

NOTICE OF PROPOSED RULE
Rule 68A-15.062, F.A.C.
Consent Agenda Item 2a

FISH AND WILDLIFE CONSERVATION COMMISSION

DIVISION: Division of Hunting and Game Management

RULE NO.: 68A-15.062

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

PURPOSE AND EFFECT: The purpose of the proposed rule change is to eliminate the rules for the San Pedro Bay Wildlife Management Area (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 San Pedro Bay 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 TIME, DATE, 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-15.062 Specific Regulations for Wildlife Management Areas - North Central Region.

(1) – (20) No change.

~~(21) San Pedro Bay Wildlife Management Area.~~

~~(a) Open season:~~

~~1. General gun— November 14 through January 10.~~

~~2. Small game— January 11 through March 7.~~

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

~~4. Archery— September 26 through October 25.~~

~~5. Muzzleloading gun— October 31 through November 8.~~

~~6. Early duck— In the September season established by Rule 68A-13.003, F.A.C.~~

~~7. Fishing and frogging— During periods the area is open.~~

~~8. Trapping— January 11 through March 1.~~

~~(b) Legal to take: All legal game, fish, frogs and furbearers.~~

~~(c) Camping: Prohibited.~~

~~(d) General regulations:~~

- ~~1. Deer dogs may be trained between the established muzzleloading gun season and general gun season.~~
 - ~~2. Hunting with dogs is prohibited during the archery season except that waterfowl retrievers and bird dogs may be used during the early experimental duck season established by Rule 68A-13.003, F.A.C.~~
 - ~~3. Motorized vehicles may be operated only on established roads. Vehicular traffic is prohibited on roads identified and posted as closed.~~
 - ~~4. Public access to the area is prohibited from one and one half (1.5) hours after sunset to one and one half (1.5) hours before sunrise.~~
 - ~~5. Vehicles may only enter and exit the area at designated entrances.~~
 - ~~6. Horses are permitted only during periods closed to hunting.~~
 - ~~7. Fires are prohibited.~~
 - ~~8. Access is permitted only by individuals possessing a valid recreational user permit except as provided by Section 372.57, F.S.~~
- (22) – (42) renumbered as (21) – (41) No change.

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

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. 375.313, 379.2223 FS. Law Implemented Art. IV, Sec. 9, Fla. Const. 375.313, 379.2223 FS. History—New 6-21-82, Amended 7-1-83, 11-17-83, 7-5-84, 7-1-85, 2-16-86, 5-7-86, 6-10-86, 11-27-86, 5-10-87, 5-1-88, 6-7-88, 7-1-89, 8-17-89, 7-1-90, 9-1-90, 7-1-91, 7-2-91, 7-1-92, 7-2-92, 8-23-92, 10-22-92, 7-1-93, 7-1-94, 2-9-95, 7-1-95, 7-1-96, 9-15-96, 6-1-97, 7-1-98, 7-2-98, 7-1-99, Formerly 39-15.062, Amended 12-9-99, 7-1-00, 7-1-01, 11-11-01, 6-2-02, 10-16-02, 5-25-03, 7-7-03, 9-29-03, 7-1-04, 8-1-04, 7-1-05, 8-1-05, 7-1-06, 7-2-06, 7-1-07, 7-5-07, 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 R. 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: Division of Hunting and Game Management

RULE NO.: 68A-15.062

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

The purpose of the proposed rule change is to eliminate the rules for the San Pedro Bay Wildlife Management Area (WMA).

San Pedro Bay WMA is 17,872 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-15.062(22) and 68A-9.004(1)(b)2. and (c)2.]. 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.