

Background Report
Final Rule 68A-17.005
Consent Agenda Item 1-C
June 27, 2012

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 clarify the opening day of small game and gray squirrel seasons on Apalachicola River and L. Kirk Edwards wildlife and environmental areas (WEAs).

The effect of the proposed rule amendment will be to enable the agency to better manage fish and wildlife resources.

SUMMARY: The proposed rule amendment would clarify that there is no change to the current opening of gray squirrel or small game seasons on Apalachicola River and L. Kirk Edwards WEAs.

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 regular meeting of the Commission, June 27-28, 2012, 8:30 a.m. to 5:00 p.m., each day.

PLACE: PGA National Resort & Spa, 400 Avenue of the Champions, Palm Beach Gardens, FL 33418

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) through (2) No change.
- (3) Northwest Region.
 - (a) No change.
 - (b) Apalachicola River – Gulf, Franklin, and Liberty counties.
 - 1. Open seasons:
 - a. through c. No change.
 - d. Small game – During the open seasons established in Rule 68A-13.004, F.A.C., except gray squirrel season shall open the second Saturday of November.
 - e. through k. No change.
 - 2. through 4. No change.
 - (c) L. Kirk Edwards – Leon County.
 - 1. Open seasons for that portion of the area west of Chaires Cross Road:
 - a. Gray squirrel – Opening the second Saturday in November through the close of the ~~During the open season for~~ gray squirrel season established in Rule 68A-13.004, F.A.C.
 - b. through c. No change.
 - 2. Open seasons for that portion of the area east of Chaires Cross Road:
 - a. through c. No change.
 - d. Small game – During the eleventh, thirteenth, fifteenth, seventeenth and nineteenth ~~seventh, ninth, eleventh, thirteenth and fifteenth~~ weekends of the gray squirrel season established in Rule 68A-13.004, F.A.C. (Friday through Sunday only).
 - e. through g. No change.
 - 3. through 4. No change.
 - (4) through (5) No change.

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, 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, _____.

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.W.

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: May 2, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2011.