

NOTICE OF PROPOSED RULE
Rule 68A-15.063, F.A.C.
Consent Agenda Item 2b

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Hunting and Game Management

RULE NO.: 68A-15.063

RULE TITLE: Specific Regulations for Wildlife Management Areas -Northwest Region.

PURPOSE AND EFFECT: The purpose of the proposed rule change is to eliminate the rules for the Robert Brent Wildlife Management Areas (WMA). The effect would be that the area would be removed from the WMA system; at the request of the landowner.

SUMMARY: The proposed rule change would eliminate the rules for the Robert Brent Wildlife Management Area at the request of the landowner.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: *The agency has determined that this rule will ___or will not X have an impact on small business. A SERC has ___ or has not X been prepared by the agency.*

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

RULEMAKING AUTHORITY: Article IV, Section 9, Florida Constitution; Sections 375.313, 379.2223 Florida Statutes.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; Sections 375.313, 379.2223 Florida Statutes.

A HEARING WILL BE HELD AT THE DATE, TIME, AND PLACE SHOWN BELOW:

DATE AND TIME: During the regular meeting of the Commission, June 17-18, 2009, 8:30 to 5:00 p.m. each day.

PLACE: Plantation Inn, 9301 West Fort Island Trail, Crystal River, Florida 34429.

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: Jim Antista, General Counsel, Legal Office, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, FL 32399-1600.

THE FULL TEXT OF THE PROPOSED RULE IS AS FOLLOWS:

68A-15.063 Specific Regulations for Wildlife Management Areas - Northwest Region.

(1) – (7) No change.

~~(8) Robert Brent Wildlife Management Area.~~

~~(a) Open season:~~

~~1. General gun— November 26-29 and December 12 through February 3.~~

~~2. Small game— November 14-25, November 30 through December 11 and February 4 through March 7.~~

~~3. Spring turkey— March 20 through April 25.~~

~~4. Archery— October 17 through November 15.~~

~~5. Muzzleloading gun— November 20-22.~~

~~6. Archery and muzzleloading gun— February 18-28.~~

~~7. Dove— During the mourning dove and white-winged dove season established by Rule 68A-13.008, F.A.C.~~

~~8. Fishing and frogging— Throughout the year.~~

9. Trapping—January 1 through March 1 by permit from the Panama City regional office only.

(b) Legal to take: All legal game, fish, frogs and furbearers. Bearded turkeys or gobblers may be taken from November 26-29 and from December 12-23. Taking of antlered deer not having at least one antler with three or more points, one inch or more in length, is prohibited. The take of wild hog is prohibited during small game season. Wild hog: daily bag, 1; possession limit, 2.

(c) Camping: Prohibited.

(d) General regulations:

1. The use of all terrain vehicles is prohibited.

2. Vehicles may be operated only on established roads. Vehicle access and use may be further modified in the event of a reduction in acreage in the WMA.

3. Vehicular access will be limited to designated hunting days and for a period of one week prior to the archery and general gun seasons for scouting. Hunters shall enter and exit the area through Road 2 or Road 1 only.

4. Taking wildlife with dogs other than bird dogs is prohibited.

5. Taking of wildlife by use of a gun on or from right of way of State Road 65 is prohibited as provided by Rule 68A 4.008, F.A.C.

6. Hunters shall check in and out at a designated check station when entering and exiting the area and shall check all game taken, during the muzzleloading gun, general gun and archery/muzzleloading gun seasons.

7. Taking or attempting to take wildlife on, upon or from the rights of way of any named or numbered road is prohibited.

(9) – (26) renumbered as (8) – (27) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const., 379.2223, 375.313 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.2223, 375.313 FS. History— New 6-21-82, Amended 7-1-83, 7-5-84, 7-1-85, 5-7-86, 5-10-87, 6-8-87, 5-1-88, 7-1-89, 7-1-90, 9-1-90, 7-1-91, 9-1-91, 7-1-92, 7-2-92, 7-1-93, 3-1-94, 7-1-94, 7-1-95, 7-2-95, 8-15-95, 7-1-96, 7-2-96, 6-1-97, 12-3-97, 7-1-98, 7-2-98, 8-11-98, 7-1-99, Formerly 39-15.063, Amended 11-17-99, 7-1-00, 7-1-01, 7-22-01, 6-2-02, 5-1-03, 7-1-03, 7-1-04, 7-2-04, 8-1-04, 7-1-05, 7-1-06, 7-1-07, 7-1-08, 7-1-09,_____.

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.

NAME OF PERSON(S) ORIGINATING PROPOSED RULE: Diane Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 15, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN F.A.W.: Dec. 5, 2008.

**STATEMENT OF FACTS AND CIRCUMSTANCES JUSTIFYING PROPOSED RULES
FISH AND WILDLIFE CONSERVATION COMMISSION**

Division of Hunting and Game Management

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Management Areas -Northwest Region.

The purpose of the proposed rule change is to eliminate the rules for the Robert Brent Wildlife Management Area (WMA).

Robert Brent WMA is 8,532 acres and part of the Recreational User Pay Program. The landowner has decided to withdraw this area from the program. Staff is still working to locate additional lands to compensate for this loss. Withdrawing this area requires the Commission to disestablish the area and repeal all area specific rules [Rules 68A-15.063(8) and 68A-9.004(1)(b)5. and (c)5.]. Even with this loss, total acreage open to hunting within the WMA system is still above the baseline acreage established on the effective date (June 7, 2006) of the No Net Loss of Hunting Lands legislation (section 379.3001, Florida Statutes).

There are no federal regulations or standards regarding the same subject as this rule.