

# NOTICES OF SUPPLEMENTAL PROPOSED RULEMAKING

After an agency has filed a Notice of Proposed Rulemaking with the Secretary of State's Office for *Register* publication and filing and the agency decides to prepare a Notice of Supplemental Proposed Rulemaking for submission to the Office, the Secretary of State shall publish the Notice under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.). Publication of the Notice of Supplemental Proposed Rulemaking shall appear in the *Register* before holding any oral proceedings (A.R.S. § 41-1022).

## NOTICE OF SUPPLEMENTAL PROPOSED RULEMAKING

### TITLE 12. NATURAL RESOURCES

#### CHAPTER 4. GAME AND FISH COMMISSION

##### PREAMBLE

**1. Register citation and date for the original Notice of Proposed Rulemaking:**

Notice of Proposed Rulemaking: 6 A.A.R. 2669, July 14, 2000

**2. Sections Affected**

R12-4-316

**Rulemaking Action**

Amend

**3. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. § 17-231(A)(1)

Implementing statutes: A.R.S. §§ 17-231(A)(3), 17-301(C), and 17-306

**4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Mark E. Naugle, Manager, Rules and Risk Management

Address: Arizona Game and Fish Department DORR  
2221 West Greenway Road  
Phoenix, AZ 85023-4399

Telephone: (602) 789-3289

Fax: (602) 789-3677

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

Scientific research indicates that the introduction of non-native crayfish into Arizona's managed and natural waters has had a negative impact on native species, aquatic ecosystems, and sportfish. Arizona is the only state without naturally occurring crayfish. Two non-native species, the northern crayfish and the red swamp crayfish, have been introduced into Arizona waters and have caused major ecosystem impacts. Now widespread in canals, streams, ponds, and lakes, non-native crayfish have increasingly caused significant habitat damage and have negatively impacted other aquatic biota. Non-native crayfish are drastically changing Arizona's aquatic ecosystems, making them less habitable for other species.

Crayfish are detrimental to Arizona's native aquatic communities and sportfish; they selectively forage on invertebrates, aquatic vegetation, and various life stages of vertebrates, and they compete with fish and other aquatic species for food and shelter. In addition, their burrowing behavior degrades water quality, erodes the food base, limits vegetation growth, and makes it difficult for sight-feeding fish like trout to feed. Major reductions in populations of invertebrates, amphibians, turtles, native fish, and some sportfish can be attributed to the introduction of crayfish. In addition, crayfish negatively impact sportfish and their habitats, potentially reducing the number of angler days available to Arizona anglers, and thereby Agency revenues.

Live crayfish are currently available from bait stores, some grocery markets, and pet stores. They are thought to be most commonly spread in the wild via illegal bait-bucket introductions from anglers and by the disposal of unwanted pets. The rulemaking will reduce the threat posed by non-native crayfish to Arizona's aquatic ecosystems by restricting the use, transport, and importation of live crayfish as bait. The rulemaking will reduce the threat posed by non-native crayfish to Arizona's aquatic ecosystems by restricting the use of live crayfish as bait. Specifically, the rule will be amended as follows:

Notices of Supplemental Proposed Rulemaking

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

Amendments to this rule are established to help control and lessen the probability of existing and new crayfish species from being released in waters where they could establish populations that compete with existing sportfish and native aquatic wildlife populations. With the information and data available, the Agency has determined that additional controls are necessary to better manage non-native crayfish populations in Arizona's waters. Anglers can continue to use live crayfish as bait when used in the same waters where captured; however, the proposed amendment will prohibit the transportation of live crayfish between bodies of water except for the portion of La Paz County west of Highway 95 and south of Interstate 10; Yuma County and on the Colorado River from the Palo Verde Diversion Dam downstream to the Southern international boundary with Mexico.

**6. An explanation of the substantial change which resulted in this supplemental notice:**

At their October 21, 2000, meeting, the Arizona Game and Fish Commission directed the Department to modify the final proposed rule to include an exemption pertaining to the possession and transportation of live crayfish in the Yuma area. In summary, the possession, transportation, and importation of live crayfish would be prohibited statewide, except for the portion of La Paz County west of Highway 95 and south of Interstate 10; Yuma County and on the Colorado River from the Palo Verde Diversion Dam downstream to the Southern international boundary with Mexico.

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

Not applicable

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

Individuals directly affected by the proposed rulemaking include crayfish bait anglers, crayfish consumers, the public, and aquatic researchers. There will be no direct cost to the Agency, and any costs incurred by persons affected by the proposed rulemaking will be minimal.

Anglers will no longer be able to purchase live crayfish from minnow dealers or pet shops for use as bait, and will only be allowed to use live crayfish as bait in the waters where taken, except for the portion of La Paz County west of Highway 95 and south of Interstate 10; Yuma County and on the Colorado River from the Palo Verde Diversion Dam downstream to the Southern international boundary with Mexico.

The proposed rulemaking will benefit sportfish anglers, the general public, and aquatic researchers. The proposed changes will help slow the spread of non-native crayfish in managed and natural waters, will protect existing sportfish and aquatic ecosystems, and will bring awareness to the issue of aquatic invasive species.

**9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Terry B. Johnson  
Nongame Branch Chief  
Arizona Game and Fish Department  
2221 West Greenway Road  
Phoenix AZ 85023-4399  
(602) 789-3507

Larry Riley  
Fisheries Branch Chief  
Arizona Game and Fish Department  
2221 West Greenway Road  
Phoenix AZ 85023-4399  
(602) 789-3258

**10. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

The Arizona Game and Fish Commission will hold a public hearing and may take action to amend the rule on:

**Date:** Saturday, February 24, 2001

**Time:** To be announced. The Commission Meeting Agenda will be available to the public on February 9, 2001. Copies of the Commission Meeting Agenda may be obtained by contacting the following person:

Mark E. Naugle, Manager, Rules and Risk Management  
Arizona Game and Fish Department DORR  
2221 West Greenway Road  
Phoenix, AZ 85023-4399

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Telephone: (602) 789-3289  
Location: Arizona Game and Fish Department  
Yuma Regional Office  
9140 East County 10 1/2 Street  
Yuma, Arizona

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, or this document in an alternative format, by contacting the AGFD Deputy Director, 2221 W. Greenway Rd., Phoenix, AZ 85023, (602) 789-3290. Requests should be made as early as possible to allow sufficient time to arrange for accommodation.

The Arizona Game and Fish Department (AGFD) prohibits discrimination on the basis of race, color, sex, national origin, age, or disability in its programs and activities. If anyone believes that they have been discriminated against in any of the AGFD's programs or activities, including its employment practices, the individual may file a complaint alleging discrimination directly with the AGFD Deputy Director, 2221 W. Greenway Rd., Phoenix, AZ 85023, (602) 789-3290 or U.S. Fish and Wildlife Service, 4040 N. Fairfax Dr., Ste. 130, Arlington, VA 22203.

**11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

Not applicable

**12. Incorporations by reference and their location in the rules:**

None

**13. The full text of the rules follows:**

**TITLE 12. NATURAL RESOURCES**

**CHAPTER 4. GAME AND FISH COMMISSION**

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

R12-4-316. Possession, transportation, and importation of live baitfish, crayfish, and waterdogs

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

**R12-4-316. Possession, transportation, and importation of live baitfish, crayfish, and waterdogs**

- A. Persons may possess live baitfish, crayfish, and waterdogs ~~may be possessed~~ alive for use as live bait only in accordance with ~~the restrictions of~~ this rule and R12-4-313.
- B. Persons may possess and transport the following live baitfish ~~may be possessed and transported~~ alive for personal use as live bait. Persons possessing a valid Arizona fishing license may import these live baitfish from California and Nevada without accompanying documentation certifying the fish are free of disease, or they may import these live baitfish from any other state if they have in possession certification that the fish are free of Furunculosis.
  - 1. Fathead minnow, (*Pimephales promelas*);
  - 2. Mosquitofish, (*Gambusia affinis*);
  - 3. Red shiner, (*Notropis lutrensis*);
  - 4. Threadfin shad, (*Dorosoma petenense*);
  - 5. Golden shiners (*Notemigonus crysoleucas*);
  - 6. Goldfish (*Carassius auratus*).
- C. Persons possessing a valid Arizona fishing license may import, transport and possess live waterdogs for personal use as bait, 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.
- D. ~~Persons possessing a valid Arizona fishing license may~~ shall not import, transport, move between waters, or ~~and~~ possess live crayfish for personal use as live bait except as allowed in Article 4, and except for the portion of La Paz County west of Highway 95 and south of Interstate 10; Yuma County and on the Colorado River from the Palo Verde Diversion Dam downstream to the Southern international boundary with Mexico.
- E. Persons may trap or capture live crayfish as provided in R12-4-313. They may use live crayfish as bait only in the body of water where trapped or captured, not in an adjacent body of water, except for the portion of La Paz County west of Highway 95 and south of Interstate 10; Yuma County and on the Colorado River from the Palo Verde Diversion Dam downstream to the Southern international boundary with Mexico.
- F. Persons shall not transport crayfish alive from the site where taken except for the portion of La Paz County west of Highway 95 and south of Interstate 10; Yuma County and on the Colorado River from the Palo Verde Diversion Dam downstream to the Southern international boundary with Mexico.
- G. This rule is effective May 25, 2001.