

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-15.063       Specific Regulations for Wildlife Management Areas - Northwest Region

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to revise specific area regulations on Wildlife Management Areas (WMAs) in the Northwest 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 Apalachicola - Bradwell Unit, Aucilla - Pinhook Still Hunt Area, Box-R, Econfina Creek - Cat Creek and Fitzhugh Carter Areas, Ochlockonee River, Pine Log, Tate's Hell - Womack Creek Unit, and Wakulla WMAs only during those portions of the archery season on these areas that coincide with the bear season for the East Panhandle BMU; establish a bear season and add bear as legal to take only during the bear season on Apalachee, Apalachicola, Aucilla, Beaverdam Creek, Chipola River, Econfina Creek, Juniper Creek, Talquin, Tate's Hell, and Tyndall AFB WMAs; allow recreational access to Joe Budd WMA after 1 p.m. by individuals other than those participating in the hunts during spring turkey seasons; and revise the quail season framework and establishment process and remove quota permit requirements for the quail enhancement areas on Apalachicola and Blackwater WMAs.

**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-15.063 Specific Regulations for Wildlife Management Areas – Northwest Region.

(1) Apalachee Wildlife Management Area.

(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 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. Quail may be taken in Zone A only during the archery, muzzleloading gun, and quail seasons.

(c) through (d) No change.

(2) Apalachicola Wildlife Management Area.

(a) Open seasons:

1. through 2. No change.

3. Quail (quail enhancement area) – Up to ~~16 eight (8)~~ days (Saturdays and Wednesdays only) of quail hunting may be allowed in January and February, combined.

4. through 12. No change.

13. 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. Bearded turkeys or gobblers may be taken during the muzzleloading gun season, and during the periods of November 26-29 and December 12-23. ~~Taking Killing~~ quail is prohibited on the quail enhancement area (that portion of the area lying north of Oak Ridge Road, east of State Road 61 and U.S. Highway 319, south of State Road 263 and west of State Road 363) ~~except by quail permit during the 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 (6) per person quota permit.

(c) No change.

(d) General regulations:

1. through 6. No change.

~~7. 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 take quail. Up to two (2) quota permits may be issued per day and up to two (2) 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.~~

8. renumbered 7. No change.

(3) Apalachicola Wildlife Management Area – Bradwell Unit.

(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. The bag limit for antlered deer shall be one per quota permit during the archery season and one per person, but no more than two per quota permit during muzzleloading gun and general gun seasons. During the family hunt, the bag limit shall be one antlered and one antlerless deer per quota permit. During spring turkey season, one gobbler or bearded turkey may be taken per person, but not more than two per quota permit. During the wild hog seasons, only wild hog may be taken.

(c) through (d) No change.

(4) Blackwater Wildlife Management Area.

(a) Open seasons in the still hunt area (which includes that portion of the area south of State Road 4, except for the field trial area, and that portion of the area north of State Road 4, except for the dog hunt area).

1. through 11. No change.

12. Quail (quail enhancement area) – Up to ~~16 eight (8)~~ days (Saturdays and Wednesdays only) of quail hunting may be allowed in January and February, combined.

13. through 14. No change.

(b) through (c) No change.

(d) Legal to take: All legal game, 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. The bag limit for deer during the muzzleloading gun and archery season on the

field trial portion of the area shall be one antlered and one antlerless deer per day. During the family still hunt, antlered or antlerless deer (bag limit of three per quota permit) may be taken. Taking quail is prohibited on the field trial area except by quail permit during the quail season. The bag limit for quail on the field trial area is 12 per hunting group each day. A group for the purpose of quail hunting on the field trial area shall include up to 2 persons. Taking quail after 3 p.m. Central Time is prohibited during the quail season on the field trial area. Taking quail is prohibited and on the quail enhancement area (that portion of the area lying north of Bryant Bridge Road, east of Sandy Forest Road, east of County Road 191 between Sandy Forest Road and State Road 4, south of State Road 4 and west of Old Martin Road and Norman Riley Road) except by quail permit during the quail season seasons as established annually by order of the Executive Director, based on annual fall quail surveys. The bag limit for quail on the field trial area is 12 per hunting group each day. A group for the purpose of quail hunting on the field trial area shall include up to 2 persons. Taking quail after 3 p.m. Central Time is prohibited during the quail season on the field trial area. The daily bag limit for quail on the quail enhancement area is six (6) per person quota permit. During the fox, raccoon, opossum and bobcat season, rabbit may be chased by the use of free-running dogs but may not be harvested except as allowed during other open seasons. During the wild hog-dog season, only wild hog may be taken.

(e) No change.

(f) General regulations:

1. through 9. No change.

~~10. 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 eight (8) quota permits may be issued per day and up to two (2) hunters will be allowed per permit. The number of days 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.~~

11. through 13. renumbered 10. through 12. No change.

(5) through (6) No change.

(7) Joe Budd Wildlife Management Area.

(a) through (c) No change.

(d) General regulations:

1. through 11. No change.

12. During the archery, archery/muzzleloading gun, small game, and dove seasons, and prior to 1 p.m. during the youth spring turkey, and spring turkey seasons, access to the area shall be restricted to individuals authorized to participate in the hunt.

(8) No change.

(9) Talquin Wildlife Management Area.

(a) Open season:

1. through 7. No change.

8. Bear - During the open season established for the East Panhandle BMU in Rule 68A-13.004, F.A.C. (Friday, Saturdays and Sundays only).

(b) Legal to take: All legal game, bear (only during the bear season), 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. During the youth turkey hunt, one gobbler or bearded turkey may be taken per quota permit.

(c) through (d) No change.

(10) Ochlockonee 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. In that portion of the area south of I-10, 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. In that portion of the area north of I-10, 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. Gobblers or bearded turkeys may be taken during

the archery/muzzleloading gun season. During the youth turkey hunt, one gobbler or bearded turkey may be taken per quota permit.

(c) through (d) No change.

(11) Tate's Hell Wildlife Management Area.

(a) Open season:

1. through 11. No change.

12. 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) through (d) No change.

(12) Tate's Hell Wildlife Management Area – Womack Creek Unit.

(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. During the youth turkey hunt, one gobbler or bearded turkey may be taken per quota permit. The take of wild hog is prohibited during small game season.

(c) through (d) No change.

(13) Aucilla Wildlife Management Area.

(a) Open season:

1. through 13. No change.

14. Bear - During the open season established for the East Panhandle BMU in Rule 68A-13.004, F.A.C., except in the Pinhook still hunt area.

(b) Legal to take: All legal game, bear (only during the bear season and those portions of the archery season in the Pinhook still hunt area that coincide with the bear season), fish, frogs and furbearers. In the Pinhook still hunt area (which is that portion of the area south of US 98), 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. In the remainder of the area, 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 the archery season in the Pinhook still hunt area the bag limit for deer shall be two deer, only one of which can be antlered, 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 in the Pinhook still hunt area, the bag limit for deer shall be one antlered deer per person, but not more than two per quota permit. During the wild hog-dog season, only wild hog may be taken.

(c) through (d) No change.

(14) No change.

(15) Pine Log 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 antlered deer not having at least one antler with three or more points is prohibited, except by persons less than 16 years of age. During the youth turkey hunt, one gobbler or bearded turkey may be taken per quota permit.

(c) through (d) No change.

(16) through (17) No change.

(18) Tyndall AFB Wildlife Management Area.

(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. (only in areas and during days designated by the Installation Commander).

(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 in areas specified by the Installation Commander. The Installation Commander may specify areas and days where taking of antlered deer not having at least one antler with three or more points is prohibited and where persons less than 16 years of age may harvest antlered deer not meeting antler point criteria. Antler restrictions shall not apply during the supervised youth hunt. Antlerless deer may be taken during established seasons only by permit from the Installation Commander.

(c) through (d) No change.

(19) No change.

(20) Chipola River Wildlife Management Area.

(a) Open seasons, except in the Altha Tract:

1. through 10. No change.

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

(b) No change.

(c) Legal to take: All legal game, bear (only during the bear season), fish, frogs and furbearers. In that portion of the area south of I-10, 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. In that portion of the area north of I-10, 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 in the Altha Tract, 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 shall be one antlered and one antlerless deer per quota permit. During the muzzleloading gun season in the Altha Tract, the bag limit shall be one antlered deer per person, but not more than two per quota permit. One gobbler or bearded turkey may be taken per quota permit during the youth turkey hunt and one gobbler or bearded turkey may be taken per person, but not more than two per quota permit during spring turkey season in the Altha Tract.

(d) through (e) No change.

(21) No change.

(22) Econfina Creek Wildlife Management Area.

(a) Open season except in the mobility-impaired, Cat Creek and Fitzhugh Carter areas.

1. through 10. No change.

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

(b) through (c) No change.

(d) Legal to Take: All legal game, bear (only during the bear season and those portions of the archery season in the Cat Creek and Fitzhugh Carter areas that coincide with the bear season), fish (except as provided below), 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. Taking bobcat and otter is prohibited in the Fitzhugh Carter area. During the youth turkey hunt, one gobbler or bearded turkey may be taken per quota permit. In the mobility-impaired hunt area, antlerless deer (bag limit of two per three-day hunt) may be taken during general gun hunts only by persons possessing valid mobility-impaired certificates.

(e) through (f) No change.

(23) Box-R 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. The bag limit for deer shall be one antlered deer per person, but not more than two per quota permit. Antlerless deer may be taken by antlerless deer permit only. Taking antlered deer not having at least one antler with three or more points is prohibited, except by persons less than 16 years of age. During spring turkey season, one gobbler or bearded turkey may be taken per person, but not more than two per quota permit. Gobblers or bearded turkeys may be taken during the spring turkey season from one-half hour before sunrise until sunset. During the wild hog-dog season, only wild hog may be taken. The take of wild hog is prohibited during small game season. The take of deer is prohibited during wild hog-still season.

(c) through (d) No change.

(24) No change.

(25) Wakulla 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 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 youth turkey hunt, one gobbler or bearded turkey may be taken per quota permit.

(c) through (d) No change.

(26) No change.

(27) Juniper Creek Wildlife Management Area.

(a) Open season:

1. through 2. No change.

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

(b) Legal to take: Antlered deer with at least one antler with two or more points, antlerless deer, bear (only during the bear season), and wild turkey (during the youth turkey hunt only). The bag limit for deer shall be one antlered or one antlerless deer per person. During the youth turkey hunt, one gobbler or bearded turkey may be taken per youth.

(c) No change.

(d) General regulations:

1. through 2. No change.

3. A zone tag issued by the U.S. Forest Service is required to participate in each hunt. Each hunter shall obtain a zone tag prior to the hunt and keep it in his or her possession while hunting on the area. No person shall hunt in any zone other than that for which he or she has a zone tag. During the family hunt, one or two youth per zone tag, under 16 years of age but not younger than 8 years of age, may hunt as provided in Section 790.22, F.S., under the supervision and in the presence of one adult not younger than 18 years of age. The adult may only hunt when in the presence of at least one youth under 16 years of age but not younger than 8 years of age. During the youth turkey hunt, one youth and one adult may participate as provided by Rule 68A-13.004, F.A.C., per zone tag. During the bear hunt, one youth and one adult may participate per zone tag.

4. through 7. No change.

(28) Beaverdam Creek Wildlife Management Area.

(a) Open season:

1. through 10. No change.

11. 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. During the family hunt, antlered or antlerless deer may be taken (limit one antlerless deer per person per day). During the muzzleloading gun season, antlered or antlerless deer may be taken (limit one antlerless deer per day). During the spring turkey season, one gobbler or bearded turkey may be taken per person, but not more than two per per quota permit. During the wild hog-dog season, only wild hog may be taken.

(c) through (d) No change.

(29) No change.

*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, 7-5-84, 7-1-85, 5-7-86, 5-10-87, 6-8-87, 5-1-88, 7-1-89, 7-1-90, 9-1-90, 7-1-91, 9-1-91, 7-1-92, 7-2-92, 7-1-93, 3-1-94, 7-1-94, 7-1-95, 7-2-95, 8-15-95, 7-1-96, 7-2-96, 6-1-97, 12-3-97, 7-1-98, 7-2-98, 8-11-98, 7-1-99, Formerly 39-15.063, Amended 11-17-99, 7-1-00, 7-1-01, 7-22-01, 6-2-02, 5-1-03, 7-1-03, 7-1-04, 7-2-04, 8-1-04, 7-1-05, 7-1-06, 7-1-07, 7-1-08, 7-1-09, 7-20-09, 7-1-10, 7-1-11, 11-14-11, 7-1-12, 7-1-13, 7-1-14, 7-2-14, 11-2-14, 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