

Florida Fish and Wildlife Conservation Commission

Minutes of the Commission Meeting

June 7-8, 2006

West Palm Beach

A regular meeting of the Florida Fish and Wildlife Conservation Commission was held at the Marriott, 1001 Okeechobee Boulevard, West Palm Beach, June 7-8, 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

One hundred and three persons registered as guests/speakers during the two-day meeting.

Chairman Barreto thanked Commissioner Kaupe for planning the evening's social at the Sailfish Club, and welcomed all the Commissioners, staff and guests to West Palm Beach.

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

Chairman Barreto announced Rosemary "Terry" Mara's retirement from the agency after 35 years of service. Terry was the Commission Secretary for 23 of the 35 years. Chairman Barreto congratulated Ms. Mara for her dedication.

Chairman Barreto introduced Kathleen Hampton the new Commission Secretary, who previously worked in the Strategy and Planning Office.

Special introduction was given to:

- Major Brett Norton who recently completed three months of training at the Federal Bureau of Investigation Law Enforcement Executives Academy.
- Barry Kriestner, State Attorney of Palm Beach County.

#### Special Presentations and Recognition

Chairman Barreto asked Colonel Jones to present the FWC Prosecutor of the Year Award to Ted Booras of Palm Beach County. The Chairman presented a plaque to Mr. Booras and thanked him for his work to ensure fish and wildlife law violators in Florida are appropriately prosecuted. Mr. Booras spoke about the strong partnership with FWC and the state attorney's office and thanked the Commission for its recognition of his work.

Chairman Barreto introduced Geoffrey C. Smith a world renowned sculptor from Stuart, whose work was displayed in and around the meeting room. Commissioner Kaupe expounded on the career of Mr. Smith.

Chairman Barreto asked Bill Cline, FWC's Statewide Hunter Safety Coordinator, to present the 2005 Statewide Volunteer Hunter Safety Instructor of the Year Award to David Klein. Mr. Klein has volunteered teaching hunter safety and bow hunting since 1994 and acts as the hunter safety area coordinator for his home county of Manatee as well as Charlotte County. During his 12 years of service to the hunter safety program, he has taught numerous courses and certified countless students. The Chairman presented a plaque to Mr. Klein recognizing his accomplishments.

Mr. Haddad introduced the following South Region employees to the Commission: Hunting and Game Management--Dr. Jennifer Williams; Division of Marine Fisheries--Juli Dodson; Habitat and Species Conservation--Steve Coughlin, Joe Walsh and Ricardo Zambrano; Division of Law Enforcement--Major Brett Norton; Division of Fresh Fish Management--Jon Fury; Public Information Coordinator of the South Region--Dani Moschella; and South Regional Director--Chuck Collins.

Also in attendance was Jamie Feddersen with the Division of Habitat and Species Management.

Mr. Victor Heller introduced former Game and Fresh Water Fish Commission's Regional Manager, Lou Gainey.

Mr. Gainey mentioned the increase in black bear populations and the decrease of their habitat. He commented that populations of black bear are increasing and are becoming nuisances in areas similar to the alligator. Mr. Gainey thanked the Commissioners for their dedication and hard work. Chairman Barreto responded that the agency has completed a bear study and is working on a management plan to address bear "hot spots."

#### Approval of Minutes, Consent Agenda and Agenda

Chairman Barreto asked for approval of the minutes of the April 5-6, 2006 Commission meeting. Commission Secretary Terry Mara presented suggested technical edits to the April Commission meeting minutes. Upon motion of Commissioner Huffman, seconded and carried, the minutes were approved as modified.

Upon motion of Commissioner Yablonski, seconded and carried, the consent agenda was approved.

Upon motion of Commissioner Corbett, seconded and carried, the meeting agenda was approved.

#### Executive Director's Report

Mr. Haddad presented an abbreviated version of the Executive Director's Report and added the following announcement:

In April, David Jones, President and Founder of the Florida Disabled Outdoors Association presented the 2006 Active Leisure for Life Award to the FWC. FWC was recognized as an outstanding agency for its dedication in providing hunting and fishing experiences to persons with mobility challenges.

Community Relations Office--The Community Relations Office will host the National Conference of the Association for Conservation Information (ACI) in Orlando, July 16-20.

Division of Freshwater Fisheries Management--Hardee County Commission and staff are planning an official Grand Opening for Hardee Lakes Park FMA. This 1,400-acre former phosphate mine has four fishing lakes that are being cooperatively managed by the Division of Freshwater Fisheries Management and Hardee County. The management of this park is an excellent partnership that provides for sustained, high-quality angling.

The Divisions of Freshwater Fisheries Management, Marine Fisheries Management, and Law Enforcement, along with FWRI and the Community Relations

Office are implementing an agreement with the Recreational Boating and Fishing Foundation and VISIT FLORIDA (VF) to promote fishing opportunities in Florida. During the recent Free Freshwater Fishing Weekend, the I-95 Welcome Center at the Georgia/Florida state line was bedecked with "Take Me Fishing" banners, and a variety of new literature. It was estimated by VF that approximately 9,000 people stopped at the Welcome Center during that period.

Division of Habitat and Species Conservation--Aquatic Habitat Conservation and Restoration Section--Marine/Estuarine staff will complete a cooperative reef protection project in Martin County by the end of June. Seven mooring buoys, 12 buoy anchor pins, and 14 St. Lucie State Park boundary buoys will be secured to the bottom for boaters to moor their vessels for fishing and diving, and to mark off the boundaries of the offshore extent of the state park reef system. This project will help protect the northernmost tropical coral reef system in Florida from anchor damage.

In April, staff assisted Florida Keys National Marine Sanctuary staff in a coral relocation effort. Over 100 coral colonies, some estimated at nearly 100 years old, were removed from a seawall scheduled to be repaired in Key West Harbor. The corals were placed in a coral nursery maintained by the Sanctuary and ultimately will be donated to academic facilities for research or transplanted onto damaged natural reefs.

Terrestrial Habitat Conservation and Restoration Section--Ridge Rangers is a group of dedicated volunteers who work with the FWC to preserve the last remaining fragments of the Lake Wales Ridge. One volunteer, Tom Palmer, is a Silver Honoree for the MetLife Foundation's 2006 Older Volunteers Enrichment America Award. Mr. Palmer's longstanding efforts as a volunteer and numerous contributions to both the Ridge Rangers and the FWC earned him recognition for this national award.

Species Conservation Planning Section--Florida's Wildlife Legacy Initiative (FWLI) Standing Team had its first meeting in May. The team will focus on implementation of Florida's Comprehensive Strategy and provide greater coordination across the agency for FWLI. During this grant cycle, the team incorporated two larger-scale projects: the first is the Common Species Common Program, a new landowner incentive program through FWC; and the second is the Upland Ecosystem Restoration Program, a collaborative effort to initiate large-scale ecosystem restoration projects on priority public and private lands.

Division of Hunting and Game Management--In an effort to reduce operational costs and risk associated with alligator nest surveys, staff is implementing a new process for establishing nest collection quotas. These new procedures will no longer require staff to conduct aerial nest surveys from helicopters. Instead, nest collection quotas will be determined, and subsequent nest collections will be monitored, by assessing recruitment trends using data from standard night-light surveys that are already being conducted on most nest collection areas. These new procedures will result in collection of more nests and

eggs, which will result in increased revenues from egg collection permits (\$5 per egg).

Fish and Wildlife Research Institute--MARINEQUEST 12--Over 4,300 visitors explored the FWC's Fish and Wildlife Research Institute during Marine Quest, FWRI's 12<sup>th</sup> annual open house. School groups from 52 locations participated in the School Daze component of the event, while 2,400 guests discovered the latest in marine research during the public event. Sponsors for this free event included the *St. Petersburg Times*, City of St. Petersburg, and USF St. Petersburg. In addition, representatives from over 25 marine organizations displayed information about their programs.

A wildlife disease colloquium presented by the Southeastern Cooperative Wildlife Disease Study entitled "Integration of Wildlife Disease Investigation and Response in Florida" was held at FWC-FWRI, in April. Over 100 personnel from FWC and other state agencies attended presentations reviewing wildlife diseases of current concern such as avian influenza and chronic wasting disease, and also reviewed inter-agency response plans.

Concerning the legislative budget, Mr. Haddad explained that the law enforcement pay increase was not approved. Staff asked the Commission to list this as a top priority during the 2007 Legislative Session. There were a number of veto's in the FWC bill which included Alligator Marketing, Derelict Vessel Removal Program, FWC Grants Program, Trout Lake Nature Center, Harmful Algae Bloom in Harris Chain of Lakes, Hurricane Relief to Marinas, Belleaire Bait House Replacement, North Cape Coral Boat Lift, Escambia County Marine Multi-Use Facility, and the Smithsonian Coast Marine Research Partnership.

Chairman Barreto announced the successful sinking of the decommissioned *USS Oriskany* off Pensacola. He mentioned and recognized former Commissioner Edwin Roberts for his assistance in bringing the aircraft carrier to Florida.

Commissioner Meehan mentioned his attendance at the sinking event at the Pensacola Naval Air Station. He praised Dr. Roberts' hard work and dedication in securing the *USS Oriskany* as the largest artificial reef in the Gulf Coast. Commissioner Meehan offered a motion to draft a resolution thanking Dr. Roberts for his work in securing the *USS Oriskany* as the largest man-made artificial reef in the nation.

The motion was seconded and carried.

Commissioner Huffman thanked the FWC staff for participating in the 5<sup>th</sup> Annual Four Townes Rotary Riverfest at Gemini Springs. All proceeds are distributed to a child advocacy group.

Rules

Chairman Barreto asked for approval to add the Blue Crab Emergency Rule 68-45.004(9)(b) and 68B-45.007 to the Thursday agenda.

Upon motion of Vice Chairman Meehan, seconded and carried, the agenda addition was approved.

Chairman Barreto mentioned the passing of John French, a dedicated career alligator trapper who assisted FWC for many years and trained FWC employees. Chairman Barreto requested and received Commission approval to provide a FWC Honor Guard at Mr. French's service.

Chairman Barreto asked Mr. Nick Wiley to present the proposed Tosohatchee rules.

Mr. Wiley explained that the two rules are needed to transfer the lead management authority for the Tosohatchee WMA from the Florida Department of Environmental Protection (DEP) to the Florida Fish and Wildlife Conservation Commission (FWC). However, if the transfer is approved by the Cabinet on August 1, proposed rules would be implemented as adopted on this day.

(1) 68A-15.065, Specific Regulations for Wildlife Management Areas- Northeast Region—The proposed rule would allow tent camping at designated campsites during periods closed to hunting and would allow public access on the area from 8 AM to sunset during periods closed to hunting, unless camping at designated campsites.

(2) 68A-9.007, Fees—The proposed rule change would establish FWC short-term use permits and fees for the Tosohatchee WMA to provide for a management authority transition from DEP to FWC. These fees are the same as those presently charged by DEP. The proposed public access fees would be as follows: \$3 per vehicle for a daily-use permit for all outdoor recreational activities (including camping) other than hunting; \$1 for a daily-use permit for bicyclists and pedestrians; and \$50 for a daily-use permit for groups of 25 or more people. The proposed rule would further establish that a daily-use permit would not be required for persons participating in Commission-sponsored meetings or activities; a daily-use permit would not be required for persons using the Florida Trail for recreational hiking; a daily-use permit would not be required for persons exempt from management area permit requirements by Section 372.562, F.S.; and a daily-use permit would not be required for the spouse or dependent children of persons in possession of a management area permit while traveling in the same vehicle or in the company of the permit holder.

Mr. Wiley asked the Commission to adopt proposed rules 68A-15.065 and 68A-9.007 contingent upon approval of transfer by the Board of Trustees.

## Public Comment

Mark McNichols (United Hunters of Florida) commented that he would like the management area to remain as it is currently without an increase in hunting.

Manley Fuller (Florida Wildlife Federation) stated the Commission has the ability to manage the property in line with its broad values. Mr. Fuller suggested a plant ecologist be assigned to this property to assist with native plant concerns and has communicated this to Mr. Wiley. Also, Mr. Fuller mentioned that the management plan includes the restriction of vehicles on this property. Therefore, he supports the staff recommendation.

Byran Maharrey (Everglades Coordinating Counsel) mentioned he recreated in Tosohatchee many years ago and applauds opening camping areas and the transfer of management to FWC.

Bishop Wright, Jr. (FSCA) stated the hunting season is over in the South Zone the end of January; however, because it is colder in January and February and would prefer to hunt during the colder months. He supports the land management transfer.

Marianne Gengenbach (The Nature Conservancy) stated she is comfortable with the Commission continuing to manage this property and therefore supports the staff-proposed rules.

Cynthia Plockelman (Audubon Society of Everglades of the Native Plan Society) opposed the staff-proposed rules. Ms. Plockelman does not see any scientific need for the transfer and is concerned about the wildlife and plants that may be damaged by vehicles and public access.

## Commission Discussion

Chairman Barreto asked for a motion to approve the two rules as advertised with the caveat that they would not be filed until the Governor and Cabinet approve lead management transfer to FWC, and would be withdrawn if the Cabinet does not approve lead management authority transfer to FWC.

Upon motion of Commissioner Corbett, seconded and carried, Rule 68A-15.065 and Rule 68A-9.007 were approved.

General Counsel Antista presented the following rules:

### (3) Uniform Procedure Rules

a. 68-1.001, Uniform Rules of Procedure; Due Process Procedures; Subject Matter Index; Official Reporter—The proposed rules would incorporate by reference the existing Fish and Wildlife Conservation Commission's Due Process Procedures, which were adopted by the Commission at its inception in

1999, into the Commission's procedural rule; the proposed rule would also transfer applicable procedural rule language from Chapter 68A-2 to Chapter 68, a new chapter established for procedural rules applicable to the entire agency.

b. 68-1.004, Standards—The proposed rule would establish standards for Commission rulemaking relating to fishing and hunting.

c. 68A-2.004, 68A-2.005, 68A-2.009, 68A-2.013; Organizational Rules of the Game and Fresh Water Fish Commission—This proposed rule would repeal obsolete and unnecessary organizational rules relating to the Game and Fresh Water Fish Commission (GFC) and will repeal two procedural rules the language of which is being transferred to Chapter 68-1.

d. 68B-1, Organizational and Procedures Rules of the Marine Fisheries Commission—The proposed rule would repeal the entire rule section 68B-1 which is obsolete and unnecessary organizational and procedural rules of the Marine Fisheries Commission.

Mr. Antista recommended that the Commission adopt the proposed rules as presented, adding that no changes would be made to the existing due process procedures document adopted in 1999. However, FWC staff recommends holding workshops to review with stakeholders existing due process procedures relating to rule challenges. The public workshops will seek public comment regarding the adequacy of existing FWC procedures relating to rule challenges and to solicit any suggested changes or improvements that could be made to existing procedures.

#### Commission Discussion

Chairman Barreto asked Mr. Antista if there would be ample time for more public input. Mr. Antista stated staff would like the Commission to adopt the proposed rules. Following the public workshops, staff will report back to the Commission.

Commissioner Yablonski suggested staff review other state agencies' due process procedures, and seek additional public input.

#### Public Comment

Manley Fuller pointed out that the Federation worked to ensure the FWC received the constitutional authority afforded the former Game and Fresh Water Fish Commission. If FWC were to open its constitutional authority to administrative challenges it could potentially "ham-string" itself similar to the former Marine Fisheries Commission.

Ted Forsgren provided background information stating the constitutional status of the Commission relating to saltwater fisheries was approved by a Constitution Revision Commission, and added that 72% of Florida's voters approved FWC's constitutional status. Therefore, he gave his support of staff-proposed rules.

Bryron Maharrey supported the staff-proposed rules.

Pat Rose (Save the Manatee Club) offered support of the staff-proposed rules stating the Commission's constitutional authority should be preserved.

Dave Grix (Fishing for Freedom) stated his organization does not support the staff-proposed rules because the proposed due process rules are not binding on the Commission and only a guide for the Commission to consider; and, therefore, do not provide adequate due process under the law.

### Commission Discussion

Upon motion of Commissioner Meehan, seconded and carried, Rules 68-1.001 and 68-1.004, and repeal of rules 68A-2 and 68B-1 were approved. Staff was directed to conduct public workshops as set forth in the staff recommendation.

Mr. Kipp Frolich, Division of Habitat and Special Conservation Management, presented the following rule:

(4) 68C-22.015, Charlotte County (and part of DeSoto County) Zones, Placida Harbor Area—The proposed rule would modify the manatee protection zones in the Placida Harbor area of Charlotte County to provide an additional 25 MPH channel for access to Little Gasparilla Island.

Mr. Frolich advised that staff received one letter of opposition to the proposal, suggesting, as a Lower Cost Regulatory Alternative (L.C.R.A.), that the FWC not make any changes to the exiting zones (i.e., withdraw the proposal). In order to respond to the LCRA, staff was required to prepare a Statement of Estimated Regulatory Costs (SERC). The Draft SERC was included in the agency package.

Mr. Frolich recommended the Commission adopt Rule 68C-22.015 as advertised.

### Public Comment

Bonnie Basham (Standing Watch) supported the proposed rule and offered her appreciation to staff for going back and looking at this as an option back in December 2005.

Charles O'Hara stated that he attended the Tallahassee, Key Largo and Inglewood hearings regarding this issue. He thanked the Commission for moving

forward with the rule-making process. He also stated the residents of Gasperillo Island are in discussion with Charlotte County to pay for the marking of the channel through their property tax. Mr. O'Hara supported the staff-proposed rule.

Samuel Bowles (Gaspar's Hideaway Property Owners Association) stated he attended the Tallahassee, Key Largo and Inglewood hearings. He expressed that it was the "fair" thing to do, and offered his support of the proposed rule.

Thomas McCoy (Little Gasperillo Island Homeowner's Association) reminded the Commission that the residents have worked for over three years to get the Commission to approve this rule. He thanked the Commission and staff for addressing the issue and asked for Commission approval of the rule.

Marjorie O'Hara stated the south channel is where most of the residents live full-time. She mentioned that it is a natural channel to the island. Ms. O'Hara supported the staff-proposed rule.

Ted Forsgren urged the Commission to adopt the staff-proposed rule.

Ken Stead (Southwest Florida Marine Industries Association) supported the staff-proposed rule.

Patti Thompson (Save the Manatee Club) reminded the Commission that originally when this channel was proposed the FWC law enforcement and protected species staff opposed. The Save the Manatee Club did not support the rule to save the residents three to five minutes of travel time. The sub population does not meet the biological goals and is in decline. She urged the Commission to think about this and not adopt this rule with this extra channel. She did not support the staff-proposed rule.

### Commission Discussion

Upon motion of Commissioner Meehan, seconded and carried, the staff recommendation to approve Rule 68C-22.015 was approved.

### Issues

Chairman Barreto asked Mr. Haddad to provide a preface of the Imperiled Species Listing Process for the four listing actions to be presented.

Mr. Haddad explained the FWC Imperiled Species Listing Process is driven by Florida-specific data and clear standards consisting of measurable biological criteria peer reviewed by panels of experts, agreed upon by the Commissioners, and strengthened by species-specific management plans that are tailored to the unique conditions and needs of each species. The imperiled species list classifications identify those species facing the greatest risk of extinction, they do not dictate the level of protection a species receives. The status change for any species will occur

only after a species management plan is developed, professionally and publicly reviewed, and accepted by the Commissioners.

The FWC imperiled species listing process is described in Florida Administrative Code Rule 68A-27.0012, Procedures for Listing, Delisting and Reclassifying Endangered, Threatened and Species of Special Concern. The process consists of Phases 1 and 2.

Phase 1 establishes the process for receiving and reviewing petitions to list a species or change the listing status of a species. A request for information regarding the petitioned species is published. FWC staff recommends to the Commission a panel of scientists to review the petition and associated information using the Guidelines for Application of IUCN Red List Criteria. The biological review panel summarizes information from the petition, information obtained from the public, and other available biological data on the status of the petitioned species into a biological status report. The biological status report is reviewed by at least three independent scientists not involved in the biological review panel. The Commission reviews the final biological status report, independent scientific reviews, and public comments in making a final determination whether the listing action is warranted. If the Commission determines the listing action is warranted they will determine the appropriate listing category for the species and establish a timeframe for completion of the species' management plan.

Phase 2 involves a formal solicitation for management-related information and development of a draft management plan for the species. Final Commission action includes formal action on the listing status and approval of the management plan and any associated rules required to implement the management plan.

Commissioner Yablonski mentioned that he works for a major landowner, the St. Joe Company, and would file a Memorandum of Voting Conflict for State Officers regarding these agenda items (attachment).

Mr. Breault presented the following four agenda items constituting the Phase 1 recommendation for petitions on the bald eagle, Panama City crayfish, gopher tortoise, and manatee.

#### Bald Eagle

The bald eagle is currently listed as Threatened. The Biological Review Panels (BRP) concluded from the biological assessment that the bald eagle no longer met criteria for listing at any level, has not met the criteria for listing within the last five years, and unanimously recommended removing the bald eagle from the list of Threatened species. Independent scientific review of the biological assessment was sought and received from five scientists, all of whom basically supported the information and assumptions used, and the reasonableness of the conclusion made.

Mr. Breault asked the Commission to approve the proposal to downlist the bald eagle from the state imperiled species lists, and to initiate Phase 2 of the listing process which will include development of management plan for the bald eagle by September 2007.

#### Public Comment

Caroline Dineen (Broad and Cassel Attorneys at Law) submitted written testimony and provided a copy to the Commissioners. Ms. Dineen stated her clients strongly support the staff-proposed recommendation. Also she encouraged the Commission to take an active role in the federal downlisting process.

John B. Koch (Sierra Club) congratulated the Commission on the success of the restoration of the bald eagles and added he thinks the public may "mess with the birds." This may cause an enforcement issue.

Drew Martin (Sierra Club) did not think 3,000 was a large number of bald eagles. Mr. Martin expressed his concern about taking the bald eagle off of the Threatened list. He stated if the trees were removed, there would be a decline in the species and urged the Commission to review the science.

Manley Fuller supported the staff-proposed recommendation but cautioned that there is a need for ongoing monitoring of bald eagle, and asked that monitoring be included in the management plan.

Elizabeth Fleming (Defenders of Wildlife) did not support staff-proposed recommendation. Ms. Fleming expressed her concern about the protection measures and requested assurances. She encouraged the Commission to respond to negative editorials and provide a consistent message to the general public about this process.

Rosa Durando (Sierra Club's Florida Chapter) did not support the staff-proposed recommendation. She congratulated the Commission for stating that the bald eagle or any other listed species offers a bigger problem than how it is currently listed on paper. She stated the problem is with developers, the increased human population, and lack of strict criteria protecting bald eagle nesting areas. She stated that if the Commission downlisted any of the species she felt it would "undercut" species habitat protection.

Helen L. Spivey (Sierra Club's Florida Chapter) offered her opposition to the staff-proposed recommendation.

Martha Collins did not support the staff-proposed recommendation. She stated the criteria used by FWC to determine the imperiled species listing is flawed and misleading. A petition was filed by Ms. Collins with the Commission to readdress and properly evaluate the criteria used for the imperiled species listing process.

Mr. Haddad addressed the petition Ms. Collins referred to stating it was received and reviewed by the Commission prior to the meeting. The Commission will respond to the petition within 30 days.

Laurie Macdonald (Defenders of Wildlife, DW) did not support the staff-proposed recommendation. However, Ms. McDonald stated the DW would support the federal downlisting of the bald eagle. Ms. McDonald urged the Commission to establish a proper procedure and bring experience to the federal level as defended for the two programs to work together.

### Commission Discussion

Commissioners discussed the management plan as it relates to law enforcement and species protection, the growth management plan, the loss of trees for bald eagle nests, and the inclusion of an educational component through media to the public.

Upon a motion by Commissioner Huffman, seconded and carried, the proposed action to downlist the bald eagle from the state imperiled species lists, and to initiate Phase 2 of the listing process, which will include development of management plan for the bald eagle by September 2007, was approved.

### Panama City Crayfish

Mr. Breault continued. The Panama City crayfish is currently listed as a Species of Special Concern. The BRP unanimously recommended that the Panama City crayfish be listed as Threatened based on its assessment of the species' limited geographic range. Independent scientific review of the biological assessment was sought and all six independent reviewers concurred with the BRP's recommendation to list the crayfish as Threatened. One independent reviewer questioned the objectivity in the application of criteria for assessing population size; otherwise the reviewers stated that the listing criteria were applied appropriately.

Tim Breault asked the Commission to support the proposed action to approve Phase 1 of the listing process for the Panama City crayfish to uplist the Panama City crayfish from Species of Special Concern to Threatened.

### Public Comment

Drew Martin; Helen Spivey; Manley Fuller; Elizabeth Fleming and Laurie Macdonald offered their support of the staff-proposed recommendation.

## Commission Discussion

Upon a motion by Commissioner Meehan, seconded and carried, the Commission approved reclassifying the Panama City crayfish from a Species of Special Concern to Threatened, and for staff to initiate Phase 2 of the listing process, which will include the development of a management plan for the Panama City crayfish by June 2007.

Commissioner Yablonski thanked the Keppners for providing data to the biologists for their study in recommending a listing action for this species.

## Gopher Tortoise

Mr. Breault continued. The gopher tortoise is currently listed as Species of Special Concern. The BRP concluded that the gopher tortoise warranted reclassification from Species of Special Concern to Threatened. This conclusion is based upon (1) reductions to population size > 50% over the last three generations, inferred from a decline in area of occupancy or quality of habitat, as well as the effects of exploitation and pathogens; (2) a projected > 50% population size reduction in the next three generations, and (3) an estimated > 50% population size reduction in the past two generations and the next one generation. Six of seven independent scientific reviewers of the biological assessment supported the conclusion of the panel. One reviewer felt that the evidence presented was not strong enough to support reclassification and that the listing criteria were not always followed.

Mr. Breault asked the Commission to approve the proposed action to reclassify the status of the gopher tortoise from Species of Special concern to Threatened is warranted, and to initiate Phase 2 of the listing process which will include development of a management plan for the gopher tortoise by June 2007.

## Public Comment

The following individuals supported the staff recommendation with comments:

Stella Rossi (Coalition for Wilderness Islands) urged the Commission to separate the Florida regions, increase public education on listed species, permit onsite preservation for gopher tortoise, and requested a higher listing status for the gopher tortoise.

Caroline Dineen (Broad & Cassel Attorneys at Law) provided written testimony on the reclassification of the gopher tortoise. She conveyed concerns about assumptions that underlie the recommendations of the biological report and supported the proposal if restrictions are affectively addressed. Ms. Dineen urged the Commission to address relocation restrictions and develop a relocation and permitting program that is predictable, affordable and timely. She also encouraged the Commission to make public land management a priority in the gopher tortoise

process. Also, she asked that the Commission include an accurate inventory of public lands and an analysis of their suitability as gopher tortoise habitat in the management plan.

Dr. Matthew Aresco (Nokuse Plantation) strongly supported the uplisting of the gopher tortoise to a Threatened species. Dr. Aresco also spoke on behalf of Mr. M.C. Davis who was unable to attend. Mr. Davis owns 50,000 acres in the Nokuse Plantation and other lands in northwest Florida. Dr. Aresco provided his research on the gopher tortoise showing a decline of 50% in the next one generation if the future land acquisition maps are accurate. Mr. M. C. Davis requested Dr. Aresco convey to the Commission that Nokuse Plantation has over 20,000 acres of potential gopher tortoise habitat available to restock his land with gopher tortoises.

John Koch (Sierra Club) commended the reclassification of the gopher tortoise to Threatened. Mr. Koch urged the Commission to think about the protection of the gopher tortoise from developers.

Susan Hargraves (Humane Educators Reaching Out.com) expressed her concern about the number of incidental take permits provided by the Commission to bury gopher tortoises alive. She commended the Commission for raising the listing to Threatened.

Andrew McElwaine (Conservancy of Southwest Florida) expressed the Conservancy's strong support for the reclassification of the gopher tortoise from Species of Special Concern to Threatened and encouraged the Commission to act on this recommendation promptly.

Drew Martin expressed his concern over the number of gopher tortoises killed by incidental take permits. Mr. Martin asked the Commission to not allow anymore incidental take permits for gopher tortoises.

Leah Schad stated she supports the uplisting of the gopher tortoise; however, she urged the Commission to increase the status to Endangered. She suggested future applications to kill gopher tortoises should be denied and a condition on the development order include preservation onsite.

Ray Ashton (Biodiversity Research & Preservation Institute Gopher Tortoise Conservation Institute) stated the relocation of gopher tortoise is a "dumping process" and is not done correctly at appropriate sites. He stated one of the ways to correct this is eliminate the current permitting process to one where people work together in a business-like fashion to make the economics and conservation work in perpetuity.

Elizabeth Fleming strongly supported the uplisting and increasing protection for gopher tortoises. She offered that the tortoises would qualify as Endangered under the IUCN criteria if properly aligned.

Laurie McDonald offered her support to uplist the gopher tortoises, and asked that a "meaningful" management plan is necessary to protect the species in its natural community.

Iika Daniel (The Human Society of Vero Beach and Indian River County) offered her support to reclassify the gopher tortoise to Threatened and urged the Commission to take measures to stop burying tortoises.

Pat Rose offered his support. He expressed that the gopher tortoise should be listed as Endangered. He suggested that there are other species at risk when species are not appropriately classified soon enough-such as sea turtles.

Manley Fuller; Helen Spivey; Laura Bevan; Kristine Quirk; Marge Ketter; and Becky Zremski (Sarasota in Defense of Animals) also offered their support to uplist the gopher tortoise.

The following individual did not support the staff-proposed recommendation with comment:

Rosa Durando asked for a commitment and justifications from the Commission on an incidental take permit. She did not support the staff-proposed recommendation.

### Commission Discussion

Commissioners discussed the incidental take issue specific to the management plan, growth management, and relocation of gopher tortoise habitats.

Upon a motion by Commissioner Kaupe, seconded and carried, the proposal to reclassify the gopher tortoise from Species of Special Concern to Threatened was approved. Staff was directed to initiate Phase 2 of the listing process which will include development of a Management Plan for the gopher tortoise by June 2007.

### Florida Manatee

Mr. Breault continued. The Florida manatee is currently listed as Endangered. The BRP unanimously agreed that the Florida manatee should be listed as Threatened based on (1) the potential for a greater than 50% decline in population size within the next 3 generations, and (2) the current restricted population size (mature individuals) being less than 2,500. The manatee population has increased over the past few decades, but threats still remain that could cause the population to decline significantly in the future. Three of four peer reviewers agreed that the manatee BRP had made the proper recommendation while the fourth reviewer stated that the status assessment is subject to great uncertainty but he liked the use of the precautionary principle.

Mr. Breault asked the Commission to approve the proposed recommendation to reclassify the manatee from Endangered to Threatened, and to direct staff to

initiate Phase 2 of the listing process which includes the development of the management plan by February 2007.

### Public Comment

The following individuals supported the staff recommendation with comment:

David Childs (National Marine Manufacturers Association) asked the Commission to consider that the BRP includes a group of highly qualified individuals.

Bonnie Basham stated the boating community understands the Management Plan will stay the same and would offer to work with the Commission to improve the current plan.

Manley Fuller discussed the BRP's report and the results. The BRP recommended the status should be realigned with the IUCN. Mr. Fuller asked the Commission to consider designating the southwest population as Endangered, the upper St. Johns population as Endangered, and shift the Atlantic and northwest regional population as Threatened to align the BRP's recommendation.

Ted Forsgren; Byron Maharrey; Charles Isiminger (Marine Industries Association of Palm Beach County); Michael Kennedy (Coastal Conservation Assn. of FL); Ken Stead (Southwest Florida Marine Industries Association); John Sprague (Marine Industries Association of Florida); Ron Presley and Captain Pat Kelly (Florida Guides Association) supported the downlisting of the manatee to Threatened.

Peggy Matthews (American Watercraft Association) and Steven Webster (Florida Marine Contractors) supported the staff recommendation which was based on sound science.

The following individuals did not support the staff recommendation:

John Koch; Rosa Durando; Drew Martin; Vera Locke (Marine Industries Association-Treasure Coast); Suzanne Tarr; Elizabeth Fleming; Leah Schad; Diane Moreton; Laura Bevan (The Humane Society of U.S./Southeast office); Andrea Greico; Michelle Rivera; Laurie Macdonald; Nancy Beaver (Sunshine Wildlife Tours); Marge Ketter; Lori Patterson; Margaret Simpson; Donna Clements (Marine Mammal Rescue Society in Miami); Debra and Doug Brown; Nancy Sadusky; Bryan Krunte; Ilka Daniel (Humane Society of Vero Beach and Indian River County); Cynthia Plockelman (Audubon Society of the Everglades Native Plant Society); Dr. Fred Cichocki; Brian Weinstein; Camille Yates and Sheila Calderon.

Other comments included:

Jessica Koelsch (Ocean Conservancy) expressed her concern over the definition of Threatened versus Endangered and IUCN alignment.

Susan Hargraves (Humane Education Reaching Out) stated she works with children in educating them about the dangers manatees and other animals face.

Andrew McElwaine (Conservancy of Southwest Florida) urged the Commission to proceed with caution in making a decision regarding the manatee listing and retain the current status of Endangered.

Judith Vallee stated a "sign-on" letter was submitted to the Commission several weeks ago with the names of 30 organizations asking the Commission to revisit the imperiled species listing.

Helen Spivey delivered a presentation from a second-grade classroom in New York State including poems about manatees.

Virginia Splitt (ECOSWF) demonstrated the fragility of the manatee's bones with the breaking of a porcelain vase.

Kevin Hertell (The Pegasus Foundation) requested a delay in any species reclassification that would recommend a lesser status of imperilment.

Martha Collins addressed a question posted on the FWC web site regarding the species reclassification and whether there would be a change in its protection. Ms. Collins stated FWC replied that the protection could change. She restated her earlier recommendation to defer any decision to downlist the manatee.

Pat Rose spoke about his concerns with the listing process related to the Legislature, the definition of each listed status, and the message to the public about the listing process.

Jane West referred to environmental organizations that filed a petition for the Commission to defer any decision to downlist any species until the Commission properly aligns its criteria.

Katie Tripp mentioned that she provided a CD to the Commissioners with pictures of individuals from around the world, who could not attend the meeting, but requested the manatee not be downlisted.

### Commission Discussion

Questions were asked by the Commission regarding the scientific research provided to determine this proposal, feedback from the public, the measurable data collected, manatee protection, and what will be included in the management plan.

Commissioners asked that the concerned public work with FWC in drafting the management plan for the better protection of the manatee.

Commissioner Yablonski thanked the public for their comments, both in person and via email. He stated trust has been established between the interest groups and the agency and commended Mr. Haddad and Mr. Heller for their assistance. He stated the Management Plan will lead in recovery. The Commission has had tremendous successes and will continue to work to "strike a balance" as much as is possible.

Upon motion by Commissioner Meehan, seconded and carried, the proposed action to reclassify the status of the manatee from Endangered to Threatened was approved. Staff was directed to initiate Phase 2 of the listing process, which will include the development of Management Plan for the manatee by February 2007.

#### Duval County Manatee Protection Rules

Mr. Kipp Frohlich presented the proposed Duval County Manatee Protection Rule. The recommended changes would conform state manatee protection zones to existing federal manatee protection zones in that portion of the St. Johns River between the Fuller Warren Bridge and Reddie Point. If the Commission approves the recommendation, a formal proposal will be published and staff will conduct a public hearing in Jacksonville in late summer. Staff will bring the rule back to the Commission for final action at the December 2006 Commission meeting.

Mr. Frohlich asked for approval from the Commission to direct staff to advertise proposed amendments in the *Florida Administrative Weekly* as set forth in the preliminary rule proposal; to conduct a public hearing in Jacksonville; and, to seek final Commission action on the proposed amendments at the December 2006 Commission meeting.

#### Public Comment

Ted Forsgren; Betty Thompson (Save the Manatee Club); and John Sprague (Marine Industries of Florida) offered their support of the staff-proposed recommendation.

Newton Cook (United Waterfowlers of Florida); supported the amendments, but opposed changing the area between the Fuller Warren Bridge and Reddie Point to a no motor zone.

#### Commission Discussion

Upon motion by Commissioner Barco, seconded and carried, the staff recommendation to approve the draft Duval County rule for formal advertisement for a final public hearing at the December 2006 meeting was approved.

Mr. Frolich reviewed the need for new manatee safe havens in Port Sutton (Hillsborough County), Salt Springs and Silver Glen Springs (Marion County), Welaka Springs (Putnam County), portions of Big Mud and Little Mud creeks (St. Lucie County), and the Munyon Island area (Palm Beach County) as part of a settlement agreement FWC entered into in 2001. Staff consulted with other agencies and outside groups to assemble and evaluate available information and reviewed existing protections in each area and evaluated actions that may be taken in the future. Based on the results of the assessment, staff did not recommend rule making in any of the areas at this time. However, because these areas were evaluated in fulfillment of the settlement agreement, staff felt that the issue should be brought before the Commission for consideration.

#### Public Comment

Patty Thompson; John Sprague (Marine Industries of Florida) and Jessica Koelsch (Ocean Conservancy) offered their support of the staff-proposed recommendation.

Jim Casselman (United Hunters of Florida) did not support staff-proposed recommendation.

#### Commission Discussion

Upon motion by Commissioner Huffman, seconded and carried, the staff recommendation to approve and accept the Manatee Safe Haven Report was accepted.

#### Delegation of Authority

Mr. Breault reviewed for Commission consideration a delegation of authority to the Executive Director to sign an order establishing the Babcock Ranch Preserve following purchase of the property by the State of Florida. This is recommended because there may be a timing issue for establishment.

#### Public Comment

Byron Meharrey (ECC) offered his support of the staff-proposed recommendation and thanked Mr. Haddad for his efforts to work toward FWC managing of the Babcock Ranch area.

#### Commission Discussion

Upon motion of Commissioner Yablonski, seconded and carried, the staff recommendation delegating to the Executive Director the authority to sign an order establishing the Babcock Ranch Preserve following purchase of the property by the State of Florida was approved.

## Other Public Comment

Jim Casselman thanked FWC for their work during the recent Legislative Session, their efforts for the acquisition of the Babcock Ranch Property, and support of the concealed weapons bill.

Byron Maharrey thanked the FWC staff for their efforts on Babcock. He asked that FWC keeps the pressure up on the additional lands of 147,000 acres on the north end of the Big Cypress Reserve to be opened for hunting. He stated that Superintendent Karen Gustin seems to be genuine and it is moving along on the issue.

Newton Cook thanked FWC and expressed his support of the agency.

John Sprague mentioned he had provided a letter he wrote to the U.S. Fish and Wildlife regarding his concern with the manatee protection plans. He asked that the Commission read the letter.

Cynthia Plockelman urged that the Commission to look at the total ecosystem in land purchases and management. She stated her concern regarding listed species and the scrub jay specific to their ecosystem and the plunging number of habitat.

Rick Person (SAFER) updated the Commission that the Corps of Engineers is still doing a lot of modeling in regards to sheet flow in the Everglades and so far they have not proved that filling in the canals is necessary in order to obtain the sheet flow they are looking for. They are planning to build a test sight in the L67 Sea Canal. Also, with help from the duck hunters they have worked with the South Florida Water Management District regarding the reservoirs that are going to be built. They have agreed to incorporate boat ramps in the construction of these new reservoirs and should be open to the public within a reasonable length of time. He hoped FWC will be asked to manage these waters. He thanked Commissioner Huffman for coming to the 5<sup>th</sup> Annual Save Our Canal Bass Tournament in April. Commissioner Huffman challenged the Commissioners to come to this event next year to catch the biggest fish. Mr. Person stated he would be honored and said the tournament is usually scheduled the third week in April and will make sure all of the Commissioners receive an invitation.

Todd Kersey (BASS Online Talk Radio) is concerned with freshwater fishing. However, he said FWC could be in jeopardy of losing the Fishing Capital of the World if problems occurring in area lakes, such as Okeechobee are not addressed. He also requested FWC market their website to the world.

Chris and Mark Shephard (BASS Online) asked for additional FWC law enforcement in Lake Okeechobee. Chairman Barreto directed the Shephard brothers to meet with Major Brett Norton regarding their concerns. Also, the brothers stated their concern about the increase in the number of fishing rods on a boat and asked if there are any restrictions. They have seen boats with up to 50

rods placed across PVC piping. Chairman Barreto asked Mr. Scovell to look into this.

Mark Shephard stated his concern over the hyacinth spraying taking place in the spring on Lake Okeechobee causing a build up in the lake. He asked if there was a better way to reduce hyacinth without adverse effects on the lake system. Chairman Barreto asked staff to review Mr. Shephard's concerns.

Laurie Macdonald thanked Jackie Fauls for her assistance during the Legislative Session. Ms. Macdonald asked if the Defenders of Wildlife may host a reception for the Commission during their stay in St. Petersburg in September. Commissioner Meehan responded that each Commissioner would be responsible for his or her own costs as well as staff, but she could work with the Commission Secretary on the details.

Leah Schad alerted the Commission that the Endangered Species list currently posted on the FWC website needs to be updated. Staff will update.

The Chairman recessed the meeting at 6:00 p.m. to reconvene at 8:30 a.m., Thursday, June 8.

Chairman Barreto reconvened the meeting at 8:30 a.m., Thursday, June 8. He stated that the previous day's meeting ended late without a "Commissioners Exchange" portion of the meeting. He opened the meeting with comments from the Commissioners on the previous day's issues.

The Commissioners thanked Commissioner Kaupe for hosting a reception at the Sailfish Club the night before and providing a wonderful "send off" to Terry Mara.

Commissioner Huffman thanked Dennis David and Dorn Whitmore for their assistance with the poll and troll zone in Mosquito Lagoon and asked Chairman Barreto to send a thank you letter to Dorn Whitmore for his assistance.

Commissioner Huffman thanked Dr. Stewart Glegg and two graduate students from Florida Atlantic University for their participation in the May 20 Quiet Airboat Demonstration.

Chairman Barreto introduced the following guests:

- Jeff Coombs, Palm Beach County Commissioner. Commissioner Coombs spoke about the strong partnership between the county and FWC such as the Pine Jog Environmental Center cooperative effort.
- Carol Wehle, Executive Director, South Florida Water Management District (SFWMD). Ms. Wehle thanked FWC for the continued strong partnership and discussed the programs the SFWMD is currently focusing on for the future.

## Rules

Major Paul Ouellette, Section Leader of the Boating and Waterways Section presented the following rule for Commission consideration:

(1) 68D-23, Uniform Waterway Markers in Florida Waters—The proposed rule would correct and update statutory cross-references, improve clarity and consistency of language and definitions, remove and/or revise obsolete provisions and cross-references, reduce administrative reporting requirements for local governments, and conform the rule to changes made by the 2005 Legislature.

Major Ouelette asked the Commission to support the staff-recommended rule.

## Public Comment

Captain Pat Kelly (Florida Guides Association), Peggy Matthews (American Watercraft Association), and Bonnie Basham (Standing Watch) offered their support of the staff-proposed recommendation.

## Commission Discussion

Upon motion of Commissioner Meehan, seconded and carried, the Commission approved Rule 68D-23 as presented.

Mr. Mark Robson presented the following rule:

(2) 68B-21.005, Size Limit on Snook—The proposed rule would adjust the lengths (slot limit) of snook that may be legally harvested from 26-34 inches to 27-35 inches in order to compensate for any effects of the new total length measurement method, which will become effective on July 1, 2006.

Mr. Robson asked the Commission to adopt the proposed rule as presented.

The Commissioners discussed whether or not the size should be adjusted prior to convening the stakeholder group, who will review snook management issues.

Mr. Robson explained that there has been a decrease in the spawning potential for snook; therefore, staff recommended the 27-35 in size limit for snook.

## Public Comment

Ted Forsgren (Coastal Conservation Association of Florida) recommended increasing the lower end of the slot by one inch but leaving the upper end at the current 34 inches.

Tom Greene (Custom Rod and Reel Tackle Shop) stated he receives a lot of business just from snook fishing. He supported raising the slot limit.

Kevin McCole stated he participated in the Snook Symposium as a panel member. He supports the staff-proposed recommendation and suggested an alternate plan to raise the slot one inch from the bottom and leave the top alone.

Captain Pat Kelly (Florida Guides Association) stated the FGA was created over 16 years ago by Scott Moore due to the snook issue. Most of the FGA members chose to leave the top at 34 inches and the bottom at 27 inches.

## Commission Discussion

The Commissioners discussed the FWC stock assessment, need to increase snook spawning stocks, and the future of snook fishing in Florida.

Commissioner Meehan offered a motion to add one inch to the snook minimum size to 27 inches with no change in the 34 inch maximum size for snook. The motion was seconded, and carried.

Mr. Teehan, Division of Marine Fisheries Management presented the following rules:

(3) Emergency Rules 68B-45.004(9)(b), Regulation and Prohibition of Certain Harvesting Gear and 68B-45.007, Blue Crab Limited Entry Endorsement Program – The 2006 Legislature did not authorize fees and penalties relating to the blue crab effort limitation program. Also, legal issues have been raised as to FWC's authority over fisheries effort limitation programs. Therefore, this program should not be implemented at this time.

The proposed emergency rules would continue the moratorium on renewal or replacement of blue crab endorsements, except those endorsements that were active during the 2005-2006 fiscal years, and would make other changes necessitated by the delay in implementation of the program. Without the emergency rule, the moratorium is scheduled to end July 1, 2006 and current efforts to control the number of crab traps and level of effort for this fishery could be significantly jeopardized. Approval of this item would also authorize staff to commence regular rulemaking to continue the moratorium until July 1, 2007 (or beyond) and to make other rule changes necessitated by the delay of the program.

Mr. Teehan asked the Commission to support Rules 68B-45.004(9)(b) and 68B-45.007 as presented.

#### Public Comment

Raymond King stated he is frustrated with the blue crab endorsement process. He is trying to transfer his license and wants to be in the industry legitimately. He asked FWC to consider making the endorsements transferable to family members.

Frank Sewell and George Sweetman (Blue Crab Advisory Board) and Jerry Sansom (Organized Fishermen of Florida) offered their support of the proposed rules.

James Brannen, Edward Olsen, Jr. (FFF), and David Grix did not support the proposed rules.

#### Commission Discussion

Commissioners discussed the Blue Crab Advisory Board's involvement as well as the Legislative response. Mr. Teehan stated both he and Ms. Fauls met with the Board whose members are in favor of the rules. The Board is comprised of industry representatives compiled by FWC.

Upon motion of Commissioner Meehan, seconded and carried, the Commission approved a 90-day emergency rule extending the moratorium on blue crab endorsements and delaying start of the blue crab effort-management program until July 1, 2007. The Commission proposed a permanent rule to replace the

temporary emergency rule and will take final action on this proposal at a special meeting in Tampa on August 16.

### Federal Issues

Mr. Robson presented the Federal Issues Report from the South Atlantic Fishery Management Council, which will meet on June 12-16 in Coconut Grove. The Issues to be covered include snapper-grouper and king mackerel management plans.

The Gulf of Mexico Fishery Management Council met June 5-8 in St. Petersburg. Issues covered included red snapper amendment 27, and shrimp amendment 14, gulf grouper IFQ program, and council membership. Other issues included federal fisheries disaster relief, with the U.S. Senate Appropriations Committee recommending \$1.135 billion of emergency supplemental appropriations for the U.S. Department of Commerce, National Oceanic and Atmospheric Administration. These funds would be for "Operations, Research, and Facilities" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season. The U.S. House Appropriations Committee has not yet included funding for fisheries disaster relief in its proposed budget, but is expected to release a bill within the next few weeks.

### Public Comment

Mr. Forsgren thanked the Commissioners for their decision on the snook size limit. He suggested that FWC should dedicate more staff and resources to federal issues.

Commissioner Yablonski referred to the Gulf Council's recent membership change, and asked who was on the list of Florida nominations. Mr. Robson stated he would secure the list from the Governor's Office, and forward it to the Commissioners.

The Commissioners asked to be provided a list of federal and state congressional members and their committees to review. They may be able to assist with making contacts on FWC issues.

### Land Acquisitions

Mr. Breault explained that a delegation of authority to the Executive Director is needed to avert potential problems with ongoing negotiations in FWC's land acquisition for the period between the June and September Commission meetings. Staff will provide the Commission with an information package about proposed acquisitions prior to the Executive Director's final approval. If any of the members of the Commission object to the project, the final approval would be reserved for Commission action in September. The delegation would not exceed \$250,000. Commissioners Barco added that the Executive Director should consult with the Chairman.

## Commission Discussion

Commissioner Barco asked if it makes a difference that we are having an August meeting. Mr. Haddad stated there could be a timing issue for closing on property.

Through General Consent, the Commissioners approved the Delegation of Authority.

## Commissioners' Areas of Emphasis

### Comprehensive Wildlife Conservation Strategy—Wildlife Legacy Initiative

Dr. Thomas Eason, Division of Habitat and Species Conservation, presented an update of Florida's Wildlife Legacy Initiative (FWLI) as a comprehensive program developed by the FWC to address the conservation needs of all wildlife in Florida.

Dr. Eason discussed the three main components which are comprehensive wildlife conservation strategy, partnerships, and state wildlife grants. Currently staff is working on initiating a new FWC team, a FWLI standing team, and will soon implement a partners committee, finalize 25 new grant projects, and organize a regional meeting among 15 Southeastern states that identified high priority conservation projects that require multi-state cooperation.

## Commission Discussion

Commissioners expressed their satisfaction with the report and plan of the FWLI.

Chairman Barreto asked about the total cost of the project, how the Commissioners may assist in obtaining funding, and who is championing the project. Dr. Eason replied \$2.5 million was needed to fund the project and Ms. Fauls is working with the Association of State Fish and Wildlife Agencies to obtain funds. Chairman Barreto asked Mr. Haddad to provide a list of Congressmen who the Commissioners might contact to request funds.

Commissioner Yablonski asked if there was a way to pick two priorities to realistically complete. Dr. Eason replied that the team is in the process of listing priorities.

## Financial Business Plan

Ms. Lobello presented an update on the agency financial business plan that correlates existing funding with agency programs and considers operational efficiency, possible new revenue streams, and shortfalls. Staff recommendations to implement this plan include addressing shoreline fishing fees; boosting largemouth bass and panther specialty license tag marketing; promoting the volunteer heritage

program; and developing hunting and fishing license check-offs for conservation by July 2007. Additionally, implement by July 2008, manatee specialty license tag redesign and marketing; increase and repackage fishing and hunting licenses; and establish a conservation card program. By July 2009 introduce \$50 million bond program to benefit fish hatcheries and research on a goliath grouper lottery.

Ms. Lobello asked the Commission to support the expenditure of \$150,000 for research, and to pursue a \$5 million increase in recurring General Revenue. Final recommendation on the financial business plan will be made to the Commission in September.

#### Public Comment

Bonnie Basham reiterated that her constituents want to work for increased permit fees. She offered to assist FWC in coordinating a campaign to increase the fees.

Newton Cook offered support of the plan and would work to secure the right people to back necessary fee increases.

#### Commission Discussion

Upon motion of Commissioner Barco, seconded and carried, staff was given approval to continue research involved in the Financial Business Plan.

#### Future of Hunting Update

Mr. Nick Wiley presented an update on the Future of Hunting in Florida. He stated one of the key action items identified during the 2005 Summit on the Future of Hunting in Florida was to establish a unified coalition of hunting interests and organization that would lead and coordinate initiatives aimed at securing a bright future for hunting in Florida. It was decided to create a non-profit organization named, "the Future of Hunting in Florida, Inc. (FHF)." A consultant was hired to assist in implementing this organization and obtaining funding from private sponsors. The organization will develop a brochure for broad distribution that will provide information about the new FHF; report on the results of the past Hunting Summit; present several high priority action items; and provide information on how Florida's hunting organizations might affiliate with FHF and become involved in new initiatives and actions to benefit the future of hunting in Florida.

#### Commission Discussion

Commissioners discussed the hunter education program and hunting license fee increases. Mr. Wiley stated that he has been in communication with a number of groups willing to support the agency in its efforts to promote hunter education and license fee increases.

Chairman Barreto challenged Newton Cook, Bonnie Basham, and Ted Forsgren to initiate support among their constituents. Commissioner Yablonski stated the legislators may be reluctant to address any fee increases this upcoming session.

#### Public Comment

Newton Cook stated he would ask his group to send a petition, but asked for a fee increase proposal from FWC in order to begin the process.

Bishop Wright (Everglades Coordinating Council) offered his support of the hunter education program.

#### Update on the Future of Saltwater Fisheries

Mr. Robson presented an update on the Future of Saltwater Fisheries. Following stakeholder meetings, stakeholders generally agreed that achieving the vision will involve five priority areas: Improve habitat enhancement and protection; develop ecosystem management as a tool; improve management and research coordination; improve interagency coordination; and enhance funding and staffing. Although individual interests may have had different interpretations of what strategies or actions need to be addressed, these broad areas resonated within subgroups.

Mr. Robson and staff recommended the Commission approve the draft vision document to be sent out for public review and comment. A series of six or seven public forums will be conducted around the state to elicit comments and suggestions from the public. These comments will be incorporated into a final draft vision for the future of Florida's marine fisheries.

#### Public Comment

Ted Forsgren offered his support and provided a list of recommendations for FWC from the CCA that included the development of a comprehensive evaluation of Florida's saltwater recreational fishery and determine the resources needed to maintain and enhance Florida's multi-billion dollar saltwater recreational fishery for the next 5, 10, and 20 years; adapt to protect the resource and provide for projected future needs; establish policies, criteria and processes for determining allocation of recreational and commercial take of specific fish or shellfish; support and encourage the continued development and placement of artificial reef habitat which will create habitat and enhance the marine resource of the state; become involved in the state and federal actions involving dredge and fill, water quality and other permit issues to protect marine fisheries habitat; and increase staff and other resources in the Division of Marine Fisheries Management to a level which represents a commitment to managing Florida's \$5.5 billion dollar saltwater recreational fishery.

### Commission Discussion

Commissioner Kaupe commended the DMFM staff for their work and asked Mr. Robson about eco-system management and the stakeholder group's reaction. Mr. Robson replied they agreed on the concept but there was not universal agreement for using ecosystem management in all decisions.

Chairman Barreto asked Mr. Forsgren if CCA would support a shoreline exemption initiative. Mr. Forsgren replied not at this time.

### Exotics—Exotic Pet Amnesty Day

Mr. Hardin, Division of Habitat and Species Conservation reported on the first Exotic Species Pilot Pet Amnesty Day held in May in Orlando. He explained that pet owners need to be educated about the exotic species to ensure they are not released, potentially causing injury to another animal or humans. This pilot program enabled pet owners to "drop off" their unwanted exotic pets on this day rather than releasing them illegally.

### Public Comment

Nick Atwood (Animal Rights Foundation of Florida) offered his support of a ban on the sale of exotic reptiles and their breeding in Florida.

### Commission Discussion

The Commissioners questioned staff regarding the export and breeding of exotic species, internet purchases, and need for citizen education.

Colonel Jones commented that the Division of Law Enforcement is working with Mr. Hardin to draft appropriate rules and provide exotic pet education. More detailed information and draft rules will be brought to the Commission at a later date.

Commissioner Yablonski suggested consideration of species-specific regulations rather than an "all exotic" ban.

Commissioner Huffman mentioned the importance of educating parents on the perils of purchasing exotic species for children and the future problems of releasing exotics into native fish and wildlife habitats. He offered his full support of the pet amnesty day.

The Chairman suggested staff to be creative in promoting pet amnesty including heavy media coverage.

## Legislative Report

Ms. Fauls gave an update on federal issues to the Commission. Key bills scheduled to be reauthorized will include the Magnuson-Stevens Act, the nation's primary fisheries law and the Endangered Species Act (ESA), which designates critical habitat for endangered species as well as several important appropriation matters. Ms. Fauls reported on the 2007 requested federal appropriations that include obtaining emergency hurricane funding for the Gulf Coast region to assist the commercial fishing industry; Florida Cooperative Fish and Wildlife Research Unit Program with the US Geological Survey; Harmful Algal Bloom Funding through NOAA; Federal Legislation on Fish Farms; and Oil Drilling Near the Florida Keys.

Ms. Fauls reported on the end of the 2006 Legislative Session and the final actions.

The following bills passed:

HB 471/SB 2202 – FWC recreational penalties, hunting safety, crossbow permit

HB 125/SB 208 – Voter registration

HB 265/SB 430 – No net loss of hunting lands

HB 341/SB 496 – Citrus/Hernando Waterways Council

SB 428/HB 6001 – Per diem/travel reimbursements

HB 683/SB 1020 – Growth management/manatee protection

HB 1123/SB 2460 – Florida Government Accountability Act

HB 1347/SB 2102/SB 1226 – Babcock Ranch Preserve Act

SB 1678/SB 7197 – Government Operations/Agency Fees

HB 7175/SB 2128 – Vessels/derelict vessels

The following bills did not pass:

HB 1345/SB 2490 – FWC commercial blue crab fees/penalties; blue crab/black sea bass trap retrieval program, lobster administrative penalties

HB 1421/SB 2684 – Department of Public Safety

HB 1459/SB 990 – Reptiles of Concern

HB 1591 – FWC standards and due process

SB 1760 – Parasailing

SB 1804 – Protection of quail habitat

SJR 1918/HJR 7165 – State Constitution

SJR 2680/HJR 7129 – Department of Interior

## Public Comment on Items Not on the Agenda

Jerry Sansom (Organized Fishermen of Florida) thanked the Commission and staff for their successes during the legislative session.

Bonnie Basham stated she attended two of the Becoming an Outdoors Woman retreats and encouraged Commissioners Barco and Kaupe to participate if

they had not already done so. Ms. Basham thanked FWC's law enforcement for their work on the airboat legislation. Ms. Basham requested a range of fees and what the fees would be used for before beginning a fee increase petition. Commissioner Huffman suggested stating the funds would be used to "enhance programs" with no specifics.

Steve Hurst voiced his concern over the Dry Tortugas General Management Plan, and the 46 square miles of no take zones. Chairman Barreto advised Mr. Hurst that the Commission discussed and voted on the General Management Plan at its February meeting. Mr. Hurst felt the fishing industry is under-represented on the issue.

Bishop Wright thanked Bill Cline, Hunter Education Coordinator for the significant positive changes to the hunter safety program. He also thanked the Commission for their work on the imperiled species listing process.

Ted Forsgren stated that not a lot of people think about what goes in the Imperiled Species Listing Process. He complimented the Commission regarding the snook size limit rule decision, and looks forward to working with the Commission on the Dry Tortugas General Management Plan.

#### Commission Exchange

Commissioner Huffman stated the Commission "did the right thing" regarding the imperiled species listings at the previous day's meeting.

Commissioner Barco thanked staff for making the abundance of meeting information easier to make decisions. She attended a law enforcement meeting of 60 officers in Jacksonville regarding strategic planning and offered that information is not being provided to all levels of employees. Commissioner Barco wished Terry Mara many years of retirement.

Commissioner Kaupe acknowledged efforts of the South Region staff for coordination of the meeting.

Commissioner Yablonski thought it was remarkable that the subject of alligators was not mentioned during the two-day meeting. He stated the staff did a great job in handling the media during recent unfortunate alligator encounter events.

Chairman Barreto welcomed Kathleen Hampton as the new Commission Secretary. He asked Kathleen to work to ensure local officials are invited to attend Commission meetings. Chairman Barreto thanked Jackie Fauls and stated she is a "real pro" for the agency regarding Legislative issues. He recognized Sharon Lobello and her staff for the positive change in the Community Relations Office. The Chairman thanked Commissioner Kaupe for the wonderful reception and agency shirts.

Regarding the Imperiled Species Listing Process, Mr. Barreto stated that it was handled very professionally by staff, and it is his belief that when people left the room the majority felt "we did something right." He thanked Mr. Haddad, Ms. Lobello and others who met with Florida's Editorial Board prior to the Commission meeting to "set the tone" for proposed listing actions.

### Adjournment

There will be a special Commission meeting on August 16 in Tampa to discuss Blue Crab rules. The next regular meeting will convene September 13-15, 2006, in St. Petersburg.

There being no further business, Chairman Barreto adjourned the meeting at 5:15 p.m.



Rodney Barreto  
Chairman



Kenneth D. Haddad  
Executive Director

Respectfully submitted:



Commission Secretary