Background Report
Draft Rule 68A-15.004
Agenda Item 11 A
December 6, 2012

DRAFT RULE

RULE NO: 68A-15.004 **RULE TITLE:** General Regulations Relating to Wildlife Management Areas.

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to better protect natural resources and increase camper satisfaction by allowing the inclusion of permit provisions with camping permits on Wildlife Management Areas that allow camping by permit. The effect of the proposed rule amendment will be to enable the Commission to manage camping opportunities and protect fish, wildlife, cultural and natural resources.

SUMMARY: The proposed rule amendment would allow permit conditions to be included as necessary (on areas where camping permits are required by specific area rule) to protect natural and cultural resources in campgrounds, minimize conflicts among area users in the campground, maintain public safety, ensure compliance with health department county codes and offer a fair opportunity to obtain a campsite.

THE FULL TEXT OF THE PROPOSED RULE IS AS FOLLOWS:

68A-15.004 General Regulations Relating to Wildlife Management Areas.

(1) General prohibitions: Hunting, fishing or trapping is prohibited on any portion of any wildlife management area posted as closed to hunting, fishing or trapping. Hunting, fishing, trapping, camping or other usage related to such activity on any wildlife management area shall only be at the time and in the manner provided by the regulations for the particular wildlife management area. During a given season, all legal methods for taking fish, frogs or wildlife during the season will be allowed, unless prohibited under the rules governing a particular area. Taking furbearers with traps, snares or at night is prohibited unless allowed by an area specific rule.

(2) Permits required:

(a) A wildlife management area permit as provided by Section 379.354, F.S., in addition to all regular license requirements, is required for persons, except those exempted in subsection (3) hereof, to take wildlife on a wildlife management area.

(b) A short-term use permit or special-use permit is mandatory on those wildlife management areas where required by regulations for that area. On areas where short-term use permits (daily or multi-day permits) are authorized, holders of such permits shall possess or display a valid short-term use permit receipt in the manner specified on the receipt. Access to areas open to special-opportunity deer, wild hog (still hunt only), and wild turkey hunting is prohibited by persons not in possession of the appropriate special-opportunity hunt permit except that a non-permitted individual may accompany a permittee. While hunting or scouting, a non-permitted individual may accompany a permittee and participate in the hunt but shall not occupy a vehicle separate from the permittee or take wildlife with a gun, and shall be in the immediate vicinity (25 feet or less) of the permittee. Persons using the Florida Trail for through-hiking are exempt from the permit requirements of this paragraph.

(c) A written authorization or permit issued by the Department of Defense, in addition to licensing as required by Section 379.354, F.S., shall be required to hunt, fish or frog on any Wildlife Management Area owned by the United States of America, Department of Defense. This authorization or permit shall be displayed for inspection upon the request of any law enforcement officer.

(d) The lead managing agency or landowner of a wildlife management area may authorize persons to engage in otherwise prohibited activities not relating to the taking of fish or wildlife, to allow for access, vehicles, vessels, camping, or horses, valid only during periods closed to hunting. The landowner of a wildlife management area that requires a Recreational Use Permit (RUP) may only give such authorization to persons holding a RUP for that area. Persons so authorized must possess a copy of the authorization when engaged in such activities.

(3) Permit exceptions: Persons exempted by Section 379.353 ~~379.354~~, F.S., those persons who possess a gun on Osceola, Ocala and Apalachicola Wildlife Management Areas for the exclusive purpose of shooting at a

Commission authorized shooting range, persons in possession of a special-use permit; persons engaging in activities pursuant to Rule 68A-25.032 or 68A-25.042, F.A.C.; or persons hunting, fishing or frogging on lands owned by the United States of America, Department of Defense, are excepted from wildlife management area stamp requirements.

(4) Legal to hunt:

(a) Turkeys may not be taken during any fall season in which firearms may be used unless otherwise provided for a specific area. Notwithstanding provisions in Rule 68A-13.004, F.A.C., turkeys of either sex may be taken during muzzleloading and general gun seasons as specifically provided by area rule. The hours in which the hunting of gobblers or bearded turkeys is permitted during the spring season shall be from one-half hour before sunrise until 1 p.m.

(b) Only species which are legal to take in the region where the wildlife management area lies, unless otherwise provided for a specific area, may be taken.

(c) During the spring turkey season, the hunting or taking of any other species of wildlife is prohibited unless otherwise provided for a specific area.

(d) Turkey of either sex or antlerless deer may be taken during archery seasons unless otherwise provided by specific area regulation.

(e) Antlerless deer may be taken during gun seasons only by hunters possessing valid antlerless deer permits or as otherwise provided by specific area regulation.

(f) On any wildlife management areas where an antlered deer quota is established by order, no person shall take antlered deer after the quota for antlered deer is attained.

(g) Fox squirrels may not be taken.

(h) Game may be taken by falconry during established statewide seasons that coincide with periods when wildlife management areas are otherwise open for public use or hunting unless prohibited by specific area regulation. Dogs may be used during falconry only during those periods when the use of dogs for hunting is permitted by specific area regulation.

(i) Wild hogs may be taken in accordance with the following provisions:

1. Wild hogs may only be taken from one-half hour before sunrise to one-half hour after sunset during any season open for the taking of any game mammal or any season established for the taking of wild hog only, with no size or bag limit unless otherwise provided by area specific rule.

2. Methods of take, other than those allowed for the taking of game during each open season, are prohibited.

3. During any season established for the taking of wild hog only, only legal methods of take for game are allowed unless otherwise provided by area specific rule.

4. Wild hogs may not be transported alive.

(j) 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 unless otherwise provided by area specific rule.

(5) Hunters:

(a) Authorized hunting equipment or dogs (if permitted by area regulations) may be taken on the area after 8 a.m. one day before the opening of the season and shall be removed from the area before 6 p.m. one day following the close of the season unless otherwise provided by specific area regulations.

(b) Driving a metal object into any tree, or hunting from a tree in which a metal object has been driven, is prohibited.

(6) Guns:

(a) Taking wildlife (except migratory birds during migratory bird season) with a firearm or crossbow is prohibited on any wildlife management area during the established archery season unless otherwise stipulated in a regulation established for a specific area. Taking wildlife (except migratory birds during migratory bird season) with a gun (except a muzzleloading gun) is prohibited on any wildlife management area during the established muzzleloading gun season. Taking wildlife with a gun is prohibited on any wildlife management area during any season open only for the taking of fur-bearing animals or frogs unless otherwise stipulated in a regulation established for a specific area.

(b) Taking wildlife with centerfire rifles is prohibited during small game season.

(c) Taking migratory birds with centerfire shotguns is allowed during established area seasons when one or more migratory game birds are legal to take except when prohibited by specific area rule.

(d) Taking wild turkey with firearms other than shotguns using number 2 or smaller diameter shot during the spring turkey season is prohibited except that muzzleloading rifles are not prohibited for taking wild turkey on Joe Budd and Raiford Wildlife Management Areas.

(7) Dogs:

(a) Dogs may be used for hunting during open seasons unless prohibited by regulations for the particular management area. The Executive Director or designee may issue permits to raccoon or fox hunting organizations that are sanctioned by the United Kennel Club, American Kennel Club, Professional Kennel Club, or similar sanctioning entity to allow raccoon or fox hunting during otherwise closed seasons and at times and places designated in the permit. Permits may be issued only in areas where this activity will not negatively impact wildlife, where adjoining landowner conflicts will be minimal, where cooperating landowners are in agreement with the permit conditions, and when not in conflict with other user groups.

(b) No person shall knowingly or negligently allow any dog to pursue or molest any wildlife during any period in which the taking of such wildlife by the use of dogs is prohibited.

(c) Dogs may be possessed, under physical restraint only, during any period in which the taking of wildlife by the use of dogs is prohibited, unless otherwise prohibited by specific area rule.

(d) Dogs on leashes may be used for trailing wounded game unless otherwise prohibited under specific area regulations.

(8) Camping:

(a) On those areas where Commission camping permits are required by specific area rule, those permits will be issued by the Commission unless denial is either necessary to protect natural and cultural resources in campgrounds, minimize conflicts among area users in the campgrounds, maintain public safety, ensure compliance with health department county codes, and to offer a fair opportunity to obtain a campsite or as appropriate based on 68A-5.004.

(b) Commission camping permit conditions will be included as necessary to protect natural and cultural resources in campgrounds, minimize conflicts among area users in the campgrounds, maintain public safety, ensure compliance with health department county codes, and to offer a fair opportunity to obtain a campsite.

(c)~~(a)~~ Camping during periods open to hunting ~~season~~ shall be limited to designated campgrounds ~~campsites~~ except as provided by specific area ~~under special~~ rules or permit conditions for particular wildlife management areas. Camping is allowed ~~permitted~~ during periods closed to hunting ~~season~~ unless prohibited by specific area regulations or permit condition.

(d)~~(b)~~ When camping is allowed ~~permitted~~ on any wildlife management area, authorized camping equipment may be taken on the area after 8 a.m. one day before the opening of each season and shall be removed from the area before 6 p.m. one day following the close of each season unless otherwise provided by specific area regulations or permit condition.

(9) Vehicles:

(a) No motor vehicle shall be operated on any part of any wildlife management area designated by area regulations as closed to vehicular traffic or temporarily closed by administrative action and posting notice of such on those areas because of inclement weather, poor road conditions, construction or management activities or wildlife surveys. The use of two-wheeled motor-powered vehicles or all-terrain vehicles is prohibited on any roads or trails not open to or used by other vehicles unless otherwise provided by specific area regulation.

(b) No person shall park any vehicle in a manner which obstructs a road, gate or firelane.

(c) Notwithstanding specific area regulations, motorcycles and mopeds that are licensed and registered to operate on public roads of the State may be operated on any road or trail open for licensed and registered vehicular traffic.

(10) Grain and food: No person shall place, expose or distribute any grain or other food for wildlife on any wildlife management area except as authorized by permit from the executive director. No person shall take wildlife on any land or waters upon which grain or other food has been deposited, provided that quail may be hunted in proximity to established game feeders.

(11) Release of animals: No person shall release any species of the animal kingdom on any wildlife management area where the Commission is the landowner or lead managing agency unless authorized by specific area regulations or written authorization from the executive director.

(12) Plants:

(a) No person shall cut or destroy any tree on, or remove any tree, shrub, or protected plant (as designated in Section 581.185, F.S.) from, any wildlife management area without written permission from the landowner or primary land manager.

(b) No person shall possess or remove saw palmetto berries from any wildlife management area where the Commission is the landowner or lead managing agency without written permission.

(c) No person shall remove plants, rocks, minerals, animal life, other natural resources or parts thereof where the Commission is the landowner or lead managing agency without written authorization from the Executive Director or designee in accordance with the criteria of Rule 68A-9.002, F.A.C.

(d) No person shall plant, propagate, introduce, or cause to grow any species of plant not native or indigenous to the wildlife management area on any wildlife management area where the Commission is the landowner or lead managing agency unless authorized by an approved comprehensive management plan or written authorization from the executive director.

(13) Alligators: Notwithstanding any other provision in Chapter 15, F.A.C., the harvest of alligators, their eggs or hatchlings may be conducted on wildlife management areas in accordance with Commission order(s) and Rules 68A-25.031, 68A-25.032 and 68A-25.042, F.A.C. Guns and bait may be used for taking alligators by alligator hunt participants as specified in Rule 68A-25.042 or 68A-25.032, F.A.C., whichever is applicable, and persons taking alligators pursuant to those rules on wildlife management areas shall not be required to check in and out at a check station, or check any alligators taken. A private landowner making his lands available for use in the wildlife management area system may participate in an alligator management program on such lands in accordance with Rule 68A-25.032, F.A.C.

(14) Public access is prohibited in areas posted as “Closed to Public Access.” Such areas may be closed by posting because of resource protection, construction, management activities, public health or safety, agricultural disease, or contractual agreement.

(15) Fishing and Frogging:

(a) Fishing or frogging are permitted only during the seasons specifically established for these activities under the particular wildlife management area.

(b) Shooting frogs is permitted only during hunting seasons established for the particular wildlife management area and only with guns that are legal methods of take during each particular open hunting season.

(16) The Executive Director may authorize recreational activities, including the take of fish and wildlife, by executive order to facilitate special outdoor recreational opportunities as described in Section 589.19, F.S., to be administered by the Florida Forest Service on those wildlife management areas where the Florida Forest Service is the lead land manager.

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

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.2223, 379.354 FS. History– New 8-1-79, Amended 6-4-81, 6-21-82, 6-9-83, 9-27-83, 7-5-84, 7-1-85, Formerly 39-15.04, Amended 5-7-86, 5-10-87, 4-13-88, 8-18-88, 4-19-90, 4-4-91, 4-14-92, 10-22-92, 7-26-94, 11-6-94, 3-30-95, 10-23-95, 9-15-96, 6-1-97, 7-1-98, 12-28-98, 4-15-99, Formerly 39-15.004, Amended 7-1-00, 6-2-02, 5-1-03, 7-1-04, 7-1-05, 7-1-06, 7-29-07, 7-1-08, 7-1-09, 7-1-10, 1-1-11, 5-2-12,___
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