

NOTICE OF PROPOSED RULEMAKING
FISH AND WILDLIFE CONSERVATION COMMISSION
DIVISION: Division of Hunting and Game Management.

RULE NO.:
68A-15.064
Region.

RULE TITLE:
Specific Regulations for Wildlife Management Areas – South

PURPOSE AND EFFECT: The purpose of the proposed rule changes is to revise specific area regulations on Wildlife Management Areas (WMAs) in the South Region and conform to calendar year date changes. The effect of the proposed rule changes will be to enable the agency to better manage fish and wildlife resources and public use on WMAs.

SUMMARY: The proposed rule changes would adjust season dates to conform to calendar year changes and revise specific area regulations on Wildlife Management Areas (WMAs) in the South Region as follows:

Holey Land WMA – The proposed rule change would allow for the transfer of general gun-vehicle permits and deer tags by FWC law enforcement supervisors or their designees in the case of a disabled track vehicle.

Everglades and Francis S. Taylor WMA – The proposed rule change would allow for the transfer of general gun-vehicle permits and deer tags by FWC law enforcement supervisors or their designees in the case of a disabled track vehicle or airboat.

Rotenberger WMA – The proposed rule change would allow for the transfer of general gun-vehicle permits and deer tags by FWC law enforcement supervisors or their designees in the case of a disabled track vehicle.

Picayune Strand WMA – The proposed rule change would expand the migratory bird hunting season to match the statewide season.

Allapattah Flats WMA – The proposed rule would establish regulations for the new WMA with the following open seasons: 7-day and 9-day archery; 3-day muzzleloading gun; 4-day family hunt; 5-day general gun; 58-day small game; 4-day and 5-day spring turkey; and fishing – throughout the year. It would establish as legal to take all legal game, hogs, fish, and furbearers (except bobcat and otter) with no size or bag limit on hogs, allow turkey to be taken during spring turkey season only, and establish a bag limit of one per quota permit for deer and wild turkey. It would establish the following hunter quotas: archery – 50 by archery / muzzleloading gun quota application for each hunt, no exemptions; muzzleloading gun – 50 by archery / muzzleloading gun quota application, no exemptions; family hunt – 25 by family hunt quota application, no exemptions; general gun – 50 by general gun quota application, no exemptions; spring turkey – 20 by spring turkey quota application for each hunt, no exemptions. It would allow tent camping and fires at designated sites; allow vehicles to be operated only on named or numbered roads year-round; allow vehicles to be operated on numbered trails during archery, muzzleloading gun, family hunt, general gun, and spring turkey seasons by persons possessing a valid quota permit; prohibit tracked vehicles, swamp buggies, airboats, motorcycles, and all-terrain vehicles; require all hunters to check in and out when entering and exiting the area at a designated entrance and to check all game taken; prohibit the dismemberment of deer until checked at a check station; prohibit the take of wildlife with dogs, except with bird dogs or retrievers during the small game season; allow horses on named equestrian trails and designated equestrian areas only and allow shotguns only during small game season.

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 Constitution; Section 372.121, 375.313, Florida Statutes.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; Sections 372.121, 375.313, Florida Statutes.

A PUBLIC RULE MAKING HEARING ON THE PROPOSED RULES WILL BE HELD AT THE TIME,

DATE, AND PLACE SHOWN BELOW:

DATE AND TIME: During the Commission's regular meeting, February 7 and 8, 2007, 8:30 a.m. to 5:00 p.m., each day.

PLACE: Sandestin Golf and Beach Resort, 9300 Emerald Coast Parkway West, Destin, FL 32550.

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: Nick Wiley, 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 AS FOLLOWS:

68A-15.064 Specific Regulations for Wildlife Management Areas - South Region.

(1) No Change.

(2) Holey Land Wildlife Management Area.

(a) Open season:

1. General gun – Walk, October ~~20-28~~ ~~21-29~~.

2. General gun – Vehicle, November ~~3-18~~ ~~4-19~~ (tracked vehicles and airboats only). Deer hunting by permit only during the general gun-vehicle season.

3. Archery – August ~~25~~ ~~26~~ through September ~~16~~ ~~17~~.

4. Muzzleloading gun – September ~~29~~ ~~30~~ through October ~~14~~ ~~15~~.

5. - 6. No Change.

(b) - (c) No Change.

(d) General regulations:

1. - 2. No Change.

3. A general gun-vehicle permit is required of any person to operate a vehicle during the general gun-vehicle season. A general gun-vehicle permit and tag shall only be transferred in the field by Florida Fish and Wildlife Conservation Commission law enforcement supervisors or their designees when a tracked vehicle becomes inoperable and unable to be repaired while within the wildlife management area to which the tracked vehicle is assigned as determined by the general gun-vehicle permit. ~~General gun-vehicle permits and tags are not transferable, except as provided in subsection 68A-11.005(9), F.A.C.~~

4. - 18. No Change.

(e) No Change.

(3) Everglades and Francis S. Taylor Wildlife Management Area.

(a) Open season:

1. General gun – Walk, October ~~20-28~~ ~~21-29~~ Conservation Areas 3A North and 2 only. December ~~1-30~~ ~~2-31~~ in that portion of the area between the Old Miami Canal (Mud Canal) and the New Miami Canal in Conservation Area 3A North only.

2. General gun – Vehicle (airboats and tracked vehicles only), November ~~3-18~~ ~~4-19~~, in Conservation Areas 3A North, 3A South, 2, and the Francis S. Taylor Wildlife Management Area by permit only.

3. Archery – August ~~25~~ ~~26~~ through September ~~16~~ ~~17~~, Conservation Area 3A North only.

4. Muzzleloading gun – September ~~29~~ ~~30~~ through October ~~14~~ ~~15~~, in Conservation Area 3A North only.

5. - 6. No Change.

(b) - (c) No Change.

(d) General regulations:

1. - 6. No Change.

7. A general gun-vehicle permit is required of any person to operate a vehicle during the general gun-vehicle season. General gun-vehicle permits will be given to both tracked vehicle and airboat hunters. A general gun-vehicle permit and tag shall only be transferred in the field by Florida Fish and Wildlife Conservation Commission law enforcement supervisors or their designees when a vehicle or airboat becomes inoperable and unable to be repaired while within the wildlife management area to which the vehicle or airboat is assigned as determined by the general gun-vehicle permit. ~~General gun-vehicle permits and tags are not transferable, except as provided in subsection 68A-11.005(9), F.A.C.~~

8. - 23. No Change.

(e) No Change.

(4) Rotenberger Wildlife Management Area.

(a) Open season:

1. General gun– Walk, October ~~20-28~~ 21-29.

2. General gun– Vehicle (airboats and tracked vehicles only), November ~~3-18~~ 4-19 by quota permit only.

3. Archery – August ~~25~~ 26 through September ~~16~~ 17.

4. Muzzleloading gun – September ~~29~~ 30 through October ~~14~~ 15.

5. - 6. No Change.

(b) - (c) No Change.

(d) General regulations:

1. A general gun-vehicle permit is required of any person to operate a vehicle during the general gun-vehicle season. A general gun-vehicle permit and tag shall only be transferred in the field by Florida Fish and Wildlife Conservation Commission law enforcement supervisors or their designees when a tracked vehicle becomes inoperable and unable to be repaired while within the wildlife management area to which the tracked vehicle is assigned as determined by the general gun-vehicle permit. ~~General gun-vehicle permits and tags are not transferable, except as provided in subsection 68A-11.005(9), F.A.C.~~

2. - 17. No Change.

(5) Big Cypress Wildlife Management Area.

(a) Open season:

1. No Change.

2. Small game – The day following the close of general gun season through February ~~3~~ 4

3. Archery – September ~~1-30~~ 2 through ~~October 1~~ in all units and twelve days prior to Thanksgiving day through January 1, except during those years when January 1 falls on a Thursday, Friday or Saturday, in which case the season would close on the following Sunday in the Deep Lake Unit only.

4. Muzzleloading gun – October ~~6-21~~ 7-22, except in the Deep Lake Unit.

5. Spring turkey – March ~~1~~ 3 through April ~~6~~ 8.

6. - 7. No Change.

(b) - (d) No Change.

(6) No Change.

(7) Okaloacoochee Slough Wildlife Management Area.

(a) Open season:

1. Archery – September ~~8-14~~ 9-15 and ~~15-23~~ 16-24.

2. Muzzleloading gun – October ~~13-15~~ 14-16.

3. General gun – October ~~27-30~~ 28-31 and October 31 through November ~~4~~ 4-5.

4. General gun hog – November ~~17-23~~ 18-24.

5. Small game – November ~~24~~ 25 through December ~~16~~ 17.

6. Spring turkey – March ~~1-4~~ 3-6 and ~~5-9~~ 7-11.

7. - 8. No Change.

(b) - (d) No Change.

(8) Fisheating Creek Wildlife Management Area.

(a) Open season:

1. Archery – September ~~14-16~~ 15-17 and ~~21-23~~ 22-24 west of U.S. Highway 27 only.

2. Muzzleloading gun – October ~~12-14~~ 13-15 and ~~19-21~~ 20-22 west of U.S. Highway 27 only.

3. General gun – November ~~2-4~~ 3-5 and ~~23-25~~ 24-26 west of U.S. Highway 27 only.

4. Spring turkey – March ~~1-4~~ 3-6, ~~7-10~~ 9-12, ~~14-17~~ 16-19, ~~21-24~~ 23-26 and ~~March 28-31~~ 30 through ~~April 2~~ west of U.S. Highway 27 only.

5. Special-opportunity spring turkey – March ~~1-7~~ 3-9 and ~~15-21~~ 17-23 east of U.S. Highway 27 only.

6. General gun hog – December ~~8-9~~ 9-10 west of U.S. Highway 27 only.

7. No Change.

(b) - (d) No Change.

(9) Picayune Strand Wildlife Management Area.

(a) Open season:

1. Archery – September ~~8-23~~ 9-24.

2. Muzzleloading gun – October ~~13-15~~ 14-16.

3. General gun – October ~~27-30~~ 28-31 and October 31 through November ~~4~~ 4-5.

4. Small game – November ~~10-25~~ 11-26.

5. Spring turkey – March ~~1-4 3-6~~ and ~~5-9 7-11~~.

6. Migratory game birds – During the migratory game bird seasons as established by Rules 68A-13.003 and 68A-13.008, F.A.C.

7. 6. Fishing and frogging – Permitted throughout the year.

(b) - (d) No Change.

(10) Dinner Island Ranch Wildlife Management Area.

(a) Open season:

1. Archery – September ~~8-14 9-15~~ and ~~15-23 16-24~~

2. Muzzleloading gun – October ~~13-15 14-16~~.

3. General gun – October ~~27-30 28-31~~ and October 31 through November 4 4-5.

4. Family hunt – November ~~10-11 11-12~~ and ~~17-18 18-19~~.

5. Spring turkey – March ~~1-4 3-6~~ and ~~5-9 7-11~~.

6. - 7. No Change.

(b) - (d) No Change.

(11) Spirit-of-the-Wild Wildlife Management Area.

(a) Open season:

1. Archery – September ~~8-14 9-15~~ and ~~15-23 16-24~~.

2. Muzzleloading gun – October ~~13-15 14-16~~.

3. General gun – October ~~27-30 28-31~~ and October 31 through November 4 4-5.

4. Spring turkey – March ~~1-4 3-6~~ and ~~5-9 7-11~~.

5. No Change.

(b) - (d) No Change.

(12) Allapattah Flats Wildlife Management Area.

(a) Open season:

1. Archery – September 8-14 and 15-23.

2. Muzzleloading gun – October 13-15.

3. Family hunt – October 27-30.

4. General gun – October 31 through November 4.

5. Small game – November 10 through the first Sunday in January.

6. Spring turkey – March 1-4 and 5-9.

7. Fishing – Permitted throughout the year.

(b) Legal to take: All legal game, hog, fish, and furbearers (except bobcat and otter). Turkey may only be taken during the spring turkey season. The bag limit for deer and wild turkey shall be one per quota permit. No size or bag limits on hog.

(c) Camping: Camping is allowed only at designated campsites. Only tents may be used for camping.

(d) General regulations:

1. Fires are prohibited except at designated campsites.

2. Vehicles may be operated only on named or numbered roads. During the archery, muzzleloading gun, family hunt, general gun, and spring turkey seasons, vehicles may be operated on numbered trails in addition to named or numbered roads by individuals possessing a valid quota hunt permit.

3. Tracked vehicles, swamp buggies, airboats, motorcycles, and all-terrain vehicles are prohibited.

4. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken.

5. No deer shall be dismembered until checked at a check station.

6. Taking wildlife with dogs is prohibited, except bird dogs or retrievers may be used during the small game season.

7. Horses are permitted on named equestrian trails and designated equestrian areas only.

8. The possession or use of firearms other than shotguns is prohibited during the small game season.

PROPOSED EFFECTIVE DATE: July 1, 2007.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.121, 375.313 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.121, 375.313 FS. History– New 6-21-82, Amended 7-1-83, 7-27-83, 9-27-83, 7-5-84, 7-1-85, 5-7-86, 8-5-86, 5-10-87, 8-24-87, 5-1-88, 6-7-88, 7-1-89, 7-1-90, 9-1-90, 7-1-91, 7-1-92, 7-1-93, 7-1-94, 7-1-95, 8-15-95, 7-1-96, 9-15-96, 10-20-96, 6-1-97, 8-7-97, 7-1-98, 7-2-98, 7-1-99, Formerly 39-15.064, Amended 11-17-99, 7-1-00, 7-1-01, 6-2-02, 2-27-03, 5-1-03, 7-1-04, 7-1-05, 7-1-06, _____

NAME OF PERSON(S) ORIGINATING PROPOSED RULE: Nick Wiley, Director, Division of Hunting and Game

Management.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6, 2006.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN F.A.W.: November 22, 2006.

STATEMENT OF FACTS AND CIRCUMSTANCES JUSTIFYING PROPOSED RULES.

FISH AND WILDLIFE CONSERVATION COMMISSION.

DIVISION: Division of Hunting and Game Management.

RULE TITLE: Specific Regulations for Wildlife Management RULE NOS.: 68A-15.064

Areas – South Region.

The purpose of the proposed rule changes is to revise specific area regulations on Wildlife Management Areas (WMAs) in the South Region and conform to calendar year date changes. The effect of the proposed rule changes will be to enable the agency to better manage fish and wildlife resources and public use on WMAs.

A Federal rule on the same subject as covered by the adoption or amendment of this rule does not exist.