

**Background Report
Final Rule 68A-17.005
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-17.005 Specific Regulations for Wildlife and Environmental Areas

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to revise specific area regulations on Wildlife and Environmental Areas (WEAs) 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 WEAs.

SUMMARY: The proposed rule amendment would adjust season dates to conform to calendar year changes and revise specific area regulations on Wildlife and Environmental Areas (WEAs) as follows:

Northwest Region

L. Kirk Edwards WEA – in that portion of the area west of Chaires Cross Road, allow any dog for hunting gray squirrel and migratory birds during the small game season; and in that portion of the area east of Chaires Cross Road, allow any dog for hunting small game (quail, rabbit, squirrel and migratory birds) during the small game season.

South Region

John C. and Mariana Jones / Hungryland WEA – require a permit for camping (only allowed in designated campgrounds).

John G. and Susan H. Dupuis WEA – prohibit use of vessels powered by an internal combustion engine during quota hunts.

Southwest Region

Lake Wales Ridge WEA, Royce Unit – allow any dog for hunting small game (quail, rabbit, squirrel and migratory birds).

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 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 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-17.005 Specific Regulations for Wildlife and Environmental Areas.

(1) Southwest Region.

(a) through (e) No change.

(f) Lake Wales Ridge Wildlife and Environmental Area – Royce Unit – Highlands County.

1. Open season:

a. Archery – September ~~23-25~~ ~~25-27~~ and October ~~14-16~~ ~~16-18~~.

b. General gun – November ~~18-20~~ ~~20-22~~.

c. Small game – December ~~9-11~~ ~~11-13~~, ~~23-25~~ ~~25-27~~, January ~~20-22~~ ~~22-24~~ and ~~27-29~~ ~~29-31~~.

d. Wild hog-still – May ~~6-7~~ ~~7-8~~ and ~~13-14~~ ~~14-15~~.

e. Youth turkey hunt – March ~~11-12~~ ~~12-13~~.

f. Spring turkey – March ~~18-20~~ ~~19-21~~ and March 31 through April 2 ~~1-3~~.

g. No change.

2. No change.

3. General regulations:

a. through d. No change.

e. Hunting with dogs is prohibited except any dog ~~bird dogs and retrievers~~ may be used to take small game during the small game season. Hunting wild hog with dogs is prohibited.

f. No change.

(g) through (k) No change.

(2) North Central Region.

(a) Santa Fe Swamp – Bradford County.

1. Open season:

a. Archery – September ~~23~~ ~~25~~ through October ~~21~~ ~~23~~.

b. Muzzleloading gun – October ~~22-24~~ ~~24-26~~.

c. Archery and muzzleloading gun – November ~~5~~ ~~7~~ through January ~~1~~ ~~3~~.

d. Spring turkey – March ~~18~~ ~~19~~ through April ~~23~~ ~~24~~.

e. through f. No change.

2. through 3. No change.

(b) Fort White Mitigation Park – Gilchrist County.

1. Open season:

a. Archery season – October ~~22-26~~ ~~24-28~~, October ~~29~~ ~~31~~ through November ~~2~~ ~~4~~ and November ~~12-16~~ ~~14-16~~.

b. Small game – November ~~19~~ ~~21~~ through December ~~2~~ ~~4~~.

c. Youth spring turkey – March ~~11-12~~ ~~12-13~~.

d. Spring turkey – March ~~18-22~~ ~~19-23~~ and ~~25-29~~ ~~March 26-30~~.

e. through g. No change.

2. through 4. No change.

(c) Suwannee Ridge – Hamilton County.

1. Open season:

a. Mobility-impaired general gun – October ~~14-16~~ ~~16-18~~, ~~28-30~~ ~~October 30 through November 1~~, November ~~4-~~ ~~6-8~~ and December ~~16-18~~ ~~18-20~~.

b. Mobility-impaired spring turkey – March ~~24-26~~ ~~25-27~~ and April ~~14-16~~ ~~15-17~~.

2. through 3. No change.

(d) through (e) No change.

(f) Lafayette Forest Wildlife and Environmental Area.

1. Open seasons:

- a. Archery season – September ~~24-28~~ ~~26-30~~ and September 30 through October ~~4~~ ~~2-6~~ and ~~7-11~~ ~~9-13~~.
- b. Muzzleloading gun season – October ~~22-24~~ ~~24-26~~.
- c. Family hunt – November ~~5-6~~ ~~7-8~~ and ~~12-13~~ ~~14-15~~.
- d. Wild hog-still – January ~~21-25~~ ~~23-27~~ and January ~~28~~ ~~30~~ through February ~~1~~ ~~3~~.
- e. Small game – February ~~4-19~~ ~~6-24~~.
- f. Youth spring turkey – March ~~11-12~~ ~~12-13~~.
- g. Spring turkey – March ~~18-20~~ ~~19-21~~ and ~~24-26~~ ~~25-27~~.
- h. through j. No change.

2. through 3. No change.

(g) Watermelon Pond Wildlife and Environmental Area.

1. Open seasons:

- a. Archery season – October ~~15-23~~ ~~17-25~~.
- b. Small game – November ~~19~~ ~~24~~ through December ~~4~~ ~~6~~ and December ~~17~~ ~~19~~ through January ~~8~~ ~~10~~.
- c. Youth spring turkey – March ~~11-12~~ ~~12-13~~.
- d. through g. No change.
- 2. through 3. No change.

(3) Northwest Region.

(a) through (b) No change.

(c) L. Kirk Edwards – Leon County.

1. No change.

2. Open seasons for that portion of the area east of Chaires Cross Road:

a. Archery – September 29 through October ~~2~~ ~~4~~, October 13-16 ~~15-18~~ and 27-30 ~~October 29 through~~ ~~November 1~~.

b. Family hunt – November ~~3-6~~ ~~5-8~~.

c. Archery and muzzleloading gun – November ~~24-27~~ ~~26-29~~, December ~~1-4~~ ~~3-6~~ and ~~15-18~~ ~~17-20~~.

d. Small game – December 30 through January ~~1~~ ~~4-3~~, January 13-15 ~~15-17~~, 27-29 ~~29-31~~, February 10-12 ~~12-14~~ and ~~24-26~~ ~~26-28~~.

e. through h. No change.

3. No change.

4. General regulations:

a. No change.

b. Taking wildlife with dogs, other than bird dogs or retrievers, is prohibited, except any dog may be used to take small game during small game season. Taking wild hog with dogs is prohibited.

c. through e. No change.

(4) South Region.

(a) Southern Glades – Dade County.

1. Open season:

a. Archery – July 30 through August ~~28~~ ~~1-30~~.

b. Muzzleloading gun – September ~~9-11~~ ~~11-13~~.

c. General gun – September ~~17~~ ~~19~~ through October ~~16~~ ~~18~~ and November ~~21-27~~ ~~23-29~~.

d. Small game – November ~~28~~ ~~30~~ through February ~~26~~ ~~28~~.

e. through g. No change.

2. through 3. No change.

(b) John G. and Susan H. Dupuis Jr. – Palm Beach and Martin counties.

1. Open season:

a. Archery – September ~~9-11~~ ~~11-13~~, ~~16-18~~ ~~18-20~~ and ~~23-25~~ ~~25-27~~.

b. Muzzleloading gun – October ~~7-9~~ ~~9-11~~, ~~14-16~~ ~~16-18~~ and ~~21-25~~ ~~23-27~~.

c. General gun for mobility-impaired – October ~~29-31~~ ~~31~~ through ~~November 1~~.

d. General gun – November ~~4-6~~ ~~6-8~~ and ~~11-13~~ ~~13-15~~.

e. Wild hog-still – November ~~15-17, 17-19~~; November 29 through December ~~1-3~~, ~~and~~ and opening the second Saturday in April and closing 8 days thereafter, and opening the second Saturday in May and closing 8 days thereafter.

f. Spring turkey – March ~~7-9 8-10, 17-19 18-20~~ and ~~24-26 25-27~~.

g. Small game – December ~~3-5~~ through January ~~22 24~~.

h. through j. No change.

2. through 3. No change.

4. General regulations:

a. through d. No change.

e. The use of tracked vehicles, buggies, airboats, or all-terrain vehicles is prohibited except all-terrain vehicles may be used during the general gun for mobility-impaired season. The operation of a motorcycle that is not registered and licensed is prohibited. During quota hunts, the operation of any vessel powered by an internal combustion engine is prohibited.

f. through m. No change.

(c) CREW – Collier and Lee Counties.

1. Open season:

a. Archery – August ~~6-14 8-16~~.

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

c. General gun – November ~~19-27 21-29~~.

d. Small game – December ~~3-5~~ through January ~~1-3~~.

e. Spring turkey – March ~~4-7 5-8~~ and ~~8-12 9-13~~.

f. through h. No change.

2. No change.

3. Camping: Camping is allowed at designated sites by permit individuals with written authorization from the South Florida Water Management District ~~or by individuals participating in hunts~~.

4. No change.

(d) No change.

(e) John C. and Mariana Jones/Hungryland – Palm Beach and Martin Counties.

1. Open season:

a. Archery – September ~~10-13 12-15, 17-20 19-22~~, September ~~24-27 26-29~~ and October ~~1-4 3-6~~.

b. Muzzleloading gun – October ~~15-17 17-19~~.

c. General gun – October ~~29-31 31~~ through November 2, November ~~5-7 7-9~~ and ~~12-14 14-16~~.

d. Small game – November ~~19 24~~ through December ~~18 20~~.

e. Spring turkey – March ~~18 19~~ through April ~~2 3~~ (Wednesdays, Saturdays and Sundays only).

f. through h. No change.

2. No change.

3. 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 may be used for camping.

4. No change.

(5) No change.

PROPOSED EFFECTIVE DATE: July 1, 2016

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.2223, 375.313 FS. History–New 7-1-83, Amended 11-30-83, 7-1-84, 8-21-85, Formerly 39-17.05, Amended 6-1-86, 8-13-87, 8-18-88, 8-17-89, 4-11-90, 7-1-91, 10-31-91, 4-14-92, 4-20-93, 7-1-94, 9-15-94, 3-30-95, 8-15-95, 7-1-96, 4-3-97, 10-28-97, 7-1-98, 8-11-98, 7-1-99, Formerly 39-17.005, Amended 7-1-00, 5-1-01, 6-2-02, 5-25-03, 7-1-04, 7-1-05, 7-1-06, 7-1-07, 7-1-08, 1-6-09, 7-1-09, 10-29-09, 7-1-10, 7-1-11, 11-14-11, 7-1-12, 7-26-12, 7-1-13, 7-1-14, 7-2-14, 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