

**Background Report
Final Rule 68A-15.006
Agenda Item 17.A.
February 11, 2016**

Notice of Proposed Rule

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: RULE TITLE:

68A-15.006: Regulations Relating to Miscellaneous Areas

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to revise specific area regulations on miscellaneous areas and conform to calendar year date changes. The effect of the proposed rule amendment will be to enable the agency to better manage fish and wildlife resources and public use on miscellaneous areas.

SUMMARY: The proposed rule amendment would adjust season dates to conform to calendar year changes and revise specific area regulations on miscellaneous areas as follows:

Babcock Ranch Preserve – revise area rules to facilitate the Florida Forest Service becoming the lead managing agency for the property and will assume responsibility for managing the area with the Commission as cooperator; allow wild hogs to be dismembered prior to being checked at the check station in the Tier I hunt area; establish rules for the Tier II hunt area consistent with the previous land manager’s hunting program; and authorize the Florida Forest Service to conduct Operation Outdoor Freedom programs that may include hunting and fishing on the lands outside of the Tier I and Tier II areas.

Additionally, the proposed rule amendment would provide non-substantive technical changes, such as grammatical corrections, language standardization, or clarification of an existing rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The nature of the rule and the preliminary analysis conducted to determine whether a SERC was required

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a 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

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

DATE AND TIME: During the Commission’s regular meeting February 10 - 11, 2016, 8:30 a.m. to 5:00 p.m., each day.

PLACE: Florida Public Safety Institute – 75 College Drive, Havana, FL 32333

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 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 using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.006 Regulations Relating to Miscellaneous Areas.

(1) No change.

(2) Kissimmee River Public Use Area.

(a) through (b) No change.

(c) General regulations:

1. through 7. No change.

8. Non-protected mammals, ~~as defined in paragraph 68A-12.002(9)(a), F.A.C.~~, may be taken during any season open for the taking of game mammals, with no size or bag limit.

9. No change.

(3) Babcock Ranch Preserve.

(a) Open season (in the ~~Tier I hunt FWC designated hunting~~ area):

1. Archery – ~~July 30 through August 2 4-4 and August 6-9 8-11.~~

2. Muzzleloading gun – September ~~3-5 5-7.~~

3. Family – September ~~17-18 19-20~~ and December ~~17-18 19-20.~~

4. General gun for mobility-impaired – December ~~2-4 4-6.~~

5. General gun – September ~~23-25 25-27, September 30 through~~ October ~~2 2-4~~ and December ~~9-11 11-13.~~

6. Small game – January ~~7-22 9-24~~ and February ~~4-5 6-7~~ (Saturdays and Sundays only).

7. Spring turkey – March ~~4-6 5-7~~ and ~~11-13 12-14.~~

8. through 9. No change.

(b) The following are the only species of wildlife legal to take within the ~~Tier I hunt FWC designated hunting~~ area: All legal game (except quail), furbearers and wild hog. Taking of antlered deer not having at least one antler with three or more points or one antler with a main beam of ten inches or more in length is prohibited, except by persons less than 16 years of age. During the archery season, family and general gun for mobility-impaired hunts the bag limit for deer shall be two deer per quota permit. Only mobility-impaired hunters may take antlerless deer during the general gun for mobility-impaired hunt. One antlered deer may be taken per person, but no more than two per quota permit during the muzzleloading gun and general gun hunts. One gobbler (or bearded turkey) per person, but no more than two per quota permit may be taken during spring turkey season. Turkey may only be taken during the spring turkey season.

(c) Regulations controlling activities within the ~~Tier I hunt FWC designated hunting~~ area:

1. through 5. No change.

6. No deer, ~~wild hog~~ or turkey shall be dismembered until checked at the check station.

7. through 11. No change.

12. Public access during the open seasons described in paragraph (a) is limited to those persons participating in the hunt, ~~except as provided by the Florida Forest Service.~~

13. ~~Except during periods described in paragraph (a) and subparagraph (e)9. Public access and use not relating to the take of fish and wildlife is regulated~~ allowed only by the Florida Forest Service Babcock Ranch Management, LLC, or any successor authorized by Section 259.1053, F.S., collectively herein referred to as "Preserve Manager".

14. The Tier I hunt area is that portion of the property located east of Brown's Farm Grade; south of Tram Road; east of Cut-off Road; and north of Oil Well Grade.

~~14. The Preserve Manager shall authorize the take of fish and wildlife within the FWC designated hunting area pursuant to subparagraph (d)2. except during periods described in paragraph (a) and subparagraph (e)9.~~

(d) Regulations controlling activities ~~in the Tier II hunt areas~~ outside the FWC designated hunting area:

1. Public access and use, except for the take of fish and wildlife, shall be regulated by the Florida Forest Service, except the Commission may authorize activities within designated Tier II hunt areas. Outside the FWC designated hunting area, public access and use is allowed only by the Preserve Manager.

2. ~~The Preserve Manager shall authorize the take of fish and wildlife provided all such authorizations shall be consistent with the currently approved management plan, adopted pursuant to Section 253.034, F.S., and the following conditions shall apply:~~

~~2.a.~~ A written authorization or permit issued by the Commission Preserve Manager, in addition to all regular permitting and licensing requirements, as required by Section 379.354, F.S., shall be required to take fish or wildlife within the designated Tier II hunting areas. These authorizations and permits shall be displayed for inspection upon the request of any law enforcement officer.

~~b.~~ Open season for non migratory game shall be consistent with Rule 68A 13.004, F.A.C., in areas and during days specified by the Preserve Manager.

~~c.~~ Open season for migratory game shall be consistent with Rules 68A 13.003 and 68A 13.008, F.A.C., in areas and during days specified by the Preserve Manager.

~~d.~~ Open season for non native species shall be year round in areas and during days specified by the Preserve Manager.

~~e.~~ Fishing shall be allowed in areas and during days specified by the Preserve Manager.

~~f.~~ Legal to take, size limits, bag limits, season dates, locations, method of take and any additional restrictions shall be specified on each authorization or permit issued by the Preserve Manager, provided these authorizations shall not be more liberal than those found in Titles 68 and 68A, F.A.C.

3. Taking of antlered deer not having at least one antler with four or more points is prohibited, except as provided by authorization from the Commission.

4. The take of wild turkey is prohibited except during the archery season and spring turkey season.

5. The take of antlerless deer during the zonal antlerless deer season is prohibited except by antlerless deer tag.

6. The use of tracked vehicles, airboats, off-highway vehicles (OHVs), and swamp buggies is prohibited, except as authorized by the Florida Forest Service or the Commission.

7. Vehicles shall be operated only on designated roads, parking areas, or other areas established and specifically identified by the Florida Forest Service, except as authorized by the Florida Forest Service or Commission.

8. The take of wildlife with dogs is prohibited, except bird dogs and retrievers may be used to take small game.

9. Dogs may be possessed, under physical restraint only, during any period in which the taking of wildlife by the use of dogs is prohibited.

10. Taking wild turkey with firearms other than shotguns using number 2 or smaller diameter shot during the spring turkey season is prohibited.

11. The use of a light in a manner capable of disclosing the presence of wildlife from one hour after sunset until one hour before sunrise is prohibited, except as authorized by the Commission.

(e) Regulations controlling activities outside the Tier I and Tier II hunt areas.

1. Public access and use, except for the take of fish and wildlife, shall be regulated by the Florida Forest Service.

2. A written authorization or permit issued by the Commission, except as provided by subparagraph 3., in addition to all regular permitting and licensing requirements, shall be required to take fish or wildlife. These authorizations and permits shall be displayed for inspection upon the request of any law enforcement officer.

3. The Florida Forest Service may authorize the take of fish or wildlife consistent with 589.19 (4), F.S., provided these authorizations shall not be more liberal than those found in Titles 68 and 68A, F.A.C.

(f) The Commission may authorize or permit public access and use for the purpose of taking fish and wildlife, throughout the area.

(4) Kissimmee Chain of Lakes Area.

(a) through (b) No change.

(c) General regulations:

1. through 8. No change.

9. Non-protected mammals, as defined in paragraph 68A 12.002(9)(a), F.A.C., may be taken during any season open for the taking of game mammals, with no size or bag limit.

10. through 13. No change.

PROPOSED EFFECTIVE DATE: July 1, 2016

Rulemaking 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, 7-1-06, 7-1-08, 7-1-09, 7-1-10, 11-9-10, 7-1-11, 7-1-12, 8-1-13, 7-1-14, 7-1-15, 7-1-16.

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.R.

NAME OF PERSON 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: November 19, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 8, 2015