

## Draft Rule for Preserves and Game Farms



December 6, 2017



Florida Fish and Wildlife Conservation Commission

Version 1

This presentation will summarize a proposed final rule to amend the Florida Fish and Wildlife Conservation Commission's (FWC) regulations for hunt preserves, Rule 68A-12.010 (F.A.C.) and game farms, Rule 68A-12.011 (F.A.C.). The proposed final rules for these Chapters will increase consistency of enforcement, reduce the risk of escape of exotics into the wild, and clarify facility and application requirements.

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Photo: White tail deer – image from google

## Background

- Regulations Governing the Operation of Private Hunting Preserves were last amended in 2005.
- Regulations Governing the Establishment and Operation of Game Farms were created in 2009.
- Industry expressed interest in updating current rule language.
  - Ambiguity of terms such as shelter and woody vegetation.
  - Current requirement of a “deer-proof fence” does not specify construction and materials.



Staff was approached by industry who expressed an interest in updating current regulations for game farms and hunt preserves. Upon internal review staff decided an update to both rules would benefit FWC, industry and Florida's native whitetail population.

There are approximately 61 licensed blanket hunt preserves (commercial), 200 hunting preserves (private) and approximately 490 game farms.

## Technical Advisory Group (TAG)

- A TAG group was formed including professionals in the industry, FWC staff and representatives from Florida Department of Agriculture and Consumer Services (FDACS).
- Four meetings took place over the course of several months to solicit feedback from the TAG group and discuss draft rules.



In order to ensure balanced feedback on the rule changes, a TAG group was formed which included several game farm and hunt preserve industry professionals, FWC staff from Hunting and Game, Dr. Mark Cunningham from FWRI, Captive Wildlife Staff as well as staff from the Florida Department of Agriculture and Consumer Services (FDACS).

Meeting dates:

December 8th, 2016

February 10th, 2017

March 13th, 2017

June 28th, 2017

Throughout the course of these meetings, feedback and ideas were generated and a draft of the updated rule language was created.

Photo: Black buck – image from google.

## Draft Rules for Game Farms and Commercial and Private Hunting Preserves

- Rule 68A-12.011. Regulations Governing the Establishment and Operation of Game Farms
- Rule 68A-12.010 Regulations Governing the Operation of Commercial or Private Hunting Preserves



This presentation outlines the proposed rule language updates in Rule 68A-12.010 and Rule 68A-12.011, Florida Administrative Code.

Photo: White tail deer – image from google

## Objectives for revised rules

- Reduce the risk of non native wildlife being introduced into the wild
- Promote consistency
- Clarify license requirements
- Remove language that allowed for the release of captive reared ducks
- Align Florida Administrative Code with statutory language



The goals for updates to the Game Farm and Hunting Preserve regulations included prevention of escapes and clarification of facility requirements.

Including definitions in the rules will provide clarity to terms and improve consistency throughout the industry. Currently, there are terms such as “deer-proof fence” “shade” and “woody vegetation” that are not defined. Varying interpretations of terms such as those has lead to inconsistencies both at the facility and enforcement level.

Currently there are no longer any licensees who have or would qualify for an endorsement to release live mallards or approval from the Commission to release captive reared mottled ducks.

Photo- fence with tree. Image from stakeholder.

## Proposed Language 68A-12.010 Hunting Preserves

- New definitions:
  - Grassy vegetation
  - Woody vegetation
  - Tolling
- Qualification standards for facilities and applicants
- Fencing requirements:
  - 12.5-gauge high tensile class III galvanized wire with fixed knots



New definitions will clarify requirements and promote consistency. Some examples of new definitions are:

Grassy vegetation: predominantly grasses, grass-like plants, or forbs capable of being grazed. Current rule language only had a requirement for woody vegetation, however woody vegetation is not the appropriate habitat for all species regulated in the rules. The term grassy vegetation was added to provide for increased animal welfare and appropriate food sources for animals such as antelope.

Woody vegetation: Perennial trees, shrubs, or woody vines that persists above ground all year long

Tolling: to lead animals outside of an enclosure using a trail of bait

Fence construction materials, including connecting materials, shall consist of not less than 12.5-gauge high tensile class III galvanized wire with fixed knots or strength equivalent material.

An example of a qualification standard for an applicant is to not have been convicted of any of these violations within 3 years of application:

game farm rules  
hunt preserve rules,  
captive wildlife regulations involving unsafe housing of wildlife  
which potentially endangers the public,  
involving the unlawful commercialization of wildlife;  
involving cruelty, maltreatment or neglect to animals; or  
involving importation of wildlife

Image from FWC flickr

## Proposed Rule 68A-12.011 Game Farms

- New definitions:
  - Shelter
  - Full shade
- Mirror fencing standards from hunt preserve rule for consistency.
- Set some standards for the number of animals per acre.
- Must obtain a Herd Health Plan from FDACS



New definitions will clarify requirements and promote consistent enforcement. Some examples of the new definitions are:

**Shelter:** A permanent or portable man-made structure with one or more walls with a roof, or roof without walls, or a natural structure (including but not limited to trees and shrubs) that protects animals from negative environmental factors that could impact the particular species. Walls of man-made shelters shall be constructed with gaps in the siding to allow for circulation of air and to allow animals within the shelter to see beyond the walls.

**Full shade** - shade which lasts all day long and provides greater than or equal to 80% reduction in sunlight.

To increase cervidae and bovidae health and welfare draft rule establishes thresholds for the number of animals per acre depending on the species.

Photos: options for shelter. Images from google.

## Grandfather language for existing facilities

- Provides a two-year period for existing facilities to come into compliance with new fencing requirements and exceptions for two circumstances:
- Facilities which have single panel fencing that is a minimum of 12.5 gauge wire or strength equivalent material shall not be required to replace existing fence materials as long as the fence is constructed as described in rule.
- Facilities which have fencing that is not constructed of single panels of wire mesh shall not be required to replace existing panels with single panels, provided that the existing panels are a minimum of 12.5 gauge wire or strength equivalent material and the fence is secured as described in rule.



Similar language In both rules:

Single panel: do not need to update their fencing if 12.5 gauge except for new construction or with replacement of over 250 feet of existing fencing if:

-fencing material is attached to posts in a manner that ensures the fence maintains an above ground 8-foot vertical height and prevents escape.

-Posts shall be of a solid, singular construction, securely anchored, no greater than 25 feet apart and braced at corners to keep fence properly stretched and erect.

Double panel: Meets standard if 12.5 gauge and:

-are connected with strength equivalent material or greater at intervals no greater than 18 inches apart,

-have knots spaced no greater than 7 inches apart,

- remains free of gaps and prevents escape.

-is attached to posts in a manner that ensures the fence maintains an above ground 8-foot vertical height and prevents escape

-Posts shall be of a solid, singular construction, securely anchored, no greater than 25 feet apart and braced at corners to keep fence properly stretched and erect.

## Staff Recommendation

Approve the proposed amendments to the Game Farm and Hunt Preserve Rules.

Staff requests approval for advertising the proposed amendments to Rule 68A-12.011 and Rule 68A-12.010, F.A.C.



*If approved, a final public hearing will be set for February.*



Staff recommends a complete strike through and rewrite of both rules due to the amount of movement and additions to each rule.

Photo: Elk. image from FWC