

NOTICE OF PROPOSED RULE
Rule 68A-23.012
Agenda Item 5, A, 1, b, ii

FISH AND WILDLIFE CONSERVATION COMMISSION
Division of Habitat and Species Conservation

RULE NO:
68A-23.012

RULE TITLE:
Special Regulations on Lake Okeechobee

PURPOSE AND EFFECT: The purpose of this rule development is to reconcile this section with proposed rule changes to 68A-25.002. Recent proposed changes to 68A- 25.002 would prohibit collection of Florida snapping turtles, Florida red-bellied turtles and peninsular cooters from the wild. Currently, 68A-23.012 F.A.C. limits take of these species. The effect of this rule development would be to maintain consistency and eliminate any conflicts between this section and 68A-25.002.

SUMMARY: Concerns that freshwater turtle populations would be impacted by recent increases in harvest have led to proposed rule changes to 68A-25.002 that prohibit the collection of freshwater turtles from the wild. Removing references to freshwater turtles from this rule would maintain consistency and eliminate any conflicts between this section and 68A-25.002.

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 a statement of estimated regulatory costs, or 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 Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; Section 379.303, 379.304, 379.3012, 379.3751, 379.372, 379.3761, 379.3762 FS. Florida Statutes.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW

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:

68A-23.012 Special Regulations on Lake Okeechobee

(1) no change.

~~(2) No peninsular cooter (*Chrysemys floridana peninsularis*), Florida red bellied turtle (*Chrysemys nelsoni*), Florida snapping turtle (*Chelydra oseeola*), or Florida soft shelled turtle (*Trionyx ferox*) having a carapace length less than eight inches may be taken or sold.~~

(3) – (4) renumbered as (2) – (3). No change.

(4) ~~(5)~~ Commercial gear specifications and restrictions:

(a) Haul seines:

1. – 4. No change.

5. Closed areas:

a. Haul seines shall not be used or operated in Pelican Bay; in Fisheating Creek Bay north and west of a line from the weather beacon approximately one mile east of the north end of Observation Shoal (designated R "2" on National Oceanic and Atmospheric Administration, National Ocean Survey chart #11428, edition 16) to the westernmost point of Horse Island; that area north and west of a line from the white navigation light at latitude 27 degrees 5 minutes north, longitude 80 degrees 47 minutes west (designated FL 4 sec. 27 ft. 5M on National Oceanic and Atmospheric Administration, National Ocean Survey chart #11428, edition 16) to Henry Creek Lock; that area south of a line connecting the northernmost point of Kreamer Island to the northernmost point of Ritta Island; or in any rim canal, river mouth, channel, within that area shoreward of the boundary delineated by the commercial fishing boundary buoys, or within one statute mile of any rooted, emergent aquatic vegetation. Latitude and longitude coordinates shall be established to further describe boundary lines as defined in this section. Latitude and longitude coordinates so established shall be incorporated in the permit issued pursuant to subsection (3) of this section ~~68A-23.012(4), F.A.C.~~

b. – (d). No change.

(6) – (8) renumbered as (5) – (7). No change.

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

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3635, 379.377 FS. History—New 8-1-79, Amended 11-8-79, 5-19-80, 6-22-80, 6-15-81, 6-21-82, 12-14-82, 7-1-84, 7-1-85, 9-19-85, Formerly 39-23.12, Amended 6-1-86, 2-21-88, 4-4-91, 4-15-92, 7-1-97, 7-1-98, Formerly 39-23.012, Amended _____.

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 ORIGINATING PROPOSED RULE: Mr. Tim Breault, Director, Division of Habitat and Species Conservation, 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: June 17, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 22, 2009

