



Florida Fish and Wildlife Conservation Commission

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Commission Meeting
April 15-16, 2009
Tallahassee

Minutes

A regular meeting of the Florida Fish and Wildlife Conservation Commission (FWC) was held April 15-16, 2009, at the Tallahassee-Leon County Civic Center, located at 505 West Pensacola Street, Tallahassee, Florida. Commissioner Bergeron was unable to attend due to recovery from shoulder surgery. Chairman Barreto called the meeting to order at 8:30 am with the following members in attendance:

Kathy Barco, Vice-Chair, Jacksonville

Kenneth Wright, Winter Park

Richard Corbett, Tampa

Brian Yablonski, Tallahassee

Dwight Stephenson, Delray Beach

Staff:

Kenneth D. Haddad	Executive Director
Nick Wiley	Assistant Executive Director
James V. Antista	General Counsel
Tim Breault	Director, Division of Habitat and Species Conservation
Diane Eggeman	Director, Division of Hunting and Game Management
Colonel Julie Jones	Director, Division of Law Enforcement
Mark Robson	Director, Division of Marine Fisheries Management
Jerrie Lindsey	Director, Office of Recreation Services
Jackie Fauls	Director, Legislative Affairs Office
Sandra Wilson	Chief Financial Officer
Louie Roberson	Director, Northwest Region
Dennis David	Director, Northeast Region

Forty individuals registered as guests and speakers during the two-day meeting.

Chairman Barreto welcomed Commissioners, staff, and the public to Tallahassee.

Nick Wiley gave the invocation. Commissioner Corbett led the assembly in the Pledge of Allegiance to the Flag.

Special Presentations and Recognitions

Commissioner Yablonski introduced Dr. Guy Harvey, a well-known artist and wildlife conservation advocate. Commissioner Yablonski described Dr. Harvey's background and artwork. He is an artist, scientist, diver, underwater videographer, angler, and founded the Guy Harvey Ocean Foundation and the Guy Harvey Research Institute of Nova Southeastern University. Dr. Harvey thanked Commissioners and discussed his research, programs and projects. Chairman Barreto asked staff to add a link on FWC's website home page to Dr. Harvey's website.

Chairman Barreto introduced Fred Dickinson, former Director of the Department of Highway Safety and Motor Vehicles Florida Highway Patrol in attendance.

Chairman Barreto asked Tim Breault, Director of the Division of Habitat and Species Conservation to introduce FWC's Kipp Frohlich and Scott Sanders in the Division of Habitat and Species Conservation and Co-Chairs of the 2008 Florida State Employee's Charitable Campaign. Mr. Breault described how Mr. Frohlich and Mr. Sanders coordinated and committed their time and effort to the success of this year's United Way of the Big Bend, Florida State Employees Charitable fundraising campaign. Mr. Frohlich and Mr. Sanders thanked the Commission for the recognition and they had their photograph taken with Commissioners.

Chairman Barreto introduced and asked Bill Cline, Leader of the Hunter Safety Section in the Division of Hunting and Game Management to introduce Richard Roland, recipient of the 2008 Volunteer Hunter Safety Instructor of the Year Award. Mr. Cline described Mr. Roland's participation and support of the Hunter Safety program. The Commission presented an award to Mr. Roland and recognized his contribution in volunteering his time to Florida's youth. Mr. Roland thanked the Commission for the recognition and he had his photograph taken with Commissioners.

Chairman Barreto stated each Commission meeting recognizes a local area fish and wildlife artist, photographer or author for their efforts in fostering an appreciation of the arts, fish and wildlife. He asked Jerrie Lindsey, Director of the Office of Recreation Services to introduce Susan Cerulean, a local nature writer. Ms. Lindsey described Ms. Cerulean's career and her writing ability captured through a number of published books. Chairman Barreto presented a plaque to Ms. Cerulean in recognition of her naturalist writing ability. Ms. Cerulean thanked the Commission and she had her photograph taken with Commissioners.

Ken Haddad, Executive Director introduced the following employees to the Commission and the public:

Division of Habitat and Species Conservation: Lawson Snyder and Mike Allen
Division of Hunting and Game Management: Roger Shields and David Nicholson
Division of Law Enforcement: Becky Coletti and Beth Smith
Division of Marine Fisheries Management: Carly Steeves, Shannon Bayse and Kelly Blackburn
Fish and Wildlife Research Institute: Beth Stys
Community Relations Office: Wendy Dial
Office of Licensing and Permitting: Eddie White

Adoption of Minutes

Chairman Barreto asked for approval of the February 4-5, 2009, Commission meeting minutes. Upon motion of Commissioner Yablonski, seconded and carried, the Commission approved the minutes.

Adoption of Consent Agenda

Chairman Barreto asked Nick Wiley, Assistant Executive Director to describe the items listed on the Consent Agenda. Commissioner Yablonski recused himself from the vote on the Consent Agenda item, Robert Brent WMA order 09-07 and rule 68A-15.063. Mr. Wiley summarized the items listed on the Consent Agenda. Upon motion of Commissioner Corbett, seconded and carried, the Commission approved the Consent Agenda.

Adoption of Agenda

Chairman Barreto asked Mr. Wiley to describe the changes to the agenda for consideration. Chairman Barreto explained that flexibility is needed in the agenda due to the Legislative Session. He further explained that the Commission meeting is held in April during the Legislative Session to allow the Commission to meet with legislators regarding Commission issues. Mr. Wiley continued stating the Commission would address the freshwater turtle issue after lunch and the legislative and budget report scheduled on Wednesday morning, will be moved to Thursday morning to allow staff to attend legislative meetings. Staff requested addressing the sea turtle longline fishing issue on Thursday morning.

Chairman Barreto asked for approval of the meeting agenda. Upon motion of Commissioner Stephenson, seconded and carried, the Commission approved the meeting agenda.

Executive Director's Report

Chairman Barreto asked Mr. Haddad to present the Executive Director's Report. Mr. Haddad discussed the following:

Division of Marine Fisheries Management:

Gina Russo received the "Captain Phil Chapman Conservationist of the Year Award" from the Florida Guides Association (FGA) on March 1. This award was first presented to (and named after) Captain Phil Chapman (formerly with FWC's Division of Freshwater Fisheries Management) at his retirement party for 36 years of service to the angling community. This year's award was presented to Gina at FGA's annual meeting in Tampa. FWC's Ron Taylor and FGA's President, Pat Kelley presented the award to Gina, who was very surprised and honored to receive it.

On April 12, the decommissioned *USS Hoyt S. Vandenberg* departed Norfolk, Virginia bound for Key West. The *USS Hoyt S. Vandenberg* is on target for sinking off the waters of Key West sometime in late May 2009.

Office of Community Relations:

The FWC has revamped its Web site – MyFWC.com. The project focused on reorganizing content according to subject matter and a few new features were added to make the site easier to navigate.

The new home page menu reflects the arrangement of content into 14 topic-based sections, compared to 24 before the change. A "fly-out" menu feature reveals a sub-menu of topics found within each section. Some pages now feature "breadcrumbs," and all pages now have a left-hand menu to improve navigation.

Community Relations and the Web Services Section of the Office of Information Technology led a multi-division/office team to accomplish the project.

Division of Habitat and Species Conservation:

Lake Okeechobee Video: The Lake Okeechobee Lakebed Restoration project occurred over a seven-year period, from 2001 to 2008. This undertaking by the FWC shows how staff took advantage of drought conditions on Lake Okeechobee to manage habitat. The project involved scraping more than 720 acres of lakebed and cost \$6.7 million to complete. This video, put together by staff, shows the magnitude and benefits of the project.

Miami blue butterfly: In early January, the North American Butterfly Association expressed concern to Species Conservation Planning staff that green iguanas at Bahia Honda State Park, site of a significant colony of the endangered Miami blue butterfly, had become a threat to nickerbean, which is the only food of larval Miami blue butterflies in the park. FWC staff with the Exotic Species Coordination Section conducted a site visit with, and subsequently obtained authorization from the Florida Park Service to trap and remove green iguanas. Removal began on February 12 and concluded February 27. A project information sheet was prepared for park visitors, and, to facilitate iguana capture, the Florida Department of Environmental Protection's (DEP) park staff closed the area for two hours daily. Over 60 green iguanas were removed from the four-acre primary nickerbean area, greatly reducing this threat to the Miami blue butterfly.

The project continued an interagency collaboration. Bahia Honda State Park provided temporary space for USDA Wildlife Services for the Gambian pouched rat eradication project in Grassy Key, and USDA served as the contractor to FWC for green iguana trapping at no expense to FWC or DEP. DEP park staff expressed interest in maintenance trapping as iguanas re-colonize the area.

Division of Hunting and Game Management:

Wes Seitz received recognition by the US Army for his work providing access to waterfowl hunting for wounded veterans on the Stormwater Treatment Areas. The South Florida Water Management District (SFWMD) constructed a duck blind with ADA access, and Wes helped coordinate this effort. The award was a team award given to select SFWMD staff and Wes. Wes is a biologist in the Division of Hunting and Game Management, in the Public Hunting Areas Section. He coordinates public hunting opportunities and rules in the South Region.

Chairman Barreto visited a Wal-Mart in Georgia to purchase a fishing license and was told fishing licenses are no longer available for purchase by the public through retail locations. Individuals may purchase fishing licenses online. Mr. Haddad replied that has not happened in Florida. Chairman Barreto asked staff to look into this new Georgia process for purchasing fishing licenses.

Update on the Future of Hunting Initiatives

Chairman Barreto asked Mr. Cline to present an update on the Future of Hunting Initiatives. Mr. Cline described the three steps to getting the uninformed, involved in hunting: 1) a basic introduction to hunting and the shooting sports; 2) complete a hunter safety course; and 3) participate in a safe, mentored hunt.

Mr. Cline described additional initiatives to secure Youth Conservation Centers in Florida:

- Securing funding for the Tenoroc Youth Conservation Center
- New Archery Center of Excellence in the City of Newberry
- New Escambia County Archery Park

Mr. Cline thanked the Commission for their support and encouragement on these projects helping to build brighter futures for our young hunters. He listed the partners and sponsors who contribute to young hunters making their hunting experience a positive one.

Chairman Barreto asked Commissioner Corbett to contribute his comments regarding the Future of Hunting in Florida. Commissioner Corbett described the opportunities available beginning with a pilot program through the Beau Turner Youth Conservation Center. He asked for Commissioner Stephenson and Chairman Barreto's assistance in locating an area in south Florida to build a youth center, Vice-Chair Barco in the Jacksonville area and Commissioner Bergeron in the Naples area. Chairman Barreto thanked Commissioner Corbett for his efforts and suggested identifying Tenoroc, an area in south Florida, and Vice-Chair Barco could research a state owned land in Jacksonville; using the Beau Turner Youth Center as the model. He suggested identifying three to five sites, research basic costs to provide outdoor sports, and then present this pilot program to potential partners, such as Johnny Morris with Bass Pro and other organizations to assist with funding these projects.

Vice-Chair Barco discussed her concerns regarding the lack of hunting articles in the Commission's *Florida Wildlife* magazines. Chairman Barreto mentioned his concerns regarding the *Florida Wildlife* magazine: the cost to produce the magazine and the lack of readership. He suggested utilizing the FWC website as a vehicle in promoting the magazine. Also, create an email list of subscribers and/or recipients to send the magazine every month – a cost savings in postage and paper.

Commissioner Yablonski mentioned he met with Representation Debbie Mayfield recently on Commission issues and she pulled out copies of the *Florida Wildlife* magazine; and offered to assist in getting the magazines out to the public from a legislative standpoint with ideas and suggestions and asked to speak with staff regarding her ideas.

Commissioner Wright added saltwater fishing articles should be included in the *Florida Wildlife* magazine as well.

Commissioner Yablonski thanked FWC's Kenny Barker and staff for the number of activities and events held at the Beau Turner Youth Conservation Center the last several months, including a special tour for Governor Charlie Crist, Congressman Allen Boyd, and Ted Turner. Over 2,000 people attended a one-day outdoor event for youth and families at the Center in February. Mr. Cline thanked Commissioner Yablonski and Corbett for their involvement and support.

Update on FWC "Wildlife Friendly" Designation Program

Chairman Barreto asked Ms. Lindsey to present an update on the development of the FWC "Wildlife Friendly" Designation Program. Ms. Lindsey presented an update on an endeavor to create a wildlife friendly designation to recognize efforts to conserve fish and wildlife and their habitats. The designation recognizes and rewards those who are leading the way and to influence others to follow their model of wildlife friendly practices.

Ms. Lindsey described the team's guiding principles in developing the designation, the work completed by the team, research conducted by the team to identify existing programs within FWC, site visits of existing developments, stakeholder input regarding the planning and development of the criteria, and promotions.

Ms. Lindsey described the criteria's two categories: planning/design and management/education. The applicant may complete the application at any time; a regional team will conduct a site visit and make a recommendation regarding the designation. The applicant or the homeowners' association should maintain documentation, and every three to five years a follow-up report is submitted documenting management activities accompanied by photographs to maintain their designation.

Ms. Lindsey described the following methods of recognition for this designation: exterior signs, FWC news releases, recognition at Commission meetings, include designation in the *Florida Wildlife* magazine, professional publications, and nominated for national awards.

Ms. Lindsey described the next steps: finalize the criteria and guidelines, develop a website, promote, launch in June 2009, and expand the recognition to other areas and will explore expanding the designation program over time as resources permit.

Commission Discussion

Commissioner Corbett discussed why people move to Florida - to fish, hunt and/or experience the outdoors. He suggested developers partner with the Commission for the purpose of public enjoyment and recognize those who do. Chairman Barreto reiterated that this effort is voluntary.

Commissioner Yablonski suggested market based incentives to encourage landowners to do the right thing, similar to the Florida Department of Environmental Protection's "green lodging" initiative. There will also be a shared management of best practices.

Final Rule – Public Hunting Kissimmee Chain of Lakes Area

Chairman Barreto asked Dr. Don Coyner, Leader of the Public Hunting Areas Section in the Division of Hunting and Game Management to present a proposed final rule for new public hunting opportunities on Kissimmee Chain of Lakes Area. Dr. Coyner described rule 68A-15.006, Regulations Relating to Miscellaneous Areas. The proposed rules would establish season dates and area specific regulations for the Kissimmee Chain of Lakes Area.

Staff requested the Commission approve rule 68A-15.006, Regulations Relating to Miscellaneous Areas as advertised. Staff evaluated the rules under the standards of 68B-1.004, F.A.C., and found them to be in compliance.

Commission Discussion

Upon motion of Commissioner Wright, seconded and carried, the Commission approved rule 68A-15.006, Regulations Relating to Miscellaneous Areas providing new public hunting opportunities on Kissimmee Chain of Lakes Area as advertised.

Final Rule – Public Hunting Babcock Ranch Preserve

Dr. Coyner continued with a description of proposed final rule 68A-15.006, Regulations Relating to Miscellaneous Areas providing new public hunting opportunities on Babcock Ranch Preserve.

Staff requested the Commission approve rule 68A-15.006, Regulations Relating to Miscellaneous Areas as advertised. Staff evaluated the rules under the standards of 68B-1.004, F.A.C., and found them to be in compliance.

Public Comment

Manley Fuller (Florida Wildlife Federation) discussed the solar powered initiative at Babcock Ranch. He discussed the continued agricultural leases in Lee County. He stated they would like to see additional areas available for public hunting in the future.

Commission Discussion

Upon motion of Commissioner Stephenson, seconded and carried, the Commission approved rule 68A-15.006, Regulations Relating to Miscellaneous Areas providing new public hunting opportunities on Babcock Ranch Preserve as advertised.

Draft Rule – Game Farms

Chairman Barreto asked Colonel Julie Jones, Director of the Division of Law Enforcement to present the proposed draft rule 68A-12.011, Regulations Governing the Establishment and Operation of Game Farms and 68A-1.004, Definitions. The proposed draft rule would replace the substantive portions of existing statute, Section 379.302, Florida Statutes, which is expected to be repealed by the Legislature. The proposed rule also clarifies the requirements for lawful operation of game farms in Florida. Col. Jones described the background and history of Florida's game farms, public participation to date and plans for future public notification. She described the changes to the statutory language.

Staff recommended the Commission approve draft rule 68A-12.011, Regulations Governing the Establishment and Operations of Game Farms. The rule will be presented for final public hearing at the June 2009 Commission meeting.

Commission Discussion

Chairman Barreto asked staff to provide the minimum and maximum acreages for specific species on game farms to Commissioners.

Vice-Chair Barco discussed the 50 or fewer limitation on the number of quail that can be held without having to be a game farm. Some people may not like that number as the cut-off. She also recommended the agency research the 640 acres issue further. She didn't feel there should be a maximum or minimum acreage designation. Commissioner Corbett mentioned he did not feel there should be a limitation. Vice-Chair Barco asked about the issue of not allowing two game farms to be continuous. Captain John West, Coordinator of the Captive Wildlife Program in the Division of Law Enforcement stated there were a number of individuals from the public who commented on the 640 acreage issue. He discussed the differences in the acreages of game farms.

Chairman Barreto asked Captain West what the other states are doing regarding game farm acreage. Captain West replied a number of states do not regulate game farms such as Florida. Commissioner Corbett asked staff to provide information to Commissioners regarding the pros and cons of limiting the amount of acreage.

Commissioner Corbett asked Col. Jones to describe the input from stakeholders regarding the size limitation of 640 acres. Col. Jones replied that the individuals that have game farms thought it should be liberalized at least to 1,000 acres or double that amount.

Commissioner Corbett asked staff about the issue of released mallard ducks at hunting preserves. Col. Jones stated there is one hunting preserve that releases ducks. Col. Jones stated there was a rule initiative several years ago to eliminate the release of captive raised mallards that hybridized with Florida native ducks. Commissioner Corbett asked how the Commission is doing with the mallards mixing with the wild ducks. Captain West replied that with the current permitting process, it has curtailed the release of mallards.

Diane Eggeman, Director of Hunting and Game Management discussed how staff is addressing the hybridization of mallard ducks and getting the message out to the public. Commissioner Corbett asked if this is a significant issue. Ms. Eggeman stated there is only one hunting preserve that releases mallards, but the

release of pet mallards is still a problem. She added that education is still the best tool to address this issue, but the rules have helped.

Vice-Chair Barco discussed a phone conversation she had recently with the owner of a feed store and the sale of duck feed and how many people still do not understand the reason behind not allowing the sale of baby non-native ducks.

Col. Jones clarified that this rule needs to be advertised by April 20, and she proposed advertising the draft rule with the provision with 640 acreage and go back out to receive public input and present to the Commission the pros and cons at the June 2009 meeting to possibly amend the rule. Chairman Barreto and Commissioners accepted her proposal.

Commissioner Wright discussed the displacement of habitat that happens when game farms fence off large areas. Vice-Chair Barco stated the size of the acreage has to do with what is being raised and the type of land.

Upon motion of Commissioner Stephenson, seconded and carried, the Commission approved advertising the rule for final public hearing.

Land Acquisitions and Management

Chairman Barreto asked Mr. Breault to describe the proposed easement for the City of Punta Gorda. Mr. Breault described the request by the City of Punta Gorda for a utility easement across a portion of the Babcock/Webb Wildlife Management Area (WMA) to install 1,500 linear feet of a wastewater treatment pipeline. He described the details of the proposed pipeline and alternatives.

Staff recommended the Commission approve the proposed easement, contingent upon the City of Punta Gorda's compliance with all of the requirements set forth in the conditions outlined to the satisfaction of FWC, the Florida Department of Environmental Protection and any other conditions required by the Acquisition and Restoration Council, Board of Trustees, and the United States Fish and Wildlife Service.

Public Comment

Steve Adams (City of Punta Gorda) offered to answer any questions. Vice-Chair Barco asked if access points, specifically manholes, would be needed along the pipeline within the WMA. Mr. Adams replied there would be limited access with gates on either side and no manholes

Commission Discussion

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved the proposed easement, contingent upon the City of Punta Gorda's compliance with all of the requirements set forth in the conditions outlined to the satisfaction of FWC, the Florida Department of Environmental Protection and any other conditions required by the Acquisition and Restoration Council, Board of Trustees, and the United States Fish and Wildlife Service.

Peregrine Falcon Management Plan

Chairman Barreto asked Robin Boughton, Avian Coordinator in the Division of Habitat and Species Conservation to present the proposed draft Peregrine Falcon Management Plan (Plan). Ms. Boughton stated in 2008, the Commission directed staff to prepare a Peregrine Falcon Management Plan as a precursor to removing the peregrine falcon from Florida's list of imperiled species. She presented an overview of the draft Plan including an explanation of its key components as well as the draft rule to de-list the peregrine falcon from Florida's endangered species list.

Staff recommended the Commission approve the conceptual draft Plan and rule and present a final Plan and rule at the June 2009 Commission meeting. Additionally, staff asked for approval to begin the process of developing a falconry rule for peregrine.

Public Comment

Manley Fuller supported the proposed delisting and the Peregrine Falcon Management Plan.

Julie Wraithmell (Audubon of Florida) supported staff's recommendations and discussed concerns regarding the progress of finalizing the Plan.

Laurie McDonald (Defenders of Wildlife) supported staff's recommendations and discussed concerns regarding the lack of monitoring peregrine falcon in the future. She urged the Commission to find funding for this project to continue monitoring. She did not agree with the take of wild birds for falconry due to the lack of monitoring.

Kitty Carroll (Birds of Prey) discussed her falconry blog, the history of falconry, and recommended the Commission visit the World Center for Birds of Prey in Idaho.

Eric Edwards (Florida Falconers Association) supported staff's recommendations and asked the Commission to consider a harvest of peregrines for falconry.

Commission Discussion

Commissioner Corbett asked staff why Florida hasn't delisted the species sooner. Ms. Boughton replied the reason was due to the moratoriums on FWC's listing process. Several Commissioners noted that staff would need to work carefully to address the topic of capturing wild birds for private ownership and evaluate if charging fees for capture of wild birds could generate funding for monitoring.

Upon motion of Vice-Chair Barco, seconded and carried, the Commission approved the conceptual draft Plan and rules; directed staff to present a final Plan and rule to delist the peregrine falcon at the June 2009 Commission meeting; and begin the process of developing a falconry rule for peregrine.

Draft Rule - Freshwater Turtle

Chairman Barreto asked Mr. Breault to present a description of the proposed draft rule 68A-25.002, General Provision of Taking, Possession and Sale of Reptiles. The proposed draft rule would address the taking and possession of wild native Florida freshwater turtles. Mr. Breault described the history of issues surrounding Florida's wild freshwater turtles, staff's research in developing draft regulations for Florida's reptiles and amphibians, holding public meetings around the state to obtain stakeholder input, and site visits.

Following is a description of the proposed rule regarding the sale of freshwater turtles:

- No person shall buy, sell, or possess for sale: turtles or eggs taken from the wild
- Eliminates commercial take of Florida's wild turtles

Following is a description of the proposed rule regarding the take, transport and possession of freshwater turtles:

- No take of listed species or look-a-likes
- Take and transport of no more than one turtle per person per day
- No take or transport of eggs from the wild
- Limits methods that can be used to take turtles

- Closed season on soft-shell turtles: May 1-July 31
- Possession limits for some species

Following is a description of the proposed rule regarding the aquaculture of freshwater turtles:

- Florida Department of Agriculture and Consumer Services (DOACS) certified aquaculture facilities that raise turtles for sale may take turtles as brood stock under a permit from FWC
- A review of take for farms will be completed by FWC no later than June 2011
- Transport of more than one turtle by DOACS certified farms will be allowed

Following is a list of potential impacts of the draft rule:

- Shifts commercial take from the wild to aquaculture
- Provides additional protections for listed turtle species
- Limits daily take and transportation to one turtle
- Most protective measures for turtles in the United States

Staff recommended the Commission approve advertising the rule for a public hearing at the June 2009 Commission meeting.

Introduction of a Special Legislative Guest and Presentation

Chairman Barreto welcomed Florida House of Representative Baxter Troutman to the meeting. Mr. Wiley introduced Rep. Troutman as a Delegate of the Legislative Sportsmen's Caucus and Co-chair of Florida's Sportsmen's Caucus. Chairman Barreto also welcomed Lane Stephens, President of the Legislative Sportsmen's Caucus. Rep. Troutman discussed the National Sportsmen's Caucus. He presented a check for \$500 as a token of appreciation to the Commission for their work at the Beau Turner Youth Conservation Center. He said he would like to see this pilot Center in every part of the State of Florida. Rep. Troutman offered his assistance with funding programs to enable Youth Conservation Centers in Florida. Chairman Barreto thanked Rep. Troutman for supporting the Commission and hoped he would pass that torch onto someone who shares the same desires upon the conclusion of his term of office.

Public Comment

Dr. Jennifer Hobgood (Humane Society of the United States) supported the proposed rule.

Dana Stetson supported the proposed rule.

Dr. Matt Aresco (Nokuse Plantation) supported the proposed rule.

Dickson McRee discussed individuals that catch turtles for a living and stated his concerns regarding the lack of scientific data or peer review. He did not support staff's recommendations.

D. Bruce Means discussed the history of other species harvested commercially and the impact to turtle species and supported staff's recommendations.

Manley Fuller supported the proposed rule.

Joanne Kowal (Lake Jackson Protection Alliance) discussed her personal experience with turtles as a young child and urged the Commission to protect Florida's turtles.

Peter Meylan (Editor, *Florida Turtles*) provided a copy of the book to Commissioners for their review and discussed freshwater turtle data collection. He supported the proposed rule.

Julie Wraithmell supported the proposed rule.

Ray Ashton thanked the Commission and staff for their work and commitment in drafting the proposed rule and he supported the rule.

Daniel Parker (University of Central Florida) discussed the lack of scientific data and the impact of the adoption of the rule to the income of those who harvest the freshwater turtles.

Richard Lehnart supported most parts of the rule but suggested the rule was going too far with regard to prohibiting take and possession of turtle species that are similar in appearance to listed species.

Chris Hunter Jones (Reef Relief, Ocean Conservancy, Center for Biodiversity) supported the proposed rule and asked the Commission to remove Section 6, (a), (g) from the draft rule and explained his concerns.

Eugene Bessette (Florida Reptile Industry) discussed the types of individuals engaged in harvesting turtles. He urged the Commissioners to review the draft rule and proposed improving the rule's current language. He did not support the proposed rule.

Dr. Dale Jackson distributed a calendar with a photo of an Asian soft-shell turtle to Commissioners and discussed how they are harvested. He urged the Commission to endorse staff's recommendation and approve the proposed rule.

Bob Heater (Dark Hammock Turtles) discussed his concerns regarding the look-a-like rule and replacing brood stock from a natural disaster. Vice-Chair Barco asked Mr. Breault to address Mr. Heater's question regarding look-a-like turtles and how this rule will affect his business. Mr. Breault replied that the draft rule proposed would allow him to continue to collect turtles from the wild to use as brood stock. Staff would return in two years with a report on the progress regarding that program. Elsa Haubold, Leader of the Species Conservation Planning Section in the Division of Habitat and Species Conservation explained that Mr. Heater would be permitted to collect look-a-like turtles and whatever number that was determined to be needed. Mr. Heater indicated that his farm, one of the largest in the United States, currently raised some of its own brood stock.

Wayne Hill (Reptile Breeders Expo) stated his concerns regarding seeing language in the rule regarding one wild turtle caught per day.

Marcus Cantos (Florida Reptile Industry) thanked agency staff and the Commission for their commitment to this issue. He stated his concerns regarding aquaculture and over managing turtle harvesting.

Laurie McDonald supported the proposed draft rule and urged the Commission to continue researching additional opportunities for proper management of this resource.

Bob Walker supported the proposed draft rule.

Max Morgan (buys Soft-Shell Turtle and Farms them) provided a petition and testimony to the Commissioners. He stated 80% of the turtles are female. If the Commission takes just allows take of male turtles, you wouldn't harvest many turtles.

Commission Discussion

Vice-Chair Barco asked staff for total numbers of turtle species collected and if the numbers harvested have increased over the years. Bill Turner, herpetology taxa coordinator in the Species Conservation Planning Section of the Division of Habitat and Species Conservation responded that harvest of common snapping turtles has increased twelve-fold and harvest of soft-shell turtles is up slightly less from data collected beginning in the 1990's to 2003.

Vice-Chair Barco stated her concerns regarding replacing brood stock and the two-year issue for turtle farmers. Mr. Breault stated the Commission staff is not recommending a dead stop in two years; only if the Commission doesn't take any action, would the portion of the rule sunset. Vice-Chair Barco asked if their brood stock harvest greatly affect the population. Mr. Breault replied the agency would know how much harvest occurs and where it takes place and control the variables that would create impacts. With the permits, the agency can minimize any concerns we have about impacts to the wild stock.

Commissioner Wright asked if we have the same issue with farming of alligators and suggested that broodstock collection could continue unless there is a reason to change it. He wondered if there is a time of year to suspend turtle harvesting.

Commissioner Corbett asked staff to describe the impact of the proposed rule to commercial turtle farms. Mr. Breault stated not all turtle farms are the same in terms of numbers and size. He mentioned Mr. Heater's business is established and would be in better shape than most turtle farms.

Chairman Barreto stated staff would monitor who is taking what, how is it working and where we are taking turtles from in Florida in this two-year term. He is in support of staff's recommendation.

Commissioner Yablonski stated this rule is one of the most significant conservation measures he has been a part of since becoming a member of the Commission. We may not have as much scientific data, but we do have evidence of the over harvesting of freshwater turtles. He supported the proposed draft rule.

Commissioner Yablonski moved to approve the staff recommendation; Vice-Chair Barco seconded the motion.

Under discussion, Vice-Chair Barco agreed with ending the commercial take of wild turtles, but is trying to give those who farm more help related to the two-year term and would rather have the monitoring open ended rather than have it sunset.

Mr. Haddad mentioned one of the reasons staff looked at a sunset date rather than a continuation is to try to make sure that the aquaculture industry doesn't see the wild supply as the long-term solution for continuing aquaculture. He said staff would continue to work with the turtle industry through this process.

Chairman Barreto asked staff how many turtles are indigenous to Florida. Staff replied 25 species. He asked how many are believed to be native to Florida, and of those indigenous to Florida, how many are considered to be threatened or endangered. Staff replied there are three species of turtles that are imperiled.

Commissioner Corbett asked staff how staff could deal with ensuring there is follow up on the commercial harvest without having the sunset provision in the rule. Mr. Breault stated that based on the direction he is hearing from the Commission, staff would advertise the rule without the sunset provision but would bring an amendment to the Commission in the future.

Chairman Barreto commended staff for their efforts and the support of the Governor's request regarding this issue. Chairman Barreto asked staff to take some of the comments from Commissioners and address their comments with stakeholders after the final rule. Chairman Barreto called for a vote on the motion. Commissioners approved the motion and directed staff to advertise the rule for final public hearing at the June 2009 Commission meeting.

Gopher Tortoise Permitting Guidelines

Chairman Barreto asked Deborah Burr, Coordinator of the Gopher Tortoise Management Plan in the Species Conservation Planning Section of the Division of Habitat and Species Conservation to present an update on the Gopher Tortoise Permitting Guidelines. Ms. Burr stated the Commission approved the Gopher Tortoise Management Plan (Plan) at the September 2007 Commission meeting. The Commission approved one of the high priority implementation items of the Plan, the Gopher Tortoise Permitting Guidelines (Guidelines) at the

April 2008 Commission meeting. As substantive changes to the Guidelines are proposed, those changes will be presented to the Commission for recommended approval. Staff continues to work with members of the Gopher Tortoise Technical Assistance Group to address outstanding issues and revise the Guidelines as needed.

Ms. Burr presented a high-level overview of the proposed revisions to the Guidelines, implementation, technical and feasibility of the Guidelines, stakeholder input, and identification of the actual problem each proposed Guideline provision addresses.

Staff recommended the Commission approve the proposed revisions to the Gopher Tortoise Permitting Guidelines.

Public Comment

Caroleen Dineen (Broad and Cassel) discussed concerns regarding the implementation of the gopher tortoise guidelines and permit duration provisions.

Dr. Matt Aresco discussed relocation permits that extend out five years and that would be problematic for them as a recipient site to hold reservations for tortoises that long. They are in the process of drafting a contract between Nokuse and with the developers and they are only allowing one-year to relocate tortoises to their site.

Ray Ashton discussed a letter from the IUCN freshwater turtle specialist group.

Peter Meylan discussed his concerns that the new Plan ensures careful long-term monitoring and management of the recipient sites and he stated it is not clear in the Guidelines how long and how well the sites are managed. In addition, he discussed the cost of relocating the gopher tortoise and requested staff continues to work on this issue.

Laurie McDonald supported the changes to the Gopher Tortoise Guidelines.

Commission Discussion

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved the revisions to the Gopher Tortoise Permitting Guidelines.

Public Comment on Items Not on the Agenda

Manley Fuller referred to a presentation made earlier on the Future of Hunting in Florida and noticed the Florida Wildlife Federation (FWF) was not included as partner of the program and asked that any future commentary related to the Future of Hunting in Florida and its partners mention FWF. He mentioned a speaker, Edgar Chattin will be addressing the Commission regarding the land he lives on next to property that was once owned by St. Joe Company and is now a Wildlife Management Area (WMA) and his request to designate a “safe zone” free of hunters. Mr. Fuller encouraged the Commissioners to assist Mr. Chattin if possible.

Eugene Bessette distributed a document including suggestions from the reptile industry and the assistance of Senator Bill Nelson on Senate Bill 373 to amend the Lacey Act, which would eliminate the possession of all species of the general python. Chairman Barreto asked Mr. Bessette to speak with Dan Kimball the Superintendent of the Everglades to eradicate the pythons. He stated Senator Nelson is moving full speed ahead with his bill. Mr. Bessette said he understands the problem in the Everglades and he is working with USDA and U.S. Geological and U.S. Fish and Wildlife Service to help them deal with this issue. Mr. Haddad mentioned staff met with Senator Nelson’s office regarding the bill and shared what has been done in the State of Florida and encouraged him to meet with the reptile industry about this issue.

Steven Williamson (United Waterfowlers of Florida) discussed the quota hunt permits and that they are not being mailed out to the actual recipients. It is now the responsibility of the requester to go to an agent or Tax Collector locations. He asked if this could be processed on the Total Licensing System due to the timeliness of obtaining a license. Ms. Eggeman replied that staff made the decision to not mail the quota hunt permits this year and have asked those who are awarded a permit to pick them up from Tax Collectors or any licensed vendor. It was a cost savings measure. Commissioners and staff discussed alternative options in obtaining a quota permit.

Edgar J. Chattin distributed a document of information provided to the Commissioners and discussed the land he lives on, which is next to the Joe Budd WMA. Hunters are shooting very close to or across his property and even putting bait on his property. He is concerned about safety. Chairman Barreto asked if we have any safety zones with regard to private inholdings in WMA's. Mr. Wiley stated we have very few as many of the inholdings that defines the boundary of their lands and outside of that the state lands. Mr. Wiley explained that FWC manages areas where the state acquires a piece of property that has buildings, equipment, sheds, dwellings and offices within the property open to hunting. In this case, there is no ground property boundary to delineate where the ground around the dwelling ends and the hunting begins. Mr. Chattin continued with a discussion on his understanding of a dwelling or safety zone. Chairman Barreto asked Col. Jones to speak with Mr. Chattin regarding his concerns.

Mike McAnley is a neighbor of Mr. Chattin's and has observed the lack of character among hunters.

Todd Hallman (Florida Sportsmen's Conservation Association of Florida) discussed his concerns regarding the recent changes to the process for issuing permits for the statewide alligator hunts. Chairman Barreto stated the Commission is researching an improved system.

Commission Discussion

Commissioner Wright presented video on his panther capture field trip. He thanked FWC's Dave Onorato, Marc Criffield, Mark Lotz, Mark Cunningham, the panther team leader, Darrell Land, who usually flies in the air to pick up the satellite feed from a tagged panther. He mentioned they worked with the houndsman, Ray McBride during this field trip.

Chairman Barreto requested a list of those types of activities Commissioners can do to go out into the field with FWC staff, i.e. panther, shock the fish, bear cub tagging, and other opportunities to obtain a better understanding of fish and wildlife issues.

He asked staff to put together a sign up list to invite legislators to participate in a site visit in central Florida, Gainesville, outside of Tallahassee, St. Joe, Ft. Lauderdale, and become hosts to elected officials to educate them on the programs and projects conducted by the agency.

Recess

Chairman Barreto recessed the meeting at 4:55 pm to reconvene at 8:30 am, Thursday, April 16.

Chairman Barreto reconvened the meeting at 8:30 a.m., Thursday, April 16 and welcomed the Commissioners and public to Tallahassee.

Recognitions

Chairman Barreto asked Ken Haddad, Executive Director to provide the first presentation. Mr. Haddad introduced Mr. and Mrs. C. Martin Wood, private landowners of property in the Monticello, Jefferson County and discussed their accomplishments and support of the Commission. The Commission presented awards (a plaque and a bronze statute donated by Bill Marvin on behalf of the National Wild Turkey Federation) to Mr. and Mrs. C. Martin Wood recognizing their life-long dedication to the conservation of Florida's wildlife. C. Martin and Daphne Wood thanked the Commission for the recognition and they had their photograph taken with Commissioners.

Commercial Longline Fishing and Sea Turtles Bycatch

Chairman Barreto asked Mark Robson to present the next issue on longline reef fishing and the unintended catch of protected sea turtles. Mr. Robson described the issue and its history related to the Gulf of Mexico Fishery Management Council (Council). Staff presented an update to the Commission at the December 2008 meeting and the Commission directed staff to continue working through the Council process to try come up with options available to eliminate or minimize the take care of sea turtles. Subsequent to the December meeting, FWC wrote a letter to the federal entities encouraging them to act swiftly to address this problem out of concern for sea turtles. At the January 2009, meeting of the Council members voted to request that the National Marine Fisheries Service (NMFS) implement an emergency rule. The emergency rule included moving the reef fish longline gear out past a 50-fathom boundary line for the entire Gulf of Mexico. That emergency action was requested for up to six months with a possible six-month extension. NMFS continued to work on their sea turtle mortality estimates and it is likely that the estimate may be somewhat lower, however, way too high to ignore and needs to be addressed. A biological opinion drafted for NMFS should be completed in July 2009, which would be after the emergency rule is effective.

Staff asked for direction for the following:

- Approval for staff to support NMFS and allow Council flexibility to adjust emergency closure – based on final turtle mortality data.
- Adopt a resolution supporting financial assistance to affected commercial fishermen.
- Approval for staff at Council to consider all options for a permanent fix to turtle takes in commercial longline fishery – not just the 50-fathom closure.

Chairman Barreto discussed recent conversations he has had with commercial fishermen. The fishermen stated they are all right with modifying their fishing equipment and asked for a period of relief of one year. In addition, the fish houses are affected and the Chairman asked that we include some language in this letter to the Governor that goes beyond the fishermen to include fish houses. Mr. Robson said he had heard the same comments and it will have an impact on commercial fish houses and the industry. He stated the timing of this issue is critical, as the Council is discussing this issue again in June during the same week of the Commission meeting. Mr. Robson summarized that the Commission will ask Governor Crist to request that the U. S. Department of Commerce provide aid to the commercial fishing industry in Florida to assist them through this new restriction.

Chairman Barreto asked staff to amend the resolution to include references to fish houses and finalize for him to hand deliver the resolution to Governor Crist during his lunch meeting with him on this day. Mr. Wiley replied staff would work on amending the resolution to provide to the Chairman prior to his meeting with the Governor.

Public Comment

Jim Zurbrich is a commercial charter fisherman and stated he led the charge in 2001 against longline fishing gear. The Gulf fishermen are willing to modify their gear and suggested the fishermen be provided time to do this.

Paul Johnson stated this is a significant issue and the Ocean Conservancy was in New Orleans this week at the Council meeting to work with the industry. From a conservation perspective, commercial grouper fishing is a significant industry that should be preserved. Chairman Barreto replied that he appreciates their assistance in working with the industry to resolve this issue. Mr. Johnson offered to provide a copy of their final position paper when it is made available.

Chairman Barreto asked staff to obtain a copy of the Ocean Conservancy and the Organized Fishermen of Florida's position "white" paper to Commissioners for their information.

Jerry Sansom stated the industry is working full-time to try to modify their fishing gear to continue to provide fresh grouper to the public and minimize any adverse impact that they may have on anything else in Florida's waters. He appreciated the Commission in recognizing the impact to sea turtles. Chairman Barreto asked if his organization represents any fish houses. Mr. Sansom replied his organization has a few members. Chairman Barreto said the resolution would include information about fish houses.

Nick Wiley asked for a motion to adopt the resolution as amended and direct staff to move forward with the final resolution. Upon motion of Commissioner Wright, seconded and carried, the Commission approved amending the longline resolution and directed staff to continue working with the Council regarding permanent measures that would minimize or eliminate unintended take of sea turtles in longline gear.

Legislative Issues

Chairman Barreto asked Jackie Fauls, Director of the Legislative Affairs Office to present an update on the 2009 Session. Ms. Fauls thanked the Commission for their assistance with the federal and state issues. She discussed Commissioner Yablonski's confirmation including his recent approval by the Committee of Reference with a second Committee of Reference and then to the floor.

Ms. Fauls continued with a description of the agency's proposed legislative package. Chairman Barreto discussed his concerns regarding the removal of the state bird from the agency's legislative package. Ken Haddad explained that staff is emailing a message from Chairman Barreto to Florida's public schools addressing why the state bird issue was not included in the agency's legislative package this year. Staff will include a message stating this issue will be included in the agency's proposed 2010 legislative package. Ms. Fauls described the history of the state bird voting process in the November 2008 ballot with the exclusive votes of Florida's elementary school children.

Commission Discussion

Commissioner Wright thanked Ms. Fauls for a great job. He mentioned that he worked on the agency's budget with Sandra Wilson and Ms. Fauls. Ms. Fauls thanked the Commission and stated it takes a team of people to work on the agency's legislative package.

Chairman Barreto asked Ms. Fauls to give a status report on Amendment 4. Ms. Fauls thanked Commissioners Corbett and Yablonski for their assistance. The Commissioners and Ms. Fauls discussed the status of and process involved in passing Amendment 4 through the legislature with the assistance of a number of conservation groups.

Chairman Barreto asked staff to put together a sign up list to invite legislators to participate in a site visits and/or field trips in the areas of central Florida, Gainesville, outside of Tallahassee, St. Joe, and Ft. Lauderdale,

with the Commission hosting elected officials to provide educational experiences on the agency's programs and projects.

Chairman Barreto thanked Ms. Fauls for a great job. Commissioner Yablonski mentioned the agency is asking for more in this Legislative Session than have been asked in previous years.

Budget Report

Sandra Wilson, Chief Financial Officer for the agency continued with an update on the 2009-2010 Legislative Budget.

Chairman Barreto discussed the issue of law enforcement pay raises. He asked Col. Jones to notify FWC's law enforcement officers explaining the pay parity issue; that this will be the Commission's number one priority in next year's legislative package.

Vice-Chair Barco asked if there is a way we could shield law enforcement officers from being cut from the budget. Ms. Wilson stated the Commission has been successful in not losing law enforcement positions. Staff has worked on alternatives and worked with House and Senate with no positions cut. Chairman Barreto commended staff for their efforts.

Commissioner Corbett asked staff to provide the balance of funds available for land acquisitions carried over to next year.

Final Rules – Blue Crab Administrative Penalties

Chairman Barreto asked Aaron Podey, Fisheries Management Analyst in the Division of Marine Fisheries Management to present a description of the proposed final rule 68B-45.008, Assessment of Administrative Penalties for Violations Relating to Blue Crab Management. Mr. Podey stated the proposed rule would establish administrative penalties for violations of the Blue Crab Effort Management Program in a newly created section of the blue crab rule, 68B-45, Florida Administrative Code (F.A.C.). He described the history of the civil penalty limits for violations of blue crab fishing regulations and summarized the amendments to the Commission's Blue Crab rule 68B-45, F.A.C.

Staff recommended the Commission approve the rule amendments that establish a tiered system for the assessment of penalties for violations of blue crab management as advertised, with a July 1, 2009, effective date. Staff evaluated the rules under the standards of 68B-1.004, F.A.C., and found them to be in compliance.

Commission Discussion

Vice-Chair Barco asked if there is a timeframe for traps returned in the water when they are caught in trawls or other gear. Mr. Podey replied that if they bring up the shrimp trawl and there is a trap in it, they would have to pull it out of the trawl and put it back in the water. She asked staff for a description of the process in re-locating derelict traps. Mr. Podey replied the rule states the trap would need to be put back in the water to protect the "private property" of the commercial fishermen. However, it is ok to take temporary position - pull it out of the trawl and put it back in the water. Vice-Chair Barco asked staff to respond to Janie Thomas with the Shrimp Producers Association regarding her concerns about derelict traps and illegal trap recovery. Mr. Podey replied staff is responding to Ms. Thomas regarding her concerns.

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved rule amendments that establish a tiered system for the assessment of penalties for violations of blue crab management as advertised with an effective date of July 1, 2009.

Draft Rules – Gulf Red and Gag Grouper

Chairman Barreto asked Mark Robson to present the proposed draft rules 68A-14.0035, 68B-14.00355, 68B-14.00355, 68B-14.0039, and 68B-14.0045, relating to gag, red, and other grouper species. Mr. Robson stated that recent rule changes have taken place in federal waters to address overfishing of gag grouper and to allow increased harvest of red grouper (which is improving). Interim regulations are already in place in both state and federal waters. Permanent regulations are about to be implemented in federal waters. The draft rules would make state water regulations regarding gag, red, and other grouper species consistent with permanent regulations in federal waters.

The overall objectives of these actions are to reduce fishing pressure on gag grouper and allow Gulf populations of that species to increase to a level where they can sustain a larger annual harvest over the long term.

Staff recommended the Commission approve consistent regulations in state waters to aid in ending the overfishing condition for gag grouper. There is a sizeable harvest of gag grouper in state waters, and most of the Gulf-wide fishery occurs off Florida's coastline. Implementing restrictions in state waters will contribute to the overall rebuilding strategy in the Gulf of Mexico and avoid the possibility of even more restrictive regulations implemented in federal waters if the Commission is inconsistent.

In summary, staff recommended the Commission approve draft rules for Gulf grouper and direct staff to proceed to final public hearing in June 2009.

Public Comment

Ted Forsgren distributed a handout for the record and discussed the Coastal Conservation Association's (CCA) position supporting consistency for gag grouper across recreational and commercial sectors.

Paul Johnson supported staff recommendations.

Anthony Gifford stated his concerns regarding sport fishing; the cost involved to fish offshore and suggested ideas on slot limits for grouper to sustain the fishery for commercial and recreational fishermen.

Jerry Sansom supported staff's recommendations.

Jim Zurbrich supported staff's recommendations.

Commission Discussion

Vice-Chair Barco asked Mr. Robson to clarify whether the new individual fishing quota (IFQ) program on the commercial side negates the need for season closure. Mr. Robson replied that the intent of an IFQ program is each individual has their share and they are allowed to make their choices mainly based on business decisions about when where and how to fish.

Commissioner Yablonski moved to approve staff's recommendation. The motion was seconded by Commissioner Wright and carried.

Under discussion, Commissioner Wright stated he felt strongly about this issue and asked Commissioner Yablonski to accept his request to make an amendment to the motion. This is not a protection issue—this is a policy issue. He suggested changing the bag limit and closure consistent with the federal regulations as proposed by staff, but proposed a friendly amendment to the motion to make consistent the bag limit and season closure for both recreational and commercial fishing, based on the amendment provided to Commissioners by CCA.

Commissioner Yablonski stated he is not sure how the bag limits factor into this proposal. Mr. Robson replied the amendment proposal would restrict any commercial fisherman in state waters to the recreational bag limit. They wouldn't be able to fish for commercial quantities under their IFQ or under a commercial quota system or a trip limit. Commissioner Yablonski continued with a question about the closure during that period if the first half of the amendment was added. Mr. Robson replied the bag limit restriction would apply anytime in state waters for commercial fishermen.

Vice-Chair Barco asked for clarification if this essentially closes the commercial fishery to state waters. Mr. Robson replied it would, assuming the fishermen are catching commercial quantities of fish for sale. Col. Jones stated the other issue maintains consistency to help with the enforcement issue. The affect of this amendment, even though it would include a transit proposal, involves law enforcement determining where those fish are taken commercially and if they were not allowed to fish within state waters, regulating the amendment would be very difficult.

Vice-Chair Barco summarized that an amendment was proposed by Commissioner Wright and she is asking for a second to the motion. Commissioner Wright stated his friendly amendment does not require a second.

Commissioner Wright clarified his amendment to make the closure consistent for both recreational and commercial fishing but not include the provision limiting commercial fishermen to the recreational bag limit in state waters. Commissioner Yablonski accepted for discussion the closure issue. Mr. Wiley sought clarification that the amendment would be for the season closure of two months.

In response to a question to staff, Mr. Robson asked if the amendment was intended to mirror the closure component of the CCA proposed language. Commissioner Wright further clarified that his amendment was not identical to what CCA proposed, however, was for all shallow water grouper with the closure in state waters proposed by CCA.

Mr. Antista stated the federal consequence with respect to NMFS, when the Commission applied a less restrictive season for red snapper, the response from the federal fisheries agency was to tell their federal permittees they had to follow the more restricted federal law wherever the fish was caught. In this case, it is a little different; this isn't a less restrictive provision. There may not be any impact.

Commissioner Yablonski stated as a matter of policy, the Commission and the federal government always try to reach a conservation outcome and because of the differences in commercial and recreational fisheries try to reach a compromise regarding fishery issues. The two fisheries and two sectors are different in how you can monitor and measure that outcome; hence, the IFQ system grew in the commercial system because there is a better way to monitor what is happening there with respect to fresh seafood available to the public.

Commissioner Corbett discussed the difference between commercial and recreational fisheries related to consistency. He asked Mr. Robson to answer the question referred to on page 4 of the Division of Marine Fisheries' Gulf Red and Gag Grouper presentation related to monitoring recreational fisheries. Mr. Robson replied staff recognizes it is difficult to track recreational harvest in real time, however, regulations for recreational fishing are put in place with some evaluation of how those bag limits or slot limits will restrict catch.

Commissioner Wright stated the recreational take and measurement is scientific based on data collection. This stock assessment is not much different from the assessment of snook. We will probably never have a metric with as precise a measurement of the take and that allocation.

Vice-Chair Barco stated the proposal is a vote for the full motion, and asked if the Commission should address public comment regarding the friendly amendment. Mr. Antista stated the Commission could allow public comment. Vice-Chair Barco asked if anyone from the public wished to address the Commission on this issue. Several members asked to speak to the Commission.

Public Comment

Jerry Sansom supported the amendment. The possibility of his organization harvesting a large amount of fish during a recreational closed season could result in bad perceptions and negative impacts on his organization.

Jim Zurbrich stated it is not consistent because there is not a closure for those months for commercial fishing in federal waters. It is not consistent with law enforcement; however, it is the lesser of two evils if the alternative is to put a bag limit on commercial fishermen for the rest of the year.

Paul Johnson supported the amendment. There is a public perception that fish is not fresh from local retailers. He urged the Commission that if they close the fishery, they make it clear that the Commission is not closing Florida's fresh fish, rather federal government fish.

Ted Forsgren appreciated the consideration regarding the two-month closure and stated the federal government should have done the same two-month closure because this is during the peak of the spawning season even though it is different in terms of consistency with the federal government. CCA hopes the federal government in researching the impact of that 400 square mile area on the 40-fathoms does not have any real significant impact in terms of take during the spawning season. This is a way to have the State of Florida express concerns regarding take during the spawning season.

Mr. Haddad clarified the vote. Commissioner Yablonski accepted a friendly amendment proposed into the main motion. Therefore, the Commission does not have an amendment to vote on. The Commission's vote will be on the main motion that now includes the two-month closure for the commercial fishery in state waters. Mr. Antista stated the Commission might need to have a transit provision in this motion to make sure the Commission does not restrict commercial fishermen that are legitimately fishing in federal waters.

Vice-Chair Barco called for the motion. Upon motion of Commissioner Corbett, seconded and carried, the Commission approved advertising the rules with language necessary to address the amendment for final public hearing in June 2009.

Permit Fishery

Chairman Barreto asked Jessica McCawley, Biological Administrator III in the Division of Marine Fisheries Management to present a review of the issues relating to the permit fishery. Ms. McCawley stated permit is the basis of a large recreational and a small commercial fishery in Florida. She summarized the life history, the current regulations, the recreational and commercial fisheries, reviewed management concerns, and provided stock status for permit in Florida.

Staff recommended exploring the following management options for public workshops:

- Gear consistency between state and federal waters
- Establish commercial trip limit
- Spawning season closure
- Commercial versus recreational harvest
- Catch and release only
- Tag programs

Additionally, staff recommended holding three to four public workshops in south Florida to gather comments on these topics and return with a potential draft rule at the December 2009 Commission meeting in Clewiston.

Public Comment

Jim Zurbrich submitted a letter for the record and discussed allowing spear fishing for permit.

Ted Forsgren discussed gear restrictions regarding diving and spearfishing for snook. The Marine Fisheries Commission came up with regulations for spear fishing. He urged the Commission to maintain the same regulations for fishing gear for permit.

Ed Walker stated he is opposed to a ban on recreational permit fishing and discussed his concerns.

Captain Pat Kelly urged the Commission to reconsider catch and release until more information can be obtained.

Commission Discussion

Chairman Barreto asked staff to schedule three to four public workshops around the state, such as the International Game and Fish Association Hall of Fame in Dania and in the Keys. He suggested scheduling the workshops in the eastern, western and southern areas of Florida.

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved staff's recommendations.

South Atlantic Fishery Management Council (SAFMC)

Chairman Barreto asked Mr. Robson to present a report on South Atlantic Fishery Management Council (SAFMC) issues. Mr. Robson reviewed the actions taken by the Council at their meeting on March 2-6, 2009, and major issues currently under development and those issues scheduled for discussion over the next year.

Staff requested Commission direction for the following:

- Closed seasons and reduced bag limits for gag, red, black grouper and vermilion snapper
 - Evaluate implications of consistent regulations in state waters with possibility of bringing draft rules to the Commission in September 2009.
- Interim red snapper closure
 - Continue opposing sudden closure
- Permanent red snapper regulations
 - Provide staff with the flexibility to support actions to rebuild the fishery as quickly as possible while minimizing the area and/or length of time for harvest closures.
- Deepwater grouper restrictions
 - Provide staff with the flexibility to support actions to restrict fishing as necessary to rebuild these vulnerable fisheries.

Public Comment

Jerry Sansom discussed his concerns regarding the current level of pressure to hurry up on fishing management decisions as a result of the Magnuson-Stevens Act related to Florida's fisheries. Fisheries that have been overfished for many years all of a sudden are trying to be fixed in one year.

Commission Discussion

Chairman Barreto asked staff to draft a letter to Senators Bill Nelson and Mel Martinez requesting a meeting with Commissioners about fishery issues and include a review of pending federal legislation from congressional members in New England.

Commissioner Wright asked if the Commission could ask the Council for an extension.

Chairman Barreto asked for the motion to approve the staff recommendations. Upon motion of Commissioner Wright, seconded and carried, the Commission approved staff recommendations. Chairman Barreto directed staff to add as part of the motion to allow the Chairman to work with the Executive Director and Mr. Robson to draft a letter to Senators Martinez and Nelson requesting a meeting to discuss this issue further.

Gulf of Mexico Fishery Management Council (GMFMC)

Mr. Robson continued with an update on the Gulf of Mexico Fishery Management Council (GMFMC) issues presented at their April 14-17, 2009, meeting in New Orleans, Louisiana. Mr. Robson briefed the Commission on a recent issue from NMFS regarding their analysis of the Gulf of Mexico red snapper recreational landings and the harvest exceeded the 2008 recreational target. In order to adjust or compensate the recreational overrun, NMFS is proposing the federal waters season June 1 to August 2, 2009. The Commission would need to shorten the state waters season from ending on September 30 to ending on August 14 to gain an extra two weeks in the federal waters fishery (which NMFS would move from August 2 to August 14). If the Commission considers going with a consistent season, staff would need direction to move forward.

Staff asked the Commission to approve the report for the GMFMC.

Public Comment

Ted Forsgren discussed the criteria used to determine changes in allocation, specifically grouper. Commissioner Yablonski asked Mr. Forsgren if the sub-committee is working on the allocation criteria. Mr. Forsgren stated they came up with general criteria.

Paul Johnson discussed the red snapper season and urged the Commission to look at this as an emergency and develop a rule right away.

Jerry Sansom discussed the history of allocation systems. He urged the Commission to prohibit the development of any process that allows individuals with the most money to “wall off” the resource that belongs to the people.

Andy Vaughn stated his concerns regarding the shorter fishing season. He would like as many days to fish as possible.

Commission Discussion

Commissioner Wright asked if the Commission could edit the rule language to give fishermen the maximum amount of days to fish and present this at the next meeting. It seems the Commission gets the most amount of time by being consistent with the federal government and that is all we can do. Then advance forward with the full expectation that we would proceed recognizing the fact that with the Chairman as many of us can be effective to do what we can do to give some flexibility to the Magnuson-Stevens deadline.

Commissioner Yablonski asked if we have a motion that adopts staff’s recommendation or as a negotiation. If we look at staff’s recommendation as a negotiation, we should start from one place and see where it goes. Mr. Haddad replied that he doesn’t think there is the potential for negotiation. Mr. Haddad clarified that this is not a negotiation with the Council, rather with the National Marine Fisheries Service.

Vice-Chair Barco stated fishermen should meet with their local Congressmen.

Commissioner Yablonski stated we would need to address this issue at the June meeting. The question is what fishing season dates should be included in the proposed draft rule.

Chairman Barreto stated we need a motion and decide on a date. The Commissioners suggested September 1.

Mr. Antista discussed what sort of commitment NMFS is looking for, i.e. a rule in place, a letter or statement to give them some sort of guidance to post their own rules. Mr. Robson stated NMFS is looking for a commitment from the Commission regarding the proposed August 14 season closure to move forward. In the meantime, the Commission needs to implement a rule in this regard for final public hearing at the June Commission meeting.

Commissioner Wright made the motion for June 1 – August 14 and ensures the Commission complies and then the Chairman and the Executive Director can develop a strategy to present to Senators Nelson and Martinez for relief from the 2010 Magnuson-Stevens deadline. Vice-Chair Barco seconded his motion with the clarification to add to that motion to start the process to change the rule for final public hearing at the June meeting. The Commissioners passed and approved the motion.

Mr. Haddad summarized staff's recommendation to the Commission. Commissioner Yablonski stated in order to present the issue at a future Commission meeting the Commission should decide what to do so that the federal government is aware that we are involved and working on an issue.

2010 Commission Meeting Dates and Locations

Chairman Barreto asked staff to match meeting locations with specific agenda issues. He stated FWC Divisions should to revisit their work plans to assist staff in scheduling the 2010 and future Commission meetings. Need to give particular consideration to marine fishery reef fish issues arising through the South Atlantic Marine Fishery Management Council and developing manatee issues associated with implementing the manatee plan.

Vice-Chair Barco suggested moving the location of the Ft. Lauderdale meeting in November and schedule Jacksonville in November due to fishery issues from the east coast area.

Public Comment Not on the Agenda

Jim Zurbrich asked why FWC law enforcement officers are not taking the time to do a catch analysis or when the fishermen come in from fishing, why isn't there a formalized sheet for data collection available.

Paul Johnson agreed with Commissioner Yablonski's comments regarding the Revenue Estimating Conference.

Jerry Sansom discussed the relationship with the Council and the National Marine Fisheries Service and the differences between both related to how they process fishery issues.

Commission Exchange

Commissioner Wright thanked staff and Commissioners for a successful meeting.

Commissioner Corbett stated it was a terrific meeting in Tallahassee and enjoyed the social Wednesday evening at Tall Timbers Research Station. The event was very informative and educational. He reconfirmed what the Chairman laid out regarding the progress and work planned for the Future of Hunting in Florida.

Commissioner Yablonski suggested the Commission offer standards for states that are doing certain things to address marine fisheries issues, such that federal management can provide a waiver or postponement of deadlines for ending overfishing or rebuilding stocks, as required in the Magnuson-Stevens Act. Mr. Haddad said there is a bill in congress that seeks to provide more flexibility in federal requirements to rebuild fisheries. He thanked Commissioner Corbett for hosting staff and Commissioners at Tall Timbers and Vice-Chair Barco for her leadership during a portion of the meeting when Chairman Barreto had to leave the room briefly.

Commissioner Stephenson said it was a successful meeting and thanked Commissioner Corbett for last evening's event.

Vice-Chair Barco thanked Commissioner Corbett for hosting the educational dinner on Wednesday evening. In March, she attended the Southeastern Wildlife exhibition at the same time the South Carolina Department of Natural Resources was meeting and discussed her experience attending their meeting.

Chairman Barreto mentioned his stay at the Residence Inn Marriott was an improvement from last year's hotel room accommodations and asked if when booking rooms in the future, please reserve the rooms on the inside of the hotel, further from the street noise. He thanked Commissioner Corbett for hosting for hosting the social and including an educational element into the evening's event on Wednesday evening at Tall Timbers.

Chairman Barreto asked staff to follow up with public speaker, Edgar Chattin regarding his concerns about designating a safety zone around his home and provide the results of his request to Commissioners.

Vice-Chair Barco thanked staff for a great meeting.

Mr. Haddad relayed to the Commission Chairman Barreto's request for staff to coordinate and schedule a "Fish and Wildlife Day" on the grounds of the Capitol. Chairman Barreto described what Broward and Dade counties do at the Capitol. He suggested including FWC's airboat, an ATV, expert biologists with demonstrations, and wildlife for the public and legislators.

Adjournment

Chairman Barreto concluded the meeting at 3:30 pm.

**FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
RESOLUTION REGARDING EMERGENCY RELIEF FOR
THE COMMERCIAL REEF FISH LONGLINE FISHERY
IN THE GULF OF MEXICO**

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 Commission's responsibility includes the protection and management of Florida's fish and wildlife and

WHEREAS, interactions between the reef fish longline gear and sea turtles in the eastern Gulf of Mexico have increased to levels that require federal emergency management action, and

WHEREAS, the Gulf of Mexico Fishery Management Council and the National Marine Fisheries Service are implementing an Emergency Rule that will move the reef fish longline gear boundary out to the 50-fathom line off of the Florida coast in the eastern Gulf of Mexico to reduce interactions between sea turtles and long line gear, and

WHEREAS, the commercial reef fish longline fleet generally operates inside the 50-fathom boundary to harvest economically important species of grouper, and

WHEREAS, moving the commercial reef fish longline gear boundary to 50-fathoms will effectively close down the use of longline gear in the reef fish fishery, and

WHEREAS, the commercial reef fish longline fleet in the eastern Gulf of Mexico accounts for approximately 65 percent of the commercially caught reef fish, which are mainly composed of grouper species, landed in Florida, and

WHEREAS, the commercial reef fish longline industry and commercial seafood dealers dependent upon reef fish harvest are an important source of fresh grouper to Florida's seafood industry and restaurants, and

WHEREAS, the reef fish longline fleet will have to convert to a different gear type to remain in business, and

WHEREAS, this federal emergency action will create an economic hardship on the commercial reef fish longline industry and related commercial seafood dealers so as to create a "commercial fishery failure" within the meaning of the Magnuson-Steven Act provision on Fisheries Disaster Relief (18 U.S. C. § 1861a) ; and

WHEREAS, the Magnuson-Stevens Act authorizes the Secretary of Commerce, at the request of the Governor of the affected state, to provide fisheries disaster relief funds to assist a fishing community, such as the commercial reef fish longline industry and related commercial seafood dealers, affected by a "commercial fishing failure"; and

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

1. We find that the above emergency management actions are likely to cause serious economic hardships on the commercial reef fish longline industry and related commercial seafood dealers possibly jeopardizing their financial solvency so as to be a "commercial fishery failure" within the meaning of the Magnuson-Stevens Act (18 U. S.C. § 1861a).
2. We find that the above management actions are being implemented as a federal emergency response to address impacts on sea turtles under very limited deadlines.

3. We find that the commercial reef fish longline industry possibly could accommodate the federal emergency management actions by transitioning to different fishing gear types and methods as an alternative to established longline methods.
4. We find that such a transition to different gear types and methods could adequately address turtle bycatch issues.
5. We find that such a transition to different gear types and methods under such limited time frames cannot be accomplished unless significant federal assistance is available.
6. We understand that, under the Magnuson-Stevens Act, fisheries disaster relief can be sought by the Governor of the State of Florida.

We do hereby record the sentiments of this resolution forevermore in the minutes and records of the Florida Fish and Wildlife Conservation Commission.

NOW THEREFORE, be it resolved by the Florida Fish and Wildlife Conservation Commission that we hereby request the Governor of the State of Florida to submit a request to the United States Secretary of Commerce to declare a “commercial fishery failure” for Florida’s Gulf of Mexico commercial reef fish longline industry and related commercial seafood dealers and provide appropriate federal disaster relief.

DONE AND RESOLVED at Tallahassee, Florida this 16th day of April, 2009.

FLORIDA FISH AND WILDLIFE
CONSERVATION COMMISSION

Chairman Rodney Barreto

Vice-Chair Kathy Barco

Commissioner Ron Bergeron

Commissioner Dwight Stephenson

Commissioner Brian S. Yablonski

Commissioner Richard A. Corbett

Commissioner Kenneth W. Wright

Attest: _____

FORM 8A MEMORANDUM OF VOTING CONFLICT FOR STATE OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME COMMITTEE		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR	
YABLONSKI BRIAN COMMISSION		FLORIDA FISH AND WILDLIFE CONSERVATION	
MAILING ADDRESS		NAME OF STATE AGENCY	
3800 ESPLANADE WAY, STE 100			
CITY	COUNTY	MY POSITION IS:	<input type="checkbox"/> ELECTIVE
TALLAHASSEE, FL	32311 LEON		<input checked="" type="checkbox"/> APPOINTIVE
DATE ON WHICH VOTE OCCURRED			
APRIL 15, 2009			

WHO MUST FILE FORM 8A

This form is for use by any person serving at the State level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

ELECTED OFFICERS:

As a person holding elective state office, you may vote on a measure which inures to your special private gain or loss; to the special gain or loss of a principal by whom you are retained (including the parent organization or subsidiary of a corporate principal by which you are retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. However, if you vote on such a measure you must complete this form and file the form within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes.

For purposes of this law, a "relative" includes only your father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with you as a partner, joint venturer, co owner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

APPOINTED OFFICERS:

As a person holding appointive state office, you may vote on a measure which inures to your special private gain or loss; to the special gain or loss of a principal by whom you are retained (including the parent organization or subsidiary of a corporate principal by which you are retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. However, you must disclose the nature of the conflict before voting or before making any attempt to influence the decision by oral or written communication, whether made by you or at your direction.

For purposes of this law, a "relative" includes only your father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with you as a partner, joint venturer, co owner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.
- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION OR VOTE AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF STATE OFFICER'S INTEREST

I, BRIAN YABLONSKI, hereby disclose that on APRIL 15, 2009:

(a) A measure came or will come before my agency which (check one)

inured to my special private gain or loss;

inured to the special gain or loss of my business associate

_____;

inured to the special gain or loss of my relative,

_____;

inured to the special gain or loss of: ST. JOE

CORPORATION, by whom I am retained; or

inured to the special gain or loss of

_____, which

is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Withdrawal of the Robert Brent Wildlife Management Area, a property owned by St. Joe Corporation, from FWC's Wildlife Management Program.

I recused myself from voting on this item to eliminate my appearance of conflict.

Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

Rodney Barreto
Chairman

Kenneth D. Haddad
Executive Director

Respectfully submitted:

Kathleen Hampton
Commission Secretary