

NOTICE OF PROPOSED RULEMAKING

FISH AND WILDLIFE CONSERVATION COMMISSION

RULE CHAPTER TITLE: TYPE I WILDLIFE MANAGEMENT AREAS

RULE TITLE:

RULE NO.:

Regulations Relating to Miscellaneous Areas.

68A-15.006

PURPOSE AND EFFECT: The purpose of the proposed rule changes is to revise specific area regulations for miscellaneous areas. The effect of the proposed rule changes is to enable the agency to better manage fish and wildlife resources and public use on the Kissimmee River Public Use Area.

SUMMARY: The proposed rule changes would revise specific area regulations on Kissimmee River Public Use Area by allowing the take of wild hog with no size or bag limit during small game season and prohibit modern firearms in the posted archery/muzzleloading gun area during all established seasons.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: Article IV, Section 9, Florida Const.

LAW IMPLEMENTED: Article IV, Section 9, Florida Const.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m. to 5:00 p.m., each day, February 1-2, 2006.

PLACE: Hilton University of Florida Conference Center, 1714 S.W. 34th St., Gainesville, Florida 32607.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting the ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

THE FULL TEXT OF THE PROPOSED RULE IS AS FOLLOWS:

68A-15.006 Regulations Relating to Miscellaneous Areas.

(1) No changes.

(2) Kissimmee River Public Use Area.

(a) No changes.

(b) Legal to take: All legal game, furbearers, fish, and frogs. Wild hogs may be taken only during open seasons for deer or squirrel. Antlerless deer may be taken only during the archery seasons and during the eighth and ninth days of the antlered deer seasons for the South and Central Zones, as applicable, established in Rule 68A-13.004, F.A.C. Bag and possession limits and shooting hours shall be those established under Rules 68A-13.003, 68A-13.004 and 68A-13.008, F.A.C., except that shooting hours for turkeys during the spring season shall be from one-half hour before sunrise until 1 p.m., and there shall be no bag or size limits on wild hogs.

(c) General regulations:

1. The possession of guns shall be prohibited in the marshes and uplands except during the period beginning on the opening day of rail season established in Rule 68A-13.008, F.A.C., and ending on the closing day of spring turkey season established in Rule 68A-13.004, F.A.C. Center-fire rifles are prohibited. The marshes shall be those lands outside the

Kissimmee River channel, the C-38 canal, and the Istokpoga canal. In posted archery/muzzleloading gun areas, only bows may be used during the zonal archery season, only muzzleloading guns may be used during the zonal muzzleloading gun season, only bows may be used during the antlered deer season, and only bows and muzzleloading guns may be used during other established seasons ~~spring turkey season~~. The possession of guns shall be prohibited in the marshes and uplands in the northern portion of Bluff Hammock lying in the west 1/2 of Section 26 and the east 1/2 of Section 27, Township 34 South, Range 31 East, which are posted as closed to possession of guns.

2. Shooting frogs shall be permitted only during hunting seasons established for this area and only with guns that are legal to use during each particular open hunting season.

3. All public use shall be prohibited in those areas posted as closed to afford protection to biologically sensitive resources or sites, protection of archeological or cultural resources, or for public safety reasons. Hunting shall be prohibited within 300 yards of any active construction site.

4. The use of airboats is prohibited in those areas posted as closed to airboat use.

PROPOSED EFFECTIVE DATE: July 1, 2006.

Specific Authority Art. IV, Sec 9, Fla. Const. Law Implemented Art IV, Sec 9, Fla. Const. History—New 12-9-99, Amended 5-13-02, 5-1-03, 5-23-04,_____.

NAME OF PERSON(S) ORIGINATING PROPOSED RULE: Mr. Nick Wiley, Director, Division of Hunting and Game Management.

NAME OF SUPERVISOR WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2005.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN F.A.W.: November 23, 2005.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS

POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF
THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS
POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.