

Notice of Proposed Rule
Wildlife Best Management Practices as Advertised
Consent Agenda Item 3
November 20, 2014

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: RULE TITLE:

68A-27.007 Permits and Authorizations for the Take of Florida Endangered and Threatened Species

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to correct the Florida Statute reference that authorizes the Florida Department of Agriculture and Consumer Services (FDACS) to work cooperatively with Florida Fish and Wildlife Conservation Commission (FWC) to develop and adopt wildlife best management practices (BMPs) for agriculture, incorporate reference to the sections of Florida Administrative Code wherein FDACS is adopting wildlife BMPs for agriculture, and remove language directing FWC to work cooperatively with FDACS to develop and adopt wildlife BMPs for agriculture by November 2014. The effect of the proposed rule amendment would be to delete references to Sections 403.067 and 597.004, F.S. and incorporate reference to Section 570.94, F.S., incorporate reference to Chapters 5I-8 and 5M-17, F.A.C., including Rules 5I-8.001 and 5M-17.001 F.A.C., and delete language directing FWC to work cooperatively with FDACS, landowners and other stakeholders to develop and adopt wildlife BMPs for Agriculture by November 2014.

SUMMARY: Wildlife BMPs will provide a voluntary alternative to incidental take permitting for landowners engaged in agriculture. This rule amendment would correct the Florida Statute reference that authorizes FDACS to work cooperatively with FWC to develop and adopt wildlife BMPs for Agriculture, incorporate reference to the sections of Florida Administrative Code wherein FDACS is adopting wildlife BMPs for Agriculture, and remove language directing FWC to work cooperatively with FDACS to develop and adopt wildlife BMPs for Agriculture by November 2014.

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 wildlife BMPs are being developed as a voluntary alternative to existing Incidental Take permitting requirements.

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: Art. IV, Sec. 9, Florida Constitution.

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

A HEARING WILL BE HELD AT THE DATES, TIME AND PLACE SHOWN BELOW:

DATES AND TIME: During the Commission's regular meeting November 20-21, 2014, 8:30 a.m. – 5:00 p.m., each day

PLACE: Hilton Key Largo Resort, 97000 Overseas Highway, Key Largo, FL 33037

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: Scott Sanders, Director of Conservation Planning Services, 620 South Meridian Street, Tallahassee, FL 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-27.007 Permits and Authorizations for the Take of Florida Endangered and Threatened Species.

(1) No change.

(2) The permit requirements for the taking of a State-designated Threatened species are as follows:

(a) through (c) No change.

(d) Agriculture, as defined in Section 570.02, F.S., conducted in accordance with Chapter 5I-8 or Chapter 5M-17, F.A.C. and the wildlife best management practices (BMPs) adopted in Rule 5I-8.001 or 5M-17.001, F.A.C. by the Department of Agriculture and Consumer Service pursuant to Section 570.94 Sections 403.067 and 597.004, F.S., is authorized and does not require a permit authorizing incidental take despite any other provision of this section or Rule 68A-27.005, F.A.C. ~~The Commission will work cooperatively with the Florida Department of Agriculture and Consumer Services, landowners, and other stakeholders to legislatively authorize, develop, and adopt BMPs to protect wildlife species by November 2014.~~

(e) through (f) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const., Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 11-8-10, Amended _____.

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: Thomas Eason, Director of Habitat and Species Conservation, 620 South Meridian Street, Tallahassee, FL 32399-1600

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2014

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