

Florida Fish and Wildlife Conservation Commission

Minutes of the Commission Meeting

November 30-December 1, 2005

Key Largo

A regular meeting of the Florida Fish and Wildlife Conservation Commission was held at the Sheraton Beach Resort, Key Largo, November 30-December 1, 2005, and called to order at 8:30 a.m., by Chairman Herky Huffman with the following members in attendance:

Mr. David K. Meehan, St. Petersburg

Mr. Rodney Barreto, Miami

Ms. Sandra T. Kaupe, Palm Beach

Mr. Richard A. Corbett, Tampa

Mr. Brian S. Yablonski, Tallahassee

Ms. Kathy Barco, Jacksonville

Staff

Mr. Kenneth D. Haddad

Executive Director

Mr. Victor J. Heller

Assistant Executive Director

Mr. James V. Antista

General Counsel

Colonel Julie L. Jones

Director, Division of Law Enforcement

Mr. Nick Wiley

Director, Division of Hunting and Game Management

Mr. Timothy Breault

Director, Division of Habitat and Species Conservation

Mr. Darrell Scovell

Director, Division of Freshwater Fisheries Management

Mr. Mark S. Robson

Director, Division of Marine Fisheries Management

Mr. Gil McRae

Director, Fish and Wildlife Research Institute

Ms. Sharon T. Lobello

Director, Community Relations Office

Mr. Gregory L. Holder

Director, Southwest Region

Mr. Rolando J. Garcia

Director, North Central Region

Mr. Charles E. Collins

Director, South Region

Mr. Dennis N. David

Director, Northeast Region

Thirty-nine persons registered as guests/speakers for the two-day meeting.

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

Special Presentations and Recognitions

Mr. Haddad called Frank Montalbano, former Deputy Director for Species Management in the Division of Habitat and Species Conservation, to the podium for retirement recognition. Mr. Haddad gave an overview of Mr. Montalbano's accomplishments throughout his long and distinguished career with the Commission.

Chairman Huffman presented to Frank a plaque recognizing his 31 years and two months service to the agency.

Mr. Montalbano stated the significance of this day to him not only because it is the last day of his employment with the Commission but because 31 years ago this day he married "the love of his life" Silky. He thanked the Commission for providing him the opportunity to fulfill his childhood dream to be a wildlife biologist, in addition to working for an agency that gave him great satisfaction, enjoyment, and pride. Mr. Montalbano thanked the Commissioners for their dedication to secure the future of Florida's fish and wildlife resources, and thanked all Commission employees he has worked with throughout his career in assisting him in his lifelong dream.

Mr. Haddad introduced Dr. C. Tom Rainey, a member of the Board of Directors of the Wildlife Foundation of Florida, who presented the Louise Ireland Humphrey Achievement Award to Mr. Montalbano. This award is presented annually to an employee of the Fish and Wildlife Conservation Commission who has made outstanding contributions to the protection and preservation of Florida's fish and wildlife resources. It includes a \$1,000 check and a bronze statue of a quail in flight.

Mr. Montalbano thanked the Foundation for the special honor and mentioned that he was pleased to receive the award from Dr. Rainey, a past Commissioner committed to the long-term welfare of fish and wildlife resources. He stated his pleasure in receiving an award named in honor of Louise Ireland Humphrey, who is a fine lady and exceptional Commissioner. Mr. Montalbano conveyed that his late wife loved Mrs. Humphrey because she treated him so well; however, what Silky didn't know was that Mrs. Humphrey treats everyone equally.

Commissioner Corbett offered his congratulations to Frank on behalf of all the Commissioners and thanked him for his dedicated service to the Commission.

Mr. Haddad introduced the following South Region employees to the Commission and guests: Division of Habitat and Species Conservation—Mary Truglio and Erin McDevitt; Fish and Wildlife Research Institute—Lisa Ockelmann-LoBello and Dr. Tom Reinert; and Division of Law Enforcement—Lt. Steve Acton.

Commissioner Barreto introduced and welcomed Alan S. Maltz, a most notable artist from Key West, who set up his work for display in the lobby of the hotel. He thanked Mr. Maltz for providing the opportunity for the Commission and guests to view his work, and congratulated him for being named the official photographer for the Wildlife Foundation of Florida.

Minutes and Agenda

Chairman Huffman asked for a motion to approved the minutes of the September 21-22, 2005 Commission meeting. Upon motion of Commissioner Barreto, seconded and carried, the minutes were approved.

Chairman Huffman asked for a motion to approve the consent agenda. Upon motion of Commissioner Barreto, seconded and carried, the consent agenda was approved.

The Chairman asked the Commission to approve the following modifications to the meeting agenda: (1) table consideration of Item B(3) Review and Discussion of a draft procedural rule on due process until the February Commission meeting, and (2) adjust the FWC commitment from the agency's Florida Forever Trust Fund for the Babcock Ranch purchase from \$10 million to \$5 million. Upon motion of Commissioner Corbett, seconded and carried, the agenda was approved as amended.

Executive Director's Report

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

Division of Freshwater Fisheries Management (DFFM)—A cooperative restoration project between DFFM and Division of Habitat and Species Conservation Aquatic Restoration and Enhancement Section began in October on the 665-acre Juniper Lake Fish Management Area in Walton County. The project will take two years with the lake de-watering and muck removal occurring in the second year. The Department of Environmental Protection will be cooperating during the project by removing standing timber to create navigation trails throughout the impoundment.

Division of Habitat and Species Conservation (DHSC)—The FWC has entered into a cooperative agreement with the South Florida Water Management District (SFWMD) to manage the 21,000-acre Alapattah Flats area in Martin County. SWFWMD will fund and provide operational funds for one FWC position. The area will be established as a Wildlife and Environmental Area (WEA).

>>A \$944,000 Aquatic Habitat Enhancement Project scheduled on Lake Josephine in Highlands County began in November with a completion set for June 2006.

Division of Law Enforcement—FWC has contracted with Post Buckley Schuh & Jernigan, Inc., to provide management services to assist in developing, implementing, and managing projects in the Boating and Waterways Section on a statewide basis, relating to state-owned waterway markers, boat access facilities, disaster management and emergency response, boating compliance and vessel safety, rule development, GIS support and other related services.

>>Installation of markers to post the Tampa Bay state manatee protection zones has been ongoing within Pinellas, Hillsborough and Manatee counties.

>>A total of 167 officers responded to Mississippi for Hurricane Katrina assistance, where they partnered with the Mississippi Marine Patrol in its mission of recovery and assessment. In addition to the Katrina deployment, FWC deployed personnel to Dania, Florida, to stage for Rita as it crossed the Florida Keys.

Division of Marine Fisheries (DMFM)—In December 2004, the Commission approved a rule that created the Marine Life Fishery Endorsement Program. DMFM is now completing a reevaluation of the species listed in the agency's marine life rule. The division has formed a working group to bring together marine life harvesters, bycatch fishermen, and divers from areas of the state where the fishery exists, and other interested stakeholders to address the issue.

Fish and Wildlife Research Institute (FWRI)—The feline leukemia virus (FeLV) outbreak in Florida panthers appears to have ended. Staff vaccinated approximately one-third of the populations and has had no new cases since July 2004. Capture efforts this season will focus on continued FeLV monitoring/vaccination and deployment of GPS radio-collars.

>>FWC has increase surveillance for avian influenza in wild birds and is working in cooperation with the Florida Department of Agriculture and Department of Health on overall surveillance.

Wildlife Foundation of Florida (WFF)—The Wildlife Foundation of Florida has named a new board member, Mr. Joe Marlin Hilliard, Jr., of Hilliard Brothers Ltd., Clewiston.

Chairman Huffman acknowledged the efforts of Division of Law Enforcement officers, and mentioned that a Mississippi officer called our law enforcement employees "first-class officers" for their work during hurricane relief efforts. He asked FWRI staff to forward to him statistics on the deaths of panthers from FeLV.

Commissioner Barreto asked that staff provide the Commission with a status report on the Florida Bass Conservation Center, possibly at the next meeting.

Rules

Mr. Nick Wiley presented the following rule for Commission consideration. He pointed out that the St. Johns River Water Management District (SJRWMD) has requested the Commission consider the changes for the upcoming hunting season:

(1) 68A-15.065, Specific Regulations for Wildlife Management Areas (WMA)- Northeast Region—Bull Creek: The proposed rule would no longer allow the take of wild hogs during the small game season and would require that all vehicles be operated on named or numbered roads or trails throughout the year.

Public Comment

Lisa Neal stated that some Bull Creek hunters want to continue using ORVs off named and numbered roads during the small game season. She pointed out that there are fewer and fewer areas where ORVs may be operated, and suggested

additional law enforcement and ORV education would help to stop destructive actions by some ORV users.

Steve Miller (SJRWMD) stated his appreciation of the FWC staff who worked with the District on these regulations. He mentioned that the District is requesting the ORV regulation due to the adverse impacts on trails, wetlands, and upland vegetation.

Mark McNichols (United Hunters of Florida) conveyed his dissatisfaction with the loss of hog hunting opportunities on the Bull Creek area. He suggested additional law enforcement might be a solution to those people riding ATVs and ORVs off roads.

Byron Maharrey stated his belief that area hunters do not want to see the elimination of hog hunting on Bull Creek in order to retain small game hunting. He believes it may have been a compromise to keep small game hunting. Mr. Maharrey suggested increasing the number of named and numbered roads during small game season and increased enforcement if ORVs are to be restricted to such roads.

Mr. Wiley explained that the Friends of Bull Creek expressed their desire to preserve small game hunting but there was a problem of increased, unrestricted access during small game season for the taking of hog.

Commission Discussion

Commissioner Barreto stated his dissatisfaction over the loss of a hog hunting opportunity on this area, and suggested only considering regulation of ORVs to named and numbered roads. He added that additional law enforcement presence might be needed.

Mr. Haddad expressed that he had met with the Friends of Bull Creek on the area and this organization supports elimination of hog hunting during small game season. He pointed out that this is an eight-week small game season, and hog hunting will continue throughout the remainder of the hunting season.

Commissioner Barco offered that the Commission should err on the side of less restrictive and suggested the Commission restrict vehicles to named and numbered roads this year and retain hog hunting. Following the season, staff of both the FWC and SJRWMD could review the impact and determine if more restrictive regulations should be enacted next hunting season. She asked the Commission to keep in mind that this is public land that should be open to the public for recreational activities.

Commissioner Yablonski agreed that staff should take the time to see what will work best on the area and suggested vehicles be restricted to named and numbered roads only during small game season, with no elimination of a hunting opportunity.

Commissioner Meehan pointed out that it was his understanding that the stakeholders of the area met and made a compromise on the area regulations.

Commissioner Corbett stated that if staff has negotiated these regulations with the SJRWMD, the rules should be considered for this year and amended next year, if necessary, after review of their affects on the area.

Commissioner Yablonski suggested the Commission consider an amendment to the proposed rule to continue hog hunting during the small game season.

Mr. Haddad pointed out that it is the SJRWMD and not the FWC who is the lead managing agency, and this proposed rule change is being made at the District's request.

Mr. Miller explained that two members of the SJRWMD toured the area with stakeholders, who advised that during small game hunting it is difficult to determine if a dog is chasing a hog is disrupting a quail hunt, and suggested elimination of the hog hunting during small game season.

Commissioner Kaupe stated that the small game season in an eight-week period, therefore, this is not elimination of hog hunting on the area but will enhance the hunting experience for the small game hunters. She suggested the Commission consider the staff recommendation.

Commissioner Meehan offered a motion to accept the staff recommendation to restrict all vehicles to named or numbered roads and trails throughout the year, and remove hogs from legal to take during small game season. The motion was seconded.

The Chairman called the question. Commissioners Barreto, Barco, and Yablonski voted against the motion. Commissioners Corbett, Kaupe, and Meehan voted in favor of the motion. Chairman Huffman voted for the motion and the motion carried.

Ms. Lobello presented the following rule for Commission consideration:

(2) 68-1.006, Cooperative Advertising; Sponsorships and Partnerships—The proposed rule would establish guidelines for Commission partnerships, sponsorships, and cooperative advertising with public and private sector organizations in order to promote the diversity of Florida's fish and wildlife resources, and related recreational opportunities.

Upon motion of Commissioner Barreto, seconded and carried, Rule 68-1.006 was approved.

Prior to proceeding with the agenda, Chairman Huffman welcomed Mark Kohl, of the Monroe County Office of the State Attorney and thanked him for the work his office performs for the FWC.

Proposed Rules—Charlotte County Manatee Protection Zones/Placida Harbor

Ms. Carol Knox, Imperiled Species Management Section, gave the background regarding the existing Charlotte County Manatee Protection Zones and explained the current rule development process.

FWC staff sent a letter to Charlotte County in May 2005 requesting that the County form a Local Rule Review Committee (LRRC) to consider a potential rule amendment to allow the addition of a new 25 mph channel as a fork to the already-approved 25 mph channel to Little Gasparilla Island (LGI).

Charlotte County formed a LRRC in July 2005 and in August FWC staff delivered a preliminary rule proposal to the LRRC. The LRRC met twice and submitted its final report to staff in October. The LRRC was unable to reach a majority position regarding the preliminary proposal. A motion to support the proposal failed on a 3 to 3 vote and the LRRC did not vote on any other motions. Staff reviewed the LRRC report and prepared the required written response.

Subsequent to the LRRC meetings, a LGI resident suggested an alternative proposal to add the requested 25 mph channel while at the same time extending the existing Slow Speed zone toward Gasparilla Pass. This alternative was not discussed by the LRRC.

The FWC staff recommendation is to amend the zones as suggested by the LGI resident after the LRRC process (i.e., to provide the requested 25 mph channel but also extend the existing Slow Speed zone toward Gasparilla Pass). A final public hearing would be scheduled for the June 2006 Commission meeting. Staff has received a letter from the Charlotte County Commission supporting the staff recommendation.

Public Comment

Laura Combs (Save the Manatee Club) pointed out that data do not support a higher speed channel to LGI; the area is important for manatees; there have been two watercraft-related manatee deaths in the vicinity; the proposal is not supported by the LRRC (3-3 vote); Slow Speed is needed in the area; and there is a need for additional law enforcement presence in the area not higher boat speeds. She asked the Commission to support the staff's previous recommendation from 2002 and not the new staff-proposed recommendation.

Bonnie Basham (Standing Watch); Barry Hurt (LGI Advisory Committee); Thomas McCoy (LGI resident and LRRC member), Samuel and Lucille Bowles (LGI Property Owners Association) offered their support of the staff recommendation.

Chuck O'Hara, a resident of LGI, asked the Commission to consider an additional 25 mph zone to assist the residents of LGI. He disagrees with the need for additional Slow Speed zones for the area between LGI and Bird Key, and suggested the Commission consider the proposal staff provided to the LRRC in August 2005.

Jessica Koelsch (The Ocean Conservancy) suggested no change to the existing rule due to a tie vote by the LRRC. She mentioned that the Southwest Florida manatee subpopulation is not meeting biological goals, and believes it is not necessary to add an additional channel to save boaters three to five minutes of travel time. However, if the Commission is going to go forward with channels she would support the current staff recommendation.

Ted Forsgren supports the proposal staff provided to the LRRC in August 2005 but not the current staff proposal which would make an additional Slow Speed zone in the area between LGI and Bird Key. With 300,000 acres of Slow Speed zones in the state, he does not believe additional zones are necessary for manatee protection. Mr. Forsgren pointed out the need for new measurable biological goals for manatees because the current goals do not work and can not be reached.

Captain Dave Markett (Florida Guides Association) pointed out that 25 mph should not be considered a high boat speed. He mentioned a human safety concern with boaters moving from the Intracoastal Waterway through the Placida Ramp Channel and the Eldridge Channel and suggested that if it is a 25 mph corridor it should be posted.

Commission Discussion

Commissioner Meehan stated that it was his understanding that the Eldridge boat ramp corridor needed to be marked and the county has not begun the project. He explained that a 25 mph corridor is a reasonable compromise between manatee protection needs and the needs of the boating public. Mr. Meehan offered his support of the original staff recommendation, which does not include lengthening the 25 mph channel or adding a new Slow Speed zone between LGI and Bird Key.

The Commission directed staff to investigate why the 25 mph corridor to the boat ramp has not been posted by the County.

Commissioner Barco conveyed her support for the proposal staff provided to the LRRC, pointing out that the current staff proposal should be discussed at public meetings before being brought back to the Commission for final consideration.

Commissioner Barreto asked the Commission to eliminate from consideration reference to additional lengthening of the 25 mph channel between LGI and Bird Key and any additional Slow Speed zone in the same area.

Commissioner Corbett offered his support of the least restrictive proposed regulations, which is the proposal staff provided to the LRRC.

Commissioner Meehan offered a motion to advertise the proposal staff provided to the LRRC in August 2005, which would not include lengthening the 25 mph channel or adding a new Slow Speed zone between LGI and Bird Key. The motion was seconded and carried.

Airboat Enforcement Protocol

Due to limited time before the lunch break, the Commission chose to delay discussion of proposed 2006-07 rules for wildlife and freshwater fishing regulations and proceed to consideration of FWC Division of Law Enforcement proposed enforcement protocol and educational effort relating to airboat sound reduction.

Major Jim Brown explained that information concerning the agency sound research project, conducted by Florida Atlantic University, was provided at the September 21, 2005 Commission meeting. The researchers concluded, "Engine exhaust mufflers always reduce noise—mufflers were most effective at reducing both high and low frequency sound levels for boats equipped with automotive engines such as a Chevy 350. Mufflers effectively reduced low frequency sound from aircraft engines such as the Lycoming 0540 but did not always show a reduced overall A-weighted Sound Pressure Level measured by dB(A). Only small differences in noise reduction were found between resonator mufflers and expansion chamber mufflers filled with sound absorbing material."

Based on these findings, staff was directed to:

>>Update the FWC enforcement protocol for airboats to require a muffler.

>>Hold public workshops with stakeholders to discuss implementation of the muffler policy and the Airboater's Code of Ethics and Guidelines for Courteous Airboat Operation.

>>Bring final recommendations to the Commission at this meeting.

Three public workshops were held following the September Commission meeting and all 74 attendees supported a proposed educational effort and offered additional ideas on how to best complete this task. A majority of attendees supported the proposed requirement for mufflers on airboats, and 14 of 74 participants had reservations about a requirement for mufflers on airboats.

Staff is seeking Commission support for an enforcement protocol clarifying that flex pipe is not an effective muffling device and that automotive-style mufflers are required on airboats. There will be a six-month educational period before enforcement begins, with public outreach efforts.

Public Comment

Barbara Jean Powell (Everglades Coordinating Council) voiced her concern over discrimination against a type of vehicle. She suggested the six-month phase-in period for compliance in addition to the education campaign is appropriate because some airboaters may need additional time to complete the retrofit. Ms. Powell pointed out that the muffler requirement may have a significant impact on some airboat owners, and suggested design flexibility to facilitate invention and improvement.

Captain Markett commended staff for their outstanding cooperation with state airboaters. He stated he looks forward to working with the Commission and staff on the "Quite Airboat" competition, and supports the staff airboat initiative.

Phil Walters (Florida Airboat Association) offered his support of the staff recommendation, pointing out the importance of protecting the rights of airboaters. He mentioned the recognition airboaters received from Congressmen Mark Foley and Adam Putnam for their willingness to help with hurricane relief efforts in New Orleans.

Commission Discussion

The Commission directed staff to ensure all registered airboat owners are notified of the new muffler requirement, and that adequate time is being considered for retrofit compliance and education.

Major Brown responded that all current registered airboat owners would be notified and the six-month education period would be adhered to closely. He also advised that the Florida Boating Advisory Council endorsed the airboat protocol at its recent meeting.

Upon motion of Commissioner Barreto, seconded and carried, the Commission approved enforcement procedures and educational efforts concerning airboat sound reduction as presented by staff.

Chairman Huffman expressed that he is anxious to see the innovations presented at the "Quiet Airboat" competition. He mentioned that quieter airboat propellers will be the next challenging item for airboaters.

2006-07 Proposed Wildlife Regulations

Mr. Wiley gave a review of the major proposed 2006-07 wildlife regulations and provided public comment on the proposed rules. Staff is seeking Commission authorization to advertise these rules for final public hearing at the February 2006 Commission meeting.

► 68A-13.004, Open Seasons and Bag Limits for Non-migratory Game—The proposed rule would establish crossbow seasons on private lands statewide; hand-drawn bows and crossbows allowed; antlered deer only, except with antlerless deer permit. In the South and Central Zones, a five-day season between archery season and muzzleloading gun season. In the Northwest Zone, a seven-day season opening the Monday following Thanksgiving. The rule would allow the use of bows and crossbows during muzzleloading gun seasons on private lands.

Public Comment Summary: Received comments from 24 individuals and three organizations regarding the original crossbow season proposal. Half supported and half opposed. Opposition focused on loss of weekend of muzzleloading gun season and shifting it away from peak rut in some areas. The new proposal addresses these concerns.

▶ 68A-13.003, Hunting Regulations for Ducks, Geese, and Coots—The proposed rule would expand areas open for snow goose hunting to the entire state and shift pintail season from first 30 days to last 30 days of waterfowl season.

Public Comment Summary: Three people commented in support of the change.

▶ Regarding Wildlife Management Area (WMA) Rule Proposals, the common themes are (1) increased public hunting opportunities, (2) quality deer management rules, (3) more family-friendly regulations, and (4) longer seasons for User Pay WMAs.

▶ 68A-5.005, Quota Hunt Permits—The proposed rules would (1) modify application and permitting process, (2) remove unnecessary references to application forms and dates, and (3) extend preference drawing opportunity to additional quota hunt programs.

Public Comment Summary: Eight individuals were supportive; however, one was concerned about fairness of preference drawing.

▶ 68A-14.001, Establishment Orders—The proposed rule would (1) remove game status of wild hogs on 12 WMAs so hogs may be taken during any open season (except spring turkey) with no size or bag limit; (2) establish game status of wild hogs on two WMAs and one WEA; (3) clarify that public small-game hunting areas may be established on WMAs and WEAs to hold special hog hunts.

Public Comment Summary: Six individuals were supportive.

▶ 68A-15.004, General Regulations for WMAs; and 68A-17.004, General Regulations for WEAs—The proposed rules would allow persons with a valid concealed weapon or firearm license to possess a concealed handgun throughout the year, pursuant to the provisions of Section 790.06, Florida Statutes, unless otherwise preempted pursuant to state or federal law.

Public Comment Summary: 455 people and one organization responded, 453 were supportive and three opposed.

▶ 68A-15.061, Southwest Region WMAs, and 68A-15.006, Public Use Areas. Proposed Rules:

Kissimmee River Public Use Area (PUA)—The proposed rule would (1) allow take of hogs during small-game season and (2) prohibit modern firearms in archery/muzzleloading gun areas during all seasons.

Public Comment Summary: Public comments support hog hunts but oppose modern firearm restriction.

Hickory Hammock WMA—The proposed rule would (1) allow take of hogs with no size or bag limit during quota hunts, (2) add one day to existing two-day quota hunts for deer and hogs, and (3) establish a new three-day archery hunt without eliminating an existing muzzleloading gun hunt.

Public Comment Summary: Respondents requested adding an archery hunt without reducing muzzleloading gun hunts.

► 68A-15.062, North Central Region WMA Rules:

Lochloosa WMA—The proposed rule would (1) add a third quota hunt to the general gun season, and (2) prohibit tracked vehicles, ATVs and unlicensed vehicles on the area.

Public Comment Summary: Respondents wanted more still hunts and did not support ATV restrictions.

Osceola WMA—The proposed rule would (1) restrict vehicles to numbered roads throughout the year south of I-10, and (2) increase the number of roads open for public use to conform to changes in U.S. Forest Service access regulations.

Public Comment Summary: Two people responded and were supportive.

Andrews WMA—The proposed rule would (1) add a three-day small game hunt, and (2) establish two new two-day family hunts for hogs.

Goethe WMA—The proposed rule would (1) increase archery season from 16 to 23 days, (2) increase general gun still season from four to six days (two 3-day hunts and increase quota permits from 250 to 300 per hunt), (3) increase general dog season from five to seven days (one 3-day and one 4-day hunt and increase quota permits from 105 to 125 per hunt), (4) increase small game season from 16 to 23 days and shift from late November to mid-January, (5) increase spring turkey season from nine to 16 days and add second quota hunt (increase quota permits from 100 to 130 per hunt), (6) create new dove hunting area (shotguns only), and (7) prohibit public access from 1.5 hours after sunset until 1.5 hours before sunrise.

Citrus WMA—The proposed rule would establish three new 3-day spring turkey hunts (quota of 25 per hunt).

Devil's Hammock WMA—The proposed rule would (1) establish two, 2-day family hunts for wild hogs (quota of 20 per hunt), and increase small game season from 16 to 30 days.

Mallory Swamp WMA—The proposed rule would open 2,754 acres for hunting during archery and muzzleloading gun seasons. This proposal was revised to address concerns about conflicts with dog hunting.

Ralph E. Simmons Memorial WMA—The proposed rule would (1) allow each hunter to take only one antlered and one antlerless deer per season during the archery and mobility-impaired seasons, and (2) allow each hunter to take only one antlered deer per season during the muzzleloading gun and general gun seasons.

► 68A-15.063, Northwest Region WMA Rules:

Blackwater WMA—The proposed rules would allow the use of small dogs during the small game season except in the field trial area.

Public Comment Summary—Of the 25 respondents, 24 supported and one opposed the change.

Carr Unit—The proposed rules would (1) extend the special-opportunity released quail hunts from four to seven days, and disallow quail to be released the day before the first day of the hunt.

Public Comment Summary—There was only one respondent and he supported the proposal.

Joe Budd WMA—The proposed rules would (1) define antlerless deer as any deer (except spotted fawns) without antlers or any deer with antlers less than one inch in length visible above the hairline, and (2) revise legal to take as antlered deer with three or more points on a side.

Public Comment Summary—There was only one respondent and he supported the proposal.

Talquin WMA—The proposed rule would (1) eliminate the one-day antlerless deer hunt, and (2) establish a 24-day small game season.

Aucilla WMA—The proposed rule would (1) allow archery hunting for deer in the small game area during the archery and general gun seasons, and (2) allow the use of dogs to take hogs during general gun season.

Public Comment Summary—All three respondents supported the proposals.

Econfina Creek WMA—The proposed rule would allow public fishing on the Fitzhugh/Carter area with daily quotas (one antler per 10 acres of open water).

Lafayette Creek WMA (New Area)—The proposed rules would open seasons (16-day archery, 3-day muzzleloading gun, 4-day family hunt, 9-day general gun, 21-day small game, 12-day spring turkey, and fishing when closed to hunting). Hunters quotas (no exemptions): archery-10, muzzleloading gun-10, family hunt-7(21), general gun-10, and spring turkey-10.

Public Comment Summary—Supportive and requested family hunt.

Wakulla WMA (New Area)—The proposed rules would (1) open seasons (weekends) (14-day archery, 14-day archery/muzzleloading gun, 13-day general gun, 15-day small game, 12-day spring turkey, and year-round fishing/frogging; (2) set hunter quotas (no exemptions): archery-25, archery/muzzleloading gun-25, and spring turkey-10.

Public Comment Summary—Supportive

► 68A-15.064, South Region WMA and 68A-17.005 WEA Rules:

J.W. Corbett WMA—The proposed rule would (1) restrict vehicles to named or numbered roads and trails during small game season, (2) allow vehicles on named or numbered roads and trails during spring turkey season, (3) add five weekday hunts (Weds.) to spring turkey season, and (4) expand vehicular access for scouting and other activities outside hunting seasons.

Public Comment Summary—Public respondents were not supportive of expanded vehicle access during spring turkey season and preferred extra day of spring turkey hunt added to weekend rather than week day.

Holey Land WMA—The proposed rule would allow airboat access for waterfowl hunting during archery, muzzleloading gun, general gun-walk, and general gun-vehicle seasons.

Everglades and Francis S. Taylor WMAs—The proposed rule would allow airboat access for waterfowl hunting during general gun-vehicle season.

Holey Land, Rotenberger, Everglades, and Francis S. Taylor WMAs—The proposed rules would (1) prohibit elevated steering platforms on all terrain vehicles (ATVs), and (2) require display of six-foot orange flay on ATVs.

Public Comment Summary—Respondents opposed ATV restrictions and supported orange flag requirement.

► 68A-11.005, Use of Tracked Vehicles: Holey Land, Rotenberger, Everglades, and Francis S. Taylor WMAs—The proposed rule would (1) establish guidelines for inspecting and registering tracked vehicles, (2) require periodic re-inspection, and (3) establish a registration decal system.

Public Comment Summary—Comments received from three people and one organization. They requested allowance for V-8 gasoline powered engines, allowances for maximum width, and a maximum height of 12 feet.

Dinner Island Ranch WMA—The proposed rule would establish two new family hunts (wild hogs only) with a quota of 30 for each hunt and a bag limit of one hog per person per permit.

Public Comment Summary—One respondent suggested a lower quota.

John C. and Marianna Jones/Hungryland WEA—The proposed rule would (1) reconfigure hunt formal to four, 4-day archery hunts and three, 3-day general gun hunts (all beginning on Saturdays), and (2) start small game season one week later.

Public Comment Summary—Public comment was supportive.

► 68A-15.065 Northeast Region WMAs:

Three Lakes WMA—The proposed rule would restrict vehicles to named or numbered roads and trails throughout the year.

Public Comment Summary—Public comment mixed. Two were supportive, two opposed, and one organization was supportive.

Tiger Bay WMA—The proposed rule would allow the use of dogs with a shoulder height of 15 inches or less for taking small game.

Public Comment Summary—Public comment supportive.

Tosohatchee WMA—The proposed rule would allow each hunter to take only one antlered and one antlerless deer per permit per hunt.

Rock Springs Run WMA—The proposed rule would (1) establish as legal to take antlered deer with three or more points on a side, and (2) allow each hunter to take only one antlered and one antlerless deer per permit per hunt.

Public Comment Summary—Public supportive of three-point rule but three people opposed the bag limit.

Lake George/Dexter Mary Farms Unit WMA—The proposed rule would (1) allow take of one deer per quota permit, per person, per hunt; (2) allow vehicular access one day prior to each season for scouting; and (3) eliminate assigned shooting stations for dove hunts.

Public Comment Summary—Two people opposed the bag limit.

Seminole Forest WMA—The proposed rule would (1) allow camping during periods closed to hunting, and (2) increase the number of small-game daily quota permits from 50 to 75.

Public Comment Summary—The 3-point rule was withdrawn in response to opposing public comments (8 people).

▶ 68A-25.031, Regulations Governing Alligator Egg and Hatchling Collections: The proposed rule would remove the limit on the percentage of nests that may be opened during egg collections. Current rule limits nest quota to no more than 50 percent of nests observed during surveys.

▶ 68A-25.032, Regulations Governing Alligator Management Programs on Private Lands: The proposed rule would (1) allow inclusion of public lands other than sovereign submerged lands, (2) remove acreage or population minimums as requisite for eligibility, and (3) remove limit on the percentage of the alligator population that may be harvested.

▶ 68A-25.042, Regulations Governing Statewide Alligator Trapping, Permitting, Taking, and Sale: The proposed rule would (1) remove the limit on the percentage of the alligator population that may be harvested, (2) allow for issuance of more than one permit to a licensed trapper and remove the limit on the number of tags issued per permit, (3) establish fees for additional tags (\$30 each; two per permit) issued to licensed trappers with additional permits, (4) expanding existing five-week statewide alligator harvest season to 10 weeks.

The proposed season would open August 15 and close November 1. First four weeks would be one-week quota hunts. The last six weeks would be open to anyone with unused tags for the area.

Commissioner Corbett asked for an assessment of the alligator population during the next year with an update provided to the Commission at the December 2006 Commission meeting. He believes alligator harvest quotas should be more liberal.

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

Public Comment Summary—Respondents were supportive.

Mr. Wiley stated that it is the staff recommendation to proceed with advertising proposed wildlife rules for final consideration and adoption at the February 2006 Commission meeting.

Public Comment

Phil Walters offered his support of the staff proposals on the alligator regulations. He recommended more utilization of alligator hunts pointing out that Florida is not selling all its available permits. He stated that Georgia has a more liberal alligator hunt season, fewer rules, and less expensive permits. Mr. Walters conveyed that hunters want to hunt and that Florida should provide sport hunting for alligators. He pointed out the need for revenue to market alligator hides.

Captain Markett stated that he provides an alligator guide service; however, with current rules he can not take a group because current rules make it too expensive for nonresidents to purchase an alligator tag, which blocks commerce in hides. He asked the Commission to consider reducing the nonresident trapper license from \$1,000 to \$272 or make the agent's tag transferable. Captain Markett asked for more flexibility in where an agent may take his clients at the end of the season to alligator hunt.

Barbara Jean Powell suggested a holistic approach to ATV use and mentioned the agency-wide planning on ATV use. She conveyed that hunters in the South Region need to use tracked vehicles with V8 engines during high water periods and suggested the elimination of engine size restrictions. Ms. Powell congratulated staff for proposing a crossbow season rather than including crossbows during the traditional archery season. Ms. Powell stated she does not support the special use regulations on the Kissimmee Public Use Area.

Byron Maharrey thanked Mr. Wiley and staff for their proposals to establish new hunt areas. He believes people should be allowed to use modern firearms during small game season on the Kissimmee PUA.

2006-07 Proposed Freshwater Fish Regulations

Mr. Darrell Scovell gave a review of the major proposed 2006-07 freshwater fisheries regulations and provided public comment on the proposed rules. Staff is seeking Commission authorization to advertise these rules for final public hearing at the February 2006 Commission meeting.

▶ 68A-1.004, Definitions—The proposed rule would establish a definition for total length pertaining to freshwater fish as the straight line distance from the most forward point of the head with the mouth closed to the farthest tip of the tail with the tail squeezed or compressed.

▶ 68A-23.005, Bag Limits, Open Season: Freshwater Fish—The proposed rule would change the largemouth bass regulation in Lake Kerr, Marion County, to a 15- to 24-inch slot-length limit and three-fish bag limit of which only one may be 24 inches or greater in total length.

▶ 68A-23.0131, Special Regulations for Lake Seminole and the St. Mary's River—The proposed rule would (1) extend all St. Mary's River freshwater fish bag and length limits to St. Mary's River tributaries, and (2) change bag limits for white bass and striped bass/white bass hybrids in the St. Mary's River and its tributaries to two fish and establish a minimum length limit of 22 inches total length.

▶ 68A-23.015, Regulations Governing the Taking and Possession of Alligator Gar, Eels, and Freshwater Mussels—The proposed rule would establish a permit requirement for taking eels commercially and prohibit the take of alligator gar for any purpose without a permit.

Mr. Scovell stated that it is the staff recommendation to proceed with advertising proposed freshwater fisheries rules for final consideration and adoption at the February 2006 Commission meeting.

Upon motion of Commissioner Meehan, seconded and carried, staff was directed to advertise the proposed 2006-07 wildlife and freshwater fisheries regulations for a final public hearing at the February 2006 Commission meeting.

Babcock Ranch Land Acquisition

Mr. Gary Cochran, Land Acquisition Manager, Division of Habitat and Species Conservation introduced Eva Armstrong, Director of the Division of State Lands, and Sam Ard, representing Kitson & Partners.

Mr. Cochran presented the following agenda items for Commission consideration:

(1) A commitment of \$5 million from the Florida Fish and Wildlife Conservation's (FWC) Florida Forever Trust Fund under the FWC Florida Forever Additions and Inholdings Acquisition Program for the joint acquisition of the Babcock Ranch; and

(2) A commitment of \$10 million from FWC's Land Acquisition Trust Fund to potentially acquire approximately 2,000 acres of the Babcock Ranch for a Gopher Tortoise Mitigation Park as a part of the joint acquisition of the Babcock Ranch.

Mr. Cochran presented an overview of the Babcock Ranch property which adjoins the Babcock-Webb WMA. The acquisition is approximately 73,476 acres, and is being sold by Kitson & Partners, LLC, to the State of Florida for \$350 million. The FWC share, if approved, would be \$5 million from the Florida Forever Trust Fund and up to \$10 million from the Land Acquisition Trust Fund.

The remainder of the cost would be secured from the Florida Legislature, Department of Environmental Protection, Lee County, and the Department of Agriculture and Consumer Services.

Regarding management of Babcock Ranch, Mr. Cochran explained that Kitson & Partners would manage for up to ten years under a multi-party management agreement. FWC and DACS would jointly develop a management plan and would work cooperatively to manage the tract. Additionally, a legislatively created independent not-for-profit organization would be created to run the ranch.

Mr. Cochran recommended the Commission approve the commitment of \$5 million from the FWC Florida Forever Fund and up to \$10 million from the FWC LATF for the multi-party acquisition of Babcock Ranch.

Ms. Armstrong discussed the purpose for state acquisition and the importance of the Ranch property and structures, the management proposal and its effect on the local economy, and presented highlights of the management agreement.

Ms. Armstrong pointed out that the protection of Babcock Ranch will leave a legacy for the state for future generations not only because it is one of the most ecologically important areas in southwest Florida, but it will also fulfill the nature-based recreation needs of the region's residents for years to come. Recreational opportunities will include hunting, bicycling, fishing, horseback riding, camping (cottages, rustic, and primitive), historic interpretation (museum/country store), and eco-tours.

Ms. Armstrong asked the Commission to give favorable consideration to the staff recommendation, and thanked FWC staff for their cooperation during acquisition negotiations.

Chairman Huffman stated that it is his understanding that FWC and the Department of Agriculture and Consumer Services will co-manage the property and share management funds based upon their respective management costs and the management plan for the area.

Commissioner Barreto asked for an explanation regarding the seller's plan to manage certain aspects of the ranch for ten years.

Mr. Ard conveyed that it is the family's intent to preserve the land as a quality ranch by continuing to run the ranch's cattle, timbering, ecotourism and sod operations with its current employees for ten years.

Commissioner Barreto asked that if the family does not believe sufficient money is being generated, will they return to the state for additional funds.

Mr. Ard responded that if there is any income loss due to a management plan change, the managing agencies may petition the legislature for funding.

Mr. Haddad pointed out that one provision of the agreement states that the agreement will be for a five-year period from the commencement date and the sellers may opt-out at that time if they wish, otherwise the agreement will be extended for an additional five-year period. Mr. Haddad added that if action taken under the management plan causes a reduction in revenues from ranch operations, then Babcock may seek the lost revenues from the managing agencies, subject to a legislative appropriation for this purpose.

Commission Discussion

Commissioner Barreto conveyed that this is a large acquisition with public funding and asked for assurance that public access would not be limited, and assurance that current hunting leases would not be a liability to the state.

Commissioner Barco agreed with the importance of providing access for the public to this land.

Mr. Ard stated that the Management Agreement provides for interim public access to the greatest extent practicable until adoption of the management and business plans.

Commissioner Corbett stated that it is his understanding that if the managing agencies interfere with the revenue-generating operations on the Ranch, the Legislature would have to compensate the owners for loss of income and he agrees with this action.

Commissioner Yablonski mentioned that the presentations were very educational and pointed out that if financially managed by a not-for-profit organization and made self-sufficient, it would be an asset for all interests and users.

Commissioner Meehan stated that the purchase of Babcock Ranch would be great for both the State of Florida and the Fish and Wildlife Conservation Commission.

Mr. Ard mentioned that Lee County recently approved an inter-local agreement between Charlotte and Lee counties, the Department of Community Affairs and Kitson. He invited the Commissioners to take a tour of the ranch.

Ms. Armstrong pointed out that Lee County made changes to the management agreement at their recent meeting wherein they inserted language

that for the property lying in Lee County, the County will approve the management and business plans.

Commissioner Barreto congratulated Ms. Armstrong for her involvement in the Babcock Ranch acquisition.

Commissioner Barreto offered a motion to commit \$5 million from the Florida Forever Trust Fund for joint acquisition of the Babcock Ranch and up to \$10 million from the FWC's Land Acquisition Trust Fund for potential acquisition of 2,000 acres of the Babcock Ranch for a gopher tortoise mitigation park. The motion was seconded.

Public Comment

Barbara Jean Powell offered her support for preservation of this valuable land, but stated she could not support spending the large sum of money if there were only meager hunting opportunities. She voiced her concerns over whether or not management decisions would include a public input process and if funding sources would dictate land use. Ms. Powell commented that she supports multi-use recreation for the area, which would include ORV use and hunting. She believes the FWC should be the lead managers, primarily because the agency has the best public input process. She is leery of taking money from the federal government for the project because there are usually too many "strings attached."

Commissioner Yablonski asked Ms. Armstrong if there are any liabilities or "strings" attached to the federal government's \$3 million.

Ms. Armstrong replied that the Division of State Lands is looking into this revenue source to see if there are any obligations included in acceptance.

Byron Maharrey agreed with Ms. Powell's comments, adding that the state must ensure that assets are not stripped from the land. He stated that he would not support "special opportunity hunts" on the land.

Mr. Ard stated that there are contingencies in the contract to protect current assets on the land to ensure no environmental degradation to the property, and, at the termination of the lease the cattle, housing, equipment, timber, etc., will be transferred to the not-for-profit organization.

Chairman Huffman asked if the public would have immediate access to the property without a final management plan.

Mr. Cochran responded that an interim access plan would be drafted immediately after purchase, and an independent audit would be initiated annually to review operational revenue.

Mark McNichols (Unified Hunters of Florida) stated his support of the Babcock Ranch land acquisition and asked that the public continue to be involved in the management process.

Ms. Armstrong added that the drafting of the final management plan will be an open process.

Commissioner Yablonski conveyed that the land has been well managed and the state needs to uphold the standard of the private property owners.

The Chairman called the question and the motion carried.

Freshwater Fisheries Zone Summit

Mr. Darrell Scovell explained that the summits were designed to unite biologists and anglers for the future of fishing. Six zone summits have been planned in locations selected following a pre-summit survey. Three have been conducted in Sebring, Palatka, and Orlando. The Tallahassee zone summit will occur in January 2006 in addition to the Lakeland and Dania summits which were postponed in October due to Hurricane Wilma.

The reasons for the summits are because Florida's freshwater anglers are not as well organized and vocal as the saltwater fishers and tend to be more diffuse and lack the advocacy that would help ensure sustained use of freshwater fisheries resources. The goals of the summits are to (1) plan for long-term engagement, (2) identify issues, (3) inform stakeholders, (3) stakeholder recruitment, (4) and gain a core group of stakeholders.

Forty-five stakeholders attended the first three zone summits. Participants included individual fishing guides, tournament anglers, fish camp owners, and bait and tackle shop operators. Additionally, 14 different organizations were represented by these participants. Stakeholders expressed their appreciation for the agency's proactive approach to freshwater fisheries management by including them in the process.

Stakeholders at the Sebring Zone Summit commented on Lake Istokpoga vegetation control, regulatory issues, user conflicts (personal watercraft issues), hurricane impact on aquatic resources, and concerns with the black crappie fishery.

Palatka stakeholders were concerned with habitat loss, Corps of Engineers spraying of canals, use of paper fishing tournaments, bass tournament release mortality, vegetation spraying issues, desire for closed areas or seasons, and wetland conservation.

In Orlando, summit issues included the effectiveness of drawdown and restoration of the Kissimmee Chain of Lakes, nonselective vegetation spraying, agencies not working together on restoration issues, anglers concerns not listened to, Lake Griffin restoration needs, informing public on freshwater fisheries and joining an organization to work with FWC, supporting the National Teen Anglers educational events, vegetation spraying on the St. Johns River, and educating new residents about conservation ethics.

Mr. Scovell mentioned that results of the zone summits are summarized and posted on the agency website the day after the summit at www.MyFWC.com/Fishing/Input.

Commission Discussion

Commissioner Barco asked for an update when the all summits are completed and input reviewed. She believes it is important for freshwater fishery anglers to organize into one voice for the resource.

Chairman Huffman mentioned the degraded water quality of many lakes, pointing out that it is a concern of many freshwater anglers that must be addressed.

Commission Meeting Improvement Process

Mr. Heller presented a brief recap of progress reported at the April and June Commission meetings regarding improving effectiveness of Commission meetings and recommendations regarding a protocol for determining which items/issues are selected for inclusion on a Commission meeting agenda.

Three specific process improvements were identified for implementation:

(1) Improve the briefing process for Commissioners prior to the meeting: This is ongoing with the use of CDs and one-on-one briefings.

(2) Determine how issues get placed on a Commission meeting agenda: A team was formed to look at the last two years of agenda items. It was concluded that issues were placed on an agenda in one of two ways; as a work plan item or by a request of staff, Commissioners, or other governmental officials. (Administrative reports were not considered issues for this evaluation.)

(3) Improve stakeholder coordination and issue resolution prior to placing issues on Commission meeting agenda.

Based on the team's evaluation, staff is recommending a uniform process for division, office, and institute (DOI) annual work plans of issues that need to be reviewed by the Commission. Staff is recommending that each DOI annually develop a work plan using the format developed for the Division of Marine Fisheries Management work plan.

Work plans from DOIs would be presented to the Commission for consideration each year at the December Commission meeting. Work plan issues approved by the Commission would be scheduled for one of the five Commission meetings during the following fiscal year. Issues ranked higher in approved work plans would be scheduled earlier in the fiscal year if possible.

The evaluation team next looked at a sample of agenda items that were not placed on Commission meeting agendas as a result of being on an approved DOI work plan. These issues were placed on the agenda at the request of staff, Commissioners, or other government agencies but they most often surfaced based on concerns from stakeholders. The team evaluated these items using the Commission Meeting Agenda Item Scoring Sheet.

Mr. Heller discussed the scoring sheet and its use for identifying issues to be considered for placement on a Commission meeting agenda.

Commission Discussion

Commissioner Corbett asked if there is the opportunity to bring issues before the Commission that might be brought to its attention due to Legislative involvement when constituents contact legislators.

Mr. Heller responded that the issue would be run through the matrix and if it did not meet the criteria for addressing, it would be brought to the Commission by staff for Commission direction, through majority vote, to place the item on a future Commission meeting agenda. Mr. Heller pointed out that DOIs will evaluate items that do not receive enough points to be placed on an agenda for possible inclusion into their work plans.

Commissioner Yablonski stated that the process is the right thing to do for Commission meeting effectiveness. He pointed out that items could still be placed on the agenda at the Commission's prerogative.

Commissioner Barreto agreed with the process stating that if a Commissioner had a certain issue he or she wished to be brought before the Commission that did not fit within the scoring sheet, the Commission could vote to address the item as a collegial body.

Commissioner Barco stated that the scoring sheet will be most effective and asked that it be placed in the Commissioners' agenda books for each meeting.

Commissioners Kaupe, Meehan, and Corbett expressed their support of the new process.

Upon motion of Commissioner Meehan, seconded and carried, the Commission Meeting Improvement Process was approved.

General Management Plan/Addition Lands in the Big Cypress National Preserve

Ms. Karen Gustin, Superintendent, Big Cypress National Preserve, stated that completion of this GMP is one of her priorities as new superintendent.

Ms. Gustin introduced Mr. Damon Doumlele, NPS Environmental Specialist, who explained that although the Addition Lands were purchased in 1988 the exchange of lands from the Collier Family did not occur until 1996. In 2000, the General Management Plan (GMP) process was begun, and, since 2002, the National Park Service (NPS) has been developing and evaluating management alternatives. The draft GMP will be prepared in 2006-2007, and finalized and published in 2007-2008. Plan implementation is expected to be in 2008.

Mr. Doumlele explained that the GMP will identify an overall direction for future management of the Addition, serve as a framework for decision-making, and identify desired resource conditions and visitor experiences.

The NPS has conducted briefings with agencies of the U.S. Department of the Interior, Florida Department of Transportation, Federal Highway Administration, Miccosukee and Seminole Tribes, South Florida Water Management District, Florida Fish and Wildlife Conservation Commission (Executive Director), and Florida Department of Environmental Protection.

Mr. Doumlele presented preliminary alternatives:

- A. Emphasis to continue current management
- B. Emphasis would enable participation in a wide variety of challenging outdoor recreation experiences.
- C. Emphasis would provide a diversity of front-country and backcountry recreation opportunities.
- D. Emphasis would provide a variety of backcountry recreational opportunities and enhanced day-use and interpretive opportunities along road corridors.
- E. Emphasis would expand opportunities for visitors with limited backcountry expertise to interact with preserve resources.
- F. Emphasis would be to preserve native species and natural processes and restore previously disturbed areas.

Mr. Doumlele stated that the next steps in preparation for the final General Management Plan are to host three public workshops, collect and review public comments, and identify a preferred alternative.

Commissioner Yablonski asked if the schedule outlined is normal for all GMPs.

Ms. Gustin responded that this schedule is unusual. It normally takes approximately three years for completion of a GMP. She explained that the Plan still needs public, agency, and Washington office review; however, it is hoped that some limited access might be allowed in the not-too-distant future.

Commissioner Barreto asked about hunting access to the Addition Lands.

Ms. Gustin related that once the NPS knows what the "preferred alternative" will be, a Hunting Management Plan will be drafted concurrently with the GMP. It is her intention to ensure the plan stays on track for completion.

Commissioner Barreto welcomed Ms. Gustin to south Florida and stated that he looks forward to working with her on this very important issue for the citizens of the region.

Commissioner Barco asked how Ms. Gustin can ensure this project stays on track if for some reason she is no longer there to guide it to completion.

Ms. Gustin stated that funding has been secured for the GMP that was not available in the past. Currently, NPS is seeking funding for the ORV component into the plan. She is hopeful that all funding will be available for the NPS to stay the course for completion of the GMP.

Public Comment

Barbara Jean Powell suggested Congress spend the \$3 million set aside for the Babcock Ranch purchase for finishing the management plans for the Big Cypress Addition Lands. She stated that the process must be transparent and expedited, pointing out that she has many questions regarding the alternatives and zone process which she does not think are in the spirit of the Congressional authorization.

Byron Maharrey stated that stakeholders are beginning anew with Ms. Gustin in their attempt to access the Addition Lands. He offered assistance from the Everglades Coordinating Council in order to lessen the timeframe for a final GMP. He asked that the Commission's recent letter to Karen Gustin be sent to the Governor.

Prior to Presentations by the Public, the Commission agreed to move the staff report on the International Association of Fish and Wildlife Agencies and the Legislative Report to Friday's agenda.

Presentations by the Public

Captain Dave Markett (Kissimmee River Sportsmen's Association) brought to the Commission's attention a situation where public access to the Kissimmee Chain of Lakes might be severely limited if the South Florida Water Management District swaps its recently acquired Shady Oaks Fish Camp with someone who may not allow the public on the property, or if the District markets it as surplus lands. This possible swap, would give no public access to Lake Kissimmee on the western shore. He asked that the Commission give strong consideration to either purchasing the property for traditional recreational use or become actively involved in the management of the property.

Colonel Jones responded that she is aware of the issue and it was discussed at the recent Boating Advisory Council meeting. She stated that the Department of Environmental Protection will discuss boat access with the water management district, and she will look further into the issue.

John Sprague (Marine Industries Association of Florida) stated that it is very important for boaters to maintain access to waterways and that a means must be found to preserve boater access. He asked the Commission to try to secure the Shady Oaks property for the boating public.

Commissioner Exchange

Commissioner Kaupe expressed that it was a busy agenda with major issues, which, of particular importance, is access to the Big Cypress Addition Lands.

Commissioner Yablonski spoke regarding the Babcock Ranch acquisition, pointing out that it has been well managed by the owners and it is his hope that the landowners will be encouraged to continue that stewardship. He also stated that recent polls show that children who hunt were usually taught the sport by a parent, and that it will be important for the future of hunting to ensure family hunts,

wherein both the parent and child will have the opportunity to learn to hunt if it is indeed their first experience.

Regarding the Wildlife Foundation of Florida's Annual Report, Commissioner Yablonski pointed out the need for the "right people" on the board to inspire donations and provide access to those who would be willing to donate for the future of Florida's fish and wildlife resources. He encouraged the Commissioners to provide to Mr. Haddad two names of potential board members. Regarding the Foundation's Administrative Expenses, he commented that the Foundation should attempt to reduce these expenses.

Commissioner Yablonski mentioned that possibly the FWC should be more engaged in Washington DC discussions regarding the Federal Endangered Species Act.

Commissioner Meehan conveyed that the Foundation's administrative expenses will steadily decline as the organization settles into its mission. He stated that the manatee rules enacted this day were a tweak in the majority of rules already in place for manatee protection in Charlotte County. Commissioner Meehan mentioned the great turnout at the recent quail hunting summit at Tall Timbers and thanked Commissioner Corbett for taking the lead for the Commission on this issue.

Commissioner Corbett mentioned the Future of Hunting in Florida summit and the important information gleaned from that meeting. He asked that staff provide the Commission with the total number of hunters using Florida wildlife management areas and the number of quota permits available, and what has the Commission done to provide and encourage more hunting over the last five years on both private and public lands.

Commissioner Barco commented that this meeting was the first anniversary of her appointment. She stated it was an interesting year wherein she learned much about the agency and Commission. It is her opinion that the FWC is the best venue for public input and clarification to the public on issues. Commissioner Barco offered her appreciation to Karen Gustin and commended her for stepping right up to address the Addition Lands. Additionally, she brought to the Commission's attention public hearings the Navy is holding regarding a proposed undersea warfare training range 50 miles off the coast of Jacksonville. Most comments were on sonar and its affect on mammals, but also discussed were the grids' affects on commercial and recreational fishing.

Chairman Huffman expressed that he attended the Future of Hunting Summit and believes these summits are important to the hunters, stakeholders, and Commission, and he looks forward to future summits. He stated that 2006 should be the year of the hunter.

The Chairman recessed the meeting at 6:10 p.m., to reconvene on Thursday, December 1, at 8:30 a.m.

Chairman Huffman reconvened the Commission meeting at 8:45 a.m., Thursday, December 1.

Election of Chairman and Vice Chairman for 2006

The Chairman called for nominations for the 2006 Commission Chairman. Commissioner Corbett placed the name of Rodney Barreto in nomination as 2006 Chairman and David Meehan as Vice Chairman. There were no other nominations. The motion was seconded and carried. The 2006 Chairman and Vice Chairman will take the leadership on January 1, 2006.

State of the Florida Fish and Wildlife Conservation Commission: The Year in Retrospect

Chairman Huffman presented a detailed State of the Florida Fish and Wildlife Conservation Commission report, but highlighted some significant accomplishments during the meeting.

The public's confidence surfaced frequently in 2005 when the FWC executed a series of stakeholder and public surveys to address projected funding shortages in the next couple of years. Survey results indicated the public does not want the agency to tighten its belt and reduce services and programs. They want the agency to continue what it is doing and find new funding strategies for conservation.

In 2005, the Legislature had a very productive session and passed a \$235 million budget for the FWC, and part of that funded pay increases for FWC scientists to bring them up to the same level as salaries for scientists in the agency's sister agencies. The budget also enabled the FWC to purchase two helicopters to replace two Viet Nam-era helicopters. Chairman Huffman thanked Commissioner Barreto for securing the funding for the helicopters.

He thanked the Commission and staff for a productive and eventful year.

Commissioner Barreto commended Chairman Huffman for his effective leadership during 2005 and for taking the time to attend numerous fish and wildlife and outdoor stakeholder group meetings and public events. He added his thanks to Governor Bush for supporting the salary increases for biologists and funding for agency helicopters.

Rules (Marine Fisheries)

Mr. Mark Robson presented the following rules for Commission consideration:

(1) 68B-14.002, 68B-14.0035, 68B-14.00355, 68B-14.0036, 68B-21.0015, 68B-21.005, 68B-22.002, 68B-34.002, 68B-36.002, 68B-37.002, 68B-42.002, 68B-47.001, 68B-48.002, and 68B-49.001—The proposed rule changes would establish a revised procedure for determining the total length measurement for marine fish. The revised total length measurement would be determined by measuring the straight line distance from the most forward point of the head with the mouth closed, to the farthest tip of the tail with the tail compressed or squeezed, while the fishing is lying on its side. The proposed rule would change the way gray

triggerfish are measured from total length to fork length. All marine species that are required to be measured using "total length" would be measured using the proposed total length measurement procedure. The effective date for the rule would be July 1, 2006 in order to allow for an educational period for recreational anglers.

Public Comment

Mr. Ted Forsgren (Coastal Conservation Association) offered the CCA's support of the proposed rule.

Commission Discussion

Upon motion of Commissioner Corbett, seconded and carried, Rules 68B-14.002, 68B-14.0035, 68B-14.00355, 68B-14.0036, 68B-21.0015, 68B-21.005, 68B-22.002, 68B-34.002, 68B-36.002, 68B-37.002, 68B-42.002, 68B-47.001, 68B-48.002, and 68B-49.001, were approved.

Mr. Bill Sharp, Division of Marine Fisheries Management, presented the following rule:

(2) 68B-45.007, Blue Crab Limited Entry Endorsement Program, and 68B-45.004, Regulations and Prohibition of Certain Harvesting Gear—The proposed rules would (1) allow a harvester with a Blue Crab Limited Entry Endorsement to obtain permission from the FWC Division of Law Enforcement to allow another person to transport, deploy, pull, or retrieve his or her traps; (2) create a nontransferable Blue Crab Endorsement; (3) establish qualification criteria for the endorsement; (4) allow certain net fishers, who qualified for a nontransferable Blue Crab Limited Entry Endorsement, to purchase up to 100 hard shell blue crab trap tags that will allow them to deploy 100 hard shell blue crab traps in any state waters; (5) allow stone crab endorsement holders, who obtained a nontransferable Blue Crab Limited Entry Endorsement, to harvest and sell up to 200 pounds of blue crabs as bycatch per trip per vessel; (6) allow fishers, who can demonstrate through documented landings the harvest of blue crabs as bycatch using legal shrimping gear, to harvest and sell up to 200 pounds of blue crabs as bycatch per trip per vessel; and (7) require that nontransferable Blue Crab Limited Entry Endorsement holders, who use traps, be required to follow the same trap requirements as other blue crab trap endorsement holders.

In proposing a floor amendment, Mr. Sharp explained that at the most recent meeting of the Blue Crab Advisory Board, the Board decided that the proposed annual fee would be too high for those wishing to harvest and sell blue crabs as bycatch from shrimp gears and stone crab traps, and recommended that the annual fee for an endorsement to cover this activity be \$25. This amendment will create a separate "Incidental Take Endorsement" for those wishing only to sell their blue crab bycatch from shrimp gears and stone crab traps.

Public Comment

Jerry Sansom (Organized Fishermen of Florida) offered his support of the rule as amended.

Commission Discussion

Upon motion of Commissioner Meehan, seconded and carried, Rule 68B-45.007, was approved as amended.

Mr. Roy Williams, Division of Marine Fisheries Management, presented the following rule for Commission consideration:

(3) 68B-14.0036, Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Exceptions, Wholesale/Retail Purchase Exemption—The proposed rule would reduce from two to one the daily bag limit of red grouper that could be harvested from or possessed on the state waters of the Gulf of Mexico.

Public Comment

Mr. Ted Forsgren offered his support of the rule as presented. He pointed out that Florida must take a stand and do the right thing for Florida fisheries because the federal council ignored the recommendations of this Commission, the Florida Congressional Delegation, and the state's fishers. Mr. Forsgren stressed that it is an allocation issue between the commercial and recreational limits that must be addressed. He asked the Commission to take steps to change the laws relating to seats on the federal councils, because on the Gulf of Mexico Fishery Management Council there are 17 members and only four are from Florida, yet the vast majority of red grouper are caught off Florida and landed in Florida.

Commission Discussion

Commissioner Meehan commented that the Commission and its staff need to review the Magnuson-Stevens Act (M-S Act) while it is being discussed in Congress for re-authorization to determine if the federal system might be changed.

Mr. Haddad asked the Commission to allow staff the opportunity to review the M-S Act and return to the Commission with some recommendations on appropriate Commission direction.

Commissioners Barreto and Yablonski agreed with Mr. Forsgren's statements regarding Florida representation on the councils and the red grouper regulations.

All Commissioners agreed that the agency needs a plan before going forward to interact with the federal government on fishery regulatory issues.

Commissioner Barco pointed out that the representatives on the councils have only advisory ability with no rule-making authority. She suggested staff look into finding another state with similar regulatory problems and team up with it before heading to Washington.

Chairman Huffman asked when the new stock assessments for grouper were due to be released.

Mr. Robson responded that a new stock assessment would be available for red grouper in the Summer of 2006, and the gag grouper stock assessment would be available in the Fall of 2006.

Upon motion of Commissioner Barreto, seconded and carried, Rule 68B-14.0036 was approved.

Industry-Sponsored Proposal to Reduce Commercial Fishing Effort in the Gulf of Mexico Red Grouper Fishery-Update

Mr. Williams presented a brief update on the industry-sponsored (Southeastern Offshore Fisheries Association) proposal to reduce commercial fishing effort in the Gulf of Mexico red grouper fishery. Several issues regarding the grouper buyback were discussed including:

- The effect of grouper buyback, including an estimate of the post-buyback fleet capacity compared to the existing grouper quotas;
- Effect of buyout on dual permitted charter vessels;
- Fairness of the buyback;
- Potential of Individual Fishing Quotas (IFQs) and how long it will take to implement;
- The potential for a "grouper stamp" on a Florida recreational fishing license to be used to buyback the Gulf's longline grouper fleet; and
- Reallocation of commercial quota to recreational fishermen.

Mr. Williams discussed the "pros" and "cons" of the proposal:

Pro—Should lengthen season to the benefit of fishers and consumers by providing fresh grouper for longer period of time, maybe year-round.

Con—Not known how much it will lengthen season; could be temporary pending increased efficiency; may be some loss in produce quality when the smallest fishermen are forced out since many are day boats; fisher/markets outside of central west coast of Florida are likely to be affected more than boats in vicinity of Tampa Bay.

Pro—Buyback is paid for by industry and is voluntary.

Con—Taxpayers must loan the capital for the buyback; buyback forces out the smallest players with little input and no compensation; buyback has no public forum where interested parties can comment and reshape the plan.

Pro—Buyback document estimates that derby fishing will go away for 5-10 years; an IFQ system should replace the present license limitation system.

Con—An IFQ could be implemented in 2-3 years; post-buyback fishers will be in a derby in order to guarantee shares for the IFQ.

Pro—If first buyback vote fails, then a longline vote only occurs; if it passes then longline fishery gets its own quota.

Con—Commission is on record as opposing longlining inside 50 fathoms.

Pro—Vessels allowed to upgrade in size/HP one time within 20% specified limits.

Con—Upgrades will accentuate the derby; upgrades may amount to more effort increase than was gained from excluding the small players in the initial qualifying criteria.

Mr. Williams stated that staff is on record as preferring an IFQ over a buyout because it is more fair, controls effort with more certainty, and optimizes public benefits. The downside of an IFQ is that it will take longer to set up, and requires a more complicated enforcement and monitoring system.

The Gulf Council has voted to manage the grouper fishery with IFQs and, at its November 2005 meeting, will select an *ad hoc* advisory panel to make recommendations for implementing a program. A red snapper IFQ program should be approved at the same meeting and finalized at the January meeting after the required referendum of endorsement holders.

While the red snapper IFQ can serve as a model for preparation of a grouper IFQ, a grouper IFQ has several unique complications. Grouper are managed with several subunits: (1) deepwater grouper vs. shallow water grouper; (2) within the shallow water grouper complex: red grouper quota and all grouper quota; and (3) the possibility that a gag grouper quota may emerge at some time in the future. Closure of the shallow water complex based on red grouper or all shallow water grouper harvest will require some discussion and thought as to how to structure the annual coupons.

Discussions with Council staff lead up to conclude that a reasonable date for implementing a grouper IFQ is sometime between January 1, 2008 and January 1, 2009, unless priorities are shifted.

A proposal was made by a recreational fishing group at the September 2005 Commission meeting that Florida implement a \$2 or \$3 "grouper" stamp to raise dedicated funds to buyout the longline fishery. If enacted, approximately 300,000 anglers would need to purchase a grouper stamp. There is at least one complication with the "stamp" in that the longline fishery is federally permitted and operates exclusively in the federal zone, whereas the funds that would be generated from a stamp would accumulate in a state trust fund.

Public Comment

Ted Forsgren stated the buyback plan has no conservation benefit and asked the Commission to oppose the plan. He believes the best solution to reduce landings is to prohibit the use of longlines out to 50 fathoms and provide some funding through Congress to allow the longline boats to either receive some compensation to buy out of the fishery or convert to hook and line gear.

Dennis O'Hern (Fishing Rights Alliance) offered his opposition to the buyout plan, expressing that it is a "numbers game" or a "shell game," with no reduction in the poundage of fish being removed from the fishery. He stated he would support enactment of a grouper stamp.

Doug Gregory (Sea Grant) pointed out the need to control the fishing effort and that the buyback program will remove effort. He stated there are conservation

benefits to effort control because any time you lengthen and slow down the fishing mortality on the population, you are allowing more fish to survive and reproduce. Mr. Gregory offered his support of the buyback program proposed by the industry.

Bob Spaeth (SOFA) stated that there has been much misrepresentation of the buyback program. He pointed out that it was never meant to be a conservation measure but a business plan, and the Committee involved in the drafting of the plan was not made up solely of SOFA members.

Jerry Sansom commented that there is a lot of history on the issue and this Commission was asked, in the middle of the issue, to form a position. He suggested the Commission take more time to review the entire history before taking a position and convene a workshop of interested parties for more detailed information, if, in fact, it wants to insert itself in this process.

Commission Discussion

Commissioner Yablonski stated he would be interested in the track record on industry loan programs and repayment to the federal government.

Commissioner Meehan conveyed that although this issue does not require Commission action, the Commission was asked to review the buyback program knowing that it is not a conservation issue but a business plan. He pointed out that staff has indicated the program will not reduce landings and there is no evidence of whether or not it will create a year-round fishery.

Mr. Haddad suggested staff continue to keep abreast of the plan.

Dry Tortugas National Park (DTNP) Special Regulations

Background: The Dry Tortugas National Park is managed by the National Park Service (NPS) in the westernmost part of the Florida Keys. The park is within the State of Florida and is part of the Florida Keys National Marine Sanctuary. NPS has completed a General Management Plan Amendment which includes a proposed 46-square-mile Research Natural Area (RNA) within the park in which fishing would be banned. However, NPS has been unable to fully implement this plan with regulations because of a long-standing disagreement between NPS and the Board of Trustees of the Internal Improvement Trust Fund (TIITF) over ownership of the submerged lands in the park. Recently, the TIITF and the NPS have agreed to a management agreement that would allow NPS to manage all submerged lands within park. The TIITF approved the management agreement on August 9, 2005. In any effort to address FWC concerns about management and regulation of marine fishing in the park, TIITF and NPS have agreed to language in the agreement which states that nothing in the agreement affects or diminishes FWC's authority to regulate marine fish (including fish, lobster and stone crabs) in the State of Florida under the Florida Constitution and that requires NPS to submit for prior review to the Commission any fisheries regulations.

Chairman Huffman introduced to the Commission other partners in this issue: Colleen Castille, Secretary of the Florida Department of Environmental

Protection, Dan Kimball, Superintendent of the Everglades and Dry Tortugas National Parks, and Billy Causey of the Florida Keys National Marine Sanctuary.

Mr. Robson discussed the importance of the waters of DTNP in providing spawning and nursery habitat for numerous reef fish and invertebrate species, including spiny lobster and shrimp.

Mr. Robson reviewed for the Commission the management agreement between the TIITF (Governor and Cabinet) and the National Park Service (NPS) regarding implementation of the 2001 Dry Tortugas National Park General Management Plan.

In conjunction with FWC review of the proposed special regulations for DTNP, the NPS will advertise the regulations, solicit public comment and hold public workshops. Subsequently, the proposed NPS regulations will be presented to the Commission at the February 2006 meeting for Commission review, and to determine whether or not to support NPS rules relating to fishing. Then, the NPS regulations must be submitted to the TIITF for concurrence. If the Commission does not concur with proposed regulations, the TIITF may direct the parties to further negotiate, or if the differences are insurmountable, the TIITF has the option of terminating the management agreement.

Mr. Robson discussed the current special fishing regulations for DTNP, explaining that FWC laws and regulations apply except as modified by the NPS. FWC does not provide law enforcement of NPS rules within the Park.

Regarding enforcement, the FWC Sanctuary Enforcement Team Offshore Patrol is the primary enforcement presence in the Dry Tortugas region. NPS Park Rangers also patrol to enforce NPS regulations. However, these two enforcement groups are not cross-deputized nor cross-trained, and NPS rangers are not authorized to enforce fisheries regulations inside Park boundaries.

FWC patrols the Tortugas and DTNP primarily in smaller vessels with one crew consisting of two officers. Should the RNA component of the DTNP Management Plan be approved, FWC Law Enforcement would need additional personnel and equipment in order to continue in its supportive role for DTNP. Through a memorandum of understanding, FWC and NPS officers would be cross-trained.

Ms. Castille stated that she is shepherding the agreement initiated with the White House and signed with the National Park Service to develop a management plan for this process. This recognizes the authority of the Board of Trustees to approve a plan and to recognize the authority of the Fish and Wildlife Conservation Commission to comment on the NPS's regulations, come to an agreement on the regulations, and provide joint law enforcement of the regulations.

Ms. Castille stated that the Department of Environmental Protection strongly supports the RNA and the science behind it. She pointed out the need to study marine life in this area for the long-term well-being of the ecosystem and the marine life within and outside the RNA, and for its ability to provide opportunities for research, education, and other nonconsumptive uses.

Mr. Kimball thanked the FWC and its staff for assisting the National Park Service on many issues in the South Florida region, and introduced NPS employees Brien Kulhane, Bonnie Foist, and Bob Johnson.

Mr. Kimball discussed the Park mission, collaborative planning for Dry Tortugas National Park and Tortugas Ecological Reserve, Research Natural Areas, proposed special regulations, and benefits of the proposed regulations.

Mr. Kimball explained that the NPS supports the proposed RNA, which would protect the representative Park habitats, replenish depleted fish populations, protect fish and wildlife in an intact coral reef ecosystem, complement the Tortugas Ecological Reserve by protecting the shallow marine habitats and nursery areas, protect the scientific values of the Park, and provide for the opportunity for comparative studies. Appropriate activities in the RNA would include boating, snorkeling, diving, hiking, wildlife observation, nature study, and research and education. Prohibited activities would include fishing, anchoring (except at mooring buoys), and disturbing natural and cultural resources. The NPS would look at a federal/state cooperative effort in terms of research, education, enforcement, and adaptive management. Mr. Kimball explained that 54 percent of the Park would remain open to recreational fishing, including the more popular fishing spots; there would continue to be a ban on commercial fishing, spearfishing, and the harvest of lobster, conch, and ornamental fish.

Regarding comments on fish and release within the area, the NPS does not believe such regulation is appropriate and would be difficult to enforce. NPS believes the "No Take" protection is needed in the RNA to preserve the richness of the species and the healthy fish stocks for the Tortugas and the Florida Keys.

The proposed regulations would delete obsolete Fort Jefferson National Monument regulations, strengthen protections provided for resources in the Park, recognize and protect the region's significant fisheries habitats, restrict discharges and implement the RNA, and provide for achieving the objectives of the NPS Organic Act.

Mr. Kimball stated that the proposed regulations will provide outstanding opportunities for research, education and public appreciation of an intact ecosystem. Additionally they would help to enhance health and productivity of the Florida Keys coral reef ecosystem and support multi-million dollar tourism and fishing economy of south Florida.

Billy Causey mentioned the cooperative relationship he has had with the NPS, FWC and DEP. He pointed out that this agreement, when approved, will supplement the plan for the Tortugas Ecological Reserve, which has been successful with the rebuilding of fish populations in the Reserve. He stated that the marine resources are unaffected by jurisdictional boundaries. In order to make the ecological reserve function at full capacity to protect and conserve the marine biodiversity of that area, the shallow-water habitats within the national park are needed to complement the deep-water habitats in the federal and state waters of the ecological reserve.

Public Comment

Dr. Jerry Ault spoke on the availability of scientific information from RNAs. He stated that the conclusions for which the scientists have based their analyses are from an extensive most precise data base on coral reef fishes in the world. In the studies, he provided a system perspective on the entire coral reef ecosystem, because the Tortugas is part of the entire system. Analyses show that 13 of 16 groupers, 7 of 13 snappers, hog fish, and 4 of 7 grunts are below levels of stock size that are considered sustainable under state, regional, or federal definition. When this data is compared to the Keys system the picture is not much better whether you compared the Park specifically or looked at the region. He brought to the Commission's attention just how important the system is to Florida and its fisheries by providing \$6 billion annually and 100,000 jobs which depend directly on the vitality of the coral reef ecosystem. He asked the Commission to support the RNA to ensure future generations the opportunity to enjoy this natural area and benefit from its abundance of marine life.

George Neugent (Monroe County Commission) complimented agency staff for their professionalism during interaction with the Monroe County Commission and other interested agencies and persons on the Dry Tortugas issue. He stated there is tremendous support for the management plan, and unanimous support from the county commission (through a resolution), and residents. Mr. Neugent asked the Commission to support the plan to secure protection for biodiversity in the area.

Mr. H.T. Pontin advised that neither the federal government nor the Commission has jurisdiction to enforce any agreements in the waters in the Tortugas or anywhere off the Keys, south of Long Key. He supplied the Commission with historical background documents supporting his statements.

Ted Forsgren voiced his objection to the "no fishing zone" portion of the agreement. He stated there is no evidence that no-take zones restore fish populations, and believes once the area is closed to fishing it will never be opened again. Mr. Forsgren stated he would support protecting certain species in the area if data prove their populations are depleted.

David White (The Ocean Conservancy) provided written comments and offered his support of the NPS's proposed final management plan for the DTNP, including the designation of a 46-square-mile "no-take" Research Natural Area.

Manley Fuller (Florida Wildlife Federation) presented the Federation's June 26, 2005 resolution supporting the establishment of the proposed 46-square-mile RNA as a fully protected ecological reserve within the DTNP.

Marianne Gengenbach (The Nature Conservancy) offered her support of the proposed special regulations for the DTNP. She added that there has been much public input into the regulation process, with many area recreational fishing clubs supporting the regulations as proposed.

Bruce Pupham (Florida Keys National Marine Sanctuary Advisory Council) provided to each Commissioner a copy of the motion made by the FKNMSAC, which strongly recommends that the Governor and Cabinet vote to adopt the

management agreement for the Tortugas Ecological Reserve for the portion contained within DTNP. He asked the Commission to also support the agreement and regulations.

Richard Grathwohl (Marathon Guides Association) commented that it is his strong belief that RNAs are “fish-generating factories.” He mentioned the increase in mutton snapper coming from Riley’s Hump, which is a closed area. Mr. Grathwohl asked the Commission to support the proposed special regulations.

Jack Curlett agreed strongly with Mr. Grathwohl’s comments pointing out that recent fishing trips he has made near a closed area provided exceptional fish harvesting opportunities.

John Stewart (DEMA) offered the recreational divers support of the proposed Dry Tortugas regulations. He pointed out that reserve areas work and have been an important factor in the preservation of the marine resources of the Florida Keys.

Ralph Boragine (Monroe County Commercial Fishermen), Jason Bennis (National Parks Conservation Association), and Debbie Harrison (World Wildlife Fund) offered their support for implementation of the special regulations for the DTNP offering that the benefits will be far reaching for the area ecosystem and the resources it supports.

Dennis O’Hern asked the Commission to be cautious with a “broad-brush” closure of this type. As the “The Fishing Capital of the World” he does not believe Florida needs no-take zones.

Commission Discussion

Commissioner Meehan commented that it is always difficult to close an area but ecosystem management, in this case, seems to suggest a closure might be the appropriate management tool, but the area may be closed forever.

Chairman Huffman agreed with Mr. Meehan’s statement; however, he added that fishing technology has improved and fishing effort has increased, and certain species require additional protection.

Commissioner Barreto suggested the Commissioners take a trip out to the Dry Tortugas for an on-site inspection. He stated that it is his belief the leaders of the agencies involved in the management plan have used the best available science and the plan is supported by a majority of the Keys residents. He looks forward to reviewing more detailed aspects of the plan at the February Commission Meeting. He thanked Secretary Castille for taking the time to attend the meeting and offer her comments on the plan.

Sharks—Prohibited Species List

Mr. Williams presented a review of a draft rule to add prohibited species to the Commission's shark rule (68B-44).

Florida's shark rule was originally adopted in 1992 and included a Protected Species List of six species of sharks and rays. Subsequent amendments to the rule have resulted in complete protection for six species of sharks, two species of sawfish, spotted eagle rays, and all manta rays. The rule designates these species as protected pursuant to Florida Statute. The term "protected species" was repealed in 1999, and therefore, is no longer valid.

Rule 68B-44.03 allow the harvest of nonprotected species in state waters with a one shark per person per day limit, provided, however, that the possession of more than two sharks harvested from state waters aboard any vessel with two or more persons is prohibited.

The National Marine Fisheries Service (NMFS) developed and implemented a shark management plan in 1993. That plan and its amendments also include a protected list of nineteen shark species, only five of which are already on Florida's list. The NMFS protected species list has been generated by both stock assessments and consensus scientific opinions as to stock status. The smalltooth sawfish is protected under the Endangered Species List. These included size and bag limits as well as protected species.

Dr. William Hogarth, the NMFS Administrator has asked that Florida adopt regulations consistent with federal regulations. Division staff have reviewed the request and concluded that the FWC should proceed immediately with consideration of the protected species list, but that adoption of size and bag limits would be more difficult and the Division of Marine Fisheries Management should be that on the 2006 work plan. The large coastal shark complex will be the subject of a stock assessments in 2006.

Mr. Williams presented a comparison of Florida and NMFS protected species lists for sharks and rays. All of the protected shark and ray species have been placed on the Florida and NMFS lists because of agency and public concerns about their status and vulnerability to depletion. Staff is recommending this action for consistency between state and federal regulations, for enforceability, and for conservation and ecosystem-based management concerns. Biodiversity issues aside, since some sharks attack human beings, some people will argue that no further protection of sharks is warranted. However, most of the species on Florida's protected species list and the NMFS prohibited species list are not typically involved in attacks on humans.

Staff recommends adoption of 13 of the 14 species listed by NMFS that are not already protected by FWC rule. The only species staff does not recommended including is the Caribbean sharpnose shark because it can not be distinguished from the Atlantic sharpnose shark without counting the number of vertebrae, and because it probably does not occur in or adjacent to Florida waters.

Mr. Williams conveyed that if it is the wish of the Commission, staff will prepare a final rule for Commission consideration at the February 2006 Commission meeting, with an effective date of immediately upon approval.

Commission Discussion

Upon motion of Commissioner Kaupe, seconded and carried, staff will prepare a final rule for the February 2006 meeting.

Federal Issues

Mr. Robson discussed recent actions by the South Atlantic Fishery Management Council. The Council continues to develop management alternatives for all species covered under its snapper-grouper fishery management plan. During its last two meetings the Council focused on a separate amendment to address four species that are presently overfished in order to act quickly to end overfishing in accordance with federal requirements under the Magnuson-Stevens Act. At the September meeting, the Council approved management alternatives for further public input. Mr. Williams discussed the alternatives being considered to address overfishing for the snowy grouper, golden tilefish, vermilion snapper, and black sea bass.

Ten public hearings on the amendment are scheduled to begin soon, with hearings in Florida scheduled for Jacksonville Beach, Cape Canaveral, Fort Lauderdale, and Marathon. The final public hearing will be held at the Council's meeting in North Carolina on December 5-9, 2005.

At its latest meeting, the Council approved the inclusion of marine protected areas as one type of management alternative in the snapper-grouper amendment dealing with the remaining 73 species of the complex.

Mr. Williams presented an update on matters of the Gulf of Mexico Fishery Management Council. Principal issues before the Council recently concerned reef management.

>Reef Fish Amendment 18A—The Council approved this amendment unanimously and voted to send it to the Secretary of Commerce.

>Reef Fish Amendment 26—This amendment proposed to manage the Gulf red snapper fishery with individual transferable quotas (IFQ). The Council approved the amendment for public hearings and conducted a final hearing in November.

>Grouper Regulatory Amendment—The Council approved an amendment to impose a 6,000 grouper trip limit on all commercial vessels in the Gulf. The goal is to slow the fishery down and attempt to maintain a nearly year-round season until the Council may develop a program to better manage this fishery.

Individual Fishing Quotas (IFQ)

Mr. Roy Williams began his report by thanking Jessica McCawley of the Division of Marine Fisheries Management for developing the presentation. He

explained that IFQs are also known as Dedicated Access Privileges, Individual Vessel Quotas, and Individual Transferable Quotas (ITQs). They refer to the concept of limiting access to a fishery by allocating individual privileges to harvesting fish.

The Magnuson-Stevens Fishery Management Act (M-S Act) defines an IFQ as “a federal permit under a limited access system to harvest a quantity of fish, expressed by a unit or units representing a percentage of the total allowable catch of a fishery that may be received or held for exclusive use by a person.” The M-S Act also clearly states that IFQs are limited privileges, not true property rights, and are therefore subject to modification or revocation without compensation to their holders.

Mr. Williams provided information on the IFQ alternative management tool to limit access to fisheries where other types of regulation had failed to prevent a race for fish and over-harvesting, which resulted in economic inefficiency, safety issues, and poor product quality. Proponents of IFQs believe that the lack of specified property rights of traditional limited entry management scenarios causes the overuse and abuse of fishery resources, since people tend to maximize their share of a common resource. They reason that IFQs foster rent conserving behaviors, since the participants become co-owners in the fishery. Though IFQs do not directly control fishing effort, they may create incentives for changes in the amount or distribution of fishing effort. IFQs have the potential to alter the distribution of costs or benefits within the fishing community and the management structure. Ultimately, biological conservation can result indirectly from changes in the behavior of fishermen who improve the efficiency of their own operations.

Rationales for implementation of IFQs are:

- >Avoid the race for fish and its negative consequences
- >Economic efficiency—Improve economic efficiency by providing incentives to reduce excess harvest and processing capacity.
- >Conservation—Improves conservation by crating incentives to reduce bycatch and lost gear and encourage other activities that conserve the resource.
- >Safety—Improve safety by reducing incentives to fish in dangerous conditions.

Mr. Williams gave a brief history of IFQs that have been used in fisheries management since the 1970s. There have been four IFQs implemented in United States marine fisheries: surf clam/ocean Quahog (mid-Atlantic), halibut (Alaska), sablefish (Alaska), and wreckfish (South Atlantic).

A moratorium, which expired in September 2002, was imposed on the use of IFQs in federal fisheries in the 1996 re-authorization of the M-S Act. There is still debate over how IFQs should be implemented.

When designing an IFQ the following considerations should be addressed: qualifying criteria, initial allocation of quota, transferability and accumulation,

sunset or duration, re-evaluation following monitoring results, enforcement, and cost recovery and fees.

Potential benefits of IFQs include:

- >Prevents the race for fish
- >Allows market to dictate supply of product
- >Provides shareholders incentive to protect their resource
- >Eliminates incentive to overcapitalize
- >Fishers receive higher prices for their catch and consumers receive high-quality produces on a more consistent basis.
- >Safety at sea (National Standard)
- >Reduces bycatch and wastefulness (National Standard)
- >Gear conflicts reduced
- >Reduction in number of vessels
- >Lengthening of fishing season

Potential concerns of IFQs include:

- >Initial allocation of quota shares
- >Highgrading
- >Enforcement and monitoring
- >Misreporting
- >Consolidation of quota shares
- >Social consequences
- >Confusion about the nature of the privilege
- >Increased management tools

Mr. Williams stated that no one form of rights-based management is superior in all circumstances. The choice will depend on the nature of the fishery and the social and economic communities associated with it. IFQs should be considered on a case-by-case basis, and might not be appropriate in all circumstances. They may be more effective in a combination of management measures.

Mr. Williams discussed considerations for Florida IFQs. Most Florida fisheries are also harvested in federal waters. Therefore, cooperation between federal councils and the National Marine Fisheries would be required in order for IFQ implementation to be successful. Species such as shrimp that are harvested in Florida state waters could be landed in other states. Depending on the size of the fishery, enforcement of the program could be difficult, especially due to the number of ports in the state. Also, currently, Florida does not have any fisheries managed using total allowable catches (TACs), making implementation of an IFQ difficult.

If an IFQ were to be implemented in Florida, many changes would have to take place, including designing a new trip ticket system, more timely collection of data, and upgrading of point-of-sale system for tracking quota shares in real-time and vessel monitoring systems.

Regarding Florida candidate fisheries for IFQs, Mr. Williams explained that no species managed solely by Florida are good candidates for an IFQ program. However, at least four species, co-managed by the Federal Government and

Florida, have potential; they include the King mackerel (Gulf), lobster, Spanish mackerel, and stone crab.

Commission Discussion

Commissioner Meehan asked what people's concerns might be if an IFQ were imposed on grouper.

Mr. Williams responded that the initial allocation would be the biggest concern.

Commissioner Yablonski thanked Mr. Williams for a most thorough presentation. He stated his understanding that IFQs are steeped in economics; however, he favors innovative ways to manage fisheries and suggested the FWC explore the use of IFQs. He wants the fishermen to think of themselves as owners of a certain portion of the fishery, pointing out that there is also a conservation by-product in IFQs, and they are supported by the Bush Administration in Washington.

Commissioner Yablonski offered to take the lead with the Commission on IFQs.

Commissioner Barreto asked if FWC could initiate an IFQ program on a Florida fish.

Mr. Haddad stated that the agency should proceed with caution due to the federal component involved. He stated that inshore fisheries are well managed and do not require IFQs. However, he will challenge staff to work to develop a proposed IFQ program with a predominately Florida fishery.

Mr. Robson mentioned that a possible IFQ may be included in the Division of Marine Fisheries Management work plan for next year.

Commissioner Barco pointed out that IFQs are just one tool in the management "tool box" and staff should ensure the fishery needs the quota and it is a feasible option.

Public Comment

Ted Forsgren commented that it would be foolish to move forward with IFQs when there are other management options available. He stated that the fishery must be evaluated on how it is going to be managed before you decide how it is going to be allocated. He stated that recreational fishermen are paying the bill for the management of Florida's fisheries, putting in \$15 million/year while commercial fisheries are putting in \$3 million.

Commissioner Yablonski agreed that the fishery must be reviewed for management alternatives. He suggested staff evaluate the emphasis being placed in the revision to the M-S Act to have fishers own portions (quotas) of fisheries and provide an analysis and recommendations to the Commission.

Future of Saltwater Fishing

Mr. Robson discussed the stakeholder process for the Future of Saltwater Fishing. Recreational, commercial, research, and environmental interests participated in the November 1, 2005 meeting. It was a facilitated meeting with FWC staff participation. Although attendance was light the meeting garnered productive results. This was the second full group meeting. Three subgroups met previously (recreational, commercial, research/environmental). All three presented their visions in November.

In the end, there are still clear areas of agreement and disagreement. However, five priorities emerged: (1) habitat enhancement/protection, (2) ecosystem management, (3) improve management/research coordination, (4) improve interagency cooperation, and (5) enhance funding and staffing.

Some examples of action strategies for the five priorities include: Proactive identification of irreplaceable habitat; integrated coastal habitat mapping; establish measurable biological goals for management measures; identify productivity bottlenecks for selected fisheries; develop better coordination between research and management; and increase FWC rule/input on coastal issues, submerged lands, and water management.

Future challenges include population growth and declining public support for fisheries issues, preserving access to the waterfront, and how to implement "ecosystem management"?

The facilitator and staff are compiling the final draft stakeholder vision statement. Pending group review, a public comment period will be open and local meetings held. The final vision document for saltwater fisheries shared by the stakeholders and staff should be available in Spring 2006.

2006 Commissioners' Areas of Emphasis (CAEs)

Mr. Heller recapped the 2005 CAEs, which staff will continue to address, and asked the Commissioners to express their interests for 2006 CAEs at this meeting or provide information to him at a later date. Following documentation of the information he will meet with the incoming Chairman prior to the February meeting to discuss the 2006 CAE list.

Commissioner Barreto pointed out the importance of Chairman Huffman's emphasis on invasive exotics in Florida, and suggested continuance of this CAE into 2006. He suggested the power point presentation Mr. Harden presented at the last Commission meeting be mailed to elected officials, including the Florida Congressional Delegation, in order that they may know the enormity of the problem.

Commissioner Barco agreed with Mr. Barreto expressing that additional funding will be required, in addition to a long-term plan and an action time line.

Chairman Huffman expressed that he will continue to seek solutions to the exotics problems in cooperation with the other agencies involved in this issue.

Commissioner Kaupe offered her support for continuing the work on invasive exotics from the flora to the fauna.

Commissioner Meehan expressed his interest in reactivating the Captive Wildlife Committee to review this program's budget and fees, and seek legislative support for this issue.

Commissioner Yablonski conveyed his interest in ecosystem management mentioning that it crosses both public and private jurisdictions. He asked staff to look into incentive-based management for private landowners and users.

Prior to "Presentations by the Public," Mr. Haddad expressed his appreciation and admiration for the effective and sincere interaction of Chairman Huffman with the staff during his tenure as Chairman. He stated that it has been a personal pleasure and privilege to work with him.

Chairman Huffman stated that he has enjoyed the camaraderie with staff and looks forward to continuing his relationship with all agency employees.

Presentations by the Public

Pat Rose thanked Chairman Huffman for his leadership in 2005 and thanked the Commissioners for the work they do for the people of Florida. He mentioned that there are many people who care about Florida's resources, who are not part of a user group; and, as the state population grows those resources will need additional protection through regulation. Mr. Rose expressed that Save the Manatee Club looks forward to working with the Commission and staff during the upcoming Legislative Session on a variety of issues, including reducing the number of public marinas being sold as private marinas.

Commissioner Barco stated that marina owners should be given an incentive to keep their marinas open to the public, pointing out that a submerged land lease and a few public slips are not enough.

Commissioner Meehan suggested the Boating Safety Bill be resurrected for the 2006 Legislative Session.

Manley Fuller stated that Chairman Huffman has been a great asset to the Commission. He stated that he will miss Frank Montalbano, who is a great man of integrity. Regarding current work of the Florida Wildlife Federation, Mr. Fuller mentioned that the Federation is currently working on the manatee forum, hunting summit, Babcock purchase, Scripps Research Facility project, Lake Okeechobee water stages and discharges, and the Big Cypress Addition Lands access quagmire. He expressed that he is concerned with longlining.

Commissioner Exchange

Commissioner Yablonski pointed out that the Florida Forever land acquisition program will expire soon and Florida needs to begin thinking about the next generation of land acquisition programs.

Chairman Huffman thanked Commissioner Barreto and Chuck Collins for hosting the Thursday evening reception at Mr. Barreto's Key Largo home. He thanked Judy Ritter and Darlene Barry for their efforts to ensure meeting accommodations and provide administrative support, and Dani Moschella and Officer Jorge Pino for setting up the lobby display for the meeting.

Commissioner Barco thanked Chairman Huffman for the personal time and effort he has put forth in leading the Commission.

Commissioner Barreto expressed his wishes for a Happy Holiday season to all, thanked Chuck Collins and staff for a smooth running meeting, and expressed his appreciation for the fine leadership of Chairman Huffman in 2005. Regarding the Babcock Ranch acquisition, he expressed that the people of Florida are the winners of this historical acquisition; and he looks forward to working with the Commission and staff in 2006.

Commissioner Meehan thanked Commissioner Barreto and Chuck Collins for hosting the Commission the previous evening. He expressed his holiday wishes to all and thanked the Chairman for a good meeting and a great year.

Commissioner Yablonski mentioned that there are very few agencies where you can just walk in and present your comments to the rule-making body. He pointed out that the Commission's system of public input works and the Commission reacts to the comments. Commissioner Yablonski thanked Mr. Huffman for his leadership and congratulated the newly elected Chairman and Vice Chairman.

Commissioner Kaupe thanked the Chairman for his leadership in 2005, stated she looks forward to working with the new Chairman, and wished everyone a Happy Holiday season.

Chairman Huffman thanked the Commission for their kind words. He stated that in the coming year he would like to see some help for the officers/employees of the South Region, who, due to the high cost of living, are living three people to a house. Mr. Huffman suggested consideration should be given to placing appropriate housing on wildlife management areas, where the employees would be charged nominal rent to cover expenses. He also asked staff to fully review the trade in exotics, which is a huge practice in Florida.

Administrative Matters

Mr. Heller suggested that due to conflicts with the annual meeting of the International Association of Fish and Wildlife Agencies, the Commission's September 2006 meeting date be changed to September 13-15. He thanked Chairman Huffman for his leadership in 2005.

Upon motion of Commissioner Barreto, seconded and carried, the Commission will meet September 13-15, 2006 in St. Petersburg.

The next regular Commission meeting will be held February 1-2, 2006, in Gainesville.

There being no further business, the meeting was adjourned at 4:00 p.m.

Rodney Barreto
Chairman

Kenneth D. Haddad
Executive Director

Respectfully submitted:

Commission Secretary

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