S. § 17-314, if a violation is discovered and the Department believes that a an enhanced reward may result in sufficient information to make an arrest offer is merited due to the specific circumstances of the case.

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

A state license, permit, or tag, or permit is not required to hunt or fish on any Indian reservation in this ~~state~~ State. Wildlife lawfully taken on an Indian reservation may be transported or processed anywhere in the ~~state~~ State if it can be identified as to species and legality as provided in A.R.S. § ~~17-309(A)(20)~~ 17-309(A)(19). All wildlife transported anywhere in this State is subject to inspection under the provisions of A.R.S. § 17-211(E)(4).

#### **R12-4-118. Repealed Hunt Permit-tag Surrender**

**A.** The Commission authorizes the Department to implement a tag surrender program if the Director finds:

1. The Department has the administrative capacity to implement the program;
2. There is public interest in such a program; or
3. The tag surrender program is likely to meet the Department's revenue objectives.

**B.** The tag surrender program is limited to a person who has a valid and active membership in a Department membership program.

1. The Department may establish a membership program that offers a person various products and services.
2. The Department may establish different membership levels based on the type of products and services offered and set prices for each level.
  - a. The lowest membership level may include the option to surrender one hunt permit-tag during the membership period.
  - b. A higher membership level may include the option to surrender more than one hunt permit-tag during the membership period.
3. The Department may establish terms and conditions for the membership program in addition to the following:
  - a. Products and services to be included with each membership level.
  - b. Membership enrollment is available online only.
  - c. Membership is not transferable.
  - d. No refund shall be made for the purchase of a membership, unless an internal processing error resulted in the collection of erroneous fees.

**C.** The tag surrender program is restricted to the surrender of an original, unused hunt permit-tag obtained through a computer draw.

1. A person must have a valid and active membership in the Department's membership program with at least one unredeemed tag surrender at the time the person applied for the hunt permit-tag and at the time of tag surrender.
  2. A person who chooses to surrender an original, unused hunt permit-tag shall do so prior to the close of business the day before the hunt begins for which the tag is valid.
  3. A person may surrender an unused hunt permit- tag for a specific species only once before any bonus points accrued for that species must be expended.
  4. Conditional exemption: A person who submitted an application for a computer draw that occurred prior to the effective date of this Section may participate in the tag surrender program provided:
    - a. The person purchases a membership within 60 days of the effective date of this Section.
    - b. The person has a valid and active membership in the Department's membership program with at least one unredeemed tag surrender at the time of tag surrender, and
    - c. The person surrenders the hunt permit-tag prior to the close of business the day before the hunt begins for which the tag is valid.
- D.** To surrender an original, unused hunt permit-tag, a person shall comply with all of the following conditions:
1. A person shall submit a completed application form to any Department office. The application form is available at any Department office and online at [www.azgfd.gov](http://www.azgfd.gov). The applicant shall provide all of the following information on the application form:
    - a. The applicant's:
      - i. Name,
      - ii. Mailing address,
      - iii. Department identification number,
      - iv. Membership number,
    - b. Applicable hunt number,
    - c. Applicable hunt permit-tag number, and
    - d. Any other information required by the Department.
  2. A person shall surrender the original, unused hunt permit-tag as required under subsection (C) in the manner described by the Department as indicated on the application form.
- E.** Upon receipt of an original, unused hunt permit-tag surrendered in compliance with this Section, the Department shall:
1. Restore the person's bonus points that were expended for the surrendered tag, and
  2. Award the bonus point the person would have accrued had the person been unsuccessful in the computer draw for the surrendered tag.
  3. Not refund any fees the person paid for the surrendered tag, as prohibited under A.R.S. § 17-332(E).
- F.** The Department may, at its sole discretion, re-issue or destroy the surrendered original, unused hunt permit-tag. When re-issuing a tag, the Department may use any of the following methods in no order of preference:
1. Re-issuing the surrendered tag, beginning with the highest membership level in the Department's

membership program, to a person who has a valid and active membership in that membership level and who would have been next to receive a tag for that hunt number, as evidenced by the random numbers assigned during the Department's computer draw process;

2. Re-issuing the surrendered tag to a person who has a valid and active membership in any tier of the Department's membership program with a tag surrender option and who would have been next to receive a tag for that hunt number, as evidenced by the random numbers assigned during the Department's computer draw process;

3. Re-issuing the surrendered tag to an eligible person who would have been next to receive a tag for that hunt number, as evidenced by the random numbers assigned during the Department's computer draw process; or

4. Offering the surrendered tag through the first-come, first-served process.

**G.** For subsections (F)(1), (2), and (3); if the Department cannot contact a person qualified to receive a tag or the person declines to purchase the surrendered tag, the Department shall make a reasonable attempt to contact and offer the surrendered tag to the next person qualified to receive a tag for that hunt number based on the assigned random number during the Department's computer draw process. This process will continue until the surrendered tag is either purchased or the number of persons qualified is exhausted. For purposes of subsections (G) and (H), the term "qualified" means a person who satisfies the conditions for re-issuing a surrendered tag as provided under the selected re-issuing method.

**H.** When the re-issuance of a surrendered tag involves a group application and one or more members of the group is qualified under the particular method for re-issuing the surrendered tag, the Department shall offer the surrendered tag first to the applicant designated "A" if qualified to receive a surrendered tag.

1. If applicant "A" chooses not to purchase the surrendered tag or is not qualified, the Department shall offer the surrendered tag to the applicant designated "B" if qualified to receive a surrendered tag.

2. This process shall continue with applicants "C" and then "D" until the surrendered tag is either purchased or all qualified members of the group application choose not to purchase the surrendered tag.

**I.** A person who receives a surrendered tag shall submit the applicable tag fee as established under R12-4-102 and provide their valid hunting license number.

1. A person receiving the surrendered tag as established under subsections (F)(1), (2), and (3) shall expend all bonus points accrued for that genus, except any accrued Hunter Education and loyalty bonus points.

2. The applicant shall possess a valid hunting license at the time of purchasing the surrendered tag and at the time of the hunt for which the surrendered tag is valid. If the person does not possess a valid license at the time the surrendered tag is offered, the applicant shall purchase a license in compliance with R12-4-104.

3. The issuance of a surrendered tag does not authorize a person to exceed the bag limit established by Commission Order.

4. It is unlawful for a person to purchase a surrendered tag when the person has reached the bag limit for that genus during the same calendar year.

**J.** A person is not eligible to petition the Commission under R12-4-611 for reinstatement of any expended bonus points, except as authorized under R12-4-107(M).

**K.** For the purposes of this Section and R12-4-121, “valid and active membership” means a paid and unexpired membership in any level of the Department’s membership program.

**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~~ under 13 A.A.C. Chapter 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 designates.
- 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.

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

- A. ~~Proposals for~~ An incorporated nonprofit organization that is tax exempt under section 501(c) seeking special big game license-tags as authorized under A.R.S. § 17-346 shall ~~be submitted~~ submit a proposal to the Director of the Arizona Game and Fish Department from March 1 ~~to~~ through May 31 preceding the year when the tags may be legally used. The proposal shall ~~contain and identify~~ include all of the following information for each member of the organization coordinating the proposal:
1. The name of the organization making the proposal and the ~~name, address, and telephone~~:
    - a. Name;
    - b. Mailing address;
    - c. E-mail address, when available; and
    - d. Telephone number of each member of the organization who is coordinating the proposal;
  2. Applicant's previous involvement with wildlife management;
  3. Applicant's conservation objectives;
  - ~~2.4. The number~~ Number of special big game license-tags and the species requested;
  - ~~3.5. The purpose~~ Purpose to be served by the issuance of these tags;
  - ~~4.6. The method~~ Method or methods by which the tags will be marketed and sold ~~and transferred~~;
  7. Proposed fund raising plan;
  - ~~5.8. The estimated~~ Estimated amount of money to be raised and the rationale for that estimate;

~~6.9.~~ Any special needs or particulars relevant to the ~~proposal, including time frame, limitations, or schedules~~ marketing of the tags;

~~7.10.~~ Unless a ~~current and correct copy is already on file with the Department, one~~ A 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, unless a current and correct copy is already on file with the Department;

~~8.11.~~ The ~~proposal or a letter accompanying the proposal shall include a statement~~ Statement that the ~~individual person~~ or organization ~~that is~~ submitting the proposal agrees to the conditions ~~in~~ established under A.R.S. § 17-346 and this Section;

~~9.12.~~ The ~~proposal or the letter accompanying the proposal shall be signed and dated by~~ Printed name and signature of the president and secretary-treasurer of the organization or their equivalent; and

13. Date of signing.

**B.** The Director shall return to the applicant any application proposal that does not comply with the requirements ~~of~~ established under A.R.S. § 17-346 and this Section. Because proposals are reviewed for compliance after the May 31 deadline, an organization that receives a returned proposal cannot resubmit a corrected proposal, but may submit a proposal that complies with the requirements established under A.R.S. § 17-346 and this Section the following year.

**C.** The Director shall submit ~~any~~ all timely and valid application proposals to the Commission for consideration.

1. 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:~~

a. Written proposal;

b. Proposed uses for tag proceeds;

c. Qualifications of the applicant as a fund raiser;

d. Proposed fund raising plan;

e. Applicant's previous involvement with wildlife management; and

f. Applicant's conservation objectives.

2. 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.

3. Commission approval and issuance of any special big game license-tag is contingent upon compliance with this Section.

**~~C.D.~~** 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 person to

whom a special big game license-tag is transferred.

**D.E.** 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.F.** 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.

a. A special license-tag shall not be issued until the Department receives all proceeds from the sale of license-tags.

b. The Department shall not refund proceeds.

**F.G.** A special big game license-tag is valid only for the ~~individual~~ person named on the tag, for the season dates on the tag, and for the species for which the tag was issued.

1. A hunting license is not required for the tag to be valid.
2. Possession of a special big game license-tag ~~does~~ shall not invalidate any other big game tag or application for any other big game tag.
3. Wildlife taken under the authority of a special big game license-tag ~~does~~ shall not count towards the ~~normal~~ established bag limit for that species.

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

**A.** For the purposes of this Section:

“Authorized nonprofit organization” means a nonprofit organization approved by the Department to receive donated unused tags.

“~~unused~~ Unused tag” means a big game hunt permit-tag, ~~non-permit tag~~ nonpermit-tag, or special license tag that has not been attached to any animal.

**B.** A parent, grandparent, or guardian issued a big game hunt permit-tag, ~~non-permit tag~~ nonpermit-tag, or special license tag may transfer the unused tag to the parent's, grandparent's, or guardian's minor child or grandchild.

1. A parent, grandparent, or guardian issued a tag may transfer the unused tag to a minor child or grandchild at any time prior to the end of the season for which the unused tag was issued.
2. A parent, grandparent, or guardian may transfer the unused tag by providing all of the following documentation in person at any Department office:
  - a. Proof of ownership of the unused tag to be transferred,
  - b. The unused tag, and
  - c. The minor's valid hunting license.
3. If a parent, grandparent, or legal guardian is deceased, the personal representative of the ~~individual's~~ person's estate may transfer an unused tag to an eligible minor. The ~~individual~~ person acting as the personal representative shall present:
  - a. The deceased ~~individual's~~ person's death certificate, and

- b. Proof of the ~~individual's~~ person's authority to act as the personal representative of the deceased ~~individual's~~ person's estate.
  - 4. To be eligible to receive an unused tag from a parent, grandparent, or legal guardian, the minor child shall meet the criteria established under subsection (D).
  - 5. A minor child or grandchild receiving an unused tag from a parent, grandparent, or legal guardian shall be accompanied into the field by any grandparent, parent, or legal guardian of the minor child.
- C. ~~An individual~~ A person issued a tag or the ~~individual's~~ person's legal representative may donate the unused tag to a ~~non-profit~~ an authorized nonprofit organization for use by a minor child ~~who has~~ with a life threatening medical condition or permanent physical disability or a veteran of the Armed Forces of the United States with a service-connected disability.
- 1. ~~A qualifying organization:~~
    - a. ~~Is exempt from federal taxation under Section 501(c) of the Internal Revenue Code; and~~
    - b. ~~Provides hunting opportunities and experiences to children with life threatening medical conditions or permanent physical disabilities.~~
  - ~~2.1.~~ The individual person or legal representative ~~that~~ who donates the unused tag shall provide the ~~non-profit~~ authorized nonprofit organization with a written statement indicating the unused tag is voluntarily donated to the organization.
  - ~~3.2.~~ The non-profit An authorized nonprofit organization receiving a donated tag under this subsection may transfer the unused tag to an eligible minor child or veteran by contacting any Department office.
    - a. To obtain a transfer, the ~~non-profit~~ nonprofit organization shall:
      - i. Provide proof of donation of the unused tag to be transferred;
      - ii. Provide the unused tag;
      - iii. Provide proof of the minor child's or veteran's valid hunting license; ~~and.~~
    - b. To be eligible to receive a donated unused tag from a ~~qualifying~~ an authorized nonprofit organization, ~~the~~ a minor child shall meet the criteria established under subsection (D).
  - 3. A person who donates an original, unused hunt permit-tag issued in a computer drawing to an authorized nonprofit organization may submit a request to the Department for the reinstatement of the bonus points expended for that unused tag, provided all of the following conditions are met:
    - a. The person has a valid and active membership in the Department's membership program with at least one unredeemed tag surrender at the time the person applied for the hunt permit-tag and at the time of tag transfer;
    - b. The person submits a completed application form as described under R12-4-118;
    - c. The person provides acceptable proof to the Department that the tag was transferred to an authorized nonprofit organization; and
    - d. The person submits the request to the Department:
      - i. No later than 60 days after the date on which the tag was donated to an authorized nonprofit organization; and

- ii. No less than 30 days prior to the computer draw application deadline for that genus, as specified in the hunt permit-tag application schedule.
- D. To receive an unused tag authorized under subsections (B) or (C), an eligible minor child shall meet the following criteria:
  - 1. Possess a valid hunting license, ~~and~~
  - 2. Has not reached the applicable annual or lifetime bag limit for that genus, and
  - ~~2-3.~~ Is 10 to 17 years of age on the date of the transfer. A minor child under the age of 14 shall have satisfactorily completed a ~~Department approved~~ Department-sanctioned hunter education course before the beginning date of the hunt.
- E. To receive an unused tag authorized under subsection (C), an eligible veteran of the Armed Forces of the United States with a service-connected disability shall meet the following criteria:
  - 1. Possess a valid hunting license, and
  - 2. Has not reached the applicable annual or lifetime bag limit for that genus.
- F. A nonprofit organization is eligible to apply for authorization to receive a donated unused tag, provided the nonprofit organization:
  - 1. Is qualified under section 501(c)(3) of the United States Internal Revenue Code, and
  - 2. Affords opportunities and experiences to:
    - a. Children with life-threatening medical conditions or physical disabilities, or
    - b. Veterans with service-connected disabilities.
  - 3. This authorization is valid for a period of one-year, unless revoked by the Department for noncompliance with the requirements established under A.R.S. § 17-332 or this Section.
  - 4. A nonprofit organization shall apply for authorization by submitting an application to any Department office. The application form is furnished by the Department and is available at any Department office. A nonprofit organization shall provide all of the following information on the application:
    - a. Nonprofit organization's information:
      - i. Name,
      - ii. Physical address,
      - iii. Telephone number;
    - b. Contact information for the person responsible for ensuring compliance with this Section:
      - i. Name,
      - ii. Address,
      - iii. Telephone number;
    - c. Signature of the president and secretary-treasurer of the organization or their equivalents; and
    - d. Date of signing.
  - 5. In addition to the application, a nonprofit organization shall provide all of the following:
    - a. A copy of the organization's articles of incorporation and evidence that the organization has tax-exempt status under Section 501(c)(3) of the Internal Revenue Code, unless a current and correct copy is already

- on file with the Department;
- b. Document identifying the organization's mission;
  - c. A letter stating how the organization will participate in the Big Game Tag Transfer program; and
  - d. A statement that the person or organization submitting the application agrees to the conditions established under A.R.S. § 17-332 and this Section.
6. An applicant who is denied authorization to receive donated tags under this Section may appeal to the Commission as provided under A.R.S. Title 41, Chapter 6, Article 10.

**R12-4-124. ~~Reserved~~ Proof of Domicile**

- A.** An applicant may be required to present acceptable proof of domicile in Arizona to the Department upon request.
- B.** Acceptable proof of domicile in Arizona may include, but is not limited to, one or more of the following lawfully obtained documents:
- 1. Arizona Driver's License;
  - 2. Arizona Resident State Income Tax Return filing;
  - 3. Arizona school records containing satisfactory proof of identity and relationship of the parent or guardian to the minor child, when applicable;
  - 4. Arizona Voter Registration Card;
  - 5. Certified copy of an Arizona court order such as an order of probation, parole, or mandatory release;
  - 6. Selective Service Registration Acknowledgement Card indicating an address in Arizona;
  - 7. Social Security Administration document indicating an address in Arizona; or
  - 8. Current documents issued by the U.S. military indicating Arizona as state of residence or an address in Arizona.

**~~R12-4-804, R12-4-125. Emergency Expired~~ Public Solicitation or Event on Department Property**

- A.** In addition to the definitions provided under A.R.S. § 17-101, the following definitions apply to this Section, unless otherwise specified:
- “Applicant” means a person who submits to the Department an application to conduct a solicitation or event on Department property.
- “Certificate of insurance” means an official document issued by the solicitor’s or event organizer’s insurance carrier providing coverage for the solicitor or event organizer for general commercial, professional, workers compensation, auto, real, and personal property liability coverage determined by the Department as adequate for the solicitation or event activities.
- “Department property” means those buildings or grounds under the jurisdiction of the Arizona Game and Fish Commission.
- “Person” has the meaning as provided under A.R.S. § 1-215.
- “Solicitation” means any activity that may be considered or interpreted as promoting, selling, or transferring products, services, memberships, or causes, or for participation in an event or activity of any kind, including

~~organizational, educational, public affairs, or protest activities, including the distribution or posting of advertising, handbills, leaflets, circulars, posters, or other printed materials for these purposes.~~

~~“Solicitation material” means advertising, circulars, flyers, handbills, leaflets, posters, or other printed information.~~

~~“Solicitor” means the person or persons conducting a solicitation or event.~~

~~“Work site” means any location on Department property where employees conduct the daily business of the Department, including eating areas and break rooms.~~

**B.A.** All Department ~~property is a non-public forum,~~ buildings, properties, and wildlife areas are designated non-public forums and are closed to all ~~types of solicitation~~ solicitations and events unless permitted by the Department. ~~A person shall not:~~

- ~~1. Conduct partisan political activity on Department property or in Department work sites.~~
- ~~2. Post solicitation material on Department property without express written permission from the Department.~~
- ~~3. Schedule or conduct a solicitation or event on state property without express written permission from the Department.~~

**B.** A solicitation or event on Department property shall not:

1. Conflict with the Department's mission; or
2. Constitute partisan political activity, the activity of a political campaign, or influence in any way an election or the results thereof.

**C.** A request for permission to conduct a solicitation or event on Department property shall be directed to the responsible Regional Supervisor or Branch Chief who shall initially determine whether an application is required for the solicitation or event.

**C.D.** ~~Any~~ If it is determined that an application is required, the person who would like to conduct a solicitation on state property may apply for a solicitation or event permit by submitting a completed solicitation or event application to any Department office or Department Headquarters, Director’s Office, at 5000 W. Carefree Hwy, Phoenix, AZ 85086, ~~whichever is appropriate for the solicitation or event venue.~~ The application form is furnished by the Department and is available at all Department offices.

- ~~1. An applicant shall apply for a solicitation or event permit no more than six months prior to the solicitation or event.~~
- ~~2. An applicant shall submit an application at least:~~
  - ~~a. Not more than six months prior to the solicitation or event; and~~
  - ~~a.b. Fourteen~~ Not less than 14 days prior to the desired date of the solicitation or event for solicitations other than the posting of advertising, handbills, leaflets, circulars, posters, or other printed materials; or
  - ~~b.c. Ten~~ Not less than 10 days prior to the desired date of the solicitation or event for solicitations involving only the posting of advertising, handbills, leaflets, circulars, posters, or other printed materials.

~~3.2.~~ An applicant shall provide all of the following information on the application:

- a. Applicant's Sponsor's name, address, and telephone number;
- b. Applicant's Sponsor's e-mail address, when available;

- c. Contact person's name and telephone number, when the ~~applicant~~ sponsor is an organization;
- d. Proposed date of the solicitation or event;
- e. Specific, proposed location for the solicitation or event;
- f. Starting and approximate concluding times;
- g. General description of the solicitation or event's purpose;
- h. Anticipated number of attendees, when applicable;
- i. Amount of fees ~~the applicant will charge~~ to be charged to attendees, when applicable;
- j. Detailed description of any activity that will occur at the solicitation or event, including a detailed map of the solicitation or event and any equipment that will be used, e.g., tents, tables, etc.; ~~and~~
- k. Copies of any solicitation materials ~~the applicant will distribute~~ to be distributed to the public or ~~post~~ to be posted on Department property;
- l. Copy of a current and valid license issued by the Arizona Department of Liquor Licenses and Control, required when the applicant intends to sell alcohol at the solicitation or event; and
- m. The contact person's signature and date. 4. The ~~applicant's~~ person's signature on the application certifies that the ~~applicant~~ sponsor:
  - ~~a.i.~~ Assumes risk of injury to persons or property;
  - ~~b.ii.~~ Agrees to hold harmless the state of Arizona, its officials, Departments, employees, and agents against all claims arising from the use of Department facilities;
  - ~~e.iii.~~ Assumes responsibility for any damages or clean-up costs due to the solicitation or event, solicitation or event cleanup, or solicitation or event damage repair; and
  - ~~d.iv.~~ Agrees to surrender the premises in a clean and orderly condition.
- 5. ~~An applicant who is required to provide insurance for a solicitation or event shall list the state of Arizona and the Arizona Game and Fish Department as additional insured entities.~~

**D.E.** The Department may take any of the following actions to the extent ~~it is~~ necessary and in the best interest of the ~~state~~ State:

- 1. Require the sponsor to furnish all necessary labor, material, and equipment for the solicitation or event;
- ~~1.2.~~ Require the ~~applicant~~ sponsor to post a deposit against damage and cleanup expense;
- 3. Require indemnification of the state of Arizona, its Departments, agencies, officers, and employees;
- ~~2.4.~~ Require the ~~applicant~~ sponsor to carry adequate ~~liability~~ insurance and provide ~~a certificate~~ certificates of insurance to the Department not less than ten business days before the solicitation or event. A certificate of insurance for a solicitation or event shall name the state of Arizona, its Departments, agencies, boards, commissions, officers, agents, and employees as additional insureds;
- 5. Require the sponsor to enter into written agreements with any vendors and subcontractors and require vendors and subcontractors to provide certificates of insurance to the Department not less than ten business days before the solicitation or event. A certificate of insurance for a solicitation or event naming the state of Arizona, its Departments, agencies, boards, commissions, officers, agents, and employees as additional insureds;

~~3.6.~~ Require the applicant sponsor to provide medical support, security, and sanitary services, (including public restrooms), ~~and security~~; and

~~4.7.~~ Impose additional conditions not otherwise specified under this Section on the conduct of the solicitation or event ~~in the permit~~.

~~E.F.~~ The Department may consider the following criteria ~~to determine~~ when determining whether any of the actions in subsection ~~(D)~~ (E) are necessary and in the best interest of the state:

1. Previous experience with similar solicitations or events;
2. Deposits required for similar solicitations or events in Arizona;
3. Risk data; and
4. Medical, sanitary, and security services required for similar solicitations or events in Arizona and the cost of those services; ~~and~~
5. ~~The applicant's ability to pay a deposit, an insurance premium, or a service provider.~~

~~F.~~ The Department shall not provide insurance or guarantee against damage to equipment or personal property of any person using Department property for a solicitation or event.

~~G.~~ The facility Department shall designate the hours of use for Department property.

~~H.~~ The Department shall inspect the solicitation or event site at the conclusion of activities and document any damage or cleanup costs incurred because of the solicitation or event. The applicant sponsor shall be responsible for any cleanup or damage costs associated with the solicitation or event.

~~I.~~ ~~An applicant~~ The sponsor shall not allow ~~solicitors or event organizers or attendees to bring~~, without the express written permission of the Department, the possession, use, or consumption of alcoholic beverages ~~on to~~ at the solicitation or event site. When the Department provides written permission for the possession, use, or consumption of alcoholic beverages the solicitation or event site, the sponsor shall provide to the Department:

- a. A copy of a current and valid license issued by the Arizona Department of Liquor Licenses and Control issued to the sponsor and vendor, required when the applicant intends to sell alcohol at the solicitation or event; and
- b. A liquor liability rider, included with the insurance certificate required under subsection (E)(4).

~~J.~~ The sponsor shall not allow unlawful possession or use of drugs at the solicitation or event site.

~~J.K.~~ ~~The Department shall approve or deny an application within 10 business days of the receipt of the completed application.~~ The Department shall deny an application for any of the following reasons:

1. The solicitation or event interferes with the work of an employee or the daily business of the agency Department;
2. The solicitation or event conflicts with the time, place, manner, or duration of other approved or pending solicitations or events;
3. The content of the solicitation or event conflicts with or is unrelated to the Department's activities or its mission;
4. The solicitation or event ~~creates~~ presents a risk of injury or illness to persons or risk of damage to property; ~~or~~
5. The sponsor cannot demonstrate adequate compliance with applicable local, state, or federal laws,

ordinances, codes, or regulations, or

~~5-6.~~ The ~~applicant sponsor~~ has not complied with the requirements of the application process or this Section.

**L.** At all times, the Department reserves the right to immediately remove or cause to be removed all obstructions or other hazards of the solicitation or event that could damage state property, inhibit egress, or poses a safety risk. The Department also reserves the right to immediately remove or cause to be removed any person damaging state property, inhibiting egress, or posing a threat to public health and safety.

~~**K.M.** The Department may revoke a permit for an approved application approval of a solicitation or event due to emergency circumstances or for an applicant's failure to comply with this Section or other applicable laws.~~

~~**L.N.** The Department shall send written notice, to an applicant denied a solicitation or event permit or whose solicitation or event permit is revoked, providing:~~ of the denial or revocation of an approved permit. The notice shall contain

- ~~1. The~~ the reason for the denial or revocation, ~~and~~
- ~~2. The applicant's right to seek a hearing under A.R.S. § 41-1092 et seq.~~

~~**M.O.** A solicitor or event organizer shall be responsible for furnishing all necessary labor, material, and equipment for a solicitation or event sponsor:~~

- ~~1. Is liable to the Department for damage to Department property and any expense arising out of the sponsor's use of Department property.~~

~~**N.2.** A solicitor or event organizer shall~~ Shall post solicitation material only in designated posting areas.

~~**O.** A solicitor or event organizer is liable to the Department for damage to Department property and any expense arising out of the solicitor's or event organizer's use of Department property.~~

~~**P.3.** A solicitor or event organizer shall ensure~~ Shall ensure that a solicitation or event on Department property causes ~~the least amount of degradation of Department property and~~ the minimum infringement of use to the public and government operation.

- ~~4. A solicitor or event organizer shall~~ Shall modify or terminate a solicitation or event, upon request by the Department, if the Department determines that the solicitation or event ~~is found to exceed acceptable limits of degradation or infringement on Department property~~ unacceptably infringes on the Department's operations or causes an unacceptable risk of liability exposure to the State.

~~**Q.P.** When conducting an event on Department property, a solicitor or event organizer~~ sponsor shall:

1. Park or direct vehicles in designated parking areas.
2. Obey all posted requirements and restrictions.
3. Designate one person to act as a monitor for every 50 persons anticipated to attend the solicitation or event. The monitor shall act as a contact person for the Department for the purposes of the solicitation or event.
4. Ensure that all safety standards, guidelines, and requirements are followed.
5. Implement additional safety requirements upon request by the Department.
6. Ensure all obstructions and hazards are eliminated.
7. Ensure trash and waste is properly disposed of throughout the solicitation or event.

~~**R.** At all times, the Department reserves the right to immediately remove or cause to be removed all items of the~~

~~solicitation or event that could damage state property, inhibit egress, or poses a safety issue. The Department also reserves the right to immediately remove or cause to be removed all solicitors, event organizers, or attendees damaging state property, inhibiting egress, or posing a threat to public health and safety.~~

**S.Q.** The Department shall ~~cancel~~ revoke or terminate the solicitation or event if a ~~solicitor or event organizer sponsor~~ fails to comply with a Department request or any one of the following minimum safety requirements:

1. All solicitation or event activities shall comply with all applicable federal, state, and local laws, ordinances, codes, statutes, rules, and regulations, ~~including those of OSHA.~~
2. The layout of the solicitation or event shall ensure that emergency vehicles will have access at all times.
3. The Department may conduct periodic safety checks throughout the solicitation or event.

**T.R.** This Section does not apply to government agencies.

### ARTICLE 3. TAKING AND HANDLING OF WILDLIFE

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

- A. In addition to meeting requirements prescribed under A.R.S. § 17-331, an individual who takes wildlife shall have in possession any tag required for the particular season or hunt area.
- B. A tag obtained in violation of statute or rule is invalid and shall not be used to take, transport, or possess wildlife.
- C. An individual who lawfully possesses both a nonpermit-tag and a hunt permit-tag shall not take a genus or species in excess of the bag limit established by Commission Order for that genus or species.
- D. An individual shall:
  1. Take and tag only the wildlife identified on the tag; and
  2. Use a tag only in the season and hunt for which the tag is valid, as specified by Commission Order.
- E. Except as permitted under R12-4-217, an individual shall not:
  1. Allow their tag to be attached to wildlife killed by another individual,
  2. Allow their tag to be possessed by another individual who is in a hunt area,
  3. Attach their tag to wildlife killed by another individual,
  4. Attach a tag issued to another individual to wildlife, or
  5. Possess a tag issued to another individual while in a hunt area.
- F. Except as permitted under R12-4-217, immediately after an individual kills wildlife, the individual shall attach the tag to the wildlife carcass in the ~~following~~ manner:
  1. ~~Remove all of the detachable paper covering from the adhesive back of the tag;~~
  2. ~~Seal the exposed adhesive portions of the tag around the wildlife so the tag cannot be removed or reused and all printing on the face of the tag is visible, and~~
    - a. For antelope, deer, or elk: seal the tag around the antler or horn, or through the gambrel of a hind leg;
    - b. For bear, bighorn sheep, buffalo, javelina, or mountain lion: seal the tag through the gambrel of a hind leg; and
    - c. For pheasant, sandhill crane, or turkey: seal the tag around the neck or a leg indicated on the tag.

- G. An individual who lawfully takes wildlife with a valid tag and authorizes another individual to possess, transport, or ship the tagged portion of the carcass shall complete the Transportation and Shipping Permit portion of the original tag authorizing the take of that animal.
- H. If a tag is ~~sealed~~ cut, notched, or mutilated, or the Transportation and Shipping Permit portion of the tag is signed or filled out, the tag is no longer valid for the take of wildlife.

## **ARTICLE 6. RULES OF PRACTICE BEFORE THE COMMISSION**

### **R12-4-611. Petition for a Hearing Before the Commission When No Remedy is Provided in Statute, Rule, or Policy**

- A. If no administrative remedy exists in statute, rule or policy, an aggrieved individual may request a hearing before the Commission by following the provisions of this Section.
- B. Any individual who requests a hearing under this Section shall submit a petition as prescribed in this Section before the request for a hearing will be considered by the Commission.
- C. A petitioner shall submit an original and one copy of a petition to the Arizona Game and Fish Department, Director's Office, 5000 W. Carefree Highway, Phoenix, AZ 85086.
- D. The petitioner shall ensure that the petition is typewritten, computer or word processor printed, or legibly handwritten, and double-spaced on 8 1/2" x 11" paper. The petitioner shall place the title "Petition for Hearing by the Arizona Game and Fish Commission" at the top of the first page. The petition shall include the items listed in subsections (E) through (H). The petitioner shall present the items in the petition in the order in which they are listed in this Section.
- E. The petitioner shall ensure that the title of Part 1 is "Identification of Petitioner" and that Part 1 includes the following information, as applicable:
  - 1. If the petitioner is a private person, the name, mailing address, telephone number, and e-mail address (if available) of the petitioner;
  - 2. If the petitioner is a private group or organization, the name and address of the organization; the name, mailing address, telephone number, and e-mail address (if available) of one person who is designated as the official contact for the group or organization; the number of individuals or members represented by the private group or organization, and the number of these individuals or members who are Arizona residents. If the petitioner prefers, the petitioner may provide the names and addresses of all members; or
  - 3. If the petitioner is a public agency, the name and address of the agency and the name, title, telephone number, and e-mail address (if available) of the agency's representative.
- F. The petitioner shall ensure that the title of Part 2 is "Statement of Facts and Issues." Part 2 shall contain a description of the issue to be resolved, and a statement of the facts relevant to resolving the issue.
- G. The petitioner shall ensure that the title of Part 3 is "Petitioner's Proposed Remedy." Part 3 shall contain a full and detailed explanation of the specific remedy the petitioner is seeking from the Commission.
- H. The petitioner shall ensure that the title of Part 4 is "Date and Signatures." Part 4 shall contain:

1. The original signature of the private party or the official contact named in the petition, or, if the petitioner is a public agency, the signature of the agency head or the agency head's designee; and
  2. The month, day, and year that the petition is signed.
- I. If a petition does not comply with this Section, the Director shall return the petition and indicate why the petition is deficient.
  - J. After the Director receives a petition that complies with this Section, the Director shall place the petition on the agenda of a regularly scheduled Commission meeting.
  - K. If the Commission votes to deny a petition, the Department shall not accept a subsequent petition on the same matter, unless the petitioner presents new evidence or reasons for considering the subsequent petition.
  - L. This Section does not apply to the following:
    1. A matter related to a license revocation or civil assessment; ~~or~~
    2. An unsuccessful hunt permit-tag computer draw application, where there was no error on the part of the Department; or
    3. The reinstatement of a bonus point, except as authorized under R12-4-107(M).

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

### **~~R12-4-804. Public Solicitation or Event on Department Property~~ Renumbered**

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

“Applicant” means a person who submits to the Department an application to conduct a solicitation or event on Department property.

“Certificate of insurance” means an official document issued by the solicitor’s or event organizer’s insurance carrier providing coverage for the solicitor or event organizer for general commercial, professional, workers compensation, auto, real, and personal property liability coverage determined by the Department as adequate for the solicitation or event activities.

“Department property” means those buildings or grounds under the jurisdiction of the Arizona Game and Fish Commission.

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

“Solicitation” means any activity that may be considered or interpreted as promoting, selling, or transferring products, services, memberships, or causes, or for participation in an event or activity of any kind, including organizational, educational, public affairs, or protest activities, including the distribution or posting of advertising, handbills, leaflets, circulars, posters, or other printed materials for these purposes.

“Solicitation material” means advertising, circulars, flyers, handbills, leaflets, posters, or other printed information.

“Solicitor” means the person or persons conducting a solicitation or event.

“Work-site” means any location on Department property where employees conduct the daily business of the Department, including eating areas and break rooms.

- B.** All Department property is a non-public forum, closed to all types of solicitation and events unless permitted by the Department. A person shall not:
1. Conduct partisan political activity on Department property or in Department work-sites.
  2. Post solicitation material on Department property without express written permission from the Department.
  3. Schedule or conduct a solicitation or event on state property without express written permission from the Department.
- C.** Any person who would like to conduct a solicitation on state property may apply for a solicitation or event permit by submitting a completed solicitation or event application to any Department office or Department Headquarters, Director's Office, at 5000 W. Carefree Hwy, Phoenix, AZ 85086, whichever is appropriate for the solicitation or event venue. The application is furnished by the Department and is available at all Department offices.
1. An applicant shall apply for a solicitation or event permit no more than six months prior to the solicitation or event.
  2. An applicant shall submit an application at least:
    - a. Fourteen days prior to the desired date of the solicitation or event for solicitations other than the posting of advertising, handbills, leaflets, circulars, posters, or other printed materials.
    - b. Ten days prior to the desired date of the solicitation or event for solicitations involving only the posting of advertising, handbills, leaflets, circulars, posters, or other printed materials.
  3. An applicant shall provide all of the following information on the application:
    - a. Applicant's name, address, and telephone number;
    - b. Applicant's e-mail address, when available;
    - c. Contact person's name and telephone number, when the applicant is an organization;
    - d. Proposed date of the solicitation or event;
    - e. Specific, proposed location for the solicitation or event;
    - f. Starting and approximate concluding times;
    - g. General description of the solicitation or event's purpose;
    - h. Anticipated number of attendees, when applicable;
    - i. Amount of fees the applicant will charge attendees, when applicable;
    - j. Detailed description of any activity that will occur at the solicitation or event, including a detailed map of the solicitation or event and any equipment that will be used, e.g., tents, tables, etc.; and
    - k. Copies of any solicitation materials the applicant will distribute to the public or post on Department property.
  4. The applicant's signature on the application certifies that the applicant:
    - a. Assumes risk of injury to persons or property;
    - b. Agrees to hold harmless the state of Arizona, its officials, employees, and agents against all claims arising from the use of Department facilities;
    - c. Assumes responsibility for any damages or clean up costs due to the solicitation or event, solicitation or event cleanup, or solicitation or event damage repair; and

- d. Agrees to surrender the premises in a clean and orderly condition.
  5. An applicant who is required to provide insurance for a solicitation or event shall list the state of Arizona and the Arizona Game and Fish Department as additional insured entities.
- D.** The Department may take any of the following actions to the extent it is necessary and in the best interest of the state:
1. Require the applicant to post a deposit against damage and cleanup expense;
  2. Require the applicant to carry adequate liability insurance and provide a certificate of insurance;
  3. Require the applicant to provide medical support, sanitary services (including public restrooms), and security; and
  4. Impose additional conditions not specified under this Section on the conduct of the solicitation or event in the permit.
- E.** The Department may consider the following criteria to determine whether any of the actions in subsection (D) are necessary and in the best interest of the state:
1. Previous experience with similar solicitations or events;
  2. Deposits required for similar solicitations or events in Arizona;
  3. Risk data;
  4. Medical, sanitary, and security services required for similar solicitations or events in Arizona and the cost of those services; and
  5. The applicant's ability to pay a deposit, an insurance premium, or a service provider.
- F.** The Department shall not provide insurance or guarantee against damage to equipment or personal property of any person using Department property for a solicitation or event.
- G.** The facility shall designate the hours of use for Department property.
- H.** The Department shall inspect the solicitation or event site at the conclusion of activities and document any damage or cleanup costs incurred because of the solicitation or event. The applicant shall be responsible for any cleanup or damage costs associated with the solicitation or event.
- I.** An applicant shall not allow solicitors or event organizers or attendees to bring alcoholic beverages onto the solicitation or event site.
- J.** The Department shall approve or deny an application within 10 business days of the receipt of the completed application. The Department shall deny an application for any of the following reasons:
1. The solicitation or event interferes with the work of an employee or the daily business of the agency;
  2. The solicitation or event conflicts with the time, place, manner, or duration of other approved or pending solicitations or events;
  3. The content of the solicitation or event is unrelated to the Department's activities or its mission;
  4. The solicitation or event creates a risk of injury or illness to persons or risk of damage to property; or
  5. The applicant has not complied with the requirements of the application process or this Section.
- K.** The Department may revoke a permit for an approved application due to emergency circumstances or for an applicant's failure to comply with this Section or other applicable laws.

- L.** The Department shall send written notice, to an applicant denied a solicitation or event permit or whose solicitation or event permit is revoked, providing:
  - 1. The reason for the denial or revocation, and
  - 2. The applicant's right to seek a hearing under A.R.S. § 41-1092 et seq.
- M.** A solicitor or event organizer shall be responsible for furnishing all necessary labor, material, and equipment for a solicitation or event.
- N.** A solicitor or event organizer shall post solicitation material only in designated posting areas.
- O.** A solicitor or event organizer is liable to the Department for damage to Department property and any expense arising out of the solicitor's or event organizer's use of Department property.
- P.** A solicitor or event organizer shall ensure that a solicitation or event on Department property causes the least amount of degradation of Department property and the minimum infringement of use to the public and government operation. A solicitor or event organizer shall modify or terminate a solicitation or event, upon request by the Department, if the Department determines that the solicitation or event is found to exceed acceptable limits of degradation or infringement on Department property.
- Q.** When conducting an event on Department property, a solicitor or event organizer shall:
  - 1. Park vehicles in designated parking areas.
  - 2. Obey all posted requirements and restrictions.
  - 3. Designate one person to act as a monitor for every 50 persons anticipated to attend the solicitation or event. The monitor shall act as a contact person for the Department for the purposes of the solicitation or event.
  - 4. Ensure that all safety standards, guidelines, and requirements are followed.
  - 5. Implement additional safety requirements upon request by the Department.
  - 6. Ensure all obstructions and hazards are eliminated.
  - 7. Ensure trash and waste is disposed of throughout the solicitation or event.
- R.** At all times, the Department reserves the right to immediately remove or cause to be removed all items of the solicitation or event that could damage state property, inhibit egress, or poses a safety issue. The Department also reserves the right to immediately remove or cause to be removed all solicitors, event organizers, or attendees damaging state property, inhibiting egress, or posing a threat to public health and safety.
- S.** The Department shall cancel or terminate the solicitation or event if a solicitor or event organizer fails to comply with a Department request or the following minimum safety requirements:
  - 1. All solicitation or event activities shall comply with all applicable federal, state, and local laws, ordinances, statues, rules, and regulations, including those of OSHA.
  - 2. The layout of the solicitation or event shall ensure that emergency vehicles will have access at all times.
  - 3. The Department may conduct periodic safety checks throughout the solicitation or event.
- T.** This Section does not apply to government agencies.