

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

PREAMBLE

1. <u>Sections Affected</u>	<u>Rulemaking Action</u>
R12-4-401	Amend
R12-4-402	Amend
R12-4-403	Amend
R12-4-404	Amend
R12-4-405	Amend
R12-4-406	Amend
R12-4-407	Amend
R12-4-408	Amend
R12-4-409	Amend
R12-4-410	Amend
R12-4-411	Amend
R12-4-412	Amend
R12-4-413	Amend
R12-4-414	Amend
R12-4-415	Amend
R12-4-416	Amend
R12-4-417	Amend
R12-4-418	Amend
R12-4-419	Amend
R12-4-420	Amend
R12-4-421	Amend
R12-4-423	Amend
R12-4-424	Amend

R12-4-425	Amend
R12-4-426	Amend
R12-4-427	Amend
R12-4-428	Amend
R12-4-430	Amend

2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. § 17-231

Implementing statute: A.R.S. §§ 17-102, 17-238, 17-240, 17-306, 17-307(C), and 17-317

3. **A list of all previous notices appearing in the Register addressing the proposed rules:**

Notice of Docket Opening: 10 A.A.R. 2891, July 16, 2005; and

Second Notice of Docket Opening: 11 A.A.R. 2753, July 22, 2005.

4. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

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5. **An explanation of the rules, including the agency's reasons for initiating the rulemaking:**

The Department proposes to amend the rules of this article generally as stated in the five-year rule review report prepared and submitted to the Governor's Review Council and approved at their January 2004 meeting. In evaluating the scope and effectiveness of the revisions specified in the review, the Department finds it necessary to discontinue certain revisions, and to propose additional amendments to address new and emerging concerns. Of significant note is the Department's extensive revisions to rewrite the rules to place them in the active voice. Although this appears to be a significant modification of the article, the Department holds that the impact of the rules will not change. The Department proposes to amend the rules as follows:

The Department is proposing to amend R12-4-401 to define terms with insufficient definitions or commonly used terms with no definitions. The term “agent” will be added as a result of amendments authorizing the use of agents in rules beyond R12-4-423. To clarify what constitutes commercial activity under a special license that allows it, the Department proposes to add a definition for “commercial.” Several rules refer to domestic animals and how they are used relevant to particular special licenses; for that, the Department will also add a definition to clearly state what is “domestic.” Although it does not appear in rule, the term “exotic” is used frequently by the Department to clarify what it is, typically for those who seek to possess such wildlife under a special license. Thus, the Department proposes to adopt a definition for “exotic.” The definition for “educational display” will be clarified and amended to disallow solicitation of payment under a special license that authorizes educational display. The terms “native,” “nonnative,” and “photography” appear throughout the article as well, and also have no definition; the Department proposes to add them. The Department is proposing amendments in several rules to regulate the use of “hybrid wildlife,” specifically in R12-4-406, which lists restricted live wildlife species, and R12-4-413, dealing with private game farms. To clearly understand the use of hybrid wildlife, the Department proposes to add a definition for the term. The definition for “threatened native wildlife” will be deleted and replaced with the more applicable “wildlife of special concern.” Both definitions emerge from the Department’s own research regarding species populations in Arizona. The definitions for “game farm” and “zoonotic” will be moved from R12-4-430, dealing with special rules for cervids, into this rule. The term “game farm” appears throughout the article, and “zoonotic” is also used in R12-4-426, dealing with possession of primates.

The Department proposes to amend R12-4-402 to add a new subsection that will authorize the agency to seize, quarantine, or hold wildlife that is kept in a manner that poses an actual or potential threat to other wildlife, or to the safety, health, or welfare of the public. The Department may take such action even if the wildlife is possessed under a special license.

Under R12-4-403, some individuals that hold live wildlife have felt at liberty to release their animals back into the wild under the rule’s authorizing statutes, particularly A.R.S. § 17-306, which does authorize release

of live wildlife, but only under Commission authority or agricultural statutes. The Department is amending the rule to prohibit the release of live wildlife under this statute specifically to make it clear and understandable. The Department also proposes to amend this rule to authorize the agency to take any live wildlife that is likely to escape from captivity if it poses an actual or potential threat to native wildlife or public safety.

In general, the Department is making changes throughout this article to prohibit an individual that holds live wildlife, whether or not it is held under a special license, from releasing or otherwise disposing of live wildlife, if authorized, without first contacting the Department to receive instruction in the proper manner of release or disposal. The reason is to more closely monitor the use of wildlife in this state and to ensure proper management and conservation of the state's resources, particularly in relation to potentially competitive or threatening species or disease.

The rule R12-4-404 will be amended to clearly state that wildlife held under this rule shall not be disposed of in any manner that may be considered commercial activity. The intent of this rule is not to prescribe or authorize commercial activity regarding wildlife. The Department is also amending this rule to improve management of desert tortoises. The Department proposes to prohibit people from exporting desert tortoises without written authorization from the Department; permission will only be granted if the individual that possesses it takes the tortoise to a jurisdiction where it is legal to possess it. The rule will also be amended to address offspring of grandfathered tortoises possessed under R12-4-407. Under the amendments to R12-4-404, an individual may only hold the offspring of grandfathered tortoises for 24 months from the date of hatching. The Department is amending rules to impede the unauthorized or black market trade of desert tortoises native to Arizona. The rule will also be amended to require that if an individual possesses wildlife that later becomes restricted, they must report the wildlife to the Department under R12-4-425.

Because the introduction of nonnative species is a continuous and growing concern for the Department, it is proposing to amend R12-4-405 to require that if an individual imports lawfully possessed mammals, birds, or reptiles without a Department license, that individual shall possess them under a valid license, permit, or

other form of authorization from another state, the United States, another country, or are possessed under a lawful exemption. The same requirement will be extended to those who import aquatic live wildlife in addition to the requirements that already exist, but the rule will also be amended to allow people to transport live aquatic wildlife from a restaurant or market if it will be taken directly to its final destination for preparation as food. Under the previous rules, individuals who purchase lobsters and transport them home alive could be considered in violation.

Internationally, the introduction of nonnative plant and animal species has become a large enough concern that more states are taking action to prevent their introduction. Other states have identified introduced species that are becoming a greater biological concern; of those, the Department has identified those species that could feasibly survive in Arizona's varying climates, and added those to the restricted live wildlife list. The Department is proposing to add: brown tree snakes (*Boiga irregularis*), black carp (*Mylopharyngodon piceus*), temperate basses of the family Moronidae (including white perch and yellow perch), Asian clam (*Corbicula fluminea*), New Zealand mud snails (*potamopyrgus antipodarum*), Quagga mussels (*Dreissena bugensis*), and Rosy wolfsnails (*Euglandina rosea*). The Department also recognizes there are several species on the restricted wildlife list that are no longer considered potentially threatening or competitive with native species, or are native species that are not threatened themselves, and thus may be held with greater liberty. The Department proposes to remove from the species list: chukar (*Alectoris chukar*), California or valley quail (*Callipepla californica*), ringneck and whitewing pheasant (*Phasianus colchicus*), and sharks: the species of the families Hemiscilliidae, Orectolobidae, Brachaeluridae, and Triakidae; genera of the family Scyliorhinidae: *Aulohalaelurus*, *Halaehurus*, *Haploblepharus*, *Poroderma*, and *Scyliorhinus*; and genera of the family Parascylliidae: *Cirroscyllium* and *Parascyllium*. The Department also proposes to amend the rule to clearly state that domestic animals, as defined in R12-4-401, are not considered wildlife, and thus cannot be restricted. Under the definitions, domestic animals include offspring of domestic animals and wildlife, including those that are restricted. The rule will also be amended to state that hybrid wildlife that results from at least one parent species of restricted wildlife is considered restricted also, and that transgenic species are also considered restricted. Transgenic species are a recent introduction, and refers to wildlife that results from the physical manipulation of its actual genetic structure. The most notorious transgenic species is the

“glowing fish.” Specially created for use in aquariums, these fish result from the planting of the bioluminescent characteristics of jellyfish into their gene structure. Although they do not actually glow in the dark, when placed under an ultraviolet light, the jellyfish characters reflect the light to appear as though the fish are indeed glowing. These species are so new that the Department is not comfortable with allowing their unregulated use without learning more about their capacity for threatening or competing with native aquatic wildlife if released into the wild.

The Department is amending R12-4-407 in part to improve management of desert tortoises. The Department proposes to amend this rule to require that an individual receive written authorization to export desert tortoises from the state, as was done in R12-4-404. To ensure that wildlife that enters this state is held lawfully, the Department also proposes to amend the rule to require that if an individual transports wildlife into, throughout, or out of the state for a government-authorized state or county fair or circus, or for photography, that individual shall have evidence of lawful possession as defined in R12-4-401 for the wildlife. The Department also proposes to amend the rule to make references to specific rules that prescribe other exemptions from special license requirements for restricted live wildlife.

The Department is proposing significant amendments to the rules that regulate the issuance of special licenses to make their application requirements more consistent and understandable. Amendments will be made throughout the rules regulating the use of special licenses to require that, among other things, an applicant provide their name, address, physical description, descriptions of where wildlife will be held, a proposal that explains how the issuance of a license is consistent with the purposes for which a license is issued, and their signature, which attests that the information on the application is true and correct to their knowledge and that the applicant’s live wildlife privileges are not revoked or suspended in any state or by the United States; these amendments will be made in addition to the existing requirements for special licenses. The Department will also amend the special license rules to prescribe a procedure if an applicant is rejected.

Because there is no way to identify what constitutes a special license, the Department proposes to add a subsection to R12-4-409 that lists them. The Department proposes to remove a large block of text that

describes the process for issuance of licenses according to time-frames, and move that information into R12-4-106, dealing specifically with licensing time-frames. As part of the effort to make licensing procedures more uniform, the Department also proposes to prescribe prohibitions from obtaining a special license that are similar to the agency's existing prohibitions from obtaining other Department licenses, like those for hunting or fishing. The Department will add a subsection that prohibits an applicant from obtaining a special license if the applicant's wildlife privileges are revoked in this state, any other state, or by the United States; the applicant has been convicted of illegally holding or possessing live wildlife within three years of applying for a special license; the applicant knowingly provides false information on an application; or the applicant submits an incomplete application. Special license holders, at times, have also interpreted the fact that a special license is issued by a state agency, it somehow supersedes any restrictions on holding live wildlife made by a city or town; this is not the case. To address this misunderstanding, the Department is amending the rule to clearly state that special license holders are not exempt from any municipal, county, state, or federal laws, rules, ordinances, or statutes. The Department is also amending the rule to require that a special license holder submit biological samples to the Department or its designee if an emergency disease condition emerges. This is so that the Department can be more reactive to address potential wildlife concerns if they arise. As stated previously, the Department is amending rules to take a stronger position and prevent the introduction or spread of potentially harmful invasive wildlife species or wildlife diseases or parasites. Conditions that foster these detriments change continuously and often more quickly than any method of rulemaking can react to them. For these reasons, the rule is being amended to authorize the agency to place stipulations on a special license at the time of application or license renewal. These stipulations may be added to conserve wildlife populations, prevent introduction and proliferation of wildlife diseases, to prevent wildlife from escaping, or to ensure public health or safety.

In addition to those amendments made to all special license rules, the Department proposes to amend R12-4-410, dealing with the aquatic wildlife stocking permit, to remove the list of causative agents. Some of these diseases and parasites are no longer a management concern, so there is no reason to keep them in rule. Of those that are, the Department intends to substitute restrictions against those agents by prescribing stipulations to the license. As stated previously, the Department is taking a more steadfast approach in

monitoring the disposal or discontinued use of wildlife under a special license. As part of this effort, the Department is amending this rule to require that a permit holder obtain and dispose of native aquatic wildlife as directed by the Department.

To improve wildlife management and to stem a potential disease vector, the Department is amending R12-4-411 to disallow the commercial taking, transporting, and sale of tiger salamanders or “waterdogs” from Arizona’s waters. The commercial collection of waterdogs can stress native populations of the species, spread contagious diseases to waters where they have not been introduced, and erode native aquatic salamander species through interbreeding. The Department is also amending the rule to prescribe a procedure for a minnow dealer license holder to obtain certification that imported baitfish are free of diseases and causative agents specified in any stipulations. Certification is already required in rule, but there are no guidelines to instruct a license holder how to obtain it. The Department also proposes to amend the title of the rule to the more applicable “live bait dealer’s license,” because not all wildlife sold under this license are minnows.

With the amendments to R12-4-413, the Department is attempting to address the growing number of misinterpretations regarding the use of a private game farm license, and to reaffirm the purpose for which this license was authorized. Some applicants obtain the license for the personal or recreational use of wildlife; the license is intended to authorize the commercial use of wildlife for purposes such as slaughter and sale of meat and hides. The Department is proposing an amendment to clearly state that a private game farm license is indeed a commercial license. The Department is also amending the rule to further address the attempted sport harvest of wildlife held under this license. The agency has encountered license holders who accept payment from other individuals so that the purchaser can hunt wildlife on the license holder’s property. Because this is not consistent with the objective of this license, the Department is amending the rule to prohibit a game farm owner from accepting payment for killing the wildlife. In recent years, the Department has issued private game farm licenses for the possession of cervals, or other African leopard cats (ALC’s). These mammals are purchased or traded for the purpose of breeding them with domestic cats to produce a domestic hybrid. There are many different names for these domestic hybrids depending on the species that they are bred with:

savannas, chausis, bengals, etc. Although the Department has issued licenses to allow people to possess ALC's, the Department's intent for authorizing a private game farm license is not to allow people to breed wildlife with domestic animal species. For this reason, the Department is amending the rule to clearly state that, if breeding takes place, a private game farm license is issued to authorize only the breeding of wildlife to produce wildlife offspring: not to authorize breeding of wildlife to domestic species to produce a hybrid that, under the Department's proposed amendments, qualifies as a domestic animal.

The Department is also amending R12-4-413 to remove a "grandfather" clause that authorized an individual to hold restricted live wildlife not listed R12-4-413 if that individual possessed it under a private game farm license issued before April 28, 1989. The Department has no records of any individual that still possesses live wildlife under this license from that date. In addition to the existing prohibition from issuing a license if escape of the proposed species will create a threat to native wildlife, the Department proposes to amend the rule to prohibit issuance of a private game farm license if escape of the proposed species will create a threat to public health or safety. The Department also proposes to require that a private game farm license holder maintain records of all wildlife possessed under the license for three years: specific information is requested in the rule language. Again, this amendment is proposed so that the agency can more closely and accurately monitor what wildlife is held, transported, or used in this state.

One of the general proposals that the Department is adopting is to require that holders of private game farm licenses, game bird shooting preserve licenses, wildlife holding licenses, scientific collecting permits, zoo licenses, wildlife service licenses, and wildlife rehabilitation licenses submit an annual or semi-annual report on license activities. This is to ensure that those license holders are performing authorized activities, and to provide information on license activities to the Department. The agency is prescribing guidelines for the submission of an annual report specific to each license holder's needs, including those for private game farms.

For R12-4-414, dealing with shooting preserve licenses, the Department proposes to amend the rule to prohibit issuance of a license if the species for which an application is made will create a threat to public

health or safety if it escaped from captivity. This is to make the rule consistent with other special license rules. In addition to the revisions that are being made to all special licenses, the Department proposes to amend this rule to delete a grandfather clause that heretofore has authorized shooting preserve license holders to hold wildlife that was held before the effective date of the rule (April 28, 1989). The Department does not have any records of any shooting preserve licenses that precede this date. The title of the rule will also be amended to the “game bird shooting preserve license” to more accurately reflect the wildlife for which a license may be issued.

The Department is proposing to amend R12-4-415, dealing with field trial licenses, to clearly state that any wildlife that is released under this license and is not taken during the field trial event becomes property of the state, and thus shall not be taken during the valid dates under this license. In addition to the amendments being made to all special licenses, the Department proposes to amend the title of the rule to “game bird field trial license” to more accurately reflect the wildlife for which a license may be issued.

There are several organizations in Arizona that engage in “bird-dogging,” training canines to retrieve downed wildlife, typically birds. Some of these groups are spread across the state, and it is difficult for them to each obtain a field trial training permit. To facilitate these group applications, the Department proposes to amend R12-4-416, dealing with field trial training permits, to authorize an agent to apply on behalf of another individual or a group. The agency is also prescribing guidelines for the authorization, use, and termination of these agents. In addition to those regulations being proposed to all special licenses, the Department proposes to amend the title of the rule to “game bird field training permit” to make the title less confusing with the “field trial license” in R12-4-415, and to more accurately reflect the wildlife for which a permit may be issued.

Individuals that possess a wildlife holding license have also taken additional liberties with wildlife possessed under the license. Some have taken to displaying their wildlife for a fee, which the Department holds is not the intent of the license: exhibition is objective of a zoo license. For this reason, the Department is amending R12-4-417 to no longer allow exhibit of wildlife under this license, but to continue to allow commercial

photography (for motion picture production or publications, for example) and display for educational purposes. The Department is also proposing to amend the rule to automatically invalidate a license if the primary purpose for which the license was issued no longer exists. If a license holder's wildlife dies, some license holders have interpreted possession of the license as *carte blanche* to possess another animal of the same species as the one that died. This is not the case. To ensure that wildlife is held in a manner consistent with rules prescribing captivity standards, the Department is amending the rule to clearly state that the agency has the authority to conduct a reasonable inspection under R12-4-409. Also in accordance with the general changes being made to special license rules, the Department is amending R12-4-417 to prescribe additional requirements for annual reports that are consistent with requirements made for other special license reports; and to specify how wildlife held under the license or their parts are to be disposed: in a noncommercial manner. In general, this license is not a commercial license, though the Commission has authorized some limited commercial use.

The scientific collecting permit, authorized under R12-4-418, allows individuals to collect wildlife specimens for research, but at times the Department receives applications to collect specimens that may not be consistent with the agency's management objectives. Instead of rejecting the application, the Department is proposing the rule to authorize the agency to issue the permit for a different species, a different number of animals per species, a different method of take, or to restrict the age or condition of wildlife to be taken. Also to diminish abuses under this permit, the rule will be amended to clearly state that wildlife held under the permit may be photographed for a noncommercial purpose. Again, special restrictions must be placed on this permit, because it is not a commercial permit. To ensure that it is, however, used for educational purposes, if that was the reason for which the permit was issued, the Department proposes to amend the rule to require that an individual also include in the application the minimum number of presentations that the applicant will make under the permit, contact information for any clients that the applicant has already contacted about giving a presentation, and the number of species specimens that the applicant already possesses, if possible. In keeping with the amendments made to authorize the placement of stipulations on a special license, the Department proposes to amend the rule to require that any agents authorized under this permit abide by the stipulations placed on it.

To ensure that a wildlife hobby license is not used for a commercial purpose, which is unlawful and not consistent with its objective, R12-4-419 will be amended to clearly state that wildlife held under this license shall not be exhibited. Under the definition for “exhibit,” both display and photography are allowed as commercial activities. In consistency with amendments made to R12-4-406, the Department will amend the rule to delete those species of birds which are no longer restricted, and therefore no longer require a special license for possession. Finally, the Department will amend this rule to only require that an applicant submit a diagram or description of the facility where wildlife will be held if applying to hold 50 individual specimens or more. Currently, the Department requires a holding diagram or description for 25 birds, which the agency finds too few to warrant a full holding diagram.

The Department proposes to amend the zoo license rule, R12-4-420 to allow a temporary exhibit for 60 days, rather than 20. This provides a greater return on the investment of establishing such an exhibit. The Department is also prescribing additional methods of disposing of wildlife: by selling, giving, or trading it to another zoo or to an appropriate special license holder, or exporting it to a zoo in another state that is certified by the American Zoo and Aquarium Association. The Department is also proposing that a zoo license holder hold wildlife in such a manner as to prevent it from escaping the facility specified on the license, and also to prevent the entry of unauthorized individuals or other wildlife. To ensure that zoo licenses are issued to individuals who have an interest in fulfilling the objectives for which this license was made, the Department is proposing to clearly state the purposes for which a license shall be issued: for the advancement of science, wildlife management, or promotion of public health or welfare; education; or conservation, or maintaining a population of wildlife threatened with extinction in the wild. As is being done in other rules, the Department is requiring that an annual report be submitted to the agency detailing license activities to ensure that the license is being used for its intended objective and to give the Department more information on the use of wildlife in the state. As part of the agency’s efforts to monitor wildlife activity more closely, the Department is also amending the rule to require that a zoo license holder to make a written request and receive approval from the Department before adding any species of wildlife that is listed in R12-4-406.

More and more businesses are advertising animal control services, including removal of wildlife. To ensure that only qualified and authorized individuals are handling state wildlife, the Department is requiring that any individual that provides, advertises, or offers assistance with nuisance wildlife to the public for or absent a fee shall obtain a wildlife service license under R12-4-421. The Department is also amending the rule to allow license holders to engage in authorized activities with javelina. With expanding developments stretching further out into what was previously wilderness habitat, wildlife encounters have increased in newly urbanized areas. Most of these species are already authorized for removal under a wildlife service license, except javelina, which is designated as a big game animal. A license holder shall also contact the regional office that presides over the area before engaging in authorized activities with javelina. Additional methods of disposal shall be prescribed in general for wildlife held under this license, including appropriate environmental conditions, habitat conditions, and authorizing the release of live wildlife to an appropriately licensed rehabilitator. The Department is also amending the rule to prescribe procedures for submission and content of annual reports.

The Department is not amending R12-4-422, dealing with sport falconry, as stated in the 2004 five-year rule review. Amendments that were proposed in the report were based on amendments proposed to be made to federal regulations regarding sport falconry; those changes were subsequently discontinued. The Department intends to pursue a separate rulemaking to amend the rule once federal changes are adopted and effective.

The Department has had problems in the past with individuals taking advantage of the privileges given under a wildlife rehabilitation license. Although R12-4-423 states that this license does not authorize an individual to permanently possess wildlife, the Department proposes to amend this rule to clearly state that fact, because some license holders simply feel they should be allowed to permanently hold wildlife, specifically if it cannot be returned to the wild. If the license holder is unwilling to obtain a wildlife holding license to continue to hold wildlife that cannot meet its own needs in the wild, the Department proposes to amend the rule to clearly state that all wildlife held under this license is still wildlife and is thus property of the state, as authorized under A.R.S. § 17-102; as such, that wildlife may be impounded by the Department. The Department is also amending the rule to authorize a licensed rehabber to provide care for raccoons. To assist license holders to

defer some of the costs of rehabilitating wildlife, the Department proposes to amend the rule to allow a rehabilitator to accept donations from the public. As stated previously, the Department is taking a more staunch position in the use of wildlife in the state, including methods of disposal. The Department is proposing to amend this rule to require that if wildlife held under this license is disposed, it shall be done as directed in writing by the Department. If wildlife cannot be released back into the wildlife after the time frames currently prescribed in rule (180 days for birds, 90 days for other wildlife), the Department proposes to amend the rule to require that the license holder either obtain authorization from the Department to retain, transfer, or otherwise dispose of the wildlife, or euthanize the wildlife. The Department will also amend the rule to comply with amendments made to federal guidelines for wildlife rehabilitation, and to extend the license to a three-year license instead of a two-year license.

The Department is amending R12-4-424, dealing with white amur stocking licenses, to change the title to the more appropriate “white amur stocking and holding license,” since the rule authorizes both stocking and holding. To ensure that restocking of white amur fish is done in a timely manner, the Department is proposing that restocking shall not exceed 20 days, these dates shall be specified on the license, and that only during this time is restocking valid. Lastly, the Department is amending the rule to eliminate a renewal fee for a license if the license holder stocks white amur in a private pond that is not associated with a business. There are some individuals who use white amur to remove aquatic grasses in their personal ponds; the Department does not find it necessary to charge those individuals \$200 annually to renew the license and to continue personal use of this wildlife.

To allow the continued personal use of wildlife that was previously not restricted, the agency is amending R12-4-425 to “grandfather” possession of wildlife that is lawfully possessed, but has become restricted with this rulemaking. With this, the Department will also amend the title of the rule from “restricted live wildlife lawfully possessed without license or permit prior to the effective date of Article 4” to “restricted live wildlife lawfully possessed without license or permit before the effective date of Article 4 or any subsequent amendments.” Under this rule, however, special restrictions will be added to ensure that individuals do not abuse this privilege in such a way as to create a threat to native wildlife populations. If wildlife held under

this rule is transferred to a special license holder, that license holder must use and possess it only as authorized by the special license; “grandfather” privileges do not extend to other individuals. Offspring of wildlife shall also be disposed, either by exportation, euthanization, or as otherwise directed by the Department. If “grandfathered” wildlife is exported, the privileges granted under this rule are terminated; the individual that possesses the wildlife shall obtain a special license to continue to hold it.

The Department has had increasing problems with individuals who own primates under R12-4-426, dealing with possession of primates, particularly those who are continuously involved in incidents. If a primate bites, scratches, or otherwise exposes a human to a pathogenic organisms, the individual that owns the primate shall have the primate examined by a state licensed veterinarian so that the doctor can perform any examinations or lab tests determined necessary by the Department. The Department also is amending the rule to require the Department to notify the exposed individual and the Department of Health Services, Vector Borne and Zoonotic Disease Section within 10 days of receiving the test results. Finally, the Department proposes to amend the rule to require that a primate that is involved in more than one incident of biting, scratching, or otherwise exposing a human to pathogenic organisms shall be maintained in captivity or disposed as directed in writing by the Arizona Game and Fish Director or the Director’s designee.

The Department proposes to amend R12-4-408, dealing with holding wildlife for the Department; R12-4-428, which prescribes captivity standards; and R12-4-430, dealing with importation, handling, and possession of cervids, to make them consistent with other rules of this article, and to make it consistent with the current guidelines for rulemaking language and style. The title of R12-4-427 will be amended from “rehabilitation exemptions” to “exemptions from requirements to possess a wildlife rehabilitation license” for consistency.

6. A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rules and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:

The Department has not referenced any study that it proposes to rely on in its evaluation of or justification for the proposed rule.

7. **A showing of good cause why the rules are necessary to promote a statewide interest if the rules 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 Department believes that the proposed amendments to rules listed in Article 4, Live Wildlife will impact the Department, the general public, individuals and businesses that use or enjoy live wildlife, special license holders, and the wildlife resources of this state. Overall, these amendments will benefit the Department by authorizing it to take more steadfast action against the potential introduction of nonnative wildlife, which could severely impact the native wildlife of this state. It also gives the Department greater authority to regulate the use of live wildlife so as to reduce the abuse of wildlife privileges granted under special licenses. Though some of the amendments will create a greater workload for agency employees, the Department holds that the benefits of the proposed rulemaking will outweigh the costs. The Department also holds that the proposed amendments will benefit the general public by generally prohibiting use of wildlife or possession of wildlife in a manner that could threaten public health or safety. Oftentimes, people do not realize the potential harm that can be caused by wildlife if it is allowed to come into contact with them. The proposed amendments will also impact special license holders by requiring them to provide more information regarding the use of wildlife than they have had to provide in the past. Additional requirements and restrictions will be placed on those licenses whose holders have demonstrated a propensity to abuse their wildlife privileges, either through ignorance or misunderstanding of current live wildlife rules, or through outright violation of these rules. The Department, though, holds that the benefits to the state and to the resource outweigh the cost of the additional requirements. Some amendments will impact businesses that use live wildlife, particularly private game farms and businesses that use live wildlife that will become restricted. The Department has made amendments to shore up any potential for misinterpretation of rules under which some license holders have felt at liberty to use live wildlife contrary to the intent for which a license is issued. Addition of certain species of wildlife, such as frogs of the genus *Rana*, will also restrict the types of live animals that can be sold by pet traders; though representatives of the pet trade have indicated that they are prepared to use other non-threatening species of frog in their stores. Under this rulemaking, any individual that possesses an animal of a species that becomes restricted will also have to report it to the Department. In

general, the Department does not believe that these amendments will significantly impact other political subdivisions, and will not lastingly impact businesses. Though some businesses will have to adopt different animals or practices to continue their trade, alternative lawful means exist to allow them to maintain their business. The proposed amendments will not impact either private or public employment, and will not lastingly impact businesses revenues. The Department holds that the potential cost to the state for addressing concerns generated by invasive wildlife species outweighs the short-term costs to businesses that deal in wildlife. The proposed rulemaking will not impact state revenues. Finally, the Department has determined that to address growing concerns related to the introduction of nonnative species, particularly in a state that has a continuously circulating population, there are no alternative means of achieving the objectives of the proposed rulemaking.

9. **The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

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Telephone: (602) 798-3288 ext. 206

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10. **The time, place, and nature of the proceedings for the making, amendment, or repeal of the rules; or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:**

Written comments will be accepted at the above address until 30 days after this Notice is published. Public hearings to discuss this proposal will be held as follows:

Date: November 19, 2005

Time: 9:00 AM

Location: Arizona State Fairgrounds, Wildlife Building

1826 W. McDowell Rd.

Phoenix, AZ 85007

The Arizona Game and Fish Commission follows Title II of the Americans with Disabilities Act. The Commission does not discriminate against persons with disabilities who wish to make oral or written comments on proposed rulemaking or otherwise participate in the public comment process. Individuals with disabilities who need a reasonable accommodation (including auxiliary aids or services) to participate in the public comment process, or who require this information in an alternate form, may contact Dustin McKissen at (602)789-3288 ext. 201 (Voice); 1-800-367-8939 (TDD); 2221 W. Greenway Rd., Phoenix, Arizona 85023-4399. Requests should be made as soon as possible so that the Arizona Game and Fish Department will have sufficient time to respond.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable.

12. Incorporations by reference and their location in the rules:

R12-4-101. Live Wildlife Definitions

3 4. “Cervid” means a mammal classified as a Cervidae or member of the deer family found anywhere in the world, as defined in the taxonomic classification from Volumes I and II of Walker’s Mammals of the World, Fifth Edition, 1999, and not including any later edition. A copy is available for inspection at any Department office.

7 11. “Endangered or threatened” means wildlife that is listed in the Federal Endangered and Threatened Wildlife and Plants Act, 50 CFR 17.11 and 17.12, revised as of April 10, 1987 August 4, 2004 ~~not including any later amendments or editions, which is incorporated by reference. A copy of the list is on file with the Secretary of State and 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.~~ A copy is available for inspection at all Department offices.

13. The full text of the rules follows:

TITLE 12. NATURAL RESOURCES
CHAPTER 4. GAME AND FISH COMMISSION RULES
ARTICLE 4. LIVE WILDLIFE

Sections:

- R12-4-401. Live Wildlife Definitions
- R12-4-402. Live Wildlife: Unlawful Acts
- R12-4-403. Escaped or Released Live Wildlife
- R12-4-404. Possession of Live Wildlife Taken ~~on~~ Under an Arizona Hunting or Fishing License
- R12-4-405. Importing, Purchasing, and Transporting Live Wildlife Without an Arizona License or Permit
- R12-4-406. Restricted Live Wildlife
- R12-4-407. Exemptions from Special License Requirements for Restricted Live Wildlife
- R12-4-408. Holding Wildlife for the Department
- R12-4-409. General Provisions and Penalties for Special Licenses
- R12-4-410. Aquatic Wildlife Stocking Permit
- R12-4-411. ~~Minnow~~ Live Bait Dealer's License
- R12-4-413. Private Game Farm License
- R12-4-414. Game Bird Shooting Preserve License
- R12-4-415. Game Bird Field Trial License
- R12-4-416. Game Bird Field ~~Trial~~ Training Permit
- R12-4-417. Wildlife Holding License
- R12-4-418. Scientific Collecting Permit
- R12-4-419. ~~Wildlife~~ Game Bird Hobby License
- R12-4-420. Zoo License
- R12-4-421. Wildlife Service License
- R12-4-422. Sport Falconry License
- R12-4-423. Wildlife Rehabilitation License
- R12-4-424. White Amur Stocking and Holding License

R12-4-425. Restricted Live Wildlife Lawfully Possessed without License or Permit ~~Prior to~~ Before the Effective Date of Article 4 or Any Subsequent Amendments

R12-4-426. Possession of Primates

R12-4-427. ~~Rehabilitation Exemption~~ Exemptions from Requirements to Possess a Wildlife Rehabilitation License

R12-4-428. Captivity Standards

R12-4-430. Importation, Handling, and Possession of Cervids

R12-4-401. Live Wildlife Definitions

In addition to definitions given in A.R.S. § 17-101, and for the purposes of ~~Article 4~~ this article, the following definitions apply:

1. “Agent” means an individual that assists a special license holder in performing activities that are authorized by the special license to achieve the objectives for which the license was issued.
2. “Aquarium trade” means the commercial industry that lawfully ~~trading~~ trades in aquatic live wildlife ~~that is not restricted live wildlife~~, and the its customers of that industry, ~~when all aquatic wildlife is held for pet or ornamental uses only, in aquaria or in enclosed ponds with no opportunity for ingress or egress.~~
- 2 3. “Captive live wildlife” means live wildlife that is held in captivity, physically restrained, confined, ~~or~~ impaired, or deterred so that it is prevented to prevent it from unobstructed return escaping to the wild or movement moving freely in the wild.
- 3 4. “Cervid” means a mammal classified as a Cervidae or member of the deer family found anywhere in the world, as defined in the taxonomic classification from Volumes I and II of Walker’s Mammals of the World, Fifth Edition, 1999, and not including any later edition. A copy is available for inspection at any Department office.
- 4 5. “Circus” means a scheduled event where a variety of entertainment is the principal business, primary purpose and attraction. “Circus” does not include animal displays or exhibits held as an attraction for a secondary commercial endeavor.
- 5 6. “Collect” means to take wildlife alive under the provisions of a ~~Scientific Collecting Permit~~ scientific collecting permit.
7. “Commercial” means the buying or selling of wildlife or their parts, or the exchange of anything of monetary value for the use of wildlife.
8. “Domestic” means an animal species that does not exist in the wild, and includes animal species that have only become feral after they were released by humans that held them in captivity, or are individuals or populations that escaped from human captivity.
- 6 9. “Educational display” means to display captive live wildlife to increase public understanding of wildlife biology, conservation, and management without requiring or soliciting payment from ~~the~~ an audience or an

event sponsor. For the purposes of this Article, “to display for educational purposes” is synonymous with this definition.

7 10. “Endangered or threatened” means wildlife that is listed in the Federal Endangered and Threatened Wildlife and Plants Act, 50 CFR 17.11 and 17.12, revised as of April 10, 1987 August 4, 2004 not including any later amendments or editions, which is incorporated by reference. ~~A copy of the list is on file with the Secretary of State and 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. A~~ copy is available for inspection at all Department offices.

8 11. “Evidence of lawful possession” means any license or permit ~~allowing that allows~~ possession of the specified a specific live wildlife species or individual, or other documentation establishing that establishes lawful possession, ~~including. Other forms of documentation may include but are not limited to: a statement of nonrequirement for a license or permit for the specified specific live wildlife; species or individual granted by the country or state of origin.~~

9 12. “Exhibit” means to display captive live wildlife in public, or to allow photography of captive live wildlife, for any commercial purpose.

13. “Exotic” means wildlife or its offspring that is not native to North America.

~~10~~ 14. “Fish farm” means a commercial operation designed and operated for propagating, rearing, or selling aquatic wildlife for any purpose ~~except the aquarium trade.~~

15. “Game farm” means a commercial operation that is designed and operated for the purpose of propagating, rearing, or selling terrestrial wildlife or the parts thereof for any purpose stated in R12-4-413.

16. “Hybrid wildlife” means an offspring from two different wildlife species or genera. Offspring from a wildlife species and a domestic animal species are not considered to be wildlife.

~~14~~ 17. “Live baitfish” means any species of live freshwater fish designated by Commission order as lawful for use in taking aquatic wildlife under R12-4-313.

~~12~~ 18. “Live bait” means ~~live,~~ aquatic live wildlife used or intended for use in taking aquatic wildlife.

19. “Native” means wildlife or its offspring that occurred naturally within the present boundaries of Arizona before European settlement.

20. “Nonnative” means wildlife or its offspring that have not occurred naturally within the present boundaries of Arizona before European settlement.
21. “Photography” means any process that captures light to produce an exact image of wildlife or the parts thereof on another medium.
22. ~~13~~ “Propagate” means the ~~generation~~ production of offspring ~~that qualify as wildlife~~ from captive ~~live~~ wildlife ~~parents~~.
23. ~~14~~ “Rehabilitated wildlife” means ~~live wildlife that is~~ injured, orphaned, sick, or otherwise debilitated ~~wildlife that~~ ~~and~~ is provided care to restore it to a healthy condition suitable for release to the wild or for lawful captive use.
24. ~~15~~ “Restricted live wildlife” means wildlife that ~~the Commission has determined is an actual or potentially significant threat to indigenous wildlife by competition, disease or parasites, habitat degradation, predation, or impact on population management; or an actual or potentially significant threat to public safety by disease, physical threat, property damage, or nuisance~~ cannot be imported, exported, or possessed without a special license or lawful exemption. Restricted live wildlife are listed in R12-4-406.
25. ~~16~~ “Shooting preserve” means any operation where live wildlife is released for the purpose of hunting.
26. ~~17~~ “Special license” means any permit or license issued under ~~12 A.A.C. 4, Article 4,~~ authorizing this article including any additional stipulations placed on the license that authorizes specific activities normally prohibited by A.R.S. § 17-306 and R12-4-402.
27. ~~18~~ “Stock” and “stocking” mean to release live aquatic wildlife into public or private waters other than the waters where taken.
19. ~~“Threatened native wildlife” means any species listed in “Threatened Native Wildlife in Arizona,” published by the Arizona Game and Fish Department. A copy is available from any Department office.~~
28. “Wildlife of special concern” means any species listed in “Wildlife of Special Concern,” published by the Arizona Game and Fish Department. A copy is available for inspection at any Department office.
29. “Zoonotic” means a disease that can be transmitted to humans from other animals.

R12-4-402. Live Wildlife: ~~Prohibited~~ Unlawful Acts

- A. ~~A person shall not import or transport any live wildlife into the state, or possess, offer for sale, sell, sell as live bait, trade, give away, purchase, rent or lease, display for any purpose, propagate, stock, or release within the state any live wildlife, or export any live wildlife, or kill any captive wildlife, or operate a shooting preserve, except as authorized by this Chapter or as defined in A.R.S. Title 3, Chapter 16. A person may exhibit lawfully possessed wildlife only as authorized by this Chapter or as defined in A.R.S. Title 3, Chapter 16. An individual shall not perform any of the following activities with live wildlife unless authorized by this A.A.C. Title 12, Chapter 4, Game and Fish Commission rules or A.R.S. Title 3, Chapter 16:~~
1. Import any live wildlife into the state;
 2. Export any live wildlife from the state;
 3. Transport, possess, offer for sale, sell, sell as live bait, trade, give away, purchase, rent, lease, display, exhibit, propagate, stock, or release live wildlife within the state; or
 4. Kill any captive live wildlife;
- B. ~~This rule is effective July 1, 2001. If an individual lawfully possesses wildlife, but holds it in a manner that poses an actual or potential threat to other wildlife, or the safety, health, or welfare of the public, the Department shall seize, quarantine, or hold the wildlife.~~

R12-4-403. Escaped or Released Live Wildlife

The Department may take any live wildlife ~~which that~~ that has been released ~~or which has escaped,~~ escapes, or is likely to escape ~~whether or not such wildlife was held pursuant to under a special license, when if~~ the wildlife is posing ~~poses~~ an actual or potential threat to native wildlife or to the safety, health, or welfare of the public. An individual shall not release live wildlife under A.R.S. § 17-306, unless authorized by A.A.C. Title 12, Chapter 4, Game and Fish Commission rules. The Department may also take live wildlife as prescribed by this Section if the wildlife is held under a special license.

R12-4-404. Possession of Live Wildlife Taken ~~on~~ Under an Arizona Hunting or Fishing License

- A. ~~Wildlife may be taken from the wild alive by authority of an appropriate Arizona hunting or fishing license only when a Commission order specifies a live bag and possession limit for that species. Wildlife taken~~

~~pursuant to this subsection may be possessed, transported, placed on educational display, propagated, and killed for personal use, or disposed of pursuant to subsection (B), except that live baitfish may be possessed and transported only in accordance with R12-4-316. An individual may take wildlife from the wild alive under a valid state hunting or fishing license only if there is a Commission Order that prescribes a live bag and possession limit for that wildlife and the individual possesses the appropriate license. An individual may possess, transport, place on educational display, photograph, propagate, or kill for personal use any wildlife taken under a state hunting or fishing license, except that live baitfish may be possessed and transported only in accordance with R12-4-316. An individual shall dispose of any wildlife taken under a state hunting or fishing license as prescribed by subsection (B).~~

- ~~B. Wildlife and the progeny of wildlife possessed pursuant to this rule may only be disposed of by gift or as directed by the Department, except that wildlife not removed from the area where captured may be released. Lawfully possessed live wildlife may be exported. An individual that possesses wildlife and offspring of wildlife under this Section shall only dispose of the wildlife or its offspring by giving it as a gift, by exporting it, or as directed in writing by the Department. An individual shall not dispose of wildlife taken as prescribed by this Section or offspring of the wildlife by selling, bartering, trading, or exporting it for commercial purposes. Exported live wildlife and their offspring shall not be sold, bartered, purchased, rented, leased, offered for sale, or used for any commercial purpose. An individual shall not export live desert tortoises (*Gopherus agassizii*) from the state without written authorization from the Department. The Department shall only authorize an individual to export live desert tortoises to another jurisdiction where they can be legally possessed. An individual may release live wildlife possessed under this Section into the wild, but only if the wildlife is not removed from the area where it was taken.~~
- ~~C. A combined total of wildlife and the progeny of wildlife possessed pursuant to this rule shall not exceed the possession limit established by the current Commission order governing that species, except that the progeny of reptiles and amphibians may be held in captivity in excess of the possession limit for 12 months from the date of birth or hatching. Before or upon reaching 12 months of age, progeny of reptiles and amphibians in excess of the possession limit shall be disposed of by gift or as directed by the Department. An individual shall not exceed the possession limit of live wildlife established by Commission Order for that species. Offspring of wildlife possessed under this Section count towards the possession limit. If any offspring of amphibians or~~

reptiles exceed the possession limit, they may be held in captivity for 12 months from the date of birth or hatching. Before or on the day the offspring of reptiles and amphibians reach 12 months of age, the individual that possesses them shall dispose of them by giving them as gifts or as directed by the Department.

- ~~D. This rule is effective January 1, 1995. An individual may propagate desert tortoises possessed under R12-4-407(A)(1), and may hold offspring in captivity for 24 months from the date of hatching. An individual shall dispose of desert tortoises at the end of the 24 months by giving them as gifts or as directed in writing by the Department.~~
- E. An individual that possesses live wildlife or offspring of wildlife under this Section shall report the wildlife to the Department as prescribed under R12-4-425 if the wildlife becomes restricted under R12-4-406.

R12-4-405. Importing, Purchasing, and Transporting Live Wildlife Without an Arizona License or Permit

- ~~A. Lawfully possessed mammals, birds, and reptiles not listed in R12-4-406 may be imported without any license or permit from the Department. An individual may import mammals, birds, and reptiles not listed in R12-4-406 without any license or permit from the Department if the animals are lawfully possessed under a valid license, permit, or other form of authorization from another state, the United States, another country, or are possessed under a lawful exemption.~~
- ~~B. Lawfully possessed aquatic wildlife not listed in R12-4-406 may be imported without any license or permit from the Department, when it is intended for the aquarium trade as defined in R12-4-401, or for restaurants or markets licensed to sell food to the public where the aquatic wildlife is killed before transport from the restaurant or market. Aquatic wildlife being transported through the state shall be accompanied by authority to transport live aquatic wildlife granted by another state. Aquatic wildlife imported for any other purpose requires a special license or exemption granted pursuant to this Chapter. The aquarium trade may purchase live aquatic wildlife not listed in R12-4-406 from licensed fish farms. An individual may import live aquatic wildlife not listed in R12-4-406 without any license or permit from the Department under the following conditions:~~
- ~~1. The wildlife is lawfully possessed under a valid license, permit, or other form of authorization from another state, the United States, another country, or is possessed under a lawful exemption;~~
 - ~~2. The wildlife shall be used only for the aquarium trade or a fish farm, as defined in R12-4-401, or for restaurants or markets that are licensed to sell food to the public;~~

3. If the wildlife is for the aquarium trade or a fish farm, the wildlife shall be accompanied by a valid license or permit issued by another state or the United States that allows the wildlife to be transported through this state;
 4. If the wildlife is for restaurants or markets, the wildlife shall be killed before it is transported from the restaurant or market, or if transported alive from the market shall be conveyed directly to its final destination for preparation as food; and
 5. If the individual is engaged in the aquarium trade and wishes to purchase aquatic live wildlife, the individual may do so if the wildlife is not listed in R12-4-406.
- C. Aquatic live wildlife that is used in the aquarium trade shall not be used for any reason other than as a pet or in an ornamental display. The aquarium trade shall not use wildlife that is listed as restricted live wildlife under R12-4-406. Live aquatic wildlife that is used in the aquarium trade shall be kept in an aquarium or an enclosed pond that does not allow the wildlife to leave the aquarium or pond, and does not allow other live aquatic wildlife to enter.
- D. An individual shall obtain an appropriate special license listed in R12-4-409(A) before importing aquatic live wildlife for any purpose not stated in subsection (B) of this rule. An individual may import aquatic live wildlife into this state if an exemption exists in A.A.C. Title 12, Chapter 4, Game and Fish Commission rules.
- ~~E. Wildlife lawfully imported without an Arizona license or permit, and their progeny, may be purchased, possessed, exhibited or displayed for any purpose, transported, propagated, traded, rented or leased, given away, sold, offered for sale, exported, and killed. An individual may purchase, possess, exhibit, transport, propagate, trade, rent, lease, give away, sell, offer for sale, export, or kill wildlife or aquatic wildlife or its offspring without an Arizona license or permit if the wildlife is lawfully imported and possessed as prescribed under subsections (A) or (B).~~
- ~~D E. This rule is effective January 1, 1995. An individual shall use and dispose of wildlife that is taken under an Arizona hunting or fishing license as prescribed by R12-4-404, or R12-4-417 and this Article, if applicable.~~

R12-4-406. Restricted Live Wildlife

- A. For the purposes of this Section, “transgenic species” means any organism that has had genes from another organism put into its genome through direct human manipulation of that genome. Transgenic species do not

include natural hybrids nor individuals that have had their chromosome number altered to induce sterility. A transgenic animal is considered wildlife if that animal is an offspring of a wildlife species.

- B.** With the exception of all live cervids, which shall not be imported, transported, or possessed except as allowed under R12-4-430, a special license or an exemption under Article 4 is required to possess restricted live wildlife or to engage in any activity prohibited by A.R.S. § 17-306 or R12-4-402. an individual shall possess an appropriate special license listed in R12-4-409(A) or act under a lawful exemption from the requirements of this Article in order to use wildlife listed in this Section for any activity prohibited by A.R.S. § 17-306 or R12-4-402. Exemptions from these requirements are listed in R12-4-316, R12-4-404, R12-4-405, R12-4-407, R12-4-425, and R12-4-427.
- C.** Requirements for the use of wildlife that occurs in the wild in this state and have been taken alive under the authority of a valid state hunting and fishing license are prescribed in R12-4-404 and R12-4-405.
- D.** Domestic animals, as defined in R12-4-401, are not subject to restrictions under A.R.S. § Title 17; A.A.C. Title 12, Chapter 4, Game and Fish Commission rules; or Commission Orders.
- E.** Hybrid wildlife, as defined in R12-4-401, that result from the interbreeding of at least one parent species of wildlife that is listed under this Section are regulated by this Section.
- F.** Unless specified otherwise in this Article, all transgenic species as defined in R12-4-401 are restricted live wildlife.
- B G.** Unless specified otherwise, mammals listed below are ~~“restricted live wildlife”~~ restricted live wildlife as defined in R12-4-401. The taxonomic classification from Volumes I and II of Walker’s Mammals of the World, Fifth Edition, 1999, and not including any later edition, is the authority in the following designations. A copy is available for inspection at any Department office.
1. All species of the genus *Didelphis*. Common name: American opossums.
 2. All species of the order Insectivora. Common names include: Insectivores ~~or,~~ shrews, hedgehogs, tenrecs, solenodonts, and moles.
 3. All species of the order Chiroptera. Common name: bats.
 4. All species of the family Pongidae of the order Primates. Common names include: orangutans, chimpanzees, gorillas.

5. All species of the order ~~Edentata~~ Xenartha. Common names include: edentates; or sloths, anteaters, and armadillos.
6. All species of the order Lagomorpha, except the Genus *Oryctolagus*. Common names include: pikas, rabbits, and hares. Genus *Oryctolagus*, containing domestic rabbits, is not wildlife.
7. All species of the following families of the order Rodentia. Common name: rodents.
 - a. The family Sciuridae. Common names: squirrels, chipmunks, marmots, woodchucks, and prairie dogs.
 - b. The family Geomyidae. Common name: pocket gophers.
 - c. The family Castoridae. Common name: beavers.
 - d. The family Erethizontidae. Common name: New World porcupines.
 - e. The family Capromyidae. Common names include: hutias, coypus, or nutrias.
8. All species of the order Carnivora. Common ~~name~~ names include: carnivores, skunks, raccoons, bears, foxes, and weasels. ~~*Canis familiaris*, domestic dogs; *Felis catus*, domestic cats; and *Mustela putorius furo*, domestic ferrets, are not wildlife.~~
9. All species of the following families of the order Artiodactyla. Common name: even-toed ungulates.
 - a. The family Tayassuidae. Common name: peccaries.
 - b. The family Cervidae. Common ~~name~~ names include: cervid; or deer ~~family (including deer, elk, moose, wapiti, and red deer).~~
 - c. The family Antilocapridae. Common name: pronghorn.
 - d. The family Bovidae. Common names include: cattle, buffalo, bison, oxen, duikers, antelopes, gazelles, goats, and sheep, except that the following are not restricted:
 - i. The genus *Bubalus*. Common name: water buffalo.
 - ii. The genus *Bison*. Common name: bison; American bison or buffalo.
 - iii. ~~*Capra hircus*, domestic goats; *Ovis aries*, domestic sheep; and *Bos taurus*, domestic cattle, are not wildlife.~~

€ G. Birds listed below are “~~restricted live wildlife~~” restricted live wildlife as defined in R12-4-401.

1. The following species within the family Phasianidae. Common names: partridges, grouse, turkeys, quail, and pheasants.
 - a. ~~*Alectoris chukar*. Common name: chukar.~~

~~b. *Callipepla californica*. Common name: California or valley quail.~~

e. *Callipepla gambelii*. Common name: Gambel's quail.

~~d~~ b. *Callipepla squamata*. Common name: scaled quail.

e c. *Colinus virginianus*. Common name: northern bobwhite. Restricted only in Units game management units 34A, 36A, 36B, and 36C as prescribed in R12-4-108.

f d. *Cyrtonyx montezumae*. Common name: Montezuma, harlequin or Mearn's quail.

~~g~~ e. *Dendragapus obscurus*. Common name: blue grouse.

~~h. *Phasianus colchicus*. Common names: ringneck and whitewing pheasants.~~

2. The species *Rhynchopsitta pachyrhyncha*. Common name: thick-billed parrot.

D H. Reptiles listed below are "~~restricted live wildlife~~" restricted live wildlife as defined in R12-4-401.

1. All species of the order Crocodylia. Common names include: gavials, caimans, crocodiles, and alligators.

2. The following species of the order Testudines. Common names include: turtles and tortoises.

a. All species of the family Chelydridae. Common name: snapping turtles.

b. All species of the ~~genera~~ genus *Gopherus* and *Xerobates* of the family Testudinidae. Common name: gopher tortoises, including the desert tortoise.

3. All species of the following families or genera of the order Squamata.

a. The family Helodermatidae. Common names include: Gila monster and Mexican beaded lizard.

b. The family Elapidae. Common names include: cobras, mambas, coral snakes, kraits, and Australian elapids.

c. The family Hydrophiidae. Common name: sea snakes.

d. The family Viperidae. Common names include: true vipers and pit vipers, including rattlesnakes.

e. The family Atractaspididae. Common name: burrowing asps.

f. The following species and genera of the family Colubridae:

i. *Dispholidus typus*. Common name: boomslang.

ii. *Thelotornis kirtlandii*. Common ~~name~~ names include: bird snake or twig snake.

iii. *Rhabdophis*. Common ~~names~~ name: ~~keelbacks~~ keelback.

iv. *Boiga irregularis*. Common name: brown tree snake.

E I. Amphibians listed below are ~~“restricted live wildlife”~~ restricted live wildlife as defined in R12-4-401. The following species within the order Anura, common names frogs and toads.

1. All species of the genus *Xenopus*. Common name: clawed frogs.
2. The species *Bufo horribilis*, *Bufo marinus*, *Bufo paracnemis*. Common names include: giant or marine toads.
3. All species of the genus *Rana*. Common names include: leopard frogs and bullfrogs. Bullfrogs possessed under A.R.S. § 17-102 are exempt.

F J. Fish listed below are ~~“restricted live wildlife”~~ restricted live wildlife as defined in R12-4-401.

1. ~~American~~ Arctic grayling, the species *Thymallus arcticus*.
2. Bass, all species of the family Serranidae.
3. Bighead carp, the species *Aristichthys nobilis*.
4. Black carp, the species *Mylopharyngodon piceus*.
5. Bony tongue, the species *Arapaima gigas*.
- 5 6. Bowfin, the species *Amia calva*.
- 6 7. Catfish, all species of the family Ictaluridae.
- 7 8. Crucian carp, the species *Carassius carassius*.
- 8 9. Electric catfish, the species *Malapterurus electricus*.
- 9 10. Electric eel, the species *Electrophorus electricus*.
- 10 11. European whitefish or ide, the species *Leuciscus idus* and *Idus idus*.
- 11 12. Freshwater drum, the species *Aplodinotus grunniens*.
- 12 13. ~~Freshwater stingray~~ stingrays, all species of the family Potamotrygonidae.
- 13 14. Gars, all species of the family Lepisosteidae.
- 14 15. Goldeye, mooneye, and all species of the family Hiodontidae.
- 15 16. Herring, all species of the family Clupeidae.
- 16 17. Indian carp, all of the species *Catla catla*, *Cirrhina mrigala*, and *Labeo rohita*.
- 17 18. Lampreys, all species of the family Petromyzontidae.
18. ~~Mooneye, all species of the family Hiodontidae.~~
19. Nile perch, all species of the genus *Lates* and *Luciolates*.

20. Pike or pickerels, all species of the family Esocidae.
21. Pike topminnow, the species *Belonesox belizanus*.
22. Piranha, all species of the genera ~~Serrasalmus, Serrasalmo, Phygoentrus, Teddyella, Rooseveltiella, and Pygoprists~~ Serrasalmus, Serrasalmo, Phygoentrus, Teddyella, Rooseveltiella, and Pygoprists.
23. Rudd, the species *Scardinius erythrophthalmus*.
24. Shad, all species of the family Clupeidae except threadfin shad, species *Dorosoma petenense*.
- 24 25. Sharks, all species, both marine and freshwater, of the orders Hexanchiformes, Heterodontiformes, Squaliformes, Pristiophoriformes, Squatiniformes, Orectolobiformes, Lamniformes, and Carcharhiniformes, except for all species of the families Hemiscilliidae, Orectolobidae, Brachaeluridae, and Triakidae; genera of the family Scylirhinidae: Aulohalaerlusrus, Halaelurus, Haploblepharus, Poroderma, and Scyliorhinus; and genera of the family Parascylliidae: Cirroscyllium and Parascyllium.
- 25 26. Silver carp, the species *Hypophthalmichthys molitrix*.
- 26 27. Snakehead, all species of the family ~~Ophicephalidae~~ Channidae.
- 27 28. South American parasitic catfish, all species of the family Trichomycteridae and Cetopsidae.
- 28 29. Sunfish, all species of the family Centrarchidae.
30. Temperate basses of the family Moronidae.
- 29 31. Tetras, all species of the genus *Astyanyx*.
- 30 32. Tiger fish, the species *Hoplias malabaricus*.
- 34 33. Trout, all species of the family Salmonidae.
- 32 34. White amur or grass carp, the species *Ctenopharyngodon ~~idellus~~ idella*.
- 33 35. Walking or airbreathing catfish, all species of the family Clariidae.
- 34 36. Walleye, the and pike perches, all species ~~*Stizostedion vitreum*~~ of the family Percidae.
35. ~~White perch, the species *Morone americanus*.~~
36. ~~Yellow perch, the species *Perca flavescens*.~~
37. ~~Rudd, the species *Scardinius erythrophthalmus*.~~

G K. Crustaceans listed below are ~~“restricted live wildlife”~~ restricted live wildlife as defined in R12-4-401.

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

H L. Mollusks listed below are ~~“restricted live wildlife”~~ restricted live wildlife as defined in R12-4-401:

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

R12-4-407. Exemptions from Special License Requirements for Restricted Live Wildlife

A. ~~The Commission waives the requirement that a person obtain a special license for lawfully possessed restricted live wildlife as follows~~ An individual is not required to possess a special license to lawfully possess restricted live wildlife under the following exemptions as prescribed by the Commission:

1. ~~Desert tortoises *Xerobates (Gopherus) agassizii* possessed without a special license before April 28, 1989, may be possessed, transported, and given away. Desert tortoises possessed under this Section may be propagated, and offspring may be held in captivity for 24 months from the date of hatching, if they are disposed of by gift or as directed by the Department. The person receiving a desert tortoise given away under this Section is also exempt from special license requirements.~~ An individual may possess, transport, or give away a desert tortoise (*Gopherus agassizii*) without a special license if that individual possessed it before April 28, 1989. Desert tortoises possessed before this date may be propagated, and offspring may be held in captivity for 24 months from the date of hatching. That individual shall dispose of the offspring of desert tortoises before or at the end of the 24 months by giving them as a gift or as directed in writing by the Department. An individual that receives a desert tortoise that is given away under this Section is also exempt from the special license requirements. An individual may not export a desert tortoise from this state unless authorized in writing by the Department.
2. A licensed veterinarian may possess ~~the~~ wildlife while ~~furnishing~~ providing medical care and may release rehabilitated wildlife as directed by the Department, if:
 - a. Records of restricted live wildlife ~~that~~ are kept under the requirements of the Veterinary Medical Examining Board and are subject to inspection by Department game rangers available for inspection by an authorized Department employee; and

- b. The Commission or Department assumes no financial responsibility for any care provided, except care authorized by the Department.
3. ~~Wildlife may be imported, possessed, and exported if the wildlife is transported through the state within 72 continuous hours, the transportation is accomplished by one person without transfer or sale, and the wildlife is accompanied by evidence of lawful possession as defined in R12-4-401. An individual may import, possess, and export restricted live wildlife if that individual:~~
- a. Transports the wildlife through the state within 72 continuous and consecutive hours;
 - b. Ensures that only one individual transports the wildlife, whether it be themselves or another individual;
 - c. Ensures that the wildlife is neither transferred nor sold to another individual; and
 - d. Ensures that the wildlife is accompanied by evidence of lawful possession, as defined in R12-4-401.
4. With the exception of all live cervids, which shall not be imported, transported, or possessed except as allowed under R12-4-430, ~~wildlife may be imported, transported, possessed, exhibited, and exported for a government authorized state or county fair, or by a circus, or imported, possessed, transported and exported for the purpose of filming for television, movies, or commercials, if the wildlife~~ an individual may import, transport, possess, exhibit, and export restricted live wildlife for a government-authorized state or county fair or circus; or may import, possess, transport, and export the wildlife for the purpose of photography. An individual may perform any of these activities if the individual:
- a. ~~Is accompanied by evidence of lawful possession, as defined in R12-4-401~~ Possesses evidence of lawful possession as defined in R12-4-401 for the wildlife;
 - b. ~~Is not in the state for more than 60 consecutive days~~ Ensures that the evidence of lawful possession accompanies the wildlife stated on that evidence;
 - c. ~~Is maintained under complete control and prevented from coming into contact with the public.~~ Ensures that the wildlife does not come into physical contact with the public;
 - d. Keeps the wildlife under complete control by safe and humane means; and
 - e. Ensures that the wildlife is not in this state for more than 60 consecutive days.
5. With the exception of all live cervids, which shall not be imported, transported, or possessed except as allowed under R12-4-430, ~~wildlife may be imported, transported, possessed, and displayed for advertising~~

~~purposes other than filming, and exported, if the wildlife~~ an individual may import, transport, possess, exhibit for advertising purposes other than photography, and may export wildlife if that individual:

- a. ~~Is accompanied by evidence of lawful possession, as defined in R12-4-401~~ Ensures that the wildlife is accompanied by evidence of lawful possession as defined in R12-4-401;
 - b. ~~Is not in the state for more than 10 consecutive days, and the public is not charged a fee to view the wildlife~~ Maintains the wildlife under complete control by safe and humane means;
 - c. ~~Is maintained under complete control and prevented from coming into contact with the public.~~ Prevents it from coming into contact with the public, or being photographed with the public;
 - d. Does not charge a fee to the public to view the wildlife; and
 - e. Exports the wildlife from the state within 10 days of importation.
6. ~~Game fish may be imported and transported to restaurants or markets licensed to sell food to the public, if the game fish being sold are killed before transport from the restaurant or market. While in the possession of the restaurant or market, the fish may be displayed for sale, offered for sale, and sold.~~
7. ~~Wildlife is taken alive under and is possessed in compliance with R124404 or R124427~~ An individual may possess restricted live wildlife that is taken alive under R12-4-404, R12-4-405, and R12-4-427, but must also possess it as prescribed by those Sections.
- 8 7. ~~An Arizona falconer~~ sport falconry license is not required for a visiting nonresident falconer hunting on a valid Arizona hunting license if the falconer is licensed in the falconer's state of residency.
- 9 8. ~~Wildlife may be imported, purchased, possessed, transported, traded, given away, propagated, killed, and exported by medical or scientific research facilities registered by the United States Department of Agriculture under 9 CFR Subchapter A, Animal Welfare, revised January 2000, not including any later amendments or editions, which is incorporated by reference in this Section. A copy is on file with the Secretary of State and is available for inspection at any Department office, or it may be ordered from the United States Department of Agriculture, Marketing and Regulatory Programs, Animal and Plant Health Inspection Service, Animal Care, Western Region, 9580 Miron Avenue Suite J, Sacramento, CA 95827-2623, 916-857-6205.~~ An individual may import, purchase, possess, transport, trade, give away, propagate, kill, and export wildlife if the individual is doing so for a medical or scientific research facility that is registered by the United States Department of Agriculture under 9 CFR Subchapter A, Animal Welfare,

revised January 2000, not including any later amendments or editions, which is incorporated by reference in this Section. A copy is available for inspection at any Department office, or it may be ordered from the United States Department of Agriculture, Marketing, and Regulatory Programs, Animal and Plant Health Inspection Service, Animal Care, Western Region, 9580 Micron Ave., Suite J, Sacramento, CA 95827-2623, (916) 857-6205.

~~10 8. Crayfish may be imported and transported to restaurants or markets licensed to sell food to the public, if the crayfish being sold are killed before transport from the restaurant or market. While in the possession of the restaurant or market, the live crayfish may be displayed for sale, offered for sale, and sold. An individual may import and transport live game fish and crayfish directly to restaurants or markets that are licensed to sell food to the public.~~

~~11 9. Restaurants and markets that are licensed to sell food to the public may possess, exhibit, offer for sale, and sell live game fish or crayfish. Live game fish and crayfish shall be killed before they are transported from the restaurant or market.~~

~~10. Freshwater crayfish (families Astacidae, Cambaridae, and Parastacidae) possessed before January 1, 2001, may be possessed alive, propagated, and their progeny held without special license. Live freshwater crayfish may not be transported, sold, offered for sale, given away, or released, except under this Section and R12-4-316. An individual may possess and propagate live freshwater crayfish (families Astacidae, Cambaridae, and Parastacidae) and their offspring without a special license, if the crayfish were possessed before January 1, 2001. An individual may not transport, sell, offer for sale, give away, or release live freshwater crayfish except as allowed under this Section or R12-4-316.~~

~~B. An exemption granted by this Section is not valid for any wildlife protected by federal law or rule unless supported by federal permission or documentation rendering the exemption lawful. This Section does not prescribe an exemption for wildlife that is protected by federal law or rule, unless the federally-protected wildlife is possessed under federal permission or documentation that renders the exemption lawful.~~

R12-4-408. Holding Wildlife for the Department

A. A ~~Game Ranger~~ game ranger may authorize an individual to possess ~~and~~ or transport live wildlife on behalf of the Department if the wildlife is needed as evidence in a pending civil or criminal proceeding.

- B. With the exception of live cervids, a designated Department employee has the authority to ~~authorize~~ allow an individual to possess and transport captive live wildlife ~~on a temporary basis not to exceed for up to~~ 72 hours.
- C. The Director has the authority to ~~authorize~~ allow an individual to hold a live cervid for the Department.

R12-4-409. General Provisions and Penalties for Special Licenses

A. Special licenses are listed as follows:

1. Aquatic wildlife stocking permit, prescribed by R12-4-410;
2. Game bird field training permit, prescribed by R12-4-416;
3. Game bird field trial license, prescribed by R12-4-415;
4. Game bird hobby license, prescribed by R12-4-419;
5. Game bird shooting preserve license, prescribed by R12-4-414;
6. Live bait dealer’s license, prescribed by R12-4-411;
7. Private game farm license, prescribed by R12-4-413;
8. Scientific collecting permit, prescribed by R12-4-418;
9. Sport falconry license, prescribed by R12-4-422;
10. White amur stocking and holding license, prescribed by R12-4-424;
11. Wildlife holding license, prescribed by R12-4-417;
12. Wildlife rehabilitation license, prescribed by R12-4-423;
13. Wildlife service license, prescribed by R12-4-421; and
14. Zoo license, prescribed by R12-4-420.

B. ~~The Department shall issue special licenses as defined in R12 4 401, if application is made and criteria are met as prescribed in the rule governing the specific special license. The Department shall either grant or deny a special license within the administrative completeness review time frame and the overall time frame listed for the special license in R12 4 106 and in a manner consistent with A.R.S. Title 41, Chapter 6, Article 7.1. During the administrative completeness review time frame, the Department may return to the applicant, without denial, any incomplete application that is lacking information required by the rule governing the specific special license. Each returned application shall be accompanied by written notice stating what information the applicant failed to provide. The administrative completeness review time frame and the overall time frame~~

~~listed for the special license in R12-4-106 are suspended from the date on the notice until the date that the Department receives the missing information from the applicant. During the substantive review time frame, the Department may make one comprehensive written request for additional information. The Department and the applicant may mutually agree in writing to allow the agency to submit supplemental requests for additional information. The substantive review time frame and the overall time frame listed for the special license in R12-4-106 are suspended from the date on the request until the date that the Department receives the additional information from the applicant. A special license is not valid for any wildlife protected by federal law or regulation unless supported by federally issued documentation rendering the licensed activity lawful. An applicant for any special license listed in subsection (A) shall submit an application to the Department for that license according to the Section that prescribes requirements for that special license. Applications for special licenses are available at any Department office. The Department shall either grant or deny a special license within the overall time-frame prescribed for that special license under R12-4-106, and in a manner consistent with A.R.S. Title 41, Section 6, Article 7.1. By signing the application, the applicant attests that they are authorized or have permission to conduct special license activities at any locations specified in the application.~~

- B.** ~~All special licenses expire on December 31 for the year issued unless otherwise specified in the governing rule. If application for a new special license is not made by the expiration date, live wildlife possessed under the expired license is unlawfully possessed and is subject to seizure by the Department. If application for a new special license is made on or before the expiration date, the existing license remains valid until the Department makes a final determination to grant or deny the special license, and, in the event that the application is denied, until the last day for seeking a review of the final determination.~~
- C.** ~~The Department shall deny a special license if the applicant knowingly provides false information upon application. Any special license so obtained is void and of no effect from the date of issuance. In addition to any criteria prescribed by a special license's governing Section, the Department shall deny a special license to an applicant if:~~
- ~~1. The applicant's live wildlife privileges are revoked or suspended in this state, any other state, or by the United States;~~
 - ~~2. The applicant has been convicted of illegally holding or possessing live wildlife within three years of applying for a special license;~~

3. The applicant knowingly provides false information on an application; or
 4. The applicant submits an incomplete application.
- D.** The Department shall provide a written notice to an applicant whose application is denied stating the reason for denial with references to the statutes or rules on which the denial is based. The applicant may appeal the denial to the Commission as prescribed in A.R.S. §§ 411092.02 through 411092.12. If an individual obtains a special license despite meeting any criteria for denial, the license shall be void and of no effect from the date of issuance. If an applicant is denied a special license listed in subsection (A), the Department shall provide a written notice to the applicant that states the reason for denial with references to the statutes or rules on which the denial is based. The applicant may appeal the denial to the Commission as prescribed in A.R.S. Title 41, Section 6, Article 10.
- E.** Special license holders or licensees shall keep records and submit reports as required by the rule governing their special license. The licensee shall exhibit the records to any Department game ranger upon reasonable request. Special license holders are not exempt from any municipal, county, state or federal laws, rules, ordinances or statutes. A special license does not authorize an individual to engage in any activity using wildlife if the wildlife is protected by federal regulation. A special license holder may only engage in authorized activities using federally-protected wildlife if the license holder possesses a valid license, permit, or other form of documentation issued by the United States that authorizes the license holder to use that wildlife in a manner consistent with the special license.
- F.** Facilities of special license holders are subject to reasonable inspection by a game ranger for compliance with any requirements imposed by this Article. A routine inspection is not reasonable if the game ranger has inspected another facility holding wildlife of the same class within the previous 72 hours and the game ranger has had contact with the wildlife or there is reason to believe disease may have been present at the other facility. The Department has the authority to place additional stipulations on a special license at the time of application or a special license renewal if it becomes necessary to do so in order to conserve wildlife populations, prevent introduction and proliferation of wildlife diseases, prevent wildlife from escaping, or for public health or safety.
- G.** A special license holder shall keep live wildlife in a facility according to the captivity standards prescribed by R12-4-428, or if applicable, as otherwise required by the Section that prescribes captivity requirements under

the special license. The Department may authorize one of its employees to make a reasonable inspection of a facility to ensure that it complies with any and all requirements prescribed by this Article. Such an inspection must ensure that it does not inadvertently transmit disease among facilities.

H. A special license holder shall keep records according to the Section that prescribes requirements for the special license. The license holder shall make the records available for inspection to any authorized Department employee upon reasonable request.

~~**G I.** If a disease, as determined by a person with relevant expertise, or other emergency condition exists that poses an immediate threat to the public or the welfare of wildlife, including the wildlife held under a special license, or the public, as determined by a person with relevant expertise, the Department shall immediately order a cessation of operation under the special license and, if necessary, order humane disposition or quarantine of any contaminated or threatened wildlife. The licensee license holder shall perform disease testing, submit biological samples to the Department or its designee, quarantine the wildlife, or destroy the wildlife as directed by the Department. The licensee license holder shall ensure that any disease giving rise to an emergency condition under this subsection is diagnosed by a person or persons an individual or individuals professionally certified to make the diagnosis. Once operation has ceased and an emergency no longer exists, subsection (H J) applies.~~

H J. If a condition exists, including disease or any violation of this Article, that poses a threat to the welfare of wildlife, including the wildlife held, or the public, but the threat does not constitute an emergency, the Department shall provide the licensee license holder a written notice of the condition, by certified mail or personal service, specifying a reasonable time for the licensee license holder to cure the noticed condition. Failure of the licensee license holder to cure the noticed condition within the time specified by the Department is a violation under subsection (I K). If a licensee receives three notices under this subsection for the same condition within a two-year period, the Department shall treat the third notice as a failure to cure.

~~**I K.** The Department shall take any of the following actions against a person for violation of any provision of this rule; the rule governing a specific special license; A.R.S. § 132908 relating to criminal nuisance; A.R.S. § 132910; for a conviction of any other criminal offense involving cruelty to animals; for refusal to permit reasonable inspection of facilities, wildlife, or required records; or for failure to keep required records or submit required reports to the Department:~~

~~1. Filing of criminal charges.~~

- ~~2. Suspension of authority of a licensee or any agent of the licensee to hold wildlife under special license for the remainder of the validity of the license period.~~
- ~~3. Seizure of any wildlife held under the special license, and its humane disposition except that such wildlife shall not be killed pending appeal by the licensee.~~
- ~~4. Denial of subsequent application for a special license for a period not to exceed five years.~~

The Department has the authority to do any or all of the following as it deems necessary: file criminal charges; suspend a special license; seize, or seize in place any wildlife held under a special license, and unless the license holder appeals the violation, humanely dispose of the wildlife, if a special license holder:

1. Violates any provision of this Section;
2. Violates any provision of any special license that the individual possesses, including any stipulations applied by the Department;
3. Violates A.R.S. § 13-2908, relating to criminal nuisance;
4. Violates A.R.S. § 13-2910, relating to cruelty to animals;
5. Is convicted of any other criminal offense involving cruelty to animals;
6. Refuses to allow reasonable inspection of facilities, wildlife, or required records; or
7. Fails to keep records or submit reports if required by this Section or the Section that governs any special license, listed in subsection (A), that the individual possesses.

~~J L.~~ A person may appeal Department actions identified in subsections (I)(2), (I)(3), and (I)(4) to the Commission as prescribed in A.R.S. §§ 411092.01 through 411092.12. An individual may appeal to the Commission any Department action listed in subsection (K), except filing of criminal charges, as prescribed by A.R.S. Title 41, Section 6, Article 10.

M. All special licenses listed in subsection (A) expire on December 31 for the year issued unless otherwise specified in the governing Section. If the special license holder does not submit an application to the Department for a new license by the date that the license expires, any live wildlife possessed under the license is considered unlawfully possessed, and the Department has the authority to seize it. If the special license holder submits an application for a new license on or before the date that the license expires, the license holder's current license remains valid until the Department grants or denies the new special license. If the Department denies the new license, and the license holder appeals the denial to the Commission as prescribed

by subsection (D), the license holder may continue to hold the wildlife until the date that the Commission makes its final decision on the denial.

N. If the special license holder chooses to renew the license, the license holder shall submit an application for a new license as required by the governing Section.

O. If required by the governing Section, a special license holder shall submit an annual report to the Department before January 31 of each year on activities performed under the license for the previous calendar year. If the license holder is acting as a representative of an institution, organization, or agency for the purposes of the special license, the required report is due within 30 days after the license holder's termination of affiliation with that entity. The special license holder shall submit the following information and any additional information required by the governing Section.

1. The license holder's name, address, telephone number, and special license number;
2. The number and species of all restricted live wildlife obtained, and the date when it was obtained;
3. The source of all restricted live wildlife obtained, and the date when it was obtained;
4. The number of offspring propagated by all restricted live wildlife; and
5. If applicable, the number, species, and date of disposition and manner of disposition of all wildlife, including the names and addresses of individuals to whom the wildlife was sold, bartered, or given, if authorized.

R12-4-410. Aquatic Wildlife Stocking Permit

A. An aquatic wildlife stocking permit allows an individual to perform any or all of the following: import, purchase, ~~possession~~ possess, transport and ~~stocking of the stock~~ any species designated on the permit at the location specified on the permit.

B. ~~The following criteria are requisite to approval of application for permit:~~

- ~~1. Applications for stocking aquatic wildlife which have not previously been introduced into the state or do not occur at the location where the stocking is to occur shall include a written proposal which must adequately address biological and socioeconomic ramifications of the introduction. A determination by the Department that negative impact on Arizona wildlife may result from issuance of the permit shall be grounds for denial of the permit. The proposal shall include:~~

- a.—~~Purpose for introducing species;~~
 - b.—~~Anticipated benefits from introducing species;~~
 - c.—~~Anticipated adverse economic impacts from introduced species;~~
 - d.—~~Anticipated dangers to indigenous or game fish from introduced species;~~
 - e.—~~Anticipated ecology problems with introducing species;~~
 - f.—~~Anticipated diseases inherent to introduced species;~~
 - g.—~~Anticipated hybridization concerns with introducing species;~~
 - h.—~~Suggestions for post introduction evaluation of status and impacts of introduced species.~~
- 2.—~~Aquatic wildlife and live eggs, fertilized eggs, and milt shall be obtained from a licensed Arizona fish farm operator or from a private noncommercial fish pond or from a fish farm located outside Arizona which has been certified free of the diseases and causative agents specified in subsection (D).~~
- 3.—~~The aquatic wildlife to be stocked shall be compatible with, and pose no threat to, any wildlife within the drainage or area where the stocking is to occur.~~
- C.—~~Application shall be made on forms provided by the Department, by the person requesting that the water be stocked. Applications are available from any Department office. An applicant shall apply for an aquatic stocking permit on forms provided by the Department. Applications are available at any Department office.~~
- An applicant shall provide the following on the application:
- 1.—~~Application requires the following to be provided by the applicant:~~
 - a.—~~Name and address of applicant;~~
 - b.—~~Name and address of business, if applicable;~~
 - c.—~~Name and address of suppliers;~~
 - d.—~~Name and legal description of water to be stocked;~~
 - e.—~~Drainage;~~
 - f.—~~Planned date of stocking;~~
 - g.—~~Species of aquatic wildlife to be stocked;~~
 - h.—~~Any written proposal required at subsection (B) of this rule;~~
 - i.—~~Signature of applicant.~~

~~2. The Department shall issue a stocking permit or deny the application for stocking aquatic wildlife not previously introduced within six months of receiving the application; such applicants shall be advised within 10 calendar days of application if the extended time period will be required. For all other applicants, the Department shall issue a permit or deny the application within 30 calendar days. Authorization will not exceed 20 days and is valid only during the dates shown on the permit.~~

1. Name, address, telephone number, birthdate, physical description, and (if applicable) Department ID number;
2. If the applicant will use the wildlife for a commercial purpose, the name, address, telephone number, and telephone number of the applicant's business;
3. The wildlife species, the number of animals per species, and the approximate size of the wildlife that will be used under the license. If the application is for use of multiple species, the applicant shall list each species and the number of animals per species;
4. The name, address, and telephone number of the location where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical location of the holding site, including river drainage, township, range, and section. If the applicant applies to hold wildlife in more than one location, the applicant shall submit a separate application for each location;
5. A detailed description or diagram of the facilities where the applicant will hold the wildlife;
6. The name, address, and telephone number of all wildlife suppliers from whom the special license applicant will obtain wildlife;
7. The date wildlife will be stocked, or dates if stocking will take more than one day;
8. If the applicant is applying for an aquatic wildlife stocking permit to stock wildlife in an area where the wildlife has not already been introduced, where the wildlife is not currently established, or to stock wildlife that conflicts with the Department's efforts to conserve wildlife, a typewritten, computer or word processor printed, or legibly handwritten proposal that clearly states:
 - a. The purpose for introducing the aquatic live wildlife species;
 - b. The anticipated benefits from introducing the aquatic live wildlife species;
 - c. The potential adverse economic impacts of introducing the aquatic live wildlife species;

- d. The potential dangers the introduced species could create for native and game fish, including whether or not the introduced species is compatible with native or game fish;
 - e. The potential ecological problems that the introduced species could create;
 - f. The diseases and parasites inherent in or associated with the introduced species;
 - g. The anticipated hybridization concerns with introducing the species; and
 - h. Any suggestions to evaluate the status and impact of the species after it is introduced; and
9. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information they have provided is true and correct to their knowledge and that the applicant's wildlife privileges are not revoked in this state, any other state, or by the United States.

~~DC. Live fish and eggs, fertilized eggs, and milt imported into the state must be certified free of the following diseases and causative agents when applicable to the species involved. The certification shall be based on a physical inspection of the fish farm of origin within the 12 months preceding the shipment. The inspection shall be conducted by a fish health inspector or fish pathologist certified by the American Fisheries Society. A copy of the certification shall accompany each shipment.~~

~~1. Live fish and eggs, fertilized eggs, and milt:~~

- a. ~~Causative agent: egtved virus. Disease: VHS, viral hemorrhagic septicemia of salmonids.~~
- b. ~~Causative agent: infectious hematopoietic necrosis virus. Disease: IHN, infectious hematopoietic necrosis of salmonids.~~
- c. ~~Causative agent: infectious pancreatic necrosis virus. Disease: IPN, infectious pancreatic necrosis of salmonids.~~
- d. ~~Causative agent: *Ceratomyxa shasta*. Disease: ceratomyxosis of salmonids.~~
- e. ~~Causative agent: *Rhabdovirus carpio*. Disease: spring viremia of carp. Certification is required in this case only when the original origin of the shipment is from outside the United States.~~
- f. ~~Causative agent: *Renibacterium salmoninarum*. Disease: BKD, bacterial kidney disease of salmonids.~~

~~2. Live fish only:~~

- a. ~~Causative agent: *Aeromonas salmonicida*. Disease: furunculosis.~~
- b. ~~Causative agent: *Myxobolus cerebralis*. Disease: whirling disease of salmonids.~~

An aquatic wildlife stocking permit holder shall stock wildlife only on the date or dates stated on the permit.

An aquatic wildlife stocking permit holder is only authorized to stock wildlife for 20 consecutive days.

D. The Department shall issue an aquatic wildlife stocking permit in compliance with R12-4-106. The Department shall deny a wildlife stocking permit if the applicant proposes to use aquatic wildlife that is not compatible with or poses a threat to any wildlife within the drainage or area where the stocking is to occur. If the Department determines that issuance of the permit will result in a negative impact to state wildlife, the Department shall deny the permit. If the Department denies the application for a special license, the Department shall proceed as prescribed by R12-4-409(D).

E. An aquatic wildlife stocking permit holder shall obtain all aquatic wildlife, live eggs, fertilized eggs, and milt from a licensed fish farm operator or a private noncommercial fish pond that has been certified free of the diseases and causative agents specified by any additional stipulation placed on the permit by the Department at the time of application or permit renewal, as authorized by R12-4-409(F). Certification is based on a physical inspection of the fish farm or fish pond of origin performed not more than 12 months before the wildlife or biological material is shipped. The Department has the authority to require that an inspection be performed sooner than 12 months. The inspection shall be performed by a qualified fish health inspector or fish pathologist. The inspection shall be performed at the fish farm or fish pond where the wildlife or biological material is held before it is shipped. A copy of the certification shall accompany each shipment.

F. Native aquatic wildlife species shall be obtained and disposed of as directed by the Department.

E G. ~~The~~ An aquatic wildlife stocking permit holder is subject to the provisions of R12-4-409 and R12-4-428.

F. ~~This rule is effective January 1, 1995.~~

R12-4-411. ~~Minnow~~ Live Bait Dealer's License

A. A ~~minnow live bait~~ dealer's license allows an individual to perform any ~~or all~~ of the following: import, transport, purchase, ~~possession~~ possess, ~~display~~ exhibit for sale, offer for sale, sell as live bait, kill, trade, or export ~~of~~ any or all of the following ~~live~~ aquatic live wildlife as bait:

1. Fathead minnow, ~~Pimephales promelas~~ *Pimephales promelas*;
2. Golden shiner, ~~Notemigonus crysoleucas~~ *Notemigonus crysoleucas*;
3. Goldfish, ~~Carassius auratus~~ *Carassius auratus*;

4. Mosquito fish, ~~Gambusia affinis~~ Gambusia affinis;
5. Red shiner, ~~Notropis lutrensis~~ Cyprinella lutrensis;
6. Threadfin shad, ~~Dorosoma petenense~~ Dorosoma petenense;
7. Waterdogs, Ambystoma tigrinum, except in that portion of Santa Cruz County lying east and south of State Highway 82, or that portion of Cochise County lying west of the San Pedro River and south of State Highway 82.

~~B. A minnow dealer's license allows the take for sale, transport, and sale of waterdogs from the waters of Arizona in compliance with Commission order.~~

~~C. An applicant for a minnow dealer's license shall submit:~~

- ~~1. One application for each place of business. Each place of business is licensed separately; and~~
- ~~2. One application for each person taking waterdogs for sale.~~

~~D. An applicant for a minnow live bait dealer's license shall apply on a form provided by the Department and available from any Department office. The Department shall issue the license or deny the application within 30 calendar days. The applicant shall provide the following information~~

- ~~1. Name of applicant,~~
- ~~2. Date of birth,~~
- ~~3. Mailing address,~~
- ~~4. Location where aquatic wildlife will be held and sold,~~
- ~~5. Species of aquatic wildlife to be sold, and~~
- ~~6. Signature of applicant.~~

1. Name, address, telephone number, birthdate, physical description, and (if applicable) Department ID number;
2. The name, address, telephone number, and telephone number of the applicant's business;
3. The wildlife species and the number of animals per species that will be sold under the license. If the application is for use of multiple species, the applicant shall list each species and the number of animals per species;

4. The name, address, and telephone number of the location where the wildlife will be held and sold. If the applicant applies to hold wildlife in more than one location, the applicant shall submit a separate application for each location;
5. A detailed description or diagram of the facilities where the applicant will hold the wildlife;
6. The name, address, and telephone number of all wildlife suppliers from whom the special license applicant will obtain wildlife; and
7. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information they have provided is true and correct to their knowledge and that the applicant's wildlife privileges are not revoked in this state, any other state, or by the United States.

C. The Department shall issue a live bait dealer's license in compliance with R12-4-106. If the Department denies the application for a special license, the Department shall proceed as prescribed by R12-4-409(D).

~~E D.~~ ~~A person may import live baitfish specified in subsection (A) from California and Nevada without accompanying certification that the fish are free from disease, or import live baitfish from any other state if accompanied by certification that the fish are free of furunculosis. A live bait dealer's license holder shall obtain live baitfish from a facility that is certified free of the diseases and causative agents specified in any stipulations placed on the permit by the Department as authorized by R12-4-409(F).~~

E. To receive certification that a facility is free of diseases or causative agents specified in any stipulations that may be placed on the license, the operator of the facility shall ensure that:

1. The inspection is performed by a qualified fish health inspector or fish pathologist;
2. The inspection is performed at the facility where the wildlife is held before it is shipped; and
3. The inspection is performed not more than 12 months before the wildlife is shipped. The Department has the authority to require that an inspection be performed sooner than 12 months.

F. A ~~minnow~~ live bait dealer's license is subject to the provisions of R12-4-409 and R12-4-428.

~~G.~~ ~~This rule is effective May 25, 2001.~~

R12-4-413. Private Game Farm License

A. ~~A private game farm license allows any or all of the following: offer for sale, sale, trade, rent or lease, giving away, purchase, display for sale, import, possession, propagation, rearing, transport and export of the live~~

~~wildlife specified on the license. A private game farm license requires the commercial use of wildlife held under the license. The commercial use of wildlife under this license allows only the following: offer for sale, sale, trade, rent or lease, giving away, purchase, display for sale, import, possession, propagation, rearing, transport and export of wildlife or the carcass of wildlife or its parts, as specified on the license. As defined in R12-4-401, propagation involves only wildlife and does not permit possession of domestic animals for propagation.~~ Private game farm wildlife may be killed or slaughtered, but ~~a person~~ an individual shall not kill or allow the wildlife to be killed by hunting or in a manner that could be perceived as hunting or recreational sport harvest. Private game farm wildlife shall not be killed by ~~a person~~ an individual who pays a fee to the owner of the game farm for killing the wildlife, nor shall the game farm owner accept a fee for killing the wildlife, except as allowed under R12-4-414, R12-4-415, R12-4-416, and R12-4-419.

B. ~~The following criteria are prerequisites for approval of a private game farm license:~~

- ~~1. Escape of the proposed species will not create a threat to indigenous wildlife.~~
- ~~2. An applicant shall provide, with the application required by subsection (C), a detailed diagram of the facilities where wildlife is to be held and a detailed description of the procedures to be employed by the applicant in meeting the requirements of R12-4-428.~~
- ~~3. The Department may issue a license for only the following pen-reared game birds:
 - ~~a. *Alectoris chukar*, chukar;~~
 - ~~b. *Callipepla californica*, California or valley quail;~~
 - ~~c. *Callipepla gambelii*, Gambel's quail;~~
 - ~~d. *Callipepla squamata*, scaled quail;~~
 - ~~e. *Colinus virginianus*, northern bobwhite. License is required only Units 34A, 36A, 36B, and 36C, as prescribed in R12-4-108;~~
 - ~~f. *Cyrtonyx montezumae*, Montezuma or Mearn's quail;~~
 - ~~g. *Dendragapus obscurus*, blue grouse; and~~
 - ~~h. *Phasianus colchicus*, ringneck and whitewing pheasant.~~~~
- ~~4. The Department may issue a license for fox or mink if a prior inspection of the holding facilities or the plans for those facilities by the Department proves escape is unlikely.~~

- ~~5. With the exception of live cervids, which shall not be imported, transported, or possessed except as allowed under R12-4-430, the Department may issue a license for other mammals listed as restricted live wildlife only if:
 - ~~a. The same species does not exist in the wild in Arizona;~~
 - ~~b. The wildlife is disposed of only by export from Arizona, to game farms licensed under this rule, to zoos licensed under R124420, or to medical or scientific research facilities with an exemption under R124407;~~
 - ~~c. The application required in subsection (C) is accompanied by proof of current licensing by the United States Department of Agriculture under 9 CFR Subchapter A., Animal Welfare; and~~
 - ~~d. The application required in subsection (C) is accompanied by a typed proposal explaining the species to be possessed, the purpose of possession, the purpose of propagation if applicable, the planned disposition of wildlife including progeny, and how the licensee will prevent escape, threat to native wildlife, and threat to public safety.~~~~
- ~~6. The Department may issue a license for any other restricted live wildlife not addressed in subsections (B)(3), (B)(4), or (B)(5), only if the wildlife was held under a private game farm license issued before April 28, 1989.~~
- ~~7. An applicant shall submit a separate application for each location.~~
- € An applicant shall use an application form available from any Department office. The applicant shall provide the following information on the form:
 - ~~1. Name, address, and telephone number of the applicant;~~
 - ~~2. Location of game farm, including street address or legal description;~~
 - ~~3. Species and number of live wildlife to be obtained or, if application is for renewal, species and number of live wildlife that are currently in captivity; and~~
 - ~~4. Signature of applicant.~~
 1. Name, address, telephone number, birthdate, physical description, and (if applicable) Department ID number;
 2. Name, address, telephone number, and telephone number of the applicant's business;

3. The wildlife species and the number of animals per species that will be used under the license. If the application is for use of multiple species, the applicant shall list each species and the number of animals per species. Except for live cervids, which shall not be imported, transported, or possessed, except as authorized by R12-4-430, the Department shall only issue a license for the following species:
 - a. Pen reared game birds:
 - i. Blue grouse, *Dendragapus obscurus*;
 - ii. Chukar, *Alectoris chukar*;
 - iii. California or valley quail, *Callipepla californica*;
 - iv. Gambel's quail, *Callipepla gambelii*;
 - v. Scaled quail, *Callipepla squamata*;
 - vi. Montezuma or Mearns' quail, *Cyrtonyx montezumae*;
 - vii. Northern bobwhite, *Colinus virginianus*. License is required only for game farms located in game management units 34A, 36A, 36B, and 36C, as prescribed in R12-4-108; and
 - viii. Ringneck and whitewing pheasant, *Phasianus colchicus*;
 - b. Mammals that are restricted live wildlife listed in R12-4-406 only if:
 - i. The same species does not exist in the wild in this state;
 - ii. The applicant submits with the application proof that they have a license issued by the United States Department of Agriculture under 9 CFR Subchapter A, Animal Welfare;
 - iii. The applicant submits with the application a typewritten, computer or word processor printed, or legibly handwritten proposal that clearly states the species to be possessed, the purpose of possession, the purpose of propagation if applicable, and how the applicant will prevent escape, a threat to native wildlife, and a threat to public safety; and
 - iv. The applicant clearly states how they will dispose of the wildlife, either by export from the state, to another game farm licensed under this Section, to a zoo licensed under R12-4-420, to a medical or scientific research facility exempted under R12-4-407, or as otherwise authorized by this Section;
4. If the applicant is renewing the private game farm license, the species and number of animals per species that are currently in captivity;

5. The name, address, and telephone number of the location of the game farm where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical location of the game farm, including township, range, and section. If the applicant applies to hold wildlife in more than one location, the applicant shall submit a separate application for each location;
 6. A detailed description or diagram of the facilities where the applicant will hold the wildlife, and a description of how the facilities comply with R12-4-428, and any other captivity standards that may be prescribed by this Section;
 7. The name, address, and telephone number of all wildlife suppliers from whom the special license applicant will obtain wildlife;
 8. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information they have provided is true and correct to their knowledge and that the applicant's wildlife privileges are not revoked in this state, any other state, or by the United States.
- D. The Department shall issue a private game farm license in compliance with R12-4-106. If the Department denies the application for a special license, the Department shall proceed as prescribed by R12-4-409(D).
- E. ~~A licensee private game farm license holder~~ shall ensure that each shipment of live wildlife imported into the state is accompanied by a certificate of health issued by a licensed veterinarian.
- E. ~~A licensee shall maintain records for three years that include the number, species, source, and date of wildlife obtained or raised and the number, species, and date of disposition and manner of disposition of all wildlife, including the names of persons to whom wildlife is sold, bartered or given.~~
- F. A ~~licensee~~ private game farm license holder shall provide a receipt to each ~~person transporting~~ individual that transports dead wildlife from the site of the game farm. The receipt shall include the date ~~of purchase, barter, or gift~~ that the wildlife was purchased, traded, or given as a gift; the name of the game farm; and the number ~~of dead wildlife, by species, of transported wildlife that are being transported.~~
- G. A ~~licensee~~ private game farm license holder shall ensure that shipments of wildlife made by the game farm are accompanied by documentation showing the name of the game farm license holder, the license number of the valid game farm license for the current year, the date shipped, the species and the number of individuals per species of wildlife in the shipment, the name of the person individual or common carrier transporting the shipment, and the name of the person who will receive the shipment.

H. Before January 31 of each year, a private game farm license holder shall file a written report on activities performed under the license for the previous calendar year. A private game farm license holder shall submit an annual report on a form available from the Department as prescribed by R12-4-409(O). The annual report shall also include the following information:

1. The number of animals per wildlife species, and the source of all wildlife that the license holder obtained or propagated;
2. The date when the wildlife was obtained or propagated;
3. The date when the wildlife was disposed of and the manner of disposition; and
4. If the wildlife was disposed of by sale, barter, or given as a gift, the names of individuals who received the wildlife.

I. A private game farm license holder shall maintain records of all wildlife possessed under the license for three years. The records shall include the information required in subsection (H)(1) through (4) and R12-4-409(O)(1) through (5).

H.J. A game farm licensee license holder is subject to the provisions of R12-4-409, R12-4-428, and R12-4-430.

R12-4-414. Game Bird Shooting Preserve License

A. A game bird shooting preserve license allows the year-round release of pen-reared game birds as ~~specified on~~ prescribed by the license, at the site specified on the license, for the purpose of hunting or shooting by ~~persons~~ individuals who may be charged a fee. It also allows an individual to perform any or all of the following: import, purchase, ~~possession~~ possess, transport, trade, display for sale, offer for sale, sale, gift, ~~propagation~~ propagate, and export of the live wildlife specified on the license.

B. The following criteria are requisite to approval of a shooting preserve license.

1. A possible escape of the proposed species would not create an unacceptable danger to indigenous wildlife.
2. The operation of the facility shall not pose a threat to public safety or to indigenous wildlife.
3. The Department may issue a license for only the following game birds:
 - a. *Alectoris chukar*, chukar.
 - b. *Anas platyrhynchos*, mallard duck.
 - c. *Colinus virginianus*, northern bobwhite.

d. ~~*Phasianus colchicus*, ringneck and whitewing pheasant.~~

4. ~~The Department may issue a license for any other live wildlife only when the wildlife was held pursuant to a shooting preserve license prior to the effective date of this rule.~~

5. ~~The shooting preserve shall be located on private land and shall not exceed 1000 acres.~~

C. Application for a shooting preserve license shall be made on a form provided by the Department, ~~and shall be accompanied by a detailed diagram of the facilities where the wildlife is to be held establishing how the licensee shall prevent escape, threat to native wildlife and threat to public safety, and a detailed description of the procedures to be employed by the applicant in meeting the requirements of R12-4-428. The Department shall issue the license or deny the application within 30 calendar days of receiving the application. Application will require the following to be provided by the applicant:~~

1. ~~Name, address, and telephone number;~~

2. ~~Legal description of shooting preserve location;~~

3. ~~Species and number of individuals of each species of live wildlife to be obtained or, if application is for renewal, which are currently in captivity;~~

4. ~~Signature of applicant.~~

1. Name, address, telephone number, birthdate, physical description, and (if applicable) Department ID number;

2. If the applicant will use the wildlife for a commercial purpose, the name, address, telephone number, and telephone number of the applicant's business;

3. The wildlife species and the number of animals per species that will be used under the license. If the application is for use of multiple species, the applicant shall list each species and the number of animals per species. The Department shall only issue a license for the following game bird species:

a. Chukar, *Alectoris chukar*;

b. Mallard duck, *Anas platyrhynchos*;

c. Northern bobwhite, *Colinus virginianus*, except that no license will be issued for this species in game management units 34A, 36A, 36B, and 36C, as prescribed in R12-4-108; and

d. Ringneck and whitewing pheasant, *Phasianus colchicus*;

4. If the applicant is renewing the game bird shooting preserve license, the species and number of animals per species that are currently in captivity;
5. The name, address, and telephone number of the location where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical description of the location, including township, range, and section;
6. A detailed description or diagram of the facilities where the applicant will hold the wildlife, and a description of how the facilities comply with R12-4-428, and any other captivity standards that may be prescribed by this Section;
7. A detailed description or diagram of the shooting preserve where the applicant will release the wildlife. The shooting preserve shall not be more than 1000 acres and shall be located on private land;
8. The name, address, and telephone number of the shooting preserve where the wildlife will be released, if applicable. Otherwise, the physical location of the shooting preserve, including township, range, and section. If the applicant applies to release wildlife at more than one shooting preserve, the applicant shall submit a separate application for each preserve;
9. The name, address, and telephone number of all wildlife suppliers from whom the special license applicant will obtain wildlife;
10. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information they have provided is true and correct to their knowledge and that the applicant's wildlife privileges are not revoked in this state, any other state, or by the United States.

C. The Department shall issue a game bird shooting preserve license in compliance with R12-4-106. The Department shall not issue a game bird shooting preserve license if escape of any species listed on the application or operation of a game bird shooting preserve will create a threat to native wildlife or public health or safety. If the Department denies the application for a special license, the Department shall proceed as prescribed by R12-4-409(D).

D. Each A game bird shooting preserve license holder shall ensure that each shipment of live wildlife imported into the state shall be accompanied by a certificate of health issued by a licensed veterinarian.

E. The A game bird shooting preserve license holder shall post visible and legible signs every 100 yards that mark the boundaries of the shooting preserve shall be plainly posted every 100 yards with legible signs. Each sign

shall indicate that the area behind the sign is a private game bird shooting preserve and display the name of the shooting preserve.

- F. ~~A receipt shall be provided to each person transporting~~ A game bird shooting preserve license holder shall provide a receipt to each individual that transports dead wildlife from the site of the game bird shooting preserve. The receipt shall include the date of purchase and the name of the shooting preserve, and the number by species of wildlife to be transported.
- G. ~~Shipments~~ A game bird shooting preserve license holder shall ensure that shipments of dead wildlife made by the game bird shooting preserve ~~shall be~~ are accompanied by documentation showing the name of the ~~shooting preserve license holder~~, the license number of the valid game bird shooting preserve license for the current year, the date the wildlife is shipped, the number ~~and~~ of animals per species of wildlife in the shipment, and the name of the ~~person individual~~ or common carrier transporting the shipment and the name of the ~~person individual~~ who will receive the shipment.
- H. ~~No~~ A hunting license is not required to hunt released wildlife on a licensed game bird shooting preserve, ~~and the season may be yearlong.~~ The season for taking game birds on a shooting preserve may be yearlong. Wildlife released on a shooting preserve and found outside the preserve shall not be taken under provisions of a game bird shooting preserve license.
- I. ~~Wildlife~~ Game birds released on a shooting preserve may be taken by any method not prohibited ~~in~~ by R12-4-303.
- J. ~~Licensee shall keep records for three years which shall include the number, source and date of wildlife obtained or reared and the number, species and date of disposition and manner of disposition of all wildlife, including the names of persons to whom the wildlife was sold, bartered or given.~~ Before January 31 of each year, a game bird shooting preserve license holder shall file a written report on activities performed under the license for the previous calendar year. A game bird shooting preserve license holder shall submit an annual report on a form available from the Department as prescribed by R12-4-409(O). The annual report shall also include the following information:
1. The number of animals per wildlife species, and the source of all wildlife that the license holder obtained or propagated;
 2. The date when the wildlife was obtained or propagated;

3. The date when the wildlife was disposed of, and the manner of disposition; and
4. If the wildlife was disposed of by sale, barter, or given as a gift, the names of individuals who received the wildlife.

K. A game bird shooting preserve license holder shall maintain records of all wildlife possessed under the license for three years. The records shall include all information required in an annual report as stated in subsection (J)(1) through (4) and R12-4-409(O).

K L. Shooting Game bird shooting preserve licenses are subject to the ~~provision~~ provisions of R12-4-409 and R12-4-428.

R12-4-415. Game Bird Field Trial License

A. A game bird field trial license allows an individual to ~~the~~ release and take ~~of~~ released live pen-reared game birds specified on the license for the purpose of conducting a competition to test the performance of hunting dogs in one field trial event. It also allows the import or purchase within ~~Arizona~~ the state, possession, and transport of the game birds specified on the license for one field trial event. ~~Birds~~ Game birds may be possessed alive by the ~~licensee~~ license holder after the field trial event until December 31 of the year the license was issued. ~~Birds~~ Game birds possessed alive subsequent to the field trial event may be transported and may be given away, exported or killed.

B. ~~The following criteria are requisite to approval of any field trial license application.~~

- ~~1. The field trial event shall not exceed 10 consecutive days.~~
- ~~2. Release shall not be approved for any site where there is an established wild population of the same species of upland game birds or where release of birds may interfere with wildlife or habitat restoration programs, or during nesting periods if there are nesting upland game birds or waterfowl in the area.~~
- ~~3. The Department may issue a license for only the following game birds:~~
 - ~~a. *Alectoris chukar*, chukar;~~
 - ~~b. *Anas platyrhynchos*, mallard duck;~~
 - ~~c. *Colinus virginianus*, northern bobwhite;~~
 - ~~d. *Phasianus colchicus*, ringneck and whitewing pheasant.~~

~~C.~~ ~~Application shall be made~~ An individual shall apply for a game bird field trial license on a form provided by the Department. ~~The form shall be accompanied by a detailed description of the procedures to be employed by the applicant in meeting the requirements of R12-4-428. The Department shall issue the license or deny the application within 30 calendar days of receiving the application. The form requires that the following be provided by the applicant~~ An applicant shall submit the following on the application:

~~1. Name, phone number and address of the applicant;~~

~~2. Number and species of live birds to be used in the event;~~

~~3. Legal description for location of event;~~

~~4. Beginning dates of the event;~~

~~5. Signature of applicant.~~

1. Name, address, telephone number, birthdate, physical description, and (if applicable) Department ID number;

2. If the applicant will use the wildlife for a commercial purpose, the name, address, telephone number, and telephone number of the applicant's business. If the applicant will use the wildlife for an activity sponsored by an organization, the name of the organization, and the name, address, and telephone number of the organization chair or local chapter;

3. The wildlife species and the number of animals per species that will be used under the license. If the application is for use of multiple species, the applicant shall list each species and the number of animals per species. The Department shall only issue a license for the following game bird species:

a. Chukar, *Alectoris chukar*;

b. Mallard duck, *Anas platyrhynchos*;

c. Northern bobwhite, *Colinus virginianus*, except that no license shall be issued for this species in game management units 34A, 36A, 36B, and 36C, as prescribed in R12-4-108; and

d. Ringneck and whitewing pheasant, *Phasianus colchicus*;

4. The name, address, and telephone number of the location where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical description of the location, including township, range, and section;

5. A description of how the license holder will comply with R12-4-428, and any other captivity standards that may be prescribed by this Section;
6. The beginning date of the event. A game bird field trial event shall not last longer than 10 consecutive days;
7. The name, address, and telephone number of the location where the wildlife will be released, if applicable. Otherwise, the physical description of the location, including township, range, and section. If the applicant is applying to release wildlife at multiple locations, the applicant shall provide the name, address, and telephone number of each location or the physical description of the location, including township, range, and section;
8. The name, address, and telephone number of all wildlife suppliers from whom the special license applicant will obtain wildlife;
9. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information they have provided is true and correct to their knowledge and that the applicant's wildlife privileges are not revoked in this state, any other state, or by the United States.

C. The Department shall issue a game bird field trial license in compliance with R12-4-106. If the Department denies the application for a special license, the Department shall proceed as prescribed by R12-4-409(D). The Department shall not issue a game bird field trial license if:

1. Escape of any species listed on the application or operation of a game bird shooting preserve will create a threat to native wildlife or public health or safety;
2. There is already an established wild population of upland game birds at the site where the field trial event is planned to take place, and the wild population is the same species as the wildlife listed on the license;
3. The release of game birds interferes with wildlife or habitat restoration programs, or
4. The release of game birds takes place during nesting periods of upland game birds or waterfowl that nest in the area.

D. Each shipment of game birds imported shall be accompanied by a certificate of health from a licensed veterinarian for the shipment.

- E. ~~The field trial event shall be held only on the dates and in~~ A game bird field trial license holder shall only hold a field trial event at the location specified on the license, and shall only release or take the species of game birds specified on the permit shall be released or taken.
- F. Any released game birds not taken or recovered during the dates specified on the ~~permit~~ license become property of the state, and therefore shall not be taken under a game bird field trial license.
- G. ~~No~~ A hunting license shall not be required ~~for participants to participate~~ in a field trial event held ~~pursuant to~~ under the provisions of this ~~rule~~ Section. The ~~licensee~~ license holder or a representative for the ~~licensee~~ license holder shall have the field trial license in possession during the event ~~at the site of the event~~ specified on the license. Released wildlife may be taken by any method not prohibited in R12-4-303.
- H. Wildlife being transported from a field trial event shall have a tag or label affixed to each container of live birds, carcass or package listing the following:
1. The name of the ~~licensee~~ license holder,
 2. The date of shipment or transport,
 3. The number ~~and~~ of animals per species of wildlife,
 4. The name of the ~~person~~ individual or common carrier transporting them and the name and address of the ~~person~~ individual who will receive the shipment.
- I. ~~Licensee~~ A game bird field trial license holder shall submit a report to the Department within 30 ~~calendar~~ days following the event, ~~of that specifies~~ the species and number of birds per species released and retaken. A list of names and addresses of participants shall be available for inspection by the Department.
- J. ~~Field trial licenses are~~ A field trial license holder is subject to the provisions of R12-4-409 and R12-4-428.

R12-4-416. Game Bird Field Trial Training Permit

- A. A game bird field ~~trial~~ training permit allows ~~the~~ an individual to release and take ~~of~~ released live pen-reared game birds specified on the permit, ~~by one individual~~ for the purpose of ~~dog or raptor~~ training a dog or raptor to hunt. ~~Birds~~ Game birds may be purchased within ~~Arizona~~ the state, or imported when the shipment is accompanied by a certificate of health issued by a licensed veterinarian. ~~Birds~~ Game birds possessed ~~pursuant to this rule~~ under this Section may be transported, ~~and may be~~ given away, exported or killed.
- B. ~~The following criteria are requisite to approval of any field trial training permit.~~

~~1. Release shall not be approved for any site where there is an established wild population of the same species of birds or, where release of birds may interfere with wildlife or habitat restoration programs, or during nesting periods if there are nesting upland game birds or waterfowl in the area.~~

~~2. The Department may issue a license for only the following game birds:~~

- ~~a. *Alectoris chukar*, chukar;~~
- ~~b. *Anas platyrhynchos*, mallard duck;~~
- ~~c. *Colinus virginianus*, northern bobwhite;~~
- ~~d. *Phasianus colchicus*, ringneck and whitewing pheasant.~~

~~C. Application shall be made on a form provided by the Department. The form shall be accompanied by a detailed description of the procedures to be employed by the applicant in meeting the requirements of R12-4-428. The Department shall issue the permit or deny the application within 30 calendar days of receiving the application.~~

The form requires that the following be provided by the applicant:

- ~~1. Name, address and phone number;~~
- ~~2. Proposed geographic location of sites where release is to occur;~~
- ~~3. Proposed dates during which training would occur at each site;~~
- ~~4. Signature of applicant.~~

1. Name, address, telephone number, birthdate, physical description, and (if applicable) Department ID number;

2. The wildlife species and the number of animals per species that will be used under the license. If the application is for use of multiple species, the applicant shall list each species and the number of animals per species. The Department shall only issue a license for the following game bird species:

- a. *Chukar, Alectoris chukar*;
- b. *Mallard duck, Anas platyrhynchos*;
- c. *Northern bobwhite, Colinus virginianus*, except that no license shall be issued for this species in game management units 34A, 36A, 36B, and 36C, as prescribed in R12-4-108; and
- d. *Ringneck and whitewing pheasant, Phasianus colchicus*.

3. The name, address, and telephone number of the location where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical description of the location, including township, range, and section;
4. A description of how the applicant will comply with R12-4-428, and any other captivity standards that may be prescribed by this Section;
5. The name, address, and telephone number of the location where the wildlife will be released, if applicable. Otherwise, the physical description of the location, including township, range, and section. If the applicant applies to release wildlife at more than one location, the applicant shall submit a separate application for each location;
6. A range of dates within which training may take place;
7. The name, address, and telephone number of all wildlife suppliers from whom the special license applicant will obtain wildlife;
8. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information they have provided is true and correct to their knowledge and that the applicant's wildlife privileges are not revoked in this state, any other state, or by the United States.

D C. The Department shall issue a game bird field training permit in compliance with R12-4-106. If the Department denies the application for a special license, the Department shall proceed as prescribed by R12-4-409(D). The Department shall not issue a game bird field license if:

1. There is already an established wild population of upland game birds at the site where the field training event is planned to take place, and the wild population is the same species as the wildlife listed on the license;
2. The release of game birds interferes with wildlife or habitat restoration programs, or
3. The release of game birds takes place during nesting periods of upland game birds or waterfowl that nest in the area.

D. An applicant may request in writing that one or more named individuals be authorized to act as an agent on the applicant's behalf. An individual that has had their wildlife privileges revoked in this state, any other state, or by the United States is not eligible to be agent. An agent is subject to the stipulations on the applicant's permit. The permit holder is responsible for acts of the agents if they fall within the guidelines of this Section.

- E. A game bird field training permit holder may make a written request to amend the permit to add or delete an agent at any time during the license period. The permit holder shall obtain written authorization from the Department before designating any additional agents.
- F. A game bird field training permit holder shall notify the Department in writing within 10 calendar days of terminating an agent.
- G. A game bird field training permit holder shall have the permit in possession and a permit holder's authorized agent shall have a copy of the permit in possession while conducting the activities authorized by the permit. The permit and any copies of a permit shall be available for inspection when conducting permitted activities.
- H. Release shall occur only within locations and dates approved and specified on the permit, and only the species of birds specified on the permit shall be released or taken. A permit holder shall release authorized wildlife only at the location specified on the permit. Any released game birds not taken or recovered after the field training activity become property of the state and shall not be taken under a game bird field training permit.
- ~~E. The permit shall be in the possession of the permittee during dog training and transport of wildlife.~~
- ~~F. No hunting license shall be required for take of birds released pursuant to the provisions of this rule by the permittee. Pursuit of nonreleased wildlife requires a hunting license. A hunting license is not required to take game birds released under the provisions of this Section.~~
- ~~G. The A field trial training permit holder is subject to the provisions of R12-4-409 and R12-4-428.~~

R12-4-417. Wildlife Holding License

- ~~A. With the exception of all live cervids, which shall not be imported, transported, or possessed except as allowed under R12-4-430, the Department shall issue wildlife holding licenses to qualified individuals for the purposes provided in this Section. The wildlife holding license authorizes the person holding the license to engage in specific activities with the specific live wildlife listed on the license. The activities shall be listed on the license to be authorized and may include but not be limited to any of the following: possession, transportation, importation, educational display, exhibit, purchase, propagation, export, give away, or kill. The Department's evaluation of the applicant's proposal and qualifications, and the purpose of the license will determine if the Department will issue or deny the permit and the activities the license authorizes. A wildlife holding license authorizes an individual to: possess, transport, import, display for educational purposes, photograph for~~

commercial purposes, purchase, propagate, export, give away, or euthanize either restricted live wildlife or live wildlife lawfully held under a hunting or fishing license for purposes listed in subsection (B). An individual shall perform only those authorized activities that are specifically stated on the license with the specific live wildlife listed on the license. The Department shall not issue a wildlife holding license to an individual for the use of live cervids, which shall not be imported, transported, or possessed except as allowed under R12-4-430.

~~B. The Department shall not issue a license to any applicant whose privilege to take or possess wildlife is under current suspension or revocation by the government of any state or the United States.~~

~~C. The Department shall issue a wildlife holding license only for the primary purposes following, when the purpose if the Department determines issuing the license is in the best interest of the wildlife or the species, it will not adversely impact other wildlife in Arizona of this state, and may be served without posing it does not pose a threat to wildlife or public health or safety, and only for the following purposes:~~

~~1. Wildlife management: gathering information valuable to maintenance of wild populations;~~

~~2. Education;~~

~~3. The advancement of science, or promotion of the public health or welfare;~~

~~4. When humane treatment by a person is necessary to safeguard and protect the interests of an animal unable to meet its own needs in the wild, when it has been abandoned, or permanently disabled, or is no longer useful for any previously existing licensed purpose.~~

~~1. The advancement of science, wildlife management, or promotion of public health or welfare;~~

~~2. Education;~~

~~3. To photograph live wildlife for a commercial purpose that is already possessed under the authority of R12-4-404, or already possessed under this Section, but only if:~~

~~a. The wildlife will be photographed without posing a threat to other wildlife or the public.~~

~~b. Will not adversely impact other affected wildlife in this state, and~~

~~c. The applicant meets the criteria prescribed in subsection (C); or~~

~~4. To lawfully possess restricted live wildlife if:~~

~~a. It is necessary for an individual to give humane treatment to restricted live wildlife that has been abandoned or permanently disabled, and is therefore unable to meet its own needs in the wild; or~~

b. It is requested to lawfully possess restricted live wildlife that was possessed under another special license, and the primary purpose for that special license no longer exists.

~~D. The Department shall issue a wildlife holding license for the sole purpose of exhibiting live wildlife already possessed under the authority of R12-4-404 or already possessed under R12-4-417, when the wildlife may be exhibited without posing a threat to wildlife or the public and will not adversely impact other affected wildlife in Arizona.~~

~~E C. Applicants for a wildlife holding license shall obtain from and submit to the Department a form providing the following information:~~

- ~~1. The applicant's name, mailing address, and telephone number.~~
- ~~2. If applicable, the name, address, and telephone number of the educational, scientific, or other institutional affiliation of the applicant.~~
- ~~3. The species, or higher taxa, if appropriate, of wildlife proposed for an allowable activity.~~
- ~~4. The applicant's signature.~~

An applicant for a wildlife holding license shall apply on a form provided by the Department and available from any Department office. The applicant shall provide the following information:

1. Name, address, telephone number, birthdate, physical description, and (if applicable) Department ID number;
2. If the applicant will use the wildlife for a commercial purpose, the name, address, telephone number, and telephone number of the applicant's business. If the applicant will use wildlife for activities authorized by an educational or scientific institution that employs, contracts, or is similarly affiliated with the applicant, the applicant shall provide the name, address, and telephone number of the institution;
3. The wildlife species and the number of animals per species that will be used under the license. If the application is for use of multiple species, the applicant shall list each species and the number of animals per species;
4. An applicant for a wildlife holding license shall include a typewritten, computer or word processor printed, or legibly handwritten proposal that describes the activity that the applicant intends to perform under the license, and clearly states the contribution the proposed activity will make to one or more of the primary purposes listed in subsection (B). If the applicant is applying to possess restricted live wildlife to give

humane treatment, the applicant shall also explain in the written statement why the wildlife is unable to meet its own needs in the wild. If the Department determines that humane treatment is necessary as grounds for issuance of a wildlife holding license, the Department has the authority to authorize the appropriate disposition of the wildlife for humane treatment, including care, placement, and euthanasia;

5. If the applicant is renewing the wildlife holding license, the species and number of animals per species that are currently in captivity, and evidence of lawful possession as defined in R12-4-401;
6. A statement of the applicant's experience in handling and providing care for the wildlife to be held or of their experience that may be relevant to handling or providing care for wildlife;
7. The name, address, and telephone number of the facility where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical location of the facility, including township, range, and section. If the applicant applies to hold wildlife in more than one facility, the applicant shall submit a separate application for each facility;
8. A detailed description or diagram of the facilities where the applicant will hold the wildlife, and a description of how the facilities comply with R12-4-428, and any other captivity standards that may be prescribed by this Section;
9. The dates that the applicant will begin and end holding wildlife;
10. A clear description of how the applicant intends to dispose of the wildlife once the proposed activity in (C)(4) ends; and
11. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information they have provided is true and correct to their knowledge and that the applicant's wildlife privileges are not revoked in this state, any other state, or by the United States.

D. The Department shall issue a wildlife holding license in compliance with R12-4-106. If the Department denies the application for a special license, the Department shall proceed as prescribed by R12-4-409(D).

F. Applicants for a wildlife holding license shall also submit the following with their application form:

1. ~~If the wildlife is currently in possession, submit evidence of lawful possession as defined in R12-4-401. If the wildlife is not yet in possession, submit proof of application for evidence of lawful possession. If the application is for exhibit of wildlife possessed under the authority of R12-4-404, provide an affidavit that~~

~~the wildlife was lawfully taken under authority of a hunting or fishing license in accordance with Commission order or is the progeny of wildlife lawfully taken.~~

- ~~2. The street address or legal description of the location where the wildlife is to be held and a detailed diagram of the facilities where the wildlife is to be held.~~
- ~~3. A detailed description of the procedures that will be used to meet the requirements of R12-4-428.~~
- ~~4. A statement of the applicant's experience in handling and providing care for the wildlife to be held or of other experience that may be relevant to handling or providing care for wildlife.~~
- ~~5. The dates proposed to begin and end holding the wildlife.~~
- ~~6. A statement of the planned disposition and method of disposition of the wildlife at the conclusion of the proposed activities.~~
- ~~7. If the purpose of the license is for wildlife management, education, the advancement of science, or the promotion of the public health or welfare, submit a detailed description of the proposed management, educational, or scientific activity.~~
- ~~8. If the purpose of the license is for humane treatment, submit a written statement explaining why the wildlife is unable to meet its own needs in the wild, whether it has been abandoned, or permanently disabled, or is no longer useful for any previously existing licensed purpose. The statement shall also specify where the wildlife is currently possessed and who possesses it.~~
- ~~9. If the purpose of the license is to exhibit live wildlife already possessed under the authority of R124404 or already possessed under R12-4-417, submit a detailed description of the proposed exhibit activity.~~

~~G.~~ The Department ~~may~~ has the authority to require that a wildlife holding license holder permanently mark any restricted live wildlife that is used for lawful activities under the authority of the wildlife holding license be permanently marked for identification purposes, when if the Department determines this is necessary for it is in the best interest of the public and the wildlife. If this is a requirement, it the Department exercises this authority, the marking requirement will be specified on the license.

G. A wildlife license holder shall ensure that restricted live wildlife, parts thereof, or their offspring obtained or held under the authority of the license are not sold, offered for sale traded, bartered, loaned for the purposes of commercial activities, given as a gift, or disposed of in any way except as stipulated or directed in writing by the Department.

H. A wildlife holding license is no longer valid once the primary purpose of the permit, as prescribed in subsection (B), no longer exists, and the wildlife license holder shall submit a report to the Department as prescribed in subsection (K).

~~H I.~~ The licensee A wildlife holding license holder shall ensure that a copy of the license accompanies any shipment of wildlife made under the authority of the license.

J. The Department may conduct reasonable inspections of the facilities as described in R12-4-409(G) where wildlife is held under a wildlife holding license.

~~I K.~~ The licensee shall annually obtain from and submit to the Department a report form providing the following information within 30 days after the license expires Before January 31 of each year, a wildlife holding license holder shall file a written report on activities performed under the license for the previous calendar year. A wildlife holding license holder shall submit an annual report on a form available from the Department as prescribed by R12-4-409(O). The annual report shall also include the following information:

1. The licensee's name, address, and phone number; A list of each animal by species held during the year, including the source and date the wildlife was acquired;
2. A listing of each animal held during the year, by species, including the source and date of acquisition and the place and date of disposition for each animal. If applicable, the permanent mark or identifier of the wildlife, such as name, number, or another identifier as prescribed in subsection (F) for each animal held during the year. This designation or identifier shall be provided with other relevant reported details for the holding or disposition of the individual animal;
3. Whether or not the wildlife is alive or dead;
4. The current location of the wildlife; and
5. A list of all educational displays where the wildlife held under this license was utilized during the year, including the date, location, organization or audience, approximate attendance and wildlife used.

~~J.~~ The licensee shall comply with R12-4-409, R12-4-428, and R12-4-430.

~~K L.~~ Wildlife holding licenses expire on A wildlife holding license expires December 31 of the year of issuance that it was issued, or, if the licensee license holder is a representative of an institution, organization, or agency stated in (C)(2), upon termination of affiliation with that entity, whichever comes first.

M. A wildlife license holder shall comply with R12-4-409, R12-4-428, and R12-4-430.

R12-4-418. Scientific Collecting Permit

~~A. A scientific collecting permit allows the following, subject to Department evaluation of and stipulations to the application submitted in compliance with subsection (C):~~

- ~~1. A permittee may take wildlife specified on the permit in the localities and time periods specified on the permit by any method prescribed in R12-4-304 or R12-4-313. If specifically authorized on the permit, the permittee may take the wildlife by the use of stupefying or deleterious substance, electroshock, pitfall, leghold trap, snare, or net, and at night by firearm, providing the least onerous, practical method is employed. The Department may rescind or modify any method of take authorized on the permit to protect the interests of wildlife or public safety. The permit may restrict the number of animals per species or other taxa that may be taken, as well as the age or condition of the wildlife that may be taken.~~
- ~~2. A permittee may possess, transport, propagate, or educationally display live wildlife specified on the permit. A person shall not exhibit wildlife held under a scientific collecting permit.~~
- ~~3. A permittee shall dispose of live wildlife specified on the permit by releasing the wildlife when not removed from the area where captured, by releasing the wildlife in a location previously approved by the Department, or as authorized by the Department.~~
- ~~4. A permittee shall only release live wildlife specified on the permit when the wildlife is not removed from the area where captured, or when the wildlife is released in a location previously approved by the Department.~~

~~B. The Department shall issue a scientific collecting permit only if:~~

- ~~1. The applicant's privilege to take or possess wildlife is not under current suspension or revocation by the government of any state or the United States;~~
- ~~2. The permit is for the purpose of wildlife management; gathering information valuable to maintenance of wild populations; education; the advancement of science; or promotion of the public health or welfare;~~
- ~~3. The permit is for a purpose that is in the best interest of the wildlife or the species, will not adversely impact other affected wildlife in Arizona, and may be served without posing a threat to wildlife or public safety;~~
- ~~4. The permit is for a purpose that does not unnecessarily duplicate previously documented projects; and~~
- ~~5. The Department has verified the purpose based on a written project proposal submitted as part of the application form required in subsection (C).~~

~~6. The Department may require submission of interim reports in addition to those required by subsection (G), and may make the submission of these additional interim reports a criterion for permit issuance.~~

~~C. An applicant shall provide the following information on an application form supplied by the Department:~~

~~1. Name, home address, home telephone number, and physical description of applicant;~~

~~2. If applicable, the name, address, and telephone number of the scientific or educational institution affiliation or governmental employer;~~

~~3. A complete list by species, or higher taxa, if applicable, of all wildlife for which collecting authorization is sought and the number of individuals per taxon;~~

~~4. The locality or localities for which collecting activities are proposed;~~

~~5. Whether the applicant proposes to:~~

~~a. Salvage specimens found dead;~~

~~b. Collect specimens alive and keep them;~~

~~e. Collect specimens by killing;~~

~~d. Collect specimens alive and release at the site where taken without transporting from that site after photographing, banding, or marking them with rings, bands, collars, brands, or other markings.~~

~~6. The method or methods of take to be used, including justification for selection of the methods proposed; and~~

~~7. Planned disposition of wildlife collected and progeny of wildlife collected.~~

~~D. An applicant shall submit with the application form, a detailed project proposal, not to exceed three pages, explaining the purpose, methods, completion schedule, and publication intent of the project; stating the qualifications of the applicant relative to the proposal; and describing in detail the procedures the applicant will use to meet the requirements of R12-4-428.~~

~~E. The applicant shall submit the application to the Department's Phoenix office.~~

~~F. The Department issues each scientific collecting permit to an individual, but an applicant may request in writing that one or more named individuals be authorized to act as an agent on the applicant's behalf, provided that:~~

~~1. An employment or supervisory relationship exists between the permittee and the agent, and the agent's privilege to take or possess wildlife is not under current suspension or revocation by the government of any state or the United States; and~~

~~2. If the permit limits the number of animals that may be collected, the limit applies to the aggregate of all agent collectors.~~

~~G. A permittee may at any time during the license period make a written request to amend the permit to add or delete agents meeting the criteria in subsection (F). The Department shall approve or deny the request within 30 calendar days of receipt.~~

~~H. A permittee shall notify the Department in writing within 10 calendar days of terminating any agent.~~

~~I. Before collecting any wildlife at night with firearms, a permittee shall notify the regional Department office nearest the locality of the planned collection and advise that office of the dates, times, places and methods of collection.~~

~~J. A permittee shall ensure that a copy of the permit accompanies any shipment of wildlife made under authority of the permit.~~

~~K. A permittee shall file a written report on a form available from the Department, within 30 days after expiration of the permit. A report is required even if no collecting was done. The permittee shall provide the following information and shall include information from agents acting for the permittee:~~

~~1. Name and address of the permittee and any agency affiliation relevant to the permit;~~

~~2. Name and address of all agents;~~

~~3. Scientific collecting permit number and date of issuance;~~

~~4. A list by specimen of all species collected, live or dead, of any species the Department includes on the permit, providing detailed localities of collection, observation, banding, or other handling, dates of take, places of disposition, and other relevant information the Department includes on the permit; and~~

~~5. A list by individual for all species live or dead, collected, banded, possessed, or disposed of that are not listed in accordance with subsection (K)(4).~~

~~L. A permittee under this Section is subject to R12-4-409 and R12-4-428.~~

~~M. A scientific collecting permit expires on December 31 of the year of issuance, or, if the permittee is a representative of an institution, organization, or agency, upon the permittee's termination of affiliation with that entity, whichever comes first.~~

~~N. This rule is effective July 1, 2001.~~

A. A scientific collecting permit allows an individual to take, possess, transport, photograph for noncommercial purposes, and display for educational purposes the live wildlife specified on the permit, subject to the conditions specified in subsection (B). A permit holder shall not exhibit wildlife held under the permit. The Department shall issue a scientific collecting permit only if:

1. The permit is for the purpose of wildlife management; gathering information valuable to the maintenance of wild populations; education; the advancement of science; or promotion of the public health or welfare;
2. The permit is for a purpose that is in the best interest of the wildlife or the species, will not adversely impact other affected wildlife in this state, and may be authorized without posing a threat to wildlife or public safety;
3. The permit is for a purpose that does not unnecessarily duplicate previously documented projects; and
4. The applicant has submitted an acceptable typewritten, computer or word processor printed, or legibly handwritten project proposal as part of the application form required in subsection (C).

B. Scientific collecting permits are subject to the following conditions:

1. A scientific collecting permit holder may take wildlife under the permit using the least onerous, practical method possible, and shall:
 - a. Take wildlife at the locations and time periods specified on the permit by any method prescribed by R12-4-304 or R12-4-313;
 - b. Take wildlife by using a stupefying or deleterious substance, electroshock, pitfall trap, leghold trap, snare, or net only if specifically authorized on the permit;
 - c. Take wildlife at night by using a firearm only if authorized by the permit .
2. If it is in the best interest of the wildlife or public safety, the Department has the authority to:
 - a. Rescind or modify any method of take authorized by the permit;
 - b. Restrict the number of animals per species or other taxa that may be taken under the permit;
 - c. Restrict the age or condition of wildlife that may be taken under the permit;
 - d. Deny or substitute the number of specimens and taxa requested on an application.
3. A scientific collecting permit holder shall dispose of wildlife as follows:
 - a. If the wildlife was not removed from the area where it was taken, by releasing it;

- d. The methods of take that the applicant will use to complete the project, justification for using that method, and whether the applicant proposes to:
 - i. Salvage specimens found dead;
 - ii. Collect specimens alive and keep them;
 - iii. Collect specimens by killing them; or
 - iv. Collect specimens alive at the site where taken without transporting them from that site after photographing, banding, or marking them with rings, collars, brands or other markings;
 - e. The wildlife species and the number of animals per species that will be used under the license. If the application is for use of multiple species or wildlife of a higher taxon, the applicant shall list each species and the number of animals per species;
 - f. The location where collection will take place;
 - g. How the applicant will dispose of wildlife or offspring of wildlife, if applicable, as prescribed by subsection (B)(3);
 - h. The names and addresses of any agents that will assist the applicant in carrying out the activities described in the proposal. An applicant may request that one or more individuals be authorized to act as an agent on the applicant's behalf, provided that:
 - i. An employment or supervisory relationship exists between the applicant and the agent; and
 - ii. The agent's privilege to take or possess wildlife is not suspended or revoked by any state.
 - i. A schedule of activities and the completion date of the project; and
 - j. Whether or not the applicant intends to publish the project or its findings;
5. If the applicant is renewing the wildlife holding license, the species and number of animals per species that are currently in captivity, and evidence of lawful possession as defined in R12-4-401;
6. A statement of the applicant's experience in handling and providing care for the wildlife to be held or of their experience that may be relevant to handling or providing care for wildlife.
7. The name, address, and telephone number of the location where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical location including township, range, and section. If the applicant applies to hold wildlife in more than one location, the applicant shall submit a separate application for each location;

8. A detailed description or diagram of the facilities where the applicant will hold the wildlife, and a description of how the facilities comply with R12-4-428, and any other captivity standards that may be prescribed by this Section;
9. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information they have provided is true and correct to their knowledge and that the applicant's wildlife privileges are not revoked in this state, any other state, or by the United States.
- D.** The Department shall issue a scientific collecting permit in compliance with R12-4-106. If the Department denies the application for a special license, the Department shall proceed as prescribed by R12-4-409(D).
- E.** By January 31 of each year or as otherwise required by R12-4-409(O), a scientific collecting permit holder shall file a written report on activities performed under the license for the previous calendar year. A scientific collecting permit holder shall submit an annual report on a form of content as prescribed by R12-4-409(O). The Department may stipulate submission of additional interim reports upon license application or renewal.
- F.** An agent of a scientific collecting permit holder is subject to stipulations placed on the applicant's permit at the time of application. The permit holder is responsible for acts of the agents that fall within the authority of this Section. The Department, acting on behalf of the Commission, may suspend or revoke a permit for violation of this Section by an agent.
- G.** A scientific collecting permit holder and its agents shall have the permit or a legible copy in their possession and available for inspection while conducting activities authorized under the scientific collecting permit.
- H.** A scientific collecting permit holder may at any time during the license period make a written request to amend the permit to add or delete agents meeting the criteria in subsection (F).
- I.** A scientific collecting permit holder shall notify the Department in writing within 10 calendar days of terminating any agent.

R12-4-419. ~~Wildlife~~ Game Bird Hobby License

- A.** A ~~wildlife~~ game bird hobby license allows an individual to perform any or all of the following: import, purchase, possess, propagate, give away, kill, transport and export pen-reared live ~~wildlife~~ game birds for personal, noncommercial use only. ~~The wildlife~~ Game birds may also be displayed for noncommercial purposes, but shall not be ~~displayed or maintained in conjunction with any commercial establishment exhibited.~~

~~B. The following criteria are requisite to approval of a wildlife hobby license.~~

- ~~1. A possible escape of the proposed species would not create a threat to indigenous wildlife.~~
- ~~2. The issuance of a license shall be for a purpose in the best interest of the wildlife or species to be held and shall not adversely impact upon any other affected wildlife in Arizona.~~
- ~~3. The Department may issue a license for only the following pen reared game birds:
 - ~~a. *Alectoris chukar*, chukar;~~
 - ~~b. *Callipepla californica*, California or valley quail;~~
 - ~~c. *Callipepla gambelii*, Gambel's quail;~~
 - ~~d. *Callipepla squamata*, scaled quail;~~
 - ~~e. *Colinus virginianus*, northern bobwhite; a license is required only in Units 34A, 36A, 36B, and 36C as prescribed in R12-4-108;~~
 - ~~f. *Cyrtonyx montezumae*, Montezuma or Mearn's quail;~~
 - ~~g. *Dendragapus obscurus*, blue grouse;~~
 - ~~h. *Phasianus colchicus*, ringneck and whitewing pheasant.~~~~

~~C. Application shall be made on a form available from any Department office. Application to possess more than 25 birds shall be accompanied by a detailed diagram of the facilities where the wildlife is to be held and a detailed description of the procedures to be employed by the applicant to meet with the requirements of R12-4-428. The Department shall issue the license or deny the application within 30 calendar days. Application requires the following to be provided by the applicant:~~

- ~~1. Name, address and telephone number of the applicant;~~
- ~~2. Location where wildlife is to be held, either:
 - ~~a. Street address, or~~
 - ~~b. Legal description;~~~~
- ~~3. Species of wildlife to be obtained or, if application is for renewal, species currently in captivity;~~
- ~~4. Signature of applicant.~~

An applicant for a game bird hobby license shall apply on a form provided by the Department and available at any Department office. The applicant shall provide the following:

1. Name, address, telephone number, birthdate, physical description, and (if applicable) Department ID number.
 2. The wildlife species and the number of animals per species that will be obtained under the license. If the application is for use of multiple species, the applicant shall list each species and the number of animals per species. The Department shall only issue a license for the following game bird species:
 - a. Blue grouse, *Dendragapus obscurus*;
 - b. Gambel's quail, *Callipepla gambelii*;
 - c. Montezuma or Mearns' quail, *Cyrtonyx montezumae*;
 - d. Northern bobwhite, *Colinus virginianus*, which only requires a game bird hobby license if used in game management units 34A, 36A, 36B, and 36C; and
 - e. Scaled quail, *Callipepla squamata*.
 4. If the applicant is renewing the game bird hobby license, the species and number of animals per species that are currently in captivity.
 5. The name, address, and telephone number of the location where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical description of the location, including township, range, and section;
 6. If the applicant is applying in order to possess more than 50 game birds, the application shall include a detailed description or diagram of the facilities where the applicant will hold the wildlife, and a description of how the facilities comply with R12-4-428, and any other captivity standards that may be prescribed by this Section;
 7. The name, address, and telephone number of all wildlife suppliers from whom the special license applicant will obtain wildlife;
 8. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information they have provided is true and correct to their knowledge and that the applicant's wildlife privileges are not revoked in this state, any other state, or by the United States.
- C. The Department shall issue a game bird hobby license in compliance with R12-4-106. If the Department denies the application for a special license, the Department shall proceed as prescribed by R12-4-409(D). The Department shall issue a game bird hobby license only if:

1. A possible escape of the proposed species would not create a threat to native wildlife;
2. The purpose for the license is in the best interest of the wildlife or the species; and
3. The license may be issued without posing a threat to public health or safety.

D. ~~Wildlife~~ Game bird hobby licenses are subject to the provisions of R12-4-409 and R12-4-428.

R12-4-420. Zoo License

A. With the exception of all live cervids, which shall not be imported, transported, or possessed except as allowed under R12-4-430, a zoo license allows an individual to perform all of the following: exhibit, educational display, import, purchase, export, possession, propagation, euthanization, transport, ~~giving~~ give away, ~~offering~~ offer for sale, ~~and sale,~~ or trade ~~of~~ restricted live wildlife and other ~~Arizona state~~ Arizona state wildlife legally possessed, subject to the following restrictions:

1. A ~~licensee~~ zoo license holder shall hold all wildlife possessed in the facilities specified on the license except when the wildlife is transported to or from a temporary exhibits exhibit. ~~Temporary exhibits~~ A temporary exhibit shall not exceed ~~20~~ 60 consecutive days at any one location.
2. A ~~licensee~~ zoo license holder shall only dispose of restricted live wildlife ~~within Arizona~~ in this state by selling, giving, or trading it to another zoo licensed under this Section, to an appropriate special license holder such as a game farm licensed under ~~R124413~~ R12-4-413, to a medical or scientific research facility exempted under ~~R124407~~ R12-4-407, by exporting it to a zoo that is certified by the American Zoo and Aquarium Association, or as directed by the Department.
3. A ~~licensee~~ zoo license holder shall not accept any wildlife ~~donations, or purchase or otherwise obtain~~ wildlife that is donated, purchased, or otherwise obtained without accompanying evidence of lawful possession.
4. A ~~licensee may~~ zoo license holder shall dispose of all wildlife obtained under a scientific collecting permit or wildlife that has been loaned to the zoo by the Department only as directed in writing by the Department.
5. A zoo license holder shall hold wildlife in such a manner as to prevent it from escaping the facilities specified on the license, and also to prevent the entry of unauthorized individuals or other wildlife.

B. ~~The following criteria are prerequisites for approval of a zoo license:~~

- ~~1. The Department shall ensure that the operation meets the definition of "zoo" at A.R.S. § 17101(A)(23).~~
- ~~2. An applicant shall submit with the application proof of current licensing by the United States Department of Agriculture under 9 CFR Subchapter A, Animal Welfare.~~
- ~~3. The Department shall ensure that the issuance of a license is for a purpose in the best interest of the wildlife or species to be held, does not adversely impact upon any other wildlife in Arizona, and does not pose a threat to wildlife or public safety.~~

The Department shall issue a zoo license only for the following purposes:

1. The advancement of science, wildlife management, or promotion of public health or welfare;
2. Education; or
3. Conservation, or maintaining a population of wildlife threatened with extinction in the wild.

C. ~~An applicant shall use a form available from any Department office. The applicant shall provide the following information on the form:~~

- ~~1. Name and location of the zoo;~~
- ~~2. Mailing address and telephone number for the zoo;~~
- ~~3. Signature of owner or person responsible for the zoo; and~~
- ~~4. If the application is not for renewal of a previously granted license, a list, by species, of restricted live wildlife and other legally possessed Arizona wildlife to be held and the number of each species. The list shall include scientific and common names for restricted live wildlife as specified in R12-4-406.~~

An applicant for a zoo license shall apply on a form provided by the Department and available from any Department office. The applicant shall provide the following information:

1. Name, address, telephone number, birthdate, physical description, and Department ID number (if applicable) of the applicant;
2. If the applicant will use the wildlife for a commercial purpose, the name, address, telephone number, and telephone number of the applicant's business. If the applicant will use wildlife for activities authorized by an educational or scientific institution that employs, contracts, or is similarly affiliated with the applicant, the applicant shall provide the name, address, and telephone number of the institution;
3. The wildlife species and the number of animals per species that will be held under the license. The list shall include scientific and common names for all wildlife held;

4. An applicant for a zoo license shall include a typewritten, computer or word processor printed, or legibly handwritten proposal that describes the following:
 - a. How the facility or operation meets the definition of a zoo, as stated in R12-4-401; and
 - b. The purpose of the license. Acceptable purposes of a zoo license are listed in subsection (B);
 5. If the applicant is renewing the zoo license, the species and number of animals per species that are currently in captivity, and evidence of lawful possession as defined in R12-4-401;
 6. Proof of current licensing by the United States Department of Agriculture under 9 CFR Subchapter A, Animal Welfare;
 7. The name, address, and telephone number of the zoo where the wildlife will be held. If the applicant applies to hold wildlife in more than one location, the applicant shall submit a separate application for each location;
 8. A detailed description or diagram of the facilities where the applicant will hold the wildlife, and a description of how the facilities comply with R12-4-428, and any other captivity standards that may be prescribed by this Section. A wildlife holding facility must satisfy a Department inspection before the license application will be approved; and
 9. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information they have provided is true and correct to their knowledge and that the applicant's wildlife privileges are not revoked in this state, any other state, or by the United States.
- D.** The Department shall issue a zoo license in compliance with R12-4-106. If the Department denies the application for a zoo license, the Department shall proceed as prescribed by R12-4-409(D). The Department shall issue a license for the purposes stated in subsection (B) if:
1. It is in the best interest of the wildlife, and
 2. Issuance of the license will not adversely impact other wildlife in the state.
- D E.** A zoo license holder shall clearly display an entrance sign that states the days of the week and hours when the facility is open for viewing by the general public.
- F.** A licensee zoo license holder shall maintain a record of each animal obtained under subsection (A)(4) for three years following the date of disposition. The record shall include the species, source of the wildlife, date received, any Department approval authorizing acquisition, and the date and method of disposition.

- G.** Before January 31 of each year, a zoo license holder shall file a written report on activities performed under the license for the previous calendar year. A zoo license holder shall submit an annual report to the Department in consistency with R12-4-409(O). The report shall summarize the current species inventory, and acquisition and disposition of all wildlife held under the license.
- H.** A zoo license holder may not add restricted live wildlife as specified in R12-4-406 to the license without making a written request to and receiving approval from the Department.
- I.** A licensee under this Section zoo license holder is subject to ~~R124409~~ R12-4-409, R12-4-428, and R12-4-430.

R12-4-421. Wildlife Service License

- A.** ~~A wildlife service license allows the live capture, transport, and relocation to the wild of furbearing, predatory, or nongame wildlife that is causing a nuisance or, property damage, or posing a threat to the health or life of any human being, or if the life, health, or well being of the wildlife is threatened by the condition of its immediate environment. A wildlife service license also allows the live capture, transport, and relocation to the wild of small game wildlife if the licensee is operating under a valid small game depredation permit issued under R12-4-113 to the wildlife service licensee or another for whom the licensee is acting as an agent. The Department shall issue a wildlife service license to a qualified individual subject to Department evaluation of and stipulations to the application submitted in compliance with subsection (C). Only the individual named on the license may conduct activities the license authorizes. A wildlife service license is not valid for any wildlife protected by federal law or regulation unless supported by federally issued documentation rendering the activity lawful. Persons employed by and conducting activities under the auspices of any public safety government agency or incorporated business authorized to provide public safety measures are exempt from the licensing requirements of this Section.~~

Any individual or company that provides, advertises, or offers assistance with nuisance wildlife to the general public with or without a fee is required to obtain a wildlife service license. A wildlife service license allows an individual to capture, remove, transport, and relocate to the wild designated live wildlife if it causes a nuisance, property damage, poses a threat to public health or safety, or if the health or well-being of the wildlife is threatened by its immediate environment. A wildlife service license holder may euthanize designated wildlife,

but only as prescribed by the Department. For the purposes of this Section, as defined in A.R.S. § 17-101, the following are designated live wildlife:

1. Furbearing wildlife;
2. Javelina (*Tayassu tajacu*);
3. Nongame wildlife;
4. Predatory wildlife; and
5. Small game wildlife.

B. The following criteria are prerequisites for approval of a wildlife service license:

1. ~~The applicant's privilege to take or possess wildlife is not under current suspension or revocation by the government of any state or the United States; and~~
2. ~~The licensee has provided documentation to prove a minimum of six months of full time employment or voluntary service experience in handling wildlife of the species or groups of species for which the wildlife service license will be valid.~~

An employee of a governmental public safety agency or incorporated business authorized to provide public safety measures is not required to possess a wildlife service license if the employee is acting within the scope of their official duties.

C. An applicant shall use a form available from any Department office. An applicant shall provide the following information at the time of application:

1. ~~The applicant name, mailing address, day and night telephone numbers to be provided to the public seeking service, and hours and days of the week when the applicant will be available for service;~~
2. ~~A list of furbearing, predatory, small game, or nongame wildlife, by species or groups of species, for which authorization is requested;~~
3. ~~The general geographic area where services are to be performed;~~
4. ~~The signature of the applicant and the date of application submittal; and~~
5. ~~A written narrative statement containing an explanation of the applicant's experience in the capture, handling, and removal of wildlife, specifying all species of wildlife for which the applicant has performed the function and referencing the general location and dates that the services were performed, along with the methods of disposition for wildlife captured.~~

An applicant for a wildlife service license shall apply on a form provided by the Department and available from any Department office. The applicant shall provide the following information:

1. Name, address, telephone number, birthdate, physical description, and (if applicable) Department ID number;
 2. If the applicant will perform license activities for a commercial purpose, the name, address, telephone number, hours and days of the week when the applicant will be available for service, and telephone number of the applicant's business;
 3. The designated wildlife species or groups of species listed in subsection (A) that will be used under the license;
 4. The methods that the wildlife license holder will use to perform authorized activities;
 5. A typewritten, computer or word processor printed, or legibly handwritten description of the following:
 - a. The applicant's experience in the capture, handling, and removal of wildlife;
 - b. Specific species that the applicant has had experience capturing, handling, or removing;
 - c. The general location and dates when these activities were performed;
 - d. The methods used to carry out the activities; and
 - e. The methods used to dispose of the wildlife;
 6. The general geographic area where services will be performed;
 7. Documentation that clearly proves that the applicant has a minimum of six months of full-time employment or volunteer experience handling wildlife of the species or groups of species listed in (3); and
 8. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information they have provided is true and correct to their knowledge and that the applicant's wildlife privileges are not revoked in this state, any other state, or by the United States.
- D.** The Department shall issue a wildlife service license as prescribed in R12-4-106. If the Department denies the application for a wildlife service license, the Department shall proceed as prescribed by R12-4-409(D).
- E.** A licensee wildlife service license holder shall be in possession of possess a copy of the approved license at all times when the licensed function is being performed performing activities authorized by the license.
- E F.** A licensee shall capture, remove, transport, or relocate to the wild any wildlife taken under this Section in the manner that is least likely to cause injury to the wildlife and least likely to result in negative human interaction.

~~The licensee shall not possess wildlife beyond the period of time necessary to transport and relocate the wildlife to the wild, except as allowed by R12-4-427. Wildlife shall not be displayed or exhibited during any period of possession under this Section.~~

A wildlife service license holder shall capture, remove, transport, and relocate designated wildlife as follows:

1. In a manner that is least likely to cause injury to the wildlife;
2. In a manner that will prevent the wildlife from coming into contact with the general public;
3. If the license holder intends to capture, remove, transport, relocate, or euthanize javelina, the license holder shall obtain special authorization from the Department by contacting the Department regional office that has jurisdiction over the area where the activities will be conducted ; and
4. If the license holder traps wildlife, the license holder shall comply with A.R.S. § 17-361(B) and (C).

G. A wildlife service license holder may euthanize wildlife taken under authority of this license only if authorized to do so under the license. If authorized, the license holder shall euthanize the wildlife by the safest, quickest and most humane method available. Unless otherwise stipulated in the license, a license holder shall dispose of all wildlife that is euthanized or that otherwise dies while held under license by burial or incineration within 30 days of death.

F H. A wildlife service license holder shall not possess designated wildlife beyond the period of time necessary to transport and relocate the wildlife to the wild, or to provide euthanization except as allowed by R12-4-427. Wildlife shall not be displayed or exhibited at any time when it is possessed under this license.

I. A wildlife service license holder shall release captured designated wildlife as follows:

1. Without immediate threat to the animal or injurious contact with humans;
2. During an ecologically appropriate time of year;
3. Into a habitat suitable for sustaining it;
4. In the same geographic area as the animal was originally captured, except that birds may be released at any location statewide within the normal range of that species in an ecological suitable habitat;
5. In an area designated by the Department regional office that has jurisdiction over the area where it was captured; or
6. Injured or orphaned wildlife may be given to an Arizona wildlife rehabilitation license holder.

~~J.~~ A wildlife service licensee license holder shall ~~advise~~ inform the Department in writing within five working days of any change in telephone number, area of service, or business hours or days previously submitted to the Department.

~~G K.~~ A licensee wildlife service license holder may, at any time during the license period, make a written request to amend the license to add or delete authority to ~~transport~~ control and release designated species of wildlife, provided that any addition requested meets the requirements of subsection (A). ~~The Department shall grant or deny the request within 60 calendar days of receipt.~~

~~H L.~~ A licensee ~~seeking~~ wildlife service license holder that seeks renewal of a wildlife service license without change to the species or species groups they are authorized to handle under an approved license may reference supportive materials submitted previously, rather than submitting copies of the materials with the application for renewal.

~~I M.~~ A licensee ~~shall submit a written report to the Department before January 21 following each license year.~~ Before January 31 of each year, a wildlife service license holder shall file a written report on activities performed under the license for the previous calendar year. A wildlife service license holder shall submit an annual report on a form available from the Department as prescribed by R12-4-409(O). The annual report shall also include:

1. A list of all services performed under the license during the preceding calendar year, including for each service;
2. The date and location of service;
3. The number and species of wildlife removed, and
4. The method of disposition for each animal removed, including the location and date of release.

~~J N.~~ A licensee ~~under this Section~~ wildlife service license holder is subject to R12-4-409 and R12-4-428.

~~K.~~ This rule is effective July 1, 2001.

R12-4-423. Wildlife Rehabilitation License

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

1. "Agent" ~~means a person designated on a license who assists a licensee in performing rehabilitative functions, including transport or release of wildlife, provided there is an employment or direct supervisory~~

~~relationship between the licensee and the person means the same as “sublicense” or “subpermitee” as it is used in federal laws that this Section references.~~

2. “Assistant” means ~~a person~~ an individual that is not designated as an agent, as defined in R12-4-401 and this Section, who assists a licensee wildlife rehabilitation license holder and is under the direct supervision of the license holder at the premises described on the license.

~~3. “License” means a form issued by the Department, and an application form submitted by an applicant and approved by the Department, including any stipulations made upon approval.~~

~~4~~ 3. “Migratory birds” means all species listed at 50 CFR 10.13, revised October 1 1999, not including any later amendments or editions, which is incorporated by reference in this Section. A copy of the incorporated ~~matter is on file with the Secretary of State and~~ material is available for inspection at any Department office, or it may be ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

~~5~~ 4. “Taxa” means groups of animals within specific classes of wildlife occurring in ~~Arizona~~ the state with common characteristics that establish relatively similar requirements for habitat, food, and other ecological or behavioral factors pertinent to establishing standards of housing, care, or rehabilitation, ~~as follows:~~

~~a. Amphibians: all amphibians.~~

~~b. Reptiles: all reptiles.~~

~~c. Birds:~~

~~i. Non passerines, birds in any order other than those named below;~~

~~ii. Raptors, birds in the orders Falconiformes or Strigiformes;~~

~~iii. Quail, birds in the order Galliformes;~~

~~iv. Doves, birds in the order Columbiformes;~~

~~v. Hummingbirds, birds in the order Trochiliformes; and~~

~~vi. Passerines, birds in the order Passeriformes.~~

~~d. Mammals:~~

~~i. Nongame mammals;~~

~~ii. Bats: all bats;~~

- iii. ~~Big game mammals other than cervids: bighorn sheep, bison, black bear, javelina, mountain lion, and pronghorn; and~~
- iv. ~~Carnivores: bobcat, coati, coyote, foxes, ringtail, skunks, and weasel.~~
- e. ~~All other systems of classification or nomenclature notwithstanding, endangered or threatened species and threatened native wildlife, as defined in R12-4-401, and golden eagles, Gila monsters, twin-spotted rattlesnakes, and banded rock rattlesnakes are not included in the taxa defined above and shall not be possessed under license unless specifically authorized on that license.~~

B. A wildlife rehabilitation license allows ~~the live~~ an individual to capture alive; transport; ~~possession temporarily possess~~; ~~rehabilitation~~ rehabilitate; transfer to a practicing veterinarian for treatment or euthanasia or to another rehabilitator licensed for the wildlife; ~~or release; and euthanasia of~~ or euthanize the injured, diseased, disabled, orphaned, or otherwise debilitated live wildlife specified on the license. ~~The license may also allow the wildlife to be exported, transferred to a licensed zoo, or disposed of as directed by the Department~~ The license also allows an individual to export, transfer to a licensed zoo, or dispose of wildlife as directed in writing by the Department. A ~~person~~ wildlife rehabilitation license holder shall not ~~educationally display for educational purposes or~~ exhibit, or permanently possess wildlife held under a ~~wildlife rehabilitation~~ the license. ~~The authorized activities are subject to Department evaluation of, and stipulations to, applications submitted in compliance with subsections (D) or (E)~~ The Department may add stipulations to a license, as stated in R12-4-409, if the Department finds it is necessary to do so after reviewing an application for a license, submitted as prescribed by (D), and evaluating the activities that an applicant proposes to perform. ~~The Department shall issue wildlife rehabilitation licenses subject to the following conditions:~~

1. ~~The Department shall issue a wildlife rehabilitation license only for the purpose of restoring wildlife to the wild through rehabilitative activities. All wildlife held under the license remains the property of the state and shall be returned to the Department upon request;~~
2. ~~The Department shall issue a wildlife rehabilitation license to provide a public service. The names and telephone numbers of all licensees are subject to public disclosure by the Department, and a licensee shall not charge a fee or other compensation for the wildlife rehabilitation functions performed;~~

~~3. The Department shall issue a wildlife rehabilitation license to an individual who is solely responsible for all expenses incurred and all actions taken under the license, including all actions and omissions of all agents and assistants; and~~

~~4. The Department shall issue a wildlife rehabilitation license that is valid only for the premises described on the license.~~

C. Before applying for a wildlife rehabilitation license, an individual shall take an examination administered and supervised by the Department that covers wildlife rehabilitation; handling, transport, humane treatment, and nutritional, behavioral, developmental, ecological, and habitat requirements of wildlife; captivity standards established under R12-4-428; human and wildlife safety considerations; and state laws regarding wildlife rehabilitation, specifically R12-4-409 and this Section. In order to take the test, an individual shall make an appointment with the Department to take the examination during normal business hours. An individual may request that the test be written or tape-recorded. The Department shall mail the results to the individual within 30 calendar days of the examination. The Department shall consider only those parts of the examination that are applicable to the taxa of wildlife for which the license is sought in establishing the qualifications of the applicant.

C. The following criteria are prerequisites for approval of a wildlife rehabilitation license:

~~1. The privilege of the applicant or any agent to take or possess wildlife is not under current suspension or revocation by the government of any state or the United States.~~

~~2. The Department shall issue a license to rehabilitate migratory birds only to persons 18 years of age or older. A minor's parent or legal guardian shall cosign the application of a minor to rehabilitate any other species and shall ensure that the application is notarized before submittal. See subsection (B)(3).~~

~~3. The applicant shall provide documentation to prove one or more of the following:~~

~~a. A valid, current license issued by a state veterinary medical examination authority, authorizing the applicant to practice as a veterinarian;~~

~~b. A minimum of six months of experience performing wildlife rehabilitative work for an average of not less than eight hours per week for the taxa of animals covered under the license, while assisting a licensed wildlife rehabilitator, a veterinarian, or a state or federal wildlife agency; or~~

~~e.—A current, valid wildlife rehabilitation license, issued by the government of any state or the United States.~~

~~4.—The applicant shall provide documentation that, within the last five years, the applicant has answered correctly at least 80% of the questions on a written or tape recorded examination, supervised and administered by the Department, related to: wildlife rehabilitation; handling, transport, humane treatment, and nutritional, behavioral, developmental, ecological, and habitat requirements of wildlife; captivity standards established under R12-4-428; human and wildlife safety considerations; this Section; and R12-4-409.~~

~~a.—The Department shall administer the examination by appointment at any Department office during normal working hours.~~

~~b.—The Department shall mail the written score of the examination to the applicant within 30 calendar days of the examination date.~~

~~c.—The Department shall consider only those sections of the examination that are applicable to the taxa of wildlife for which the license is sought in establishing the qualifications of the applicant; and~~

~~5.—Any licensee who, before the expiration of a Department license to rehabilitate wildlife, applies to continue without change the authorized activities for the authorized species and for no others is exempt from the written examination required by subsection (C)(4), unless written reports filed under subsection (Q) show that no rehabilitative functions were performed during the license period preceding the one for which the application is submitted.~~

~~D. An applicant shall use a form available from any Department office to apply for a wildlife rehabilitation license. Applications and licenses issued under this Section shall reference the taxa defined in subsection (A) or shall specify specific species.~~

~~1.—The applicant shall submit the following information on the form:~~

~~a.—Name, date of birth, mailing address, and telephone number of the applicant;~~

~~b.—Names, dates of birth, mailing addresses, and telephone numbers of all agents;~~

~~c.—Street addresses or legal descriptions of all premises at which wildlife rehabilitation facilities would be established~~

~~d.—The taxa or species of wildlife proposed to be rehabilitated; and~~

- ~~e.—Signature of the applicant and date of application submittal.~~
- ~~2.—The applicant shall include with the form typed, signed statements executed by all proposed agents, acknowledging that their privilege to take or possess wildlife is not under current suspension or revocation by the government of any state or of the United States.~~
- ~~3.—The applicant shall also include with the form a typed, signed narrative statement demonstrating, describing, or including at a minimum the following:~~
- ~~a.—Whether the applicant requests that methods of disposition of wildlife include export, transfer to a licensed zoo, or other methods under direction of the Department;~~
- ~~b.—If the application concerns rehabilitation of taxa not currently authorized by the Department, a statement of the applicant's training and experience in handling, capturing, rehabilitating, and caring for, the taxa for which the application is submitted;~~
- ~~c.—Detailed diagrams of all rehabilitation facilities in which wildlife would be held, including facilities to be used by agents. The diagrams must describe holding facility dimensions, though not necessarily to scale, materials, location relative to buildings and fences, and relevant information about proposed construction and expected completion dates; and~~
- ~~d.—A description of the procedures to be employed to ensure the standards set in R12 4 428 are always met, including cleaning methods; food and water supply; shelter; bedding; and mechanisms for prevention of escape by wildlife and, for potentially dangerous animals, protection of human safety.~~
- ~~4.—If required by subsection (C), the application shall include documentation of a passing score on the examination prescribed in subsection (C)(4).~~
- ~~5.—The applicant shall submit one or more of the following with the application:~~
- ~~a.—A typed, signed statement that the applicant is a licensed, practicing veterinarian;~~
- ~~b.—A typed, signed statement from the Department's Adobe Mountain Wildlife Center Coordinator that the Center will assist the applicant in providing rehabilitative treatment for the wildlife to be held under the license; or~~
- ~~c.—A typed, signed statement from a licensed, practicing veterinarian that the veterinarian is reasonably available to give veterinary services requested by the licensee as necessary to facilitate rehabilitation of wildlife. The licensee shall be responsible for any veterinary expenses.~~

~~6. A licensee seeking renewal of a wildlife rehabilitation license without change of species, location, or design of facilities may reference supportive materials submitted previously, rather than submitting copies of the materials with the application for renewal.~~

An applicant shall apply for a wildlife rehabilitation license using a form available from the Department. The applicant shall provide the following information:

1. Name, address, telephone number, birthdate, physical description, and (if applicable) Department ID number;
2. Documentation that proves one or more of the following:
 - a. A valid, current license issued by a state veterinary medical examination authority that authorizes the applicant to practice as a veterinarian;
 - b. A minimum of six months of experience performing wildlife rehabilitative work for an average of at least eight hours per week for the taxa or species of animal in (d) that is listed on the application; or
 - c. A current and valid license, permit, or other form of authorization issued by another state or the federal government that allows the applicant to perform wildlife rehabilitation.
3. Documentation that the applicant has answered correctly at least 80% of the questions on the examination in (C), and that the applicant took the examination within five years of applying for the license.
4. One or more of the following supporting documents:
 - a. A typed, computer or word processor printed, or legibly handwritten statement signed by the applicant that affirms that the applicant is a licensed, practicing veterinarian;
 - b. A typed, computer or word processor printed, or legibly handwritten statement signed by the Department's Adobe Mountain Wildlife Center Coordinator that the Center will assist the applicant in providing rehabilitative treatment for the wildlife to be held under the license; or
 - c. A typed, computer or word processor printed, or legibly handwritten statement signed by a licensed, practicing veterinarian that the veterinarian is reasonably available to give veterinary services requested by the applicant as necessary to facilitate rehabilitation of wildlife. The license holder shall be responsible for any veterinary expenses.
5. The wildlife taxa or species that will be used under the license. The Department shall only issue a wildlife rehabilitation license for the following taxa or species of wildlife:

- a. Amphibians: all amphibians;
- b. Reptiles: all reptiles;
- c. Birds:
 - i. Non-passerines, birds in any order other than those named in (ii) through (vi);
 - ii. Raptors, birds in the orders Falconiformes or Strigiformes;
 - iii. Quails, birds in the order Galliformes;
 - iv. Doves, birds in the order Columbiformes;
 - v. Hummingbirds, birds in the order Trochiliformes; and
 - vi. Passerines, birds in the order Passeriformes.
- d. Mammals:
 - i. Nongame mammals;
 - ii. Bats: all bats;
 - iii. Big game mammals other than cervids: bighorn sheep, bison, black bear, javelina, mountain lion, and pronghorn antelope; and
 - iv. Carnivores: bobcat, coati, coyote, foxes, raccoons, ringtail, skunks, and weasels.
- e. The Department shall not issue a wildlife rehabilitation license for the following wildlife species unless the applicant specifically states the species on the license application:
 - i. Arizona ridge-nosed rattlesnakes;
 - ii. Banded rock rattlesnakes;
 - iii. Desert massasaugas;
 - iv. Flat-tailed horned lizards;
 - v. Gila monsters;
 - vi. Eagles; and
 - vii. Notwithstanding the taxa listed in (a) through (d), species listed in Federal Endangered and Threatened Wildlife and Plants, 50 CFR 17.11 and 17.12, revised as of August 4, 2004, and species listed in Wildlife of Greatest Conservation Need in Arizona.
- 6. If the applicant is applying for a wildlife rehabilitation license to perform authorized activities with migratory birds, the applicant shall meet the following criteria:

- a. The applicant is at least 18 years old; or
 - b. The applicant has a parent or legal guardian cosign the application and have it notarized.
7. A typed, computer or word processor printed, or legibly handwritten narrative that describes the following:
 - a. The method of disposing of the wildlife that the applicant prefers: export, transfer to a licensed zoo, or another method as directed in writing by the Department; and
 - b. If the applicant applies to perform authorized activities with taxa or species of wildlife that are listed in (4)(e), a statement of the applicant's training and experience in handling, capturing, rehabilitating, and caring for the taxa or species.
8. The name, address, and telephone number of the location where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical description of the location, including township, range, and section;
9. A detailed description or diagram of the facilities where the applicant will hold the wildlife, and a description of how the facilities comply with R12-4-428, and any other captivity standards that may be prescribed by this Section.
10. If the applicant is authorizing an agent, as defined in R12-4-401, the applicant shall include the information stated in (1), (3), (5), (6), (7), (8), (9), and (11) as applicable to the agent. The agent shall sign and date the affidavit stated in (11), but shall omit (d). By signing the affidavit, the agent attests that the information they have provided is true and correct to their knowledge and that they have not had their wildlife privileges revoked in this state or any other state.
11. The applicant's signature and the date of signing. By signing the application, the applicant attests to the following:
 - a. The information the applicant has provided is true and correct to their knowledge;
 - b. The applicant is applying for the license for the sole purpose of restoring wildlife to the wild through rehabilitative activities;
 - c. The applicant understands that all wildlife held under the license remains the property of the state and shall be returned to the Department upon request.

- d. The applicant is solely responsible for all expenses incurred and all actions taken under the license, including all actions and omission of all agents and assistants when they are performing activities authorized under the license; and
 - e. The applicant shall conduct rehabilitation at the location listed on the license; and
 - f. The applicant's wildlife privileges are not revoked in this state, any other state, or the United States.
- E. The Department shall issue a wildlife rehabilitation license in compliance with R12-4-106. The Department may deny a license or limit a license based upon the training and experience of the applicant. If the Department denies the application for a wildlife rehabilitation license, the Department shall proceed as prescribed by R12-4-409(D).
- F. A wildlife rehabilitation license holder shall renew the license before it expires as stated in R12-4-409(M). If the license holder applies to renew the license as prescribed by subsection (D), the license holder may reference supportive material previously submitted to the Department if the license holder is not changing the species, location, or design of the facility where the wildlife will be held. The license holder shall retake the examination in subsection (B) if written reports submitted under subsection (V) indicate that the applicant did not perform any rehabilitative activities under the license.
- G. A wildlife rehabilitation license holder shall capture, remove, transport, and release wildlife under this Section in a manner that is least likely to cause injury to the affected wildlife.
- H. A wildlife rehabilitation license holder shall keep a current log that records the date they acquired wildlife held under the license, the location it was acquired from, and the date and method of disposition.
- I. A wildlife license holder shall participate in one of the following during the license period:
 - 1. Eight or more hours of continuing education sessions on the wildlife rehabilitation, offered by the Department at no fee. The Department shall provide each license holder with a minimum of 30 calendar days' notice of the sessions.
 - 2. Eight or more hours of continuing education sessions on wildlife rehabilitation offered by an accredited university or college; the National Wildlife Rehabilitation Council, R.R. 1, Box 125 E Brighton, IL 62012; or the International Wildlife Rehabilitation Council, P.O. Box 3007, Walnut Creek, CA 94598.
- J. A wildlife rehabilitation license holder shall obtain written authorization from the Department before allowing an individual to act as an agent. The agent shall have the authorization in possession and available for

inspection while performing activities authorized by the license. The Department may suspend or revoke the license holder's license for violation of this Section.

E K. A licensee wildlife rehabilitation license holder may, ~~at any time during the license period,~~ make a written request at any time during the license period to amend the license to add or delete ~~agents~~ an agent, to add or delete premises, or to obtain authority to rehabilitate additional taxa of wildlife. ~~The request shall meet the requirements of subsections (C)(4) and (D)(1) through (D)(3). The Department shall grant or deny a request within 60 calendar days of receipt.~~ To amend the license, the applicant shall submit the following:

1. To add or delete an agent, the information stated in (D)(1), (3), (5) through (9), and (11), as applicable to the agent;
2. To add or delete premises, the information stated in (D)(1), (5), (8), (9), and (11); and
3. To obtain authority to rehabilitate additional taxa or wildlife, the information stated in (D)(1) through (9) and (11).

F L. A wildlife rehabilitation license holder may accept donations from the public to compensate for expenses related to activities authorized under the license, or to provide materials or facilities necessary to perform those activities.

G. ~~A licensee shall capture, remove, transport, and release wildlife under this Section in a manner that is least likely to cause injury to the affected wildlife.~~

H M. A licensee wildlife rehabilitation license holder authorized to rehabilitate ~~big game mammals, golden eagles, Gila monsters, twin spotted rattlesnakes, banded rock rattlesnakes, endangered or threatened species, or threatened native wildlife as defined in R12-4-401~~ wildlife taxa or species listed in (D)(5)(d)(iii) and (iv) or (D)(5)(e) shall; contact the Department within 24 hours of receiving the individual animal, ~~contact the Department for~~ to obtain instructions in handling that animal. While awaiting instructions, emergency veterinary care shall be provided as necessary.

I N. Except when the Department has authorized possession for a longer period, a licensee wildlife rehabilitation license holder shall not possess a raptor bird longer than 180 days; or other wildlife longer than 90 days; and all wildlife not releasable after these time frames may be retained, transferred, disposed of, or euthanized as authorized by the Department. All wildlife held under the license remains the property of the state and shall be returned to the Department upon request. A licensee license holder shall submit a written request to the

Department to hold wildlife in excess of this period. The Department may require the licensee license holder to provide a typed, computer or word processor printed, or legibly handwritten signed statement ~~from signed by~~ a licensed veterinarian listing the medical reasons for the extension if there is a dispute between the Department and the ~~licensee~~ license holder regarding the medical necessity for the requested extension. The Department shall grant or deny a request for extension within 10 days of receipt of the request or the veterinarian's statement. The ~~licensee~~ license holder may continue to hold the specified wildlife while the Department considers the request. The Department shall deny a request for extension in writing and shall include in the written denial specific, time-dated directions on disposition of the animal.

J. Q. ~~A licensee wildlife rehabilitation license holder may hold wildlife under a wildlife rehabilitation~~ the license after the wildlife reaches a state of restored health only for the amount of time reasonably necessary to make humane disposition of the wildlife, but ~~in no case not~~ for longer than has been authorized under subsection ~~(H)~~ (N). Rehabilitated wildlife shall be released at an ecologically appropriate time of year and into a habitat suitable to sustain it:

1. In the same geographic area as the animal was originally obtained, except that birds may be released at any location statewide within the normal range of that species in ecologically suitable habitat; or
2. In an area designated by the Department; and
3. Without immediate threat to the animal of injurious contact with humans.

K. P. ~~To permanently hold rehabilitated wildlife that is unsuitable for release, a licensee shall apply for a wildlife holding license under R12-4-417~~ A wildlife rehabilitation license holder shall apply for and obtain a wildlife holding license as prescribed by R12-4-417 in order to permanently hold rehabilitate wildlife that is unsuitable for release.

L. Q. Unless otherwise stipulated in the license, a ~~licensee~~ wildlife license holder shall dispose of all wildlife that is euthanized or that otherwise dies while held under license within 30 days of death by burial or incineration, except that the ~~licensee~~ license holder shall transfer all carcasses of endangered or threatened species, ~~threatened native wildlife~~ wildlife of special concern as defined in R12-4-401, or golden eagles to the Department.

M R. A ~~licensee~~ wildlife rehabilitation license holder shall ensure that a copy of the approved license ~~and application, including any stipulations placed on that license,~~ accompanies any shipment or transport of wildlife under this Section, and is available for inspection at each of the premises authorized by the license.

N. ~~A licensee shall keep a current log that shows the date of acquisition, location, and disposition of all wildlife held under the license.~~

O S. Before January ~~16~~ 31 of each year, a ~~licensee~~ wildlife rehabilitation license holder shall file a written report on activities performed under the license for the previous calendar year. The ~~licensee~~ license holder shall report on a form available from the Department. The written report shall contain the following information:

1. The name, address, date of birth, and telephone number of the licensee and all agents;
2. The permit or license number of any federal permits or licenses that relate to any rehabilitative function performed by the ~~licensee~~ license holder; and
3. An itemized list of each animal held under the license during the calendar year for which activity is being reported. For each animal held by the ~~licensee~~ license holder or agent, the itemization shall include the: name of the species; condition that required rehabilitation; source, location, and date of acquisition; if reasonably determinable, age class at acquisition; status at disposition or end-of-year relative to the condition requiring rehabilitation; and method, place, and date of disposition. A copy of the rehabilitator's federal permit report of activities related to federally protected wildlife satisfies this reporting requirement for federally protected wildlife.

P. ~~A licensee shall participate in one of the following during the license period:~~

- ~~1. Eight hours or more of continuing education sessions on wildlife rehabilitation, offered by the Department at no fee. The Department shall provide each licensee with a minimum of 30 calendar days' notice of the sessions.~~
- ~~2. Eight hours or more of continuing education sessions on wildlife rehabilitation, offered by an accredited university or college; the National Wildlife Rehabilitators Association, R.R. 1, Box 125 E, Brighton, Illinois 62012; or the International Wildlife Rehabilitation Council, P.O. Box 3007, Walnut Creek, California 94598.~~

Q. ~~A licensee shall obtain written authorization from the Department under subsections (D) or (E) before designating any agent. The agent shall have the authorization in possession and available for inspection while~~

~~in possession of wildlife. The licensee is responsible for acts of the agent if they fall within the framework of this Section. The Department may suspend or revoke the rehabilitation license for violation of this Section by an agent.~~

R T. A wildlife rehabilitation license expires on December 31 of the ~~second~~ third year following the date of issuance of the license.

S U. A wildlife rehabilitation license holder is subject to ~~R124409 and R12-4-428~~ R12-4-409, R12-4-428, and R12-4-430.

R12-4-424. White Amur Stocking and Holding License

A. For the purposes of this Section:

1. “Closed aquatic system” means any body of water, water system, canal system, series of lakes, canals, or ponds where triploid white amur are prevented from ingress or egress by any natural or man-made barrier, as determined by the Department.
2. “Triploid” means a species that has 3N chromosomes.

B. A white amur stocking and holding license allows ~~for the importation, transportation, stocking and possession of an individual to import, transport, stock, and possess~~ triploid white amur (*Ctenopharyngodon idellus* *Ctenopharyngodon idella*). ~~The Department may make stipulations on what the license will allow, based on evaluation of the application. A white amur stocking license shall be obtained for each closed aquatic system, for each separately managed portion of a closed aquatic system, or for multiple separate closed aquatic systems owned, controlled, or legally held by the same applicant where stocking is to occur.~~

C. ~~In addition to the requirements in A.R.S. § 17-317, the following criteria are prerequisites for approval of a white amur stocking application:~~

- ~~1. The proposed stocking site meets the definition of a “closed aquatic system.”~~
- ~~2. The purpose of the stocking is control of aquatic weeds that interfere with recreational, domestic, municipal, agricultural, or industrial use of water; control of aquatic weeds that impair water quality; or for sale from licensed fish farms.~~
- ~~3. If the Department determines during the substantive review time frame for the special license identified in R12-4-106 and R12-4-409(A) that the stocking will be in watersheds containing threatened native wildlife~~

~~as defined in R12-4-401, the applicant shall submit a written proposal that addresses the biological ramifications of the introduction. A determination by the Department that negative impact on Arizona wildlife may result from issuance of the license is sufficient grounds for denying a license. The proposal shall include:~~

- ~~a. The purpose of the introduction;~~
- ~~b. Expected benefits;~~
- ~~c. Possible negative impacts;~~
- ~~d. An evaluation of the ecology of "threatened native wildlife" species identified by the Department as the reason for requiring the proposal;~~
- ~~e. An evaluation of potential displacement of "threatened native wildlife" identified by the Department;~~
- ~~f. An evaluation of disease potential; and~~
- ~~g. A method for post-introduction evaluation of status and impacts.~~

D. An applicant for a white amur stocking and holding license shall use a form available from any Department office. The applicant shall provide the following information on the form:

- ~~1. Name and address;~~
 - ~~2. Name and address of business and title of the position held by the applicant, if applicable;~~
 - ~~3. Name and address of suppliers;~~
 - ~~4. Name and legal description of the aquatic system to be stocked;~~
 - ~~5. Drainage;~~
 - ~~6. Purpose of stocking;~~
 - ~~7. Planned stocking date;~~
 - ~~8. Number and size of triploid white amur to be stocked; and~~
 - ~~9. Signature.~~
- 1. Name, address, telephone number, birthdate, physical description, and Department ID number (if applicable) of the applicant;
 - 2. If the applicant will use the white amur for personal use or for a commercial purpose. If the applicant is applying for the license for a commercial purpose, the applicant shall also provide the name, address, telephone number, and telephone number of the applicant's business;

3. The purpose for stocking the wildlife:
 - a. Control of aquatic weeds that interfere with recreational, domestic, municipal, agricultural or industrial use of water;
 - b. Control of aquatic weeds that impair water quality; or
 - c. For sale from licensed fish farms.
4. A detailed description or diagram of the aquatic system where the applicant will hold the white amur, as required by A.R.S. § 17-317, and a description of how the facilities meet the definition of a “closed aquatic system” as defined in R12-4-401
5. The name, address, and telephone number of the location where the white amur will be stocked, if applicable. Otherwise, the applicant shall provide the physical location of the stocking site, including township, range, and section. If the applicant applies to stock white amur in more than one location, the applicant shall submit a separate application for each location. The following qualify as separate locations:
 - a. Each closed aquatic system;
 - b. Each separately managed portion of a closed aquatic system;
 - c. Multiple separate closed aquatic systems owned, controlled, or legally held by the same applicant where stocking is to occur;
6. If the applicant will hold white amur at a business, the name, address, and telephone number of the business, and the title of the position held by the applicant;
7. A detailed description of how the applicant will meet the requirements of A.R.S. § 17-317;
8. The name, address, and telephone number of all white amur suppliers from whom the special license applicant will obtain white amur;
9. The number and size of triploid white amur to be stocked;
10. The date white amur will be stocked, or dates if stocking will take more than one day; and
11. The applicant’s signature and the date of signing. By signing the application, the applicant attests that the information they have provided is true and correct to their knowledge and that the applicant’s wildlife privileges are not revoked in this state, any other state, or by the United States.

D. The Department shall issue a white amur stocking and holding license as prescribed by R12-4-106. If the Department denies the application for a special license, the Department shall proceed as prescribed by R12-4-

409(D). The Department has the authority to place additional stipulations on a white amur stocking license for additional reasons than those stated in R12-4-409(F) if the Department determines it is necessary to do so during the substantive review time-frame. If the Department determines during the substantive review time-frame that stocking white amur will take place in a watershed that contains wildlife listed in “Wildlife of Special Concern” as defined in R12-4-401, the Department has the authority to request that the applicant submit a typewritten, computer or word processor printed, or legibly handwritten proposal that addresses the biological consequences of introducing white amur. The proposal shall include:

1. The purpose of introducing white amur;
2. Expected benefits of the introduction;
3. Possible negative impacts of the introduction;
4. An evaluation of the ecology and potential displacement of wildlife species listed in “Wildlife of Special Concern” identified by the Department;
5. An evaluation of disease potential; and
6. A method for evaluating the status of wildlife listed in “Wildlife of Greatest Conservation Need” and the impact introducing white amur has had on that wildlife after white amur is introduced.

E. If the Department denies the application for a special license, the Department shall proceed as prescribed by R12-4-409(D). The Department shall deny a white amur stocking license if the Department determines that issuing the license may result in a negative impact on state wildlife.

F. A white amur stocking and holding license holder shall ensure that all shipments of white amur are accompanied by certification issued by the U.S. Fish and Wildlife Service that verifies the white amur are triploid. The license holder shall provide a copy of the certificate to the Department before any stocking or restocking.

E G. A licensee white amur stocking and holding license holder shall report all restocking of white amur to the Department on forms provided by the Department before restocking. The licensee license holder shall provide the following information on the form:

1. ~~Name and address of the licensee as shown on the current white amur stocking license;~~
2. ~~Name and address of suppliers;~~
3. ~~Name and legal description of aquatic system to be restocked;~~

- ~~4. Drainage;~~
- ~~5. Purpose of restocking;~~
- ~~6. Planned restocking date;~~
- ~~7. Number and size of triploid white amur to be restocked; and~~
- ~~8. Signature.~~

1. Name, address, telephone number, birthdate, physical description, and Department ID number of the applicant as it appears on the current license;
2. If the applicant will use the white amur for a commercial purpose, the name, address, telephone number, and telephone number of the applicant's business;
3. The purpose for stocking the white amur:
 - a. Control of aquatic weeds that interfere with recreational, domestic, municipal, agricultural or industrial use of water;
 - b. Control of aquatic weeds that impair water quality; or
 - c. For sale from licensed fish farms.
4. A detailed description or diagram of the aquatic system where the applicant will hold the white amur, and a description of how the facilities meet the definition of a "closed aquatic system" as defined in R12-4-401
5. If the applicant will hold white amur at a business, the name, address, and telephone number of the business, and the title of the position held by the applicant;
6. The name, address, and telephone number of all white amur suppliers from whom the special license applicant will obtain white amur;
7. The number and size of triploid white amur to be stocked;
8. The date white amur will be stocked, or dates if stocking will take more than one day; and
9. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information they have provided is true and correct to their knowledge and that they have not had their wildlife privileges revoked in this state or any other state since the current license was issued.

H. Authorization for restocking white amur will not exceed 20 days and is valid only during the dates stipulated on the license.

~~F I.~~ All shipments of white amur shall be accompanied by certification issued by the U.S. Fish and Wildlife Service verifying triploidy, and a licensee shall provide a copy of the certificate to the Department before stocking.

~~G J.~~ A white amur stocking and holding license holder is subject to R12-4-409.

~~H.~~ This rule is effective July 1, 2001.

R12-4-425. Restricted Live Wildlife Lawfully Possessed without License or Permit ~~Prior to~~ Before the Effective Date of Article 4 or Any Subsequent Amendments

A. ~~Any person lawfully possessing~~ An individual that lawfully possessed restricted live wildlife without a license or permit from the Department ~~prior to~~ before the effective date of this ~~rule~~ Section or any subsequent amendments to this Section may continue to possess ~~this~~ the wildlife and to use ~~this wildlife~~ it for any purpose that was lawful ~~prior to~~ before the effective date of this ~~rule~~ Section or any subsequent amendments, and no special license shall be required provided:

1. The ~~person~~ individual notifies the Department's Phoenix office in writing ~~within 30 calendar days of the effective date of this rule~~ of the restricted live wildlife held, including the number of individuals of each species and the purpose for which it is used; ~~or~~ and
2. The individual provides this notice within 30 calendar days of the effective date of this Section or any subsequent amendments to this Section; or
3. The ~~person~~ individual maintains documentation of the restricted live wildlife held, including the number of individuals of each species and the purpose for which it is used. Documentation shall be notarized and dated within 30 calendar days of the effective date of this ~~rule~~ Section or the effective date of any subsequent amendments in order to be valid.

B. ~~Written notification or documentation required in subsection (A) shall contain the name and address of the person possessing the restricted live wildlife and the location where the wildlife is held.~~ An individual that possesses restricted live wildlife under this Section shall include their name, address, and the location where the wildlife is held in the written notification or documentation required in subsection (A). The Department shall acknowledge receipt of notification in writing. Those ~~persons maintaining~~ individuals that maintain their own documentation shall make it available for inspection upon request of a ~~game ranger~~ a designated Department employee.

- ~~C. Wildlife possessed pursuant to this rule may be disposed of~~ An individual that possesses wildlife under this Section may dispose of it only by the following methods:
1. Exportation;
 2. Within ~~Arizona~~ the state, to a holder of a special license, when that special license authorizes possession of the species involved;
 3. ~~Euthanization~~ Euthanasia; or
 4. As otherwise directed in writing by the Department.
- D. If an individual transfers restricted live wildlife possessed under this Section to a special license holder, the license holder must use and possess the wildlife only as prescribed by that special license.
- E. An individual that possesses wildlife under this Section shall dispose of any offspring of that wildlife by export, euthanasia, or as otherwise directed in writing by the Department.
- F. An individual that possesses wildlife under this Section or its offspring shall not import the wildlife back into the state unless that individual obtains a special license.
- G. This rule does not apply to desert tortoises, which are exempted pursuant to R12-4-407. An individual shall not possess a desert tortoise (*Gopherus agassizii*) under this Section. Desert tortoises are exempted under R12-4-407.

R12-4-426. Possession of Primates

- A.** For the purposes of this Section, the following definitions apply:
1. “Primate” means a non-human ~~primate~~ animal in the order Primate not listed in subsection R12-4-406(A)(4) (E)(4).
 2. “Infant” means an animal weighing less than 50% of the weight of an adult as identified in “The Pictorial Guide to Living Primates,” Pagonias Press 1996, and not including any later edition. This material is incorporated by reference. ~~A copy of the incorporated material and is on file with the Secretary of State and available from all Arizona Game and Fish Department regional offices.~~
 3. ~~“Zoonotic” means a disease that can be transmitted to humans by vertebrate animals.~~
- B.** ~~A person~~ An individual shall not buy, sell, barter, gift, or import an infant primate in ~~Arizona~~ this state.
- C.** ~~A person~~ An individual may import a non-infant primate into ~~Arizona~~ this state only if:

1. ~~The primate has been tested for and reported to be disease free from any zoonotic disease that poses a serious health risk, including tuberculosis, Simian Herpes B virus, and Simian Immunodeficiency Virus, as determined by the Arizona Game and Fish Department to be appropriate to the species being imported; and~~ The individual ensures that the primate is tested and reported to be free of any zoonotic disease, as defined in R12-4-401, that poses a serious health risk as determined by the Department. Zoonotic diseases that pose a serious health risk include, but are not limited to:
 - a. Tuberculosis;
 - b. Simian Herpes B virus; and
 - c. Simian Immunodeficiency Virus;
 2. ~~Test dates and test result dates are within 30 days prior to the date of importation; and~~ A qualified individual, as determined by the Department, performs the test and provides the test results; and
 3. ~~Tests were done by and test results were determined by qualified persons, as determined by the Arizona Game and Fish Department~~ The tests required by (1) are conducted no more than 30 days before the primate is imported and the results are received prior to import.
- D. ~~A primate shall be contained~~ A legal owner of a primate shall contain the primate within the confines of the legal owner's private property, except as follows: ~~;~~ A legal owner of a primate may only transport the primate by cage, crate or carrier. A legal owner of a primate shall only transport the primate to the following locations:
1. ~~When transported in a cage, crate, or carrier to~~ To or from a licensed veterinarian; or
 2. ~~When transported in a cage, crate, or carrier into~~ Into or out of ~~Arizona~~ the state for lawful purposes, or within ~~Arizona~~ the state to complete a lawful sale.
- E. A primate that bites, scratches, or otherwise exposes a human to pathogenic organisms, as determined by the ~~Arizona Game and Fish~~ Department, shall be examined and laboratory tested for the presence of pathogens as follows:
1. ~~The Arizona Game and Fish~~ Department Director or the Director's designee shall prescribe examinations and laboratory testing for the presence of pathogens.
 2. ~~An Arizona licensed veterinarian shall perform examinations and laboratory test specimen collection and submission.~~ The owner of a primate that bites, scratches, or otherwise exposes a human to pathogenic organisms shall have the primate examined by a state licensed veterinarian who shall perform any

examinations or laboratory tests as directed by the Department. The licensed veterinarian shall provide the laboratory results to the Director or the Director's designee within 24 hours of receiving the results. The Department shall notify the exposed individual and the Department of Health Services, Vector Borne and Zoonotic Disease Section within 10 days of receiving notice of the test results.

3. ~~An Arizona licensed veterinarian examining or laboratory testing a primate shall immediately report the results of an examination or laboratory test, by phone and in writing, to the Arizona Game and Fish Department Director or the Director's designee.~~
 4. The legal owner of the primate shall pay all costs associated with the examination, laboratory testing, and maintenance of the primate.
- F. A primate that tests positive for a zoonotic disease that poses a serious health risk to humans, or is involved in more than one incident of biting, scratching, or otherwise exposing a human to pathogenic organisms as determined by the Arizona Game and Fish Department, shall be maintained in captivity or disposed of as directed in writing by the ~~Arizona Game and Fish Department~~ Director or the Director's designee, ~~or disposed of as agreed to by the primate owner and the Department Director or the Director's designee.~~

R12-4-427. ~~Rehabilitation Exemption~~ Exemptions from Requirements to Possess a Wildlife Rehabilitation License

A. ~~Injured, orphaned, or otherwise debilitated live wildlife as listed below, not including eggs, and not including threatened native wildlife as defined in R12-4-401, may be possessed, provided with rehabilitative care, and released to the wild with no special license, provided that no more than 25 individual animals shall be possessed simultaneously in the aggregate, and no individual animal shall be possessed for more than 60 consecutive calendar days. An individual may possess, provide rehabilitative care to, and release to the wild any live wildlife listed below that is injured, orphaned, or otherwise debilitated:~~

1. The order Passeriformes, passerine birds;
2. The order Columbiformes, doves;
3. The family Phasianidae, quail, pheasant, partridge, and chukars;
4. The order Rodentia, rodents; and
5. The order Lagomorpha, hares and rabbits; except

6. An individual shall not possess the following under the provisions of this Section:

a. Eggs of wildlife;

b. Wildlife listed as Wildlife of Greatest Conservation Need in Arizona, as defined in R12-4-401; or

c. More than 25 animals at the same time.

~~B.~~ A hunting license shall not be required to take wildlife subject to this rule, but the wildlife may be taken only by hand or by hand held implement An individual is not required to possess a hunting license to take wildlife alive listed in (A). An individual shall only take wildlife by hand or by a hand-held implement.

C. An individual shall not possess wildlife under this Section for more than 60 days.

~~D.~~ The exemptions granted by this rule Section shall not apply to any individual who, by his or her own action, has unlawfully injured or orphaned the wildlife.

~~D E.~~ All wildlife held pursuant to this rule shall be released when rehabilitated, within the 60-day period, into habitat suitable to sustain them, as close as possible to the same geographic area from which they were originally taken. Wildlife not suitable for release to the wild within 60 days shall be given to a licensed rehabilitator or licensed veterinarian, or application must be made for a wildlife holding permit pursuant to R12-4-417, or wildlife shall be humanely killed. If the wildlife is rehabilitated and suitable for release, the individual that possesses the wildlife shall release it within the 60 day time-period stated in subsection (C) into a habitat that is suitable to sustain them, or as close as possible to the same geographic area from where it was taken. If the wildlife is not rehabilitated within the 60 day time-period or if the wildlife requires care normally provided by a veterinarian, the individual that possesses it shall:

1. Transfer it to a wildlife rehabilitation license holder or veterinarian;

2. Humanely kill it; or

3. Obtain a wildlife holding permit as prescribed by R12-4-417.

~~E E.~~ This rule Section does not exempt any person an individual from the requirements of federal law.

R12-4-428. Captivity Standards

A. ~~All wildlife held pursuant to a special license shall be kept in as humane a manner as the licensed purpose allows~~ An individual that holds a special license listed in R12-4-409(A) shall keep all wildlife held under the license in as humane a manner as the activities authorized by the license allow, to safeguard and protect the

interests of the wildlife held. ~~Licensees~~ A special license holder subject to the provisions of this ~~rule~~ Section shall comply with the minimum standards for humane treatment prescribed by this ~~rule~~ Section. ~~The term~~ For the purposes of this Section, “animal” ~~as used in this rule~~ means any wildlife held ~~pursuant to~~ under a special license, unless otherwise indicated.

B. ~~All~~ A special license holder shall ensure that all facilities ~~shall~~ required by their special license meet the following minimum standards.

1. The facility shall be constructed of such material and be of such strength as is appropriate for the nature of the animal held. The facility shall be properly braced and constructed of material of sufficient strength to resist any force the animal may be capable of exerting against it. The facility shall be constructed in such a manner as to reasonably prevent the animal’s escape or the entry of unauthorized ~~persons~~ individuals or animals. The housing facility shall be structurally sound and shall be maintained in good repair in order to protect the animals that are held from injury and to facilitate the humane practices prescribed by this ~~rule~~ Section.
2. ~~When~~ If required to comply with related provisions of this ~~rule~~ Section, there shall be safe, reliable and adequate electric power to the facility. All electric wiring shall be constructed and maintained ~~pursuant to~~ in accordance with all applicable governmental building codes. Such electrical construction and maintenance shall be sufficient to assure that no animal has direct contact with any electrical wiring or electrical apparatus and is fully protected from any possibility of shock or electrocution from any such electric conducting materials.
3. Every animal shall be supplied with sufficient potable water to meet its needs. If potable water is not accessible to the animal at all times, it shall be provided as often as necessary for the health and comfort of the animal, and the ~~licensee~~ license holder shall ensure that the level of available water is monitored once daily or more often as the needs of the animal dictate. All water receptacles shall be kept in clean and sanitary condition.
4. Food shall be wholesome, palatable, and free from contamination, and of sufficient appeal, quantity, and nutritive value to maintain each animal that is held in good health. Each animal’s diet shall be prepared based upon the nutritional needs and preferences of the animal with consideration for the age, species, condition, size, and type of the animal, and all veterinary directions or recommendations in regard to diet.

The quantity of food supplied to each animal shall be sufficient to meet its needs and keep it in good health. Each animal shall be fed as often as its needs dictate, taking into consideration hibernation, veterinary treatment or recommendation, normal fasts or other professionally accepted humane practices. The ~~licensee~~ license holder shall ensure that the level of available food for each animal is monitored once daily, except for those periods of time ~~where~~ when professionally accepted humane practices dictate that the animal not consume any food during the entire day. Food and food receptacles, if used, shall be sufficient in quantity and accessible to all animals in the facility and shall be placed to minimize potential contamination. Food receptacles shall be kept clean and sanitary at all times. Any self-feeding food receptacles shall function properly and the food they provide shall not be subject to deterioration, contamination, molding, caking, or any other process which would render such food unsafe or unpalatable for the animal to be fed. Appropriate means of refrigeration shall be provided for supplies of perishable animal foods.

5. The facility shall be kept sanitary and regularly cleaned as the nature of the animal requires and allows. Adequate provision shall be made for the removal and disposal of animal waste, food waste, unusable bedding materials, trash, debris and dead animals not intended for food. The facility shall be maintained to minimize the potential of vermin infestation, disease, and unseemly odors. Excreta shall be removed from the primary enclosure facility as often as necessary to prevent contamination of the animals and to minimize hazard of disease and to reduce unseemly odors. The sanitary condition of the facility shall be monitored by the licensee at least daily. When the facility is cleaned by hosing, flushing or the introduction of any chemical substances, adequate measures shall be taken to ensure the animal has no direct contact with any chemical substance and is not directly sprayed with water, steam or chemical substances or otherwise wetted involuntarily.
6. A sanitary and humane method shall be provided to rapidly eliminate excess water from the facility. If drains are utilized, they shall be properly constructed and kept in good repair to avoid foul odors, and installed so as to prevent backup or accumulation ~~of~~ of debris or sewage.
7. No animal shall be exposed to any human activity or environment not intended by the special license which may have an inhumane or harmful affect upon the animal.

8. Facilities shall not be constructed or maintained in proximity to any physical condition which may give rise to any health threat to the animal including, but not limited to, trash or garbage collection sites and/or pools of standing water. All ~~persons caring~~ individuals that care for the animals shall maintain themselves in a sufficiently clean condition when dealing in or around the animal so as to minimize any threat to the health of the animal.
9. All animals housed in the same facility or within the same enclosed area shall be compatible and shall not pose a substantial threat to the health, life or well-being of any other animal in the same facility or enclosure, whether or not the other animals are held ~~pursuant to~~ under a special license. This shall not apply to live animals placed as food items in the enclosures.
10. Facilities for the enclosure of animals shall be constructed and maintained to provide sufficient space to allow each animal adequate freedom of movement to make normal postural and social adjustments. The facility area shall be large enough and constructed in such a manner to allow the animal proper and adequate exercise as is characteristic to each animal's natural behavior and physical need. Facilities for digging or burrowing animals shall have secure safe floors below materials supplied for such digging or burrowing activity. Animals which naturally climb shall be provided with safe and adequate climbing apparatus. Animals which naturally live in an aquatic environment shall be supplied with sufficient access to safe water so as to meet their aquatic behavioral needs.
11. ~~Licensees~~ A special license holder shall ensure that a sufficient number of properly trained personnel are utilized to meet all the humane husbandry practices ~~set forth in this rule~~ prescribed by this Section. The ~~licensee~~ license holder shall be responsible for the actions of all animal care personnel and all other ~~persons coming~~ individuals that come in contact with the animals.
12. The facility and holding environment shall be structured to reasonably promote the psychological well-being of any primate held ~~pursuant to~~ under a special license.
13. ~~Licensees, except holders of~~ Except for wildlife hobby licenses issued pursuant to R12-4-419 ~~possessing license holders that possess~~ fewer than ~~25~~ 50 birds, ~~and except for licensees in possession of~~ and license holders that possess animals for less than one year, a special license holder shall designate a ~~veterinary doctor~~ veterinarian licensed to practice in ~~the State of Arizona~~ this state as the primary treating veterinarian for each individual species of animal to be held ~~pursuant to~~ under any special license issued. The ~~licensee~~

license holder shall ensure that all animals in their care receive proper, adequate and humane veterinary care as the needs of each animal dictate. Each animal held for one year or more and each facility used shall be inspected by the attending veterinarian at least once every year. Every animal shall receive veterinary care whenever it appears that such animal is ill, wounded, diseased, infected by parasites or behaving in a substantially abnormal manner, including but not limited to exhibiting loss of appetite or disinclination to normal physical activity. All medications, treatments and other directions prescribed by the attending veterinarian shall be properly administered by the licensee. No prescription medicine or medical treatment shall be administered by any ~~licensee~~ license holder unless under the direction of a veterinarian.

14. Any animal ~~which that~~ is suspected or diagnosed to harbor any infectious or transmissible disease, whether or not the animal is held ~~by~~ under a special license, shall be isolated immediately upon such suspicion or diagnosis from any animal to whom such disease could be transmitted. Such isolated animal shall continue to be kept in a humane manner and facility as required to this rule. Subsequent to the presence of an animal with an infectious or transmissible disease in any animal facility, whether or not the animal is held ~~by~~ under a special license, such facility shall be reasonably sanitized so as to reasonably eliminate the chance of other animals being exposed to infection. Such sanitation procedures may include, but not necessarily be limited to, the washing of facilities or animal-related materials with hot water and appropriate antibacterial chemical agents ~~as well as~~ and appropriate soaps or detergents; the appropriate application of steam under pressure; and the replacement of gravel, sand, water, food and/or dirt. All residue of chemical agents utilized in such sanitation process shall be reasonably eliminated from the facility before any animal is returned ~~thereto~~ to the facility. Parasites and avian and mammalian pests shall be controlled and eliminated so as to ensure the continued health and well-being of all animals.

C. ~~All~~ A special license holder shall ensure that all indoor facilities ~~shall~~ meet the following standards in addition to those set forth in subsection (B).

1. Heating and cooling facilities shall be supplied sufficient to regulate the temperature to protect the animals from extremes of temperature as the nature of the wildlife requires and to provide a healthful and humane living environment and prevent discomfort to the animal. The ambient temperature shall not be allowed to fall below nor rise above temperatures compatible with the health, comfort and humane care of any animal.

2. Indoor facilities shall be adequately ventilated by natural or mechanical means to provide for the healthful and humane keeping of any animal and prevent the discomfort of any animal. Such facility shall be provided with fresh air, either by means of windows, doors vents, fan or air conditioning sufficient to meet the humane needs of any animal and shall be constructed to minimize drafts, odors and moisture condensation.
3. Indoor facilities shall have lighting appropriate to the nature of the animals being kept therein by either natural or artificial means or both. Lighting shall be of good quality, distribution and duration as appropriate for the needs and nature of the animals held. Lighting shall be utilized in regular cycles as the animal's needs may dictate. Lighting shall be available which is of uniform distribution and sufficient intensity to permit routine inspection and cleaning of the facility. Lighting shall be designed to protect the animals from excessive or otherwise harmful aspects of illumination.

D. ~~All~~ A special license holder shall ensure that all outdoor facilities ~~shall~~ meet the following standards in addition to those set forth in subsection (B).

1. If sunlight is likely to cause overheating or discomfort of any animal, sufficient shade by natural or artificial means shall be provided to allow all animals kept outdoors to humanely protect themselves from any harmful affects of direct sunlight.
2. Sufficient natural or artificial shelter appropriate to humanely protect animals from normally expected local climatic conditions through the year shall be provided for all animals to prevent any discomfort or harm to the animals. No animal shall be exposed to any climatic condition which is potentially harmful to such animal. Individual animals shall be acclimated to outdoor climatic conditions before they are housed in any outdoor facility or otherwise exposed to the extremes of climate.

E. ~~When animals~~ If an animal must be handled, ~~they shall be~~ the special license holder that possesses it shall ensure that the animal is handled in an expeditious and careful manner to ensure no unnecessary discomfort, behavioral stress or physical harm to ~~such handled~~ the animal. ~~Animals~~ An animal that is transported shall be transported in an expeditious, careful, and humane fashion. During periods of transport, ~~animals~~ an animal shall be made as humanely secure as reasonably possible. No animal shall be transported in any manner that poses a substantial threat to the life, health, or behavioral well-being of the animal. All ~~transportation~~ facilities and services ~~utilized in regard to animals~~ used to transport the animal shall provide for the basic humane needs of

~~each~~ the animal during periods ~~where~~ when the animal is held in a transportation facility, including but not necessarily limited to providing the animal with adequate food, adequate water, adequate sanitary conditions, adequate ventilation, and any medication as prescribed by the attending veterinarian. If any animal is placed on public exhibit or educational display, such animal shall be handled in a manner minimizing the risk of harm to members of the public and to the animal itself; minimization of risk shall include but not necessarily be limited to sufficient distance existing between the animal and the viewing public to assure the safety of both the public and the animals. Any restraint used on any animal shall be humane in nature and not likely in either its design or use to cause physical harm or discomfort to the restrained animal except when discomfort is necessary to control the animal due to its size or strength.

- F. The Department may impose additional requirements ~~in regard to~~ on facilities ~~to be utilized for the keeping of any animal as the nature and the~~ that hold animals if it becomes necessary to meet the needs of the particular animal and to ensure public health and safety ~~dictate~~. Such additional special license facility requirements shall be set forth in writing by the Department at the time ~~of the issuance of~~ the special license is issued. Any ~~such notice of~~ additional requirements for housing facilities shall specify the reason necessitating such additional measures.

R12-4-430. Importation, Handling, and Possession of Cervids

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

1. "Cervid" means a mammal classified as a Cervidae or member of the deer family found anywhere in the world, as defined in the taxonomic classification from Volumes I and II of Walker's Mammals of the World. A copy is available for inspection at any Department office.
2. "Native cervid" means any member of the deer family in the genus Alces, common name moose; the genus Odocoileus, common name white-tailed and mule deer; or the genus Cervus, common name red deer, wapiti, and elk; or the genus Rangifer, common name reindeer and caribou.
3. ~~"Private game farm" means any facility licensed by the Arizona Game and Fish Department under R12-4-413.~~
4. "Wildlife disease" means a disease that poses a health risk to wildlife in Arizona.
- ~~5~~ 4. "Zoo" means any facility licensed by the Arizona Game and Fish Department under R12-4-420.

6. ~~"Zoonotic" means a disease that can be transmitted to humans from vertebrate animals.~~

B. No change

C. No change

D. No change

E. No change

F. No change

G. No change

H. No change

I. No change

J. No change

K. No change

L. No change

M. No change

N. No change

O. No change

P. No change