Notice of Proposed Rule

FISH AND WILDLIFE CONSERVATION COMMISSION
Freshwater Fish and Wildlife
RULE NO. RULE TITLE: 68A-13.004 Hunting Regulations for Non-Migratory Game and Issuance of Antlerless Deer Permits
PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to prohibit the taking of antlered deer unless it has at least one antler with two or more points in deer management units (DMUs) A1, A2 and C3, prohibit the taking of antlered deer unless it has at least one antler with 3 or more points or one antler with a main beam of ten inches or more in length in DMUs A3, B1, C1, C2, C4, C5 and C6. Youth under 16 years of age would be exempt from these new antler regulations. The proposal would also change when antlerless deer may be taken. The effect of the proposed rule amendment will be to enable the agency to better manage white-tailed deer based on recent biological and public preference information.
SUMMARY: The proposed rule amendment would prohibit the taking of antlered deer unless it has at least one antler with two or more points in DMUs A1, A2 and C3, prohibit the taking of antlered deer unless it has at least one antler with 3 or more points or one antler with a main beam of ten inches or more in length in DMUs A3, B1, C1, C2, C4, C5 and C6. Youth under 16 years of age would be exempt from these new antler regulations and would be able to harvest antlered deer with at least one antler 5 inches above the hairline.
The proposed rule amendment would also change when antlerless deer may be taken as follows:
DMU A1: From 30 days during archery and crossbow season to zero days. From seven days to zero days of the antlered deer season in Zone A.
DMU A2: From 30 days during archery and crossbow season to the first nine days. From seven days to two days of the antlered deer season in Zone A.
DMU A3: From 30 days during archery and crossbow season to the first 16 days. From seven days to four days of the antlered deer season in Zone A.
DMU B1: From seven days to three days of the antlered deer season in Zone B.
DMU C1: From seven days to four days of the antlered deer season in Zone C.
DMU C2: From seven days to three days of the antlered deer season in Zone C.
DMU C3: From seven days to three days of the antlered deer season in Zone C.
DMU C4: From seven days to four days of the antlered deer season in Zone C.
DMU C5: From seven consecutive days to four days covering two weekends (Saturday-Sunday) of the antlered deer season in Zone C, and two days during the muzzleloading gun season in Zone C.
DMU C6: From seven days to four days of the antlered deer season in Zone C.
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
A HEARING WILL BE HELD AT THE DATES, TIMES AND PLACE SHOWN BELOW:
DATES AND TIMES: During the Commission’s regular meeting February 4 - 5, 2015, 8:30 a.m. – 5:00 p.m., each day
PLACE: Hyatt Regency, 225 E. Coastline Drive, Jacksonville, FL 32202
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
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:

The hunting regulations for non-migratory game shall be as follows unless otherwise amended by the Commission, provided that regulations for hunting on wildlife management areas shall be as established by specific rule.

   (1) No change.
   (2) Regulations specific to deer management units:
      (a) The take of antlered deer within the listed deer management unit not meeting the prescribed criteria shall be prohibited, except for antlered deer taken pursuant to Rules 68A-9.002, 68A-9.012, 68A-12.010, or 68A-12.011, F.A.C., and antlered deer taken by persons under 16 years of age.
         1. DMU A1: Taking of antlered deer not having at least one antler with two or more points is prohibited.
         2. DMU A2: Taking of antlered deer not having at least one antler with two or more points is prohibited.
         3. DMU A3: 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.
         4. DMU B1: 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.
         5. DMU C1: 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.
         6. DMU C2: 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.
         7. DMU C3: Taking of antlered deer not having at least one antler with two or more points is prohibited.
         8. DMU C4: 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.
         9. DMU C5: 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.
        10. DMU C6: 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.

   (b) No change.
   (3) Open seasons:
      (a) No change.
      (b) Antlerless deer:
         1. Zone A:
            a. DMU A1: Allowed by permit only.
            b. DMU A2: Open during the first 9 days of the archery and crossbow seasons in Zone A, and opening the Saturday before the fourth Thursday in November and closing 1 day thereafter.
            c. DMU A3: Open during the first 16 days of the archery and crossbow seasons in Zone A, and opening the Friday before the fourth Thursday in November and closing 3 days thereafter. Opening the Saturday before the fourth Thursday in November and closing 6 days thereafter.
         2. Zone B:
            a. DMU B1: Open during the archery season in Zone B, the first 30 days of the crossbow season in Zone B, and opening on the last Friday in December and closing 2 days thereafter. Opening December 26 and closing January 1.
         3. Zone C:
a. DMU C1: Open during the archery season in Zone C, the first 30 days of the crossbow season in Zone C, and opening the Friday before the fourth Thursday in November and closing 3 days thereafter.

b. DMU C2: Open during the archery season in Zone C, the first 30 days of the crossbow season in Zone C, and opening the Friday before the fourth Thursday in November and closing 2 days thereafter.

c. DMU C3: Open during the archery season in Zone C, the first 30 days of the crossbow season in Zone C, and opening the Friday before the fourth Thursday in November and closing 2 days thereafter.

d. DMU C4: Open during the archery season in Zone C, the first 30 days of the crossbow season in Zone C, and opening the Friday before the fourth Thursday in November and closing 3 days thereafter.

e. DMU C5: Open during the archery season in Zone C, the first 30 days of the crossbow season in Zone C, the first and third weekends (Saturdays and Sundays) of the antlered deer season in Zone C, and the first weekend (Saturday and Sunday) of muzzleloading gun season in Zone C.

f. DMU C6: Open during the archery season in Zone C, the first 30 days of the crossbow season in Zone C, and opening the Friday before the fourth Thursday in November and closing 3 days thereafter.

4. Zone D:

a. DMU D1: Open during the archery season in Zone D, the first 33 days of the crossbow season in Zone D, the first weekend (Saturday and Sunday) of the antlered deer season in Zone D and the first consecutive Saturday and Sunday following December 25.

b. DMU D2: Open during the archery season in Zone D, the first 33 days of the crossbow season in Zone D, the first and third weekends (Saturdays and Sundays) of the antlered deer season in Zone D, the first consecutive Saturday and Sunday following December 25, and the first weekend (Saturday and Sunday) of muzzleloading gun season in Zone D.

(c) through (f) No change.

(g) Notwithstanding the provisions of paragraphs (3)(a) and (c)-(e) antlered deer, antlerless deer as provided by paragraph 3(b) deer of either sex, gobblers or bearded turkeys, gray squirrel and quail may be taken:

1. No change.

2. During a crossbow season opening 49 days prior to the first day of the antlered deer season and closing 34 days thereafter in Zones A, B and C and opening 33 days prior to the first day of the antlered deer season and closing 32 days thereafter and reopening 4 days after the fourth Thursday in November and closing 4 days thereafter in Zone D except that turkey may not be taken in Holmes County and antlerless deer may not be taken during each zone’s last 5 days.

(h) Notwithstanding the provisions of paragraphs (3)(a), (b), (c), (d), (e), and (g), antlered deer, antlerless deer as provided by paragraph 3(b) gobblers or bearded turkeys, gray squirrel and quail may be taken:

1. through 2. No change.

(4) through (5) No change.

PROPOSED EFFECTIVE DATE: July 1, 2015

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 5-19-80, 6-4-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-13.04, Amended 6-1-86, 5-10-87, 6-8-87, 5-1-88, 7-1-89, 7-1-90, 7-1-91, 7-1-92, 7-1-93, 3-1-94, 7-1-94, 7-1-96, 10-28-97, 4-27-98, 12-28-98, Formerly 39-13.004, Amended 7-1-01, 5-13-02, 10-16-02, 7-1-05, 7-1-06, 7-1-08, 7-1-10, 1-11-11, 7-26-12, 7-1-13, 7-1-14, 7-2-14, 7-1-15.


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