

NOTICE OF PROPOSED RULEMAKING
TITLE 12. NATURAL RESOURCES
CHAPTER 4. GAME AND FISH COMMISSION

PREAMBLE

- | <u>1. Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
|---|---------------------------------|
| R12-4-401 | Amend |
| R12-4-403 | Amend |
| R12-4-405 | Amend |
| R12-4-406 | Amend |
| R12-4-407 | Amend |
| R12-4-409 | Amend |
| R12-4-410 | Amend |
| R12-4-411 | Amend |
| R12-4-413 | Amend |
| R12-4-414 | Amend |
| R12-4-417 | Amend |
| R12-4-418 | Amend |
| R12-4-420 | Amend |
| R12-4-421 | Amend |
| R12-4-422 | Amend |
| R12-4-423 | Amend |
| R12-4-424 | Amend |
| R12-4-425 | Amend |
| R12-4-427 | Amend |
| R12-4-428 | Amend |
| R12-4-430 | Amend |
- 2. Citations to the agency’s statutory authority to include the authorizing statute (general) and the implementing statute (specific):**
- Authorizing statute: A.R.S. § 17-231(A)(1)
- Implementing statute: A.R.S. §§ 3-1205, 17-101, 17-102, 17-211, 17-231, 17-234, 17-235, 17-236, 17-238, 17-239, 17-240, 17-250, 17-255, 17-255.02, 17-301, 17-306, 17-307, 17-309, 17-314, 17-317, 17-318, 17-331, 17-332, 17-333, 17-371, 25-320, and 41-1005
- 3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**
- Notice of Rulemaking Docket Opening: ## A.A.R. (to be filled in by the Register Editor), <date>

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

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Please visit the AZGFD website to track the progress of this rule; view the regulatory agenda, five-year review reports, and learn about other agency rulemaking matters.

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 An agency's justification and reason why the rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:

The Arizona Game and Fish Commission (Commission) proposes to amend its Article 4 rules, addressing live wildlife to enact amendments developed during the preceding Five-year Review Report. The amendments proposed in the five-year review report are designed to clarify current rule language; protect public health and safety; facilitate job growth and economic development; support the tenets of the North American Model of Wildlife Conservation; enable the Department to provide better customer service; and reduce regulatory and administrative burdens wherever possible. After evaluating the scope and effectiveness of the proposed amendments specified in the review, the Commission proposes additional amendments to further implement the original proposals.

Arizona's great abundance and diversity of native wildlife can be attributed to careful management and the important role of the conservation programs developed by the Arizona Game and Fish Department. The Department's management of both game and nongame species as a public resource depends on sound science and active management. As trustee, the state has no power to delegate its trust duties and no freedom to transfer trust ownership or management of assets to private establishments. Without strict agency oversight and management, the fate of many of our native species would be in jeopardy. Wildlife can be owned by no individual and is held by the state in trust for all the people.

An exemption from Executive Order 2019-01 was provided for this rulemaking by Hunter Moore, Natural Resource Policy Advisor, Governor's Office, in an email dated September 23, 2019.

In addition to the specific amendments described below, the Commission proposes to make the following amendments to all rules contained within Article 4 (live wildlife), where applicable:

Make minor grammatical and formatting changes to make the rules more concise.

Remove the Department website Uniform Resource Location (url) and simply reference "Department's website" to ensure the rule remains concise in the event the Department's url should change.

Replaces references to the url "www.gpoaccess.gov" with "www.gpo.gov" to make the rule more concise.

Reference the most recent edition of federal regulations incorporated by reference.

Allow a special license applicant to provide a physical address or general location and remove the

requirement that an applicant provide the Universal Transverse Mercator coordinates to reduce the costs and burdens on persons regulated by the rule. This change is proposed as a result of customer comments received by the Department.

Repeal the Federal Tax Identification Number (FTIN) requirement because the Department has determined the anticipated benefits of requiring an applicant to provide their FTIN and, when applicable, their wildlife supplier's FTIN has not been realized. This change is proposed as a result of customer comments received by the Department.

Replace all references to "White Amur Stocking and Holding License" with "White Amur Stocking License" to reflect amendments made to R12-4-424 (white amur stocking and holding license).

Replace all references to "Scientific Collecting License" with "Scientific Activity License" to reflect amendments made to R12-4-418 (scientific collecting license).

Extend the time in which a special license is valid from a period of up to one year to a period up to three years to reduce costs and burdens to the Department and persons regulated by the rule, excepting those licenses for which an authorized activity requires a shorter time-frame. The Department will continue to maintain oversight throughout the licensing period through the required inspections and reports.

Remove the requirement that an applicant submit a separate application for each location where the applicant proposes to use wildlife because the Department intends to implement an online special license application and reporting system. These changes are proposed to reduce the burdens and costs to persons regulated by the rule and the Department.

Each license holder is required to maintain records associated with the license and make them available to the Department for inspection upon request, this includes veterinary care records. The Commission proposes to amend the rules to require a license holder to maintain and make available for inspection all records maintained by the special license holder for a period of five-years.

In addition to the general amendments listed above, the Commission proposes the following amendments:

R12-4-401. Live Wildlife Definitions: The objective of the rule is to establish definitions that assist the regulated community and members of the public in understanding the unique terms that are used throughout Article 4.

The Commission proposes to amend the definition of "educational display" to remove rule language that prevents a person from recouping costs for the educational display. This change is consistent with the sport falconry license and allows wildlife holding and scientific activity license holders to educate the public about wildlife conservation and wildlife habitat by providing an opportunity for the public at little or no cost to the license holder.

The Department is aware confusion exists in regards to the definition of "game farm." The Commission proposes to amend the rule to remove references to "terrestrial wildlife or the parts of terrestrial wildlife" from the definition of "game farm" to reflect changes made to R12-4-413 (game farm license) to make the rule more concise and increase consistency between Commission rules.

The Department is aware confusion exists as to which medical professionals have the authority to complete

a health certificate. The current definition of "health certificate" means a certificate of examination by a licensed veterinarian. The Commission proposes to amend the rule to clarify that a health certificate may also be completed by a federal or state certified inspector to reduce costs and burdens to persons regulated by the rule and to make the rule more concise.

The Commission also proposes to amend the rule to exclude the definition of "hybrid" as defined under the Migratory Bird Treaty Act (MBTA) under 50 C.F.R. 21.3 (definitions), revised October 1, 2019 to make the rule more concise.

R12-4-403. Escaped or Released Live Wildlife: The objective of the rule is to establish the Department's authority to take possession of any escaped or released wildlife that poses an actual or potential threat to native wildlife, wildlife habitat, or to the safety, health, and welfare of the public.

The current rule uses the term "possessing," which has resulted in some confusion. The Commission proposes to amend the rule to clarify it is the person who releases or allows wildlife to escape that is responsible for all costs incurred by the Department associated with seizing or quarantining that wildlife to make the rule more understandable.

R12-4-405. Importing, Purchasing, and Transporting Live Wildlife Without an Arizona License or Permit: The objective of the rule is to establish lawful activities and limitations for a person importing, purchasing, or transporting wildlife or the offspring of wildlife taken without a Department-issued license or permit to prevent harm to native wildlife of this state or to endanger public safety.

Subsection (E) of the rule references wildlife taken under an Arizona hunting or fishing license. This information was added in an effort to make the rule more concise, but has resulted in some confusion because the rule establishes lawful activities and limitations for wildlife possessed *without* a Department-issued license or permit. The Commission proposes to repeal subsection (E) to make the rule more concise.

R12-4-406. Restricted Live Wildlife: The objective of the rule is to establish a list of live wildlife for which a special license is required in order to possess the wildlife and/or to engage in activities that may be prohibited under A.R.S. § 17-306 and R12-4-402 (live wildlife; unlawful acts). When adding or removing a species from the restricted wildlife list, the Department bases its decision on the following factors: protection of public health and safety; biological impact on species and ecosystems; consistency with federal, state, and county regulatory agencies; and potential economic impact.

The Department is aware of some confusion as to whether the offspring of a restricted wildlife species and non-restricted wildlife species is also restricted wildlife. The Commission proposes to amend the rule to specify hybrid wildlife is considered restricted when one parent wildlife species is listed as restricted live wildlife.

In a recent rulemaking, Article 11 (aquatic invasive species) was renumbered to Article 9. Subsection (A) references R12-4-1102 (aquatic invasive species; prohibitions; inspections; decontamination protocols); The Commission proposes to amend the rule to replace the reference to R12-4-1102 with R12-4-902 to make the rule more concise.

The Department is aware of some confusion in regards to which hedgehogs are considered restricted live wildlife and which are legal to possess as a pet. The European hedgehog, *Erinaceus europaeus* species and other

wild hedgehogs are still considered restricted. Hedgehog species that are not restricted include *Atelerix albiventris*, *A. algirus*, *Hemiechinus auritus*, *H. collaris*, and any hybrids resulting from these three species. The Commission proposes to amend the rule to clarify which hedgehogs are not restricted; and indicate those species that pose a risk to native wildlife and habitat are restricted.

The Department is aware of some confusion as to transgenic species that are created using scientific methods such as genetic engineering. The confusion results from the statement, "a transgenic animal is considered wildlife if the animal is the offspring of at least one wildlife species." This statement does not account for genetically engineered animals. The Commission proposes to amend the rule to specify a transgenic animal is considered wildlife if the animal's genetic material originated from a restricted wildlife species to proactively address the possession of genetically engineered wildlife.

Because the Department is no longer conducting Masked Bobwhite quail, *Colinus virginianus*, reintroduction efforts in game management unit 34A, the Commission proposes to amend the rule to allow Masked Bobwhite quail to be held under a private game farm license in game management unit 34A.

The Department is aware confusion exists because turkeys are listed as a restricted species, when many species of turkey are readily available for purchase at local pet and feed stores. The Commission proposes to amend the rule to specify which species of turkeys are restricted.

The Department is aware there are discrepancies between when the italicization of scientific names should occur. The Commission proposes to amend the rule to italicize all mentions of Genus and below, with no italics above Genus to be consistent with scientific naming standards. In addition, the Commission also proposes to amend the rule to place the listed wildlife in alphabetical order and provide additional common names for certain species to make the rule more concise.

R12-4-407. Exemptions from Special License Requirements for Restricted Live Wildlife: The objective of the rule is to establish the types of scenarios when a person may lawfully possess restricted live wildlife without a special license.

In 1990, the Mojave population of desert tortoise was listed as threatened by the U.S. Fish and Wildlife Service (USFWS) and Arizona law has prohibited the removal of desert tortoises from the wild since 1988. Lawfully obtained desert tortoises may be privately adopted, but desert tortoise adoption in Arizona is subject to specific rules. The Department is aware that confusion exists in regards to under what circumstances a person may lawfully possess or export a desert tortoise out-of-state. The Commission proposes to amend the rule to clarify the circumstances that would allow a person to lawfully export a desert tortoise out-of-state. The proposed rule will prohibit a person from taking a live desert tortoise out-of-state unless authorized by the Department. In the alternative, the person may gift the tortoise to an Arizona resident or donate the tortoise to the Department's Tortoise Adoption Program. The Department's Desert Tortoise Application clearly states that custodians of adopted tortoises may not remove them from Arizona and must return the tortoise to an approved Arizona adoption facility if they plan to relocate to another state. These amendments are proposed due to the amount of time and resources required of the Department and USFWS when a desert tortoise is found outside of its natural range. USFWS considers all desert tortoises found outside of the combined range of Sonoran and Mojave desert

tortoises to be the federally-protected Mojave desert tortoise by similarity of appearance. USFWS and the state wildlife agency collaborate to try to determine the origin of the tortoise (Arizona, California, Nevada, or Utah). If it is determined the person possesses a Mojave desert tortoise, the person is cited for possessing a federally-listed species; USFWS and the state wildlife agency then return the tortoise back to the state from which it was exported. Because there is such a high probability the tortoise will be returned to Arizona, tortoises should not be removed from Arizona in the first place. For these reasons, the Commission proposes to amend the rule to clarify a person may only export a desert tortoise to an education or research institution or zoo located in another state; and require a person who possesses a desert tortoise and is moving out-of-state to gift the desert tortoise to another person who resides in Arizona or donate it to the Department's Tortoise Adoption Program.

The Department may allow a person to export a desert tortoise to an education or research facility or a zoo when authorized in writing by the Department. To effect a more efficient process, the Commission proposes to amend the rule to specify a person who wishes to export a desert tortoise to an education or research facility or a zoo in another state must contact their special license administrator in order to obtain that written authorization.

Under A.R.S. 17-306(A) and R12-4-402 (live wildlife; unlawful acts), a person is prohibited from releasing wildlife into the wild without written authorization from the Department. During the past several decades, a deadly bacterial infection, Upper Respiratory Tract Disease, is appearing more frequently among wild tortoises and is likely due to the release of infected captive tortoises into the wild. This bacterial infection attacks the tortoise's respiratory system and can be transmitted through sharing of burrows, or through the human handling of tortoises when a person handles a sick tortoise and then unwittingly transmits the disease to a healthy animal. The Commission proposes to amend the rule to specify a desert tortoise cannot be released into the wild to protect wildlife and wildlife habitat and to increase consistency between Commission laws and rules.

Under Commission Order 43 (reptiles), a person may lawfully possess one desert tortoise per person and the progeny of any lawfully held desert tortoise may be held in captivity for twenty-four months from date of hatching. Before or upon reaching twenty-four months of age, such progeny must be disposed of by gift to another person or as directed by the Department. The Department is aware of confusion regarding the number of desert tortoises a person may possess; some persons believe that they can lawfully possess as many as they like. The Commission proposes to amend the rule to reference the Commission Order in which the possession limit for desert tortoise is established to make the rule more concise.

In addition, the Commission proposes to clarify the exemptions listed under the rule do not authorize the take of wildlife from the wild. This change is proposed as a result of customer comments received by the Department.

R12-4-409. General Provisions and Penalties for Special Licenses: The objective of the rule is to establish general provisions and administrative compliance applicable to all special licenses, as well as regulatory actions that may be taken when a special license holder is convicted of an offense involving cruelty to animals, fails to remedy a noticed condition, or fails to comply with requirements of the rule governing the applicable special license or this rule.

Under A.R.S. § 17-102, wildlife, both resident and migratory, native or introduced, found in this state, except fish and bullfrogs impounded in private ponds or tanks or wildlife and birds reared or held in captivity under

permit or license from the Commission, are property of the state and may be taken at such times, in such places, in such manner and with such devices as provided by law or rule of the Commission. The purpose of the special license program is to enable wildlife management and provide information valuable to the maintenance of wild populations, education, the advancement of science, or the promotion of public health. A special license is required when a person, typically a business or educational entity, wants to possess, process, or handle a species listed on the Commission's Restricted Live Wildlife list.

The current rule only allows the Department to place additional stipulations on a special license at the time of issuance or renewal. With this rulemaking, the Commission proposes to increase the length of time in which special licenses are valid to three years. The Department has documented cases where special license holders either illegally conducted surgical operations on wildlife without a veterinary license or did not seek appropriate veterinary care as required by the humane treatment standards established under R12-4-428 (captivity standards). Because the Department is responsible for all wildlife held in this State, the Commission proposes to amend the rule to allow the Department to add or remove stipulations to a special license during the license period to ensure humane care and treatment of wildlife.

Upon determining a disease or other emergency condition exists that poses an immediate threat to the public or the welfare of any wildlife, the Department may immediately order a cessation of operations under the special license and require the special license holder to ensure any contaminated or affected wildlife is tested for the presence of diseases or pathogens. Currently, only those persons possessing nonhuman primates and cervids are required to submit the results of any required testing to the Department. Because this information is necessary and aids the Department in determining what future actions are necessary to prevent the introduction and proliferation of wildlife diseases and protect public health or safety, the Commission proposes to amend the rule to require all special license holders to submit the results of any required testing to the Department.

Each license holder is required to maintain all records associated with the license and make them available to the Department for inspection upon request. The Commission proposes to amend the rule to require a license holder to maintain and make available for inspection all records maintained by the special license holder for a period of five-years.

When a special license holder elects to terminate activities authorized by their special license, they are required to dispose of all wildlife held under the license in the manner directed by the Department, which may include export from this state, transfer to another eligible special license holder, or transfer to a medical or scientific research facility. To ensure wildlife held under the license is properly disposed of and any required administrative processes are completed, the Department must be notified when a special license holder no longer wishes to conduct activities authorized under the special license prior to the cessation of those activities. The Commission proposes to amend the rule to establish a requirement that a special license holder notify the Department at least 30 days prior to ceasing wildlife activities authorized under the special license.

In all but six states and for most federal wildlife permits, an applicant must be at least 18 years of age in order to be eligible for a permit to possess live wildlife. The Commission proposes to amend the rule to require an applicant to be at least 18 years of age; however, this restriction will not apply to the Game Bird Dog Training

and Sport Falconry licenses.

The rule requires a license holder to comply with the standards established under R12-4-428 (captivity standards), or as otherwise required under this Article. In other rules within Article 4, the Commission is proposing to exempt aquatic wildlife stocking, sport falconry, and white amur stocking license holders from the standards established under R12-4-428. The Commission also proposes to amend this rule to specifically exempt aquatic wildlife stocking, sport falconry, and white amur stocking license holders from the standards established under R12-4-428 to reflect changes made to R12-4-410, R12-4-411, R12-4-422, and R12-4-424 to increase consistency between rules within Article 4. This change is proposed as a result of customer comments received by the Department.

R12-4-410. Aquatic Wildlife Stocking License: The objective of the rule is to establish requirements that allow a person to import, possess, purchase, stock, and transport any restricted aquatic species designated on the license at the location specified on the license, including authorized activities, administrative compliance, and the restrictions and prohibitions necessary to protect existing aquatic wildlife and wildlife habitat.

The Department is currently working with various government agencies to allow them to stock, hold, and use endangered Gila Topminnow (*Poeciliopsis occidentalis*) for vector control instead of nonnative mosquitofish. Currently, Pima and Pinal Counties are the only government agency stocking Gila Topminnow for vector control. Because these agencies need to hold and stock Gila Topminnow year-round and the aquatic stocking license is only valid for a period of 20 consecutive days, they have to apply for up to 18 licenses each year. The Commission proposes to amend the rule to allow the issuance of an annual Aquatic Wildlife Stocking to State government agencies for the purpose of stocking Gila Topminnow or other approved species for vector control to reduce burdens and costs to persons regulated by the rule.

The Commission proposes to replace the reference to the “On-Line Environmental Review Tool” with “Online Environmental Review Tool” to reflect current terminology used by the Department.

The standards established under R12-4-428 are designed to ensure the humane and ethical treatment of wildlife, but when applied specifically to fish facilities it becomes apparent that they are difficult to put into practice and unnecessarily restrictive for the humane and ethical treatment of aquatic wildlife. For these reasons, the Commission proposes to amend the rule to exempt aquatic wildlife stocking license holders from the requirements of R12-4-428. This change is proposed as a result of customer comments received by the Department.

R12-4-411. Live Bait Dealer's License: The objective of the rule is to establish the requirements necessary to allow a person to conduct a commercial live bait retail sales operation; to include authorized activities, permitted species, administrative compliance, and the restrictions and prohibitions necessary to protect existing aquatic wildlife and aquatic wildlife habitat.

The Department evaluated the potential to minimize the risk and threats to native aquatic species, while continuing to maintain live bait use opportunities that have social and economic importance to the angling community. The Western Mosquitofish (*Gambusia affinis*) is native throughout the Mississippi River and its tributary waters. In Arizona, Mosquitofish have been directly linked to the local extirpation of at least three

historical Gila Topminnow populations within a few years of introduction. Threadfin Shad (*Dorosoma petenense*) are native to watersheds of the Gulf Coast, including the Ohio, Illinois, Indiana, and Mississippi River drainages. Threadfin Shad are very sensitive to changes in temperature and dissolved oxygen, and die-offs are frequent in late summer and fall. Therefore, bait dealers usually do not hold and sell this species and anglers are able to collect these species from wild populations to use as bait. The Commission proposes to amend the rule to remove mosquito fish and threadfin shad from the list of authorized aquatic live wildlife a bait dealer may lawfully sell. The Commission also proposes to amend the rule to allow the following native species to the list of authorized aquatic live wildlife a bait dealer may lawfully sell: Longfin Dace, Speckled Dace (*Rhinichthys osculus*), Sonora Sucker, and Desert Sucker (*Catostomas clarkii*).

The standards established under R12-4-428 are designed to ensure the humane and ethical treatment of wildlife, but when applied specifically to fish facilities it becomes apparent that they are difficult to put into practice and unnecessarily restrictive for the humane and ethical treatment of aquatic wildlife. For these reasons, the Commission proposes to amend the rule to exempt live bait dealer's license holders from the requirements of R12-4-428. This change is proposed as a result of customer comments received by the Department.

R12-4-413. Private Game Farm License: The objective of the rule is to establish the requirements necessary to allow a person to conduct the commercial farming, use, and sale of game species; to include authorized activities, permitted wildlife, administrative compliance, and the restrictions and prohibitions necessary to protect native wildlife and wildlife habitat.

While the rule is intended to authorize the issuance of a game farm license for the purpose of raising and propagating game species (principally game birds and, formerly, deer) it also authorizes the possession, sale, and use of mammals listed as restricted live wildlife under R12-4-406 (restricted live wildlife), including anteaters, armadillos, moose, primates (apes, baboons, chimpanzees, gibbons, gorillas, lorises, macaques, orangutans, spider monkeys, and tamarins), shrews, sloths, weasels, wild cats (including jaguars, leopards, lions, lynx, ocelots, servals, and tigers), and woodchucks. Allowing a person to possess these mammals for game farm purposes was not the intent of this rule. As a result, the Department receives private game farm license applications for armadillos, lemurs, and servals. These are not native game species and pose a public health and safety risk and a risk to native wildlife and wildlife habitat if illegally released or allowed to escape. In addition, many of these species require complex dietary, territorial, social, physical, and psychological needs that the general public is incapable of providing; often these animals are kept in deprived and inappropriate environments. It is not uncommon for the public to surrender unwanted restricted species to the Department. As a result, the Department must expend its resources to provide species appropriate feeding, facilities, handling, and veterinary care as well as find a willing wildlife sanctuary to accept the animal.

The Commission proposes to amend the rule to align it with Commission guidance, which indicates that private game farms for mammals is not the intent of the Game Farm rule. Commission Policy A1.12 calls for the restriction and prohibition of commercial uses of live wildlife that may adversely affect Arizona wildlife populations and habitats, or pose risks to public health and safety. This amendment will only affect new game farm applicants; the proposed change will not impact the three (3) currently licensed private game farms that

authorized to possess other species of wildlife as they will be able to renew their license for the wildlife currently held under the license under subsection (E) of this rule.

Because the Department is no longer conducting Masked Bobwhite quail reintroduction efforts in game management unit 34A, the Commission proposes to amend the rule to allow Masked Bobwhite quail to be held under a private game farm license in game management unit 34A.

Under A.R.S. §17-250, a person who is in possession of wildlife or who maintains wildlife under a license issued by the Department is required to submit the wildlife or parts of the wildlife for disease testing. The Commission proposes to amend the rule to require a person to immediately report to the Department any mortality event that results in the loss of 10% or more of the adult wildlife held on the facility and allow the Department to collect samples from the affected wildlife for disease testing purposes. This standard is chosen because it is the common standard for the livestock and pet trade industries and it signifies an event outside of acceptable parameters and is indicative of a potential disease outbreak.

In 2002, as a result of concerns over the spread of Chronic Wasting Disease (CWD), the Commission amended the rule to prohibit the possession of cervids under a private game farm license. Subsection (E) was adopted to provide a mechanism to allow a person who was previously authorized to possess cervids under the rule to renew the license, provided certain criteria are met. The Commission proposes to amend the rule to allow a person who currently possesses mammals under this rule to continue to renew the private game farm license, provided the license holder is in compliance with all applicable requirements under R12-4-409 (general provisions and penalties for special licenses), R12-4-428 (captivity standards), R12-4-430 (importation, handling, and possession of cervids), and this rule.

The Commission proposes to amend the rule to clearly state that the location information required under subsection (I)(4) is the location physical address or general location where the applicant proposes to conduct activities. This change is proposed as a result of customer comments received by the Department.

The Commission proposes to amend the rule to authorize the possession of Mallard ducks and Mountain Quail to expand opportunities for private game farm license holders.

R12-4-414. Game Bird License: The objective of the rule is to establish the requirements that allow a person to possess, release, and take pen-reared game birds; to include authorized activities, permitted game bird species that may be held under the license, administrative compliance, and the restrictions and prohibitions necessary to protect existing habitat and wildlife resources.

The Commission proposes to amend the rule to restrict a game bird hobby license holder to gift wildlife lawfully held under the license to a person who is authorized to possess the wildlife. The intent of the proposed amendment is to prevent persons from unknowingly violating the rule. Often, persons who are gifted wildlife do not possess an appropriate special license prior to accepting the wildlife.

Because the Department is no longer conducting Masked Bobwhite quail reintroduction efforts in game management unit 34A, there is no need to restrict Masked Bobwhite quail reintroduction efforts in game management unit 34A. The Commission proposes to amend the rule to allow Masked Bobwhite quail to be held under a game bird license in game management unit 34A.

Under A.R.S. §17-250, a person who is in possession of wildlife or who maintains wildlife under a license issued by the Department is required to submit the wildlife or parts of the wildlife for disease testing. The Commission proposes to amend the rule to require a person who possesses a game bird shooting preserve or hobby license to immediately report to the Department any mortality event that results in the loss of 10% or more of the adult wildlife held on the facility and allow the Department to collect samples from the affected wildlife for disease testing purposes. This standard is chosen because it is the common standard for the livestock and pet trade industries; an event resulting in a loss of 10% or more of the total number of adult animals is outside of normal parameters and is indicative of a potential disease outbreak. This requirement will not apply to persons who hold game bird field trial events or conduct game bird field training because these license holders typically possess captive pen-reared game birds on a temporary basis.

The current live game bird license is valid for a period of up to one year depending on the date of issue; The Commission proposes to amend the rule to extend the time in which the license is valid from a period of up to one year to a period up to three years, except for the field trial license. This change is proposed to reduce the burdens and costs to persons regulated by the rule and the Department. The Department will continue to maintain oversight throughout the licensing period through the required inspections and reports.

Field trials are connected to the sport of hunting; they support the maintaining of hunting breeds of dogs which add not only to the sport of hunting, but also the conservation of our wildlife resources by facilitating more efficient game harvest. Field trials specifically involve dogs, horses, and game birds in an organized and judged event. They are outdoor competitions designed to mimic an actual hunt in the wild, with a focus on honing hunting instincts in domestic dogs. These events judge dogs on their field performance during particular events, thus an annual license is not warranted. The Game Bird Field Trial license applicant will continue to be required to submit a separate application for each date and location where a competition will occur.

R12-4-417. Wildlife Holding License: The objective of the rule is to establish the requirements that allow a person to possess and care for restricted live wildlife lawfully taken under a valid hunting or fishing license, scientific collecting license, or wildlife rehabilitation license; to include authorized activities, permitted wildlife species that may be held under the license, administrative compliance, and the restrictions necessary to protect wildlife and wildlife habitat.

Throughout the rule, the terms "restricted" and "non-restricted" are used somewhat indiscriminately. The Commission proposes to amend the rule to increase consistency between when and where these terms should apply.

Under subsection (C)(2)(a), a wildlife holding license holder may permanently hold wildlife that is unable to meet its own needs in the wild; but the rule does not establish who is qualified to make this determination. The Commission proposes to amend the rule to specify that only a licensed veterinarian may determine whether or not an animal is suitable for release.

The Department receives applications for a wildlife holding license from persons asking to possess wildlife that poses a danger to public health and safety if the wildlife they were to escape or be released or come into contact with members of the public, such as bears, nonhuman primates, tigers, etc. This is not in keeping with the

intent of the rule. The Commission proposes to amend the rule to allow the Department to deny a wildlife holding license when it is in the best interest of public health and safety.

The Department allows an agent to assist, or act on behalf of, the license holder. Because an agent is allowed to conduct the same activities as the license holder, the Commission proposes to amend the rule to clarify the agent's role and responsibilities to make the rule more concise.

R12-4-418. Scientific Collecting License: The objective of the rule is to establish the requirements that allow a person to use live wildlife for purposes related to the advancement of conservation, education, science, and wildlife management; to include authorized activities, permitted wildlife species that may be held under the license, administrative compliance, and the restrictions and prohibitions necessary to protect public health and safety and existing wildlife habitat and resources.

The Commission proposes to amend the name of the license to Scientific Activity License to more accurately reflect the purpose of the license and reduce confusion.

While the definition of “take” includes pursuing, shooting, hunting, fishing, trapping, killing, capturing, snaring or netting wildlife or placing or using any net or other device or trap in a manner that may result in capturing or killing wildlife; there is still some confusion about certain activities involving wildlife. The Commission proposes to amend the rule to include other types of activities to reflect activities already considered lawful in an effort to clarify the rule.

Because the license allows a person to collect dead wildlife, the Commission proposes to amend the rule to remove the reference to “live” to clarify the rule.

The Commission proposes to amend the rule to further refine the license types by removing the consultant type and adding academic institution, non-governmental organization, and nonprofit organization to the license types currently prescribed in rule for statistical purposes.

The Department allows an agent to assist, or act on behalf of, the license holder. Because an agent is allowed to conduct the same activities as the license holder, the Commission proposes to amend the rule to clarify the agent's role and responsibilities to make the rule more concise.

Currently, an applicant for a scientific collecting license is required to submit a separate written proposal providing information about the applicant's proposed activities and abilities. The Commission proposes to amend the rule to incorporate the information required in the proposal into the application to reduce burdens and costs to persons regulated by the rule.

The Commission proposes to amend the rule to allow the Department to deny a scientific activity license when the issuance of the license will adversely impact other wildlife or their habitat in this state or when it is in the best interest of public health and safety to better protect native wildlife and wildlife habitat.

R12-4-420. Zoo License: The objective of the rule is to establish the requirements that allow a person to use captive live wildlife in a commercial facility where the principal business is exhibiting wildlife to the public and for purposes related to the advancement of science, conservation, education, or wildlife management; to include authorized activities, permitted wildlife species that may be held under the license, administrative compliance, and the restrictions and prohibitions necessary to protect public health and safety and existing wildlife habitat and

resources.

Public comments received by the Department indicate there is some confusion regarding whether a private person is eligible to apply for a zoo license. In addition, the rule as currently written appears to be in conflict with the Legislature's definition of "zoo" as defined under A.R.S. § 17-101(A)(26) because the rule does not make it clear that a zoo license is issued only to a commercial facility for the purpose of public exhibition of wildlife. The Commission proposes to amend the rule to increase consistency between the rule and statute by specifying that a zoo license may only be issued to a facility that is open to the public and where the principal business is holding wildlife in captivity for exhibition purposes.

The current zoo license is valid for a period of up to one year depending on the date of issue; the Commission proposes to amend the rule to extend the time in which the zoo license is valid from a period of up to one year to a period up to three years. The Department will continue to maintain oversight throughout the licensing period through the required inspections and reports.

R12-4-421. Wildlife Service License: The objective of the rule is to establish the requirements that allow a person to facilitate the removal of wildlife that causes property damage, poses a threat to public health or safety, or when the health or well-being of the wildlife is threatened by its immediate environment; to include authorized activities, permitted wildlife species, administrative compliance, and the restrictions and prohibitions necessary to protect public health and safety and existing wildlife habitat and resources.

Under A.R.S. § 17-102, wildlife, both resident and migratory, native or introduced, found in this state, except fish and bullfrogs impounded in private ponds or tanks or wildlife and birds reared or held in captivity under permit or license from the commission, are property of the state and may be taken at such times, in such places, in such manner and with such devices as provided by law or rule of the Commission. Subsection (B) identifies which species of animal do not require a wildlife service license and may be removed under a Pest Management license issued by the Arizona Department of Agriculture. Because most doves are considered to be migratory birds, there is some confusion as to whether Rock pigeons (*Columba livia*) are protected under the Migratory Bird Treaty Act (MBTA). The Commission proposes to amend the rule to add Rock pigeons, also known as Rock Doves, to subsection (B). This change is proposed as a result of customer comments received by the Department.

The rule references "peach-faced love birds." The Commission proposes to amend the rule to replace the term "peach-faced love birds" with "rose-faced lovebirds" to reflect current scientific terminology.

The current wildlife service license is valid for a period of up to one year depending on the date of issue; The Commission proposes to amend the rule to extend the time in which the license is valid from a period of up to one year to a period up to three years. The Department will continue to maintain oversight throughout the licensing period through the required inspections and reports. This change is proposed to reduce the burdens and costs to persons regulated by the rule and the Department.

R12-4-422. Sport Falconry License: The objective of the rule is to establish the requirements that allow a person to take and use raptors listed in the Migratory Bird Treaty Act (MBTA) for the sport of falconry; to include authorized activities, permitted raptor species, administrative compliance, and the restrictions and prohibitions necessary to protect existing wildlife habitat and resources.

In 2008, 50 C.F.R. 21.29 (falconry standards and falconry permitting) was amended to eliminate the dual permitting system and transfer falconry permitting administration to the individual states, provided the state's laws, rules, processes, and forms met the minimum standards under 50 C.F.R. 21.29. If a state failed to meet standards for certification, any persons possessing a Migratory Bird Treaty Act species (MBTA) raptor for falconry in that state would be required to permanently release into the wild, euthanize, or transfer their raptor to a licensed falconer in a certified state or jurisdiction, a captive propagation program, or the Department. In order to continue permitting sport falconry using MBTA raptors in Arizona, the rule must remain in place and continue to meet USFWS standards for certification. The Department's rules, processes, and forms were certified as meeting the standards under 50 C.F.R. 21.29; see 77 FR 66406 - 66408, November 5, 2012.

In 2012, the Commission amended R12-4-422 to comply with amendments made to the federal regulations, which included amending facility requirements. At that time, a decision was made to apply the captivity standards established under R12-4-428 (captivity standards) to falconry housing facilities. The standards established under R12-4-428 are designed to ensure the humane and ethical treatment of wildlife, but when applied specifically to falconry housing facilities it becomes apparent that they are difficult to put into practice and unnecessarily restrictive for the humane and ethical treatment of raptors. For these reasons, the Commission proposes to amend the rule to exempt licensed falconers from the requirements of R12-4-428. This change is proposed as a result of customer comments received by the Department.

The Commission proposes to incorporate federal housing facility standards to ensure compliance with requirements and standards for raptors housing facilities as prescribed under 50 C.F.R. 21.29 (falconry standards and falconry permitting). The Commission also proposes to replace “facilities” with “housing facilities.” These changes are proposed as a result of customer comments received by the Department.

Under 50 C.F.R. 21.29 (falconry standards and falconry permitting), USFWS is required to maintain an electronic reporting system that allows persons conducting lawful activities with MBTA raptors to enter information regarding the acquisition and disposal (death, loss, purchase, sale, theft, transfer, etc.) of raptors they possess. Because states are supposed to have access to the online reporting system for administrative purposes, the rule was previously amended to no longer require the person to provide a copy of the Federal 3-186A form to the Department. Due to functionality issues with the electronic reporting system, the Department currently requires falconry license holders to provide a copy of the 3-186A form to the Department whenever a reportable activity occurs. Requiring a paper copy of the 3-186A form is authorized under 50 C.F.R. 21.29, regardless of whether the electronic reporting system is fully functional or not. Furthermore, under 50 C.F.R. 21.27 (special purpose permits) and 21.30 (raptor propagation permits) respectively, unless the state requires an abatement or propagation permit, a person need only possess a federal permit to conduct abatement activities with, or propagate, MBTA raptors. Both federal permits have liberal possession limits and raptors held under the federal permits do not count towards the falconers possession limit established in rule. Because the federal regulations allow a person to use any lawfully possessed falconry raptor for abatement activities or for propagation, a licensed falconer can transfer their falconry raptor to their federal permit for abatement or propagation purposes at any time, as applicable. Under 50 C.F.R. 21.17 and 21.30, a person is only required to notify the governing state agency of

this transfer when that state requires notification. Again, because the Department believed it would be made aware of these transfers through the electronic reporting system the rule did not require persons to notify the Department when a raptor was transferred to the federal permit. For these reasons, the Commission proposes to amend the rule to require a person to submit a paper copy of the 3-186A form and the federal propagation report at the same time the person submits these forms (reports) to USFWS. In addition, the Commission proposes to amend the rule to replace the definition of "abatement services" with "abatement" to make the rule more concise.

A license wildlife rehabilitator is authorized to provide treatment and care to sick, injured, or orphaned wildlife with the goal of releasing the wildlife back to their natural habitats in the wild once they are capable of functioning in their natural habitats as normal members of their species. A licensed falconer may assist the wildlife rehabilitator in conditioning a raptor in preparation for releasing it back into the wild. Effective, appropriate conditioning is necessary to meet the unique physical and psychological needs of each raptor species. Because the rule does not restrict the falconer to the type of raptor they are authorized to possess, a falconer who has no experience with a particular raptor species may inadvertently harm the raptor or delay its release into the wild due to their inexperience. In addition, because effective, appropriate conditioning is required, the Department does not believe the average apprentice falconer possesses the necessary skills to provide effective and appropriate conditioning. For these reasons, the Commission proposes to amend the rule to limit the ability to assist a wildlife rehabilitator in conditioning a raptor to a general or master falconer and restrict the general and master falconer to only those raptor species they are authorized to possess under their sport falconry license to align the rule with the federal regulation, 50 C.F.R. 20.21.

The rule allows a licensed falconer to assist a licensed wildlife rehabilitator in conditioning a raptor in preparation for its release into the wild. Because only a federally licensed rehabilitator may possess migratory birds for the purpose of rehabilitation, the rule has resulted in some confusion. The Commission proposes to amend the rule to clarify that a licensed falconer may assist *any federally* licensed wildlife rehabilitator in conditioning a raptor in preparation for its release into the wild. This change is proposed as a result of customer comments received by the Department.

Under 50 C.F.R. 20.21(what hunting methods are illegal) and R12-4-422, a master falconer may conduct abatement activities with any raptor they possess for falconry, provided the falconer meets certain criteria. There is some concern about potential enforcement difficulties for State and federal law enforcement officers because the federal regulations do not allow falconry raptors held under a sport falconry license to be used for abatement and propagation activities and the potential exploitation of the liberal possession limits for master falconers under the falconry regulations. The Commission proposes to amend the rule to require a person to submit a properly completed 3-186A form to the Department when transferring a falconry raptor to the person's federal abatement or propagation permit. In addition, the Commission proposes to amend the rule to require a person to submit a paper copy of the federal propagation report at the same time the person submits the report to USFWS, as applicable.

Under subsection (M), a person is not required to tether an unflighted eyas. The Commission proposes to amend the rule to replace the term "unflighted eyas" with "nestling" as it is a common term and, thus, more easily

understood.

Under subsection (H), an apprentice falconer is prohibited from possessing a raptor that has imprinted on a human. The Commission proposes to amend the rule to define "imprint" by incorporating the definition under 50 C.F.R. 21.3 (definitions) to make the rule more concise.

The rule defines "abatement services" to clarify subsection (W). The Commission proposes to amend the rule to repeal the definition of "abatement services" and define "abatement" to make the rule more concise.

In most cases where an examination is required, a person must submit an application before taking the examination. For the sport falconry license, the application is the last step in the process. The person must first pass the examination, then undergo a facilities inspection, and finally submit an application. Because this is not the typical process and there is some confusion, the Commission proposes to amend the rule to clarify the licensing process.

A person is required to report information regarding the capture of any raptor displaying a federal Bird Banding Laboratory (BBL) aluminum research band or tag to BBL by calling a telephone number. Since the rule was last amended, BBL has implemented an online reporting system. The Commission proposes to amend the rule to replace the reference to the telephone number with a reference to the BBL website to make the rule more concise.

The National Eagle Repository (Repository) is managed and operated the USFWS; its purpose is to provide a central location for the receipt, storage, and distribution of bald and golden eagle carcasses and parts of carcasses throughout the U.S. The eagle carcasses and their parts are shipped to Native Americans and Alaskan Natives enrolled in federally recognized tribes for use in Indian religious ceremonies. The collection efforts of USFWS provides a legal means for Native Americans to acquire eagle feathers for religious purposes, which in turn, reduces the pressure to take birds from the wild and thereby protecting eagle populations. The distribution of bald and golden eagles and their parts to Native Americans is authorized by the Bald and Golden Eagle Protection Act and Regulations found in 50 CFR 22. The numbers of requests for eagle carcasses and parts of carcasses far exceeds the number of available eagle carcasses and parts of carcasses. For this reason, federal and state conservation agencies, zoological parks, federal rehabilitators, and others who may legally possess and transport carcasses and parts of carcasses are encouraged to send them to the Repository where they will be distributed to Native Americans. The Repository will not accept the carcass and parts of carcass of a raptor that is suspected or confirmed with West Nile Virus or poisoning, except for lead poisoning, and requires the person possessing such raptor to disposed of the carcass by incineration. The Commission proposes to clarify the actions required to dispose of a deceased eagle or other raptor.

R12-4-423. Wildlife Rehabilitation License: The objective of the rule is to establish the requirements that allow a person to rehabilitate and release live wildlife; to include authorized activities, permitted wildlife species, administrative compliance, and the restrictions and prohibitions necessary to protect existing wildlife habitat and resources. Wildlife Rehabilitation is defined as the treatment and temporary care of injured, diseased, and displaced native wildlife, and the subsequent release of healthy individuals to appropriate habitats in the wild.

Under subsection (L)(3), an applicant for a wildlife rehabilitation license must also submit an affidavit

affirming either the applicant is a licensed veterinarian or that a licensed veterinarian is reasonably available to provide veterinary services as necessary to facilitate the rehabilitation of wildlife they may possess under the license. The intent behind this requirement is that any wildlife the applicant may possess will receive appropriate medical care from a licensed veterinarian whenever necessary. The Department recently became aware of a situation where a license holder who has no formal veterinary medical education performed medical procedures, including surgery, on wildlife held under that license. The Commission proposes to amend the rule to clarify the wildlife rehabilitation license does not authorize the license holder to conduct any activities defined as the practice of veterinary medicine under A.R.S. § 32-2231 whether or not a fee, compensation, or reward is offered, received, or accepted by the licensed rehabilitator.

Under subsection (L), an applicant for a wildlife rehabilitation license must provide proof of at least six months experience performing wildlife rehabilitative work with an average of at least eight hours each week. This requirement ensures the license holder has the minimum amount of experience required to satisfactorily provide rehabilitative care to wildlife in their possession. Under subsection (O), an agent may conduct rehabilitative activities on the wildlife license holder's behalf. Because an agent is authorized to conduct rehabilitative activities without direct supervision, the Department believes an agent should be held to the same standards under subsection (L)(1)(b). The Commission proposes to amend the rule to establish an agent for a wildlife rehabilitation license holder shall provide proof of at least six months experience performing wildlife rehabilitative work to protect Arizona's wildlife resources.

Under R12-4-422 (sport falconry license), a licensed falconer is required to conduct specific activities when possessing the carcass or parts of a deceased MBTA raptor. Because a wildlife rehabilitation license holder may handle deceased MBTA raptors, the Commission proposes to amend the rule to specify the actions required to dispose of a deceased eagle or other raptor.

The Commission proposes to clarify a wildlife rehabilitation license holder may lawfully possess and care for wildlife received from the public.

Under subsection (J), an applicant must successfully complete an examination conducted by the Department before a wildlife rehabilitation license may be issued to the person. The Commission proposes to clarify the rule by establishing the applicant must correctly answer at least 80% of the questions on the Department administered examination to make the rule more concise.

A licensed wildlife rehabilitator may allow a licensed falconer to assist in conditioning a raptor in preparation for its release into the wild. Because only a federally licensed rehabilitator may possess migratory birds for the purpose of rehabilitation, the rule has resulted in some confusion. The Commission proposes to amend the rule to clarify that a licensed wildlife rehabilitator who also possesses a federal rehabilitator license may allow a licensed falconer to assist in conditioning a raptor in preparation for its release into the wild. This change is proposed as a result of customer comments received by the Department.

Under subsection (Y), a wildlife rehabilitation license holder may permanently hold wildlife determined to be unsuitable for release into the wild; however, the rule does not establish who is qualified to make this determination. The Commission proposes to amend the rule to specify that only a licensed veterinarian may

determine whether or not an animal is suitable for release.

Under subsection (Z), a wildlife rehabilitation license holder is required to submit an annual report containing specific information to the Department by January 31 of each year. The license holder is required to provide the permit or license number of any federal permits or licenses that relate to any rehabilitative function performed by the license holder. A license holder may submit a copy of the rehabilitator's federal permit report of activities related to federally-protected wildlife in lieu of the federal permit or license numbers. The way the information is presented has contributed to some confusion because some license holders believe the copy of the federal permit report satisfies the Department's reporting requirement. The Commission proposes to amend the rule to clarify the Department considers the federal permit report to be proof of the applicant's federal permit or license number.

R12-4-424. White Amur Stocking and Holding License: The objective of the rule is to establish the requirements that allow a person to possess and transport white amur (*Ctenopharyngodon Idella*); to include authorized activities, administrative compliance, and the restrictions and prohibitions necessary to protect existing aquatic habitat and resources.

An overabundance of freshwater vegetation can result in dense mats of vegetation that interfere with navigation and recreational activities, clogged power generation and irrigation equipment, stagnant water (which provides a good breeding ground for mosquitoes), and degraded water quality due to rising pH levels, decreased oxygen, and increased temperature. White amur are used as a natural alternative to remove unwanted freshwater vegetation. They are stocked in a private or public pond until the desired effect has been achieved and then they are transported to another location where they can be of service. White amur are capable of fast growth and can live for 10 to 15 years; when they reach maturity, their rate of weed consumption declines, and restocking of additional white amur is required every 5 to 6 years. Therefore, the Commission proposes to amend the rule to remove references to "holding."

The white amur stocking and holding license is valid for a period of 20 consecutive days. In most cases, due to the life expectancy of white amur, a person will not need another license for years, if at all. The Commission proposes to amend the rule to remove references pertaining to license renewal to make the rule more concise.

Scientific terminology is language used by scientists in the context of their professional activities. While studying nature, scientists often encounter or create new material or immaterial objects and concepts and are compelled to rename or redefine them. As a result, scientific terms and definitions continue to evolve over time. The Commission proposes to amend the definition of "triploid" to reflect scientific terminology used by modern fishery biologists.

The Department is aware of some confusion regarding the use of the terms "commercial" and "noncommercial" activity and how those terms apply to the white amur license. Under R12-4-401 (live wildlife definitions), "commercial purpose" means the bartering, buying, leasing, loaning, offering to sell, selling, trading, exporting or importing of wildlife or their parts for monetary gain. When viewed through this definition, the use of white amur by an applicant for vegetation control purposes cannot be viewed as a commercial purpose. In addition, an entity maintaining white amur for a commercial purpose as defined under R12-4-401 would be operating under an aquaculture (fish farm) license issued by the Department of Agriculture. Therefore,

differentiating between "commercial" and "noncommercial" is not necessary. The Commission proposes to amend the rule to remove language pertaining to "commercial" and "noncommercial" purpose.

The Commission proposes to replace the reference to "On-Line Environmental Review Tool" with "Online Environmental Review Tool" to reflect current terminology.

In most cases, the costs incurred by the Department when processing a restocking license are anticipated to be less than an initial license because the Department believes the issuance of a white amur stocking license should take less time to review as there would be no need for the required inspection(s) and background or reference check(s). The Commission proposes to amend the rule to establish a restocking license.

The standards established under R12-4-428 are designed to ensure the humane and ethical treatment of wildlife, but when applied specifically to fish facilities it becomes apparent that they are difficult to put into practice and unnecessarily restrictive for the humane and ethical treatment of white amur. For these reasons, the Commission proposes to amend the rule to exempt white amur license holders from the requirements of R12-4-428.

R12-4-425. Restricted Live Wildlife Lawfully Possessed without License or Permit Before the Effective Date of this Article: The objective of the rule is to establish administrative compliance requirements for the continued possession and use of wildlife lawfully possessed before becoming classified as restricted live wildlife list under R12-4-406 (restricted live wildlife) without having to apply for and obtain a special license. The rule requires a person who lawfully possessed wildlife prior to being classified as restricted live wildlife to notify the Department of the possession and use of the wildlife. The Commission restricts certain wildlife species from possession because they pose a threat to human health and safety, have a negative biological impact on species and ecosystems, have a negative economic impact, and to be consistent with federal, state, and county regulatory agencies. Notification is required so the Department can track and monitor these species.

Because the rule does not provide a time-frame for retaining this documentation and there is some confusion as to how long a person should retain documentation regarding the possession of restricted wildlife, the Department at times is unable to determine when the person obtained the restricted wildlife. The Commission proposes to amend the rule to establish a person shall retain documentation of compliance with the rule for as long as the person possesses said wildlife.

R12-4-427. Exemptions from Requirements to Possess a Wildlife Rehabilitation License: The objective of the rule is to establish criteria that allow a person to possess and care for specific live wildlife species without having to apply for and obtain a wildlife rehabilitation license, to include authorized activities, wildlife species that may be held without a wildlife rehabilitation license; to include the restrictions and prohibitions necessary to protect wildlife habitat and resources.

The Commission proposes to amend the rule to clarify the rule by referencing "non-Migratory Bird Treaty Act" when listing classifications that include both migratory and non-migratory species. This change is proposed as a result of customer comments received by the Department.

The Commission also proposes to amend the rule to reference the definition of migratory birds under R12-4-101 to make the rule more concise.

R12-4-428. Captivity Standards: The objective of the rule is to establish the minimum standards for living spaces, furnishings, equipment, dietary needs, veterinary care, and social groupings to ensure the humane treatment of wildlife possessed under a lawful exemption or special license issued by the Department. Wildlife requires specialized care to survive; without species appropriate feeding, facilities, handling, and veterinary care, wildlife may suffer or die.

The Commission proposes to amend the rule to make it more concise and easier to understand.

The rule requires a license holder to have each animal held for more than one year to be inspected by the attending veterinarian at least once every year. The Department is aware of some confusion as to what should be documented during the inspection. The Commission proposes to amend the rule to require the veterinary report to demonstrate the veterinarian inspected the health of the animal and the condition of its enclosure. This change is a result of customer comments received by the Department.

R12-4-430. Importation, Handling, and Possession of Cervids: The objective of the rule is to establish the requirements for the importation, handling, and possession of captive cervids necessary to prevent disease transmission from captive cervids to wildlife and domestic animals, and the restrictions and prohibitions necessary to protect existing habitat and wildlife resources.

The intent behind the rule is to protect native wildlife and their habitats from the introduction of disease carried by captive cervids and prevent the introduction of nonnative cervids in Arizona ecosystems. The economic costs associated with wildlife disease outbreaks and control can be severe. Costs of disease outbreaks are generally recurring and additive due to annual costs of monitoring and eradicating diseased animals. Outbreaks can lead to significant decreases in license revenue sales due to decreased hunter participation. If wildlife diseases are introduced into Arizona and spread to native wildlife, the Department will have to divert resources to disease prevention and mitigation instead of wildlife management and habitat enhancement. Rural economies would also be adversely impacted.

The detection of CWD in new areas is expanding; at the time of the last rulemaking, eight additional states and a Canadian province became CWD positive. According to the most recent maps, 26 states and four Canadian provinces are now CWD positive. Since beginning surveillance more than 20 years ago, the Department has collected and tested 23,300 cervid samples (elk, mule deer, and white-tailed deer) and none have tested positive for CWD.

CWD has the potential to negatively impact deer herds wherever the disease occurs; it is always fatal and could have serious negative impacts on the state's deer population if it becomes established in Arizona (Almberg et al. 2011). CWD infection decreases deer survival odds and lowers total life expectancy (Miller et al. 2008). If a large percentage of the population were to become infected there could be negative impacts for the population, including: A decline in doe survival, which results in an overall reduced population (Gross and Miller 2001); Fewer older bucks, as male animals may be more likely to be infected due to specific male social and behavioral tendencies (Miller et al. 2008, Jennelle et al. 2014); and An overall decline in population (Gross and Miller 2001, Almberg et al. 2011), as exhibited in Colorado and Wyoming. In an area of Colorado with high CWD prevalence, mule deer numbers have plummeted by 45%, in spite of good habitat and protection from human hunting. In

Wyoming a monitored infected population experienced a 10.4% annual decline, with CWD-positive animals having a higher mortality rate than non-infected deer (Edmunds et al 2016). Taking action to prevent the spread of CWD to new areas helps to slow the transmission of the disease between individuals. The Commission proposes to amend the rule to implement the following requirements necessary to the Department's monitoring and detecting diseases in cervids: require the holder of a private game farm license to mark each cervid they possess with an ear tag that identifies the farm of origin in a manner clearly visible from 100 feet; require a person possessing a cervid to report the death of any cervid to the Department within seven calendar days; include the results of chronic wasting disease testing for all cervids one year of age and older that dies during the current reporting period in the annual report; notify the Department within 72 hours of receiving a suspect or positive disease testing result; and require a person who possesses a cervid to maintain related records for a period of at least five years and make the records available for inspection to the Department upon request.

Under R12-4-425 (restricted live wildlife lawfully possessed without license or permit before the effective date of article 4 or any subsequent amendments) a person who lawfully possessed wildlife prior to being classified as restricted live wildlife to notify the Department of the possession and use of the wildlife. This notification is required so the Department is made aware of the location of the restricted wildlife for tracking and monitoring purposes. Cervids are listed as restricted live wildlife under R12-4-406 (restricted live wildlife), which means a person must have a lawful exemption or possess a special license in order to lawfully possess them in Arizona. Even though cervids have been listed as restricted live wildlife since 2002, the Department still encounters persons possessing cervids lawfully obtained prior to 2002 but who have not yet met the requirements of R12-4-425. The Commission proposes to amend the rule to reference R12-4-425 to increase consistency between rules.

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

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

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

Not applicable

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

The Commission's intent in proposing these amendments is to protect native wildlife and their habitats in many ways, including preventing the spread of disease, reducing the risk of released animals competing with native wildlife, discouraging illegal trade of native wildlife, and avoiding conflict between humans and wildlife which may threaten public health or safety. The Commission anticipates the majority of the rulemaking is intended to benefit persons regulated by the rule, members of the public, and the Department by clarifying rule language, creating consistency among existing Commission rules, reducing the burden on persons regulated by the rule where practical, and allowing the Department additional oversight where necessary. The Commission anticipates the rulemaking will result in an overall benefit to persons regulated by the rule, members of the public, and the Department. The Commission anticipates the rulemaking will result in little or no impact to political subdivisions

of this state; private and public employment in businesses, agencies or political subdivisions; or state revenues. The Commission has determined that there are no less intrusive or costly alternative methods of achieving the purpose of the rulemaking. Other than the regular cost of rulemaking, the Department will expend resources to implement the rules. The Commission has determined that the benefits of the rulemaking outweigh any costs.

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

See item #4.

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

Date: December 4, 2020

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

Location: 5000 W Carefree Highway
Phoenix, Arizona 85086

Close of record: December 4, 2020

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

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

The rule complies with A.R.S. § 41-1037:

The Aquatic Wildlife Stocking License described in the rule falls within the definition of "general permit" as defined under A.R.S. § 41-1001(11).

The Live Bait Dealer's License described in the rule falls within the definition of "general permit" as defined under A.R.S. § 41-1001(11).

The Private Game Farm License described in the rule falls within the definition of "general permit" as defined under A.R.S. § 41-1001(11).

The Game Bird License described in the rule falls within the definition of "general permit" as defined under A.R.S. § 41-1001(11).

The Wildlife Holding License described in the rule falls within the definition of "general permit" as defined under A.R.S. § 41-1001(11).

The Scientific Collecting License described in the rule falls within the definition of "general permit" as defined under A.R.S. § 41-1001(11).

The Zoo License described in the rule falls within the definition of "general permit" as defined under A.R.S. § 41-1001(11).

The Wildlife Service License described in the rule falls within the definition of "general permit" as defined under A.R.S. § 41-1001(11).

The Sport Falconry License described in the rule falls within the definition of "general permit" as defined under A.R.S. § 41-1001(11).

The Wildlife Rehabilitation License described in the rule falls within the definition of "general permit" as defined under A.R.S. § 41-1001(11).

The White Amur Stocking and Holding License described in the rule falls within the definition of "general permit" as defined under A.R.S. § 41-1001(11).

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

For R12-4-413, Federal law, 50 C.F.R. 21.13 (Permit exceptions for captive reared mallard duck), establishes the conditions, restrictions, and requirements that allow captive-reared and properly marked mallard ducks to be possessed without a federal permit. The Department has determined the rule is not more stringent than the federal law.

For R12-4-422, federal law, 50 C.F.R. 10.13 (list of migratory birds), is applicable to the subject of the rule. The Department has determined the rule is not more stringent than the federal law.

For R12-4-422, federal law, 50 C.F.R. 21(migratory bird permits) and 22 (eagle permits), are applicable to the subject of the rule. The Department has determined the rule is more restrictive than the federal law in requiring a re-inspection when a licensed falconer changes address and the Department cannot verify the facility at the new location is similar to the one approved during a prior inspection. A re-inspection is also proposed when a falconer acquires additional raptors and the previous inspection does not indicate the facilities can accommodate a new species or additional raptors. 50 C.F.R. 21.29(b)(1)(iii) (falconry standards and falconry permitting) states, "State, tribal, or territorial laws may be more restrictive than these Federal standards but may not be less restrictive." In addition, A.R.S. § 17-231(A)(1) authorizes the Commission to "[a]dopt rules and establish services it deems necessary to carry out the provisions and purposes of this title" and A.R.S. § 17-235 states, the Commission "may shorten or modify seasons, bag and possession limits and other regulations on migratory birds as it deems necessary." It is important to note, under 50 C.F.R. 21.29 (falconry standards and falconry permitting) a state is required to submit their laws, rules, processes, and forms to USFWS for compliance review and certification whenever any one of the four items listed above are substantially amended. The Department's rules, processes, and forms were certified as meeting the standards under 50 C.F.R. 21.29; see 77 FR 66406 - 66408, November 5, 2012.

For all other rules included in this rulemaking, federal law is not directly applicable to the subject of the rules. The rules are based on state law.

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

The Department did not receive any analyses.

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

Under R12-4-401, 50 C.F.R. 17.11, revised October 1, 2019.

Under R12-4-401, 50 C.F.R. 10.13, revised October 10, 2019.

Under R12-4-406, 50 C.F.R. 10.13, revised October 1, 2019.

Under R12-4-407, 9 C.F.R. Subpart C 2.30, revised January 1, 2019.

Under R12-3-422, 50 C.F.R. 21.29, revised October 1, 2019.

13. The full text of the rules follows:

TITLE 12. NATURAL RESOURCES
CHAPTER 4. GAME AND FISH COMMISSION
ARTICLE 4. LIVE WILDLIFE

Section

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

TITLE 12. NATURAL RESOURCES
CHAPTER 4. GAME AND FISH COMMISSION
ARTICLE 4. LIVE WILDLIFE

R12-4-401. Live Wildlife Definitions

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

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

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

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

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

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

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

~~"Cervid" means a mammal classified as a Cervidae or member of the deer family found anywhere in the world, as defined in the taxonomic classification from the Integrated Taxonomic Information System, available online at www.itis.gov.~~

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

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

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

"Educational display" means a display of captive live wildlife to increase public understanding of wildlife biology, conservation, and management ~~without requiring or which may or may not include~~ soliciting payment from an audience or an event sponsor **with the intent to recover costs incurred in providing the educational display**. For the purposes of this Article, "to display for educational purposes" refers to display as part of an educational display.

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

"Endangered or threatened wildlife" means wildlife listed under 50 C.F.R. 17.11, revised October 1, ~~2013~~ **2019**.

which is incorporated by reference. A copy of the list is available at any Department office, online at www.gpoaccess.gov www.gpo.gov, or may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000. This incorporation by reference does not include any later amendments or editions of the incorporated material.

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

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

"Exotic" means wildlife or offspring of wildlife not native to North America.

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

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

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

"Hybrid wildlife" means an offspring from two different wildlife species or genera. Offspring from a wildlife species and a domestic animal species are not considered wildlife. **This definition does not apply to bird hybrids as defined under the Migratory Bird Treaty Act, under 50 C.F.R. 21.3, revised October 1, 2019.**

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

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

"Migratory birds" mean all species listed under 50 C.F.R. 10.13 revised October 1, ~~2014~~**2019**, and no later amendments or editions. The incorporated material is available from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000, and is on file with the Department.

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

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

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

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

"Photography" means any process that creates durable images of wildlife or parts of wildlife by recording light or other electromagnetic radiation, either chemically by means of a light-sensitive material or electronically by means of an image sensor.

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

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

"Restricted live wildlife" means wildlife that cannot be imported, exported, or possessed without a special license or lawful exemption.

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

"Special license" means any license issued under this Article, including any additional stipulations placed on the license authorizing specific activities normally prohibited under A.R.S. § 17-306 and R12-4-402.

"Species of greatest conservation need" means any species listed in the Department's Arizona's State Wildlife Action Plan list Tier 1a and 1b published by the Arizona Game and Fish Department. The material is available for inspection at any Department office and ~~online at www.azgfd.gov~~ on the Department's website.

"Stock" and "stocking" means to release live aquatic wildlife into public or private waters other than the waters where taken.

"Taxa" means groups of animals within specific classes of wildlife occurring in the state with common characteristics that establish relatively similar requirements for habitat, food, and other ecological, genetic, or behavioral factors.

"Unique identifier" means a permanent marking made of alphanumeric characters that identifies an individual animal, which may include, but is not limited to, a tattoo or microchip.

"USFWS" means the United States Fish and Wildlife Service.

"Volunteer" means a person who:

- Assists a special license holder in conducting activities authorized under the special license,
- Is under the direct supervision of the license holder at the premises described on the license,
- Is not designated as an agent, and
- Receives no compensation.

"Wildlife disease" means any disease that poses a health risk to wildlife in Arizona.

"Zoo" means any facility licensed by the Arizona Game and Fish Department under R12-4-420 or, for facilities located outside of Arizona, licensed or recognized by the applicable governing agency.

"Zoonotic" means a disease that can be transmitted from animals to humans or, more specifically, a disease that normally exists in animals but that can infect humans.

R12-4-403. Escaped or Released Live Wildlife

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

4. Property.
- B.** A person shall not release live wildlife, unless specifically directed to do so by the Department or authorized under this Article.
- C.** The person ~~possessing~~ releasing or allowing the escape of wildlife shall be responsible for all costs incurred by the Department associated with seizing or quarantining the wildlife.
- D.** All special license holders shall be subject to the requirements of this Section.

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

- A.** A person may import mammals, birds, amphibians, and reptiles not listed as restricted wildlife under R12-4-406 without a special license required under this Article, provided the animals are:
 1. Lawfully possessed under a:
 - a. Lawful exemption; or
 - b. Valid license, permit, or other form of authorization from another state, the United States, or another country; and
 2. Accompanied by the health certificate required under 3 A.A.C. 2, Article 6, and this Article, when applicable.
- B.** A person may import live aquatic wildlife not listed as restricted wildlife under R12-4-406 without a special license under the following conditions:
 1. The aquatic wildlife is lawfully possessed under a lawful exemption, valid license, permit, or other form of authorization from another state, the United States, or another country; and
 2. The aquatic wildlife is used only for restaurants or markets that are licensed to sell food to the public and the wildlife is killed before it is transported from the restaurant or market, or, if transported alive from the market, is conveyed directly to its final destination for preparation as food; or
 3. The aquatic wildlife is used only for the aquarium trade or a fish farm and is accompanied by a valid license or permit issued by another state or the United States that allows the wildlife to be transported into this state.
 - a. A person in the aquarium trade shall:
 - i. Only use aquatic wildlife used in the aquarium trade as a pet or in an educational display, and
 - ii. Keep aquatic wildlife used in the aquarium trade in an aquarium or enclosed pond that does not allow the wildlife to leave the aquarium or pond and does not allow other live aquatic wildlife to enter the aquarium or pond.
 - b. A person in the aquarium trade shall not use or possess aquatic wildlife listed as restricted live wildlife under R12-4-406.
- C.** A person shall obtain the appropriate special license listed under R12-4-409(A) before importing aquatic live wildlife for any purpose not stated under subsection (B), unless exempt under this Chapter.
- D.** A person may purchase, possess, exhibit, transport, propagate, trade, rent, lease, give away, sell, offer for sale, export, or kill wildlife or aquatic wildlife or its offspring without an Arizona license or permit if the wildlife is lawfully imported and possessed as prescribed under subsections (A) or (B).
- E.** ~~An individual shall use and dispose of wildlife that is taken under an Arizona hunting or fishing license as~~

prescribed by R12-4-404, or R12-4-417 and this Article, as applicable.

R12-4-406. Restricted Live Wildlife

- A.** In order to lawfully possess wildlife listed as restricted under this Section, for any activity prohibited under A.R.S. §§ 17-255.02, 17-306, ~~R12-4-4102~~, R12-4-902, or this Article, a person shall possess:
1. All applicable federal licenses and permits; and
 2. The appropriate special license listed under R12-4-409(A); or
 3. Act under a lawful exemption authorized under A.R.S. § 17-255.04, R12-4-316, R12-4-404, R12-4-405, R12-4-407, R12-4-425, R12-4-427, and R12-4-430.
- B.** The Commission recognizes the online taxonomic classification from the Integrated Taxonomic Information System as the authority in determining the designations of restricted live mammals, birds, reptiles, amphibians, fish, crustaceans, and mollusks referenced under this Article. The Integrated Taxonomic Information System is available at any Department office and at www.itis.gov.
- C.** All of the following are considered restricted live wildlife and are subject to the requirements of this Article, unless otherwise specified:
1. Hybrid wildlife, as defined under R12-4-401, resulting from the interbreeding of at least one parent species of wildlife that is listed as restricted under this Section, ~~and~~ Hybrid wildlife that is the progeny of a restricted wildlife species and a nonrestricted wildlife species is considered restricted wildlife.
 2. Transgenic species, unless otherwise specified under this Article. For the purposes of this Section, "transgenic species" means any organism that has had genes from another organism put into its genome through direct human manipulation of that genome. Transgenic species do not include natural hybrids or individuals that have had their chromosome number altered to induce sterility. A transgenic animal is considered wildlife if the ~~animal is the offspring of at least one~~ genetic material originated from a restricted wildlife species.
- D.** Domestic animals, as defined under R12-4-401, are not subject to restrictions under A.R.S. Title 17, 12 A.A.C. 4, or Commission Orders.
- E.** For subsections (F) through (M), the common names are provided as examples only and are not all-inclusive of the order, family, or genus.
- F.** Unless otherwise specified, all mammals listed below are considered restricted live wildlife:
1. All species of the order *Afrosoricida*. Common names include: golden moles and tenrecs and ~~golden moles~~.
 2. All species of the following families of the order *Artiodactyla*. Common name: even-toed ungulates:
 - a. The family *Antilocapridae*. Common name: pronghorns.
 - b. The family *Bovidae*. Common names include: ~~cattle, buffalo, bison, oxen, duikers~~, antelopes, bison, buffalo, cattle, duikers, gazelles, goats, oxen, and sheep. Except the following genera which are not restricted:
 - i. The genus *Bubalus*. Common name: water buffalo.
 - ii. The genus *Bison*. Common name: ~~bison~~, American bison, bison, or buffalo.
 - c. The family *Cervidae*. Common names include: cervid, deer, elk, moose, red deer, and wapiti, ~~and red~~

deer.

- d. The family *Tayassuidae*. Common name: peccaries.
3. All species of the order *Carnivora*. Common names include: ~~carnivores, skunks, raccoons,~~ bears, foxes, ocelot, raccoons, servals, skunks, wolves, and weasels.
4. All species of the order *Chiroptera*. Common name: bats.
5. All species of the genus *Didelphis*. Common name: American opossums.
6. All species of the order *Erinaceomorpha*. Common names include: European hedgehogs, gymnures, and moonrats. Except members of the ~~family *Erinaceidae*~~ genus *Atelerix*, which are not restricted. Common name: longeared and pygmy hedgehogs.
7. All species of the order *Lagomorpha*. Common names include: hares, pikas, and rabbits, ~~and hares.~~ Except for members of the genus *Oryctolagus* containing domestic rabbits, which are not wildlife and are not restricted.
8. All nonhuman primates. Common names include: ~~orangutans,~~ chimpanzees, gorillas, macaques, orangutans, and spider monkeys.
9. All species of the following families of the order *Rodentia*. Common name: rodents:
 - a. The family *Capromyidae*. Common name: hutias.
 - b. The family *Castoridae*. Common name: beavers.
 - c. The family *Dipodidae*. Common name: jumping mouse.
 - ~~e-d.~~ The family *Echimyidae*. Common names include: coypus and nutrias.
 - ~~d-e.~~ The family *Erethizontidae*. Common name: new world porcupines.
 - ~~e-f.~~ The family *Geomyidae*. Common name: pocket gophers.
 - ~~f-g.~~ The family *Sciuridae*. Common names include: ~~squirrels,~~ chipmunks, marmots, prairie dogs, squirrels, and woodchucks, ~~and prairie dogs.~~
10. All species of the order *Soricomorpha*. Common names include: ~~shrews,~~ desmans, moles, shrews, and shrew-moles.
11. All species of the order *Xenarthra*. Common names include: anteaters, armadillos, and edentates; ~~or sloths, anteaters, and armadillos.~~

F.G. Birds listed below are considered restricted live wildlife:

1. The following species within the family *Phasianidae*. Common names: ~~partridges,~~ grouse, pheasants, partridges, ~~turkeys,~~ quail, and turkeys ~~and pheasants~~:
 - a. *Alectoris chukar*. Common name: chukar.
 - ~~a-b.~~ *Callipepla gambelii*. Common name: Gambel's quail.
 - ~~b-c.~~ *Callipepla squamata*. Common name: scaled quail.
 - ~~e-d.~~ *Colinus virginianus*. Common name: northern bobwhite. Restricted only in game management units 34A, 36A, 36B, and 36C as prescribed under R12-4-108.
 - ~~d-e.~~ *Cyrtonyx montezumae*. Common name: ~~Montezuma,~~ harlequin, ~~or~~ Mearn's, or Montezuma quail.
 - ~~e-f.~~ *Dendragapus obscurus*. Common name: dusky grouse.

g. *Mealagris gallopavo gallopavo*, *M. g. intermedia*, *M. g. merriami*, *M. g. mexicana*, *M. g. osceola*, *B. g. silvestris*, and *M. ocellata*. Common name: wild turkey.

2. All species listed under the Migratory Bird Treaty Act listed under 50 C.F.R. 10.13 revised October 1, ~~2014~~2019, and no later amendments or editions. The incorporated material is available from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000, and is on file with the Department.

G.H. Reptiles listed below are considered restricted live wildlife:

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

H.I. Amphibians listed below are considered restricted live wildlife. The following species within the order *Anura*, common names frogs and toads:

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

I.J. Fish listed below are considered restricted live wildlife:

1. All species of the family *Acipenseridae*. Common name: sturgeon.
2. The species *Amia calva*. Common name: bowfin.
3. The species *Aplodinotus grunniens*. Common name: freshwater drum.
4. The species *Arapaima gigas*. Common name: bony tongue.
5. All species of the genus *Astyanax*. Common name: tetra.

6. The species *Belonesox belizanus*. Common name: pike topminnow.
7. All species, both marine and freshwater, of the orders *Carcharhiniiformes*, *Heterodontiformes*, *Hexanchiformes*, *Lamniformes*, *Orectolobiformes*, *Pristiophoriformes*, *Squaliformes*, *Squatiniiformes*, and except for all species of the families *Brachaeluridae*, *Hemiscylliidae*, *Orectolobidae*, and *Triakidae*; genera of the family *Scyliorhinidae*, including *Aulohalaelurus*, *Halaelurus*, *Haploblepharus*, *Poroderma*, and *Scyliorhinus*; and genera of the family *Parascylliidae*, including *Cirrhoscyllium* and *Parascyllium*. Common name: sharks.
8. All species of the family *Centrarchidae*. Common name: sunfish.
9. All species of the family *Cetopsidae* and *Trichomycteridae*. Common name: South American catfish.
10. All species of the family *Channidae*. Common name: snakehead.
11. All of the species *Cirrhinus mrigala*, *Gibelion catla*, and *Labeo rohita*. Common name: Indian carp.
12. All species of the family *Clariidae*. Common names include: ~~labyrinth~~ or airbreathing catfish or labyrinth.
13. All species of the family *Clupeidae* except threadfin shad, species *Dorosoma petenense*. Common names include: herring and shad.
14. The species *Ctenopharyngodon idella*. Common names include: white amur or grass carp.
15. The species *Cyprinella lutrensis*. Common name: red shiner.
16. The species *Electrophorus electricus*. Common name: electric eel.
17. All species of the family *Esocidae*. Common names include: ~~pike and pickerels~~ and pike.
18. All species of the family *Hiodontidae*. Common names include: goldeye and mooneye.
19. The species *Hoplias malabaricus*. Common name: tiger fish.
20. The species *Hypophthalmichthys molitrix*. Common name: silver carp.
21. The species *Hypophthalmichthys nobilis*. Common name: bighead carp.
22. All species of the family *Ictaluridae*. Common name: catfish.
23. All species of the genus *Lates* and *Luciolates*. Common name: Nile perch.
24. All species of the family *Lepisosteidae*. Common name: gar.
25. The species *Leuciscus idus*. Common names include: ide and whitefish ~~and ide~~.
26. The species *Malapterurus electricus*. Common name: electric catfish.
27. All species of the family *Moronidae*. Common name: temperate bass.
28. The species *Mylopharyngodon piceus*. Common name: black carp.
29. All species of the family *Percidae*. Common names include: ~~walleye and pike~~ and walleye perches.
30. All species of the family *Petromyzontidae*. Common name: lamprey.
31. The species *Polyodon spathula*. Common name: American Paddlefish.
32. All species of the family *Potamotrygonidae*. Common name: stingray.
33. All species of the genera *Pygocentrus*, *Pygopristis*, and *Serrasalmus*. Common name: piranha.
34. All species of the family *Salmonidae*. Common names include: ~~trout and salmon~~ and trout.
35. The species *Scardinius erythrophthalmus*. Common name: rudd.
36. All species of the family *Serranidae*. Common name: bass.

37. The following species, and hybrid forms, of the Genus *Tilapia*: *O. aureus*, *O. mossambica*; *O. niloticus*, *O. urolepis hornorum* and *T. zilli*. Common name: tilapia.

38. The species *Thymallus arcticus*. Common name: Arctic grayling.

J-K. Crustaceans listed below are considered restricted live wildlife:

1. All freshwater species within the families *Astacidae*, *Cambaridae*, and *Parastacidae*. Common name: crayfish.
2. The species *Eriocheir sinensis*. Common name: Chinese mitten crab.

K-L. Mollusks listed below are considered restricted live wildlife:

1. The species *Corbicula fluminea*. Common name: Asian clam.
2. All species of the family *Dreissenidae*. Common names include: ~~zebra and~~ quagga and zebra mussel.
3. The species *Euglandina rosea*. Common name: rosy wolfsnail.
4. The species *Mytilopsis leucophaeata*. Common names include: Conrad's false dark mussel or false ~~dark~~ mussel.
5. All species of the genus *Pomacea*. Common names include: apple snail or Chinese mystery snail ~~or apple snail~~.
6. The species *Potamopyrgus antipodarum*. Common name: New Zealand mud snail.

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

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

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

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

1. A person may possess, transport, or give away a desert tortoise (*Gopherus morafkai*) or the progeny of a desert tortoise provided the person lawfully possessed the desert tortoise prior to April 28, 1989 or obtained the tortoise through a Department authorized adoption program. A person who receives a desert tortoise that is given away under this Section is also exempt from special license requirements.

a. A person shall not:

- i. Export a live desert tortoise from this state unless authorized in writing by the Department's special license administrator. A person may only export a live desert tortoise to an education or research institution or zoo located in another state.
 - ~~a.~~ii. Possess desert tortoise in excess of the bag limit established under Commission Order 43.
 - iii. Propagate lawfully possessed desert tortoises or their progeny unless authorized in writing by the Department's special license administrator.
 - vi. Release a desert tortoise into the wild.
- ~~b.~~ Export a live desert tortoise from this state unless authorized in writing by the Department.
- b. A person who possesses a desert tortoise and who is moving out-of-state shall gift the desert tortoise to an Arizona resident or donate the desert tortoise to the Department's Tortoise Adoption Program.

2. A licensed veterinarian may possess restricted wildlife while providing medical care to the wildlife and may release rehabilitated wildlife as directed in writing by the Department, provided:
 - a. The veterinarian keeps records of restricted live wildlife as required by the Veterinary Medical Examining Board, and makes the records available for inspection by the Department.
 - b. The Department assumes no financial responsibility for any care the veterinarian provides, except care that is specifically authorized by the Department.
3. A person may transport restricted live wildlife through this state provided the person:
 - a. Transports the wildlife through the state within 72 continuous and consecutive hours;
 - b. Ensures at least one person is continually present with, and accountable for, the wildlife while in this state;
 - c. Ensures the wildlife is neither transferred nor sold to another person;
 - d. Ensures the wildlife is accompanied by evidence of lawful possession, as defined under R12-4-401;
 - e. Ensures a health certificate required under this Article accompanies the wildlife described on the health certificate, when applicable; and
 - f. Ensures the carcasses of any wildlife that die while in transport through this state are disposed of only as directed by the Department.
4. A person may exhibit, export, import, possess, and transport restricted live wildlife for a circus, temporary animal exhibit, or government-authorized state or county fair, provided the person:
 - a. Possesses evidence of lawful possession as defined under R12-4-401, for the wildlife;
 - b. Ensures the evidence of lawful possession accompanies the wildlife described on that evidence;
 - c. Ensures a health certificate required under this Article accompanies the wildlife described on the health certificate, when applicable;
 - d. Ensures the wildlife does not come into physical contact with the public;
 - e. Keeps the wildlife under complete control by safe and humane means; and
 - f. Ensures the wildlife is not in this state for more than 60 consecutive days.
5. A person may export, import, possess, and transport restricted live wildlife for the purpose of commercial photography, provided the person:
 - a. Possesses evidence of lawful possession as defined under R12-4-401 for the wildlife;
 - b. Ensures the evidence of lawful possession accompanies the wildlife described on that evidence;
 - c. Ensures a health certificate required under this Article accompanies the wildlife described on the health certificate, when applicable;
 - d. Ensures the wildlife does not come into physical contact with the public;
 - e. Keeps the wildlife under complete control by safe and humane means; and
 - f. Ensures the wildlife is not in this state for more than 60 consecutive days.
6. A person may exhibit, import, possess, and transport restricted live wildlife for advertising purposes other than photography, provided the person:
 - a. Ensures the wildlife is accompanied by evidence of lawful possession as defined under R12-4-401;

- b. Ensures the evidence of lawful possession accompanies the wildlife described on that evidence;
 - c. Ensures a health certificate required under this Article accompanies the wildlife described on the health certificate, when applicable;
 - d. Maintains the wildlife under complete control by safe and humane means;
 - e. Prevents the wildlife from coming into contact with the public or being photographed with the public;
 - f. Does not charge the public a fee to view the wildlife; and
 - g. Exports the wildlife from the state within 10 days of importation.
7. A person may export restricted live wildlife, provided the person:
- a. Ensures the wildlife is accompanied by evidence of lawful possession as defined under R12-4-401;
 - b. Ensures the evidence of lawful possession accompanies the wildlife described on that evidence;
 - c. Maintains the wildlife under complete control by safe and humane means;
 - d. Prevents the wildlife from coming into contact with the public or being photographed with the public;
 - e. Does not charge the public a fee to view the wildlife; and
 - f. Exports the wildlife from the state within 10 days of importation.
8. A person may possess restricted live wildlife taken alive under R12-4-404, R12-4-405, and R12-4-427, provided the person possesses the wildlife in compliance with those Sections.
9. A person who holds a falconry license issued by another state or country is exempt from obtaining an Arizona Sport Falconry License under R12-4-422, unless remaining in this State for more than 180 consecutive days.
- a. The falconer licensed in another state or country shall present a copy of the out-of-state or out-of-country falconry license, or its equivalent, to the Department upon request.
 - b. A falconer licensed in another state or country and who remains in this State for more than the 180-day period shall apply for an Arizona Sport Falconry License in order to continue practicing sport falconry in this state.
10. A person may export, give away, import, kill, possess, propagate, purchase, trade, and transport restricted live wildlife provided the person is doing so for a medical or scientific research facility registered with the United States Department of Agriculture under 9 C.F.R. Subpart C2.30 revised January 1, ~~2012~~2019, which is incorporated by reference in this Section. The incorporated material is available at any Department office, online at www.gpoaccess.gov www.gpo.gov, or may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000. This incorporation by reference contains no future editions or amendments.
11. A person may import and transport restricted live game fish and crayfish directly to restaurants or markets that are licensed to sell food to the public.
12. A person operating a restaurant or market licensed to sell food to the public may exhibit, offer for sale, possess, and sell restricted live game fish or crayfish, provided the live game fish and crayfish are killed before being transported from the restaurant or market.
13. A person may export, giveaway, import, kill, possess, propagate, purchase, and trade transgenic animals provided the person is doing so for a medical or scientific research facility.

- C. An exemption granted under this Section is not valid for any wildlife protected by federal ~~statute or regulation~~ law nor does it allow the take of wildlife from the wild.

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

- A. A special license is required when a person intends to conduct any activity using restricted live wildlife. Special licenses are listed as follows:
1. Aquatic wildlife stocking license, established under R12-4-410;
 2. Game bird license, established under R12-4-414;
 3. Live bait dealer's license, established under R12-4-411;
 4. Private game farm license, established under R12-4-413;
 5. Scientific ~~collecting~~ activity license, established under R12-4-418;
 6. Sport falconry license, established under R12-4-422;
 7. White amur stocking and ~~holding~~ restocking license, established under R12-4-424;
 8. Wildlife holding license, established under R12-4-417;
 9. Wildlife rehabilitation license, established under R12-4-423;
 10. Wildlife service license, established under R12-4-421; and
 11. Zoo license, established under R12-4-420.
- B. ~~A person applying~~ An applicant for a special license listed under subsection (A) shall:
- ~~a.~~1. Submit an application to the Department meeting the specific application requirements established under the applicable governing Section.
 - ~~i.~~a. Applications for special licenses are furnished by the Department and are available at any Department office and online at www.azgfd.gov on the Department's website.
 - ~~ii.~~b. An application is required upon initial application for a special license and when renewing a special license. A renewal application is appropriate where there are no changes to the:
 - i. Licensed facility location.
 - ii. Species of wildlife held under the special license, or
 - iii. Staff conducting the wildlife activities under the license.
 2. Be at least 18 years of age, unless applying for a Game Bird Field Training or Sport Falconry license.
 - ~~b.~~3. Pay all applicable fees required under R12-4-412.
- C. At the time of application, the person shall certify:
1. The information provided on the application is true and correct to the applicant's knowledge;
 2. The applicant shall comply with any municipal, county, state or federal code, ordinance, statute, regulation, or rule applicable to the license held; and
 3. The applicant's live wildlife privileges are not currently suspended or revoked in this state, any other state or territory, or by the United States.
- D. A special license obtained by fraud or misrepresentation is invalid from the date of issuance.
- E. The Department shall either grant or deny a special license within the applicable overall time-frame established

for that special license under R12-4-106.

- F. In addition to the criteria prescribed under the applicable governing Section, the Department shall deny a special license when:
1. **When it is in the best interest of public health or safety or the welfare of the wildlife:**
 - ~~1.2.~~ The applicant's live wildlife privileges are revoked or suspended in this state, any other state, or by the United States;
 - ~~2.3.~~ The applicant was convicted of illegally holding or possessing live wildlife within five years preceding the date of application for the special license; ~~or~~
 - ~~3.4.~~ The applicant knowingly provides false information on an application;~~;~~
 - ~~4.5.~~ The Department shall deny a license to a person who fails to meet the requirements established under the applicable governing Section or this Section. The Department shall provide a written notice to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.
- G. A special license holder may only engage in activities using federally-protected wildlife when the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license. A special license issued by the Department does not:
1. Exempt the license holder from any municipal, county, state or federal code, ordinance, statute, regulation, or rule; or
 2. Authorize the license holder to engage in any activity using wildlife that is protected by federal regulation.
- H. The Department may place additional stipulations on a special license ~~at the time of initial application or renewal~~ **when whenever it is determined** necessary to:
1. Conserve wildlife populations,
 2. Prevent the introduction and proliferation of wildlife diseases,
 3. Prevent wildlife from escaping, ~~or~~
 4. Protect public health or safety, ~~or~~
 5. **Ensure humane care and treatment of wildlife.**
- I. A special license holder shall keep live wildlife in a facility according to the captivity standards prescribed under R12-4-428 ~~or~~ and as otherwise required under this Article. **The captivity standards prescribed under R12-4-428 are not applicable to a special license holder licensed under R12-4-410, R12-4-411, R12-4-422, and R12-4-424.**
- ~~J. The Department may inspect a facility to verify compliance with all applicable requirements established under this Article.~~
- ~~K.~~J. A special license holder shall keep records in compliance with the requirements established under the governing Section **for a period of at least five years** and shall make the records available for inspection to the Department upon request.
- ~~L.~~K. The Department may conduct an inspection of an applicant's or license holder's facility at any time before or during the license period to determine compliance with the requirements of this Article. The Department shall

comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.

~~M.L.~~ Upon determining a disease or other emergency condition exists that poses an immediate threat to the public or the welfare of any wildlife, the Department may immediately order a cessation of operations under the special license and, if necessary, order the humane disposition or quarantine of any exposed, contaminated or affected wildlife.

1. When directed by the Department, a special license holder shall:
 - a. Perform disease testing,
 - b. Submit biological samples to the Department or its designee,
 - c. Surrender the wildlife to the Department;
 - d. Quarantine the wildlife, or
 - e. Humanely euthanize the wildlife.
2. The license holder shall:
 - a. Ensure any disease or other emergency condition under this subsection is diagnosed by a person professionally certified to make the diagnosis.
 - b. Be responsible for all costs associated with the testing and treatment of the contaminated and affected wildlife.

~~N.M.~~ If a condition exists, including disease or any violation of this Article, that poses a threat to the public or the welfare of any wildlife, but the threat does not constitute an emergency, the Department may issue a written notice of the condition to the special license holder specifying a reasonable period of time for the license holder to remedy the noticed condition. The notice of condition shall be delivered to the special license holder by certified mail or personal service.

~~1.~~ Failure of the license holder to remedy the noticed condition within the time specified by the Department is a violation under subsection ~~(O)~~(N).

~~2.~~ ~~If a licensee receives three notices under this subsection for the same condition within a two-year period, the Department shall treat the third notice as a failure to remedy.~~

~~O.N.~~ A special license holder shall not:

1. Violate any provision of the governing Section or this Section;
2. Violate any provision of the special license that the person possesses, including any stipulations specified on the special license;
3. Violate A.R.S. § 13-2908, relating to criminal nuisance;
4. Violate A.R.S. § 13-2910, relating to cruelty to animals; or
5. Refuse to allow the inspection of facilities, wildlife, or required records .

~~P.O.~~ The Department may take one or more of the following actions when a special license holder is convicted of a criminal offense involving cruelty to animals, violates subsection (N), or fails to comply with any requirement established under the governing Section or this Section:

1. File criminal charges,
2. Suspend or revoke a special license,

3. Humanely dispose of the wildlife,
4. Seize or seize in place any wildlife held under a special license.
5. A person may appeal to the Commission any Department action listed under this subsection as prescribed under A.R.S. Title 41, Chapter 6, Article 10, except the filing of criminal charges.

Q.P. A special license holder who wishes to continue conducting activities authorized under the special license shall submit a renewal application to the Department on or before the special license expiration date.

1. The current license will remain valid until the Department grants or denies the new special license.
2. If the Department denies the renewal application and the license holder appeals the denial to the Commission as prescribed under subsection (F)(4), the license holder may continue to hold the wildlife until:
 - a. The date on which the Commission makes its final decision on the appeal, or
 - b. The final date on which a person may request judicial review of the decision.
3. A special license holder who fails to submit a renewal application to the Department before the date the license expires, cannot lawfully possess any live wildlife currently possessed under the license.

Q. A special license holder who no longer wishes to continue conducting activities authorized under the special license shall notify the Department in writing of this decision no less than 30 days prior to ceasing wildlife related activities. This notice shall include the proposed disposition of all wildlife held under the special license.

R. If required by the governing Section, a special license holder shall submit an annual report to the Department before January 31 of each year for the previous calendar year. The report form is furnished by the Department.

1. A report is required regardless of whether or not activities were performed during the previous year.
2. The special license becomes invalid if the special license holder fails to submit the annual report by January 31 of each year.
3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
4. When the license holder is acting as a representative of an institution, organization, or agency for the purposes of the special license, the license holder shall submit the report required under subsection this Section:
 - a. By January 31 of each year the license holder is affiliated with the institution, organization, or agency; or
 - b. Within 30 days of the date of termination of the license holder's affiliation with the institution, organization, or agency.

R12-4-410. Aquatic Wildlife Stocking License; Restocking License

- A.** An aquatic wildlife stocking or restocking license allows a person to import, possess, purchase, stock, and transport any restricted species designated on the license at the location specified on the license.
- B.** The aquatic wildlife stocking or restocking license is valid for no more than 20 consecutive days, except that an aquatic wildlife stocking or restocking license is valid for one calendar year when issued to a State government agency for the purpose of vector control.
- C.** In addition to the requirements established under this Section, an aquatic wildlife stocking or restocking license

holder shall comply with the special license requirements established under R12-4-409.

- D.** The aquatic wildlife stocking and restocking license holder shall be responsible for compliance with all applicable regulatory requirements. The ~~aquatic wildlife stocking license does~~ **licenses do** not:
1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
 2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.
- E.** The Department shall deny an aquatic wildlife stocking **or restocking** license to a person who fails to meet the requirements established under R12-4-409 or this Section. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10. In addition to the requirements and criteria established under R12-4-409(F)(1) through (4), the Department shall deny an aquatic wildlife stocking license when:
1. The Department determines that issuance of the license will result in a negative impact to native wildlife; or
 2. The applicant proposes to use aquatic wildlife that is not compatible with, or poses a threat to, any wildlife within the river drainage or the area where the stocking is to occur.
- F.** ~~A person applying~~ An applicant for an aquatic wildlife stocking **or restocking** license shall submit an application to the Department. A separate application is required for each location where the applicant proposes to use wildlife. The application is furnished by the Department and is available at any Department office and ~~online at~~ www.azgfd.gov on the Department's website. An applicant shall provide the following on the application:
1. The applicant's information:
 - a. Name;
 - b. Mailing address; and
 - c. Department ID number, when applicable;
 2. When the applicant proposes to use the aquatic wildlife for a commercial purpose the applicant's business:
 - a. Name;
 - ~~b. Federal Tax Identification Number;~~
 - ~~e.~~b. Mailing address; and
 - ~~d.~~c. Telephone number;
 3. Aquatic wildlife species information:
 - a. Common name of the aquatic wildlife species;
 - b. Number of animals for each species; and
 - c. Approximate size of the aquatic wildlife that will be used under the license;
 4. The purpose for introducing the aquatic wildlife species;
 5. For each location where the aquatic wildlife will be stocked, the owner's:
 - a. Name;

- b. Mailing address;
 - c. Telephone number; and
 - d. Physical **address or general** location of the stocking site, to include river drainage and the Global Positioning System location ~~or Universal Transverse Mercator coordinates~~;
6. A detailed description or diagram of the facilities where the applicant will stock the aquatic wildlife, which includes:
 - a. Size of waterbody proposed for stocking aquatic wildlife;
 - b. Nearest river, stream, or other freshwater system;
 - c. Points where water enters each waterbody, when applicable;
 - d. Points where water leaves each waterbody, when applicable; and
 - e. Location of fish containment barriers;
 7. For each supplier from whom the applicant will obtain aquatic wildlife, the supplier's:
 - a. Name;
 - b. ~~Federal Tax Identification Number~~;
 - ~~e-b.~~ Mailing address; and
 - ~~d-c.~~ Telephone number;
 8. The dates on which the person will stock aquatic wildlife;
 9. Any other information required by the Department; and
 10. The certification required under R12-4-409(C).
- G.** In addition to the requirements listed under subsection (F), when an applicant wishes to stock an aquatic species in an area where that species has not yet been introduced, is not currently established, or there is potential for conflict with Department efforts to conserve wildlife, the applicant shall also submit a written proposal to the Department at the time of application. The written proposal shall contain all of the following information:
1. Anticipated benefits resulting from the introduction of the aquatic live wildlife species;
 2. Potential adverse economic impacts;
 3. Potential dangers the introduced aquatic species may possibly create for native aquatic species and game fish, to include all of the following:
 - a. Determination of whether or not the introduced aquatic species is compatible with native aquatic species or game fish;
 - b. Potential ecological problems created by the introduced aquatic species;
 - c. Anticipated hybridization concerns with introducing the aquatic species; and,
 - d. Future plans designed to evaluate the status and impact of the species after it is introduced.
 4. Assessment of probable impacts to sensitive species in the area using the list generated by the Department's ~~On-Line~~ Online Environmental Review Tool, which is available at ~~www.azgfd.gov~~ on the Department's website. The proposal must address each species listed.
- H.** **An application for an aquatic restocking license is considered to be a renewal of the license when there are no changes to the:**

1. Aquatic wildlife species.
2. The purpose for introducing the aquatic wildlife species, and
3. The facilities where the applicant stocked the aquatic wildlife.

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

~~I.J.~~ An aquatic wildlife stocking or restocking license holder shall:

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

3. Maintain records associated with the license for a period of five years following the date of disposition.

~~3.4.~~ Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article. The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.

~~4.5.~~ Possess the license or legible copy of the license while conducting any activities authorized under the aquatic stocking license and presents it for inspection upon the request of any Department employee or agent.

~~5.6.~~ Dispose of wildlife only as authorized under this Section or as directed in writing by the Department.

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

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

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

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

1. Desert Sucker, *Catostomus clarkii*;

~~1.2.~~ Fathead minnow, *Pimephales promelas*;

~~2.3.~~ Golden shiner, *Notemigonus crysoleucas*;

~~3.4.~~ Goldfish, *Carassius auratus*;

4. ~~Mosquito fish, *Gambusia affinis*;~~
 5. ~~Threadfin shad, *Dorosoma petenense*~~ Longfin Dace, *Agosia chrysogaster*;
 6. ~~Speckled Dace, *Rhynchithys osculus*;~~ and
 - 6.7. Waterdogs, *Ambystoma tigrinum*, except in that portion of Santa Cruz County lying east and south of State Highway 82, or that portion of Cochise County lying west of the San Pedro River and south of State Highway 82.
- C. A live bait dealer's license expires on the last day of the third December ~~31 of each year~~ from the date of issuance.
- D. In addition to the requirements established under this Section, a live bait dealer license holder shall comply with the special license requirements established under R12-4-409.
- E. The live bait dealer's license holder shall be responsible for compliance with all applicable regulatory requirements. The ~~live bait dealer's~~ license does not:
1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
 2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.
- F. The Department shall deny a live bait dealer's license to a person who fails to meet the requirements established under R12-4-409 or this Section. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.
- G. ~~A person applying~~ An applicant for a live bait dealer's license shall submit an application to the Department. ~~A separate application is required for each location where the applicant proposes to use wildlife.~~ The application is available from any Department office and online at www.azgfd.gov on the Department's website. An applicant shall provide the following information on the application:
1. The applicant's information:
 - a. Name;
 - b. Mailing address;
 - c. Telephone number; and
 - d. Department ID number, when applicable;
 2. The applicant's business:
 - a. Name;
 - b. ~~Federal Tax Identification Number;~~
 - ~~e-b.~~ Mailing address; and
 - ~~d-c.~~ Telephone number of the applicant's business;
 3. Wildlife species information:
 - a. Common name of all wildlife species; and
 - b. The number of animals for each species that will be sold under the license.

4. For each location where the wildlife will be used, the owner's:
 - a. Name;
 - b. Mailing address;
 - c. Telephone number; and
 5. A detailed description or diagram of the facilities where the applicant will hold the wildlife;
 6. For each supplier from whom the applicant will obtain wildlife, the supplier's:
 - a. Name;
 - b. ~~Federal Tax Identification Number;~~
 - ~~e~~.b. Mailing address;
 - ~~d~~.c. Telephone number;
 7. Any other information required by the Department; and
 8. The certification required under R12-4-409(C).
- H.** An applicant for a live bait dealer's license shall pay all applicable fees ~~established~~ required under R12-4-412.
- I.** A live bait dealer's license holder shall:
1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
 2. Obtain live baitfish from a facility certified free of the diseases and causative agents through the following actions:
 - a. An inspection shall be performed by a qualified fish health inspector or fish pathologist at the facility where the wildlife is held before it is shipped to the license holder.
 - b. The inspection shall be conducted no more than 12 months prior to the date on which the aquatic wildlife or biological material is shipped to the license holder. The Department may require additional inspections at any time prior to shipping.
 - c. The applicant shall submit a copy of the certification to the Department prior to conducting any activities authorized under the license.
 - d. The live bait dealer's license holder shall include a copy of the certification in each shipment.
 3. Maintain records associated with the license for a period of five years following the date of disposition.
 - ~~3.4.~~ Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article. The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.
 - ~~4.5.~~ Possess the license or legible copy of the license while conducting activities authorized under the live bait dealers license and presents it for inspection upon the request of any Department employee or agent.
 - ~~5.6.~~ Dispose of aquatic wildlife only as authorized under this Section or as directed by the Department.
- ~~**J.** A live bait dealer's license holder shall comply with the requirements established under R12-4-428.~~

R12-4-413. Private Game Farm License

- A.** A private game farm license authorizes a person to commercially farm and sell ~~wildlife~~ captive pen-reared game

birds as specified on the license at the location designated on the license.

1. A private game farm license allows the license holder to:
 - a. ~~Display~~ display for sale, give away, import, offer for sale, possess, propagate and rear, purchase, rent or lease, sell, trade, or transport ~~wildlife, wildlife~~ captive pen-reared game birds carcasses; or parts of ~~wildlife; and~~
 - b. Propagate and rear ~~wildlife~~.
 2. The Private Game Farm License expires on the last day of the third December ~~31 of each year~~ from the date of issuance.
- B.** Private game farm ~~wildlife~~ captive pen-reared game birds may be killed or slaughtered, but a person shall not kill or allow the ~~wildlife~~ captive pen-reared game birds to be killed by hunting or in a manner that could be perceived as hunting or recreational sport harvest while under the care and control of the private game farm license holder.
- C.** Private game farm ~~wildlife~~ captive pen-reared game birds shall not be killed by a person who pays a fee to the owner of the private game farm for killing the ~~wildlife~~ captive pen-reared game birds, nor shall the game farm owner accept a fee for killing the ~~wildlife~~ captive pen-reared game birds, except as authorized under R12-4-414.
- D.** A private game farm licenses authorizes the use of only the following ~~species~~ captive-reared game birds:
1. ~~Captive-reared game birds:~~
 - a. 1. *Alectoris chukar*, Chukar;
 2. *Anas platyrhynchos*, Mallard duck, provided all mallard ducks and progeny are physically marked as required under 50 C.F.R. 21.13, revised October 1, 2019, which is incorporated by reference;
 - b. ~~3. *Callipepla californica*, California or valley quail;~~
 - e. ~~4. *Callipepla gambelii*, Gambel's quail;~~
 - d. ~~5. *Callipepla squamata*, Scaled quail;~~
 - e. ~~6. *Colinus virginianus*, Northern bobwhite;~~
 - f. ~~7. *Cyrtonyx montezumae*, Montezuma or Mearns' quail; and~~
 - g. ~~8. *Dendragapus obscurus*, Dusky grouse; and~~
 9. *Oreortyx pictus*, Mountain Quail; and
 - h. 10. *Phasianus colchicus*, Ringneck and whitewing pheasant;
 2. ~~Mammals listed as restricted live wildlife under R12-4-406, provided:~~
 - a. ~~The same species does not exist in the wild in this state;~~
 - b. ~~The applicant submits proof of a valid license issued by the United States Department of Agriculture under 9 CFR 25.30 at the time of application;~~
 - e. ~~The applicant submits a written proposal at the time of application, which includes all of the following information:~~
 - i. ~~Species to be possessed;~~
 - ii. ~~Purpose of possession;~~
 - iii. ~~Purpose of propagation, when applicable;~~
 - iv. ~~Methods designed to prevent wildlife from escaping;~~

- v. ~~Methods designed to prevent threat to native wildlife;~~
- vi. ~~Methods designed to ensure public safety; and~~
- vii. ~~Methods for disposal of the wildlife, which may include export from this state, or transfer to an eligible game farm licensed under this Section, a zoo licensed under R12-4-420, or a medical or scientific research facility exempted under R12-4-407.~~

11. For subsection (D)(2), the incorporated by material is available at any Department office, online at www.gpo.gov, or may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000. This incorporation by reference does not include any later amendments or editions of the incorporated material.

E. The Department shall deny an application for:

1. A new private game farm license for mammals cervids. The Department may accept a renewal application for a private game farm license holder currently permitted to possess mammals cervids, provided the license holder is in compliance with all applicable requirements under R12-4-409, R12-4-428, R12-4-430, and this Section.
2. A private game farm license for Northern bobwhite, *Colinus virginianus*, in game management units ~~34A~~, 36A, 36B, and 36C, as prescribed under R12-4-108.

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

G. The private game farm license holder shall be responsible for compliance with all applicable regulatory requirements. The ~~private game farm~~ license does not:

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

H. The Department shall deny a private game farm license to a person who fails to meet the requirements established under R12-4-409 or this Section. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as ~~A person applying~~ An applicant person applying for a private game farm license shall submit an application to the Department. A separate application is required for each location where the applicant proposes to use ~~wildlife~~ captive pen-reared game birds. The application is furnished by the Department and is available at any Department office and ~~online at www.azgfd.gov on the Department's website.~~ An applicant shall provide the following information on the application:

1. The applicant's information:
 - a. Name;
 - b. Mailing address;
 - c. Telephone number; and

- d. Department ID number, when applicable;
 2. The applicant's business:
 - a. Name;
 - ~~b. Federal Tax Identification Number;~~
 - ~~e.b.~~ Mailing address; and
 - ~~d.c.~~ Telephone number;
 3. For ~~wildlife~~ **captive pen-reared game birds** to be used under the license:
 - a. Common name of the ~~wildlife~~ **captive pen-reared game bird** species;
 - b. Number of ~~animals~~ **birds** for each species; and
 - c. When the applicant is renewing the private game farm license, the species and number of ~~wildlife~~ **captive pen-reared game birds** for each species currently held in captivity under the license;
 4. For each location where the ~~wildlife~~ applicant proposes to use the **captive pen-reared game birds** will be used, the land owner's:
 - a. Name;
 - b. Mailing address;
 - d. Telephone number; and
 - e. Physical **address or general** location description ~~to include the~~ **and** Global Positioning System location ~~or Universal Transverse Mercator coordinates;~~
 5. A detailed description or diagram of the facilities where the applicant will hold the ~~wildlife~~ **captive pen-reared game birds**, and a description of how the facilities comply with the requirements established under R12-4-428 and any other captivity standards established under this Section;
 6. For each wildlife supplier from whom the special license applicant will obtain wildlife, the supplier's:
 - a. Name;
 - ~~b. Federal Tax Identification Number;~~
 - ~~e.b.~~ Mailing address; and
 - ~~d.c.~~ Telephone number;
 7. Any other information required by the Department; and
 8. The certification required under R12-4-409(C).
- J.** An applicant for a private game farm license shall pay all applicable fees ~~established~~ **required** under R12-4-412.
- K.** A private game farm license holder shall:
1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
 2. Ensure each shipment of live ~~wildlife~~ **captive pen-reared game birds** imported into the state is accompanied by a health certificate **or other similar form that indicates the captive pen-reared game birds identified on the form appears to be healthy and free of infectious, contagious, and communicable diseases.**
 - a. The **certificate or other similar form** shall be issued no more than 30 days prior to the date on which the ~~wildlife~~ **captive pen-reared game birds** shipped.

- b. A copy of the certificate shall be submitted to the Department prior to importation.
3. Ensure the following documentation accompanies each shipment of ~~wildlife~~ captive pen-reared game birds made by the game farm:
 - a. Name of the private game farm license holder,
 - b. Private game farm license number,
 - c. Date ~~wildlife was~~ captive pen-reared game birds were shipped,
 - d. Number of ~~wildlife~~ captive pen-reared game birds, by species, included in the shipment,
 - e. Name of the person or common carrier transporting the shipment, and
 - f. Name of the person receiving the shipment.
4. Provide each person who transports a ~~wildlife~~ captive pen-reared game birds carcass from the site of the game farm with a receipt that includes all of the following:
 - a. Date the ~~wildlife was~~ captive pen-reared game birds were purchased, traded, or given as a gift;
 - b. Name of the game farm; and
 - c. Number of ~~wildlife~~ captive pen-reared game birds carcasses, by species, being transported.
5. Ensure each facility is inspected by the attending veterinarian at least once every year.
6. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article. The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.
7. Maintain records of all ~~wildlife~~ captive pen-reared game birds possessed under the license for a period of three years. In addition to the information required under subsections (M)(4)(a) through (M)(4)(e), the records shall also include:
 - a. The private game farm license holder's:
 - i. Name;
 - ii. Mailing address;
 - iii. Telephone number; and
 - iv. Special license number;
 - b. Copies of all federal, state, and local licenses, permits, and authorizations required for the lawful operation of the private game farm;
 - c. Copies of the annual report required under subsection (M);
 - d. Number of all ~~restricted live wildlife~~ captive pen-reared game birds, by species and the date it was obtained;
 - e. Source of all ~~restricted live wildlife~~ captive pen-reared game birds and the date it was obtained;
 - f. Number of offspring propagated by all ~~restricted live wildlife~~ captive pen-reared game birds; and
 - g. For all ~~restricted live wildlife~~ captive pen-reared game birds disposed of by the license holder:
 - i. Number, species, and date of disposition; and
 - ii. Manner of disposition to include the names and addresses of persons to whom the ~~wildlife was~~ captive pen-reared game birds were bartered, given, or sold, when authorized.

8. Immediately report to the Department any mortality event that results in the loss of 10% or more of the adult captive pen-reared game birds held on the facility within any seven day period and allow the Department to collect samples from the affected game birds for disease testing purposes as prescribed under A.R.S. § 17-250.

L. A private game farm license holder shall not:

1. Propagate hybrid wildlife or domestic ~~animals~~ birds with ~~wildlife~~ captive pen-reared game birds; or
2. Possess domestic species under the special license.

M. A private game farm license holder shall submit an annual report to the Department before January 31 of each year for activities performed under the license for the previous calendar year. The report form is furnished by the Department.

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

N. Except for cervids which shall be disposed of only as established under R12-4-430, a private game farm license holder who no longer uses the ~~wildlife~~ captive pen-reared game birds for a commercial purpose shall dispose of the ~~wildlife~~ captive pen-reared game birds as follows:

1. Export,
2. Transfer to another private game farm licensed under this Section,
3. Transfer to a zoo licensed under R12-4-420,
4. Transfer to a medical or scientific research facility exempt under R12-4-407,
5. As directed by the Department, or
6. As otherwise authorized under this Section.

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

R12-4-414. Game Bird License

A. A game bird license authorizes a person to conduct certain activities with the captive pen-reared game birds

specified on the license and only at the location or locations specified on the license, as described below:

1. Game Bird Hobby:

- a. Authorizes a license holder to:
 - i. Possess no more than 50 captive pen-reared game birds at any one time; ~~and~~
 - ii. Export, ~~gift~~, import, kill, possess, propagate, purchase, and transport the captive pen-reared game birds specified on the license for personal, noncommercial purposes only; and
 - iii. Gift a captive pen-reared game bird to another special license holder who is authorized to possess the game bird species.
- b. The following captive pen-reared game bird species may be possessed by a Game Bird Hobby license holder:
 - i. *Alectoris chukar*, Chukar;
 - ii. *Callipepla californica*, California or valley quail;
 - iii. *Callipepla gambelii*, Gambel's quail;
 - iv. *Callipepla squamata*, Scaled quail;
 - v. *Colinus virginianus*, Northern bobwhite, subject to the restriction specified under subsection (D);
 - vi. *Cyrtonyx montezumae*, Montezuma or Mearn's quail; and
 - vii. *Dendragapus obscurus*, Dusky grouse.
- c. The license holder shall immediately report to the Department any mortality event that results in the loss of 10% or more of the adult game birds held on the facility and allow the Department to collect samples from the affected game birds for disease testing purposes as prescribed under A.R.S. § 17-250.
- e.d. The Game Bird Hobby license expires on the last day of the third December ~~31 of each year~~ from the date of issuance.

2. Game Bird Shooting Preserve:

- a. Authorizes a license holder to:
 - i. Release captive pen-reared game birds for the purpose of hunting or shooting.
 - ii. Export, display, gift, import, kill, offer for sale, possess, propagate, purchase, trade, and transport the captive pen-reared game birds specified on the license.
- b. The following captive pen-reared game bird species may be possessed by a Game Bird Shooting Preserve license holder:
 - i. *Alectoris chukar*, Chukar;
 - ii. *Anas platyrhynchos*, Mallard duck, provided all mallard ducks and progeny are physically marked as required under 50 C.F.R. 21.13, revised October 1, 2019, which is incorporated by reference;
 - iii. *Colinus virginianus*, Northern bobwhite, subject to the restriction specified under subsection (D); and
 - iv. *Phasianus colchicus*, Ringneck and Whitewing pheasant.
- c. The license holder shall ~~restrict~~:
 - i. Restrict the release and take of the live captive pen-reared game birds on private lands to an area

- iii. Export, gift, kill, or transport any captive pen-reared game bird possessed under the license.
 - b. The following captive pen-reared game bird species may be possessed by a Game Bird Field Training license holder:
 - i. *Alectoris chukar*, Chukar;
 - ii. *Anas platyrhynchos*, Mallard duck, provided all mallard ducks and progeny are physically marked as required under 50 C.F.R. 21.13, revised October 1, 2019, which is incorporated by reference;
 - iii. *Colinus virginianus*, Northern bobwhite, subject to the restriction specified under subsection (D)(2)(b);
 - iv. *Phasianus colchicus*, Ringneck and Whitewing pheasant.
 - c. A person is not required to possess a hunting license when taking a captive pen-reared game bird released under the provisions of this Section.
 - d. A captive pen-reared game bird released under a Game Bird Field Training license may be taken with any method designated under R12-4-304.
 - e. The Game Bird Field Training license expires on the last day of the third December ~~31 of each year~~ from the date of issuance.
- 5. For subsections (A)(2)(b)(ii), (A)(3)(b)(ii), and (A)(4)(b)(ii), the incorporated material is available at any Department office, online at www.gpo.gov, or may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000. This incorporation by reference does not include any later amendments or editions of the incorporated material.
- B.** In addition to the requirements established under this Section, a game bird license holder shall comply with the special license requirements established under R12-4-409.
- C.** The game bird license holder shall be responsible for compliance with all applicable regulatory requirements. The ~~game bird~~ license does not:
 - 1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
 - 2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.
- D.** The Department shall deny a game bird license to a person who fails to meet the requirements under R12-4-409 or this Section. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10. In addition to the requirements and criteria established under R12-4-409(F)(1) through (4), the Department may deny a game bird license when:
 - 1. The applicant proposes to release captive pen-reared game birds:
 - a. At a location where an established wild population of the same species exists.
 - b. During nesting periods of upland game birds or waterfowl that nest in the area.
 - 2. The applicant requests a license:

- a. For the sole purpose described under subsection (A)(1) and proposes to possess more than 50 captive pen-reared game birds at any one time.
 - b. To possess Northern bobwhites, *Colinus virginianus*, in any one of the following game management units, as described under R12-4-108; ~~34A~~, 36A, 36B, and 36C.
3. The Department determines the:
- a. Authorized activity listed under this Section may pose a threat to native wildlife, wildlife habitat, or public health or safety.
 - b. Escape of any species listed on the application may pose a threat to native wildlife or public health or safety.
 - c. Release of captive pen-reared game birds may interfere with a wildlife or habitat restoration program.
- E. ~~A person applying~~ An applicant for a game bird license shall submit an application to the Department. A person applying for multiple Game Bird Field Trial licenses shall submit a separate application for each date and location where a competition will occur. The application is furnished by the Department and is available at any Department office and on the Department's website. An applicant shall provide the following information on the application:
1. The applicant's information:
 - a. Name;
 - b. Mailing address, when applicable;
 - c. Physical address;
 - d. Telephone number; and;
 - e. Department ID number, when applicable;
 2. For captive pen-reared game birds to be used under the license:
 - a. Common name of game bird species;
 - b. Number of animals for each species; and
 - c. When the applicant is renewing a Game Bird Hobby or Shooting Preserve license, the species and number of animals for each species currently held in captivity under the license;
 3. The type of game bird license:
 - a. Game Bird Hobby;
 - b. Game Bird Shooting Preserve;
 - c. Game Bird Field Trial; or
 - d. Game Bird Field Training;
 4. For each location where captive pen-reared game birds will be held, the owner's:
 - a. Name;
 - b. Mailing address, when applicable;
 - c. Telephone number; and
 - d. Physical address or general location description and Global Positioning System location, when available;
 5. For each location where captive pen-reared game birds will be released, the land owner's or agency's:
 - a. Name;

- b. Mailing address, when applicable;
 - c. Telephone number; and
 - d. Physical address or general location description and Global Positioning System location, when available; and
6. For each captive pen-reared game bird supplier from whom the applicant will obtain game birds, the supplier's:
 - a. Name;
 - b. Mailing address; and
 - c. Telephone number;
 7. An applicant who is applying for a Game Bird Shooting Preserve or Field Trial license and intends to use the captive pen-reared game birds for a commercial purpose shall also provide the applicant's business:
 - a. Name;
 - b. Mailing address; and
 - c. Telephone number;
 8. An applicant who intends to use the captive pen-reared game birds for an activity affiliated with a sponsoring organization shall also provide the organization's:
 - a. Name;
 - b. Mailing address; and
 - c. Telephone number of the organization chair or local chapter;
 9. An applicant who is applying for a Game Bird Field Trial license shall also specify the range of dates within which the field trial event will take place, not to exceed a 10-day period;
 10. An applicant who is applying for a Game Bird Hobby or Game Bird Shooting Preserve license shall also provide a detailed description or diagram of the facilities where the applicant will hold captive pen-reared game birds and a description of how the facilities comply with the requirements established under R12-4-428 and any other captivity standards established under this Section;
 11. Any other information required by the Department; and
 12. The certification required under R12-4-409(B).
- F.** An applicant for a game bird license shall pay all applicable fees ~~established~~ required under R12-4-412.
- G.** A game bird license holder shall:
1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
 2. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article. The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.
 3. Possess the license or legible copy of the license while conducting any activity authorized under the game bird license and present it for inspection upon the request of any Department employee or agent.
 4. Ensure each shipment of captive pen-reared game birds imported into the state is accompanied by a health

certificate.

- a. The certificate shall be issued no more than 30 days prior to the date on which the game birds are shipped.
 - b. A copy of the certificate shall be submitted to the Department prior to importation.
5. Provide each person who transports captive pen-reared game birds taken under the game bird license with documentation that includes all of the following:
- a. Name of the game bird license holder;
 - b. Game bird license number;
 - c. Date the captive pen-reared game bird was obtained;
 - d. Number of captive pen-reared game birds, by species; and
 - e. When the captive pen-reared game birds are being shipped:
 - i. Name of the person or common carrier transporting the shipment, and
 - ii. Name of the person receiving the shipment.
6. Maintain records of all captive pen-reared game birds possessed under the license for a period of ~~three~~ **five** years. In addition to the information required under subsections (G)(5)(a) through (G)(5)(b), the records shall also include:
- a. The game bird license holder's:
 - i. Name;
 - ii. Mailing address;
 - iii. Telephone number; and
 - iv. Special license number;
 - b. Copies of the annual report required under subsection (H);
7. Dispose of captive pen-reared game birds only as authorized under this Section or as directed by the Department.
8. Conduct license activities solely at the locations and within the timeframes approved by the Department. A Game Bird License holder may request permission to amend the license to conduct activities authorized under the license at an additional location by submitting the application required under subsection (E) to the Department.
- H.** A game bird license holder shall submit an annual report to the Department before January 31 of each year for the previous calendar year. The report form is furnished by the Department.
1. A report is required regardless of whether or not activities were performed during the previous year.
 2. The game bird license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
 3. The Department shall not process the special license holder's renewal application until the annual report is received by the Department.
 4. The annual report shall include all of the following information, as applicable:
 - a. Number of all captive pen-reared game birds, by species and the date obtained;
 - b. Source of all captive pen-reared game birds and the date obtained;

- c. Number of offspring propagated by all captive pen-reared game birds; and
- d. For all captive pen-reared game birds disposed of by the license holder:
 - i. Number, species, and date of disposition; and
 - ii. Manner of disposition to include the names and addresses of persons to whom the wildlife was bartered, given, or sold, when authorized.
- I. A game bird license holder shall comply with the requirements established under R12-4-428.
- J. A game bird released under a game bird license and found outside of the location specified on the license shall become property of the State and is subject to the requirements prescribed under A.R.S. Title 17 and 12 A.A.C. 4, Article 3.

R12-4-417. Wildlife Holding License

- A. A wildlife holding license authorizes a person to display for educational purposes, euthanize, export, give away, import, photograph for commercial purposes, possess, propagate, purchase, or transport, restricted and nonrestricted live wildlife lawfully:
 - 1. Held under a valid hunting or fishing license for a purpose listed under subsection (C),
 - 2. Collected under a valid scientific collecting activity license issued under R12-4-418,
 - 3. Obtained under a valid wildlife rehabilitation license issued under R12-4-423,
 - 4. Or as otherwise authorized by the Department.
- B. A wildlife holding license expires on the last day of the third December ~~31 of the year issued~~ date of issuance, or, if the license holder is a representative of an institution, organization, or agency described under subsection (C)(4), upon termination of the license holder's affiliation with that entity, whichever comes first.
- C. A wildlife holding license is valid for the following purposes, only:
 - 1. Advancement of science;
 - 2. Lawfully possess restricted or nonrestricted live wildlife when it is:
 - a. Necessary to give humane treatment to ~~restricted~~ live wildlife that ~~has been abandoned or permanently disabled~~ is declared unsuitable for release by a licensed veterinarian, and is therefore unable to meet its own needs in the wild; or
 - b. Previously possessed under another special license and the primary purpose for that special license no longer exists;
 - 3. Promotion of public health or welfare;
 - 4. Provide education under the following conditions:
 - a. The applicant is an educator affiliated or partnered with an educational ~~organization~~ institution; and
 - b. The educational ~~organization~~ institution permits the use of live wildlife.
 - 5. Photograph for a commercial purpose live wildlife provided:
 - a. The wildlife will be photographed without posing a threat to other wildlife or the public, and
 - b. The photography will not adversely impact other affected wildlife in this state, or
 - 6. Wildlife management.

- D.** The Department shall deny an application for a wildlife holding license for the possession of cervids.
- E.** In addition to the requirements established under this Section, a wildlife holding license holder shall comply with the special license requirements established under R12-4-409.
- F.** The license holder shall be responsible for compliance with all applicable regulatory requirements. The wildlife holding license does not:
1. Exempt the license holder **or their agent** from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
 2. Authorize the license holder **or their agent** to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.
- G.** The Department shall deny a wildlife holding license to a person who fails to meet the requirements established under R12-4-409 or this Section, or when the person's wildlife holding privileges are suspended or revoked in any state. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10. In addition to the requirements and criteria established under R12-4-409(F)(1) through (4), the Department shall deny a wildlife holding when:
1. It is in the best interest of **public health or safety or the welfare of** the wildlife; or
 2. The issuance of the license will adversely impact other wildlife or their habitat in the state.
- H.** ~~A person applying~~ An applicant for a wildlife holding license shall submit an application to the Department. A separate application is required for each location where the applicant proposes to use wildlife. The application is furnished by the Department and is available at any Department office and ~~online at www.azgfd.gov~~ online at www.azgfd.gov on the Department's website. The applicant shall provide the following information:
1. The applicant's information:
 - a. Name;
 - b. Mailing address;
 - c. Telephone number; and
 - d. Department ID number, when applicable;
 2. If the applicant will use the wildlife for a commercial purpose, the applicant's business:
 - a. Name;
 - ~~b. Federal Tax Identification Number;~~
 - ~~e-b.~~ Mailing address; and
 - ~~d-c.~~ Telephone number;
 3. If the applicant will use wildlife for activities authorized by ~~an educational or~~ a scientific institution that employs, contracts, or is similarly affiliated with the applicant, the institution's:
 - a. Name;
 - b. Mailing address; and

- c. Telephone number;
 4. For wildlife to be used under the license:
 - a. Common name of the wildlife species;
 - b. Number of animals for each species;
 - c. When the application is for the use of multiple species, the applicant shall list each species and the number of animals for each species; and
 - d. When the applicant is renewing the wildlife holding license, the species and number of animals for each species currently held in captivity under the license;
 5. For wildlife to be used for educational purposes:
 - a. The affiliated educational institution's:
 - i. Name;
 - ~~ii. Federal Tax Identification Number;~~
 - ~~iii-ii.~~ Mailing address; and
 - ~~iv-iii.~~ Telephone number of the educational institution;
 - b. A copy of the established curriculum utilizing sound educational objectives; and
 - c. A plan for how the applicant will address any safety concerns associated with the use of live wildlife in a public setting.
 6. For each location where the applicant proposes to hold the wildlife, the owner's:
 - a. Name;
 - b. Mailing address;
 - c. Telephone number; and
 - d. Physical address or general location description ~~to include the~~ and Global Positioning System location ~~or Universal Transverse Mercator coordinates;~~
 7. A detailed description and diagram, or photographs, of the facilities where the applicant will hold the wildlife and a description of how the facilities comply with the requirements established under R12-4-428, and any other captivity standards that may be established under this Section;
 8. The dates that the applicant will begin and end holding wildlife;
 9. A clear description of how the applicant intends to dispose of the wildlife once the proposed activity for which the license was issued ends;
 10. Any other information required by the Department; and
 11. The certification required under R12-4-409(C).
 12. For subsection (H)(7), the Department may, at its discretion, accept documented current certification or approval by the applicant's institutional animal care and use committee or similar committee in lieu of the description, diagram, and photographs of the facilities.
- I.** In addition to the requirements listed under subsection (H), at the time of application, an applicant for a wildlife holding license shall also submit:
1. Evidence of lawful possession, as defined under R12-4-401;

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

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

K. A wildlife holding license holder shall:

1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
2. Maintain records associated with the license for a period of five years following the date of disposition.
- ~~2.3.~~ Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article. The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.
- ~~3.4.~~ Possess the license or legible copy of the license while conducting any activity authorized under the wildlife holding license and presents it for inspection upon the request of any Department employee or agent.
- ~~4.5.~~ Permanently mark any restricted live wildlife used for lawful activities under the authority of the license, when required by the Department.
- ~~5.6.~~ Ensure that a copy of the license accompanies any transportation or shipment of wildlife made under the authority of the license.
- ~~6.7.~~ Surrender wildlife held under the license to the Department upon request.

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

1. A report is required regardless of whether or not activities were performed during the previous year.
2. The wildlife holding license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.

4. The annual report shall include all of the following information, as applicable:
 - a. A list of animals held during the year, the list shall be by species and include the source and date on which the wildlife was acquired.
 - b. The permanent mark or identifier of the wildlife, such as name, number, or another identifier for each animal held during the year, when required by the Department. This designation or identifier shall be provided with other relevant reported details for the holding or disposition of the individual animal;
 - c. Whether the wildlife is alive or dead.
 - d. The current location of the wildlife.
 - e. A list of all educational displays where the wildlife was utilized to include the date, location, ~~organization~~ institution or audience, approximate attendance, and wildlife used.
- M.** A wildlife holding license holder may authorize an agent to assist the license holder in conducting activities authorized under the wildlife holding license, provided the agent's wildlife privileges are not suspended or revoked in any state.
1. The license holder shall obtain written authorization from the Department before allowing a person to act as an agent.
 2. The license holder shall notify the Department in writing within 10 calendar days of terminating any agent.
 3. The Department may suspend or revoke the license holder's license if an agent violates any requirement of this Section or Article or any stipulations placed upon the license.
 4. An agent may possess wildlife for the purposes outlined under subsection (C), under the following conditions:
 - a. The agent shall possess evidence of lawful possession, as defined under R12-4-401, for all wildlife possessed by the agent;
 - b. The agent shall return the wildlife to the primary license holder's facility within two days of receiving the wildlife.
- N.** A wildlife holding license holder or their agent shall not barter, give as a gift, loan for commercial activities, offer for sale, sell, trade, or dispose of any restricted or nonrestricted live wildlife, offspring of restricted or nonrestricted live wildlife, or their parts except as stipulated on the wildlife holding license or as directed in writing by the Department.
- O.** A wildlife holding license is no longer valid once the primary purpose for which the license was issued, as prescribed in subsection (C), no longer exists. When this occurs, the wildlife holding license holder shall immediately submit the annual report required under (L) to the Department.
- P.** A wildlife license holder shall comply with the requirements established under R12-4-409, R12-4-428, and R12-4-430.

R12-4-418. Scientific Collecting Activity License

- A.** A scientific collecting activity license allows a person to conduct any of the following activities with live wildlife when specified on the license:
1. Capture, hold, and release wildlife as directed by the Department.

2. Collection of dead wildlife.
 3. Display,
 - ~~2-4.~~ Photograph for noncommercial purposes,
 - ~~3-5.~~ Possess,
 - ~~4-6.~~ Propagate,
 - ~~5-7.~~ Take of live wildlife,
 - ~~6-8.~~ Transport, and
 - ~~7-9.~~ Use for educational purposes.
- B.** The Department issues ~~three~~ **five** types of scientific collecting licenses:
1. ~~Personal~~ Academic institution,
 2. ~~Consultant, and~~
 - ~~3-2.~~ Government agency, ~~which includes educational and research institutions.~~
 3. Non-governmental organization,
 4. Nonprofit organization, and
 5. Personal.
- C.** A person may apply for a scientific ~~collecting~~ **activity** license only when the license is requested for:
1. The purpose of wildlife management, gathering information valuable to the maintenance of wild populations, education, the advancement of science, or promotion of the public health or welfare;
 2. A purpose that is in the best interest of the wildlife or the species, will not adversely impact other affected wildlife in this state, and may be authorized without posing a threat to wildlife or public safety; and
 3. A purpose that does not unnecessarily duplicate previously documented projects.
- D.** A scientific ~~collecting~~ **activity** license expires on December 31 of each year.
- E.** For the protection of wildlife or public safety, the Department has the authority to take any one or more of the following actions:
1. Rescind or modify any method of take authorized by the license;
 2. Restrict the number of animals for each species or other taxa the license holder may take under the license;
 3. Restrict the age, condition, or location of wildlife the license holder may take under the license; or
 4. Deny or substitute the number of specimens and taxa requested on an application.
- F.** The license holder shall be responsible for compliance with all applicable regulatory requirements. The scientific ~~collecting~~ **activity** license does not:
1. Exempt the license holder or their agent from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
 2. Authorize the license holder or their agent to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.
- G.** The Department may deny a scientific ~~collecting~~ **activity** license to a person who fails to meet the requirements

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

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

H. ~~A person applying~~ An applicant for a scientific ~~collecting~~ **activity** license shall submit an application to the Department. ~~A separate application is required for each location where the applicant proposes to use wildlife.~~ The application is furnished by the Department and is available from any Department office, and ~~online at~~ www.azgfd.gov on the Department's website. A person applying for a scientific ~~collecting~~ **activity** license shall provide the following information on the application:

1. The applicant's information:
 - a. Name;
 - b. Mailing address;
 - c. Telephone number; and
 - d. Department ID number; when applicable;
2. If the applicant will use wildlife for activities ~~authorized~~ supported by a scientific, educational, or government institution, **nonprofit** organization, or agency that employs, contracts, or is similarly affiliated with the applicant, the applicant shall provide the institution's:
 - a. Name;
 - b. ~~Federal Tax Identification Number;~~
 - ~~e-b.~~ Mailing address;
 - ~~d-c.~~ Telephone number of the institution; and
 - ~~e-d.~~ The applicant's title or a description of the nature of affiliation with the institution or **nonprofit** organization;
3. When the applicant is renewing the scientific ~~collecting~~ **activity** license, the species and number of animals for each species currently held in captivity;
4. For each ~~the~~ location where the **live** wildlife will be held, the land owner's:
 - a. Name;
 - b. Mailing address;
 - c. Telephone number; and
 - d. Physical **address or general** location description ~~to include the~~ and Global Positioning System location ~~or Universal Transverse Mercator coordinates;~~
5. A detailed description and diagram, ~~or~~ photographs, or documented current certification or approval by the applicant's institutional animal care and use committee or similar committee of the facilities of the facilities

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

6. List of activities the applicant intends to perform under the license;
7. Purpose and justification for the use of wildlife as established under subsection (B);
8. When the applicant intends to use wildlife for educational purposes, the proposal shall also include the:
 - a. Minimum number of presentations the applicant anticipates to provide under the license;
 - b. Name, title, address, and telephone number of persons whom the applicant has contacted to offer educational presentations; and
 - c. Number of specimens the applicant already possesses for any species requested on the application;
9. Applicant's relevant qualifications and experience in handling and, when applicable, providing care for the wildlife to be held under the license;
10. Methods of take that the applicant will use, to include:
 - a. Justification for using the method, and
 - b. Proposed method of disposing wildlife taken under the license and any subsequent offspring, when applicable;

~~6-11.~~ Any other information required by the Department; and

~~7-12.~~ The certification required under R12-4-409(C).

~~8.~~ For subsection (H)(5), the Department may, at its discretion, accept documented current certification or approval by the applicant's institutional animal care and use committee or similar committee in lieu of the description, diagram, and photographs of the facilities.

I. ~~In addition to the requirements listed under subsection (H), at the time of application, an applicant for a scientific collecting license shall also submit a written proposal. The written proposal shall contain all of the following information:~~

1. ~~List of activities the applicant intends to perform under the license;~~
2. ~~Purpose for the use of wildlife as established under subsection (C);~~
3. ~~When the applicant intends to use wildlife for educational purposes, the proposal shall also include the:~~
 - a. ~~Minimum number of presentations the applicant anticipates to provide under the license~~
 - b. ~~Name, title, address, and telephone number of persons whom the applicant has contacted to offer educational presentations; and~~
 - c. ~~Number of specimens the applicant already possesses for any species requested on the application;~~
4. ~~Applicant's relevant qualifications and experience in handling and, when applicable, providing care for the wildlife to be held under the license;~~
5. ~~Methods of take that the applicant will use, to include:~~
 - a. ~~Justification for using the method, and~~
 - b. ~~Proposed method of disposing wildlife taken under the license and any subsequent offspring, when applicable;~~
6. ~~Number of animals for each species that will be used under the license;~~

7. ~~Locations where collection will take place;~~
 8. ~~Names and addresses of any agents who will assist the applicant in carrying out the activities described in the proposal.~~
 9. ~~Project completion date; and~~
 10. ~~Whether the applicant intends to publish the project or its findings.~~
- J.** An applicant for a scientific ~~collecting~~ **activity** license shall pay all applicable fees required under R12-4-412.
- K.** A scientific ~~collecting~~ **activity** license holder shall:
1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
 2. Possess the license or legible copy of the license while conducting any activity authorized under the scientific ~~collecting~~ **activity** license and presents it for inspection upon the request of any Department employee or agent.
 3. Notify the Department in writing within 10 calendar days of terminating any agent.
 4. Use the most humane and practical method possible prescribed under R12-4-304, R12-4-313, or as directed by the Department in writing.
 5. Conduct activities authorized under the scientific ~~collecting~~ **activity** license only at the locations and time periods specified on the scientific ~~collecting~~ **activity** license.
 6. Dispose of wildlife, wildlife parts, or offspring, only as directed by the Department.
 7. Maintain records associated with the license for a period of five years following the date of disposition.
- L.** A scientific ~~collecting~~ **activity** license holder shall not exhibit
1. Exhibit any wildlife held under the license, unless the person also possesses a zoo license authorized under R12-4-420.
 2. Administer any drug to any wildlife during the term of the scientific activity license without advance written authorization from the Department, unless the drug is administered in the course of treatment by a licensed veterinarian.
- M.** A scientific ~~collecting~~ **activity** license holder may request authorization to allow an agent to assist the license holder in carrying out activities authorized under the scientific ~~collecting~~ **activity** license by submitting a written request to the Department.
1. An applicant may request the ability to allow a person to act as an agent on the applicant's behalf, provided:
 - a. An employment or supervisory relationship exists between the applicant and the agent, and
 - b. The agent's privilege to take or possess live wildlife is not suspended or revoked in any state.
 2. The license holder shall obtain approval from the Department prior to allowing the agent assist in any activities.
 3. The license holder is liable for all acts the agent performs under the authority of this Section.
 4. The Department, acting on behalf of the Commission, may suspend or revoke a license for violation of this Section by an agent.
 5. The license holder shall ensure the agent possesses a legible copy of the license while conducting any activity

authorized under the scientific ~~collecting~~ activity license and presents it for inspection upon the request of any Department employee or agent.

- N. A scientific ~~collecting~~ activity license holder may submit to the Department a written request to amend the license to add or delete an agent, location, project, or other component documented on the license at any time during the license period.
- O. A scientific ~~collecting~~ activity license holder shall submit an annual report to the Department before January 31 of each year. The report form is furnished by the Department.
 - 1. A report is required regardless of whether or not activities were performed during the previous year.
 - 2. The scientific ~~collecting~~ activity license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
 - 3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
 - 4. The Department may stipulate submission of additional interim reports upon license application or renewal.
- P. A scientific ~~collecting~~ activity license holder who wishes to permanently hold wildlife species collected under the license in Arizona that will no longer be used for activities authorized under the license shall apply for and obtain a wildlife holding license in compliance with R12-4-417 or another appropriate special license.

R12-4-420. Zoo License

- A. A zoo license allows a person to exhibit, export, euthanize, display for educational purposes, give away, import, offer for sale, possess, propagate, purchase, sell, or transport any lawfully possessed restricted and nonrestricted live wildlife.
- B. A person may apply for a zoo license only ~~when the license is requested for~~ a commercial facility open to the public where the principal business is holding wildlife in captivity for exhibition purposes and for one or more of the following purposes:
 - 1. Advancement of science or wildlife management,
 - 2. Promotion of public health or welfare;
 - 3. Public education; or
 - 4. Wildlife conservation.
- C. A zoo license expires on the last day of the third December 31 of each year from the date of issuance.
- D. In addition to the requirements established under this Section, a zoo license holder shall comply with the special license requirements established under R12-4-409.
- E. The zoo license holder shall be responsible for compliance with all applicable regulatory requirements; the ~~zoo~~ license does not:
 - 1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
 - 2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States

authorizing the license holder to use that wildlife in a manner consistent with the special license.

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

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

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

1. The applicant's information:
 - a. Name;
 - b. Mailing address;
 - c. Telephone number;
 - ~~d. Federal Tax Identification Number;~~ and
 - e.d. Department ID number, when applicable;
2. If the applicant ~~will use wildlife for activities authorized by an~~ is employed by, contracted with, or affiliated with an educational or scientific institution ~~that employs, contracts, or is similarly affiliated with the applicant,~~ the applicant shall provide the institution's:
 - a. Name;
 - ~~b. Federal Tax Identification Number;~~
 - ~~e-b.~~ Mailing address;
 - ~~d-c.~~ Telephone number;
3. Wildlife species to be held under the license;
 - a. Common and current scientific name of the wildlife species; and
 - b. Number of ~~animals~~ individuals for each species;
4. If the applicant is renewing the zoo license, the number of animals of each species that are currently in captivity, and evidence of lawful possession as defined under R12-4-401;
5. For each location where the wildlife will be ~~used~~ exhibited, the land owner's:
 - a. Name;
 - b. Mailing address;
 - c. Telephone number; and
 - d. Physical address or general location description ~~to include the~~ and Global Positioning System location ~~or Universal Transverse Mercator coordinates;~~
6. A detailed description and diagram of the facilities where the applicant will hold the wildlife and a description

of how the facilities comply with the requirements established under R12-4-428;

7. A description of how the facility or operation meets the definition of a zoo, as defined under A.R.S. § 17-101(A)(26);

8. The purpose of the license, as described under subsection (B);

7-9. Any other information required by the Department; and

8-10. The certification required under R12-4-409(C).

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

~~1. A written proposal that contains the following:~~

~~a. A description of how the facility or operation meets the definition of a zoo, as defined under A.R.S. § 17-101; and~~

~~b. The purpose of the license, as established under subsection (B);~~

2-1. Proof of current licensing by the United States Department of Agriculture under 9 C.F.R. ~~Subchapter~~ Subpart A, Animal Welfare;

3-2. Photographs of the facility when the zoo is not accredited by the Association of Zoos and Aquariums or Zoological Association of America.

4-3. For subsection ~~(H)(2)~~, (H)(1), 9 C.F.R. ~~Subchapter~~ Subpart A, Animal Welfare revised January 1, ~~2012~~ 2019, and no later amendments or editions, which is incorporated by reference. The incorporated material is available from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000, and is on file with the Department.

I. An applicant for a zoo license shall pay all applicable fees ~~established~~ required under R12-4-412.

J. A zoo license holder shall:

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

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

3. Ensure each facility is inspected by the attending veterinarian at least once every year.

4. Hold all wildlife in such a manner designed to prevent wildlife from escaping from the facility specified on the license.

5. Hold all wildlife in a manner designed to prevent the entry of unauthorized persons or other wildlife.

6. Hold all wildlife lawfully possessed under the zoo license in the facility specified on the license, except when transporting the wildlife:

a. To or from a temporary exhibit;

b. For medical treatment; or

c. Other activities approved by the Department in writing.

7. Ensure a temporary exhibit shall not exceed 60 consecutive days at any one location, unless approved by the

Department in writing.

8. Clearly display a sign at the facility's main entrance that states the days of the week and hours when the facility is open for viewing by the general public.
 9. Ensure all wildlife held under the license that has the potential to come into contact with the public is tested for zoonotic diseases appropriate to the species no more than 12 months prior to importation or display. Any wildlife that tests positive for a zoonotic disease shall not be imported into this state without review and approval by the Department in writing.
 10. Dispose of the following wildlife only as directed by the Department:
 - a. Wildlife obtained under a scientific ~~collecting permit~~ activity license; or
 - b. Wildlife loaned to the zoo by the Department.
 11. Maintain records of all wildlife possessed under the license for a period of ~~three~~ **five** years following the date of disposition. In addition to the information required under subsections (H)(1) through (H)(3), the records shall also include:
 - a. Number of all restricted live wildlife, by species and the date it was obtained;
 - b. Source of all restricted live wildlife and the date it was obtained;
 - c. Number of offspring propagated by all restricted live wildlife; and
 - d. For all restricted live wildlife disposed of by the license holder:
 - i. Number, species, and date of disposition; and
 - ii. Method of disposition.
- K.** A zoo license holder shall not:
1. Accept any wildlife that is donated, purchased, or otherwise obtained without accompanying evidence of lawful possession.
 2. Import into this state any wildlife that may come into contact with the public and tests positive for zoonotic disease, as established under subsection (J)(9).
- L.** A zoo license holder shall dispose of restricted live wildlife in this state by:
1. Giving, selling, or trading the wildlife to:
 - a. Another zoo licensed under this Section;
 - b. An appropriate special license holder or appropriately licensed or permitted facility in another state or country authorized to possess the wildlife being disposed;
 2. Giving selling, or donating the wildlife to a medical or scientific research facility exempt from special license requirements under R12-4-407;
 3. Exporting the wildlife to a zoo certified by the Association of Zoos and Aquariums or Zoological Association of America; or
 4. As otherwise directed by the Department.
- M.** A zoo license holder shall submit an annual report to the Department before January 31 of each year for the previous calendar year. The report form is furnished by the Department.
1. A report is required regardless of whether or not activities were performed during the previous year.

2. The zoo license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
 3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
 4. The report shall summarize the current species inventory, and acquisition and disposition of all wildlife held under the license.
- N.** A zoo license holder shall request the authority to possess a new species of restricted live wildlife by submitting a written request to the Department prior to acquisition, unless the wildlife was:
1. Held under the previous year's zoo license and included in the previous annual report, or
 2. Authorized in advance by the Department in writing.
- O.** A zoo license holder shall comply with the requirements established under R12-4-409, R12-4-426, R12-4-428, and R12-4-430, as applicable.

R12-4-421. Wildlife Service License

- A.** A wildlife service license authorizes a person to provide, advertise, or offer assistance in removing the live wildlife listed below to the general public. For the purposes of this Section, the following wildlife, as defined under A.R.S. § 17-101(B), are designated live wildlife:
1. Furbearing animals;
 2. Javelina (*Pecari tajacu*);
 3. Nongame animals;
 4. Predatory animals; and
 5. Small game.
- B.** A wildlife service license is not required when conducting pest control removal services authorized under A.R.S. § Title ~~323~~, Chapter ~~2220~~ for the following wildlife not protected under federal regulation:
1. Rodents, except those in the family Sciuridae;
 2. European starlings (*Sturnus vulgaris*);
 3. ~~Peach~~ Rosy-faced lovebirds (*Agapornis roseicollis*);
 4. House sparrows (*Passer domesticus*);
 5. Eurasian collared-doves (*Streptopelia decaocto*); ~~and~~
 6. Rock pigeons (*Columba livia*); ~~and~~
 - ~~6-7.~~ Any other non-native wildlife species.
- C.** A wildlife service license allows a person to conduct activities that facilitate the removal and relocation of live wildlife listed under subsection (A) when the wildlife causes a nuisance, property damage, poses a threat to public health or safety, or if the health or well-being of the wildlife is threatened by its immediate environment. Authorized activities include, but are not limited to, capture, removal, transportation, and relocation.
- D.** The wildlife service license expires on **the last day of the third** December ~~31 of each year~~ **from the date of issuance.**

- E. An employee of a governmental public safety agency is not required to possess a wildlife service license when the employee is acting within the scope of the employee's official duties.
- F. In addition to the requirements established under this Section, a wildlife service license holder shall comply with the special license requirements established under R12-4-409.
- G. The wildlife service license holder shall be responsible for compliance with all applicable regulatory requirements; the ~~wildlife service~~ license does not:
 - 1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
 - 2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.
- H. The Department shall deny a wildlife service license to a person who fails to meet the requirements established under R12-4-409 or this Section or when the person's wildlife service privileges are suspended or revoked in any state. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.
- I. ~~A person applying~~ An applicant for a wildlife service license shall submit an application to the Department. The application is furnished by the Department and is available from any Department office and ~~online at www.azgfd.gov~~ on the Department's website. An applicant shall provide the following information on the application:
 - 1. The applicant's information:
 - a. Name;
 - b. Mailing address;
 - c. Telephone number;
 - d. Physical description, to include the applicant's eye color, hair color, height, and weight; and;
 - e. Department ID number, when applicable;
 - 2. If the applicant will perform license activities for a commercial purpose, the applicant's business:
 - a. Name;
 - ~~b. Federal Tax Identification Number;~~
 - ~~e-b.~~ Mailing address;
 - ~~d-c.~~ Telephone number; and
 - ~~e-d.~~ Hours and days of the week the applicant will be available for service;
 - 3. The designated wildlife species or groups of species listed under subsection (A) that will be ~~used~~ removed under the license;
 - 4. The methods that the wildlife license holder will use to perform authorized activities;
 - 5. The general geographic area where services will be performed;
 - 6. Any other information required by the Department; and

7. The certification required under R12-4-409(C).
- J.** In addition to the requirements listed under subsection (I), at the time of application, an applicant for a wildlife service license shall also submit:
1. Proof the applicant has a minimum of six months full-time employment or volunteer experience handling wildlife of the species or groups designated on the application; and
 2. A written proposal that contains all of the following information:
 - a. Applicant's experience in the capture, handling, and removal of wildlife;
 - b. Specific species the applicant has experience capturing, handling, or removing;
 - c. General location and dates when the activities were performed;
 - d. Methods used to carry out the activities; ~~and~~
 - e. The methods used to dispose of the wildlife.
- K.** When renewing a license without change to the species or species groups authorized under the current license, the wildlife service license holder may reference supporting materials previously submitted in compliance with subsection (J).
- L.** An applicant for a wildlife service license shall pay all applicable fees ~~established~~ required under R12-4-412.
- M.** A wildlife service license holder shall:
1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
 2. Facilitate the removal and relocation of designated wildlife in a manner that:
 - a. Is least likely to cause injury to the wildlife; and
 - b. Will prevent the wildlife from coming into contact with the general public.
 3. Obtain special authorization from the Department regional office that has jurisdiction over the area where the activities will be conducted when performing any activities involving javelina.
 4. Release captured designated wildlife only as follows:
 - a. Without immediate threat to the animal or potentially injurious contact with humans;
 - b. During an ecologically appropriate time of year;
 - c. Into a suitable habitat;
 - d. In the same geographic area as the animal was originally captured, except that birds may be released at any location statewide within the normal range of that species in an ecological suitable habitat; and
 - e. In an area designated by the Department regional office that has jurisdiction over the area where it was captured.
 5. Euthanize the wildlife using the safest, quickest, and most humane method available.
 6. Dispose of all wildlife that is euthanized or that otherwise dies while possessed under the license by burial or incineration within 30 days of death, unless otherwise directed by the Department.
 7. Possess the license or legible copy of the license while conducting any wildlife service activity and presents it for inspection upon the request of any Department employee or agent.

8. Inform the Department in writing within five working days of any change in telephone number, area of service, or business hours or days.
 9. **Maintain records associated with the license for a period of five years following the date of disposition.**
- N.** A wildlife service license holder may submit to the Department a written request to amend the license to add or delete authority to control and release designated species of wildlife, provided the request meets the requirements of this Section.
- O.** A wildlife service license holder shall not:
1. Exhibit wildlife or parts of wildlife possessed under the license.
 2. Possess designated wildlife beyond the period necessary to transport and relocate or euthanize the wildlife.
 3. Retain any parts of wildlife.
- P.** A wildlife service license holder may:
1. Euthanize designated wildlife only when authorized by the Department.
 2. Give injured or orphaned wildlife to a wildlife rehabilitation license holder.
- R.** A wildlife service license holder shall submit an annual report to the Department before January 31 of each year on activities performed under the license for the previous calendar year. The report form is furnished by the Department.
1. A report is required regardless of whether or not activities were performed during the previous year.
 2. The wildlife service license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
 3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
 4. The annual report shall provide a list of all services performed under the license to include:
 - a. The date and location of service;
 - b. The number and species of wildlife removed, and
 - c. The method of disposition for each animal removed, including the location and date of release.
- S.** A wildlife service license holder shall comply with the requirements established under R12-4-409 and R12-4-428.

R12-4-422. Sport Falconry License

- A.** In addition to the definitions provided under A.R.S. § 17-101, R12-4-101, and R12-4-401, and for the purposes of this Section, the following definitions apply:

"Abatement" means the use of a trained raptor to scare, flush, or haze wildlife to manage depredation or other damage, including threats to human health and safety, caused by the wildlife.

~~"Abatement services" means the use of raptors possessed under a falconry permit for the control of nuisance species.~~

"Captive-bred raptor" means a raptor hatched in captivity.

"Hack" means the temporary release of a raptor into the wild to condition the raptor for use in falconry.

"Hybrid" has the same meaning as prescribed under 50 C.F.R. 21.3, revised October 1, 2013 2019. This incorporation by reference contains no future editions or amendments. The incorporated material is available at any Department office, online at www.gpoaccess.gov www.gpo.gov, or may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000.

"Imping" means using a molted feather to replace or repair a damaged or broken feather.

"Imprint" has the same meaning as prescribed under 50 C.F.R. 21.3, revised October 1, 2019. This incorporation by reference contains no future editions or amendments. The incorporated material is available at any Department office, online at www.gpo.gov, or may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000.

"Retrices" means a raptor's tail feathers.

"Sponsor" means a licensed General or Master falconer with a valid Arizona Sport Falconry license who has committed to mentoring an Apprentice falconer.

"Suitable perch" means a perch that is of the appropriate size and texture for the species of raptor using the perch.

"Wild raptor" means a raptor taken from the wild, regardless of how long the raptor is held in captivity or whether the raptor is transferred to another licensed falconer or other permit type.

- B.** An Arizona Sport Falconry license permits a person to capture, possess, train, and transport a raptor for the purpose of sport falconry in compliance with the Migratory Bird Treaty Act and the Endangered Species Act of 1973.
 - 1. The sport falconry license validates the appropriate license for hunting or taking quarry with a trained raptor. When taking quarry using a raptor, a person must possess a valid:
 - a. Sport falconry license, and
 - b. Appropriate hunting license.
 - 2. The sport falconry license is valid until the third December from the date of issuance.
 - 3. A licensed falconer may capture, possess, train, or transport wild, captive-bred, or hybrid raptors, subject to the limitations established under subsections (H)(1), (H)(2), and (H)(3), as applicable.
- C.** The Department shall comply with the licensing time-frame established under R12-4-106.
- D.** A resident who possesses or intends to possess a raptor for the purpose of sport falconry shall hold an Arizona Sport Falconry license, unless the person is exempt under A.R.S. § 17-236(C) or possesses only raptors not listed under 50 C.F.R. Part 10.13, revised October 1, 2014 2019, and no later amendments or editions. The incorporated material is available from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000, and is on file with the Department.
- E.** In addition to the requirements established under this Section, a licensed falconer shall also comply with special license requirements established under R12-4-409.
- F.** The sport falconry license holder shall be responsible for compliance with all applicable regulatory requirements; the ~~sport falconry~~ license does not:
 - 1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or

regulations;

2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license; or
3. Authorize a licensed falconer to capture or release a raptor or practice falconry on public lands where prohibited or on private property without permission from the land owner or land management agency.

G. The Department shall deny a sport falconry license to a person who fails to meet the requirements established under R12-4-409, ~~R12-4-428~~, or this Section. The Department shall provide a written notice to an applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.

H. The Department may issue a Sport Falconry license for the following levels to an eligible person:

1. Apprentice level license:

a. An Apprentice falconer shall:

- i. Be at least 12 years of age; and
- ii. Have a **written statement from a sponsor who is a licensed Master Falconer or a General Falconer** while practicing falconry as an apprentice. **The written statement shall meet the requirements established under subsection (K)(3)(a)(vi).** When a sponsorship is terminated, the apprentice is prohibited from practicing falconry until a new sponsor is acquired. After acquiring a new sponsor, an apprentice shall submit a written statement from the new sponsor to the Department within 30 days. The written statement shall meet the requirements established under subsection (K)(3)(a)(vi).

b. An Apprentice falconer may possess only one raptor at a time for use in falconry.

c. An Apprentice falconer is prohibited from possessing any:

- i. Species listed under 50 C.F.R. 17.11, revised October 1, ~~2014~~ **2019**, and subspecies,
- ii. Raptor taken from the wild as a nestling,
- iii. Raptor that has imprinted on humans,
- iv. Bald eagle (*Haliaeetus leucocephalus*),
- v. White-tailed eagle (*Haliaeetus albicilla*),
- vi. Steller's sea-eagle (*Haliaeetus pelagicus*), or
- vii. Golden eagle (*Aquila chrysaetos*).
- viii. For the purposes of subsection (H)(1)(c)(i), this incorporation by reference contains no future editions or amendments. The incorporated material is available at any Department office, online at www.gpoaccess.gov www.gpo.gov, or may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000.

2. General level license:

a. A General falconer shall:

- i. Be at least 16 years of age; and
- ii. Have **submit a written statement provided by the Apprentice Falconer's sponsor, stating that the**

- General falconer practiced falconry as an apprentice falconer for at least two years, including maintaining, training, flying, and hunting with a raptor for at least four months in each year. An applicant cannot substitute any falconry school program or ~~educational program~~ education to shorten the two-year Apprentice period.
- b. A General falconer may possess ~~up to three raptors at a time for use in falconry;~~
- i. Up to three raptors at a time for use in falconry; and
 - ii. Up to the total number of federally permitted or sub-permitted raptors as indicated on the Master falconer's respective federal abatement or propagation permit.
- c. A General falconer is prohibited from possessing a:
- i. Bald eagle,
 - ii. White-tailed eagle,
 - iii. Steller's sea-eagle, or
 - iv. Golden eagle.
3. Master level license:
- a. A Master falconer shall have practiced falconry as a General falconer for at least five years using raptors possessed by that falconer.
- b. A Master falconer may possess:
- i. Any species of wild, captive-bred, or hybrid raptor.
 - ii. Any number of captive-bred raptors provided they are trained and used in the pursuit of wild game; ~~and~~
 - iii. Up to three of the following species, provided the requirements established under subsection (H)(3)(d) are met: Golden eagle, White-tailed eagle, or Steller's Sea eagle; and
 - iv. Up to the total number of federally permitted abatement or propagation raptors as indicated on the Master falconer's respective federal abatement or propagation permit.
- c. A Master falconer is prohibited from possessing:
- i. More than three eagles
 - ii. A bald eagle, or
 - iii. More than five wild caught raptors.
- d. A Master falconer who wishes to possess an eagle shall apply for and receive approval from the Department before possessing an eagle for use in falconry. The licensed falconer shall submit the following documentation to the Department before a request may be considered:
- i. Proof the licensed falconer has experience in handling large raptors such as, but not limited to, ferruginous hawks (*Buteo regalis*) and goshawks (*Accipter gentilis*);
 - ii. Information regarding the raptor species, to include the type and duration of the activity in which the experience was gained; and
 - iii. Written statements of reference from two persons who have experience handling or flying large raptors such as, but not limited to, eagles, ferruginous hawks, and goshawks. Each written statement

shall contain a concise history of the author's experience with large raptors, and an assessment of the applicant's ability to care for and fly an eagle in falconry.

- I.** A sponsor shall:
1. Be at least 18 years of age;
 2. Have practiced falconry as a Master or General falconer for at least two years;
 3. Sponsor no more than three apprentices ~~during the same period of~~ at any one time;
 4. Notify the Department within 30 consecutive days after a sponsorship is terminated;
 5. Determine the appropriate species of raptor for possession by an apprentice; ~~and~~
 6. Provide instruction to the Apprentice falconer pertaining to ~~the~~:
 - a. Husbandry, training, and trapping of raptors held for falconry;
 - b. Hunting with a raptor; and
 - c. Relevant wildlife laws and regulations.
- J.** A falconer licensed in another state or country is exempt from obtaining an Arizona Sport Falconry license under R12-4-407(B)(9), unless ~~remaining~~ the falconer remains in Arizona for more than 180 consecutive days. A falconer licensed in another state or country and who remains in this state for more than the 180-day period shall apply for an Arizona Sport Falconry license in order to continue practicing sport falconry in this state. The falconer licensed in another state or country shall present a copy of the out-of-state or out-of-country falconry license, or its equivalent, to the Department upon request.
1. A falconer licensed in another state shall:
 - a. Comply with all applicable state and federal falconry regulations,
 - b. Possess only those raptors authorized under the out-of-state sport falconry license, and
 - c. Provide a health certificate for each raptor possessed under the out-of-state sport falconry license when the raptor is present in this state for more than 30 consecutive days. The health certificate may be issued after the date of the interstate importation, but shall have been issued no more than 30 consecutive days prior to the interstate importation.
 2. A falconer licensed in another country may possess, train, and use for falconry only those raptors authorized under the out-of-country sport falconry license, provided the import of that species into the United States is not prohibited. This subsection does not prohibit the falconer from flying or training a raptor lawfully possessed by any other licensed falconer.
 3. A falconer licensed in another country is prohibited from leaving an imported raptor in this state, unless authorized under federal permit. The falconer shall report the death or escape of a raptor possessed by that falconer to the Department as established under subsection (O)(1) or prior to leaving the state, whichever occurs first.
 4. A falconer licensed in another country shall:
 - a. Comply with all applicable state and federal falconry regulations;
 - b. Comply with falconry licensing requirements prescribed by the country of licensure not in conflict with federal or state law;

- c. Notify the Department no less than 30 consecutive days prior to importing a raptor into this state;
 - d. Provide a health certificate, issued no earlier than 30 consecutive days prior to the date of importation, for each raptor imported into this state; and
 - e. Attach two functioning radio transmitters to any raptor imported into this country by the falconer while flown free in this state by any falconer.
- K. ~~A person applying~~ An applicant for a Sport Falconry license shall pass the examination required under subsection (N), ensure their raptor housing facility is inspected and meets the requirements established under subsection (M), and submit an application to the Department. The application is furnished by the Department and is available at any Department office and ~~online at www.azgfd.gov on the Department's website.~~
1. An applicant shall provide the following information on the application:
 - a. Falconry level desired;
 - b. Name;
 - c. Date of birth;
 - d. Mailing address;
 - e. Telephone number, when available;
 - f. Department I.D. number;
 - g. Applicant's physical description, to include the applicant's eye color, hair color, height, and weight;
 - h. Arizona ~~Hunting~~ hunting license number, when available;
 - i. Number of years of experience as a falconer;
 - j. Current Falconry license level;
 - k. Physical address of a housing facility when the raptor is kept at another location, when applicable;
 - l. Information documenting all raptors possessed by the applicant at the time of application, to include:
 - i. Species;
 - ii. Subspecies, when applicable;
 - iii. Age;
 - iv. Sex;
 - v. Band or microchip number, as applicable;
 - vi. Date and source of acquisition; and
 - m. The certification required under R12-4-409(C);
 - n. Parent or legal guardian's signature, when the applicant is under the age of 18;
 - o. Date of application; and
 - p. Any other information required by the Department.
 2. An applicant shall certify that the applicant has read and is familiar with applicable state laws, ~~and~~ rules, and the regulations under 50 C.F.R. Part 13 and the other applicable parts in 50 C.F.R. Chapter I, Subchapter B and that the information submitted is complete and accurate to the best of their knowledge and belief.
 3. In addition to the information required under subsection (K)(1), a person applying for:
 - a. An Apprentice level license shall also provide the sponsor's:

- i. Name,
 - ii. Date of birth,
 - iii. Mailing address,
 - iv. Department I.D. number,
 - v. Telephone number, and
 - vi. A written statement from the sponsor stating that the falconer agrees to sponsor the applicant.
 - b. A General level license shall also provide:
 - i. Information documenting the applicant's experience in maintaining falconry raptors, to include the species and period of time each raptor was possessed while licensed as an Apprentice falconer; and
 - ii. A written statement from the sponsor certifying that the applicant has practiced falconry at the Apprentice falconer level for at least two years, and maintained, trained, flown, and hunted with a raptor for at least four months in each year.
 - c. A Master level license shall certify that the falconer has practiced falconry as a General falconer with his or her own raptors for at least five years.
- L.** An applicant for any level Sport Falconry license shall pay all applicable fees ~~established~~ required under R12-4-412.
- M.** The Department ~~may~~ **shall** inspect the applicant's raptor housing facilities, materials, and equipment to verify compliance with the requirements established under R12-4-409(I), ~~R12-4-428~~, and this Section before issuing a Sport Falconry license. The applicant or licensed falconer shall ensure all raptors currently possessed by the falconer and kept in the housing facility are present at the time of inspection.
1. The Department may inspect a housing facility, equipment, raptors, or records:
 - a. At any time before or during the license period to determine compliance with this Section.
 - ~~a-b.~~ After a change of location, when the Department cannot verify the housing facility is the same facility as the one approved by a previous inspection, or
 - ~~b-c.~~ Prior to the acquisition of a new species or addition of another raptor when the previous inspection does not indicate the housing facilities can accommodate a new species or additional raptor.
 - d. The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.
 2. A licensed falconer shall notify the Department no more than five business days after changing the location of a housing facility.
 3. When a housing facility is located on property not owned by the licensed falconer, the falconer shall provide a written statement signed and dated by the property owner at the time of inspection. The written statement shall specify that the licensed falconer has permission to keep a raptor on the property and the property owner permits the Department to inspect the falconry housing facility at any reasonable time of day and in the presence of the licensed falconer.
 4. A licensed falconer shall ensure the housing facility:
 - a. Provides a healthy and safe environment,

- b. Is designed to keep predators and domestic animals out,
 - c. Is designed to avoid injury to the raptor,
 - d. Is easy to access,
 - e. Is easy to clean, and
 - f. Provides access to fresh water and sunlight.
5. In addition to the requirements established under R12-4-409(I) ~~and R12-4-428~~:
- a. A licensed falconer shall ensure housing facilities where raptors are held ~~have~~:
 - i. ~~A~~ Has a suitable perch that is protected from extreme temperatures, wind, and excessive disturbance for each raptor;
 - ii. Is large enough to allow it to fly if it is untethered or, if tethered, to fully extend its wings or attempt to fly while tethered without damaging its feathers or contacting other raptors.
 - ~~iii~~ iii. ~~At~~ Has at least one opening for sunlight; and
 - ~~iii~~ iii. ~~iv~~. ~~Walls~~ Has walls that are solid, constructed of vertical bars spaced narrower than the width of the body of the smallest raptor housed therein, or any other suitable materials approved by the Department. A nestling may be kept in any suitable container or enclosure until it is capable of flight.
 - b. A licensed falconer shall possess all of the following equipment:
 - i. At least one flexible, weather-resistant leash;
 - ii. One swivel appropriate to the raptor being flown;
 - iii. At least one water container, available to each raptor kept in the housing facility, that is at least two inches deep and wider than the length of the largest raptor using the container;
 - iv. A reliable scale or balance suitable for weighing raptors, graduated in increments of not more than 15 grams;
 - v. Suitable equipment that protects the raptor from extreme temperatures, wind, and excessive disturbance while transporting or housing a raptor when away from the permanent housing facility where the raptor is kept, and
 - vi. At least one pair of jesses constructed of suitable material or Alymeri jesses consisting of an anklet, grommet, and removable strap that attaches the anklet and grommet to a swivel. The falconer may use a one-piece jess only when the raptor is not being flown.
6. A licensed falconer may keep a falconry raptor inside the falconer's residence provided a suitable perch is supplied. The falconer shall ensure all flighted raptors kept inside a residence are tethered or otherwise restrained at all times, unless the falconer is moving the raptor into or out of the residence. This subsection does not apply to ~~unflighted~~ unflighted ~~eyes~~ eyes nestlings, which do not need to be tethered or otherwise restrained.
7. A licensed falconer may keep multiple raptors together in one enclosure untethered only when the raptors are compatible with each other.
8. A licensed falconer may keep a raptor temporarily outdoors in the open provided the raptor is continually under observation by the falconer or an individual designated by the falconer.

9. A licensed falconer may keep a raptor in a temporary housing facility that the Department has inspected and approved for no more than 120 consecutive days.
 10. A licensed falconer may keep a raptor in a temporary housing facility that the Department has not inspected or approved for no more than 30 consecutive days. The falconer shall notify the Department of the temporary housing facility prior to the end of the 30-day period. The Department may inspect a temporary housing facility as established under R12-4-409(I)(J).
- N. Prior to the issuance of a Sport Falconry license, an applicant shall:
1. Present proof of a previously held state-issued sport falconry license, or
 2. Correctly answer at least 80% of the questions on the Department administered written examination.
 - a. A person whose Sport Falconry license is expired more than five years shall take the examination. The Department shall issue to an eligible applicant a license for the sport falconry license type previously held by the applicant after the applicant correctly answers at least 80% of the questions on the written examination and presents proof of the previous Sport Falconry license.
 - b. A person who holds a falconry license issued in another country shall correctly answer at least 80% of the questions on the written examination. The Department shall determine the level of license issued based upon the applicant's documentation.
- O. A licensed falconer shall ~~submit electronically a:~~
1. Submit a paper copy of the 3-186A form to report: ~~1. Any~~ any of the following raptor possession changes to the Department no more than 10 business days after the occurrence:
 - a. Acquisition,
 - b. Banding,
 - c. Escape into the wild without recovery after 30 consecutive days have passed,
 - d. Death,
 - e. Microchipping,
 - f. Rebanding,
 - g. Release,
 - h. Take, or
 - i. Transfer.
 2. Submit a copy of the falconer's federal propagation report, when applicable.
 3. Submit a copy of the falconer's federal abatement report, when applicable.
 - ~~2-4.~~ Upon discovering the theft of a raptor, ~~a licensed~~ the falconer shall immediately report the theft of a raptor to the Department and USFWS by:
 - a. Contacting the Department's regional office within 48 hours; and
 - b. Submitting the electronic 3-186A form within 10 days.
- P. A licensed falconer shall print and maintain copies of all required ~~electronic database submissions~~ 3-186A form and associated documents for each abatement, falconry, and propagation raptor possessed by the falconer, as applicable. The falconer shall retain copies of all ~~submissions~~ required documents for a period of five years from

the date on which the raptor left the falconer's possession.

- Q.** A licensed falconer or a person with a valid falconry license, or its equivalent, issued by any state meeting federal falconry standards may capture a raptor for the purpose of falconry only when authorized by Commission Order.
1. A falconer attempting to capture a raptor shall possess:
 - a. A valid Arizona Sport Falconry license or valid falconry license, or its equivalent, issued by another state, and
 - b. Any required Arizona hunt permit-tag issued to the licensed falconer for take of the authorized raptor, and
 - c. A valid Arizona hunting or combination license. A short-term combination hunting and fishing license is not valid for capturing a raptor under this subsection.
 2. An Apprentice falconer may take from the wild:
 - a. Any raptor not prohibited under subsection (H)(1)(c) that is less than one year of age, except nestlings or
 - b. An adult raptor.
 3. A General or Master falconer may take from the wild:
 - a. A raptor of any age, including nestlings, provided at least one nestling remains in the nest; or
 - b. An adult raptor.
 4. A licensed falconer shall take no more than two raptors from the wild for use in falconry each calendar year. For the purpose of take limits, a raptor is counted towards the licensed falconer's take limit by the falconer who originally captured the raptor.
 5. A falconer attempting to capture a raptor shall:
 - a. Not use stupefying substances;
 - b. Use a trap or bird net that is not likely to cause injury to the raptor;
 - c. Ensure that each trap or net the falconer is using is continually attended; and
 - d. Ensure that each trap used for the purpose of capturing a raptor is marked with the falconer's name, address, and license number.
 6. A licensed falconer shall report the injury of any raptor injured due to capture techniques to the Department. The falconer shall transport the injured raptor to a veterinarian or licensed rehabilitator and pay for the cost of the injured raptor's care and rehabilitation. After the initial medical treatment is completed, the licensed falconer shall either:
 - a. Keep the raptor and the raptor shall count towards the falconer's take and possession limit, or
 - b. Transfer the raptor to a permitted wildlife rehabilitator and the raptor shall not count against the falconer's take or possession limit.
 7. When a licensed falconer takes a raptor from the wild and transfers the raptor to another falconer who is present at a capture site, the falconer receiving the raptor is responsible for reporting the take of the raptor.
 8. A General or Master falconer may capture a raptor that will be transferred to another licensed falconer who is not present at the capture site. The falconer who captured the raptor shall report the take of the raptor and

the capture shall count towards the General or Master falconer's take limit. The General or Master falconer may then transfer the raptor to another falconer.

9. A General or Master falconer may capture a raptor for another licensed falconer who cannot attend the capture due to a long-term or permanent physical impairment. The licensed falconer with the physical impairment is responsible for reporting the take of the raptor and the raptor shall count against their take and possession limits.
10. A licensed falconer may capture any raptor displaying a seamless metal band, or any other item identifying it as a falconry raptor, regardless of whether the falconer is prohibited from possessing the raptor. The **capturing** falconer shall return the recaptured raptor to the falconer of record. The raptor shall not count towards the **capturing** falconer's take or possession limits, provided the **capturing** falconer reports the temporary possession of the raptor to the Department no more than five consecutive days after capturing the raptor.
 - a. When the falconer of record cannot or does not wish to possess the raptor, the falconer who captured the raptor may keep the raptor, provided the falconer is eligible to possess the species and may do so without violating any requirement established under this Section.
 - b. When the falconer of record cannot be located, the Department shall determine the disposition of the recaptured raptor.
11. A licensed falconer may capture and shall report the capture of any raptor wearing a transmitter to the Department no more than five business days after the capture. The falconer shall attempt to contact the researcher or licensed falconer who applied the transmitter and facilitate the replacement or retrieval of the transmitter and raptor. The falconer may possess the raptor for no more than 30 consecutive days while waiting for the researcher or falconer to retrieve the transmitter and raptor. The raptor shall not count towards the falconer's take or possession limits, provided the falconer reports the temporary possession of the raptor to the Department no more than five consecutive days after capturing the raptor. The Department shall determine the disposition of a raptor when the researcher or falconer does not replace the transmitter or retrieve the raptor within the initial 30-day period.
12. A licensed falconer may capture any raptor displaying a federal Bird Banding Laboratory (BBL) aluminum research band or tag, except a peregrine falcon (*Falco peregrinus*). A licensed falconer who captures a raptor wearing a research band or tag shall report the following information to BBL and the Department:
 - a. Species,
 - b. Band or tag number,
 - c. Location of the capture, and
 - d. Date of capture.
 - e. A person can report the capture of a raptor wearing a research band or tag to BBL by ~~calling 1(800) 327-2263~~ **submitting information regarding the capture online at the BBL website.**
13. A licensed falconer may recapture a falconer's lost or any escaped falconry raptor at any time. The Department does not consider the recapture of a wild falconry raptor as taking a raptor from the wild.

14. When attempting to trap a raptor in Cochise, Graham, Pima, Pinal, or Santa Cruz counties, a licensed falconer shall:
 - a. Not begin trapping while a northern aplomado falcon (*Falco femoralis septentrionalis*) is observed in the vicinity of the trapping location.
 - b. Suspend trapping when a northern aplomado falcon arrives in the vicinity of the trapping location.
 15. In addition to the requirements in subsection (Q)(14), an apprentice falconer shall be accompanied by a General or Master falconer when attempting to capture a raptor in Cochise, Graham, Pima, Pinal, or Santa Cruz counties.
 16. A licensed Master falconer may take up to two golden eagles from the wild only as authorized under 50 C.F.R. ~~part~~ Parts 21 and 22. The Master falconer may:
 - a. Capture a golden eagle or an immature or sub-adult golden eagle during the time a livestock depredation area and associated depredation permit or depredation control order are in effect as declared by USDA Wildlife Services and permitted under 50 CFR 22.23, or upon the request of the Arizona Governor pursuant to 50 CFR 22.31 and 22.32.
 - b. Take a nestling from its nest or a nesting adult golden eagle in a livestock depredation area if a biologist representing the agency responsible for declaring the depredation area determines the adult eagle is preying on livestock or wildlife and that any nestling of the adult will be taken by a falconer authorized to possess it or by the biologist and transferred to a person authorized to possess it.
 - c. The falconer shall inform the Department of the capture plans in person, in writing, or by telephone at least three business days before trapping is initiated. The falconer may send written notification to the Arizona Game and Fish Department's Law Enforcement Programs Coordinator at 5000 West Carefree Highway, Phoenix, Arizona 85086.
 17. A licensed falconer shall ensure any falconry activities the falconer is conducting do not cause unlawful take under the Endangered Species Act of 1973, 16 U.S.C. § 1531 et seq., or the Bald and Golden Eagle Protection Act, 16 U.S.C. §§ 668 through 668d. The Department or USFWS may provide information regarding where take is likely to occur. The falconer shall report the take of any federally listed threatened or endangered species or bald or golden eagle to the USFWS Arizona Ecological Services Field Office.
- R.** A licensed falconer shall comply with all of the following banding requirements:
1. A licensed falconer shall ensure the following raptors are banded after capture:
 - a. Northern Goshawk,
 - b. Harris's hawk (*Parabuteo unicinctus*), and
 - c. Peregrine falcon.
 2. The falconer shall request a band no more than five consecutive days after the capture of a raptor by contacting the Department. A Department representative or a General or Master licensed falconer may attach the USFWS leg band to the raptor.
 3. A licensed falconer shall not use a counterfeit, altered, or defaced band.
 4. A falconer holding a federal propagation permit shall ensure a raptor bred in captivity wears a seamless metal

band furnished by USFWS, as prescribed under 50 C.F.R. 21.30.

5. A licensed falconer may remove the rear tab on a band and smooth any imperfections on the surface, provided doing so does not affect the band's integrity or numbering.
 6. A licensed falconer shall report the loss of a band to the Department no more than five business days after discovering the loss. The falconer shall reband the raptor with a new USFWS leg band furnished by the Department.
- S.** A licensed falconer may request Department authorization to implant an ISO-compliant [134.2 kHz] microchip in lieu of a band into a captive-bred raptor or raptor listed under subsection (R)(1).
1. The falconer shall submit a written request to the Department.
 2. The falconer shall retain a copy of the Department's written authorization and any associated documentation for a period of five years from the date the raptor permanently leaves the falconer's possession.
 3. The falconer is responsible for the cost of implanting the microchip and any associated veterinary fees.
- T.** A licensed falconer may allow a falconry raptor to feed on any species of wildlife incidentally killed by the raptor for which there is no open season or for which the season is closed, but shall not take such wildlife into possession.
- U.** A General or Master falconer may hack a falconry raptor. Any raptor the falconer is hacking shall count towards the falconer's possession limit during hacking.
1. A falconer is prohibited from hacking a raptor near the nesting area of a federally threatened or endangered species or in any other location where the raptor is likely to disturb or harm a federally listed threatened or endangered species. The Department may provide information regarding where this is likely to occur.
 2. A licensed falconer shall ensure any hybrid raptor flown free or hacked by the falconer is equipped with at least two functioning radio transmitters.
- V.** A licensed falconer may release:
1. A wild-caught raptor permanently into the wild under the following circumstances:
 - a. The raptor is native to Arizona,
 - b. The falconer removes the raptor's falconry band and any other falconry equipment prior to release, and
 - c. The falconer releases the raptor in a suitable habitat and under suitable seasonal conditions.
 2. A captive-bred raptor permanently into the wild only when the raptor is native to Arizona and the Department approves the release of the raptor. The falconer shall request permission to release the captive-bred raptor by contacting the Department. When permitted by the Department and before releasing the captive-bred raptor, the General or Master falconer shall hack the captive-bred raptor in a suitable habitat and the appropriate season.
 3. A licensed falconer is prohibited from intentionally releasing any hybrid or non-native raptor permanently into the wild.
- W.** A Master falconer may conduct and receive payment for ~~any abatement services~~ conducted with a falconry raptor or federally permitted abatement raptor. The falconer shall apply for and obtain all required federal permits prior to conducting any abatement activities. The falconer shall comply with the reporting requirement under subsection (O). A General falconer may conduct ~~abatement services~~ activities only when authorized under the federal permit

held by the Master falconer.

- X.** A person other than a licensed falconer may temporarily care for a falconry raptor for no more than 45 consecutive days, unless approved by the Department. The raptor under temporary care shall remain in the falconer's facility. The raptor shall continue to count towards the falconer's possession limit. An unlicensed caretaker shall not fly the raptor. The falconer may request an extension from the Department to the temporary possession period if extenuating circumstances occur. The Department shall evaluate extension requests on a case-by-case basis.
- Y.** A licensed falconer may serve as a caretaker for another licensed falconer's raptor for no more than 120 consecutive days, unless approved by the Department. The falconer shall provide the temporary caretaker with a signed and dated statement authorizing the temporary possession of each raptor **and a copy of USFWS form 3-186A that shows that the licensed falconer is the possessor of each raptor**. The statement shall also include the temporary possession period and activities the caretaker may conduct with the raptor. a The raptor under temporary care shall not count toward the caretakers possession limit. The temporary caretaker may fly or train the raptor when permitted by the falconer in writing. The falconer may request an extension from the Department to the temporary possession period if extenuating circumstances occur. The Department shall evaluate extension requests on a case-by-case basis.
- Z.** A ~~licensed~~ **General or Master** falconer may assist a **any federally licensed** wildlife rehabilitator in conditioning a raptor **the licensed falconer is authorized to possess** in preparation for the raptor's release to the wild. The falconer may temporarily remove the raptor from the rehabilitation facilities while conditioning the raptor. The raptor shall remain under the rehabilitator's license and shall not count towards the falconer's possession limit. The rehabilitator shall provide the licensed falconer with a written statement authorizing the falconer to assist the rehabilitator. The written statement shall also identify the raptor by species, type of injury, and band number, when available. The licensed falconer shall return the raptor to the rehabilitator within the 180-day period established under R12-4-423(T), unless the raptor is:
1. Released into the wild in coordination with the rehabilitator and as authorized under this subsection,
 2. Allowed to remain with the rehabilitator for a longer period of time as authorized under R12-4-423(U), or
 3. Transferred permanently to the falconer, provided the falconer may legally possess the raptor and the Department approves the transfer. The raptor shall count towards the falconer's possession limit.
- AA.** A licensed falconer may use a raptor possessed for falconry in captive propagation, when permitted by USFWS. A licensed falconer is not required to transfer a raptor from a Sport Falconry license to another license when the raptor is used for captive propagation less than eight months in a year.
- BB.** A General or Master licensed falconer may use a lawfully possessed raptor in a conservation education program presented in a public venue. An Apprentice falconer, under the direct supervision of a General or Master falconer, may use a lawfully possessed raptor in a conservation education program presented in a public venue. The primary use for a raptor is falconry; a licensed falconer shall not possess a raptor solely for the purpose of providing a conservation education program. The falconer shall ensure the focus of the conservation education program is to provide information about the biology, ecological roles, and conservation needs of raptors and other migratory birds. The falconer may charge a fee for presenting a conservation education program; however, the fee shall not

exceed the amount required to recoup the falconer's costs for providing the program. As a condition of the Sport Falconry License, the licensed falconer agrees to indemnify the Department, its officers, and employees. The falconer is liable for any damages associated with the conservation education activities.

CC. A licensed falconer may allow the photography, filming, or similar uses of a falconry raptor possessed by the licensed falconer, provided:

1. The falconer is not compensated for these activities; and
2. The final product from these activities:
 - a. Promotes the practice of falconry;
 - b. Provides information about the biology, ecological roles, and conservation needs of raptors and other migratory birds;
 - c. Endorses a nonprofit falconry organization or association, products, or other endeavors related to falconry; or
 - d. Is used in scientific research or science publications.

DD. A licensed falconer may use or dispose of lawfully possessed falconry raptor feathers. A falconer shall not buy, sell, or barter falconry raptor feathers. A falconer may possess feathers for imping from each species of raptor that the falconer currently possesses or has possessed.

1. The licensed falconer may transfer or receive feathers for imping from:
 - a. Another licensed falconer,
 - b. A licensed wildlife rehabilitator, or
 - c. Any licensed propagator located in the United States.
2. A licensed falconer may donate falconry raptor feathers, except bald and golden eagle feathers, to:
 - a. Any person or institution permitted to possess falconry raptor feathers,
 - b. Any person or institution exempt from the permit requirement under 50 C.F.R. 21.12, or
- c. A non-eagle feather repository. The Department may provide information regarding the submittal of falconry raptor feathers to a non-eagle feather repository.
3. A licensed falconer shall gather primary and secondary flight feathers or retrices that are molted or otherwise lost from a golden eagle and either retain the feathers for imping purposes or submit the feathers to the U.S. Fish and Wildlife Service, National Eagle Repository, Rocky Mountain Arsenal, Building 128, Commerce City, Colorado 80022.
4. A falconer whose license is either revoked or expired shall dispose of all falconry raptor feathers in the falconer's possession.

EE. Arizona licensed falconers importing raptors into Arizona shall have a health certificate issued no more than 30 consecutive days:

1. Prior to the international importation, or
2. Prior to or after the inter-state importation.

FF. A licensed falconer may conduct any of the following activities with any captive-bred raptor provided the raptor is wearing a seamless band and the person receiving the raptor possesses an appropriate special license:

1. Barter,
2. Offer for barter,
3. Gift,
4. Purchase,
5. Sell,
6. Offer for sale, or
7. Transfer.

GG. A licensed falconer is prohibited from conducting any of the following activities with any wild-caught raptor protected under the Migratory Bird Treaty Act:

1. Barter,
2. Offer for barter,
3. Purchase,
4. Sell, or
5. Offer for sale.

HH. A licensed falconer may transfer:

1. Any wild-caught falconry raptor lawfully captured in Arizona with or without a permit tag to another Arizona Sport Falconry License holder at any time.
 - a. The raptor shall count towards the take limit for that calendar year for the falconer taking the raptor from the wild.
 - b. The raptor shall not count against the take limit of the falconer receiving the raptor.
2. Any wild-caught falconry raptor to another license or permit type under this Article or federal law, provided the raptor has been used in the sport of falconry for at least two years preceding the transfer.
3. A wild-caught falconry sharp-shinned hawk (*Accipiter striatus*), Cooper's hawk (*Accipiter cooperii*), merlin (*Falco columbarius*), or American kestrel (*Falco sparverius*) to another license or permit type under this Article or federal law, provided the raptor has been used in the sport of falconry for at least one-year preceding the transfer.
4. Any hybrid or captive-bred raptor to another licensed falconer or permit type under this Article or federal law at any time.
5. Any falconry raptor that is no longer capable of being flown, as determined by a veterinarian ~~or licensed rehabilitator~~, to another permit type at any time. The licensed falconer shall provide a copy of the documentation from the veterinarian ~~or rehabilitator~~ stating that the raptor is not useable in falconry to the Federal Migratory Bird Permits office that administers the other permit type.

II. A licensed falconer shall not transfer a wild-caught raptor species to a licensed falconer in another state for at least one year from the date of capture if either resident or nonresident take is managed through Commission Order by way of a permit-tag, nonpermit-tag, or annual harvest quota system. However, a licensed falconer may transfer a wild-caught raptor that is not managed through Commission Order by way of a permit-tag, nonpermit-tag, or annual harvest quota system to a licensed falconer in another state at any time.

JJ. A surviving spouse, executor, administrator, or other legal representative of a deceased or incapacitated licensed falconer shall transfer any raptor held by the licensed falconer to another licensed falconer no more than 90 consecutive days after the death of the falconer. The Department shall determine the disposition of any raptor not transferred prior to the end of the 90-day period.

KK. A licensed falconer shall conduct the following activities, as applicable, no more than 10 business days after either the death of a falconry raptor or the final examination of a deceased raptor by a veterinarian:

1. Dispose of any raptor suspected or confirmed with West Nile Virus or poisoning, except for lead poisoning, by incineration.

~~4.2.~~ For a bald or golden eagle, send the entire body, including all feathers, talons, and other parts, to the National Eagle Repository;

~~2.3.~~ For any euthanized non-eagle raptor, to prevent secondary poisoning of other wildlife, the falconer shall either submit the carcass to a non-eagle repository or burn, bury, or otherwise destroy the carcass;

~~3.4.~~ For all other species:

a. Submit the carcass to a non-eagle repository;

b. Submit the carcass to the Department for submission to a non-eagle repository;

c. Donate the body or feathers to any person or institution exempt under 50 C.F.R. 21.12 or authorized by USFWS to acquire and possess such parts or feathers;

d. Retain the carcass or feathers for imping purposes as established under subsection (DD);

e. Burn, bury, or otherwise destroy the carcass; or

f. Mount the raptor carcass. The falconer shall ensure any microchip implanted in the raptor is not removed and any band attached to the raptor remains on the mount. The falconer may use the mount for a conservation education program. The falconer shall ensure copies of the license and all relevant 3-186A forms are retained with the mount. The mount shall not count towards the falconer's possession limit.

5. A license holder submitting a carcass or parts of a carcass of any raptor that has been euthanized shall ensure a tag indicating the raptor was euthanized is attached to the carcass or parts of the carcass before submitting it to the National Eagle Repository or non-eagle repository, as applicable.

R12-4-423. Wildlife Rehabilitation License

A. For the purposes of this Section, "volunteer" means a person who:

Is not designated as an agent, as defined under R12-4-401,

Assists a wildlife rehabilitation license holder without compensation, and

Is under the direct supervision of the license holder at the location specified on the wildlife rehabilitation license.

B. A wildlife rehabilitation license is issued for the sole purpose of restoring and returning wildlife to the wild through rehabilitative services. The license allows a person 18 years of age or older to conduct any of the following activities with live injured, disabled, orphaned or otherwise debilitated wildlife specified on the rehabilitation license:

1. Capture;

2. Euthanize;
 3. Export to a licensed zoo, when authorized by the Department;
 4. **Receive from the public;**
 - ~~4.5.~~ Rehabilitate;
 - ~~5.6.~~ Release;
 - ~~6.7.~~ Temporarily possess;
 - ~~7.8.~~ Transport; or
 - ~~8.9.~~ Transfer to one of the following:
 - a. Licensed veterinarian for treatment or euthanasia;
 - b. Another appropriately licensed special license holder;
 - c. Licensed zoo, when authorized by the Department; or
 - ~~9.10.~~ As otherwise directed in writing by the Department.
- C.** A wildlife rehabilitation license authorizes the possession of the following taxa or species:
1. Amphibians;
 2. Reptiles;
 3. Birds:
 - a. Non-passerines, birds in any order other than those named in subsections (b) through (e);
 - b. Birds in the orders *Falconiformes* or *Strigiformes*, raptors;
 - c. Birds in the order, *Galliformes* quails and turkeys;
 - d. Birds in the order *Columbiformes*, doves;
 - e. Birds in the order *Trochiliformes*, hummingbirds; and
 - f. Birds in the order *Passeriformes*, passerines;
 4. Mammals:
 - a. Nongame mammals;
 - b. Bats;
 - c. Big game mammals other than cervids: bighorn sheep, bison, black bear, javelina, mountain lion, pronghorn;
 - d. Carnivores: bobcat, coati, coyote, foxes, raccoons, ringtail, skunks, and weasels; and
 - e. Small game mammals.
- D.** A wildlife rehabilitation license authorizes the possession of the following taxa or species only when specifically requested at the time of application:
1. Eagles;
 2. Species listed under 50 C.F.R. 17.11, revised October 1, ~~2013~~ **2019**; and
 3. The Department's Tier 1 Species of Greatest Conservation Need, as defined under R12-4-401.
 4. For the purposes of subsection (D)(2), this incorporation by reference contains no future editions or amendments. The incorporated material is available at any Department office, online at www.gpoaccess.gov www.gpo.gov, or may be ordered from the U.S. Government Printing Office, Superintendent of Documents,

P.O. Box 979050, St. Louis, MO 63197-9000.

- E. All wildlife held under the license is the property of the state and shall be surrendered to the Department upon request.
- F. The wildlife rehabilitation license expires on the last day of the third December from the date of issuance.
- G. In addition to the requirements established under this Section, a wildlife rehabilitation license holder shall comply with the special license requirements established under R12-4-409.
- H. The Department shall deny a wildlife rehabilitation license to a person who fails to meet the requirements and criteria established under R12-4-409, R12-4-428, or this Section or when the person's wildlife rehabilitation license is suspended or revoked in any state. The Department shall provide the written notice established under R12-4-409 to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.
- I. The wildlife rehabilitation license holder shall be responsible for compliance with all applicable regulatory requirements; the ~~wildlife rehabilitation~~ license does not:
 - 1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; ~~or~~
 - 2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license; or
 - 3. Authorize the license holder to conduct any activities that constitutes the practice of veterinary medicine as prescribed under A.R.S. § 32-2231 whether or not a fee, compensation, or reward is directly or indirectly promised, offered, expected, received or accepted, unless the license holder is currently licensed to practice veterinary medicine in the state of Arizona.
- J. Before applying for a wildlife rehabilitation license, a person shall ~~successfully complete an~~ correctly answer at least 80% of the questions on the Department administered written examination conducted by the Department. The Department shall consider only those parts of the examination that are applicable to the taxa of wildlife for which the license is sought in establishing the qualifications of the applicant.
 - 1. Examinations are provided by appointment, only.
 - 2. An applicant may request a verbal or written examination.
 - 3. The examination shall include questions regarding:
 - a. Wildlife rehabilitation;
 - b. Safe handling of wildlife;
 - c. Transporting wildlife;
 - d. Humane treatment;
 - e. Nutritional requirements;
 - f. Behavioral requirements;
 - g. Developmental requirements;
 - h. Ecological requirements;

- i. Habitat requirements;
 - j. Captivity standards established under R12-4-428;
 - k. Human and wildlife safety considerations;
 - l. State statutes, rules, and regulations regarding wildlife rehabilitation; and
 - m. National Wildlife Rehabilitation Association minimum standards for wildlife rehabilitation.
4. The applicant must successfully complete the examination within three years prior to the date on which the initial application for the license is submitted to the Department.
- K.** ~~A person applying~~ An applicant for a wildlife rehabilitation license shall submit an application to the Department. ~~A separate application is required for each location where the applicant proposes to use wildlife.~~ The application is furnished by the Department and is available at any Department office and ~~online at www.azgfd.gov on the~~ Department's website. The applicant shall provide the following information on the application:
- 1. The applicant's information:
 - a. Name;
 - b. Date of birth;
 - c. Mailing address;
 - d. Telephone number;
 - e. ~~Facility~~ Housing facility address, if different from mailing address;
 - f. Physical address or general location description ~~to include the~~ and Global Positioning System location ~~or Universal Transverse Mercator coordinates~~; and;
 - g. Department ID number, when applicable;
 - 2. The wildlife taxa or species listed under subsection (C) that will be possessed under the license;
 - 3. For each location where the applicant proposes to use wildlife ~~will be used~~, the land owner's:
 - a. Name;
 - b. Mailing address;
 - c. Telephone number; and
 - d. Physical address or general location description ~~to include and~~ and Global Positioning System location ~~or Universal Transverse Mercator coordinates~~;
 - 4. A detailed description, diagram, and photographs of the housing facility where the applicant will hold the wildlife, and a description of how the housing facility complies with ~~R12-4-428 and any other~~ the captivity standards established under this Section;
 - 5. Any other information required by the Department; and
 - 6. The certification required under R12-4-409(C).
- L.** In addition to the requirements listed under subsection (K), at the time of application, an applicant for a wildlife rehabilitation license shall also submit:
- 1. Any one or more of the following:
 - a. A valid, current license issued by a state veterinary medical examination authority that authorizes the applicant to practice as a veterinarian;

- b. Proof of at least six months of experience performing wildlife rehabilitative work with an average of at least eight hours each week for the taxa or species of animal listed on the application; or
 - c. A current and valid license, permit, or other form of authorization issued by another state or the federal government that allows the applicant to perform wildlife rehabilitation;
 - 2. Proof the applicant successfully completed the examination required under subsection (J) no more than three years prior to submitting the initial application;
 - 3. An affidavit signed by the applicant affirming either of the following:
 - a. The applicant is a licensed veterinarian; or
 - b. A licensed veterinarian is reasonably available to provide veterinary services as necessary to facilitate rehabilitation of wildlife.
 - 4. A written statement describing:
 - a. The applicant's preferred method of disposing of non-releasable live wildlife as listed under subsection (B); and
 - b. ~~A statement of the~~ The applicant's training and experience in handling, capturing, rehabilitating, and caring for the taxa or species when the applicant is applying for a license to perform authorized activities with taxa or species of wildlife listed under subsection (C).
- M.** A wildlife rehabilitation license holder who wishes to continue activities authorized under the license shall renew the license before it expires.
 - 1. When renewing a license without change to the species, location, or design of the facility where wildlife is held as authorized under the current license, the license holder may reference supporting materials previously submitted in compliance with subsection (K).
 - 2. A license holder applying for a renewal of the license shall successfully complete the examination at the time of renewal when the annual report submitted under subsection (Z) indicates the license holder did not perform any rehabilitative activities under the license.
 - 3. A license holder applying for a renewal of the license shall submit proof the license holder has completed the continuing education requirement established under subsection (N).
- N.** During the license period a wildlife rehabilitation license holder shall complete eight or more hours of continuing education sessions on wildlife rehabilitation or veterinary medicine. Acceptable continuing education sessions may be obtained from:
 - 1. An accredited university or college;
 - 2. The National Wildlife Rehabilitators Association, 2625 Clearwater Rd. Suite 110, St. Cloud, MN 56301;
 - 3. The International Wildlife Rehabilitation Council, PO Box 3197, Eugene, OR 97403; or
 - 4. Other applicable training opportunities approved by the Department in writing. A license holder who wishes to use other applicable training to meet the eight hour continuing education requirement shall request approval of the other applicable training prior to participating in the education session.
- O.** A ~~At the time of application,~~ a wildlife rehabilitation license holder may request authorization to allow an agent to assist the license holder in carrying out activities authorized under the wildlife rehabilitation license by

submitting a written request to the Department.

1. An applicant may request the ability to allow a person to act as an agent on the applicant's behalf, provided:
 - a. An employment or supervisory relationship exists between the applicant and the agent,
 - b. The agent submits proof of at least six months of experience performing wildlife rehabilitative work with an average of at least eight hours each week. and
 - ~~b.c.~~ The agent's privilege to take or possess live wildlife is not suspended or revoked in any state.
 - d. An agent shall allow the Department to conduct inspections of an agent's facility when the agent intends to possess wildlife for more than 48 hours. The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.
 2. The license holder shall obtain approval from the Department prior to allowing the agent assist in any activities.
 3. The license holder is liable for all acts the agent performs under the authority of this Section.
 4. The Department, acting on behalf of the Commission, may suspend or revoke a license for violation of this Section by an agent.
 5. The license holder shall ensure the agent possesses a legible copy of the license while conducting any activity authorized under the wildlife rehabilitation license and presents it for inspection upon the request of any Department employee or agent.
- P.** At any time during the license period, a wildlife rehabilitation license holder may request permission to amend the license to add or delete an agent or a location where wildlife is held; or to obtain authority to rehabilitate additional taxa of wildlife. To request an amendment, the license holder shall submit the following information to the Department, as applicable:
1. To add or delete an agent, the information stated in subsections (K)(1) through (K)(4) ~~and~~ (L)(2); as applicable to the agent, and proof of at least six months of experience performing wildlife rehabilitative work with an average of at least eight hours each week;
 2. To add or delete a location, the information stated in subsection (K)(1) through (K)(5); and
 3. To obtain authority to rehabilitate additional taxa or wildlife, the information stated in subsection (K)(1) through (K)(5) and (L)(1) through (L)(4).
- Q.** A wildlife rehabilitation license holder authorized to rehabilitate wildlife species listed under subsection (C)(3)(c), (C)(4)(c) and (C)(4)(d) or (D) shall contact the Department within 24 hours of receiving the individual animal to obtain instructions in handling or transferring that animal. While awaiting instructions, the license holder shall ensure that emergency veterinary care is provided as necessary.
- R.** A wildlife rehabilitation license holder shall:
1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
 2. Maintain records associated with the license for a period of five years following the date of disposition.
 - ~~2.3.~~ Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article. The

Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.

- ~~3-4.~~ Ensure each facility is inspected by the attending veterinarian at least once every year.
 - ~~4-5.~~ Capture, remove, transport, and release wildlife held under the requirements of this Section in a manner that is least likely to cause injury to the affected wildlife.
 - ~~5-6.~~ Conduct rehabilitation only at the location listed on the license
 - ~~6-7.~~ Be responsible for all expenses incurred, including veterinary expenses, and all actions taken under the license, including all actions or omissions of all agents and volunteers when performing activities under the license.
 - ~~7-8.~~ Immediately surrender wildlife held under the license to the Department upon request.
 - ~~8-9.~~ Dispose of all wildlife that is euthanized or that otherwise dies within 30 days of death either by burial, incineration, or transfer to a scientific research institution, except that the license holder shall transfer all carcasses of endangered or threatened species, species listed under the Department's Tier 1 Species of Greatest Conservation Need, or eagles as directed by the Department.
 - ~~9-10.~~ Maintain a current log that records the information specified under subsection (Z).
 - ~~10-11.~~ Possess the license or legible copy of the license at each authorized location and while conducting any rehabilitation activities and presents it for inspection upon the request of any Department employee or agent.
 - ~~11-12.~~ Ensure a copy of the wildlife rehabilitation license accompanies each transfer or shipment of wildlife.
 13. Dispose of any raptor suspected or confirmed with West Nile Virus or poisoning, except for lead poisoning, by incineration.
 14. Except as specified under subsection (R)(12), transfer the carcass or parts of the carcass of a deceased raptor as follows:
 - a. For a bald or golden eagle, send the entire body, including all feathers, talons, and other parts, to the National Eagle Repository, see <https://www.fws.gov/eaglerepository/factsheets.php>:
 - b. For any euthanized non-eagle raptor, to prevent secondary poisoning of other wildlife, either submit the carcass to a non-eagle repository or burn, bury, or otherwise destroy the carcass:
 - c. For all other species:
 - i. Submit the carcass to a non-eagle repository:
 - ii. Submit the carcass to the Department for submission to a non-eagle repository.
- S. A wildlife rehabilitation license holder shall not:
1. Display for educational purposes any wildlife held under the license.
 2. Exhibit any wildlife held under the license.
 3. Permanently possess any wildlife held under the license.
- T. A wildlife rehabilitation license holder may possess:
- ~~1.~~ ~~All~~ all wildlife for no more than 90 days; ~~or~~
 - ~~2.~~ A Except a bird may be possessed for no more than 180 days, unless the Department has authorized possession for a longer period of time.
- U. A license holder may request permission to possess wildlife for a longer period of time than specified in subsection

- (T) by submitting a written request to the Department.
1. The Department shall approve or deny the request within ten days of receiving the request.
 2. For requests made due to a medical necessity, the Department may require the license holder to provide a written statement listing the medical reasons for the extension, signed by a licensed veterinarian.
 3. The license holder may continue to hold the specified wildlife while the Department considers the request.
 4. If the request is denied, the Department shall send a written notice to the license holder which shall include specific, time-dated directions for the surrender or disposition of the animal.
- V. A wildlife rehabilitation license holder who also possesses a federal rehabilitator license may allow a licensed falconer to assist in conditioning a raptor in preparation for the raptor's release to the wild.
1. The license holder may allow the licensed falconer to temporarily remove the raptor from the license holder's facility while conditioning the raptor.
 2. The license holder shall provide the licensed falconer with a written statement authorizing the falconer to assist the license holder.
 3. The written statement shall identify the raptor by species, type of injury, and band number, when available.
 4. The license holder shall ensure the licensed falconer returns the raptor to the license holder within the 180-day period established under subsection (T).
- W. A wildlife rehabilitation license holder may hold wildlife under the license after the wildlife reaches a state of restored health only for the amount of time reasonably necessary to prepare the wildlife for release. Rehabilitated wildlife shall be released:
1. In an area without immediate threat to the wildlife or contact with humans;
 2. During an ecologically appropriate time of year and time of day; and
 3. Into a suitable habitat in the same geographic area where the animal was originally obtained; or
 4. In an area designated by the Department.
- X. Wildlife that is not releasable after the time-frames specified in subsection (T) shall be transferred, disposed of, or euthanized as determined by the Department.
- Y. To permanently hold rehabilitated wildlife ~~that is~~ declared unsuitable for release by a licensed veterinarian, a wildlife rehabilitation license holder shall apply for and obtain a wildlife holding license in compliance with under R12-4-417.
- Z. A wildlife rehabilitation license holder shall submit an annual report to the Department before January 31 of each year for the previous calendar year. The report form is furnished by the Department.
1. A report is required regardless of whether or not activities were performed during the previous year.
 2. The wildlife rehabilitation license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
 3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
 4. The annual report shall contain the following information:
 - a. The license holder's:

- i. Name;
- ii. Mailing address; and
- iii. Telephone number;
- b. Each agent's:
 - i. Name;
 - ii. Mailing address; and
 - iii. Telephone number;
- c. The permit or license number of any federal permits or licenses that relate to any rehabilitative function performed by the license holder; ~~and~~
- d. For activities related to federally-protected wildlife, a copy of the rehabilitator's federal permit report of activities related to federally-protected wildlife; and
- ~~d.e.~~ An itemized list of each animal held under the license during the calendar year for which activity is being reported. For each animal held by the license holder or agent, the itemization shall include:
 - i. Species;
 - ii. Condition that required rehabilitation;
 - iii. Date of acquisition;
 - iv. Source of acquisition;
 - v. Location of acquisition;
 - vi. Age class at acquisition, when reasonably determinable;
 - vii. Status at disposition or end-of-year in relation to the condition requiring rehabilitation;
 - viii. Method of disposition;
 - ix. Location of disposition; and
 - x. Date of disposition.
- e. ~~For activities related to federally-protected wildlife, a copy of the rehabilitator's federal permit report of activities related to federally-protected wildlife satisfies the reporting requirement established under subsection (Z)(4)(c) for federally-protected wildlife.~~

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

R12-4-424. White Amur Stocking ~~and Holding~~ License; Restocking License

A. For the purposes of this Section:

"Closed aquatic system" means any body of water, water system, canal system, or series of lakes, canals, or ponds where triploid white amur are prevented from entering or exiting the system by any natural or man-made barrier, as determined by the Department.

"Triploid" means a species having ~~1.5 chromosome~~ three homologous sets of chromosomes that renders ~~them~~ the individuals sterile.

B. A white amur stocking ~~and holding~~ or restocking license allows a person to import, possess, stock in a closed

aquatic system, and transport triploid white amur (*Ctenopharyngodon idella*).

- C. The white amur stocking ~~holding~~ **or restocking** license is valid for no more than 20 consecutive days.
- D. In addition to the requirements established under this Section, a white amur stocking ~~and holding~~ **or restocking** license holder shall comply with the special license requirements established under R12-4-409.
- E. The white amur stocking **or restocking** license holder shall be responsible for compliance with all applicable regulatory requirements; the ~~white amur stocking and holding~~ license does licenses do not:
 - 1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
 - 2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.
- F. The Department shall deny a white amur stocking ~~and holding~~ **or restocking** license to a person who fails to meet the requirements established under R12-4-409 or this Section. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10. In addition to the requirements and criteria established under R12-4-409(F)(1) through (4), the Department shall deny a white amur stocking **or restocking** license when it determines the issuance of the license may result in a negative impact on native wildlife.
- G. ~~A person applying~~ An applicant for a white amur stocking ~~and holding~~ **or restocking** license shall submit an application to the Department. A separate application is required for each location where the applicant proposes to stock white amur. The application is furnished by the Department and is available from any Department office and ~~online at~~ www.azgfd.gov on the Department's website. The applicant shall provide the following information on the application:
 - 1. The applicant's information:
 - a. Name;
 - b. Mailing address;
 - c. Telephone number; and;
 - d. Department ID number, when applicable;
 - 2. ~~If the applicant will use the wildlife for a commercial purpose, the applicant's business:~~
 - a. ~~Name;~~
 - b. ~~Federal Tax Identification Number;~~
 - e. ~~Mailing address; and~~
 - d. ~~Telephone number;~~
 - 3. ~~2.~~ For each location where the white amur will be held, stocked, or restocked, the land owner's:
 - a. Name;
 - b. Mailing address;
 - c. Telephone number; and

- d. Physical address or general location description ~~to include the~~ and Global Positioning System location ~~or Universal Transverse Mercator coordinates;~~
- e. For the purposes of this subsection, the following systems may qualify as separate locations, as determined by the Department:
 - i. Each closed aquatic system;
 - ii. Each separately managed portion of a closed aquatic system; or
 - iii. Multiple separate closed aquatic systems owned, controlled, or legally held by the same applicant where stocking is to occur;

~~4.3.~~ A detailed description and diagram of each enclosed aquatic system where the applicant will stock and hold the white amur, as prescribed under A.R.S. § 17-317, which shall include the following information, as applicable:

- a. A description of how the system meets the definition of a "closed aquatic system" in subsection (A);
- b. Size of waterbody proposed for stocking;
- c. Nearest river, stream, or other freshwater system;
- d. Points where water enters into each water body;
- e. Points where water leaves each water body; and
- f. Location of fish containment barriers;

~~5.4.~~ For each wildlife supplier from whom the applicant will obtain white amur, the supplier's:

- a. Name;
- ~~b.~~ Federal Tax Identification Number;
- ~~e.b.~~ Mailing address; and
- ~~d.c.~~ Telephone number;

~~6.5.~~ The number and average length of white amur to be stocked;

~~7.6.~~ The dates white amur will be stocked, or restocked;

~~8.7.~~ Any other information required by the Department; and

~~9.8.~~ The certification required under R12-4-409(C).

H. When the Department determines an applicant proposes to stock ~~and hold~~ white amur in a watershed in a manner that conflicts with the Department's efforts to conserve wildlife, in addition to the requirements listed under subsection (G), the applicant shall also submit a written proposal to the Department at the time of application. The written proposal shall contain all of the following:

- 1. Anticipated benefits from introducing white amur;
- 2. Potential risks introducing white amur may create for wildlife, including:
 - a. Whether white amur are compatible with native aquatic species or game fish; and
 - b. Method for evaluating the potential impact introducing white amur will have on wildlife;
- 3. Assessment of probable impacts to sensitive species in the area using the list generated by the Department's ~~On-Line~~ Online Environmental Review Tool, which is available at www.azgfd.gov on the Department's website. The proposal must address each species listed.

I. A person may apply for a white amur restocking license provided there are no changes to the closed aquatic system. The restocking application license application must include the inspection certification from the supplier of white amur as required under subsection (K)(2).

I.J. A person applying for a white amur stocking ~~or restocking~~ license holder who applies to renew the license shall pay all applicable fees as prescribed under R12-4-412.

I.K. A white amur stocking ~~and holding~~ ~~and restocking~~ license holder shall comply with the requirements established under R12-4-409.

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

3. Maintain records associated with the license for a period of five years following the date of disposition.

~~3.4.~~ Allow the Department to conduct inspections of an applicant's or license holder's facility, records, and any waters proposed for stocking at any time before or during the license period to determine compliance with the requirements of this Article and to determine the appropriate number of white amur to be stocked. The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.

~~4.5.~~ Ensure all shipments of white amur are accompanied by a USFWS, or similar agent, certificate confirming the white amur are triploid.

~~5.6.~~ Possess the license or legible copy of the license while conducting any activities authorized under the white amur stocking ~~and holding~~ ~~or restocking~~ license and presents it for inspection upon the request of any Department employee or agent.

K.L. A white amur stocking ~~and holding~~ ~~or restocking~~ license holder shall comply with the requirements established under R12-4-409 ~~and R12-4-428~~.

R12-4-425. Restricted Live Wildlife Lawfully Possessed without License or Permit Before the Effective Date of Article 4 or Any Subsequent Amendments

A. A person who lawfully possessed restricted live wildlife without a license or permit from the Department before the effective date of this Section or any subsequent amendments to R12-4-406, this Section, or this Article may continue to possess the wildlife and to use it for any purpose that was lawful, except propagation, before the effective date of R12-4-406, this Section, or this Article or any subsequent amendments, provided the person

complies with the requirements established under subsections (A)(1) or (A)(2).

1. The person submits written notification to the Department's regional office in which the restricted live wildlife is held. The person shall submit the written notification to the regional office within 30 calendar days of the effective date of any subsequent amendments to this Section, R12-4-406, or this Article. The written notification shall include all of the following information:
 - a. The number of individuals of each species,
 - b. The purpose for which it is possessed, and
 - c. The unique identifier for each individual wildlife possessed by the person, as established under subsection (F); or
2. The person maintains documentation of the restricted live wildlife held. The documentation shall include:
 - a. The number of individuals of each species,
 - b. Proof the individuals were legally acquired before the effective date of the amendment causing the wildlife to be restricted,
 - c. The purpose for which it is used, and
 - d. The unique identifier for each wildlife possessed by the person, as established under subsection (F).
3. The person shall report the birth or hatching of any progeny conceived before and born after the effective date of this Section, R12-4-406, or this Article to the Department and comply with the requirements established under subsection (F).

B. The person shall ensure the written notification described under subsection (A)(1) and (A)(2) includes the person's name, address, and the location where the wildlife is held. A person who maintains their own documentation under subsection (A)(2) shall make it available to the Department upon request.

C. The person shall retain the documentation required under subsections (A)(1) and (A)(2) until the person disposes of the wildlife as described under subsection (D).

~~**D.**~~ A person who possesses wildlife under this Section shall dispose of it using any one of the following methods:

1. Exportation;
2. Euthanasia;
3. Transfer to an Arizona special license holder, provided the special license authorizes possession of the species involved; or
4. As otherwise directed by the Department in writing.

~~**E.**~~ If a person transfers restricted live wildlife possessed under this Section to a special license holder:

1. The exemption for that wildlife under this Section expires, and
2. The special license holder shall use, possess, and report the wildlife in compliance with this Article and any stipulations applicable to that special license.

~~**F.**~~ A person who exports wildlife held under this Section shall not import the wildlife back into this state unless the person obtains a special license prior to importing the wildlife back into this state.

~~**G.**~~ A person who possesses wildlife under this Section shall permanently and uniquely mark the wildlife with a unique identifier as follows:

1. Within 30 calendar days of the effective date of this Section, R12-4-406, or this Article if the person has notified the Department as provided under subsection (A)(1); or
2. Within 30 calendar days of receiving written notice from the Department directing the person to permanently mark the wildlife.

G-H. A person possessing a desert tortoise (*Gopherus agassizii*) is not subject to the requirements of this Section and shall comply with requirements established under R12-4-404 and R12-4-407.

R12-4-427. Exemptions from Requirements to Possess a Wildlife Rehabilitation License

- A.** A person may possess, provide rehabilitative care to, and release to the wild any live wildlife listed below that is injured, orphaned, or otherwise debilitated:
1. The order *Passeriformes*: **non-Migratory Bird Treaty Act listed** passerine birds;
 2. The order *Columbiformes*: **non-Migratory Bird Treaty Act listed** doves;
 3. The family *Phasianidae*: quail, pheasant, and chukars;
 4. The order *Rodentia*: rodents; and
 5. The order *Lagomorpha*: hares and rabbits.
- B.** This Section does not:
1. Exempt the person from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
 2. Authorize the person to engage in authorized activities using federally-protected wildlife, unless the person possesses a valid license, permit, or other form of documentation issued by the United States that authorizes the license holder to use that wildlife in a manner consistent with the special license.
- C.** This Section does not authorize the possession of any of the following:
1. Eggs of wildlife;
 2. Wildlife listed as Species of Greatest Conservation Need, as defined under R12-4-401;
 3. **Migratory birds, as defined under R12-4-101**, or
 - ~~3.4.~~ More than 25 animals at the same time.
- D.** A person taking and caring for wildlife listed under this Section is not required to possess a hunting license.
- E.** A person shall only take wildlife listed under subsection (A) by hand or by a hand-held implement.
- F.** A person shall not possess wildlife lawfully held under this Section for more than 60 days.
- G.** The exemptions granted under this Section shall not apply to any person who, by their own action, has unlawfully injured, orphaned, or otherwise debilitated the wildlife.
- H.** If the wildlife is rehabilitated and suitable for release, the person who possesses the wildlife shall release it within the 60-day period established under subsection (C):
1. Into a habitat that is suitable to sustain the wildlife, or
 2. As close as possible to the same geographic area from where it was taken.
- I.** If the wildlife is not rehabilitated within the 60-day period or the wildlife requires care normally provided by a veterinarian, the person who possesses it shall:

1. Transfer it to a wildlife rehabilitation license holder or veterinarian;
2. Euthanize it; or
3. Obtain a wildlife holding permit as established under R12-4-417.

R12-4-428. Captivity Standards

- A. For the purposes of this Section, "animal" means any wildlife possessed under a special license, unless otherwise indicated.
- B. A person possessing wildlife under a special license authorized under this Article shall comply with the minimum standards for the humane treatment of animals established under this Section.
- C. A person possessing wildlife under an authority granted under this Article shall ensure all facilities meet the following minimum standards:
 1. The facility shall be:
 - a. Constructed of material of sufficient strength to resist any force the animal may be capable of exerting against it.
 - b. Constructed in a manner designed to reasonably prevent the animal's escape or the entry of unauthorized persons, wildlife, or domestic animals.
 - c. Constructed and maintained in good ~~repair~~ condition to protect animals from injury, disease, or death and to enable the humane practices established under this Section.
 2. If electricity is required to comply with related requirements established under this Section, each facility shall be equipped with safe, reliable and adequate electric power.
 - a. All electric wiring shall be constructed and maintained in accordance with all applicable governmental building codes.
 - b. Electrical construction and maintenance shall be sufficient to ensure that no animal has direct contact with any electrical wiring or electrical apparatus, and the animal is fully protected from any possibility of injury, shock, or electrocution.
 3. Each animal shall be supplied with sufficient potable water to meet its needs.
 - a. All water receptacles shall be kept in clean and sanitary condition.
 - b. Water shall be readily available and monitored at least once daily or more often when the needs of the animal or environmental conditions dictate.
 - c. If potable water is not accessible to the animal at all times, it shall be provided as often as necessary for the health and comfort of the animal.
 4. Food shall be suitable, wholesome, palatable, free from contamination, and of sufficient appeal, quantity, and nutritive value to maintain the good health of each animal held in the facility.
 - a. Each animal's diet shall be prepared based upon the nutritional needs and preferences of the animal with consideration for the animal's age, species, condition, ~~health~~, size, and all veterinary directions or recommendations in regard to diet.
 - b. Each animal shall be fed as often as its needs dictate, taking into consideration behavioral adaptations,

- veterinary treatment or recommendations, normal fasts, or other professionally accepted humane practices.
- c. The ~~quantity or level~~ amount of available food for each animal shall be monitored at least once daily, except for those periods of time when ~~professionally accepted humane practices~~ species specific fasting protocols dictate that the animal should not consume any food during the entire day.
 - d. Food and food receptacles, when used, shall be sufficient in quantity and accessible to all animals in the facility and shall be placed to minimize potential contamination and conflict between animals using the receptacles.
 - e. Food receptacles shall be kept clean and sanitary at all times.
 - f. Any self-feeding food receptacles shall function properly and the food they provide shall be monitored at least once daily and shall not be subject to deterioration, contamination, molding, caking, or any other process that would render the food unsafe or unpalatable for the animal.
 - g. An appropriate means of refrigeration shall be provided for supplies of perishable animal foods.
5. The facility shall be kept sanitary and regularly cleaned as the nature of the animal requires:
 - a. Adequate provision shall be made for the removal and disposal of animal waste, food waste, unusable bedding materials, trash, debris and dead animals not intended for food.
 - b. The facility shall be maintained to minimize the potential of parasite, pest, and vermin infestation, disease, and unseemly odors.
 - c. Excreta shall be removed from the primary enclosure facility as often as necessary to prevent contamination, minimize hazard of disease, and reduce unseemly odors.
 - d. The sanitary condition of the facility shall be monitored at least once daily.
 - e. When the facility is cleaned by hosing, flushing, or the introduction of any chemical substances, adequate measures shall be taken to ensure the animal has no direct contact with any chemical substance and is not directly sprayed with water, steam, or chemical substances or otherwise wetted involuntarily.
 6. A sanitary and humane method shall be provided to rapidly eliminate excess water from the facility. If drains are utilized, they shall be:
 - a. Properly constructed.
 - b. Kept in good ~~repair~~ condition to avoid foul odors or parasite, pest, or vermin infestation.
 - c. Installed in a manner that prevents the backup or accumulation of debris or sewage.
 7. No animal shall be exposed to any human activity or environment that may have an inhumane or harmful effect upon the animal or that is inconsistent with the purpose of the special license.
 8. Facilities shall not be constructed or maintained in proximity to any physical condition which may pose any health threat or unnecessary stress to the animal.
 9. Persons caring for the animals shall conduct themselves in a manner that prevents the spread of disease, minimizes stress, and does not threaten the health of the animal.
 10. All animals housed in the same facility or within the same enclosed area shall be compatible and shall not pose a substantial threat to the health, life or well-being of any other animal in the same facility or enclosure,

whether or not the other animals are held under a special license. This subsection shall not apply to live animals utilized as food items in the enclosures.

11. Facilities for the enclosure of animals shall be constructed and maintained to provide sufficient space to allow each animal adequate freedom of movement to make normal postural and social adjustments.
 - a. The facility area shall be large enough and constructed in a manner to allow the animal proper and adequate exercise as is characteristic to each animal's natural behavior and physical needs.
 - b. Facilities for digging or burrowing animals shall have secure safe floors below materials supplied for digging or burrowing activity.
 - c. Animals that naturally climb or perch shall be provided with safe and adequate climbing or perching apparatus.
 - d. Animals that naturally live in an aquatic environment shall be supplied with sufficient access to safe water so as to meet their aquatic behavioral needs.
 - e. The facility and holding environment shall be structured to reasonably promote the physical and psychological well-being of any animal held in the facility.
12. A special license holder shall ensure that a sufficient number of properly trained personnel are utilized to meet all the humane husbandry practices established under this Section. The license holder shall be responsible for the actions of all animal care personnel and all other persons that come in contact with the animals.
13. The special license holder shall designate a veterinarian licensed to practice in this state as the primary treating veterinarian for each species of animal to be held.
 - a. The license holder shall ensure that all animals in their care receive proper, adequate, and humane veterinary care as the needs of each animal dictate.
 - b. Each animal held for more than one year shall be inspected by the attending veterinarian at least once every year. The inspection report shall demonstrate the veterinarian inspected the health of the animal and the condition of its enclosure.
 - c. Every animal shall promptly receive licensed veterinary care whenever it appears that the animal is injured, sick, wounded, diseased, infected by parasites, or behaving in a substantially abnormal manner, including but not limited to exhibiting loss of appetite, abnormal weight loss or ~~disinclination to normal physical activity~~ lethargy.
 - d. All medications, treatments and other directions prescribed by the attending veterinarian shall be properly administered by the license holder, authorized agent, or volunteer. A license holder, authorized agent, or volunteer shall not administer prescription medicine, unless under the direction of a veterinarian.
14. Any animal that is suspected of or diagnosed as harboring any infectious or transmissible disease, whether or not the animal is held under a special license, shall be isolated immediately upon suspicion or diagnosis.
 - a. The isolated animal shall continue to be kept in a humane manner as required under this Section.
 - b. When there is an animal with an infectious or transmissible disease in any animal facility, whether or

not the animal is held under a special license, the facility shall be sanitized so as to reasonably eliminate the chance of other animals being exposed to infection. Sanitation procedures may include, but are not limited to:

- i. Washing facilities or animal-related materials with appropriate ~~antibacterial chemical agents~~ disinfectants, soaps or detergents;
 - ii. Appropriate application of hot water or steam under pressure; and
 - iii. Replacement of gravel, dirt, sand, water, or food.
 - vi. All residue of chemical agents utilized in the sanitation process shall be reasonably eliminated from the facility before any animal is returned to the facility.
- c. Parasites, pests, and vermin shall be controlled and eliminated so as to ensure the continued health and well-being of all animals.
- D.** In addition the standards established under subsection (C), a person shall ensure all indoor facilities meet the following minimum standards:
1. Heating and cooling equipment shall be sufficient to regulate the temperature of the facility to ~~protect the animals from optimal~~ zone of the species being held to provide a healthy, comfortable, and humane living environment.
 2. Indoor facilities shall be adequately ventilated with fresh air to provide for the healthy, comfortable, and humane keeping of any animal and to minimize drafts, odors, and moisture condensation.
 3. Indoor facilities shall have lighting of a quality, distribution, and duration as is appropriate for the biological needs of the animals held and to facilitate the inspection and maintenance of the facility.
 - a. Artificial lighting, when used, shall be utilized in regular cycles as the animal's needs dictate.
 - b. Lighting shall be designed to protect the animals from excessive or otherwise harmful aspects of illumination.
- E.** In addition the standards established under subsection (C), a person shall ensure that all outdoor facilities meet the following minimum standards:
1. Sufficient shade to prevent the overheating or discomfort of any animal shall be provided.
 2. Sufficient shelter appropriate to protect animals from normal climatic conditions throughout the year.
 3. Each animal shall be acclimated to outdoor climatic conditions before they are housed in any outdoor facility or otherwise exposed to the extremes of climate.
- F.** A person who handles an animal shall ensure the animal is handled in an expeditious and careful manner to ensure no unnecessary discomfort, behavioral stress, or physical harm to the animal.
- ~~a.~~1. An animal shall be transported in a secure, expeditious, careful, temperature appropriate, and humane manner. An animal shall not be transported in any manner that poses a substantial threat to the life, health, or behavioral well-being of the animal.
- ~~b.~~2. An animal placed on public exhibit or educational display shall be handled in a manner that minimizes the risk of harm to members of the public and to the animal, which includes but is not limited to providing and maintaining a sufficient distance or barrier between the animal and the viewing public.

e.3. Any restraint or equipment used on an animal shall not cause physical harm or unnecessary discomfort.

- G. The Department may impose additional requirements on facilities that hold animals to meet the needs of the particular animal and ensure public health and safety. ~~Any additional special license facility requirements shall be set forth in writing by the Department at the time the special license is issued.~~

R12-4-430. Importation, Handling, and Possession of Cervids

- A. The Department shall not issue a new special license authorizing the possession of a live cervid, except as provided under R12-4-418 and R12-4-420.
- B. A person shall not import a live cervid into Arizona, except a zoo license holder may import any live nonnative cervid for exhibit, educational display, or propagation provided the nonnative cervid is quarantined for 30 days upon arrival and is procured from a facility that meets all of the following requirements:
1. The exporting facility has a disease surveillance program and no history of chronic wasting disease or other wildlife disease that pose a serious health risk to wildlife or humans and there is accompanying documentation from the facility certifying there is no history of disease at the facility **or within 50 miles of the facility**;
 2. The nonnative cervid is accompanied by a health certificate, issued no more than 30 days prior to importation by a licensed veterinarian in the jurisdiction of origin; and
 3. The nonnative cervid is accompanied by evidence of lawful possession, as defined under R12-4-401.
- C. A person shall not transport a live cervid within Arizona, except to:
1. Export the live cervid from Arizona for a lawful purpose;
 2. Transport the live cervid to a facility for the purpose of slaughter, when the slaughter will take place within five days of the date of transport;
 3. Transport the live cervid to or from a licensed veterinarian for medical care;
 4. Transport the live cervid to a new holding facility owned by, or under the control of, the cervid owner, when all of the following apply:
 - a. The current holding facility has been sold or closed;
 - b. Ownership, possession, custody, or control of the cervid will not be transferred to another person; and
 - c. The owner of the cervid has prior written approval from the Department; or
 5. Transport the live nonnative cervid within Arizona for the purpose of procurement or propagation when all of the following apply:
 - a. The nonnative cervid is transported to or from a zoo licensed under R12-4-420;
 - b. The nonnative cervid is quarantined for 30 days upon arrival at its destination;
 - c. The nonnative cervid is procured from a facility that meets all of the requirements established under subsection (B)(1) through (B)(3).
- D. A person who lawfully possesses a live cervid, except any cervid held under a private game farm or zoo license, shall comply with the requirements established under R12-4-425.
- E. A person shall comply with the requirements established under R12-4-305 when transporting a cervid carcass, or

its parts, from a licensed private game farm.

- F. In addition to the recordkeeping requirements of R12-4-413 and R12-4-420, a person who possesses a live cervid under a private game farm or zoo license shall:
1. Permanently mark each live cervid with either an individually identifiable microchip or tattoo within 30 days of acquisition or birth of the cervid and ensure each cervid is marked with an ear tag that identifies the farm of origin in a manner that is clearly visible from a distance of 100 feet; ~~and~~
 2. Report the death of any cervid to the Department within seven calendar days of the finding the cervid.
 - ~~2.3.~~ Include in the annual report submitted to the Department before January 31 of each year, the following for each native cervid in the license holder's possession:
 - a. Name of the license holder,
 - b. License holder's mailing address,
 - c. License holder's telephone number,
 - d. Number and species of live cervids held,
 - e. The microchip or tattoo number of each live native cervid held,
 - f. The disposition of all cervids that were moved or died during the current reporting period,
 - g. The results of chronic wasting disease testing for all cervids one year of age and older that die during the current reporting period.
 - h. The license holder shall also submit copies of all veterinary care records that occurred during the previous year. ~~and~~
 - ~~h.i.~~ Any other information required by the Department to ensure compliance with this Section.
- G. The holder of a private game farm, scientific ~~collecting~~ activity, ~~or~~ zoo license, or a person possessing a cervid under R12-4-425, shall ensure that the retropharyngeal lymph nodes or obex from the head of a cervid over one year of age that dies while held under the special licenses is collected by either a licensed veterinarian or the Department and submitted within 72 hours of the time of death to an Animal and Plant Health Inspection Service certified veterinary diagnostic laboratory for chronic wasting disease analysis. A list of approved laboratories is available at any Department office and ~~online at~~ www.azgfd.gov ~~on the Department's website~~ or www.aphis.usda.gov. The license holder shall:
1. Ensure the shipment of the deceased animal's tissues is made by a common, private, or contract carrier that utilizes a tracking number system to track the shipment.
 2. Include all of the following information with the shipment of the deceased animal's tissues, the license holder's:
 - a. Name,
 - b. Mailing address, and
 - c. Telephone number.
 3. Designate, on the sample submission form, test results shall be sent to the Department within 10 days of completing the analysis. The sample submission form is furnished by the diagnostic laboratory providing the test.

4. Be responsible for all costs associated with the laboratory analysis.
5. Notify the Department within 72 hours of receiving a suspect or positive result.

H. A person who possesses a cervid shall comply with all procedures for:

1. Tuberculosis control and eradication for cervids as prescribed under the United States Department of Agriculture publication "Bovine Tuberculosis Eradication: Uniform Methods and Rules" USDA APHIS 91-45-011, revised January 1, 2005, which is incorporated by reference in this Section.
2. Prevention, control, and eradication of Brucellosis in cervids as prescribed under the United States Department of Agriculture publication "Brucellosis in Cervidae: Uniform Methods and Rules" U.S.D.A. A.P.H.I.S. 91-45-16, effective September 30, 2003.
3. The incorporated material is available at any Department office, online at www.aphis.usda.gov, or may be ordered from the USDA APHIS Veterinary Services, Cattle Disease and Surveillance Staff, P. O. Box 96464, Washington D.C. 20090-6464.
4. The material incorporated by reference in this Section does not include any later amendments or editions.

I. A person who possesses a cervid shall maintain records required under this Section for a period of at least five years and shall make the records available for inspection to the Department upon request.

I.J. The Department has the authority to seize, euthanize, and dispose of any cervid possessed in violation of this Section, at the owner's expense.