

Background Report
Final Rule 68A-15.064
Agenda Item 4 D
February 12, 2014

Notice of Proposed Rule

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: RULE TITLE:

68A-15.064 Specific Regulations for Wildlife Management Areas - South Region

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to revise specific area regulations on Wildlife Management Areas (WMAs) in the South 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 South Region as follows:

Dinner Island Ranch WMA – require hunters to check in, check out, and check harvested game only during periods when the check station is staffed; and require deer, wild hog, and turkey to be checked at a check station before being dismembered only during periods when the check station is staffed.

Fisheating Creek WMA – establish a 72 day small game season from the first weekend in December through the second weekend in February; allow the harvest of wild hog during small game season; allow wild hog to be dismembered before being checked at a check station; require hunters to check in, check out, and check harvested game only during periods when the check station is staffed; and require deer and turkey to be checked at a check station before being dismembered only during periods when the check station is staffed.

J.W. Corbett WMA – require hunters to check in, check out, and check harvested game only during periods when the check station is staffed; and require deer, wild hog, and turkey to be checked at a check station before being dismembered only during periods when the check station is staffed.

Okaloacoochee Slough WMA – remove the third spring turkey hunt; require hunters to check in, check out, and check harvested game only during periods when the check station is staffed; and require deer, wild hog, and turkey to be checked at a check station before being dismembered only during periods when the check station is staffed.

Picayune Strand WMA - remove the requirement for hunters to check in, check out, and check game at a check station; and remove requirement to check deer, wild hog, and turkey before dismembering.

Spirit-of-the-Wild WMA - require hunters to check in, check out, and check harvested game only during periods when the check station is staffed; and require deer, wild hog, and turkey to be checked at a check station before being dismembered only during periods when the check station is staffed.

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, TIME AND PLACE SHOWN BELOW:

DATES AND TIME: During the Commission's regular meeting February 12-13, 2013, 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-15.064 Specific Regulations for Wildlife Management Areas – South Region.

(1) J. W. Corbett Wildlife Management Area.

(a) through (c) No change.

(d) General regulations:

1. through 2. No change.

3. During periods when check stations are staffed, all ~~All~~ persons shall check in and out at a check station when entering and exiting the area and shall check all game taken. People through-hiking on the Florida Trail may enter or exit the area through the Florida Trail.

4. No change.

5. During periods when the check stations are staffed, no ~~No~~ deer or wild hog shall be quartered or dismembered in the hunt area or removed from the area unless checked at a check station.

6. through 18. No change.

(2) Hole Land Wildlife Management Area.

(a) Open season:

1. General gun – Walk, October ~~4-19~~ ~~5~~ through ~~October 20~~.

2. General gun – Vehicle, October ~~25~~ ~~26~~ through November ~~9~~ ~~10~~ (tracked vehicles).

3. Archery – August ~~9-31~~ ~~10~~ through ~~September 1~~.

4. Muzzleloading gun – September ~~6-14~~ ~~7-15~~.

5. Small game – November ~~10~~ ~~11~~ through March ~~1~~ ~~2~~.

6. through 7. No change.

(b) through (e) No change.

(3) Everglades and Francis S. Taylor Wildlife Management Area.

(a) Open season:

1. General gun – Walk, October ~~4-19~~ ~~5-20~~, Conservation Areas 3A North and 2 only.

2. General gun – Vehicle (airboats and tracked vehicles only), October ~~25~~ ~~26~~ through November ~~9~~ ~~10~~, in Conservation Areas 3A North, 3A South, 2, and the Francis S. Taylor Wildlife Management Area.

3. Archery – August ~~9-31~~ ~~10~~ through ~~September 1~~, Conservation Area 3A North only.

4. Muzzleloading gun – September ~~6-14~~ ~~7-15~~, in Conservation Area 3A North only.

5. Small game – November ~~10~~ ~~11~~ though March ~~1~~ ~~2~~.

6. through 7. No change.

(b) through (e) No change.

(4) Rotenberger Wildlife Management Area.

(a) Open season:

1. General gun – Walk, October ~~4-19~~ ~~5-20~~.

2. General gun – Vehicle (tracked vehicles only), October ~~25~~ ~~26~~ through November ~~9~~ ~~10~~ (tracked vehicles).

3. Archery – August ~~9-31~~ ~~10~~ through ~~September 1~~.

4. Muzzleloading gun – September ~~6-14~~ 7-15.
5. Small game – November 10 ~~11~~ through March 1 ~~2~~.
6. through 7. No change.
- (b) through (e) No change.
- (5) Big Cypress Wildlife Management Area.
 - (a) Open season:
 1. through 2. No change.
 3. Archery – Starting the Saturday prior to Labor Day and ending 29 days thereafter ~~September 7 through October 6~~ in all units and twelve days prior to Thanksgiving day through January 1, except during those years when January 1 falls on a Thursday, Friday or Saturday, in which case the season would close on the following Sunday in the Deep Lake Unit only.
 4. Muzzleloading gun – October ~~11-26~~ 12-27, except in the Deep Lake Unit.
 5. Spring turkey – March 7 ~~1~~ through April 12 ~~6~~.
 6. through 7. No change.
 - (b) through (d) No change.
 - (6) Okaloacoochee Slough Wildlife Management Area.
 - (a) Open season:
 1. Archery – August ~~9-15~~ 10-16 and ~~16-24~~ 17-25.
 2. Muzzleloading gun – September ~~6-8~~ 7-9 and ~~13-15~~ 14-16.
 3. Family Hunt – September ~~20-21~~ 21-22.
 4. General gun – September ~~27-30~~ 28 through ~~October 1~~ and October ~~1-5~~ 2-6.
 5. Small game – November ~~15~~ 16 through December ~~28~~ 29.
 6. Spring turkey – March ~~7-10~~ and ~~11-15~~ 1-4, 5-9 and 10-16.
 7. through 8. No change.
 - (b) through (c) No change.
 - (d) General regulations:
 1. through 4. No change.
 5. During periods when the check station is staffed, hunters ~~Hunters~~ shall check in and out at the ~~a~~ designated check station when entering and exiting the area and shall check all game taken.
 6. During periods when the check station is staffed, no ~~No~~ deer, wild hog or turkey shall be dismembered until checked at the ~~a~~ check station.
 7. No change.
 - (7) Fisheating Creek Wildlife Management Area.
 - (a) Open season:
 1. Archery – August ~~22-24~~ 23-25 and ~~29-31~~ August 30 through September 1 west of US Highway 27 only.
 2. Muzzleloading gun – September ~~12-14~~ 13-15 and ~~19-21~~ 20-22 west of US Highway 27 only.
 3. General gun – October ~~3-5~~ 4-6 and ~~17-19~~ 18-20 west of US Highway 27 only.
 4. Youth Turkey Hunt – February ~~28~~ through March 1 ~~22-23~~ west of US Highway 27 only.
 5. Spring turkey – March ~~7-10~~ 1-4, ~~13-16~~ 7-10, ~~20-23~~ 14-17, ~~27-30~~ 21-24 and ~~April 3-6~~ 28-31 west of US Highway 27 only.
 6. Special-opportunity spring turkey – March ~~7-13~~ 1-7 and ~~21-27~~ 15-21 east of US Highway 27 only.
 7. Wild hog-still – November ~~22-23~~ 23-24 west of US Highway 27 only.
 8. Small game – The first Saturday in December through the second Sunday in February west of US Highway 27 only.
 8. through 9. renumbered 9. through 10. No change.
 - (b) through (c) No change.
 - (d) General regulations:
 1. through 2.
 3. During periods when the check station is staffed, hunters ~~Hunters~~ shall check in and out at the ~~a~~ check station located at the Palmdale campground when entering and exiting the area and shall check all game taken. Hunters shall access the area only from the Palmdale campground, except that special-opportunity turkey hunters may access

the special-opportunity hunt area from the right-of-way US Highway 27 provided they check in and out at the check station.

4. through 5. No change.

6. During periods when the check station is staffed, no ~~No deer, wild hog~~ or turkey shall be dismembered until checked at the ~~a~~ check station.

7. No change.

(8) Picayune Strand Wildlife Management Area.

(a) Open season:

1. Archery – August ~~9-24~~ ~~10-25~~.

2. Muzzleloading gun – September ~~6-8~~ ~~7-9~~ and ~~13-15~~ ~~14-16~~.

3. General gun – October ~~11-14~~ ~~12-15~~, ~~15-19~~ ~~16-20~~ and ~~20-26~~ ~~21-27~~.

4. Small game – November ~~8~~ ~~9~~ through December ~~28~~ ~~29~~.

5. Spring turkey – March ~~7-10~~ ~~1-4~~ and ~~11-15~~ ~~5-9~~.

6. through 7. No change.

(b) through (c) No change.

(d) General regulations:

1. through 3. No change.

4. ~~Hunters shall check in and out at a designated check station when entering and exiting the area and shall check all game taken.~~

5. ~~No deer, wild hog or turkey shall be dismembered until checked at a check station.~~

6. renumbered 4. No change.

(9) Dinner Island Ranch Wildlife Management Area.

(a) Open season:

1. Archery – August ~~8-11~~ ~~9-12~~, ~~15-18~~ ~~16-19~~, ~~22-25~~ ~~23-26~~ and August ~~29~~ ~~30~~ through September ~~1~~ ~~2~~.

2. Muzzleloading gun – September ~~12-14~~ ~~13-15~~.

3. General gun – September ~~20-22~~ ~~21-23~~, ~~26-28~~ ~~27-29~~ and October ~~3-5~~ ~~4-6~~.

4. Small game – November ~~1~~ ~~2~~ through the Sunday prior to the youth turkey hunt.

5. Family hunt – October ~~11-12~~ ~~12-13~~ and ~~18-19~~ ~~19-20~~.

6. Youth Turkey Hunt – February ~~28~~ through March ~~1~~ ~~22-23~~.

7. Spring turkey – March ~~7-9~~ ~~1-3~~, ~~14-16~~ ~~8-10~~ and ~~April 4-6~~ ~~March 29-31~~.

8. through 10. No change.

(b) through (c) No change.

(d) General regulations:

1. through 4. No change.

5. During periods when the check station is staffed, hunters ~~Hunters~~ shall check in and out at the ~~a~~ designated check station when entering and exiting the area and shall check all game taken.

6. During periods when the check station is staffed, no ~~No~~ deer, wild hog or turkey shall be dismembered until checked at the ~~a~~ check station.

7. through 9. No change.

(10) Spirit-of-the-Wild Wildlife Management Area.

(a) Open season:

1. Archery – August ~~8-11~~ ~~9-12~~, ~~15-18~~ ~~16-19~~, ~~22-25~~ ~~23-26~~ and August ~~29~~ ~~30~~ through September ~~1~~ ~~2~~.

2. Muzzleloading gun – September ~~12-14~~ ~~13-15~~.

3. General gun – September ~~20-22~~ ~~21-23~~, ~~26-28~~ ~~27-29~~, and October ~~3-5~~ ~~4-6~~.

4. Small game – November ~~1~~ ~~2~~ through the Sunday prior to the youth turkey hunt.

5. Youth Turkey Hunt – February ~~28~~ through March ~~1~~ ~~22-23~~.

6. Spring turkey – March ~~7-9~~ ~~1-3~~, ~~14-16~~ ~~8-10~~ and ~~21-23~~ ~~15-17~~.

7. through 8. No change.

(b) through (c) No change.

(d) General regulations:

1. through 4. No change.

5. During periods when the check station is staffed, hunters ~~Hunters~~ shall check in and out at the ~~a~~ designated check station when entering and exiting the area and shall check all game taken.

6. During periods when the check station is staffed, no ~~No~~ deer, wild hog or turkey shall be dismembered until checked at the ~~a~~ check station.

7. No change.

(11) Allapattah Flats Wildlife Management Area.

(a) Open season:

1. Archery – September 13-16 ~~14-17~~, 20-23 ~~21-24~~, September 27-30 ~~28~~ through October ~~1~~ and October 4-7 ~~5-8~~.

2. Muzzleloading gun – October 18-20 ~~19-21~~.

3. Family hunt – November 1-4 ~~2-5~~.

4. General gun – November 8-12 ~~9-13~~.

5. Small game – November 15 ~~16~~ through the second Sunday in January.

6. Spring turkey – March 7-10 ~~1-4~~ and 11-15 ~~5-9~~.

7. through 8. No change.

(b) through (d) No change.

PROPOSED EFFECTIVE DATE: July 1, 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, 7-27-83, 9-27-83, 7-5-84, 7-1-85, 5-7-86, 8-5-86, 5-10-87, 8-24-87, 5-1-88, 6-7-88, 7-1-89, 7-1-90, 9-1-90, 7-1-91, 7-1-92, 7-1-93, 7-1-94, 7-1-95, 8-15-95, 7-1-96, 9-15-96, 10-20-96, 6-1-97, 8-7-97, 7-1-98, 7-2-98, 7-1-99, Formerly 39-15.064, Amended 11-17-99, 7-1-00, 7-1-01, 6-2-02, 2-27-03, 5-1-03, 7-1-04, 7-1-05, 7-1-06, 7-1-07, 7-1-08, 7-1-09, 7-20-09, 1-19-10, 7-1-10, 8-26-10, 7-1-11, 7-1-12, 7-1-13, 7-1-14.

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: November 20, 2013

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