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Information **2810**
Rulemaking Guide **2811**

RULES AND RULEMAKING

Final Rulemaking, Notices of
12 A.A.C. 4 Game and Fish Commission. 2813

Final Exempt Rulemaking, Notices of
2 A.A.C. 20 Citizens Clean Elections Commission 2921

GOVERNOR'S OFFICE

Governor's Executive Orders
E.O. 2015-01: Internal Review of Administrative Rules; Moratorium to Promote Job Creation and Customer-Service-Oriented Agencies 2923

ARIZONA COUNTY NOTICES
Pinal County 2925
Pinal County 2937

INDEXES
Register Index Ledger 2951
Rulemaking Action, Cumulative Index for 2015 2952
Other Notices and Public Records, Cumulative Index for 2015 2959

CALENDAR/DEADLINES
Rules Effective Dates Calendar 2961
Register Publishing Deadlines 2963

GOVERNOR'S REGULATORY REVIEW COUNCIL
Governor's Regulatory Review Council Deadlines. 2964

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From the Publisher

ABOUT THIS PUBLICATION

The paper copy of the *Administrative Register* (A.A.R.) is the official publication for rules and rulemaking activity in the state of Arizona.

Rulemaking is defined in Arizona Revised Statues known as the Arizona Administrative Procedure Act (APA), A.R.S. Title 41, Chapter 6, Articles 1 through 10.

The Office of the Secretary of State does not interpret or enforce rules published in the *Arizona Administrative Register* or *Code*. Questions should be directed to the state agency responsible for the promulgation of the rule as provided in its published filing.

The *Register* is cited by volume and page number. Volumes are published by calendar year with issues published weekly. Page numbering continues in each weekly issue.

In addition, the *Register* contains the full text of the Governor's Executive Orders and Proclamations of general applicability, summaries of Attorney General opinions, notices of rules terminated by the agency, and the Governor's appointments of state officials and members of state boards and commissions.

ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number). Rules activity published in the *Register* includes: proposed, final, emergency, expedited, and exempt rules as defined in the APA.

Rulemakings initiated under the APA as effective on and after January 1, 1995, include the full text of the rule in the *Register*. New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

WHERE IS A "CLEAN" COPY OF THE FINAL OR EXEMPT RULE PUBLISHED IN THE *REGISTER*?

The *Arizona Administrative Code* (A.A.C) contains the codified text of rules. The A.A.C. contains rules promulgated and filed by state agencies that have been approved by the Attorney General or the Governor's Regulatory Review Council. The *Code* also contains rules exempt from the rulemaking process.

The printed *Code* is the official publication of a rule in the A.A.C. is prima facie evidence of the making, amendment, or repeal of that rule as provided by A.R.S. § 41-1012. Paper copies of rules are available by full Chapter or by subscription. The *Code* is posted online for free.

LEGAL CITATIONS AND FILING NUMBERS

On the cover: Each agency is assigned a Chapter in the *Arizona Administrative Code* under a specific Title. Titles represent broad subject areas. The Title number is listed first; with the acronym A.A.C., which stands for the *Arizona Administrative Code*; following the Chapter number and Agency name, then program name. For example, the Secretary of State has rules on rulemaking in Title 1, Chapter 1 of the *Arizona Administrative Code*. The citation for this chapter is 1 A.A.C. 1, Secretary of State, Rules and Rulemaking

Every document filed in the office is assigned a file number. This number, enclosed in brackets, is located at the top right of the published documents in the *Register*. The original filed document is available for 10 cents a copy.

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PUBLICATION DEADLINES
Publication dates are published in the back of the *Register*. These dates include file submittal dates with a three-week turnaround from filing to published document.

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Participate in the Process

Look for the Agency Notice

Review (inspect) notices published in the *Arizona Administrative Register*. Many agencies maintain stakeholder lists and would be glad to inform you when they proposed changes to rules. Check an agency's website and its newsletters for news about notices and meetings.

Feel like a change should be made to a rule and an agency has not proposed changes? You can petition an agency to make, amend, or repeal a rule. The agency must respond to the petition. (See A.R.S. § 41-1033)

Attend a public hearing/meeting

Attend a public meeting that is being conducted by the agency on a Notice of Proposed Rulemaking. Public meetings may be listed in the Preamble of a Notice of Proposed Rulemaking or they may be published separately in the *Register*. Be prepared to speak, attend the meeting, and make an oral comment.

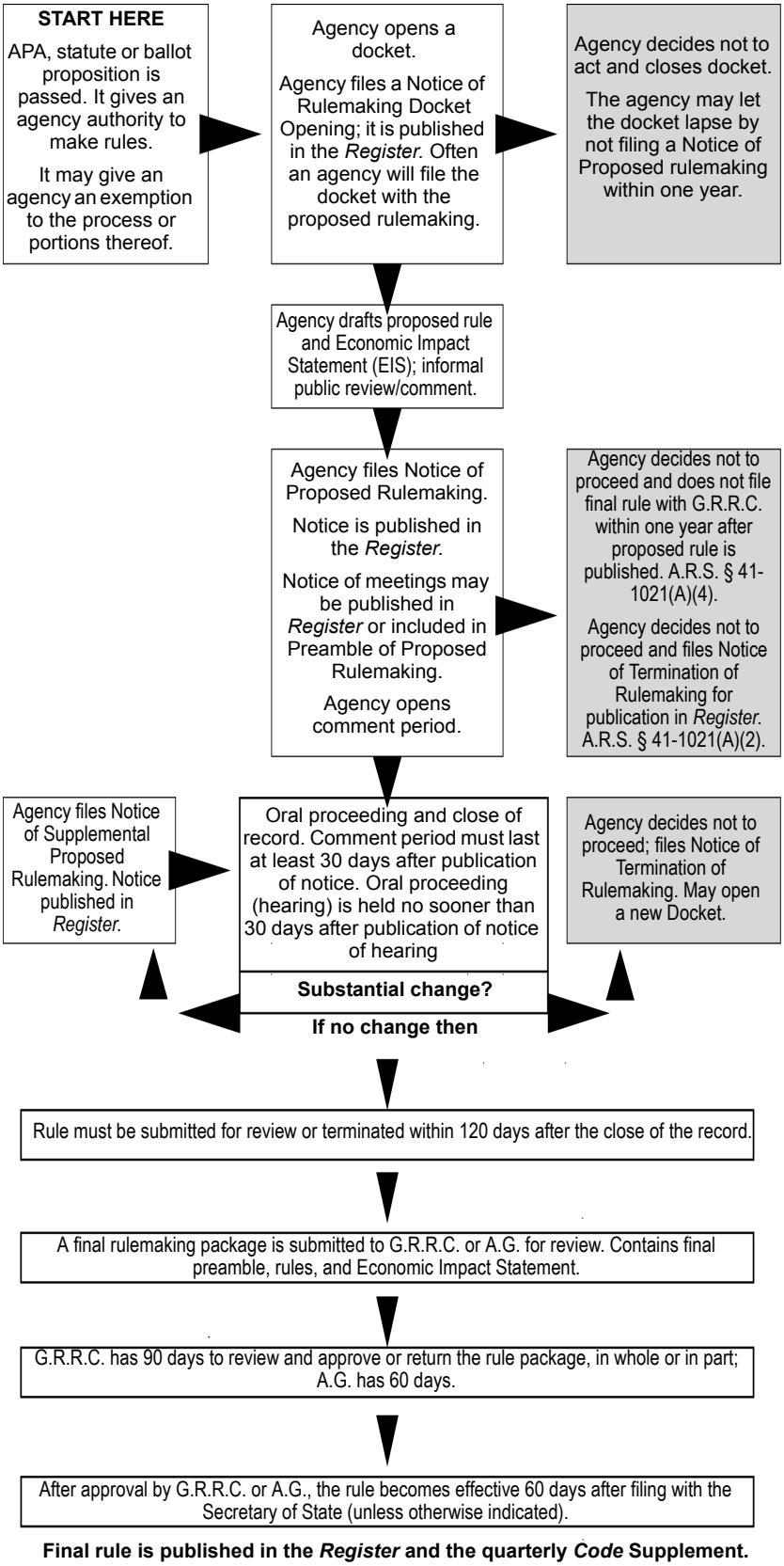
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

Write the agency

Put your comments in writing to the agency. In order for the agency to consider your comments, the agency must receive them by the close of record. The comment must be received within the 30-day comment timeframe following the *Register* publication of the Notice of Proposed Rulemaking.

You can also submit to the Governor's Regulatory Review Council written comments that are relevant to the Council's power to review a given rule (A.R.S. § 41-1052). The Council reviews the rule at the end of the rulemaking process and before the rules are filed with the Secretary of State.

Arizona Regular Rulemaking Process



Definitions

***Arizona Administrative Code* (A.A.C.):** Official rules codified and published by the Secretary of State's Office. Available online at www.azsos.gov.

***Arizona Administrative Register* (A.A.R.)**: The official publication that includes filed documents pertaining to Arizona rulemaking. Available online at www.azsos.gov.

Administrative Procedure Act (APA): A.R.S. Title 41, Chapter 6, Articles 1 through 10. Available online at www.azleg.gov.

Arizona Revised Statutes (A.R.S.): The statutes are made by the Arizona State Legislature during a legislative session. They are complied by Legislative Council, with the official publication codified by Thomson West. Citations to statutes include Titles which represent broad subject areas. The Title number is followed by the Section number. For example, A.R.S. § 41-1001 is the definitions Section of Title 41 of the Arizona Administrative Procedures Act. The "§" symbol simply means "section." Available online at www.azleg.gov.

Chapter: A division in the codification of the *Code* designating a state agency or, for a large agency, a major program.

Close of Record: The close of the public record for a proposed rulemaking is the date an agency chooses as the last date it will accept public comments, either written or oral.

Code of Federal Regulations (CFR): The *Code of Federal Regulations* is a codification of the general and permanent rules published in the *Federal Register* by the executive departments and agencies of the federal government.

Docket: A public file for each rulemaking containing materials related to the proceedings of that rulemaking. The docket file is established and maintained by an agency from the time it begins to consider making a rule until the rulemaking is finished. The agency provides public notice of the docket by filing a Notice of Rulemaking Docket Opening with the Office for publication in the *Register*.

Economic, Small Business, and Consumer Impact Statement (EIS): The EIS identifies the impact of the rule on private and public employment, on small businesses, and on consumers. It includes an analysis of the probable costs and benefits of the rule. An agency includes a brief summary of the EIS in its preamble. The EIS is not published in the *Register* but is available from the agency promulgating the rule. The EIS is also filed with the rulemaking package.

Governor's Regulatory Review (G.R.R.C.): Reviews and approves rules to ensure that they are necessary and to avoid unnecessary duplication and adverse impact on the public. G.R.R.C. also assesses whether the rules are clear, concise, understandable, legal, consistent with legislative intent, and whether the benefits of a rule outweigh the cost.

Incorporated by Reference: An agency may incorporate by reference standards or other publications. These standards are available from the state agency with references on where to order the standard or review it online.

Federal Register (FR): The *Federal Register* is a legal newspaper published every business day by the National Archives and Records Administration (NARA). It contains federal agency regulations; proposed rules and notices; and executive orders, proclamations, and other presidential documents.

Session Laws or "Laws": When an agency references a law that has not yet been codified into the Arizona Revised Statutes, use the word "Laws" is followed by the year the law was passed by the Legislature, followed by the Chapter number using the abbreviation "Ch.", and the specific Section number using the Section symbol (§). For example, Laws 1995, Ch. 6, § 2. Session laws are available at www.azleg.gov.

United States Code (U.S.C.): The Code is a consolidation and codification by subject matter of the general and permanent laws of the United States. The Code does not include regulations issued by executive branch agencies, decisions of the federal courts, treaties, or laws enacted by state or local governments.

Acronyms

A.A.C. – *Arizona Administrative Code*

A.A.R. – *Arizona Administrative Register*

APA – Administrative Procedure Act

A.R.S. – Arizona Revised Statutes

CFR – *Code of Federal Regulations*

EIS – Economic, Small Business, and Consumer Impact Statement

FR – *Federal Register*

G.R.R.C. – Governor's Regulatory Review Council

U.S.C. – *United States Code*

About Preambles

The Preamble is the part of a rulemaking package that contains information about the rulemaking and provides agency justification and regulatory intent.

It includes reference to the specific statutes authorizing the agency to make the rule, an explanation of the rule, reasons for proposing the rule, and the preliminary Economic Impact Statement.

The information in the Preamble differs between rulemaking notices used and the stage of the rulemaking.

NOTICES OF FINAL RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Final Rulemaking. Final rules have been through the regular rulemaking process as defined in the Administrative Procedures Act. These rules were either approved by the Governor's Regulatory Review Council or the Attorney General's Office. Certificates of Approval are on file with the Office.

The final published notice includes a preamble and text of the rules as filed by the agency. Economic Impact Statements are not published.

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the final rules should be addressed to the agency that promulgated them. Refer to Item #5 to contact the person charged with the rulemaking. The codified version of these rules will be published in the *Arizona Administrative Code*.

NOTICE OF FINAL RULEMAKING

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

[R15-155]

PREAMBLE

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

Article, Part, or Section Affected (as applicable)	Rulemaking Action
R12-4-401	Amend
R12-4-402	Amend
R12-4-403	Amend
R12-4-404	Amend
R12-4-405	Amend
R12-4-406	Amend
R12-4-407	Amend
R12-4-408	Amend
R12-4-409	Amend
R12-4-410	Amend
R12-4-411	Amend
R12-4-412	Amend
R12-4-413	Amend
R12-4-414	Amend
R12-4-415	Repeal
R12-4-416	Repeal
R12-4-417	Amend
R12-4-418	Amend
R12-4-419	Repeal
R12-4-420	Amend
R12-4-421	Amend
R12-4-422	Amend
R12-4-423	Amend
R12-4-424	Amend
R12-4-425	Amend
R12-4-426	Amend
R12-4-427	Amend
R12-4-428	Amend
R12-4-430	Amend

2. 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. §§ 3-1205, 17-102, 17-231(A)(2), 17-231(A)(3), 17-231(B)(8), 17-234, 17-235, 17-236(B), 17-238, 17-239(D), 17-240, 17-250, 17-255, 17-255.02, 17-306, 17-307(C), 17-314, 17-317, 17-331, 17-333, 17-371(D), and 41-1005

3. The effective date of the rules:

a. If the agency selected a date earlier than the 60 days effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):

Not applicable

b. If the agency selected a date later than the 60 days effective date as specified in A.R.S. § 41-1032(A), include the later date

and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(B):
Not applicable

4. 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: 20 A.A.R. 2396, August 29, 2014

Notice of Proposed Rulemaking: 20 A.A.R. 2293, August 29, 2014

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

Name: Celeste Cook, Rules Analyst
Address: Arizona Game and Fish Department
5000 W. Carefree Hwy
Phoenix, AZ 85086
Telephone: (623) 236-7390
Fax: (634) 236-7677
E-mail: CCook@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.

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

An exemption from Executive Order 2015-01 was provided for this rulemaking by Ted Vogt, Chief of Operations in the Governor's office, in an e-mail dated August 5, 2015.

The Arizona Game and Fish Commission proposes to amend its Article 4 rules, governing live wildlife, to enact amendments developed during the preceding Five-year Review. After evaluating the scope and effectiveness of the proposed amendments specified in the review, the Commission proposes additional amendments to further implement original proposals.

The Commission's rules protect native wildlife in many ways, including preventing the spread of disease, reducing the risk of released animals competing with native wildlife, discouraging illegal trade of native wildlife, and preventing interactions between humans and wildlife that may threaten public health or safety.

In addition to the amendments made to ensure consistency between Commission rules and conformity with the Arizona Administrative Procedure Act and the Secretary of State's rulemaking format and style requirements and standards, the Commission proposes to amend Article 4. Live Wildlife rules as follows:

For R12-4-401 Live Wildlife Definitions, the objective of the rule is to establish definitions that assist persons in understanding the unique terms that are used throughout Article 4. The rule is amended to establish definitions for terms that are not self-defining or differ from the common-use definition. The term "adoption" is defined to clarify the Commission's intent regarding when the public is required to have a special license to possess wildlife. The term "aversion training" is defined to clarify that a person may use reptiles or amphibians to teach dogs how to avoid them in the wild for the purpose of "snake/frog breaking" dogs. Dog owners and persons who provide the training believe the training helps to keep them and their pets safe, especially when recreating in suburban fringes and backcountry. The term "educational institution" is defined to clarify the intent of R12-4-417 as it applies to educational displays. The rule was amended to incorporate the October 1, 2013 version of 50 C.F.R. 17.11 and October 1, 2014 version of 50 C.F.R. 10.13. The term "noncommercial purpose" is defined as this is not a self-defining term and is necessary to assist in understanding rules within Article 4 and replaces references to "personal use," which is an ambiguous term. The term "nonhuman primate" is defined as this is not a self-defining term and is necessary to assist in understanding amendments made to R12-4-406 and R12-4-426. The term "person" is defined to clarify the extent of the regulated community. The term "captive-reared" is defined to assist in understanding R12-4-413 and R12-4-414. The term "species of greatest conservation need" is defined and replaces the definition for "wildlife of special concern" to incorporate the federally-approved Arizona's State Wildlife Action Plan, which provides a list of species of greatest conservation need. The term "unique identifier" is defined to provide examples of acceptable permanent identifiers. The term "USFWS" (United States Fish and Wildlife Service) is defined to make the Article more concise. The terms "health certificate," "migratory birds," "taxa," "volunteer," "wildlife disease," and "zoo" are defined as these is not a self-defining terms and are necessary to assist in understanding rules within Article 4. The rule is also amended to clarify some definitions. The definition of "agent" is amended to clarify the term has the same meaning as "sublicensee" and "subpermittee" which is used in federal permitting language. This amendment is made to address those instances when a federal permit and a special license are required. The definition of "cervid" is amended to reference the Integrated Taxonomic Information System, a nationally recognized taxonomic reference that is easily accessible to the public. The definition of "endangered or threatened" is amended to insert the term "wildlife" and incorporate the most recent version of the Federal Endangered and Threatened Wildlife regulation. The definition of "live baitfish" is amended to reference R12-4-317, which establishes requirements for the lawful use of live baitfish. The definition of "zoonotic" is amended to clarify the term and assist in understanding rules within Article 4. In addition, the rule is amended to remove the definitions for "collect," "native," and "propagate," as their meaning is addressed in rule language or the common-use definition is satisfactory.

For R12-4-402 Live Wildlife; Unlawful Acts, the objective of the rule is to establish unlawful activities for persons taking and possessing live wildlife and the Department's authority to take possession of wildlife for a violation of the rule. The rule is amended to allow the Department to euthanize lawfully possessed wildlife that poses a threat to public health, safety, or welfare, or wildlife populations to officially codify the Department's current process. The rule is also amended to enable the Department to recoup costs associated with the care, feeding, and housing of seized potentially dangerous wildlife. Owners of lawfully possessed wildlife that pose a threat to public health, safety, or welfare, or wildlife populations will be held responsible for all costs associated with their temporary care. The amendment clarifies that, although all wildlife is held in the public trust, the State and

Department is not responsible for any costs incurred by the person possessing the wildlife. In addition, the rule is amended to establish the Department's authority to euthanize wildlife acquired or seized by the Department in response to a violation of any requirement of the rule to provide additional clarity and that the Department will make a reasonable attempt to suitably place wildlife before making the decision to euthanize the animal.

For R12-4-403 Escaped or Released Wildlife, the objective of the rule is to establish the Department's authority to take possession of any escaped or released wildlife that poses an actual or potential threat to native wildlife, wildlife habitat, or to the safety, health, and welfare of the public. The rule is amended to provide additional clarity and establish owner responsibilities and to allow the Department to seize, quarantine, or euthanize any wildlife that has escaped or is likely to escape and poses a threat to public health, safety, or welfare, wildlife populations or wildlife habitat until it is properly contained or rehomed. In general, persons who possess captive animals hold them in a secure, safe, and humane manner. However, on occasion the animals are not held in a secure, safe, and humane manner and escape their enclosures. On occasion, exotic animals are intentionally released from their enclosures by irresponsible owners who are unable to take care of or no longer want to care for their animals. Special license holders and owners of escaped or unlawfully released wildlife will be held responsible for all costs associated with their temporary care. The rule is also amended to remove the reference to A.R.S. § 17-306 as it implies the statute establishes the conditions for release when the statute only authorizes the Commission to determine those conditions. In addition, the rule is amended to provide additional options necessary for the evaluation of any situation where native wildlife protection and the safety, health and welfare of the public are concerned. These options include permitting the temporary possession of live wildlife under the instruction and oversight of the Department.

For R12-4-404 Possession of Live Wildlife Taken Under an Arizona Hunting or Fishing License, the objective of the rule is to establish lawful activities for persons taking and possessing live wildlife under a valid hunting or fishing license and to regulate the take and disposition of live wildlife when live bag and possession limits are specified in a Commission Order. The rule is amended to provide additional clarity and ensure consistency between rules within Article 4. The Commission believes the term "personal use" is an ambiguous and proposes to replace the term with "noncommercial purpose" as this term is defined. The rule is amended to prohibit the release of propagated wildlife into the wild to assist in preventing the transmission of wildlife diseases. The Commission believes translocated and propagated wildlife has the potential to transmit wildlife disease into healthy wildlife populations. This also ensures consistency between rules within Article 4 as the Commission also proposes to amend R12-4-404 to prohibit the release of propagated offspring. The rule is also amended to allow the use of reptiles or amphibians for aversion or avoidance training, provided the reptiles or frogs were taken under a valid Arizona hunting license and the current Commission Order authorizes a live bag and possession limit for that wildlife. Aversion training, also known as snake/frog breaking, trains the dog to run away from a snake or frog. The use of reptiles and amphibians for aversion training is considered a lawful activity, but the current rule does not address this activity. The intent of the amendment is to clarify the already legal practice of using reptiles and frogs for the purpose of providing aversion training. In addition, the rule is amended to remove "photograph" from the list of authorized noncommercial uses and add a new subsection (I), indicating a special license is not required to sell photographs of wildlife taken under a valid hunting or fishing license. This amendment was added as a result of comments received, which indicated clarification was required in regards to when a special license is required to photograph wildlife.

For R12-4-405 Importing, Purchasing, and Transporting Live Wildlife Without an Arizona License or Permit, the objective of the rule is to establish lawful activities and limitations for a person importing, purchasing, or transporting wildlife or the offspring of wildlife taken without a Department-issued license or permit to prevent harm to native wildlife of this state or to endanger public safety. The rule is amended to require a person who is importing mammals, birds, amphibians, or reptiles into this state to ensure the wildlife is accompanied by a health certificate to mirror federal and state importation requirements. The Department's management of both game and nongame species as a public resource depends on sound science, which indicates there is a potential for imported wildlife to transmit disease into healthy wildlife populations. The Commission believes it is beneficial to amend the rule to increase consistency with both federal and the Department of Agriculture's importation requirements; wherever possible and practical to do so.

For R12-4-406 Restricted Live Wildlife, the objective of the rule is to establish a list of live wildlife for which a special license is required in order to possess the wildlife and/or to engage in activities that may otherwise be prohibited under A.R.S. § 17-306 and R12-4-402. The rule is amended to increase its effectiveness by indicating that, unless otherwise specified, all transgenic wildlife is live restricted wildlife. The rule is amended to replace the term "use" with "possess" to increase the potential for proper enforcement. "Use" is a generic term that is undefined for the Article, whereas "possess" has a specific meaning relative to the Article. The rule is amended to incorporate the online taxonomic authority, www.itis.gov, a nationally recognized authority for all taxa. The Integrated Taxonomic Information System is readily available online and is easier for the public to access. The rule is amended to group the various types of species throughout the rule to reflect current taxonomy for scientific accuracy. The rule is amended to replace the term "Blue Grouse" with "Dusky Grouse" as this is the current reference for the species. The rule is amended to remove hedgehogs from the restricted live wildlife list to allow their use as pets. Although traditionally classified in the order Insectivora, hedgehogs are not exclusively insectivores but are almost omnivorous. Hedgehogs feed on berries, bird eggs, carrion, frogs and toads, grass roots, insects, melons, mushrooms, snails, and snakes. When foraging, they rely upon their senses of hearing and smell because their eyesight is weak. The hedgehog habitat is mainly hedgerows, woodlands, and meadows; they seem to prefer lush or riparian habitats. Most of the hedgehogs in the pet industry are African pygmy hedgehogs or hybrids of same with the European hedgehog. Natural predators are canids and owls as they are nocturnal. Because Arizona has plenty of natural predators and a minimal amount of suitable habitat, the Department has determined it is highly unlikely that a hedgehog that escapes or is intentionally released into the wild will survive. Currently, the rule only restricts all species of the family Pongidae of the order of Primates. The rule is amended to expand "restricted primates" to include all nonhuman primates. Nonhuman primates are known to be injurious to the public and have the potential to have or carry dangerous diseases that can have a significant impact on human health. Further regulation of primates through this Section and R12-4-426

will improve the Department's ability to regulate the importation and personal possession of those primates that regularly expose the public to potential danger. Nonhuman primates require professional, well-managed care and are capable of transmitting diseases to humans and contracting diseases from humans. Nonhuman primates includes: apes, baboons, chimpanzees, gibbons, gorillas, lemurs, lorises, marmosets, orangutans, and tamarins. Many people remain undaunted by the risks of adopting nonhuman primates in their homes. Most nonhuman primates are bred in captivity in the U.S. and some are sold to the pet trade. Viewed as status symbols or substitute children, nonhuman primates are commonly sold for up to thousands of dollars through newspaper ads and the Internet. It is uncertain how many primates enter the trade through captive breeding each year in the U.S., but the number is estimated to be in the thousands. The conditions in which privately owned nonhuman primates are kept raise serious animal welfare concerns. Most people cannot provide the special care, social grouping, housing, diet, and maintenance that nonhuman primates require. Once an owner realizes they can no longer handle the nonhuman primate, they try to place them in other homes. Others are sent to laboratories, sanctuaries, or used in breeding programs. Many animals who have become too difficult for their owners to care for, or who have outgrown their usefulness as "pets" or profit-makers, end up languishing in small pens in backyards, doomed to live in deplorable conditions. Sadly, most end up being sold and resold over and over again. The influx of unwanted animals has become overwhelming for the dozens of sanctuaries in the U.S. and most primate/exotic animal sanctuaries are full, or near capacity. Typically, nonhuman primates cannot be effectively toilet trained and sometimes engage in distasteful activities involving their feces and urine. Environmental contamination from pet nonhuman primates is of great concern. Poor hygiene and improper disposal of contaminated feces pose a serious problem. Many disease organisms can persist in the environment for long periods of time and may pose a serious threat to humans. Environmental contamination may be a significant danger to the communities where pet nonhuman primates are kept. As the nonhuman primate grows older, stronger and more unpredictable, they may turn aggressively on anyone, including the person with whom they are the closest. As a primate reaches sexual maturity, it will often become more aggressive and may start biting or fighting people to establish dominance, including attacking their owners or visitors to the owner's home. With larger primates, these behaviors can turn dangerous or even deadly for humans; as in the case of the Connecticut woman who lost her face and hands after being mauled by a friend's 200-pound chimpanzee. Some owners may attempt to change the animal's natural behavior by confinement in small enclosures, chaining, shocking, beating, and removal of teeth and nails to prevent scratching and biting. Compounding the risk of physical injury to the public, nonhuman primates of all sizes have the potential to carry dangerous zoonotic diseases that can affect human health and safety. Eighty to ninety percent of all macaque nonhuman primates are infected with herpes B virus or simian B, a virus that is harmless to nonhuman primates but fatal to 70 percent of humans who contract it. Nonhuman primates shed the virus intermittently in saliva or genital secretions, which generally occur when the nonhuman primate is ill, under stress, or during periods of sexual receptivity. A person who is bitten, scratched, sneezed on, or spat on while the shedding occurs runs the risk of contracting the disease. The Centers for Disease Control and Prevention (CDC) asserts that the increase in macaque nonhuman primates in the pet trade may constitute an emerging infectious disease threat in the U.S. Disease organisms, particularly viruses, tend to live only in a small group of animal species to which they have adapted. Zoonotic diseases and viruses, to be spread successfully, must not kill their animal host. In the host, the organism often does little or no damage. However, when present in the human body, strategies that kept the organism in check do not work, causing them to multiply out of control and attack tissues and organs in ways it does not do when present in an animal host. This same, wrong-host phenomenon is why bird flu, equine encephalitis, and hanta viruses are dangerous or fatal in humans but rarely kill their animal host. Some of the zoonotic diseases that nonhuman primates carry and that can be transmitted to people are monkey pox, simian herpes B virus, simian immunodeficiency virus (SIV, the primate form of HIV), measles, rabies, Marburg virus, cercopithecine herpes virus I, salmonella, influenza virus, filoviruses (ebola), streptococcus pneumonia, viral hepatitis, and tuberculosis. Most of these diseases spread through a bite or exposure to the saliva or nasal secretions of the nonhuman primate, while others spread through exposure to nonhuman primate feces. If specific precautions are not followed, nonhuman primates may easily transfer disease organisms they harbor to persons who are exposed to the nonhuman primate. As it currently stands, there is no blanket federal rule on nonhuman primate ownership in the U.S., although the U.S. Centers for Disease Control (CDC) banned the commercial importation of primates as pets in 1975. As a result, responsibility for protecting people and nonhuman primates falls to the individual states. Currently there is a patchwork of state laws regarding "pet" nonhuman primates. Twenty-two states have a full ban on private ownership of nonhuman primates: Alaska, California, Colorado, Georgia, Hawaii, Illinois, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Montana, New Hampshire, New Jersey, New York, Oregon, Pennsylvania, Utah, Vermont, and Washington. Three states have a partial ban on private ownership of some nonhuman primates: Connecticut, Florida, and Tennessee. Seven states require a permit or registration to possess nonhuman primates as pets: Delaware, Idaho, Missouri, New Mexico, North Dakota, Rhode Island, and Wyoming. Three states require a permit to possess some nonhuman primates as pets, while allowing others without a permit: Mississippi, Texas, and Wisconsin. Fourteen states allow nonhuman primates as pets: Alabama, Arkansas, Indiana, Kansas, Michigan, Nebraska, Nevada, North Carolina, Ohio, Oklahoma, South Carolina, South Dakota, Virginia, and West Virginia. The Arizona Department of Agriculture requires a person importing any member of the genus Macaca into Arizona to obtain a health certificate prior to importation and Arizona Game and Fish Commission rules currently prohibit persons from bartering, gifting, importing, purchasing, selling, and trading of nonhuman primate infants; place restrictions on the import of nonhuman primates; specifies requirements for containment and transportation of nonhuman primates; and establishes a protocol for persons to follow when a nonhuman primate bites, scratches, or otherwise exposes a human to pathogenic organisms. The current trend across the country is adopting regulations to prohibit specific species of dangerous animals, including nonhuman primates, from future possession. This is important in allowing for a more uniform approach to successfully handle this issue nationwide. Forty-eight nonhuman primate exposure incidents have been recorded in Arizona since the Department began tracking nonhuman primate exposure incidents in 1994, many more are suspected. This does not include complaints of nonhuman primate escapes and numerous inquiries by the public and cooperating agencies regarding legality and housing requirements for nonhuman primates they have encountered. Nonhuman primates are not currently identified as restricted live wildlife in Arizona, but should be due to their potential negative impact on human health and safety. The Maricopa County Department of Public Health and the Humane Society of the U.S. have submitted letters

in full support of the proposed restriction contained in this rule. The rule is also amended to improve consistency between federal regulations and state rules by including all birds listed under the Migratory Bird Treaty Act (MBTA) as restricted live wildlife; in addition the rule was amended to incorporate the October 1, 2014 version of 50 C.F.R. 10.13. In addition, the rule is amended to add apple snails, Chinese mystery snails, false dark mussels, Red Shiners, and five species of tilapia, paddlefish and sturgeon to the list of restricted live wildlife. Apple snails (genus *Pomacea*) are large aquatic snails that were introduced into Arizona through the pet trade and aquaculture; currently being sold as "mystery snails" at local pet stores and other stores in the aquarium trade. Two South American species are recognized as invasive, nuisance species in the United States (U.S.): the channeled apple snail (*Pomacea canaliculata*) and island apple snail (*P. insularum*). Apple snails are voracious herbivores and will eat eggs and juveniles of other snails and decomposing organic matter. Every 12 to 15 days, the female apple snail lays a bright pink clutch of eggs (typically 200 to 300 eggs) on the stems of emergent plants and branches above the water. They are moderately amphibious and equipped with a shell door to prevent drying out while hiding in the mud during dry periods. From a human health perspective, apple snails are an intermediate host for the rat lungworm (*Angiostrongylus cantonensis*), a nematode that can cause meningitis in humans. In 2012, all species of apple snails are listed in the Department's Directors Order #1, which is a listing of all aquatic invasive species that are not native to Arizona's ecosystem and whose introduction or presence in this state may cause economic or environmental harm or harm to human health. Chinese mystery snails (*Bellamya chinensis*, synonym *Cipangopaludina chinensis*) are large freshwater snails. Though native to East Asia, this species has established itself in the U.S. This snail stays partially buried in the mud where water is low. Females give birth to live, crawling young and a single brood may have over 100 young. Mystery snails have been imported into the U.S. by the aquarium industry as well as for Asian food markets. Some releases were probably from hobbyists, and others may have been deliberate in an effort to create a local food source. They can clog the screens of water intake pipes and restrict water flow. They are also known to host parasites and diseases that can infect humans. They also compete with native snails for food and habitat resources and can serve as vectors for the transmission of parasites and diseases to our native aquatic species. False dark mussels *Mytilopsis leucophaeata* are a species of small bivalve mollusk in the false mussel family, Dreissenidae. They attach to hard substrates, including oyster and true mussel shells, rocks, boats, pilings, and ropes. The species is highly adaptable, has broad ecological tolerances, inhabits freshwater and can also be found in coastal and estuarine habitats, riparian zones, and wetlands, even occurring in cooling water conduits of power stations. This species is unlikely to be impacted by any major threats, although because of its bio-fouling abilities (causing huge economic damage to industry) it is targeted by biocides and other control measures. The Red Shiner is a common bait fish, and the emptying of bait buckets by anglers containing them is believed to be the main cause of introduction of this species into new areas. It is also commonly used as an aquarium fish. It has become a species of special concern in the U.S., as it has been implicated in the decline of native fish populations in the areas where it has been introduced and in doing so hinder the growth of those populations. They are omnivorous and eat both aquatic and terrestrial invertebrates, algae, and have been known to eat the eggs and larvae of native fish. The average clutch size is 585 eggs and females may have 5 to 19 clutches in one reproductive season. Red Shiners are capable of generating viable hybrid offspring with closely related species. The Commission recently amended R12-4-316 to remove Red Shiner from the list of live bait minnows that can be lawfully possessed, transported, or imported by licensed anglers. The rule was also amended to allow anglers to collect Red Shiners in the wild to possess and use as bait only on the body of water where they are captured. Five tilapia species (*Oreochromis aureus, O. mossambica; O. niloticus, O. urolepis hornoru, and T. zilli*) and their hybrids are commonly used in backyard aquaculture facilities. In approximately 1972, they were imported into Florida as an experiment in fish farming. Today tilapia is the third most plentiful fish in aquaculture, surpassed only by carps and salmonids. Tilapia are generally large, fast growing, and breed rapidly; once introduced into a habitat they generally establish themselves very quickly. In doing so they compete with native fish fauna, create turbidity in the water (due to nesting behaviors) thus reducing the light available for aquatic plants, and consume a vast range of food sources causing changes in local aquatic flora. Impacts to rivers, creeks and ponds can be great, particularly the dramatic decreases in native fish populations due to predation and competition for food by the fast breeding tilapia. Native fish, invertebrates, and other organisms also experience reduced access to cover through the aggressive territorial defense of breeding and feeding sites by some tilapia species. Because tilapia are not currently restricted, there are no built in safeguards that prevent the illegal release of tilapia into Arizona waters. Adding these species to the list of restricted wildlife, as are all other game fish, would require a person to obtain an Aquatic Wildlife Stocking License in order to legally possess and stock tilapia. An applicant is required to provide information about the planned use and disposition of tilapia; thus allowing the Department the opportunity to assess the biological risk of issuing a permit as well as educate the public on the negative impacts of illegally stocking non-native tilapia into Arizona's waters. In addition, the rule is amended to add sturgeon and paddlefish, which can be purchased by an individual with a desire to start an angling opportunity or for their caviar. Illegally introduced sturgeon and paddlefish could survive in bigger rivers in Arizona such as the Colorado River, Verde River, Salt River, and Gila River, as well as lakes, and potentially survive and become established. If sturgeons become established, they have a long lifespan and could impact native fish populations as well as have impacts in areas we currently manage for sport fishing. Several species of sturgeons and paddlefish are harvested for their roe, which is made into caviar and makes an attractive choice for fish farming. In addition, California currently lists sturgeon as restricted live wildlife (via bony fishes within Class Osteichthyes; Fish and Game Code, Section 2116-2127). In addition, because sturgeon and paddlefish are not currently restricted under R12-4-406, there are no safeguards built in to prevent backyard fish farmers from illegally releasing unwanted fish into Arizona waters. Adding these species to the list of restricted wildlife, as are all other game fish, a person would be required to obtain an Aquatic Wildlife Stocking Permit in order to legally possess and stock sturgeon or paddlefish in their backyard pond. An applicant is required to provide information about the planned use and disposition of the fish, allowing the Department the opportunity to assess the geographic risk of issuing a permit as well as educate these public on the negative impacts of illegally stocking non-native sturgeon or paddlefish into Arizona's waters.

For R12-4-407 Exemptions from Special License Requirements for Restricted Wildlife, the objective of the rule is to establish exemptions from special license requirements for restricted live wildlife. The rule is amended to require individuals who import wildlife into the state to possess a valid health certificate, as already required by the Arizona Department of Agriculture. The

rule is amended to prohibit individuals from propagating lawfully possessed desert tortoises. Currently, there is an overabundance of captive-reared desert tortoises housed at Department and state-sanctioned adoption facilities in Arizona. As of September 2013, there were 260 unwanted captive desert tortoises available for adoption, 100 of which are under three years old. The current rule allows desert tortoise custodians to propagate captive desert tortoises and either gift the offspring to other members of the public or surrender them to the Department. A desert tortoise can lay up to 12 eggs per year, therefore captive hatchling desert tortoises are consistently surrendered at rates that are unsustainable for the Department's tortoise adoption Program. There is no conservation or scientific need to propagate desert tortoises and this practice places an undue burden on the Department and state-sanctioned adoption facilities. Captive desert tortoises pose risks to the wild populations from introduction of infectious diseases or affecting the genetic composition of wild populations and thus cannot be released into the wild. Therefore, the Department expends considerable resources on housing and placing new generations of unwanted captive desert tortoises into approved homes; funds that are meant to be used for desert tortoise conservation, monitoring, and research. Restricting desert tortoise propagation is consistent with efforts to restrict propagation of other restricted species. There is no conservation benefit to breeding captive desert tortoises; in fact caring for unwanted pet tortoises redirects valuable Department resources from conservation goals. In addition an overabundance of captive desert tortoises may provide complications if the species is listed under the Endangered Species Act. Propagation will only be allowed as authorized by the Department. The rule is amended to clarify the live game fish exemption applies only to restricted live game fish. The rule is also amended to establish guidelines for the disposal of animals that die while in transport through Arizona. In addition, the rule is amended to clarify that medical and scientific research facilities, regardless of whether they are licensed by the U.S. Department of Agriculture, are exempt from special licensing requirements when working with transgenic animals.

For R12-4-408 Holding Wildlife for the Department, the objective of the rule is to establish requirements that allow a person to possess and transport live wildlife needed as evidence in pending legal proceedings without a special license and lists the circumstances and restrictions placed on that authority. The rule is amended to provide the Department with greater latitude in the amount of time it may allow a person to hold or transport wildlife for the Department. This benefits both the Department and the person who is holding or transporting the wildlife. In addition, the rule is amended to replace "designated Department employee" with "Department" to prevent the impression that only a specific employee may allow a person to temporarily hold or transport wildlife for the Department.

For all special license rules, the rules are amended to provide additional clarity and to maintain consistent language and format within the Article. The rules are amended to increase consistency between Commission rules by replacing the term "permit" with "license," wherever applicable. The rules are amended to clarify the special license does not allow the license holder to conduct any activities using federally-protected wildlife unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States. The rules are amended to clarify the special license holder is responsible for compliance with all applicable regulatory requirements. The rules are amended to clarify the special license does not exempt the license holder from complying with all applicable city, county, state, and federal codes, ordinances, rules, laws, and regulations. The rules are amended to clarify application requirements to ensure an applicant submits the correct information at the time of the initial application. The rules are amended to require an applicant to provide their Federal Tax Identification Number when the person intends to use the special license for a commercial purpose and the supplier's Federal Tax Identification Number when the person obtains wildlife from a commercial supplier. The rules are amended to require an applicant to include the Universal Transverse Mercator or Global Positioning System coordinates as these are more commonplace for location descriptors and are becoming the standard for identifying locations. The rules are amended to require an applicant to affirm the information provided on the application is true and correct. The affirmation replaces the signature requirement and enables the Department to accept applications electronically. The rules are amended to reference "R12-4-412 Special License Fees" rule to incorporate Commission-approved License Simplification changes that became effective January 1, 2014. The rules are amended to require the license holder to possess the special license and present the license to a Department employee or agent upon request to allow the Department employee or agent to readily identify any additional stipulations placed on the license holder and to ensure compliance with A.R.S. § 17-331. The rules are amended to expand reporting requirements to include persons who have not conducted activities authorized under the license. Currently, the rule only requires a report if activities are performed. In reality, a person will obtain a license and then fail to perform the permitted activities. This information is necessary for the Department to ensure license holders are performing authorized activities.

For R12-4-409 General Provisions and Penalties for Special Licenses, the objective of the rule is to establish general provisions relating to administrative compliance, licensing requirements, and penalties applicable to all special licenses issued by the Department. The Commission believes providing general provisions in one overarching rule ensures consistency between special license rules. The rule is amended to ensure consistent application of the rule and to address current nomenclature. The rule is amended to combine all game bird license rules into one overarching game bird rule: game bird field trial, game bird hobby, and game bird shooting preserve licenses. The rule is amended to require an applicant to affirm the information provided on the application is true and correct. The rule is amended to expand the time-frame for which the Department may deny a special license, when an applicant has been convicted of illegally holding or possessing wildlife, from three years to five years immediately preceding application for a special license to increase consistency between rules within 12 A.A.C. 4. The rule is also amended to clarify the license holder is responsible for all costs associated with the testing and treatment of contaminated or affected wildlife, the Department is not responsible for these costs. In addition, the rule is amended to provide the Department with greater flexibility by including an additional option for actions the Department may take should a special license holder fail to adhere to the requirements of all applicable laws and rules.

For R12-4-410 Aquatic Wildlife Stocking Permit, the objective of the rule is to establish requirements that allow a person to stock restricted aquatic wildlife in an open system, to include authorized activities, administrative compliance, and the restrictions and prohibitions necessary to protect existing aquatic wildlife and wildlife habitat. The rule is amended to require an applicant to further examine the potential for adverse impacts of stocking on existing wildlife species in the licensed area. The rule is

amended to clarify that the aquatic wildlife stocking license is only required when an applicant intends to stock restricted aquatic wildlife; thus reducing the Department's and regulated community's burden and costs. Because the rule does not state the license is specific to restricted aquatic species, persons expend resources completing and submitting unnecessary applications and the Department expends resources receiving, reviewing, and responding to unnecessary applications. The rule is also amended to establish a protocol for disease control as this is a priority within the Department and to increase consistency between rules within Article 4. In addition, the rule is amended to require an applicant to include additional information regarding common names of aquatic wildlife, physical location, and stocking facilities to provide the Department with the information necessary to make an informed licensing decision.

For R12-4-411 Live Bait Dealer's License, the objective of the rule is to establish requirements that allow a person to conduct a commercial live bait operation, to include authorized activities, administrative compliance, and the restrictions and prohibitions necessary to protect existing aquatic wildlife resources. The rule is amended to remove Red Shiner as an authorized live bait species to address emerging concerns about the interactions between Red Shiners and native aquatic species and to increase consistency between rules within 12 A.A.C. 4. R12-4-316 was recently amended to remove Red Shiner from the list of live bait minnows that can be lawfully possessed, transported, or imported by licensed anglers and to allow anglers to collect Red Shiners 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. The rule is amended to require an applicant to include additional information regarding common names of live bait and physical location to provide the Department with the information necessary to make an informed licensing decision.

For R12-4-412 Special License Fees, the objective of the rule is to establish special license fees for those licenses listed under Article 4 Live Wildlife. The rule is amended to include no-fee special licenses and establish a new and renewal special license structure.

For R12-4-413 Private Game Farm License, the objective of the rule is to establish requirements that allow a person to operate a commercial game farm, to include authorized activities, wildlife species that may be held under the license, administrative compliance, and the restrictions and prohibitions necessary to protect existing wildlife and wildlife habitat. The rule is amended to clarify language regarding propagation as it may be misinterpreted as preventing the possession of domestic animals with captive game animals. The rule is amended to replace the term “Blue Grouse” with “Dusky Grouse” as this is the current reference for the species. The rule is amended to clarify the locations where the Department will not issue a private game farm license to raise Northern Bobwhite quails as this nonnative quail poses a threat to native birds if it escapes or is released. The rule is amended to require an applicant to provide additional information on the application to enable the Department to more adequately evaluate and issue the application for the requested activities. The rule is amended to better regulate the use of “hybrid wildlife,” specifically in R12-4-406, which lists restricted live wildlife species, and R12-4-413, dealing with private game farms. With the amendments to R12-4-413, the Commission is attempting to address the growing number of misinterpretations regarding the use of a private game farm license, and to reaffirm the purpose for which this license was authorized. Some applicants obtain the license for the personal or recreational use of wildlife, which is not consistent with the objective of the rule. The license is intended to authorize the commercial use of wildlife for purposes such as slaughter and sale of meat and hides. The rule is amended to clearly state that a private game farm license is indeed a commercial license. The rule is amended to address the attempted sport harvest of wildlife held under this license. The rule is also amended to clearly state that, if breeding takes place, a private game farm license is issued to authorize only the breeding of wildlife species to the same species; not to authorize breeding of wildlife to domestic species to produce a hybrid that qualifies as a domestic animal. In recent years, the Department has issued private game farm licenses for the possession of servals or other types of African leopard cat (ALC). These mammals are purchased or traded for the purpose of breeding them with domestic cats to produce a hybrid. There are many different names for these domestic hybrids depending on the species that they are bred with: savannas, chausis, bengals, etc. Although the Department has issued licenses to allow people to possess an ALC, the intent for authorizing a private game farm license is not to allow people to breed wildlife with domestic animal species. The rule is amended to clarify the Department shall not issue a private game farm license if the escape of the proposed species could create a threat to native species and or habitat. In addition, the rule is amended to require the game farm license holder to ensure their facility is inspected by a licensed, practicing veterinarian.

For R12-4-414 Game Bird Shooting Preserve License, the objective of the rule is to establish requirements that allow a person to possess, release, and take captive-reared game birds, to include authorized activities, game bird species that may be held under the license, administrative compliance, and the restrictions and prohibitions necessary to protect existing habitat and wildlife resources. The rule is amended to combine the requirements of R12-4-414 (Game Bird Shooting Preserve License: proposed title, “Game Bird License”), R12-4-415 (Game Bird Field Trial License), R12-4-416 (Game Bird Field Trial Training Permit), and R12-4-419 (Game Bird Hobby License) into one overarching game bird rule. R12-4-415, R12-4-416, and R12-4-419 will be repealed. Currently, under the authority of these four rules, four different licenses or permits are issued for each type of game bird activity. Revising the rule as necessary to include the relevant language from the four rules into one overarching rule provides one point of reference for all requirements related to the handling of captive-reared game birds. In addition, the rule is amended to require the Game Bird License Holder to ensure their facility is inspected by a licensed, practicing veterinarian. The Commission anticipates this will lessen the administrative burden for the Department and be less confusing to the regulated community.

For R12-4-417 Wildlife Holding License, the objective of the rule is to establish requirements that allow a person to possess and care for restricted and nonrestricted live wildlife lawfully taken under a valid hunting or fishing license, scientific collecting permit, or wildlife rehabilitation license to include authorized activities, wildlife species that may be held under the license, administrative compliance, and the restrictions and prohibitions necessary to protect existing habitat and wildlife resources. The rule is amended to allow the license holder to use an agent to assist the license holder in carrying out activities authorized under the license to increase consistency between rules within Article 4. The rule is amended to allow an applicant to submit photographs instead of a diagram and detailed description of the facility where an applicant proposes to hold wildlife. The rule is amended to

allow an applicant to submit a certification issued by an institutional animal care and use committee or similar committee instead of a description of how the facility complies with requirements established under R12-4-428. Submitting photographs of a facility or a certification the license holder has already attained requires little effort or expense and is nondiscriminatory.

For R12-4-418 Scientific Collecting Permit, the objective of the rule is to establish requirements that allow a person to use live wildlife for purposes related to the advancement of science, conservation, education, or wildlife management, to include authorized activities, wildlife species that may be held under the license, administrative compliance, and the restrictions and prohibitions necessary to protect public health and safety and existing wildlife habitat and resources. The rule is amended to allow an applicant to submit a certification issued by an institutional animal care and use committee or similar committee instead of a description of how the facility complies with requirements established under R12-4-428. Submitting photographs of a facility or a certification the license holder has already attained requires little effort or expense and is nondiscriminatory. The rule is amended to specify the license holder may only conduct activities authorized under the scientific collecting license at the locations and time periods specified on the scientific collecting license. This will allow the Department to determine where the activities can take place to protect public health, safety and welfare, and wildlife and wildlife habitat. The rule is amended to expand the requirement that the scientific collecting license holder dispose of wildlife as directed by the Department, including wildlife parts and the offspring of wildlife held under the license.

For R12-4-420 Zoo License, the objective of the rule is to establish the requirements that allow a person to collect wildlife for educational purposes, to include authorized activities, wildlife species that may be held under the license, and restrictions and prohibitions necessary to protect existing habitat and wildlife resources. The rule is amended to restrict the transfer of live wildlife listed under R12-4-406 from zoos to another zoo license holder, an appropriately licensed or permitted special license holder or facility in another state or country, or a medical or scientific research facility exempt from special license requirements under R12-4-407 in an effort to protect wildlife resources and prevent unregulated commercial breeding of wildlife, ensure risks to the public and native wildlife populations are minimized, and ensure the receiving facility is capable of correctly managing the species. The Department can authorize the transfer of restricted species following the evaluation of the receiving facility. The rule is amended to allow a new zoo license applicant to submit photographs of its existing facility if the applicant is not a member of a recognized zoological association to reduce the regulated community's burden and costs on applicant's who are members of a recognized zoological association. Submitting photographs of a facility requires little effort or expense and is nondiscriminatory. Nationally recognized associations have an accreditation process that is more stringent than Department rule or U.S. Department of Agriculture Animal Plant Health Inspection Services regulations. Currently there are two nationally recognized nonprofit groups: Association of Zoos and Aquariums and Zoological Association of America. The rule is amended to incorporate the January 1, 2012 version of 9 C.F.R. Subchapter A, Animal Welfare. The rule is also amended to require the zoo license holder to ensure their facility is inspected by a licensed, practicing veterinarian. In addition, the rule is amended to clarify that Department authorization is required before a zoo license holder can add a *new* species to its existing collection. Because the rule does not state authorization is only required when a zoo license holder wants to add a new species to its existing collection, license holders expend resources requesting authorization to acquire a new individual of a species they are already authorized to possess and the Department expends resources receiving, reviewing, and responding to unnecessary requests. This amendment will reduce the Department's and regulated community's burden and costs and allow the Department to evaluate a new species potential impact to ecosystems in Arizona should they escape or be released.

For R12-4-421 Wildlife Service License, the objective of the rule is to establish requirements that allow a person to facilitate the removal of nuisance wildlife, to include authorized activities, wildlife species, administrative compliance, and the restrictions and prohibitions necessary to protect public health and safety and existing wildlife habitat and resources. The rule is amended to prohibit the possession of wildlife carcasses or parts as this practice is not consistent with the intent of the rule. In addition, the rule is amended to identify what species of animal do not require a wildlife service license and may be removed under a Pest Control license issued by the Department of Agriculture.

For R12-4-422 Sport Falconry License, the objective of the rule is to establish requirements that allow a person to take and use raptors listed under the MBTA for the sport of falconry, to include authorized activities, raptor species, administrative compliance, and the restrictions and prohibitions necessary to protect existing wildlife habitat and resources. The rule is amended to incorporate the October 1, 2014 version of 50 C.F.R. 17.11. The rule is amended to reference the definition of "resident" under A.R.S. § 17-101 to increase consistency between Title 17 and Commission rules. The rule is amended to require the license holder to remove "any other falconry equipment" prior to releasing a raptor to help ensure the health and safety of purposely released falconry raptors. The proposed amendment clarifies that a license holder shall only transfer a raptor to a person who possesses an appropriate license to ensure consistency between rules within Article 4. The rule is amended to prohibit a falconer from transferring permit tag and quota regulated raptor species to out-of-state falconers within one-year of the date of capture. Under 50 C.F.R. 21.29(b)(1)(iii), a state's rules may be more restrictive than the federal regulations; however, state rules must comply with the federal regulations in that state rules may not be less restrictive. Under 50 C.F.R. 21.29(e)(6)(ii) the license holder is required to report the theft of a raptor to the State and USFWS Regional Law Enforcement office within 10 days of the theft of the bird. The proposed rule is more restrictive in requiring a license holder to report the theft to the Department within 48 hours of discovering the theft. The Commission believes the theft of a raptor should be reported as soon as possible to allow the Department to take timely action. Reporting the theft of a raptor sooner than required by the federal regulation provides a benefit to the falconer by allowing the falconer to replace the raptor more quickly; a falconer who had reached the applicable limit may now add a replacement raptor without going over that limit.

For R12-4-423 Wildlife Rehabilitation License, the objective of the rule is to establish requirements that allow a person to rehabilitate and release live wildlife, to include authorized activities, wildlife species, administrative compliance, and the restrictions and prohibitions necessary to protect existing wildlife habitat and resources. The rule is amended to incorporate the October 1, 2014 version of 50 C.F.R. 17.11. The rule is amended to reduce the amount of time in which the results of the required license examination remain valid from five years to three years. This change allows for the examination to be updated on a more regular

basis to include recent changes in procedures and also replicates the length of the licensing period. The rule is amended to require an applicant to disclose how they intend to euthanize wildlife to ensure the license holder uses the most humane methods. The rule is amended to eliminate the Department's responsibility to provide continuing education courses for licensees and expands the options for continuing education courses that are applicable to their license renewal. Few license holders choose to participate in the Department's biennial education sessions and instead utilize other sources to obtain mandatory continuing education. The Department expends considerable resources to prepare and provide education sessions to license holders. With each passing year and as acceptable online classes become increasingly available, attendance at the Department's continuing education courses has dwindled to the point that it is does not benefit the Department or regulated community to continue providing these education courses. The rule is also amended to require the wildlife rehabilitation license holder to ensure their facility is inspected by a licensed, practicing veterinarian. In addition, the rule is amended to require an applicant to submit an affidavit affirming the applicant is either a licensed, practicing veterinarian or the applicant has access to a licensed, practicing veterinarian who is reasonably available to give veterinary services as necessary to facilitate rehabilitation of wildlife. This amendment is made to ensure licensees establish relationships with cooperating veterinarians so that basic medical services are provided to wildlife held under the license and prompt medical attention is provided to injured wildlife. The rule is amended to clarify that the Wildlife Rehabilitation License holder is responsible for all expenses incurred as a result of activities authorized under the license, including veterinary expenses.

For R12-4-424 White Amur Stocking and Holding License, the objective of the rule is to establish requirements that allow a person to possess and transport white amur, to include authorized activities, administrative compliance, and the restrictions and prohibitions necessary to protect existing aquatic wildlife habitat and resources. The rule is amended to revise the definition of "triploid" to reflect language used by modern fishery biologists. The rule is amended to clarify the activities authorized under the license include stocking, holding, and restocking. The rule is amended to require an applicant to conduct an assessment of the impacts to sensitive species using the Department's On-Line Environmental Review Tool to further assess the impacts any authorized activity will have on existing wildlife species. The rule is also amended to establish a protocol for disease control as this is a priority within the Department and to increase consistency between rules within Article 4. In addition, the rule is amended to establish the Department's ability to perform inspections of the stocking location.

For R12-4-425 Restricted Live Wildlife Lawfully Possessed without License or Permit Before the Effective Date of Article 4 or Any Subsequent Amendments, the objective of the rule is to establish administrative compliance requirements for the continued possession and use of wildlife lawfully possessed prior to being classified as restricted live wildlife under R12-4-406. The Commission restricts certain wildlife species from possession in Arizona because they pose a threat to native fish, wildlife, agriculture, or public health and safety. The rule requires a person who lawfully possessed wildlife prior to being classified as restricted live wildlife under R12-4-406 to notify the Department of the possession and use of the wildlife. The rule is amended to require a person to specifically identify wildlife possessed under the rule in the written notification to ensure the Department is better able to monitor possession. The rule is amended to require a person to permanently mark wildlife possessed under the rule to allow the Department to better identify wildlife held under the rule in the future. The rule is amended to restrict the propagation of live wildlife lawfully possessed under the rule. The Commission believes restricted wildlife should not be possessed as pets and allowing a person to propagate wildlife held under the rule goes against the intent of R12-4-406. The rule is also amended to require a person who possesses any offspring prior to the effective date of this amendment to report any currently held offspring in order to maintain the exemption established under this Article. In addition, the rule amended to replace "designated Department employee" with "Department" to prevent the impression that only a specific designated employee may request documentation.

For R12-4-426 Possession of Primates, the objective of the rule is to establish requirements for the possession of a primate, to include containment, transportation, reporting, and laboratory testing requirements should a bite or other incident occur; and restrictions and prohibitions necessary to protect public health, safety, and welfare. The Commission believes the current rule is too lenient and, despite amendments made in 2006, primates held as pets continue to expose the public to potential pathogenic organisms and physical injury. The rule is amended to restrict possession of primates to zoo license holders, research facilities, and persons exempt under R12-4-425. The rule is amended to include additional zoonotic diseases to ensure the regulated community is aware of the various testing requirements. The rule is amended to require a person to transport a primate in a secure cage, crate, or carrier to reduce the risk of escaping and threat to public health, safety, and welfare. The rule is amended to replace the terms "Director" and "Director's designee" with "Department" to prevent the impression that only the Director or a specific designated employee may request documentation. The rule is also amended to require a zoo license holder or person using primates at a research facility that possesses a primate that bit, scratched, or otherwise exposed a human to pathogenic organisms to use procedures recommended by the American Association of Zoo Veterinarians (AAZV) or Centers for Disease Control (CDC). The procedures recommended by AAZV and CDC are more stringent than the procedures established under this rule. In addition, the rule is amended to require a person lawfully possessing a primate under R12-4-425 to comply with captivity standards established under R12-4-428, as applicable, to ensure the animal's physical and psychological needs are met.

For R12-4-427 Exemptions from Requirements to Possess a Wildlife Rehabilitation License, the objective of the rule is to establish criteria allowing a person to possess and care for specific live wildlife species without having to apply for and obtain a wildlife rehabilitation license, to include authorized activities, wildlife species that may be held under the license, administrative compliance, and the restrictions and prohibitions necessary to protect wildlife habitat and resources. The rule is amended to replace "Wildlife of Special Concern" with "Species of Greatest Conservation Need" to ensure consistency in language within Article 4.

For R12-4-428 Captivity Standards, the objective of the rule is to establish the minimum standards for living spaces, furnishings, dietary needs, veterinary care, and social groupings to ensure the humane treatment of animals possessed under a lawful exemption or special license issued by the Department. The rule is amended to require the facility and holding environment for the captive wildlife to be structured to reasonably promote the psychological well-being of the animals to mirror federal requirements

applicable to dealers, research facilities, and exhibitors under 9 C.F.R. 3.81. The environment must contain sufficient useable space, complexity, and enrichment and promote a species-appropriate repertoire of behaviors. When applicable, social housing should be the general rule and individual housing should be the exception. In addition, the rule is amended to remove the requirement that all special license holders ensure their facility is inspected by a licensed, practicing veterinarian as this requirement places an undue burden on license holders who possess small holdings. This requirement will be added to the private game farm, game bird, zoo, and rehabilitation license rules.

For R12-4-430 Importation, Handling, and Possession of Cervids, the objective of the rule is to establish requirements for the importation, handling and possession of captive cervids necessary to prevent the transmission of disease from captive cervids to wildlife and domestic animals, to include authorized activities, administrative compliance, and the restrictions and prohibitions necessary to protect existing habitat and wildlife resources. The rule is amended to clarify cervid species governed by the rule. The rule is amended to reference R12-4-305, which establishes requirements for transporting cervid carcasses or parts from a private game farm or another state. The rule is also amended to clarify disease testing requirements to reflect current methods and the state of science regarding cervid diseases. The rule is also amended to expand disease testing options to reduce the Department's and regulated community's burden and costs. In addition, the rule is amended to incorporate the most recent publications of "Brucellosis in Cervidae: Uniform Methods and Rules" U.S.D.A. A.P.H.I.S. 91-45-16, effective September 30, 2003 and "Bovine Tuberculosis Eradication: Uniform Methods and Rules" USDA APHIS 91-45-011, revised January 1, 2005.

7. 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) on 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 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.

"Detection of Sub-Clinical CWD Infection in Conventional Test-Negative Deer Long after Oral Exposure to Urine and Feces from CWD Positive Deer": Nicholas J. Haley, Candace K. Mathiason, Mark D. Zabel, Glenn C. Telling, and Edward A. Hoover: Abstract investigates whether conventional test-negative deer, previously exposed orally to urine and feces from CWD positive sources, may be harboring low level CWD infection not evident in the 19 month observation period.

"Health Surveillance of Translocated Wild Animals, Sainsbury": A.W., Institute of Zoology, Zoological Society of London. Dissertation addresses risk of translocating captive-bred animals, or species that have been present in a different geographic range or ecosystem.

"Management Protocols for Animals in Captive Propagation and Reintroduction Programmes": S.K. Mikota and R.F. Aguilar. Abstract addresses management issues related to maintaining populations of endangered species in captivity and presents standardized protocols for evaluation of the health status of captive animals intended for release.

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

Not applicable

9. A summary of the economic, small business, and consumer impact:

The Commission's intent in proposing these amendments is to protect native wildlife and their habitats in many ways, including

preventing the spread of disease, reducing the risk of released animals competing with native wildlife, discouraging illegal trade of native wildlife, and avoiding conflict between humans and wildlife which may threaten public health or safety. The Commission anticipates the majority of the rulemaking is intended to benefit the regulated community, members of the public, and the Department by clarifying rule language to ease enforcement, creating consistency among existing Commission rules, reducing the burden on the regulated community where practical, and allowing the Department additional oversight where necessary. The Commission anticipates the rulemaking will result in an overall benefit to the regulated community, members of the public, and the Department. The Commission anticipates the rulemaking will result in little or no impact to political subdivisions of this state; private and public employment in businesses, agencies or political subdivisions; or state revenues. The Commission has determined that there are no less intrusive or costly alternative methods of achieving the purpose of the rulemaking. Other than the regular cost of rulemaking, there are no costs associated with the rulemaking. Therefore, the Commission has determined that the benefits of the rulemaking outweigh any costs.

For R12-4-401, definitions alone have no impact on the Department or regulated community; 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. In general, the amendments to R12-4-401 are intended to clarify or establish definitions for terms that are used in this Article. Definitions that are clearer will make the rules more understandable.

For R12-4-402, the Commission anticipates the proposed amendments will impact persons who possess and hold wildlife in a manner that threatens public health, safety, or welfare, or wildlife populations. Based on recent history, the impact is expected to be negligible. By allowing the Department to take actions intended to alleviate threats to public health, safety, or welfare or wildlife populations, the Commission anticipates the proposed amendments will benefit members of the public who may otherwise be exposed to these threats. The Commission anticipates the proposed amendments will benefit the Department and licensed wildlife sanctuaries, which currently bear the costs associated with seizure operations. This amendment will allow the Department to recoup costs from the individual or businesses that hold the wildlife in a manner that threatens public health, safety, or welfare, or wildlife populations.

For R12-4-403, the Commission anticipates the proposed amendments will impact special license holders and owners by requiring the license holder or owner to bear the expense for the animal's care; however, the Commission believes it is a reasonable economic burden. The cost of maintaining an exotic pheasant for a week (~$5) is much less that the expense of maintaining an African lion for a week (~$150). However, both are costs the license holder or owner would have had to expend regardless of whether it was in their possession, the Department's, or a wildlife sanctuary.

For R12-4-404, the Commission anticipates the proposed amendments will impact persons who possess wildlife taken under an Arizona hunting or fishing license by prohibiting propagation of restricted wildlife. In addition to the cost of a veterinary office visit, which may be anywhere from $42 to $100, costs to spay or neuter an animal may be incurred. They are difficult to quantify as the cost varies greatly depending on the species and required after-care. However, compliance may also be achieved at no cost by keeping males and females separated or by possessing only male or female animals. Veterinarians who provide spay and neuter services will benefit from the prohibition on propagation. Persons who use reptiles or amphibians to provide aversion training may benefit from the rulemaking. Typically, a business may charge anywhere from $60 to $125 for the initial aversion training sessions and $30 to $50 for a 'recheck." While the use of legally acquired reptiles and amphibians for aversion training is already legal, clarifying this in rule may result in additional customers for businesses that offer aversion training for dogs.

For R12-4-405, the Commission anticipates the proposed amendments will impact persons that import wildlife into Arizona by requiring a valid health certificate for the animal being imported. Based on recent history, costs are expected to be insignificant as a health certificate may be obtained from a licensed veterinarian for $42 to $100. The amendment is intended to assist in alleviating potential threats to public health, safety, or welfare, and to promote the health and welfare of Arizona's wildlife populations. The Commission anticipates the proposed amendment will benefit members of the public, who may otherwise be exposed to these threats, from the requirement that a person obtain a health certificate for an animal before importing animals into Arizona.

For R12-4-406, the Commission anticipates the proposed amendments will impact persons and businesses that sell the live wildlife the Commission proposes to add to the list of restricted live wildlife as they will no longer be able to sell Red Shiner, five tilapia species, sturgeon, paddlefish, Chinese mystery snail, apple snail, false dark mussels, non-human primates to persons in Arizona without a lawful exemption or special license. However, the removal of hedgehogs from the list will have a positive impact on those same businesses. When adding or removing a species from the restricted wildlife list, the Department bases its decision on the following factors: protection of human health and safety; biological impact on species and ecosystems; consistency with federal, state, and county regulatory agencies; and potential economic impact.

For R12-4-407, the Commission anticipates the proposed amendments will impact persons and businesses that provide veterinary care or certified waste disposal facilities. Based on recent history, costs are expected to be insignificant as a health certificate may be obtained from a licensed veterinarian for $42 to $100. This requirement already exists through the Arizona Department of Agriculture and has been added to this rule because it addresses the exemptions related specifically to the importation of wildlife. While the need to dispose of wildlife that dies while in transport through the State is not a common occurrence, the potential for the spread of disease to wild populations exist when a deceased animal is illegally dumped in wildlife interface locations. The Department wishes to direct these individuals to certified waste disposal facilities. Since this requirement is isolated to certain situations the costs associated with it are minimal. The changes related to the propagation of desert tortoises will have some costs to the Department in law enforcement and administration. However, these same costs already exist and will be offset by the reduction in costs associated with caring for the surplus of tortoises in the tortoise adoption program.

For R12-4-408, the Commission anticipates the proposed amendments will impact persons who hold wildlife for the Department as they will bear the expense for the animal's care until it is placed in a permanent home. However, the Commission believes it is

a reasonable economic burden. Costs vary greatly depending on the species, its physical condition, and housing requirements. The cost of maintaining an exotic pheasant for a week (~$5) is much less that the expense of maintaining an African lion for a week (~$150).

For R12-4-409, the Commission anticipates the proposed amendments will impact special license holders and the Department. In general, the Commission believes the benefits of the amendments, specifically ensuring special license procedures include revocation guidelines, outweighs any costs. The Commission anticipates a person possessing wildlife under special license may incur costs associated with the housing and veterinary requirements. However, the licensee will be advised of these responsibilities during the application process. In general, the amendments to the rule will require additional communication, verbal or electronic, between the licensee and the Department and some may incur minor costs associated with this requirement. The public benefits from a rule that provides the general provisions relating to administrative compliance, licensing requirements, and penalties applicable to all special licenses issued by the Department. The Commission believes that providing general provisions in one overarching rule ensures consistency between special license rules. Furthermore, the Commission anticipates the administrative changes will result in a more efficient process that benefits both the Department and the regulated community.

For R12-4-410, the Commission anticipates the proposed amendments will impact aquatic wildlife stocking license holders and the Department. Amendments to the rule requires applicants to further examine the potential for adverse impacts of stocking on existing wildlife species in the proposed area, provide additional information about the proposed stocking location, and possess the license when conducting stocking activities and present it to a Department employee or agent upon request to ensure compliance with requirements prescribed under A.R.S. § 17-331. There is no fee for this license and the Department issues approximately 161 Aquatic Wildlife Stocking permits on an annual basis. The Commission does not anticipate a person possessing wildlife under this rule will incur additional costs as a result of the proposed amendments.

For R12-4-411, the Commission anticipates the proposed amendments will have no impact on consumers because there are no registered live bait dealers that offer Red Shiners for sale as a baitfish. The Department issues approximately 28 Live Bait Dealer's licenses on an annual basis. During the rulemaking process, the Department contacted all businesses that currently hold a Live Bait Dealer's License; none sell red shiners. The Commission does not anticipate a person possessing wildlife under this rule will incur additional costs as a result of the proposed amendments.

For R12-4-412, the Commission anticipates the proposed amendments will have no impact on the regulated community. The Department tasked a team of subject matter experts with evaluating the current license structure and associated administrative requirements to determine the feasibility of increasing license fees and charging a fee for the current no-fee licenses. The team made recommendations relating to fees and a new license structure that differentiates between initial and renewal special licenses. At this time, the Department chose to implement the recommended changes to the special license structure and maintain the current special license fees. The rule is amended to include no-fee special licenses and establish a new/renewal special license fee structure.

For R12-4-413, the Commission anticipates the proposed amendments will impact private game farm license holders and the Department. In general, the Commission believes the benefits of the amendments, specifically taking a stronger stance in the regulation of live wildlife for the principle purpose of protecting native wildlife species, outweighs any costs. The Department issues approximately 13 Private Game Farm licenses on an annual basis. The Commission anticipates a person possessing wildlife under this rule may incur minor costs associated with the requirement for submitting an annual report even when allowed activities have not occurred under the license.

For R12-4-414, the Commission anticipates the proposed amendments will impact game farm shooting preserve, game bird field trial, game bird field trial training, and game bird hobby license holders and the Department. In general, the Commission believes the benefits of the amendments, specifically consolidation of licenses into one rule and enhanced reporting procedures outweighs any costs. The Department issues approximately 7 Game Bird Shooting Preserve licenses, 42 Game Bird Field Trial licenses, 128 Game Bird Field Trial Training licenses, and 65 Game Bird Hobby licenses on an annual basis. The Commission does not anticipate a person possessing wildlife under this rule will incur additional costs as a result of the proposed amendments.

For R12-4-417, the Commission anticipates the proposed amendments will impact wildlife holding license holders and the Department. In general, the Commission believes the benefits of the amendments, specifically allowing the license holder to use an agent, allowing an applicant to submit photographs and/or a certification issued by an institutional animal care and use committee or similar committee, result in a reduction of the burden and costs placed on the regulated community. There is no fee for this license and the Department issues approximately 151 Wildlife Service licenses on an annual basis. The Commission does not anticipate a person possessing wildlife under this rule will incur additional costs as a result of the proposed amendments.

For R12-4-418, the Commission anticipates the proposed amendments will impact scientific collecting license holders and the Department. In general, the Commission believes the benefits of the amendments, specifically improving the administrative aspects of the license, providing a mechanism to restrict location of activities, and requiring proper disposal in the regulation of live wildlife and their parts for the principle purpose of protecting native wildlife species, outweighs any costs. There is no fee for this license and the Department issues approximately 312 Scientific Collecting permits on an annual basis. The Commission does not anticipate a person possessing wildlife under this rule will incur any additional costs as a result of the proposed amendments.

For R12-4-420, the Commission anticipates the proposed amendments will impact zoo license holders and the Department. Commission believes the benefits of the amendments outweigh these minor costs and is not an undue burden. Requiring a new zoo license applicant to submit photographs with their application if they are not affiliated with a national accreditation association, could result in minor costs. If an applicant does not possess a camera to take the photographs, they would either need to borrow, purchase, or pay an individual to take the required photos. Costs range from less than $15 for a disposable camera to $60 for a low end digital camera. Alternatively, a photographer could be hired to shoot the photos for $150 to $200. If an applicant

does not submit their license application electronically they would have to provide paper photographs at a cost of approximately .20¢ per photo. The number of paper photos needed would depend on the size of zoo and could range from 10 ($2.00) to 100 ($20.00). The Department issues approximately 19 Zoo licenses on an annual basis.

For R12-4-421, the Commission anticipates the proposed amendments will impact wildlife service license holders and the Department. In general, the Commission believes the benefits of the amendments, specifically taking a stronger stance in the regulation of live wildlife and their parts for the principle purpose of protecting native wildlife species, outweighs any costs. There is no fee for this license and the Department issues approximately 118 Wildlife Service licenses on an annual basis. The Commission does not anticipate a person possessing wildlife under this rule will incur any additional costs as a result of the proposed amendments.

For R12-4-422, the Commission anticipates the proposed amendments will impact sport falconry license holders and the Department. In general, the Commission believes the benefits from the proposed amendments, specifically improving the administrative aspects of the license and restricting Arizona license holders from transferring species managed through Commission Order or annual harvest quota system to a falconer in another state for at least one year from the date of capture, outweighs any costs. Furthermore, the Commission anticipates the administrative changes will result in a more efficient process that benefits both the regulated community and the Department. The Commission does not anticipate a person possessing a falconry license under this rule will incur any additional costs or undue regulation as a result of the proposed amendments. The Department issues approximately 31 Sport Falconry licenses on an annual basis.

For R12-4-423, the Commission anticipates the proposed amendments will impact wildlife rehabilitation license holders and the Department. The Commission believes there are no anticipated costs to license holders in regards to shortening the expiration date of the license examination results and cessation of providing medical care at the Department's facility. License holders who are not practicing acceptable euthanasia techniques will be required to comply. The most acceptable, quick, and humane method is the use of carbon monoxide in a suitable chamber, costing approximately $150. The few license holders who participate in the continuing education courses offered by the Department would be required to find alternative sources. In some cases there may be no cost for hands-on learning, costs for local or online seminars may range from approximately $50-$100, and costs for an out-of-state conference may cost $1,000 or more to attend. There is no fee for this license and the Department issues approximately 11 Wildlife Rehabilitation licenses on an annual basis.

For R12-4-424, the Commission anticipates the proposed amendments will impact white amur stocking and holding license holders and the Department. Because no substantive amendments are proposed, the Commission anticipates the impacts on the regulated community will be insignificant. There is no fee for this license and the Department issues approximately 413 White Amur Stocking and Holding licenses on an annual basis.

For R12-4-425, the Commission anticipates the proposed amendments will impact persons who lawfully possess wildlife that subsequently became restricted and the Department. In general, the Commission believes the benefits of the proposed amendments, specifically taking a stronger stance in the regulation of live wildlife for the principle purpose of protecting native wildlife species, outweighs any costs. The Commission anticipates a person possessing wildlife under this rule may incur minor costs associated with the requirement that a person permanently mark the animal with a tattoo, microchip, or other means. Costs are expected to be insignificant and may be obtained from a licensed veterinarian. In addition to the office visit, which may cost anywhere from $42 to $100, costs to mark the animal with a tattoo or microchip range anywhere from $30 to $50. In addition, the Commission anticipates a person may incur minor costs to spay or neuter the animal due to the prohibition on propagation. Costs to spay or neuter an animal are difficult to quantify as the cost varies greatly depending on the species and required after-care. However, compliance may also be achieved at no cost by keeping males and females separated or by possessing only male or female animals. Veterinarians who provide spay and neuter, microchip or tattooing services will benefit from the requirements that a person permanently mark the animal and the prohibition on propagation.

For R12-4-426, the Commission anticipates the proposed amendments will impact persons who lawfully possess nonhuman primates and the Department. In general, the Commission believes the benefits of the amendments, specifically taking a stronger stance in the regulation of live wildlife for the principle purpose of ensuring the public's health and safety and protecting native wildlife species, outweighs any costs. The Commission anticipates a person possessing wildlife under this rule may incur minor costs associated with the requirement that a person permanently mark the animal with a tattoo, microchip, or other means as a result of restricted status. Costs are expected to be insignificant and may be obtained from a licensed veterinarian. In addition to the office visit, which may cost anywhere from $42 to $100, costs to mark the animal with a tattoo or microchip range anywhere from $30 to $50. Veterinarians who provide spay and neuter, microchip or tattooing services will benefit from the requirements that a person permanently mark the animal and the prohibition on propagation.

For R12-4-427, the Commission anticipates the proposed amendments will impact persons who temporarily hold orphaned or injured wildlife and the Department. The Commission believes the proposed amendments are nonsubstantive and will not have a significant impact on the regulated community.

For R12-4-428, the Commission anticipates the proposed amendments will impact persons who hold wildlife under a special license and the Department. The cost of ensuring the captive environment is minimally enriching are difficult to quantify as the cost varies greatly depending on the species and existing conditions. Modifications could range from simple changes in daily procedures, to changes in the enclosures costing hundreds to thousands of dollars. The Commission believes the benefits of the amendments, specifically ensuring license holders consider the psychological well-being of their animals, outweighs any costs.

For R12-4-430, the Commission proposes to amend the rule to require special license holders lawfully possessing cervids to submit tissues from any cervid over one-year of age that die or are killed or slaughtered for testing for CWD. This requirement is comparable to the requirements for herd certification programs for farmed cervids in other states. The Department pays the costs of collecting the sample and testing it for the presence of CWD by a laboratory certified by the National Veterinary Services Laboratory and United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS). If the

proposed amendment is approved, the sample must be collected by a licensed veterinarian or the Department and then submitted to a USDA APHIS certified laboratory. There are 28 approved diagnostic laboratories nationwide. The license holder may pay the cost of sample collection, shipping, and testing. The Department does not charge a fee to remove a sample. The Commission anticipates the proposed rule will not have a significant impact on the regulated community because they are already required to test all cervids that die while in their possession. In addition to the cost for testing, a laboratory may charge a submission fee of $7 to $10. The average fee for an immunohistochemistry is $35 and for enzyme linked immunosorbent assay is $25; typically only one test is required. Currently, the Department licenses one private game farm to possess cervids. Reports submitted by the private game farm indicate approximately 22 animals die or are killed or slaughtered on an annual basis. If all of these animals were over one-year of age, the Commission estimates costs for testing would range from $550 to $770. Shipping costs vary greatly depending on the shipping company and delivery date. The closest APHIS approved diagnostic laboratory is located in Colorado; typical shipping costs are under $20. The Department would realize a reduction in costs due to the license holder being responsible for shipping and testing the samples, an approximate savings of $600 annually.

10. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:

R12-4-401 was revised to incorporate by reference the most recent version of 50 C.F.R. 17.11 and 50 C.F.R. 10.13; and reflect the most recent Government Printing Office contact information. The rule was also changed to retain "restricted live wildlife" to avoid confusion about the term.

R12-4-401 was definition of "endangered or threatened" was revised to insert "wildlife" behind "threatened" to make the rule more concise.

R12-4-402(B) was revised to state the Department shall make reasonable efforts to find suitable placement for any animal prior to euthanizing it in response to comments received from the public.

R12-4-404(B) was revised to remove "photograph" from the list of authorized noncommercial use and a new subsection (I) indicating a person may sell photographs of wildlife taken under a valid hunting or fishing license. This was added as a result of comments received, which indicated clarification was required in regards to whether a person was required to possess a special license in order to sell photographs of wildlife.

R12-4-406(C) was revised to remove threatened and endangered species as restricted live wildlife as a result of comments submitted by persons who possess and propagate species under a federal permit. The proposed rule would have required those persons to obtain a Department permit and would have prohibited those persons from propagating their lawfully held wildlife.

R12-4-406(F)(2) was revised to incorporate by reference the most recent version of 50 C.F.R. 10.13.

R12-4-406(L) was revised to remove the reference to wildlife defined under A.R.S. 17-101 as a result of comments received, which indicated clarification was required.

R12-4-407(B)(12) is revised to clarify the live game fish exemption applies to restricted live game fish.

R12-4-407(B)(13) is added to clarify that medical and scientific research facilities, regardless of whether they are licensed by the U.S. Department of Agriculture, are exempt from special licensing requirements when working with transgenic animals.

R12-4-413(A) was revised to specify the license expires on December 31 of each year.

R12-4-420(H)(4) was revised to incorporate by reference the most recent version of 9 C.F.R. Subchapter A

R12-4-421(B) was added as a result of comments received, which indicated clarification was required to identify what species of animal do not require a wildlife service license and may be removed under a license issued by the Department of Agriculture.

R12-4-422(A) and (D) were revised to correct the incorporation by reference version as the month listed in the proposed rulemaking was incorrect.

R12-4-422(H)(1)(c)(i) and (viii) were revised to incorporate by reference the most recent version of 50 C.F.R. 17.11 and reflect the most recent Government Printing Office contact information.

R12-4-423(D)(2) and (4) were revised to incorporate by reference the most recent version of 50 C.F.R. 17.11 and reflect the most recent Government Printing Office contact information.

R12-4-423(L)(2) was revised to reference the correct subsection.

R12-4-423(Q) was revised to include subsection (C)(3)(2) as the Department did not intend to remove *Galliformes* from the list of wildlife the license holder is required to report within 24 hours of receiving the individual.

R12-4-423(R)(6) was revised to clarify the license holder is responsible for all expenses incurred, not just veterinary expenses.

R12-4-426 was revised to clarify the rule applies to nonhuman primates.

R12-4-428(A) and (B) were revised to clarify that captivity standards prescribed under this Section apply to persons who possess wildlife under a special license authorized under this Article.

In addition, minor grammatical and style corrections were made at the request of the Governor's Regulatory Review Council staff.

11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:

The public comment period began on August 29, 2014 and ended on September 29, 2014. The Department received 96 written public or stakeholder comments in response to the proposed rulemaking (a number of persons sent multiple comments). Of those comments received, 36 were unique comments (one included a copy of a 35-page letter sent to U.S. Fish and Wildlife Service (USFWS) in response to a proposed federal rulemaking and a copy of a survey conducted by Georgetown Economic Services, which are provided as an addendum rather than here), and all others were either one of two form letters or a combination of the two form letters obtained from Facebook, the U.S. Association of Reptile Keepers (USARK) website, or a reptile community forum (some included additional commentary, which are provided after the respective form letters). At the December 5, 2014 Commission Meeting, which held the oral proceeding for this rulemaking, an additional 8 oral public or stakeholder comments were received. In addition, one additional comment was submitted to the Governor's Regulatory Review Council (G.R.R.C.), as provided for under R1-6-203. The public or stakeholder comments, both written and oral, and the agency's responses are provided below.

Written Comment: September 20, 2014. R12-4-423 Wildlife Rehabilitation License: Define the term "volunteer" and clarify

that a volunteer receives no compensation; Add "turkey" and "small game mammals" to the list of wildlife that may be possessed or rehabilitated; Reduce the length of time in which the license examination results [need clarification] remain valid from five to three years - does this pertain to the original exam given when applying for the first time ever for an AZ Rehab Permit? Require an applicant to disclose how they intend to humanely euthanize wildlife; Remove requirements specific to applicants under the age of 18 to comply with USFWS authorizations; Expand the list of continuing wildlife education courses applicable [need clarification] to the license holders to renew - does this intend to add options or requirements? Eliminate the Department's responsibility to provide these courses. I strongly object. The Department has been inconsistent with offering the required continuing education courses for Wildlife Rehabilitation permit holders, as required by existing regulation. To deny permit holders an opportunity to meet requirements for continuing education, as required by Department rules, at a reduced or no cost would be placing additional financial burden on them. Many of the permit holders operate "home-based" facilities with few, if any, people to assist in their absence. This makes it almost impossible for them to be away from their facility for extended periods of time to attend out-of-state seminars. It also places a huge financial burden on the permit holder. These costs take critical resources away from the medical and food supplies, facility maintenance and veterinary care that the permit holder is, and always has been, responsible for. The Department should not be relieved of their obligation to provide an opportunity for permit holders to meet the Department's requirement for continuing education hours, so that license holders may continue to provide their services at their own expense and with no compensation. Remove option for applicants to depend upon the Department Wildlife Center as health treatment provider. Medical care should be provided by a licensed veterinarian arranged by the rehabilitator instead of wildlife center staff - I strongly object. Am I to understand that this means there must be a licensed veterinarian on-site to administer treatment or that every animal must be transported to one no matter how much that movement would jeopardize the animals' welfare? That no one else will be permitted to treat the animals? This is unconscionable. It is an obvious way to eliminate, close down and make "illegal" any small rescue operation. To what end? The death and suffering of even more wild creatures? To drive "business" to veterinarians who know little to nothing about wildlife medicine?

Agency Response: Yes, the Department believes the amendment that reduces the length of time in which the license examination results remain valid from five to three years pertains to the exam given when applying for an original Wildlife Rehabilitation license. Yes, the Department believes the amendment that expands the list of continuing wildlife education courses adds options. Every two years, the Department has organized an optional symposium on wildlife rehabilitation for interested rehabbers. Over time, the number of licensees participating has dwindled (less than 25%) to the point where the vast majority of participants in the symposium are volunteers, students, and other interested parties. At the last symposium (held in 2012), only one licensed rehabber out of 37 volunteered time to share their knowledge with others. Most current licensees now prefer to acquire their required continuing education courses by taking online trainings, researching approved topics, observing new procedures, shadowing experts in the field (veterinarians or other rehabilitation license holders), or participating in other meetings or sessions related to the rehabilitation field. Pursuing the more nontraditional educational trainings, often provided a no cost or low cost, does require prior approval from the Department. While, the Department is supportive of promoting future wildlife rehabilitation symposiums, the Department would like the licensed rehabber community to be much more active in the organization and participation of such symposiums. The Arizona Game and Fish Department's principle operational revenue comes from the sale of hunting and fishing licenses, hunt permit-tags, stamps and matching funds from federal excise taxes hunters and anglers pay on guns, ammunition, fishing tackle, motorboat fuels, and related equipment. Over the past several years, sales of licenses, permits, stamps, and tags have trended downward while operational costs and Department responsibilities have either increased or expanded The Department no longer has the appropriate resources necessary to provide veterinary medical care to wildlife possessed by individuals under a Wildlife Rehabilitation License. Under current rule, licensees at the time of application are required to identify a licensed veterinarian who will provide care for wildlife held under their license. The rule also clearly states that licensees are responsible for any required veterinary expenses. The Department is not proposing that a licensed veterinarian be required to be on site to administer treatment or that every animal must be transported to one.

Written Comment: September 24, 2014. I am a member of the general public as well as a Wildlife Rehabilitator with current Department and USFWS licensure for migratory birds, so I do know a little of which I speak. I have never had a problem with any rules and regulations pertaining to the Department Rehabilitation License or working with the Wildlife Center staff at Adobe Mountain. I believe that most of the rules are reasonable and meant to protect the wildlife. I made a few comments on the educational requirements below and I will miss the "old" symposiums. I do wish that all of the rules regarding Migratory Bird Treaty Act (MBTA) birds were completely in line with USFWS rules. If I understand USFWS rules correctly, except for eagles and threatened and endangered birds, all species from raptors to passerines are afforded the same protection on the federal level and I strongly believe that protection should be respected by all involved parties at the State level. As a rehabilitator specializing in hummingbirds and songbirds, I am particularly sensitive to the Order Passeriformes, consisting of 29 Passerine Families, which account for over 50% of all the species in North America. These species range in size from the small Bushtit with a 6" wing span and our special Verdin with a 6.5" wing span to the Common Raven with a wing span of over 4-feet. Nancy Eilertsen wrote in her forward: On a Wing and a Prayer, "The rehabilitation of passerines is one of the most difficult challenges a wildlife rehabilitator can face. There are many species to identify and understand, and most passerines have specific requirements that vary from species to species and bird to bird. From diets, caging and treatment through release, these delicate birds require more effort in terms of time and knowledge than do any other animals." I am not trying to be one of Spiro's nattering nabobs of negativity, but I do have very strong opinions with regard to the Passerine families and based on the above information, the following are my comments along with information to back up my opinions, reasoning's and requests. Pertaining to R12-4-402, on Monday, October 27, 2003, the Federal Register published Vol. 68, Final Rules and Regulations of the Department of the Interior, Fish and Wildlife Service, 50 C.F.R. Parts 17,21 and 22. This final rule "created a permit category specifically to authorize migratory bird rehabilitation." "In addition to establishing this new permit category this regulation creates two exceptions to migratory bird permit requirements: For public officials responsible for tracking infectious diseases and for veterinarians who receive injured or

sick migratory birds." "New Permit Exceptions. This rule also adds a new permit exception to 50 C.F.R. 21.12 to allow Federal, State, and local wildlife officials, land managers, and public health officials responsible for monitoring public health threats to collect, possess, transport, and dispose of sick or dead migratory birds or their parts for analysis to confirm the presence or absence of infectious disease such as West Nile virus and botulism. The exception does not apply to healthy birds, or where circumstances indicate that the death, injury, or disability of a bird was caused by factors other than infectious disease." With the above USFWS rule in mind, my comments on the following rule are: R12-4-402 Live Wildlife; Unlawful Acts - Establish the Department's authority to euthanize acquired/seized wildlife to provide a mechanism to dispose of said wildlife. With regard to the words "acquired/seized," I would like to see the Department's definitions of these words, and the answers to the following questions: Is the Department referring to a live, but injured native animal found on the ground? Is the Department referring to and including orphaned live wildlife that, in good faith and out of concern for the animal, the general public may bring to one of your offices for help? Are Department employees misleading the public as to their intentions for the animal? Who determines which orphans are euthanized and what are the person's qualifications? Is this an arbitrary decision, or are there specific reasons for any and all decisions? What method of euthanization does each office use? Is the method and the species matched up according to the recommendations as outlined in Minimum Standards for Wildlife Rehabilitation as recommended by the National Wildlife Rehabilitators Association and International Wildlife Rehabilitation Council's Minimum Standards for Wildlife Rehabilitation (NWRA/IWRC)? If this includes any bird protected under the MBTA, the Department should not be able to arbitrarily euthanize anything. Department is not above Federal MBTA Rules and Regulations. On behalf of the birds, I ask if there is anyone in any office who is qualified, knowledgeable and capable of even definitively identifying a hatchling or nestling bird? I believe more written information, rules, and regulation should be given to the public and all Department personnel and offices as to exactly what circumstances and by whose authority any life-ending decisions are reached, regardless of whether the animal is humanely euthanized or simply left in the transport container to die. Exactly what are the intentions of the Department when orphaned or injured native wildlife are "acquired" and "seized?" How about more transparency and rules and regulations for Department employees? Several years ago a Department Mesa Office employee told a member of the public to "put the bird in a paper bag, start their car and hold the bag up to the exhaust pipe." I really expect more from those who are supposedly "Managing Today for Wildlife Tomorrow." R12-4-423 Wildlife Rehabilitation License - Expand the list of continuing wildlife education courses applicable to the license holders to renew, and eliminate the Department's responsibility to provide these courses. I suggest the following: Reduce the required educational hours from eight hours to six hours per three-year licensing period (six or more hours of continuing education sessions).Remove the requirement that the educational hours must be obtained from "an accredited university or college; the National Wildlife Rehabilitation Council. . . or; the International Wildlife Rehabilitation Council. . . ." All of these organizations are grossly overpriced and would put an undue financial hardship on all in-home licensed rehabilitators. I suggest the Department allow accreditation be obtained not only on-line, but from other species specifically qualified and Department authorized licensed rehabilitators. I do not mean large facilities that admit all birds, but specialize in raptors and feed the Passerines turkey crumbles and house them in plastic shoe boxes. A facility like this should teach "raptor rescue and handling, triage, feeding, conditioning, etc., but not be accredited for non-raptor animals. The teaching rehabilitator would get credit hours for education and could only charge actual incurred costs for teaching materials. This would have to be worked out, but it is doable. During my years as a Wildlife Rehabilitator the Assistant Coordinator of the Department's Wildlife Center drilled into me that State law may be more restrictive than Federal Law, but it may never be less restrictive. Keeping this in mind, please consider a major revise of not only the current rule, but also the "clarifications" being proposed on the following: R12-4-427 Exemption from Requirements to Possess a Wildlife Rehabilitation License: Clarify that some species of wildlife may be held and are exempt from special licensing for rehabilitation. Be specific as to exactly which species may be possessed. Clarify the rule does not allow the license holder to conduct any activities with federally-protected wildlife unless the license holder possesses a valid license, permit, or other form of documentation issued by the U.S. Please reword this part of the clarification; this rule is exempting the public from the requirements to possess a Wildlife Rehabilitation License in the first place, so they are not a license holder. Once again, do not clarify, be specific. In the interest of all species of MBTA birds, do not fumble around with a bunch of words, be bold and blunt. Simply state that without a Department and federal license, no listed birds may be possessed by anyone. It should be stated that as a Good Samaritan, the public may rescue and transport an orphaned or injured bird to a licensed rehabilitator or licensed facility and specify that the bird must be transported immediately; not tomorrow or next week. Delete (A)(1) completely. All Passeriformes are protected. The only exceptions to this among our common Passerines are the nonnative English House Sparrow and the European Starling. Delete (A)(2). The order Columbiformes; doves; There are six species of federally listed doves and five (5) species of Pigeons. I request the Department remove the non-specific word "dove" and replace it with Eurasian Collard dove, which are not listed and considered a game bird in Arizona, and feral pigeons. Expand (B)(1) to state, nests, eggs, feathers or any part(s) of a federally listed bird species, dead or alive. Reconsider (C). Holding wildlife for 60 days is too general and should be tailored to each species. Rewrite (E). I suggest this section be completely rewritten for the following reasons: The public is not capable of determining if an animal is rehabilitated or suitable for release, just as they are not qualified to determine what is wrong with it in the first place. The public cannot raise any animal (mammal, avian, reptile, amphibian, etc.) without habituating or usually, imprinting. They simply do not understand wildlife vs. domestic. Unwittingly they are giving any native wild animal in their possession an automatic death sentence. After 60 days of guaranteed inappropriate care, a veterinarian doesn't want the animal. The truth is most veterinarian clinics will not even accept wildlife, they will call a rehabilitator. Exactly what is a professional rehabilitator to do with a broken leg, an injured wing or back, as it is long past the time of being successfully treated? The 60 day possession limit is about 59 days too long. Define (E)(2). If the Department tells the public that an individual may "humanely" kill an animal, then explain the appropriate and acceptable methods they may use as outlined in the NWRA/IWRC Minimum Standards publication. (E)(3). Unless the public is going out in the community to educate in classrooms and other functions, the Department should create a new rule similar to R12-4-419 (Game Bird Hobby License). As a matter of fact, why doesn't the Department simply change the name of R12-4-427 to Hobby License for Legally Possessed Life Native Wildlife and revise the rules accordingly? (F) Is this a joke? The Department is going to allow two Orders of Federally Listed birds to be possessed for 60 days by anyone? But, in (B)(1), these

same people are not exempt from federal law? The general public is under the impression that only eagles and threatened and endangered birds are protected. The public cannot even distinguish a nestling pigeon from a Red-tailed Hawk. To me this entire rule is wrong, confusing and a blatant contradiction of itself. The rule is also very much in conflict with R12-4-423 Wildlife Rehabilitation License. Layer after layer of rules and regulations are issued to control the actions of licensed rehabilitators, yet the general public has absolutely no oversight, even though they may legally possess more animals in aggregate than a licensed person? This is crazy. I repeat, delete R12-4-427 entirely, rename it, and start over. Replace "Wildlife of Special Concern" with "Species of Greatest Conservation Need." Believe it or not – I have no comment. With the ever continuing loss of habitat coupled with the current drought, and the accelerated rate of climate change, as John W. Fitzpatrick (Executive Director of the Cornell Lab of Ornithology) states in his Opinion marking the 100-year anniversary of Martha (the last passenger pigeon's death), "Drive along our iconic Western desert highways and you may not notice anything unusual, but it's a bird habitat in crisis." Another important factor of consideration when making rule changes regarding the welfare of wildlife is today's reality, as factually written by Richard Coniff, an author who writes about wildlife for Smithsonian, National Geographic and other magazines,"…wildlife in this country must share this land with a growing population of about 84 million owned cats, and anywhere from 30 to 80 million feral or stray cats. . ." Using deliberately conservative assumptions, federal researchers recently estimated that free-ranging cats killed about 2.4 billion birds annually in the lower 48 states. Outdoor cats also kill about 12.3 billion small mammals a year; not just the proverbial rats and mice, but also chipmunks, rabbits and squirrels, and about 650 million reptiles and amphibians. In some cases, they are pushing endangered species toward extinction." With all of our wildlife under a constant threat of death from so many factors, I think it is important that we have rules and regulations to help protect and conserve our wildlife. With Wildlife Conservation as our goal, I would like to see the Department and the licensed rehabilitators have a relationship in concert with each other rather than a contentious one. Please read all of above, think about it and at least give some consideration to suggested changes and revisions.

Agency Response: In relation to wildlife, the Department defines wildlife given, donated, or anonymously left at an office as "acquired" wildlife; and confiscating wildlife that is likely to escape, poses a threat to public health, safety, or welfare, wildlife populations or wildlife habitat, or held in an inhumane manner as "seized" wildlife. The rule applies to all wildlife; both lawfully and unlawfully held wildlife. In order to protect native populations of the state's wildlife, the Department needs to have the ability to acquire, seize, or euthanize individual animals when deemed necessary. The Department is not sure what the commenters question relating to misleading the public is in regards to, but the rule is being amended to specifically add "euthanize" to the list of possible outcomes in an effort to be more transparent. In each case the Department determines the best course of action based on the circumstance and utilizes trained personnel to affect management actions to ensure native population protection and public safety. The Department mandates humane treatment of all wildlife, including those held under special license. Under A.R.S. § 17-102, wildlife, both resident and migratory, native or introduced, found in this state, except fish and bullfrogs impounded in private ponds or tanks or wildlife and birds reared or held in captivity under permit or license from the commission, are property of the state and may be taken at such times, in such places, in such manner and with such devices as provided by law or rule of the commission. When it is determined euthanasia must be performed, the Department's uses humane methods to dispatch an animal. The appropriate method is determined on a case-by-case basis, but all methods cause minimal pain, stress or anxiety, produce rapid loss of consciousness and death, exhibit consistent and predictable action, are easily and safely administered by properly trained personnel, cause minimal psychological stress to the animal, interrupt consciousness and reflexes simultaneously and are consistent with the National Wildlife Rehabilitators Association and International Wildlife Rehabilitation Council's Minimum Standards for Wildlife Rehabilitation. The commenter's interpretation of the proposed rule change is incorrect. The rule requires a Wildlife Rehabilitation License to complete eight or more hours of continuing education sessions on wildlife rehabilitation or veterinary medicine in a three-year period. Acceptable continuing education courses may be obtained from: an accredited university or college; the National Wildlife Rehabilitators Association; the International Wildlife Rehabilitation Council; or any other applicable training opportunities approved by the Department in writing. Other applicable training opportunities include taking online trainings, researching approved topics, observing new procedures, shadowing experts in the field (veterinarians or other rehabilitation license holders), or participating in other meetings or sessions related to the rehabilitation field. Pursuing the more nontraditional educational trainings, often provided a no cost or low cost, does require prior approval from the Department and each training opportunity will be evaluated on a case-by-case basis. R12-4-427 is necessary because it allows members of the general public to temporarily possess certain wildlife species without a special license. With thousands of inter-actions between the public and baby birds and rabbits each year, the Department feels it is appropriate for individuals to pick up birds fallen from nests or small mammals displaced or trapped in urban environments in an attempt to help these species. Without this exemption an adult or child that picks up a baby bird or rabbit and brings it home to temporarily care for it would be in violation. The Department feels the rule as worded is working well for the intended purpose. The rule states the following species may be held without a special license, unless listed as restricted live wildlife: passerine birds, doves, quail, pheasant, chukars, rodents, hares, and rabbits; the Department believes the list provided in rule is sufficient. This section only applies to possession of select taxonomic groups of sick, injured, or orphaned birds and small mammals. It intentionally does not exempt individuals from other applicable local, state or federal rules, statutes, or regulations, see R12-4-427(B). Sixty days is an adequate time-frame for animals to recover from most injuries. This rule is specifically for Good Samaritans who wish to help the injured wildlife found in their yards. There is no rule that prevents those persons from taking injured wildlife directly to a licensed wildlife rehabilitator or veterinarian.

Written Comment: September 24, 2014. I am writing to make my comments about Arizona Proposed Rule Changes that will impact me personally as well as my small business. I have kept a very small reptile business for the past several years. I have also been into keeping and raising reptiles in Arizona since 1993. I am very concerned with two potential aspects of the Arizona Proposed Rule Changes. First, I am very concerned with the portion that requires a health certificate for animals being imported into the State, whether they be reptiles, mammals, or otherwise. Do we require health certificates for humans coming into the

State? Aren't humans responsible for the transmission of potential diseases that harm humans more so than other animals? I know specifically in the reptile trade that animals are imported in large quantities or that have a very low market value of $20 or less in many cases. Requiring a health certificate on these animals will price this industry out of existence. The pet trade is already a heavily regulated trade. These rules will be a serious threat to the pet industry within our State. Our State is already under significant economic hardship due to our current poor economic conditions. It would be more realistic to require health certificates only for species with a known history of being able to cause health issues or may be a threat agriculturally than to simply implement a requirement that would outright destroy a significant portion of the pet trade. These regulations are burdensome, unnecessary, and appear to be authored by people or organizations with ulterior motives. This change is bad for Arizonans. I am also concerned about including federally listed threatened and endangered species as restricted live wildlife. Arizonans should decide what wildlife is restricted within our State. We should not permit outside entities, governmental agencies or otherwise, to determine what wildlife is restricted within our State. This is ceding our own legislative authority to outside interests and is irresponsible to the people of Arizona.

Agency Response: Many individuals, who provided comments on the Department's proposed modifications to rule R12-4-405, were unaware of the Arizona Department of Agriculture's rules. The proposed amendment does not establish a requirement for a health certificate for the importation of reptiles, amphibians, or birds (other than poultry) and thus will not impact trade in those species. Following significant public comment opposing the proposed amendment to restrict federally listed "endangered or threatened" species, the proposed recommendation is removed from the Notice of Final rulemaking. With the decision to withdraw the federally listed species from the restricted wildlife list, the prohibition on propagation will not apply to threatened and endangered species.

Written Comment: September 25, 2014. Regulation of pet birds should not happen unless all animals coming into our state have the same requirements.

Agency Response: The proposed rulemaking does not address "pet" birds; however, a number of proposed changes impact "wildlife" bird species. Due to the variety of species and the concerns that go with them, it is not possible to regulate all animals in the same manner.

Written Comment: September 25, 2014. I have issue with a number the items included in the Five-year Review Report recommendations and amendments. I would like information on any public meeting where these items are discussed. My main issue is with: 4-406 Restricted Live Wildlife - Indicate that federally listed threatened/endangered species and all transgenic are restricted live wildlife and R12-4-425 Restricted Live Wildlife Lawfully Possessed without License or Permit Before the Effective Date of Article 4 or Any Subsequent Amendments - Require a person holding restricted wildlife, before the rule change, to notify the Department of which species are possessed, purpose of possessing, and individual unique identifiers. - Require a person to provide information to the Department to improve enforcement capabilities and help prevent a person from substituting animals under the exemption. - Restrict propagation of live wildlife lawfully possessed under this rule. - Specify the transfer of wildlife held under this rule by the licensee will nullify the exemption. . .- Remove language implying that offspring are exempt since propagation is no longer authorized under this Section. - Require a person to report any previous offspring in order to exempt offspring from the requirements of this Article. - Require a person to permanently mark wildlife possessed under this rule. I currently maintain and breed wildlife listed as threatened or endangered species by the USFWS. I follow all federal regulations including annual reporting on these species. The offspring I produce are critical to the survival of these species in the United States. Your proposed regulations are not only redundant to federal regulations but are contrary to conservation of these species.

Agency Response: The Department provided the commenter with the date, time, and location where the public meeting was going to be held. Following significant public comment opposing the proposed amendment to restrict federally listed "endangered or threatened" species, the proposed recommendation is removed from the Notice of Final rulemaking. With the decision to withdraw the federally listed species from the restricted wildlife list, the prohibition on propagation will not apply to threatened and endangered species.

Written Comment: September 25, 2014. Following are my comments relating to the upcoming proposed rule change by the Department. My comments come from the viewpoint of a private individual, a business owner with multiple businesses that buy, sell, and trade animals, a board member of a non-profit rescue for tortoises and an individual with a role in the research community. I consider myself an animal advocate with a background that includes working in zoos, private, and academic research facilities and own a pet shop, animal trade show, and private farm. I am not only a stakeholder, but a leader in the animal community and work to ensure the best for animals in my care as well as those held by others. I have been a resource for both state and federal agencies and have always willing to help when asked. R12-4-401. Live Wildlife; Unlawful Acts - Establish the Departments authority to euthanize acquired/seized wildlife to provide a mechanism to dispose of said wildlife. I am not against this proposed rule change if the Department makes a reasonable attempt to place the animal before euthanizing them. I would encourage the agency to add additional language to the rule that they will make reasonable efforts to find a suitable placement for the animal prior to euthanizing the animal. R12-4-405. Importing, Purchasing, and Transporting Live Wildlife Without an Arizona License or Permit - Require mammals, birds, or reptiles imported into this state to be accompanied by the health certificate required under 3 A.A.C. Chapter 2, Articles 4 and 6, when applicable to minimize disease exposure to wildlife populations. I am opposed to the proposed rule for the following reasons: 1. It is unclear what reptiles and birds other than ratites require a health certificate. The referenced code 3 A.A.C. Chapter 2, Articles 4 and 6, (also referred to as R3-2-601) which requires "animals" to be accompanied by a health certificate states "The following terms apply to this Article: "Animal" means livestock,

feral swine, ratite, bison, water buffalo, oxen, llama, and any exotic mammal not regulated as restricted live wildlife by the Department." Most mammals, birds, or reptiles are not included in the definition of "Animal" and do not require a health certificate per the referenced code. 2. The proposed rule deals with animals intended as captive pets, which are not allowed to be released into the wild (already addressed in an existing rules) and should have little impact on wild populations. 3. Requiring health certificates for all mammals, birds, and reptiles would lead to selective enforcement, rampant unenforceable violations, and a huge economic impact should the Department try to enforce this on the pet industry. The proposed rule would require all pet animals such as mice, rats, hamsters, leopard geckos, corn snakes, and king snakes to be examined by an accredited veterinarian before they are shipped into the state. The industry would not be able to absorb the cost. The proposed rule would have the unintended result of damaging the industry to a point that it could end the legal trade in pets. R12-4-406. Restricted Live Wildlife - Indicate that federally listed threatened and endangered species and all transgenic are restricted live wildlife. I am opposed to the proposed rule for the following reasons: 1. It is redundant. The Endangered Species Act (ESA) already controls the activity relating to threatened and endangered species. The Lacey Act deals with the trade in wildlife, fish, and plants that have been illegally taken, possessed, transported or sold. 2. The proposed rule may also be in violation of ESA 6(f)(2). 3. 16 U.S.C. 1538 and the ESA Section 9(a)(1)(E) and (F) do not prohibit the activity the proposed rule would restrict. 4. There are already many federally listed endangered or threatened species in successful breeding programs in Arizona. If the proposed rule is implemented it will immediately result in legally possessed animals and their owners to be in violation of the rule. 5. The rule does not address the disposition of the once legally held, endangered species. Are they to be destroyed, turned over to the state, or "grandfathered in?" There are more endangered reptiles and birds in breeding programs held by the private sector than in zoos. Zoos simply do not have the space to work with all of these animals. Additionally, will captive breeding of endangered species now be banned in Arizona since R12-4-425 restricts propagation of live wildlife lawfully possessed and the removal of language implying that offspring are exempt since propagation is no longer authorized under this rule is also proposed? 6. Restricting transgenic animals imposes unnecessary restrictions and annual reporting paperwork on the universities and research facilities that house thousands of transgenic mice, amphibians, and fish used in research in efforts to restrict the small amount of transgenic zebrafish already in aquaculture. 7. The restricted nonhuman primate should not be a blanket ban on all primate species. That is simply poor rulemaking based on hysteria. R12-4-406. Restricted Live Wildlife - Include all wildlife, as defined under 17-101, and listed under AIS Director's Order #1 as restricted live wildlife. I am opposed to the proposed rule for the following reasons: 1. It is unclear as to how this rule is to be applied. A.R.S. §17-101-24 defines wildlife as: "Wildlife" means all wild mammals, wild birds and the nests or eggs thereof, reptiles, amphibians, mollusks, crustaceans and fish, including their eggs or spawn. AIS (Aquatic invasive Species) Director's Order #1 deals with aquatic invasive species. Will the rule include all wildlife as restrictive wildlife as well as all aquatic invasive species as restricted wildlife or are only AIS species listed as restricted wildlife? If the latter is the case why is the term "Wildlife" defined as part of the rule. The rule is unclear and redundant. R12-4-426. Possession of Primates - Restrict the possession of primates to zoo license holders, research facilities, and persons exempt under R12-4-425. I am opposed to the proposed rule for the following reasons: 1. The proposal is confusing, dramatic, and misleading as notable attacks on people from primates and the chimpanzee incident cited in the proposal are from nonhuman primates already restricted in Arizona. 2. This is redundant and selective enforcement. Individuals that own nonhuman primates for commercial or breeding purposes are already required to be licensed by the USDA. There are very specific caging requirements owners must maintain for their USDA license. In addition, the state veterinarian already requires documentation that any nonhuman primate entering Arizona be free of zoonotic diseases. Many of the diseases listed in the proposal that nonhuman primates carry are also lethal to most nonhuman primates. Herpes B, while naturally occurring in 80% of macaque species is not naturally occurring in New World primates. Banning lemurs or New World primates such as marmosets and tamarins because of chimpanzee attacks and Herpes B exposures is wrongful enforcement. Arizona should continue its partial ban of nonhuman primates and explore a registration process for nonhuman primates as other states have implemented. R12-4-420. Zoo License - Restrict the disposition of restricted live wildlife from zoos to a private game farm in an effort to protect wildlife resources and prevent unregulated breeding of wildlife. I am opposed to this rule for the following reason: 1. This rule is redundant and selective enforcement. If the wildlife is restricted, both parties should already be licensed through the Department to maintain the species. If already permitted to have the species through the Department, why would there be an additional restriction on owning the restricted live wildlife?

Agency Response: The Department has revised the rulemaking to state the Department shall make reasonable efforts to find suitable placement for any animal prior to euthanizing it. Many individuals, who provided comments on the Department's proposed modifications to rule R12-4-405, were unaware of the Arizona Department of Agriculture's rules. The definition under R3-2-101 "animal" that applies with respect to Article 1 would be the definition in that Article. For the purposes of a health certificate, the applicable definition is under R3-2-601, which states "Animal" means livestock, feral swine, ratite, bison, water buffalo, oxen, llama, and any exotic mammal not regulated as restricted live wildlife by the Arizona Game and Fish Department. The animals addressed in Article 6 and that require a health certificate are namely bison, cats and dogs, psittacine birds, zoo animals, non-restricted live wildlife cervidae, and macaque monkeys. The Department's proposed rule modifications simply add clarification to the existing health certificate requirements for imported wildlife. The requirement of a health certificate for the importation of animals was established by the Arizona Department of Agriculture to protect the citizens, livestock, and wildlife of Arizona. The risk of the importation of disease by the unregulated movement of animals by individuals is well established (plague and brucellosis are two examples of diseases that were not present on this continent before Europeans arrived; there are many more). The Department of agriculture rule R3-2-602 states, "all animals and poultry transported or moved into the state of Arizona, unless otherwise specifically provided for in this Article, must be accompanied by an official health certificate from the state of origin". Under the Department of Agriculture rule "animal" is defined as livestock, feral swine, ratite, bison, water buffalo, oxen, llama, and any exotic mammal not regulated as restricted live wildlife by the Arizona Game and Fish Department. The Department of Agriculture's requirement is not new and the Department's reference to the rule is included to clarify existing requirements. Animals imported under R12-4-405 are not to be released into the wild, but the Department's experience has been

that animals do escape. If those animals are able to exist in the wild, they will pose a risk to our native populations as we have found with the African rosy-cheeked lovebirds and the Eurasian collared doves. Please note this rule does not establish a requirement for a health certificate for the importation of reptiles, amphibians, or birds (other than poultry) and thus will not impact trade in those species. Following significant public comment opposing the proposed amendment to restrict federally listed "endangered or threatened" species, the proposed recommendation is removed from the Notice of Final rulemaking. With the decision to withdraw the federally listed species from the restricted wildlife list, the prohibition on propagation will not apply to threatened and endangered species. The Department is concerned transgenic wildlife species could negatively impact native wildlife and their habitats if not cautiously regulated. By listing transgenic species as restricted live wildlife the Department will have an opportunity to evaluate the potential impact of these species through the Department's special licensing process before they are imported into the State. The Department is aware of some institutions using transgenic mice and rats for medical or scientific research that are not registered with the U.S. Department of Agriculture and are therefore not exempt per R12-4-407(B)(10). These facilities use a large number of transgenic fish, mice, and rats and complying with the Department's special license requirements would create an unnecessary burden (e.g., tracking deaths and births of these mice and rats). As a result, the Department proposes to exempt research facilities from special license requirements for transgenic species. Please note, transgenic species do not include natural hybrids (the crossing of two animals through natural reproduction). Only wildlife forms created through genetic manipulation (e.g., transferring genes from one organism into the genome of another) will be restricted. Adding nonhuman primates to the list of restricted live wildlife is not an "all out ban" on nonhuman primates. The Department has been tracking and responding to nonhuman primate incidents since 1994. Currently as you stated, only the great apes are restricted to special license holders. Of the 48 human bites and exposures documented in Arizona, all have been from non-restricted primates held without special license. The restriction of all nonhuman primates will allow the Department to document current animals legally held and the owners may continue to possess these animals under R12-4-425. The potential for disease transmission, including Herpes B is very real and privately owned primates escape frequently, thus the incidents cited above. Zoos, breeding facilities and scientific research facilities would continue to operate under their current special licenses, issued by either the Department of Agriculture or the Department of Game and Fish. Currently, 22 states have a full ban on private ownership of nonhuman primates: Alaska, California, Colorado, Georgia, Hawaii, Illinois, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Montana, New Hampshire, New Jersey, New York, Oregon, Pennsylvania, Utah, Vermont, and Washington. Three states have a partial ban on private ownership of some nonhuman primates: Connecticut, Florida, and Tennessee; 7 states require a permit or registration to possess nonhuman primates as pets: Delaware, Idaho, Missouri, New Mexico, North Dakota, Rhode Island, and Wyoming; 3 states require a permit to possess some nonhuman primates as pets, while allowing others without a permit: Mississippi, Texas, and Wisconsin. Fourteen states allow nonhuman primates as pets: Alabama, Arkansas, Indiana, Kansas, Michigan, Nebraska, Nevada, North Carolina, Ohio, Oklahoma, South Carolina, South Dakota, Virginia, and West Virginia. The Department believes that maintaining the current rule and initiating the suggested registration process would not substantively reduce the risk to human health and safety. The commenter's interpretation of the proposed amendment is incorrect. The proposed rule allows a zoo to dispose of restricted live wildlife as follows: giving, selling, or trading the wildlife to another zoo license holder or another appropriately licensed or permitted facility in another state or country; giving selling, or donating the wildlife to a medical or scientific research facility exempt from special license requirements under R12-4-407; exporting the wildlife to a zoo accredited by the Association of Zoos and Aquariums or Zoological Association of America; or as otherwise directed by the Department.

Written Comment: September 26, 2014. Please do not put a death nail into the all of the work private citizens who own legal and legitimate by U.S. law threatened and endangered species. Zoos and aquariums do a poor job of making rare species common, there are not very many zoos that work with species citizens like to keep and I have a friend who has federally listed boas that were given to him by a zoo that no longer wanted them. My friend gives the offspring from the zoo stock to friends all over the U.S. He sells them only in the state in which he lives and to people he does not know. It is how federal law allows people to propagate endangered animals. I have kept reptiles for 40 years and the only people who do not like the fact that citizens breed and keep harmless endangered species are zoo people, some law enforcement personal, jailers, a few lawyers, and animal rights nut jobs. This new law will turn people off. If you were to ask most citizens if private citizens should be allowed to keep and breed harmless endangered animals that are easy to keep, most would say yes. The younger generation of adults are the biggest supporter of this, many have reptiles for pets or have a friend or teacher who keeps them and they know that future for many rare animals may only be captive populations. Climate change is fact, islands will only get smaller. Human populations will grow to 13 billion in our life time. Did you know that reptiles taste like a chicken in third world parts of the world? I will give you an example of what good things have happened when the government let the most endangered boa found only in the fog desert on the very bottom of Madagascar not be a federally listed animal; that boa is the Dumerals Boa. It all started with eight wild snakes that found their way to private keepers. That was in the late 1980s, Dumerals boas are a staple in the pet trade today just like ball pythons, boa constrictors, king snakes, and corn snakes. Dumerals boas will never go extinct in the pet trade unless the Department turns good laws into bad laws. Say no to this radical agenda 21 stuff. Do you know what is nice about living in America? The freedom to have a hobby that you like that does no harm to our environment, no harm to others, educates others about wildlife, and how important it all is. The more people who keep wild animals, the more they are willing to help the people who support wildlife projects. Making bad laws like this only makes the average citizen vote for politicians like Republicans that only want to cut important wildlife projects. The reptile and amphibian community is still very upset with USFWS for the Burmese python rule. We all know that south Florida is very swampy, tropical, and warm in the winter - not cold and dry like Arizona. I have lost all respect for the U.S. Geological Survey for lying to the public and scaring the people of New York on Animal Planet. If this law passes, I will not bother getting my Arizona hunting license from an agency that does not support our rights and takes away our freedoms. I use to think that we could have good government. I have never voted for a Republican in my life, but when I see laws that turn good people into criminals and even make them a felon for such a thing it makes me want to be a libertarian and say the government is all bad. It is all about the special interest money they are all bought off anyway. They all make bad

laws, thanks lobbyist and good luck to all you rare federally listed tortoise breeders out there - that was a nice pipe dream you had. Do not make rare animals even rarer. Do not be the problem, let's be the solution. Let's have good government for the people and by the people.

Agency Response: Following significant public comment opposing the proposed amendment to restrict federally listed "endangered or threatened" species, the proposed recommendation is removed from the Notice of Final rulemaking. With the decision to withdraw the federally listed species from the restricted wildlife list, the prohibition on propagation will not apply to threatened and endangered species.

Written Comment: September 26, 2014. I am a reptile breeder. I do this for the enjoyment and fulfillment of keeping the different species of orders from disappearing due to hunting or being killed due to lack of knowledge. Breeders are one of the last resorts for many animals and reptiles. We do not believe in over collecting. That is bad for all animals.

Agency Response: With the decision to withdraw the federally listed species from the restricted wildlife list, the prohibition on propagation will not apply to threatened and endangered species.

Written Comment: September 26, 2014. I am sure that you know when money talks as in destroying habitat for farmland, houses, and businesses all the laws that you make just go in one ear and out the other. How many golf courses do we have in Arizona? How many housing developments do we have in the greater Phoenix Area? How many business parks and housing developments were built in Southern California? Many reptiles have benefited from captive breeding programs. The Pueblan Milk snake is a good example. It was once legal to take Pueblan Milk snakes from the wild and breed them and sell their offspring. Now Mexico has banned the exportation of any wildlife. Now the people who have bred the Pueblan Milk snake do not need any more snakes to be taken from the wild. These snakes are inexpensive now and the wild snake population will not be endangered. I feel other animals can benefit from captive breeding as well. This is America. I have served in the U.S. Army; have been to Iraq, Taiwan, and Mexico. We should feel so blessed to live in the U.S. The government is slowly taking away all of our rights. I love old muscle cars; the government wants to send them to the crusher. I also like guns; again the government wants to shut that down. The Department is not going to stop all the poaching activity in the world. When the cost of the reptile goes down, so does the demand for that animal. Using mass punishment just is not going to work in this country. The government needs to start listening to people and their ideas.

Agency Response: With the decision to withdraw the federally listed species from the restricted wildlife list, the prohibition on propagation will not apply to threatened and endangered species.

Written Comment: September 26, 2014. I consider myself an amateur at herpetology and less so at politics. What I do know is that the Department's time and the taxpayers' money is better and constructively spent by addressing other issues. Rewriting what is already written tells me that we're not concentrating on other issues, such as conserving land, keeping the land clean from pollution, and many other issues that plague our state. Leave alone what ought to be left alone and focus on the issues that will ensure the beautiful State that we live in.

Agency Response: The Department appreciates your having taken the time to submit your comment for consideration. It is important to note, the Arizona Game and Fish Department's principle operational revenue comes from the sale of hunting and fishing licenses, hunt permit-tags, stamps and matching funds from federal excise taxes hunters and anglers pay on guns, ammunition, fishing tackle, motorboat fuels, and related equipment. Not one cent comes from the general fund (Arizona tax dollars).

Written Comment: September 26, 2014. I feel outraged that I have an education business for kids to help protect reptiles and native wildlife and the Department has decided to propose ridiculous acts like these to charge fees per reptile. I have close to 30 reptiles, all of which are kept well and maintained in large cages and fed extremely well. I also willingly take in unwanted reptiles and find them new homes, for free. These rules are ridiculous and could negatively affect my business that I have worked hard to grow and maintain. The Department never regulates anything anyways, if it did it would not have people hunting out of season - which happens all the time. Take down the rules on reptiles and have a good day.

Agency Response: Many individuals, who provided comments on the Department's proposed modifications to rule R12-4-405, were unaware of the Arizona Department of Agriculture's rules. Under Department of Agriculture rules, animals addressed in Article 6 and that require a health certificate are namely bison, cats and dogs, psittacine birds, zoo animals, non-restricted live wildlife cervidae, and macaque monkeys. The Department's proposed rule modifications simply add clarification to the existing health certificate requirements for imported wildlife. It is important to note, this rule does not establish a requirement for a health certificate for the importation of reptiles, amphibians, or birds (other than poultry) and thus will not impact trade in those species.

Written Comment: September 27, 2014. Regarding one of the proposed rule changes for R12-4-406. Restricted Live Wildlife; referring to the statement "all federally listed threatened and endangered species and transgenic wildlife as live restricted wildlife," is the list in question the following? http://ecos.fws.gov/tess_public/pub/listedAnimals.jsp. If yes, I am concerned that the USFWS List of Endangered and Threatened Wildlife 50 C.F.R. 17.11 contains non-U.S. species common in the pet trade such as several popular species of cockatoos, day geckos, chinchillas, and brush tailed bettongs. I currently have a pair of brush tailed bettongs. I have supplied offspring to many zoos and educational programs. Establishing secondary populations of endangered and threatened animals is what allows for the possibility reintroduction back into the wild. I feel strongly that this change will do

much more harm than good. Importation of endangered species into the U.S. is already strictly regulated at the federal level. The holding and breeding of captive nonnative endangered and threatened species within the US does not affect the wild populations. Once these animals are already here it is our responsibility to be good stewards of these species. This is already covered by the necessity of Captive-bred Wildlife permits and interstate transfer rules at the federal level. Further regulation at the state level is unnecessary.

Agency Response: Federal law, 50 C.F.R. 17.11, which provides a list of threatened and endangered wildlife and may be accessed via the following hyperlink: (http://www.gpo.gov/fdsys/). Following significant public comment opposing the proposed amendment to restrict federally listed "endangered or threatened" species, the proposed recommendation is removed from the Notice of Final rulemaking. With the decision to withdraw the federally listed species from the restricted wildlife list, the prohibition on propagation will not apply to threatened and endangered species.

Written Comment: September 27, 2014. For R12-4-404, it is already against the law to release wildlife in Arizona, offspring are still wildlife? Correct. For R12-4-405 and R12-4-407, reptiles and amphibians should be exempt from veterinary testing as there are few veterinarians who qualified to do such health certificate testing. What are we testing for? The words "health certificate" make a very vague statement and should be clarified. Those Reptiles and amphibians that may come into contact with wildlife, through illegal release would not have been tested anyway. For R12-4-406 and R12-4-425, what Reptiles and amphibians are included? To me, these rules seem to be in conflict with one another. I have four Thamnophis eques adults and 13 neonates which are state protected, and now federally listed. Per USFWS, my animals are grandfathered and need no permitting. I have kept and bred this species since 1970. How will this change affect my animals. I'm concerned. All of the other changes I can agree with, although I think most of the changes are going to be impossible to enforce, every goldfish brought into Arizona would have to have a Health Certificate.

Agency Response: Animals imported under R12-4-405 are not to be released into the wild, but the Department's experience has been that animals do escape. If those animals are able to exist in the wild, they will pose a risk to our native populations as we have found with the African rosy-cheeked lovebirds and the Eurasian collared doves. The proposed rulemaking does not establish a requirement for a health certificate for the importation of reptiles, amphibians, or birds (other than poultry) and thus will not impact trade in those species. The Department disagrees. R12-4-425 governs requirements applicable to persons who possess wildlife that has become restricted under R12-4-406. It provides a person who possesses newly restricted live wildlife to continue to do so without having to obtain a special license.

Written Comment: September 27, 2014. I urge the Department to table the proposed rulemaking that further restricts the possession and breeding of captive animals in Arizona, since the effects will directly hinder the ability of citizens to own animals in Arizona. In addition, several propositions are unconstitutional and would be judicially considered arbitrary and capricious if litigated. For example, limiting zoo licenses to the American Zoo Association (AZA), when other associations exist in Arizona including the Zoological Association of America (ZAA). See Proposed Rule 12-4-420. The Department has a duty to honor private ownership rights of animals without regulatory and economic frustration. The economic impacts described in the *Register* pale in comparison to real monetary losses of owners of captive animals and depress regulatory free opportunities for citizens' adults and children to enjoy possessing animals as pets, which has long been the status quo in Arizona. Before amending the wildlife code, I urge the Department to publicly meet with private owners of animals in Arizona including members of USARK to learn how this rulemaking will impact them and develop reasonable rules if truly necessary. I practice wildlife law in the U.S. and over the last five years I have documented a trend of animal rights activists misinforming wildlife agency officials to further their media campaigns advocating new state wildlife laws that ban private ownership of captive-bred animals, especially reptiles and amphibians as pets. Wildlife agencies that have caved into these campaigns, have essentially criminalized animal ownership without any legitimate scientific justification. The laws are changed under the veil of protecting public health and safety, protecting wildlife and habitat, promoting animal welfare and stopping a black market trade that no longer exists due to private citizen breeding efforts. Although the notice states a citizen may review scientific evidence at the Department's headquarters, there is absolutely no literature cited after the assertions justifying needs for the proposed rulemakings. In states that have passed draconian laws restricting or prohibiting specific animal ownership, selective enforcement is rampant and abuse of power by agency officials. Good people with no criminal records are prosecuted and livelihoods are destroyed. Healthy animals are arbitrarily seized and ultimately euthanized due to poor treatment by inexperienced wildlife officers, not their owners. Zoos, aquariums, nature centers, and private citizens must give up their animals or go out of business. The worst case I have documented occurred in Tennessee in 2011, when an unpermitted venomous snake owner was bitten while negligently free-handling the serpent. He refused medical treatment that ultimately led to his death in fear of his snake collection being confiscated and euthanized by an official of the wildlife agency known to destroy pet snakes and prosecute and incarcerate their owners. On a brighter note, let me remind the Department that several private citizens have mastered the art of breeding animals and reversed trends of extinction for hundreds of species, especially reptiles and amphibians that were considered rare just 15 years ago. Legal markets of captive-bred animals exist as a result; however, the uninformed and deceptive continue to coin it a black market. Many of these species have been undeservingly petitioned for federal listing by animal rights groups cloaked as wildlife conservation organizations. The animal trade should not be suppressed, since it is the only avenue for private citizens to interact with animals, hands on as pets. These animals have long been legal to possess, breed, purchase, and sell in Arizona. Without having hands on bonding relationships with pets, humans digress from being the conservation minded stewards of our planet. I urge the Department to floor the proposed rulemakings and maintain the status quo, the tradition of the Department.

Agency Response: The commenter's interpretation of the proposed amendment is incorrect. The Department is not limiting zoo licenses to AZA; the Department is *proposing* to *recognize* the AZA and ZAA. The proposed amendment allows a new zoo

license applicant to submit photographs of its existing facility if the applicant is not a member of a recognized, peer-policed zoological association. Submitting photographs of a facility requires little effort or expense and is nondiscriminatory. Following significant public comment opposing the proposed amendment to restrict federally listed "endangered or threatened" species, the proposed recommendation is removed from the Notice of Final rulemaking. With the decision to withdraw the federally listed species from the restricted wildlife list, the prohibition on propagation will not apply to threatened and endangered species.

Written Comment: September 27, 2014 (this comment was also forwarded by another person on the same day, stating that they support the comments provided). I wish to comment briefly on some of the proposed rule changes affecting the ownership of wild animals in Arizona. For R12-4-404, the term "noncommercial use" should be better defined. It has been my understanding that rules already exist prohibiting the sale of native wildlife by Arizona citizens. However, an out-of-state person holding a valid collecting license is able to collect and then transport these animals to their home state to propagate and sell them. I agree with the amendment that allows persons to use reptiles for aversion training. Do they need to undergo any training and licensing or permitting process, or does the Department check their holding licenses or collecting permits to make certain they have all of the applicable legal documents? I have several clients who do this training. For R12-4-405, health certificates do not necessarily guarantee the health of the animals listed thereon, only that an accredited veterinarian (such as myself) has examined them and certified that they appear to be "free from visible signs of infectious or communicable diseases." There is no list on the certificate for those diseases which we feel the listed animals do not have. If private persons must have such certificates for their animals coming into Arizona, this must surely also apply to all of the pets sold by pet stores including the big chains such as Petco and PetSmart for their hamsters, Guinea pigs, rats, mice, reptiles, birds, and so on. This would also include feeder rodents. This will place an additional cost on each and every animal; who among the Department's staff will inspect all of these animals and check these certificates? Should this apply equally to fish? This places a huge financial burden on persons who deal with these animals or acquire them for their own personal collections, the pet trade, expos, or shows. When the rule says "all mammals" does this include dogs and cats (currently not required unless they arrive on an airline or from a foreign country), all hoofstock, even wolves for repopulation by the Department in Southeastern Arizona? I do support the reintroduction of wolves into Arizona. Markets that I have visited in Phoenix with live aquatic wildlife have included several species of ranid frogs, aquatic, turtles, and crayfish. Can the Department be certain none of these become pets? They would also need a health certificate if they are alive in the markets (we can argue about this inhumane treatment another time). We already have regulations prohibiting the release of exotic animals into the wild. Health concerns are only one issue. Potential establishment in the wild is another. But such restrictions are already in place. For R12-4-406, I think the terms of the ESA and the Lacey Act already cover this topic. There are private persons in Arizona with legally acquired, federally listed species, who keep and successfully propagate them far better than the nation's zoos. We cannot expect the zoos to harbor assurance populations of each and every endangered animal on the planet. For example, one look at the horribly declining chelonian populations of Southeast Asia makes one realize that the only hope for preserving a frightening number of these species may be their continued existence as captive populations. The same may be said for other reptiles, amphibians, and many psittacine birds as well as some other groups. I am uncertain what species of wildlife are covered by "as defined under 17-101" a copy of which I do not have. I agree that we should allow hedgehogs to be kept as pets. For R12-4-420, with regard to zoonotic diseases; does the Department propose to supply a list of potential zoonotic diseases for each and every species that should be tested for? Most vertebrates probably could potentially carry one or more such diseases, for example salmonella in reptiles, avian TB and psittacosis in birds, brucellosis in hoofstock, and of course rabies in most mammals. With regard to the latter, the only acceptable test for rabies is by submitting the brain for pathological testing, so no agency or zoo could declare that their mammals are free of this particular zoonotic disease. Even the wolves in Southeastern Arizona, we must assume do not have rabies, but we cannot test them ante mortem. For R12-4-425, I am totally against prohibiting persons who legally possess federally or state listed species from propagating them. As previously stated, propagation in captivity may be the only way to provide for the continued existence of some of these species. Some of these animals have been acquired by private persons from zoo surplus stock. This section and R12-4-406 remind me of efforts by HSUS to ban pet ownership altogether (which is their ultimate goal) including not just exotic or wildlife species, but dogs and cats and horses as well. What means of permanently-marking them are proposed?

Agency Response: To ensure that special licenses issued by the Department are properly administered and used by the applicant solely for their intended purposes, the Department determined it is necessary to clearly differentiate between commercial and non-commercial activities that utilize wildlife. This differentiation between commercial and non-commercial is necessary to ensure the Department can protect all native species from commercial sale, exploitation, and other activities that could negatively impact wild populations. Restricted wildlife taken and held under a hunting or fishing license is managed as a non-commercial activity. Under current rule, a person may take a reptile for an extended period of time, either overnight or permanently, provided the person possesses a valid hunting license and subject to the bag limits and restrictions established under Commission Order 41. In addition, the Department amended R12-4-404 to allow a person to photograph wildlife taken by means of a hunting or fishing license. The addition of the term "noncommercial use" does not limit any activities already allowed under the rule. The Department believes it is necessary to define the term "noncommercial use" as it is not self-defining and is necessary to clarify lawful and unlawful activities addressed in the Article 4 rules. R12-4-404(B) establishes the lawful activities that are allowed for personal use. The scientific collecting license does not allow a person to collect, transport, and sell wildlife. A scientific collecting permit is issued to a person for the purpose of wildlife management, gathering information valuable to the maintenance of wild populations, education, the advancement of science, or promotion of the public health or welfare. No, a wildlife holding license or scientific collecting license is not required for this activity. Persons participating in this activity are currently held to the humane handling, housing, and care standards already established in rule. The Department agrees that a health certificate in itself does not guarantee that the animal is free of disease, only that the animal appears to be healthy and free of infectious, contagious, and communicable diseases. However, the Department believes the involvement of a veterinarian should reduce the probability that an overtly diseased animal is imported into the State and ensure the person possessing the animal is

provided information regarding zoonotic diseases. The rule does not address domestic animals (i.e. dogs, and cats). The proposed rule would not apply to fish sold by the pet industry. Under R3-2-1002, an aquatic health certificate is required when importing, transporting, and exporting non-restricted amphibians and under R12-4-410 certification that the restricted amphibians are free of diseases and causative agents is required. Animals imported under R12-4-405 are not to be released into the wild, but the Department's experience has been that animals do escape. If those animals are able to exist in the wild, they will pose a risk to our native populations as we have found with the African rosy-cheeked lovebirds and the Eurasian collared doves. It is important to note, this rule does not establish a requirement for a health certificate for the importation of reptiles, amphibians, or birds (other than poultry) and thus will not impact trade in those species. Following significant public comment opposing the proposed amendment to restrict federally listed "endangered or threatened" species, the proposed recommendation is removed from the Notice of Final rulemaking. The Department appreciates your support for the proposed delisting of hedgehogs. Zoonotic disease testing is a requirement only for those animals that will come in direct contact with the public, such as animals displayed in a petting zoo. Inclusion of a list of diseases by host species is not appropriate for inclusion in a rule as the list would likely be out-of-date in a relatively short time. While most accredited zoos currently test the animals held in their contact areas on a regular basis, this requirement is necessary, and benefits the public, when the zoo is not implementing the current best management practices. With the decision to withdraw the federally listed species from the restricted wildlife list, the prohibition on propagation will not apply to threatened and endangered species. The unique identifier need not be applied by the owner. Microchips, ear-tags, or tattoos may be applied by a veterinarian or an individual hired by the owner for that purpose. Depending on the method, the expense may be as little as less than $10 to $30 for a microchip. A sedation fee may also be required for some animals depending on the animal and the method chosen. However, owners have the option of waiting until directed to permanently mark an animal by the Department; those persons must have proof the animal was possessed before the date on which the species was added to the restricted list.

Written Comment: September 28, 2014. Personally, I consider myself a reptile enthusiast who was raised appreciating reptiles and all wildlife. I studied Fish and Wildlife Management in Northern Arizona University. Following my graduation, I worked in several biological research positions collaborating with multiple foreign government entities to include: the Galapagos National Park Service, Galapagos Islands, Ecuador; the Commonwealth Scientific Industrial Research Organization in Australia. I have partnered with both the Indonesian and Lao governments, conducting projects related to the management of pest and invasive species. In my positions I have been certified with the International Animal Care and Use Committee for the proper handling and care of animals. Much of my conservation effort and inspiration for pursuing this field of work stems from my respect for animals, a respect I learned at an early age from my exposure to reptiles as pets. My comments as they relate to specific proposed rule changes are stated below: R12-4-404: Possession of Live Wildlife Taken Under an Arizona Hunting or Fishing License - Replace the term "personal use" with the term "noncommercial use" in reference to authorized activities as "personal use" is an ambiguous term. I am opposed to the proposed rule for the following reasons: The proposed rule is redundant. R12-4-404 already defines the commercial activities that are not allowed. R12-4-404(B) states "An individual shall not dispose of wildlife taken as prescribed by this Section or offspring of the wildlife by selling, bartering, trading, or exporting it for commercial purposes. Exported live wildlife and its offspring shall not be sold, bartered, purchased, rented, leased, offered for sale, or used for any commercial purpose." The addition of the term "noncommercial use" would limit the already allowed activities defined in R12-4-404. R12-4-404(A) states "An individual may possess, transport, place on educational display, photograph, propagate, or kill." If there is a commercial purpose for any of these activities it would not be allowed. For example, photographs of any legally held wildlife, which photographs are intended to be sold or to be used in a field guide would be in violation of the proposed rule. Further, I would recommend that the existing term "for personal use" be removed from the rule as well as the same term not being replaced with "noncommercial use." Both terms are redundant, ambiguous, and confusing. R12-4-405. Importing, Purchasing, and Transporting Live Wildlife without an Arizona License or Permit - Require mammals, birds, or reptiles imported into this state to be accompanied by the health certificate required under 3 A.A.C. Chapter 2, Articles 4 and 6, when applicable to minimize disease exposure to wildlife populations. I am opposed to the proposed rule for the following reasons: The referenced code 3 A.A.C. Chapter 2, Articles 4 and 6, also referred to as R3-2-601) which requires "animals" to be accompanied by a health certificate states "The following terms apply to this Article: "Animal" means livestock, feral swine, ratite, bison, water buffalo, oxen, llama, and any exotic mammal not regulated as "Restricted Live Wildlife" by the Department." Most mammals, birds, or reptiles are not included in the definition of "Animal" and do not require a health certificate per the referenced code. The proposed rule deals with animals intended as captive pets, which are not allowed to be released into the wild already addressed in an existing rules) and should have little impact on wild populations. Requiring health certificates for all mammals, birds, and reptiles would lead to selective enforcement, rampant unenforceable violations, and a huge economic impact on the pet industry. The proposed rule would require all mice, rats, hamsters, leopard geckos, rat snakes, kings snakes, etc. to be examined by an accredited veterinarian before they are shipped into the state. The industry would not be able to absorb the cost. The proposed rule would have the unintended result of damaging the industry to a point that it could end the legal trade in pet reptiles. R12-4-406. Restricted Live Wildlife - Indicate that federally listed threatened and endangered species and all transgenic are restricted live wildlife. I am opposed to the proposed rule for the following reasons: It is redundant. ESA already controls the activity relating to threatened and endangered species. The Lacey Act deals with the trade in wildlife, fish, and plants that have been illegally taken, possessed, transported or sold. What is the justification for this change when federal policies are already in place? There are already many federally listed threatened or species endangered and their captive produced offspring in the state. If the proposed rule is implemented it will immediately result in legally possessed animals and their owners to be in violation of the rule. The addition of nonnative species that are Federally-listed as threatened to Arizona's "Restricted Live Wildlife" list would harm decades of conservation work accomplished within Arizona. Many private keepers have invested years and even decades into breeding these species and ensuring their survival while wild populations are devastated from habitat loss due to human over-population. These individuals have worked with these threatened and endangered species for such extended timeframes that they are also uniquely experienced with proper care and husbandry of those species. The

proposed rule would significantly diminish their conservation efforts. If owners of once previously legally possessed threatened and endangered animals are in violation of the rule following these animals being listed as "Restricted Live Wildlife," and are then required to surrender their animals, several Arizona residents may be forced to give up animals they have been caring for periods of several years to even decades. In some cases these individuals have been keeping the same individual animals for equal time as pets. To many individuals, these pets have largely been integrated into families as significant members. The inclusion of federally-listed nonnative threatened and endangered species as "Restricted Live Wildlife" will have a negative impact on captive breeding programs for these species. Many Arizona residents have spent tens of thousands of dollars to sustain captive breeding populations of species struggling or nearly extinct in the wild. The proposed rule may also be in violation of ESA 6(f)(2). 16 U.S.C. 1538 and the ESA Section 9(a)(1)(E) and (F) do not prohibit the activity the proposed rule would restrict. The rule does not address the disposition of the once legally held animals. Are they to be destroyed, turned over to the state, or "grandfathered in?" What of their offspring? Will captive breeding be banned? The purpose of the ESA is to protect threatened and endangered species whose populations are declining largely as a result of habitat loss. For those species that have little to no existing habitat left, how then are these species to survive without maintaining care for captive animals as well as breeding them? Additionally, the legal trade of these privately owned captive-bred animals promotes genetic diversity for these populations when population numbers from threatened/ endangered species are few. The Arizona Administrative Register: Notices of Proposed Rulemaking document indicates that federally listed threatened /endangered species and all transgenic species will be included as "Restricted Live Wildlife" for the purpose of preventing certain aquatic species and primates from being sold, as doing so potentially conflicts with the said factors: protection of human health and safety; biological impact on species and ecosystems; consistency with federal, state, and county regulatory agencies; and potential economic impact. This rule does not provide sufficient justification demonstrating how other species, to include reptiles, pose the same risk or why these other species are to be included as "Restricted Live Wildlife." What qualitative and quantitative evidence is provided to make this justification? Merely requiring a "potential" for disease transmission fails to apply the "sound science" standard acknowledged as appropriate for this purpose. Sound science requires quantification of the risk to allow one to assess the usefulness of any proposed rule and to consider less restrictive alternatives that could produce the same desired result. As the Commission has declared regarding hedgehogs, there is not a threat of nonnative, exotic species of reptiles to establish themselves in Arizona. Exotic reptiles have been kept as pets for several decades without consequence in Arizona. R12-4-425. Restricted Live Wildlife Lawfully Possessed without License or Permit Before the Effective Date of Article 4 or Any Subsequent Amendments - Restrict propagation of live wildlife lawfully possessed under this rule. I am opposed to the proposed rule for the following reasons: By allowing the propagation and sale of offspring from native species, the pressure upon native populations is reduced. People who are able to purchase captive-bred reptiles and amphibians choose to do so rather than buying or collecting wild-caught animals. Captive-bred animals make better pets and are acclimated to captive husbandry. Restricting the propagation of live wildlife lawfully possessed promotes illegal collection of wild species in order to preserve supply and demand. It is estimated that over 100,000 Arizona residents responsibly keep reptiles as pets via a national study from the American Pet Products Association: (APPA), many reptiles of which originate from individuals that captive-breed them within Arizona. The reptile segment of the pet industry yields annual revenues of nearly $30,000,000 in Arizona (via an economic study done by Georgetown Economic Services). These annual revenues promote economic growth and stability for Arizona and support several thousand individual jobs. R12-4-425. Restricted Live Wildlife Lawfully Possessed without License or Permit Before the Effective Date of Article 4 or Any Subsequent Amendments - Require a person to permanently mark wildlife possessed under this rule. I am opposed to the proposed rule for the following reasons: While the Department states fees will be minimal per animal; many breeders have dozens of animals, even hundreds. These fees would prove detrimental to keeping animals and would likely require animals to be euthanized or surrendered. If these animals are threatened and endangered species, what would then happen to these animals which are federally protected? The requirement to permanently mark or microchip wildlife is neither practical nor feasible for individuals that captive breed species. Not only are many species very small making this impossible, but these procedures risk unwarranted health concerns from the added stress as well as complications during medical procedures. Micro-chipping, marking, or sterilization techniques for wildlife species, including those for reptiles, often requires the experience of veterinarian health care professionals with specialized skills in handling exotic pets. These specially trained and experienced individuals are not always readily accessible or available in Arizona. In closing, please seriously consider the opinions of the individuals commenting to the Department in response to the proposed rule changes. Many of these individuals, including myself, have dedicated most of their lives to the protection, conservation, and care and husbandry of wildlife, and have countless years of experience doing so. Many of these individuals are well-educated and understand the effects these proposed rule changes will have.

Agency Response: The Wildlife Service License rule does not allow wildlife service license holders to exhibit wildlife or parts of wildlife possessed under the license, or to retain any parts of wildlife possessed under this license. However, if the reptile is legally obtained under a hunting license, the carcass or parts may be used for educational purposes. It is important to note, the proposed amendments to R12-4-404 do not establish a requirement for a health certificate for the importation of reptiles, amphibians, or birds (other than poultry) and thus will not impact trade in those species. Animals imported under R12-4-405 are not to be released into the wild, but the Department's experience has been that animals do escape. If those animals are able to exist in the wild, they will pose a risk to our native populations as we have found with the African rosy-cheeked lovebirds and the Eurasian collared doves. The Department agrees that a health certificate in itself does not guarantee that the animal is free of disease, only that the animal appears to be healthy and free of infectious, contagious, and communicable diseases. However, the Department believes the involvement of a veterinarian should reduce the probability that an overtly diseased animal is imported into the State and ensure the person possessing the animal is provided information regarding zoonotic diseases. When amending a rule, the Department considers external and internal comments; considering each comment from a resource perspective and determining whether the request would cause undue harm to the state's wildlife or negatively affect the Department's wildlife objectives. The review team then determined whether the request was consistent with the Department's overall mission, if it could be effectively implemented given agency resources, and if it was acceptable to the public.

Written Comment: September 28, 2014. I am writing this letter in opposition to some of the proposed rules changes to the existing Commission rules, as they pertain to the keeping of live wildlife and herpetoculture. My experience in keeping reptiles goes back 10 years as a herpetoculturist, field herper, and reptile and amphibian educator. I am a board member of the Arizona Herpetological Association (AHA) and help to maintain its 'Native Animal Display Collection,' which we use for public outreach and education. I am also a founding member of the Southwestern Center for Herpetological Research and served as a board member for the Austin Herpetological Society. My concerns are with the following: "For R12-4-421 Wildlife Service License, the objective of the rule is to establish requirements that allow a person to facilitate the removal of nuisance wildlife, to include authorized activities, wildlife species, administrative compliance, and the restrictions and prohibitions necessary to protect public health and safety and existing wildlife habitat and resources. The rule is amended to prohibit the possession of wildlife carcasses or parts as this practice is not consistent with the intent of the rule." So, as a wildlife educator, I cannot serve the animals and the community by providing humane reptile relocation services and possess a snake rattle or a shed skin for educational outreach? How is this a conflicting issue? "For R12-4-405 Importing, Purchasing, and Transporting Live Wildlife Without an Arizona License or Permit, the Commission anticipates the proposed amendments will impact persons that import wildlife into Arizona by requiring a valid health certificate for the animal being imported. Based on recent history, costs are expected to be insignificant as a health certificate may be obtained from a licensed veterinarian for $42 to $100. The amendment is intended to assist in alleviating potential threats to public health, safety, or welfare, and to promote the health and welfare of Arizona's wildlife populations. The Commission anticipates the proposed amendment will benefit members of the public, who may otherwise be exposed to these threats, from the requirement that a person obtain a health certificate for an animal before importing mammals, birds, or reptiles into Arizona." This is completely unwarranted and unnecessary in regards to reptiles. This regulation would cripple businesses and hobbyists alike. The Department's definition of "insignificant" is clearly not in line with that of a business that imports hundreds, if not thousands of captive animals into the state on a yearly basis. There is no precedent of danger from zoonotic diseases in reptiles, aside from Salmonella, which can be avoided by the simple act of hand washing. The release of captive wildlife is already prohibited (as it should be) in order to prevent introduction of nonnative species and disease into wild populations. How is a visual inspection from a veterinarian going to prohibit the actions of an irresponsible keeper? And how will it detect a virus or bacterial infection? This change will resolve and prevent nothing. The very fact that the Department has excluded amphibians (whose numbers are rapidly declining from the spread of deadly Chytrid fungus infections and are infinitely more at risk than reptiles in Arizona) from this ruling leads me to believe that this is not founded on science. This seems to be more of an HSUS agenda designed to decimate the pet trade. Is that the case?

Agency Response: Following significant public comment opposing the proposed amendment to restrict federally listed "endangered or threatened" species, the proposed recommendation is removed from the Notice of Final rulemaking. With the decision to withdraw the federally listed species from the restricted wildlife list, the prohibition on propagation will not apply to threatened and endangered species. Many individuals, who provided comments on the Department's proposed modifications to rule R12-4-405, were unaware of the Arizona Department of Agriculture's rules. The definition under R3-2-101 "animal" that applies with respect to Article 1 would be the definition in that Article. For the purposes of a health certificate, the applicable definition is under R3-2-601, which states "Animal" means livestock, feral swine, ratite, bison, water buffalo, oxen, llama, and any exotic mammal not regulated as restricted live wildlife by the Arizona Game and Fish Department." The animals addressed in Article 6 and that require a health certificate are namely bison, cats and dogs, psittacine birds, zoo animals, non-restricted live wildlife cervidae, and macaque monkeys. The Department's proposed rule modifications simply add clarification to the existing health certificate requirements for imported wildlife. The requirement of a health certificate for the importation of animals was established by the Arizona Department of Agriculture to protect the citizens, livestock, and wildlife of Arizona. The risk of the importation of disease by the unregulated movement of animals by individuals is well established (plague and brucellosis are two examples of diseases that were not present on this continent before Europeans arrived; there are many more). The Department of agriculture rule R3-2-602 states, "all animals and poultry transported or moved into the state of Arizona, unless otherwise specifically provided for in this Article, must be accompanied by an official health certificate from the state of origin". Under the Department of Agriculture rule "animal" is defined as livestock, feral swine, ratite, bison, water buffalo, oxen, llama, and any exotic mammal not regulated as restricted live wildlife by the Arizona Game and Fish Department. The Department of Agriculture's requirement is not new and the Department's reference to the rule is included to clarify existing requirements. Animals imported under R12-4-405 are not to be released into the wild, but the Department's experience has been that animals do escape. If those animals are able to exist in the wild, they will pose a risk to our native populations as we have found with the African rosy-cheeked lovebirds and the Eurasian collared doves. It is important to note, this rule does not establish a requirement for a health certificate for the importation of reptiles, amphibians, or birds (other than poultry) and thus will not impact trade in those species. With the decision to withdraw the federally listed species from the restricted wildlife list, the requirement to permanently mark restricted live wildlife will not apply to threatened and endangered species.

Written Comment: September 28, 2014. The following are comments related to my objections to specific upcoming proposed rule changes. These comments are coming from the viewpoint of someone who would be greatly affected by these proposed new regulations and is personally invested in a business that propagates multiple protected reptile species. This business is run by a responsible animal keeper that has been actively involved in the promotion of animal care, protection and survival for approximately two decades. There are already numerous regulations that govern this type of business and further regulations are unnecessary at this time and could be devastating to responsible pet breeders and owners. R12-4-405 Importing, Purchasing, and Transporting Life Wildlife without an Arizona License of Permit -Require mammals, birds, or reptiles imported into this state to be accompanied by health certificate required under 3 A.A.C. Chapter 2, Articles 4 and 6, when applicable to minimize disease exposure to wildlife populations. I am opposed to the proposed rule change for the following reasons: There are already rules in place that prohibit captive wildlife from being released into the wild population. The transmission of diseases from captive rep-

tiles to native wildlife is extremely rare, so further restricting this is unnecessary. Requiring health certificates for all imported reptiles (and other animals) would be extremely burdensome financially for those business that do this often; such as private vendors at reptile shows, pet stores and business that conduct inter-state purchases. The reptile segment alone is estimated to yield annual revenues of approximately 30,000,000 in Arizona (from an economic study done by Georgetown Economic Services). Further regulations could drastically affect this industry in a negative way. R12-4-406 Restricted Live Wildlife -Indicate that federally listed threatened/endangered species and all transgenic are restricted wildlife. -Includes all wildlife, as defined under 17-101, and listed under AIS Director's Order #1 as restricted wildlife. I am opposed to the proposed rule change for the following reasons: There are already regulations in place that control threatened and endangered species through the ESA. Additionally, the Lacey Act also addresses illegally obtained wildlife. Therefore, these new regulations are redundant. It is estimated that over 100,000 Arizonans responsibly keep reptiles as pets (from a national study from the American Pet Products Association). Additionally, there are numerous Arizonans that have legally obtained federally-listed threatened or endangered species as well. If this proposed rule goes into effect, these responsible individuals will now be in violation although they obtained their animals legally. If this rule goes into effect, what will happen to those previously legally-possessed animals? Would the owners be allowed to keep them if obtained previous to the regulation change or would they be required to surrender or destroy them? If so, this would be devastating to those individuals that have dedicated countless hours and dollars to caring for and protecting these animals. Furthermore, if these individuals were no longer allowed to propagate their endangered or threatened species there would be even further decline in numbers of these species. These individuals have worked countless hours and devoted thousands of dollars to trying to ensure that captive breeding continues for survival of the species. It is not practical or feasible to require captive breeders to permanently mark or microchip all of their wildlife and could cause unnecessary stress to the animals. In closing, I hope you will take these points and the opinions of those individuals also in opposition to the proposed new rules into serious consideration. These changes could drastically affect the lives of those Arizonans who responsibly keep, propagate and sell/trade these animals. Also, to not allow individuals who already have permits to captively breed and keep endangered or threatened species would be a tragedy as these individuals are doing their best to promote survival of the species and devote their money and time to do so.

Agency Response: Animals imported under R12-4-405 are not to be released into the wild, but the Department's experience has been that animals do escape. If those animals are able to exist in the wild, they will pose a risk to our native populations as we have found with the African rosy-cheeked lovebirds and the Eurasian collared doves. It is important to note, this rule does not establish a requirement for a health certificate for the importation of reptiles, amphibians, or birds (other than poultry) and thus will not impact trade in those species. Following significant public comment opposing the proposed amendment to restrict federally listed "endangered or threatened" species, the proposed recommendation is removed from the Notice of Final rulemaking. With the decision to withdraw the federally listed species from the restricted wildlife list, the prohibition on propagation and the requirement to permanently mark the animal will not apply to threatened and endangered species.

Written Comment: September 28, 2014. I see that in an attempt to bow down to PETA and HSUS the Department is thinking about turning Arizona into another Ohio. As well as impacting business such as petting zoos and educational programs, the new rules will impact the "preppers" in our state by going after their aquaponic gardens. It seems that anything the government does not like it goes about in an end around game to take away rights from honest citizens and again fails to go after the true criminals who are causing the problems. If the Department listened to the people, instead of paid political pandering morons who have nothing more than their own agenda, it would find that most of the changes will do more harm than good to the people of Arizona and their animals.

Agency Response: When amending a rule, the Department considers external and internal comments; considering each comment from a resource perspective and determining whether the request would cause undue harm to the state's wildlife or negatively affect the Department's wildlife objectives. The review team then determined whether the request was consistent with the Department's overall mission, if it could be effectively implemented given agency resources, and if it was acceptable to the public.

Written Comment: September 28, 2014. I am a concerned citizen and an avid herpetoculturist, naturalist, and citizen scientist. It has come to my attention that the Commission is considering enacting rules restricting the possession of federally listed species, adding a requirement for health certificates with animals purchased or brought into the state, and restricting the right to breed desert tortoises. Please do not further limit the possession of Federally listed species; require those possessing reptiles or selling reptiles across state lines to have a health certificate for the animals; or limit the ability of herpetoculturists or the public to breed desert tortoises I believe that the federal government provides adequate controls over the possession, sale and transport of federally listed species and there is no need for additional state restrictions. Many of these animals are rare or threatened due to loss of habitat or other broad scale human encroachments, which will not be alleviated or cured by further restricting the possession of those already kept or bred in captivity by dedicated herpetoculturists. The herpetocultural community can greatly expand the work of zoos and public institutions in keeping the bloodlines of these threatened and endangered species in perpetuity. At a later time, and under significant and careful oversight, some of these animals may form the stock for repatriation back into the wild once the original causes for the species' declines have been removed or brought under control. These captive populations can also be used as an educational tool to maintain public interest and ultimately respect for this vanishing resource. Please do not enact additional state controls over the possession or transport of ESA animal species (including reptiles, amphibians and fish). Another rule recently suggested requires those purchasing or transporting reptiles or amphibians across state lines to obtain a health certificate from the breeder or seller of said animals. The types of disease vectors that are transmissible from reptiles and amphibians to humans are not generally those which spread rapidly or uncontrollably within the human population. The physiology of these ectothermic creatures is substantively different from our own, so many of the bacteria or viral agents

they carry are not zoonotic. Those that are, such as salmonella, are well studied, understood, and easily controlled by other means than simple monitoring. Adding the requirement for a health certificate will significantly economically burden the seller and buyer of said animals alike and not generally increase public safety. Please do not modify the existing Article 4 rules to require a health certificate for the possession, or purchase and transport of amphibians and reptiles across state lines. The last of the proposed rules, to prevent the breeding of desert tortoises in captivity, also limits the number of animals which can be kept by a family. The current rules allow for one animal per person, such that a family may conceivably have multiple animals in their collective possession. The proposed ruling limits the number to one per family and does not allow any progeny to be produced through breeding loan with other individuals. It is my understanding that the Department currently has a surplus of desert tortoises and is having difficulty placing the animals. I personally know many individuals which would like to keep more of these animals and reduce this surplus, but are limited by the current rules and cannot possess more than a single individual. Desert tortoises have a long and unique history of being one of the few state protected species which have been maintained by the general public (many who do not ascribe to be herpetoculturists) and their presence in captive populations is critical to maintaining public awareness of the amazing fauna of our state. I remember a desert tortoise my fifth grade teacher brought into class that she produced from two animals she and her husband owned. It left an indelible impression of how truly amazing that species was and inspired me to research and learn more about them. These days when I go hiking, I find fewer and fewer, principally due to road mortality and the encroachment of new home tracts into their habitat that parse their home ranges such that they cannot find all the resources they need to survive. I fear in the not too distant future people will not have the opportunity to see easily them in the wild. By limiting the breeding of these animals, eventually captive animals will die off and public exposure to these animals will be limited to only a few institutions that carry the animals. Please do not modify the existing rules to prevent the breeding of desert tortoises in captivity; allow the public to own captive-produced and propagated animals. In short, as a constituent of Arizona, I implore the Commission to refrain from adding state restrictions on the possession of federally listed species of animals, ask that the Commission not add a requirement that health certificates accompany all reptiles and amphibians brought, bought, or sold across state lines, and ask that the Commission not ban the breeding of desert tortoises in captivity.

Agency Response: Following significant public comment opposing the proposed amendment to restrict federally listed "endangered or threatened" species, the proposed recommendation is removed from the Notice of Final rulemaking. With the decision to withdraw the federally listed species from the restricted wildlife list, the prohibition on propagation will not apply to threatened and endangered species. Many individuals, who provided comments on the Department's proposed modifications to rule R12-4-405, were unaware of the Arizona Department of Agriculture's rules. The definition under R3-2-101 "animal" that applies with respect to Article 1 would be the definition in that Article. For the purposes of a health certificate, the applicable definition is under R3-2-601, which states "Animal" means livestock, feral swine, ratite, bison, water buffalo, oxen, llama, and any exotic mammal not regulated as restricted live wildlife by the Arizona Game and Fish Department." The animals addressed in Article 6 and that require a health certificate are namely bison, cats and dogs, psittacine birds, zoo animals, non-restricted live wildlife cervidae, and macaque monkeys. The Department's proposed rule modifications simply add clarification to the existing health certificate requirements for imported wildlife. The requirement of a health certificate for the importation of animals was established by the Arizona Department of Agriculture to protect the citizens, livestock, and wildlife of Arizona. The risk of the importation of disease by the unregulated movement of animals by individuals is well established (plague and brucellosis are two examples of diseases that were not present on this continent before Europeans arrived; there are many more). The Department of agriculture rule R3-2-602 states, "all animals and poultry transported or moved into the state of Arizona, unless otherwise specifically provided for in this Article, must be accompanied by an official health certificate from the state of origin". Under the Department of Agriculture rule "animal" is defined as livestock, feral swine, ratite, bison, water buffalo, oxen, llama, and any exotic mammal not regulated as restricted live wildlife by the Arizona Game and Fish Department. The Department of Agriculture's requirement is not new and the Department's reference to the rule is included to clarify existing requirements. Animals imported under R12-4-405 are not to be released into the wild, but the Department's experience has been that animals do escape. If those animals are able to exist in the wild, they will pose a risk to our native populations as we have found with the African rosy-cheeked lovebirds and the Eurasian collared doves. It is important to note, this rule does not establish a requirement for a health certificate for the importation of reptiles, amphibians, or birds (other than poultry) and thus will not impact trade in those species. The commenter's interpretation of the proposed amendment is incorrect. A person may keep any number of tortoises, depending on the space available. A person may keep same sex tortoises or spay/neuter opposite sex tortoises. This restriction on propagation was added because captive tortoises have become a management problem for the Department. Because they breed readily in captivity, there is an overabundance of captive tortoises which the Department has the responsibility of managing at considerable expense and personnel time. These tortoises cannot be released into the wild because of concerns about the transmission of respiratory disease. The Arizona Game and Fish Department receives hundreds of unwanted captive-born tortoises each year. The Department spends a considerable amount of effort and resources finding homes for tortoises. This takes away time for conservation efforts of wild tortoises. Tortoises hatched in captivity cannot be released into the wild. Once in captivity, tortoises must be cared for by humans for the rest of their life. The Department has an adoption program, yet currently houses over 200 tortoises that need homes.

Written Comment: September 28, 2014. USARK is a non-profit membership organization representing breeders, hobbyists, conservationists, pet owners, academics, and scientists who work with or in the reptile industry. We have been contacted by dozens of Arizona citizens and asked to comment on your proposed rule changes regarding reptiles and exotic animals. We have attached two documents to support our comments below. If the Department is not aware of the size of the reptile and amphibian pet community, it is estimated that over 100,000 Arizona residents responsibly keep reptiles as pets via a national study from the American Pet Products Association (APPA). The reptile segment of the pet industry yields annual revenue of nearly $30,000,000 in Arizona via an economic study done by Georgetown Economic Services). Regarding R12-4-405. Importing, Purchasing, and Transporting Live Wildlife Without an Arizona License or Permit - Require mammals, birds, or reptiles imported into this state

to be accompanied by the health certificate required under 3 A.A.C. Chapter 2, Articles 4 and 6, when applicable to minimize disease exposure to wildlife populations. The proposed rule is based upon the "potential" for imported wildlife to transmit disease into healthy wildlife populations. The current rules already provide for the protection of native wildlife populations by prohibiting the release of captive wildlife into wild populations. The proposed rule deals with animals intended as captive pets, which are not allowed to be released into the wild already addressed in an existing rules) and should have little impact on wild populations. Merely requiring a "potential" for disease transmission fails to apply the "sound science" standard acknowledged as appropriate for this purpose. Sound science requires quantification of the risk to allow one to assess the usefulness of any proposed rule and to consider less restrictive alternatives that could produce the same desired result. Requiring health certificates for imported reptiles and amphibians will result in a devastating financial burden to business currently conducted at local reptile and amphibian shows, local pet stores and from interstate purchases. Because the transmission of diseases from captive reptiles and amphibians is extraordinarily rare, the proposed rule is unnecessarily restrictive. Reptiles and amphibians are also not a concern for zoonotic disease transmission. While it is possible for a human to get salmonella from reptiles and amphibians, proper hygiene eliminates the risk. The Department certainly cannot warrant the overreaching punishment to thousands of responsible keepers because a few people do not wash their hands. As the Commission has declared regarding hedgehogs, there is not a threat of nonnative, exotic species of reptiles and amphibians to establish themselves in Arizona. Exotic reptiles and amphibians have been kept as pets for several decades without consequence in Arizona. The inclusion of federally-listed nonnative threatened and endangered species will have a negative impact on captive breeding programs for these species. Many Arizona residents have spent tens of thousands of dollars to ensure captive breeding populations of species struggling or nearly extinct in the wild. By prohibiting propagation of federally listed threatened and endangered species, the Department is inhibiting the survival of endangered species. This will occur if the Commission adds federally-listed threatened and endangered species to their list of Live Restricted Wildlife and amends the rule to also end breeding activity and require sterilization of animals. The requirement to permanently mark or microchip wildlife is overreaching and unnecessary as breeders should be allowed to continue working with and breeding these animals. Not only are many species very small and this is simply impossible, but these procedures risk unwarranted health concerns from the added stress. While the Department states that fees will be minimal per animal, many breeders have dozens of animals and the fees would prove detrimental to keeping this animals and they would need to be euthanized or surrendered. Requiring health certificates for all mammals, birds, and reptiles would lead to selective enforcement, rampant unenforceable violations, and a huge economic impact should the department try to enforce on the pet industry. USARK urges the Department to reconsider this rule change. Regarding R12-4-406. Restricted Live Wildlife - Indicate that federally listed threatened and endangered species and all transgenic are restricted live wildlife. USARK and affected Arizona citizens oppose the addition of nonnative species that are Federally-listed as threatened to Arizona's Restricted Live Wildlife list because it would harm decades of conservation work accomplished within Arizona. Many private keepers have invested years and even decades into breeding these species and ensuring their survival while wild populations are devastated from habitat loss due to human over-population. The ESA already regulates animals that are threatened and endangered. The proposed regulation changes for Arizona are far over-reaching and much more prohibitive than the federal law. These proposed rule changes would lead to added stress and certainly the loss of life for many of these animals now requiring procedures that are not common veterinary practices i.e. sterilization of reptiles and amphibians). Additional regulations leading to monetary concerns for keepers will lead to the unnecessary euthanization of thousands of animals. Many of these animals are key to the survival of species and the Department would actually be aiding in the loss of species. There are concerns with other proposed rule changes that have been pointed out by concerned citizens. Hopefully the Department will removed these proposed changes before the scheduled meeting in December as these rule are severely-flawed and will lead to devastating hardships. Please consider the negative impacts this decision will have on animals and Arizona citizens who responsibly own these animals. We hope the Department will do what is best for Arizona residents and listen to the responsible pet owners and truly concerned organizations that are offering information.

Agency Response: Many individuals, who provided comments on the Department's proposed modifications to rule R12-4-405, were unaware of the Arizona Department of Agriculture's rules. The definition under R3-2-101 "animal" that applies with respect to Article 1 would be the definition in that Article. For the purposes of a health certificate, the applicable definition is under R3-2-601, which states "Animal" means livestock, feral swine, ratite, bison, water buffalo, oxen, llama, and any exotic mammal not regulated as restricted live wildlife by the Arizona Game and Fish Department." The animals addressed in Article 6 and that require a health certificate are namely bison, cats and dogs, psittacine birds, zoo animals, non-restricted live wildlife cervidae, and macaque monkeys. The Department's proposed rule modifications simply add clarification to the existing health certificate requirements for imported wildlife. The requirement of a health certificate for the importation of animals was established by the Arizona Department of Agriculture to protect the citizens, livestock, and wildlife of Arizona. The risk of the importation of disease by the unregulated movement of animals by individuals is well established (plague and brucellosis are two examples of diseases that were not present on this continent before Europeans arrived; there are many more). The Department of agriculture rule R3-2-602 states, "all animals and poultry transported or moved into the state of Arizona, unless otherwise specifically provided for in this Article, must be accompanied by an official health certificate from the state of origin". Under the Department of Agriculture rule "animal" is defined as livestock, feral swine, ratite, bison, water buffalo, oxen, llama, and any exotic mammal not regulated as restricted live wildlife by the Arizona Game and Fish Department. The Department of Agriculture's requirement is not new and the Department's reference to the rule is included to clarify existing requirements. Animals imported under R12-4-405 are not to be released into the wild, but the Department's experience has been that animals do escape. If those animals are able to exist in the wild, they will pose a risk to our native populations as we have found with the African rosy-cheeked lovebirds and the Eurasian collared doves. It is important to note, this rule does not establish a requirement for a health certificate for the importation of reptiles, amphibians, or birds (other than poultry) and thus will not impact trade in those species. Following significant public comment opposing the proposed amendment to restrict federally listed "endangered or threatened" species, the proposed recommendation is removed from the Notice of Final rulemaking. With the decision to with-

draw the federally listed species from the restricted wildlife list, the prohibition on propagation will not apply to threatened and endangered species.

Written Comment: September 28, 2014. Following are my comments to the upcoming proposed rule change by the Department. My comments come from a viewpoint of a private individual who will be affected by the proposed regulations. I am a responsible animal keeper and find the proposed rules to be over-reaching and unjustifiable based on the best peer-reviewed scientific research available. R12-4-406. Restricted Live Wildlife - Indicate that federally listed threatened and endangered species and all transgenic are restricted live wildlife. USFWS already regulate over 1,400 animals listed on the ESA, most of which are nonnative species. The proposed regulation changes for Arizona are over-reaching and much more prohibitive than federal law. Most states do not regulate federally listed nonnative animals and of those states that do have laws to restrict ownership, possession, or transportation of federally listed nonnative animals most do not have the resources to enforce these laws and simply do not enforce them. Please note, Virginia recently excluded restrictions on ESA nonnative listed species that are in full compliance with the USFWS ESA. See Virginia SB50 2014. Is the Department aware of the numbers of nonnative federally listed animals or candidate animals that are privately owned pets? Examples are the Muluccan Cockatoo AKA Barrette Bird), Blue-throated Macaw, Scarlett Macaw candidate), and Military Macaw candidate). What will happen to these pets? Because of the long life span of birds, this will be an issue for many years. Families may have had these pets for 50 years. Is the Department prepared to fairly and efficiently administer a permit process for these pets or, worse yet, really want to seize family pets that heave been owned for generations or more? Once seized, does the Department has the facilities to house these animals short-term or will they simply be killed because there are no long term facilities available that are permitted to possess Federally listed animals? Or, once this process begins, will people release their pets into the wild to keep their pets from being seized or killed? Rescues and sanctuaries will have the same challenges with complying with the permits as individuals. Most rescues and sanctuaries already seem to think they are exempt from federal and state regulations. How many people will relocate from Arizona because it is unfriendly to pets? Does the Department want to handle the negative publicity from seizing an elderly person's pet of many years? The proposed rule changes would lead to added stress and certainly loss of life for many of these animals now requiring procedures that are not common practices i.e. sterilization of birds, reptiles, and amphibians). Then comes the challenge to local animal control department's understanding these regulations. Will every cockatoo in Arizona be seized because many species of cockatoos will have the same appearance as seen by an untrained animal control officer? Will Blue and Gold Macaws that are the most common large macaw be confused with the newest macaw addition to the ESA, the Blue-throated Macaw? Who is qualified to make these decisions at local animal control departments? Will the Department and USFWS be called every time a local animal control officer finds a bird or reptile they cannot identify? Many veterinarians are not qualified to distinguish different birds. Then, how about reptiles? Amphibians? Mammals? Chinchillas are listed on the ESA with domestic-raised being exempt. How does a person tell if it is a domestic chinchilla or a wild caught chinchilla? In that case, the expert would be the 12 year-old who just had their first pet taken by an unqualified animal control officer. R12-4-405. Importing, Purchasing, and Transporting Live Wildlife Without an Arizona License or Permit - Require mammals, birds, or reptiles imported into this state to be accompanied by the health certificate required under 3 A.A.C. Chapter 2, Articles 4 and 6, when applicable to minimize disease exposure to wildlife populations. Requiring health certificates for all mammals, birds, and reptiles would lead to selective enforcement, rampant unenforceable violations, and a huge economic impact should the Department try to regulate the pet industry. What about animals passing through to other states? Will people avoid Arizona because of health certificates being required for family pets? To be enforced, checkpoints will be required at all borders. Can Arizona afford to man the borders to other states? Will people avoid Arizona for vacation because of health certificates being required for family pets? In summary, Arizona is making laws that other states put into act in early 1970s when the ESA was created to mainly protect native species. The USFWS ESA added many other species of nonnative animals to stop the U.S. from contributing to domain for smuggled threatened and endangered species. Smuggling of most species is just zero. In a time when Arizona and the U.S. have so many problems the proposed changes are fixing something that is not broke.

Agency Response: Following significant public comment opposing the proposed amendment to restrict federally listed "endangered or threatened" species, the proposed recommendation is removed from the Notice of Final rulemaking. With the decision to withdraw the federally listed species from the restricted wildlife list, the prohibition on propagation will not apply to threatened and endangered species. Many individuals, who provided comments on the Department's proposed modifications to rule R12-4-405, were unaware of the Arizona Department of Agriculture's rules. The definition under R3-2-101 "animal" that applies with respect to Article 1 would be the definition in that Article. For the purposes of a health certificate, the applicable definition is under R3-2-601, which states "Animal" means livestock, feral swine, ratite, bison, water buffalo, oxen, llama, and any exotic mammal not regulated as restricted live wildlife by the Arizona Game and Fish Department." The animals addressed in Article 6 and that require a health certificate are namely bison, cats and dogs, psittacine birds, zoo animals, non-restricted live wildlife cervidae, and macaque monkeys. The Department's proposed rule modifications simply add clarification to the existing health certificate requirements for imported wildlife. The requirement of a health certificate for the importation of animals was established by the Arizona Department of Agriculture to protect the citizens, livestock, and wildlife of Arizona. The risk of the importation of disease by the unregulated movement of animals by individuals is well established (plague and brucellosis are two examples of diseases that were not present on this continent before Europeans arrived; there are many more). The Department of agriculture rule R3-2-602 states, "all animals and poultry transported or moved into the state of Arizona, unless otherwise specifically provided for in this Article, must be accompanied by an official health certificate from the state of origin". Under the Department of Agriculture rule "animal" is defined as livestock, feral swine, ratite, bison, water buffalo, oxen, llama, and any exotic mammal not regulated as restricted live wildlife by the Arizona Game and Fish Department. The Department of Agriculture's requirement is not new and the Department's reference to the rule is included to clarify existing requirements. Animals imported under R12-4-405 are not to be released into the wild, but the Department's experience has been that animals do escape. If those animals are able to exist in the wild, they will pose a risk to our native populations as we have found with the

African rosy-cheeked lovebirds and the Eurasian collared doves. It is important to note, this rule does not establish a requirement for a health certificate for the importation of reptiles, amphibians, or birds (other than poultry) and thus will not impact trade in those species. Health certificates are required only for animals entering or traveling through Arizona, this is a current requirement under R R3-2-601 and applies to pets (psittacine birds, dogs, cats, and mammals not regulated as restricted wildlife by the Department of Game and Fish).

Written Comment: September 28, 2014. I oppose the law which includes birds listed on the ESA list to be kept as pets in Arizona as private breeders have vested much of their lives to keep these birds from totally disappearing; they are non-migratory, nonnative species, and breeders as well as pet owners are doing everything in their power to keep these species on the face of the earth. Wild populations are diminishing every day and, without our assistance, they will cease to exist anywhere. To declare pets and successful, as well as future, breeding pairs by this impending rule in Arizona (as well as any other state) illegal to own or breed will certainly hurt the species. The birds pose no impending threat to native wildlife as they are not able to be released in the wild because they would surely perish. The birds on the ESA list that are already in homes, if subject to being surrendered, would impose undue stress and perhaps death to these sensitive species and is not that what the ESA is trying not to do, which is "protect" the species, not impose harm. To impose health certificates for birds is rather a moot point since these rare species are kept in the best situations, receive veterinary care, and are given the best diets, emulating as well as can be their diet in the wild. This species is already protected federally, and the state-to-state laws will constrict and have adverse effects on the species.

Agency Response: Following significant public comment opposing the proposed amendment to restrict federally listed "endangered or threatened" species, the proposed recommendation is removed from the Notice of Final rulemaking. With the decision to withdraw the federally listed species from the restricted wildlife list, the prohibition on propagation will not apply to threatened and endangered species. Health certificates are required only for animals entering or traveling through Arizona, this is a current requirement under R R3-2-601 and applies to pets (psittacine birds, dogs, cats, and mammals not regulated as restricted wildlife by the Department of Game and Fish).

Written Comment: September 28, 2014. I am the owner of reptile business in Arizona and a board member of the APA. I believe R12-4-405 would be devastating to my retail store that has been in business for 15 years and have never had a case of salmonella or any other zoonotic disease in those 15 years of operation. This proposal would be financially crippling with the amount of animals I buy from out-of-state to the point that it would probably put me out of business. With no cases in 15 years of business, why would the state burden me with this? Is not business hard enough in a down economy without being strangled by this nonsense?

Agency Response: It is important to note, this rulemaking does not establish a requirement for a health certificate for the importation of reptiles, amphibians, or birds (other than poultry) and thus will not impact trade in those species.

Written Comment: September 28, 2014. I am a high school sophomore and want to express my concerns on the proposed rulemaking. I think this rule change to R12-4-404 is a bad proposal because there are not enough zoos to keep the captive populations of endangered species alive. I think private citizens can do as good, or even better, job at maintaining captive populations of harmless, smaller animals that aren't dangerous, such as birds (i.e. endangered geese, ducks, falcons), and small reptiles (i.e. boa constrictors, small pythons), tortoises, turtles, and normal-to-medium-sized lizards. We've all seen the Galapagos Tortoises at the Phoenix Zoo, but ask the zoo how many babies they have produced over the last 50 years. Then ask <name redacted> how many babies he's produced in the past three years. <Name redacted> is a private citizen and can do a better job of propagating a rare animal than the zoo. He taught zoos to keep the males away from the females except for a few days out of the year. This technique produced fertile eggs and lots of babies. People my age want the government to give citizens more rights, as long as they do not hurt others or the environment. I think that owning hedgehogs is okay and I would like to thank the Department for all the projects they've been working on in our State, such as the Black Footed Ferret, the Mexican Grey Wolf, and California Condors. Do not ban taking pictures of the wildlife and try harder to keep bullfrogs out of our streams.

Agency Response: Following significant public comment opposing the proposed amendment to restrict federally listed "endangered or threatened" species, the proposed recommendation is removed from the Notice of Final rulemaking. With the decision to withdraw the federally listed species from the restricted wildlife list, the prohibition on propagation will not apply to threatened and endangered species. The Department revised R12-4-404 to remove "photograph" from the list of authorized noncommercial use and added a new subsection (I) indicating a person may sell photographs of wildlife taken under a valid hunting or fishing license. This was added as a result of comments received, which indicated clarification was required in regards to whether a person is required to possess a special license in order to sell photographs of wildlife.

Written Comment: September 28, 2014. I am very concerned about the lengthy proposed changes slated for possible inclusion in new Commission rules. They are very extensive, but my expertise is reptile related, so that is what I would like to comment on. I have kept, bred, and exhibited reptiles in several states, and observed reptiles in the wild in the U.S. and other countries, since the 1970s. Most of my friends and business relationships are rooted in the herpetocultural community. So I feel strongly about anything which impacts any or all of us. Firstly, I am concerned that all federally listed species will automatically be listed as restricted wildlife. Although I do not currently keep those species, there are quite a few breeders who have successfully produced federally listed tortoises and snakes for many years in Arizona. They do not need federal permits to keep, breed, or sell offspring, as long as they do not buy or sell outside of the state. I can see no benefit to wildlife or to the state by putting them out of business. It would seem logical that Arizona should only regulate nonnative species if they are a threat to native wildlife or human health and safety or are being treated inhumanely. Being federally listed should not make them a target of more regula-

tions just because of the listing. The federal government already has plenty of regulations for those exotic, endangered species. Allowing owners of such reptiles to be grandfathered in to possess them but not to continue to reproduce them only assures continued expense to maintain adults with no income from production to offset those expenses. Since this will not benefit Arizona or its wildlife and will cause economic harm for breeders I request the Department delete or change this provision. Transgenic hybrids may also be prohibited, although I am not sure why. There are many pet reptiles that are the result of such pairings, such as corn snakes mated to king snakes, bull snakes, etc. Lots of people do not like such hybrids, but many do. I see no benefit to Arizona, its people or wildlife in prohibiting pet owners for keeping or producing them. I am very concerned about new regulations to import non restricted reptiles into Arizona. While it may be a minor expense to get a health certificate for large mammals and birds, many pet reptiles are very inexpensive and the health certificate will cost more than the purchase price of the reptile. Furthermore, I have experience in obtaining health certificates in the past to export non-protected snakes to Europe. I used several different veterinarians over the years and the process always included me bringing in a box of baby corn or king snakes in deli cups, the veterinarian glancing at them, and usually without picking up each cup. In no case did the veterinarian physically handle and examine each individual snake. There is no way that such a cursory exam could detect disease, or even small parasites. Even a thorough exam of reptiles often fails to detect diseases that might be quickly noticed in larger or better known species. In addition, it is already illegal to release wildlife into the wild in Arizona. So nonnative pet reptiles are not going to come into contact with native wildlife and thus will have no impact on the health of native wildlife. These exams do nothing to protect any person or wildlife and are only an unnecessary expense and a drain on small pet shops, breeders, and hobbyists. If the Department feels that health certificates are necessary for certain types of large mammals, please enumerate those species, and exempt reptiles and other small, inexpensive pet shop type species. Everyone knows of the terrible carnage of road kill all over the U.S., including Arizona. It is an extreme waste of wildlife resources. There is currently at least one business that makes use of road kill snakes by producing products made of road kill snake skin. They actively recruit reptile keepers to bring road kill (or captive snakes that have died) as a source for their product line. This seems like an excellent use of an otherwise wasted resource. Please consider an exemption for commercial use of road kill reptile skins and possibly other wildlife road kill, if applicable. Lastly, the section on "Captivity Standards" is somewhat unclear. Apparently it used to apply to holders of special licenses, but those references are marked out. If this means that every person who keeps a pet reptile or other small non-domestic pet has to abide by everything in the rule, including veterinarian exams that may be unnecessary or even impossible for rural reptile keepers without a qualified reptile veterinarian nearby, then it is overly broad. It is useless to take reptiles to cat and dog veterinarians, and most reptiles do not require annual checkups, anyway. In the case of reptile and amphibian keepers with large collections, such a requirement could be very expensive and not helpful to the collection. It is far more logical to use veterinary funds for the few animals that may require treatment, rather than squander it on cursory exams for a large, healthy collection. And when veterinary care is truly needed, reptile keepers must travel to wherever there is a qualified reptile veterinarian, not just the nearest general veterinarian.

Agency Response: Following significant public comment opposing the proposed amendment to restrict federally listed "endangered or threatened" species, the proposed recommendation is removed from the Notice of Final rulemaking. With the decision to withdraw the federally listed species from the restricted wildlife list, the prohibition on propagation will not apply to threatened and endangered species. Many individuals, who provided comments on the Department's proposed modifications to rule R12-4-405, were unaware of the Arizona Department of Agriculture's rules. The definition under R3-2-101 "animal" that applies with respect to Article 1 would be the definition in that Article. For the purposes of a health certificate, the applicable definition is under R3-2-601, which states "Animal" means livestock, feral swine, ratite, bison, water buffalo, oxen, llama, and any exotic mammal not regulated as restricted live wildlife by the Arizona Game and Fish Department." The animals addressed in Article 6 and that require a health certificate are namely bison, cats and dogs, psittacine birds, zoo animals, non-restricted live wildlife cervidae, and macaque monkeys. The Department's proposed rule modifications simply add clarification to the existing health certificate requirements for imported wildlife. It is important to note, this rule does not establish a requirement for a health certificate for the importation of reptiles, amphibians, or birds (other than poultry) and thus will not impact trade in those species. A.R.S.§ 17-371(E) states, "heads, horns, antlers, hides, feet, or skin of wildlife lawfully taken, or the treated and mounted specimens thereof, may be possessed, sold and transported at any time..." Wildlife hit by a motor vehicle is not considered to be lawfully taken, with the exception of big game meat as prescribed under A.R.S.§ 17-319. This restriction is necessary to protect Arizona's wildlife resources and any change related to it would create a loophole for an individual to possess the parts of wildlife without the necessary evidence of legality (license, tag, seasons, etc.). Please keep in mind that in nature, little is ever wasted and there are a host of animals that survive by recycling other animals that have died in the wild or on the roadway. Captivity standards apply only to a person who possesses a special license issued by the Department. However, the Department will revise the rule to clarify captivity standards listed under R12-4-428 apply only to those individuals who possess a special license from the Department.

Written Comment: September 29, 2014. I am writing this in regards to the proposed rule changes for the keeping of exotic animals. I am a biology student focusing on herpetology as well as a responsible keeper of reptiles, specifically Green Tree Pythons and Madagascar Leaftail Geckos. I have a small business breeding and selling my animals, some of which are listed as threatened. I have many friends in the reptile industry, including some who live in Arizona. As such, I oppose the addition of animals that are federally listed as threatened to Arizona's Restricted Live Wildlife List. It hurt breeders who have put in decades of work establishing viable captive populations of these animals while their wild populations are decimated by habitat loss. I also oppose the change requiring health certificates for imported live animals. Not only will this result in a devastating financial burden to business conducted at local reptile and amphibian shows, pet stores, and interstate purchases, it also fails to apply the "sound science" acknowledged as appropriate for this purpose. Sound science requires quantification of the risk to allow one to assess the usefulness of any proposed rule and to consider less restrictive alternatives that could produce the same desired result. The proposed rule is based upon the potential for imported wildlife to transmit disease into healthy wildlife populations. The current

rules already provide for the protection of native wildlife populations by prohibiting the release of captive wildlife into wild populations. It is estimated that over 100,000 Arizona residents responsibly keep reptiles as pets via a national study from the APPA and that the reptile segment of the pet industry yields annual revenues of nearly $30,000,000 in Arizona via an economic study done by Georgetown Economic Services). In conclusion, I ask that the proposed rule changes not be implemented. The rule changes are redundant as the subject matter is already regulated by other agencies or rules already in place.

Agency Response: Following significant public comment opposing the proposed amendment to restrict federally listed **"**endangered or threatened" species, the proposed recommendation is removed from the Notice of Final rulemaking. With the decision to withdraw the federally listed species from the restricted wildlife list, the prohibition on propagation will not apply to threatened and endangered species. Many individuals, who provided comments on the Department's proposed modifications to rule R12-4-405, were unaware of the Arizona Department of Agriculture's rules. The definition under R3-2-101 "animal" that applies with respect to Article 1 would be the definition in that Article. For the purposes of a health certificate, the applicable definition is under R3-2-601, which states "Animal" means livestock, feral swine, ratite, bison, water buffalo, oxen, llama, and any exotic mammal not regulated as restricted live wildlife by the Arizona Game and Fish Department." The animals addressed in Article 6 and that require a health certificate are namely bison, cats and dogs, psittacine birds, zoo animals, non-restricted live wildlife cervidae, and macaque monkeys. The Department's proposed rule modifications simply add clarification to the existing health certificate requirements for imported wildlife. It is important to note, this rule does not establish a requirement for a health certificate for the importation of reptiles, amphibians, or birds (other than poultry) and thus will not impact trade in those species.

Written Comment: September 29, 2014. Following are my comments to the upcoming proposed rule change by the Department. My comments come from a viewpoint of a private individual who will be affected by the proposed regulations. I am a responsible animal keeper and find the proposed rules to be over-reaching and unjustifiable based on the best peer-reviewed scientific research available. R12-4-404, Possession of Live Wildlife Taken Under an Arizona Hunting or Fishing License - Replace the term "personal use" with the term "noncommercial use" in reference to authorized activities as "personal use" is an ambiguous term. I am opposed to the proposed rule for the following reasons: 1. The proposed rule is redundant. R12-4-404 already defines the commercial activities that are not allowed. R12-4-404(B) states "An individual shall not dispose of wildlife taken as prescribed by this Section or offspring of the wildlife by selling, bartering, trading, or exporting it for commercial purposes. Exported live wildlife and its offspring shall not be sold, bartered, purchased, rented, leased, offered for sale, or used for any commercial purpose." 2. The addition of the term "noncommercial use" would limit the already allowed activities defined in R12-4-404, which states, "An individual may possess, transport, place on educational display, photograph, propagate, or kill." If there is a commercial purpose for any of these activities it would not be allowed. For example, photographs of any legally held wildlife, which photographs are intended to be sold or to be used in a field guide would be in violation of the proposed rule. 3. Further I would recommend that the existing term "for personal use" be removed from the rule as well as the same term not being replaced with "noncommercial use." Both terms are redundant, ambiguous, and confusing. R12-4-405. Importing, Purchasing, and Transporting Live Wildlife Without an Arizona License or Permit - Require mammals, birds, or reptiles imported into this state to be accompanied by the health certificate required under 3 A.A.C. Chapter 2, Articles 4 and 6, when applicable to minimize disease exposure to wildlife populations.

Agency Response: To ensure that special licenses issued by the Department are properly administered and used by the applicant solely for their intended purposes, the Department determined it is necessary to clearly differentiate between commercial and non-commercial activities that utilize wildlife. This differentiation between commercial and non-commercial is necessary to ensure the Department can protect all native species from commercial sale, exploitation, and other activities that could negatively impact wild populations. Restricted wildlife taken and held under a hunting or fishing license is managed as a non-commercial activity. Under current rule, a person may take a reptile for an extended period of time, either overnight or permanently, provided the person possesses a valid hunting license and subject to the bag limits and restrictions established under Commission Order 41. In addition, the Department amended R12-4-404 to allow a person to photograph wildlife taken by means of a hunting or fishing license. The addition of the term "noncommercial use" does not limit any activities already allowed under the rule. The Department believes it is necessary to define the term "noncommercial use" as it is not self-defining and is necessary to clarify lawful and unlawful activities addressed in the Article 4 rules. R12-4-404(B) establishes the lawful activities that are allowed for personal use. Many individuals, who provided comments on the Department's proposed modifications to rule R12-4-405, were unaware of the Arizona Department of Agriculture's rules. The definition under R3-2-101 "animal" that applies with respect to Article 1 would be the definition in that Article. For the purposes of a health certificate, the applicable definition is under R3-2-601, which states "Animal" means livestock, feral swine, ratite, bison, water buffalo, oxen, llama, and any exotic mammal not regulated as restricted live wildlife by the Arizona Game and Fish Department." The animals addressed in Article 6 and that require a health certificate are namely bison, cats and dogs, psittacine birds, zoo animals, non-restricted live wildlife cervidae, and macaque monkeys. The Department's proposed rule modifications simply add clarification to the existing health certificate requirements for imported wildlife. It is important to note, this rule does not establish a requirement for a health certificate for the importation of reptiles, amphibians, or birds (other than poultry) and thus will not impact trade in those species.

The following comments address only the Department's proposed amendment regarding the addition of federally listed endangered or threatened wildlife to the list of restricted live wildlife under R12-4-406:

Written Comment: September 27, 2014. The Department has proposed to amend R12-4-401. Live Wildlife Definitions - 'The definition of "endangered or threatened" is amended to incorporate the most recent version of the Federal Endangered and Threatened Wildlife regulation.' Under the proposed change, "a special license is required in order to possess the wildlife" on the

federal list. Rubber-stamping USFWS decisions about which species should be designated as endangered or threatened is problematic for the following reasons: 1. The Department will be required to perform additional, state-wide enforcement and administrative activities every time a new species is added to the list. 2. Arizona's interests are not the same as the interests of USFWS. For example, The Department is currently negotiating with USFWS about Mexican wolf recovery. I recommend that this rule change proposal be removed.

Written Comment: September 27, 2014. I am writing this as a concerned citizen to stress the benefits of legally keeping endangered reptiles and amphibians in Arizona. It has come to my attention that the Department is proposing to amend a rule which would prevent private citizens from keeping or breeding protected animals. I understand how one could believe passing a rule will provide greater protection for said species and, in the case of poisonous or dangerous animals, I wholeheartedly agree. However, in the case of nonpoisonous, non-dangerous protected species, I would argue that the benefits of private breeding outweigh the concerns over jurisdiction and management of said species. I think the Department will find any herpetologist with an endangered species is in their possession holds its wellbeing above all. The same passion and attention to detail that led them through all the various legal hoops in obtaining their animals will surely be the same passion and attention to detail they will use in caring for their animal. This is paramount in breeding an endangered species and through captive breeding reducing their risk of extinction. In the long run this may prove to be our best defense against extinction by deforestation or any number of factors threatening the existence of these animals of which we have little control. At any time an endangered species could exist solely in captivity, and when zoos need to expand the gene pool, private collectors will certainly be willing to accommodate the facilitation of these animals they love. In closing these animals need our help and there are already people out there doing just that. Do not take away the right to legally keep these animals.

Written Comment: September 27, 2014. I am the President of the Arizona Bird Club (AABA), It is one of the five bird clubs in Arizona and consists of 88 members. AABA has been in the Valley since 1988 and have mostly consisted of breeders until recently, now we are mostly just exotic bird owners. Our birds are our family members, not our pets. We love them like our children and would be devastated if we could not have them anymore. Our birds are in our wills, like our children, Our birds have special diets, special toys, special treats, special woods, - pretty much special everything. We adapt our lives around our birds. I cannot imagine out lives without our birds. Our birds have been in our family for 23 years. I just can't even imagine not being able to not have them; they do not know the wild, they would not survive. Change your ruling to allow captive parrots to be allowed to be in Arizona.

Written Comment: September 28, 2014. I have Scarlets and hybrids that have been in my family for years, what does it mean if this rule goes into effect? I know approximately 100 people in Phoenix who have Scarlet Macaws and subspecies that are captive pet owners. Are we going to have to move out of state to save our birds? Or, are we going to have to go to a hearing?

Written Comment: September 28, 2015. I am a responsible animal keeper in Arizona and I disagree with the proposed rule changes. I do not agree that all endangered and threatened species should be included in this Arizona regulation (R12-4-404). It has been illegal nationally since the 1990s to breed, sell, or trade endangered wildlife and, as a result, wild endangered species have not been sold in the U.S. for about 21 years. Therefore, the proposed rules are going to affect the captive-bred endangered species. Captive-breds are a part of our families and they do not endanger any wildlife in Arizona. They are kept in homes, away from wildlife, and therefore, there is no potential for transmitting any disease into wild populations in Arizona. Professionals who breed and sell captive-bred endangered species and any future pet bird or reptile bought or sold after regulation should not be penalized, either. The only thing a new regulation like this would do is to cost the State a lot of money to educate the population and to enforce and make some of the extremist animal rights and environmentalists happy. For the respect of these precious animals, do not create this new regulation.

Written Comment: September 28, 2014. I write to state that Bird Recovery International opposes the addition of nonnative species that are federally listed as threatened to Arizona's Restricted Live Wildlife list. The proposed activates are unsupported under the absolutely unscientific guise of "protection against disease," and the farcical idea that fees and bureaucracy will not meaningfully affect current business practices. We support and agree with talking points provided to you by the United States Association of Reptile Keepers, USARK. We would like to focus our commentary on conservation and heritage issues surrounding rare animal breeding as those are most in line with the purpose of our non-profit. The proposed rule changes to R12-4-404, R12-4-405, and R12-4-406 will harm our fragile global ecosystems. I quote Brian Seasholes of the National Institute for Policy Analysis, "In America, private wildlife conservation initiatives successfully saved the bison from extinction, reintroduced bison herds and increased the numbers of eastern blue birds and wood ducks. […] The reason: If the people who bear the true costs of living with wildlife are able to benefit from it, then these people will conserve it." (Seasholes 2007) By freely allowing people to breed rare animals, and sell excess numbers and non-breeders as pets, we create a self-funding "ark" of animals that can be utilized for conservation with an ultimate goal of breed and release. For some species, this is an easy process. Highly "instinctual" animals such as insects and reptiles can be easily bred and released and have high survival rates in their natural habitat, such as the western pond turtle (WDFW 2014; WDFW 1997). But even in the harder to breed and release species, with long, learning-based childhoods, there is rapidly developing science. For example, in 1980 techniques led to only 4% of captive raised thick-billed parrots surviving (Snyder 1994). Today, modern developments can lead to excellent survival rates, with 89% survival of captive raised scarlet macaws in a study By Dr. Donald Brightsmith of Texas A&M University (Brightsmith 2005). Unfortunately, there are only 229 accredited zoos and just under 100,000 described species of animals out of an estimated 7.7 million total animal species (AZA 2014; Mora et al 2011). Zoos and a few government programs simply are not enough. As in the case of the American Bison, we must maximize private citizen's abilities to breed and work with animals. Imagine that if instead of being allowed to bottle feed bison calves in the 1880s, Mary Ann "Molly" Goodnight had been fined by her state government

and the bison herd she worked so hard to build were seized? We would probably not have bison burgers and there might not be bison in Yellowstone Park today, as by 1902 there were less than 25 bison in the wild and descendants from the Goodnight herd ended up in Yellowstone (Gates et el 2010, pp 63). By denying citizens the ability to freely breed and sell rare animals, the proposed rules destroy existing arks while doing nothing to actually help species. As Seasholes wrote, we must allow people to benefit from conservation actions. The state of Virginia realized this in the past year, when they passed SB50, which increased the rights of private citizens to keep, breed, and sell endangered species, basically undoing what you are trying to pass here. We write in hopes that Arizona can be as forward-thinking as Virginia. The proposed rule change will harm your citizens. The proposed rule changes affect an existing, large, group of people: Exotic pet owners and exotic pet breeders. (We can alternatively refer to these groups as "enthusiasts who fund rare animal breeding" and "experts who know how to propagate rare species.") The proposed rule will cause harm to citizens by reducing their freedoms, denying legitimate business opportunities due to bureaucratic and fee barriers, and will do nothing to help balance the harmed ecosystems that are the reason behind the existence of species protection laws. Unless people can sell wildlife, they can't afford to breed it. Without breeding, we lose arks. The proposed rules will cause corruption These kinds of rules have repeatedly been shown to be unenforceable due to the impossibly large amounts of manpower needed. It has been my experience that even at the Federal level, investigations into ESA violations are cursory, often symbolic, and have little follow-up due to resources spread so thin that only the "lowest hanging fruit" can be pursued and Arizona certainly has far fewer enforcement resources than the Federal government. Therefore, since systematic fair and even enforcement will not be possible, it is inevitable that enforcement of the proposed rules will consist of selective punishment based on personal decisions and relationships, which is not effective governance and crosses over into corrupt practices. Breeding rare exotic animals is a part of American heritage Since before Columbus, exotic animals have been bred by private people in the United States. Paintings and bones strongly suggesting that exotic animals were kept in pre-historic Arizona, as well as captive-bred in the American Southwest. (Minnis et al 1993) Under the proposed rule, scarlet macaw breeding and sale, an activity practiced in the American Southwest from since before written history began would be illegal, as scarlet macaws are listed on the federal ESA. The United States has been a leader in captive breeding and release efforts and research by private citizens, whether we consider people like Molly Goodnight in the 1800s or Donald Brightsmith in the 2000s. By chipping away at the rights of people to breed rare animals the rule also chips away at a centuries' long heritage. In closing, I will share with you two images that celebrate our shared heritage of rare animal breeding in the American Southwest. First, a Hopi American Indian bowl from about 1400 ce Arizona, featuring a Native man holding a captive-bred exotic parrot (from Casa Grandes and the Ceramic Art of the Ancient Southwest). Second, a sculpture celebrating Molly Goodnight's efforts to bring bison back from the brink of extinction, showing Molly bottle feeding of a bison calf in Texas (from http://www.texasbuffaloexchange.com/). Conclusion: Bird Recovery International implores you to not to reduce the rights of Arizona citizens. By enabling rather than over-regulating, the government can help private citizens to further the goals of conservation and maintain the important arks of endangered species that exist in private hands. If this rule passes you will crash and sink those arks. It is immoral, and negligent, to act in such a way as to harm privately held collections of valuable genetic variability and individual breeding animals. Endangered animals need encouragement to increase numbers, not red tape to reduce numbers.

Written Comment: September 28, 2014. I'm writing to you regarding your proposed rule to restrict "noncommercial use" of wildlife under the ESA in the state of Arizona. The ESA of the United States does nothing to save the Exotic species you propose to protect. None of the funding, monies, etc. goes to their native habitats to save the species. Therefore, listing any exotic, nonnative endangered species on the ESA is counterproductive toward their overall welfare and the wellbeing of the species we are trying to breed in captivity to stop and slow down the illegal trades. Captive breeding of exotic species has caused the illegal trade of said popular species to decline by over 50% in the U.S. alone. Illegal trade will always be present and listing animals on the ESA does nothing to stop this trade. Instead, it stops the breeding of said animals between state lines. Native environments continue to decline at alarming rates. Often not sustaining species due to our desire to farm areas that should not be farmed and take exotic woods that should remain. Restricting access for people to own species on the ESA will stop their captive breeding and cause a total collapse of endangered species. Illegal trade of the species, due to demand, will equally increase. If the ESA did as its proposed to do, listing exotic species on this act would not concern us. Instead, we see the limitation already have serious rippling effects in being able to breed captive animals to captive animals. Also, we are seeing genetic inbreeding occurring more often within restricted states. Restriction of "personal use" or "noncommercial use" of exotic species to be owned and therefore supply breeders who are responsible with income who then breed the animals to keep the species going to decrease the illegal trade of animals will cause an untimely collapse of the species we are aiming to protect by said legislation. Exotic animals do not benefit from the ESA in any way. Only endangered native flora and fauna are protected and it should remain that way. Remove this already bad legislation for exotic animals, do not encourage it by denial of ownership, education and more. Then, keep in mind the tremendous stress the animal goes through with the confiscation process. Often, this process cares nothing or little of the animal's duress and often the animal dies. So, if our goal is to save and protect endangered exotic species or is about the welfare of the species, this legislation does neither.

Written Comment: September 28, 2014. The American Federation of Aviculture (AFA) submits that the proposed amendment to define "endangered or threatened" under R12-4-401 to incorporate the most recent version of the Federal Endangered and Threatened Wildlife regulation should be withdrawn. We request that the Department not only support, but not interfere with, private U.S. breeding programs of endangered and threatened species, including those in Arizona. The blanket listing of all species which are listed as "endangered or threatened" under the U.S. ESA will not benefit any of the species in question. Rather, it will harm those in U.S. aviculture, and specifically those in aviculture in Arizona, as well as the keepers and breeders of other taxa who legally keep and breed endangered and threatened species as well as those who rely on U.S. aviculturists and keepers and breeders of other taxa for current, correct, and humane assistance in keeping all of their birds and other animals. While this letter specifically addresses the proposed amendment with respect to birds, and in particular parrot species, our arguments can also apply to the many species of mammals and fish that will be impacted if the proposed amendment is adopted. 1. There is not

sufficient current scientific or commercial data upon which the proposed amendment can be based. The Department should consider the "best scientific and commercial information" available in making its determination on this issue. We believe that the Department has failed to base its proposal on the "best scientific or commercial data" available to support the proposed amendment. We believe that ample and sound scientific and commercial information exists to support a request that the proposed amendment be withdrawn. 2. The proposed amendment will do nothing to stop any importation of any wild endangered or threatened species into Arizona. There has been no legal commerce in these species into the U.S. since the enactment of the Wild Bird Conservation Act (WCBA) in 1992. The WCBA (16 U.S.C. §§ 4901-4916, October 23, 1992) stopped the importation of all wild caught parrots into the U.S. Current data obtained from Convention on International Trade in Endangered Species (CITES) for threatened or endangered species (downloadable from CITES at http://www.unep-wcmc.org/resources-and-data) shows that there has been virtually no legal importation of any species of threatened or endangered parrots into the U.S. since 1992, and no reliable data (other than innuendo) has been produced from any source to document that there has been any illegal importation of any of these species of parrots into the U.S. since 1992. Further, the USFWS's data on parrots of any species being imported into the U.S. since 1992 (whether legally imported or smuggled) indicates that the numbers of parrots of any species smuggled into the U.S. are few. The proposed amendment fails to recognize the fact that importation of all wild caught parrots into the U.S. ceased in 1992 as a result of the WCBA. Virtually all parrots sold in the U.S. since 1992 (either as pets, to zoos or other public display venues, or for other purposes) have been bred in the U.S. Since 1992 the pet trade in the U.S. has not only put no pressure on these birds in the wild, but has had no negative impact at all on these species in the wild. According to current data from the CITES, from 1975 to the present, it is clear that virtually none of these species have been imported into the U.S. since 1992. It is also clear that few birds of these species have been imported into any of the other reporting CITES signatory countries since 1992. The inescapable conclusion must be that the cessation of the U.S. trade in these species would relieve the pressure on these species in the wild. At least that was what was contended by proponents of the WBCA pre 1992. In fact, groups which supported the WBCA sold it to Congress that U.S. captive breeding of birds would have salutary effect on wild populations. 3. In situ programs are not the only way to try to ensure the survival of species in their native lands. Private and professional aviculture also plays an important role in species survival. A blanket prohibition on the keeping and breeding of "endangered and threatened" species will serve to curtail, if not end, breeding of these species in Arizona. The proposed amendment will have no positive effect on these species in the wild. Many aviculturists subscribe to the philosophy so succinctly stated by Baba Dioum: "In the end, we will only conserve what we love, we will only love what we know, and we will only know what we are taught." Aviculturists allow millions of people to know, love, and understand the needs of the birds that we seek to conserve. But for U.S. aviculture and the birds made available to the public as a direct result of the efforts of U.S. aviculturists, few people in the U.S. would know, or care about, whether birds that are native to other countries continue to exist in the wild. The fact that people in the U.S. can, and do, own exotic birds encourages those U.S. owners to support and contribute to conservation of those birds in their native lands. Aviculturists also have a direct impact on the success or failure of reintroduction programs. Only aviculturists can provide the specialized knowledge and experience that are crucial elements of the conservation work that is, and that will continue to be, required to ensure the continued existence of many endangered species of birds. For decades U.S. aviculturists and aviculture organizations have actively promoted the need for the conservation of wild parrots, and as a direct result of the activities of U.S. aviculturists and aviculture organizations, U.S. bird keepers of all kinds have embraced and financially supported the conservation of parrots in the wild. Prohibiting the keeping and breeding of all "endangered or threatened" species will remove them from commerce within Arizona, and from interstate commerce. That is a factual certainty. With that loss the identity of these birds in Arizona will be diminished if not lost. Conversely the prohibition on the keeping and breeding of these species will have no positive effect on these species in the wild. 4. A prohibition of the keeping and breeding of all "threatened or endangered" species that are listed under the U.S. ESA will do nothing to help conserve these birds in the wild. A US ESA listing of any species that is bred in this country only serves to harm these species as a whole, by reducing their overall numbers, both captive-bred and in the wild, and to ultimately hasten their extinction. If the proposed amendment is approved, Arizona will be an active participant in bringing about this ultimate extinction of threatened and endangered species. The proposed amendment will affect all of those who deal with these species in Arizona. In particular, it will harm those who breed and sell these species in Arizona with no benefit to the birds themselves. We urge the Department to consider this fact when deciding on the proposed amendment. If a bird (or any species) is listed under the proposed amendment, the captive breeding, intrastate trade within Arizona, and interstate trade within the U.S. will be seriously and negatively impacted. Because of the regulatory restrictions on animals listed under the ESA, Arizona breeders of these species of birds will stop breeding these species as they will be prevented from engaging in either intrastate or interstate commerce. The licensing and permitting process already deters many breeders from breeding species listed as "threatened or endangered" under the ESA, since their ability to sell the offspring from their breeding programs is seriously hampered. U.S. aviculturists have been successful in breeding many threatened and endangered species, and U.S. captive breeding of parrots has significantly increased the total numbers of many endangered foreign parrot species. Most aviculture in the U.S. is conducted by private individuals (not by zoos, preserves, sanctuaries, or government programs). It is a simple matter of economics (commerce) that a private breeding program must be self-sustaining if it is to remain viable, and that means that the breeder must be able to sell offspring of the breeding program in order to raise funds to continue the program. This applies to breeders who breed for conservation as well as for pet purposes. Without the availability of permits for commercial trade, the free trade of these species among qualified breeders in different states will cease. Within a short time after listing, most legal trade across state lines in these species will cease. Without customers to sell offspring to, most private aviculture in these species will cease. A clear example of this problem is demonstrated by the lack of aviculturists who still work with the Golden Conure (aka Golden Parakeet and Queen of Bavaria Conure) Guaruba guarouba. The Golden Conure is a beautiful bird, one that many people in the U.S. would purchase if it were available through legal channels. It is also endangered in its natural habitat. Yet, despite the relative ease of breeding these birds in captivity, few U.S. aviculturists still work with the Golden Conure because they cannot sell their progeny. There is little trade in these birds, and as a result, there is no longer much breeding of these birds in the U.S. As a direct result of the listing of the Golden Conure under the ESA, the "living genetic ark" for these birds that was maintained in various breeding programs, which would have continued to exist but for the ESA list-

ing, is being lost. It is noteworthy that all parrot species listed as endangered under the ESA were listed as such prior to adoption of the WBCA when the U.S. allowed importation of these species into the U.S. It is also noteworthy that aviculture in Arizona of these species supports a myriad of other commercial activities which would be negatively impacted by this unwarranted uplisting. A listing of all "threatened or endangered" species listed under the ESA will do nothing to protect or conserve them in the wild. A listing of any of these species will have no impact on their poaching or smuggling. A listing of any of these species will do nothing to protect their numbers in the wild, or protect their habitat, or encourage the governments of their native lands to conserve these species. As long as there are captive-bred numbers of these species available to pet lovers and aviculturists in Arizona, and in the U.S., the incentive for poaching and illegal trade for the U.S. will be non-existent. There is virtually no illegal importation of poached or smuggled birds that are "threatened or endangered" in their native lands into the U.S. because is just not profitable to smuggle them into the U.S. Since 1992 U.S. aviculturists have been able to breed sufficient numbers of these species to fill the demand for these birds in the U.S. Most of the U.S. pet-bird-owning public is aware of the risks involved with acquiring a smuggled bird, and few exotic bird buyers seek out or are willing to acquire a smuggled bird. Any reduction in price is just not worth the risk to the buyer or to the health of their other birds let alone the risk, per se, of the illegality of the activity. The pet-bird-owning public understands that a domestically bred, healthy, and well socialized pet bird is far preferable to a smuggled wild bird. The market for pet birds in the U.S. clearly shows that the U.S. pet-owning public prefers, and buys, domestically bred parrots. 5. The WBCA entrusted U.S. aviculturists, including those in Arizona, with the breeding of these species in the U.S. to replace the U.S. trade in wild caught birds. Since 1992 aviculturists in the U.S., including those in Arizona, have met that challenge very successfully. In 1992 the numbers of "threatened or endangered" birds that were held in the U.S. were more modest. U.S. private and professional aviculturists, encouraged by the U.S. government, have developed successful breeding programs for these species, with the result that now the numbers of these species held in the U.S. have increased substantially. U.S. private and professional aviculturists are now able to trade and sell birds among themselves and sell offspring as pets to support these activities without negatively impacting their breeding programs, and with no negative impact on those species in the wild. Both the ESA and the WBCA were enacted for the purpose of both directly and indirectly assisting in the conservation of species in their native habitats. Private and professional aviculture serves as a valuable resource to those in other countries who seek to increase the numbers of their native birds by the use of captive breeding programs. Information and techniques developed by U.S. private and professional aviculturists have been crucial in the reintroduction of several species to the wild. According to U.S. professional aviculturist Rick Jordan, who has consulted with a number of foreign countries on captive breeding of parrots and has been published extensively on the subject, information and techniques developed by private and professional aviculturists have been used to successfully breed and reintroduce several species into their native lands. Those successful breedings and reintroductions include, but are not limited to, the Puerto Rican Parrot in Puerto Rico, the Kakapo and the Black Robin in New Zealand, the Socorro Island Dove, the Spix's Macaw in Brazil, the Slender-billed vulture and the White-backed vulture in India, the Whooping Crane in the US, the Echo Parakeet in the Mauritius Islands, the Mangrove Finch Program and the Floreana Mockingbird Program in the Galapagos Islands, the Great Green Macaw and Scarlet Macaw Captive Breeding programs in Costa Rica, the Scarlet Macaw, Military Macaw, and Amazon Breeding Center in Guatemala, and the California Condor Recovery project in California. The re-establishment of successful reproducing populations of the Bald Eagle, Peregrine Falcon, Harris hawk, Aleutian goose, Bean goose, Lesser white-fronted goose, Wood duck, Masked bobwhite quail would not have been accomplished without the knowledge and input from experienced aviculturists. In 1992 Congress and the FWS made a commitment to U.S. aviculturists that, if importation of parrots into the U.S. ceased, then U.S. aviculturists would be encouraged to breed these species for commercial purposes, including for sale as pets. Based on that 1992 promise, U.S. aviculturists developed, and now operate, successful domestic breeding programs for many species of exotic birds, including some that are "threatened or endangered" in their native lands. The birds produced by these breeding programs satisfy the demand for these birds as pets, as well as provide birds to other breeders, to zoos and exhibitors, and to others. As previously mentioned, it also removes the incentive for poaching and smuggling. This proposal will destroy the successful breeding programs in Arizona for all "threatened or endangered" species that exist in Arizona, and will ultimately lead to the decline of their overall numbers. Unless the countries where these species are native are able to stop the decline of their habitat, and that is not likely to happen in the foreseeable future, their eventual extinction is a real possibility. U.S. aviculture has demonstrated that it is able to, and seeks to, avoid those unnecessary extinctions by breeding those birds in the U.S., and by assisting aviculturists in other countries who share that common interest. This proposal betrays the trust given to and met by U.S. aviculturists under the WBCA, as it removes the commercial incentive provided by the WBCA. 6. There are "threatened and endangered" species currently held legally in Arizona and throughout the US. The proposed amendment would effectively end commerce in these species in Arizona, and will impact U.S. interstate commerce and trade in these species. As previously noted, importation of wild parrots into the U.S. stopped in 1992 as a result of the WCBA. Given the longevity of many species of parrots, it is likely that many of those parrots are still alive and thriving in the care of their owners, including many in Arizona. Those owners use the services of countless cage and food suppliers, toy manufacturers, pet shops, veterinarians, and others, who provide goods and services to the exotic bird industry. U.S. aviculture is no longer a "cottage industry" - it is a widespread and important business that employs many people and provides goods and services to many bird owners, including many in Arizona. Many people depend on U.S. aviculture for their livelihood, including many in Arizona. This proposal would end a significant part of that commerce, without any corresponding protection of the species which are proposed to be listed. 7. One undesirable effect that this proposed amendment will have will be to severely curtail, if not end, Arizona captive breeding of these species, many of which are being bred prolifically by U.S. aviculturists both for breeding programs and for the pet trade. The result of stopping the domestic breeding of these species in Arizona, and eventually in the U.S., will be that the total populations of these species will no longer continue to increase, but, rather, their total populations will significantly decline. Unless there are successful conservation programs in their native lands, these species will become extinct. U.S. domestic breeding of these species provides a "living genetic ark" for these species - an ark that can provide the genetic material needed to ensure the long term survival for these species, and that may ultimately provide the birds that are reintroduced to their native lands. Since, in the big picture, despite conservation efforts, relatively little is being done to preserve habitat for these species in the countries where these species are native, and since it is

likely, given the political and financial climate in those countries, that those conditions will continue for the foreseeable future, without these "living genetic arks" for these species outside of those countries, the continued existence of those species is unlikely. 8. The proposed amendment is based on concerns regarding the effects of local ownership and control of these species in the country of origin. This listing will do nothing to change this. The proposed amendment to include all "threatened and endangered" species that are listed under the ESA will do nothing to conserve these species in the wild. That conservation work, and the politics involved with that work, remains under the control of the people who live in the countries where these species are native. As well intentioned as we may be here in the U.S., and as much as we may wish to help conserve species in the wild, we cannot force those countries, or their citizens, to do anything to conserve their own wildlife by listing any foreign species under the ESA. 9. The people in the countries where these species are native must take steps to protect their own wildlife. If the proponents of "threatened or endangered" listings truly wish to help protect species that remain wild in their native lands, they should be working with, and helping, the people and the governments in those countries to protect these species. For example, the "Rare Pride" native wildlife conservation programs conducted by RARE (formerly the Rare Center for Tropical Bird Conservation) (http://www.rareconservation.org) have been successful in encouraging local governments and local people to protect their own wildlife. No listing under the U.S. ESA, or a similar listing in Arizona, will cause anyone in any country other than the U.S. to take any action to protect any species threatened with extinction. This proposed amendment is nothing more than a "feel good" proposal, not based on hard science, that suggests that members of the Department are "doing something" to help these species in the wild. Nothing could be further from the truth. In reality the proposed amendment, which will do nothing to help wild species, will do tremendous damage to the successful breeding programs for these species in Arizona and in the U.S. This proposal is not a correct use of either the US ESA or the goal of the Department to protect "threatened or endangered" species. 10. The proposed amendment to include all "threatened or endangered" species in the State's prohibitions on possession and breeding of such species is contrary to the express findings of Congress and the express purpose for the ESA, as stated in the ESA itself. There is no basis for there to be any honest commitment for funding for the improvement of these species in their ranges. The proposed amendment is not a legally correct, defensible, or justified use of the ESA rather, it contravenes the spirit and stated intent of the ESA. There is nothing in the proposed amendment that includes or suggests anything that will encourage anyone in Arizona, or other interested parties (either in Arizona, or in or outside of the U.S.), to conserve these species, or to provide any means whereby the ecosystems upon which these species depend may be conserved. The proposed amendment does not request or suggest that any state or federal financial assistance be provided or any system of incentives be put in place, or that any funds or resources whatsoever, from any source, public or private, be put to any uses that may help conserve these birds in the wild. No steps are suggested that may achieve the purposes of the treaties and conventions set forth in the ESA. It is clear that the only thing that this proposed amendment will accomplish is to prevent the intrastate and interstate commerce in any "threatened or endangered" species. Nothing is contained in the proposed amendment, to even suggest how, or why, such a prohibitive act will benefit any of those species, because there is nothing in the proposal that will benefit any of those species. 11. There is no evidence in the proposed amendment regarding all "threatened or endangered" species to indicate that there is any honest commitment for funding for the improvement of these species in their ranges. A basic premise of the US ESA for listing of a foreign species as "Endangered" is to commit funds for the improvement of their condition and conservation in the wild, either through captive breeding programs or protection of the species and their habitat in the wild. Both of those important factors are remarkably absent from the proposed amendment. Although the ESA specifically encourages such financial or personnel assistance, this proposal neither requests nor suggests that anyone, or any organization, public or private, render such assistance to anyone try to help conserve any of these species in their native lands. For example, the Golden Conure, Lear's macaw, Spix's Macaw and several other foreign parrot species have been subjects of the ESA since its inception in the 1970s, yet, to date, no funds from U.S. agencies (USFWS or otherwise) have been spent on any of these species with regard to their conservation in their native range. Furthermore, the Spix's macaw conservation committee, headed by the Brazilian government and CITES Management Authority, is constantly seeking funding for the conservation of several ESA listed Brazilian species. We ask the obvious questions - Why hasn't the U.S. funded Conservation programs for these ESA listed foreign species? Why has the U.S. instead opted to add more foreign species to the ESA list, when they do not plan to, and do not have the resources to, support conservation programs for listed foreign species as directed by the ESA? 12. The proposed amendment of these species does nothing to "conserve" those species as that term is defined in the US ESA. This proposal is contrary to the stated intent of the ESA to conserve species. The US ESA defines the terms "conserve", "conserving", and "conservation" as meaning "to use and the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to this chapter are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking." (16 USC 1532(3)). The proposal neither provides nor suggests anything that will help manage or conserve these species in their native habitats. The proposal will simply achieve the immediate result of stopping trade within Arizona in all "endangered or threatened" species that are captive-bred within Arizona, and to ultimately to stop the breeding of these species of birds in Arizona. That outcome will achieve nothing to conserve these birds in the wild. In fact, that outcome will serve to reduce overall numbers of these species of birds. The proposal will do nothing to bring any of these species to the point, or allow any of those species to reach the point, at which "the measures provided pursuant to this chapter are no longer necessary." 13. The science and art of aviculture is most successful when more people participate, when more species are successfully bred, when more birds can be freely sold and traded, and when more funds can be generated and used to support breeding programs and true conservation efforts. Blanket restrictions on the keeping and breeding of "threatened or endangered" species have made many aviculturists so frustrated that they have left the field. This outcome is unacceptable to anyone who wants to see endangered and threatened birds continue to exist. When regulations do not allow progeny of captive breeding programs to be sold as pets, the program is doomed to fail from its outset. Unless breeders can sell excess offspring as pets, then eventually they find that they cannot continue their programs. They cannot afford to continue to maintain a glut of domestically bred birds that they cannot place or sell. Eventually,

when all other breeders suffer the same effects of a glut of progeny, they also can no longer afford to participate in their programs. A program with no participants is no program at all. 14. The result of the proposed amendment will be the sale of Arizona's breeder stock into the U.S. pet trade and the cessation of captive breeding in the subject species in the Arizona, or the hybridization of these species to avoid their classification as endangered. If the birds that are presently being bred are listed under the ESA, and if their progeny cannot be sold as pets, it is likely that the presently held breeder stock will be sold off as pets. It is a simple fact of business that breeders cannot afford to maintain flocks of birds if they cannot sell or trade the progeny. Also, it is a concern of AFA that some breeders could turn to hybridization of formerly pure species in order to meet the demand for birds as pets. A hybrid of a species listed under the ESA is not subject to the ESA, and may be freely sold and traded in commerce. Both of these effects are undesirable and betray any alleged commitment to these species or to their conservation which any of the proponents may claim to have. 15. There is no room for a political agenda in what is supposed to be a scientifically based standard. The ESA, and state regulations adopting ESA listings, should not be used as a weapon to harm or destroy private and professional aviculture based on ideological views and ill-conceived policies that are not supported by science, or by the political agenda of opponents of the private ownership of birds and other animals. 16. The following quote should itself suffice to guide the Department to withdraw the proposed amendment: "It is about ensuring that scientific data [are] never distorted or concealed to serve a political agenda and that we make scientific decisions based on facts not ideology" -- Barack Obama, President of the U.S., March 9, 2009, upon signing the stem cell research funding bill. In conclusion: With the lack of current scientific or commercial data to support the proposed amendment, the lack of commercial trade in many threatened or endangered species, the zero trade of threatened or endangered birds into the US, the negative effect the proposal will have on the commerce and conservation of these species through captive breeding programs which will be destroyed by the proposed amendment, and the failure of a contemporaneous commitment to any conservation of these species in their ranges, this proposal fails on both a scientific as well as commercial basis. For all of these reasons the American Federation of Aviculture, Inc. requests that the proposed amendment to add all US ESA threatened or endangered species to Arizona's Restricted Live Wildlife List Under Article 4, Five-Year Review, Notice of Proposed Rulemaking, Title 12, Natural Resources, Chapter 4, Game and Fish Commission be withdrawn. If the Department insists on proceeding with adopting the proposed amendment then, at a minimum, the AFA requests that the Department list them as "threatened", and that the Department adopt a "special rule" similar to that provided for the Moluccan Cockatoo under the U.S. ESA that will allow aviculturists in Arizona to continue to breed, trade, and sell these species within Arizona. Such a "special rule" is a start in that direction. The rule should ensure that aviculturists in Arizona are not prevented from continuing to breed, trade, and sell these species within the State and within the U.S. The American Federation of Aviculture, Inc. stands ready to assist the Department in crafting reasonable and effective solutions to problems facing endangered species. This particular proposed amendment is not a reasonable solution that will help solve any problem that any of these species face in their native lands. We look forward, on behalf of the millions of citizens of the U.S. who enjoy the companionship of their pet birds and on behalf of those who breed birds in Arizona, and in the U.S., both for pet purposes and for conservation purposes, to the Department recognizing and acting on our concerns.

Written Comment: September 29, 2014. First let me say that I have been involved in the Avian Industry here in Arizona since 1983. I have assisted Dr, Kevin Mcgraw on feather studies at Arizona State University. I am an active participant with International groups such as American Federation of Aviculture (AFA), as well as local clubs to include the Arizona Seed Crackers Association (ASCA) Arizona Aviculture Society (AAS), and Arizona Avian Breeders Association (AABA). I am founder of the Arizona Bird Club (ABC) and Arizona Avian Alliance (AAA). I have volunteered for Liberty Wildlife and continue to be a drop off point for injured or found wild birds. My studies in birds have taken me to Peru as well as Australia, I also breed birds and hand raise many babies every year for the pet trade. Currently I manage the Arizona Bird Store, Arizona's largest retail bird business. Before that I owned and managed Cage World (retail bird store) for 20 years. I consider myself as an expert in the business of pet birds, and retail sales of birds and bird products here in Arizona. Here are my concerns: R12-4-406. Restricted Wildlife - "Indicate that Federally listed threatened/endangered species and all transgenic are restricted live wildlife. In a telephone conversation with Department staff, I was told the "intent" was to only list Arizonans threatened and endangered species; but, with the way the rule is currently worded, not only would it be Arizona's threatened and endangered species, but also the 1,700 species that are listed on the ESA. This would also impact the many thousands of private individual's pet birds, not to mention pet reptiles. That would completely cause an enormous amount of problems for private individuals, which already have to continually fight to keep their exotic pets that they love dearly. Arizona would be financially crippled trying to logistically maintain the man power to comply with this regulation. This is not good for pet owners who love, care and maintain their exotic pets. This is not good for retail business owners who rely on consumers purchasing exotic pets and all that products having to maintain them correctly. This is not good for Arizona, this is too costly in time and manpower to be effectively executed.

Agency Response: Following significant public comment opposing the proposed amendment to restrict federally listed "endangered or threatened" species, the proposed recommendation is removed from the Notice of Final rulemaking. With the decision to withdraw the federally listed species from the restricted wildlife list, the prohibition on propagation will not apply to threatened and endangered species. With the withdrawal of the proposed amendment, the Department does not believe it is necessary to provide responses to the enforcement, disposal, and funding comments provided above.

Except for modifying personal information to reflect the commenters experience, the following form letter was submitted by 41 persons on: September 24 (1), September 25 (1), September 26 (10), September 27 (4), September 28 (5), September 29 (16), and September 30 (4): My comments come from the viewpoint of a private individual who is interested in the keeping of reptiles in captivity. I consider myself a hobbyist but my background includes past employment as the Assistant Curator of Reptiles at the Gladys Porter Zoo in Brownsville, Texas. I have presented on reptile husbandry throughout the U.S., in Europe, Africa, and South America. I have also been involved in rulemaking by the USDA, Food and Drug Administration (FDA), and Arizona State Legislators. I have recently met with the FDA and Centers for Disease Control and Prevention (CDC)

in the Washington D.C. area relating to federal regulations. My comments follow: R12-4-404, Possession of Live Wildlife Taken Under an Arizona Hunting or Fishing License - Replace the term "personal use" with the term "noncommercial use" in reference to authorized activities as "personal use" is an ambiguous term. I am opposed to the proposed rule for the following reasons: 1. The proposed rule is redundant. R12-4-404 already defines the commercial activities that are not allowed. R12-4-404(B) states "An individual shall not dispose of wildlife taken as prescribed by this Section or offspring of the wildlife by selling, bartering, trading, or exporting it for commercial purposes. Exported live wildlife and its offspring shall not be sold, bartered, purchased, rented, leased, offered for sale, or used for any commercial purpose." 2. The addition of the term "noncommercial use" would limit the already allowed activities defined in R12-4-404, which states, "An individual may possess, transport, place on educational display, photograph, propagate, or kill." If there is a commercial purpose for any of these activities it would not be allowed. For example, photographs of any legally held wildlife, which photographs are intended to be sold or to be used in a field guide would be in violation of the proposed rule. 3. Further I would recommend that the existing term "for personal use" be removed from the rule as well as the same term not being replaced with "noncommercial use." Both terms are redundant, ambiguous, and confusing. R12-4-405. Importing, Purchasing, and Transporting Live Wildlife Without an Arizona License or Permit - Require mammals, birds, or reptiles imported into this state to be accompanied by the health certificate required under 3 A.A.C. Chapter 2, Articles 4 and 6, when applicable to minimize disease exposure to wildlife populations. I am opposed to the proposed rule for the following reasons: 1. The referenced code, 3 A.A.C. Chapter 2, Articles 4 and 6, (also referred to as R3-2-601) which requires "animals" to be accompanied by a health certificate states "The following terms apply to this Article: 'Animal' means livestock, feral swine, ratite, bison, water buffalo, oxen, llama, and any exotic mammal not regulated as restricted live wildlife by the Department." Most mammals, birds, or reptiles are not included in the definition of "Animal" and do not require a health certificate per the referenced code. 2. The proposed rule deals with animals intended as captive pets, which are not allowed to be released into the wild (already addressed in an existing rules) and should have little impact on wild populations. 3. Requiring health certificates for all mammals, birds, and reptiles would lead to selective enforcement, rampant unenforceable violations, and a huge economic impact on the pet industry. The proposed rule would require all mice, rates, hamsters, leopard geckos, rat snakes, kings snakes, etc. to be examined by an accredited veterinarian before they are shipped into the state. The industry would not be able to absorb the cost. The proposed rule would have the unintended result of damaging the industry to a point that it could end the legal trade in pet reptiles? R12-4-406. Restricted Live Wildlife - Indicate that federally listed threatened and endangered species and all transgenic are restricted live wildlife. I am opposed to the proposed rule for the following reasons: 1. It is redundant. The ESA already controls the activity relating to threatened and endangered species. The Lacey Act deals with the trade in wildlife, fish, and plants that have been illegally taken, possessed, transported or sold. 2. The proposed rule may also be in violation of ESA 6(f)(2). 3. 16 U.S.C. 1538 and the ESA Section 9(a)(1)(E) and (F) do not prohibit the activity the proposed rule would restrict. 4. There are already many federally listed endangered or threatened species and their captive produced offspring in the state. If the proposes rule is implemented it will immediate result in legally possessed animals and their owners to be in violation of the rule. 5. The rule does not address the disposition of the once legally held animals. Are they to be destroyed, turned over to the state, or "grandfathered in?" What of their offspring? Will captive breeding be banned? 6. I understand the issue with transgenic animals graying the identification of protected species but what rule or directive places the moral or ethical decision of hybridization on the Department? If the proposed rule is implemented how does it justify the existence of Beefalo or even mules? R12-4-406. Restricted Live Wildlife - Include all wildlife, as defined under 17-101, and listed under AIS Director's Order #1 as restricted live wildlife. I am opposed to the proposed rule for the following reasons: 1. It is unclear as to how this rule is to be applied. A.R.S. § 17-101-24 defines wildlife as "Wildlife" means all wild mammals, wild birds and the nests or eggs thereof, reptiles, amphibians, mollusks, crustaceans and fish, including their eggs or spawn. AIS (Aquatic Invasive Species) Director's Order #1 deals with aquatic invasive species. Will the rule include all wildlife as restrictive wildlife as well as all aquatic invasive species as restricted wildlife or are only AIS species listed as restricted wildlife? If the latter is the case why is the term "Wildlife" defined as part of the rule. The rule is unclear and redundant.

Agency Response: The Department disagrees and believes it is necessary to define and use the term "noncommercial use." The Department is aware of instances where a person used wildlife for a commercial purpose, but was unable to address those situations because the term "personal" use was too broad and ambiguous. Enforcement issues resulting from the term "personal use" resulted in a recommendation to replace "personal" with "noncommercial" to make the rule more concise. However, the Department revised R12-4-404 to remove "photograph" from the list of authorized noncommercial use and added a new subsection indicating a person may sell photographs of wildlife taken under a valid hunting or fishing license. This was added as a result of comments received, which indicated clarification was required in regards to whether a person is required to possess a special license in order to sell photographs of wildlife. Many individuals who provided comments on the Department's proposed modifications to rule R12-4-405, were unaware that the reference to the Arizona Department of Agriculture's rule does not affect the pet trade. The definition under R3-2-101 "animal" that applies with respect to Article 1 would be the definition in that Article. For the purposes of a health certificate, the applicable definition is provided under R3-2-601 which states, "Animal" means livestock, feral swine, ratite, bison, water buffalo, oxen, llama, and any exotic mammal not regulated as restricted live wildlife by the Arizona Game and Fish Department." The animals addressed in Article 6 and that require a health certificate are namely bison, cats and dogs, psittacine birds, zoo animals, non-restricted live wildlife cervidae, and macaque monkeys. The Department's proposed rule modifications simply add clarification to the existing health certificate requirements for imported wildlife. The requirement of a health certificate for the importation of animals was established by the Arizona Department of Agriculture to protect the citizens, livestock, and wildlife of Arizona. The risk of the importation of disease by the unregulated movement of animals by individuals is well established (plague and brucellosis are two examples of diseases that were not present on this continent before Europeans arrived; there are many more). The Department of agriculture rule R3-2-602 states, "all animals and poultry transported or moved into the state of Arizona, unless otherwise specifically provided for in this Article, must be accompanied by an official health certificate from the state of origin". Under the Department of Agriculture rule "animal" is defined as livestock, feral swine, ratite, bison, water buffalo, oxen, llama, and any exotic mammal not regulated as restricted live wildlife

by the Arizona Game and Fish Department. The Department of Agriculture's requirement is not new and the Department's reference to the rule is included to clarify existing requirements. Animals imported under R12-4-405 are not to be released into the wild, but the Department's experience has been that animals do escape. If those animals are able to exist in the wild, they will pose a risk to our native populations as we have found with the African rosy-cheeked lovebirds and the Eurasian collared doves. Please note this rule does not establish a requirement for a health certificate for the importation of reptiles, amphibians, or birds (other than poultry) and thus will not impact trade in those species. It is also important to note, medical and scientific research facilities are exempt from special licensing requirements when working with transgenic fish, mice, or rats regardless of whether the facility is licensed by the U.S. Department of Agriculture. Following significant public comment opposing the proposed amendment to restrict federally listed "endangered or threatened" species, the proposed recommendation is removed from the Notice of Final rulemaking. With the decision to withdraw the federally listed species from the restricted wildlife list, the prohibition on propagation will not apply to threatened and endangered species. The disposition of the once legally-held animals is addressed under R12-4-425. Restricted Live Wildlife Lawfully Possessed without License or Permit Before the Effective Date of Article 4 or Any Subsequent Amendments. The person must submit written notification to the Department or maintain documentation of the restricted live wildlife held prior to becoming restricted. A person may lawfully possess offspring conceived before and born after becoming restricted. Propagation would not be allowed. If the wildlife is restricted under R12-4-406, a person must possess a special license, and possibly a federal permit, authorizing the propagation of that wildlife. Under A.R.S. § 17-102, wildlife, both resident and migratory, native or introduced, found in this state, except fish and bullfrogs impounded in private ponds or tanks or wildlife and birds reared or held in captivity under permit or license from the commission, are property of the state and may be taken at such times, in such places, in such manner and with such devices as provided by law or rule of the commission. The Department is concerned transgenic wildlife species could negatively impact native wildlife and their habitats if not cautiously regulated. By listing transgenic species as restricted live wildlife the Department will have an opportunity to evaluate the potential impact of these species through the Department's special licensing process before they are imported into the State. The Department is aware of some institutions using transgenic mice and rats for medical or scientific research that are not registered with the U.S. Department of Agriculture and are therefore not exempt per R12-4-407(B)(10). These facilities use a large number of transgenic fish, mice, and rats and complying with the Department's special license requirements would create an unnecessary burden (e.g., tracking deaths and births of these mice and rats). As a result, the Department proposes to exempt research facilities from special license requirements for transgenic species. Please note, transgenic species do not include natural hybrids (the crossing of two animals through natural reproduction). Only wildlife forms created through genetic manipulation (e.g., transferring genes from one organism into the genome of another) will be restricted. This restriction does not apply to transgenic plants. The proposed inclusion of aquatic invasive species listed in the Department Director's Order #1, will allow the Department to quickly address invasive species issues as they arise. The restriction is specific to the wildlife species listed under AIS Director's Order #1 Because non-wildlife invasive species are listed in the Department Director's Order #1 (e.g., plants, algae), the Department believed it was necessary to reference the definition of wildlife under A.R.S. § 17-101. However, because the definition of wildlife under A.R.S. § 17-101 is broad and has resulted in some confusion, the reference to the definition of wildlife under A.R.S. § 17-101 is removed.

In addition to the form letter above, a commenter submitting this form letter on September 28, 2014 also included: The proposed rule changes would be so onerous to the reptile business that I believe it would decimate and effectively eliminate the commercial reptile business; there are three reptile-only locally owned pet stores within a three-mile radius in Tempe and Mesa alone. Businesses that provide income to their owners and the numerous people they employ. To expect a business to get a health certificate for each garter snake, feeder mouse, or hamster they sell would be cumbersome and burdensome. Consider the economic impacts may result from the proposed changes, which while well-intentioned are so far reaching they would crush local businesses.

Agency Response: The Department of agriculture rule R3-2-602 states, "all animals and poultry transported or moved into the state of Arizona, unless otherwise specifically provided for in this Article, must be accompanied by an official health certificate from the state of origin". Under the Department of Agriculture rule "animal" is defined as livestock, feral swine, ratite, bison, water buffalo, oxen, llama, and any exotic mammal not regulated as restricted live wildlife by the Arizona Game and Fish Department. The Department of Agriculture's requirement is not new and the Department's reference to the rule is included to clarify existing requirements. It is important to note, this rule does not establish a requirement for a health certificate for the importation of reptiles, amphibians, or birds (other than poultry) and thus will not impact trade in those species.

In addition to the form letter above, a commenter submitting this form letter on September 29, 2014 also included: You have undoubtedly seen this list of objections before. They have been carefully researched and crafted by both the biologists and lawyers at USARK. However, there is no doubt that these objections are vigorously supported by the bulk of reptile owners, breeders, pet shops, casual herpers, and pet enthusiasts of many persuasions. This entire set of regulations needs to be reexamined, reworked, and resubmitted to the general public for approval.

Agency Response: The Department believes the response provided above (for this form letter) has sufficiently addressed the additional commentary.

In addition to the form letter above, a commenter submitting this form letter on September 29, 2014 also included: The preamble does not provide sufficient justification demonstrating how other proposed listed species, to include certain species of reptiles, pose the same risk or why these species are to be included in the list of "restricted live wildlife" category. Where is the evidence that captive breeding reptiles threaten public or health, safety, or welfare or wildlife populations? The same could be said about people who own personal farms with domesticated animals (cows, horses, dogs, cats, pigs, chicken, etc.) Each of

these animals could be said to cause adverse effects toward public health, safety, or welfare or wildlife populations. How is the captive breeding of reptiles any different than owning personal farms with these animals?

Agency Response: To learn more about the additional proposed listed species (apple snails, Chinese mystery snails, false dark mussels, Red Shiners, and five species of tilapia, paddlefish and sturgeon) please see pages eight and nine. The rulemaking does not add any new species of reptile to the list of restricted live wildlife. With the decision to withdraw the federally listed species from the restricted wildlife list, the prohibition on propagation will not apply to threatened and endangered species.

In addition to the form letter above, a commenter submitting this form letter on September 29, 2014 also included: By allowing propagation and the sale of offspring from native species, the pressure upon native populations is reduced. People who are able to purchase captive-bred reptiles and amphibians choose to do so rather than buying or collecting wild-caught animals. Captive-bred animals make better pets and are acclimated to captive husbandry. Rattlesnakes are poached from this state at an alarming rate, allowing people to propagate them in captivity and sell captive born offspring will significantly reduce the number of wild-caught animals poached from wild populations. People in the reptile hobby prefer captive born animals over wild-caught. Captive propagation of reptiles has already saved many different species from becoming extinct.

Agency Response: The Department believes the response provided above (for this form letter) has sufficiently addressed the additional commentary.

Except for modifying personal information to reflect the commenters experience, the following form letter was submitted by 8 persons on: September 26 (3), September 28 (2), September 29 (2), September 30 (1), and October 5 (1): I oppose the addition of nonnative species that are Federally-listed as threatened to Arizona's Restricted Live Wildlife list because it would harm decades of conservation work accomplished within Arizona. Many private keepers have invested years and even decades into breeding these species and ensuring their survival and genetic diversity while wild populations are devastated from habitat loss due to human over-population. The ESA already regulates animals that are threatened and endangered. The proposed regulation changes for Arizona are far over-reaching and much more prohibitive than the federal law. These proposed rule changes would lead to added stress and certainly the loss of life for many of these animals now requiring procedures that are not common veterinary practices (i.e. sterilization of reptiles and amphibians). The proposed rule is based upon the "potential" for imported wildlife to transmit disease into healthy wildlife populations. The current rules already provide for the protection of native wildlife populations by prohibiting the release of captive wildlife into wild populations. Merely requiring a "potential" for disease transmission fails to apply the "sound science" standard acknowledged as appropriate for this purpose. Sound science requires quantification of the risk to allow one to assess the usefulness of any proposed rule and to consider less restrictive alternatives that could produce the same desired result. The inclusion of federally-listed nonnative threatened and endangered species will have a negative impact on captive breeding programs for these species. Many Arizona residents have spent tens of thousands of dollars to ensure healthy and genetically diverse captive breeding populations of species struggling or nearly extinct in the wild. By prohibiting propagation of federally listed threatened and endangered species, the Department is inhibiting the survival of endangered species. This will occur if the Commission adds federally-listed threatened and endangered species to their list of Live Restricted Wildlife and amends the rule to also end breeding activity. The requirement to permanently mark or microchip wildlife is overreaching and unnecessary as breeders should be allowed to continue working with and breeding these animals. Not only are many species very small and this is simply impossible, but these procedures risk unwarranted health concerns and risk from the added stress. While the Department states that fees will be minimal per animal, many breeders have dozens of animals and the fees would prove detrimental to keeping these animals and they would need to be euthanized or surrendered. I believe the department is unaware of how many licenses they may have to process and enforce on an annual basis. It would promote spotty enforcement at best and be very difficult to manage with the thousands of exotic bird and reptile owners in the valley. The proposed rule deals with animals intended as captive pets, which are not allowed to be released into the wild already addressed in an existing rules) and should have little impact on wild populations. Requiring health certificates for all mammals, birds, and reptiles would lead to selective enforcement, rampant unenforceable violations, and a huge economic impact should the department try to enforce on the pet industry.

Agency Response: Following significant public comment opposing the proposed amendment to restrict federally listed "endangered or threatened" species, the proposed recommendation is removed from the Notice of Final rulemaking. With the decision to withdraw the federally listed species from the restricted wildlife list, the prohibition on propagation will not apply to threatened and endangered species. It is important to note, this rule does not establish a requirement for a health certificate for the importation of reptiles, amphibians, or birds (other than poultry) and thus will not impact trade in those species. It is also important to note, medical and scientific research facilities are exempt from special licensing requirements when working with transgenic fish, mice, or rats regardless of whether the facility is licensed by the U.S. Department of Agriculture.

In addition to the form letter above, a commenter submitting this form letter on September 29, 2014 also included: I am writing to you as a concerned private keeper of exotic reptiles. I have been keeping reptiles responsibly as a hobbyist within Arizona for over 25 years. During that time and mostly within the last few years, I have witnessed laws being passed both at a national and a state level that have negatively impacted this hobby for millions of responsible pet owners in the U.St. It is my fear that the same detriment is threatening hobbyists in Arizona now. The reptile hobby has had a positive impact on the lives of individuals and families living in Arizona. It is from this standpoint that I would like to give my wholehearted support to the point in this message. In addition to the hobbyist side of the issue, there are a significant number of taxpayers who make a living in the reptile trade within Arizona. Proposed changes to the existing laws that would further limit the reptile trade in Arizona and quite possibly could lead to loss of livelihood for these individuals.

Agency Response: The Department believes the response provided above has sufficiently addressed these comments.

In addition to the form letter above, a commenter submitting this form letter on September 29, 2014 also included: I am an avocational herpetologist that has served in the herpetological community in Arizona in many different capacities. I am a past President of the Arizona Chapter of the North American Field Herping Association. I was also the primary investigator for Reptiles and Amphibians in the Flora and Fauna Survey of the McDowell Sonoran Preserve in Scottsdale, Arizona. I am also a member of the AHA. But I am writing to the Department today strictly as a concerned citizen of Arizona, and not as a representative of the previously mentioned organizations. First I would like to state that I am highly troubled by the fact that the Department is considering recommendations from the Humane Society of the U.S. (HSUS). This radical leftist organization has as its unwritten official goal the total elimination of human and animal interaction. They work tirelessly to take away the free people of this nation's ability to have pets, eat meat, drink milk, hunt, fish, and interact in any way with animals. Their ultimate goal is to give equal (or, quite possibly, superior) rights to animals and to convert our country into a completely vegan society. It is with this knowledge that I am writing this letter. I am opposed to the new rule change for the following reasons: The requirement for medical certificates may well be a burden on otherwise responsible reptile and amphibian owners and those who desire to sell, trade, import, etc. reptiles and amphibians into the state. Of course, anything that makes it more difficult to interact with animals is the goal of HSUS and other animal rights organizations. The requirement that photographers must have a Wildlife Holding Permit (and its myriad requirements) seems to be excessive and not very practical for those who may choose at a later date to use their otherwise legally obtained photos for commercial gain. As an example, I photograph reptiles and amphibians under a Department Combination License; 99% of the photos I take are strictly for my personal use such as showing on Facebook, or as actual "voucher" photos for an online Herpetological database. Near the end of every year, for the past two years, I have created calendars for the coming year, mostly for my own use but also to share with others. Having not known that I was required to have a special license to sell photographs of animals, I have been "selling" my calendars online illegally. I think I have sold all of maybe three calendars in two years. Technically this makes me a criminal as I am, by Department rules, in the "commercial business" of selling these calendars. Realistically, having only sold about three I am far from being an actual commercial enterprise. In fact, I am lucky that anyone at all buys these calendars. Requiring me to obtain a special permit for photographing the wildlife is unfair and highly burdensome to me. Possible Alternatives? As most people will only complain and offer no real solutions. I would like to offer some alternatives to the proposed rule changes. Eliminate the need for a separate license for each type of reptile or amphibian, i.e. Hunting License for Reptiles, and Fishing license for Amphibians. Instead, follow the lead of many other jurisdictions and only require a hunting or fishing license for both reptiles and amphibians. Treat "field herpetologists" the same as "birders." No license is required for those who only wish to seek out and photograph the animals. If all that is required is some momentary manipulation of an animal to ensure a nice photograph in the immediate area the animal was found, there should be no license or requirement needed. If someone wishes to keep a reptile or amphibian for an extended period (overnight for instance or permanently as a pet and within specified bag limits), allow this under a valid hunting license as offered above. In regards to innocent pet owners with a Leopard Gecko, a Ball Python, or a Box Turtle, etc. as a pet; why penalize them for the desires of a radical leftist organization (HSUS)? Instead we should be promoting education for keeping reptiles and amphibians. Provide a way for citizens to learn how to properly maintain the most commonly kept reptiles and amphibians such as geckos, nonvenomous snakes, frogs, lizards, tortoises, and turtles. Expand the Department's website to include common health and safety tips, perhaps a listing of veterinarians that deal with "exotic" animals (with a disclaimer the Department is not recommending one over another), local organizations that can assist them with their questions, etc. Promoting people to appreciate nature by keeping it in their home is the first step to people developing respect for the animals that the Department is charged with protecting. Allow captive propagation and breeding of native reptiles and amphibians. The demand for Arizona's reptile and amphibian species is at a high. The black market for our species is incredibly lucrative to those who choose to poach them. If we allow the sale and breeding of native species under a commercial breeder license it will reduce and may possibly eliminate the rampant poaching of Arizona's native reptiles and amphibians. The cost of obtaining captive-bred animals vs wild caught animals would be substantially lower as well as eliminating the risk of legal action if discovered. This in itself should reduce the poaching. I oppose the proposed rule changes as stated previously. They are based upon the desires of a radical leftist organization (HSUS) to take away a citizen's ability to have an animal companion in their home, or to have a responsible business that promotes animal welfare, such as the pet trade. The Department has neither the finances nor the staff to enforce these proposed rules. Passing laws and regulations that will be unenforced from the start is not only a waste of time and tax payer money, it is just plain dumb. Feel good legislation that has no real effect is not what Arizona's citizens need or want

Agency Response: When amending a rule, the Department considers external and internal comments; considering each comment from a resource perspective and determining whether the request would cause undue harm to the state's wildlife or negatively affect the Department's wildlife objectives. The review team then determined whether the request was consistent with the Department's overall mission, if it could be effectively implemented given agency resources, and if it was acceptable to the public. The Department revised R12-4-404 to remove "photograph" from the list of authorized noncommercial use and added a new subsection indicating a person may sell photographs of wildlife taken under a valid hunting or fishing license. This was added as a result of comments received, which indicated clarification was required in regards to whether a person is required to possess a special license in order to sell photographs of wildlife. A hunting license authorizes the take of reptiles. A fishing license authorizes the take of amphibians. However, the Department currently offers a combination hunting and fishing license that is valid for the take of both reptiles and amphibians. Under current rule, a person may take a reptile for an extended period of time, either overnight or permanently, provided the person possesses a valid hunting license and subject to the bag limits and restrictions established under Commission Order 41. In addition, the Department amended R12-4-404 to allow a person to photograph wildlife taken by means of a hunting or fishing license. Under A.R.S. Title 17, the Commission is charged with adopting rules and establishing services deemed necessary to carry out the provisions and purposes of the Title; establishing broad policies and

long-range programs for the management, preservation and harvest of wildlife; and establishing hunting, trapping and fishing rules and prescribe the manner and methods that may be used in taking wildlife. Educating the public on maintaining commonly kept reptiles and amphibians (either exotic or native) and providing a list of veterinarians and local organizations is better left to the pet industry. The Department believes the response provided above (for this form letter) has sufficiently addressed the additional commentary.

Six commenters submitted a comment that was a combination of the two form letters above on: September 26 (2), September 27 (1), and September 28 (3).

Agency Response: The Department believes the response provided above (for both form letters) has sufficiently addressed these comments.

In addition to the form letter above, a commenter submitting this form letter on September 28, 2014 also included: The proposed changes would have a huge impact on the reptile industry in Arizona and would cripple small breeders and keepers to the point of financial hardship. The changes proposed are redundant of existing rules. The need for a health certificate for every animal and reptile coming into or going out of the State would be at a cost that most reptile breeders and pet stores could never afford and would send most into financial hardship. I am a small breeder of reptiles and have been in business since 2008. I am also the president of the AHA and spend a lot of time educating the public on conservation and proper husbandry of reptiles and amphibians. Some of the proposed changes would do more damage to the reptile community and small businesses by imposing fees they could never afford.

Agency Response: The Department of agriculture rule R3-2-602 states, "all animals and poultry transported or moved into the state of Arizona, unless otherwise specifically provided for in this Article, must be accompanied by an official health certificate from the state of origin". Under the Department of Agriculture rule "animal" is defined as livestock, feral swine, ratite, bison, water buffalo, oxen, llama, and any exotic mammal not regulated as restricted live wildlife by the Arizona Game and Fish Department. The Department of Agriculture's requirement is not new and the Department's reference to the rule is included to clarify existing requirements. It is important to note, this rule does not establish a requirement for a health certificate for the importation of reptiles, amphibians, or birds (other than poultry) and thus will not impact trade in those species.

In addition to the combination of the two form letters on September 27 (1) and 28 (2) 2014, three commenters also included: Requiring owners to be approved and licenses to own certain fish like tilapia, which are a food source for many people is oppression. Under this rule, the Department states that our food source can be taken away from us without any evidence of wrongdoing; which is its own right is wrong. Then, once our food source has been taken away, we have to prove we are innocent before having them returned and pay for the care of them while in the Department's possession. Again wrong. Tilapia are farmed for food, which we the people have a right to do. Under this rule, the Department allows for great discord and oppression in forcing the people to be unable to feed themselves. The proposed rule also prohibits small businesses the right to sell freely. No fish farmer in their right mind would ever dump tilapia in a body of water; it is a waste of food and money.

Agency Response: This amendment is necessary to protect the native wildlife species of Arizona. The importation and release of live fish within the state is a highly regulated activity and it is the Department's responsibility to ensure this activity is done without any repercussions to other wildlife species. The addition of Tilapia to the restricted wildlife list will not prohibit an individual's ability to start their own fish farm or commercial fish farming business. With this addition, a person who wants to start their own backyard or commercial Tilapia aquaculture business will be required to apply for an Aquatic Stocking Permit and obtain approval before importing and stocking fish in their backyard pond or facility. The purpose of the amendment is to minimize the risk of Tilapia being illegally introduced into Arizona's waterways, where they may impact sport and native fisheries managed by the Department. The Department is aware of some persons releasing unwanted fish into bodies of water, but accidental releases can occur. The Department would not seize the unauthorized tilapia, but would work with the food fish farmer to assist them in complying with requirements and obtaining a license, provided the location itself is not problematic. In addition, the requiring a person to apply for and obtain this permit is consistent with the existing license requirements on aquaculture facilities in Arizona. Currently, if a person intends to start an aquaculture business, they must have an Aquaculture Facility License issued by the Arizona Department of Agriculture (the agency that governs aquaculture in Arizona. The application form for this license is available on their website at https://agriculture.az.gov/aquaculture-facility-license-application.

In addition to the form letter above, a commenter submitting this form letter on September 28, 2014 also included: After speaking with Department personnel on Friday, I do not believe that any rules affecting the care and keeping of exotic birds parrots etc. was the intent of the rulemaking. As the rules are currently written they would impact several species that are both very commonly kept in the companion pet world and also bred here, but may be endangered in their endemic regions. More are added every year. These currently could include citron, umbrella and moluccan cockatoos, blue throated and scarlet macaws, conure, and amazon species, among others. Soon they may be adding Military macaws and Hyacinth macaws to the ESA as well. While I understand that the rules "would allow owners to keep their current animals for the remainder of their lives" it leaves captive breeding programs, birds in rescue and even birds who outlive their owners in a predicament trying to find appropriate homes that hold permits. Additionally the wording is ambiguous enough that it may confuse people/cause issues with ownership in the future. Arizona right now is considered an ESA safe state. Please keep us that way. I promise the Department, the Department will find aviculture and herpetological communities dedicated to protecting both their local wildlife as well as their not-so-local captive-bred pets. The captive birds currently have no bearing at all what so ever on their wild counterparts, and could not survive in the wild. Captive breeding programs however with genetically diverse individuals) may be vital for these species many

years down the line. Thank you for taking the time to consider my comments. I know they echo much of the reptile and avian owning community. They certainly echo all of those working hard to breed healthy captive exotic birds and reptiles in Arizona.

Agency Response: The Department believes the response provided above (for this form letter) has sufficiently addressed the additional commentary.

Oral Comments from the December 5, 2014 Commission Meeting:
Jerry Fife, representing himself, recommended that a commercial factor be allowed for reptiles. He believes this would also help to conserve and propagate them, and reduce the threat of poaching to wild populations.

Agency Response: Under A.R.S. § 17-102, "wildlife, both resident and migratory, native or introduced, found in this state, except fish and bullfrogs impounded in private ponds or tanks or wildlife and birds reared or held in captivity under permit or license from the commission, are property of the state and may be taken at such times, in such places, in such manner and with such devices as provided by law or rule of the commission." In concert with the Department's mission, the Commission seeks to conserve, enhance, and restore native Arizona wildlife for the benefit of present and future generations. Therefore, the Commission shall restrict or prohibit commercial uses of live wildlife that may adversely affect Arizona wildlife populations and habitats, or pose risks to public health and safety.

Amanda Schlichting, Arizona State Director, Humane Society of the U.S. (HSUS), made the following statements: The HSUS fully supports the designation of all nonhuman primates as restricted wildlife. All primate species are inherently wild and unpredictable, and pose a risk to public health and safety. Additionally, the HSUS opposes the proposal to allow hedgehogs as pets. Hedgehogs are a source of deadly salmonella infections and carry salmonella bacteria without exhibiting any signs of illness. The escape or release of hedgehogs presents a risk to Arizona's native wildlife and ecosystems and have the potential to become an invasive species and a burden and costly problem. Lastly, the HSUS opposes the proposal to exempt facilities accredited by the ZAA. The ZAA has weak standards that support poorly run roadside zoos, traveling zoos, and private menageries.

Agency Response: The Department appreciates your support in adding nonhuman primates to the list of restricted live wildlife. The Department disagrees with the comment regarding hedgehogs. Although traditionally classified in the order Insectivora, hedgehogs are not exclusively insectivores but are almost omnivorous. Hedgehogs feed on berries, bird eggs, carrion, frogs and toads, grass roots, insects, melons, mushrooms, snails, and snakes. When foraging, they rely upon their senses of hearing and smell because their eyesight is weak. The hedgehog habitat is mainly hedgerows, woodlands, and meadows; they seem to prefer lush or riparian habitats. Most of the hedgehogs in the pet industry are African pygmy hedgehogs or hybrids of same with the European hedgehog. Natural predators are canids and owls as they are nocturnal. Because Arizona has plenty of natural predators and a minimal amount of suitable habitat, the Department has determined it is highly unlikely that a hedgehog that escapes or is intentionally released into the wild will survive. In addition, while salmonella can be transferred to humans, simply washing one's hands will greatly reduce the possibility of transfer. According the CDC, the salmonella is more likely to be a result of raw or undercooked eggs, poultry, or meat.

Dave Weber, North American Field Herping Association, supports the amendment to allow photography of reptiles and thanked the Department and the people involved for working with them to get the rule changed.

Agency Response: The Department appreciates your support.

Bill Love, photographer, agrees with Dave Weber's comments and thanked the Department and Commission for working with them.

Agency Response: The Department appreciates your support.

Kathleen Love, representing herself, also had previous concerns about the photography, health certificates, and other things that were addressed and thanked the Department for addressing their concerns.

Agency Response: The Department appreciates your support

James Badman, Associate Director for Animal Care at Arizona State University, pet store owner, and owner of a hobby farm, expressed his appreciation and support for exempting transgenic rodents and requested that the exemption to be extended to transgenic fish as well. He does not agree with a blanket restriction on nonhuman primates. Commissioner Davis discussed extending the allowance of transgenic fish along with rodents for qualified research institutions with Mr. Crouch.

Agency Response: The Department proposes to exempt research facilities from special license requirements for transgenic species. Please note, transgenic species do not include natural hybrids (the crossing of two animals through natural reproduction). Only wildlife forms created through genetic manipulation (e.g., transferring genes from one organism into the genome of another) will be restricted. Adding nonhuman primates to the list of restricted live wildlife is not an "all out ban" on nonhuman primates. The Department has been tracking and responding to nonhuman primate incidents since 1994. Currently as you stated, only the great apes are restricted to special license holders. Of the 48 human bites and exposures documented in Arizona, all have been from non-restricted primates held without special license. The restriction of all nonhuman primates will allow the Department to document current animals legally held and the owners may continue to possess these animals under R12-4-425.

Joanne Kieran, Fallen Feathers, a rehabilitation organization for orphaned an injured wild birds, stated her opposition to requiring a health certificates. Birds are not taught in veterinary school and there is only one licensed avian veterinarian in Arizona. Health certificates need to be more regulated, but it depends on what type of animal. Regarding the education requirement for licensees that requires medications to be administered under the direction of a veterinarian, this is astronomical considering the time factor for treating birds is very short. Lastly, Ms. Kieran suggested the Department put on an educational symposium for licensed rehabilitators.

Agency Response: For the purposes of a health certificate, the requirement of a health certificate for the importation of animals was established by the Arizona Department of Agriculture to protect the citizens, livestock, and wildlife of Arizona. The animals addressed in Article 6 and that require a health certificate are namely bison, cats and dogs, psittacine birds, zoo animals, non-restricted live wildlife cervidae, and macaque monkeys. The Department is not proposing that a licensed veterinarian be required to be on site to administer treatment or that every animal must be transported to one. The Department's proposed rule modifications simply add clarification to the existing health certificate requirements for imported wildlife. The commenter's interpretation of the proposed rule change is incorrect.

Deborah Schweikardt, Arizona Bird Store and Arizona Avian Alliance, thanked the Department for working with them on the issues and agreed with the comments made by Joanne Kieran.

Agency Response: The Department appreciates your support

Chairman Mansell noted that the Commission received a letter from Maricopa County Department of Public Health in support of the rules pertaining to nonhuman primates because of disease and health concerns, and he has a speaker card from Sharron Keene stating that transgenic fish should not be banned (Ms. Keene did not wish to speak).

Comment forwarded by G.R.R.C. staff on August 19, 2015: Thank you for the return phone call on Tuesday. I appreciate the explanation on how G.R.R.C. works. I do plan to attend the study session on September 29th at 10:00 am. Included below are my emails and comments to the Arizona Game and Fish Department, their reply, and a summary of my meeting with Pat Crouch and Tyler Van Vleet from the Department. These emails were prior to the Commission meeting. At the Commission meeting, Pat updated me that the language exempting research facilities would be limited to transgenic rodents. I did make comments at the meeting, but was restricted to three minutes for the entire Article 4. My focus centered on requesting further exempting of transgenic fish for research facilities and the opposition on the complete ban of all primates. During the meeting Commissioner Kurt Davis did further query the Department about research facilities abilities to track and control transgenic fish and recommended that wording be added to exempt the research facilities from rodents and fish. I am requesting further consideration on exempting research facilities from restrictions on transgenic animals all together; not just fish and rodents. The change presented at the Commission meeting focused on fish, which in return I focused on fish. If I had more time to prepare I would have requested the exemption for all species at that time. I would also like further consideration on the all-out ban on primates. I would support a wider ban on the larger species of monkeys and those that do carry Herpes B, but an all-out ban is unnecessary and unwarranted. Lemurs, galagos, marmoset, tamarins, and other South American primates do not naturally carry the lethal Herpes B virus and are susceptible to it themselves. Most of these are rather small primates with many marmosets weighing less than one pound. I have an extensive background working with primates and do understand the concerns with the larger primates and the Herpes B virus the macaque species naturally carry that can be fatal to humans. We should address the real problem at hand and extend the current restrictions to include the problematic species (Papio sp. baboons) and Macaca macaques) species only.

Agency Response: The Department proposes to exempt research facilities from special license requirements for transgenic species. Please note, transgenic species do not include natural hybrids (the crossing of two animals through natural reproduction). Only wildlife forms created through genetic manipulation (e.g., transferring genes from one organism into the genome of another) will be restricted. Adding nonhuman primates to the list of restricted live wildlife is not an "all out ban" on nonhuman primates. The Department has been tracking and responding to nonhuman primate incidents since 1994. Currently as you stated, only the great apes are restricted to special license holders. Of the 48 human bites and exposures documented in Arizona, all have been from non-restricted primates held without special license. The restriction of all nonhuman primates will allow the Department to document current animals legally held and the owners may continue to possess these animals under R12-4-425. Only nonhuman primates held in registered research facilities, or for exhibition (zoos e.g.) are required to be licensed by the USDA. The proposed changes do not affect research institutions or zoos, they can still hold nonhuman primate, see https://awic.nal.usda.gov/government-and-professional-resources/federal-laws/animal-welfare-act. The Animal Welfare Act was signed into law in 1966. It is the only federal law in the U.S. that regulates the treatment of animals in research, exhibition, transport, and by dealers. Other laws, policies, and guidelines may include additional species coverage or specifications for animal care and use, but all refer to the Animal Welfare Act as the minimum acceptable standard; the Act is enforced by USDA, APHIS, Animal Care. A private individual is not required to meet the requirements put in place by USDA. Only macaques are covered by USDA rules for specific disease testing. Nonhuman primates, other than macaques, only need a certificate of veterinary inspection to enter the state. Testing for specific zoonotic diseases is not required. Current Department rules currently only cover the great apes under restricted live wildlife. All primates are capable of causing injury and acting unpredictably. As highly intelligent wild animals, they are extremely strong for their size and can react violently when threatened, frightened, or competing for desired resources (food, attention, shelter, etc.). It is easiest for pathogens to emerge when closely related species live in close approximation with each other and share food, water, and housing as with nonhuman primate kept as pets. While Simian Herpes B (Cercopithecine herpesvirus 1) is the most serious disease carried by a nonhuman primate (macaques), all nonhuman primates

have the potential to carry serious and even life-threatening zoonotic diseases (Salmonella, Campylobacter, Shigella, and Yersinia, as well as influenza, Herpes simplex, measles [rubeola virus], yellow fever, and other viruses). Until the 1974 prohibition, New World primates were used extensively in the pet trade. Woolly monkeys (Lagothrix), capuchins (Cebus), squirrel monkeys (Scuireus), marmosets of several species, and owl monkeys (Aotus), were popular pets. Most carry zoonotic diseases transmissible to humans. Many viral diseases, such as hepatitis or herpes B, can be transmitted from primate to humans. A virus may be latent in one species of primate, with little or no disease, yet be fatal in another species of primate, including humans. Most primate herpes viruses are latent in one host species and fatal in another species. Overt disease in the host species rarely is not always apparent, may be as a mild skin lesion. Herpes simiae (herpes B) produces a mild disease in some species of monkeys that is comparable to the cold sores caused in humans by the virus Herpes, which B virus is related to. The virus is more prevalent in macaques, with both the rhesus and cynomolgus considered to be primary natural hosts; however, other macaque species are also susceptible to the disease. As high as 25% of macaques both imported and domestically bred have antibodies to herpes B virus; however, infection can occur even in the presence of antibody. Thus, all macaques at any time should be considered potential carriers. As with other herpes infections, viral shedding probably occurs only during periods of active lesions. In humans, herpes B virus can be fatal, causing an acute ascending myelitis (infection or the inflammation of the white matter or gray matter of the spinal cord). Of the 20 plus cases reported to date, only two patients have survived, and there is some question on the confirmation of B virus in those two. Thus, the virus has a possible mortality rate of 100% in humans who develop the disease. The primary transmissions are from monkey bites and from airborne particles containing infectious virus or bacteria. This can occur when an infected individual coughs, sneezes, exhales, or vomits, but can also come from flushing a toilet, or disturbing dried contaminated feces. Poxviruses cause diseases in nonhuman primates and can be transferred to humans, although the incidence of human infection for these viruses is low; monkeypox is the most frequent. The primary hosts are macaques. Monkeypox is serologically related to smallpox in humans, so a smallpox vaccination will prevent human development of monkeypox. One must also consider the latest trend where parents are choosing not vaccinate their children. Yaba virus infection is a rare disease of macaques, patas, baboon, and humans. The squirrel monkey and marmoset are resistant. Measles is the most frequently reported viral disease of nonhuman primates. In the wild, its incidence among them is almost nonexistent; infection comes from exposure to infected children. Upon infection, the primate sheds the virus and can reinfect humans. Measles is a highly infectious exanthematous viral disease of children that causes a similar maculopapular rash in most nonhuman primate species. The primary host for the Marburg virus has never been determined; however, the virus is virulent for vervet, rhesus, and squirrel monkeys. In nonhuman primates, death occurs in 6 to 9 days with no signs until the day of death. Considering the potential danger all African green monkeys should be handled as if infected. The virus of human infectious hepatitis A) can infect woolly monkey, cebus, aotus, and some tamarins. The animal can carry the virus and be infective to humans. Several outbreaks have been reported in primate handlers in research facilities. The disease in primate handlers appears to be related to handling recently shipped animals; the virus is probably spread shortly after exposure, antibodies develop, and the animals then become immune to reinfection. Nonhuman primates are susceptible to the wide variety of bacterial agents. There is little difference in susceptibility between most primate species; however, the macaques are more susceptible to tuberculosis and enteric bacteria. The bacteria that deserve the most concern are Shigella, Salmonella, and Campylobacter. Mycobacteria are responsible for tuberculosis, which has been recognized as a common disease of captive primates. Species most susceptible are the macaques. The danger to owners and others who come in contact with infected monkeys is obvious. The clinical signs of tuberculosis are not striking until the disease is in an advanced stage. New World monkeys should be tested semi-annually. Because of the public health danger and the potential resistance to treatment, positive animals should be euthanized. Shigella and salmonella are frequently present in the gastrointestinal tract of nonhuman primates. Isolation of the organism from the carrier animal is difficult, requiring numerous samples and enrichment techniques. A single negative culture is not conclusive evidence that the primate is disease-free. One reported case of transmission of shigellosis concerned a child who licked an ice cream cone that had been touched by a monkey in a pet shop. This illustrates the potential danger for infants and children in contact with the species. Klebsiella can occur in primates with inadequate nutrition. The infected primate is a threat to an infant or child with a mild respiratory infection whose reduced level of health increases the potential for infection. Klebsiella is present in stagnant water, dirty drinking receptacles, and soil, and as bacteria in the alimentary tract. Several reports have been made on fungal diseases in primates. Fortunately, these are isolated cases; however, there is a potential danger to human beings. The primary hosts are aotus and lagothrix. Humans are susceptible to the infection; however, it usually requires a favorable moist environment or reduced defenses caused by another disease. An infant with a mild diaper rash would be a prime candidate for candida transmission from the pet primate. These websites provide additional background information: http://www.cdc.gov/importation/laws-and-regulations/non-human-primates/nprm/qa-general.html and http://www.2ndchance.info/mnky2man.htm.

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

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

R12-4-410, R12-4-411, R12-4-413, R12-4-414, R12-4-417, R12-4-418, R12-4-420, R12-4-421, R12-4-422, R12-4-423, and R12-4-424 require a general permit and comply with the requirements prescribed under A.R.S. § 41-1037.

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:

The Commission is incorporating federal regulations identified in item 13 in an effort to ensure the Commission's rules are not more stringent than relevant federal regulations. The Animal Welfare Act (AWA, codified at 7 U.S.C. 2131 et seq) prescribes the general regulations, governing both interstate and foreign animal commerce, necessary to insure animals intended for use in research facilities or for exhibition purposes or for use as pets are provided humane care and treatment; to assure the humane treatment of animals during transportation

in commerce; and protect the owners of animals from the theft of their animals by preventing the sale or use of animals which have been stolen. Federal law, 9 C.F.R. Subchapter A implements the AWA. Federal law, 9 C.F.R. Subchapter A regulates the transportation, sale, housing, care, handling, and treatment of animals by carriers or by persons or organizations engaged in using them for research or experimental purposes, for exhibition purposes, or holding them for sale as pets or any other such purpose or use, is applicable to R12-4-410, R12-4-413, R12-4-414, R12-4-417, R12-4-418, R12-4-420, R12-4-421, R12-4-422, R12-4-423, R12-4-426, R12-4-428, and R12-4-430. The Department has determined that the rules are not more stringent than corresponding federal law. However, AWA requirements are only applicable to mammals. The Department regulates all wildlife (amphibians, birds, crustaceans, mammals, mollusks, and reptiles) to ensure all species receive humane and appropriate care and to protect public health and safety. The rules apply many AWA requirements to wildlife to further protect native wildlife populations, their habitat, and the public.

Federal law, 50 C.F.R. 10.13, which establishes a list of migratory birds, is applicable to R12-4-401, R12-4-406, and R12-4-422. R12-4-401 establishes definitions for unique terms used in Article 4 rules and incorporates by reference the federal list of migratory birds. R12-4-406 establishes the list of restricted live wildlife for which a special license is required and incorporates by reference the list of migratory birds. R12-4-422 establishes application and documentation requirements, procedures, authorized activities, restrictions, and operating requirements for licenses, in compliance with federal standards, regulating taking, possession and transportation of raptors covered under the Migratory Bird Treaty Act in Sport Falconry and incorporates by reference the federal list of migratory birds. The Department has determined the rules are not more stringent than the federal law.

Federal law, 50 C.F.R. 17.11, which establishes a list of endangered and threatened species, is applicable to R12-4-401, R12-4-422, and R12-4-423. R12-4-401 establishes definitions for unique terms used in Article 4 rules and incorporates by reference the federal list of endangered and threatened species. R12-4-422 establishes documentation requirements, prohibitions, restrictions, and reporting requirements for licensees, in compliance with federal standards. R12-4-423 establishes application and documentation requirements, procedures, authorized activities, restrictions, and operating requirements for licenses, in compliance with federal standards, regulating possession, transportation, and disposal of federally listed endangered and threatened species. The Department has determined the rules are not more stringent than the federal law. R12-4-422 and R12-4-423 also incorporate by reference the federal list of endangered and threatened species.

Federal law, 50 C.F.R. Parts 21 and 22, which establish migratory bird permits and falconry regulations, is applicable to R12-4-422. R12-4-422 establishes application and documentation requirements, procedures, authorized activities, restrictions, and operating requirements for licenses, in compliance with federal standards, regulating taking, possession and transportation of raptors covered under the Migratory Bird Treaty Act in Sport Falconry. Under 50 C.F.R. 21.29(d) Federal Falconry Standards, state laws or regulations shall provide that before a State falconry permit is issued the applicant's raptor housing facilities and falconry equipment shall be inspected and certified by a representative of the State wildlife department as meeting the specific standards. The Department has determined the rule is more restrictive than the corresponding federal law in requiring a new inspection of a facility when a licensed falconer changes location and the Department cannot verify the facility at the new location is similar to the facility approved during a prior inspection. A new inspection is also proposed when a falconer acquires additional raptors and the previous inspection does not indicate the facilities can accommodate a new species or additional raptors. In addition, the rule is more stringent than corresponding federal law in requiring a license holder to report the theft of a raptor to the Department within 48 hours; federal law requires a person to report the theft of a raptor within ten days of the theft. As prescribed under A.R.S. § 17-102, all wildlife is state property. While a licensed falconer may possess a raptor, the raptor does not belong to the falconer. The Commission believes the theft of state property should be reported as soon as possible to allow the Department to take swift action. Under 50 C.F.R. 21.29(b)(1)(ii), "State, tribal, or territorial laws may be more restrictive than these Federal standards but may not be less restrictive." In addition, A.R.S. § 17-231(A)(1) authorizes the Commission to "[a]dopt rules and establish services it deems necessary to carry out the provisions and purposes of this title" and A.R.S. § 17-235 states, the Commission "may shorten or modify seasons, bag and possession limits and other regulations on migratory birds as it deems necessary."

Federal law, 50 C.F.R. 17.11, which provides a list of threatened and endangered wildlife, is applicable to R12-4-401. R12-4-401 establishes definitions for unique terms used in Article 4 rules and incorporates by reference the federal list of threatened and endangered wildlife. The Department has determined the rule is not more stringent than the 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 Department did not receive any analyses.

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

R12-4-401, 50 C.F.R. 17.11, revised October 1, 2013 and 50 C.F.R. 10.13, revised October 1, 2014.

R12-4-406(F)(2), 50 C.F.R. 10.13 revised October 1, 2014.

R12-4-407(B)(10), 9 C.F.R. 2.30, revised January 1, 2012.

R12-4-420(H)(4), 9 C.F.R. Subchapter A, Animal Welfare, revised January 1, 2014.

R12-4-422(A), 50 C.F.R. 21.3, revised October 1, 2013.

R12-4-422(D), 50 C.F.R. 10.13, revised October 1, 2014.

R12-4-422(H)(1)(c)(i) and (viii.), 50 C.F.R. 17.11, revised October 1, 2013.

R12-4-423(D)(2), 50 C.F.R. 17.11, revised October 1, 2013.

R12-4-430(H)(1), United States Department of Agriculture publication "Bovine Tuberculosis Eradication: Uniform Methods and Rules," USDA APHIS 91-45-011, effective January 1, 2005.

R12-4-430(H)(2), United States Department of Agriculture publication "Brucellosis in Cervidae: Uniform Methods and Rules" U.S.D.A. A.P.H.I.S. 91-45-16, effective September 30, 2003.

14. Whether the rule previously made, amended, or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-4-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

The rule was not previously made, amended, or repealed as an emergency rule.

15. The full text of the rules follows:

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

ARTICLE 4. LIVE WILDLIFE

Section

R12-4-401. Live Wildlife Definitions
R12-4-402. Live Wildlife; Unlawful Acts
R12-4-403. Escaped or Released Live Wildlife
R12-4-404. Possession of Live Wildlife Taken Under an Arizona Hunting or Fishing License
R12-4-405. Importing, Purchasing, and Transporting Live Wildlife Without an Arizona License or Permit
R12-4-406. Restricted Live Wildlife
R12-4-407. Exemptions from Special License Requirements for Restricted Live Wildlife
R12-4-408. Holding Wildlife for the Department
R12-4-409. General Provisions and Penalties for Special Licenses
R12-4-410. Aquatic Wildlife Stocking ~~Permit~~ License
R12-4-411. Live Bait Dealer's License
R12-4-412. Special License Fees
R12-4-413. Private Game Farm License
R12-4-414. Game Bird ~~Shooting Preserve~~ License
R12-4-415. ~~Game Bird Field Trial License~~ Repealed
R12-4-416. ~~Game Bird Field Training Permit~~ Repealed
R12-4-417. Wildlife Holding License
R12-4-418. Scientific Collecting ~~Permit~~ License
R12-4-419. ~~Game Bird Hobby License~~ Repealed
R12-4-420. Zoo License
R12-4-421. Wildlife Service License
R12-4-422. Sport Falconry License
R12-4-423. Wildlife Rehabilitation License
R12-4-424. White Amur Stocking and Holding License
R12-4-425. Restricted Live Wildlife Lawfully Possessed without License or Permit Before the Effective Date of Article 4 or Any Subsequent Amendments
R12-4-426. Possession of Nonhuman Primates
R12-4-427. Exemptions from Requirements to Possess a Wildlife Rehabilitation License
R12-4-428. Captivity Standards
R12-4-430. Importation, Handling, and Possession of Cervids

ARTICLE 4. LIVE WILDLIFE

R12-4-401. Live Wildlife Definitions

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

"Adoption" means the transfer of custody of live wildlife to a member of the public, initiated by either the Department or its authorized agent, when no special license is required.

~~1.~~ "Agent" means ~~an individual that~~ the person identified on a special license and who assists a special license holder in performing activities ~~that are~~ authorized by the special license to achieve the objectives for which the license was issued. "Agent" has the same meaning as "sublicensee" and "subpermittee" as these terms are used for the purpose of federal permits.

~~2.~~ "Aquarium trade" means the commercial industry ~~that~~ and its customers who lawfully ~~trades~~ trade in aquatic live wildlife ~~and its customers~~.

"Aversion training" means behavioral training in which an aversive stimulus is paired with an undesirable behavior in order to reduce or eliminate that behavior.

~~3.~~ "Captive live wildlife" means live wildlife ~~that is~~ held in captivity, physically restrained, confined, impaired, or deterred to prevent it from escaping to the wild or moving freely in the wild.

"Captive-reared" means wildlife born, bred, raised, or held in captivity.

~~4.~~ "Cervid" means a mammal classified as a Cervidae or member of the deer family found anywhere in the world, as defined in the taxonomic classification from ~~Volumes I and II of Walker's Mammals of the World, Sixth Edition, 1999, and not including any later edition. A copy is available for inspection at any Department office and from the Johns Hopkins University Press, 2715 North Charles Street, Baltimore MD, 21218-4363~~ the Integrated Taxonomic Information System, available online at www.itis.gov.

~~5.~~ "Circus" means a scheduled event where a variety of entertainment is the principal business, primary purpose, and attraction. "Circus" does not include animal displays or exhibits held as an attraction for a secondary commercial endeavor.

~~6. "Collect" means to take wildlife alive under the provisions of a scientific collecting permit.~~

~~7.~~ "Commercial purpose" means the bartering, buying ~~or~~, leasing, loaning, offering to sell, selling, trading, exporting or importing of wildlife or their parts~~, or the exchange of anything of monetary value for the use of wildlife~~ for monetary gain.

~~8.~~ "Domestic" means an animal species that does not exist in the wild, and includes animal species that have only become feral after they were released by humans ~~that~~ who held them in captivity~~,~~ or ~~are~~ individuals or populations that escaped from human captivity.

~~9.~~ "Educational display" means a display of captive live wildlife to increase public understanding of wildlife biology, conservation, and management without requiring or soliciting payment from an audience or an event sponsor. For the purposes of this Article, "to display for educational purposes" refers to display as part of an educational display.

"Educational institution" means any entity that provides instructional services or education-related services to persons.

~~10.~~ "Endangered or threatened wildlife" means wildlife ~~that is~~ listed ~~in~~ under 50 ~~CFR~~ C.F.R. 17.11, revised ~~as of August 4, 2004 not including any later amendments or editions, which is incorporated by reference~~ October 1, ~~2008~~ 2013, which is incorporated by reference. A copy of the list is available ~~for inspection~~ at any Department office, online at www.gpoaccess.gov, or ~~it~~ may be ordered from the ~~Superintendent of Documents,~~ U.S. Government Printing Office, ~~Washington, D.C. 20402~~, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000. This incorporation by reference does not include any later amendments or editions of the incorporated material.

~~11.~~ "Evidence of lawful possession" means any license or permit ~~that allows~~ authorizing possession of a specific live wildlife species or individual, or other documentation ~~that establishes~~ establishing lawful possession. Other forms of documentation may include, but are not limited to~~:~~, a statement ~~of nonrequirement for~~ issued by the country or state of origin verifying a license or permit for that specific live wildlife species~~,~~ or individual ~~granted by the country or state of origin~~ is not required.

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

~~13.~~ "Exotic" means wildlife or offspring of wildlife ~~that is~~ not native to North America.

~~14.~~ "Fish farm" means a commercial operation designed and operated for propagating, rearing, or selling aquatic wildlife for any purpose.

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

"Health certificate" means a certificate of an inspection completed by a licensed veterinarian verifying the animal examined appears to be healthy and free of infectious, contagious, and communicable diseases.

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

~~17.~~ "Live baitfish" means any species of live freshwater fish designated by Commission ~~order~~ Order as lawful for use in taking aquatic wildlife under R12-4-313 and R12-4-317.

~~18.~~ "Live bait" means aquatic live wildlife used or intended for use in taking aquatic wildlife.

"Migratory birds" mean all species listed under 50 C.F.R. 10.13 revised October 1, 2014, and no later amendments or editions. The incorporated material is available from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000, and is on file with the Department.

~~19. "Native" means wildlife or offspring of wildlife that occurred naturally within the present boundaries of Arizona before European settlement.~~

"Noncommercial purpose" means the use of products or services developed using wildlife for which no compensation or monetary value is received.

"Nonhuman primate" means any nonhuman member of the order Primate of mammals including prosimians, monkeys, and apes.

~~20.~~ "Nonnative" means wildlife or its offspring that did not occur naturally within the present boundaries of Arizona before European settlement.

"Person" has the same meaning as defined under A.R.S. § 1-215.

~~21.~~ "Photography" means any process that ~~captures light to produce an exact image~~ creates durable images of wildlife or parts of wildlife ~~on another medium~~ by recording light or other electromagnetic radiation, either chemically by means of a light-sensitive material or electronically by means of an image sensor.

~~22. "Propagate" means the production of offspring that qualify as wildlife from captive live wildlife parents.~~

~~23.~~ "Rehabilitated wildlife" means live wildlife that is injured, orphaned, sick, or otherwise debilitated and is provided care to restore it to a healthy condition suitable for release to the wild or for lawful captive use.

"Research facility" means any association, institution, organization, school, except an elementary or secondary school, or society that uses or intends to use live animals in research.

~~24.~~ "Restricted live wildlife" means wildlife that cannot be imported, exported, or possessed without a special license or lawful exemption. ~~Restricted live wildlife are listed in R12-4-406.~~

~~25.~~ "Shooting preserve" means any operation where live wildlife is released for the purpose of hunting.

~~26.~~ "Special license" means any ~~permit or~~ license issued under this Article, including any additional stipulations placed on the license ~~that authorizes~~ authorizing specific activities normally prohibited ~~by~~ under A.R.S. § 17-306 and R12-4-402.
"Species of greatest conservation need" means any species listed in the Department's Arizona's State Wildlife Action Plan list Tier 1a and 1b published by the Arizona Game and Fish Department. The material is available for inspection at any Department office and online at www.azgfd.gov.
~~27.~~ "Stock" and "stocking" means to release live aquatic wildlife into public or private waters other than the waters where taken.
"Taxa" means groups of animals within specific classes of wildlife occurring in the state with common characteristics that establish relatively similar requirements for habitat, food, and other ecological, genetic, or behavioral factors.
"Unique identifier" means a permanent marking made of alphanumeric characters that identifies an individual animal, which may include, but is not limited to, a tattoo or microchip.
"USFWS" means the United States Fish and Wildlife Service.
"Volunteer" means a person who:
Assists a special license holder in conducting activities authorized under the special license,
Is under the direct supervision of the license holder at the premises described on the license,
Is not designated as an agent, and
Receives no compensation.
"Wildlife disease" means any disease that poses a health risk to wildlife in Arizona.
~~28. "Wildlife of special concern" means any species listed in "Wildlife of Special Concern," published by the Arizona Game and Fish Department. A copy is available for inspection at any Department office.~~
"Zoo" means any facility licensed by the Arizona Game and Fish Department under R12-4-420 or, for facilities located outside of Arizona, licensed or recognized by the applicable governing agency.
~~29.~~ "Zoonotic" means a disease that can be transmitted from animals to humans ~~from other~~ or, more specifically, a disease that normally exists in animals but that can infect humans.

R12-4-402. Live Wildlife: Unlawful Acts

A. ~~An individual~~ A person shall not perform any of the following activities with live wildlife unless authorized by a federal license or permit, this Chapter, or A.R.S. Title 3, Chapter 16:
1. Import any live wildlife into the state;
2. Export any live wildlife from the state;
3. ~~Transport, possess, offer for sale, sell, sell as live bait, trade, give away, purchase, rent, lease, display, exhibit, propagate, stock, or release~~ Conduct any of the following activities with live wildlife within the state:
   a. Display,
   b. Exhibit,
   c. Give away,
   d. Lease,
   e. Offer for sale,
   f. Possess,
   g. Propagate,
   h. Purchase,
   i. Release,
   j. Rent,
   k. Sell,
   l. Sell as live bait,
   m. Stock,
   n. Trade,
   o. Transport; or
4. Kill any captive live wildlife.

B. ~~If an individual lawfully possesses wildlife, but holds it~~ The Department may seize, quarantine, hold, or euthanize any lawfully possessed wildlife held in a manner that poses an actual or potential threat to the wildlife, other wildlife, or the safety, health, or welfare of the public~~, the Department shall seize, quarantine, or hold, the wildlife~~. The Department shall make reasonable efforts to find suitable placement for any animal prior to euthanizing it.

C. A person who does not lawfully possess wildlife in accordance with this Article shall be responsible for all costs associated with the care and keeping of the wildlife.

R12-4-403. Escaped or Released Live Wildlife

A. The Department may ~~take~~ seize, quarantine, or euthanize any live wildlife that has been released, ~~escapes~~ has escaped, or is likely to escape if the wildlife poses an actual or potential threat to ~~native~~:
1. Native wildlife~~,~~;
2. Wildlife habitat; or ~~to the~~
3. Public health, safety, ~~health,~~ or welfare ~~of the public~~; or
4. Property.

B. ~~An individual~~ A person shall not release live wildlife ~~under A.R.S. § 17-306~~, unless specifically directed to do so by the Department or authorized ~~by~~ under this ~~Chapter~~ Article. ~~The Department may also take live wildlife as prescribed by this Section if the wildlife is held under a special license.~~

C. The person possessing the wildlife shall be responsible for all costs incurred by the Department associated with seizing or quarantining the wildlife.

D. All special license holders shall be subject to the requirements of this Section.

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

A. ~~An individual~~ A person may take live wildlife from the wild ~~alive~~ under a valid Arizona hunting or fishing license ~~only if there is a~~

provided the current Commission Order ~~that prescribes~~ authorizes a live bag and possession limit for that wildlife and the individual possesses the appropriate hunting or fishing license and special license, when applicable.

B. ~~An individual may possess, transport, place on educational display, photograph, propagate, or kill for personal use any wildlife taken under an Arizona hunting or fishing license, except that live baitfish may be possessed and transported only in accordance with R12-4-316. An individual shall dispose of any wildlife taken under an Arizona hunting or fishing license as prescribed by subsection (B).~~ Except for live baitfish which may only be possessed and transported as established under R12-4-316, a person may conduct any of the following activities with wildlife taken under an Arizona hunting or fishing license provided the activity is for a noncommercial purpose:

1. Export,
2. Kill,
3. Place on educational display,
4. Possess,
5. Propagate, and
6. Transport.

~~B.~~C. ~~An individual who possesses~~ A person possessing wildlife or offspring of wildlife taken under this Section shall ~~only~~ dispose of the wildlife or ~~its~~ offspring ~~by giving it as a gift, exporting it~~ of wildlife using any one or more of the following methods:

1. Giving the wildlife as a gift,
2. Exporting the wildlife to another state or jurisdiction, or ~~as~~
3. Disposing of the wildlife as directed ~~in writing~~ by the Department.

D. ~~An individual~~ A person shall not ~~dispose of~~ use wildlife or offspring of wildlife taken ~~as prescribed by~~ under this Section ~~or offspring of the wildlife by selling, bartering, trading, or exporting it~~ for commercial purposes.

E. ~~Exported~~ A person exporting live wildlife for a noncommercial purpose shall verify exported live wildlife and ~~its~~ offspring of wildlife shall not be ~~sold, bartered, purchased, rented, leased, offered for sale, or used~~:

1. Bartered,
2. Leased,
3. Offered for sale,
4. Purchased,
5. Rented,
6. Sold, or
7. Used for any commercial purpose. ~~An individual shall not export live desert tortoises (Gopherus agassizii) from the state without written authorization from the Department. The Department shall only authorize an individual to export live desert tortoises to another jurisdiction where they can be legally possessed.~~

F. ~~An individual~~ A person may temporarily hold and release live wildlife possessed under this Section into the wild, ~~but only if~~ provided the person did not remove the wildlife ~~is not removed~~ from the immediate area where it was taken.

~~C.~~G. ~~An individual~~ A person shall not exceed the possession limit of live wildlife established by Commission Order for that species.

1. Offspring of wildlife possessed under this Section shall count towards the established possession limit. ~~If any~~
2. A person may possess offspring of amphibians or reptiles ~~exceed~~ in excess of the possession limit~~, they may be held in captivity~~ for no more than 12 months from the date of birth or hatching. ~~Before or on~~
3. On or before the day the offspring ~~of reptiles and amphibians~~ reach 12 months of age, the ~~individual that possesses~~ person possessing them shall dispose of them ~~by giving them as gifts or as directed by the Department~~ as prescribed under subsection (C).
4. A person is prohibited from releasing offspring of propagated wildlife into the wild.

~~D.~~H. ~~An individual may propagate desert tortoises possessed under R12-4-407(A)(1), and may hold offspring in captivity for 24 months from the date of hatching. An individual shall dispose of desert tortoises at the end of the 24 months by giving them as gifts or as directed in writing by the Department.~~ A person may use reptiles and amphibians taken under a valid Arizona hunting license for the purpose of providing aversion or avoidance training when the current Commission Order authorizes a live bag and possession limit for that reptile or amphibian.

I. A person may sell photographs of wildlife taken under a valid hunting or fishing license.

~~E.~~J. ~~An individual~~ A person who possesses live wildlife or offspring of wildlife taken under this Section shall ~~report the wildlife to the Department as~~ comply with the requirements prescribed under R12-4-425 if the wildlife becomes listed as restricted wildlife under R12-4-406.

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

A. ~~An individual~~ A person may import mammals, birds, amphibians, and reptiles not listed ~~in~~ as restricted wildlife under R12-4-406 without a special license ~~or permit from the Department if~~ required under this Article, provided the animals are ~~lawfully possessed under a valid~~:

1. Lawfully possessed under a:
   a. Lawful exemption; or
   b. Valid license, permit, or other form of authorization from another state, the United States, or another country~~, or are possessed under a lawful exemption~~; and
2. Accompanied by the health certificate required under 3 A.A.C. 2, Article 6, and this Article, when applicable.

B. ~~An individual~~ A person may import live aquatic wildlife not listed ~~in~~ as restricted wildlife under R12-4-406 without a special license ~~or permit from the Department~~ under the following conditions:

~~1. The wildlife is lawfully possessed under a valid license, permit, or other form of authorization from another state, the United States, another country, or is possessed under a lawful exemption;~~
~~2. The wildlife is used only for the aquarium trade or a fish farm, as defined in R12-4-401, or for restaurants or markets that are licensed to sell food to the public;~~
~~3. If the wildlife is for the aquarium trade or a fish farm, the wildlife is accompanied by a valid license or permit issued by another state or the United States that allows the wildlife to be transported through this state;~~
~~4. If the wildlife is for restaurants or markets, the wildlife is killed before it is transported from the restaurant or market, or if transported alive from the market is conveyed directly to its final destination for preparation as food; and~~

~~5. If the individual is engaged in the aquarium trade and wishes to purchase aquatic live wildlife or the individual wishes to purchase aquatic live wildlife for restaurants or fish markets.~~

1. The aquatic wildlife is lawfully possessed under a lawful exemption, valid license, permit, or other form of authorization from another state, the United States, or another country; and
2. The aquatic wildlife is used only for restaurants or markets that are licensed to sell food to the public and the wildlife is killed before it is transported from the restaurant or market, or, if transported alive from the market, is conveyed directly to its final destination for preparation as food; or
3. The aquatic wildlife is used only for the aquarium trade or a fish farm and is accompanied by a valid license or permit issued by another state or the United States that allows the wildlife to be transported into this state.
   a. A person in the aquarium trade shall:
      i. Only use aquatic wildlife used in the aquarium trade as a pet or in an educational display, and
      ii. Keep aquatic wildlife used in the aquarium trade in an aquarium or enclosed pond that does not allow the wildlife to leave the aquarium or pond and does not allow other live aquatic wildlife to enter the aquarium or pond.
   b. A person in the aquarium trade shall not use or possess aquatic wildlife listed as restricted live wildlife under R12-4-406.

~~C. Aquatic live wildlife that is used in the aquarium trade shall not be used for any reason other than as a pet or in an ornamental display. An individual in the aquarium trade shall not use wildlife that is listed as restricted live wildlife under R12-4-406. An individual shall keep live aquatic wildlife that is used in the aquarium trade in an aquarium or an enclosed pond that does not allow the wildlife to leave the aquarium or pond, and does not allow other live aquatic wildlife to enter.~~

~~D.~~**C.** ~~An individual~~ A person shall obtain ~~an~~ the appropriate special license listed ~~in~~ under R12-4-409(A) before importing aquatic live wildlife for any purpose not stated ~~in~~ under subsection (B)~~. An individual may import aquatic live wildlife into this state if an exemption exists in~~, unless exempt under this Chapter.

~~E.~~**D.** ~~An individual~~ A person may purchase, possess, exhibit, transport, propagate, trade, rent, lease, give away, sell, offer for sale, export, or kill wildlife or aquatic wildlife or its offspring without an Arizona license or permit if the wildlife is lawfully imported and possessed as prescribed under subsections (A) or (B).

~~F.~~**E.** An individual shall use and dispose of wildlife that is taken under an Arizona hunting or fishing license as prescribed by R12-4-404, or R12-4-417 and this Article, ~~if~~ as applicable.

R12-4-406. Restricted Live Wildlife

~~A. For the purposes of this Section, "transgenic species" means any organism that has had genes from another organism put into its genome through direct human manipulation of that genome. Transgenic species do not include natural hybrids nor individuals that have had their chromosome number altered to induce sterility. A transgenic animal is considered wildlife if the animal is an offspring of a wildlife species.~~

~~B. In addition to any applicable federal license or permit an individual shall possess the appropriate special license listed under R12-4-409(A) or act under a lawful exemption from the requirements of this Article in order to possess wildlife listed under this Section for any activity prohibited under A.R.S. §§ 17-255.02, 17-306, R12-4-402, or R12-4-1102. Exemptions from these requirements are listed under A.R.S. § 17-255.04, R12-4-316, R12-4-404, R12-4-405, R12-4-407, R12-4-425, R12-4-427, and R12-4-430.~~

~~C. Requirements for the use of wildlife that occurs in the wild in this state and that has been taken alive under the authority of a valid state hunting and fishing license are prescribed in R12-4-404 and R12-4-405.~~

A. In order to lawfully possess wildlife listed as restricted under this Section, for any activity prohibited under A.R.S. §§ 17-255.02, 17-306, R12-4-1102, or this Article, a person shall possess:
1. All applicable federal licenses and permits; and
2. The appropriate special license listed under R12-4-409(A); or
3. Act under a lawful exemption authorized under A.R.S. § 17-255.04, R12-4-316, R12-4-404, R12-4-405, R12-4-407, R12-4-425, R12-4-427, and R12-4-430.

B. The Commission recognizes the online taxonomic classification from the Integrated Taxonomic Information System as the authority in determining the designations of restricted live mammals, birds, reptiles, amphibians, fish, crustaceans, and mollusks referenced under this Article. The Integrated Taxonomic Information System is available at any Department office and at www.itis.gov.

C. All of the following are considered restricted live wildlife and are subject to the requirements of this Article, unless otherwise specified:
1. Hybrid wildlife, as defined under R12-4-401, resulting from the interbreeding of at least one parent species of wildlife that is listed as restricted under this Section; and
2. Transgenic species, unless otherwise specified under this Article. For the purposes of this Section, "transgenic species" means any organism that has had genes from another organism put into its genome through direct human manipulation of that genome. Transgenic species do not include natural hybrids or individuals that have had their chromosome number altered to induce sterility. A transgenic animal is considered wildlife if the animal is the offspring of at least one wildlife species.

D. Domestic animals, as defined ~~in~~ under R12-4-401, are not subject to restrictions under A.R.S. Title 17, ~~this Chapter~~ 12 A.A.C. 4, or Commission Orders.

~~E. Hybrid wildlife, as defined in R12-4-401, that result from the interbreeding of at least one parent species of wildlife that is listed under this Section are regulated by this Section.~~

~~F. Unless specified otherwise in this Article, all transgenic species are restricted live wildlife.~~

~~G.~~**E.** Unless otherwise specified ~~otherwise~~, all mammals listed below are considered restricted live wildlife ~~as defined in R12-4-401. The taxonomic classification from Volumes I and II of Walker's Mammals of the World, Sixth Edition, 1999, and not including any later edition, is the authority in the following designations. A copy is available for inspection at any Department office and from the Johns Hopkins University Press, 2715 N. Charles St., Baltimore, MD 21218-4363.~~:

~~1. All species of the genus Didelphis. Common name: American opossums;~~
~~2. All species of the order Insectivora. Common names include: Insectivores, shrews, hedgehogs, tenrees, solenodonts, and moles;~~
~~3. All species of the order Chiroptera. Common name: bats;~~
~~4. All species of the family Pongidae of the order Primates. Common names include: orangutans, chimpanzees, gorillas;~~
~~5. All species of the order Xenarthra. Common names include: edentates; or sloths, anteaters, and armadillos;~~
~~6. All species of the order Lagomorpha, except the genus Oryctolagus. Common names include: pikas, rabbits, and hares. Genus Oryctolagus, containing domestic rabbits, is not wildlife;~~

~~7. All species of the following families of the order Rodentia. Common name: rodents.~~
~~a. The family Sciuridae. Common names: squirrels, chipmunks, marmots, woodchucks, and prairie dogs;~~
~~b. The family Geomyidae. Common name: pocket gophers;~~
~~c. The family Castoridae. Common name: beavers;~~
~~d. The family Erethizontidae. Common name: New World porcupines; and~~
~~e. The family Capromyidae. Common names include: hutias, coypus, or nutrias;~~
~~8. All species of the order Carnivora. Common names include: carnivores, skunks, raccoons, bears, foxes, and weasels; and~~
~~9. All species of the following families of the order Artiodactyla. Common name: even-toed ungulates.~~
~~a. The family Tayassuidae. Common name: peccaries;~~
~~b. The family Cervidae. Common names include: cervid; or deer, elk, moose, wapiti, and red deer;~~
~~c. The family Antilocapridae. Common name: pronghorn; and~~
~~d. The family Bovidae. Common names include: cattle, buffalo, bison, oxen, duikers, antelopes, gazelles, goats, and sheep, except that the following are not restricted:~~
~~i. The genus Bubalus. Common name: water buffalo; and~~
~~ii. The genus Bison. Common name: bison, American bison or buffalo.~~
1. All species of the order *Afrosoricida*. Common names include: tenrecs and golden moles.
2. All species of the following families of the order *Artiodactyla*. Common name: even-toed ungulates:
a. The family *Antilocapridae*. Common name: pronghorns.
b. The family *Bovidae*. Common names include: cattle, buffalo, bison, oxen, duikers, antelopes, gazelles, goats, and sheep. Except the following genera which are not restricted:
i. The genus *Bubalus*. Common name: water buffalo.
ii. The genus *Bison*. Common name: bison, American bison or buffalo.
c. The family *Cervidae*. Common names include: cervid, deer, elk, moose, wapiti, and red deer.
d. The family *Tayassuidae*. Common name: peccaries.
3. All species of the order *Carnivora*. Common names include: carnivores, skunks, raccoons, bears, foxes, and weasels.
4. All species of the order *Chiroptera*. Common name: bats.
5. All species of the genus *Didelphis*. Common name: American opossums.
6. All species of the order *Erinaceomorpha*. Common names include: gymnures and moonrats. Except members of the family *Erinaceidae*, which are not restricted. Common name: hedgehogs.
7. All species of the order *Lagomorpha*. Common names include: pikas, rabbits, and hares. Except for members of the genus *Oryctolagus* containing domestic rabbits, which are not wildlife and are not restricted.
8. All nonhuman primates. Common names include: orangutans, chimpanzees, gorillas, macaques, and spider monkeys.
9. All species of the following families of the order *Rodentia*. Common name: rodents:
a. The family *Capromyidae*. Common name: hutias.
b. The family *Castoridae*. Common name: beavers.
c. The family *Echimyidae*. Common names include: coypus and nutrias.
d. The family *Erethizontidae*. Common name: new world porcupines.
e. The family *Geomyidae*. Common name: pocket gophers.
f. The family *Sciuridae*. Common names include: squirrels, chipmunks, marmots, woodchucks, and prairie dogs.
10. All species of the order *Soricomorpha*. Common names include: shrews, desmans, moles, and shrew-moles.
11. All species of the order *Xenarthra*. Common names include: edentates; or sloths, anteaters, and armadillos.

~~H.~~**F.** Birds listed below are considered restricted live wildlife ~~as defined in R12-4-401.~~:
~~1. The following species within the family Phasianidae. Common names: partridges, grouse, turkeys, quail, and pheasants.~~
~~a. Callipepla gambelii. Common name: Gambel's quail;~~
~~b. Callipepla squamata. Common name: scaled quail;~~
~~c. Colinus virginianus. Common name: northern bobwhite. Restricted only in game management units 34A, 36A, 36B, and 36C as prescribed in R12-4-108;~~
~~d. Cyrtonyx montezumae. Common name: Montezuma, harlequin or Mearn's quail; and~~
~~e. Dendragapus obscurus. Common name: blue grouse; and~~
~~2. The species Rhynchopsitta pachyrhyncha. Common name: thick-billed parrot.~~
1. The following species within the family *Phasianidae*. Common names: partridges, grouse, turkeys, quail, and pheasants:
a. *Callipepla gambelii*. Common name: Gambel's quail.
b. *Callipepla squamata*. Common name: scaled quail.
c. *Colinus virginianus*. Common name: northern bobwhite. Restricted only in game management units 34A, 36A, 36B, and 36C as prescribed under R12-4-108.
d. *Cyrtonyx montezumae*. Common name: Montezuma, harlequin, or Mearn's quail.
e. *Dendragapus obscurus*. Common name: dusky grouse.
2. All species listed under the Migratory Bird Treaty Act listed under 50 C.F.R. 10.13 revised October 1, 2014, and no later amendments or editions. The incorporated material is available from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000, and is on file with the Department.

~~I.~~**G.** Reptiles listed below are considered restricted live wildlife ~~as defined in R12-4-401.~~:
~~1. All species of the order Crocodylia. Common names include: gavials, caimans, crocodiles, and alligators;~~
~~2. The following species of the order Testudines. Common names include: turtles and tortoises;~~
~~a. All species of the family Chelydridae. Common name: snapping turtles; and~~
~~b. All species of the genus Gopherus. Common name: gopher tortoises, including the desert tortoise; and~~
~~3. All species of the following families or genera of the order Squamata.~~

~~a. The family Helodermatidae. Common names include: Gila monster and Mexican beaded lizard;~~
~~b. The family Elapidae. Common names include: cobras, mambas, coral snakes, kraits, and Australian elapids;~~
~~c. The family Hydrophiidae. Common name: sea snakes;~~
~~d. The family Viperidae. Common names include: true vipers and pit vipers, including rattlesnakes;~~
~~e. The family Atractaspidae. Common name: burrowing asps; and~~
~~f. The following species and genera of the family Colubridae:~~
~~i. Dispholidus typus. Common name: boomslang;~~
~~ii. Thelotornis kirtlandii. Common names include: bird snake or twig snake;~~
~~iii. Rhabdophis. Common name: keelback; and~~
~~iv. Boiga irregularis. Common name: brown tree snake.~~

1. All species of the order *Crocodilia*. Common names include: gavials, caimans, crocodiles, and alligators.
2. All species of the following families or genera of the order *Squamata*:
   a. The family *Atractaspididae*. Common name: burrowing asps.
   b. The following species and genera of the family *Colubridae*:
      i. *Boiga irregularis*. Common name: brown tree snake.
      ii. *Dispholidus typus*. Common name: boomslang.
      iii. *Rhabdophis*. Common name: keelback.
      iv. *Thelotornis kirtlandii*. Common names include: bird snake or twig snake.
   c. The family *Elapidae*. Common names include: cobras, mambas, coral snakes, kraits, Australian elapids, and sea snakes.
   d. The family *Helodermatidae*. Common names include: Gila monster and Mexican beaded lizard.
   e. The family *Viperidae*. Common names include: true vipers and pit vipers, including rattlesnakes.
3. The following species of the order *Testudines*:
   a. All species of the family *Chelydridae*. Common name: snapping turtles.
   b. All species of the genus *Gopherus*. Common names include: gopher tortoises, including the desert tortoise.

~~J.~~**H.** Amphibians listed below are considered restricted live wildlife ~~as defined in R12-4-401~~. The following species within the order *Anura*, common names frogs and toads~~.~~:

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

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

~~K.~~**I.** Fish listed below are considered restricted live wildlife ~~as defined in R12-4-401.~~:

~~1. Arctic grayling, the species Thymallus arctius;~~
~~2. Bass, all species of the family Serranidae;~~
~~3. Bighead carp, the species Aristichthys nobilis;~~
~~4. Black carp, the species Mylopharyngodon piceus;~~
~~5. Bony tongue, the species Arapaima gigas;~~
~~6. Bowfin, the species Amia calva;~~
~~7. Catfish, all species of the family Ictaluridae;~~
~~8. Crucian carp, the species Carassius carassius;~~
~~9. Electric catfish, the species Malapterurus electricus;~~
~~10. Electric eel, the species Electrophorus electricus;~~
~~11. European whitefish or ide, the species Leuciscus idus and Idus idus;~~
~~12. Freshwater drum, the species Aplodinotus grunniens;~~
~~13. Freshwater stingrays, all species of the family Potamotrygonidae;~~
~~14. Gars, all species of the family Lepisosteidae;~~
~~15. Goldeye, mooneye, and all species of the family Hiodontidae;~~
~~16. Herring, all species of the family Clupeidae;~~
~~17. Indian carp, all of the species Catla catla, Cirrhina mrigala, and Labeo rohita;~~
~~18. Lampreys, all species of the family Petromyzontidae;~~
~~19. Nile perch, all species of the genus Lates and Luciolates;~~
~~20. Pike or pickerels, all species of the family Esocidae;~~
~~21. Pike topminnow, the species Belonesox belizanus;~~
~~22. Piranha, all species of the genera Serrasalmus, Serrasalmo, Phygocentrus, Teddyella, Rooseveltiella, and Pygopristis;~~
~~23. Rudd, the species Scardinius erythrophthalmus;~~
~~24. Shad, all species of the family Clupeidae except threadfin shad, species Dorosoma petenense;~~
~~25. Sharks, all species, both marine and freshwater, of the orders Hexanchiformes, Heterodontiformes, Squaliformes, Pristiophoriformes, Squatiniformes, Orectolobiformes, Lamniformes, and Carcharhiniformes, except for all species of the families Hemiscilliidae, Orectolobidae, Brachaeluridae, and Triakidae; genera of the family Scylirhinidae, including Aulohalaerlusrus, Halaelurus, Haploblepharus, Poroderma, and Scyliorhinus; and genera of the family Paraseylliidae, including Cirroscyllium and Paraseyllium;~~
~~26. Silver carp, the species Hypophthalmichthys molitrix;~~
~~27. Snakehead, all species of the family Channidae;~~
~~28. South American parasitic catfish, all species of the family Trichomyeteridae and Cetopsidae;~~

~~29. Sunfish, all species of the family Centrarchidae;~~
~~30. Temperate basses of the family Moronidae;~~
~~31. Tetras, all species of the genus Astyanyx;~~
~~32. Tiger fish, the species Hoplias malabaricus;~~
~~33. Trout, all species of the family Salmonidae;~~
~~34. White amur or grass carp, the species Ctenopharyngodon idella;~~
~~35. Walking or airbreathing catfish, all species of the family Clariidae; and~~
~~36. Walleye, and pike perches, all species of the family Percida.~~
1. All species of the family *Acipenseridae*. Common name: sturgeon.
2. The species *Amia calva*. Common name: bowfin.
3. The species *Aplodinotus grunniens*. Common name: freshwater drum.
4. The species *Arapaima gigas*. Common name: bony tongue.
5. All species of the genus *Astyanax*. Common name: tetra.
6. The species *Belonesox belizanus*. Common name: pike topminnow.
7. All species, both marine and freshwater, of the orders *Carcharhiniformes, Heterodontiformes, Hexanchiformes, Lamniformes, Orectolobiformes, Pristiophoriformes, Squaliformes, Squatiniformes,* and except for all species of the families *Brachaeluridae, Hemiscylliidae, Orectolobidae*, and *Triakidae*; genera of the family *Scyliorhinidae*, including *Aulohalaelusrus, Halaelurus, Haploblepharus, Poroderma*, and *Scyliorhinus*; and genera of the family *Parascylliidae*, including *Cirrhoscyllium* and *Parascyllium*. Common name: sharks.
8. All species of the family *Centrarchidae*. Common name: sunfish.
9. All species of the family Cetopsidae and *Trichomycteridae*. Common name: South American catfish.
10. All species of the family *Channidae*. Common name: snakehead.
11. All of the species *Cirrhinus mrigala, Gibelion catla*, and *Labeo rohita*. Common name: Indian carp.
12. All species of the family *Clariidae*. Common names include: labyrinth or airbreathing catfish.
13. All species of the family *Clupeidae* except threadfin shad, species *Dorosoma petenense*. Common names include: herring and shad.
14. The species *Ctenopharyngodon idella*. Common names include: white amur or grass carp.
15. The species *Cyprinella lutrensis*. Common name: red shiner.
16. The species *Electrophorus electricus*. Common name: electric eel.
17. All species of the family *Esocidae*. Common names include: pike and pickerels.
18. All species of the family *Hiodontidae*. Common names include: goldeye and mooneye.
19. The species *Hoplias malabaricus*. Common name: tiger fish.
20. The species *Hypophthalmichthys molitrix*. Common name: silver carp.
21. The species *Hypophthalmichthys nobilis*. Common name: bighead carp.
22. All species of the family *Ictaluridae*. Common name: catfish.
23. All species of the genus *Lates* and *Luciolates*. Common name: nile perch.
24. All species of the family *Lepisosteidae*. Common name: gar.
25. The species *Leuciscus idus*. Common names include: whitefish and ide.
26. The species *Malapterurus electricus*. Common name: electric catfish.
27. All species of the family *Moronidae*. Common name: temperate bass.
28. The species *Mylopharyngodon piceus*. Common name: black carp.
29. All species of the family *Percidae*. Common names include: walleye and pike perches.
30. All species of the family *Petromyzontidae*. Common name: lamprey.
31. The species *Polyodon spathula*. Common name: American Paddlefish.
32. All species of the family *Potamotrygonidae*. Common name: stingray.
33. All species of the genera *Pygocentrus, Pygopristis*, and *Serrasalmus*. Common name: piranha.
34. All species of the family *Salmonidae*. Common names include: trout and salmon.
35. The species *Scardinius erythrophthalmus*. Common name: rudd.
36. All species of the family *Serranidae*. Common name: bass.
37. The following species, and hybrid forms, of the Genus *Tilapia*: O. *aureus*, O. *mossambica*; O. *niloticus*, O. *urolepis hornorum and T. zilli*. Common name: tilapia.
38. The species *Thymallus arcticus*. Common name: Arctic grayling.

~~I.~~**J.** Crustaceans listed below are considered restricted live wildlife ~~as defined in R12-4-401.~~:
~~1. Asiatic mitten crab, the species Eriocheir sinensis; and~~
~~2. Australian crayfish and all freshwater species within the families Astacidae, Cambaridae, and Parastacidae.~~
1. All freshwater species within the families *Astacidae*, *Cambaridae*, and *Parastacidae*. Common name: crayfish.
2. The species *Eriocheir* sinensis. Common name: Chinese mitten crab.

~~M.~~**K.** Mollusks listed below are considered restricted live wildlife ~~as defined in R12-4-401~~:
~~1. Asian clam, the species Corbicula fluminea;~~
~~2. New Zealand mud snail, the species Potamopyrgus antipodarum;~~
~~3. Quagga mussel, the species Dressena bugensis;~~
~~4. Rosy wolfsnail, the species Euglandina rosea; and~~
~~5. Zebra mussel, the species Dreissena plymorpha.~~
1. The species *Corbicula fluminea*. Common name: Asian clam.
2. All species of the family *Dreissenidae*. Common names include: zebra and quagga mussel.
3. The species *Euglandina rosea*. Common name: rosy wolfsnail.

4. The species *Mytilopsis leucophaeata*. Common names include: Conrad's false mussel or false dark mussel.
5. All species of the genus *Pomacea*. Common names include: Chinese mystery snail or apple snail.
6. The species *Potamopyrgus antipodarum*. Common name: New Zealand mud snail.

L. All wildlife listed within Aquatic Invasive Species Director's Order #1.

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

A. All live cervids may only be imported, possessed, or transported as authorized under R12-4-430.

~~**A.**~~**B.** ~~An individual~~ A person is not required to possess a special license to lawfully possess restricted live wildlife under the following ~~exemptions~~ circumstances:

1. ~~An individual may possess, transport, or give away a desert tortoise (Gopherus agassizii) without a special license if that individual possessed it before April 28, 1989. An individual who possessed a desert tortoise before this date may propagate it, and hold offspring in captivity for 24 months from the date of hatching. The individual shall dispose of the offspring of desert tortoises before or at the end of the 24 months by giving them as a gift or as directed in writing by the Department.~~ A person may possess, transport, or give away a desert tortoise (*Gopherus morafkai*) or the progeny of a desert tortoise provided the person possessed the tortoise prior to April 28, 1989 or obtained the tortoise through a Department authorized adoption program. A person who receives a desert tortoise that is given away under this Section is also exempt from special license requirements. A person shall not:
   a. Propagate lawfully possessed desert tortoises or their progeny unless authorized in writing by the Department's special license administrator. ~~An individual who receives a desert tortoise that is given away under this Section is also exempt from the special license requirements. An individual shall not export~~
   b. Export a live desert tortoise from this state unless authorized in writing by the Department.
2. A licensed veterinarian may possess restricted wildlife while providing medical care to the wildlife and may release rehabilitated wildlife as directed in writing by the Department, ~~if~~ provided:
   a. The veterinarian keeps records of restricted live wildlife as required by the Veterinary Medical Examining Board, and makes the records available for inspection by ~~an authorized~~ the Department ~~employee; and~~.
   b. The ~~Commission or~~ Department assumes no financial responsibility for any care ~~that a~~ the veterinarian provides, except care that is specifically authorized by the Department.
3. ~~An individual~~ A person may ~~import, possess, and export~~ transport restricted live wildlife ~~if that individual~~ through this state provided the person:
   a. Transports the wildlife through the state within 72 continuous and consecutive hours;
   b. Ensures ~~that only~~ at least one ~~individual transports~~ person is continually present with, and accountable for, the wildlife while in this state ~~The individual may transport the wildlife personally or allow another individual to transport the wildlife~~;
   c. Ensures ~~that~~ the wildlife is neither transferred nor sold to another ~~individual~~ person; ~~and~~
   d. Ensures ~~that~~ the wildlife is accompanied by evidence of lawful possession, as defined ~~in~~ under R12-4-401;
   e. Ensures a health certificate required under this Article accompanies the wildlife described on the health certificate, when applicable; and
   f. Ensures the carcasses of any wildlife that die while in transport through this state are disposed of only as directed by the Department.
4. ~~With the exception of all live cervids, which shall not be imported, transported, or possessed except as allowed under R12-4-430, an individual~~ A person may exhibit, export, import, ~~transport,~~ possess, ~~exhibit,~~ and ~~export~~ transport restricted live wildlife for a circus, temporary animal exhibit, or government-authorized state or county fair ~~or circus; or may import, possess, transport, and export the wildlife for the purpose of photography. An individual may perform any of these activities if the individual~~, provided the person:
   a. Possesses evidence of lawful possession as defined ~~in~~ under R12-4-401, for the wildlife;
   b. Ensures ~~that~~ the evidence of lawful possession accompanies the wildlife ~~stated~~ described on that evidence;
   c. Ensures a health certificate required under this Article accompanies the wildlife described on the health certificate, when applicable;
   ~~c.~~d. Ensures ~~that~~ the wildlife does not come into physical contact with the public;
   ~~d.~~e. Keeps the wildlife under complete control by safe and humane means; and
   ~~e.~~f. Ensures ~~that~~ the wildlife is not in this state for more than 60 consecutive days.
5. A person may export, import, possess, and transport restricted live wildlife for the purpose of commercial photography, provided the person:
   a. Possesses evidence of lawful possession as defined under R12-4-401 for the wildlife;
   b. Ensures the evidence of lawful possession accompanies the wildlife described on that evidence;
   c. Ensures a health certificate required under this Article accompanies the wildlife described on the health certificate, when applicable;
   d. Ensures the wildlife does not come into physical contact with the public;
   e. Keeps the wildlife under complete control by safe and humane means; and
   f. Ensures the wildlife is not in this state for more than 60 consecutive days.

~~5.~~6. ~~With the exception of all live cervids, which shall not be imported, transported, or possessed except as allowed under R12-4-430, an individual~~ A person may exhibit, import, ~~transport,~~ possess, ~~exhibit~~ and transport restricted live wildlife for advertising purposes other than photography, ~~and may export restricted live wildlife if that individual~~ provided the person:
   a. Ensures ~~that~~ the wildlife is accompanied by evidence of lawful possession as defined ~~in~~ under R12-4-401;
   b. Ensures the evidence of lawful possession accompanies the wildlife described on that evidence;
   c. Ensures a health certificate required under this Article accompanies the wildlife described on the health certificate, when applicable;
   ~~b.~~d. Maintains the wildlife under complete control by safe and humane means;

~~c.~~e. Prevents the wildlife from coming into contact with the public or being photographed with the public;
~~d.~~f. Does not charge the public a fee ~~to the public~~ to view the wildlife; and
~~e.~~g. Exports the wildlife from the state within 10 days of importation.

7. A person may export restricted live wildlife, provided the person:
   a. Ensures the wildlife is accompanied by evidence of lawful possession as defined under R12-4-401;
   b. Ensures the evidence of lawful possession accompanies the wildlife described on that evidence;
   c. Maintains the wildlife under complete control by safe and humane means;
   d. Prevents the wildlife from coming into contact with the public or being photographed with the public;
   e. Does not charge the public a fee to view the wildlife; and
   f. Exports the wildlife from the state within 10 days of importation.

~~6.~~8. ~~An individual~~ A person may possess restricted live wildlife ~~that is~~ taken alive under R12-4-404, R12-4-405, and R12-4-427, ~~but~~ provided the ~~individual must possess~~ person possesses the wildlife ~~as prescribed by~~ in compliance with those Sections.

~~7.~~9. ~~An Arizona sport falconry license is not required for a visiting nonresident falconer hunting on a valid Arizona hunting license if the falconer is licensed in the falconer's state of residency.~~ A person who holds a falconry license issued by another state or country is exempt from obtaining an Arizona Sport Falconry License under R12-4-422, unless remaining in this State for more than 180 consecutive days.
   a. The falconer licensed in another state or country shall present a copy of the out-of-state or out-of-country falconry license, or its equivalent, to the Department upon request.
   b. A falconer licensed in another state or country and who remains in this State for more than the 180-day period shall apply for an Arizona Sport Falconry License in order to continue practicing sport falconry in this state.

~~8.~~10. ~~An individual~~ A person may export, give away, import, kill, possess, propagate, purchase, ~~possess,~~ trade, and transport~~, trade, give away, propagate, kill, and export~~ restricted live wildlife ~~if the individual~~ provided the person is doing so for a medical or scientific research facility ~~that is~~ registered with the United States Department of Agriculture under 9 ~~CFR~~ C.F.R. ~~Subchapter A, Animal Welfare,~~ 2.30 revised January ~~2000, not including any later amendments or editions~~ 1, 2012, which is incorporated by reference in this Section. ~~A copy~~ The incorporated material is available ~~for inspection~~ at any Department office, online at www.gpoaccess.gov, or ~~it~~ may be ordered from the ~~United States Department of Agriculture, Marketing, and Regulatory Programs, Animal and Plant Health Inspection Service, Animal Care, Western Region, 9580 Micron Ave., Suite J, Sacramento, CA 95827-2623, (916) 857-6205~~ U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000. This incorporation by reference contains no future editions or amendments.

~~9.~~11. ~~An individual~~ A person may import and transport restricted live game fish and crayfish directly to restaurants or markets that are licensed to sell food to the public.

~~10.~~12. ~~Restaurants and markets that are~~ A person operating a restaurant or market licensed to sell food to the public may ~~possess,~~ exhibit, offer for sale, possess, and sell restricted live game fish or crayfish~~. Live~~, provided the live game fish and crayfish ~~shall be~~ are killed before ~~they are~~ being transported from the restaurant or market.

~~11. An individual may possess and propagate live freshwater crayfish (families Astacidae, Cambaridae, and Parastacidae) and their offspring without a special license, if the crayfish were possessed before January 1, 2001. An individual may not transport, sell, offer for sale, give away, or release live freshwater crayfish except as allowed under this Section or R12-4-316.~~

13. A person may export, giveaway, import, kill, possess, propagate, purchase, and trade transgenic animals provided the person is doing so for a medical or scientific research facility.

~~B.~~C. An exemption granted ~~by~~ under this Section is not valid for any wildlife protected by federal statute or regulation ~~unless supported by federal permission or documentation rendering the exemption lawful~~.

R12-4-408. Holding Wildlife for the Department

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

B. With the exception of live cervids, ~~a designated~~ the Department ~~employee~~ has the authority to allow ~~an individual~~ a person to possess and transport captive live wildlife for up to 72 hours or as otherwise directed by the Department.

C. The Director has the authority to allow ~~an individual~~ a person to hold a live cervid ~~for~~ on behalf of the Department.

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

A. A special license is required when a person intends to conduct any activity using restricted live wildlife. Special licenses are listed as follows:
1. Aquatic wildlife stocking ~~permit~~ license, ~~prescribed by~~ established under R12-4-410;
2. Game bird ~~field training permit~~ license, ~~prescribed by~~ established under ~~R12-4-416;~~ R12-4-414;
~~3. Game bird field trial license, prescribed by R12-4-415;~~
~~4. Game bird hobby license, prescribed by R12-4-419;~~
~~5. Game bird shooting preserve license, prescribed by R12-4-414;~~
~~6.~~3. Live bait dealer's license, ~~prescribed by~~ established under R12-4-411;
~~7.~~4. Private game farm license, ~~prescribed by~~ established under R12-4-413;
~~8.~~5. Scientific collecting ~~permit~~ license, ~~prescribed by~~ established under R12-4-418;
~~9.~~6. Sport falconry license, ~~prescribed by~~ established under R12-4-422;
~~10.~~7. White amur stocking and holding license, ~~prescribed by~~ established under R12-4-424;
~~11.~~8. Wildlife holding license, ~~prescribed by~~ established under R12-4-417;
~~12.~~9. Wildlife rehabilitation license, ~~prescribed by~~ established under R12-4-423;
~~13.~~10. Wildlife service license, ~~prescribed by~~ established under R12-4-421; and
~~14.~~11. Zoo license, ~~prescribed by~~ established under R12-4-420.

B. ~~An applicant~~ A person applying for ~~any~~ a special license listed ~~in~~ under subsection (A) shall ~~submit~~:

a. Submit an application to the Department ~~for that license according to~~ meeting the specific application requirements established under the applicable governing Section ~~that prescribes requirements for that special license~~.
i. Applications for special licenses are furnished by the Department and are available at any Department office and online at www.azgfd.gov.
ii. An application is required upon initial application for a special license and when renewing a special license.
b. Pay all applicable fees required under R12-4-412.

C. ~~In addition to any criteria prescribed by a special license's governing Section, the Department shall deny a special license to an applicant if~~ At the time of application, the person shall certify:
1. ~~The applicant's live wildlife privileges are revoked or suspended in this state, any other state, or by the United States~~ The information provided on the application is true and correct to the applicant's knowledge;
2. ~~The applicant has been convicted of illegally holding or possessing live wildlife within three years of applying for a special license~~ The applicant shall comply with any municipal, county, state or federal code, ordinance, statute, regulation, or rule applicable to the license held; and
3. ~~The applicant knowingly provides false information on an application; or~~ The applicant's live wildlife privileges are not currently suspended or revoked in this state, any other state or territory, or by the United States.
~~4. The applicant submits an incomplete application.~~

D. A special license obtained by fraud or misrepresentation is invalid from the date of issuance.

E. The Department shall either grant or deny a special license within the applicable overall time-frame ~~prescribed~~ established for that special license under R12-4-106~~, and in a manner consistent with A.R.S. Title 41, Section~~ Ch~~ 6, Article 7.1~~. ~~By signing the application, the applicant attests that they are authorized or have permission to conduct special license activities at any locations specified in the application.~~

~~**D.**~~**F.** ~~If an individual obtains a special license despite meeting any criteria for denial, the license shall be void and of no effect from the date of issuance. If an applicant is denied a special license listed in subsection (A), the Department shall provide a written notice to the applicant that states the reason for denial with references to the statutes or rules on which the denial is based. The applicant may appeal the denial to the Commission as prescribed in A.R.S. Title 41, Chapter 6, Article 10.~~ In addition to the criteria prescribed under the applicable governing Section, the Department shall deny a special license when:
1. The applicant's live wildlife privileges are revoked or suspended in this state, any other state, or by the United States;
2. The applicant was convicted of illegally holding or possessing live wildlife within five years preceding the date of application for the special license; or
3. The applicant knowingly provides false information on an application.
4. The Department shall deny a license to a person who fails to meet the requirements established under the applicable governing Section or this Section. The Department shall provide a written notice to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.

~~**E.**~~**G.** A special license holder may only engage in activities using federally-protected wildlife when the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license. ~~Special~~ A special license ~~holders are~~ issued by the Department does not ~~exempt~~:
1. Exempt the license holder from any municipal, county, state or federal ~~statutes, rules, or ordinances.~~ code, ordinance, statute, regulation, or rule; or
2. ~~A special license does not authorize an individual~~ Authorize the license holder to engage in any activity using wildlife ~~if the wildlife~~ that is protected by federal regulation. ~~A special license holder may only engage in authorized activities using federally-protected wildlife if the license holder possesses a valid license, permit, or other form of documentation issued by the United States that authorizes the license holder to use that wildlife in a manner consistent with the special license.~~

~~**F.**~~**H.** The Department ~~has the authority to~~ may place additional stipulations on a special license at the time of initial application or renewal ~~if~~ when necessary to ~~conserve~~:
1. Conserve wildlife populations, ~~prevent~~
2. Prevent the introduction and proliferation of wildlife diseases, ~~prevent~~
3. Prevent wildlife from escaping, or
4. Protect public health or safety.

~~**G.**~~**I.** A special license holder shall keep live wildlife in a facility according to the captivity standards prescribed ~~by~~ under R12-4-428~~,~~ or ~~if applicable,~~ as otherwise required ~~by the Section that prescribes captivity requirements~~ under ~~the special license~~ this Article.

J. The Department may ~~authorize one of its employees to make a reasonable inspection of~~ inspect a facility to ~~ensure that it complies~~ verify compliance with all applicable requirements ~~prescribed by~~ established under this Article. ~~The Department shall ensure that an inspection does not inadvertently transmit disease among facilities.~~

~~**H.**~~**K.** A special license holder shall keep records ~~according to~~ in compliance with the requirements established under the governing Section ~~that prescribes requirements for the special license. The license holder~~ and shall make the records available for inspection to ~~any authorized~~ the Department ~~employee~~ upon ~~reasonable~~ request.

L. The Department may conduct an inspection of an applicant's or license holder's facility at any time before or during the license period to determine compliance with the requirements of this Article. The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.

~~**I.**~~**M.** ~~If~~ Upon determining a disease or other emergency condition exists that poses an immediate threat to the public or the welfare of any wildlife, ~~including wildlife held under a special license, as determined by a person with relevant expertise,~~ the Department ~~shall~~ may immediately order a cessation of ~~operation~~ operations under the special license and, if necessary, order the humane disposition or quarantine of any contaminated or ~~threatened~~ affected wildlife.
1. ~~The~~ When directed by the Department, a special license holder shall ~~perform~~:
a. Perform disease testing, ~~submit~~
b. Submit biological samples to the Department or its designee, ~~quarantine~~
c. Surrender the wildlife to the Department;
d. Quarantine the wildlife, or ~~destroy~~
e. Humanely euthanize the wildlife ~~as directed by the Department~~.

2. The license holder shall ~~ensure that~~:
   a. Ensure any disease ~~giving rise to an~~ or other emergency condition under this subsection is diagnosed by ~~an individual or individuals~~ a person professionally certified to make the diagnosis. ~~Once operation has ceased and an emergency no longer exists, subsection (J) applies~~.
   b. Be responsible for all costs associated with the testing and treatment of the contaminated and affected wildlife.

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

~~K.~~**O.** ~~The Department has the authority to do any or all of the following as it deems necessary: file criminal charges; suspend a special license; seize, or seize in place any wildlife held under a special license, and unless the license holder appeals the conviction, humanely dispose of the wildlife, if a~~ A special license holder shall not:
1. ~~Violates~~ Violate any provision of the governing Section or this Section;
2. ~~Violates~~ Violate any provision of the special license that the ~~individual~~ person possesses, including any stipulations ~~applied by the Department~~ specified on the special license;
3. ~~Violates~~ Violate A.R.S. § 13-2908, relating to criminal nuisance;
4. ~~Violates~~ Violate A.R.S. § 13-2910, relating to cruelty to animals; or
5. ~~Is convicted of any other criminal offense involving cruelty to animals;~~
6.5. ~~Refuses~~ Refuse to allow the ~~reasonable~~ inspection of facilities, wildlife, or required records~~; or~~
7. ~~Fails to keep records or submit reports if required by this Section or the Section that governs any special license, listed in subsection (A), that the individual possesses~~.

~~L.~~**P.** The Department may take one or more of the following actions when a special license holder is convicted of a criminal offense involving cruelty to animals, violates subsection (N), or fails to comply with any requirement established under the governing Section or this Section:
1. File criminal charges,
2. Suspend or revoke a special license,
3. Humanely dispose of the wildlife,
4. Seize or seize in place any wildlife held under a special license.
5. ~~An individual~~ A person may appeal to the Commission any Department action listed ~~in~~ under this subsection ~~(K), except filing of criminal charges,~~ as prescribed ~~by~~ under A.R.S. Title 41, Chapter 6, Article 10, except the filing of criminal charges.

~~M.~~**Q.** ~~All special licenses listed in subsection (A) expire on December 31 for the year issued unless otherwise specified in the governing Section.~~ A special license holder who wishes to continue conducting activities authorized under the special license shall submit a renewal application to the Department on or before the special license expiration date.
1. The current license will remain valid until the Department grants or denies the new special license.
2. If the Department denies the renewal application and the license holder appeals the denial to the Commission as prescribed under subsection (F)(4), the license holder may continue to hold the wildlife until:
   a. The date on which the Commission makes its final decision on the appeal, or
   b. The final date on which a person may request judicial review of the decision.
3. ~~If the~~ A special license holder ~~does not~~ who fails to submit ~~an~~ a renewal application to the Department ~~for a new license by~~ before the date ~~that~~ the license expires, cannot lawfully possess any live wildlife currently possessed under the license ~~is considered unlawfully possessed, and the Department has the authority to seize it. If the special license holder submits an application for a new license on or before the date that the license expires, the license holder's current license remains valid until the Department grants or denies the new special license. If the Department denies the new license, and the license holder appeals the denial to the Commission as prescribed by subsection (D), the license holder may continue to hold the wildlife until the date that the Commission makes its final decision on the denial.~~

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

~~O.~~**R.** If required by the governing Section, a special license holder shall submit an annual report to the Department before January 31 of each year ~~on activities performed under the license~~ for the previous calendar year. ~~If the license holder is acting as a representative of an institution, organization, or agency for the purposes of the special license, the annual report is due within 30 days after the license holder's termination of affiliation with that entity. The special license holder shall submit the following information and any additional information required by the governing Section.~~ The report form is furnished by the Department.
1. ~~The license holder's name, address, telephone number, and special license number;~~ A report is required regardless of whether or not activities were performed during the previous year.
2. ~~The number and species of all restricted live wildlife obtained and the date when it was obtained;~~ The special license becomes invalid if the special license holder fails to submit the annual report by January 31 of each year.
3. ~~The source of all restricted live wildlife obtained and the date when it was obtained;~~ The Department will not process the special license holder's renewal application until the annual report is received by the Department.
4. ~~The number of offspring propagated by all restricted live wildlife; and~~
5. ~~If applicable, the number, species, and date of disposition and manner of disposition of all wildlife, including the names and addresses of individuals to whom the wildlife was sold, bartered, or given, if authorized.~~
4. When the license holder is acting as a representative of an institution, organization, or agency for the purposes of the special license, the license holder shall submit the report required under subsection this Section:

a. By January 31 of each year the license holder is affiliated with the institution, organization, or agency; or
b. Within 30 days of the date of termination of the license holder's affiliation with the institution, organization, or agency.

R12-4-410. Aquatic Wildlife Stocking ~~Permit~~ License

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

~~B. An applicant shall apply for an aquatic stocking permit on forms provided by the Department. Applications are available at any Department office. An applicant shall provide the following on the application:~~

~~1. Name, address, telephone number, birthdate, physical description, and if applicable, Department ID number;~~
~~2. If the applicant will use the wildlife for a commercial purpose, the name, address, and telephone number of the applicant's business;~~
~~3. The wildlife species, the number of animals per species, and the approximate size of the wildlife that will be used under the license. If the application is for use of multiple species, the applicant shall list each species and the number of animals per species;~~
~~4. The name, address, and telephone number of the location where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical location of the holding site, including river drainage, township, range, and section. If the applicant applies to hold wildlife in more than one location, the applicant shall submit a separate application for each location;~~
~~5. A detailed description or diagram of the facilities where the applicant will hold the wildlife;~~
~~6. The name, address, and telephone number of all wildlife suppliers from whom the applicant will obtain wildlife;~~
~~7. The date wildlife will be stocked, or dates if stocking will take more than one day;~~
~~8. If the applicant is applying for an aquatic wildlife stocking permit to stock wildlife in an area where the wildlife has not already been introduced, or where the wildlife is not currently established, or to stock wildlife that conflicts with the Department's efforts to conserve wildlife, a typewritten, computer or word processor printed, or legibly handwritten proposal that clearly states:~~
~~a. The purpose for introducing the aquatic live wildlife species;~~
~~b. The anticipated benefits from introducing the aquatic live wildlife species;~~
~~c. The potential adverse economic impacts of introducing the aquatic live wildlife species;~~
~~d. The potential dangers the introduced species could create for native and game fish, including whether or not the introduced species is compatible with native or game fish;~~
~~e. The potential ecological problems that the introduced species could create;~~
~~f. The diseases and parasites inherent in or associated with the introduced species;~~
~~g. The anticipated hybridization concerns with introducing the species; and~~
~~h. Any suggestions to evaluate the status and impact of the species after it is introduced; and~~
~~9. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information provided is true and correct to the applicant's knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.~~

~~C. An aquatic wildlife stocking permit holder shall stock wildlife only on the date or dates stated on the permit. An aquatic wildlife stocking permit holder is only authorized to stock wildlife for 20 consecutive days.~~

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

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

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

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

A. An aquatic wildlife stocking license allows a person to import, possess, purchase, stock, and transport any restricted species designated on the license at the location specified on the license.

B. The aquatic wildlife stocking license is valid for no more than 20 consecutive days.

C. In addition to the requirements established under this Section, an aquatic wildlife stocking license holder shall comply with the special license requirements established under R12-4-409.

D. The license holder shall be responsible for compliance with all applicable regulatory requirements. The aquatic wildlife stocking license does not:

1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.

E. The Department shall deny an aquatic wildlife stocking license to a person who fails to meet the requirements established under R12-4-409 or this Section. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10. In addition to the requirements and criteria established under R12-4-409(F)(1) through (4), the Department shall deny an aquatic wildlife stocking license when:

1. The Department determines that issuance of the license will result in a negative impact to native wildlife; or

2. The applicant proposes to use aquatic wildlife that is not compatible with, or poses a threat to, any wildlife within the river drainage or the area where the stocking is to occur.

F. A person applying for an aquatic wildlife stocking license shall submit an application to the Department. A separate application is required for each location where the applicant proposes to use wildlife. The application is furnished by the Department and is available at any Department office and online at www.azgfd.gov. An applicant shall provide the following on the application:

1. The applicant's information:
   a. Name;
   b. Mailing address; and
   c. Department ID number, when applicable;
2. When the applicant proposes to use the aquatic wildlife for a commercial purpose the applicant's business:
   a. Name;
   b. Federal Tax Identification Number;
   c. Mailing address; and
   d. Telephone number;
3. Aquatic wildlife species information:
   a. Common name of the aquatic wildlife species;
   b. Number of animals for each species; and
   c. Approximate size of the aquatic wildlife that will be used under the license;
4. The purpose for introducing the aquatic wildlife species;
5. For each location where the aquatic wildlife will be stocked, the owner's:
   a. Name;
   b. Mailing address;
   c. Telephone number; and
   d. Physical location of the stocking site, to include river drainage and the Global Positioning System location or Universal Transverse Mercator coordinates;
6. A detailed description or diagram of the facilities where the applicant will stock the aquatic wildlife, which includes:
   a. Size of waterbody proposed for stocking aquatic wildlife;
   b. Nearest river, stream, or other freshwater system;
   c Points where water enters each waterbody, when applicable;
   d. Points where water leaves each waterbody, when applicable; and
   e. Location of fish containment barriers;
7. For each supplier from whom the applicant will obtain aquatic wildlife, the supplier's:
   a. Name;
   b. Federal Tax Identification Number;
   c. Mailing address;
   d. Telephone number;
8. The dates on which the person will stock aquatic wildlife;
9. Any other information required by the Department; and
10. The certification required under R12-4-409(C).

G. In addition to the requirements listed under subsection (F), when an applicant wishes to stock an aquatic species in an area where that species has not yet been introduced, is not currently established, or there is potential for conflict with Department efforts to conserve wildlife, the applicant shall also submit a written proposal to the Department at the time of application. The written proposal shall contain all of the following information:

1. Anticipated benefits resulting from the introduction of the aquatic live wildlife species;
2. Potential adverse economic impacts;
3. Potential dangers the introduced aquatic species may possibly create for native aquatic species and game fish, to include all of the following:
   a. Determination of whether or not the introduced aquatic species is compatible with native aquatic species or game fish;
   b. Potential ecological problems created by the introduced aquatic species;
   c. Anticipated hybridization concerns with introducing the aquatic species; and,
   d. Future plans designed to evaluate the status and impact of the species after it is introduced.
4. Assessment of probable impacts to sensitive species in the area using the list generated by the Department's On-Line Environmental Review Tool, which is available at www.azgfd.gov. The proposal must address each species listed.

H. An applicant for an aquatic wildlife stocking license shall pay all applicable fees established under R12-4-412.

I. An aquatic wildlife stocking license holder shall:

1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
2. Obtain all aquatic wildlife, live eggs, fertilized eggs, and milt from a licensed fish farm operator or a private noncommercial fish pond certified to be free of diseases and causative agents through the following actions:
   a. An inspection shall be performed by a qualified fish health inspector or fish pathologist at the fish farm or pond where the aquatic wildlife or biological material is held before it is shipped to the license holder.
   b. The inspection shall be conducted no more than 12 months prior to the date on which the aquatic wildlife or biological material is shipped to the license holder. The Department may require additional inspections at any time prior to stocking.
   c. The applicant shall submit a copy of the certification to the Department prior to conducting any stocking activities.
3. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article.
4. Possess the license or legible copy of the license while conducting any activities authorized under the aquatic stocking license and presents it for inspection upon the request of any Department employee or agent.

5. Dispose of wildlife only as authorized under this Section or as directed in writing by the Department.

J. An aquatic wildlife stocking license holder shall comply with the requirements established under R12-4-409 and R12-4-428.

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

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

~~1. Fathead minnow, Pimephales promelas;~~

~~2. Golden shiner, Notemigonus crysoleucas;~~

~~3. Goldfish, Carassius auratus;~~

~~4. Mosquito fish, Gambusia affinis;~~

~~5. Red shiner, Cyprinella lutrensis;~~

~~6. Threadfin shad, Dorosoma petenense; and~~

~~7. Waterdogs, Ambystoma tigrinum, except in that portion of Santa Cruz County lying east and south of State Highway 82, or that portion of Cochise County lying west of the San Pedro River and south of State Highway 82.~~

~~**B.** An applicant for a live bait dealer's license shall apply on a form provided by the Department and available from any Department office. The applicant shall provide the following information:~~

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

~~2. The name, address, and telephone number of the applicant's business;~~

~~3. The wildlife species and the number of animals per species that will be sold under the license. If the application is for use of multiple species, the applicant shall list each species and the number of animals per species;~~

~~4. The name, address, and telephone number of the location where the wildlife will be held and sold. If the applicant applies to hold wildlife in more than one location, the applicant shall submit a separate application for each location;~~

~~5. A detailed description or diagram of the facilities where the applicant will hold the wildlife;~~

~~6. The name, address, and telephone number of all wildlife suppliers from whom the special license applicant will obtain wildlife; and~~

~~7. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information provided is true and correct to the applicant's knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.~~

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

~~**D.** A live bait dealer's license holder shall obtain live baitfish from a facility that is certified free of the diseases and causative agents specified in any stipulations placed on the permit by the Department as authorized by R12-4-409(F).~~

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

~~1. The inspection is performed by a qualified fish health inspector or fish pathologist;~~

~~2. The inspection is performed at the facility where the wildlife is held before it is shipped; and~~

~~3. The inspection is performed not more than 12 months before the wildlife is shipped. The Department has the authority to require that an inspection be performed sooner than 12 months before shipping.~~

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

A. A live bait dealer's license allows a person to perform any of the following activities using the aquatic live wildlife listed under subsection (B): exhibit for sale, export, import, kill, offer for sale, possess, purchase, sell, trade, or transport.

B. A live bait dealer's license allows a person to perform any of the activities listed under subsection (A) with any or all of the following aquatic live wildlife:

1. Fathead minnow, *Pimephales promelas*;
2. Golden shiner, *Notemigonus crysoleucas*;
3. Goldfish, *Carassius auratus*;
4. Mosquito fish, *Gambusia affinis*;
5. Threadfin shad, *Dorosoma petenense*; and
6. Waterdogs, *Ambystoma tigrinum*, except in that portion of Santa Cruz County lying east and south of State Highway 82, or that portion of Cochise County lying west of the San Pedro River and south of State Highway 82.

C. A live bait dealer's license expires on December 31 of each year.

D. In addition to the requirements established under this Section, a live bait dealer license holder shall comply with the special license requirements established under R12-4-409.

E. The license holder shall be responsible for compliance with all applicable regulatory requirements. The live bait dealer's license does not:

1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.

F. The Department shall deny a live bait dealer's license to a person who fails to meet the requirements established under R12-4-409 or this Section. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.

G. A person applying for a live bait dealer's license shall submit an application to the Department. A separate application is required for each location where the applicant proposes to use wildlife. The application is available from any Department office and online at www.azgfd.gov. An applicant shall provide the following information on the application:

1. The applicant's information:
   a. Name;
   b. Mailing address;
   c. Telephone number; and
   d. Department ID number, when applicable;

2. The applicant's business:
   a. Name;
   b. Federal Tax Identification Number;
   c. Mailing address; and
   d. Telephone number of the applicant's business;
   3. Wildlife species information:
   a. Common name of all wildlife species; and
   b. The number of animals for each species that will be sold under the license.
4. For each location where the wildlife will be used, the owner's:
   a. Name;
   b. Mailing address;
   c. Telephone number; and
5. A detailed description or diagram of the facilities where the applicant will hold the wildlife;
6. For each supplier from whom the applicant will obtain wildlife, the supplier's:
   a. Name;
   b. Federal Tax Identification Number;
   c. Mailing address;
   d. Telephone number;
7. Any other information required by the Department; and
8. The certification required under R12-4-409(C).

H. An applicant for a live bait dealer's license shall pay all applicable fees established under R12-4-412.

I. A live bait dealer's license holder shall:
1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
2. Obtain live baitfish from a facility certified free of the diseases and causative agents through the following actions:
   a. An inspection shall be performed by a qualified fish health inspector or fish pathologist at the facility where the wildlife is held before it is shipped to the license holder.
   b. The inspection shall be conducted no more than 12 months prior to the date on which the aquatic wildlife or biological material is shipped to the license holder. The Department may require additional inspections at any time prior to shipping.
   c. The applicant shall submit a copy of the certification to the Department prior to conducting any activities authorized under the license.
   d. The live bait dealer's license holder shall include a copy of the certification in each shipment.
3. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article.
4. Possess the license or legible copy of the license while conducting activities authorized under the live bait dealers license and presents it for inspection upon the request of any Department employee or agent.
5. Dispose of aquatic wildlife only as authorized under this Section or as directed by the Department.

J. A live bait dealer's license holder shall comply with the requirements established under R12-4-428.

R12-4-412. Special License Fees

A. A person who applies for a special license authorized under this Article shall pay all applicable fees at the time of application.

B. A new application fee is required upon initial application or when an applicant fails to renew a special license before the license expires.

C. A renewal application fee is required when an applicant submits an application to renew the special license before the license expires.

Special License Fees	**~~Resident~~ New Application**	**~~Nonresident~~ Renewal Application**
Aquatic Wildlife Stocking License	no fee	no fee
Game Bird		
Field Trial License	$6	$6
Hobby License	$5	$5
Shooting Preserve License	$115	$115
Live Bait Dealer's License	$35	$35
Private Game Farm License	$57.50	$57.50
Scientific Collecting License		
Commercial	no fee	no fee
Noncommercial	no fee	no fee
Sport Falconry License, not available to a nonresident under R12-4-422(J).	$87.50	~~Not available~~ $87.50
White Amur Stocking and Holding License~~, business. Initial and renewal license fee~~	~~$250~~	~~$250~~
Commercial	$250	$250
Noncommercial	$250	$250

~~White Amur Stocking and Holding License, non-business. Initial license fee~~	~~$250~~	~~$250~~
Wildlife Holding License	no fee	no fee
Wildlife Rehabilitation License	no fee	no fee
Wildlife Service License	no fee	no fee
Zoo License	$115	$115

R12-4-413. Private Game Farm License

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

~~**B.** An applicant shall use an application form available from any Department office. The applicant shall provide the following information on the form:~~

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

~~2. Name, address, and telephone number of the applicant's business;~~

~~3. The wildlife species and the number of animals per species that will be used under the license. If the application is for use of multiple species, the applicant shall list each species and the number of animals per species. Except for live cervids, which shall not be imported, transported, or possessed, except as authorized by R12-4-430, the Department shall only issue a license for the following species:~~

~~a. Pen-reared game birds:~~

~~i. Blue grouse, Dendragapus obscurus;~~

~~ii. Chukar, Alectoris chukar;~~

~~iii. California or valley quail, Callipepla californica;~~

~~iv. Gambel's quail, Callipepla gambelii;~~

~~v. Scaled quail, Callipepla squamata;~~

~~vi. Montezuma or Mearns' quail, Cyrtonyx montezumae;~~

~~vii. Northern bobwhite, Colinus virginianus. License is required only for game farms located in game management units 34A, 36A, 36B, and 36C, as prescribed in R12-4-108; and~~

~~viii. Ringneck and whitewing pheasant, Phasianus colchicus;~~

~~b. Mammals that are restricted live wildlife listed in R12-4-406 only if:~~

~~i. The same species does not exist in the wild in this state;~~

~~ii. The applicant submits with the application proof that the applicant has a license issued by the United States Department of Agriculture under 9 CFR Subchapter A, Animal Welfare;~~

~~iii. The applicant submits with the application a typewritten, computer or word processor printed, or legibly handwritten proposal that clearly states the species to be possessed, the purpose of possession, the purpose of propagation, if applicable, and how the applicant will prevent escape, a threat to native wildlife, and a threat to public safety; and~~

~~iv. The applicant clearly states how the applicant will dispose of the wildlife, either by export from the state, to another game farm licensed under this Section, to a zoo licensed under R12-4-420, to a medical or scientific research facility exempted under R12-4-407, or as otherwise authorized by this Section;~~

~~4. If the applicant is renewing the private game farm license, the species and number of animals per species that are currently in captivity;~~

~~5. The name, address, and telephone number of the location of the game farm where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical location of the game farm, including township, range, and section. If the applicant applies to hold wildlife in more than one location, the applicant shall submit a separate application for each location;~~

~~6. A detailed description or diagram of the facilities where the applicant will hold the wildlife, and a description of how the facilities comply with the requirements established under R12-4-428 and any other captivity standards prescribed by this Section;~~

~~7. The name, address, and telephone number of all wildlife suppliers from whom the special license applicant will obtain wildlife;~~

~~8. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information provided is true and correct to the applicant's knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.~~

~~**C.** The Department shall issue a private game farm license in compliance with R12-4-106. If the Department denies the application for a special license, the Department shall proceed as prescribed by R12-4-409(D).~~

~~**D.** A private game farm license holder shall ensure that each shipment of live wildlife imported into the state is accompanied by a certificate of health issued by a licensed veterinarian.~~

~~**E.** A private game farm license holder shall provide a receipt to each individual that transports dead wildlife from the site of the game farm. The receipt shall include the date that the wildlife was purchased, traded, or given as a gift; the name of the game farm; and the number of dead wildlife, by species, that are being transported.~~

~~**F.** A private game farm license holder shall ensure that shipments of wildlife made by the game farm are accompanied by documentation showing the name of the game farm license holder, the license number of the valid game farm license for the current year, the date shipped, the species and the number of individuals per species of wildlife in the shipment, the name of the individual or common carrier transporting the shipment, and the name of the person who will receive the shipment.~~

~~**G.** Before January 31 of each year, a private game farm license holder shall file a written report on activities performed under the license for the previous calendar year. A private game farm license holder shall submit an annual report on a form available from the Depart-~~

~~ment as prescribed by R12-4-409(O). The annual report shall also include the following information:~~
~~1. The number of animals per wildlife species, and the source of all wildlife that the license holder obtained or propagated;~~
~~2. The date when the wildlife was obtained or propagated;~~
~~3. The date when the wildlife was disposed of and the manner of disposition; and~~
~~4. If the wildlife was disposed of by sale, barter, or given as a gift, the names of individuals who received the wildlife.~~

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

~~**I.** A game farm license holder is subject to the provisions R12-4-409, R12-4-428, and R12-4-430.~~

A. A private game farm license authorizes a person to commercially farm and sell wildlife, as specified on the license at the location designated on the license.
1. A private game farm license allows the license holder to:
   a. Display for sale, give away, import, offer for sale, possess, purchase, rent or lease, sell, trade, or transport wildlife, wildlife carcasses, or parts of wildlife; and
   b. Propagate and rear wildlife.
2. The Private Game Farm License expires on December 31 of each year.

B. Private game farm wildlife may be killed or slaughtered, but a person shall not kill or allow the wildlife to be killed by hunting or in a manner that could be perceived as hunting or recreational sport harvest.

C. Private game farm wildlife shall not be killed by a person who pays a fee to the owner of the private game farm for killing the wildlife, nor shall the game farm owner accept a fee for killing the wildlife, except as authorized under R12-4-414.

D. A private game farm licenses authorizes the use of only the following species:
1. Captive-reared game birds:
   a. *Alectoris chukar*, Chukar;
   b. *Callipepla californica*, California or valley quail;
   c. *Callipepla gambelii*, Gambel's quail;
   d. *Callipepla squamata*, Scaled quail;
   e. *Colinus virginianus*, Northern bobwhite;
   f. *Cyrtonyx montezumae*, Montezuma or Mearns' quail;
   g. *Dendragapus obscurus*, Dusky grouse; and
   h. *Phasianus colchicus*, Ringneck and whitewing pheasant;
2. Mammals listed as restricted live wildlife under R12-4-406, provided:
   a. The same species does not exist in the wild in this state;
   b. The applicant submits proof of a valid license issued by the United States Department of Agriculture under 9 CFR 25.30 at the time of application;
   c. The applicant submits a written proposal at the time of application, which includes all of the following information:
      i. Species to be possessed,
      ii. Purpose of possession,
      iii. Purpose of propagation, when applicable,
      iv. Methods designed to prevent wildlife from escaping,
      v. Methods designed to prevent threat to native wildlife,
      vi. Methods designed to ensure public safety; and
      vii. Methods for disposal of the wildlife, which may include export from this state, or transfer to an eligible game farm licensed under this Section, a zoo licensed under R12-4-420, or a medical or scientific research facility exempted under R12-4-407.

E. The Department shall deny an application for:
1. A new private game farm license for cervids. The Department may accept a renewal application for a private game farm license holder currently permitted to possess cervids, provided the license holder is in compliance with all applicable requirements under R12-4-409, R12-4-430, and this Section.
2. A private game farm license for Northern bobwhite, *Colinus virginianus*, in game management units 34A, 36A, 36B, and 36C, as prescribed under R12-4-108.

F. In addition to the requirements established under this Section, a private game farm holder shall comply with the special license requirements established under R12-4-409.

G. The license holder shall be responsible for compliance with all applicable regulatory requirements. The private game farm license does not:
1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.

H. The Department shall deny a private game farm license to a person who fails to meet the requirements established under R12-4-409 or this Section. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.

I. A person applying for a private game farm license shall submit an application to the Department. A separate application is required for each location where the applicant proposes to use wildlife. The application is furnished by the Department and is available at any Department office and online at www.azgfd.gov. An applicant shall provide the following information on the application:
1. The applicant's information:
   a. Name;
   b. Mailing address;
   c. Telephone number; and
   d. Department ID number, when applicable;

2. The applicant's business:
   a. Name;
   b. Federal Tax Identification Number;
   c. Mailing address; and
   d. Telephone number;
3. For wildlife to be used under the license:
   a. Common name of the wildlife species;
   b. Number of animals for each species; and
   c. When the applicant is renewing the private game farm license, the species and number of animals for each species currently held in captivity under the license;
4. For each location where the wildlife will be used, the land owner's:
   a. Name;
   b. Mailing address;
   d. Telephone number; and
   e. Physical location description to include the Global Positioning System location or Universal Transverse Mercator coordinates;
5. A detailed description or diagram of the facilities where the applicant will hold the wildlife, and a description of how the facilities comply with the requirements established under R12-4-428 and any other captivity standards established under this Section;
6. For each wildlife supplier from whom the special license applicant will obtain wildlife, the supplier's;
   a. Name;
   b. Federal Tax Identification Number;
   c. Mailing address;
   d. Telephone number;
7. Any other information required by the Department; and
8. The certification required under R12-4-409(C).

J. An applicant for a private game farm license shall pay all applicable fees established under R12-4-412.

K. A private game farm license holder shall:
1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
2. Ensure each shipment of live wildlife imported into the state is accompanied by a health certificate.
   a. The certificate shall be issued no more than 30 days prior to the date on which the wildlife shipped.
   b. A copy of the certificate shall be submitted to the Department prior to importation.
3. Ensure the following documentation accompanies each shipment of wildlife made by the game farm:
   a. Name of the private game farm license holder,
   b. Private game farm license number,
   c. Date wildlife was shipped,
   d. Number of wildlife, by species, included in the shipment,
   e. Name of the person or common carrier transporting the shipment, and
   f. Name of the person receiving the shipment.
4. Provide each person who transports a wildlife carcass from the site of the game farm with a receipt that includes all of the following:
   a. Date the wildlife was purchased, traded, or given as a gift;
   b. Name of the game farm; and
   c. Number of wildlife carcasses, by species, being transported.
5. Ensure each facility is inspected by the attending veterinarian at least once every year.
6. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article.
7. Maintain records of all wildlife possessed under the license for a period of three years. In addition to the information required under subsections (M)(4)(a) through (M)(4)(e), the records shall also include:
   a. The private game farm license holder's:
      i. Name;
      ii. Mailing address;
      iii. Telephone number; and
      iv. Special license number;
   b. Copies of all federal, state, and local licenses, permits, and authorizations required for the lawful operation of the private game farm;
   c. Copies of the annual report required under subsection (M);
   d. Number of all restricted live wildlife, by species and the date it was obtained;
   e. Source of all restricted live wildlife and the date it was obtained;
   f. Number of offspring propagated by all restricted live wildlife; and
   g. For all restricted live wildlife disposed of by the license holder:
      i. Number, species, and date of disposition; and
      ii. Manner of disposition to include the names and addresses of persons to whom the wildlife was bartered, given, or sold, when authorized.

L. A private game farm license holder shall not:
1. Propagate hybrid wildlife or domestic animals with wildlife; or
2. Possess domestic species under the special license.

M. A private game farm license holder shall submit an annual report to the Department before January 31 of each year for activities per-

formed under the license for the previous calendar year. The report form is furnished by the Department.
1. A report is required regardless of whether or not activities were performed during the previous year.
2. The private game farm license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
4. The annual report shall include all of the following information, as applicable:
   a. Number of wildlife, by species;
   b. Source of all wildlife that the license holder obtained or propagated;
   c. Date on which the wildlife was obtained or propagated;
   d. Date on which the wildlife was disposed of and the manner of disposition; and
   e. Name of person who received wildlife disposed of by barter, given as a gift, or sale.

N. Except for cervids which shall be disposed of only as established under R12-4-430, a private game farm license holder who no longer uses the wildlife for a commercial purpose shall dispose of the wildlife as follows:
1. Export,
2. Transfer to another private game farm licensed under this Section,
3. Transfer to a zoo licensed under R12-4-420,
4. Transfer to a medical or scientific research facility exempt under R12-4-407,
5. As directed by the Department, or
6. As otherwise authorized under this Section.

O. A private game farm license holder shall comply with the requirements established under R12-4-428 and R12-4-430.

R12-4-414. Game Bird ~~Shooting Preserve~~ License

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

~~**B.** An applicant shall make application for a shooting preserve license on a form provided by the Department. The applicant shall provide the following on the application:~~
~~1. Name, address, telephone number, birthdate, physical description, and if applicable, Department ID number;~~
~~2. If the applicant will use the wildlife for a commercial purpose, the name, address, and telephone number of the applicant's business;~~
~~3. The wildlife species and the number of animals per species that will be used under the license. If the application is for use of multiple species, the applicant shall list each species and the number of animals per species. The Department shall only issue a license for the following game bird species:~~
   ~~a. Chukar, Alectoris chukar;~~
   ~~b. Mallard duck, Anas platyrhynchos;~~
   ~~c. Northern bobwhite, Colinus virginianus, except that no license will be issued for this species in game management units 34A, 36A, 36B, and 36C, as prescribed in R12-4-108; and~~
   ~~d. Ringneck and whitewing pheasant, Phasianus colchicus;~~
~~4. If the applicant is renewing the game bird shooting preserve license, the species and number of animals per species that are currently in captivity;~~
~~5. The name, address, and telephone number of the location where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical description of the location, including township, range, and section;~~
~~6. A detailed description or diagram of the facilities where the applicant will hold the wildlife, and a description of how the facilities comply with R12-4-428, and any other captivity standards that may be prescribed by this Section;~~
~~7. A detailed description or diagram of the shooting preserve where the applicant will release the wildlife. The shooting preserve shall not be more than 1000 acres and shall be located on private land;~~
~~8. The name, address, and telephone number of the shooting preserve where the wildlife will be released, if applicable. Otherwise, the physical location of the shooting preserve, including township, range, and section. If the applicant applies to release wildlife at more than one shooting preserve, the applicant shall submit a separate application for each preserve;~~
~~9. The name, address, and telephone number of all wildlife suppliers from whom the special license applicant will obtain wildlife; and~~
~~10. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information provided is true and correct to the applicant's knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.~~

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

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

~~**E.** A game bird shooting preserve license holder shall post visible and legible signs every 100 yards that mark the boundaries of the shooting preserve. Each sign shall indicate that the area behind the sign is a private game bird shooting preserve and display the name of the shooting preserve.~~

~~**F.** A game bird shooting preserve license holder shall provide a receipt to each individual that transports dead wildlife from the site of the game bird shooting preserve. The receipt shall include the date of purchase, the name of the shooting preserve, and the number by species of wildlife to be transported.~~

~~**G.** A game bird shooting preserve license holder shall ensure that shipments of dead wildlife made by the game bird shooting preserve~~

~~are accompanied by documentation showing the name of the license holder, the license number of the valid game bird shooting preserve license for the current year, the date the wildlife is shipped, the number of animals per species in the shipment, the name of the individual or common carrier transporting the shipment, and the name of the individual who will receive the shipment.~~

~~**H.** A hunting license is not required to hunt released wildlife on a licensed game bird shooting preserve. The season for taking game birds on a shooting preserve may be yearlong. Wildlife released on a shooting preserve and found outside the preserve shall not be taken under provisions of a game bird shooting preserve license.~~

~~**I.** Game birds released on a shooting preserve may be taken by any method not prohibited by R12-4-303~~

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

~~1. The number of animals per wildlife species, and the source of all wildlife that the license holder obtained or propagated;~~

~~2. The date when the wildlife was obtained or propagated;~~

~~3. The date when the wildlife was disposed of, and the manner of disposition; and~~

~~4. If the wildlife was disposed of by sale, barter, or given as a gift, the names of individuals who received the wildlife.~~

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

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

A. A game bird license authorizes a person to display for sale, export, give as a gift, import, offer for sale, possess, propagate, purchase, sell, trade, and transport only the game birds specified on the license at the location specified on the license. A person who possesses a game bird license may conduct any of the following activities when stipulated on the person's game bird license:

1. Year-round possession of live captive-reared game birds at the site specified on the license, Game Bird Hobby:
   a. A license holder shall possess no more than 50 game birds at any one time.
   b. The Game Bird Hobby license expires on December 31 each year.
2. Take of game birds by a person who may be charged a fee, Game Bird Shooting Preserve:
   a. A license holder shall restrict the release and take of the live game birds on private lands to an area not more than 1,000 acres.
   b. A person is not required to possess a hunting license when taking a game bird released under a game bird license.
   c. The Game Bird Shooting Preserve license expires on December 31.
3. Conduct a competition to test the performance of hunting dogs for no more than 10 consecutive days, Game Bird Field Trial.
4. Train a dog or raptor to hunt game birds for no more than 10 consecutive days, Game Bird Field Training.

B. A game bird license authorizes the use of the following game bird species as specified under the license:

1. Game Bird Hobby:
   a. *Alectoris chukar*, Chukar;
   b. *Callipepla californica*, California or valley quail;
   c. *Callipepla gambelii*, Gambel's quail;
   d. *Callipepla squamata*, Scaled quail;
   e. *Colinus virginianus*, Northern bobwhite, subject to the restriction specified under subsection (D);
   f. *Cyrtonyx montezumae*, Montezuma or Mearn's quail; and
   g. *Dendragapus obscurus*, Dusky grouse.
2. Game Bird Shooting Preserve, Game Bird Field Trial, and Game Bird Field Training:
   a. *Alectoris chukar*, Chukar;
   b. *Anas platyrhynchos*, Mallard duck;
   c. *Colinus virginianus*, Northern bobwhite, subject to the restriction specified under subsection (D);
   d. *Phasianus colchicus*, Ringneck and Whitewing pheasant;
3. For the game bird species listed below, a game bird license authorizes a person to conduct only the following activities: display, export for noncommercial purposes, give as a gift, import, kill, possess, propagate, purchase, and transport:
   a. *Callipepla californica*, California or valley quail;
   b. *Callipepla gambelii*, Gambel's quail;
   c. *Callipepla squamata*, Scaled quail;
   d. *Cyrtonyx montezumae*, Montezuma or Mearn's quail; and
   e. *Dendragapus obscurus*, Dusky grouse.

C. In addition to the requirements established under this Section, a game bird license holder shall comply with the special license requirements established under R12-4-409.

D. The license holder shall be responsible for compliance with all applicable regulatory requirements. The game bird license does not:

1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.

E. The Department shall deny a game bird license to a person who fails to meet the requirements established under R12-4-409 or this Section. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10. In addition to the requirements and criteria established under R12-4-409(F)(1) through (4), the Department may deny a game bird license when:

1. The applicant proposes to release game birds:
   a. At a location where an established wild population of the same species exists.
   b. During nesting periods of upland game birds or waterfowl that nest in the area.
2. The applicant requests a license:
   a. For the sole purpose described under subsection (A)(1) and proposes to possess more than 50 game birds at any one time.
   b. To possess Northern bobwhites, *Colinus virginianus*, in any one of the following game management units, as described under R12-4-108; 34A, 36A, 36B, and 36C.

3. The Department determines the:
   a. Authorized activity listed under this Section may pose a threat to native wildlife, wildlife habitat, or public health or safety.
   b. Escape of any species listed on the application may pose a threat to native wildlife or public health or safety.
   c. Release of game birds may interfere with a wildlife or habitat restoration program.

F. A person applying for a game bird license shall submit an application to the Department. A separate application is required for each location where the applicant proposes to use wildlife. The application is furnished by the Department and is available at any Department office and online at www.azgfd.gov. An applicant shall provide the following information on the application:

1. The applicant's information:
   a. Name;
   b. Mailing address;
   c. Telephone number; and,
   d. Department ID number, when applicable;
2. If the applicant will use the game birds for a commercial purpose, the applicant's business:
   a. Name;
   b. Federal Tax Identification Number;
   c. Mailing address; and
   d. Telephone number;
3. If the applicant will use the game birds for an activity affiliated with a sponsoring organization, the organization's:
   a. Name;
   b. Mailing address; and
   c. Telephone number of the organization chair or local chapter;
4. For game birds to be used under the license:
   a. Common name of game bird species;
   b. Number of animals for each species; and
   c. When the applicant is renewing the game bird license, the species and number of animals for each species currently held in captivity under the license;
5. A description of how the applicant intends to use the game birds:
   a. For personal possession only;
   b. Charge a person a fee to take game birds;
   c. Conduct a competition to test the performance of hunting dogs; or
   d. Train a dog or raptor to hunt;
6. For each location where game birds will be used, the owner's:
   a. Name;
   b. Mailing address;
   c. Telephone number; and
   d. Physical location description to include the Global Positioning System location or Universal Transverse Mercator coordinates;
7. For each location where game birds will be released, the land owner's:
   a. Name;
   b. Mailing address;
   c. Telephone number; and
   d. Physical location description to include the Global Positioning System location or Universal Transverse Mercator coordinates;
8. A detailed description or diagram of the facilities where the applicant will hold game birds and a description of how the facilities comply with the requirements established under R12-4-428 and any other captivity standards established under this Section;
9. For each game bird supplier from whom the applicant will obtain game birds, the supplier's:
   a. Name;
   b. Federal Tax Identification Number;
   c. Mailing address;
   d. Telephone number;
10. Any other information required by the Department; and
11. The certification required under R12-4-409(C).

G. An applicant for a game bird license shall pay all applicable fees established under R12-4-412.

H. A game bird license holder shall:

1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
2. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article.
3. Ensure each facility is inspected by the attending veterinarian at least once every year.
4. Possess the license or legible copy of the license while conducting any activity authorized under the game bird license and presents it for inspection upon the request of any Department employee or agent.
5. Ensure each shipment of game birds imported into the state is accompanied by a health certificate.
   a. The certificate shall be issued no more than 30 days prior to the date on which the game birds are shipped.
   b. A copy of the certificate shall be submitted to the Department prior to importation.
6. Provide each person that transports game birds taken under the game bird license with documentation that includes all of the following:
   a. Name of the game bird license holder;
   b. Game bird license number;

c. Date the game bird was purchased, traded, or given as a gift;
d. Number of game birds, by species; and
e. When the game birds are being shipped:
i. Name of the person or common carrier transporting the shipment, and
ii. Name of the person receiving the shipment.

7. Maintain records of all game birds possessed under the license for a period of three years. In addition to the information required under subsections (H)(5)(a) through (H)(5)(d), the records shall also include:
a. The game bird license holder's:
i. Name;
ii. Mailing address;
iii. Telephone number; and
iv. Special license number;
b. Copies of all federal, state, and local licenses, permits, and authorizations required for the lawful operation of the game bird activity;
c. Copies of the annual report required under subsection (I);

8. Dispose of game birds only as authorized under this Section or as directed by the Department.

I. A game bird license holder shall submit an annual report to the Department before January 31 of each year for the previous calendar year. The report form is furnished by the Department.
1. A report is required regardless of whether or not activities were performed during the previous year.
2. The game bird license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
4. The annual report shall include all of the following information, as applicable:
a. Number of all game birds, by species and the date it was obtained;
b. Source of all game birds and the date the game bird was obtained;
c. Number of offspring propagated by all game birds; and
d. For all game birds disposed of by the license holder:
i. Number, species, and date of disposition; and
ii. Manner of disposition to include the names and addresses of persons to whom the wildlife was bartered, given, or sold, when authorized.

J. A game bird license holder shall comply with the requirements established under R12-4-428.
K. A game bird released under a game bird license may be taken with any method designated under R12-4-304.
L. A game bird released under a game bird license and found outside of the location specified on the license shall become property of the State and is subject to the requirements prescribed under A.R.S. Title 17 and 12 A.A.C. 4, Article 3.

R12-4-415. ~~Game Bird Field Trial License~~ Repeal

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

~~**B.** An individual shall apply for a game bird field trial license on a form provided by the Department. An applicant shall submit the following on the application:~~
~~1. Name, address, telephone number, birthdate, physical description, and if applicable, Department ID number;~~
~~2. If the applicant will use the wildlife for a commercial purpose, the name, address, and telephone number of the applicant's business. If the applicant will use the wildlife for an activity sponsored by an organization, the name of the organization, and the name, address, and telephone number of the organization chair or local chapter;~~
~~3. The wildlife species and the number of animals per species that will be used under the license. If the application is for use of multiple species, the applicant shall list each species and the number of animals per species. The Department shall only issue a license for the following game bird species:~~
~~a. Chukar, Alectoris chukar;~~
~~b. Mallard duck, Anas platyrhynchos;~~
~~c. Northern bobwhite, Colinus virginianus, except that no license shall be issued for this species in game management units 34A, 36A, 36B, and 36C, as prescribed in R12-4-108; and~~
~~d. Ringneck and whitewing pheasant, Phasianus colchicus;~~
~~4. The name, address, and telephone number of the location where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical description of the location, including township, range, and section;~~
~~5. A description of how the license holder will comply with R12-4-428, and any other captivity standards that may be prescribed by this Section;~~
~~6. The beginning date of the event. A game bird field trial event shall not last longer than 10 consecutive days;~~
~~7. The name, address, and telephone number of the location where the wildlife will be released, if applicable. Otherwise, the physical description of the location, including township, range, and section. If the applicant is applying to release wildlife at multiple locations, the applicant shall provide the name, address, and telephone number of each location or the physical description of the location, including township, range, and section;~~
~~8. The name, address, and telephone number of all wildlife suppliers from whom the special license applicant will obtain wildlife;~~
~~9. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information provided is true and correct to the applicant's knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.~~

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

~~1. Escape of any species listed on the application or operation of a game bird shooting preserve will create a threat to native wildlife or public health or safety;~~

~~2. There is already an established wild population of upland game birds at the site where the field trial event is planned to take place, and the wild population is the same species as the wildlife listed on the license;~~

~~3. The release of game birds interferes with wildlife or habitat restoration programs; or~~

~~4. The release of game birds takes place during nesting periods of upland game birds or waterfowl that nest in the area.~~

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

~~E. A game bird field trial license holder shall only hold a field trial event at the location specified on the license, and shall only release or take the species of game birds specified on the permit.~~

~~F. Any released game birds not taken or recovered during the dates specified on the license become property of the state, and shall not be taken under a game bird field trial license.~~

~~G. A hunting license is not required to participate in a field trial event held under the provisions of this Section. The license holder or a representative for the license holder shall have the field trial license in possession during the event specified on the license. Released wildlife may be taken by any method not prohibited in under R12-4-303.~~

~~H. The license holder shall ensure that wildlife being transported from a field trial event have a tag or label affixed to each container of live birds, carcass, or package that lists the following:~~

~~1. The name of the license holder,~~

~~2. The date of shipment or transport,~~

~~3. The number of animals per species of wildlife, and~~

~~4. The name of the individual or common carrier transporting them and the name and address of the individual who will receive the shipment.~~

~~I. A game bird field trial license holder shall submit a report to the Department within 30 days following the event that specifies the species and number of birds per species released and retaken. The license holder shall maintain a list of names and addresses of participants for inspection by the Department.~~

~~J. A field trial license holder is subject to the provisions of R12-4-409 and R12-4-428.~~

R12-4-416. ~~Game Bird Field Training Permit~~ Repeal

~~A. A game bird field training permit allows an individual to release and take of released live pen-reared game birds specified on the permit for the purpose of training a dog or raptor to hunt. Game birds may be purchased within the state, or imported if the shipment is accompanied by a certificate of health issued by a licensed veterinarian. Game birds possessed under this Section may be transported, given away, exported or killed.~~

~~B. An applicant shall apply on a form provided by the Department. The form requires that the following be provided by the applicant:~~

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

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

~~a. Chukar, Alectoris chukar;~~

~~b. Mallard duck, Anas platyrhynchos;~~

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

~~d. Ringneck and whitewing pheasant, Phasianus colchicus.~~

~~3. The name, address, and telephone number of the location where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical description of the location, including township, range, and section;~~

~~4. A description of how the applicant will comply with R12-4-428, and any other captivity standards that may be prescribed by this Section;~~

~~5. The name, address, and telephone number of the location where the wildlife will be released, if applicable. Otherwise, the physical description of the location, including township, range, and section. If the applicant applies to release wildlife at more than one location, the applicant shall submit a separate application for each location;~~

~~6. A range of dates within which training may take place;~~

~~7. The name, address, and telephone number of all wildlife suppliers from whom the applicant will obtain wildlife;~~

~~8. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information provided is true and correct to the applicant's knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.~~

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

~~1. There is already an established wild population of upland game birds at the site where the field training event is planned to take place, and the wild population is the same species as the wildlife listed on the license;~~

~~2. The release of game birds interferes with wildlife or habitat restoration programs, or~~

~~3. The release of game birds takes place during nesting periods of upland game birds or waterfowl that nest in the area.~~

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

~~E. A game bird field training permit holder may make a written request to amend the permit to add or delete an agent at any time during the license period. The permit holder shall obtain written authorization from the Department before designating any additional agents.~~

~~F. A game bird field training permit holder shall notify the Department in writing within 10 calendar days of terminating an agent.~~

~~G. A game bird field training permit holder shall have the permit in possession and a permit holder's authorized agent shall have a copy of the permit in possession while conducting the activities authorized by the permit. The permit holder and agents shall make the permit and any copies of a permit available for Department inspection when conducting permitted activities.~~

~~H. A permit holder shall release authorized wildlife only at the location specified on the permit. Any released game birds not taken or recovered after the field training activity become property of the state and shall not be taken under a game bird field training permit.~~

~~I. A hunting license is not required to take game birds released under the provisions of this Section.~~

~~J. A field training permit holder is subject to the provisions of R12-4-409 and R12-4-428.~~

R12-4-417. Wildlife Holding License

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

~~B. The Department shall issue a wildlife holding license only if the Department determines that issuing the license is in the best interest of the wildlife, it will not adversely impact other wildlife in this state, and it does not pose a threat to public health or safety, and only for the following purposes:~~

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

~~2. Education;~~

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

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

~~b. The photography will not adversely impact other affected wildlife in this state, and~~

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

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

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

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

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

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

~~2. If the applicant will use the wildlife for a commercial purpose, the name, address, and telephone number of the applicant's business. If the applicant will use wildlife for activities authorized by an educational or scientific institution that employs, contracts, or is similarly affiliated with the applicant, the applicant shall provide the name, address, and telephone number of the institution;~~

~~3. The wildlife species and the number of animals per species that will be used under the license. If the application is for use of multiple species, the applicant shall list each species and the number of animals per species;~~

~~4. An applicant for a wildlife holding license shall include a typewritten, computer or word processor printed, or legibly handwritten proposal that describes the activity that the applicant intends to perform under the license, and clearly states the contribution the proposed activity will make to one or more of the primary purposes listed in subsection (B). If the applicant is applying to possess restricted live wildlife to give humane treatment, the applicant shall also explain in the written statement why the wildlife is unable to meet its own needs in the wild. If the Department determines that humane treatment is necessary as grounds for issuance of a wildlife holding license, the Department has the authority to authorize the appropriate disposition of the wildlife for humane treatment, including care, placement, or euthanasia;~~

~~5. If the applicant is renewing the wildlife holding license, the species and number of animals per species that are currently in captivity, and evidence of lawful possession as defined in R12-4-401;~~

~~6. A statement of the applicant's experience in handling and providing care for the wildlife to be held or the applicant's experience that may be relevant to handling or providing care for wildlife;~~

~~7. The name, address, and telephone number of the facility where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical location of the facility, including township, range, and section. If the applicant applies to hold wildlife in more than one facility, the applicant shall submit a separate application for each facility;~~

~~8. A detailed description or diagram of the facilities where the applicant will hold the wildlife, and a description of how the facilities comply with R12-4-428, and any other captivity standards that may be prescribed by this Section;~~

~~9. The dates that the applicant will begin and end holding wildlife;~~

~~10. A clear description of how the applicant intends to dispose of the wildlife once the proposed activity in subsection (C)(4) ends; and~~

~~11. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information they have provided is true and correct to their knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.~~

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

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

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

~~G. A wildlife holding license is no longer valid once the primary purpose for which it was issued, as prescribed in subsection (B), no longer exists. The wildlife holding license holder shall submit a report to the Department as prescribed in subsection (J).~~

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

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

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

~~1. A list of each animal by species held during the year, including the source and date the wildlife was acquired;~~

~~2. If applicable, the permanent mark or identifier of the wildlife, such as name, number, or another identifier as prescribed in subsection (E) for each animal held during the year. This designation or identifier shall be provided with other relevant reported details for the holding or disposition of the individual animal;~~

~~3. Whether the wildlife is alive or dead;~~

~~4. The current location of the wildlife; and~~

~~5. A list of all educational displays where the wildlife held under this license was utilized during the year, including the date, location, organization or audience, approximate attendance, and wildlife used.~~

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

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

A. A wildlife holding license authorizes a person to display for educational purposes, euthanize, export, give away, import, photograph for commercial purposes, possess, propagate, purchase, or transport, restricted and nonrestricted live wildlife lawfully:

1. Held under a valid hunting or fishing license for a purpose listed under subsection (C),
2. Collected under a valid scientific collecting license issued under R12-4-418,
3. Obtained under a valid wildlife rehabilitation license issued under R12-4-423,
4. Or as otherwise authorized by the Department.

B. A wildlife holding license expires on December 31 of the year issued, or, if the license holder is a representative of an institution, organization, or agency described under subsection (C)(4), upon termination of affiliation with that entity, whichever comes first.

C. A wildlife holding license is valid for the following purposes, only:

1. Advancement of science;
2. Lawfully possess restricted live wildlife when it is:
   a. Necessary to give humane treatment to restricted live wildlife that has been abandoned or permanently disabled, and is therefore unable to meet its own needs in the wild; or
   b. Previously possessed under another special license and the primary purpose for that special license no longer exists;
3. Promotion of public health or welfare;
4. Provide education under the following conditions:
   a. The applicant is an educator affiliated or partnered with an educational organization; and
   b. The educational organization permits the use of live wildlife.
5. Photograph for a commercial purpose live wildlife provided:
   a. The wildlife will be photographed without posing a threat to other wildlife or the public, and
   b. The photography will not adversely impact other affected wildlife in this state, or
6. Wildlife management.

D. The Department shall deny an application for a wildlife holding license for the possession of cervids.

E. In addition to the requirements established under this Section, a wildlife holding license holder shall comply with the special license requirements established under R12-4-409.

F. The license holder shall be responsible for compliance with all applicable regulatory requirements. The wildlife holding license does not:

1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.

G. The Department shall deny a wildlife holding license to a person who fails to meet the requirements established under R12-4-409 or this Section, or when the person's wildlife holding privileges are suspended or revoked in any state. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10. In addition to the requirements and criteria established under R12-4-409(F)(1) through (4), the Department shall deny a wildlife holding when:

1. It is in the best interest of the wildlife; or
2. The issuance of the license will adversely impact other wildlife or their habitat in the state.

H. A person applying for a wildlife holding license shall submit an application to the Department. A separate application is required for each location where the applicant proposes to use wildlife. The application is furnished by the Department and is available at any Department office and online at www.azgfd.gov. The applicant shall provide the following information:

1. The applicant's information:
   a. Name;
   b. Mailing address;
   c. Telephone number; and
   d. Department ID number, when applicable;
2. If the applicant will use the wildlife for a commercial purpose, the applicant's business:
   a. Name;
   b. Federal Tax Identification Number;

c. Mailing address; and
d. Telephone number;

3. If the applicant will use wildlife for activities authorized by an educational or scientific institution that employs, contracts, or is similarly affiliated with the applicant, the institution's:
a. Name;
b. Mailing address; and
c. Telephone number;

4. For wildlife to be used under the license:
a. Common name of the wildlife species;
b. Number of animals for each species;
c. When the application is for the use of multiple species, the applicant shall list each species and the number of animals for each species; and
d. When the applicant is renewing the wildlife holding license, the species and number of animals for each species currently held in captivity under the license;

5. For wildlife to be used for educational purposes:
a. The affiliated educational institution's:
i. Name;
ii. Federal Tax Identification Number;
iii. Mailing address; and
iv. Telephone number of the educational institution;
b. A copy of the established curriculum utilizing sound educational objectives; and
c. A plan for how the applicant will address any safety concerns associated with the use of live wildlife in a public setting.

6. For each location where the applicant proposes to hold the wildlife, the owner's:
a. Name;
b. Mailing address;
c. Telephone number; and
d. Physical location description to include the Global Positioning System location or Universal Transverse Mercator coordinates;

7. A detailed description and diagram, or photographs, of the facilities where the applicant will hold the wildlife and a description of how the facilities comply with the requirements established under R12-4-428, and any other captivity standards that may be established under this Section;

8. The dates that the applicant will begin and end holding wildlife;

9. A clear description of how the applicant intends to dispose of the wildlife once the proposed activity for which the license was issued ends;

10. Any other information required by the Department; and

11. The certification required under R12-4-409(C).

12. For subsection (H)(7), the Department may, at its discretion, accept documented current certification or approval by the applicant's institutional animal care and use committee or similar committee in lieu of the description, diagram, and photographs of the facilities.

I. In addition to the requirements listed under subsection (H), at the time of application, an applicant for a wildlife holding license shall also submit:

1. Evidence of lawful possession, as defined under R12-4-401;

2. A statement of the applicant's experience in handling and providing care for the wildlife to be held or experience relevant to handling or providing care for wildlife;

3. A written proposal that contains all of the following information:
a. A description of the activity the applicant intends to perform under the license;
b. Purpose for the proposed activity;
c. The contribution the proposed activity will make to one or more of the primary purposes listed under subsection (C).
d. For an applicant who wishes to possess restricted live wildlife for the purpose of providing humane treatment, a written explanation stating why the wildlife is unable to meet its own needs in the wild and the following information for the licensed veterinarian who will provide care for the wildlife:
i. Name;
ii. Mailing address; and
iii. Telephone number;

J. An applicant for a wildlife holding license shall pay all applicable fees required under R12-4-412.

K. A wildlife holding license holder shall:

1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).

2. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article.

3. Possess the license or legible copy of the license while conducting any activity authorized under the wildlife holding license and presents it for inspection upon the request of any Department employee or agent.

4. Permanently mark any restricted live wildlife used for lawful activities under the authority of the license, when required by the Department.

5. Ensure that a copy of the license accompanies any transportation or shipment of wildlife made under the authority of the license.

6. Surrender wildlife held under the license to the Department upon request.

L. A wildlife holding license holder shall submit an annual report to the Department before January 31 of each year for the previous calendar year or as indicated under subsection (O). The report form is furnished by the Department.

1. A report is required regardless of whether or not activities were performed during the previous year.
2. The wildlife holding license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
4. The annual report shall include all of the following information, as applicable:
   a. A list of animals held during the year, the list shall be by species and include the source and date on which the wildlife was acquired.
   b. The permanent mark or identifier of the wildlife, such as name, number, or another identifier for each animal held during the year, when required by the Department. This designation or identifier shall be provided with other relevant reported details for the holding or disposition of the individual animal;
   c. Whether the wildlife is alive or dead.
   d. The current location of the wildlife.
   e. A list of all educational displays where the wildlife was utilized to include the date, location, organization or audience, approximate attendance, and wildlife used.

M. A wildlife holding license holder may authorize an agent to assist the license holder in conducting activities authorized under the wildlife holding license, provided the agent's wildlife privileges are not suspended or revoked in any state.
1. The license holder shall obtain written authorization from the Department before allowing a person to act as an agent.
2. The license holder shall notify the Department in writing within 10 calendar days of terminating any agent.
3. The Department may suspend or revoke the license holder's license if an agent violates any requirement of this Section or Article or any stipulations placed upon the license.
4. An agent may possess wildlife for the purposes outlined under subsection (C), under the following conditions;
   a. The agent shall possess evidence of lawful possession, as defined under R12-4-401, for all wildlife possessed by the agent;
   b. The agent shall return the wildlife to the primary license holder's facility within two days of receiving the wildlife.

N. A wildlife holding license holder shall not barter, give as a gift, loan for commercial activities, offer for sale, sell, trade, or dispose of any restricted live wildlife, offspring of restricted live wildlife, or their parts except as stipulated on the wildlife holding license or as directed in writing by the Department.

O. A wildlife holding license is no longer valid once the primary purpose for which the license was issued, as prescribed in subsection (C), no longer exists. When this occurs, the wildlife holding license holder shall immediately submit the annual report required under (L) to the Department.

P. A wildlife license holder shall comply with the requirements established under R12-4-409, R12-4-428, and R12-4-430.

R12-4-418. Scientific Collecting ~~Permit~~ License

~~**A.** A scientific collecting permit allows an individual to take, possess, transport, photograph for noncommercial purposes, and display for educational purposes the live wildlife specified on the permit, subject to the conditions specified in subsection (B). A permit holder shall not exhibit wildlife held under the permit. The Department shall issue a scientific collecting permit only if:~~
~~1. The permit is for the purpose of wildlife management; gathering information valuable to the maintenance of wild populations; education; the advancement of science; or promotion of the public health or welfare;~~
~~2. The permit is for a purpose that is in the best interest of the wildlife or the species, will not adversely impact other affected wildlife in this state, and may be authorized without posing a threat to wildlife or public safety;~~
~~3. The permit is for a purpose that does not unnecessarily duplicate previously documented projects; and~~
~~4. The applicant has submitted an acceptable typewritten, computer or word processor printed, or legibly handwritten project proposal as part of the application form required in subsection (C).~~

~~**B.** Scientific collecting permits are subject to the following conditions:~~
~~1. A scientific collecting permit holder shall only take wildlife under the permit using the least onerous, practical method possible, and shall:~~
~~a. Take wildlife at the locations and time periods specified on the permit by any method prescribed by R12-4-304 or R12-4-313;~~
~~b. Not take wildlife by using a stupefying or deleterious substance, electroshock, pitfall trap, leghold trap, snare, or net unless specifically authorized on the permit; and~~
~~c. Not take wildlife at night by using a firearm unless authorized by the permit.~~
~~2. If it is in the best interest of the wildlife or public safety, the Department has the authority to:~~
~~a. Rescind or modify any method of take authorized by the permit;~~
~~b. Restrict the number of animals per species or other taxa that may be taken under the permit;~~
~~c. Restrict the age or condition of wildlife that may be taken under the permit;~~
~~d. Deny or substitute the number of specimens and taxa requested on an application.~~
~~3. A scientific collecting permit holder shall dispose of wildlife as follows:~~
~~a. If the wildlife was not removed from the area where it was taken, by releasing it;~~
~~b. If the wildlife was removed from the area where it was taken, by releasing the wildlife in a location previously approved by the Department; or~~
~~c. As otherwise stipulated or directed in writing by the Department.~~
~~4. Wildlife, its parts, or its offspring obtained or held under the authority of the license shall not be sold, offered for sale, traded, bartered, loaned for the purpose of commercial activities, given as a gift, or disposed of in any way except as stipulated or directed in writing by the Department.~~

~~**C.** An applicant for a scientific collecting permit shall apply on a form provided by the Department and available from any Department office, and shall return a completed form to the Department's Phoenix Headquarters. The applicant shall provide the following information:~~
~~1. Name, address, telephone number, birthdate, physical description, and if applicable, Department ID number;~~

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

~~3. If the applicant will use wildlife for activities authorized by a scientific, educational, or government institution, organization, or agency that employs, contracts, or is similarly affiliated with the applicant, the applicant shall provide the name, address, and telephone number of the institution and the applicant's title or a description of the nature of affiliation with the institution or organization;~~

~~4. A typewritten, computer or word processor printed, or legibly handwritten proposal, not to exceed three pages, that states:~~

~~a. The activity that the applicant intends to perform under the license, and clearly states the contribution the proposed activity will make to one or more of the purposes specified in subsection (A)(1) above;~~

~~b. If the applicant is applying for a permit to make a contribution to education, the applicant shall also state in the proposal the minimum number of presentations that the applicant anticipates to make during the period that the permit is valid; the name, title, address, and telephone number of individuals whom the applicant has contacted in order to hold educational presentations; and if applicable, the number of specimens of the species requested that the applicant already possesses.~~

~~c. The applicant's qualifications for completing the project;~~

~~d. The methods of take that the applicant will use to complete the project, justification for using that method, and whether the applicant proposes to:~~

~~i. Salvage specimens found dead;~~

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

~~iii. Collect specimens by killing them; or~~

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

~~e. The wildlife species and the number of animals per species that will be used under the license. If the application is for use of multiple species or wildlife of a higher taxon, the applicant shall list each species and the number of animals per species;~~

~~f. The location where collection will take place;~~

~~g. How the applicant will dispose of wildlife or offspring of wildlife, if applicable, as prescribed by subsection (B)(3);~~

~~h. The names and addresses of any agents who will assist the applicant in carrying out the activities described in the proposal. An applicant may request that one or more individuals be authorized to act as an agent on the applicant's behalf, provided that:~~

~~i. An employment or supervisory relationship exists between the applicant and the agent, and~~

~~ii. The agent's privilege to take or possess live wildlife is not suspended or revoked by any state.~~

~~i. A schedule of activities and the completion date of the project; and~~

~~j. Whether the applicant intends to publish the project or its findings;~~

~~5. If the applicant is renewing the wildlife holding license, the species and number of animals per species that are currently in captivity, and evidence of lawful possession as defined in R12-4-401;~~

~~6. A statement of the applicant's experience in handling and providing care for the wildlife to be held or of the applicant's experience that may be relevant to handling or providing care for wildlife;~~

~~7. The name, address, and telephone number of the location where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical location including township, range, and section. If the applicant applies to hold wildlife in more than one location, the applicant shall submit a separate application for each location;~~

~~8. A detailed description or diagram of the facilities where the applicant will hold the wildlife, and a description of how the facilities comply with R12-4-428, and any other captivity standards that may be prescribed by this Section;~~

~~9. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information they have provided is true and correct to their knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.~~

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

~~**E.** Before January 31 of each year or as otherwise required by R12-4-409(O), a scientific collecting permit holder shall file a written report on activities performed under the license for the previous calendar year. A scientific collecting permit holder shall submit an annual report on a form containing the information prescribed by R12-4-409(O). The Department may stipulate submission of additional interim reports upon license application or renewal.~~

~~**F.** An agent of a scientific collecting permit holder is subject to stipulations placed on the applicant's permit at the time of application. The permit holder is responsible for acts of the agents that fall within the authority of this Section. The Department, acting on behalf of the Commission, may suspend or revoke a permit for violation of this Section by an agent.~~

~~**G.** A scientific collecting permit holder and the permit holder's agents shall have the permit or a legible copy in their possession and available for Department inspection while conducting activities authorized under the scientific collecting permit.~~

~~**H.** A scientific collecting permit holder may at any time during the license period make a written request to amend the permit to add or delete agents meeting the criteria in subsection (B)(4)(h).~~

~~**I.** A scientific collecting permit holder shall notify the Department in writing within 10 calendar days of terminating any agent.~~

A. A scientific collecting license allows a person to conduct any of the following activities with live wildlife when specified on the license:

1. Display,
2. Photograph for noncommercial purposes,
3. Possess,
4. Propagate,
5. Take,
6. Transport, and
7. Use for educational purposes.

B. The Department issues three types of scientific collecting licenses:

1. Personal,
2. Consultant, and
3. Government, which includes educational and research institutions.

C. A person may apply for a scientific collecting license only when the license is requested for:
1. The purpose of wildlife management, gathering information valuable to the maintenance of wild populations, education, the advancement of science, or promotion of the public health or welfare;
2. A purpose that is in the best interest of the wildlife or the species, will not adversely impact other affected wildlife in this state, and may be authorized without posing a threat to wildlife or public safety; and
3. A purpose that does not unnecessarily duplicate previously documented projects.

D. A scientific collecting license expires on December 31 each year.

E. For the protection of wildlife or public safety, the Department has the authority to take any one or more of the following actions:
1. Rescind or modify any method of take authorized by the license;
2. Restrict the number of animals for each species or other taxa the license holder may take under the license;
3. Restrict the age, condition, or location of wildlife the license holder may take under the license; or
4. Deny or substitute the number of specimens and taxa requested on an application.

F. The license holder shall be responsible for compliance with all applicable regulatory requirements. The scientific collecting license does not:
1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.

G. The Department may deny a scientific collecting license to a person who fails to meet the requirements established under R12-4-409 or this Section, or when the person's scientific collecting privileges are suspended or revoked in any state. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10. In addition to the requirements and criteria established under R12-4-409(F)(1) through (4), the Department shall deny a scientific collecting license when it is in the best interest of the wildlife or public safety.

H. A person applying for a scientific collecting license shall submit an application to the Department. A separate application is required for each location where the applicant proposes to use wildlife. The application is furnished by the Department and is available from any Department office, and online at www.azgfd.gov. A person applying for a scientific collecting license shall provide the following information on the application:
1. The applicant's information:
   a. Name;
   b. Mailing address;
   c. Telephone number; and
   d. Department ID number; when applicable;
2. If the applicant will use wildlife for activities authorized by a scientific, educational, or government institution, organization, or agency that employs, contracts, or is similarly affiliated with the applicant, the applicant shall provide the institution's:
   a. Name;
   b. Federal Tax Identification Number;
   c. Mailing address;
   d. Telephone number of the institution; and
   e. The applicant's title or a description of the nature of affiliation with the institution or organization;
3. When the applicant is renewing the scientific collecting license, the species and number of animals for each species currently held in captivity;
4. For each the location where the wildlife will be held, the land owner's:
   a. Name;
   b. Mailing address;
   c. Telephone number; and
   d. Physical location description to include the Global Positioning System location or Universal Transverse Mercator coordinates;
5. A detailed description and diagram, or photographs, of the facilities where the applicant will hold the wildlife and a description of how the facilities comply with the requirements established under R12-4-428, and any other captivity standards that may be established under this Section;
6. Any other information required by the Department; and
7. The certification required under R12-4-409(C).
8. For subsection (H)(5), the Department may, at its discretion, accept documented current certification or approval by the applicant's institutional animal care and use committee or similar committee in lieu of the description, diagram, and photographs of the facilities.

I. In addition to the requirements listed under subsection (H), at the time of application, an applicant for a scientific collecting license shall also submit a written proposal. The written proposal shall contain all of the following information:
1. List of activities the applicant intends to perform under the license;
2. Purpose for the use of wildlife as established under subsection (C);
3. When the applicant intends to use wildlife for educational purposes, the proposal shall also include the:
   a. Minimum number of presentations the applicant anticipates to provide under the license
   b. Name, title, address, and telephone number of persons whom the applicant has contacted to offer educational presentations; and
   c. Number of specimens the applicant already possesses for any species requested on the application;

4. Applicant's relevant qualifications and experience in handling and, when applicable, providing care for the wildlife to be held under the license;
5. Methods of take that the applicant will use, to include:
   a. Justification for using the method, and
   b. Proposed method of disposing wildlife taken under the license and any subsequent offspring, when applicable;
6. Number of animals for each species that will be used under the license;
7. Locations where collection will take place;
8. Names and addresses of any agents who will assist the applicant in carrying out the activities described in the proposal.
9. Project completion date; and
10. Whether the applicant intends to publish the project or its findings.

J. An applicant for a scientific collecting license shall pay all applicable fees required under R12-4-412.

K. A scientific collecting license holder shall:
1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
2. Possess the license or legible copy of the license while conducting any activity authorized under the scientific collecting license and presents it for inspection upon the request of any Department employee or agent.
3. Notify the Department in writing within 10 calendar days of terminating any agent.
4. Use the most humane and practical method possible prescribed under R12-4-304, R12-4-313, or as directed by the Department in writing.
5. Conduct activities authorized under the scientific collecting license only at the locations and time periods specified on the scientific collecting license.
6. Dispose of wildlife, wildlife parts, or offspring, only as directed by the Department.

L. A scientific collecting license holder shall not exhibit any wildlife held under the license, unless the person also possesses a zoo license authorized under R12-4-420.

M. A scientific collecting license holder may request authorization to allow an agent to assist the license holder in carrying out activities authorized under the scientific collecting license by submitting a written request to the Department.
1. An applicant may request the ability to allow a person to act as an agent on the applicant's behalf, provided:
   a. An employment or supervisory relationship exists between the applicant and the agent, and
   b. The agent's privilege to take or possess live wildlife is not suspended or revoked in any state.
2. The license holder shall obtain approval from the Department prior to allowing the agent assist in any activities.
3. The license holder is liable for all acts the agent performs under the authority of this Section.
4. The Department, acting on behalf of the Commission, may suspend or revoke a license for violation of this Section by an agent.
5. The license holder shall ensure the agent possesses a legible copy of the license while conducting any activity authorized under the scientific collecting license and presents it for inspection upon the request of any Department employee or agent.

N. A scientific collecting license holder may submit to the Department a written request to amend the license to add or delete an agent, location, project, or other component documented on the license at any time during the license period.

O. A scientific collecting license holder shall submit an annual report to the Department before January 31 of each year. The report form is furnished by the Department.
1. A report is required regardless of whether or not activities were performed during the previous year.
2. The scientific collecting license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
4. The Department may stipulate submission of additional interim reports upon license application or renewal.

P. A scientific collecting license holder who wishes to permanently hold wildlife species collected under the license in Arizona that will no longer be used for activities authorized under the license shall apply for and obtain a wildlife holding license in compliance with R12-4-417 or another appropriate special license.

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

~~**A.** A game bird hobby license allows an individual to do any or all of the following: import, purchase, possess, propagate, give away, kill, transport, or export pen-reared live game birds for personal, noncommercial use only. Game birds may also be displayed for noncommercial purposes under this license, but shall not be exhibited.~~

~~**B.** An applicant for a game bird hobby license shall apply on a form provided by the Department and available at any Department office. The applicant shall provide the following:~~
~~1. Name, address, telephone number, birthdate, physical description, and if applicable, Department ID number;~~
~~2. The wildlife species and the number of animals per species that will be obtained under the license. If the application is for use of multiple species, the applicant shall list each species and the number of animals per species. The Department shall only issue a license for the following game bird species:~~
   ~~a. Blue grouse, Dendragapus obscurus;~~
   ~~b. California or valley quail, Callipepla californica;~~
   ~~c. Chukar, Alectoris chukar;~~
   ~~d. Gambel's quail, Callipepla gambelii;~~
   ~~e. Montezuma or Mearns' quail, Cyrtonyx montezumae;~~
   ~~f. Northern bobwhite, Colinus virginianus, which only requires a game bird hobby license if used in game management units 34A, 36A, 36B, and 36C;~~
   ~~g. Ringneck and whitewing pheasant, Phasianus colchicus;~~
   ~~h. Scaled quail, Callipepla squamata;~~
~~3. If the applicant is renewing the game bird hobby license, the species and number of animals per species that are currently in captivity;~~

4. ~~The name, address, and telephone number of the location where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical description of the location, including township, range, and section;~~
5. ~~If the applicant is applying to possess more than 50 game birds, the application shall include a detailed description or diagram of the facilities where the applicant will hold the wildlife, and a description of how the facilities comply with R12-4-428, and any other captivity standards that may be prescribed by this Section;~~
6. ~~The name, address, and telephone number of all wildlife suppliers from whom the special license applicant will obtain wildlife; and~~
7. ~~The applicant's signature and the date of signing. By signing the application, the applicant attests that the information provided is true and correct to the applicant's knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.~~

~~C.~~ ~~The Department shall issue a game bird hobby license in compliance with R12-4-106. If the Department denies the application for a special license, the Department shall proceed as prescribed by R12-4-409(D). The Department shall issue a game bird hobby license only if:~~
1. ~~A possible escape of the proposed species would not create a threat to native wildlife;~~
2. ~~The purpose for the license is in the best interest of the wildlife or the species; and~~
3. ~~The license may be issued without posing a threat to public health or safety.~~

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

R12-4-420. Zoo License

~~A.~~ ~~With the exception of all live cervids, which shall not be imported, transported, or possessed except as allowed under R12-4-430, a zoo license allows an individual to perform all of the following: exhibit, display for educational purposes, import, purchase, export, possess, propagate, euthanize, transport, give away, offer for sale, sell, or trade restricted live wildlife and other Arizona wildlife legally possessed, subject to the following restrictions:~~
1. ~~A zoo license holder shall hold all wildlife possessed in the facilities specified on the license except when the wildlife is transported to or from a temporary exhibit. A temporary exhibit shall not exceed 60 consecutive days at any one location.~~
2. ~~A zoo license holder shall only dispose of restricted live wildlife in this state by selling, giving, or trading it to another zoo licensed under this Section, to an appropriate special license holder such as a game farm licensed under R12-4-413, to a medical or scientific research facility exempted under R12-4-407, by exporting it to a zoo that is certified by the American Zoo and Aquarium Association, or as directed by the Department.~~
3. ~~A zoo license holder shall not accept any wildlife that is donated, purchased, or otherwise obtained without accompanying evidence of lawful possession.~~
4. ~~A zoo license holder shall dispose of all wildlife obtained under a scientific collecting permit or wildlife that has been loaned to the zoo by the Department only as directed in writing by the Department.~~
5. ~~A zoo license holder shall hold wildlife in such a manner as to prevent it from escaping from the facilities specified on the license, and to prevent the entry of unauthorized individuals or other wildlife.~~

~~B.~~ ~~The Department shall issue a zoo license only for the following purposes:~~
1. ~~The advancement of science, wildlife management, or promotion of public health or welfare;~~
2. ~~Education; or~~
3. ~~Conservation, or maintaining a population of wildlife threatened with extinction in the wild.~~

~~C.~~ ~~An applicant for a zoo license shall apply on a form provided by the Department and available from any Department office. The applicant shall provide the following information:~~
1. ~~Name, address, telephone number, birthdate, physical description, and Department ID number (if applicable) of the applicant;~~
2. ~~If the applicant will use the wildlife for a commercial purpose, the name, address, and telephone number of the applicant's business. If the applicant will use wildlife for activities authorized by an educational or scientific institution that employs, contracts, or is similarly affiliated with the applicant, the applicant shall provide the name, address, and telephone number of the institution;~~
3. ~~The wildlife species and the number of animals per species that will be held under the license. The list shall include scientific and common names for all wildlife held;~~
4. ~~An applicant for a zoo license shall include a typewritten, computer or word processor printed, or legibly handwritten proposal that describes the following:~~
   a. ~~How the facility or operation meets the definition of a zoo, as stated in A.R.S. § 17-101; and~~
   b. ~~The purpose of the license. Acceptable purposes of a zoo license are listed in subsection (B);~~
5. ~~If the applicant is renewing the zoo license, the species and number of animals per species that are currently in captivity, and evidence of lawful possession as defined in A.R.S. § 17-101;~~
6. ~~Proof of current licensing by the United States Department of Agriculture under 9 CFR Subchapter A, Animal Welfare;~~
7. ~~The name, address, and telephone number of the zoo where the wildlife will be held. If the applicant applies to hold wildlife in more than one location, the applicant shall submit a separate application for each location;~~
8. ~~A detailed description or diagram of the facilities where the applicant will hold the wildlife, and a description of how the facilities comply with R12-4-428, and any other captivity standards that may be prescribed by this Section. The Department shall not approve a license application until the wildlife holding facility satisfies a Department inspection; and~~
9. ~~The applicant's signature and the date of signing. By signing the application, the applicant attests that the information they have provided is true and correct to their knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.~~

~~D.~~ ~~The Department shall issue a zoo license in compliance with R12-4-106. If the Department denies the application for a zoo license, the Department shall proceed as prescribed by R12-4-409(D). The Department shall issue a license for the purposes stated in subsection (B) if:~~
1. ~~It is in the best interest of the wildlife, and~~
2. ~~Issuance of the license will not adversely impact other wildlife in the state.~~

~~E. A zoo license holder shall clearly display an entrance sign that states the days of the week and hours when the facility is open for viewing by the general public.~~

~~F. A zoo license holder shall maintain a record of each animal obtained under subsection (A)(4) for three years following the date of disposition. The record shall include the species, source of the wildlife, date received, any Department approval authorizing acquisition, and the date and method of disposition.~~

~~G. Before January 31 of each year, a zoo license holder shall file a written report on activities performed under the license for the previous calendar year. A zoo license holder shall submit an annual report to the Department in compliance with R12-4-409(O). The report shall summarize the current species inventory, and acquisition and disposition of all wildlife held under the license.~~

~~H. A zoo license holder may not add restricted live wildlife as specified in R12-4-406 to the license without making a written request to and receiving approval from the Department.~~

~~I. A zoo license holder is subject to R12-4-409, R12-4-428, and R12-4-430.~~

A. A zoo license allows a person to exhibit, export, euthanize, display for educational purposes, give away, import, offer for sale, possess, propagate, purchase, sell, or transport any lawfully possessed restricted and nonrestricted live wildlife.

B. A person may apply for a zoo license only when the license is requested for:
   1. Advancement of science or wildlife management,
   2. Promotion of public health or welfare,
   3. Public education, or
   4. Wildlife conservation.

C. A zoo license expires on December 31 each year.

D. In addition to the requirements established under this Section, a zoo license holder shall comply with the special license requirements established under R12-4-409.

E. The license holder shall be responsible for compliance with all applicable regulatory requirements; the zoo license does not:
   1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
   2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.

F. The Department shall deny a zoo license to a person who fails to meet the requirements established under R12-4-409 or this Section. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10. In addition to the requirements and criteria established under R12-4-409(F)(1) through (4), the Department shall deny a zoo license when:
   1. It is in the best interest of the wildlife; or
   2. The issuance of the license will adversely impact other wildlife or their habitat in the state;

G. A person applying for a zoo license shall submit an application to the Department. A separate application is required for each location where the applicant proposes to use wildlife. The application is furnished by the Department and is available from any Department office and online at www.azgfd.gov. An applicant shall provide the following information on the application:
   1. The applicant's information:
      a. Name;
      b. Mailing address;
      c. Telephone number;
      d. Federal Tax Identification Number; and
      e. Department ID number, when applicable;
   2. If the applicant will use wildlife for activities authorized by an educational or scientific institution that employs, contracts, or is similarly affiliated with the applicant, the applicant shall provide the institution's:
      a. Name;
      b. Federal Tax Identification Number;
      c. Mailing address;
      d. Telephone number;
   3. Wildlife species to be held under the license;
      a. Common and current scientific name of the wildlife species; and
      b. Number of animals for each species;
   4. If the applicant is renewing the zoo license, the number of animals of each species that are currently in captivity, and evidence of lawful possession as defined under R12-4-401;
   5. For each location where the wildlife will be used, the land owner's:
      a. Name;
      b. Mailing address;
      c. Telephone number; and
      d. Physical location description to include the Global Positioning System location or Universal Transverse Mercator coordinates;
   6. A detailed description and diagram of the facilities where the applicant will hold the wildlife and a description of how the facilities comply with the requirements established under R12-4-428;
   7. Any other information required by the Department; and
   8. The certification required under R12-4-409(C).

H. In addition to the requirements listed under subsection (G), an applicant for a zoo license shall also submit at the time of application:
   1. A written proposal that contains the following:
      a. A description of how the facility or operation meets the definition of a zoo, as defined under A.R.S. § 17-101; and
      b. The purpose of the license, as established under subsection (B);
   2. Proof of current licensing by the United States Department of Agriculture under 9 C.F.R. Subchapter A, Animal Welfare;
   3. Photographs of the facility when the zoo is not accredited by the Association of Zoos and Aquariums or Zoological Association of America.

4. For subsection (H)(2), 9 C.F.R. Subchapter A, Animal Welfare revised January 1, 2012, and no later amendments or editions, which is incorporated by reference. The incorporated material is available from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000, and is on file with the Department.

I. An applicant for a zoo license shall pay all applicable fees established under R12-4-412.

J. A zoo license holder shall:
1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
2. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article.
3. Ensure each facility is inspected by the attending veterinarian at least once every year.
4. Hold all wildlife in such a manner designed to prevent wildlife from escaping from the facility specified on the license.
5. Hold all wildlife in a manner designed to prevent the entry of unauthorized persons or other wildlife.
6. Hold all wildlife lawfully possessed under the zoo license in the facility specified on the license, except when transporting the wildlife:
   a. To or from a temporary exhibit;
   b. For medical treatment; or
   c. Other activities approved by the Department in writing.
7. Ensure a temporary exhibit shall not exceed 60 consecutive days at any one location, unless approved by the Department in writing.
8. Clearly display a sign at the facility's main entrance that states the days of the week and hours when the facility is open for viewing by the general public.
9. Ensure all wildlife held under the license that has the potential to come into contact with the public is tested for zoonotic diseases appropriate to the species no more than 12 months prior to importation or display. Any wildlife that tests positive for a zoonotic disease shall not be imported into this state without review and approval by the Department in writing.
10. Dispose of the following wildlife only as directed by the Department:
    a. Wildlife obtained under a scientific collecting permit; or
    b. Wildlife loaned to the zoo by the Department.
11. Maintain records of all wildlife possessed under the license for a period of three years following the date of disposition. In addition to the information required under subsections (H)(1) through (H)(3), the records shall also include:
    a. Number of all restricted live wildlife, by species and the date it was obtained;
    b. Source of all restricted live wildlife and the date it was obtained;
    c. Number of offspring propagated by all restricted live wildlife; and
    d. For all restricted live wildlife disposed of by the license holder:
       i. Number, species, and date of disposition; and
       ii. Method of disposition.

K. A zoo license holder shall not:
1. Accept any wildlife that is donated, purchased, or otherwise obtained without accompanying evidence of lawful possession.
2. Import into this state any wildlife that may come into contact with the public and tests positive for zoonotic disease, as established under subsection (J)(9).

L. A zoo license holder shall dispose of restricted live wildlife in this state by:
1. Giving, selling, or trading the wildlife to:
   a. Another zoo licensed under this Section;
   b. An appropriate special license holder or appropriately licensed or permitted facility in another state or country authorized to possess the wildlife being disposed;
2. Giving selling, or donating the wildlife to a medical or scientific research facility exempt from special license requirements under R12-4-407;
3. Exporting the wildlife to a zoo certified by the Association of Zoos and Aquariums or Zoological Association of America; or
4. As otherwise directed by the Department.

M. A zoo license holder shall submit an annual report to the Department before January 31 of each year for the previous calendar year. The report form is furnished by the Department.
1. A report is required regardless of whether or not activities were performed during the previous year.
2. The zoo license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
4. The report shall summarize the current species inventory, and acquisition and disposition of all wildlife held under the license.

N. A zoo license holder shall request the authority to possess a new species of restricted live wildlife by submitting a written request to the Department prior to acquisition, unless the wildlife was:
1. Held under the previous year's zoo license and included in the previous annual report, or
2. Authorized in advance by the Department in writing.

O. A zoo license holder shall comply with the requirements established under R12-4-409, R12-4-426, R12-4-428, and R12-4-430, as applicable.

R12-4-421. Wildlife Service License

~~**A.** Any individual or company that provides, advertises, or offers assistance with nuisance wildlife to the general public with or without a fee shall obtain a wildlife service license. A wildlife service license allows an individual to capture, remove, transport, and relocate to the wild designated live wildlife if the wildlife causes a nuisance, property damage, poses a threat to public health or safety, or if the health or well-being of the wildlife is threatened by its immediate environment. A wildlife service license holder may euthanize designated wildlife, but only as prescribed by the Department. For the purposes of this Section, the following are designated live wildlife:~~

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

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

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

1. ~~Name, address, telephone number, birthdate, physical description, and (if applicable) Department ID number;~~
2. ~~If the applicant will perform license activities for a commercial purpose, the name, address, telephone number, and hours and days of the week when the applicant will be available for service of the applicant's business;~~
3. ~~The designated wildlife species or groups of species listed in subsection (A) that will be used under the license;~~
4. ~~The methods that the wildlife license holder will use to perform authorized activities;~~
5. ~~A typewritten, computer or word processor printed, or legibly handwritten description of the following:~~
   a. ~~The applicant's experience in the capture, handling, and removal of wildlife;~~
   b. ~~Specific species that the applicant has had experience capturing, handling, or removing;~~
   c. ~~The general location and dates when the activities listed in subsection (C)(5)(b) were performed;~~
   d. ~~The methods used to carry out the activities; and~~
   e. ~~The methods used to dispose of the wildlife;~~
6. ~~The general geographic area where services will be performed;~~
7. ~~Documentation that clearly proves that the applicant has a minimum of six months of full-time employment or volunteer experience handling wildlife of the species or groups of species listed in subsection (C)(3); and~~
8. ~~The applicant's signature and the date of signing. By signing the application, the applicant attests that the information they have provided is true and correct to their knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.~~

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

~~E.~~ ~~A wildlife service license holder shall possess a copy of the license at all times when performing activities authorized by the license.~~

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

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

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

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

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

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

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

~~K.~~ ~~A wildlife service license holder may, at any time during the license period, make a written request to amend the license to add or delete authority to control and release designated species of wildlife, provided that any addition requested meets the requirements of subsection (A).~~

~~L.~~ ~~A wildlife service license holder that seeks renewal of a wildlife service license without change to the species or species groups that the license holder is authorized to handle under the license may reference supporting materials submitted previously, rather than submitting copies of the materials with the application for renewal.~~

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

1. ~~The date and location of service;~~
2. ~~The number and species of wildlife removed, and~~
3. ~~The method of disposition for each animal removed, including the location and date of release.~~

~~N.~~ ~~A wildlife service license holder is subject to R12-4-409 and R12-4-428.~~

A. A wildlife service license authorizes a person to provide, advertise, or offer assistance in removing the live wildlife listed below to the general public. For the purposes of this Section, the following wildlife, as defined under A.R.S. § 17-101(B), are designated live wild-

life:
1. Furbearing animals;
2. Javelina (*Pecari tajacu*);
3. Nongame animals;
4. Predatory animals; and
5. Small game.

B. A wildlife service license is not required when conducting pest control removal services authorized under A.R.S.§ Title 32, Chapter 22 for the following wildlife not protected under federal regulation:
1. Rodents, except those in the family Sciuridae;
2. European starlings;
3. Peach-faced love birds;
4. House sparrows;
5. Eurasian collared-doves; and
6. Any other non-native wildlife species.

C. A wildlife service license allows a person to conduct activities that facilitate the removal and relocation of live wildlife listed under subsection (A) when the wildlife causes a nuisance, property damage, poses a threat to public health or safety, or if the health or well-being of the wildlife is threatened by its immediate environment. Authorized activities include, but are not limited to, capture, removal, transportation, and relocation.

D. The wildlife service license expires on December 31 each year.

E. An employee of a governmental public safety agency is not required to possess a wildlife service license when the employee is acting within the scope of the employee's official duties.

F. In addition to the requirements established under this Section, a wildlife service license holder shall comply with the special license requirements established under R12-4-409.

G. The license holder shall be responsible for compliance with all applicable regulatory requirements; the wildlife service license does not:
1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.

H. The Department shall deny a wildlife service license to a person who fails to meet the requirements established under R12-4-409 or this Section or when the person's wildlife service privileges are suspended or revoked in any state. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.

I. A person applying for a wildlife service license shall submit an application to the Department. The application is furnished by the Department and is available from any Department office and online at www.azgfd.gov. An applicant shall provide the following information on the application:
1. The applicant's information:
   a. Name;
   b. Mailing address;
   c. Telephone number;
   d. Physical description, to include the applicant's eye color, hair color, height, and weight; and;
   e. Department ID number, when applicable;
2. If the applicant will perform license activities for a commercial purpose, the applicant's business:
   a. Name;
   b. Federal Tax Identification Number;
   c. Mailing address;
   d. Telephone number; and
   e. Hours and days of the week the applicant will be available for service;
3. The designated wildlife species or groups of species listed under subsection (A) that will be used under the license;
4. The methods that the wildlife license holder will use to perform authorized activities;
5. The general geographic area where services will be performed;
6. Any other information required by the Department; and
7. The certification required under R12-4-409(C).

J. In addition to the requirements listed under subsection (I), at the time of application, an applicant for a wildlife service license shall also submit:
1. Proof the applicant has a minimum of six months full-time employment or volunteer experience handling wildlife of the species or groups designated on the application; and
2. A written proposal that contains all of the following information:
   a. Applicant's experience in the capture, handling, and removal of wildlife;
   b. Specific species the applicant has experience capturing, handling, or removing;
   c. General location and dates when the activities were performed;
   d. Methods used to carry out the activities; and
   e. The methods used to dispose of the wildlife.

K. When renewing a license without change to the species or species groups authorized under the current license, the wildlife service license holder may reference supporting materials previously submitted in compliance with subsection (J).

L. An applicant for a wildlife service license shall pay all applicable fees established under R12-4-412.

M. A wildlife service license holder shall:
1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
2. Facilitate the removal and relocation of designated wildlife in a manner that:

a. Is least likely to cause injury to the wildlife; and
b. Will prevent the wildlife from coming into contact with the general public.
3. Obtain special authorization from the Department regional office that has jurisdiction over the area where the activities will be conducted when performing any activities involving javelina.
4. Release captured designated wildlife only as follows:
a. Without immediate threat to the animal or potentially injurious contact with humans;
b. During an ecologically appropriate time of year;
c. Into a suitable habitat;
d. In the same geographic area as the animal was originally captured, except that birds may be released at any location statewide within the normal range of that species in an ecological suitable habitat; and
e. In an area designated by the Department regional office that has jurisdiction over the area where it was captured.
5. Euthanize the wildlife using the safest, quickest, and most humane method available.
6. Dispose of all wildlife that is euthanized or that otherwise dies while possessed under the license by burial or incineration within 30 days of death, unless otherwise directed by the Department.
7. Possess the license or legible copy of the license while conducting any wildlife service activity and presents it for inspection upon the request of any Department employee or agent.
8. Inform the Department in writing within five working days of any change in telephone number, area of service, or business hours or days.

N. A wildlife service license holder may submit to the Department a written request to amend the license to add or delete authority to control and release designated species of wildlife, provided the request meets the requirements of this Section.

O. A wildlife service license holder shall not:
1. Exhibit wildlife or parts of wildlife possessed under the license.
2. Possess designated wildlife beyond the period necessary to transport and relocate or euthanize the wildlife.
3. Retain any parts of wildlife.

P. A wildlife service license holder may:
1. Euthanize designated wildlife only when authorized by the Department.
2. Give injured or orphaned wildlife to a wildlife rehabilitation license holder.

Q. A wildlife service license holder shall submit an annual report to the Department before January 31 of each year on activities performed under the license for the previous calendar year. The report form is furnished by the Department.
1. A report is required regardless of whether or not activities were performed during the previous year.
2. The wildlife service license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
4. The annual report shall provide a list of all services performed under the license to include:
a. The date and location of service;
b. The number and species of wildlife removed, and
c. The method of disposition for each animal removed, including the location and date of release.

R. A wildlife service license holder shall comply with the requirements established under R12-4-409 and R12-4-428.

R12-4-422. Sport Falconry License

A. In addition to the definitions provided under A.R.S. § 17-101, R12-4-101, and R12-4-401, and for the purposes of this Section, the following definitions apply:
"Abatement services" means the use of raptors possessed under a falconry permit for the control of nuisance species.
"Captive-bred raptor" means a raptor hatched in captivity.
"Hack" means the temporary release of a raptor into the wild to condition the raptor for use in falconry.
~~"Health certificate" means a certification issued by an accredited veterinarian.~~
"Hybrid" has the same meaning as prescribed under 50 C.F.R. 21.3, revised October 1, 2013. This incorporation by reference contains no future editions or amendments. The incorporated material is available at any Department office, online at www.gpoaccess.gov, or may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000.
"Imping" means using a molted feather to replace or repair a damaged or broken feather.
"Retrices" means a raptor's tail feathers.
"Sponsor" means a licensed General or Master falconer with a valid Arizona Sport Falconry license who has committed to mentoring an Apprentice falconer.
"Suitable perch" means a perch that is of the appropriate size and texture for the species of raptor using the perch.
~~"USFWS" means the U.S. Fish and Wildlife Service.~~
"Wild raptor" means a raptor taken from the wild, regardless of how long the raptor is held in captivity or whether the raptor is transferred to another licensed falconer or other permit type.

B. An Arizona Sport Falconry license permits a person to capture, possess, train, and transport a raptor for the purpose of sport falconry in compliance with the Migratory Bird Treaty Act and the Endangered Species Act of 1973.
1. The sport falconry license validates the appropriate license for hunting or taking quarry with a trained raptor. When taking quarry using a raptor, a person must possess a valid:
a. Sport falconry license, and
b. Appropriate hunting license.
2. The sport falconry license is valid until the third December from the date of issuance.
3. A licensed falconer may capture, possess, train, or transport wild, captive-bred, or hybrid raptors, subject to the limitations established under subsections (H)(1), (H)(2), and (H)(3), as applicable.

C. The Department shall comply with the licensing time-frame established under R12-4-106 ~~to issue a Sport Falconry license and collect the fee established under R12-4-412~~.

D. A resident who possesses or intends to possess a raptor for the purpose of sport falconry shall hold an Arizona Sport Falconry license, unless the person is exempt under A.R.S. § 17-236(C) or possesses only raptors not listed under 50 C.F.R. Part 10.13, revised ~~October 1, 2010~~ October 1, 2014, and no later amendments or editions. The incorporated material is available from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000, and is on file with the Department.

E. In addition to the requirements established under this Section, a licensed falconer shall also comply with special license requirements established under R12-4-409.

F. ~~A Sport Falconry license does not authorize~~ The license holder shall be responsible for compliance with all applicable regulatory requirements; the sport falconry license does not:

1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations;
2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license; or
3. Authorize a licensed falconer to capture or release a raptor or practice falconry on public lands where prohibited or on private property without permission from the ~~landowner~~ land owner or land management agency.

G. The Department shall deny a sport falconry license to ~~an individual~~ a person who fails to meet the requirements established under R12-4-409, R12-4-428, or this Section. The Department shall provide a written notice to an applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.

H. The Department may issue a Sport Falconry license for the following levels to an eligible ~~individual~~ person:

1. Apprentice level license:
   a. An Apprentice falconer shall:
      i. Be at least 12 years of age; and
      ii. Have a sponsor while practicing falconry as an apprentice. When a sponsorship is terminated, the apprentice is prohibited from practicing falconry until a new sponsor is acquired. After acquiring a new sponsor, an apprentice shall submit a written statement from the new sponsor to the Department within 30 days. The written statement shall meet the requirements established under subsection ~~(K)(3)(a)(v)~~ (K)(3)(a)(vi).
   b. An Apprentice falconer may possess only one raptor at a time for use in falconry.
   c. An Apprentice falconer is prohibited from possessing any:
      i. ~~Federally listed threatened or endangered species or subspecies~~ Species listed under 50 C.F.R. 17.11, revised October 1, 2014, and subspecies,
      ii. Raptor taken from the wild as a nestling,
      iii. Raptor that has imprinted on humans,
      iv. Bald eagle (*Haliaeetus leucocephalus*),
      v. White-tailed eagle (*Haliaeetus albicilla*),
      vi. Steller's sea-eagle (*Haliaeetus pelagicus*), or
      vii. Golden eagle (*Aquila chrysaetos*).
      viii. For the purposes of subsection (H)(1)(c)(i), this incorporation by reference contains no future editions or amendments. The incorporated material is available at any Department office, online at www.gpoaccess.gov, or may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000.
2. General level license:
   a. A General falconer shall:
      i. Be at least 16 years of age; and
      ii. Have practiced falconry as an apprentice falconer for at least two years, including maintaining, training, flying, and hunting with a raptor for at least four months in each year. An applicant cannot substitute any falconry school or educational program to shorten the two-year Apprentice period.
   b. A General falconer may possess up to three raptors at a time for use in falconry.
   c. A General falconer is prohibited from possessing a:
      i. Bald eagle,
      ii. White-tailed eagle,
      iii. Steller's sea-eagle, or
      iv. Golden eagle.
3. Master level license:
   a. A Master falconer shall have practiced falconry as a General falconer for at least five years using raptors possessed by that falconer.
   b. A Master falconer may possess:
      i. Any species of wild, captive-bred, or hybrid raptor.
      ii. Any number of captive-bred raptors provided they are trained and used in the pursuit of wild game; and
      iii. Up to three of the following species, provided the requirements established under subsection (H)(3)(d) are met: Golden eagle, White-tailed eagle, or Steller's Sea eagle.
   c. A Master falconer is prohibited from possessing:
      i. More than three eagles
      ii. A bald eagle, or
      iii. More than five wild caught raptors.
   d. A Master falconer who wishes to possess an eagle shall apply for and receive approval from the Department before possessing an eagle for use in falconry. The licensed falconer shall submit the following documentation to the Department before a request may be considered:

i. Proof the licensed falconer has experience in handling large raptors such as, but not limited to, ferruginous hawks (*Buteo regalis*) and goshawks (*Accipter gentilis*);
ii. Information regarding the raptor species, to include the type and duration of the activity in which the experience was gained; and
iii. Written statements of reference from two ~~individuals~~ persons who have experience handling or flying large raptors such as, but not limited to, eagles, ferruginous hawks, and goshawks. Each written statement shall contain a concise history of the author's experience with large raptors, and an assessment of the applicant's ability to care for and fly an eagle.

I. A sponsor shall:
1. Be at least 18 years of age;
2. Have practiced falconry as a General falconer for at least two years;
3. Sponsor no more than three apprentices during the same period of time;
4. Notify the Department within 30 consecutive days after a sponsorship is terminated;
5. Determine the appropriate species of raptor for possession by an apprentice; and
6. Provide instruction pertaining to the:
   a. Husbandry, training, and trapping of raptors held for falconry;
   b. Hunting with a raptor; and
   c. Relevant wildlife laws and regulations.

J. A falconer licensed in another state or country is exempt from obtaining an Arizona Sport Falconry license under ~~R12-4-407(A)(7)~~ R12-4-407(B)(9), unless remaining in Arizona for more than 180 consecutive days. A falconer licensed in another state or country and who remains in this state for more than the 180-day period shall apply for an Arizona Sport Falconry license in order to continue practicing sport falconry in this state. The falconer licensed in another state or country shall present a copy of the out-of-state or out-of-country falconry license, or its equivalent, to the Department upon request.
1. A falconer licensed in another state shall:
   a. Comply with all applicable state and federal falconry regulations,
   b. Possess only those raptors authorized under the out-of-state sport falconry license, and
   c. Provide a health certificate for each raptor possessed under the out-of-state sport falconry license when the raptor is present in this state for more than 30 consecutive days. The health certificate may be issued after the date of the interstate importation, but shall have been issued no more than 30 consecutive days prior to the interstate importation.
2. A falconer licensed in another country may possess, train, and use for falconry only those raptors authorized under the out-of-country sport falconry license, provided the import of that species into the ~~U.S.~~ United States is not prohibited. This subsection does not prohibit the falconer from flying or training a raptor lawfully possessed by any other licensed falconer.
3. A falconer licensed in another country is prohibited from leaving an imported raptor in this state, unless authorized under federal permit. The falconer shall report the death or escape of a raptor possessed by that falconer to the Department as established under subsection (O)(1) or prior to leaving the ~~State~~ state, whichever occurs first.
4. A falconer licensed in another country shall:
   a. Comply with all applicable state and federal falconry regulations;
   b. Comply with falconry licensing requirements prescribed by the country of licensure not in conflict with federal or state law;
   c. Notify the Department no less than 30 consecutive days prior to importing a raptor into this state;
   d. Provide a health certificate, issued no earlier than 30 consecutive days prior to the date of importation, for each raptor imported into this state; and
   e. Attach two functioning radio transmitters to any raptor imported into this country by the falconer while flown free in this state by any falconer.

K. ~~An applicant~~ A person applying for a Sport Falconry license shall submit ~~a completed~~ an application to ~~any~~ the Department ~~office~~. The application is furnished by the Department and is available at any Department office ~~or~~ and online at www.azgfd.gov.
1. An applicant shall provide ~~all of~~ the following information on the application:
   a. Falconry level desired;
   b. Name;
   c. Date of birth;
   d. Mailing address;
   ~~d.~~e. Telephone number, when available;
   ~~e. Mailing address;~~
   ~~f.~~f. Department I.D. number ~~or Social Security number~~;
   ~~h.~~g. Applicant's physical description~~:~~, to include the applicant's eye color, hair color, height, and weight;
      ~~i. Gender;~~
      ~~ii. Weight;~~
      ~~iii. Eye color;~~
      ~~iv. Hair color;~~
   ~~i.~~h. Arizona Hunting license number, when available;
   ~~j.~~i. Number of years of experience as a falconer;
   ~~k.~~j. Current Falconry license level;
   ~~l.~~k. Physical address of a facility when the raptor is kept at another location, when applicable;
   ~~m.~~l. Information documenting all raptors possessed by the applicant at the time of application, to include:
      i. Species;
      ii. Subspecies, when applicable;
      iii. Age;
      iv. Sex;

v. Band or microchip number, as applicable;
vi. Date and source of acquisition; and

~~n.~~m. ~~Applicant's signature~~ The certification required under R12-4-409(C);
~~o.~~n. Parent or legal guardian's signature, when the applicant is under the age of 18;
~~p.~~o. Date of application; and
~~q.~~p. Any other information required by the Department.

2. An applicant shall certify that the applicant has read and is familiar with applicable state laws and rules and the regulations under 50 ~~CFR~~ C.F.R. Part 13 and the other applicable parts in 50 ~~CFR~~ C.F.R. Chapter I, Subchapter B and that the information submitted is complete and accurate to the best of their knowledge and belief.
3. In addition to the information required under subsection (K)(1), ~~an individual~~ a person applying for:
   a. An Apprentice level license shall also provide the sponsor's:
      i. Name,
      ii. Date of birth,
      iii. Mailing address,
      iv. Department I.D. number,
      v. Telephone number, and
      ~~v.~~vi. A written statement from the sponsor stating that the falconer agrees to sponsor the applicant.
   b. A General level license shall also provide:
      i. Information documenting the applicant's experience in maintaining falconry raptors, to include the species and period of time each raptor was possessed while licensed as an Apprentice falconer; and
      ii. A written statement from the sponsor certifying that the applicant has practiced falconry at the Apprentice falconer level for at least two years, and maintained, trained, flown, and hunted with a raptor for at least four months in each year.
   c. A Master level license shall certify that the falconer has practiced falconry as a General falconer for at least five years.

L. An applicant for any level Sport Falconry license shall pay all applicable fees established under R12-4-412.

M. The Department ~~shall~~ may inspect the applicant's raptor facilities, materials, and equipment to verify compliance with requirements established under R12-4-409(I), R12-4-428, and this Section before issuing a Sport Falconry license. The applicant or licensed falconer shall ensure all raptors currently possessed by the falconer and kept in the facility are present at the time of inspection.

1. Department may ~~re-inspect~~ inspect a facility:
   a. After a change of location, when the Department cannot verify the facility is the same facility as the one approved by a previous inspection, or
   b. Prior to the acquisition of a new species or addition of another raptor when the previous inspection does not indicate the facilities can accommodate a new species or additional raptor.
2. A licensed falconer shall notify the Department no more than five business days after changing the location of a facility.
3. When a facility is located on property not owned by the licensed falconer, the falconer shall provide a written statement signed and dated by the property owner at the time of inspection. The written statement shall specify that the licensed falconer has permission to keep a raptor on the property and the property owner permits the Department to inspect the falconry facility at any reasonable time of day and in the presence of the licensed falconer.
4. A licensed falconer shall ensure the facility:
   a. Provides a healthy and safe environment,
   b. Is designed to keep predators out,
   c. Is designed to avoid injury to the raptor,
   d. Is easy to access,
   e. Is easy to clean, and
   f. Provides access to fresh water and sunlight.
5. In addition to the requirements established under R12-4-409(I) and R12-4-428:
   a. A licensed falconer shall ensure facilities where raptors are held have:
      i. A suitable perch that is protected from extreme temperatures, wind, and excessive disturbance for each raptor;
      ii. At least one opening for sunlight; and
      iii. Walls that are solid, constructed of vertical bars spaced narrower than the width of the body of the smallest raptor housed therein, or any other suitable materials approved by the Department.
   b. A licensed falconer shall possess all of the following equipment:
      i. At least one flexible, weather-resistant leash;
      ii. One swivel appropriate to the raptor being flown;
      iii. At least one water container, available to each raptor kept in the facility, that is at least two inches deep and wider than the length of the largest raptor using the container;
      iv. A reliable scale or balance suitable for weighing raptors, graduated in increments of not more than 15 grams;
      v. Suitable equipment that protects the raptor from extreme temperatures, wind, and excessive disturbance while transporting or housing a raptor when away from the permanent facility where the raptor is kept, and
      vi. At least one pair of jesses constructed of suitable material or Alymeri jesses consisting of an anklet, grommet, and removable strap that attaches the anklet and grommet to a swivel. The falconer may use a one-piece jess only when the raptor is not being flown.
6. A licensed falconer may keep a falconry raptor inside the falconer's residence provided a suitable perch is supplied. The falconer shall ensure all flighted raptors kept inside a residence are tethered or otherwise restrained at all times, unless the falconer is moving the raptor into or out of the residence. This subsection does not apply to unflighted eyas, which do not need to be tethered or otherwise restrained.

7. A licensed falconer may keep multiple raptors together in one enclosure untethered only when the raptors are compatible with each other.
8. A licensed falconer may keep a raptor temporarily outdoors in the open provided the raptor is continually under observation by the falconer or an individual designated by the falconer.
9. A licensed falconer may keep a raptor in a temporary facility that the Department has inspected and approved for no more than 120 consecutive days.
10. A licensed falconer may keep a raptor in a temporary facility that the Department has not inspected or approved for no more than 30 consecutive days. The falconer shall notify the Department of the temporary facility prior to the end of the 30-day period. The Department may inspect a temporary facility as established under R12-4-409(I).

N. Prior to the issuance of a Sport Falconry license, an applicant shall:
1. Present proof of a previously held state-issued sport falconry license, or
2. Correctly answer at least 80% of the questions on the Department administered written examination.
   a. ~~An individual~~ A person whose Sport Falconry license is expired more than five years shall take the examination. The Department shall issue to an eligible applicant a license for the sport falconry license type previously held by the applicant after the applicant correctly answers at least 80% of the questions on the written examination and presents proof of the previous Sport Falconry license.
   b. ~~An individual~~ A person who holds a falconry license issued in another country shall correctly answer at least 80% of the questions on the written examination. The Department shall determine the level of license issued based upon the applicant's documentation.

O. A licensed falconer shall submit electronically a 3-186A form to report:
1. Any of the following raptor possession changes to the Department no more than 10 business days after the occurrence:
   a. Acquisition,
   b. Banding,
   c. Escape into the wild without recovery after 30 consecutive days have passed,
   d. Death,
   e. Microchipping,
   f. Rebanding,
   g. Release,
   h. Take, or
   i. Transfer.
2. ~~A~~ Upon discovering the theft of a raptor, a licensed falconer shall immediately report the theft of a raptor to the Department and USFWS ~~upon discovering the theft of a raptor~~ by:
   a. Contacting the Department's regional office within 48 hours; and
   b. Submitting the electronic 3-186A form within 10 days.

P. A licensed falconer shall print and maintain copies of all required electronic database submissions for each falconry raptor possessed by the falconer. The falconer shall retain copies of all submissions for a period of five years from the date on which the raptor left the falconer's possession.

Q. A licensed falconer or ~~an individual~~ a person with a valid falconry license, or its equivalent, issued by any state meeting federal falconry standards may capture a raptor for the purpose of falconry only when authorized by Commission Order.
1. A falconer attempting to capture a raptor shall possess:
   a. A valid Arizona Sport Falconry license or valid falconry license, or its equivalent, issued by another state, and
   b. Any required Arizona hunt permit-tag issued to the licensed falconer for take of the authorized raptor, and
   c. A valid Arizona hunting or combination license. A ~~Three-Day Class H Hunting~~ short-term combination hunting and fishing license is not valid for capturing a raptor under this subsection.
2. An Apprentice falconer may take from the wild:
   a. Any raptor not prohibited under subsection (H)(1)(c) that is less than one year of age, except nestlings or
   b. An adult raptor.
3. A General or Master falconer may take from the wild:
   a. A raptor of any age, including nestlings, provided at least one nestling remains in the nest; or
   b. An adult raptor.
4. A licensed falconer shall take no more than two raptors from the wild for use in falconry each calendar year. For the purpose of take limits, a raptor is counted towards the licensed falconer's take limit by the falconer who originally captured the raptor.
5. A falconer attempting to capture a raptor shall:
   a. Not use stupefying substances;
   b. Use a trap or bird net that is not likely to cause injury to the raptor;
   c. Ensure that each trap or net the falconer is using is continually attended; and
   d. Ensure that each trap used for the purpose of capturing a raptor is marked with the falconer's name, address, and license number.
6. A licensed falconer shall report the injury of any raptor injured due to capture techniques to the Department. The falconer shall transport the injured raptor to a veterinarian or licensed rehabilitator and pay for the cost of the injured raptor's care and rehabilitation. After the initial medical treatment is completed, the licensed falconer shall either:
   a. Keep the raptor and the raptor shall count towards the falconer's take and possession limit, or
   b. Transfer the raptor to a permitted wildlife rehabilitator and the raptor shall not count against the falconer's take or possession limit.
7. When a licensed falconer takes a raptor from the wild and transfers the raptor to another falconer who is present at a capture site, the falconer receiving the raptor is responsible for reporting the take of the raptor.

8. A General or Master falconer may capture a raptor that will be transferred to another licensed falconer who is not present at the capture site. The falconer who captured the raptor shall report the take of the raptor and the capture shall count towards the General or Master falconer's take limit. The General or Master falconer may then transfer the raptor to another falconer.
9. A General or Master falconer may capture a raptor for another licensed falconer who cannot attend the capture due to a long-term or permanent physical impairment. The licensed falconer with the physical impairment is responsible for reporting the take of the raptor and the raptor shall count against their take and possession limits.
10. A licensed falconer may capture any raptor displaying a seamless metal band, or any other item identifying it as a falconry raptor, regardless of whether the falconer is prohibited from possessing the raptor. The falconer shall return the recaptured raptor to the falconer of record. The raptor shall not count towards the falconer's take or possession limits, provided the falconer reports the temporary possession of the raptor to the Department no more than five consecutive days after capturing the raptor.
    a. When the falconer of record cannot or does not wish to possess the raptor, the falconer who captured the raptor may keep the raptor, provided the falconer is eligible to possess the species and may do so without violating any ~~provisions~~ requirement established under this Section.
    b. When the falconer of record cannot be located, the Department shall determine the disposition of the recaptured raptor.
11. A licensed falconer may capture and shall report the capture of any raptor wearing a transmitter to the Department no more than five business days after the capture. The falconer shall attempt to contact the researcher or licensed falconer who applied the transmitter and facilitate the replacement or retrieval of the transmitter and raptor. The falconer may possess the raptor for no more than 30 consecutive days while waiting for the researcher or falconer to retrieve the transmitter and raptor. The raptor shall not count towards the falconer's take or possession limits, provided the falconer reports the temporary possession of the raptor to the Department no more than five consecutive days after capturing the raptor. The Department shall determine the disposition of a raptor when the researcher or falconer does not replace the transmitter or retrieve the raptor within the initial 30-day period.
12. A licensed falconer may capture any raptor displaying a federal Bird Banding Laboratory (BBL) aluminum research band or tag, except a peregrine falcon (*Falco peregrinus*). A licensed falconer who captures a raptor wearing a research band or tag shall report the following information to BBL~~, by calling 1(800) 327-2263,~~ and the Department:
    a. Species,
    b. Band or tag number,
    c. Location of the capture, and
    d. Date of capture.
    e. A person can report the capture of a raptor wearing a research band or tag to BBL by calling 1(800) 327-2263.
13. A licensed falconer may recapture a falconer's lost or any escaped falconry raptor at any time. The Department does not consider the recapture of a wild falconry raptor as taking a raptor from the wild.
14. When attempting to trap a raptor in Cochise, Graham, Pima, Pinal, or Santa Cruz~~.~~ counties, a licensed falconer shall:
    a. Not begin trapping while a northern aplomado falcon (*Falco femoralis septentrionalis*) is observed in the vicinity of the trapping location.
    b. Suspend trapping when a northern aplomado falcon arrives in the vicinity of the trapping location.
15. In addition to the requirements in subsection (Q)(14), an apprentice falconer shall be accompanied by a General or Master falconer when attempting to capture a raptor in Cochise, Graham, Pima, Pinal, or Santa Cruz counties.
16. A licensed Master falconer may take up to two golden eagles from the wild only as authorized under 50 ~~CFR~~ C.F.R. part 22. The Master falconer may:
    a. Capture an immature or sub-adult golden eagle, or
    b. Take a nestling from its nest or a nesting adult golden eagle in a livestock depredation area if a biologist representing the agency responsible for declaring the depredation area determines the adult eagle is preying on livestock or wildlife and that any nestling of the adult will be taken by a falconer authorized to possess it.
    c. The falconer shall inform the Department of the capture plans in person, in writing, or by telephone at least three business days before trapping is initiated. The falconer may send written notification to the Arizona Game and Fish Department's Law Enforcement Programs Coordinator at 5000 West Carefree Highway, Phoenix, Arizona 85086.
17. A licensed falconer shall ensure any falconry activities the falconer is conducting do not cause unlawful take under the Endangered Species Act of 1973, 16 U.S.C. ~~§~~§§ 1531 ~~through 1534~~ et seq., or the Bald and Golden Eagle Protection Act, 16 U.S.C. §§ 668 through 668d. The Department or USFWS may provide information regarding where take is likely to occur. The falconer shall report the take of any federally listed threatened or endangered species or bald or golden eagle to the USFWS Arizona Ecological Services Field Office.

R. A licensed falconer shall comply with all of the following banding requirements:
1. A licensed falconer shall ensure the following raptors are banded after capture:
    a. Northern Goshawk,
    b. Harris's hawk (*Parabuteo unicinctus*), and
    c. Peregrine falcon.
2. The falconer shall request a band no more than five consecutive days after the capture of a raptor by contacting the Department. A Department representative or a General or Master licensed falconer may attach the USFWS leg band to the raptor.
3. A licensed falconer shall not use a counterfeit, altered, or defaced band.
4. A falconer holding a federal propagation permit shall ensure a raptor bred in captivity wears a seamless metal band furnished by USFWS, as prescribed under 50 ~~CFR~~ C.F.R. 21.30.
5. A licensed falconer may remove the rear tab on a band and smooth any imperfections on the surface, provided doing so does not affect the band's integrity or numbering.
6. A licensed falconer shall report the loss of a band to the Department no more than five business days after discovering the loss. The falconer shall reband the raptor with a new USFWS leg band furnished by the Department.

S. A licensed falconer may request Department authorization to implant an ISO-compliant [134.2 kHz] microchip in lieu of a band into

a captive-bred raptor or raptor listed under subsection (R)(1) ~~when the band is causing the raptor injury or health issues~~.

1. The falconer shall submit a written request ~~and a statement from a licensed veterinarian indicating the band is causing the raptor injury or health issues~~ to the Department.
2. The falconer shall retain a copy of the Department's written authorization and any associated documentation for a period of five years from the date the raptor permanently leaves the falconer's possession.
3. The falconer is responsible for the cost of implanting the microchip and any associated veterinary fees.

T. A licensed falconer may allow a falconry raptor to feed on any species of wildlife incidentally killed by the raptor for which there is no open season or for which the season is closed, but shall not take such wildlife into possession.

U. A General or Master falconer may hack a falconry raptor. Any raptor the falconer is hacking shall count towards the falconer's possession limit during hacking.

1. A falconer is prohibited from hacking a raptor near the nesting area of a federally threatened or endangered species or in any other location where the raptor is likely to disturb or harm a federally listed threatened or endangered species. The Department may provide information regarding where this is likely to occur.
2. A licensed falconer shall ensure any hybrid raptor flown free or hacked by the falconer is equipped with at least two functioning radio transmitters.

V. A licensed falconer may release:

1. A wild-caught raptor permanently into the wild under the following circumstances:
   a. The raptor is native to Arizona,
   b. The falconer removes the raptor's falconry band and any other falconry equipment prior to release, and
   c. The falconer releases the raptor in a suitable habitat and under suitable seasonal conditions.
2. A captive-bred raptor permanently into the wild only when the raptor is native to Arizona and the Department approves the release of the raptor. The falconer shall request permission to release the captive-bred raptor by contacting the Department. When permitted by the Department and before releasing the captive-bred raptor, the General or Master falconer shall hack the captive-bred raptor in a suitable habitat and the appropriate season.
3. A licensed falconer is prohibited from intentionally releasing any hybrid or non-native raptor permanently into the wild.

W. A Master falconer may conduct and receive payment for any abatement services conducted with a falconry raptor. The falconer shall apply for and obtain all required federal permits prior to conducting any abatement activities. A General falconer may conduct abatement services only when authorized under the federal permit held by the Master falconer.

X. A person other than a licensed falconer may temporarily care for a falconry raptor for no more than 45 consecutive days, unless approved by the Department. The raptor under temporary care shall remain in the falconer's facility. The raptor shall continue to count towards the falconer's possession limit. An unlicensed caretaker shall not fly the raptor. The falconer may request an extension from the Department to the temporary possession period if extenuating circumstances occur. The Department shall evaluate extension requests on a case-by-case basis.

Y. A licensed falconer may serve as a caretaker for another licensed falconer's raptor for no more than 120 consecutive days, unless approved by the Department. The falconer shall provide the temporary caretaker with a signed and dated statement authorizing the temporary possession of each raptor. The statement shall also include the temporary possession period and activities the caretaker may conduct with the raptor. The raptor under temporary care shall not count toward the caretakers possession limit. The temporary caretaker may fly or train the raptor when permitted by the falconer in writing. The falconer may request an extension from the Department to the temporary possession period if extenuating circumstances occur. The Department shall evaluate extension requests on a case-by-case basis.

Z. A licensed falconer may assist a wildlife rehabilitator in conditioning a raptor in preparation for the raptor's release to the wild. The falconer may temporarily remove the raptor from the rehabilitation facilities while conditioning the raptor. The raptor shall remain under the rehabilitator's license and shall not count towards the falconer's possession limit. The rehabilitator shall provide the licensed falconer with a written statement authorizing the falconer to assist the rehabilitator. The written statement shall also identify the raptor by species, type of injury, and band number, when available. The licensed falconer shall return the raptor to the rehabilitator within the 180–day period established under ~~R-12-4-423(N)~~ R12-4-423(T), unless the raptor is:

1. Released into the wild in coordination with the rehabilitator and as authorized under this subsection,
2. Allowed to remain with the rehabilitator for a longer period of time as authorized under ~~R12-4-423(N)~~ R12-4-423(U), or
3. Transferred permanently to the falconer, provided the falconer may legally possess the raptor and the Department approves the transfer. The raptor shall count towards the falconer's possession limit.

AA. A licensed falconer may use a raptor possessed for falconry in captive propagation, when permitted by USFWS. A licensed falconer is not required to transfer a raptor from a Sport Falconry license to another license when the raptor is used for captive propagation less than eight months in a year.

BB. A General or Master licensed falconer may use a lawfully possessed raptor in a conservation education program presented in a public venue. An Apprentice falconer, under the direct supervision of a General or Master falconer, may use a lawfully possessed raptor in a conservation education program presented in a public venue. The primary use for a raptor is falconry; ~~in~~ a licensed falconer shall not possess a raptor solely for the purpose of providing a conservation education program ~~is falconry~~. The falconer shall ensure the focus of the conservation education program is to provide information about the biology, ecological roles, and conservation needs of raptors and other migratory birds. The falconer may charge a fee for presenting a conservation education program; however, the fee shall not exceed the amount required to recoup the falconer's costs for providing the program. As a condition of the Sport Falconry License, the licensed falconer agrees to indemnify the Department, its officers, and employees. The falconer is liable for any damages associated with the conservation education activities.

CC. A licensed falconer may allow the photography, filming, or similar uses of a falconry raptor possessed by the licensed falconer, provided:

1. The falconer is not compensated for these activities; and
2. The final product from these activities:
   a. Promotes the practice of falconry;
   b. Provides information about the biology, ecological roles, and conservation needs of raptors and other migratory birds;
   c. Endorses a nonprofit falconry organization or association, products, or other endeavors related to falconry; or
   d. Is used in scientific research or science publications.

DD. A licensed falconer may use or dispose of lawfully possessed falconry raptor feathers. A falconer shall not buy, sell, or barter falconry raptor feathers. A falconer may possess feathers for imping from each species of raptor that the falconer currently ~~and previously~~ possesses or has possessed.
1. The licensed falconer may transfer or receive feathers for imping from:
   a. Another licensed falconer,
   b. A licensed wildlife rehabilitator, or
   c. Any licensed propagator located in the ~~U.S~~ United States.
2. A licensed falconer may donate falconry raptor feathers, except bald and golden eagle feathers, to:
   a. Any person or institution permitted to possess falconry raptor feathers,
   b. Any person or institution exempt from the permit requirement under 50 ~~CFR~~ C.F.R. 21.12, or
c. A non-eagle feather repository. The Department may provide information regarding the submittal of falconry raptor feathers to a non-eagle feather repository.
3. A licensed falconer shall gather primary and secondary flight feathers or retrices that are molted or otherwise lost from a golden eagle and either retain the feathers for imping purposes or submit the feathers to the U.S. Fish and Wildlife Service, National Eagle Repository, Rocky Mountain Arsenal, Building 128, Commerce City, Colorado 80022.
4. A falconer whose license is either revoked or expired shall dispose of all falconry raptor feathers in the falconer's possession.

EE. Arizona licensed falconers importing raptors into Arizona shall have a ~~certificate of~~ health certificate issued no more than 30 consecutive days:
1. Prior to the international importation, or
2. Prior to or after the inter-state importation.

FF. A licensed falconer may conduct any of the following activities with any captive-bred raptor provided the raptor is wearing a seamless band and the person receiving the raptor possesses an appropriate special license:
1. Barter,
2. Offer for barter,
3. Gift,
4. Purchase,
5. Sell,
6. Offer for sale, or
7. Transfer.

GG. A licensed falconer is prohibited from conducting any of the following activities with any wild-caught raptor protected under the Migratory Bird Treaty Act:
1. Barter,
2. Offer for barter,
3. Purchase,
4. Sell, or
5. Offer for sale.

HH. A licensed falconer may transfer:
1. Any wild-caught falconry raptor lawfully captured in Arizona with or without a permit tag to another Arizona Sport Falconry License holder at any time.
   a. The raptor shall count towards the take limit for that calendar year for the falconer taking the raptor from the wild.
   b. The raptor shall not count against the take limit of the falconer receiving the raptor.
2. Any wild-caught falconry raptor to another license or permit type under this Article or federal law, provided the raptor has been used in the sport of falconry for at least two years preceding the transfer.
3. A wild-caught falconry sharp-shinned hawk (*Accipiter striatus*), Cooper's hawk (*Accipiter cooperii)*, merlin (*Falco columbarius*), or American kestrel (*Falco sparverius*) to another license or permit type under this Article or federal law, provided the raptor has been used in the sport of falconry for at least one-year preceding the transfer.
4. Any hybrid or captive-bred raptor to another licensed falconer or permit type under this Article or federal law at any time.
5. Any falconry raptor that is no longer capable of being flown, as determined by a veterinarian or licensed rehabilitator, to another permit type at any time. The licensed falconer shall provide a copy of the documentation from the veterinarian or rehabilitator stating that the raptor is not useable in falconry to the Federal Migratory Bird Permits office that administers the other permit type.

II. A licensed falconer shall not transfer a wild-caught raptor ~~captured in Arizona under a permit tag~~ species to a licensed falconer in another state for at least one year from the date of capture if either resident or nonresident take is managed through Commission Order by way of a permit-tag, nonpermit-tag, or annual harvest quota system. However, a licensed falconer may transfer a wild-caught raptor ~~captured in Arizona without a permit tag~~ that is not managed through Commission Order by way of a permit-tag, nonpermit-tag, or annual harvest quota system to a licensed falconer in another state at any time.

JJ. A surviving spouse, executor, administrator, or other legal representative of a deceased or incapacitated licensed falconer shall transfer any raptor held by the licensed falconer to another licensed falconer no more than 90 consecutive days after the death of the falconer. The Department shall determine the disposition of any raptor not transferred prior to the end of the 90-day period.

KK. A licensed falconer shall conduct the following activities, as applicable, no more than 10 business days after either the death of a falconry raptor or the final examination of a deceased raptor by a veterinarian:
1. For a bald or golden eagle, send the entire body, including all feathers, talons, and other parts, to the National Eagle Repository;
2. For any euthanized non-eagle raptor, to prevent secondary poisoning of other wildlife, the falconer shall either submit the carcass to a non-eagle repository or burn, bury, or otherwise destroy the carcass;
3. For all other species:
   a. Submit the carcass to a non-eagle repository;
   b. Submit the carcass to the Department for submission to a non-eagle repository;

c. Donate the body or feathers to any person or institution exempt under 50 ~~CFR~~ C.F.R. 21.12 or authorized by USFWS to acquire and possess such parts or feathers;
d. Retain the carcass or feathers for imping purposes as established under subsection (DD);
e. Burn, bury, or otherwise destroy the carcass; or
f. Mount the raptor carcass. The falconer shall ensure any microchip implanted in the raptor is not removed and any band attached to the raptor remains on the mount. The falconer may use the mount for a conservation education program. The falconer shall ensure copies of the license and all relevant 3-186A forms are retained with the mount. The mount shall not count towards the falconer's possession limit.

R12-4-423. Wildlife Rehabilitation License

~~A. For the purposes of this Section, the following definitions apply:~~
~~1. "Agent," in addition to the definition in R12-4-401, means the same as "sublicensee" or "subpermitee" as these terms are used in federal regulations that this Section references.~~
~~2. "Assistant" means an individual who is not designated as an agent, as defined in R12-4-401 and this Section, who assists a wildlife rehabilitation license holder, and is under the direct supervision of the license holder at the premises described on the license.~~
~~3. "Migratory birds" means all species listed in 50 CFR 10.13, revised October 1, 1999, not including any later amendments or editions, which is incorporated by reference. A copy of the incorporated material is available for inspection at any Department office, or it may be ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.~~
~~4. "Taxa" means groups of animals within specific classes of wildlife occurring in the state with common characteristics that establish relatively similar requirements for habitat, food, and other ecological or behavioral factors pertinent to establishing standards of housing, care, or rehabilitation.~~

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

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

~~D. An applicant shall apply for a wildlife rehabilitation license using a form available from the Department. The applicant shall provide the following information:~~
~~1. Name, address, telephone number, birthdate, physical description, and (if applicable) Department ID number;~~
~~2. Documentation of one or more of the following:~~
~~a. A valid, current license issued by a state veterinary medical examination authority that authorizes the applicant to practice as a veterinarian;~~
~~b. A minimum of six months of experience performing wildlife rehabilitative work for an average of at least eight hours per week for the taxa or species of animal in subsection (D)(5) that is listed on the application; or~~
~~c. A current and valid license, permit, or other form of authorization issued by another state or the federal government that allows the applicant to perform wildlife rehabilitation;~~
~~3. Documentation that the applicant has answered correctly at least 80% of the questions on the examination in subsection (C), and that the applicant took the examination within five years of applying for the license;~~
~~4. One or more of the following supporting documents:~~
~~a. A typed, computer or word processor printed, or legibly handwritten statement signed by the applicant that affirms that the applicant is a licensed, practicing veterinarian;~~
~~b. A typed, computer or word processor printed, or legibly handwritten statement signed by the Department's Adobe Mountain Wildlife Center Coordinator that the Center will assist the applicant in providing rehabilitative treatment for the wildlife to be held under the license; or~~
~~c. A typed, computer or word processor printed, or legibly handwritten statement signed by a licensed, practicing veterinarian that the veterinarian is reasonably available to give veterinary services requested by the applicant as necessary to facilitate rehabilitation of wildlife. The license holder shall be responsible for any veterinary expenses.~~
~~5. The wildlife taxa or species that will be used under the license. The Department shall only issue a wildlife rehabilitation license for the following taxa or species of wildlife:~~
~~a. Amphibians: all amphibians;~~
~~b. Reptiles: all reptiles;~~
~~c. Birds:~~
~~i. Non-passerines, birds in any order other than those named in (ii) through (vi);~~
~~ii. Raptors, birds in the orders Falconiformes or Strigiformes;~~
~~iii. Quails, birds in the order Galliformes;~~
~~iv. Doves, birds in the order Columbiformes;~~
~~v. Hummingbirds, birds in the order Trochiliformes; and~~
~~vi. Passerines, birds in the order Passeriformes;~~
~~d. Mammals:~~

i. Nongame mammals;
ii. Bats: all bats;
iii. Big game mammals other than cervids: bighorn sheep, bison, black bear, javelina, mountain lion, and pronghorn antelope; and
iv. Carnivores: bobcat, coati, coyote, foxes, raccoons, ringtail, skunks, and weasels; and

e. The Department shall not issue a wildlife rehabilitation license for the following wildlife species unless the applicant specifically states the species on the license application:
i. Arizona ridge-nosed rattlesnakes;
ii. Banded rock rattlesnakes;
iii. Desert massasaugas;
iv. Flat-tailed horned lizards;
v. Gila monsters;
vi. Eagles; and
vii. Notwithstanding the taxa listed in subsections (D)(5)(a) through (d), species listed in Federal Endangered and Threatened Wildlife and Plants, 50 CFR 17.11, revised as of August 4, 2004, and species listed in Wildlife of Special Concern;

6. If the applicant is applying for a wildlife rehabilitation license to perform authorized activities with migratory birds, evidence showing that the applicant meets the following criteria:
a. The applicant is at least 18 years old; or
b. The applicant has a parent or legal guardian cosign the application and the signature is notarized;

7. A typed, computer or word processor printed, or legibly handwritten narrative that describes the following:
a. The method of disposing of the wildlife that the applicant prefers: export, transfer to a licensed zoo, or another method as directed in writing by the Department; and
b. If the applicant applies to perform authorized activities with taxa or species of wildlife that are listed in subsection (D)(4)(e), a statement of the applicant's training and experience in handling, capturing, rehabilitating, and caring for the taxa or species;

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

9. A detailed description or diagram of the facilities where the applicant will hold the wildlife, and a description of how the facilities comply with the requirements established under R12-4-428 and any other captivity standards prescribed by this Section;

10. If the applicant is authorizing an agent, the information stated in subsections (D)(1), (3), (5), (6), (7), (8), (9), and (11), as applicable to the agent. The agent shall sign and date the affidavit stated in subsection (D)(11), but shall omit (d). By signing the affidavit, the agent attests that the information provided is true and correct to the agent's knowledge and that the agent has not had live wildlife privileges revoked in this state or any other state or the United States.

11. The applicant's signature and the date of signing. By signing the application, the applicant attests to the following:
a. The information the applicant has provided is true and correct to the applicant's knowledge;
b. The applicant is applying for the license for the sole purpose of restoring wildlife to the wild through rehabilitative activities;
c. The applicant understands that all wildlife held under the license remains the property of the state and shall be returned to the Department upon request;
d. The applicant is solely responsible for all expenses incurred and all actions taken under the license, including all actions and omission of all agents and assistants when they are performing activities authorized under the license;
e. The applicant shall conduct rehabilitation at the location listed on the license; and
f. The applicant's live wildlife privileges are not revoked in this state, any other state, or the United States.

E. The Department shall issue a wildlife rehabilitation license in compliance with R12-4-106. The Department may deny a license or limit a license based upon the training and experience of the applicant. If the Department denies the application for a wildlife rehabilitation license, the Department shall proceed as prescribed by R12-4-409(D).

F. A wildlife rehabilitation license expires on December 31 of the third year following the date of issuance of the license. A wildlife rehabilitation license holder shall renew the license before it expires as stated in R12-4-409(M). If the license holder applies to renew the license as prescribed by subsection (D), the license holder may reference supportive material previously submitted to the Department if the license holder is not changing the species, location, or design of the facility where the wildlife will be held. The license holder shall retake the examination in subsection (B) if written reports submitted under subsection (S) indicate that the applicant did not perform any rehabilitative activities under the license.

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

H. A wildlife rehabilitation license holder shall keep a current log that records the information specified under subsection (S).

I. A wildlife license holder shall participate in one of the following during the license period:
1. Eight or more hours of continuing education sessions on wildlife rehabilitation, offered by the Department at no fee. The Department shall provide each license holder with a minimum of 30 calendar days' notice of the sessions; or
2. Eight or more hours of continuing education sessions on wildlife rehabilitation offered by an accredited university or college; the National Wildlife Rehabilitation Council, R.R. 1, Box 125 E Brighton, IL 62012; or the International Wildlife Rehabilitation Council, P.O. Box 3007, Walnut Creek, CA 94598.

J. A wildlife rehabilitation license holder shall obtain written authorization from the Department before allowing an individual to act as an agent. The agent shall have the authorization in possession and available for Department inspection while performing activities authorized by the license. The Department may suspend or revoke the license holder's license for violation of this Section by an agent.

K. A wildlife rehabilitation license holder may make a written request at any time during the license period to amend the license to add or delete an agent, to add or delete premises where wildlife is held, or to obtain authority to rehabilitate additional taxa of wildlife. To

~~amend the license, the applicant shall submit the following:~~

~~1. To add or delete an agent, the information stated in subsections (D)(1), (3), (5) through (9), and (11), as applicable to the agent;~~

~~2. To add or delete premises, the information stated in subsection (D)(1), (5), (8), (9), and (11); and~~

~~3. To obtain authority to rehabilitate additional taxa or wildlife, the information stated in subsection (D)(1) through (9) and (11).~~

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

~~**M.** A wildlife rehabilitation license holder authorized to rehabilitate wildlife taxa or species listed in subsection (D)(5)(d)(iii) and (iv) or (D)(5)(e) shall contact the Department within 24 hours of receiving the individual animal to obtain instructions in handling that animal. While awaiting instructions, the license holder shall ensure that emergency veterinary care is provided as necessary.~~

~~**N.** Except when the Department has authorized possession for a longer period, a wildlife rehabilitation license holder shall not possess a bird longer than 180 days or other wildlife longer than 90 days; and all wildlife not releasable after these time-frames may be retained, transferred, disposed of, or euthanized as authorized by the Department. All wildlife held under the license remains the property of the state and shall be returned to the Department upon request. A license holder shall submit a written request to the Department to hold wildlife for longer than specified in this subsection. The Department may require the license holder to provide a typed, computer or word processor printed, or legibly handwritten statement signed by a licensed veterinarian listing the medical reasons for the extension if there is a dispute between the Department and the license holder regarding the medical necessity for the requested extension. The Department shall grant or deny a request for extension within 10 days of receipt of the request or the veterinarian's statement. The license holder may continue to hold the specified wildlife while the Department considers the request. The Department shall deny a request for extension in writing and shall include in the written denial specific, time-dated directions on disposition of the animal.~~

~~**O.** A wildlife rehabilitation license holder may hold wildlife under the license after the wildlife reaches a state of restored health only for the amount of time reasonably necessary to make humane disposition of the wildlife, but not for longer than has been authorized under subsection (N). Rehabilitated wildlife shall be released at an ecologically appropriate time of year, into a habitat suitable to sustain it and:~~

~~1. In the same geographic area from which the animal was originally obtained, except that birds may be released at any location statewide within the normal range of that species in ecologically suitable habitat; or~~

~~2. In an area designated by the Department; and~~

~~3. Without immediate threat to the animal of injurious contact with humans.~~

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

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

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

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

~~1. The name, address, date of birth, and telephone number of the licensee and all agents;~~

~~2. The permit or license number of any federal permits or licenses that relate to any rehabilitative function performed by the license holder; and~~

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

~~**T.** A wildlife rehabilitation license holder is subject to R12-4-409, R12-4-428, and R12-4-430.~~

A. For the purposes of this Section, "volunteer" means a person who:

Is not designated as an agent, as defined under R12-4-401,

Assists a wildlife rehabilitation license holder without compensation, and

Is under the direct supervision of the license holder at the location specified on the wildlife rehabilitation license.

B. A wildlife rehabilitation license is issued for the sole purpose of restoring and returning wildlife to the wild through rehabilitative services. The license allows a person 18 years of age or older to conduct any of the following activities with live injured, disabled, orphaned or otherwise debilitated wildlife specified on the rehabilitation license:

1. Capture;
2. Euthanize;
3. Export to a licensed zoo, when authorized by the Department;
4. Rehabilitate;
5. Release;
6. Temporarily possess;
7. Transport; or
8. Transfer to one of the following:
   a. Licensed veterinarian for treatment or euthanasia;
   b. Another appropriately licensed special license holder;
   c. Licensed zoo, when authorized by the Department; or
9. As otherwise directed in writing by the Department.

C. A wildlife rehabilitation license authorizes the possession of the following taxa or species:

1. Amphibians;

2. Reptiles;
3. Birds:
   a. Non-passerines, birds in any order other than those named in subsections (b) through (e);
   b. Birds in the orders *Falconiformes* or *Strigiformes*, raptors;
   c. Birds in the order, *Galliformes* quails and turkeys;
   d. Birds in the order *Columbiformes*, doves;
   e. Birds in the order *Trochiliformes*, hummingbirds; and
   f. Birds in the order *Passeriformes*, passerines;
4. Mammals:
   a. Nongame mammals;
   b. Bats;
   c. Big game mammals other than cervids: bighorn sheep, bison, black bear, javelina, mountain lion, pronghorn;
   d. Carnivores: bobcat, coati, coyote, foxes, raccoons, ringtail, skunks, and weasels; and
   e. Small game mammals.

D. A wildlife rehabilitation license authorizes the possession of the following taxa or species only when specifically requested at the time of application:
1. Eagles;
2. Species listed under 50 C.F.R. 17.11, revised October 1, 2013; and
3. The Department's Tier 1 Species of Greatest Conservation Need, as defined under R12-4-401.
4. For the purposes of subsection (D)(2), this incorporation by reference contains no future editions or amendments. The incorporated material is available at any Department office, online at www.gpoaccess.gov, or may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000.

E. All wildlife held under the license is the property of the state and shall be surrendered to the Department upon request.

F. The wildlife rehabilitation license expires on the last day of the third December from the date of issuance.

G. In addition to the requirements established under this Section, a wildlife rehabilitation license holder shall comply with the special license requirements established under R12-4-409.

H. The Department shall deny a wildlife rehabilitation license to a person who fails to meet the requirements and criteria established under R12-4-409, R12-4-428, or this Section or when the person's wildlife rehabilitation license is suspended or revoked in any state. The Department shall provide the written notice established under R12-4-409 to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.

I. The license holder shall be responsible for compliance with all applicable regulatory requirements; the wildlife rehabilitation license does not:
1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.

J. Before applying for a wildlife rehabilitation license, a person shall successfully complete an examination conducted by the Department. The Department shall consider only those parts of the examination that are applicable to the taxa of wildlife for which the license is sought in establishing the qualifications of the applicant.
1. Examinations are provided by appointment, only.
2. An applicant may request a verbal or written examination.
3. The examination shall include questions regarding:
   a. Wildlife rehabilitation;
   b. Safe handling of wildlife;
   c. Transporting wildlife;
   d. Humane treatment;
   e. Nutritional requirements;
   f. Behavioral requirements;
   g. Developmental requirements;
   h. Ecological requirements;
   i. Habitat requirements;
   j. Captivity standards established under R12-4-428;
   k. Human and wildlife safety considerations;
   l. State statutes, rules, and regulations regarding wildlife rehabilitation; and
   m. National Wildlife Rehabilitation Association minimum standards for wildlife rehabilitation.
4. The applicant must successfully complete the examination within three years prior to the date on which the initial application for the license is submitted to the Department.

K. A person applying for a wildlife rehabilitation license shall submit an application to the Department. A separate application is required for each location where the applicant proposes to use wildlife. The application is furnished by the Department and is available at any Department office and online at www.azgfd.gov. The applicant shall provide the following information on the application:
1. The applicant's information:
   a. Name;
   b. Date of birth;
   c. Mailing address;
   d. Telephone number;
   e. Facility address, if different from mailing address;
   f. Physical location description to include the Global Positioning System location or Universal Transverse Mercator coordinates; and;

g. Department ID number, when applicable;
2. The wildlife taxa or species listed under subsection (C) that will be possessed under the license;
3. For each location where the wildlife will be used, the land owner's:
a. Name;
b. Mailing address;
c. Telephone number; and
d. Physical location description to include the Global Positioning System location or Universal Transverse Mercator coordinates;
4. A detailed description, diagram, and photographs of the facility where the applicant will hold the wildlife, and a description of how the facility complies with R12-4-428 and any other captivity standards established under this Section;
5. Any other information required by the Department; and
6. The certification required under R12-4-409(C).

L. In addition to the requirements listed under subsection (K), at the time of application, an applicant for a wildlife rehabilitation license shall also submit:
1. Any one or more of the following:
a. A valid, current license issued by a state veterinary medical examination authority that authorizes the applicant to practice as a veterinarian;
b. Proof of at least six months of experience performing wildlife rehabilitative work with an average of at least eight hours each week for the taxa or species of animal listed on the application; or
c. A current and valid license, permit, or other form of authorization issued by another state or the federal government that allows the applicant to perform wildlife rehabilitation;
2. Proof the applicant successfully completed the examination required under subsection (J) no more than three years prior to submitting the application;
3. An affidavit signed by the applicant affirming either of the following:
a. The applicant is a licensed veterinarian; or
b. A licensed veterinarian is reasonably available to provide veterinary services as necessary to facilitate rehabilitation of wildlife.
4. A written statement describing:
a. The applicant's preferred method of disposing of non-releasable live wildlife as listed under subsection (B); and
b. A statement of the applicant's training and experience in handling, capturing, rehabilitating, and caring for the taxa or species when the applicant is applying for a license to perform authorized activities with taxa or species of wildlife listed under subsection (C).

M. A wildlife rehabilitation license holder who wishes to continue activities authorized under the license shall renew the license before it expires.
1. When renewing a license without change to the species, location, or design of the facility where wildlife is held as authorized under the current license, the license holder may reference supporting materials previously submitted in compliance with subsection (K).
2. A license holder applying for a renewal of the license shall successfully complete the examination at the time of renewal when the annual report submitted under subsection (Z) indicates the license holder did not perform any rehabilitative activities under the license.
3. A license holder applying for a renewal of the license shall submit proof the license holder has completed the continuing education requirement established under subsection (N).

N. During the license period a wildlife rehabilitation license holder shall complete eight or more hours of continuing education sessions on wildlife rehabilitation or veterinary medicine. Acceptable continuing education sessions may be obtained from:
1. An accredited university or college;
2. The National Wildlife Rehabilitators Association, 2625 Clearwater Rd. Suite 110, St. Cloud, MN 56301;
3. The International Wildlife Rehabilitation Council, PO Box 3197, Eugene, OR 97403; or
4. Other applicable training opportunities approved by the Department in writing. A license holder who wishes to use other applicable training to meet the eight hour continuing education requirement shall request approval of the other applicable training prior to participating in the education session.

O. A wildlife rehabilitation license holder may request authorization to allow an agent to assist the license holder in carrying out activities authorized under the wildlife rehabilitation license by submitting a written request to the Department.
1. An applicant may request the ability to allow a person to act as an agent on the applicant's behalf, provided:
a. An employment or supervisory relationship exists between the applicant and the agent, and
b. The agent's privilege to take or possess live wildlife is not suspended or revoked in any state
2. The license holder shall obtain approval from the Department prior to allowing the agent assist in any activities.
3. The license holder is liable for all acts the agent performs under the authority of this Section.
4. The Department, acting on behalf of the Commission, may suspend or revoke a license for violation of this Section by an agent.
5. The license holder shall ensure the agent possesses a legible copy of the license while conducting any activity authorized under the wildlife rehabilitation license and presents it for inspection upon the request of any Department employee or agent.

P. At any time during the license period, a wildlife rehabilitation license holder may request permission to amend the license to add or delete an agent or a location where wildlife is held; or to obtain authority to rehabilitate additional taxa of wildlife. To request an amendment, the license holder shall submit the following information to the Department, as applicable:
1. To add or delete an agent, the information stated in subsections (K)(1) through (K)(4) and (L)(2), as applicable to the agent;
2. To add or delete a location, the information stated in subsection (K)(1) through (K)(5); and
3. To obtain authority to rehabilitate additional taxa or wildlife, the information stated in subsection (K)(1) through (K)(5) and (L)(1) through (L)(4).

O. A wildlife rehabilitation license holder authorized to rehabilitate wildlife species listed under subsection (C)(3)(c), (C)(4)(c) and (C)(4)(d) or (D) shall contact the Department within 24 hours of receiving the individual animal to obtain instructions in handling or transferring that animal. While awaiting instructions, the license holder shall ensure that emergency veterinary care is provided as necessary.

R. A wildlife rehabilitation license holder shall:
1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
2. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article.
3. Ensure each facility is inspected by the attending veterinarian at least once every year.
4. Capture, remove, transport, and release wildlife held under the requirements of this Section in a manner that is least likely to cause injury to the affected wildlife.
5. Conduct rehabilitation only at the location listed on the license
6. Be responsible for all expenses incurred, including veterinary expenses, and all actions taken under the license, including all actions or omissions of all agents and volunteers when performing activities under the license.
7. Immediately surrender wildlife held under the license to the Department upon request.
8. Dispose of all wildlife that is euthanized or that otherwise dies within 30 days of death either by burial, incineration, or transfer to a scientific research institution, except that the license holder shall transfer all carcasses of endangered or threatened species, species listed under the Department's Tier 1 Species of Greatest Conservation Need, or eagles as directed by the Department.
9. Maintain a current log that records the information specified under subsection (Z).
10. Possess the license or legible copy of the license at each authorized location and while conducting any rehabilitation activities and presents it for inspection upon the request of any Department employee or agent.
11. Ensure a copy of the wildlife rehabilitation license accompanies each transfer or shipment of wildlife.

S. A wildlife rehabilitation license holder shall not:
1. Display for educational purposes any wildlife held under the license.
2. Exhibit any wildlife held under the license.
3. Permanently possess any wildlife held under the license.

T. A wildlife rehabilitation license holder may possess:
1. All wildlife for no more than 90 days; or
2. A bird for no more than 180 days, unless the Department has authorized possession for a longer period of time.

U. A license holder may request permission to possess wildlife for a longer period of time than specified in subsection (T) by submitting a written request to the Department.
1. The Department shall approve or deny the request within ten days of receiving the request.
2. For requests made due to a medical necessity, the Department may require the license holder to provide a written statement listing the medical reasons for the extension, signed by a licensed veterinarian.
3. The license holder may continue to hold the specified wildlife while the Department considers the request.
4. If the request is denied, the Department shall send a written notice to the license holder which shall include specific, time-dated directions for the surrender or disposition of the animal.

V. A wildlife rehabilitation license holder may allow a licensed falconer to assist in conditioning a raptor in preparation for the raptor's release to the wild.
1. The license holder may allow the licensed falconer to temporarily remove the raptor from the license holder's facility while conditioning the raptor.
2. The license holder shall provide the licensed falconer with a written statement authorizing the falconer to assist the license holder.
3. The written statement shall identify the raptor by species, type of injury, and band number, when available.
4. The license holder shall ensure the licensed falconer returns the raptor to the license holder within the 180-day period established under subsection (T).

W. A wildlife rehabilitation license holder may hold wildlife under the license after the wildlife reaches a state of restored health only for the amount of time reasonably necessary to prepare the wildlife for release. Rehabilitated wildlife shall be released:
1. In an area without immediate threat to the wildlife or contact with humans;
2. During an ecologically appropriate time of year and time of day; and
3. Into a suitable habitat in the same geographic area where the animal was originally obtained; or
4. In an area designated by the Department.

X. Wildlife that is not releasable after the time-frames specified in subsection (T) shall be transferred, disposed of, or euthanized as determined by the Department.

Y. To permanently hold rehabilitated wildlife that is unsuitable for release, a wildlife rehabilitation license holder shall apply for and obtain a wildlife holding license in compliance with under R12-4-417.

Z. A wildlife rehabilitation license holder shall submit an annual report to the Department before January 31 of each year for the previous calendar year. The report form is furnished by the Department.
1. A report is required regardless of whether or not activities were performed during the previous year.
2. The wildlife rehabilitation license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
4. The annual report shall contain the following information:
   a. The license holder's:
      i. Name;
      ii. Mailing address; and
      iii. Telephone number;

b. Each agent's:
   i. Name;
   ii. Mailing address; and
   iii. Telephone number;
c. The permit or license number of any federal permits or licenses that relate to any rehabilitative function performed by the license holder; and
d. An itemized list of each animal held under the license during the calendar year for which activity is being reported. For each animal held by the license holder or agent, the itemization shall include:
   i. Species;
   ii. Condition that required rehabilitation;
   iii. Date of acquisition;
   iv. Source of acquisition;
   v. Location of acquisition;
   vi. Age class at acquisition, when reasonably determinable;
   vii. Status at disposition or end-of-year in relation to the condition requiring rehabilitation;
   viii. Method of disposition;
   ix. Location of disposition; and
   x. Date of disposition.
e. For activities related to federally-protected wildlife, a copy of the rehabilitator's federal permit report of activities related to federally-protected wildlife satisfies the reporting requirement established under subsection (Z)(4)(c) for federally protected wildlife.

AA. A wildlife rehabilitation license holder shall comply with the requirements established under R12-4-409, R12-4-428, and R12-4-430, as applicable.

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

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

B. A white amur stocking and holding license allows an individual to import, transport, stock, and possess triploid white amur (Ctenopharyngodon idella).

C. An applicant for a white amur stocking and holding license shall use a form available from any Department office. The applicant shall provide the following information on the form:
1. Name, address, telephone number, birthdate, physical description, and Department ID number (if applicable) of the applicant;
2. Whether the applicant will use the white amur for personal use or a commercial purpose. If the applicant is applying for the license for a commercial purpose, the applicant shall also provide the name, address, and telephone number of the applicant's business;
3. The purpose of stocking the wildlife:
   a. To control aquatic weeds that interfere with recreational, domestic, municipal, agricultural, or industrial use of water;
   b. To control aquatic weeds that impair water quality; or
   c. For sale from licensed fish farms.
4. A detailed description or diagram of the aquatic system where the applicant will hold the white amur, as required by A.R.S. § 17-317, and a description of how the system meets the definition of a "closed aquatic system" in subsection (A);
5. The name, address, and telephone number of the location where the white amur will be stocked, if applicable. Otherwise, the applicant shall provide the physical location of the stocking site, including township, range, and section. If the applicant applies to stock white amur in more than one location, the applicant shall submit a separate application for each location. The following qualify as separate locations:
   a. Each closed aquatic system;
   b. Each separately managed portion of a closed aquatic system; and
   c. Multiple separate closed aquatic systems owned, controlled, or legally held by the same applicant where stocking is to occur;
6. If the applicant will hold white amur at a business, the name, address, and telephone number of the business, and the title of the position held by the applicant;
7. A detailed description of how the applicant will meet the requirements of A.R.S. § 17-317;
8. The name, address, and telephone number of all white amur suppliers from whom the special license applicant will obtain white amur;
9. The number and size of white amur to be stocked;
10. The date white amur will be stocked, or dates if stocking will take more than one day; and
11. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information provided is true and correct to the applicant's knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.

D. The Department shall issue a white amur stocking and holding license as prescribed by R12-4-106. If the Department denies the application for a special license, the Department shall proceed as prescribed by R12-4-409(D). The Department has the authority to place additional stipulations on a white amur stocking license for additional reasons than those stated in R12-4-409(F) if the Department determines it is necessary to do so during the substantive review time-frame. If the Department determines during the substantive review time-frame that stocking white amur will take place in a watershed that contains wildlife listed in "Wildlife of Special Concern" as defined in R12-4-401, the Department has the authority to request that the applicant submit a typewritten, computer or word processor printed, or legibly handwritten proposal that addresses the biological consequences of introducing white amur. The

~~proposal shall include:~~

~~1. The purpose of introducing white amur;~~

~~2. Expected benefits of the introduction;~~

~~3. Possible negative impacts of the introduction;~~

~~4. An evaluation of the ecology and potential displacement of wildlife species listed in "Wildlife of Special Concern" identified by the Department;~~

~~5. An evaluation of disease potential; and~~

~~6. A method for evaluating the status of wildlife listed in "Wildlife of Special Concern" and the impact introducing white amur has had on that wildlife after white amur is introduced.~~

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

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

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

~~1. Name, address, telephone number, birthdate, physical description, and Department ID number of the license holder as it appears on the current license;~~

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

~~3. The purpose for restocking the white amur:~~

~~a. Control of aquatic weeds that interfere with recreational, domestic, municipal, agricultural or industrial use of water;~~

~~b. Control of aquatic weeds that impair water quality; or~~

~~c. For sale from licensed fish farms.~~

~~4. A detailed description or diagram of the aquatic system where the applicant will hold the white amur, and a description of how the facilities meet the definition of a "closed aquatic system";~~

~~5. If the applicant will hold white amur at a business, the name, address, and telephone number of the business, and the title of the position held by the applicant;~~

~~6. The name, address, and telephone number of all white amur suppliers from whom the special license applicant will obtain white amur;~~

~~7. The number and size of white amur to be stocked;~~

~~8. The date white amur will be stocked, or dates if stocking will take more than one day; and~~

~~9. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information provided is true and correct to their knowledge and that the applicant's have not had their live wildlife privileges revoked in this state or any other state since the current license was issued.~~

~~H. The Department shall not grant authorization for restocking white amur for more than 20 days. Authorization is valid only during the dates stipulated on the license.~~

~~I. A white amur stocking license holder who applies to renew the license shall pay fees as prescribed under R12-4-412.~~

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

A. For the purposes of this Section:

"Closed aquatic system" means any body of water, water system, canal system, or series of lakes, canals, or ponds where triploid white amur are prevented from entering or exiting the system by any natural or man-made barrier, as determined by the Department.

"Triploid" means a species having 1.5 chromosome sets that renders them sterile.

B. A white amur stocking and holding license allows a person to import, possess, stock in a closed aquatic system, and transport triploid white amur (Ctenopharyngodon idella).

C. The white amur stocking and holding license is valid for no more than 20 consecutive days.

D. In addition to the requirements established under this Section, a white amur stocking and holding license holder shall comply with the special license requirements established under R12-4-409.

E. The license holder shall be responsible for compliance with all applicable regulatory requirements; the white amur stocking and holding license does not:

1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or

2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.

F. The Department shall deny a white amur stocking and holding license to a person who fails to meet the requirements established under R12-4-409 or this Section. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10. In addition to the requirements and criteria established under R12-4-409(F)(1) through (4), the Department shall deny a white amur stocking license when it determines the issuance of the license may result in a negative impact on native wildlife.

G. A person applying for a white amur stocking and holding license shall submit an application to the Department. A separate application is required for each location where the applicant proposes to stock white amur. The application is furnished by the Department and is available from any Department office and online at www.azgfd.gov. The applicant shall provide the following information on the application:

1. The applicant's information:

a. Name;

b. Mailing address;

c. Telephone number; and;

d. Department ID number, when applicable;
2. If the applicant will use the wildlife for a commercial purpose, the applicant's business:
a. Name;
b. Federal Tax Identification Number;
c. Mailing address; and
d. Telephone number;
3. For each location where the white amur will be held, stocked, or restocked, the land owner's:
a. Name;
b. Mailing address;
c. Telephone number; and
d. Physical location description to include the Global Positioning System location or Universal Transverse Mercator coordinates;
e. For the purposes of this subsection, the following systems may qualify as separate locations, as determined by the Department:
i. Each closed aquatic system;
ii. Each separately managed portion of a closed aquatic system; or
iii. Multiple separate closed aquatic systems owned, controlled, or legally held by the same applicant where stocking is to occur;
4. A detailed description and diagram of each enclosed aquatic system where the applicant will stock and hold the white amur, as prescribed under A.R.S. § 17-317, which shall include the following information, as applicable:
a. A description of how the system meets the definition of a "closed aquatic system" in subsection (A);
b. Size of waterbody proposed for stocking;
c. Nearest river, stream, or other freshwater system;
d. Points where water enters into each water body;
e. Points where water leaves each water body; and
f. Location of fish containment barriers;
5. For each wildlife supplier from whom the applicant will obtain white amur, the supplier's:
a. Name;
b. Federal Tax Identification Number;
c. Mailing address; and
d. Telephone number;
6. The number and average length of white amur to be stocked;
7. The dates white amur will be stocked, or restocked;
8. Any other information required by the Department; and
9. The certification required under R12-4-409(C).

H. When the Department determines an applicant proposes to stock and hold white amur in a watershed in a manner that conflicts with the Department's efforts to conserve wildlife, in addition to the requirements listed under subsection (G), the applicant shall also submit a written proposal to the Department at the time of application. The written proposal shall contain all of the following:
1. Anticipated benefits from introducing white amur;
2. Potential risks introducing white amur may create for wildlife, including:
a. Whether white amur are compatible with native aquatic species or game fish; and
b. Method for evaluating the potential impact introducing white amur will have on wildlife;
3. Assessment of probable impacts to sensitive species in the area using the list generated by the Department's On-Line Environmental Review Tool, which is available at www.azgfd.gov. The proposal must address each species listed.

I. A white amur stocking license holder who applies to renew the license shall pay fees as prescribed under R12-4-412.

J. A white amur stocking and holding license holder shall comply with the requirements established under R12-4-409.
1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
2. Obtain all aquatic wildlife, live eggs, fertilized eggs, and milt from a licensed fish farm operator or a private noncommercial fish pond certified free of the diseases and causative agents through the following actions:
a. An inspection shall be performed by a qualified fish health inspector or fish pathologist at the fish farm or pond where the aquatic wildlife or biological material is held before it is shipped to the license holder.
b. The inspection shall be conducted no more than 12 months prior to the date on which the aquatic wildlife or biological material is shipped to the license holder. The Department may require additional inspections at any time prior to stocking.
c. The applicant shall submit a copy of the certification to the Department prior to conducting any stocking activities.
3. Allow the Department to conduct inspections of an applicant's or license holder's facility, records, and any waters proposed for stocking at any time before or during the license period to determine compliance with the requirements of this Article and to determine the appropriate number of white amur to be stocked.
4. Ensure all shipments of white amur are accompanied by a USFWS, or similar agent, certificate confirming the white amur are triploid.
5. Possess the license or legible copy of the license while conducting any activities authorized under the white amur stocking and holding license and presents it for inspection upon the request of any Department employee or agent.

K. A white amur stocking and holding license holder shall comply with the requirements established under R12-4-409 and R12-4-428.

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

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

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

~~B. An individual who possesses restricted live wildlife under this Section shall include the individual's name, address, and the location where the wildlife is held in the written notification or documentation required in subsection (A). The Department shall acknowledge receipt of notification in writing. Those individuals that maintain their own documentation under subsection (A)(3) shall make it available for inspection upon request of a designated Department employee.~~

~~C. An individual that possesses wildlife under this Section may dispose of it only by the following methods:~~
~~1. Exportation;~~
~~2. Within the state, to a holder of a special license, if that special license authorizes possession of the species involved;~~
~~3. Euthanasia; or~~
~~4. As otherwise directed in writing by the Department.~~

~~D. If an individual transfers restricted live wildlife possessed under this Section to a special license holder, the license holder shall use and possess the wildlife only as prescribed by that special license.~~

~~E. An individual who possesses wildlife under this Section shall dispose of any offspring of that wildlife by export, euthanasia, or as otherwise directed in writing by the Department.~~

~~F. An individual who possesses wildlife under this Section or its offspring shall not import the wildlife back into the state unless the individual obtains a special license.~~

~~G. An individual is not required to give notice of possession of a desert tortoise (Gopherus agassizii) under this Section. Possession of desert tortoises is prescribed under R12-4-404 and R12-4-407.~~

A. A person who lawfully possessed restricted live wildlife without a license or permit from the Department before the effective date of this Section or any subsequent amendments to R12-4-406, this Section, or this Article may continue to possess the wildlife and to use it for any purpose that was lawful, except propagation, before the effective date of R12-4-406, this Section, or this Article or any subsequent amendments, provided the person complies with the requirements established under subsections (A)(1) or (A)(2).
1. The person submits written notification to the Department's regional office in which the restricted live wildlife is held. The person shall submit the written notification to the regional office within 30 calendar days of the effective date of any subsequent amendments to this Section, R12-4-406, or this Article. The written notification shall include all of the following information:
a. The number of individuals of each species,
b. The purpose for which it is possessed, and
c. The unique identifier for each individual wildlife possessed by the person, as established under subsection (F); or
2. The person maintains documentation of the restricted live wildlife held. The documentation shall include:
a. The number of individuals of each species,
b. Proof the individuals were legally acquired before the effective date of the amendment causing the wildlife to be restricted,
c. The purpose for which it is used, and
d. The unique identifier for each wildlife possessed by the person, as established under subsection (F).
3. The person shall report the birth or hatching of any progeny conceived before and born after the effective date of this Section, R12-4-406, or this Article to the Department and comply with the requirements established under subsection (F).

B. The person shall ensure the written notification described under subsection (A)(1) and (A)(2) includes the person's name, address, and the location where the wildlife is held. A person who maintains their own documentation under subsection (A)(2) shall make it available to the Department upon request.

C. A person who possesses wildlife under this Section shall dispose of it using any one of the following methods:
1. Exportation;
2. Euthanasia;
3. Transfer to an Arizona special license holder, provided the special license authorizes possession of the species involved; or
4. As otherwise directed by the Department in writing.

D. If a person transfers restricted live wildlife possessed under this Section to a special license holder:
1. The exemption for that wildlife under this Section expires, and
2. The special license holder shall use, possess, and report the wildlife in compliance with this Article and any stipulations applicable to that special license.

E. A person who exports wildlife held under this Section shall not import the wildlife back into this state unless the person obtains a special license prior to importing the wildlife back into this state.

F. A person who possesses wildlife under this Section shall permanently and uniquely mark the wildlife with a unique identifier as follows:
1. Within 30 calendar days of the effective date of this Section, R12-4-406, or this Article if the person has notified the Department as provided under subsection (A)(1); or
2. Within 30 calendar days of receiving written notice from the Department directing the person to permanently mark the wildlife.

G. A person possessing a desert tortoise (*Gopherus agassizii*) is not subject to the requirements of this Section and shall comply with requirements established under R12-4-404 and R12-4-407.

R12-4-426. Possession of Nonhuman Primates

~~A. For the purposes of this Section, the following definitions apply:~~
~~1. "Primate" means a nonhuman animal in the order Primate not listed in R12-4-406(G)(4).~~
~~2. "Infant" means an animal weighing less than 50% of the weight of an adult as identified in "The Pictorial Guide to Living Primates," Pogonias Press 1996, and not including any later edition. This material is incorporated by reference and is available from all Department regional offices and from Pogonias Press, 1411 Shannock Rd., Charlestown, RI 02813-3278.~~

~~B.~~ A. ~~An individual shall not buy, sell, barter, gift, or import an infant primate in this state~~ A person is prohibited from possessing a nonhu-

man primate, unless authorized under a special license or lawful exemption.

~~C.~~**B.** ~~An individual~~ A person shall not import a ~~non-infant~~ nonhuman primate into this state unless:

1. ~~The individual ensures that~~ A person lawfully possessing a nonhuman primate shall ensure the primate is tested and reported to be free of any zoonotic disease~~, as defined in R12-4-401,~~ that poses a serious health risk as determined by the Department. Zoonotic diseases that pose a serious health risk include, but are not limited to:
   a. Tuberculosis;
   b. Simian Herpes B virus; ~~and~~
   c. Simian Immunodeficiency Virus;
   d. Simian T Lymphotropic Virus; and
   e. Gastrointestinal pathogens such as, but not limited to, Shigella, Salmonella, E. coli, and Giardia.
2. A qualified ~~individual~~ person, as determined by the Department, performs the test and provides the test results; and
3. The tests required ~~by~~ under subsection ~~(C)(1)~~ (B)(1) are ~~conducted~~:
   a. Conducted no more than 30 days before the person imports the nonhuman primate ~~is imported~~; and ~~the~~
   b. The person submits the results ~~are received by~~ to the Department ~~before import~~ prior to importation.

~~D.~~**C.** A ~~legal owner of a~~ person lawfully possessing the nonhuman primate shall contain the primate within the confines of the ~~legal owner's~~ person's private property or licensed facility.

D. A ~~legal owner of~~ person possessing a nonhuman primate may only transport the primate by way of a secure cage, crate, or carrier. A ~~legal owner of~~ person possessing a primate shall only transport the primate to the following locations:

1. To or from a licensed veterinarian; ~~or~~
2. Into or out of the state for lawful purposes~~, or within the state to complete a lawful sale~~.

E. A person lawfully possessing a nonhuman primate that ~~bites, scratches~~ bit, scratched, or otherwise ~~exposes~~ exposed a human to pathogenic organisms, as determined by the Department, shall ~~be~~ ensure the primate is examined and laboratory tested for the presence of pathogens as follows:

1. The Department ~~Director or the Director's designee~~ shall prescribe examinations and laboratory testing for the presence of pathogens.
2. The ~~owner of a primate that bites, scratches, or otherwise exposes a human to pathogenic organisms~~ person shall have the nonhuman primate examined by a state licensed veterinarian who shall perform any examinations or laboratory tests as directed by the Department.
   a. The licensed veterinarian shall provide the laboratory results to the ~~Director or the Director's designee~~ Department within 24 hours of receiving the results.
   b. The Department shall notify the exposed ~~individual~~ person and the Department of Health Services, Vector Borne and Zoonotic Disease Section within 10 days of receiving notice of the test results.
3. The ~~legal owner of~~ person possessing the nonhuman primate shall pay all costs associated with the examination, laboratory testing, and maintenance of the primate.

F. A person lawfully possessing a nonhuman primate shall ensure a primate that tests positive for a zoonotic disease that poses a serious health risk to humans, or is involved in more than one incident of biting, scratching, or otherwise exposing a human to pathogenic organisms, ~~shall be~~ is maintained in captivity or disposed of as directed in writing by the ~~Director or the Director's designee~~ Department.

G. A zoo license holder or a person using nonhuman primates at a research facility, as defined under R12-4-401, possessing a primate that bit, scratched, or otherwise exposed a human to pathogenic organisms shall quarantine and test the primate in accordance with procedures approved by the Department.

H. A person lawfully possessing a nonhuman primate is subject to the requirements established under R12-4-428.

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

A. ~~An individual~~ A person may possess, provide rehabilitative care to, and release to the wild any live wildlife listed below that is injured, orphaned, or otherwise debilitated:

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

B. This Section does not:

1. Exempt the person from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
2. Authorize the person to engage in authorized activities using federally-protected wildlife, unless the person possesses a valid license, permit, or other form of documentation issued by the United States that authorizes the license holder to use that wildlife in a manner consistent with the special license.

C. This Section does not authorize the possession of any of the following:

1. Eggs of wildlife;
2. Wildlife listed as Species of Greatest Conservation Need, as defined under R12-4-401; or
3. More than 25 animals at the same time.

~~B.~~**D.** ~~An individual~~ A person taking and caring for wildlife listed under this Section is not required to possess a hunting license ~~to take wildlife alive listed in subsection (A)~~.

E. ~~An individual~~ A person shall only take wildlife listed ~~in~~ under subsection (A) by hand or by a hand-held implement. ~~An individual shall not possess the following under the provisions of this Section:~~

~~1. Eggs of wildlife;~~
~~2. Wildlife listed as Wildlife of Special Concern, as defined in R12-4-401; or~~
~~3. More than 25 animals at the same time.~~

~~C.~~**F.** ~~An individual~~ A person shall not possess wildlife lawfully held under this Section for more than 60 days.

~~D.~~**G.** The exemptions granted ~~by~~ under this Section shall not apply to any ~~individual~~ person who, by ~~his or her~~ their own action, has unlawfully injured, ~~or~~ orphaned, or otherwise debilitated the wildlife.

~~E.~~**H.** If the wildlife is rehabilitated and suitable for release, the ~~individual~~ person who possesses the wildlife shall release it within the 60-day period ~~stated in~~ established under subsection (C) ~~into~~:
1. Into a habitat that is suitable to sustain the wildlife, or ~~as~~
2. As close as possible to the same geographic area from where it was taken.

I. If the wildlife is not rehabilitated within the 60-day period or ~~if~~ the wildlife requires care normally provided by a veterinarian, the ~~individual~~ person who possesses it shall:
1. Transfer it to a wildlife rehabilitation license holder or veterinarian;
2. ~~Humanely kill~~ Euthanize it; or
3. Obtain a wildlife holding permit as ~~prescribed by~~ established under R12-4-417.

~~F. This Section does not exempt an individual from the requirements of federal law.~~

R12-4-428. Captivity Standards

A. ~~An individual who holds a special license listed in R12-4-409(A) shall keep all wildlife held under the license in as humane a manner as the activities authorized by the license allow, to safeguard and protect the interests of the wildlife held. A special license holder subject to the provisions of this Section shall comply with the minimum standards for humane treatment prescribed by this Section.~~ For the purposes of this Section, "animal" means any wildlife ~~held~~ possessed under a special license, unless otherwise indicated.

B. A person possessing wildlife under a special license authorized under this Article shall comply with the minimum standards for the humane treatment of animals established under this Section.

~~B.~~**C.** A ~~special license holder~~ person possessing wildlife under an authority granted under this Article shall ensure ~~that~~ all facilities ~~required by the special license~~ meet the following minimum standards~~.~~:
1. ~~The facility shall be constructed of material and be of a strength appropriate for the nature of the animal held.~~ The facility shall be ~~properly braced and constructed~~:
   a. Constructed of material of sufficient strength to resist any force the animal may be capable of exerting against it. ~~The facility shall be constructed~~
   b. Constructed in ~~such~~ a manner ~~as~~ designed to reasonably prevent the animal's escape or the entry of unauthorized ~~individuals~~ persons, wildlife, or domestic animals. ~~The facility shall be structurally sound and shall be maintained.~~
   c. Constructed and maintained in good repair to protect ~~the~~ animals ~~that are held~~ from injury, disease, or death and to ~~facilitate~~ enable the humane practices ~~prescribed by~~ established under this Section.
2. If required to comply with related ~~provisions of~~ requirements established under this Section, ~~there shall be~~ each facility shall be equipped with safe, reliable and adequate electric power ~~to the facility~~.
   a. All electric wiring shall be constructed and maintained in accordance with all applicable governmental building codes.
   b. Electrical construction and maintenance shall be sufficient to ensure that no animal has direct contact with any electrical wiring or electrical apparatus and the animal is fully protected from any possibility of injury, shock, or electrocution ~~from electric conducting materials~~.
3. ~~Every~~ Each animal shall be supplied with sufficient potable water to meet its needs.
   a. All water receptacles shall be kept in clean and sanitary condition.
   b. Water shall be readily available and monitored at least once daily or more often when the needs of the animal dictate.
   c. If potable water is not accessible to the animal at all times, it shall be provided as often as necessary for the health and comfort of the animal~~, and the license holder shall ensure that the level of water is monitored once daily or more often as the needs of the animal dictate~~. ~~All water receptacles shall be kept in clean and sanitary condition.~~
4. Food shall be suitable, wholesome, palatable, ~~and~~ free from contamination, and of sufficient appeal, quantity, and nutritive value to maintain ~~in~~ the good health of each animal ~~that is~~ held in the facility.
   a. Each animal's diet shall be prepared based upon the nutritional needs and preferences of the animal with consideration for the animal's age, species, condition, health, size, ~~and type of the animal,~~ and all veterinary directions or recommendations in regard to diet. ~~The quantity of food supplied to each animal shall be sufficient to meet its needs and keep it in good health.~~
   b. Each animal shall be fed as often as its needs dictate, taking into consideration ~~hibernation~~ behavioral adaptations, veterinary treatment or ~~recommendation~~ recommendations, normal fasts, or other professionally accepted humane practices.
   c. The ~~license holder shall ensure that the~~ quantity or level of available food for each animal ~~is~~ shall be monitored at least once daily, except for those periods of time when professionally accepted humane practices dictate that the animal not consume any food during the entire day.
   d. Food and food receptacles, ~~if~~ when used, shall be sufficient in quantity and accessible to all animals in the facility and shall be placed to minimize potential contamination~~.~~ and conflict between animals using the receptacles.
   e. Food receptacles shall be kept clean and sanitary at all times.
   f. Any self-feeding food receptacles shall function properly and the food they provide shall be monitored at least once daily and shall not be subject to deterioration, contamination, molding, caking, or any other process that would render the food unsafe or unpalatable for the animal ~~to be fed~~. ~~Appropriate~~
   g. An appropriate means of refrigeration shall be provided for supplies of perishable animal foods.
5. The facility shall be kept sanitary and regularly cleaned as the nature of the animal requires ~~and allows.~~:
   a. Adequate provision shall be made for the removal and disposal of animal waste, food waste, unusable bedding materials, trash, debris and dead animals not intended for food.
   b. The facility shall be maintained to minimize the potential of vermin infestation, disease, and unseemly odors.
   c. Excreta shall be removed from the primary enclosure facility as often as necessary to prevent contamination ~~of the animals and to~~, minimize hazard of disease, and ~~to~~ reduce unseemly odors.
   d. The sanitary condition of the facility shall be monitored ~~by the licensee~~ at least once daily.
   e. When the facility is cleaned by hosing, flushing, or the introduction of any chemical substances, adequate measures shall be taken to ensure the animal has no direct contact with any chemical substance and is not directly sprayed with water, steam, or chemical substances or otherwise wetted involuntarily.

6. A sanitary and humane method shall be provided to rapidly eliminate excess water from the facility. If drains are utilized, they shall be ~~properly constructed and kept~~:
   a. Properly constructed.
   b. Kept in good repair to avoid foul odors ~~and installed~~ or vermin infestation.
   c. Installed ~~so as to prevent~~ in a manner that prevents the backup or accumulation of debris or sewage.
7. No animal shall be exposed to any human activity or environment that may have an inhumane or harmful effect upon the animal that is inconsistent with the purpose of the special license.
8. Facilities shall not be constructed or maintained in proximity to any physical condition which may ~~give rise to~~ pose any health threat or unnecessary stress to the animal ~~including, but not limited to, trash or garbage collection sites and/or pools of standing water. All individuals that care~~
9. Persons caring for the animals shall ~~maintain~~ conduct themselves in a ~~sufficiently clean condition when dealing in or around the animal so as to minimize any threat to~~ manner that prevents the spread of disease, minimizes stress, and does not threaten the health of the animal.

~~9.~~10. All animals housed in the same facility or within the same enclosed area shall be compatible and shall not pose a substantial threat to the health, life or well-being of any other animal in the same facility or enclosure, whether or not the other animals are held under a special license. This subsection shall not apply to live animals ~~placed~~ utilized as food items in the enclosures.

~~10.~~11. Facilities for the enclosure of animals shall be constructed and maintained to provide sufficient space to allow each animal adequate freedom of movement to make normal postural and social adjustments.
   a. The facility area shall be large enough and constructed in a manner to allow the animal proper and adequate exercise as is characteristic to each animal's natural behavior and physical ~~need~~ needs.
   b. Facilities for digging or burrowing animals shall have secure safe floors below materials supplied for digging or burrowing activity.
   c. Animals that naturally climb or perch shall be provided with safe and adequate climbing or perching apparatus.
   d. Animals that naturally live in an aquatic environment shall be supplied with sufficient access to safe water so as to meet their aquatic behavioral needs.
   e. The facility and holding environment shall be structured to reasonably promote the psychological well-being of any animal held in the facility.

~~11.~~12. A special license holder shall ensure that a sufficient number of properly trained personnel are utilized to meet all the humane husbandry practices ~~prescribed by~~ established under this Section. The license holder shall be responsible for the actions of all animal care personnel and all other ~~individuals~~ persons that come in contact with the animals.

~~12. The facility and holding environment shall be structured to reasonably promote the psychological well-being of any primate held under a special license.~~

13. ~~Except for wildlife hobby license holders that possess fewer than 50 birds and license holders that possess animals for less than one year, a~~ The special license holder shall designate a veterinarian licensed to practice in this state as the primary treating veterinarian for each ~~individual~~ species of animal to be held ~~under any special license issued~~.
   a. The license holder shall ensure that all animals in their care receive proper, adequate, and humane veterinary care as the needs of each animal dictate.
   b. Each animal held for more than one year ~~or more and each facility used~~ shall be inspected by the attending veterinarian at least once every year.
   c. Every animal shall promptly receive licensed veterinary care whenever it appears that the animal is ~~ill~~ injured, sick, wounded, diseased, infected by parasites, or behaving in a substantially abnormal manner, including but not limited to exhibiting loss of appetite or disinclination to normal physical activity.
   d. All medications, treatments and other directions prescribed by the attending veterinarian shall be properly administered by the ~~licensee~~ license holder, authorized agent, or volunteer. ~~No~~ A license holder, authorized agent, or volunteer shall not administer prescription medicine ~~or medical treatment shall be administered by any license holder~~, unless under the direction of a veterinarian.
14. Any animal that is suspected of or diagnosed as harboring any infectious or transmissible disease, whether or not the animal is held under a special license, shall be isolated immediately upon suspicion or diagnosis ~~from any animal to whom such disease could be transmitted~~.
   a. The isolated animal shall continue to be kept in a humane manner ~~and in a facility~~ as required ~~by~~ under this Section.
   b. When there is an animal with an infectious or transmissible disease in any animal facility, whether or not the animal is held under a special license, the facility shall be ~~reasonably~~ sanitized so as to reasonably eliminate the chance of other animals being exposed to infection. Sanitation procedures may include, but are not ~~necessarily be~~ limited to~~, the washing of~~:
      i. Washing facilities or animal-related materials with ~~hot water and~~ appropriate antibacterial chemical agents ~~and appropriate,~~ soaps or detergents; ~~the appropriate~~
      ii. Appropriate application of hot water or steam under pressure; and ~~the replacement~~
      iii. Replacement of gravel, dirt, sand, water, or food~~, or dirt~~. All residue of chemical agents utilized in the sanitation process shall be reasonably eliminated from the facility before any animal is returned to the facility.
   c. Parasites and ~~avian and mammalian pests~~ vermin shall be controlled and eliminated so as to ensure the continued health and well-being of all animals.

~~C.~~**D.** ~~A special license holder~~ In addition the standards established under subsection (C), a person shall ensure ~~that~~ all indoor facilities meet the following minimum standards ~~in addition to those set forth in subsection (B).~~:

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

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

~~D.~~**E.** ~~A special license holder~~ In addition the standards established under subsection (C), a person shall ensure that all outdoor facilities meet the following minimum standards ~~in addition to those set forth in subsection (B).~~:
1. ~~If sunlight is likely to cause~~ Sufficient shade to prevent the overheating or discomfort of any animal~~, sufficient shade by natural or artificial means~~ shall be provided ~~to allow all animals kept outdoors to humanely protect themselves from any harmful affects of direct sunlight~~.
2. Sufficient ~~natural or artificial~~ shelter appropriate to ~~humanely~~ protect animals from ~~normally expected local~~ normal climatic conditions ~~through~~ throughout the year ~~shall be provided for all animals to prevent any discomfort or harm to the animals. No animal shall be exposed to any climatic condition that is potentially harmful to the animal. Individual animals~~ Each animal shall be acclimated to outdoor climatic conditions before they are housed in any outdoor facility or otherwise exposed to the extremes of climate.

~~E.~~**F.** ~~If an animal must be handled, the special license holder that possesses it~~ A person who handles an animal shall ensure ~~that~~ the animal is handled in an expeditious and careful manner to ensure no unnecessary discomfort, behavioral stress, or physical harm to the animal.
   a. An animal ~~that is transported~~ shall be transported in ~~an~~ a secure, expeditious, careful, temperature appropriate, and humane ~~fashion~~ manner. ~~During periods of transport, an animal shall be made as humanely secure as reasonably possible. No~~ An animal shall not be transported in any manner that poses a substantial threat to the life, health, or behavioral well-being of the animal. ~~All facilities and services used to transport the animal shall provide for the basic humane needs of the animal during periods when the animal is held in a transportation facility, including but not necessarily limited to providing the animal with adequate food, water, sanitary conditions, and ventilation, and any medication as prescribed by the attending veterinarian. If any~~
   b. An animal ~~is~~ placed on public exhibit or educational display~~, such animal~~ shall be handled in a manner ~~minimizing~~ that minimizes the risk of harm to members of the public and to the animal~~: Minimization of risk shall include~~, which includes but ~~not necessarily be~~ is not limited to providing and maintaining a sufficient distance ~~existing~~ between the animal and the viewing public ~~to assure the safety of both the public and the animals~~.
   c. Any restraint used on ~~any~~ an animal shall ~~be humane in nature and not likely in either its design or use to~~ not cause physical harm or unnecessary discomfort ~~to the restrained animal except when discomfort is necessary to control the animal due to its size or strength~~.

~~F.~~**G.** The Department may impose additional requirements on facilities that hold animals ~~if it becomes necessary~~ to meet the needs of the particular animal and ~~to~~ ensure public health and safety. Any additional special license facility requirements shall be set forth in writing by the Department at the time the special license is issued. ~~Any additional requirements for housing facilities shall specify the reason necessitating the additional measures.~~

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

~~A. For the purposes of this Section, the following definitions apply:~~
   ~~1. "Native cervid" means any member of the deer family in the genus Alces, common name moose; the genus Odocoileus, common name white-tailed and mule deer; or the genus Cervus, common name red deer, wapiti, and elk; or the genus Rangifer, common name reindeer and caribou.~~
   ~~2. "Wildlife disease" means a disease that poses a health risk to wildlife in Arizona.~~
   ~~3. "Zoo" means any facility licensed by the Arizona Game and Fish Department under R12-4-420.~~

~~B.~~**A.** ~~Except~~ The Department shall not issue a new special license authorizing the possession of a live cervid, except as provided ~~in~~ under R12-4-418 and R12-4-420~~, upon the effective date of this Section, no new special licenses will be issued for live cervids~~.

~~C.~~**B.** ~~An individual, including any special license holder,~~ A person shall not import a live cervid into Arizona, except ~~as allowed in subsection (K)~~ a zoo license holder may import any live nonnative cervid for exhibit, educational display, or propagation provided the nonnative cervid is quarantined for 30 days upon arrival and is procured from a facility that meets all of the following requirements:
   1. The exporting facility has a disease surveillance program and no history of chronic wasting disease or other wildlife disease that pose a serious health risk to wildlife or humans and there is accompanying documentation from the facility certifying there is no history of disease at the facility;
   2. The nonnative cervid is accompanied by a health certificate, issued no more than 30 days prior to importation by a licensed veterinarian in the jurisdiction of origin; and
   3. The nonnative cervid is accompanied by evidence of lawful possession, as defined under R12-4-401.

~~D.~~**C.** ~~Except as allowed under subsection (L), an individual~~ A person shall not transport a live cervid within Arizona, except to:
1. Export the live cervid from Arizona for a lawful purpose;
2. Transport the live cervid to a facility for the purpose of slaughter, when the slaughter will take place within five days of the date of transport;
3. Transport the live cervid to or from a licensed veterinarian for medical care; ~~or~~
4. Transport the live cervid to a new holding facility owned by, or under the control of, the cervid owner, when all of the following apply:
   a. The current holding facility has been sold or closed;

b. Ownership, possession, custody, or control of the cervid will not be transferred to another ~~individual~~ person; and
c. The owner of the cervid has prior written approval from the ~~Director of the Arizona Game and Fish~~ Department; or

5. Transport the live nonnative cervid within Arizona for the purpose of procurement or propagation when all of the following apply:
a. The nonnative cervid is transported to or from a zoo licensed under R12-4-420;
b. The nonnative cervid is quarantined for 30 days upon arrival at its destination;
c. The nonnative cervid is procured from a facility that meets all of the requirements established under subsection (B)(1) though (B)(3).

~~E.~~**D.** ~~An individual~~ A person who lawfully possesses a live cervid ~~held in captivity on the effective date of this Section~~, except any cervid held under a private game farm~~, wildlife holding,~~ or zoo license, shall~~, within 30 days of the effective date of this Section, provide the Department with a written report that contains the following:~~
~~1. Name, address, and telephone number of the person possessing the live cervid;~~
~~2. Number, genus, and species of any live cervid held; and~~
~~3. Location where the live cervid is held~~ comply with the requirements established under R12-4-425.

~~F. An individual who lawfully possesses a live cervid held in captivity on the effective date of this Section, except any cervid held under a private game farm, wildlife holding, or zoo license, may continue to possess the live cervid and shall only dispose of the live cervid by the following methods:~~
~~1. Exportation,~~
~~2. Euthanasia, or~~
~~3. As otherwise directed by the Department.~~

E. A person shall comply with the requirements established under R12-4-305 when transporting a cervid carcass, or its parts, from a licensed private game farm.

~~G. An individual who lawfully possesses a live cervid under a private game farm, wildlife holding, or zoo license shall not move, or allow another to move, the cervid from the premises of the game farm, wildlife holding facility, or zoo except to:~~
~~1. Export the live cervid from Arizona for a lawful purpose,~~
~~2. Transport the live cervid to a facility for the purpose of slaughter, or~~
~~3. Transport the live cervid to or from a licensed veterinarian for medical care.~~

~~H.~~**F.** In addition to the recordkeeping requirements of R12-4-413~~, R12-4-417,~~ and R12-4-420, ~~an individual~~ a person who possesses a live ~~native~~ cervid under a private game farm~~, wildlife holding,~~ or zoo license ~~on the effective date of this Section, and subsequent to the effective date of this Section for progeny,~~ shall:
1. Permanently mark each live ~~native~~ cervid with either an individually identifiable microchip or tattoo within 30 days of ~~the effective date of this Section~~ acquisition or birth of the cervid;
~~2. Permanently mark the progeny of each live native cervid with either an individually identifiable microchip or tattoo;~~ and
~~3.~~2. ~~Within 30 days of the effective date of this Section, and annually by December 15, provide~~ Include in the annual report submitted to the Department ~~with a report listing~~ before January 31 of each year, the following for each ~~live~~ native cervid in the ~~licensee's~~ license holder's possession:
a. Name of the license holder,
b. License holder's mailing address ~~and~~,
c. License holder's telephone number,
~~c.~~d. Number and species of live ~~native~~ cervids held,
~~d.~~e. The microchip or tattoo number of each live native cervid held, ~~and~~
~~e.~~f. The disposition of all ~~native~~ cervids that were moved or ~~that~~ died ~~in the six months before the effective date of this Section or~~ during the current reporting period
h. Any other information required by the Department to ensure compliance with this Section.

~~I.~~**G.** The holder of a private game farm, ~~wildlife holding~~ scientific collecting, or zoo license shall ensure that the retropharyngeal lymph nodes or obex from the head of a ~~native~~ cervid over one year of age that dies while held under the special licenses ~~(except a native cervid that is slaughtered as allowed under this Section, R12-4-413, R12-4-417, and R12-4-420)~~ is collected by either a licensed veterinarian or the Department and submitted within 72 hours of the time of death to ~~the University of Arizona Veterinary Diagnostic Laboratory~~ an Animal and Plant Health Inspection Service certified veterinary diagnostic laboratory for chronic wasting disease analysis. A list of approved laboratories is available at any Department office and online at www.azgfd.gov or www.aphis.usda.gov. The ~~licensee~~ license holder shall ~~ensure that~~:
1. Ensure the shipment of the deceased animal's ~~head~~ tissues is made by a common, private, or contract carrier that utilizes a tracking number system to track the shipment. ~~The Arizona Game and Fish Department shall pay for the cost of the laboratory analysis. The holder of a private game farm, wildlife holding, or zoo license shall include~~
2. Include all of the following information with the shipment of the deceased animal's ~~head~~ tissues, the license holder's:
~~1.~~a. Name ~~of the license holder~~,
~~2.~~b. ~~License holder's~~ Mailing address, and
~~3.~~c. ~~License holder's telephone~~ Telephone number.
3. Designate, on the sample submission form, test results shall be sent to the Department within 10 days of completing the analysis. The sample submission form is furnished by the diagnostic laboratory providing the test.
4. Be responsible for all costs associated with the laboratory analysis.

~~J. If a zoonotic or wildlife disease, as determined by a person with relevant wildlife disease expertise, exists in any facility or on property holding cervids, and the zoonotic or wildlife disease poses an immediate threat to wildlife or humans, including those animals held under special license, the Arizona Game and Fish Department's Director shall order the immediate quarantine of all wildlife held at the facility or on the property. The Director may suspend the provisions of any applicable special license and order the humane disposition of any affected animal based on an assessment of the threat to public or wildlife health, safety, or welfare. An individual who possesses a cervid where an identified zoonotic or wildlife health risk exists shall, as ordered by the Director, quarantine the wildlife, test the wildlife for disease, submit a biological sample to the Department or its designee, and, if necessary, destroy and dispose of the wildlife as directed by the Department.~~

~~**K.** A holder of a zoo license may import any live cervid, except a native cervid, for exhibit, educational display, or propagation only if the cervid is quarantined for 30 days upon arrival, and the cervid is procured from a facility that complies with the following requirements:~~

~~1. The exporting facility has no history of chronic wasting disease or other diseases that pose a serious health risk to wildlife or humans, and there is accompanying documentation from the facility certifying that there is no history of disease at the facility;~~

~~2. The cervid is accompanied by a health certificate issued by a licensed veterinarian in the jurisdiction of origin, and the health certificate is issued within 30 days of import; and~~

~~3. The cervid is accompanied by evidence of lawful possession as defined in R12-4-401.~~

~~**L.** A holder of a zoo license may transport within Arizona any live cervid, except a native cervid, for the purpose of procurement or propagation only if the cervid is quarantined for 30 days upon arrival at its destination, and only if the cervid is procured from a facility that complies with the following requirements:~~

~~1. The originating facility has no history of chronic wasting disease or other diseases that pose a serious health risk to wildlife or humans, and there is accompanying documentation from the facility certifying that there is no history of disease at the facility;~~

~~2. The cervid is accompanied by a health certificate issued by a licensed veterinarian in the jurisdiction of origin, and the health certificate is issued within 30 days of transport; and~~

~~3. The cervid is accompanied by evidence of lawful possession as defined in R12-4-401.~~

~~**M.**~~**H.** ~~An individual~~ A person who possesses a cervid shall comply with all procedures for ~~tuberculosis~~:

1. Tuberculosis control and eradication for cervids as prescribed ~~in~~ under the ~~USDA~~ United States Department of Agriculture publication "Bovine Tuberculosis Eradication~~—~~: Uniform Methods and Rules~~,~~" USDA APHIS 91-45-011, ~~effective~~ revised January ~~22, 1999~~ 1, 2005, which is incorporated by reference in this Section. ~~This material is incorporated by reference in this Section but does not include any later amendments or editions. A copy is on file with the Secretary of State and is~~ available ~~from any Department office, or it may be ordered from the USDA APHIS Veterinary Services, Cattle Disease and Surveillance Staff, P. O. Box 96464, Washington D.C. 20090-6464.~~

~~**N.**~~2. ~~An individual who possesses a cervid shall comply with the procedures for the prevention~~ Prevention, control, and eradication of Brucellosis in cervids as prescribed ~~in~~ under the United States Department of Agriculture publication "Brucellosis in Cervidae: Uniform Methods and Rules" U.S.D.A. A.P.H.I.S. ~~91-45-12~~ 91-45-16, effective September 30, ~~1998, revised effective May 14, 1999~~ 2003.

3. ~~This~~ The incorporated material ~~is incorporated by reference in this Section but does not include any later amendments or editions. A copy is on file with the Secretary of State and~~ is available ~~from~~ at any Department office, online at www.aphis.usda.gov, or ~~it~~ may be ordered from the USDA APHIS Veterinary Services, Cattle Disease and Surveillance Staff, P. O. Box 96464, Washington D.C. 20090-6464.

4. The material incorporated by reference in this Section does not include any later amendments or editions.

~~**O.** An individual who possesses a cervid shall comply with the procedures for the prevention, control, and eradication of Brucellosis in cervids as prescribed in the United States Department of Agriculture publication "Brucellosis Eradication: Uniform Methods and Rules" U.S.D.A. A.P.H.I.S. 91-45-11, effective February 1, 1998. This material is incorporated by reference in this Section but does not include any later amendments or editions. A copy is on file with the Secretary of State and is available from any Department office, or it may be ordered from the USDA APHIS Veterinary Services, Cattle Disease and Surveillance Staff, P. O. Box 96464, Washington D.C. 20090-6464.~~

~~**P.**~~**I.** The Department has the authority to seize, ~~destroy~~ euthanize, and dispose of~~, at the owner's expense,~~ any cervid possessed in violation of this Section, at the owner's expense.

NOTICES OF FINAL EXEMPT RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Final Exempt Rulemaking.

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the final exempt rule should be addressed to the agency proposing them. Refer to Item #5 to contact the person charged with the rulemaking.

NOTICE OF FINAL EXEMPT RULEMAKING

TITLE 2. ADMINISTRATION

CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

[R15-167]

PREAMBLE

1. Article, Part or Sections Affected (as applicable) **Rulemaking Action**
R2-20-223 Amend

2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific) and the statute or session law authorizing the exemption:
Authorizing statute: A.R.S. § 16-940, et seq.
Implementing statute and statute authorizing the exemption: A.R.S. § 16-956(C).
The Citizens Clean Elections Commission is exempt from Executive Order 15-01 because it is not an agency whose head is appointed by the Governor and is, therefore, exempt.

3. The effective date of the rule and the agency's reason it selected the effective date:
July 21, 2011

4. A list of all notices published in the Register as specified in R9-1-409(A) that pertain to the record of the exempt rulemaking:
Not Applicable

5. The agency's contact person who can answer questions about the rulemaking:
Name: Thomas M. Collins, Executive Director
Address: Citizens Clean Elections Commission
1616 W. Adams St., Suite 110
Phoenix, AZ 85007
Telephone: (602) 364-3477
Fax: (602) 364-3487
E-mail: thomas.collins@azcleanelections.gov

6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered to include an explanation about the rulemaking:
R2-20-223. Notice of appealable agency action
The Commission adopted an amendment to clarify that the notice shall identify the statute or rule violated and the specific facts constituting the violation. The amendment stems from the Commission's review of the rules and adopted unanimously in an open meeting on July 21, 2011.
The Commission's rulemakings are exempt from Title 41, Ch. 6, Article 3, pursuant to A.R.S. § 16-956.

7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did 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:
Not applicable

8. A showing of good cause why the rule 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

9. The summary of the economic, small business, and consumer impact, if applicable:
Not applicable

10. A description of any changes between the proposed rulemaking, including any supplemental proposed rulemaking, and final rulemaking package, (if applicable):

The Commission adopted an amendment to clarify that the notice shall identify the statute or rule violated and the specific facts constituting the violation. The amendment stems from the Commission's review of the rules and adopted unanimously in an open meeting on July 21, 2011.

oThere were no Notices of Supplemental Proposed Rulemakings related to this Section.

11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments, if applicable:

The Commission solicits public comment throughout the rulemaking process.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules. When applicable, matters shall include, but not be limited to:

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

Not applicable

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

Not applicable

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:

Not applicable

13. A list of any incorporated by reference material and its location in the rules:

Not applicable

14. Whether this rule previously made, amended, repealed or renumbered as an emergency rule. If so, the agency shall state where the text changed between the emergency and the exempt rulemaking packages:

The rule was not previously made, amended, repealed, or renumbered as an emergency rule.

15. The full text of the rules follows:

TITLE 2. ADMINISTRATION

CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

ARTICLE 2. COMPLIANCE AND ENFORCEMENT PROCEDURES

Section
R2-20-223. Notice of appealable agency action

ARTICLE 2. COMPLIANCE AND ENFORCEMENT PROCEDURES

R2-20-223. Notice of Appealable Agency Action

If the Commission makes a probable cause finding pursuant to A.A.C. R2-20-215 or decides to initiate an enforcement proceeding pursuant to A.A.C. R2-20-217, the Assistant Attorney General (AAG) shall draft and serve notice of an appealable agency action pursuant to A.R.S. § 41-1092.03 and § 41-1092.04 on the respondent. The notice shall identify the following:

1. The statute or rule violated and specific facts constituting the violation;
2. No change
3. No change

GOVERNOR EXECUTIVE ORDERS

The Administrative Procedure Act (APA) requires the full-text publication of Governor Executive Orders.

With the exception of egregious errors, content (including spelling, grammar, and punctuation) of these orders has been reproduced as submitted.

In addition, the *Register* shall include each statement filed by the Governor in granting a commutation, pardon or reprieve, or stay or suspension of execution where a sentence of death is imposed.

EXECUTIVE ORDER 2015-01

Internal Review of Administrative Rules; Moratorium to Promote Job Creation and Customer-Service-Oriented Agencies

Editor's Note: This Executive Order is being reproduced in each issue of the Administrative Register until its expiration on December 31, 2015, as a notice to the public regarding state agencies' rulemaking activities.

[M15-02]

WHEREAS, Arizona has lost more jobs per capita than any other state and has yet to recover all of those jobs;

WHEREAS, burdensome regulations inhibit job growth and economic development;

WHEREAS, each agency of the State of Arizona should promote customer-service-oriented principles for the people that it serves;

WHEREAS, each State agency should undertake a critical and comprehensive review of its administrative rules and take action to reduce the regulatory burden, administrative delay, and legal uncertainty associated with government regulation;

WHEREAS, overly burdensome, antiquated, contradictory, redundant, and nonessential regulations should be repealed;

WHEREAS, Article 5, Section 4 of the Arizona Constitution and Title 41, Chapter 1, Article 1 of the Arizona Revised Statutes vests the executive power of the State of Arizona in the Governor;

NOW, THEREFORE, I, Douglas A. Ducey, by virtue of the authority vested in me by the Constitution and laws of the State of Arizona hereby declare the following:

1. A State agency, subject to this Order, shall not conduct any rulemaking except as permitted by this Order.
2. A State agency, subject to this Order, shall not conduct any rulemaking, whether informal or formal, without the prior written approval of the Office of the Governor. In seeking approval, a State agency shall address one or more of the following as justification for the rulemaking:
   a. To fulfill an objective related to job creation, economic development, or economic expansion in this State.
   b. To reduce or ameliorate a regulatory burden while achieving the same regulatory objective.
   c. To prevent a significant threat to the public health, peace or safety.
   d. To avoid violating a court order or federal law that would result in sanctions by a court or the federal government against an agency for failure to conduct the rulemaking action.
   e. To comply with a federal statutory or regulatory requirement if such compliance is related to a condition for the receipt of federal funds or participation in any federal program.
   f. To fulfill an obligation related to fees or any other action necessary to implement the State budget that is certified by the Governor's Office of Strategic Planning and Budgeting.
   g. To promulgate a rule or other item that is exempt from Title 41, Chapter 6, Arizona Revised Statues, pursuant to section 41-1005, Arizona Revised Statutes.
   h. To address matters pertaining to the control, mitigation or eradication of waste, fraud, or abuse within an agency or wasteful, fraudulent, or abusive activities perpetrated against an agency.
3. Paragraphs 1 and 2 apply to all State agencies, except for: (a) any State agency that is headed by a single elected State official, (b) the Corporation Commission, or (c) any State agency whose agency head is not appointed by the Governor. Those State agencies to which Paragraphs 1 and 2 do not apply are strongly encouraged to voluntarily comply with this Order in the context of their own rulemaking processes.
4. Pursuant to Article 5, Section 4 of the Arizona Constitution and Arizona Revised Statutes Section 41-101(A)(1), the State agencies identified in Paragraph 3 must provide the Office of the Governor with a written report for each proposed rule 30 days prior to engaging in any rulemaking proceeding and must also provide the Office of the

Governor with a written report within 15 days of any rulemaking. The reports required by this Paragraph shall explain, in detail, how the rulemaking advances the priorities and principles set forth in this Order.

5. No later than September 1, 2015, each State agency shall provide to the Office of the Governor an evaluation of their rules, with recommendations for which rules could be amended or repealed consistent with the priorities and principles set forth in this Order. The evaluation shall also include a summary of licensing time frames and describe how those time frames compare to real processing time, and whether or not they can be reduced. Additionally, each agency shall identify any existing licenses or permits in which a general permit could be used in lieu of an individual permit, pursuant to Arizona Revised Statutes Section 41-1037.
6. No later than July 1, 2015, each State agency shall provide to the Office of the Governor an update on divisions where electronic reporting and payment are not implemented and a suggested plan for how to implement this customer-service-oriented service.
7. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a State agency. For the purposes of this Order, "person," "rule" and "rulemaking" have the same meanings prescribed in Arizona Revised Statutes Section 41-1001.
8. This Executive Order expires on December 31, 2015.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Douglas A. Ducey
G O V E R N O R

DONE at the Capitol in Phoenix on this fifth day of January in the year Two Thousand and Fifteen and of the Independence of the United States of America the Two Hundred and Thirty-ninth.

ATTEST:
Michele Reagan
Secretary of State

COUNTY NOTICES ACCORDING TO A.R.S. § 49-112

This section of the *Arizona Administrative Register* contains County Notices (according to A.R.S. § 49-112).

Each county writes rules and regulations in its own unique style. Although these notices are published in the *Register*, they do not conform to the standards specified in the *Arizona Rulemaking Manual*. With the exception of minor formatting changes, County Notices (including subsection labeling, spelling, grammar, and punctuation) are reproduced as submitted.

PINAL COUNTY AIR QUALITY CONTROL DISTRICT

NOTICE OF FINAL RULEMAKING

PURSUANT TO A.R.S. §49-471.01 *et seq.*

[M15-289]

1. Preamble

A. The Pinal County Air Quality Control District (PCAQCD), an operating division of Pinal County, proposed that the Board of Supervisors (BOS) adopt or amend certain rules under authority of A.R.S. §§49-479, which respectively authorize the board to adopt rules to control air pollution.

Due to ongoing monitoring violations of the PM_{10} (Particulate Matter 10 microns and smaller) National Ambient Air Quality Standard (NAAQS) in Pinal County (under both stagnation and high wind conditions), in 2012 the Environmental Protection Agency (EPA) designated a large portion of Pinal County as a moderate PM_{10} nonattainment area (West Pinal PM_{10} Nonattainment Area – defined in 40 CFR §81.303). Subsequently as a Clean Air Act (CAA) requirement for nonattainment areas, The Arizona Department of Environmental Quality (ADEQ) in coordination with Pinal County Air Quality Control District (PCAQCD) developed base year and attainment year PM_{10} emissions inventories (EI) for the nonattainment area. The top three emissions sources in the 2008 base year PM_{10} inventory for the West Pinal PM_{10} Nonattainment area were windblown dust (53%), unpaved roads (32%) and construction (9%).

Windblown PM_{10} emissions are related to both activity and ground surface conditions (i.e. unstable ground surface conditions caused by activities impacted by windy conditions that result in PM_{10} emissions). There are a number of land use categories associated with windblown PM_{10} emissions, including open areas/vacant lands, unpaved roads and unpaved parking lots. The unpaved roads PM_{10} emissions associated with PM_{10} exceedances in the nonattainment area occur under both windblown and stagnation conditions. The adopted rules include standards (opacity, stabilization) which are designed to limit unpaved roads emissions under both windblown and stagnation conditions.

These adopted general fugitive dust rules include opacity and ground stabilization standards which limit PM_{10} emissions attributed to both stagnation and windy conditions for the aforementioned land use categories. In addition the adopted rules provide recordkeeping requirements that ensure verification by PCAQCD, ADEQ and EPA.

The Pinal County Board of Supervisors adopted the proposed additions and amendments listed in section B below at their October 28, 2015 meeting.

The adopted amended and new rules are identified below and include an amendment to §1-1-105 with the ultimate purpose of this rulemaking being the submittal of the adopted rules in Chapter 4, Article 1, as elements of the Arizona State Implementation Plan (SIP) as required under the Clean Air Act (CAA).

B. All of the adopted corresponding changes are discussed in subsection E. of this preamble, and include the following sections:

Section Affected	Rulemaking Action
§1-1-105. SIP List	Amend
§4-1-010. Adopted document(s)	Amend
§4-1-015. Exemptions	New
§4-1-020. Definitions	New
§4-1-030. Standards	New
§4-1-040. Recordkeeping	New
§4-1-045. Reporting Requirements	New
§4-1-050. Records Retention	New
§4-1-060. Violations	New

C. Those wishing further information regarding any aspect of this rulemaking may contact Scott DiBiase, Pinal County Air Quality, 31 North Pinal St., Building F, Florence, Arizona, 85132, 520-866-6929, scott.dibiase@pinalcountyaz.gov.

D. The rule making process consisted of the initial administrative rule development process, including the combined notice of proposed rulemaking and oral proceeding, a 30 day public comment period, and an oral proceeding before the Control Officer or his designee on September 28, 2015. Written comments were due prior to the close of the comment period, which was the close-of-business on the day of the oral proceeding. The final step in the rule adoption process was a hearing before the Board of Supervisors on October 28, 2015.

E. The adopted revisions include the following:

1. §1-1-105 – Addition of Chapter 4, Article 1 and its adoption date to Section 1-1-105 which is a list designating which rules (and their corresponding adoption dates) are to be presented to the Governor of Arizona for transmittal to the Administrator of the EPA with a request that they be included as elements in the Arizona SIP
2. Amendment of Chapter 4, Article 1, §010,
   - Amendment of the section titled "Adopted document(s)" by replacement of title with the new title "General Applicability". Removal of the original language which adopted ADEQ rules (Title 18, Chapter 2, Article 6) by reference and replacement with the purpose of the general fugitive dust rules, effective date and geographic scope of the rules.
3. Addition of new section (§4-1-015. Exemptions) which define the exemptions to the new general fugitive dust rules, including the following:
   - Vehicle test and development facilities and operations where dust is required to test and validate the design integrity, product quality and/or commercial acceptance of the product(s).
   - Emergency response activities that address a situation arising from a sudden and unforeseeable event beyond the control of the owner and/or operator, including acts of God.
   - Normal farm cultural practices with reference to the Arizona Revised Statutes that define what normal farm cultural practices are and the ADEQ rules that regulate them.
   - Dust generating operations (i.e. construction).
   - Establishment of initial landscapes without use of mechanized equipment, and playing on or maintaining a field used for non-motorized sports.
4. Addition of Chapter 4, Article 1, §020 (Definitions),
   - Sixteen definitions directly related to these rules.
5. Addition of Chapter 4, Article 1, §030 (Standards)
   - Subsection 1 – General requirements
     - A. The owner and/or operator of several land use categories (open areas/vacant lots, unpaved commercial lots, unpaved roads and paved public roadways) shall be

subject to the standards and/or requirements in the rule. Failure to do so is deemed a violation.

B. The owner and/or operator shall implement applicable control measures.

C. The control measures are implemented to meet the visible emissions and stabilization requirements along with compliance determinations for each applicable category.

D. Failure to implement control measures and/or failure to maintain stabilization requirements is deemed a violation of this rule.

- Subsection 2 – Open areas/vacant lots
  - A. Visible emissions and stabilization requirements – 20% opacity limit for fugitive dust emissions on the property.
  - B. When trespass takes place in open areas/vacant lots, the owner and/or operator shall install and maintain either no trespassing signs or physical barriers (i.e. curbs, fences, gates, etc.).
  - C. Surface stabilization requirement for open areas/vacant lots 1.0 acre or larger that have 0.5 acre or more of disturbed surface area with control measures listed.
  - D. Within thirty days following discovery of disturbed surface areas (0.5+ acre for open areas/vacant lots 1.0+ acre) in open areas/vacant lots, the owner and/or operator shall sign up to receive the Pinal County Dust Control Forecast. The owner and/operator shall ensure their respective open area/vacant lot is stabilized the day leading up to and day of high risk forecast.
  - E. Open areas/vacant lots stabilization and trackout requirements for vegetation removal.
  - F. Compliance determination.
- Subsection 3 – Unpaved lots
  - A. Visible emissions and stabilization requirements for unpaved lots (5,000+ ft^2 in size) including control measures.
  - B. Control measures shall be considered effectively implemented when the unpaved lot meets the opacity and stabilization requirements.
- Subsection 4 – Unpaved roads
  - A. Unpaved roads with Average Daily Traffic (ADT) greater than 150 are subject to the opacity (20%) and stabilization (silt loading or silt content) standards and need to implement one of the control measures (i.e. pave, dust suppressants, gravel)
  - B. Control measures are considered effectively implemented when:
    - i. One of the control measures is implemented on 15 miles per year of unpaved roads having ADT great than 150.
      - a. When the control measure is the application/maintenance of dust suppressants, it will only count towards the 15 miles per year requirement when,
        - i. Done on unpaved roads previously untreated, and
        - ii. Dust suppressant application/maintenance of unpaved road previously treated continues annually until the unpaved road is paved.
        - iii. For year 2019 and beyond, the mileage equivalency method for determining the number of miles of unpaved roads with ADT less than 150 that have control measures applied on them when compared to public unpaved roads with ADT greater than 150. The equivalency method is used to determine compliance with the 15 miles per year stabilization requirement of public unpaved roads with ADT great than 150 to those public unpaved roads that have ADT less than 150 and are treated by control measures.
- Subsection 5 – Paved public roadway
  - A. Trackout cleanup provisions for trackout that extends 50 feet or more.
    - i. Within 24 hours of discovery, remove the trackout with one of the control measures listed.
    - ii. During removal of trackout, do so in a manner that doesn't cause another source of fugitive dust.
    - iii. Trackout cleanup extension provision

B. Stabilization and trackout provisions for work done on unpaved shoulders adjacent to paved public roadways.

6. Addition of Chapter 4, Article 1, §040 (Recordkeeping)

Recordkeeping requirements for any person subject to the rules including records of control measure application, date(s) of application. Records should be provided within 48 hours of request by control officer. However records should be provided without delay if the control officer is at the location where the records are kept.

7. Addition of Chapter 4, Article 1, §050 (Records retention)

Two year records retention requirement.

8. Addition of Chapter 4, Article 1, §060 (Violations)

Violation provisions for these rules.

Violation exemptions include:

i. Wind conditions that cause fugitive dust to exceed the opacity standard – as long the control measures are implemented, applied and maintained and all dust contributing surface areas are stabilized.

ii. Emergency maintenance of flood control channels as long as at least one control measure is applied and maintained.

F. A reference to any study relevant to the rule that the agency reviewed and either relied on in its evaluation of or justification for the rule or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study (See contact information in subsection C above), all data underlying each study, and any analysis of each study and other supporting material:

Draft ADEQ document "Pinal PM_{10} Emission Inventories and Source Apportionment Modeling Results".

G. Economic, small business and consumer impact statement

Open areas/Vacant lots

There are currently no estimated costs to owners and/or operators of open areas/vacant lots that may be potentially affected by the adopted general fugitive dust rules. PCAQCD is in the process of assessing the extent of the ownership for parcels classified as open areas/vacant lots and the subset of them that exceed the adopted 1.0 acre or larger threshold. For those open areas/vacant lots that do reach the adopted 1 acre threshold, there may be some incremental costs associated with determining stability at their respective open area/vacant lot. Additionally, if there is evidence of trespass the owner and/or operator of the open area/vacant lot will be required to either install no trespassing signs or physical barriers. The size of the open area/vacant lot and control measure chosen by the owner and/or operator will determine the additional incremental costs potentially affecting them.

The adopted rules include new restrictions on owners and/or operators that choose to remove vegetation from their lots. The restrictions include applying a dust suppressant to the surface area disturbed prior to, during and after the weed abatement. The adopted rules include additional trackout requirements associated with weed abatement activities. All of these new adopted restrictions will add to the incremental costs associated with owners and/or operators of open area.

Unpaved Lots

Currently there are no estimated costs to potentially affected parties of unpaved lots by the adopted general fugitive dust rules. PCAQCD is in the process of assessing the extent of the parcels that have unpaved lots greater than the size threshold adopted (5,000 square feet). For those unpaved lots that do exceed the 5,000 square foot threshold, there may be some incremental costs associated with determining stability at their respective unpaved lot. If the stability of the unpaved lots needs to be addressed, there will be additional costs by the owner and/operator to stabilize by use of one of the following control measures (paving, applying dust suppressants, applying gravel or an alternative control measure).

Unpaved Roads

The regulated community in the adopted rules for unpaved public roads includes Pinal County, Casa Grande, Maricopa, Florence, Coolidge, Eloy and Queen Creek. The requirements in §4-1-030.4, in particular subsection

4.B.ii will add significant costs to the regulated communities. The application of control measures on 15 miles per year of unpaved roads are in addition to what's already in the 2016-2018 Transportation Improvement Program (TIP). The TIP is a five year plan of transportation projects for each entity that includes projects such as application of dust suppressants to unpaved roads, chip-seal and paving projects, etc. Therefore the requirement to apply control measures on an additional 15 miles per year of public unpaved roads has significant economic and fiscal impact to the regulated community. The approximate cost to chip-seal an average 28 foot wide unpaved road is $100,000 per mile. Assuming the 15 miles per year requirement in §4-1-030.4.B.ii were accomplished by chip sealing then the added economic impact to the regulated community would be approximately $1.5 million per year. The regulated community does have other control measures available including application of dust suppressants. However in order to be counted towards the 15 miles per year requirement, the regulated entity that does use dust suppressant will be required to do so on a public unpaved road not previously treated and continue application and maintenance of the dust suppressant on that particular road until it is eventually paved.

Paved Public Roadways

The trackout requirements in the adopted rules (§4-1-030.5) will create incremental costs to the regulated entities. However current business practice by most of the regulated community is to address cleanup of trackout by conducting street sweeping on the offending portion of the paved road. Several of the street sweepers in the West Pinal PM_{10} nonattainment area are PM_{10} efficient street sweepers. The PM_{10} efficient street sweepers are typically purchased through the Congestion Mitigation and Air Quality (CMAQ) process which includes a requirement for the local agency to match a certain percentage of the cost of the street sweeper. In this case the local match requirement for CMAQ funding is 5.7% which is approximate $13,500 per PM_{10} efficient street sweeper. In addition, labor costs associated with each street sweeper for maintenance and operation is ongoing.

The adopted rules also include stabilization requirements for work done on unpaved shoulders. The stabilization requirements (application of dust suppressant(s) to the total surface area subject to the disturbance in sufficient quantity and frequency) associated with any work done on unpaved shoulders will also add incremental costs to the regulated universe. There is also a trackout provision attributed to the treatment of unpaved shoulders which will require the application of a dust suppressant but also potentially the use of a PM_{10} efficient street sweeper.

Pinal County

The estimated costs for PCAQCD are those that accrue from development, implementation and enforcement of the new standards. PCAQCD has an ongoing internal assessment of the costs associated with implementation and enforcement of its permitting, administration and field services activities associated with dust (construction fugitive dust and general fugitive dust) and open burning. Future rulemaking proposals will include estimates on the costs associated with these various programs and if needed, any proposed changes to associated dust and open burning permit fees.

H. The adopted changes will take effect January 1, 2016.

I. Compliance with the Fee-limitations of A.R.S. §49-112 (A) or (B).

Based on information and belief, the Director of the Pinal County Air Quality Control District affirms the following:

Initially, the total of the fees and other charges currently assessed in connection with the administration of the County's air quality program do not now equal the cost of program administration. To the extent that both the County and ADEQ impose parallel fees, the County's fees are capped by rule at ADEQ's rates, which implicitly affirms that the County's fees are reasonable. To the extent the County's program affects certain sources that ADEQ either does not regulate or does not charge, these adopted changes do not impose any additional fees on those sources at this time.

J. Persons may obtain a full copy of the adopted rules or existing rules at:

Pinal County Air Quality Control District
31 North Pinal St., Building F.
P.O. Box 987

Florence, AZ. 85132
http://www.pinalcountyaz.gov/AirQuality/Pages/home.aspx

K. A list of all previous notices appearing in the Register addressing the adopted rules:
Notice of Rulemaking Docket Opening: 21 A.A.R. 35, 1730, August 28, 2015.
Combined Notice of Proposed Rulemaking and Notice of Oral Proceeding: 21 A.A.R. 35, 1731, August, 28, 2015

2. The full text of the adopted changes follows:

1-1-105. SIP list

A. As a declaration of Board policy rather than a rule, and subject to the limitations of paragraphs B. and C. of this section, the Board of Supervisors expressly designates the following list of sections within this Code, to be presented to the Governor of Arizona for transmittal to the Administrator of the EPA with a request that they be included as elements in the Arizona SIP:

1. Chapter 1
   a. Article 1.(As amended 5/14/97 and 5/27/98), except for §§1-1-105 and 1-1-107.
   b. Article 2 (As amended 5/14/97 and 7/12/00) except for §1-2-110.
   c. Article 3. (As amended 5/14/97, 5/27/98 and 10/27/04, 07/23/14, except for §1-3-130 and the definition in §1-3-140.82 (10/12/95) of "maximum achievable control technology.")
2. Chapter 2
   a. Article 1. (As amended 10/12/95).
   b. Article 2. (As amended 5/14/97).
   c. Article 3. (As amended 10/12/95).
   d. Article 4. (As amended 10/12/95).
   e. Article 5. (As amended 10/12/95).
   f. Article 6. (As amended 10/12/95).
   g. Article 7. (As amended 10/12/95).
   h. Article 8. (As amended 5/18/05, as amended 1/7/09).
3. Chapter 3
   a. Article 1. (As amended 5/14/97, and 5/27/98 and 7/12/00), excluding:
      i. §3-1-020
      ii. §3-1-045
      iii. §3-1-080
      iv. §3-1-100
   b. Article 2. (As amended 10/12/95, 5/27/98 and 7/29/98).
   c. Article 3. (As amended 10/12/95, 5/27/15).
   d. Article 8. (As amended 10/12/95 and 10/27/04).
4. Chapter 4
   a. Article 1. (As amended 2/22/95, 10/28/15).
   b. Article 2. (As amended 5/14/97, 7/12/00, 12/4/02 and 10/27/04).
   c. Reserved.
   d. Article 4 (As amended 6/3/09).
   e. Article 5 (As amended 6/3/09).
   f. Reserved.
   g. Article 7 (As amended 6/3/09)
   h. Reserved.
   i. Article 9, limited to:
      i. §4-9-320 (As amended 6/3/09)
      ii.§4-9-340 (As amended 6/3/09)

B. Notwithstanding the approval as elements of the SIP of those provisions of the Code identified in paragraph A of this section, those provisions, save §3-1-084 which shall be expressly exempted from the limitation of this paragraph, shall operate as elements of the SIP only insofar as they pertain to:

1. "construction," as defined in Nov. '93 Code §1-3-140.28; or
2. "modification," as defined in Nov. '93 Code §1-3-140.85; and

C. Notwithstanding the approval as elements of the SIP of those provisions of the Code identified in paragraph A of this section, neither those provisions nor any permit conditions imposed pursuant to those provisions shall:
1. Operate as elements of the SIP insofar as they pertain to other than "conventional pollutants," as defined in §1-3-140.33;
2. Operate as elements of the SIP insofar as they pertain only to a requirement arising under, or pertain to a source subject to regulation exclusively by virtue of a requirement arising under:
   a. §111 of the Clean Air Act; or
   b. Title IV of the 1990 amendments to the Clean Air Act; or
   c. Title VI of the 1990 amendments to the Clean Air Act; or
   d. Any section of this Code that is not a part of the SIP;
3. Operate as an element of the SIP, at least insofar as they impose a "fee";
4. Operate as an element of the SIP, at least insofar as they require a "certification";
5. Operate as an element of the SIP, at least insofar as they impose obligations pertaining to "renewals";
6. Operate as an element of the SIP, at least insofar as they impose requirements regarding "excess emissions"; or
7. Operate as an element of the SIP, at least insofar as they impose requirements regarding "compliance plans."

D. As a renumbering and reconciliation of previously approved SIP provisions as elements of this Code, the Board of Supervisors additionally designates the following list of sections within this Code, to be presented to the Governor of Arizona for transmittal to the Administrator of the EPA with a request that they be included as elements in the Arizona SIP without operational limitation:
1. §§1-1-010.C (2/22/95) and 1-1-010.D (2/22/95) *Declaration of Policy*
2. Chapter 2, Article 8 (As amended 1/7/09) *Visibility Limiting Standard*
3. Chapter 3, Article 8 (2/22/95) *Open Burning*
4. [Reserved]
5. [Reserved]
6. [Reserved]
7. [Reserved]
8. [Reserved]
9. [Reserved]
10. [Reserved]
11. [Reserved]
12. §5-18-740 (2/22/95) *Storage of Organic Compounds - Organic Compound Emissions*
13. §5-19-800 (2/22/95) *Loading of Volatile Organic Compounds - Organic Compound Emissions*
14. §5-21-920 (2/22/95) *Fossil Fuel Fired Industrial and Commercial Equipment Standard Applicability*
15. §5-21-930 (2/22/95 and 7/12/00) *Fossil Fuel Fired Industrial and Commercial Equipment Particulate Emission Standard*
16. §5-22-950 (2/22/95) *Fossil Fuel Fired Steam Generator Standard Applicability*
17. §5-22-960 (2/22/95) *Fossil Fuel Fired Steam Generator Sulfur Dioxide Emission Limitation*
18. §5-24-1030.F (2/22/95) *Generally Applicable Federally Enforceable Minimum Standard of Performance - Organic Compound Emissions*
19. §5-24-1030.I (2/22/95) *Generally Applicable Federally Enforceable Minimum Standard of Performance - Carbon Monoxide*
20. §5-24-1032 (2/22/95) *Federally Enforceable Minimum Standard of Performance - Process Particulate Emissions*
21. §5-24-1040 (2/22/95) *Carbon Monoxide Emissions - Industrial Processes*
22. §5-24-1045 (2/22/95) *Sulfite Pulp Mills - Sulfur Compound Emissions*
23. §5-24-1050 (2/22/95, as amended June 20, 1996) *Reduced Sulfur Emissions - Default Limitation*
24. §5-24-1055 (2/22/95) *Pumps and Compressors - Organic Compound Emissions*

ARTICLE 1. ~~ADOPTED DOCUMENTS~~

WEST PINAL PM10 MODERATE NONATTAINMENT AREA FUGITIVE DUST

4-1-010. ~~Adopted document(s)~~ General Applicability

~~A.A.C. , Title 18, Chapter 2, Article 6 is hereby adopted by reference and made a part of this Code.~~

1. The purpose of this Article is to control fugitive dust from open areas /vacant lots, unpaved roads, unpaved lots and paved public roadways by requiring measures to prevent, reduce or mitigate fugitive dust emissions.
2. Effective Date
   The rules in this Article will become effective on January 1, 2016.
3. Geographic Scope
   The rules in this Article shall be effective throughout the West Pinal County PM_{10} Moderate Nonattainment area as defined in 40 CFR Part 81.303.

4-1-015. Exemptions

1. In the case of legitimate vehicle test and development facilities and operations conducted by or for an equipment manufacturer, where dust is required to test and validate the design integrity, product quality and/or commercial acceptance, those specific activities shall be exempt from the applicable standards and requirements in this Article.
2. The standards and requirements of this Article shall not apply to emergency response activities that may disturb the soil conducted by any utility or government agency in order to prevent public injury or to restore critical utilities to functional status. For purposes of this subsection, an emergency response must address a situation arising from a sudden and unforeseeable event beyond the control of the owner and/or operator, including acts of God. Activities by an owner and/or operator to address a disturbance resulting from improperly designed equipment, lack of preventative maintenance, careless or improper operation or operator error shall not qualify as an emergency response.
3. The standards and requirements of this Article shall not apply to normal farm cultural practices according to A.R.S. §49-457 and A.R.S. §49-504.4 which are subject to Arizona Department of Environmental Quality (ADEQ) rules R18-2-610, R18-2-610.01, R18-2-611 and R18-2-611.01.
4. The standards and requirements of this Article shall not apply to dust generating operations subject to the standards and/or requirements described in Chapter 4, Article 3.
5. The standards and requirements of this Article shall not apply to the establishment of initial landscapes without the use of mechanized equipment, conducting landscape maintenance without the use of mechanized equipment, and playing on or maintaining a field used for non-motorized sports. However, establishing initial landscapes without the use of mechanized equipment and conducting landscape maintenance without the use of mechanized equipment shall not include grading, or trenching, performed to establish initial landscapes or to redesign existing landscapes.

4-1-020. Definitions

For the purpose of this Article, the following definitions shall apply:

1. ADT (Average Daily Trips) – As used in this Article, means the average number of vehicles that cross a given point surface during a specific 24-hour period as determined by the most recent Institute of Transportation Engineers trip generation manual, tube counts, or observations.
2. CONTROL MEASURES – as used in this Article means, a preemptive or concurrent technique used to minimize the generation, emission, entrainment, suspension, and/or airborne transport of fugitive dust in order to comply with applicable standards.
3. DISTURBED SURFACE AREA – As used in this Article, means any portion of the earth's surface that has been physically moved, uncovered, destabilized, or otherwise modified from its undisturbed natural condition.
4. DUST SUPPRESSANT – As used in this Article, means water, hygroscopic material, solution of water and chemical surfactant foam, non-toxic chemical stabilizer or any other dust palliative, which is not prohibited by the U. S. Environmental Protection Agency (EPA) or the Arizona Department of Environmental Quality (ADEQ), or any applicable law, rule, or regulation, as a treatment material for reducing fugitive dust emissions.
5. EMERGENCY – as used in this Article means a situation arising from sudden and reasonably unforeseeable events beyond the control of the owner and/or operator, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the associated activities to exceed a limitation in this rule, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include any noncompliance due to improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

6. FUGITIVE DUST – As used in this Article, means the regulated particulate matter, which is not collected by a capture system, which is entrained in the ambient air, and which is caused from human and/or natural activities, such as but not limited to, movement of soils, vehicles, equipment, blasting, and wind. For the purpose of this rule, fugitive dust does not include particulate matter emitted directly from the exhaust of motor vehicles and other internal combustion engines, from portable brazing, soldering, or welding equipment, and from piledrivers.
7. MOTOR VEHICLE – As used in this Article, means a self-propelled vehicle for use on the public roads and highways of the State of Arizona and required to be registered under the Arizona State Uniform motor vehicle Act, including any non-motorized attachments, such as but not limited to, trailers and other conveyances which are connected to or propelled by the actual motorized portion of the vehicle.
8. OPEN AREAS/VACANT LOTS – As used in this Article, means any of the following described in Subsections a through c below. For the purposes of this rule, vacant portions of residential or commercial lots and contiguous parcels that are immediately adjacent to and owned and/or operated by the same individual or entity are considered one open area.
   a. An unsubdivided or undeveloped land whether or not it is adjoining a developed or a partially developed residential, industrial, institutional, governmental, or commercial area.
   b. A subdivided residential, industrial, institutional, governmental, or commercial lot that contains no approved or permitted buildings or structures of a temporary or permanent nature.
   c. A partially developed residential, industrial, institutional, governmental, or commercial lot and contiguous lots under common ownership.
9. OWNER AND/OR OPERATOR – As used in this Article, means any person including, but not limited to, the property owner, lessee or responsible official.
10. PAVE – As used in this Article, to apply and maintain asphalt, concrete, or other similar material to a roadway surface, such as asphaltic concrete, concrete pavement, chip seal, or rubberized asphalt.
11. PAVED PUBLIC ROADWAY – As used in this Article, means a publicly owned paved roadway, owned by federal, state, county, municipal, or other government or quasi-governmental agencies as evidenced by a formal acceptance by the state or a political subdivision of the state of either:
    a. An on-going maintenance obligation for the roadway; or
    b. A title or easement for the roadway.
12. PINAL COUNTY DUST CONTROL FORECAST as used in this Article, means a forecast, which shall identify a low, moderate or high risk of dust generation for the next five consecutive days and shall be issued by noon on each day the forecast is generated. When developing these forecasts, the Department of Environmental Quality shall consider all of the following:
    a. Projected meteorological conditions, including:
       i) Wind speed and direction,
       ii) Stagnation,
       iii) Recent precipitation, and
       iv) Potential for precipitation;
    b. Existing concentrations of air pollution at the time of the forecast; and
    c. Historic air pollution concentrations that have been observed during meteorological conditions similar to those that are predicted to occur in the forecast.
13. STABILIZED – As used in this Article, means any previously disturbed surface area which, through the application of control measures, shows visual or other evidence of surface crusting and is resistant to wind-driven fugitive dust.
14. TRACKOUT – As used in this Article, any and all bulk materials that adhere to and agglomerate on the exterior surface of motor vehicles, haul trucks, and/or equipment (including tires) and that have fallen onto a paved roadway.
15. UNPAVED LOT – as used in this Article, is any area that is not paved and that is used for parking, maneuvering, material handling, or storing motor vehicles and equipment. An unpaved lot includes, but is not limited to, automobile impound yards, wrecking yards, automobile dismantling yards, salvage yards, material handling yards, and

storage yards. For the purpose of this rule, maneuvering shall not include military maneuvers or exercises conducted on federal facilities.

16. UNPAVED ROAD - as used in this Article, means any roads, equipment paths, or travel ways that are not paved. Unpaved roads are owned only by federal, state, county, municipal, or other governmental or quasi-governmental agencies. For the purposes of this Article, an unpaved road is not an agricultural road, horse trail, hiking path, bicycle path, or other similar path used exclusively for purposes other than travel by motor vehicles.

4-1-030. Standards

1. GENERAL REQUIREMENTS

A. The owner and/or operator of open areas/vacant lots, unpaved lots, unpaved roads and paved public roadways shall be subject to the standards and/or requirements described in this rule. Failure to comply with any such standards and/or requirements is deemed a violation of this rule.

B. The owner and/or operator shall implement applicable control measures.

C. Control measures shall be implemented to meet the visible emissions requirements, stabilization requirements and compliance determinations for each applicable category.

D. Failure to implement control measures as required by this rule, as applicable and/or failure to maintain stabilization in order to prevent wind erosion as measured by the requirements of this rule shall be deemed a violation of this rule.

2. OPEN AREAS/VACANT LOTS

A. **Visible Emissions and Stabilization Requirements:** The owner and/or operator of open areas/vacant lots shall not cause, suffer, allow, or permit fugitive dust emissions which result in opacity of the dust to exceed twenty percent (20%) as measured using an opacity method, as determined by the applicable test method in §4-9-340 or an equivalent test method approved in writing by the Control Officer and the EPA Administrator.

B. Upon evidence of trespass in open areas/vacant lots, an owner and/or operator shall install and maintain one of the following:

i. No trespassing signs

ii. Physical barriers such as curbs, fences, gates, posts, shrubs, trees, or other effective control measures to effectively prevent access to the open areas/vacant lots.

C. Owners and/or operators of open areas/vacant lots 1.0 acre (43,560 square feet) or larger and have a cumulative of 0.5 acre (21,780 square feet) or more disturbed surface area shall implement at least one control measure described below on the disturbed surface area in order to stabilize:

i. Apply and maintain water or dust suppressants; or

ii. Establish vegetation; or

iii. Install and maintain pavement; or

iv. Apply and maintain gravel uniformly; or

v. Apply and maintain chemical/organic stabilizers/suppressants; or

vi. Apply and maintain an alternative control measure approved in writing by the Control Officer and the EPA Administrator.

D. For open areas/vacant lots 1.0 acre (43,560 square feet) or larger and have a cumulative of 0.5 acre (21,780 square feet) or more disturbed surface area, within 30 calendar days following the initial discovery of the disturbed surface area on the open areas/vacant lots, the owner and/or operator shall sign up to receive the Pinal County dust control forecast. The owner and/or operator shall ensure the open areas/vacant lots is stabilized the day leading up to and the day that is forecast to be high risk for dust emissions, as noticed by the Pinal County dust control forecast.

E. No person shall remove vegetation from any open areas/vacant lots by blading, disking, plowing under or any other means without implementing all of the following control measures to prevent or minimize fugitive dust.

i. Apply a dust suppressant(s) to the total surface area subject to the disturbance immediately prior to or during the weed abatement.

ii. Prevent or eliminate material trackout onto paved surfaces and access points adjoining paved surfaces through one of the control measures in 4-1-030.5.A.i.

iii. Apply a dust suppressant(s), gravel, compaction or an alternative control measure immediately following weed abatement to the entire disturbed surface area such that the surface is stabilized.

F. Compliance with the stabilization requirement in paragraphs C, D and E shall be determined by one of the following:

i. Observation of a visible crust as determined by the drop ball test in Article 9 (§4-9-320.B.1); or

ii. A Threshold Friction Velocity (TFV), corrected for non-erodible elements, of 100 cm/second or higher as determined by the test method in Article 9 (§4-9-320.B.2); or

iii. Flat vegetation cover equal to at least 50 percent as determined by the test method in Article 9 (§4-9-320.B.3); or

iv. Standing vegetation cover equal to or greater than 30 percent as determined by the test method in Article 9 (§4-9-320.B.4); or

v. Standing vegetation cover equal to or greater than 10 percent as determined by the test method in Article 9 (§4-9-320.B.4) where threshold friction velocity, corrected for non-erodible elements, is equal to or greater than 43 cm/second.

3. UNPAVED LOTS

A. The owner and/or operator of an unpaved lot greater than 5,000 square feet in size shall be subject to the requirements described in 4-1-030.3.A.i and shall comply with at least one of the control measures described in 4-1-030.3.A.ii:

i. **Visible Emissions Requirements and Stabilization Requirements:** The owner and/or operator of an unpaved lot shall not cause or allow visible fugitive dust emissions to exceed 20% opacity as measured using an opacity method, as determined by the applicable test method in §4-9-340 or an equivalent test method approved in writing by the Control Officer and the EPA Administrator, and shall not allow silt loading equal to or greater than 0.33 oz/ft^2 as determined by the applicable test method in §4-9-320.A.1. However, if silt loading is equal to or greater than 0.33 oz/ft^2, then the owner and/or operator shall not allow the silt content to exceed 8%;

ii. **CONTROL MEASURES**:

a. Pave; or

b. Apply dust suppressant in sufficient quantity and frequency to maintain a stabilized surface; or

c. Apply and maintain surface gravel uniformly such that the surface is stabilized; or

d. Apply and maintain an alternative control measure approved in writing by the Control Officer and the EPA Administrator.

B. Control measure(s) in 4-1-030.3.A.ii shall be considered effectively implemented when the unpaved lot meets the requirements of 4-1-030.3.A.i.

4. UNPAVED ROADS

A. The owner and/or operator of unpaved roads with average daily trips (ADT) greater than 150 (A traffic count shall measure motor vehicle traffic over a 48-hour period, which may consist of two non-consecutive 24-hour periods. Motor vehicle traffic shall be measured continuously during each 24-hour period.) shall be subject to the requirements described in 4-1-030.4.A.i and shall comply with one of the control measures described in 4-1-030.4.A.ii:

i. **Visible Emissions Requirements and Stabilization Requirements:** The owner and/or operator of unpaved roads shall not cause or allow visible fugitive dust emissions to exceed 20% opacity as measured using an opacity method, as determined by the applicable test method in §4-9-340 or an equivalent test method approved in writing by the Control Officer and the EPA Administrator and shall not allow silt loading equal to or greater than 0.33 oz/ft^2 as determined by the applicable test method in §4-9-320.A.1. However, if silt loading is equal to or greater than 0.33 oz/ft^2, then the owner and/or operator shall not allow the silt content to exceed 6%;

ii. **CONTROL MEASURES**:

a. Pave; or

b. Apply and maintain dust suppressants other than water; or

c. Uniformly apply and maintain surface gravel

B. Control measure(s) in 4-1-030.4.A.ii shall be considered effectively implemented when:

i. One of the control measures described in 4-1-030.4.A.ii is annually implemented on 15 miles per year of unpaved roads having ADT of 150 or more.

a. When the control measure is application and maintenance of dust suppressants other than water, the application and maintenance of the dust suppressants shall only be counted towards the 15 mile threshold when:

1. Done on unpaved roads previously untreated, and
2. Application and maintenance of dust suppressants on unpaved roads previously treated continues annually until the unpaved road is paved.

ii. For year 2019 and beyond, control measures applied on unpaved roads with less than 150 ADT can be used for compliance with 4-1-030.4.B.i through use of the following equivalency conversion.

ADT Range	Mileage Equivalency (Miles of equivalent control / mileage of actual control)
0-14	0.000
14-62	0.121
62-103	0.514
103-146	0.531
146+	1.000

Example equivalency conversion calculation:
In year one, City or County "A" paves 10 miles of unpaved roads with ADT of 100.
10 * 0.514 = 5.14 miles of 150 ADT equivalent unpaved roads.

5. PAVED PUBLIC ROADWAY

A. Clean up of trackout, Erosion-Caused Deposition of Bulk Materials on paved public roadway: the owner and/or operator of the property from which the trackout or erosion-caused deposition came from shall upon discovery of mud/dirt that extends 50 feet or more from the nearest unpaved surface exit onto the paved public roadway shall:

i. Within 24 hours of discovery, remove the mud/dirt from paved public roadway with one of the following control measures. (If needed, restrict vehicles from traveling over said mud/dirt until such time as the material can be removed from the travel lanes of the paved public roadway)

a. Manually sweeping and picking up; or
b. Operating a rotary brush or broom accompanied or preceded by sufficient wetting to limit opacity to 20% or less; or
c. Operating a PM10 efficient street sweeper; or
d. Flushing with water, if curb and gutters are not present and where the use of water will not result as a source of trackout material or result in adverse impacts on storm water drainage systems or violate any National Pollutant Discharge Elimination System permit program.

ii. During removal of mud/dirt, do so in a manner that does not cause another source of fugitive dust.

iii. In the event unsafe travel conditions would result from restricting traffic pursuant to section A.i and removal of such material isn't possible within 72 hours due to a weekend or holiday condition, the provisions of section A.i can be extended upon notification to and approval by the Control Officer.

B. The owner and/or operator of any existing paved public roadways shall take the following actions prior to, during and after work on unpaved road shoulders:

i. Apply a dust suppressant(s) to the total surface area subject to the disturbance in sufficient quantity and frequency to maintain a stabilized surface.

ii. Prevent trackout by using one of the control measures listed in §4-1-030.5.A.i.

4-1-040. Recordkeeping

Any person subject to the requirements of this rule shall compile and retain records that provide evidence of control measure application (i.e. receipts and/or purchase records). Such person shall describe in the records, the type of treatment or control measure, extent of coverage, and date applied. Upon verbal or written request by the Control Officer, such person shall provide the records and supporting documentation as soon as possible but no later than 48 hours, excluding weekends. If the Control Officer is at the site where requested records are kept, such person shall provide the records without delay.

4-1-045. Reporting Requirements

Each city, county, or state agency with primary responsibility for any existing paved public roadway and unpaved roads shall take the following actions:

A. By January 30 of each year provide the district with a list of all unpaved roads under its jurisdiction, including data on length of, and ADT (if available) on, each unpaved road segment.

B. By January 30 of each year, submit to the district a list of unpaved roads which were paved during the previous year including the total number of unpaved roads miles, ADTs (if available) and their respective segments.

4-1-050. Records Retention

Copies of the records required by §4-1-040 (Recordkeeping) and §4-1-045 (reporting) of this rule shall be retained for at least two years.

4-1-060. Violations

Failure by any person to comply with the applicable requirements of this Article shall constitute a violation subject to penalty as provided in these rules and A.R.S. Title 49, Chapter 3, Article 3, A.R.S. 49-471 et. seq.

Violation Exemptions:

A. The opacity requirements of this rule shall not apply during:

i. Wind conditions that cause fugitive dust to exceed the opacity requirements if applicable control measures are implemented, applied and maintained, and all dust contributing disturbed surface area are stabilized.

ii. Emergency maintenance of flood control channels and water retention basins if at least 1 applicable control measure is applied, and maintained.

PINAL COUNTY AIR QUALITY CONTROL DISTRICT

NOTICE OF FINAL RULEMAKING

PURSUANT TO A.R.S. §49-471.01 *et seq.*

[M15-290]

1. Preamble

A. The Pinal County Air Quality Control District (PCAQCD), an operating division of Pinal County, proposed that the Board of Supervisors (BOS) adopt or amend certain rules under authority of A.R.S. §§49-479 and 49-480, which respectively authorize the board to adopt rules to control air pollution.

Due to ongoing monitoring violations of the PM_{10} (Particulate Matter 10 microns and smaller) National Ambient Air Quality Standard (NAAQS) in Pinal County (under both stagnation and high wind conditions), in 2012 the Environmental Protection Agency (EPA) designated a large portion of Pinal County as a moderate PM_{10} nonattainment area (West Pinal PM_{10} Nonattainment Area – defined in 40 CFR §81.303). Subsequently as a Clean Air Act (CAA) requirement for nonattainment areas, The Arizona Department of Environmental Quality (ADEQ) in coordination with Pinal County Air Quality Control District (PCAQCD) developed base year and attainment year PM_{10} emissions inventories (EI) for the nonattainment area. The top three emissions sources in the 2008 base year PM_{10} inventory for the West Pinal PM_{10} Nonattainment area are windblown dust (53%), unpaved roads (32%) and construction (9%).

The construction emissions are related to both activity and ground surface conditions (i.e. unstable ground surface conditions caused by construction activities impacted by windy conditions that results in PM_{10} emissions). The adopted construction fugitive dust rules in this rulemaking proposal are designed to provide standards (i.e. opacity,

ground stabilization, etc.) that limit PM_{10} emissions attributed to construction activities under both stagnation and windy conditions. In addition, the adopted rules are designed to provide application, permitting and recordkeeping requirements that ensure verification of the control measures used to control emissions associated with the construction activities.

The adopted amended and new rules are identified below and include an amendment to §1-1-105 with the ultimate purpose of this rulemaking being the submittal of the adopted rules in Chapter 4, Article 3 (specifically sections 160, 170, 180, 190) through ADEQ to EPA, for inclusion as elements of the Arizona State Implementation Plan (SIP) as required under the Clean Air Act (CAA).

B. All of the adopted corresponding changes are discussed in subsection E. of this preamble, and include the following sections:

Section Affected	Rulemaking Action
§1-1-105. SIP List	Amend
§4-3-160. General Provisions – West Pinal PM10 Nonattainment Area	New
§4-3-170. Definitions	New
§4-3-180. Dust Generating Operations Standards, Application, Permit and Recordkeeping Requirements	New
§4-3-190. Violations	New

C. Those wishing further information regarding any aspect of this rulemaking may contact Scott DiBiase, Pinal County Air Quality, 31 North Pinal St., Building F, Florence, Arizona, 85132, 520-866-6929, scott.dibiase@pinalcountyaz.gov.

D. The rule making process consisted of the initial administrative rule development process, including the combined notice of proposed rulemaking and oral proceeding, a 30 day public comment period, and an oral proceeding before the Control Officer or his designee on September 28, 2015. Written comments were due prior to the close of the comment period, which was the close-of-business on the day of the oral proceeding. The final step in the rule adoption process was a hearing before the Board of Supervisors on October 28, 2015.

E. The adopted revisions include the following:

1. §1-1-105 – Addition of Chapter 4, Article 3, sections 160, 170, 180 and 190 and their adoption dates in Section 1-1-105 which is a list designating which Board approved rules (and their corresponding adoption dates) that are to be presented to the Governor of Arizona for transmittal to the Administrator of the EPA with a request that they be included as elements in the Arizona SIP
2. Addition of Chapter 4, Article 3, §160 (General Provisions),
   - Subsection A – Intent and Applicability
     1. The intention of the rules – To control emissions associated with construction activities (process, site, surface stabilization)
     2. Rules effective date – January 1, 2016
     3. Geographic scope – West Pinal County PM_{10} Moderate Nonattainment area
   - Subsection B – General Prohibition and Exemptions
     1. It is a violation for anyone conducting dust generating operations at any work site without complying with this article.
     2. Exemptions
        a) Application and permit requirements for facilities operating under an industrial permit.
        b) In the case of an emergency, stabilization actions can be taken before submitting a dust generating operation application.
        c) Applicable standards, application and permit requirements are exempt at legitimate vehicle test and development facilities for specific dust activities where dust is required to test and validate the design integrity, product quality, etc.

d) Road maintenance activities are exempt from application and permit requirements. However those related dust generating operations are subject to the applicable standards (i.e. opacity, stabilization, trackout, etc.).
e) Dust generating operations associated with emergency repair of utilities don't require an application or permit.
f) Establishment of initial landscapes without use of mechanized equipment, and playing on or maintaining a field used for non-motorized sports.
g) Rooftop operations for cutting, drilling, grinding or coring roofing tile when activity is occurring on a pitched roof.

3. Addition of Chapter 4, Article 3, §170 (Definitions),
   - Twenty eight definitions directly related to these rules including eight control measures and their descriptions.
4. Addition of Chapter 4, Article 3, §180 (Dust Generating Operations Standards, Application, Permit and Recordkeeping Requirements)
   - Subsection A – For all work sites where construction is taking place on areas 0.1 acres or larger, an owner and/or operator shall comply with,
     1. 20% opacity standard for any dust generating operations that occur during construction.
     2. Stabilization requirement. Every other week inspections to ensure work site is stabilized with all applicable control measures as specified in the permit.
   - Subsection B – For work sites (or a combination of work sites) 5 acres or larger, an owner and/or operator shall:
     1. Install a suitable trackout control device prior to starting dust generating operations
     2. For areas where dust generating operations have ceased or will cease for more than 30 days, erect signs or install physical barriers to limit trespass; and
     3. Ensure the work site is stabilized the day leading up to and the day that's forecast to be high risk for dust emissions in the Pinal County Dust Risk Forecast. To ensure the work site is stabilized, a site-wide inspection is needed to ensure either:
        a) All applicable control measures are implemented on dust generating operations and disturbed surface areas are stabilized, or
        b) All dust generating operations are ceased and disturbed surface areas are stabilized.
   - Subsection C – Prior to engaging in any dust generating operations on a work site, the owner and/or operator shall file a dust generating operation application, pay the appropriate fee and receive a signed permit from the Control Officer.
     1. Application form requirements.
        a) Applicant must provide essential identification on an application form approved by the control officer. Separate application forms required for non-contiguous areas, unless it's an annual block permit.
        b) A valid cell phone number or email address is required on the application form. The applicant shall subscribe to the Pinal County Dust Control Forecast.
        c) A plot plan is required for each application and shall identify (if available) the parcel(s), street address, direction north, total area to be disturbed and sources of fugitive dust emissions.
        d) Using options on the application, the applicant shall explain how they will demonstrate compliance with the rule by selecting at least one control measure for each dust generating operation.
        e) Annual area block application – available to only certain dust generating operations (i.e. Utilities - maintenance of existing underground or above-ground lines, expansion or extension of paved roads, unpaved roads, etc.).
           a. Application requirements – The same as other dust generation operations, except block permits are allowed to have one application

for more than one job site, though each work site has to be described in the application along with what type of dust generating operations are to be conducted.

b. Area block applications are only available to
   i. Political subdivisions and
   ii. Public utility corporations regulated by the Arizona Corporation Commission and
   iii. Contractors or subcontractors for political subdivisions or public utility corporations

c. The owner and/or operator of area block permits are required to adhere to the requirements of all current permits issued to the work site and required to re-apply control measures as necessary or re-stabilize any disturbed surface area.

d. For any project not listed on the application, the applicant must notify the control officer in writing at least three working days prior to commencing the dust generating operation with information including site locations, size and type of dust generating operation, control measures used and start date.

2. Permit and recordkeeping requirements.
   a) A signed permit shall constitute agreement by the owner and/or operator to accept responsibility for meeting conditions of the permit and ensuring the applicable control measures are implemented throughout the work site at all times dust generating operations are taking place. The permit is to reside on the work site.
   b) On a form approved by the control officer, the owner and/or operator shall keep records of the every other week inspections and site-wide inspection reports for the day leading up to and including the day forecast to be high risk.
   c) Verbal or written requests by the Control Officer for inspection records shall be provided as soon as practicable, but not later than 72 hours. If the Control Officer is on site where the records reside, they shall be provided without delay. On a form approved by the control officer, records shall be submitted within 30 days following the termination or expiration of the dust generating permit.
   d) Completion of project notification to Control Officer – no later than 30 days after completion.
   e) Permit renewal requirements – Original permit valid for one year. If project not finished within a year, applicant shall reapply prior to the expiration of the original permit. The next permit will be valid starting on the first calendar day after completion of the initial one year period of the original permit and is valid for one year from that date. The renewal doesn't need to have contiguous acreage, as long as all of the acreage was included in the original permit.
   f) Work Sites five acres or larger – project information sign requirements.

5. Addition of Chapter 4, Article 3, §190 (Violations)
   - Subsection A – Failure to comply with applicable requirements of this article shall constitute a violation.
   - Subsection B – Violation Exemptions – If records are kept in accordance with the requirements of this article, the opacity provisions shall not apply to a work site during:
     1. Wind conditions as long as all control measures specified in the permit are implemented, applied and maintained and all disturbed surface areas are stabilized and one of the following:

a) All dust generating operations are ceased until the opacity violations are no longer taking place, or
b) Documentation is maintained showing any dust generating operations still being performed are not the cause of and do not contribute to the opacity violation.

2. Emergency maintenance of flood control channels and water retention basins if all control measures in the permit are implemented, applied and maintained.

F. A reference to any study relevant to the rule that the agency reviewed and either relied on in its evaluation of or justification for the rule or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study (See contact information in subsection C above), all data underlying each study, and any analysis of each study and other supporting material:
Draft ADEQ document "Pinal PM_{10} Emission Inventories and Source Apportionment Modeling Results".

G. Economic, small business and consumer impact statement
There are estimated small incremental costs to the businesses potentially affected by the adopted construction fugitive dust rules. The new opacity requirements may require the regulated community to complete opacity certification in order to comply with §§4-3-180.A.1.

In conservative estimates, there will be small incremental costs associated with keeping the appropriate records that are required under these adopted rules. The amount of time it will take the regulated community to conduct inspections of their respective work sites every other week (for work sites 0.1 acres and larger) and on the day leading up to and including the day of high risk forecasts (for work sites 5 acres and larger) in order to determine if all applicable control measures are implemented and all disturbed surface areas are stabilized will add to overall labor costs associated with each respective construction project. However the extent as to their specific budgetary impacts is unknown at this time.

The stabilization requirements of the adopted rules may also add costs to the regulated community. However the current construction fugitive dust rule (Chapter 4, Article 3) in effect in the West Pinal PM_{10} Nonattainment area includes the same opacity requirements along with similar application and permitting requirements. Therefore current business practices for construction activities in Pinal County necessitate the use of water on all construction sites 0.1 acres and larger. Therefore it's estimated that the added costs to the regulated community potentially affected by this rule adoption for water use wouldn't be additionally burdensome.

Pinal County
Estimated costs for PCAQCD are those that accrue from development, implementation and enforcement of the new standards. PCAQCD has an ongoing assessment of the costs associated with implementation and enforcement of its permitting, administration and field services activities associated with dust (construction fugitive dust and general fugitive dust) and open burning. Future rulemaking proposals will include estimates on the costs associated with these various programs and if needed, any proposed changes to associated dust and open burning permit fees.

H. The adopted changes will take effect on January 1, 2016.

I. Compliance with the Fee-limitations of A.R.S. §49-112 (A) or (B).
Based on information and belief, the Director of the Pinal County Air Quality Control District affirms the following:
Initially, the total of the fees and other charges currently assessed in connection with the administration of the County's air quality program do not now equal the cost of program administration. To the extent that both the County and ADEQ impose parallel fees, the County's fees are capped by rule at ADEQ's rates, which implicitly affirms that the County's fees are reasonable. To the extent the County's program affects certain sources that ADEQ

either does not regulate or does not charge, these adopted changes do not impose any additional fees on those sources at this time.

J. Persons may obtain a full copy of the adopted rules or existing rules at:
Pinal County Air Quality Control District
31 North Pinal St., Building F.
P.O. Box 987
Florence, AZ. 85132
http://www.pinalcountyaz.gov/AirQuality/Pages/home.aspx

K. A list of all previous notices appearing in the Register addressing the proposed rules:
Notice of Rulemaking Docket Opening: 21 A.A.R. 35, 1715, August 28, 2015.
Combined Notice of Proposed Rulemaking and Notice of Oral Proceeding: 21 A.A.R. 35, 1716, August 28, 2015

2. The full text of the adopted changes follows:

1-1-105. SIP list

A. As a declaration of Board policy rather than a rule, and subject to the limitations of paragraphs B. and C. of this section, the Board of Supervisors expressly designates the following list of sections within this Code, to be presented to the Governor of Arizona for transmittal to the Administrator of the EPA with a request that they be included as elements in the Arizona SIP:

1. Chapter 1
   a. Article 1. (As amended 5/14/97 and 5/27/98), except for §§1-1-105 and 1-1-107.
   b. Article 2. (As amended 5/14/97 and 7/12/00) except for §1-2-110.
   c. Article 3. (As amended 5/14/97, 5/27/98 and 10/27/04, 07/23/14, except for §1-3-130 and the definition in §1-3-140.82 (10/12/95) of "maximum achievable control technology.")
2. Chapter 2
   a. Article 1. (As amended 10/12/95).
   b. Article 2. (As amended 5/14/97).
   c. Article 3. (As amended 10/12/95).
   d. Article 4. (As amended 10/12/95).
   e. Article 5. (As amended 10/12/95).
   f. Article 6. (As amended 10/12/95).
   g. Article 7. (As amended 10/12/95).
   h. Article 8. (As amended 5/18/05, as amended 1/7/09).
3. Chapter 3
   a. Article 1. (As amended 5/14/97, and 5/27/98 and 7/12/00), excluding:
      i. §3-1-020
      ii. §3-1-045
      iii. §3-1-080
      iv. §3-1-100
   b. Article 2. (As amended 10/12/95, 5/27/98 and 7/29/98).
   c. Article 3. (As amended 10/12/95, 5/27/15).
   d. Article 8. (As amended 10/12/95 and 10/27/04).
4. Chapter 4
   a. Article 1. (As amended 2/22/95).
   b. Article 2. (As amended 5/14/97, 7/12/00, 12/4/02 and 10/27/04).
   c. ~~Reserved.~~ Article 3, limited to:
      i. §4-3-160 (As amended 10/28/15)
      ii. §4-3-170 (As amended 10/28/15)
      iii. §4-3-180 (As amended 10/28/15)
      iv. §4-3-190 (As amended 10/28/15)
   d. Article 4 (As amended 6/3/09).
   e. Article 5 (As amended 6/3/09).
   f. Reserved.

g. Article 7 (As amended 6/3/09)
h. Reserved.
i. Article 9, limited to:
i. §4-9-320 (As amended 6/3/09)
ii. §4-9-340 (As amended 6/3/09)

B. Notwithstanding the approval as elements of the SIP of those provisions of the Code identified in paragraph A of this section, those provisions, save §3-1-084 which shall be expressly exempted from the limitation of this paragraph, shall operate as elements of the SIP only insofar as they pertain to:
1. "construction," as defined in Nov. '93 Code §1-3-140.28; or
2. "modification," as defined in Nov. '93 Code §1-3-140.85; and

C. Notwithstanding the approval as elements of the SIP of those provisions of the Code identified in paragraph A of this section, neither those provisions nor any permit conditions imposed pursuant to those provisions shall:
1. Operate as elements of the SIP insofar as they pertain to other than "conventional pollutants," as defined in §1-3-140.33;
2. Operate as elements of the SIP insofar as they pertain only to a requirement arising under, or pertain to a source subject to regulation exclusively by virtue of a requirement arising under:
a. §111 of the Clean Air Act; or
b. Title IV of the 1990 amendments to the Clean Air Act; or
c. Title VI of the 1990 amendments to the Clean Air Act; or
d. Any section of this Code that is not a part of the SIP;
3. Operate as an element of the SIP, at least insofar as they impose a "fee";
4. Operate as an element of the SIP, at least insofar as they require a "certification";
5. Operate as an element of the SIP, at least insofar as they impose obligations pertaining to "renewals";
6. Operate as an element of the SIP, at least insofar as they impose requirements regarding "excess emissions"; or
7. Operate as an element of the SIP, at least insofar as they impose requirements regarding "compliance plans."

D. As a renumbering and reconciliation of previously approved SIP provisions as elements of this Code, the Board of Supervisors additionally designates the following list of sections within this Code, to be presented to the Governor of Arizona for transmittal to the Administrator of the EPA with a request that they be included as elements in the Arizona SIP without operational limitation:
1. §§1-1-010.C (2/22/95) and 1-1-010.D (2/22/95) *Declaration of Policy*
2. Chapter 2, Article 8 (As amended 1/7/09) *Visibility Limiting Standard*
3. Chapter 3, Article 8 (2/22/95) *Open Burning*
4. [Reserved]
5. [Reserved]
6. [Reserved]
7. [Reserved]
8. [Reserved]
9. [Reserved]
10. [Reserved]
11. [Reserved]
12. §5-18-740 (2/22/95) *Storage of Organic Compounds - Organic Compound Emissions*
13. §5-19-800 (2/22/95) *Loading of Volatile Organic Compounds - Organic Compound Emissions*
14. §5-21-920 (2/22/95) *Fossil Fuel Fired Industrial and Commercial Equipment Standard Applicability*
15. §5-21-930 (2/22/95 and 7/12/00) *Fossil Fuel Fired Industrial and Commercial Equipment Particulate Emission Standard*
16. §5-22-950 (2/22/95) *Fossil Fuel Fired Steam Generator Standard Applicability*
17. §5-22-960 (2/22/95) *Fossil Fuel Fired Steam Generator Sulfur Dioxide Emission Limitation*
18. §5-24-1030.F (2/22/95) *Generally Applicable Federally Enforceable Minimum Standard of Performance - Organic Compound Emissions*
19. §5-24-1030.I (2/22/95) *Generally Applicable Federally Enforceable Minimum Standard of Performance - Carbon Monoxide*

20. §5-24-1032 (2/22/95) *Federally Enforceable Minimum Standard of Performance - Process Particulate Emissions*
21. §5-24-1040 (2/22/95) *Carbon Monoxide Emissions - Industrial Processes*
22. §5-24-1045 (2/22/95) *Sulfite Pulp Mills - Sulfur Compound Emissions*
23. §5-24-1050 (2/22/95, as amended June 20, 1996) *Reduced Sulfur Emissions - Default Limitation*
24. §5-24-1055 (2/22/95) *Pumps and Compressors - Organic Compound Emissions*

ARTICLE 3. CONSTRUCTION SITES - FUGITIVE DUST

4-3-160. General Provisions – West Pinal PM10 Nonattainment Area

A. Intent and Applicability

1. Intent

The intent of this Article is to control dust emissions associated with construction activities. This Article focuses on fugitive dust emissions from process activity, site activity and a lack of adequate surface stabilization, all associated with construction.

2. Effective Date

The rules in this Article will become effective on January 1, 2016.

3. Geographic Scope

The rules in this Article shall be effective throughout the West Pinal County PM_{10} Moderate Nonattainment area as defined in 40 CFR Part 81.303. These rules exclude the rest of Pinal County and the Pinal County portion of the Phoenix PM10 Serious Nonattainment area, more specifically Township 1 North, Range 8 East, Gila & Salt River Base and Meridian ("T1N R8E") which is covered under Chapter 4, Article 7.

B. General Prohibition and Exemptions

1. Subject to the exemptions set forth in this Article, it constitutes a violation of this Article for any person to conduct any dust generating operation at any work site, without complying with this Article:

2. Exemptions

The following are exempt from this Article, or portions of this Article:

a. The application and permit requirements of this Article shall not apply to any facility operating under authority of a permit issued pursuant to ARS §§49-426 or 49-480, however, any dust generating operations are subject to the requirements of §4-3-180 sections (A) and (B), and facilities must keep records pursuant to §4-3-180(C)(2)(b).

b. In the case of an emergency, action may be taken to stabilize a dust generating operation or disturbed surface area before submitting a dust generating operation application form. Upon stabilizing the emergency situation, a dust generating operation application form shall be submitted.

c. In the case of legitimate vehicle test and development facilities and operations conducted by or for an equipment manufacturer, where dust is required to test and validate the design integrity, product quality and/or commercial acceptance, those specific activities shall be exempt from the application, permit and applicable standards in section §4-3-180 under this Article.

d. The application and permit requirements of this rule shall not apply to road maintenance activities, however, any dust generating operations are subject to the requirements of §4-3-180 sections (A) and (B), and records must be kept pursuant to §4-3-180(C)(2)(b).

e. The application and permit requirements shall not apply with respect to dust generating operations associated with the emergency repair of utilities.

f. Establishment of initial landscapes without the use of mechanized equipment, conducting landscape maintenance without the use of mechanized equipment, and playing on or maintaining a field used for non-motorized sports are exempt from the application, permit, and standards in section §4-3-180 of this Article. However, establishing initial landscapes without the use of mechanized equipment and conducting landscape maintenance without the use of mechanized equipment shall not include grading, or trenching performed to establish initial landscapes or to redesign existing landscapes.

g. The provisions of this rule shall not apply to rooftop operations for cutting, drilling, grinding, or coring roofing tile when such activity is occurring on a pitched roof.

4-3-170. Definitions

See Chapter 1, Article 3 (General Provisions and Definitions) of this code for definitions of terms that are used but not specifically defined in this Article.

1. "BULK MATERIAL" as used in this Article, means any material including but not limited to earth, rock, silt, sediment, sand, gravel, soil, fill, aggregate less than 2 inches in length or diameter, dirt, mud, demolition debris, trash, cinders, pumice, saw dust, and dry concrete, which are capable of producing fugitive dust at an industrial, institutional, commercial, governmental, construction and/or demolition site.
2. "BULK MATERIAL HANDLING, STORAGE AND/OR TRANSPORTING OPERATION" as used in this Article, means the processing of bulk materials, including but not limited to, the loading, unloading, conveying, transporting, piling, stacking, screening, grading, or moving of bulk materials.
3. CONSTRUCTION as used in this Article means building, maintaining or modifying a capital improvement resting upon, connected to or buried in the earth. Construction includes, but is not limited to, vertical construction, residential construction, installing underground utilities, installing above-ground utilities, and building physical infrastructure including roads, highways, railways, flood structures, drainage works and irrigation works. Notwithstanding any other exemption under these rules, weed abatement by discing or blading and conducted for the purpose of enabling Development Activity or maintaining a work site shall qualify as construction.
4. "CONTROL MEASURE" as used in this Article means, a preemptive or concurrent technique used to minimize the generation, emission, entrainment, suspension, and/or airborne transport of fugitive dust at a work site in order to comply with applicable standards in section §4-3-180. Control measures include but are not limited to:

CONTROL MEASURES	Description
Watering (pre-wetting)	Application of water by means of trucks, hoses, and/or sprinklers prior to conducting any dust generating operation. This will increase the moisture content of the soils and increase stability of the soil.
Watering (operational control)	For disturbed surface areas and dust generating operations water is applied at sufficient intervals and quantity to increase the moisture content of the soils and increase stability of the soil. Also during stacking, loading and unloading operations on open storage piles, apply water as necessary.
Applying chemical stabilizers or dust suppressants	Apply chemical stabilizers/dust suppressants to disturbed surface areas and dust generating operations. Effective in areas which are not subject to daily disturbances.
Altering load-in/load-out procedures and watering	Confine load-in-load out procedures to downwind side of the material and mist material with water prior to loading. Empty loader slowly and keep bucket close to the truck while dumping.
Reducing vehicular speeds	Restrict maximum vehicular speeds to 15 miles per hour on unpaved easements, right of way, unpaved haul/access roads and parking lots.
Controlling Freeboard and spillage and covering haul vehicles	Load all trucks such that the freeboard is not less than three inches; and prevent spillage or loss of bulk material from holes or other openings in the conveyance; cover all haul trucks (empty or full) with an anchored tarp or other suitable anchored material.
Trackout Control	Install trackout control for work sites 5 acres or larger. For all work sites, when trackout extends a cumulative distance of 50 linear feet or more, be cleaned up as soon as practicable; but, in any case, by the end of the work day.
Limit, restrict or reroute motor vehicles access to work site	Erect signs or install physical barriers to limit access of work site.
Other measures as proposed by registrant	Specific measures that are adequate to address applicable standards in section §4-3-180 at the work site. Alternative measures must be approved by the Control Officer and the EPA Administrator.

5. "DISTURBED SURFACE AREA" as used in this Article, means any portion of the earth's surface that has been physically moved, uncovered, destabilized, or otherwise modified from its undisturbed natural condition.
   This definition excludes those permanently stabilized areas that have:
   a. Been restored to a natural condition, such that vegetative ground cover and soil characteristics are similar to adjacent or nearby natural conditions;
   b. Been paved or otherwise covered by a permanent structure; or
   c. Sustained a vegetative ground cover over at least 70 percent of the area for at least 30 days.
6. "DUST GENERATING OPERATION" as used in this Article, means any activity capable of generating fugitive dust, including but not limited to:
   a) Earthmoving activities
   b) Land clean-up, leveling, back filling
   c) Drilling
   d) Construction
   e) Demolition
   f) Bulk material handling, storage and/or transporting operations
   g) Operation of motorized machinery used in Construction
   h) Establishing and/or using unpaved parking lots, haul/access roads within a work site
   i) Installing initial landscapes using mechanized equipment
   For the purpose of this rule, landscape maintenance and/or playing on a ball field shall not be considered a dust generating operation.
7. "DUST SUPPRESSANT" as used in this Article, means hygroscopic material, solution of water and chemical surfactant foam, non-toxic chemical stabilizer or any other dust palliative, which is not prohibited by the U. S. Environmental Protection Agency (EPA) or the Arizona Department of Environmental Quality (ADEQ), or any applicable law, rule, or regulation, as a treatment material for reducing fugitive dust emissions.
8. "EARTHMOVING ACTIVITY" as used in this Article, means any land clearing, land cutting and filling operations, blasting, trenching, road construction, grading, landscaping, landfill operations, weed abatement through discing, soil mulching, or any other activity associated with land development where the objective is to disturb the surface of the earth.
9. "EMERGENCY" as used in this Article means a situation arising from sudden and reasonably unforeseeable events beyond the control of the owner and/or operator, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the dust generating operation to exceed a limitation in this rule, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include any noncompliance due to improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.
10. "FREEBOARD" as used in this Article, means the vertical distance between the top edge of a cargo container and the highest point at which the bulk material contacts the sides, front, and back of the container.
11. "FUGITIVE DUST", as used in this Article, means the regulated particulate matter, which is not collected by a capture system, which is entrained in the ambient air, and which is caused from human and/or natural activities, such as but not limited to, movement of soils, vehicles, equipment, blasting, and wind. For the purpose of this Article, fugitive dust does not include particulate matter emitted directly from the exhaust of motor vehicles and other internal combustion engines, from portable brazing, soldering, or welding equipment, and from piledrivers.
12. "GRAVEL PAD" as used in this Article, means a layer of washed gravel, rock, or crushed rock at the intersection with the paved public roadway and a work site entrance to dislodge mud, dirt, and/or debris from the tire of the motor vehicles or haul trucks prior to leaving the work site.
13. "GRIZZLY" as used in this Article, means a device maintained at the point of intersection of a paved public roadway and a work site entrance to dislodge mud, dirt and/or debris from the tires of the motor vehicles or haul trucks prior to leaving the work site.
14. "HAUL TRUCK" as used in this Article, is any fully or partially open-bodied self-propelled vehicle including any non-motorized attachments, such as but not limited to, trailers or other conveyances, which are connected to or propelled by the actual motorized portion of the vehicle used for transporting bulk materials.

15. "MOTOR VEHICLE" as used in this Article, is a self-propelled vehicle for use on the public roads and highways of the State of Arizona and required to be registered under the Arizona State Uniform Motor Vehicle Act, including any non-motorized attachments, such as but not limited to, trailers and other conveyances which are connected to or propelled by the actual motorized portion of the vehicle.
16. "OWNER AND/OR OPERATOR" as used in this Article, is any person including, but not limited to, the property owner, lessee, developer, responsible official, dust generating operation permit applicant (who may also be the responsible party contracting to do the work), general or prime contractor, supervisor, management company, or any person who owns, leases, operates, controls, or supervises a dust generating operation subject to the requirements of this rule.
17. "PAVED PUBLIC ROADWAY" means a publicly owned paved roadway, owned by federal, state, county, municipal, or other governmental or quasi-governmental agencies as evidenced by a formal acceptance by the state or a political subdivision of the state of either:
    1. An on-going maintenance obligation for the roadway; or
    2. A title or easement for the roadway.
18. "PINAL COUNTY DUST CONTROL FORECAST" means a forecast, which shall identify a low, moderate or high risk of dust generation for the next five consecutive days and shall be issued by noon on each day the forecast is generated. When developing these forecasts, the Department of Environmental Quality shall consider all of the following:
    a) Projected meteorological conditions, including:
        i) Wind speed and direction,
        ii) Stagnation,
        iii) Recent precipitation, and
        iv) Potential for precipitation;
    b) Existing concentrations of air pollution at the time of the forecast; and
    c) Historic air pollution concentrations that have been observed during meteorological conditions similar to those that are predicted to occur in the forecast.
19. "ROAD CONSTRUCTION" as used in this Article, means the use of any equipment for the paving or new construction of a road surface, street or highway.
20. "ROAD MAINTENANCE" as used in this Article, means the use of any equipment for the repair and preservation of an old road surface, street or highway.
21. "STABILIZE" means any previously disturbed surface area which, through application of water or dust suppressants, shows visual or other evidence of surface crusting and is resistant to wind-driven fugitive dust. Stabilization shall be demonstrated by application of the drop ball test in Article 9 (§4-9-320.B.1).
22. "TRACKOUT" means visible material deposited onto any paved public roadway, as defined in this Article, by traffic leaving a work site.
23. "TRACKOUT CONTROL" as used in this Article, means a gravel pad, grizzly, wheel wash system, or a paved area, located at the point of intersection of an unpaved area and a paved public roadway that controls or prevents vehicular trackout.
24. "TRENCH" as used in this Article, means a long, narrow excavation dug in the earth (as for drainage).
25. "UNPAVED HAUL/ACCESS ROAD" as used in this Article, means any on-site unpaved road used by commercial, industrial, institutional, and/or governmental traffic.
26. "UNPAVED PARKING LOT" as used in this Article, means any area larger than 5,000 square feet that is not paved and that is used for parking, maneuvering, or storing motor vehicles on a work site.
27. "UNPAVED ROAD" as used in this Article, means any unsealed or unpaved roads, equipment path, or travel ways that are not covered by typical roadway materials. Public unpaved roads are any unpaved roadway owned by federal, state, county, municipal, or other governmental or quasi-governmental agencies. Private unpaved roads are all other unpaved roadways not defined as public. For the purpose of this rule, an unpaved road is not a horse trail, hiking path, bicycle path, or other similar path used exclusively for purposes other than travel by motor vehicles.
28. "WORK SITE" as used in this Article, means any property upon which dust generating operations occur during construction, and which covers an area of 0.1 acres or larger.

a. Trenches that are equal to or larger than the following dimensions are considered work sites and are subject to the requirement of this Article:
   i. Trenches less than four feet in depth, that exceed a length of 726 feet;
   ii. Trenches that are four feet or greater in depth, that exceed a length of 363 feet;
b. For calculations of disturbed surface areas for land clearing or earthmoving activities, 25 feet will be added to each dimension of all structures, driveways, concrete pads, and other construction projects being built on the site to allow for an equipment utilization zone. If this final figure equals or exceeds 0.1 acres, a dust generating operation application is required for the site.
c. If the registrant identifies situations in which the amount of surface area for trenches, land clearing or earthmoving activities should be calculated differently, a case-by-case determination may be made.

4-3-180. DUST GENERATING OPERATIONS Standards, Application, Permit and Recordkeeping Requirements

A. Within the work site, an owner and/or operator:
   1. Shall not conduct or allow dust generating operations that result in opacity of the dust on the property to exceed twenty percent (20%) as measured using an opacity method, as determined by the applicable test method in §4-9-340 or an equivalent test method approved by the Control Officer and the EPA Administrator.
   2. Shall stabilize any disturbed surface area. The owner and/or operator shall conduct every other week inspections to ensure that the work site is stabilized. Ensuring the work site is stabilized shall include a site-wide inspection to ensure all applicable control measures [as described in §4-3-170.4] as specified in the permit, are implemented on dust generating operations and disturbed surface areas are stabilized.

B. Where an owner and/or operator obtains a dust generating operation permit for a work site, or a combination of work sites, which are 5 acres or larger, the owner and/or operator shall as soon as practicable:
   1. Install suitable trackout control prior to the start of dust generating operations;
   2. For areas, or portions of areas, in which the dust generating operations have ceased or will cease for more than 30 days, erect signs or install physical barriers to limit trespass; and
   3. Ensure the work site is stabilized the day leading up to and the day that is forecast to be high risk for dust emissions, as noticed by the Pinal County Dust Control Forecast. Ensuring the work site is stabilized shall include a site-wide inspection to ensure either:
      a. All applicable control measures [as described in §4-3-170.4] as specified in the permit, are implemented on dust generating operations, and disturbed surface areas are stabilized; or
      b. All dust generating operations are ceased and disturbed surface areas are stabilized.

C. Prior to engaging in any dust generating operations on a work site, the owner and/or operator shall file a dust generating operation application form with the Control Officer, pay the appropriate fee in Appendix C, and receive a signed permit from the Control Officer.
   1. Dust generating operations application form:
      a. The applicant shall present a dust generating operation application on a form approved by the Control Officer, and shall include all essential identification information as specified on that form. A separate application form is required for each site location that is not a contiguous geographic area to the location on the original application form, unless an annual block application is approved.
      b. The owner and/or operator shall provide a valid cell phone number or email address on the dust generating operation application form. The owner and/or operator of work sites 5 acres or larger shall subscribe to the Pinal County Dust Control Forecast as part of the permit application process.
      c. Each dust generating operation application shall also include a plot plan with linear dimensions in feet. The plot plan must be on 8-1/2 by 11 inch paper, and may be on one or more sheets. The plan shall identify the parcel (if a parcel number exists; if no parcel number exists, then Global Positioning System (GPS) coordinates of the center of the parcel shall be included), the street address, the direction north, the total area to be disturbed and indicate the sources of fugitive dust emissions on the plot plan.
      d. Using the options on the application form each dust generating operation application shall contain an explanation of how the applicant will demonstrate compliance with this rule by selection of at least one control measure for each dust generating operation.
      e. Annual Area Block Application:
         i. Area block applications shall only be available for dust generating operations associated with:

a) Maintenance of existing underground or above-ground lines;
b) Effecting end-user connections, including but not limited to water connections, sewer connections, natural gas connections, electrical power connections, and communication connections;
c) Underground utility line extensions not exceeding 500' in length; and
d) Overhead utility line extensions; and
e) Expansion or extension of paved roads, unpaved roads, road shoulders, and/or alleys and public right of ways at non-contiguous sites.

ii. Area block applications shall only be available to:
a) Political subdivisions; and
b) Public Utility Corporations regulated by the Arizona Corporation Commission; and.
c) Contractors or subcontractors for Political subdivisions or Public Utility Corporations

iii. The owner and/or operator operating at the work site may submit to the Control Officer one dust generating operation application for more than one dust generating operation at which construction will commence within 12 months of permit issuance.

iv. An annual block application must include all the requirements listed above in this subsection (1 a. through 1 d.) and a description of each site and type of dust generating operations to be conducted.

v. The owner and/or operator of an area block permit operating at a work site shall adhere to the requirements of all current permits issued to the work site and will be required to re-apply control measures as reasonable and necessary, or re-stabilize any disturbed surface area that becomes disturbed as a result of the area block permit holder's work being done at the work site.

vi. For any project not listed in the dust generating operation annual block application, the applicant must notify the Control Officer in writing at least three working days prior to commencing the dust generating operation. Such notification must include the site location, size, and type of dust generating operation, selected control measures, and start date.

2. Dust generating operation permit and recordkeeping:

a. The signed dust generating operation permit from the control officer will contain the requirements set under §4-3-180 (A) and (B), and conditions regarding the necessary control measures specific to the applicable project as proposed by the registrant. The signature of the owner and/or operator on the dust generating operation permit form shall constitute agreement to accept responsibility for meeting the conditions of the permit and for ensuring the applicable control measures are implemented throughout the work site, at all times that dust generating operations are being performed and during the duration of the project. The owner and/or operator shall maintain a copy of the signed permit form and provide it upon request of the Control Officer or his designee.

b. On a form approved by the Control Officer the owner and/or operator shall keep records of the every other week inspection reports and site-wide inspection reports from the day leading up to and the day that is forecast to be high risk for dust emissions, including any necessary corrective actions. A demonstration of compliance shall include inspections of the work site conducted pursuant to, and any actions taken to comply with, §4-3-180 sections (A)(2) and (B)(3).

c. Upon verbal or written request by the Control Officer, inspection records shall be provided as soon as practicable, but no later than 72 hours, excluding weekends. If the Control Officer is at the work site where the requested records are kept, the records shall be provided without delay. Records of inspections on a form approved by the Control Officer, shall be submitted within 30 days following the termination or expiration of the permit.

d. Owners and/or Operators shall notify the Control Officer as soon as practicable, but no later than 30 days, of the-completion of the project.

e. Permit Renewal: The first permit obtained for an affected project must cover a contiguous area (unless it is an "annual area block permit") and is valid for one year from the date of issue. If the project has not been completed at the end of the one-year period, the dust generating operation permit must be renewed. The owner and/or operator shall reapply for a dust generating operation permit prior to the expiration date of

the original permit. Upon renewal, the new permit will be valid starting on the first calendar day after the completion of the initial one year period of the first permit and is valid for one year from that date. Upon renewal, the total acreage covered by the dust generating operation permit does not have to be contiguous, although all acreage covered by the renewed dust generating operation permit must have been included in the original dust generating operation permit.

f. At all sites that are five acres or larger, the owner and/or operator shall erect a project information sign at the main entrance that is visible to the public or at each end of the road construction project site. The sign shall be a minimum of 24 inches tall by 30 inches wide, have a white background, and have the words "DUST CONTROL" shown in black block lettering which is at least four inches high, and shall contain the following information in legible fashion:

i. Project Name

ii. Name and phone number of person(s) responsible for conducting project

iii. Text stating: "Dust Complaints? Call Pinal County Air Quality at 520-866-6929"

4-3-190. Violations

A. Failure by any person to comply with the applicable requirements of this Article shall constitute a violation.

B. Violation Exemptions:

If all records were maintained in accordance with §4-3-180 section (C)(2)(b), the provisions of section §4-3-180 (A)(1) shall not apply to a work site during:

1. Wind conditions that cause fugitive dust to exceed the opacity requirements of §4-3-180 (A)(1), if all control measures as specified in the permit, are implemented, applied and maintained, all disturbed surface areas are stabilized, and one of the following:

   a. All dust generating operations are ceased until the opacity requirements of §4-3-180(A)(1) are no longer being exceeded; or

   b. Maintain documentation that any dust generating operations that are still being performed are not the cause of and do not contribute to the opacity violation. Documentation may include onsite opacity observations by a certified observer.

2. Emergency maintenance of flood control channels and water retention basins if all control measures, as specified in the permit are implemented, applied, and maintained.

REGISTER INDEXES

The *Register* is published by volume in a calendar year (See "Information" in the front of each issue for a more detailed explanation).

Abbreviations for rulemaking activity in this Index include:

PROPOSED RULEMAKING
PN = Proposed new Section
PM = Proposed amended Section
PR = Proposed repealed Section
P# = Proposed renumbered Section

SUPPLEMENTAL PROPOSED RULEMAKING
SPN = Supplemental proposed new Section
SPM = Supplemental proposed amended Section
SPR = Supplemental proposed repealed Section
SP# = Supplemental proposed renumbered Section

FINAL RULEMAKING
FN = Final new Section
FM = Final amended Section
FR = Final repealed Section
F# = Final renumbered Section

SUMMARY RULEMAKING
PROPOSED SUMMARY
PSMN = Proposed Summary new Section
PSMM = Proposed Summary amended Section
PSMR = Proposed Summary repealed Section
PSM# = Proposed Summary renumbered Section
FINAL SUMMARY
FSMN = Final Summary new Section
FSMM = Final Summary amended Section
FSMR = Final Summary repealed Section
FSM# = Final Summary renumbered Section

EXPEDITED RULEMAKING
PROPOSED EXPEDITED
PEN = Proposed Expedited new Section
PEM = Proposed Expedited amended Section
PER = Proposed Expedited repealed Section
PE# = Proposed Expedited renumbered Section
SUPPLEMENTAL EXPEDITED
SPEN = Supplemental Proposed Expedited new Section
SPEM = Supplemental Proposed Expedited amended Section
SPER = Supplemental Proposed Expedited repealed Section
SPE# = Supplemental Proposed Expedited renumbered Section
FINAL EXPEDITED
FEN = Final Expedited new Section
FEM = Final Expedited amended Section
FER = Final Expedited repealed Section
FE# = Final Expedited renumbered Section

EXEMPT RULEMAKING
EXEMPT PROPOSED
PXN = Proposed Exempt new Section
PXM = Proposed Exempt amended Section
PXR = Proposed Exempt repealed Section
PX# = Proposed Exempt renumbered Section
EXEMPT SUPPLEMENTAL PROPOSED
SPXN = Supplemental Proposed Exempt new Section
SPXR = Supplemental Proposed Exempt repealed Section
SPXM = Supplemental Proposed Exempt amended Section
SPX# = Supplemental Proposed Exempt renumbered Section
FINAL EXEMPT RULMAKING
FXN = Final Exempt new Section
FXM = Final Exempt amended Section
FXR = Final Exempt repealed Section
FX# = Final Exempt renumbered Section

EMERGENCY RULEMAKING
EN = Emergency new Section
EM = Emergency amended Section
ER = Emergency repealed Section
E# = Emergency renumbered Section
EEXP = Emergency expired

RECODIFICATION OF RULES
RC = Recodified

REJECTION OF RULES
RJ = Rejected by the Attorney General

TERMINATION OF RULES
TN = Terminated proposed new Sections
TM = Terminated proposed amended Section
TR = Terminated proposed repealed Section
T# = Terminated proposed renumbered Section

RULE EXPIRATIONS
EXP = Rules have expired
See also "emergency expired" under emergency rulemaking

CORRECTIONS
C = Corrections to Published Rules

2015 *Arizona Administrative Register* Volume 21 Page Guide

Issue 1, Jan. 2, 2015.....1-46
Issue 2, Jan. 9, 2015 47-112
Issue 3, Jan. 16, 2015..... 113-152
Issue 4, Jan. 23, 2015 153-172
Issue 5, Jan. 30, 2015 173-196
Issue 6, Feb. 6, 2015..... 197-228
Issue 7, Feb. 13, 2015.....229-262
Issue 8, Feb. 20, 2015.....263-284
Issue 9, Feb. 27, 2015.....285-320
Issue 10, March 6, 2015.....321-374
Issue 11, March 13, 2015.....375-406
Issue 12, March 20, 2015.....407-432
Issue 13, March 27, 2015.....433-482
Issue 14, April 3, 2015.....483-516
Issue 15, April 10, 2015.....517-538
Issue 16, April 17, 2015.....539-566
Issue 17, April 24, 2015.....567-606
Issue 18, May1, 2015.....607-632
Issue 19, May 8, 2015.....633-666
Issue 20, May 15, 2015.....667-706
Issue 21, May 22, 2015.....707-742
Issue 22, May 29, 2015.....743-774
Issue 23, June 5, 2015.....775-818
Issue 24, June 12, 2015.....819-864
Issue 25, June 19, 2015.....865-916
Issue 26, June 26, 2015.....917-954
Issue 27, July 3, 2015.....955-996
Issue 28, July 10, 2015.....997-1072
Issue 29, July 17, 2015.....1073-1146
Issue 30, July 24, 2015.....1147-1220
Issue 31, July 31, 2015.....1221-1457
Issue 32, Aug. 7, 2015.....1458-1520
Issue 33, Aug. 14, 2015.....1521-1622
Issue 34, Aug. 21, 2015.....1623-1670
Issue 35, Aug. 28, 2015.....1671-1760
Issue 36, Sept. 4, 2015.....1761-1810
Issue 37, Sept. 11, 2015.....1811-1882
Issue 38, Sept. 18, 2015.....1883-2004
Issue 39, Sept. 25, 2015.....2005-2104
Issue 40, Oct. 2, 2015.....2105-2276
Issue 41, Oct. 9, 2015.....2277-2340
Issue 42, Oct. 16, 2015.....2341-2440
Issue 43, Oct. 23, 2015.....2441-2502
Issue 44, Oct. 30, 2015.....2503-2592
Issue 45, Nov. 6, 2015.....2593-2706
Issue 46, Nov. 13, 2015.....2707-2808

RULEMAKING ACTIVITY INDEX

Rulemakings are listed in the Index by Chapter, Section number, rulemaking activity abbreviation and by volume page number. Use the page guide above to determine the *Register* issue number to review the rule. Headings for the Subchapters, Articles, Parts, and Sections are not indexed.

THIS INDEX INCLUDES RULEMAKING ACTIVITY THROUGH ISSUE 46 OF VOLUME 21.

Agriculture, Department of - Animal Services Division
R3-2-203. FXM-2404
R3-2-701. FXM-2404
R3-2-801. FXM-2407
R3-2-810. FXM-2404
R3-2-811. FXM-2407

Agriculture, Department of - Environmental Services Division
R3-3-101. PM-2345
Table 1. PM-2345
R3-3-201. PM-2345
R3-3-202. PM-2345
R3-3-208. PM-2345
R3-3-305. PM-2345
R3-3-401. PM-2345
R3-3-402. PM-2345
R3-3-502. PM-2345

Agriculture, Department of - Office of Commodity Development and Promotion
R3-6-102. FXM-2412

Agriculture, Department of - Plant Services Division
R3-4-301. FXM-2410

Arizona Health Care Cost Containment System - Administration
R9-22-202. FM-1225
R9-22-712.05. PM-1815
R9-22-712.07. PM-1768
R9-22-730. PXM-5; PXM-491; FXM-637; PXM-1041; FXM-1486
R9-22-1001. FM-1237
R9-22-1002. FM-1237
R9-22-1003. FM-1237
R9-22-1202. FM-1225
R9-22-1301. PM-823; FM-2022
R9-22-1303. PM-823; FM-2022
R9-22-1304. PM-823; FM-2022
R9-22-1431. FR-1241

Arizona Health Care Cost Containment System - Arizona Long-term Care System
R9-28-202. PM-487; FM-1243
R9-28-206. PM-487; FM-1243

Behavioral Health Examiners, Board of
R4-6-101. FXM-2630
R4-6-201. FXM-2630
R4-6-202. FXR-2630
R4-6-203. FXM-2630
R4-6-204. FXR-2630
R4-6-205. FXM-2630
R4-6-206. FXM-2630
R4-6-207. FXM-2630
R4-6-208. FXM-2630
R4-6-209. FXM-2630
R4-6-210. FXR-2630; FXN-2630
R4-6-211. FXM-2630
R4-6-212. FXM-2630
R4-6-212.01. FXN-2630
R4-6-213. FX#-2630; FXN-2630
R4-6-214. FX#-2630; FXN-2630
R4-6-215. FX#-2630; FXM-2630
R4-6-216. FX#-2630; FXM-2630
R4-6-301. FXM-2630
Table 1. FXM-2630
R4-6-302. FXM-2630
R4-6-303. FXR-2630
R4-6-304. FXM-2630
R4-6-305. FXM-2630
R4-6-306. FXM-2630
R4-6-307. FXR-2630; FXN-2630
R4-6-401. FXM-2630
R4-6-402. FXM-2630
R4-6-403. FXM-2630

R4-6-404. FXM-2630
R4-6-405. FXR-2630
R4-6-501. FXM-2630
R4-6-502. FXM-2630
R4-6-503. FXM-2630
R4-6-504. FXM-2630
R4-6-505. FXR-2630
R4-6-601. FXM-2630
R4-6-602. EM-521; FXM-2630
R4-6-603. FXM-2630
R4-6-604. FXM-2630
R4-6-605. FXM-2630
R4-6-606. FXR-2630
R4-6-701. FXM-2630
R4-6-702. FXM-2630
R4-6-703. FXM-2630
R4-6-704. FXM-2630
R4-6-705. FXM-2630
R4-6-706. FXM-2630
R4-6-707. FXR-2630; FXN-2630
R4-6-801. FXM-2630
R4-6-802. FXM-2630
R4-6-803. FXM-2630
R4-6-804. FXR-2630
R4-6-901. FXM-2630
R4-6-902. FXM-2630
R4-6-1001. FXM-2630
R4-6-1002. FXM-2630
R4-6-1101. FXM-2630
R4-6-1102. FXM-2630
R4-6-1103. FXM-2630
R4-6-1104. FXM-2630
R4-6-1105. FXM-2630
R4-6-1106. FXN-2630

Barbers, Board of

R4-5-101. PM-869; FM-2528
R4-5-102. PM-869; FM-2528
R4-5-103. PM-869; FM-2528
R4-5-104. PM-869; FM-2528
R4-5-105. PR-869; FR-2528
R4-5-106. PM-869; FM-2528
R4-5-107. PM-869; FM-2528
R4-5-108. PM-869; FM-2528
Table 1. PN-869; FN-2528
R4-5-109. P#-869; PM-869; F#-2528; FM-2528
R4-5-201. PM-869; FM-2528
R4-5-202. PM-869; FM-2528
R4-5-203. PM-869; FM-2528
R4-5-204. P#-869; F#-2528
R4-5-301. PM-869; FM-2528
R4-5-302. PM-869; FM-2528
R4-5-303. PM-869; FM-2528
R4-5-304. PM-869; FM-2528
R4-5-305. PN-869; FN-2528
R4-5-401. PM-869; FM-2528
R4-5-402. PM-869; FM-2528
R4-5-403. PM-869; FM-2528
R4-5-404. PM-869; FM-2528
R4-5-405. PM-869; FM-2528
Exhibit 1. PM-869
Exhibit 2. PM-869
R4-5-406. PM-869; FM-2528
R4-5-407. PM-869; FM-2528
R4-5-408. PM-869; FM-2528
R4-5-409. PM-869; FM-2528
R4-5-410. PR-869; FR-2528
R4-5-411. PM-869; FM-2528
R4-5-501. PM-869; FM-2528
R4-5-502. PM-869; FM-2528

Child Safety, Department of - Administration

R21-1-101. FXN-2554
R21-1-102. FXN-2554
R21-1-103. FXN-2554
R21-1-104. FXN-2554
R21-1-105. FXN-2554
R21-1-106. FXN-2554
R21-1-107. FXN-2554
R21-1-108. FXN-2554
R21-1-109. FXN-2554
R21-1-110. FXN-2554
R21-1-201. FXN-2554
R21-1-202. FXN-2554
R21-1-203. FXN-2554
R21-1-204. FXN-2554
R21-1-205. FXN-2554
R21-1-206. FXN-2554
R21-1-207. FXN-2554
R21-1-208. FXN-2554
R21-1-209. FXN-2554
R21-1-210. FXN-2554
R21-1-211. FXN-2554
R21-1-212. FXN-2554
R21-1-213. FXN-2554
R21-1-301. FXN-2554
R21-1-302. FXN-2554
R21-1-303. FXN-2554
R21-1-304. FXN-2554
R21-1-305. FXN-2554
R21-1-306. FXN-2554
R21-1-307. FXN-2554
R21-1-308. FXN-2554
R21-1-309. FXN-2554
R21-1-310. FXN-2554
R21-1-311. FXN-2554
R21-1-312. FXN-2554
R21-1-313. FXN-2554
R21-1-314. FXN-2554
R21-1-401. FXN-2554
R21-1-402. FXN-2554
R21-1-403. FXN-2554
R21-1-404. FXN-2554
R21-1-405. FXN-2554
R21-1-406. FXN-2554
R21-1-501. FXN-2554
R21-1-502. FXN-2554
R21-1-503. FXN-2554
R21-1-504. FXN-2554
R21-1-505. FXN-2554
R21-1-506. FXN-2554
R21-1-507. FXN-2554
R21-1-508. FXN-2554

Clean Elections Commission, Citizens

R2-20-107. PXM-779; FXM-1627
R2-20-109. PXM-781; PXM-1977; PXM-2043
R2-20-110. PXM-785; FXM-1629
R2-20-111. PXM-787; FXM-1631
R2-20-113. PXN-789; FXM-1633
R2-20-204. PXM-790; FXM-1634
R2-20-205. PXM-831; FXM-1636
R2-20-206. PXM-792; FXM-1638; PXM-1981

R2-20-208. PXM-1772; PXM-1822; PXM-1983
R2-20-402.01. PXM-833; FXM-1640
R2-20-703. PXM-834; FXM-1641
R2-20-704. PXM-836; FXM-1643

Collateral Pool, Statewide
R2-14-101. FN-233
R2-14-102. FN-233
R2-14-103. FN-233
R2-14-104. FN-233
R2-14-105. FN-233
R2-14-106. FN-233
R2-14-107. FN-233
R2-14-108. FN-233
R2-14-109. FN-233

Contractors, Registrar of
R4-9-102. PM-2507

Corporation Commission - Fixed Utilities
R14-2-1805. FM-379
R14-2-1812. FM-379

Corporation Commission - Transportation
R14-5-202. PM-674
R14-5-203. PM-674
R14-5-204. PM-674
R14-5-205. PM-674
R14-5-207. PM-674

Cosmetology, Board of
R4-10-102. PM-1765
R4-10-107. PM-1765
R4-10-110. PM-1765

Dental Examiners, State Board of
R4-11-201. PM-1887
R4-11-202. PM-1887
R4-11-203. PM-1887
R4-11-204. PM-1887
R4-11-205. PM-1887
R4-11-301. PM-1887
R4-11-302. PR-1887
R4-11-303. PM-1887
R4-11-304. PM-1887
R4-11-305. PM-1887
R4-11-1202. FM-921
R4-11-1701. PM-671

Economic Security, Department of - State Assistance Programs
R6-13-201. EXP-157
R6-13-202. EXP-157
R6-13-203. EXP-157
R6-13-204. EXP-157
R6-13-205. EXP-157
R6-13-206. EXP-157
R6-13-207. EXP-157
R6-13-208. EXP-157
R6-13-209. EXP-157
R6-13-210. EXP-157
R6-13-211. EXP-157
R6-13-212. EXP-157
R6-13-213. EXP-157
R6-13-214. EXP-157
R6-13-215. EXP-157
R6-13-216. EXP-157
R6-13-302. EXP-157
R6-13-303. EXP-157
R6-13-304. EXP-157
R6-13-305. EXP-157
R6-13-306. EXP-157
R6-13-308. EXP-157
R6-13-309. EXP-157
R6-13-310. EXP-157
R6-13-311. EXP-157
R6-13-312. EXP-157
R6-13-313. EXP-157
R6-13-314. EXP-157
R6-13-314.01. EXP-157
R6-13-317. EXP-157
R6-13-318. EXP-157
R6-13-319. EXP-157
R6-13-320. EXP-157
R6-13-321. EXP-157
R6-13-1201. EXP-157
R6-13-1202. EXP-157
R6-13-1203. EXP-157
R6-13-1204. EXP-157
R6-13-1206. EXP-157
R6-13-1209. EXP-157
R6-13-1210. EXP-157
R6-13-1211. EXP-157
R6-13-1212. EXP-157

Education, State Board of
R7-2-205. FXM-1775
R7-2-301. FXM-1778
R7-2-302. FXM-1778
R7-2-307. FXM-1781
R7-2-308. FXM-1781
R7-2-604. FXM-2047
R7-2-604.01. FXM-2047
R7-2-604.02. FXM-2047
R7-2-604.03. FXM-2047
R7-2-604.04. FXM-2047
R7-2-607. FXM-2054
R7-2-610. FXM-2054
R7-2-611. FXM-2056
R7-2-612. FXM-2063
R7-2-613. FXM-2073
R7-2-614. FXM-2073
R7-2-617. FXM-2077
R7-2-701. FXM-1775
R7-2-703. FXM-1775
R7-2-809. FXN-1784
R7-2-1001. FXM-1525
R7-2-1002. FXM-1491; FXM-1525
R7-2-1003. FXM-1525
R7-2-1004. FXM-1525
R7-2-1005. FXM-1525
R7-2-1006. FXM-1525
R7-2-1007. FXM-1525
R7-2-1008. FXR-1525; FXN-1525
R7-2-1009. FXR-1525
R7-2-1010. FXM-1525
R7-2-1011. FXN-1525
R7-2-1012. FXN-1525
R7-2-1013. FXN-1525
R7-2-1014. FXN-1525
R7-2-1015. FXN-1525
R7-2-1016. FXN-1525
R7-2-1018. FXN-1525
R7-2-1021. FXM-1525
R7-2-1022. FXM-1525
R7-2-1023. FXM-1525
R7-2-1024. FXM-1525
R7-2-1025. FXM-1525
R7-2-1026. FXM-1525
R7-2-1027. FXM-1525
R7-2-1028. FXM-1525
R7-2-1029. FXM-1525
R7-2-1030. FXM-1525
R7-2-1031. FXM-1525
R7-2-1032. FXM-1525
R7-2-1033. FXM-1525
R7-2-1035. FXM-1525
R7-2-1036. FXM-1525
R7-2-1037. FXM-1525
R7-2-1041. FXM-1525
R7-2-1042. FXM-1525
R7-2-1044. FXM-1525
R7-2-1045. FXM-1525
R7-2-1046. FXM-1525
R7-2-1047. FXM-1525
R7-2-1048. FXM-1525
R7-2-1049. FXM-1525
R7-2-1050. FXM-1525
R7-2-1053. FXM-1525
R7-2-1055. FXM-1525
R7-2-1056. FXM-1525
R7-2-1057. FXM-1525
R7-2-1058. FXM-1525
R7-2-1061. FXM-1525
R7-2-1062. FXM-1525
R7-2-1063. FXM-1525
R7-2-1066. FXM-1525
R7-2-1067. FXR-1525; FXN-1525
R7-2-1068. FXM-1525
R7-2-1069. FXN-1525
R7-2-1070. FXN-1525
R7-2-1073. FXM-1525
R7-2-1074. FXM-1525
R7-2-1075. FXM-1525
R7-2-1076. FXM-1525
R7-2-1078. FXM-1525
R7-2-1079. FXM-1525
R7-2-1080. FXM-1525
R7-2-1081. FXM-1525

R7-2-1083. FXM-1525
R7-2-1084. FXM-1525
R7-2-1085. FXM-1525
R7-2-1086. FXM-1525
R7-2-1087. FXN-1525
R7-2-1091. FXR-1525
R7-2-1092. FXR-1525; FXN-1525
R7-2-1093. FXM-1525
R7-2-1100. FXN-1525
R7-2-1101. FXM-1525
R7-2-1102. FXM-1525
R7-2-1103. FXM-1525
R7-2-1104. FXM-1525
R7-2-1105. FXM-1525
R7-2-1106. FXN-1525
R7-2-1107. FXN-1525
R7-2-1108. FXN-1525
R7-2-1109. FXM-1525
R7-2-1110. FXM-1525
R7-2-1111. FXM-1525
R7-2-1112. FXM-1525
R7-2-1113. FXM-1525
R7-2-1114. FXM-1525
R7-2-1115. FXM-1525
R7-2-1116. FXR-1525
R7-2-1117. FXM-1525
R7-2-1118. FXM-1525
R7-2-1119. FXR-1525; FXN-1525
R7-2-1120. FXM-1525
R7-2-1121. FXM-1525
R7-2-1122. FXM-1525
R7-2-1123. FXM-1525
R7-2-1125. FXM-1525
R7-2-1131. FXM-1525
R7-2-1141. FXM-1525
R7-2-1142. FXM-1525
R7-2-1143. FXM-1525
R7-2-1144. FXM-1525
R7-2-1145. FXM-1525
R7-2-1146. FXM-1525
R7-2-1147. FXM-1525
R7-2-1148. FXM-1525
R7-2-1149. FXM-1525
R7-2-1150. FXM-1525
R7-2-1151. FXM-1525
R7-2-1152. FXM-1525
R7-2-1153. FXM-1525
R7-2-1155. FXM-1525
R7-2-1156. FXM-1525
R7-2-1157. FXM-1525
R7-2-1158. FXM-1525
R7-2-1159. FXM-1525
R7-2-1161. FXM-1525
R7-2-1164. FXM-1525
R7-2-1165. FXM-1525
R7-2-1167. FXM-1525
R7-2-1168. FXM-1525
R7-2-1169. FXM-1525
R7-2-1170. FXM-1525
R7-2-1181. FXM-1525
R7-2-1182. FXM-1525
R7-2-1183. FXM-1525
R7-2-1184. FXM-1525
R7-2-1185. FXM-1525
R7-2-1191. FXM-1525
R7-2-1192. FXM-1525
R7-2-1194. FXM-1525
R7-2-1195. FXM-1525
R7-2-1196. FXN-1525

Emergency and Military Affairs, Department of - Division of Emergency Management
R8-2-101. PM-1151
R8-2-102. PM-1151
R8-2-103. PM-1151
R8-2-104. PM-1151
R8-2-105. PM-1151

Environmental Quality, Department of - Air Pollution Control
R18-2-210. FXM-1156
R18-2-333. FEM-2747
R18-2-610. FXM-1156
R18-2-610.01. FXM-1156
R18-2-610.02. FXN-1156
R18-2-610.03. FXN-1156
R18-2-611. FXM-1156
R18-2-611.01. FXM-1156
R18-2-611.02. FXN-1156
R18-2-611.03. FXN-1156
R18-2-612. FXR-1156; FXN-1156
R18-2-612.01 FXN-1156
R18-2-613. FXR-1156; FXN-1156
R18-2-613.01. FXN-1156
Appendix 2. FXM-1156
R18-2-701. FM-711
R18-2-733. FR-711
R18-2-733.01. FR-711
R18-2-734. FM-711
R18-2-901. FEM-2747
R18-2-1101. FEM-2747
Appendix 2. FEM-2747

Environmental Quality, Department of - Hazardous Waste Management
R18-8-260. FM-1246
R18-8-261. FM-1246
R18-8-262. FM-1246
R18-8-263. FM-1246
R18-8-264. FM-1246
R18-8-265. FM-1246
R18-8-266. FM-1246
R18-8-268. FM-1246
R18-8-270. FM-1246
R18-8-271. FM-1246
R18-8-273. FM-1246

Environmental Quality, Department of - Permit and Compliance Fees
R18-14-301. FN-2597
R18-14-302. FN-2597
R18-14-303. FN-2597

Environmental Quality, Department of - Safe Drinking Water
R18-4-102. PM-2286
R18-4-103. PM-2286
R18-4-105. PM-2286
R18-4-121. PM-2286
R18-4-126. PN-2286
R18-4-210. PM-2286

Environmental Quality, Department of - Water Pollution Control
R18-9-1002. FM-751
R18-9-1015. FM-751

Environmental Quality, Department of - Water Quality Standards
R18-11-106. PM-1895; TM-1986
R18-11-109. PM-1895; TM-1986
R18-11-110. PM-1895; TM-1986
R18-11-112. PM-1895; TM-1986
R18-11-115. PM-1895; TM-1986
R18-11-121. PM-1895; TM-1986
Appendix A. PM-1895; TM-1986
Appendix B. PM-1895; TM-1986
Appendix C. PM-1895; TM-1986

Editor's Note: The terminated rulemaking action (TM) notated in the above sections is in reference to the Notice of Proposed Rulemaking published at 20 A.A.R. 3590, December 26, 2014.

Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers, Board of
R4-33-101. FM-543
R4-33-108. FM-543
R4-33-203. FM-543
R4-33-208. FM-543
R4-33-212. FN-543
R4-33-302. FM-543
R4-33-401. FM-543
R4-33-402. FM-543
R4-33-407. FM-543
R4-33-408. FM-543
R4-33-411. FN-543

Financial Institutions, Department of
R20-4-707. EXP-411

Financial Institutions, Department of - Real Estate Appraisal Division
R4-46-101. FM-1675
R4-46-102. FM-1675
R4-46-103. FM-1675
R4-46-106. FM-1675

R4-46-107. FN-1675
R4-46-401. FR-1675; FN-1675
R4-46-402. FN-1675
R4-46-403. FN-1675
R4-46-404. FN-1675
R4-46-405. FN-1675
R4-46-406. FN-1675
R4-46-407. FN-1675
R4-46-408. FN-1675
R4-46-501. FM-1675
R4-46-502. FN-1675
R4-46-503. FR-1675; FN-1675
R4-46-504. FN-1675
R4-46-505. FN-1675
R4-46-506. FN-1675
R4-46-507. FN-1675
R4-46-508. FN-1675
R4-46-509. FN-1675
R4-46-510. FN-1675
R4-46-511. FN-1675
R4-46-601. FM-1675
R4-46-602. FR-1675

Fingerprinting, Board of
R13-11-101. EXP-465

Fire, Building and Life Safety, Department of
R4-36-201. PM-1077
R4-36-301. PM-1077
R4-36-302. PM-1077
R4-36-303. PM-1077
R4-36-304. PM-1077
R4-36-305. PM-1077
R4-36-307. PM-1077
R4-36-308. PM-1077
R4-36-309. PM-1077
R4-36-310. PM-1077
R4-36-311. PR-1077
R4-36-401. FM-571

Game and Fish Commission
R12-4-101. PM-1001
R12-4-103. PM-1001
R12-4-104. PM-1001
R12-4-105. PM-1001
R12-4-106. PM-1001
R12-4-107. PM-1001
R12-4-108. PM-1001
R12-4-110. PM-1001
R12-4-111. PM-1001
R12-4-112. PM-1001
R12-4-113. PM-1001
R12-4-114. PM-1001
R12-4-115. PM-1001
R12-4-116. PM-1001
R12-4-117. PM-1001
R12-4-118. PN-1001
R12-4-119. PM-1001
R12-4-120. PM-1001
R12-4-121. PM-1001
R12-4-124. PN-1001
R12-4-125. P#-1001; PM-1001
R12-4-202. PM-747; FM-2550
R12-4-302. PM-1001
R12-4-504. FXM-1046
R12-4-611. PM-1001
R12-4-804. P#-1001
R12-4-901. EXP-757
R12-4-902. EXP-757
R12-4-903. EXP-757
R12-4-904. EXP-757
R12-4-905. EXP-757
R12-4-906. EXP-757

Health Services, Department of - Health Care Institutions: Licensing
R9-10-119. EN-1787

Health Services, Department of - Health Programs Services
R9-13-201. FXM-1083
R9-13-202. FXM-1083
R9-13-203. FXM-1083
R9-13-207. FXM-1083

Industrial Commission of Arizona
R20-5-601. PM-2445; PM-2736
R20-5-602. PM-2445
R20-5-629. PM-2512
R20-5-1301. PN-2739
R20-5-1302. PN-2739
R20-5-1303. PN-2739
R20-5-1304. PN-2739
R20-5-1305. PN-2739
R20-5-1306. PN-2739
R20-5-1307. PN-2739
R20-5-1308. PN-2739
R20-5-1309. PN-2739
R20-5-1310. PN-2739
R20-5-1311. PN-2739
R20-5-1312. PN-2739

Insurance, Department of
R20-6-1101. PM-2401
R20-6-1401. FXM-54
R20-6-1402. FXM-54
R20-6-1403. FXM-54
R20-6-1404. FXM-54
R20-6-1405. FXM-54
R20-6-1406. FXM-54
R20-6-1407. FXM-54
R20-6-1408. FXR-54; FXN-54
R20-6-1409. FXN-54
R20-6-1410. FXN-54
Appendix A. FXM-54
Appendix B. FXM-54
Appendix C. FXM-54
Appendix D. FXM-54
Appendix E. FX#-54; FXM-54; FXN-54
Appendix F. FXN-54
Appendix G. FX#-54; FXM-54; FXN-54
R20-6-1601. FXM-2448
R20-6-1602. FX#-2448; FXN-2448
R20-6-1603. FX#-2448; FXN-2448
R20-6-1604. FX#-2448; FXN-2448
R20-6-1605. FX#-2448; FXN-2448
R20-6-1606. FX#-2448; FXN-2448
R20-6-1607. FX#-2448; FXM-2448
R20-6-1608. FX#-2448; FXM-2448
R20-6-1609. FX#-2448; FXM-2448
R20-6-1610. FX#-2448
R20-6-1611. FX#-2448; FXM-2448
R20-6-1612. FX#-2448; FXM-2448
Exhibit A. FXM-2448
Exhibit B. FXR-2448; FXN-2448
Exhibit C. FXN-2448
Exhibit D. FXN-2448

Medical Board, Arizona
R4-16-201. FXM-2678
R4-16-201.1. FXN-2678
R4-16-202. FXM-2678
R4-16-203. FXM-2678
R4-16-204. FXR-2678
R4-16-205. FXM-2678
R4-16-205.1. FXN-2678
R4-16-206. FXM-2678
R4-16-207. FXR-2678
Table 1. FXM-2678

Peace Officer Standards Training, Board, Arizona
R13-4-101. PM-2711
R13-4-102. PM-2711
R13-4-103. PM-2711
R13-4-104. PM-2711
R13-4-105. PM-2711
R13-4-106. PM-2711
R13-4-107. PM-2711
R13-4-108. PM-2711
R13-4-109. PM-2711
R13-4-109.01. PM-2711
R13-4-110. PM-2711
R13-4-111. PM-2711
R13-4-112. PM-2711
R13-4-114. PM-2711
R13-4-116. PM-2711
R13-4-117. PM-2711
R13-4-118. PM-2711

R13-4-201. PM-2711
R13-4-202. PM-2711
R13-4-203. PM-2711
R13-4-204. PM-2711
R13-4-205. PM-2711
R13-4-206. PM-2711
R13-4-208. PM-2711

Pest Management, Office of
R4-29-102. FM-451
R4-29-103. FM-451
R4-29-202. FM-451
R4-29-203. FM-451
R4-29-204. FM-451
R4-29-207. FM-451
R4-29-208. FM-451
R4-29-304. FM-451
R4-29-307. FM-451
R4-29-308. FM-451
R4-29-501. FM-451
R4-29-503. FM-451

Physical Therapy, Board of
R4-24-208. FXM-924
R4-24-313. FXN-924

Physicians Medical Board, Naturopathic
R4-18-101. PM-201; FM-2009
R4-18-107. PM-201; FM-2009
R4-18-202. PM-201; FM-2009
R4-18-203. PM-201; FM-2009
R4-18-204. PM-201; FM-2009
R4-18-206. PM-201; FM-2009
R4-18-207. PN-201; FN-2009
R4-18-208. PN-201; FN-2009
R4-18-209. PN-201; FN-2009
R4-18-501. PM-201; FM-2009
R4-18-502. PM-201; FM-2009
R4-18-904. EM-51; EM-928; FM-2009

Power Authority, Arizona
R12-14-602. FR-297
R12-14-603. FN-297
R12-14-604. FN-297
R12-14-605. FN-297
R12-14-606. FN-297
R12-14-607. FN-297
R12-14-608. FN-297
R12-14-609. FN-297
R12-14-610. FN-297
R12-14-611. FN-297
R12-14-612. FN-297
R12-14-613. FN-297
R12-14-614. FN-297
R12-14-615. FN-297
R12-14-616. FN-297
R12-14-617. FN-297
R12-14-618. FN-297
R12-14-619. FN-297
R12-14-620. FN-297
R12-14-621. FN-297
R12-14-622. FN-297
R12-14-623. FN-297
R12-14-624. FN-297
R12-14-625. FN-297
R12-14-626. FN-297
R12-14-627. FN-297
R12-14-628. FN-297
R12-14-629. FN-297
R12-14-630. FN-297
R12-14-631. FN-297
R12-14-632. FN-297

Public Safety, Department of - Concealed Weapons Permits
R13-9-302. EXP-795
R13-9-305. EXP-795
R13-9-307. EXP-795
R13-9-308. EXP-795
R13-9-309. EXP-795
R13-9-310. EXP-795

Public Safety, Department of - School Buses
R13-13-105. PM-1461
R13-13-106. PM-1461
R13-13-107. PM-1461
R13-13-108. PM-1461

Racing Commission, Arizona
R19-2-205. FXM-640
R19-2-401. FXM-643

Radiation Regulatory Agency
R12-1-102. PM-2357
R12-1-303. PM-2357
R12-1-306. PM-2357
R12-1-308. PM-2357
R12-1-311. PM-2357
R12-1-313. PM-2357
R12-1-320. PM-2357
R12-1-323. PM-2357
R12-1-418. PM-2357
R12-1-452. PM-2357
R12-1-503. PM-2357
R12-1-703. PM-2357
R12-1-1215. FM-289
Table A. FM-289
R12-1-1302. FM-289; PM-2357
R12-1-1306. FM-289
R12-1-1512. PM-2357
R12-1-1901. PN-2357
R12-1-1903. PN-2357
R12-1-1905. PN-2357
R12-1-1907. PN-2357
R12-1-1909. PN-2357
R12-1-1911. PN-2357
R12-1-1921. PN-2357
R12-1-1923. PN-2357
R12-1-1925. PN-2357
R12-1-1927. PN-2357
R12-1-1929. PN-2357
R12-1-1931. PN-2357
R12-1-1933. PN-2357
R12-1-1941. PN-2357
R12-1-1943. PN-2357
R12-1-1945. PN-2357
R12-1-1947. PN-2357
R12-1-1949. PN-2357
R12-1-1951. PN-2357
R12-1-1953. PN-2357
R12-1-1955. PN-2357
R12-1-1957. PN-2357
R12-1-1971. PN-2357
R12-1-1973. PN-2357
R12-1-1975. PN-2357
R12-1-1977. PN-2357
R12-1-1979. PN-2357
R12-1-1981. PN-2357
R12-1-19101. PN-2357
R12-1-19103. PN-2357
R12-1-19105. PN-2357
R12-1-19107. PN-2357
R12-1-19109. PN-2357
Appendix A. PN-2357

Radiation Regulatory Agency - Medical Radiologic Technology Board of Examiners
R12-2-101. FM-573
R12-2-102. FM-573
R12-2-104. FR-573; FN-573
R12-2-201. FR-573; FN-573
R12-2-202. FR-573; FN-573
R12-2-203. FR-573; FN-573
R12-2-204. FR-573; FN-573
R12-2-205. FR-573; FN-573
R12-2-206. FR-573; FN-573
R12-2-207. FR-573; FN-573
R12-2-208. FN-573
R12-2-301. FR-573; FN-573
R12-2-302. FN-573
R12-2-303. FN-573
R12-2-304. FN-573
R12-2-305. FN-573
R12-2-401. FR-573; FN-573

R12-2-402. FR-573; FN-573
R12-2-403. FR-573; FN-573
R12-2-404. FR-573; FN-573
R12-2-405. FR-573; FN-573
R12-2-406. FR-573; FN-573
R12-2-501. FR-573
R12-2-502. FR-573
R12-2-503. FR-573
R12-2-504. FR-573
R12-2-505. FR-573
R12-2-506. FR-573
R12-2-601. FR-573
R12-2-602. FR-573
R12-2-603. FR-573
R12-2-604. FR-573
R12-2-605. FR-573

Retirement System Board, State
R2-8-104. PM-959; FM-2515
R2-8-115. PM-959; PM-2281; FM-2515
R2-8-118. PM-959; PM-2281; FM-2515
R2-8-120. PM-959; FM-2515
R2-8-122. PM-2281
R2-8-123. PM-959; FM-2515
R2-8-126. PM-959; PM-2281; FM-2515
R2-8-401. PM-959; FM-2515
R2-8-501. PM-959; FM-2515
R2-8-601. PM-959; FM-2515
R2-8-701. PM-959; FM-2515

Revenue, Department of - General Administration
R15-10-108. EXP-1197
R15-10-109. EXP-1197
R15-10-118. EXP-1197
R15-10-202. EXP-1197
R15-10-702. EN-1830
R15-10-703. EN-1830
R15-10-704. EN-1830
R15-10-706. EN-1830

Revenue, Department of - Income and Withholding Tax Section
R15-2C-202. EXP-465
R15-2C-204. EXP-465

Secretary of State, Office of
R1-1-101. FM-117
R1-1-103. FM-117
R1-1-104. FM-117
R1-1-105. FM-117
R1-1-106. FM-117
R1-1-107. FM-117
R1-1-109. FM-117
R1-1-110. FM-117
R1-1-114. FM-117
R1-1-202. FM-117
R1-1-205. FM-117
R1-1-211. FM-117
R1-1-302. FM-117
R1-1-401. FM-117
R1-1-414. FM-117
R1-1-502. FM-117
R1-1-801. FR-117; FN-117
R1-1-802. FN-117
R1-1-803. FN-117
R1-1-1001. FM-117

State Real Estate Department
R4-28-405. EXP-757

Transportation, Department of - Commercial Programs
R17-5-301. FXM-1096
R17-5-302. FXM-1096
R17-5-303. FXN-1096
R17-5-304. FXN-1096
R17-5-305. FXN-1096
R17-5-306. FXN-1096
R17-5-307. FXN-1096
R17-5-308. FXN-1096
R17-5-309. FXN-1096
R17-5-310. FXN-1096
R17-5-311. FXN-1096
R17-5-312. FXN-1096
R17-5-313. FXN-1096
R17-5-314. FXN-1096
R17-5-315. FXN-1096
R17-5-316. FXN-1096
R17-5-317. FXN-1096
R17-5-318. FXN-1096
R17-5-319. FXN-1096
R17-5-320. FXN-1096
R17-5-321. FXN-1096
R17-5-901. FXN-1825
R17-5-902. FXN-1825
R17-5-903. FXN-1825
R17-5-904. FXN-1825
R17-5-905. FXN-1825
R17-5-906. FXN-1825

Transportation, Department of - Title, Registration, and Driver Licenses
R17-4-401. FXM-1092
R17-4-404. FXM-1092

Weights and Measures, Department of
R20-2-101. PM-437; FM-1693
R20-2-901. PM-437; FM-1693
R20-2-902. PM-437; FM-1693
R20-2-903. PM-437; FM-1693
R20-2-904. PM-437; FM-1693
R20-2-906. PM-437; FM-1693
R20-2-907. PM-437; FM-1693
R20-2-908. PM-437
R20-2-909. PM-437; FM-1693
R20-2-910. PM-437; FM-1693
R20-2-913. FN-437; FM-1693
R20-2-1001. PN-437; FN-1693
R20-2-1002. PN-437; FN-1693
R20-2-1003. PN-437; FN-1693
R20-2-1004. PN-437; FN-1693
R20-2-1005. PN-437; FN-1693
R20-2-1006. PN-437; FN-1693
R20-2-1007. PN-437; FN-1693
R20-2-1008. PN-437; FN-1693
R20-2-1009. PN-437; FN-1693
R20-2-1010. PN-437; FN-1693
R20-2-1011. PN-437; FN-1693
R20-2-1012. PN-437; FN-1693
R20-2-1013. PN-437; FN-1693
Table 1. PN-437; FN-1693

OTHER NOTICES AND PUBLIC RECORDS INDEX

Other notices related to rulemakings are listed in the Index by notice type, agency/county and by volume page number. Agency policy statements and proposed delegation agreements are included in this section of the Index by volume page number.

Public records, such as Governor Office executive orders, proclamations, declarations and terminations of emergencies, summaries of Attorney General Opinions, and county notices are also listed in this section of the Index as published by volume page number.

THIS INDEX INCLUDES OTHER NOTICE ACTIVITY THROUGH ISSUE 46 OF VOLUME 21.

Agency Guidance Documents, Notices of

Health Services, Department of; pp. 22-23, 325-326, 647, 1495, 2417-2420, 2786

Revenue, Department of; pp. 890-893, 2111, 2688

Agency Ombudsman, Notices of

Child Safety, Department of; pp. 466, 1054

Early Childhood Development and Health Board; p. 25

Game and Fish Commission; p. 142

Health Services, Department of; p. 498

Lottery Commission, State; p. 526

Psychologist Examiners, Board of; p. 25

Public Safety, Department of; p. 1502

Registrar of Contractors; p. 729

County Notices Pursuant to A.R.S. § 49-112

Maricopa County; p. 984, 1273-1302, 1302-1445, 2124-2261

Pima County; pp. 469-471, 852-853

Pinal County; pp. 422, 501-506, 802-808, 902-906, 1715-1745, 2083-2087

Governor's Office

Executive Order: pp. 26-27, 102-103, 143-144 (E.O. #2012-03); 163-164 (E.O. #2015-01); 216 (E.O. #2015-02); 552-553 (E.O. #2015-03); 760-761 (E.O. #2015-04); 975 (E.O. #2015-05)

Proclamations: pp. 615-621; 652-654; 693-696; 798-801; 847-851; 899-901; 976-983; 1059-1060; 1130-1134; 1203-1207; 1505-1507; 1653-1657; 1709-1714; 1794-1796; 2113; 2115-2123, 2320-2326, 2479-2487, 2792

Governor's Regulatory Review Council

Notices of Action Taken: pp. 193, 317, 479-480, 563-564, 771, 951, 1217, 1757-1758, 2100, 2588

Oral Proceeding on Proposed Rulemaking, Notices of

Child Safety, Department of; 1055, 1269, 1649, 1650, 1866

Optometry, Board of; p. 9, 1648

Psychologist Examiners, Board of; p. 1199

Proposed Delegation Agreement, Notices of

Environmental Quality, Department of; p. 267-269, 496, 894-895, 1124, 1496-1497, 1836, 2787

Public Information, Notices of

Agriculture, Department of - Livestock & Crop Conservation Grant Program; p. 896

Arizona Health Care Cost Containment System; p. 727, 840, 1051, 2789

Child Safety, Arizona Department of; p. 1051, 1267, 1646, 1838

Emergency and Military Affairs, Department of - Division of Military Affairs; p. 159, 1267

Environmental Quality, Department of; pp. 11-20, 77-87

Environmental Quality, Department of - Pesticides and Water Pollution Control; p. 687-689

Environmental Quality, Department of - Water Pollution Control; p. 1126

Environmental Quality, Department of - Water Quality Control; pp. 327-360, 840-842, 1838-1865, 2297-2317

Environmental Quality, Department of - Water Quality Standards; p. 160

Health Services, Department of; pp. 21, 177-179, 241, 361-362, 413, 2421

Health Services, Department of - Emergency Medical Services; p. 2422

Health Services, Department of - Health Programs Services; p. 611

Health Services, Department of - Laboratories; p. 2422

Optometry, Board of; p. 11

Secretary of State, Office of the; p. 160-161

The Deaf and the Hard of Hearing; p. 1498

Rulemaking Docket Opening, Notices of

Agriculture, Department of - Environmental Services Division; p. 2415

Arizona Health Care Cost Containment System - Administration; p. 839, 1791, 1835

Arizona Health Care Cost Containment System - Arizona Long-term Care System; p. 495

Barbers, Board of; p. 889

Board of Dental Examiners, State; p. 524, 1988-1989

Contractors, Registrar of; p. 2473

Corporation Commission, Arizona - Transportation; p. 685

Cosmetology, Board of; p. 1122, 1790

Emergency and Military Affairs, Department of - Division of Emergency Management; p. 1198

Environmental Quality, Department of - Safe Drinking Water; p. 2296

Environmental Quality, Department of - Water Quality Standards; p. 1989

Fire, Building and Life Safety, Department of; p. 1123

Game and Fish Commission; p. 759, 1049

Health Services, Department of - Health Care Institutions: Licensing; p. 2474

Industrial Commission of Arizona; p. 2475, 2573, 2785

Insurance, Department of; p. 1494

Lottery Commission, Arizona State; pp. 972, 973

Peace Officer Standards and Training Board, Arizona; p. 2784

Physicians Medical Board, Naturopathic; p. 215

Public Safety, Department of - School Buses; p. 646

Radiation Regulatory Agency; p. 2295

Retirement System Board, State; p. 726, 931, 1834, 1987, 2109, 2572

The Deaf and the Hard of Hearing, Commission for; p. 1493

Weights and Measures, Department of; p. 412

Substantive Policy Statement, Notices of

Agriculture, Department of; p. 2424

Environmental Quality, Department of; pp. 88-101, 137-139, 162, 307, 591, 612, 690

Financial Institutions, Department of; p. 1499

Game and Fish Commission; p. 141

Greater Arizona Development Authority; pp. 391-392

Health Services, Department of; pp. 140, 180-182, 242-249, 270-272, 416-419, 648, 843-844

Insurance, Department of; p. 591-593, 1500

Nursing, Board of; p. 136

Psychologist Examiners, Board of; p. 24

Revenue, Department of; p. 932-939

State Real Estate, Department of; p. 551, 1501

Technical Registration, Board of; pp. 414-415

Water Infrastructure Finance Authority; pp. 393-395

Water Resources, Department of; p. 183

RULE EFFECTIVE DATES CALENDAR

A.R.S. § 41-1032(A), as amended by Laws 2002, Ch. 334, § 8 (effective August 22, 2002), states that a rule generally becomes effective 60 days after the day it is filed with the Secretary of State's Office. The following table lists filing dates and effective dates for rules that follow this provision. Please also check the rulemaking Preamble for effective dates.

January		February		March		April		May		June	
Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date
1/1	3/2	2/1	4/2	3/1	4/30	4/1	5/31	5/1	6/30	6/1	7/31
1/2	3/3	2/2	4/3	3/2	5/1	4/2	6/1	5/2	7/1	6/2	8/1
1/3	3/4	2/3	4/4	3/3	5/2	4/3	6/2	5/3	7/2	6/3	8/2
1/4	3/5	2/4	4/5	3/4	5/3	4/4	6/3	5/4	7/3	6/4	8/3
1/5	3/6	2/5	4/6	3/5	5/4	4/5	6/4	5/5	7/4	6/5	8/4
1/6	3/7	2/6	4/7	3/6	5/5	4/6	6/5	5/6	7/5	6/6	8/5
1/7	3/8	2/7	4/8	3/7	5/6	4/7	6/6	5/7	7/6	6/7	8/6
1/8	3/9	2/8	4/9	3/8	5/7	4/8	6/7	5/8	7/7	6/8	8/7
1/9	3/10	2/9	4/10	3/9	5/8	4/9	6/8	5/9	7/8	6/9	8/8
1/10	3/11	2/10	4/11	3/10	5/9	4/10	6/9	5/10	7/9	6/10	8/9
1/11	3/12	2/11	4/12	3/11	5/10	4/11	6/10	5/11	7/10	6/11	8/10
1/12	3/13	2/12	4/13	3/12	5/11	4/12	6/11	5/12	7/11	6/12	8/11
1/13	3/14	2/13	4/14	3/13	5/12	4/13	6/12	5/13	7/12	6/13	8/12
1/14	3/15	2/14	4/15	3/14	5/13	4/14	6/13	5/14	7/13	6/14	8/13
1/15	3/16	2/15	4/16	3/15	5/14	4/15	6/14	5/15	7/14	6/15	8/14
1/16	3/17	2/16	4/17	3/16	5/15	4/16	6/15	5/16	7/15	6/16	8/15
1/17	3/18	2/17	4/18	3/17	5/16	4/17	6/16	5/17	7/16	6/17	8/16
1/18	3/19	2/18	4/19	3/18	5/17	4/18	6/17	5/18	7/17	6/18	8/17
1/19	3/20	2/19	4/20	3/19	5/18	4/19	6/18	5/19	7/18	6/19	8/18
1/20	3/21	2/20	4/21	3/20	5/19	4/20	6/19	5/20	7/19	6/20	8/19
1/21	3/22	2/21	4/22	3/21	5/20	4/21	6/20	5/21	7/20	6/21	8/20
1/22	3/23	2/22	4/23	3/22	5/21	4/22	6/21	5/22	7/21	6/22	8/21
1/23	3/24	2/23	4/24	3/23	5/22	4/23	6/22	5/23	7/22	6/23	8/22
1/24	3/25	2/24	4/25	3/24	5/23	4/24	6/23	5/24	7/23	6/24	8/23
1/25	3/26	2/25	4/26	3/25	5/24	4/25	6/24	5/25	7/24	6/25	8/24
1/26	3/27	2/26	4/27	3/26	5/25	4/26	6/25	5/26	7/25	6/26	8/25
1/27	3/28	2/27	4/28	3/27	5/26	4/27	6/26	5/27	7/26	6/27	8/26
1/28	3/29	2/28	4/29	3/28	5/27	4/28	6/27	5/28	7/27	6/28	8/27
1/29	3/30			3/29	5/28	4/29	6/28	5/29	7/28	6/29	8/28
1/30	3/31			3/30	5/29	4/30	6/29	5/30	7/29	6/30	8/29
1/31	4/1			3/31	5/30			5/31	7/30		

July		August		September		October		November		December	
Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date
7/1	8/30	8/1	9/30	9/1	10/31	10/1	11/30	11/1	12/31	12/1	1/30
7/2	8/31	8/2	10/1	9/2	11/1	10/2	12/1	11/2	1/1	12/2	1/31
7/3	9/1	8/3	10/2	9/3	11/2	10/3	12/2	11/3	1/2	12/3	2/1
7/4	9/2	8/4	10/3	9/4	11/3	10/4	12/3	11/4	1/3	12/4	2/2
7/5	9/3	8/5	10/4	9/5	11/4	10/5	12/4	11/5	1/4	12/5	2/3
7/6	9/4	8/6	10/5	9/6	11/5	10/6	12/5	11/6	1/5	12/6	2/4
7/7	9/5	8/7	10/6	9/7	11/6	10/7	12/6	11/7	1/6	12/7	2/5
7/8	9/6	8/8	10/7	9/8	11/7	10/8	12/7	11/8	1/7	12/8	2/6
7/9	9/7	8/9	10/8	9/9	11/8	10/9	12/8	11/9	1/8	12/9	2/7
7/10	9/8	8/10	10/9	9/10	11/9	10/10	12/9	11/10	1/9	12/10	2/8
7/11	9/9	8/11	10/10	9/11	11/10	10/11	12/10	11/11	1/10	12/11	2/9
7/12	9/10	8/12	10/11	9/12	11/11	10/12	12/11	11/12	1/11	12/12	2/10
7/13	9/11	8/13	10/12	9/13	11/12	10/13	12/12	11/13	1/12	12/13	2/11
7/14	9/12	8/14	10/13	9/14	11/13	10/14	12/13	11/14	1/13	12/14	2/12
7/15	9/13	8/15	10/14	9/15	11/14	10/15	12/14	11/15	1/14	12/15	2/13
7/16	9/14	8/16	10/15	9/16	11/15	10/16	12/15	11/16	1/15	12/16	2/14
7/17	9/15	8/17	10/16	9/17	11/16	10/17	12/16	11/17	1/16	12/17	2/15
7/18	9/16	8/18	10/17	9/18	11/17	10/18	12/17	11/18	1/17	12/18	2/16
7/19	9/17	8/19	10/18	9/19	11/18	10/19	12/18	11/19	1/18	12/19	2/17
7/20	9/18	8/20	10/19	9/20	11/19	10/20	12/19	11/20	1/19	12/20	2/18
7/21	9/19	8/21	10/20	9/21	11/20	10/21	12/20	11/21	1/20	12/21	2/19
7/22	9/20	8/22	10/21	9/22	11/21	10/22	12/21	11/22	1/21	12/22	2/20
7/23	9/21	8/23	10/22	9/23	11/22	10/23	12/22	11/23	1/22	12/23	2/21
7/24	9/22	8/24	10/23	9/24	11/23	10/24	12/23	11/24	1/23	12/24	2/22
7/25	9/23	8/25	10/24	9/25	11/24	10/25	12/24	11/25	1/24	12/25	2/23
7/26	9/24	8/26	10/25	9/26	11/25	10/26	12/25	11/26	1/25	12/26	2/24
7/27	9/25	8/27	10/26	9/27	11/26	10/27	12/26	11/27	1/26	12/27	2/25
7/28	9/26	8/28	10/27	9/28	11/27	10/28	12/27	11/28	1/27	12/28	2/26
7/29	9/27	8/29	10/28	9/29	11/28	10/29	12/28	11/29	1/28	12/29	2/27
7/30	9/28	8/30	10/29	9/30	11/29	10/30	12/29	11/30	1/29	12/30	2/28
7/31	9/29	8/31	10/30			10/31	12/30			12/31	3/1

REGISTER PUBLISHING DEADLINES

The Secretary of State's Office publishes the Register weekly. There is a three-week turnaround period between a deadline date and the publication date of the Register. The weekly deadline dates and issue dates are shown below. Council meetings and Register deadlines do not correlate. Also listed are the earliest dates on which an oral proceeding can be held on proposed rulemakings or proposed delegation agreements following publication of the notice in the Register.

Deadline Date (paper only) Friday, 5:00 p.m.	*Register* Publication Date	Oral Proceeding may be scheduled on or after
September 4, 2015	September 25, 2015	October 26, 2015
September 11, 2015	October 2, 2015	November 2, 2015
September 18, 2015	October 9, 2015	November 9, 2015
September 25, 2015	October 16, 2015	November 16, 2015
October 2, 2015	October 23, 2015	November 23, 2015
October 9, 2015	October 30, 2015	November 30, 2015
October 16, 2015	November 6, 2015	December 7, 2015
October 23, 2015	November 13, 2015	December 14, 2015
October 30, 2015	November 20, 2015	December 21, 2015
November 6, 2015	November 27, 2015	December 28, 2015
November 13, 2015	December 4, 2015	January 4, 2016
November 20, 2015	December 11, 2015	January 11, 2016
November 27, 2015	December 18, 2015	January 18, 2016
December 4, 2015	December 25, 2015	January 25, 2016
December 11, 2015	January 1, 2016	February 1, 2016
December 18, 2015	January 8, 2016	February 8, 2016
December 25, 2015	January 15, 2016	February 15, 2016
January 1, 2016	January 22, 2016	February 22, 2016
January 8, 2016	January 29, 2016	February 29, 2016
January 15, 2016	February 5, 2016	March 7, 2016
January 22, 2016	February 12, 2016	March 14, 2016
January 29, 2016	February 19, 2016	March 21, 2016
February 5, 2016	February 26, 2016	March 28, 2016
February 12, 2016	March 4, 2016	April 4, 2016
February 19, 2016	March 11, 2016	April 11, 2016
February 26, 2016	March 18, 2016	April 18, 2016
March 4, 2016	March 25, 2016	April 25, 2016
March 11, 2016	April 1, 2016	May 2, 2016
March 18, 2016	April 8, 2016	May 9, 2016

GOVERNOR'S REGULATORY REVIEW COUNCIL DEADLINES

The following deadlines apply to all Five-Year-Review Reports and any adopted rule submitted to the Governor's Regulatory Review Council. Council meetings and *Register* deadlines do not correlate. We publish these deadlines as a courtesy.

All rules and Five-Year Review Reports are due in the Council office by 5:00 p.m. of the deadline date. The Council's office is located at 100 N. 15th Ave., Suite 402, Phoenix, AZ 85007. For more information, call (602) 542-2058 or visit www.grrc.state.az.us.

DEADLINE TO BE PLACED ON COUNCIL AGENDA	FINAL MATERIALS DUE FROM AGENCIES	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
November 17, 2014	December 17, 2014	December 30, 2014	January 6, 2015
December 15, 2014	January 14, 2015	January 27, 2015	February 3, 2015
January 20, 2015	February 11, 2015	February 24, 2015	March 3, 2015
February 17, 2015	March 18, 2015	March 31, 2015	April 7, 2015
March 16, 2015	April 15, 2015	April 28, 2015	May 5, 2015
April 20, 2015	May 13, 2015	May 28, 2015	June 2, 2015
May 18, 2015	June 17, 2015	June 30, 2015	July 7, 2015
June 15, 2015	July 15, 2015	July 28, 2015	August 4, 2015
July 20, 2015	August 12, 2015	August 25, 2015	September 1, 2015
August 17, 2015	September 16, 2015	September 29, 2015	October 6, 2015
September 21, 2015	October 14, 2015	October 27, 2015	November 3, 2015
October 19, 2015	November 12, 2015	November 24, 2015	December 1, 2015
November 16, 2015	December 16, 2015	December 29, 2015	January 5, 2016