

**Background Report
Final Rule 68A-15.064
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-15.064 Specific Regulations for Wildlife Management Areas - South Region

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to revise specific area regulations on Wildlife Management Areas (WMAs) in the South Region 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 WMAs.

SUMMARY: The proposed rule amendment would adjust season dates to conform to calendar year changes and revise specific area regulations on Wildlife Management Areas (WMAs) in the South Region as follows:

Dinner Island Ranch WMA – require a permit for camping (only allowed in designated campgrounds).

Everglades and Francis S. Taylor WMA – during general gun-walk season in Water Conservation Area (WCA) 2A, only allow hunting north of the East/West Airboat Trail; and during general gun-walk season in WCA 2A, allow use of airboats and tracked vehicles south of the East/West Airboat Trail.

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 n; Section 375.313, Florida Statutes

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

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 by calling (850)488-9542. 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-15.064 Specific Regulations for Wildlife Management Areas – South Region.

(1) No change

(2) Holey Land Wildlife Management Area.

(a) Open season:

1. General gun – Walk, October ~~1-16~~ ~~3-18~~.

2. General gun – Vehicle, October ~~22~~ ~~24~~ through November ~~6~~ ~~8~~ (tracked vehicles).

3. Archery – August ~~6-28~~ ~~8-30~~.

4. Muzzleloading gun – September ~~3-11~~ ~~5-13~~.

5. Small game – November ~~7~~ ~~9~~ through March ~~5~~ ~~6~~.

6. through 7. No change.

(b) through (e) No change.

(3) Everglades and Francis S. Taylor Wildlife Management Area.

(a) Open season:

1. General gun – Walk, October ~~1-16~~ ~~3-18~~, Conservation Areas 3A North and ~~2A~~ (north of the East/West Airboat Trail) only.

2. General gun – Vehicle (airboats and tracked vehicles only), October ~~22~~ ~~24~~ through November ~~6~~ ~~8~~, in Conservation Areas 3A North, 3A South, 2, and the Francis S. Taylor Wildlife Management Area.

3. Archery – August ~~6-28~~ ~~8-30~~, Conservation Area 3A North only.

4. Muzzleloading gun – September ~~3-11~~ ~~5-13~~, in Conservation Area 3A North only.

5. Small game – November ~~7~~ ~~9~~ though March ~~5~~ ~~6~~.

6. through 7. No change.

(b) through (c) No change.

(d) General regulations:

1. through 4. No change.

5. ~~During archery, muzzleloading gun and general gun walk seasons, the operation of airboats is prohibited in Conservation Area 3A North and Conservation Area 2 during legal shooting hours in Conservation Area 3A North during archery, muzzleloading gun and general gun seasons, and in Conservation Area 2 (north of the East/West Airboat Trail) during general gun season.~~

6. through 9. No change.

10. Unauthorized motorized vehicles are prohibited on all the levees except the L-4, L-5, and L-6 levees that portion of the L-6 extending from the S-7 pump station north to Sportsman's Crossover.

11. through 27. No change

(e) No change.

(4) Rotenberger Wildlife Management Area.

(a) Open season:

1. General gun – Walk, October ~~1-16~~ ~~3-18~~.

2. General gun – Vehicle (tracked vehicles only), October ~~22~~ ~~24~~ through November ~~6~~ ~~8~~ (tracked vehicles).

3. Archery – August ~~6-28~~ ~~8-30~~.

4. Muzzleloading gun – September ~~3-11~~ ~~5-13~~.

5. Small game – November ~~7~~ ~~9~~ through March ~~5~~ ~~6~~.

6. through 7. No change.

(b) through (e) No change.

(5) Big Cypress Wildlife Management Area.

(a) Open season:

1. through 3. No change.

4. Muzzleloading gun – October ~~8-23~~ ~~10-25~~, except in the Deep Lake Unit.

5. Spring turkey – March ~~4~~ ~~5~~ through April ~~9~~ ~~10~~.

6. through 7. No change.

(b) through (d) No change.

(6) Okaloacoochee Slough Wildlife Management Area.

(a) Open season:

1. Archery – August ~~6-12~~ ~~8-14~~ and ~~13-21~~ ~~15-23~~.
2. Muzzleloading gun – September ~~3-5~~ ~~5-7~~ and ~~10-12~~ ~~12-14~~.
3. Family Hunt – September ~~17-18~~ ~~19-20~~.
4. General gun – September ~~24-27~~ ~~26-29~~ and September ~~28~~ ~~30~~ through October ~~2~~ ~~4~~.
5. Small game – November ~~12~~ ~~14~~ through December ~~25~~ ~~27~~.
6. Spring turkey – March ~~4-7~~ ~~5-8~~ and ~~8-12~~ ~~9-13~~.

7. through 9. No change.

(b) through (d) No change.

(7) Fisheating Creek Wildlife Management Area.

(a) Open season:

1. Archery – August ~~19-21~~ ~~21-23~~ and ~~26-28~~ ~~28-30~~ west of US Highway 27 only.
2. Muzzleloading gun – September ~~9-11~~ ~~11-13~~ and ~~16-18~~ ~~18-20~~ west of US Highway 27 only.
3. General gun – September 30 through October ~~2~~ ~~2-4~~ and October 14-16 ~~16-18~~ west of US Highway 27 only.
4. Youth Turkey Hunt – February ~~25-26~~ ~~27-28~~ west of US Highway 27 only.
5. Spring turkey – March ~~4-7~~ ~~5-8~~, ~~10-13~~ ~~11-14~~, ~~17-20~~ ~~18-21~~, ~~24-27~~ ~~25-28~~ and March 31 through April ~~3~~ ~~1-4~~

west of US Highway 27 only.

6. Special-opportunity spring turkey – March ~~4-10~~ ~~5-11~~ and ~~18-24~~ ~~19-25~~ east of US Highway 27 only.

7. Wild hog-still– November ~~19-20~~ ~~21-22~~ west of US Highway 27 only.

8. through 10. No change.

(b) through (d) No change.

(8) Picayune Strand Wildlife Management Area.

(a) Open season:

1. Archery – August ~~6-21~~ ~~8-23~~.
2. Muzzleloading gun – September ~~3-5~~ ~~5-7~~ and ~~10-12~~ ~~12-14~~.
3. General gun – October ~~8-11~~ ~~10-13~~, ~~12-16~~ ~~14-18~~ and ~~17-23~~ ~~19-25~~.
4. Small game – November ~~5~~ ~~7~~ through December ~~25~~ ~~27~~.
5. Spring turkey – March ~~4-7~~ ~~5-8~~ and ~~8-12~~ ~~9-13~~.

6. through 7. No change.

(b) through (d) No change.

(9) Dinner Island Ranch Wildlife Management Area.

(a) Open season:

1. Archery – August ~~5-8~~ ~~7-10~~, ~~12-15~~ ~~14-17~~, ~~19-22~~ ~~21-24~~ and ~~26-29~~ ~~28-31~~.
2. Muzzleloading gun – September ~~9-11~~ ~~11-13~~.
3. General gun – September ~~17-19~~ ~~19-21~~, ~~23-25~~ ~~25-27~~ and September 30 through October ~~2~~ ~~2-4~~.
4. Small game – October ~~29~~ ~~31~~ through the Sunday prior to the youth turkey hunt.
5. Family hunt – October ~~8-9~~ ~~10-11~~ and ~~15-16~~ ~~17-18~~.
6. Youth Turkey Hunt – February ~~25-26~~ ~~27-28~~.
7. Spring turkey – March ~~4-6~~ ~~5-7~~, ~~11-13~~ ~~12-14~~ and April ~~1-3~~ ~~2-4~~.

8. through 10. No change.

(b) No change.

(c) Camping: Prohibited, except in designated campgrounds by permit as provided by paragraph 68A-15.004, F.A.C. Camping is allowed only at designated campsites. Only tents, trailers, or self-propelled camping vehicles may be used for camping.

(d) No change.

(10) Spirit-of-the-Wild Wildlife Management Area.

(a) Open season:

1. Archery – August ~~5-8~~ ~~7-10~~, ~~12-15~~ ~~14-17~~, ~~19-22~~ ~~21-24~~ and August ~~26-29~~ ~~28-31~~.
2. Muzzleloading gun – September ~~9-11~~ ~~11-13~~.
3. General gun – September ~~17-19~~ ~~19-21~~, ~~23-25~~ ~~25-27~~, and September 30 through October ~~2~~ ~~2-4~~.
4. Small game – October ~~29~~ ~~31~~ through the Sunday prior to the youth turkey hunt.

5. Youth Turkey Hunt – February ~~25-26~~ 27-28.
6. Spring turkey – March ~~4-6~~ 5-7, ~~11-13~~ 12-14 and April ~~1-3~~ 2-4.
7. through 9. No change.

(b) through (d) No change.

(11) Allapattah Flats Wildlife Management Area.

(a) Open season:

1. Archery – September ~~10-13~~ 12-15, ~~17-20~~ 19-22, September ~~25-27~~ 27-29 and October ~~1-4~~ 3-6.
2. Muzzleloading gun – October ~~15-17~~ 17-19.
3. Family hunt – October ~~29~~ 31 through November ~~1~~ 3.
4. General gun – November ~~5-9~~ 7-11.
5. Small game – November ~~12~~ 14 through the second Sunday in January.
6. Spring turkey – March ~~4-7~~ 5-8 and ~~8-12~~ 9-13.
7. through 8. No change.
- (b) through (d) No change.

PROPOSED EFFECTIVE DATE: July 1, 2016

Rulemaking 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, 7-27-83, 9-27-83, 7-5-84, 7-1-85, 5-7-86, 8-5-86, 5-10-87, 8-24-87, 5-1-88, 6-7-88, 7-1-89, 7-1-90, 9-1-90, 7-1-91, 7-1-92, 7-1-93, 7-1-94, 7-1-95, 8-15-95, 7-1-96, 9-15-96, 10-20-96, 6-1-97, 8-7-97, 7-1-98, 7-2-98, 7-1-99, Formerly 39-15.064, Amended 11-17-99, 7-1-00, 7-1-01, 6-2-02, 2-27-03, 5-1-03, 7-1-04, 7-1-05, 7-1-06, 7-1-07, 7-1-08, 7-1-09, 7-20-09, 1-19-10, 7-1-10, 8-26-10, 7-1-11, 7-1-12, 7-1-13, 7-1-14, 9-18-14, 7-1-15, 7-29-15, 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