

**Background Report
Draft Rule 68A-15.006
Agenda Item 11 A
December 6, 2012**

DRAFT RULE

RULE NO: 68A-15.006

RULE TITLE: 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 - change the bag limit for deer from one antlered and one antlerless per quota permit to two deer per quota permit during archery, family and the general gun for mobility-impaired hunts; change the bag limit for deer from one antlered deer per quota permit to one antlered deer per person, but no more than two per quota permit during muzzleloading gun and general gun hunts; and change the bag limit for turkey from one turkey per quota permit to one gobbler (or bearded turkey) per person, but no more than two per quota permit during spring turkey hunts.

THE FULL TEXT OF THE PROPOSED RULE IS AS FOLLOWS:

68A-15.006 Regulations Relating to Miscellaneous Areas.

(1) The Commission may establish specific regulations for miscellaneous areas to regulate and manage the lands or waters therein in the best interest of the state.

(2) Kissimmee River Public Use Area.

(a) Open season:

1. Non-migratory game – Zonal seasons established under Rule 68A-13.004, F.A.C., except that open season for rabbit shall be during the zonal squirrel season only and crossbow season shall be the last 5 days of the zonal crossbow season only.

2. Migratory game birds – Statewide regulations established under Rules 68A-13.003 and 68A-13.008, F.A.C., except that open season for crow shall be during the first phase of crow season only.

3. Furbearers – During the zonal antlered deer season only except that bobcat and otter may be taken only after November 30.

4. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, wild hog, non-protected mammals, furbearers, fish, and frogs. Antlerless deer may be taken only during the archery seasons and during the first two days of the antlerless deer seasons for Zone A and C, as applicable, established in Rule 68A-13.004, F.A.C. Bag and possession limits and shooting hours shall be those established under Rules 68A-13.003, 68A-13.004 and 68A-13.008, F.A.C., except that shooting hours for turkeys during the spring season shall be from one-half hour before sunrise until 1 p.m.

(c) General regulations:

1. Taking wildlife with guns shall be prohibited in the marshes and uplands except during the period beginning on the opening day of rail season established in Rule 68A-13.008, F.A.C., and ending on the closing day of spring turkey season established in Rule 68A-13.004, F.A.C. Taking wildlife with centerfire rifles is prohibited. The marshes shall be those lands outside the Kissimmee River channel, the C-38 canal, and the Istokpoga canal. In posted archery/muzzleloading gun areas, only bows may be used to take wildlife during the zonal archery season, only muzzleloading guns may be used to take wildlife during the zonal muzzleloading gun season, only bows may be used to take wildlife during the antlered deer season, and only bows and muzzleloading guns may be used to take wildlife during other established seasons. The take of wildlife with guns shall be prohibited in the marshes and

uplands in the northern portion of Bluff Hammock lying in the west 1/2 of Section 26 and the east 1/2 of Section 27, Township 34 South, Range 31 East, which are posted as closed to hunting or fishing.

2. Shooting frogs shall be permitted only during hunting seasons established for this area and only with guns that are legal methods of take during each particular open hunting season.

3. All public use shall be prohibited in those areas posted as closed to afford protection to biologically sensitive resources or sites, protection of archeological or cultural resources, or for public safety reasons. Hunting shall be prohibited within 300 yards of any active construction site.

4. The use of airboats is prohibited in those areas posted as closed to airboat use.

5. Driving a metal object into any tree, or hunting from a tree into which a metal object has been driven, is prohibited.

6. No person shall place, expose or distribute any grain or other food for wildlife 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.

7. Wild hog may be taken in accordance with the following provisions:

a. Wild hog may only be taken from one-half hour before sunrise to one-half hour after sunset during any season open for the taking of game mammals or any season established for the taking of wild hog only, with no size or bag limit.

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

c. Wild hog may not be transported alive.

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

(3) Babcock Ranch Preserve.

(a) Open season (in the FWC designated hunting area):

1. Archery – ~~August 3-6 and 10-13~~ July 28-31 and August 7-9.

2. Muzzleloading gun – September ~~7-9~~ 4-3.

3. Family – September ~~21-22~~ 15-16 and December ~~21-22~~ 15-16.

4. General gun for mobility-impaired – ~~December 6-8~~ November 30 through December 2.

5. General gun – September ~~27-29~~ 21-23, October 4-6 ~~September 28-30~~ and December 13-15 ~~7-9~~.

6. Small game – January ~~4-19~~ 5-20 and February ~~1-2~~ 2-3 (Saturdays and Sundays only).

7. Spring turkey – March ~~1-3~~ 2-4 and ~~8-10~~ 9-11.

8. Fishing and frogging – Prohibited.

(b) The following are the only species of wildlife legal to take within the FWC designated hunting area: All legal game (except quail) and wild hog. ~~During One antlered and one antlerless deer may be taken per quota permit~~ 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) ~~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 FWC designated hunting area:

1. Hunting with dogs is prohibited except bird dogs may be used during the small game season.

2. Vehicles shall not be parked further than 25 feet from designated roads or parking areas.

3. The use of tracked vehicles, airboats, all-terrain vehicles, unlicensed and unregistered motorcycles and swamp buggies is prohibited, except that all-terrain vehicles may be used during the general gun for mobility-impaired season by certified mobility-impaired hunters.

4. Hunters shall check in and out at the check station when entering and exiting the area and check all game

taken.

5. Vehicles must be operated on named or numbered roads, except ATVs during the mobility-impaired hunt.

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

7. Hunters shall enter and exit the area at the designated entrance only.

8. During periods open to hunting, access is allowed only from 1.5 hours before sunrise to 1.5 hours after sunset.

9. Scouting is allowed one day prior to each hunt from 8 a.m. to sunset by individuals in possession of a valid quota permit for that hunt and guest hunters and assistants may accompany them. There are no scout days for small game season.

10. During the mobility-impaired general gun hunt, access is restricted to certified mobility-impaired hunters with quota hunt permits, a non-hunting assistant and one guest permit holder who may also participate in the hunt, but must share the bag limit. All mobility-impaired hunt participants are required to attend a pre-hunt orientation meeting.

11. The regulations contained in Rules 68A-15.004 and 68A-15.005, F.A.C., not in conflict with specific area regulations, shall apply to this area.

12. Public access during the open seasons described in paragraph (a) is limited to those persons participating in the hunt.

13. Except during periods described in paragraph (a) and subparagraph (c)10. public access and use is allowed only by Babcock Ranch Management, LLC, or any successor authorized by Section 259.1053, F.S., collectively herein referred to as "Preserve Manager".

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 (c)10.

(d) Regulations controlling activities outside the FWC designated hunting area:

1. 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:

a. A written authorization or permit issued by the Preserve Manager, in addition to licensing as required by Section 379.354, F.S., 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.

b. Open season for non-migratory game shall be consistent with zone A as specified in 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.

(4) Kissimmee Chain of Lakes Area.

(a) Open season:

1. Non-migratory game – During Zonal seasons established under Rule 68A-13.004, F.A.C., except deer and turkey shall only be taken during those seasons established for Zone B and crossbow season shall be the last 5 days of the Zone B crossbow season only.

2. Migratory birds – Statewide regulations established under Rules 68A-13.003 and 68A-13.008, F.A.C., except that open season for crow shall be during the first phase of crow season only.

3. Furbearers – During zonal antlered deer season established for Zone B only.

4. Fishing and frogging – Allowed throughout the year.

(b) Legal to take: All legal game, wild turkey (but only bearded turkey or gobblers), wild hog, non-protected mammals, furbearers (except bobcat and otter), fish and frogs. The take of deer is prohibited in the Drasdo, East, and West Shore Units. The take of antlerless deer is prohibited.

(c) General regulations:

1. Taking wildlife with centerfire rifles is prohibited on the Northwest Shore, East Shore, West Shore and Drasdo Units.
2. Taking deer and furbearers with dogs is prohibited.
3. Dogs on leashes may be used for trailing wounded game.
4. Shooting frogs shall be allowed only during hunting seasons established for this area and only with guns that are legal methods of take during each open hunting season.
5. The use of airboats is prohibited in those areas posted as closed to airboat use.
6. Driving a metal object into any tree, or hunting from a tree into which a metal object has been driven, is prohibited.
7. No person shall place, expose or distribute any grain or other food for wildlife 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.
8. Wild hog may be taken in accordance with the following provisions:
 - a. Wild hog may be taken throughout the year with no size or bag limit.
 - b. Wild hog may only be taken with a gun from one-half hour before sunrise to one-half hour after sunset. Wild hog may not be taken with a gun at night.
 - c. Wild hog may not be transported alive.
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. A South Florida Water Management District permit is required to access that portion of the Rough Island Unit posted as "SFWMD Permit Required."
11. Hunting or fishing is prohibited on any portion of the area posted as closed to hunting or fishing.
12. Erecting or maintaining tree stands more than ten days before the start of archery season or more than ten days after the end of general gun season is prohibited.
13. Taking wild turkey with firearms other than shotguns using number 2 or smaller diameter shot during the spring turkey season is prohibited.

PROPOSED EFFECTIVE DATE: July 1, 2013

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, 7-1-13.