

Consent Agenda Item 8
68A-23.002 Methods of Taking Freshwater Fish
Crossbow Fishing at Night with Light
June 2013

NOTICE OF PROPOSED RULE

FISH AND WILDLIFE CONSERVATION COMMISSION

DIVISION: Division of Freshwater Fisheries Management

RULE NO: 68A-23.002

RULE TITLE: General Methods of Taking Freshwater Fish.

PURPOSE AND EFFECT: The proposed amendment to rule 68A-23.002(3) will allow use of crossbows to take non-game freshwater fish at night with a light throughout the state unless otherwise specified. Presently, bow and arrow and gigs are allowed for taking of non-game freshwater fish at night with a light, and crossbows are allowed for taking of non-game fish during daylight hours. The proposed rule change would increase recreational opportunities and should not have any impacts on freshwater fisheries, fish populations or ecology of freshwater resources.

SUMMARY: The rule amendment allowing the use of a crossbow to take non-game freshwater fish at night will provide additional recreational opportunities for anglers without impacting freshwater fisheries, fish populations or ecology of freshwater resources.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: *The agency has determined that this rule will ___ or will not X have an impact on small business. A SERC has ___ or has not X 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

RULEMAKING AUTHORITY: *Art. IV, Sec. 9, Florida Constitution*

LAW IMPLEMENTED: *Art. IV, Sec. 9, Florida Constitution*

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME, AND PLACE SHOWN BELOW;

DATE AND TIME: During the Commission's regular meeting September 4-6, 2013, 8:30 a.m. to 5:00 p.m. each day.

PLACE: Pensacola, Florida

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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 calendar 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 by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tom Champeau, Director, Division of Freshwater Fisheries Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

THE FULL TEXT OF THE PROPOSED RULE IS AS FOLLOWS:

68A-23.002 General Methods of Taking Freshwater Fish.

(1) through (2) No change.

(3) Nongame fish may be taken by hook and line, rod and reel or by trotlines, set lines or bush hooks (as specified in Rule 68A-23.004, F.A.C.), or by traps, nets or other devices as specified in Rule 68A-23.003, F.A.C. Nongame fish may be taken for personal use by any person possessing a valid freshwater fishing license by the use of not more than one slat basket or one wire trap, made as specified in Rule 68A-23.003, F.A.C., in those waters where the use of wire traps or slat baskets is permitted for commercial purposes as specified in subsection 68A-23.003(2), F.A.C. Nongame fish may be taken during non-daylight hours with a light and by bow and arrow, crossbow and gigs and during daylight hours by manually operated spears, gigs, snatch hooks, crossbow or bow and arrow from a boat or from shore except at the spillways of the Eureka and Rodman Dams on the Oklawaha River or on the spillway of the Jim Woodruff Dam on the Apalachicola River or in Dade County canals south of the C-4 and east of the L-31N and L-31W canals inclusively. Nongame fish may be taken by the use of cast nets of any mesh size in the South and Northeast regions, in Citrus County, and in the Southwest Region, except that possession or use of cast nets in waters adjoining Saddle Creek Fish Management Area, Polk County, confined by Morgan Combee Road, U.S. Highway 92 and Fish Hatchery Road are prohibited.

(4) through (10) No change.

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, Formerly 39-23.05, Amended 2-27-86, 5-10-87, 3-1-88, 4-13-88, 7-1-89, 4-11-90, 7-1-92, 8-23-92, 4-20-93, 7-1-94, 9-15-94, 4-1-96, 7-1-98, 10-20-98, Formerly 39-23.005, Amended 7-1-00, 7-1-01, 7-1-04, 7-1-05, 7-1-06, 7-1-08, 7-1-11, _____

PROPOSED EFFECTIVE DATE: AS SOON AS POSSIBLE AFTER COMMISSION ACTION _____

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE

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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: Tom Champeau, Director, Division of Freshwater Fisheries Management

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN F.A.W.: January 8, 2013

STATEMENT OF FACTS AND CIRCUMSTANCES JUSTIFYING PROPOSED RULES

FISH AND WILDLIFE CONSERVATION COMMISSION

DIVISION: Freshwater Fisheries Management

RULE TITLES: General Methods of Taking Freshwater Fish. **RULE NOS.:** 68A-23.002

Allowing crossbows for the take of freshwater non-game fish will provide an additional recreational opportunity and will not impact freshwater fisheries, fish populations or ecology of freshwater resources.