

**Background Report
Draft Rule 68A-13.004
Agenda Item 13
February 14, 2013**

DRAFT RULE

RULE NO: 68A-13.004

RULE TITLE: Open Season for Taking and Bag Limits for Non-Migratory Game, and Issuance of Antlerless Deer Permits

The proposed rule amendment would establish a voluntary private lands deer management 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.

THE TEXT OF THE PROPOSED RULE IS AS FOLLOWS:

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. - 4. No change

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

(b) – (c) No change

(2) - (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 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 10,000 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. Under the guidance of a CWB, the management of the property shall include estimation and monitoring of the deer population using FWC-approved standards across representative habitats utilizing aerial, spotlight, camera or other professionally acceptable survey techniques. Annual deer harvest recommendations for antlered and antlerless deer shall be developed by a CWB that are intended to help reach the deer management objectives for the property. A CWB shall identify three (3) conservation activities (active habitat management, wildlife management or conservation-related activities for youth) that will be conducted annually on the property during the period it is enrolled. 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) conservation activities required by the permit. For an

application to be approved, the three (3) conservation activities combined must impact 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 deer management 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 shall approve or deny the application based on whether the applicant has demonstrated that the WMP and the proposed conservation activities promote habitat conservation and hunting heritage efforts. Commission personnel shall determine annual harvest limits for antlered and antlerless deer that are most likely to help reach the deer management objectives for the property. If approved, the Commission will issue a permit in the name of the applicant enrolling the property identified in the application. As a condition of issuance 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.

(d) 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.

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

PROPOSED EFFECTIVE DATE: As soon as possible after filing for adoption.

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,_____.