

Agenda Item 11. A.
June 24, 2015
Notice of Proposed Rule

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: RULE TITLE:

68A-15.062 Specific Regulations for Wildlife Management Areas - North Central Region

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to revise specific area regulations on wildlife management areas (WMAs) in the North Central Region. 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 add bear as legal to take on Bayard, Belmore, Big Bend - Snipe Island Unit, Cary, Cypress Creek, Four Creeks, Little River, Lochloosa, Lower Econfina River, Middle Aucilla, Raiford, Ralph E. Simmons Memorial, and Twin Rivers WMAs only during those portions of any season when deer are legal to take on these areas that coincide with the bear season for the BMU in which the area is located; establish a bear season and add bear as legal to take only during the bear season on Big Bend - Hickory Mound Unit, Big Bend - Spring Creek Unit, Big Bend - Tide Swamp Unit, and Osceola WMAs; and revise the quail season framework and establishment process and remove quail quota permit requirements for the quail enhancement area on Jennings Forest WMA

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 n; Sections 379.2223, 375.313 Florida Statutes.

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

DATES AND TIMES: During the Commission's regular meeting June 23-25, 2015, 1:30 p.m. on the first day and 8:30 a.m. each day thereafter.

PLACE: Hyatt Regency, 1000 Boulevard of the Arts, Sarasota, FL 34236.

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-15.062 Specific Regulations for Wildlife Management Areas – North Central Region.

(1) No change.

(2) Cypress Creek Wildlife Management Area.

(a) No change.

(b) Legal to take: Antlered deer, bear (only during those portions of the muzzleloading gun season that coincide with the open season established for the North BMU in Rule 68A-13.004, F.A.C.), gray squirrel, rabbit, furbearers

and fish. 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, except by persons less than 16 years of age.

(c) through (d) No change.

(3) No change.

(4) Lochloosa Wildlife Management Area.

(a) No change.

(b) Legal to take: All legal game, bear (only during those portions of the archery and muzzleloading gun seasons that coincide with the open season established for the Central BMU in Rule 68A-13.004, F.A.C.), fish, frogs and furbearers. 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, except by persons less than 16 years of age.

(c) through (d) No change.

(5) Osceola Wildlife Management Area.

(a) Open season:

1. through 10. No change.

11. Bear - During the open season established for the North BMU in Rule 68A-13.004, F.A.C.

(b) Legal to take: All legal game, bear (only during the bear season), fish, frogs and furbearers. 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, except by persons less than 16 years of age.

(c) through (d) No change.

(6) Big Bend Wildlife Management Area – Tide Swamp Unit.

(a) Open season:

1. through 9. No change.

10. Bear- During the open season established for the East Panhandle BMU in Rule 68A-13.004, F.A.C.

(b) Legal to take: All legal game, bear (only during the bear season), fish, frogs and furbearers. Taking 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, except by persons less than 16 years of age.

(c) No change.

(d) General regulations:

1. through 2. No change.

3. During the muzzleloading gun season, the bear season, the youth turkey hunt, and the first 16 days of the archery, general gun and spring turkey seasons, hunters shall check in and out at a check station when entering or exiting the area and check all game taken.

4. through 7. No change.

(7) Big Bend Wildlife Management Area – Spring Creek Unit.

(a) Open season:

1. through 9. No change.

10. Bear- During the open season established for the East Panhandle BMU in Rule 68A-13.004, F.A.C.

(b) Legal to take: All legal game, bear (only during the bear season), fish, frogs and furbearers. Taking of antlered deer not having at least one antler with two or more points is prohibited, except by persons less than 16 years of age.

(c) No change.

(d) General regulations:

1. During the muzzleloading gun season, the bear season, the youth turkey hunt, and the first 16 days of the archery, general gun and spring turkey seasons, hunters shall check in and out at a check station when entering or exiting the area and shall check all game taken.

2. through 8. No change.

(8) Big Bend Wildlife Management Area – Hickory Mound Unit.

(a) Open season:

1. through 8. No change.

9. Bear- During the open season established for the East Panhandle BMU in Rule 68A-13.004, F.A.C.

(b) Legal to take: All legal game, bear (only during the bear season), fish, frogs and furbearers. Taking of

antlered deer not having at least one antler with two or more points is prohibited, except by persons less than 16 years of age.

(c) No change.

(d) General regulations:

1. through 5. No change.

6. During the bear season and the first 16 days of the archery, general gun and spring turkey seasons, hunters shall check in and out at a check station when entering or exiting the area and check all game taken. Waterfowl hunters using the Hickory Mound Impoundment must check in and out at the check station whenever it is manned and check all game taken.

7. through 13. No change.

(9) No change.

(10) Big Bend Wildlife Management Area – Snipe Island Unit.

(a) No change.

(b) Legal to take: All legal game, bear (only during those portions of the archery and muzzleloading gun seasons that coincide with the open season established for the East Panhandle BMU in Rule 68A-13.004, F.A.C.), fish, frogs and furbearers. The bag limit for deer shall be one per person per day. Taking of antlered deer not having at least one antler with two or more points is prohibited, except by persons less than 16 years of age. During archery season quota periods, one turkey may be taken per person, but no more than two turkeys per quota permit. During archery season non-quota periods, one turkey may be taken per person. During spring turkey season quota periods, one gobbler or bearded turkey may be taken per person, but no more than two per quota permit. During spring turkey season non-quota periods, one gobbler or bearded turkey may be taken per person. Gobblers or bearded turkeys may be taken during spring turkey season from one-half hour before sunrise until sunset.

(c) through (d) No change.

(11) No change.

(12) Raiford Wildlife Management Area.

(a) No change.

(b) Legal to take: All legal game, bear (only during those portions of the muzzleloading gun season that coincide with the open season established for the Central BMU in Rule 68A-13.004, F.A.C.), fish, frogs and furbearers. 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, except by persons less than 16 years of age. Wild turkey may be taken during the muzzleloading gun and archery/muzzleloading gun seasons. Only wild hog may be taken during the wild hog-still season.

(c) through (d) No change.

(13) through (15) No change.

(16) Twin Rivers Wildlife Management Area.

(a) No change.

(b) Legal to take: All legal game, bear (only during those portions of the muzzleloading gun season that coincide with the open season established for the East Panhandle BMU in Rule 68A-13.004, F.A.C.), fish and furbearers. 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, except by persons less than 16 years of age. The bag limit for deer is one deer per person, but no more than two deer per quota permit during archery season. The bag limit for deer is one antlered deer per person, but no more than two antlered deer per quota permit during muzzleloading gun and general gun seasons. The bag limit for deer is one antlered and one antlerless deer per quota permit during the family hunt. One turkey may be taken per person, but no more than two per quota permit.

(c) through (d) No change.

(17) No change.

(18) Jennings Forest Wildlife Management Area.

(a) Open season:

1. through 8. No change.

9. Quail (quail enhancement area) – Up to 16 ~~eight~~ days (Saturdays and Wednesdays only) of quail hunting may be allowed in January and February, combined.

10. through 13. No change.

(b) Legal to take: All legal game, fish and furbearers. Taking antlered deer not having at least one antler with three or more points, each point one inch or more in length, is prohibited. The bag limit for deer shall be one per quota permit during the archery, muzzleloading gun and general gun seasons and one antlered and one antlerless deer per quota permit during the family hunt. The take of wild hog is prohibited during small game season and in the quail enhancement area in February during the wild hog-still season. Only wild hog may be taken during the wild hog-still season. During the spring turkey season, the bag limit for turkeys shall be one gobbler or bearded turkey per quota permit. ~~Taking~~ ~~Killing~~ quail is prohibited on the quail enhancement area (that portion of the area lying north of the North Fork Black Creek, east of County Road 217 and west of the Yellow Water Creek) except during quail season as established annually by order of the Executive Director, based on annual fall quail surveys. The daily bag limit for quail on the quail enhancement area is six per person quota permit.

(c) No change.

(d) General regulations:

1. through 12. No change.

~~13. A quota permit, as established annually by Order of the Executive Director or designee, shall be required for each group entering the quail enhancement area to hunt quail. Up to four quota permits may be issued per day and up to two hunters will be allowed per permit. The number of Saturdays open for quail hunting will be adjusted each year as necessary so as not to exceed a harvest of 15% of the fall population, based on annual fall quail surveys.~~

(19) through (26) No change.

(27) Middle Aucilla Wildlife Management Area.

(a) No change.

(b) Legal to take: All legal game, bear (only during those portions of the muzzleloading gun season that coincide with the open season established for the East Panhandle BMU in Rule 68A-13.004, F.A.C.), fish and furbearers. Taking of antlered deer not having at least one antler with two or more points is prohibited, except by persons less than 16 years of age.

(c) through (d) No change.

(28) Little River Wildlife Management Area.

(a) No change.

(b) Legal to take: Antlered deer, antlerless deer (during the family hunt only), bear (only during those portions of the muzzleloading gun season that coincide with the open season established for the North BMU in Rule 68A-13.004, F.A.C.), rabbit, gray squirrel, quail (only during the first 16 days of the small game season), furbearers and fish. 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, except by persons less than 16 years of age. During the family hunt, one antlered and one antlerless deer may be taken per quota permit. During the spring turkey season, one gobbler or bearded turkey may be taken per person, but no more than two per quota permit.

(c) through (d) No change.

(29) No change.

(30) Bayard Wildlife Management Area.

(a) No change.

(b) Legal to take: All legal game, bear (only during those portions of the muzzleloading gun season that coincide with the open season established for the Central BMU in Rule 68A-13.004, F.A.C.), fish, frogs, and furbearers. The bag limit for deer shall be one deer per person, but no more than two deer per quota permit during archery season and one antlered deer per person, but no more than two antlered deer per quota permit during muzzleloading gun season. 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, except by persons less than 16 years of age.

(c) through (d) No change.

(31) through (32) No change.

(33) Cary Wildlife Management Area.

(a) No change.

(b) Legal to take: All legal game, bear (only during those portions of the muzzleloading gun season that coincide with the open season established for the North BMU in Rule 68A-13.004, F.A.C.), fish and frogs except that

only wild hog, deer, bear, waterfowl, fish and frogs may be taken during the family hunt, and the muzzleloading gun and general gun seasons. 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, except by persons less than 16 years of age. During the archery season the bag limit for deer shall be one deer per person, but no more than two deer per quota permit. During the family hunt the bag limit shall be one antlered and one antlerless deer per quota permit. During the muzzleloading gun and general gun seasons the bag limit shall be one antlered deer per person, but no more than two antlered deer per quota permit. Only wild hog may be taken during the wild hog-still season. During the spring turkey season one gobbler or bearded turkey may be taken per person, but no more than two per quota permit.

(c) through (d) No change.

(34) Ralph E. Simmons Memorial Wildlife Management Area.

(a) No change.

(b) Legal to take: All legal game, bear (only during those portions of the muzzleloading gun season that coincide with the open season established for the North BMU in Rule 68A-13.004, F.A.C), fish, frogs and furbearers. 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, except by persons less than 16 years of age. During the archery and general gun for mobility-impaired seasons and the family hunt, the bag limit for deer shall be one antlered and one antlerless deer per quota permit. During the muzzleloading gun and general gun seasons, the bag limit for deer shall be one antlered deer per person, but no more than two deer per quota permit. During the general gun for mobility-impaired season only certified mobility-impaired hunters may take antlerless deer.

(c) through (d) No change.

(35) Lower Econfina River Wildlife Management Area.

(a) No change.

(b) Legal to take: All legal game, bear (only during those portions of the archery season that coincide with the open season established for the East Panhandle BMU in Rule 68A-13.004, F.A.C), fish, frogs and furbearers. Taking of antlered deer not having at least one antler with two or more points is prohibited, except by persons less than 16 years of age.

(c) through (d) No change.

(36) Belmore Wildlife Management Area.

(a) No change.

(b) Legal to take: All legal game, bear (only during those portions of the muzzleloading gun season that coincide with the open season established for the Central BMU in Rule 68A-13.004, F.A.C), fish, frogs and furbearers. During the archery season the bag limit for deer shall be one antlered or one antlerless deer per quota permit. During the family hunts the bag limit for deer shall be one antlered and one antlerless deer per quota permit. During the muzzleloading gun and general gun seasons the bag limit for deer shall be one antlered deer per quota permit. Taking 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, except by persons less than 16 years of age. During the spring turkey season one gobbler or bearded turkey may be taken per quota permit.

(c) through (d) No change.

(37) Four Creeks Wildlife Management Area.

(a) No change.

(b) Legal to take: All legal game, bear (only during those portions of the muzzleloading gun season that coincide with the open season established for the North BMU in Rule 68A-13.004, F.A.C), fish, frogs and furbearers. During the archery season the bag limit for deer shall be one deer 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 muzzleloading gun and general gun seasons the bag limit for deer shall be one deer per quota permit. Taking 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, except by persons less than 16 years of age. During the spring turkey season one gobbler or bearded turkey may be taken per quota permit. Only wild hog may be taken during the wild hog-still season.

(c) through (d) No change.

(38) through (40) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. 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, 7-1-85, 2-16-86, 5-7-86, 6-10-86, 11-27-86, 5-10-87, 5-1-88, 6-7-88, 7-1-89, 8-17-89, 7-1-90, 9-1-90, 7-1-91, 7-2-91, 7-1-92, 7-2-92, 8-23-92, 10-22-92, 7-1-93, 7-1-94, 2-9-95, 7-1-95, 7-1-96, 9-15-96, 6-1-97, 7-1-98, 7-2-98, 7-1-99, Formerly 39-15.062, Amended 12-9-99, 7-1-00, 7-1-01, 11-11-01, 6-2-02, 10-16-02, 5-25-03, 7-7-03, 9-29-03, 7-1-04, 8-1-04, 7-1-05, 8-1-05, 7-1-06, 7-2-06, 7-1-07, 7-5-07, 7-1-08, 7-1-09, 7-20-09, 7-1-10, 7-1-11, 7-1-12, 10-9-12, 7-1-13, 7-1-14, 8-26-14, 7-1-15, _____.

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: April 15, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 8, 2015