

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 Proposed Exempt Rulemaking was exempt from Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 1092.)

[R12-58]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action**

R12-4-801	Amend
R12-4-802	Amend
R12-4-803	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. §§ 17-231(B)(2) and 17-231(B)(3)
- 3. The effective date of the rule and the agency's reason it selected the effective date:**

June 15, 2012
The rule will become effective sixty days after filing with the Secretary of State's office as authorized under A.R.S. § 41-1032(A).
- 4. A list of all previous notices published in the Register as specified in R1-4-409(A) that pertain to the record of the exempt rulemaking:**

Not applicable
- 5. The agency's contact person who can answer questions about the rulemaking:**

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Please visit the AZGFD web site to track progress of this rule and any other agency rulemaking matters at http://www.azgfd.gov/inside_azgfd/rules/rulemaking_updates.shtml.
- 6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**

The Commission proposes to amend R12-4-801 to allow the Department to better manage the access and use of Commission-owned real property and facilities to benefit wildlife, protect Department property, and ensure public safety. The Commission proposes to amend R12-4-802 as follows: Becker Lake Wildlife Area is amended to further clarify firearm and hunting restrictions; Cibola Valley Conservation and Wildlife Area is amended to further clarify motor vehicle restrictions; Jacques Marsh Wildlife Area is amended to further clarify firearm restrictions; Raymond Wildlife Area is amended to add that overnight camping is restricted to no more than 14 consecutive days, prohibit the use of all-terrain and utility-type vehicles, and to reduce human-wildlife conflicts by requiring individuals to maintain a distance of at least 1/4 mile from the Raymond Ranch buffalo herd; and Tucson Wildlife Area is amended to further

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clarify hunting restrictions. The Commission also proposes to amend R12-4-802 to establish the new Fool Hollow Lake Wildlife Area and its associated restrictions, which includes: no open fires; no firewood cutting or gathering; no overnight public camping; no motorized vehicle travel except that permitted in designated areas on designated roads and trails; portions are closed to all public entry daily from one hour after sunset to one hour before sunrise, except for anglers possessing a valid fishing license; and open to hunting in season as permitted under R12-4-304 and R12-4-318. In addition, the Commission proposes to amend R12-4-802 to establish the Hirsch Conservation Education Area and Biscuit Tank and its conditions for public use, which is limited to activities conducted and offered by the Department and in accordance with the Department's special management objectives for the property, which include, but are not limited to, flexible harvest, season, and methods that: allow for a variety of fishing techniques, fish harvest, fish consumption, and catch and release educational experiences; maintain healthy, productive, and balanced fish grouping; and provide public education activities and training courses that are compatible with the management of aquatic wildlife.

The Commission also proposes to amend R12-4-803 to establish boundary descriptions for the new Fool Hollow Lake Wildlife Area and Hirsch Conservation Education Area and Biscuit Tank.

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.

7. **A reference to any study relevant to the rule that the agency reviewed and proposes to either rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
The agency did not rely on any study in its evaluation of or justification for the rules.
8. **A showing of good cause why the rule is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable
9. **The summary of the economic, small business, and consumer impact, if applicable:**
Exempt under A.R.S. § 41-1005(A)(1).
10. **A description of the changes between the proposed rules, including supplemental notices, and the final rulemaking package (if applicable):**
Not applicable
11. **A summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments, (if applicable):**
The agency did not receive any public or stakeholder comments about the rulemaking.
12. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules. Additional matters include but are not limited to:**
 - 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 does not require a permit.
 - 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:**
Federal law is not applicable to the subject of the rule.
 - c. **Whether a person submitted an analysis to the agency that compares the rule's impact on the competitiveness of business in this state to the impact on business in other states:**
The agency did not receive an analysis that compares the rule's impact on the competitiveness of business in this state to the impact on business in other states.
13. **A list of any incorporated material and its location in the rule:**
Not applicable
14. **Whether the rule was previously made, amended, repealed, or renumbered as an emergency rule? If so, shall state where the text changed between the emergency and exempt rulemaking packages:**
The rule was not previously made, amended, repealed, or renumbered as an emergency rule.
15. **The full text of the rules follows:**

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

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ARTICLE 8. WILDLIFE AREAS AND DEPARTMENT PROPERTY

Section

- R12-4-801. General Provisions
- R12-4-802. Wildlife Area and Other Department Managed Property Restrictions
- R12-4-803. Wildlife Area and Other Department Managed Property Boundary Descriptions

ARTICLE 8. WILDLIFE AREAS AND DEPARTMENT PROPERTY

R12-4-801. General Provisions

- A.** No change
 - 1. No change
 - 2. No change
 - 3. No change
- B.** No change
 - 1. No change
 - 2. No change
 - 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.** The Department may take action to manage the access and use of any Commission real property or facilities. Such actions may include restrictions for the timing, type, or duration of certain activities, including the prohibition of access or type of use.
- I.** No person shall access or use any Commission real property or facilities in violation of any Department actions authorized under subsection (H), if signs are posted providing notice of the restrictions.

R12-4-802. Wildlife Area and Other Department Managed Property Restrictions

- A.** 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. Motorized vehicle travel permitted on designated roads, ~~on designated~~ trails, or ~~in designated~~ areas only.
 - d. No change
 - 2. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - 3. No change
 - a. No change
 - b. No change
 - c. No change
 - 4. Arlington Wildlife Area (located in Unit 39):
 - 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.
 - e. No change
 - f. No change
 - g. No change
 - 5. Base and Meridian Wildlife Area (located in Units 39, 26M, and 47M):
 - a. No change
 - b. No change

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- c. No change
- d. Motorized vehicle travel permitted on designated roads, ~~on designated~~ trails, or ~~in designated~~ areas only.
- e. No change
- f. No change
- g. No change
- 6. Becker Lake Wildlife Area (located in Unit 1):
 - a. No change
 - b. No change
 - c. Motorized vehicle travel permitted on designated roads, ~~on designated~~ trails, or ~~in designated~~ areas only.
 - d. No change
 - e. No change
 - f. Posted portions closed to hunting.
 - g. Closed to the discharge of centerfire and rimfire rifled firearms.
 - ~~f.h.~~ Open to all other hunting in season as permitted under R12-4-304 and R12-4-318 except posted portions closed to public entry.
- 7. Bog Hole Wildlife Area (located in Unit 35B):
 - 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.
 - e. No change
- 8. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
- 9. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
- 10. Cibola Valley Conservation and Wildlife Area (located in unit 43A):
 - a. No change
 - b. No change
 - c. No change
 - d. Motorized vehicle travel permitted on designated and administrative roads only ~~except as permitted under R12-4-110(G) for the purpose of retrieving lawfully taken big game animals.~~ This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
 - e. No change
- 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. Motorized vehicle travel permitted on designated roads, ~~on designated~~ trails, or ~~in designated~~ areas only.
 - e. No change
 - f. No change
 - g. No change
 - h. No change
- 13. No change
 - a. No change
 - b. No change
 - c. No change

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- d. No change
- e. No change
- 14. Fool Hollow Lake Wildlife Area (located in Unit 3C):
 - a. No open fires.
 - b. No firewood cutting or gathering.
 - c. No overnight public camping.
 - d. Motorized vehicle travel permitted on designated roads, trails, or areas only. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
 - e. The parking area adjacent to Sixteenth Avenue and other posted portions of the wildlife area will be closed to all public entry daily from one hour after sunset to one hour before sunrise, except for anglers possessing a valid fishing license accessing Fool Hollow Lake/Show Low Creek.
 - f. Open to hunting in season as permitted under R12-4-304 and R12-4-318.
- ~~14.~~15. House Rock Wildlife Area (located in Unit 12A):
 - a. Motorized vehicle travel permitted on designated roads, ~~on designated~~ trails, or ~~in designated~~ areas only.
 - b. No change
- ~~15.~~16. Jacques Marsh Wildlife Area (located in Unit 3B):
 - a. No change
 - b. No change
 - c. No change
 - d. Closed to the discharge of centerfire and rimfire rifled firearms.
 - ~~d-e.~~ Open to all other hunting in season as permitted under R12-4-304 and R12-4-318.
- ~~16.~~17. Lamar Haines Wildlife Area (located in Unit 7):
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
- ~~17.~~18. Luna Lake Wildlife Area (located in Unit 1):
 - a. No change
 - b. No change
- ~~18.~~19. Mittry Lake Wildlife Area (located in Unit 43B):
 - 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.
 - e. No change
- ~~19.~~20. Powers Butte (Mumme Farm) Wildlife Area (located in Unit 39):
 - 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.
 - e. No change
 - f. No change
 - g. No change
- ~~20.~~21. Quigley Wildlife Area (located in Unit 41):
 - 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.
 - e. No change
- ~~21.~~22. Raymond Wildlife Area (located in Unit 5B):
 - a. Overnight public camping permitted in designated sites only, for no more than 14 consecutive days.
 - ~~a-b.~~ Motorized vehicle travel permitted on designated roads, ~~on designated~~ trails, or ~~in designated~~ areas only, except as permitted under R12-4-110(G). All-terrain and utility type vehicles are prohibited. For the purpose of this subsection, all-terrain and utility type vehicle means a motor vehicle having three or more wheels fitted with large tires and is designed chiefly for recreational use over roadless, rugged terrain. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
 - ~~b-c.~~ Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
 - d. Members of the public are prohibited from being within 1/4 mile of the Raymond Ranch buffalo herd, except

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- when hunting as authorized under subsection (A)(22)(c) or accompanied by Department personnel.
- ~~22-23~~. Robbins Butte Wildlife Area (located in Unit 39):
- 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 from one hour before sunrise to one hour after sunset daily.
 - e. No change
 - f. No change
 - g. No change
 - h. No change
 - i. No change
- ~~23-24~~. Roosevelt Lake Wildlife Area (located in Units 22, 23, and 24B):
- a. Posted portions closed to public entry from November 15 ~~to~~ through February 15 annually.
 - b. No change
- ~~24-25~~. Santa Rita Wildlife Area (located in Unit 34A):
- a. No change
 - b. No change
 - c. No change
- ~~25-26~~. Sipe White Mountain Wildlife Area (located in Unit 1):
- a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
- ~~26-27~~. Springerville Marsh Wildlife Area (located in Unit 2B):
- a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
- ~~27-28~~. Sunflower Flat Wildlife Area (located in Unit 8):
- a. No change
 - b. No change
 - c. No change
 - d. No change
- ~~28-29~~. Three Bar Wildlife Area (located in Unit 22)
- ~~29-30~~. Tucson Mountain Wildlife Area (located in Unit 38M):
- a. Closed to the discharge of all firearms.
 - b. Open to all other hunting as permitted under R12-4-304 and R12-4-318, except those portions posted as closed.
 - ~~b-c~~. No change
- ~~30-31~~. Upper Verde River Wildlife Area (located in Unit 8 and 19A):
- a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
- ~~31-32~~. Wenima Wildlife Area (located in Unit 2B):
- a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
- ~~32-33~~. White Mountain Grasslands Wildlife Area (located in Unit 1):
- a. No change

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- b. No change
- c. No change
- d. No change
- e. No change

~~33-34~~. Whitewater Draw Wildlife Area (located in Unit 30B):

- 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.
- e. No change
- f. No change

~~34-35~~. Willcox Playa Wildlife Area (located in Unit 30A):

- 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.
- e. No change
- f. No change

B. Notwithstanding Commission Order 40, public access and use of the Hirsch Conservation Education Area and Biscuit Tank is limited to activities conducted and offered by the Department and in accordance with the Department's special management objectives for the property, which include, but are not limited to, flexible harvest, season, and methods that:

- 1. Allow for a variety of fishing techniques, fish harvest, fish consumption, and catch and release educational experiences;
- 2. Maintain healthy, productive, and balanced fish grouping; and
- 3. Provide public education activities and training courses that are compatible with the management of aquatic wildlife.

R12-4-803. Wildlife Area and Other Department Managed Property Boundary Descriptions

A. Wildlife Areas are described as follows:

- 1. No change
- 2. No change
- 3. No change
- 4. No change
- 5. No change
- 6. No change
- 7. No change
- 8. No change
- 9. No change
- 10. No change
- 11. No change
- 12. No change
- 13. No change

14. Fool Hollow Lake Wildlife Area: The Fool Hollow Lake Wildlife Area shall be that area lying in those portions of the South half of Section 7 and of the North half of the North half of Section 18, T10N, R22E, G&SRB&M, described as follows: Beginning at a point on the west line of the said Section 7, a distance of 990 feet South of the West quarter corner thereof; running thence South 86 degrees 12 minutes East 2533.9 feet; thence South 41 degrees 02 minutes East 634.7 feet; thence East 800 feet; thence south 837.5 feet, more or less to the South line of the said Section 7; thence south 89 degrees 53 minutes West along the South line of Section 7 a distance of 660 feet; thence South 0 degrees 07 minutes East 164.3 feet; thence North 89 degrees 32 minutes West 804.2 feet; thence North 20 degrees 46 minutes West 670 feet; thence South 88 degrees 12 minutes West 400 feet; thence North 68 degrees 04 minutes West 692 feet; thence South 2 degrees 50 minutes West 581 feet; thence North 89 degrees 32 minutes West 400 feet; thence North 12 degrees 40 minutes West 370.1 feet, more or less, the North line of the Southwest quarter of the Southwest quarter of the Southwest quarter of said Section 7; thence West 483.2 feet, more or less, along said line to the West line of Section 7; thence North to the point of beginning.

- ~~14-15~~. No change
- ~~15-16~~. No change
- ~~16-17~~. No change
- ~~17-18~~. No change
- ~~18-19~~. No change
- ~~19-20~~. No change
- ~~20-21~~. No change

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~~21-22~~.No change
~~22-23~~.No change
~~23-24~~.No change
~~24-25~~.No change
~~25-26~~.No change
~~26-27~~.No change
~~27-28~~.No change
~~28-29~~.No change
~~29-30~~.No change
~~30-31~~.No change
~~31-32~~.No change
~~32-33~~.No change
~~33-34~~.No change
~~34-35~~.No change

B. Department Controlled Properties are described as follows: Hirsch Conservation Education Area and Biscuit Tank: The Hirsch Conservation Education Area and Biscuit Tank shall be that area lying in Section 3 T5N R2E. Beginning at the North East corner of Section 3,T5N, R2E, G&SRB&M, Maricopa County, Arizona; thence South 35d33'23.43" West 2938.12 feet; to the point of true beginning; thence South 81d31'35.45" West 147.25 feet; thence South 45d46'21.90" West 552.25 feet; thence South 21d28'21.59" West 56.77 feet; thence South 16d19'49.19" East 384.44 feet; thence South 5d27'54.02" West 73.43 feet; thence South 89d50'44.45" East 431.99 feet; thence North 4d53'57.68" West 81.99 feet; thence North 46d49'53.27" West 47.22 feet; thence North 43d3'3.68" East 83.74 feet; thence South 47d30'40.79" East 47.71 feet; thence North 76d2'59.67" East 105.91 feet; thence North 15d45'0.24" West 95.87 feet; thence North 68d48'27.79" East 69.79 feet; thence North 8d31'53.39" West 69.79 feet; thence North 30d5'32.34" East 39.8 feet; thence North 46d17'32.32" East 63.77 feet; thence North 22d17'26.17" West 517.05 feet to the point of true beginning.