

**NOTICE OF PROPOSED RULE
FISH AND WILDLIFE CONSERVATION COMMISSION**

DIVISION: Freshwater Fish and Wildlife

RULE NO: 68A-13.003 **RULE TITLE:** Hunting Regulations for Ducks, Geese, and Coots.

PURPOSE AND EFFECT: The purpose of the proposed rule change is to establish bag limits for taking ducks in conformance with federal regulations. Rule wording would be changed to increase the bag limit for canvasbacks to one and scaup to two.

SUMMARY: The rule amends migratory bird hunting regulations to establish duck, goose, and coot season dates and bag limits.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: *The agency has determined that this rule will ___or will not ___ have an impact on small business. A SERC has ___or has not ___ been prepared by the agency.*

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for lower cost regulatory alternatives 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; Sections 375.313, 379.2223, Florida Statutes.

A HEARING WILL BE HELD AT THE DATE, TIME, AND PLACE SHOWN BELOW:

DATE AND TIME: During the regular meeting of the Commission, December 9-10, 2009, 8:30 a.m. to 5:00 p.m., each day.

PLACE: John Boy Auditorium, 1200 South W.C. Owen Ave, Clewiston, FL 33440

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: Diane 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 AS FOLLOWS:

68A-13.003 Hunting Regulations for Ducks, Geese, and Coots.

The Commission has approved the following regulations and bag limits for taking ducks, geese, and coots:

(1) Duck, light goose, and coot season:

(a) - (e) No change.

(f) Limits: The possession limit for ducks and coots shall be two days' bag limit. There shall be no possession limit for light geese. Light geese include only snow (including blue) and Ross' geese.

1. Ducks: The daily bag limit for ducks is six, including no more than four mallards, of which only two can be females, ~~one scaup except it shall be two scaup during the last twenty consecutive days of the open season and the Youth Waterfowl Hunt,~~ four scoters, three wood ducks, two redheads, one pintail, ~~one canvasback,~~ one black duck, one Florida duck (mottled duck), and one fulvous whistling-duck. In addition to the daily bag limit for ducks, the daily bag limit for mergansers is five, only two of which may be hooded mergansers.

2. through 3. No change.

(2) General restrictions:

(a) The taking of ~~canvasbacks,~~ harlequin ducks, brant or geese other than light geese as specified in subsection (1) and Canada geese as specified in subsection (4) is prohibited.

(b) No change.

(3) - (5) No change.

PROPOSED EFFECTIVE DATE: As soon as possible after adoption.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 10-23-79, 8-19-80, 9-29-81, 8-30-82, 7-27-83, 8-13-84, 8-13-85, 10-1-85, Formerly 39-13.03, Amended 8-5-86, 8-24-87, 8-18-88, 12-12-88, 8-17-89, 10-30-89, 8-9-90, 10-31-90, 8-22-91, 10-31-91, 8-23-92, 10-22-92, 9-2-93, 10-28-93, 11-6-94, 10-23-95, 10-20-96, 8-7-97, 10-28-97, 11-12-98, 6-23-99, Formerly 39-13.003, Amended 11-7-00, 5-13-02, 5-1-03, 7-1-04, 7-1-

05, 2-1-06, 7-1-06, 1-9-07, 1-8-08, 7-1-08, 1-6-09,_____.

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.

NAME OF PERSON(S) ORIGINATING PROPOSED RULE: Diane 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: September 9, 2009.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN F.A.W.: December 5, 2008.

**STATEMENT OF FACTS AND CIRCUMSTANCES JUSTIFYING PROPOSED RULES
FISH AND WILDLIFE CONSERVATION COMMISSION**

DIVISION: Hunting and Game Management

RULE TITLES: Hunting Regulations for Ducks, Geese, and Coots. **RULE NOS.:** 68A-13.003

The purpose of the proposed rule change is to establish bag limits for taking ducks in conformance with federal regulations. Rule wording would be changed to increase the bag limit for canvasbacks to one and scaup to two.

The federal government has preemptive jurisdiction over migratory birds as a result of the Migratory Bird Treaty Act and the Commerce Clause of the U.S. Constitution. State compliance with changes in migratory bird hunting regulations promulgated annually by the U.S. Fish and Wildlife Service is mandated. This rule amendment would establish duck, goose, and coot season dates and bag limits within federal guidelines. The proposed rule would increase the daily bag limits for canvasbacks to one and scaup to two to allow hunting opportunity consistent with federal frameworks. These changes were made by Executive Order No. EO 09-14, dated October 6, 2009. A Federal rule on the same subject as covered by the adoption or amendment of this rule does exist

**STATEMENT OF ESTIMATED REGULATORY COSTS
FISH AND WILDLIFE CONSERVATION COMMISSION**

RULE CHAPTER TITLE: General Hunting Regulations

RULE NOS: 68A-13.003 **RULE TITLE:** Hunting Regulations for Ducks, Geese, and Coots

1. A GOOD FAITH ESTIMATE OF NUMBER AND TYPE OF INDIVIDUALS AND ENTITIES LIKELY TO BE REQUIRED TO COMPLY WITH THE RULE: No additional requirements to comply with the proposed rule are expected.

2. A GOOD FAITH ESTIMATE OF THE COST TO FWC AND OTHER GOVERNMENTAL AGENCIES OF IMPLEMENTING AND ENFORCING THE RULE: A statement of estimated regulatory cost has not been prepared regarding these proposed rules.

3. ANTICIPATED EFFECT ON STATE AND LOCAL REVENUES: Any effects on state or local revenues are expected to be minimal.

4. AN ESTIMATE OF TRANSACTIONAL COSTS LIKELY TO BE INCURRED BY INDIVIDUALS AND PUBLIC AND PRIVATE ENTITIES THAT ARE REQUIRED TO COMPLY WITH THE RULE: No transactional costs are expected to be incurred by individuals and public and private entities as a result of the proposed rule change.

5. ANALYSIS OF IMPACT ON SMALL BUSINESS AS DEFINED BY SECTION 288.703, F.S.: No impact on small business is expected.

6. ANALYSIS OF IMPACT ON SMALL COUNTIES AND CITIES AS DEFINED BY SECTION 120.52, F.S.: No impact of the proposed change on small counties and cities is expected.

7. REASONS FOR ACCEPTING (OR REJECTING) A PROPOSAL FOR A LOWER COST REGULATORY ALTERNATIVE: No proposals for a lower cost regulatory alternative exist for achieving the purpose of the proposed changes to the rule.