

Background Report
Final Rule 68A-15.063
Agenda Item 17 A
April 17, 2014

Notice of Proposed Rule

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: RULE TITLE:

68A-15.063 Specific Regulations for Wildlife Management Areas - Northwest Region

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to revise specific area regulations on Wildlife Management Areas (WMAs) in the Northwest Region. The effect of the proposed rule amendment will be to enable the agency to better manage fish and wildlife resources and public use on WMAs.

SUMMARY: The proposed rule amendment would revise specific area regulations for legal to take antlered deer on those Wildlife Management Areas (WMAs) in Zone D of the Northwest Region as follows:

Apalachee WMA – Taking of antlered deer not having at least one antler with three or more points or one antler with a main beam of ten inches or more in length is prohibited, except by persons less than 16 years of age.

Apalachicola WMA – Taking of antlered deer not having at least one antler with two or more points is prohibited, except by persons less than 16 years of age.

Apalachicola WMA, Bradwell Unit – Taking of antlered deer not having at least one antler with two or more points is prohibited, except by persons less than 16 years of age.

Beaverdam Creek WMA – Taking of antlered deer not having at least one antler with two or more points is prohibited, except by persons less than 16 years of age.

Blackwater WMA – Taking of antlered deer not having at least one antler with three or more points or one antler with a main beam of ten inches or more in length is prohibited, except by persons less than 16 years of age.

Blackwater WMA, Hutton Unit – Taking of antlered deer not having at least one antler with three or more points or one antler with a main beam of ten inches or more in length is prohibited, except by persons less than 16 years of age.

Box-R WMA – Allow persons less than 16 years of age to harvest antlered deer without antler point restrictions.

Chipola River WMA – In that portion of the area south of I-10, taking of antlered deer not having at least one antler with two or more points is prohibited, except by persons less than 16 years of age. In that portion of the area north of I-10, taking of antlered deer not having at least one antler with three or more points or one antler with a main beam of ten inches or more in length is prohibited, except by persons less than 16 years of age.

Choctawhatchee River WMA – In that portion of the area south of I-10, taking of antlered deer not having at least one antler with two or more points is prohibited, except by persons less than 16 years of age. In that portion of the area north of I-10, taking of antlered deer not having at least one antler with three or more points or one antler with a main beam of ten inches or more in length is prohibited, except by persons less than 16 years of age.

Econfina Creek WMA – Taking of antlered deer not having at least one antler with two or more points is prohibited, except by persons less than 16 years of age.

Eglin AFB WMA – Taking of antlered deer not having at least one antler with two or more points is prohibited, except by persons less than 16 years of age in areas specified by the Installation Commander. The Installation Commander may specify areas and days where taking of antlered deer not having at least one antler with three or more points is prohibited and where persons less than 16 years of age may harvest antlered deer not meeting antler point criteria.

Escambia River WMA – Taking of antlered deer not having at least one antler with three or more points or one antler with a main beam of ten inches or more in length is prohibited, except by persons less than 16 years of age.

Joe Budd WMA – Allow persons less than 16 years of age to harvest antlered deer without antler point restrictions.

Juniper Creek WMA – Taking of antlered deer not having at least one antler with two or more points is prohibited.

Lafayette Creek WMA – Taking of antlered deer not having at least one antler with two or more points is prohibited, except by persons less than 16 years of age.

Ochlockonee River WMA – In that portion of the area south of I-10, taking of antlered deer not having at least one antler with two or more points is prohibited, except by persons less than 16 years of age. In that portion of the area north of I-10, taking of antlered deer not having at least one antler with three or more points or one antler with a main beam of ten inches or more in length is prohibited, except by persons less than 16 years of age.

Perdido River WMA – In that portion of the area south of I-10, taking of antlered deer not having at least one antler with two or more points is prohibited, except by persons less than 16 years of age. In that portion of the area north of I-10, taking of antlered deer not having at least one antler with three or more points or one antler with a main beam of ten inches or more in length is prohibited, except by persons less than 16 years of age.

Pine Log WMA – Allow persons less than 16 years of age to harvest antlered deer without antler point restrictions.

Point Washington WMA – Taking of antlered deer not having at least one antler with two or more points is prohibited, except by persons less than 16 years of age.

Talquin WMA – Taking of antlered deer not having at least one antler with two or more points is prohibited, except by persons less than 16 years of age.

Tate's Hell WMA – Allow persons less than 16 years of age to harvest antlered deer without antler point restrictions.

Tate's Hell WMA, Womack Creek Unit – Allow persons less than 16 years of age to harvest antlered deer without antler point restrictions.

Tyndall AFB WMA – Taking of antlered deer not having at least one antler with two or more points is prohibited, except by persons less than 16 years of age in areas specified by the Installation Commander. The Installation Commander may specify areas and days where taking of antlered deer not having at least one antler with three or more points is prohibited and where persons less than 16 years of age may harvest antlered deer not meeting antler point criteria.

Yellow River WMA – In that portion of the area south of I-10, taking of antlered deer not having at least one antler with two or more points is prohibited, except by persons less than 16 years of age. In that portion of the area north of I-10, taking of antlered deer not having at least one antler with three or more points or one antler with a main beam of ten inches or more in length is prohibited, except by persons less than 16 years of age.

Additionally, the proposed rule amendment would provide non-substantive technical changes, such as grammatical corrections, language standardization, or clarification of an existing rule.

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, TIMES AND PLACE SHOWN BELOW:

DATES AND TIMES: During the Commission's regular meeting April 15, 2014, 1:00 p.m. – 5:00 p.m.; April 16-17, 2014, 8:30 a.m. – 5:00 p.m., each day

PLACE: Florida Public Safety Institute, 215 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-15.063 Specific Regulations for Wildlife Management Areas – Northwest Region.

(1) Apalachee Wildlife Management Area.

(a) No change.

(b) Legal to take: All legal game, fish, frogs and furbearers. Taking of antlered deer not having at least one antler with three or more points or one antler with a main beam of ten inches or more in length is prohibited, except by persons less than 16 years of age, one inch or more in length, is prohibited in Zone A. Quail may be taken in Zone A only during the archery, muzzleloading gun, and quail seasons.

(c) through (d) No change.

(2) Apalachicola Wildlife Management Area.

(a) No change.

(b) Legal to take: All legal game, fish, frogs and furbearers. Taking of antlered deer not having at least one antler with two or more points is prohibited, except by persons less than 16 years of age. Bearded turkeys or gobblers may be taken during the muzzleloading gun season, and during the periods of November 27-30 and December 13-24. Killing quail is prohibited on the quail enhancement area (that portion of the area lying north of Oak Ridge Road, east of State Road 61 and U.S. Highway 319, south of State Road 263 and west of State Road 363) except by quail permit during the quail season. The bag limit for quail on the quail enhancement area is six (6) per quota permit.

(c) through (d) No change.

(3) Apalachicola Wildlife Management Area – Bradwell Unit.

(a) No change.

(b) Legal to take: All legal game, fish, frogs and furbearers. Taking of antlered deer not having at least one antler with two or more points is prohibited, except by persons less than 16 years of age. The bag limit for antlered deer shall be one per quota permit during the archery season and one per person, but no more than two per quota permit during muzzleloading gun and general gun seasons. During the family hunt, the bag limit shall be one antlered and one antlerless deer per quota permit. During spring turkey season, the bag limit for turkey shall be one gobbler or bearded turkey per person, but not more than two per quota permit. During the wild hog seasons, only wild hog may be taken.

(c) through (d) No change.

(4) Blackwater Wildlife Management Area.

(a) through (c) No change.

(d) Legal to take: All legal game, fish, frogs and furbearers. Taking of antlered deer not having at least one antler with three or more points or one antler with a main beam of ten inches or more in length is prohibited, except by persons less than 16 years of age. The bag limit for deer during the muzzleloading gun and archery season on the field trial portion of the area shall be one antlered and one antlerless deer per day. During the family still hunt, antlered or antlerless any deer (bag limit of three per quota permit) may be taken except spotted fawns. Taking quail is prohibited on the field trial area and the quail enhancement area (that portion of the area lying north of Bryant Bridge Road, east of Sandy Forest Road, east of County Road 191 between Sandy Forest Road and State Road 4, south of State Road 4 and west of Old Martin Road and Norman Riley Road) except by quail permit during the quail seasons. The bag limit for quail on the field trial area is 12 per hunting group each day. A group for the purpose of quail hunting on the field trial area shall include up to 2 persons. Taking quail after 3 p.m. Central Time is prohibited during the quail season on the field trial area. The bag limit for quail on the quail enhancement area is six (6) per quota permit. During the fox, raccoon, opossum and bobcat season, rabbit may be chased by the use of free-running dogs but may not be harvested except as allowed during other open seasons. During the wild hog-dog season, only wild hog may be taken.

(e) through (f) No change.

(5) Blackwater Wildlife Management Area – Hutton Unit.

(a) No change.

(b) Legal to take: All legal game, fish, frogs and furbearers except that only quail may be taken during the quail season. Taking quail is prohibited except during the quail season. Taking antlered deer not having at least one antler with three or more points or one antler with a main beam of ten inches or more in length is prohibited, except by persons less than 16 years of age, one inch or more in length, is prohibited. The bag limit for antlered deer shall be one per quota permit during the archery season and one per person, but no more than two per quota permit during muzzleloading gun and general gun seasons. Two deer (antlered or antlerless ~~except spotted fawns~~) may be taken per mobility-impaired quota permit. During the general gun for mobility-impaired season, only mobility-impaired hunters may take antlerless deer. During spring turkey season, the bag limit shall be one gobbler or bearded turkey per person, but not more than two per quota permit. During the wild hog-dog season, only wild hog may be taken.

(c) through (d) No change.

(6) No change.

(7) Joe Budd Wildlife Management Area.

(a) No change.

(b) Legal to take: All legal game, turkey of either sex, fish, frogs and furbearers. During small game season, dove (Saturdays only, during phases established by Rule 68A-13.008, F.A.C.), quail and squirrel may be taken. Antlerless deer is any deer, except a spotted fawn, that is without antlers or whose antlers are less than one inch in length visible above the hairline. Taking of antlered deer not having at least one antler with three or more points, ~~one inch or more in length,~~ is prohibited, except by persons less than 16 years of age. During the last two 3-day hunts of archery season, the take of antlerless deer is prohibited.

(c) through (d) No change.

(8) Point Washington Wildlife Management Area.

(a) No change.

(b) Legal to take: All legal game, fish, frogs and furbearers. Taking of antlered deer not having at least one antler with two or more points is prohibited, except by persons less than 16 years of age.

(c) through (d) No change.

(9) Talquin Wildlife Management Area.

(a) No change.

(b) Legal to take: All legal game, fish and furbearers. Taking of antlered deer not having at least one antler with two or more points is prohibited, except by persons less than 16 years of age. During the youth turkey hunt, the bag limit shall be one gobbler or bearded turkey per quota permit.

(c) through (d) No change.

(10) Ochlockonee River Wildlife Management Area.

(a) No change.

(b) Legal to take: All legal game, fish, frogs and furbearers. In that portion of the area south of I-10, taking of antlered deer not having at least one antler with two or more points is prohibited, except by persons less than 16 years of age. In that portion of the area north of I-10, taking of antlered deer not having at least one antler with three or more points or one antler with a main beam of ten inches or more in length is prohibited, except by persons less than 16 years of age. Gobblers or bearded turkeys may be taken during the archery/muzzleloading gun season. During the youth turkey hunt, the bag limit shall be one gobbler or bearded turkey per quota permit.

(c) through (d) No change.

(11) Tate's Hell Wildlife Management Area.

(a) No change.

(b) Legal to take: All legal game, fish, frogs and furbearers. Taking of antlered deer not having at least one ~~forked~~ antler with two or more points is prohibited, except by persons less than 16 years of age and having one or more antlers at least 5 inches in length visible above the hairline is prohibited. The forked antler shall have at least two points one inch or greater in length.

(c) through (d) No change.

(12) Tate's Hell Wildlife Management Area – Womack Creek Unit.

(a) No change.

(b) Legal to take: All legal game, fish, frogs, and furbearers. Taking of antlered deer not having at least one ~~forked antler with two or more points is prohibited, except by persons less than 16 years of age and having one or more antlers at least 5 inches in length visible above the hairline is prohibited. The forked antler shall have at least two points one inch or greater in length.~~ During the youth turkey hunt, the bag limit shall be one gobbler or bearded turkey per quota permit. The take of wild hog is prohibited during small game season.

(c) through (d) No change.

(13) through (14) No change.

(15) Pine Log Wildlife Management Area.

(a) No change.

(b) Legal to take: All legal game, fish, frogs and furbearers. Taking antlered deer not having at least one antler with three or more points, ~~one inch or more in length,~~ is prohibited, except by persons less than 16 years of age. During the youth turkey hunt, the bag limit shall be one gobbler or bearded turkey per quota permit.

(c) through (d) No change.

(16) Eglin AFB Wildlife Management Area.

(a) No change.

(b) Legal to take: All legal game, fish (except as provided below), frogs and furbearers. Taking of antlered deer not having at least one antler with two or more points is prohibited, except by persons less than 16 years of age in areas specified by the Installation Commander. The Installation Commander may specify areas and days where taking of antlered deer not having at least one antler with three or more points is prohibited and where persons less than 16 years of age may harvest antlered deer not meeting antler point criteria. The taking of any deer not having at least one antler with three or more points (each point one inch in length or more) is prohibited in areas specified by the Installation Commander. Antlerless deer may be taken during established seasons only by permit from the Installation Commander. The take of wild hog is prohibited during small game season.

1. through 2. No change.

(c) through (d) No change.

(17) Escambia River Wildlife Management Area.

(a) No change.

(b) Legal to take: All legal game, fish, frogs and furbearers. Taking of antlered deer not having at least one antler with three or more points or one antler with a main beam of ten inches or more in length is prohibited, except by persons less than 16 years of age.

(c) through (d) No change.

(18) Tyndall AFB Wildlife Management Area.

(a) No change.

(b) Legal to take: All legal game, fish, frogs and furbearers. Taking of antlered deer not having at least one antler with two or more points is prohibited, except by persons less than 16 years of age in areas specified by the Installation Commander. The Installation Commander may specify areas and days where taking of antlered deer not having at least one antler with three or more points is prohibited and where persons less than 16 years of age may harvest antlered deer not meeting antler point criteria. The taking of any deer not having at least one antler with three or more points (each point one inch in length or more) is prohibited in areas specified by the Installation Commander. Antler restrictions shall not apply during the supervised youth hunt. Antlerless deer may be taken during established seasons only by permit from the Installation Commander.

(c) through (d) No change.

(19) Choctawhatchee River Wildlife Management Area.

(a) No change.

(b) Legal to take: All legal game, fish, frogs and furbearers. In that portion of the area south of I-10, taking of antlered deer not having at least one antler with two or more points is prohibited, except by persons less than 16 years of age. In that portion of the area north of I-10, taking of antlered deer not having at least one antler with three or more points or one antler with a main beam of ten inches or more in length is prohibited, except by persons less than 16 years of age. In that portion of the area north of the pipeline right-of-way, turkey may be taken only during the spring turkey season and the bag limit for turkey shall be one gobbler or bearded turkey per quota permit.

(c) through (d) No change.

(20) Chipola River Wildlife Management Area.

(a) through (b) No change.

(c) Legal to take: All legal game, fish, frogs and furbearers. In that portion of the area south of I-10, taking of antlered deer not having at least one antler with two or more points is prohibited, except by persons less than 16 years of age. In that portion of the area north of I-10, taking of antlered deer not having at least one antler with three or more points or one antler with a main beam of ten inches or more in length is prohibited, except by persons less than 16 years of age. During the archery season in the Altha Tract, the bag limit for deer shall be one antlered or one antlerless deer per person, but not more than two per quota permit. During the family hunt, the bag limit shall be one antlered and one antlerless deer per quota permit. During the muzzleloading gun season in the Altha Tract, the bag limit shall be one antlered deer per person, but not more than two per quota permit. The bag limit for turkey in the Altha Tract shall be one gobbler or bearded turkey per quota permit during the youth turkey hunt and one gobbler or bearded turkey per person, but not more than two per quota permit during the spring turkey season.

(d) through (e) No change.

(21) Yellow River Wildlife Management Area.

(a) through (c) No change.

(d) Legal to Take: All legal game, fish, frogs and furbearers. In that portion of the area south of I-10, taking of antlered deer not having at least one antler with two or more points is prohibited, except by persons less than 16 years of age. In that portion of the area north of I-10, taking of antlered deer not having at least one antler with three or more points or one antler with a main beam of ten inches or more in length is prohibited, except by persons less than 16 years of age. Antlerless deer may only be taken during the first 30 days of archery season in the Burnt Grocery Creek area. During the youth turkey hunt, the bag limit shall be one gobbler or bearded turkey per quota permit.

(e) through (f) No change.

(22) Econfina Creek Wildlife Management Area.

(a) through (c) No change.

(d) Legal to Take: All legal game, fish (except as provided below), frogs and furbearers. Taking of antlered deer not having at least one antler with two or more points is prohibited, except by persons less than 16 years of age. Taking bobcat and otter is prohibited in the Fitzhugh Carter area. During the youth turkey hunt, the bag limit shall be one gobbler or bearded turkey per quota permit. In the mobility-impaired hunt area, antlerless deer (bag limit of two per three-day hunt) may be taken during general gun hunts only by persons possessing valid mobility-impaired certificates.

(e) through (f) No change.

(23) Box-R Wildlife Management Area.

(a) No change.

(b) Legal to take: All legal game, fish, frogs and furbearers. The bag limit for deer shall be one antlered deer per person, but not more than two per quota permit. Antlerless deer may be taken by antlerless deer permit only. Taking antlered deer not having at least one antler with three or more points, ~~one inch or more in length~~, is prohibited, except by persons less than 16 years of age. During spring turkey season, the bag limit for turkey shall be one gobbler or bearded turkey per person, but not more than two per quota permit. During the wild hog-dog season, only wild hog may be taken. The take of wild hog is prohibited during small game season. The take of deer is prohibited during wild hog-still season.

(c) through (d) No change.

(24) Lafayette Creek Wildlife Management Area.

(a) No change.

(b) Legal to take: All legal game, fish, frogs and furbearers. Taking of antlered deer not having at least one antler with two or more points is prohibited, except by persons less than 16 years of age.

(c) through (d) No change.

(25) No change.

(26) Perdido River Wildlife Management Area.

(a) No change.

(b) Legal to take: All legal game, fish, frogs and furbearers. In that portion of the area south of I-10, taking of antlered deer not having at least one antler with two or more points is prohibited, except by persons less than 16 years of age. In that portion of the area north of I-10, taking of antlered deer not having at least one antler with three or more points or one antler with a main beam of ten inches or more in length is prohibited, except by persons less than 16 years of age. During the youth turkey hunt, the bag limit shall be one gobbler or bearded turkey per quota permit.

(c) through (d) No change.

(27) Juniper Creek Wildlife Management Area.

(a) No change.

(b) Legal to take: Antlered deer with at least one antler with two or more points, antlerless deer and wild turkey (during the youth turkey hunt only). The bag limit for deer shall be one antlered or one antlerless deer per person. During the youth turkey hunt, the bag limit shall be one gobbler or bearded turkey per youth.

(c) through (d) No change.

(28) Beaverdam Creek Wildlife Management Area.

(a) No change.

(b) Legal to take: All legal game, fish, frogs and furbearers. Taking of antlered deer not having at least one antler with two or more points is prohibited, except by persons less than 16 years of age. During the family hunt, antlered or antlerless any deer except spotted fawns may be taken (limit one antlerless deer per person per day). During the muzzleloading gun season, antlered or antlerless any deer except spotted fawns may be taken (limit one antlerless deer per day). During the spring turkey season, the bag limit for turkey shall be one gobbler or bearded turkey per person, but not more than two per quota permit. During the wild hog-dog season, only wild hog may be taken.

(c) through (d) No change.

PROPOSED EFFECTIVE DATE: July 2, 2014

Rulemaking Authority Art. IV, Sec. 9, Fla. Const., 379.2223, 375.313 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.2223, 375.313 FS. History—New 6-21-82, Amended 7-1-83, 7-5-84, 7-1-85, 5-7-86, 5-10-87, 6-8-87, 5-1-88, 7-1-89, 7-1-90, 9-1-90, 7-1-91, 9-1-91, 7-1-92, 7-2-92, 7-1-93, 3-1-94, 7-1-94, 7-1-95, 7-2-95, 8-15-95, 7-1-96, 7-2-96, 6-1-97, 12-3-97, 7-1-98, 7-2-98, 8-11-98, 7-1-99, Formerly 39-15.063, Amended 11-17-99, 7-1-00, 7-1-01, 7-22-01, 6-2-02, 5-1-03, 7-1-03, 7-1-04, 7-2-04, 8-1-04, 7-1-05, 7-1-06, 7-1-07, 7-1-08, 7-1-09, 7-20-09, 7-1-10, 7-1-11, 11-14-11, 7-1-12, 7-1-13, 7-2-14.

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: 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: February 12, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 8, 2014