

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 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

Editor's Note: The following Notices of Proposed Rulemaking were exempt from Executive Order 2012-03 as issued by Governor Brewer.

[R12-184]

PREAMBLE

- | <u>1. Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
|--------------------------------------------------------------|--------------------------|
| R12-4-101 | Amend |
| 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 |
| R12-4-309 | Amend |
| R12-4-310 | Amend |
| R12-4-311 | Amend |
| R12-4-312 | Amend |
| R12-4-313 | Amend |
| R12-4-315 | Amend |
| R12-4-316 | Amend |
| R12-4-317 | Amend |
| R12-4-318 | Amend |
| R12-4-319 | Amend |
| R12-4-320 | Amend |
| R12-4-322 | New Section |
- 2. Citations to the agency's statutory authority to include the authorizing statute (general) and the implementing statute (specific):**
Authorizing statute: A.R.S. § 17-231(A)(1)
Implementing statute: A.R.S. §§ 17-102, 17-211(D), 17-211(E)(4), 17-231(A)(2), 17-231(A)(3), 17-231(A)(4), 17-231(B)(8), 17-231(B)(5), 17-231(D), 17-232, 17-234, 17-235, 17-250(A)(4), 17-301, 17-306, 17-307, 17-309, 17-331, 17-332(D), 17-333, 17-333.02, 17-342, 17-343, 17-344, 17-346, 17-361, and 17-371
- 3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**
Notice of Rulemaking Docket Opening: 18 A.A.R. 2505, October 5, 2012 (*in this issue*)
- 4. The agency's contact person who can answer questions about the rulemaking:**
Name: Dana McGehee, FOR6 Wildlife Manager
Address: Arizona Game and Fish Department
7200 E. University Drive
Mesa, AZ 85207

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Please visit the AZGFD web site to track progress of this rule and any other agency rulemaking matters at http://www.azgfd.gov/inside_azgfd/rules/rulemaking_updates.shtml.

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 An agency's justification and reason why the rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:

The Arizona Game and Fish Commission proposes to amend its Article 3 rules, governing the taking and handling of wildlife, to enact amendments developed during the preceding Five-year Review Report and incorporate recently passed legislation. After evaluating the scope and effectiveness of the proposed amendments specified in the review, the Commission proposes additional amendments to further implement original proposals.

In addition to the nonsubstantive amendments made to ensure compliance with the Administrative Procedures Act, Secretary of State, and G.R.R.C. rulemaking format and style requirements and rewording of rule language to make rules clearer and more concise; the Commission proposes the following substantive amendments:

R12-4-101 is amended to transfer all definitions applicable to only Article 3 rules to R12-4-301 and to transfer "day-long" from R12-4-304 to R12-4-301. The rule is also amended to define "firearm" to ensure consistency between Game and Fish Commission rules. In addition, the rule is amended to remove requirements for the placement of a Department-issued stamp from the definition of "stamp" to make the rule more concise.

R12-4-301 is amended to add definitions for "cervid," "pneumatic weapon," and "pre-charged pneumatic weapon" to make rules within Article 3 more clear and concise. In addition, definitions included in R12-4-101 that are only applicable to Article 3 rules and definitions included throughout Article 3 were transferred to R12-4-301.

R12-4-302 is amended to describe the actual Carcass/Transportation/Shipping Permit, which does not have a perforated line to make the rule easier to understand. The Commission believes the intent of this subsection is to prohibit an individual from allowing another individual from using a tag issued to someone else while they hunt. Currently, the rule language prohibits an individual from allowing another individual to attach their tag to an animal they have taken. The rule is also amended to prohibit an individual from allowing another individual to possess their tag. In addition, the rule is amended to clarify that a the Transportation and Shipping Permit is no longer considered valid for possessing wildlife when either portion of the permit is sealed, mutilated, signed, or filled out to formalize the Department's current practice.

R12-4-303 is amended to remove language that restricted the use of noise suppressors to comply with statutory amendments resulting Laws 2012, 2nd Regular Session, Ch. 128; remove language that prohibited the possession of certain weapons to comply with statutory amendments resulting Laws 2012, 2nd Regular Session, Ch. 225; and remove language that restricted magazine capacity to comply with statutory amendments resulting from Laws 2012, 2nd Regular Session, Ch. 75 with the exception of migratory game birds as 50 CFR Part 20 prohibits the take of migratory birds a shotgun of any description capable of holding more than three shells, unless it is plugged with a one-piece filler, incapable of removal without disassembling the gun, so its total capacity does not exceed three shells. In addition, A.R.S. § 17-235 authorizes the Commission to modify other regulations on migratory birds as it deems necessary. The rule is amended to remove language that restricted the use of shotgun larger than 10-gauge for the take of wildlife to increase hunter opportunity with the exception of migratory game birds as 50 CFR Part 20 prohibits the take of migratory birds a shotgun larger than 10-gauge. The rule is amended to prohibit an individual from discharging a pneumatic weapon .25 caliber or greater within one-quarter mile of an occupied structure, unless permitted by the owner or resident to increase consistency between firearms and pre-charged pneumatic weapon regulations. The rule is amended to prohibit the use of scent lures containing any cervid urine to proactively address concerns that products containing cervid urine may facilitate the transmission of diseases among wildlife. The rule is amended to prohibit the use of electronic night vision equipment, electronically enhanced light-gathering devices, or thermal imaging devices to prevent the use of this type of equipment for the take of wildlife. This does not include devices such as laser range finders, scopes with self-illuminating reticles, and fiber optic sights that do not project a visible light onto an animal. Because recent amendments to R12-4-304 allow the take of coyotes and mountain lions at night, when authorized by Commission Order, it is necessary to restrict the use of night vision equipment as it provides an advantage to increase safety, protect the sport of hunting, and ensure fair chase. The rule is amended to prohibit holding wildlife at bay during daylight hours and injuring, confining, or placing a tracking device on wildlife to prevent "canned" and "will call" hunts. The rule is amended to prohibit an individual from placing any substance, device, or object in, on, or near a water source to intentionally restrict wildlife from using the water source to ensure wildlife have adequate access to water sources. The rule is amended to prohibit the use of edible or ingestible substances to attract big game for the purposes of hunting to proactively address concerns that baiting may facilitate the transmission of diseases among wildlife and placing substances in the wild that contain toxic contaminants and may also result in unnatural concentrations of wildlife. The rules is also amended to prohibit the use of dogs to pursue or hold at bay any bear or lion for another hunter unless the hunter is present for the entire pursuit to more closely regulate the pursuit of bears and lions with dogs and increase consistency within Commission rules. A continuing Depart-

ment concern is the occurrence of “will call” hunts, where an individual hunting with the aid of dogs holds a lion or bear at bay during an open season and calls another hunter who has a tag for the species to make the kill. Because pursuit falls under the definition of take, it is considered a method of take and appropriately included in this rule. This rule amendment is consistent with the rule language contained in R12-4-208 and extends this requirement to all hunters, thus increasing consistency among the current set of rules. In addition, the Commission believes that R12-4-303 exists to prohibit devices and methods that either compromise the spirit of fair chase or adversely impact hunter success rates. The recent increase in the use of baiting has resulted in disproportionately high harvest rates among those using this method of hunting. Consequently, the Commission is offering fewer hunting opportunities, which negatively impacts hunter recruitment and retention.

R12-4-304 is amended to allow the use of pre-charged pneumatic weapons, subject to certain caliber restrictions, for the take of all big game except, buffalo, elk, and turkey to recognize technological advances in pneumatic weaponry, increase hunter opportunity, and it was requested by members of the public. The rule is amended to require an individual using dogs to pursue bear or mountain lion to immediately kill or release the bear or mountain lion after it has been treed, cornered, or held at bay to prevent “canned” and “will call” hunts. The rule is amended to provide only those devices and methods that have been authorized by Commission Order for the take of turkey to make the rule more concise. While the current rule authorizes a number of devices and methods to take turkey, historically, the Commission by Order has only permitted the take of turkey with bow and arrow, crossbow, and shotgun shooting shot; devices and methods supported by the National Wild Turkey Federation. The rule is also amended to prohibit the use of shotguns larger than 10-gauge for the take of migratory birds to ensure compliance with Migratory Bird Treaty Act shotgun gauge restrictions. In addition, the rule is amended to transfer the definition for “day-long” to R12-4-101 as it is more appropriate for the definition to be included in Article 1. General Provisions.

R12-4-305 is amended to clarify the purpose and use of both the Carcass/Transportation/Shipping Permit and the Transportation and Shipping Permit to clarify permit language and make the rule more concise. The rule is amended to replace the term “bobcat permit tag” with the term “bobcat seal” to incorporate amendments made to R12-4-307. The rule is amended to establish bobcat seal requirements to ensure accurate biological and harvest data is maintained to better monitor bobcat populations within Arizona. The rule is also amended to establish requirements for the importation of a cervid, taken in another state and for the removal of a cervid lawfully killed or slaughtered at a game farm to prevent the introduction of chronic wasting disease from nonnative cervids. In addition, the rule is amended to prohibit the transport of live crayfish and allow the sale of crayfish carcasses to aid in the conservation of native aquatic species. Nonnative crayfish have a grave impact to the state’s native aquatic wildlife population through competition, predation, or disease vector. Because they are a nonnative nuisance species and can be prepared for human consumption, the Commission intends to allow individuals to collect and transport and sell crayfish carcasses.

R12-4-306 is amended to require a buffalo hunter to provide a signed written acknowledgement that the hunter received, read, understands, and will comply with the requirements of this rule to ensure the hunter is aware of the Department’s requirements, authorities, and penalty for failure to comply; and to establish the Commission’s authority to invalidate a buffalo tag possessed by an individual who fails to comply with the requirements of R12-4-306 to promote compliance with Commission buffalo hunt requirements. These amendments are intended to provide additional direct oversight and control to make supplemental hunts more effective in achieving management objectives by prescribing the order of hunters who take buffalo and designating which animal may be taken during a supplemental hunt that targets population reduction efforts. Because of the importance of supplemental hunts, regional personnel need greater flexibility and control when assisting hunters in taking buffalo to maximize harvest. The rule is amended to clarify a buffalo hunt applies to the wildlife area “herd,” not the wildlife area “boundary” to make the rule more concise and easier to understand. The rule is amended to clarify that a non-permit tag is required for the Raymond Wildlife Area herd to clarify the type of permit required for a supplemental hunt. The rule is amended to extend the Department’s ability to designate which animal may be taken during a supplemental hunt and prescribe the order in which a hunter shall participate in a supplemental hunt. The rule is also amended to allow a Department employee to assist in the taking of a buffalo to prevent the herd from being further stressed and reduce wounding loss. In addition, the rule is amended to clarify that a successful buffalo hunter shall report the taking of a buffalo from either wildlife area in individual or by phone to reduce the regulatory burden.

R12-4-307 is amended to exclude individuals who use confinement traps from possessing devices designed or manufactured to restrain trapped animals so they can be removed from a trap and released when required under rule. The confinement trap in itself is a restraining device. The rule is amended to establish requirements for powered cable devices to address advances made in trapping technology and make the rule consistent with the Best Management Practices (BMP) for trapping as recommended by the Association of Fish and Wildlife Agencies (AFWA). The rule is amended to remove language referencing a commercially manufactured jawed trap that does not exceed 5 1/2 inches in diameter as these types of traps are no longer commercially available, causing the language to be obsolete. The rule is amended to allow the use of specific foot snares as today’s foot snares are both humane and effective; this amendment also makes the rule consistent with BMP for trapping as recommended by AFWA. Advances in trapping technology relating to foothold snares require new regulations for their use or restriction. A foot snare uses a spring-loaded steel cable loop suspended around the tripping pan to trap an animal by the leg or foot. When the animal compresses the pan in the center and springs the trap, the cable loop closes around the animal’s leg or foot to a preset diameter. The preset diameter of the loop keeps the snare from closing to a small diameter so it does not cut off an

animal's circulation. Because these foothold snares are both humane and effective, the Commission supports their use. Additionally, confusion exists because this rule inconsistently uses the term "leghold" trap in relation to other rules that refer to "foothold" traps. The proper term is "foothold" trap and all references to "leghold" are changed to "foothold." The rule is amended to replace the term "bobcat permit tag" with the term "bobcat seal" to make the rule more concise. The rule is amended to clarify the time and manner in which a bobcat seal must be attached to a bobcat's pelt or unskinned carcass to ensure accurate harvest and biological data is maintained to better monitor bobcat populations within Arizona. The rule is amended to allow the Department to offer bobcat seals year round. Historically, the bobcat seals were issued with the year stamped on the seal; the seal no longer displays the year of issuance so the Department does not need to restrict when these seals may be sold. The rule is also amended to remove references to the waiving of the April 10 deadline for bobcat pelts sealed under this section as the previous recommendation makes this practice obsolete. In addition, the rule is amended to establish the Department's authority to deny a trapping license to any individual who failed to submit an annual report until the individual complies with reporting requirements to ensure accurate harvest data is maintained.

R12-4-308 is amended to remove the requirement that an individual who takes a deer, elk, antelope, or buffalo under a special big game permit to submit the skull or skullcap for inspection and photographing as the Department believes it is no longer necessary to capture this biological data. The rule is amended to establish bobcat seal requirements to ensure accurate harvest and biological data is maintained to better monitor bobcat populations within Arizona. The rule is also amended to allow the Department to establish harvest objectives for other species to improve flexibility for increasing hunter opportunities while regulating harvest and to allow an unlimited number of individuals to participate in a hunt. In addition, the rule is amended to allow the Department to conduct inspections of all lawfully taken wildlife to check all wildlife for which a harvest objective is established. Harvest objectives specify a designated number of animals to be taken during a hunt. This allows an unlimited number of individuals to participate in a hunt, and the hunt closes when the designated number of animals is taken. Currently, the Department must estimate the number of hunters and their predicted hunt success rate in order to determine how many individuals may participate in a hunt. If hunter success is higher or lower than anticipated, the designated number of animals to be taken is not achieved.

R12-4-309 is amended to clarify that the rule does not apply to aquaculture facilities administered by the US Fish and Wildlife Service, commercial facilities operating under a valid license from the Department of Agriculture, and the use of supplements as part of conventional livestock operations to ensure that the rule does not negatively affect operations where the use of drugs on domestic animals or wildlife is regulated by another agency.

R12-4-310 is amended to remove the time-frame in which an instructor shall provide instruction on fish identification; the time spent on instruction should be left to the judgment of the instructor as more or less time may be required depending on the individuals receiving the instruction. In addition, the rule is amended to establish the Department's authority to deny future fishing permits to a permit holder who fails to submit the required report until the individual complies with reporting requirements to ensure accurate sport fishing data is maintained.

R12-4-311 is amended to clarify the meaning of "private waters" to ensure language is consistent with that outlined in statute. The rule is amended to clarify the taking of live terrestrial mollusks or crustaceans from private property to aid in the conservation of native aquatic species. The rule is amended to include any Saturday during National Fishing and Boating Week in response to changes by the Recreational Boating and Fishing Foundation (RBFF), which determines the dates for National Fishing and Boating Week. When National Fishing Week was first implemented, the event spanned a 7 day period. The event was changed to the National Fishing and Boating Week, and now spans a 10 day period, which includes two Saturdays. The rule amendment allows free fishing on any Saturday that occurs during this event. The rule is amended to clarify that free fishing opportunities do not apply to waters of the Colorado River and portions of Lake Powell to make the rule more concise and understandable. The rule is also amended to establish clarify sanctioned fishing program and authorized volunteer instructor requirements to ensure fishing education programs are conducted in the manner approved by the Department. In addition, the rule is amended to establish a hunting license exemption for individuals participating in an introductory hunting event organized, sponsored or sanctioned by the Department to increase hunter recruitment. The Commission recognizes hunting as a fundamental requirement of wildlife conservation in Arizona and introductory hunting events actively promote participation in a variety of hunting opportunities, including an appropriate mix of weapon types and season offerings.

R12-4-312 is amended to remove language requiring the Colorado River Special Use permit/stamp to be "affixed" to a fishing license as the new hard copy licenses make this requirement difficult to comply with.

R12-4-313 is also amended to allow the use of bow and arrow or crossbow for the take of catfish, where designated by Commission Order, to allow the Commission to open seasons that are limited to specific locations and specific times for the take of catfish with bow and arrow or crossbow and this was requested by the public. In addition, the rule is amended to allow the use of pneumatic weapons for the take of bullfrogs to better address invasive aquatic species and to provide more opportunities for hunters and anglers. As nonnative amphibians, bullfrogs are a competitive species that threaten the state's native biological diversity, so much so that they are listed as restrictive live wildlife. Both agency personnel and external members of the scientific community encourage the Commission to authorize

additional methods of take for bullfrog to allow individuals preferring these methods to take advantage of more recreational opportunities for hunters and anglers.

R12-4-316 is amended to remove “red shiner” from the list of live bait minnows that can be lawfully possessed, transported, or imported by licensed anglers to address emerging concerns about the interactions between red shiner and native aquatic wildlife as it is beneficial to restrict the use of red shiner to minimize impacts on aquatic wildlife. In addition, the rule is amended to allow anglers to collect red shiner in the wild to possess and use them as bait only on the body of water where they are captured to aid in the conservation of native aquatic species. Scientific research has identified emerging concerns about the interactions between red shiner, which is currently a legal baitfish, and native aquatic wildlife. These concerns suggest it would be beneficial to restrict the use of red shiner to minimize impacts on aquatic wildlife. The proposed amendment provides the opportunity for anglers to collect red shiner in the wild and possess and use them as bait on the body of water where they are captured.

R12-4-318 is amended to remove language referencing the possession of a personal protection handgun to comply with statutory amendments resulting Laws 2012, 2nd Regular Session, Ch. 225.

R12-4-322 is promulgated to allow individuals to pick up and possess naturally shed antlers, horns or other wildlife parts that are not fresh without a permit or Department inspection. In addition, the rule allows individuals to pick up and possess a fresh wildlife carcass or its parts if, upon finding the carcass or its parts, the individual voluntarily notifies the Department of the find, a Department officer is able to observe the carcass or its parts at the site where the animal was found, and the officer can determine the animal died of natural causes. The proposed rule does authorize the possession of any threatened or endangered species carcasses or its parts. This is proposed to provide the public with a method to pick up and possess wildlife carcasses and parts without having to purchase a tag. Outdoor activities provide a multitude of wildlife experiences, including the discovery of wildlife parts such as skulls, bones, or shed antlers and there is some confusion regarding when an individual may collect wildlife parts. Current rule does not adequately address the legality of picking up fresh wildlife parts. Recently, the Commission addressed the situation where an individual picked up the remains of deceased wildlife; according to current law, possession of wildlife parts is only allowable when there is some evidence of legality, such as a permit-tag or special license. There is no exception for an individual who, for example, would like to keep the antlers of a deer or elk that died from causes other than unlawful activity. The Commission recognizes the role that wildlife parts play in fostering interest and future participation in outdoor activities and would like to be more permissive by allowing this activity with the appropriate oversight that the new rule provides.

R12-4-315, R12-4-317, R12-4-319, and R12-4-320 are only amended to ensure compliance with the Administrative Procedures Act, Secretary of State, and Governor's Regulatory Review Council rulemaking format and style requirements and rewording of rule language to make rules clearer and more concise.

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

The following studies may be viewed at the Arizona Game and Fish Department, 5000 W. Carefree Hwy, Phoenix, AZ 85086:

“Brucellosis in Greater Yellowstone Area: Disease Management at the Wildlife-Livestock Interface” Brant A. Schumaker, Danelle E. Peck, Mandy E. Kauffman: Review of the current status of bovine brucellosis in the Greater Yellowstone Area; describes the suite of management activities currently being implemented; and discusses a few economic principles that can help society identify the optimal level of brucellosis control and achieve it at least cost.

“Bovine Tuberculosis in Free-ranging White-tailed Deer from Michigan” Stephen M. Schmitt, Scott D. Fitzgerald, Thomas M. Cooley, Colleen S. Bruning-Fann, Larry Sullivan, Dale Berry, Thomas Carlson, Richard B. Minnis, Janet B. Payeur, James Sikarskie: Review of occurrence of bovine tuberculosis in free-ranging cervids in North America where the disease is being maintained in the deer population without infected livestock involvement.

“Disease and Winter Feeding of Elk and Bison: A Review and Recommendations Pertinent to the Jackson Bison and Elk Management Plan and Environmental Impact Statement” Bruce L. Smith: Review exploring the relationships between winter feeding of elk and bison and certain existing and potential diseases of those populations; how winter feeding of elk and bison affects transmission, prevalence, and impacts of brucellosis and potentially chronic wasting disease (CWD) National Elk Refuge and Grand Teton National Park elk and bison.

“Dynamics of Bovine Tuberculosis in Wild White-tailed Deer in Michigan” Graham J. Hickling: Analysis of data on bovine tuberculosis infection of wild white-tailed deer in the Lower Peninsula of Michigan to quantify the geographic spread of tuberculosis in deer in Michigan; investigate key factors influencing the prevalence of disease in the core of the infected area; and interpret the results in light of overseas experience with wildlife tuberculosis, with a view to recommending how current management of the disease might be enhanced.

“Evaluation of New Strategy for Control of Bovine Tuberculosis in Michigan White-tailed Deer: Progress Report - Year 1” Stephen Schmitt, Daniel O'Brien, Brent Rudolph, Elaine Carlson, Dave Smith, Zachary Cooley, Graham Hickling, Graham Nugent, Peter Buchko: Summary of results of a one-year pilot trial of strategy to eliminate bovine

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tuberculosis in free-ranging deer through increased hunting pressure and to restrict supplemental feeding and baiting activities that encourage deer to congregate undertaken by Michigan Department of Natural Resources.

“Movement Patterns and Behavior at Winter Feeding and Fall Baiting Stations in a Population of White-tailed Deer Infected with Bovine Tuberculosis in the Northeastern Lower Peninsula of Michigan”: Mark Stephen Garner: Dissertation to analyze the effect winter feeding and baiting have on face to face (F2F) contact for white-tailed deer populations and make recommendations for managing the bovine tuberculosis outbreak for white-tailed deer in Michigan.

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

Not applicable

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

The Commission’s intent in proposing these amendments is to address the ethical taking and handling of wildlife, increase hunter opportunity, and encourage hunter recruitment and retention. These areas include the use of tags, lawful and unlawful methods of taking and possessing wildlife and wildlife parts, seasons, and wildlife check and reporting requirements. The majority of the rulemaking is intended to benefit the regulated community as well as the Department, by clarifying rule language to ease enforcement, creating consistency among existing Commission rules, providing greater opportunities for hunting and fishing, reducing the burden on the regulated community where possible and practical, allowing the Department additional oversight to handle advances in trapping technology, population management, and protecting the spirit of fair chase. The Commission has determined that the benefits of the rulemaking outweigh any costs.

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

Name: Dana McGehee, FOR6 Wildlife Manager
Address: Arizona Game and Fish Department
7200 E. University Drive
Mesa, AZ 85207
Telephone: (480) 528-7986
Fax: (480) 324-3596
E-mail: DMcGehee@azgfd.gov

Please visit the AZGFD web site to track progress of this rule and any other agency rulemaking matters at http://www.azgfd.gov/inside_azgfd/rules/rulemaking_updates.shtml.

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

Date: January 11, 2013
Time: 8:00 a.m. to 5:00 p.m.
Location: 5000 W. Carefree Highway
Phoenix, AZ 85086
Close of record: January 11, 2013

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

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

The rule does not require a general permit.

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

50 CFR Part 20 is applicable to the subject of the rule as it regulates the take of migratory birds; the rule is not more stringent than federal law.

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

No person has submitted an analysis to the agency that compares the rule's impact on the competitiveness of business in this state to the impact on business in other states.

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

50 CFR 20.21, revised June 14, 2001, referenced under R12-4-303(B)(7) and R12-4-304(B)(3)(e)(ii).

13. The full text of the rules follows:

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS

Section

R12-4-101. Definitions

ARTICLE 3. TAKING AND HANDLING OF WILDLIFE

Section

R12-4-301. Definitions

R12-4-302. Use of Tags

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

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

R12-4-305. Possessing, Transporting, Importing, Exporting, and Selling Carcasses or Parts of Wildlife

R12-4-306. Buffalo Hunt Requirements

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

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

R12-4-309. Authorization for Use of Drugs on Wildlife

R12-4-310. Fishing Permits

R12-4-311. Exemptions from Requirement to Possess an Arizona Fishing License or Hunting License ~~While Taking Aquatic Wildlife~~

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

R12-4-313. Lawful Methods of Taking 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

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

R12-4-320. Harassment of Wildlife

R12-4-322. Pickup and Possession of Wildlife Parts

ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS

R12-4-101. Definitions

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

1. ~~“Artificial lures and flies” means man-made devices intended as visual attractants for fish and does not include living or dead organisms or edible parts of those organisms, natural or prepared food stuffs, artificial salmon eggs, artificial eorn, or artificial marshmallows.~~

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

3. “Commission Order” means a document adopted by the Commission that does ~~any or all~~ one or more of the following: ~~open, close, or alter seasons and open areas for taking wildlife; specify wildlife that may or may not be taken; set bag or possession limits for wildlife; or set the number of permits available for limited hunts~~ Open, close, or alter seasons and open areas for taking wildlife;

Set bag or possession limits for wildlife;

Set the number of permits available for limited hunts; or

Specify wildlife that may or may not be taken.

4. “Crayfish net” means a net that does not exceed 36 inches on a side or in diameter and is retrieved by means of a hand held line.

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

“Firearm” means any loaded or unloaded handgun, pistol, revolver, rifle, shotgun or other weapon that will discharge, is

designed to discharge or may readily be converted to discharge a projectile by the action of an explosion caused by the burning of smokeless powder, black powder, or black powder substitute.

5. "Hunt area" means a game management unit, portion of a unit, ~~or~~ group of units, or any portion of Arizona described in a Commission Order and not included in a game management unit opened to hunting by a particular hunt number.
 6. "Hunt number" means the number assigned by Commission Order to any hunt area where a limited number of hunt permits is available.
 7. "Hunt permits" means the number of hunt permit-tags made available to the public as a result of a Commission Order.
 8. "Hunt permit-tag" means a tag for a hunt for which a Commission Order has assigned a hunt number.
 9. "Identification number" means a number assigned to each applicant or license holder by the Department, ~~as prescribed in~~ established under R12-4-111.
 10. "License dealer" means a business authorized to sell hunting, fishing, and other licenses as established under ~~to~~ R12-4-105.
 11. "Live baitfish" means any species of live freshwater fish designated by Commission Order as lawful for use in taking aquatic wildlife under R12-4-317.
 12. "Management unit" means an area established by the Commission for management purposes.
 13. "Minnow trap" means a trap with dimensions that do not exceed 12 inches in depth, 12 inches in width and 24 inches in length.
 14. "Muzzle loading handgun" means a firearm intended to be fired from the hand, incapable of firing fixed ammunition, having a single barrel and single chamber, and loaded through the muzzle with black powder or synthetic black powder and a single projectile.
 15. "Muzzle loading rifle" means a firearm intended to be fired from the shoulder, incapable of firing fixed ammunition, having a single barrel and single chamber, and loaded through the muzzle with black powder or synthetic black powder and a single projectile.
 16. "Nonpermit-tag" means a tag for a hunt for which a Commission Order does not assign a hunt number and the number of tags is not limited.
 17. "Restricted nonpermit-tag" means a tag issued for a supplemental hunt as established under R12-4-115.
 18. "Simultaneous fishing" means taking fish by using two lines and not more than two hooks or two artificial lures or flies per line.
 19. "Sink box" means a low floating device with a depression that affords a hunter a means of concealment beneath the surface of the water.
 20. "Stamp" means a form of authorization in addition to a license that allows the license holder to take wildlife specified by the stamp. ~~The Department shall issue a stamp by one of the following methods:~~
 - a. ~~Print the name of the stamp on the applicable license;~~
 - b. ~~Print the name of the stamp on a separate license form that the license holder shall attach to or carry with the applicable license; or~~
 - e. ~~Provide an actual stamp with an adhesive backing that the license holder shall affix to the back of the applicable license and signs across the face of the stamp.~~
 21. "Tag" means the Department authorization ~~that~~ an individual is required to obtain ~~from the Department under A.R.S. Title 17 and 12 A.A.C. 4~~ before taking certain wildlife as established under A.R.S. Title 17 and 12 A.A.C. 4.
 22. "Waterdog" means the larval or metamorphosing stage of salamanders.
 23. "Wildlife area" means an area established under 12 A.A.C. 4, Article 8.
- B.** If the following terms are used in a Commission Order, the following definitions apply:
1. "Antlered" means having an antler fully erupted through the skin and capable of being shed.
 2. "Antlerless" means not having an antler, antlers, or any part thereof erupted through the skin.
 3. "Bearded turkey" means a turkey with a beard that extends beyond the contour feathers of the breast.
 4. "Buck antelope" means a male pronghorn antelope.
 5. "Bull elk" means an antlered elk.
 6. "Designated" means the gender, age, or species of an animal or the specifically identified animal the Department authorizes to be taken and possessed with a valid tag.
 7. "Ram" means any male bighorn sheep, excluding male lambs.

ARTICLE 3. TAKING AND HANDLING OF WILDLIFE

R12-4-301. Definitions

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

“Administer” means to pursue, capture, or otherwise restrain wildlife in order to apply directly a drug to wildlife by injection, inhalation, ingestion or any other means.

“Aircraft” means any contrivance used for flight in the air or any lighter-than-air contrivance.

“Artificial lures and flies” means man-made devices intended as visual attractants for fish and does not include living or dead organisms or edible parts of those organisms, natural or prepared food stuffs, artificial salmon eggs, artificial corn, or artificial marshmallows.

“Barbless hook” means any fishhook manufactured without barbs or on which the barbs have been completely closed or removed.

“Body-gripping trap” means a device designed to capture an animal by gripping the animal's body.

“Cervid” means any member of the deer family (Cervidae); which includes caribou, elk, moose, mule deer, reindeer, wapiti, and whitetail deer.

“Confinement trap” means a device designed to capture wildlife alive and hold it without harm.

“Crayfish net” means a net that does not exceed 36 inches on a side or in diameter and is retrieved by means of a hand-held line.

“Dip net” means any net, excluding the handle, that is no greater than 3 feet in the greatest dimension that is hand-held, non-motorized, and the motion of the net is caused by the physical effort of the individual.

“Drug” means any chemical substance, other than food or mineral supplements, which affects the structure or biological function of wildlife.

“Evidence of legality” means the wildlife is accompanied by the applicable license, tag, stamp, or permit required by law and is identifiable as the “legal wildlife” prescribed by Commission Order, which may include evidence of species, gender, antler or horn growth, maturity and size.

“Foothold trap” means a device designed to capture an animal by the leg or foot.

“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.

“Land set” means any trap used on land rather than in water.

“Minnow trap” means a trap with dimensions that do not exceed 12 inches in depth, 12 inches in width and 24 inches in length.

“Muzzle-loading handgun” means a firearm intended to be fired from the hand, incapable of firing fixed ammunition, having a single barrel and single chamber, and loaded through the muzzle with black powder or synthetic black powder and a single projectile.

“Muzzle-loading rifle” means a firearm intended to be fired from the shoulder, incapable of firing fixed ammunition, having a single barrel and single chamber, and loaded through the muzzle with black powder or synthetic black powder and a single projectile.

“Nonprofit organization” means an organization that is recognized as nonprofit under Section 501(c) of the U.S. Internal Revenue Code.

“Paste-type bait” means a partially liquefied substance used as a lure for animals.

“Person” means any individual, corporation, partnership, limited liability company, non-governmental organization or club, licensed animal shelter, government entity other than the Department, and any officer, employee, volunteer, member or agent of a person.

“Pre-charged pneumatic weapon” means an air gun or pneumatic weapon that is charged from an external high compression source such as an air compressor, air tank, or external hand pump.

“Simultaneous fishing” means taking fish by using two lines and not more than two hooks or two artificial lures or flies per line.

“Sink box” means a low floating device with a depression that affords a hunter a means of concealment beneath the surface of the water.

“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 a trap flag, dried or bleached bone with no attached tissue, or less than two ounces of paste-type bait.

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“Trap flag” means an attractant made from materials other than animal parts that is suspended at least three feet above the ground.

“Water set” means any trap used and anchored in water rather than on land.

R12-4-302. Use of Tags

- ~~A.~~ In addition to meeting the requirements of prescribed under A.R.S. § 17-331, an individual who takes wildlife shall have in possession any tag required for the particular season or hunt area.
- ~~B.~~ A tag obtained in violation of statute or rule is invalid and shall not be used to take, transport, or possess wildlife.
- ~~C.~~ An individual who takes wildlife shall not possess a tag issued to anyone else, except as provided in this Section and R12-4-305, 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 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 wildlife killed by anyone else, except as provided in R12-4-217.
- ~~F.~~ An individual shall take and tag only the wildlife identified on the tag.
- ~~G.~~ An individual shall use a tag only in the season and hunt area for which the tag is valid.
- ~~H.C.~~ An individual who lawfully possesses both a nonpermit-tag and a hunt permit-tag shall not take a genus or species in excess of the bag limit established by Commission Order for that genus or species.
- ~~D.~~ An individual shall:
 - 1. Take and tag only the wildlife identified on the tag; and
 - 2. Use a tag only in the season and hunt for which the tag is valid, as specified by Commission Order.
- ~~E.~~ Except as permitted under R12-4-217, an individual shall not:
 - 1. Allow their tag to be attached to wildlife killed by another individual.
 - 2. Allow their tag to be possessed by another individual.
 - 3. Attach their tag to wildlife killed by another individual.
 - 4. Attach a tag issued to another individual to wildlife, or
 - 5. Possess a tag issued to another individual.
- ~~I.F.~~ Immediately Except as permitted under R12-4-217, immediately after an individual kills wildlife, unless exempted under R12-4-217 or the individual who took the wildlife wishes to divide the carcass under R12-4-305, the individual shall attach his or her valid the tag to the wildlife carcass in the following manner:
 - 1. Remove all of the detachable paper covering from the adhesive back of the tag;
 - 2. Seal the exposed adhesive portions of the tag around the wildlife so the tag cannot be removed or reused and all printing on the face of the tag is visible, and
 - a. For a antelope, deer, or 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, buffalo, bighorn sheep, javelina, or mountain lion; seal the tag through the gambrel of a hind leg; and
 - c. For a turkey, sandhill crane, or pheasant, sandhill crane, or turkey; seal the tag around the neck or a leg.
- ~~J.~~ An individual who lawfully takes wildlife under a tag and wishes to authorize another individual to possess, transport, or ship any portion of a carcass under R12-4-305 shall, at the time the portions are to be possessed, transported, or shipped independent from the original tag holder:
 - 1. Tear and separate the tag portions along the perforated line;
 - 2. Legibly complete and sign the Carcass/Transportation/Shipping Permit portion in accordance with R12-4-305(D), and
 - 3. Provide to the individual who will possess and transport the portions of the carcass the completed Carcass/Transportation/Shipping permit.
- ~~K.G.~~ An individual who possesses, transports, or ships a carcass or any part or parts of a carcass and is not the original tag holder shall possess the completed Carcass/Transportation/Shipping permit issued as part of the original permit authorizing the take of that animal An individual who lawfully takes wildlife with a valid tag and authorizes another individual to possess, transport, or ship the tagged portion of the carcass shall complete the Transportation and Shipping Permit portion of the original tag authorizing the take of that animal.
- ~~L.H.~~ If a tag or a separated portion of a tag has been sealed or mutilated, or the Carcass/Transportation/Shipping permit portion of the tag is signed or filled out, the tag is no longer valid for taking wildlife. If a tag is sealed or mutilated or the Transportation and Shipping Permit portion of the tag is signed or filled out, the tag is no longer valid for the take of wildlife.

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

- ~~A.~~ In addition to the prohibitions prescribed in under A.R.S. §§ 17-301 and 17-309, the following devices, methods, and ammunition are unlawful for taking any wildlife in this state. An individual shall not use or possess any of the following while taking to take wildlife:

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1. Fully automatic firearms, including firearms capable of selective automatic fire;
 2. Tracer, armor-piercing, or full-jacketed ammunition designed for military use; or
 3. ~~Shotguns larger than 10 gauge or shotguns capable of holding more than five shells in the magazine, unless plugged with a one-piece filler that cannot be removed without disassembling the gun, and that limits the magazine capacity to five shells;~~
 4. 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;
 5. Contrivances designed to silence, muffle, or minimize the report of a firearm;
 6. ~~Poisoned projectiles, or projectiles that contain explosives; or~~
 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~~
 3. ~~Any lure, attractant, or cover scent containing any cervid urine.~~
- B.** An individual shall not use or possess any of the following while taking wildlife:
1. Poisoned projectiles or projectiles that contain explosives;
 2. Pitfalls of greater than 5-gallon size, explosives, poisons, or stupefying substances; or
 3. Electronic night vision equipment, electronically enhanced light-gathering devices, or thermal imaging devices; except for devices such as laser range finders, scopes with self-illuminating reticles, and fiber optic sights with self-illuminating sights or pins that do not project a visible light onto an animal, except as permitted under A.R.S. § 17-239 or as allowed by a scientific collecting permit issued under A.R.S. § 17-238.
- C.** An individual shall not:
1. Hold wildlife at bay other than during daylight hours, unless authorized by Commission Order.
 2. Injure, confine, or place a tracking device on wildlife for the purpose of aiding another individual to take wildlife.
 3. Place any substance, device, or object in, on, or by any water source to prevent wildlife from using that water source.
 4. Place any substance in a manner intended to attract bears.
 5. Use a manual or powered jacking or prying device to take reptiles or amphibians.
 6. Use dogs to pursue, tree, corner or hold at bay any wildlife for a hunter unless that hunter is present for the entire hunt.
 7. Take migratory game birds, except Eurasian Collared-doves, using shotguns larger than 10 gauge, shotguns of any description capable of holding more than three shells unless it is plugged with a one-piece filler that cannot be removed without disassembling the gun so that it's total capacity does not exceed three shells, electronically amplified bird calls, or baits, as prohibited under 50 CFR 20.21, revised October 1, 2009. The material incorporated by reference in this Section and does not include any later amendments or editions. The incorporated material is available at any Department office, online from the Government Printing Office web site www.gpoaccess.gov, or may be ordered from the Superintendent of Documents, U.S. Government Printing Office, 732 N. Capitol St. N.W., Washington, D.C. 20401.
 8. Discharge a pneumatic weapon .25 caliber or larger while taking wildlife within one-fourth mile of an occupied farmhouse or other residence, cabin, lodge or building without permission of the owner or resident.
- D.** The use of edible or ingestible substances to aid in taking big game is unlawful when:
1. An individual places edible or ingestible substances for the purpose of attracting or taking big game.
 2. An individual knowingly takes big game with the aid of edible or ingestible substances placed for the purpose of attracting wildlife to a specific location.
 3. This subsection does not limit Department employees or Department agents in the performance of their official duties.
 4. For the purposes of this subsection, edible or ingestible substances does not include:
 - a. Water.
 - b. Salt or salt-based materials produced and manufactured for the livestock industry, or
 - c. Nutritional supplements produced and manufactured for the livestock industry and placed during the course of livestock or agricultural operations.
- B.** An individual shall not place any substance in a manner intended to attract bears.
- C.** An individual shall not use manual or powered jacking or prying devices to take reptiles or 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 available from any Department office, or it may be ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.
- E.** Wildlife taken in violation of this Section is unlawfully taken.
- F.** This Section does not apply to any activity allowed under A.R.S. § 17-302, to an individual acting within the scope of their official duties as an employee of the state or United States, or as authorized by the Department.

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

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- A. An individual may only use the following methods to take big game; when authorized by Commission Order and subject to the restrictions under R12-4-303 and 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, only;
 - g. Pre-charged pneumatic weapons .40 caliber or larger;
 - ~~g-h.~~ Bows with a standard pull of 30 or more lbs, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges; and
 - ~~h-i.~~ Crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection ~~(A)(1)(g)~~ (A)(1)(h) to be drawn and held with an assisting device.
 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, only;
 - g. Pre-charged pneumatic weapons .40 caliber or larger;
 - ~~g-h.~~ Bows with a standard pull of 30 or more lbs, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges;
 - ~~h-i.~~ Crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection ~~(A)(2)(g)~~ (A)(2)(h) to be drawn and held with an assisting device; and
 - ~~i-j.~~ Pursuit with dogs only between August 1 and December 31, ~~only~~ provided the individual shall immediately kill or release the bear after it is treed, cornered, or held at bay.
 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, only;
 - g. Pre-charged pneumatic weapons .40 caliber or larger;
 - ~~g-h.~~ Bows with a standard pull of 30 or more lbs, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges; and
 - ~~h-i.~~ Crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection ~~(A)(3)(g)~~ (A)(3)(h) to be drawn and held with an assisting device.
 4. To take buffalo:
 - a. State-wide, except for the game management units identified under subsection (A)(4)(b):
 - 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 40 or more lbs, using arrows with broadheads of no less than 7/8 inch in width with metal cutting edges; and
 - vi. Crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(4)(a)(v) to be drawn and held with an assisting device.
 - b. In game management units 5A and 5B:
 - 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, only;
 - g. Pre-charged pneumatic weapons .40 caliber or larger;
 - ~~g-h~~ Bows with a standard pull of 30 or more lbs, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges; and
 - ~~h-i~~ Crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection ~~(A)(5)(g)~~ (A)(5)(h) to be drawn and held with an assisting device.
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, only;
 - g. Bows with a standard pull of 30 or more lbs, 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 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(6)(g) to be drawn and held with an assisting device.
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, only;
 - g. Pre-charged pneumatic weapons .40 caliber or larger;
 - ~~g-h~~ Bows with a standard pull of 30 or more lbs, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges;
 - ~~h-i~~ Crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection ~~(A)(7)(g)~~ (A)(7)(h) to be drawn and held with an assisting device;
 - ~~i-j~~ .22 rimfire magnum rifles; and
 - ~~j-k~~ 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 or shot;
 - g. Pre-charged pneumatic weapons .40 caliber or larger;
 - ~~g-h~~ Bows with a standard pull of 30 or more lbs, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges;
 - ~~h-i~~ Crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection ~~(A)(8)(g)~~ (A)(8)(h) to be drawn and held with an assisting device;
 - ~~i-j~~ Artificial light, during seasons with ~~daylong~~ day-long hours, provided 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; and
 - ~~j-k~~ Pursuit with dogs, provided the individual shall immediately kill or release the mountain lion after it is treed, cornered, or held at bay.
9. To take turkey:

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- a. Centerfire rifles;
 - b. Muzzleloading rifles;
 - e. All other rifles using black powder or synthetic black powder;
 - d. Centerfire handguns;
 - e. Handguns using black powder or synthetic black powder;
 - f. a. Shotguns shooting slugs or shot;
 - g. b. Bows with a standard pull of 30 or more lbs, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges; and
 - h. c. Crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection ~~(A)(9)(e)~~ (A)(9)(b) to be drawn and held with an assisting device;
 - i. .22 rimfire magnum rifles;
 - j. 5 mm rimfire magnum rifles; and
 - k. .17 rimfire magnum rifles.
- B. An individual may only use the following methods to take small game; when authorized by Commission Order and subject to the restrictions under R12-4-303 and R12-4-318.
- 1. To take cottontail rabbits and tree squirrels:
 - a. Firearms,
 - b. Bow and arrow,
 - c. Crossbow,
 - d. Pneumatic weapons,
 - e. Slingshots,
 - f. Hand-held projectiles,
 - g. Falconry, and
 - h. Dogs.
 - 2. To take all upland game birds and Eurasian Collared-doves:
 - a. Bow and arrow;
 - b. Falconry;
 - c. Pneumatic weapons;
 - d. Shotguns shooting shot, only;
 - e. Handguns shooting shot, only;
 - f. Crossbow;
 - g. Slingshot;
 - g. h. Hand-held projectiles; and
 - h. i. Dogs.
 - 3. To take migratory game birds, except Eurasian Collared-doves:
 - a. Bow and arrow;
 - b. Crossbow;
 - c. Falconry;
 - d. Dogs;
 - e. Shotguns shooting shot:
 - i. Ten gauge or smaller, except that lead shot shall not be used or possessed while taking ducks, geese, swans, mergansers, common moorhens, or coots; and
 - e. ii. Shotguns shooting shot and incapable of holding more than two a total of three shells in the magazine, unless plugged with a one piece filler that cannot be removed without disassembling the gun that limits the magazine it's capacity to two shells; and, as prescribed under 50 CFR 20.21, published October 1, 2009. The material incorporated by reference in this subsection does not include any later amendments or editions. The material is available at any Department office, online from the Government Printing Office web site www.gpoaccess.gov, or may be ordered from the Superintendent of Documents, U.S. Government Printing Office, 732 N. Capitol St. N.W., Washington, D.C. 20401.
 - f. Dogs.
- C. An individual may take waterfowl from a any watercraft, except a sinkbox, subject to the following conditions:
- 1. The motor is shut off, if any, is shut off, and the sail is furled, if any as applicable, 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
 - a. Adrift as a result of current or wind action;
 - b. Beached;
 - c. Moored;

- d. Resting at anchor; or
- e. Propelled by paddle, oars, or pole; and
- 3. The individual may only use the watercraft under power to retrieve dead or crippled waterfowl, ~~but no; however,~~ shooting is ~~permitted~~ prohibited while the watercraft is underway.
- D. An individual may take predatory and furbearing animals by using the following methods, when authorized by Commission Order and subject to the restrictions under R12-4-303 and R12-4-318:
 - 1. Firearms;
 - 2. Pre-charged pneumatic weapons .22 caliber or larger;
 - ~~2-3.~~ Bow and arrow;
 - ~~3-4.~~ Crossbow;
 - ~~4-5.~~ Traps not prohibited under R12-4-307;
 - ~~5-6.~~ Artificial light while taking raccoon provided 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; and
 - ~~6-7.~~ Artificial light while taking coyote during seasons with ~~day-long~~ day-long hours, provided 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; and
 - ~~7-8.~~ Dogs.
- E. An individual may take nongame mammals and birds by any method authorized by Commission Order and not prohibited under R12-4-303 or R12-4-318, subject to the following restrictions. An individual:
 - 1. Shall not take nongame mammals and birds using foothold 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; and
 - 4. May use artificial light while taking nongame mammals and birds, if 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 by any method not prohibited under R12-4-303 or R12-4-318 subject to the following restrictions. 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; and
 - 3. May use artificial light while taking reptiles provided 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.
- ~~G.~~ For the purposes of Commission Orders authorized under this Section, “day-long” means the 24-hour period from midnight to midnight.

R12-4-305. Possessing, Transporting, Importing, Exporting, and Selling Carcasses or Parts of Wildlife

- ~~A.~~ For the purposes of this Section, “evidence of legality” means:
 - 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, separated portion of a tag under R12-4-302, stamp or permit required by law.
- ~~B.~~A. 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, or imports until arrival at the individual's permanent abode, a commercial processing plant, or the place where the wildlife is to be consumed.
- ~~C.~~B. In addition to the requirement in subsection ~~(B)~~ (A), an individual possessing or transporting the following wildlife shall ~~also ensure that each~~ also ensure that each:
 - 1. Big game animal, sandhill ~~cranes~~ crane, and pheasant ~~each have~~ has the required valid tag attached as prescribed ~~in~~ under R12-4-302;
 - 2. Migratory game ~~birds~~ bird, except sandhill cranes, ~~each have~~ has one fully feathered wing attached;
 - 3. ~~Each sandhill~~ Sandhill crane has either the fully feathered head or one fully feathered wing attached; and
 - 4. ~~Each quail~~ Quail has attached a fully feathered head, or a fully feathered wing, or a leg with foot attached, ~~if~~ when the current Commission ~~order~~ Order has established separate bag or possession limits for any species of quail.
- ~~D.~~C. An individual who has lawfully taken wildlife that requires a valid tag when prescribed by the Commission, ~~such as big game, sandhill crane, or pheasant,~~ may authorize its transportation or shipment by completing and signing the Transportation/Shipping ~~Transportation and Shipping~~ Permit portion of the valid tag for that animal. A separate Transportation/Shipping ~~Transportation and 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~~ 17-372(B), an individual may ship other law-

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fully taken wildlife by common carrier after obtaining a valid ~~Transportation/Shipping~~ Transportation and Shipping Permit issued by the Department. The individual shall provide the following information on the permit form:

1. Number and description of the wildlife to be transported or shipped;
2. ~~Name, address, license number, and license class~~ Name, address, license number, license class, and tag number of the individual who took the wildlife ~~and that individual's address, license number, license class, and tag number~~;
3. Tag number;
4. Name and address of the individual ~~who receives~~ receiving a portion of the ~~divided~~ carcass of the wildlife as authorized under subsection ~~(E)~~ (D), if applicable;
4. Address of destination where the wildlife is to be transported or shipped; and
5. Name and address of transporter or shipper.

~~E-D.~~ An individual who lawfully takes wildlife under a tag may authorize another individual to possess the head or carcass of the wildlife by separating and attaching the tag as prescribed ~~in~~ under R12-4-302.

E. An individual who receives a portion of the wildlife shall provide the identity of the individual who took and gave the portion of the wildlife.

F. An individual shall not possess the horns of a bighorn sheep, taken by a hunter in this state, unless the horns are marked or sealed as prescribed ~~in~~ under R12-4-308.

G. ~~An~~ Except as provided under R12-4-307, an individual who sells, offers for sale, or exports the raw pelt or unskinned carcass of a bobcat taken in this state shall ~~obtain a first:~~

1. Pay the bobcat permit tag, seal available for a fee as provided in established under R12-4-102 at Department offices and other locations at those times and places as determined and published by the Department, and shall ensure that, and
2. Present the bobcat permit tag is locked through the mouth or eye openings so that it cannot be removed for inspection at any Department office. Department personnel or an authorized agent shall attach and lock the bobcat seal only to a pelt or unskinned carcass presented with a validated transportation tag.

H. ~~Unless an individual has taken the annual bag limit for bear or mountain lion, an~~ An individual who takes bear or mountain lion under A.R.S. § 17-302, ~~if the season for bear or mountain lion is closed, during a closed season~~ may retain the carcass of the wildlife if the individual has a valid hunting license and the carcass is immediately tagged with a nonpermit-tag as required ~~by~~ under R12-4-114 and R12-4-302, ~~unless the individual has already taken the applicable bag limit for that big game animal.~~ An animal retained under this subsection shall count towards the ~~annual~~ applicable bag limit for bear or mountain lion as authorized ~~in~~ by Commission Order. The individual shall comply with inspection and reporting requirements established under R12-4-308.

I. An individual may ~~import into this state carcasses or parts of carcasses of wildlife that have been possess, transport, or import only the following portions of a cervid lawfully taken in another state or country if accompanied by evidence of legality:~~

1. Boneless portions of meat, or meat that has been cut and packaged;
2. Clean hides and capes with no skull or soft tissue attached, except as required for proof of legality;
3. Skulls with antlers, clean skull plates, or antlers with no meat or soft tissue attached;
4. Finished taxidermy mounts or products; and
5. Upper canine teeth with no meat or tissue attached.

J. A private game farm license holder may transport a cervid lawfully killed or slaughtered at the license holder's game farm to a licensed meat processor.

K. An individual may possess or transport only the following portions of a cervid lawfully killed or slaughtered at a private game farm authorized under R12-4-413:

1. Boneless portions of meat, or meat that has been cut and packaged;
2. Clean hides and capes with no skull or soft tissue attached;
3. Skulls with antlers, clean skull plates, or antlers with no meat or soft tissue attached;
4. Finished taxidermy mounts or products; and
5. Upper canine teeth with no meat or tissue attached.

~~J-L.~~ Individuals An individual who ~~obtain~~ obtained buffalo meat as authorized under R12-4-306 may sell the meat.

~~K-M.~~ Except for cervids, which are subject to requirements established under subsection (I), (J), and (K), ~~An~~ an individual may import into this state the carcasses or parts of wildlife, including aquatic wildlife, that have been lawfully taken in another state or country if ~~accompanied by evidence of legality, and~~ transported and exported in accordance with the laws of the state or country of origin.

~~L-N.~~ An individual in possession of or transporting the ~~carcasses~~ carcass of any freshwater fish ~~that have been~~ taken within this state shall ensure that the head, tail, or skin is attached so that the species can be identified, numbers counted, and any required length determined.

O. An individual shall not transport live crayfish from the site where taken, except as permitted under R12-4-316.

~~M-P.~~ An individual in possession of a carp (*Cyprinus carpio*) ~~or~~ buffalofish (*Ictiobus* spp.), or crayfish carcass taken under Commission ~~order~~ Order may sell the carcass.

R12-4-306. Buffalo Hunt Requirements

- A. When authorized by Commission ~~order~~ Order, the Department shall conduct a hunt to harvest buffalo from the state's buffalo herds.
- ~~B. 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 within five business days after taking the buffalo either in person at the House Rock Wildlife Area headquarters or in person or by telephone at the Department's Flagstaff regional office. 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. A hunter with a buffalo hunt permit tag for the Raymond Wildlife Area herd shall hunt in the order scheduled by the Department.~~
- ~~D. A hunter with buffalo hunt permit tag for the Raymond Wildlife Area herd shall be accompanied by an authorized Department employee who shall designate the animal to be harvested.~~
- B. A hunter with a buffalo permit-tag or nonpermit-tag shall:
 - 1. Provide a signed written acknowledgement that the hunter received, read, understands, and will comply with the requirements of this Section.
 - 2. Be accompanied by an authorized Department employee, when required, and
 - 3. Take only the buffalo designated by the Department employee, when required.
- C. For the House Rock Herd (Units 12A, 12B, and 13A): When required by the Department, a hunter with a nonpermit-tag shall:
 - 1. Hunt in the order scheduled.
 - 2. Be accompanied by a Department employee who:
 - a. Shall designate the buffalo to be harvested.
 - b. May assist in taking the buffalo when the hunter fails to dispatch a wounded buffalo within a reasonable period.
- D. For the Raymond Herd (Units 5A and 5B):
 - 1. A hunter with a permit-tag shall:
 - a. Hunt in the order scheduled.
 - b. Be accompanied by an authorized Department employee who:
 - i. Shall designate the buffalo to be harvested.
 - ii. May assist in taking the buffalo if the hunter fails to dispatch a wounded buffalo within a reasonable period.
 - 2. When required by the Department, a hunter with a nonpermit-tag shall:
 - a. Hunt in the order scheduled.
 - b. Be accompanied by a Department employee who:
 - i. Shall designate the buffalo to be harvested.
 - ii. May assist in taking the buffalo if the hunter fails to dispatch a wounded buffalo within a reasonable period.
- E. A hunter issued a buffalo permit-tag or non-permit tag shall checkout no more than three days after the end of the hunt, regardless of whether the hunter was successful, unsuccessful, or did not participate in a buffalo hunt.
 - 1. House Rock Herd (Units 12A, 12B, and 13A): A hunter may check out either in person or by telephone at the House Rock Wildlife Area headquarters, the Jacob Lake Check station when open during deer season, or the Department's Flagstaff Regional office.
 - 2. Raymond Herd (Units 5A and 5B):
 - a. A successful hunter shall check out in person at the Raymond Wildlife Area headquarters or the Department's Flagstaff Regional office. The hunter shall present the buffalo to the Department for the purpose of gathering biological data.
 - b. An unsuccessful hunter shall check out by telephone at the Raymond Wildlife Area headquarters or the Department's Flagstaff Regional office.
 - 3. At the time of checkout, the hunter shall provide all of the following information:
 - a. Hunter's name.
 - b. Hunter's contact number.
 - c. Tag number.
 - d. Sex of buffalo taken.
 - e. Age of the buffalo taken: adult or yearling.
 - f. Number of days hunted, and
 - g. Number of buffalo seen while hunting.
 - 4. When accompanied by an authorized Department employee, the employee shall conduct the checkout at the end of the hunt.
- F. Failure to comply with this Section invalidates the hunter's permit-tag or nonpermit-tag.

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 Section. All trappers, in units designated by Commission order as javelina hunt units, shall possess a choke restraint device that enables the trapper to release a javelina from a trap.
- D.** An individual shall not:
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 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 that exceeds five inches for any land set;
 10. Use a leghold trap with an open jaw spread 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 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:
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;
 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.
- 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. The trapper shall file the report even if no trapping is done.
- H.** Persons suffering 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 Section. Exemption under this Section does not authorize any form of trapping prohibited by A.R.S. § 17-301.

- ~~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. The 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.
- ~~J.~~ An individual 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.
- ~~K.~~ The Department shall issue a registered number to a trapper and enter the number on the trapping license at the time the trapper purchases the license. A trapper under the age of 14 is not required to purchase a trapping license, but shall obtain a registration number from any Department office before taking wildlife with a trap. A trapper's registration number is not transferable.
- ~~L.~~ All trappers shall ensure that the unskinned carcass of a bobcat that they have trapped in this state or the pelt of any bobcat that they have trapped in this state has a validated bobcat transportation tag attached to the carcass or pelt, except for a pelt tagged for sale and export under subsection (M).
 - 1. Trappers shall provide the following information 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. The Department shall provide transportation tags with each trapping license. A licensed trapper may obtain additional transportation tags from any Department office at no charge.
 - 2. Trappers shall validate transportation tags immediately upon taking the bobcat by legibly and completely filling in all information required on the tag.
- ~~M.~~ Trappers shall ensure that pelts of bobcats that they have taken in this state 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. Trappers may obtain bobcat permit tags 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. 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. Department personnel shall attach bobcat permit tags to bobcat pelts seized under A.R.S. § 17-211(D)(4) before disposal by the Department. The April 10 deadline is waived for pelts tagged under this subsection.
- A. An Arizona trapping license permits an individual to trap predatory and fur-bearing animals. The Department shall issue a registration number to a trapper and enter the number on the trapping license at the time the trapper purchases the license. The trapper registration number is not transferable.
- B. A trapping license is required for any individual 14 years of age and older. An individual under the age of 14 is not required to purchase a trapping license, but shall apply for and obtain a registration number.
- C. An individual born on or after January 1, 1967 shall successfully complete a Department-approved trapping education course before applying for a trapping license.
- D. An individual applying for a trapping registration number or trapping license shall pay the applicable fees established under R12-4-102.
- E. An individual applying for a trapping registration number or trapping license shall apply using a form furnished by the Department. The form is available at any Department office and online at www.azgfd.gov. The individual shall provide all of the following information on the form:
 - 1. Applicant's:
 - a. Full name, address, and telephone number;
 - b. Date of birth and physical description;
 - 2. Identification number assigned by the Department;
 - 3. Category of license:
 - a. Resident;

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- b. Nonresident; or
- c. Juvenile; and
- 4. The applicant's signature.
- F.** A trapper may only trap predatory and fur-bearing animals during trapping seasons established by Commission Order.
- G.** A trapper shall:
 - 1. Inspect traps daily;
 - 2. Kill or release all predatory and fur-bearing animals;
 - 3. Possess a choke restraint device that enables the trapper to release a javelina from a trap when trapping in a javelina hunt unit, as designated by Commission Order;
 - 4. Possess a device that is designed or manufactured to restrain a trapped animal while being removed from a trap when its release is required by this Section; and
 - 5. Release, without additional injury, all animals that cannot lawfully be taken by trap.
 - 6. Subsections (G)(3) and (G)(4) do not apply when the trapper is using a confinement trap.
- H.** A trapper shall not:
 - 1. Bait a confinement trap with:
 - a. A live animal;
 - b. Any edible parts of small game, big game, or game fish; or
 - c. Any part of any game bird or nongame bird.
 - 2. Set any trap within:
 - a. One half mile of any of the following areas developed for public use:
 - i. Boat launching area,
 - ii. Camping area,
 - iii. Picnic area, or
 - iv. Roadside rest area.
 - b. One half mile of any occupied residence or building without permission of the owner or resident.
 - c. One hundred yards of an interstate highway or any other highway maintained by the Arizona Department of Transportation.
 - d. Fifty feet of any trail maintained for public use by a government agency.
 - e. Twenty-five yards of any other road as defined under A.R.S. § 17-101.
 - f. Subsections (1)(b), (1)(c), (1)(d), and (1)(e) do not apply when the trapper is using a confinement trap.
 - 3. Set a foothold trap within 30 feet of sight-exposed bait.
 - 4. Use any:
 - a. Body-gripping or other instant kill trap with an open jaw spread that exceeds 5 inches for any land set or 10 inches for any water set;
 - b. Foothold trap with an open jaw spread that exceeds 7 1/2 inches for any water set;
 - c. Snare, unless authorized under subsection (I);
 - d. Trap with an open jaw spread that exceeds 6 1/2 inches for any land set; or
 - e. Trap with teeth.
- I.** A trapper who uses a foothold trap to take wildlife with a land set shall use commercially manufactured traps that meet the following specifications:
 - 1. A padded or rubber-jawed trap or an unpadded trap with jaws permanently offset to a minimum of 3/16 inch and a device that allows for pan tension adjustment;
 - 2. A foothold trap that captures wildlife by means of an enclosed bar or spring designed to prevent the capture of non-targeted wildlife or domestic animals; or
 - 3. A powered cable device with an inside frame hinge width no wider than 6 inches, a cable loop stop size of at least 2 inches in diameter to prevent capture of small non-target species, and a device to allow for a pan tension adjustment.
- J.** A trapper who uses a foothold trap to take wildlife with a land set shall ensure that the trap has an anchor chain is equipped with at least two swivels as follows:
 - 1. An anchor chain 12 inches or less in length shall have a swivel attached at each end.
 - 2. An anchor chain greater than 12 inches in length 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.
- K.** A trapper shall ensure that each trap has the name and address or registration number of the trapper marked on a metal tag attached to the trap. The number assigned by the Department is the only acceptable registered number.
- L.** A trapper shall immediately attach a valid bobcat transportation tag to the pelt or unskinned carcass of a bobcat taken in this state. A trapper shall validate the transportation tag by providing all of the following information on the bobcat transportation tag:
 - 1. Current trapping license number,
 - 2. Game management unit where the bobcat was taken,

3. Sex of the bobcat, and
4. Method by which the bobcat was taken.
- M.** The Department shall provide transportation tags with each trapping license. Additional transportation tags are available at any Department office at no charge.
- N.** A trapper shall ensure that all bobcats taken in this state have a bobcat seal attached and locked either through the mouth and an eye opening or through both eye openings no later than 10 days after the close of trapping season.
 1. When available, bobcat seals are issued on a first-come, first-served basis at Department offices and other locations at those times and places as determined and published by the Department.
 2. The trapper shall pay the bobcat seal fee established under R12-4-102.
 3. Department personnel or an authorized agent shall attach and lock a bobcat seal only to a pelt or unskinned carcass presented with a validated transportation tag and a complete lower jaw identified with labels provided with the transportation tag. Department personnel or authorized agents shall collect the transportation tags and jaws before attaching the bobcat seal.
- O.** Department personnel shall attach a bobcat seal to a bobcat pelt seized under A.R.S. § 17-211(E)(4) before disposal by the Department to the public.
- P.** A licensed trapper shall file the annual report prescribed under A.R.S. § 17-361(D).
 1. The trapper shall submit the form to Arizona Game and Fish Department, Game Branch, 5000 W. Carefree Highway, Phoenix, AZ 85086 by April 1 of each year.
 2. A report is required even when trapping activities were not conducted. The form is available at any Department office and online at www.azgfd.gov.
 3. The Department shall deny a trapping license to any trapper who fails to submit an annual report until the trapper complies with reporting requirements.
- Q.** Persons suffering 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 Section. This exemption does not authorize any form of trapping prohibited under A.R.S. § 17-301.

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

- A.** The Department has the authority to establish mandatory wildlife check stations.
 1. The Department shall publish in the Commission Order establishing the season the location:
 - a. ~~location~~ Location, check-in
 - b. Check-in requirements, and check-out
 - c. Check-out requirements for a that specific season with the published Commission order establishing the season.
 1. ~~Hunters shall personally check in at a wildlife check station before hunting in a season with a published check-in requirement.~~
 2. ~~The Department shall ensure that a wildlife check stations station with a published check-in:~~
 - a. Check-in requirement are is open continuously from:
 - i. ~~8:00 a.m. the day before the season until 8:00 p.m. the first day of the season, and from~~
 - ii. ~~8:00 a.m. to 8:00 p.m. during each day of the season.~~
 - b. Check-out requirement is open:
 - i. ~~8:00 a.m. to 8:00 p.m. during each day of the season, and remain~~
 - ii. ~~open until~~ Until 12:00 noon on the day following after the close of the season.
 3. A hunter shall:
 - a. Check-in at a wildlife check station in person before hunting when the Department includes a check-in requirement in the Commission Order for that season;
 - b. ~~Hunters shall personally check out~~ Check-out at a wildlife check station in person after hunting in a season with a published when the Department includes a check-out requirement in the Commission Order for that season; and shall present
 - c. Present for inspection any wildlife taken; and display
 - d. Display any license, tag, or permit required for taking or transporting wildlife.
 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 remain open until 12:00 noon on the day following the close of the season.~~
- B.** ~~The Department has the authority to may~~ conduct inspections for bighorn sheep, archery deer, bear, mountain lion and special big game license tags (deer, elk, antelope, and buffalo) of lawfully taken wildlife at the Department's Phoenix and regional offices or designated locations during the posted business hours. Regional offices are open 8:00 a.m. to 5:00 p.m., Monday through Friday, except on legal state holidays.
 1. ~~All A bighorn sheep hunters hunter,~~ hunter, shall personally check-out check-out in person, or by designee, within three days after the close of the season. Each The hunter who takes a bighorn sheep, or designee, shall submit the intact horns and skull for inspection and photographing. The A Department representative shall affix a mark or seal to one horn of

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each bighorn sheep lawfully taken under Commission ~~order~~ Order. ~~The hunter shall not~~ It is unlawful for any person to remove, alter, or obliterate the mark or seal.

- ~~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.~~
 - ~~4.2. A successful bear or mountain lion hunter shall report:~~
 - ~~a. Report information about the kill to the Department in person or by telephone within 48 hours of taking the wildlife. The report shall include the name:~~
 - ~~i. Name of the hunter, the hunter's~~
 - ~~ii. Hunter's hunting license number, the sex~~
 - ~~iii. Sex of the wildlife taken, the management~~
 - ~~iv. Management unit where the wildlife was taken, and a telephone~~
 - ~~v. Telephone number where the hunter can be reached for additional information, and~~
 - ~~vi. Any additional information required by the Department.~~
 - ~~b. Within 10 days of taking the wildlife, each hunter who takes a bear or mountain lion shall present Present, in person or by designee, the skull, hide, and attached proof of sex for inspection within 10 days of taking the bear or mountain lion. If a hunter freezes the skull or hide before presenting it for inspection, the hunter shall prop the jaw open to allow access to the teeth and ensure that the attached proof of sex is identifiable and accessible.~~
 - ~~3. For seasons other than bear, bighorn sheep, or mountain lion, where a harvest objective is established, a successful hunter shall report information about the kill either in person or by telephone within 48 hours of taking the wildlife. The report shall include the information required under subsection (2)(a).~~
- 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 does not limit the game ranger or wildlife manager's authority to conduct stops, searches, and inspections authorized under A.R.S. §§ ~~17-211(D)~~ 17-211(E), 17-250(A)(4), and 17-331, or to establish voluntary wildlife survey stations to gather biological information.

R12-4-309. Authorization for Use of Drugs on Wildlife

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

- ~~1. "Administer" means to pursue, capture, or otherwise restrain wildlife in order to apply directly a drug to wildlife, whether by injection, inhalation, ingestion or any other means.~~
- ~~2. "Drug" means any chemical substance, other than food or mineral supplements, which affects the structure or biological function of any wildlife under the jurisdiction of the state.~~
- ~~3. "Person" means any individual, corporation, partnership, limited liability company, non-governmental organization or club, licensed animal shelter, government entity other than the Department, and any officer, employee, volunteer, member or agent of a person.~~

~~**B.A.**~~ A person shall not administer any drug to any wildlife under the jurisdiction of the state, including but not limited to drugs used for fertility control, disease prevention or treatment, immobilization, or growth stimulation without written authorization from the Department or as otherwise provided under subsection ~~(F)~~ (E).

~~**C.B.**~~ A person requesting written authorization for the use of drugs on wildlife shall submit the request in writing to the Department at least 120 days before the anticipated start date of the activity and provide all of the following:

1. A plan that includes:
 - a. The purpose and need for the proposed activity;
 - b. A clear statement of the objectives; for fertility control the statement shall include the target wildlife population goals or densities and the anticipated time-frame for meeting these objectives;
 - c. A description of the agent, drug, or method including federal approvals or permits obtained, as applicable, and any mandated labeling restrictions or limitations designed to reduce or minimize detrimental effects to wildlife and humans;
 - d. Required approvals, including, but not limited to, any federal or state agency approvals for specific use;
 - e. Citations of published scientific literature documenting field studies on the efficacy and safety for both target and non-target species, including predators, scavengers, and humans;
 - f. A description of the activity area;
 - g. A description of the target species population and current status;
 - h. A description of the field methodology for delivery including timing, sex, and number of animals to be treated, percentage of the population to be treated, and if applicable, calculated population effect; that includes the following, as applicable:

- i. Timing.
 - ii. Sex and number of animals to be treated.
 - iii. Percentage of the population to be treated, and
 - iv. Calculated population effect, and
 - i. Short and long term monitoring and evaluation procedures.
 2. Documentation regarding the experience and credentials of the applicant or the applicant's agents as it applies to the requested activity;
 3. Written endorsement from the agency or institution; required when the applicant is a government agency, university, or other institution; and
 4. Written permission from landowners or lessees in all locations where the drug will be administered.
 - D. The Department shall notify the applicant of the Department's decision to grant or deny the request within 90 days. The Department has the authority to place conditions on the written authorization regarding:
 1. Locations and time-frames,
 2. Drugs and methodology,
 3. Limitations,
 4. Reporting requirements, and
 5. Any other conditions deemed necessary by the Department.
 - E. A person with authorization shall:
 1. Carry written authorization while engaged in the activity and exhibit it upon request to any peace officer;
 2. Allow Department personnel to be present to monitor activities for compliance, public safety, and proper treatment of animals;
 3. Adhere to all drug label restrictions and precautions;
 4. Provide an annual and final report;
 - a. The annual report must include the number of animals treated, the level of treatment effect obtained to date, and any problems including mortalities or morbidities of target animals.
 - b. The final report must include the end results, including the number of wildlife treated and treatment effects on target and non-target wildlife, including mortalities, morbidities, and reproductive rate changes.
 5. Comply with all conditions and requirements set forth in the written authorization.
 - F. This Section does not prohibit the treatment of wildlife by a licensed veterinarian or holder of a special license in accordance with R12-4-407(A)(2), (8) and R12-4-428(B)(13), activities as authorized under R12-4-418, R12-4-420, R12-4-421, and R12-4-423, an individual exempt from special licensing under R12-4-407(A)(4) and (5), or reasonable lethal removal activities for wildlife control as authorized under A.R.S. § 17-239(A).
 - G. This Section does not limit:
 1. Department employees or Department agents in the performance of their official duties related to wildlife management,
 2. The practices of aquaculture facilities administered by the US Fish and Wildlife Service, and commercial aquaculture facilities operating under a valid license from the Arizona Department of Agriculture, or
 3. The use of supplements or drugs as a part of conventional livestock operations where those supplements may incidentally be consumed by wildlife.
 - H. The Department shall take possession of and dispose of any remaining wildlife drugs administered in violation of this Section and any devices and paraphernalia used to administer those drugs, as authorized under A.R.S. §§ 17-211(E), 17-231(A), and 17-240(B).

R12-4-310. Fishing Permits

- A. The Department may issue a ~~Fishing Permit~~ fishing permit to state, county, or municipal agencies or departments and to nonprofit organizations licensed by or contracted with the Department of Economic Security or Department of Health Services, whose primary purpose is to provide physical or mental rehabilitation or training for individuals with physical, developmental, or mental disabilities.
- B. ~~The permit will allow individuals with physical, developmental, or mental disabilities to fish without a fishing license. The permit will authorize this activity for up to 20 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 individuals fishing under the authority of the permit shall comply with other statutes, Commission orders, and rules not contained in this Section.~~
 1. Is valid for the two days specified on the permit;
 2. Authorizes up to 20 individuals with physical, developmental, or mental disabilities to fish without a fishing license 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; and

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3. Does not exempt individuals fishing under the authority of the permit from compliance with other statutes, Commission Orders, and rules not contained in this Section.

~~B.C.~~ An applicant for a Fishing Permit fishing permit shall provide the following a properly completed application to the Department. The application is furnished by the Department and is available from any Department office and online at azgfd.gov. The applicant shall provide all of the following information:

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

~~a.1.~~ The name, address, and telephone number of the agency, department, or nonprofit organization requesting the permit;

~~b.2.~~ The name, position title, and telephone number of the individual who will be responsible for supervising the individuals who will be fishing under the authority of the permit;

~~e.3.~~ The total number of individuals who will be fishing under the authority of the permit;

~~d.4.~~ The dates of the two days for which the permit will be valid; and

~~e.5.~~ The location for which the permit will be valid.

~~2.6.~~ Nonprofit In addition to the information above, nonprofit organizations shall also submit documentation that they are licensed by or 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 or groups with physical, developmental, or mental disabilities.

~~C.D.~~ The Department shall issue or deny the Fishing Permit fishing permit to an applicant within 30 calendar days of receiving an application.

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

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

~~F.G.~~ The permittee permit holder shall submit a report to the Department not later than 30 days after the end of the authorized fishing dates. The report form is furnished by the Department and is available at any Department office. The Department may deny issuance of future Fishing Permits to permittees who fail to submit the report. The permittee permit holder shall report all of the following information on a the form available from the Department:

1. The Fishing Permit fishing permit number and the information contained in the permit;

2. The total number of individuals who fished and total hours fished;

3. The total number of fish caught, kept, and released, by species.

~~H.~~ The Department may deny future fishing permits to a permit holder who fails to submit the report until the permit holder complies with reporting requirements.

R12-4-311. Exemptions from Requirement to Possess an Arizona Fishing License or Hunting License while Taking Aquatic Wildlife

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

~~B.~~ An individual may take terrestrial mollusks or crustaceans from private property without a fishing license.

~~C.~~ Any individual fishing in Arizona on the designated Saturday during National Fishing and Boating Week may fish without an Arizona fishing license if the individual's privilege to take aquatic wildlife has not been revoked by the Commission. The provisions of this subsection 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 subsection do not apply to Reservation lands except as authorized by tribal governments.

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

In addition to the exemptions prescribed under A.R.S. § 17-335, and provided the individual's fishing and hunting license privileges are not currently revoked by the Commission:

1. A fishing license is not required when an individual is:

a. Fishing from artificial ponds, tanks, and lakes contained entirely on private lands that are not:

i. Open to the public, and

ii. Managed by the Department.

b. Taking terrestrial mollusks or crustaceans from private property.

c. Fishing in Arizona on any designated Saturday occurring during National Fishing and Boating Week, except in waters the Colorado River forming the common boundaries between Arizona and California, Nevada, or Utah where fishing without a license is limited to the shoreline, unless the state with concurrent jurisdiction removes licensing requirements on the same day.

d. Participating in an introductory fishing education program sanctioned by the Department, during scheduled pro-

gram hours, only. A sanctioned program shall have a Department employee, sport fishing contractor, or authorized volunteer instructor present during scheduled program hours. For the purposes of this subsection, "authorized volunteer instructor" means an individual who has successfully passed the Department's required background check and sport fishing education workshop.

2. A hunting license is not required when an individual is participating in an introductory hunting event organized, sanctioned, or sponsored by the Department. The individual may hunt small game, furbearing, predator, and designated mammals during scheduled event hours, only. To hunt migratory birds, the individual shall have any stamps required by federal regulation. The introductory hunting event shall have a Department employee, certified hunter education instructor, or authorized volunteer present during scheduled hunting hours. For the purposes of this subsection, "authorized volunteer instructor" means an individual who has successfully passed the Department's required background check and Department event best practices training. This subsection does not apply to any event that requires participants to obtain a permit-tag or nonpermit-tag.

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

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

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

- A. An individual may take aquatic wildlife as defined ~~in~~ under A.R.S. § 17-101, subject to the restrictions prescribed ~~in~~ under 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~~ under A.R.S. § 17-301.
- B. The Commission may, through Commission ~~order~~ Order, prescribe legal sizes for possession of aquatic wildlife.
- C. An individual may take aquatic wildlife by angling or simultaneous fishing as defined ~~in R12-4-101~~ under R12-4-301 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~~ Order;
 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~~ under R12-4-301, only in areas designated by Commission ~~order~~ 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. In addition to angling, an individual may also take the following aquatic wildlife using the following methods, subject to the restrictions ~~of~~ established under 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, crossbow, 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:
 - a. Bow and arrow;
 - b. Crossbow;
 - c. Snare;
 - d. Gig;
 - e. Spear or spear gun; or
 - f. Snagging.
 - g. Except for snagging, an individual shall not practice any of these methods of take within 200 yards of any boat

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- dock or designated swimming area.
2. Striped bass may also be taken by spear or spear gun in waters designated by Commission ~~order~~ 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~~ 4 feet measured from the horn to the headline;
 - b. A minnow trap, as defined ~~in R12-4-101~~ under R12-4-301;
 - c. A seine net not to exceed 10 feet in length and ~~four~~ 4 feet in width; or
 - d. A dip net.
 4. Catfish may also be taken by bow and arrow or crossbow in waters designated by Commission Order.
 - ~~4.5.~~ 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.
 - ~~5.6.~~ In addition to the methods described in subsection ~~(D)(4)~~ (D)(5) of this Section, bullfrogs may also be taken by ~~bow and arrow, crossbow, or slingshot~~;
 - a. Bow and arrow.
 - b. Crossbow.
 - c. Pneumatic weapon, or
 - d. Slingshot.
 - ~~6.7.~~ In addition to the methods described in subsection ~~(D)(4)~~ (D)(5) of this Section, crayfish may also be taken with the following devices:
 - a. A trap not more than ~~three~~ 3 feet in the greatest dimension; ~~or,~~
 - b. A dip net as defined under R12-4-301, or
 - ~~b-c.~~ A seine net not larger than ~~ten~~ 10 feet in length and ~~four~~ 4 feet in width.
- E. An individual who uses a crayfish and minnow trap shall ~~attach a water-resistant identification tag to the trap if it is unattended. The tag shall include the legible name, address, and fishing license number of the individual using the trap. An individual using a crayfish and minnow trap shall raise and empty the trap daily.~~
1. Raise and empty the trap daily
 2. Attach a water-resistant identification tag to the trap when it is unattended. The tag shall include the individual's:
 - a. Name.
 - b. Address, and
 - c. Fishing license number.

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

- A. An individual may possess fish taken alive as provided under R12-4-313 on the waters where taken, except when the take or possession is expressly prohibited ~~by the provisions of~~ under R12-4-313 or R12-4-317, but the individual shall not transport the fish alive from the waters where taken except as ~~allowed in~~ authorized under R12-4-316.
- B. An individual ~~who places~~ shall attach water resistant identification to any unattended live boxes or stringers holding fish ~~shall attach water resistant. The identification legibly bearing the name, address, and fishing license number of the individual using and holding fish in the live box or stringer shall bear the individual's:~~
 1. Name.
 2. Address, and
 3. Fishing license number.

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

- A. An individual may possess live baitfish, crayfish, or waterdogs for use as live bait ~~only in accordance with~~ as established under R12-4-317 and this Section and R12-4-317.
- B. An individual may possess or transport the following live baitfish for personal use as live bait ~~in accordance with~~ as established under R12-4-317. An individual who possesses a valid Arizona fishing license may import these live baitfish from California 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~~) (Pimephales promelas);
 2. Mosquitofish (~~Gambusia affinis~~) (Gambusia affinis);
 3. Red shiner (Cyprinella lutrensis);
 - ~~4.3.~~ Threadfin shad (~~Dorosoma petenense~~) (Dorosoma petenense);
 - ~~5.4.~~ Golden shiners (~~Notemigonus crysoleucas~~) (Notemigonus crysoleucas); and
 - ~~6.5.~~ Goldfish (~~Carassius auratus~~) (Carassius auratus).
- C. An individual who possesses a valid Arizona fishing license may ~~import~~;
 1. 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.

2. Import live baitfish listed under subsection (B) from California 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.

D. An individual may:

1. Trap or capture live crayfish as provided under R12-4-313.
2. 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.

~~D.E.~~ An individual shall not import:

1. 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.
2. 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.
3. Import, transport, move between waters, or possess live red shiner (*Cyprinella lutrensis*) for personal use.

E. 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. 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.

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

A. Methods of lawfully taking aquatic wildlife during seasons designated by Commission ~~order~~ Order as “general” seasons are designated ~~in~~ under R12-4-313.

B. Other seasons designated by Commission ~~order~~ Order have specific requirements and lawful methods of take more restrictive than those for general seasons, as prescribed ~~in~~ under this Section. While taking aquatic wildlife under R12-4-313 an individual participating in:

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 ~~under~~ R12-4-301. The Commission may further restrict “artificial lures and flies only” season to the use of barbless or single barbless hooks as defined under R12-4-301. 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 Δ “live baitfish” season shall not possess or 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~~ Order. Live baitfish shall not be transported from the waters where taken except as ~~allowed in~~ authorized under 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 Δ “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 Δ “snagging” season shall use this method only at times and locations designated by Commission ~~order~~ Order.
7. An individual participating in a Δ “spear or spear gun” season shall use this method only at times and locations designated by Commission ~~order~~ Order.

C. A “special” season may be designated by Commission ~~order~~ 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~~ Order.

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 under R12-4-304.

B. Methods of lawfully taking big game during seasons designated by Commission Order as “special” are designated under R12-4-304. “Special” seasons are open only to individuals who possess a special big game license tag authorized under

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A.R.S. § 17-346 and R12-4-120.

- C. 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 the species authorized by the season, an individual participating in:
1. ~~An individual participating in a~~ A “CHAMP” season shall be a challenged hunter access/mobility permit holder as established under R12-4-217.
 2. ~~An individual~~ A “junior's-only hunt” shall be under the age of 18 ~~who meets and meet~~ the requirements prescribed under A.R.S. § 17-335 ~~may participate in a “juniors-only hunt.”~~ A youth hunter whose 18th birthday occurs during a “juniors-only hunt” for which they have a valid permit or tag may continue to participate for the duration of that “junior's-only hunt.”
 3. ~~An individual participating in a~~ 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 possess and, at the request of Department personnel, produce a valid hunting license and any required tag for taking the animal pursued, even though there shall be no kill.
 4. ~~An individual participating in a~~ A “restricted season” may use any lawful method authorized for a specific species under R12-4-304, except dogs may not be used to pursue the wildlife for which the season was established.
 5. ~~An individual participating in an~~ “archery-only” season shall not use any other weapons, including crossbows or bows with a device that holds the bow in a drawn position except as authorized under R12-4-216. An individual participating in an “archery-only” season may only use the following methods or devices when authorized under R12-4-304 as lawful for the species hunted:
 - a. ~~Bows and arrows as prescribed under R12-4-304,~~ and
 - b. Falconry.
 6. ~~An individual participating in a~~ A “handgun, archery, and muzzleloader (HAM)” season may only use one or more of the following methods or devices when authorized under R12-4-304 as lawful for the species hunted:
 - a. ~~Bows and arrows as prescribed under R12-4-304,~~
 - b. ~~Crossbows as prescribed under R12-4-304~~ or bows to be drawn and held with an assisting device,
 - c. Handguns, and
 - d. ~~Muzzle-loading rifles as defined under R12-4-101~~ R12-4-301.
 7. ~~An individual participating in a~~ A “muzzleloader” season shall not use or possess any firearm other than muzzle-loading rifles or muzzle-loading handguns, as defined under R12-4-101 may only use one or more of the following methods or devices when authorized under R12-4-304 as lawful for the species hunted:
 - a. Bows and arrows;
 - b. Crossbows or bows to be drawn and held with an assisting device; and
 - c. Muzzle-loading rifles or handguns, as defined under R12-4-301.
 8. ~~An individual participating in a~~ A “limited weapon” season may only use one or more of the following methods or devices for taking wildlife, when authorized under R12-4-304 as lawful for the species hunted:
 - a. Any trap except foothold traps,
 - b. ~~Bow and arrow~~ Bows and arrows,
 - c. Capture by hand,
 - d. ~~Crossbows as prescribed under R12-4-304~~ or bows to be drawn and held with an assisting device,
 - e. Dogs,
 - f. Falconry,
 - g. Hand-propelled projectiles,
 - h. Nets,
 - i. Pneumatic weapons ~~discharging a single projectile .22 caliber or smaller,~~ or
 - j. Slingshots.
 9. ~~An individual participating in a~~ A “limited weapon hand or hand-held implement” season may only use one or more of the following methods or devices for taking wildlife, when prescribed under R12-4-304 as lawful for the species hunted:
 - a. Catch-pole,
 - b. Hand,
 - c. Snake hook, or
 - d. Snake tongs.
 10. ~~An individual participating in a~~ A “limited weapon-pneumatic” season may only use one or more of the following methods or devices for taking wildlife, when prescribed under R12-4-304 as lawful for the species hunted:
 - a. Capture by hand,
 - b. Dogs,
 - c. Falconry,

- d. Hand-propelled projectiles,
 - e. Nets,
 - f. Pneumatic weapons discharging a single projectile .22 caliber or smaller, or
 - g. Slingshots.
11. ~~An individual participating in a~~ A “limited weapon-rimfire” season may only use one or more of the following methods or devices for taking wildlife, when authorized under R12-4-304 as lawful for the species hunted:
- a. Any trap except foothold traps,
 - b. ~~Bow and arrow~~ Bows and arrows,
 - c. Capture by hand,
 - d. ~~Crossbows as prescribed under R12-4-304~~ or bows to be drawn and held with an assisting device,
 - e. Dogs,
 - f. Falconry,
 - g. Hand-propelled projectiles,
 - h. Nets,
 - i. Pneumatic weapons,
 - j. Rifled firearms using rimfire cartridges,
 - k. Shotgun shooting shot or slug, or
 - l. Slingshots.
12. ~~An individual participating in a~~ A “limited weapon-shotgun” season may only use one or more of the following methods or devices for taking wildlife, when authorized under R12-4-304 as lawful for the species hunted:
- a. Any trap except foothold traps,
 - b. ~~Bow and arrow~~ Bows and arrows,
 - c. Capture by hand,
 - d. ~~Crossbows as prescribed under R12-4-304~~ or bows to be drawn and held with an assisting device,
 - e. Dogs,
 - f. Falconry,
 - g. Hand-propelled projectiles,
 - h. Nets,
 - i. Pneumatic weapons,
 - j. Shotgun shooting shot or slug, or
 - k. Slingshots.
13. ~~An individual participating in a~~ A “limited weapon-shotgun shooting shot” season may only use one or more of the following methods or devices for taking wildlife, when authorized under R12-4-304 as lawful for the species hunted:
- a. Any trap except foothold traps,
 - b. ~~Bow and arrow~~ Bows and arrows,
 - c. Capture by hand,
 - d. ~~Crossbows as prescribed under R12-4-304~~ or bows to be drawn and held with an assisting device,
 - e. Dogs,
 - f. Falconry,
 - g. Hand-propelled projectiles,
 - h. Nets,
 - i. Pneumatic weapons,
 - j. Shotgun shooting shot, or
 - k. Slingshots.
14. ~~An individual participating in a~~ A “falconry-only” season shall be a falconer licensed under R12-4-422 unless exempt under A.R.S. § 17-236(C) or R12-4-407. A falconer participating in a “falconry-only” season shall use no other method of take except falconry.
15. ~~An individual participating in a~~ A “raptor capture” season shall be a falconer licensed under R12-4-422 unless exempt under R12-4-407.

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

- A. For the purposes of this Section, ~~the following definitions apply:~~ “locate” means any act or activity that does not take or harass wildlife and is directed at locating or finding wildlife in a hunt area.
- 1. ~~“Aircraft” means any contrivance used for flight in the air or any lighter-than-air contrivance.~~
 - 2. ~~“Locate” means any act or activity that does not take or harass wildlife and is directed at locating or finding wildlife in a hunt area.~~
- B. An individual shall not take or assist in taking wildlife from or with the aid of aircraft.
- C. 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

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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.

- D. An individual who possesses a special big game license tag for a special season under R12-4-115 or R12-4-120 or an individual 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.
- E. This Section does not apply to any individual acting within the scope of official duties as an employee or authorized agent of the state or the United States to ~~administer~~ manage or protect or aid in the ~~administration~~ management 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 established under~~ 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~~ under R12-4-301, or with or from any motorized terrestrial or aquatic vehicle.
- B. This Section does not apply to individuals acting:
 - 1. Under the provisions ~~of established under~~ 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~~ manage or protect or aid in the ~~administration~~ management or protection of land, water, wildlife, livestock, domesticated animals, human life, or crops.

R12-4-322. Pickup and Possession of Wildlife Carcasses or Parts

- A. For the purposes of this Section, the following definitions apply:
 - 1. “Fresh” means the majority of the wildlife carcass or part is not exposed dry bone and is comprised mainly of hair, hide, or flesh.
 - 2. “Not fresh” means the majority of the wildlife carcass or part is exposed dry bone due to natural processes such as scavenging, decomposition, or weathering.
- B. If not contrary to federal law or regulation, an individual may pick up and possess naturally shed antlers or horns or other wildlife parts that are not fresh without a permit or inspection by a Department officer.
- C. If not contrary to federal law or regulation, an individual may only pick up and possess a fresh wildlife carcass or its parts under this Section if the individual notifies the Department and:
 - 1. The Department’s first report or knowledge of the carcass or its parts is voluntarily provided by the individual wanting to possess the carcass or its parts;
 - 2. A Department law enforcement officer is able to observe the carcass or its parts at the site where the animal was found in the same condition and location as when the animal was originally found by the individual wanting to possess the carcass or its parts; and
 - 3. A Department law enforcement officer, using the officer’s education, training, and experience, determines the animal died from natural causes. The Department may require the individual to take the officer to the site where the animal carcass or parts were found when an adequate description or location cannot be provided to the officer.
- D. If a Department law enforcement officer determines that the individual wanting to possess the carcass or its parts is authorized to do so under subsection (C), the officer may authorize possession of the carcass or its parts.
- E. Wildlife parts picked up and possessed from areas under control of jurisdictions that prohibit such activity, such as other states, reservations, or national parks, are illegal to possess in this state.
- F. This Section does not authorize the pickup and possession of an endangered or protected species carcass or its parts.

NOTICE OF PROPOSED RULEMAKING

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

[R12-186]

PREAMBLE

<u>1. Article, Part, or Section Affected (as applicable)</u>	<u>Rulemaking Action</u>
R12-4-501	Amend
R12-4-502	Amend
R12-4-503	Amend
R12-4-504	Amend
R12-5-505	Amend
R12-4-506	Amend

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R12-4-507	Amend
R12-4-508	Amend
R12-4-509	Amend
R12-4-510	Amend
R12-4-511	Amend
R12-4-512	Amend
R12-4-513	Amend
R12-4-514	Amend
R12-4-515	Amend
R12-4-516	Amend
R12-4-517	Amend
R12-4-519	Amend
R12-4-520	Amend
R12-4-521	Amend
R12-4-522	Amend
R12-4-523	Amend
R12-4-525	Amend
R12-4-526	Amend
R12-4-527	Amend
R12-4-528	Amend
R12-5-529	New Section

2. Citations to the agency’s statutory authority to include the authorizing statute (general) and the implementing statute (specific):

Authorizing statute: A.R.S. §§ 5-302 and 5-311(A)(1)
Implementing statute: A.R.S. §§ 5-311(A)(5), 5-321, 5-322, 5-326, 5-327, 5-331, 5-332, 5-336, 5-341, 5-349, 5-361, 5-371, 5-391, 5-399, 5-399.01, 5-399.02, and 5-399.03

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

Notice of Rulemaking Docket Opening: 18 A.A.R. 2505, October 5, 2012 (*in this issue*)

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

Name: Madelynn Fenske, Watercraft Administrator
Address: Arizona Game and Fish Department
5000 W. Carefree Highway
Phoenix, AZ 85086
Telephone: (623) 236-7403
Fax: (623) 236-7919
E-mail: MFenske@azgfd.gov

Please visit the AZGFD web site to track progress of this rule and any other agency rulemaking matters at http://www.azgfd.gov/inside_azgfd/rules/rulemaking_updates.shtml.

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

The Commission proposes to amend rules within Article 5 to implement statutory amendments resulting from Laws 2012, 2nd Regular Session, Ch. 237, which amended statutes governing watercraft registration fees and established the Nonresident Boating Safety Infrastructure fee and decal. Amendments are also proposed to implement amendments made to U.S. Coast Guard regulations regarding the data each state is required to maintain when registering a watercraft, hull identification numbers, and state of principal operation. In addition, the Commission proposes to amend rules within Article 5 to effect recommendations proposed in the Five-year Review Report, approved by the Governor’s Regulatory Review Council on June 7, 2011.

In addition to the nonsubstantive amendments made to ensure compliance with the Administrative Procedures Act (APA), Secretary of State (SOS), and G.R.R.C. rulemaking format and style requirements; the Commission proposes the following substantive amendments:

For R12-4-501 to: transfer all definitions contained within Article 5 to this rule; refine the definition for “abandoned watercraft” to clearly establish the criteria for determining whether a watercraft is truly abandoned; refine “boat keep out,” “no ski,” and “no wake” to clarify regulatory marker definitions; define “junk watercraft” to clarify amendments made to R12-4-507 regarding a new process to assist government agencies in disposing of abandoned junk watercraft; define “motorized watercraft” to further clarify watercraft subject to registration requirements; define “Nonresident Boating Safety Infrastructure Decal” to communicate the Department’s interpretation of A.R.S. § 5-327

to the public; move the statement, "Only motorized watercraft are subject to registration" to R12-4-502 as this is more appropriately a condition for watercraft registration than a definition; reflect amendments made to U.S. Coast Guard regulations regarding the state of principal operation; and remove reference to flat wake under A.R.S. § 5-350 to make the rule more concise.

For R12-4-502 to: transfer the statement "Only motorized watercraft are subject to registration" from R12-4-501 as this is more appropriately placed in the application for watercraft registration rule; require an individual applying for watercraft registration to provide the watercraft engine drive type and make and model on the application for watercraft registration to comply with recent amendments made to U.S. Coast Guard regulations; reflect amendments made to U.S. Coast Guard regulations regarding the state of principal operation; address situations where a watercraft is owned by a business or held in a trust to clarify watercraft owner information requirements; expand joint tenancy ownership requirements to address situations where a watercraft owner is declared incompetent; require the applicant's signature on the Statement of Fact form be either witnessed by a Department employee or notarized to emphasize the fact that the applicant is responsible for providing true and accurate information for the undocumented watercraft; remove language regarding the proof of ad valorem property tax payment for commercial watercraft as the authorizing statute was repealed; and correct statutory references to make the rule more concise.

For R12-4-503 to: remove language regarding the mailing of the renewal notice as this is an internal process and is not required in rule; require the watercraft owner to renew a watercraft registration before it expires to better regulate the Department's workload throughout the year as registration renewals tend to increase greatly when boating season starts; remove language regarding the ability to register a watercraft by telephone to reflect current watercraft registration payment services; and remove language referencing the Department's registration renewal time-frame as registration renewals are processed within seven days after receipt of initial application and are not subject to the requirements prescribed under A.R.S. Title 41, Chapter 6, Article 7.1.

For R12-4-504: to remove language regarding the collection of license tax and the Indian and Soldier license tax exemptions as the authorizing statute was repealed and correct statutory references to make the rule more concise.

For R12-4-505: to require the hull identification number (HIN) for all watercraft manufactured after November 1, 1972 to meet requirements prescribed under 33 CFR 181, subpart C to comply with amendments made to U.S. Coast Guard regulations; require watercraft owners to ensure the hull identification number (HIN) is fully visible and unobstructed for all watercraft manufactured after August 1, 1984 to assist law enforcement in identifying registered watercraft by prohibiting a watercraft owner from covering or obstructing the HIN with an after-market accessory, paint, gel coat, etc. and require watercraft owners to certify they have permanently affixed the Department assigned HIN to their watercraft within 30 days after receiving the Department assigned HIN to comply with amendments made to U.S. Coast Guard regulations.

For R12-4-506: correct statutory references to make the rule more concise and reflect amendments made to U.S. Coast Guard regulations regarding the state of principal operation.

For R12-4-507 to: transfer all definitions to R12-4-501; allow only the owner of the private property where a watercraft is left unattended to attempt to obtain ownership of the abandoned watercraft by way of the abandoned watercraft transfer process to prevent an individual who is renting the property where a watercraft is stored from using the abandoned watercraft process to obtain ownership to a watercraft that is not truly abandoned; prohibit the use of the abandoned watercraft process when a watercraft remains in storage under a written rental agreement because the storage lien process is required by statute; prohibit the use of the abandoned watercraft process when fees for a repair or service remain unpaid because the mechanic or material lien process is required by statute; allow only a person acting within the scope of official duties as an employee or authorized agent for a government agency to order the removal of an abandoned watercraft left on public property or a public waterway to prevent a private individual from illegally removing a watercraft to attempt to transfer ownership by way of the abandoned watercraft process; clarify this state, its agencies, employees, and agents are not liable for relying in good faith on the contents of the application; require an applicant's signature to be either witnessed by a Department employee or notarized to emphasize the fact that the applicant is responsible for providing true and accurate information; state the Department will take the appropriate action only after receipt of the intent notice is received when service of the intent notice is successful to ensure due process requirements are met; state the Department will publish one notice of intent to transfer to ensure due process requirements are met; provide information regarding the options available to an applicant after the Department completes its attempt to identify and contact the registered owner to ensure the public is aware of the possible outcomes; provide a mechanism to allow a government agency to dispose of a junk watercraft left on state or federal lands or waterways to eliminate the requirement that the government agency apply for watercraft registration using the abandoned watercraft process and the Department issue a certificate of number and registration decals for a watercraft earmarked for disposal.

For R12-4-509 to: correct statutory references to make the rule more concise; require a watercraft agent to collect the Nonresident Boating Safety Infrastructure Fee when applicable to ensure compliance with A.R.S. § 5-327; remove the requirement that the watercraft agent provide the certificate of origin to the purchaser to reflect current Department processes; require the watercraft agent to provide the original certificate of origin to the Department instead of the purchaser to incorporate best practices endorsed by the National Association of State Boating Law Administrators; remove language referencing watercraft license tax as the authorizing statute was repealed; allow a watercraft

agent to submit the required fees electronically to reflect a process currently offered by the Department; exempt a watercraft agent who submits all applications via the Department's online application system from the reporting requirement as the required information is electronically captured at the time of application making the reporting requirement for those watercraft agents unnecessary; and expand payment types and reasons a person's financial institution may dishonor a payment to reflect current business practices.

For R12-4-510 to reference the Nonresident Boating Safety Infrastructure Fee to increase consistency between rules within Article 5.

For R12-4-512: to require a watercraft operator to ensure fire extinguishers are readily accessible and available for immediate use to clarify requirements prescribed under A.R.S. § 5-332.

For R12-4-513 to: replace form specific requirements with general requirements, such as "Operator's personal information" instead of "Operator's name, address, date of birth, gender, and telephone number," to enable the Department to promptly comply with amendments made to the U.S. Coast Guard watercraft accident and casualty reporting regulations without having to use the rulemaking process; clarify when and where the report should be submitted to make the rule more concise; and remove duplicative language to make the rule more concise.

For R12-4-515 to: correct statutory references to make the rule more concise; provide the AZ number display requirements in a list to make the rule easier to understand; replace the term "annual decal" with "registration decal" to make the rule more concise; and reference R12-4-506(C), which requires the watercraft owner to surrender any revoked certificate of number, AZ number, registration decal, and Nonresident Boating Safety Infrastructure decal to ensure consistency between rules within Article 5.

For R12-4-516 to: specify where items incorporated by reference are available and to state items incorporated by reference may be viewed at any Department office to comply with the requirements prescribed under A.R.S. § 41-1028(D); and clearly demonstrate the Department's compliance with federal copyright laws.

For R12-4-517 to add Cibola Lake to the list of waters that allow the use of watercraft powered by an electric motor, only, to remove the conflict between Department rules and Cibola National Wildlife Refuge (NWR) regulations. Cibola Lake is located on the Cibola NWR, which is closed to all entry and use from Labor Day through March 15 each year. The Forest Service allows the use of hand, wind, and electric-powered watercraft when the NWR is open. The conflict between Department rules and NWR regulations results in public confusion as to the types of watercraft that may lawfully be used in Cibola Lake.

For R12-4-519: to comply with amendments made to the U.S. Coast Guard regulations regarding state of principal operation.

For R12-4-522 to: specify the information required in the written report submitted by an agency placing or removing controlled use markers on waterways in this state to make the rule more concise and ensure the appropriate information is contained in the initial report to reduce the time spent by Department and agency personnel in gathering and supplying all of the required information; require request to establish, change, or remove controlled-use markers, be made in writing to properly document requests and reflect the Department's current process; and include the Department's mailing address to make the rule more concise.

For R12-4-525 to: revise the title to make it more concise; correct statutory references to make the rule more concise; include the Nonresident Boating Safety Infrastructure decal to ensure consistency between Article 5 rules; extend the time in which a person has to request a hearing to 30 days and the time in which the Department must schedule a hearing to 60 days to reduce the regulatory burden on both the regulated community and the Department; provide the Department's correct address to make the rule more concise, correct statutory time-frames to make the rule more concise; and specify the items being revoked by the Department's final decision to make the rule more concise.

For R12-4-526 to: cross-reference the statutory definition for "person" to expand the regulated community to include any individual, firm, corporation, partnership or association, and any agent, assignee, trustee, executor, receiver or representative thereof; replace the term "individual" with "person" to reduce the burden on officers when trying to locate the individual who moored a watercraft unlawfully; and correct statutory references to make the rule more concise.

For R12-4-527: to remove the requirement that the towing company present the watercraft to a regional office to reduce the burden on both the towing company and Department regional office staff and remove unnecessary statutory references to make the rule less cumbersome and easier to understand.

Promulgate a new rule, R12-4-529, to establish how a person, subject to the requirements established under A.R.S. §§ 5-326 and 5-327, shall carry and display proof of payment of the Nonresident Boating Safety Infrastructure Fee and the manner in which the nonresident watercraft owner shall affix the Nonresident Boating Safety Infrastructure Decal to their watercraft.

For R12-4-508, R12-4-511, R12-4-514, R12-4-516, R12-4-520, R12-4-521, R12-4-523, and R12-4-528 only to ensure conformity with the Arizona Administrative Procedures Act and the Secretary of State's and G.R.R.C.'s rule-making format and style requirements.

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

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

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

Not applicable

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

For R12-4-501, enforcement of the rule manifests itself through proper administration. It is not the term that is cited, but the violation. Thus, The Commission anticipates the proposed amendments will have little or no impact on the Department or regulated community.

For R12-4-502, the proposed amendments are made to make the rule more concise, comply with recent amendments made to U.S. Coast Guard regulations, and emphasize the applicant's responsibility to provide true and accurate information. Requiring the applicant's signature on the Statement of Fact form to be either witnessed or notarized may result in an insignificant impact due to the time taken to go to a Department office or notary and in some cases a notary service fee may apply (R2-12-1102 limits the fee to \$2 per signature). The Statement of Fact form is used when the applicant is unable to present proof of ownership for a watercraft, such as a bill of sale, title, or registration. The Commission believes it is appropriate to require acknowledgement of the applicant's signature on the Statement of Fact form.

For R12-4-503, the proposed amendments are made to reflect current Department processes or remove information that is not required under A.R.S. Title 41, Chapter 6, Article 7.1. The Commission anticipates the proposed amendments will have little or no impact on the Department or regulated community.

For R12-4-504, the proposed amendment simply removes references to taxes and tax exemptions as the statutory authority was repealed. The Commission anticipates the proposed amendments will have little or no impact on the Department or regulated community.

For R12-4-505, the proposed amendments are made to assist law enforcement in identifying registered watercraft and comply with amendments made to U.S. Coast Guard regulations. The Commission anticipates requiring watercraft owners to ensure the hull identification number (HIN) is fully visible and unobstructed for all watercraft manufactured after August 1, 1984 may result in a significant impact to persons who may have to remove an obstruction in order to comply with the proposed rule. Costs to move a platform or remove gel coat may range from \$200 to \$5,000, depending on the size of the watercraft or location of the after-market accessory. The Commission has determined requiring a watercraft owner to certify they have permanently affixed the Department-assigned HIN to their watercraft is the least burdensome way to comply with amendments made to U.S. Coast Guard regulations. Other options considered by the Commission included requiring the Department to either affix the HIN or inspect the watercraft after the owner affixed the HIN. Department-assigned HINs may be bonded, burned, carved, embossed, molded, or otherwise permanently affixed to the watercraft. The Commission believes the Department would incur significant costs due to the required equipment, the time taken to train an employee to properly affix a HIN, the time taken to permanently affix the HIN, and any potential liability claims if a watercraft is damaged while the Department employee affixes the HIN. The Commission believes both the watercraft owner and Department will incur costs if an inspection is required to ensure the HIN is affixed; the watercraft owner would incur costs associated with transporting the watercraft to a Department office and the Department would incur costs due to the time taken to conduct the inspection. The Commission believes requiring a watercraft owner to certify the Department-assigned HIN is permanently affixed is the least burdensome method.

For R12-4-506, the proposed amendments simply correct statutory references and reflect amendments made to U.S. Coast Guard regulations regarding the state of principal operation. U.S. Coast Guard regulations were amended to reference "state of principal operation" instead of "state of principal use" to reflect language used in the recreational boating regulations contained in 46 USC. The Commission anticipates the proposed amendments will have little or no impact on the Department or regulated community.

For R12-4-507, overall, the proposed amendments are made to reflect current Department processes and comply with statutory requirements. The Commission anticipates the proposed amendments will have no impact on the Department or regulated community. The Department received a comment from the Mohave County Parks Department telling of the recent influx of watercraft being filled with refuse and left abandoned and their frustration in having to go through the abandoned watercraft procedure to dispose of these "junk boats." This is a result of industry-wide waste management company policies that requires proof of ownership before accepting a watercraft for disposal. Calls made to companies located within Arizona confirmed these companies would be willing to accept any lawful documentation issued by the Department. Government agencies would benefit from a rulemaking that allows the agency to dispose of junk watercraft without having to assume ownership. The Department would benefit from a rulemaking that allows the Department to issue a letter instead of certificate of number, AZ numbers, and registration decals for a watercraft earmarked for disposal.

For R12-4-509, proposed amendments are made to correct statutory references, ensure compliance with A.R.S. § 5-327, reflect current Department processes, and remove language referencing the repealed watercraft license tax. Overall, the proposed amendments either make the rule less burdensome or comply with statutory mandates. The Commission anticipates the proposed amendments will have little or no impact on the Department or regulated community.

For R12-4-510, proposed amendments are made to increase consistency between rules within Article 5. The Commission anticipates the proposed amendments will have little or no impact on the Department or regulated community.

For R12-4-512, the proposed amendment clarifies the fire extinguishers requirements prescribed under A.R.S. § 5-332. The Commission anticipates the proposed amendments will have little or no impact on the Department or regulated community.

For R12-4-513, proposed amendments are made to enable the Department to promptly comply with amendments made to the U.S. Coast Guard regulations, make the rule more concise, and remove duplicative language to make the rule more concise. The Commission anticipates the proposed amendments will have little or no impact on the Department or regulated community.

For R12-4-515, proposed amendments are made to correct statutory references, make the rule more concise, and ensure consistency between rules within Article 5. The Commission anticipates the proposed amendments will have little or no impact on the Department or regulated community.

For R12-4-516, proposed amendments are made to comply with the requirements prescribed under A.R.S. § 41-1028(D) and demonstrate the Department's compliance with federal copyright laws. The Commission anticipates the proposed amendments will have little or no impact on the Department or regulated community.

For R12-4-517, the proposed amendment is made to reduce confusion on the part of the public and may encourage recreational use of the Cibola NWR. The Commission anticipates the proposed amendments may benefit the tourism industry and businesses selling watercraft and boating and fishing equipment. The Commission anticipates the proposed amendments will have little or no impact on the Department.

For R12-4-519, the proposed amendment is made to comply with amendments made to U.S. Coast Guard regulations. U.S. Coast Guard regulations were amended to reference "state of principal operation" instead of "state of principal use" to reflect language used in the recreational boating regulations contained in 46 USC. The Commission anticipates the proposed amendments will have little or no impact on the Department or regulated community.

For R12-4-522, proposed amendments are made to reduce the time spent by Department personnel in gathering required information from the submitting agency and clarify controlled marker requests requirements. The Commission anticipates the proposed amendments will have little or no impact on the Department or regulated community.

For R12-4-525, proposed amendments are made to correct statutory references and time-frames, ensure consistency between Article 5 rules; and reduce the regulatory burden on both the regulated community and the Department. The Commission anticipates the proposed amendments will have little or no impact on the Department or regulated community.

For R12-4-526, proposed amendments are made to correct statutory references and reduce the burden on officers when trying to locate the individual who moored a watercraft unlawfully. The Commission anticipates the proposed amendments will benefit the Department. The Commission anticipates the proposed amendments will have little or no impact on the regulated community.

For R12-4-527, the proposed amendments are made to reduce the burden on both the towing company and Department regional office staff and make the rule less cumbersome. The Commission anticipates the proposed amendments will benefit both the Department and the regulated community.

For R12-4-529, the proposed rule establishes how an individual shall comply with the requirements established under A.R.S. §§ 5-326 and 5-327. The Commission believes the compliance requirements specified in the new rule are the least burdensome. The Commission anticipates the proposed amendments will have little or no impact on the Department or regulated community.

For R12-4-508, R12-4-511, R12-4-514, R12-4-516, R12-4-520, R12-4-521, R12-4-523, and R12-4-528 only to ensure conformity with the Arizona Administrative Procedures Act and the Secretary of State's and G.R.R.C.'s rule-making format and style requirements. Since the proposed amendments are nonsubstantive, The Commission anticipates the proposed amendments will have no impact on the Department or regulated community.

Overall, the Commission anticipates the proposed rulemaking will not impose increased monetary or regulatory costs on other state agencies, political subdivisions of this state, persons, or individuals so regulated. The Commission anticipates both the Department and the regulated community will benefit from rules that are more concise.

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

Name: Madelynn Fenske, Watercraft Administrator

Notices of Proposed Rulemaking

Address: Arizona Game and Fish Department
5000 W. Carefree Highway
Phoenix, AZ 85086

Telephone: (623) 236-7403

Fax: (623) 236-7919

E-mail: MFenske@azgfd.gov

Please visit the AZGFD web site to track progress of this rule and any other agency rulemaking matters at http://www.azgfd.gov/inside_azgfd/rules/rulemaking_updates.shtml.

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

Date: December 7, 2012

Time: 8:00 a.m. to 5:00 p.m.

Location: 5000 W Carefree Highway
Phoenix, AZ 85086

Close of record: December 7, 2012

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

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

The rule does not require a general permit.

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

Federal laws, 33 CFR 174.16 and 33 CFR 181, subpart C, are applicable to the subject of the rule. The rule is not more stringent than federal law.

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

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

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

R12-4-516. Watercraft Sound Level Restriction: Society of Automotive Engineers Recommended Practice stationary sound level test SAEJ2005, revised July 2004; Society of Automotive Engineers Recommended Practice stationary sound level test SAEJ2005, revised July 2004; and Society of Automotive Engineers Recommended Practice shore-line sound test SAEJ1970, revised September 2003.

R12-4-520. Arizona Uniform State Waterway Marking System, 33 CFR 62, revised July 1, 2004.

13. The full text of the rules follows:

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

ARTICLE 5. BOATING AND WATER SPORTS

Section

- R12-4-501. Boating and Water Sports Definitions
- R12-4-502. Application for Watercraft Registration
- R12-4-503. Renewal of Watercraft Registration
- R12-4-504. Staggered Watercraft Registration Schedule; Penalty for Late Registration
- R12-4-505. Hull Identification Numbers
- R12-4-506. Invalidation of Watercraft Registration
- R12-4-507. Transfer of Ownership of an Abandoned or Unreleased Watercraft
- R12-4-508. New Watercraft Exchanges
- R12-4-509. Watercraft Agents

- R12-4-510. Refunds for Renewals
- R12-4-511. Personal Flotation Devices
- R12-4-512. Fire Extinguishers Required for Watercraft
- R12-4-513. Watercraft Accident and Casualty Reports
- R12-4-514. Liveries
- R12-4-515. Display of AZ Numbers and Registration Decals
- R12-4-516. Watercraft Sound Level Restriction
- R12-4-517. Watercraft Motor and Engine Restrictions
- R12-4-519. Reciprocity
- R12-4-520. Arizona Uniform State Waterway Marking System
- R12-4-521. Placing or Tampering with Regulatory Markers or Aids to Navigation
- R12-4-522. Establishment of Controlled-Use Markers
- R12-4-523. Controlled Operation of Watercraft
- R12-4-525. Revocation of Watercraft Certificate of Number, Numbers, and Decal Decals Revocation
- R12-4-526. Unlawful Mooring
- R12-4-527. Transfer of Ownership of a Towed Watercraft
- R12-4-528. Watercraft Checkpoints
- R12-4-529. ~~Repealed~~ Nonresident Boating Safety Infrastructure Fee; Proof of Payment; Decal

ARTICLE 5. BOATING AND WATER SPORTS

R12-4-501. Boating and Water Sports Definitions

In addition to the definitions provided ~~in~~ under A.R.S. § 5-301, the following definitions apply to this Article unless ~~the con-~~
~~text requires~~ otherwise specified:

“Abandoned watercraft” means any watercraft that has remained:

On private property without the consent of the private property owner;

Unattended for more than 48 hours on a highway, public street, or other public property;

Unattended for more than 72 hours on state or federal lands; or

Unattended for more than 14 days on state or federal waterways.

- 1- “Aids to navigation” means buoys, beacons, or other fixed objects placed on, in, or near the water to mark obstructions to navigation or to direct navigation through channels or on a safe course.
- 2- “Bill of sale” means a written agreement transferring ownership of a watercraft ~~and listing that includes all of the following information: the name of the buyer and seller; the manufacturer of the watercraft sold, if known; the hull identification number, unless exempted by R12-4-505; the purchase price and sales tax paid, if any; and the signature of the seller~~
Name of buyer;
Name of seller;
Manufacturer of the watercraft, when known;
Hull identification number, unless exempt under R12-4-505;
Purchase price and sales tax paid, when applicable; and
Signature of seller.
- 3- “Boats keep out” in reference to a regulatory marker means ~~that an~~ the operator or user of a watercraft, or a person being towed by a watercraft on ~~waterskis~~ water skis, a surfboard, or similar device or equipment shall not enter.
- 4- “Certificate of origin” means a document ~~provided by the manufacturer of a new watercraft or its distributor, its franchised new watercraft dealer, or the original purchaser~~ establishing the initial chain of ownership ~~of~~ for a watercraft: ~~a manufacturer’s certificate of origin (MCO), a manufacturer’s statement of origin (MSO), an importer’s certificate of origin (ICO), an importer’s statement of origin (ISO), or builder’s certification (Form CG-1261), provided by the manufacturer of a new watercraft or its distributor, its franchised new watercraft dealer, or the original purchaser, such as but not limited to:~~
Manufacturer’s certificate of origin (MCO);
Manufacturer’s statement of origin (MSO);
Importer’s certificate of origin (ICO);
Importer’s statement of origin (ISO); or
Builder’s certification (Form CG-1261).
- 5- “Controlled-use marker” means an anchored or fixed marker on the water, shore, or ~~on~~ a bridge that controls the operation of watercraft, water skis, ~~surfboard~~ surfboards, or similar devices or equipment.
- 6- “Homemade watercraft” means a watercraft that is not fabricated or manufactured for resale and to which a manufacturer has not attached a hull identification number. A watercraft assembled from a kit; or constructed from an unfin-

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- ished manufactured hull; and does not have a manufacturer assigned hull identification number is a “homemade watercraft” if not already assigned a hull identification number by the manufacturer homemade watercraft.
7. “Hull identification number” means a number assigned to a specific watercraft by the manufacturer or by a government jurisdiction as prescribed by the U.S. Coast Guard.
“Junk watercraft” means any hulk, derelict, wreck, or parts of any watercraft in an unseaworthy or dilapidated condition that cannot be profitably dismantled or salvaged for parts or profitably restored.
8. “Letter of gift” means a document transferring ownership of a watercraft ~~and listing~~ that includes all of the following information: the name of both the previous owner and the new owner; the name of the manufacturer of the watercraft if known; the hull identification number, unless exempted by R12-4-505; a statement that the watercraft is a gift; and the signature of the previous owner
Name of previous owner;
Name of new owner;
Name of manufacturer of the watercraft, when known;
Hull identification number, unless exempt under R12-4-505;
A statement that the watercraft is a gift; and
Signature of previous owner.
9. “Livery” means a business authorized to rent watercraft without an operator as prescribed under A.R.S. § 5-371.
“Motorized watercraft” means any watercraft propelled by machinery and powered by electricity, fossil fuel, or steam.
10. “No ski” in reference to a regulatory marker means a person shall not be towed on water skis, an inflatable device, or similar equipment.
“Nonresident Boating Safety Infrastructure Decal” means the decal issued by the Department under A.R.S. § 5-327.
11. “No wake” ~~means wakeless speed;~~ in reference to a regulatory marker has the same meaning as “wakeless speed” as defined by under A.R.S. § 5-301; and flat wake as referenced in A.R.S. § 5-350.
“Operate” in reference to a watercraft means use, navigate, or employ.
12. “Owner” in reference to a watercraft means a person who claims lawful possession of a watercraft by virtue of legal title or equitable interest, ~~which that~~ entitles that the person to possession.
13. “Personal flotation device” means a U.S. Coast Guard approved Type I, II, III, or V wearable, or Type IV throwable device for use on any watercraft, as prescribed ~~by~~ under A.R.S. §§ 5-331(A), (C), and (D); ~~A.R.S. § 5-350(A);~~ and R12-4-511.
14. “Regatta” means an organized water event of limited duration ~~that affects~~ affecting the public use of waterways ~~by the public and is conducted according to a prearranged schedule,~~ for which a lawful jurisdiction has issued a permit; ~~but the term does not include fishing tournaments.~~
15. “Registered owner” means the person or persons to whom a watercraft is currently registered by any jurisdiction.
16. “Regulatory marker” means a waterway marker placed on, in, or near the water to indicate the presence of: ~~a~~
A danger, or a
A restricted or controlled-use area, or to
To convey general information and directions.
“Release of interest” means a statement surrendering or abandoning unconditionally any claim or right of ownership or use in a watercraft.
17. “Sound level” means the noise level measured in decibels on the A-weighted scale of a sound level instrument that conforms to recognized industry standards and is maintained according to the manufacturer’s instructions.
18. “Staggered registration” means the system of renewing watercraft registrations ~~that expire~~ in accordance with the schedule ~~contained in~~ provided under R12-4-504.
19. “State of principal ~~use~~ operation” means the state ~~on in~~ whose waters the watercraft is used or ~~to~~ will be used operated most during the calendar year.
“Unreleased watercraft” means a watercraft for which there is no written release of interest from the registered owner.
20. “Use” in reference to a watercraft means any watercraft underway, moored, anchored, or beached ~~on the waterways of the state.~~
21. “Watercraft” means a boat or other floating device of rigid or inflatable construction designed to carry people or cargo on the water ~~that and~~ is propelled by machinery, oars, paddles, or wind action on a sail. Exceptions are seaplanes, makeshift contrivances constructed of ~~innertubes~~ inner tubes or other floatable materials that are not propelled by machinery, personal flotation devices worn or held in hand, and other objects used as floating or swimming aids. ~~Only motorized watercraft are subject to registration.~~
22. “Watercraft agent” means a person authorized by the Department to collect applicable fees for the registration and numbering of watercraft.
23. “Watercraft number” means the registration number issued by the Department as prescribed under A.R.S. § 5-321.
24. “Watercraft registration” means the validated certificate of number and validating decals issued by the Department.

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R12-4-502. Application for Watercraft Registration

A. Only motorized watercraft as defined under R12-4-501 are subject to watercraft registration.

~~A-B.~~ A person shall apply for watercraft registration under A.R.S. § 5-321 using a form ~~provided~~ furnished by the Department and available at any Department office or online at www.azgfd.gov. The applicant shall provide the following information for registration of all motorized watercraft except homemade watercraft, which are addressed ~~in~~ under subsection ~~(B)~~ (C):

1. ~~Type of watercraft; and propulsion~~
2. Propulsion type;
3. Engine drive type;
- ~~2-4.~~ Overall length of watercraft;
- ~~3-5.~~ Manufacturer's name Make and model of watercraft, if known;
- ~~4-6.~~ Year built or model year, if known;
- ~~5-7.~~ Hull identification number;
- ~~6-8.~~ Hull material;
- ~~7-9.~~ Fuel type;
- ~~8-10.~~ Category of use;
- ~~9-11.~~ Watercraft number previously issued for the watercraft, if any;
- ~~10-12.~~ State of principal ~~use~~ operation; and
- ~~11-13.~~ Name, mailing address, and date of birth of each owner For watercraft:
 - a. Owned by an individual:
 - i. Name.
 - ii. Mailing address, and date
 - iii. Date of birth of each owner.
 - b. Owned by a business:
 - i. Name of business
 - ii. Business address, and
 - iii. Tax Identification Number
 - c. Held in a trust:
 - i. Name of trust.
 - ii. Primary trustee's address, and
 - iii. Date of trust.
14. ~~To simplify the description of joint ownership when a~~ When ownership of the watercraft is owned by ~~in~~ more than one ~~person name~~, the applicant shall indicate ownership designation by use of one of the following methods:
 - a. Where ownership is joint tenancy with right of survivorship ~~or community property with right of survivorship~~, the applicant shall use “and/or” between the names of the owners. To transfer registration of the watercraft, each ~~party owner~~ shall provide a signature ~~if both are living~~. Upon legal proof of the death or incompetency of either ~~party owner~~, the living party remaining owner may transfer registration of the watercraft ~~upon the signature of the living party~~.
 - b. Where ownership is a tenancy in common the applicant shall use “and” between the names of the owners. To transfer registration of the watercraft, each ~~party owner~~ shall provide a signature. In the event of the death or incompetency of any ~~party owner~~, the interest of the deceased party disposition of the watercraft shall be handled through appropriate legal proceedings.
 - c. Where the ownership is joint tenancy or is community property with an express intent that either of the owners has full authority to transfer registration, the applicant shall use “or” between the names of the owners. Each owner shall sign the application for registration. To transfer registration, either ~~party's~~ owner's signature is sufficient for transfer.

~~B-C.~~ The builder, owner, or owners of a homemade watercraft shall present the watercraft for inspection at a Department office, ~~and shall sign the application and have it notarized unless it is signed in the presence of a Department employee.~~ The applicant shall provide the following information for registration of homemade watercraft, using the same ownership designations specified in subsection (A)(14):

1. ~~Type of watercraft; and propulsion~~
2. Propulsion type;
3. Engine drive type;
- ~~2-4.~~ Overall length of watercraft;
- ~~3-5.~~ Year built;
- ~~4-6.~~ Hull material;
- ~~5-7.~~ Fuel type;
- ~~6-8.~~ Category of use;
- ~~7-9.~~ Name, mailing address, and date of birth of each owner Each owner's:
 - a. Name.

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b. Mailing address, and date

c. Date of birth of each owner;

~~8-10.~~ State of principal use operation;

~~9-u~~ Whether the watercraft was assembled from a kit or rebuilt from a factory or manufacturer's hull; ~~and~~

~~10-12.~~ Hull identification number, if assigned; and

~~13.~~ Signature of the applicant, acknowledged before a Notary Public or witnessed by a Department employee.

~~C.D.~~ In accordance with As prescribed under A.R.S. § 5-321, the applicant shall submit a use tax receipt issued by the Arizona Department of Revenue with the application for registration a receipt for use tax paid from the Arizona Department of Revenue unless at least any one of the following applies conditions apply:

1. The applicant is exempt from use tax as provided ~~in~~ under A.A.C. Title 15, Chapter 5,

2. The applicant is transferring the watercraft from another jurisdiction to Arizona without changing ownership,

3. ~~Sales or use tax paid is shown on the bill of sale or receipt submitted by the applicant~~ The applicant submits a bill of sale or receipt showing the sales or use tax was paid at the time of purchase, or

4. The applicant submits a notarized affidavit of exemption stating that the acquisition of the watercraft was for rental or resale purposes.

~~D.~~ To obtain registration as a commercial watercraft under A.R.S. § 5-322(H), the owner shall provide evidence of payment of the ad valorem property tax under the provisions of Article 9, Section 16 of the Arizona Constitution; the tax privilege license number; and the business name, address, and telephone number.

~~E.~~ To obtain An applicant for a watercraft dealer registration authorized under A.R.S. § 5-322(G) 5-322(F), the applicant shall be a business offering watercraft for sale; or a watercraft manufacturer registered by the U.S. Coast Guard. A person shall display dealer numbers registration for demonstration purposes only. "Demonstration" For the purposes of this Section, "demonstration" means to operate a watercraft on the water for the purpose of selling, trading, negotiating, or attempting to negotiate the sale or exchange of interest in new watercraft. Demonstration also, which includes operation by a manufacturer for purposes of testing a watercraft. Demonstration does not include operation of a watercraft for personal purposes by a dealer or manufacturer; or an employee of a dealer or manufacturer, family member of a dealer or manufacturer, or an associate of a dealer or manufacturer. The Department shall issue the number of certificates and decals specified on the application, or deny issuance within 30 calendar days of receiving the application. A watercraft dealer registration applicant shall submit an application to the Department. The application is furnished by the Department and is available at any Department office. The applicant shall provide the following information on a form available from the Department the application:

1. All business names used for the sale or manufacture of watercraft in Arizona, ~~and the mailing~~

2. Mailing address and telephone number for each business to be issued for which a watercraft dealer registrations registration is requested;

~~2-3.~~ Tax privilege license number;

~~3-4.~~ U.S. Coast Guard manufacturer identification code, if when applicable;

~~4-5.~~ Total number of certificates of number and decals to be issued requested; and

~~5-6.~~ Name, address, signature, and phone number of the owner or manager of the principal The business owner's or manager's:

a. Name.

b. Address.

c. Telephone number.

d. Signature.

~~F.~~ In addition to submitting the application form and any other information required by under this Section, the applicant for watercraft registration shall submit one of the following additional forms of documentation:

1. ~~An original Original~~ Original title if the watercraft is titled in another state ~~and a release of interest if the watercraft is being transferred to an individual other than the original listed owner,~~

2. ~~An original Original~~ registration if the watercraft is from a ~~registration non-titling~~ state, and a release of interest if the watercraft is being transferred to an individual other than the original listed owner;

3. ~~A bill Bill~~ of sale as defined in under R12-4-501 if the watercraft has never been registered or titled in any state;

4. ~~A letter Letter~~ of gift as defined in under R12-4-501 if the watercraft was received as a gift and was never registered or titled in another state;

5. ~~A court Court~~ order or other legal documentation establishing lawful transfer of ownership; or

6. ~~A statement Statement~~ of fact facts form furnished by the Department and available from any Department office ~~if when~~ when none of the documentation identified ~~in under~~ under subsections (F)(1) through (F)(5) exists; either in the possession of the watercraft owner or in the records of any jurisdiction responsible for registering or titling watercraft. An applicant ~~that applies~~ for watercraft registration under a statement of ~~fact facts~~ fact facts shall present the watercraft for inspection at a Department office. ~~The owner or owners of the watercraft shall sign the statement of fact form and shall have it notarized unless the form is signed in the presence of an authorized Department employee. The owner or owners of the watercraft shall provide the hull identification number of the watercraft on the statement of fact facts form and~~

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shall ~~certify one of~~ include the following information:

- a. ~~The watercraft was manufactured prior to 1972, is 12 feet in length or less, and is not propelled by an inboard engine;~~
- b. ~~The watercraft is owned by the applicant, and it has never been registered or titled;~~
- e. ~~The watercraft was owned in a state that required registration, but the watercraft was never registered or titled; or~~
- d. ~~The watercraft was purchased, received as a gift, or received as a trade, and that the watercraft has not been registered, titled, or otherwise documented in the past five years; or~~

a. Hull identification number.

b. Certification that the watercraft meets one of the following conditions:

i. The watercraft was manufactured prior to 1972, is 12 feet in length or less, and is not propelled by an inboard engine;

ii. The watercraft is owned by the applicant and has never been registered or titled;

iii. The watercraft was owned in a state that required registration, but was never registered or titled; or

iv. The watercraft was purchased, received as a gift, or received as a trade and has not been registered, titled, or otherwise documented in the past five years.

c. Signature of the applicant, acknowledged before a Notary Public or witnessed by a Department employee.

7. An original certificate of origin ~~if when all of the following conditions apply: the~~

a. ~~The watercraft was purchased as new, the~~

b. ~~The applicant is applying for watercraft registration within a year of purchasing the watercraft, and the~~

c. ~~The certificate of origin is not held by a lien holder.~~

~~G. The Department shall register a watercraft, if the watercraft's original title or registration is lost, upon receipt of one of the following:~~

1. ~~A letter or printout from any jurisdiction responsible for registering or titling watercraft that verifies the owner of record for that specific watercraft;~~

2. ~~A statement of fact by the applicant as prescribed in subsection (F)(6) if the watercraft has not been registered, titled, or otherwise documented in the past five years, or~~

3. ~~An affidavit of publication demonstrating the applicant's compliance with R12-4-507.~~

~~G. If the watercraft is being transferred to a person other than the original listed owner, the applicant for a watercraft registration shall submit a release of interest.~~

~~H. If the original title is held by a lien holder, the applicant for a watercraft registration shall submit a form furnished by the Department and available from any Department office along with a copy of the title. The applicant shall comply with the following requirements when submitting the form:~~

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

a. ~~The applicant's Applicant's name,~~

b. ~~The applicant's Applicant's mailing address,~~

c. ~~The watercraft Watercraft make, and~~

d. ~~The watercraft Watercraft hull identification number (HIN).~~

2. ~~The applicant shall ensure that the lien holder provides the following information on the form:~~

a. ~~The lien Lien holder's name,~~

b. ~~The lien Lien holder's address,~~

c. ~~The name Name of the person completing the form for the lien holder,~~

d. ~~The title Title of the person completing the form for the lien holder, and~~

e. ~~The notarized Notarized signature of the person completing the form for the lien holder.~~

~~I. A person shall not apply for or obtain a watercraft registration by making a false statement or providing false information on any application, statement of fact, or written instrument submitted to the Department. The Department shall provide notice that a watercraft registration is invalid if the registration is obtained by an applicant who makes a false statement or provides false information on any application, statement of fact, or written instrument submitted to the Department, and as prescribed in R12-4-506.~~

~~J. The Department shall issue a watercraft registration within 30 calendar days of receiving a valid application and documentation required by this Section, whether from the applicant or from a watercraft agent authorized under R12-4-509. An application is not considered valid if the Department receives legal documentation that legal action may affect ownership of the watercraft.~~

~~J. The Department shall register a watercraft, if the watercraft's original title or registration is lost, upon receipt of one of the following:~~

1. ~~A letter or printout from any jurisdiction responsible for registering or titling watercraft that verifies the owner of record for that specific watercraft;~~

2. ~~A printout of the Vessel Identification System from the U.S. Coast Guard and verification from the appropriate state agency that the information regarding the owner of record for that specific watercraft is correct and current;~~

3. ~~A statement of facts by the applicant as described under subsection (F)(7) if the watercraft has not been registered,~~

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titled, or otherwise documented in the past five years; or

- 4. The abandoned or unreleased watercraft approval letter issued by the Department, as established under R12-4-507(I).
- K.** All watercraft registrations and supporting documentation are subject to verification by the Department and to the requirements of established under R12-4-505. The Department shall require a watercraft to be presented for inspection to verify the information provided by an applicant if the Department has reason to believe that the information provided by the applicant is inaccurate or false.
- L.** The Department shall deem an application invalid if the Department receives legal documentation of any legal action that may affect ownership of the watercraft.
- M.** The Department shall invalidate a watercraft registration if the registration is obtained by an applicant who makes a false statement or provides false information on any application, statement of fact, or written instrument submitted to the Department.

R12-4-503. Renewal of Watercraft Registration

- A.** The Department shall mail renewal notices to the address of the watercraft owner, as shown on the certificate of number, six weeks before the last day of the month of expiration established under R12-4-504. The owner of a registered watercraft shall ensure that the watercraft's registration is renewed regardless of whether the renewal notice is received no later than the day before the prior registration period expires.
- B.** To renew a watercraft's registration in person or by mail, an applicant shall submit the registration fee required by under A.R.S. § 5-321 and the renewal notice provided by the Department. In the absence of the renewal notice, the registered owner shall present one of the following:
 - 1. A current Current or prior certificate of number;
 - 2. A valid Valid driver's license;
 - 3. A valid Valid Arizona Motor Vehicle Division identification card; or,
 - 4. A valid Valid passport, or
 - 5. Department issued renewal notice.
- C.** To renew a watercraft's registration by telephone, an applicant shall pay the registration fee required by A.R.S. § 5-321 and shall provide the following to the Department or its agent:
 - 1. The name of the watercraft's registered owner as it appears on the renewal notice,
 - 2. The assigned Arizona watercraft number (AZ number) of the watercraft being renewed, and
 - 3. The Department-assigned authorization number or the applicant's date of birth.
- D.C.** To renew a watercraft's registration via the Internet online, an applicant shall pay electronically submit the registration fee required by under A.R.S. § 5-321 and shall provide the assigned Arizona watercraft number (AZ number) of the watercraft being renewed, and one of the following to the Department or its agent:
 - 1. The Department-assigned authorization number,
 - 2. The applicant's Applicant's date of birth, or
 - 3. The applicant's Applicant's password.
- E.D.** The Department or its agent shall renew a watercraft's registration within 30 calendar days of receiving a valid application for renewal. The When a watercraft registration is renewed by mail or online, the Department shall mail the renewal to the address of record unless the applicant renews the watercraft's registration in person, or, unless there is the Department receives a notarized request from the registered owner instructing the Department to mail the renewal to another address.

R12-4-504. Staggered Watercraft Registration Schedule; Penalty for Late Registration

- A.** All new watercraft registrations expire 12 months after they are issued.
- B.** Upon renewal of resident or non-resident pleasure use, or an Indian or soldier's tax exempt use, the registration expires Resident and nonresident watercraft registration renewals expire on the last day of the month indicated by the last two numeric digits of the watercraft number, as shown in the following table:

Last two numeric digits of watercraft number									Expiration month
00	12	24	36	48	60	72	84	96	December
01	13	25	37	49	61	73	85	97	January
02	14	26	38	50	62	74	86	98	February
03	15	27	39	51	63	75	87	99	March
04	16	28	40	52	64	76	88		April

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05	17	29	41	53	65	77	89		May
06	18	30	42	54	66	78	90		June
07	19	31	43	55	67	79	91		July
08	20	32	44	56	68	80	92		August
09	21	33	45	57	69	81	93		September
10	22	34	46	58	70	82	94		October
11	23	35	47	59	71	83	95		November

- C. ~~Upon renewal of registrations issued to dealers or manufacturers under A.R.S. § 5-322(G), or for Watercraft dealer, manufacturer, and governmental use, the registration renews expires~~ expire on October 31 of each year.
- D. ~~Upon renewal of registrations issued to liveries or for Livery and all other commercial use, the registration renews expires~~ expire on November 30 of each year.
- E. The Department or its agent shall collect the entire registration fee ~~and license tax~~ for a late registration renewal; and a penalty fee of \$5, ~~except as exempted by~~ unless exempt under A.R.S. § 5-321(H) 5-321(L), or unless the expiration date falls on a Saturday, Sunday, or state holiday, and the registration is renewed before the close of business on the next working day. The Department or its agent shall not ~~collect the~~ assess a penalty fee ~~for when~~ a renewal is mailed before the expiration date, as evidenced by the postmark.

R12-4-505.Hull Identification Numbers

- A. The Department shall not register a watercraft without a hull identification number.
- B. The Department shall verify watercraft manufactured after November 1, 1972 have a primary hull identification number that complies with the requirements established under 33 CFR 181, subpart C. The Department shall assign a hull identification number when the watercraft hull identification number does not meet the requirements established under 33 CFR 181, subpart C.
- C. The hull identification number shall be fully visible and unobstructed at all times. Watercraft manufactured prior to August 1, 1984 are exempt from this requirement provided the obstruction is original equipment and was attached by the manufacturer.
- ~~B-D.~~ The Department shall assign a hull identification number to a watercraft with a missing hull identification number only if the Department determines that:
 - 1. ~~A~~ The hull identification number ~~has~~ was not ~~been~~ illegally removed or altered, unless the application is ~~made by a governmental agency and is~~ accompanied by an order of forfeiture, or order of seizure, or other civil process; or
 - 2. The missing hull identification number was caused by error of the manufacturer or a government jurisdiction or failure of a previous owner of a watercraft to comply with this rule, or because the watercraft is a ~~“homemade watercraft”~~ homemade watercraft as defined in under R12-4-501.
- ~~C-E.~~ The Department shall may assign or deny assignment of a hull identification number within 30 days of receipt of a valid application, as described in under R12-4-502.
- ~~D-F.~~ The Department shall may accept a bill of sale presented with a missing or improper hull identification number for registration purposes only if:
 - 1. It matches the improper hull identification number or there is no hull identification number on the watercraft; or
 - 2. A hull identification number is issued by the Department under subsection ~~(B)~~ (D).
- ~~E-G.~~ Within 30 days of issuance, the applicant, the or registered owner, or the Department shall permanently:
 - 1. Burn, carve, stamp, emboss, mold, bond, or otherwise permanently affix each hull identification number to a non-removable part of the watercraft in a manner that ensures any alteration, removal, or replacement will be obvious.
 - 2. Ensure the characters of each hull identification number affixed to the watercraft are no less than 1/4 inch in height.
 - 3. Permanently affix the hull identification number as follows:
 - ~~1-a.~~ On watercraft with transoms, affix the hull identification number to the right or starboard side of the transom within two inches of the top of the transom or hull/deck joint, whichever is lower.
 - ~~2-b.~~ On watercraft without a transom, affix the hull identification number to the starboard outboard side of the hull, back or aft within one foot of the stern and within two inches of the top of the hull, gunwale, or hull/deck joint, whichever is lowest.
 - ~~3-c.~~ On a catamaran or pontoon boat, affix the hull identification number on the aft crossbeam within one foot of the starboard hull attachment.
 - ~~4-d.~~ If the hull identification number would not be visible because of rails, fittings, or other accessories, affix it as close as possible to the applicable location prescribed in subsection (E)(1) As close as possible to the applicable location established under subsections (1), (2), or (3) when rails, fittings, or other accessories obscure the visibility of the hull identification number.

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~~5-e.~~ Affix a duplicate of the visibly affixed hull identification number in an unexposed location on a permanent part of the hull.

- ~~6. Burn, carve, stamp, emboss, mold, bond, or otherwise permanently affix each hull identification number to a non-removable part of the watercraft so that alteration, removal, or replacement will be obvious.~~
- ~~7. Ensure that the characters of each hull identification number affixed to the watercraft are no less than 1/4 inch in height.~~
4. Certify to the Department that the hull identification number was permanently affixed to the watercraft as required under subsection (G). The certification statement is furnished by the Department when the hull identification number is issued. The certification statement shall include the location of the permanently affixed hull identification number.

R12-4-506. Invalidation of Watercraft Registration

- A. Any watercraft registration obtained by fraud or misrepresentation is invalid from the date of issuance.
- B. A certificate of number and any decals issued by the Department are invalid if any of the following occurs:
 1. Any check, money order, or other currency certificate presented to the Department for payment of watercraft registration or renewal is found to be non-negotiable;
 2. Any person whose name appears on the certificate of number loses ownership of the watercraft by legal process;
 3. Arizona is no longer the state of principal ~~use~~ operation;
 4. The watercraft is documented by the U.S. Coast Guard;
 5. An applicant provides incomplete or incorrect information to the Department and fails to provide the correct information within 30 days after a request by the Department;
 6. The Department revokes the certificate of number, numbers, and decals as provided ~~in~~ under A.R.S. § ~~5-391(H)~~ 5-391(I); or
 7. The Department erroneously ~~issues~~ issued a certificate of number or any decals.
- C. A person shall ~~return~~ surrender the invalid certificate of number and decals ~~that are invalid under subsections (A) or (B) to the Department within 15 calendar days of receiving written notification from the Department that the certificate of number and decals are invalid.~~
- D. The Department shall not validate or renew an invalid watercraft registration until the reason for invalidity ~~has been~~ is corrected or no longer exists.

R12-4-507. Transfer of Ownership of an Abandoned or Unreleased Watercraft

- ~~A.~~ For the purpose of this Section the following definitions apply:
 1. "Abandoned watercraft" means a watercraft that has remained on private property without the consent of the private property owner or has remained unattended on a highway, public street, or other public property, or waterway for more than seven days. A watercraft left under a written repair or storage order is not an abandoned watercraft.
 2. "Release of interest" means a statement giving up, surrendering, or abandoning unconditionally any claim or right of ownership or use in a watercraft.
 3. "Unreleased watercraft" means a watercraft for which there is no release of interest from the registered owner.
- A. A person who has knowledge and custody of a watercraft abandoned on private property owned by that person may attempt to obtain ownership of the watercraft by way of the abandoned watercraft transfer process.
- B. ~~Unless an abandoned or unreleased watercraft is reported stolen the~~ The last registered owner of an abandoned or unreleased watercraft is presumed to be responsible for the watercraft, unless the watercraft is reported stolen.
- C. The operator of a self-storage facility located in this state and having a possessory lien shall comply with the requirements prescribed under A.R.S. Title 33, Chapter 7, Article 6 when attempting to obtain ownership of a watercraft abandoned while in storage.
- D. A person having a possessory lien under a written rental agreement shall comply with the requirements prescribed under A.R.S. Title 33, Chapter 15, Article 1 when attempting to obtain ownership of a watercraft for which repairs or service fees remain unpaid.
- E. Only a person acting within the scope of official duties as an employee or authorized agent of a government agency may order the removal of a watercraft abandoned on public property or a public waterway.
- ~~C.F.~~ A person seeking transfer of ownership of an abandoned or unreleased watercraft shall submit an application to the Department. The application is furnished by the Department and available at any Department office. The application shall include the following information, if available, on a form obtained from the Department:
 1. Hull identification number, unless ~~exempted by~~ exempt under R12-4-505;
 2. Registration number;
 3. Decal number;
 4. State of registration;
 5. Year of registration;
 6. Name, address, and daytime telephone number of the person who found the watercraft;
 7. ~~If the watercraft is abandoned, the description or address of the location where the watercraft was found, whether the~~

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watercraft was abandoned on private or public property, and if private, whether or not the applicant is the legal owner of the property For abandoned watercraft:

- a. Address or description of the location where the watercraft was found.
- b. Whether the watercraft was abandoned on private or public property, and
- c. When applicable, for watercraft abandoned on private property, whether the applicant is the legal owner of the property;

8. Condition of the watercraft: ~~whether~~ wrecked, stripped, or intact;
9. State in which the watercraft will be ~~used~~ operated;
10. Length of time the watercraft was abandoned; ~~and~~
11. Reason why the applicant believes the watercraft is abandoned; ~~and~~
12. Signature of the applicant, acknowledged before a Notary Public or witnessed by a Department employee.

~~D.G.~~ This state and its agencies, employees, and agents are not liable for relying in good faith on the contents of the application.

H. The Department shall attempt to determine the name and address of the registered owner and, if successful, shall send written notice of the attempt to register the watercraft by the applicant to the registered owner by certified mail, return receipt requested by:

1. Conducting a search of its watercraft database when documentation indicates the watercraft was previously registered in this state, or
2. Requesting the watercraft record from the other state when documentation indicates the watercraft was previously registered in another state.

I. If the Department is able to determine the name and address of the registered owner, the Department shall send written notice of the applicant's attempt to register the watercraft to the owner by certified mail, return receipt requested.

1. After 30 calendar days from the date the Department mails the notice, if service is successful, or upon receipt of a response from the registered owner, the Department shall advise the applicant in writing according to the following. If service is successful or upon receipt of a response from the registered owner, the Department shall send the following written notification to the applicant, as appropriate:

- a. If the registered owner provides a written release of interest in the watercraft, the Department shall ~~provide the applicant with mail~~ the release of interest and an abandoned or unreleased watercraft approval letter to and the applicant ~~may then register the~~. The applicant shall apply for watercraft ~~under~~ registration in compliance with the requirements established under R12-4-502.
- b. If the registered owner provides written notice to the Department refusing to release an interest in the watercraft, the Department shall ~~advise~~ notify the applicant of the owner's refusal, ~~and the~~. The Department shall not register the watercraft to the applicant unless the applicant provides proof of ownership and complies with the requirements established under R12-4-502.
- c. If ~~service is successful and~~ the registered owner does not respond to the notice in writing within 30 days from the date of mailing, ~~when service was successful receipt~~, the Department shall ~~advise~~ notify the applicant of the owner's failure to respond, ~~and the~~. The Department shall not register the watercraft to the applicant unless the applicant provides proof of ownership and complies with the requirements established under R12-4-502;
- d. If ~~service is successful and~~ the registered owner does not ~~provide written~~ respond to the notice to claim or release interest in the watercraft within 180 days after ~~from~~ the date ~~the Department receives the notice of receipt of the notice~~, this failure to act shall constitute a waiver of interest in the watercraft by any ~~individual person~~ having an interest in the watercraft, and the watercraft shall be deemed abandoned for all purposes. The Department shall mail an abandoned or unreleased watercraft approval letter to the applicant. The applicant shall apply for watercraft registration in compliance with the requirements established under R12-4-502.

2. If the Department cannot determine who the registered owner of the watercraft is, or if the written notice is returned unclaimed or refused, the Department shall ~~advise~~ notify the applicant in writing within 15 days of the notice being returned that the attempt to identify or contact the registered owner was unsuccessful.

E.J. If the Department is ~~unsuccessful in its attempt~~ unable to identify or serve the registered owner under subsection (D)(2), the Department shall publish a notice of intent of the Director of the Department to transfer ownership of the abandoned or unreleased watercraft once in a newspaper or other publication of general circulation in this state within 45 days of the Department's notification to the applicant as provided in subsection ~~(D)(2)~~ (H)(2).

1. The published notice shall include a statement of the ~~Department's~~ intent of the Director to transfer ownership of the watercraft as provided by R12-4-502-10 ten days after the notice is published date of publication, unless the Department receives notice from the registered owner refusing to release interest in the watercraft within that ten day period following publication.
2. The Upon request, the Department shall make available to the public upon request a description of the abandoned or unreleased watercraft subject to transfer of ownership.
3. If the watercraft remains unclaimed after the ten day period, the Department shall mail an abandoned or unreleased watercraft approval letter to the applicant. The applicant shall apply for watercraft registration in compliance with the

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requirements established under R12-4-502.

- K.** A government agency may submit an application for authorization to dispose of a junk watercraft abandoned on state or federal lands or waterways. The application is furnished by the Department and is available at any Department Office. Upon receipt of the application, the Department shall attempt to determine the name and address of the registered owner. If the Department is unable to identify and serve the registered owner, the Department shall publish a notice of intent to authorize the disposal of the junk watercraft as described in subsection (J).
1. The published notice shall include a statement of the Department's intent to authorize the disposal of the watercraft ten days after the date of publication, unless the Department receives notice from the registered owner refusing to release interest in the watercraft within that ten day period following publication.
 2. If the watercraft remains unclaimed after the ten day period, the Department shall mail an authorization to dispose of the junk watercraft to the government agency. The government agency may dispose of the abandoned watercraft and all indicia for that watercraft in any manner the agency determines expedient or convenient.

R12-4-508. New Watercraft Exchanges

- ~~**A.** The Department may replace registration for new watercraft never previously registered which is returned to the seller within 30 calendar days of registration, provided that the seller replaces the watercraft with a duplicate watercraft, and application for replacement registration is made to the Department within the same 30 calendar days.~~
- ~~**B.** In order to obtain replacement registration, the registered owner shall provide the Department with the registration for the original watercraft and with a letter signed by the seller stating that the watercraft has been replaced, and providing the hull identification numbers for both the original and the replacement watercraft and the name of both the buyer and the seller.~~
- ~~**C.** The Department shall issue replacement registration for the replacement watercraft with no charge in addition to the fee and license tax already paid.~~
- A.** A person may request a no-fee replacement registration for a new watercraft, provided all of the following conditions apply:
1. The person purchased the newly registered watercraft from a new watercraft dealer.
 2. The person returned the watercraft to the new watercraft dealer within 30 days of purchase, and
 3. The new watercraft dealer exchanged the returned watercraft for a watercraft of the same year, make, and model within the same 30 day period.
- B.** To obtain a no-fee replacement registration, the person shall submit the original watercraft registration and a letter from the new watercraft dealer to the Department. The letter shall include all of the following information:
1. A statement that the original watercraft was replaced,
 2. The hull identification number for the original watercraft,
 3. The hull identification number for the replacement watercraft,
 4. The buyer's name, and
 5. The new watercraft dealer's name.

R12-4-509. Watercraft Agents

- A.** The Department has the authority to authorize an agent to act ~~for~~ on behalf of the Department for the purpose of issuing temporary certificates of number valid for 30 days for new watercraft ~~only if, provided:~~
1. The applicant's previous authority to act as a watercraft agent under A.R.S. § ~~5-321(H)~~ 5-321(I) has not been cancelled by the Department within the preceding 24 months, and
 2. The applicant is a business located and operating within this state ~~that~~ and sells watercraft for an identified manufacturer.
- B.** An applicant for seeking watercraft agent authorization shall ~~apply on forms provided~~ submit an application to the Department. The application is furnished by the Department and available at the Arizona Game and Fish Department, 5000 W. Carefree Highway, Phoenix, AZ 85086. ~~The Department shall issue authorization or deny the application within 30 calendar days of receiving the application.~~ The applicant shall provide the following information on the application:
1. ~~The principal~~ Principal business or corporation name, address, and telephone number or if not a corporation, the full name, address, and telephone number of all owners or partners;
 2. ~~If not a corporation, the full name, address, and telephone number of all owners or partners;~~
 - 3-2. ~~The name~~ Name, address, and telephone number of the owner or manager ~~that is~~ responsible for compliance with this Section;
 - 4-3. Whether ~~or not~~ the applicant has previously issued temporary certificates of number under A.R.S. § ~~5-321(H)~~ 5-321(I);
 - 5-4. ~~The storefront name, street address, type of business, name of the manager, telephone number, and business hours of the~~ All of the following information specific to the location from which new watercraft are to be sold and temporary certificates of number issued:
 - a. Name of owner or manager;

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- b. Business hours;
- c. Business telephone number;
- d. Business type;
- e. Storefront name; and
- f. Street address;

~~6-5. The manufacturers~~ Manufacturers of the watercraft to be distributed; and

~~7-6. The signature~~ Signature of the person named under subsection ~~(B)(3)~~ (B)(2).

C. The Department shall either approve or deny the application within 30 calendar days of receiving the application.

D. The watercraft agent shall:

1. Use the assigned watercraft agent number when issuing a temporary certificate of number.

2. Use the online application system or forms supplied by the Department; and

3. Collect the appropriate fee as prescribed under A.R.S. §§ 5-321 and 5-327.

~~C.E.~~ Authorization to act as a watercraft agent is specific to the business location designated on the application and approved by the Department. The only exception is if, unless the agent is participating in a scheduled, advertised boat show for the purpose of selling watercraft.

~~D.~~ The Department shall assign an agent number to a watercraft agent upon approval of the application, and shall supply the agent with forms and a schedule of fees to be collected for compliance with A.R.S. § 5-321.

~~E.F.~~ A watercraft agent shall not destroy prenumbered temporary certificate of number applications provided by the Department, but The watercraft agent shall mark an the unused prenumbered application "void" if necessary and return the application to the Department with the monthly report required in under subsection ~~(H)~~ (J).

~~F.G.~~ A watercraft agent shall verify that watercraft agent supplies were received within seven days of receipt. The Department shall provide new supplies within 30 calendar days after receipt of an the watercraft agent's request form. The watercraft agent shall verify supplies were received within seven days of receipt.

~~G.H.~~ A watercraft agent issuing a temporary certificate of number to the purchaser of a new watercraft shall comply with all the following if the agent is issuing a temporary certificate of number to the purchaser of a new watercraft:

1. The watercraft agent shall obtain an application if the watercraft is purchased from the agent; or the applicant's bill of sale that shows containing the following information:

a. The Statement that the watercraft is new as distinguished from used,

b. The names Names and addresses of the buyer and seller,

c. The date Date of purchase,

d. The amount Amount of sales tax paid,

e. The purchase Purchase price,

f. The manufacturer's name Make and model of watercraft, if known,

g. Engine drive type;

~~g-h.~~ The length Length of the watercraft,

~~h-i.~~ The year Year of manufacture, and

~~i-j.~~ The hull Hull identification number.

2. The agent shall obtain a certificate of origin from the manufacturer and provide it to the purchaser of the new watercraft.

~~3-2.~~ The watercraft agent shall identify to the applicant the state registration fee and the applicable watercraft license tax nonresident boating safety infrastructure fee, when applicable, separately from any other costs; and

~~4-3.~~ The agent shall, within Within 72 hours after issuing a temporary certificate of number, a watercraft agent shall deliver to the Department's Phoenix office or deposit in the U.S. mail the legible original application, a legible original or copy of the bill of sale, the original certificate of origin, and a check or money order for the state's fees to the Arizona Game and Fish Department, Watercraft Agent Representative, 5000 W. Carefree Highway, Phoenix, AZ 85086.

4. The state's fees shall be submitted by check or money order with the required documentation or electronically prior to the submission of the required documentation.

~~H-I.~~ The Department shall accept online applications only on or prenumbered temporary certificate of number application forms provided to the watercraft agent by the Department, as prescribed in established under R12-4-502.

~~I-J.~~ By the 10th day of each month, a watercraft agent shall submit a report of activity for the previous month to the Department on a form provided furnished by the Department and available at the Department office listed under subsection (H)(4). The watercraft agent shall submit the report whether or not any temporary certificates of number are issued activity occurred during the reporting period. The report shall include all of the following:

1. The name Name and address of the watercraft agent, and the agent number assigned by the Department;

2. Department assigned watercraft agent number;

~~2-3.~~ For each temporary certificate of number issued, the application number, the name of the purchaser, the hull identification number, and the date of issuance; and:

a. Application number;

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- b. Name of the purchaser;
- c. Hull identification number; and
- d. Date of issuance; and

3-4. A list of any voided or missing application numbers, with explanation.

5. A watercraft agent who processes all transactions using the Department's online application system is exempt from this subsection.

~~J.K.~~ The Department may cancel the watercraft agent's authorization to be a watercraft agent and demand the return of or collect all supplies issued to the agent based on consideration if the agent does any one of the following:

1. ~~Failure~~ Fails to comply with the requirements established under this Section;
2. ~~Issuing~~ Submits more than one check with, draft, order, or electronic payment dishonored because of insufficient funds, payments stopped, or closed accounts to the Department within a calendar year;
3. ~~Predating, postdating, altering, or providing~~ Predates, postdates, alters, or provides or knowingly allowing allows false information to be provided on or with an application for a temporary certificate of number;
4. ~~Knowingly issuing~~ Issues a temporary certificate of number for a used watercraft; or
5. ~~Falsifying~~ Falsifies the application for authorization as a watercraft agent; or falsifying
6. Falsifies the monthly report required by subsection (H) (J).

~~K.L.~~ Denial of an application to become a watercraft agent; or cancellation of watercraft agent status by the Department; may be appealed to the Commission as prescribed ~~in~~ under A.R.S. Title 41, Chapter 6, Article 10; ~~Uniform Administrative Appeals Procedures.~~

R12-4-510. Refunds for Renewals Refund of Fees Paid in Error

A. The Department shall issue ~~refunds a refund~~ refund of fees paid in error for renewal of watercraft registration under the following circumstances:

1. The Department shall issue a refund for ~~one renewal~~ the watercraft registration renewal fee and, when applicable, the Nonresident Boating Safety Infrastructure fee when the registered owner has erroneously paid those fees twice for the same registration renewal for the same watercraft.
2. The Department shall issue a refund for ~~a renewal~~ the watercraft registration renewal fee and, when applicable, the Nonresident Boating Safety Infrastructure fee when ~~a the~~ registered owner has erroneously paid for renewal of those fees for a watercraft that has already been sold to another individual, provided ~~that the application for refund is made~~ submitted to the Department within 30 calendar days of the renewal date the payment was received by the Department.

~~3.B.~~ To request a refund of fees paid in error, the person applying for the refund shall surrender an original all of the following to the Department:

1. Original certificate of number and one set of;
2. Registration decals, and
3. Nonresident Boating Safety Infrastructure Decal, when applicable to the Department in order to receive the refund.

C. A person requesting a refund of fees paid in error shall submit the request to the Department within 30 calendar days of the date the payment was received by the Department.

~~B.D.~~ The Department shall not refund ~~payment of any penalty fee for~~ late registration penalty fee.

R12-4-511. Personal Flotation Devices

A. For the purpose of this Section, "wear" means ~~that the personal flotation device is being worn according to the manufacturer's design or recommended use; that all closures of the personal flotation device are fastened, snapped, tied, zipped, or secured according to the manufacturer's design or recommended use; and that the personal flotation device is adjusted for a snug fit~~

1. The personal flotation device is worn according to the manufacturer's design or recommended use;
2. All of the device's closures are fastened, snapped, tied, zipped, or secured according to the manufacturer's design or recommended use; and
3. The device is adjusted for a snug fit.

B. The operator of a canoe, kayak, or other watercraft shall ensure ~~that~~ the canoe, kayak, or other watercraft is equipped with at least one appropriately-sized, U.S. Coast Guard-approved, wearable personal flotation device that is in good and serviceable condition for each person on board the canoe, kayak, or other watercraft. The operator of a canoe, kayak, or other watercraft shall also ensure ~~that~~ the wearable personal flotation devices on board the canoe, kayak, or other watercraft are readily accessible and available for immediate use. The following wearable personal flotation devices are approved by the U.S. Coast Guard:

1. Type I Personal Flotation Device: off-shore life jacket,
2. Type II Personal Flotation Device: near-shore buoyancy vest,
3. Type III Personal Flotation Device: flotation aid, and
4. Type V Special Use Device.

- C. In addition to the personal flotation devices ~~prescribed in~~ described under subsection (B), the operator of a watercraft that is 16 feet or more in length, ~~except a canoe or kayak,~~ shall ensure that the watercraft is also equipped with a U.S. Coast Guard-approved Type IV Personal Flotation Device; buoyant cushion, ring buoy, or horseshoe buoy (~~Type IV Personal Flotation Device~~). Canoes and kayaks are not subject to this subsection.
- D. ~~Persons on board a watercraft or personal watercraft shall wear an appropriately sized, U.S. Coast Guard-approved personal flotation device as prescribed in A.R.S. § 5-331(C) and A.R.S. § 5-350(A).~~ The operator of a watercraft shall ensure an individual twelve years of age or under on board a watercraft shall wear a U.S. Coast Guard approved type I, II or III personal flotation device whenever the watercraft is underway.
- E. The operator of a personal watercraft shall ensure each individual aboard the personal watercraft is wearing a wearable personal flotation device approved by the U.S. Coast Guard whenever the personal watercraft is underway.
- ~~E.E.~~ Subsections (B), (C), and (D) do not apply to the operation of a racing shell or rowing skull during competitive racing or supervised training, if the racing shell or rowing skull is manually propelled, recognized by a national or international association for use in competitive racing, and designed to carry and does carry only equipment used solely for competitive racing.

R12-4-512. Fire Extinguishers Required for Watercraft

A. The operator of watercraft shall ensure all required fire extinguishers are readily accessible and available for immediate use.

~~A.B.~~ Under As prescribed under A.R.S. § 5-332, an operator of a watercraft:

1. Watercraft less than 26 feet in length shall carry one U.S. Coast Guard-approved B-I type fire extinguisher on board if the watercraft has one or more of the following:
 - 1-a. An inboard engine,
 - 2-b. Closed compartments where portable fuel tanks may be stored,
 - 3-c. Double bottoms not sealed to the hull or which are not completely filled with flotation materials,
 - 4-d. Closed living spaces,
 - 5-e. Closed stowage compartments in which combustible or flammable materials are stored,
 - 6-f. Permanently installed fuel tanks (fuel tanks ~~secured so that they~~ cannot be moved in case of a fire or other emergency are considered permanently installed), and
 - 7-g. A fixed fire extinguishing system installed in the engine compartment.

~~B.2.~~ Under A.R.S. § 5-332, an operator of a Class 2 watercraft Watercraft (26 feet to less than 40 feet) shall carry on board the following equipment as designated and approved by the U.S. Coast Guard:

- 1-a. At least two B-I type hand-portable fire extinguishers or at least one B-II type hand-portable fire extinguisher, or
- 2-b. At least one B-I type approved hand-portable fire extinguisher if a fixed fire extinguishing system is installed in the engine compartment.

~~C.3.~~ Under A.R.S. § 5-332, an operator of a Class 3 watercraft Watercraft (40 feet to not more than 65 feet) shall carry on board the following equipment as designated and approved by the U.S. Coast Guard:

- 1-a. At least three B-I type hand-portable fire extinguishers or at least one B-I and one B-II type hand-portable fire extinguishers, or
- 2-b. At least two B-I type hand-portable fire extinguishers or at least one B-II type hand-portable fire extinguisher when a fixed fire extinguishing system is installed in the engine compartment.

R12-4-513. Watercraft Accident and Casualty Reports

A. The operator or owner of a watercraft involved in any collision, accident or other casualty ~~that results~~ resulting in injury ~~or death, or property damage exceeding \$500~~ shall submit the report required by under A.R.S. § 5-349 ~~on a form provided by to~~ the Department. ~~The operator or owner of a watercraft involved in any collision or accident that results in property damage only shall submit the report required by A.R.S. § 5-349, on a form provided by the Department, only if the property damage exceeds \$500. The report shall be made on a form furnished by the Department and provided by the law enforcement officer investigating the collision, incident, or other casualty.~~ The operator or owner of the watercraft submitting the report required by A.R.S. § 5-349 shall complete the form provided by the Department in full; and shall clearly identify on the form any information that is either not applicable or that is unknown. The operator or owner of the watercraft submitting the report required by A.R.S. § 5-349 shall provide the following information on the form provided by the Department:

1. The operator's ~~name, address, date of birth, gender, and telephone number~~ personal information;
2. The owner's ~~name, address, date of birth, gender, and telephone number~~ personal information;
3. The operator's hours of experience in operating watercraft;
4. The operator's amount of boating safety instruction;
5. Information on the watercraft involved:
 - a. Type of watercraft, make, and model;
 - b. Watercraft propulsion and year built;

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- e. Watercraft construction and year built;
 - d. Hull material;
 - e. Hull identification number; and
 - f. State registration number;
6. Information on the accident:
 - a. Date and time;
 - b. General and specific location;
 - e. Type of operation at time of accident;
 - d. Type of accident;
 - e. Weather, water conditions, wind, visibility, and estimated temperature at the time of accident; and
 - f. Cause of accident;
 7. Estimated cost of damage to the watercraft;
 8. Whether the watercraft sank, and if so, whether recovered, and the name, address, and telephone number of the person who made information regarding the recovery of the watercraft;
 9. Whether the watercraft was adequately equipped with information regarding U.S. Coast Guard-approved personal flotation devices, whether they were accessible, and whether they were used;
 10. Whether information regarding fire extinguishers were used, and the types and number of fire extinguishers used;
 11. Information on Personal information for operators and owners of each of the other watercraft involved in the accident: name, address, telephone number, and watercraft registration number;
 12. Information on Personal information for persons killed or injured in the accident: name, address, date of birth, cause of death or nature of injury, and the name and location of the receiving hospital;
 13. The name, address, date of birth, and telephone number of Personal information for all passengers in the watercraft;
 14. The location of passengers, skiers, and swimmers at the time of the accident;
 15. If there was information regarding damage to property other than any of the watercraft involved:
 - a. Name, address, and telephone number of owner;
 - b. Description of damage; and
 - e. Estimated cost of damage;
 16. The name, address, and telephone number of Contact information for any witnesses other than passengers;
 17. A diagram and narrative explaining the accident;
 18. Contact information for the person completing the form;
 19. The signature of the person completing the form;
 20. The date the person completing the form submits the form to the Department; and
 21. Any other information required by the Department to ensure compliance with 33 CFR Subpart C, 173.57.
- B.** Any ~~The person filling out~~ completing the form shall ~~sign the form; designate whether the person is the owner, operator, or any other party; and provide name, address, telephone number, and the date the form is submitted~~ deliver or mail the form to the Arizona Game and Fish Department, Law Enforcement Branch at 5000 W. Carefree Hwy, Phoenix, AZ 85086.
- C.** The operator or owner of a watercraft involved in any collision, accident or other casualty resulting in injury or death shall submit the report to the Department no later than 48 hours after the incident.
- D.** The operator or owner of a watercraft involved in any collision, accident or other casualty resulting only in property damage exceeding \$500 shall submit the report to the Department no later than five days after the incident.

R12-4-514. Liveries

- A.** ~~Under As prescribed under~~ A.R.S. § 5-371, a watercraft owned by a boat livery that requires registration and does not have the certificate of number on board shall be identified while in use by means of a receipt provided by the livery to, ~~and to be kept in the possession of,~~ the person operating the rented watercraft. The receipt shall contain the following information:
1. ~~The business~~ Business name and address of the livery as shown on the certificate of number,
 2. ~~The watercraft~~ Watercraft registration number as issued by the Department,
 3. ~~The beginning~~ Beginning date and time of the rental period, and
 4. Written acknowledgement on the receipt of compliance with the requirements prescribed under A.R.S. § 5-371, signed by both the livery operator or the livery's agent and the renter.
- B.** The person operating the rented watercraft shall carry the receipt and produce it upon request to any peace officer.

R12-4-515. Display of AZ Numbers and Registration Decals

- A.** No person shall use or operate, or grant permission to use or operate, a watercraft on the waters within the boundaries of this state unless such watercraft ~~has, on each side of the bow,~~ displays a valid number and current annual registration decal displayed pursuant to this rule, except that a watercraft may be used or operated for 30 days when a valid temporary numbering certificate has been issued pursuant to R12-4-509 and except for watercraft otherwise exempted in under A.R.S. § 5-321 or § 5-322 in the manner as established under subsection (B). This Section does not apply to undocumented water-

- craft displaying a valid temporary numbering certificate authorized under R12-4-509 or are exempt under A.R.S. § 3-322.
- B. ~~The number awarded to each watercraft by the Department shall be painted on or attached to each side of the forward half of the watercraft in such position as to be clearly visible. The number shall read from left to right with well-proportioned block letters not less than 3 inches in height, excluding outline. The number shall be a color that will contrast with the background so as to be easily read. The letters AZ and the suffix shall be separated from the numerals by a hyphen or equivalent space. The decals shall be affixed 3 inches in front of the AZ on both sides of the forward half of the watercraft. The owner of a watercraft shall ensure the AZ number and registration decals are displayed as follows:~~
1. ~~The AZ number shall:~~
 - a. ~~Be clearly visible and painted on or attached to each exterior side of the forward half of a non-removable portion of the watercraft;~~
 - b. ~~Be in a color that contrasts with the watercraft's background color so as to be easily read from a distance;~~
 - c. ~~Be separated by a hyphen or equivalent space between the letters "AZ" and the suffix; and~~
 - d. ~~Read from left to right in well-proportioned block letters that are not less than three inches in height, excluding outline.~~
 2. ~~The registration decals shall be affixed three inches in front of "AZ" on both sides of the forward half of a non-removable portion of the watercraft.~~
- C. On watercraft so constructed that it is impractical or impossible to display the ~~numbers~~ AZ number in a prominent position on the forward half of the hull or permanent superstructure, the number may be displayed on brackets or fixtures securely attached to the forward half of the watercraft.
- D. Persons possessing a dealer watercraft certificate issued ~~pursuant to~~ under A.R.S. § 5-322(D) 5-322(F) shall visibly display ~~their AZ dealer~~ numbers and validating decals as ~~prescribed in established under this rule Section~~, except that the numbers and decals may be printed or attached to temporary, removable signs ~~which may be temporarily but that are~~ securely attached to the watercraft being demonstrated.
- E. Expired decals issued by any jurisdiction shall be covered or removed from watercraft, so that only the current decal ~~shall~~ be visible.
- F. Invalid watercraft AZ numbers ~~or~~ and registration decals shall not be displayed on any watercraft. ~~See R12-4-506. The owner of the watercraft shall surrender the AZ numbers and registration decals to the Department in compliance with R12-4-506(C).~~

R12-4-516. Watercraft Sound Level Restriction

- A. A person shall not operate a watercraft upon the waters of this state if the watercraft emits a noise level that exceeds any of the following.
1. A noise level of 86 dB(A), measured at a distance of 50 feet or more from the watercraft on the "A" weighted scale of a sound level instrument that conforms to recognized industry standards and is maintained according to the manufacturer's instructions.
 2. For engines manufactured:
 - a. Before January 1, 1993, a noise level of 90 dB(A) when subjected to the Society of Automotive Engineers Recommended Practice stationary sound level test SAEJ2005, revised July 2004, ~~which is incorporated by this reference, not including any~~ and no later editions or amendments; and
 - b. On or after January 1, 1993, a noise level of 88 dB(A) when subjected to the Society of Automotive Engineers Recommended Practice stationary sound level test SAEJ2005, revised July 2004, ~~which is incorporated by this reference, not including any~~ and no later editions or amendments; or
 3. A noise level of 75 dB(A) measured as specified in the Society of Automotive Engineers Recommended Practice shoreline sound test SAEJ1970, revised September 2003, ~~which is incorporated by this reference, not including any~~ and no later editions or amendments.
- B. ~~Copies of the~~ The materials incorporated by reference in subsection (A) are available from may be viewed at any Department office and are available for purchase from SAE International, 400 Commonwealth Dr, Warrendale, PA 15096-0001 or online at www.sae.org.
- C. A measurement of noise level that is in compliance with this Section does not preclude the conducting of a test or multiple tests of noise levels.
- D. A peace officer authorized to enforce the provisions of this Section who has reason to believe ~~that~~ a watercraft is being operated in violation of the noise levels established in this Section may direct the operator of the watercraft to submit the watercraft to an onsite test to measure noise level.
- E. An operator of a watercraft who receives a request from a peace officer to test the noise level of the watercraft under subsection (D) shall allow the watercraft to be tested. If, based on a measurement or test to determine the noise level of a watercraft administered under this Section, the noise level of the watercraft exceeds one or more of the decibel level standards in subsection (A), the operator of the watercraft shall take immediate measures to correct the violation as prescribed by under A.R.S. § 5-391(C).
- F. This Section shall not apply to watercraft operated under permits issued in accordance with A.R.S. § 5-336(C).

R12-4-517. Watercraft Motor and Engine Restrictions

- A. A person operating a motorized watercraft on the following waters shall use an electric motor only:
1. Ackre Lake
 2. Bear Canyon Lake
 3. Bunch Reservoir
 4. Carnero Lake
 5. Chaparral Park Lake
 6. Cibola Lake
 - ~~6-7.~~ Cluff Ponds
 - ~~7-8.~~ Coconino Reservoir
 - ~~8-9.~~ Coors Lake
 - ~~9-10.~~ Dankworth Pond
 - ~~10-11.~~ Dogtown Reservoir
 - ~~11-12.~~ Fortuna Lake
 - ~~12-13.~~ Goldwater Lake
 - ~~13-14.~~ Granite Basin Lake
 - ~~14-15.~~ Horsethief Basin Lake
 - ~~15-16.~~ Hulsey Lake
 - ~~16-17.~~ J.D. Dam Lake
 - ~~17-18.~~ Knoll Lake
 - ~~18-19.~~ Lee Valley Lake
 - ~~19-20.~~ McKellips Park Lake
 - ~~20-21.~~ Pratt Lake
 - ~~21-22.~~ Quigley Lake
 - ~~22-23.~~ Redondo Lake
 - ~~23-24.~~ Riggs Flat Lake
 - ~~24-25.~~ Roper Lake
 - ~~25-26.~~ Santa Fe Lake
 - ~~26-27.~~ Scott's Reservoir
 - ~~27-28.~~ Sierra Blanca Lake
 - ~~28-29.~~ Soldier Lake (in Coconino County)
 - ~~29-30.~~ Stehr Lake
 - ~~30-31.~~ Stoneman Lake
 - ~~31-32.~~ Tunnel Reservoir
 - ~~32-33.~~ Whitehorse Lake
 - ~~33-34.~~ Willow Valley Lake
 - ~~34-35.~~ Woodland Reservoir
 - ~~35-36.~~ Woods Canyon Lake
- B. A person operating a motorized watercraft on the following waters shall use only a single electric motor or a single gasoline engine not exceeding 10 manufacturer-rated horsepower:
1. Arivaca Lake
 2. Ashurst Lake
 3. Becker Lake
 4. Big Lake
 5. Black Canyon Lake
 6. Blue Ridge Reservoir
 7. Cataract Lake
 8. Chevelon Canyon Lake
 9. Cholla Lake Hot Pond
 10. Concho Lake
 11. Crescent Lake
 12. Fool Hollow Lake
 13. Kaibab Lake
 14. Kinnikinick Lake
 15. Little Mormon Lake
 16. Lower Lake Mary
 17. Luna Lake
 18. Lynx Lake
 19. Marshall Lake

20. Mexican Hay Lake
 21. Nelson Reservoir
 22. Parker Canyon Lake
 23. Peña Blanca Lake
 24. Rainbow Lake
 25. River Reservoir
 26. Show Low Lake
 27. Whipple Lake
 28. White Mountain Lake (in Apache County)
 29. Willow Springs Lake
- C. A person shall not operate a watercraft on Frye Mesa Reservoir, Rose Canyon Lake, or Snow Flat Lake, except as authorized under subsection (D).
- D. A person who possesses a valid use permit issued by the U.S. Forest Service may operate a non-motorized watercraft only on Rose Canyon Lake on any Tuesday, Wednesday, or Thursday during June and July from 9:30 a.m. to 4:30 p.m. Mountain Time Zone. This subsection does not exempt the person from complying with all applicable requirements imposed by federal or state laws, rules, regulations, or orders.
- E. This Section does not apply to watercraft of governmental agencies or to Department-approved emergency standby watercraft operated by lake concessionaires if operating to address public safety or public welfare.

R12-4-519. Reciprocity

~~All~~ As authorized under A.R.S. § 5-322(E), all watercraft ~~which are~~ currently numbered or exempt from numbering under the provisions of their state of principal use operation are exempt from numbering for a period of 90 days after entering ~~the~~ this state. See also A.R.S. § 5-322(C) and (F).

R12-4-520. Arizona Uniform State Waterway Marking System

The Arizona uniform state waterway marking system is the same as that prescribed ~~in~~ under 33 CFR 62, revised July 1, 2004, ~~not including any later editions or amendments~~, which is incorporated by reference in this Section. ~~A copy~~ The incorporated material is available ~~from~~ at any Department office, online at www.gpoaccess.gov, or it may be ordered from the ~~Superintendent of Documents~~, U.S. Government Printing Office, Stop: IDCC, Washington, D.C. ~~20402~~ 20401. This Section does not include any later amendments or editions of the incorporated material.

R12-4-521. Placing or Tampering with Regulatory Markers or Aids to Navigation

- A. No person shall mark the waterways or their shorelines in this state with mooring buoys, regulatory markers, aids to navigation, or other types of permitted waterway marking devices as ~~prescribed in~~ established under R12-4-520, without authorization from the governmental agency or the private interest having jurisdiction on such waters.
- B. No person shall moor or fasten a watercraft to any marker not intended for mooring, or willfully damage, tamper with, remove, obstruct, or interfere with any aid to navigation, regulatory marker or other type of permitted waterway marking devices as ~~prescribed in~~ established under R12-4-520, except in the performance of authorized maintenance responsibilities or as authorized ~~pursuant to~~ under R12-4-518 or R12-4-522.

R12-4-522. Establishment of Controlled-Use Markers

- A. If a lawful jurisdiction has not exercised its authority to control watercraft under A.R.S. § 5-361, or if waters are directly under the jurisdiction of the Commission, the Department has the authority to control watercraft within that jurisdiction in accordance with the following requirements:
1. The Department shall place controlled-use markers only where controlled operation of watercraft is necessary to protect life, property, or habitat, and shall move or remove the markers only if the need for the protection changes.
 2. The Department shall ensure ~~that~~ restrictions imposed are clearly communicated to the public as prescribed by rule or by wording on the markers.
- B. A governmental agency, excluding federal agencies with jurisdiction over federal navigable waterways, shall report to the Department ~~if when~~ when controlled-use markers have been placed ~~and include in that report the type, purpose, and placement of markers, and whether the markers are expected to be permanent or temporary; the governmental agency shall also advise the Department of the removal of controlled-use markers or removed, unless the establishment or removal of markers is for a period of less than 30 days.~~ The report shall be made within 30 days of establishment or removal of any controlled-use markers. A report is not required for establishment or removal of markers for less than 30 days and shall include the:
1. Report type.
 2. Purpose of markers.
 3. Placement of markers, and
 4. Whether the markers are expected to be permanent or temporary.
- C. Any person or government agency may request establishment, change, or removal of controlled-use markers on waters

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under the jurisdiction of the Commission or on waters not under the jurisdiction of another agency by submitting a written request providing the reasons for the request to the ~~Director of the~~ Arizona Game and Fish Department, ~~who~~ 5000 W. Carefree Hwy, Phoenix, AZ 85086. The Department shall either accept or deny the request within 60 days of receipt.

- D.** A person may appeal the ~~Director's~~ Department's denial of a request to the Commission as an appealable agency action under A.R.S. Title 41, Chapter 6, Article 10.

R12-4-523. Controlled Operation of Watercraft

- A.** A person shall not operate any watercraft, or use any watercraft to tow a person on ~~waterskis~~ water skis, a surfboard, inflatable device, or similar object, device or equipment in a manner contrary to the area restrictions imposed by lawfully placed controlled-use markers, except for:
1. Law enforcement officers acting within the scope of their lawful duties;
 2. Persons involved in rescue operations;
 3. Persons engaged in government-authorized activities; and
 4. Persons participating in a regatta, during the time limits of the event only.
- B.** The exemptions listed ~~in~~ under subsection (A) do not authorize any person to operate a watercraft in a careless, negligent, or reckless manner as prescribed ~~in~~ under A.R.S. § 5-341.

R12-4-525. Revocation of Watercraft Certificate of Number, Numbers, and Decal Decals Revocation

- A.** For the purposes of this Section, "person" has same meaning as prescribed ~~in~~ under A.R.S. § ~~5-301(8)~~ 5-301.
- B.** Upon notice of conviction of a person under A.R.S. § ~~5-391(F)~~ 5-391(G), the Department shall revoke for a period not to exceed two years the certificates of number, AZ numbers, and registration decals, and Nonresident Boating Safety Infrastructure decals of any Arizona registered watercraft owned by that person and involved in the violation that the convicted person owns. ~~If the conviction under A.R.S. § 5-391(F) involves stolen watercraft, the Department shall revoke for a period not to exceed two years the certificates of number, numbers, and decals of any Arizona registered watercraft that the convicted person owns.~~
- C.** Upon notice of conviction of a person under A.R.S. § ~~5-391(G)~~ 5-391(H), the Department shall revoke for a period not to exceed one year the certificates of number, AZ numbers, and registration decals, and Nonresident Boating Safety Infrastructure decals for any Arizona registered watercraft owned by that person and involved in the violation that the convicted person owns.
- D.** Upon receiving notice of conviction, the Department shall serve notice under A.R.S. §§ 41-1092.03 and 41-1092.04 on the person convicted that the certificates of number, AZ numbers, and registration decals, and Nonresident Boating Safety Infrastructure decals of watercraft the person owns are subject to revocation.
- E.** A person whose certificates of number, AZ numbers, and registration decals, and Nonresident Boating Safety Infrastructure decals are subject to revocation may request a hearing. The person shall submit a written request to the Arizona Game and Fish Department, Director's Office, ~~2221 W. Greenway Rd.~~ 5000 W. Carefree Hwy, Phoenix, AZ 85023 85086, within ~~45~~ 30 calendar days of receiving the notice ~~provided in described under~~ subsection (D).
- F.** If the person requests a hearing, the Department shall, within ~~30~~ 60 days of receiving the request, schedule a hearing ~~before the Director or request, in accordance with as prescribed under~~ A.R.S. § 41-1092.05, ~~that the Office of Administrative Hearings schedule a hearing.~~
- G.** After a final decision to revoke the person's certificates of number, AZ numbers, and registration decals, and Nonresident Boating Safety Infrastructure decals, the Department shall serve upon the person an Order of Revocation. Within 15 calendar days of receipt of the notice, the person shall surrender to the Department the revoked certificates of number and decals.
- H.** The revocation of the certificates of number, AZ numbers, and registration decals, and Nonresident Boating Safety Infrastructure decals does not affect the legal title to or any property rights in the watercraft. Upon receipt of an application to the Department to transfer watercraft registration by the new watercraft owner, the Department shall terminate the revocation and allow the owner to transfer the owner's entire interest in the watercraft if the Department is satisfied ~~that~~ the transfer is proposed in good faith and not for the purpose of defeating the revocation.

R12-4-526. Unlawful Mooring

- A.** ~~An individual~~ A person, as defined under A.R.S. § 5-301, shall not moor, anchor, fasten to the shore, or otherwise secure a watercraft in any public body of water for longer more than 14 days within any period of 28 consecutive days in any public body of water unless:
1. The ~~individual~~ person moves the watercraft at least 25 nautical miles from its previous location,
 2. The waters are a special anchorage area as defined ~~by~~ under A.R.S. § ~~5-301(12)~~ 5-301,
 3. Authorized for private dock or moorage, or
 4. Authorized by the government agency or private interest ~~that has~~ having jurisdiction over the waters.
- B.** The 14 day limit may be reached through either a number of separate moorings or 14 days of continuous overnight occupation during the 28 day period.

R12-4-527. Transfer of Ownership of a Towed Watercraft

- A. For the purpose of this Section, "towed watercraft" means a watercraft that has been impounded by and is in the possession of a towing company located in this state.
- B. At the time a towing company requests watercraft registration information prescribed under A.R.S. § 5-324 for a towed watercraft, the towing company shall present the towed watercraft to the closest Department ~~regional~~ office for identification if there is no discernible hull identification number or state-issued registration number.
- C. A towing company ~~that wants to~~ seeking to transfer the ownership of a towed watercraft shall submit all of the following to the Director of the Department:
1. Evidence of compliance with notification requirements ~~is~~ prescribed under A.R.S. § 5-399;
 2. A report on a form furnished by the Department and available ~~from the~~ at any Department ~~that includes~~ office. The form shall include all of the following information:
 - a. Name of towing company;
 - b. Towing company's business address;
 - c. Towing company's business telephone number;
 - d. Towing company's Arizona Department of Public Safety tow truck permit number;
 - e. Towed watercraft's hull identification number, if known;
 - f. Towed watercraft's state-issued registration number, registration decal, and year of expiration, if known;
 - g. Towed watercraft's trailer license number, if available;
 - h. State and year of trailer registration, if available;
 - i. Towed watercraft's color and manufacturer, if known;
 - j. Towed watercraft's condition, whether intact, stripped, damaged, or burned, along with a description of any damage;
 - k. Date the watercraft was towed;
 - l. Location from which the towed watercraft was removed;
 - m. Entity that ordered the removal of the towed watercraft, and if a law enforcement agency, include officer badge number, jurisdiction, and copy of report or towing invoice;
 - n. Location where the towed watercraft is stored; and
 - o. Name and signature of towing company's authorized representative; and
 3. Twenty-five dollar application fee authorized under A.R.S. § 5-399.03(2).
- D. If the Department is unsuccessful in its attempt to identify or contact the registered owner or lienholder of the towed watercraft ~~under A.R.S. § 5-399.01~~, and if the Department has determined ~~that~~ the towed watercraft is not stolen ~~under A.R.S. § 5-399.02(A)~~, the towing company shall follow the application procedures ~~is~~ established under A.R.S. § 5-399.02(B) and R12-4-502 to register the towed watercraft.

R12-4-528. Watercraft Checkpoints

- A. A law enforcement agency may establish a watercraft checkpoint to ensure public safety on state waterways, to screen for unsafe or impaired watercraft operators, or to gather demographic, statistical, and compliance information related to watercraft activities.
- B. An individual may be required to perform the following during a watercraft stop or at a watercraft checkpoint:
1. Stop or halt as directed when being hailed by a peace officer or entering the established checkpoint boundary as prescribed under A.R.S. § 5-391, and
 2. Provide evidence of required safety equipment and registration documentation prescribed under A.R.S. Title 5, Chapter 3, Boating and Water Sports.
- C. This Section does not limit any state peace officer's authority to conduct routine watercraft patrol efforts prescribed under A.R.S. Title 5, Chapter 3, Boating and Water Sports.

R12-4-529. ~~Repeated~~ Nonresident Boating Safety Infrastructure Fee; Proof of Payment; Decal

- A. A nonresident owner of a recreational watercraft who establishes this State as the state of principal operation shall pay the Nonresident Boating Safety Infrastructure Fee (NBSIF) established under A.R.S. § 5-327 before placing that watercraft on the waterways of this State.
- B. The nonresident recreational watercraft owner shall carry and display proof of payment of the fee while the watercraft is underway, moored, or anchored on the waterways of this State. Acceptable proof of payment means any one of the following:
1. A current Arizona Watercraft Certificate of Number indicating the NBSIF was paid.
 2. A current Arizona Watercraft Temporary Certificate of Number indicating the NBSIF was paid.
 3. A current Arizona Watercraft Registration Decal indicating the NBSIF was paid, or
 4. A current Arizona Nonresident Boating Safety Infrastructure Decal.
- C. The Nonresident Boating Safety Infrastructure Decal shall be affixed in front of the Arizona Watercraft Registration Decal on both sides of the forward half of the watercraft.

NOTICE OF PROPOSED RULEMAKING

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

[R12-188]

PREAMBLE

1. Article, Part, or Section Affected (as applicable) Rulemaking Action

R12-4-701	Amend
R12-4-702	Amend
R12-4-703	Renumber
R12-4-703	New Section
R12-4-704	Repeal
R12-4-704	Renumber
R12-4-704	Amend
R12-4-705	Repeal
R12-4-705	Renumber
R12-4-705	Amend
R12-4-706	Repeal
R12-4-706	Renumber
R12-4-706	Amend
R12-4-707	Repeal
R12-4-707	Renumber
R12-4-707	Amend
R12-4-708	Repeal
R12-4-708	Renumber
R12-4-708	Amend
R12-4-709	Renumber
R12-4-710	Renumber
R12-4-711	Renumber
R12-4-712	Renumber
R12-4-901	Amend
R12-4-902	Amend
R12-4-903	Renumber
R12-4-903	Amend
R12-4-904	Renumber
R12-4-904	Amend
R12-4-905	Amend
R12-4-906	Amend

2. Citations to the agency's statutory authority to include the authorizing statute (general) and the implementing statute (specific):

Authorizing statute: A.R.S. §§ 17-231(A)(1), 17-231(A)(2), 17-231(A)(7), and 17-231(A)(8)

Implementing statute: A.R.S. §§ 17-231(A)(1); 17-231(A)(2); 17-231(A)(7); 17-231(A)(8), 17-297, 17-298, 17-298.01, 17-299, and A.R.S. §35-214

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

Notice of Rulemaking Docket Opening: 18 A.A.R. 2506, October 5, 2012 (*in this issue*)

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

Name: Marty Herrera, Heritage Fund Administrator

Address: Arizona Game and Fish Department
5000 W. Carefree Highway
Phoenix, AZ 85086

Telephone: (623) 236-7527

Fax: (623) 236-7358

E-mail: mherrera@azgfd.gov

Please visit the AZGFD web site to track progress of this rule and any other agency rulemaking matters at http://www.azgfd.gov/inside_azgfd/rules/rulemaking_updates.shtml.

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

The Arizona Game and Fish Commission proposes to amend rules in Title 12, Chapter 4, Article 7 and 9 in accordance with the preceding five-year review reports approved by the Governor's Regulatory Review Council on July 12, 2011 and January 5, 2010.

Over the past seven years, the Commission has awarded approximately 2.9 million dollars in Heritage Grant Funds to 114 participants. Total project costs including Heritage Grant awards, match and donations total over 6 million dollars. Currently, for the 2012 Heritage Grant cycle year, the Department received 99 applications and the Commission awarded \$415,647 to 23 Heritage Grants applicants. In the previous 5 Heritage Grant cycles, the Department received an average of 46 grant applications per year. In 2012, the Department implemented revised Heritage Grant Application materials with several significant improvements to the program and a total of 99 applications were received. The Heritage Grant program has not had any significant process improvements since the program was created. The Commission believes the current Heritage Grant application is too complex for some applicants, therefore, the application process needed to be simplified. The rulemaking also proposes to amend Article 9, governing the Arizona Wildlife Conservation Fund Grants to be consistent wherever possible with Article 7.

In addition to the nonsubstantive amendments made to ensure compliance with the Administrative Procedures Act, Secretary of State and the Governor's Regulatory Review Council's rulemaking format and style requirements, the Commission proposes the following substantive amendments:

The Commission proposes to amend R12-4-701 to remove definitions already provided in statute and reword or add definitions to provide additional clarity.

For R12-4-702 to: amend group applicant and participant responsibilities, reword rule language in various subsections to eliminate redundancy and improve clarity; allow the Department to accept Heritage Grant applications according to a schedule determined by the Director to streamline the Heritage Grant process and allow the Department to award Heritage Grants throughout the calendar year as monies distributed under A.R.S. § 5-522 become available; direct applicants to the Heritage Grant application materials to ensure eligible applicants have the most up-to-date project information; require applicants to provide written permission from the property owner authorizing project activities and public access when applicable in order to be eligible for a Heritage Grant to ensure that the Department's investment in the project is protected; delete the requirement that project proposals be over \$1000 to allow the Department to award smaller Heritage grants for meaningful projects; require a participant's project to be in compliance and void of extensions before applying for any future Heritage Grants, so as to reflect the Department's current process and allow Department personnel to expend resources on valid applications; add a requirement that participants bear the full responsibility for acceptable performance by subcontractors, as this was moved from the reporting and recordkeeping rule and is more appropriately a general provision than a reporting or recordkeeping requirement; and transfer the following provisions from the Grant Agreement rule as these are more appropriately specified as general provisions rather than grant conditions or stipulations: specify transferred Heritage Grant Funds be deposited in a dedicated non-interest bearing account carrying the name and number of the project; state that awarded Heritage Grant Funds may only be used for eligible purposes of the funding program as defined by law and as approved by the Department; state equipment purchased with Heritage Grant funds shall be used in a manner consistent with the purposes of the grant agreement; require the surrender of any equipment with an acquisition cost of more than \$500 upon completion of the project; prohibit the participant from using Heritage Grant funds to pay any public employee's salary; require a participant to allow Department employees or agents to conduct inspections and reviews to ensure compliance with all terms and conditions established under the Grant Agreement before release of the final payment; require the return of awarded Heritage Grant funds that remain unused upon completion of an approved project, unless the Department approved use of those unexpended funds for an additional project consistent with the original scope of work; and specify restrictions and limits for use of funds to produce income, unless authorized by the Department.

For R12-4-703: renumber to R12-4-705 and specify award of Heritage Grant funds are based on proposed project's compatibility with Department priorities.

For new R12-4-703 to: create one overarching rule, "Heritage Grant Program Funds," to contain the five grants offered under the Heritage Fund Grant Program to improve rule clarity and make it easier for applicants to navigate through the different Heritage Grant Fund Programs; and establish a new outreach education initiative sub-program grant, the "Outdoor Education Grant," aimed at enhancing awareness and involvement in any conservation, ecological or biological wildlife related field trip, as funds are specifically intended for school field trips and designed to be a natural subset of the Environmental Education Grant.

Repeal R12-4-704, R12-4-705, R12-4-706, R12-4-707, and R12-4-708 as the Commission proposes to create one overarching rule, Heritage Grant Program Funds.

For R12-4-709: renumber to R12-4-704; revise rule title to "Grant Application;" ensure consistency in the terms used within the rule and the Heritage Grant Application materials; remove the number of copies an applicant is required to

submit to allow the Department greater latitude in the manner and method in which applications are submitted; remove the requirement that an applicant submit a completed checklist as the checklist is included in the Heritage Grant Application materials; and require an applicant to provide supporting information when applicable, as the variety in grant project proposals make it difficult to ensure all requests for relevant information are provided for in rule.

For R12-4-710: renumber to R12-4-706; revise rule title to “State Historic Preservation Office Plan Review;” clarify the role of the State Historic Preservation Office and improve conciseness; require applicants to provide documentation to the state historic preservation office prior to performing any construction, substantial alteration or demolition of historic or archeological properties, in accordance with established State Historic Preservation Act policies, ((A.R.S. §§ 41–861 through 865) and the Arizona Antiquities Act (A.R.S. §§ 41–841 through 844). These statutes require that specific steps be taken to protect and preserve such properties and or discoveries, and are a condition and precedent to the award of any grant funds.

For R12-4-711: renumber to R12-4-707; revise rule title to “Grant Agreement;” remove the statement that a participant shall not exceed the Heritage Grant allocation unless the parties amend the Grant Agreement, as this implies that the Department routinely amends an agreement to allow for the allocation of more grant funds, which is not a true statement; remove the statement that once program funds are allocated, the only program funds remaining are made up of the 10% withheld by the Department to be released once a project is completed; however, removing this statement does not prohibit the Department from amending a Grant Agreement to allocate remaining funds if so desired; remove specific funds distribution information and state that the Department shall determine the distribution schedule to provide the Department with greater latitude when allocating funds to a participant. For example, if a grant participant has successfully completed 4.5 years of a 5 year contract, the Department would have the option of seeking only the remaining portion of the unused grant funds or, if it would be too costly for the Department to recover monies awarded, have the option not to pursue litigation; state the Department may seek recovery of funds if a participant is in default of a contract, providing the Department with greater latitude when seeking recovery of grant monies; transfer the following provisions to the General Provisions rule as these are more appropriately specified as general provisions rather than grant conditions or stipulations: specify transferred Heritage Grant funds be deposited in a dedicated non-interest bearing account carrying the name and number of the project; state that awarded Heritage Grant funds may only be used for eligible purposes of the funding program as defined by law and as approved by the Department; state that equipment purchased with Heritage Grant funds shall be used in a manner consistent with the purposes of the grant agreement; require the surrender of any equipment with an acquisition cost of more than \$500 upon completion of the project; prohibit the participant from using Heritage Grant funds to pay any public employee's salary; require a participant to allow Department employees or agents to conduct inspections and reviews to ensure compliance with all terms and conditions established under the Grant Agreement before release of the final payment; require the return of awarded unused remaining Heritage Grant funds upon completion of an approved project, unless the Department approved the use of those unexpended funds for an additional project consistent with the original scope of work; specify restrictions and limits for funds use to produce income unless authorized by the Department; specify that the participant is responsible for subcontractor compliance with the provisions of the Grant Agreement; remove supplementary information that is provided in the Heritage Grant Application materials, allow the application materials to be updated as needed, rather than in conjunction with a rulemaking; move the statement placing restrictions and limitations for using Heritage Grant Funds to produce income to R12-4-702, as it is more appropriately a general provision and this condition will remain a part of the Grant Agreement; and add language which allows the Department to audit participant and subcontractor records and hold the participant accountable for the subcontractor's performance.

For R12-4-712: renumber to R12-4-708 and amend the rule title to “Reporting and Recordkeeping Requirements;” add language specific to additional financial reporting requirements to improve clarity; replace “after a project is completed” with “end date of the project period,” to clarify compliance certification and record retention requirements; remove specific times for project reporting requirements as the requirements are specified within grant application materials; and delete “interest derived from project funds,” as a participant is required to place grant funds in a non-interest bearing account, making this requirement unnecessary.

Amend R12-4-901 to remove definitions provided in statute and reword definitions to provide additional clarity.

For R12-4-902 to: allow the Department to provide notification within 30 days of Commission review and approval of a grant award, as earlier notification permits successful grant applicants to begin their project sooner; transfer the following provisions from the Grant Agreement rule to the General Provisions rule as these are more appropriately specified as general provisions rather than grant conditions or stipulations: specify that transferred Arizona Wildlife Conservation Fund Grant funds be deposited in a dedicated non-interest bearing account carrying the name and number of the project; state that awarded Arizona Wildlife Conservation Fund Grant Funds may only be used for eligible purposes of the funding program as defined by law and as approved by the Department; state that equipment purchased with Arizona Wildlife Conservation Fund Grant funds shall be used in a manner consistent with the purposes of the grant agreement; require the surrender of any equipment with an acquisition cost of more than \$500 upon completion of the project; prohibit the participant from using Arizona Wildlife Conservation Fund Grant funds to pay any permanent public employee's salary; require a participant to allow Department employees or agents to conduct inspections and reviews to ensure compliance with all terms and conditions established under the Grant Agreement before release of the final payment; require the return of awarded Arizona Wildlife Conservation Fund Grant funds

that remain unused upon completion of an approved project unless the Department approved the use of those unexpended funds for an additional project consistent with the original scope of work; specify restrictions and limits for use of funds to produce income, unless authorized by the Department; transfer the requirement that a participant ensure that real property purchased with grant assistance is appraised by a state certified appraiser within six months before the acquisition to the grant agreement rule, as this is more appropriately an agreement condition than a general provision; and add a statement that pre-agreement costs are not subject to reimbursement from grant funds, but the Department, in its discretion, may authorize these costs to serve as matching funds as this information was removed from grant applications and added to this rule as more appropriately a condition rather than an application requirement.

For R12-4-903: renumber to R12-4-904; remove the criteria on which the Department recommends grant awards, as this is contained in the grant materials; allow the Commission, whose priorities change yearly based on ecological and environmental conditions, greater flexibility in determining the types of projects to be funded; and, require Arizona Wildlife Conservation Fund grants to support projects related to wildlife conservation and habitat, acquisition of or interest in real property that is wildlife habitat.

For R12-4-904: renumber to R12-4-905; require an applicant to include Arizona Wildlife Conservation Fund grant acknowledgement on any publicly available or accessible products resulting from the project for the entire project term, as current rule addresses only certain specific signage requirements; remove the number of copies an applicant is required to submit to allow the Department greater latitude in the manner and method in which applications are submitted; remove the statement that "pre-agreement costs" are to be used as a match, as this information is included in the Grant application materials; simplify cost sheet requirements to make it easier to understand; remove the requirement that an applicant answer all relevant grant questions as this is contained in the Arizona Wildlife Conservation Fund grant application materials; and require an applicant to provide supporting information when applicable, as the variety in grant project proposals make it difficult to ensure all questions and requests for relevant information are provided for in rule.

For R12-4-905 to: transfer the following provisions from the Grant Agreement rule to the General Provisions, as these are more appropriately specified as general provisions rather than grant conditions or stipulations: specify transferred Arizona Wildlife Conservation Fund Grant funds be deposited in a dedicated non-interest bearing account carrying the name and number of the project; state that awarded Arizona Wildlife Conservation Fund Grant funds may only be used for eligible purposes of the funding program as defined by law and as approved by the Department; state that equipment purchased with Arizona Wildlife Conservation Fund Grant funds shall be used in a manner consistent with the purposes of the grant agreement; require the surrender of any equipment with an acquisition cost of more than \$500 upon completion of the project; prohibit the participant from using Arizona Wildlife Conservation Fund Grant funds to pay any permanent public employee's salary; require a participant to allow Department employees or agents to conduct inspections and reviews to ensure compliance with all terms and conditions established under the Grant Agreement before release of the final payment; require the return of awarded Arizona Wildlife Conservation Fund Grant funds that remain unused upon completion of an approved project unless the Department approved the use of those unexpended funds for an additional project consistent with the original scope of work; specify restrictions and limits for use of funds to produce income, unless authorized by the Department; and allow the Department greater latitude when seeking recovery of grant monies awarded to a participant who, after having been awarded a grant, is in default of the grant agreement. For example, if a grant participant has successfully completed 4.5 years of a 5 year contract, the Department would have the option of seeking only the remaining portion of the unused grant funds or, if it would be too costly for the Department to recover monies awarded, have the option not to pursue litigation; and transfer the requirement that a participant ensure that real property purchased with grant assistance is appraised by a state certified appraiser within six months before the acquisition to the grant agreement rule, as this is more appropriately an agreement condition than a general provision.

Amend R12-4-906 to reference the applicable statute rather than provide specific criteria to ensure the rule will remain in compliance with the governing statute.

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

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

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

Not applicable

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

In many cases, the proposed amendments result in a reduction of the regulatory burden for grant fund applicants and will not impose increased monetary or regulatory costs on other state agencies, political subdivisions of this state, persons, or individuals so regulated.

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(a) **The conduct and its frequency of occurrence that the rule is designed to change.** The Commission believes an applicant's potential frustration with a presumably cumbersome and complicated application process will be alleviated by the rulemaking's clarity. The amended rules are more concise and easier for an applicant to navigate.

(b) **The harm resulting from the conduct the rule is designed to change and the likelihood it will continue to occur if the rule is not changed.** The Commission believes an applicant's project proposal that was denied in the past may now meet less burdensome grant requirements due to the rulemaking. The Commission believes that the cost to administer the Heritage Grant Programs, including time expended on Department resources, will not be unduly burdened by the rulemaking.

(c) **The estimated change in frequency of the targeted conduct expected from the rule change.** The Commission believes the number of applicants may increase with the ease of use and streamlined rulemaking requirements.

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

Name: Marty Herrera, Heritage Fund Administrator

Address: Arizona Game and Fish Department
5000 W. Carefree Highway
Phoenix, AZ 85086

Telephone: (623) 236-7527

Fax: (623) 236-7358

E-mail: mherrera@azgfd.gov

Please visit the AZGFD web site to track progress of this rule and any other agency rulemaking matters at http://www.azgfd.gov/inside_azgfd/rules/rulemaking_updates.shtml.

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

Date: January 11, 2013

Time: 8:00 a.m. to 5:00 p.m.

Location: 5000 W Carefree Highway
Phoenix, AZ 85086

Close of record: January 11, 2013

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

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

The rule does not require a general permit.

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

Federal law, 33 CFR 174.16 is applicable to the subject of the rule. The rule is not more stringent than federal law.

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

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

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

Not applicable.

13. The full text of the rules follows:

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

ARTICLE 7. HERITAGE GRANTS

Notices of Proposed Rulemaking

- R12-4-701. Heritage Grant Definitions
- R12-4-702. General Provisions
- ~~R12-4-703. Heritage Grant Program Funds~~
- ~~R12-4-704. Urban Wildlife and Urban Wildlife Habitat Grants Repealed~~
- ~~R12-4-709. R12-4-704. Grant Applications Application~~
- ~~R12-4-705. Public Access Grants Repealed~~
- ~~R12-4-703. R12-4-705. Review of Proposals~~
- ~~R12-4-706. Environmental Education Grants Repealed~~
- ~~R12-4-710. R12-4-706. State Historic Preservation Office Certification Review~~
- ~~R12-4-707. Schoolyard Educational Grants Repealed~~
- ~~R12-4-711. R12-4-707. Grant-in-Aid Participant Agreements Agreement~~
- ~~R12-4-708. HAPM: Grants for Identification, Inventory, Acquisition, Protection, and Management of Sensitive Habitat Repealed~~
- ~~R12-4-712. R12-4-708. Reporting and Record Recordkeeping Requirements~~
- R12-4-709. Renumbered
- R12-4-710. Renumbered
- R12-4-711. Renumbered
- R12-4-712. Renumbered

ARTICLE 9. ARIZONA WILDLIFE CONSERVATION FUND GRANTS

- R12-4-901. Definitions
- R12-4-902. General Provisions
- ~~R12-4-903. R12-4-904 Review of Proposals~~
- ~~R12-4-904. Grant Applications R12-4-903 Grant Application~~
- R12-4-905. Grant Agreements Agreement
- R12-4-906. Reporting and Recordkeeping Requirements

ARTICLE 7. HERITAGE GRANTS

R12-4-701 Heritage Grant Definitions

In addition to the definitions provided in A.R.S. §§ 17-101 and 17-296, the following definitions apply to this Article:

1. "Administrative subunit" means ~~the a~~ a branch, chapter, department, division, section, school, or other similar divisional entity of an eligible applicant. ~~where a participant contact is directly employed; for~~ For example, an individual:
 - a. ~~school~~ School, but not ~~the an~~ the entire school district; ~~an individual~~
 - b. ~~field~~ Field office or project office, but not ~~the an~~ the entire agency; or ~~an individual~~
 - e. ~~administrative~~ Administrative department, but not ~~the an~~ the entire city government.
2. "Approved application" means a participant's application including any changes, exceptions, deletions, or additions made by the Department before approval.
3. "Commission" means the Game and Fish Commission.
4. "Department" means the Game and Fish Department.
5. "Eligible applicant" means any public agency or non-profit organization ~~exempt from federal income taxation under Section 501(c) of the Internal Revenue Code that has met~~ sponsored by a public agency that meets the applicable requirements of this Article and ~~does not obtained an~~ have a Heritage Fund Grant in extension of the project period ~~as authorized under R12-4-711(4) R12-4-707(A)(1).~~
6. "Extension" means a contract expiration date extended beyond the approved project period.
7. "Facilities" means ~~capital~~ any structure or site improvements.
8. "Fund" means ~~a granting source from the~~ Arizona Game and Fish Commission Heritage Fund, established under A.R.S. § 17-297.
"Grant agreement" means the document that details the terms and conditions of a grant project.
9. "Grant effective date" means the date the Department Director ~~of the Department~~ signs the Grant in Aid Participant Grant Agreement.
10. "Grant Prioritization Process" means a document approved by the Commission based upon the Department mission statement, strategic plans, and current guiding statements that defines the Department's priorities. This document is also used for prioritizing grant applications.
11. "Heritage Grant" means a Commission Heritage Fund grant.
12. "Participant" means an eligible applicant ~~that who~~ who has been awarded a grant from the ~~fund~~ Heritage Fund.
13. "Participant contact" means an eligible applicant's employee who is responsible for administering a Heritage Grant funded project.
14. "Project" means an activity, or series of related activities, ~~or services which~~ is described in the specific project scope

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of work and ~~which~~ results in specific end products.

- 15. "Project period" means the time during which a participant shall complete all approved work and related expenditures associated with an approved project.
- 16. "Public agency" means the federal government or any federal department or agency, an Indian tribe, this state, all state departments, agencies, boards, and commissions of this state, counties, school districts, public charter schools, cities, towns, all municipal corporations, and any other political subdivision of this state.
"Publicly held lands" means federal, public, and reserved land, State Trust Land, and other lands within Arizona that are owned, controlled, or managed by the federal government, a state agency or political subdivision.
"Sensitive elements" means the specific areas within the geographical area historically or currently occupied by a species or community of species in which are found those physical or biological features essential to the establishment or continued existence of the species and which may require special management, conservation or protection considerations.
- 17. "Specific scope of work" means the units of work to be accomplished by an approved project.
- 18. "Term of public use" means the time period during which the project or facility is expected to be maintained for public use.

R12-4-702. General Provisions

- A. ~~The application deadline is the last working day of November each year and funds become available July 1 of the following year. The Department shall ensure that the exact time and date for the application deadline and the exact application submission location are designated in the Department's "Grant Application Manual." The Department shall ensure that the "Heritage Grant Application Manual," all application forms and instructions, the Grant Prioritization Process, and any annualized information on project emphasis for each fund are available from the Department's Funds Planning Section within the Phoenix office. An applicant shall submit to the Department a Heritage Fund Grant application according to a schedule of due dates determined by the Director. In compliance with A.R.S. § 41-2702, the Department shall:~~
 - 1. Provide public notice of the time, location, and due date for application submission; and
 - 2. Furnish materials necessary to complete the application.
- B. ~~An eligible applicant, as defined in R12-4-701, may apply for seeking Heritage Grants Grant funding shall submit a Heritage Grant Application as established under this Article and in compliance with the Heritage Grant application materials. Eligible applicants shall apply for Heritage Grants in accordance with A.R.S. §§ 17-296, 17-297, 17-298, and Commission rules within 12 A.A.C. 4, Article 7, to receive consideration. An eligible applicant who has failed to comply with the rules or conditions of a Grant in Aid Participant Agreement shall not be considered for further Heritage Grants until the eligible applicant's project is brought into compliance.~~
- C. ~~An applicant shall demonstrate ownership or control of the project. Ownership or control may be demonstrated through fee title, lease, easement, or agreement. For all other project types, an applicant shall provide written permission from the property owner authorizing the project activities and access. The applicant's proof of ownership or control or written permission shall demonstrate:~~
 - 1. Permission for access is not revocable at will by the property owner, and
 - 2. Public access will be granted to the project site for the life of the project, unless the purpose of the project proposal is to limit access.
- ~~C.D.~~ The Department shall notify an eligible applicants applicant in writing of the results of their applications the applicant's submission and announce Heritage Grant awards at a regularly scheduled open meeting of the Commission.
- E. ~~Participants A participant shall not begin projects a project described in an application until after the grant effective date as defined in R12-4-701.~~
- E. A participant shall complete projects the project as specified in the Grant in Aid Participant under the terms and conditions of the Grant Agreement. A participant shall submit records that substantiate the expenditure of Heritage Grant funds.
- G. A participant shall deposit transferred Heritage Grant Funds in a dedicated non-interest bearing account carrying the name and number of the project.
- H. A participant shall use awarded Heritage Grant Funds solely for eligible purposes of the funding program as defined by law and as approved by the Department.
- I. A participant shall not use Heritage Grant Funds for the purpose of producing income unless authorized by the Department. A participant shall use income generated to further the purpose of the approved project or surrender the income to the original funding source.
- J. If a balance of awarded Heritage Grant funds remain upon completion of approved project elements, the participant may, with Department approval, use those unexpended funds for an additional project consistent with the original scope of work or surrender those unexpended funds to the Department.
- K. A participant shall use equipment purchased with Heritage Grant funds in a manner consistent with the purposes of the grant agreement, and surrender the equipment to the Department upon completion of the project, if the equipment has an acquisition cost of more than \$500.
- L. A participant shall not use Heritage Grant funds to pay the salary of any permanent public employee. A participant may

use a permanent employee's time as in-kind match, for the project specified in the Grant Agreement.

- M.** A participant shall allow Department employees or agents to conduct inspections and reviews:
1. To ensure compliance with all terms and conditions established under the Grant Agreement.
 2. Before release of the final payment.
- N.** A participant shall submit records that substantiate the expenditure of Heritage Grant funds.
- O.** A participant shall bear full responsibility for performance by subcontractors to ensure compliance with the Grant Agreement.
- ~~E.P.~~** A participant shall operate and maintain pay all costs associated with the operation and maintenance of properties, facilities, equipment, and services, publications, and other media funded by a Heritage Grant for the benefit of the term of public for the useful life of the project use as specified in the Grant Agreement.
- ~~F.~~** A participant shall control land or waters on which capital improvements are to be made, through fee title, lease, easement, or agreement. To be eligible for a Heritage Grant, the participant's management or control rights to the proposed site shall be proportional to the proposed investment in at least one of the following three respects:
1. The time remaining on the use agreement is a term sufficient, in the sole discretion of the Department, to ensure a period of public use equal in value to the expenditure of awarded funds.
 2. The use agreement is not revocable at will by the property owner and provides for the option to renew by the managing agency.
 3. The eligible applicant demonstrates that public access exists to the actual site where the project is proposed, unless the purpose of the project proposal is to specifically create access or limit access.
- ~~G.Q.~~** A participant shall give public acknowledgment of Heritage Fund grant assistance for the life term of public use of a project. If a project involves acquisition of property, development of public access, or renovation of a habitat site, the participant shall install a permanent sign describing the funding sources and dollar amounts of all funds. The participant may include the cost of this signage as part of the original project, but is The participant is responsible for maintenance or replacement of the sign as required. For other project types, the participant shall include Heritage Fund grant funding acknowledgment on any publicly available or accessible products resulting from the project.
- ~~H.~~** The Department shall not accept project proposals for less than \$1000.
- ~~I.~~** A participant shall pay operation and maintenance costs for the project, including costs for reprinting of publications or other media.
- ~~J.~~** A participant shall not use Heritage Grant funds to pay compensation in excess of the legally established salary for any permanent public employee. A participant may use a permanent employee's time as in kind match, but only for the project for which the application was submitted.
- ~~K.~~** If specified in the Grant in Aid Participant Agreement, including the Special Conditions attachment, the participant shall provide evidence of compliance with local, state, and federal law to the Department before the release of the initial Heritage Grant funds and before project implementation.
- ~~L.~~** If a participant contact has a Heritage Grant funded project in extension, the participant contact and the administrative subunit employing the participant contact shall not be considered for further Heritage Grants until the project under extension is completed. This restriction does not apply to the participant contact's public agency as a whole, or to any other participant contact employed by the same public agency in any other administrative subunit, so long as the other participant contact does not have a Heritage Grant funded project in extension. For the purposes of this restriction, the Department shall determine what constitutes an administrative subunit.
- ~~M.~~** Ineligible projects are those projects not in compliance with this Article and those project types listed as examples of ineligible projects in the Heritage Grant Application Manual or other materials available from the Department's Funds Planning Section in the Phoenix Office.
- ~~R.~~** An administrative subunit that failed to comply with the terms and conditions of a grant agreement shall not apply for, nor be considered for, further Heritage Grants until the administrative subunit's project is brought into compliance.
- ~~S.~~** An administrative subunit that has a Heritage Grant funded project in extension shall not apply for, nor be considered for, further Heritage Grants until the administrative subunit's project under extension is completed.

R12-4-703. Heritage Grant Program Funds

- A.** Environmental Education Grant. An eligible applicant shall ensure a proposed project is designed to:
1. Develop awareness, appreciation, and understanding of Arizona's wildlife and its environment and increase responsible actions toward wildlife.
 2. Use Arizona wildlife as its focus and present wildlife issues in a balanced and fair manner; and
 3. Benefit Arizona public schools, public charter schools, and students.
- B.** IAPM Grant: Identification, Inventory, Acquisition, Protection, and Management of Sensitive Elements. An eligible applicant shall ensure a proposed project is designed to:
1. Preserve and enhance Arizona's natural biological diversity; and
 2. Incorporate identification, inventory, acquisition, protection, or management of sensitive elements.
- C.** Outdoor Education Grant: An eligible applicant shall ensure a proposed project is designed to:

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1. Provide a meaningful outdoor educational experience;
 2. Develop awareness, appreciation, and stewardship of Arizona's wildlife and wildlife habitats; and
 3. Benefit Arizona public schools, public charter schools, and students.
- D. Public Access Grant:** An eligible applicant shall ensure a proposed project:
1. Is designed to increase or maintain public access for recreational use related to wildlife;
 2. Is in cooperation with federal land managers, local and state governments, private landowners, or public users, as applicable; and
 3. Is designed to inform and educate the public about recreational use of publicly held lands and public access to those lands.
- E. Schoolyard Habitat Grant:** An eligible applicant shall ensure a proposed project is designed to:
1. Develop awareness, appreciation, and understanding of Arizona's wildlife and its environment;
 2. Encourage wildlife educational activities on Arizona school sites or adjacent areas;
 3. Encourage native wildlife species, utilize native plant materials, and demonstrate water conservation techniques;
 4. Actively use Arizona students in the planning, development, and construction process;
 5. Be integrated into the school curriculum; and
 6. Benefit Arizona public schools, public charter schools, and students.
- F. Urban Wildlife and Urban Wildlife Habitat Grant.** An eligible applicant shall ensure a proposed project:
1. Is designed to conserve, enhance, and establish wildlife habitats and populations consistent with urban environments, and increase public awareness and support for urban wildlife resources; and
 2. Meets one of the following criteria:
 - a. Is within the incorporated limits of a city or town;
 - b. Is within five miles, in straight distance, of the boundary of an incorporated area; or
 - c. Is an area that receives significant impact from residential development, as determined by the Department.

R12-4-704. Urban Wildlife and Urban Wildlife Habitat Grants

- A.** ~~“Urban wildlife” means the wildlife that occurs within the limits of an incorporated area or in close proximity to an urban area that receives significant impact from human use. (A.R.S. § 17-296(6)).~~
- B.** ~~“In addition to complying with the requirements prescribed in R12-4-702, to be considered for an urban wildlife or urban wildlife habitat grant award, an eligible applicant shall ensure that a proposed project location meets one of the following criteria:~~
1. ~~It is within the corporate limits of an incorporated city or town; or~~
 2. ~~It is within five miles, in straight distance, of the boundary of an incorporated area.~~
- C.** ~~“In addition to the requirements prescribed in subsection (B), to be considered for an urban wildlife or urban wildlife habitat grant award, eligible applicants shall also ensure that proposed projects are designed to conserve, enhance, and establish wildlife habitats and populations consistent with urban environments, and increase public awareness of and support for urban wildlife resources.~~

R12-4-709. R12-4-704. Grant Applications Application

- A.** ~~To be considered for a Heritage Grant, an eligible applicant shall submit a grant application in accordance with the schedule and requirements prescribed in R12-4-702 as established under this Article and in compliance with the Heritage Grant Application materials.~~
- B.** ~~The eligible An applicant; who is applying for multiple projects, shall submit a separate application for each funding source project.~~
- C.** ~~The eligible applicant shall submit the original plus two copies of each application on paper sized 8 1/2" x 11" and shall ensure that the original and the copies are legible.~~
- D.** ~~The Department shall not accept facsimile or “faxed” copies of a grant application.~~
- E.** ~~The eligible applicant shall ensure that the “Application Checklist” lists all items included within the application. The eligible applicant shall check off an item if it is included within the application, and initial each item that is not applicable.~~
- F.C.** ~~The An eligible applicant shall provide the following information on the grant Heritage Grant application form:~~
1. ~~Name The name of the eligible applicant;~~
 2. ~~Any county and legislative district where the project will be developed or upon which the project will have a direct impact;~~
 3. ~~The official mailing address of the eligible applicant;~~
 - 4.3. ~~The name, title, mailing address, and telephone number of the individual who will have responsible for the day-to-day responsibility for management of the proposed project;~~
 5. 4. ~~Identification of the particular grant-specific Heritage Grant program fund from which assistance is being requested, under R12-4-704, R12-4-705, R12-4-706, R12-4-707, or R12-4-708;~~
 - 6.5. ~~The proposed A descriptive project title incorporating the name of the site, if any, and the type of work to be accomplished;~~

6. The name of the site, primary location, and any other locations of the project;
 7. A clear and concise description Description of the:
 - a. scope Scope of work and the objective of the proposed project, the nature of what is to be accomplished,
 - b. the methods to be used and the desired result from the project, Methods for achieving the objective, and
 - c. the desired Desired result of the project.
 8. The beginning and ending dates for the project;
 9. The funding amounts that will be resources needed to accomplish the project, including the Heritage Grant funds grant monies requested, and, if applicable, evidence of secured matching funds or contributions; and
 10. If the eligible applicant is a non-profit organization exempt from federal income taxation under Section 501(c) of the Internal Revenue Code, documentation or other evidence of the exemption; and
 11. Any additional supporting information required by the Department.
- G.D.** Only a person with authority to bind the eligible applicant to the terms of the Grant in Aid Participant Agreement shall sign the grant application form. The person signing the grant application form represents that the eligible applicant has shall have the authority to enter into agreements, accept funding, and fulfill the terms of the Grant in Aid Participant Grant Agreement on behalf of the applicant.
- H.** The eligible applicant shall submit a map clearly identifying project locations or project proposal areas, and, if applicable, a site plan and floor plan.
- I.** The eligible applicant shall submit with the grant application the following information to provide evidence of control and tenure at the project site. The Department shall determine the appropriateness of the evidence of control and tenure as a part of the grant application review process:
1. If the project site is owned by the eligible applicant, a copy of the legal document showing title in the name of the eligible applicant and the legal description of the property;
 2. If the project site will be managed by the eligible applicant, a copy of the lease, special use permit, intergovernmental agreement, or other official instrument or documentation; or
 3. For research project proposals relating to sites not controlled by the eligible applicant, a copy of the permit or agreement allowing the research or, at a minimum, evidence of permission from the land manager allowing the research.
- J.** The eligible applicant shall submit an estimated project cost sheet form with the following information:
1. Project title as designated on the application form;
 2. If applicable, pre-agreement costs requested;
 3. If applicable, all estimated development costs in order of priority of need, facilities to be constructed, unit measurements, number of items, and total costs;
 4. All land parcels to be acquired listed in priority order, with acreage involved and anticipated dates of acquisition;
 5. The cost, title, and name of personnel who would accomplish the project objectives and who would receive benefit from the grant; and
 6. The total cost for the entire project proposal with each of the following amounts listed separately:
 - a. Heritage Grant funds requested;
 - b. Eligible applicant contribution to the project, if applicable; and
 - c. Any other sources of funding.
- K.** The eligible applicant shall answer all questions relevant to the grant applied for and to the Grant Prioritization Process by which the Department evaluates and ranks proposals.

R12-4-705. Public Access Grants

- A.** “Public access” has the meaning prescribed in A.R.S. § 17-296(1).
- B.** “Publicly held lands” means federal, public, and reserved lands, State Trust Lands, and other lands within Arizona that are owned, controlled, or managed by the United States, the state of Arizona, agencies, or political subdivisions of the state.
- C.** In addition to complying with the requirements prescribed in R12-4-702, an eligible applicant shall ensure that a project is designed to increase or maintain public access for recreational use that is related to wildlife, and is in cooperation with federal land managers, local and state governments, private landowners, and public users. An eligible applicant shall also ensure that a proposed project is consistent with the Department’s mission, and is designed to inform and educate the public about recreational use of publicly held lands and public access to those lands. An eligible applicant’s potential project shall provide for substantive wildlife-related recreational access opportunities. Examples include providing access into an area where no access currently exists; re-establishing access into an area where access existed historically; maintaining, relocating, or enhancing existing access routes to better serve a specific segment of the population; or to avoid biologically sensitive areas.

R12-4-703.R12-4-705. Review of Proposals

- A.** Heritage Grant proposals are competitive and the Department shall make awards based on a proposed project’s compatibility with the priorities of the Department, and the project’s feasibility, merit, and usefulness and as approved by the Commission. The Department shall evaluate and rank all eligible proposals under the criteria established in this Article

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and the Department's Grant Prioritization Process as approved by the Commission and available from the Department's Funds Planning Section in the Phoenix office.

- B. The Department shall make funding of an awarded project contingent upon revision of may require an applicant to modify the application prior to awarding a Heritage Grant, if the Department determines that substantive changes are the modification is necessary for the successful completion of the project.

~~R12-4-706. Environmental Education Grants~~

~~A. "Environmental education" has the meaning prescribed in A.R.S. § 17-296(7).~~

~~B. In addition to complying with the requirements prescribed in R12-4-702, to be considered for an environmental education grant, an eligible applicant shall ensure that a project proposal is for no less than \$1,000 and that a proposed project is designed to:~~

- ~~1. Develop awareness, appreciation, and understanding of Arizona's wildlife and its environment and increase responsible actions toward wildlife;~~
- ~~2. Use Arizona wildlife as its focus and present wildlife issues in a balanced and fair manner; and~~
- ~~3. Have an impact on Arizona schools and school children.~~

~~R12-4-710. R12-4-706. State Historic Preservation Office Certification Review~~

~~The When applicable, the Department shall not release Heritage Grant funds Funds until certification is received from after the Department has consulted with the State Historic Preservation Officer in accordance with A.R.S. §§ 41-861 through 41-864, the State Preservation Act, which mandates that all state agencies consider Office regarding the proposed project's potential of activities or projects to impact on significant historic and archeological properties and resources.~~

~~R12-4-707. Schoolyard Habitat Grants~~

~~A. Schoolyard habitat grants are limited to public schools in Arizona. In addition to complying with the requirements prescribed in R12-4-702, to be considered for a schoolyard habitat grant, a public school shall apply through an eligible applicant, such as a school district.~~

~~B. To be considered for a schoolyard habitat grant, an eligible applicant shall ensure that proposed projects are designed to:~~

- ~~1. Develop awareness, appreciation, and understanding of the state's wildlife and its environment;~~
- ~~2. Encourage wildlife education on school sites or adjacent areas that allow wildlife education activities and encourage use by urban wildlife species;~~
- ~~3. Use Arizona wildlife as its focus;~~
- ~~4. Encourage native wildlife species, utilize a majority of native plant materials, and demonstrate water conservation techniques;~~
- ~~5. Actively use school children in the planning, development, and construction process; demonstrate long-term sustainability; and be fully integrated into the school curriculum; and~~
- ~~6. Have an impact on Arizona schools and school children.~~

~~R12-4-711. R12-4-707. Grant in Aid Participant Agreements Grant Agreement~~

~~Before any transfer of funds, a participant shall agree to and sign a Grant in Aid Participant Agreement that includes the following minimum stipulations:~~

- ~~1. The participant shall use awarded Heritage Grant funds solely for eligible purposes of the funding program as defined by law and as approved by the Department. The participant shall not exceed the Heritage Grant allocation unless the parties amend the Grant in Aid Participant Agreement.~~
- ~~2. If both parties agree that all project costs shall be expended within the first quarter of the project period, the Department shall transfer the total amount of awarded grant funds to the participant within the first quarter of the project period. In all other cases, the Department shall transfer awarded grant funds, less 10 percent, to the participant within one year of the grant effective date. The Department shall transfer the final 10 percent less any adjustment for actual expenditures upon receipt of a written request and a certification of project completion from the participant, unless the participant materially breaches the Grant in Aid Participant Agreement. The Department shall include provisions in the Grant in Aid Participant Agreement that authorize the Department to perform completion inspections and reviews before release of final payment.~~
- ~~3. The participant shall deposit transferred Heritage Grant funds in a separate project account carrying the name and number of the project. The participant shall expend funds from the account only as authorized under the terms of the Grant in Aid Participant Agreement.~~
- ~~4. The participant may request changes to the terms, scope, conditions, or provisions of the Grant in Aid Participant Agreement by writing to the Department. Requests for extension beyond the approved project period shall be submitted by the participant no later than 30 days before the contract expiration date. The Department shall prepare in writing any approved amendments, which shall be signed by both the participant and the Department to be valid.~~
- ~~5. Notwithstanding subsection (4), the Department shall issue an administrative extension to unilaterally extend the project period by no more than 90 days to perform completion inspections or to complete administrative work if com-~~

pletion inspections or administrative work cannot be completed within the time frame of the existing Grant in Aid Participant Agreement.

6. If the participant materially breaches the Grant in Aid Participant Agreement, the Department shall seek recovery of all funds granted and classify the participant as ineligible for Heritage Grants for a period not to exceed five years.
7. The participant shall operate and maintain all Heritage Grant funded capital improvements and provide reasonable protection of any project improvements.
8. The participant sponsoring a third party or subcontractor is responsible for compliance with the Grant in Aid Participant Agreement provisions if the third party or subcontractor defaults.
9. The participant shall use awarded Heritage Grant funds solely for costs associated with approved project work incurred during the project period.
10. The project period is designated to be three years from the grant effective date unless otherwise agreed upon by the Department and the participant.
11. If a balance of awarded Heritage Grant funds is available upon completion of approved project elements, the participant may, with Department approval, develop additional scope elements.
12. The participant shall request amendments to accommodate additions or changes to the Grant in Aid Participant Agreement in writing, stating the need and rationale for the amendments.
13. The participant shall use equipment purchased with Heritage Grant funds for an approved public purpose for the useful life of the equipment, or surrender the equipment to the Department upon completion of the project, whichever comes first, if the equipment has an acquisition cost of more than \$500. If the equipment is sold, the participant shall pay the Department the amount of any resulting proceeds in the ratio equivalent to the funds provided for the purchase.
14. The participant shall ensure that the value of real property purchased with Heritage Grant funds assistance is appraised by an Arizona certified appraiser within one year before the purchase or lease according to the Uniform Standards of Professional Appraisal Practice. The Department has the authority to select an appraiser for an independent evaluation if the Department has evidence that the appraised value of real property is not accurate as submitted by the participant. The Department's acceptance of land conveyance documents is contingent upon approval by the Commission and the Governor.
15. The Department shall delay payment of Heritage Grant funds to a participant who fails to submit project status reports as required in R12-4-712 until the participant has submitted all past due project status reports.
16. The Department shall include provisions in the Grant in Aid Participant Agreement that authorize the Department to conduct inspections to ensure compliance with all terms of the contract.
17. The participant shall not use Heritage Grant funds for the purpose of producing income. However, the participant may engage in income producing activities incidental to the accomplishment of approved purposes if the participant uses the activities to further the purposes of the approved project or returns the income to the original funding source designated in the Grant in Aid Participant Agreement. The participant shall return funds remaining at the end of the project period to the Department.

- A. Before the Department transfers any grant funds, the applicant shall sign the Grant Agreement.
- B. A participant may request an extension beyond the approved project period by writing to the Department. Requests for an extension shall be submitted by the participant no later than 30 days before the end of the project period. If approved, an extension shall be signed by both the participant and the Department.
- C. Notwithstanding subsection (B), the Department may extend the project period for good cause such as, but not limited to, inclement weather or internal personnel changes.
- D. The Department and the participant may amend the Grant Agreement during the project period. A participant seeking to amend the grant agreement shall submit a written request that includes justification to amend the agreement. The Department shall prepare any approved amendment in writing and both the Department and the participant shall sign the amendment.
- E. If a participant is in default of the Grant Agreement, the Department may:
 1. Terminate the Grant Agreement,
 2. Seek recovery of grant monies awarded, and
 3. Classify the participant as ineligible for Heritage Fund Grants for a period of up to five years.
- F. The Department, at its sole discretion, has the authority to include additional conditions in the Grant Agreement.

~~R12-4-708. HAPM: Grants for Identification, Inventory, Acquisition, Protection, and Management of Sensitive Habitat~~

- A.** "Habitat protection" has the meaning prescribed in A.R.S. § 17-296(9).
- B.** "Sensitive habitat" has the meaning prescribed in A.R.S. § 17-296(2).
- C.** In addition to complying with the requirements prescribed in R12-4-702, to be considered for an HAPM grant, an eligible applicant shall ensure that the proposed project is designed to:
 1. Preserve and enhance Arizona's natural biological diversity, and

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2. Incorporate at least one of the following elements:

- a. Identification, inventory, acquisition, protection, or management of sensitive habitat, listed by the Department in accordance with subsection (D); or
- b. Inventory, identification, protection, or management of species, listed by the Department in accordance with subsection (D).

~~D.~~ In accordance with biological, conservation, and management status changes, the Department shall publish each year a list of sensitive habitat and species for the use of HAPM grant applicants.

R12-4-712, R12-4-708, Reporting and Record Recordkeeping Requirements

~~A.~~ A participant shall submit project status reports to the Department covering activities for the project period within 30 days following the mid-year reporting period (ending June 30) and the end of the year reporting period (ending December 31), unless otherwise specified in the Grant in Aid Participant Agreement, including the Special Conditions attachment. The exact timing of the submission of reports to the Department will be as specified in the Grant in Aid Participant Grant Agreement and the Special Conditions attachment. A participant shall include a separate section in each report covering all of The project status report shall include the following subjects information, as applicable:

- 1. Progress in completing approved work;
- 2. Itemized, cumulative project expenditures;
- 3. A financial accounting of:
 - a. Heritage Grant Funds,
 - b. Matching funds,
 - c. Donations, and
 - d. Income derived from project funds.

~~3.4.~~ Anticipated Any delays and or problems preventing that may prevent the on-time completion of the project; and

~~5.~~ Any other information required by the Department.

~~B.~~ A participant shall account for income or interest derived from project funds in the participant's report.

~~C.B.~~ After a project is completed At the end of the project period and for each year until the end of the term of public use, a participant shall:

- 1. ~~certify~~ Certify compliance with the Grant in Aid Participant Grant Agreement, and shall
- 2. ~~complete~~ Complete a post-completion report form furnished by the Department.

~~C.~~ A participant shall submit project status reports, as required in the grant materials. If a participant fails to submit a project status report, the Department may not release any remaining grant monies until the participant has submitted all past due project status reports.

~~D.~~ Each participant shall retain and shall contractually require each subcontractor to retain all books, accounts, reports, files, and any other records relating to the acquisition and performance of the contract for a period of five years ~~after the completion of the contract~~ from the end date of the project period. The Department may inspect and audit participant and subcontractor records ~~at any time during the contract period or within five years after the completion of the contract upon reasonable notice~~ as prescribed under A.R.S. § 35-214. Upon the Department's request, a participant or subcontractor shall produce a legible copy of these records. ~~The participant shall bear full responsibility for acceptable performance by a subcontractor under each subcontract. The participant may substitute electronic copies in place of the original records after project costs have been verified.~~

R12-4-709. Renumbered

R12-4-710. Renumbered

R12-4-711. Renumbered

R12-4-712. Renumbered

ARTICLE 9. ARIZONA WILDLIFE CONSERVATION FUND GRANTS

R12-4-901. Definitions

In addition to the definitions provided ~~in~~ under A.R.S. §§ 17-101 and 41-2701, the following definitions apply to this Article, unless otherwise specified:

- 1. "Administrative subunit" means a branch, chapter, department, division, section, school, or other similar divisional entity of an eligible applicant ~~that has a representative.~~ For example, an individual:
 - a. ~~school~~ School, but not an entire school district; ~~an individual~~
 - b. ~~field~~ Field office or project office, but not an entire agency; or ~~an individual~~
 - c. ~~administrative~~ Administrative department, but not an entire city government.
- 2. "Application" ~~means an eligible applicant's written request for a grant.~~
- 3. "Arizona Wildlife Conservation Fund prioritization" ~~means the granting priorities, prescribed by the Commission, based upon the Department mission statement, strategic plans, and current guiding statements that define the Depart-~~

- ment's priorities, to the extent that these priorities are consistent with A.R.S. § 17-299.
4. "Commission" means the state Game and Fish Commission.
 5. "Department" means the state Game and Fish Department.
 6. "Eligible applicant" means any state agency, political subdivision, Indian tribe, or non-profit organization ~~exempt from federal income taxation under Section 501(c) of the Internal Revenue Code~~ that has met the applicable requirements of this Article and does not obtain an Arizona Wildlife Conservation Fund Grant in extension of the project period as authorized under R12-4-905(A)(1).
 7. "Facilities" means ~~capital~~ any structure or site improvements.
 8. "Fund" means the Arizona Wildlife Conservation Fund, established by under A.R.S. § 17-299.
 9. "Grant agreement" means the document that memorializes details the terms and conditions of a grant project that are binding on the participant and the Department Commission.
 10. "Grant effective date" means the date the Department Director ~~of the Department~~ signs the grant agreement Grant Agreement.
 11. "Participant" means an eligible applicant ~~that~~ who has been awarded a grant from the ~~fund~~ Arizona Wildlife Conservation Fund Grant.
 12. "~~Pre-agreement costs~~" means ~~costs identified within the scope of work and incurred by an applicant before an application is submitted.~~
 13. "Project" means an activity, series of related activities, or services ~~that are~~ described in the scope of work and result in a specific end product.
 14. "Project period" means the time during which a participant shall ~~accomplish~~ complete all approved work and related expenditures associated with an approved project.
 15. "Representative" means an individual who is authorized to represent an eligible applicant or an administrative sub-unit and is responsible for administering a project.
 16. "~~Scope of work~~" means ~~the written description or units of work to be accomplished during the project period.~~
 - "Term of public use" means the time period during which the project or facility is expected to be maintained for public use.

R12-4-902. General Provisions

- A. ~~The Department shall receive grant applications~~ An applicant shall submit to the Department an Arizona Wildlife Conservation Fund grant application according to a schedule of due dates determined by the Director. ~~The Director shall ensure that the schedule complies with as prescribed under A.R.S. Title 41, Chapter 24, Article 1. The~~ In compliance with A.R.S. § 41-2702, the Department shall provide:
 1. ~~Provide public notice of the time, location, and due date for application submission. After providing public notice, the Department shall furnish; and~~
 2. ~~Furnish materials necessary to complete the application.~~
- B. ~~Any state agency, political subdivision, Indian tribe, or non-profit organization exempt from federal income taxation under Section 501(c) of the Internal Revenue Code~~ An eligible applicant may apply for a grant from the fund in accordance with Arizona Wildlife Conservation Fund as prescribed under A.R.S. § 17-299 and this Article.
- C. ~~A participant shall not begin a project described in an application until after the grant effective date. A participant shall complete the project as specified under the terms and conditions of the grant agreement.~~
- ~~D.C.~~ The Department shall announce grant awards 30 days after the Commission reviews and acts on the Department's recommendations at a regularly scheduled public meeting, and notify each applicant of the result. notify an applicant in writing of the results of the applicant's submission and announce Arizona Wildlife Conservation Fund Grant awards at a regularly scheduled open meeting of the Commission.
- D. The Department shall distribute awarded Arizona Wildlife Conservation Fund Grant funds at its sole discretion, dependent on the proposed project scope of work. The Department may perform inspections and reviews before releasing final payment.
- E. A participant shall not begin a project described in an application until after the grant effective date.
- F. A participant shall complete the project as specified under the terms and conditions of the grant agreement.
- ~~E.G.~~ An applicant shall demonstrate control of land or waters where projects involving are to be completed by providing documentation of a fee title, lease, easement, land use agreement or similar evidence of control for the purposes of conservation enhancement, restoration, or public access that is sufficient to meet the terms and conditions in the grant agreement, and complies with A.R.S. § 17-299(C). The Department shall determine whether or not similar evidence of control and tenure of land or waters that the applicant submits with an application is sufficient during the grant application review process. An applicant shall demonstrate ownership or control of the project. Ownership or control may be demonstrated through fee title, lease, easement, or agreement. For all other project types, an applicant shall provide written permission from the property owner authorizing the project activities and access. To be eligible for an Arizona Wildlife Conservation Fund Grant, the applicant's ownership or control or written permission shall demonstrate:
 1. Permission for access is not revocable at will by the property owner, and

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2. Public access will be granted to the project site for the life of the project, unless the purpose of the project proposal is to limit access.

- ~~F.H.~~ In accordance with A.R.S. § 17-299, a non-profit participant shall provide evidence of reasonable public access to any land that is wholly or partly purchased with grant monies.
- ~~I.~~ A participant shall deposit transferred Arizona Wildlife Conservation Fund Grant funds in a separate non-interest bearing account, carrying the name and number of the project.
- ~~J.~~ A participant shall use awarded Arizona Wildlife Conservation Fund grant monies solely for the purposes defined under A.R.S. § 17-299, as approved by the Department. The participant shall not exceed the grant allocation unless both parties agree to amend the grant agreement.
- ~~K.~~ If applicable, a participant shall operate and maintain grant-assisted project facility improvements, provide reasonable protection of any project improvements, and ensure that public access is maintained as specified in the Grant Agreement.
- ~~G.L.~~ A participant shall operate and maintain pay all costs associated with the operation and maintenance of properties, facilities, equipment, and services, publications and other media funded by a grant for the benefit term of the public as required under A.R.S. § 17-299 and the terms and conditions use as specified in of the grant agreement Grant Agreement.
- ~~H.M.~~ A participant shall provide give public acknowledgment of the Arizona Wildlife Conservation Fund grant assistance for the life term of a project public use. If a project involves acquisition of property or improvements, development of public access, or renovation of a habitat site, the participant shall install a permanent sign that describes the Fund at the project site describing the funding sources. The participant may include the cost of the sign signage as part of the project, but shall pay The participant is responsible for maintenance or replacement of the sign through non-grant monies, if necessary as required. For other project types, a the participant shall provide a substantially similar form of Fund acknowledgement. include Arizona Wildlife Conservation Fund grant funding acknowledgement on any publicly available or accessible products resulting from the project.
- ~~I.N.~~ A participant shall not use grant monies to replace monies already budgeted for the project. The Department shall review each application to ensure that grant monies for proposed projects will not replace existing monies from another source.
- ~~O.~~ A participant shall ensure that real property purchased with grant assistance is appraised by a state certified appraiser within six months before the acquisition, in accordance with the Uniform Standards of Professional Appraisal Practice. The Department has the authority to select an appraiser for an independent evaluation if the Department determines the participant's appraised value of the real property is not accurate.
- ~~P.~~ If a balance of awarded Arizona Wildlife Conservation Grant funds remain upon completion of approved project elements, the participant may, with Department approval, use those unexpended funds for an additional project consistent with the original scope of work, or surrender those unexpended funds to the Department.
- ~~Q.~~ A participant shall use equipment purchased with Arizona Wildlife Conservation Grant funds in a manner consistent with the purposes of the grant agreement and surrender the equipment to the Department upon completion of the project if the equipment has an acquisition cost of more than \$500.
- ~~J.R.~~ The Department has the authority to require an eligible applicant or a participant to provide evidence of compliance with local, state, and federal laws that are applicable to a project before the release of grant monies or project implementation. A participant is responsible for ensuring compliance with all applicable local, state and federal laws before the release of Arizona Wildlife Conservation Grant Funds and during project implementation.
- ~~K.S.~~ In accordance with A.R.S. Title 41, Chapter 24, an unsuccessful applicant may submit an appeal.
- ~~T.~~ A participant shall bear full responsibility for compliance by subcontractors of the terms and conditions of the Grant Agreement.
- ~~U.~~ The Department may inspect or audit participant and subcontractor records. Upon the Department's request, a participant or subcontractor shall produce a legible copy of these records. The participant is responsible for the acceptable performance of a subcontractor under each subcontract.
- ~~L.V.~~ An applicant A participant that does not fails to comply with the terms or conditions of a grant agreement is not eligible to apply for other grants until the applicant's project is brought into compliance.
- ~~M.W.~~ If a representative has a grant-funded project that has been extended under R12-4-905, an administrative subunit that employs the representative is not eligible to apply for other grant monies grants until the project is completed.
- ~~N.X.~~ If When applicable, an applicant the Department shall comply with A.R.S. Title 41, Chapter 4.2 (Historic Preservation), and the applicant shall provide evidence to the Department that the applicant has satisfied all the necessary requirements of these statutes established under this rule., including the proposed project's potential impact on historical and architectural properties and resources.

R12-4-904. R12-4-903. Grant Applications Application

- ~~A.~~ To be eligible considered for a an Arizona Wildlife Conservation Fund grant, an eligible applicant shall submit a grant application in accordance with the schedule described in R12-4-902 as established under this Article and in compliance with the Arizona Wildlife Conservation Fund Grant application materials.
- ~~B.~~ An applicant shall submit an original and one copy of each application.
- ~~C.~~ The Department does not accept facsimile or "faxed" copies of a grant application.

- ~~D.B.~~ An applicant shall provide the following information on the Arizona Wildlife Conservation Fund grant application form:
1. The name of the applicant;
 2. The name, title, mailing address, and telephone number of the applicant's representative or individual responsible for the day-to-day management of the proposed project;
 3. ~~If subsection (D)(2) does not apply, provide the~~ The name, title, address, and telephone number of the applicant's representative individual who will have the day to day responsibility for the proposed project;
 - 4.3. Any county and legislative district where the project will be developed or upon which the project will have a direct impact;
 - 5.4. A descriptive project title;
 - 6-5. The name of the site, primary location, and any other locations of the project;
 - 7-6. ~~A clear and concise description~~ Description of the:
 - a. ~~scope~~ Scope of work and the objective of the proposed project ~~the nature of the project~~; the
 - b. ~~methods~~ Methods for achieving the objective; and the
 - c. ~~desired~~ Desired result of the project;
 8. ~~A map that clearly identifies the project location, locations, or area and if applicable, a site plan and floor plan~~;
 - 9-7. The beginning and ending dates for the project; ~~and~~
 - 10-8. The resources that will be needed to accomplish the project, including the grant monies requested, and if applicable, evidence of secured matching funds or contributions; ~~and~~
 9. Any additional supporting information that may be required by the Department.
- ~~E.C.~~ If the applicant is a non-profit organization exempt from federal income taxation under Section 501(c) of the Internal Revenue Code, the applicant shall also submit documentation or other evidence of its exemption.
- ~~F.D.~~ ~~At~~ Upon request, an applicant or the applicant's representative shall provide documentation to the Department of the representative's authority to sign an application and execute a grant agreement.
- ~~G.~~ An applicant shall provide evidence of control and tenure of the project site with the application by submitting the following information:
1. If applicable, evidence that legal and reasonable physical access to the subject property or lands exists;
 2. If the project site is owned by the applicant, a copy of all documents showing title in the name of the applicant and the legal description of the property;
 3. If the project site will be managed by the applicant, a copy of the lease, special use permit, intergovernmental agreement, or other official instrument or documentation; or
 4. For project proposals that relate to sites not directly controlled by the applicant, a copy of the permit or agreement that allows the project or evidence of permission for public access from the land owner or manager.
- ~~H.E.~~ An applicant shall submit an estimated cost sheet for the scope of work that contains the following information if applicable:
1. ~~Project~~ The project title, as designated on the application form;
 2. If applicable, pre agreement costs to be used as a match. These costs are only to be applied as matching dollars and not to be considered for funding under the grant;
 3. If applicable, all estimated costs for the scope of work, including an itemized list of work projects with a separate description of the costs of work that are necessary to achieve the desired result, the costs of secondary activities, and the total cost.
 - 4-2. If applicable, a A list of all land parcels to be acquired, in priority order, with the acreage involved and anticipated dates of acquisition;
 - 5-3. The hourly rate, title, and name of personnel who will accomplish the project objectives; and
 - 6-4. The total cost for the entire project proposal with each of the following amounts listed separately:
 - a. Grant monies requested;
 - b. Applicant match for the project, if applicable; and
 - c. Any other sources of funding.
- ~~I.~~ As part of the application process, an applicant shall answer all questions relevant to the grant and to the Arizona Wildlife Conservation Fund prioritization.

~~R12-4-903, R12-4-904, Review of Proposals~~

- A. Grant proposals are competitive and the Department shall recommend awards based on a proposed project's compatibility with the priorities of the Department, ~~and the project's costs, benefits, feasibility, relative merit, and usefulness, as approved by the Commission, and~~ to the extent that these priorities and factors are consistent with A.R.S. § 17-299. ~~The Department shall evaluate and rank all proposals using the criteria established in this subsection and A.R.S. § 17-299.~~
- B. If applicable, the Department shall make funding of an awarded project contingent upon revision of may require an applicant to modify the application prior to awarding an Arizona Wildlife Conservation Fund grant, if the Department determines that ~~substantive changes are~~ the modification is necessary for the successful completion of the project. In these cases, the applicant shall provide the information requested within 10 working days from the date on the notification pro-

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vided by the Department.

R12-4-905. Grant Agreements Agreement

Before the Department will transfer any monies a participant shall sign a grant agreement that includes the following terms and conditions:

1. A participant shall use awarded grant monies solely for the purposes defined in A.R.S. § 17-299, as approved by the Department. The participant shall not exceed the grant allocation unless parties amend the grant agreement.
2. The Department shall transfer awarded grant monies, less 10 percent, to the participant within one year of the grant effective date. The Department shall transfer the remaining 10 percent, less any adjustment for actual expenditures, upon receipt of a written request and a certification of project completion from the participant, unless the participant violates state law or the grant agreement.
3. The Department has the authority, under the grant agreement, to perform completion inspections and reviews of an awarded project or projects before release of final payment.
4. A participant shall deposit transferred grant monies into a bank account for each project, under the name and number of the project. The participant shall expend monies and interest from the account only as authorized under the terms of the grant agreement. The participant shall maintain a list of itemized expenditures.
5. A participant shall submit project status reports, as required by R12-4-906. The Department shall not make any grant payment until the participant has submitted all past due project status reports.
6. If both parties agree, the Department and the participant may amend the grant agreement. During the project period, the participant may submit a written request and justification to amend the agreement.
7. The Department shall prepare any approved amendment in writing, and both the Department and the participant and the Department shall sign the amendment. An amendment that lacks a required signature is invalid.
8. Notwithstanding subsection (6), the Department has the authority to extend the project period for good cause.
9. Upon completion of the awarded project, a participant shall return to the Department any unused monies. The participant may make a written request that the Department award the unused monies for an additional project that is consistent with the original scope of work.
10. If a participant violates state or federal law or the grant agreement, the Department shall seek recovery of all monies awarded and classify the participant as ineligible for grant monies that does not exceed five years.
11. If applicable, a participant shall operate and maintain grant-assisted capital improvements, provide reasonable protection of any project improvements, and ensure that reasonable public access is maintained as specified in the grant agreement.
12. If a participant contracts with a third party or subcontractor, the participant is responsible for compliance with the grant agreement provisions if the third party or subcontractor defaults or violates any terms or conditions of the grant agreement.
13. The project period is two years from the grant effective date unless otherwise agreed upon by the Department and the participant.
14. A participant shall use equipment purchased with grant funds in a manner consistent with the purposes of the grant agreement, for the useful life of the equipment, or surrender the equipment to the Department upon completion of the project if the equipment has an acquisition cost of more than \$500. If the equipment is sold, the participant shall pay to the Department the amount of any proceeds according to a ratio equivalent to the Department's share of funds provided for the purchase.
15. A participant shall ensure that the value of real property purchased with grant assistance is appraised by a state certified appraiser within six months before the acquisition, in accordance with the Uniform Standards of Professional Appraisal Practice. The Department has the authority to select an appraiser for an independent evaluation if the Department has evidence that the participant's appraised value of the real property is not accurate.
16. Notwithstanding subsection (3), the Department has the authority to conduct inspections to ensure compliance with all terms and conditions of the grant agreement.
17. The Department has the authority to inspect or audit participant and subcontractor records based on verified complaints or evidence that indicates the need for an inspection or audit. Upon the Department's request, a participant or subcontractor shall produce a legible copy of these records. The participant is responsible for the acceptable performance of a subcontractor under each subcontract.
18. A participant shall not use grant monies for the purpose of generating income. If the participant generates income from a project, the participant shall use the money to pay costs of the project.

A. Before the Department transfers any funds, the applicant shall sign the Grant Agreement.

B. A participant may request an extension beyond the approved project period by writing to the Department. Requests for an extension shall be submitted by the participant no later than 30 days before the end of the project period. If approved, an extension shall be signed by both the participant and the Department.

C. Notwithstanding subsection (B), the Department may extend the project period for good cause such as, but not limited to, inclement weather or internal personnel changes.

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- D. The Department and the participant may amend the Grant Agreement during the project period. A participant seeking to amend the grant agreement shall submit a written request that includes justification to amend the agreement. The Department shall prepare any approved amendment in writing and both the Department and the participant shall sign the amendment.
- E. If a participant is in default of the Grant Agreement, the Department may:
 - 1. Terminate the Grant Agreement,
 - 2. Seek recovery of grant monies awarded, and
 - 3. Classify the participant as ineligible for Arizona Wildlife Conservation Fund Grants for a period of up to five years.
- F. The Department, at its sole discretion, has the authority to include additional conditions in the Grant Agreement.

R12-4-906. Reporting and Recordkeeping Requirements

- A. A participant shall submit ~~biannual~~ project status reports to the Department that describe ongoing and completed activities for the project period, unless another method of reporting is as specified in the grant agreement. The participant project status report shall include in the ~~biannual report~~ the following, when applicable:
 - 1. Progress towards in completing approved work;
 - 2. An ~~itemized~~ Itemized, cumulative project expenditure sheet expenditures;
 - 3. A financial accounting of:
 - a. Arizona Wildlife Conservation Fund Grants;
 - b. Matching funds;
 - c. Donations; and
 - d. Income derived from project funds.
 - 3.4. Any ~~anticipated~~ delays or problems preventing that may prevent the on-time completion of the project; and
 - 4.5. Any additional information from the participant that the Department has the authority to request in accordance with the grant agreement other information required by the Department.
- B. Each participant shall retain and shall contractually require each subcontractor to retain all books, accounts, bank statements, reports, files, and other records that pertain to the acquisition and performance of the contract for a period of five years after completion of the contract from the end date of the project period. The Department may inspect and audit participant and subcontractor records as prescribed under A.R.S. § 35-214. Upon the Department's request, a participant or subcontractor shall produce a legible copy of these records.
- C. At the end of the project period and for each year until the end of the term of public use, a participant shall:
 - 1. Certify compliance with the Grant Agreement; and
 - 2. Complete a post-completion report form, furnished by the Department.
- D. A participant shall submit project status reports, as required under this subsection. If a participant fails to submit a project status report, the Department may not release any remaining grant monies until the participant has submitted all past due project status reports.