

Florida Fish and Wildlife Conservation Commission

Minutes of the Commission Meeting

February 7-8, 2007

Destin

A regular meeting of the Florida Fish and Wildlife Conservation Commission was held at the Sandestin Resort, 9300 Emerald Coast Parkway West, Destin, Florida, February 7-8, 2007, and called to order at 8:30 a.m., by Chairman Rodney Barreto with the following members in attendance:

Mr. David K. Meehan, St. Petersburg	Mr. H. A. "Herky" Huffman, Enterprise
Ms. Sandra T. Kaupe, Palm Beach	Ms. Kathy Barco, Jacksonville
Mr. Brian S. Yablonski, Tallahassee	Mr. Richard A. Corbett, Tampa

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. 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

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

Chairman Barreto welcomed the Commissioners, staff and guests to Destin.

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

Special Presentations and Recognition

Chairman Barreto asked Vic Heller to introduce Amos Morris in recognition for his impressive contribution to fish and wildlife conservation through the Wildlife Alert Program. Mr. Heller introduced Mr. Morris; his wife, Aline; daughter, Rebecca; and friends; Tom Gatanius, Chairman of Wildlife Alert;

Rex Wimberly and Shirley Rayberg in attendance to honor and recognize Mr. Morris for his 27 years of dedicated volunteer service to the Wildlife Alert Reward Association. The wildlife violator reporting program began in the late 1970's and officially formed in 1979 when Mr. Morris and thirteen other volunteers met in Ocala to write the by-laws and set the program's course. Mr. Morris served as chairman of the association for 22 years. Currently, the program is one of the most successful wildlife violator reporting programs in the country. The program initiated more than 3,000 arrests of wildlife law violators with over \$300,000 paid to those who reported the crimes. The reward money comes from court ordered restitutions paid by violators, as well as in-kind donations. Mr. Heller described Mr. Morris's involvement over the past years with the Wildlife Alert Program including affiliated clubs and association work.

Vice Chairman Meehan presented a resolution to Mr. Morris on behalf of the Commission. Chairman Barreto presented several plaques to Mr. Morris from the Commission and the Wildlife Alert Program. Mr. Morris thanked the agency for the recognition and mentioned his good friend, and recently deceased, Tom Garrison for his support and friendship.

Chairman Barreto asked Mark Robson to introduce Roy Williams in recognition of his retirement after 38 years of service. Mr. Robson introduced Mr. Williams and his wife, Debby. Mr. Williams dedicated his life to the conservation and protection of Florida's valuable saltwater fisheries resources. He played a major role in crafting successful long-term management strategies for king and Spanish mackerel, striped mullet, shad and other important forage fishes, groupers, snappers, amberjacks, stone crab, blue crab, spiny lobster, spotted seatrout, red drum, snook, weakfish, tropical aquarium species, hard clams, bluefish, pompano, sharks and rays, billfish and numerous other marine species. Mr. Robson described Mr. Williams' accomplishments in his career over the last three decades. Mr. Williams thanked the agency and said a few words regarding his career.

Chairman Barreto presented a retirement plaque from the Commission to Mr. Williams and thanked him for his dedication to fish and wildlife conservation.

Chairman Barreto asked Nick Wiley to introduce the next guests with the National Wild Turkey Federation (NWTF). Mr. Wiley welcomed representatives of NWTF; Bill Marvin, Board member and Dr. James Earl Kennamer, Senior Vice President of Conservation Programs of the NWTF and recognized the new cooperative agreement between FWC and NWTF. Mr. Wiley stated both FWC and NWTF have developed a strong partnership and celebrate a renewal of a memorandum of agreement between FWC, NWTF and the state chapter of NWTF. This is the first joint combined agreement between a state agency and the national and state chapters of NTWF in the country. The agreement provides a framework for taking this successful partnership to even higher levels. Mr. Wiley mentioned a few examples of the successes both organizations have experienced from this partnership. He also recognized Larry Perrin and Brian Zelinski. Mr. Perrin is FWC's Wild Turkey Program coordinator, and he has played a key role in developing this strong partnership with NWTF. Mr. Zelinski was recently hired by NWTF in a new biologist position that is cooperatively funded by NWTF, FWC, and the US Forest Service. He will serve as technical expert on wild turkey management and focus on enhancing turkey management on public lands in Florida.

Mr. Marvin described the partnership between FWC and NWTF and Dr. Kennamer discussed the national perspective related to turkey hunting. Mr. Marvin thanked agency staff and the Commission and presented a bronze turkey statue to the agency in recognition of the conservation partnership in preserving the hunting heritage.

Chairman Barreto thanked Mr. Marvin and Dr. Kennamer for their continued partnership in preserving hunting in Florida.

Chairman Barreto asked Mr. Ken Haddad to introduce employees from the Northwest Region.

Mr. Haddad introduced the following employees to the Commission: Hunting and Game Management—Stacy Dickens; Habitat and Species Conservation—Shea Armstrong, Kelly Gamble and Ron Mezich; Freshwater Fisheries Management—Chris Paxton; Fish and Wildlife Research Institute—Carlos Llull; Law Enforcement—Officer Howard Jones and Investigator Jempsey Owen; and the Northwest Regional Director—Louie Roberson.

Approval of Minutes and Agenda

Chairman Barreto asked for approval of the minutes of the December 6-7, 2006 Commission meeting. Upon motion of Commissioner Kaupe, seconded and carried, the Commission approved the minutes.

Chairman Barreto asked for a motion to approve the Consent Agenda as advertised. Upon motion of Commissioner Yablonski, seconded and carried, the Commission approved the Consent Agenda.

Chairman Barreto asked if there were any changes to the meeting agenda. Mr. Heller stated there was one staff-proposed change to the agenda. Listed as item 4, D. Plans on the agenda, the Division of Habitat and Species Conservation Management Work Plan would be moved from February 7 to February 8. Tim Breault was asked to make a presentation to the Legislature on February 7 in Tallahassee. Upon motion of Commission Barco, seconded and carried, the Commission approved the meeting agenda as amended.

Executive Director's Report

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

Finance and Budget Office—Sunset Review—Last Session, the Legislature passed a bill requiring all state agencies go through a review to determine if the agency should continue to exist. This bill, the Florida Government Accountability Act (HB1123), creates a Legislative Sunset Advisory Committee (Committee) and provides a schedule for reviewing state agencies and their associated advisory committees. In FWC's case, it is only FWC's statutorily authorized responsibilities and advisory committees that will be subject to the review, and FWC is included among the first group of agencies to be reviewed.

The review process begins with a report we are required to prepare and submit, with specified content, to the Committee and to the Office of Program Policy Analysis and Government Accountability (OPPAGA) no later than January 1, 2007. Following this, OPPAGA will conduct a program evaluation and justification review of FWC and its advisory committees and submit its report to the Committee by October 31, 2007. The Committee will have until March 1, 2008 to submit its recommendations to the Legislature on the:

- (1) abolition, continuation, or reorganization of our statutory responsibilities and advisory committees;
- (2) need for the performance of the functions for our statutory responsibilities and advisory committees;
- (3) consolidation, transfer, or reorganization of programs that are duplicative with programs of other agencies; and

- (4) drafts of legislation to carry out the Committee's recommendations to be presented to the 2008 Legislature.

The agency's Transparency Action Team (TAT) was tasked with preparing FWC's Sunset Review Report. FWC's Inspector General's (IG) office was officially tasked by statute to review the report prior to submission to OPPAGA. After some initial delay caused by uncertainty on whether to provide only information on the agency's statutory responsibilities, FWC received guidance to present comprehensive information on both statutory and constitutional responsibilities. The TAT includes representatives from all divisions, the institute and several offices. The team and the IG's office did a remarkable job completing and reviewing an extensive document in the two and a half months between receiving guidance and the statutory deadline.

The report includes a list of questions, developed by OPPAGA to meet the statutory requirements for content, along with agency responses to each question. Section I includes information on advisory committees, agency programs, objectives, budget, overlap with other agencies, and statutory authority. This section also covers the federal and public impact of abolishing the agency or any of its programs or activities. Section II reviews agency performance relative to the performance measures assigned us by the Legislature and correction of audit deficiencies. It also covers agency handling of complaints concerning persons affected by the agency. Section III focuses on compliance. In this section FWC addressed the extent to which the agency encouraged public participation in rule-making, compliance with public records and meetings laws (sunshine), outreach to minority businesses, and compliance with conflict of interest laws. And in the last section, IV, discuss improvements, efficiencies and options for alternative program delivery.

FWC's report was delivered on time to the Florida Legislature and to OPPAGA. It is also on our internet website (MyFWC.com under Quick Clicks).

Division of Marine Fisheries Management (MFM)—The U.S.S. *Hoyt Vandenberg* artificial reef project for Key West is moving full steam ahead. The FWC received the finals version of the "Certificate of Transfer" from the U.S. Maritime Administration (MARAD) on December 11, 2006. The next step is to obtain the FWC Memorandum of Agreement (MOA) with the City of Key West and Acceptance of Title document signed by the City of Key West. The two documents will transfer vessel title and all responsibility and liability conferred upon FWC by MARAD to the City of Key West, which is the artificial reef permit holder of the site where the *Vandenberg* will be placed. These documents were submitted to the City for review in early December 2006. Reefmakers, Inc., the primary contractor, has applied for the needed insurance and bonding necessary to move the vessel and has made appropriate contacts with the local U.S. Coast Guard for the requirements of the move. The planned date for the movement of the ship from the James River Fleet (Fort Eustis, VA) to the APECO Marine yard facility in Little Creek, Virginia, about 35 nautical miles away, is January 15, 2007. A budget amendment request has been submitted to allow for the use of a \$1.25 million grant from MARAD for the cleaning and preparation of the vessel whose total project cost is estimated at \$5.69 million. Four-hundred thousand dollars \$400,000 has been requested for FY06-07 and the remaining \$850,000 for FY07-08. The very conservative vessel preparation schedule has the ship being prepared for 14 months in Virginia and deployed in May of 2008.

Division of Law Enforcement (DLE)—While the final figures are not yet ready, 2006 ended as another high year for boating fatalities in Florida. In an effort to reduce the number of boating deaths due to drowning, FWC's Boating and Waterways Section is preparing to initiate a five-year campaign to inform boaters about inflatable life jackets and encourage them to be worn. Partnering with life jacket manufacturers and retailers, boat and vehicle manufacturers, insurance companies and others, staff will work with the National Safe Boating Council in a targeted national effort focusing on California, Florida,

Tennessee and Texas. The campaign, called “Wear It Florida,” will include highly visible, decal-wrapped boats and trucks, many one-on-one public contacts in high-fatality counties, discounts on inflatable life jackets, campaign giveaways and drawings for free belt pack life jackets and other marine accessories, all of which will result in substantial media coverage. The campaign is slated to begin in Spring 2007.

Division of Habitat and Species Conservation (HSC)—HSC staff is planning the second Pet Amnesty Day, to be held in Clearwater on March 24, in conjunction with Pinellas County Animal Services. This is the second step toward a goal of establishing a statewide non-native animal adoption program. Staff hopes to identify potential candidates for an adoption registry in the Tampa Bay area, while increasing awareness of non-native species problems. Staff is working with Law Enforcement to have candidates for an adoption registry certified by Wildlife Investigators. If successful, the registry can be expanded with each successive event until a statewide program has been established.

HSC staff continues to work with South Florida Water Management District (SFWMD) in the development of the Kissimmee Chain of Lakes Long-Term Management Plan, which involves modification of the Kissimmee River Basin structure operating criteria to sustain or improve fish and wildlife habitat and aquatic plant management, while achieving flood control, water quality, and water supply needs. Performance measures, which will be used to assess the impacts of the new water regulation schedule, are currently being finalized.

The St. Lucie Reef State Park coral reef buoy marking and mooring buoy project has completed the installation of all buoys. The project, supported by Wildlife Foundation of Florida grant funding, is designed to provide reference markers and protection from anchor damage for the northern most coral reef forming community on the eastern seaboard. FWC staff collaborated with DEP-Park and Recreation staff to accomplish this project.

Fish and Wildlife Research Institute (FWRI)—Ivory-Billed Woodpecker search in Northwest Florida--Dr. Geoff Hill from Auburn University has provided evidence that suggests the ivory-billed woodpecker (*Campephilus principalis*) may still survive in northwest Florida. The evidence is promising, but the bird’s presence has not yet been confirmed with photographs or video recordings. An expanded search effort will begin in January 2007 with financial and logistical support from FWC, U.S. Fish and Wildlife Service, Northwest Florida Water Management District (NFWFMD), and partners in the private sector. The NFWFMD owns the Choctawhatchee River floodplain where the search is taking place. The ivory-billed woodpecker was reported in Arkansas in April 2005. Searches are on-going in Alabama, Arkansas, Florida, Georgia, Louisiana, South Carolina and Texas. FWC has assembled an Issue Team to develop a contingency plan for how to respond if the species is confirmed and documented this year in Florida.

Mr. Haddad continued the Executive Director’s Report with a status report on the City of Naples Waterway Markers Legal Case with the assistance of General Counsel Jim Antista.

In 2004, the City of Naples adopted an ordinance which established slow speed zones in specific areas of Naples Bay, Dollar Bay and Gordon Pass (“Naples Bay Area”). The City applied to FWC for a permit to post waterway regulatory markers in these areas. FWC has the authority to authorize waterway markers under section 327.40, F.S., for safety and navigation and under section 327.41, F.S., for regulatory purposes.

Rule 68D-23 implements these statutes and specifies the agency’s procedures. For regulatory markers such as the ones in Naples, Commission staff determines whether the markers: conform to applicable federal standards; create an unreasonable hazard to navigation if placed where proposed; adequately notice boaters of the restrictions; or, conflict with chapter 327 or FWC rules.

As to the Naples ordinance, FWC (and its predecessor agencies DNR and DEP) interprets it authority to be ministerial, that is, FWC does not independently review the ordinance to determine if it is not factually correct, nor does FWC review the ordinance for adequacy of the safety, navigation or regulatory grounds for which it is enacted. This interpretation has been upheld. Ventura v. DEP, DOAH Case No. 93-5964; DER Final Order 96-100; 18 FALR 3073 (1996); Lee County v. Lippi, 662 So.2d 1304 (2nd DCA 1995).

FWC issued a Notice of Intent to Issue the Permit. But Collier County and the Marine Industries Association of Collier County (MIACC) objected and filed a petition to challenge FWC's proposed action before the Division of Administrative Hearings (DOAH). Some individuals also joined this challenge. They contend that the ordinance, and therefore the markers, is not needed for safety or navigation. There are two interveners in support of FWC and Naples, Citizens to Preserve Naples Bay and the Conservancy of Southwest Florida.

The Administrative Law Judge conducted a five-day hearing in February and June 2006 and entered a Recommended Order on December 22, 2006. The Judge concluded that FWC's statutory authority has been broadened since the Ventura decision and FWC should have done a review of the validity city's slow speed ordinance. He found that the city's slow speed ordinance was not justified for boating safety and recommended that that the waterway marker permit application be denied. Exceptions to the Recommended Order were filed by the City and interveners on January 8; responses to the exceptions were filed on January 18.

The FWC must now issue a final order by March 22, 2007. The Commission has delegated the authority to the Executive Director to enter final orders in such cases. See, Resolution Establishing Delegations of Authority, Delegations Number 17 and 19, executed April 14, 2005.

The Executive Director intends to proceed with issuing a final order under the above-cited delegations. In such cases, an agency may concur or disagree with the Administrative Law Judge's conclusions of law in the Recommended Order.

Chairman Barreto mentioned that several members of the public asked to speak regarding the Naples Bay Boating Safety Zone issue. He stated the meeting protocol normally does not include public comment upon the conclusion of the Executive Director's Report, however, the Commission made an exception in order to provide an opportunity for the involved parties to be heard. Chairman Barreto informed the public that the Commission would not take formal action regarding the Naples Bay issue, and asked General Counsel, Jim Antista to provide an overview of the issue and the latitude for the Commission's involvement. Mr. Antista and the Executive Director presented the above overview of the issue.

Public Comment

Kent Safrief (Hopping Green & Sams Law Firm, representing Marine Industries Association of Collier County) stated their client takes issue with the delegation of authority to the Executive Director. He handed out copies of letters from Hopping Green & Sams, which were delivered to FWC dated January 23 and February 2, 2007 requesting the Commission make the final order rather than delegate the decision to the Executive Director.

Tom Henning (Collier County Commissioner) thanked the Commission for giving the public an opportunity to speak regarding the Naples Bay issue. He stated it was very important for the residents

and commercial fishermen of Collier County to gain access to the Bay and arrive at their final destination. He urged the Commission not to delegate their authority to the Executive Director.

Kenneth Plante (Roetzer & Andress Law Firm, representing the City of Naples) stated the City of Naples disagreed with the procedure stated by Mr. Safrieff's argument and concurred with Mr. Antista.

Eric Alexander stated he was a charter boat operator representing some of the petitioners and most of the charter boat fishermen in Naples. He stated if FWC staff is allowed to issue this permit, Naples will turn-a-round and state if there is safety problem, they would want the rest of the Bay to be turned into an idle zone 24/7.

Jeff Klatzdow (Assistant County Attorney for Collier County) expressed his concern about the continued lack of public access to beaches, parks and recreational areas due to wealthy land owners. He stated he wanted the Commission to decide this issue.

Commission Discussion

Commissioner Yablonski asked about permitting on signage relative to how many are awarded each year and any other areas affected by this issue. Mr. Haddad stated there are about 50 local ordinances that were awarded this past year. Mr. Antista stated the agency issues permits for all captive wildlife facilities and gopher tortoise incidental take. If any of the ordinances are challenged administratively, the Commission would have to make the decision on whether the agency's administrative process is concluded. Chapter 120 does not require that.

Commissioner Barco asked about the agency's process in approving proper signage. Mr. Antista stated the responsibility that the Uniform Water Marker Act places on the Commission is to make sure that the agency coordinates with the Coast Guard and others as needed to ensure the signage is placed in a safe and proper place to inform the public.

Chairman Barreto stated his concerns regarding the opportunity for the agency to approve signage without investigating the area in question. This type of conflict will come up again in other counties of Florida. It is a user's conflict and a neighborhood dispute and it affects the lives of commercial fishermen, tour boats and dive boats. Chairman Barreto asked about manatee zones in the area. Lt. Col. Jim Brown, Deputy Director of the Boating, Waterways and Field offices with the Division of Law Enforcement stated there are manatee zones within the proposed area.

Mr. Haddad described the agency's due process and delegation process regarding this issue.

Commissioner Huffman stated the Naples Bay issue is a social issue based on testimony from the public.

Chairman Barreto summarized the Naples Bay case and asked if requested markers are required to meet specific criteria. Mr. Antista described the marker request process, including safety and navigation purposes. It is a regulatory marker. Mr. Antista further described the authority of the Commission regarding the Naples Bay issue.

Commissioner Barco asked if a special meeting could be scheduled if either party decides to appeal. Mr. Antista stated if the City of Naples appeals, the City would not be allowed to put the markers up. There would be nothing further for the Commission to do at that point. The staff would participate in the appeal and would defend a position with what the agency took in the final order.

Commissioner Huffman asked for an explanation of the marker permit application process. Lt. Col. Brown described the process.

Mr. Antista described several options for the Commission to consider: if the Commission agrees that the Executive Director is the appropriate person to prepare the final order, than it would assist him if the Commission would re-affirm his authority during the Commission meeting by motion; or if the Commission believes it needs to address the Naples Bay issue, then the Commission must schedule a special meeting before the 90 days run expires or seek a stipulation from all of the parties that will waive the 90 day period.

Commissioner Kaupe made the motion to reaffirm the delegation of authority to the Executive Director Ken Haddad to prepare the final order regarding the Naples Bay issue. The motion was seconded for discussion by Commissioners.

Commissioner Yablonski recommended the Commission move forward to decide the permit and let any appeals courts make their reviews and determinations. Ultimately, the Commission may need to seek clarification from the Legislature with respect to FWC's role over in boating safety zones created by local governments.

Vice Chairman Meehan supported the Commission's delegation to the Executive Director to prepare the final order.

Chairman Barreto stated the Commission is re-affirming the authority already afforded to the Executive Director. Mr. Haddad reiterated that he continues to provide status reports to the Chairman regarding similar issues.

Upon motion of Commissioner Kaupe, seconded and carried, the Commission approved the re-affirmation of the Executive Director's authority to decide and issue an order if necessary.

Major Proposed Rule Changes for Wildlife Management Areas (WMAs) for 2007-08

Chairman Barreto asked Nick Wiley to present the major proposed rule changes for wildlife management areas for 2007-08.

Mr. Wiley explained that the agency is currently in an "off year" for rule changes. Mr. Wiley explained the objectives for the biennial process, the schedule and the criteria. The process began in April 2006 and ends February 2007 requesting final approval of the WMA rules for 2007-08. Also, Mr. Wiley stated the rules are in compliance with the new standards rule. Mr. Wiley presented the rules in groups and took a break between each group for public comment.

Mr. Wiley presented a brief description of the following proposed rules:

- 68A-4.0071, Exclusion of Certain Areas from Open Season
- 68A-9.007, Special-use Permits; Short-term Use Permits
- 68A-11.005 & 11.051, Use of Tracked Vehicles in the South Region (Holey Land, Rotenberger, and Everglades & Francis S. Taylor WMAs)

Mr. Wiley asked the Commission to adopt the proposed rules as advertised.

Public Comment

Damon Carroll (Broward County Airboat Club) proposed hosting the re-inspection at their airboat show on March 24-25, 2007 for the Commission. They would set up the tracks to drive through and asked someone from staff to follow up with him and have the decals ready and assign someone to supervise. He offered his support of the rule.

Upon motion of Commissioner Barco, seconded and carried, the Commission approved Rules 68A-4.0071, 68A-9.007, 68A-11.005 and 11.051 as advertised.

Mr. Wiley continued his presentation of the following rules:

- 68A-15.005, Quota Permits, Antlerless Deer Permits, Special Opportunity Permits
- 68A-15.061, Southwest Region WMA:
 - Fred C. Babcock/Cecil M. Webb
- 68A-15.062, North Central Region WMA:
 - Osceola

Regarding proposed changes for quail hunting on Babcock/Webb WMA, Mr. Wiley noted that staff has worked closely with the local South Florida Flatwoods Chapter of Quail Forever and other quail hunting interests. He referenced that this group has submitted a letter supporting the proposed rule changes but expressing some continuing concerns about other factors including habitat management, supplemental feeding and access for quail hunting in other areas. He indicated that copies of the letter have been provided to each Commissioner for their review and consideration. He further advised that staff were committed to continuing their work with these stakeholders to address their concerns to the greatest extent feasible.

Mr. Wiley asked the Commission to adopt the proposed rules as advertised.

Public Comment

Jim Casselman (United Hunters of Florida) thanked Mr. Wiley and Rolando Garcia for his assistance with the Osceola property. Chairman Barreto thanked Mr. Casselman for his participation in the process.

Upon motion of Commissioner Huffman, seconded and carried, the Commission approved Rules 68A-15.005, 68A-15.061, and 68A-15.062 for the North Central Region WMA of Osceola as advertised.

Mr. Wiley continued his presentation of the following rules:

- 68A-15.062, North Central Region WMAs:
 - Twin Rivers Blue Springs Unit
 - Lower Econfina River

Mr. Wiley asked the Commission to adopt the proposed rule as advertised.

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved Rules 68A-15.062, North Central Region WMA's for Twin Rivers Blue Springs Unit and Lower Econfina River as advertised.

Mr. Wiley continued his presentation of the following rules:

- 68A-15.063, Northwest Region WMAs:
 - Escambia River
 - Wakulla River
 - Perdido River

Mr. Wiley asked the Commission to adopt the proposed rule as advertised.

Public Comment

Regarding rule changes proposed for the Escambia River WMA, Randy Endfinger stated he was not aware of the issues until the time of the Commission meeting. He provided a handout with a map highlighting the property he owns in the north end of Escambia County. He stated his concern regarding the problems he has experienced with four-wheelers and dog hunters hunting in improper areas, such as railroad tracks. He suggested the Commission consider the southern area of Escambia River as an alternative for hunters.

Regarding rule changes proposed for the Escambia River WMA, Allen Anderson stated he realized his concerns were being expressed very late in the process, but that he was not familiar with the process in voicing his concerns. He is the President of the 8-Point Hunting Club with 32 members. He referred to a handout with a map of the area, highlighting dog hunting and club member ownership. He described his negative experiences with dog hunting. He asked the Commission to open the south end of the area to hunters and make the north area still hunting only.

Regarding rule changes proposed for the Escambia River WMA, Dan Collins referenced the map of the area in question pointing out the roads that are no longer open to the public. He stated Club members have their own plot and are set up to ensure no one is shooting toward a road, house or a railroad track. When hunters stand on the tracks, they are within 100-150 yards of some of their members' plots. The members can not control the direction that the hunters shoot. This is a dangerous situation.

Regarding rule changes proposed for the Escambia River WMA, Richard Teevan stated he has attended a number of public meetings and urged the Commission to open the south end of the area to be open for still hunting only.

Regarding public hunting on Wakulla State Forest, Robbie Andrews stated she is a property owner on Sunset Lane adjacent to this state forest. Robbie Andrews stated she is a property owner on Sunset Lane. She stated her concerns regarding the bikers and hikers who are in the woods at the same time as the hunters and that she believes someone is going to be shot in the crossfire one day. She also added other property owners in the area oppose the opening of hunting in this same area.

Regarding public hunting on Wakulla State Forest, Pam Freeman stated her opposition to hunting in the Wakulla State forest due to safety to local residents and other wildlife. She would like to see this area protected and preserved as a natural resource.

Joseph Doyle asked the Commission to consider the north section of the area to steel hunting only.

Commission Discussion

Regarding rule changes proposed for the Escambia River WMA, Commissioner Corbett asked Mr. Wiley if it was possible to research the option proposed by the speakers regarding the southern end of the area in question rather than the northern area for deer dog hunting. Mr. Wiley stated the Escambia River issue can be resolved while working through the next rule process and meet with the public. The public has made connections with law enforcement on the complaint process. Mr. Wiley did not recommend doing anything on the day of the Commission meeting.

Regarding rule changes proposed for the Escambia River WMA, Chairman Barreto asked Mr. Wiley how long deer dog hunting has taken place in Escambia County. Mr. Wiley replied that it is not a new issue and that deer dog hunting has been ongoing for many years on this WMA.

Regarding public hunting on Wakulla State Forest, Chairman Barreto asked Mr. Wiley how long the hunting season has been open on this WMA in Wakulla County. Mr. Wiley replied it has been a little over a year

Regarding public hunting on Wakulla State Forest, Commission Yablonski asked how the public is notified of the hunting areas. Mr. Wiley stated that this information is posted on the FWC website with proposed rules, noticed in regional news releases, and advertised in the Florida Administrative Weekly. Mr. Wiley stated that the seasons will be shifting for other recreational activities. The specific area in question is only open to primitive weapons, not general gun hunting.

Regarding public hunting on Wakulla State Forest, Chairman Barreto asked Mr. Wiley to research contacting local residents regarding hunting in their area for public and to consider the possibility of posting signage to notice the local public regarding proposals to open areas for public hunting.

Upon motion of Commissioner Yablonski, seconded and carried, the Commission approved Rules 68A-15.063 WMA's for Escambia River, Wakulla River and Perdido River as advertised.

Mr. Wiley continued his presentation of the following rule:

- 68A-15.064, South Region WMA:
 - Allapattah Flats

Mr. Wiley asked the Commission to adopt the proposed rules as advertised and amended.

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved Rule 68A-15.064 WMA for Allapattah Flats as advertised.

Mr. Wiley continued his presentation of the following rules:

- 68A-15.065, Northeast Region WMAs:
 - Matanzas
 - Tosohatchee
- 68A-17.005, Specific Regulations for Wildlife and Environmental Areas (WEA's)

The following rules were not discussed in detail, however, were presented to the Commission as proposed for adoption:

- 68A-15.065, Northeast Region WMAs:
 - Seminole Ranch
 - Holly Land
 - Everglades and Francis S. Taylor
 - Rotenberger
 - Picayune Strand
- 68A-15.062, North Central Region WMAs:
 - San Pedro Bay
- 68A-15.063, Northwest Region WMAs:
 - Tate's Hell
 - Tyndall Air Force Base
 - Ecofina Creek

Mr. Wiley asked the Commission to adopt the proposed rules as advertised.

Upon motion of Commissioner Barco, seconded and carried, the Commission approved the major proposed rule changes for Wildlife Management Areas (WMAs) for 2007-08 as advertised.

Captive Wildlife Rules

Chairman Barreto asked Captain John West, Investigations Section with the Division of Law Enforcement to present the proposed Captive Wildlife draft rules. Captain West summarized the following rules and several floor amendments:

- Rule 68A-1.004, Establishes definitions for the terms “captive wildlife,” “critical incident,” “disaster,” “relative,” “reptiles of concern,” “venomous reptile” and redefines the term “person.”
- Rule 68A-6.0022 – The rule is re-titled to include Class I, II and III wildlife. It clarifies how an applicant’s previous convictions of captive wildlife violations will determine whether or not they qualify for a permit. The rule establishes who may offer references as to the applicant’s experience with Class I, II or III wildlife, that providing false information of experience is a violation, that applicants must provide a facility location of captive wildlife, and that facilities housing Class I and II wildlife and Class III capuchin, spider and woolly monkeys be inspected and approved prior to issuance of the permit. The rule requires that each applicant must document, in writing, actions that would be taken in preparation for disasters and critical incidents.
- 68A-6.003 – Clarifies what constitutes “leased” property when applying for a license for Class I and II wildlife. It will establish a list of Class I and II species that are exempt for the five (5) acre and two and one-half (2 ½) acre requirements and would address in what “zoning use” category a Class I facility may be located.
- 68A-6.004 – Adds additional caging requirements for arboreal species of snakes, blood pythons and large constrictors.

- 68A-6.007 – Establishes a list of reptiles of concern which will include five (5) large constrictors and the Nile monitor. As an alternative to the one-thousand (1,000) hours of experience required for possessing venomous reptiles, the rule will require a successful completion of an examination plus five hundred (500) hours of experience. For reptiles of concern, the successful completion of a questionnaire will be required. Out building and cage marking or identification will be required if used for housing venomous reptiles. Bite or exposure protocols and disaster/critical incident plans will be required as well.
- 68A-6.0071 – Requires possessors of venomous reptiles and reptiles of concern to maintain records of births, deaths, acquisitions, sales and transfers. Establishes an Inventory Report form and time periods for its submission.
- 68A-6.0072 – Requires non-native venomous reptiles and reptiles of concern to be permanently marked or identified and any escapes to be reported to the Commission immediately upon discovery.

Captain West recommended the Commission approve the proposed rules as amended.

Public Comment

Dr. Jennifer Hobgood (The Humane Society of the United States, Southeast Regional office) supported the proposed Captive Wildlife regulations. Dr. Hobgood specified the regulations supported by the Humane Society of the United States. She questioned why the iguanas were not listed as a reptile of concern due to the current situation in Boca Grande and other communities.

Eugene Bessette supported the proposed Captive Wildlife regulations.

William Brant (Reptile Industry) supported the proposed Captive Wildlife regulations.

Bill Armstrong (Florida Animal Control Association) distributed handouts from the Florida Animal Control Association and Association of Counties and he described their position. He stated his association supported the proposed Captive Wildlife Regulations. He described the following proposals to the Commission: enhance regulations that will not allow the permitting of facilities that have dangerous wildlife in neighborhoods as in the City of Tampa in 2003, re-consider the issue of “grandfathering,” listing reptiles of concern on a website accessible to the public, law enforcement investigate and solve nuisance complaints, and supported the use of all fees and fines derived from the Captive Wildlife mission directed back to law enforcement to support regulations. He also commended FWC staff for their assistance.

Curt Harbsmeier commended the Commission and staff for their efforts in encouraging stakeholder input through the process of coordinating the proposed Captive Wildlife regulations.

Carole Baskin (Big Cat Rescue) presented statistical information regarding exotic cats and the zoonotic disease. She expressed her concern that the Commission should not have the authority to regulate permits and recommended the Commission not issue new permits for the private possession of any wildcat species, ban exotic cats used to perform and sit for photo opportunities.

Marcus Cantos (Florida Reptile Industry) supported the Commission’s process in coordinating the proposed Captive Wildlife regulations. He supported the requirement for reptile “keepers” to have a detailed plan in the event of a natural disaster.

Commission Discussion

Commissioner Meehan asked Captain West if the Advisory Council recommended limiting the new permits until additional resources are available. Captain West stated the issues were discussed and will continue discussions in the future. He mentioned that the man-power issue will always be a concern.

Chairman Barreto entertained a motion to approve staff recommendation with discussion from the Commission. Commissioner Corbett made the motion to approve staff recommendation with discussion by the Commission.

Commissioner Meehan asked if the exotic cat issue should be researched further allowing additional cats into the state without proper resources. Captain West stated the Commission issues a variety of permits relative to captive wildlife and inspects facilities with Class I and II reptiles or when a complaint is filed. Chairman Barreto agreed with Commissioner Meehan and discussed a python captured in the Florida Everglades last week with several animals inside of its stomach.

Commissioner Huffman discussed his concern regarding the status of indigenous species in the State of Florida and reiterated this is just the beginning of expanded regulations on captive wildlife.

Chairman Barreto asked the public in the reptile industry to work with the Commission in formulating the Captive Wildlife regulations and asked Captain West if any of the Legislators have expressed support related to the Captive Wildlife regulations. Captain West stated staff is working with Representative Ralph Poppell. Chairman Barreto asked staff to provide Commissioners an update regarding Representative Poppell's position.

Chairman Barreto asked what are the total fees generated from permits. Captain West stated he did not have that information, but would provide to the Commissioners after the meeting. Chairman Barreto also suggested the agency hire outside contractors to inspect the captive wildlife facilities to alleviate the challenge with lack of law enforcement from the agency to perform this task and increase the permit fees to provide the funds to outsource.

Commissioner Huffman stated he enjoyed working with Eugene Bessett and looked forward to continuing to work with him.

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved the Rules as amended.

Mr. Heller mentioned a request from the Florida Reptile Industry to return with a joint resolution at the April Commission meeting for the State to support the National Reptile Improvement Plan and agency staff will work with the reptile industry to develop this joint resolution. The resolution would enhance standards for the reptile industry.

Captain West stated a request from the Legislature included the notification to land owners for those individuals requesting to apply for a Class I or II possession within that vicinity, work out a mechanism to address the process, develop a process to address different land owner concerns, require bonding or insurance for facilities to maintain large animals. Captain West stated the Division of Law Enforcement's Work Plan would be amended to address these issues.

Chairman Barreto asked for the motion to approve staff recommendations to approve the rules including the floor amendments. Upon motion of Commissioner Corbett, seconded and carried, the Commission approved staff recommendations.

Fish Management Area Rules

Chairman Barreto asked Darrell Scovell to present the next issue Fish Management Area (FMA) Rule 68A-20.005, Specific Fish Management Area Regulations. Mr. Scovell stated the proposed rule would establish specific area regulations for the new Largo Central Park Nature Preserve FMA including establishing a daily bag limit of 20 panfish, establishing a minimum length limit of 10 inches and a daily bag limit of 10 for black crappie, and prohibiting possession and use of cast nets or minnow seines, killing or possessing black bass, swimming, and possession of firearms or alcoholic beverages. Mr. Scovell asked the Commission to adopt the Rule 68A-20.005 as advertised.

Upon motion of Commissioner Kaupe, seconded and carried, the Commission approved Rule 68A-20.005 as advertised.

Florida Fish and Wildlife Conservation Commission Grants Program

Chairman Barreto asked Jim Antista, General Counsel to present the next issue on draft Rule 68-1.003, Florida Fish and Wildlife Conservation Commission Grants Program. Mr. Antista stated the draft rule would update incorporations by reference to the guidelines for the Fish and Wildlife Institute Grants Program, the Florida State Wildlife Grant Program, and the Non-game Wildlife Grants Program, to reflect necessary changes in each of the three sets of guidelines. Mr. Antista asked the Commission to authorize staff to advertise Rule 68A-20.005 in the Florida Administrative Weekly (FAW) and return at the April 2007 Commission meeting for a final public hearing for approval.

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved draft Rule 68A-20.005 as presented to be advertised in the FAW and present the rule for a final public hearing at the April 2007 Commission meeting.

Exotic Wildlife Rules

Chairman Barreto asked Scott Hardin, Leader of the Exotic Species Coordination Section with the Division of Habitat and Species Conservation to present the next issue on proposed draft rules. Mr. Hardin described draft rule 68-5, Rules Relating to Non-Native Species. The draft rule would consolidate portions of non-native species regulations from 68A-23.008 and 68A-25.002; incorporate statutory restrictions in 370.081 and 372.98; list "conditional" (currently "restricted") and prohibited species, and the conditions under which they may be possessed; establish red-eared slider turtles as a conditional species while grandfathering possession to discourage release; add African pouch rats (genus *Cricetomys*) as a prohibited species, conforming with the 2003 U.S. Food and Drug Administration and Centers for Disease Control Interim Final Rule that bans importation, transportation and sale. Staff asked the Commission to approve the draft rules and schedule the rules for a final public hearing at the April 2007 Commission meeting.

Public Comment

Eugene Bessett supported the proposed Exotic Wildlife draft rules. He expressed his concern regarding the heart water issue related to cattle and asked the Commission to assist with the U.S. Government in resolving the heart water problem.

William Brant asked for clarification regarding the importation of the red-eared slider tortoises. He stated they are being captive produced in Florida.

Bryon Hennechy spoke about his concern regarding the proposed rule to discontinue fee fishing for barramundi, pending the risk assessment. The draft rule would not prevent owners from culturing and selling barramundi for the food market. He secured position from the landowner and the corporation that owns the fish to bring clients in for fishing and envisioned a drop in his revenue due to the proposed rule.

Dr. Matthew Aresco (Nukose Plantation) supported staff's recommendation to designate the red-eared slider as conditional species.

Ron Howse offered his support of Mr. Hennechy's regarding his concerns about his barramundi fishing farm. He urged the Commission to "grandfather" Mr. Hennechy's property and to perform a scientific study regarding barramundi to determine whether it is a nuisance species.

Dr. Jennifer Hobgood supported the proposed draft rule.

Marcus Cantos discussed the Bells Hinged Back species and how the reptile industry handled this species once it was introduced. He also discussed the type of ticks that attack livestock with Commissioner Huffman and Mr. Bessett.

Commission Discussion

Commissioner Meehan asked Mr. Hardin if the barramundi issue will be a problem for Mr. Hennechy as he is the only licensed barramundi catch and release farm. Mr. Hardin stated Mr. Hennechy's facility has been certified by the Department of Agriculture and Consumer Services. They meet the bio-security requirements that are in the code book. The risk assessment should take up to four months for completion.

Commissioner Kaupe asked if the barramundi were to flee, would it become a threat to other species. Mr. Hardin stated it could as it is a large predator.

Commissioner Kaupe asked if the heart water could spread to deer from livestock. Mr. Hardin stated all "hoof" stock would be at risk if this was introduced.

Upon motion of Commissioner Kaupe, seconded and carried, the Commission approved Rule 68-5, Rules Relating to Non-Native Species as advertised; directed staff to file the rule changes for adoption in the FAW; and staff would schedule the rule for final public hearing at the April 2007 Commission meeting.

Florida Bass Conservation Commission

Chairman Barreto asked Mr. Scovell to present an update on the completion of the Florida Bass Conservation Center. Mr. Scovell discussed the dedication of the Florida Bass Conservation Center scheduled on February 23 at 11:00 a.m. in Webster, Florida and gave a preview of what attendees would see at this newly remodeled "state-of-the-art" fish hatchery.

Commissioner's Areas of Emphasis

Mr. Wiley gave an update on the Future of Hunting in Florida. In 2005, the Florida Hunting Summit identified five action items. One of the first steps in the Hunting Summit action plan was to conduct an inventory of public lands that are closed to hunting. Mr. Wiley discussed the "No Net Loss of Hunting Lands," House Bill 265 and Senate Bill 430, and was signed into law by Governor Jeb Bush as Section 372.0025, Florida Statutes on June 7, 2006. The bill requires certain lands owned, managed, or leased by the Fish and Wildlife Conservation Commission to be used for the purpose of hunting; requires the commission to support, promote, and enhance hunting opportunities; requires the commission to provide comparable acreage for any loss of existing hunting lands; provides requirements for location and use of replacement lands; requires state agencies and water management districts to allow certain lands to be used for the purpose of hunting; provides an exemption for lands within the state park system; authorizes the Department of Environmental Protection to make certain determinations relating to such lands; requires annual reports to the commission and Legislature. Mr. Wiley clarified several points listed under Section 372.0025 and provided a report of the acres closed and open to hunting during 2005-2006. Also, Mr. Wiley concluded his presentation by stating the "No Net Loss of Hunting Lands" legislation and the reporting requirements created an improved spirit of cooperation among the agencies.

Commissioner Corbett stated the hunting opportunities for youth have decreased over the years and asked if the available public land could be expanded with Florida Forever. Mr. Wiley stated FWC should support future acquisition programs.

Vice Chairman Meehan asked if the agency kept statistical information regarding youth hunters who participated in the Hunter Education Program and purchased a hunting license. Mr. Wiley stated there are over 7,000 individuals who have purchased a mentor's license. The Hunter Safety Program plans to contact the individuals listed in the database regarding obtaining their certification and their next hunting license.

Public Comment

Rob Middlemas (Florida Wildlife Federation, FWF) discussed the deer management issue relative to the future of hunting in Florida and the long-standing partnership with the agency and FWF and the need for the agency to create proposed rules on deer management. There is a significant decrease in deer hunting in the State of Florida and the proposed rules could assist in increasing deer hunters in Florida. He urged the Commission to contact Eglin Air Force Base regarding their Jackson Guard program to enhance food plots for the deer. He also recommended a minimum of three points on a side for any deer to increase the size of the deer. He also discussed the need for pay increases for the agency's law enforcement officers. Commissioner Yablonski mentioned Mr. Middleman's father, John Robert Middleman as two of the most respected conservationist and environmentalist in Bay County.

Mr. Wiley presented a short video regarding the Youth Hunter Education Program. Chairman Barreto asked Mr. Wiley to coordinate with the agency's regional directors to provide the Youth Hunter Education Day for kids their regions.

Public Comment on Items Not on the Agenda

David Grix (Fishing for Freedom) discussed his concerns regarding the current net size and the agency's due process.

Eugene Bessett stated the reptile industry, specifically the captive breeding, care about the indigenous wildlife. He promoted our youth to participate in outdoor activities such as the Hunter Education Days.

Dr. Frazier Bingham (Bingham Environmental) discussed his concern regarding the agency's Panama City crayfish Management Plan. He urged the Commission to evaluate the agency's direction in developing the Management Plan for the Panama City crayfish.

Curt Harbsmeier discussed the increase of Burmese pythons in the Everglades. He suggested the increase is due to the inadvertent release of the species during Hurricane Andrew from 1992. He suggested the reptile industry should do a better job of communicating with the agency regarding captive wildlife.

Carole Baskin asked the Commission to check with the U.S. Fish and Wildlife Department regarding the number of exotic animals being imported into the country versus the number of inspectors. She stated there was an article in the *Washington Post* regarding the need for additional inspectors for the importation of exotic animals. Chairman Barreto asked Ms. Baskin to provide a copy of the article to Commissioner Huffman for his information.

Commission Exchange

Commissioner Yablonski welcomed everyone to the Northwest area, congratulated Chairman Barreto on his re-appointment to the Commissioner and thanked Chairman Barreto for his outstanding job with the recent Super Bowl in Miami.

Commissioner Huffman discussed an article he read in the *Palm Beach Post* from a reporter who shared his and his son's experience participating in their first hunt together and the excitement they felt from this event.

Commissioner Corbett encouraged the Commission to continue to research the need to educate young hunters.

Commissioner Kaupe congratulated Chairman Barreto on his re-appointment to the Commission and stated she was concerned about the increase in exotic species in the State of Florida.

Commissioner Barco discussed how complex and critical due process is to the Commission.

Vice Chairman Meehan mentioned what a credit Roy Williams was to the agency before his retirement and stated most of the agency's retired staff devoted a number of years of their life to the agency due to their passion for their mission and goals.

Chairman Barreto thanked the Commissioners for their comments. He commended ex-Governor Jeb Bush for everything he did for the agency and left a legacy by purchasing one million acres of land for public use and the agency is managing some of the land. He also thanked ex-Governor Bush for appointing all of the Commissioners. Governor Crist has appointed a transition team. He stated he met with the team and the agency's Transition Report for Governor Crist was very complimentary of the agency. Chairman Barreto stated he had asked Governor Crist to take a more active role with the agency.

Commissioner Yablonski mentioned Governor Crist told him he was interested in attending a Commission Meeting.

Recess

Chairman Barreto recessed the meeting at 4:21 p.m. to reconvene at 8:30 a.m., Thursday, February 8.

Chairman Barreto reconvened the meeting at 8:30 a.m., Thursday, February 8.

Final Rule

68A-4.009, Monofilament Line and Netting: Prohibition of Intentional Discard, Recovery Requirements, and Recommendations for Appropriate Disposal

Chairman Barreto announced the next item for final consideration and approval of a rule pertaining to the recovery of monofilament nets presented by Lieutenant Colonel Jim Brown, Deputy Director of Boating and Waterways and Field Services with the Division of Law Enforcement. Lt. Col. Brown stated that during this past year, the Division of Law Enforcement identified an emerging enforcement issue relative to the successful prosecution of individuals charged with the possession and unlawful use of monofilament entangling nets. The problem exists within the current wording of the Florida Administrative Code 68B-4.009, Monofilament Line and Netting: Requirements, Recommendations for Appropriate Disposal. Lt. Col. Brown explained the current rule and the enforcement and prosecution issue. Staff proposed two changes to the monofilament rule to close the loop hole: (1) No person shall recover or attempt to recover any monofilament netting found in the waters of the state without first having notified the Division of Law Enforcement. No such netting shall be recovered from state waters without an officer of the Division of Law Enforcement being present to supervise the recovery and disposal of the material. This subsection shall not apply to monofilament netting found and recovered by any law enforcement agency in the state, or to any cast net or landing or dip net; and 2) We clarify that this rule is not intended as an exception to, or defense to any violation of, the rule covering the tending and marking of nets (68B-4.008); the statewide net gear specification, soaking requirement and cast net specification rule (68B-4.0081); or the rule for the carriage of proscribed nets across Florida waters (68B-4.0082). The proposed changes clarify that possession of a monofilament rectangular net is illegal on state waters unless the fisher is legally transiting to federal waters. And if a fisher finds an abandoned net, the Division needs to be contacted, and we will either supervise the removal of the net or remove the net from state waters. Staff recommended adoption of the rule change as proposed.

Public Comment

Ted Forsgren (Coastal Conservation Association) supported the staff recommended rule change as proposed.

Commission Discussion

Commissioner Corbett and Lt. Col. Brown discussed forms of media utilized to inform the public of stakeholder meetings.

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved Rule 68B-4.009 as advertised.

Draft Rules

Northern Gulf Sponge

Chairman Barreto asked Bill Teehan, Section Leader of Fisheries Management with the Division of Marine Fisheries Management to present the first draft rule to expand the area where commercial sponge harvest is allowed. Mr. Teehan the proposed rule would allow commercial sponge harvest by

diving west of 84 degrees west longitude in the northern Gulf of Mexico. This area is currently closed to commercial sponging by Rule 68B-28.003(2), Florida Administrative Code (F.A.C.). Mr. Teehan described how the issue has progressed including the stock assessment on the sponge fishery and the commercial sponge survey. Workshops were conducted in August 2006 to obtain public input on the rule changes. Staff recommended the Commission adopt the draft rule for a final public hearing in April 2007.

Commission Discussion

The Commissioners discussed Mr. Teehan's presentation relative to commercial sponging, the condition of the sponges, and the method the sponges are harvested.

Upon motion of Vice Chairman Meehan, seconded and carried, the Commission approved the draft rule for a final public hearing scheduled at the April Commission meeting.

Red Drum

Ms. Jessica McCawley, Marine Biologist with the Division of Marine Fisheries Management presented a draft rule that addressed possible changes to size limits and the management goal for red drum. A Red Drum Workgroup was formed as a means to provide input to staff regarding the future management of the red drum fishery. The Workgroup recommended proactive management regulations and the suggestions were presented at nine public workshops, and the Workgroup met again to review public comments to present final management recommendations to staff for a draft rule. Ms. McCawley summarized the deliberations of the Workgroup and the public comment. Staff recommended changing the legal slot limit to 20-26 inches while maintaining the year-round fishery and one fish daily bag limit. Staff also recommended raising the management goal to 40% escapement, which will enhance the quality of the red drum fishery. This is a proactive approach to enhance and improve the quality of the fishery, while continuing to allow ample fishing opportunity for anglers throughout the state. Staff asked the Commission to approve the draft rule for a final public hearing scheduled at the April Commission Meeting, and if approved, would allow the new rule to be effective in July 2007.

Vice Chairman Meehan asked if the slot is kept at 18-27 inches with one fish was it preferable to the Workgroup to change the slot. Ms. McCawley stated the Workgroup felt a closed season was not their preference.

Commissioners Corbett and Barco discussed the results of the stock assessment with Ms. McCawley.

Public Comment

Michael Locklear (Homosassa Guides Association) stated he and Captain Pat Kelly with the Florida Guides Association supported the draft rule. He mentioned pinching the tail of a 17 inch red-fish will result in an 18 inch fish and a 27 inch fish will result in a 28 or 29 inch fish. He asked the Commission to keep this in mind if the slot is adjusted.

Jim Gray urged the Commission to adopt a rule that would achieve the management goal of 40% escapement on both coasts.

Jeff Marker discussed his participation during public workshops and his concern regarding habitat enhancement and protection. He suggested increasing the licensing fees, raising the age of senior exemptions or a reduced license rate, and requiring licenses for shoreline saltwater fishermen.

Captain Tony Blanton (Edgewater Marine) asked why a bigger slot was not presented by staff as an option. He stated the agency's data states the 29 or 30 inch is not a brood stock. He offered his support of a red drum stamp, which would provide a database of the users of the resource to survey for actual realistic numbers, increased license fees and all shoreline saltwater fishermen should be licensed.

Aric Terwilleger offered his support requiring all shoreline saltwater fishermen have a fishing license.

Ted Forsgren stated redfish is a priority issue and CCA has worked to have redfish removed from the commercial market and put stringent recreational regulations in place. CCA supported increasing the agency's management goal to 40% escapement, a slot size of 21-27 inches, even though agency staff recommended 20-26 inches. He mentioned they are virtually identical in terms of the slot size. The month of October should be open for just catch and release to obtain a 40% escapement on the West Coast of Florida. Mr. Forsgren referred to the material he provided to the Commissioners regarding the fishing season for seatrout and snook, and to prevent overlap, that would only leave the months of September/October and March/April for red drum closure.

Earl Rader (Member of CCA) recommended that the slot size for red-drum should be 22-30 inches, he supported the red-drum stamp, recommended increasing the saltwater license fee, and to regionalize the fisheries in the State of Florida.

Commission Discussion

Commissioner Yablonski and Chairman Barreto discussed the economical impact of the closed seasons to the charter boat industry. Commissioner Yablonski suggested a system for fish over the slot limit be issued an amount of fish tags at a fee as a revenue source.

Commissioners Barco and Huffman and Vice Chairman Meehan discussed the slot size of redfish and the 40% escapement rate.

Commissioner Corbett stated the agency should not close for the month of October and supported staff's recommendation.

Chairman Barreto entertained the Commission directing staff to review the public comment and Commissioner's comments, including: look at Gulf versus Atlantic and coordinate with Col. Jones regarding the feedback, review the different slot sizes, the fishing closure and research fish tags for larger fish.

Mr. Robson mentioned he and his staff would follow up on the Chairman's direction and to continue working with the Advisory Workgroup as well as conduct public workshops as needed and return to the Commission with a draft rule in June 2007.

Upon motion of Commissioner Barco, seconded and carried, the Commission directed staff to further examine the management goal of 40% escapement for the Gulf and Atlantic, look at the closure for the month of October, revisit the 21-27 inch pinched tail fish, research the fish tag option for larger fish, and split the Atlantic and Gulf.

Chairman Barreto asked staff to be sensitive to the Commission when discussing the FWC Division's Work Plans with stakeholders and not to make a commitment on behalf of the Commission without seeking the Commissioner's input and approval.

Federal Consistency Draft Rules

Chairman Barreto asked Mr. Teehan to present the next issue on federal consistency regulations for marine fish in both the South Atlantic and Gulf of Mexico. The South Atlantic Fishery Management Council (SAFMC) developed regulatory actions in Amendment 13C (federal regulations) to their Snapper Grouper Fishery Management Plan (FMP). Federal regulations were adopted by the National Oceanic and Atmospheric Administration (NOAA) Fisheries Service and became effective October 13, 2006. Amendment 13C addresses recreational and commercial harvest of snowy grouper, golden tilefish, vermilion snapper, black sea bass, and red porgy. The Gulf of Mexico Fishery Management Council (GMFMC) developed regulatory actions for black, gag and red grouper that became effective on November 17, 2006, and a Red Snapper Individual Fishing Quota Program (IFQ) that will take effect on January 1, 2007. This document outlines the federal changes and recommended rule changes to 68B-14, Florida Administrative Code (state regulations) such that federal and state regulations will be consistently applied. Where practicable, this minimizes confusion with the public and aids enforceability. Mr. Teehan described the commercial trip limits for snowy grouper, golden tilefish and red porgy, as well as and the commercial quotas for snowy grouper, vermilion snapper, black sea bass, and red porgy. Staff recommended that the Commission approve the federal consistency draft rule language, with the exception of the recreational grouper closure, and present the draft rule for a final public hearing in April 2007.

Public Comment

Jim Gray urged the Commission as they look at the South Atlantic allocations that the agency receives clarification on the 4% allocation.

Ted Forsgren discussed the management of grouper in the Gulf of Mexico and supported staff recommendation to not adopt the one month closure. Mr. Forsgren mentioned the language in the federal consistency regulations specific to the Gulf Council that a commercial fisherman can keep on the boat a bag limit of recreationally caught fish at 22 inches. He asked how a commercial boat with a 24 inch minimum size can keep the bag limit of 22 inch fish. Mr. Teehan addressed the loophole in the rule that allows all species in the reef fish rule with the exception of amberjack, one can commercial fish and take a recreational bag limit. The problem with the two groupers is the size difference is 24 inches for commercial and 22 inches for recreational. The Division of Law Enforcement that the recreational bag limits are being taken on commercial vessels and are being mixed in with the commercial catch and then are being sold. The loophole can be changed by taking the amberjack language and apply to all species. Chairman Barreto asked if staff is working on this change. Mr. Teehan stated the draft rule language is in place to present to the Commission at the April 2007 meeting.

Gary Parsons stated his concern regarding the Red Snapper IFQ and going toward a 13 inch size limit. In-shore reefs and state water habitat will be targeted by commercial fishermen pulling out 13 inch snapper in the same spot that a recreational fisherman catches a 16 inch snapper. Mr. Robson addressed Mr. Parsons concern regarding the Gulf Council's discussion regarding the change in the commercial size limit. Under an IFQ fishermen could go in and harvest the smaller classes of fish. Mr. Robson did not know how much of a concern commercial fishermen would target areas where they would be able to catch the larger fish in deeper water. Mr. Teehan stated the interim rule for red snapper and the Gulf Council's proposed red snapper regulations have brought up this differential size limit of 13 inch for commercial and 16 inch for recreational.

Jim Roberson (IGFA) stated his concerns with the user conflict of recreational fishing reefs that were built with sport fish restoration funds. He urged the Commission to look at the matter seriously.

Commission Discussion

Upon motion by Commissioner Huffman, seconded and carried, the Commission approved the draft Federal Consistency Rules and escapement goals and directed staff to present the rule for a final public hearing at the April 2007 Commission meeting.

Snook Workgroup

Ms. McCawley presented an update on the workshops and recommendations from the Snook Working Group, including a summary of the 2006 snook stock assessment, current regulations, the Spawning Potential Ratio (SPR) values for the Gulf and Atlantic Coast populations, and the expected effects from the recent size limit changes made in July 2006. A workgroup was formed to review the results of the stock assessment and discuss potential management options for the future of the fishery. The Workgroup met four times in south Florida from July 2006 through January 2007. The Workgroup recommended the following: maintain management goal at 40% SPR, raise the SPR percentage on both coasts, and they chose three options for the Atlantic and two for the Gulf. The Workgroup made additional recommendations: FWC must work with other agencies to preserve habitat, raise snook stamp fee to a minimum of \$10, enhance law enforcement to capture snook violators, FWC appear before the Legislature and request that shoreline exemption be eliminated, evaluate the viability of stock enhancement programs including cost effectiveness, additional research needed on release mortality, and tips on handling and release should be included in all saltwater FWC publications. Also, five public workshops were held during the month of January 2007 with a total of 184 who submitted oral and written comment. Following are the survey results:

- Gulf indicated 62% of the respondents favored option 40f, which would change the slot size to 28-33 inches; leave the bag limit at one fish and close January and all of December.
- Atlantic indicated 8% of the survey respondents favored option 35b, which changes the slot limit to 28-32 inches, decrease the bag limit to one fish and maintain the current closed season.

Staff recommended the Commission direct staff to continue to gather public comment on the proposed rule changes between now and the April Commission meeting, conduct a data workshop in Ft. Pierce to explain snook data collection and study results, return with a draft rule at the April Commission meeting and proceed with a final public hearing at the June Commission meeting. The proposed schedule would allow new snook rules to take effect in July 2007.

Public Comment

Ted Forsgren presented a list of recommendations from CCA. He stated CCA recommended narrowing the slot size as opposed to closing more months. He suggested moving the slot size from 28-32 inches on both coasts to achieve the 40% escapement rate goal; drop the bag limit from two to one fish on the East Coast; keep the one fish bag limit on the Gulf Coast; and keep the existing closed and open months as is for the Gulf (35c option) and Atlantic Coasts (35b option).

Commission Discussion

Commissioner Huffman asked Ms. McCawley about the mortality rate of catch and release. Ms. McCawley stated the assessment uses 2.14%. He asked if we could increase mortality to 5% between handling, dolphins, bull-sharks and other species. Ms. McCawley stated the study that determines the

2.14% found everything from 0-5%. The 5% was in the warmer months. Commissioner Huffman asked that “chumming” should be emphasized to the Workgroup.

Upon motion of Commissioner Corbett, seconded and carried, the Commission directed staff to continue to gather public comment on proposed rule changes between now and the April Commission meeting, conduct a data workshop in Ft. Pierce to explain snook data collection and study results, return with a draft rule at the April Commission meeting and proceed with a final public hearing at the June Commission meeting.

Saltwater Fish Hatchery

Mr. Gil McRae presented an update on the agency’s saltwater fish hatchery. FWC is working with partners in the public and private sector to develop an expanded ability to produce saltwater fish for stocking. Mr. McRae reviewed the history of marine stock enhancement in Florida, the vision for Florida’s saltwater hatchery program, current partners, and the new saltwater fish hatchery network. State general revenue funding requested for FY 06-07 will be used for site evaluation, planning, initial engineering and determination of design costs for a statewide public-private saltwater hatchery network. Additional funding will be raised through private donations, grants, and other funds obtained from local, state, and federal sources.

Division of Habitat and Species Conservation Work Plan 2007-08

Tim Breault presented the Division of Habitat and Species Conservation Work Plan for 2007-08. Mr. Breault stated the work plan includes management plans, biological review panels, new and old petitions for review of biological status, rules and land acquisitions. Mr. Breault discussed the timelines scheduled from the management plans, biological review panels, new petitions, rules and land acquisitions. Mr. Breault asked the Commission to approve the Division of Habitat and Species Conservation Work Plan for 2007-08.

Upon motion of Commissioner Meehan, seconded and carried, the Commission approved the Division of Habitat and Species Conservation Work Plan for 2007-08.

Commissioner’s Areas of Emphasis

Chairman Barreto entertained a motion to move the location of the September 12-14, 2007 Commission Meeting from Ft. Myers to St. Petersburg. Upon motion of Commissioner Kaupe, seconded and carried, the Commission approved the change in location.

Future of Saltwater Fishing in Florida

Mr. Robson presented an update on the Future of Saltwater Fishing. Staff scheduled a series of meetings in January and February 2007 with stakeholders to review and comment on a draft vision document for the future of saltwater fishing in Florida. Staff will post the draft vision report on the FWC website. The web page will include supporting reports and recommendations of the three main stakeholder subgroups, and all information will be available for public review in January 2007. Following the public meetings and continuing to receive input from stakeholders, a final draft vision

statement and “road map” to be presented to the Commission for review and approval at the April 2007 meeting.

Chairman Barreto mentioned that the Financial Business Plan would not be addressed during this meeting as there is nothing new to present from the last Commission meeting.

Commissioner’s Areas of Emphasis

Chairman Barreto announced that the existing six areas of Commissioner’s Areas of Emphasis: Wildlife Legacy Initiative, Exotics, Financial Business Plan, Future of Hunting in Florida, Future of Freshwater Fishing in Florida, and Future of Saltwater Fishing in Florida will carry over to 2007 as the agency’s priority issues.

Legislative Report

Jackie Fauls discussed two issues in need of action from the Commissioners: the donation of perishable seafood and the status of the Seagrass Scarring draft bill. Ms. Fauls stated both issues will not be requested to be added into the legislative package, rather that the agency will look for support or amend to a similar bill. The agency has been encouraged to concentrate on funding strategies.

Lieutenant Colonel Jim Brown presented the issue of disposing of perishable seafood products that are seized from a recreational fisheries case. Lt. Col. Brown summarized the issue including substantive analysis; effect of proposed changes; impact on all pertinent statutes, rules and constitutional; affected agencies and groups; and fiscal impact and proposed language to amend section 372.73, Florida Statutes.

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved the draft rule as amended.

Ms. Fauls introduced Kent Smith, Biologist Administrator with the Division of Habitat and Species Conservation. Ms. Fauls also mentioned that a bill has already been filed by Senator Michael Bennett regarding seagrass scarring. Mr. Smith presented an update on the seagrass scarring issue. The draft bill was presented to the Commission in December for which the Commission expressed concerns regarding “minor damage” resulting in non-criminal violation. He stated the stakeholder group met four times to refine the draft seagrass scarring bill, based on FWC and the Florida Department of Environmental Protection updated versions from the November 15, 2006 meeting. Members of the stakeholder group recommended the following: simplified uniform citation; non-criminal violation; define willful versus minor violations; and direct violation funds toward restoration, enforcement and education. Mr. Smith discussed the details of the draft bill and the benefits to Florida. Staff recommended the Commission support the legislation and direct staff to work with bill sponsors and stakeholders.

The Commissioners discussed the term, “willful and wonton” and the challenges experienced by law enforcement.

Public Comment

Ted Forsgren expressed his concern regarding the seagrass scarring issue and did not agree that the proposed legislation was not the answer to the problem. He suggested the Commission select an area

of the state with the seagrass scarring problem and research how to deal with it in that area, rather than propose a state-wide law with questionable language.

Lt. Col. Brown addressed Mr. Forsgren's concern relative to how law enforcement handles the seagrass scarring issue in Monroe County. He mentioned that the agency did not bring the seagrass issue up for legislation. The legislation came from Senator Michael Bennett's office due to stakeholder requests.

Bonnie Basham mentioned that she was also under the impression that the issue would be addressed in 2008 by the agency.

Ms. Fauls reiterated to the Commission that staff was proposing support for the seagrass scarring legislation and if this occurred, the issue would not be part of the agency's 2007 legislative package. Staff would work with the sponsors of the legislation as it goes through the process. She reviewed with the Commission the action taken at the December 2006 meeting relative to the seagrass scarring issue, specifically non-criminal infraction. The Commissioner asked staff to work with the stakeholder group and return at the next Commission meeting what the group recommended.

Chairman Barreto urged the speakers to work with agency staff and Senator Bennett regarding the seagrass scarring bill.

Upon motion of Commissioner Corbett, seconded and carried, the Commission directed staff to work with Commissioners, industry, and elected officials who have sponsored the bill and proceed with the seagrass scarring legislation.

Ms. Fauls continued with an update on the legislative package for 2007 and a report on federal issues. The House and Senate's bill process is a bit different this year for agency legislation. Instead of individual members sponsoring the bills, they are going directly to committee sponsoring of legislation. On the Senate side, it is the Senate Environmental Preservation and Conservation Committee, Chaired by Senator Burt Saunders. The Committee has filed legislation into two bills: the funding strategies are in Senate Bill 7042, and the Blue Crab Bill is in Senate Bill 7054. There has been no hearings as of yet.

On the House side, the legislation will go through the House Council on Environment and Natural Resources. Within that Council there are four committees; the one who will be overseeing the agency's legislation is the Commission on Conservation and State Lands, which is chaired by Representative Will Kendrick. Representative Kendrick's committee has requested of the Council that the agency's legislation be made a Council Bill. The Council Chairman, Representative Stan Mayfield will first approve and then the Speaker of the House. Currently those decisions have not been made, but staff is hopeful that the agency will obtain an approval. Following this action, the Committee on State Lands and Conservation would workshop the agency's package and make recommendations to the Council and the Council would vote on what they recommend for the bill.

Ms. Fauls stated the funding strategies are new to the legislative package. The Snook Foundation and a number of snook fishermen have requested the agency add increasing the snook permit from \$2 to \$10 to the legislative package.

Ms. Fauls reported on the federal issues. She stated she was in Washington, D.C. with her counterpart, Jennifer Fitzwater with the Environmental Protection Agency and visited 20 out of 27 of the Florida Congressional Delegation offices last week. She stated they received positive support. Staff is working on developing the agency's federal package and will work with the Commission as well. She plans to return to Washington, D.C. at the end of February to address funding the State Wildlife Grants.

The agency will be part of the 50 states visiting with Congress and the Florida Congressional Delegation gaining support with the legislation. Also, staff will look at timeframes to see whether the Commissioners could meet with elected officials in Washington, D.C. and/or visit with the members of the Florida Congressional Delegation who the Commissioners have a relationship with and who have their home in Florida to assist with the agency's lobbying effort.

Commissioner Corbett asked Ms. Fauls when she would need lobbying assistance to plan their schedules. Ms. Fauls stated the funding cycle begins in the next couple of months.

Chairman Barreto introduced Sid Bornstein, Manager of Bass Pro Shop in Destin. He recognized Mr. Bornstein's efforts in sponsoring a Youth Fishing opportunity.

Federal Issues

Mr. Robson presented an update on the South Atlantic Fishery Management Council (SAFMC) and the Gulf of Mexico Fishery Management Council (GMFMC). SAFMC met in North Carolina in December 2006. The Council continues to work on two areas of fishery management planning: the snapper-grouper complex and the king-Spanish mackerel fishery. Mr. Robson described the details of the Snapper-Grouper Management Plans relative to Amendments 13c, 14 and 15. Amendment 13c establishes management measures to end overfishing of snowy grouper, golden tilefish, vermilion snapper, and black sea bass. Commission staff is presenting state consistency rules for consideration at the February 2007 FWC meeting and recommended approval of compatible state waters regulations.

SAFMC: Snapper-Grouper Management Plans

Amendment 14 proposes to establish a series of reserves designed to protect deepwater reef fish species and their habitat. The three Florida sites are in federal waters in depths ranging from 120 to 900 feet deep. Most of the depths encompassed are in the 300 to 600 foot range. The Council recommended the following changes to the draft amendment:

- add a deepwater site off South Carolina proposed as an artificial reef area;
- select one of six proposed areas as the preferred alternative for a reserve off of northeast Florida; and,
- remove proposed requirements for vessel monitoring systems on commercial vessel.

The projected approval date for Amendment 14 by the Council has been moved back to March 2007 to allow time for environmental impact statement review. Commission staff recommended continued support for these measures.

The Council continues to develop Amendment 15, which addresses stock rebuilding plans, harvest limits and other management actions for snapper-grouper species in the South Atlantic. Commission staff will continue to work with Council members and staff in the development of this amendment and a range of management alternatives for rebuilding stocks.

SAFMC: King and Spanish Mackerel Management Plan

During the June 2006 meeting, the Council voted to develop a regulatory amendment that would set the total allowable catch of the Atlantic migratory group of king mackerel at 7.1 million pounds, and the total allowable catch of the Atlantic migratory group of Spanish mackerel at 6.7 million pounds. At a joint meeting of SAFMC and GMFMC mackerel committees in September 2006, it was recommended to

withdraw this regulatory proposal and instead develop the two councils, and allow greater flexibility in setting total allowable catches. Draft Amendment 18 has been approved to go out for public hearings and includes a range of alternative management options for total allowable catches and trip limits. Commission staff will continue working with both Councils to implement additional harvest management strategies for the king and Spanish mackerel fisheries of the Gulf and South Atlantic.

GMFMC: Reef Fish

Mr. Teehan announced he will replace Roy William's position representative FWC on the GMFMC. Mr. Teehan presented an update on GMFMC. The GMFMC met in November 2006 to consider recommendations on Reef Fish Amendment 28, (Grouper Allocation), Reef Fish Amendment 29 (Grouper IFQ), Reef Fish Amendment 26 (Red Snapper IFQ), and other Reef Fish issues, as well as recommendations from the Southeast Fishery Science Center regarding the Goliath Grouper Southeast Data Analysis and Review (SEDAR). Mr. Teehan described the SEDAR. The Council voted to initiate a framework amendment to address size limits, bag limits, and closed seasons for the vermilion snapper fishery. The council further voted to change the minimum size measurement for gray triggerfish from total length to fork length. The Council requested that the National Marine Fisheries Service (NMFS) Science Center conduct an analysis to determine whether there is an acceptable level of harvest of goliath grouper that may be taken for scientific study to help determine the status of the goliath grouper stock. The Council voted to ask NMFS to delay the requirement for VMS units in the reef fish fleet for 90 days after the original start date of December 7. Commission staff will continue working with Council members and staff in development of these amendments and a range of management alternatives for rebuilding gag grouper, greater amberjack, and gray triggerfish stocks; and to address the goliath grouper harvest issue.

GMFMC: Draft Economic Impact Statement and Interim Rule for Red Snapper/Shrimp

The Council also reviewed the Draft Economic Impact Statement and Interim Rule for Red Snapper/Shrimp. NMFS proposed an Interim Rule that would: 1) establish a 6.5 million pound (mp) total allowable catch (TAC); 2) establish a 13 inch commercial and 16 inch recreational minimum size limit for red snapper; 3) reduce recreational bag limit from 4 to 2 fish per day; 4) no change to the recreational harvesting season; 5) prohibit the possession of red snapper by captain and crew; 6) and, place an effort cap on the shrimp fishery in the western Gulf. Commission staff will continue working with Council members and staff in development of this Interim Rule and a range of management alternatives for rebuilding red snapper stocks.

The Council received a report on the *ad hoc* Shrimp Effort Workgroup and developed a charge for the Panel. The Council requested that the *ad hoc* Shrimp Effort Advisory Panel conduct their first meeting prior to the GMFMC meeting in January 2007. The Council took no action on King Mackerel on the Joint King Mackerel Fishery Management Plan until NMFS provides further data on the mixing zone between Volusia and Dade counties and discussed SEDAR recommendations for red drum and asked the Science and Statistical Committee to review the data on red drum and determine whether a benchmark assessment is appropriate. Commission staff will continue working to develop a range of alternatives for separating the king mackerel fishery between the two council jurisdictions.

Gulf Council Update

The Council met in January 2007 and discussed the following topics: Interim Rule, Red Snapper, Reef Fish, and Goliath Grouper. Mr. Teehan described the proposed recommendations of the cooperative effort between FWC, FWRI, the NMFS, and the Southeast Fishery Science Center research program to allow the limited harvest of Goliath Grouper with calculations based on the assumptions that there are

over 71,000 animals in the Gulf with the recommended take of 800 fish and split into a two-year period of up to 400 fish a year. Also, as part of the program FWC and FWRI will take the lead on the research and collection of data, issue up to 800 numbered tags to scientists that submit research proposals. These scientists will work with the state's Special Activities License Program and the Federal Exempted Fishing Permit to assign the tags to certain harvesters to go out and acquire fish from specific areas and times of the year and biological samples will be taken and used in determining the health of Goliath Grouper stock.

Public Comment

Chairman Barreto announced that the next group of public speakers planned to discuss the potential habitat off of Pensacola and that the Commission welcomed their comments. However the Commission would be in no position to vote on the recommendation and asked that the speakers to meet with agency staff to discuss the proposed Red Snapper regulations issue from the Gulf Council. Mr. Robson discussed the Gulf Council's process in representing the agency on the Gulf Council. Mr. Robson stated staff would provide the Commission an update at the April 2007 Commission Meeting on the Gulf Council's public comments and summarize the alternatives.

Craig Barker (Mayor, City of Destin) welcomed the Commission to the City of Destin. He thanked the Commission for taking a leadership position in listening to the public regarding the economic impact of the proposed Red Snapper regulation to the residents and business owners of the City of Destin and discussed his concerns. He urged the Commission to exercise reason when making this important decision and strongly requests the State of Florida not to move forward with its proposed regulations within state waters and instead, maintains its current management practices, which are already proven to be successful at rebuilding the fishery. He presented a Proclamation from the City of Destin opposing the proposed Red Snapper regulations based on the economic hardship and loss of revenue incurred by the residents and citizens of the City of Destin.

Sid Bronstien (Bass Pro Shop) stated his concerns regarding proven data and discussed the agency's success with the Red Drum fishery. He urged the agency to review the Red Snapper data.

Adam Miller stated he is a Red Snapper fisherman and fishes approximately 160 days out of the year. He urged the Commission to assist in keeping the Red Snapper catch limit at four per person and stated the Red Snapper is not in danger.

Captain George Eller (Destin Charter Boat Association) stated he is a charter boat Captain and urged the Commission to work with the National Marine Fisheries Services to keep the Red Snapper catch limit at four per person and help the residents of Destin keep their commercial fishing business.

Tony Davis stated he owns a charter boat business and the proposed Red Snapper regulations would ruin his business financially.

Brant Kelly stated he is the third generation as a head boat captain for a charter business in Destin and asked the Commission to assist with keeping the Red Snapper catch limit status quo.

Francis Montalvo (Manager, Harbor Walk Charters) stated their business has decreased due to customers taking their business to Texas. She urged the Commission to assist in supporting the residents and charter boat business owners to keep the Red Snapper catch limit at four per person.

Art Smith (Destin Charter Boat Association) stated he has not seen a drastic drop in the Red Snapper industry in Destin. The industry relies on fishing and requests the Commission's support.

Captain Mike Parker (Destin Charter Boat Association) asked the Commission to clarify the authority of the State of Florida versus the National Marine Fisheries Service and how the Commission may be able to assist the residents of Destin regarding the Red Snapper issue. Chairman Barreto discussed the difference in authority and re-confirmed that the Commission understands their dilemma, however, the National Marine Fisheries Service are moving this issue forward and the Commission has not authority regarding this issue.

Bruce Craul (CEO, Legendary) thanked Chairman Barreto for providing clarification on the Commission's role regarding the Red Snapper issue. He urged the Commission to take the lead on the Red Snapper issue. The visitors come to Destin to fish and stay in their hotels. If the National Marine Fisheries Service moves forward with the Red Snapper regulations, the fishing industry and the hotel industry will suffer.

Chip Godwin stated the fishing regulations are fine as they are currently and asked the Commission to assist in supporting the fishermen of Destin regarding the Red Snapper issue.

Jim Breitenfeld (Destin Harbor Association) urged the Commission to assist the residents and fishermen of Destin regarding the Red Snapper issue and continue to protect Florida waters.

Ted Forsgren discussed the lawsuit the National Coastal Conservation Commission filed against the National Marine Fisheries Service two years ago for their failure to deal effectively with reducing the shrimp crawl by-kill of juvenile Red Snapper. He urged the Commission to join in the current law suit. Chairman Barreto asked Mr. Antista to provide an update on the lawsuit filed by the National Coastal Conservation Commission to the Commissioners.

Captain Chez Snyder (Destin Charter Boat Association) stated there is not a problem with overfishing of Red Snapper in Destin. He urged the Commission to assist in keeping the Red Snapper season open from April 15 to October 31.

Janie Browning (Destin Charter Boat Association) read excerpts of letters from Congressmen Jeff Miller to the Honorable Richard Pombo, Chairman of the House Committee on Resources; a letter from Destin's Chamber of Commerce; Representative Marti Coley; and a letter from Representative Ray Sansom regarding the plight of the commercial fishermen in Destin, the data collected by the National Marine Fisheries Service for Red Snapper.

Bill Coursen (Pensacola Recreational Fishermen's Association) urged the Commission to assist the fishermen of Destin with the Red Snapper issue.

Jim Roberson (IGFA) thanked Roy Williams for his assistance over the years and the Commission for their prompt response to the red tide event in February 2006. He urged the Commission to maintain the status quo of the Red Snapper season and the regulations.

Captain Mike Eller discussed the fishery plan developed five years ago with the Gulf Council and the Destin Charter Boat Association with the Orange Beach Alabama and Panama City Boatmen's Association for the recreational and commercial fishermen to agree to a limited entry charter boat moratorium to cap the effort of the recreational for hire industry. He discussed what has transpired in the last five years since this was adopted. He urged the Commission to assist with the Red Snapper issue.

Roy Williams discussed the National Marine Fisheries Service's role regarding overfishing. In the case of the Red Snapper, the State of Florida is at 3% SPR with a goal of 26%. He also discussed the shrimp by-catch issue and the charter boat industry regulations in the eastern Gulf of Mexico.

Commission Discussion

Commissioner Corbett thanked Roy Williams for providing his input regarding the overfishing issue.

Chairman Barreto and Mr. Robson discussed the National Marine Fisheries Service progress related to the Red Snapper issue. The state waters fishery will stay at four fish per person.

Vice Chairman Meehan and Mr. Robson discussed the shrimp by-catch issue.

Public Comment on Items Not on the Agenda

Eilene Beard (Scuba Shack) discussed the future of saltwater fishing relative to habitat meeting the user needs and the problematic reef program. She thanked the Commission on behalf of the citizens of Escambia County for assisting with the sinking of the USS *Oriskany*. Chairman Barreto stated she needed to thank Dr. Edwin Roberts for his efforts in securing the USS *Oriskany* to Pensacola.

Earl Rader (Coastal Conservation Association) stated the 2004 hurricane destroyed most of the smaller reefs in Pensacola. Due to the hurricane destruction, most of the fishing now takes place on the larger reefs causing the Red Snapper reduction in those areas.

Carole Baskin urged the Commission to consider adopting a rule to prohibit public contact with big cats and their babies and give the authority to Florida counties to regulate non-native captivity. Chairman Barreto asked Ms. Baskin to contact Col. Jones regarding her requests.

Clark Nichols (Fishing for Freedom) discussed his concerns regarding net fishing regulations and fishing in seagrass areas without a motor.

Ronald Crum (Fishing for Freedom) discussed his concerns regarding the rising gas prices and the downfall of the property sales causing construction to slow down. He also notices a downturn in tackle sales.

David Grix discussed his concerns regarding the due process language in the Blue Crab Senate bill and stated he thought it was insufficient. He stated his organization is against the \$12 fishing from the shoreline fee. Also, he stated his concerns regarding his view that the agency does not have proper dues process. He suggested that in the future members of any advisory committee should not be a convicted felon should not be on the committee.

Commission Discussion

Commissioner Yablonski stated he enjoyed the discussion regarding Red Fish would hope the State of Florida would become the Red Fish capital of the world. He suggested the Commissioners try to meet with the new agency directors; such as Mike Sole, Secretary of the Department of Environmental Protection, and Governor Crist's new Deputy Chief of Staff Jim Rimes while they are in Tallahassee during the April 11-12 Commission meeting.

Commissioner Huffman stated the agency has brought the exotic species to the forefront. He urged staff to control the flora.

Commissioner Corbett thanked the Chairman for an efficient meeting and stated it has been great working with Commissioner Kaupe and Huffman.

Commissioner Kaupe stated she enjoyed the area and hoped that between staff and the Commission can assist the fishermen of Destin with the Red Fish issue.

Commissioner Barco stated she likes the informative presentations from staff during the Commission meeting.

Chairman Barreto thanked the staff of the Northwest Region: Mona French, Regional Operations Manager; Tony Brandon, Community Relations Administrative Assistant; and Stan Kirkland, Public Information Director for their efforts. He wished everyone the best in 2007.

Adjournment

Chairman Barreto called for the motion to adjourn the meeting. Commissioner Corbett made the motion to adjourn the meeting, which was seconded and carried.

There being no further business the meeting was adjourned at 3:15 p.m.

RESOLUTION

WHEREAS, the Florida Fish and Wildlife Conservation Commission is a duly constituted governmental agency, created to serve the Great State of Florida, and

WHEREAS, said service includes the protection and management of Florida's fish and wildlife resources and promoting conservation of said living resources, and

WHEREAS, Amos Morris has served 27 years on Florida's Wildlife Alert Reward Association, including 22 years as its chairman, and

WHEREAS, during Amos Morris' tenure on said association, Wildlife Alert has been instrumental in arrests of 3,000 lawbreakers who otherwise would have robbed the Great State of Florida of a large measure of its people's natural heritage, and

WHEREAS, Amos Morris' dedication and diligence while serving on said association has been such that he has never missed one of its meetings, and

WHEREAS, Amos Morris has stepped down from his post on said association to assume a well-earned lifestyle of hunting and fishing amid the natural treasures he so-passionately helped preserve throughout his lifetime, spanning three-quarters of a century, and

WHEREAS, Amos Morris has, for many years and at his own expense, offered FWC employees countless servings of fried fish, hush puppies, grits and other delicacies while hosting his annual sucker fry:

NOW THEREFORE, be it resolved by the Florida Fish and Wildlife Conservation Commission in a duly constituted and assembled meeting:

- **That we do hereby attest and record on behalf of all the citizens of the Great State of Florida, and for all who come after us, our deep appreciation for the valuable service and assistance of Amos Morris in pursuit of fish and wildlife conservation.**
- **That we do hereby acknowledge our admiration for Amos Morris.**
- **That we do herewith acknowledge and proclaim that the lives of Floridians are enriched – today and for generations to come – because of the work of Amos Morris.**
- **That we hereby record the sentiments of this resolution forevermore upon the minutes and records of the Florida Fish and Wildlife Conservation Commission.**

DONE AND RESOLVED at Destin, Florida this seventh day of February, A.D. 2007.

**FLORIDA FISH AND WILDLIFE
CONSERVATION COMMISSION**

Chairman Rodney Barreto

Vice Chairman David K. Meehan

Commissioner H.A. “Herky” Huffman

Commissioner Kathy Barco

Commissioner Richard A “Dick” Corbett

Commissioner Brian S. Yablonski

Attest: _____
Commissioner Sandra Kaupe

Rodney Barreto
Chairman

Kenneth D. Haddad
Executive Director

Respectfully submitted:

Commission Secretary