

Consent Agenda Item 1  
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 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.

(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.

(b) Legal to take: All legal game, 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.

(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.

*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