

NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the *Register* 1st as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Arizona Administrative Register* after the final rules have been submitted for filing and publication.

NOTICE OF FINAL RULEMAKING

TITLE 3. AGRICULTURE

CHAPTER 2. DEPARTMENT OF AGRICULTURE - ANIMAL SERVICES DIVISION

PREAMBLE

1. Sections Affected

	<u>Rulemaking Action</u>
R3-2-701	Repeal
R3-2-701	New Section
R3-2-702	Repeal
R3-2-702	New Section
R3-2-703	Repeal
R3-2-703	New Section
R3-2-704	New Section
R3-2-705	New Section
R3-2-706	New Section
2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. §§ 3-1203(D) and 3-1337

Implementing statute: A.R.S. §§ 3-1203, 3-1331, 3-1332, 3-1336 and 3-1348
3. The effective date of the rules:

February 4, 1998
4. A list of all previous notices appearing in the Register addressing the final rule:

Notice of Rulemaking Docket Opening: 1 A.A.R. 32, January 27, 1995

Notice of Proposed Rulemaking: 3 A.A.R. 3074, November 7, 1997

Notice of Public Hearing on Proposed Rulemaking: 3 A.A.R. 3075, November 7, 1997
5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Shirley Conard, Rules Specialist

Address: Arizona Department of Agriculture  
1688 West Adams, Room 124  
Phoenix, Arizona 85007

Telephone: (602) 542-0962

Fax: (602) 542-5420
6. An explanation of the rule, including the agency's reasons for initiating the rule:

This rulemaking removes outdated references to the "Livestock Board", repeals information found in statute, corrects a statute reference, clarifies when livestock must be inspected by a livestock officer, adds self-inspection procedures for dairy cattle and feedlots, and clearly establishes the general requirements for all types of self-inspection procedures.

R3-2-701. Department Livestock Inspection. This rule explains when a livestock officer or inspector will inspect cattle.

R3-2-702. Livestock Self-Inspection. This rule establishes the eligibility and general requirements for self-inspection. This eligibility is based upon the number of livestock established in A.R.S. § 3-1340(A) allowing livestock owners to transport their animal without receiving an inspection.

R3-2-703. Self-inspection For Cattle Destination.

R3-2-705. Self-inspection For Sheep.

**Notices of Final Rulemaking**

**R3-2-706. Self-inspection For Dairy Cattle or Feedlots.** These rules allow efficient, yet documented, in-state movement of cattle to sale-barns, feedlots and slaughter establishments.

**R3-2-704. Self-inspection For Pasture to Pasture.** This rule establishes "cab cards" for ranchers or operators transporting cattle within a ranching unit or between their ranching units. The cab card contains the owner's name, brand, and the inspection district, and allows for the free movement of the rancher's cattle within that inspection district. Once the rancher or operator contacts Department's dispatch of the cattle movement, dispatch will notify the officers in the district of origin and destination of the cattle movement. The dispatcher will complete a Notice of Cattle Movement and maintain a data base record of the transaction.

**7. A showing of good cause why the rule 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.

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

The Department has been meeting with the livestock industry to discuss livestock self-inspection in an effort to improve the efficiencies and effectiveness of the program. This rulemaking sets up a documented in-state movement of cattle to sale-barns, feedlots, and slaughter establishments.

**A. *Estimated Costs and Benefits to the Arizona Department of Agriculture.***

These rules clarify the self-inspection program and adds a new self-inspection category (cab card) for pasture to pasture movement within or between a ranching unit. The additional category reduces the threat of livestock theft and lowers the possibility of the Department expending resources by engaging in a theft investigation. The cab card also removes the requirement for the self-inspection book when the owner is moving livestock in this manner. The additional self-inspection programs for dairy cattle and feedlots closes the gap of controlling animal movement in the state and carries out the statute provision of A.R.S. § 3-1337(D). This program is currently being managed through general funds and no changes in costs are anticipated through this rulemaking.

**B. *Estimated Costs and Benefits to Political Subdivisions.***

Political subdivisions of this state are not directly affected by the implementation and enforcement of this rulemaking.

**C. *Businesses Directly Affected By the Rulemaking (livestock owners or agents, inventoried feedlots, and inventoried dairies).***

These rules establish who may apply for a self-inspection certificate book and sets up a new type of livestock movement opportunity with the pasture to pasture cab card. The cab card eliminates the self-inspection book now required for this type of movement. Except for the pasture to pasture cab card, there are no additional requirements for a ranching operation, inventoried dairy operation, or inventoried feedlot operation. This rulemaking clarifies the self-inspection requirements and clearly states when a livestock owner or agent needs a livestock officer to inspect their livestock. Although the livestock owner still needs to use the self-inspection certificates when moving cattle to auction, feedlot or slaughter, by using the pasture to pasture cab card, the owner will not have to complete a self-inspection certificate every time the owner moves cattle within the ranching unit, thus being able to drastically reduce the volume of paperwork. Since the program is being managed through the general fund, there are no costs, current or additional, to the owner or agent.

The following self-inspection certification books have been issued during the last 3 years:

Self-inspection Type	FY 1994-1995	FY 1995-1996	FY 1996-1997
Brand Owner	675	639	668
Sheep	168	90	92
Feedlot	482	441	463
Dairy Cattle	419	358	259

**D. *Estimated Costs and Benefits to Private and Public Employment.***

Private and public employment are not directly affected by the implementation and enforcement of this rulemaking.

**E. *Estimated Costs and Benefits to Consumers and the Public.***

Although this program is paid through monies from the general fund, this rulemaking adds no new costs to the program. Consumers and the public are not directly affected by changes of this proposed rulemaking.

**F. *Estimated Costs and Benefits to State Revenues.***

State revenues are not directly affected by the implementation and enforcement of this rulemaking.

**Notices of Final Rulemaking**

9. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):  
Format and clarification changes were made at the request of G.R.R.C. staff. Some of those changes are: identifying a "person" as an "owner or operator"; clarifying that animals being shipped to a custom-exempt facility are being shipped for "slaughter"; eliminating the terms "livestock" and "animals" when we mean "cattle"; clarifying that in order to obtain self-inspection for pasture to pasture, an owner or operator must obtain the application from the livestock officer or inspector; inserting "at least" before "5-dairy cattle" in R3-2-702(A); and minor editing changes to make the rules more clear and understandable. No substantive changes were made.
10. A summary of the principal comments and the agency response to them:  
Not applicable.
11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:  
None.
12. Incorporations by reference and their location in the rules:  
None.
13. Was this rule previously adopted as an emergency rule?  
No.
14. The full text of the rules follows:

**TITLE 3. AGRICULTURE**

**CHAPTER 2. DEPARTMENT OF AGRICULTURE - ANIMAL SERVICES DIVISION**

**ARTICLE 7. LIVESTOCK INSPECTION**

Section

- R3-2-701. ~~Livestock certificate required to be in immediate possession~~ Repealed
- R3-2-701. Department Livestock Inspection
- R3-2-702. ~~Horse trader permit requirements~~ Repealed
- R3-2-702. Livestock Self-Inspection
- R3-2-703. ~~Self-inspection for owners or lessees of a brand recorded with the Board, other than dairies and feedlots, other than dairies and feedlots.~~ Repealed
- R3-2-703. Self-inspection For Cattle Destination Movement
- R3-2-704. Self-inspection For Pasture to Pasture Movement
- R3-2-705. Self-inspection For Sheep
- R3-2-706. Self-inspection For Dairy Cattle or Cattle In Feedlots

**ARTICLE 7. LIVESTOCK INSPECTION**

**R3-2-701. Livestock certificate required to be in immediate possession** Repealed

A legible original or duplicate of the original of certificate of ownership, hauling certificate, certificate of brand inspection, or permanent hauling permit shall accompany all horses, mules, asses, cattle or other livestock being moved and must be in the immediate possession of any person moving any horse, mule, ass, cattle or other livestock wherein a certificate of ownership, hauling certificate, certificate of brand inspection, or permanent hauling permit is required under the provisions of Arizona Revised Statutes, Title 24.

**R3-2-701. Department Livestock Inspection**

- A.** A livestock officer or inspector shall inspect cattle at a ranch or feedlot, if the owner or agent is:
1. Requesting the inspection;
  2. Moving cattle out-of-state and retaining ownership;
  3. Transferring the cattle ownership, whether in-state or out-of-state, except as provided in R3-2-706(C);
  4. Moving fresh-branded or unbranded cattle not found with their mothers;
  5. Slaughtering cattle at the owner's ranch or shipping them for slaughter to a custom-exempt facility; or
  6. Moving breeding stock out of the feedlot.

**B.** A livestock officer or inspector shall inspect cattle at a feedlot if:

1. The livestock are breeding stock;
2. The owner or agent is transferring the cattle ownership, whether in-state or out-of-state;
3. The cattle are being shipped for slaughter to a custom exempt facility.

**R3-2-702. Horse trader permit requirements**

- A.** A person applying for a horse trader permit must submit an application as provided by the Board along with a \$100.00 fee.
- B.** Upon approval of the application, the Board may issue a numbered permit as per A.R.S. § 24-278.
- C.** A horse trader permittee or his authorized agent must comply with the following requirements:
1. Shall assure that the seller's portion of the equine transfer request is completed by the seller at the time of purchase.
  2. Shall include his horse trader's permit number along with his signature or his name signed by any authorized agent in designated space on the equine transfer request.
  3. Shall assure that the buyer's name and date on the buyer's portion of the equine transfer request are filled out when animal is sold or if sold to another licensed horse trader, then that trader must comply with requirement number two. The trader will be obligated to assure that the buyer's portion of the transfer request shall show the new owner's name and date of transfer.

**R3-2-702. Livestock Self-Inspection**

- A.** Any owner or operator of a ranching operation producing at least 5 cattle or 10 sheep, an inventoried dairy operation using at least 5 dairy cattle, or an inventoried feedlot operation moving at least 5 cattle per year to a state or federally inspected slaughter establishment or to a recognized Arizona livestock auction, may apply for a self-inspection certificate book or card, or both, to move livestock.
- B.** General self-inspection requirements.
1. Except for pasture to pasture movement, when livestock are moved the owner or operator shall complete a self-inspection certificate and distribute it as follows:

- a. The original shall be sent to the Department within 10 days after the end of the month in which the livestock are moved.
  - b. One copy shall accompany the livestock whenever they are in transit.
  - c. One copy shall be retained by the person transporting the livestock, and
  - d. One copy shall be retained by the owner.
  2. If the livestock are diverted to a destination other than that stated on the self-inspection certificate, the certificate is void and the owner or operator shall complete and send a new certificate to the Department. The owner or operator shall use a self-inspection certificate only with a shipment of livestock bearing the brands for which the certificate is issued and only for the self-inspection issued date.
  3. Any altered, erased, or defaced self-inspection certificate is void. All voided certificates shall be returned to the Department within 10 days after the end of the month in which they are voided. Upon request, unused certificates shall be returned to the Department. If a recorded brand or dairy operation is sold, leased, or transferred, the owner or operator shall return all self-inspection certificates for that brand to the Department within 10 days of the transaction.
  4. If livestock are moved in violation of this Article, a Department officer may issue a written warning or citation to the shipper, or the owner or agent, and direct that the livestock be returned to their owner within 24 hours, or if ownership is questioned, the improperly moved livestock may be seized under A.R.S. § 3-1371 by a Department officer.
  5. Any person moving livestock pursuant to this Article shall comply with A.R.S. Title 3, Chapter 11 and all applicable rules. Any violation of these laws or rules, or any commission of a crime involving livestock, is violation of this Section.
  6. If, after a hearing, the Department determines that there has been a violation of this Article, the Department may impose upon the violator the sanctions established in A.R.S. § 3-1203(D). The hearing shall be conducted pursuant to A.R.S. Title 41, Chapter 6, Articles 6 and 10 and all applicable rules.
- R3-2-703. Self-inspection for owners or lessees of a brand recorded with the Board, other than dairies and feedlots**
- A. If no change of ownership occurs, a person may move neat animals from one location to another within this state, pursuant to the self-inspection procedure provided for in this Section.
  - B. Any person desiring to use the self-inspection procedure shall first apply to the Arizona Livestock Board on a form specified by the Board. To use the self-inspection procedure, a person must own or lease a brand recorded with the Board and must be approved by the Board. Any person who, within the five years prior to that person's application for self-inspection, has been found to have violated any of the livestock laws of this state, or any rule of the Board, or to have been convicted of any crime involving livestock, may be disapproved by the Board and shall not then be permitted to use self-inspection.
  - C. Self-inspection procedures:
    1. Persons moving animals pursuant to this shall move only neat animals branded with brands they have recorded with the Board, or unweaned calves if moved with their mothers. Except for such unweaned calves, animals without brands or with unpeeled brands shall not be moved without inspection by a Board inspector. No quarantined animals or animals held by order of any Board employee may be moved.
  2. Animals moved under this Section shall not change ownership, shall be moved only within this state, shall be moved by a direct route to their destination, and shall be moved only as follows:
    - a. To a pasture;
    - b. To an Arizona livestock auction bonded under the Federal Packers and Stockyards Act;
    - c. To a feedlot licensed by the Board; or
    - d. To a slaughter establishment licensed by the Board.
  3. Each person approved by the Board for self-inspection under this Section will be issued a book of self-inspection certificates, the form of which will be specified by the Board. Whenever any animals are moved, a certificate shall be filled out in quadruplicate, signed by the owner of the animals or his agent, and distributed as follows:
    - a. The original shall be sent to the Board within ten days after the end of the month in which the animals are moved;
    - b. One copy shall accompany the animals at all times they are in transit;
    - c. One copy shall be for the person transporting the animals; and
    - d. One copy shall be retained by the owner.
  4. A certificate shall be valid only on the date it is issued. If the animals are diverted to a destination other than that stated on their certificate, that certificate is void and a new certificate must be completed and sent to the Board. Certificates shall be used only in connection with the shipment of animals bearing the brands for which the certificates are issued.
  5. Every self-inspection certificate shall be filled out completely and legibly and shall contain at least the following information:
    - a. The exact location from which the animals are being moved;
    - b. The exact location to which the animals are being moved, including the name and exact geographical location of any pasture, or the name and location of any auction, feedlot or slaughter establishment;
    - c. The number of head of calves, cows, heifers, steers and bulls being moved, and the brands and marks they bear; and
    - d. The name of the shipper and the owner of the animals.
  6. Certificates shall not be altered. Any certificate altered, eased, or defaced is void and a new certificate must be filled out. All void certificates shall be returned to the Board within ten days after the end of the month in which voided. All unused certificates shall be returned to the Board upon request. Upon any sale, lease or other transfer of any recorded brands, all self-inspection certificates for that brand shall be returned to the Board within ten days of such transfer.
  - D. If any animals are moved in violation of this Section, the improperly moved animals may be seized pursuant to A.R.S. § 24-291 by an inspector, or the inspector may issue a written warning to the shipper, and direct that such animals be returned within 24 hours to their owner at the expense of the shipper.

- E. Persons moving animals pursuant to this Section shall comply with all other applicable rules of the Board and all applicable provisions of Title 24 of the Arizona Revised Statutes. Any violation of such rules or laws, or any commission of a crime involving livestock, shall also be a violation of this Section.
- F. If the Board determines, after a hearing, that there has been any violation of this Section, the Board may impose upon the violator the sanctions set forth in A.R.S. § 24-104(F). The hearing shall be conducted as provided in A.R.S. § 24-106.
- G. Persons conducting self-inspection pursuant to this Section do not have the enforcement powers otherwise granted to livestock inspectors appointed by the Board.

**R3-2-703. Self-inspection For Cattle Destination**

- A. An owner or operator applying for a self-inspection certificate book for cattle movement shall obtain an application from the livestock officer or inspector and submit it with the following information to the Department:
  - 1. The name, business or home address, telephone number, social security number, and signature of the applicant;
  - 2. The registered brand, brand location, ear marks, and brand number;
  - 3. The name of the registered brand owner;
  - 4. The date of the application; and
  - 5. The signature and badge number of the livestock officer or inspector assigned to the inspection area.
- B. An owner or operator shall provide the following information on a self-inspection certificate whenever cattle are moved:
  - 1. The name, address, telephone number, and signature of the owner;
  - 2. The date of the shipment;
  - 3. The location from which the cattle are being moved;
  - 4. The location to which the cattle are being moved, including the name of the auction, feedlot, or slaughter establishment;
  - 5. The number each of calves, cows, heifers, steers, and bulls being moved; and
  - 6. The brand number, expiration date, brand location, and ear marks.
- C. Self-inspection procedures.
  - 1. Except for cattle being moved to a feedlot, any person moving cattle shall move only cattle branded with the owner's recorded brand and the unweaned calves of cattle branded with the owner's recorded brand. Cattle without brands and cattle with unpeeled brands that are not with their mothers shall be moved only with Department inspection. Quarantined cattle, cattle held by order of the Department, or cattle restricted by the State Veterinarian shall not be moved.
  - 2. Cattle being moved shall not change ownership, shall be moved by a direct route to their destination, and shall be moved only as follows:
    - a. To an Arizona livestock auction bonded under the Federal Packers and Stockyards Act;
    - b. To a feedlot licensed and inventoried by the Department; or
    - c. To a state or federally licensed slaughter establishment.

**R3-2-704. Self-inspection For Pasture to Pasture**

- A. An owner or operator applying for a cab card for pasture to pasture movement shall obtain an application from the livestock officer or inspector and submit it with the following information to the Department:

- 1. The name, business or home address, telephone number, social security number, and signature of the applicant;
- 2. The registered brand;
- 3. The name of the registered brand owner;
- 4. The date of the application; and
- 5. The signature and badge number of the livestock officer or inspector assigned in the inspection area.

**B. Self-inspection procedures.**

- 1. Pasture to pasture movement within the ranching operation's inspection district. Any owner or operator moving cattle from noncontiguous pastures or allotments on the same ranching operation within the inspection district shall be issued a cab card authorizing the movement of cattle at the owner's or operator's discretion.
- 2. Pasture to pasture movement outside the inspection district.
  - a. Any owner or operator moving cattle from noncontiguous pastures or allotments on the same ranching operation but outside the inspection district shall, on or before the date the cattle are being moved, call the Department dispatch office for an authorization number. The authorization number is valid only for the requested day of movement.
  - b. The Department dispatch employee shall record the information on the Notice of Cattle Movement form and notify the livestock officer or inspector in both the district of origin and the destination district.

**R3-2-705. Self-inspection For Sheep**

- A. An owner or operator applying for a self-inspection certificate book for sheep movement shall obtain an application from the livestock officer or inspector and submit it with the following information to the Department:
  - 1. The name, business or home address, telephone number, social security number, and signature of the applicant;
  - 2. The date of the application; and
  - 3. The signature and badge number of the livestock officer or inspector assigned in the inspection area.
- B. An owner or operator shall provide the following information on a self-inspection certificate whenever sheep are being moved:
  - 1. The name, business or home address, telephone number, and signature of the owner;
  - 2. The date of the shipment;
  - 3. The name, address, and telephone number of the person purchasing the sheep, if applicable;
  - 4. The location from which the sheep are being moved;
  - 5. The name of the trucker;
  - 6. The location to which the sheep are being moved, including the name of the pasture, auction, exhibit, or slaughter establishment;
  - 7. The number of sheep being moved; and
  - 8. The brand location and ear marks.

**R3-2-706. Self-inspection For Dairy Cattle or Cattle In Feedlots**

- A. An owner or operator applying for a self-inspection certificate book for the movement of dairy cattle or cattle in a feedlot shall obtain an application from the livestock officer or inspector and submit it with the following information to the Department:
  - 1. The corporate, business, or trade name and permit number of the applicant;
  - 2. The date of the application;

**Notices of Final Rulemaking**

3. The signature, social security number, and title of the owner.
- B. An owner or operator of a dairy shall provide the following information on a self-inspection certificate whenever dairy cattle or cattle in feedlots are moved:
  1. The name of the owner;
  2. The date of the shipment;
  3. The back tag numbers, if applicable;
  4. The location from which the dairy cattle or cattle in feedlots are being moved;
  5. The name of the auction, feedlot or slaughter establishment to which the dairy cattle or cattle in feedlots are being moved;
  6. The number of dairy cattle or cattle in feedlots being inspected, the cost of the inspection, and the beef council fees; and
  7. The signature of the dairy representative authorized by the owner.
- C. An owner or operator of a feedlot shall provide the following information on a self-inspection certificate whenever cattle in feedlots are moved:
  1. The name of the seller or owner;
  2. The date of the shipment;
  3. The location, including the county, from which the cattle are being moved;
  4. The name of the trucker;
  5. The destination of the cattle, including the name of the feedlot or the slaughter establishment;
  6. The name of the consignee;
  7. The brand and number each of cows, heifers, steers and bulls being moved;
  8. The number of cattle being inspected, the cost of the inspection, and the beef council fees; and
  9. The signature of the feedlot representative authorized by the owner.
- D. An owner or operator of a dairy may sell calves 30 days or younger on a self-inspection certificate by providing the following information:
  1. The address and telephone number of the purchaser;
  2. The date and location of the sale;
  3. The number of calves being sold;
  4. The cost of the inspection and the beef council fees; and
  5. The signature of the dairy representative authorized by the owner.

**NOTICE OF FINAL RULEMAKING**

**TITLE 12. NATURAL RESOURCES**

**CHAPTER 4. GAME AND FISH COMMISSION**

**PREAMBLE**

1. **Sections Affected**

<p>R12-4-107</p> <p>R12-4-107</p> <p>R12-4-301</p> <p>R12-4-303</p> <p>R12-4-304</p> <p>R12-4-304</p> <p>R12-4-307</p>	<p><b><u>Rulemaking Action</u></b></p> <p>Repeal</p> <p>New Section</p> <p>Amend</p> <p>Amend</p> <p>Repeal</p> <p>New Section</p> <p>Amend</p>
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2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. § 17-231(A)(1), (2) and (3)

Implementing statute: A.R.S. §§ 17-102, 17-231(A)(1), (A)(2), (A)(3), and (A)(8); 17-234, 17-235, 17-301, and 17-361
3. **The effective date of the rules:**

January 1, 1999, for R12-4-107; and February 9, 1998, for all other rules.
4. **A list of all previous notices appearing in the Register addressing the final rule:**

Notice of Rulemaking Docket Opening (for R12-4-107): 3 A.A.R. 1221, May 2, 1997

Notice of Rulemaking Docket Opening (for R12-4-301, R12-4-303, R12-4-304, and R12-4-307): 3 A.A.R. 869, March 28, 1997

Notice of Proposed Rulemaking (for R12-4-107 and R12-4-307): 3 A.A.R. 2727, October 10, 1997

Notice of Proposed Rulemaking (for R12-4-301, R12-4-303, R12-4-304): 3 A.A.R. 1632, June 13, 1997

The date the record was closed:

September 13, 1997, for R12-4-301, R12-4-303, and R12-4-304

December 13, 1997, for R12-4-107 and R12-4-307
5. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

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2221 West Greenway Road DOAS  
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**Arizona Administrative Register**  
**Notices of Final Rulemaking**

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**6. An explanation of the rule, including the agency's reasons for initiating the rule:**

**R12-4-107. Bonus Point System.**

The Department uses a random selection process, generally known as "the drawing," to equitably apportion available tags among hunters when demand exceeds supply.

The Arizona Game and Fish Commission annually reviews wildlife management statistics and input from the public and, by "Commission Order," establishes seasons during which wildlife may be taken. (Commission Orders are exempted from rulemaking pursuant to A.R.S. § 41-1005 [A][2]). Open seasons are for a stated time period, in a specific area, and for a specific "legal animal" (as described in the Commission Order). Many of these seasons are further restricted to the "method of take," which may be used (authority for this is established by rule). As part of this process, based upon wildlife management requirements, the Commission may determine whether only a limited number of "legal animals" may be taken during an open season, and if so, how many. The Commission Order then designates the number of "hunt permits" to be made available to the public for that season, and assigns a "hunt number" to that season to differentiate it from areas and seasons where this restriction does not apply.

The drawing becomes necessary because there are more persons wishing to hunt a particular species in a particular area by a particular method of take than there are available hunt permits for that species. The drawing is intended to ensure this limited number of tags (known as "hunt permit-tags") is distributed fairly. R12-4-114 prescribes how the drawing is to be conducted.

**Bonus Point System.** Until March 1, 1991, hunt permit-tags were awarded on a "straight" random drawing system, wherein each applicant for a particular hunt number had exactly the same statistical probability of being drawn as every other applicant for that hunt number.

In 1989, during the review of the Commission's rules on the drawing, it was decided to look for ways to help the frustrated hunter who applies hopefully each year for a big game tag, but who is all too frequently unsuccessful, since certain tags must be limited while the number of hopeful hunters is not.

The Department studied different types of drawing systems (including "waiting periods" and "preference points," which are used by other states), and surveyed and talked to many hunters. After a rulemaking process with much public involvement, the Commission adopted R12-4-107 to implement the "bonus point system" for 4 of the most popular big game species (antelope, bighorn sheep, buffalo, and elk). This system has 2 requirements in order to participate: 1st, you must have a hunting license at the time you apply in the drawing (since the intent is to reward those who have faithfully supported wildlife management) and 2nd, you must submit a valid application in the drawing. Each time a person meets those requirements, and is not successful in being drawn, they accumulate a bonus point for that genus. Each bonus point accumulated grants that person an extra opportunity to be drawn the next time they apply. In addition, a person accumulates 1 permanent bonus point for each genus when he or she graduates from the Department's hunter education course.

This system was chosen over other systems because, while it rewards those persons who have supported wildlife management and who have submitted applications regularly, it does not deny others the opportunity to be drawn. Persons who prefer to buy their license only after being drawn may always have their normal valid entry.

The bonus point system has been successful in meeting its objective of improving the odds for long-term participants, but not successfully enough for everyone. In September of 1995, 2 elk hunters petitioned the Commission with a plan to set aside 10% of the hunt permit-tags for people with maximum bonus points. The Commission asked the Department to explore the plan further and obtain public comment. As part of the assignment, the Department contracted a survey by the Behavior Research Center, Inc., of Phoenix. The results of the survey were that 7 out of 10 big game hunters (72%) believed the bonus point system should be modified to reserve the 1st 10% of each hunt's permits for those hunters with the greatest number of bonus points.

The Commission approved this modification effective January 1, 1997, and rule R12-4-114 now contains this modification.

Applicants for deer hunts have not been eligible to receive bonus points. At the time the bonus point rule was adopted, a majority of big game hunters did not favor including deer in the bonus point program. Since then some hunters expressed their opinion that deer should be added to the rule. Those who support the modification believe it is necessary in order to improve their chance of being drawn for highly desirable permits such as Kaibab mule deer and late season white-tailed deer hunts. At least 1 organization supported awarding bonus points for all deer hunts statewide. A request to award bonus points for deer hunts north of the Colorado River only was received during the 1997 hunt recommendation meetings. During Commission discussion, separating mule deer and white-tailed deer hunts into separate Commission Orders was discussed. There was no support voiced for splitting the hunts. On April 26, 1997, the Commission directed the Department to consider the matter of including deer in the bonus point rule further. The rulemaking docket was then opened.

A survey on the proposed deer bonus point system was conducted in August 1997 and documented the following:

- Better than 8 out of 10 hunters (82%) indicated that they are either very (37%) or somewhat (45%) familiar with Arizona's bonus point system. This level of awareness was nearly identical between residents and nonresidents, and tended to increase along with the length or time a person has been hunting in Arizona.



*Arizona Administrative Register*  
**Notices of Final Rulemaking**

- Seventy percent of hunters surveyed either strongly support (25%) or support (45%) expanding the bonus point system to include deer hunting permits.

- A majority of hunters (58%) said that if deer were made a bonus point species, they would likely apply for more desirable hunts with the intent of obtaining bonus points and increasing their chance of being drawn for a more desirable hunt in the future. By comparison, only 24 percent of hunters said they would likely apply for less desirable hunts in order to go hunting each year.

There was much discussion on this at the Commission's open meeting of September 13, 1997, when the Commission decided to file the Notice of Proposed Rulemaking with the Secretary of State for publication in the *Arizona Administrative Register*.

A 2nd survey was conducted in October 1997 using a randomly selected sample of 500 deer hunters from the Department's hunter database (91% residents, 9% nonresidents). The objective of this survey was to clarify 3 potential impacts of adding deer as a bonus point species:

- The impact that adding deer to the bonus point system would have on hunter retention in the short term.
- The impact that requiring hunters to be licensed at the time of application for a deer permit in order to be eligible for deer bonus points would have on the number of individuals who already buy their license prior to applying for a deer permit, and
- Whether unsuccessful hunters would purchase leftover permits sold by the Department on a first-come, first-served basis.

The results from this survey confirm support documented in the August survey for adding deer to the bonus point system, with 72% of respondents supporting the proposal (47% strongly support, 25% support).

- **Impact on hunter retention.** Ninety-three percent of surveyed hunters stated at the beginning of the survey that they currently plan to apply for a deer permit in 1998 (5% were unsure, and 2% said no and were not asked to complete the survey). After the bonus point system was explained, 96% of the respondents stated that they would apply for a permit in 1998 if deer became a bonus point species.

Of the 93% who currently plan to apply for a deer permit in 1998, 97% would still apply in 1998 if deer were added as a bonus point species, 1% would no longer plan to apply, and 2% were unsure. Of the 5% who were initially unsure, 75% would plan to apply for a deer permit in 1998 if deer were added as a bonus point species, 4% would no longer plan to apply, and 21% were unsure.

- **Impact on license sales.** Ninety percent of the hunters surveyed currently purchase a general hunting license prior to applying for a deer permit (10% do not currently purchase a license prior to applying for deer, and less than 1% were unsure). This is consistent with the Department's hunter data base, which shows that 87% of deer applicants are licensed at the time of application for a deer permit.

After the bonus point system was explained to them, 92% of respondents stated that they would buy a general hunting license prior to applying for a deer permit in order to be eligible to accumulate a bonus point.

Of the 90% of hunters surveyed who currently purchase a general hunting license prior to applying for a deer permit, 96% would continue to do so if deer went to a bonus point system, 2% would not, and 2% were unsure. Additionally, of the 10% of hunters surveyed who do not currently purchase a license prior to applying for a deer permit, 57% would do so in order to be eligible for a bonus point, 33% would not, and 10% were unsure.

- **Purchasing leftover permits.** Seventy-seven percent of respondents stated that if they were unsuccessful in the draw, and if they did not have to forfeit bonus points, they would purchase leftover deer permits sold on a first-come, first-served basis. (10% said they would not purchase leftover permits and 14% were unsure.)

While 52% of hunters stated that they *would not* purchase leftover permits if they were unsuccessful in the draw, *if they had to forfeit accumulated deer bonus points*, 30% said they would purchase a leftover permit even if it meant forfeiting bonus points. (18% were unsure)

**Other clarifications to the rule.** Since the rule must be redrafted to meet current rulewriting standards, language is added to the proposed rule to make it clear that bonus points are not awarded for "first-come first-served by mail or over the counter tags." This language carries over but clarifies current interpretation of the rule which becomes more important if deer are added to the system. There are rarely first-come first-served tags available after the lottery draw for the other bonus point species.

#### **R12-4-301. Restrictions for Taking Wildlife on Maricopa County Parks**

This rule prescribes restrictions for taking wildlife on Maricopa County Parks, in order to notify the public of conditions which allow hunting access to Maricopa County Parks. Methods for taking wildlife (hunting) are generally prescribed in R12-4-304 and R12-4-318. However, the Maricopa County Parks and Recreation Commission and the Arizona Game and Fish Commission entered into an agreement in 1976 with the objective "*To recognize hunting, fishing and trapping as practical methods for harvesting wildlife resources and to limit restrictions on such methods of harvest to recreational facilities and other developments where people are congregated and require safety precautions.*"

The agreement then specifies restrictions necessary to meet this objective. Since these restrictions do affect the public, and since they are more restrictive than methods commonly prescribed in R12-4-304 and R12-4-318, they are properly prescribed by rule as well as within the agreement. The agreement remains in effect to date without change. However, the 5-year review of this



*Arizona Administrative Register*  
**Notices of Final Rulemaking**

rule indicated the rule does not uniformly meet its objective of notifying the public of restrictions. Many of Maricopa County's parks are now within incorporated city limits. These cities frequently have ordinances which do not allow the use of shotguns within city limits. Some also restrict archery. Since this is not addressed within the rule, the public may mistakenly believe that the rule overrides a city ordinance. Language therefore, clarifies that this rule applies except where a park is within the limits of a city which has prohibited use of a specific method of take.

Another amendment complies with a request received from the Maricopa County Parks Recreation Department to remove reference to Cave Creek Recreation Area. The request stated, "Because the park is north of the old New River Road, and west of Cave Creek Road, it is in Unit 21. We would request that this area be excluded from hunts in your publications as it is in violation of Town ordinances to discharge a firearm within their city boundary. It also conflicts with our hiking and riding trail activity, which is up significantly due to the recent development. Our County Parks Rules prohibit the discharge of firearms within 1/4 mile of any developed area or hiking trail, riding trail, or both. Due to the shape of this park, there is no place where I can be more than 1/4 mile from 1 of our trails in the park. Commission Rule R12-4-301.2 needs to be amended by eliminating Cave Creek Recreation Area as 1 of the authorized hunt areas in Maricopa County Parks."

Other changes to the rule are intended to conform to current rulewriting standards, and to update references to the now-named Maricopa County Recreation Services Department.

**R12-4-303. Prohibited Devices and Ammunition**

This section prescribes devices and ammunition which are prohibited for taking any wildlife in Arizona. There was an obsolete cross-reference to R12-4-111 which is removed. R12-4-111 was once the Commission's authority to the Department to handle wildlife; this was moved more appropriately to policy in 1990. That rule number now addresses the rule on the "Department identification number." Other amendments to the rule are intended to bring it to current rulewriting standards.

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

The purpose of this section is to achieve desired levels of wildlife harvest and recreational opportunity by prescribing the methods for taking wild mammals, birds, and reptiles during general open seasons.

R12-4-304 is the basis for the Department's basic management plans for all wild mammals and birds; that is, it is the concept which is applied to the majority of the State, with the aim to provide maximum recreational opportunity with moderate hunt success. (R12-4-318, Seasons, prescribes alternative hunt structures aimed at different levels of recreation and hunt success. This rule, R12-4-304, governs general seasons.)

**Restricting method of take for buffalo on the Raymond Ranch Wildlife Area.** Buffalo are Arizona's most unique game animal in that they are raised and maintained on 2 state-operated wildlife areas, known as House Rock Wildlife Area and Raymond Ranch Wildlife Area. The boundaries for these areas are established in R12-4-109. Another rule, R12-4-306, prescribes the methods and rules of practice governing buffalo hunts held on these 2 properties.

Raymond Ranch is a small area surrounded with a "checkerboard" of public and private land. When buffalo escape the ranch, which has occasionally happened, they can escape onto private land where there is potential for damage to private property. For this reason Raymond Ranch is managed differently than House Rock, and it has always been required (in R12-4-306) that hunters on Raymond Ranch be accompanied by a Department employee.

It has always been the Commission's intent to provide the greatest scope of recreational opportunity to hunters, and in 1993, R12-4-304 was amended in response to a petition by the Arizona Bowhunters Association to allow the use of archery for buffalo. However, this has become a concern on Raymond Ranch. The use of archery requires the hunter to approach very close to the buffalo; this method is more likely to result in stampede. On Raymond Ranch, this can result in the buffalo escaping the ranch and creates a potential hazard to property and even public safety.

For these reasons, archery is eliminated as a method of take on Raymond Ranch.

**Adding method of take for pheasant.** R12-4-304 had allowed only 2 methods of take for pheasant: archery and falconry. The rule amendment includes pheasant with all other upland game birds, therefore adding 3 additional methods of take: shotgun shooting shot, handguns shooting shot, and crossbow.

The historic restriction on method of take for pheasant resulted from complaints by Yuma County citrus growers that shot pellets from fired shotgun shells were being found in citrus fruit, making the fruit unsuitable for sale. At that time, almost all pheasants in Yuma County were found within citrus orchards. Other pheasant populations in the state were very small, so restricting the method of take statewide was the simplest solution to the problem.

Since that time, however, agricultural practices and cash crops have changed. Many citrus orchards are being removed and replaced with other agriculture, primarily vegetable crops, including lettuce. The change in crops has benefited pheasant and the population of birds is increasing. Many pheasants now occur in open fields planted with lettuce, which the birds eat, to the detriment of the farmers. Hunting with bow and arrow or falconry is not effective in lettuce fields because the area is too open and birds are able to elude hunters. Allowing more effective methods of take for pheasant will benefit hunters and farmers in these areas, and in areas where citrus is still a concern, the Commission can establish an archery or shotgun season within the framework of R12-4-318.

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

*Arizona Administrative Register*  
**Notices of Final Rulemaking**

The rule amendment results from the 5-year review of this rule and eliminates any misconception that persons suffering loss from wildlife may continue to use leghold or body gripping traps, snares or poison on public land. An initiative passed by the public in 1994 prohibits the use of these types of trapping on public land. The amendment to this rule clarifies that persons suffering loss from wildlife may not use trapping methods that are prohibited by the citizen-passed law. See A.R.S. § 17-301(D).

Currently, subsection (G) of this rule exempts a specified group suffering loss from wildlife. The purpose for the proposed change is to eliminate confusion that the exemption in this rule also exempts the same group from the prohibitions in A.R.S. § 17-301(D). However, the prohibition on trapping in section 17-301(D) does not eliminate all trapping throughout this state. Therefore, the provisions in R12-4-307 remain necessary to govern where trapping is still authorized, and persons suffering loss from wildlife will remain exempt from the provisions of this rule when trapping as authorized.

Subsection (K) of the rule is corrected to properly cross-reference subsection (L). Subsection (M) is deleted as obsolete, and there is no need to place a delayed effective date within the rule. No other changes to this rule are proposed, as it has previously been revised and approved by GRRC as meeting current rulewriting standards.

7. A showing of good cause why the rule 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.

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

**R12-4-107. Bonus Point System.** The change would impact Department procedures and entail some additional expense and time for reprogramming computers, processing applications, and changing publications. It may create greater participation in the Hunter Education program. It may have some positive impact on hunting license sales. It would change application strategies and increase application pressure on more popular deer hunting units and all available permits may not be issued in the 1st drawing for less popular units.

**R12-4-301. Restrictions for Taking Wildlife on Maricopa County Parks.** Expected economic impact is minimal; changes are being made generally for the purpose of clarification and to alert the public to closure of the Cave Creek Recreational Area.

**R12-4-303. Prohibited Devices and Ammunition.** No impact is expected from this housekeeping change.

**R12-4-304. Lawful Methods for Taking Wild Mammals, Birds and Reptiles.** This proposal would change the type of recreational opportunity for a very few persons. Farms in the Yuma area may benefit economically from change in method of take for pheasant.

**R12-4-307. Trapping Regulations: Licensing; Methods; Tagging of Bobcat Pelts.** The proposed change is not expected to have any impact above the existing requirements to enforce the trapping prohibitions in A.R.S. § 17-301(D).

9. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

**Changes to R12-4-107.** Within subsection (A) as proposed: "When processing "group" applications as defined in R12-4-104, the Department will use..." As adopted: "When processing "group" applications as defined in R12-4-104, the Department shall use..."

Subsection (B) as proposed: "A person will accumulate 1 bonus point each time he or she submits a valid but unsuccessful application for a hunt permit-tag, provided that..." As adopted: "The Department shall award 1 bonus point each time a person submits a valid but unsuccessful application for a hunt permit-tag, provided that..."

A semi-colon and the word "and" were added at the end of subsection (B)(1). Within subsection (B)(2) as proposed "... or submit an application and fees for the license with their drawing application, designating that they are to be issued the license even if not drawn." was changed to: "...or submit an application and fees for the license with the drawing application, indicating that the applicant is to be issued the license even if not drawn."

The opening phrase of subsection (E) was changed from "A person will be awarded 1 permanent bonus point upon that person's..." to "The Department shall award 1 permanent bonus point for each genus upon a person's..."

Subsection (E)(1) as proposed: "Persons who graduated after January 1, 1980, but prior to January 1, 1991, or persons certified by the Department as active hunter education instructors after January 1, 1980, will be credited with 1 permanent bonus point for each genus by providing the following information..." As adopted: "The Department shall credit persons who graduated after January 1, 1980, but prior to January 1, 1991, or persons certified by the Department as active hunter education instructors after January 1, 1980, with 1 permanent bonus point for each genus if the person provides the following information..."

Subsection (E)(2) as proposed: "A person must have graduated or submitted the required form 30 days prior to a drawing's application date deadline specified in the hunt permit-tag application schedule in order for the bonus point to be counted by the Department in that drawing." As adopted: "An instructor or a person who has graduated shall submit the required form 30 days prior to a drawing's application date deadline, specified in the hunt permit-tag application schedule, in order for the bonus point to be counted by the Department in that drawing."

Subsection (F) as proposed: "The Department will provide each applicant's total number of bonus points accumulated with the applicant's notice of unsuccessful application. If the applicant disagrees with the total, the applicant must provide previous notices or proof of compliance with subsection (F) to prove Department error, before the Department may correct the applicant's record." As adopted: "The Department shall place each applicant's total number of bonus points accumulated on the

*Arizona Administrative Register*  
**Notices of Final Rulemaking**

applicant's notice of unsuccessful application. If the applicant disagrees with the total, the applicant shall provide previous notices or proof of compliance with subsection (E) to prove Department error. In the event of an error, the Department shall correct the applicant's record."

Subsection (G) as proposed: "The Department will record bonus points under each applicant's Department identification number and the genus applied for. The Department will not transfer bonus points between persons or genera." As adopted: "The Department shall record bonus points under each applicant's Department identification number and the genus on the application. The Department shall not transfer bonus points between persons or genera."

All changes were made at the suggestion of the staff of the Governor's Regulatory Review Council for the purpose of clarity. The change to the cross-reference in subsection (F) was a correction. None of the changes constitute a change to the substance of the rule.

**Changes to R12-4-301.** A notation was added to subsection (A)(2) to cross reference new subsection (F). In (new) subsection (B), language was changed from permissive to prohibitive to eliminate the implication that using a firearm in the park system is allowed. As proposed, the rule read "A person may use rifled firearms within the Maricopa County parks system only to take deer during deer seasons..." As adopted, it says "A person is prohibited from using rifled firearms within the Maricopa County parks system except to take deer..." In (new) subsection (E), a phrase was added "...and pay any fees as required by Maricopa County Recreation Services Department." This is added to avoid any misconception that hunters do not have to comply with requirements applicable to all members of the public.

**Change to R12-4-304.** Subsection (G) was originally and incorrectly proposed to become effective July 1, 1998. This was to be corrected to January 1, 1998, to ensure coordinated implementation of the rule at the beginning of the calendar year. However, GRRC returned the rule for further evaluation by the Commission, so that reference to an effective date has been removed from the rule. It will become effective when approved by GRRC and filed with the Secretary of State.

**10. A summary of the principal comments and the agency response to them:**

**R12-4-107. Bonus Point System.**

**1. Argument.** I support adding deer to the bonus point system, but it should be for deer in trophy units only. These units would include 12A and B, 13A and B, and 36C.

**Evaluation.** Each year the Commission hears from hunters who want very specific deer units or hunts added to the bonus point rule. Recently hunters have asked for all December white-tail hunts, muzzle loader hunts in units 15A and 15B, and deer hunts in unit 45. As demand exceeds supply, it is reasonable to expect the list of units and seasons to grow. Tracking eligibility among applicants and various units and season dates would be an administrative nightmare which would balloon over time.

Many hunters complain they cannot get a deer permit in a unit near home. Adding deer to the bonus point system might help those individuals. Many of the hunts they choose are not going to be considered "trophy" or otherwise special. In conclusion, the bonus point rule was implemented to help drawing odds for all hunters who support wildlife management in Arizona, not to earmark real or perceived trophy hunt opportunities for special treatment in the draw.

**2. Argument.** I support adding deer to the bonus point system on a statewide basis for all deer units.

**Evaluation.** The agency agrees. See the evaluation of argument 1 above.

**3. Argument.** A recent rule amendment to R12-4-114 sets aside 10% of available hunt permit-tags for applicants with the highest number of bonus points. Will this apply if deer are added to the system?

**Evaluation.** Yes. Applications for deer hunt permit-tags will be treated the same as applications for all other bonus point species.

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

**1. Argument.** (From a Maricopa County Park Supervisor): We have been discussing hunting in Maricopa County Parks with various staff members from Game and Fish Department and had agreed to negotiate and work up some areas in the County Parks where hunting could still be safely allowed. The proposed changes to R12-4-301 are contrary to the recent discussions and do not include input by Maricopa County Parks Department. The time-frame that you have started does not allow for adequate consideration and action by the Maricopa County Parks and Recreation Commission. I ask that changes to R12-4-301 be postponed until our Commission has adequate time to review the proposed changes.

**Evaluation.** This issue was discussed with the writer, who was unaware at the time of the writing that this rule proposal results from the agency's 5-year review and is separate from some ongoing discussions which may result in a separate rule proposal in the future. He agrees that there would be no benefit to delaying the current rule process, while the changes that are proposed in this process will benefit both public agencies and the public by clarifying existing requirements.

**2. Argument.** R12-4-301(A)(2) is misleading to the hunter and general public. Much of Lake Pleasant Regional Park is within Peoria city limits and all of Estrella Mountain Regional Park is within Goodyear and Eventual city limits, and the discharge of firearms is prohibited. (A)(2) should read: Shotguns shooting shot when taking small game, predator, forbearing and nongame animals during quail season in areas designated for hunting by Arizona Game and Fish Department and Maricopa County Recreation Services Department within McDowell Mountain Regional Park and White Tank Mountain Regional Park.

Portions of Lake Pleasant Regional Park have designated hunting areas but much area within the park has been annexed by the City of Peoria and closed to the discharge of firearms and shooting with bow and arrow.

**Evaluation.** New subsection (F) was proposed to address this same issue. It states "This rule does not authorize a person to use a method of take which is prohibited by a city ordinance." It initially appeared that incorporating the above suggested language into the rule would add clarifying detail for the public and would not be a substantive change to the original rule proposal. However, it is important that the rule not be more restrictive nor more specific than the city ordinances which might restrict methods of take. The City of Peoria, in this example, may choose to enter into an agreement with AGFD either directly, or through amendment of its city documents to allow certain methods of take in designated areas within the city limits. That is, this restriction on methods of take is not necessarily automatic with annexation, and the rule is not the proper place to codify it. Therefore, the subsection is left as originally proposed but with a cross-reference to new subsection (F) added.

**3. Argument.** Regarding R12-4-301(B): the new wording of this rule implies that hunting with a rifled firearm is permitted. We prefer the wording: Hunting with rifled firearms is prohibited at all times within the Maricopa County Parks System. Commission Order 2 for general deer seasons should retain the wording "except White Tank Mountain Park" after all unit 42 hunts. Please note that "Tank" is singular and "Tanks" has been used incorrectly. Also, Wildlife Managers have informed me that there has never been a problem with deer overpopulating a desert ecosystem so there shouldn't be a need to establish a special hunt.

**Evaluation.** The new wording of the rule was proposed at the suggestion of staff of the Governor's Regulatory Review Council; the intent was that it be clearer. However, the language of the current rule is clearer in that it places the prohibition 1st, and the prohibition is almost always what is in effect, not the exception. Therefore, the proposed rule is reworded to:

A person is prohibited from using rifled firearms within the Maricopa County parks system except to take deer during deer seasons established by Commission order with concurrence of the Maricopa County Recreation Services Department.

Hunting opportunities are not offered for the sole purpose of reducing animal populations. Most hunting offered in Arizona is for species that are abundant enough to sustain a regulated harvest. Most game animal populations in Arizona are well below densities that would "overpopulate a desert ecosystem." Establishment of deer hunting opportunities is not based solely upon evidence of deer overpopulation.

Specific to R12-4-301, the intent of the rule is to allow hunting and trapping activities on all Maricopa County Parks only under the specific provisions described. The section noted in the argument is describing that deer hunting with rifled firearms will be allowed on any Maricopa County Parks only if there is concurrence of the Maricopa County Recreation Services Department. The reason for this 1 possible exception to the prohibition of hunting with rifled firearms is to allow rifled firearms deer hunting if it is considered to be safe for other park users, not to establish authority for "special deer hunts" as conjectured by the argument. The clause is not intended to be used to manage overpopulation of deer but to assure that reasonable rifled firearms deer hunting opportunity is offered on these parks while maintaining the safety of other park users. Rather, the clause is in the rule to assure that Maricopa County Recreation Services Department has equal authority with the Arizona Game and Fish Commission in allowing hunting of deer with rifled firearms on any Maricopa County Park. Corrections relating to Commission Order 2 will be implemented in relation to Commission Order 2 (which is exempt from rulemaking per A.R.S. § 41-1005.)

**4. Argument.** R12-4-301(D) should read: A person shall not hunt within 1/4 mile of any developed picnic area, campground, equestrian area, boat ramp, shooting range, golf course, recreational or interpretive trail, trail head, competitive track or other recreational area developed for public use.

**Evaluation.** Actually, it's more beneficial to stay with the blanket criteria "or other recreational area developed for public use" rather than getting so detailed that an important public safety issue is left unmet because it is not listed in the rule.

**5. Argument.** R12-4-301(E) should read: Persons entering any part of the Maricopa County Parks system for the purpose of hunting shall declare their intention of hunting at the park entry station and pay all applicable park camping and entry fees. When park entry stations are not staffed, hunters are to use self-pay envelopes and deposit them into the self-pay stations.

**Evaluation.** This rule has not and could not permit hunters to enter a park without making payment if payment is required. Hunters must comply with the same requirements as any other member of the public; this rule establishes an additional requirement that they declare their intention of hunting at the entry station, if 1 is in operation.

That being the case, it does not appear unreasonable or that there would be any substantive variance from the published notice of proposed rule adoption if language is added to avoid any potential misconception that hunters do not have to comply with fee requirements. The rule is rewritten to say:

Persons entering any part of the Maricopa County park system for the purpose of hunting shall declare their intention of hunting and pay any fees as required by Maricopa County Recreation Services Department at an entry station when entering the park, if the park has an entry station in operation.

**6. Argument.** Add R12-4-301(G): All Maricopa County Parks and Recreation Rules and Regulations shall be in effect on all Maricopa County Parks and all lands administered by Maricopa County Recreation Services Department, and will be enforced by all Arizona State Certified Peace Officers. Hunters can obtain maps of designated hunting areas and copies of these rules and regulations at all Maricopa County Parks and at the Maricopa County Recreation Services Department at 3475 West Durango Street, Phoenix Arizona 85009.

*Arizona Administrative Register*  
**Notices of Final Rulemaking**

**Evaluation.** This is information useful for the public but which would more properly be provided to the public in an informal manner (signs, handbills, etc.) rather than in a rule.

**R12-4-303. Prohibited Devices and Ammunition.**

**1. Argument.** Add prohibitions against adding any artificial light source to any firearm or bow or any night vision or infrared sighting device attached to any firearm or bow. Also prohibit sabots designed and intended to be used in conjunction with projectiles of a caliber smaller than the bore diameter of a muzzleloading rifle or handgun possessed in hand during any "muzzle-loader only" season.

**Evaluation.** The agency does not agree with this proposal. This rule contains prohibitions in addition to those already prohibited within statute; it begins with that statement and cites the related statutes. The prohibition of any artificial light source is already in the statute that is cited in the text of this rule. A.R.S. § 17-301(A) says "A person shall not take any species of wildlife by the aid or with the use of a jacklight, or other artificial light..." Artificial lights or sights (night, infrared or laser sights) attached to any firearm or bow are already prohibited by the language in this statute. The plain meaning of the statute eliminates the need to expand on the prohibition in rule.

There is much argument among hunters concerning the issue that you may compromise the killing power of the projectile (arrow or bullet) when you make modifications. The Department lacks information that indicates using a "necked down" sabot or casing or an overdraw on a bow results in any wounding loss increase.

Another reason for the argument may be a concern that the modified sabots allow a hunter to use a smaller caliber bullet that would otherwise be prohibited. None of the Commission Rules (R12-4-101, R12-4-318, and R12-4-304) defining the use of muzzleloading rifles or handguns limits the caliber, so this reason would appear moot.

Finally, a reason for wanting this prohibition may be because the practice increases the effective range of the gun, making it less "primitive." Other improvements to muzzleloaders such as in line ignitions, percussion caps, and modern sights, which are allowed under current Commission rules, also detract from the "primitive" quality of some muzzleloading guns. The Commission never intended to create "primitive weapons" hunts but rather wanted to create exclusive hunting opportunity for those that used muzzleloading guns or bow and arrow, as described in Commission rule R12-4-318. Seasons.

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

**1. Argument.** Traditional broadhead arrows have been, and continue to be, used in Africa's big game hunts successfully for the take of animals larger than American buffalo. The proper use of broadheads brings down an animal quicker and more efficiently than rifles. The option of archery should be maintained for the take of buffalo at Raymond Ranch.

**Evaluation.** True, archery gear can be used on large animals and will continue to be lawful on the House Rock Wildlife Area. It is necessary to disallow use on Raymond Ranch because of that wildlife area's size and confined location which present unique management problems. Archery hunting requires the hunter to approach very close to the buffalo; this method is more likely to result in stampede. On Raymond Ranch, this can result in the buffalo escaping the ranch and creates a potential hazard to property and even public safety.

**2. Argument.** I support the proposed rule change to include pheasant within the methods of take for all upland game birds. I am in favor of having the ability to use shotgun and crossbow as a means of take. It is important that hunters ask permission from any farmer for land access and method of take prior to hunting pheasant.

**Evaluation.** Land access upon unposted private property doesn't require hunter permission under A.R.S. § 17-304 or Title 13. Farmers in the area who would be affected by this rule change have expressed support. They do not expect hunters to ask permission to hunt unposted property. The ones this rule has been discussed with do not expect or desire hunters to contact them relative to the type of method they wish to use during the course of an open season. It would be unreasonable to expect hunters to seek out land owners for permission to hunt unposted lands.

**3. Argument.** The archery equipment lawful for taking antelope, bear, bighorn sheep, deer, javelina, and turkey should be "Longbows, flatbows or recurve bows having a standard pull of 40 or more pounds; or compound bows having a standard pull of 40 or more pounds and a maximum mechanical letoff of 65% as measured by subtracting the minimum force required to hold the bow at full draw from the maximum peak force required to draw the bow to the full draw position and dividing the difference by the peak draw force; using arrows with broadheads no less than 7/8 inch in width with metal cutting edges. For buffalo, it should be "Longbows, flatbows or recurve bows having a standard pull of 50 or more pounds or compound bows having a standard pull of 50 or more pounds and a maximum mechanical letoff of 65% as measured by subtracting the minimum force required to hold the bow at full draw from the maximum peak force required to draw the bow to the full draw position and dividing the difference by the peak draw force; using arrows with broadheads no less than 7/8 inch in width with metal cutting edges and a combined broadhead/arrow weight of no less than 1 ounce." For elk, it should be "Longbows, flatbows or recurve bows having a standard pull of 45 or more pounds or compound bows having a standard pull of 45 or more pounds and a maximum mechanical letoff of 65% as measured by subtracting the minimum force required to hold the bow at full draw from the maximum peak force required to draw the bow to the full draw position and dividing the difference by the peak draw force; using arrows with broadheads no less than 7/8 inch in width with metal cutting edges and combined broadhead/arrow weight of no less than 1 ounce."

**Evaluation.** The agency does not agree with this proposal. The argument to further define the requirements of a legal bow for archery hunting was evaluated in depth when R12-4-304 was initially reviewed. The regulations of the western states were

reviewed and opinions of experienced archery hunters were solicited. The conclusions mirror the philosophy that prevails for the lawful methods of take with a firearm: simple is better.

Currently the rule allows for the use of very light firearms calibers to hunt big game with no criteria of minimum powder loads or calibers. The reason for fewer restrictive rules for lawful methods relates to the fact that effectiveness is influenced by more than caliber, bullet weight, bow poundage and let-off, arrow length and arrow weight. Other factors are shot placement, distance of the hunter from the animal when they shoot, compensating modifications that affect the effectiveness such as bullet weight, powder charge, arrow weight and length. The Commission has concluded that a more effective way than regulation to encourage hunters to use the proper weapon for the animal they are hunting is hunter education and distribution of information on these topics. Hunting, like most endeavors, is a skill which is developed through training, practice and experience. Individual hunters will make mistakes, but usually learn from these mistakes and will not repeat them if the result is a wounded animal or unsuccessful hunt.

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

1. **Argument.** I do not understand the proposed change or why it is necessary.

**Evaluation.** The review of this rule in 1996 found that there appeared to be a conflict between A.R.S. § 17-301(D) and R12-4-307(G). The rule prescribes that those persons suffering from depredation and taking recourse pursuant to A.R.S. §§ 17-239 and 17-302 are exempt from this rule. However, according to Attorney General Opinion I95-004, the prohibitions on trapping found in A.R.S. § 17-301(D) take precedence over the anti-depredation statutes. Therefore, with respect to trapping on public land, persons suffering from depredation must also comply with A.R.S. § 17-301(D). The rule change is necessary to ensure that the public is not misled, as the statutes do supersede the rule.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:  
Not applicable.

12. Incorporations by reference and their location in the rules:  
None.

13. Was this rule previously adopted as an emergency rule?  
No.

14. The full text of the rules follows:

## TITLE 12. NATURAL RESOURCES

### CHAPTER 4. GAME AND FISH COMMISSION

#### ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS

##### Section

R12-4-107. ~~Bonus point system~~ Repealed

R12-4-107. Bonus Point System

#### ARTICLE 3. TAKING AND HANDLING OF WILDLIFE

R12-4-301. Restrictions for Taking Wildlife in Maricopa County Parks ~~Restrictions for taking wildlife on Maricopa County parks~~

R12-4-303. Prohibited Devices and Ammunition ~~Prohibited devices and ammunition~~

R12-4-304. ~~Lawful methods of taking wild mammals, birds and reptiles~~ Repealed

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

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

#### ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS

##### R12-4-107. Bonus point system

A. ~~The Department shall implement a bonus point system which shall grant each participant one entry in the drawing for elk, buffalo, bighorn sheep, or antelope for each bonus point accumulated, in addition to the entry normally granted by R12-4-104. Bonus points for a group as defined in R12-4-104 shall be the average number of bonus points accumulated by the group, rounded to the nearest whole number.~~

B. ~~In order to participate in the bonus point system, a person applying for a hunt permit tag shall have a hunting license~~

~~valid for the year in which the hunt will take place, and shall provide the number of that Class F, Class G, pioneer license, or disabled veteran's license on Form 624 as prescribed in R12-4-104.~~

1. ~~A person shall accumulate one bonus point each time he or she makes valid application for a hunt permit tag and is unsuccessful in being awarded the hunt permit tag. The bonus point thus accumulated shall be valid only for the genus designated on the application. All bonus points accumulated by this method shall be forfeited when the participant is issued a hunt permit tag for that genus, but may be accumulated again in accordance with this Rule beginning after the hunt permit tag is issued. Any accumulated bonus points shall be forfeited when a person fails to apply for a hunt permit tag for five consecutive years.~~

2. ~~One time only, a person shall accumulate one permanent bonus point for each genus when he or she graduates from the Department's Arizona Hunter Education Course.~~

a. ~~Persons who graduated after January 1, 1980, but prior to January 1, 1991, or persons certified by the Department as active hunter education instructors after January 1, 1980, shall be credited with one permanent bonus point for each genus by completing a form available from the Department and submitting it to the Department's Phoenix office. The following information shall be included on the form: the applicant's identification number required by R12-4-104; name; address; residency status and~~



**Arizona Administrative Register**  
**Notices of Final Rulemaking**

length of Arizona residency, if applicable; date of birth; sex; weight; height; color of hair and eyes; and, for persons other than instructors, the month and year of graduation from the Department's Arizona Hunter Education Course.

- b. A person shall have graduated or, if claiming bonus points for graduation prior to 1991, shall have submitted the required form thirty days prior to the application date deadline specified in the hunt permit-tag application schedule published annually by the Department, or the bonus point shall not be counted by the Department in that drawing.
- C. With each notice of unsuccessful application, the Department shall include the participant's current total number of bonus points accumulated. If an applicant disagrees with the total, the applicant shall provide previous notices, or proof of compliance with Subsection B.2. of this Rule, to prove Department error before any correction to that participant's record shall be made.
- D. Bonus points shall be accumulated in accordance with the identification number required by R12-4-104, and the genus applied for, and shall not be transferrable.

**R12-4-107. Bonus Point System**

- A. The bonus point system grants each person 1 entry in each drawing for elk, buffalo, bighorn sheep, antelope, or deer for each bonus point which that person has accumulated under this rule. Each bonus point entry is in addition to the entry normally granted by R12-4-104. When processing "group" applications as defined in R12-4-104, the Department shall use the average number of bonus points accumulated by the persons in the group, rounded to the nearest whole number. If the average is .5, the total will be rounded up to the next highest number.
- B. The Department shall award 1 bonus point each time a person submits a valid but unsuccessful application for a hunt permit-tag, provided that:
  - 1. The application is not for hunt permit-tags left over after the drawing which are available on a first-come, first-served basis as prescribed in R12-4-114; and
  - 2. Prior to the drawing, the person has purchased a hunting license valid for the year in which the hunt will take place. The applicant shall either provide the hunting license number on the application, or submit an application and fees for the license with the drawing application, indicating that the applicant is to be issued the license even if not drawn.
- C. Each bonus point accumulated is valid only for the genus designated on the unsuccessful application.
- D. Except for permanent bonus points awarded for hunter education, all of a person's accumulated bonus points for a genus are forfeited when:
  - 1. The person is issued a hunt permit-tag for that genus; or
  - 2. When the person fails to apply for a hunt permit-tag for that genus for 5 consecutive years.
- E. The Department shall award 1 permanent bonus point for each genus upon a person's 1st graduation from the Department's Arizona Hunter Education Course or for serving as a Department hunter education instructor.
  - 1. The Department shall credit persons who graduated after January 1, 1980, but prior to January 1, 1991, or persons certified by the Department as active hunter education instructors after January 1, 1980, with 1 permanent bonus point for each genus if the person provides the following information on a form available from the Department: Department identification num-

ber; name; address; residency status and length of Arizona residency, if applicable; date of birth; sex; weight; height; color of hair and eyes; and, for persons other than instructors, the month and year of graduation from the Department's Arizona Hunter Education Course.

- 2. An instructor or a person who has graduated shall submit the required form 30 days prior to a drawing's application date deadline, specified in the hunt permit-tag application schedule, in order for the bonus point to be counted by the Department in that drawing.
- F. The Department shall place each applicant's total number of bonus points accumulated on the applicant's notice of unsuccessful application. If the applicant disagrees with the total, the applicant shall provide previous notices or proof of compliance with subsection (E) to prove Department error. In the event of an error, the Department shall correct the applicant's record.
- G. The Department shall record bonus points under each applicant's Department identification number and the genus on the application. The Department shall not transfer bonus points between persons or genera.
- H. This rule is effective January 1, 1999.

**ARTICLE 3. TAKING AND HANDLING OF WILDLIFE**

**R12-4-301. Restrictions for Taking Wildlife in Maricopa County Parks** ~~Restrictions for taking wildlife on Maricopa County parks~~

- A. The lands and water lying within the boundaries of all Maricopa County Parks are shall be open to hunting and trapping when a Commission order establishes an open season. Persons may use only the following methods of take: only under the following provisions:
  - 1. Archery hunting, when lawful for the wildlife taken under R12-4-304 is permitted in season except in those areas closed by this rule or Commission order.
  - 2. Shotguns shooting shot, when may be used for taking small game, predatory, furbearing and nongame animals during quail season as established by Commission order in Lake Pleasant, White Tank Mountains, McDowell Mountain and Estrella Mountain Regional Parks and the Cave Creek recreational areas. See subsection (F).
- B. ~~3. A person is prohibited from using rifled firearms within the Maricopa County parks system except to take deer during deer seasons. Hunting with rifled firearms is prohibited at all times within the Maricopa County Parks system except that deer hunting may be permitted with such firearms in special hunts established for a limited time and number of permits. Such hunts may only be established by Commission order with concurrence of the Maricopa County Recreation Services Department Parks Commission.~~
- C. ~~4. A person shall not trap within the Maricopa County park system except trapping shall be prohibited in the Maricopa County Parks System except as permitted under the provisions of A.R.S. § 17-239 or when it is determined by the Directors of Maricopa County Recreation Services Department Parks and the Arizona Game and Fish Department determine that predatory animal numbers need to be reduced in a park area because of a danger to the public or other wildlife.~~
- D. ~~5. A person shall not hunt. No hunting is permitted within 1/4 one-fourth mile of any developed picnic area, boat ramp, shooting range, golf course, or other recreational area developed for public use.~~
- E. ~~6. Persons~~ Any persons entering any part of the Maricopa County Park System for the purpose of hunting shall declare



**Notices of Final Rulemaking**

their intention of hunting and pay any fees as required by Maricopa County Recreation Services Department at an entry station when entering the park, if the park provided such park has an entry station in operation.

- F.** This rule does not authorize a person to use a method of take which is prohibited by a city ordinance.

**R12-4-303. Prohibited Devices and Ammunition Prohibited devices and ammunition**

In addition to the these prohibitions prescribed in at A.R.S. §§ 17-301(A) and 17-309(A)(6), (10), (19), and (21), the following devices and ammunition are prohibited for the taking of any wildlife in Arizona and a person shall not use or possess any of the following be possessed while taking wildlife:

1. No change.
2. No change.
3. Shotguns larger than 10 ten gauge; or shotguns capable of holding more than 2 two shells in the magazine, unless plugged with a 1 one- piece filler limiting the magazine capacity to 2 two shells, which cannot be removed incapable of removal without disassembling the gun;
4. No change.
5. No change.
6. No change.
7. Pitfalls of greater than 5- five gallon size, explosives, poisons, or stupefying substances except as permitted in A.R.S. § 17-239, R12-4-111, or as allowed by a scientific collecting permit issued under pursuant to A.R.S. § 17-238. Persons using pitfalls as allowed under this rule shall remove the pitfalls when no longer in use and fill in any holes. Containers used for pitfalls shall be removed when no longer in use, and any holes shall be filled in.

**R12-4-304. Lawful methods of taking wild mammals, birds and reptiles**

- A.** Lawful methods for taking big game, subject to restrictions set forth in R12-4-318:

1. All big game, except buffalo, may be taken with:
  - a. Centerfire rifles;
  - b. Muzzleloading rifles;
  - c. All other rifles using black powder or synthetic black powder;
  - d. Centerfire handguns;
  - e. Handguns using black powder or synthetic black powder;
  - f. Shotguns shooting slugs;
  - g. Bows having a standard pull of 40 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges.
2. Buffalo may only be taken with:
  - a. Centerfire rifles;
  - b. Muzzleloading rifles;
  - c. All other rifles using black powder or synthetic black powder;
  - d. Bows having a standard pull of 50 or more pounds, using arrows with broadheads of no less than 7/8 inch in width with metal cutting edges.
3. Deer, javelina and turkey may also be taken with crossbows having a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges.
4. Turkey and javelina may also be take with:
  - a. .22 rimfire magnum rifles;

- b. 5 mm rimfire magnum rifles.

5. Turkey may also be taken with shotguns shooting shot.
6. The placing of any substance anywhere in the state in a manner intended to attract bears is permitted only as prescribed by R12-4-318.

- B.** Lawful methods for taking small game, subject to restrictions set forth in R12-4-318:

1. Cottontail rabbits and tree squirrels may be taken with:
  - a. Firearms not prohibited in R12-4-303.
  - b. Bow and arrow.
  - c. Crossbow.
  - d. Pneumatic weapons.
  - e. Slingshots.
  - f. Falconry.
2. All upland game birds, except pheasant, may be taken with:
  - a. Bow and arrow;
  - b. Falconry;
  - c. Shotguns shooting shot;
  - d. Handguns shooting shot;
  - e. Crossbow.
3. Pheasant may only be taken with:
  - a. Bow and arrow;
  - b. Falconry.
4. Migratory game birds may be taken with:
  - a. Bow and arrow;
  - b. Crossbow;
  - c. Falconry;
  - d. Shotguns shooting shot, except that the possession of lead shot is prohibited while taking ducks, geese, swans, or coots, in areas designated by Commission order as nontoxic shot zones.
5. Waterfowl may be taken from watercraft (except a sink box), including those propelled by a motor, sail and wind, or both, when the motor has been completely shut off and/or the sail furled, and progress therefrom has ceased. The watercraft may be drifting as a result of current or wind action, beached, moored, resting at anchor, or may be propelled by paddle, oars, or pole. A watercraft under power may be used to retrieve dead or crippled waterfowl but no shooting is permitted while the watercraft is underway.

- C.** Lawful methods for taking predatory and furbearing animals, subject to restrictions set forth in R12-4-318:

1. All predatory and furbearing animals may be taken with:
  - a. Firearms not prohibited in R12-4-303;
  - b. Bow and arrow;
  - c. Crossbow;
  - d. Traps as authorized by R12-4-307.
2. Artificial light may be used while taking raccoon; however, no lights used in taking raccoon shall be attached to or operated from a motor vehicle, including power boats.

- D.** Nongame mammals and birds may be taken by any means not prohibited in R12-4-303 or R12-4-318, except that foot-hold steel traps shall not be used. Nongame mammals and birds may be taken with artificial light subject to the following restrictions:

1. Firearms shall not be used at night;
2. Moveable artificial lights may be used but shall not be attached to or operated from a motor vehicle, including powerboats.

- E.** Reptiles, except soft-shelled turtles, may be taken with any method not prohibited in R12-4-303 or R12-4-318. Reptiles

may be taken with artificial light subject to the following restrictions:

1. Firearms shall not be used at night;
2. Moveable artificial lights may be used but shall not be attached to or operated from a motor vehicle, including powerboats.

F. This rule is effective January 1, 1993.

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

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

1. To take antelope:
  - a. Centerfire rifles;
  - b. Muzzleloading rifles;
  - c. All other rifles using black powder or synthetic black powder;
  - d. Centerfire handguns;
  - e. Handguns using black powder or synthetic black powder;
  - f. Shotguns shooting slugs;
  - g. Bows having a standard pull of 40 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges.
2. To take bear:
  - a. Centerfire rifles;
  - b. Muzzleloading rifles;
  - c. All other rifles using black powder or synthetic black powder;
  - d. Centerfire handguns;
  - e. Handguns using black powder or synthetic black powder;
  - f. Shotguns shooting slugs;
  - g. Bows having a standard pull of 40 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges;
  - h. Substances placed in a manner intended to attract bears are lawful only during seasons established under R12-4-318.
3. To take bighorn sheep:
  - a. Centerfire rifles;
  - b. Muzzleloading rifles;
  - c. All other rifles using black powder or synthetic black powder;
  - d. Centerfire handguns;
  - e. Handguns using black powder or synthetic black powder;
  - f. Shotguns shooting slugs;
  - g. Bows having a standard pull of 40 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges.
4. To take buffalo:
  - a. At the House Rock Wildlife Area:
    - i. Centerfire rifles;
    - ii. Muzzleloading rifles;
    - iii. All other rifles using black powder or synthetic black powder;
    - iv. Bows having a standard pull of 50 or more pounds, using arrows with broadheads of no less than 7/8 inch in width with metal cutting edges.
  - b. At the Raymond Ranch Wildlife Area:
    - i. Centerfire rifles;
    - ii. Muzzleloading rifles;
    - iii. All other rifles using black powder or syn-

thetic black powder.

5. To take deer:
  - a. Centerfire rifles;
  - b. Muzzleloading rifles;
  - c. All other rifles using black powder or synthetic black powder;
  - d. Centerfire handguns;
  - e. Handguns using black powder or synthetic black powder;
  - f. Shotguns shooting slugs;
  - g. Bows having a standard pull of 40 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges;
  - h. Crossbows having a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges.
6. To take elk:
  - a. Centerfire rifles;
  - b. Muzzleloading rifles;
  - c. All other rifles using black powder or synthetic black powder;
  - d. Centerfire handguns;
  - e. Handguns using black powder or synthetic black powder;
  - f. Shotguns shooting slugs;
  - g. Bows having a standard pull of 40 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges.
7. To take javelina:
  - a. Centerfire rifles;
  - b. Muzzleloading rifles;
  - c. All other rifles using black powder or synthetic black powder;
  - d. Centerfire handguns;
  - e. Handguns using black powder or synthetic black powder;
  - f. Shotguns shooting slugs;
  - g. Bows having a standard pull of 40 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges;
  - h. Crossbows having a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges;
  - i. .22 rimfire magnum rifles;
  - j. 5 mm rimfire magnum rifles.
8. To take mountain lion:
  - a. Centerfire rifles;
  - b. Muzzleloading rifles;
  - c. All other rifles using black powder or synthetic black powder;
  - d. Centerfire handguns;
  - e. Handguns using black powder or synthetic black powder;
  - f. Shotguns shooting slugs;
  - g. Bows having a standard pull of 40 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges.
9. To take turkey:
  - a. Centerfire rifles;
  - b. Muzzleloading rifles;
  - c. All other rifles using black powder or synthetic black powder;
  - d. Centerfire handguns;

- e. Handguns using black powder or synthetic black powder;
  - f. Shotguns shooting slugs;
  - g. Bows having a standard pull of 40 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges;
  - h. Crossbows having a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges;
  - i. .22 rimfire magnum rifles;
  - j. 5 mm rimfire magnum rifles;
  - k. Shotguns shooting shot.
- B.** An individual may use the following methods to take small game. These methods are subject to the restrictions in R12-4-318.
- 1. To take cottontail rabbits and tree squirrels:
    - a. Firearms not prohibited in R12-4-303.
    - b. Bow and arrow.
    - c. Crossbow.
    - d. Pneumatic weapons.
    - e. Slingshots.
    - f. Falconry.
  - 2. To take all upland game birds:
    - a. Bow and arrow.
    - b. Falconry.
    - c. Shotguns shooting shot.
    - d. Handguns shooting shot.
    - e. Crossbow.
  - 3. To take migratory game birds:
    - a. Bow and arrow;
    - b. Crossbow;
    - c. Falconry;
    - d. Shotguns shooting shot, except that individuals in areas designated by Commission order as "non-toxic shot zones" shall not possess lead shot while taking ducks, geese, swans, or coots.
- C.** Individuals may take waterfowl from any watercraft except a sinkbox, only under the following conditions:
- 1. Any motor has been shut off, any sail furled, and any progress from motor or sail has ceased;
  - 2. The watercraft may be drifting as a result of current or wind action, beached, moored, resting at anchor, or may be propelled by paddle, oars or pole;
  - 3. An individual may use a watercraft under power to retrieve dead or crippled waterfowl but no shooting is permitted while the watercraft is underway.
- D.** An individual may take predatory and furbearing animals by using the following methods. These methods are subject to restrictions in R12-4-318. An individual may use artificial light while taking raccoon but shall not attach lights to or operate lights from a motor vehicle, including powerboats.
- 1. Firearms not prohibited in R12-4-303.
  - 2. Bow and arrow.
  - 3. Crossbow.
  - 4. Traps as authorized by R12-4-307.
- E.** An individual may take nongame mammals and birds by any method except foot-hold steel traps or methods prohibited in R12-4-303 or R12-4-318. An individual may use artificial light while taking nongame mammals and nongame birds but shall not use firearms at night, and shall not attach lights to or operate moveable lights from a motor vehicle, including powerboats.
- F.** An individual may take reptiles, except soft-shell turtles, by any method not prohibited in R12-4-303 or R12-4-318. An individual may use artificial light while taking reptiles but shall not use firearms at night, and shall not attach lights to or operate lights from a motor vehicle, including powerboats.
- R12-4-307. Trapping Regulations: Licensing; Methods; Tagging of Bobcat Pelts**
- A.** No change.
    - 1. No change.
    - 2. No change.
    - 3. No change.
    - 4. No change.
    - 5. No change.
    - 6. No change.
    - 7. No change.
    - 8. No change.
  - B.** No change.
  - C.** No change.
  - D.** No change.
    - 1. No change.
    - 2. No change.
    - 3. No change.
    - 4. No change.
    - 5. No change.
    - 6. No change.
    - 7. No change.
    - 8. No change.
    - 9. No change.
  - E.** No change.
    - 1. No change.
    - 2. No change.
    - 3. No change.
    - 4. No change.
  - F.** No change.
  - G.** Persons suffering from property loss or damage due to wildlife and who take responsive measures as permitted under A.R.S. §§ 17-239 and 17-302 are exempt from this rule. Exemption under this rule does not authorize any form of trapping prohibited by A.R.S. § 17-301. Persons suffering livestock losses from bear or mountain lion or property damage from predatory, furbearing, and nongame mammals are exempt from this rule as provided by A.R.S. §§ 17-302 and 17-239.
  - H.** No change.
  - I.** No change.
    - 1. No change.
    - 2. No change.
    - 3. No change.
    - 4. No change.
    - 5. No change.
  - J.** No change.
  - K.** The unskinned carcass of any bobcat trapped in Arizona or the pelt of any bobcat trapped in Arizona shall have a validated bobcat transportation tag attached, except for a pelt tagged for sale and exportation as provided for in subsection (L) ~~(K)~~ of this rule.
    - 1. No change.
    - 2. No change.
  - L.** No change.
    - 1. No change.
    - 2. No change.
    - 3. No change.
    - 4. No change.
    - 5. No change.
  - M.** This rule is effective January 1, 1996.