

NOTICE OF PROPOSED RULEMAKING

FISH AND WILDLIFE CONSERVATION COMMISSION

RULE CHAPTER TITLE: RULES RELATING TO FRESHWATER FISH

RULE TITLES:

RULE NOS.:

General Methods of Taking Freshwater Fish.

68A-23.002

PURPOSE AND EFFECT: The proposed rule would provide for additional use of freshwater fisheries resources in Indian River County, reduce confusion among freshwater fishers using cast nets, and simplify and clarify enforcement of rules relating to taking of freshwater fish with cast nets to provide better management of the states freshwater fisheries resources.

SUMMARY: The proposed rule amendment would provide for use of cast nets of any mesh size to take nongame fish in Indian River County and further clarify that no cast nets may be used to take any size freshwater non-game fish in areas closed to use of cast nets.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: Article IV, Section 9, Florida Const.

LAW IMPLEMENTED: Article IV, Section 9, Florida Const.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m. to 5:00 p.m., each day, February 1-2, 2006.

PLACE: Hilton University of Florida Conference Center, 1714 S.W. 34th Street, Gainesville, Florida 32607.

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 calendar 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 by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

THE FULL TEXT OF THE PROPOSED RULES IS AS FOLLOWS:

68A-23.002 General Methods of Taking Freshwater Fish

(1) - (2) No Change.

(3) Nongame fish may be taken by hook and line, rod and reel or by trotlines, set lines or bush hooks (as specified in Rule 68A-23.004, F.A.C.), or by traps, nets or other devices as specified in Rule 68A-23.003, F.A.C. Nongame fish may be taken for personal use by any person possessing a valid freshwater fishing license by the use of not more than one slat basket or one wire trap, made as specified in Rule 68A-23.003, F.A.C., in those waters where the use of wire traps or slat baskets is permitted for commercial purposes as specified in subsection 68A-23.003(2), F.A.C. Nongame fish may be taken at night by bow and arrow and gigs and during daylight hours by manually operated spears, gigs, snatch hooks, crossbow or bow and arrow from a boat or from shore except at the spillways of the Eureka and Rodman Dams on the Oklawaha River or on the spillway of the Jim Woodruff Dam on the Apalachicola River or in Dade County canals south of the C-4 and east of the L-31N and L-31W canals inclusively. Nongame fish may be taken by the use of cast nets in the Northeast Region, in Citrus and Glades Counties, and in the Southwest Region, except that possession or use of cast nets in waters adjoining Saddle Creek Fish Management Area, Polk County, confined by Morgan Combee Road, U.S. Highway 92 and Fish Hatchery Road are prohibited. ~~Nongame fish may be taken with cast nets in the Northeast Region, except~~

~~in Indian River County. Nongame fish may be taken by use of cast nets in Citrus and Glades counties.~~

(4) - (5) No Change.

(6) Minnows of non-game fish excluding catfish may be taken:

(a) - (b) No Change.

(c) By the use of a cast net having a mesh size not greater than one inch stretched in freshwaters of the state unless specifically prohibited.

(d) No Change.

(7) - (11) No Change.

PROPOSED EFFECTIVE DATE: July 1, 2006.

Specific 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, 7-1-84, Formerly 39-23.02,

Amended 6-1-86, 4-13-88, 7-1-89, 7-1-90, 4-20-93, 7-1-93, 7-1-94, 7-1-95, 4-1-96, 7-1-

98, 4-15-99, Formerly 39-23.002, Amended 7-1-00, 7-1-01, 7-1-04,_____.

NAME OF PERSON(S) ORIGINATING PROPOSED RULE: Darrell L. Scovell, Director Division of Freshwater Fisheries Management.

NAME OF SUPERVISOR WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2005.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN F.A.W.: December 16, 2005.

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.W.