

NOTICE OF PROPOSED RULE
Rule 68A-9.004, F.A.C.
Consent Agenda Item 2c

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Hunting and Game Management

RULE NO.: 68A-9.004

RULE TITLE: Permits for Hunting or Other Recreational Use on Wildlife Management Areas.

PURPOSE AND EFFECT: The purpose of the proposed rule change is to remove the cost and number of Recreational User Permits (RUPs) available on two privately owned Wildlife Management Areas (WMAs), as requested by the landowners. The effect of the proposed rule changes will be to remove these areas from the WMA system.

SUMMARY: The proposed rule change as requested by the landowners would remove the cost and number of permits available for two WMAs as follows:

San Pedro Bay WMA – Remove the cost of the permits (\$225) and the number available (310).

Robert Brent WMA – Remove the cost of the permits (\$150) and the number available (100).

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; Section 379.354 Florida Statutes.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; Sections 375.313, 375.591, 379.1025, 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-9.004 Permits for Hunting or Other Recreational Use on Wildlife Management Areas.

(1) In addition to other licenses, permits and stamps required by law, stamp requirements for hunting, camping, fishing, or other recreational uses on lands owned, leased or managed by the Commission or the State of Florida for the use and benefit of the Commission shall be as provided by Section 372.57(8)(g)1., F.S.

(a) No change.

(b) The cost of recreational user permits as required for hunting on the following privately owned wildlife management areas as provided by Section 372.57(8)(g)1., F.S., shall be:

1. No change

2. ~~San Pedro Bay WMA—\$225~~

3. – 4. Renumbered as 2. – 3. No change.

5. ~~Robert Brent—\$150~~

6. – 9. renumbered as 4. – 7. No change.

(c) The total number of permits available for each of the following privately owned wildlife management areas established pursuant to Section 372.57(8)(g)1., F.S., shall be:

1. No change.
2. ~~San Pedro Bay WMA—310~~
3. – 4. Renumbered as 2. – 3. No change.
5. ~~Robert Brent—100~~
6. – 9. renumbered as 4. – 7. No change.
- (d) – (f) No change.
- (2) No change.

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

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const., 379.354 FS. Law Implemented 379.1025, 379.2223, 375.313, 375.591 FS. History—New 8-1-79, Amended 6-4-81, 6-21-82, Formerly 39-9.04, Amended 6-2-86, 11-1-89, 7-16-98, 5-13-99, Formerly 39-9.004, Amended 7-1-00, 5-29-01, 7-22-01, 6-2-02, 7-28-02, 5-1-03, 7-7-03, 10-12-03, 5-12-04, 7-15-04, 6-1-05, 4-3-08, 4-1-09,_____.

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

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-9.004

RULE TITLE: Permits for Hunting or Other Recreational Use on
Wildlife Management Areas.

The purpose of the proposed rule change is to remove the cost and number of Recreational User Permits (RUP) available on two privately owned Wildlife Management Areas (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).

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.