

Florida Fish and Wildlife Conservation Commission

Minutes of the Commission Meeting

September 21-22, 2005

St. Petersburg Beach

A regular meeting of the Florida Fish and Wildlife Conservation Commission was held at the TradeWinds Island Grand Resort, St. Petersburg Beach, September 21-22, 2005, and called to order at 8:30 AM, 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. Jacqueline Fauls	Director, Legislative Affairs Office
Ms. Sandra L. Wilson	Director, Finance and Budget Office
Ms. Sharon T. Lobello	Director, Community Relations Office
Mr. Gregory L. Holder	Director, Southwest Region
Mr. Rolando J. Garcia	Director, North Central Region
Lt. Col. Louie S. Roberson	Director, Northwest Region
Mr. Dennis N. David	Director, Northeast Region

Forty-six persons registered as guests/speakers for the two-day meeting.

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

Special Presentations and Recognitions

Executive Director Haddad introduced Sharon Lobello, recently hired to serve as director of the Community Relations Office. Recognized nationally for her success in direct response marketing, Sharon brings to the agency more than 20-years' experience managing marketing and communications strategies.

Mr. Haddad introduced the following Southwest Region employees to the Commission: Division of Hunting and Game Management--Blair Hayman and Jason Burton; Division of Law Enforcement—Melodie Justice and Officer Jon Saltzgaver; Fish and Wildlife Research Institute—Kari Higgs and Charlie Gardner; Division of Habitat and Species Conservation—Victor Echaves and Paul Hansen; Division of Freshwater Fisheries Management—Darrel Andrews and Michael Matthews; and Division of Marine Fisheries Management—Gina Russo and Jessi DiGennaro.

Approval of Minutes and Agenda

Chairman Huffman asked the Commission Secretary if there were any edits to the June 15-17 or July 14-15, 2005 meeting minutes.

Ms. Mara explained that the staff discussion for the Okeechobee Waterways portion of the draft boating safety rules was inadvertently omitted from the June minutes. This information has been added to the minutes and in no way changes the outcome of the Commission's decision for staff to proceed to final rule making.

Upon motion of Commissioner Meehan, seconded and carried, the June and July Commission meeting minutes were approved as amended.

Under adoption of the meeting agenda, Chairman Huffman explained that the agenda item "Review and discussion of proposed National Park Service special regulations for Dry Tortugas National Park" has been withdrawn at the request of the National Park Service due to their needs to direct all manpower to the preparation of the Everglades and Dry Tortugas national parks for the impending impacts of Tropical Storm Rita. This item will be postponed to the November/December Commission meeting in Key Largo.

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

Executive Director's Report

Mr. Haddad presented an abbreviated Executive Director's Report to the Commission:

Community Relations (CR)—The FWC has terminated its outsourcing contract with a private vendor to publish *Florida Wildlife* magazine due to the vendor's difficulty in meeting some obligations. The magazine editor is preparing requests for proposals or bids for various new vendors.

Division of Freshwater Fisheries Management (FFM)—The division is sponsoring a two-day symposium in September to review production techniques

and stocking protocols for advanced-sized largemouth bass. The division will use the information presented at the meeting to improve its production techniques and stocking and evaluation strategies for the Florida largemouth bass.

--DFFM has scheduled six "zone" summit meetings as part of the division's plan to develop a long-term engagement strategy for freshwater fishing. Information from the pre-summit internet survey on the future of freshwater fishing was used to help establish locations and times.

Division of Habitat and Species Conservation (HSC)—In June, the FWC entered into a three-year cost-share agreement with the Northwest Florida Water Management District to develop and implement a comprehensive fisheries and wildlife management program for the Sandhill Lake Mitigation Bank, located in Washington and Bay counties. Based on a negotiated work plan, the FWC will be reimbursed for management costs on a quarterly basis.

--The Lake Wales Ridge Wildlife and Environmental Area Royce Unit (Highlands County) will receive \$300,000 for a large-scale hydrologic restoration project. Restoration efforts will restore a 200-acre freshwater marsh, overland flow into Lake Istokpoga, and seasonal wetlands.

--In July, the South Florida Water Management District Governing Board approved opening a third Stormwater Treatment Area (STA) for waterfowl hunting during the 2005-06 season. During the 2004-05 hunting season, FWC administered waterfowl hunts on two previously constructed STAs where a total of 8,710 ducks were harvested. Harvest rates averaged 4.1 ducks per hunter throughout the season, the highest success rate for waterfowl hunters in Florida.

--Tenoroc Fish Management Area's collaboration with students from Sleepy Hill Middle School (Lakeland) continued with support of the school chapter of the Technology Student Association (TSA). With guidance from Tenoroc and Exotic Species Coordination staff, two TSA students designed and developed a school-wide survey to determine knowledge of invasive plant species. Students produced educational brochures on Brazilian pepper, cogon grass, and water hyacinth. In the TSA State and National Environmental Challenge, Sleepy Hill won second place in the state and ranked fifth in the national competition.

Florida's Comprehensive Wildlife Conservation Strategy (CWCS)—FWC staff addressed over 5,000 line-specific recommendations received from the public and stakeholders. FWC leadership reviewed the third draft culminating in a final document sent to the U.S. Fish and Wildlife Service on September 15. Guaranteeing that the CWCS is a living document, a public review of the submitted CWCS will take place from September 16 through December 16. Based on this input and further work with stakeholders, staff will develop a timeline and process for additional input to review the CWCS, including a public workshop or series of workshops, and a partnership and implementation conference.

Division of Hunting and Game Management (HGM)—In a joint effort between Texas Parks and Wildlife, the Texas Wildlife Association, and the Shikar Safari Club, the FWC is bringing a copy of the successful Texas Youth Hunting Program to Florida.

Division of Law Enforcement (DLE)—FWC Law Enforcement Officer Academy Class 7 graduated 30 officers on September 16.

--As a result of Hurricane Dennis, the division deployed 154 personnel with 16 sworn personnel being deployed to Franklin County, 17 to Wakulla County, 33 to Escambia County, 29 to Santa Rosa County, 27 to Okaloosa County, and an additional 26 assigned to multiple counties or command duties. In addition, six non-sworn personnel from DLE and Finance and Budget were deployed for communication, logistical and maintenance support.

--The 2004 Legislature approved Specific Appropriation 1910A to provide grants to marinas that provide public access to waterways and suffered uninsured damages from named hurricanes during the 2004 hurricane season.

--A pilot of the Boating Safety Campaign was launched by the Boating and Waterways Section on May 21, with the goal of increasing boating safety awareness among Lee County boaters.

Division of Marine Fisheries Management (MFM)—The division recently posted a special Web page to inform the public about recent federal and state actions regarding the red grouper fishery.

Fish and Wildlife Research Institute (FWRI)—During the first week of August, FWRI received reports from diving and fishing charter businesses about mass mortalities of fish and other benthic reef biota. Reports spanned a geographical area extending from New Port Richey south to Sarasota from three to four miles to about 23 miles offshore. FWC divers were transported offshore by volunteer dive and fishing charter businesses to collect water, sediment, and biological samples for testing and to document status. Red tide and bottom sampling protocols were incorporated into other existing studies to leverage sampling for offshore locations. In 1971, a red tide caused mass mortalities of reef inhabitants over 1536 Km² of the west Florida shelf. It was concluded that extensive die-offs caused by red tide are possible on reefs less than 130 feet in depth. Colonization of reef fishes was seemingly complete 18-24 months after the red tide and after five years the fish species composition was basically identical to that prior to the red tide.

--Update on chronic wasting disease (CWD): 558 free-ranging deer tested negative (CWD not detected) in Florida last fiscal year with a total of 1,802 free-ranging deer testing negative since testing began in July 2002. There have been no CWD-positive test results of free-ranging deer in Florida.

Wildlife Foundation of Florida (WFF)—The WFF has launched a monthly mailer to all conservation license plate holders, whose tags are about to expire, reminding them to renew their conservation tags.

--The WFF has created an FWC Employee Disaster Relief Fund to provide all types of disaster and relief funds to employees under certain circumstances.

Rules

Mr. Kipp Frohlich, Division of Habitat and Species Conservation, Imperiled Species Management Section Leader, presented the following rule for Commission consideration:

68C-22.001, Scope and Purpose—The proposed rule change would add consideration of the measurable biological goals as another factor the Commission considers when determining whether new or amended manatee protection zones are necessary. The proposed rule would also codify the Commission's statutory requirement to give great weight to existing state manatee protection rules in regions where the goals are being achieved.

Mr. Frohlich explained that the purpose of the rule is to comply with Florida Statute 372.072(6) that requires the FWC adopt rules describing how measurable biological goals are used by the Commission in making manatee zones. He reviewed the opportunities presented for public comment and public responses to the proposed rule changes, and presented the staff recommendation to approve the rule as advertised.

Commissioner Meehan asked who were the members of the group working on revising the measurable biological goals, and what was the expected timetable for a draft document.

Mr. Frohlich replied that an optimistic estimate for a draft document would be one year. The membership includes representatives from the U.S. Fish and Wildlife Service, Marine Mammal Commission, Coastal Conservation Association, Save the Manatee Club, other stakeholders representing different interests, and FWC employees.

Commissioner Barco asked that at the December Commission meeting, the Commission be updated on the results of the October working group session (measurable biological goals).

Public Comment

Bonnie Basham (Standing Watch) commented that the working group does not have adequate boater representation and would like the Commission's support for additional boater members. She asked that the Commission move forward with appropriate manatee rules before the federal government enacts its own. She suggested the rule be written to give greater weight to meeting the measurable biological goals by changing rule paragraph (b) to number (3).

Ted Forsgren (Coastal Conservation Association[CCA]) offered his support of the proposed rule that mimics the statutory language. He stated that FWC must develop new measurable biological goals for manatees because currently a population at carrying capacity will never meet the biological goals; and he asked that a deadline be set for Commission consideration. There is a need to know how many manatees are in the waters, and whether or not their numbers are increasing, decreasing, or stable, otherwise the rule will be meaningless.

Pat Rose (Save the Manatee Club) stated he supports the rule as proposed. Regarding the working group, he commented that it is an involved process with a group consisting of scientists trying to develop the best scientific recommendation, and is a well-balanced group of people. He pointed out that there is a substantial difference between the federal recovery criteria and state measurable biological goals for manatees.

Elizabeth Fleming (Defenders of Wildlife) conveyed that the Defenders support the rule as presented. She stated that science is needed to guide decisions for manatees, and asked all to be patient while the working group reviews the science and makes recommendations.

Commission Discussion

Commissioner Meehan asked if the schedule for determining manatee biological goals is realistic, e.g., to have the working group set a deadline and target date for delivery. He recommended that staff present a final date for Commission consideration at its next meeting.

Mr. Haddad responded that he will review the schedule for a realistic development of measurable biological goals in the November Executive Director's Report.

Upon motion of Commissioner Meehan, seconded and carried, Rule 68C-22.001, was approved as presented.

Major Proposed Changes to 2006-07 Wildlife and Freshwater Fisheries Regulations

Mr. Nick Wiley presented an overview of the agency's rule-promulgation process, its objectives, and schedule. He reviewed major proposed changes to 2006-07 wildlife and freshwater fisheries regulations advising that, with the Commission's approval, draft rules would be presented to the Commission at the November 30, 2005 Commission meeting. During January, rule changes would be advertised in the *Florida Administrative Weekly*, public and stakeholder communication would continue, with final rules presented to the Commission at the February 2006 Commission meeting.

This year 707 proposed rule changes were submitted by the public, staff, and cooperators, and reviewed by Regional Leadership Teams and the Rule Review Committee. Of those proposals, 285 were recommended for further consideration, review and public comment, pending Commission approval.

Major rule changes for review include:

- 68A-11.005, Use of Tracked Vehicles in the South Region (Holey Land, Rotenberger, Everglades, and Francis S. Taylor WMAs: (1) Establish guidelines for inspecting and registering tracked vehicles; (2) Require periodic re-inspection; and (3) Establish a registration decal system.
- 68A-13.003, Hunting Regulations for Ducks, Geese, and Coots: (1) Expand area open for snow goose hunting to entire state; and (2) Shift

canvasback and pintail season from first 30 days to last 30 days of waterfowl season.

- 68A-13.004, Open Seasons and Bag Limits for Non-migratory Game: (1) Establish crossbow seasons on private lands statewide, hand-drawn bows and crossbows allowed, antlered deer only; (2) South and Central zones—10-day season between archery season and shifted muzzleloading gun season; (3) Northwest Zone—7-day season opening the Monday following Thanksgiving; and (4) Allow use of crossbows during muzzleloading gun seasons on private lands.

Mr. Wiley commented that the common themes for wildlife management areas proposals were increased public hunting opportunities, quality deer management rules, more family friendly regulations, longer seasons for User Pay WMAs, and additional regulations for all-terrain vehicles in the Everglades WMAs.

- 68A-15.004, General Regulations for WMAs, and 68A-17.004, General Regulations for Wildlife and Environmental Areas (WEAs): Rule revisions would allow persons with a valid concealed weapon or firearm license to possess a concealed handgun outside of periods open to hunting, pursuant to Florida Statute.

- Mallory Swamp WMA (North Central Region): The proposed rule would increase the still hunt area by adding 2,754 acres currently closed to hunting.

- Lafayette Creek WMA (Northwest Region): The proposed rules would establish new WMA rules for seasons, quotas, access, camping, dogs, and horses.

- Wakulla WMA (Northwest Region): The proposed rules would establish new WMA rules for seasons, quotas, access, camping, and dogs.

- Kissimmee Public Use Area (Southwest Region): The proposed rule would prohibit modern firearms in the posted archery/muzzleloading gun area during all established seasons.

- J. W. Corbett WMA (South Region): The proposed rule would restrict vehicles to named or numbered roads and trails during the small game season and allow vehicles on named or numbered roads and trails during spring turkey season.

- Bull Creek WMA (Northeast Region): The proposed rule would restrict all vehicles to named or numbered roads and trails through the year and remove hogs from legal to take during small game season. (The St. Johns River Water Management District has requested these changes be made during the 2005-06 hunting season).

Commissioner Barreto suggested the Bull Creek vehicle use regulations not be too restrictive, although he agrees drivers should not be running all over the area during hunting season. He asked staff to review seasonal use, where such use is harmful, and where the area habitat is being abused. He mentioned that state or county government should provide an area for recreational ATV use.

- Three Lakes WMA (Northeast Region): The proposed rule would restrict vehicles to named or numbered roads and trails throughout the year (off-road access is currently allowed during small game season only).

- 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; and (3) Establish fees for additional tags issued to licensed trappers with additional permits.

Commissioners Corbett and Barreto commented that the Florida's human population has increased dramatically, with associated development, and it is time to be proactive in reducing the alligator population.

Commissioner Corbett added that the agency should work to increase the sale of the public alligator harvest permits. He asked Mr. Wily to review fees to possibly increase hunt participation.

Commissioner Barco recommended a reduction in fees charged for alligator hunting licenses if all licenses are not being sold.

Commissioner Meehan pointed out the need to have safe and effective alligator hunts and mentioned the need for the new hunters to work with an experienced alligator hunter, and more access to the resource. He suggested a reduction in agent licenses might be appropriate to encourage more people to work with an experienced agent trapper.

Chairman Huffman pointed out that alligator hunting is difficult and dangerous, and the Commission must ensure hunters are knowledgeable on the proper methods for taking alligators.

Regarding the nuisance alligator trappers, Commissioner Yablonski mentioned that the agency is paying trappers a subsidy to continue their important work, but is charging them a license fee. He suggested staff consider eliminating the nuisance alligator trapper's license fee.

Commissioner Kaupe asked for an explanation of the limit on nuisance alligator trappers, she believes the state might need additional nuisance alligator trappers. Commissioner Corbett agreed.

Mr. Wiley explained that the limit was imposed to ensure an income for this much-needed part-time work. He stated that trappers are allowed to bring in agents to assist in alligator control.

Commissioner Meehan stated that if you increase the number of nuisance trappers the current trappers will experience less income. He believes the agency has the appropriate number of nuisance alligator trappers.

- 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.

- 68A-1.004, Definitions: The proposed rule would define the total length of freshwater fish as a 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 extend all St. Mary's River freshwater bag and length limits to the river's tributaries. It would also 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. Wiley stated that staff is seeking conceptual approval of major proposed rules and authorization to send proposals to the public for review and comment, or direction or guidance for staff as they continue working with the public to refine the proposals.

Public Comment

David Tetzlaff (Traditional Bowhunters of Florida [TBF]) commended Nick Wiley for working with bowhunters to ensure the use of crossbows is prohibited during traditional bow seasons or on archery only hunting areas. He offered his support of a separate crossbow season and distributed to the Commission the official TBF statement regarding crossbows. He pointed out the only down side is that muzzleloader hunters are losing a weekend of hunting.

Mike Kuhn (United Waterfowlers of Florida) stated that water management district (WMD) lands are not being fully utilized for hunting and asked the Commission to support a limited waterfowl season on WMD lands. He believes hunters should have more access to WMD lands.

Byron Maharrey (Florida Sportsmen Conservation Association) offered his support of the majority of rules presented, however voiced his concern over loss of a weekend muzzleloader hunting opportunity. He pointed out that all-terrain vehicles, all-terrain cycles, and swamp buggies are losing access or are being restricted on many hunting areas, which may cause a decrease in hunters. Mr. Maharrey asked the Commission to stand up to the water management districts regarding fish and wildlife management on their lands. He asked the Commission to be careful with its legal-to-take antler rule on selected wildlife management areas because it may discourage some hunters from hunting. Mr. Maharrey asked the Commission be cautious about the number of alligator eggs that are permitted to be taken from nests to ensure protection of the species.

Commissioner Barco asked Mr. Wiley to explain changes to the Kissimmee Public Use Area (PUA).

Mr. Wiley stated that the South Florida WMD wanted to integrate other recreational uses on the area; therefore, it was requested the Commission prohibit modern firearms in the posted archery/muzzleloading gun area during all established seasons. However, additional muzzleloading gun hog hunting opportunities have been added.

The Commission asked staff to work with water management districts to ensure continuation and expansion of all practical hunting and access opportunities on lands managed or owned by the districts.

Don Browning (Marion County Sheriff Lake Watch) mentioned the need for appropriate vehicle access to public recreation areas, and asked the Commission to expand rules for gopher tortoise protection and its gopher tortoise education program, expanding current information on what is needed to protect the species.

Lane Stephens (Allied Sportsmen's Association of Florida) commented that he supports the proposed still hunt buffer around the Gulf Hammock dog hunt area, but opposes the buffer around Mallory Swamp WMA because it creates only a small slice of land between the dog hunt and still hunt areas which may have the potential to generate complaints.

Barbara Jean Powell (Everglades Coordinating Council) asked the Commission to not be too liberal with hog hunting regulations in order to protect hog populations for future hunting opportunities. She is concerned that if the hog population dwindles, hunters will begin to take more deer. She concurs with the Commission's effort to develop a statewide off-road vehicle management plan. Ms. Powell stated she supports the proposed crossbow season but opposes any loss of muzzleloading gun seasons. On the Kissimmee PUA, the Council does not believe archery only hunting is warranted and asked the Commission to not support this proposal. Ms. Powell thanked Nick Wiley for working with the public on proposed regulations.

Captain Dave Markett (Florida Guides Association) spoke regarding the legality of alligator trapper agents escorting alligator hunters on navigable waters in a boat without a U.S. Coast Guard (USCG) captain's license. He pointed out that alligator hunting is dangerous work and a licensed captain should be operating the

vessel. He suggested establishment of a Florida alligator "big gator" registry that would list eligible boat captains for alligator hunters, which might increase public participation. Regarding the alligator hunt season and the increased alligator population, Captain Markett pointed out that the season should be expanded to include either August or October, particularly October for 2005 due to the active hurricane season in Florida. He stated that the FGA looks forward to working with FWC staff on these issues.

At the conclusion of the public comment on the proposed rules, Mr. Wiley reminded the Commission that the St. Johns WMD, lead manager for the Bull Creek area, has requested the proposed rules become effective for the 2005-06 hunting season. With Commission concurrence, staff will advertise the Bull Creek WMA rules for final action at the Nov./Dec. 2005 Commission meeting.

Commissioner Barreto offered a motion directing staff to seek public comment on the proposed 2006-07 rules prior to presenting draft rules at the Nov./Dec. Commission meeting, and to advertise the Bull Creek WMA rules for final Commission consideration at its Nov./Dec. 2005 meeting. The motion was seconded.

Commission Discussion

Commissioner Barreto asked staff to review the proposed establishment of the Kissimmee PUA archery-only area because he does not believe the Commission should be removing a hunting opportunity. He asked staff to review Capt. Markett's statements regarding a USCG captain's license for those who lead alligator hunts, and expansion of the gator hunting season. He asked Mr. Wiley why vehicles are being restricted to named and numbered roads year-round on the Bull Creek WMA, and suggested restrictions might be relaxed for hunting seasons only.

Mr. Wiley replied that there is too much habitat damage in the area being caused by unrestricted vehicle usage. This rule is at the request of the WMD.

Commissioner Barco asked staff to try to seek additional lands as a buffer area to stop dogs adjacent to the Mallory Swamp WMA.

Commissioner Meehan asked Mr. Wiley to explain the removal of alligator limits on certain areas. He asked staff to ensure that people who are guiding people on alligator harvest have a captain's license.

Mr. Wiley expressed that the proposal would remove limits on areas where the alligator population is robust so more animals could be taken. The decisions would be made following aerial surveys of alligator populations.

The Chairman called the question and the motion carried.

Tide Swamp Unit of the Big Bend WMA-Dog Hunting

Regional Director Garcia stated that at the February 2005 Commission meeting the Commission adopted a rule to prohibit the use of dogs for deer hunting on the Spring Creek Unit of the Big Bend WMA. The reason for the change was on-

going trespass by deer-hunting dogs from the Spring Creek Unit onto adjacent private lands. At that meeting a constituent requested the Commission consider allowing deer-dog hunting on the Tide Swamp Unit to compensate for the loss of deer-dog hunting opportunities on the Spring Creek Unit. The Commission asked staff to evaluate the feasibility of the request.

Mr. Garcia explained that staff conducted field trips to Tide Swamp with Commissioners Huffman and Barco and with dog hunters; mailed requests for comments to approximately 650 individuals, who applied for a regular quota hunt permit in 2004-05 for either Tide Swamp or Spring Creek; posted the proposal on the FWC website; held public meetings in Tampa and Steinhatchee; and prepared statewide news releases, which were carried in local newspapers.

Mr. Garcia presented a summary of public comments. After fully reviewing the area, staff believes the Commission should set the best example of how and when to allow deer-dog hunting while minimizing deer-dog trespass. Staff is certain that dogs cannot be contained within the confines of Tide Swamp due to the lack of an appropriate road network, and recommends the continuation of Tide Swamp as a still hunt area.

Public Comment

Freeman Roberts thanked Mr. Garcia and the regional staff for setting up the public meetings on the Tide Swamp issue, and for their professionalism. He stated that he and many other hunters have traditionally still hunted on Tide Swamp and would prefer the regulations remain intact as a still hunt area.

Rose Klejment stated she supports the staff recommendation to disallow dog hunting on Tide Swamp primarily as a safety issue for those who walk on the area roads, but also because of other recreational opportunities such as bicycling which could be dangerous if dog hunting was allowed. She thanked the Commission for the opportunity to voice her opinion.

Bruce Sessler (Sandhill Hunt Club) stated that his membership is willing to work with Commission staff regarding Tide Swamp dog hunting. He delivered to the Commission a list of ideas regarding solutions to the dog hunt/still hunt regulations for Tide Swamp, and how dog hunting benefits the state by generating additional revenue from the sale of additional management area stamps.

Lane Stephens expressed that the dog hunters continue to seek additional dog hunting opportunities and are willing to work cooperatively with staff to find areas for their sport.

Matthew Bender agreed that Tide Swamp lacks appropriate perimeter roads to stop dogs from trespassing on to adjacent property; however, he believes small dog hunting might be acceptable.

Commission Discussion

Commissioner Barreto offered a motion to accept the staff recommendation to keep Tide Swamp a still hunt area. The motion was seconded.

Commissioner Yablonski asked which wildlife management areas, within 50 miles, offer or will offer dog hunting for those hunters who might be displaced due to the proposed Tide Swamp regulations.

Regional Director Garcia commented that Gothe, Lochloosa, and Gulf Hammock WMAS offer or will offer some or additional dog hunting opportunities; however, they are not within 50 miles of Tide Swamp WMA. Staff will continue to look for expanded dog hunting areas in the region. There is also the possibility for expanded dog hunting on the Osceola WMA.

Commissioner Barco commended Mr. Garcia on his presentation and mentioned that she had toured Spring Creek and Tide Swamp WMAs and does not believe Tide Swamp is an appropriate area for dog hunting.

Chairman Huffman told the dog hunters that the Commission is committed to find available land for their sport, but after viewing this area he supports the staff recommendation. He called the question and the motion carried.

2005-06 Migratory Bird Regulations Update

Mr. Wiley explained that federal regulations or frameworks are amended annually and include maximum season length, maximum bag limits, and dates within which seasons must occur. States select their hunting dates and bag limits with these frameworks.

In June, staff advised the Commission that no changes in the early season frameworks were anticipated. Late season frameworks were published in August. There were no changes from last year in the webless migratory bird regulations, nor were there any changes in the early September duck season, or Lake Seminole Canada goose season.

For regular waterfowl and coot the proposed seasons and bag limits are as follows: 60-day split season--First phase, November 19-27; Second phase, December 10 through January 29; canvasbacks—November 19-27 and December 10-30. Daily bag limits—6 ducks, with species restrictions; 5 mergansers, with species restrictions, 15 coots, and 15 light geese (NW Florida); Youth waterfowl days—February 4-5.

Division of Hunting and Game Management staff will advise the Commission of final regulations for regular waterfowl season by memorandum and, if necessary, rule changes will be presented to the Commission for adoption at the Nov./Dec. 2005 Commission meeting. With Commission concurrence, staff will proceed in accordance with previous guidance and any additional director provided.

Upon motion of Commissioner Kaupe, seconded and carried, staff will, if necessary, present migratory bird regulation changes at the Nov./Dec. 2005 meeting.

Impacts on Fish and Wildlife in the Kissimmee River, Lake Okeechobee, St. Lucie and Caloosahatchee Estuaries and the Everglades

Ms. Ann Forstchen, Research Coordinator, FWC Fish and Wildlife Research Institute, explained that the water levels in central and south Florida have been at record levels. August 2004 to July 2005 was the wettest period on record in south Florida. Earlier this year, Lake Okeechobee was at one of its highest water levels in 74 years and the water level in Water Conservation Area 3 was at its highest level in July since it was constructed. The NOAA Climate Prediction Center outlook is for above normal rainfall through November and The National Weather Service indicates that this year could be one of the busiest hurricane seasons ever.

The climate conditions that we have been experiencing for the last 15 months have not been seen for the last 50 years. Florida is currently in a weather cycle that is going to be wetter, stormier, and warmer, and this pattern is expected to continue for the next several years.

The water conveyance system in central and south Florida is outdated and was not designed for the benefit of fish and wildlife resources or the current human population. FWC staff is working with federal, state, and local agencies on modifications to the water conveyance system that will benefit fish and wildlife.

The 730 square-mile Lake Okeechobee is the dominant feature in the water system and its watershed starts just south of Orlando and travels south via the Upper Chain of Lakes and the Kissimmee River. The major outlets of water from the Lake Okeechobee are the Caloosahatchee River to the west and the St. Lucie Canal to the east. Smaller outlets allow water to travel south of the lake through the Everglades Agricultural Area, Water Conservation Areas, and to the Everglades or lower east coast.

Ms. Forstchen presented a brief review of the historic flow of water before the dike around Lake Okeechobee was completed in 1938 and explained the current water flow and complex system of the Central and South Florida Project (to drain the swampy south Florida landscape) of the late 1940s through 1960s, which is maintained and controlled primarily for water supply and flood protection by the U.S. Army Corps of Engineers (USACE) and the South Florida Water Management District (SFWMD).

Many flood protection and water supply issues involve Lake Okeechobee and the retention or release of water to the estuaries or south to the Everglades. The process involves looking at what the current level of the lake is, and then forecasting the rainfall for the area around the lake and tributaries above the lake. The current regulation schedule, adopted in 2000, and the model that was used to develop it, added provisions that water could be discharged if it was beneficial for the environment. While this was an improvement over previous regulations schedules, the current model, known as WSE (Water Supply Environmental) still occasionally creates conditions that are detrimental to fish and wildlife resources.

Ms. Forstchen discussed problems associated with persistent high water levels and their effects on vegetation and fish and wildlife resources. Benefits of maintaining lower Lake Okeechobee Water Levels include: increased aquatic

vegetation growth for better fish habitat, increased habitat for wading birds and Everglade snail kites, and decreased need for discharges to the estuaries. Currently the USACE and the SFWMD are working to modify the water level regulation schedule of Lake Okeechobee, which would result in increased growth of submerged aquatic vegetation that is critical to the black crappie and largemouth bass populations.

Ms. Forstchen stated that FWC staff and other federal, state, and local agency staffs are working together on hundreds of projects to “re-configure” the outdated water conveyance system that will provide adequate water supply and flood protection, but will also maintain and support fish and wildlife resources.

Commission Discussion

Chairman Huffman asked Ms. Forstchen the historical normal pool stage for Lake Okeechobee.

Ms. Forstchen responded that the lake level was maintained at 15 feet in 1978, but has been periodically raised and is currently at 17 feet. FWC staff recommends the lake be maintained at a lower level to benefit fish and wildlife.

Commissioner Corbett asked who has estimated the cost the project and from where will the funds be derived.

Ms. Forstchen responded that cost estimates were prepared by the Central Everglades Estuary Project.

Commissioner Barreto asked for a status report from the SFWMD, and a summary of funding commitments and allocations to date from federal, state, and local governments.

Mr. Haddad stated money is coming from the federal government but not at the pace originally anticipated. He stated that Governor Bush has worked actively for funding, however, there have been delays due to ongoing discussions with the Federal Congressional Delegation.

Commissioner Kaupe stated that she is aware that the restoration process has been slow, and asked if there is any hope to lower the lake level to an appropriate level within the next two years.

Ms. Forstchen stated that the proposal to lower Lake Okeechobee to the 12-foot level for 12 weeks does not have a time-certain beginning date.

Public Comment

Ken Stead (Marine Industries Association) stated his support of the effort to lower lake levels but asked that managers take navigation across the Okeechobee Waterway into consideration. He stated that the lake can be measured in the 14- or 15-foot range with approximately \$250,000 worth of dredging and it would be manageable for wildlife in the estuaries and allow navigation in the waterway. He asked that this money be factored into the overall costs.

Chairman Huffman stated that the lake levels and water flows must be corrected in a timely manner to benefit fish and wildlife.

FWC Airboat Sound Study and Associated Recommendations

Major Jim Brown, Office of Boating and Waterway Safety, Division of Law Enforcement, stated that because airboats were traditionally used by sportsmen to access remote areas, flexpipe was considered an acceptable muffling device. However, as the human population has grown, so have user conflicts relating to airboats; therefore, methods of incremental sound reduction must be sought. He pointed out that a series of incremental noise reductions are very likely to result in significant noise reduction.

In 2004, the Commission requested staff to conduct an engineering study on the effectiveness of mufflers on airboats and work with the Boating Advisory Council (BAC) and industry to develop an Airboater's Code of Ethics. Staff sought qualified researchers to conduct an airboat sound study and Florida Atlantic University (FAU) was chosen based on the qualifications of researchers and their ability to complete the project in a timely manner. A work group (consisting of FWC staff, a representative of homeowners' groups and the airboat industry) was formed to review and provide expertise on the project scope of work.

Major Brown introduced Dr. Stewart Glegg of FAU, the lead researcher for the airboat sound study. Dr. Glegg holds a Ph.D. in acoustics and a Masters degree in sound and vibration. He serves as a professor in the Department of Ocean Engineering, Director of the Center for Acoustics and Vibration, and Director of the Center for Coastline Security, and was chairman of the Department of Ocean Engineering at FAU from 2001-2003. Dr. Glegg has extensive experience in propeller sound research.

Dr. Glegg stated that, currently, Florida statute provides a local county option to adopt a county ordinance establishing a sound level prohibition for those vessels exceeding 90 dB(A) at a distance of 50 feet from the vessel, and the Commission is seeking solutions that will enable airboats to operate with noise source levels below 90 dB(A) at 50 feet to minimize sound level impacts.

Dr. Glegg gave a detailed report on motor vehicle noise, county and federal standards, airboat noise testing, measurement procedures, measured noise levels at 50 feet, and airboat noise versus vessel speed and engine RPMs. He also presented data showing the effects of operating at lower propeller tip speeds to reduce propeller noise, maximizing the performance of the vessel at low propeller tip speeds, and using exhaust mufflers (reactive and expansion chamber). Dr. Glegg thanked the Waterfront Homeowners Association, Airboat Association of Florida, Florida Airboat Association, and the airboat and propeller manufacturers for their assistance during the study. In addition he thanked Captain Richard Moore of FWC for his professionalism throughout the entire project.

The studies conclusions were:

- At maximum operating conditions all airboats exceeded the optional local county noise limits provided in Florida statutes.
- Noise levels are reduced for muffled airboats operating at less than maximum operating conditions.
- At propeller tip Mach numbers of less than 0.5, airboat noise is below 90dB(A).
- Exhaust mufflers always help to reduce low frequency sound emissions.

Commissioner Corbett thanked Dr. Glegg for an excellent fact-filled presentation. He asked how the information can be simplified to find a solution for an appropriate muffler, balanced with the variables of the propeller, speed, hull design, and muffler.

Dr. Glegg responded that, in the long term, he hopes people will start to look at the different possibilities and design quieter airboats. To take a step in that direction, they can fit a good or adequate exhaust muffler to their boat and optimize their performance for lower propeller tip speeds.

Commissioner Barreto asked how an airboat muffler regulation would be enforced.

Major Brown stated that officers would look for an expansion chamber muffler or a resonating muffler on an airboat; however, the current staff recommendations are to (1) Update the FWC enforcement standard for airboats to now require a muffler, (2) Hold an additional public workshop with stakeholders to discuss implementation of the muffler policy and the Airboater's Code of Ethics and Guidelines for Courteous Airboat Operation, and (3) hold a final hearing on the new muffler policy at the Commission's Nov./Dec. meeting.

Public Comment

Phil Walters (Florida Airboat Association) stated that the Association wants a reasonable solution to the airboat sound issue. The FAA proposes 94dB at 100 feet and supports the Airboater's Code of Ethics. He explained that FAA plans proposed legislation this year that will ask for further testing, use of factory-type mufflers with the sound reduction offered by automotive mufflers, a definition of an "airboat" in statute, and an anti-discrimination statement in the statute in order to override current discriminatory county rules. Airboats would be governed as just another vessel. He also pointed out that Florida airboaters are always willing to volunteer their time when needed and want a means to be able to organize and help out in times of disasters, such as hurricanes.

Jerry Wetherington (United Sportsmen and Airboater Alliance) agreed with the statements of Mr. Walters. He added that signage on waterways would help boaters to realize and be aware they are in an area where noise should be lessened, and commented that airboaters need direction on who may place signs in waterways.

Captain Dave Markett (Florida Guides Association) stated that the process is an excellent beginning for testing mufflers. He suggested that pipes other than flex pipes be tested. He suggested the FWC sponsor "a quiet airboat competition," with a reward for the person or organization who develops a legal, quieter airboat. He stated that airboaters were extremely frustrated by FEMA that they could not be of assistance in Louisiana after Hurricane Katrina. He asked the Commission to work with the airboaters on a joint mission to develop criteria for allowing the use of airboaters during state disasters where airboat use might save lives.

Ron Johnson stated that he was appreciative of the good report presented by Commission staff and Dr. Glegg. He stated that the issue with airboat use is the excessive noise which invades homes, disrupting personal conversations and listening to the television. He also believes noise exposure over the long-term may cause physical harm to humans and disrupt normal wildlife behavior near and around shorelines. He thanked the FWC for the airboat operator's code of ethics and for being proactive by installing mufflers on all its airboats.

Byron Maharrey offered his support of Mr. Walter's statements and asked that the Commission work with the airboaters and Legislature to come to an amicable solution. He stated he sympathizes with the landowners near waterways who are affected by airboat noise.

Barbara Jean Powell stated the Everglades Coordination Council would the time to fully review the study before taking a final position on the issue. Ms. Powell offered her support of a code of ethics for airboaters, and a "quiet airboat contest." She reminded the Commission that hunting season was about to open and many people who may have comments might not be in attendance at the workshops, and asked for special consideration, if necessary, to provide comments. The Council enthusiastically agrees there should be a coordinated airboater team with specific standards for search and rescue.

John O' Neill agreed with the definition of an airboat muffler as outlined by staff, pointing out that mufflers are inexpensive and available. He suggested a hefty fine for those who do not adhere to the vessel laws and code of ethics.

Bob Hoover (Citrus County Airboat Alliance) thanked Commission staff for the information provided, and stated he supports and promotes use of airboat mufflers and laws to ensure their use. He stated that more study on propellers and pipes is needed and it will take time to lower decibels.

James Brown (Lake County Airboat Club) mentioned that his entire family enjoys airboating. He suggested airboat training and certification might be an option but does support quieter airboats. He agrees that airboaters should be able to help during disasters when needed.

Don Browning (Marion County Sheriff Lake Watch) commented that excessive, continual use from airboat noise can cause hearing loss. He offered his appreciation of the work of FWC in Marion County to lower the noise level of airboats. Mr. Browning suggested FWC employees be advised to remove their headsets and slow down before approaching people to set a good example. Additionally, the Captain should not be the first one on the airboat to put on his ear

protection before starting the engine. He offered his support of an airboaters search and rescue group.

Bonnie Basham (Florida Association of Yacht Clubs) asked for at least three weeks to read the study and send comments. She offered the club's support of the airboater code of ethics and supports the staff recommendation.

Joseph Springer (Citrus County Airboat Alliance) stated that it is time to enact an airboat muffler rule with a reasonable compliance timeframe of six months.

Commission Discussion

Commissioner Barreto offered a motion to accept the staff recommendation to (1) Update the FWC enforcement standard for airboats to now require a muffler, (2) Convene an additional public workshop with stakeholders to discuss implementation of the muffler policy and the Airboater's Code of Ethics and Guidelines for Courteous Airboat Operation, and (3) Hold a final hearing on the new muffler policy at the Commission's Nov. 30-Dec. 1 meeting. Additionally, he would like the Commission to send a clear message to the airboat industry that this is the first step to reduce the decibel level of airboats. The motion was seconded and carried.

Before continuing with the next agenda item, the Chairman asked for Commission approval to move Discussion of the Financial Business Plan to the last item under Commissioners' Areas of Emphasis. Upon motion of Commissioner Barreto, seconded and carried, the agenda was amended.

Draft Rule—Cooperative Advertising, Sponsorships, and Partnerships

Ms. Lobello presented a draft rule (68-1.006) for the agency regarding cooperative advertising, sponsorships, and Partnerships. She listed specific guidelines for the rule, which would include:

- Potential partner's image must be compatible with Commission goals
- Possible support for a specific program
- No conflict of interest with partners or the appearance of conflict
- Allow FWC to use the Wildlife Foundation of Florida to assist in administering partnership program.

Partnership requirements would include:

- FWC retains approval rights for partner statements regarding promotions
- No partnerships that advertise alcohol, tobacco, adult-oriented businesses or gambling.
- All partnership materials would carry a disclaimer against implied endorsement.

Commission Discussion

Commissioner Barreto asked if the FWC would own the material (pictures, film, etc.) and be able to use it in future endeavors or promotions.

Ms. Lobello explained that in a partnership the partner may actually print the materials and the FWC logo might be run with the material. The partner may have much more invested in the product than FWC, or, the FWC will pay to own it, which negates the reason for a partnership.

Commissioner Barco stated that partners may have material the FWC wishes to use; therefore, FWC would not have to generate the same material.

Commissioner Yablonski asked staff to fully review the no-alcohol guideline language because it may have some unintended consequences. Most sports networks broadcast bass tournaments and often those networks advertise beer.

General Counsel Antista explained that with partnerships, if there is any material being produced, the FWC reserves an unrestricted use of the material; and at the same time, FWC works to protect material it has produced.

Upon motion of Commissioner Barreto, seconded and carried, staff was directed to go forward with the draft rule and fully review the advertising morality provision.

Land Acquisition

Mr. Breault reviewed the process for amending the FWC's Florida Forever inholdings and additions acquisition list. The proposal before the Commission is to add 34 parcels to the agency's current list of 430 parcels which adjoin the Yucca Pens Unit of the Babcock-Webb WMA. The total acreage of these 34 parcels is 4,837 acres.

Public Comment

Bill Allbright (Florida Council of Yacht Clubs) offered his support of these acreages being added to the acquisition list. He asked that, in the future, the Commission consider adding properties that would be appropriate for boat dock construction and boater access; and work in conjunction with other state and local governments for funding to replace water access that is being lost statewide.

Commission Discussion

Upon motion of Commissioner Corbett, seconded and carried, staff was directed to add the 34 parcels to the FWC Florida Forever Acquisition List.

Future of Hunting in Florida—An Update

Mr. Wiley stated that the "2005 Summit on the Future of Hunting in Florida" was held August 11 and 12 in Orlando. He thanked all the summit sponsors, partners and the steering team for the success of the summit.

Mr. Wiley reviewed discussions and conclusions of the summit participants and presented the three top actions for:

- Recruiting and Retaining Hunters: (1) Partner with youth organizations to introduce hunting; (2) Remove barriers to first hunting experience, e.g., purchasing hunting license; and, (3) Create a “go to” list of hunting-related businesses and get them involved.
- Increasing Opportunities on Public Lands: (1) Review all state and federally owned lands that are currently closed to hunting; (2) Open small parcels of land to archery-only hunts; and (3) Establish youth hunts during all seasons.
- Increasing Opportunities on Private Lands (Participants agreed to set up a private lands working group): (1) Develop a standard liability waiver; (2) Develop legislation to provide liability assurances for landowners who allow hunting; and, (3) Develop private hunting lease website.
- Hunting Ethics and Conservation: (1) Implement the Interstate Wildlife Violator Compact; (2) Establish a Code of Ethics for Florida hunters; (3) Link efforts with nonhunting conservation groups to increase influence and improve habitat.
- Creating a Unified and Politically Strong Coalition: (1) Form a Florida Sportsmen’s Coalition; (2) Identify all organizations that need to be part of a unified hunting coalition; and (3) Adopt a Florida Hunting Accord modeled after the North American Hunting Accord.

Mr. Wiley thanked Chairman Huffman and Commissioners Corbett and Meehan for attending the summit.

Commission Discussion

Commissioner Corbett stated he was encouraged that Florida was moving forward on a plan to providing future hunting opportunities for its hunters. He thanked Mr. Wiley and the participants for the excellent ideas brought forward during the summit.

Commissioner Barreto advised that a recent *Field and Stream* article mentioned a recent poll showed a decline in hunters because they are unable to find the opportunity to attend classes to receive the necessary hunter education card they must have to hunt. He stated that if this is correct, Florida should review and, if necessary, revamp its hunter education program.

Chairman Huffman responded that staff are working toward making hunter education more easily accessible to hunters.

Commissioner Meehan stated that Mr. Haddad’s opening remarks at the summit were bold causing everyone to ponder just what the future of hunting will be if steps are not taken to provide more and better hunting opportunities.

Commissioner Kaupe stated that partnering with youth groups, such as 4-H, is an excellent action item which she wholeheartedly supports.

Public Comment

Newton Cook (United Waterfowlers of Florida) stated that the "average" Florida hunter has no place to hunt. He said that too many lands are managed by private landowners for those hunters who can afford to take part in a hunting lease. He suggested quota hunts on public land be eliminated to allow for additional hunting opportunities for the average hunter. He believes wildlife should be managed--not the people, and that hunting quotas break down the tradition of the family hunt. Mr. Cook mentioned that Georgia and Alabama are experiencing increases in the sale of hunting licenses. Additionally, Mr. Cook stated that Lake Okeechobee is degraded and someone needs to look at what is being done for the lake and at what cost.

John Thomas (Thomas Fish Company) suggested the Commission increase alligator harvest quotas, which would produce more money for the agency. He asked that the speckled perch limit be raised to 50, and that the Commission find a way to control exotic fish species in Lake Okeechobee, such as plecostomus and hoplo.

Canadian North American Waterfowl Management Plan/North American Wetlands Conservation Act Program

Mr. Ross Melinchuk, Director of Public Policy, Ducks Unlimited (DU), explained that because habitat is the foundation for ducks, DU has, since its inception, focused on the conservation of habitat for North America's waterfowl.

The North American Waterfowl Management Plan (NAWMP) was enacted between the United States and Canada to develop a strategy to restore waterfowl populations through habitat protection, restoration, and enhancement. It was to be a partnership upon which hundreds of others would be built as joint ventures. Additionally, the U.S. Congress passed the North American Wetlands Conservation Act (NAWCA) to encourage partnerships to conserve North American wetland ecosystems for waterfowl, other migratory birds, fish and wildlife.

DU is part of the partnership working to help the states reach their contribution goals set by the International Association of Fish and Wildlife Agencies (IAFWA). Florida's goal is \$152,000. Millions of waterfowl and other migratory birds from Canada and the northern states winter in Florida, which is one reason DU focuses on the southern region and its wetlands.

Mr. Melinchuk discussed the NAWCA/NAWMP state grants and the DU matching funds for waterfowl habitat conservation in Canada, recovery locations of ducks banded in Manitoba, South Atlantic regular season harvest estimates, predicted waterfowl breeding distribution in Western Manitoba, and the Canadian Prairie Region NAWMP programs.

He thanked the Florida Fish and Wildlife Conservation Commission and its staff for investing in the future of waterfowl through its investment in the NAWMP and work with DU.

Commissioner Corbett stated that there has been a drop in flyway waterfowl production over the past decade that he believes can be attributed to predation in the border states with Canada. He asked how predation might be controlled.

Mr. Melinchuk responded that the waterfowl community has concluded that a wholesale predator control program would be ineffective and socially unacceptable to many people.

Mr. Haddad thanked Mr. Melinchuk for his presentation and conveyed that the states are attempting to commit to the program, and Florida is working toward meeting its goal.

Financial Business Plan (FBP)

Mr. Haddad explained that the presentation of an agency draft FBP is in preparation for the 2006 Legislative Session and is being presented by staff as a status report. No proposed legislation has been drafted.

Ms. Julie Reed, Office of Legislative Affairs, presented an overview of Phase II of the FBP project.

In Phase I at the July meeting, the Commission chose to develop funding needed to maintain the current level of services only or status quo and, where possible, provide current service levels with some enhancement of existing programs.

Phase II is designed to generate revenue options needed to maintain and enhance current programs and services with stakeholder guidance and support. Topics to be discussed at stakeholder meetings include: Freshwater fishing, Saltwater fishing, non-governmental Organizations, Fishing Guides, Hunting, Boating, and Wildlife Viewing (Canoeing, Kayaking and other interests). Education, partnerships, and revenue expenditures will also be key topics.

Ms. Reed thanked all the stakeholders who have taken part in the planning process to date and especially Bonnie Basham of Standing Watch for her continued participation and insight.

Ms. Sandy Wilson explained that a key part of preparing the agency FBP is clearly identifying the agency financial problems. From the analysis the agency may then make plans designed to bring it back to sound financial footing.

Ms. Wilson presented a preliminary analysis of the long-term revenue-shortfall issues of the agency, explaining the need to focus on those trust funds with projected shortfalls and recurring revenues and costs, and project revenues and cost out five years. Ms. Wilson reviewed expected shortfall revenues for each trust fund. The Gap Summary for FY 10/11 is as follows: Freshwater fishing (\$2.3m), Hunting (\$1.8m), Saltwater Fishing (Law Enforcement) (\$3.4m),

Saltwater Fishing (Research & Management) (\$2.9m), Florida Panther (\$1.4m), Manatee (\$1.4m), Nongame Wildlife (\$0.8m), and Other (\$0.8m), for a total gap of (\$14.8m). Staff will be refining this information into more detailed revenue streams as they further develop the analysis and develop specific staff recommendations for addressing the gaps as it is completed.

Mr. Brett Boston (Group Solutions, Private Contractor) reviewed data obtained from price point testing and stakeholder focus group surveys. Questions asked dealt with resident hunting and fishing license costs, reduced fee shoreline license, reduced fee youth license, reduced fee senior citizen license, nonresident saltwater fishing license, and nonresident freshwater fishing license.

Mr. Boston presented the focus group summary:

- FWC has stakeholder support to take necessary actions to shore-up the trust funds.
 - There was very strong support for finding ways to increase the amount of federal dollars coming back to Florida through the Wallop-Breaux and Pittman-Robertson acts.
 - The concept of user-pay and equity were a strong message from the focus groups.
 - Concerns were expressed that FWC users were not the sole beneficiaries of the agency's work, and that General Revenue dollars should be sought.
 - Many recommended that law enforcement overhead should be removed from the trust funds and completely paid by General Revenue because all of Florida benefits from their efforts.
 - Broader funding mechanisms other than user fees were seen as necessary to address the current and future pressures on the fish, wildlife, and habitat of Florida and the agency.
 - Users would like more transparency in tracking the fees they pay and how they are used.
 - FWC must increase its communications with all stakeholder groups regarding its priorities.
 - FWC should communicate more broadly to all Floridians regarding its mission, actions, projects and programs.
 - After being given the facts, stakeholders strongly agreed that funding increases for the agency were needed.
 - Most organizations felt that they can and should assist FWC in shoring up its financial situation.
 - Stakeholders want a percentage of increased fees to go directly to the user groups providing those fees.
 - New user groups were unaware of what FWC did or provided for them and did not understand the concept of user pay.
 - New user groups have a philosophy that they should not pay for access, infrastructure, and use, which is counter to the traditional user groups.

Mr. Boston also outlined suggested price point recommendations for increasing resident and nonresident fishing and hunting licenses, and the recommendation to eliminate the saltwater shoreline exemption, senior exemption (with a means test), and address the youth exemption. Other recommendations for

vessel licensing were presented as well as the suggestion to increase the cost of a snook permit.

Lt. Curtis Brown, Division of Law Enforcement, thanked the FBP Team for their work on the plan. The FBP Team has taken into account price point testing, statistical analysis and social recommendations and developed a number of funding ideas, which include, but are not limited to:

- Repeal saltwater shoreline exemption and require standard \$12 license: Expected annual revenue generated in FY 10/11, \$8,100,000.
- Repeal 65 and older exemption and offer a reduced cost Senior Platinum Sportsman license (\$18.50) or the purchase of regular licenses: Expected annual revenue generated in FY 10/11, \$5,700,000.
- Increase costs of nonresident saltwater fishing licenses: Expected revenue generated in FY 10/11, \$2,900,000.
- Increase costs of nonresident freshwater fishing licenses: Expected revenue in FY 10/11, \$224,000.

Lt. Brown stated that more analysis is required in order to assess the revenue that would be generated from various combinations of resident license fee increases if it is decided that such action would be appropriate. Stakeholders have suggested additional research be conducted on the creation of a freshwater guides vessel license; voluntary registration for youth and exempt users; voluntary check-off on licenses to support the resource; cost of snook permit; creation of a conservation tag/decal; or a conservation decal, pledge or stamp. With Commission direction the team will continue to explore funding ideas.

Commission Discussion

Chairman Huffman stated that staff has presented a great deal of information that the Commission needs time to review. He suggested a special Commission meeting be convened to address only the financial business plan.

Mr. Haddad responded that a day might be added to the December or February Commission meetings to address the FBP or a special meeting could be convened. The Commission agreed.

Commissioner Yablonski suggested Group Solutions add what budget reductions could be taken over the next five years, pointing out that legislators will ask for similar information when reviewing the FWC Financial Business Plan and reviewing the budgets of all state agencies.

Commissioner Barreto commented that the agency has made substantial cuts in its programs and projects since the Fish and Wildlife Conservation Commission was organized; and suggested staff provide to all Commissioners a copy of program/project cuts that have occurred over the past five years.

Mr. Haddad stated that staff has drafted a list of what would have to be cut if we can not increase funding and it will be provided to the Commissioners. He said cuts will be a difficult decision for the Commissioners and stakeholders.

Mr. Heller conveyed that he would work with the Commissioners to decide the best date for a FBP special meeting.

Presentations by the Public

James Brannen asked the Commission to not eliminate unused commercial (latent) licenses. He believes that the "use it or lose it" license policy will cause strained resources by unnecessary fishing and harvesting, and small markets will be flooded by fishers who feel obligated to have landings. He believes the Commission's ability to manage the state fisheries would be in peril due to fraudulent trip tickets by individuals desperate to ensure their future. Mr. Brannen asked that the Commissioners request reports from its staff on various aspects he has raised and suspend the doctrine until the Commission can formally make a decision on the future of unused licenses throughout all its licensing programs.

Commissioner Yablonski asked staff to review Mr. Brannen's concerns.

Doug Kelly (Bonefish & Tarpon Unlimited) conveyed that the organization knows that bonefish and tarpon are important fish for the state's tourism industry, and discussed the work of BTU and a unique fish tagging system with the Commission. He explained that the organization equipment tarpon with Pop-up Archival Transmitting (PAT tags, which are used for study of fish movements and dynamic behaviors. This tag is placed on large 80+ pound tarpon and towed by the fish for up to two years, after which the tag automatically releases itself from the animal, floats to the surface, and transmits an archive of that tarpon's behavior (depth, preferences, temperature, and approximate position) since it was tagged. The advantage of these tags is that you do not have to recapture the tarpon.

For bonefish the organization is doing acoustic telemetry studies, which allow them to monitor the fish continuously as opposed to just collecting tag and release data. The transmitter is sutured into the abdomen of a large bonefish. So far, there has been zero mortality to the fish. Results include information on movement patterns, movement behaviors, and habitat uses.

Mr. Kelly stated that BTU would like to partner with the Commission on some of its research. He conveyed that he has met with Commissioners Meehan and Barreto as well as the Executive Director and Assistant Executive Director.

Commissioner Barreto encouraged the other Commissioners to take the time to meet with Mr. Kelly.

Byron Maharrey stated that he understands the National Park Service has conveyed that they need to know what part of the 148,000 acres of the Big Cypress addition lands the public would like to recreate in. His response has been "all of it." Regarding Lake Okeechobee, Mr. Maharrey blamed the Corps of Engineers and South Florida Water Management District for dredging canals and channelizing the river which is causing the water level problems, water pollution, and adverse impacts on wildlife. He suggested the water management district allow modern shot guns for hog hunting on the Kissimmee Public Use area. He stated that he is willing to give up his senior citizen exemption and purchase a license in order for the Commission to receive federal matching dollars for licenses sold in the state.

Bill Allbright conveyed that the Florida Council of Yacht clubs continues to support the manatee "hit" (self-reporting) notification project and is pursuing the project with the federal government. He asked the Commission to continue its support of the project. Mr. Allbright stated that there are too many boating restrictions which originated from property owners and have no science or safety basis and should be reviewed. Mr. Allbright commented that he is against the state using more OPS (part-time) employees, who work without benefits, and suggested that after three or five years of employment the state should at least provide medical insurance for these employees. He pointed out there has been an increase in the number of manatees being sent to the FWRI pathology lab and suggested a new, larger facility. He asked the Commission to work to secure more federal funding from the Sportfish Restoration Act and from Wallop-Breaux for Boating Safety.

Commission Exchange

Commissioner Kaupe voiced her agreement with the suggestion that there should be a quiet airboat contest.

Commissioner Meehan stated that staff has presented a good approach to a Financial Business Plan and is supportive of a special meeting day for a thorough discussion.

Commissioner Corbett commended Mr. Boston for the information he provided for the Financial Business Plan. He complimented Colonel Jones and other employees who worked during the hurricane Katrina and Rita events, and thanked Nick Wiley and sponsors for the hunting summit. He asked staff to work closely with the water management districts for cooperation in managing public lands for the hunting and fishing public.

Commissioner Barco thanked Kipp Frohlich and Roland Garcia for their "can do" attitude regarding proposed fish and wildlife regulations. She believes there should be some license cost adjustments for the agency and mentioned the fact that wildlife exhibits with a large inventory pay the same amount as an individual with one species. Commissioner Barco agrees that staff must draft a document depicting where the Commission has reduced or where the agency intends to reduce when presenting the Financial Business Plan to the Legislature. She thanked the public for their comments on the issues presented.

Commissioner Yablonski suggested that when staff is drafting their reduction document they include where other state agencies have made reductions.

Commissioner Barreto asked the Executive Director to investigate the possibility of training airboaters so they and their vessels may be of assistance during hurricanes or other natural disasters. He asked Mr. Haddad to provide the Governor a copy of the Commission's letter to the National Park Service regarding making the Big Cypress Addition Lands available to the public. He also suggested the Chairman, Executive Director, or Governor send a letter to all employees who helped during the aftermath of Hurricane Katrina.

Chairman Huffman agreed that the Commission should work with the airboaters who have captain licenses to assist in bringing together a group to help during national disasters.

The Chairman recessed the meeting at 7:30 PM, to reconvene on Thursday, September 22, at 8:30 AM.

The meeting was reconvened on September 22, 2005, at 8:35 AM by the Chairman.

Draft Rule-Blue Crab Effort Management Program

Mr. Bill Teehan, Division of Marine Fisheries Management, presented for Commission review and discussion draft rules for blue crab that would: (1) establish a nontransferable blue crab limited entry endorsement for displaced netters who have a valid blue crab endorsement but no qualified landings, and for harvest and sale of blue crabs as bycatch in shrimp trawls and stone crab traps; and (2) allow a blue crab harvester to obtain permission from the Division of Law Enforcement to allow another person to transport, deploy, pull, or retrieve his or her traps for reasons of hardship.

Mr. Teehan explained that staff is seeking Commission approval to advertise the rule language for final consideration by the Commission at its December Commission meeting, with an effective date of July 1, 2006. Fees included in the rule must be approved by the Legislature.

Public Comment

James Brannen stated that 1,500 inactive licenses were removed from the industry in 2003, which were not included in the ad hoc committee. Additionally, not all people were notified they were going to lose their inactive licenses. He believes anyone who bought an incidental take license should receive 100 tags regardless of landings. Mr. Brannen pointed out that in 2002-03 there was an incidental license to blue crabbers to keep stone crabs, which made it attractive to blue crabbers to get into the business. He commented that the FWC received a fee for the license but did not notify fishers they were losing their licenses but notified them of another endorsement to add to their license and collected the fees. He believes fishers were lead on by the FWC and recommended that anyone who bought the incidental take license be awarded their blue crab license regardless of landings.

David Capo, member of the Blue Crab Advisory Board (BCAB), asked the Commission to approve the staff recommendation to go forward with the rule as presented.

Jerry Sansom, Organized Fishermen of Florida, offered his support of the staff recommendation. Mr. Sansom pointed out that everyone who has held a blue crab permit, which has been a free permit, has had the option to use it. He stated that possibly the FWC might require the nontransferable licenses that are being given because people have no landings within the qualifying years to be eliminated, but require that the first year that they have the license that they must qualify to

continue holding it but following the first year must quality every three years. He stated that this will allow fishers the opportunity to decide if they want to stay in the fishery or not.

Ed Olsen (Florida Fishermen's Federation) stated he would like to be able to have up to 200 blue crab trap tags that may be transferred to family members. He said he needs a minimum of 200 to make a living. He pointed out that many net fishers are going through hard times trying to adapt to new regulations, quotas, and local fish house closures.

Robert Rowan offered his support of the staff recommendation. He suggested that for those fishers whose appeals go through because they have been involved in some type of commercial fishery that they be given 200 tags or what they currently hold.

Commission Discussion

Commissioner Yablonski asked Mr. Teehan to explain the 100 tag limit.

Mr. Teehan responded that full-time crabbers use 200, which is the number that a single person can pull in a day, and more endorsements will be available later. The BCAB believes 100 tags will provide fishers the opportunity to try out the fishery. If fishers decide to stay in the industry, more endorsements will be available to purchase on the open market at a reasonable cost.

Commissioner Meehan asked if Mr. Brannen's comments could be addressed by the BCAB.

Mr. Teehan stated that Mr. Brannen could avail himself of the opportunity to make an appeal to the BCAB, however, he would also look into Mr. Brannen's concerns regarding incidental take before next July.

Commissioner Kaupe offered a motion to accept the staff recommendation, and for the Commission to direct staff to review those with the V-N endorsements and if they are not used they would be eliminated. The motion was seconded.

Commissioner Yablonski stated there are pros and cons of the "use it or lose it" concept and asked Mr. Teehan to explain.

Mr. Teehan responded that the pros are you are giving someone who has never been in the fishery the opportunity to fish and must demonstrate that they want to be in the fishery. The con is that if you are the recipient of a V-N and for some reason you cannot fish during the first year you lose it.

Commissioner Yablonski pointed out that the "use it or lose it" concept could create the unintended demand for fishers to use the endorsement, which might adversely affect the resource.

Mr. Capo stated that the BCAB discussed latent effort and decided the “use it or lose it” concept was acceptable because what keeps the blue crab industry generated are blue crabbers. If a fisher is going to have a license and not use it then someone else is being deprived of their right to fish for blue crab.

Commissioner Barreto encouraged those with concerns over and suggestions for the draft rule to approach the BCAB for discussion before coming to the Commission.

The Chairman called the question and the motion carried.

Federal/State Management Rules for Marine Species

Mr. Robson provided an overview of the Magnuson-Stevens Fishery Conservation and Management Act, the roles of the federal fishery management councils, and the development process for federal fisheries management plans. He also provided information regarding the mechanisms and actions that would be required for Florida to assume a lead role in managing species that are currently managed through a federal management plan.

Mr. Robson stated that under Florida management of federal fisheries and the current framework, FWC would continue to be required to adhere to all the national standards and the requirements of the Magnuson-Stevens Act. Therefore, if the Florida were given a lead role to develop the fishery management plan for gulf grouper or a species of grouper, or some other species that occurs in federal waters, FWC would be required to go through the process to develop a fishery management plan and work through the National Marine Fisheries Service, similar to the work of the fishery management councils. In addition, FWC would be required to draft an environmental impact statement, which could present challenges to the agency.

Mr. Robson mentioned that for Florida to take on additional lead roles in federal fisheries would require additional workload for agency staff at the research, management and science levels. Staff currently expends great effort to schedule stock assessments over a four- to five-year period, yet there still is not enough time and staff to accomplish the work as quickly and frequently and staff would like. For a state agency to take on the responsibility for a federal fishery, it would be subject to the usual criticisms and legal actions against its decisions.

Mr. Robson mentioned the possible development of a separate Florida fishery council to allow the state to take more direct control over the fisheries that occur in federal waters off of Florida; or, special legislation which would provide for a mechanism for an individual state to be given the authority to manage that fishery, under special circumstances.

Commission Discussion

Commissioner Meehan asked if any other state has tried to take lead management authority from the federal government.

Mr. Robson stated that Alaska has its own council but the state is unique in the amount of fisheries available, but he is unaware of a state council that has taken over all the work of the federal councils.

Commissioner Corbett mentioned that if the Commission assumed management responsibility over a fish species, it would need management funds and asked where the state would obtain funding.

Mr. Robson responded that staff would have to look at the cost to the federal fishery councils on managing a species.

Commissioner Yablonski discussed the uniqueness of some Florida fisheries and suggested a state-specific council might be appropriate for Florida. He commented that the remaining states on the Gulf Council might endorse such a move, which would give them stronger voting power.

Mr. Robson responded that currently the discussions have been internal with the FWC; externally, it would be a complicated process with adjustment in the Magnuson-Stevens Act and the establishment of the council.

Commissioner Kaupe asked how much longer it will take for the South Atlantic Fishery Management Council to complete the Snapper/Grouper plan.

Mr. Robson responded that the plan would take another 12 to 18 months; however, a regulatory amendment is expected in the next six months.

Commissioner Barco asked what happened to the Gulf council states deferring to Florida for management of red grouper. She pointed out, however, that Florida does not have 100 percent of the red grouper landings, therefore, if Florida were managing the species there would be conflict from other states with some landings.

Mr. Robson responded that there is no mechanism in place within the councils to allow for an automatic deferral to the state with the most landings.

Chairman Huffman suggested that for council decisions to be fair and equitable on primarily Florida-landed fish there should be a weighted vote for Florida fisheries on the councils.

Commissioner Meehan suggested staff continue to pursue a fair and equitable solution to the fishery management issues with the federal councils without out placing a large burden on the agency.

Public Comment

Ted Forsgren stated that of the 17 Gulf Council members, only four represent Florida; however, 95 percent or more of all the red and gag grouper caught in the Gulf of Mexico are caught off of and landed in Florida. On the grouper issues, he commented that Florida needs to be involved in managing its fisheries and pointed out that Florida has Congressional support.

Dennis O'Hern (Fishing Rights Alliance) commended the Commission for resisting federal grouper regulations and believes Florida must strengthen its input into the council process. He reminded the Commission that it was not the Gulf Council who ignored the recommendations of FWC on grouper but the National Marine Fisheries Service.

Jerry Sansom stated that he has been a member of a fishery management council. He believes the FWC is misdirecting its anger with the council process with the individual council. Mr. Sansom pointed out that the councils are advisory committees to the National Marine Fisheries Service. He suggested FWC go directly to the NMFS in a cooperative effort to help them make better decisions when Florida fisheries are in question.

Commissioner Barreto suggested staff investigate who are the decision makers within NMFS, and work with the Florida Congressional Delegation and representatives of the U.S. Fish and Wildlife Service to allow Florida to become more involved in the management of Florida-specific fisheries.

Commissioner Meehan stated that for fair and equitable treatment of Florida-specific fisheries, the agency will need Florida Congressional Delegation involvement.

Mr. Haddad mentioned that there are no members of the Florida Congressional Delegation on any pertinent natural resource committees.

Biscayne National Park (BNP) Fishery Management Plan

Mr. Robson explained that BNP is preparing a Fishery Management Plan (FMP) that will govern fishery resources and fishing activity in the Park. Currently, BNP adopts the Florida Fish and Wildlife Conservation Commission's rules for the fisheries resources within the Park. Any fisheries regulation changes that are proposed in the FMP would have to be approved by the Commission, although in some cases BNP is proposing changes that it could enact without changes to state regulations, such as park-use permits.

Mr. Robson gave some history of the establishment of BNP and advised that BNP began development of its FMP in 2000, in cooperation with the FWC. In 2002, BNP and FWC signed a Memorandum of Understanding, which is valid through October 2007, in which both parties agreed to develop a comprehensive fisheries management plan to preserve the aquatic resources within the Park. The FWC and BNP recognize that preserving the resources within the park will not only benefit the health and welfare of the people of Florida but all citizens of the United States.

BNP staff has been working closely with Division of Marine Fisheries Management (DMFM) staff to develop the FMP alternatives. Staff from both agencies have held public workshops and advisory board meetings. BNP has also worked closely with the Florida Keys National Marine Sanctuary (FKNMS), the National Marine Fisheries Service (NMFS), and the University of Miami in development of the alternatives.

Mr. Robson discussed the extensive public input process, the membership of the advisory board, and the results of the advisory group. The group recommendations were incorporated into a preferred alternative in the Draft Environmental Impact Statement (DEIS) for the Park, which is the heart of the FMP.

The DEIS includes a description of the need for a FMP, four different management strategies and related actions the FMP could take (four alternatives), and the effects of actions under each of the alternatives: (1) Maintain status (no action), (2) Maintain at or above current levels, (3) Improve over current levels (preferred alternative), and (4) Stock rebuilding and conservation.

Each alternative addresses five essential fishery components: (1) Populations of fishery-targeted fish and shellfish, (2) Recreational fishing activity, (3) Commercial fishing activity, (4) Habitat conditions, and (5) Law enforcement, education, and coordination.

Items that would require FWC action include:

- Changes to fishery regulations to increase abundance and average size of fishery-targeted fish within the Park by at least 10 percent.
- Eliminating recreational two-day lobster mini-season within BNP
- Limiting spear fishing gears
- Establishing Coral Reef Protection Areas where no traps would be allowed

Regarding a timeline, Mr. Robson explained that public workshops are scheduled for mid-October and DMFM staff will work with BNP following public comment to choose the alternative or blended-alternative for the FMP. Staff will then return with the final FMP for Commission consideration subsequent to completion of public input process.

Staff is seeking the Commission's conceptual approval of the Park's FMP for public workshop discussion.

Mark Lewis, Superintendent of Biscayne National Park, conveyed that as the new superintendent he has heard only good things about the relationship between the staffs of BNP and the Commission during the fisheries management plan process, and he looks forward to the continued cooperative relationship.

Commissioner Barreto mentioned the hard work of former superintendent Linda Canzanelli, and asked if a decision has been made regarding a user fee for recreational fishermen in the Park. He also suggested workshops be provided for the Hispanic community.

Mr. Jack Curlett (a member of the working group) responded that recreational user fees have not been analyzed; therefore, no decision has been made. He stated most meetings are convened in Spanish and English.

Commissioner Barreto asked about lobster traps and boat anchors having an adverse effect on coral reefs.

Commissioner Barco asked about the elimination of the two-day recreational lobster mini season and whether or not recreational lobster fishing would be allowed outside the two-day season.

Mr. Lewis stated that there is a mooring, buoy system plan under review, including a public education program on the importance of coral reefs to the fisheries of Biscayne Bay. He explained that elimination of the two-day mini season has been suggested to prevent reef damage; however, reefs would remain accessible during the regular recreational lobster season.

Public Comment

Mr. Curlett thanked Mr. Robson for his most thorough presentation. He stated that the plan has been embraced by the Sanctuary and endorsed by the National Park Service. He asked the Commission to also embrace the plan and move forward with it.

Chairman Huffman thanked the advisory committee for their input during review of the FMP.

Ted Forsgren commented that he served on the committee and stated that the plan is a good, honest effort of the members. He stated that the local representatives have committed to implementing the plan. He supports the recommendations of BNP and the FWC staff recommendations. Mr. Forsgren explained that the committee voted against "research reserves" or no fishing zones, and asked the Commission to support their decision.

Commissioner Barreto expressed his gratitude for the work of the advisory committee and offered a motion to approve the concept of BNP Fishery Management Plan to be presented at public workshops. The motion was seconded and carried.

Red Grouper—Federal Consistency Regulations

Mr. Roy Williams, Assistant Director, Division of Marine Fisheries Management, reviewed the National Marine Fisheries Service (NMFS) interim rule to reduce the recreational harvest of red grouper and other shallow-water grouper species. The federal rule became effective on August 9, 2005.

Mr. Williams gave a brief history of Secretarial Amendment 1 to the federal Reef Fish Fishery Management Plan, which established a ten-year red grouper rebuilding plan with three-year interval mile posts, and reviewed the landings that led up to the interim rule.

On August 9, 2005, NMFS implemented an interim rule to ensure the recreational red grouper fishery remained within its allocation during 2005 and the stock re-building schedule stayed on track. This rule reduced the red grouper bag limit in federal waters from two fish to one fish. As a precaution, so that this measure did not cause a shift in fishing effort toward other grouper species, the rule also reduced the aggregate grouper bag limit in federal waters from five fish to three fish. Finally, the rule prohibits the recreational harvest of all grouper species from November 1 through December 31. This interim rule will be in effect for 180 days and could be extended for an additional 180 days. NMFS has requested that the FWC adopt a consistent rule in the state waters off Florida.

The interim rule did not address the commercial red grouper fishery because commercial landings did not exceed their quota in either 2003 or 2004. The commercial fishery is under specified quotas in which fishing is prohibited for grouper once the quotas are met. Long-term regulations for both the commercial and recreational fisheries are under review by the Gulf of Mexico Fishery Management Council (GMFMC).

The largest proportion of red and gag grouper landings are caught in waters off the Gulf coast of Florida. Greater than 90% of all red grouper landed in the Gulf are harvested from state or federal waters off of Florida, additionally, 74% of recreationally landed gag grouper are caught in federal waters off west Florida.

For all federally managed finfish and invertebrate species that occur in abundance in Florida, state fishery managers and research staff work closely with their federal counterparts at NMFS to establish regulations.

Florida holds four of the 17 seats on the GMFMC, and Florida is represented and influence in federally managed fisheries through participation on advisory panels, scientific and statistical committees and stock assessment panels.

At the Commission's June 2005 meeting, the Commission entertained a lengthy discussion on short-term management of red grouper, which included a presentation by NMFS staff. FWC staff concurred with NMFS assessments that there are no apparent technical flaws in the MRFSS data which led to the conclusion that red grouper exceeded the established ABC in 2004. The Commission agreed to lower the red grouper bag limit to one fish only if NMFS took similar action, and this would have been accomplished through the agency federal consistency process. However, since NMFS did not take this action, no action was taken by the Commission.

Mr. Williams explained that inconsistent red grouper regulations in state and federal waters could cause problems with the law enforcement effort, lead to possible misreporting of fishery-dependent data, and affect the red grouper stock-rebuilding targets established by NMFS.

Mr. Williams provided four options for FWC alternative regulations:

(1) Status Quo—The Commission could take no action which will maintain state regulations for red grouper: two red grouper individual bag limit, five grouper aggregate bag limit, and no closed period for state waters.

(2) Modified Consistence Rule—The Commission could proceed with a rule to reduce the red grouper bag limit to one fish, providing partial consistency with the interim federal regulations. Anglers would still be allowed to keep up to five groupers and fish during November and December in state waters.

(3) Conform With NMFS Rule—The Commission could adopt a federal consistency rule.

(4) Adopt a Different FWC Rule—The Commission could proceed with the regular rule-making process with the intent to adopt regulations for red grouper than differ from the NMFS interim rule. Staff would be prepared to formulate a draft rule for the November/December Commission Meeting which would include input from the public and stakeholders. This would allow the Commission to review and consider long-term regulations currently being considered by the GMFMC.

Mr. Williams conveyed that Option 2 is the staff recommendation. He also reviewed the GMFMC recreational red grouper harvest limits alternatives developed at their August meeting, with their preferred alternative to reduce the red grouper recreational bag limit with the aggregate grouper bag limit to one per person per day and a closed season for red, gag and black grouper is established during February 15 through March 15.

Public Comment

Mike Eller (Destin Charter Boat Association) stated he could support a one grouper per person per day bag limit and the reduced aggregate bag limit of three grouper, but believes the proposed federal closure is unwarranted and that the NMFS has mismanaged the fishery. He supports the work of the Fish and Wildlife Conservation and supports the staff recommendation. Mr. Eller thanked Roy Williams for his work on the issue.

Ted Forsgren urged the Commission to maintain its strong and responsible position and to continue opposing the excessive, unfair and unwarranted measures of the NMFS and the Gulf of Mexico Fisheries Management Council. He stated that CCA Florida supports the FWC recommendation to lower the bag limit to one red grouper with an aggregate of five grouper. He suggested the Commission ask the GMFMC to do an expedited plan amendment to address the allocation issue between the commercial and recreational fisheries.

Dennis O'Hern supports the sound decisions of the FWC and asked the Commission to take no action on the federal proposals. He does not believe fishing effort was up in 2004, and agrees with CCA regarding review of the allocation issue.

Paul Kerr (Fishing Rights Alliance) commented that the adverse economic impact on fishing-related businesses must be taken into consideration when enacting or amending fishing regulations. He suggested the Commission review updated data before changing the daily bag limit from two to one fish. He suggested *status quo* on grouper regulations.

William Ward (Gulf Fisherman's Association) stated that MRFSS data was not designed to be used as a management tool. He pointed out that people want seafood in restaurants and asked the Commission to support the commercial seafood industry for the citizens who depend on commercially caught fish for their livelihood and/or eat seafood from markets or restaurants, and support the staff recommendation for grouper regulations.

Captain Dave Markett (Florida Guides Association) offered his support of the FWC staff recommendation because of the adverse economic impact the federal regulations would have on the state economy.

Commission Discussion

Commissioner Meehan suggested the Chairman write to the GMFMC Chairman to expedite the reconsideration of the allocation issue on red grouper.

Commissioner Barco offered a motion to accept Option 2 to reduce the red grouper bag limit to one fish, providing partial consistency with the interim federal regulations. Anglers would still be allowed to keep up to five groupers and fish during November and December in state waters. Additionally, the Chairman would ask the GMFMC to expedite the plan amendment to review and justify the allocation issue with copies to appropriate parties. The motion was seconded and carried.

Commissioner Yablonski commented that the Congressional Delegation has supported the FWC because it was a state issue, not a commercial versus recreational fishery. The current issue is the health of the grouper fishery which is affecting both the commercial and recreational fishers. He believes the allocation reflects the demand for commercially caught grouper in the marketplace and restaurants.

Hurricane Katrina

Mr. Heller asked for an amendment to the agenda to hear a report from Colonel Jones on Hurricane Katrina.

Upon motion of Commissioner Barreto, seconded and carried, Colonel Jones presented a review of FWC response to Hurricane Katrina relief efforts in Mississippi and a report from the Florida Urban Search and Rescue System federal and state partnership.

Commissioner Corbett applauded the leadership of Colonel Jones in this endeavor and thanked her for the report and photos of the aftermath of the hurricane.

Chairman Huffman asked Colonel Jones to meet with the Florida Guides Association and state organized airboaters relative to their offering to assist in search and rescue efforts in the future.

Colonel Jones stated that she will work with the airboaters to address a volunteer corps and to set standards and criteria for their assistance.

Commissioner Meehan stated he is proud of the efforts of the FWC during such a natural disaster and mentioned that Colonel Jones was just selected as President of the National Association of Conservation Chiefs.

At this point, Commissioner Barreto had to leave the meeting.

Commercial Grouper Fishery in the Gulf of Mexico

Mr. Williams explained that the commercial grouper industry has developed a buyback program to remove some of the excess effort in the commercial grouper fishery, primarily from the longline fleet. The fishermen's interest in the buyback has been driven by an early quota closure in 2004 and the trip limits and probably early closure in 2005. The U.S. Congress has authorized a buyout if approved by the industry itself.

A group of fishermen has developed a proposal to submit to the NMFS. They have mailed a ballot to all Gulf Reef Fish Permit holders for a "Yea/Nay" vote. After ballots are returned, NMFS will weigh them by landings associated with the permit. If approved by a 60% margin, another Congressional action would be required to fully fund the buyout and the endorsements. The amortization of the buyout would be self-funded: NMFS borrows the money from the Treasury at market rate, and the industry must pay back the loan from a maximum 5% tax on their landings over the next 35 years. NMFS guidelines indicate that the industry can support a loan on the order of \$12-\$14 million.

Mr. Williams reviewed with the Commission the industry plan provided by Mr. Bob Spaeth of the Southeastern Offshore Fisheries Association (SOFA). FWC staff prefers Individual Fishing Quota-type management which seems inevitable given the present derby. It may take a couple of years longer to implement but would probably be fairer to all parties. He added that staff commends the industry for taking the initiative of the problem of excess effort.

Mr. Williams pointed out that it is unusual for Congress to create qualifiers and endorsements, which results in sparse analysis and little opportunity for affected parties to object or reshape the measures. The buy-back plan excludes small-scale fishers with little chance to object and concedes that buyback is an interim measure that IFQ's are a better long-term solution. He pointed out that there is some question as to whether permits may be traded among vessels to optimize landings associated with a vessel. It is unknown whether the buyback will remove enough effort to maintain a year-round fishery. The plan needs an analysis of what will be the capacity of the remaining fleet. If it substantially exceeds the 8.8-million-pound inshore quota, then it is insufficient.

Public Comment

Bob Spaeth (SOFA) explained that there are too many people in the industry and the committee has been trying to be fair while at the same time reducing effort. He stated that the committee has worked with the National Marine Fisheries Service, the marine extension agencies, and Roy Williams in drafting what the committee considers a reasonable buyout plan.

Chairman Huffman asked if IFQ would work in the longline fishery.

Mr. Spaeth responded that IFQs might be a solution but he does not believe Congress is going to address IFQs during the reauthorization of the Magnuson-Stevens Act.

Commissioner Corbett asked for an explanation of the timeframe and mechanics of the plan.

Mr. Spaeth explained that active commercial federal reef fish permit holders will be provided with a packet that includes a ballot, a copy of the plan and instructions on voting. The votes are due by October 5. The vote will be weighted and tallied by the NMFS. The industry vote will require a super majority for the plan's passage. The objective of the weighted vote is to ensure each vote will influence the decision in direct proportion to each permit holders investment and impact on the fishery during the recent period 2001-2004. Industry will conduct the referendum and in the event that this industry-wide referendum fails to achieve a 60 percent majority of counted weighted votes for passage, a second referendum will be conducted for active federal reef fish permit holders with longline grouper landings only. If the second longline-only referendum is successful, NMFS will proceed to implement the limited access buyback program for the longline sector only. The buyout is expected to be completed by September 2006.

Public Comment

Mike Eller conveyed that he is in favor of a longline buyout but not under the current plan. He believes it will only benefit a small group of fishermen and will not achieve the expected goals. He pointed out that under the current plan if someone sells their boat under the program they would not be able to use it charter fish.

Dennis O'Hern presented each Commissioner with detailed comments on the longline fishing gear conversion initiative. He does not believe the plan will reduce fishing capacity. He mentioned that there have been no public meetings on the plan and that the plan has been rushed. Mr. O'Hern believes the plan is outside the scope of the Magnuson-Stevens Act.

Ted Forsgren stated the CCA is completely against the buyout plan because it only reduces overcapitalization and offers no commitment to reduce landings or any other resource protection. He believes there are other ways to address the issue and mentioned the Commission's vote, in 2001, to ask the Council to move longline gear out past 50 fathoms in the Gulf of Mexico.

Bill Tucker (Fishermen's Advocacy Organization) stated that he opposes the proposed buyout plan because it will not reduce the longline grouper catch. He stated that it was the longline industry and not the grouper fishing industry that approached Congressman Young and initiated this effort. Mr. Tucker believes the buyout circumvents the Council process, the Magnuson-Stevens Act and the protections and public input they guarantee, and lacks merit.

Brad Kenyon suggested two options to the longline gear buyout (1) enact a grouper stamp to buyout the longline gear and (2) allow gear conversion.

William Ward conveyed his support of the longline gear buyout plan. He stated that many fisheries have limited entry and nothing with this plan is being done behind closed doors. Mr. Ward said that the authors of the plan were trying to not make it a competition between gears, but attempting to reduce the number of boats targeting too few fish.

Capt. Markett pointed out that under the current plan the fishers with small boats would not have a vote that counts with the weighted vote scenario. He would support a stamp to buyout the longline gear which, in his opinion, needs to be eliminated.

Ken Daniels (Gulf Fisherman's Association) offered his support of the buyout plan, and mentioned that, although he was not part of the committee, he was given the opportunity to provide input into the plan.

Eric Schmidt expressed that he supports the proposed buyout plan, which has been endorsed by the Southeastern Fisheries Association, Organized Fishermen of Florida, and the Seafood Restaurant Alliance of Florida.

Commission Discussion

Mr. Haddad mentioned that this was an informational presentation only and staff is not asking the Commission to take a specific position on the buyout plan.

The Commission asked staff to analyze the process used to develop the plan, what is necessary to achieve the desired result of a reduction in grouper landings (e.g. IFOs), review the economics of revenue from a grouper stamp and, if this is the only venue for public input, provide NMFS with a copy of the CD of this meeting.

Chairman Huffman pointed out that this Commission really has no say in the outcome of the buyout program.

Mr. Haddad asked the Commission to give staff the opportunity to develop a position, if necessary, and return to the Commission with comments on what was brought up today in discussions.

Exotic Species in Florida Report

Due to time constraints, Mr. Heller asked for Commission consideration to proceed on the agenda with the exotic species report, eliminating the Commission meeting process update which can be discussed at a subsequent meeting, and that the federal issues be mailed to the Commission. Upon motion of Commissioner Meehan, seconded and carried, staff proceeded to the exotic species agenda item.

Division Director Breault and Mr. Scott Hardin, Division of Habitat and Species Conservation, discussed the exotic species prevention and management.

Mr. Breault commented that in June an Exotics Leadership Summit was held with leaders from the FWC, Department of Agriculture and Consumer Services, Department of Environmental Protection, U.S. Fish and Wildlife Service, University of Florida (IFAS), and the National Park Service. Discussion points included appropriations for invasive species and the total economic impact of exotics, the need to inventory the magnitude of the problem, species importation, limited funding, and the need for state and federal governments to work together on this issue.

From this summit the leadership will develop a communication strategy and adopt a common message or theme that can be used by all agencies to inform the public of the adverse impacts of invasive exotic species.

The first interagency meeting was held on September 7. Agencies are developing a needs assessment to: (1) Identify the top three exotic issues for each included agency, (2) Target audiences, (3) Assess current educational materials or programs, (4) Identify a main message, and (5) Evaluate existing research on peoples' perspectives and attitudes on exotic species.

Mr. Hardin discussed the elements of the Exotic/Invasive Strategic Plan, which are prevention, early detection, rapid response, control and management, research, and public outreach. He mentioned the recent work with the Food and Drug Administration to control the sale of the red-eared slider. Sale of this turtle was banned in 1970 because it carries salmonella; however, the turtle is again being sold in shopping malls. The Commission may also be asked, in the future, to place the yellow-bellied slider on the agency's restricted and prohibited list if scientific information warrants such action.

Programs addressing exotic and invasive species in Florida include: Aquatic Nuisance Species Task Force, National Invasive Species Council (Federal); Florida Invasive Species Working Group (FWC, DEP, water management districts, University of Florida/IFAS); and the FWC Exotic Species Coordination Section and Non-Native Species Standing Issue Team.

Habitattitude, funded by the U.S. Fish and Wildlife Service, NOAA Sea Grant, and the Pet Industry Joint Advisory Council, is a nationally branded social marketing campaign targeting aquarists and water gardeners to promote environmentally responsible consumer behaviors. In 2004-05 educational materials appeared in over 2,000 retail stores, and over 20 million U.S homes received direct mailings. The materials were in response to increasing frequency of pets, fish, and plants and other animals "associated" with pet industry found in the environment.

As an example of rapid response, Mr. Hardin discussed the Gambian rat eradication on Grassy Key, which began with the discovery of breeding population six miles north of Marathon. The rats escaped from a captive breeder in 2001. Through the cooperative efforts of FWC and USDA surveys were conducted and bait stations scheduled. Follow-up abundance surveys are planned to evaluate the effectiveness of the eradication program.

Burmese pythons in the Everglades National Park (ENP) were sighted 21 times or removed from 1979-2001. In the first seven months of 2005, 40 have

been removed and 18 observed. There is excellent python habitat along berms and levees around the Park and Conservation Areas. ENP has developed a public awareness campaign and removes observed snakes for research. FWC has initiated a dialogue with reptile dealers, which may result in regulation changes for pet owners.

Mr. Hardin concluded by stating that federal and state agencies are committed to invasive exotic species control and are working with the pet trade industry to promote environmentally responsible consumer behaviors when dealing with exotics.

Legislative Report

Ms. Jackie Fauls presented a status report on the legislative proposal to provide consistency among penalties for violations of fish and wildlife laws.

The project is taking longer than anticipated because of the complexity of analyzing all current fish and wildlife violations and their penalties to develop the proposal, and because of other large projects conducted during the summer.

Staff is close to finalizing a proposal that will be distributed to stakeholders. After two rounds of stakeholder/staff comment through electronic communication, a meeting will be held to finalize the issues that remain outstanding. It is anticipated that the final proposal will be presented to the Commission at the February 2006 meeting.

Ms. Fauls brought to the Commission's attention a letter received from Representative Andy Gardiner requesting an endorsement by the Commission for the proposed Hubbs-SeaWorld Research Institute (HSWRI) in Brevard County.

The Commission provided its consensus for this center which will serve as a research and operational facility for HSWRI and the FWC Indian River Lagoon Field Station.

Under Federal Legislative Issues, Ms. Fauls stated that the Transportation Bill was passed and signed by the President which included additional funding for the FWC's Sports Fish Restoration program and the Boating Safety Program.

The State Wildlife Grants budget was funded at \$68.5 million, which is half a million dollars less than last year. FWC is expected to receive approximately \$2.5 million.

Commissioner Yablonski suggested State Representative Marco Rubio be invited to attend the Commission's Key Largo meeting.

Presentations by the Public

Jay Galbraith (HSWRI) conveyed that Hubbs-SeaWorld looks forward to the Commission's relocation of its Indian River Lagoon Field Station to the HSWRI in Brevard County, and thanked the Commission for its concurrence.

Jerry Sansom offered his support and endorsement of the possible joint venture of HSWRI and the FWC field station in Brevard County. He commented that the Florida Inland Navigation District is working on a derelict vessel removal program and would like the FWC to provide some funding to assist local counties with funds for a simple and timely process for removing derelict vessels.

Berma and John Thomas spoke of their family's tradition as commercial fishermen in Florida. Mrs. Thomas would like the state to support a small commercial black crappie fishery in Lake Hancock to allow their sale by children and senior citizens. She asked the Commission to support funding for a large public boat landing on Lake Hancock. Mr. Thomas mentioned that he has been catching tons of plecostomus, hoplo, and tilapia in Polk County in his haul seine, and pointed out the need to stop the sale of exotic fishes in Florida before native species are adversely affected. Mr. Thomas suggested the Commission increase the allowable catch for bream in Polk County.

Commission Exchange

Commissioner Barco stated that she appreciated Colonel Jones' Hurricane Katrina report for an inside view of the damage and relief effort. She thanked all FWC employees who gave their time and energy to assist storm victims and those who were willing to volunteer but were unable to make the trek for various reasons.

Commissioner Corbett expressed that it was a good meeting with thorough presentations on exotic species and airboat noise. He stated that the recent hunting summit was important to the future of hunting in Florida.

Commissioner Meehan suggested staff work with Sportsman's Adventure on a continued partnership because through their efforts the work of the FWC is being publicly broadcast to millions of people. Mr. Meehan stated that he is proud of the Division of Law Enforcement and other FWC employees who were involved in search and rescue and other assistance to those people affected by Hurricane Katrina. He complimented Regional Director Holder for his work to organize accommodations for the Commission meeting.

Commissioner Yablonski stated he was impressed with the state's response to Hurricane Katrina victims, pointing out that a state emergency team or "hot line" could also be beneficial in times of disaster.

Commissioner Kaupe thanked staff for their most-informative presentations and voiced her appreciation to all who helped during the Hurricane Katrina aftermath.

Chairman Huffman thanked Regional Director Holder, regional staff, and employees of the Community Relations Office for their work to ensure a smooth meeting. Additionally, he thanked Commissioners Meehan and Corbett for hosting the hospitality suite and Carla Green and Jessica Riveria for their assistance.

There being no further business, the meeting was adjourned at 5:01 PM.

H.A. "Herky" Huffman
Chairman

Kenneth D. Haddad
Executive Director

Respectfully submitted:

Commission Secretary

/tm
minutes\september 2005