

## NOTICES OF EXEMPT RULEMAKING

The Administrative Procedure Act requires the *Register* publication of the rules adopted by the state's agencies under an exemption from all or part of the Administrative Procedure Act. Some of these rules are exempted by A.R.S. §§ 41-1005 or 41-1057; other rules are exempted by other statutes; rules of the Corporation Commission are exempt from Attorney General review pursuant to a court decision as determined by the Corporation Commission.

### NOTICE OF EXEMPT RULEMAKING

#### TITLE 12. NATURAL RESOURCES

#### CHAPTER 4. GAME AND FISH COMMISSION

*Editor's Note: The following Notice of Exempt Rulemaking was reviewed per Laws 2009, 3rd Special Session, Ch. 7, § 28. (See the text of § 28 at 15 A.A.R. 1942, November 20, 2009.) The Governor's Office authorized the notice to proceed through the rulemaking process on November 30, 2009.*

[R11-40]

#### PREAMBLE

**1. Sections Affected**

R12-4-801  
R12-4-802  
R12-4-803  
R12-4-804

**Rulemaking Action**

Amend  
Amend  
Amend  
Amend

**2. The statutory 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 statute: A.R.S. § 17-231(B)(2)

Exempt from the requirements of Title 41, Chapter 6, Article 3 under A.R.S. § 41-1005(A)(2)

**3. The effective date of the rules:**

June 20, 2011

**4. A list of all previous notices appearing in the *Register* addressing the exempt rule:**

None

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

Name: Celeste Cook  
Address: 5000 W. Carefree Highway  
Phoenix, AZ 85086  
Telephone: (623) 236-7390  
Fax: (623) 236-7677  
E-mail: ccook@azgfd.gov

Please visit the AZGFD web site to track progress of this rule and any other agency rulemaking matters at [http://www.azgfd.gov/inside\\_azgfd/rules/rulemaking\\_updates.shtml](http://www.azgfd.gov/inside_azgfd/rules/rulemaking_updates.shtml).

**6. An explanation of the rule, including the agency's reasons for initiating the rule, including the statutory citation to the exemption from regular rulemaking procedures:**

Laws 2009, 3rd Special Session, Ch. 7, § 28(B)(3) allows an agency to pursue rulemaking to prevent a threat to the public health, peace, or safety; Section (B)(6) allows an agency to pursue rulemaking for a rule or other item that is exempt from A.R.S. Title 41, Chapter 6, pursuant to A.R.S. § 41-1005, Arizona Revised Statutes. On November 30, 2009, the Governor's office approved the Department's request to pursue exempt rulemaking for Article 8.

R12-4-801 describes the general provisions that apply to wildlife areas and Department property. The effective date is in the past, making this language obsolete. The Department amends this rule to remove the effective date of the rule.

Notices of Exempt Rulemaking

R12-4-802 establishes allowable and prohibited recreational activities for wildlife areas and Department property. The Department amends this rule to provide this information in a consistent format and to establish the following new restrictions:

Cluff Ranch Wildlife Area - Close Pond #3 to the discharge of all firearms. The pond has an open shoreline and a fishing dock that extends 75 feet into the water. Shooting shotgun or rim fire weapons create a hazard to the public because individuals can fire across the Pond from most any location. Reporting parties complain that individuals shooting at random targets are endangering their safety. In one instance, a resident complained that individuals were shooting firearms over the resident's house. In addition, individuals shooting firearms have damaged Department signs and structures. The loss of sport hunting is minimal as the Pond is not a popular hunting location and the primary recreation activities, camping, fishing, swimming, etc., dominate its use.

Lamar Haines Wildlife Area - Prohibit open fires. This restriction will reflect current restrictions in place, due to lack of seasonal rainfall, at the adjoining Coconino National Park.

Raymond Wildlife Area - Clarify that off-road travel is authorized only when picking up lawfully taken big game animals. Unauthorized off-road travel can damage or destroy vegetation and create ruts, which lead to erosion problems. Allowing vehicular travel on designated roads allows the wildlife area manager the flexibility to close roads when they are too wet for vehicle travel. This will also reduce Department road maintenance costs.

Sunflower Flat Wildlife Area - This wildlife area is dedicated to preserving high elevation wetland habitat for waterfowl; it is 160 acres in size and 120 of its acres is ephemeral wetland. Because Sunflower Flat Wildlife Area is ephemeral wetland, it is more susceptible to wildfires when the vegetation is dry. Since the Department does not allow camping, there is no reason to allow fires within the wildlife area. Currently there are no roads within Sunflower Flat Wildlife Area. Closing the area to all vehicles will protect sensitive wetland habitat and vegetation from damage caused by cross-country travel. The same damage to the wetland can occur while retrieving big game. For this reason, all motor vehicle travel is prohibited within the boundary of the Sunflower Flat Wildlife Area.

R12-4-803 provides descriptions of wildlife area boundaries. Wildlife areas are open to the public and are used for recreational activities; such as fishing and hunting when authorized by the Commission, camping, hiking, and viewing live wildlife in their natural habitat. The Department amends this rule to amend the Arlington Wildlife Area description to incorporate recently acquired Richardson, Gable, and Rousseau properties. In addition, an internal review of the Department's wildlife area boundary descriptions determined that parcels were omitted from the initial boundary descriptions for the Allan Severson Memorial, Chevelon Creek, and Raymond Ranch Wildlife Areas. The Department amends these rules to incorporate those parcels.

R12-4-804 establishes general provisions and application requirements for individuals or entities wishing to conduct solicitation activities or events on Department property. The Department amended the entire rule to group related information to make the rule easier to understand, more concise, and repeal language that binds the Department as administrative rules are meant to regulate the public and not the agency.

Changes are also made to ensure conformity to Arizona Administrative Procedures Act, Secretary of State, and Governor's Regulatory Review Council rulemaking format and style requirements.

This rulemaking is exempt from the regular rulemaking process under A.R.S. § 41-1005(A)(2).

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

Not applicable

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

Not applicable

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

Exempt under A.R.S. § 41-1005(A)(2).

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

Not applicable

11. **A summary of the comments made regarding the rule and the agency response to them:**

Not applicable

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

Not applicable

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

Not applicable

Notices of Exempt Rulemaking

**14. Was this rule previously made as an emergency rule? If so, please indicate the *Register* citation:**

Not applicable

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

**TITLE 12. NATURAL RESOURCES**

**CHAPTER 4. GAME AND FISH COMMISSION**

**ARTICLE 8. WILDLIFE AREAS AND DEPARTMENT PROPERTY**

Section

- R12-4-801. General Provisions
- R12-4-802. Wildlife Area Restrictions
- R12-4-803. Wildlife Area Boundary Descriptions
- R12-4-804. Public Solicitation or Event on Department Property

**ARTICLE 8. WILDLIFE AREAS AND DEPARTMENT PROPERTY**

**R12-4-801. General Provisions**

- A. Wildlife areas shall be established to:
  - 1. Provide protective measures for wildlife, habitat, or both; ~~and~~
  - 2. No change
  - 3. No change
- B. Wildlife areas shall be:
  - 1. Lands owned or leased by the Commission and managed by the Department; ~~or~~
  - 2. Federally-owned lands of unique wildlife habitat where cooperative agreements provide wildlife management and research implementation; or
  - 3. No change
- C. No change
- D. No change
  - 1. No change
  - 2. No change
  - 3. No change
  - 4. No change
- E. No change
- F. No change
- G. No change
- ~~H. Effective May 1, 2000.~~

**R12-4-802. Wildlife Area Restrictions**

No person shall violate the following restrictions on Wildlife Areas:

- 1. Alamo Wildlife Area (located in Units 16A and 44A):
  - a. No change
  - b. No change
  - c. No change
  - d. Open to all hunting ~~in season~~ as permitted under R12-4-304 and R12-4-318.
- 2. Allen Severson Wildlife Area (located in Unit 3B):
  - a. No change
  - b. No change
  - c. No change
  - d. No change
  - e. Open to all hunting ~~in season~~ as permitted under R12-4-304 and R12-4-318, except posted portions closed to hunting from April 1 ~~to~~ through July 31 annually.
- 3. Aravaipa Canyon Wildlife Area (located in Units 31 and 32):
  - a. No change
  - b. No change
  - c. Open to all hunting ~~in season with bow and arrow only~~ as permitted under R12-4-304 and R12-4-318.
- 4. Arlington Wildlife Area (located in Unit 39):
  - a. No change
  - b. No change

Notices of Exempt Rulemaking

- c. No change
  - d. ~~Target or clay bird shooting permitted in designated areas only~~ Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. ~~Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only~~ Target or clay bird shooting permitted in designated areas only.
  - f. No change
  - g. Open to all hunting ~~in season~~ as permitted under R12-4-304 and R12-4-318.
5. Base and Meridan Wildlife Area (located in Units 39, 26M, and 47M):
- a. No change
  - b. No change
  - c. No change
  - d. No change
  - e. No change
  - f. ~~Open to hunting in season~~ No target or clay bird shooting.
  - g. ~~No target or clay bird shooting~~ Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
6. Becker Lake Wildlife Area (located in Unit 1):
- a. No change
  - b. No change
  - c. No change
  - d. No change
  - e. Posted portions closed to public entry from December ~~to~~ through July 31 annually.
  - f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to public entry. Legal weapons restricted to shotguns shooting shot and bow and arrow.
7. Bog Hole Wildlife Area (located in Unit 35B):
- a. No change
  - b. No change
  - c. No change
  - d. No change
  - e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
8. Chevelon Canyon Ranches Wildlife Area (located in Unit 4A):
- a. No change
  - b. No change
  - c. No change
  - d. Motorized vehicle travel permitted on designated roads only, except as permitted ~~by~~ under R12-4-110(G). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
9. Chevelon Creek Wildlife Area (located in Unit 4B):
- a. No change
  - b. No change
  - c. No change
  - d. Motorized vehicle travel permitted on designated roads only, except as permitted ~~by~~ under R12-4-110(G). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. No change
  - f. No change
  - g. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to hunting from October 1 ~~to~~ through February 1 annually.
10. Cibola Valley Conservation and Wildlife Area (located in unit 43A):
- a. No open fires ~~allowed~~.
  - b. No firewood cutting or gathering ~~allowed~~.
  - c. No overnight public camping ~~allowed~~.
  - d. Motorized vehicle travel permitted on designated roads ~~and only for the purpose of retrieving lawfully taken big game animals~~, except as permitted under R12-4-110(G). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to public entry.
  - f. ~~Legal weapons restricted to shotguns shooting shot and bow and arrow.~~

Notices of Exempt Rulemaking

11. No change
  - a. No change
  - b. No change
12. Cluff Ranch Wildlife Area (located in Unit 31):
  - a. No change
  - b. No change
  - c. No change
  - d. No change
  - e. No change
  - f. Posted portions around Pond Three closed to discharge of all firearms.
  - ~~f.g.~~ Closed to discharge of centerfire rifled firearms.
  - ~~g.h.~~ Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
13. Colorado River Nature Center Wildlife Area (located in Unit 15D):
  - a. No change
  - b. No change
  - c. No change
  - d. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only prohibited except as permitted under R12-4-110(G). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. No change
14. House Rock Wildlife Area (located in Unit 12A):
  - a. No change
  - b. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
15. Jacques Marsh Wildlife Area (located in Unit 3B):
  - a. No change
  - b. No change
  - c. No change
  - d. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
  - ~~e.~~ Legal weapons restricted to shotguns shooting shot and bow and arrow.
16. Lamar Haines Wildlife Area (located in Unit 7):
  - ~~a.~~ No open fires.
  - ~~a.b.~~ No firewood cutting or gathering.
  - ~~b.c.~~ No overnight public camping.
  - ~~e.d.~~ No motorized vehicles. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - ~~d.e.~~ Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
17. Luna Lake Wildlife Area (located in Unit 1):
  - a. No change
  - b. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except when closed to hunting from April 1 to through July 31 annually.
18. Mitty Lake Wildlife Area (located in Unit 43B):
  - a. No change
  - b. No change
  - c. No change
  - d. No change
  - e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to hunting from November 15 to through February 15 annually.
19. Powers Butte (Mumme Farm) Wildlife Area (located in Unit 39):
  - a. No change
  - b. No change
  - c. No change
  - d. No change
  - e. No change
  - f. Open to hunting in season If conducted during an event approved under R12-4-804, target or clay bird shooting in permitted designated areas only.
  - ~~g.~~ If conducted during an event approved under R12-4-804, target or clay bird shooting in permitted designated areas only Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
20. Quigley Wildlife Area (located in Unit 41):

Notices of Exempt Rulemaking

- a. No change
  - b. No change
  - c. No change
  - d. No change
  - e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to hunting from September 1 ~~to~~ through March 31 annually.
21. Raymond Wildlife Area (located in Unit 5B):
- a. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only, except as permitted under R12-4-110(G). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - b. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
22. Robbins Butte Wildlife Area (located in Unit 39):
- a. No change
  - b. No change
  - c. No change
  - d. No change
  - e. No change
  - f. If conducted during an event approved under R12-4-804, target or ~~clay bird~~ clay bird shooting permitted in designated areas only.
  - g. No change
  - h. No change
  - i. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
23. Roosevelt Lake Wildlife Area (located in Units 22, 23, and 24B):
- a. No change
  - b. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to hunting from November 15 ~~to~~ through February 15 annually.
24. Santa Rita Wildlife Area (located in Unit 34A):
- a. Motorized vehicle travel permitted on designated roads as permitted ~~by~~ under R12-5-533(D).
  - b. Open to all hunting as permitted ~~by~~ under R12-4-304 and R12-4-318, except that the take of wildlife with firearms is prohibited from March 1 ~~to~~ through August 31.
  - c. No change
25. Sipe White Mountain Wildlife Area (located in Unit 1):
- a. No change
  - b. No change
  - c. No change
  - d. Motorized vehicle travel permitted on designated roads only, except as permitted ~~by~~ under R12-4-110(G). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. No change
  - f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
26. No change
- a. No change
  - b. No change
  - c. No change
  - d. No change
  - e. No change
27. Sunflower Flat Wildlife Area (located in Unit 8):
- a. No open fires.
  - ~~a-b.~~ No overnight public camping.
  - ~~b-c.~~ No motorized vehicle travel ~~permitted on designated roads, on designated trails, or in designated areas only. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.~~
  - ~~e-d.~~ Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
28. Three Bar Wildlife Area (located in Unit 22): Open to hunting in season, except the area within the fenced enclosure inside the loop formed by Tonto National Forest Road 647, also known as the Walnut Canyon Enclosure, which is closed to hunting, unless otherwise provided ~~by~~ under Commission Order.
29. Tucson Mountain Wildlife Area (located in Unit 38M):
- a. No change
  - b. Open to all hunting in season ~~with bow and arrow only~~ as permitted under R12-4-304 and R12-4-318.

Notices of Exempt Rulemaking

- c. No change
- 30. Upper Verde River Wildlife Area (located in Unit 8 and 19A):
  - a. ~~No firewood cutting or gathering~~ No open fires.
  - b. ~~No open fires~~ No firewood cutting or gathering.
  - c. No change
  - d. No change
  - e. ~~Open to hunting in season~~ Closed to discharge of firearms within a one mile radius of visitor parking area.
  - f. ~~Closed to discharge of firearms within mile radius of visitor parking area~~ Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
  - g. No change
- 31. Wenima Wildlife Area (located in Unit 2B):
  - a. No change
  - b. No change
  - c. No change
  - d. Motorized vehicle travel permitted on designated roads only, except as permitted ~~by~~ under R12-4-110(G). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - e. No change
  - f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
- 32. White Mountain Grasslands Wildlife Area (located in Unit 1):
  - a. No change
  - b. No change
  - c. Motorized vehicle travel permitted on designated roads only, except as permitted ~~by~~ under R12-4-110(G). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
  - d. No change
  - e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
- 33. Whitewater Draw Wildlife Area (located in Unit 30B):
  - a. No change
  - b. No change
  - c. No change
  - d. ~~Closed to discharge of centerfire rifled firearms~~ Posted portions closed to public entry from October 15 through March 15 annually.
  - e. ~~Posted portions closed to public entry from October 15 to March 15 annually~~ Closed to discharge of centerfire rifled firearms.
  - f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to hunting from October 15 through March 15 annually.
- 34. Willcox Playa Wildlife Area (located in Unit 30A):
  - a. Open fires allowed in designated ~~sites~~ areas only.
  - b. No change
  - c. No change
  - d. No change
  - e. No change
  - f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to hunting from October 15 through March 15 annually.

**R12-4-803. Wildlife Area Boundary Descriptions**

Wildlife Areas are described as follows:

- 1. No change
- 2. Allen Severson Memorial Wildlife Area: The Allen Severson Memorial Wildlife Area shall be that area including Pintail Lake and South Marsh lying within the fenced and posted portions of:
  - ~~T10N T11N~~, R22E
  - Section 32, SE1/4;
  - Section 33, S1/2SW1/4.
  - ~~T11N T10N~~, R22E
  - Section 4, N1/2NW1/4.
  - T10N, R22E
  - Section 4: the posted portion of the NW1/4SW1/4.
  - All in G&SRB&M, Navajo County, Arizona, consisting of approximately 300 acres.
- 3. No change

Notices of Exempt Rulemaking

4. Arlington Wildlife Area: The Arlington Wildlife Area shall be those areas described as:  
T1S, R5W  
Section 33, E1/2SE1/4.  
T2S, R5W  
Section 3, W1/2W1/2;  
Section 4, E1/2, and Parcel 401-58-001A as described by the Maricopa County Assessor's Office;  
~~Section 9, E1/2, SW1/4, NW1/4;~~  
Section 15, those portions of S1/2N1/2 and NW1/2SW1/4 lying west of the primary through road;  
Section 16;  
Section 21, E1/2, E1/2SW1/4, SE1/4NW1/4, 25 acres in the NE1/4NW1/4 and Parcel 401-61-008D as described by the Maricopa County Assessor's Office.  
All in G&SRB&M, Maricopa County, Arizona.
5. No change
6. No change
7. No change
8. Chevelon Canyon Ranches Wildlife Area: The Chevelon Canyon Ranches Wildlife Area shall be those areas described as:  
Duran Ranch: T12N, R14E  
Sections 6 and 7, more particularly bounded and described as follows: Beginning at Corner No. 1, from which the Standard Corner to Section 31 in T13N, R14E and Section 36 T13N, R13E, bears North 11°41' West 21.53 chains distant; thence South 26°5' East 6.80 chains to Corner No. 2; thence South 66° West 12.74 chains to Corner No. 3; thence South 19°16' West 13.72 chains to Corner No. 4; thence South 29°1' West 50.02 chains to Corner No. 5; thence North 64°15' West five chains to Corner No. 6; thence North 28°54' East 67.97 chains to Corner No. 7; thence North 55°36' East 11.02 to Corner No. 1; the place of beginning, all in G&SRB&M, Coconino County, Arizona.  
Dye Ranch: T12N, R14E  
Sections 9 and 16, more particularly described as follows: Beginning at Corner No. 1 from which the Standard corner to Sections 32 and 33 in T13N, R14E, bears North 2° 24' East 127.19 chains distant; thence South 50°20' East 4.96 chains to corner No. 2; thence South 29°48' West 21.97 chains to Corner No. 3; thence South 14°45' West 21.00 chains to Corner No. 4; thence North 76°23' West 3.49 chains to Corner No. 5; thence North 10°13' West 14.02 chains to Corner No. 6; thence North 19°41' East 8.92 chains to Corner No. 7; thence North 38°2' East 24.79 chains to Corner No. 1, the place of beginning, all in G&SRB&M, Coconino County, Arizona.  
Tillman Ranch: T12N, R14E  
~~Sections 9 and 10~~ Land included in H.E. Survey No. 200 embracing a portion of approximately Sections 9 and 10 in T12N R14E of the Gila and Salt River Base and Meridian.  
All in G&SRB&M, Coconino County, Arizona.  
Vincent Ranch: T12N, R13E  
Sections 3 and 4, more particularly described as follows: Begin at corner No. 1, from which the South 1/4 corner to Sec. 33, T13N, R13E, bears North 40°53' West 16.94 chains distance; thence South 53° 08' East 2.98 chains to corner No. 2; thence South 11°26' West 6.19 chains to corner No. 3; thence South 49°43' West 22.41 chains to corner No. 4; thence South 22°45' West 30.03 chains to corner No. 5; thence North 67°35' West 6.00 chains to corner No. 6; thence North 23° East 30.03 chains to corner No. 7; thence North 42°18' East 21.19 chains to corner No. 8; thence North 57°52' East 8.40 chains to corner No. 1, the place of beginning, all in G&SRB&M, Coconino County, Arizona.  
Wolf Ranch: T12N, R14E  
Sections 18 and 19, more particularly bounded and described as follows: Beginning at Corner No. 1, from which the U.S. Location Monument No. 184 H. E. S. bears South 88°53' East 4.41 chains distant; thence South 34°4' East 11.19 chains to Corner No. 2; thence South 40°31' West 31.7 chains to Corner No. 3; thence South 63°3' West 7.97 chains to Corner No. 4; thence South 23°15' West 10.69 chains to Corner No. 5; thence North 59° West 2.60 chains to Corner No. 6; thence North 18°45' East 10.80 chains to Corner No. 7; thence North 51°26' East 8.95 chains to Corner No. 8; thence North 30°19' East 34.37 chains to Corner No. 1; the place of beginning, all in G&SRB&M, Coconino County, Arizona.
9. Chevelon Creek Wildlife Area: The Chevelon Creek Wildlife Area shall be ~~that area lying in the NE1/4 Section 26, and E1/2 of Section 23, all in T18N, R17E, G&SRB&M, Navajo County, Arizona, consisting of approximately 668 acres- those areas described as:~~  
Parcel 1: The South half of the South half of the Northwest quarter and the Southwest quarter of Section 23, Township 18 North, Range 17 East of the Gila and Salt River Base and Meridian;  
Parcel 2: Lots 1, 2, 3 and 4 of Section 26, Township 18 North, Range 17 East of the Gila and Salt River Base and Meridian;



Notices of Exempt Rulemaking

Parcel 1: That portion of the Northeast Quarter of Section 26 lying Northerly of Chevelon Creek Estates East Side No. 1 Amended, according to the plat of record in Book 5 of Plats, page 35, records of Navajo County, Arizona, all in Township 18 North, Range 17 East of the Gila and Salt River Base and Meridian, Navajo County, Arizona.

Parcel 2: That part of Tract A, CHEVELON CREEK ESTATES EAST SIDE NO. 1 AMENDED, according to the plat of record in Book 5 of Plats, page 35, records of Navajo County, Arizona lying Northerly of the following described line: BEGINNING at the Southwest corner of Lot 3 of said subdivision; thence Southwesterly in a straight line to the Southwest corner of Lot 6 of said subdivision.

10. No change
11. No change
12. No change
13. No change
14. No change
15. No change
16. No change
17. No change
18. No change
19. No change
20. No change
21. Raymond Ranch Wildlife Area: The Raymond Ranch Wildlife Area is that area described as: All of Sections 24, 25, 26, 34, 35, 36, and the portions of Sections 27, 28, and 33 lying east of the following described line: Beginning at the west one-quarter corner of Section 33; thence northeasterly through the one-quarter corner common to Sections 28 and 33, one-quarter corner common to Sections 27 and 28 to the north one-quarter corner of Section 27 all in T19N, R11E. All of Sections 15, 16, 17, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34 all in T19N, R12E, all in G&SRB&M, Coconino County, Arizona.
22. No change
23. No change
24. No change
25. No change
26. No change
27. No change
28. No change
29. No change
30. No change
31. No change
32. No change
33. No change
34. No change

**R12-4-804. Public Solicitation or Event on Department Property**

- A.** For the purposes of In addition to the definitions provided in A.R.S. §§ 17-101, the following definitions apply to this Section, the following definitions apply:
1. ~~“Applicant” means a person who makes application to the Department to conduct a solicitation or event on Department property;~~
  2. ~~“Certificate of insurance” means an official document issued by the solicitor’s or event organizer’s insurance carrier providing coverage for the solicitor or event organizer for general commercial, professional, workers compensation (if applicable), auto, real, and personal property liability coverage determined by the Director as adequate for the solicitation or event activities;~~
  3. ~~“Department” means the Arizona Game and Fish Department;~~
  4. ~~“Department property” means those buildings or grounds under the jurisdiction of the Arizona Game and Fish Commission;~~
  5. ~~“Director” means the Director of the Arizona Game and Fish Department or the Director’s designated agent;~~
  6. ~~“Person” has the meaning set forth in A.R.S. § 1-215;~~
  7. ~~“Solicitation” means any activity that may be considered or interpreted as promoting, selling, or transferring products, services, memberships, or causes, or for participation in an event or activity of any kind, including organizational, educational, public affairs, or protest activities. The distribution or posting of advertising, handbills, leaflets, circulars, posters, or other printed materials for these purposes constitutes solicitation;~~
  8. ~~“Solicitation material” means advertising, circulars, flyers, handbills, leaflets, posters, or other printed information;~~
  9. ~~“Solicitor” means the person or persons conducting a solicitation;~~
  10. ~~“Work site” means any location on Department property where employees conduct the daily business of the Department. Eating areas and break rooms are work sites.~~

Notices of Exempt Rulemaking

- ~~B.~~ All Department property is designated as a non-public forum and shall be closed to solicitation and events unless permitted by the Director.
- ~~C.~~ Hours of use for Department property shall be as designated by facility.
- ~~D.~~ A person who would like to conduct a solicitation or event on Department property shall apply for a permit by completing and filing submitting, either in person or by mail, a Department approved solicitation or event application form, available from all Department offices.
  - ~~1.~~ An applicant shall submit a completed application form for a solicitation or event to either a Regional Department office or to Department Headquarters, Director's Office, at 2221 W. Greenway Rd., Phoenix, AZ 85023, whichever is appropriate for the solicitation or event venue.
  - ~~2.~~ To allow for the Department to review the application and the applicant to comply with permit requirements, an applicant shall submit an application at least 14 days prior to the scheduled date of the a solicitation or event for all solicitations other than the posting of advertising, handbills, leaflets, circulars, posters, or other printed materials.
  - ~~3.~~ An applicant shall submit an application at least 10 days prior to the scheduled date of a solicitation or event for the posting of advertising, handbills, leaflets, circulars, posters, or other printed materials.
  - ~~4.~~ The Director shall approve or deny an application within 10 business days of the receipt of the completed application.
- ~~E.~~ A completed solicitation or event application is one that is submitted on a Department form specified in subsection (D); and one that is legible and contains, at a minimum, all of the following information:
  - ~~1.~~ The name, address, and telephone number of the applicant;
  - ~~2.~~ Applicant's e-mail address, if available;
  - ~~3.~~ A contact person, if the applicant is an organization;
  - ~~4.~~ The proposed date of the solicitation or event and the starting and approximate concluding times;
  - ~~5.~~ The specific, proposed location for the solicitation or event;
  - ~~6.~~ A general description of the solicitation or event's purpose;
  - ~~7.~~ Anticipated number of attendees, if applicable;
  - ~~8.~~ Amount of fees, if any, that attendees will be charged;
  - ~~9.~~ A detailed description of any activity that will occur at the solicitation or event, including a detailed layout of the solicitation or event and any props that will be used (for example, tents, tables, etc.);
  - ~~10.~~ Copies of any solicitation materials to be distributed to the public or posted on Department property.
- ~~F.~~ The Department shall ensure that an application for a solicitation or event on Department property includes provisions to protect the state from liability due to the solicitation or event. The Department shall also ensure that an application includes provisions to protect the Department from costs due to the solicitation or event, solicitation or event cleanup, or solicitation or event damage repair. The Department shall inspect the solicitation or event site at the conclusion of activities and document any damage or cleanup costs incurred as a result of the solicitation or event. The Department shall hold an applicant responsible for any cleanup or damage costs associated with the solicitation or event.
- ~~G.~~ A solicitation or event is not considered scheduled or approved until the applicant is notified in writing by the Department.
- ~~H.~~ A solicitation or event permit shall not be issued earlier than six months prior to the solicitation or event.
- ~~I.~~ The Department reserves the right at all times to immediately remove, or cause to be removed, any and all items of the solicitation or event that would damage state property, inhibit egress, or pose safety issues. The Department also reserves the right to immediately remove, or cause to be removed, any and all solicitors or event organizers or attendees who are found to be damaging state property, inhibiting egress, or posing safety issues.
- ~~J.~~ The Director may take one or more of the following actions to the extent it is necessary and in the best interests of the state:
  - ~~1.~~ Impose additional conditions not specified in this Section on the conduct of the solicitation or event in the permit;
  - ~~2.~~ Require the applicant to post a deposit against damage and cleanup expense;
  - ~~3.~~ Require the applicant to carry adequate liability insurance and provide a certificate of insurance; and
  - ~~4.~~ Require the applicant to provide medical support, sanitary services (including toilets), and security.
- ~~K.~~ The Director may consider the following criteria to determine whether one or more of the actions in subsection (J) is necessary and in the best interests of the state:
  - ~~1.~~ Previous experience with similar solicitations or events;
  - ~~2.~~ Deposits required for similar solicitations or events in Arizona;
  - ~~3.~~ Risk data;
  - ~~4.~~ Medical, sanitary, and security services required for similar solicitations or events in Arizona and the cost of those services; and
  - ~~5.~~ The applicant's ability to pay a deposit, an insurance premium, or a service provider.
- ~~L.~~ The Department shall not provide insurance or guarantee against damage to equipment or personal property of any person using Department property for a solicitation or event.
- ~~M.~~ If the Director requires insurance for a solicitation or event, the applicant shall list the state of Arizona and the Arizona Game and Fish Department as additional insured entities.

Notices of Exempt Rulemaking

- ~~N.~~ The applicant is liable to the Department for any damage done to Department property and for any expense arising out of the solicitor's or event organizer's use of Department property.
- ~~O.~~ The Director shall deny an application for one or more of the following reasons:
- ~~1. The solicitation or event interferes with the work of an employee or the daily business of the agency;~~
  - ~~2. The solicitation or event conflicts with the time, place, manner, or duration of other events or solicitations for which applications have been approved or are pending;~~
  - ~~3. The content of the solicitation or event is unrelated to the Department's activities or its mission;~~
  - ~~4. The solicitation or event creates a risk of injury or illness to persons or risk of damage to property; and~~
  - ~~5. The applicant has not complied with the requirements of the application process or this Section.~~
- ~~P.~~ When the Director denies an application, the Department shall send the applicant a written notice explaining:
- ~~1. The reason for denial;~~
  - ~~2. The applicant's right to seek a hearing under A.R.S. § 41-1092 et seq., to appeal the denial; and~~
  - ~~3. The time periods for appealing the denial.~~
- ~~Q.~~ The Director may revoke a permit for an approved application due to emergency circumstances, or for an applicant's failure to comply with this Section or other applicable laws. When the Director revokes a permit, the Department shall send the applicant written notice explaining the reason for revocation.
- ~~R.~~ An applicant who is denied a solicitation or event permit, or whose solicitation or event permit is revoked, may appeal to the Commission as provided under A.R.S. § 41-1092, et seq.
- ~~S.~~ A person shall not conduct partisan political activity on Department property or in Department work sites.
- ~~T.~~ A person shall not post solicitation material on Department property without obtaining a permit from the Department. Solicitation material shall be posted only in designated posting areas.
- ~~U.~~ A solicitor or event organizer bringing a vehicle onto Department property shall only park in designated parking areas.
- ~~V.~~ A solicitor or event organizer on Department property shall follow all posted requirements and restrictions and shall designate one monitor for every 50 persons expected to be in attendance at a solicitation or event. The monitor shall act as a contact person for the Department for the purposes of the solicitation or event.
- ~~W.~~ A solicitor or event organizer shall ensure that all safety standards, guidelines, and requirements are followed when conducting a solicitation or event on Department property. The solicitor or event organizer shall implement additional safety requirements upon request by the Department. If an applicant fails to comply with a safety requirement or request from the Department, the Department shall cancel or terminate the solicitation or event. At a minimum, a solicitor or event organizer shall comply with the following safety requirements:
- ~~1. All activities shall be performed in compliance with federal, state, and local laws, ordinances, statutes, rules, and regulations, including those of OSHA;~~
  - ~~2. Layout of the solicitation or event shall ensure that emergency vehicles will have access at all times;~~
  - ~~3. An applicant shall allow the Department to make periodic safety checks throughout the solicitation or event;~~
  - ~~4. Obstructions and hazards shall be eliminated;~~
  - ~~5. Trash and waste disposal is required throughout the solicitation or event.~~
- ~~X.~~ A solicitor or event organizer shall ensure that a solicitation or event on Department property causes a minimum amount of degradation of Department property and a minimum infringement of use to the general public and government operation. A solicitor or event organizer shall modify or terminate a solicitation or event, upon request by the Department, if the solicitation or event is found to exceed acceptable limits of degradation or infringement on Department property.
- ~~Y.~~ An applicant shall not allow solicitors or event organizers or attendees to bring alcoholic beverages onto the solicitation or event site.
- ~~Z.~~ An applicant shall be responsible for furnishing all necessary labor, material, and equipment for a solicitation or event.
- ~~AA.~~ This Section does not apply to government agencies.
- A. In addition to the definitions provided under A.R.S. § 17-101, the following definitions apply to this Section, unless otherwise specified:
- "Applicant" means a person who submits to the Department an application to conduct a solicitation or event on Department property.
- "Certificate of insurance" means an official document issued by the solicitor's or event organizer's insurance carrier providing coverage for the solicitor or event organizer for general commercial, professional, workers compensation, auto, real, and personal property liability coverage determined by the Department as adequate for the solicitation or event activities.
- "Department property" means those buildings or grounds under the jurisdiction of the Arizona Game and Fish Commission.
- "Person" has the meaning as provided under A.R.S. § 1-215.
- "Solicitation" means any activity that may be considered or interpreted as promoting, selling, or transferring products, services, memberships, or causes, or for participation in an event or activity of any kind, including organizational, educational, public affairs, or protest activities, including the distribution or posting of advertising, handbills,

**Notices of Exempt Rulemaking**

leaflets, circulars, posters, or other printed materials for these purposes.

“Solicitation material” means advertising, circulars, flyers, handbills, leaflets, posters, or other printed information.

“Solicitor” means the person or persons conducting a solicitation or event.

“Work-site” means any location on Department property where employees conduct the daily business of the Department, including eating areas and break rooms.

- B.** All Department property is a non-public forum, closed to all types of solicitation and events unless permitted by the Department. A person shall not:
1. Conduct partisan political activity on Department property or in Department work-sites.
  2. Post solicitation material on Department property without express written permission from the Department.
  3. Schedule or conduct a solicitation or event on state property without express written permission from the Department.
- C.** Any person who would like to conduct a solicitation on state property may apply for a solicitation or event permit by submitting a completed solicitation or event application to any Department office or Department Headquarters, Director’s Office, at 5000 W. Carefree Hwy, Phoenix, AZ 85086, whichever is appropriate for the solicitation or event venue. The application is furnished by the Department and is available at all Department offices.
1. An applicant shall apply for a solicitation or event permit no more than six months prior to the solicitation or event.
  2. An applicant shall submit an application at least:
    - a. Fourteen days prior to the desired date of the solicitation or event for solicitations other than the posting of advertising, handbills, leaflets, circulars, posters, or other printed materials.
    - b. Ten days prior to the desired date of the solicitation or event for solicitations involving only the posting of advertising, handbills, leaflets, circulars, posters, or other printed materials.
  3. An applicant shall provide all of the following information on the application:
    - a. Applicant’s name, address, and telephone number;
    - b. Applicant’s e-mail address, when available;
    - c. Contact person’s name and telephone number, when the applicant is an organization;
    - d. Proposed date of the solicitation or event;
    - e. Specific, proposed location for the solicitation or event;
    - f. Starting and approximate concluding times;
    - g. General description of the solicitation or event’s purpose;
    - h. Anticipated number of attendees, when applicable;
    - i. Amount of fees the applicant will charge attendees, when applicable;
    - j. Detailed description of any activity that will occur at the solicitation or event, including a detailed map of the solicitation or event and any equipment that will be used, e.g., tents, tables, etc.; and
    - k. Copies of any solicitation materials the applicant will distribute to the public or post on Department property.
  4. The applicant’s signature on the application certifies that the applicant:
    - a. Assumes risk of injury to persons or property;
    - b. Agrees to hold harmless the state of Arizona, its officials, employees, and agents against all claims arising from the use of Department facilities;
    - c. Assumes responsibility for any damages or clean up costs due to the solicitation or event, solicitation or event cleanup, or solicitation or event damage repair; and
    - d. Agrees to surrender the premises in a clean and orderly condition.
  5. An applicant who is required to provide insurance for a solicitation or event shall list the state of Arizona and the Arizona Game and Fish Department as additional insured entities.
- D.** The Department may take any of the following actions to the extent it is necessary and in the best interest of the state:
1. Require the applicant to post a deposit against damage and cleanup expense;
  2. Require the applicant to carry adequate liability insurance and provide a certificate of insurance;
  3. Require the applicant to provide medical support, sanitary services (including public restrooms), and security; and
  4. Impose additional conditions not specified under this Section on the conduct of the solicitation or event in the permit.
- E.** The Department may consider the following criteria to determine whether any of the actions in subsection (D) are necessary and in the best interest of the state:
1. Previous experience with similar solicitations or events;
  2. Deposits required for similar solicitations or events in Arizona;
  3. Risk data;
  4. Medical, sanitary, and security services required for similar solicitations or events in Arizona and the cost of those services; and
  5. The applicant’s ability to pay a deposit, an insurance premium, or a service provider.
- F.** The Department shall not provide insurance or guarantee against damage to equipment or personal property of any person using Department property for a solicitation or event.
- G.** The facility shall designate the hours of use for Department property.
- H.** The Department shall inspect the solicitation or event site at the conclusion of activities and document any damage or

**Notices of Exempt Rulemaking**

cleanup costs incurred because of the solicitation or event. The applicant shall be responsible for any cleanup or damage costs associated with the solicitation or event.

- I.** An applicant shall not allow solicitors or event organizers or attendees to bring alcoholic beverages onto the solicitation or event site.
- J.** The Department shall approve or deny an application within 10 business days of the receipt of the completed application. The Department shall deny an application for any of the following reasons:
  - 1. The solicitation or event interferes with the work of an employee or the daily business of the agency;
  - 2. The solicitation or event conflicts with the time, place, manner, or duration of other approved or pending solicitations or events;
  - 3. The content of the solicitation or event is unrelated to the Department's activities or its mission;
  - 4. The solicitation or event creates a risk of injury or illness to persons or risk of damage to property; or
  - 5. The applicant has not complied with the requirements of the application process or this Section.
- K.** The Department may revoke a permit for an approved application due to emergency circumstances or for an applicant's failure to comply with this Section or other applicable laws.
- L.** The Department shall send written notice, to an applicant denied a solicitation or event permit or whose solicitation or event permit is revoked, providing:
  - 1. The reason for the denial or revocation, and
  - 2. The applicant's right to seek a hearing under A.R.S. § 41-1092 et seq.
- M.** A solicitor or event organizer shall be responsible for furnishing all necessary labor, material, and equipment for a solicitation or event.
- N.** A solicitor or event organizer shall post solicitation material only in designated posting areas.
- O.** A solicitor or event organizer is liable to the Department for damage to Department property and any expense arising out of the solicitor's or event organizer's use of Department property.
- P.** A solicitor or event organizer shall ensure that a solicitation or event on Department property causes the least amount of degradation of Department property and the minimum infringement of use to the public and government operation. A solicitor or event organizer shall modify or terminate a solicitation or event, upon request by the Department, if the Department determines that the solicitation or event is found to exceed acceptable limits of degradation or infringement on Department property.
- Q.** When conducting an event on Department property, a solicitor or event organizer shall:
  - 1. Park vehicles in designated parking areas.
  - 2. Obey all posted requirements and restrictions.
  - 3. Designate one person to act as a monitor for every 50 persons anticipated to attend the solicitation or event. The monitor shall act as a contact person for the Department for the purposes of the solicitation or event.
  - 4. Ensure that all safety standards, guidelines, and requirements are followed.
  - 5. Implement additional safety requirements upon request by the Department.
  - 6. Ensure all obstructions and hazards are eliminated.
  - 7. Ensure trash and waste is disposed of throughout the solicitation or event.
- R.** At all times, the Department reserves the right to immediately remove or cause to be removed all items of the solicitation or event that could damage state property, inhibit egress, or poses a safety issue. The Department also reserves the right to immediately remove or cause to be removed all solicitors, event organizers, or attendees damaging state property, inhibiting egress, or posing a threat to public health and safety.
- S.** The Department shall cancel or terminate the solicitation or event if a solicitor or event organizer fails to comply with a Department request or the following minimum safety requirements:
  - 1. All solicitation or event activities shall comply with all applicable federal, state, and local laws, ordinances, statutes, rules, and regulations, including those of OSHA.
  - 2. The layout of the solicitation or event shall ensure that emergency vehicles will have access at all times.
  - 3. The Department may conduct periodic safety checks throughout the solicitation or event.
- T.** This Section does not apply to government agencies.

Notices of Exempt Rulemaking

NOTICE OF EXEMPT RULEMAKING

TITLE 12. NATURAL RESOURCES

CHAPTER 5. STATE LAND DEPARTMENT

*Editor's Note: The following Notice of Exempt Rulemaking was exempt from Laws 2010, Ch. 287, § 18. (See the text of § 18 on page 816.)*

[R11-41]

**PREAMBLE**

- 1. Sections Affected**  
Article 12  
R12-5-1201
- Rulemaking Action**  
New Article  
New Section
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**  
Authorizing statute: A.R.S. §§ 37-107(A) and 37-132(A)(1)  
Implementing statute: A.R.S. § 37-107(A)
- 3. The effective date of the rules:**  
April 22, 2011
- 4. A list of all previous notices appearing in the Register addressing the exempt rule:**  
Not applicable
- 5. The name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: Rozanna Sedillo, Interim Director  
Land Information, Title & Transfer Division  
  
Address: Arizona State Land Department  
1616 W. Adams St.  
Phoenix, AZ 85007  
  
Telephone: (602) 542-2504  
Fax: (602) 542-5208  
E-mail: rsedillo@land.az.gov
- 6. An explanation of the rule, including the agency's reasons for initiating the rule, including the statutory citation to the exemption from regular rulemaking procedures:**  
A.R.S. § 37-108 authorized the State Land Department ("Department") to charge specific fees for application, permit, transaction, appraisal, service, filing and document fees for transactions related to the selling, leasing, annexation, conveyance, exchange, right-of-way and use of state lands or products of state lands. With the passing of S.B. 1195 (Laws 2010, 49th Legislature, 2nd Regular Session, Ch. 243), A.R.S. § 37-108 is repealed and A.R.S. § 37-107 is amended. S.B. 1195 also requires the State Land Commissioner to prescribe by rule the fees collected by the Department for its functions relating to the management of State Trust lands with a few caveats:
  1. The Department is exempt from the rulemaking process for one year to establish the fees (sec. 18).
  2. The fees have to remain at the level previously allowed by law. For FY 2009, FY 2010, and FY 2011, the Commissioner was allowed to increase most fees to offset budget reductions. SB 1195 allows these increased fees to continue (sec. 18).
  3. Future changes to the fees have to be reviewed by the Joint Legislative Budget Committee (sec. 3).This exempt rulemaking packet is to establish existing fees per this recent legislation.  
As required in S.B. 1195, on April 14, 2011 the subject rule was presented to the Joint Legislative Budget Committee and they provided a favorable review.
- 7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**  
SB 1195 provides an exemption from the rulemaking requirements to continue existing fees (sec. 18). The Department does not have the flexibility to alter the fees through the exempt rulemaking process and did not perform any study besides ensuring existing fees are continued.

Notices of Exempt Rulemaking

**8. 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:**

The rule will not diminish the authority of any political subdivision of this state.

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

The Arizona State Land Department manages 9.3 million acres of state-owned "Trust" lands. These lands were granted to the state of Arizona under the provisions of the 1910 federal Enabling Act that provided for Arizona's statehood in 1912. The lands are held in Trust for various beneficiaries including the common schools (K-12) and 12 other institutions. The Trust's beneficiaries receive revenue from leasing, selling, or using State Trust land and its resources.

Trust land management activities to earn revenue can be divided into three categories: (1) surface uses (grazing, agricultural, commercial, and rights-of-way); (2) subsurface uses (mineral and precious metal extraction); and, (3) land and natural products sales (i.e. timber, rock, sand, and gravel). These activities along with others can only be applied for on a form prescribed and furnished by the Department with a filing fee. These fees are only charged to those individuals, private companies, government agencies and other entities who do business with or apply to do business with the State Land Department.

For FY 2010, the Department expended about \$11.1 million on Trust activities and collected about \$1.8 million from fees. Of this fee revenue, about \$750,000 was from the fees included in this rule. The remaining fee revenue is from a selling and administrative fee that continues to be prescribed by statute (A.R.S. § 37-107(B)). Therefore, the Department receives less than 1/5th of its operating budget from fees. The remaining operating funds come from a portion of the proceeds generated by the Trust and from the State's General Fund.

The economic impact to our customers should be examined in two ways. First, establishing these fees in rule will allow more certainty for our customers regarding the fee amounts. The current fees have generally been in place since August 2008. The exception is when there was a lapse in the Commissioner's authority to set the fees due to the delayed passage of the FY 2010 budget. Setting the fees in rule will separate the fee amounts from the budget process. Second, these fees allow the Department to continue operating at its current level. Without establishing these fees in rule, the Department would not be able to collect about \$750,000 per year. An additional reduction of about 7% to the Department's budget would force additional staff reductions and inhibit the Department's ability to serve its customers.

The Land Department finds that the adoption of A.A.C. R12-5-1201 to be warranted in order to fulfill the requirements of SB 1195.

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

Not applicable

**11. A summary of the comments made regarding the rule and the agency response to them:**

The Department has reached out to its stakeholders. Since the fees are remaining at the current levels they do not object to this process.

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

Not applicable

**13. Incorporation by reference and their location in the rules:**

None

**14. Was this rule previously made as an emergency rule? If so, please indicate the *Register* citation:**

No

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

TITLE 12. NATURAL RESOURCES

CHAPTER 5. STATE LAND DEPARTMENT

**ARTICLE 12. FEES**

Section

R12-5-1201. Administrative Fees

**ARTICLE 12. FEES**

**R12-5-1201. Administrative Fees**

The State Land Department shall charge the following fees for:

**Notices of Exempt Rulemaking**

<b><u>Application Type</u></b>	<b><u>Fee</u></b>
<u>Agricultural and Grazing – New (per section or fraction thereof)</u>	<u>\$150</u>
<u>Agricultural and Grazing – Renew</u>	<u>\$200</u>
<u>Commercial – New (10 years or less)</u>	<u>\$1,000</u>
<u>Commercial – New - long term (more than 10 years)</u>	<u>\$2,000</u>
<u>Commercial – Renew (includes homesite)</u>	<u>\$1,000</u>
<u>Appraisal for long term leases and land sales</u>	<u>Actual cost</u>
<u>Complete Assignment to an entity 100% controlled by assignor <b>or family member</b></u>	<u>\$500</u>
<u>Partial assignment for long term Commercial Lease only – (more than 10 years)</u>	<u>\$2,500</u>
<u>All other assignments</u>	<u>\$1,000</u>
<u>Application to Place Improvement</u>	<u>\$150</u>
<u>Application to Place Improvement without Prior Approval</u>	<u>\$200</u>
<u>Application for Land Treatment</u>	<u>\$150</u>
<u>Special Land Use Permits – New or Renew</u>	<u>\$300</u>
<u>Non-commercial Sovereign Land Boat Dock / Launch Ramp Permit</u>	<u>\$100</u>
<u>Application to Amend General</u>	<u>\$100</u>
<u>Sublease</u>	<u>\$200</u>
<u>Amendments for Commercial Lease – 10 years or less</u>	<u>\$500</u>
<u>Amendments for Commercial Lease – long term (more than 10 years)</u>	<u>\$1,000</u>
<u>Lease Reinstatement</u>	<u>\$300</u>
<u>Replacement of lost documents</u>	<u>\$50</u>
<u>Certified copy of documents</u>	<u>\$10 + \$1 per page</u>
<u>Returned check</u>	<u>\$20</u>
<u>Miscellaneous filings: Power of Attorney, Probate Documents and Divorce Documents</u>	<u>\$50</u>
<u>Mortgage, Deed of Trust</u>	<u>\$50 per lease</u>
<u>Bond for conservation or purchase applications for conservation purposes</u>	<u>\$1,000</u>
<u>Right of Way – New or Renew</u>	<u>\$500</u>
<u>Right of Way – Amendment</u>	<u>\$100</u>
<u>Temporary Right of Entry</u>	<u>\$100</u>
<u>Application to Purchase</u>	<u>\$2,000</u>
<u>Certificate of Purchase (Issuance)</u>	<u>\$1,000</u>
<u>Patent (Issuance)</u>	<u>\$200</u>
<u>Application for Partial Patent</u>	<u>\$1,000</u>
<u>Natural Products – Commercial - Wood Products</u>	<u>\$200</u>
<u>Natural Products – Incidental Use Permit</u>	<u>\$200</u>
<u>Natural Products – Water</u>	<u>\$500</u>
<u>Mineral Materials</u>	<u>\$500</u>
<u>Minerals</u>	<u>\$500</u>
<u>Mineral Exploration (New or Renew)</u>	<u>\$500</u>
<u>Oil &amp; Gas (New or Renew)</u>	<u>\$500</u>
<u>Geothermal</u>	<u>\$500</u>
<u>Recreational Annual Use - Individual</u>	<u>\$15</u>
<u>Recreational Permits (Group) Less than 5 days, Less than 20 people</u>	<u>\$15</u>
<u>Recreational Annual Use - Immediate Family Unit (Two adults and children under the age of 18)</u>	<u>\$20</u>
<u>Urban Planning Classification</u>	<u>\$1,000</u>
<u>Urban Planning Development</u>	<u>\$1,000</u>