Background Report
Final Rule 68A-17.005
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-17.005 Specific Regulations for Wildlife and Environmental Areas
PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to revise specific area regulations on Wildlife and Environmental Areas (WEAs) 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 WEAs.
SUMMARY: The proposed rule amendment would adjust season dates to conform to calendar year changes and revise specific area regulations on Wildlife and Environmental Areas (WEAs) as follows:
North Central Region
Lafayette Forest WEA – allow the use of horses on the area.
Watermelon Pond WEA – establish a 2-day youth spring turkey hunt (quota of 5, no exemptions); allow the use of dogs on leashes.
Northwest Region
Apalachicola River WEA – increase the wild hog-dog hunting opportunity by removing the quota permit requirement, allow hunting wild hogs with dogs 24 hours a day, and expand the hunt area to include the portion of the area west of the Apalachicola River, west of the East River and south of Sam's Creek Cut-off.
L. Kirk Edwards WEA – move all deer hunts later in the year to better coincide with the rut; in the area east of Chaires Cross Road, move the first small game hunt to occur during the opening weekend of duck, light goose, and coot season and move all other small game hunts one weekend later; add the opening weekend of special September duck season in the area east of Chaires Cross Road.
South Region
John G. and Susan H. Dupuis WEA – 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.
CREW WEA – 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.
John C. and Mariana Jones / Hungryland WEA – 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.
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, 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-17.005 Specific Regulations for Wildlife and Environmental Areas.
(1) Southwest Region.
(a) through (e) No change.
(f) Lake Wales Ridge Wildlife and Environmental Area – Royce Unit – Highlands County.
1. Open season:
a. Archery – September 19-21 ~~20-22~~ and October 10-12 ~~11-13~~.
b. General gun – November 14-16 ~~15-17~~.
c. Small game – December 5-7 ~~6-8~~, 19-21 ~~20-22~~, January 16-18 ~~17-19~~ and 23-25 ~~24-26~~.
d. Wild hog-still – May 2-3 ~~3-4~~ and 9-10 ~~10-11~~.
e. Youth turkey hunt – March 14-15 ~~8-9~~.
f. Spring turkey – March 21-23 ~~15-17~~ and April 3-5 ~~March 28-30~~.
g. No change.
2. through 3. No change.
(g) through (k) No change.
(2) North Central Region.
(a) Santa Fe Swamp – Bradford County.
1. Open season:
a. Archery – September 19 ~~20~~ through October 17 ~~18~~.
b. Muzzleloading gun – October 18-20 ~~19-21~~.
c. Archery and muzzleloading gun – November 1 ~~2~~ through December 28 ~~29~~.
d. Spring turkey – March 21 ~~15~~ through April 26 ~~20~~.
e. through f. No change.
2. through 3. No change.
(b) Fort White Mitigation Park – Gilchrist County.
1. Open season:
a. Archery season – October 18-22 ~~19-23~~, 25-29 ~~26-30~~ and November 8-12 ~~9-13~~.
b. Small game – November 15-28 ~~16-29~~.
c. Youth spring turkey – March 14-15 ~~8-9~~.
d. Spring turkey – March 21-25 ~~15-19~~ and March 28 through April 1 ~~22-26~~.
e. through g. No change.
2. through 4. No change.
(c) Suwannee Ridge – Hamilton County.
1. Open season:

a. Mobility-impaired general gun – October 10-12 ~~11-13~~, 24-26 ~~25-27~~, October 31 through November 2 ~~1-3~~ and December 12-14 ~~13-15~~.

b. Mobility-impaired spring turkey – March 27-29 ~~21-23~~ and April 17-19 ~~11-13~~.

2. through 3. No change.

(d) through (e) No change.

(f) Lafayette Forest Wildlife and Environmental Area.

1. Open seasons:

a. Archery season – September 20-24 and 26-30 ~~21-25, September 27 through October 1~~ and October 3-7 ~~4-8~~.

b. Muzzleloading gun season – October 18-20 ~~19-21~~.

c. Family hunt – November 1-2 ~~2-3~~ and 8-9 ~~9-10~~.

d. Wild hog-still – January 17-21 ~~18-22~~ and 24-28 ~~25-29~~.

e. Youth spring turkey – March 14-15 ~~8-9~~.

f. Spring turkey – March 21-23 ~~15-17~~ and 27-29 ~~21-23~~.

g. through i. No change.

2. No change.

3. General regulations:

a. through b. No change.

c. Possession of any animal is prohibited except horses are allowed, ~~that~~ a dog on a leash may be used for trailing wounded game, dogs may be transported year round on McCalls Chapel Grade and falcons may be used during the falconry season. Horses are allowed on firebreaks, designated trails and named or numbered roads only.

d. through f. No change.

(g) Watermelon Pond Wildlife and Environmental Area.

1. Open seasons:

a. Archery season – October 11-19 ~~12-20~~.

b. Small game – November 14-27 ~~15-28~~ and December 12-27 ~~13-28~~.

c. Youth spring turkey – March 14-15.

c. through e. renumbered d. through f. No change.

2. No change.

3. General regulations:

a. through d. No change.

e. Possession of animals is prohibited; except that dogs are allowed as provided by paragraph 68A-17.004(7)(c), F.A.C., dogs on a leash may be used for trailing wounded game, horses are allowed only on roads and designated horse trails, bird dogs and waterfowl retrievers may be used for hunting during the small game season and falcons may be used for falconry season.

(3) Northwest Region.

(a) No change.

(b) Apalachicola River – Gulf, Franklin, and Liberty counties.

1. Open seasons:

a. through f. No change.

g. Wild hog-dog – Opening the third Friday and closing 2 days thereafter in the months of July, August, September, May and June, in that portion of the area west of ~~Saul Creek Road, south of a line running east from Misfit Landing to the Apalachicola River and west of~~ the Apalachicola River, west of the East River and south of Sam's Creek Cut-off.

h. through k. No change.

2. through 3. No change.

4. General regulations:

a. through d. No change.

e. Hunting with dogs, other than bird dogs or retrievers, is prohibited in that portion of the area posted as Northwest Florida Water Management District lands (except those lands lying south of the Chipola River and east of the St. Joe Canal) and on those lands lying east of East Bay and Cash Bayou, except during the wild hog-dog season.

f. No change.

~~g. During the wild hog-dog season, a quota permit shall allow a hunting group of two persons and a guest, as authorized by Rule 68A-15.005, F.A.C., (3 total) to participate in the hunt and no more than three free-running dogs may be used to take wildlife per hunting group.~~

h. renumbered g. No change.

~~i. During the wild hog-dog season, taking wild hog is prohibited from sunrise to sunset.~~

j. renumbered h. No change.

(c) L. Kirk Edwards – Leon County.

1. No change.

2. Open seasons for that portion of the area east of Chaires Cross Road:

a. Archery – September 26-28, October 10-12 and October 31 through November 2. ~~During the first three days of the archery season for Zone C, and the Friday, Saturday and Sunday of the third and fifth weekends of the archery season for Zone C established in Rule 68A-13.004, F.A.C.~~

b. Family hunt – October 25-26. ~~During the first two days of the muzzleloading gun season for Zone C established in Rule 68A-13.004, F.A.C.~~

c. Archery and muzzleloading gun – November 28-30, December 12-14, 26-28 and January 9-11. ~~During the Friday, Saturday and Sunday of the second weekend of the muzzleloading gun season for Zone C established in Rule 68A-13.004, F.A.C. and during the Friday, Saturday and Sunday of the second, fourth and sixth weekends of the antlered deer season for Zone C established in Rule 68A-13.004, F.A.C.~~

d. Small game – September 19-21, November 21-23, January 23-25, February 6-8 and 20-22. ~~During the eleventh, thirteenth, fifteenth, seventeenth and nineteenth weekends of the gray squirrel season established in Rule 68A-13.004, F.A.C. (Friday through Sunday only).~~

e. through g. No change.

3. Legal to take: All legal game, turkey (during spring turkey season only), fish, frogs and furbearers. During small game season, all small game may be taken, except quail may not be taken prior to the second Saturday in November. During the spring turkey season, the bag limit shall be one gobbler (or bearded turkey) per quota permit. During the archery season 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 for deer shall be one antlered and one antlerless deer per quota permit. During the archery/muzzleloading gun season the bag limit for deer shall be one antlered deer per person, but not more than two per quota permit.

4. No change.

(4) South Region.

(a) Southern Glades – Dade County.

1. Open season:

a. Archery – August 2-31 ~~3 through September 1~~.

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

c. General gun – September 20 ~~21~~ through October 19 ~~20~~ and November 24-30 ~~25 through December 1~~.

d. Small game – December 1 ~~2~~ through March 1 ~~2~~.

e. through g. No change.

2. though 3. No change.

(b) John G. and Susan H. Dupuis Jr. – Palm Beach and Martin counties.

1. Open season:

a. Archery – September 12-14 ~~13-15~~, 19-21 ~~20-22~~ and 26-28 ~~27-29~~.

b. Muzzleloading gun – October 10-12 ~~11-13~~, 17-19 ~~18-20~~ and 24-26 ~~25-27~~.

c. General gun for mobility-impaired – November 1-2 ~~2-3~~.

d. General gun – November 7-9 ~~8-10~~ and 14-16 ~~15-17~~.

e. Wild hog-still – November 18-20 ~~19-21~~, December 2-4 ~~3-5~~, 9-11 ~~10-12~~ and 16-18 ~~17-19~~.

f. Spring turkey – March 10-12 ~~4-6~~, 20-22 ~~14-16~~ and 27-29 ~~21-23~~.

g. Small game – December 6 ~~7~~ through January 25 ~~26~~.

h. through j. No change.

2. through 3. No change.

4. General regulations:

a. through f. No change.

g. During the archery, muzzleloading gun, general gun, general gun for mobility-impaired, spring turkey and wild hog-still seasons, hunters shall check in and out at the check station at Gate 3 and check all game taken. During periods when the check station is staffed, no ~~No~~ deer, wild hog, or turkey may be dismembered until checked at the check station. During the small game season, hunters shall enter and exit the area through Gate 1.

h. through m. No change.

(c) CREW – Collier and Lee Counties.

1. Open season:

a. Archery – August 9-17 ~~10-18~~.

b. Muzzleloading gun – September 6-8 ~~7-9~~.

c. General gun – November 22-30 ~~23 through December 1~~.

d. Small game –December 6 ~~7~~ through January 3 ~~4~~.

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

f. No change.

g. Falconry – Game may be taken by falconry during established statewide seasons that coincide with periods when the area is otherwise open for public use or hunting.

g. renumbered h. No change.

2. through 3. No change.

4. General regulations:

a. through e. No change.

f. Persons may enter and exit the area only at designated access points and, during periods when check stations are staffed, hunters must check in and out at the designated check station and shall check all game taken.

g. through i. No change.

j. During periods when check stations are staffed, no ~~No~~ deer or turkey shall be dismembered until checked at a check station.

k. No change.

(d) No change.

(e) John C. and Mariana Jones/Hungryland – Palm Beach and Martin Counties.

1. Open season:

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

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

c. General gun – November 1-3 ~~2-4~~, 8-10 ~~9-11~~ and 15-17 ~~16-18~~.

d. Small game – November 22 ~~23~~ through December 21 ~~22~~.

e. Spring turkey – March 21 through April 5 ~~15-30~~ (Wednesdays, Saturdays and Sundays only).

f. No change.

g. Falconry – Game may be taken by falconry during established statewide seasons that coincide with periods when the area is otherwise open for public use or hunting.

g. renumbered h. No change.

2. through 3. No change.

4. General regulations:

a. through c. No change.

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

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

f. through i. No change.

(5) No change.

PROPOSED EFFECTIVE DATE: July 1, 2014

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.2223, 375.313 FS. History–New 7-1-83, Amended 11-30-83, 7-1-84, 8-21-85, Formerly 39-17.05, Amended 6-1-86, 8-13-87, 8-18-88, 8-17-89, 4-11-90, 7-1-91, 10-31-91, 4-14-92, 4-20-93, 7-1-94, 9-15-94, 3-30-95, 8-15-95, 7-1-96, 4-3-97, 10-28-97, 7-1-98, 8-11-98, 7-1-99, Formerly

39-17.005, Amended 7-1-00, 5-1-01, 6-2-02, 5-25-03, 7-1-04, 7-1-05, 7-1-06, 7-1-07, 7-1-08, 1-6-09, 7-1-09, 10-29-09, 7-1-10, 7-1-11, 11-14-11, 7-1-12, 7-26-12, 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