www.azsos.gov

Arizona Administrative REGISTER

Published by the Department of State ~ Office of the Secretary of State

Vol. 22, Issue 18 **~ Administrative Register Contents ~** **April 29, 2016**

Information **918**
Rulemaking Guide **919**

RULES AND RULEMAKING

Final Rulemaking, Notices of
4 A.A.C. 39 Board for Private Postsecondary Education. 921

Final Exempt Rulemaking, Notices of
12 A.A.C. 4 Game and Fish Commission. 951
18 A.A.C. 2 Department of Environmental Quality - Air Pollution Control 987

OTHER AGENCY NOTICES

Docket Opening, Notices of Rulemaking
18 A.A.C. 2 Department of Environmental Quality - Air Pollution Control 998
21 A.A.C. 7 Department of Child Safety - Child Welfare Agency Licensing. 999

GOVERNOR'S OFFICE

Governor's Executive Orders
E.O. 2016-03: Internal Review of Administrative Rules; Moratorium to Promote Job Creation and Customer-Service-Oriented Agencies 1000

Governor's Proclamations
Arizona Celtic Month 1002
Consumer Protection Week. 1002
Down Syndrome Awareness Day. 1003
Red Light Running Awareness Month 1003
Teen Dating Violence Prevention and Awareness Month 1004

INDEXES
Register Index Ledger 1005
Rulemaking Activity, Cumulative Index for 2016 1006
Other Notices and Public Records, Cumulative Index for 2016. 1008

CALENDAR/DEADLINES
Rules Effective Dates Calendar. 1010
Register Publishing Deadlines. 1012

GOVERNOR'S REGULATORY REVIEW COUNCIL
Governor's Regulatory Review Council Deadlines. 1013
Notice of Action Taken at the April 5, 2016 Meeting 1014

DIRECTOR
Public Services Division
Scott Cancelosi

PUBLISHER
Secretary of State
MICHELE REAGAN

RULES MANAGING EDITOR
Arizona Administrative Register
Rhonda Paschal

From the Publisher

ABOUT THIS PUBLICATION

The paper copy of the *Administrative Register* (A.A.R.) is the official publication for rules and rulemaking activity in the state of Arizona.

Rulemaking is defined in Arizona Revised Statues known as the Arizona Administrative Procedure Act (APA), A.R.S. Title 41, Chapter 6, Articles 1 through 10.

The Office of the Secretary of State does not interpret or enforce rules published in the *Arizona Administrative Register* or *Code*. Questions should be directed to the state agency responsible for the promulgation of the rule as provided in its published filing.

The *Register* is cited by volume and page number. Volumes are published by calendar year with issues published weekly. Page numbering continues in each weekly issue.

In addition, the *Register* contains the full text of the Governor's Executive Orders and Proclamations of general applicability, summaries of Attorney General opinions, notices of rules terminated by the agency, and the Governor's appointments of state officials and members of state boards and commissions.

ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number). Rules activity published in the *Register* includes: proposed, final, emergency, expedited, and exempt rules as defined in the APA.

Rulemakings initiated under the APA as effective on and after January 1, 1995, include the full text of the rule in the *Register*. New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

WHERE IS A "CLEAN" COPY OF THE FINAL OR EXEMPT RULE PUBLISHED IN THE *REGISTER*?

The *Arizona Administrative Code* (A.A.C) contains the codified text of rules. The A.A.C. contains rules promulgated and filed by state agencies that have been approved by the Attorney General or the Governor's Regulatory Review Council. The *Code* also contains rules exempt from the rulemaking process.

The printed *Code* is the official publication of a rule in the A.A.C. is prima facie evidence of the making, amendment, or repeal of that rule as provided by A.R.S. § 41-1012. Paper copies of rules are available by full Chapter or by subscription. The *Code* is posted online for free.

LEGAL CITATIONS AND FILING NUMBERS

On the cover: Each agency is assigned a Chapter in the *Arizona Administrative Code* under a specific Title. Titles represent broad subject areas. The Title number is listed first; with the acronym A.A.C., which stands for the *Arizona Administrative Code*; following the Chapter number and Agency name, then program name. For example, the Secretary of State has rules on rulemaking in Title 1, Chapter 1 of the *Arizona Administrative Code*. The citation for this chapter is 1 A.A.C. 1, Secretary of State, Rules and Rulemaking

Every document filed in the office is assigned a file number. This number, enclosed in brackets, is located at the top right of the published documents in the *Register*. The original filed document is available for 10 cents a copy.

Arizona Administrative REGISTER

Vol. 22 Issue 18

PUBLISHER
SECRETARY OF STATE
Michele Reagan

PUBLIC SERVICES STAFF
DIRECTOR
Scott Cancelosi

RULES MANAGING EDITOR
Rhonda Paschal

SUBSCRIPTIONS
ADMINISTRATIVE REGISTER
The printed version of the *Administrative Register* is the official publication of Arizona state agency rules.
Rates: $276 yearly
New subscriptions, renewals and address changes contact us at (602) 364-3223.

This publication is available online for free at www.azsos.gov.

ADMINISTRATIVE CODE
A price list for the *Arizona Administrative Code* is available online. You may also request a paper price list by mail. To purchase a paper Chapter, contact us at (602) 364-3223.

PUBLICATION DEADLINES
Publication dates are published in the back of the *Register*. These dates include file submittal dates with a three-week turnaround from filing to published document.

CONTACT US
The Honorable Michele Reagan
Office of the Secretary of State
1700 W. Washington Street, Fl. 7
Phoenix, AZ 85007
(602) 364-3223

The Office of the Secretary of State is an equal opportunity employer.

Participate in the Process

Look for the Agency Notice

Review (inspect) notices published in the *Arizona Administrative Register*. Many agencies maintain stakeholder lists and would be glad to inform you when they proposed changes to rules. Check an agency's website and its newsletters for news about notices and meetings.

Feel like a change should be made to a rule and an agency has not proposed changes? You can petition an agency to make, amend, or repeal a rule. The agency must respond to the petition. (See A.R.S. § 41-1033)

Attend a public hearing/meeting

Attend a public meeting that is being conducted by the agency on a Notice of Proposed Rulemaking. Public meetings may be listed in the Preamble of a Notice of Proposed Rulemaking or they may be published separately in the *Register*. Be prepared to speak, attend the meeting, and make an oral comment.

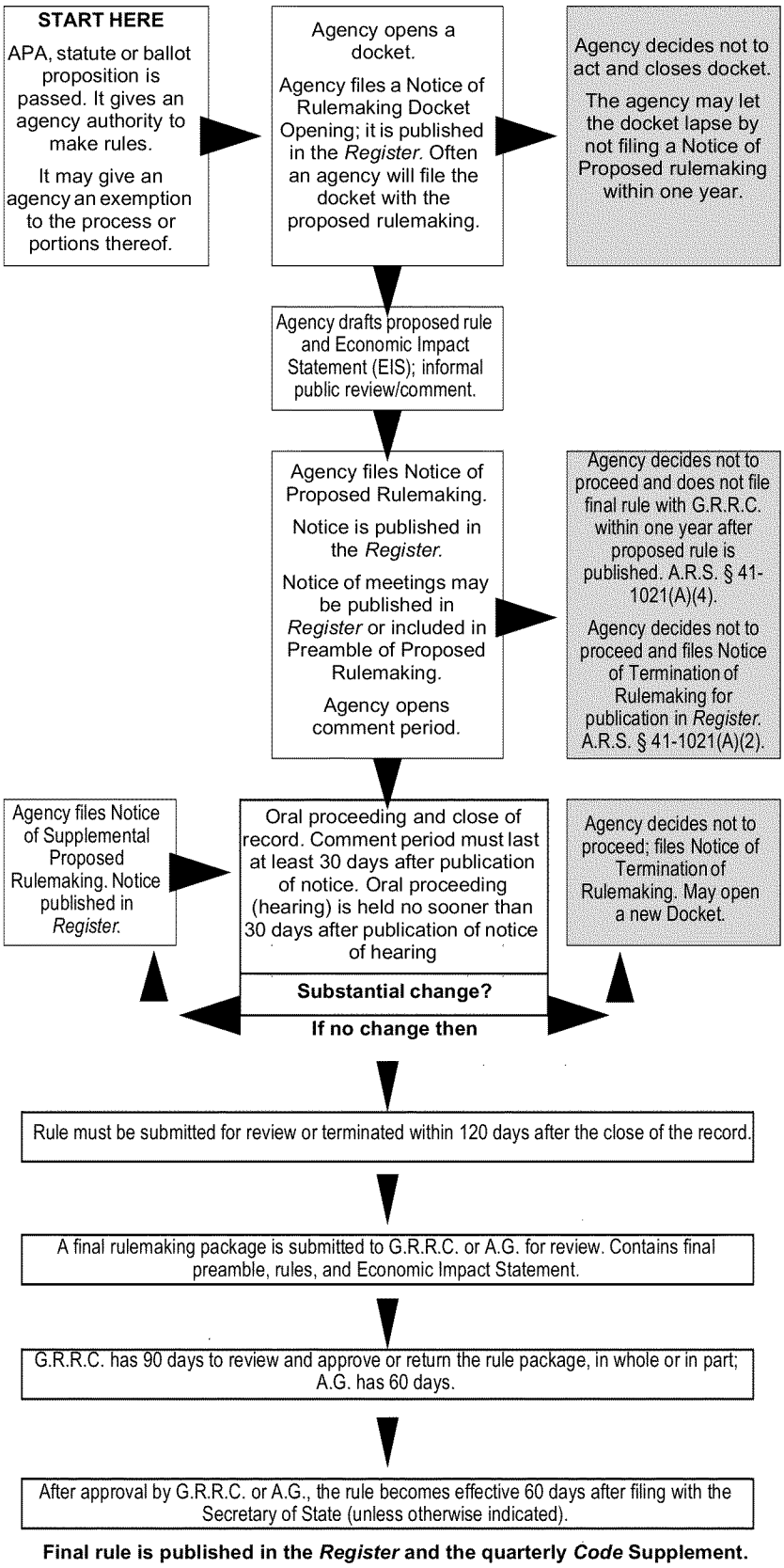
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

Write the agency

Put your comments in writing to the agency. In order for the agency to consider your comments, the agency must receive them by the close of record. The comment must be received within the 30-day comment timeframe following the *Register* publication of the Notice of Proposed Rulemaking.

You can also submit to the Governor's Regulatory Review Council written comments that are relevant to the Council's power to review a given rule (A.R.S. § 41-1052). The Council reviews the rule at the end of the rulemaking process and before the rules are filed with the Secretary of State.

Arizona Regular Rulemaking Process



Definitions

***Arizona Administrative Code* (A.A.C.):** Official rules codified and published by the Secretary of State's Office. Available online at www.azsos.gov.

***Arizona Administrative Register* (A.A.R.)**: The official publication that includes filed documents pertaining to Arizona rulemaking. Available online at www.azsos.gov.

Administrative Procedure Act (APA): A.R.S. Title 41, Chapter 6, Articles 1 through 10. Available online at www.azleg.gov.

Arizona Revised Statutes (A.R.S.): The statutes are made by the Arizona State Legislature during a legislative session. They are complied by Legislative Council, with the official publication codified by Thomson West. Citations to statutes include Titles which represent broad subject areas. The Title number is followed by the Section number. For example, A.R.S. § 41-1001 is the definitions Section of Title 41 of the Arizona Administrative Procedures Act. The "§" symbol simply means "section." Available online at www.azleg.gov.

Chapter: A division in the codification of the *Code* designating a state agency or, for a large agency, a major program.

Close of Record: The close of the public record for a proposed rulemaking is the date an agency chooses as the last date it will accept public comments, either written or oral.

Code of Federal Regulations (CFR): The *Code of Federal Regulations* is a codification of the general and permanent rules published in the *Federal Register* by the executive departments and agencies of the federal government.

Docket: A public file for each rulemaking containing materials related to the proceedings of that rulemaking. The docket file is established and maintained by an agency from the time it begins to consider making a rule until the rulemaking is finished. The agency provides public notice of the docket by filing a Notice of Rulemaking Docket Opening with the Office for publication in the *Register*.

Economic, Small Business, and Consumer Impact Statement (EIS): The EIS identifies the impact of the rule on private and public employment, on small businesses, and on consumers. It includes an analysis of the probable costs and benefits of the rule. An agency includes a brief summary of the EIS in its preamble. The EIS is not published in the *Register* but is available from the agency promulgating the rule. The EIS is also filed with the rulemaking package.

Governor's Regulatory Review (G.R.R.C.): Reviews and approves rules to ensure that they are necessary and to avoid unnecessary duplication and adverse impact on the public. G.R.R.C. also assesses whether the rules are clear, concise, understandable, legal, consistent with legislative intent, and whether the benefits of a rule outweigh the cost.

Incorporated by Reference: An agency may incorporate by reference standards or other publications. These standards are available from the state agency with references on where to order the standard or review it online.

Federal Register (FR): The *Federal Register* is a legal newspaper published every business day by the National Archives and Records Administration (NARA). It contains federal agency regulations; proposed rules and notices; and executive orders, proclamations, and other presidential documents.

Session Laws or "Laws": When an agency references a law that has not yet been codified into the Arizona Revised Statutes, use the word "Laws" is followed by the year the law was passed by the Legislature, followed by the Chapter number using the abbreviation "Ch.", and the specific Section number using the Section symbol (§). For example, Laws 1995, Ch. 6, § 2. Session laws are available at www.azleg.gov.

United States Code (U.S.C.): The Code is a consolidation and codification by subject matter of the general and permanent laws of the United States. The Code does not include regulations issued by executive branch agencies, decisions of the federal courts, treaties, or laws enacted by state or local governments.

Acronyms

A.A.C. – *Arizona Administrative Code*

A.A.R. – *Arizona Administrative Register*

APA – Administrative Procedure Act

A.R.S. – Arizona Revised Statutes

CFR – *Code of Federal Regulations*

EIS – Economic, Small Business, and Consumer Impact Statement

FR – *Federal Register*

G.R.R.C. – Governor's Regulatory Review Council

U.S.C. – *United States Code*

About Preambles

The Preamble is the part of a rulemaking package that contains information about the rulemaking and provides agency justification and regulatory intent.

It includes reference to the specific statutes authorizing the agency to make the rule, an explanation of the rule, reasons for proposing the rule, and the preliminary Economic Impact Statement.

The information in the Preamble differs between rulemaking notices used and the stage of the rulemaking.

NOTICES OF FINAL RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Final Rulemaking. Final rules have been through the regular rulemaking process as defined in the Administrative Procedures Act. These rules were either approved by the Governor's Regulatory Review Council or the Attorney General's Office. Certificates of Approval are on file with the Office.

The final published notice includes a preamble and text of the rules as filed by the agency. Economic Impact Statements are not published.

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the final rules should be addressed to the agency that promulgated them. Refer to Item #5 to contact the person charged with the rulemaking. The codified version of these rules will be published in the *Arizona Administrative Code*.

NOTICE OF FINAL RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 39. BOARD FOR PRIVATE POSTSECONDARY EDUCATION

[R16-58]

PREAMBLE

1. Article, Part, or Section Affected (as applicable)	Rulemaking Action
R4-39-101	Amend
R4-39-102	Amend
R4-39-103	Amend
R4-39-104	Amend
R4-39-105	Amend
R4-39-106	Amend
R4-39-107	Amend
R4-39-108	Amend
R4-39-109	Amend
R4-39-110	Amend
R4-39-111	Amend
R4-39-201	Amend
R4-39-301	Amend
R4-39-302	Amend
R4-39-303	Amend
R4-39-304	Amend
R4-39-305	Amend
R4-39-306	Amend
R4-39-307	Amend
R4-39-308	Amend
R4-39-401	Amend
R4-39-402	Amend
R4-39-403	Amend
R4-39-404	Amend
R4-39-405	Repeal
R4-39-406	Amend
R4-39-407	New Section
R4-39-408	New Section
Article 5	Amend
R4-39-501	Amend
R4-39-502	Amend
R4-39-503	Amend
R4-39-504	New Section
R4-39-601	Amend
R4-39-602	Amend
R4-39-603	Amend

2. Citations to the agency's statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):

Authorizing statute: A.R.S. §§ 32-3003(A)(3) and 32-3073(A)(6)

Implementing statute: A.R.S. §§ 32-3003(A)(5), (7), and (8), 32-3021, 32-3022, 32-3023, 32-3025, 32-3027, 32-3052, 32-3073

3. The effective date for the rules:

June 4, 2016

a. If the agency selected a date earlier than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):

Not applicable

b. If the agency selected a date later than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):

Not applicable

4. Citation to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:

Notice of Rulemaking Docket Opening: 21 A.A.R. 2983, November 27, 2015

Notice of Proposed Rulemaking: 21 A.A.R. 3117, December 11, 2015

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

Name: Teri Stanfill, Executive Director

Address: Board for Private Postsecondary Education
1400 W. Washington St., Room 260
Phoenix, AZ 85007

Telephone: (602) 542-5709

Fax: (602) 542-1253

E-mail: teri.stanfill@azppse.az.gov

Web site: www.ppse.az.gov

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

In a five-year-review report approved by Council on September 13, 2011, the Board indicated it planned to amend all of its rules to ensure they are consistent with statute and agency and industry practice. The language of the rules also needed to be updated. The rulemaking completes the planned course of action.

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 February 6, 2015.

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:

The Board did not review or rely on a study in its evaluation of or justification for any rule in this rulemaking.

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

Not applicable

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

The Board believes the rulemaking has minimal effect on applicants, licensees, and students. The primary goal of the rulemaking is to make the rules more clear and understandable and consistent with Board practice. To this end, the Board clarifies that it is a private postsecondary educational institution that is licensed to operate. A licensed institution is authorized to offer programs. The rulemaking also clarifies the differences among a regular, conditional, and provisional license.

The following changes are the source of the minimal economic impact of the rulemaking:

• The overall time frame for the Board to act on an application for license renewal is reduced;

• A provision is added that the Board will close an application file if the application remains administratively incomplete after the applicant responds to a second notice of deficiency;

• Several grounds for denying or not renewing a license are added;

• Some additional actions require that a licensee provide notice to the Board;

• Consequences of allowing a license to expire are clarified;

- Amount of liability insurance is reduced for small institutions;
- Requirements for a year-end financial statement are reduced for small institutions;
- Requirements regarding preservation of student records when an institution ceases to operate are strengthened;
- Clarified that the Board will accept complaints from non-students;
- Section regarding transfer of credit is added; and
- As authorized by A.R.S. § 32-3052(M), a section regarding assessing costs the Board incurs in the process of determining that a person violated statute or rule is added.

10. A description of any changes between the proposed rulemaking, including supplemental notices, and the final rulemaking:

Only minor, non-substantive changes were made between the proposed and final rules.

11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to comments:

No written comments were received regarding the rulemaking. No one attended the oral proceeding on January 28, 2016.

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

There are no other matters prescribed by statute regarding this rulemaking. However, in the exemption from Executive Order 2015-01 provided for this rulemaking by Ted Vogt, Chief of Operations in the Governor's office, in an e-mail dated February 6, 2015, the Board was instructed to consult with the Governor's office, through Dawn Wallace, on an ongoing basis throughout the rulemaking process. The Board did as instructed by regularly sending e-mail updates to Ms. Wallace.

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

The licenses described in R4-39-102 are general permits consistent with A.R.S. § 41-1037 because they are issued to qualified individuals or entities to conduct activities that are substantially similar in nature.

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:

The rules are not more stringent than federal law. There are numerous federal laws that apply to the operation of colleges and universities including private postsecondary educational institutions. In particular, a private postsecondary educational institution is required under 34 CFR §§ 600.4(a)(3), 600.5(a)(4), and 600.6(a)(3) to be "legally authorized to provide an educational program beyond secondary education in the State in which the institution is physically located." 34 CFR § 600.9 provides the requirements for state authorization. The Board is part of that requirement. The entities licensed by the Board must comply with all the federal laws. However, although the Board is necessary to provide state authorization for private postsecondary educational institutions, there is no federal law directly applicable to the Board.

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

No analysis was submitted

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

None

14. Whether the rule was previously made, amended, or repealed as an emergency rule. If so, cite the notice published in the *Register* as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

None of the rules in this rulemaking was previously made, amended, or repealed as an emergency rule.

15. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 39. BOARD FOR PRIVATE POSTSECONDARY EDUCATION

ARTICLE 1. DEFINITIONS, LICENSURE, REPORTING

Section

R4-39-101. Definitions

R4-39-102. ~~Licensure and Licensure Procedures~~ Licenses Issued and Licensing Time Frames

R4-39-103. Requirements for a Regular License to Operate a Private Accredited Vocational ~~Institution~~ or ~~a Private Accredited~~ Degree-granting Institution in Arizona

R4-39-104. Requirements for a Conditional License to Operate a ~~New~~ Private Non-accredited Vocational Institution in Arizona
R4-39-105. Requirements for a Regular License to Continue to Operate a Private Non-accredited Vocational Institution in Arizona
R4-39-106. Requirements for a Conditional License to Operate a ~~New~~ Private Non-accredited Degree-granting Institution in Arizona
R4-39-107. Requirements for a Provisional License to Continue to Operate a Private Non-accredited Degree-granting Institution in Arizona
R4-39-108. Surety Bond, Cash Deposit, or ~~Equivalent Security Requirements~~ Letter of Credit; Insurance ~~Requirements~~; Financial Statement Requirements; and Finance Committee
R4-39-109. Supplemental License Applications
R4-39-110. Change of Ownership or Control
R4-39-111. Honorary Degrees

ARTICLE 2. FEES

Section
R4-39-201. Fees

ARTICLE 3. OPERATION OF PRIVATE NON-ACCREDITED INSTITUTIONS

Section
R4-39-301. Catalog
R4-39-302. Facilities and Equipment
R4-39-303. Staff
R4-39-304. Advertising
R4-39-305. Recruitment
R4-39-306. Admission Requirements
R4-39-307. Placement
R4-39-308. Tuition, Pricing, Refund Policies

ARTICLE 4. OPERATION OF ALL LICENSED INSTITUTIONS

Section
R4-39-401. Student Records
R4-39-402. Preservation of Records
R4-39-403. ~~Student~~ Complaint Procedures
R4-39-404. Tuition Refund Policy
R4-39-405. ~~Student Loans and Financial Aid~~ Repealed
R4-39-406. ~~Closure of an Institution or Cessation of~~ Closing a Licensee; Ceasing to Offer a Program; Teach-out Plan
R4-39-407. Use of Terms
R4-39-408. Transfer of Credit

ARTICLE 5. INVESTIGATIONS; ~~AND~~ HEARING PROCEDURES; AND ASSESSING COSTS

Section
R4-39-501. Investigations
R4-39-502. Hearings
R4-39-503. Rehearing or Review of Board's Decision
R4-39-504. Assessing Costs

ARTICLE 6. STUDENT TUITION RECOVERY FUND

Section
R4-39-601. Submission of Assessments
R4-39-602. Claims
R4-39-603. Student Records

ARTICLE 1. DEFINITIONS, LICENSURE, REPORTING

R4-39-101. Definitions

In addition to the definitions in A.R.S. §§ 32-3001 and 32-3071, the following definitions apply in this Chapter unless the context otherwise requires:

1. "Accreditation" has the same meaning as "accredited" in A.R.S. § 32-3001.
2. "Applicant" means a private postsecondary education institution on whose behalf an application is submitted to the Board for a license to operate the institution and offer vocational programs or grant degrees.
2. ~~"Board" means the Arizona State Board for Private Postsecondary Education.~~
3. "Conditional license" means a non-renewable one-year license issued by the Board to a ~~new~~ private non-accredited vocational ~~institution~~ or ~~a new private non-accredited~~ degree-granting institution.
4. "Day" means a calendar day unless specified otherwise.

5. "DE" means the United States Department of Education.
6. "GTR" means gross tuition revenue.
7. "Licensee" means a private postsecondary education institution that is licensed by the Board and offers vocational programs or grants degrees.
8. "Management capability" as used in A.R.S. § 32-3051(10), means continuous coordination of all federal, state, and accreditation requirements, as applicable, in a manner that provides an educationally enriching environment that benefits students.
9. "Misrepresent" means to give a false or misleading representation with the intent to deceive or be unfair.
~~4. "New," as used in this Section and in R4-39-104 and R4-39-106 means a:~~
   ~~a. Private non-accredited vocational institution that has not previously been issued a license by the Board to operate as a private non-accredited vocational institution in this state, or~~
   ~~b. Private non-accredited degree-granting institution that has not previously been issued a license by the Board to operate as a private non-accredited degree-granting institution in this state.~~
~~5. "Person" has the meaning in A.R.S. § 1-215.~~
10. "Operate" has the meaning specified in A.R.S. § 32-3001 and includes the concept of "physical presence" as defined by the National Council for State Authorization Reciprocity Agreements (See http://nc-sara.org).
~~6.~~11. "Provisional license" means a renewable one-year license issued by the Board to a private non-accredited degree-granting institution.
~~7.~~12. "Regular license" means a renewable one-year license issued by the Board to a:
   a. ~~private~~ Private accredited vocational institution, ~~a private~~
   b. Private accredited degree-granting institution, or ~~a private~~
   c. Private non-accredited vocational institution.
~~8.~~13. "Signature" means:
   a. A handwritten or stamped representation of an individual's name or a symbol intended to represent an individual's name, or
   b. An "electronic signature" as defined in A.R.S. § 44-7002.
~~9.~~14. "Signing" means the act of providing a signature.
~~10.~~15. "Staff" means an individual employed by or representing a private vocational institution or private degree-granting institution.
~~11.~~ 16. "Student fees" means charges incurred by a student or a funding source on behalf of the student for registration, admission, tuition financing, ~~or~~ loans, or charges for books, laboratory fees, or other education-related costs ~~incurred by a student or other funding source on behalf of the student~~.
17. "Teach-out" means the process by which a private postsecondary education institution fulfills its educational and contractual obligations to currently enrolled students before voluntarily closing a program the institution offers or before closing the institution.
18. "Tuition" means a fee paid for instruction at a college or university or a private school.

R4-39-102. ~~Licensure and Licensure Procedures~~ Licenses Issued and Licensing Time Frames

A. ~~The Board may issue a conditional, regular, or supplemental license to a private institution to operate vocational programs.~~ A license from the Board issued to a private degree-granting institution authorizes the institution to operate and grant degrees.

B. ~~The Board may issue a conditional, provisional, regular, or supplemental license to a private institution to operate degree programs or grant degrees.~~ A license from the Board issued to a private vocational institution authorizes the institution to operate and offer a vocational program.

C. If a private degree-granting or private vocational institution is accredited, the Board shall issue a regular license to the institution if the institution meets the standards in R4-39-103.

D. If a private degree-granting or private vocational institution is non-accredited, the Board shall issue a conditional license to the institution if the institution meets the standards in R4-39-104 or R4-39-106, as applicable. The institution may operate under a conditional license for only one year.
   1. At the end of one year, the conditional license of a non-accredited, private, vocational institution becomes, upon approval by the Board, a regular license if the institution meets the standards in R4-39-105.
   2. At the end of one year, the conditional license of a non-accredited, private, degree-granting institution becomes, upon approval by the Board, a provisional license if the institution meets the standards in R4-39-107.

E. A non-accredited, private, degree-granting institution may continue to operate with a provisional license if the institution continues to meet the standards in R4-39-107.

~~C.~~F. ~~Licenses~~ All licenses issued by the Board are effective for ~~a 12-month period~~ 12 months from the date of issuance. To continue to operate a private vocational institution or private degree-granting institution, a licensee shall annually renew the license under R4-39-105 or R4-39-107, as applicable.

~~**D.** The Board shall issue the following licenses to private, vocational institutions:~~
   ~~1. An original license of an accredited, private, vocational institution is a regular license to operate vocational programs.~~

~~2. A license renewal of an accredited, private, vocational institution is a regular license to continue to operate vocational programs.~~
~~3. An original license of a new, non-accredited, private, vocational institution is a one year conditional license to operate vocational programs.~~
~~4. A license renewal of a non-accredited, private, vocational institution is a regular license to continue to operate vocational programs.~~

~~E. The Board shall issue the following licenses to private, degree-granting institutions:~~
~~1. An original license of an accredited, private, degree-granting institution is a regular license to operate degree programs or grant degrees.~~
~~2. A license renewal of an accredited, private, degree-granting institution is a regular license to continue to operate degree programs or grant degrees.~~
~~3. An original license of a new, non-accredited, private, degree-granting institution that complies with the provisions of R4-39-106 is a conditional license to operate degree programs or grant degrees.~~
~~4. A license renewal of a non-accredited, private, degree-granting institution that complies with the provisions of R4-39-107 is a provisional license to continue to operate degree programs or grant degrees.~~

~~F.~~G. For the purpose of A.R.S. § 41-1073, the Board establishes the following licensing ~~time-frames~~ time frames:
1. For ~~an original~~ a conditional or ~~original~~ regular license application to operate a vocational ~~programs~~ institution or ~~an original~~ a regular license application to operate ~~degree programs or grant degrees~~ a degree-granting institution:
   a. Administrative completeness review ~~time-frame~~ time frame: ~~90~~ 135 days;
   b. Substantive review ~~time-frame~~ time frame: ~~90~~ 45 days;
   c. Overall ~~time-frame~~ time frame: 180 days.
2. For a conditional or provisional license application to operate ~~degree programs or grant degrees~~ a degree-granting institution:
   a. Administrative completeness review ~~time-frame~~ time frame: ~~90~~ 150 days;
   b. Substantive review ~~time-frame~~ time frame: ~~150~~ 90 days;
   c. Overall ~~time-frame~~ time frame: 240 days.
3. For a ~~regular~~ license renewal application to continue to operate a vocational ~~programs, degree programs,~~ or ~~grant degrees~~ degree-granting institution or for a supplemental license application:
   a. Administrative completeness review ~~time-frame~~ time frame: ~~45~~ 60 days;
   b. Substantive review ~~time-frame~~ time frame: ~~90~~ 45 days;
   c. Overall ~~time-frame~~ time frame: ~~135~~ 105 days.

~~G.~~H. Within ~~90 days of receiving an original conditional or original regular license application to operate vocational programs or an original regular, original conditional, or provisional license application to operate degree programs or grant degrees, or within 45 days of receiving a regular license renewal application to continue to operate vocational programs, degree programs, or grant degrees or a supplemental license application~~ the time specified in subsection (G), the Board shall finish an administrative completeness review.
1. If the application is complete, the Board shall notify the applicant that the application is complete and that the administrative completeness review is finished. The substantive review will begin on the date the notice is served.
2. If the application is incomplete, the Board shall ~~notify~~ send the applicant ~~that the application is incomplete and specify~~ a notice that specifies what information is missing and ~~what~~ other deficiencies ~~are~~ found in the application. The administrative completeness review ~~time-frame~~ time frame is suspended from the date the notice is served until the applicant provides the Board with ~~a revised application containing all~~ the missing information and ~~correcting~~ corrects all deficiencies.
   a. An applicant with an incomplete application shall submit ~~a revised application~~ the missing information and correct the deficiencies within 60 days ~~of receipt of~~ after receiving the notice.
   b. If the applicant cannot ~~submit a revised application within~~ comply with the 60-day ~~days of receipt of notice~~ deadline in subsection (H)(2)(a), the applicant may request an extension of no more than 30 days by submitting a written request to the Board~~, documenting~~ that documents the reasons the applicant is unable to meet the 60-day deadline~~, to the Board~~ and is postmarked or delivered ~~with 60 days of receipt of notice~~ before the deadline specified in subsection (H)(2)(a).
   c. The Board shall grant the request for an extension of the 60-day deadline if the Board determines that the extension ~~of the 60-day deadline~~ will enable the applicant to submit ~~a revised application containing~~ all missing information and ~~correcting~~ correct all deficiencies. The Board shall grant only one extension of the 60-day deadline specified in subsection (H)(2)(a).
   d. If the applicant responds to the notice provided under subsection (H)(2) by providing some of the missing information and correcting some of deficiencies but the Board determines the application is still incomplete, the Board shall send the applicant a second notice that specifies what information is missing and other deficiencies found in the application and provide the applicant with 60 days in which to complete the application. The Board shall not grant an extension of the 60-day deadline provided with a second deficiency notice.

e. If the applicant fails to submit all missing information or correct all deficiencies within the 60-day deadline provided under subsection (H)(2)(d), the Board shall close the application. An applicant whose application is closed and later wishes to be licensed shall submit a new application and pay the fee required under R4-39-201.

~~d.~~f. ~~Upon receipt and review of the revised application, and within the administrative completeness review time-frame~~ When the Board receives the missing information and the deficiencies are corrected, the Board shall notify the applicant that the administrative completeness review is finished. The substantive review will begin on the date the notice is served.

~~e. If the revised application containing all missing information and correcting all deficiencies is not submitted within the 60-day deadline or the time permitted by an extension, the Board shall close the application. An applicant whose application is closed and who later wishes to seek licensure, shall apply anew.~~

~~H.~~**I.** Within ~~90 days from the date on which the administrative completeness review of an original conditional or original regular license application to operate vocational programs, an original regular license application to operate degree programs or grant degrees, a regular license renewal application to continue to operate vocational programs, degree programs, or grant degrees or a supplemental license application is finished or within 150 days from the date on which the administrative completeness review of an original conditional or provisional license application to operate degree programs or grant degrees is finished~~ the time specified in subsection (G), the Board shall complete a substantive review of the application, which may include ~~an~~ onsite verification~~, and render a decision~~.

~~1. If the Board finds that the applicant meets all requirements defined in statute and rule, the Board shall grant the license.~~

~~2. If the Board finds that the applicant fails to meet all requirements defined in statute and rule, the Board shall deny the license.~~

~~3.~~1. If the Board finds deficiencies during the substantive review of the application, the Board shall issue a comprehensive written request~~, specifying the~~ for additional ~~documentation to be submitted~~ information and the deadline for ~~submission~~ submitting the additional information. The ~~time-frame~~ time frame for substantive review of an application is suspended from the date the comprehensive written request for additional ~~documentation~~ information is served until the ~~date that all documentation~~ information is received.

2. When the applicant and Board agree in writing, the Board may make supplemental requests for information.

~~4.~~3. When the applicant and ~~the~~ Board ~~mutually~~ agree in writing, the Board shall grant extensions of the substantive review ~~time-frame~~ time frame ~~totaling no more than 30 days~~ consistent with A.R.S. § 41-1075(B).

~~5.~~4. If the ~~requested documentation is not submitted~~ applicant fails to submit the additional information by the deadline ~~date~~, the Board shall close the application. An applicant whose application ~~has been~~ is closed and who later wishes to ~~seek licensure~~ be licensed, shall ~~apply anew~~ submit a new application.

J. At the end of the substantive review, the Board shall decide whether to grant a license to the applicant.

1. If the Board finds that the applicant meets all requirements defined in statute and rule, the Board shall grant a license.
2. If the Board finds that the applicant fails to meet all requirements defined in statute and rule, the Board shall deny a license.
3. If the Board denies a license, the Board shall send the applicant a notice of denial that specifies why a license was denied and describes the applicant's right to request a hearing regarding the denial.

R4-39-103. Requirements for a Regular License to Operate a Private Accredited Vocational ~~Institution~~ or ~~a Private Accredited~~ Degree-granting Institution in Arizona

A. A person shall not operate a private accredited vocational ~~institution~~ or ~~a private accredited~~ degree-granting institution without a regular license granted by the Board.

B. ~~The~~ Except as specified in subsection (B)(6), the Board shall not grant ~~a regular license~~ or ~~renewal of~~ renew a regular license ~~to an applicant~~ if:

1. Within 10 years before ~~the date of~~ filing ~~an~~ the application packet required in subsection (D) or since the start date of the current licensure period, an individual with at least 20 percent ~~or more~~ ownership in the applicant ~~institution~~ or an officer or employee who controls, manages, or represents the applicant in this state has been convicted in this state or any ~~other state or~~ jurisdiction of ~~a felony or~~ any crime, regardless of whether the crime is a misdemeanor or felony, that a reasonable person would consider relevant ~~related~~ to the legal and ethical operation of an educational institution~~, unless the conviction has been absolutely discharged, expunged, or vacated~~;
2. Within 10 years before ~~the date of~~ filing ~~an~~ the application packet required in subsection (D) or since the start date of the current licensure period, a person with at least 20 percent ~~or more~~ ownership in the applicant ~~institution~~ or an officer or employee who controls, manages, or represents the applicant in this state has had a license to operate a ~~vocational program,~~ vocational ~~institution, degree program,~~ or degree-granting institution revoked in this state or ~~in~~ any ~~other state or~~ jurisdiction; ~~or~~
3. The applicant provides false or misleading information on or with ~~an~~ the application packet required by this Section~~.~~;
4. The applicant was previously licensed by the Board and ceased operation without complying with R4-39-402 and R4-39-406; or
5. The applicant ceased to operate or offer a program and as a result:

a. The Board was obligated to make a payment from the Student Tuition Recovery Fund established under A.R.S. § 32-3072, or
b. The DE or a private entity forgave loans, in whole or in part, to affected students; and
6. If the conviction described in subsection (B)(1) was discharged, expunged, set aside, or vacated, the Board shall consider this fact when exercising its discretionary power under this Section.

C. The Board shall grant or renew a regular license ~~or renewal of a regular license to an applicant~~ only if:
1. The applicant provides the information required in subsection (D); and
2. The information provided under subsection (D) demonstrates:
a. For a regular license to operate a private accredited vocational institution, compliance with A.R.S. § 32-3021(B)~~(1) through (9)~~;
b. For a regular license to operate a private accredited degree-granting institution, compliance with A.R.S. § 32-3022(B);
c. The ability to provide educational services as represented to the public;
d. Institutional accreditation or accreditation of each program to be ~~operated~~ offered; and
e. Compliance with all accreditation standards established by each accrediting agency that accredits the applicant's programs or the institution through which the programs are operated.

D. An applicant for ~~a~~ an initial regular license shall submit to the Board an application packet ~~including~~ that includes:
1. The filing fee required under R4-39-201;
2. The information and documentation required in R4-39-104(D)(2), if required, and (D)(3) through ~~(D)(6), (D)(8) through (D)(15), and~~ (D)(17);
3. The name of each accrediting agency that accredits the applicant or the applicant's programs ~~or the institution through which the programs are operated~~;
4. For each accrediting agency named in subsection (D)(3), documentation from the accrediting agency that confirms the current accreditation status of the applicant or the applicant's programs ~~or the institution~~;
5. Attestation by the individual signing the application that the applicant complies and will continue to comply with all accreditation standards established by each accrediting agency named in subsection (D)(3);
6. ~~The name of each federal student financial aid program in which the applicant is eligible to participate~~ A copy of the applicant's most recent DE program participation agreement and financial aid audit, if applicable;
7. For each federal student financial aid program named in the agreement in subsection (D)(6), documentation from the ~~United States Department of Education~~ DE demonstrating participation in the federal student financial aid program and showing the applicant's ~~student~~ default rate for the last three years, if applicable;
8. Attestation by the individual signing the application that the applicant complies and will continue to comply with all ~~United States Department of Education~~ DE requirements governing federal student financial aid programs named in the agreement in subsection (D)(6);
9. A copy of the applicant's current catalog and enrollment agreement that meets the accreditation standards established by each accrediting agency named in subsection (D)(3); and
10. A surety bond, cash deposit, or equivalent security if required under A.R.S. § 32-3023 and R4-39-108.

E. No later than 60 ~~calendar~~ days before ~~the expiration date of~~ a licensee's ~~current~~ regular license expires, ~~an applicant~~ the licensee ~~for annual renewal of a regular license~~ shall submit to the Board ~~an~~ a license renewal application packet ~~including~~ that includes:
1. The filing fee required under R4-39-201; and
2. The information and documentation required in:
a. R4-39-104(D)(2) if required under A.R.S. § 32-3023 and R4-39-108;~~,~~
b. R4-39-104(D)(3), (D)(4), (D)(5), (D)(8)(a) and (c), ~~(D)(9), (D)(10),~~ (D)(12), ~~(D)(14), (D)(15),~~ and (D)(17); and
~~b.~~c. Subsections (D)(3) through (D)(10)~~.~~;
3. A list of all individuals or persons referenced in R4-39-104(D)(14) and (D)(15);
4. A report on the annual enrollment and retention and placement rates for each program offered by the licensee, if the report is required by DE or the accrediting agency that accredits the program or licensee;
5. For each program offered, an indication whether the program is offered by residential or online delivery or both; and
6. A list of all programs that are in teach-out and:
a. The names of all students in each program,
b. The anticipated completion date of each student, and
c. Contact information for each student.

F. A licensee shall:
1. Notify the Board in writing within 24 hours if the licensee:
a. Receives a ~~new~~ grant of accreditation issued by an accrediting agency other than an accrediting agency named under subsection (D)(3); ~~or~~
b. Becomes eligible to participate in a federal student financial aid program other than a federal student financial aid program named in the agreement under subsection (D)(6)~~.~~;

~~2.~~c. ~~Notify the Board in writing within 24 hours if the licensee ceases~~ Ceases to be accredited or has a program that ceases to be accredited by an accrediting agency named under subsection (D)(3);

~~3.~~d. ~~Notify the Board in writing within 24 hours if the licensee ceases~~ Ceases to be eligible to participate in a federal student financial aid program named in the agreement under subsection (D)(6); ~~and~~

e. Decides to cease operations; or

f. Knows or should know that the license is under investigation by any state or federal agency or an accrediting agency; and

~~4.~~2. Notify the Board in writing within ~~14 calendar~~ five business days of:

a. A change in any grant of accreditation issued by an accrediting agency named under subsection (D)(3) or (F)(1)(a) including but not limited to the following adverse actions:

i. Suspending accreditation,

ii. Withdrawing or cancelling accreditation,

iii. Placing accredited institution on probation,

iv. Requiring accredited institution to show cause, or

v. Requiring a specific corrective action, or

b. A change in eligibility to participate in a federal student financial aid program named in the agreement under subsection (D)(6) or (F)(1)(b).

G. The Board may conduct an inspection, ~~pursuant to~~ under A.R.S. § 41-1009, of an applicant's or ~~a~~ licensee's place of business to determine compliance with the requirements of A.R.S. Title 32, Chapter 30 and this Article.

H. ~~In addition to the grounds for disciplinary action~~ As provided in A.R.S. ~~§~~§32-3051, the Board ~~shall~~ may discipline a licensee that:

1. Violates ~~the requirements~~ a requirement in subsection (F); or
2. Intentionally or negligently misrepresents any material information in documents or information presented to the Board.

R4-39-104. Requirements for a Conditional License to Operate a ~~New~~ Private Non-accredited Vocational Institution in Arizona

A. A person shall not operate a ~~new~~ private non-accredited vocational institution without a conditional license granted by the Board.

B. ~~The~~ Except as specified in subsection (B)(6), the Board shall not grant a conditional license ~~to an applicant~~ if:

1. Within 10 years before ~~the date of~~ filing ~~an~~ the application packet required in subsection (D), an individual with at least 20 percent ~~or more~~ ownership in the applicant ~~institution~~ or an officer or employee who controls, manages, or represents the applicant in this state has been convicted in this state or any ~~other state or~~ jurisdiction of ~~a felony or~~ any crime, regardless of whether the crime is a misdemeanor or felony, that a reasonable person would consider relevant ~~related~~ to the legal and ethical operation of an educational institution~~, unless the conviction has been absolutely discharged, expunged, or vacated~~;
2. Within 10 years before ~~the date of~~ filing ~~an~~ the application packet required in subsection (D), a person with at least 20 percent ~~or more~~ ownership in the applicant ~~institution~~ or an officer or employee who controls, manages, or represents the applicant in this state has had a license to operate a ~~vocational program,~~ vocational ~~institution, degree program,~~ or degree-granting institution revoked in this state or ~~in~~ any ~~other state or~~ jurisdiction; ~~or~~
3. The applicant provides false or misleading information on or with ~~an~~ the application required by this Section~~.~~;
4. The applicant was previously licensed by the Board and ceased operations without complying with R4-39-402 and R4-39-406; or
5. The applicant ceased to operate or offer a program and as a result:
   a. The Board was obligated to make a payment from the Student Tuition Recovery Fund established under A.R.S. § 32-3072, or
   b. The DE or a private entity forgave loans, in whole or in part, to affected students; and
6. If the conviction described in subsection (B)(1) was discharged, expunged, set aside, or vacated, the Board shall consider this fact when exercising its discretionary power under this Section.

C. The Board shall grant a conditional license to an applicant if:

1. The applicant provides the information and documentation required in subsection (D); and
2. The information provided under subsection (D) demonstrates:
   a. Compliance with A.R.S. § 32-3021(B)(1) through ~~(9)~~ (11); and
   b. The ability to provide educational services as represented to the public.

D. An applicant for a conditional license shall submit to the Board an application packet ~~including~~ that includes:

1. The filing fee required under R4-39-201;
2. A letter of credit, surety bond, cash deposit, or equivalent security, as required under A.R.S. § 32-3023, of $15,000 or another amount determined by the Board under R4-39-108;

~~2.~~3. An application form provided by the Board containing:

a. The applicant's name, street address, mailing address, telephone number, fax number, e-mail address, and web site address, if applicable;

b. If the applicant has a headquarters in another state or jurisdiction, the headquarters' street address, mailing address, telephone number, fax number, and e-mail address;
c. Responses to questions regarding the distribution of ownership, business type, and legal structure;
d. As applicable, identification of:
i. All members of the board of directors or board of trustees,
ii. All persons with at least 20 percent ~~or more~~ ownership in the ~~institution~~ applicant, and
iii. All individuals responsible for controlling, managing, or representing the ~~institution~~ applicant in this state;
e. Responses to questions regarding whether a person identified in subsection ~~(D)(2)(d)~~ (D)(3)(d) has ever applied for or been issued a license to operate a vocational ~~program, vocational institution, degree program,~~ or degree-granting institution in this state or ~~in~~ any ~~other state or~~ jurisdiction;
f. Responses to questions regarding the finances, federal or state tax liabilities, management capabilities, and criminal history of the persons identified under subsection ~~(D)(2)(d)(ii)~~ (D)(3)(d)(ii);
g. Responses to questions regarding programs~~,~~ and student recruitment, ~~student~~ enrollment, ~~student~~ retention, ~~student~~ placement, and ~~student~~ financing;
h. Name of the director required under R4-39-303(B) and evidence that the director is qualified;
~~h.~~i. Staffing information including:
i. ~~Faculty member~~ Required minimum qualifications of faculty for each program to be ~~operated~~ offered;
~~ii. Total number of current administrative personnel and faculty members;~~
~~iii.~~ii. ~~If applicable, projected~~ The number of administrative personnel and faculty members projected at the end of the first licensure period; and
~~iv.~~iii. The names of all current administrative personnel and faculty members;
~~i.~~j. Attestation by the individual signing the application that the applicant will comply with all applicable requirements in A.R.S. Title 32, Chapter 30, and this Chapter;
~~j.~~k. Attestation by the individual signing the application that all information required as part of the application packet has been submitted and is true and accurate; and
~~k.~~l. The notarized signature of an owner of the applicant or an owner's legal representative and date of signature;
4. Financial statements or financial documentation required under R4-39-108;
5. Evidence of the insurance required under R4-39-108;
~~3.~~6. If applicable, a copy of the applicant's articles of incorporation, partnership or joint venture documents, or limited liability documents;
7. A business plan that includes:
a. Executive summary with highlights, objectives, and mission;
b. Applicant summary;
c. Programs offered and services provided;
d. Marketing plan and implementation; and
e. Financial plan that includes three-year projections and financial resources available to demonstrate financial stability;
~~4.~~8. For each program to be ~~operated~~ offered, a form provided by the Board describing:
a. Program content, length, and delivery system information;
b. Program prerequisites and completion requirements;
c. ~~Tuition and student~~ Student fees as defined at R4-39-101;
d. Any required textbooks or program learning materials;
e. Any equipment or technology or competency requirements ~~or competencies~~;
f. As applicable:
i. Library resources;
ii. Clinical training, practica, externships, internships, or special features;
iii. Graduate employment opportunities; and
iv. ~~Requirements~~ Licensing requirements for a graduate of the program to practice ~~the skill or occupation for which the program prepares the graduate~~; and
g. Attach to the form, a copy of the certificate or diploma to be awarded when the program is completed.
~~5.~~9. A copy of the applicant's student enrollment agreement meeting the requirements in R4-39-401;
~~6. A copy of each type of certificate or diploma to be awarded;~~
~~7.~~10. A copy of the applicant's catalog meeting the requirements in R4-39-301;
~~8.~~11. A copy of each brochure, promotional document, uniform resource locator, or advertisement intended for students or potential students;
~~9.~~12. A copy of the applicant's ~~published~~ student grievance procedure that:
a. ~~Requires that a student grievance be submitted in writing;~~ Is published in the applicant's catalog required under subsection (D)(10);
b. Provides the steps and ~~time lines~~ time frames involved in the grievance procedure;
c. References the student's right under A.R.S. § 32-3052 to file a complaint with the Board; ~~and~~

d. Lists the Board's address, ~~and~~ telephone number, and web site; and

e. If the applicant requires arbitration as part of the student grievance procedure, includes the following statement: Arbitration of a student grievance is required. Arbitration will take place at a location reasonably convenient for both parties giving due consideration to the student's ability to travel and other pertinent circumstances. Both parties will attempt to have proceedings take place within a reasonable time and without undue delay. The arbitration proceedings will follow the spirit if not the letter of the consumer due process protocol of the American Arbitration Association. The protocol includes but is not limited to a fundamentally fair process; an independent and impartial, competent, and qualified arbitrator; independent administration of the arbitration; reasonable cost; right to representation; and possibility of mediation. Arbitration does not preclude other avenues of recourse, including but not limited to possible relief in small claims court, unless and until the arbitration result is made binding. Arbitration of a student grievance does not preclude the student from seeking a remedy from the Arizona Board of Private Postsecondary Education.

~~10.~~13. An institutional organizational chart including staff names and position titles;

~~11.~~14. For each individual identified under subsection ~~(D)(2)(d)~~ (D)(3)(d), a form provided by the Board describing the individual's professional and educational background;

~~12.~~15. For each faculty member named under subsection ~~(D)(2)(h)(iv)~~ (D)(3)(h)(iv), a form provided by the Board describing the individual's professional and educational background;

~~13.~~16. For each location within the state from which the applicant will operate:

a. A form provided by the Board describing the facility;

b. Line drawings, floor plans, or photographs showing each story of the facility, the room layout, room usage, and each door, window, and exit; and

c. Documentation from the local jurisdiction of compliance with all applicable fire codes, ~~local~~ building codes, and zoning ordinances; and

~~14. Documentation of insurance required under R4-39-108;~~

~~15. Financial statements or financial documentation required under R4-39-108;~~

~~16. A surety bond, cash deposit, or equivalent security as required under A.R.S. § 32-3023 and R4-39-108; and~~

17. Other information ~~determined by~~ the Board or ~~the~~ applicant ~~to be~~ believes is relevant ~~to the determination~~ and will assist the Board to determine whether ~~of~~ the ~~applicant's~~ applicant is in compliance with all licensing requirements under A.R.S. Title 32, Chapter 30 and this Article.

E. Before granting a conditional license, the Board shall conduct an inspection, ~~pursuant to~~ under A.R.S. § 41-1009, of an applicant's place of business to determine compliance with subsection (C).

F. ~~While conditionally licensed~~ If the Board grants a conditional license to an applicant, ~~a~~ the conditional licensee:

1. Shall not describe or refer to itself using the terms "licensed," "approved," or "accredited;" and
2. May describe or refer to itself using the terms "conditionally licensed" or "conditional license."

G. After granting a conditional license, the Board may conduct an inspection, ~~pursuant to~~ under A.R.S. § 41-1009, of a licensee's place of business to determine continuing compliance with the requirements of A.R.S. Title 32, Chapter 30 and this Article.

H. ~~In addition to the grounds for disciplinary action in~~ Under the authority provided at A.R.S. §~~§~~ 32-3051, the Board may discipline a licensee that intentionally or negligently misrepresents any material information in documents or testimony presented to the Board.

R4-39-105. Requirements for a Regular License to Continue to Operate a Private Non-accredited Vocational Institution in Arizona

A. ~~The~~ Except as specified in subsection (A)(6), the Board shall not grant ~~a regular license or renewal of~~ or renew a regular license to an applicant, if:

1. Since the start date of the current licensure period, an individual with at least 20 percent ~~or more~~ ownership in the applicant ~~institution~~ or an officer or employee who controls, manages, or represents the applicant in this state has been convicted in this state or any ~~other state or~~ jurisdiction of ~~a felony or~~ any crime, regardless of whether the crime is a misdemeanor or felony, that a reasonable person would consider relevant ~~related~~ to the legal and ethical operation of an educational institution~~, unless the conviction has been absolutely discharged, expunged, or vacated~~;
2. Since the start date of the current licensure period, a person with at least 20 percent ~~or more~~ ownership in the applicant ~~institution~~ or an officer or employee who controls, manages, or represents the applicant in this state has had a license to operate a vocational ~~program, vocational institution, degree program,~~ or degree-granting institution revoked in this state or any ~~other state or~~ jurisdiction; ~~or~~
3. The applicant provides false or misleading information on or with an application required by this Section~~.~~;
4. The applicant was previously licensed by the Board and ceased operations without complying with R4-39-402 and R4-39-406; or
5. The applicant ceased to operate or offer a program and as a result:
   a. The Board was obligated to make a payment from the Student Tuition Recovery Fund established under A.R.S. § 32-3072, or
   b. The DE or a private entity forgave loans, in whole or in part, to affected students; and

6. If the conviction described in subsection (A)(1) was discharged, expunged, set aside, or vacated, the Board shall consider this fact when exercising its discretionary power under this Section.

B. The Board shall grant or renew a regular license ~~or renewal of a regular license~~ to ~~an applicant~~ a licensee if the licensee submits an application and:
1. The ~~applicant provides~~ application includes the information required in subsection (C) ~~or (D)~~; and
2. The information provided demonstrates:
   a. Compliance with A.R.S. § 32-3021(B)(1) through ~~(9)~~ (11); and
   b. The ability to provide educational services as represented to the public.

C. No later than 60 ~~calendar~~ days before ~~the~~ expiration ~~date~~ of a licensee's conditional or regular license, ~~an applicant for a regular license~~ the licensee shall submit to the Board an application packet ~~including~~ that includes:
1. The filing fee required under R4-39-201; ~~and~~
2. The information and documentation required in R4-39-104(D)(2)~~, (D)(4),~~ through (D)(5), ~~(D)(7)~~ (D)(8)(a) and (c), (D)(9), (D)(10), (D)(12), ~~and~~ (D)(14), (D)(15) and ~~through~~ (D)(17)~~.~~; and
3. Information regarding the annual enrollment and retention and placement rates for each program offered by the licensee;

~~**D.** No later than 60 calendar days before the expiration date of the applicant's regular license, an applicant for renewal of a regular license shall submit to the Board an application packet including:~~
~~1. The filing fee required under R4-39-201; and~~
~~2. The information and documentation required in R4-39-104(D)(2), (D)(4), (D)(5), (D)(7), (D)(9), (D)(10), and (D)(14) through (D)(17).~~

D. A licensee that fails to comply with subsection (C) and allows the licensee's conditional or regular license to expire shall:
1. Comply with subsection (C) within 30 days after the license expires, and
2. Pay the late renewal fee prescribed under A.R.S. § 32-3027(A)(7); or
3. Immediately cease operating in this state.

E. The Board may conduct an inspection, ~~pursuant to~~ under A.R.S. § 41-1009, of ~~an applicant's or~~ a licensee's place of business to determine compliance with the requirements ~~of~~ in A.R.S. Title 32, Chapter 30 and this Article.

F. ~~In addition to the grounds for disciplinary action~~ As provided in A.R.S. § 32-3051, the Board may discipline a licensee that:
1. ~~intentionally~~ Intentionally or negligently misrepresents any material information in documents or testimony presented to the Board, or
2. Fails to comply fully with subsection (C) or (D) but continues to operate in this state.

R4-39-106. Requirements for a Conditional License to Operate a ~~New~~ Private Non-accredited Degree-granting Institution in Arizona

A. A person shall not operate a ~~new~~ private non-accredited degree-granting institution without a conditional license granted by the Board.

B. ~~The~~ Except as specified in subsection (B)(4), the Board shall not grant a conditional license to an applicant, if:
1. Within 10 years before ~~the date of~~ filing ~~an~~ the application packet required in subsection (D), an individual with at least 20 percent ~~or more~~ ownership in the applicant ~~institution~~ or an officer or employee who controls, manages, or represents the applicant in this state has been convicted in this state or any ~~other state or~~ jurisdiction of ~~a felony or~~ any crime, regardless of whether the crime is a misdemeanor or felony, that a reasonable person would consider relevant ~~related~~ to the legal and ethical operation of an educational institution~~, unless the conviction has been absolutely discharged, expunged, or vacated~~;
2. Within 10 years before ~~the date of~~ filing ~~an~~ the application packet required in subsection (D), a person with at least 20 percent ~~or more~~ ownership in the applicant ~~institution~~ or an officer or employee who controls, manages, or represents the applicant in this state has had a license to operate a vocational ~~program, vocational institution, degree program,~~ or degree-granting institution revoked in this state or any ~~other state or~~ jurisdiction; or
3. The applicant provides false or misleading information on or with an application required by this Section~~.~~; and
4. If the conviction described in subsection (B)(1) was discharged, expunged, set aside, or vacated, the Board shall consider this fact when exercising its discretionary power under this Section.

C. The Board shall grant a conditional license to an applicant if the applicant submits an application and:
1. The ~~applicant provides~~ application includes the information required in subsection (D); and
2. The information provided demonstrates:
   a. Compliance with A.R.S. §§ 32-3021(B)(1) through (11) and 32-3022(C); and
   b. The ability to provide educational services as represented to the public.

D. An applicant for a conditional license shall submit to the Board an application packet ~~including~~ that includes:
1. The filing fee required under R4-39-201;
2. The information and documentation required in R4-39-104(D)(2) through (D)(17);
3. The name of each accrediting agency to which the applicant will apply for accreditation of the applicant's programs or the institution through which the programs are ~~operated~~ offered;

4. For each accrediting agency named under subsection (D)(3), attestation by the individual signing the application that the applicant has read and understands documentation published or provided by the accrediting agency that explains the accrediting agency's accreditation process, including eligibility requirements, application procedures, self-evaluation processes and requirements, accreditation criteria or standards, and accrediting team visits; and
5. A chronological timeline identifying the applicant's projected progress in gaining accreditation from each accrediting agency named under subsection (D)(3)~~; and~~
6. ~~On a form provided by the Board, responses to questions regarding the applicant's ability to gain accreditation from each accrediting agency named under subsection (D)(3)~~.

E. ~~A~~ If the Board grants a conditional license to an applicant, the conditional licensee shall:
1. Notify the Board in writing within 24 hours if the licensee:
   a. Is determined by an accrediting agency named under subsection (D)(3) to be ineligible to apply for accreditation with the accrediting agency;
   b. Is precluded from initiating or continuing in the accreditation process by an accrediting agency named under subsection (D)(3); ~~or~~
   c. Is denied accreditation by an accrediting agency named under subsection (D)(3); or
   d. Knows or should know that an investigation of the licensee is being or was conducted by a state or federal agency or an accrediting agency;
2. Within five ~~calendar~~ days of:
   a. ~~receipt~~ Receipt, submit to the Board a copy of any document from an accrediting agency named under subsection (D)(3) that pertains to the licensee's progress in gaining accreditation from the accrediting agency; and
   ~~3.~~b. ~~Within five calendar days of mailing~~ Mailing or sending, submit to the Board a copy of any document mailed or sent by the licensee to an accrediting agency named under subsection (D)(3) that pertains to the licensee's progress in gaining accreditation from the accrediting agency~~.~~; and
3. Within 10 days after determining that the licensee failed to meet the timeline submitted under subsection (D)(5), submit written notice of the failure to the Board.

F. Before granting a conditional license, the Board shall conduct an inspection, ~~pursuant to~~ under A.R.S. § 41-1009, of an applicant's place of business to determine compliance with subsection (C).

G. ~~While conditionally licensed~~ If the Board grants a conditional license to an applicant, while licensed, ~~a~~ the conditional licensee:
1. Shall not describe or refer to itself using the terms "licensed," "approved," or "accredited;" and
2. May describe or refer to itself using the terms "conditionally licensed" or "conditional license."

H. The Board may conduct an inspection~~, pursuant to~~ under A.R.S. § 41-1009~~,~~ of a licensee's place of business to determine compliance with the requirements of this Article.

I. ~~In addition to the grounds for disciplinary action~~ As provided in A.R.S. § 32-3051, the Board may discipline a licensee that:
1. Violates ~~the requirements~~ a requirement in subsection (E), or
2. Intentionally or negligently misrepresents any material information in documents or testimony presented to the Board.

R4-39-107. Requirements for a Provisional License to Continue to Operate a Private Non-accredited Degree-granting Institution in Arizona

A. ~~The~~ Except as specified in subsection (A)(7), the Board shall not grant or renew a provisional license ~~or renewal of a provisional license~~ to an applicant if:
1. Since the start date of the current licensure period, an individual with at least 20 percent ~~or more~~ ownership in the applicant ~~institution~~ or an officer or employee who controls, manages, or represents the applicant in this state has been convicted in this state or any ~~other state or~~ jurisdiction of a ~~felony or~~ any crime regardless of whether the crime is a misdemeanor or felony, that a reasonable person would consider relevant ~~related~~ to the legal and ethical operation of an educational institution~~, unless the conviction has been absolutely discharged, expunged, or vacated~~;
2. Since the start date of the current licensure period, a person with at least 20 percent ~~or more~~ ownership in the applicant ~~institution~~ or an officer or employee who controls, manages, or represents the applicant in this state has had a license to operate a vocational ~~program, vocational institution, degree program,~~ or degree-granting institution revoked in this state or any ~~other state or~~ jurisdiction; ~~or~~
3. The applicant provides false or misleading information on or with an application required by this Section~~.~~;
4. The applicant fails to apply for accreditation as required under R4-39-106(D)(3) or fails to make progress consistent with the chronological timeline specified under R4-39-106(D)(5) for three consecutive renewal periods;
5. The applicant was previously licensed by the Board and ceased to operate without complying with R4-39-402 and R4-39-406; or
6. The applicant ceased to operate or offer a program and as a result:
   a. The Board was obligated to make a payment from the Student Tuition Recovery Fund established under A.R.S. § 32-3072, or
   b. The DE or a private entity forgave loans, in whole or in part, to affected students; and

7. If the conviction described in subsection (A)(1) was discharged, expunged, set aside, or vacated, the Board shall consider this fact when exercising its discretionary power under this Section.

B. The Board shall grant or renew a provisional license ~~or renewal of a provisional license~~ to an applicant if the applicant submits an application and:
1. The ~~applicant provides~~ application includes the information required in subsection (C) ~~or (D)~~; and
2. The information provided demonstrates:
   a. Compliance with A.R.S. §§ 32-3021(B)(1) through (11) and 32-3022(C);
   b. The ability to provide educational services as represented to the public; and
   c. Progress in gaining accreditation from each accrediting agency named under R4-39-106(D)(3).

C. No later than 60 ~~calendar~~ days before ~~the~~ expiration ~~date~~ of a licensee's conditional or provisional license, an applicant for ~~a~~ an initial or renewed provisional license shall submit to the Board an application packet ~~including~~ that includes:
1. The filing fee required under R4-39-201;
2. The information and documentation required in R4-39-104(D)(2)~~, (D)(4),~~ through (D)(5), (D)(8)(a) and (c), (D)(9), ~~through~~ (D)(10), (D)(12), ~~and~~ (D)(14), (D)(15), and ~~through~~ (D)(17);
3. ~~A chronological timeline identifying the applicant's continued progress in gaining accreditation from each accrediting agency named under R4-39-106(D)(3);~~ A report on the annual enrollment and retention and placement rates for each program offered;
4. ~~On a form provided by the Board, responses to questions regarding the applicant's continued progress in gaining accreditation from each accrediting agency named under R4-39-106(D)(3); and~~ Documents that demonstrate the applicant met the chronological timeline submitted under R4-39-106(D)(5); and
5. Copies of application documents and all correspondence with all accrediting agencies ~~submitted to an accrediting agency~~ named under R4-39-106(D)(3), if applicable.

~~**D.** No later than 60 calendar days before the expiration date of a licensee's provisional license, an applicant for renewal of a provisional license shall submit to the Board an application packet including:~~
~~1. The filing fee required under R4-39-201;~~
~~2. The information and documentation required in R4-39-104(D)(2), (D)(4), (D)(5) through (D)(10), and (D)(14) through (D)(17);~~
~~3. A chronological timeline identifying the applicant's continued progress in gaining accreditation from each accrediting agency named under R4-39-106(D)(3);~~
~~4. On a form provided by the Board, responses to questions regarding the applicant's continued progress in gaining accreditation from each accrediting agency named under R4-39-106(D)(3);~~
~~5. Copies of application documents submitted to an accrediting agency named under R4-39-106(D)(3), if applicable; and~~
~~6. Documentation from each accrediting agency named under R4-39-106(D)(3) that demonstrates that the applicant is actively seeking accreditation.~~

D. A licensee that fails to comply with subsection (C) and allows the licensee's conditional or provisional license to expire shall:
1. Comply with subsection (C) within 30 days after the license expires, and
2. Pay the late renewal fee prescribed under A.R.S. § 32-3027(A)(7); or
3. Immediately cease operating in this state.

E. A licensee shall:
1. Notify the Board in writing ~~within 24 hours~~ by the next business day if the licensee:
   a. Is determined by an accrediting agency named under R4-39-106(D)(3) to be ineligible to apply for accreditation with the accrediting agency;
   b. Is precluded from initiating or continuing in the accreditation process by an accrediting agency named under R4-39-106(D)(3); ~~or~~
   c. Is denied accreditation by an accrediting agency named under R4-39-106(D)(3);
   d. Knows or should know that the licensee is or was under investigation by a state or federal agency or an accrediting agency; or
   e. Decides to cease operations;
2. Within five ~~calendar~~ days of:
   a. ~~receipt~~ Receipt, submit to the Board a copy of any document from an accrediting agency named under ~~subsection (D)(3)~~ R4-39-106(D)(3) that pertains to the licensee's progress in gaining accreditation from the accrediting agency; and
   ~~3.~~b. ~~Within five calendar days of mailing~~ Mailing or sending, submit to the Board a copy of any document mailed or sent by the licensee to an accrediting agency named under ~~subsection (D)(3)~~ R4-39-106(D)(3) that pertains to the licensee's progress in gaining accreditation from the accrediting agency~~.~~; and
3. Within 10 days after determining that the licensee failed to meet the timeline submitted under subsection R4-39-106(D)(5), submit written notice of the failure to the Board.

F. The Board may conduct an inspection, ~~pursuant to~~ under A.R.S. § 41-1009, of ~~an applicant's or~~ a licensee's place of business to determine compliance with the requirements of this Article.

G. ~~In addition to the grounds for disciplinary action~~ As provided in A.R.S. § 32-3051, the Board may discipline a licensee that:
1. Violates ~~the requirements~~ a requirement in subsection (E), ~~or~~
2. Intentionally or negligently misrepresents any material information in documents or testimony presented to the Board, or
3. Fails to comply fully with subsection (C) or (D) but continues to operate in this state.

R4-39-108. Surety Bond, Cash Deposit, or ~~Equivalent Security Requirements~~ Letter of Credit; Insurance ~~Requirements~~; Financial Statement Requirements; and Finance Committee

A. ~~A person applying for a license and a person licensed~~ An applicant or licensee under R4-39-104, R4-39-105, R4-39-106, or R4-39-107~~, or R4-39-110(E)~~ shall have a surety bond, cash deposit, or ~~equivalent security~~ letter of credit as required ~~pursuant to~~ under A.R.S. § 32-3023(A). The Board shall determine the dollar amount of the surety bond, cash deposit, or ~~equivalent security pursuant to~~ letter of credit under A.R.S. § 32-3023(C).

B. The Board may require ~~that a person applying for a license or a person licensed~~ an applicant or licensee under R4-39-103 or R4-39-110(D) or (E) have a surety bond, cash deposit, or ~~equivalent security~~ letter of credit as ~~required pursuant to~~ allowed under A.R.S. § 32-3023(B). The Board shall determine whether a surety bond, cash deposit, or ~~equivalent security~~ letter of credit is required of an applicant or licensee under R4-39-103 or R4-39-110(D) or (E) and if so, the ~~dollar~~ amount of the surety bond, cash deposit, or ~~equivalent security pursuant to A.R.S. § 32-3023(C)~~ letter of credit. In determining whether and the amount of surety bond, cash deposit, or letter of credit to require, the Board shall consider the following factors:
1. Whether the institution has sources of funding other than tuition and the percentage of the institution's funding contributed by the other sources;
2. The amount of time programs offered by the institution require for completion; and
3. The criteria regarding financial responsibility specified under subsection (I)(4).

C. The Board shall use the following guidelines to determine the amount of surety bond, cash deposit, or letter of credit to require of an applicant or licensee:
1. The minimum amount required for applicants and licensees is $15,000;
2. Additional amounts required of an accredited institution:
   a. If the annual GTR is less than $400,000, 15 percent of annual GTR; and
   b. If the annual GTR is $400,000 or more, 10 percent of annual GTR; and
3. Additional amounts required of a non-accredited institution:
   a. If the annual GTR is less than $400,000, 20 percent of annual GTR; and
   b. If the annual GTR is $400,000 or more, 15 percent of annual GTR.

D. An applicant or licensee that meets the requirement under subsection (A) or (B) with a surety bond shall purchase the surety bond from a surety company that has a rating of A or higher from a national rating service.

~~**C.**~~**E.** ~~A person applying for a license or a person licensed under this Article~~ An applicant or licensee shall:
1. Have and maintain with an insurance company authorized to transact business in this state coverage that ~~complies with R4-39-302(4)~~ is adequate to protect the applicant or licensee's assets in the event of damage or a finding of liability ~~and~~:
   a. For an applicant or licensee with annual GTR of $1,000,000 or more:
      i. A minimum single occurrence ~~malpractice or professional liability coverage~~ of $1,000,000 for educators' errors and omissions or malpractice liability insurance; and
      ~~b.~~ii. A minimum single occurrence of $1,000,000 for general liability coverage ~~of $1,000,000~~ for ~~the~~ operation of the institution; ~~or~~
   b. For an applicant or licensee with annual GTR more than $500,000 but less than $1,000,000:
      i. A minimum single occurrence of not less than the previous year's GTR plus 10 percent for educators' errors and omissions or malpractice liability insurance; and
      ii. A minimum single occurrence not less than the previous year's GTR plus 10 percent of general liability coverage for the operation of institution;
   c. For an applicant or licensee with annual GTR equal to or less than $500,000:
      i. A minimum single occurrence of not less than $500,000 for educators' errors and omissions or malpractice liability insurance; and
      ii. A minimum single occurrence not less $500,000 of general liability coverage for the operation of institution; or
2. Be self-insured for the amounts in subsection (C)(1).

~~**D.**~~**F.** ~~A person applying for a license or renewal of a license shall submit with the license or renewal application~~ An applicant or licensee shall submit to the Board a fiscal year-end financial statement that complies with the following requirements:
~~1. Financial statements that are prepared and signed by an independent, certified public accountant currently licensed by the Arizona State Board of Accountancy or by the accountancy board in the state of the applicant's or licensee's headquarters;~~
~~2.~~1. ~~Financial statements that are~~ If the applicant or licensee has annual GTR greater than $350,000:

a. Is prepared and compiled, reviewed, or audited by a certified public accountant in accordance with generally accepted accounting ~~principals~~ principles; and
b. Includes a statement of cash flows and disclosures; or
2. If the applicant or licensee has annual GTR equal to or less than $350,000:
a. Is compiled, reviewed, or audited in accordance with generally accepted accounting principles; and
b. Includes supporting documentation requested by the Board; and
3. ~~Additional~~ Includes additional financial information if required by the Board under ~~subsection (E) or (F)~~ subsections (G) and (H).

~~E.~~**G.** The Board shall require ~~that a person applying for a license or renewal under this Article~~ an applicant or licensee to submit additional financial documentation if:
1. The fiscal year-end financial ~~statements are~~ statement is for a reporting period that ended more than six months before the date of license application; or
2. The applicant has not previously operated in this state or any other ~~state or~~ jurisdiction.

~~F.~~**H.** The Board may require ~~that a person applying for a license or renewal under this Article~~ an applicant or licensee to submit additional financial documentation if:
1. The Board has concerns based ~~upon~~ on the applicant's or licensee's responses to questions ~~on a license application~~ regarding the ~~applicant's~~ distribution of ownership, business type, and legal structure~~.~~; or
2. The financial documentation submitted shows:
a. Current ratio of assets to liabilities less than 1:1,
b. Current negative net worth,
c. Net losses during each of the last two years,
d. Subject to additional DE reporting requirements or has a composite score of less than 1.5,
e. Current cash reserves are insufficient to make required refunds,
f. Current financial obligations are not being met,
g. Applicant or licensee has a history of revocation or negative action in this or another state,
h. Current negative cash flow, or
i. Financial responsibility standards for accreditation are not being met.

I. The Board shall appoint a Finance Committee that consists of at least three member of the Board:
1. The Finance Committee shall comply with the open meeting requirements at A.R.S. Title 38, Chapter 3, Article 3.1.
2. The Finance Committee shall assess the financial responsibility of an applicant or licensee.
3. If the Finance Committee determines that the information submitted under this Section is not sufficient to demonstrate that an applicant or licensee has financial responsibility, the Finance Committee shall work with the applicant or licensee to improve the demonstration.
4. After reviewing the information submitted under this Section, the Finance Committee shall determine that the applicant or licensee:
a. Has demonstrated financial responsibility and grant a license;
b. Has not demonstrated financial responsibility but grant a license contingent on the licensee doing one or more of the following:
i. Submitting quarterly reports,
ii. Submitting a financial improvement plan,
iii. Submitting two-year financial projections, and
iv. Posting a surety bond, cash deposit, or letter of credit that exceeds the amount determined under subsection (C);
c. Has not demonstrated financial responsibility and postpone action to allow the applicant or licensee to provide additional information; or
d. Has not demonstrated financial responsibility and refer the matter to the whole Board for Board action.

R4-39-109. Supplemental License Applications

A. A ~~private vocational or degree-granting institution~~ licensee shall submit to the Board an application for a supplemental license ~~for approval of any additional vocational program, degree program, change of location or change of name of the institution~~ at least 45 days before doing any of the following:
1. ~~Operating an unlicensed,~~ Offering a new~~,~~ or additional vocational or degree-granting program; ~~or~~
2. Operating from ~~an unlicensed,~~ a new or additional location; or
3. Changing the name of the licensed institution.

B. The Board shall grant a supplemental license to a private vocational or degree-granting institution if the ~~institution demonstrates~~ Board determines that ~~a~~ the supplemental license application submitted under subsection (A) ~~is in compliance~~ complies with A.R.S. §§ 32-3021 through 32-3051 and this Chapter.

R4-39-110. Change of Ownership or Control

A. In this Section, "change of ownership or control" ~~means~~ is indicated by the following:
1. For a privately held corporation whose control is vested in those who control the voting stock of the corporation~~,~~:
a. At least 50 percent ~~or more~~ of the voting stock changes from one owner to another within a five-year period; or

b. At least 50 percent of the assets of the corporation are sold regardless of whether the sale is called an asset or securities purchase, a stock or share exchange, or something else;

2. For a publicly traded corporation whose control is vested in the voting members of the board of directors:
   a. ~~Fifty~~ At least 50 percent ~~or more~~ of the voting members of the board of directors change within a 12-month period, or
   b. ~~The chief executive officer of the corporation changes~~ At least 50 percent of the assets of the publicly traded corporation are sold regardless of whether the sale is called an asset or securities purchase, a stock or share exchange, or something else;
3. For a non-profit corporation whose control is vested in the voting members of the board of ~~directors~~ trustees:
   a. ~~Fifty~~ At least 50 percent ~~or more~~ of the voting members of the board of ~~directors~~ trustees change within a 12-month period, or
   b. The chief executive officer of the non-profit corporation changes;
4. For a limited partnership whose control is vested in a corporate general partner, ~~if under subsections (A)(1), or (A)(2), or (A)(3),~~ the corporate general partner:
   a. ~~has~~ Has a change of ownership or control as determined under subsections (A)(1) through (A)(3); or
   b. At least 50 percent of the assets of the corporate general partner are sold regardless of whether the sale is called an asset or securities purchase, a stock or share exchange, or something else;
5. For a limited liability company whose control is vested in members who control a majority of the interest in the company~~, if~~:
   a. At least 50 percent ~~or more~~ interest changes within a 12- month period; or
   b. At least 50 percent of the assets of the limited liability company are sold regardless of whether the sale is called an asset or securities purchase, a stock or share exchange, or something else;
6. For a sole proprietor or a limited partnership that is not described in subsection (A)(4), if at least 50 percent ~~or more~~ interest changes within a five-year period~~.~~; and
7. For any business entity described in subsections (A)(1) through (A)(6), when the entity changes from one business form to another including when a non-profit entity becomes a for-profit entity or when a privately held corporation becomes a publicly traded corporation.

B. If assets are sold under subsection (A)(1), (A)(2), (A)(4), or (A)(5), regardless of whether the sale is called an asset or securities purchase, a stock or share exchange, or something else, the sale must transfer liabilities for students enrolled at the time of closing.

C. For the purposes of this Section, assets and liabilities are determined according to generally accepted accounting principles.

~~**B.**~~**D.** ~~In determining whether a~~ A change of ownership or control ~~has occurred, the Board shall deem that a~~ does not occur under subsection (A) if ~~change of ownership or control has not occurred if the~~ an interest is transferred by operation of law or inheritance to a parent, grandparent, spouse, or child.

~~**C.**~~**E.** A licensee shall, within seven days, notify the Board in writing and explain the following:
1. ~~No later than seven calendar days after change of ownership or control, notify the Board in writing of the~~ A change of ownership or control as described under subsection (A); ~~and~~ or
2. ~~No later than seven calendar days after any~~ A change of interest or ~~change~~ of the voting members of the board of directors of more than 20 percent but less than 50 percent~~, notify the Board in writing of the change~~.

~~**D.**~~**F.** No later than 60 ~~calendar~~ days after ~~a change of ownership or control~~ the date on the notice provided under subsection (E), a licensed private accredited institution shall submit to the Board a license application packet ~~including~~ that includes:
1. The filing fee required under R4-39-201(E);
2. Either:
   a. Information and documentation specified in R4-39-103~~(D)(5), (D)(8), (D)(9) and~~ (D)(3) through (D)(10), as applicable, ~~and~~ R4-39-104(D)(2), if required, and (D)(3)~~, (D)(5), (D)(7)~~ through ~~(D)(11)~~ (D)(6), (D)(8)(a) and (c) through (D)(12), (D)(14), and ~~(D)(15)~~ (D)(17); or
   b. If required by an accrediting agency that accredits the licensee's programs or the institution through which the programs are ~~operated~~ offered, a copy of change of ownership documents submitted by the licensee to the accrediting agency;
3. Attestation that the applicant will assume financial responsibility, as required under R4-39-404(C), for ~~the payment of~~ all student tuition refunds for which the institution has an obligation; and
4. Other information determined by the Board to be relevant to ~~the determination of~~ determining the applicant's compliance with licensing requirements under A.R.S. Title 32, Chapter 30 and this Article.

~~**E.**~~**G.** No later than 60 ~~calendar~~ days after ~~a change of ownership or control~~ the date on the notice provided under subsection (E), a licensed private non-accredited institution shall submit to the Board a license application packet~~, including~~ that includes:
1. The filing fee required under R4-39-201(E);
2. For a private non-accredited vocational institution, information and documentation specified in R4-39-104~~(D)(2),~~ (D)(3)~~, (D)(5), (D)(7)~~ through ~~(D)(11)~~ (D)(6), (D)(8)(a) and (c), (D)(12)~~, and~~ through(D)(14) ~~through (D)(16)~~ and (D)(17);

3. For a private non-accredited degree-granting institution, information~~,~~ and documentation~~, and fees~~ specified in ~~R4-39-107(C)(4) and~~ R4-39-103(D)(3) through (D)(10), as applicable, R4-39-104(D)(2)~~, (D)(3), (D)(5), (D)(7)~~ through ~~(D)(11)~~ (D)(6), (D)(8)(a) and (c), (D)(12)~~, and~~ through (D)(14) ~~through (D)(16)~~ and (D)(17);
4. Attestation that the applicant will assume financial responsibility, as required under R4-39-404(C), for all student tuition refunds for which the institution has a financial obligation; and
5. Other information determined by the Board to be relevant to ~~the determination of~~ determining the applicant's compliance with licensing requirements under this Article.

~~F.~~**H.**~~The~~ Except as specified in subsection (H)(6), the Board shall not grant a license ~~for~~ as a result of a change of ownership or control to an applicant if:

1. Within 10 years before ~~the date of~~ filing ~~an~~ the application packet required in ~~subsections~~ subsection ~~(D)~~ (G) or ~~(E)~~ (H) or since the start date of the current licensure period, an individual with at least 20 percent ~~or more~~ ownership in the applicant ~~institution~~ or an officer or employee who controls, manages, or represents the applicant in this state has been convicted in this state or any ~~other state or~~ jurisdiction of ~~a felony or~~ any crime, regardless of whether the crime is a misdemeanor or felony, that a reasonable person would consider relevant ~~related~~ to the legal and ethical operation of an educational institution~~, unless the conviction has been absolutely discharged, expunged, or vacated~~;
2. Within 10 years before ~~the date of~~ filing ~~an~~ the application packet required in ~~subsections~~ subsection ~~(D)~~ (G) or ~~(E)~~ (H) or since the start date of the current licensure period, a person with at least 20 percent ~~or more~~ ownership in the applicant ~~institution~~ or an officer or employee who controls, manages, or represents the applicant in this state has had a license to operate a ~~vocational program,~~ vocational ~~institution, degree program, or~~ degree-granting institution revoked in ~~Arizona~~ this state or ~~in~~ any ~~state or~~ jurisdiction; ~~or~~
3. The applicant provides false or misleading information on or with ~~an~~ the application required by this Section~~.~~;
4. The applicant was previously licensed by the Board and ceased operation without complying with R4-39-402 and R4-39-406; or
5. The applicant ceased to operate or offer a program and as a result:
   a. The Board was obligated to make a payment from the Student Tuition Recovery Fund established under A.R.S. § 32-3072, or
   b. The DE or a private entity forgave loans, in whole or in part, to affected students; and
6. If the conviction described in subsection (H)(1) was discharged, expunged, set aside, or vacated, the Board shall consider this fact when exercising its discretionary power under this Section.

~~G.~~**I.** The Board shall grant a license ~~for~~ as a result of a change of ownership or control ~~to an applicant~~, if the applicant:

1. Demonstrates compliance with A.R.S. §§ 32-3021 through 32-3027, as applicable; and
2. Meets the application requirements in subsection ~~(D)~~ (F) or ~~(E)~~ (G).

~~H.~~**J.** The Board may conduct an inspection, ~~pursuant to~~ under A.R.S. § 41-1009, of an applicant's or ~~a~~ licensee's place of business to determine compliance with the requirements of A.R.S. Title 32, Chapter 30 and this Article.

R4-39-111. Honorary Degrees

A. Only a currently licensed, accredited private degree-granting ~~institutions~~ institution may apply to award an honorary ~~degrees~~ degree. ~~A~~ Before offering to grant or granting an honorary degree, a currently licensed, accredited private degree-granting institution shall submit an application for a supplemental license for an honorary degree to the Board for the Board's verification, review, and administrative action ~~before offering to grant or granting an honorary degree~~.

B. The Board shall approve the application for a supplemental license ~~application~~ for an honorary degree if the honorary degree is consistent with the institution's currently ~~licensed~~ offered degree-granting programs.

C. ~~An~~An accredited private degree-granting institution whose application for a supplemental license for an honorary degree is approved shall ensure that the honorary degree ~~identify~~ identifies in its title or name ~~that it is an honorary degree~~ and ~~shall bear~~ bears on its face ~~the denotation~~ that it is an honorary degree.

ARTICLE 2. FEES

R4-39-201. Fees

A. The filing fee for ~~an original~~ a license to operate a private vocational or degree-granting ~~programs~~ institution is $800.

B. The annual filing fee for a license renewal to continue to operate a private vocational or degree-granting ~~programs~~ institution is the following amount based ~~upon~~ on the institution's annual ~~gross tuition revenues~~ GTR:

1. Less than $50,000 annual ~~gross tuition revenue~~ GTR, $600~~.~~;
2. $50,000/$249,999 annual ~~gross tuition revenue~~ GTR, $750~~.~~;
3. $250,000/499,999 annual ~~gross tuition revenue~~ GTR, $1,000~~.~~;
4. $500,000/$999,999 annual ~~gross tuition revenue~~ GTR, $1,300~~.~~;
5. $1,000,000/$2,499,999 annual ~~gross tuition revenue~~ GTR, $1,650~~.~~;
6. $2,500,000/$6,999,999 annual ~~gross tuition revenue~~ GTR, $2,000~~.~~; or
7. $7,000,000 or more annual ~~gross tuition revenue~~ GTR, $2,300.

C. The filing fee for each application for a supplemental license to ~~operate~~ offer a new or additional private vocational or ~~degree granting programs~~ degree-granting program is $500.

D. The filing fee for each application for a supplemental license to ~~operate~~ offer a private vocational or degree-granting ~~programs~~ program from a new ~~location~~ or ~~an~~ additional location is $500.

E. The filing fee for an application for a supplemental license to continue to operate a private vocational or degree-granting

~~programs upon~~ institution following a change of ownership or control is $500.

F. The fee for an onsite verification~~,~~ or inspection~~, or investigation~~ is the actual cost incurred or $500, whichever is less.

ARTICLE 3. OPERATION OF PRIVATE NON-ACCREDITED INSTITUTIONS

R4-39-301. Catalog

A. A ~~person operating a licensed private~~ licensee offering a non-accredited ~~institution~~ program shall ensure that the ~~institution~~ licensee has a catalog that includes the following information:

1. The ~~institution's~~ licensee's:
   a. ~~name,~~ Name;
   b. ~~street address,~~ Street, mailing ~~address, telephone number, fax number~~, e-mail ~~address~~, and web site ~~address~~ addresses, if applicable; and
   c. Telephone and fax numbers;
2. If the ~~institution~~ licensee has a headquarters in another state or jurisdiction, the headquarters':
   a. ~~street address,~~ Street, mailing ~~address, telephone number, fax number~~, e-mail ~~address~~, and web site ~~address~~ addresses, if applicable; and
   b. Telephone and fax numbers;
3. The effective date of the catalog;
4. The names and titles of:
   a. All members of any board of directors or board of trustees,
   b. All individuals responsible for managing the ~~institution~~ licensee in this state, and
   c. All ~~persons with 20 percent or more ownership in the institution~~ members of executive management who live outside this state;
5. A list of all programs ~~operated~~ offered by the ~~institution~~ licensee;
6. For each program to be ~~operated~~ offered:
   a. A topical outline, including a statement of purpose, objectives, subjects, units, skills, and jobs to be learned in the program, and the number of clock, credit, or semester hours to be spent by the student in each phase of the program;
   b. Any program prerequisites and completion requirements;
   c. Tuition and student fees;
   ~~d. Any required textbooks or program learning materials;~~
   ~~e.~~d. Any required equipment or technology ~~requirements or competencies~~;
   e. Any required competencies;
   ~~f. Any library resources;~~
   ~~g.~~f. Any clinical training, practica, externships, internships, or special features of the program;
   ~~h.~~g. Any graduate employment opportunities; and
   ~~i.~~h. ~~Any~~ Licensure requirements for a graduate to practice, if any;
7. Any allowable student tuition reductions, ~~tuition~~ discounts, ~~tuition~~ and scholarships~~,~~ and educational loans that comply with R4-39-308;
8. Any available student payment schedules and financing options that comply with R4-39-308;
9. Student eligibility requirements for tuition reductions, ~~tuition~~ discounts, ~~tuition~~ and scholarships, educational loans, payment schedules, and financing options, if applicable;
10. ~~Institutional refund~~ Refund policies that comply with R4-39-308 and R4-39-404;
11. Any student services provided by the ~~institution~~ licensee;
12. A description of: ~~each educational~~
    a. Educational delivery ~~system available~~ systems used in the program, including classroom-based instruction, directed study, distance education, and online computer-based learning~~.~~; and
    b. Available library resources;
13. For ~~institutions~~ licensees operating on an academic calendar, identification of:
    a. Start and end dates for each semester, quarter, term, or session offered; and
    b. Vacation periods and holidays; ~~and~~ or
    c. Explanation of the enrollment period;
14. Policies and regulations governing:
    a. Admission requirements or program ~~registration~~ enrollment;
    b. Program or course cancellation;
    c. Grading procedures ~~or progress tracking~~;
    d. Change in student status~~;~~, including:
       i. Leave of absence;
       ii. Readmission; and
       iii. Probation, suspension, or expulsion;
    e. ~~Student readmission~~ Standards for satisfactory academic progress;

f. ~~Student probation, suspension, or expulsion~~ Graduation requirements;
g. Grade reports and transcripts; and
h. As applicable:
i. Student attendance; and
ii. Credit for previous education, training, work, or life experience~~.~~; and

15. Student grievance procedure that meets the requirements at R4-39-104(D)(12).

B. A ~~person operating a licensed private~~ licensee offering a non-accredited ~~institution~~ program shall make ~~a~~ the catalog required under subsection (A) available to students and prospective students in a written or electronic format.

C. Within 10 ~~calendar~~ days from the date a ~~person operating a licensed private~~ licensee offering a non-accredited ~~institution~~ program revises ~~a~~ the catalog required under subsection (A) or publishes a new catalog, the ~~licensed private non-accredited institution~~ licensee shall submit to the Board a written or electronic copy of the revised or new catalog.

R4-39-302. Facilities and Equipment

A. A ~~person operating a licensed private~~ licensee offering a non-accredited ~~institution~~ program shall ensure that the:

1. Building, classrooms, equipment, furniture, grounds, instructional devices, and other physical facilities of the ~~institution~~ licensee are appropriate to achieve the educational objectives of the institution;
2. Physical facility and equipment ~~meet~~ comply with all:
   a. ~~safety~~ Safety requirements and health standards of the city, county, state, and any other authority in which the facility is located; and
   b. Local and state planning, building, zoning, and fire codes; and

~~3. Physical facility and equipment comply with local and state laws for planning, building, zoning, and fire codes;~~

~~4.~~3. Insurance required under R4-39-108 is adequate to protect the assets of the ~~institution~~ licensee in the event of damage or a finding of liability~~; and~~.

B.~~5.Board is notified of a change of location as required in R4-39-109~~ A licensee offering a non-accredited program shall comply with R4-39-109 before offering the non-accredited program from an unlicensed, new, or additional location.

R4-39-303. Staff

A. A ~~person operating a licensed private~~ licensee offering a non-accredited ~~institution~~ program shall ensure that:

1. The ~~institution~~ licensee has ~~a local administrator~~ an on-site director who is qualified under subsection (B) and designated to carry out the duties under subsection ~~(B)~~ (C);
2. Each staff member communicates information regarding the ~~institution~~ licensee, ~~the institution's~~ programs, and ~~the institution's~~ educational services that is true and ~~is~~ as represented in the ~~institution's~~ licensee's catalog, required under R4-39-301, and ~~in any~~ brochures, promotional materials, or advertisements provided to or intended for students or potential students;
3. The ~~institution~~ licensee has sufficient staff to provide instruction and educational services as represented in the ~~institution's~~ licensee's catalog, required under R4-39-301, and ~~in any~~ brochures, promotional materials, or advertisements provided to or intended for students or potential students; and
4. Instruction and services are provided to a student as represented in the ~~institution's~~ licensee's catalog, required under R4-39-301, and ~~any~~ brochures, promotional materials, or advertisements provided to the student.

B. A licensee offering a non-accredited program shall employ an on-site director who is qualified as follows:

1. Is of good moral character; and
2. Has academic, administrative and supervisory experience the Board determines is consistent with the ability to operate and deliver a non-accredited program.

~~**B.**~~**C.**~~An administrator~~ The on-site director designated under subsection (A)(1) shall:

1. Supervise the day-to-day operation of the ~~institution~~ licensee;
2. For each program to be ~~operated~~ offered by the ~~institution~~ licensee, ~~develop and~~ implement a curriculum capable of preparing a student enrolled in the program:
   a. To achieve the program's occupational objective,
   b. ~~for~~ To complete requirements for the program degree~~, the program~~ or other credential, ~~the program's occupational objective, or~~ and
   c. To obtain a specific entry-level job covered in the program; ~~and~~
3. Ensure that all faculty members meet the requirements in subsection ~~(C) or~~ (D) or (E)~~.~~; and
4. Develop and implement a plan, with specific goals, benchmarks, and time frames, for faculty improvement.

~~**C.**~~**D.**A ~~person operating a licensed private~~ licensee offering a non-accredited ~~institution~~ vocational program shall ensure that a faculty member ~~for a private non-accredited vocational institution~~ has ~~at least~~:

1. ~~Two~~ At least two years of practical work experience in the subject the faculty member is teaching unless the faculty member is teaching in an emerging discipline in which case the Board shall consider an alternative standard to determine qualification of the faculty member; ~~and~~
2. Postsecondary education in the subject the faculty member is teaching from an accredited institution or an institution licensed to operate as a postsecondary educational institution by the state in which the faculty member received the postsecondary education~~.~~;
3. Taken teacher-training courses appropriate to the level of qualification required by the program offered; and
4. Maintained professional competence by participating in continuing education.

~~D.~~E. A ~~person operating a licensed private~~ licensee offering a non-accredited ~~institution~~ degree-granting program shall ensure that a faculty member ~~for a private non-accredited degree-granting institution~~ has ~~at least~~:
1. ~~Two~~ At least two years of practical work experience in the subject the faculty member is teaching; ~~and~~
2. A degree from an accredited institution equal to or exceeding the degree awarded to a graduate of the program in which the faculty member is teaching~~.~~;
3. Taken teacher-training courses appropriate to the level of qualification required by the program offered; and
4. Maintained professional competence by participating in continuing education.

~~E.~~F. A ~~person operating a licensed private~~ licensee offering a non-accredited ~~institution~~ program shall ensure that:
1. Within ~~10~~ 30 ~~calendar~~ days ~~from the date the institution's~~ ~~administrator~~ after the director designated under subsection (A) resigns, is terminated, or is otherwise unable to fulfill all responsibilities established under subsection ~~(B)~~ (C), the Board is notified in writing; and
2. Within ~~10~~30 ~~calendar~~ days ~~from the date~~ after the ~~institution~~ licensee ~~employs~~ designates a new ~~administrator~~ director, a completed form, ~~provided by~~ which is available from the Board, describing the ~~individual's~~ new director's professional and educational background is submitted to the Board~~; and~~.
3. ~~Within 10 calendar days from the date the institution employs a new faculty member, a completed form provided by the Board describing the individual's professional and educational background is submitted to the Board.~~

R4-39-304. Advertising

A. ~~Advertising~~ A licensee offering a non-accredited program shall ensure that all advertising is ~~be~~ truthful and ~~shall~~ does not include a false or misleading ~~statements~~ statement about the institution, personnel, ~~the~~ faculty, courses, diploma or certificate awarded, services, or occupational opportunities for a graduate.

B. The Board may institute disciplinary proceedings against a ~~non-accredited private vocational or degree-granting institution or an institutional~~ licensee offering a non-accredited program or the licensee's representative for false or misleading advertising.

C. A ~~non-accredited private vocational or degree-granting institution~~ licensee offering a non-accredited program shall not solicit students in:
1. ~~the~~ The "help wanted" section of a newspaper, magazine, or other ~~similar~~ publication, regardless of whether the publication is printed or online; or
2. Employment or unemployment lines in which individuals stand while seeking work or benefits.

D. A ~~non-accredited private vocational or degree-granting institution~~ licensee offering a non-accredited program shall not use any form of the ~~words~~ word "guarantee" or "free" in solicitations or advertising in:
1. ~~any~~ A brochure, catalog, bulletin, leaflet, or other publication of the ~~institution,~~ licensee; or ~~nor in a~~
2. A newspaper, magazine, or ~~any other media~~ similar publication, regardless of whether the publication is printed or online.

E. ~~All~~ A licensee offering a non-accredited program shall ensure that all printed advertising ~~shall include~~ includes the name, phone number, and address of the ~~institution~~ licensee.

F. The Board ~~may require a non-accredited private vocational or degree-granting institution to submit all advertising for approval prior to publication~~ shall review the catalog, brochure, promotional document, uniform resource locator, student enrollment agreement, and other materials submitted under R4-39-104 to ensure the materials comply with the requirements of this Section.

R4-39-305. Recruitment

A. A ~~person operating a licensed private non-accredited institution~~ licensee offering a non-accredited program shall ensure that all information contained in the ~~institution's~~ licensee's catalog, required under R4-39-301, and in ~~any~~ brochures, promotional materials, and advertisements provided to or intended for students or potential students is true.

B. During student recruitment or before a student signs an enrollment agreement, a ~~licensed private non-accredited institution~~ licensee offering a non-accredited program:
1. May ~~allow~~ provide a student tuition reduction, ~~tuition~~ discount, ~~tuition~~ or scholarship, or educational loan only as authorized under R4-39-308; and
2. Shall not guarantee employment to a prospective student.

C. A ~~person operating a licensed private non-accredited institution~~ licensee offering a non-accredited program shall ensure that a staff member responsible for student recruitment or student admission:
1. Uses only those titles that accurately reflect the staff member's actual duties and responsibilities;
2. Is not designated as a counselor or advisor; and
3. Does not make final decisions regarding tuition, student fees, tuition reduction, ~~tuition~~ discounts, ~~tuition~~ or scholarships, educational loans, payment schedules, financing options, or ~~refund policies~~ refunds.

R4-39-306. Admission Requirements

A. ~~The institution~~ A licensee offering a non-accredited program shall establish, publish, and administer admission requirements.

B. If an entrance exam is required for admission, ~~the non-accredited private vocational or degree-granting institution~~ a licensee offering a non-accredited program shall:
1. Set a minimum passing score for admission that is consistent with the standard established by the exam developer~~;~~,
2. Admit only ~~a student~~ an individual who ~~has obtained~~ obtains the minimum passing score on the entrance exam~~;~~, ~~and~~

3. Maintain a copy of the completed entrance exam in the student's permanent record~~.~~, and
4. Not allow an individual who fails the entrance exam to take the exam again within 30 days.

C. If an entrance exam is not required for admission, ~~the non-accredited private vocational or degree-granting institution~~ a licensee offering a non-accredited program shall admit only ~~a student~~ an individual who demonstrates the ability to satisfactorily complete the prescribed training through:
1. Initial interview~~;~~,
2. Letter of recommendation~~;~~,
3. High ~~School Diploma~~ school diploma, ~~or a General Educational Development test~~ certificate of high school equivalency, or completion of a secondary education in a home school setting that complies with all state law;
4. Official educational transcripts; or
5. Other requirements established by the ~~institution~~ licensee.

R4-39-307. Placement

If ~~the non-accredited private vocational or degree-granting institution~~ a licensee offering a non-accredited program offers placement services to a student, the ~~following requirements~~ licensee shall ~~apply~~:
1. ~~The institution shall maintain~~ Maintain evidence of a student referral for job placement ~~and shall include~~ that includes the following information:
   a. The name of the student referred~~.~~,
   b. The name of the prospective employer~~.~~,
   c. Result of referral~~.~~, and
   d. Final placement or other disposition~~.~~;
2. ~~The non-accredited private vocational or degree-granting institution shall prepare~~ Prepare a student for placement by instructing the student in:
   a. ~~Instructing the student in resume~~ Resume preparation and interviewing procedures~~;~~,
   b. ~~Instructing the student in the appropriate~~ Appropriate dress and personal grooming~~;~~, and
   c. ~~Instructing the student in conduct~~ Conduct on the job~~.~~;
3. ~~A~~ Ensure that a student or graduate understands that a list of potential employers given to ~~a~~ the student or graduate by the ~~institution shall not be considered~~ licensee is not a referral or offer of placement~~.~~; and
4. ~~Each~~ Ensure that each student application ~~shall contain a disclaimer by the institution~~ clearly indicates that job placement is not guaranteed to a graduate or student.

R4-39-308. Tuition, Pricing, and Refund Policies

A. A ~~person operating a licensed private non-accredited institution~~ licensee offering a non-accredited program may charge students enrolled in the same program different tuition and student fees, only:
1. ~~Following a published~~ After publishing notice of a program price change to be effective ~~on a specified date~~ for all students enrolling in the program or starting classes on or after ~~the~~ a specified date;
2. For students who have chosen to modify programs or services so that a tuition reduction is warranted;
3. For students requiring additional services or otherwise incurring additional charges; ~~or~~
4. For students who are eligible for tuition reductions associated with payment schedules, financing options, or educational loans;

~~4.~~5. For students meeting tuition discount eligibility requirements in subsection (B); ~~and~~ or

~~5.~~6. For students receiving tuition scholarships under subsection (C).

B. A ~~person operating a licensed private non-accredited institution~~ licensee offering a non-accredited program that offers a tuition ~~discounts~~ discount shall:
1. Publish in the ~~institution's~~ licensee's catalog, required under R4-39-301, allowable tuition discounts and student eligibility requirements for ~~allowable~~ each tuition ~~discounts~~ discount, including tuition discounts for students:
   a. Enrolling as part of a group,
   b. Who are similarly situated, or
   c. Enrolling under the same program ~~schedule~~ or course schedule; and
2. Make tuition discounts available to all students who meet eligibility requirements.

C. A ~~person operating a licensed private non-accredited institution~~ licensee offering a non-accredited program that offers a full or partial tuition ~~scholarships~~ scholarship shall:
1. Publish in the ~~institution's~~ institution's catalog, required under R4-39-301, available tuition scholarships and student eligibility requirements for ~~available~~ each tuition ~~scholarships~~ scholarship, including terms, conditions, application procedures, deadline dates, basis for selection, range of award amounts, and aggregate award amounts; and
2. Objectively evaluate all applicants for tuition scholarships, and award tuition scholarships only to students who meet eligibility requirements.

D. A ~~person operating a licensed private non-accredited institution~~ licensee offering a non-accredited program that offers a full or partial educational ~~loans~~ loan shall:
1. Publish in the ~~institution's~~ licensee's catalog, required under R4-39-301, available full or partial educational loans and student eligibility requirements for ~~available~~ each full or partial educational ~~loans~~ loan, including terms, conditions, application procedures, deadline dates, range of loan amounts, aggregate loan amounts, interest rates, and loan repayment requirements;

2. Make the full or partial educational loans available to all students who meet eligibility requirements; and
3. Offer and administer the full or partial educational loans as required under R4-39-406.

E. A ~~person operating a licensed private non-accredited institution~~ licensee offering a non-accredited program that offers payment schedules or financing options shall:
1. Publish in the ~~institution's~~ licensee's catalog, required under R4-39-301, payment schedules and financing options and student eligibility requirements for each payment ~~schedules~~ schedule and financing ~~options~~ option, including terms and conditions, application procedures, interest rates, and monthly payments; and
2. Make the payment schedules and financing options available to all students who meet eligibility requirements.

F. A ~~person operating a licensed private non-accredited institution~~ licensee offering a non-accredited program:
1. Shall not require a prospective student to make a non-refundable payment until the prospective student signs an enrollment agreement and is accepted for enrollment, and
2. Shall ensure that a prospective student understands the prospective student's rights under R4-39-404.

G. A ~~person operating a licensed private non-accredited institution~~ licensee offering a non-accredited program shall have a refund policy that:
1. ~~Is applicable~~ Applies to all students, ~~and~~
2. Meets the requirements in R4-39-404~~.~~, and
3. Is described using identical language in both the catalog that is required under R4-39-301 and the student enrollment agreement that is required under R4-39-104 and meets the standards at R4-39-401.

H. A ~~person operating a licensed private non-accredited institution~~ licensee offering a non-accredited program shall ensure that all student tuition, student fees, tuition reductions, ~~tuition~~ discounts, ~~tuition~~ and scholarships, educational loans, payment schedules, financing options, and refund policies applicable to a student are:
1. Fully disclosed in writing on a student's enrollment agreement or applicable financial documents;
2. Consistent with information in the ~~institution's~~ licensee's catalog, required under R4-39-301, and ~~in~~ any brochures, promotional materials, or advertisements provided to or intended for students or potential students; and
3. Authorized ~~pursuant to~~ under this Section.

I. A ~~person operating a licensed private non-accredited institution~~ licensee offering a non-accredited program shall:
1. Charge a student tuition and student fees as identified in writing on a student's enrollment agreement or applicable financial documents;
2. Collect tuition and student fees from a student according to a payment schedule or financing option identified in writing on a student's enrollment agreement or applicable financial documents; and
3. Refund tuition and student fees charged to a student according to the refund policy identified in writing on a student's enrollment agreement or applicable financial documents.

ARTICLE 4. OPERATION OF ALL LICENSED INSTITUTIONS

R4-39-401. Student Records

A. For students enrolled after the effective date of this Section, a licensee shall maintain records required under this Section in electronic form. The licensee shall ensure that the electronic records are not in a proprietary format and are easily searchable by student.

~~**A.**~~**B.** ~~An institution~~ A licensee shall maintain a complete, ~~and~~ accurate, and permanent ~~records~~ record for each student ever enrolled. ~~currently enrolled, including~~ The licensee shall ensure that the student record includes the following:
1. An enrollment agreement containing, but not limited to, the following information:
   a. Name and address of student;
   b. ~~Commencement date of~~ Date the program begins;
   ~~c. Title of the course or courses within the program;~~
   ~~d.~~c. Total clock ~~and~~ or credit hours of the program;
   ~~e.~~d. Payment schedule and total cost to the student;
   ~~f.~~e. Refund policy of the ~~institution~~ licensee;
   ~~g.~~f. A statement indicating that the individual signing the agreement has read and understands all aspects of the agreement;
   ~~h.~~g. The notice required under ~~holder in due course rule as defined in A.R.S. § 47-3302~~ 16 CFR 433;
   ~~i.~~h. A ~~disclaimer~~ clear statement by the ~~institution~~ licensee that ~~"job placement" is~~ the licensee does not ~~guaranteed to graduates upon completion of this training or upon graduation~~ guarantee:
      i. Job placement to graduates when the program is complete; or
      ii. Credits or coursework will transfer to another school, college, or university;
   ~~j.~~i. ~~Student grievance procedures, if not printed in a catalog, bulletin, or other document provided each prospective student; and~~ If the licensee requires arbitration as part of the student grievance procedure, the following statement: Arbitration of a student grievance is required. Arbitration will take place at a location reasonably convenient for both parties giving due consideration to the student's ability to travel and other pertinent circumstances. Both parties will attempt to have proceedings take place within a reasonable time and without undue delay. The arbitration proceedings will follow the spirit if not the letter of the consumer due process protocol of the American Arbitration Association. The protocol includes but is not limited to a fundamentally fair process; an independent and impartial, competent, and qualified arbitrator; independent administration of the

arbitration; reasonable cost; right to representation; and possibility of mediation. Arbitration does not preclude other avenues of recourse, including but not limited to possible relief in small claims courts, unless and until the arbitration result is made binding. Arbitration of a student grievance does not preclude the student from seeking a remedy from the Arizona Board of Private Postsecondary Education;

~~k.~~j. A ~~cancellation~~ notice ~~in accordance with Federal Trade Commission (FTC) regulations.~~ of the right to cancel the enrollment agreement within three days by complying with R4-39-404(A); and

~~l.~~k. Signature of the student and an official of the ~~institution~~ licensee;

2. Copy of the entrance exam, if applicable;
3. A transcript;
4. Grades received, where applicable;
5. Student attendance information;
6. Counseling records; and
7. ~~Financial aid records for a length of time as required by the U.S. Department of Education; and~~
8. ~~All~~ A record of all obligations incurred and all funds paid by or on behalf of the student to the ~~institution~~ licensee.

C. A licensee shall maintain financial aid records for each student for the length of time required by the DE.

~~B.~~D. ~~An institution~~ A licensee shall make student records available and readily accessible for use and review by an authorized ~~officials~~ official of the ~~institution and~~ licensee or authorized ~~representatives~~ representative of the Board.

~~C.~~E. ~~An institution~~ A licensee that gives credit toward a course based ~~upon prior~~ on job experience, training, or life experience shall record that credit in the ~~institution's records relating to the student and in the~~ student's official transcript, which is part of the student record required under subsection (B). ~~and list~~ The licensee shall ensure the student's official transcript shows the portion of the course for which the student is given credit based on job experience, training, or life experience. ~~The institution shall attach a copy of the transcript reflecting courses for which the student is given credit for prior job experience, training, or life experience to the institution's official transcript and shall retain the transcript as part of the student's permanent records.~~

~~D.~~F. In addition to the information required under subsections ~~(A),~~ (B), and ~~(C), an institution~~ (E), a licensee shall include the following information, as applicable, in the record of a student who graduates:

~~1. Class rank upon graduating, where applicable.~~

~~2.~~1. Job placement provided, ~~where applicable.~~ and

~~3.~~2. Place of employment and beginning salary after graduation~~, where applicable~~.

G. A licensee shall ensure that records required under this Section:

1. Whether in paper or electronic form, are maintained securely and protected against damage or loss from fire, water, theft, tampering, or other harm;
2. Are maintained in perpetuity or submitted to the Board under R4-39-402; and
3. Are made available and readily accessible for use and review by an authorized representative of the Board.

R4-39-402. Preservation of Records

A. No more than 15 ~~calendar~~ days after a licensee ceases operation, the licensee shall submit to the Board a legible ~~copies~~ copy of all student records required in R4-39-401. The licensee shall submit the student records in electronic form if the records exist in electronic form. The licensee shall ensure that records in electronic form are in a non-proprietary format.

B. After a licensee submits records to the Board as required under subsection (A), the Board shall retain for each student the enrollment agreement, transcript, account ledger card, and a copy of the diploma or degree conferred. The Board shall retain these records according to the retention schedule approved by the Arizona State Library, Archives, and Public Records.

R4-39-403. ~~Student~~ Complaint Procedures

A. If a student has a complaint against a ~~licensed institution or program~~ licensee and exhausts all available grievance procedures, including all appeals, established by the ~~institution~~ licensee, the student may file a written complaint with the Board. ~~A~~ The student shall ensure that the complaint ~~must be~~ is filed within ~~three years of~~ two years after the latest of the following. The date on which the student:

1. ~~student's last date of attendance~~ Last attended the licensee;
2. Completed the licensee's grievance procedure, including all appeals; or
3. Is able to demonstrate that the licensee failed to follow the licensee's grievance procedure.

B. ~~The Board's staff shall investigate the complaint. Upon completion of Board staff's investigation, the complaint shall be referred to the Complaint Committee for a review and recommendation to the Board.~~ A student who files a complaint under subsection (A) shall:

1. Use a form that is available from the Board,
2. Sign the form and attest that all information provided is true and correct, and
3. Attach to the form documentation that supports the allegations on which the complaint is based.

C. The Board shall not accept an anonymous complaint. An individual, whether a student or non-student, who files a complaint may request to remain anonymous to the licensee if the individual believes the complaint may result in adverse action towards the individual. The Board cannot, however, guarantee that disclosure of the individual's identity will not occur in the process of honoring the licensee's due process rights.

D. The Board shall not accept a complaint regarding a grade dispute or the licensee's employment practices or compliance with the Americans with Disabilities Act.

~~C.~~**E.** After ~~a review of the student complaint,~~ the ~~Complaint Committee shall:~~ complaint committee authorized under A.R.S. § 32-3052(D) reviews the complaint and the results of the staff investigation of the complaint, the complaint committee shall take one of the actions defined under A.R.S. § 32-3052(E).

~~1. Determine that the student complaint needs further investigation. Based upon the outcome of the investigation, the complaint may be re-heard by the Complaint Committee or referred to the Board;~~

~~2. Determine that the student complaint does not demonstrate that a violation of statute or rule occurred and recommend to the Board that the complaint be dismissed; or~~

~~3. Determine that the complaint demonstrates that a violation of statute or rule occurred and send a report of its findings and recommendation to the Board.~~

~~**D.** Upon receipt of the Complaint Committee's findings and recommendation, the Board shall affirm, reverse, adopt, modify, supplement, amend, or reject the report, in whole or in part, and determine there are reasonable grounds that the complaint demonstrates a violation of Board statutes and rules.~~

~~**E.** If the Board determines there are reasonable grounds to believe that the complaint demonstrates a violation of Board statute or rules, the Board shall set the matter for hearing under A.R.S. § 41-1092 et seq.~~

F. If a non-student has a complaint against a licensee, the non-student may file a written complaint with the Board. The non-student complainant shall ensure that the complaint is filed within one year from the date on which the event prompting the complaint occurred.

G. Subsections (B) through (E) apply to non-student complaints.

R4-39-404. Tuition Refund Policy

A. A licensee shall allow a student or prospective student to cancel an enrollment agreement with the licensee if the student or prospective student submits a written notice of cancellation to the licensee within three days, excluding Saturday, Sunday, and state and federal holidays, of signing the enrollment agreement.

B. No later than 30 calendar days after a licensee receives a written notice of cancellation described in subsection (A), the licensee shall provide to the student or ~~to~~ the person ~~who~~ that paid the student's tuition and student fees a refund of 100 percent of all student fees and tuition paid ~~for the student~~.

C. A ~~person operating a licensed private accredited institution~~ licensee offering an accredited program shall develop and implement policies and procedures for cancellations and tuition refunds that:

1. Are published in the ~~institution~~ catalog that meets the accreditation standards established by each accrediting agency named in R4-39-103(D)(3) and the enrollment agreement required under R4-39-401;
2. Are applicable to all students; and
3. Comply with:
   a. Accreditation standards established by each accrediting agency named under R4-39-103(D)(3) or (F)(1)(a); and
   b. ~~United States Department of Education~~ DE requirements governing each federal student financial aid program ~~named~~ in the agreement under R4-39-103(D)(6) or (F)(1)(b).

D. A ~~person operating a licensed private non-accredited institution~~ licensee offering a non-accredited program shall develop and implement policies and procedures for cancellations and tuition refunds that:

1. Are published in the ~~institution~~ catalog required under R4-39-301 ~~or~~ and enrollment agreement required under R4-39-401;
2. Are applicable to all students;
3. ~~Establish~~ Are based on an established time ~~periods~~ period for each program that:
   a. ~~Have~~ Has a prescribed student tuition obligation and tuition refund calculation; and
   b. ~~Do~~ Does not exceed the full length of the program or one calendar year, whichever is less;
4. Allow ~~an institution~~ the licensee to retain an administrative fee or registration fee not to exceed $200.00 if the fee is published in the ~~institution~~ catalog required under R4-39-301 ~~or contained in the~~ and enrollment agreement required under R4-39-401;
5. Provide ~~for~~ the following refunds for a student who withdraws from or is terminated by ~~an institution~~ the licensee:
   a. Before beginning classes in a time period, a refund of 100 percent of the tuition charges for the time period;
   b. If 10 percent or less of the time period used under subsection (D)(3) has expired, a refund of at least 90 percent of the tuition charges for the time period;
   c. If more than 10 percent but less than or equal to 20 percent of the time period used under subsection (D)(3) has expired, a refund of at least 80 percent of the tuition charges for the time period;
   d. If more than 20 percent but less than or equal to 30 percent of the time period used under subsection (D)(3) has expired, a refund of at least 70 percent of the tuition charges for the time period;
   e. If more than 30 percent but less than or equal to 40 percent of the time period used under subsection (D)(3) has expired, a refund of at least 60 percent of the tuition charges for the time period;
   f. If more than 40 percent but less than or equal to 50 percent of the time period used under subsection (D)(3) has expired, a refund of at least 50 percent of the tuition charges for the time period; and
   g. If more than 50 percent of the time period used under subsection (D)(3) has expired, no refund or a refund in an amount determined by the ~~institution~~ licensee.

E. When calculating ~~refunds~~ a refund under subsection (D)(5), ~~an institution~~ a licensee offering a non-accredited program shall:

1. Use the last date of attendance as the date of withdrawal or termination to determine the percentage of time in the program that expired;
2. Determine that a student has withdrawn from an institution if the student has not attended any class for 30 consecutive scheduled class days; and
3. ~~Base~~ Using the date established under subsection (E)(1), base the percentage of the time ~~period~~ expired on either ~~the time~~ clock hours elapsed ~~in the time~~ for a program measured in clock hours ~~period~~ or ~~on~~ the number of ~~semester, quarter, trimester, or clock hours completed in the time period~~ days elapsed since the start of the period established under subsection (D)(3).

F. A licensee offering a non-accredited program is exempt from the requirement in subsection (D)(5), ~~if the~~ regarding refunding tuition and fees, for a program that:
1. Is less than ~~100~~ 50 clock hours~~,~~
2. Has a total cost of less than $1000, and
3. Is provided by a private non-accredited vocational institution or a private non-accredited degree-granting institution.

R4-39-405. ~~Student Loans and Financial Aid~~ Repealed

~~**A.** In this Section, an "academic year" means at least 30 weeks of instruction.~~

~~**B.** A licensed private institution that receives, on behalf of a student, student loan or financial aid funds provided by a federal, state, or local government or from a federal student financial assistance program governed by Title IV of the Higher Education Act of 1965, 20 USC 1070 et seq. as amended, shall collect and disburse the monies in the manner prescribed by the applicable federal, state, or local regulations.~~

~~**C.** A licensed private non-accredited institution that receives, on behalf of a student, student loan or financial aid funds provided by a private entity including but not limited to a bank, financing company, credit card company, or other lending source shall ensure that the monies are collected and disbursed in the following manner:~~
~~1. Amounts equal to or less than $5,000 may be disbursed as a single disbursement, regardless of program length.~~
~~2. Amounts greater than $5,000 shall:~~
~~a. Be disbursed in two or more equal disbursements; and~~
~~b. Have the second disbursement occur after the midpoint of the academic year for clock hour institutions or after the beginning of the second semester, quarter, trimester, or other term for term-based institutions.~~

R4-39-406. ~~Closure of an Institution or Cessation of~~ Ceasing to Operate or to Offer a Program; Teach-out Plan

A. At least 60 days before a licensee ceases to operate or to offer a program in which a student is enrolled, the licensee shall determine whether there is another institution able and willing to offer a teach-out program to students enrolled with the licensee. If another institution is able and willing to offer a teach-out program, the licensee and teach-out institution shall enter a contract with the following terms:
1. The teach-out institution shall offer each student affected by the licensee ceasing to operate or to offer a program, an opportunity to resume and complete the program in which the student is enrolled, or a substantially similar program, within a reasonable time and same geographic area as the licensee;
2. The teach-out institution shall provide each affected student with timely notice of the availability of the teach-out program including information about differences between the teach-out program and the program in which the student is enrolled with the licensee;
3. The teach-out institution shall advertise the availability of the teach-out program;
4. The teach-out institution shall provide equitable treatment to the students in the teach-out program;
5. The teach-out institution shall not alter the mission or operations of the teach-out institution for currently enrolled students; and
6. The teach-out institution shall affirm the institution has the capacity to provide teach-out students with all instruction and services the teach-out students contracted for but did not receive from the licensee.

B. At least 60 days before a licensee ceases to operate or to offer a program in which a student is enrolled, the licensee shall submit for review by the Board a teach-out plan that includes the following:
1. A list of all students who will be affected by the licensee ceasing to operate or to offer a program,
2. For each student identified under subsection (B)(1):
   a. Name of program in which the student is participating, and
   b. Estimated graduation date; and
3. Whether the teach out will occur at the licensee, a teach-out institution with which the licensee has a contract under subsection (A), or a combination of the licensee and teach-out institution. If the teach out will occur, in whole or in part, at a teach-out institution:
   a. Whether the teach-out institution will use faculty of the licensee to complete the teach out;
   b. Whether the degree, diploma, or certificate awarded on completion of the teach-out program will be awarded by the licensee or the teach-out institution;
   c. Whether students who are enrolled but not attending the licensee or those on a leave of absence from the licensee are entitled to participate in the teach-out program; and
   d. A copy of the contracts, if any, entered under subsection (A).

~~**A.**~~**C.** At least ~~60 calendar~~ 30 days before a ~~licensed institution~~ licensee ~~closes,~~ ceases to operate or to offer a program in

which a student is enrolled, or makes ~~an alternative~~ a teach-out program available to a student enrolled in a program that the ~~institution~~ licensee will cease to ~~operate~~ offer, the ~~licensed institution~~ licensee shall provide written notice of ~~the closure, cessation of~~ ceasing to operate or to offer the program, or availability of the ~~alternative~~ teach-out program to:

1. Each enrolled student affected by the licensee's decision to cease to operate or to offer a ~~in the~~ program ~~that the institution will cease to operate~~, and
2. The Board.

~~B.~~**D.** Except as provided in subsections ~~(C)~~ (E) and ~~(D)~~ (F), no later than 30 ~~calendar~~ days after a ~~licensed institution~~ licensee ~~closes or~~ ceases to operate or to offer a program in which a student is enrolled, the ~~licensed institution~~ licensee shall provide a refund of 100 percent of ~~all~~ student fees and tuition paid by ~~a~~ the student or other funding source on behalf of the student.

~~C.~~**E.** The refund requirement in subsection ~~(B)~~(D) does not apply if a student enrolled in a ~~licensed institution~~ licensee that ~~closes~~ ceases to operate or in a program that the ~~licensed institution~~ licensee ceases to ~~operate~~ offer ~~chooses in writing to waive the refund because the student has received training or academic credit that is transferable to another institution~~ transfers to another institution and receives training or academic credit comparable to the training or academic credit that the student would have received if the licensee had not ceased to operate or to offer the program.

~~D.~~**F.** The refund requirement in subsection ~~(B)~~(D) does not apply if a ~~licensed institution~~ licensee that ceases to ~~operate~~ offer a program in which a student is enrolled provides the student an alternative program that is equivalent to the program no longer ~~operated~~ offered, as determined by the Board, in:

1. Program content;
2. Program length and schedule;
3. Tuition, student fees, payment schedules, and financing options;
4. Accreditation status, if applicable;
5. Award of credentials;
6. Instruction and equipment;
7. Placement assistance and student services, if applicable; and
8. Facilities.

~~E.~~**G.** This Section applies to a ~~licensed institution~~ licensee regardless of whether the licensee is at fault in the closure of the licensee or ~~the~~ cessation of a program ~~is the fault of the licensed institution~~.

R4-39-407. Use of Terms

A. Except as provided in subsection (B), only an accredited, degree-granting licensee may use the term "university" or any other name or title in literature, catalogs, pamphlets, or other materials made available to the public that implies or would lead a reasonable person to believe the licensee is an institution of higher education or grants educational credentials, academic credit, or professional degrees.

B. A licensee may use the term "university" in its name if the licensee:

1. Offers at least one program leading to a post-baccalaureate or higher degree and is regionally or nationally accredited by a DE-recognized accrediting agency;
2. Was licensed in this state and used the term "university" in its name before the effective date of this Section; and
3. Is chartered or licensed in another state using the term "university" in its name.

C. A licensee may use terms such as "certified," "master," and "professional" in a program title, advertising, and student materials if a student is designated as "certified," "master," or "professional" only:

1. After the student completes the program and passes an examination that requires a showing of proficiency or ability;
2. If the designation is:
   a. Conferred by a nationally recognized industry-related organization;
   b. Conferred by an industry-related board or commission that is statutorily created; or
   c. A commonly accepted industry practice; and
3. If the diploma to be issued from a program is submitted to the Board for review before the program is offered.

D. A licensee shall not use the term "master's" in the title of a vocational program.

R4-39-408. Transfer of Credit

A. A licensee may accept credit that a student earned for a course completed at another postsecondary education institution if the licensee determines that the course is comparable in scope and content to a course offered by the licensee.

B. A licensee that intends to allow a student to transfer credit from another postsecondary education institution to the licensee shall establish a transfer policy that:

1. Is based on appropriate criteria such as:
   a. Comparability in scope and content,
   b. Applicability to the program into which transfer is requested,
   c. Competencies achieved in the course for which credit is to be transferred and whether the competencies align with the program into which transfer is requested,
   d. Preparedness of the student at the time of transfer,
   e. Age of the credit to be transferred, and
   f. Grade earned in the course to be transferred;

2. Is not based solely on whether the postsecondary education institution or program from which credit is to be transferred is accredited and if accredited, the accrediting agency;
3. Requires that at least 25 percent of the credit required to complete a non-degree or undergraduate program be obtained from the licensee;
4. Requires that more than 50 percent of the credit required to complete a graduate degree program be obtained from the licensee;
5. Is applied in a systematic and consistent manner; and
6. Is published in the catalog required under R4-39-103(D)(9) or R4-39-301, as applicable.

C. A licensee that has a transfer policy as described under subsection (B) shall place in a student's record a copy of the transcript from the postsecondary education institution from which a transfer of credit is sought.

ARTICLE 5. INVESTIGATIONS; ~~AND~~ HEARING PROCEDURES; and ASSESSING COSTS

R4-39-501. Investigations

A. The Board shall investigate any sworn complaint against a person or entity alleging violation of A.R.S. § 32-3001 et seq. or this Chapter. For purposes of this Section, "investigated party" means an entity or person ~~who~~ that is the subject of a Board investigation.

B. Board staff may request production of records or information from an investigated party or complainant, ~~or~~ and request an interview with an employee or agent of the investigated party. The investigated party may file written objections with the Board ~~to~~ regarding the Board's request for production of records or information or an interview within 15 days ~~of~~ after receipt of the request. Unless the investigated party timely files an objection to the Board's request, the investigated party shall ~~not fail to~~ produce the requested documents or information ~~or attempt to~~ and make ~~available for an interview~~ an employee or agent of the investigated party available for interview by the Board. Board staff shall attempt to ~~informally~~ resolve ~~objections~~ informally an objection to ~~requests~~ a request for documents, information, or an interview. If no resolution is reached, the Board shall hear and decide the matter ~~shall be heard and decided by the Board~~.

C. The Board shall not disclose documents and materials relating to an investigated matter except to the investigated party, until the matter is closed, settled by stipulation, or set for hearing under Title 41, Chapter 6, Article 10.

D. ~~Upon completion of the~~ When an investigation is complete, the matter shall be referred to the Board's Complaint Committee for consideration.

E. After consideration of the matter investigated, the Complaint Committee may take ~~the following actions:~~
~~1. Instruct Board staff to conduct further investigation. After further investigation, the matter may be re-heard by the Complaint Committee or referred to the Board;~~
~~2. Determine that the investigation does not demonstrate a violation of A.R.S. § 32-3001 et seq. or this Chapter and recommend to the Board that the investigation be closed; or~~
~~3. Determine that the investigation demonstrates there are reasonable grounds to indicate a violation of A.R.S. § 32-3001 et seq. or this Chapter and send a report of its findings and recommendation to the Board~~ any of the actions specified in A.R.S. § 32-3052(E).

F. If the ~~Board determines that the investigation demonstrates that there are reasonable grounds to indicate a violation of A.R.S. § 32-3001 et seq. or this Chapter, the Board shall serve notice of the Board's determination and set the matter for hearing~~ Complaint Committee refers the matter to the Board, the Board shall assess the information provided and take any of the actions authorized under A.R.S. § 32-3052((F) through (J).

R4-39-502. Hearings

A. ~~All~~ The Board shall ensure that all hearings ~~shall be~~ are conducted before the Board or an administrative law judge under A.R.S. Title 41, Chapter 6, Article 10.
1. Parties may stipulate to any facts that are not in dispute. A stipulation may be made in writing or orally by reading the stipulation into the record of the hearing. A stipulation is binding ~~upon~~ on the parties unless the Board grants a party permission to withdraw from the stipulation. The Board may, on its own motion, set aside a stipulation and proceed to ascertain the facts.
2. The Board may, on its own motion or at the request of a party, call a conference of the parties ~~at the opening of a hearing or~~ at any ~~subsequent~~ time to clarify ~~the~~ procedures for the hearing or ~~the~~ legal or factual issues involved.
3. By order of the Board, proceedings involving a common question of law or fact may be consolidated for hearing of any or all of the matters at issue.

B. If, after proper notice, a licensee fails to appear at any proceeding before the Board, the Board may render a decision based ~~upon~~ on the evidence and information available to the Board.

C. The decision of the Board is a final administrative decision under A.R.S. § 41-1092.08(F).

R4-39-503. Rehearing or Review of Board's Decision

A. The Board shall provide for a rehearing and review of its decisions under A.R.S. Title 41, Chapter 6, Article 10 and the rules established by the Office of Administrative Hearings.

B. Except as provided in subsection (J), a party is required to file a motion for rehearing or review of a Board decision to exhaust the party's administrative remedies.

~~A.~~**C.** Any party aggrieved by a final administrative decision of the Board may file with the Board no later than 30 days after service of the decision, a written motion for rehearing or review of the decision specifying the particular grounds for the rehearing or review as provided in subsection ~~(C)~~ (E). ~~A rehearing shall be conducted before the Board or the administrative law judge under A.R.S. § 41-1092.09.~~

~~B.~~D. A motion for rehearing or review may be amended at any time before ~~it is ruled on by~~ the Board rules on the motion. A response may be filed by any other party within 15 days after ~~filing of~~ a motion or amended motion is filed. The Board may require ~~the filing of~~ that written briefs be filed on the issues raised in the motion and may provide for oral argument.

~~C.~~E. The Board shall grant a rehearing or review of a decision for any of the following reasons that materially affect the moving party's rights:

1. Irregularity in the administrative proceedings ~~of the Board or the administrative law judge~~ or any order or abuse of discretion that ~~deprives~~ deprived the moving party of a fair hearing;
2. Misconduct of the Board, the administrative law judge, or the prevailing party;
3. Accident or surprise that could not have been prevented by ordinary prudence;
4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the original hearing;
5. An excessive or insufficient penalty;
6. Error in the admission or rejection of evidence or other error of law occurring at the administrative hearing;
7. The Board's decision is the result of passion or prejudice; or

~~7.~~8. The findings of fact or decision ~~is~~ are not justified by the evidence or is contrary to law.

F. The Board may affirm or modify a decision or grant a rehearing to all or any of the parties on all or part of the issues for any of the reasons in subsection (E). The Board shall specify the particular grounds for any order modifying a decision or granting a rehearing.

~~D.~~G. ~~After~~ No later than 10 days after the date of a decision and after giving the parties or their counsel notice and an opportunity to be heard ~~on the matter~~, the Board may grant a rehearing or review on its own initiative for any reason for which it might have granted relief on motion of a party. The Board may grant a motion for rehearing or review, timely served, for a reason not stated in the motion. A rehearing or review shall cover only those matters specified in the Board's order.

~~E. No later than 10 days after a decision is rendered, the Board may on its own initiative order a rehearing or review of its decision for any reason listed in subsection (C). An order granting such a rehearing or review shall specify the grounds on which it is granted~~

~~F.~~H. When a motion for rehearing or review is based ~~upon~~ on affidavits, the affidavits shall be filed and served with the motion. An opposing party may, within 15 days after service, file and serve opposing affidavits. ~~The Board may extend the period for serving opposing affidavits for not more than 20 days for good cause shown or by written stipulation of the parties.~~

I. If a rehearing is granted, the Board shall hold the rehearing within 60 days after the date on the order granting the rehearing.

J. If the Board makes a specific finding that a particular decision needs to be effective immediately to preserve the public peace, health, or safety and that a review or rehearing of the decision is impracticable, unnecessary, or contrary to the public interest, the Board shall issue the decision as a final decision without an opportunity for rehearing or review.

R4-39-504. Assessing Costs

As authorized under A.R.S. § 32-3052(M), the Board may assess a person that is determined to have violated any provision of A.R.S. Title 32, Chapter 30 and this Chapter the Board's reasonable costs and expenses, including attorney fees, incurred in conducting an investigation, informal interview, committee or Board meetings, or administrative hearing.

ARTICLE 6. STUDENT TUITION RECOVERY FUND

R4-39-601. Submission of Assessments

A. Before ~~July 30~~ September 30 of each year, the Board shall ~~notify in writing an institution~~ provide written notice to each licensee specified in A.R.S. § 32-3072(B) ~~if~~ from which an assessment, as defined in A.R.S. § 32-3071(1), is due. The Board shall send the notice ~~shall be sent~~ by certified mail and ~~shall contain~~ ensure that the notice specifies the amount of the assessment, ~~the~~ date ~~the payment of~~ the assessment is due, and ~~the~~ penalty for ~~failure~~ failing to pay the assessment timely. As authorized by A.R.S. § 32-3072(B), the Board shall determine ~~assessed fees~~ the amount of the assessment as follows:

1. The assessment for ~~an institution licensed under A.R.S. Title 32, Chapter 30~~ a licensee seeking renewal of a regular or provisional license shall be based on the number of newly enrolled students for the 12-month period identified on the license renewal application required under R4-39-108 or R4-39-107(D).
2. The assessment for a new ~~institution licensed under A.R.S. Title 32, Chapter 30~~ licensee shall be based on the number of newly enrolled students during the fiscal year ending June 30.

~~3. The assessment for a cosmetology school as defined in A.R.S. § 32-3071(3) or a professional driver training school as defined in A.R.S. § 32-3071(10) shall be based on the number of newly enrolled students during the fiscal year ending June 30.~~

B. ~~On~~ Using data available on June 30 ~~of each year~~, the Board shall determine annually the amount of funds in the Student Tuition Recovery Fund ("Fund"). If the Fund balance exceeds $500,000, the Board shall require an assessment only from a ~~new institution that is licensed or an institution that is provisionally licensed~~ licensee that was newly or provisionally licensed during the fiscal year that ended on June 30 ~~shall be assessed a fee for that fiscal year~~.

C. If ~~an institution~~ a licensee disputes the amount of ~~the~~ an assessment ~~for an institution~~, the Board shall place the matter on the agenda for a public meeting. The ~~Board may require that the institution whose~~ licensee disputing an assessment ~~is disputed~~ shall be prepared to:

1. Submit ~~additional~~ information or documents ~~to clarify incomplete or ambiguous information or documents~~ showing why the assessment is believed to be incorrect; and
2. Have a representative present to address the Board ~~at the public meeting~~.

R4-39-602. Claims

A. The Board shall investigate a claim against the Fund and find:
1. The claim is valid if:
   a. Student educational records confirm that the claim is filed by a person injured as defined in A.R.S. § 32-3071~~(7)~~ (6); and
   b. The claim is filed within one year after the ~~closed institution ceases operation~~ licensee ceased operations;
2. The claim is invalid because:
   a. ~~As specified in A.R.S. § 32-3075(B)~~ It is filed more than one year after the licensee ceased operations;
   b. ~~Because a student participates~~ The claimant is participating in a ~~"teach-out."~~ teach-out ~~As used in this subsection, "teach-out" means a student from a closed institution voluntarily transfers to another institution where the student receives all the instruction for which the student originally paid, but did not receive from the closed institution~~; or
   c. ~~Because a student from a closed institution~~ The claimant voluntarily ~~transfers~~ transferred to another institution and ~~receives~~ received different training for the same or ~~an additional~~ greater cost ~~from~~ ~~what the student~~ than was paid ~~at the closed institution~~ to the licensee that ceased operations.

B. If the Board finds a claim ~~to be~~ is valid, the Board shall determine the amount and the party to be paid as follows:
1. The claim payment shall include only the actual amount of tuition and student fees paid in cash or with a student loan. The Board shall not make a claim payment for a grant, scholarship, or debt owed to another state, local, or federal governmental agency.
2. A claim payment shall be made first to ~~the student loan~~ a student-loan holder for the amount owed on the loan, and then to the student or ~~the parent~~ other person for the amount already paid on the student loan or cash payments.

C. The Board shall pay a valid claim within 120 days ~~of the date of~~ after the public meeting at which the claim is considered.

D. A claimant who is not satisfied with the Board's decision on a claim may file a motion for hearing as allowed under A.R.S. Title 41, Chapter 6, Article 10.

R4-39-603. Student Record Requests

A. The Board shall maintain the student records of a ~~closed institution licensed under A.R.S. Title 32, Chapter 30~~ ~~for a period of 25 years~~ licensee that ceases operations as specified in R4-39-402(B). For purposes of this Section, "student records" has the ~~same~~ meaning ~~as~~ in R4-39-401.

B. The Board shall provide the student records of a student who attended a ~~closed institution licensed under A.R.S. Title 32, Chapter 30~~ licensee that ceased operations, if the following are submitted:
1. Name and social security number of the student;
2. Name of the ~~closed institution~~ licensee that ceased operations;
3. Student name used while attending the ~~closed institution~~ licensee that ceased operations;
4. Identification of the student record requested;
5. Name and address of the party to whom the student record is to be mailed;
6. ~~Student signature~~ Signature of the student whose record is requested or ~~copy of~~ a ~~signed~~ student record release form signed by the student whose record is requested and authorizing a third party to obtain the student record, if applicable; and
7. $10 for processing ~~fee~~ the request and 25 cents per page for copying ~~charge~~.

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

[R16-59]

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 41-1005(A)

3. The effective date of the rule and the agency's reason it selected the effective date:

June 7, 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: Arizona 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 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:

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.

The Arizona Game and Fish Commission proposes to amend its Article 8 rules, governing wildlife areas and other Department-managed properties, to enact amendments developed during the preceding Five-year Review.

Under Title 41, Chapter 6, pursuant to section 41-1005(A)(1) the Commission has the authority to pursue exempt rulemaking to 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. 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 proposed amendments are intended to promote and maintain public safety and protect and enhance Arizona's diverse wildlife.

For R12-4-801 General Provisions, the objective of the rule is to establish the purposes for wildlife areas, to specify the types of Commission-owned or -managed property that may be designated as a wildlife area, and to notice the public of restrictions that apply to each specific wildlife area. The rule provides protections to Commission-owned and -managed wildlife areas and other properties, while maximizing public access and use of the same properties. Wildlife areas are intended to conserve and protect wildlife and provide public recreational opportunities; regulations and restrictions are developed through a public process. Other types of properties, such as the headquarters facility and regional offices, are typically used to conduct Department business and are not directly used for public recreation. The Commission proposes to amend R12-4-801 to separate wildlife areas and other types of properties to increase clarity and make the rule more concise. The rule is also amended to state the Department may post signs that place additional restrictions on the use of wildlife areas, which may include the timing, type, or duration of certain activities, including the prohibition of access or nature of use. In addition, the Commission proposes to repeal subsection (C) as it was originally written to provide assurance that a wildlife area designation would not be used solely to protect private property. This is no longer a concern given the Commission's thorough review process applied to all prospective property acquisitions.

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 to provide public recreational opportunities. 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 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 increase consistency between wildlife areas regarding camping, travel, and closure dates; ensure public safety; and remove restrictions where possible to reduce the burden on the public and the Department.

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 increase consistency in language and format between all wildlife boundary descriptions and reflect current wildlife boundary descriptions for properties acquired and sold by the Commission.

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):

The draft Notice of Exempt Rulemaking, published on the Department's Portal, included restrictions and boundary descriptions for the newly acquired Planet Ranch Wildlife Area. The newly acquired property is not available for public use at this time, so the Commission removed the proposed restrictions and boundary descriptions for the Planet Ranch property. The Commission intends to incorporate restrictions and boundary descriptions for the Planet Ranch property in a future exempt rulemaking.

11. A summary of the public stakeholder comments made about the rulemaking and the agency response to the comments, (if applicable):

Written Comment: February 18, 2016. I briefly scanned the draft rules for wildlife and Commission owned properties and have a question about "other" activities, like livestock grazing or habitat improvement projects, that might occur or are currently occurring on some of these lands. Maybe these uses are dealt with elsewhere in rule? The reason I ask is that I have been involved with the formation and roll out of a relatively new conservation/environmental nonprofit organization over the last couple of years and we have had some discussions with the agency and Commissioners about cooperating with the Commission in the management of some of the properties, particularly with those that may benefit from enhanced range management or habitat improvement planning and implementation. Some of the Commission owned properties are grazed by livestock and some may provide opportunities to implement habitat improvement activities in cooperation with other state and federal agencies. The root of my inquiry is that it appears the rules are silent on livestock grazing and potential implementation of management plans and projects, which all might impact the public's understanding of the variety of "other uses" they may encounter and may impact their use and enjoyment at certain periods of time. The existing closure language will probably suffice for many projects, but there may be special management that doesn't quite fit with the historical uses (like the only way to get rid of a noxious weed is to use chemicals and the restrictions need to be different; like don't drink the water. I only use that example as it popped into my head, I have no knowledge of any plan to use chemicals on any Commissioner owned land). I don't have concrete examples of future projects I can provide the Department with as we are still in the preliminary discussion phase, but since these rules may be in place before we have concrete examples, it seems like there might be a need to forecast the activities that might be authorized by the Commission and make note of them in the rules rather than amend the rules later. Similarly, if livestock grazing is occurring, I would guess there may need to be restrictions about interaction with livestock and range improvements that should be mentioned. Or, as stated earlier, maybe the Department handle these types of uses elsewhere.

Agency Response: Wildlife area rules are intended to manage public recreational use and do not regulate resource management by the agency. Placing specific restrictions and closures in rule occurs only when the restrictions becomes permanent and/or is unusual. Resource management programs and activities are directed through Wildlife Area Management Plans, which are operational in nature and not regulatory. Livestock grazing activities are addressed through management plans, which are developed in accordance with the guidance provided by Commission Policy A2.2 Land Use Agreements on Commission Properties. The commenter is correct that most regulatory needs are addressed through the generic authority to manage and regulate public uses through the use of signs. The Department wishes to maintain flexibility that allows the Department to protect resources and public safety while balancing, to the maximum extent possible, public use. As many of the issues the commenter describes may occur in the future and because Article 8 is an exempt rule the Department is able to review and make such changes when they become necessary on an annual basis rather than waiting for the next five-year review or going through the regular rulemaking process.

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
R12-4-801. 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. Wildlife Areas:

~~A.~~1. Wildlife areas shall be established to:

~~1.~~a. Provide protective measures for wildlife, habitat, or both;

b. Allow for hunting, fishing, and other recreational activities that are compatible with wildlife habitat conservation and education;

~~2.~~c. Allow for special management or research practices; and

~~3.~~d. Enhance wildlife and habitat conservation.

~~B.~~2. Wildlife areas shall be:

~~1.~~a. Lands owned ~~or,~~ leased, or otherwise managed by the Commission ~~and managed by the Department~~;

~~2.~~b. Federally-owned lands of unique wildlife habitat where cooperative agreements provide wildlife management and research implementation; or

~~3.~~c. Any lands with property interest conveyed to the Commission by any entity, through an approved land use agreement, including but not limited to deeds, patents, leases, conservation easements, special use permits, licenses, ~~agreement,~~ management ~~agreement~~ agreements, inter-agency agreements, letter agreements, and right-of-entry, where ~~said~~ the property interest conveyed is sufficient for management of the lands consistent with the objectives of the wildlife area.

~~C. Wildlife area designation shall not be given to any private lands, or lands in which private parcels are located, solely for the purpose of protecting private property. Wildlife area designation on private property, or where private property is involved, shall be considered by the Commission only when the Commission and the owners arrive at a mutual agreement that shall not confine or restrict the Department in fulfilling management or research objectives, nor close the area to hunting, trapping, or fishing.~~

~~D.~~3. Land qualified for wildlife areas shall be:

~~1.~~a. Lands with unique topographic or vegetative characteristics that contribute to wildlife,

~~2.~~b. Lands where certain wildlife species are confined because of habitat demands,

~~3.~~c. Lands that can be physically managed and modified to attract wildlife, or

~~4.~~d. Lands that are identified as critical habitat for certain wildlife species during critical periods of their life cycles.

~~E.~~4. The Department may restrict public access to and public use of wildlife areas and the resources of wildlife areas for up to 90 days when necessary to protect property, ensure public safety, or to ensure maximum benefits to wildlife. Closures or restrictions exceeding 90 days shall require Commission approval.

~~F.~~5. Closures of all or any part of a wildlife area to public entry, and any restriction to public use of a wildlife area, shall be listed in this Article or shall be clearly posted at each entrance to the wildlife area. No person shall conduct an activity restricted by this Article or by such posting.

~~G.~~6. When a wildlife area is posted against travel except on existing roads, no person shall drive a motor-operated vehicle over the countryside except by road.

7. The Department may post signs that place additional restrictions on the use of wildlife areas. Such restrictions may include the timing, type, or duration of certain activities, including the prohibition of access or nature of use.

B. Commission-owned real property other than Wildlife Areas:

~~H.~~1. The Department may take action to manage ~~the~~ public access and use of any Commission-owned real property or facilities. Such actions may include restrictions ~~for~~ on the timing, type, or duration of certain activities, including the prohibition of access or ~~type~~ nature of use.

~~I.~~2. No person shall access or use any Commission-owned real property or facilities in violation of any Department actions authorized under subsection ~~(H)~~ (B)(1), 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. Wood collecting limited to dead and down material, for onsite noncommercial use only.

b. Overnight public camping in the wildlife area outside of Alamo State Park allowed for no more than 14 days within a 45-day period.

c. Motorized vehicle travel permitted on designated roads or areas only, except ~~an individual may use a vehicle on or off road to pick up lawfully taken big game animals~~ as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.

~~d.~~ Posted portions closed to all public entry.
~~d.~~c. 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 open fires.
   b. No firewood cutting or gathering.
   c. No overnight public camping.
   d. Motorized vehicle travel permitted on designated roads or areas only, except as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
   e. Posted portions closed to discharge of all firearms from April 1 through July ~~31~~ 25 annually.
   f. 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 through July ~~31~~ 25 annually.
3. Aravaipa Canyon Wildlife Area (located in Units 31 and 32):
   a. Access ~~to~~ through the Aravaipa Canyon Wildlife Area within the Aravaipa Canyon Wilderness Area is by permit only, available through the Safford Office of the Bureau of Land Management.
   ~~b.~~ Motorized vehicle travel is not permitted on ~~designated roads or areas only~~ the wildlife area. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
   ~~c.~~b. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of all firearms.
4. Arlington Wildlife Area (located in Unit 39):
   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, except as permitted under R12-4-110(H). No motorized travel is permitted within agriculture and crop production areas. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
   e. Target or clay bird shooting permitted in designated areas only.
   f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except:
      i. Posted portions around Department housing are closed to the discharge of all firearms; and ~~wildlife~~
      ii. Wildlife area is closed to the discharge of centerfire rifled firearms.
5. Base and Meridian Wildlife Area (located in Units 39, 26M, and 47M):
   a. No open fires.
   b. No firewood cutting or gathering.
   c. No overnight public camping.
   d. Motorized vehicle travel is not permitted on ~~designated roads, trails, or areas only~~ the wildlife area. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
   e. No target or clay bird shooting.
   f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of rifled firearms.
6. Becker Lake Wildlife Area (located in Unit 1):
   a. No open fires.
   b. No overnight public camping.
   c. Motorized vehicle travel permitted on designated roads, trails, or areas only, except as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
   d. The Becker Lake boat launch access road and parking areas along with any other posted portions of the wildlife area will be closed to all public entry from one hour after sunset to one hour before sunrise daily.
   e. Posted portions closed to all public entry ~~from December through July 31 annually~~.
   f. Posted portions closed to hunting.
   g. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of rifled firearms.
7. Bog Hole Wildlife Area (located in Unit 35B):
   a. No open fires.
   b. No firewood cutting or gathering.
   c. No overnight public camping.
   d. Motorized vehicle travel is not permitted on ~~designated roads, trails, or areas only~~ the wildlife area. 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, by foot access only, as permitted under R12-4-304 and R12-4-318.

8. Chevelon Canyon Ranches Wildlife Area (located in Unit 4A):
   a. No open fires.
   b. No firewood cutting or gathering.
   c. No overnight public camping.
   d. Motorized vehicle travel permitted on designated roads and areas only, except as permitted under ~~R12-4-110(G)~~ R12-4-110(H). 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 open fires.
   b. No firewood cutting or gathering.
   c. No overnight public camping.
   d. Motorized vehicle travel permitted on designated roads and areas only, except as permitted under ~~R12-4-110(G)~~ R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
   e. Posted portions closed to all public entry.
   f. Additional posted portions closed to all public entry from October 1 through February 1 annually.
   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 through February 1 annually.
10. Cibola Valley Conservation and Wildlife Area (located in unit 43A):
   a. No open fires.
   b. No firewood cutting or gathering.
   c. No overnight public camping.
   d. Motorized vehicle travel permitted on designated and administrative roads and areas only ~~for the purpose of retrieving lawfully taken big game animals~~, except as permitted under R12-4-110(H). No motorized travel is permitted within agriculture and crop production areas. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
   e. Posted portions closed to all public entry ~~from August 17 through September 30 annually~~.
   f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except ~~legal weapons restricted to shotguns shooting shot and bow and arrow~~ the wildlife area is closed to the discharge of rifled firearms.
11. Clarence May and C.H.M. May Memorial Wildlife Area (located in Unit 29):
   a. Closed to the discharge of all firearms, except as authorized under subsection (A)(11)(b).
   b. Closed to hunting, except for predator hunts authorized by Commission Order.
12. Cluff Ranch Wildlife Area (located in Unit 31):
   a. Open fires allowed in designated areas only.
   b. Wood collecting limited to dead and down material, for onsite noncommercial use only.
   c. Overnight public camping allowed in designated areas only, for no more than ~~five~~ 14 days within a ~~14~~ 45-day period.
   d. Motorized vehicle travel permitted on designated roads, trails, or areas only, except as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
   e. Posted portions around Department housing and Pond Three are closed to discharge of all firearms.
   f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of centerfire rifled firearms.
13. Colorado River Nature Center Wildlife Area (located in Unit 15D):
   a. No open fires.
   b. No firewood cutting or gathering.
   c. No overnight public camping.
   d. Motorized vehicle travel permitted on designated roads or areas only. This subsection does not apply to Department authorized vehicles, law enforcement, fire response, or other emergency vehicles.
   e. Closed to hunting.
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 all hunting in season as permitted under R12-4-304 and R12-4-318.

15. House Rock Wildlife Area (located in Unit 12A):
    a. Motorized vehicle travel permitted on designated roads, trails, or areas only, except as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles, 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.
    c. Members of the public are prohibited from being within 1/4 mile of the House Rock bison herd while on House Rock Wildlife Area, except when taking bison or accompanied by Department personnel.
16. Jacques Marsh Wildlife Area (located in Unit 3B):
    a. No open fires.
    b. No firewood cutting or gathering.
    c. No overnight public camping.
    d. Motorized vehicle travel permitted on designated roads or areas only, except as permitted under R12-4-110(H). 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 the wildlife area is closed to the discharge of rimfire and centerfire rifled firearms.
17. Lamar Haines Wildlife Area (located in Unit 7):
    ~~a. No open fires.~~
    ~~b.~~a. Wood cutting by permit only and collecting limited to dead and down material, for noncommercial use only. Upon request, a person may obtain a wood cutting permit from the Flagstaff Game and Fish Department regional office.
    ~~c.~~b. No overnight public camping.
    ~~d.~~c. Motorized vehicle travel permitted on designated roads or areas only, except as permitted under ~~R12-4-110(G)~~ R12-4-110(H). 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.
18. Lower San Pedro River Wildlife Area (located in Units 32 and 37B):
    a. Open fires allowed in designated areas only. The following acts are prohibited:
        i. Building, attending, maintaining, or using a fire without removing all flammable material from around the fire to adequately prevent the fire from spreading from the fire pit.
        ii. Carelessly or negligently throwing or placing any ignited substance or other substance that may cause a fire.
        iii. Building, attending, maintaining, or using a fire in any area that is closed to fires.
        iv. Leaving a fire without completely extinguishing it.
    b. Wood collecting limited to dead and down material, for onsite noncommercial use only.
    c. Overnight public camping allowed in designated areas only, for no more than ~~five~~ 14 days within a ~~14~~ 45-day period.
    d. Motorized vehicle travel permitted on designated roads, trails, or areas only, except as permitted under ~~R12-4-110(G)~~ R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    e. Posted portions closed to all public entry.
    f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to hunting.
    g. Parking ~~or~~ allowed within 300 feet of designated open roads and in designated areas only.
    h. Discharge of a firearm or pre-charged pneumatic weapon prohibited within ¼ mile of buildings.
    i. A person shall not use a metal detector or similar device except as authorized by the Department. This subsection does not apply to law enforcement officers in the scope of their official duties, or to persons duly licensed, permitted, or otherwise authorized to investigate historical or cultural artifacts by a government agency with regulatory authority over cultural or historic artifacts.
19. Luna Lake Wildlife Area (located in Unit 1):
    ~~a. Posted portions closed to all public entry from February 15 through July 31 annually.~~
    ~~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 through July 31 annually.~~
    ~~c.~~a. Motorized vehicle travel permitted on designated roads or areas only, except as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.

b. Posted portions closed to all public entry from February 15 through July 31 annually.
c. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except when closed to hunting from April 1 through July 31 annually.

20. Mittry Lake Wildlife Area (located in Unit 43B):
    a. Open fires allowed in designated areas only.
    b. Overnight public camping allowed in designated areas only, for no more than 10 days per calendar year.
    c. Motorized vehicle travel permitted on designated roads, trails, or areas only, except as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    d. Posted portions closed to all public entry ~~from November 15 through February 15 annually~~.
    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 through February 15 annually~~.
21. Powers Butte (Mumme Farm) Wildlife Area (located in Unit 39):
    a. No open fires.
    b. No firewood cutting or gathering.
    c. No overnight public camping.
    d. Motorized vehicle travel permitted on posted designated roads, trails, or areas only, except as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    e. If conducted during an event approved under ~~R12-4-804~~ R12-4-125, target or clay bird shooting is permitted in designated areas only.
    f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except:
        i. Posted portions around Department housing are closed to the discharge of all firearms; and ~~wildlife~~
        ii. Wildlife area is closed to the discharge of centerfire rifled firearms.
22. Quigley-Achee Wildlife Area (located in Unit 41):
    a. No open fires.
    b. No overnight public camping.
    c. Motorized vehicle travel permitted on designated roads, trails, or areas only, except as permitted under R12-4-110(H). No motorized travel is permitted within agriculture and crop production areas. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    d. Posted portions closed to all public entry ~~from September 1 through March 31 annually~~.
    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 through March 31 annually~~.
23. Raymond Wildlife Area (located in Unit 5B):
    a. Overnight public camping permitted in designated sites only, for no more than 14 ~~consecutive~~ days within a 45-day period.
    b. Motorized vehicle travel permitted on designated roads, trails, or 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.
    c. Posted portions closed to all public entry from May 1 through July 29 annually.
    ~~c.~~d. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to hunting periodically during hunting seasons.
    ~~d.~~e. Members of the public are prohibited from being within 1/4 mile of the Raymond ~~Wildlife Area~~ ~~buffalo~~ bison herd while on Raymond Wildlife Area, except when taking ~~buffalo~~ bison or accompanied by Department personnel.
    ~~e.~~f. Prior to entering Raymond Wildlife Area, members of the public shall sign in at a posted sign-in kiosk and by doing so acknowledge they have read and shall comply with the posted Raymond Wildlife Areas restrictions.
24. Robbins Butte Wildlife Area (located in Unit 39):
    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 from one hour before sunrise to one hour after sunset daily, except as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    e. Parking in designated areas only.
    f. If conducted during an event approved under ~~R12-4-804~~ R12-4-125, target or clay bird shooting is permitted in designated areas only.
    g. Open to all hunting in season as permitted under R12-4-304 and R12-4-318 except~~:~~

~~i. Posted portions around Department housing closed to~~ the ~~discharge of all firearms; and~~
~~ii. Wildlife~~ wildlife area is closed to the discharge of centerfire rifled firearms.

25. Roosevelt Lake Wildlife Area (located in Units 22, 23, and 24B):
    a. Posted portions closed to all public entry from November 15 through February 15 annually.
    b. Motorized vehicle travel permitted on designated roads, trails, or areas only, except as permitted under R12-4-110(H). No motorized travel is permitted within agriculture and crop production areas. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    c. 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 through February 15 annually.
26. Santa Rita Wildlife Area (located in Unit 34A):
    a. Motorized vehicle travel permitted on designated roads or areas only, except as permitted under ~~R12-4-110(G)~~ R12-4-110(H). Portions of the wildlife area may be posted as closed to motorized vehicle travel for periodical research purposes. 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, except that the take of wildlife with firearms is prohibited from March 1 through August 31.
27. Sipe White Mountain Wildlife Area (located in Unit 1):
    a. No open fires.
    b. No firewood cutting or gathering.
    c. No overnight public camping.
    d. Motorized vehicle travel permitted on designated roads or areas only, except as permitted under ~~R12-4-110(G)~~ R12-4-110(H). 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 around Department housing is closed to the discharge of all firearms.
28. Springerville Marsh Wildlife Area (located in Unit 2B):
    a. No open fires.
    b. No firewood cutting or gathering.
    c. No overnight public camping.
    d. Motorized vehicle travel permitted on designated roads or areas only. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    e. Closed to the discharge of all firearms.
    f. ~~Closed~~ Open to all hunting as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of all firearms.
29. Sunflower Flat Wildlife Area (located in Unit 8):
    ~~a. No open fires.~~
    ~~b.~~a. No overnight public camping.
    ~~c.~~b. Motorized vehicle travel permitted on designated roads or areas only, except as permitted under ~~R12-4-110(G)~~ R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    ~~d.~~c. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
30. Three Bar Wildlife Area (located in Unit 22):
    a. 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 Three Bar Wildlife and Habitat Study Area.
        iii. 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, 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 under Commission Order.
31. Tucson Mountain Wildlife Area (located in Unit 38M):
    a. Motorized vehicle travel permitted on designated roads ~~or areas only~~ and trails as part of the road system managed and regulated by the City of Tucson and Pima County. 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, except:
        i. Portions posted as closed to hunting, and
        ii. Wildlife area is closed to the discharge of all firearms.
    c. Archery deer and archery javelina hunters must check in with the Arizona Game and Fish Tucson Regional Office prior to going afield.
32. Upper Verde River Wildlife Area (located in Unit 8 and 19A):

a. No open fires.
b. No firewood cutting or gathering.
c. ~~Overnight~~ No overnight public camping ~~allowed in designated areas only~~.
d. Motorized vehicle travel is not permitted ~~on designated roads or areas only~~. This subsection does not apply to Department authorized vehicles or law enforcement, fire department, or other emergency vehicles.
e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318~~, except the wildlife area is closed to the discharge of firearms within a one mile radius of visitor parking area~~.
f. All dogs must remain on leash except for hunting dogs during a legal open season.

33. Wenima Wildlife Area (located in Unit 2B):
a. No open fires.
b. No firewood cutting or gathering.
c. No overnight public camping.
d. Motorized vehicle travel permitted on designated roads or areas only, except as permitted under ~~R12-4-110(G)~~ R12-4-110(H). 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 the discharge of all firearms~~.

34. White Mountain Grasslands Wildlife Area (located in Unit 1):
a. No open fires.
b. No overnight public camping.
c. Motorized vehicle travel permitted on designated roads or areas only, except as permitted under ~~R12-4-110(G)~~ R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
d. Posted portions closed to all public entry.
e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.

35. Whitewater Draw Wildlife Area (located in Unit 30B):
a. Open fires allowed in designated areas only.
b. Overnight public camping allowed in designated areas only, for no more than ~~three~~ 14 days within a ~~seven-day~~ 45-day period.
c. Motorized vehicle travel permitted on designated roads, trails, or areas only, except as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
d. Posted portions closed to all public entry from October 15 through March 15 annually.
e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of centerfire rifled firearms.

36. Willcox Playa Wildlife Area (located in Unit 30A):
a. Open fires allowed in designated areas only.
b. No firewood cutting or gathering.
c. Overnight public camping allowed in designated areas only, for no more than ~~five~~ 14 days within a ~~14~~ 45-day period.
d. Motorized vehicle travel permitted on designated roads, trails, or areas only, except as permitted under R12-4-110(H). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
e. Posted portions closed to all public entry from October 15 through March 15 annually.
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.

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 a healthy, productive, and balanced fish community 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. For the purposes of this Section:
"B.C." means brass cap.
"B.C.F." means brass cap flush.
"G&SRB&M" means Gila and Salt River Base and Meridian.

"M&B" means metes and bounds.
"R" means Range line.
"T" means Township line.

~~A.~~**B.** Wildlife Areas are described as follows:

1. Alamo Wildlife Area: The Alamo Wildlife Area shall be those areas described as follows:

~~T10N, R13W~~
~~Section 3 N1/2, SW1/4, SE1/4 Mohave County ONLY;~~
~~Section 4, E1/2SW1/4, SE1/4;~~
~~Section 9, NE1/4, E1/2NW1/4;~~
~~Section 10, NW1/4NW1/4, NE1/4NW1/4 within designated Wilderness Area.~~
~~T11N, R11W~~
~~Section 7, S1/2SW1/4;~~
~~Section 18, N1/2 NW1/4.~~
~~T11N, R12W~~
~~Section 4, Lots 2, 3 and 4, SW1/4NE1/4, S1/2NW1/4, SW1/4, W1/2SE1/4;~~
~~Section 5, Lot 1, SE1/4NE1/4, E1/2SE1/4;~~
~~Section 7, S1/2, SE1/4 NE1/4;~~
~~Section 8, NE1/4, S1/2NW1/4, S1/2;~~
~~Section 9;~~
~~Section 10, S1/2NW1/4, S1/2;~~
~~Section 11, S1/2S1/2;~~
~~Section 12, S1/2S1/2;~~
~~Section 13, N1/2, N1/2SW1/4, NW1/4SE1/4;~~
~~Section 14, N1/2, E1/2SE1/4;~~
~~Section 15, N1/2, SW1/4SW1/4, SW1/4SE1/4;~~
~~Section 16, 17, 18 and 19;~~
~~Section 20, N1/2, N1/2SW1/4;~~
~~Section 21, NW1/4;~~
~~Section 29, SW1/4, SW1/4SE1/4;~~
~~Section 30;~~
~~Section 31, N1/2, N1/2S1/2;~~
~~Section 32, NW1/4, N1/2SW1/4.~~
~~T11N, R13W~~
~~Section 12, SE1/4SW1/4, SW1/4SE1/4, E1/2SE1/4;~~
~~Section 13;~~
~~Section 14, S1/2NE1/4, SE1/4SW1/4, SE1/4;~~
~~Section 22, S1/2SW1/4, SE1/4;~~
~~Section 23, E1/2, E1/2NW1/4, SW1/4NW1/4, SW1/4;~~
~~Section 24, 25 and 26;~~
~~Section 27, E1/2, E1/2W1/2;~~
~~Section 34, E1/2, E1/2NW1/4, SW1/4;~~
~~Section 35 W1/2, W1/2NE1/4.~~
~~T12N, R12W~~
~~Section 19, E1/2, SE1/4SW1/4;~~
~~Section 20, NW1/4NW1/4, SW1/4SW1/4;~~
~~Section 28, W1/2SW1/4;~~
~~Section 29, W1/2NW1/4, S1/2, SE1/4NW1/4;~~
~~Section 30, E1/2, E1/2NW1/4, NE1/4SW1/4;~~
~~Section 31, NE1/4NE1/4;~~
~~Section 32, N1/2, N1/2SE1/4, SE1/4SE1/4;~~
~~Section 33, W1/2E1/2, W1/2.~~

~~All in G&SRB&M, Mohave and La Paz Counties, Arizona.~~ T10N, R13W; Section 3 N1/2, SW1/4, SE1/4 Mohave County only; Section 4, E1/2SW1/4, SE1/4; Section 9, NE1/4, E1/2NW1/4; Section 10, NW1/4NW1/4, NE1/4NW1/4 within designated Wilderness Area. T11N, R11W; Section 7, S1/2SW1/4; Section 18, N1/2 NW1/4; T11N, R12W; Section 4, Lots 2, 3 and 4, SW1/4NE1/4, S1/2NW1/4, SW1/4, W1/2SE1/4; Section 5, Lot 1, SE1/4NE1/4, E1/2SE1/4; Section 7, S1/2, SE1/4 NE1/4; Section 8, NE1/4, S1/2NW1/4, S1/2; Section 9; Section 10, S1/2NW1/4, S1/2; Section 11, S1/2S1/2; Section 12, S1/2S1/2; Section 13, N1/2, N1/2SW1/4, NW1/4SE1/4; Section 14, N1/2, E1/2SE1/4; Section 15, N1/2, SW1/4SW1/4, SW1/4SE1/4; Section 16, 17, 18 and 19; Section 20, N1/2, N1/2SW1/4; Section 21, NW1/4; Section 29, SW1/4, SW1/4SE1/4; Section 30; Section 31, N1/2, N1/2S1/2; Section 32, NW1/4, N1/2SW1/4; T11N, R13W; Section 12, SE1/4SW1/4, SW1/4SE1/4,

E1/2SE1/4; Section 13; Section 14, S1/2NE1/4, SE1/4SW1/4, SE1/4; Section 22, S1/2SW1/4, SE1/4; Section 23, E1/2, E1/2NW1/4, SW1/4NW1/4, SW1/4; Section 24, 25 and 26; Section 27, E1/2, E1/2W1/2; Section 34, E1/2, E1/2NW1/4, SW1/4; Section 35 W1/2, W1/2NE1/4; T12N, R12W; Section 19, E1/2, SE1/4SW1/4; Section 20, NW1/4NW1/4, SW1/4SW1/4; Section 28, W1/2SW1/4; Section 29, W1/2NW1/4, S1/2, SE1/4NW1/4; Section 30, E1/2, E1/2NW1/4, NE1/4SW1/4; Section 31, NE1/4NE1/4; Section 32, N1/2, N1/2SE1/4, SE1/4SE1/4; Section 33, W1/2E1/2, W1/2; all in G&SRB&M, Mohave and La Paz Counties, Arizona.

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:
~~T11N, R22E~~
~~Section 32, SE1/4;~~
~~Section 33, S1/2SW1/4.~~
~~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.~~ T11N, R22E; Section 32, SE1/4; Section 33, S1/2SW1/4; 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. Aravaipa Canyon Wildlife Area: The Aravaipa Canyon Wildlife Area shall be that area within the flood plain of Aravaipa Creek and the first 50 vertical feet above the streambed within the boundaries of the Aravaipa Canyon Wilderness Area administered by the Bureau of Land Management (BLM), Graham and Pinal Counties, Arizona.
4. Arlington Wildlife Area: The Arlington Wildlife Area shall be those areas described as follows:
~~T1S, R5W~~
~~Section 33, E½SE¼.~~
~~T2S, R5W~~
~~Section 3, W½W½;~~
~~Section 4, E½, and Parcel 401-58-001A as described by the Maricopa County Assessor's Office;~~
~~A parcel of land lying within Section 4, T2S, R5W, more particularly described as follows: commencing at the southwest corner of said Section 4, 2-inch aluminum cap (A.C.) in pothole stamped "RLS 36562", from which the northwest corner of said section, a 1 ½-inch brass cap (B.C.) stamped "T1S R5W S32 S33 S5 S4 1968", bears North 00°09'36" East (basis of bearing), a distance of 4130.10 feet, said southwest corner being the point of beginning; thence along the west line of said section, North 00°09'36" East, a distance of 16.65 feet; thence leaving said west line, South 89°48'28" East, a distance of 986.79 feet; thence North 00°47'35" East, a distance of 2002.16 feet; thence North 01°07'35" East, a distance of 2102.65 feet, to the north line of said section; thence along said north line, South 89°18'45" East, a distance of 1603.61 feet, to the north quarter corner of said section, a ½ inch metal rod; thence leaving said north line, along the north-south mid-section line of said section, South 00°08'44" East, a distance of 4608.75 feet, to the south quarter corner of said section, a 3-inch brass cap flush (B.C.F.) stamped "T2S R5W ¼S4 S9 RLS 46118 2008"; thence leaving said north-south mid-section line, along the south line of said section, North 79°10'54" West, a distance of 2719.41 feet, to the point of beginning. Subject to existing rights-of-way and easements. This parcel description is based on the Record of Survey for Alma Richardson Property, recorded in Book 996, page 25, Maricopa County Records (M.C.R.) and other client provided information. This parcel description is located within an area surveyed by Wood, Patel & Associates, Inc. during the month of April, 2008 and October, 2009 and any monumentation noted in this parcel description is within acceptable tolerance (as defined in Arizona Boundary Survey Minimum Standards dated 02/14/2002) of said positions based on said survey.~~
~~All in G&SRB&M, Maricopa County, Arizona.~~
~~Section 9;~~
~~Section 15, those portions of S½N½ and NW½SW¼ lying west of the primary through road;~~
~~Section 16;~~
~~Section 21, E½, E½SW¼, SE¼NW¼ and Parcel 401-61-008D as described by the Maricopa County Assessor's Office.~~
~~All in G&SRB&M, Maricopa County, Arizona.~~ 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; a parcel of land lying within Section 4, T2S, R5W, more particularly described as follows: commencing at the southwest corner of said Section 4, 2-inch aluminum cap (A.C.) in pothole stamped "RLS 36562", from which the northwest corner of said Section, a 1 1/2-inch B.C. stamped "T1S R5W S32 S33 S5 S4 1968", bears N 00°09'36" E (basis of bearing) a distance of 4130.10 feet, said southwest corner being the point of beginning; thence along the west line of said Section, N 00°09'36" E a distance of 16.65 feet; thence leaving said west line, S 89°48'28" E a distance of 986.79 feet; thence N 00°47'35" E a distance of 2002.16 feet; thence N 01°07'35" E a distance of 2102.65 feet to the north line of said Section; thence along said north line S 89°18'45" E a dis-

tance of 1603.61 feet to the N1/4 corner of said Section, a 1/2-inch metal rod; thence leaving said north line, along the north-south midsection line of said Section, S 00°08'44" E a distance of 4608.75 feet to the S1/4 corner of said Section, a 3-inch B.C.F. stamped "T2S R5W 1/4S4 S9 RLS 46118 2008"; thence leaving said north-south midsection line, along the south line of said Section, N 79°10'54" W a distance of 2719.41 feet to the point of beginning. Subject to existing rights-of-way and easements. This parcel description is based on the Record of Survey for Alma Richardson Property, recorded in Book 996, page 25, Maricopa County Records and other client provided information. This parcel description is located within an area surveyed by Wood, Patel & Associates, Inc. during the month of April, 2008 and October, 2009 and any monumentation noted in this parcel description is within acceptable tolerance (as defined in Arizona Boundary Survey Minimum Standards dated 02/14/2002) of said positions based on said survey; all in G&SRB&M, Maricopa County, Arizona. Section 9; NW1/4 and SW1/4; Section 3; LOT 4 SW1/4NW1/4, W1/2SW1/4 NE1/4SE1/4; Section 3; M&B in LOT 1 SE1/4NE1/4E1/2SE1/4; Section 9; M&B in NE1/4NE1/4; Section 10; SW1/4NW1/4; Section 15; those portions of S1/2W1/4 and N1/2SW1/4 lying west of the primary through road; Section 16; W1/2 M&B in E1/2E1/2 W1/2E1/2; Section 21; NE1/4NW1/4 and Parcel 401-61-008D as described by the Maricopa County Assessor's Office, more particularly described as follows: commencing at the BLM B.C. marking the northeast corner of said Section 21, from which the BLM B.C. marking the northwest corner of said Section 21 bears N 82°26'05" W a distance of 5423.64 feet; thence N 82°26'05" W along the north line of Section 21 a distance of 2711.82 feet to the NW1/4 corner of said Section 21; thence S 00°33'45" W along the north-southerly midsection line of said Section 21 a distance of 33.25 feet to the True Point of Beginning; thence continuing S 00°33'45" W along said north-south midsection line a distance of 958.00 feet to a point on a line which is parallel with and 983.85 feet southerly, as measured at right angles from the north line of said Section 21; thence N 82°26'05" W along said parallel line a distance of 925.54 feet; thence N 26°12'18" W a distance of 153.32 feet; thence N 13°26'18" W a distance of 303.93 feet; thence N 34°15'49" W a distance of 189.27 feet; thence N 21°32'45" W a distance of 215.60 feet; thence N 89°25'47" W a distance of 95.37 feet to a point on the west line of the NE1/4N1/4 of said Section 21; thence N 00°34'13" E, along said west line a distance of 223.54 feet to a point on a line which is parallel with and 33.00 feet southerly, as measured at right angles from the north line of said Section 21; thence S 82°26'05" E along said parallel line, a distance of 1355.91 feet to the True Point of Beginning; all in G&SRB&M, Maricopa County, Arizona.

5. Base and Meridian Wildlife Area: The Base and Meridian Wildlife Area shall be those areas described as follows:

~~T1N, R1E~~

~~Section 31;~~

~~Lots 3, 5, 6, 7, 8 and NE¼SW¼, S½S½S½SW¼NW¼ EXCEPT S½SE¼SE¼SW¼NW¼, SE¼SE¼SW¼NW¼, and that portion of the north half of the southeast quarter of Section 31, T1N, R1E, described as follows: commencing at the aluminum cap set at the east quarter corner of said Section 31, from which the 3" iron pipe set at the southeast corner of said Section 31 bears South 00°20'56" West 2768.49 feet; thence South 00°20'56" West along the east line of said southeast quarter of Section 31, 1384.25 feet to the southeast corner of said north half of the southeast quarter; thence South 89°25'13" West along the south line of said north half of the southeast quarter, 2,644.35 feet to the southwest corner of said north half of the southeast quarter and the point of beginning; thence North 00°03'37" West along the west line of said southeast quarter, 746.86 feet to the south line of the north 607.00 feet of said north half of the southeast quarter; thence North 88°46' 12" East along said south line of the north 607.00 feet of the north half of the southeast quarter, 656.09 feet; thence South 00°03'37" East parallel with said west line of the southeast quarter, 754.31 feet to said south line of the north half of the southeast quarter; thence south 89°25'13" West along said south line of the north half of the southeast quarter, 655.98 feet to the point of beginning.~~

~~T1N, R1W~~

~~Section 34, N1/2SE1/4;~~

~~Section 35, S1/2;~~

~~Section 36;~~

~~The W½SE¼NE¼ EXCEPT any portion of said W½SE¼NE¼ of Section 36 lying within the following described four parcels: EXCEPTION NO. 1: commencing at the Northeast corner of said W½SE¼NE¼ of section 36; thence along the East line thereof South 00°10' East 846.16 feet to the point of beginning; thence continuing South 00°18' East, a distance of 141.17 feet; thence South 87°51'15" West, a distance of 570.53 feet; thence South 00°29' East, a distance of 310.00 feet to the South line of said W½SE¼NE¼ of Section 36; thence North 89°29' West along the West line of said W½SE¼NE¼ of Section 36, a distance of 425.93 feet; said point bears South 00°29' East, a distance of 895.93 feet from the Northwest corner of said W½SE¼NE¼ of Section 36; thence North 85°54'33" East, a distance of 647.01 feet to the point of beginning. EXCEPTION NO. 2: commencing at the Northeast corner of said W½SE¼NE¼ of Section 36; thence along the East line thereof South 00°18' East, a distance of 846.16 feet to the point of beginning; said point being on the Northerly line of the Flood Control District of Maricopa County parcel as shown in Document No. 84-26119, Maricopa County Records; thence South 85°54'33" West, a distance of 647.01 feet to the West line of said W½SE¼NE¼ of Sec-~~

~~tion 36; thence North 00°29' West along said West line, a distance of 30 feet; thence North 84°23'15" East, a distance of 228.19 feet; thence North 87°17'06" East, a distance of 418.85 feet to the East line of the W½SE¼NE¼ of Section 36; thence South 00°18' East along said East line, a distance of 26.00 feet to the point of beginning. EXCEPTION NO. 3: The South 37.6 feet of said W½SE¼NE¼ of Section 36. EXCEPT all oil, gas and other hydrocarbon substances, helium or other substance of gaseous nature, coal, metals, minerals, fossils, fertilizer of every name and description and except all materials which may be essential to the production of fissionable material as reserved in Arizona Revised Statutes. EXCEPTION NO. 4: That part of the West half of the Southeast quarter of the Northeast quarter (W½SE¼NE¼) of Section 36, T1N, R1W lying North of the following described line: commencing at the Northeast corner of said W½SE¼NE¼¼ of Section 36; thence along the East line thereof South 00°18'00" East, a distance of 820.16 feet, to the point of beginning; said point being on the Northerly line of the Flood District of Maricopa County parcel as shown in Document 85-357813, Maricopa County Records; thence South 87°17'06" West, a distance of 418.85 feet; thence South 84°23'15" West, a distance of 228.19 feet to the West line of said W½SE¼NE1/4 of Section 36 and the point of terminus. The above described parcel contains 162,550 sq. ft. or 3.7316 acres. The Southeast quarter of the Southeast quarter of the Northeast quarter (SE¼SE¼NE¼) of Section 36, T1N, R1W, EXCEPT the South 37.6 feet of said SE¼SE¼NE¼, and EXCEPT the East 55 feet of said SE¼SE¼NE¼, and EXCEPT that part of said SE¼SE¼NE¼ lying North of the most Southerly line of the parcel described in Record No. 84-026119, Maricopa County Records, said Southerly line being described as follows: beginning at the Northeast corner of the South half of the Northeast quarter of the Southeast quarter of the Northeast quarter (NE¼S½NE¼SE¼NE¼) of said Section 36; thence South 00°07' East along the East line of Section 36, a distance of 50.70 feet; thence South 89°53' West, a distance of 55.00 feet to a point on the West line of the East 55.00 feet of said Section 36; thence South 00°07' East along said line, a distance of 510.00 feet; thence South 81°4'43" West, a distance of 597.37 feet to a terminus point on the West line of said SE¼SE¼NE¼ of Section 36, and EXCEPT that part of said SE¼SE¼NE¼ described as follows: commencing at the East quarter corner of said Section 36; thence North 89°37'23" West along the South line of said SE¼SE¼NE¼ of Section 36, a distance of 241.25 feet; thence North 18°53'04" East, a distance of 39.65 feet to the point of beginning; thence continuing North 18°53'04" East, a distance of 408.90 feet; thence South 81°04'43" West, a distance of 222.55 feet; thence South 18°53'04" West, a distance of 370.98 feet; thence South 89°37'23" East, a distance of 207.58 feet to the point of beginning. That portion of land lying within the Southeast quarter of the Southeast quarter of the Northeast quarter (SE¼SE¼NE¼) of Section 36, T1N, R1W, and the South half of the Southwest quarter of the Northwest quarter (S½SW¼NW¼) of Section 31, T1N, R1E, as described in Document Number 99-1109246. EXCEPT the West 22 feet of the property described in Recorder Number 97-0425420, also known as Assessor Parcel No. 101-44-003G; and EXCEPT the West 22 feet of the property described in Recorder Number 97-566498, also known as Assessor Parcel No. 101-44-013. All in the G&SRB&M, Maricopa County, Arizona.~~ T1N, R1E, Section 31; Maricopa County APN 101-44-023, also known as Lots 3, 5, 6, 7, 8 and NE1/4SW1/4, and Maricopa County APN 101-44-003J, also known as the S1/2S1/2SW1/4NW1/4 except the west 55 feet thereof; and 101-44-003K, also known as the S1/2S1/2SW1/4NW1/4 except the west 887.26 feet thereof; and Maricopa County APN 104-44-002S, also known as that portion of the N1/2SE1/4, described as follows: commencing at the aluminum cap set at the E1/4 corner of said Section 31, from which the 3" iron pipe set at the southeast corner of said Section 31, S 00°20'56" W a distance of 2768.49 feet; thence S 00°20' 56" W along the east line of said SE1/4 of Section 31 a distance of 1384.25 feet to the southeast corner of said N1/2SE1/4; thence S 89"25'13" W along the south line of said N1/2SE1/4 a distance of 2644.35 feet to the southwest corner of said N1/2SE1/4 and the point of beginning; thence N 00°03'37" W along the west line of said SE1/4 a distance of 746.86 feet to the south line of the north 607.00 feet of said N1/2SE1/4; thence N 88°46' 12" E along said south line of the north 607.00 feet of the N1/2SE1/4 a distance of 656.09 feet; thence S 00°03'37" E parallel with said west line of the SE1/4 a distance of 754.31 feet to said south line of the N1/2SE1/4; Thence S 89"25' 13" W along said south line of the N1/2SE1/4 a distance of 655.98 feet to the point of beginning. T1N, R1W, Section 34, N1/2SE1/4; Section 35, S1/2; Section 36. The Maricopa County APN 500-69-099; the W1/2SE1/4NE1/4. APN 500-69-099, 500-69-100, also known as that portion of the SE1/4SE1/4NE1/4. 500-69-010C, also known as that portion of the W1/2SE1/4NE1/4, except any portion of said W1/2SE1/4NE1/4 of Section 36 lying within the following described four parcels: Exception 1: commencing at the northeast corner of said W1/2SE1/4NE1/4 of Section 36; thence along the east line thereof S 00°10' E a distance of 846.16 feet to the point of beginning; thence continuing S 00°18' E a distance of 141.17 feet; thence S 87°51'15" W a distance of 570.53 feet; thence S 00°29' E a distance of 310.00 feet to the south line of said W1/2SE1/4NE1/4 of Section 36; thence N 89°29' W along the west line of said W1/2SE1/4NE1/4 of Section 36 a distance of 425.93 feet; said point bears S 00°29' E a distance of 895.93 feet from the northwest corner of said W1/2SE1/4NE1/4 of Section 36; thence N 85°54C33" E a distance of 647.01 feet to the point of beginning. Exception 2: commencing at the northeast corner of said W1/2SE1/4NE1/4 of Section 36; thence along the east line thereof S 00°18' E a distance of 846.16 feet to the point of beginning; said point being on the northerly line of the Flood Control District of Maricopa County parcel as shown in Document 84-26119, Maricopa County Records;

thence S 85°54'33" W a distance of 647.01 feet to the west line of said W1/2SE1/4NE1/4 of Section 36; thence N 00°29' W along said west line a distance of 30 feet; thence N 84°23'15" E a distance of 228.19 feet; thence N 87°17'06" E a distance of 418.85 feet to the east line of the W1/2SE1/4NE1/4 of Section 36; thence S 00°18' E along said east line a distance of 26.00 feet to the point of beginning. Exception 3: the South 37.6 feet of said W1/2SE1/4NE1/4 of Section 36. Except all oil, gas and other hydrocarbon substances, helium or other substance of gaseous nature, coal, metals, minerals, fossils, fertilizer of every name and description and except all materials which may be essential to the production of fissionable material as reserved in Arizona Revised Statutes. Exception 4: that part of the W1/2SE1/4NE1/4 of Section 36, T1N, R1W lying north of the following described line: commencing at the northeast corner of said W1/2SE1/4NE1/4 of Section 36; thence along the east line thereof S 00°18'00" E a distance of 820.16 feet, to the point of beginning; said point being on the northerly line of the Flood District of Maricopa County parcel as shown in Document 85-357813, Maricopa County Records; thence S 87°17'06" W a distance of 418.85 feet; thence S 84°23'15" W a distance of 228.19 feet to the west line of said W1/2SE1/4NE1/4 of Section 36 and the point of terminus. The above described parcel contains 162,550 sq. ft. or 3.7316 acres 500-69-001L and 500-69-001M, also known as the N1/2SE1/4, except the south 892.62 feet thereof. 500-69-001N, 500-69-001P, 500-69-001Q, 500-69-001R, 500-69-001T, 500-69-001X, 500-69-001Y, also known as that portion of the south 892.62 feet of the N1/2SE1/4. The SE1/4SE1/4NE1/4 of Section 36, T1N, R1W, except the south 37.6 feet of said SE1/4SE1/4NE1/4, and except the east 55 feet of said SE1/4SE1/4NE1/4, and except that part of said SE1/4SE1/4NE1/4 lying north of the most southerly line of the parcel described in Record 84-026119, Maricopa County Records, said southerly line being described as follows: beginning at the NE1/4S1/2NE1/4SE1/4NE1/4 of said Section 36; thence S 00°07' E along the east line of Section 36, a distance of 50.70 feet; thence S 89°53' W a distance of 55.00 feet to a point on the west line of the east 55.00 feet of said Section 36; thence S 00°07' E along said line, a distance of 510.00 feet; thence S 81°4'43" W a distance of 597.37 feet to a terminus point on the west line of said SE1/4SE1/4NE1/4 of Section 36, and except that part of said SE1/4SE1/4NE1/4 described as follows: commencing at the E1/4 corner of said Section 36; thence N 89°37'23" W along the south line of said SE1/4SE1/4NE1/4 of Section 36, a distance of 241.25 feet; thence N 18°53'04" E a distance of 39.65 feet to the point of beginning; thence continuing N 18°53'04" E a distance of 408.90 feet; thence S 81°04'43" W a distance of 222.55 feet; thence S 18°53'04" W a distance of 370.98 feet; thence S 89°37'23" E a distance of 207.58 feet to the point of beginning. That portion of land lying within the SE1/4SE1/4NE1/4 of Section 36, T1N, R1W, and the S1/2SW1/4NW1/4 of Section 31, T1N, R1E, as described in Document Number 99-1109246. Except the west 22 feet of the property described in Recorder Number 97-0425420, also known as APN 101-44-003G; and except the west 22 feet of the property described in Recorder Number 97-566498, also known as APN 101-44-013; all in G&SRB&M, Maricopa County, Arizona.

6. Becker Lake Wildlife Area: The Becker Lake Wildlife Area shall be that area including Becker Lake lying within the fenced and posted portions of:

~~T9N, R29E~~
~~Section 19, SE1/4SW1/4;~~
~~Section 20, SW1/4SW1/4, W1/2NW1/4, and NW1/4SW1/4;~~
~~Section 29, E1/2NE1/4;~~
~~Section 30, NE1/4SE1/4;~~
~~Section 32, as it is described in parcels in this Section.~~
~~All in the G&SRB&M, Apache County, Arizona, consisting of approximately 325 acres.~~

~~Parcel 1. Parcel 1 is located in section 30, T9N, R29E, G&SRB&M, Apache County, Arizona, and is adjacent to the western boundary of the Becker Lake Wildlife Area. The preliminary ALTA survey for the Enders property indicates that Parcel 1 is approximately 83 acres in size. Parcel 1 is also bounded by lands owned by The Hopi Tribe (26 Bar Ranch) and Arizona State Trust lands. The property is composed of Plains and Great Basin grassland habitat, and has historically been used for livestock grazing. This parcel is described by Apache County Assessor's Office parcel number 105-16-002.~~

~~Parcel 2. This parcel is located in the northeast quarter of section 32 T9N, R29E, G&SRB&M, Apache County, Arizona. The preliminary ALTA survey for the Enders property indicates that Parcel 2 is approximately 61 acres in size. Parcel 2 includes the southernmost portion of the subject property. The Becker Lake Ditch and a short reach of the Little Colorado River are located within Parcel 2. Parcel 2 is bounded by Parcel 3 to the west and Parcel 4 to the north. Privately owned lands are located to the east and south of Parcel 2. This parcel is described by Apache County Assessor's Office parcel number 105-18-008A.~~

~~Parcel 3. This parcel is located in the northwest quarter of section 32 T9N, R29E, G&SRB&M, Apache County, Arizona. The preliminary ALTA survey for the Enders property indicates that Parcel 3 is approximately 17 acres in size. The Becker Lake Ditch also is located within Parcel 3. Parcel 3 is bounded by Parcel 2 to the east, and Parcel 5 to the north. The Becker Lake Road comprises approximately half of the western boundary of Parcel 3, with a two-acre residential property located between Becker Lake Road and Becker Ditch owned by Mr.~~

~~Jack Husted comprising the remainder of the western boundary of Parcel 3. Parcel 3 is described by Apache County Assessor's Office parcel number 105-18-012B.~~

~~Parcel 4. Parcel 4 is located in the southern half of section 29 T9N, R29E, G&SRB&M, Apache County, Arizona. The preliminary ALTA survey for the Enders property indicates that Parcel 4 is approximately 56 acres in size. Both the Becker Lake Ditch and an approximately 3/4 mile reach of the LCR are located within Parcel 4. Parcel 4 is bounded by Parcel 2 to the south and Parcel 5 as well as privately owned lands to the west. Private lands are also located to the north and east of Parcel 4. Highway 60 constitutes the northeast boundary of this irregularly shaped parcel. This parcel is described by Apache County Assessor's Office parcel number 105-15-014E.~~

~~Parcel 5. Parcel 5 is located in the southern half of the southwest quarter of section 29 T9N, R29E, G&SRB&M, Apache County, Arizona. The preliminary ALTA survey for the Enders property indicates that Parcel 5 is approximately 79 acres in size. The Becker Lake Ditch is also located within Parcel 5. Parcel 5 is bounded by Parcel 4 to the east and Parcel 3 to the south. The Becker Lake Wildlife Area bounds the western half of the northern boundary of this parcel. Privately owned lands are also located to the north of Parcel 5. The Springerville Airport as well as State Trust lands are located to the south of Parcel 5. Hopi Tribal Land (26 Bar Ranch) abuts the entire western boundary of this parcel. The Becker Lake Road and Becker Ditch bisect Parcel 5. This parcel is described by Apache County Assessor's Office parcel number 105-15-014F.~~ T9N, R29E, Section 19, SE1/4SE1/4 also known as APN. 105-07-001; Section 20, SW1/4SW1/4; beginning at a point 1012 feet north of the southwest corner of the SE1/4SW1/4 of Section 20, T9N, R29E; thence north 1285 feet; thence east a distance of 462 feet; thence south a distance of 2122 feet, more or less to the center of U.S. Highway 60; thence in a northwesterly direction along the center of U.S. Highway 60 a distance of 944 feet, more or less; thence west a distance of 30 feet, more or less to the point of beginning, also known as APN 105-08-002); Section 29, W1/2NW1/4, NW1/4SW1/4, also known as APN 105-15-003; beginning at the S1/4 corner of said Section 29, said point being the True Point of Beginning; thence N 00°43'20" E along the western boundary of the SE1/4 of said Section 29, a distance of 1329.15 feet to the center-south 1/16 corner of said Section 29; thence S 89°53'01" W along the southern boundary of the NE1/4SW1/4 of said Section 29, a distance of 99.69 feet; thence N 00°43'20" E a distance of 417.54 feet; thence S 89°31'37" E a distance of 99.69 feet; thence N 00°43'20" E along the western boundary of the SE1/4 of said Section 29 a distance of 374.40 feet; thence N 88°49'48" E a distance of 474.94 feet; thence N 27°35' 15" E a distance of 99.21 feet; thence N 04°13'26" W a distance of 160.59 feet; thence N 37°38'44" E a distance of 12.27 feet; thence S 26°22'25" E a distance of 371.13 feet; thence N 31°21'35" E a distance of 58.00 feet; thence S 26°22'27" E a distance of 1203.23 feet; thence S 63°58'58" W a distance of 200.00 feet; thence S 36°24'36" E a distance of 375.11 feet; thence S 00°24'06" W a distance of 490.79 feet; thence S 01°22'24" E a distance of 110.21 feet; thence S 22°27'23" E a distance of 44.27 feet; thence N 89°48'03" W a distance of 1331.98 feet to the True Point of Beginning, also known as APN 105-15-014E; beginning at the corner of Sections 28, 29, 32 and 33, T9N, R29E of G&SRB&M, Apache County, Arizona; thence N 54°21'09" W a distance of 1623.90 feet; thence N 26°00'59" W a distance of 100.00 feet; thence N 26°22'14" W a distance of 1203.23 feet to the True Point of Beginning; thence N 26°22'27" W a distance of 351.19 feet; thence S 55°14'10" W a distance of 38.42 feet; thence S 37°38'44" W a distance of 12.38 feet; thence S 26°22'14" E a distance of 371.13 feet; thence N 31°21'35" E a distance of 58.00 feet to the True Point of Beginning, also known as APN 105-15-014C. S1/2SW1/4, except the following described parcel: commencing at a 2-inch aluminum cap monument stamped LS 8906 located at the Section corner common to Sections 29, 30, 31 and 32 of said Township and Range; thence bear S 89°46'16" E along the Section line common to Sections 29 and 32, a distance of 1038.05 feet to the True Point of Beginning; thence N 35°17'33" E along the northwest boundary of the Springerville Municipal Airport a distance of 328.32 feet; thence S 39°31'26" E a distance of 349.55 feet to a point on the Section line common to Sections 29 and 32; thence N 89°46'44" W a distance of 131.96 feet to the W1/16 corner of Sections 29 and 32; thence N 89°46'16" W a distance of 280.18 feet to the True Point of Beginning. Section 30, NE1/4SE1/4, E1/2NE1/4 also known as APN 105-16-001; W1/2NE1/4, W1/2NE1/4 also known as APN 105-16-002; Section 32, beginning at the N1/4 corner of said Section 32, said point being the True Point of Beginning; thence S 89°48'03" E along the north line of said Section 32 a distance of 1331.98 feet; thence S 21°49'15" E a distance of 198.07 feet; thence S 20°56'35" W a distance of 191.75 feet; thence S 19°53'23" W a distance of 24.65 feet; thence S 39°17'55" W a distance of 86.61 feet; thence S 01°41'36" E a distance of 13.60 feet; thence S 50°13'33" W a distance of 1.29 feet; thence S 02°24'23" E a distance of 906.39 feet; thence S 00°44'11" W a distance of 466.82 feet; thence S 35°26'56" W a distance of 218.51 feet; thence S 89°57'05" W a distance of 1141.87 feet; thence N 07°57'52" E a distance of 328.83 feet; thence N 77°39'30" W a distance of 68.79 feet; thence N 00°30'56" W a distance of 334.16 feet to a 1/16th section corner; thence N 00°30'56" W a distance of 1349.10 feet to the True Point of Beginning. Except therefrom any portion lying in the S1/2SW1/4NE1/4 of said Section 32 also known as APN 105-18-008A; all that portion of the NE1/4NW1/4 of Section 32, T9N, R29E of G&SRB&M, Apache County, Arizona, lying east of the Becker Lake Roadway; except for the following described parcel: from the NW1/16 corner of said Section 32; thence S 89°45'28" E along the 1/16 line a dis-

tance of 736.55 feet to the True Point of Beginning, said point being in the west rights-of-way limits of Becker Lake Rd.; thence N 06°09'00" W along the west line of said right-of-way a distance of 266.70 feet to a 1/2-inch rebar with a tag marked LS 13014; thence N 06°21'43" W a distance of 263.42 feet to a 1/2-inch rebar with a tag marked LS 13014; thence N 06°21'43" W a distance of 198.60 feet to a 5/8-inch rebar with a plastic cap marked LS 13014; thence N 78°43'10" E a distance of 158.40 feet to a 5/8-inch rebar with a plastic cap marked LS 13014; thence S 47°05'42" E a distance of 65.65 feet to a 5/8-inch rebar with a plastic cap marked LS 13014; thence S 29°24'20" E a distance of 202.48 feet to a 5/8-inch rebar with a plastic cap marked LS 13014; thence S 48°03'17" W a distance of 146.19 feet to a 5/8-inch rebar with a plastic cap marked LS 13014; thence South 19°36'10" West a distance of 115.75 feet to a 5/8-inch rebar with a plastic cap marked LS 13014; thence South 00°38'05" East a distance of 74.66 feet to a 5/8-inch rebar with a plastic cap marked LS 13014; thence S 14°52' 53" E a distance of 125.09 feet to a 5/8-inch rebar with a plastic cap marked LS 13014; thence S 15°08'20" E a distance of 136.60 feet to a 5/8-inch rebar with a plastic cap marked LS 13014; thence S 89°58'07" W a distance of 144.13 feet to the True Point of Beginning, also known as APN 105-18-012G.

7. Bog Hole Wildlife Area: The Bog Hole Wildlife Area lying in Sections 29, 32 and 33, T22S, R17E shall be the fenced and posted area described as follows: ~~Beginning at the southeast corner of Section 32, Township 22 South, Range 17 East, G&SRB&M, Santa Cruz County, Arizona; thence North 21°42'20" West 1394.86 feet to the true point of beginning; thence North 9°15'26" West 1014.82 feet; thence North 14°30'58" West 1088.82 feet; thence North 36°12'57" West 20.93 feet; thence North 50°16'38" West 1341.30 feet; thence North 57°51'08" West 1320.68 feet; thence N39°03'53" East 1044.90 feet; thence North 39°07'43" East 1232.32 feet; thence South 36°38'48" East 1322.93 feet; thence South 43°03'17" East 1312.11 feet; thence South 38°19'38" East 1315.69 feet; thence South 13°11'59" West 2083.31 feet; thence South 69°42'45" West 920.49 feet to the true point of beginning.~~ beginning at the southeast corner of Section 32, T22S, R17E, G&SRB&M, Santa Cruz County, Arizona; thence N 21°42'20" W a distance of 1394.86 feet to the True Point of Beginning; thence N 9°15'26" W a distance of 1014.82 feet; thence N 14°30'58" W a distance of 1088.82 feet; thence N 36°12'57" W a distance of 20.93 feet; thence N 50°16'38" W a distance of 1341.30 feet; thence N 57°51'08" W a distance of 1320.68 feet; thence N 39°03'53" E a distance of 1044.90 feet; thence N 39°07'43" E a distance of 1232.32 feet; thence S 36°38'48" E a distance of 1322.93 feet; thence S 43°03'17" E a distance of 1312.11 feet; thence S 38°19'38" E a distance of 1315.69 feet; thence S 13°11'59" W a distance of 2083.31 feet; thence S 69°42'45" W a distance of 920.49 feet to the True Point of Beginning.

8. Chevelon Canyon Ranches Wildlife Area: The Chevelon Canyon Ranches Wildlife Area shall be those areas described as follows:

~~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~~

~~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.~~

~~WolfRanch: 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.~~ Duran Ranch: T12N, R14E; Sections 6 and 7, more particularly bounded and described as follows: beginning at Corner 1, from which the Standard Corner to Section 31 in T13N, R14E and Section 36 T13N, R13E, bears N 11°41' W 21.53 chains distant; thence S 26°5' E 6.80 chains to Corner 2; thence S 66° W 12.74 chains to Corner 3; thence S 19°16' W 13.72 chains to Corner 4; thence S 29°1' W 50.02 chains to Corner 5; thence N 64°15' W five chains to Corner 6; thence N 28°54' E 67.97 chains to Corner 7; thence N 55°36' E 11.02 to Corner 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 1 from which the Standard corner to Sections 32 and 33 in T13N, R14E, bears N 2° 24' E 127.19 chains distant; thence S 50°20' E 4.96 chains to corner 2; thence S 29°48' W 21.97 chains to Corner 3; thence S 14°45' W 21.00 chains to Corner 4; thence N 76°23' W 3.49 chains to Corner 5; thence N 10°13' W 14.02 chains to Corner 6; thence N 19°41' E 8.92 chains to Corner 7; thence N 38°2' E 24.79 chains to Corner 1, the place of beginning; all in G&SRB&M, Coconino County, Arizona. Tillman Ranch: T12N, R14E land included in H.E. Survey 200 embracing a portion of approximately Sections 9 and 10 in T12N, R14E of G&SRB&M; all in G&SRB&M, Coconino County, Arizona. Vincent Ranch: T12N, R13E; Sections 3 and 4, more particularly described as follows: beginning at Corner 1, from which the south corner to Section 33, T13N, R13E, bears N 40°53' W 16.94 chains distance; thence S 53° 08' E 2.98 chains to Corner 2; thence S 11°26' W 6.19 chains to Corner 3; thence S 49°43' W 22.41 chains to Corner 4; thence S 22°45' W 30.03 chains to Corner 5; thence N 67°35' W 6.00 chains to Corner 6; thence N 23° E 30.03 chains to Corner 7; thence N 42°18' E 21.19 chains to Corner 8; thence N 57°52' E 8.40 chains to Corner 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 1, from which the U.S. Location Monument 184 H. E. S. bears S 88°53' E 4.41 chains distant; thence S 34°4' E 11.19 chains to Corner 2; thence S 40°31' W 31.7 chains to Corner 3; thence S 63°3' W 7.97 chains to Corner 4; thence S 23°15' W 10.69 chains to Corner 5; thence N 59° W 2.60 chains to Corner 6; thence N 18°45' E 10.80 chains to Corner 7; thence N 51°26' E 8.95 chains to Corner 8; thence N 30°19' E 34.37 chains to Corner 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 those areas described as follows:

~~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;~~

~~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. I 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.~~ Parcel 1: The S1/2S1/2NW1/4SW1/4 of Section 23, T18N, R17E of G&SRB&M; Parcel 2: Lots 1, 2, 3 and 4 of Section 26, T18N, R17E of G&SRB&M; Parcel 1: That portion of the NE1/4 of Section 26 lying northerly of Chevelon Creek Estates East Side 1 Amended, according to the plat of record in Book 5 of Plats, page 35, records of Navajo County, Arizona, all in T18N, R17E of G&SRB&M, Navajo County, Arizona. Parcel 2: That part of Tract A, Chevelon Creek Estates East Side 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. Cibola Valley Conservation and Wildlife Area: The Cibola Valley Conservation and Wildlife Area shall be those areas described as follows:

~~Parcel 1. This parcel is located in the Northwest quarter of Section 36, T1N, R24W of the Gila and Salt River Base and Meridian, La Paz County, Arizona, lying East of the right of way line of the "Cibola Channelization Project of the United States Bureau of Reclamation Colorado River Front Work and Levee System," as indicated on Bureau of Reclamation Drawing 423-300-438, dated March 31, 1964, and more particularly described as follows: beginning at the Northeast corner of the Northwest quarter of said Section 36; thence South and along the East line of the Northwest quarter of said Section 36, a distance of 2,646.00 feet to a point being the Southeast~~

~~corner of the Northwest quarter of said Section 36; thence Westerly and along the South line of the Northwest quarter, a distance of 1,711.87 feet to a point of intersection with the East line of the aforementioned right of way; thence Northerly and along said East line of the aforementioned right of way, a distance of 2,657.20 feet along a curve concave Easterly, having a radius of 9,260.00 feet to a point of intersection with the North line of the Northwest quarter of said Section 36; thence Easterly and along the North line of the Northwest quarter of said Section 36, a distance of 1,919.74 feet to the point of beginning.~~

~~Parcel 2. This parcel is located in the United States Government Survey of Lot 1 and the East half of the Southwest quarter of Section 36, T1N, R24W of the Gila and Salt River Base and Meridian, La Paz County, Arizona, lying East of the right of way line of the "Cibola Channelization Project of the United States Bureau of Reclamation Colorado River Front Work and Levee System," as indicated on Bureau of Reclamation Drawing 423-300-438, dated March 31, 1964, and more particularly described as follows: Beginning at the South quarter corner of said Section 36; thence Westerly and along the South line of said Section 36, a distance of 610.44 feet to a point of intersection with the East line of the aforementioned right of way; thence Northerly along said East line of the of the aforementioned right of way and along a curve concave Southwesterly, having a radius of 17,350.00 feet, a distance of 125.12 feet to a point; thence continuing along said right of way line and along a reverse curve having a radius of 9,260.00 feet, a distance of 2,697.10 feet to a point of intersection with the East-West midsection line of said Section 36; thence Easterly along said East-West midsection line, a distance of 1,711.87 feet to a point being the center of said Section 36; thence South and along the North-South midsection line, a distance of 2,640.00 feet to the point of beginning.~~

~~Parcel 3. This parcel is located in the East half of the Northeast quarter of Section 36, T1N, R24W of the Gila and Salt River Base and Meridian, La Paz County, Arizona.~~

~~Parcel 4. This parcel is located in the East half of the Northwest quarter of the Southwest quarter of Section 21, T1N, R23W of the Gila and Salt River Base and Meridian, La Paz County, Arizona, lying South of the South right of way line of U.S.A. Levee; EXCEPT therefrom that portion lying within Cibola Sportsman's Park, according to the plat thereof recorded in Book 4 of Plats, Page 58, records of Yuma (now La Paz) County, Arizona; and FURTHER EXCEPTING the North half of the East half of the Northwest quarter of the Southwest quarter.~~

~~Parcel 5. This parcel is located in the South half of the Southwest quarter of Section 21, T1N, R23W of the Gila and Salt River Base and Meridian, La Paz County, Arizona. EXCEPT the West 33.00 feet thereof; and further EXCEPTING that portion more particularly described as follows: the North half of the Northwest quarter of the Southwest quarter of the Southwest quarter of said Section, EXCEPTING the North 33.00 feet and the East 33.00 feet thereof.~~

~~Parcel 6. This parcel is located in the Southwest quarter of the Southeast quarter of Section 21, T1N, R23W of the Gila and Salt River Base and Meridian, La Paz County, Arizona.~~

~~Parcel 7. This parcel is located in Sections 24 and 25, T1N, R24W of the Gila and Salt River Base and Meridian, La Paz County, Arizona, lying South of the Colorado River and East of Meander line per BLM Plat 2647C.~~

~~Parcel 8. This parcel is located in the West half of Section 19, T1N, R23W of the Gila and Salt River Base and Meridian, La Paz County, Arizona, lying South of the Colorado River. EXCEPT that portion in condemnation suit Civil No. 5188PHX filed in District Court of Arizona entitled USA -vs- 527.93 Acres of Land; and EXCEPTING therefrom any portion of said land lying within the bed or former bed of the Colorado River waterward of the natural ordinary high water line; and also EXCEPTING any artificial accretions to said line of ordinary high water.~~

~~Parcel 9. This parcel is located in the North half of the Northeast quarter of the Southeast quarter; and the West half of the Southwest quarter of the Northeast quarter of the Southeast quarter; and that portion of the Southeast quarter of the Northeast quarter of Section 20, T1N, R23W of the Gila and Salt River Base and Meridian, La Paz County, Arizona, lying South of the South right of way line of the U.S.B.R. Levee; EXCEPT the East 33.00 feet thereof; and further EXCEPTING that portion more particularly described as follows: Commencing at the Northeast corner of the Southeast quarter of said Section 20; thence South 0º24'00" East along the East line, a distance of 380.27 feet; thence South 89º36'00" West, a distance of 50.00 feet to the true point of beginning; thence continuing South 89º36'00" West, a distance of 193.00 feet; thence North 0º24'00" West, a distance of 261.25 feet; thence South 70º11'00" East, a distance of 205.67 feet to the West line of the East 50.00 feet of said Southeast quarter of Section 20; thence South 0º24'00" East, a distance of 190.18 feet to the true point of beginning; EXCEPTING therefrom any portion of said land lying within the bed or former bed of the Colorado River waterward of the natural ordinary high water line; and also EXCEPTING any artificial accretions to said line of ordinary high water.~~

~~Parcel 10. This parcel is located in the South half of the Southeast quarter of Section 20, T1N, R23W of the Gila and Salt River Base and Meridian, La Paz County, Arizona; EXCEPT the East 33.00 feet thereof.~~

~~Parcel 11. This parcel is located in the Southwest quarter of the Northeast quarter; and the Northwest quarter of the Southeast quarter of Section 20, T1N, R23W of the Gila and Salt River Base and Meridian, La Paz County, Arizona, lying South of the Colorado River and West of the Meander line per BLM Plat 2546B; EXCEPT any~~

~~portion thereof lying within U.S.A. Lots 5 and 6 of said Section 20, as set forth on BLM Plat 2546B; and EXCEPTING therefrom any portion of said land lying within the bed or former bed of the Colorado River waterward of the natural ordinary high water line; and also EXCEPTING any artificial accretions to said line of ordinary high water.~~

~~Parcel 12. This parcel is located in the Southeast quarter of the Northeast quarter of the Southeast quarter; and the East half of the Southwest quarter of the Northeast quarter of the Southeast quarter of Section 20, T1N, R23W of the Gila and Salt River Base and Meridian, La Paz County, Arizona.~~

~~Parcel 13. This parcel is located in the East half of Section 19, T1N, R23W of the Gila and Salt River Base and Meridian, La Paz County, Arizona, lying South of the Colorado River; EXCEPT the West half of the West half of the Southeast quarter of the Southwest quarter of the Southeast quarter; EXCEPT the East half of the East half of the Southwest quarter of the Southwest quarter of the Southeast quarter; EXCEPT the Southwest quarter of the Southwest quarter of the Northeast quarter; EXCEPT the West half of the Southeast quarter of the Southwest quarter of the Northeast quarter; and EXCEPTING therefrom any portion of said land lying within the bed or former bed of the Colorado River waterward of the natural ordinary high water line; and also EXCEPTING any artificial accretions to said line of ordinary high water.~~

~~Parcel 14. This parcel is located in the Southwest quarter of the Southwest quarter of the Northeast quarter; and the West half of the Southeast quarter of the Southwest quarter of the Northeast quarter of Section 19, T1N, R23W of the Gila and Salt River Base and Meridian, La Paz County, Arizona, lying South of the Colorado River and protection levees and front work, EXCEPTING therefrom any portion of said land lying within the bed or former bed of the Colorado River waterward of the natural ordinary high water line; and also EXCEPTING any artificial accretions to said line of ordinary high water.~~

~~Parcel 15. This parcel is located in the West half of Section 20, T1N, R23W of the Gila and Salt River Base and Meridian, La Paz County, Arizona; EXCEPT the West 133.00 feet thereof; EXCEPT any portion lying within the U.S. Levee or Channel right of way or any portion claimed by the United States for Levee purposes or related works; and EXCEPT the Southeast quarter of the Southeast quarter of the Southwest quarter of said Section 20.~~

~~Parcel 16. This parcel is located in the Southeast quarter of the Southeast quarter of the Southwest quarter of Section 20, T1N, R23W of the Gila and Salt River Base and Meridian, La Paz County, Arizona.~~ Parcel 1: this parcel is located in the NW1/4 of Section 36, T1N, R24W of G&SRB&M, La Paz County, Arizona, lying east of the right of way line of the "Cibola Channelization Project of the United States Bureau of Reclamation Colorado River Front Work and Levee System," as indicated on Bureau of Reclamation Drawing 423-300-438, dated March 31, 1964, and more particularly described as follows: beginning at the northeast corner of the NW1/4 of said Section 36; thence south and along the east line of the NW1/4 of said Section 36, a distance of 2646.00 feet to a point being the southeast corner of the NW1/4 of said Section 36; thence westerly and along the south line of the NW1/4 a distance of 1711.87 feet to a point of intersection with the east line of the aforementioned right of way; thence northerly and along said east line of the aforementioned right of way, a distance of 2657.20 feet along a curve concave easterly, having a radius of 9260.00 feet to a point of intersection with the north line of the NW1/4 of said Section 36; thence easterly and along the north line of the NW1/4 of said Section 36, a distance of 1919.74 feet to the point of beginning. Parcel 2: this parcel is located in the U.S. Government Survey of Lot 1 and the E1/2SW1/4 of Section 36, T1N, R24W of G&SRB&M, La Paz County, Arizona, lying east of the right of way line of the "Cibola Channelization Project of the United States Bureau of Reclamation Colorado River Front Work and Levee System," as indicated on Bureau of Reclamation Drawing 423-300-438, dated March 31, 1964, and more particularly described as follows: beginning at the S1/4 corner of said Section 36; thence westerly and along the south line of said Section 36, a distance of 610.44 feet to a point of intersection with the east line of the aforementioned right of way; thence northerly along said east line of the of the aforementioned right of way and along a curve concave southwesterly, having a radius of 17350.00 feet, a distance of 125.12 feet; thence continuing along said right of way line and along a reverse curve having a radius of 9260.00 feet, a distance of 2697.10 feet to a point of intersection with the east-west midsection line of said Section 36; thence easterly along said east-west midsection line, a distance of 1711.87 feet to a point being the center of said Section 36; thence south and along the north-south midsection line, a distance of 2640.00 feet to the point of beginning. Parcel 3: this parcel is located in the E1/2NE1/4 of Section 36, T1N, R24W of G&SRB&M, La Paz County, Arizona. Parcel 4: this parcel is located in the E1/2NW1/4SW1/4 of Section 21, T1N, R23W of G&SRB&M, La Paz County, Arizona, lying south of the south right of way line of U.S.A. Levee; except therefrom that portion lying within Cibola Sportsman's Park, according to the plat thereof recorded in Book 4 of Plats, Page 58, records of Yuma (now La Paz) County, Arizona; and further excepting the N1/2E1/2NW1/4SW1/4. Parcel 5: this parcel is located in the S1/2SW1/4 of Section 21, T1N, R23W of G&SRB&M, La Paz County, Arizona. Except the west 33.00 feet thereof; and further excepting that portion more particularly described as follows: the N1/2NW1/4SW1/4SW1/4 of said Section, excepting the north 33.00 feet and the east 33.00 feet thereof. Parcel 6: this parcel is located in the SW1/4SE1/4 of Section 21, T1N, R23W of G&SRB&M, La Paz County, Arizona. Parcel 7: this parcel is located in Sections 24 and 25,

T1N, R24W of G&SRB&M, La Paz County, Arizona, lying south of the Colorado River and east of Meander line per BLM Plat 2647C. Parcel 8: this parcel is located in the W1/2 of Section 19, T1N, R23W of G&SRB&M, La Paz County, Arizona, lying south of the Colorado River. Except that portion in condemnation suit Civil 5188PHX filed in District Court of Arizona entitled USA -vs- 527.93 acres of land; and excepting therefrom any portion of said land lying within the bed or former bed of the Colorado River waterward of the natural ordinary high water line; and also excepting any artificial accretions to said line of ordinary high water. Parcel 9: this parcel is located in the N1/2NE1/4SE1/4; and the W1/2SW1/4NE1/4SE1/4; and that portion of the SE1/4NE1/4 of Section 20, T1N, R23W of G&SRB&M, La Paz County, Arizona, lying south of the south right of way line of the U.S.B.R. Levee; except the east 33.00 feet thereof; and further excepting that portion more particularly described as follows: commencing at the northeast corner of the SE1/4 of said Section 20; thence S 0º24'00" E along the east line, a distance of 380.27 feet; thence S 89º36'00" W a distance of 50.00 feet to the True Point of Beginning; thence continuing S 89º36'00" W a distance of 193.00 feet; thence N 0º24'00" W a distance of 261.25 feet; thence S 70º11'00" E a distance of 205.67 feet to the west line of the east 50.00 feet of said SE1/4 of Section 20; thence S 0º24'00" E a distance of 190.18 feet to the True Point of Beginning; excepting therefrom any portion of said land lying within the bed or former bed of the Colorado River waterward of the natural ordinary high water line; and also excepting any artificial accretions to said line of ordinary high water. Parcel 10: this parcel is located in the S1/2SE1/4 Section 20, T1N, R23W of G&SRB&M, La Paz County, Arizona; except the east 33.00 feet thereof. Parcel 11: This parcel is located in the SW1/4NE1/4; and the NW1/4SE1/4 of Section 20, T1N, R23W of G&SRB&M, La Paz County, Arizona, lying south of the Colorado River and west of the Meander line per BLM Plat 2546B; except any portion thereof lying within U.S.A. Lots 5 and 6 of said Section 20, as set forth on BLM Plat 2546B; and excepting therefrom any portion of said land lying within the bed or former bed of the Colorado River waterward of the natural ordinary high water line; and also excepting any artificial accretions to said line of ordinary high water. Parcel 12: this parcel is located in the SE1/4NE1/4SE1/4; and the E1/2SW1/4NE1/4SE1/4 of Section 20, T1N, R23W of G&SRB&M, La Paz County, Arizona. Parcel 13: this parcel is located in the E1/2 of Section 19, T1N, R23W of G&SRB&M, La Paz County, Arizona, lying south of the Colorado River; except the W1/2W1/2SE1/4SW1/4SE1/4; except the E1/2E1/2SW1/4SW1/4SE1/4; except the SW1/4SW1/4NE1/4; except the W1/2SE1/4SW1/4NE1/4; and excepting therefrom any portion of said land lying within the bed or former bed of the Colorado River waterward of the natural ordinary high water line; and also excepting any artificial accretions to said line of ordinary high water. Parcel 14: this parcel is located in the SW1/4SW1/4NE1/4; and the W1/2SE1/4SW1/4NE1/4 of Section 19, T1N, R23W of G&SRB&M, La Paz County, Arizona, lying south of the Colorado River and protection levees and front work, excepting therefrom any portion of said land lying within the bed or former bed of the Colorado River waterward of the natural ordinary high water line; and also excepting any artificial accretions to said line of ordinary high water. Parcel 15: this parcel is located in the W1/2 of Section 20, T1N, R23W of G&SRB&M, La Paz County, Arizona; except the west 133.00 feet thereof; except any portion lying within the U.S. Levee or Channel right of way or any portion claimed by the U.S. for Levee purposes or related works; and except the SE1/4SE1/4SW1/4 of said Section 20. Parcel 16: this parcel is located in the SE1/4SE1/4SW1/4 of Section 20, T1N, R23W of G&SRB&M, La Paz County, Arizona.

11. Clarence May and C.M.H. May Memorial Wildlife Area: Clarence May and C.M.H. May Memorial Wildlife Area: Clarence May and C.M.H. May Memorial Wildlife Area shall be the SE1/4 of Section 8 and N1/2NE1/4 of Section 17, ~~Township 17 South, Range 31 East~~ T17S, R31E, and the W1/2SE1/4, S1/2NW1/4, and SW1/4 of Section 9, T17S, R31E, G&SRB&M, Cochise County, Arizona, consisting of approximately 560 acres.
12. Cluff Ranch Wildlife Area: The Cluff Ranch Wildlife Area is that area within the fenced and posted portions of Sections 13, 14, 23, 24, and 26, T7S, R24E, G&SRB&M, Graham County, Arizona; consisting of approximately 788 acres.
13. Colorado River Nature Center Wildlife Area: The Colorado River Nature Center Wildlife Area is Section 10 of T19N, R22W, ~~that is~~ bordered by the Fort Mojave Indian Reservation to the ~~West~~ west, the Colorado River to the ~~North~~ north, and residential areas of Bullhead City to the ~~South~~ south and ~~East~~ east, G&SRB&M, Mohave County, Arizona.
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°12' East 2533.9 feet; thence South 41°02' 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°53' West along the South line of Section 7 a distance of 660 feet; thence South 0°07' East 164.3 feet; thence North 89°32' West 804.2 feet; thence North 20°46' West 670 feet; thence South 88°12' West 400 feet; thence North 68°04' West 692 feet; thence South 2°50' West 581 feet; thence North 89°32' West 400 feet; thence North 12°40' 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.~~ S1/2 of Section 7 and of the N1/2N1/2 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 W1/4 corner thereof; thence S 86°12' E a distance of 2533.9 feet; thence S 41°02' E a distance of 634.7 feet; thence east a distance of 800 feet; thence south a distance of 837.5 feet, more or less to the south line of the said Section 7; thence S 89°53' W along the south line of Section 7 a distance of 660 feet; thence S 0°07' E a distance of 164.3 feet; thence N 89°32' W a distance of 804.2 feet; thence N 20°46' W a distance of 670 feet; thence S 88°12' W a distance of 400 feet; thence N 68°04' W a distance of 692 feet; thence S 2°50' W a distance of 581 feet; thence N 89°32' W a distance of 400 feet; thence N 12°40' W a distance of 370.1 feet, more or less, the north line of the SW1/4SW1/4SW1/4 of said Section 7; thence west a distance of 483.2 feet, more or less, along said line to the west line of Section 7; thence north to the point of beginning.

15. House Rock Wildlife Area: House Rock Wildlife Area is that area described as follows: ~~Beginning at the common one-quarter corner of Sections 17 and 20, T36N, R4E; thence east along the south section lines of Sections 17, 16, 15, 14, 13 T36N, R4E, and Section 18, T36N, R5E, to the intersection with the top of the southerly escarpment of Bedrock Canyon; thence meandering southeasterly along the top of said escarpment to the top of the northerly escarpment of Fence Canyon; thence meandering along the top of said north escarpment to its intersection with the top of the southerly escarpment of Fence Canyon; thence meandering northeasterly along the top of said southerly escarpment to its intersection with the top of the escarpment of the Colorado River; thence meandering southerly along top of said Colorado River escarpment to its intersection with Boundary Ridge in Section 29, T34N, R5E; thence meandering westerly along Boundary Ridge to its intersection with the top of the escarpment at the head of Saddle Canyon; thence northerly along the top of the westerly escarpment to its intersection with a line beginning approximately at the intersection of the Cockscomb and the east fork of South Canyon extending southeast to a point approximately midway between Buck Farm Canyon and Saddle Canyon; thence northwest to the bottom of the east fork of South Canyon in the SW1/4SW1/4 of Section 16, T34N, R4E; thence meandering northerly along the west side of the Cockscomb to the bottom of North Canyon in the SE1/4 of Section 12, T35N, R3E; thence meandering northeasterly along the bottom of North Canyon to a point where the slope of the land becomes nearly flat; thence northerly along the westerly edge of House Rock Valley to the point of beginning; all in G&SRB&M, Coconino County, Arizona.~~ beginning at the common 1/4 corner of Sections 17 and 20, T36N, R4E; thence east along the south Section lines of Sections 17, 16, 15, 14, 13 T36N, R4E, and Section 18, T36N, R5E, to the intersection with the top of the southerly escarpment of Bedrock Canyon; thence southeasterly along the top of said escarpment to the top of the northerly escarpment of Fence Canyon; thence along the top of said north escarpment to its intersection with the top of the southerly escarpment of Fence Canyon; thence northeasterly along the top of said southerly escarpment to its intersection with the top of the escarpment of the Colorado River; thence southerly along top of said Colorado River escarpment to its intersection with Boundary Ridge in Section 29, T34N, R5E; thence westerly along Boundary Ridge to its intersection with the top of the escarpment at the head of Saddle Canyon; thence northerly along the top of the westerly escarpment to its intersection with a line beginning approximately at the intersection of the Cockscomb and the east fork of South Canyon extending southeast to a point approximately midway between Buck Farm Canyon and Saddle Canyon; thence northwest to the bottom of the east fork of South Canyon in the SW1/4SW1/4 of Section 16, T34N, R4E; thence northerly along the west side of the Cockscomb to the bottom of North Canyon in the SE1/4 of Section 12, T35N, R3E; thence northeasterly along the bottom of North Canyon to a point where the slope of the land becomes nearly flat; thence northerly along the westerly edge of House Rock Valley to the point of beginning; all in G&SRB&M, Coconino County, Arizona.
16. Jacques Marsh Wildlife Area: The Jacques Marsh Wildlife Area is that area within the fenced and posted portions of the ~~SE1/4SW1/4, NE/4SW1/4, NE1/4SW1/4SW1/4, NW1/4SW1/4, N1/2NW1/4SE1/4, SW1/4SW1/4NE1/4, S1/2SE1/4NW1/4, SE1/4SE1/4NW1/4, Section 11; and N1/2NE1/4NW1/4 Section 14; T9N, R22E, G&SRB&M, Navajo County, Arizona.~~ SE1/4, SW1/4SW1/4NE1/4, SE1/4NW1/4, SW1/4NW1/4, Section 11; and NE1/4NW1/4, NW1/4NE1/4, NE1/4NE1/4, Section 14; T9N, R22E, G&SRB&M, Navajo County, Arizona.
17. Lamar Haines Wildlife Area: The Lamar Haines Wildlife Area is that area described as: T22N, R6E, Section 12 NW1/4, G&SRB&M, Coconino County, Arizona~~; together with all improvements thereon, and that certain water right on "Hudsonian Spring" as evidenced by certificate of Water Right from the State Water Commissioner of the State of Arizona, dated December 13, 1935 and recorded in Book 5 of Water Rights, pages 374-375, records of Coconino County, Arizona, and being Certificate #624~~.
18. Lower San Pedro River Wildlife Area: The Lower San Pedro River Wildlife Area shall be those areas described as follows:

~~For the Triangle Bar Ranch Property:~~

~~Parcel 1. That portion of the Southeast one-quarter of Section 22, Township 7 South, Range 16 East, Gila and Salt River Base and Meridian, Pinal County, AZ, more particularly described as follows: BEGINNING at the Southeast corner of Section 22, being a 2.5" Aluminum Cap stamped PLS 35235; thence North 00°38'57" West, along the East line of the Southeast one-quarter of Section 22, a distance of 2626.86 feet, to a point being the East one-quarter corner of Section 22, a 2.5" Aluminum Cap stamped PLS 35235; thence South 89°00'32" West, along the North line of the Southeast one-quarter of Section 22, a distance of 1060.80 feet, to a point being a ½" Iron Pin tagged PLS 35235; thence South 12°30'55" East, a distance of 673.56 feet, to a point being~~

~~a ½" Iron Pin tagged PLS 35235; thence South 36°31'44" East, a distance of 491.55 feet, to a point being a ½" Iron Pin tagged PLS 35235;thence South 89°00'32" West, a distance of 689.00 feet, to a point being a ½" Iron Pin tagged PLS 35235; thence North 00°31'09" West, a distance of 400.00 feet, to a point being a ½" Iron Pin tagged PLS 35235;thence South 89°00'32" West, a distance of 1320.00 feet, to a point on the West line of the Southeast one-quarter of Section 22, being a ½" Iron Pin tagged PLS 35235; thence South 00°31'09" East, a distance of 1454.09 feet, to a point being a ½" Iron Pin tagged PLS 35235; thence North 88°51'39" East, a distance of 1387.86 feet, to a point being a ½" Iron Pin tagged PLS 35235; thence South 53°14'11" East, a distance of 322.56 feet, to a point being a ½" Iron Pin tagged PLS 35235; thence South 01°05'49" West, a distance of 321.71 feet, to a point being a ½" Iron Pin tagged PLS 35235; thence North 88°51'39" East, along said South line of Section 22, a distance of 1011.31 feet, to the point of beginning; CONTAINING 110.65 Acres, more or less.~~

~~Parcel 2. That portion of Sections 23 Township 7 South, Range 16 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona, more particularly described as follows: BEGINNING at the point on the South line of Section 23, which point is 720 feet East of the Southwest Corner of Section 23, said point being a ½" Iron Pin tagged PLS 35235; thence a measured North 23°45'32" West, a distance of 1833.68 feet, (North 22°28'00", West, a distance of 1834 feet, record) to a point, being a ½" Iron Pin tagged PLS 35235, on the West line of Section 23; thence a measured South 00°38'57" East a distance of 1691.03 feet, (South, record) to the Southwest Corner of Section 23, a 2.5" Aluminum Cap stamped PLS 35235; thence along the South line of Section 23, a measured North 89°02'45" East a distance of 720.00 feet, (East, a distance of 720.00 feet, recorded) to the point of beginning; CONTAINING 13.98 Acres, more or less.~~

~~Parcel 3. Lots 2 and 3, and the Northeast Quarter of the Northwest Quarter, and the Southeast Quarter of the Northwest Quarter, and the Northeast Quarter of the Southwest Quarter of Sections 18 Township 7 South, Range 16 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona, more particularly described as follows: COMMENCING at the Northwest Corner of Section 18, said point being a GLO Brass Cap stamped Sec 18 CC; thence South 89°47'17" East, along the north line of Section 18, a distance of 1271.33 feet to a point, being a ½" Iron Pin tagged PLS 35235, and being the point of beginning, said point is the Northwest Corner of the Northeast quarter of the Northwest quarter;thence South 89°47'17" East a distance of 1320.00 feet to a point, being the North one-quarter corner of Section 18, a found STONE marked 1/4; thence South 01°35'23" East a distance of 4020.67 feet to a point, being a found ½" Iron Pin with added tag of PLS 35235, point being the Southeast corner or the Northeast quarter of the Southwest quarter of Section 18; thence North 89°37'16" West a distance of 2610.28 feet to a point on the West line of Section 18, being a ½" Iron Pin tagged PLS 35235, point being the Southwest corner of Lot No. 3; thence North 01°17 '05" West, along the West line of Section 18, a distance of 1360.825 feet to a point, being the West one-quarter corner of Section 18, a found STONE marked 1/4; thence North 01°20'34" West, along the West line of Section 18, a distance of 1325.845 feet to a point, being a ½" Iron Pin tagged PLS 35235, point being the Northwest corner of Lot No. 2; thence South 89°32'47" East a distance of 1279.09 feet to a point, being a found ½" Iron Pin with added tag of PLS 35235 approximately 0.8 feet down from natural grade, point being the Northeast corner of Lot No. 2; thence North 01°40'11" West, along the West line of the Northeast one-quarter of the Northwest one-quarter of Section 18, a distance of 1331.47 feet to a point on the North line of Section 18 and the point of beginning; CONTAINING 200.78 Acres, more or less.~~

~~Parcel 4. Lots 3, 4, 5, 6 and 7 of Section 9, Township 7 South, Range 16 East, of the Gila and Salt River Base and Meridian, Pinal County, AZ more particularly described as follows: BEGINNING at the South One-Quarter Corner of said Section 9, a 1.5" Open Iron Pipe with added tag PLS 35235; thence North 00°00'03" East, along the North-South middle Section line, a measured distance of 2641.16 feet, (North 00°38'48" East, a distance of 2641.20 feet, record) to the Center Section of Section 9, a ½" Iron Pin tagged PLS 35235; thence continuing North 00°00'03" East, along the North-South middle Section line, a measured distance of 1349.83 feet, (North 00°38'48 " East, a distance of 1349.83 feet, record) to the Northeast corner of Lot 5, a found ½" Iron Pin with added tag PLS 35235; thence South 89°09'38" West, along the North line of Lot 5, a measured distance of 1346.80 feet, (South 89°44'19" West, a distance of 1347.21 feet, record) to a ½" Iron Pin tagged PLS 35235, and the Northwest corner of Lot 5 and the Southeast corner of Lot 3; thence North 00°58'35" East, along the East line of Lot 3, a measured distance of 1357.74 feet, (North 00°37'27" East, a distance of 1357.74 feet, record) to a ½" Iron Pin tagged PLS 35235 and the Northeast corner of Lot 3; thence North 89°24'33" West, along the North line of Lot 3, a measured distance of 1323.90 feet, (North 89°56'37 " West, a distance of 1323.945 feet, record) to the Northwest corner of Section 9, a found Drill Steel with added tag PLS 35235; thence South 01°56'29" West, along the West line of Section 9, a measured distance of 712.90 feet, to a point on the West boundary line of Old Camp Grant and a ½" Iron Pin tagged PLS 35235; thence South 23°03'26" East, along said West boundary line of Old Camp Grant, a distance of 5011.05 feet, to a point on the South line of Section 9, a ½" Iron Pin tagged PLS 35235; thence North 89°13'21" East, along the South line of Section 9, a measured distance of 709.50 feet, (North 89°51'39" East, a distance of 709.50 feet, record) to the point of beginning; CONTAINING 181.71 Acres, more or less. TOGETHER with those parts of Sections 15 and 22,~~

~~Township 7 South, Range 16 East, of the Gila and Salt River Base and Meridian, Pinal County, AZ, more particularly described as follows: BEGINNING at a point, being a ½" Iron Pin tagged PLS 35235, a measured North 89°00'32" East, along the South line of the Northeast one-quarter of Section 22, a distance of 2251.00 feet, (East, a distance of 2251 feet, record) of the Center Section corner of Section 22; thence a measured North 47°16'51" West, a distance of 1275.05 feet, (North 46°47'00" West, a distance of 1275.00 feet, record) to a point being a ½" Iron Pin tagged PLS 35235; thence a measured North 79°57'00" West, a distance of 1344.00 feet, (North 7°27'00" West, a distance of 1344.00 feet, record) to a point being a ½" Iron Pin tagged PLS 35235; thence a measured North 65°05'02" West, a distance of 399.00 feet, (North 59°46'00" West, a distance of 399.00 feet, record) to a point being a ½" Iron Pin tagged PLS 35235; thence a measured North 17°49'24" West, a distance of 1382.47 feet, (North 17°34'00" West, a distance of 1385.00 feet, record) to a point on the Section line between Sections 15 and 22, being a ½" Iron Pin tagged PLS 35235; thence a measured North 21°43'45" West, a distance of 1408.97 feet, (North 20°49'00" West, a distance of 1412.00 feet, record) to a point being a ½" Iron Pin tagged PLS 35235 and the Center corner of the Southwest one-quarter of Section 15; thence a measured South 01°06'32" West, along the West line of the Southeast one-quarter of the Southwest one-quarter of Section 15, a distance of 1317.07 feet, (South, record) to a point on the South line of Section 15 and the Southwest corner of the Southeast one-quarter of the Southwest one-quarter of Section 15, being a ½" Iron Pin tagged PLS 35235; thence a measured South 00°27'15" East, along the West line of the East half of the Northwest one-quarter of Section 22, a distance of 2637.50 feet, (South, record) to a point on the South line of the Northwest one-quarter of Section 22 and the Southwest corner of the East half of the Northwest one-quarter of Section 22, being a ½" Iron Pin tagged PLS 35235; thence a measured North 89°00'56" East, along said South line of the Northwest one-quarter of Section 22, a distance of 1320.895 feet, (East, record) to the Center Section corner of Section 22, being a found 2.5" Aluminum Cap stamped C1/4 PLS 35235; thence a measured North 89°00'32" East, along the South line of the Northeast one-quarter of Section 22, a distance of 2251.00 feet, (East, record) to the point of beginning; CONTAINING 110.28 Acres, more or less.~~

~~Parcel 5. Those parts of Sections 26 and 35 Township 7 South, Range 16 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona, more particularly described as follows: BEGINNING at a point measured North 89°31'56" East a distance of 571.74 feet (record 572 a distance of feet East) of the Center Section of Section 35; said point being a ½" Iron Pin tagged PE 9626; thence a measured North 16°07'19" West a distance of 1369.92 feet (North 15°44'00" West, a distance of 1371 feet, record) to a point being a Power Pole tagged PLS 35235; thence a measured North 46°55'33" West a distance of 279.77 feet (North 45°00'00" West, a distance of 283.00 feet, record) to the center of a 6" hollow iron fence post filled with concrete approximately 6 feet tall, tagged PLS 35235; thence a measured North 79°45'23" West a distance of 500.00 feet (North 80°00'00" West, a distance of 500.00 feet, record) to the center of a 6" hollow iron fence post filled with concrete approximately 6 feet tall, tagged PLS 35235; thence a measured North 21°10'05" West, a distance of 1104.18 feet (North 20°38 '00" West, a distance of 1104.00 feet, record) to a point being a ½" Iron Pin tagged PLS 35235, said point being a distance of 3.55 feet south of the North Line of Section 35; thence a measured North 07°46'25" East a distance of 1334.00 feet (North 08°08'00" East, a distance of 1334.00 feet, record) to a point being a ½" Iron Pin tagged PLS 35235; thence a measured South 89°37'04" West, a distance of 630.00 feet (West, a distance of 630.00 feet, record) to a point being a found ½" Iron Pin with added tag PLS 35235; thence a measured North 01°11'34" West a distance of 1314.34 feet (North, a distance of 1320.00 feet, record) to a point being a ½" Iron Pin tagged PLS 35235, said point being on the North line of the Southwest quarter; thence along the North line of the Southwest quarter, a measured North 89°18'34" East, a distance of 282.00 feet (East, a distance of 282.00 feet, record) to a point being a ½" Iron Pin tagged PLS 35235, said point being South 89°18'34" West a distance of 992.74 from the Center Section corner of Section 26; thence a measured North 13°48'15" West, a distance of 1351.04 feet (North 13°40'00" West, a distance of 1358.00 feet, record) to a point on the North line of the Southeast quarter of the Northwest quarter of Section 26, being a ½" Iron Pin tagged PLS 35235, said point being North 89°10'39" East a distance of 26.52 feet from the Northwest corner of the Southeast quarter of the Northwest quarter of Section 26; thence a measured North 26°31'53" West, a distance of 1458.00 feet (North 23°43'00" West, a distance of 1442.00 feet, record) to a point being a ½" Iron Pin tagged PLS 35235, that is on the North line of Section 26, said point being North 89°02'45" East, along the North line of Section 26, a distance of 720.00 feet from the Northwest corner of Section 26; thence a measured North 23°45'32" West, a distance of 1833.68 feet (North 22°28'00" West, a distance of 1834.00 feet, record) to a point being a ½" Iron Pin tagged PLS 35235, said point being on the West line of Section 23; thence a measured South 00°38'57" East, along the West line of Section 23, a distance of 1690.37 feet (South, record) to the Southwest Corner of Section 23 and Northwest corner of Section 26, being a 2.5" Aluminum Cap stamped PLS 35235; thence continuing a measured South 01°16'16" East, along the West line of Section 26, a distance of 2625.56 feet (South, a distance of 2640.00 feet, record) to the West one-quarter corner of Section 26, being a 2.5" Aluminum Cap stamped PLS 35235; thence a measured South 01°16'16" East, along the West line of Section 26, a distance of 2625.56 feet (South, a distance of 2640.00 feet, record) to the Southwest corner of Section 26 and Northwest corner of Section 35, being a 2.25" Capped Iron Pipe stamped, with added tag PLS~~

~~35235; thence a measured South 00°45'30" East, along the West line of Section 35, a distance of 1317.94 feet (South, a distance of 1320.00 feet, record), to a point being a 2.5" Capped Iron Pipe stamped, with added tag PLS 35235, said point being the Southwest corner of the North half of the Northwest quarter of Section 35; thence a measured North 89°41'45" East, along the South line of the North half of the Northwest quarter of Section 35, a distance of 2630.87 feet (East, a distance of 2644.00 feet, record) to a point being an Oblong Iron Pin, with added tag PLS 35235, said point being the Southeast corner of the North half of the Northwest quarter of Section 35; thence a measured South 01°11'23" East a distance of 1319.08 (South, a distance of 1320.00 feet, record) to a point being an Oblong Iron Pin, with added tag PLS 35235, said point being the Center Section Corner of Section 35; thence a measured North 89°31'56" East, along the South line of the Northeast quarter of Section 35, a distance of 571.74 feet (East, a distance of 572.00 feet, record) to the point of beginning; EXCEPTING there from any portion of said lands lying and within Section 23, Township 7 South, Range 16 East, Gila and Salt River Base and Meridian; CONTAINING 249.46 Acres, more or less.~~

~~Parcel 6. That portion of Section 1, Township 8 South, Range 16 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona, more particularly described as follows: BEGINNING at a point measured North 88°25'39" East a distance of 507.07 feet (East a distance of 510 feet record) of the Southwest Corner of the Southeast quarter of the Southwest quarter of Section 1, said point being a ½" Iron Pin tagged RLS 10046; thence a measured North 18°38'44" East a distance of 1399.18 feet (record North 19°41' East, a distance of 1402 feet) to a point being a ½" Iron Pin tagged PLS 35235; thence a measured North 03°51'10" West a distance of 1314.74 feet (record North 02°44' West, a distance of 1321 feet) to a point being a ½" Iron Pin tagged RLS 10046; thence a measured South 88°45'59" West a distance of 918.71 feet (record West, a distance of 919 feet) to a point being a ½" Iron Pin tagged RLS 10046; thence a measured North 01°02'04" West a distance of 977.00 feet (record North, a distance of 977 feet) to a point being a ½" Iron Pin tagged PLS 35235; thence a measured North 72°26'42" West a distance of 1384.43 feet (record North 71°22', West a distance of 1393 feet) to a point, on the West line of Section 1, being a ½" Iron Pin PLS 35235; thence a measured South 01°07'43" East, along the West line of Section 1, a distance of 1422.00 feet (record South, a distance of 1412 feet) to the West one-quarter corner of Section 1, said point being a 2.5" Aluminum Cap stamped PLS 35235; thence continuing a measured South 01°07'43" East, along the West line of Section 1, a distance of 1320.00 feet (record South, a distance of 1320 feet) to the Southwest corner of the Northwest quarter of the Southwest quarter of Section 1, being a ½" Iron Pin tagged PLS 35235; thence a measured North 88°37'29" East a distance of 1311.56 feet (record East to the Southwest corner of the Northeast quarter of the Southwest quarter) to the Southwest corner of the Northeast quarter of the Southwest quarter of Section 1, being a ½" Iron Pin tagged PLS 35235; thence a measured South 01°05'24" East a distance of 1316.31 feet (record South, a distance of 1320 feet) to the Southwest corner of the Southeast quarter of the Southwest quarter of Section 1, being a ½" Iron Pin tagged PLS 35235; thence a measured North 88°25'39" East a distance of 507.07 feet (record, East, a distance of 510 feet) to the point of beginning; CONTAINING 126.84 Acres, more or less.~~

~~For the ASARCO Property:~~

~~Parcel 1.~~

~~Section 15 – The West half of the Southeast quarter; AND the East half of the Southwest quarter of Section 15, Township 7 South, Range 16 East of the Gila and Salt River Base and Meridian, Pinal county, Arizona; EXCEPT that portion of land situated in Government Lot 9 lying west of the center line of the San Pedro River, said portion being parcel No. 300-35-002.~~

~~Section 22 – That portion of the Northeast quarter of the Northwest quarter; AND the Northeast quarter of Section 22 Township 7 South, Range 16 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona, lying east of the San Pedro River.~~

~~Section 23 – That portion of the Southwest quarter of Section 23, Township 7 South, Range 16 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona, lying east of the San Pedro River.~~

~~Section 26 – That portion of the North half of the Northwest quarter of Section 26, Township 7 South, Range 16 East of the Gila and Salt River Meridian, Pinal County, Arizona, lying east of the San Pedro River.~~

~~Parcel 2.~~

~~Section 15 – Government Lots 1, 2, 3, 4, 5, 6, and 7 of Section 15, Township 7 South, Range 16 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona.~~

~~Parcel 3.~~

~~Section 4 – Government Lots 5, 8, 9, 11, 12, and 13 of Section 4 except that portion of land situated in Government Lot 13 lying east of State Highway 77 right-of-way, said portion of land being Parcel No. 300-31-005B.~~

~~Section 5 – Government Lots 2, 3, 4 and 5, EXCEPT that portion of land situated in Government Lot 2, more particularly described as follows: Beginning at the Northeast corner of said Lot 2; thence along the east boundary of said Lot 2 due South 599.94 feet; thence leaving said east boundary due West 283.27 feet to the County Road right-of-way (El Camino Road); thence along said County Road right-of-way North 04°18'56" East 95.16 feet; thence continuing along said County Road right-of-way North 16°30'21" East 384.05 feet; thence continuing along said County Road right-of-way North 14°33'05" East 141.35 feet to the north boundary of~~

~~said County road right-of-way due East 131.48 feet along the north boundary of Government Lot 1 to the point of beginning.~~ For the Triangle Bar Ranch Property: Parcel 1: that portion of the SE1/4 of Section 22, T7S, R16E, G&SRB&M, Pinal County, Arizona, more particularly described as follows: beginning at the southeast corner of Section 22, to a point being a 2.5" Aluminum Cap stamped PLS 35235; thence N 00°38'57" W along the east line of the SE1/4 of Section 22 a distance of 2626.86 feet to a point being the E1/4 corner of Section 22 a 2.5" Aluminum Cap stamped PLS 35235; thence S 89°00'32" W along the north line of the SE1/4 of Section 22 a distance of 1060.80 feet to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 12°30'55" E a distance of 673.56 feet to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 36°31'44" E a distance of 491.55 feet to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 89°00'32" W a distance of 689 feet to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 00°31'09" W a distance of 400.00 feet to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 89°00'32" W a distance of 1320.00 feet to a point on the west line of the SE1/4 of Section 22 to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 00°31'09" E a distance of 1454.09 feet to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 88°51'39" E a distance of 1387.86 feet to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 53°14'11" E a distance of 322.56 feet to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 01°05'49" W a distance of 321.71 feet to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 88°51'39" E along said South line of Section 22 a distance of 1011.31 feet to the point of beginning; containing 110.65 acres, more or less. Parcel 2: that portion of Sections 23 T7S, R16E of G&SRB&M, Pinal County, Arizona, more particularly described as follows: beginning at the point on the south line of Section 23, which point is 720 feet east of the southwest corner of Section 23, said point being a 1/2" Iron Pin tagged PLS 35235; thence N 23°45'32" W a distance of 1833.68 feet (N 22°28'00" W a distance of 1834 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235 on the west line of Section 23; thence S 00°38'57" E a distance of 1691.03 feet (south, record) to the southwest corner of Section 23 to a point being a 2.5" Aluminum Cap stamped PLS 35235; thence along the south line of Section 23 N 89°02'45" E a distance of 720.00 feet (east, a distance of 720.00 feet, recorded) to the point of beginning; containing 13.98 acres, more or less. Parcel 3: lots 2 and 3, and the NE1/4NW1/4, SE1/4NW1/4, and NE1/4SW1/4 of Sections 18 T7S, R16E of G&SRB&M, Pinal County, Arizona, more particularly described as follows: commencing at the northwest corner of Section 18, said point being a GLO B.C. stamped Sec 18 CC; thence S 89°47'17" E along the north line of Section 18, a distance of 1271.33 feet to a point being a 1/2" Iron Pin tagged PLS 35235, and being the point of beginning, said point is the northwest corner of the NE1/4NW1/4; thence S 89°47'17" E a distance of 1320.00 feet to a point being the N1/4 corner of Section 18, to a point being a found stone marked 1/4; thence S 01°35'23" E a distance of 4020.67 feet to a point being a found 1/2" Iron Pin with added tag of PLS 35235 to a point being the southeast corner or the NE1/4SW1/4 of Section 18; thence N 89°37'16" W a distance of 2610.28 feet to a point on the west line of Section 18 to a point being a 1/2" Iron Pin tagged PLS 35235, to a point being the southwest corner of Lot 3; thence N 01°17 '05" W along the west line of Section 18, a distance of 1360.825 feet to a point being the W1/4 corner of Section 18, to a point being a found stone marked 1/4; thence N 01°20'34" W along the west line of Section 18 a distance of 1325.845 feet to a point being a 1/2" Iron Pin tagged PLS 35235, to a point being the northwest corner of Lot 2; thence S 89°32'47" E a distance of 1279.09 feet to a point being a found 1/2" Iron Pin with added tag of PLS 35235 approximately 0.8 feet down from natural grade, to a point being the northeast corner of Lot 2; thence N 01°40'11" W along the west line of the NE1/4NW1/4 of Section 18, a distance of 1331.47 feet to a point on the north line of Section 18 and the point of beginning; containing 200.78 acres, more or less. Parcel 4: lots 3, 4, 5, 6, and 7 of Section 9, T7S, R16E, of G&SRB&M, Pinal County, Arizona more particularly described as follows: beginning at the S1/4 corner of said Section 9, to a point being a 1.5" Open Iron Pipe with added tag PLS 35235; thence N 00°00'03" E along the north-south midsection line a distance of 2641.16 feet (N 00°38'48" E a distance of 2641.20 feet, record) to the center section of Section 9 to a point being a 1/2" Iron Pin tagged PLS 35235; thence continuing N 00°00'03" E along the north-south midsection line, a distance of 1349.83 feet (N 00°38'48 " E a distance of 1349.83 feet, record) to the northeast corner of Lot 5 to a point being a found 1/2" Iron Pin with added tag PLS 35235; thence S 89°09'38" W along the north line of Lot 5 a distance of 1346.80 feet (S 89°44'19" W a distance of 1347.21 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235, and the northwest corner of Lot 5 and the southeast corner of Lot 3; thence N 00°58'35" E along the east line of Lot 3 a distance of 1357.74 feet (N 00°37'27" E a distance of 1357.74 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235 and the northeast corner of Lot 3; thence N 89°24'33" W along the north line of Lot 3 a distance of 1323.90 feet (N 89°56'37 " W a distance of 1323.945 feet, record) to the northwest corner of Section 9 to a point being a found Drill Steel with added tag PLS 35235; thence S 01°56'29" W along the west line of Section 9 a distance of 712.90 feet to a point on the west boundary line of Old Camp Grant and to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 23°03'26" E along said west boundary line of Old Camp Grant, a distance of 5011.05 feet to a point on the south line of Section 9 to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 89°13'21" E along the south line of Section 9 a distance of 709.50 feet (N 89°51'39" E a distance of 709.50 feet, record) to the point of beginning; containing 181.71 acres, more or less. Together with those parts of Sections 15 and 22, T7S, R16E, of G&SRB&M, Pinal County, Arizona, more particularly

described as follows: beginning at a point being a 1/2" Iron Pin tagged PLS 35235, N 89°00'32" E along the south line of the NE1/4 of Section 22, a distance of 2251.00 feet (east a distance of 2251 feet, record) of the center section corner of Section 22; thence N 47°16'51" W a distance of 1275.05 feet (N 46°47'00" W a distance of 1275.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 79°57'00" W a distance of 1344.00 feet (N 7°27'00" W a distance of 1344.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 65°05'02" W a distance of 399.00 feet (N 59°46'00" W a distance of 399.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 17°49'24" W a distance of 1382.47 feet (N 17°34'00" W a distance of 1385.00 feet, record) to a point on the Section line between Sections 15 and 22 to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 21°43'45" W a distance of 1408.97 feet (N 20°49'00" W a distance of 1412.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235 and the Center corner of the SW1/4 of Section 15; thence S 01°06'32" W along the west line of the SE1/4SW1/4 of Section 15, a distance of 1317.07 feet (south, record) to a point on the south line of Section 15 and the southwest corner of the SE1/4SW1/4 of Section 15 to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 00°27'15" E along the west line of the E1/2NW1/4 of Section 22, a distance of 2637.50 feet (south, record) to a point on the south line of the NW1/4 of Section 22 and the southwest corner of the E1/2NW1/4 of Section 22 to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 89°00'56" E along said south line of the NW1/4 of Section 22 a distance of 1320.895 feet (east, record) to the center section corner of Section 22 to a point being a found 2.5" Aluminum Cap stamped C1/4 PLS 35235; thence N 89°00'32" E along the south line of the NE1/4 of Section 22 a distance of 2251.00 feet (east, record) to the point of beginning; containing 110.28 acres, more or less. Parcel 5: those parts of Sections 26 and 35 T7S, R16E of G&SRB&M, Pinal County, Arizona, more particularly described as follows: beginning at a point N 89°31'56" E a distance of 571.74 feet (record 572 a distance of feet east) of the center section of Section 35 said point being a 1/2" Iron Pin tagged PE 9626; thence N 16°07'19" W a distance of 1369.92 feet (N 15°44'00" W a distance of 1371 feet, record) to a point being a Power Pole tagged PLS 35235; thence N 46°55'33" W a distance of 279.77 feet (N 45°00'00" W a distance of 283.00 feet, record) to the center of a 6" hollow iron fence post filled with concrete approximately 6 feet tall, tagged PLS 35235; thence N 79°45'23" W a distance of 500.00 feet (N 80°00'00" W a distance of 500.00 feet, record) to the center of a 6" hollow iron fence post filled with concrete approximately 6 feet tall, tagged PLS 35235; thence N 21°10'05" W a distance of 1104.18 feet (N 20°38 '00" W a distance of 1104.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235, said point being a distance of 3.55 feet south of the north line of Section 35; thence N 07°46'25" E a distance of 1334.00 feet (N 08°08'00" E a distance of 1334.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 89°37'04" W a distance of 630.00 feet (west, a distance of 630.00 feet, record) to a point being a found 1/2" Iron Pin with added tag PLS 35235; thence N 01°11'34" W a distance of 1314.34 feet (north a distance of 1320.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235, said point being on the north line of the SW1/4; thence along the north line of the SW1/4 N 89°18'34" E a distance of 282.00 feet (east a distance of 282.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235, said point being S 89°18'34" W a distance of 992.74 from the center section corner of Section 26; thence N 13°48'15" W a distance of 1351.04 feet (N 13°40'00" W a distance of 1358.00 feet, record) to a point on the north line of the SE1/4NW1/4 of Section 26 to a point being a 1/2" Iron Pin tagged PLS 35235, said point being N 89°10'39" E a distance of 26.52 feet from the northwest corner of the SE1/4NW1/4 of Section 26; thence N 26°31'53" W a distance of 1458.00 feet (N 23°43'00" W a distance of 1442.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235, that is on the north line of Section 26 said point being N 89°02'45" E along the north line of Section 26, a distance of 720.00 feet from the northwest corner of Section 26; thence N 23°45'32" W a distance of 1833.68 feet (N 22°28'00" W a distance of 1834.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235, said point being on the west line of Section 23; thence S 00°38'57" E along the west line of Section 23, a distance of 1690.37 feet (south, record) to the southwest corner of Section 23 and northwest corner of Section 26 to a point being a 2.5" Aluminum Cap stamped PLS 35235; thence continuing S 01°16'16" E along the west line of Section 26 a distance of 2625.56 feet (south a distance of 2640.00 feet, record) to the W1/4 corner of Section 26 to a point being a 2.5" Aluminum Cap stamped PLS 35235; thence S 01°16'16" E along the west line of Section 26, a distance of 2625.56 feet (south a distance of 2640.00 feet, record) to the southwest corner of Section 26 and northwest corner of Section 35 to a point being a 2.25" Capped Iron Pipe stamped with added tag PLS 35235; thence S 00°45'30" E along the west line of Section 35, a distance of 1317.94 feet (south a distance of 1320.00 feet, record) to a point being a 2.5" Capped Iron Pipe stamped with added tag PLS 35235, said point being the southwest corner of the N1/2NW1/4 of Section 35; thence N 89°41'45" E along the south line of the N1/2NW1/4 of Section 35, a distance of 2630.87 feet (east a distance of 2644.00 feet, record) to a point being an Oblong Iron Pin with added tag PLS 35235 said point being the southeast corner of the N1/2NW1/4 of Section 35; thence S 01°11'23" E a distance of 1319.08 (south a distance of 1320.00 feet, record) to a point being an Oblong Iron Pin, with added tag PLS 35235, said point being the center section corner of Section 35; thence N 89°31'56" E along the south line of the NE1/4 of Section 35 a distance of 571.74 feet (east a distance of 572.00 feet, record) to the point of beginning; excepting therefrom any portion of said lands lying and within Section 23, T7S, R16E, G&SRB&M; CONTAINING

containing 249.46 acres, more or less. Parcel 6: that portion of Section 1, T8S, R16E of G&SRB&M, Pinal County, Arizona, more particularly described as follows: beginning at a point N 88°25'39" E a distance of 507.07 feet (east a distance of 510 feet record) of the southwest corner of the SE1/4SW1/4 of Section 1 said point being a 1/2" Iron Pin tagged RLS 10046; thence N 18°38'44" E a distance of 1399.18 feet (record N 19°41' E a distance of 1402 feet) to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 03°51'10" W a distance of 1314.74 feet (record N 02°44' W a distance of 1321 feet) to a point being a 1/2" Iron Pin tagged RLS 10046; thence S 88°45'59" W a distance of 918.71 feet (record west, a distance of 919 feet) to a point being a 1/2" Iron Pin tagged RLS 10046; thence N 01°02'04" W a distance of 977.00 feet (record north a distance of 977 feet) to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 72°26'42" W a distance of 1384.43 feet (record N 71°22' W a distance of 1393 feet) to a point on the west line of Section 1 to a point being a 1/2" Iron Pin PLS 35235; thence S 01°07'43" E along the west line of Section 1, a distance of 1422.00 feet (record south a distance of 1412 feet) to the W1/4 corner of Section 1, said point being a 2.5" Aluminum Cap stamped PLS 35235; thence continuing S 01°07'43" E along the west line of Section 1, a distance of 1320.00 feet (record south a distance of 1320 feet) to the southwest corner of the NW1/4SW1/4 of Section 1 to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 88°37'29" E a distance of 1311.56 feet (record east to the southwest corner of the NE1/4SW1/4) to the southwest corner of the NE1/4SW1/4 of Section 1 to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 01°05'24" E a distance of 1316.31 feet (record, south a distance of 1320 feet) to the southwest corner of the SE1/4SW1/4 of Section 1 to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 88°25'39" E a distance of 507.07 feet (record, east a distance of 510 feet) to the point of beginning; containing 126.84 acres, more or less. For the ASARCO Property: Parcel 1: Section 15: the W1/2SE1/4 and E1/2SW1/4 of Section 15, T7S, R16E of G&SRB&M, Pinal county, Arizona; except that portion of land situated in Government Lot 9 lying west of the center line of the San Pedro River, said portion being APN 300-35-002. Section 22: That portion of the NE1/4NW1/4 and the NE1/4 of Section 22 T7S, R16E of G&SRB&M, Pinal County, Arizona, lying east of the San Pedro River. Section 23: that portion of the SW1/4 of Section 23, T7S, R16E of G&SRB&M, Pinal County, Arizona, lying east of the San Pedro River. Section 26: that portion of the N1/2NW1/4 of Section 26, T7S, R16E of G&SRB&M, Pinal County, Arizona, lying east of the San Pedro River. Parcel 2: Section 15: Government Lots 1, 2, 3, 4, 5, 6, and 7 of Section 15, T7S, R16E of G&SRB&M, Pinal County, Arizona. Parcel 3: Section 4: Government Lots 5, 8, 9, 11, 12, and 13 of Section 4 except that portion of land situated in Government Lot 13 lying east of State Highway 77 right-of-way, said portion of land being APN 300-31-005B. Section 5: Government Lots 2, 3, 4 and 5, except that portion of land situated in Government Lot 2, more particularly described as follows: beginning at the northeast corner of said Lot 2; thence along the east boundary of said Lot 2 due south 599.94 feet; thence leaving said east boundary due west 283.27 feet to the County Rd. right-of-way (El Camino Rd.); thence along said County Rd. right-of-way N 04°18'56" E a distance of 95.16 feet; thence continuing along said County Rd. right-of-way N 16°30'21" E a distance of 384.05 feet; thence continuing along said County Rd. right-of-way N 14°33'05" E a distance of 141.35 feet to the north boundary of said County Rd. right-of-way due east a distance of 131.48 feet along the north boundary of Government Lot 1 to the point of beginning.

19. Luna Lake Wildlife Area: The Luna Lake Wildlife Area shall be the fenced, buoyed, and posted area lying north of U.S. Highway 180 T5N, R31E, Section 17 N1/2, G&SRB&M, Apache County, Arizona.
20. Mittry Lake Wildlife Area: The Mittry Lake Wildlife Area shall be those areas described as follows:

~~T6S, R21W~~

~~Section 31: All of Lots 1, 2, 3, 4, E1/2W1/2, and that portion of E1/2 lying westerly of Gila Gravity Main Canal Right-of-Way.~~

~~T7S, R21W~~

~~Section 5: that portion of SW1/4SW1/4 lying westerly of Gila Gravity Main Canal Right-of-Way;~~

~~Section 6: all of Lots 2, 3, 4, 5, 6, 7 and that portion of Lot 1, S1/2NE1/4, SE1/4 lying westerly of Gila Gravity Main Canal R/W;~~

~~Section 7: all of Lots 1, 2, 3, 4, E1/2W1/2, S1/2E1/2, and that portion of E1/2E1/2 lying westerly of Gila Gravity Main Canal R/W;~~

~~Section 8: that portion of W1/2W1/2 lying westerly of Gila Gravity Main Canal R/W;~~

~~Section 18: all of Lots 1, 2, 3, E1/2NW1/4, and that portion of Lot 4, NE1/4, E1/2 SW1/4, NW1/4SE1/4 lying westerly of Gila Gravity Main Canal R/W.~~

~~T6S, R22W~~

~~Section 36: all of Lots 1, 2.~~

~~T7S, R22W~~

~~Section 1: all of Lot 1;~~

~~Section 12: all of Lots 1, 2, SE1/4SE1/4;~~

~~Section 13: all of Lots 1, 2, 3, 4, 5, 6, 7, 8, NE1/4, N1/2SE1/4, and that portion of S1/2SE1/4 lying northerly of Gila Gravity Main Canal R/W, all in G&SRB&M, Yuma County, Arizona.~~ T6S, R21W, Section 31: All of Lots 1, 2, 3, 4, E1/2W1/2, and that portion of E1/2 lying westerly of Gila Gravity Main Canal Right-of-Way; T7S,

R21W; Section 5: that portion of SW1/4SW1/4 lying westerly of Gila Gravity Main Canal Right-of-Way; Section 6: all of Lots 2, 3, 4, 5, 6, 7 and that portion of Lot 1, S1/2NE1/4, SE1/4 lying westerly of Gila Gravity Main Canal R/W; Section 7: all of Lots 1, 2, 3, 4, E1/2W1/2, W1/2E1/2, and that portion of E1/2E1/2 lying westerly of Gila Gravity Main Canal R/W; Section 8: that portion of W1/2W1/2 lying westerly of Gila Gravity Main Canal R/W; Section 18: all of Lots 1, 2, 3, 4, E1/2NW1/4, and that portion of NE1/4, E1/2SW1/4, NW1/4SE1/4 lying westerly of Gila Gravity Main Canal R/W; T6S, R22W; Section 36: all of Lot 1. T7S, R22W; Section 1: all of Lot 1; Section 12: all of Lots 1, 2, SE1/4SE1/4; Section 13: all of Lots 1, 2, 3, 4, 5, 6, 7, 8, NE1/4, N1/2SE1/4, and that portion of S1/2SE1/4 lying northerly of Gila Gravity Main Canal R/W; all in G&SRB&M, Yuma County, Arizona.

21. Powers Butte (Mumme Farm) Wildlife Area: The Powers Butte Wildlife Area shall be that area described as follows:
~~T1S, R5W~~
~~Section 25, N1/2SW1/4, SW1/4SW1/4;~~
~~Section 26, S1/2;~~
~~Section 27, E1/2SE1/4;~~
~~Section 34.~~
~~T2S, R5W~~
~~Section 3, E1/2W1/2, W1/2SE1/4, NE1/4SE1/4, NE1/4;~~
~~Section 10, NW1/4, NW1/4NE1/4;~~
~~Section 15, SE1/4SW1/4;~~
~~Section 22, E1/2NW1/4, NW1/4NW1/4.~~
~~All in G&SRB&M, Maricopa County, Arizona.~~ T1S, R5W, Section 25, N1/2SW1/4, SW1/4SW1/4; Section 26, S1/2; Section 27, E1/2SE1/4; Section 34. T2S, R5W Section 3, E1/2W1/2, W1/2SE1/4, NE1/4SE1/4, NE1/4; Section 10, NW1/4, NW1/4NE1/4; Section 15, SE1/4SW1/4; Section 22, E1/2NW1/4, NW1/4NW1/4; all in G&SRB&M, Maricopa County, Arizona.
22. Quigley-Achee Wildlife Area: The Quigley-Achee Wildlife Area shall be those areas described as follows:
~~T8S, R17W~~
~~Section 13, W1/2SE1/4, SW1/4NE1/4, and a portion of land in the West half of Section 13, more particularly described as follows: Beginning at the South Quarter corner, thence South 89º17'09" West along the south line of said Section 13, a distance of 2627.50 feet to the southwest corner of said Section 13; thence North 41º49'46" East, a distance of 3026.74 feet to a point; thence North 0º13'30" West, a distance of 1730.00 feet to a point on the north 1/16th line of said Section 13; thence North 89º17'36" East along said north 1/16th line, a distance of 600.00 feet to the Center of said Section 13; thence South 0º13'30" E. along the north-south mid-section line, a distance of 3959.99 feet to the point of beginning.~~
~~Section 23, SE1/4NE1/4, and a portion of land in the NE1/4NE1/4 of Section 23, more particularly described as follows: Beginning at the Northeast Corner, thence South 0º10'19" East along the east line of said Section 23, a distance of 1326.74 feet to a point on the south line of the NE1/4NE1/4 of said Section 23; thence South 89º29'58" West along said south line, a distance of 1309.64 feet to a point; thence North 44º17'39" East, a distance of 1869.58 feet to the point of beginning.~~
~~Section 24, NW1/4, N1/2SW1/4, W1/2NE1/4 all in G&SRB&M, Yuma County, Arizona.~~ T8S, R17W; Section 13, W1/2SE1/4, SW1/4NE1/4, and a portion of land in the W1/2 of Section 13, more particularly described as follows: beginning at the S1/4 corner; thence S 89º17'09" W along the south line of said Section 13 a distance of 2627.50 feet to the southwest corner of said Section 13; thence N 41º49'46" E a distance of 3026.74 feet; thence N 0º13'30" W a distance of 1730.00 feet to a point on the north 1/16th line of said Section 13; thence N 89º17'36" E along said north 1/16th line a distance of 600.00 feet to the center of said Section 13; thence S 0º13'30" E. along the north-south midsection line a distance of 3959.99 feet to the point of beginning. Section 23, SE1/4NE1/4, and a portion of land in the NE1/4NE1/4 of Section 23, more particularly described as follows: beginning at the northeast corner; thence S 0º10'19" E along the east line of said Section 23, a distance of 1326.74 feet to a point on the south line of the NE1/4NE1/4 of said Section 23; thence S 89º29'58" W along said south line, a distance of 1309.64 feet; thence N 44º17'39" E a distance of 1869.58 feet to the point of beginning. Section 24, NW1/4, N1/2SW1/4, W1/2NE1/4; all in G&SRB&M, Yuma County, Arizona.
23. Raymond Wildlife Area: The Raymond Wildlife Area is that area described as follows: 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.~~ beginning at the W1/4 corner of Section 33; thence northeasterly through the 1/4 corner common to Sections 28 and 33, 1/4 corner common to Sections 27 and 28 to the N1/4 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.

24. Robbins Butte Wildlife Area: The Robbins Butte Wildlife Area shall be those areas described as follows:
~~T1S, R3W~~
~~Section 17, S1/2NE1/4, SE1/4, NW1/4SW1/4;~~
~~Section 18, Lots 3, 4, and E1/2SW1/4, S1/2NE1/4, W1/2SE1/4, NE1/4SE1/4.~~
~~T1S, R4W~~
~~Section 13, all EXCEPT that portion of W1/2SW1/4SW1/4 lying west of State Route 85;~~
~~Section 14, all EXCEPT the W1/2NW1/4 and that portion of the SW1/4 lying north of the Arlington Canal;~~
~~Section 19, S1/2SE1/4;~~
~~Section 20, S1/2S1/2, NE1/4SE1/4;~~
~~Section 21, S1/2, S1/2NE1/4, SE1/4NW1/4;~~
~~Section 22, all EXCEPT for NW1/4NW1/4;~~
~~Section 23;~~
~~Section 24, that portion of SW1/4, W1/2SW1/4NW1/4 lying west of State Route 85;~~
~~Section 25, that portion of the NW1/4NW1/4 lying west of State Route 85;~~
~~Section 26, NW1/4, W1/2NE1/4, NE1/4NE1/4;~~
~~Section 27, N1/2, SW1/4;~~
~~Section 28;~~
~~Section 29, N1/2N1/2, SE1/4NE1/4;~~
~~Section 30, Lots 1,2, and E1/2NW1/4, NE1/4, SE1/4SE1/4.~~
~~All in G&SRB&M, Maricopa County, Arizona.~~ T1S, R3W, Section 17, S1/2NE1/4, SE1/4, NW1/4SW1/4; Section 18, Lots 3, 4, and E1/2SW1/4, S1/2NE1/4, W1/2SE1/4, NE1/4SE1/4. T1S, R4W, Section 13, all except that portion of W1/2SW1/4SW1/4 lying west of State Route 85; Section 14, all except the W1/2NW1/4 and that portion of the SW1/4 lying north of the Arlington Canal; Section 19, S1/2SE1/4; Section 20, S1/2S1/2, NE1/4SE1/4; Section 21, S1/2, S1/2NE1/4, SE1/4NW1/4; Section 22, all except for NW1/4NW1/4; Section 23; Section 24, that portion of SW1/4, W1/2SW1/4NW1/4 lying west of State Route 85; Section 25, that portion of the NW1/4NW1/4 lying west of State Route 85; Section 26, NW1/4, W1/2NE1/4, NE1/4NE1/4; Section 27, N1/2, SW1/4; Section 28; Section 29, N1/2N1/2, SE1/4NE1/4; Section 30, Lots 5, 6, 7, 8, NE1/4, SE1/4SE1/4; all in G&SRB&M, Maricopa County, Arizona.
25. Roosevelt Lake Wildlife Area: The Roosevelt Lake Wildlife Area is that area described as follows: ~~Beginning at the junction of A-Cross Road and AZ. Hwy. 188; south on AZ. Hwy. 188 to junction of AZ. Hwy. 88; east on AZ. Hwy. 88 to Carson's Landing; northeast across Roosevelt Lake to the south tip of Bass Point; directly north to the Long Gulch Road; northeast on this road to the A-Cross Road; northwest on the A-Cross Road to the point of beginning; all in G&SRB&M, Gila County, Arizona.~~ beginning at the junction of A-Cross Rd. and Arizona Highway 188; south on Arizona Highway 188 to the main entrance of Roosevelt Lake Marina; northeast on this road towards the main marina launch; northeast across Roosevelt Lake to the south tip of Bass Point; northerly to Long Gulch Rd.; northeast on this road to the A-Cross Rd.; northwest on the A-Cross Rd. to the point of beginning; all in G&SRB&M, Gila County, Arizona.
26. Santa Rita Wildlife Area: The Santa Rita Experimental Range is that area described as follows: Concurrent with the Santa Rita Experimental Range boundary and includes the posted portion of the following sections: Sections 33 through 36, T17S, R14E, Section 25, Section 35 and Section 36, T18S, R13E, Sections 1 through 4, Sections 9 through 16, and Sections 21 through 36, T18S, R14E, Sections 3 through 9, Sections 16 through 21, Sections 26 through 34, T18S, R15E, Sections 1 through 6, Sections 9 through 16, Section 23, T19S, R14E, Sections 3 through 10, Sections 16 through 18, T19S, R15E; all in G&SRB&M, Pima County, Arizona, and all being coincidental with the Santa Rita Experimental Range Area.
27. Sipe White Mountain Wildlife Area: The Sipe White Mountain Wildlife Area shall be those areas described as follows:
~~T7N, R29E~~
~~Section 1, SE1/4, SE1/4NE1/4, S1/2NE1/4NE1/4, SE1/4SW1/4NE1/4, NE1/4SE1/4SW1/4, and the SE1/4NE1/4SW1/4.~~
~~T7N, R30E~~
~~Section 5, W1/2W1/2SE1/4SW1/4, and the SW1/4SW1/4;~~
~~Section 6, Lots 1, 2, 3, 7 and 8, SW1/4NW1/4NW1/4, SW1/4NW1/4, S1/2NW1/4NE1/4SE1/4, S1/2NE1/4SE1/4, S1/2NE1/4SE1/4, N1/2SE1/4SE1/4, E1/2SE1/4SE1/4SE1/4, SW1/4SE1/4 and the SE1/4SW1/4;~~
~~Section 7, Parcel 10: Lots 1 and 2, E1/2NW1/4, E1/2E1/2NE1/4NE1/4, W1/2SW1/4NE1/4, NW1/4SE1/4, W1/2NE1/4SE1/4, NE1/4SW1/4, E1/2NW1/4SW1/4, and the NW1/4NE1/4;~~
~~Section 8, NW1/4NW1/4, and the W1/2W1/2NE1/4NW1/4.~~
~~T8N, R30E~~
~~Section 31, SE1/4NE1/4, SE1/4, and the SE1/4SW1/4, all in G&SRB&M, Apache County, Arizona.~~ T7N, R29E, Section 1, SE1/4, SE1/4NE1/4, S1/2NE1/4NE1/4, SE1/4SW1/4NE1/4, NE1/4SE1/4SW1/4, and the SE1/4NE1/4SW1/4. T7N, R30E, Section 5, W1/2W1/2SE1/4SW1/4, and the SW1/4SW1/4; Section 6, Lots 1, 2, 3,

7, and 8, SW1/4NW1/4NW1/4, S1/2NW1/4NE1/4SE1/4, N1/2SE1/4SE1/4, E1/2SE1/4SE1/4SE1/4, SW1/4SE1/4 and the SE1/4SW1/4; Section 7, Parcel 10: Lots 1 and 2, E1/2NW1/4, E1/2E1/2NE1/4NE1/4, W1/2SW1/4NE1/4, NW1/4SE1/4, W1/2NE1/4SE1/4, NE1/4SW1/4, E1/2NW1/4SW1/4, and the NW1/4NE1/4; Section 8, NW1/4NW1/4, and the W1/2W1/2NE1/4NW1/4. T8N, R30E; Section 31, SE1/4NE1/4, SE1/4, and the SE1/4SW1/4; all in G&SRB&M, Apache County, Arizona.

28. Springerville Marsh Wildlife Area: The Springerville Marsh Wildlife Area shall be those areas described as follows: S1/2 SE1/4 Section 27 and N1/2 NE1/4 Section 34, T9N, R29E, G&SRB&M, Apache County, Arizona.
29. Sunflower Flat Wildlife Area: The Sunflower Flat Wildlife Area shall be those areas described as follows:
    ~~T20N, R3E~~
    ~~Section 11, NE1/4SE1/4, N1/2NW1/4SE1/4, SE1/4NW1/4SE1/4, NE1/4SE1/4SE1/4, W1/2SE1/4NE1/4, S1/2SE1/4SE1/4NE1/4, E1/2SW1/4NE1/4;~~
    ~~Section 12, NW1/4SW1/4SW1/4, NW1/4NE1/4SW1/4SW1/4, SW1/4NW1/4SW1/4, S1/2NW1/4NW1/4SW1/4, W1/2SE1/4NW1/4SW1/4, SW1/4NE1/4NW1/4 SW1/4 all in the G&SRB&M, Coconino County, Arizona.~~ T20N, R3E; Section 11, NE1/4SE1/4, N1/2NW1/4SE1/4, SE1/4NW1/4SE1/4, NE1/4SE1/4SE1/4, W1/2SE1/4NE1/4, S1/2SE1/4SE1/4NE1/4, E1/2SW1/4NE1/4; Section 12, NW1/4SW1/4SW1/4, NW1/4NE1/4SW1/4SW1/4, SW1/4NW1/4SW1/4, S1/2NW1/4NW1/4SW1/4, W1/2SE1/4NW1/4SW1/4, SW1/4NE1/4NW1/4 SW1/4; all in the G&SRB&M, Coconino County, Arizona.
30. Three Bar Wildlife Area: The Three Bar Wildlife Area shall be that area ~~lying within the following described boundary~~ described as follows: ~~Beginning~~ beginning at Roosevelt Dam, northwesterly on ~~AZ. Hwy.~~ 188 to milepost 252 (Bumble Bee Wash); westerly along the boundary fence for approximately 7 1/2 miles to the boundary of Gila and Maricopa counties; southerly along this boundary through Four Peaks to a fence line south of Buckhorn Mountain; southerly along the barbed wire drift fence at Ash Creek to Apache Lake; northeasterly along Apache Lake to Roosevelt Dam.
31. Tucson Mountain Wildlife Area: The Tucson Mountain Wildlife Area shall be that area ~~lying within the following~~ described ~~boundary~~ as follows: ~~Beginning~~ beginning at the northwest corner of Section 33; T13S, R11E on the Saguaro National Monument boundary; due south approximately one mile to the El Paso Natural Gas Pipeline; southeast along this pipeline to Sandario ~~Road~~ Rd.; south on Sandario ~~Road~~ Rd. approximately two miles to the southwest corner of Section 15; T14S, R11E, east along the section line to the El Paso Natural Gas Pipeline; southeast along this pipeline to its junction with State Route 86, also known as the Ajo Highway; easterly along this highway to the Tucson city limits; north along the city limits to Silverbell ~~Road~~ Rd.; northwest along this road to Twin Peaks ~~Road~~ Rd.; west along this road to Sandario ~~Road~~ Rd.; south along this road to the Saguaro National Monument boundary; west and south along the monument boundary to the point of beginning, all in G&SRB&M, Pima County, Arizona.
32. Upper Verde River Wildlife Area: The Upper Verde River Wildlife Area consists of eight parcels totaling 1102.54 acres located eight miles north of Chino Valley in Yavapai County, Arizona, along the upper Verde River and lower Granite Creek described as follows:
    ~~Sullivan Lake: Located immediately downstream of Sullivan Lake, the headwaters of the Verde River: the NE¼NE¼ lying east of the California, Arizona, and Santa Fe Railway Company right-of-way in Section 15, T17N, R2W; and also the NW¼NE¼ of Sec. 15 consisting of approximately 80 acres.~~
    ~~Granite Creek Parcel: Includes one mile of Granite Creek to its confluence with the Verde River: The SE¼SE¼ of Section 11; the NW¼SW¼ and SW¼NW¼ of Section 13; the E½NE¼ of Section 14; all in T17N, R1W consisting of approximately 239 acres. E½SW¼SW¼, SE¼SW¼, NE¼SW¼ and NW¼SE¼ of Section 12, NW¼NW¼ of Section 13, T17N, R2W consisting of approximately 182.26 acres.~~
    ~~Campbell Place Parcel: Tracts 40 and 41 in Section 7, T17N, R1W and Section 7, T17N, R1W and Section 12, T17N, R2W consisting of 315 acres. All that portion of Government Lots 9 and 10 of Section 7, T17N, R1W consisting of approximately 70.87 acres.~~
    ~~Tract 39 Parcel: The east half of Tract 39 within the Prescott National Forest boundary, SE½SW¼ and SW¼SE¼ of Section 5, T18N, R1W; and the W½ of Tract 39 outside the Forest boundary, SW¼SW¼ of Section 5 and NW¼NW¼ of Section 8, T18N, R1W consisting of approximately 163 acres. Lot 3 and SW¼NW¼ of Section 8, T17N, R1W consisting of approximately 40.238 acres.~~

~~Wells Parcels: Parcel No. 1 and Parcel No. 2: All that portion of Government Lots 9 and 10, Section 7, along with Lot 3 and the Southwest quarter of the Northwest quarter, Section 8, located in Township 17 North, Range 1 West, of the Gila and Salt River base and Meridian, Yavapai County, Arizona, further described as follows: Beginning at the Northwest corner of above said Lot 9, Section 7, which is common with the Southwest corner of Tract 41, (Corner No. 3) and common with the Southeast corner of Section 12, Township 17 North, Range 2 West, being marked with a found scribed stone as shown on that plat of record found in Book 35 of land surveys, pages 98-99, records of Yavapai County, from which a found one and one-quarter inch pipe with cap marking the Southwest corner of Section 12 bears South 87 º 37'09" West 5485.60 feet (basis of bearing); thence South 85 º 56'23" East 3421.35 feet along the Northerly line of said Lots 9 and 10, also being the Southerly line of Tract 41, to a set one-half inch rebar with plastic cap stamped l.s. 27738; thence South 01 º 23'14" East 86.70 feet to a set one-half inch rebar with a~~

~~plastic cap stamped l.s. 27738; thence South 53 º 08'05" East 133.31 feet to a set one-half inch rebar with plastic cap stamped l.s, 27738 on the South line of Section 7; thence South 89 º 59'19" West 935.04 feet along the South line of Section 7 to the South quarter corner thereof; marked with a found scribed stone; thence North 89 º 57'37" West 2588.11 feet along the South line of Section 7 to the Southwest corner thereof, marked with a found scribed stone; thence North 00 º 13'48" East 407.30 feet along the West line of Section 7 to the point of beginning. Containing 22.62 acres more or less. Including all that portion of Government Lots 9 and 10, Section 7, along with Lot 3 and the Southwest quarter of the Northwest quarter Section 8, located in Township 17 North, Range 1 West, of the Gila and Salt River base and Meridian, Yavapai County, Arizona, further described as follows; Commencing at the Northwest corner of above said Lot 9, Section 7, which is common with the Southwest corner of Tract 41, (Corner No. 3) and common with the Southeast corner Section 12, Township 17 North, Range 2 West, being marked with a found scribed stone as shown on that plat of record found in Book 35 of land surveys, pages 98-99, records of Yavapai County, from which a found one and one-quarter inch pipe with cap marking the Southwest corner of Section 12 bears South 87 º 37'09" West 5485.60 feet (basis of bearing); thence South 85 º 56'23" East 3471.35 feet along the Northerly line of said Lots 9 and 10, also being the Southerly line of Tract 41, to a set one-half inch rebar with a plastic cap stamped l.s. 27738 and the point of beginning for this parcel; thence South 85 º 56'23" East 353.84 feet along the Northerly line of said Lots 9 and 10, also being the Southerly line of Tract 41, to Corner No. 4 of Tract 41 marked with a found scribed stone; thence North 00 º 13'26" East 1306.85 feet along the Westerly line of Lot 10, also being the Easterly line of Tract 41, to Corner No. 1 of Tract 41, marked with a found scribed stone; thence South 85 º 59'32" East 1331.42 feet along the Northwesterly line of Lot 10, also being the Southerly line of Tract 40, Section 7, to Corner No. 4 of Tract 40, marked with a found scribed stone; thence North 00 º 54'53" East 2613.54 feet along the Westerly line of Lot 10, also being the Easterly line of Tract 40, to the Northwest corner of Lot 10, said point being common with Corner No. 1, of Tract 40 and Corner No. 3, of Tract 39, and marked with a found one-half inch rebar r.l.s. 19353; thence South 89 º 36'10" East 1332.34 feet along the Northerly lines of Lot 10, and Lot 3, of Section 8, also being the Southerly line of Tract 39, to Corner No. 4 of Tract 39 marked with a found scribed stone; thence North 00 º 52'40" East 480.75 feet along the Westerly line of Lot 3 and the Easterly line of Tract 39, to the point of intersection with the Westerly line of the East half of the Northwest quarter Section 8, said point being the Northerly most corner of said Lot 3; thence South 00 º 01'53" East 486.44 feet along the Easterly line of the West half of the Northwest quarter of Section 8, to the Southeasterly corner of Lot 3, which is also the Northeast corner of the Southwest quarter of the Northwest quarter of Section 8, and from which a one-half inch rebar with plastic cap r.l.s. 27738, set as a witness corner bears North 89º 50'31" West 3.00 feet; thence continuing from above said Northeasterly corner, South 00º 01'53" East 1317.89 feet to the Southeast corner of the Southwest quarter of the Northwest quarter of Section 8, marked with a found one-half inch rebar r.l.s. 27738; thence North 89º50'52" West 1320.53 feet along the East-West midsection line of Section 8, to the West quarter corner thereof, marked with a found scribed stone; thence South 00º03'59" East 2635.36 feet to the Southwest corner of Section 8, marked with a found scribed stone; thence South 89º59'19" West 1642.26 feet along the South line of Section 7, to a set one-half inch rebar with a plastic cap stamped l.s. 27738; thence North 45º14'48" West 74.01 feet to a set one-half inch rebar with a plastic cap stamped l.s. 27738; thence North 26º54'11" West 124.47 feet to the point of beginning. Containing 88.488 acres more or less. Parcel No. 3 and Parcel No. 4: All that portion of the South half of Section 12 and the Northwest quarter of the Northwest quarter of Section 13, Township 17 North, Range 2 West, of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows: BEGINNING at the Southwest corner of Section 12, marked with a found one and one-quarter inch pipe with cap as shown in Book 35, of land surveys, pages 98-99, records of Yavapai County, from which a found scribed stone marking the Southeast corner of Section 12 bears North 87°37'09" East 5485.60 feet (basis of bearing); thence North 02°06'55" East 1305.61 feet along the Westerly line of Section 12 to the Northwest corner of the Southwest quarter of the Southwest quarter of Section 12 marked with a found nail in rock tagged rls 19353; thence North 87°48'37" East 1356.91 feet to the Northeast corner of the Southwest quarter of the Southwest quarter Section 12, marked with a found one-half inch rebar with plastic cap rls 27738; thence North 01°29'39" East 1300.03 feet to the Northwest corner of the Northeast quarter of the Southwest quarter Section 12, marked with a found one-half inch rebar with plastic cap rls 27738; thence North 88°00'24" East 2677.55 feet to the Northeast corner of the Northwest quarter of the Southeast quarter Section 12, from which a found one-half inch rebar set as a witness corner bears South 00°04'23" West 183.13 feet; thence South 00°04'23" West 1289.18 feet to the Southeast corner of the Northwest quarter of the Southeast quarter Section 12, marked with a found one-half inch rebar with plastic cap rls 19353; thence South 87°48'37" West 1353.25 feet to the Southwest corner of the Northwest quarter of the Southeast quarter Section 12, marked with a found one-half inch rebar with plastic cap rls 27738; thence South 00°52'03" West 1294.59 feet to the Southeast corner of the Southeast quarter of the Southwest quarter Section 12, marked with a found one-half inch rebar with plastic cap rls 27738; thence South 87°37'09" West 1371.40 feet to the Northeast corner of the Northwest quarter of the Northwest quarter Section 13, marked with a found one-half inch rebar with plastic cap rls 27738; thence South 00°42'41" East 1308.78 feet to the Southeast corner of the Northwest quarter of the Northwest quarter Section 13, marked with a found one-half inch rebar with plastic cap rls 19353; thence South 87°46'38" West 1366.74 feet to the Southwest corner of the Northwest quarter of the Northwest quarter Section 13, marked~~

~~with a found one-half inch rebar with plastic cap rls 19353; thence North 00°54'41" West 1304.89 feet to the Northwest corner of Section 13 and the point of beginning. EXCEPT for the West half of the Southwest quarter of the Southwest quarter of Section 12. Containing 181.89 acres more or less.~~ Sullivan Lake: located immediately downstream of Sullivan Lake, the headwaters of the Verde River: the NE1/4NE1/4 lying east of the California, Arizona, and Santa Fe Railway Company right-of-way in Section 15, T17N, R2W; and also the NW1/4NE1/4 of Section 15 consisting of approximately 80 acres. Granite Creek Parcel: includes one mile of Granite Creek to its confluence with the Verde River: The SE1/4SE1/4 of Section 11; the NW1/4SW1/4 and SW1/4NW1/4 of Section 13; the E1/2NE1/4 of Section 14; all in T17N, R1W consisting of approximately 239 acres. E1/2SW1/4SW1/4, SE1/4SW1/4, NE1/4SW1/4 and NW1/4SE1/4 of Section 12, NW1/4NW1/4 of Section 13, T17N, R2W consisting of approximately 182.26 acres. Campbell Place Parcel: NE1/4NW1/4, NW1/4NE1/4, NE1/4NE1/4, SE1/4NW1/4, SW1/4NE1/4, SE1/4NE1/4, NE1/4SW1/4, NW1/4SE1/4, NE1/4SE1/4, NW1/4SW1/4, NE1/4SW1/4, and NW1/4SE1/4 in Section 7, T17N, R1W and SE1/4SE1/4 Section 12, T17N, R2W consisting of 315 acres. Tract 39 Parcel: the E1/2 of Tract 39 within the Prescott National Forest boundary, SE1/2SW1/4 and SW1/4SE1/4 of Section 5, T18N, R1W; and the W1/2 of Tract 39 outside the Forest boundary, SW1/4SW1/4, and SW1/4SW1/4 of Section 5 and NW1/4NW1/4 of Section 8, T18N, R1W consisting of approximately 163 acres. Wells Parcels: Parcel 1 and Parcel 2: all that portion of Government Lots 9 and 10, Section 7, along with Lot 3 and the SW1/4NW1/4, Section 8, located in T17N, R1W, of G&SRB&M, Yavapai County, Arizona, also known as APN 306-39-004L and 306-39-004M. Parcel 3 and Parcel 4: all that portion of the NE1/4SW1/4, NW1/4SE1/4, SW1/4SW1/4, and E1/2SW1/4SW1/4 of Section 12 and the NW1/4NW1/4 of Section 13, T17N, R2W, of G&SRB&M, Yavapai County, Arizona.

33. Wenima Wildlife Area: The Wenima Wildlife Area shall be those areas described as follows:
~~T9N, R29E~~
~~Section 5, SE1/4 SW1/4, and SW1/4 SE1/4 EXCEPT E1/2 E1/2 SW1/4 SE1/4~~
~~Section 8, NE1/4 NW1/4, and NW1/4 NE1/4~~

~~Sections 8, 17 and 18, within the following boundary: From the quarter corner of Sections 17 and 18, the true point of beginning; thence North 00°12'56" East 1302.64 feet along the Section line between Sections 17 and 18 to the North 1/16 corner; then North 89°24'24" West 1331.22 feet to the Northeast 1/16 corner of Section 18; thence North 00°18'02" East 1310.57 feet to the East 1/16 corner of Sections 7 and 18; thence South 89°03'51" East 1329.25 feet to the Northeast Section corner of said Section 18; thence North 01°49'10" East 1520.28 feet to a point on the Section line between Sections 7 and 8; thence North 38°21'18" East 370.87 feet to a point; thence North 22°04'51" East 590.96 feet to a point; thence North 57°24'55" East 468.86 feet to a point on the East-West mid-section line of said Section 8; thence North 89°38'03" East 525.43 feet along said mid-section line to the center West 1/16 corner; thence South 02°01'25" West 55.04 feet to a point; thence South 87°27'17" East 231.65 feet to a point; thence South 70°21'28" East 81.59 feet to a point; thence North 89°28'36" East 111.27 feet to a point; thence North 37°32'54" East 310.00 feet to a point; thence North 43°58'37" West 550.00 feet to a point; thence North 27°25'53" West 416.98 feet to the North South 1/16 line of said Section 8; thence North 02°01'25" East 380.04 feet along said 1/16 line to the Northwest 1/16 corner of said Section 8; thence North 89°45'28" East 1315.07 feet along the East West mid-sixteenth line to a point; thence South 45°14'41" East 67.69 feet to a point; thence South 49°28'18" East 1099.72 feet to a point; thence South 08°04'43" West 810.00 feet to a point; thence South 58°54'47" West 341.78 feet to a point; thence South 50°14'53" West 680.93 feet to a point in the center of that cul-de-sac at the end of Jeremy's Point Road; thence North 80°02'20" West 724.76 feet to a point, said point lying North 42°15'10" West 220.12 feet from the Northwest corner of Lot 72; thence North 34°19'23" East 80.64 feet to a point; thence North 15°54'25" East 51.54 feet to a point; thence North 29°09'53" East 45.37 feet to a point; thence North 40°09'33" East 69.21 feet to a point; thence North 25°48'58" East 43.28 feet to a point; thence North 13°24'51" East 63.12 feet to a point; thence North 16°03'10" West 30.98 feet to a point; thence North 57°55'25" West 35.50 feet to a point; thence North 80°47'38" West 48.08 feet to a point; thence South 87°28'53" West 82.84 feet to a point; thence South 72°07'06" West 131.85 feet to a point; thence South 43°32'45" West 118.71 feet to a point; thence South 02°37'48" East 59.34 feet to a point; thence South 33°03'29" East 57.28 feet to a point; thence South 28°30'29" East 54.75 feet to a point; thence South 36°39'47" East 105.08 feet to a point; thence South 24°55'07" West 394.78 feet to a point; thence South 61°32'16" West 642.77 feet to the Northwest corner of Lot 23; thence North 04°35'23" West 90.62 feet to a point; thence South 85°24'37" West 26.00 feet to a point; thence North 64°21'36" West 120.76 feet to a point; thence South 61°07'57" West 44.52 feet to a point; thence South 39°55'58" West 80.59 feet to a point; thence South 11°33'07" West 47.21 feet to a point; thence South 19°53'19" East 27.06 feet to a point; thence South 54°26'36" East 62.82 feet to a point; thence South 24°56'25" West 23.92 feet to a point; thence South 48°10'38" West 542.79 feet to a point; thence South 17°13'48" West 427.83 feet to the Northwest corner of Lot 130; thence South 29°10'58" West 104.45 feet to the Southwest corner of Lot 130; thence Southwesterly along a curve having a radius of 931.52 feet, and arc length of 417.52 feet to the Southwest corner of Lot 134; thence South 15°04'25" West 91.10 feet to a point; thence South 04°29'15" West 109.17 feet to a point; thence South 01°41'24" West 60.45 feet to a point, thence South 29°16'05" West 187.12 feet to a point; thence South 14°44'00" West 252.94 feet to a point; thence South 15°42'24" East 290.09 feet to a point; thence South 89°13'25" East 162.59 feet to a point;~~

~~thence South 37°19'54" East 123.03 feet to the Southeast corner of Lot 169; thence South 20°36'30" East 706.78 feet to the Northwest corner of Lot 189; thence South 04°07'31" West 147.32 feet to a point; thence South 29°11'19" East 445.64 feet to a point; thence South 00°31'40" East 169.24 feet to the East West mid-section line of Section 17 and the Southwest corner of Lot 194; thence South 89°28'20" West 891.84 feet along said East-West mid-section line to the true point of beginning. All in G&SRB&M, Apache County, Arizona.~~ T9N, R29E; Section 5, SE1/4 SW1/4, and SW1/4 SE1/4 except E1/2 E1/2 SW1/4 SE1/4, Section 8, NE1/4 NW1/4, and NW1/4 NE1/4; Sections 8, 17 and 18, within the following boundary: From the 1/4 corner of Sections 17 and 18, the True Point of Beginning; thence N 00°12'56" E a distance of 1302.64 feet along the Section line between Sections 17 and 18 to the N1/16 corner; thence N 89°24'24" W a distance of 1331.22 feet to the NE1/16 corner of Section 18; thence N 00°18'02" E a distance of 1310.57 feet to the E1/16 corner of Sections 7 and 18; thence S 89°03'51" E a distance of 1329.25 feet to the northeast Section corner of said Section 18; thence N 01°49'10" E a distance of 1520.28 feet to a point on the Section line between Sections 7 and 8; thence N 38°21'18" E a distance of 370.87 feet; thence N 22°04'51" E a distance of 590.96 feet; thence N 57°24'55" E a distance of 468.86 feet to a point on the east-west midsection line of said Section 8; thence N 89°38'03" E a distance of 525.43 feet along said midsection line to the center W1/16 corner; thence S 02°01'25" W a distance of 55.04 feet; thence S 87°27'17" E a distance of 231.65 feet; thence S 70°21'28" E a distance of 81.59 feet; thence N 89°28'36" E a distance of 111.27 feet; thence N 37°32'54" E a distance of 310.00 feet; thence N 43°58'37" W a distance of 550.00 feet; thence N 27°25'53" W a distance of 416.98 feet to the NS1/16 line of said Section 8; thence N 02°01'25" E a distance of 380.04 feet along said 1/16 line to the NW1/16 corner of said Section 8; thence N 89°45'28" E a distance of 1315.07 feet along the east-west middle 1/16 line; thence S 45°14'41" E a distance of 67.69 feet; thence S 49°28'18" E a distance of 1099.72 feet; thence S 08°04'43" W a distance of 810.00 feet; thence S 58°54'47" W a distance of 341.78 feet; thence 50°14'53" W a distance of 680.93 feet to a point in the center of that cul-de-sac at the end of Jeremy's Point Rd.; thence N 80°02'20" W a distance of 724.76 feet, said point lying N 42°15'10" W a distance of 220.12 feet from the northwest corner of Lot 72; thence N 34°19'23" E a distance of 80.64 feet; thence N 15°54'25" E a distance of 51.54 feet; thence N 29°09'53" E a distance of 45.37 feet; thence N 40°09'33" E a distance of 69.21 feet; thence N 25°48'58" E a distance of 43.28 feet; thence N 13°24'51" E a distance of 63.12 feet; thence N 16°03'10" W a distance of 30.98 feet; thence N 57°55'25" W a distance of 35.50 feet; thence N 80°47'38" W a distance of 48.08 feet; thence S 87°28'53" W a distance of 82.84 feet; thence S 72°07'06" W a distance of 131.85 feet; thence S 43°32'45" W a distance of 118.71 feet; thence S 02°37'48" E a distance of 59.34 feet; thence S 23°03'29" E a distance of 57.28 feet; thence S 28°30'39" E a distance of 54.75 feet; thence S 36°39'47" E a distance of 105.08 feet; thence S 24°55'07" West a distance of 394.78 feet; thence S 61°32'16" W a distance of 642.77 feet to the northwest corner of Lot 23; thence N 04°35'23" W a distance of 90.62 feet; thence S 85°24'37" W a distance of 26.00 feet; thence N 64°21'36" W a distance of 120.76 feet; thence S 61°07'57" W a distance of 44.52 feet; thence S 39°55'58" W a distance of 80.59 feet; thence S 11°33'07" W a distance of 47.21 feet; thence S 19°53'19" E a distance of 27.06 feet; thence S 54°26'36" E a distance of 62.82 feet; thence S 24°56'25" W a distance of 23.92 feet; thence S 48°10'38" W a distance of 542.79 feet; thence S 17°13'48" W a distance of 427.83 feet to the northwest corner of Lot 130; thence S 29°10'58" W a distance of 104.45 feet to the southwest corner of Lot 130; thence southwesterly along a curve having a radius of 931.52 feet, and arc length of 417.52 feet to the southwest corner of Lot 134; thence S 15°04'25" W a distance of 91.10 feet; thence S 04º29'15" W a distance of 109.17 feet; thence S 01°41'24" W a distance of 60.45 feet; thence S 29°16'05" W a distance of 187.12 feet; thence S 14°44'00" W a distance of 252.94 feet; thence S 15°42'24" E a distance of 290.09 feet; thence S 89°13'25" E a distance of 162.59 feet; thence S 37°19'54" E a distance of 123.03 feet to the southeast corner of Lot 169; thence S 20°36'30" E a distance of 706.78 feet to the northwest corner of Lot 189; thence S 04°07'31" W a distance of 147.32 feet; thence S 29°11'19" E a distance of 445.64 feet; thence S 00°31'40" E a distance of 169.24 feet to the east-west midsection line of Section 17 and the southwest corner of Lot 194; thence S 89°28'20" W a distance of 891.84 feet along said east-west midsection line to the True Point of Beginning; all in G&SRB&M, Apache County, Arizona.

34. White Mountain Grasslands Wildlife Area: The White Mountain Grasslands Wildlife Area shall be those areas described as follows:

~~Parcel No. 1: (CL1)~~

~~The South half of Section 24; the North half of the Northwest quarter of Section 25; the Northeast quarter and the North half of the Southeast quarter of Section 26; all in Township 9 North, Range 27 East of the Gila and Salt River Base and Meridian, Apache County, Arizona; EXCEPT all coal and other minerals as reserved to the United States in the Patent of said land.~~

~~Parcel No. 2: (CL2)~~

~~The Southeast quarter and the Southeast quarter of the Southwest quarter of Section 31, Township 9 North, Range 28 East of the Gila and Salt River Base and Meridian, Apache County, Arizona.~~

~~Parcel No. 3: (CL3)~~

~~The Northwest quarter of the Southwest quarter of Section 28; and the Southwest quarter, the South half of the Southeast quarter and the Northeast quarter of the Southeast quarter of Section 29, Township 9 North, Range 28 East of the Gila and Salt River Base and Meridian, Apache County, Arizona.~~

~~Parcel No. 4: (CL4)~~

~~The Southwest quarter of the Southwest quarter of Section 5; the Southeast quarter of the Southeast quarter of Section 6; the Northeast quarter of the Northeast quarter of Section 7; the Northwest quarter of the Northwest quarter, the East half of the Southwest quarter of the Northwest quarter, the West half of the Northeast quarter, the Southeast quarter of the Northwest quarter, and that portion of the South half which lies North of Highway 260, EXCEPT the West half of the Southwest quarter of Section 8; All in Township 8 North, Range 28 East of the Gila and Salt River Base and Meridian, Apache County, Arizona.~~

~~Parcel No. 1: (O1)~~

~~The South half of the North half of Section 10, Township 8 North, Range 28 East, of the Gila and Salt River Base and Meridian, Apache County, Arizona; EXCEPT that Parcel of land lying within the South one half of the Northeast quarter of Section 10, Township 8 North, Range 28 East, of the Gila and Salt River Base and Meridian, Apache County, Arizona, more particularly described as follows:~~

~~From the North 1/16 corner of Sections 10 and 11, monumented with a 5/8 inch rebar with a cap marked LS 13014, said point being the TRUE POINT OF BEGINNING; thence North 89°44'54" West 1874.70 feet along the East-West 1/16 line to a point monumented with a half-inch rebar with a tag marked LS 13014; thence South 02°26'17" West 932.00 feet to a point monumented with a half inch rebar with a tag marked LS 13014; thence South 89°44'54" East 1873.69 feet to a point monumented with a half-inch rebar with a tag marked LS 13014, said point being on the East line of Section 10; thence North 02°30'00" East 932.00 feet along said Section line to the TRUE POINT OF BEGINNING.~~

~~Parcel No.2: (O2)~~

~~The North half of the South half of Section 10, Township 8 North, Range 28 East, of the Gila and Salt River Base and Meridian, Apache County, Arizona.~~

~~Parcel No.3: (O3)~~

~~The Southeast quarter of Section 25, Township 9 North, Range 27 East, of the Gila and Salt River Base and Meridian, Apache County, Arizona; EXCEPT all coal and other minerals as reserved to the United States in the Patent of said land.~~

~~Parcel No.4: (O4)~~

~~Lots 3 and 4; the East half of the Southwest quarter; the West half of the Southeast quarter; and the Northeast quarter of the Southeast quarter of Section 30, Township 9 North, Range 28 East, of the Gila and Salt River Base and Meridian, Apache County, Arizona; EXCEPT all coal and other minerals as reserved to the United States in the Patent of said land.~~

~~Parcel No.5: (O5)~~

~~Lots 1, 2 and 3; the South half of the Northeast quarter; the Northwest quarter of the Northeast quarter; the East half of the Northwest quarter; and the Northeast quarter of the Southwest quarter of Section 31, Township 9 North, Range 28 East, of the Gila and Salt River Base and Meridian, Apache County, Arizona; EXCEPT all coal and other minerals as reserved to the United States in the Patent of said land.~~

~~Parcel No.6: (O6)~~

~~Beginning at the Northwest corner of the Southeast quarter of Section 27, Township 9 North, Range 28 East, of the Gila and Salt River Base and Meridian, Apache County, Arizona; thence East 1320.00 feet; thence South 925.00 feet; thence West 320.00 feet to the center of a stock watering tub; thence North 83° West 1000.00 feet; thence North 740.00 feet to the point of beginning; EXCEPT all gas, oil, metals and mineral rights as reserved to the State of Arizona in the Patent to said land.~~ Parcel 1 (CL1): the S1/2 of Section 24; the N1/2NW1/4 of Section 25; the NE1/4 and N1/2SE1/4 of Section 26; all in T9N, R27E of G&SRB&M, Apache County, Arizona; except all coal and other minerals as reserved to the U.S. in the Patent of said land. Parcel 2 (CL2): the SE1/4 and the SE1/4SW1/4 of Section 31, T9N, R28E of G&SRB&M, Apache County, Arizona. Parcel 3 (CL3): the NW1/4SW1/4 of Section 28; and the SW1/4S1/2SE1/4 and NE1/4SE1/4 of T9N, R28E of G&SRB&M, Apache County, Arizona. Parcel 4 (CL4): the SW1/4SW1/4 of Section 5; the SE1/4SE1/4 of Section 6; the NE1/4NE1/4 of Section 7; the NW1/4NW1/4, E1/2SW1/4NW1/4, W1/2NE1/4, SE1/4NW1/4, and that portion of the S1/2 which lies North of Highway 260, except the W1/2SW1/4 of Section 8; all in T8N, R28E of G&SRB&M, Apache County, Arizona. Parcel 1 (O1): the S1/2N1/2 of Section 10, T8N, R28E, of G&SRB&M, Apache County, Arizona; except that Parcel of land lying within the S1/2NE1/4 of Section 10, T8N, R28E, of G&SRB&M, Apache County, Arizona, more particularly described as follows: From the N1/16 corner of Sections 10 and 11, monumented with a 5/8-inch rebar with a cap marked LS 13014, said point being the True Point of Beginning; thence N 89°44'54" W a distance of 1874.70 feet along the east-west 1/16 line to a point monumented with a 1/2-inch rebar with a tag marked LS 13014; thence S 02°26'17" W a distance of 932.00 feet to a point monumented with a 1/2-inch rebar with a tag marked LS 13014; thence S 89°44'54" E a distance of 1873.69 feet to a point monumented with a 1/2-inch rebar with a tag marked LS 13014, said point being on the east line of Section 10; thence N 02°30'00" E a distance of 932.00 feet along said Section line to the True Point of Beginning. Parcel 2 (O2): the N1/2S1/2 of Section 10, T8N, R28E, of G&SRB&M, Apache County, Arizona. Except for that portion lying South of State Highway 260. Parcel 3 (O3): the SE1/4 of Section 25, T9N, R27E, of G&SRB&M, Apache County, Arizona. Parcel 4 (O4): lots 3 and 4; the E1/2SW1/4; W1/

2SE1/4; and NE1/4SE1/4 of Section 30, T9N, R28E, of G&SRB&M, Apache County, Arizona. Parcel 5 (O5): lots 1, 2 and 3; the S1/2NE1/4; NW1/4NE1/4; E1/2NW1/4; and NE1/4SW1/4 of Section 31, T9N, R28E, of G&SRB&M, Apache County, Arizona. Parcel 6 (O6): beginning at the northwest corner of the SE1/4 of Section 27, T9N, R28E, of G&SRB&M, Apache County, Arizona; thence east a distance of 1320.00 feet; thence south a distance of 925.00 feet: thence west a distance of 320.00 feet to the center of a stock watering tub; thence N 83° W a distance of 1000.00 feet; thence north a distance of 740.00 feet to the point of beginning. State Land Special Use Permit: SE1/4SW1/4 of Section 5; E1/2NE1/4 of Section 08; NE1/4NW1/4 of Section 8; M&B in N1/2NW1/4 north of Hwy 260 of Section 17, all in T8N, R28E of the G&SRB&M, Apache County, Arizona. S1/2NW1/4 and SW1/4 of Section 26; all of Section 36, all in T9N, R27E of the G&SRB&M, Apache County, Arizona. SE1/4 lying easterly of Carnero Creek in Section 18; Lots 3 and 4, E1/2SW1/4, SE1/4, NE1/4, and SE1/4NW1/4, lying southeasterly of Carnero Creek in Section 19; NW1/4SE1/4 of Section 29, Lots 1 and 2 and NE1/4 and E1/2NW1/4 and SE1/4SE1/4 of Section 30; and Lot 4, and the NE1/4NE1/4 of Section 31; all in T9N, R28E of the G&SRB&M, Apache County, Arizona. State Grazing Lease: Legal Description of the White Mountain Grassland State Land Grazing Lease. Lots 1 thru 4, and S1/2N1/2, SW1/4, N1/2N1/2SE1/4, S SW1/4NW1/4SE1/4, and W1/2SW1/4SE1/4 of Section 3; Lots 1 thru 4, and the S1/2N1/2 and S1/2 of Section 4; SE1/4SW1/4 of Section 5; E1/2NE1/4, NE1/4NW1/4 of Section 8; SE1/4NE1/4 and N1/2N1/2 of Section 9; S1/2NE1/4NE1/4, SE1/4NW1/4NE1/4, W1/2NW1/4NE1/4, N1/2NW1/4, all in Section 10; NE1/4NW1/4 lying north of the centerline of State Highway 260, in Section 17, T8N, R28E of the G&SRB&M, Apache County; NE1/4, S1/2NW1/4, and the SW1/4 of Section 25, and all of Section 36; in T9N, R27E of the G&SRB&M, Apache County; a portion of the SE1/4 of Section 18 lying southeasterly of Carnero Creek, Lots 3 and 4, E1/2SW1/4, SE1/4, NE1/4, and SE1/4NW1/4 lying southeast of Carnero Creek in Section 19; all of Section 20 and Section 21; SW1/4NE1/4, S1/2NW1/4, and M&B in N1/2SW1/4, of Section 27; N1/2E1/2SW1/4, SW1/4SW1/4 and SE1/4 of Section 28; Lots 1 and 2, and NE1/4, E1/2NW1/4, and SE1/4SE1/4 of Section 30; Lot 4 and NE1/4NE1/4 of Section 31; all of Section 32 and Section 33, in T9N, R28E, in the G&SRB&M, Apache County. SE1/4NE1/4SE1/4 of Section 31; T09N, R28E, G&SRB&M, Apache County, Arizona.

35. White Water Draw Wildlife Area: The White Water Draw Wildlife Area shall be those areas described as follows:
~~T21S, R26E~~
~~Section 19, S1/2 SE1/4~~
~~Section 29, W1/2 NE1/4, and E1/2 NE1/4~~
~~Section 30, N1/2 NE1/4~~
~~Section 32~~
~~T22S, R26E~~
~~Section 4, Lots 3 and 4~~
~~T22S, R26E~~
~~Section 5, Lots 1 to 4, EXCEPT an undivided 1/2 interest in all minerals, oil, and/or gas as reserved in Deed recorded in Docket 209, page 117, records of Cochise County, Arizona.~~ T21S, R26E; Section 19, S1/2 SE1/4; Section 29, W1/2 NE1/4, and E1/2 NE1/4; Section 30, N1/2 NE1/4; Section 32; T22S, R26E; Section 4, Lots 3 and 4; T22S, R26E; Section 5, Lots 1 to 4, except an undivided 1/2 interest in all minerals, oil, and/or gas as reserved in Deed recorded in Docket 209, page 117, records of Cochise County, Arizona.

36. Willcox Playa Wildlife Area: The Willcox Playa Wildlife Area shall be that area within the posted Arizona Game and Fish Department fences enclosing the following described area: ~~Beginning at the section corner common to Sections 2, 3, 10 and 11, T15S, R25E, G&SRB&M, Cochise County, Arizona; thence, South 0°15'57" West 2645.53 feet to the east 1/4 corner of Section 10; thence South 89°47'15" West 2578.59 feet to the center 1/4 corner of Section 10; thence, North 1°45'24" East 2647.85 feet to the center 1/4 corner of Section 3; thence, North 1°02'42" West 2647.58 feet to the center 1f4 corner of said Section 3; thence North 89°41'37" East to the common 1/4 corner of Section 2 and Section 3; thence, South 0°00'03" West 1323.68 feet to the south 1/16 corner of said Sections 2 and 3; thence South 44°46'30" East 1867.80 feet to a point on the common section line of Section 2 and Section 11; thence South 44°41'13" East 1862.94 feet to a point; thence South 44°42'35" East 1863.13 feet to a point; thence North 0°13'23" East 1322.06 feet to a point; thence South 89°54'40" East 1276.24 Feet to a point on the west right-of-way fence line of Kansas Settlement Road; thence South 0°12'32" West 2643.71 feet along said fence line to a point; thence North 89°55'43" West 2591.30 feet to a point; thence North 0°14'14" East 661.13 feet to a point; thence North 89D°55'27" West 658.20 feet to a point; thence North 0°14'39" East 1322.36 feet to a point; thence North 44°41'19" West 931.44 feet to a point; thence North 44°40'31" West 1862.85 feet to the point of beginning. Said wildlife area contains 543.10 acres approximately.~~ beginning at the Section corner common to Sections 2, 3, 10 and 11, T15S, R25E, G&SRB&M, Cochise County, Arizona; thence S 0°15'57" W a distance of 2645.53 feet to the east 1/4 corner of Section 10; thence S 89°47'15" W a distance of 2578.59 feet to the center 1/4 corner of Section 10; thence N 1°45'24" E a distance of 2647.85 feet to the center 1/4 corner of Section 3; thence N 1°02'42" W a distance of 2647.58 feet to the center 1/4 corner of said Section 3; thence N 89°41'37" E to the common 1/4 corner of Section 2 and Section 3; thence S 0°00'03" W a distance of 1323.68 feet to the south 1/16 corner of said Sections 2 and 3; thence S 44°46'30" E a distance of 1867.80 feet to a point on the common Section line of

Section 2 and Section 11; thence S 44°41'13" E a distance of 1862.94 feet; thence S 44°42'35" E a distance of 1863.13 feet; thence N 0°13'23" E a distance of 1322.06 feet; thence S 89°54'40" E a distance of 1276.24 feet to a point on the west right-of-way fence line of Kansas Settlement Rd.; thence S 0°12'32" W a distance of 2643.71 feet along said fence line; thence N 89°55'43" W a distance of 2591.30 feet; thence N 0°14'14" E a distance of 661.13 feet; thence N 89°55'27" W a distance of 658.20 feet; thence N 0°14'39" E a distance of 1322.36 feet; thence N 44°41'19" West a distance of 931.44 feet; thence N 44°40'31" W a distance of 1862.85 feet to the point of beginning. Said wildlife area contains 543.10 acres approximately.

~~B.~~C. 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.~~ beginning at the north-east corner of Section 3,T5N, R2E, G&SRB&M, Maricopa County, Arizona; thence S 35°33'23.43" W a distance of 2938.12 feet; to the point of true beginning; thence S 81°31'35.45" W a distance of 147.25 feet; thence S 45°46'21.90" W a distance of 552.25 feet; thence S 21°28'21.59" W a distance of 56.77 feet; thence S 16°19'49.19" E a distance of 384.44 feet; thence S 5°27'54.02" W a distance of 73.43 feet; thence S 89°50'44.45" E a distance of 431.99 feet; thence N 4°53'57.68" W a distance of 81.99 feet; thence N 46°49'53.27" W a distance of 47.22 feet; thence N 43°3'3.68" E a distance of 83.74 feet; thence S 47°30'40.79" E a distance of 47.71 feet; thence N 76°2'59.67" E a distance of 105.91 feet; thence N 15°45'0.24" W a distance of 95.87 feet; thence N 68°48'27.79" E a distance of 69.79 feet; thence N 8°31'53.39" W a distance of 69.79 feet; thence N 30°5'32.34" E a distance of 39.8 feet; thence N 46°17'32.32" E a distance of 63.77 feet; thence N 22°17'26.17" W a distance of 517.05 feet to the point of true beginning.

NOTICE OF FINAL EXEMPT RULEMAKING

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 2. DEPARTMENT OF ENVIRONMENTAL QUALITY AIR POLLUTION CONTROL

[R16-60]

PREAMBLE

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

R18-2-611	Amend
R18-2-611.01	Amend

2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the implementing statute (specific), and the statute or session law authorizing the exemption:

Authorizing statutes: A.R.S. § 49-104

Implementing statutes: A.R.S. § 49-457

Implementing Legislative Action: Senate Bill (SB) 1408 (Forty-ninth Legislature, Second Regular Session, 2010, Chap. 82, § 1)

Statute or Session Law Authorizing the Exemption: House Bill (HB) 2208 (Fiftieth Legislature, First Regular Session, 2011, Chap. 214, § 4)

3. The effective date of the rule and the agency's reason it selected the effective date:

April 5, 2016. This rulemaking is effective upon filing with the Office of the Secretary of State (SOS).

House Bill 2208 provides that revisions to the agricultural best management practices rules shall be effective immediately upon filing with the SOS in compliance with A.R.S. § 41-1032; Laws 2011, Ch. 214, § 4.

4. Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the proposed rule:

Not applicable

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

Name: Justine E. Miller

Address: Department of Environmental Quality
1110 W. Washington Ave.

Phoenix, AZ 85007
Telephone: (602) 771-6723 (This number may be reached in-state by dialing 1-800-234-5677 and entering the seven digit number.)
E-mail: Miller.Justine@azdeq.gov

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

Summary.

The Arizona Department of Environmental Quality (ADEQ) is amending the state's Agricultural Best Management Practice rules in Title 18, Chapter 2, Article 6 of the Arizona Administrative Code. This action adds a management practice recently adopted by the Governor's Agricultural Best Management Practices Committee for the Maricopa County areas designated as moderate and serious nonattainment for particulate matter (PM) under the Clean Air Act. This rulemaking adds an additional option for farmers when seeking to mitigate the emission of fugitive dust during the course of animal waste handling activities. The new practice applies only to commercial poultry farms and allows facilities to use a rotary dryer when fulfilling its BMP obligations for handling and transporting animal waste.

Background.

Governor's Agricultural Best Management Practices Committee

The Governor's Agricultural Best Management Practices Committee (Committee) was created by law in 1998 to address agriculture's contribution to emissions of PM in areas designated as nonattainment under the Clean Air Act. A.R.S. 49-457. The Committee is composed of five local farmers, the director of ADEQ, the director of Arizona's Department of Agriculture, the state conservationist for the Natural Resources Conservation Services, the vice dean of the University of Arizona College of Agriculture and Life Sciences, and a soil scientist from the University of Arizona.

The Committee is responsible for developing and adopting best management practices (BMPs) to be implemented by those engaged in regulated agricultural activities in areas designated as moderate and serious nonattainment for PM with an aerodynamic diameter less than or equal to ten micrometers. Farming operations subject to the BMP regulations are not required to implement every practice listed in the rules. Rather, each farmer picks from a list of practices, one or two (depending on the area's attainment designation) in the applicable categories that it will implement to achieve reductions in PM emissions.

Following adoption of a BMP by the Committee, ADEQ is required to complete an exempt rulemaking action to update the agricultural regulations in the AAC with the newly adopted BMP as approved by the Committee. H.R. 2208, 50th Leg., 1st Reg. Sess. (Ariz. 2011), ARS 49-457.

Implementing the BMP Program

The BMP program is largely divided into three categories of agricultural activities: crop operations, animal operations, and irrigation districts. Each respective category contains specific types of activities relevant to that category. For example, the commercial animal operation section is further divided into the following: commercial dairy operations, commercial beef feedlot, commercial poultry facility, and commercial swine facility. Each subcategory of activity within the category of farming (e.g., commercial poultry facilities within the animal operations category) lists actions that the owner or operator of the facility can choose to implement to reduce PM emissions that occur during the course of regular farming activity. The actions, or BMPs, available to farmers are listed under Title 18, Chapter 2, Article 6 of the Arizona Administrative Code.

Depending on the area's air quality designation by the Environmental Protection Agency for the criteria pollutant PM, a farmer may be required to implement either one or two of the BMPs when performing regulated agricultural activities. *See generally* R18-2-610 through R18-2-613. Regulated agricultural operations located in a moderate nonattainment area must implement and maintain at least one BMP listed in the regulations. ARS 49-457(H). Regulated agricultural operations located in serious nonattainment areas must implement and maintain at least two BMPs that have been approved and codified in the regulations. *Id.*

Committee's Adoption of a New BMP

On January 14, 2016, the Governor's Agricultural Best Management Practices Committee (Committee) approved a new BMP in the animal waste handling and transportation category for commercial poultry farmers in Maricopa County PM nonattainment areas. The Committee adopted a BMP allowing the use of a rotary dryer to dry chicken manure prior to transportation in R18-2-611.01(D) (2). It also adopted an accompanying definition in R18-2-611(4) outlining the requirements that accompany the use of a rotary dryer in the facilities waste handling operations.

Technical Changes

In addition to the rule amendments discussed above, ADEQ identified technical issues with the language of R18-2-611.01 that needed to be addressed in order to ensure consistency with the authorizing statute (A.R.S. 49-457) and relevant sessions law (HB 2208).

Section by Section Explanation of Proposed Rules:

R18-2-611 Amend the definitions of best management practices for commercial poultry facilities to include the use of a rotary dryer.

R18-2-611.01 Amend to list of BMP options to include the use of a rotary dryer in the practices available to commercial poultry facilities when handling animal waste.

7. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to 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 rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

The rule does not diminish a previous grant of authority of a political subdivision of the state.

9. The preliminary summary of the economic, small business, and consumer impact, if applicable:

Not applicable to this exempt rule.

10. A description of any changes between the proposed rulemaking, including any supplemental proposed rulemaking, and the final rulemaking package, if applicable:

Not applicable

11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments, if applicable:

Not applicable

12. Any other matter prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules. When applicable, matters shall include, but not be limited to:

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

A general permit is used as described in A.R.S. § 49-457(H).

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

Not applicable

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

No analysis was submitted

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

No material is incorporated by reference in this action.

14. Whether the rule was previously made, amended, repealed, or renumbered as an emergency rule. If so, the agency shall state where the text changed between the emergency and exempt rulemaking packages:

Not applicable

15. The full text of the rule follows:

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 2. DEPARTMENT OF ENVIRONMENTAL QUALITY AIR POLLUTION CONTROL

ARTICLE 6. EMISSIONS FROM EXISTING AND NEW NONPOINT SOURCES

Section
R18-2-611. Definitions for R18-2-611.01, R18-2-611.02, and R18-2-611.03
R18-2-611.01. Agricultural PM General Permit for Animal Operations; Maricopa County PM Serious Nonattainment Area

ARTICLE 6. EMISSIONS FROM EXISTING AND NEW NONPOINT SOURCES

R18-2-611. Definitions for R18-2-611.01, R18-2-611.02, and R18-2-611.03

The definitions in R18-2-101 and the following definitions apply to R18-2-611.01, R18-2-611.02, and R18-611.03:

1. The following definitions apply to a commercial dairy operation, a commercial beef feedlot, a commercial poultry facility, and commercial swine facility:
   a. "Animal waste handling and transporting" means the processes by which any animal excretions and mixtures containing animal excretions are collected and transported.

b. "Arenas, corrals and pens" means areas where animals are confined for the purposes of, but not limited to, feeding, displaying, safety, racing, exercising, or husbandry.
c. "Commercial animal operation" means a commercial dairy operation, a commercial beef feedlot, a commercial poultry facility, and a commercial swine facility, as defined in this Section.
d. "Commercial animal operator" means an individual, entity, or joint operation in general control of a commercial animal operation.
e. "Dust Control Forecast" means a forecast, which shall identify a low, moderate or high risk of dust generation for the next five consecutive days and shall be issued by noon on each day the forecast is generated. When developing these forecasts, the department shall consider all of the following:
   i. Projected meteorological conditions, including:
      (1) Wind speed and direction,
      (2) Stagnation,
      (3) Recent precipitation, and
      (4) Potential for precipitation;
   ii. Existing concentrations of air pollution at the time of the forecast; and
   iii. Historic air pollution concentrations that have been observed during meteorological conditions similar to those that are predicted to occur in the forecast.
f. "High traffic areas" means areas that experience more than 20 VDT from 2 or more axle vehicles.
g. "Maricopa PM nonattainment area" means the Phoenix planning area as defined in 40 CFR 81.303, which is incorporated by reference in R18-2-210.
h. "Paved Public Road" means any paved roadways that are open to public travel and maintained by a City, County, State, or Federal entities.
i. "Pinal County PM Nonattainment Area" means the West Pinal PM_{10} planning area and the West Central $PM_{2.5}$ planning area, as defined in 40 CFR 81.303, and incorporated by reference in R18-2-210.
j. "PM" includes both particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by a reference method based on 40 CFR 50 Appendix L, or by an equivalent method designated according to 40 CFR 53; and particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method contained within 40 CFR 50 Appendix J or by an equivalent method designated in accordance with 40 CFR 53, as incorporated by reference in Appendix 2.
k. "Regulated agricultural activity" means a regulated agricultural activity as defined in A.R.S. § 49-457(P)(5).
l. "Regulated area" means the regulated area as defined in A.R.S. § 49-457(P)(6).
m. "Track-out control device" means minimizing any and all material that adheres to and agglomerates on all vehicles and equipment from unpaved access connections and falls onto paved public roads or shoulders to paved public roads by using a device or system to remove mud or soil from a vehicle or equipment before the vehicle enters a paved public road. Devices such as a grizzly, a gravel pad or a wheel wash system can be used.
n. "Unpaved access connections" means any unpaved road connection which connects to a paved public road.
o. "Unpaved roads or feed lanes" means roads and feed lanes that are unpaved, owned by a commercial animal operator, and used exclusively to service a commercial animal operation.
p. "VDT" (Vehicle trips per day) means trips per day made by one vehicle, in one direction.

2. The following definitions apply to a commercial dairy operation:
   a. "Aggregate cover" means reducing PM emissions, wind erosion and stabilizing soil by applying and maintaining gravel, concrete, recycled road base, caliche, or other similar material to unpaved roads or feed lanes. The aggregate should be clean, hard and durable, and should be applied and maintained to a minimum of three inches deep.
   b. "Apply a fibrous layer" means reducing PM emissions and soil movement, and preserving soil moisture by spreading shredded or deconstructed plant materials to cover loose soil in high animal traffic areas. Material shall be consistently applied to a minimum depth of two inches above the soil surface and coverage should be a minimum of 70 percent.
   c. "Bunkers" means below ground level storage systems for storing large amount of silage, which is covered with a plastic tarp.
   d. "Calves" means young dairy stock under two months of age.
   e. "Cement cattle walkways to milk barn" means reducing PM emissions by fencing pathways from the corrals to the milking barn, restricting dairy cattle to surfaces with concrete floors.
   f. "Commercial dairy operation" means a dairy operation with more than 150 dairy cattle within the boundary of the Maricopa PM nonattainment area and Maricopa County portion of Area A, a PM nonattainment area designated after June 1, 2009 as stated in A.R.S. § 49-457(P)(1)(f), or the Pinal County PM Nonattainment Area.
   g. "Cover manure hauling trucks" means reducing PM emissions by completely covering the top of the loaded area.
   h. "Covers for silage" means reducing PM emissions and wind erosion by using large plastic tarps to completely cover silage.

i. "Do not run cattle" means reducing PM emissions by walking dairy cattle to the milking barn.
j. "Feed higher moisture feed to dairy cattle" means reducing PM emissions by feeding dairy cattle one or any combination of the following:
   i. Add water to ration mix to achieve a 20% minimum moisture level,
   ii. Add molasses or tallow to ration mix at a minimum of 1%,
   iii. Add silage, or
   iv. Add green chop.
k. "Feed green chop" means feeding high moisture feed that contains at least 30% moisture directly to dairy cattle.
l. "Groom manure surface" means reducing PM emissions and wind erosion by:
   i. Flushing or vacuuming lanes daily,
   ii. Scraping and harrowing pens on a weekly basis, and
   iii. Removing manure every four months with equipment that leaves an even corral surface of compacted manure on top of the soil.
m. "Hutches" means raised, roofed enclosures that protect the calves from the elements.
n. "Pile manure between cleanings" means reducing PM emissions by collecting loose surface materials within the confines of the surface area of the occupied feed pen every two weeks.
o. "Provide cooling in corral" means reducing PM emissions by using cooling systems under the corral shades to reduce the ambient air temperature, thereby increasing stocking density in the cool areas of the corrals.
p. "Provide shade in corral" means reducing PM emissions by increasing stocking density and reducing animal movement by using a permanent structure, which provides at least 16 square feet per animal of shaded pen surface.
q. "Push equipment" means manure harvesting equipment pushed in front of a tractor.
r. "Silage" means fermented, high-moisture fodder that can be fed to ruminants, such as cattle and sheep; usually made from grass crops including corn, sorghum or other cereals, by using the entire green plant.
s. "Store and maintain feed stock" means reducing PM emissions and wind erosion by storing feed stock in a covered area where the commodity is surrounded on at least three sides by a structure.
t. "Synthetic particulate suppressant" means reducing PM emissions and wind erosion by providing a stabilized soil surface on a commercial dairy operation with a manufactured product such as lignosulfate, calcium chloride, magnesium chloride, an emulsion of a petroleum product, an enzyme product, or polyacrylamide that is used to control particulate matter.
u. "Use drag equipment to maintain pens" means reducing PM emissions by using manure equipment pulled behind a tractor instead of using push equipment, which avoids dust accumulation in floor depressions.
v. "Use free stall housing" means reducing PM emissions by enclosing one cow per stall, which are outfitted with concrete floors.
w. "Water misting systems" means reducing PM emissions from dry manure by using systems that project a cloud of very small water particles onto the manure surface, keeping the surface visibly moist.
x. "Wind barrier" means reducing PM10 emissions and wind erosion by constructing a fence or structure, or providing a woody vegetative barrier by planting a row of trees or shrubs, perpendicular or across the prevailing wind direction to reduce wind speed by changing the pattern of air flow over the land surface. For fences and structures, the wind barrier shall have a density of no less than 50% and the height of the wind barrier must be proportionate to the downwind protected area. The downwind protected area is considered ten times the height of the wind barrier. For vegetative barriers, compliance shall be determined by NRCS Conservation Practice Standard, Code 380, Windbreak/Shelterbelt Establishment, amended through August 21, 2009 (and no future editions).

3. The following definitions apply to a commercial beef cattle feedlot:
   a. "Add moisture to pen surface" means reducing PM emissions and wind erosion by applying at least three to six gallons of water per head/per day in pens occupied by beef cattle.
   b. "Add molasses or tallow to feed" means reducing PM emissions by adding molasses or tallow so that it equals three percent of the total ration.
   c. "Aggregate cover" means reducing PM emissions, wind erosion and stabilizing soil by applying and maintaining gravel, concrete, recycled road base, caliche, or other similar material to unpaved roads or feed lanes. The aggregate should be clean, hard and durable, and should be applied and maintained to a minimum of three inches deep.
   d. "Apply a fibrous layer in working areas" means reducing PM emissions and soil movement, and preserving soil moisture by spreading shredded or deconstructed plant materials to cover loose soil in high animal traffic areas. Material shall be consistently applied to a minimum depth of two inches above the soil surface and coverage should be a minimum of 70 percent.
   e. "Bulk materials" means reducing PM emissions by using a closed conveyor system instead of vehicular means to move grain or other.

f. "Commercial beef cattle feedlot" means a beef cattle feedlot with more than 500 beef cattle within the boundary of the Maricopa PM nonattainment area and Maricopa County portion of Area A, a PM nonattainment area designated after June 1, 2009 as stated in A.R.S. § 49-457(P)(1)(f), or the Pinal County PM Nonattainment Area.
g. "Concrete apron" means reducing PM emissions by using solidly formed concrete surface, at least 4 inches thick on top of the soil surface, inside the feed pen for 8 feet approaching the feed bunk or water trough.
h. "Control cattle during movements" means reducing PM emissions by suppressing the animal's ability to run by driving them forward while intruding on their "flight zones" or restraining the animal's movement.
i. "Cover manure hauling trucks" means reducing PM emissions by completely covering the top of the loaded area.
j. "Feed higher moisture feed to beef cattle" means reducing PM emissions by feeding beef cattle feed that contains at least 30% moisture.
k. "Frequent manure removal" means reducing PM emissions and wind erosion by harvesting loose manure on top of the pen surface at least once every six months.
l. "Pile manure between cleanings" means reducing PM emissions by collecting loose manure surface materials, by scraping or pushing, within the confines of the surface area of the occupied feed pen at least four times per year.
m. "Provide shade in corral" means reducing PM emissions by increasing stocking density and reducing animal movement by using a permanent structure, which provides at least 16 square feet per animal of shaded pen surface.
n. "Push equipment" means manure harvesting equipment pushed in front of a tractor.
o. "Store and maintain feed stock" means reducing PM emissions and wind erosion by storing feed stock in a covered area where the commodity is surrounded on at least three sides by a structure.
p. "Synthetic particulate suppressant" means reducing PM emissions and wind erosion by providing a stabilized soil surface on a commercial beef feedlot with a manufactured product such as lignosulfate, calcium chloride, magnesium chloride, an emulsion of a petroleum product, an enzyme product, or polyacrylamide that is used to control particulate matter.
q. "Use drag equipment to maintain pens" means reducing PM emissions by using manure harvesting equipment pulled behind a tractor instead of using push equipment, which avoids dust accumulation in floor depressions.
r. "Wind barrier" means reducing PM10 emissions and wind erosion by constructing a fence or structure, or providing a woody vegetative barrier by planting a row of trees or shrubs, perpendicular or across the prevailing wind direction to reduce wind speed by changing the pattern of air flow over the land surface. For fences and structures, the wind barrier shall have a density of no less than 50% and the height of the wind barrier must be proportionate to the downwind protected area. The downwind protected area is considered ten times the height of the wind barrier. For vegetative barriers, compliance shall be determined by NRCS Conservation Practice Standard, Code 380, Windbreak/Shelterbelt Establishment, amended through August 21, 2009 (and no future editions).

4. The following definitions apply to a commercial poultry facility:
a. "Add moisture through ventilation systems" means reducing PM emissions by using a ventilation system that is designed to allow stock to maintain their normal body temperature without difficulty while maintaining a minimum of 20% moisture in the air within the housing system to bind small particles to larger particles.
b. "Add oil and/or moisture to the feed" means reducing PM emissions by adding a minimum of 1% edible oil and/or moisture to feed rations to bind small particles to larger particles.
c. "Aggregate cover" means reducing PM emissions, wind erosion and stabilizing soil by applying and maintaining gravel, concrete, recycled road base, caliche, or other similar material to unpaved roads or feed lanes. The aggregate should be clean, hard and durable, and should be applied and maintained to a minimum of three inches deep.
d. "Clean aisles between cage rows" means reducing PM emissions by cleaning the aisles between cage rows at least twice every 14 days to prevent dried manure, spilled feed, and debris accumulation.
e. "Clean fans, louvers, and soffit inlets in a commercial poultry facility" means reducing PM emissions by cleaning fans, louvers, and soffit inlets when the facility is empty between depopulating and populating the facility.
f. "Clean floors and walls in a commercial poultry facility" means reducing PM emissions by cleaning floors and walls to prevent dried manure, spilled feed, and debris accumulation when the facility is empty between depopulating and populating the facility.
g. "Commercial poultry facility" means a poultry operation with more than 25,000 egg laying hens within the boundary of the Maricopa PM nonattainment area and Maricopa County portion of Area A, a PM nonattainment area designated after June 1, 2009 as stated in A.R.S. § 49-457(P)(1)(f), or the Pinal County PM Nonattainment Area.

h. "Control vegetation on building exteriors" means reducing PM emissions by removing, cutting, or trimming vegetation that accumulates PM and restricts ventilation of the building, so as to leave approximately 3 feet between the vegetation and building.
i. "Enclose transfer points" means reducing PM emissions by enclosing the points of transfer between the enclosed, weatherproof storage structure and the enclosed feed distribution system, which reduce air contact with the feed rations during feed conveyance.
j. "House in fully enclosed ventilated buildings" means reducing PM emissions by utilizing fully enclosed buildings with sufficient ventilation.
k. "Maintain moisture in manure solids" means reducing PM emissions by maintaining a moisture content of a minimum of 15% in the solids sufficient to bind small particles to larger particles.
l. "Minimize drop distance" means reducing PM emissions by designing the feed distribution system so that the distance the feed ration drops from the feed distribution system into feeders is approximately 1 foot or less, which reduces air contact with the feed rations during feed conveyance.
m. "Poultry" means any domesticated bird including chickens, turkeys, ducks, geese, guineas, ratites and squabs.
n. "Remove spilled feed" means reducing PM emissions by removing spilled feed from the housing facility at least once every 14 days.
o. "Stack separated manure solids" means reducing PM emissions and wind erosion by reducing the amount of exposed surface area of manure solids.
p. "Store feed" means reducing PM emissions by storing feed in a structure that is enclosed and weatherproof, which reduces air contact with the feed rations during feed storage.
q. "Synthetic particulate suppressant" means reducing PM emissions and wind erosion by providing a stabilized soil surface on a commercial poultry operation with a manufactured product such as lignosulfate, calcium chloride, magnesium chloride, an emulsion of a petroleum product, an enzyme product, or polyacrylamide that is used to control particulate matter.
r. "Use enclosed feed distribution system" means reducing PM emissions by using an enclosed feed conveyance system that distributes feed rations throughout the housing facility, which reduces air contact with the feed rations during feed conveyance.
s. "Use a flexible discharge spout" means reducing PM emissions and wind erosion at the time of bulk feed deliveries to the housing units by using a flexible discharge spout on the end of the feed truck transfer auger.
t. "Use no bedding in the production facility" means reducing PM emissions by not using bedding such as wood shavings, sawdust, peanut hulls, straw, or other organic material.
u. "Use of a rotary dryer to dry manure waste" means reducing PM10 emissions by drying the manure waste in a rotary dryer fitted with a baghouse or wet scrubber. A commercial poultry facility using a rotary dryer must comply with all of the following:

1. Install, maintain, and operate the baghouse or wet scrubber in a manner consistent with the manufacturer's specifications at all times the rotary dryer is operated. The manufacturer specifications must be available on site upon request.
2. Conduct monthly observations using EPA Method 22 on the control equipment to ensure proper operation. If improper operation is observed through EPA Method 22, the dryer must stop immediately and the equipment repaired before resuming operations.
3. For baghouses, conduct an annual black light inspection of the bags to detect broken or leaking bags. If broken or leaking bags are detected it must be repaired or replaced immediately.
4. Maintain a record of all repair activity required under (2) and (3) that must be made available within two days of Director's request for inspection.
5. The following definitions apply to a commercial swine facility:
   a. "Add oil and/or moisture to the feed" means reducing PM emissions by adding a minimum of 0.5% edible oil and/or moisture to feed rations to bind small particles to larger particles.
   b. "Add moisture through ventilation systems" means reducing PM emissions by using a ventilation system that is designed to allow stock to maintain their normal body temperature without difficulty while maintaining minimum of 15% moisture in the air within the housing system to bind small particles to larger particles.
   c. "Aggregate cover" means reducing PM emissions, wind erosion and stabilizing soil by applying and maintaining gravel, concrete, recycled road base, caliche, or other similar material to unpaved roads or feed lanes. The aggregate should be clean, hard and durable, and should be applied and maintained to a minimum of three inches deep.
   d. "Clean aisles between pens and stalls" means reducing PM emissions by cleaning the aisles between pens and stalls at least twice every 14 days to prevent dried manure, spilled feed, and debris accumulation.
   e. "Clean fans, louvers, and soffit inlets in a commercial swine facility" means reducing PM emissions by cleaning fans, louvers, and soffit inlets between transfer of animal groups, but in any case, at least every 6 months.

f. "Clean pens, floors and walls in a commercial swine facility" means reducing PM emissions by cleaning pens, floors, and walls between transfer of animal groups to prevent dried manure, spilled feed, and debris accumulation, but in any case, at least every 6 months.
g. "Commercial swine facility" means a swine operation with more than 50 animal units for more than 30 consecutive days within the boundary of the Maricopa PM nonattainment area and Maricopa County portion of Area A, a PM nonattainment area designated after June 1, 2009 as stated in A.R.S. § 49-457(P)(1)(f), or the Pinal County PM Nonattainment Area. One thousand pounds equals one animal unit.
h. "Control vegetation on building exteriors" means reducing PM emissions by removing, cutting, or trimming vegetation that accumulates PM and restricts ventilation of the building, so as to leave approximately 3 feet between the vegetation and the building.
i. "Enclose transfer points" means reducing PM emissions by enclosing the points of transfer between the enclosed, weatherproof storage structure and the enclosed feed distribution system, which reduces air contract with the feed rations during feed conveyance.
j. "House in fully enclosed ventilated buildings" means reducing PM emissions by utilizing fully enclosed buildings with sufficient ventilation.
k. "Lagoon" means a liquid manure storage and treatment pond.
l. "Maintain moisture in manure solids" means reducing PM10 emissions by maintaining a minimum moisture content of 10% in the solids sufficient to bind small particles to larger particles.
m. "Minimize drop distance" means reducing PM emissions by designing the feed distribution system so that the distance the feed ration drops from the feed distribution system into feeders is 3 feet or less, which reduces air contact with the feed rations during feed conveyance.
n. "Remove spilled feed" means reducing PM emissions by removing spilled feed from the housing facility at least once every 14 days.
o. "Slatted flooring" means reducing PM emissions by using flooring that is a slotted concrete or wire-mesh floor set above a liquid manure collection pit, which allows the excrement to fall though the flooring into the liquid pit below, which prevents solids build-up. Slats 4 to 8 inches wide with spacing of about 1 inch in between are recommended.
p. "Sloped concrete flooring" means reducing PM emissions by pouring concrete with a minimum of 0.25% grade inside of the barns which provides drainage and easier cleaning of floor areas.
q. "Stack separated manure solids" means reducing PM emissions and wind erosion by reducing the amount of exposed surface area of manure solids.
r. "Store feed" means reducing PM emissions by storing feed in a structure that is enclosed and weatherproof, which reduces air contact with the feed rations during feed storage.
s. "Store separated manure solids" means reducing PM emissions by storing manure solids in a wind-blocked area behind a wall, structure, or area with natural wind protection to minimize blowing air movement over the manure stack.
t. "Synthetic particulate suppressant" means reducing PM emissions and wind erosion by providing a stabilized soil surface on a commercial swine operation with a manufactured product such as lignosulfate, calcium chloride, magnesium chloride, an emulsion of a petroleum product, an enzyme product, or polyacrylamide that is used to control particulate matter.
u. "Use a flexible discharge spout" means reducing PM emissions and wind erosion at the time of bulk feed deliveries to the housing units by using a flexible discharge spout on the end of the feed truck transfer auger.
v. "Use enclosed feed distribution system" means reducing PM emissions by using an enclosed feed conveyance system that distributes feed rations throughout the housing facility, which reduces air contact with the feed rations during the feed conveyance.
w. "Use no bedding in the production facility" means reducing PM emissions by not using bedding such as wood shavings, sawdust, peanut hulls, straw, or other organic material.

R18-2-611.01. Agricultural PM General Permit for Animal Operations; Maricopa County <u>Serious</u> PM Nonattainment Areas

A. A commercial animal operator within a Serious PM Nonattainment Area shall implement at least two best management practices from each category to reduce PM emissions.

B. A commercial dairy operation shall implement the following best management practices, as described in subsection (A), from each of the following categories:

1. Arenas, Corrals, and Pens:
   a. Use free stall housing,
   b. Provide shade in corral,
   c. Provide cooling in corral,
   d. Cement cattle walkways to milk barn,
   e. Groom manure surface,
   f. Water misting systems,

g. Use drag equipment to maintain pens,
h. Pile manure between cleanings,
i. Feed green chop,
j. Keep calves in barns or hutches,
k. Do not run cattle,
l. Apply a fibrous layer, or
m. Wind barrier.

2. Animal Waste (and Feed) Handling and Transporting:
   a. Feed higher moisture feed to dairy cattle,
   b. Store and maintain feed stock,
   c. Covers for silage,
   d. Store silage in bunkers,
   e. Cover manure hauling trucks, or
   f. Do not load manure trucks with dry manure when wind exceeds 15 mph.
3. Unpaved Access Connections:
   a. Install signage to limit vehicle speed to 15 mph,
   b. Install speed control devices,
   c. Restrict access to through traffic,
   d. Install and maintain a track-out control device,
   e. Apply and maintain pavement in high traffic areas,
   f. Apply and maintain aggregate cover,
   g. Apply and maintain synthetic particulate suppressant, or
   h. Apply and maintain water as a dust suppressant.
4. Unpaved Roads or Feed Lanes:
   a. Install engine speed governors on feed truck to 15 mph,
   b. Install signage to limit vehicle speed to 15 mph,
   c. Install speed control devices,
   d. Restrict access to through traffic,
   e. Apply and maintain pavement in high traffic areas,
   f. Apply and maintain aggregate cover,
   g. Apply and maintain synthetic particulate suppressant,
   h. Apply and maintain water as a dust suppressant,
   i. Use appropriate vehicles such as electric carts or small utility vehicles instead of trucks, or
   j. Apply and maintain pavement or cement feed lanes.

C. A commercial beef cattle feedlot shall implement the following best management practices, as described in subsection (A), from each of the following categories:

1. Arenas, Corrals, and Pens:
   a. Concrete aprons,
   b. Provide shade in corral,
   c. Add moisture to pen surface,
   d. Manure removal,
   e. Pile manure between cleanings,
   f. Feed higher moisture feed to beef cattle,
   g. Control cattle during movements,
   h. Use drag equipment to maintain pens,
   i. Apply a fibrous layer, or
   j. Wind barrier.
2. Animal Waste (and Feed) Handling and Transporting:
   a. Feed higher moisture feed to beef cattle,
   b. Add molasses or tallow to feed,
   c. Store and maintain feed stock,
   d. Bulk materials,
   e. Use drag equipment to maintain pens,
   f. Cover manure hauling trucks, or
   g. Do not load manure when wind exceeds 15 mph.
3. Unpaved Access Connections:
   a. Install and maintain a track-out control device,
   b. Apply and maintain pavement in high traffic areas,
   c. Apply and maintain aggregate cover,
   d. Apply and maintain synthetic particulate suppressant, or

e. Apply and maintain water as a dust suppressant.
4. Unpaved Roads or Feed Lanes:
a. Install engine speed governors on feed truck to 15 mph,
b. Install signage to limit vehicle speed to 15 mph,
c. Install speed control devices,
d. Restrict access to through traffic,
e. Apply and maintain pavement in high traffic areas,
f. Apply and maintain aggregate cover,
g. Apply and maintain synthetic particulate suppressant,
h. Apply and maintain water as a dust suppressant, or
i. Apply and maintain oil on roads or feed lanes.

D. A commercial poultry facility shall implement the following best management practices, as described in subsection (A), from each of the following categories:
1. Arenas, Corrals, and Pens (Housing):
a. Clean fans, louvers, and soffit inlets in a commercial poultry facility,
b. Use no bedding,
c. Control vegetation on building exteriors,
d. Add moisture through ventilation systems, or
e. House in fully enclosed ventilated buildings.
2. Animal Waste (and Feed) Handling and Transporting:
a. Remove spilled feed,
b. Store feed,
c. Add oil and/or moisture to the feed,
d. Use enclosed feed distribution system,
e. Use flexible discharge spout,
f. Minimize drop distance,
g. Enclose transfer points,
h. Clean floors and walls in a commercial poultry facility,
i. Clean aisles between cage rows,
j. Stack separated manure solids, ~~or~~
k. Maintain moisture in manure solids~~.~~, or
l. Use of a rotary dryer to dry manure waste.
3. Unpaved Access Connections:
a. Install speed control devices,
b. Restrict traffic access,
c. Install and maintain a track-out control system, or
d. Install signage to limit vehicle speed to 15 mph.
4. Unpaved Roads or Feed Lanes:
a. Install engine speed governors on feed trucks to 15 mph,
b. Install signage to limit vehicle speed to 15 mph,
c. Install speed control devices,
d. Restrict traffic access,
e. Apply and maintain aggregate cover,
f. Apply and maintain synthetic particulate suppressant,
g. Apply and maintain water, or
h. Apply and maintain oil on roads or feed lanes.

E. A commercial swine facility shall implement the following best management practices, as described in subsection (A), from each of the following categories:
1. Arenas, Corrals, and Pens (Housing):
a. House in fully enclosed ventilated buildings,
b. Use no bedding,
c. Use a slatted floor system,
d. Use sloped concrete flooring,
e. Clean fans, louvers, and soffit inlets in a commercial swine facility,
f. Control vegetation on building exteriors, or
g. Add moisture through ventilation systems.
2. Animal Waste (and Feed) Handling and Transporting:
a. Remove spilled feed,
b. Store feed,
c. Add oil and/or moisture to feed,
d. Use enclosed feed distribution system,

e. Use flexible discharge spout,
f. Minimize drop distance,
g. Enclose transfer points,
h. Clean pens, floors, and walls in a commercial swine facility,
i. Clean aisles between pens and stalls,
j. Store separated manure solids in a wind-blocked area,
k. Stack separated manure solids,
l. Maintain moisture in manure solids, or
m. Maintain liquid lagoon level.

3. Unpaved Access Connections:
   a. Install speed control devices,
   b. Restrict traffic access,
   c. Install and maintain a track-out control system,
   d. Install signage to limit vehicle speed to 15 mph.
4. Unpaved Roads or Feed Lanes:
   a. Install engine speed governors on feed trucks to 15 mph,
   b. Install signage to limit vehicle speed to 15 mph,
   c. Install speed control devices,
   d. Restrict traffic access,
   e. Apply and maintain aggregate cover,
   f. Apply and maintain synthetic particulate suppressant,
   g. Apply and maintain water,
   h. Apply and maintain oil on roads or feed lanes, or
   i. Wind barrier.

F. From and after December 31, 2015, a commercial animal operator who engages in a regulated agricultural activity shall complete a Best Management Practices Program General Permit Record Form. Thereafter, a new Best Management Practices Program General Permit Record Form shall be completed every year by March 31. The Form shall be provided to the Director within two business days of notice to the commercial animal operator. The Best Management Practice Program General Permit Record form shall include the following information:
1. The name of the commercial animal operator, signature, and date signed,
2. The mailing address or physical address of the commercial animal operation, and
3. The best management practices selected for Arenas, Corrals, and Pens, Animal Waste Handling and Transporting, Unpaved Access Connections, and Unpaved Roads or Feed Lanes.

G. Beginning January 1, 2016, a commercial animal operator shall maintain records demonstrating compliance with this Section for three years. Records shall include a copy of the complete Best Management Practice Program General Permit Record Form to confirm implementation of each best management practice and any changes to the best management practices. Records shall be kept by the commercial animal operator onsite and made available for review by the Director within two business days of notice to the commercial animal operator.

H. A person may develop different practices not contained in subsection (B), (C), (D), or (E), that reduce PM and may submit such practices that are proven effective through ~~on operation~~on-operation demonstration trials to the Committee. ~~The new best management practices shall not become effective unless submitted as described in A.R.S. § 49-457(L).~~

I. The Director shall not assess a fee to a commercial animal operator for coverage under the ~~agricultural PM general permit~~ Best Management Practice Program General Permit Record Form.

J. A commercial animal operator shall ensure that the implementation of all selected best management practices does not violate any other local, state, or federal law.

K. The Director shall document noncompliance with this Section before issuing a compliance order.

L. A commercial animal operator who is not in compliance with this Section is subject to the provisions in A.R.S. § 49-457(I), (J), and (K).

NOTICES OF RULEMAKING DOCKET OPENING

This section of the *Arizona Administrative Register* contains Notices of Rulemaking Docket Opening.

A docket opening is the first part of the administrative rulemaking process. It is an "announcement" that the agency intends to work on its rules.

When an agency opens a rulemaking docket to consider rulemaking, the Administrative Procedure Act (APA) requires the publication of the Notice of Rulemaking Docket Opening.

Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process. Many times an agency may file the Notice of Rulemaking Docket Opening with the Notice of Proposed Rulemaking.

The Office of the Secretary of State is the filing office and publisher of these notices. Questions about the interpretation of this information should be directed to the agency contact person listed in item #4 of this notice.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR POLLUTION CONTROL

[R16-64]

1. Title and its heading: 18, Environmental Quality

Chapter and its heading: 2, Department of Environmental Quality – Air Pollution Control

Article and its heading: 6, Emissions from Existing and New Nonpoint Sources

Section numbers: R18-2-611, R18-2-611.01

2. The subject matter of the proposed rule:

The Arizona Department of Environmental Quality (ADEQ) is completing an exempt rulemaking action on behalf of the Governor's Agricultural Best Management Practices Committee (Committee) to amend the state's regulations to provide commercial poultry farmers an additional option to reduce emissions of particulate matter (PM). ADEQ will also be correcting technical issues in the language of the rule to ensure it is consistent with the authorizing statute, A.R.S. § 49-457.

On January 14, 2016, the Committee adopted a new best management practice (BMP) option in the animal waste handling and transportation category for commercial poultry farmers in Maricopa County PM nonattainment areas. ADEQ is required to complete an exempt rulemaking following Committee action to update the agricultural regulations in the Arizona Administrative Code to reflect the newly adopted language.

The new BMP allows commercial poultry farmers to use a rotary dryer, properly equipped with either a bag house or a wet scrubber, when handling and transporting poultry waste to reduce emission of PM.

3. A citation to all published notices relating to the proceeding:

None

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

Name: Justine E. Miller
Address: Department of Environmental Quality
1110 W. Washington St.
Phoenix, AZ 85007
Telephone: (602) 771-6723
E-mail: Miller.Justine@azdeq.gov

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

This rulemaking is exempt from public commenting period and becomes effective upon filing of a Notice of Exempt Rulemaking with the Secretary of State's office pursuant to House Bill 2208 (Fiftieth Legislature, First Regular Session, 2011, Chap. 214 §4).

6. A timetable for agency decisions or other action on the proceeding, if known:

To be announced in the Notice of Exempt Rulemaking.

NOTICE OF RULEMAKING DOCKET OPENING
DEPARTMENT OF CHILD SAFETY
CHILD WELFARE AGENCY LICENSING

[R16-65]

1. Title and its heading: 21, Child Safety

Chapter and its heading: 7, Department Of Child Safety – Child Welfare Agency Licensing

Article and its heading: To be determined

Section numbers: To be determined

2. The subject matter of the proposed rule:

A.R.S. § 8-503 authorizes the Department to establish rules, regulations and standards for the licensing of child welfare agencies and exercise supervision over all child welfare agencies. A.R.S. § 8-505 requires a child welfare agency to be licensed by the Department and assigns the Department the authority to issue and renew licenses for child welfare agencies. A.R.S. § 8-506.01 assigns the Department the authority to deny, suspend or revoke the license of any child welfare agency that willfully violates or fails to maintain the standards of care prescribed by the Department. The Department is developing rules to include in Title 21 Child Safety to enable it to comply with A.R.S. §§ 8-505 and 8-506.01 and any other applicable requirements of A.R.S. Title 8, Chapter 4, Article 4 (A.R.S. §§ 8-501 *et seq*) dealing with child welfare agencies.

The Department is developing new rules covering the Department's licensing, regulation and enforcement of standards for child welfare agencies under Title 21 *Child Safety* that will replace existing rules covering the same subject matter under Title 6 *Economic Security*. The new rules will correct citations, replace references to the Department of Economic Security with the Department of Child Safety and update information to include Department responsibilities, procedures, and practices.

3. A citation to all published notices relating to the proceeding:

Notice of Public Information: 21 A.A.R. 1838, September 11, 2015

Notice of Oral Proceeding: 21 A.A.R. 1866, September 11, 2015

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

Name: Carrie Senseman, Lead Rules Analyst
Address: Department of Child Safety Policy Unit
3003 N. Central Ave., 23rd Floor
Phoenix, AZ 85012
P.O. Box 6030, Site Code: C010-23
Phoenix, AZ 85005-6030
Telephone: (602) 255-2534
E-mail: csenseman@azdes.gov
Website: https://dcs.az.gov/about/dcs-rules-rulemaking

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

Written comments on this rulemaking can be submitted at any time to +DCSPolicyUpdate@azdes.gov. Formal written comments for the rulemaking record will be accepted after the publication of the Notice of Proposed Rulemaking in the Arizona Administrative Register and prior to the close of public record date, which has not been determined. The Department has not scheduled any oral proceedings at this time.

6. A timetable for agency decisions or other action on the proceeding, if known:

The Department plans to begin listening sessions with subject matter experts during the second quarter of 2016. The Department plans to consult with interested stakeholders and others during the third quarter of 2016 to develop a draft of the proposed rules. The Department will publish proposed draft rules in the Arizona Administrative Register, possibly in the fourth quarter of 2016, providing the public the opportunity to provide written comments by U.S. Mail and through the Department website; and oral comments during a scheduled public hearing on the proposed rules. The Department plans to consider public comments on the proposed rules prior to publishing the final rules.

GOVERNOR EXECUTIVE ORDERS

The Administrative Procedure Act (APA) requires the full-text publication of Governor Executive Orders.

With the exception of egregious errors, content (including spelling, grammar, and punctuation) of these orders has been reproduced as submitted.

In addition, the *Register* shall include each statement filed by the Governor in granting a commutation, pardon or reprieve, or stay or suspension of execution where a sentence of death is imposed.

EXECUTIVE ORDER 2016-03

Internal Review of Administrative Rules; Moratorium to Promote Job Creation and Customer-Service-Oriented Agencies

Editor's Note: This Executive Order is being reproduced in each issue of the Administrative Register until its expiration on December 31, 2016, as a notice to the public regarding state agencies' rulemaking activities.

[M16-29]

WHEREAS, Arizona is poised to lead the nation in job growth;

WHEREAS, burdensome regulations inhibit job growth and economic development;

WHEREAS, small businesses and startups are especially hurt by regulations;

WHEREAS, each agency of the State of Arizona should promote customer-service-oriented principles for the people that it serves;

WHEREAS, each State agency should undertake a critical and comprehensive review of its administrative rules and take action to reduce the regulatory burden, administrative delay, and legal uncertainty associated with government regulation;

WHEREAS, overly burdensome, antiquated, contradictory, redundant, and nonessential regulations should be repealed;

WHEREAS, Article 5, Section 4 of the Arizona Constitution and Title 41, Chapter 1, Article 1 of the Arizona Revised Statutes vests the executive power of the State of Arizona in the Governor;

NOW, THEREFORE, I, Douglas A. Ducey, by virtue of the authority vested in me by the Constitution and laws of the State of Arizona hereby declare the following:

1. A State agency subject to this Order, shall not conduct any rulemaking except as permitted by this Order.
2. A State agency subject to this Order, shall not conduct any rulemaking, whether informal or formal, without the prior written approval of the Office of the Governor. In seeking approval, a State agency shall address one or more of the following as justification for the rulemaking:
   a. To fulfill an objective related to job creation, economic development, or economic expansion in this State.
   b. To reduce or ameliorate a regulatory burden while achieving the same regulatory objective.
   c. To prevent a significant threat to the public health, peace, or safety.
   d. To avoid violating a court order or federal law that would result in sanctions by a court or the federal government against an agency for failure to conduct the rulemaking action.
   e. To comply with a federal statutory or regulatory requirement if such compliance is related to a condition for the receipt of federal funds or participation in any federal program.
   f. To comply with a state statutory requirement.
   g. To fulfill an obligation related to fees or any other action necessary to implement the State budget that is certified by the Governor's Office of Strategic Planning and Budgeting.
   h. To promulgate a rule or other item that is exempt from Title 41, Chapter 6, Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised Statutes.
   i. To address matters pertaining to the control, mitigation, or eradication of waste, fraud, or abuse within an agency or wasteful, fraudulent, or abusive activities perpetrated against an agency.
   j. To eliminates rules that are antiquated, redundant or otherwise no longer necessary for the operation of state government.
3. For the purposes of this Order, the term "State agencies," includes without limitation, all executive departments, agencies, offices, and all state boards and commissions, except for: (a) any State agency that is headed by a single elected State official, (b) the Corporation Commission and (c) any board or commission established by ballot measure during or after the November 1998 general election. Those State agencies, boards and commissions excluded

from this Order are strongly encouraged to voluntarily comply with this Order in the context of their own rulemaking processes.

4. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a State agency. For the purposes of this Order, "person," "rule," and "rulemaking" have the same meanings prescribed in Arizona Revised Statutes Section 41-1001.
5. This Executive Order expires on December 31, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Douglas A. Ducey
GOVERNOR

DONE at the Capitol in Phoenix on this Eighth day of February in the Year Two Thousand and Fifteen and of the Independence of the United States of America the Two Hundred and Thirty-Fourth.

ATTEST:
Michele Reagan
Secretary of State

GOVERNOR PROCLAMATIONS

The Administrative Procedure Act (APA) requires the publication of Governor proclamations of general applicability, and ceremonial dedications issued by the Governor.

ARIZONA CELTIC MONTH

[M16-88]

WHEREAS, the State of Arizona recognizes the Celtic culture and people representing and celebrating all things Celtic; and

WHEREAS, the Caledonian Society of Arizona is the single largest Celtic organization in the State of Arizona whose mission is to promote Scottish culture through art, education and athletics; and

WHEREAS, each year the Caledonian Society of Arizona grants scholarships to aspiring and professional Highland athletes, musicians and dancers and/or any other individuals or organizations whose mission, project or program promotes Scottish heritage and also hosts The Arizona Scottish Highland Gathering & Highland Games; and

WHEREAS, Arizona Celtic Month was established to encourage people of diverse cultural backgrounds to participate and enjoy all of the Celtic events which take place within the State of Arizona during the month of March; and

WHEREAS, the Arizona Scottish Highland Games & Clan Gathering is the longest running event having the greatest economic impact to the Celtic community.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim March 2016 as

ARIZONA CELTIC MONTH

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona
Douglas A. Ducey
GOVERNOR
DONE at the Capitol in Phoenix on this seventeenth day of February in the year Two Thousand and Sixteen and of the Independence of the United States of America the Two Hundred and Fortieth.
ATTEST:
Michele Reagan
SECRETARY OF STATE

CONSUMER PROTECTION WEEK

[M16-90]

WHEREAS, Arizona law defines consumer fraud as including any deception, unfair act or practice, false pretense, false promise, misrepresentation or omission made by a seller or advertiser of merchandise; and

WHEREAS, one of the responsibilities entrusted to the Attorney General of the State of Arizona is protecting the public from consumer fraud; and

WHEREAS, the Attorney General provides advocacy and public education on consumer protection issues with an emphasis on fraud and abuse

WHEREAS, according to the Attorney General's Office, it has received nearly 16,000 consumer complaints since 2015; and

WHEREAS, the Attorney General's Office reports that it has distributed over $3.1 million in restitution to approximately 9,900 victims of consumer fraud and recovered more than $2.2 million for consumers who filed complaints with the Attorney General's Office over this same time period; and

WHEREAS, March 6 – 12, 2016 is National Consumer Protection Week.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim March 6 - 12, 2016 as

CONSUMER PROTECTION WEEK

and I encourage all Arizonans to better familiarize themselves of their rights and protections as consumers, the potential for fraudulent activity in their consumer purchases and of the enforcement procedures that can be undertaken against persons who violate Arizona's consumer protection laws.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona
Douglas A. Ducey
GOVERNOR
DONE at the Capitol in Phoenix on this seventeenth day of February in the year Two Thousand and Sixteen and of the Independence of the United States of America the Two Hundred and Fortieth.
ATTEST:
Michele Reagan
SECRETARY OF STATE

DOWN SYNDROME AWARENESSDAY

[M16-92]

WHEREAS, Down Syndrome is the most commonly occurring genetic condition in the world; and

WHEREAS, its estimated that one in every 600 – 700 children in the United States, from all ethnic and social backgrounds, are born with Down Syndrome, with approximately 160 births a year in Arizona; and

WHEREAS, each individual has their own unique personality, capabilities and talents; and

WHEREAS, with the appropriate education, therapy, social support and opportunities, the majority of individuals with Down Syndrome will live fulfilling and productive lives; and

WHEREAS, while individuals with Down Syndrome posses a wide range of abilities and are benefiting from important advances in research, education and health care, there is still a need to increase awareness and tolerance of children and adults with Down Syndrome.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim March 21, 2016 as

DOWN SYNDROME AWARENESSDAY

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona
Douglas A. Ducey
GOVERNOR
DONE at the Capitol in Phoenix on this seventeenth day of February in the year Two Thousand and Sixteen and of the Independence of the United States of America the Two Hundred and Fortieth.
ATTEST:
Michele Reagan
SECRETARY OF STATE

RED LIGHT RUNNING AWARENESSMONTH

[M16-93]

WHEREAS, red light, yield and stop sign running is the leading cause of urban crashes; and

WHEREAS, motorists, passengers and pedestrians are more likely to be injured or killed in crashes caused by red light running than any other type; and

WHEREAS, tens of thousands of innocent people survive the impact of intersection crashes only to suffer permanent, incapacitating injuries often requiring expensive, prolonged medical care and rehabilitation; and

WHEREAS, car crashes are the number one killer of teens and young adults in the United States; and

WHEREAS, the Red Means Stop Traffic Safety Alliance, DrivingMBA, State Farm Insurance Co., AAA Arizona and local, state and national agencies are advocating for education and awareness programs to change driver behavior, reduce crashes and save lives.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim March 2016 as

RED LIGHT RUNNING AWARENESSMONTH

and I further encourage all residents to support the efforts to raise awareness to the dangers of red light running, and to do all they can to stop red light running on our roadways.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Douglas A. Ducey
GOVERNOR
DONE at the Capitol in Phoenix on this seventeenth day of February in the year Two Thousand and Sixteen and of the Independence of the United States of America the Two Hundred and Fortieth.
ATTEST:
Michele Reagan
SECRETARY OF STATE

TEEN DATING VIOLENCE PREVENTION AND AWARENESS MONTH

[M16-94]

WHEREAS, teen dating violence crosses race, gender, and socioeconomic lines; and

WHEREAS, one in three adolescent girls in the United States is a victim of physical, emotional, or verbal abuse from a dating partner; and

WHEREAS, females between the ages 16 - 24 are more vulnerable to intimate partner violence than any other age group – at a rate almost triple the national average

WHEREAS, 10.7 percent of high school students reported being hit, slapped, pushed, shoved, kicked or any other way physically assaulted by their boyfriend or girlfriend during the past year in the 2014 Arizona Youth Survey; and

WHEREAS, a violent relationship during adolescence can have serious ramifications for victims, including placing them at higher risk for substance abuse, eating disorders, risky sexual behavior, suicide, and adult re-victimization; and

WHEREAS, only 33 percent of affected teens tell someone they were being physically or sexually abused by a dating partner and 81 percent of parents surveyed believe dating violence is not a problem or admit they do not know it is a problem; and

WHEREAS, the Governor's Youth Commission will unite youth across the state with a social media campaign to promote respect and healthy relationships; and

WHEREAS, by providing young people with education about healthy relationships, building relationship skills, and by changing attitudes that support violence, we recognize that dating violence can be prevented; and

WHEREAS, it is essential to raise awareness among communities and to provide training for teachers, counselors, and school staff so that they may recognize when youth are exhibiting signs of dating violence.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim February 2016 as

TEEN DATING VIOLENCE PREVENTION AND AWARENESS MONTH

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona
Douglas A. Ducey
GOVERNOR
DONE at the Capitol in Phoenix on this seventeenth day of February in the year Two Thousand and Sixteen and of the Independence of the United States of America the Two Hundred and Fortieth.
ATTEST:
Michele Reagan
SECRETARY OF STATE

REGISTER INDEXES

The *Register* is published by volume in a calendar year (See "Information" in the front of each issue for a more detailed explanation).

Abbreviations for rulemaking activity in this Index include:

PROPOSED RULEMAKING
PN = Proposed new Section
PM = Proposed amended Section
PR = Proposed repealed Section
P# = Proposed renumbered Section

SUPPLEMENTAL PROPOSED RULEMAKING
SPN = Supplemental proposed new Section
SPM = Supplemental proposed amended Section
SPR = Supplemental proposed repealed Section
SP# = Supplemental proposed renumbered Section

FINAL RULEMAKING
FN = Final new Section
FM = Final amended Section
FR = Final repealed Section
F# = Final renumbered Section

SUMMARY RULEMAKING
PROPOSED SUMMARY
PSMN = Proposed Summary new Section
PSMM = Proposed Summary amended Section
PSMR = Proposed Summary repealed Section
PSM# = Proposed Summary renumbered Section
FINAL SUMMARY
FSMN = Final Summary new Section
FSMM = Final Summary amended Section
FSMR = Final Summary repealed Section
FSM# = Final Summary renumbered Section

EXPEDITED RULEMAKING
PROPOSED EXPEDITED
PEN = Proposed Expedited new Section
PEM = Proposed Expedited amended Section
PER = Proposed Expedited repealed Section
PE# = Proposed Expedited renumbered Section
SUPPLEMENTAL EXPEDITED
SPEN = Supplemental Proposed Expedited new Section
SPEM = Supplemental Proposed Expedited amended Section
SPER = Supplemental Proposed Expedited repealed Section
SPE# = Supplemental Proposed Expedited renumbered Section
FINAL EXPEDITED
FEN = Final Expedited new Section
FEM = Final Expedited amended Section
FER = Final Expedited repealed Section
FE# = Final Expedited renumbered Section

EXEMPT RULEMAKING
EXEMPT PROPOSED
PXN = Proposed Exempt new Section
PXM = Proposed Exempt amended Section
PXR = Proposed Exempt repealed Section
PX# = Proposed Exempt renumbered Section
EXEMPT SUPPLEMENTAL PROPOSED
SPXN = Supplemental Proposed Exempt new Section
SPXR = Supplemental Proposed Exempt repealed Section
SPXM= Supplemental Proposed Exempt amended Section
SPX# = Supplemental Proposed Exempt renumbered Section
FINAL EXEMPT RULMAKING
FXN = Final Exempt new Section
FXM = Final Exempt amended Section
FXR = Final Exempt repealed Section
FX# = Final Exempt renumbered Section

EMERGENCY RULEMAKING
EN = Emergency new Section
EM = Emergency amended Section
ER = Emergency repealed Section
E# = Emergency renumbered Section
EEXP = Emergency expired

RECODIFICATION OF RULES
RC = Recodified

REJECTION OF RULES
RJ = Rejected by the Attorney General

TERMINATION OF RULES
TN = Terminated proposed new Sections
TM = Terminated proposed amended Section
TR = Terminated proposed repealed Section
T# = Terminated proposed renumbered Section

RULE EXPIRATIONS
EXP = Rules have expired
See also "emergency expired" under emergency rulemaking

CORRECTIONS
C = Corrections to Published Rules

2016 *Arizona Administrative Register* Volume 22 Page Guide

Issue 1, Jan. 1, 2016.....1-44
Issue 2, Jan. 8, 2016.....45-74
Issue 3, Jan. 15, 2016.....75-100
Issue 4, Jan. 22, 2016.....101-134
Issue 5, Jan. 29, 2016.....75-172
Issue 6, Feb. 5, 2016.....173-214
Issue 7, Feb. 12, 2016.....215-250
Issue 8, Feb. 19, 2016.....251-362
Issue 9, Feb. 26, 2016.....363-406
Issue 10, March 4, 2016.....407-544
Issue 11, March 11, 2016.....545-598
Issue 12, March 18, 2016.....599-662
Issue 13, March 25, 2016.....663-692
Issue 14, April 1, 2016.....663-726
Issue 15, April 8, 2016.....727-800
Issue 16, April 15, 2016.....801-846
Issue 17, April 22, 2016.....847-916

RULEMAKING ACTIVITY INDEX

Rulemakings are listed in the Index by Chapter, Section number, rulemaking activity abbreviation and by volume page number. Use the page guide above to determine the *Register* issue number to review the rule. Headings for the Subchapters, Articles, Parts, and Sections are not indexed.

THIS INDEX INCLUDES RULEMAKING ACTIVITY THROUGH ISSUE 17 OF VOLUME 22.

Acupuncture Board of Examiners
R4-8-101. PM-697
Table 1. PM-697
R4-8-203. PM-697
R4-8-403. PM-697
R4-8-407. PM-697
R4-8-411. EXP-14
R4-8-412. EXP-14
R4-8-502. PM-697

Agriculture, Department of - Environmental Services Division
R3-3-208. FM-367

Arizona Health Care Cost Containment System - Administration
R9-22-701. PM-761
R9-22-712.15. PM-770
R9-22-712.35. PM-761
R9-22-712.61 PM-761
R9-22-712.66 PM-761
R9-22-712.67 PM-761
R9-22-712.71 PM-761
R9-22-712.75 PM-761

Arizona Health Care Cost Containment System - Behavioral Health Services for Persons with Serious Mental Illness
R9-21-101. PM-731
R9-21-102. PM-731
R9-21-103. PM-731
R9-21-104. PM-731
R9-21-105. PM-731
R9-21-106. PM-731
R9-21-201. PM-731
R9-21-203. PM-731
R9-21-204. PM-731
R9-21-205. PM-731
R9-21-206. PM-731
R9-21-206.01. PM-731
R9-21-208. PM-731
R9-21-209. PM-731
Exhibit A PM-731
R9-21-301. PM-731
R9-21-303. PM-731
R9-21-307. PM-731
R9-21-309. PM-731
R9-21-310. PM-731
R9-21-311. PM-731
R9-21-401. PM-731
R9-21-402. PM-731
R9-21-403. PM-731
R9-21-404. PM-731
R9-21-405. PM-731
R9-21-406. PM-731
R9-21-407. PM-731
R9-21-408. PM-731
R9-21-409. PM-731
R9-21-410. PM-731

Arizona Health Care Cost Containment System - Medicare Part D Prescription Coverage Extra Help Subsidy Program
R9-30-201. PM-805
R9-30-202. PR-805
R9-30-203. PM-805
R9-30-204. PR-805; PN-805
R9-30-205. PR-805
R9-30-206. PR-805
R9-30-207. PM-805
R9-30-208. PR-805
R9-30-209. PM-805
R9-30-210. PR-805
R9-30-211. PR-805
R9-30-212. PM-805
R9-30-213. PM-805
R9-30-214. PM-805
R9-30-215. PM-805
R9-30-216. PM-805
R9-30-218. PR-805
R9-30-401. PR-805
R9-30-402. PR-805

Corporation Commission - Transportation
R14-2-802. PM-411

Corporation Commission - Transportation
R14-5-202. EM-5
R14-5-203. EM-5
R14-5-204. EM-5
R14-5-205. EM-5
R14-5-207. EM-5

Deaf and the Hard of Hearing, Commission for
R9-26-101. P#-177
R9-26-201. P#-177; PM-177
R9-26-202. P#-177; PM-177
R9-26-203. P#-177; PM-177
R9-26-204. P#-177; PM-177
R9-26-205. P#-177; PM-177
R9-26-206. P#-177
R9-26-207. P#-177; PN-177
R9-26-301. PR-177; P#-177; PM-177
R9-26-302. PR-177; P#-177
R9-26-303. PR-177; P#-177; PM-177
R9-26-304. P#-177; PM-177
R9-26-501. PM-177
R9-26-502. PM-177
R9-26-503. PM-177
R9-26-504. PM-177
R9-26-505. PM-177
R9-26-506. PM-177
R9-26-507. PM-177
R9-26-508. PM-177
R9-26-509. PM-177
R9-26-510. PM-177
R9-26-511. PR-177; PN-177
R9-26-512. PM-177
R9-26-515. P#-177; PN-177
R9-26-516. P#-177
R9-26-517. PM-177
R9-26-518. PM-177

Dental Examiners, State Board of
R4-11-201. FM-371
R4-11-202. FM-371
R4-11-203. FM-371
R4-11-204. FM-371
R4-11-301. FM-371
R4-11-302. FR-371
R4-11-303. FM-371
R4-11-304. FM-371
R4-11-305. FM-371

Economic Security, Department of - Developmental Disabilities
R6-6-1401. EXP-14

Education, State Board of
R7-2-300. FXN-143
R7-2-301. FXM-143

R7-2-302. FXM-143; FNM-197
R7-2-302.01. FXR-143
R7-2-302.02. FXR-143
R7-2-302.04. FXR-143
R7-2-302.05. FX#-111; FXN-111
R7-2-302.06. FX#-111; FXR-143
R7-2-302.07. FX#-111; FXR-143
R7-2-302.08. FX#-111; FXR-143
R7-2-302.09. FX#-111; FXR-143
R7-2-302.10. FX#-111; FXN-111; FXM-143; FXR-197
R7-2-607. FXM-648
R7-2-614. FXM-667
R7-2-615. FXM-219; FXM-227; FXM-233; FXM-670
R7-2-616. FXM-219
R7-2-619. FXM-648
R7-2-621. FXM-219; FXM-227

Environmental Quality, Department of - Air Pollution Control
R18-2-709. EXP-15
R18-2-711. EXP-15
R18-2-712. EXP-15
R18-2-713. EXP-15
R18-2-717. EXP-15
R18-2-732. EXP-15

Environmental Quality, Department of - Safe Drinking Water
R18-4-102. FM-379
R18-4-103. FM-379
R18-4-105. FM-379
R18-4-121. FM-379
R18-4-126. FN-379
R18-4-210. FM-379

Environmental Quality, Department of - Water Quality Standards
R18-11-106. TM-343; PM-255
R18-11-109. TM-343; PM-255
R18-11-110. TM-343; PM-255
R18-11-112. TM-343; PM-255
R18-11-115. TM-343; PM-255
R18-11-121. TM-343; PM-255
Appendix A. TM-343; PM-255
Appendix B. TM-343; PM-255
Appendix C. TM-343; PM-255

Game and Fish Commission
R12-4-701. PM-810
R12-4-702. PM-810
R12-4-703. PM-810
R12-4-704. PM-810
R12-4-705. PM-810
R12-4-706. PM-810
R12-4-707. PM-810
R12-4-708. PM-810

Health Services, Department of - Health Care Institutions: Licensing
R9-10-119. PN-139; EM-420

Health Services, Department of - Loan Repayment Program
R9-15-101. FXM-851
R9-15-201. FXR-851; FXN-851
R9-15-202. FXR-851; FXN-851
R9-15-203. FXR-851; FXN-851
R9-15-204. FXR-851; FXN-851
R9-15-205. FXR-851; FXN-851
R9-15-205.01. FXN-851
R9-15-206. FXR-851; FXN-851
Table 2.1. FXN-851
R9-15-207. FXR-851; FXN-851
R9-15-208. FXR-851; FXN-851
R9-15-209. FXR-851; FXN-851
R9-15-210. FXR-851; FXN-851
R9-15-211. FXR-851; FXN-851
R9-15-212. FXR-851; FXN-851
R9-15-213. FXR-851; FXN-851
R9-15-214. FXR-851; FXN-851
R9-15-215. FXR-851; FXN-851
R9-15-216. FXR-851
R9-15-217. FXR-851
R9-15-218. FXR-851
R9-15-301. FXR-851
R9-15-302. FXR-851
R9-15-303. FXR-851
R9-15-304. FXR-851
R9-15-305. FXR-851
R9-15-306. FXR-851
R9-15-307. FXR-851
R9-15-308. FXR-851
R9-15-309. FXR-851
R9-15-310. FXR-851
R9-15-311. FXR-851
R9-15-312. FXR-851
R9-15-313. FXR-851
R9-15-314. FXR-851
R9-15-315. FXR-851
R9-15-316. FXR-851
R9-15-317. FXR-851
R9-15-318. FXR-851
R9-15-101. FXR-851
R9-15-101. FXR-851
R9-15-101. FXR-851

Industrial Commission of Arizona
R20-5-601. FM-773
R20-5-602. FM-773
R20-5-629. FM-775
R20-5-715. PM-416

Medical Board, Arizona
R4-16-201. FXM-778
R4-16-205. FXM-778

Optometry, Board of
R4-21-101. FM-328
R4-21-102. FM-328
R4-21-103. FM-328
R4-21-201. FM-328
R4-21-202. FM-328
R4-21-203. FM-328
R4-21-205. FM-328
R4-21-205.1. FN-328
R4-21-206. FM-328
R4-21-208. FM-328
R4-21-209. FM-328
R4-21-210. FM-328
R4-21-211. FM-328
R4-21-213. FR-328
R4-21-302. FM-328
R4-21-305. FM-328
R4-21-306. FM-328
R4-21-308. FM-328

Peace Officer Standards and Training Board, Arizona
R13-4-101. FM-555
R13-4-102. FM-555
R13-4-103. FM-555
R13-4-104. FM-555
R13-4-105. FM-555
R13-4-106. FM-555
R13-4-107. FM-555
R13-4-108. FM-555
R13-4-109. FM-555
R13-4-109.01 FM-555
R13-4-110. FM-555
R13-4-111. FM-555
R13-4-112. FM-555
R13-4-114. FM-555
R13-4-116. FM-555
R13-4-117. FM-555
R13-4-118. FM-555
R13-4-201. FM-555
R13-4-202. FM-555
R13-4-203. FM-555
R13-4-204. FM-555
R13-4-205. FM-555
R13-4-206. FM-555
R13-4-208. FM-555

Radiation Regulatory Agency
R12-1-102. FM-603
R12-1-303. FM-603
R12-1-306. FM-603
R12-1-308. FM-603
R12-1-311. FM-603
R12-1-313. FM-603
R12-1-320. FM-603
R12-1-323. FM-603
R12-1-418. FM-603
R12-1-452. FM-603
R12-1-503. FM-603
R12-1-703. FM-603
R12-1-1302. FM-603
R12-1-1512. FM-603
R12-1-1901. FN-603
R12-1-1903. FN-603
R12-1-1905. FN-603
R12-1-1907. FN-603
R12-1-1909. FN-603
R12-1-1911. FN-603
R12-1-1921. FN-603
R12-1-1923. FN-603
R12-1-1925. FN-603
R12-1-1927. FN-603
R12-1-1929. FN-603
R12-1-1931. FN-603
R12-1-1933. FN-603
R12-1-1941. FN-603
R12-1-1943. FN-603
R12-1-1945. FN-603
R12-1-1947. FN-603

R12-1-1949. FN-603
R12-1-1951. FN-603
R12-1-1953. FN-603
R12-1-1955. FN-603
R12-1-1957. FN-603
R12-1-1971. FN-603
R12-1-1973. FN-603
R12-1-1975. FN-603
R12-1-1977. FN-603
R12-1-1979. FN-603
R12-1-1981. FN-603
R12-1-19101. FN-603
R12-1-19103. FN-603
R12-1-19105. FN-603
R12-1-19107. FN-603
R12-1-19109. FN-603
Appendix A. FN-603

Respiratory Care Examiners, Board of
R4-45-101. PM-549
R4-45-102. PM-549
R4-45-105. PM-549
R4-45-201. PM-549
R4-45-203. PM-549
R4-45-205. PR-549
R4-45-213. PM-549
R4-45-218. PM-549

Retirement System, State
R2-8-115. FM-79
R2-8-116. PN-107
R2-8-118. FM-79
R2-8-122. FM-79
R2-8-126. FM-79

Revenue, Department of - General Administration
R15-10-105. FXM-116
R15-10-501. FXM-116
R15-10-502. FXM-116
R15-10-504. FXM-116
R15-10-505. FXN-116

Secretary of State, Office of
R2-12-402. PM-109

Secretary of State - Rules and Rulemaking
R1-1-107. PM-105

Transportation, Department of - Title, Registration, and Driver Licenses
R17-4-407. PXN-194; FXN-819;
R17-4-409. PXM-194; FXN-819;

OTHER NOTICES AND PUBLIC RECORDS INDEX

Other notices related to rulemakings are listed in the Index by notice type, agency/county and by volume page number. Agency policy statements and proposed delegation agreements are included in this section of the Index by volume page number.

Public records, such as Governor Office executive orders, proclamations, declarations and terminations of emergencies, summaries of Attorney General Opinions, and county notices are also listed in this section of the Index as published by volume page number.

THIS INDEX INCLUDES OTHER NOTICE ACTIVITY THROUGH ISSUE 17 OF VOLUME 22.

Agency Guidance Document, Notices of

Health Services, Department of; pp. 159, 705

Agency Ombudsman, Notices of

Early Childhood Development and Health Board/ First Things First; p. 353

Game and Fish Commission; pp. 62-63

Health Services, Department of; p. 353

Transportation, Department of; p. 62

County Notices Pursuant to A.R.S. § 49-112

Maricopa County; p. 431-535

Governor's Office

Executive Order: pp. 19-20 (E.O. #2015-11); 20-21 (E.O. #2015-13); 21-22 (E.O. #2015-01); 84 (E.O. #2016-01); 85 (E.O. #2016-02); 86 (E.O. 2015-06); 87 (E.O. #2015-09); 88 (E.O. #2015-12); 426-27 (E.O. #2016-03)

Proclamations: pp. 23 (M15-350, M15-349); 24 (M15-348); 25 (M15-347); 64 (M15-354, M15-355); 65 (M15-356, M15-357); 66 (M15-358); 123 (M16-04, M16-05); 124 (M16-06, M16-07); 125 (M16-08); 126 (M16-09); 162 (M16-13); 202 (M16-23, M16-24); 203 (M16-25, M16-26); 204 (M16-27); 428 (M16-33, M16-34); 429 (M16-35, M16-36); 430 (M16-430); 585 (M16-38, M16-39); 586 (M16-40, M16-41); 587 (M16-42, M16-43); 588 (M16-44); 653 (M16-45); 678 (M16-50, M16-51); 679 (M16-52, M16-53); 680 (M16-54, M16-55); 681 (M16-57, M16-58); 682 (M16-59); 711 (M16-62, M16-63); 712 (M16-66, M16-56); 713 (M16-67, M16-68); 714 (M16-69, M16-70); 715 (M16-71, M16-72); 788 (M16-64, M16-60); 789 (M16-75); 832 (M16-65, M16-83); 833 (M16-74, M16-84); 834 (M16-86, M16-87); 902 (M16-73, M16-89); 903 (M16-91, M16-85); 904 (M16-76, M16-77)

Governor's Regulatory Review Council

Notices of Action Taken at Monthly Meetings: pp. 96, 97-98, 402-403, 798

Proposed Delegation Agreement, Notices of

Environmental Quality, Department of; pp. 826, 827

Public Information, Notices of

Arizona Health Care Cost Containment System; p. 49

Child Safety, Department of; p. 160

Environmental Quality, Department of; p. 49

Health Services, Department of; p. 394

Health Services, Department of - Loan Repayment; p. 346

Health Services, Department of - Vital Records and Statistics; p. 899

Rulemaking Docket Opening, Notices of

Acupuncture Board of Examiners; 4 A.A.C. 8; p. 703

Agriculture, Department of - Animal Services Division; 3 A.A.C. 2; p. 344

Arizona Health Care Cost Containment System - Administration; 9 A.A.C. 22; pp. 784-785

Arizona Health Care Cost Containment System - Behavioral Health Services for Persons with Serious Mental Illness; 9 A.A.C. 21; p. 782

Arizona Health Care Cost Containment System - Medicare Part D Prescription Coverage Extra Help Subsidy Program; 9 A.A.C. 30; p. 824

Board for Charter Schools, State; 7 A.A.C. 5; p. 823

Corporation Commission - Fixed Utilities; 14 A.A.C. 2; pp. 424-425

Environmental Quality, Department of - Water Pollution Control; 18 A.A.C. 9; pp. 16-17

Environmental Quality, Department of - Water Quality Standards; 18 A.A.C. 11; pp. 17-18, 345

Game and Fish Commission; 12 A.A.C. 4; p. 825

Health Services, Department of - Laboratories; 9 A.A.C. 14; p. 704

Health Services, Department of - Medical Marijuana Program; 9 A.A.C. 17; pp. 423-424

Industrial Commission of Arizona; 20 A.A.C. 5; p. 239

Retirement System, State; 2 A.A.C. 8; pp. 822, 823

Secretary of State, Office of; 2 A.A.C. 12; pp. 121-122; 239

Secretary of State - Rules and Rulemaking; 1 A.A.C. 1; p.121

State Lottery Commission - 19 A.A.C. 3; p. 582

Substantive Policy Statement, Notices of

Behavioral Health Examiners, Board of; p. 706

Environmental Quality, Department of; pp. 58-59; 161

Peace Officers Standards and Training Board; p. 348

Real Estate Department; p. 829

Registrar of Contractors; pp. 60-61, 706-707

Retirement System, State; pp. 707-708

Technical Registration, Board of; pp. 348

Water Infrastructure Finance Authority; p. 349-352

2016 RULES EFFECTIV E DATES CALENDAR

A.R.S. § 41-1032(A), as amended by Laws 2002, Ch. 334, § 8 (effective August 22, 2002), states that a rule generally becomes effective 60 days after the day it is filed with the Secretary of State's Office. The following table lists filing dates and effective dates for rules that follow this provision. Please also check the rulemaking Preamble for effective dates.

January		February		March		April		May		June	
Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date
1/1	3/1	2/1	4/1	3/1	4/30	4/1	5/31	5/1	6/30	6/1	7/31
1/2	3/2	2/2	4/2	3/2	5/1	4/2	6/1	5/2	7/1	6/2	8/1
1/3	3/3	2/3	4/3	3/3	5/2	4/3	6/2	5/3	7/2	6/3	8/2
1/4	3/4	2/4	4/4	3/4	5/3	4/4	6/3	5/4	7/3	6/4	8/3
1/5	3/5	2/5	4/5	3/5	5/4	4/5	6/4	5/5	7/4	6/5	8/4
1/6	3/6	2/6	4/6	3/6	5/5	4/6	6/5	5/6	7/5	6/6	8/5
1/7	3/7	2/7	4/7	3/7	5/6	4/7	6/6	5/7	7/6	6/7	8/6
1/8	3/8	2/8	4/8	3/8	5/7	4/8	6/7	5/8	7/7	6/8	8/7
1/9	3/9	2/9	4/9	3/9	5/8	4/9	6/8	5/9	7/8	6/9	8/8
1/10	3/10	2/10	4/10	3/10	5/9	4/10	6/9	5/10	7/9	6/10	8/9
1/11	3/11	2/11	4/11	3/11	5/10	4/11	6/10	5/11	7/10	6/11	8/10
1/12	3/12	2/12	4/12	3/12	5/11	4/12	6/11	5/12	7/11	6/12	8/11
1/13	3/13	2/13	4/13	3/13	5/12	4/13	6/12	5/13	7/12	6/13	8/12
1/14	3/14	2/14	4/14	3/14	5/13	4/14	6/13	5/14	7/13	6/14	8/13
1/15	3/15	2/15	4/15	3/15	5/14	4/15	6/14	5/15	7/14	6/15	8/14
1/16	3/16	2/16	4/16	3/16	5/15	4/16	6/15	5/16	7/15	6/16	8/15
1/17	3/17	2/17	4/17	3/17	5/16	4/17	6/16	5/17	7/16	6/17	8/16
1/18	3/18	2/18	4/18	3/18	5/17	4/18	6/17	5/18	7/17	6/18	8/17
1/19	3/19	2/19	4/19	3/19	5/18	4/19	6/18	5/19	7/18	6/19	8/18
1/20	3/20	2/20	4/20	3/20	5/19	4/20	6/19	5/20	7/19	6/20	8/19
1/21	3/21	2/21	4/21	3/21	5/20	4/21	6/20	5/21	7/20	6/21	8/20
1/22	3/22	2/22	4/22	3/22	5/21	4/22	6/21	5/22	7/21	6/22	8/21
1/23	3/23	2/23	4/23	3/23	5/22	4/23	6/22	5/23	7/22	6/23	8/22
1/24	3/24	2/24	4/24	3/24	5/23	4/24	6/23	5/24	7/23	6/24	8/23
1/25	3/25	2/25	4/25	3/25	5/24	4/25	6/24	5/25	7/24	6/25	8/24
1/26	3/26	2/26	4/26	3/26	5/25	4/26	6/25	5/26	7/25	6/26	8/25
1/27	3/27	2/27	4/27	3/27	5/26	4/27	6/26	5/27	7/26	6/27	8/26
1/28	3/28	2/28	4/28	3/28	5/27	4/28	6/27	5/28	7/27	6/28	8/27
1/29	3/29	2/29	4/29	3/29	5/28	4/29	6/28	5/29	7/28	6/29	8/28
1/30	3/30			3/30	5/29	4/30	6/29	5/30	7/29	6/30	8/29
1/31	3/31			3/31	5/30			5/31	7/30		

July		August		September		October		November		December	
Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date
7/1	8/30	8/1	9/30	9/1	10/31	10/1	11/30	11/1	12/31	12/1	1/30/13
7/2	8/31	8/2	10/1	9/2	11/1	10/2	12/1	11/2	1/1/13	12/2	1/31/13
7/3	9/1	8/3	10/2	9/3	11/2	10/3	12/2	11/3	1/2/13	12/3	2/1/13
7/4	9/2	8/4	10/3	9/4	11/3	10/4	12/3	11/4	1/3/13	12/4	2/2/13
7/5	9/3	8/5	10/4	9/5	11/4	10/5	12/4	11/5	1/4/13	12/5	2/3/13
7/6	9/4	8/6	10/5	9/6	11/5	10/6	12/5	11/6	1/5/13	12/6	2/4/13
7/7	9/5	8/7	10/6	9/7	11/6	10/7	12/6	11/7	1/6/13	12/7	2/5/13
7/8	9/6	8/8	10/7	9/8	11/7	10/8	12/7	11/8	1/7/13	12/8	2/6/13
7/9	9/7	8/9	10/8	9/9	11/8	10/9	12/8	11/9	1/8/13	12/9	2/7/13
7/10	9/8	8/10	10/9	9/10	11/9	10/10	12/9	11/10	1/9/13	12/10	2/8/13
7/11	9/9	8/11	10/10	9/11	11/10	10/11	12/10	11/11	1/10/13	12/11	2/9/13
7/12	9/10	8/12	10/11	9/12	11/11	10/12	12/11	11/12	1/11/13	12/12	2/10/13
7/13	9/11	8/13	10/12	9/13	11/12	10/13	12/12	11/13	1/12/13	12/13	2/11/13
7/14	9/12	8/14	10/13	9/14	11/13	10/14	12/13	11/14	1/13/13	12/14	2/12/13
7/15	9/13	8/15	10/14	9/15	11/14	10/15	12/14	11/15	1/14/13	12/15	2/13/13
7/16	9/14	8/16	10/15	9/16	11/15	10/16	12/15	11/16	1/15/13	12/16	2/14/13
7/17	9/15	8/17	10/16	9/17	11/16	10/17	12/16	11/17	1/16/13	12/17	2/15/13
7/18	9/16	8/18	10/17	9/18	11/17	10/18	12/17	11/18	1/17/13	12/18	2/16/13
7/19	9/17	8/19	10/18	9/19	11/18	10/19	12/18	11/19	1/18/13	12/19	2/17/13
7/20	9/18	8/20	10/19	9/20	11/19	10/20	12/19	11/20	1/19/13	12/20	2/18/13
7/21	9/19	8/21	10/20	9/21	11/20	10/21	12/20	11/21	1/20/13	12/21	2/19/13
7/22	9/20	8/22	10/21	9/22	11/21	10/22	12/21	11/22	1/21/13	12/22	2/20/13
7/23	9/21	8/23	10/22	9/23	11/22	10/23	12/22	11/23	1/22/13	12/23	2/21/13
7/24	9/22	8/24	10/23	9/24	11/23	10/24	12/23	11/24	1/23/13	12/24	2/22/13
7/25	9/23	8/25	10/24	9/25	11/24	10/25	12/24	11/25	1/24/13	12/25	2/23/13
7/26	9/24	8/26	10/25	9/26	11/25	10/26	12/25	11/26	1/25/13	12/26	2/24/13
7/27	9/25	8/27	10/26	9/27	11/26	10/27	12/26	11/27	1/26/13	12/27	2/25/13
7/28	9/26	8/28	10/27	9/28	11/27	10/28	12/27	11/28	1/27/13	12/28	2/26/13
7/29	9/27	8/29	10/28	9/29	11/28	10/29	12/28	11/29	1/28/13	12/29	2/27/13
7/30	9/28	8/30	10/29	9/30	11/29	10/30	12/29	11/30	1/29/13	12/30	2/28/13
7/31	9/29	8/31	10/30			10/31	12/30			12/31	3/1/13

REGISTER PUBLISHING DEADLINES

The Secretary of State's Office publishes the Register weekly. There is a three-week turnaround period between a deadline date and the publication date of the Register. The weekly deadline dates and issue dates are shown below. Council meetings and Register deadlines do not correlate. Also listed are the earliest dates on which an oral proceeding can be held on proposed rulemakings or proposed delegation agreements following publication of the notice in the Register.

Deadline Date (paper only) Friday, 5:00 p.m.	*Register* Publication Date	Oral Proceeding may be scheduled on or after
January 22, 2016	February 12, 2016	March 14, 2016
January 29, 2016	February 19, 2016	March 21, 2016
February 5, 2016	February 26, 2016	March 28, 2016
February 12, 2016	March 4, 2016	April 4, 2016
February 19, 2016	March 11, 2016	April 11, 2016
February 26, 2016	March 18, 2016	April 18, 2016
March 4, 2016	March 25, 2016	April 25, 2016
March 11, 2016	April 1, 2016	May 2, 2016
March 18, 2016	April 8, 2016	May 9, 2016
March 25, 2016	April 15, 2016	May 16, 2016
April 1, 2016	April 22, 2016	May 23, 2016
April 8, 2016	April 29, 2016	May 31, 2016
April 15, 2016	May 6, 2016	June 6, 2016
April 22, 2016	May 13, 2016	June 13, 2016
April 29, 2016	May 20, 2016	June 20, 2016
May 6, 2016	May 27, 2016	June 27, 2016
May 13, 2016	June 3, 2016	July 5, 2016
May 20, 2016	June 10, 2016	July 11, 2016
May 27, 2016	June 17, 2016	July 18, 2016
June 3, 2016	June 24, 2016	July 25, 2016
June 10, 2016	July 1, 2016	August 1, 2016
June 17, 2016	July 8, 2016	August 8, 2016
June 24, 2016	July 15, 2016	August 15, 2016
July 1, 2016	July 22, 2016	August 22, 2016
July 8, 2016	July 29, 2016	August 29, 2016
July 15, 2016	August 5, 2016	September 6, 2016
July 22, 2016	August 12, 2016	September 12, 2016
July 29, 2016	August 19, 2016	September 19, 2016
August 5, 2016	August 26, 2016	September 26, 2016

GOVERNOR'S REGULATORY REVIEW COUNCIL DEADLINES

The following deadlines apply to all Five-Year-Review Reports and any adopted rule submitted to the Governor's Regulatory Review Council. Council meetings and *Register* deadlines do not correlate. We publish these deadlines as a courtesy.

All rules and Five-Year Review Reports are due in the Council office by noon of the deadline date. The Council's office is located at 100 N. 15th Ave., Suite 402, Phoenix, AZ 85007. For more information, call (602) 542-2058 or visit www.grrc.state.az.us.

GOVERNOR'S REGULATORY REVIEW COUNCIL DEADLINES FOR 2016

DEADLINE TO BE PLACED ON COUNCIL AGENDA	FINAL MATERIALS DUE FROM AGENCIES	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
November 17, 2015	December 18, 2015	December 29, 2015	January 5, 2016
December 21, 2015	January 15, 2016	January 26, 2016	February 2, 2016
January 19, 2016 (Tuesday)	February 12, 2016	February 23, 2016	March 1, 2016
February 16, 2016 (Tuesday)	March 18, 2016	March 29, 2016	April 5, 2016
March 21, 2016	April 15, 2016	April 26, 2016	May 5, 2016
April 18, 2016	May 20, 2016	June 1, 2016 (Wednesday)	June 7, 2016
May 23, 2016	June 17, 2016	June 28, 2016	July 6, 2016 (Wednesday)
June 20, 2016	July 15, 2016	July 26, 2016	August 2, 2016
July 18, 2016	August 19, 2016	August 30, 2016	September 7, 2016 (Wednesday)
August 22, 2016	September 16, 2016	September 27, 2016	October 4, 2016
September 19, 2016	October 14, 2016	October 25, 2016	November 1, 2016
October 17, 2016	November 18, 2016	November 29, 2016	December 6, 2016
November 21, 2016	December 16, 2016	December 28, 2016 (Wednesday)	January 4, 2017 (Wednesday)

*Materials must be submitted by **noon** on dates listed as a deadline for placement on a particular agenda. Placement on a particular agenda is not guaranteed.

GOVERNOR'S REGULATORY REVIEW COUNCIL
NOTICE OF ACTION TAKEN AT THE APRIL 5, 2016 MEETING

[M16-82]

FIVE-YEAR-REVIEW REPORTS:

ARIZONA DEPARTMENT OF ECONOMIC SECURITY (F-16-0301)
Title 6, Chapter 10, Article 1, Jobs: General Provisions; Article 3: Job Displacement Grievance Procedures
COUNCIL ACTION: APPROVED

ARIZONA ICEBERG LETTUCE RESEARCH COUNCIL (F-16-0303)
Title 3, Chapter 9, Article 1, Arizona Iceberg Lettuce Research Council
COUNCIL ACTION: APPROVED

ARIZONA DEPARTMENT OF HEALTH SERVICES (F-16-0403)
Title 9, Chapter 8, Article 7, Public Schools
COUNCIL ACTION: APPROVED

ARIZONA GAME AND FISH COMMISSION (F-16-0407)
Title 12, Chapter 4, Article 7, Heritage Grants
COUNCIL ACTION: APPROVED

ARIZONA DEPARTMENT OF HEALTH SERVICES (F-16-0409)
Title 9, Chapter 14, Article 7, Health Screening Services
COUNCIL ACTION: APPROVED

ARIZONA DEPARTMENT OF TRANSPORTATION (F-16-0304)
Title 17, Chapter 5, Article 2, Motor Carriers; Article 4, Dealers
COUNCIL ACTION: REQUIRED REPEAL OF R17-5-403; REPORT APPROVED

ARIZONA STATE LOTTERY COMMISSION (F-16-0305)
Title 19, Chapter 3, Article 10, Promotions
COUNCIL ACTION: APPROVED

RULES:

ARIZONA STATE BOARD FOR PRIVATE POSTSECONDARY EDUCATION (R-16-0401)
Title 4, Chapter 39, Article 1, Definitions, Licensure, Reporting; Article 2, Fees; Article 3, Operation of Private Non-Accredited Institutions; Article 4, Operation of all Licensed Institutions; Article 5, Investigations and Hearing Procedures; Article 6, Student Tuition Recovery Fund

Amend: R4-39-101; R4-39-102; R4-39-103; R4-39-104; R4-39-105; R4-39-106; R4-39-107; R4-39-108; R4-39-109; R4-39-110; R4-39-111; R4-39-201; R4-39-301; R4-39-302; R4-39-303; R4-39-304; R4-39-305; R4-39-306; R4-39-307; R4-39-308; R4-39-401; R4-39-402; R4-39-403; R4-39-404; R4-39-406; R4-39-501; R4-39-502; R4-39-503; R4-39-601; R4-39-602; R4-39-603

New Section: R4-39-407; R4-39-408; R4-39-504

Repeal: R4-39-405

COUNCIL ACTION: APPROVED