Notice of Proposed Rule

FISH AND WILDLIFE CONSERVATION COMMISSION
Freshwater Fish and Wildlife

RULE NO.: RULE TITLE:
68A-15.061 Specific Regulations for Wildlife Management Areas - Southwest Region

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to revise specific area regulations on Wildlife Management Areas (WMAs) in the Southwest Region and conform to calendar year date changes. 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 adjust season dates to conform to calendar year changes and revise specific area regulations on Wildlife Management Areas (WMAs) in the Southwest Region as follows:
- Avon Park Air Force Range WMA – allow wild hog hunts to be established by the Installation Commander.
- Chassahowitzka WMA – prohibit the harvest of antlerless deer during archery season, except by antlerless deer permit.
- Green Swamp WMA – open the check station and campground at the Rock Ridge Road entrance during wild hog-dog season (the Highway 471 entrance, check station and campground will remain open).
- Green Swamp WMA, West Unit – prohibit the use of generators powered by internal combustion engines in the campground from 10 p.m. until 4 a.m.; move wild hog-still season from December to October and wild hog-dog season from January to October; move special-opportunity archery hunts from November to December to better coincide with the rut; and allow the harvest of bobcat and otter during special-opportunity archery, special-opportunity general gun and small game seasons.
- Hickory Hammock – allow persons with authorization from the South Florida Water Management District vehicle access; and limit vehicle use to named roads and parking areas.
- Upper Hillsborough WMA – allow the use of air guns for hunting gray squirrel and rabbit during small game season; allow the use of crossbows for hunting turkey during spring turkey season; and allow vehicle access for scouting from 8 a.m. until 5 p.m. one day prior to each archery, muzzleloading gun and spring turkey hunt.
- Walk-in-the-Water WMA – remove the quota permit requirement for wild hog-still season.
- Weekiwachee WMA – prohibit the harvest of any wildlife with shotguns during the archery season.

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; 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 Commission’s regular meeting February 12 - 13, 2014, 8:30 a.m. − 5:00 p.m., each day
PLACE: Doubletree by Hilton Hotel, Tampa Airport – Westshore, 4500 West Cypress Street, Tampa, FL 33607
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-15.061 Specific Regulations for Wildlife Management Areas – Southwest Region.

(1) Green Swamp Wildlife Management Area.

(a) Open season:
2. Archery – October 18-19 through November 16-17, Fridays, Saturdays and Sundays only.
6. No change.

(b) No change.

(c) Camping: Allowed by permit only and only within the designated campsites at the Rock Ridge Road and 471 campgrounds. Camping is allowed at both campgrounds during archery, general gun, wild hog and spring turkey seasons. Camping is allowed only at the Rock Ridge Road campground during the fishing and frogging season and only at the 471 campground during the small game season and wild hog-dog seasons. Campers permits are non-transferable. Camping along the Green Swamp Hiking Trail (Florida Trail) is prohibited except by written permission from the Southwest Florida Water Management District. Kitchen stoves, refrigerators and freezers, unless contained in mobile campers are prohibited. Lumber, sheet metal or other building materials is prohibited. The alteration, defacing, moving or tampering in any way with official markings of campsites is prohibited. The use or operation of electrical generators powered by an internal combustion engine is prohibited within the campgrounds from 10 p.m. until 4 a.m. A legible copy of the camping permit or the permittee’s name and permit number must be visibly affixed to camping shelters. Camping equipment must be removed by 8 p.m. on the last date listed on the camping permit. Only tents, trailers or self-propelled camping vehicles may be used for camping.

(d) No change.

(2) Green Swamp Wildlife Management Area – West Unit.

(a) Open season:
2. Special-opportunity turkey – March 15-18, 24-27, March 29 through April 1, April 7-10 and 12-15.
7. Special-opportunity turkey - March 21-24, March 30 through April 2, April 4-7, 13-16 and 18-21.
10. through 8. No change.

(b) Legal to take: All legal game, fish, frogs and furbearers (except bobcat and otter). Turkey may be taken only during the special-opportunity turkey hunts. The bag limit for turkey shall be one gobbler (or bearded turkey) per special-opportunity turkey permit. One antlered deer may be taken per special-opportunity deer permit. Antlerless
deer may be taken by antlerless deer permit only. Taking of antlered deer not having at least one antler with four or more points is prohibited. Only wild hog may be taken during the wild hog seasons.

(c) Camping: Camping is allowed at designated campsites during hunting season and at other times by permit from the Southwest Florida Water Management District. Kitchen stoves, refrigerators, and freezers, unless contained in mobile campers are prohibited. Lumber, sheet metal or other building materials is prohibited. Each camper shall assure that their campsite is clean at all times. The alteration, defacing, moving or tampering in any way with official markings of campsites is prohibited. The use or operation of electrical generators powered by an internal combustion engine is prohibited within the campgrounds from 10 p.m. until 4 a.m.

(d) No change.


(a) Open season:
2. Bird dog training – Bird dogs may be trained in the bird dog training area September 20 21 through February 15 16 and bird dogs may be trained in the remainder of the area during the small game season except the field trial and Boy Scout areas.
4. Small game – November 17-30 31 through December 3 4 and Wednesdays, Thursdays, Saturdays and Sundays only December 3 4 through January 18 19.
6. through 7. No change.

(b) through (d) No change.

(4) Fred C. Babcock/Cecil M. Webb Wildlife Management Area – Yucca Pens Unit.

(a) Open season:
3. Small game – November 19 20 through January 18 19 on Wednesdays, Thursdays, Saturdays and Sundays only and the Friday after Thanksgiving Day.
4. through 5. No change.

(b) through (d) No change.

(5) Upper Hillsborough Wildlife Management Area.

(a) Open season:
6. No change.

(b) No change.

(c) Camping: Prohibited except at the designated campsite from 8 a.m. one day prior to each archery and muzzleloading gun hunt until 8 p.m. on the last day of each hunt; from 3 p.m. one day prior to each wild hog-dog and small game hunt until 8 p.m. on the last day of each hunt; from 8 a.m. one day prior to each spring turkey hunt until 5 p.m. on the last day of each hunt; during periods when hunting is allowed or by written permission from the Southwest Florida Water Management District. Only tents, trailers or self-propelled camping vehicles may be used for camping. Camping equipment is prohibited on the area except during periods when camping is allowed.

(d) General regulations:
1. through 4. No change.

5. Motor vehicles may be operated between the designated entrance and the designated campsite anytime camping is allowed. Motor vehicles may be operated beyond the designated camp sites from 8 a.m. until 5 p.m. one day prior to each archery, muzzleloading gun and spring turkey hunt. During hunts, motor vehicles may be operated beyond the designated camp sites only during hours that the check station is in operation.
During periods not open for hunting or camping, public access other than on foot (pedestrian) or by bicycle is prohibited.

During the small game season, wildlife may be taken only with shotguns, except gray squirrel and rabbit may be taken with air guns. During the spring turkey season only shotguns and bows and arrows are allowed for taking turkeys. During the wild hog-dog season wildlife may be taken only with shotguns and centerfire handguns.
(d) General regulations:
1. through 2. No change.
3. Vehicle access is prohibited except by persons that have obtained an authorization from the South Florida Water Management District. Vehicles shall be operated only on named or numbered roads and must be parked in designated parking areas or within 25 feet of a named or numbered road. 
4. through 5. No change.
(a) Open season:
1. Archery – September 27-28, September 29-30 through October 2, 3, October 3-5, 6-9, 7-10 and 10-12.
2. Muzzleloading gun – November 29-30 through December 1, December 1-4, 2-5 and 5-7.
4. Spring turkey – March 31 through April 2.
5. No change.
(b) through (d) No change.
(10) Hilochee Wildlife Management Area.
(a) Open season:
2. Spring turkey – March 27-29 and April 10-12.
5. Small game – January 30 through April 8.
7. No change.
8. Raccoon – August 7 through September 29.
(b) through (d) No change.
(11) Lake Marion Creek Wildlife Management Area.
(a) Open season:
7. Spring turkey – March 21-23.
8. No change.
(b) through (c) No change.
(d) General regulations:
1. No change.
2. Public access other than by foot or bicycle is prohibited, except by persons that have obtained a vehicle access authorization from the South Florida Water Management District. Vehicles may only be operated from 1.5 hours before sunset until 1.5 hours after sunset, except as authorized by the South Florida Water Management District. Vehicles shall be operated only on named or numbered roads and shall be parked in designated parking areas or within 25 feet of a named or numbered road.
3. through 4. No change.
(a) Open season:
1. Archery – September 13 through October 13 in areas and during days specified by the Installation Commander or a designee.
2. Muzzleloading gun – October 19 through November 1 in areas and during days specified by the Installation Commander or a designee.
3. General gun – November 2 through January 1 in areas and during days specified by the Installation Commander or a designee.
4. Small game – November 1 through March 1 in areas and during days specified by the Installation Commander or a designee.
5. Youth turkey hunt – March 14-15 in areas and during days specified by the Installation Commander or a designee.
6. Spring turkey – March 21 through April 26 in areas and during days specified by the Installation Commander or a designee.
7. Antlerless deer – November 22-28 in areas and during days specified by the Installation Commander or a designee.
8. through 9. No change.
9. through 10. No change.
11. Wild hog (still and dog hunts) – In areas and during days specified by the Installation Commander or a designee.
(b) through (c) No change.
(d) General regulations:
1. Hunters and individuals accompanying hunters must wear a minimum of 500 square inches of daylight fluorescent orange material above the waist as an outer garment when in any hunt area during muzzleloading gun, general gun, wild hog or small game seasons, except those hunting waterfowl in Morgan Hole Creek, Kissimmee Marsh or Arbuckle Marsh. Persons within the passenger compartment of a vehicle are not required to wear the fluorescent orange material.
2. through 5. No change.
6. Running of dogs after sunset and before sunrise is prohibited, unless authorized by the Installation Commander or a designee.
7. through 14. No change.
15. During wild hog-dog hunts, legal hunting hours shall be during times specified by the Installation Commander or a designee. When authorized by the Installation Commander or a designee, wild hog may be taken during wild hog-dog hunts at night by the aid of a light with a firearm provided that no wild hog shall be shot until bayed by dogs. The hunting of wild hogs under this provision by display or use of a light from a moving vehicle, boat or animal is prohibited.
(13) Croom Wildlife Management Area.
(a) Open season:
2. General gun – November 1-23.
4. Spring turkey – March 24-26, April 7-9 and 21-23.
5. Fox, raccoon and bobcat – December 11 through March 8. Hunting is allowed from 5 p.m. Thursday to sunrise Sunday with dogs only. Taking wildlife with guns is prohibited during this season.
6. through 7. No change.
(b) through (d) No change.
(14) Chassahowitzka Wildlife Management Area.
(a) Open season:
1. Archery – September 13 through October 13.
5. through 6. No change.
8. Spring turkey – March 27-29, 21-23, April 10-12, 4-6 and 24-26, 18-20.
9. Raccoon – January 29-30 through February 22-23 and April 30 through May 24-25 (from 1.5 hours before sunset on Thursday until 1.5 hours after sunrise on Sunday).
(b) Legal to take: All legal game, fish, frogs and furbearers (except bobcat and otter). During the archery season, the take of antlerless deer shall be by antlerless deer permit only. During the spring turkey season the bag limit for turkeys shall be one gobbler (or bearded turkey) per person, but not more than two per quota permit. Only wild hog may be taken during the wild hog-dog season. Waterfowl and coot may be taken on Wednesdays, Saturdays and Sundays only. During the raccoon season, only raccoon and opossum may be taken.
(c) through (d) No change.
(15) Hilochee Wildlife Management Area – Osprey Unit.
(a) Open season:
1. Family hunt – November 14-16, 15-17.
2. Wild hog-still – November 28-30 through December 1.
9. No change.
(b) through (d) No change.
(a) Open season:
2. No change.
(b) through (c) No change.
(d) General regulations:
1. through 7. No change.
8. Taking wildlife with a shotgun is prohibited during archery season.
(17) Lower Hillsborough Wildlife Management Area.
(a) Open season:
2. Youth turkey hunt – March 27-29, 30-31 and April 10-12, 4-6.
3. No change.
(b) through (d) No change.
PROPOSED EFFECTIVE DATE: July 1, 2014
Rulemaking Authority Art. IV, Sec. 9, Fla. Const., 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, 11-17-83, 7-5-84, 10-1-84, 7-1-85, 9-19-85, 5-7-86, 5-10-87, 10-8-87, 5-1-88, 7-1-89, 7-1-90, 7-1-91, 7-2-91, 7-1-92, 8-23-92, 7-1-93, 7-1-94, 7-1-95, 7-1-96, 9-15-96, 6-1-97, 8-7-97, 7-1-98, 10-20-98, 12-28-98, 7-1-99. Formerly 39-15.061, Amended 12-9-99, 3-30-00, 7-1-00, 7-1-01, 5-13-02, 5-25-03, 7-1-04, 7-1-05, 7-1-06, 7-1-07, 7-1-08, 7-1-09, 7-1-10, 7-1-11, 7-1-12, 7-1-13, 7-1-14.


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: November 20, 2013
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 8, 2014