



NOTICES OF FINAL EXEMPT RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Final Exempt Rulemaking.

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the

interpretation of the final exempt rule should be addressed to the agency proposing them. Refer to Item #5 to contact the person charged with the rulemaking.

NOTICE OF FINAL EXEMPT RULEMAKING

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

[R16-156]

PREAMBLE

1. **Article, Part, or Section Affected (as applicable)**
R12-4-802
R12-4-803
- Rulemaking Action**
Amend
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 41-1005(A)
3. **The effective date of the rule and the agency's reason it selected the effective date:**
October 4, 2016
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:**
Name: Celeste Cook, Rules Analyst
Address: Game and Fish Department
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 <https://www.azgfd.com/agency/rulemaking/>.
6. **An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**
An exemption from Executive Order 2015-01 was provided for this rulemaking by Ted Vogt, Chief of Operations in the Governor's office, in an e-mail dated July 29, 2015.
Under Title 41, Chapter 6, pursuant to section 41-1005(A)(1) the Commission has the authority to pursue exempt rulemaking related to the use of public works under the jurisdiction of an agency when the effect of the order is indicated to the public by means of signs or signals. "Public works" means public facilities and improvements financed by the government for the public good. Wildlife areas are comprised of lands owned or leased by the Commission, federally-owned lands of unique wildlife habitat where cooperative agreements provide wildlife management and research implementation, and any lands with property interest conveyed to the Commission through an approved land use agreement, where said property interest is sufficient for management of the lands consistent with the objectives of the wildlife area. Wildlife areas are intended to conserve and protect wildlife and to provide public recreational opportunities. The proposed amendments are intended to promote and maintain public safety and protect and enhance Arizona's diverse wildlife.
For R12-4-802. Wildlife Area and Other Department Managed Property Restrictions, the objective of the rule is to establish the restrictions applicable to the use of wildlife areas and other Commission property. The rule provides



protections to Commission-owned and -managed wildlife areas and other properties, while maximizing public access and use of those properties. Wildlife areas are intended to conserve and protect wildlife and provide public recreational opportunities. Wildlife areas provide a benefit to the general public by providing quality space for people to recreate and, when authorized by Commission Order, hunt and fish. In addition, these activities and public visitation can draw people into local communities and businesses, positively impacting local economies. The Commission proposes to amend R12-4-802 to establish restrictions for a newly acquired Commission property, Planet Ranch.

For R12-4-803. Wildlife Areas and Other Department Managed Property Boundary Descriptions, the objective of the rule is to provide the legal boundary descriptions for wildlife areas and Department Controlled properties. The Commission proposes to amend R12-4-803 to establish the boundary description for a newly acquired Commission property, Planet Ranch.

The Commission has determined the probable benefits of the rules within this state outweigh the probable costs of the rulemaking and, once the proposed amendments indicated in this rulemaking are made, the rules will impose the least burden and costs to persons regulated by Article 8 rules, including paperwork and other compliance costs necessary to achieve the underlying regulatory objective.

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 stakeholder comments made about the rulemaking and the agency response to the comments, (if applicable):**

Exempt under A.R.S. § 41-1005(A)(1).

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 the issuance of a regulatory permit, license, or agency authorization.

- 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.

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

ARTICLE 8. WILDLIFE AREAS AND DEPARTMENT PROPERTY

Section

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

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

- A. No change
1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 2. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 3. No change
 - a. No change
 - b. No change
 - c. No change
 4. No change:
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - i. No change
 - ii. No change
 5. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 6. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 7. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - 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. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
- 11. No change
 - a. No change
 - b. No change
- 12. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
- 13. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
- 14. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
- 15. No change
 - a. No change
 - b. No change
 - c. No change
- 16. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
- 17. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
- 18. No change
 - a. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change



- g. No change
- h. No change
- i. No change
- 19. No change
 - a. No change
 - b. No change
 - c. No change
- 20. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
- 21. Planet Ranch Conservation and Wildlife Area (located in Units 16A and 44A):
 - a. No open fires.
 - b. No firewood cutting or gathering.
 - c. Overnight public camping allowed in designated areas only, for no more than 14 days within a 45-day period.
 - d. Motorized vehicle travel:
 - i. Is permitted on designated roads, trails, or areas only, except as permitted under R12-4-110(H).
 - ii. Is prohibited within the posted Lower Colorado River Multi-Species Conservation Program habitat area.
 - iii. 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 hunting.
- ~~21-22.~~ No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - i. No change
 - ii. No change
- ~~22-23.~~ No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
- ~~23-24.~~ No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
- ~~24-25.~~ No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
- ~~25-26.~~ No change
 - a. No change
 - b. No change
 - c. No change
- ~~26-27.~~ No change
 - a. No change



- b. No change
- ~~27-28~~.No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
- ~~28-29~~.No change
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 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
- ~~29-30~~.No change
 - a. No change
 - b. No change
 - c. No change
- ~~30-31~~.No change
 - a. No change
 - i. No change
 - ii. No change
 - iii. No change
 - b. No change
- ~~31-32~~.No change
 - a. No change
 - b. No change
 - i. No change
 - ii. No change
 - c. No change
- ~~32-33~~.No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
- ~~33-34~~.No change
 - a. No change
 - b. No change
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 - e. No change
- ~~34-35~~.No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
- ~~35-36~~.No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
- ~~36-37~~.No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change



- e. No change
- f. No change
- B. No change
 - 1. No change
 - 2. No change
 - 3. No change

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

A. No change

B. No change

- 1. No change
- 2. No change
- 3. No change
- 4. No change
- 5. No change
- 6. No change
- 7. No change
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- 9. No change
- 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. Planet Ranch Conservation and Wildlife Area: The Planet Ranch Wildlife Area shall be those areas described as follows: Mohave County (Parcels 1 through 5) Parcel No. 1: the S1/2S1/2 of Section 28, T11N, R16W of the G&SRB&M, Mohave County, Arizona; except 1/16 of all oil, gases, and other hydrocarbon substances, coal, stone, metals, minerals, fossils and fertilizer of every name and description and except all materials which may be essential to production of fissionable material as reserved in Arizona Revised Statutes. Parcel No. 2: all of sections 32 and 34 T11N, R16W of the G&SRB&M, lying in Mohave County, Arizona; except 1/16 of all oil, gases, and other hydrocarbon substances, coal, stone, metals, minerals, fossils and fertilizer of every name and description and except all materials which may be essential to production of fissionable material as reserved in Arizona Revised Statutes. Parcel No. 3: the S1/2S1/2 of Section 27, T11N, R16W of the G&SRB&M, Mohave County, Arizona; except oil, gas, coal, and minerals as reserved in deed recorded in Book 64 of Deeds, Page 599, records of Mohave County, Arizona. Parcel No. 4: all of Section 33 and 35, T11N, R16W of the G&SRB&M, lying in Mohave County, Arizona; except oil, gas, coal, and minerals as reserved in deed recorded in Book 64 of Deeds, Page 599, records of Mohave County, Arizona. Parcel No. 5: the S1/2S1/2N1/2 and the S1/2 of Section 36, T11N, R16W of the G&SRB&M, lying in Mohave County, Arizona; except 1/16 of all oil, gases, and other hydrocarbon substances, coal, stone, metals, minerals, fossils and fertilizer of every name and description and except all materials which may be essential to production of fissionable material as reserved in Arizona Revised Statutes. La Paz County (Parcels 6 through 9) Parcel No. 6: that portion of the S1/2 of Lot 2, all of Lots 3, and 4, the S1/2SE1/4NW1/4 and the S1/2S1/2NE1/4 of Section 31, T11N, R16W of the G&SRB&M, lying in La Paz County, Arizona; except all oil, gas, coal, and minerals as set forth in instrument recorded in Book 57, of Dockets, Page 310. Parcel No. 7: all of Section 32, T11N, R16W of the G&SRB&M, lying in La Paz County, Arizona; except any part of Section 32 lying within the Copper Hill Mining Claim as shown on the Plat of Mineral Survey Number 2675; except that portion of the SW1/4 of Section 32, T11N, R16W of the G&SRB&M, lying in La Paz County, Arizona, described as follows: commencing at the S1/4 corner of Section 32; thence west along the south line of Section 32, a distance of 1270.58 feet to the point of beginning; thence north 634.31 feet; thence S 76°41'15" W a distance of 94.09 feet to the south-easterly line of the Planet Ranch Road; thence along said line S 28°55'W a distance of 101.23 feet; thence south-westerly 250.25 feet through an angle of 54°22', along a tangent curve concave to the northwest, having a radius of 263.73 feet to a point of tangency, from which a radial line bears N 07°05' W; thence along said line S 82°55' W a distance of 96.52 feet; thence westerly 184.42 feet through an angle of 17°40'14" along a tangent curve concave to the north, having a radius of 597.96 feet to a point of tangency from which a radial line bears N 10°35'14" E; thence N 79°24'46" W a distance of 260.38 feet; thence leaving the southwesterly line of said Planet Ranch Road, south a distance of 429.61 feet to the south line of said Section 32; thence south along said south line east a distance of



874.42 feet more or less back to the point of beginning; and except that portion of the SW1/4 of Section 32, T11N, R16W of the G&SRB&M, La Paz County, Arizona, described as follows: beginning at the S1/4 corner of Section 32; thence west along the south line of Section 32, a distance of 1270.58 feet; thence north a distance of 634.31 feet; thence S 76°41'15" W a distance of 214.08 feet; thence N 13°18'45" W a distance of 25 feet; thence N 76°41'15" E a distance of 220 feet; thence east a distance of 1270.58 feet; thence south a distance of 660 feet back to the point of beginning. Parcel No. 8: those portions of Sections 33, 34, and 35, T11N, R16W of the G&SRB&M, lying in La Paz County, Arizona; except an undivided 1/16 of all oil, gases, and other hydrocarbon substances, coal or stone, metals, minerals, fossils and fertilizer of every name and description, together with all uranium, thorium, or any other material which is or may be determined by the laws of the production of fissionable materials, whether or not of commercial value, as reserved by the State of Arizona in Section 37-231, Arizona Revised Statutes, and in patent of record (Section 34); also except all oil, gas, coal, and minerals as set forth in instrument recorded in Book 57 of Dockets, Page 310 (Section 33 and 35). Parcel No. 9: the S1/2S1/2N1/2 and the S1/2 of Section 36, T11N, R16W of the G&SRB&M, lying in La Paz County, Arizona; except an undivided 1/16 of all oil, gases, and other hydrocarbon substances, coal or stone, metals, minerals, fossils and fertilizer of every name and description, together with all uranium, thorium, or any other material which is or may be determined by the laws of the production of fissionable materials, whether or not of commercial value, as reserved by the State of Arizona in Section 37-231, Arizona Revised Statutes, and in patent of record.

21-22, No change

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33-34, No change

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35-36, No change

36-37, No change

C. No change