

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 16. ARIZONA MEDICAL BOARD

PREAMBLE

- | <u>1. Sections Affected</u> | <u>Rulemaking Action</u> |
|------------------------------------|---------------------------------|
| R4-16-104 | Amend |
| R4-16-105 | Amend |
| Table 1 | Amend |
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statutes: A.R.S. §§ 32-1403(A)(8) and 32-1404(D)
Implementing statute: A.R.S. § 41-1073
- 3. A list of all previous notices appearing in the Register addressing the proposed rules:**
Notice of Rulemaking Docket Opening: 9 A.A.R. 106, January 10, 2003
- 4. The name and address of agency personnel with whom persons may communicate regarding the rules:**
- | | |
|------------|--|
| Name: | Legislative and Legal Liaison |
| Address: | Arizona Medical Board
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258 |
| Telephone: | (480) 551-2712 |
| E-mail: | comments@azmdboard.org |
- 5. An explanation of the rules, including the agency's reasons for initiating the rules:**
The rules are being updated to be consistent with current rulewriting standards. The need for this rulemaking was identified during the five-year review process.
- 6. A reference to any study relevant to the rules that the agency reviewed and either proposes to rely on in its evaluation of or justification for the rules or proposes not to rely on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
Not applicable
- 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 proposed rulemaking provides clear, concise, and understandable information related the time-frames in which the Arizona Medical Board may review and issue or deny an allopathic physician license or license renewal. The proposed rulemaking does not impose any additional regulations or restrictions on the regulated public, businesses, or consumers. The proposed rulemaking will have a positive impact on those affected. The proposed rulemaking arms those affected with useful information to aid in effective and efficient forecasting and scheduling.

Arizona Administrative Register / Secretary of State
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The cost in preparing, implementing, and enforcing the proposed rulemaking is borne by the Arizona Medical Board. The cost is deemed minimal and expected, since the Arizona Medical Board views the rulemaking process as a cost of doing business. However, the benefits of the proposed rulemaking are invaluable to all who are affected.

The Governor's Regulatory Review Council and the Secretary of State's Office also share in the cost of the proposed rulemaking. Each bears their own internal costs of performing procedures related to the rulemaking process in general.

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:

Name: Legislative and Legal Liaison
Address: Arizona Medical Board
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258
Telephone: (480) 551-2712
E-mail: comments@azmdboard.org

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 Monday through Friday from 8:00 a.m. to 5:00 p.m. at the address listed in item #4, or via e-mail to comments@azmdboard.org. An oral proceeding may be requested by contacting the individual identified in item #4. A separate notice will be published in the event an oral proceeding is scheduled. The record will close October 10, 2003 at 5:00 p.m. unless a later date is provided for in any subsequent notice of oral proceeding.

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

None known

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

None

13. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 16. ARIZONA MEDICAL BOARD

ARTICLE 1. GENERAL PROVISIONS

Section

R4-16-104. Time-frames for License, Permit, or Registration
R4-16-105. Time-frames for License Renewal
Table 1. Time-frames (in calendar days)

ARTICLE 1. GENERAL PROVISIONS

R4-16-104. Time-frames for License, Permit, or Registration

- A. For each type of license, permit, or registration ~~issued~~ granted by the Board, the overall time-frame described in A.R.S. § 41-1072(2) is ~~listed~~ set forth in Table 1.
- B. For each type of license, permit, or registration ~~issued~~ granted by the Board, the administrative completeness review time-frame described in A.R.S. § 41-1072(1) is ~~listed~~ set forth in Table 1 and begins on the date the Board receives an application ~~and all required documents and information.~~
1. If the required application is not administratively complete, the Board shall send ~~to the applicant,~~ a deficiency notice to the applicant.
- a. The notice shall state each deficiency and the documentation and information needed to complete the application ~~and documents.~~
- b. Within the time provided in Table 1 for response to a deficiency notice, ~~beginning on the date of mailing of a deficiency notice,~~ an the applicant shall submit to the Board the ~~missing documents requested~~ documentation and information specified in the deficiency notice. The time-frame for the Board to finish the administrative completeness review is suspended from the date the Board mails the deficiency notice to the applicant until the date the Board receives the missing documentation and information.
- c. The Board shall issue a written notice informing the applicant that the application is deemed withdrawn if the applicant does not submit the requested documentation and information within the time-frame in Table 1.

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- e. ~~Under A.R.S. § 32-1427(E), an applicant for an initial license by examination or endorsement who disagrees with the deficiency notice may request a hearing before the Board at its next regular meeting if there is time at that meeting to hear the matter. The board shall not delay a requested hearing beyond 1 regularly scheduled meeting. At any hearing granted under this subsection, the applicant shall have the burden of proof to demonstrate that the alleged deficiencies do not exist.~~
- d. ~~Under A.R.S. § 32-1427(F), if an applicant for initial license by examination or endorsement does not submit the missing documents and information indicated in the deficiency notice within the time frame specified in subsection (B)(1)(b), the Board shall deem the application withdrawn.~~
- 2. ~~If the application is administratively complete, the Board shall send a written notice of administrative completeness to the applicant.~~
- 3. ~~If the application and submitted documents and information do not contain all of the components required by statute and rule, the Board shall send a written notice to the applicant informing the applicant that the application is deemed withdrawn.~~
- 2. An applicant who disagrees with the deficiency notice may request a hearing before the Board by filing a written request with the Board within 30 days of receiving the deficiency notice.
 - a. The Board shall place the hearing on the agenda for its next regular meeting if there is time available on the agenda. The Board shall not defer a hearing on a deficiency notice for more than one regular Board meeting.
 - b. The Board shall provide the applicant with written notice of the scheduled hearing.
 - c. If the applicant convinces the Board that the deficiencies do not exist, the Board shall remove the requirements.
- C. ~~For each type of license, permit, or registration issued granted by the Board, the substantive review time-frame described in A.R.S. § 41-1072(3) is listed at set forth in Table 1 and begins on the date the Board sends written notice of administrative completeness to the applicant determines the application is administratively complete.~~
 - 1. ~~During the substantive review time-frame, the Board may make ~~1~~ a comprehensive written request for additional information and additional requests with the applicant's written consent pursuant to A.R.S. § 41-1075. The applicant shall submit to the Board the additional information identified by the comprehensive written request within the time provided in Table 1, beginning on the date of mailing of the for a response to a comprehensive written request for additional information. The time-frame for the Board to finish the substantive review is suspended from the date the Board mails the comprehensive written request for additional information to the applicant until the Board receives the additional information. The Board shall issue a written notice informing the applicant that the application is deemed withdrawn if the applicant does not submit the requested additional information within the time-frame in Table 1.~~
 - 2. ~~The Board shall issue a written notice of denial of license, permit, or registration if the Board determines that the applicant does not meet all of the substantive criteria required by statute and rule Title 32, Chapter 13 of the Arizona Revised Statutes or this Chapter for a license, permit, or registration.~~
 - 3. ~~The Board shall issue a written notice informing the applicant that the application is deemed withdrawn if the applicant does not submit the requested additional information within the time frame in Table 1.~~
 - 4. 3. If the applicant meets all of the substantive criteria required by statute and rule Title 32, Chapter 13 of the Arizona Revised Statutes or this Chapter for license, permit, or registration, and has remitted the requisite fees under A.R.S. § 32-1436, the Board shall issue grant a license, permit, or registration to the applicant.
- D. In computing any period of time prescribed by this Section, the day of the act, event, or default is not included. The last day of the period is included unless it is Saturday, Sunday, or a state holiday. The computation includes intermediate Saturdays, Sundays, and holidays. The time period for an applicant to respond to a deficiency notice or request for additional information commences on the date the Board mails the notice or request.

R4-16-105. Time-frames for License Renewal

- A. ~~For license renewal of licensure, the overall time-frame described in A.R.S. § 41-1072(2) is 90 calendar days.~~
- B. ~~For license renewal of licensure, the administrative completeness review time-frame described in A.R.S. § 41-1072(1) is 90 calendar 45 days and begins on the date the Board receives the renewal application.~~
 - 1. ~~If the required application is not administratively complete, the Board shall send to the applicant a deficiency notice to the applicant. The notice shall state each deficiency and the documents and information needed to complete the renewal application.~~
 - a. The notice shall state each deficiency and the documentation and information needed to complete the renewal application.
 - b. Within 60 days of the mailing date of the notice, the applicant shall submit to the Board the requested documentation and information specified in the deficiency notice. The time-frame for the Board to finish the administrative completeness review is suspended from the date the Board mails the deficiency notice to the applicant until the date the Board receives the requested documentation and information.
 - c. The Board shall issue a written notice informing the applicant that the renewal application is deemed withdrawn if the applicant does not submit the requested documentation and information within the 60-day time-frame.

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2. ~~The 90-day time frame for the Board to finish the administrative completeness review is suspended from the date the Board mails the deficiency notice to the applicant until the date the Board receives the needed documents and information.~~
 3. ~~If an applicant does not submit a complete renewal application before May 1, the applicant's license expires, except that the license of a physician who does not renew the license and who has been advised in writing that an investigation is pending at the time the license is due to expire does not expire until the investigation is resolved. The license of a physician for whom an investigation is pending is suspended on the date it would otherwise expire and the physician shall not practice in this state until the investigation is resolved.~~
 4. ~~If the submitted application is administratively complete, the Board shall send a written notice of renewal to the applicant.~~
 2. An applicant who disagrees with the deficiency notice may request a hearing before the Board by filing a written request with the Board within 30 days of receiving the deficiency notice.
 - a. The Board shall place the hearing on the agenda for its next regular meeting if there is time available. The Board shall not defer a hearing on a deficiency notice for more than one regular Board meeting.
 - b. The Board shall provide the applicant with written notice of the scheduled hearing.
 - c. If the applicant convinces the Board that the deficiencies do not exist, the Board shall remove the deficiencies.
- C.** For license renewal, the substantive review time-frame described in A.R.S. § 41-1072(3) is 45 days and begins on the date the Board determines the application is administratively complete.
1. During the substantive review time-frame, the Board may make a comprehensive written request for additional information and additional requests with the applicant's written consent pursuant to A.R.S. § 41-1075. The applicant shall submit the additional information within 60 days of the mailing date of the request. The time-frame for the Board to finish the substantive review is suspended from the date the Board mails the request to the applicant until the date the Board receives the additional information. The Board shall issue a written notice informing the applicant that the application is deemed withdrawn if the applicant does not submit the requested additional information within the 60-day time-frame.
 2. The Board shall issue a written notice of denial of license renewal if the Board determines that the applicant does not meet all of the substantive criteria required by Title 32, Chapter 13 of the Arizona Revised Statutes and this Chapter for license renewal.
 3. If the applicant meets all of the substantive criteria required by Title 32, Chapter 13 of the Arizona Revised Statutes and this Chapter for license renewal, and has remitted the requisite fees, the Board shall grant the applicant a renewed license.
- D.** In computing any period of time prescribed by this Section, the day of the act, event, or default is not included. The last day of the period is included unless it is Saturday, Sunday, or a state holiday. The computation includes intermediate Saturdays, Sundays, and holidays. The time period for an applicant to respond to a deficiency notice or request for additional information commences on the date the Board mails the notice or request.

Table 1. Time-frames (in calendar days)

Type of License	Overall Time-frame	Administrative Review Time-frame	Time to Respond to Deficiency Notice	Substantive Review Time-frame	Time to Respond to Request for Additional Information
Initial License by Examination	240	120	365	120	90
Initial License by Endorsement	240	120	365	120	90
Locum Tenens or Pro Bono Registration	120	60	30	60	30
Temporary License	60	30	30	30	30
Teaching License	40	20	30	20	30
Educational Teaching Permit	20 14	10 7	10 7	10 7	10 7
Training Permit	40	20	30	20	30

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Short Term Training Permit	40	20	30	20	30
One-year Training Permit	40	20	30	20	30
Registration to Dispense Controlled Substances and Prescription-only Drugs and Devices	150	45	30	105	30

NOTICE OF PROPOSED RULEMAKING

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

PREAMBLE

1. Sections Affected

Rulemaking Action

R12-4-301	Amend
R12-4-302	Amend
R12-4-303	Amend
R12-4-304	Amend
R12-4-305	Amend
R12-4-306	Amend
R12-4-307	Amend
R12-4-308	Amend
R12-4-310	Amend
R12-4-311	Amend
R12-4-312	Amend
R12-4-313	Amend
R12-4-314	Repeal
R12-4-315	Amend
R12-4-316	Amend
R12-4-317	New Section
R12-4-318	Amend
R12-4-319	Amend
R12-4-320	New Section

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(A)(1) through (3) for R12-4-301 through R12-4-308, and R12-4-310 through R12-4-320

Implementing statutes: A.R.S. §§ 17-102 and 17-234 for R12-4-301; A.R.S. §§ 17-102, 17-331, 17-332, and 17-309 for R12-4-302; A.R.S. § 17-102 for R12-4-303; A.R.S. §§ 17-102, 17-231(A)(3), 17-235, and 17-301 for R12-4-304; A.R.S. §§ 17-231(B)(8), 17-309(A)(17), (18), (20), and (22), 17-235, and 17-371 for R12-4-305; A.R.S. §§ 17-231(A)(3) and 17-231(B)(6) for R12-4-306; A.R.S. § 17-361 for R12-4-307; A.R.S. §§ 17-231(A)(4) and 17-211(D)(3)(4) for R12-4-308; A.R.S. § 17-331 for R12-4-310; A.R.S. § 17-311 for R12-4-311; A.R.S. § 17-232 for R12-4-312; A.R.S. §§ 17-231(A)(3), 17-102, and 17-301 for R12-4-313; A.R.S. §§ 17-231(B)(6)(8) and 17-309(A)(20)(22) for R12-4-314; A.R.S. §§ 17-231(B)(8), 17-306, and 17-102 for R12-4-315; A.R.S. §§ 17-231(A)(3), 17-301(C), and 17-306 for R12-4-316; A.R.S. §§ 17-102 and 17-231(A)(2) for R12-4-318; A.R.S. §§ 17-102 and 17-301(B) for R12-4-319; A.R.S. §§ 17-231(A)(3)(B)(6)(8) and 17-301(C) for new rule R12-4-317; and A.R.S. § 17-231(A)(3)(4) for new rule R12-4-320

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

- Notice of Rulemaking Docket Opening: 8 A.A.R. 2973, July 19, 2002
- Notice of Public Meeting on Open Rulemaking Docket: 9 A.A.R. 1249, April 18, 2003
- Notice of Rulemaking Docket Opening: 9 A.A.R. 1820, June 6, 2003

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

Name: Carlos Ramírez, Rulewriter
Address: Arizona Game and Fish Department
2222 W. Greenway Road DORR
Phoenix, AZ 85023-4399
Telephone: (602) 789-3289
Fax: (602) 789-3677

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

The Arizona Game and Fish Department is proposing rulemaking following the 2002 five-year rule review of Title 12, Chapter 4, Article 3, Taking and Handling of Wildlife. The review, as required by A.R.S. § 41-1056, established a course of action to amend the rules according to Council standards. Subsequent review of these recommendations evaluated their efficacy in practice and enforcement, resulting in the proposed rulemaking as it is submitted in this Notice.

R12-4-301. Restrictions for Taking Wildlife in Maricopa County Parks

The Department will amend the rule as was recommended in the five-year rule review submitted to the Council in 2001, and make it consistent with current requirements for rulemaking language and style.

In addition, the Department will amend the rule to allow the trapping of any wildlife species in Maricopa County parks if there is a need to reduce their numbers for the safety of the general public or other wildlife. The Department currently allows the trapping and removal of predatory wildlife for these purposes.

Throughout the Article, the Department proposes to amend the rule where necessary in accordance with current Administrative Procedure Act guidelines for rulemaking language and style, as recommended by the Governor's Regulatory Review Council staff.

R12-4-303. Prohibited Devices and Ammunition

The Department will amend the rule as recommended in the five-year rule review submitted to the Council in 2001, and make it consistent with current APA guidelines for rulemaking language and style.

The Department proposes to amend the rule as follows:

- The title of the rule will be revised to replace "prohibited" with "unlawful: to more accurately reflect the contents of the rule. The revised title will be "Unlawful Devices, Methods, and Ammunition."
- The introductory paragraph will be amended to reflect the change to the title, and to more accurately reflect the nature of the devices, methods and ammunition listed in the rule. Thus, "methods" will be added to the prohibitions.
- The word "posses" in the introductory paragraph is misspelled and will be revised to read, "possess."
- The rule will be amended to delete the provision in subsection (7) that requires that persons using pitfall traps remove them when no longer in use and fill in any holes. This provision will be moved to R12-4-304(E) and (F), since it places requirements on a method of take rather than defining an unlawful device.
- The Department will amend the Article to prohibit bear baiting seasons. As part of this action, a new subsection (B) will be added to make "substances placed in a manner intended to attract bears" unlawful.

In addition to the recommendations made in the five-year review, the Department proposes the following additional rulemaking to achieve the objective of effectively managing the state's wildlife:

- Subsection (4) will be amended to make unlawful semiautomatic centerfire rifles with a magazine capacity of more than five cartridges, unless the magazine is modified with a filler or stop that cannot be removed without disassembling the magazine. This will still allow the use of centerfire rifles that are semiautomatic for taking wildlife within certain restrictions.
- The Department proposes to amend the rule to add a new subsection (C) to make "manual or powered jacking or prying devices used to take reptiles and amphibians" unlawful.
- Subsection (D) will be added to make unlawful "live decoys, recorded bird calls, electronically amplified bird calls, and baits for taking migratory game birds, as prohibited by 50 CFR 20.21." The federal regulations will also be incorporated by reference.

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- The Department proposes to amend the introductory paragraph of the rule to remove references to A.R.S. § 17-309 subsections (A)(6), (10), (19), and (21); but retains the original statute. The Department does this to eliminate future rule amendments that would be required should additional methods of take be found to be unlawful under A.R.S. § 17-309.

R12-4-304. Lawful Methods for Taking Wild Mammals, Birds and Reptiles

The Department will amend the rule as was recommended in the five-year review submitted to the Council in 2001, and make it consistent with current Administrative Procedures Act guidelines for rulemaking language and style.

The Department proposes the following rulemaking actions:

- Subsection (A)(2)(i), which allows for bear baiting, will be deleted. Most Western states now prohibit bear baiting, and Department records indicate that there have been no requests from the public for a bear-baiting season since 1986. The Department, therefore, believes that it is prudent to delete this provision from R12-4-304(A)(2)(h) and R12-4-318(C)(5). R12-4-303 will also be amended to add subsection (8) to make “substances placed in a manner intended to attract bears” unlawful.
- Revise subsections (D), (E), and (F) to clarify that it is not the intent of the rule to disallow the attachment of lights to a vehicle or powered watercraft for any purpose except the taking of wildlife.
- The exception for soft shell turtles in subsection (F) will also be deleted, since soft shell turtles are an invasive, non-native species, and the Department desires to increased their harvest.
- The rule will be amended to add the following to subsections (E) and (F): “Persons using pitfalls as allowed under this Section and not prohibited by R12-4-303 shall remove the pitfalls when no longer in use and shall fill in any holes.” This provision is currently contained in R12-4-303(7), but will be moved to these subsections since it does not define a prohibited device or method of take, but instead places specific restrictions on the use of a method of take.
- Subsections (E) and (F) will be amended to add that pitfall traps of any size shall be checked daily and non-target species released.

In addition to the recommendations made in the five-year review, the Department proposes the following additional rulemaking to achieve the objective of effectively managing the state’s wildlife:

- Add to subsection (A)(2) that bears may only be taken by pursuit with dogs between August 1 and December 31. These dates eliminate pursuit during the seasons when bears raise their young.
- Add to subsection (A)(8) that mountain lion may be taken by pursuit with dogs, as is authorized by R12-4-318.
- Subsection (A)(8)(h) will be amended to remove the restriction that a crossbow may be used to take mountain lion only under a crossbow permit. The Department has determined that a crossbow is sufficient to take mountain lions when authorized by Commission Order during a general season.
- New subsection (A)(9)(k) will be added to authorize the use of .17 rimfire magnum rifles to take turkey.
- Revise subsection (B)(3)(d) to prohibit the use of lead shot to take certain species of migratory game birds, because lead shot can become toxic. This will replace the restriction placed on lead shot in Commission-ordered “nontoxic shot zones,” which have not been used.
- New subsection (B)(3)(e) will be added to restrict shotguns shooting shot so that they are incapable of holding more than two shells in the magazine, unless plugged with a one-piece filler (that cannot be removed without disassembling the gun) that limits the magazine capacity to two shells. This allows the use of shotguns shooting shot, but restricts the use of rapid fire shotguns.

R12-4-306. Buffalo Hunt Requirements

The Department will amend the rule principally as recommended in the five-year rule review submitted to the Council in 2001, and make it consistent with current Administrative Procedures Act guidelines for rulemaking language and style.

The Department proposes to amend the rule as follows:

- The title of R12-4-306 will be changed from “Buffalo hunt regulations” to “Buffalo Hunt Requirements.” This will eliminate any confusion with the Department’s annual hunt regulations publication.
- Revise the rule to change “House Rock Ranch” to “House Rock Wildlife Area” since the term “ranch” is no longer used to designate this location.

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- Revise the rule to change “Raymond Ranch” to “Raymond Wildlife Area” since this is now the designation for this location.
- Amend subsection (B) to make it more clear, concise, and understandable.
- Amend subsection (C) to make it more clear, concise, and understandable.
- Revise subsection (D) to clearly indicate that the requirements apply to the Raymond Wildlife Area. Also, the last sentence of subsection (D) specifies that the hunter shall shoot only the legal buffalo designated by his or her permit. This provision is fully addressed in R12-4-302, and is found to be unnecessary in this Section. The Department therefore proposes to delete this provision from the rule.

In addition to the recommendations made in the five-year review, the Department proposes the following additional rulemaking to achieve the objective of effectively managing the state’s wildlife:

- Revise subsection (B) to change check-in requirements at House Rock Wildlife Area to make the process more flexible for the public. Both unsuccessful and successful hunters who harvest buffalo will be required to check out at the House Rock Wildlife Area, or report the kill in person at any Department office or by telephone.
- Reverse the order of subsections (C) and (D) to emulate the linear sequence of events.

R12-4-307. Trapping Regulations: Licensing; Methods; Tagging of Bobcat Pelts

The Department will amend the rule as recommended in the five-year rule review submitted to the Council in 2001, and make it consistent with current Administrative Procedures Act guidelines for rulemaking language and style.

The Department proposes to amend the rule as follows:

- Amend the rule to clarify the use of water set traps.
- Clarify subsection (E) to apply only to land sets.

In addition to the recommendations made in the five-year review, the Department proposes the following additional rulemaking to achieve the objective of effectively managing the state’s wildlife:

- Amend subsection (B) to clarify that, although an individual born before January 1, 1967 does not have to successfully complete a trapping education course to acquire a trapping license under A.R.S. § 17-333.02, “an individual born after January 1, 1967 must successfully complete a mandatory trapping education course” as part of lawful trapping of predatory and fur-bearing animals.
- Amend subsections (D)(2) and (3) to except live confinement traps from restrictions around occupied residences or buildings, and highways or trails. To require that residents seek consent from other residents within 1/2 mile to remove nuisance wildlife from their own property is counterintuitive to Title 17 statutes, such as A.R.S. § 17-239. Expanding development has also placed occupied residences and buildings within 100 yards of highways.
- Amend subsection (E) for clarity and understandability, and to allow two additional types of land set leghold traps to take wildlife. Advances in modern trap technology necessitate their regulation, as well as safety devices intended to minimize self-mutilation of trapped wildlife and to prevent accidental trapping of domesticated animals.
- New subsection (F) will be added to establish requirements for land leg hold set traps.
- Subsection (M)(3) and (5), formerly (L), will be amended to require that Department personnel or its authorized agents collect transportation tags for bobcat pelts before attaching the bobcat permit tag.

R12-4-308. Wildlife Inspections, Check Stations and Roadblocks

The Department will amend the rule principally as recommended in the five-year rule review submitted to the Council in 2001, and make it consistent with current Administrative Procedures Act guidelines for rulemaking language and style.

The Department proposes to amend the rule as follows:

- Revise subsection (B) to delete material that should be prescribed in Department policy rather than rule. This subsection will also be revised to notify the public that the Department has the authority to conduct inspections in accordance with Department policy and that the principal purposes of inspections are wildlife conservation and regulating the use of wildlife.

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During subsequent internal analysis of the completed five-year review, the Department has determined that it is impractical to apply certain recommendations due to changing circumstances. Though it proposes to amend the rules to comply with the intent of the recommendations, the Department will depart as follows:

- Subsection (B) will be amended to clarify that the primary purpose for wildlife check stations is for the Department to obtain survey and biological data to assist the agency in its wildlife conservation functions instead of subsection (A). The rule will also be clarified in subsection (C), rather than (A), that as a secondary purpose, the Department may use a check station to ensure compliance with applicable laws.
- A new subsection will not be added to clarify that a mandatory check station is different from a voluntary wildlife survey station, and that individuals are under no obligation to comply with a request to participate in this type of survey.

In addition to the recommendations made in the five-year review, the Department proposes the following additional rulemaking to achieve the objective of effectively managing the state's wildlife.

- Subsection (A) will be revised to delete regulations that should be prescribed in Department policy rather than rule, and to allow the Department to establish mandatory wildlife check stations for any purpose to make them more effective and reactive.
- Subsection (B) will be revised to delete material that should be prescribed in Department policy rather than a rule. This subsection will also be revised to notify the public that the Department has the authority to conduct wildlife inspections in accordance with Agency policy and that the principal purpose of inspections are to ensure compliance with applicable wildlife laws. Subsection (B) will also be amended to authorize the Department to obtain survey and biological data from the species of the greatest conservation need at check stations, or failing that, a Department office. A new requirement will be added for non-permit archery deer hunters to report their harvest, for special license-tag hunters to submit their horns or antlers and skull or skull cap for inspections and photography, and for successful lion hunters to submit a tooth for analysis.
- Amend the rule to change the order of events to make it linear.
- Subsection (C) will be revised to clarify that the Department may use a check station to ensure compliance with applicable laws, and establish requirements for inspection.

R12-4-313. Lawful Methods of Taking Aquatic Wildlife

The Department will amend the rule as recommended in the five-year rule review submitted to the Council in 2001, and make it consistent with current APA guidelines for rulemaking language and style.

The Department will amend the rule as follows:

- Subsection (B)(2)(b)(i) prescribes that live baitfish may be taken for personal use as bait by a cast net not to exceed a radius of 3 feet measured from the horn to the headline. The 3-foot measurement has been found to be too restrictive, since it is less than the minimum standard radius of cast nets currently being manufactured. The Department proposes to amend the rule to change the 3-foot measurement to 4 feet.
- Subsection (B)(2)(b)(ii) prescribes that live baitfish may be taken for personal use as bait by a minnow trap, as defined in R12-4-101. The Department has determined that this subsection is inadequate because it does not require that ownership identification information be attached to an unattended minnow trap. The Department proposes to amend the rule to require that all unattended minnow traps shall have attached water resistant identification legibly bearing the name, address, and fishing license number of the owner of the trap.

During subsequent internal analysis of the review, the Department has determined that it is impractical to apply certain recommendations due to changing circumstances and reexamination of implementation. Though it proposes to amend the rule to comply with the intent of the recommendations, the Department will depart as follows:

- In reviewing the rule, the Department has concluded that the rule should be restructured to include seasons for the take of aquatic wildlife. The Department will amend the rule accordingly, but will adopt a new Section to accomplish this. The new Section R12-4-317 will be based upon the model of R12-4-318, which prescribes seasons for wild mammals, birds and reptiles. The title of the rule will be changed to "Lawful Methods for Taking Aquatic Wildlife," and the new rule will address seasons for taking aquatic wildlife.

In addition to the recommendations made in the five-year review, the Department proposes the following additional rulemaking to achieve the objective of effectively managing the state's wildlife:

- Amend subsection (A) to clarify lawful methods of taking aquatic wildlife defined in statute.

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- Subsection (D) will be deleted and moved to new Section R12-4-317, "Seasons for Lawfully Taking Fish, Mollusks, Crustaceans, Amphibians and Aquatic Reptiles."
- Amend the rule to allow the use of net to take shad.

R12-4-319. Use of Aircraft to Take Wildlife

The Department will amend the rule as recommended in the five-year rule review submitted to the Council in 2001, and make it consistent with current APA guidelines for rulemaking language and style. The Department proposes to amend the rule as follows:

- Subsection (A)(3) has been found to be awkward and confusing. The Department proposes to revise the subsection as follows:
 3. "Locate" means any act or activity ~~directed at locating or finding wildlife in a hunt area~~ that does not take or harass wildlife and is directed at locating or finding wildlife in a hunt area.
- Subsection (D) has been found to be awkward and confusing. The Department intends to revise the subsection as follows:
 - ~~D. A person shall not locate or assist in locating wildlife from or with the aid of an aircraft beginning 48 hours before and during all open big game seasons, except Commission-ordered special seasons and seasons for mountain lion.~~
 - D. Except in hunt units with Commission-ordered special seasons under R12-4-115 and R12-4-120 and hunt units with seasons only for mountain lion and no other concurrent big game season, an individual shall not locate or assist in locating wildlife from or with the aid of an aircraft in a hunt unit with an open big game season. This restriction begins 48 hours before the opening of a big game season in a hunt unit and extends until the close of the big game season for that hunt unit.
- Subsection (D), formerly (E), is too narrow in scope, and does not adequately address issues relating to use of aircraft to take wildlife. The Department proposes to amend the rule to reference R12-4-115 and R12-4-120, dealing with special big game license tags, and to make unlawful the use of aircraft to locate wildlife 48 hours before or during a Commission-ordered special season for special big game license tag holders or anyone who assists or will assist the tag holder.

R12-4-320. Harassment of Wildlife

In order to address issues related to the harassment of wildlife with aircraft or motorized terrestrial or aquatic vehicles, the Department will adopt a new Section establishing such actions as unlawful.

The Department shall adopt the rule as follows:

- A. In addition to the provisions of A.R.S. § 17-301, it is unlawful to harass, molest, chase, rally, concentrate, herd, intercept, torment or drive wildlife with or from any aircraft, as defined in R12-4-319, or with or from any motorized terrestrial or aquatic vehicle.
- B. This Section does not apply to individuals acting:
 1. Under the provisions of A.R.S. § 17-239; or
 2. Within the scope of official duties as an employee or authorized agent of the state or the United States to administer or protect or aid in the administration or protection of land, water, wildlife, livestock, domesticated animals, human life or crops.

R12-4-302. Use of Tags

R12-4-305. Possessing, Transporting, Importing, Exporting and Selling Carcasses or Parts of Wild Mammals, Birds and Reptiles

R12-4-310. Fishing Permits

R12-4-311. Exemptions from Requirements to Possess an Arizona Fishing License While Taking Aquatic Wildlife

R12-4-312. Special Use Permits and Stamps fro Fishing on Waters with Shared Jurisdiction

R12-4-314. Possession, Sale, Transportation, and Importation of the Carcasses and Parts of Aquatic Wildlife

R12-4-315. Possession of Live Fish; Unattended Live Boxes and Stringers

R12-4-316. Possession, Transportation or Importation of Live Baitfish, Crayfish or Waterdogs

R12-4-317. Seasons for Lawfully Taking Fish, Mollusks, Crustaceans, Amphibians and Aquatic Reptiles

R12-4-318. Seasons for Lawfully Taking Wild Mammals, Birds and Reptiles

Proposed rule changes for R12-4-302, R12-4-305, R12-4-310, R12-4-311, R12-4-312, R12-4-314 (which is being repealed), R12-4-315, R12-4-316, R12-4-317 (which is being adopted as a New Section), and R12-4-318 are administrative in nature, made necessary by rule changes in the other rules of the Article, and may result in a negligible impact to the Department. The proposed rulemaking also makes technical corrections and drafting style changes to make the rule language consistent with the current requirements for rulemaking language and style. The only costs of the proposed changes are those associated with the rulemaking process itself. The Department will benefit from consistent implementation of associated rule changes, while the public will benefit from having improved rules that are clear, concise, and more easily understandable.

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

None

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:

R12-4-301. Restrictions for Taking Wildlife in Maricopa County Parks

The proposed rulemaking will result in a benefit to the general public, licensed trappers of this state, Maricopa County and the Arizona Game and Fish Department by allowing more species of nuisance and depredating wildlife to be removed from Maricopa County parks by trapping, and increasing thereby increasing safety. The proposed rulemaking will result in no additional costs to political subdivisions of this state. The proposed rulemaking will result in no additional costs to businesses of this state, or result in an effect on revenues or payroll expenditures of employers. The proposed rulemaking will result in no impact on private or public employment in businesses, agencies or political subdivisions of this state; or state revenues. The Department has determined there are no less intrusive or costly alternative methods of achieving the proposed rulemaking.

R12-4-303. Prohibited Devices and Ammunition

The proposed rulemaking will result in an impact to the Department, the general public, and may result in a minimal impact to hardware retailers by making the use of jacking devices to take reptiles and amphibians unlawful in order to conserve wildlife habitat; making state regulations more consistent with federal guidelines; and authorizing the use of modified semiautomatic centerfire rifles. It is not certain whether or not the proposed rulemaking will result in a measurable impact to hardware retail stores, because there is no means to indicate how many jacking devices are sold for these purposes. The proposed rulemaking will result in no impact to any political subdivisions of this state; private or public employment in businesses, agencies or political subdivisions; or state revenues. The Department has determined there are no less costly or intrusive alternative methods of achieving the purpose of the proposed rulemaking. There are no costs associated with the proposed rulemaking, other than costs associated with the regular rulemaking. Therefore, the Department has determined that the benefits of the proposed rulemaking outweigh any costs.

R12-4-304. Lawful Methods for Taking Wild Mammals, Birds and Reptiles

The proposed rulemaking will result in an overall benefit to the general hunting public, sporting goods retailers and the Department by redefining guidelines for the take of bear, mountain lion, turkey, and soft-shelled turtles. The proposed rulemaking will result in no impact to political subdivisions of this state; private and public employment in businesses, agencies or political subdivisions; or state revenues. The Department has determined that there are no less intrusive or costly alternative methods of achieving the purpose of the proposed rulemaking. Other than the regular cost of rulemaking, there are no costs associated with the proposed rulemaking. Therefore, the Department has determined that the benefits of the proposed rulemaking outweigh any costs.

R12-4-306. Buffalo Hunt Requirements

The proposed rulemaking will result in a benefit to the general hunting public and the Department by reestablishing hunting requirements for buffalo and check-in procedures for what will heretofore be referred to as the House Rock Wildlife Area. The proposed rulemaking will result in no impact to political subdivisions of this state; businesses, nor revenues or payroll expenditures of employers; private or public employment in businesses, agencies or political subdivisions of this state; or state revenues. The Department has determined there are no less intrusive or costly alternative methods of achieving the purpose of the proposed rulemaking. Other than the regular cost of rulemaking, there are no costs related to the proposed rulemaking. Therefore, the Department has determined that the benefits of the proposed rulemaking outweigh any costs.

R12-4-307. Trapping Regulations: Licensing; Methods; Tagging of Bobcat Pelts

The proposed rulemaking will result in an impact to the Department, trappers, allied industries, and the general public; as trapping guidelines are amended to allow for additional methods of trapping, and for public safety. The proposed rulemaking will result in no additional costs to political subdivisions of this state. The proposed rulemaking may result in increased job opportunities for trappers as rules are clarified and allowances are made to use confinement traps for nuisance and depredating wildlife on private property and around businesses. The proposed rulemaking will result in a benefit to businesses that employ licensed trappers as rules are updated to be more relevant to the practice of trapping, and additional methods are allowed. The proposed rulemaking may result in an increase in sales tax as more methods of trapping are allowed, and more trapping opportunities are created. The Department has determined that there are no less intrusive or costly alternative methods to achieve the purpose of the proposed rulemaking. There are no costs associated with the proposed rulemaking, other than the regular cost of rulemaking. For these reasons, the Department has determined that the benefits of the proposed rulemaking outweigh any costs.

R12-4-308. Wildlife Inspections, Check Stations and Roadblocks

The proposed rulemaking will result in an impact to the Department and the general hunting public that takes advantage of mountain lion wildlife opportunities as the rule is clarified and amended to require submission of samples of taken wildlife for management statistics. The proposed rulemaking will result in no impact to political subdivisions of this state; private or public employment in businesses, agencies or political subdivisions; or state revenues. The proposed rulemaking will result in no impact to small businesses. The Department has determined there are no alternative methods of achieving the purpose of the proposed rulemaking. For these reasons, the Department has determined that the benefits of the proposed rulemaking outweigh any costs.

R12-4-313. Lawful Method of Taking Aquatic Wildlife

The proposed rulemaking will result in an impact to the Department, the general fishing public and allied industries as the rule is clarified and amended to allow the taking of shad by seine net. The proposed rulemaking will result in no impact to any political subdivisions of this state; or private or public employment in businesses, agencies or political subdivisions of this state. The proposed rulemaking may result in an increase in sales tax revenues from an increased demand for fishing supplies. The Department has determined there are no less costly or intrusive alternative methods of achieving the purpose of the proposed rulemaking. Other than the regular cost of rulemaking, there are no costs associated with the proposed rulemaking. For these reasons, the Department has determined that the benefits of the proposed rulemaking outweigh any costs.

R12-4-319. Using Aircraft to Take Wildlife

The proposed rulemaking will result in an overall benefit to the Department and the general hunting public by closing a loophole in the use of aircraft to locate wildlife for holders of special big game license tags. The proposed rulemaking may result in a minimal impact to businesses that solicit aircraft services for the purpose of locating wildlife. The proposed rulemaking will result in no additional costs to other political subdivisions or agencies of this state. The proposed rulemaking will not impact private or public employment, nor will it have an effect on state revenues. The Department has determined there are no alternate methods for achieving the purposes of the proposed rulemaking.

R12-4-320. Harassment of Wildlife

The proposed rulemaking will result in a benefit to the Department and the general public by allowing the Department to regulate activities using water, air and land crafts that disturb wildlife and habitat. The proposed rulemaking will result in a benefit to political subdivisions of this state, particularly state counties, which receive complaints about disturbances caused by vehicles and aircraft, but do not have the authority to manage these activities. The proposed rulemaking will result in no impact to businesses or revenues or payroll expenditures of employers; private or public employment in businesses, agencies or political subdivisions; or state revenues. The Department has determined that there are no less intrusive or costly alternative methods to achieve the purpose of the proposed rulemaking. Other than costs associated with the regular rulemaking, the proposed rulemaking will result in no direct additional costs. Therefore, the Department has determined that the benefits of the proposed rulemaking outweigh any costs.

R12-4-302. Use of Tags

R12-4-305. Possessing, Transporting, Importing, Exporting and Selling Carcasses or Parts of Wild Mammals, Birds and Reptiles

R12-4-310. Fishing Permits

R12-4-311. Exemptions from Requirements to Possess an Arizona Fishing License While Taking Aquatic Wildlife

R12-4-312. Special Use Permits and Stamps for Fishing on Waters with Shared Jurisdiction

R12-4-314. Possession, Sale, Transportation, and Importation of the Carcasses and Parts of Aquatic Wildlife

R12-4-315. Possession of Live Fish; Unattended Live Boxes and Stringers

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R12-4-316. Possession, Transportation or Importation of Live Baitfish, Crayfish or Waterdogs

R12-4-317. Seasons for Lawfully Taking Fish, Mollusks, Crustaceans, Amphibians and Aquatic Reptiles

R12-4-318. Seasons for Lawfully Taking Wild Mammals, Birds and Reptiles

Proposed rule changes for R12-4-302, R12-4-305, R12-4-310, R12-4-311, R12-4-312, R12-4-314 (which is being repealed), R12-4-315, R12-4-316, R12-4-317 (which is being adopted as a New Section), and R12-4-318 are administrative in nature, made necessary by rule changes in the other rules of the Article, and may result in a negligible impact to the Department. The proposed rulemaking also makes technical corrections and drafting style changes to make the rule language consistent with the current requirements for rulemaking language and style. The only costs of the proposed changes are those associated with the rulemaking process itself. The Department will benefit from consistent implementation of associated rule changes, while the public will benefit from having improved rules that are clear, concise, and more easily understandable.

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:

Name: Rod Lucas, Regional Supervisor Mesa
Address: 7200 E. University
Mesa, AZ 85207-6502
Telephone: (480) 981-9400, ext. 209
Fax: (602) 255-3941

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 October 5, 2003. Public hearings to discuss this proposal will be held as follows:

Date: December 5-6, 2003
Time: TBA
Location: Arizona State Fairgrounds
Wildlife Building
1826 W. McDowell
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 Mark Naugle at (602) 789-3289 (Voice); 1-800-367-8939 (TDD); 2222 W. Greenway Road, Phoenix, AZ 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:

None

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

R12-4-303. ~~Prohibited Unlawful Devices, Methods, and Ammunition~~

10. Live decoys, recorded bird calls, electronically amplified bird calls, and baits for taking migratory game birds, as prohibited by 50 CFR 20.21, which is incorporated by reference hereafter.

13. The full text of the rules follows:

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

ARTICLE 3. TAKING AND HANDLING OF WILDLIFE

Section

- R12-4-301. Restrictions for Taking Wildlife in Maricopa County Parks
- R12-4-302. Use of Tags
- R12-4-303. ~~Prohibited Unlawful Devices, Methods, and Ammunition~~
- R12-4-304. Lawful Methods for Taking Wild Mammals, Birds, and Reptiles

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- R12-4-305. Possessing, Transporting, Importing, Exporting, and Selling Carcasses or Parts of ~~Wild Mammals, Birds, and Reptiles~~ Wildlife
- R12-4-306. Buffalo ~~hunt regulations~~ Hunt Requirements
- R12-4-307. Trapping Regulations: Licensing; Methods; Tagging of Bobcat Pelts
- R12-4-308. Wildlife Inspections, Check Stations, and Roadblocks
- R12-4-310. Fishing Permits
- R12-4-311. Exemptions from ~~requirement to possess an Arizona fishing license while taking aquatic wildlife~~ Requirement to Possess an Arizona Fishing License While Taking Aquatic Wildlife
- R12-4-312. Special use ~~permits and stamps for fishing on waters with shared jurisdiction~~ Use Permits and Stamps for Fishing on Waters with Shared Jurisdiction
- R12-4-313. Lawful Methods of Taking Aquatic Wildlife; Restrictions
- R12-4-314. ~~Possession, Sale, Transportation, and Importation of the Carcasses and Parts of Aquatic Wildlife~~ Repealed
- R12-4-315. Possession of ~~live fish; unattended live boxes and stringers~~ Live Fish; Unattended Live Boxes and Stringers
- R12-4-316. Possession, Transportation, or Importation of Live Baitfish, Crayfish, or Waterdogs
- R12-4-317. ~~Repealed~~ Seasons for Lawfully Taking Fish, Mollusks, Crustaceans, Amphibians, and Aquatic Reptiles
- R12-4-318. Seasons for Lawfully Taking Wild Mammals, Birds, and Reptiles
- R12-4-319. Use of Aircraft to Take Wildlife
- R12-4-320. Harassment of Wildlife

ARTICLE 3. TAKING AND HANDLING OF WILDLIFE

R12-4-301. Restrictions for Taking Wildlife in Maricopa County Parks

- A. ~~The lands~~ Lands and water ~~lying~~ within the boundaries of all Maricopa County ~~Parks~~ parks are open to hunting and trapping when a Commission order establishes an open season. ~~Persons~~ Individuals may use only the following methods of take:
 - 1. Archery hunting, when lawful for the wildlife taken under R12-4-304.
 - 2. Shotguns shooting shot, when taking small game, predatory, furbearing, and nongame animals during quail season in Lake Pleasant, White Tank Mountains, McDowell Mountain, and Estrella Mountain ~~Regional Parks~~ regional parks. See subsection (F).
- B. ~~A person~~ An individual is prohibited from using rifled firearms within ~~the all~~ Maricopa County ~~parks system~~ parks except to take deer during deer seasons established by Commission order with concurrence of the Maricopa County Recreation Services Department.
- C. ~~A person~~ An individual shall not trap within ~~the any~~ Maricopa County ~~park system~~ park except under the provisions of A.R.S. § 17-239, or when the Maricopa County Recreation Services Department and the Arizona Game and Fish Department determine that ~~predatory animal~~ wildlife numbers need to be reduced in a park area because of a danger to the public or other wildlife.
- D. ~~A person~~ An individual shall not hunt within 1/4 mile of any developed picnic area, boat ramp, shooting range, golf course, or other recreational area developed for public use.
- E. ~~Persons~~ Individuals entering any ~~part of the~~ Maricopa County ~~Park System~~ park for the purpose of hunting shall declare their intention of hunting and pay any fees ~~as~~ required by Maricopa County Recreation Services Department at an entry station when entering the park, if the park has an entry station in operation.
- F. This rule does not authorize ~~a person~~ an individual to use a method of take ~~which~~ that is prohibited by a city ordinance.

R12-4-302. Use of Tags

- A. In addition to meeting the requirements of A.R.S. § 17-331, an individual ~~taking~~ who takes wildlife shall have in possession any tag required for the particular season or hunt area.
- B. A tag obtained in violation of statute or rule is invalid and shall not be used to take, transport, or possess wildlife.
- C. An individual ~~taking~~ who takes wildlife shall not possess a tag issued to anyone else or attach to wildlife a tag issued to anyone else, except as provided in R12-4-217.
- D. An individual shall not allow a tag issued to that individual to be attached to ~~an animal~~ wildlife killed by anyone else, except as provided in R12-4-217.
- E. An individual shall not attach a tag issued to that individual to ~~an animal~~ wildlife killed by anyone else, except as provided in R12-4-217.
- F. An individual shall ~~use a tag to take~~ and tag only the ~~animal~~ wildlife identified on the tag.
- G. An individual shall use a tag only in the season and hunt area for which the hunt permit-tag is ~~issued~~ valid.
- ~~H. Nonpermit tags are not valid in hunt areas for which hunt permit tags are required.~~
- ~~I.~~ An individual who lawfully possesses both a nonpermit-tag and a hunt permit-tag shall not take a genus or species in excess of the bag limit established for that genus or species.

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~~J.I.~~ Immediately after an individual kills ~~an animal~~ the wildlife, unless exempted under R12-4-217, the individual shall attach the his or her valid tag to the animal wildlife carcass in the following manner:

1. Remove all of the detachable paper ~~cover~~ covering from the adhesive back of the tag.
2. Seal the exposed adhesive portions of the tag around the animal wildlife so the tag cannot be removed or reused and all printing on the face of the tag is visible.
 - a. For a deer, elk, or antelope, seal the tag around the antler or horn, or through the gambrel of a hind leg.
 - b. For a javelina, bighorn sheep, mountain lion, buffalo, or bear, seal the tag through the gambrel of a hind leg.
 - c. For a turkey, sandhill crane, or pheasant, seal the tag around the neck or a leg.
 - d. ~~For a sandhill crane, seal the tag around the leg or the neck.~~

~~K.I.~~ If a tag has been sealed or mutilated, or the transportation and shipping permit portion of the tag ~~included within the tag~~ is signed or filled out, the tag is no longer valid for taking wildlife.

~~L.~~ This rule is effective January 1, 1996.

R12-4-303. Prohibited Unlawful Devices, Methods, and Ammunition

A. In addition to the prohibitions prescribed in A.R.S. §§ 17-301(A) and 17-309(A)(6), (10), (19), and (21), the following devices, methods, and ammunition are prohibited unlawful for taking any wildlife in Arizona this state, and a person An individual shall not use or ~~posses~~ possess any of the following while taking wildlife:

1. Fully automatic firearms, including firearms capable of selective automatic fire;
2. Tracer ~~ammunition~~, armor-piercing or full-jacketed bullets ammunition designed for military use;
3. Shotguns larger than 10 gauge; or shotguns capable of holding more than ~~two~~ five shells in the magazine, unless plugged with a one-piece filler limiting (that cannot be removed without disassembling the gun) that limits the magazine capacity to 2 five shells, ~~which cannot be removed without disassembling the gun~~;
4. Semiautomatic centerfire rifles with a magazine capacity of more than 5 five cartridges, unless the magazine is modified with a filler or stop that cannot be removed without disassembling the magazine;
5. Contrivances designed to silence, muffle, or minimize the report of a firearm;
6. Poisoned projectiles, or projectiles ~~containing~~ that contain explosives;
7. Pitfalls of greater than 5-gallon size, explosives, poisons, or stupefying substances, except as permitted in A.R.S. § 17-239, or as allowed by a scientific collecting permit issued under A.R.S. § 17-238. ~~Persons using pitfalls as allowed under this rule shall remove the pitfalls when no longer in use and fill in any holes.~~

B. An individual shall not place substances in a manner intended to attract bears.

C. An individual shall not use manual or powered jacking or prying devices to take reptiles and amphibians.

D. An individual shall not use live decoys, recorded bird calls, electronically amplified bird calls, or baits to take migratory game birds, as prohibited by 50 CFR 20.21, revised June 14, 2001. This material is incorporated by reference in this Section, but does not include any later amendments or editions. A copy is on file with the Secretary of State, and is available from any Department office, or it may be ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

R12-4-304. Lawful Methods for Taking Wild Mammals, Birds, and Reptiles

A. An individual may use the following methods to take big game, subject to the restrictions in R12-4-318.

1. To take antelope:
 - a. Centerfire rifles;
 - b. Muzzleloading rifles;
 - c. All other rifles using black powder or synthetic black powder;
 - d. Centerfire handguns;
 - e. Handguns using black powder or synthetic black powder;
 - f. Shotguns shooting slugs;
 - g. Bows with a standard pull of 40 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges; and
 - h. For individuals holding a crossbow permit issued under R12-4-216, crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges.
2. To take bear:
 - a. Centerfire rifles;
 - b. Muzzleloading rifles;
 - c. All other rifles using black powder or synthetic black powder;
 - d. Centerfire handguns;
 - e. Handguns using black powder or synthetic black powder;
 - f. Shotguns shooting slugs;

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- g. Bows with a standard pull of 40 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges;
 - h. For individuals holding a crossbow permit issued under R12-4-216, crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges; and
 - i. ~~Substances placed in a manner intended to attract bears are lawful only during seasons established under R12-4-348 Pursuit with dogs between August 1 and December 31.~~
3. To take bighorn sheep:
- a. Centerfire rifles;
 - b. Muzzleloading rifles;
 - c. All other rifles using black powder or synthetic black powder;
 - d. Centerfire handguns;
 - e. Handguns using black powder or synthetic black powder;
 - f. Shotguns shooting slugs;
 - g. Bows with a standard pull of 40 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges; and
 - h. For individuals holding a crossbow permit issued under R12-4-216, crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges.
4. To take buffalo:
- a. At the House Rock Wildlife Area:
 - i. Centerfire rifles;
 - ii. Muzzleloading rifles;
 - iii. All other rifles using black powder or synthetic black powder;
 - iv. Centerfire handguns no less than .41 Magnum or centerfire handguns with an overall cartridge length of no less than two inches;
 - v. Bows with a standard pull of 50 or more pounds, using arrows with broadheads of no less than 7/8 inch in width with metal cutting edges; and
 - vi. For individuals holding a crossbow permit issued under R12-4-216, crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges.
 - b. At the Raymond Ranch Wildlife Area:
 - i. Centerfire rifles;
 - ii. Muzzleloading rifles; and
 - iii. All other rifles using black powder or synthetic black powder.
5. To take deer:
- a. Centerfire rifles;
 - b. Muzzleloading rifles;
 - c. All other rifles using black powder or synthetic black powder;
 - d. Centerfire handguns;
 - e. Handguns using black powder or synthetic black powder;
 - f. Shotguns shooting slugs;
 - g. Bows with a standard pull of 40 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges; and
 - h. Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges.
6. To take elk:
- a. Centerfire rifles;
 - b. Muzzleloading rifles;
 - c. All other rifles using black powder or synthetic black powder;
 - d. Centerfire handguns;
 - e. Handguns using black powder or synthetic black powder;
 - f. Shotguns shooting slugs;
 - g. Bows with a standard pull of 40 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges; and
 - h. For individuals holding a crossbow permit issued under R12-4-216, crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges.

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7. To take javelina:
 - a. Centerfire rifles;
 - b. Muzzleloading rifles;
 - c. All other rifles using black powder or synthetic black powder;
 - d. Centerfire handguns;
 - e. Handguns using black powder or synthetic black powder;
 - f. Shotguns shooting slugs;
 - g. Bows with a standard pull of 40 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges;
 - h. Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges;
 - i. .22 rimfire magnum rifles; and
 - j. 5 mm rimfire magnum rifles.
 8. To take mountain lion:
 - a. Centerfire rifles;
 - b. Muzzleloading rifles;
 - c. All other rifles using black powder or synthetic black powder;
 - d. Centerfire handguns;
 - e. Handguns using black powder or synthetic black powder;
 - f. Shotguns shooting slugs;
 - g. Bows with a standard pull of 40 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges; and
 - h. ~~For individuals holding a crossbow permit issued under R12-4-216, crossbows~~ Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges; and
 - i. Pursuit with dogs.
 9. To take turkey:
 - a. Centerfire rifles;
 - b. Muzzleloading rifles;
 - c. All other rifles using black powder or synthetic black powder;
 - d. Centerfire handguns;
 - e. Handguns using black powder or synthetic black powder;
 - f. Shotguns shooting slugs;
 - g. Bows with a standard pull of 40 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges;
 - h. Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges;
 - i. .22 rimfire magnum rifles;
 - j. 5 mm rimfire magnum rifles; ~~and~~
 - k. .17 rimfire magnum rifles; and
 - l. Shotguns shooting shot.
- B.** An individual may use the following methods to take small game, subject to the restrictions in R12-4-318.
1. To take cottontail rabbits and tree squirrels:
 - a. Firearms not prohibited in R12-4-303,
 - b. Bow and arrow,
 - c. Crossbow,
 - d. Pneumatic weapons,
 - e. Slingshots,
 - f. Falconry.
 2. To take all upland game birds:
 - a. Bow and arrow,
 - b. Falconry,
 - c. Shotguns shooting shot,
 - d. Handguns shooting shot,
 - e. Crossbow.
 3. To take migratory game birds:
 - a. Bow and arrow;
 - b. Crossbow;
 - c. Falconry;

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- d. Shotguns shooting shot, except that lead shot shall not be used or possessed while taking individuals in areas designated by Commission order as “nontoxic shot zones” shall not use or possess lead shot while taking ducks, geese, swans, mergansers, common moorhens, or coots.
 - e. Shotguns shooting shot and incapable of holding more than two shells in the magazine, unless plugged with a one-piece filler (that cannot be removed without disassembling the gun) that limits the magazine capacity to two shells.
- C. An individual may take waterfowl from a watercraft except a sinkbox, under the following conditions:
- 1. The motor, if any, is shut off, the sail, if any, is furled, and any progress from a motor or sail has ceased;
 - 2. The watercraft may be drifting as a result of current or wind action; may be beached, moored, or resting at anchor; or may be propelled by paddle, oars, or pole; and
 - 3. An individual may use a watercraft under power to retrieve dead or crippled waterfowl, but no shooting is permitted while the watercraft is underway.
- D. An individual may take predatory and furbearing animals by using the following methods, subject to the restrictions in R12-4-318. ~~An individual may use artificial light while taking raccoon but shall not attach lights to or operate lights from a motor vehicle, including powerboats. :~~
- 1. Firearms not prohibited in R12-4-303; ;
 - 2. Bow and arrow; ;
 - 3. Crossbow; ;
 - 4. Traps not prohibited by R12-4-307; ; and
 - 5. Artificial light while taking raccoon, provided that the light is not attached to or operated from a motor vehicle, motorized watercraft, watercraft under sail, or floating object towed by a motorized watercraft or a watercraft under sail.
- E. An individual may take nongame mammals and birds by any method not except foot hold steel traps or methods prohibited in R12-4-303 or R12-4-318. An individual may use artificial light while taking nongame mammals and nongame birds but shall not use firearms at night, and shall not attach lights to or operate moveable lights from a motor vehicle, including powerboats. under the following conditions. An individual:
- 1. Shall not take nongame mammals and birds using foothold steel traps;
 - 2. Shall check pitfall traps of any size daily, release non-target species, remove pitfalls when no longer in use, and fill any holes;
 - 3. Shall not use firearms at night;
 - 4. May use artificial light while taking nongame mammals and birds, provided that the light is not attached to or operated from a motor vehicle, motorized watercraft, watercraft under sail, or floating object towed by a motorized watercraft or a watercraft under sail.
- F. An individual may take reptiles, ~~except soft shell turtles,~~ by any method not prohibited in R12-4-303 or R12-4-318. ~~An individual may use artificial light while taking reptiles but shall not use firearms at night, and shall not attach lights to or operate lights from a motor vehicle, including powerboats. under the following conditions. An individual:~~
- 1. Shall check pitfall traps of any size daily, release non-target species, remove pitfalls when no longer in use, and fill any holes;
 - 2. Shall not use firearms at night;
 - 3. May use artificial light while taking reptiles, provided that the light is not attached to or operated from a motor vehicle, motorized watercraft, watercraft under sail, or floating object towed by a motorized watercraft or a watercraft under sail.

R12-4-305. Possessing, Transporting, Importing, Exporting, and Selling Carcasses or Parts of ~~Wild Mammals, Birds, and Reptiles~~ Wildlife

- A. For the purposes of this Section, “evidence of legality” means ~~that wildlife is identifiable as to species and legality, and that the wildlife is accompanied by any appropriate license, tag, stamp, or permit required by law:~~
- 1. The wildlife is identifiable as the “legal wildlife” prescribed by Commission order, which may include evidence of species, gender, antler or horn growth, maturity and size; and
 - 2. The wildlife is accompanied by the applicable license, tag, stamp or permit required by law.
- B. A person shall ensure that evidence of legality remains with the carcass or parts of a carcass of any wild mammal, bird, or reptile the person possesses or transports, until arrival at the person’s permanent abode or commercial processing plant for processing or the place where the wildlife is to be consumed. A person possessing or transporting the following shall also ensure that:
- 1. ~~Big game and sandhill cranes each have the required hunt permit tag or nonpermit tag attached as prescribed in R12-4-302.~~
 - 2. ~~Migratory game birds, except sandhill cranes, each have 1 fully feathered wing attached.~~
 - 3. ~~Each sandhill crane has either the fully feathered head or 1 fully feathered wing attached.~~

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4. Each quail has attached a fully feathered head, or a fully feathered wing, or a leg with foot attached, if the current Commission order has established separate bag or possession limits for any species of quail.
- B.** An individual shall ensure that evidence of legality remains with the carcass or parts of a carcass of any wild mammal, bird, or reptile that the individual possesses or transports, until arrival at the individual's permanent abode, a commercial processing plant, or the place where the wildlife is to be consumed.
- C.** In addition to the requirement in subsection (B), an individual possessing or transporting the following wildlife shall also ensure that:
1. Big game, sandhill cranes and pheasant each have the required valid tag attached as prescribed in R12-4-302.
 2. Migratory game birds, except sandhill cranes, each have one fully feathered wing attached.
 3. Each sandhill crane has either the fully feathered head or one fully feathered wing attached.
 4. Each quail has attached a fully feathered head, or a fully feathered wing, or a leg with foot attached, if the current Commission order has established separate bag or possession limits for any species of quail.
- ~~**D.**~~ A person An individual who has lawfully taken wildlife that requires a valid tag when prescribed by the Commission, such as a big game animal, sandhill crane or pheasant, may authorize its transportation or shipment by completing and signing the transportation or shipping permit Transportation/Shipping Permit portion of the valid tag valid for that animal. A separate Transportation or Shipping Transportation/Shipping Permit issued by the Department is necessary to transport or ship to another state or country any big game taken with a resident license. Under A.R.S. § 17-372, an individual may ship other lawfully taken wildlife by common carrier after obtaining a valid Transportation/Shipping Permit issued by the Department. The person individual shall provide the following information on the permit form:
1. Number and description of the wildlife to be transported or shipped;
 2. Name of person the individual who took the wildlife and that person's individual's address, license number, license class, and tag number;
 3. Address of destination where the wildlife is to be transported or shipped; and
 4. Name and address of transporter or shipper.
- ~~**E.**~~ A person An individual shall not possess the horns of a bighorn sheep, taken by a hunter in Arizona, unless the horns are marked or sealed as prescribed in R12-4-308.
- ~~**F.**~~ A person selling, offering for sale, or exporting An individual who sells, offers for sale, or exports the raw pelt of a bobcat taken in Arizona shall obtain a bobcat permit tag pursuant to R12-4-307 available for a fee as provided in R12-4-102 at Department offices and other locations at those times an places as determined and published by the Department, and shall ensure that the bobcat permit tag is locked through the mouth or eye openings so that it cannot be removed.
- ~~**G.**~~ A person An individual may import carcasses or parts of carcasses of wild mammals, birds, and reptiles which wildlife that have been lawfully taken in another state or country when accompanied by license, tag or permit required from that state or country evidence of legality.
- ~~**H.**~~ Persons Individuals who obtain buffalo meat under R12-4-306 may sell the meat.
- ~~**I.**~~ This Section is effective April 1, 1997 An individual may import into this state the carcasses or parts of aquatic wildlife that have been lawfully taken in another state or country when accompanied by evidence of legality, and when transported and exported in accordance with the laws of the state or country of origin.
- J.** An individual in possession of or transporting the carcasses of any freshwater fish that have been taken within Arizona shall ensure that the head, tail, or skin is attached so that the species can be identified, numbers counted, and any required length determined.
- K.** An individual in possession of carp (Cyprinus carpio) or buffalofish (Ictiobus spp.) carcasses taken under Commission order may sell the carcasses.

R12-4-306. Buffalo hunt regulations Hunt Requirements

- A.** When authorized by Commission order, the Department shall conduct a hunt to harvest buffalo from the state's buffalo herds.
- B.** Hunters with buffalo tags for House Rock Ranch shall attend a pre-hunt orientation to be held at the ranch headquarters on the evening before the opening day of the hunt. All hunters at House Rock Ranch shall personally sign in at the ranch headquarters before hunting and shall personally sign out after hunting.
An unsuccessful hunter with a buffalo hunt permit-tag for the House Rock Wildlife Area herd shall check out in person or by telephone at either the Department's Flagstaff regional office or the House Rock Wildlife Area headquarters within three days following the close of the season. A successful buffalo hunter shall report information about the kill to the Department either in person at the House Rock Wildlife Area headquarters within five business days after taking a buffalo or in person or by telephone at the Department's Flagstaff regional office within five business days after taking the buffalo. If the kill is reported by telephone, the report shall include the name of the hunter, the hunter's tag number, the sex of the buffalo taken, the number of days hunted and a telephone number where the hunter can be reached for additional information.
- C.** ~~Hunters~~ A hunter with a buffalo hunt permit-tag at for the Raymond Ranch Wildlife Area herd shall be accompanied by a Department employee hunt in the order scheduled by the Department.

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- D. ~~Each person receiving a hunter with a buffalo hunt permit-tag for the Raymond Wildlife Area herd shall hunt in the order scheduled by the Department be accompanied by an authorized Department employee who shall designate the animal to be harvested. The hunter shall shoot only the legal buffalo designated by his or her permit.~~

R12-4-307. Trapping Regulations: Licensing; Methods; Tagging of Bobcat Pelts

- A. For the purposes of this Section, the following definitions apply:
1. "Body-gripping trap" means a device designed to capture an animal by gripping the animal's body.
 2. "Confinement trap" means a device designed to capture wildlife alive and hold it without harm.
 3. "Instant kill trap" means a device designed to render an animal unconscious and insensitive to pain quickly with inevitable subsidence into death without recovery of consciousness.
 4. "Land set" means any trap used on land rather than in water.
 5. "Leghold trap" means a device designed to capture an animal by the leg or foot.
 6. "Paste-type bait" means a partially liquefied substance intended for use as a lure for animals.
 7. "Sight-exposed bait" means a carcass or parts of a carcass lying openly on the ground or suspended in a manner so that it can be seen from above by a bird. This does not include dried or bleached bones with no attached tissue or less than two ounces of paste-type baits or trap flags.
 8. "Trap flag" means an attractant made from materials other than animal parts that is suspended at least three feet above the ground.
 9. "Water set" means any trap used and anchored in water rather than on land.
- B. A valid trapping license is required for an individual 14 years of age or older for trapping predatory and fur-bearing animals. An individual born on or after January 1, 1967 shall successfully complete a Department-approved trapping education course to obtain a trapping license. Traps may be used to take predatory and fur-bearing animals only during the trapping season established by Commission order.
- C. All trappers shall inspect their traps daily and kill or release all predatory and fur-bearing animals. All trappers shall release without additional injury all animals that cannot lawfully be taken by trap. While in the field, all trappers shall possess a device that is designed or manufactured to restrain trapped animals so that a trapped animal can be removed from a trap when its release is required by this ~~rule~~ Section. All trappers, in units designated by Commission ~~Order~~ order as javelina hunt units, shall possess a choke restraint device ~~sufficient that enables the trapper~~ sufficient that enables the trapper to release a javelina from a trap.
- D. It is unlawful for any individual to:
1. Set a trap within 1/2 mile of any of the following areas developed for public use: a boat launching area, picnic area, camping area, or roadside rest area;
 2. Set a trap, other than a confinement trap, within 1/2 mile of any occupied residence or building without permission of the owner or resident;
 3. Set a trap, other than a confinement trap, within 100 yards of an interstate highway or any other highway maintained by the Arizona Department of Transportation, within 25 yards of any other road as defined by A.R.S. § 17-101, or within 50 feet of any trail maintained for public use by a government agency;
 4. Set a leghold trap within 30 feet of a sight-exposed bait;
 5. Bait a confinement trap with live animals or portions of game mammals, big game, small game, upland game birds, migratory game birds, or game fish, or use bait with a confinement trap that is not wholly contained within the confinement trap;
 6. Use any trap with teeth;
 7. Use any snare;
 8. Use any trap with an open jaw spread ~~exceeding that exceeds~~ 6 1/2 inches for any land set;
 9. Use a body-gripping or other instant kill trap with an open jaw spread ~~exceeding that exceeds~~ 5 five inches for any land set;
 10. Use a leghold trap with an open jaw spread ~~exceeding that exceeds~~ 7 1/2 inches for any water set; or
 11. Use a body-gripping or other instant kill trap with an open jaw spread ~~exceeding that exceeds~~ 10 inches for any water set.
- E. An individual who uses a leghold trap to take wildlife with a land set shall use: ~~a commercially-manufactured padded or rubber-jawed trap, or an unpadded trap with jaws permanently offset to a minimum of 3/16 inch.~~
1. ~~An anchor chain shall be attached to the trap frame within 1/2 inch of the center of the trap.~~
 2. ~~An anchor chain longer than 12 inches shall be equipped with a swivel at each end and at least one swivel positioned near the middle of the anchor chain; an anchor chain 12 inches or shorter shall contain at least two swivels, one at each end.~~
 3. ~~The anchor chain shall be equipped with a shock-absorbing spring requiring less than 40 pounds of force to extend or open the spring.~~
 4. ~~The trap shall be used with a device to allow for pan tension adjustment.~~
1. A commercially-manufactured, padded, or rubber-jawed trap, or an unpadded trap with jaws permanently offset to a minimum of 3/16 inch and a device to allow for pan tension adjustment;

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2. A commercially-manufactured jawed trap that does not exceed 5 1/2 inches, modified with a pan safety device that prevents capture of non-targeted wildlife or domestic animals and a separate device that allows for pan tension adjustment; or
 3. A commercially manufactured leghold trap that captures wildlife by means of an enclosed bar or spring designed to prevent capture of non-targeted wildlife or domestic animals.
- F.** An individual who uses a leghold trap to take wildlife with a land set shall ensure that the trap has an anchor chain with at least two swivels. Anchor chains that are 12 inches or less in length shall have a swivel attached at each end. Anchor chains that are greater than 12 inches shall have one swivel attached at the trap and one swivel attached within 12 inches of the trap. The anchor chain shall be equipped with a shock-absorbing spring that requires less than 40 pounds of force to extend or open the spring.
- F.G.** Every licensed trapper shall file a complete written report as required by A.R.S. § 17-361(D) with the Phoenix Office of the Department by April 1 of each year on a form available from any Department office. A report is required even ~~though~~ if no trapping is done.
- G.H.** Persons suffering from property loss or damage due to wildlife and who take responsive measures as permitted under A.R.S. §§ 17-239 and 17-302 are exempt from this ~~rule~~ Section. Exemption under this ~~rule~~ Section does not authorize any form of trapping prohibited by A.R.S. § 17-301.
- H.I.** All trappers shall ensure that their traps are plainly identified with the name and address or registered number of the owner as prescribed by A.R.S. § 17-361(B). All trappers shall ensure that each of their traps has the name and address or registered number of the owner legibly marked on a metal tag attached to the trap. A number assigned by the Department is the only acceptable registered number. For the purpose of this Section, "owner" means the person placing, setting, or using the trap.
- I.J.** An individual ~~applying who applies~~ for a trapping license shall provide the following information on a form available from any Department office:
1. Full name, address, and telephone number;
 2. Date of birth and physical description;
 3. An identification number assigned by the Department;
 4. Category of license: resident, nonresident, or juvenile; and
 5. The signature of the applicant.
- J.K.** The Department shall issue ~~a trapper~~ a registered number to a trapper and enter the number on the trapping license at the time of the purchase. A trapper under the age of 14 who is not required to purchase a trapping license shall obtain a registration number from any Department office before taking any wildlife with a trap. A trapper's registration number is not transferable.
- K.L.** The unskinned carcass of any bobcat trapped in Arizona or the pelt of any bobcat trapped in Arizona shall have a validated bobcat transportation tag attached to the carcass or pelt, except for a pelt tagged for sale and ~~exportation~~ export under subsection ~~(L)~~ (M).
1. The following information shall be provided on the bobcat transportation tag: current trapping license number, game management unit where the bobcat was taken, sex of the bobcat, and method by which the bobcat was taken. Bobcat transportation tags shall be provided by the Department with each trapping license. A licensed trapper may obtain additional transportation tags from any Department office at no charge.
 2. Bobcat transportation tags shall be validated by the trapper immediately upon taking the bobcat by legibly and completely filling in all information required on the tag.
- L.M.** Raw pelts of bobcats taken in Arizona that are sold, offered for sale, or exported from the state shall have bobcat permit tags (export tags) locked through the mouth and an eye opening, or through both eye openings so that the permit tag cannot be removed without being damaged. Bobcat permit tags may be obtained as follows:
1. Bobcat permit tags are available for a fee as provided in R12-4-102 at Department offices and other locations at those times and places as determined and published by the Department.
 2. When available, bobcat permit tags are issued on a first-come, first-served basis from November 1 through April 10 of each year.
 3. Department personnel or authorized agents of the Department shall attach and lock bobcat permit tags only to those pelts presented with validated transportation tags. ~~Transportation tags shall be collected by the individual issuing~~ Department personnel or authorized agents of the Department shall collect the transportation tags before attaching the bobcat permit tags.
 4. The April 10 deadline is waived for pelts consigned to licensed taxidermists for tanning or mounting.
 5. ~~The Department representative personnel~~ shall attach bobcat permit tags to bobcat pelts seized under ~~the provisions~~ of A.R.S. § 17-211(D)(4) before disposal by the Department. The April 10 deadline is waived for pelts tagged under this subsection.

R12-4-308. Wildlife Inspections, Check Stations, and Roadblocks

- A.** The Department may establish mandatory wildlife check stations to gather biological information and to enforce wildlife laws. The Department shall publish the location, check-in requirements, and ~~check-out~~ check-out requirements for a season with the published Commission order establishing the season.
- ~~1. The Department shall ensure that wildlife check stations are located in or near hunting areas.~~
 - ~~2.1.~~ Hunters shall personally check in at a wildlife check station before hunting in a season with a published check-in requirement.
 - ~~3.2.~~ The Department shall ensure that wildlife check stations with a published check-in requirement are open continuously from 8:00 a.m. the day before the season until 8:00 p.m. the first day of the season, and from 8:00 a.m. to 8:00 p.m. during each day of the season.
 - ~~4.3.~~ Hunters shall personally check out after hunting in a season with a published ~~check-out~~ check-out requirement, and shall present for inspection any wildlife taken; and display any license, tag, or permit required for taking or transporting wildlife.
 - ~~5.4.~~ The Department shall ensure that wildlife check stations with a published check-out requirement are open continuously from 8:00 a.m. to 8:00 p.m. during each day of the season and ~~shall~~ remain open until 12:00 noon on the day following the close of the season.
- B.** ~~The Director or Director's designee may establish vehicle roadblocks at specific locations when necessary. Vehicle roadblocks are not the same as wildlife check stations. Officers at vehicle roadblocks shall direct all vehicles at a roadblock to slow or stop. Any occupant of a vehicle at a roadblock shall present for inspection upon request all wildlife in possession, and display any license, tag, stamp, or permit required for taking or transporting wildlife. The Department shall ensure that:~~
- ~~1. The administration and operation of vehicle roadblocks are calculated to cause the least intrusion upon the public's freedom;~~
 - ~~2. There is empirical data establishing the purpose and placement of roadblocks at given locations;~~
 - ~~3. Roadblocks are for a specified limited duration;~~
 - ~~4. There is general public notification of the roadblocks and that motorists at roadblocks are informed of the purpose of the roadblock;~~
 - ~~5. There are warnings and signals, illuminated at night, set up to put motorists on notice of approaching a roadblock; and~~
 - ~~6. There are explicit written limitations on the officer's conduct at roadblocks.~~
- B.** The Department has the authority to conduct inspections for bighorn sheep, archery deer, bear, mountain lion and special big game license-tags (deer, elk, antelope, and buffalo) at the Department's Phoenix and regional offices or designated locations. Regional offices are open 8:00 a.m. to 5:00 p.m., Monday through Friday, except on legal state holidays.
1. All bighorn sheep hunters shall personally check out within three days after the close of the season. Each hunter who takes a bighorn sheep shall submit the intact horns and skull for inspection and photographing. The Department representative shall affix a mark or seal to one horn of each bighorn sheep lawfully taken under Commission order. The mark or seal shall not be removed, altered, or obliterated.
 2. All special big game license-tag hunters who tag a deer, elk, antelope, or buffalo shall submit the intact horns or antlers and skull or skullcap for inspection and photographing within three days after the close of the season.
 3. A successful non-permit tag archery deer hunter shall report information about the kill to a Department office in person or by telephone within 10 days of taking the deer if the hunt area does not have a check station requirement.
 4. A successful bear hunter shall report information about the kill in person or by telephone within 48 hours of taking a bear. If the kill is reported by telephone, the report shall include the name of the hunter, the hunter's hunting license number, the sex of the bear taken, the management unit where the bear was taken, and a telephone number where the hunter can be reached for additional information. In addition, the hunter shall provide a tooth from the bear to the Phoenix office within 20 days after contacting the Department.
 5. A successful mountain lion hunter shall report information about the kill in person or by telephone within 10 days of taking the mountain lion. In addition, the hunter shall provide a tooth from the mountain lion to the Phoenix office within 20 days after contacting the Department.
- C.** ~~The Department shall conduct bighorn sheep, bear, and mountain lion inspections at the Department's Phoenix and regional offices. These offices are open 8:00 a.m. to 5:00 p.m., Monday through Friday, except on legal state holidays.~~
- ~~1. All bighorn sheep hunters shall personally check out within three days following the close of the season. Each hunter who takes a bighorn sheep shall submit the intact horns and skull for inspection and photographing. The Department representative shall affix a mark or seal to one horn of each bighorn sheep lawfully taken pursuant to Commission order. The mark or seal shall not be removed, altered, or obliterated.~~
 - ~~2. A successful bear hunter shall report information about the kill to a Department office in person or by telephone within 48 hours of taking a bear. If the kill is reported by telephone, the report shall include the name of the hunter, the hunter's hunting license number, the sex of the bear taken, the management unit where the bear was taken, and a telephone number at which the hunter can be reached to obtain additional information. In addition, the hunter shall provide a tooth from the bear to the Phoenix office within 20 days after contacting the Department.~~

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3. ~~A successful mountain lion hunter shall report information about the kill to a Department office in person or by telephone within 10 days of taking the mountain lion.~~

C. The Director or Director's designee may establish vehicle roadblocks at specific locations when necessary to ensure compliance with applicable wildlife laws. Any occupant of a vehicle at a roadblock shall, upon request, present for inspection all wildlife in possession, and produce and display any license, tag, stamp, or permit required for taking or transporting wildlife.

D. This Section ~~shall~~ does not limit the game ranger ~~and or~~ wildlife manager's authority to conduct stops, searches, and inspections ~~pursuant to~~ under A.R.S. §§ 17-211(D) and 17-331, or to establish voluntary wildlife survey stations to gather biological information.

R12-4-310. Fishing Permits

A. The Department may issue a Fishing Permit to state, county, or municipal agencies or departments and to nonprofit organizations licensed by or contracted to the Department of Economic Security or Department of Health Services, whose primary purpose is to provide physical or mental rehabilitation or training for ~~persons~~ individuals with physical, developmental, or mental disabilities. The permit will allow ~~persons~~ individuals with physical, developmental, or mental disabilities to fish without a fishing license. The permit will authorize this activity for up to 20 ~~persons~~ individuals for the two days specified on the permit upon any public waters except that fishing in the waters of the Colorado River is restricted to fishing from the Arizona shoreline only, unless the persons fishing under the authority of the permit also possess a valid Colorado River stamp from the adjacent state. The ~~persons~~ individuals fishing under the authority of the permit shall comply with other statutes, Commission orders, and rules not contained in this Section.

B. An applicant for a Fishing Permit shall provide the following to the Department:

1. A completed application form obtained from the Department, ~~containing~~ that contains:

- a. The name, address, and telephone number of the agency, department, or nonprofit organization requesting the permit;
- b. The name, position title, and telephone number of the ~~person~~ individual who will be responsible for supervising the ~~persons~~ individuals who will be fishing under the authority of the permit;
- c. The total number of ~~persons~~ individuals who will be fishing under the authority of the permit;
- d. The dates of the two days for which the permit will be valid;
- e. The location for which the permit will be valid.

2. Nonprofit organizations shall also submit documentation that they are licensed by or ~~contracted to~~ have a contract with the Department of Economic Security or the Department of Health Services for the purpose of providing rehabilitation or treatment services to individuals ~~and or~~ groups possessing with physical, developmental, or mental disabilities.

C. The Department shall issue the approved Fishing Permit to the applicant within 30 calendar days of receiving an application ~~meeting~~ that meets the criteria of this Section.

D. The Fishing Permit permittee shall provide one hour of instruction on fish identification, fishing ethics, safety, and techniques to the ~~persons~~ individuals who will be fishing under authority of the permit. The lesson plan for this instruction will be provided to the permittee by the Department.

E. Each ~~person~~ individual fishing without a license under the authority of the Fishing Permit may take only 1/2 the regular bag limit established by Commission order for any species, unless the regular bag limit is ~~±~~ one, in which case the permit authorizes the regular limit.

F. The permittee shall submit a report to the Department not later than 30 days after the end of the authorized fishing dates. The Department may deny issuance of future Fishing Permits to permittees ~~failing~~ who fail to submit the report. The permittee shall report on a form available from the Department:

1. The Fishing Permit number and the information contained in the permit;
2. The total number of ~~persons~~ individuals who fished and total hours fished;
3. The total number of fish caught, kept, and released, by species.

R12-4-311. Exemptions from ~~requirement to possess an Arizona fishing license while taking aquatic wildlife~~ Requirement to Possess an Arizona Fishing License While Taking Aquatic Wildlife

A. A fishing license is not required to take aquatic wildlife from private waters ~~which~~ that are not open to the public and ~~which are~~ not managed by the Department.

B. A fishing license is not required to take terrestrial mollusks or crustaceans from private property.

C. Any ~~person~~ individual fishing in Arizona on the designated Saturday during ~~the week proclaimed by the President of the United States as~~ National Fishing and Boating Week may fish without an Arizona fishing license, provided ~~their~~ that the individual's privilege to take aquatic wildlife has not been revoked by the Commission. ~~The rule applies~~ provisions of this Section apply to all waters except the Colorado River adjacent to California and Nevada, where fishing without a license is limited to the shoreline, unless the state with concurrent jurisdiction removes licensing requirements on the same day. The provisions of this Section do not apply to Reservation lands except as authorized by tribal governments.

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- D. ~~Persons~~ An individual participating in an introductory fishing clinic organized, sanctioned, and sponsored by the Department may fish without a fishing license while ~~accompanied by~~ an authorized Department instructor is present.

R12-4-312. ~~Special use permits and stamps for fishing on waters with shared jurisdiction~~ Use Permits and Stamps for Fishing on Waters with Shared Jurisdiction

- A. Any ~~person~~ individual fishing from a ~~boat~~ watercraft or other floating device or object on the waters of Lake Mead, Lake Mohave, or that portion of the Colorado River forming that forms the mutual boundary between Arizona and Nevada, shall have in possession ~~one of the following~~:
1. A valid Nevada-Colorado River special use stamp affixed to a valid Arizona fishing license, or
 2. A valid Arizona-Colorado River special use stamp affixed to a valid Nevada fishing license.
- B. Any ~~person~~ individual fishing from the Arizona shorelines of the waters named in subsection (A), unless exempted by R12-4-310 or R12-4-311, shall have in possession either:
1. A valid Arizona fishing license, unless exempted pursuant to under A.R.S. § 17-335; or
 2. A valid Arizona-Colorado River special use stamp affixed to a valid Nevada fishing license.
- C. Any ~~person~~ individual fishing in the waters of Mittry Lake or Topock Marsh, unless exempted by R12-4-310 or R12-4-311, shall have in possession either:
1. A valid Arizona fishing license, unless exempted pursuant to under A.R.S. § 17-335; or
 2. A valid Arizona-Colorado River special use permit stamp affixed to a valid California fishing license.
- D. Any ~~person~~ individual fishing in the Arizona portion of Lake Powell, unless exempted by R12-4-310 or R12-4-311, shall have in possession either:
1. A valid Arizona fishing license, unless exempted pursuant to under A.R.S. § 17-335; or
 2. A valid Arizona-Lake Powell stamp affixed to a valid Utah resident fishing license.
- E. The requirements of this ~~rule~~ Section are in addition to those contained in A.R.S. §§ 17-342, 17-343, and 17-344.

R12-4-313. Lawful Methods of Taking Aquatic Wildlife; Restrictions

- A. ~~A person may take aquatic wildlife during the day or night and may use artificial light. An individual may take aquatic wildlife as defined in A.R.S. § 17-101, subject to the restrictions prescribed in R12-4-303, R12-4-317, and this Section. Aquatic wildlife may be taken during the day or night and may be taken using artificial light as prescribed in A.R.S. § 17-301.~~
- B. ~~A person may take fish by the following methods:~~
1. ~~All fish may be taken by angling as defined in A.R.S. § 17-101 or simultaneous fishing as defined in R12-4-101 with any bait, artificial lures, or flies, subject to the following restrictions:~~
 - a. ~~A person shall not use any species of fish as live bait, or possess any species of fish for use as live bait, at, in, or upon any waters unless that species is specified as a "live baitfish" for those waters by Commission order. Live baitfish shall not be transported from the waters where taken except as allowed in R12-4-316.~~
 - b. ~~The flesh of game fish, except sunfish of the genus Lepomis, shall not be used as bait.~~
 - e. ~~Waterdogs shall not be used as live bait 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.~~
 - d. ~~Fish may be taken by artificial lures and flies, as defined in R12-4-101, only in waters designated by Commission order as "artificial lures and flies only"; waters so designated may be further restricted to the use of barbless hooks, meaning any fishhook manufactured without barbs or on which barbs have been completely closed or filed off.~~
 2. ~~In addition to angling, the following fish may also be taken by the following methods:~~
 - a. ~~Carp (Cyprinus carpio), buffalofish, mullet, tilapia, and suckers, except razorbaek suckers (Xyrauchen texanus), may also be taken by bow and arrow, crossbow, snare, gig, spear, spear gun, or snagging. Snagging is only allowed in areas designated by Commission order. None of these methods shall be practiced within 200 yards of any boat dock or designated swimming area.~~
 - b. ~~Live baitfish may also be taken for personal use as bait by:~~
 - i. ~~A cast net not to exceed a radius of three feet measured from the horn to the headline;~~
 - ii. ~~A minnow trap, as defined in R12-4-101;~~
 - iii. ~~A seine net not to exceed 10 feet in length and four feet in width; or~~
 - iv. ~~A dip net.~~
 - e. ~~Striped bass may also be taken by spear or spear gun, only in those waters designated by Commission order.~~
- B. The Commission may, through Commission order, prescribe legal sizes for possession of aquatic wildlife.
- C. ~~In those waters designated by Commission order, a person taking trout shall kill and retain the fish as part of the bag limit or immediately release the fish. Further fishing is prohibited after the legal bag limit of trout is killed. An individual may take aquatic wildlife by angling or simultaneous fishing as defined in R12-4-101 with any bait, artificial lure or fly subject to the following restrictions. An individual:~~
1. Shall not possess aquatic wildlife other than aquatic wildlife prescribed by Commission order;

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2. Shall not use the flesh of game fish, except sunfish of the genus Lepomis, as bait;
 3. May use live baitfish, as defined in R12-4-101, only in areas designated by Commission order; and
 4. Shall not use waterdogs as live bait 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.
- D. ~~The Commission may, by order, designate a special season when fish may also be taken by hand, or by any hand-held, nonmotorized implement that does not discharge a projectile. The special season may apply to any waters where a fish die-off is imminent due to poor or low water conditions, or Department fish renovation procedures.~~
In addition to angling, an individual may also take the following aquatic wildlife using the following methods, subject to the restrictions of R12-4-303, R12-4-317, and this Section:
1. Carp (Cyprinus carpio), buffalofish, mullet, tilapia, goldfish, and shad may also be taken by bow and arrow, cross-bow, snare, gig, spear, spear gun or snagging. Except for snagging, an individual shall not practice any of these methods of take within 200 yards of any boat dock or designated swimming area.
 2. Striped bass may also be taken by spear or spear gun in waters designated by Commission order.
 3. Live baitfish may also be taken for personal use as bait by:
 - a. A cast net not to exceed a radius of four feet measured from the horn to the headline;
 - b. A minnow trap, as defined in R12-4-101;
 - c. A seine net not to exceed 10 feet in length and four feet in width; or
 - d. A dip net.
 4. Amphibians, soft-shelled turtles, mollusks, and crustaceans may also be taken by minnow trap, crayfish net, hand, or with any hand-held, non-motorized implement that does not discharge a projectile, unless otherwise permitted by this Section.
 5. In addition to the methods described in subsection (D)(4) of this Section, bullfrogs may also be taken by bow and arrow, crossbow, or slingshot.
 6. In addition to the methods described in subsection (D)(4) of this Section, crayfish may also be taken with the following devices:
 - a. A trap not more than three feet in the greatest dimension; or
 - b. A seine net not larger than ten feet in length and four feet in width.
- E. ~~A person may take waterdogs and other amphibians, soft-shelled turtles, mollusks, and crustaceans with a minnow trap, crayfish net, by angling, by hand, or with any hand-held, nonmotorized implement that does not discharge a projectile. Bullfrogs may also be taken by bow and arrow, crossbow, or slingshot. Crayfish and minnow traps shall have an attached, water-resistant identification tag that bears the legible name, address, and fishing license number of the individual using the trap while fished unattended. A crayfish trap shall be raised and emptied daily.~~
- F. ~~A person may take crayfish using:~~
1. ~~A trap not more than three feet in the greatest dimension. An unattended crayfish trap shall have an attached, water-resistant identification tag that bears the legible name, address, and fishing license number of the person using the trap. A crayfish trap shall be raised and emptied daily; or~~
 2. ~~A seine net that is not larger than 10 feet in length and four feet in width.~~
- G. ~~This rule is effective May 25, 2001.~~

R12-4-314. ~~Possession, Sale, Transportation, and Importation of the Carcasses and Parts of Aquatic Wildlife Repealed~~

- A. ~~The carcasses or parts of aquatic wildlife that have been lawfully taken in another state or country may be imported into Arizona when accompanied by any license or permit required by the state or country of jurisdiction, and where transported and exported in accordance with the laws of the state or country of origin.~~
- B. ~~The carcasses of all freshwater fish possessed or transported which have been taken within Arizona shall have the head or tail or skin attached so that the species can be identified, numbers counted, and any required length determined.~~
- C. ~~The carcasses of carp (Cyprinus carpio) and buffalofish (Ictiobus spp.) taken pursuant to Commission order may be sold.~~
- D. ~~This rule is effective January 1, 1993.~~

R12-4-315. ~~Possession of live fish, unattended live boxes and stringers~~ Live Fish; Unattended Live Boxes and Stringers

- A. ~~Fish~~ An individual may possess fish taken pursuant to alive under R12-4-313 may be possessed alive on the waters where taken, except when the take or possession is expressly prohibited by the provisions within of R12-4-313 or R12-4-317, but the individual shall not be transported transport the fish alive from the waters where taken except as allowed in R12-4-316.
- B. ~~All~~ An individual who has placed any unattended live boxes or stringers holding fish shall have attached attach water resistant identification legibly bearing the name, address, and fishing license number of each person the individual using and holding fish in such the live box or stringer.

R12-4-316. Possession, Transportation, or Importation of Live Baitfish, Crayfish, or Waterdogs

- A. ~~A person~~ An individual may possess live baitfish, crayfish, or waterdogs for use as live bait only in accordance with this Section ~~and R12-4-313 and R12-4-317.~~
- B. ~~A person~~ An individual may possess or transport the following live baitfish for personal use as live bait in accordance with R12-4-317. ~~A person possessing~~ An individual who possesses a valid Arizona fishing license may import these live baitfish from California ~~and or~~ Nevada without accompanying documentation certifying the fish are free of disease, or may import these live baitfish from any other state with accompanying documentation certifying that the fish are free of Furunculosis.
1. Fathead minnow (*Pimephales promelas*);
 2. Mosquitofish (*Gambusia affinis*);
 3. Red shiner (~~*Notropis*~~ *Cyprinella lutrensis*);
 4. Threadfin shad (*Dorosoma petenense*);
 5. Golden shiners (*Notemigonus crysoleucas*); and
 6. Goldfish (*Carassius auratus*).
- C. ~~A person possessing~~ An individual who possesses a valid Arizona fishing license may import, transport, or possess live waterdogs for personal use as bait, except in the portion of Santa Cruz County lying east and south of State Highway 82 or the portion of Cochise County lying west of the San Pedro River and south of State Highway 82.
- D. ~~A person~~ An individual shall not import, transport, move between waters, or possess live crayfish for personal use as live bait except as allowed in 12 A.A.C. 4, Article 4, and except for the portion of La Paz County west of Highway 95 and south of Interstate 10, Yuma County, and on the Colorado River from the Palo Verde Diversion Dam downstream to the southern international boundary with Mexico.
- E. ~~A person~~ An individual may trap or capture live crayfish as provided in R12-4-313. A person may use live crayfish as bait only in the body of water where trapped or captured, not in an adjacent body of water, except for the portion of La Paz County west of Highway 95 and south of Interstate 10, Yuma County, and on the Colorado River from the Palo Verde Diversion Dam downstream to the Southern international boundary with Mexico.
- F. ~~A person~~ An individual shall not transport crayfish alive from the site where taken except for the portion of La Paz County west of Highway 95 and south of Interstate 10, Yuma County, and on the Colorado River from the Palo Verde Diversion Dam downstream to the southern international boundary with Mexico.
- ~~G. This rule is effective May 25, 2001.~~

R12-4-317. ~~Repeated~~ Seasons for Lawfully Taking Fish, Mollusks, Crustaceans, Amphibians, and Aquatic Reptiles

- A. Methods of lawfully taking aquatic wildlife during seasons designated by Commission order as “general” seasons are designated in R12-4-313.
- B. Other seasons designated by Commission order have specific requirements and lawful methods of take more restrictive than those for general seasons, as prescribed in this Section. While taking aquatic wildlife under R12-4-313:
1. An individual participating in an “artificial lures and flies only” season shall use only artificial lures and flies as defined in R12-4-101. The Commission may further restrict “artificial lures and flies only” season to the use of barbless or single barbless hooks. A barbless hook is any fishhook manufactured without barbs or on which barbs have been completely closed or removed.
 2. An individual participating in a “live baitfish” season shall not use any species of fish as live bait, or possess any species of fish for use as live bait at, in, or upon any waters unless that species is specified as a live baitfish for those waters by Commission order. Live baitfish shall not be transported from the waters where taken except as allowed in R12-4-316.
 3. An individual participating in an “immediate kill or release” season shall kill and retain the designated species as part of the bag limit or immediately release the wildlife. Further fishing is prohibited after the legal bag limit is killed.
 4. An individual participating in a “catch and immediate release” season shall immediately release the designated species.
 5. An individual participating in an “immediate kill” season shall immediately kill and retain the designated species as part of the bag limit.
 6. An individual participating in a “snagging” season shall use this method only at times and locations designated by Commission order.
 7. An individual participating in a “spear or spear gun” season shall use this method only at times and locations designated by Commission order.
- C. A “special” season may be designated by Commission order to allow fish to be taken by hand, or by any hand-held, non-motorized implement that does not discharge a projectile. The “special” season may apply to any waters where a fish die-off is imminent due either to poor or low water conditions or Department fish renovation activities, or as designated by Commission order.

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R12-4-318. Seasons for Lawfully Taking Wild Mammals, Birds, and Reptiles

- A. Methods of lawfully taking wild mammals and birds during seasons designated by Commission order as “general” seasons are designated in R12-4-304. Restrictions designated in subsection (C) do not apply to general seasons.
- B. Methods of lawfully taking big game during seasons designated by Commission order as “special” are designated in R12-4-304. “Special” seasons are open only to individuals ~~in possession of~~ who possess special big game ~~license tags~~ license tags issued ~~pursuant to~~ under A.R.S. § 17-346 and R12-4-120.
- C. ~~Other seasons~~ When designated by Commission order, the following seasons have specific requirements and lawful methods of take more restrictive than those for general and special seasons, as prescribed in this Section. While taking ~~wildlife~~ the species authorized by the season:
 - 1. An individual participating in a “muzzleloader” season shall not use or possess any firearm other than a muzzle-loading ~~rifle~~ rifles or a muzzle-loading ~~handgun~~ handguns, as defined in R12-4-101.
 - 2. An individual participating in an “archery-only” season shall use and possess only a bow and arrow as prescribed in R12-4-304, and shall not use or possess any other ~~weapon~~ weapons, including a ~~crossbow~~ crossbows or any other ~~bow~~ bows ~~having devices attached to hold with a device that holds~~ the bow in a drawn position, except as authorized by R12-4-216.
 - 3. An individual participating in a “handguns, archery, and muzzleloader (HAM)” season may only use or possess any or all of the following: a ~~handgun~~ (as prescribed in R12-4-304), muzzle-loading rifle (as defined in R12-4-101), ~~crossbow~~ (as prescribed in R12-4-304), and bow and arrow (as prescribed in R12-4-304) handguns, muzzle-loading rifles, crossbows, or bows and arrows; as prescribed in R12-4-304 and defined in R12-4-101.
 - 4. ~~The use of dogs is prohibited during spring bear seasons~~ An individual who possesses a valid tag for a bear season between January 1 and July 31 shall not use dogs to take bear.
 - 5. ~~An individual participating in a “bear-baiting” season shall have in possession the required hunt permit tag and may use and possess any weapon lawful for taking bear as prescribed in R12-4-304, except that an individual participating in an “archery-only” season which runs concurrently with a “bear-baiting” season shall comply with subsection (C)(2) of this Section. An individual participating in “bear-baiting” season may use bait in taking bear, but shall:~~
 - a. ~~Ensure that bait is biodegradable animal or vegetable matter contained within a single metal container not exceeding 10 gallons in volume;~~
 - b. ~~Place no more than 5 bait containers, each clearly marked with the hunter’s hunt permit tag number;~~
 - e. ~~Establish bait locations on or after August 15;~~
 - d. ~~Remove bait containers and their contents when no longer in use, and no later than the day following the close of the season authorized for baiting.~~
 - 6. An individual participating in a “pursuit-only” season may use dogs to pursue bears, mountain lions, or raccoons as designated by Commission order, but shall not kill or capture the quarry. An individual participating in a “pursuit-only” season shall ~~have in possession~~ possess and produce a valid hunting license and any required tag for taking the animal pursued at the request of Department personnel, even though there shall be no kill.
 - 7.6. An individual participating in a “limited weapon” season may only use or possess the following methods or devices for taking wildlife, when prescribed in R12-4-304 as lawful for the species hunted: bow and arrow; crossbow; pneumatic weapons; falconry; slingshots; any trap except foot-hold steel traps; nets; hand-propelled projectiles; or capture by hand.
 - 8.7. An individual participating in a “limited weapon-shotgun” season may only use or possess the following methods or devices for taking wildlife, when prescribed in R12-4-304 as lawful for the species hunted: shotgun shooting shot or slug; bow and arrow; crossbow; pneumatic weapons; falconry; slingshots; any trap except foot-hold steel traps; nets; hand-propelled projectiles; or capture by hand.
 - 9.8. An individual participating in a “limited weapon-shotgun shooting shot” season may only use or possess the following methods or devices for taking wildlife, when prescribed in R12-4-304 as lawful for the species hunted: shotgun shooting shot, bow and arrow, crossbow, pneumatic weapons, falconry, slingshots, any trap except foot-hold steel traps, nets, hand-propelled projectiles, or capture by hand.
 - 10.9. An individual participating in a “limited weapon-rimfire” season may only use or possess the following methods or devices for taking wildlife, when prescribed in R12-4-304 as lawful for the species hunted: rifled firearms using rim-fire cartridges; shotgun shooting shot or slug; bow and arrow; crossbow; pneumatic weapons; falconry; slingshots; any trap except foot-hold steel traps; nets; hand-propelled projectiles; or capture by hand.
 - 11.10. An individual participating in a “falconry-only” season shall be a falconer either licensed ~~pursuant to~~ under R12-4-422 or ~~exempted pursuant to~~ exempted under R12-4-407, and ~~shall~~ use no method of take except falconry.
 - 12.11. An individual may participate in a “juniors-only hunt” up to and throughout the calendar year of ~~their~~ the individual’s 17th birthday, provided ~~they meet~~ the individual meets the requirements of A.R.S. § 17-335.
 - 13.12. An individual participating in a “CHAMP” season shall be a challenged hunter access/mobility permittee ~~pursuant to~~ under R12-4-217.
 - 13. An individual participating in a “raptor capture” season shall be a licensed falconer under R12-4-422 or exempted under R12-4-407.

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~~D.~~ This rule is effective January 1, 2000.

R12-4-319. Use of Aircraft to Take Wildlife

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

1. "Aircraft" means any contrivance used for flight in the air or any lighter-than-air contrivance.
2. "Harass" means to disturb, molest, chase, rally, concentrate, harry, drive, herd, or torment.
- 3-2. "Locate" means any act or activity ~~directed at locating or finding wildlife in a hunt area~~ that does not take or harass wildlife ~~and is directed at locating or finding wildlife in a hunt area~~.

B. ~~A person~~ An individual shall not take or assist in taking wildlife from or with the aid of aircraft.

~~C.~~ ~~A person shall not harass wildlife or assist in harassing wildlife from or with the aid of an aircraft.~~

~~D.C.~~ ~~A person shall not locate or assist in locating wildlife from or with the aid of an aircraft beginning 48 hours before and during all open big game seasons, except Commission-ordered special seasons and seasons for mountain lion. Except in hunt units with Commission-ordered special seasons under R12-4-115 and R12-4-120 and hunt units with seasons only for mountain lion and no other concurrent big game season, an individual shall not locate or assist in locating wildlife from or with the aid of an aircraft in a hunt unit with an open big game season. This restriction begins 48 hours before the opening of a big game season in a hunt unit and extends until the close of the big game season for that hunt unit.~~

~~E.D.~~ ~~A person possessing~~ An individual who possesses a special big game license tag for a special season under R12-4-115 or R12-4-120 or ~~a person an individual assisting who assists or will assist~~ such a licensee shall not use an aircraft to locate wildlife beginning 48 hours before and during a Commission-ordered special season.

~~F.E.~~ This Section does not apply to any ~~person~~ individual acting within the scope of official duties as an employee or authorized agent of the state or the United States to administer or protect or aid in the administration or protection of land, water, wildlife, livestock, domesticated animals, human life, or crops.

R12-4-320. Harassment of Wildlife

A. In addition to the provisions of A.R.S. § 17-301, it is unlawful to harass, molest, chase, rally, concentrate, herd, intercept, torment, or drive wildlife with or from any aircraft, as defined in R12-4-319, or with or from any motorized terrestrial or aquatic vehicle.

B. This Section does not apply to individuals acting:

1. Under the provisions of A.R.S. § 17-239; or
2. Within the scope of official duties as an employee or authorized agent of the state or the United States to administer or protect or aid in the administration or protection of land, water, wildlife, livestock, domesticated animals, human life, or crops.