

## Notice of Proposed Rule

### FISH AND WILDLIFE CONSERVATION COMMISSION

#### Freshwater Fish and Wildlife

RULE NO.:      RULE TITLE:

68A-13.004      Open Season for Taking and Bag Limits for Non-Migratory Game and Issuance of Antlerless Deer Permits

**PURPOSE AND EFFECT:** The purpose of the proposed rule amendment is to establish a voluntary Private Lands Deer Management Permit program. The effect of the proposed rule amendment will be to encourage conservation practices on private lands that benefit deer and other wildlife.

**SUMMARY:** The proposed rule amendment would establish a voluntary Private Lands Deer Management Permit program for landowners or their lessees that provides greater flexibility in herd and harvest management and promotes habitat conservation and hunting heritage efforts. The program would be for parcels of sufficient size to successfully implement herd and wildlife management measures and to reduce potential concerns of hunters on adjacent properties where management programs differ.

#### **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; 379.2223, 375.313 FS.](#)

**A HEARING WILL BE HELD AT THE DATES, TIME AND PLACE SHOWN BELOW:**

**DATES AND TIME:** During the Commission's regular meeting April 17-18, 2013, 8:30 a.m. - 5:00 p.m., each day.

**PLACE:** Florida Public Safety Institute, Pat Thomas Law Enforcement Academy, 85 Academy 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-13.004 Open Season for Taking and Bag Limits for Non-Migratory Game, ~~and~~ Issuance of Antlerless Deer Permits and Private Lands Deer Management Permits.

The open season and bag limits for non-migratory game shall be as follows unless otherwise amended by the Commission, provided that regulations for hunting on wildlife management areas shall be as established by specific rule.

(1) Bag and possession limits:

(a) Deer: Possession limit, four; daily bag as follows:

1. through 4. No change.

5. Antlerless and antlered deer taken under the authority of a permit issued under subsection (4) of this rule shall not be subjected to daily bag or possession limits.

(b) through (c) No change.

(2) through (3) No change.

(4) Issuance of Private Lands Deer Management Permits to landowners – Antlerless and antlered deer may be taken under permit from the executive director from the first day of the zonal deer season till the last day of the zonal deer season for not more than 128 total days (including during archery, crossbow, muzzleloading gun, and antlered deer seasons, and during any periods closed to deer hunting within this time frame) by any gun allowed for deer in 68A-12.002 on property enrolled in the Private Lands Deer Management Permit program. Property enrolled in the program that is bisected by a zone line (permitted lands lie within multiple zones) may have one of the zonal deer seasons apply to all permitted lands as designated by the applicant. Property may be enrolled in this program in accordance with the following:

(a) Only property that meets the criteria listed in this paragraph is eligible to be enrolled in the Private Lands Deer Management Permit program. The property identified for enrollment in an application must be at least 5,000 acres that form one continuous uninterrupted piece of land; an aggregate of properties under different ownership that adjoin one another so as to form one continuous uninterrupted piece of land that together satisfy the acreage requirement will be considered one property for purposes of this program if those properties are the subject of one application. A written Wildlife Management Plan (WMP), developed or approved by a Certified Wildlife Biologist (CWB; certified by The Wildlife Society 5410 Grosvenor Lane, Suite 200, Bethesda, MD, 20816), must be provided for the property identified for enrollment in an application. Annual recommendations for the harvest of antlered and antlerless deer shall be developed by a CWB and be intended to help reach the stated deer management objectives for the property. FWC-approved survey standards shall be used to estimate and monitor the deer population. Antlered and antlerless deer harvest recommendations may be submitted without conducting a deer population survey in the year immediately following two consecutive years of deer population surveys, and in alternate years thereafter, provided the surveyed areas and survey methodologies are comparable between surveys. The permit shall require a minimum of three (3) qualifying conservation activities (active habitat management, wildlife management or conservation-related activities for youth) annually on the property during the period it is enrolled in the program. Acceptable conservation activities shall include, but not be limited to: agricultural plantings, creation of or maintenance of wildlife openings, invasive vegetation management, prescribed burning, silvicultural practices that

benefit wildlife, mechanical treatments (mowing, disking, roller chopping), management for rare, threatened or endangered species, allowing Commission personnel or its partners to conduct wildlife surveys or research, wetland restoration or enhancement or conservation easements. Conservation-related activities for youth may only account for one (1) of the three (3) qualifying conservation activities required by the permit. For an application to be approved, the three (3) qualifying conservation activities combined must affect at least 10% of the permitted land.

(b) A person must be the owner of the property, the leasee of the property or otherwise have written permission from the landowner to participate in the Private Lands Deer Management Permit program. Applications for the Private Lands Deer Management Permit program shall be on such a form as prescribed by the Commission and shall include: a written description of the property boundaries; total acreage of the property; name, street or physical address, and telephone numbers for the applicant and the landowner; a signature of the landowner or legal agent of the landowner providing permission to participate in the program; and other information pertaining to the proposed activity necessary for permit issuance and enforcement of this subsection.

(c) Commission personnel shall review the application and approve or deny based on whether it is complete and includes the required proposed conservation activities. Annual harvest limits for antlered and antlerless deer shall be established by the Commission, based upon the CWB's recommendations included in the WMP in consideration of the stated deer management objectives for the property. If the application is approved, the Commission shall enroll the property in the program and issue a permit in the name of the applicant. As a condition of issuance or renewal of the permit, the property must be managed consistent with the WMP and the conservation activities must be performed substantially as proposed.

(d) No person may harvest deer on property enrolled in the Private Lands Deer Management Permit program except as authorized under a permit issued under this subsection or under the authority of a deer depredation permit.

(e) The Commission shall furnish an identifying tag for each antlerless and antlered deer to be taken from the permitted area. Each person who takes an antlerless or antlered deer shall immediately lock the identifying tag to the carcass of the deer. Antlerless or antlered deer may not be possessed unless the identifying tag has been locked on the carcass. Each tag shall remain locked on the carcass until the deer is dismembered and stored at the hunter's domicile.

(f) Commission personnel may access property enrolled in the Private Lands Deer Management Permit program to check for permit compliance or to collect biological specimens and data on any deer taken.

(g) The permittee shall submit a deer harvest report by April 1 as prescribed by the Commission.

PROPOSED EFFECTIVE DATE: June 1, 2013.

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 5-19-80, 6-4-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-13.04, Amended 6-1-86, 5-10-87, 6-8-87, 5-1-88, 7-1-89, 7-1-90, 7-1-91, 7-1-92, 7-1-93, 3-1-94, 7-1-94, 7-1-96, 10-28-97, 4-27-98, 12-28-98, Formerly 39-13.004, Amended 7-1-01, 5-13-02, 10-16-02, 7-1-05, 7-1-06, 7-1-08, 7-1-10, 1-1-11, 7-26-12, 6-1-13.*

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: 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: February 14, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 8, 2013