

## NOTICES OF PUBLIC INFORMATION

Notices of Public Information contain corrections that agencies wish to make to their notices of rulemaking; miscellaneous rule-making information that does not fit into any other category of notice; and other types of information required by statute to be published in the *Register*. Because of the variety of material that is contained in a Notice of Public Information, the Office of the Secretary of State has not established a specific format for these notices.

### NOTICE OF PUBLIC INFORMATION

#### ARIZONA GAME AND FISH DEPARTMENT

[M10-76]

#### DIRECTOR'S ORDER 1 – AQUATIC INVASIVE SPECIES

#### INITIAL LISTING OF AQUATIC INVASIVE SPECIES FOR ARIZONA EFFECTIVE MARCH 1, 2010

Effective March 1, 2010 the Arizona Game and Fish Department, under the authority of A.R.S. § 17-255.01(B), establishes this initial list of aquatic invasive species for the State of Arizona:

Aquatic Invasive Species	Notes
<b>quagga mussel</b> ( <i>Dreissena bugensis</i> )	Detected in Arizona in January of 2007.
<b>zebra mussel</b> ( <i>Dreissena polymorpha</i> )	Not yet detected in Arizona, but poses an immediate threat. Zebra mussels are nearly indistinguishable in appearance from the quagga mussel.

The name and address of agency personnel with whom persons may communicate regarding this Order:

Name: Tom McMahon, Invasive Species Coordinator  
Address: Arizona Game and Fish Department, WMHB  
5000 W. Carefree Highway  
Phoenix, AZ 85086-5000  
Telephone: (623) 236-7271  
Fax: (623) 236-7366  
E-mail: [tmcmahon@azgfd.gov](mailto:tmcmahon@azgfd.gov)

### NOTICE OF PUBLIC INFORMATION

#### ARIZONA GAME AND FISH DEPARTMENT

[M10-77]

#### DIRECTOR'S ORDER 2 – AQUATIC INVASIVE SPECIES

#### DESIGNATION OF WATERS OR LOCATIONS WHERE LISTED AQUATIC INVASIVE SPECIES ARE PRESENT OR SUSPECTED EFFECTIVE MARCH 1, 2010

Effective March 1, 2010 the Arizona Game and Fish Department, under the authority of A.R.S. § 17-255.01(B), establishes this initial list of waters or locations where listed aquatic invasive species are suspected or known to be present. The listing of Aquatic Invasive Species in Arizona is established under the Arizona Game and Department - Director's Order 1.

Waterbodies in Arizona where quagga mussels ( <i>Dreissena bugensis</i> ) are documented and present:
- <b>Lake Pleasant</b> - <b>Lower Colorado River</b> from Pierce Ferry Rapid (RM277 on Lake Mead) through the Southerly International Boundary with Mexico including: <b>Lake Mead</b> <b>Lake Mohave</b> <b>Lake Havasu</b> <b>Imperial Reservoir</b>

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<p><b>Mittry Lake</b>  <b>Martinez Lake</b>  <b>Topock Marsh</b></p>
<p><b>Water delivery systems in Arizona where quagga mussels (<i>Dreissena bugensis</i>) are documented and present:</b></p>
<ul style="list-style-type: none"> <li>- Central Arizona Project (CAP) Aqueduct (from Lake Havasu–Mark Wilmer Pumping Plant to CAP canal mile 200 in Apache Junction)</li> </ul>
<p><b>Water delivery systems in Arizona where quagga mussels (<i>Dreissena bugensis</i>) are suspected:</b></p>
<ul style="list-style-type: none"> <li>- Salt River Project Canal System (commencing at the CAP Interconnect below Granite Reef Dam)</li> <li>- Central Arizona Project (CAP) Aqueduct (from CAP canal mile 200 in Apache Junction to terminus at canal mile 337 south of Tucson)</li> </ul>

<p><b>U.S. States or Provinces of the Dominion of Canada where quagga mussels (<i>Dreissena bugensis</i>) or zebra mussels (<i>Dreissena polymorpha</i>) are documented and present:</b></p>
<ul style="list-style-type: none"> <li>- Alabama, Arkansas, California, Colorado, Connecticut, Iowa, Illinois, Indiana, Kentucky, Louisiana, Massachusetts, Maryland, Michigan, Minnesota, Missouri, Mississippi, Nebraska, Nevada, New York, Ohio, Pennsylvania, Utah, Virginia, Vermont, Wisconsin, West Virginia; and the Provinces of Ontario and Quebec</li> </ul>

The name and address of agency personnel with whom persons may communicate regarding this Order:

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 5000 W. Carefree Highway  
 Phoenix, AZ 85086-5000  
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**NOTICE OF PUBLIC INFORMATION**  
**ARIZONA GAME AND FISH DEPARTMENT**

[M10-78]

**DIRECTOR’S ORDER 3 – AQUATIC INVASIVE SPECIES**

**MANDATORY CONDITIONS ON THE MOVEMENT OF WATERCRAFT, VEHICLES, CONVEYANCES, OR OTHER EQUIPMENT FROM LISTED WATERS WHERE AQUATIC INVASIVE SPECIES ARE PRESENT  
 EFFECTIVE MARCH 1, 2010**

Effective March 1, 2010 the Arizona Game and Fish Department, under the authority of A.R.S. § 17-255.01(B), establishes mandatory conditions for movement of watercraft, vehicles, conveyances, or other equipment necessary to abate, eradicate, or prevent the spread of quagga mussels or zebra mussels within or from those waters or locations listed in Arizona Game and Fish Department - Director’s Order 2.

<b>Mandatory Conditions and Protocols for Movement from Listed Waters/Locations</b>	
<b>Day Use</b>	<p><b>The following protocols shall be taken for watercraft, boats, vehicles, conveyances, or other equipment that have been in or on waters for <u>5 days or less</u>:</b></p> <p><b><u>Before leaving the vicinity of the waterbody:</u></b></p> <p><b>Remove any clinging material</b> such as plants, animals and mud from anchor, boat, motor, and trailer.  <b>Remove the plug</b> (when so equipped) <b>and drain the water</b> from the bilge, live-well and any other compartments that may hold water.  <b>Drain water</b> from engine, engine compartments, and engine cooling systems.                  Allow watercraft, vehicles, conveyances, or other equipment to dry completely.  <b>If using watercraft again in less than five days at another waterbody</b>, replace bilge drain plug and disinfect the bilge by pouring not less than one gallon of vinegar into the bilge.</p>

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<b>Long Term Use</b>	<p><b>The following protocols shall be taken for any watercraft, boats, vehicles, conveyances, or other equipment that have been in or on waters for <u>more than 5 days</u>:</b>  <b><u>Before leaving the vicinity of the waterbody (unless otherwise authorized by the State):</u></b></p> <p><b>Remove any clinging material</b> such as plants, animals and mud from anchor, boat, motor, equipment and trailer.</p> <p><b>Remove the plug</b> (when so equipped) <b>and drain the water</b> from the bilge, live-well, and any other compartments that may hold water.</p> <p><b>Drain water</b> from engine, engine compartments, and engine cooling systems.</p> <p><b>Remove all attached mussels</b> from boat surfaces, motors, impellers, outdrives, rudders, anchor(s) and through hull fittings.</p> <p><b>Keep the watercraft, vehicles, conveyances, or other equipment out of water and completely dry</b>, including bilge, through hull fittings and engine for a minimum of eighteen (18) <u>consecutive days during the months of November through April</u> and <u>seven (7) consecutive days during the months of May through October</u>.</p> <p><b>Where watercraft decontamination facilities exist</b>, flush the engine, cooling systems, and any other through hull fittings for ten to thirty seconds with hot water exiting those areas at a 140°F to kill any hidden adult invasive mussels.</p>
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A.R.S. § 17-255.01(C)(1); Watercraft, vehicles, conveyances, or other equipment are subject to inspection upon entry into this state, during overland transport within this state, or upon departure from any water or location listed in Arizona Game and Fish Department - Director’s Order 2, 16 A.A.R. 426, March 12, 2010 (*in this issue*).

A.R.S. § 17-255.01(C)(3); A person departing from any water or location listed in Director’s Order 2 may be required to decontaminate watercraft, vehicles, conveyances, or other equipment in the manner required by this Order.

A.R.S. § 17-255.02(1); A person shall not possess, import, ship, or transport into or within the State of Arizona Aquatic Invasive Species listed under Arizona Game and Fish Department – Director’s Order 1, 16 A.A.R. 426, March 12, 2010 (*in this issue*).

A.R.S. § 17-255.02(2); A person shall not release, place or plant an aquatic invasive species identified in Arizona Game and Fish Department – Director’s Order 1 into waters of this state or into any water treatment facility, water supply or water transportation facility, device or mechanism.

A.R.S. § 17-255.02(3); A person shall not place in any waters of this state any equipment, watercraft, vessel, vehicle or conveyance that has been in any water or location listed in Arizona Game and Fish Department- Director’s Order 2, without being first decontaminated in the manner required by this Order.

A. R. S. § 17-255.02(4); A person shall not sell, purchase, barter or exchange an aquatic invasive species.

The name and address of agency personnel with whom persons may communicate regarding this Order:

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 Phoenix, AZ 85086-5000  
 Telephone: (623) 236-7271  
 Fax: (623) 236-7366  
 E-mail: tcmahon@azgfd.gov

**NOTICE OF PUBLIC INFORMATION**

**LAWS 2009, 3RD SPECIAL SESSION, CH. 7, § 28**

**(“Moratorium on rule making relating to increased monetary or regulatory costs; exceptions; definitions”)**

[M09-429]

**1. Reason for the Notice of Public Information:**

Laws 2009, 3rd Special Session, Ch. 7, § 28 enacted into law a moratorium on rulemaking through June 30, 2010.

**2. Effective date of Laws 2009, 3rd Special Session, Ch. 7, § 28:**

November 24, 2009

**3. Text of Laws 2009, 3rd Special Session, Ch. 7, § 28:**

Sec. 28. Moratorium on rule making relating to increased monetary or regulatory costs; exceptions; definitions

- A.** Notwithstanding any other law, for fiscal year 2009-2010, an agency shall not conduct any rule making, including an informal rule making process, that would impose increased monetary or regulatory costs on other state agencies, political subdivisions of this state, persons or individuals or would not reduce the regulatory burden on the persons or individuals so regulated.
- B.** Subsection A of this section does not apply to rule making for any of the following:
  - 1. An authorization or requirement enacted by the legislature after January 1, 2009 or as authorized by the governor after January 22, 2009.
  - 2. To avoid a violation of a court order or federal law that would result in sanctions by the court or federal government to an agency in fiscal year 2009-2010 for failure to conduct the rule making action.
  - 3. To prevent a threat to the public health, peace or safety.
  - 4. To fulfill an obligation related to fees, rates, fines or regulations that are expressly delineated in the constitution of this state.
  - 5. To implement or comply with the fiscal year 2009-2010 state budget or the American recovery and reinvestment act of 2009 (P.L. 111-5).
  - 6. A rule or other item that is exempt from title 41, chapter 6, Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised Statutes.
  - 7. To eliminate or replace archaic or illegal rules.
- C.** An agency shall not conduct any informal or formal rule making pursuant to this section without the prior written approval of the office of the governor. This subsection does not apply to any agency that is independent of the office of the governor, including any agency that is headed by a single elected official or the corporation commission.
- D.** For the purposes of this section, “agency”, “person”, “rule” and “rule making” have the same meanings prescribed in section 41-1001, Arizona Revised Statutes.

**4. Governor’s Office contact information:**

Communications regarding written approval of the office of the governor should be addressed to Richard Bark, Deputy Chief of Staff, Policy at rbark@az.gov.