



Florida Fish and Wildlife Conservation Commission

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Commission Meeting
February 6-7, 2008
Panama City

Minutes

A regular meeting of the Florida Fish and Wildlife Conservation Commission (FWC) was held at the Bay Point Marriott Resort, 4200 Marriott Drive, Panama City, Florida, on February 6-7, 2008. The meeting was called to order at 8:30 a.m., by Chairman Rodney Barreto with the following members in attendance:

Ms. Kathy Barco, Jacksonville	Mr. Dwight Stephenson, Delray Beach
Mr. Ronald Bergeron, Ft. Lauderdale	Mr. Kenneth Wright, Winter Park
Mr. Richard Corbett, Tampa	Mr. Brian Yablonski, Tallahassee

Staff:

Mr. Kenneth D. Haddad	Executive Director
Mr. Victor J. Heller	Assistant Executive Director
Mr. James V. Antista	General Counsel
Mr. Gil McRae	Director, Fish and Wildlife Research Institute
Col. 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. Mark S. Robson	Director, Division of Marine Fisheries Management
Mr. Darrell Scovell	Director, Division of Freshwater Fisheries Management
Mr. Chuck Collins	Director, South Region
Mr. Roland Garcia	Director, North Central Region
Mr. Louie Roberson	Director, Northwest Region

236 individuals registered as guests/speakers during the two-day meeting.

Chairman Barreto welcomed the Commissioners, staff, and guests to Panama City.

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

Chairman Barreto congratulated Commissioner Corbett on his recent re-appointment to the Commission by Governor Charlie Crist. Commissioner Corbett's term was renewed for five years ending on January 6, 2013. Commissioner Corbett thanked Commissioners and staff for their support and assistance.

Chairman Barreto announced Vic Heller, Assistant Executive Director of the agency's plan to retire from the agency in June after 30 years of service. Nick Wiley, currently the Director of the Division of Hunting and Game Management will become the Assistant Executive Director upon Mr. Heller's departure.

Special Presentations and Recognition

Mr. Haddad introduced the following FWC employees from the Northwest Region to the Commissioners and the public: Law Enforcement—Officer David Arnette and John Templin; Hunting and Game Management—Andrew Fanning; Habitat and Species Conservation—Wendy Bear and Dan Roberts; Freshwater Fisheries—Rachael Hallman; Office of Information Technology—Sara Dugger; and the Community Relations Office—Patricia Behnke

Adoption of Agenda

Chairman Barreto asked for approval of the December 6-7, 2007 Commission meeting minutes. Upon motion of Commissioner Corbett, seconded and carried, the Commission approved the meeting minutes.

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

Chairman Barreto asked Vic Heller to describe the items listed on the Consent Agenda. Mr. Heller described the six items listed on the Consent Agenda. Upon motion of Commissioner Corbett, seconded and carried, the Commission approved the Consent Agenda.

Executive Director's Report

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

- Update on the Commissioner's request for staff to review the current imperiled species listing process and provide ideas to overcome the polarization created by the process and if there are areas in need of improvement. A team was created and meet twice-a-month chartered with the task of reviewing the current listed species process. Staff proposed presenting their findings at the June 2008 Commission meeting.
- Chairman Barreto directed staff to brief Commissioners Wright, Bergeron and Stephenson regarding the history of the gill net issue in Florida. In addition, during the December 2007 meeting, Commissioner Barco asked staff to do a presentation on the net issue during a public meeting. Mr. Haddad summarized the Commissioners' options: staff could hold a public workshop in conjunction with the June 2008 meeting or add to the issue to the June Commission meeting agenda for discussion. Commissioner Barco requested the issue be added to the June meeting agenda for

discussion and did not feel a public workshop is necessary. The Commissioners agreed to add the gill net issue to the June 2008 meeting agenda.

- Staff is holding discussions with Georgia's Department of Natural Resources (GDNR) regarding the agency's reciprocal agreement that allows residents of Florida, 65 years and older, to hunt and freshwater fish in Georgia without purchasing a license and residents of Georgia, 65 years and older, to hunt and freshwater fish in Florida without purchasing a license. GDNR asked the Commission to consider applying this reciprocal agreement to saltwater fishing. Staff's initial response stated this action would cut approximately \$200,000 in annual agency license revenues. Staff advised GDNR that they would not be willing to recommend this option due to revenue impacts, particularly given the current budget situation. The GDNR replied back to the agency that they were most concerned about losing revenues associated with sales of hunting licenses to Florida residents, 65 and older, who hunt in Georgia. Mr. Haddad suggested to the Commission that staff should continue discussions with GDNR and review the entire reciprocal agreement to identify the most suitable options for Florida and Georgia. Commissioner Corbett asked staff to continue discussions with GDNR and seek advisement from the Chairman. Chairman Barreto agreed with Mr. Haddad and indicated that the agreement should be fair and equitable to both states. The Commissioners agreed.
- Staff is continuing to work with Commissioner Wright regarding innovative funding strategies related to the agency's budget issues, particularly in light of the significant statewide budget trends.
- The Division of Hunting and Game Management's staff is working with Beau Turner, private owner of property outside of Tallahassee in Jefferson County, which he has donated to the agency to build the FWC Beau Turner Youth Conservation Center. The Center will include archery, rifle and shotgun ranges, a fishing pond, and a meeting facility. It is a great asset to educating youth on outdoor sportsmanship. Chairman Barreto recognized Vice Chairman Yablonski for his assistance in working with Mr. Turner in providing this facility for Florida's youth. Commissioner Yablonski thanked Nick Wiley and the Division of Hunting and Game Management's staff for their assistance with this private and public partnership. An onsite demonstration and tour of the facility is scheduled on Wednesday, April 9, 2008, immediately following the day's Commission meeting. Chairman Barreto asked staff to recognize Mr. Turner during the event.

Chairman Barreto introduced Florida House Representative Jimmy Patronis to the meeting. Representative Patronis thanked the Commission for visiting District 6 and discussed the history of his family in the restaurant business dating back to the 1930's. The Patronis family own and operate Captain Anderson's Restaurant in Panama City. Representative Patronis urged the Commission to take into consideration the livelihood of commercial fishermen in the northwest area of Florida when making their decision on the red snapper issue.

Commissioner Yablonski mentioned how the Patronis family has impacted the northwest area of Florida. Chairman Barreto expressed his appreciation to Rep. Patronis for taking time from his busy schedule to attend the Commission meeting in light of the Legislative Committee meetings currently taking place at the same time in Tallahassee.

Chairman Barreto recognized Franklin County Commissioner Cheryl Sanders in attendance.

Public Comment

Alan Rigerman asked if he could meet with a Commissioner or agency staff to discuss captive wildlife regulations. Mr. Haddad said he would meet with him. Additionally, he discussed his appreciation to Mr. Turner and staff for providing the new Beau Turner Youth Conservation Center to Florida's youth.

Final Rules: 2008-09 Wildlife, Alligator, and Wildlife Management Areas (WMAs)

Chairman Barreto asked Mr. Wiley to present the highlighted proposed 2008-09 final rules for wildlife, alligator, and WMAs.

Mr. Wiley described changes in the form of floor amendments to seven rule proposals, which relate to permits for recreational use, Wildlife Management Areas (WMAs), permits for physically disabled hunters, rule definitions, the general gun and light prohibition, and nuisance wildlife. Following is a summary of the proposed floor amendments:

- 1) This floor amendment involves rules pertaining to Blue Water Creek WMA under Commission rules 68A-9.004 and 68A-15.063, F.A.C. Blue Water Creek WMA is owned by a private landowner who has recently notified the agency that this property will be removed from the WMA system following this spring turkey season. For this reason, staff is recommending that all rule provisions pertaining to this property be removed from the Florida Administrative Code. If this recommendation is accepted, the relevant portions of the rule proposal would read as specified in item 1 of the amended rule.
- 2) This floor amendment involves a proposed rule to remove one of the seven qualifications for issuance of mobility-impaired quota permits (permanently required to use assisting aids to walk) under Commission rule 68A-9.008, F.A.C. Although stakeholders originally requested the removal of the qualification related to aids to walk, recent communications with some of these stakeholders indicate there is concern that some mobility-impaired hunters may be excluded from eligibility to receive a permit. For this reason, staff is recommending withdrawal of the portion of the proposed rule that deletes the qualification related to aids to walk. Withdrawing that portion of the proposed rule would continue to allow the qualification and enable further review and coordination with stakeholders. If this recommendation is accepted, the relevant portions of the rule proposal would read as specified in item 2 of the amended rule.
- 3) This floor amendment would establish three more days of general gun hunting in addition to the 6 days initially proposed for Belmore and Four Creeks WMAs. These are new WMAs proposed for establishment with specific regulations under Commission rule 68A-15.062. Recent discussions with the landowner resulted in this opportunity to increase hunting days, but these changes were left out of the advertised rule package. If this recommendation is accepted, the relevant portions of the rule proposal would read as specified in item 3 of the amended rule.
- 4) This floor amendment involves proposed changes to hunting season dates for Thomas Creek WMA under Commission rule 68A-15.062. Recently, the landowner requested that eight of the 16 hunts be shifted from weekend to weekday hunts with no loss in the number of days open for hunting. All hunting seasons would still have at least one weekend hunt. If this recommendation is accepted, the relevant portions of the rule proposal would read as specified in item 4 of the amended rule.
- 5) This floor amendment involves a minor change to the definition of nuisance wildlife in the general definitions rule proposal under Commission rule 68A-1.004. The floor amendment clarifies the language of the proposal by adding a comma. If this recommendation is accepted, the relevant portions of the rule proposal would read as specified in item 5 of the amended rule.
- 6) This floor amendment updates a cross reference contained in the gun and light prohibition under Commission rule 68A-4.002, which references the proposed nuisance wildlife rule. The nuisance wildlife rule is being proposed to be moved; therefore the reference must be updated. If this recommendation is accepted, the relevant portions of the rule proposal would read as specified in item 6 of the amended rule.

- 7) This floor amendment involves two minor changes to the rule proposal relating to nuisance wildlife under Commission rule 68A-9.010. First, the floor amendment clarifies the reference to deer. Second, the floor amendment clarifies that airport personnel may take nuisance wildlife at night with a gun and light, when public safety is at risk. If this recommendation is accepted, the relevant portions of the rule proposal would read as specified in item 7 of the amended rule.

Mr. Wiley presented only the major substantive rule proposals and summaries for rules listed on the agenda. He presented the rules in groups by specific categories and/or areas of Florida and recommended the Commission approve the major proposed rules as advertised with consideration of proposed floor amendments.

Group 1 – Statewide Fish and Wildlife Regulations:

- 68A-1.004, Definitions
- 68A-4.001, General Prohibitions
- 68A-9.010, Taking Nuisance Wildlife (New)
- 68A-11.003, Use of Motorboats on Certain Waters
- 68A-12.002, General Methods of Taking Game; Prohibitions
- 68A-13.003, Hunting Regulations for Ducks, Geese, and Coots

Public Comment

Dr. Jennifer Hobgood (The Humane Society of the United States) discussed the issue of remote hunting and commended the Commission for their involvement in ending this type of hunting; the nuisance wildlife recommendations and commended staff for listening to her organizations' concerns; and the definition of "nuisance" included in the rule and submitted optional language to the Commission for consideration.

David Jones (Florida Disabled Outdoors Association) described the organization's mission and his involvement with the Commission since 1990 regarding American's with Disabilities Act (ADA) issues. He discussed his concerns regarding the mobility impaired certification program. He urged the Commission to approve the floor amendments proposed by staff and remove the original proposal. Chairman Barreto thanked Mr. Jones for his participation and support of the Commission.

Newton Cook (United Waterfowlers of America) discussed his concerns regarding staff's recommendation regarding Lake Iamonia, Lake Miccosukee and Carr Lake regulating small motorboats; hunting white goose; and discussed the success of a youth hunt on Stormwater Treatment Area 5 (STA5).

Alan Rigerman discussed the importance of youth hunts and accessibility for mobility impaired hunters in Florida.

Stephen Williams (United Waterfowlers of America) discussed the motor change on Lake Miccosukee and supported staff's recommendations.

Stephen Demoor (National Wildlife Control Operators Association, Florida Chapter) supported staff's recommendations and thanked North Central Regional Director, Roland Garcia for assisting the public regarding the rule changes and urged the Commission to keep the "open line of communications" with stakeholders regarding rising issues related to the rule changes.

Jay Leonard urged the Commission to eliminate assisted aids as an automatic qualifier in obtaining a mobility impaired permit. He explained there has been a growing problem that has taken over the mobility impaired program including disabled hunters that are technically not mobility impaired. Chairman Barreto

discussed his observation regarding individuals who abuse the mobility impaired hunting process. Mr. Leonard asked the commission to research a re-certification process for the mobility impaired program.

Lane Stephens (Allied Sportsmen's Association of Florida) spoke on behalf of Representatives Baxter Troutman and Senator Carey Baker regarding the Florida Legislator's Sportsmen's Caucus. He discussed their support of the internet hunting ban. Additionally, Allied Sportsman's Association of Florida supported the issue of allowing sportsmen training their deer dog during deer dog training season to poses firearms for their safety and welfare of their dogs.

Jim Casselman (United Hunters of Florida) asked Mr. Wiley to clarify the language related to Rule 12.002 feeding wildlife only when it causes a public nuisance. Mr. Wiley stated the rule will be clarified to specify bear feeding and other species. He thanked the Commission for their involvement in banning internet hunting.

Commission Discussion

Commissioner Barco asked Mr. Wiley about the word, "nuisance" and why another word was not chosen. Mr. Wiley replied that staff was unable to determine an alternative word, yet will continue to work with interested groups to resolve the reference.

Commissioner Barco asked for the total number of mobility impaired permits distributed to the public. Dr. Coyner, Leader of the Public Hunting Areas in the Division of Hunting and Game Management replied that there are a total of approximately 500 mobility impaired permits statewide. Mr. Jones added that 50% of those permits are qualified mobility disabled hunters.

Commissioner Barco asked about the possibility of a re-certification program. Mr. Wiley planned to speak with Mr. Leonard further about his idea.

Commissioner Corbett asked how many hunters are abusing the permit system. Mr. Leonard replied that there are a large number of individuals abusing the system. Mr. Wiley stated the proposal was moved forward due to stakeholder input earlier in the process, which would remove the assisted walking aids as an automatic qualifying criteria for an individual to obtain a mobility impaired permit. In the last several weeks, it became apparent to staff that there was some opposition for this proposal. Therefore, the rule is presented as a floor amendment to propose eliminating the mobility provision in order to work with the mobility impaired community to resolve this issue.

Chairman Barreto stated staff should propose a comprehensive rule to resolve the abuse. Mr. Wiley stated a solution could be presented to the Commission at the June meeting.

Chairman Barreto discussed the issue of outboard motor restrictions on lakes in Leon and Jefferson counties. Mr. Wiley stated staff is recommending motorboats with 10 horsepower on Lakes Miccosukee, Carr and Iamonia.

Chairman Barreto mentioned he received calls from individuals regarding Lake Miccosukee and the duck blinds with squatter rights on private lands. He stated staff is working with the Florida Department of Environmental Protection and will engage stakeholders to present a resolution by the June meeting.

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved Group 1 as advertised with the exception Rules 68A-1.004, 4.002, 9.008, and 9.010 as amended.

Group 2 – Statewide Regulations for Public Hunting Areas and Shooting Ranges:

- 68A-9.004, Permits for Hunting or Other Recreational Use on WMAs
- 68A-15.004 and 68A-17.004, General Regulations Relating to WMAs and Wildlife Environmental Areas (WEAs)
- 68A-15.062, North Central Region WMAs
- 68A-15.063, Northwest Region WMAs
- 68A-15.064 and 68A-17.005 South Region WMAs and WEAs
- 68A-15.065, Northeast Region WMAs
- 68A-31.001, Regulations Relating to Commission Managed Shooting Ranges (New)

Mr. Wiley mentioned only major substantive proposals were covered in his presentation; summaries for all substantive proposals were included in the background documents.

Staff recommended the Commission approve the major proposed rules as advertised.

Public Comment

Al Hammond (National Rifle Association) discussed the rules related to the possession of firearms and supported staff's recommendations. Additionally, he supported staff's recommendation related to shooting ranges.

Newton Cook discussed promoting hog hunting in Florida during small game season in as many WMAs as possible.

Byron Maharrey (Everglades Coordinating Council) discussed his concerns regarding hunters using long-guns, which could be an open invitation for poaching and suggested the use of a side arm instead. He supported the rule proposal prohibiting open containers of alcoholic beverages at shooting ranges.

Commission Discussion

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved Group 2 as advertised with the exception of Rule 68A-9.004 as amended.

Group 3 – Southwest Region Public Hunting Areas:

- Green Swamp WMA
- Deer Management Proposals for Southwest Region WMAs
- Osprey Unit of Hilochee WMA

Staff recommended the Commission approve the major proposed rules as advertised.

Public Comment

Byron Maharrey discussed the three-point deer hunting rule and urged the Commission to remove the proposed WMA rules that do not include three years of deer harvest data and monitoring those WMAs for the next three years. Additionally, he discussed deer doe deer harvest and the importance of taking does only where there is an over population.

Todd Hallman (Florida Sportsmen Conservation Association of Florida-FSCA) thanked the Commission and Bill Cline, Leader of the Hunter Safety and Public Education Section with FWC's Division of Hunting and

Game Management for their assistance in allowing FSCA to participate in youth hunts on private lands. Also he discussed the regulation of alcohol use in the Green Swamp WMA and urged the Commission to allow adults to drink alcohol on camp grounds and expressed his concerns regarding young people violating the rules. He opposed the proposed rule prohibiting the possession or consumption of intoxicating beverages.

Chairman Barreto discussed his concerns regarding alcohol use on WMAs. Mr. Wiley responded that the problem involves adult parties camping overnight and consuming alcohol; creating an environment that is not conducive to a family-oriented recreation. It is not just a problem involving young people. Commissioners discussed the current challenges related to alcohol use on private lands.

Newton Cook discussed changing the migratory bird seasons; allowing the seasons to be opened in the WMAs, thereby opening WMAs to spontaneous dove hunting during dove season, duck during duck season and snipe hunting and getting people onto the WMAs without participating in the quota hunt permit process. He congratulated Mr. Wiley and agency staff for moving in the direction of lengthening migratory bird hunting seasons on WMAs.

Commission Discussion

Commissioner Bergeron discussed the abuse of alcohol by campers on WMAs. Colonel Julie Jones addressed the Commission stating law enforcement is very careful in implementing these regulations. The use of alcohol in Green Swamp WMA is out of control and urged the Commission to approve staff's recommendation. Chairman Barreto suggested approving the rule in Sunset. Col. Jones stated it would take a year to educate the public.

Commissioner Barco agreed with Chairman Barreto and Col. Jones and suggested a two-year Sunset.

Commissioner Wright agreed with Commissioner Barco and Col. Jones and cautioned that after two years, the same violators may return to the WMA.

Chairman Barreto mentioned it is the Southwest Water Management District that has asked the Commission to make a change to the rule. Mr. Antista stated the Commission could add a Sunset provision to part of the rule dealing with alcohol stating it would expire in July 2010, unless it is reenacted.

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved Group 3 as advertised, amended Rule 68A-15.061 adding a two-year Sunset provision dealing with alcohol possession and consumption in the Green Swamp WMA.

Group 4 – North Central Region Public Hunting Areas:

- Osceola WMA
- Deer Management Proposals for North Central Region WMAs
- Belmore WMA
- Four Creeks WMA
- Hatchet Creek WMA
- Thomas Creek WMA
- Log Landing WMA

Staff recommended the Commission approve Rules 68A-15.062 and 68A-17.005 as advertised.

Public Comment

Alan Rigerman discussed his personal experiences as an individual with a disability.

Jim Casselman urged the Commission to consider the WMAs closing to access from one and a half hour after sunset to one and hour before sunrise related to raccoon and frog hunters.

Lane Stephens discussed his concerns regarding the Osceola National Forest and the adoption by rule of restriction of access to a number of roads and ATV trails related to fishermen.

Commission Discussion

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved Group 4 as advertised with the exception of Rule 68A-15.062 as amended.

Commissioner Bergeron thanked Mr. Wiley and staff for the work in coordinating the wildlife rules proposed for 2008-09.

Group 5 – Northwest Region Public Hunting Areas:

- Aucilla WMA
- Tate's Hell WMA
- Escambia River WMA
- Deer Management Proposals for Northwest Region WMAs

Staff recommended the Commission approve Group 5 with the exception of Rule 68A-15.063 as amended.

Public Comment

Allen Anderson (8-Point Hunt Club) discussed converting portions of Escambia River WMA from dog hunting to still hunting.

Dan Collins (8-Point Hunting Club) supported the Escambia River rule and asked the Commission to remove the dog hunting from the wildlife management area north of Highway 184. He mentioned members of his Club experienced a number of problems with dog hunters on his property and since have caught the dogs and thanked law enforcement officers for taking action to correct this problem.

Randy Enfinger urged the Commission to allow a longer hunting season for mobility impaired individuals. He supported the proposed rule changes to Escambia River WMA.

Charles Allen distributed a handout to Commissioners and displayed a poster with a map of his private property surrounding the Aucilla WMA. He asked Commissioners to restrict deer dog hunters in specific areas surrounding his property due to safety reasons. He contacted FWC's law enforcement officers and sent a letter to Mr. Wiley regarding his request and supported staff's recommendation.

Albert Estes, Jr. discussed his concerns regarding Mr. Allen's property and urged the Commission to close the Aucilla WMA area surrounding Mr. Allen's property.

Commissioner Cheryl Sanders (Franklin County Board of Commission) discussed her concerns regarding residents from central Florida hunting in the Franklin County area. Chairman Barreto mentioned that staff is researching dog hunting seasons in all areas of Florida. Additionally, Commissioner Sanders urged the Commission to look into quota hunts for turkey hunting in Tate's Hell. She thanked Col. Jones for assigning Captain Frank Duval to the Franklin County area.

Lane Stephens discussed the Apalachicola WMA and the prohibition of shining deer from midnight to one half hour before sunrise and supported staff's recommendation. Additionally, he discussed the Osceola WMA and dog hunters related to the proposed rule changes, which will assist private land owners in alleviating the safety issues presented earlier by speakers.

Benji Mills discussed the proposed quail management area in Apalachicola and urged the Commission to keep the area open to dog hunting with 10 months of dog hunting training rather than the proposed 2 months. He asked the Commission to add 12 more quail hunting days to the current hunting season in the Apalachicola WMA. Chairman Barreto asked Mr. Wiley to research Mr. Mills' request.

Alan Rigerman provided and discussed several articles regarding hunting.

Commission Discussion

Chairman Barreto asked Mr. Wiley to clarify the quail hunting issues. Mr. Wiley discussed the issue and staff's commitment to manage the habitat with the flexibility to conduct surveys to set a reasonable harvest quota. Staff is researching the conflict with a reduction of deer dog hunting training.

Chairman Barreto asked staff to work on increasing bird habitat and coordinate with Mr. Mills regarding the deer hunting season issue.

Upon motion of Commissioner Barco, seconded and carried, the Commission approved Group 5 as advertised with the exception of Rule 68A-15.063 as amended.

Group 6 – South Region Public Hunting Areas:

- Everglades and Francis S. Taylor, Holey Land, and Rotenberger WMAs
- Deer Management Proposals for South Region WMAs

Staff recommended the Commission approve Rules 68A-15.064 and 68A-17.005 as advertised.

Public Comment

Dione Carroll (Miccosukee Tribe) thanked the Commission for working with members of the Tribe and supported the Everglades proposal.

Todd Hallman supported staff's recommendations regarding J.W. Corbett's safety zones and discussed concerns regarding the use of centerfire rifles south and east of Stumper's Grade.

Commission Discussion

Commissioner Barco asked Mr. Wiley to address the 3-point rule related to the three year harvest data issue. Mr. Wiley clarified that staff worked with stakeholder groups and they expressed concerns regarding the 3-point deer antler restriction. On 19 of the 20 existing WMAs for the 3-point rule, the agency has three years of harvest data, yet on one WMA, the agency does not have data due to a primitive check station. He noted that check stations would not be operated on most of the newly established WMAs due to funding constraints.

Mr. Wiley noted that almost all WMAs where 3-point rules are proposed will have check stations and will be monitored. He indicated that staff will be able to monitor the results from these rule changes sufficiently without check stations on every WMA. He noted that staff can use other methods of collecting information

and can learn enough about the deer harvest from the existing check stations. Also, he indicated that it is not cost effective or necessary to have staffed check stations at every WMA where 3-point rules are implemented.

Commissioner Bergeron discussed the ATV regulations in WMAs and Big Cypress. Mr. Wiley stated staff is working to address the quotas. Commissioner Bergeron asked staff to look into giving camp owners special permission to use ATVs in this area when the water level is too low to use an airboat.

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved Group 6 as advertised.

Group 7 – Northeast Region Public Hunting Areas:

- Deer Management Proposals for Northeast Region WMAs

Staff recommended the Commission approve Rule 68A-15.065 as advertised.

Public Comment

Mark McNichols (United Hunters of Florida) discussed his concerns regarding the proposed wildlife rules, including the 3-point rule for deer hunting and the option to monitor the area for accurate data.

Commission Discussion

Commissioner Wright discussed issues addressed by the public regarding WMAs in Osceola county. He asked if the issue could be deferred to continue working with the public.

Mr. Wiley discussed the 3-point rules related to harvest data and that the data shows success. However, staff will monitor certain areas rather than monitor all areas. Chairman Barreto asked about a “call in” number for monitoring areas of Florida. Mr. Wiley stated staff proposed within the Deer Strategic Plan a harvest monitoring program.

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved Group 7 as advertised with a floor amendment. Additionally, the Commissioners deferred the decision on the three lakes and Bull Creek campground rules to the June 2008 Commission meeting.

Group 8– Alligator Management Regulations:

- 68A-25.032, Alligator Management on Private Lands
- 68A-25.042, Regulations Governing Statewide Alligator Trapping

Staff recommended the Commission approve rules listed in Group 8.

Public Comment

Phil Walters supported staff’s recommendations and mentioned the targeted harvest areas related to nuisance trappers may give the nuisance individuals a lot of discretion for “take.” He proposed offering daylight alligator hunting.

Alan Rigerman thanked the Commission for saving the resource.

Commission Discussion

Commissioner Bergeron asked staff to research daytime alligator hunting. He thanked the public and Mr. Wiley for the work he and staff have devoted to producing the wildlife rules for 2008-09.

Upon motion of Commissioner Stephenson, seconded and carried, the Commission approved Group 8 as advertised.

Draft Rules: 2008-09 Freshwater Fisheries

Darrell Scovell continued with a presentation on the following major proposed rule changes to freshwater fisheries regulations for 2008-09:

- 68A-20.005, Specific Fish Management Area Regulations (FMAs)
- 68A-23.002, General Methods of Taking Freshwater Fish
- 68A-23.003, Commercial Fishing Devices; Provision for Use in Certain Waters
- 68A-23.004, Lawful Methods for Using Trotlines and Bush Hooks or Set Lines
- 68A-23.005, Bag Limits, Length Limits, Open Season: Freshwater Fish

Staff recommended the Commission approve the major proposed rule changes as advertised effective July 1, 2008.

Public Comment

Byron Maharrey supported staff's recommendations.

Commission Discussion

Upon motion of Commissioner Wright, seconded and carried, the Commission approved the proposed freshwater fisheries rules for 2008-09 as advertised.

Commissioner Wright thanked Mr. Scovell and staff for their work and commitment in providing the freshwater fisheries rules for 2008-09.

Chairman Barreto reiterated the dedication and loyalty provided by agency staff.

Draft Rules – Proposed Changes to Grant Programs

Chairman Barreto asked Colonel Julie Jones to present the next agenda item. Col. Jones described the proposed changes to FWC rules related to boating grants. The proposed rule changes pertain to the Florida Administrative Code regarding grant programs administered through the Division of Law Enforcement's Boating and Waterways Section. The rules provide grant opportunities to counties, municipalities, and other governmental entities for boating access and infrastructure, other boating related activities, derelict vessel removal, and boating safety education that is also available to non-profits. Staff published a notice of proposed rulemaking and met with stakeholders throughout Florida for suggested changes that were incorporated in the proposed draft language.

Col. Jones mentioned staff submitted the rules for final public hearing, however, the Florida Department of Management Services did not advertise the rules as requested by staff.

Staff asked the Commission to approve draft Rules 68-1.003 and 68D-16.029, direct staff to advertise the rules, and if there is not a request for a final public hearing, the rules will become affective April 2008. If there is a request for a final public hearing, staff will return at the April 2008 meeting for a final public hearing.

Commission Discussion

Upon motion of Commissioner Wright, seconded and carried, the Commission approved the amendments to Rules 68-1.003 and 68D-16.029 and directed staff to advertise the rules. If there is not a request for a final public hearing, the rules will become affective April 2008. If there is a request for a final public hearing, staff will return at the April 2008 meeting for a final public hearing.

Draft Rule – Non-native Wildlife

Scott Hardin, Leader of the Exotic Species Section in the Division of Habitat and Species Conservation presented proposed draft Rule 68-5.004, Certified Non-native Wildlife Adoption. The proposed rule would establish a procedure and standards for persons adopting non-native animals to help prevent illegal release of non-native fish and wildlife.

Staff conducted several Pet Amnesty Days in Florida in past years, with another event scheduled on February 23, 2008 at the Miami MetroZoo. The event is open to pet owners to donate their exotic species with the hope the pets will later be adopted by qualified candidates.

Staff recommended the Commission approve the proposed rule and direct staff to present the rule for final public hearing at the June Commission meeting.

Public Comment

Alan Rigerman discussed his concerns regarding the pet adoption program.

Commission Discussion

Commissioner Barco asked what the benefit would be for the certified adopter and is staff monitoring the success of the program. Mr. Hardin stated the program has just begun and adequate data is not available at this time regarding the success of the program.

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved the draft rule as presented and directed staff to present the rule for final public hearing at the June Commission meeting.

Quota Hunt Program Assessment

Chairman Barreto asked Dr. Coyner to present a report on the FWC Quota Hunt Program. Dr. Coyner described and gave an update on the following regarding the program:

- history
- current status
- Stakeholder Working Group Recommendations

Staff asked the Commission for guidance and approval to proceed with additional public and working group meetings and return with a final report at the September 2008 Commission meeting along with any proposed rule changes needed to modify the program.

Public Comment

Mike Marshall (Concerned Citizens and Campers) thanked the Commission for allowing him to be a member of the Stakeholder Working Group.

Byron Maharrey thanked staff for allowing him to be part of the Stakeholder Working Group. He discussed the “hunting buddy” program as a benefit to the quota hunt system and supported the Plan.

Alby Isbell (Concerned Citizens and Campers) supported the Plan.

Gina Sauber discussed information she provided in a handout to the Commissioners related to loss of hunting license sales.

Robert Snyder supported staff’s recommendation, except non-transferrable permits. He urged the Commission to keep the current quota hunt transferrable permitting system and suggested the agency send a survey to customers with identification numbers asking them about their concerns about the program.

David Jones supported staff’s recommendations. He discussed the challenge with those who manipulate applying and obtaining permits through false information.

Newton Cook discussed the amount of quota hunt permit holders with 40,000 permits awarded to 4,000 households.

Mark McNichols stated his concerns regarding the quota hunt permit program and the challenge to the public, particularly those individuals who sit and wait at check stations in obtaining permits.

Commission Discussion

Commissioner Yablonski asked about the “no show” permits and what happens to the “other type” of “no show” permits. Dr. Coyner stated this process is the first phase and that the number of quota hunt permits may need to be increased.

Commissioner Barco asked about the mandatory mobility impaired pre-hunt meeting. Mr. Jones stated individuals meet and re-group to obtain an update regarding “no shows” on mobility impaired hunts.

Commissioner Yablonski suggested those in Phase I, conduct a drawing. Chairman Barreto stated on special hunts it could be restricted to a certain time and there may not be enough people and reiterated that there is an opportunity to recycle the “no show” permits, particularly for those individuals who know in advance that they will not be able to use their hunting permit.

Chairman Barreto asked staff to coordinate with Commissioners Bergeron and Stephenson to assist with increasing the attendance of the workshop scheduled in Ft. Lauderdale.

Upon motion of Commissioner Wright, seconded and carried, the Commission approved the Quota Hunt Program Assessment and directed staff to proceed with additional public and working group meetings and return with a final report at the September 2008 Commission meeting along with any proposed rule changes needed to modify the program.

2008-09 Division of Habitat and Species Conservation Work Plan

Chairman Barreto asked Tim Breault to present the 2008-09 Division of Habitat and Species Conservation Work Plan. Mr. Breault described the following elements of the Plan:

- Listing actions for imperiled species, such as Panama City crayfish, bald eagle, and peregrine falcon.
- Gopher tortoise guidelines for donor sites and recipient sites, criteria for gopher tortoise relocation activities, and status report on gopher tortoise management plan.
- Exotic species
- Conservation initiatives

Staff recommended the Commission approve the 2008-09 Division of Habitat and Species Conservation Work Plan.

Public Comment

Derrell Day (Bay County Home Builders Association) stated his concerns regarding specific data available to base decisions on the status of the Panama City crayfish. He urged the Commission to research the data further and present their findings at a future Commission meeting and hold the meeting in Panama City for public input.

Mary Sittman discussed the reasons why the Panama City crayfish became an important issue to the Commission.

Dr. Frasier Bingham (Bingham Environmental) provided background material to Commissioners and discussed his concerns regarding the Panama City crayfish. He urged the Commission not to sign the Candidate Conservation Agreement with Assurances document for the Panama City crayfish.

Gail Harmony (U.S. Fish and Wildlife Service) thanked agency staff for their work on proposed regulations.

Commission Discussion

Upon motion of Commissioner Barco, seconded and carried, the Commission approved the 2008-09 Division of Habitat and Species Conservation Work Plan.

Commissioner Wright discussed the Commission's decision to defer imperiled species issues from future Commission meeting agendas until the criteria is researched further by staff with recommendations presented at a future meeting.

Florida Deer Strategic Plan

Dr. Robert Vanderhoof, Biological Administrator in the Division of Hunting and Game Management presented an update on the Florida Deer Strategic Plan. Dr. Vanderhoof explained the following:

- Purpose of the Plan
- Acknowledged member involvement
- Planning process
- Goals, Objectives and Strategies
- Benefits

Staff recommended the Commission approve the Florida Deer Strategic Plan and authorize staff to begin implementation with the flexibility to address issues as they arise through stakeholder groups for recommendations.

Public Comment

Al Hammond supported the Plan and discussed his concerns regarding the ecosystem and its affects to deer habitat and mentioned the panther would benefit from the increase in white tail deer habitat.

Newton Cook supported the Plan and mentioned the word “panther” should not be included in the report as it is strictly a plan to manage deer in Florida. Additionally, he expressed support, which is included in the Plan.

Lane Stephens supported the Plan and thanked the Commission and staff for considering the Plan a fluid document to continue addressing issues as they arise.

Jim Casselman supported the Plan and thanked the Commission, Mr. Wiley, Dr. Vanderhoof, and staff for offering members to submit their comments for the development of the Plan.

Byron Maharrey supported the Plan.

Joe Hamilton (Quality Deer Management Association) commended the Commission for the development of the Plan. He supported the Plan and mentioned it is a “live and fluid” Plan.

Barbara Jean Powell (Everglades Coordinating Council) submitted the following comment via email for the record:

“The Everglades Coordinating Council has on several occasions voiced the need to include the panther component in the Deer Management Plan. Due to the need to meet the Commission’s February deadline for producing the Plan, however, staff recognized there had not been sufficient time to give the panther issue the attention it needed and still meet the deadline.”

“The Deer Management Stakeholder Group (DMSG) and staff recognized the Deer Management Plan is a fluid document, intended to make the panther component a priority item on upcoming meeting agendas, and will continue to welcome representatives of the Defenders of Wildlife and any other organizations and individuals to appear before the DMSG to contribute valued public input through the established process.”

Commission Discussion

Chairman Barreto asked why the Commission does not have a tagging system. Mr. Wiley stated the program has never been a priority in the past, yet the process is included in the Plan.

Upon motion of Commissioner Bergeron, seconded and carried, the Commission approved the Florida Deer Strategic Plan as presented.

Waterfowl Strategic Plan

Chairman Barreto asked Diane Eggeman, Coordinator, Waterfowl Management Program in the Division of Hunting and Game Management to present a report on the Waterfowl Strategic Plan. Ms. Eggeman described the following outline included in the Plan:

- Background
- Recent highlights: mottled ducks, feral mallards, and habitat
- Process for the development of the Plan
- Major elements of the Plan

Staff recommended the Commission approve the Waterfowl Strategic Plan as presented and authorize staff to begin implementing the Plan.

Public Comment

Newton Cook commended Ms. Eggeman for her work on the Plan and the vast opportunities available to waterfowl hunters.

Commission Discussion

Commissioner Corbett commended Ms. Eggeman on the work devoted to waterfowl and asked what changes she has observed in the last 10 years related to waterfowl. Ms. Eggeman mentioned that there is a dramatic decline in pintails and widgeons in the southeastern U.S.

Commissioner Barco asked where the largest concentration of feral mallards. Ms. Eggeman replied the areas are central and south Florida.

Upon motion of Commissioner Wright, seconded and carried, the Commission approved the Waterfowl Strategic Plan as presented and directed staff to implement the Plan.

South Florida Ecosystem Restoration

Chairman Barreto asked Chuck Collins, Director of the agency's south region to present a report on the South Florida Ecosystem Restoration. Mr. Collins described the following pertaining to the Plan:

- The importance of the Plan and the efforts
- Key conservation issues
- How FWC is addressing these key conservation issues
- Partnering efforts and the role of the Kissimmee-Okeechobee-Everglades-Big Cypress-Coordination-Team
- The south Florida restoration activities
- The Comprehensive Everglades Restoration Plan (CERP)
- Pre-drainage Everglades flows, today's flows, and post CERP flows
- Wildlife Management Areas immediate concern

Staff recommended the Commission approve the South Florida Ecosystem Restoration Plan, specifically the Everglades issues as Commissioners' Area of Emphasis, and ask Commissioner Bergeron, in concert with agency staff, to take the lead on this initiative.

Public Comment

Newton Cook discussed his involvement with several conservation committees and his concerns regarding the restoration of the Everglades.

Commission Discussion

Commissioner Bergeron discussed the importance of the restoration of south Florida's ecosystem and requested a follow up presentation at the June 2008 Commission meeting. He met with a number of agencies and organizations that manage the area and asked these individuals to research projects that would repair irreversible damage to the area. Chairman Barreto asked Commissioner Bergeron to take the Commissioners to the Everglades for a tour of the area during the June Commission meeting.

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved the South Florida Ecosystem Restoration project as presented, adding this project as a Commissioners' Area of Emphasis, and directed staff to work with Commissioner Bergeron to take the lead on this initiative.

Land Acquisitions

Chairman Barreto asked Mr. Scovell to present the Tenoroc-City of Lakeland land exchange proposal. Mr. Scovell described the proposed land exchange, which is an exchange between the City of Lakeland and FWC for 116.1 acres of Commission-owned land in the western portion of the Bridgewater tract of Tenoroc FMA for 116.4 acres of land owned by the City of Lakeland adjacent to and immediately to the east of the Commission-owned parcel. Mr. Scovell also discussed requirements for a land exchange including implications of the requirement for a determination that the state's property is no longer needed for conservation purposes. Staff recommended the Commission approve the land exchange, contingent upon land appraisals that indicate the city land is of equal or greater value to the FWC parcel.

Public Comment

Bill Tinsley (Director of the Parks and Recreation Services for the City of Lakeland) made a presentation with an artist's rendering of the proposed land development and discussed Lakeland's support of the project.

Commission Discussion

Upon motion of Commissioner Wright, seconded and carried, the Commission approved the land exchange, contingent upon land appraisals that indicate the City's land is of equal or greater value to the FWC parcel.

Legislative Issues and Budget Report

Chairman Barreto called for the motion to defer the Legislative Issues and Budget Report to Thursday, February 7.

Upon motion of Commissioner Wright, seconded and carried, the Commission approved deferring the Legislative Issues and Budget Report to Thursday, February 7.

Public Comment on Items Not on the Agenda

Bonnie Basham (Florida Airboat Association) urged the Commission to be aware of the nuisance alligator trappers are using the "mantel" of nuisance trapper in targeted areas to take paying customers to take back alligators. Mr. Wiley replied that when someone calls FWC's dispatch about a nuisance alligator, the agency issues a permit and a trapper is dispatched to take the alligator based on the permit. A system is not in place where in certain areas near boat ramps or swimming areas that trapper has the discretion to patrol the area for potential risk, he has the authority to take the alligator without having to go through the process of obtaining a permit. Chairman Barreto asked staff to research the issue of trappers taking paying

customers with them when they patrol and perhaps take the alligator to profit from the ability to not apply for a permit.

Todd Hallman discussed the quota hunt permit program and reminded Commissioners of their authority regarding WMA regulations and input from Water Management Districts.

Alan Rigerman discussed the importance in restoring the Everglades.

Byron Maharrey stated his concerns regarding alligator trapper problems, ATVs in Holey Land and Rotenberger WMAs, and the quota hunt system.

Dr. Neil Lamb (Bay County Audubon Society) discussed a problem with rail hunting, specifically the high number of bag limits. Chairman Barreto asked Ms. Eggeman to meet with Mr. Lamb and discuss his concerns.

Bob Zales (Panama City Boatman's Association) discussed Islands in the Stream Sanctuary, a proposed sanctuary to from the Keys around Brownsville. The Council for Environmental Quality proposed the creation of this sanctuary by executive order. He urged the Commission to get involved in this proposal. Chairman Barreto asked Mark Robson to research this sanctuary and provide a memo to the Commission regarding the results of his research.

Commission Exchange

Commissioner Bergeron discussed the Big Cypress Preserve and urged the Commission to continue to be involved in the Big Cypress Preserve Management Act.

Recess

Chairman Barreto recessed the meeting at 7:00 pm to reconvene at 8:30 am, Thursday, February 7.

Chairman Barreto reconvened the meeting at 8:30 a.m., Thursday, February 7. He announced Governor Charlie Crist's recent re-appointment of Commissioner Dick Corbett to serve a 5-year term with the Commission.

Chairman Barreto announced the Legislative Issues and Budget Report will be presented later in the afternoon. Upon motion of Commissioner Corbett, seconded and carried, the Commission approved deferring the Legislative Issues and Budget Report to later in the day.

Chairman Barreto announced Vic Heller, Assistant Executive Director's plan to retire from the agency in June 2008. Nick Wiley, currently the Director of the Division of Hunting and Game Management has accepted the position as the Assistant Executive Director and will undertake the position in June.

Special Report

Chairman Barreto introduced Dr. John P. Hayes, Chairman of the Department of Wildlife, Ecology and Conservation (WEC) with the University of Florida. Dr. Hayes presented a report on the fish and wildlife programs and partnerships at the Department of Wildlife, Ecology and Conservation, University of Florida. Dr. Hayes presented a brief overview of ongoing and planned interactions between FWC and WEC and an understanding of potential opportunities for "value-added" potential of future collaborations.

Commissioner Corbett thanked Dr. Hayes for presenting his report on the work WEC is producing.

Chairman Barreto announced a number of elected officials were in attendance and invited them to speak before the Commission. The following officials spoke before the Commission regarding the red snapper issue listed on the meeting agenda:

Commissioner Mike Nelson (Bay County Commission) read a letter for the record from the Bay County Commission regarding the red snapper season and the loss in revenue to businesses such as restaurants, fishing charter boats, and hotel/motels due to the reduction in the fishing season.

Councilman Jack Boen, (City of Mexico Beach Council and the Tourist Board) discussed his concerns regarding the loss in revenue to businesses in the area due to the potential reduction of the red snapper fishing season.

Florida House Representative Marti Coley thanked the Commission for holding the Commission meeting in Bay County; allowing individuals who will be impacted the most by the proposed red snapper issue to speak before the Commission. She urged the Commission to consider those affected by the Commission's red snapper decision.

Commissioner Bill Williams (Gulf County Commission) stated the communities' livelihood depends on the Commission's decision regarding the red snapper issue.

Mayor Pro-tem Bob Ginsberg (City of Mexico Beach) stated all of the small towns in the Panhandle of Florida will be affected by their decision on red snapper fishing season.

Councilman Ken Nelson (Panama City Beach Council) discussed his concerns regarding how the proposed reduction of the red snapper fishing season will affect the fishing and tourism industry.

Councilman Kelly Windes (City of Destin Council and President of Destin's Fishing Fleet, Inc.) read a letter for the record stating his concerns regarding the proposed reduction of the red snapper fishing season.

Councilman Dewey Destin (City of Destin Council) proposed an aggregate bag limit.

Dale Perkins (Emerald Coast Utilities Authority in Pensacola-Escambia County) thanked the Commission for allowing individuals to speak before the Commission. He discussed his concerns regarding the scientific data from the National Marine Fisheries Industry is “fatally flawed.” He urged the Commission to defer their decision until an independent analysis is conducted.

Florida House Representative Greg Evers urged the Commission to look into alternatives for red snapper’s bag limit, size and the fishing season.

Mayor Craig Barker (City of Destin) submitted into record a resolution from the James Campbell, Chairman of the Okaloosa County Commission supporting red snapper fishermen, read into the record a letter from the City Council regarding the red snapper issues, and submitted a letter from Senator Don Gaetz and Congressman Jeff Miller in support of this measure.

Chairman Barreto introduced Pam Dana and thanked her for attending the meeting.

Public Comment

Chairman Barreto asked Bob Zales with the Panama City Boatman’s Association to speak to the Commissioners regarding the red snapper issue. Mr. Zales discussed how long he has worked in the fishing industry and thanked the Commission, agency staff, and Florida House Representative Jimmy Patronis for their support regarding fishery issues. He discussed the scientific data provided to the Federal Fisheries, the six-month fishing season, and urged the Commission to work with the fisheries industry regarding the red snapper fishing season issue. He urged the Commission to keep the red snapper fishing season as it is currently, April 15 – October 31.

Commissioner Yablonski thanked Mr. Zales for his involvement with the Commission. He asked Mr. Zales about the increase in fuel cost, insurance, and other economic impacts that have affected the attrition of fishermen. Mr. Zales stated the fishing industry has suffered for a number of reasons, including economic impacts. Chairman Barreto thanked Mr. Zales.

Final Rules – Red Snapper

Chairman Barreto asked William Teehan, Leader of the Marine Fisheries Management Section in the Division of Marine Fisheries Management to present the final rules for red snapper. Mr. Teehan presented the following proposed rules:

- 68B-14.0035, Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, and Snapper. This rule would be amended to reduce the minimum size of red snapper harvested commercially from the Gulf of Mexico from 15 inches to 13 inches total length (TL).
- 68B-14.00355, Size Limits for Importation and Sale. This rule would be amended to reduce the minimum size of imported red snapper from 15 inches to 13 inches (TL).
- 68B-14.0036, Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Tilefish, Exception, and Wholesale/Retail Purchase Exemption. This rule would be amended to reduce the recreational red snapper bag limit in the Gulf of Mexico from 4-fish to 2-fish per person per day and establish a zero daily bag possession limit of red snapper for captains and crew on for-hire vessels in the Gulf of Mexico.
- 68B-14.0038, Recreational Red Snapper Season. This rule would be amended to change the recreational fishing season for red snapper in the Gulf of Mexico from: April 15-October 31 to June 1-September 30.

- 68B-14.0045, Commercial Harvest Requirements; Licenses, Season Closures, Bag and Trip Limits. This rule would be amended to reduce the commercial bag and trip limit of red snapper in Gulf state waters from 4-fish to 2-fish per day; and clarifies commercial licensing requirements for Gulf reef fish harvest, including recent federal licensing changes for red snapper.
- 68B-14.005, Regulation and Prohibition of Certain Harvesting Gear: Allowable Gear, Incidental Bycatch, Violation. This rule would be amended for the Gulf reef fish fishery to allow only non-stainless steel circle hooks to be used to harvest any reef fish species specified in subsection 68B-14.001(2), when using natural baits. Additionally, the venting tool and a de-hooking device must be present onboard vessels when fishing for any reef fish species and used to deflate swim bladders and remove embedded hooks when releasing any reef fish species specified in subsection 68B-14.001(2).

The following floor amendments were presented:

- Rule 68B-14.005, Regulation and Prohibition of Certain Harvesting Gear: Allowable Gear, Incidental Bycatch, Violation. This rule would be amended for the Gulf reef fish fishery to add a definition of circle hooks to be used to harvest any reef fish species specified in subsection 68B-14.001(2) when using natural baits. In addition, the effective date for these gear provisions would be changed to June 1, 2008.
- Rule 68B-14.0036, Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Tilefish, Exception, and Wholesale/Retail Purchase Exemption. The draft rule language submitted to the Florida Administrative Weekly did not specify that the zero bag limits of red snapper for captain and crew of for-hire vessels apply only to vessels in the Gulf of Mexico. This would be clarified by amending this rule to add the words “in the Gulf of Mexico.”

Staff recommended the Commission adopt rule language as amended that would make Florida red snapper regulations in the Gulf of Mexico consistent with the an effective date of April 1, 2008, except for the reef fish gear requirements which would go into effect June 1, 2008. Staff evaluated the rules under the standards of Rule 68B-1.004 and found them to be in compliance.

Public Comment

The following speakers discussed their concerns regarding the economic impact to the fishing and tourism industry affected by the red snapper regulations issue and did not support staff’s recommendations:

Carol Roberts (Bay County Chamber of Commerce); Dan Rowe (Panama City Beach Club); Charlie Parocki (Panama City Boatmen’s Association); Jimmy Mosconis (Bay City Lodge); Stephen Rash (Water Street Seafood); David Krebs (Ariel Seafood); Captain Chuck Gilbert; Denny Honer; Tobin Berry; Ed Lively (Lively’s Gulf Charters); Jim Chapman (A-1 Charters); John Law (Captain Law Charters); Henry Hunt; George Eller, Scott Robson, Brad Biggers, Kelly Collins, Captain Mike Graef, Captain Douglas Dietz, Allen Staples, and Captain Mike Eller (Destin Charter Boat Association); William Davis; Mark Kelly (Charter Kelley Girl/Lady Kelley); Donald Waters; Pam Anderson (Captain Anderson’s Marina); David Jones; Captain Paul Evans; Nick Van Meter (Pensacola Recreational Fishing Association); Scott Martin, Tony Blanton, Captain Paul Redman, Joe Zwierzchowski, and Johnathan Johnson (Reef Fish Restoration Association); Candy Hansard (Emerald Coast Reef Association); Captain Danny Tankersley; Mick Parker; Captain Walter Atkins; Tom Putnam (Half Hitch Tackle); Jim Roberson (International Game and Fish Association); Captain Glen Miller; Jim Wilson (WMBB/TV, Jim Wilson’s Florida Outdoor Adventures); Jeff Spooneybarger; Stuart Brown; Bill Coursen and Doc Elg (Pensacola Recreational Fishermen’s Association); Steward Realm; and Brant Kelly.

Paul Johnson (Florida Coastal & Oceans Coalition) supported staff’s recommendation.

Chris Dorsett (National Ocean Conservancy) supported staff's recommendations and urged the Commission to put a solution together for a long standing problem.

Bob Gill (Gulf of Mexico Fishery Management Council) supported staff's recommendations.

Ted Forsgren (Coastal Conservation Association) provided the Commissioners a letter for the record stated their support of staff's recommendations regarding red snapper.

Commission Discussion

Commissioner Wright asked Mr. Teehan to clarify the graph related to the economic impacts of directed trips and asked where the data is listed for the allowable number of red snapper. Mr. Teehan stated there is only a certain amount of legal size fish available to catch.

Chairman Barreto asked staff to be prepared to discuss the issue of incorrect red snapper data, including a possible red snapper stamp fee as a means of collecting better harvest data, increasing efforts to provide habitat through artificial reefs, and ways to adjust the calendar dates for closing the recreational season.

Commissioner Yablonski read the Commission's mission statement related to red snapper fisheries, natural attrition with the fishing effort as a result of the economic arrest and that the federal government did not take the current economic status into consideration at the time. He suggested the Commission conduct an independent study researching the data provided by the federal government and work on enhancing the fisheries' habitat. He felt the bag limit could be lowered from 4 to 2 fish but keep the season the same. Commissioner Yablonski suggested the adoption of staff's recommendations with the floor amendments, plus an additional floor amendment to leave the red snapper fishing season as it is currently, April 15 – October 31.

Upon motion of Commissioner Yablonski, seconded and carried, the Commissioners approved the staff recommendations with the floor amendments, with an additional floor amendment to withdraw the proposed change to the red snapper fishing season as advertised under Rule 68B-14.0038.

Under discussion, Commissioner Wright discussed the Commission's decision related to the affects of their decision on the fishing communities. He suggested staff return in a year with an assessment of the Commission's decision regarding red snapper.

Commissioner Barco questioned Mr. Teehan about whether artificial reef data was left out of assessments, as mentioned in public comments, and what was the actual SPR value since she had heard several different values mentioned. Mr. Teehan responded that data collected from artificial reefs was included, and that the SPR value of 1.5 was Gulf-wide, with a higher value, about 3.2 in the eastern Gulf.

Commissioner Corbett asked staff what positive steps can be taken to evaluate the methodology of obtaining fisheries data. Gil McRae, Director of the Fish and Wildlife Research Institute (FWRI), discussed the Marine Recreational Fisheries Survey (MRFS) issues with the National Research Council Report that National Marine Fisheries Service commissioned and found some pretty serious issues in need of fixing with MRFS. There is an effort to re-design MRFS and making it the survey that will help Florida and the nation. This process will take time, therefore, FWC is currently working to improve data collection rather than wait.

Chairman Barreto asked Mark Robson to discuss the current status of habitat restoration and opportunities available regarding derelict vessels for the creation of artificial reefs. Mr. Robson discussed the artificial reef program funding capabilities. Staff will work with Escambia and Bay counties to create new artificial

reefs. In reference to derelict vessels, Mr. Haddad mentioned there is a destroyer available at a value of \$2.5 million for local governments to raise funds and partner with the Commission.

Chairman Barreto addressed the public regarding how many individuals would be in favor of a \$5.00 red snapper stamp fee as an opportunity to raise funds for the fisheries. The public raised their hands in agreement.

Commissioners Bergeron and Stephenson thanked the public and staff for their comments and the time they devoted to the day's meeting regarding the red snapper issue.

Commissioner Barco stated the Commission has questioned the federal data stated there appears to be enough fish available. Also, she asked staff to be careful how the "circle hook" is described in the rule language.

Chairman Barreto proposed deferring the following agenda items to a future Commission meeting:

- Boating and Waterways Section, Division of Law Enforcement
- Division of Law Enforcement's Training Section and Academy
- South Atlantic Fishery Management Council
- Gulf of Mexico Fishery Management Council
- Vision Document for the Future of Florida's Freshwater Fisheries
- New Commissioners' Areas of Emphasis for 2008
- Legislative Issues and Budget Report

Upon motion of Commissioner Yablonski, seconded and carried, the Commission approved amending the agenda and approved providing the Executive Director, in consultation with the Chairman, the flexibility to work on legislative issues.

Chairman Barreto urged the Commissioners to work with the legislative staff with respect to participating in Legislative Committee meetings. Commissioner Yablonski encouraged Commissioners to meet the Senator and members of the Ethics Committee.

Striped Mullet

Chairman Barreto asked Mr. Teehan to present the striped mullet report. Mr. Teehan presented the following regarding striped mullet:

- Life History
- Recreational and commercial regulations
- The fishery
- 2005 stock assessment
- Rule modification options
 - Option 1: Remove weekend closure July – September; reduce weekend closure to one day October – January
 - Option 2: Reduce weekend closure to one day July – January
 - Option 3: Remove weekend closure entirely
 - Option 4: Move offshore restriction from 3 to 5 miles
 - Option 5: Remove 3 mile offshore restriction
- Workshop dates and locations

Staff recommended the Commission direct staff to proceed with scheduled workshops and present the results of the workshops with draft rules at the April Commission meeting, and present final public hearing at the June Commission meeting.

Public Comment

Janie Thomas (Shrimp Producers Association of the Northeast Coast) provided the Commissioners a letter from the members of the Association including their support of Option 3. Additionally, Ms. Thomas discussed the water challenges involving St. Johns Water Management District vs. Duval Legislation, and the Shrimp Producers Association.

Mike Baker (Port Salerno Commercial Fishing Dock Authority) thanked the Commission for their decision on the red snapper rules and supported Option 3.

Edward Olsen (Florida Fishermen's Association) supported Option 3 and offered to assist with any workshops related to the net issue.

David Grix (Fishing for Freedom) supported Option 3 and mentioned the graph presented by staff related to mullet SPR does not reflect an increase in mullet due to the declining prices for mullet roe. He provided Commissioners with CDs of courtroom video regarding the net issue. Also, he discussed his concerns regarding the Commission's current due process procedure.

Clark Nichols supported Option 3 and discussed his concerns regarding gear regulations.

Keith Ward opposed weekend closures.

J. D. Kilgore provided a handout to the Commissioners for the record regarding using experimental gear.

Ronnie Day supported Option 3 and 5.

Ronald Crum (Fishing for Freedom) provided the Commissioners a packet of information regarding his concerns related to his shopping center offering a solution to the mullet issue.

Ted Forsgren provided Commissioners CCA's comments on the mullet issue. He urged the Commission to remove Options 4 and 5 from staff's recommendations and wait for the next stock assessment.

Richard Van Munster supported Option 3 and discussed his concerns regarding the net issue.

Commission Discussion

Commissioner Barco stated she discussed the weekend closure issue with fishermen in the northern area of Florida and discovered it is a weather driven industry. When the SPR is met, there needs to be some relief for the fishery.

Chairman Barreto supported opening weekend closures.

Upon motion of Commissioner Bergeron, seconded and carried, the Commission approved staff's recommendations, directed staff to continue with public workshop, provide a draft rule at the April Commission meeting, and a final public hearing at the June meeting.

Gag Grouper, Red Grouper, Vermilion Snapper Management

Mr. Robson presented a report on the management alternatives for South Atlantic gag grouper and vermilion snapper, and Gulf of Mexico gag red groupers. The alternatives are being considered by the South Atlantic Fishery Management Council (SAFMC) and the Gulf of Mexico Fishery Management Council (GMFMC). The Gulf Council met January 28-31, 2008, and is developing more specific alternatives for gag and red grouper to be presented to the public at a final hearing in March 2008. Staff is working on the Council's recommended approaches and include in a document for public comment.

Mr. Teehan continued with a report on the Gulf of Mexico gag grouper and red grouper management alternatives from GMFMC scheduled for public hearing in March 2008, and finalized by the Council in April 2008. Staff requested direction from Commissioners regarding alternatives for the reef fish permitted vessels.

Commissioner Barco asked how the federally permitted reef fish vessels would be affected when the agency closed the season. Mr. Teehan stated it is an issue; federally permitted for-hire vessels would be required to abide by the more stringent regulations whether in state or federal waters.

Public Comment

Ted Forsgren provided the Commissioners a document including CCA's comments regarding the proposed alternatives from SAFMC and GMFMC.

Bob Zales discussed the three month closure, the three fish aggregate, federally permitted reef fish vessels, and the allocation alternatives for vermilion snapper.

Bob Spaeth (Reef Fish Restoration Association) urged the Commission to further research stock assessments for gag grouper.

Dennis O'Hern (Fishing Rights Alliance) discussed the gag stock assessments. He urged FWRI to expedite scientific measures for data by March 15.

Stephen Rash commented on the alternatives.

Commission Discussion

Chairman Barreto recommended Commissioner Barco represent the Commission, working with staff, to come up with reasonable alternatives related to SAFMC and GMFMC. The Commissioners agreed with Chairman Barreto's recommendation.

Fisheries Disaster Relief

Mr. Robson presented a review and discussion of the Magnuson-Stevens Fishery Conservation and Management Act guidelines for fisheries disaster relief. Potential proposals for consideration include the Florida commercial shark fishery and commercial fisheries of Apalachicola. Staff recommended that the Commission encourage the Governor's Office to support the Federal Fisheries Disaster Relief request from the shark fishery; however, there are concerns regarding program administration and whether FWC is equipped to handle them on behalf of federal grantors. Mr. Robson recommended Commissioners direct staff to request that the Governor's Office submit the request to the shark fishery to the Florida Department of Commerce.

Public Comment

Bob Zales supported staff's recommendations and discussed the work he completed regarding disaster relief for charter boats.

Stephen Rash discussed his concerns regarding the disaster relief funds available related to the shark industry.

Bob Spaeth discussed his idea to obtain matching funds from Louisiana and the administration of disaster relief funds.

Dennis O'Hern urged the Commission to take the first step in administering the disaster relief funds.

Commission Discussion

Upon motion of Commissioner Barco, seconded and carried, the Commission approved the Federal Disaster Relief Program under the conditions recommended by staff. Upon motion of Commissioner Barco, seconded and carried, the Commission approved staff's recommendation.

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved the specific federal fisheries disaster relief request from commercial shark fisheries within the limitations referenced by staff.

Public Comment on Items Not on the Agenda

L. D. Henderson discussed a problem in the Pensacola area regarding crabbers moving into the area with 1,500 traps per vessel; they are congregating and monopolizing the entire bay area. He urged the Commission to look into this issue. Chairman Barreto asked Mr. Henderson to meet with Col. Jones regarding his concerns. Additionally, Mr. Henderson discussed missing oyster regulations. Chairman Barreto asked Mr. Henderson to meet with Mr. Robson regarding his concerns. Also, he discussed the "sucker law," which is a way of getting rid of predatory, non-game fish and requested the law be included in the Escambia and Santa Rosa counties.

Patrick Green thanked the Commission for their decision on red snapper.

Janie Thomas discussed Rule 68B-48.004 (2) (b) regarding commercial incidental take of flounder. She discussed concerns regarding fishermen releasing flounder if it is more than 50 pounds. She urged the Commission to consider managing fishermen by trips, not daily regulations with a reasonable limit. Chairman Barreto asked Mr. Robson to meet with Ms. Thomas regarding her issue.

Mike Ellers thanked the Commissioners for their decision on the fishing season for red snapper.

Commission Exchange

Commissioner Barco discussed her concerns regarding the Council's action related to federally permitted reef fish vessels and that this issue is out of their jurisdiction. She congratulated Commissioner Corbett for his re-appointment.

Commissioner Stephenson congratulated Commissioner Corbett and thanked staff.

Vice Chairman Yablonski thanked Mr. Roberson for his support in assistance, the Patronis family for the dinner at Captain Anderson's, and he is on the Tax and Budget Commission and mentioned an amendment is on the ballot for conservation lands as a tax relief for private land owners.

Commissioner Bergeron congratulated Commissioner Corbett on his re-appointment and thanked Chairman Barreto, staff and the public for a successful meeting. Additionally, he thanked the Commission for appointing him the Everglades project.

Commissioner Wright thanked Mr. Roberson, agency staff, and the public for their support; and Chairman Barreto for keeping the meeting on task.

Commissioner Corbett thanked Chairman Barreto for a successful meeting. Additionally, he thanked Vice Chairman Yablonski for his work involved in getting the tax relief bill on the ballot.

Chairman Barreto thanked the Commission for their support and assistance, Vice Chairman Yablonski for the tax relief bill for private land owners, commended the Commission for providing the vote regarding red snapper to the people in the right location as the decision affecting the fishermen and industry in the Panhandle area. Additionally, he thanked staff and congratulated Commissioner Corbett.

Adjournment

Chairman Barreto adjourned the meeting at 5:40 pm.

Rodney Barreto
Chairman

Kenneth D. Haddad
Executive Director

Respectfully submitted:

Commission Secretary