

Unofficial Until Approved

Florida Fish and Wildlife Conservation Commission

Minutes of the Commission Meeting

April 5-6, 2006

Tallahassee

A regular meeting of the Florida Fish and Wildlife Conservation Commission was held at the Ramada Inn and Conference Center, 2900 North Monroe Street, Tallahassee, April 5-6, 2006, and called to order at 1:05 p.m., by Vice Chairman David K. Meehan with the following members in attendance:

Ms. Sandra T. Kaupe, Palm Beach

Mr. Richard A. Corbett, Tampa

Mr. Brian S. Yablonski, Tallahassee

Ms. Kathy Barco, Jacksonville

Staff

Mr. Kenneth D. Haddad

Executive Director

Mr. Victor J. Heller

Assistant Executive Director

Mr. James V. Antista

General Counsel

Colonel Julie L. Jones

Director, Division of Law Enforcement

Mr. Nick Wiley

Director, Division of Hunting and Game Management

Mr. Timothy Breault

Director, Division of Habitat and Species Conservation

Mr. Darrell Scovell

Director, Division of Freshwater Fisheries Management

Mr. Mark S. Robson

Director, Division of Marine Fisheries Management

Mr. Gil McRae

Director, Fish and Wildlife Research Institute

Ms. Jacqueline Fauls

Director, Legislative Affairs Office

Ms. Sandra L. Wilson

Director, Finance and Budget Office

Ms. Sharon T. Lobello

Director, Community Relations Office

Mr. Gregory L. Holder

Director, Southwest Region

Mr. Rolando J. Garcia

Director, North Central Region

Lt. Col. Louie S. Roberson

Director, Northwest Region

Mr. Charles E. Collins

Director, South Region

Mr. Dennis N. David

Director, Northeast Region

Thirteen persons registered as guests/speakers during the two-day meeting.

Regional Director Garcia gave the invocation. Commissioner Corbett led the assembly in the Pledge of Allegiance to the Flag.

Mr. Haddad introduced the following Tallahassee/Northwest Region employees to the Commission and guests: Office of Information Technology—John McCaffrey, Don Rogers, and Peg Davis; Office of Human Resources—Paul Clemons and Angela Roney-Graham; Office of Recreation Services—Mark Kiser and Geoff Brown; Division of Law Enforcement—Sabra Thornton and Tara Alford; Division of Marine Fisheries Management—Jasmine MacPherson; Fish and Wildlife Research Institute—Sandy Robertson and Andy Strickland; Division of Hunting and Game Management—Rosa Torres; and Division of Habitat and Species Conservation—Kate Haley.

Vice Chairman Meehan thanked all FWC employees for the work they perform each day for Florida's fish and wildlife resources.

Approval of Minutes and Agenda

Vice Chairman Meehan asked for approval of the minutes of the February 1-2 and February 8, 2006 Commission meetings. Upon motion of Commissioner Corbett, seconded and carried, the minutes were approved.

Under adoption of the Consent Agenda, upon motion of Commissioner Kaupe, seconded and carried, the consent agenda was approved.

Regarding the meeting agenda, Vice Chairman Meehan advised that the Florida Keys Commercial Fishermen's Association asked the Commission to not take action on its request to change the starting date of the commercial lobster trap fishery this year. Therefore, with Commission approval, staff is suggesting the Commission modify the agenda to withdraw the item from consideration. The Commission agreed.

Upon motion of Commissioner Corbett, seconded and carried, the meeting agenda was approved as modified.

Prior to delivering the Executive Director's Report, Mr. Haddad explained that Chairman Barreto would be unable to attend the first day of the meeting due to his returning from filming a segment of the Today Show in New York City, and that Commissioner Huffman was ill with the flu.

Executive Director's Report

Mr. Haddad presented an abbreviated version of the Executive Director's Report:

Community Relations Office—Anthony Lobello, son of CR Director Sharon Lobello, skated on the Men's Short Track Speed-skating team for the United States during the Winter Olympic Games in Torino.

Division of Habitat and Species Conservation—The first phase of the Lake Josephine Aquatic Habitat Enhancement Drawdown Project was completed in February. The project is designed to enhance 115 acres of littoral lake habitat.

>Approximately 509,000 hatchery largemouth bass raised on natural food were stocked into Lake Talquin over a three-year period (May 2000 to May 2003) to enhance the population. Largemouth bass produced at Richloam Fish Hatchery were larger than native fingerlings in May and were able to take advantage of newly spawned threadfin shad as a food source. The larger size of hatchery bass, timing of the stockings, and the abundant food supply were critical to the successful bass stocking.

Division of Hunting and Game Management—Since establishing the statutory and rule framework and implementing the statewide plan for the Alligator Management Program in the late 1980s, there has not been a comprehensive review of fees, rules and regulations, and program components to adjust for current scientific information, social changes, and other factors. Consequently, a series of meetings between the Alligator Management Standing Team and a diverse set of stakeholders is being planned for and will take place over the next six months to determine if changes are warranted. A progress report will be presented to the Commission later this year.

>Staff continues to work to develop projects to recover bobwhite quail populations and quail hunting. At a recent Bobwhite Summit, several state agencies and nongovernmental organizations agreed to develop partnerships aimed at restoring uplands habitats across the state. The fact that upland habitat restoration will benefit many species of wildlife lead to the idea of linking this initiative with Florida's Wildlife Legacy Initiative. Tall Timbers Research, Inc., agreed to step up and develop a grant proposal to coordinate this effort.

>The FWC's Archery in the Schools Program promotes instruction in Junior Olympic Archery development as part of in-school curriculum, to improve education performance and participation in the shooting sports among students in grades 4 through 12. The February workshop held at Turkey Creek Middle School trained another 21 teachers to offer this program to students. Additionally, the Florida Department of Education's Physical Education Coordinator gave the Program the DOE's full endorsement. Now that the FWC and DOE are working together in encouraging schools to have an in-school archery curriculum, we hope to see this program expanding to even greater heights.

Division of Law Enforcement—The National Fish and Wildlife Foundation presented its Guy Bradley Award to Major Bruce Buckson for his achievements in wildlife law enforcement.

>The 2005 Legislature appropriated \$5 million to assist marinas damaged during the 2004 hurricanes. Sixty-one grant applications were received for funding. Fifty-four applications were awarded for a total of \$4,920,200.

Division of Marine Fisheries Management—The U.S. Environmental Protection Agency has released its finalized and signed PCB Risk Based Disposal Permit authorizing the decommissioned *U.S.S. Oriskany* to be sunk as an artificial reef for fishing and diving off Pensacola. A ceremony at the Pensacola Naval Air Station is scheduled for May 13; however, the sinking will not take place until on or about May 17 (weather permitting). Commissioners should expect an invitation to the May 13 reception.

>The NMFS recently took action in the federal waters off northeast Florida and Georgia to ban all gill nets due to the fact that a young right whale was entangled and died in a gill net. The net season will remain closed until right whales are no longer in the area.

>FWC and Department of Environmental Protection staffs recently held a successful trap retrieval and removal event in Apalachicola Bay.

Fish and Wildlife Research Institute—SNOOK V, a symposium and workshop to bring scientists, managers, and the angling public together to discuss the biology, status, and management of the common snook in Florida, was held at the FWRI in St. Petersburg. The main outcome of the symposium was the establishment of an *ad hoc* working group to discuss management and research issues.

Office of Recreation Services—Now that the Great Florida Birding Trail infrastructure is completed, staff will begin to focus on using Birding Trail sites to foster greater interest in wildlife tourism and to increase support for wildlife conservation in Florida communities.

>FWC volunteer Tom Palmer was presented the Volunteer Land Steward award by the MetLife Foundation. He is a volunteer coordinator with the Ridge Rangers, Lake Wales Ridge.

Rules

Under Rules, Vice Chairman Meehan asked LTC Mike Wiwi to present the gopher tortoise burrow rule.

(1) 68A-27.005 Designation of Species of Special Concern; Prohibitions; Permits—The proposed rule change would clarify the current prohibition against take of a gopher tortoise burrow by providing characteristics that define and support the identification of the burrow.

LTC Wiwi explained that the purpose of the proposed rule change is to establish a definition of a gopher tortoise burrow for purposes of "take." Current regulations protect wildlife "nests," "eggs," "homes," and "dens," but do not specifically state that "burrows" are protected. While gopher tortoise burrows are arguably the "homes" or "dens" of the tortoise, there is no specific language in rule defining homes or dens. The lack of a specific definition for a gopher tortoise

burrow has been recognized as problematic on a statewide basis by State Prosecutors.

The proposed rule, as originally advertised contained language which defined a gopher tortoise "burrow" for the purpose of take, and listed supporting characteristics frequently observed around burrows. However, the Gopher Tortoise Stakeholder Group (GTSG) recommended revised and condensed language, which would accomplish the intended legal objective, and states: "No person shall take, attempt to take, or pursue, hunt, harass, capture, possess, sell or transport any gopher tortoise (*Gopherus polyphemus*) or parts thereof or their eggs, or take or attempt to take gopher tortoise burrows, except as authorized by Commission permit. For the purpose of this definition of take, a gopher tortoise burrow is a tunnel with a cross-section that closely approximates the shape of a gopher tortoise."

A public workshop was held on March 24 in Gainesville. Staff received and documented three public comments on the proposed rule, which LTC Wiwi detailed for the Commission.

A majority of GTSG members agreed that (1) based upon information provide by the FWC and their own experiences, the rule was needed to improve gopher tortoise protection efforts; and (2) FWC needs to quickly update its guidelines on gopher tortoise permitting and management practices to ensure consistency between guidelines and the proposed rule so they become effective at the same time.

LTC Wiwi recommended the Commission approve the proposed rule as presented.

Public Comment

Preston Robertson (Florida Wildlife Federation), Doug Rillstone (Broad and Cassel), Dr. Jen Hobgood (Humane Society of the U.S.), and Dr. Perrin Ross (Gopher Tortoise Stakeholder Group) offered their support of the staff-proposed rule.

Commission Discussion

Upon motion of Commissioner Corbett, seconded and carried, Rule 68A-27.005 was approved as presented.

Vice Chairman Meehan asked Regional Director Garcia to present the following rules:

(2) 68A-15.062, Specific Regulations for Wildlife Management Areas-North Central Region—The proposed rule would establish revised hunting seasons for the Camp Blanding Wildlife Management Area (WMA). The proposed rule would (a) open the general gun still hunt season on the Saturday before Thanksgiving,

closing 57 days thereafter; (b) reduce the traditional 58-day dog hunt season to two 9-day quota hunts (the first hunt opening the Saturday before Thanksgiving and the second hunt opening the Saturday before Christmas); (c) move the dog hunt area from south of State Road 16 to that portion of the WMA north of State Road 16 which is currently the still hunt area; (d) move the still hunt area from north of State Road 16 to south of State Road 16; (e) open the archery and muzzleloading gun hunts Tuesday through Thursday (instead of the current Wednesday through Friday); (f) allow only bucks having at least one antler with three or more points as legal to take in the archery only and still hunt areas; (g) allow bucks with at least one antler 5-inches or more in length as legal to take on the dog hunt area; (h) prohibit the possession of a dog, other than a dog on a leash for trailing wounded game, in the archery only and still hunt areas; (i) allow vehicles on named or numbered roads only; and (j) prohibit public access except by persons engaged in authorized activities.

(3) 68A-15.005, Quota Permits; Antlerless Deer Permits; Special-Opportunity Permits—The proposed rule change for the Camp Blanding WMA would (a) clarify that there are two 2-day supervised youth hunts, two 3-day muzzleloading gun hunts, two 5-day spring turkey hunts and that the archery only area permits are valid for one day only; (b) establish a quota of 350 for each of two 3-day archery hunts; (c) reduce the general gun still hunt quota from 480 to 400 and allocate 200 of the 400 permits to still hunt area one, and 200 permits to still hunt area two; and (d) establish a quota of 320 for each of the two 9-day general gun dog hunts.

Mr. Garcia thanked Colonel Nelson, Camp Blanding Post Commander, and Operations Officer Cecil Cauley and the entire staff of Camp Blanding who worked to help FWC staff through the rule drafting process.

Commission Discussion

Commissioner Corbett thanked the United States military for reconsidering the hunting configuration of Camp Blanding to reestablish hunting access to the south portion of the area. He also thanked staff for working with the public to ensure their ideas and comments were considered in the proposal.

Vice Chairman Meehan stated that it obvious by the lack of public comment on the rules that the staff's new strategies for working out concerns with the public before bringing final rules to the Commission for consideration and action has been successful.

Upon motion of Commissioner Barco, seconded and carried, rules 68A-15.062 and 68A-15.005, were approved.

Adequacy of Manatee Protection Zones in Ten Thousand Islands

Mr. Kipp Frohlich, Biological Administrator, Imperiled Species Management, provided background information and a summary of studies and results regarding

the adequacy of manatee protection zones in the Ten Thousand Islands area of Collier County. He explained that the existing speed zones may be adequate but merit continued monitoring. The Port of the Islands, Faka Union Canal, and Chokoloskee Bay are all particularly important areas for both manatees and boats. Significant portions of these areas are regulated at Idle Speed or Slow Speed and, appropriately, these are the most restrictive regulations in the study area. Less restrictive regulations (30 MPH in marked channels and 20 MPH out of channels) are in place where manatees have generally been seen at lower densities compared to the higher use areas, although there are not currently any speed regulations within Everglades National Park. However, aerial survey data and telemetry data confirm that the entire area is important manatee habitat year-round and that manatees are very abundant in the region. The increase in overall deaths and watercraft-related deaths in particular may be cause for caution, but this increase could be due to changes in human use, manatee numbers or distribution, or a combination of these and other factors.

By January 2007, FWC will have completed an evaluation of higher speed corridors and sign-posting issues, which may be useful in future evaluations of this area. In particular, the designation of speeds of 30 MPH in the channel and 20 MPH outside the channel may be reexamined as more information regarding optimal and minimum planing speeds for boats is obtained. A number of changes to the freshwater distribution patterns are expected as part of the Comprehensive Everglades Restoration Project. These changes may alter manatee distribution and behavior and will continue to be monitored.

Mr. Frohlich stated that it is the staff's conclusion that no changes are necessary to the Ten Thousand Island area manatee speed zones at this time.

Public Comment

Ted Forsgren (Coastal Conservation Association) offered CCA's support of the staff recommendation.

Tom Henning (Collier County Commission) offered the county's support of the staff recommendation and delivered a letter from the county commission requesting that the FWC "withhold adoption, implementation, and enforcement of even slower boat speeds or further limitations of access until the study has been completed and utilized."

Pat Rose (Save the Manatee Club) stated the Club believes there are additional threats to the manatee population in the Ten Thousand Islands area, and suggested the Commission look at the lack of law enforcement and appropriate signage to bolster manatee protection. He stated that overall manatee mortality is increasing, including boating mortality; state development and growth are adversely affecting regional manatee populations; and the federal government should be encouraged to provide appropriate protection for manatees in the national parks where they occur. Mr. Rose added that during this legislative session the Club is working to ensure additional funding for manatee protection. He

mentioned that contrary to some recent news articles, neither he nor the Club supports removing Constitutional Authority from the Commission through creation of a Department of the Interior.

Commission Discussion

Upon motion of Commissioner Corbett, seconded and carried, the staff recommendation to maintain existing speed zones in the Ten Thousand Islands area of Collier County with appropriate monitoring was approved.

Financial Business Plan (FBP) Update

Ms. Sharon Lobello presented an update of the FBP team progress on the Plan, reporting how the Commissioners' FBP issues from the February 8 Special Commission meeting fit into the main components of the plan. At the June Commission meeting, the team will bring to the Commission the incorporation of the classic elements of a business plan for Commission consideration.

Commission Discussion

Commissioner Corbett commented that the agency needs a permanent inflation adjustment for all its revenue streams and asked how it could be accomplished. He pointed out that if a private business owner charged \$1 for an item ten years ago and never increased the price he would be out of business today.

Ms. Lobello replied that fee increases or inflation adjustments would have to be addressed by the Florida Legislature.

Commissioner Yablonski stated that in the past the Legislature has not looked favorably upon inflation adjustment legislation or indexing. He suggested voluntary contributions, special hunting or fishing lotteries, or other creative means be reviewed by staff to boost agency appropriations.

Mr. Haddad stated that staff would include a strategy in the FBP to look at inflation adjustments.

Commissioner Corbett thanked Sandy Wilson for forwarding to him a review of documentary stamp revenue, and asked staff to examine other public or private revenue sources for the agency, and review how the FWC might sustain itself on grant monies.

Commissioner Barco conveyed that as leader of the Commissioners' FBP area of emphasis, she has had conference calls with staff regarding ideas for the plan, which are not complete. She offered a motion to continue the FBP direction as outlined by staff, with a more thorough discussion at the June Commission meeting. The motion was seconded and carried.

Future of Freshwater Fishing in Florida Update

Mr. Darrell Scovell explained that the Florida freshwater fisheries summits provide an opportunity for biologists and anglers to unite for the future of fishing. Division staff conducted six zone summits at selected locations based on the spring pre-summit survey. They were conducted between September 2005 and January 2006.

Ninety-two stakeholders attended the six zone summits. Attendees included individual anglers and fishing guides, commercial fishing interests, state and local government representatives, tournament anglers, fish camp owners, bait-and-tackle shop operators, and organized group representatives from 26 different organizations.

Six common concerns exist regarding freshwater fisheries in Florida: Habitat loss, vegetation management, working with youth, regulatory issues, tournament release mortality, and working with other agencies effectually.

Major resource issues included: Lake Talquin habitat enhancement and stocking, Lake Istokpoga habitat management; Kissimmee Chain drawdowns and hydrilla management, and Lake Okeechobee water level management and fisheries decline.

Staff will continue to work with stakeholders on solutions to local issues identified in the summits; develop a vision document to help prepare for long-term engagement; and convene a roundtable discussion of select stakeholders identified in the zone summits to help with the vision document, foster better communication, improve interaction between stakeholder groups, and facilitate improved interaction between stakeholders and other agencies.

Mr. Scovell expressed that although the Division of Freshwater Fisheries Management coordinated the summits, there was exceptional cooperation from other divisions, offices and FWRI that allowed the division to provide a holistic view of agency activities regarding freshwater fisheries issues.

Public Comment

Allen Johnson (S.O.S. Florida Lakes) conveyed that his newly formed conservation organization is grateful for the work of the summit leaders and the Commission, and looks forward to the continued relationship and open communication with the committed Division of Freshwater Fisheries Management staff.

Other Public Comment

Van Lewis read to the Commission a March 15, 2006 letter he forwarded to Colonel Julie Jones regarding the presence of two FWC law enforcement officers on

his property, which he considered trespass. He asked for a written response from Colonel Jones.

Preston Robertson mentioned his recent trip to Washington DC with Commission staff members Bob Reinshuttle and Kate Haley where they sought Congressional support of the State Wildlife Grants Program. He pointed out that Florida is far ahead of any other state with its nongame program. Mr. Robertson offered his support of the FWC Penalties Bill being addressed in the Florida Legislature, and his disagreement with the proposed Department of the Interior bill. The Federation supports the Governor's efforts to lower Lake Okeechobee water levels because the lake is dying and needs to be resuscitated. Mr. Robertson asked the Commission to consider some kind of quality deer management in order to keep hunters interested in the sport.

Commissioner Meehan commented that just a couple of years ago, FWC surveyed hunters statewide for their opinions on quality deer management and they expressed little interest in such a program.

Mr. Haddad stated that a majority of north Florida hunters showed an interest in quality deer management, which was different from the statewide survey.

Commissioner Kaupe suggested staff might consider regional deer management scenarios.

Commissioner Exchange

Commissioner Yablonski stated that with the lack of public comments on the proposed rules it was obvious that the staff's formation of stakeholder groups is working and is a good reflection of the agency's outreach, which is rare in a government agency. Commissioner Barco agreed.

Commissioner Kaupe supported Commissioner Yablonski's statements, adding that the best conservationists are the hunters and fishers who wish long-term protection of the resources.

Commissioner Corbett expressed his comfort with the meeting due to the interaction of staff with the public and private sectors prior to bringing issues to the Commission. He thanked Nick Wiley and staff for working with Tall Timbers to increase outside funding for bobwhite quail upland habitat restoration efforts.

Vice Chairman Meehan agreed that staff performed well out in the field before bringing issues before the Commission for final consideration, and congratulated Commissioner Barco on her recent marriage. He recessed the meeting at 3:55 p.m., to reconvene at 8:30 a.m., April 6.

Chairman Barreto reconvened the Commission meeting at 8:40 a.m. on April 6 and mentioned that Commissioner Barco would not be able to attend the meeting this day.

Special Presentation—American Fisheries Society Award

Mr. Mark Robson introduced Gary Saul, President of the Fisheries Administrators Section of the American Fisheries Society (AFS).

Mr. Saul announced that the Division of Marine Fisheries' Kids' Fishing Clinics project was selected by the Fisheries Administrators Section of the AFS to receive the 2005 Sport Fish Restoration Outstanding Project award in the category of Aquatic Education.

In attendance to receive the plaque were the following FWC employees involved in the success of the Kids' Fishing Clinics Project: Dr. Ginny Vail, Gail Gainey, Danny Riley, Rich Abrams, Michelle Owen, Gus Cancro, and Allison Greene. Those employees involved in the project but unable to attend the meeting are Jessi DiGennaro, George Shipp, and Gina Russo.

The Commission thanked Mr. Saul for taking the time to travel from Texas to make the special presentation.

Update on Kids' Fishing Clinic Project

Ms. Gail Gainey presented an update on the Division of Marine Fisheries Management, Outreach and Education Kids' Fishing Clinic Program and other educational programs.

Outreach and Education provides programs in the areas of aquatic education and angler outreach to resource users.

The Kids' Fishing Clinic Program (KFCP) is incorporated within the aquatic education programs. The goals of the KFCP are to (1) teach importance of habitat and how to be responsible marine resource stewards, (2) teach ethical angling, and (3) provide a positive fishing experience.

Kids' Fishing Clinics provide education stations and cover topics such as casting, rod rigging and fishing techniques and are held in thirteen coastal cities through the state. As participants complete the program they receive their own copy of the most current recreational saltwater fishing regulations, the *Fishing Lines* magazine, a certificate of completion, and any other community- or sponsor-donated items.

Since the first clinic in 1996, 36,500 children and an estimated 22,000 parents have participated. The success of the program is due largely to overwhelming community support, with more than 6,500 community members volunteering statewide to help teach young anglers.

In addition to the KFCP, Division of Marine Fisheries Management staff has developed other aquatic education programs such as the women's fishing clinics, educational field activities for school teachers and students, education collection certifications, and environmental and habitat displays.

Angler outreach programs of the division include various angler events, the Angler Logbook Program, fishing club presentations, and the marine resource network. Other programs include the Monofilament Recovery and Recycling Program, Stock Enhancement Research Facility, and various publications. New programs in development include head boat education, a fishing box program, and expansion of women's fishing clinics.

Commission Discussion

The Commissioners asked Ms. Gainey to provide them information on how one might sponsor a Kids' Fishing Clinic, in addition to cost estimates for sponsors.

Commissioner Kaupe mentioned that she is involved in a children's fishing program for the underprivileged and asked Ms. Gainey to contact her regarding possible inclusion of this program with the KFCP.

Chairman Barreto expressed that he has been contacted by Yamaha who may have grants available for the KFCP.

Red Drum Stock Assessment

Ms. Jessica McCawley, Biological Scientists, Division of Marine Fisheries Management (DMFM), presented a brief review and discussion of the 2005 red drum (redfish) stock assessment by the Fish and Wildlife Research Institute (FWRI), which included a review of the biology, the fishery, and the current regulations for the species. The assessment included data through 2003. The previous red drum assessment was completed in 2002.

The present assessment indicated that red drum populations are probably achieving 30% escapement (FWC management objective) through age 4. The year-class specific escapement on the Gulf coast was estimated at 32% and at 34% on the Atlantic coast. The number of trips and the number of red drum harvested has increased since the late 1980s. Recruitment (age-0) and abundance (age 1 to 3) have been stable since 1990. However, if fishing effort continues to increase, then it is likely that escapement will be below 30% by the next assessment, which is due in 2008. Between now and then FWRI will be collecting data on size, age structure, and catch-and-release mortality of sub-adult and adult red drum in the Tampa Bay estuary. The Atlantic State Marine Fisheries Commission will also be collecting data on the age composition of the offshore stocks. These data will be included in the next assessment.

DMFM and FWRI staffs convened a red drum workgroup comprised of anglers from various parts of the state to attend a statewide video conference where assessment results were presented as well as potential management options for the future of the fishery. Potential management options included a status quo option that would keep management measures the same and reassess the fishery following the 2008 assessment. Proactive management measures, such as an adjustment to the current slot limit (18" to 27") or a one- to two-month closed season were also presented. Attendees preferred proactive management measures in order to ensure the long-term sustainability of the red drum stock.

A survey was also conducted in order to capture more information concerning how stakeholders felt about the future of the red drum fishery. There were 240 respondents to the statewide email survey. Of the people who responded, most wanted proactive measures put in place and preferred a closed season or a change to the current slot limit.

Ms. McCawley offered the staff recommendation to allow the workgroup to meet again to hone potential management options, and if management changes are suggested staff will bring them to a future meeting for Commission consideration after being defined by the workgroup.

Public Comment

Jerry Sansom (Organized Fishermen of Florida) stated that there is a population misconception that redfish are under the current management regime because of commercial overharvest. He stated that staff failed to mention that after 1969 "recreational harvest was severely restricted" in the red drum fishery and that it was not until 1987 that the Marine Fisheries Commission decided to close the fishery. He conveyed his disappointment that the recreational fishery has increased and escapement is declining, adding that the fishery needs better management. Mr. Sansom stated that in the past commercial fishermen were a small part but an important part of the fishery, and pointed out that the fishery needs to recover for both commercial and recreational fishermen. He asked that an OFF member be recruited as part of the workgroup.

Ted Forsgren (Coastal Conservation Association) stated his belief that redfish management has been a huge success, and he supports and recommends increased protection of the fishery by lowering the maximum size from 27 to 26 inches. Such a change would offer more resource protection than raising the minimum take. Mr. Forsgren asked that the workgroup reevaluate the goal of 30% escapement because it may be too low.

Commission Discussion

Following Commissioners questions on various management options, the Commissioners expressed that they would like to review red drum management options as soon as possible before the September meeting.

The Chairman asked that Mr. Sansom or a member of OFF be included in the workgroup.

Upon motion of Commissioner Meehan, seconded and carried, staff's recommendation to allow the workgroup to meet again on management options, and if management changes are suggested staff bring them to the Commission at a future meeting was approved.

Snook Stock Assessment

Ms. McCawley provided a brief review and discussion of the 2005 snook stock assessment completed by the FWRI, and included a review of the biology, fishery, and current regulations for snook. The assessment included data through 2004. The previous stock assessment for snook was completed in 2002.

The current assessment determined that the management goal of 40% spawning potential ratio (SPR) is not being met. Depending on which model is used, the Gulf stock SPR ranges from 26 to 32%, and the Atlantic coast from 25 to 26% SPR.

On the Atlantic coast, total catch rates have increased since 1997 and the estimated total catch rate in 2004 was the highest in the 14-year series. Catch rates on the Gulf coast have been increasing and the estimated total catch rate in 2004 was also the highest value. Thirty-five percent of the total statewide harvest is attributable to deaths that occurred after snook were released. Total snook harvest on both coasts has been increasing due to the increased number of anglers and the increased popularity of snook fishing. Recreational anglers in Florida continue to release more than 90% of the snook caught.

FWRI and DMFM held the fifth Snook Symposium in February 2006. There were approximately 180 participants consisting of guides, snook anglers, reporters, managers, biologists, recreational outreach, and law enforcement officers. At the conclusion of the meeting some stakeholder concerns such as environmental degradation, habitat loss, shore-based license sales, and the snook permit were identified. Stakeholders also asked DMFM to form a workgroup to discuss their ideas relating to the current management of snook and the assessment results. Some of these ideas included the 40% SPR goal, length measurement of snook, the impact of red tides and cold kills on recruitment, catch-and-release education for anglers, enforcement and out-of-season poaching, and displaced effort from other fisheries' closed season on the snook stock.

Ms. McCawley explained that DMFM staff is in the process of forming a workgroup to address potential management measures. If management changes are recommended by the workgroup, staff will return to the Commission at a later date with the group's suggestions. However, if there is a sense of urgency among Commissioners regarding the impact of the TLmax on snook status, the Commission could adjust the slot limit prior to the workgroup meeting.

Public Comment

Ted Forsgren offered his support of the staff recommendation due to the need to increase the protection level for snook. He suggested the Commission address the snook fish measurement dilemma soon rather than waiting for the workgroup's recommendations.

Commission Discussion

Chairman Barreto asked Mr. Robson to address the snook length measurement issues.

Mr. Robson advised that there has been public concern regarding how to measure snook, and the Florida Guides Association has asked staff to address the issues as soon as possible. Staff does not believe the measurement issue to be urgent at this time.

Commissioners Meehan and Yablonski suggested staff begin the rule-making process addressing snook measurement.

Upon motion of Commissioner Yablonski, seconded and carried, staff was directed to hold public workshops to receive comments on the snook measurement issue.

Upon motion of Commissioner Meehan, seconded and carried, staff was directed to review a shift in the slot limit for snook, hold public workshops, and present a draft rule for Commission consideration at the June 2006 meeting.

Striped Mullet Stock Assessment

Ms. McCawley gave a brief review of the 2005 stock assessment for striped (black) mullet provided by FWRI, including a brief review of the biology, fishery, and current regulations for the species. The assessment included data through 2004. The last striped mullet assessment was in 2000.

Current stocks on the east coast and the northwest and southwest regions appear to be healthy; and the current levels of fishing effort appear to be sustainable. Future values of fishing mortality rates in the striped mullet fishery are affected by the amount of catch, changes in gear selectivity, and stock size and recruitment. The landings trends in the recent years suggest that mullet productivity has stabilized at about 1.8 million pounds on the east coast, 2.3 million pounds in the northwest region, and 6.5 million pounds in the southwest region. Given the current regulations, and at these recent landings levels, fishing mortality rates should decline further if recoveries of the mullet stocks continue at the present rate.

Ms. McCawley stated that the commercial industry has requested the Commission form a workgroup to evaluate current harvesting regulations based

upon the 2005 stock assessment. Staff recommends no management action at this time, and suggests a stakeholder workgroup be formed to address management issues.

Public Comment

Ted Forsgren offered CCA's support of the staff recommendation. He added that it is important for the stakeholder group to keep in mind the importance of mullet to Florida's fish and wildlife as the primary forage fish in the inshore waters of the state. Mullet support foraging redfish, snook, tarpon, as well as herons, ospreys, etc.

Jerry Sansom conveyed his concurrence with the staff recommendation, pointing out that the assessment is well above recreational fishery management recovery goals. He suggested management goals be based on today's fisheries, and stated that it is time to place mullet back in restaurants.

Commission Discussion

Commissioner Meehan stated that he would be interested in reviewing historical data on the mullet fishery.

Commissioner Kaupe commented that mullet have come back to the point that there are plenty in the water on the southeast coast of Florida.

Upon motion of Commissioner Corbett, seconded and carried, the Commission agreed to the formation of a workgroup to review management and regulations for striped mullet as recommended by staff.

Federal Issues

Mr. Mark Robson discussed items from the recent South Atlantic Fishery Management Council meeting. As part of the overall effort to establish updated regulations for the management of all snapper-grouper species under its jurisdiction, the Council continues to develop Amendment 14. This amendment specifically addresses establishment of a series of reserves designed to protect deepwater species and their habitat. Locations being considered include (1) Northeast Florida Break, a rectangular area along the 350-foot contour east of the Jacksonville/St. Augustine area; (2) Sea Bass Rocks, a single site approximately four miles by two miles in area, located nine miles southeast of St. Lucie Inlet; and (3) East Hump, a large rectangular area in 600 to 900 feet is proposed 13 miles southeast of Long Key. The Council is scheduled to approve Amendment 14 to go out for public comment at its June 2006 meeting.

Mr. Robson advised that at a recent State Marine Fisheries Directors' meeting with the National Marine Fisheries Service, where directors received the advanced report on the National Research Council's study of the Marine Recreational Fishing Statistical Survey (MRFSS), which is the fundamental fishing statistic survey used

by states. Results of the study report were that the MRFSS system as a statistical or data collection system needed to be redesigned and soon.

Mr. Roy Williams, Assistant Director, Division of Marine Fisheries Management, presented an update from the recent meeting of the Gulf of Mexico Fishery Management Council. Red snapper and shrimp were the key issues addressed by the Council.

The Council approved an IFQ program to manage red snapper, and the plan will now be forwarded to the National Marine Fisheries Service. Additionally, the Council received a report on the first meeting of the *ad hoc* Grouper IFQ Advisory Panel. The Council approved a schedule for the Panel to meet prior to each of the four remaining Council meetings this year.

The Council received a report on the meeting of its Socioeconomic Panel (SEP) regarding reallocation of the grouper resources between commercial and recreational fishers.

The most difficult issues debated by the Council concerned solving the overfishing of red snapper. A SEDAR (Southeast Data, Assessment and Review) assessment shows that red snapper are still overfished, both from directed harvest and from the bycatch of the shrimp fishery. The Council will almost certainly need to lower total allowable catch from the present 9.12 million pound TAC to something no greater than about 7.0 million pound, possibly lower. The Council must also find a way to deal with bycatch of undersized fish because the Magnuson Act requires Councils to prevent overfishing, to rebuild overfished stocks, and to minimize bycatch where practicable.

The most vexing problem before the Council is dealing with shrimp trawl bycatch of age-0 and age-1 red snappers. The results of the 2005 red snapper assessment indicates that harvest of juvenile red snapper must be reduced by 65% from the 2001-2003 baseline time period to achieve a 20% spawning potential ratio (SPR) and 80% to achieve a 35% SPR.

Commissioner Meehan asked Mr. Williams if the Commission should take a position on the shrimp trawl bycatch issue.

Mr. Williams replied that he would make a recommendation for Commission consideration at the June meeting.

Public Comment

Ted Forsgren mentioned the CCA's lawsuit calling for the National Marine Fisheries Service to reduce major adverse impacts of shrimp trawls on red snapper, and that the Commission could become interveners in the suit. He recommended the FWC have an economic expert look at fishing data related to Florida's recreational grouper fishing data, suggesting the MRFSS data be used as a trend

because it is flawed. Mr. Forsgren asked the Commission be become involved in the redesign of the MRFSS.

Dennis O'Hern mentioned that the MRFSS data collection system is seriously flawed and there needs to be an immediate change to the system, not just a national angler registration program. He stated he is proud of Florida and its methods of managing fish and wildlife, and it is his wish that the federal government would manage fisheries similarly. Mr. O'Hern suggested the Commission go the legislature for funding for FWRI to be part of the MRFSS, and that Florida should take the lead in the MRFSS process. He brought to the Commission's attention a letter to him from the NMFS, which seems to justify the federal red grouper bag limit of one fish because it is consistent with Florida, and asked the Commission to respond. Mr. O'Hern asked the Commission to return the red grouper limit to two fish until the MRFSS data is reworked.

Mr. Haddad stated that the Commission will respond to the NMFS regarding comments on the one-fish bag limit, pointing out that FWC took a very conservative approach on the red grouper issue to be consistent with federal rules and that the NMFS should not use Florida's action to keep a one-fish bag limit.

Commission Discussion

Commissioner Meehan agreed that the Commission should respond to the NMFS, stating that the FWC was reluctant to follow NMFS's lead. He suggested no change in the bag limit until new data on the stock assessment is reviewed.

Commissioner Kaupe asked when the new data would be available for review and consideration.

Mr. Williams responded that the SEDAR process review is due in the latter part of January 2007.

Chairman Barreto suggested the Commission draft a resolution or letter to the South Atlantic Council supporting the deepwater protected areas (marine protected areas) under Snapper Grouper Amendment 14, only so long as they remain open to fishing for pelagic and highly migratory species. The other Commissioners agreed.

Legislative Reports

Mr. Bob Reinshuttle, FWC Congressional Relations Liaison, updated the Commission on the following federal legislative issues:

- FY 2007 Interior Appropriations Bill—Agency requested \$300,000 in federal support for the Manatee Necropsy and Rescue Program, \$1 million per year for three years to fund a Cooperative Reef Fish and Research and Monitoring Initiative in the Gulf of Mexico, and \$450,000 to fund a National Academy of Sciences review of state and federal manatee programs and recovery efforts in Florida. It has yet to

be determined whether these items will be included when the bill is finalized for consideration by the appropriate subcommittee.

- The Senate version of the Magnuson-Stevens reauthorization act was adopted by the Commerce Committee late last year and is pending on the Senate calendar.

- Endangered Species Act—In September 2005 the U.S. House quickly passed a controversial measure to overhaul the ESA. This legislation would provide compensation to landowners for the value of development forgone to protect endangered species, and seeks to focus federal actions to protect species on recovery, replacing the current process of designating critical habitat. The Senate has recently received the findings of a working group to provide guidance on whether and how to improve the ESA.

- Supplemental/Hurricane Relief—A supplemental appropriation bill that includes additional dollars for hurricane relief is likely to be considered on the U.S. House floor during the week of March 13.

- State Wildlife Grants (SWG)—SWG is the nation's core program for keeping wildlife from becoming endangered. It provides annual state-federal match funding for on-the-ground conservation projects in every state. Recently the FWC Legislative Affairs Office led a group, which also included representatives of The Nature Conservancy and the Florida Wildlife Federation, to meet with members of Florida's Congressional Delegation and their staffs in Washington.

Commission Discussion

Chairman Barreto pointed out the importance of continuing a momentum with the Florida delegation to keep the appropriations bill moving, and developing a clear federal legislative plan for the agency. If letters need to be sent to congressmen on federal issues, he is prepared to assist staff to make their effort effective. He mentioned that all Commissioners should be ready to assist with congressional contacts.

Commissioner Meehan mentioned that two years ago there were no Florida members on the appropriations committees and asked if the state is making any progress on this front. He suggested a "Florida Day" at the Florida House with Commissioners traveling to Washington to support FWC interests.

Mr. Haddad replied in the affirmative and mentioned that the Governor now has a Washington office, and the FWC is partially funding a staff member in the office who deals with environmental and resource issues. He pointed out that with this year's elections it is time to work for appointment of Florida delegation members on federal committees that address issues affecting FWC.

Commissioner Yablonski mentioned the importance of the M-S and ESA acts to Florida. He suggested the agency be very aggressive on those policy changes, with a strategy to find champions for both in the House and Senate.

The other Commissioners agreed that it is time to ask the members of the Florida Congressional Delegation to contact appropriate federal committee members to support Florida's needs in Washington.

Ms. Jackie Fauls presented an update on the 2006 Florida Legislative Session.

The 2006 legislative session has passed its halfway point. Agency bills are moving forward in both houses. SB 2490 by Sen. Argenziano, agency marine fisheries bill, passed unanimously out of the Senate Criminal Justice Committee. HB 471 by Rep. Troutman and eight others, agency recreational penalties, hunter safety, crossbow season permit bill, passed unanimously out of the House Criminal Justice Committee. The Senate companion to HB 471, SB 2202 by Sen. Baker, was withdrawn by request from the Senate Judiciary Committee. In effect, this bill skipped to its next committee of reference, which puts it in a better posture for passage.

On the budget side, both the House and Senate passed their respective budgets, which are different and will be sent to conference to work out the differences.

Ms. Fauls also brought the Commission up to date on other legislative bills that, if enacted, would affect the agency or state employees.

Ms. Fauls thanked Chairman Barreto for traveling to Tallahassee to take an active role in lobbying for agency bills.

Chairman Barreto thanked the Organized Fishermen of Florida, Coastal Conservation Association, Audubon of Florida, Defenders of Wildlife, and all those who have spoken in favor of retaining the Constitutional authority of the Fish and Wildlife Conservation Commission. He also thanked Ms. Fauls for her great work during this legislative session.

Public Comment

Jerry Sansom commended Ms. Fauls for the excellent job she has done for FWC during this legislative session. As a member of the Florida Inland Navigation District, he asked that the boating industry not be forgotten in any federal appropriations bill affecting Florida. Mr. Sansom stated that shallow water dredging projects need funding, and the Corps of Engineers needs additional funding for maintenance of the Intracoastal Waterway but is not receiving budget support from Congress. He asked the Commission to weigh into the efforts of FIND to ensure the federal government puts funding into maintenance of the ICWW for Florida boaters.

Other Public Comment

Jimmy Mosconis, Franklin County Commissioner, addressed the most recent redfish stock assessment. He stated that Apalachicola Bay has no shortage of redfish and asked the Commission to consider a two-fish bag limit for this area. He pointed out that 87% of the land in Franklin County is owned by federal or state governments; therefore, there will be no influx of people to the county who will have an adverse effect on redfish populations in the Bay.

Commissioner Yablonski thanked Mr. Mosconis for traveling to the meeting. He asked if a boat launch at Box R Ranch has been provided for boaters.

Mr. Mosconis responded that the contractor will begin work soon on the boat launch. However, it took a year to get the permit.

Jim Roberson (International Game Fish Association) brought to the Commission's attention the deaths of 27 dolphin, a manatee and eight sturgeon, and possibly blue crab and gar in the Choctawhatchee Bay. He also mentioned that Eglin Air Force Base had begun a military housing development along the Bay that could adversely affect bears and panthers in the area. He asked the Commission to investigate his concerns on both issues.

Gil McRae responded that FWRI is aware of the aquatic animal mortality event in Choctawhatchee Bay and the National Marine Fisheries has been investigating.

The Commissioners asked for a one-page report on both the Choctawhatchee Bay event and the Eglin land development project.

Jerry Sansom mentioned that he and Colonel Jones are working on proposed rules to help with the problem seafood dealers are having with imported undersized product that they can not dispose of legally. He stated the dealers need a mechanism and protocol to allow them to get rid of the illegal fish while keeping within the law.

Commission Exchange

Commissioner Corbett thanked the Chairman for a good meeting and mentioned he is encouraged by staff's federal legislation plans. He pointed out the importance of addressing the snook measurement issue, and thanked the North Central Region employees who worked to make the Camp Blanding proposed regulations amenable to the hunters and Armory Board.

Commissioner Yablonski stated he was looking forward to the challenging issues on the June Commission meeting agenda. He mentioned that there would be new leadership in the Legislature next year and suggested the Commission extend an invitation to Senator Pruitt to attend the West Palm Beach Commission meeting in June, and to Representative Rubio to attend the December Key Largo meeting.

Commissioner Kaupe expressed that she is looking forward to the June meeting in West Palm Beach, and thanked Mr. Haddad and staff for hosting a reception for the Commissioners while in Tallahassee.

Commissioner Meehan stated that the meeting ran smoothly due to the hard work of staff prior to bringing issues before the Commission, and thanked Mr. Haddad and staff for the Wednesday evening dinner.

Chairman Barreto apologized for his absence at the previous day's meeting and reception. He thanked Ted Forsgren, Laurie Macdonald, and Eric Draper for their positive comments of the FWC to a newspaper reporter. The Chairman thanked all elected officials for support of the agency and thanked the Commissioners and staff for their work for the state's fish and wildlife resources.

Administrative Matters

Chairman Barreto asked for a motion to approve the 2007 Commission meeting dates.

Upon motion of Commissioner Meehan, seconded and carried, the Commission agreed to the following 2007 Commission meeting dates and locations (may be subject to change): February 7-8 (Destin), April 11-12 (Tallahassee), June 13-14 (Melbourne), September 12-14 (Fort Myers), and December 5-6 (Florida Keys).

There being no further business, the meeting was adjourned at 12:40 p.m.

Rodney Barreto
Chairman

Kenneth D. Haddad
Executive Director

Respectfully submitted:

Commission Secretary