

Unofficial Until Approved

Florida Fish and Wildlife Conservation Commission

Minutes of the Commission Meeting

February 1-2, 2006

Gainesville

A regular meeting of the Florida Fish and Wildlife Conservation Commission was held at the Hilton University of Florida Conference Center, Gainesville, on February 1-2, 2006, and called to order at 8:30 a.m., by Chairman Rodney Barreto with the following members in attendance:

Mr. David K. Meehan, St. Petersburg	Mr. H.A. "Herky" Huffman, Enterprise
Ms. Sandra T. Kaupe, Palm Beach	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. Sharon T. Lobello	Director, Community Relations Office
Mr. Gregory L. Holder	Director, Southwest Region
Mr. Rolando J. Garcia	Director, North Central Region
Lt. Col. Louie S. Roberson	Director, Northwest Region
Mr. Charles E. Collins	Director, South Region
Mr. Dennis N. David	Director, Northeast Region

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

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

Chairman Barreto thanked Commissioner Barco for allowing agency employee demonstrations for the Commissioners at her property the previous day. They included various wildlife tracking techniques; fish-shocking; law enforcement investigations; K-9 unit; and replica deer stakeouts. He also thanked North Central Region staff for providing artwork at the entrance to the meeting room.

Special Presentations and Recognitions

Mr. Haddad welcomed Rodney Barreto as the 2006 Commission Chairman and gave special recognition to Commissioner Huffman for the leadership as the 2005 Chairman.

>Mr. Haddad explained that Mr. Huffman took the time to meet with stakeholders and work side-by-side with employees for a better understanding of resource issues. He spoke before legislators and legislative committees to ensure passage of the agency budget, and attended Cabinet meetings to ensure our involvement in the Babcock Ranch purchase. Commissioner Huffman worked with leaders in Washington to secure support for supplemental funding for the National Marine Fisheries Service to provide financial assistance to Florida's spiny lobster, oyster, and recreational fisheries following the 2005 hurricane season. Most noteworthy, has been his efforts to control invasive exotic species. He channeled new energy into battle and inspired others to join the fight.

>Colonel Jones welcomed and introduced Mr. Jack Beal of Shikar-Safari Club International, who presented the Club's 2005 Officer of the Year Award to Officer Grant Burton. Officer Burton was selected for the honor based on his dedication, professionalism, effectiveness in enforcing the law, and personal demeanor with the public and those with whom he works. Mr. Beal delivered to Officer Burton a special recognition plaque for his outstanding efforts to protect the state's fish and wildlife resources.

>Mr. Haddad introduced the members of the North Central Regional Leadership Team (RLT). He explained that each of the five administrative regions is supported by a RLT, which is responsible for facilitating the coordination and implementation of agency programs at the regional and local level. North Central RLT members include: John Ault, Division of Hunting and Game Management; Darlene Barry, Finance and Budget; Dr. Terry Doonan, Division of Habitat and Species Conservation; Jerry Krummrich, Division of Freshwater Fisheries Management; Karen Parker, Office of Regional Operations; Allan Woodward, Fish and Wildlife Research Institute; and Roland Garcia, Regional Director. RLT members unable to attend the meeting include: Rich Abrams, Division of Marine Fisheries Management; Major Bruce Hamlin, Division of Law Enforcement; and Matt Pollock, Division of Habitat and Species Conservation.

Mr. Haddad also introduced Kathleen Hampton, who will assume the position of Commission Secretary upon the retirement of Terry Mara.

>Mr. Haddad welcomed Dr. Frank Percival of the University of Florida and a few of his students, who are taking his course entitled "The Business of the Business," which teaches the about real world natural resource issues.

Approval of Commission Meeting Minutes, Consent Agenda, and Agenda

The Chairman asked for a motion to approve the minutes of the Nov.30-Dec. 1, 2005 Commission Meeting. Upon motion of Commissioner Kaupe, seconded and carried, the minutes were approved.

Prior to approval of the Consent Agenda, Mr. Heller provided two corrections to the acreages on the two Establishment Orders. The correct acreage for Lafayette Creek Wildlife Management Area (WMA) is 3,160, and for Wakulla WMA 4,045.

Upon motion of Commissioner Corbett, seconded and carried, the Consent Agenda was approved.

Chairman Barreto called on Mr. Heller to explain modifications to the meeting agenda. Mr. Heller offered amendments to the agenda: (1) page 3, Rule 27.005, defer Commission consideration until staff receive additional public input, and (2) page 16, under Commissioner Areas of Emphasis, delete reference to discussion on exotics because this issue will be covered under the Division of Habitat and Species Conservation work plan.

Upon motion of Commissioner Meehan, seconded and carried, the meeting agenda was approved with staff modifications.

Executive Director's Report

Mr. Haddad presented portions of the Executive Director's Report and some additional information.

>Division of Freshwater Fisheries Management—On February 24, Division staff, in cooperation with ESPN and the Bass Anglers Sportsman Society (BASS), will host a presentation and conduct a tour of the Florida Bass Conservation Center (FBCC), which is under construction at Richloam Fish Hatchery. Approximately 60 State Fish and Wildlife Agency Fisheries Chiefs and BASS Federation Conservation Directors from throughout the United States will be in attendance.

>Division of Hunting and Game Management—Restoration of wild turkeys to Everglades National Park (ENP) was initiated in January 2000 following improvements in habitat management and the acquisition of private in-holdings. The initial restoration attempt involved the capture and release of 29 turkeys. Monitoring by ENP staff indicated that the turkeys persist at a low population level. Consequently, a supplemental turkey stocking was planned in an effort to boost the present population. In early January a total of 31 turkeys was captured from two private ranches in south Florida. Radio transmitters were placed on 10 hens to help document survival, distribution and reproduction aspects. Staff will continue to

keep the Commission updated on this cooperative effort involving FWC, the Park Service, the National Wild Turkey Federation, and private landowners.

Chronic Wasting Disease (CWD)—A University of Kentucky study recently published in the *Journal of Science* found that leg muscles of mule deer infected with CWD contained significant numbers of prions, the infectious proteins that cause the fatal brain disease in cervids. The same study also indicated that although prions were detected in skeletal muscle, their concentrations were considerably lower than that found in central nervous system tissue. Prior to these findings, prions were not believed to occur in significant amounts outside cervid tissue. While this study concludes that humans consuming or handling meat from CWD-infected deer are at risk to prion exposure, there is still no evidence that consumption of prions can transmit CWD to humans.

>Division of Habitat and Species Conservation—Statewide Red-cockaded Woodpecker Safe Harbor Agreement—The FWC has applied to the U.S. Fish and Wildlife Service (USFWS) for an enhancement of survival permit, which includes a proposed Safe Harbor Agreement for the endangered red-cockaded woodpecker. If approved, the agreement would allow FWC to issue Certificates of Inclusion throughout Florida to eligible non-Federal landowners who complete an approved Safe Harbor Management Agreement.

Exotic Species Coordination—A pilot surveillance project to determine the distribution of the exotic channeled applesnail in south Florida has been initiated between FWC and the South Florida WMD (WMD).

Florida's Comprehensive Wildlife Conservation Strategy—The FWC-led effort to create a comprehensive strategy for all wildlife in Florida was approved by the USFWS's National Advisory and Acceptance Team.

>Division of Marine Fisheries Management—The Environmental Protection Agency has scheduled a public meeting and time for written public comment on the *Oriskany* artificial reefing project in Pensacola. Following a review of all comments, within 30 days of the close of the public comment period, the EPA is expected to finalize and formally issue the risk-based authorization permit to sink the vessel. If the process remains on tract, the *Oriskany* should be sunk prior to the onset of the 2006 hurricane season.

>Office of Recreation Services—Chairman Barreto attended the grand opening of the South Florida Birding Trail on January 14 at the Corkscrew Swamp Sanctuary in Naples.

>Division of Law Enforcement—The Boating and Waterways staff worked with Flagler County to develop a non-regulatory approach to vessel traffic concerns in the Intracoastal Waterway.

>Fish and Wildlife Research Institute—FWRI Scientist Sandy Farrington was recently honored by having a new species of marine bristle worm (Polychaete)

named after her. As part of a revision of the genus Chone, one of five new species was named Chone farringtonae by Mexican researcher Dr. Maria Ana Tovan-Hernandez.

FWRI staff has created the Tony Redlow Marine Science Award in the Pinellas Regional Science and Engineering Fair. Tony was a young turtle biologist at FWRI, who died suddenly and unexpectedly in January 2004.

>Wildlife Foundation of Florida—An Outdoor Enthusiast’s Fundraising Event was recently held in conjunction with the West Palm Beach Fishing Club and Dewing’s Fly and Gun Shop. The silent auction portion of the event raised \$6,600 for the Foundation.

A Discover Florida Oceans Tag grant was awarded to support the 5th Annual Snook Symposium sponsored by FWC.

Chairman Barreto thanked Mr. Haddad for his work to increase Foundation fund-raising efforts and to add new board members.

Chairman Barreto asked that Commissioners be kept up to date on FWC events, such as symposiums, workshops, and summits.

Following the conclusion of the Executive Director’s Report, Chairman Barreto announced that the Governor has appropriated \$310 million from General Revenue for purchase of the Babcock Ranch, and another \$300 million for the Florida Forever land acquisition program.

Rules

Mr. Nick Wiley presented the following rules for Commission consideration. They were presented in Groups for presentation efficiency.

>>>Group 1

(1) 68A-1.004 Definitions—Proposed changes would revise the definition for all-terrain vehicles allowed on wildlife management areas such that the maximum wheelbase would be increased from less than 60 inches to less than 70 inches; establish a definition for a crossbow season as the calendar period during which certain game may be taken only by the use of a bow or crossbow; revise the definition of muzzleloading gun season to also allow use of a bow or crossbow during this season when authorized by Commission rules; and, establish a definition for total length pertaining to freshwater fish as the straight line distance from the most forward point of the head with the mouth closed to the farthest tip of the tail with the tail compressed or squeezed, while the fish is lying on its side.

An amendment to the rule would delete proposed rule language regarding increasing the all-terrain vehicle maximum wheelbase. Stakeholders indicated there is some confusion about the impacts and interpretation of the

proposal. Staff recommends withdrawal of this proposal to allow further review and coordination with stakeholders.

(2) 68A-12.002 General Methods of Taking Game; Prohibitions—The proposed rule change would prohibit the use of firearms during the crossbow season.

(3) 68A-13.004 Open Season for Taking and Bag Limits for Non-migratory Game and Issuance of Antlerless Deer Permits to Private Landowners—The proposed rule changes would establish new crossbow seasons on private lands where use of bows and crossbows would be allowed with deer harvest restricted to antlered deer only, establish a 5-day crossbow season in the South and Central zones opening the day following the close of archery season; establish a seven-day crossbow season in the Northwest Zone opening the Monday following Thanksgiving Day; establish the bag limit for deer taken during the proposed crossbow season at two antlered deer; clarify that take of antlerless deer during crossbow season is allowed only by an antlerless deer permit and that the aggregate daily bag of antlerless and antlered deer shall not exceed two; and allow crossbows to be used during the 11-day archery/muzzleloading gun season that follows general gun season in the Northwest Zone. The proposed rule changes also would simplify and update the process by which antlerless deer permits are obtained, and delete record-keeping requirements.

Public Comment

Scott Coulter (Traditional Bowhunters of Florida) offered his support of the recommendations to establish a definition for a crossbow season and revise the definition of muzzleloading gun season to also allow use of a bow or crossbow during muzzleloading gun season. Mr. Coulter voiced his appreciation to staff for seeking his involvement during the rule-making process, adding that the TBF would not support the use of a crossbow during archery season. He asked that staff keep his organization involved in the rule-making process for any discussions on changes to archery or crossbow seasons.

Barbara Jean Powell (Everglades Coordinating Council) commended Commission staff for enlarging and expanding hunting opportunities, and for the stakeholders' opportunity to fine-tune proposed changes. She thanked staff for eliminating from consideration the all-terrain vehicle wheelbase change and suggested the Commission continue to develop a statewide ORV policy prior to making any ORV use rule changes.

Commission Discussion

Upon motion of Commissioner Yablonski, seconded and carried, rules listed under Group 1 were approved as amended (three amendments).

>>>Group 2

(4) 68A-12.009 Taking Destructive Birds and Mammals—The proposed rule change would replace the current permit requirement for nuisance wildlife trappers with a registration requirement and allow airport personnel to take wild turkey from airport property when aircraft safety is threatened.

Commission Discussion

Upon motion of Commissioner Corbett, seconded and carried, Rule 68A-12.009 was approved.

[Note: Item (5) Rule 68A-27.005 was withdrawn from consideration under Approval of Agenda.]

>>>Group 3

(6) 68A-13.003 Hunting Regulations for Ducks, Geese, and Coots—The proposed rule changes would allow snow geese to be taken statewide and move the 30-day canvasback and pintail season from the first 30 days to the last 30 days of the waterfowl hunting season.

(7) 68A-13.007 Hunting Regulations on Public Small-Game Hunting Areas (PSGAs)—The proposed rule change would allow the possession of dogs under physical restraint on PSGAs.

(8) 68A-5.005 Quota Hunt Permits and Special-Opportunity Permits-Application; Selection; Issuance—The proposed rule changes would modify the quota hunt permit process to more effectively utilize the total licensing system for issuance of permits; remove references to application forms and dates; and, extend a preference drawing opportunity to additional quota hunt programs.

(9) 68A-15.005 Quota Permits; Antlerless Deer Permits; Special-Opportunity Permits—The proposed rule changes would allow one person younger than 16 years of age to accompany an adult quota permit holder and participate in the hunt on WMAs or WEAs where no exemptions are allowed, provided the bag limit of game is shared, and specify that permits issued to individuals in a specific category (exempt, underage, disabled, senior citizen) may be transferred only to individuals in the same category. In addition, proposals would make minor rule changes, technical corrections or clarifications.

(10) 68A-9.007 Special-use Permits; Short-term Use Permits; Fees; Special-Opportunity Hunting and Fishing—The proposed rule change would exempt the spouse and dependent children of a WMA permit holder from daily-use fees on FWC managed WMAs where such fees apply.

Public Comment

Newton Cook (United Waterfowlers of Florida) offered his support for Rule 68A-13.003, and thanked Diane Eggeman of the FWC Waterfowl Management Section for listening to the waterfowl hunters and making the rule recommendations to the committee. Mr. Cook reported that the 2006 waterfowl season "was the best in memory" for many hunters, particularly those in south Florida hunting the Stormwater Treatment Areas (STA). He asked the Commission to provide more law enforcement officers on the marshes during hunting season to ensure hunter compliance with FWC rules and regulations.

Barbara Jean Powell commended Colonel Jones and Major Brett Norton for working with the hunting and fishing public on law enforcement issues. She offered her support of the Group 3 rules; however, on the issuance of quota hunt permits, she asked why a parent must choose between his/her underage children for the hunting experience and asked staff to consider a more family-oriented quota.

Mr. Wiley explained that the quota hunt change was designed toward recruiting young hunters with one-on-one mentoring but he will discuss Ms. Powell's suggestion with the rule review committee.

Commission Discussion

Upon motion of Commissioner Barco, seconded and carried, the Group 3 rules were approved.

>>>Group 4

(11) 68A-15.004 General Regulations Relating to Wildlife Management Areas—The proposed rule change would allow persons with a valid Concealed Weapon or Firearm License to possess a concealed handgun throughout the year, pursuant to the provisions of Section 790.06, Florida Statutes, unless otherwise prohibited by state or federal law.

The proposed rule changes would codify the change from Wildlife Management Area Stamp to WMA Permit; exempt the spouse and dependent children of a WMA permit holder from daily use fees, when participating in recreational activities other than hunting, on Babcock/Webb, Yucca Pens Unit and Corbett WMAs; and clarify that dogs may be possessed under physical restraint on WMAs unless prohibited by specific area rule.

(12) 68A-17.004 General Regulations Relating to Wildlife and Environmental Areas—The proposed rule changes would allow persons with a valid Concealed Weapon or Firearm License to possess a concealed handgun throughout the year, pursuant to the provisions of Section 790.06, Florida Statutes, unless otherwise prohibited by state or federal law.

(13) 68A-14.001 Establishment Orders—The proposed rule changes would remove the game status of wild hogs on Walk-in-the-Water, Croom, Kicco, Citrus, Cypress Creek, Devils Hammock, Mallory Swamp, Aucilla, Moore's Pasture, Jumper Creek, and Richloam Baird Unit WMAs; add the game status of wild hogs to Spirit of the Wild and Dinner Island Ranch WMAs and Dupuis WEA; and, clarify that public small game hunting areas may be established for special hog hunts.

(14) 68A-15.006(2) Regulations Relating to Miscellaneous Areas—The proposed rule changes would revise specific area regulations on Kissimmee River Public Use Area (PUA) by allowing the take of wild hogs with no size or bag limit during small game season and prohibiting modern firearms in the posted archery/muzzleloading gun area during all established seasons.

Public Comment

Barbara Jean Powell stated that she supports allowing persons with a valid concealed weapon or firearm license to possess a concealed handgun throughout the year on WMAs and WEAs. However, she suggested the Commission seek an opinion from the Attorney General's office on the need for the rule to ensure this proposed rule does not violate state law. On establishing hog hunts, Ms. Powell stated that the Everglades Coordinating Council has always supported hog bag and size limits; however, the Council supports the hog hunting changes because it will allow staff to compare the before and after data regarding hog size and bag limits. For the Kissimmee River PUA, Ms. Powell stated her opposition to proposed special regulations and suggested staff renegotiate with the water management district, especially on Starvation Slough.

Regarding the concealed weapon permit, General Counsel Antista responded that the proposed rule solves the problem because it will ensure FWC is not making violators out of people with valid concealed weapon permits.

Byron Maharrey (Everglades Coordinating Council) agreed with Ms. Powell's statements on the Kissimmee PUA. He is concerned that the hog populations will be adversely affected by no size and bag limits, and asked FWC staff to closely monitor the hog population. He asked that modern shotguns not be prohibited during small game season (especially for hogs), and suggested the WMD is trying to micro-manage the PUA.

Commission Discussion

Commissioner Corbett asked Mr. Wiley how staff will ensure the hog population will continue to provide hunting opportunities on the Kissimmee PUA.

Mr. Wiley replied that the hog population will be monitored and, after three years, the data will be reviewed.

Upon motion of Commissioner Corbett, seconded and carried, rules discussed in Group 4 were approved.

>>>Group 5

(15) 68A-15.061 Specific Regulations for Wildlife Management Areas-Southwest Region—The proposed rules would make technical corrections and clarifications and make other changes to specific area regulations on the following WMAs:

(a) Green Swamp WMA: allow vehicle access during periods open for camping, scouting, and fishing and frogging; require hunters to remove hunting equipment on the last day of each hunting season; and, clarify that spring turkey quota permits are issued through the Total Licensing System for the first weekend and at the check station after the first weekend.

(b) Green Swamp West WMA: list hog as legal to take with no size or bag limit; and list furbearers, other than bobcat and otter, as legal to take; and, clarify that quota permits are issued each day at the check station during small-game season.

(c) Babcock/Webb WMA: allow hunting equipment to be taken on to the area one week prior to archery season.

(d) Upper Hillsborough WMA: correct the listing of hogs as legal to take with no size or bag limit and clarify that quota permits are issued each day at the check station during small-game and spring turkey seasons.

(e) Arbuckle WMA: clarify that quota permits will be issued each day at the check station during the weekday archery and muzzleloading gun hunts and the spring turkey season.

(f) KICCO WMA: correct the listing of hogs as legal to take with no size or bag limit and allow vehicles to be parked with 25 feet of a named or numbered road in addition to designated parking areas.

(g) Hickory Hammock WMA: allow the take of hogs with no size or bag limit during all quota hunts; convert an existing muzzleloading gun hunt to a new archery hunt (quota of five); establish the bag limit for the new archery hunt as one antlered and one antlerless deer per quota permit; add one additional day to each of five quota hunts; and, establish as legal to take all legal game, fish, frogs and furbearers.

(h) Walk-in-the-Water WMA: allow the take of hogs with no size or bag limit during small game season.

(i) Hilochee WMA: increase the quota permits (from 20 to 30) for the general gun hog season for each of two hunts and clarify that quota permits are issued each day at the check station during small-game season.

(j) Lake Marion Creek WMA: add a general gun hog season with hogs only as legal to take, no size or bag limit, and clarify that quota permits are issued each day at the check station during small-game season.

(k) Croom WMA: expand duck and coot season to statewide season and allow the take of hogs with no size or bag limit during small game season.

(l) Chassahowitzka WMA: expand duck and coot season to statewide season.

Public Comment

Barbara Jean Powel offered her support of the regulation changes in Group 5.

Commission Discussion

Upon motion of Commissioner Yablonski, seconded and carried, rules presented in Group 5 were approved.

>>>Group 6

(16) 68A-15.062 Specific Regulations for Wildlife Management Areas-North Central Region—The proposed rules would make minor technical corrections and clarifications on several WMAs and significant changes to specific area regulations on the following WMAs:

(a) Camp Blanding WMA: eliminate the requirement for a special quota permit during the first archery hunt.

(b) Cypress Creek WMA: allow camping at any time with a permit from the landowner.

(c) Gulf Hammock WMA: increase general gun season from 58 to 72 days; increase muzzleloading gun season from 3 to 9 days; allow hogs to be taken during the entire general gun season (currently first 23 days only); and, establish a still hunt only area where the possession or use of dogs, other than waterfowl retrievers or bird dogs is prohibited, except as provided by 68A-15.004 F.A.C.

(d) Lochloosa WMA: add a third quota hunt (50 permits) to the general gun season and prohibit tracked vehicles, ATVs and unlicensed vehicles on the area.

(e) Osceola WMA: require that in the area south of I-10, vehicles be restricted to numbered roads throughout the year and increase the number of roads open for public use to conform with a change in U.S. Forest Service access regulations.

(f) Tide Swamp Unit of the Big Bend WMA: open additional roads for a new driving tour.

(g) Hickory Mound Unit of the Big Bend WMA: allow only the taking of migratory game birds, within the Hickory Mound Impoundment, on days that waterfowl and coot hunting is allowed.

(h) Raiford WMA: allow the take of hogs with no size or bag limit.

(i) Andrews WMA: increase the small game season from two 3-day hunts to three 3-day hunts; establish two 2-day Family Hunts for hogs only (quota of 20 per hunt); and, allow only the take of deer and hogs during the youth hunt.

(j) Twin Rivers WMA: eliminate the requirement for a quota hunt permit and zone tag during the small game season.

(k) Holton Creek WMA: allow camping at any time with a permit from the landowner.

(l) Goethe WMA: increase the length of the archery season from 16 to 23 days; increase the length of the general gun still season from 4 to 6 days and split the quota hunt into two 3-day hunts (increase quota permits from 250 to 300 per hunt); increase the length of the general gun dog season from five to seven days and split the quota hunt into a 3-day and a 4-day hunt (increase quota permits from 105 to 125 per hunt); increase the length of the small game season from 16 to 23 days and move the season from late November to mid January; increase the length of the spring turkey season from nine to 16 days and add a second quota hunt (increase quota permits from 100 to 130 per hunt); allow camping with a permit from the landowner; create a dove only hunting area in which only shotguns would be allowed; and, prohibit public access from 1.5 hours after sunset until 1.5 hours before sunrise.

(m) San Pedro Bay WMA: increase the length of the muzzleloading gun season from three to nine days and allow hogs to be taken during the entire general gun season (currently first 30 days only).

(n) Citrus WMA: establish three new 3-day spring turkey hunts (quota of 25 per hunt) and allow the take of hogs with no size or bag limit during small game season.

(o) Flying Eagle WMA: allow the take of hogs with no size or bag limit during small game season.

(p) Potts WMA: add all furbearers, except bobcat and otter, as legal to take.

(q) Devil's Hammock WMA: establish two 2-day Family Hunts for hogs only (quota of 20 per hunt) and increase the length of the small game season from 16 to 30 days.

(r) Mallory Swamp WMA: allow the take of hogs with no size or bag limit during small game season and increase the still hunt area by adding approximately 3,000 acres, which are currently closed to hunting, and allow hunting in this new area except during general gun season.

(s) Little River WMA: allow camping at any time with a permit from the landowner.

(t) Troy Springs WMA: allow camping at any time with a permit from the landowner.

(u) Grove Park WMA: increase the length of the muzzleloading gun season from three to nine days and clarify that persons without a Recreational Use Permit may access the recreational trails, shown on the WMA Brochure map, for horseback riding, bicycling and hiking.

(v) Nassau WMA: increase the length of the muzzleloading gun season from three to nine days.

(w) Ralph E. Simmons WMA: establish a bag limit for deer of one antlered and one antlerless deer per person, per season, during the archery and mobility-impaired seasons; and a bag limit of one antlered deer per person, per season, during the muzzleloading gun and general gun seasons.

Public Comment

Mike Olsen (Gulf Hammock Hunters Association) offered his support of the proposed rule changes. He thanked all the FWC employees involved in the rule-making process and Gulf Hammock cleanup for working with the association, and thanked the Commission for the opportunity to speak at the meeting.

Jim Casselman (United Hunters of Florida) suggested more user pay hunting areas in the region to keep pressure off the Gulf Hammock area. He commented on the proposed Gothe WMA rule that would prohibit public access from 1.5 hours after sunset until 1.5 hours before sunrise. He pointed out that it may take more than 1.5 hours to remove harvested game, and asked for a more liberal timeframe.

Mr. Wiley responded that this is standard for wildlife management areas, and law enforcement officers are allowed to use discretion in determining intent in enforcing this regulation.

Barbara Jean Powell spoke on the proposed Lochloosa WMA regulation that would prohibit tracked vehicles, ATVs, and unlicensed vehicles on the area. She asked staff to work with the landowner to defer vehicle access proposals until the

statewide ORV/ATV policy is completed, and believes the landowner should work with stakeholders on proposed regulations. She offered her support for opening additional roads on the Tide Swamp area driving tours but wanted to be sure this action will not displace or reduce hunting access. Mr. Wiley assured her that it would not affect hunter access.

Commission Discussion

Commissioner Huffman stated his concern regarding off-road vehicle use and the types of vehicles that will be included in the prohibitions.

Mr. Wiley commented that staff is working on an overall statewide policy on ORV use with stakeholders and it will address types of vehicles which may or may not be used off-road.

Chairman Barreto stated that the Commission may want to reconsider some current WMA vehicle use regulations when the ORV policy is completed. He suggested the federal government, as land managers, should be involved in the drafting of the ORV policy.

Upon motion of Commissioner Huffman, seconded and carried, rules listed under Group 6 were approved.

>>>Group 7

(17) 68A-15.063 Specific Regulations for Wildlife Management Areas-Northwest Region—The proposed rules would make minor technical corrections and clarifications on several WMAs and significant changes to specific area regulations on the following WMAs:

(a) Blackwater WMA: allow the use of dogs with a shoulder height of 15 inches or less during the small game season except in the field trial area.

(b) Blackwater WMA-Carr Unit: extend the special-opportunity released quail hunts from four to seven days and no longer allow quail to be released the day before the first day of the hunt.

(c) Joe Budd WMA: define antlerless deer as any deer (except spotted fawns) without antlers or any deer with antlers less than one inch in length visible above the hairline and revise legal to take as deer with at least one antler having three or more points of at least one inch in length.

(d) Talquin WMA: eliminate the one-day antlerless deer quota hunt and establish a 24-day small game season (January 5 through March 4 on Fridays, Saturdays and Sundays only).

(e) Aucilla WMA: allow archery hunting for deer in the small game area, located south of Highway 98, during the archery and general gun season;

allow fishing year-round throughout the area; allow the use of dogs to take hogs with no size or bag limit during the general gun season; remove requirement for hunters to possess a daily hunt permit for the Western Sloughs portion of the area; and, allow vehicles to be operated only on named or numbered roads.

(f) Flint Rock WMA: extend the muzzleloading gun season from three to nine days; extend the general gun season from 58 to 72 days; and, require all persons to enter and exit the area through a designated entrance only.

(g) Escambia River WMA: prohibit the taking of fish and wildlife from Keyser Landing Road and Webb Landing Road.

(h) Yellow River WMA: prohibit alcohol in the Grassy Point area.

(i) Econfina Creek WMA: allow fishing on the Fitzhugh/Carter area with daily quotas (one angler per 10 acres of open water); prohibit the taking of wildlife from Cat Creek Road and Enfinger Road; and, require all persons to enter and exit the Fitzhugh/Carter area through a designated entrance only.

(j) Lafayette Creek WMA: Proposed rules establish regulations for a new WMA including open seasons for archery, muzzleloading gun, family hunts, general gun, small game, spring turkey, fishing and other recreational uses.

(k) Wakulla WMA: Proposed rules establish regulations for a new WMA on the Wakulla State Forest including open seasons for archery, archery/muzzleloading gun, small game, spring turkey, fishing and frogging.

Public Comment

Richard Teevan stated that he would like the Commission to increase the length of the general gun season and deer dog season on the Escambia River WMA. He asked that he be provided information on the public input process to assure his requests are addressed during the next rule cycle.

Mr. Wiley replied that he would meet with Mr. Teevan to ensure he is included in the mailing to those interested in submitting rule proposals to the committee next year.

Jim Casselman thanked the Commission and staff for increasing Family Hunt opportunities. He suggested the Commission consider a Family Hunt on the Wakulla WMA next year.

Commission Discussion

Upon motion of Commissioner Meehan, seconded and carried, rules listed as Group 7 were approved.

>>>Group 8

(18) 68A-15.064 Specific Regulations for Wildlife Management Areas-South Region—The proposed rules would make technical corrections and clarifications and make other changes to specific area regulations on the following WMAs:

(a) J. W. Corbett WMA: establish the ending date of the general gun season as either New Year's Day or the Sunday after for those years where New Year's Day falls on a Thursday, Friday, or Saturday; add an additional five weekdays (Wednesdays only) to spring turkey season (currently Saturday and Sunday only); restrict vehicle access during small game season to named or numbered roads or trails; allow vehicle access during spring turkey season along all named or numbered roads or trails; allow vehicle access one day prior to the opening of archery season; allow vehicle access during open periods (other than designated hunting seasons and dog training season) to all main grades, Trail 6, the Tomato Field grade east of the Big Gopher canal, Trail 3 between its junction with Tomato Field Grade and its junction with Trail 5, and Trail 5 between its junction with Trail 3 and the L-8 levee; and, allow vehicle access to the area one day prior to the openings of muzzleloading gun and general gun seasons.

A floor amendment would withdraw that part of the rule that would have restricted vehicular access to named or numbered roads or trails during small game season. Stakeholders have expressed strong concerns about this proposal and requested more time to identify and work out alternative solutions. Staff is recommending withdrawal of this rule proposal in support of this stakeholder request.

(b) Holey Land WMA: allow waterfowl hunters to access the WMA with airboats (for the purpose of duck and coot hunting) during the archery, muzzleloading, general gun-walk, and general gun-vehicle seasons; allow vehicle access from the end of the duck and coot season through April 30; prohibit all-terrain vehicles with steering mechanisms that would allow the all-terrain vehicle to be operated from elevated platforms; and, require all ATVs to display an orange flag at least six feet above the top of the seat.

(c) Everglades and Francis S. Taylor WMA: clarify that rifles or pistols are prohibited after the end of general gun-walk season between the Old Miami Canal and the New Miami Canal in Conservation Area 3A; clarify that rifles or pistols are prohibited after the general gun-vehicle season in Conservation Area 2, Area 3B, and the rest of Area 3A; prohibit all-terrain vehicles with steering mechanisms that would allow the all-terrain vehicle to be operated from elevated platforms; require all ATVs to display an orange flag at least six feet above the top of the seat; and, allow waterfowl hunters to access Conservation Area 2, 3A South, and 3B with airboats when the duck and coot season overlaps the general gun-vehicle season.

(d) Rotenberger WMA: require a general gun permit during the general gun-vehicle season for any person to operate a vehicle; allow vehicle access from the end of the duck and coot season through April 30; prohibit all-

terrain vehicles with steering mechanisms that would allow the all-terrain vehicle to be operated from elevated platforms; clarify that during the archery, muzzleloading gun, and general gun-walk seasons, vehicles (other than ATVs) may be operated only on levees and that airboats are prohibited; and, require all ATVs to display an orange flag at least six feet above the top of the seat.

(e) Okaloacoochee Slough WMA: allow the take of hogs with no size or bag limit.

(f) Fisheating Creek WMA: establish bag limit for deer at one per quota permit.

(g) Picayune Strand WMA: clarify that there is only one archery hunt offered.

(h) Dinner Island WMA: establish two new family hunts for wild hog only (quota of 30 each hunt) with a bag limit of one per person per quota permit. The proposed rule would increase the number of quota hunt permits issued for Dinner Island Ranch Wildlife Management Area from 30 to 45 for the archery, muzzleloading gun, and general gun hunts and from 15 to 20 for the spring turkey hunts and establish the number of quota permits for the family hunts as 30 per hunt.

Public Comment

Barbara Jean Powell voiced her appreciation for the expansion of hunting opportunities in the South Region and for amendments to Corbett WMA regulations relating to ORVs. She stated that ORV use needs to be addressed and suggested that law-abiding citizens not be restricted to named and numbered roads, except during hunting season. Ms. Powell commented that children need a place to ride their ORVs and that only a few people are using their vehicles inappropriately. She suggested the ORV permit program be restored on Corbett as an enforcement tool, and offered her support of the Group 8 rules as amended.

Commission Discussion

Upon motion of Commissioner Corbett, seconded and carried, rules listed under Group 8 were approved as amended.

>>>Group 9

(19) 68A-15.065 Specific Regulations for Wildlife Management Areas- Northeast Region—The proposed rules would make minor technical corrections and clarifications and significant changes to specific area regulations on the following WMAs:

Proposed amendments involve technical changes regarding open seasons on Richloam and Ross Prairie WMAs. The dates need to be revised each

year to reflect calendar year changes but were inadvertently omitted from the rule package.

(a) Fort McCoy WMA: extend the muzzleloading gun season from three to nine days and allow Recreational Use Permit holders to access the area from two weeks prior to archery season through the end of spring turkey season.

(b) Richloam WMA–Baird Unit: allow the take of hogs with no size or bag limit during small game season and allow bicycles only on named or numbered roads and designated trails.

(c) Three Lakes WMA: restrict vehicles to named and numbered roads or trails throughout the year.

(d) Tiger Bay WMA: allow the use of dogs with a shoulder height of 15 inches or less for taking small game.

(e) Relay WMA: extend the muzzleloading gun season from three to nine days; allow camping at the designated campsite during periods open to hunting; and allow Recreational Use Permit holders to access the area from two weeks prior to archery season through the end of spring turkey season.

(f) Tosohatchee WMA: Add coyote as legal to take and allow take of one antlered and one antlerless deer per permit, per person, per hunt.

(g) Seminole Ranch WMA: extend the small game season by one weekend.

(h) Jumper Creek WMA: expand duck and coot season to match the statewide season and allow the take of hogs with no size or bag limit during small game season.

(i) Rock Springs Run WMA: establish as legal to take antlered deer with at least one antler with three or more points on a side; establish a bag limit during archery season of one antlered deer and one antlerless deer per quota hunt permit, per person, per hunt; and, establish a bag limit during muzzleloading gun and general gun seasons of one antlered deer per quota hunt permit, per person, per hunt and one antlerless deer per antlerless deer permit, per person, per hunt.

(j) Caravelle Ranch WMA: eliminate the requirement that special-opportunity dove hunters must hunt from assigned stations at the dove field and allow vehicular access from 1.5 hours before sunrise until 1.5 hours after sunset one day prior to each season (except small game) and during periods open to hunting.

(k) Lake George WMA: eliminate the reference to special use vehicle permits on specified portions of the area and defer to 68A-15.004 (2)(e) for permitting activities during periods closed to hunting.

(l) Lake George WMA–Dexter Mary Farms Unit: specify that take of one deer per permit, per person, per hunt is allowed; allow vehicular access from 1.5 hours before sunrise until 1.5 hours after sunset one day prior to each season (except small game and special-opportunity dove) and during periods open to hunting; eliminate the requirement that special-opportunity dove hunters must hunt from assigned stations at the dove field; and, allow bicycles to be operated throughout the area.

(m) Seminole Forest WMA: allow camping during periods closed to hunting; and, increase the number of small-game daily quota permits from 50 to 75.

(n) Triple N Ranch WMA: allow public access from 1.5 hours before sunrise until 1.5 hours after sunset during periods open to hunting.

(o) Etoniah Creek WMA: allow vehicular access from 1.5 hours before sunrise until 1.5 hours after sunset one day prior to each season (except small game) and during periods open to hunting.

(p) Lake Panasoffkee WMA: add hogs, fish, frog, and furbearers (except bobcat and otter) as legal to take on the area.

(q) Ocklawaha River WMA–Gores Landing Unit: allow vehicular access from 1.5 hours before sunrise until 1.5 hours after sunset one day prior to each season and during periods open to hunting.

(r) Twelve Mile Swamp WMA: extend the muzzleloading gun season from three to nine days.

(s) Dunns Creek WMA: allow tent camping only.

(t) Salt Lake WMA: increase the number of quota permits for archery, muzzleloading gun, and general gun seasons from 30 to 40 (each hunt); and increase the number of quota permits for the general gun hog season from 15 to 20 (each hunt).

(u) Matanzas WMA: allow vehicular access to all persons during periods open to hunting.

Public Comment

Mark McNichols (United Hunters of Florida) asked the Commission to consider extending the season to all user pay areas on Fort McCoy WMA. On Richloam WMA, Mr. McNichols stated he was curious why bicycles were being restricted to named and numbered roads, and asked that disabled hunters on Three Lakes be allowed to continue using four-wheelers to reach their stands.

Mr. Wiley stated that disabled hunters will not be affected by the Three Lakes changes and that, on the Richloam area, it was the Division of Forestry who wished to create a bike trail.

Barbara Jean Powell offered her support of the proposed regulations as amended.

Commission Discussion

Commissioner Huffman voiced his concern that people could only access areas with a vehicle one day prior to each season. He asked staff to consider allowing scouting the weekend prior to season openings on some of the larger WMAs.

Upon motion of Commissioner Meehan, seconded and carried, rules listed under Group 9 were approved as amended.

>>>Group 10

(20) 68A-17.005 Specific Regulations for Wildlife and Environmental Areas—
The proposed rule would revise or establish specific area regulations on WEAs as follows:

(a) Santa Fe Swamp WEA: technical correction to allow fish to be taken.

(b) Apalachicola River WEA: allow wild hogs to be taken with no size or bag limit.

(c) Southern Glades WEA: establish the start of frogging season one day following the close of the general gun season and allow airboats into the area the day following the close of the general gun season through March 1.

(d) John G. and Susan H. Dupuis, Jr. WEA: include Martin County in the description of where Dupuis is located; clarify that a minor can accompany an adult quota permit holder and an adult can accompany a minor permit holder without having a second quota hunt permit.

(e) CREW WEA: allow quota permit holders to access the area one day prior to the start of each hunting season for scouting.

(f) John C. and Mariana Jones/Hungryland WEA: correct spelling of the area name and include the full WEA area name; reconfigure the existing hunts to provide a total of four 4-day archery hunts and three 3-day general gun hunts (all beginning on Saturdays) and shift the start of small game season one week later.

Public Comment

Barbara Jean Powell commented on the proposed regulation that would prohibit airboats in the Southern Glades WEA until after general gun season. She conveyed that an airboat is the only reasonable way to access the area.

Commission Discussion

Upon motion of Commissioner Corbett, seconded and carried, rules listed under Group 10 were approved.

>>>Group 11

(21) 68A-25.003 Taking and Disposal of Nuisance-Alligators Statewide—The proposed rule changes would significantly streamline the rule by deleting numerous provisions such as those related to qualifications and liability of trappers, selection and review of trappers, conditions governing operations of trappers, and limitations on number of agents. These requirements will instead be specified in contract and permit provisions. An application form is specified and penalties for non-compliance are included.

(22) 68A-25.031 Regulations Governing Alligator Egg and Hatchling Collections on Lands Not Included in Alligator Management Programs on Private Lands—The proposed rule changes would eliminate specific references regarding where forms are obtained and submitted; eliminate the limitation on the percentage of nests that may be opened during egg collections; eliminate the provisions for Type B egg collections; eliminate the provisions regarding expending monies on alligator marketing and education; and, remove references to private lands in the rule title.

(23) 68A-25.032 Regulations Governing the Establishment of Alligator Management Programs on Private Lands—The proposed rule changes would eliminate specific references regarding where forms are obtained and submitted; provide for inclusion of public lands other than sovereign submerged lands; eliminate acreage or population limitations as a requisite for eligibility; eliminate the limitation on the percentage of the population that can be harvested; eliminate the provisions regarding expending monies on alligator marketing and education; and, remove references to private lands in the rule title.

(24) 68A-25.042 Regulations Governing Statewide Alligator Trapping, Permitting, Taking, and Sale—The proposed rule changes would eliminate specific references regarding where forms are obtained and submitted; eliminate the limitation on the percentage of the population that can be harvested; eliminate provisions that limit the number of permits that can be issued per person and tags issued per permit; allow for sales of additional harvest tags (\$30 per tag) with additional permits to participants possessing an alligator trapping license valid through the harvest season; increase the harvest period that alligators may be taken from 5 weeks to 10 weeks (mid-August through October); tie deadlines for

submission of forms and tags to the expiration date of the harvest permit; and eliminate refunds of unused alligator harvest/CITES tags.

(25) 68A-25.001 Feeding or Enticement of Alligators or Crocodiles Unlawful—The proposed rule changes would broaden the prohibition to all crocodylians and eliminate provisions allowing county or municipal animal control personnel to use bait when relocating alligators or crocodiles.

(26) 68A-25.002 General Provisions for Taking, Possession and Sale of Reptiles—The proposed rule changes would eliminate outdated specific references regarding where forms must be submitted.

(27) 68A-25.004 Regulations Governing the Operation of Alligator Farms—The proposed rule changes would eliminate outdated provisions and specific references regarding where forms must be submitted.

(28) 68A-25.052 Regulations Governing the Processing of Alligators and the Sale of Alligator Meat and Parts—The proposed rule changes would eliminate outdated provisions and specific references regarding where forms are obtained and submitted.

(29) 68A-24.003 License and Tagging and 68A-24.004 Fur and Hide Dealers—The proposed rule changes would delete inaccurate statutory references regarding licensing requirements for taking furbearers and purchasing furbearer skins.

Public Comment

Bill Robb (Florida Alligator Trappers Association [FATA]) stated that an expanded public alligator hunt could have an adverse effect on nuisance alligator trappers. In Brevard County, alligator harvest has increased yet there are still many alligators. It is his hope that staff will continue to work with the trappers who have concerns about the expanded public waters hunt.

John Woolard (FATA) conveyed that the FWC statewide nuisance alligator program has a great staff and he looks forward to working with them to streamline the program.

Barbara Jean Powell stated that the Everglades Coordinating Council defers to the alligator trappers on this issue. The Council thanked Mr. Wiley for ensuring that alligator egg collection will continue to be regulated subject to biologically sustainable guidelines.

Chad Wright (Nuisance Alligator Trapper) remarked that expansion of the statewide alligator harvest program may have a long-term effect on Florida's alligator population, and have a severe impact on the wetlands trapping industry. He suggested the Commission increase the cost of harvest tags and questioned who took part in drafting the proposed rules.

Mr. Wiley responded that staff met with the nuisance alligator trappers, and explained that staff is working to maximize public hunting opportunities while maintaining nuisance trapping opportunities for the trappers.

Jimmy Douglas (alligator trapper) stated he is concerned with the lack of experience by people participating in the public alligator hunts, the length of the hunt season, and the harvest quota. He is afraid the hunt will become a commercial hunt rather than a sport hunt and cause a drop in the alligator population. He asked the Commission to put a limit on the sport harvest including introduction of a tag which indicates neither the hide nor the meat may be sold.

Commission Discussion

Commissioner Meehan questioned why reference to provisions regarding expending monies on alligator marketing and education were being eliminated from the rules.

Mr. Wiley replied that staff has met with the stakeholders of the marketing committee and members of the Governor's staff and decided not to withdraw that proposal. The marketing funds have not been transferred in the past few years and staff is working to ensure the transfer. Staff agrees that marketing is important and supports continuation of marketing programs.

Commissioner Yablonski asked if small private landowners would be able to secure permits to take alligators from their property.

Mr. Wiley responded that prior to awarding permits, an inspection and survey of the property would be initiated to determine the number of animals that may be harvested.

Commissioner Corbett offered his support of the proposed rules and asked when results of the harvest and new rules would be evaluated.

Mr. Wiley responded that in February 2007, staff would present to the Commission alligator harvest season results and population estimates.

Chairman Barreto asked how many permits were available to the public in 2005.

Mr. Wiley responded that 4,391 permits were available for the statewide harvest but only 2,784 were issued.

Upon motion of Commissioner Meehan, seconded and carried, the rules listed under Group 11 were approved.

Mr. Wiley thanked the stakeholders, partners, and staff who were involved in the 2006-07 rule promulgation process. He thanked team members Don Coyner,

Jeff Burton, Scott Berish, John Ault, Cory Morea, David Arnold, and Jen Williams for their work to ensure a smooth rule-making process.

Chairman Barreto agreed that the staff involved in rule review this year brought many compliments to the agency from constituents.

Commissioner Yablonski stated that this year's rules are providing additional hunting and fishing opportunities, expanding hunting and fishing areas, and allowing more use of equipment and land, which is not the norm for a regulatory agency. He thanked staff for expanding freedoms and creating more opportunities for citizens while protecting the resources.

Commissioner Meehan pointed out that the minimal public comment on the proposed rule package proves that staff performed well by including stakeholders and constituents in the process from the onset.

>>>Group 12

Mr. Scovell presented the following rules affecting freshwater fisheries.

(30) 68A-20.005(1)(e)(1) Specific Fish Management Area Regulations—The proposed rule would change the largemouth bass regulation on Karick Lake in Okaloosa County from catch and release to a 12-inch minimum length limit (general state regulation).

(31) 68A-23.002 General Methods for Taking Freshwater Fish—The proposed rule would authorize use of cast nets of any mesh size to take non-game fish in Indian River County and would clarify when cast nets with a minimum stretched mesh of one-inch or less may be used to take minnows of nongame fish except catfish.

(32) 68A-23.005 Bag Limits, Open Season: Freshwater Fish—The proposed rule would change the 14-inch minimum length limit, 5-fish bag limit (general state regulation) on largemouth bass in Lake Kerr in 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. The proposed rule also would prohibit the killing or possession of any black bass in that portion of the St. Johns River Water Management Area (Farm 13, including the Stick Marsh) that lies within Brevard County.

(33) 68A-23.0131(3)(b) Special Regulations for Lake Seminole and the St. Mary's River—The proposed rule would extend bag limits applicable to the St. Mary's River to include St. Mary's River tributaries and change the bag limit for white bass and striped bass-white bass hybrids from 15 to two and impose a minimum length limit on white bass and striped bass-white bass hybrids of 22 inches or greater in total length.

(34) 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.

Commission Discussion

Upon motion of Commissioner Huffman, seconded and carried, rules listed under Group 12 were approved.

Camp Blanding WMA—Proposed Rules

Regional Director Garcia presented a history of the area, which has been a wildlife management area since 1956 with the Florida Armory Board as the lead managing agency. Although Camp Blanding is a state facility, it also serves as an active military training center for the National Guard and Active Component units.

Lands south of State Road 16 have been closed to public access since September 11, 2001, and part of these lands were formerly used for deer-dog hunting. FWC and military training center personnel have had numerous discussions about reopening areas south of SR 16. Recent discussions have included FWC's desire to increase deer-dog hunting opportunities in the region.

The military can not have hunters and their equipment, including dogs, encroaching on cantonment and artillery impact areas. The solution is to permit dog hunting on that portion of the area north of SR 16 and still hunting south of SR 16.

Proposed rules include:

- North of SR 16: Change to deer-dog hunting format. Two 9-day quota periods with 320 hunters for each quota period.

- >Deer-dog hunt quota periods would begin Saturday before Thanksgiving and Christmas.

- >Deer-dog hunt quota remains at the current levels with 320 quotas per 9-day period.

- South of SR 16: Change to still hunting format. Hunting opportunities will include all of those currently allowed in the area north of SR 16. Include opportunities that currently exist on still hunt portion of area. Shift opening of 58-day general gun season to Saturday prior to Thanksgiving. Still hunt format to include two 3-day archery and two 3-day muzzleloading and 58-day general gun seasons.

Staff is pursuing an aggressive timeline in order to reopen the area south of SR 16 for the 2006-07 hunting season.

Mr. Garcia explained that the staff recommendation is to conduct a public meeting in February, formally advertise the proposed rules for a final public hearing at the April 2006 Commission meeting with amendments if necessary.

Mr. Garcia thanked Major Cecil Cauley, Operations Officer for Camp Blanding, for his cooperative work in drafting the proposed Camp Blanding WMA regulations.

Public Comment

Henry Milton (Florida State Still Hunters Association) and Jim Casselman offered their support of the proposed Camp Blanding regulations, and thanked Mr. Garcia and the military for their work to develop these proposals.

Commission Discussion

Upon motion of Commissioner Barco, seconded and carried, staff was directed to hold a public meeting on the proposals and return to the Commission in April for a final public hearing.

Chairman Barreto thanked the military personnel of Camp Blanding and Mr. Garcia for providing this hunting opportunity for both the still and dog hunters of the region.

Due Process Procedures/Rule-making Standards—Draft Rule

General Counsel Antista explained that the draft rule is a procedural rule which will (1) incorporate the Commission's due process procedures into rule, (2) repeal obsolete rules relating to the Game and Fresh Water Fish Commission and the Marine Fisheries Commission, and (3) establish standards to guide rulemaking relating to fishing and hunting.

The draft standards rule is based upon section 370.025, Florida Statutes, a statute originally designed for the Marine Fisheries Commission and the Magnuson-Stevens Act standards, which apply to federal rule making. The proposed standards have been developed by FWC for all agency rulemaking on hunting and fishing, not solely marine life. Mr. Antista explained that the draft rule will be a guide for rule-makers and keep standard the information and processes to which the Commission will adhere.

The draft rule will codify existing due process procedures adopted by the Commission on July 7, 1999. With Commission approval, FWC staff will hold a workshop on this rule, advertise a proposed rule in the Florida Administrative Weekly, and submit the proposed rule to the Commission for a final public hearing in June 2006.

Commissioner Huffman asked how Chapter 120 hearings are affected by this rule.

Mr. Antista responded that for FWC permit issuance, citizens may appeal under Chapter 120 for a hearing, and this type hearing is addressed in the proposed rule.

Public Comment

David Grix (Fishing for Freedom) stated that the proposed rules are arbitrary and provide no means for an appeal, which is not adequate due process for commercial fishermen. He added that the FWC is mandated to provide due process under the Florida Constitution and by the Florida Legislature under Florida Statute 370.025. He pointed out that the Florida Supreme Court stated that the only restriction on the FWC rule-making procedure was 370.025 and that it applied to gear rules promulgated by FWC. Mr. Grix stated that FWC staff members have told him that Chapter 120 hearings and/or drawout hearings are not valid for fishermen under FWC rules.

Mr. Antista clarified that the applicability of 370.025 to the FWC is currently an open question and the subject of litigation. Therefore, staff can not provide answers to Mr. Grix's allegations. The proposed draft rule is being submitted to create standards by rule that apply to this agency. The standards created in 370.025 were created for a different agency. He explained that because the FWC is a constitutionally created agency there are differences in how Chapter 120 applies to agency rules.

Chairman Barreto brought to the Commission's attention that a commercial fishing group, possibly Fishing for Freedom, approached the Commission regarding reevaluating net size. Staff organized a working group of staff and commercial fishers and, in the process, the net fishers decided to sue the FWC. Therefore, net size is not being discussed and the agency is in litigation. However, this has nothing to do with Mr. Antista's presentation.

Commission Discussion

Upon motion of Commissioner Corbett, seconded and carried, staff was directed to convene a public meeting on the proposed rules for presentation at the June 2006 Commission meeting.

2006-07 Work Plan—Division of Freshwater Fisheries Management (DFFM)

Prior to Mr. Scovell's work plan presentation, Mr. Heller explained that division work plans will be a scheduling tool to reserve Commission meeting time. They will address issues staff is aware of at this time.

Mr. Scovell explained that Fiscal Year 2006-07 will be an "off year" for rule development under the Commission's biennial rule development process. Unless there is a proposal that meets specific criteria, such as a need to address a significant threat to the long-term welfare of fish and wildlife resources or to avoid

jeopardizing the effectiveness of an existing rule or development of new management efforts, the division does not anticipate many rule proposals this year.

>Division staff will present proposed establishment orders for Commission consideration to add or delete fish management areas to the system to meet landowner requests or to create new fishing opportunities.

>Division staff will continue work with freshwater fishing interests to build public support to develop and implement strategies to protect or enhance Florida's three million acres of lakes and 12,000 miles of rivers and streams.

>Fisheries management includes management of three major components involving people, fish, or habitat.

>Examples requiring management of people would include the need for bag or length limit regulations, the stakeholder initiative, or boating access issues.

>Habitat management issues include water quality, water quantity, water fluctuations/flow, bottom substrate conditions, or structure or aquatic plant management.

>Fish management includes fish stocking, fish diseases issues, or population dynamics or fish genetic issues.

For 2006-07, the work plan focuses on people management or regulatory issues. Division of Freshwater Fisheries Management staff, as well as other divisions and offices, is also focused on issues in these other two components, which may be presented to the Commission in reports for direction or concurrence.

Commission Discussion

Commissioner Kaupe asked if Hydrilla continues to be a problem in Florida lakes.

Mr. Scovell replied that stakeholders have advised that Hydrilla is a very important issue to them on Florida lakes statewide because some people want to see more while others want less.

Chairman Barreto mentioned a recent front-page *Miami Herald* article, touting Florida as "The Fishing Capital of the World." He asked Mr. Scovell to secure a copy and forward it to each Commissioner.

Upon motion of Commissioner Barco, seconded and carried, the 2006-07 Division of Freshwater Fisheries Management Work Plan was approved.

2006-07 Work Plan—Division of Hunting and Game Management (DHGM)

Mr. Wiley stated that issues to be addressed by the Division of Hunting and Game Management during the 2006-07 fiscal year include:

>Proposed rules for hunting and game management statewide and public hunting areas.

- >Proposed establishment orders for wildlife management areas and wildlife and environmental areas.
- >Proposed migratory bird seasons and federal frameworks
- >Review of alligator management programs
- >Future of Hunting initiatives
- >Review of deer management issues and development of a statewide deer management plan.
- >Review and improvement of WMA Quota Hunt System

Commission Discussion

Commissioner Meehan asked that the Commission be notified of the locations, dates, and times of all Future of Hunting summits. He asked staff to get out to the hunters in various regions of the state to ensure the hunting summits are something they look forward to participating in.

The Commission asked Mr. Wiley to make certain that hunters from the various regions of the state are aware of and participating in the Future of Hunting summits.

Mr. Wiley responded that staff is working with regional hunting clubs to ensure the future of hunting in Florida.

Commissioners Barco and Kaupe offered that possibly there should be regional meetings prior to a collective hunting summit, which might help with local input and participation.

Commissioner Meehan commented that following the Bobwhite Quail Summit, a statewide quail coordinator was to be hired. He asked the status of the position.

Mr. Wiley explained that Tall Timbers Research Station is seeking partners to provide funding for the position.

Chairman Barreto asked that the Commission be kept up to date on the Future of Hunting initiative, and the statewide quail initiative.

Upon motion of Commissioner Corbett, seconded and carried, the 2006-07 Division of Hunting and Game Management Work Plan was approved.

2006-07 Work Plan—Division of Habitat and Species Conservation (DHSC)

Mr. Breault presented the Division of Habitat and Species Conservation 2006-07 Work Plan.

>Listing Actions—The highest priority listing actions are the four active petitions currently undergoing biological assessment (bald eagle, gopher tortoise, manatee, and Panama City crayfish). It is anticipated that the biological status

report for all four species will be presented to the Commission this year. If the Commission finds the listing recommendations warranted, staff would initiate drafting management plans for the species.

Secondary priority would be given to initiating action on the peregrine falcon, a species that had an active petition at the time the listing moratorium was initiated. The only complete petition received this year was a petition for the smooth-billed ani, with two other bird species of higher priority the ani petition will be considered in the February 2007 work plan along with other petitions received in 2006.

>Exotic Species—Priorities include, rapid response funding, rule consolidation, Gambian rat eradication, python regulation, and drafting an exotic species policy.

Chairman Barreto asked if there is any consideration to increase permit costs to exotic pet dealers.

Mr. Breault replied that legislation is being drafted that will address permit costs for those wishing to keep exotic reptiles. Legislative action would also be required to increase costs to pet dealers.

Commissioner Corbett asked if funding is available for the control of exotics.

Mr. Breault responded that there is little federal revenue available, and less non-governmental organization money, to control exotics and currently no concrete proposals for funding. Staff is working with the Captive Wildlife Technical Advisory Group to identify a funding source.

Chairman Barreto stated that now is the time to work to change captive wildlife laws while recent experiences with pythons is fresh in the minds of Floridians.

Commissioner Huffman added that FWC needs to get the message out that FWC is serious about exotic species control and has the rule-making authority to curtail exotic pet trade. It is time for the dealers, exotic pet owners, and FWC staff to sit down together and discuss this ever-growing issue.

>Manatee and Sea Turtle High Priority Actions include: Charlotte County manatee rule, proposed amendments to Duval County manatee protection rule, and the proposed manatee protection plan rule. Secondary actions include: evaluate revisions of existing measurable biological goals and amend marine turtle permit holder rule.

Upon motion of Commissioner Barco, seconded and carried, the Commission voted to accept the division's request to delay petition review for the smooth-billed ani due to workload.

Upon motion of Commissioner Meehan, seconded and carried, the 2006-07 Division of Habitat and Species Conservation Work Plan was approved.

Deer-Dog Registration Program

Lt. Colonel Mike Wiwi presented a preliminary report on the deer-dog registration program.

In June 2005, the FWC adopted a statewide rule change requiring registration for private lands used for deer-dog hunting. The rule was implemented for the 2005-06 hunting season and applied to both the deer-dog training season and general gun season.

Registered properties/clubs in the regions were: Northwest, 52; North Central, 105; Northeast, 68; Southwest, 4; and South, 5.

Staff has consistently used documented complaints associated with deer-dog hunting as an indicator of conflict. Preliminary analysis of the 2005-06 hunting season data determined that statewide dog hunting complaints were down from the previous season. The Southwest and South regions received no documented complaints, while the Northwest (87 in 04-05 and 79 in 05-06), North Central (179 in 04-05 and 116 in 05-06), and Northeast (67 in 04-05 and 31 in 05-06) regions experienced reductions. Statistical information in the Northwest Region will not be complete until February 15.

Based on the preliminary numbers, the trend seems to indicate that the new requirements for registering private lands for deer-dog hunting have had a positive impact on decreasing complaints and minimizing conflict between private landowners and deer-dog hunters. A final report will be presented at the June Commission meeting following a mail-out survey to all registrants of private lands for deer-dog hunting during the 2005-06 hunting season.

Commissioner Corbett commented that statistics prove the registration process is working and asked what might be done to improve the program.

LTC Wiwi responded that staff must continue to engage the dog hunting clubs before hunting season begins to make them aware of program statistics, and set a bar for them to reduce trespass complaints and violations.

Legislative Report--State

Ms. Jackie Fauls provided to each Commissioner a detailed report on the FWC 2006 Legislative Package. Agency bills include:

Hunter Safety Education Issues—HB 471 by Representative Troutman; Senator Baker, Hunter Safety Course Standards—This issue deletes the requirement that each Hunter Safety course must consist of a minimum of 12 hours of instruction. This approach provides flexibility to tailor the course curriculum to

standards established by the International Hunter Education Association (IHEA) and adopted by the U.S. Fish and Wildlife Service. Their standards would determine the minimum hours of instruction required for certification and ensure the accreditation of the program by the IHEA, therefore addressing reciprocity by assuring all states and countries accept the Florida hunter safety course as proof of safe hunter certification.

Hunter Safety Mentoring—This issue provides a mentor option that defers the hunter safety course requirement for one year for an individual who is required to take the course (born after June 1, 1975). The individual would be required to hunt under the supervision of a licensed adult who has a regular hunting license.

Marine Fisheries Issues—Senator Argenziano; Representative Littlefield—**Blue Crab License, Penalty, and Trap Retrieval**—This issue establishes fees and penalties for the commercial blue crab effort management program approved by the Commission in June 2005.

Black Sea Bass Trap Retrieval Program Fee—This issue adds black sea bass traps to the post-season trap retrieval program, including a \$10-per-tap retrieval fee. The proposal does not waive the fee for the first five traps retrieved because there is no black sea bass endorsement fee.

Lobster Counterfeit Trap Tag Penalty—The possession or use of spiny lobster trap tags not issued by the FWC is currently prohibited. A violation involving counterfeit trap tags carries a criminal penalty; however there is no corresponding penalty. The proposal would establish an administrative penalty of up to \$5,000 and a suspension of commercial saltwater fishing privileges for up to 24 months to be assessed for possession or use of altered, forged, counterfeit, or imitation spiny lobster trap tags and the making, altering, forging, counterfeiting, or reproduction of spiny lobster trap tags. The penalty would apply for receipt of a judicial disposition other than acquittal or dismissal.

Additionally, enhanced penalties for captive wildlife violations is a potential issue for this legislative session. Also, at the request of the Florida Alligator Marketing and Education Commission and Florida Department of Agriculture and Consumer Services, staff has withdrawn from further consideration a repeal of alligator marketing budget transfer requirement.

Colonel Jones discussed the enhanced penalties for captive wildlife violations. She advised that the issue is not only important to this Commission but also to certain Legislators. Of particular importance are the exotic species kept as pets. The newly organized FWC Captive Wildlife Technical Advisory Group (experts in captive wildlife) is making recommendations to FWC staff that will be brought before the Commission for subsequent rule-making. However, enhanced penalties for captive wildlife would have to be addressed by the Legislature. Representative Poppell is filing legislation to modify the venomous reptile statute to a “regulated reptile” statute, and this Commission will establish the regulated reptile list. In addition, there may be a prohibited list of reptiles relative to their invasive qualities.

Ms. Fauls asked for Commission concurrence to allow the Chairman and Executive Director to coordinate for the Commission possible changes to agency legislation during the upcoming Legislative Session.

Upon motion of Commissioner Corbett, seconded and carried, the Chairman and Executive Director will coordinate possible changes to Commission legislation during the 2006 Legislative Session.

Congressional Report

Ms. Fauls reported that the agency has worked closely with the Governor's Office, members of the Florida Congressional Delegation, and several state agencies to secure federal financial assistance to offset significant damages due to Hurricanes Rita, Wilma and Dennis, as well as damage due to red tide.

Magnuson-Stevens Fishery Conservation and Management Act (M-S Act) (Reauthorization)—Congressional legislation has been introduced that was passed by the Senate Commerce, Science and Transportation Committee. FWC has been communicating its views on this legislation to Senators Martinez and Nelson, particularly on key sections of the bill, including strengthening the role and function of the regional management councils to allow more flexibility in fishery management plans; more conservative "optimum yield" goals when managing fisheries; access to Global Maritime Distress and Safety Systems or similar systems; and support for immediate disaster relief assistance to fishermen, charter fishing operators, fish processors, and owners of fishery infrastructure affected by a disaster.

Commissioner Yablonski suggested the Commission write to the Secretary of the U.S. Department of Agriculture requesting that Florida's commercial fishers receive a fair share of appropriations designed to help the fishing industry due to recent hurricane and red tide disasters.

Chairman Barreto asked staff to draft resolutions (attached) to the Florida Congressional Delegation regarding support for federal relief to the fishing industry to recover from recent hurricanes and red tide outbreaks, reauthorization of the Magnuson-Stevens Act and strengthening of the fishery councils under this Act, and a request to the U.S. Department of Agriculture to ensure Florida's commercial fishers receive hurricane disaster federal assistance dollars designated for the rehabilitation of Florida's public and private oyster reefs.

International Association of Fish and Wildlife Agencies (IAFWA)

Mr. Haddad briefed the Commission on the role of the IAFWA, founded in 1902, which represents fish and wildlife professionals of all 50 states and many in Canada and Mexico. IAFWA is the major voice for fish and wildlife management in North America, and the FWC is a member with staff sitting on various committees. Mr. Haddad sits on the Executive Committee, and chairs the Leadership

Development Committee. The IAFWA committees of professionals monitor and advise on issues ranging from acid rain and pesticides to exotic animals, public lands, migratory wildlife, and wetlands. The IAFWA intervenes in court cases on behalf of fish and wildlife and participates in fish and wildlife management issues on Capitol Hill; negotiates with federal agencies on behalf of state fish and wildlife agencies to develop effective and complementary policies and regulations; participates in the development of international treaties and laws, regulations and policies concerning the welfare of North America's fish and wildlife, and provides state and fish wildlife agencies with legal counsel.

Commissioner Meehan asked if hunting or fishing organizations may be members of the IAFWA.

Mr. Haddad explained that there are affiliates of the IAFWA such as the Shooting Sports Foundation, Shikar-Safari International Club, Boone and Crockett Club, and The Nature Conservancy, which means they participate with the IAFWA. The states are actual members.

Commissioner Corbett asked if the IAFWA will work toward securing federal appropriations for states, and does membership give Florida the opportunity to interact more closely with other states or the federal government.

Mr. Haddad replied that many relationships have been built and fostered through interaction with the IAFWA, and that one of the IAFWA's priorities is to seek federal funding for state fish and wildlife needs. He explained that the U.S. Fish and Wildlife Service, the U.S. Geological Survey, and other federal agencies are members of the IAFWA but not voting members.

Commissioner Kaupe asked if the IAFWA could assist Florida in its interactions with the National Marine Fisheries Service and reauthorization of the Magnuson-Stevens Act.

Mr. Haddad replied that there is an IAFWA Committee initiating review of the M-S Act.

Governor's Budget Recommendations for FY 2006-07

Mr. Haddad asked for and was granted the opportunity to present the Governor's budget recommendations for fiscal year 2006-07. The FWC was well supported in his budget, with almost all agency issues included. In part, issues included \$2,339,800 for Law Enforcement Retention Pay; \$1,000,000 for a new marine fish hatchery; \$10,000,000 for mitigation park land acquisition; \$3,000,000 for non-CARL land management and public use; \$1,838,128 for boating and waterways (marina fuel tax) and \$3,750,000 for boating improvement (marina fuel tax); \$4,500,000 for Florida Forever Land Acquisition; \$1,127,000 for laptop computers for Law Enforcement Officers; and \$1,180,000 for Boating Access Federal Grant. The total budget request was \$252,160,211.

Presentations by the Public

Eugene Bessette, a member of the Captive Wildlife Technical Advisory Group, offered his appreciation for the opportunity to work with Colonel Jones and agency staff regarding Florida's captive wildlife regulations. He pointed out that Florida leads the nation in reptile issues. He stated that the Committee has many unique challenges and problems but the Committee members are dedicated representatives working to ensure the Legislature's concerns are addressed in addition to those of the Commission, other state agencies, and public at large.

Preston Robertson (Florida Wildlife Federation) thanked the Commissioners for their work. He asked that penalty legislation become effective by July 1, 2006 rather than 2007, and asked that staff work with the state's attorneys' offices to ensure understanding of the rules and penalties. On the Babcock Ranch purchase, Mr. Robertson pointed out the importance of public recreation on the land. He thanked Commissioner Corbett for organizing the quail summit, and thanked the Commission for the successful deer-dog registration program. However, he pointed out that most violations in the Northwest Region occur during the last two weeks of the hunting season. He mentioned that the State of Georgia has had no problems with their 1,000-acre deer-dog hunting area limit, and suggested Florida needs to manage its deer herd for more quality deer for the future of hunting in Florida.

Phil Bancroft brought to the Commission's attention dog encroachment from the Osceola National Forest on to private still hunting leases, which border the national forest. He requested that the Commission, through an emergency order, move the boundaries of the deer dog hunting areas (north and south of where forest roads 231 and 276 intersect the private lands) farther into the forest prior to the 2006-07 hunting season to provide a buffer between the dog hunting area and the private leases. Although dog encroachment was reported to the FWC numerous times by club members, he does not believe the agency has enough law enforcement officers to patrol the area.

Regional Director Garcia advised that the area of concern is a hot spot for dog trespass in the North Central Region. The Division of Law Enforcement has been diligently working the area to alleviate the trespass problem. Mr. Garcia mentioned that he has contacted the President of the Florida State Dog Hunters Association for the association's assistance in stopping the trespass, which is a new issue this year. He believes staff is taking the appropriate corrective action, and pointed out that there is not enough time to appropriately review a rule change and include public input prior to the 2006-07 hunting season. At the onset of the 2006-07 hunting season, the Division of Law Enforcement will direct its enforcement efforts to this area to ensure rule compliance.

Byron Maharrey commended and thanked Hunter Education Coordinator Bill Cline for organizing the Master Hunter Education Program in West Palm Beach, Nick Wiley for working with stakeholders on rule changes, and all those involved in the organization of the most successful Future of Florida Hunting Summit. He pointed out that the Commission needs a course of action and follow-up on the summit to

keep the momentum on track. Regarding the Florida black bear, he believes that a limited hunt is needed due to the increasing bear population and bear encounters with humans and vehicles.

Dr. David Auth (Sierra Club) offered his support of the Commission's effort to control the import of exotic plants and wildlife into Florida. He stated that Florida has spent nearly a half billion dollars trying to control exotic aquatic plants and another one hundred million dollars trying to control terrestrial exotic plants; however, Florida Government spends practically nothing controlling exotic reptiles, fishes, birds, mammals or invertebrates other than so-called agricultural pest species (insects). Dr. Auth stated he finds it incredibly disgusting, yet, perfectly understandable that the FWC may feel it necessary to have to appropriate specific funds to do something about exotic animals especially considering its emphasis on fishing and hunting that is the killing of the selected Florida native species to keep its agency's income stream flowing along for many, many decades to the point where maybe it is time that we should kill manatees for profit.

Lisa Pardus spoke concerning black bear hunting. She stated that it was politics not sound science that closed black bear hunting in Florida. Ms. Pardus pointed out that nuisance black bears are becoming a major problem, especially near the Ocala National Forest. She believes FWC should be studying the bears' carrying capacity then reestablish a Florida bear hunting season. Ms. Pardus stated she is beginning a petition campaign to restore black bear hunting to Florida, and she has many questions regarding black bears and how many have been captured and re-captured.

The Commissioners asked Mr. Breault to provide to Ms. Pardus the data on the number of nuisance bears trapped and re-trapped in Florida.

Chairman Barreto mentioned that FWC staff is performing studies in order to provide a comprehensive plan on the appropriate management of black bears in Florida.

Ted Forsgren (Coastal Conservation Association) offered his support of the Commission's efforts to provide more freedoms to citizens by expanding hunting and fishing opportunity in Florida. He pointed out that the Commission would be tested on the issue of fishing freedom when asked to consider closing a 46-square-mile Research Natural Area in the Dry Tortugas to saltwater fishing.

Commission Exchange

Commissioner Yablonski pointed out the significance of the proposed hunter safety legislation, which would allow someone to hunt for one year without course certification as long as he/she was accompanied by a hunter possessing a valid hunter safety certification. This law would remove a barrier to the introduction of hunting. He mentioned the importance of Statewide Red-cockaded Woodpecker Safe Harbor Agreement to private landowners, and thanked staff for their work on the agreement with the U.S. Fish and Wildlife Service and landowners.

Commissioner Corbett agreed with Commissioner Yablonski's statements and thanked Chairman Barreto for an effective and efficient meeting.

Commissioner Kaupe thanked Commissioner Huffman for his leadership in 2006 and offered congratulations to Chairman Barreto on a smooth first-day of the meeting.

Commissioner Meehan welcomed Mr. Barreto back to the Chairman's seat. He congratulated Commission staff members, who, through their diligent work, made the rule-making process streamlined for Commission action. Mr. Meehan mentioned that stakeholders and constituents continually point out the need for additional law enforcement effort on various areas of the state, and asked how the agency can keep count of these requests. He suggested Legislators and the Governor be made aware of these continued requests.

Colonel Jones stated that the Division of Law Enforcement has been reorganized and is using existing resources. Currently, a staffing assessment is being conducted by the International Association of Chiefs of Police. The job task analysis portion of the study is almost complete. The Commission will be apprised of their findings at the study's conclusion.

Chairman Barreto asked for Commission support to direct staff to draft a resolution to the Florida Congressional Delegation supporting federal relief to the commercial fishing industry in Florida affected by hurricanes and red tide, which was read by Commissioner Meehan.

Upon motion of Commissioner Yablonski, seconded and carried, the Commission supported the resolution.

The meeting was recessed at 4:35 p.m., to reconvene at 8:30 a.m., Thursday, February 2.

The Chairman reconvened the meeting at 8:35 a.m., Thursday, February 2, 2006, and thanked Commissioner Barco and Doug Jossim for the reception and "Taste of Florida" cuisine the evening before at Commissioner Barco's ranch.

Chairman Barreto voiced his concern over the plight of Florida's commercial fishing industry following the 2005 hurricanes and other natural disasters. He asked the Commission to support sending a letter and resolution to the Florida Congressional Delegation seeking their support for federal assistance for Florida's commercial marine fisheries. He asked that staff ensure the letter and resolution is distributed to members of the commercial fishing industry.

Before beginning the agenda of the day, Chairman Barreto set the stage for discussion of Commissioners' Areas of Emphasis. He asked Commissioner Huffman to continue as the Commission leader on Exotics; Commissioner Corbett to lead the Future of Hunting in Florida and Habitat Restoration; Commissioners Meehan and

Kaupe to lead on the Future of Saltwater and Freshwater Fishing in Florida; and Commissioner Barco take the lead on the Financial Business Plan. The Chairman suggested Commissioners meet with staff on their CAE and report back to the Commission what the Commission might do short-term to move the issue forward.

The Chairman added that Commissioner Yablonski's area emphasis from 2005, Individual Transferable Quotas (saltwater fishing) is being reviewed by staff to ascertain if Florida has a species that might be identified for an ITQ. He asked Commissioner Yablonski to join him in moving forward with Florida's Wildlife Legacy Initiative to ensure that the wildlife resources we all enjoy today will remain for the use and enjoyment of our children and grandchildren.

Chairman Barreto asked the Commissioners to speak with Mr. Heller regarding specifics of their area of emphasis.

Chairman Barreto welcomed Colleen Castille, Secretary of the Department of Environmental Protection to the meeting.

Mr. Haddad announced that Community Relations Director Sharon Lobello's son, Anthony, won a spot on the 2006 Olympic Speed Skating Team and will be skating in Torino in mid-February.

Chairman Barreto asked Captain Paul Ouellette to present the first agenda item.

Rules

(1) 68D-24.020 Suwannee and Santa Fe River Boating Restricted Areas— The proposed changes would allow for the Suwannee and Santa Fe rivers to be regulated at Idle Speed No Wake when specific Suwannee River Water Management gauges determine the river to be at flood stage.

Captain Ouellette explained that the Commission's authority is limited to regulation of the waterway for boating safety purposes, not property protection.

Eighty people attended the public workshops with the majority support the proposed rule.

Captain Ouellette pointed out that Commission staff worked closely with local law enforcement, each county commission and sheriff's office, liveries and fish camps along the river, the U.S. Army Corps of Engineers, U.S. Coast Guard, and the Suwannee River WMD on this proposed rule. He thanked Mr. Tom Murdy, WMD staff hydrologist, for working to produce such an innovative plan.

Public Comment

Dr. David Auth stated that the Sierra Club commends the FWC for proposing no wake rules for the majority of the Florida Suwannee and Santa Fe rivers. He

believes it is time for the agency to regulate boat and jet ski speeds on all Florida rivers at all stages, not just flood stages, for the protection of the state's wildlife.

Commission Discussion

Upon motion of Commissioner Kaupe, seconded and carried, Rule 68D-24.020 was approved.

Mr. Robson presented the following rule for Commission consideration.

(2) 68B-44.008 Protected Species: Sawfishes, Basking Shark, Whale Shark, White Shark, Sand Tiger Shark, Bigeye Snad Tiger Shark, Spiny Dogfish, Manta Ray, and Spotted Eagle Ray; Prohibition of Harvest, Landing, and Sale—The proposed rule would change the rule title from "Protected Species" to "Prohibited Species" and add 13 species of sharks to the list, including the Atlantic angel shark, bigeye sixgill shark, bigeye thresher shark, bignose shark, Caribbean reef shark, dusky shark, Galapagos shark , longfin mako shark, narrowtooth shark, night shark, sevengill shark, sixgill shark, and smalltail shark. The proposed rule would also prohibit any person from harvesting, possessing, landing, purchasing, selling or exchanging any shark species on the "Prohibited Species" list. The rule will be effective in March 2006.

Upon motion of Commissioner Barco, seconded and carried, Rule 68B-44.008 was approved.

Special Regulations for the Dry Tortugas National Park (DTNP)

Mr. Robson reported that the topic will cover the Commission consideration of special rules for the DTNP. He introduced Ms. Colleen Castille and explained that the Department of Environmental Protection (DEP) has been very involved in working through the Division of State Lands and the Governor and Cabinet to coordinate a management agreement on the management of the waters of the DTNP where there is a coordinate effort needed because of the shallow water areas.

Ms. Castille thanked the Commission for the opportunity to address the Dry Tortugas National Park Special Regulations. She explained that DEP tries to protect the ecosystem with good science for the species FWC is charged to protect, and that the Governor and Cabinet had asked her to approach the Commission regarding FWC's jurisdiction over state waters within the national park. She asked the Commission to support the Park Service's special regulations for the benefit of the fish and wildlife species, particularly the 46-square-mile Research Natural Area (RNA). The RNA would provide a science laboratory and breeding ground for numerous marine species and become a control site for species protection. Commission concurrence would allow the NPS to go forward with its General Management Plan.

Commissioner Yablonski asked what the Commission's role is in the overall management plan for the Dry Tortugas.

Mr. Robson explained that it was a request from the Governor and Cabinet to the Park Service that the Commission review and concur with special regulations related to fishing and marine fisheries, before they sign an agreement on the management regulations. These regulations would implement the NPS management plan for the Dry Tortugas National Park.

Ms. Castille added that if the Commission does not concur with these proposed regulations, the National Park Service would have to begin the general management plan process again.

Commissioners Yablonski questioned whether or not the Commission must support the special regulations in their entirety. Commissioner Meehan asked if the management agreement between the Governor and Cabinet and National Park Service regarding implementation of the 2001 general management plan has a term or sunset date.

Mr. Robson introduced Dan Kimball, Superintendent of the Dry Tortugas NP to answer questions regarding the memorandum of agreement.

Mr. Kimball stated that there is no termination date in the agreement; however, there is a five-year reporting requirement to the Governor and Cabinet and Fish and Wildlife Conservation Commission.

Commissioners Meehan and Corbett asked if revisions to the management plan could be made in five years.

Mr. Kimball replied in the affirmative, adding that it is the Park's intention to have consistent management between the Tortugas Ecological Reserve and the RNA. If after five years the NPS wishes to amend its regulations, they would approach the Governor and Cabinet and Commission for suggested revisions.

Commissioner Barco asked if the Commission suggests revisions to the management agreement now would the process begin anew regarding review and approval by all parties.

Mr. Kimball replied that the NPS would review the changes. If the change is to allow catch-and-release fishing in the RNA, the Park Service would consider it a major change, which would begin a complex and time-consuming process. On restrictions and closures, as the regulations are currently written, it states that NPS will consult with the FWC; however, the NPS will not adopt any compendium changes in terms of restrictions and closures without consulting with and receiving concurrence of this Commission. He pointed out that the FWC has the opportunity to approach the Governor and Cabinet for review of the management agreement at any time.

Commissioner Barco asked how the Commission became aware of and involved in this management plan.

Mr. Haddad explained that it was the Coastal Conservation Association who brought it to the Governor and Cabinet's attention that the Fish and Wildlife Conservation Commission has constitutional authority over fisheries management issues.

Commissioner Yablonski asked if after 30 months the Commission suggests an amendment to the agreement because it disagrees with the science, to whom the request would be made.

Mr. Kimball responded that he sees this management agreement as foraging a long-term relationship with the State of Florida and the Commission, and the NPS is interested in implementing a robust science program with a report to the Commission every five years. He stated that it is his hope that there will be an on-going coordinated science effort with the Florida Keys National Marine Sanctuary, the FWC, and the federal agencies involved. If there is a disagreement on the science, the Commission may approach the Governor and Cabinet to suggest re-addressing the management agreement.

Chairman Barreto conveyed that it is his belief that the Commissioners are concerned over past relationships with superintendents of the National Park Service. They want to be assured that they will continue to have input on regulations affecting fishing in the DTNP following final enactment of the special regulations before them this day.

Mr. Haddad explained that the predecessor agency of the FWC and the current Division of Marine Fisheries Management have been involved in development of the special regulations and general management plan since the plan's inception, and supported the process and plan. However, it was not until recently that the special regulations were brought to FWC for concurrence due to its authority over fisheries in state waters.

Ms. Castille explained that this process was entered into by the Governor and Cabinet with the Federal Government and Florida Department of Environmental Protection and the predecessor agencies of the Fish and Wildlife Conservation Commission in the early 1990's on the Florida Keys National Marine Sanctuary. Because the collaborative process worked so well, it was decided the same process would be used for the DTNP. Ms. Castille reviewed provisions of the management agreement.

Ms. Castille suggested drafting a memorandum of agreement among the parties which would specify who may bring what information or recommendations to whom and when.

Mr. Kimball introduced Park staff members: Keith Wisnet, Deputy Superintendent; Brian Kulhane, Chief of Planning and Compliance; Bonnie Foist, Chief Ranger for Everglades and Dry Tortugas national parks; and Bob Johnson, Director of the South Florida Natural Resources Center.

Mr. Kimball provided a power point presentation that included the Park's mission, collaborative planning for Dry Tortugas National Park and Tortugas Ecological Reserve, the Research Natural Area, and the proposed special regulations. He stated that the purposes of the special regulations were to:

- (1) Delete obsolete Fort Jefferson National Monument regulations;
- (2) Protect the region's significant fisheries habitats;
- (3) Implement the Research Natural Area;
- (4) Strengthen protection of nationally significant coral reef and other marine resources;
- (5) Restrict discharges; and
- (6) Achieve objectives of NPS Organic Act and park enabling legislation.

He pointed out that the Submerged Lands Management Agreement does not affect FWC jurisdiction under the Florida Constitution regarding marine fish.

Mr. Billy Causey, director of the Florida Keys National Marine Sanctuary (FKNMS), discussed establishment of the Tortugas Ecological Reserve Study Area, the FKNMS management plan, and the successful process established for consensus among the natural resource agencies, organizations, recreational and commercial fishers, and other citizens who were part of the FKNMS project. He advised that he works under a state and federal partnership established under the Governor and Cabinet, and works cooperatively with the Florida Department of Environmental Protection and the Commission's Division of Law Enforcement. Mr. Causey introduced Stephanie Baleson, director of the DEP Office of Coastal and Aquatic Managed Areas; and Ann McCarthy, DEP Florida Keys representative.

Mr. Robson gave an overview of the Dry Tortugas, its marine fisheries and habitats, its recreational and fishing area and opportunities, and the National Park Services' Special Regulations for the area, and presented staff's analysis of the special regulations.

Dr. Jerry Ault, Associate Professor, University of Miami, Rosenstiel School of Marine and Atmospheric Science, spoke specifically about the science and fact that supports the decisions to implement the reserve (RNA); and the response of the reserves in the context of broader fishery management principles and properties in terms of meeting near-term and long-term goals. He provided an assessment of Coral Reef Fishery Resources in the Dry Tortugas. Dr. Ault explained that southern Florida coral reefs generated 71 thousand jobs and \$6 billion in economic activity in 2001, and also contributed to the designation of Florida as the "fishing capital of the world." He believes these ecosystem goods and services are threatened by increased exploitation and environmental changes from a rapidly growing regional human population. Dr. Ault stated the RNA process is good for the fish, good for the ecosystem, good for the fisheries, and good for Florida's economy.

Mr. Robson concluded by presenting the staff recommendation that the Commission concur with the DTNP special regulations as they relate to fishing, including establishment of a Research Natural Area for the following reasons:

- (1) The addition of diverse shallow-water habitats will complement the more deeper habitats of the adjacent Tortugas Ecological Reserve;
- (2) Important reef fish species will benefit from protection from harvest, particularly some portion of the spawning population;
- (3) The Tortugas region is an important upstream source that potentially replenishes other areas of the Florida keys and beyond through larvae dispersal.

Mr. Robson added that other fishery components of the special regulations consolidate or clarify Park regulations and are supported by existing state regulations and management.

Public Comment

The following people spoke in support the staff's recommendation: Drew Melville and Heather Halter (UF Law School students), Darla Kiger, David Godfrey (Caribbean Conservation Corporation), Debra Harrison (World Wildlife Fund), Jason Bennis (National Parks Conservation Association), Marianne Gengenbach and David White (The Nature Conservancy), Kristina Jackson (Sierra Club), Mike Kest, and Manley Fuller (Florida Wildlife Federation).

Dennis O'Hern (Fishing Rights Alliance) stated that some misinformation has been presented by speakers and, due to the limited timeframe to speak; he would present additional analyses of the proposed special regulations on paper to the Commission. He asked the Commission to oppose the staff recommendation.

Ted Forsgren (Coastal Conservation Association) asked the Commission to amend the Park Service's proposed ban on all fishing in 46 square miles or half of the Park to allow catch and release fishing for species like tarpon and permit. The CCA believes there is no reason to prohibit all forms of recreational fishing in the RNA when there are other proven means to protect fisheries.

Commission Discussion

The Commissioners asked for the goals and benefits of the special regulations, especially in the RNA.

Mr. McRae responded that the RNA will provide a long-term, multi-generational natural area for marine species study; measurable long-term marine species data; a controlled environment or natural laboratory; an area to measure ecological implications through the nursery effect; and an area to monitor organisms and compare the size frequency distribution and other data.

Commissioner Yablonski stated that the goals and objectives should be based on science, pointing out the need for measuring and accountability. He said that he

has always thought “no-fishing zones” were the regulation of last resort when other management tools have failed.

Commissioners Meehan, Yablonski, and Barco stated that it is important for the Commission be able to re-address the no fishing zone in the future because this has been an important fishing area for fishers and lies within a public park.

Commissioners Corbett and Kaupe asked if the Commission could suggest to the Park Service that they receive a status report on the RNA after 36 months of no fishing rather than 60 months. They would like a time period for closure and what to expect from the closure.

Mr. Kimball responded that through a memorandum of agreement a status report could be provided in 36 months.

Commissioner Huffman stated that, at the end of five years, if the Park Service concludes that the RNA is achieving its objective and goals, he is not concerned about opening the area to fishing. If it is a success we will want to continue the closure. He is concerned about the pelagics and shallow water fishing being continually closed and believes they should be addressed in the special regulations.

Mr. Haddad stated that there are options available for the Commission to work with the NPS on catch-and-release fishing within the RNA in the future or return to the Governor and Cabinet for termination of the agreement.

Chairman Barreto pointed out that the RNA area is 90 miles from shore and he has personally seen the deterioration of the reefs since childhood. He believes in public access but believes at this time the Commission needs to follow the science, try the RNA approach, and monitor the area for success. The Commission will have the opportunity to revisit the issue in three to five years through the memorandum of agreement, and he is confident in the cooperative relationship of the Commission with the Park Service and Department of Environmental Protection. The Chairman concluded his comments by stating that protection of this unique and remote natural area is nationally significant and we are acting on the side of caution. While we agree that a closure to the fishing and its scientific importance, we must also ensure that the objectives of the fishing closure are being met, and we will closely monitor for their progress and success.

Commissioner Huffman stated that the Commission has had a congenial relationship with the federal government during the past few years and he feels comfortable going forth with the management agreement. Additionally, the Commission may approach the Governor and Cabinet regarding the agreement at any time. He offered a motion to accept the staff recommendation to concur with the National Park Service’s Special Regulations as they relate to fishing, including establishment of a Research Natural Area. The motion was seconded by Commissioner Yablonski.

Mr. Robson stated that if there are any substantial changes to the regulations before they are finalized, they will be brought back to the Commission for reconsideration. Additionally, the National Park Service has provisions in the management agreement for emergency or temporary regulations and NPS will consult with the Commission prior to enactment.

The Chairman stated that the motion to concur with the NPS regulations should be subject to the following conditions: (1) inserting language in the final regulations that will ensure that the Superintendent in exercising his authority to modify regulations relating to fishing shall, in an emergency situation, consult with the FWC prior to acting and in other situations shall consult and obtain the concurrence of FWC prior to acting; (2) the FWC's concurrence with the draft regulations is conditioned upon the publication of the final Dry Tortugas National Park regulations which do not substantially deviate from the regulations concurred with by the FWC this day; and (3) if the Executive Director, in consultation with the Chairman, determines that the proposed final regulations deviate substantially from regulations concurred with this day that the regulations shall be reconsidered by this Commission.

Commissioners Huffman and Yablonski agreed with the additional language of the staff recommendation. The Chairman called the question and the motion carried as stated by the Chairman.

Commissioner Yablonski asked that staff be instructed to develop a state protocol for reviewing the regulations to ensure the objectives of a fishing closure are met.

Mr. Haddad stated that the Commission will need a memorandum of understanding or agreement with the Park Service that outlines the objectives of the special regulations and ensuring research is adequately funded. The Park Service and staff would return to the Commission to report if the special regulations accomplished the goals and objectives set forth.

Commissioner Yablonski offered a motion that the Commission and National Park Service enter into a memorandum of understanding on expectations and a state (FWC) protocol for a review process. The motion was seconded.

Mr. Kimball offered his concurrence with the motion regarding the MOU.

The Chairman called the question and the motion carried.

Draft Rule for Uniform Water Markers in Florida Waters

Captain Ouellette advised that the current rule implements a uniform system of waterway marking, establishes criteria for placing marker, and provides a guidance document for permitted entities.

Proposed amendments to Rule 68D-23 would: (1) correct and update statutory cross-references that have been changed since the current rule was promulgated, (2) improve clarity and consistency of language and definitions, (3) remove or revise obsolete provisions and cross-references, and (4) respond to requests for revisions received from stakeholders and from other governmental entities.

The anticipated effects include the relaxation of certain reporting requirements and other reductions to the regulatory burden on permittees, and provide greater flexibility in the size of and messages displayed on waterway regulatory and information markers.

Five public workshops were held. In attendance were state and local agencies, boating interest groups, and boating public representatives, who provided comments on the proposed rule, some of which were incorporated into the rule.

Staff requests the Commission support the staff recommendation to go forward to complete the final rule-making process upon signature of the Executive Director if no further public hearing is requested.

Public Comment

Barbara Jean Powell offered to work with staff on some of the questions she has regarding the proposed rule, its definitions, and the philosophy of the rule language. They included the definition of a propeller, lack of a provision for paddle vessels to be excluded from motorized areas, the authority of local governments in signage posting, and whether the rule is discriminatory. At the conclusion of the Everglades Coordinating Council's review, she will provide their final comments on the rule.

Captain Ouellette responded that he will work with the Council members on their questions.

Commission Discussion

Upon motion of Commissioner Meehan, seconded and carried, staff was directed to finalize the rule for final approval by the Executive Director if no one requests a final public hearing with the Commission.

2006-07 Work Plan—Division of Marine Fisheries Management (DMFM)

Mr. Robson stated that in December 2005, DMFM staff met with Fish and Wildlife Research Institute (FWRI) staff to discuss the 2006-07 work plan. Each year DMFM presents a draft work plan to receive Commission and public comment, and to discuss staff recommendations regarding priorities for the coming year. The Commission prioritizes the proposals using a scale of high, medium, and low categories. The placement of an issue on the work plan means staff will address the issue in the coming fiscal year; however, the time frame for its resolution may

be longer than a single year. Work plan components include issues remaining from the previous year's work plan, recommendations of DMFM and FWRI staff, public concerns, federal issues, and Commissioner input. The majority of these issues will be collaborative efforts between DMFM and FWRI.

Issues included as High priority items include: Future of marine fisheries, snook, red drum, licensing/trip tickets, marine life species, spiny lobster, black (striped) mullet, shrimp permit, individual transferable quotas (ITQs), and Florida fisheries management.

Medium priority items include: Fishery strategic plans, artificial reef, Stone Crab Board, Biscayne National Park, Northern Gulf sponge, and shrimp/crab zones.

Low priority items include: Brine boxes, tarpon, white grunt, hogfish, sheepshead, mutton snapper, rule reorganization, and horseshoe crab.

Mr. Robson asked for Commission approval of the DMFM 2006-07 work plan.

Public Comment

Ted Forsgren asked the Commission to add to the division's work plan to maintain fisheries for 5, 10 and 20 years out; and the development of policies, criteria, and processes for determining allocation of fish. He stated the Commission needs to develop measures and procedures regarding fisheries in federal waters, and asked that the Coastal Conservation Association's recommendations be included in the 2007-08 DMFM Work Plan.

Dennis O'Hern agreed with the comments of Mr. Forsgren.

Mr. Haddad responded that the future of fishing recommendations could be added to the work plan.

Mr. Robson stated that the future of saltwater fishing recommendations are not complete, and he would meet with Mr. Forsgren regarding his suggestions.

Commission Discussion

Chairman Barreto commented on the abundance of goliath grouper and suggested that Florida data on the species be shared with the National Marine Fisheries Service.

Upon motion of Commissioner Corbett, seconded and carried, the 2006-07 Division of Marine Fisheries Management Work Plan was approved.

2006-07 Work Plan—Division of Law Enforcement (DLE)

Colonel Jones explained that the proposed DLE work plan has two areas of emphasis boating safety and captive wildlife.

Four boating safety rules may come before the Commission next fiscal year. Stakeholders in Palm Beach and Martin counties have asked for review and assessments of the existing boating safety rules. Because of continued growth in boating activity, both in transient and local boaters, staff will examine these rules to ensure they provide boating safety protection without unduly impeding navigation of the Intracoastal Waterway.

In the Withlacoochee River and St. Johns River boating restricted areas, it was decided, due to seasonal flooding and in the best interest of all stakeholders, to promulgate rules for flooding to eliminate the need for emergency rules.

Regarding captive wildlife regulations, the division strives to develop and maintain the best regulations possible which provide for public safety, animal welfare, and the legitimate use of wildlife for personal, education, or exhibition purposes. A Captive Wildlife Technical Advisory Group, consisting of eleven experts representing stakeholders, will review captive wildlife regulations and address current captive wildlife issues.

Commission Discussion

Upon motion of Commissioner Kaupe, seconded and carried, the 2006-07 Division of Law Enforcement Work Plan was approved.

Federal Issues

Mr. Robson advised that the State of Georgia has asked Florida to evaluate shark gill netting and bycatch data in federal waters off the East Coast. Georgia is proposing to prohibit the use of drift gillnets off the Georgia coast.

Chairman Barreto suggested the fishing industry be contacted regarding this proposal, and that the Executive Director and Chairman discuss the issue and determine if this Commission would support such a recommendation.

Upon motion of Commissioner Huffman, seconded and carried, the Executive Director and Chairman will make the final decision on the issue.

Mr. Robson advised that the Gulf of Mexico Fishery Management Council and National Marine Fisheries Service (NMFS) commercial trip limits for grouper is 6,000 pounds, with Commission concurrence Florida will promulgate a consistency rule.

Through general consent, the Commission agreed to promulgation of a consistency rule.

Mr. Robson stated that the South Atlantic Fishery Management Council recently voted to approve Amendment 13C to its Snapper Grouper Fishery Management Plan to address overfishing.

At the Gulf Council, final ballots for the red snapper IFQ program were recently mailed to qualified permit holders. Qualified fishermen are being asked to decide whether the proposed IFQ plan amendment is acceptable for submittal to the Secretary of Commerce for review.

The Council is also addressing grouper reallocation; adjustments to red snapper total allowable catch, bag and size limits, and recreational fishing seasons; and certification of new shrimp trawl bycatch reduction devices and other restrictions on the shrimp trawl fishery in order to reduce bycatch.

The NMFS released the weighted polling results of the grouper buyback sponsored by the Southern Offshore Fishing Association. The weighted vote was favorable of a voluntary buyback. The unweighted vote was in opposition. A Congressional sponsor must now introduce a bill to authorize the buyback.

Public Comment

Ted Forsgren distributed to the Commission CCA Florida's comments and recommendations on Joint Reef Fish Amendment 27/Shrimp 14 and Joint Reef Fish Amendment 28/Shrimp 15. CCA believes there is no basis for taking any further action on the management of recreational red snapper fishermen until the shrimp bycatch disaster has been remedied. He stated that recreational anglers have been over-managed while shrimp-trawl bycatch has been virtually ignored. Only when a firm bycatch reduction plan has been put in place can the Council truly evaluate how to continue the red snapper rebuilding plan. He asked the Commission to be more aggressive on the shrimp bycatch issue.

The Commission directed Mr. Haddad to become more involved in the shrimp trawl bycatch issue with the Gulf Council and National Marine Fisheries Service.

2006 Legislative Session—Penalties

Ms. Fauls delivered and reviewed for the Commission the proposed frameworks for consistency among penalties for recreational hunting and fishing violations. The frameworks include four penalty levels for recreational violations of Florida's fish and wildlife laws (Level 1, non-criminal infraction; Level 2, 2nd degree misdemeanor; Level 3, 1st degree misdemeanor; and Level 4, 3rd degree felony. The Commissioners were also provided stakeholder comments and recommendations.

Public Comment

Barbara Jean Powell offered her support of the penalty legislation. She suggested additional word-smithing before the proposal is brought to the Legislature. She suggested there be a timeframe cutting off and starting over before implementing the new penalties, which could be important to the person who may have a violation a number of years ago. She suggested an

implementation date that would allow the Commission enough time to get the word out to hunters and fishers.

Commission Discussion

Commissioners Barco and Meehan spoke regarding the lenient penalties assessed to juveniles who violate hunting laws. Commissioner Meehan suggested possibly wildlife/conservation community service hours could be added to the requirement that the hunter education course be taken when a juvenile violation occurs.

Colonel Jones stated that officers treat juvenile offenders differently through a process whereby they are taken to their parents. Officers try to educate the juvenile when caught in violation of a wildlife law.

Chairman Barreto suggested community service work be considered for juveniles in the Penalty legislation and the other Commissioners agreed.

Mr. Haddad stated that staff would draft appropriate language and work with stakeholders regarding inclusion in the legislation.

Commissioner Yablonski voiced his opinion that implementation of the penalties legislation, if passed, should not be delayed a year because new infractions are not being created; these are infractions and crimes currently in the law books.

Chairman Barreto suggested the Commission might consider an effective date of July 2006.

Commissioner Meehan offered a motion to support the staff recommendation on penalties legislation with an effective date of July 1, 2006 and with the addition of language affecting penalties for juveniles. The motion was seconded and carried.

Presentations by the Public

Barbara Jean Powell offered her apologies to Colonel Jones and Captain Ouellette for her public criticism of the draft unified waterway markers rules without first speaking with them or participating in the stakeholder meetings for a better understanding of the rule.

Commission Exchange

Chairman Barreto asked the Commission to support and sign resolutions to the Florida Congressional Delegation regarding reauthorization of the Magnuson-Stevens Act, and federal financial assistance for Florida's commercial marine fishers, and to the Secretary of the U.S. Department of Agriculture for federal relief funding for commercial fishermen adversely affected as result of natural disasters occurring in Florida during 2005.

Upon motion of Commissioner Corbett, seconded and carried, the Commission agreed to approve and sign the Commission resolutions (attached).

Mr. Haddad mentioned a recent *Florida Wildlife* magazine story entitled: Herky Huffman: Nurturing Florida's conservation legacy. It included a photograph of Commissioner Huffman, his dad and sons. Additionally, a story of the Wildlife Legacy Initiative appears in this issue.

The Chairman asked Mr. Heller if he had received any comments from Commissioners on their proposed CAEs.

Mr. Heller responded that he has spoken with Commissioner Meehan regarding the addition of freshwater fisheries to his subject, and Commissioner Barco concerning leadership on the Financial Business Plan. Both have agreed to take their charges.

Commissioner Huffman congratulated Commissioner Yablonski on his introduction to the brotherhood of quail hunters.

Commissioner Kaupe commented on the success of the new Commission meeting format.

Commissioner Barco commended Nick Wiley and his staff for completion of the rule review process. She stated that she looks forward to working with the staff and Commission on the agency Financial Business Plan. She mentioned that the Dry Tortugas was a difficult issue, and she is hopeful the cooperative relationship between FWC and the National Park Service continues.

Commissioner Yablonski agreed with Ms. Barco's statements adding that "no fishing" zones should be a "last-resort" management tool, which should be reviewed on a case-by-case basis. He told the Chairman he looks forward to working with him on the Florida Wildlife Legacy Initiative.

Commissioner Corbett commented that assigning each Commissioner with an Area of Emphasis is a good idea and he accepts his assignment to take the Commission's lead for the Future of Hunting in Florida and Habitat Restoration. He commended the Chairman on a very efficient meeting.

Commissioner Meehan thanked Chairman Barreto for a good meeting and thanked Commissioner Barco for hosting the Commission at her home. Regarding the Dry Tortugas, he believes the Commission did the right thing in order for Florida to remain the "Fishing Capital of the World." It is his hope that all the records of the proceedings leading up to establishment of the RNA will reflect why it was approved, and that status reports will be provided for future consideration of the "no fishing" designation.

Mr. Haddad added a "welcome" to the 2006 Chairman from staff.

Chairman Barreto thanked North Central Region staff members Darlene Barry, Rene Hollingsworth, Karen Parker, and Roland Garcia for their work to coordinate the meeting events and venue. He welcomed Kathleen Hampton as the soon-to-be Commission Secretary, and thanked Commissioner Barco for the agency staff interactions held at her home on Tuesday, and the dinner on Wednesday evening.

The Chairman concurred that the Dry Tortugas special regulations was a difficult decision for this Commission but believes the Commission made the right decision, and he would like the good working relationship the Commission has with the National Park Service to continue.

Chairman Barreto asked that locations for the 2007 Commission meetings be chosen in areas throughout the state for regional constituency access.

Mr. Haddad reminded the Commission that the Special Commission Meeting to discuss the Financial Business Plan would be held on February 8, 2006 in the auditorium of the Bryant Building, Tallahassee.

There being no further business, the meeting was adjourned at 4:45 p.m.

Rodney Barreto
Chairman

Kenneth D. Haddad
Executive Director

Respectfully submitted:

Commission Secretary

/tm
minutes\february 2006
Attachments (3)

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION



RODNEY BARRETO
Miami

SANDRA T. KAUPE
Palm Beach

H.A. "HERKY" HUFFMAN
Enterprise

DAVID K. MEEHAN
St. Petersburg

KATHY BARCO
Jacksonville

RICHARD A. CORBETT
Tampa

BRIAN S. YABLONSKI
Tallahassee

KENNETH D. HADDAD, Executive Director
VICTOR J. HELLER, Assistant Executive Director

OFFICE OF THE EXECUTIVE DIRECTOR
(850)487-9796 TDD (850)488-9542

RESOLUTION

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

WHEREAS, said service includes the protection and management of Florida's commercial marine fisheries, and

WHEREAS, the Florida Fish and Wildlife Conservation Commission recognizes the economic importance of commercial marine fisheries, and

WHEREAS, the relentless hurricane season of 2005 has devastated Florida's commercial fishing industry from Pensacola to Key West and caused widespread and lingering hardship for the hardworking men and women whose livelihood depends on a healthy marine environment, and seaworthy vessels and costly equipment, much of which was lost amid the forces of nature, and

WHEREAS, it is in the best interests of the Great State of Florida and the United States of America, to render assistance to the proud men and women who have the will to rebuild Florida's commercial marine fisheries industry which produces food for markets around the world, and

WHEREAS, it is the nature of the American people and their government to be compassionate and generous in the wake of natural disasters, and

WHEREAS, the Congress of the United States has appropriated \$200 million to help the commercial fishing industry and others recover from the desolation that has befallen them:

NOW THEREFORE, be it resolved by the Florida Fish and Wildlife Conservation Commission, in a duly constituted and assembled meeting, that we appeal to the United States Department of Agriculture to ensure Florida's commercial fishers receive a fair share of this appropriation in a timely manner.

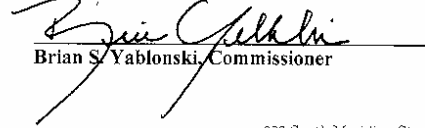
DONE AND RESOLVED in this duly constituted and assembled meeting at Gainesville, Florida, this 2nd day of February, A.D. 2006.


FLORIDA FISH AND WILDLIFE
CONSERVATION COMMISSION

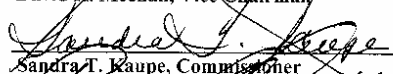

Rodney Barreto, Chairman



H.A. "Herky" Huffman, Commissioner


Kathy Barco, Commissioner


Brian S. Yablonski, Commissioner


David K. Meehan, Vice Chairman


Sandra T. Kaupe, Commissioner


Richard A. Corbett, Commissioner

Attest: 

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION



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Tallahassee

KENNETH D. HADDAD, Executive Director
VICTOR J. HELLER, Assistant Executive Director

OFFICE OF THE EXECUTIVE DIRECTOR
(850)487-3796 TDD (850)488-9642

RESOLUTION

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

WHEREAS, said service includes the protection and management of Florida's commercial marine fisheries, and

WHEREAS, the Florida Fish and Wildlife Conservation Commission recognizes the economic importance of commercial marine fisheries, and

WHEREAS, the relentless hurricane season of 2005 caused widespread and lingering hardship for the hardworking men and women whose livelihood depends on a healthy marine environment, and seaworthy vessels and costly equipment, much of which was lost amid the forces of nature, and

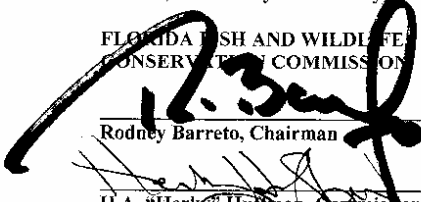
WHEREAS, it is in the best interests of the Great State of Florida and the United States of America, to render assistance to the proud men and women who have the will to rebuild Florida's commercial marine fisheries industry which produces food for markets around the world, and

WHEREAS, it is the nature of the American people and their government to be compassionate and generous in the wake of natural disasters:


NOW THEREFORE, be it resolved by the Florida Fish and Wildlife Conservation Commission, in a duly constituted and assembled meeting, that we appeal to Florida's esteemed and honorable Congressional Delegation for help and diligence in seeking federal assistance for Florida's commercial marine fishers who contribute much to the economy, culture, lifestyle and health of this great nation.


DONE AND RESOLVED in this duly constituted and assembled meeting at Gainesville, Florida, this 1st day of February, A.D. 2006.


FLORIDA FISH AND WILDLIFE
CONSERVATION COMMISSION


Rodney Barreto, Chairman



H.A. "Herky" Huffman, Commissioner


Kathy Barco, Commissioner


Brian S. Yablonski, Commissioner


David K. Meehan, Vice Chairman


Sandra T. Kaupe, Commissioner


Richard A. Corbett, Commissioner

Attest: 

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION



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Tallahassee

KENNETH D. HADDAD, Executive Director
VICTOR J. HELLER, Assistant Executive Director

OFFICE OF THE EXECUTIVE DIRECTOR
(850)487-3796 TDD (850)488-9542

RESOLUTION

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

WHEREAS, said service includes the protection and management of Florida's marine fisheries, and

WHEREAS, management of Florida's marine fisheries is inextricably linked to management of federal waters fisheries, and Florida is affected by decisions and regulatory actions of two separate regional fishery management councils, and

WHEREAS, the reauthorization of the Magnuson-Stevens Fishery Management and Conservation Act of 1996 forms the basis for managing many important Florida fisheries at the federal level, and

WHEREAS, species of high interest and economic importance to the State of Florida are controlled by one or both of these councils, and in recognition of the fact that this system of shared responsibility for national fishery resources is in the best interests of the citizens of this great state and this great nation, and

WHEREAS, Florida's coastline and diverse ecological conditions result too often in situations wherein fisheries, unique to this great state and of utmost significance to its citizens, are controlled and managed by the representatives of other states to the aforementioned councils, and

WHEREAS, said representatives of such other states often have a dramatically less socio-economic and biological stake in these particular fisheries, and

WHEREAS, the Florida Fish and Wildlife Conservation Commission manages an array of commercial fisheries, primarily through gear restrictions and effort management strategies, and the Commission also partners with federal councils and the National Oceanographic and Atmospheric Administration in management of certain marine fisheries through the use of quotas:

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

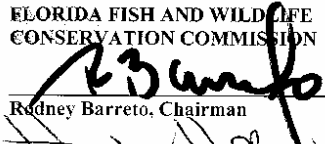
1. Requests the active support of Florida's esteemed and honorable Congressional Delegation to strengthen Florida's voice in management of federal fisheries when such fisheries occur primarily off the shores of this great state or are otherwise fundamentally "Florida fisheries." Furthermore, this agency requests that the Magnuson-Stevens Fishery Management and Conservation Act of 1996 be amended to authorize the State of Florida to assume primary management and conservation responsibility for fisheries wherein the greatest portion of the harvest accrues to Florida, or the greatest portion of the fishery stock biomass lies in waters of this great state and the adjacent federal waters, and


2. Strongly supports amending the Magnuson-Stevens Fishery Management and Conservation Act of 1996 to emphasize the use of dedicated access privileges, also known as individual transferable quotas or ITQs, as a management tool that offers many advantages over traditional quota management. ITQs can be an extremely effective tool and work best as an industry-initiated, market-based strategy for managing commercial harvest. Other advantages include allowing individual fishers or committees to determine when and how much they want to fish in a given year, clearly knowing the exact share of the harvest they may take. Furthermore, use of ITQs eliminates the race for fish that typically ensues when the harvest capacity of fisheries greatly exceeds allowable harvest. While allowing participants in a fishery to determine their own business destiny, use of ITQs remains an effective tool for addressing over-fishing and controlling harvest. In their most effective form, ITQ programs engage fishers in mapping their own future and instills in them a desire to conserve the resource, including their "share," for the long term, and

3. Strongly supports amending the Magnuson-Stevens Fishery Management and Conservation Act of 1996 to strengthen the collection, analysis and use of strong fishery science in federal fishery management and supports reduction of unwanted or incidental bycatch in all fisheries. This agency endorses amendments to the Magnuson-Stevens Fishery Management and Conservation Act of 1996 that dictate gear modifications and other management actions to reduce bycatch levels with a long-term goal of eliminating bycatch to the maximum practicable extent:

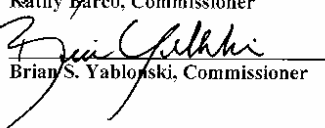
DONE AND RESOLVED in this duly constituted and assembled meeting at Gainesville, Florida, this 2nd day of February, A.D. 2006.


FLORIDA FISH AND WILDLIFE
CONSERVATION COMMISSION



Rodney Barreto, Chairman

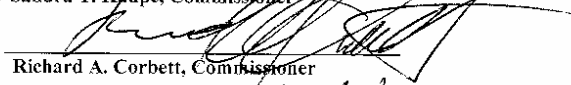

H.A. "Herky" Huffman, Commissioner


Kathy Balco, Commissioner


Brian S. Yablonski, Commissioner


David K. Meehan, Vice Chairman


Sandra T. Kraupe, Commissioner


Richard A. Corbett, Commissioner

Attest: 
Kent D. Haddad