



The purpose of this report is three fold:

1. To request approval of the anticipated Early Migratory Bird Seasons for 2015-16;
2. To inform the Commission of the potential addition of and request approval for a purple swamphen season to Florida's migratory bird seasons; and,
3. To inform the Commission of a change to the process in which the US Fish and Wildlife Service (FWS) establishes hunting regulation frameworks for migratory birds and the resultant changes necessary for FWC rulemaking procedures.

Author: Jamie Feddersen

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2015-16 Early Migratory Bird Seasons

- Mourning dove, white-winged dove, rails (clapper rail, king rail, Virginia rail, sora), common moorhen, snipe, woodcock, crow, Canada goose, wood duck, teal
- No change in season lengths and bag limits but addition of *purple swamphen*



Early season migratory bird species include: mourning dove, white-winged dove, rails (clapper rail, king rail, Virginia rail, sora), common moorhen, snipe, woodcock, crow, Canada goose, wood duck, and teal.

We anticipate no changes in the federal frameworks for the 2015-16 early migratory bird hunting seasons. **Please note – these regulations are not final and are subject to change.**

We do anticipate an addition to federal frameworks. In March, the Atlantic Flyway Council passed a recommendation that would allow Florida to establish a purple swamphen hunting season to run concurrent with any existing waterfowl season. This recommendation will be reviewed by the US Fish and Wildlife Service Regulations Committee (SRC) in June and, if passed, staff recommends changing FWC's rules to allow for this change. If the Commission agrees with this recommendation, we would make the changes by executive order in late August, followed by a corresponding rule change at the November Commission meeting.

Purple swamphen

- Not native to Florida
- Similar to purple gallinule but larger
- Protected by the Migratory Bird Treaty Act
- Existing Federal Control Order in Florida



The purple swamphen (*Porphyrio porphyrio*) is a marsh bird that became established in Florida by escapees from a private collection in south Florida. They are very similar in appearance to native purple gallinules (*Porphyrio martinicus*) but are considerably larger in body size (nearly twice as large). These birds are known to be highly territorial and aggressive and may be competing with native marsh birds. They are also known to eat the young of other marsh birds.

The purple swamphen is protected under the Migratory Bird Treaty Act (MBTA) because they are native to territories of the U.S. including American Samoa, Baker and Howland Islands, Guam, and the Northern Mariana Islands. Despite being Federally protected, there is an existing Federal Control Order issued for their removal by federal, state, tribal, and local wildlife management agencies because this bird is not native in the contiguous United States.

Purple swamphen control in Florida

- FWC engaged in control measures and eradicated several thousand birds from 2006-2008
- Population continues to expand
- Hunters in Florida have voiced a desire to assist in controlling this species
- Pilot hunt in 2010 – no incidental take of other birds
- Hunting would be another tool in controlling populations



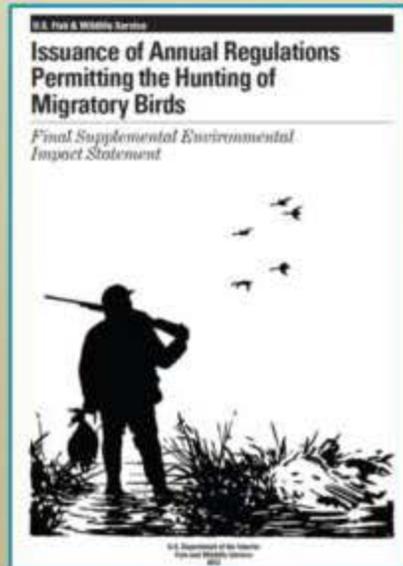
In 2006, the FWC engaged in active control of the purple swamphen population, eradicating more than 4,000 purple swamphens in three years. Despite the control efforts, the purple swamphen population continued to expand throughout the Everglades, north through Lake Okeechobee marshes, and they have been seen as far north as Lake Apopka, in Lake County.

Hunters in south Florida have continually expressed a desire to assist in controlling this species. A pilot hunt program was implemented during the 2010-2011 waterfowl hunting season at the Stormwater Treatment Areas. Many swamphens were taken with no incidental take of other species. The current Federal Control Order does not allow for consumption of birds that are taken, which led to disinterest in participation by hunters. A hunting season that allows for consumption of the birds harvested would be another tool that can be used in controlling this non-native bird.

Establishing Migratory Bird Seasons

Issuance of Annual Regulations Permitting the Hunting of Migratory Birds

- Authorization to establish migratory bird hunting regulations
- Periodic updates to ensure consistency with Federal laws and implement policy changes



The remainder of this report will discuss changes in the process for how migratory bird hunting seasons will be established in the United States and how these changes impact FWC's current process for establishing these seasons.

Issuance of Annual Regulations Permitting the Hunting of Migratory Birds outlines the process for authorizing the FWS to establish migratory bird hunting in accordance with the MBTA and four other bilateral conventions. This document is updated periodically to ensure harvest regulations are consistent with the MBTA and all other applicable federal law as well as to identify where policy changes are needed. In 2013, the USFWS issued proposed action in a Supplemental Environmental Impact Statement (SEIS) which calls for combining the current early and late season regulations process into a single process for establishing migratory bird hunting seasons and bag limits.

Need for Change

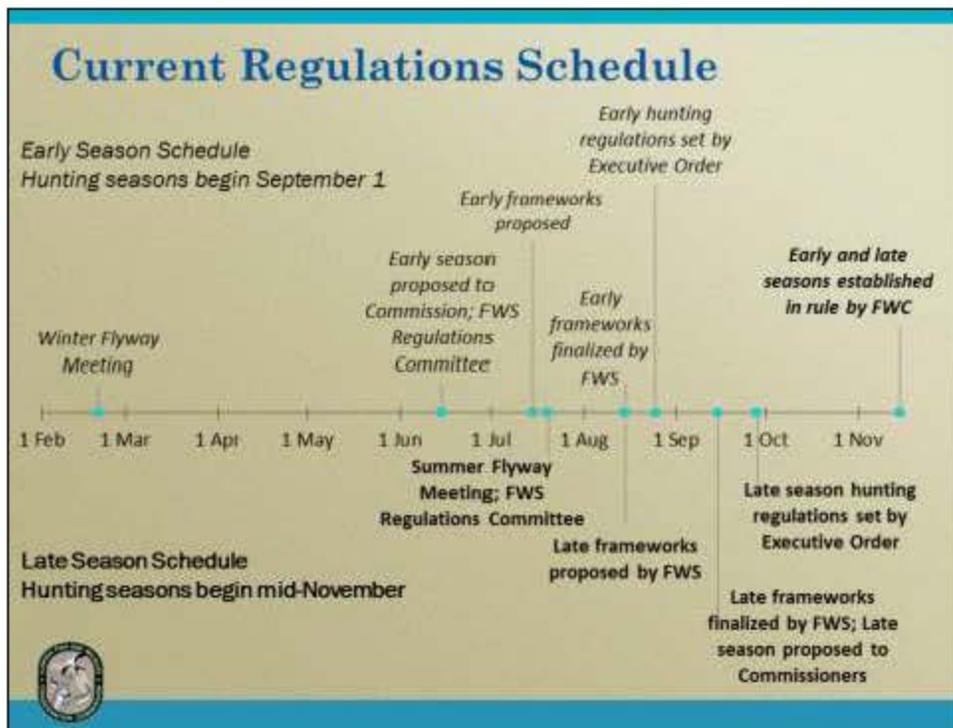
- Issues:
 - Current schedule for setting migratory bird seasons is constrained and complex
 - Difficult to collect and analyze necessary data to make decisions on time
 - Federal requirements for proper advertising
- Solution:
 - Combine current early and late season regulatory schedules into a single process



The current schedule for both the early and regular seasons are quite constrained. Because proposed regulations are based on the current year's waterfowl population data, it is difficult for the USFWS to collect, analyze, and disseminate the data with enough time that allows for a thorough review. Waterfowl breeding population and habitat surveys are done in May and early-June. Harvest data from the previous year is published in July. These data are used in harvest management models which is the basis for informed hunting-season framework decisions.

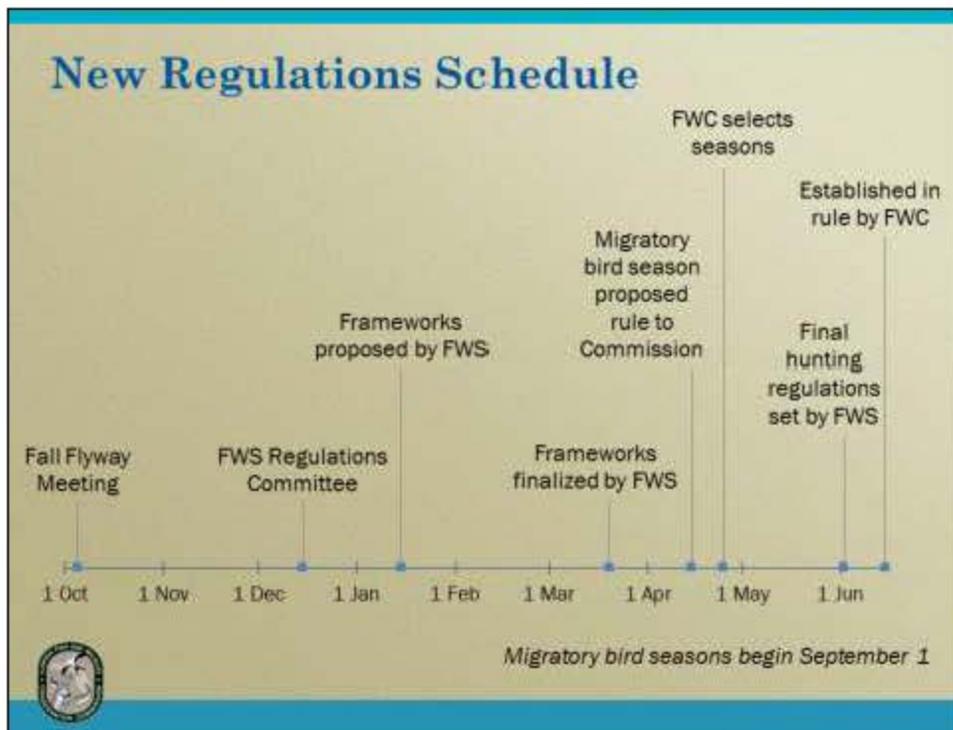
Additionally the USFWS is constrained by federal requirements for advertising rule changes in the Federal Register. It is important to note that according to the Federal process, hunting seasons on migratory birds are closed, unless managers provide justification they can be hunted and follow a legal process to have an open hunting season.

This year begins the implementation of the most significant change in the 2013 SEIS: combining the current early and late season regulatory cycles into a single process for establishing annual migratory bird hunting regulations.



Early season and late season migratory bird hunting regulations are each developed on separate but similar schedules. Seasons and bag limits are developed and recommended by the Flyway Councils. Florida's migratory bird interests are represented through participation in the Atlantic Flyway Council. The SRC considers these recommendations and proposes a set of migratory bird hunting regulations (hereafter called frameworks) within which each state can select their hunting seasons and bag limits. These frameworks are published in the Federal Register for public review and comment. Once frameworks are finalized each state can make their choices for the dates to set their hunting seasons and the final hunting regulations are established.

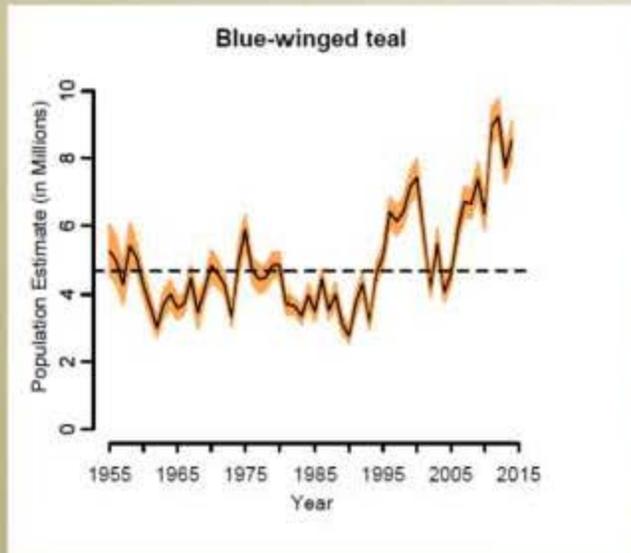
The current schedules do not allow the Commission to take timely conforming action to modify Rules 68A-13.008, F.A.C., Hunting Regulations for Migratory Birds other than Ducks and Coots and 68A-13.003, F.A.C., Hunting Regulations for Ducks, Geese, and Coots before these seasons begin. Therefore, most changes to FWC rules that result as a consequence of the annual federal regulations process are initially enacted by Executive Order and subsequently established in rule during the November/December Commission meeting.



Beginning with the 2016-17 season, the new schedule for setting frameworks for all migratory birds will begin at the Flyway meetings which will now be held in early October. The SRC will meet one to two weeks after all the Flyway Councils have met. Season frameworks will be proposed in the Federal Register beginning 30 days after the SRC meeting and will be advertised for no less than 30 days. The Final Migratory Season Frameworks will be advertised in the Federal Register 75 days after the Proposed Season Frameworks comment period has ended, but no later than April 1. All Migratory Bird Frameworks will be finalized by early-June.

Staff will now present a single Migratory Bird Season report and necessary rule changes to Commissioners at their April meeting and submit season date selections to USFWS before April 30. Since all migratory bird regulation frameworks should be finalized by early-June, all rules concerning early and late season migratory gamebirds can be established in rule at the June Commission meeting.

Concern for duck populations

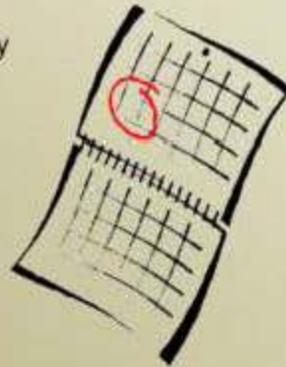


Perhaps the biggest concern with the new process is that decisions will no longer be made using the current year's data. That leads to the impression that less or lower-quality monitoring data is required to make regulatory decisions. This notion is simply not true. The same quality of data is still necessary to support this complex decision-making process.

Additionally, duck populations do not fluctuate year-to-year as much as they trend up and down over time and hunting regulations do not seem to have any meaningful effect on these trends. Consequently, there is very little risk in using prior-year's data under these circumstances. If too liberal regulations are set, it will be captured the following year before any real impacts on duck populations are realized.

Benefits from the Changes

- Adequate time for the legal process
- Reduced number of regulatory meetings
- Seasons will be set in April instead of July and August
- Migratory bird seasons approved by Commission *before* seasons begin
- Earlier publication of season dates and brochures
- Better planning with earlier season setting



The new schedule provides a more appropriate amount of time to meet legally mandated review periods and reduces the number of regulatory meetings necessary to develop season frameworks for all migratory birds. Since all seasons will now be set in April all migratory bird seasons can be approved by the Commission before the seasons begin. This will also allow for earlier publication of the season dates and brochures which works out well for our stakeholders by allowing for better hunt planning because the seasons will be set much earlier than in the past.

Requested Action

- Approval of anticipated season dates
- Approval for adding a purple swamphen season by Executive Order

Direction or guidance from the Commissioners is welcomed.



Staff is requesting approval from the Commissioners regarding the anticipated season dates and bag limits for the early migratory bird seasons. When the federal frameworks are finalized in late August, any necessary rule changes will be made initially by Executive Order, followed by a corresponding rule change at the November Commission meeting. As mentioned earlier, the US Fish and Wildlife Service Regulations Committee (SRC) is reviewing a recommendation for adding a purple swamphen hunting season. If the Commission agrees with this recommendation, we would make the changes by Executive Order in late August, followed by a corresponding rule change at the November Commission meeting.

As always, staff welcomes direction or guidance provided by the Commissioners as we continue to work with the migratory bird regulations development process and the transition to the new regulation schedule.

The following slides are considered back up material and are not anticipated to be part of the actual presentation to the Commission



Anticipated Early Migratory Bird Seasons 2015-2016

	Season Dates	Bag/Possession
Mourning Dove and White-winged Dove	Sept. 26 - Oct. 26 Nov. 14 - Dec. 7 Dec. 12 - Jan. 15	15/45
Rails and Common Moorhen	Sept. 1 - Nov. 9	15/45 - Clapper Rail, King Rail, & Common Moorhen; 25/75 - Virginia and Sora Rails
Woodcock	Dec. 18 - Jan. 31	3/9
Crow	Aug. 8 - Oct. 25 Nov. 11 - Feb. 18	None



We anticipate no changes in the federal frameworks for the 2015-16 for dove, rail, common moorhen, woodcock, and crow seasons. Dates and bag/possession limits for the 2015-2016 seasons, based on anticipated federal frameworks and Rule 68A-13.008, F.A.C., are as indicated on this slide. **Please note – these regulations are not final and are subject to change.**

Anticipated Early Migratory Bird Seasons 2015-2016

	Season Dates	Bag/Possession
Canada Goose	Sept. 5-27	5/15
Snipe	Nov. 1 - Feb. 15	8/24
Wood Duck and Teal	Sept. 19-27	6/18 teal and wood ducks in the aggregate, no more than 2/6 of which may be wood ducks; wood ducks may not be taken Sept. 24-27
Purple Swamphen	Sept. 5-27	25/75



There are no anticipated changes to federal frameworks for the 2015-2016 Canada goose, snipe, wood duck and teal seasons. We do anticipate the addition of a purple swamphen season to coincide with any existing waterfowl season. Dates and bag/possession limits for these seasons, based on anticipated federal frameworks and Rules 68A-13.003 and 68A-13.008, F.A.C, are as indicated on this slide. **Please note – these regulations are not final and are subject to change.**