



Florida Fish and Wildlife Conservation Commission

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Commission Meeting
April 9-10, 2008
Tallahassee

Minutes

A regular meeting of the Florida Fish and Wildlife Conservation Commission (FWC) was held April 9-10, 2008 at the Ramada Inn, located at 2900 North Monroe Street, Tallahassee, Florida. Commissioner Dwight Stephenson was absent on April 9, due to a conflict in his schedule. 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
Ms. Sandra Wilson	Director, Finance and Budget Office
Ms. Jackie Fauls	Director, Legislative Affairs Office
Ms. Jerrie Lindsey	Director, Office of Recreation Services
Mr. Roland Garcia	Director, North Central Region
Mr. Louie Roberson	Director, Northwest Region
Mr. Greg Holder	Director, Southwest Region

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

Chairman Barreto welcomed the Commissioners, staff, and guests to Tallahassee and announced Commissioner Stephenson's absence due to an unexpected business meeting. However, he planned to attend on Thursday, April 10.

Nick Wiley gave the invocation. Commissioner Corbett led the assembly in the Pledge of Allegiance to the Flag.

Special Presentations and Recognition

Chairman Barreto asked Lieutenant Colonel Michael Wiwi to introduce Lieutenant Colonel Don Holway and his wife, Sally. The Commission recognized Lt. Col. Holway for his 32 years and seven months of service to the FWC Division of Law Enforcement. Lt. Col. Wiwi described Lt. Col. Holway's career with the agency and presented the FWC retirement plaque to Lt. Col. Holway. Lt. Col. Holway thanked the Commissioners for allowing him to pursue his lifelong goal as an FWC law enforcement officer.

Nick Wiley introduced Tommy Hines and his wife, Gingie. The Commission recognized Mr. Hines for his 22 years of service and recent retirement from the FWC Division of Hunting and Game Management. Mr. Wiley described Mr. Hines' career with the agency and presented the FWC retirement plaque to Mr. Hines. Mr. Hines thanked Commissioners and stated he has always held a passion and interest in wildlife.

Chairman Barreto asked Jerrie Lindsey, Director of the Office of Recreation Services to introduce David Moynahan, photographer and artist. Ms. Lindsey described Mr. Moynahan's work while a video of photographs were displayed. Ms. Lindsey presented a plaque recognizing his talent and artistic achievements. Dr. Moynahan thanked his wife, Lindsey, and the Commission and his work assists him in educating the public to preserve our wildlife.

Darrell Scovell introduced and recognized Chris Horton, Director of Conservation for Bass Anglers Sportsman Society – *ESPN* (BASS) for their support of the Florida Bass Conservation Center (Center). Mr. Scovell discussed how BASS creates interest in fishing nationwide. Mr. Horton presented a check for \$20,000 from BASS to the Commission for the Center. Mr. Horton discussed how the funds were raised and how the Center aligns with the same goals and mission as BASS and presented a banner to the Commission with the signatures of all of the professional anglers who donated to the Center. Mr. Scovell presented a certificate of appreciation to Mr. Horton and BASS for their support and assistance in raising funds for the Center. Chairman Barreto asked Mr. Scovell to hang the banner at the Center and to follow up with BASS to ensure they are aware of the Center's value to the State of Florida in providing black bass or other freshwater fisheries research. Chairman Barreto also offered the agency's assistance in co-sponsoring BASS-*ESPN* events.

Commissioner Bergeron congratulated individuals recognized during the morning's meeting for their devotion to conservation and preservation.

Chairman Barreto asked Vic Heller to present members of the FWC Permitting Team. Mr. Heller explained the purpose and successes of the Team.

Vic Heller introduced and recognized the following members of the FWC Permitting Team:

Dr. Elsa Haubold, Division of Habitat and Species Conservation, Section Leader Species Conservation Planning, Team Leader

Team Facilitators:

Lisa Robertson, Office of Strategy and Planning, Planner (Tallahassee)

Susan Wilkes, Division of Habitat and Species Conservation, Process Coordinator (Tallahassee)

Team Members:

Jason Burton, Division of Hunting and Game Management, Regional Public Area Hunting Biologist (Brookville)
Scott Calleson, Division of Habitat and Species Conservation, Manatee Program Rules and Permitting Coordinator (Tallahassee)
Tom Champeau, Division of Freshwater Fisheries, Southwest Regional Fisheries Administrator (Lakeland)
Don Fox, Division of Habitat and Species Conservation, South Florida Aquatic Resources Administrator (Okeechobee)
Dr. Brad Gruver, Division of Habitat and Species Conservation, Listed Species Coordinator (Tallahassee)
Captain Linda Harrison, Division of Law Enforcement, Captive Wildlife Program Coordinator (Tallahassee)
Tom Matthews, Office of Recreation Services, Recreation Planner (Ocala)
John McCaffrey, Office of Information Technology, SharePoint Administrator (Tallahassee)
Rick McCann, Division of Habitat and Species Conservation, Permit Biologist Species Conservation Planning (Tallahassee)
Kyle Miller, Division of Marine Fisheries Management, Environmental specialist responsible for issuing Special Activity Licenses for the collection of marine organisms (Tallahassee)
Jenny Novak-Tinnell, Division of Habitat and Species Conservation, Exotic Species Section Permit Coordinator (Tallahassee)
Major Dave Pridgen, Division of Law Enforcement, Regional Commander for Northwest Region (Panama City)
Paul Schulz, Division of Hunting and Game Management, Section Leader Game Species Management (Tallahassee)
Dr. Robbin Trindell, Division of Habitat and Species Conservation, Marine Turtle Conservation Program Administrator (Tallahassee)
Susan Weaver, Office of Licensing and Permitting, Licensing and Permitting Section Leader (Tallahassee)
Angela Williams, Division of Habitat and Species Conservation, Listed Species Permit Coordinator in the Species Conservation Planning Section (Tallahassee)
Captain John West, Division of Law Enforcement, Captive Wildlife Program Coordinator (Tallahassee)

Commissioner Wright stated the public recognizes and commented to him on the high level of customer service provided by FWC staff.

Adoption of Agenda

Chairman Barreto asked for approval of the February 6-7, 2008 Commission meeting minutes. Upon motion of Vice Chairman Yablonski, seconded and carried, the Commission approved the meeting minutes.

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

Public Comment

Manley Fuller, Executive Director of the Florida Wildlife Federation (FWF) mentioned how valuable Mr. Hines was to the agency and urged the Commission to consider consulting with Mr. Hines on future special

agency projects. He recognized Vice Chairman Yablonski for his work on the Taxation and Budget Revision Commission along with Preston Robertson of FWF, specifically FWF proposed easement amendments. He mentioned a series of workshops scheduled for the month of April regarding the recreation plan for the Comprehensive Everglades Restoration Project (CERP) to sustain the appropriate public recreation on this land. Additionally, he complimented the Commission for their involvement with the commercial exploitation of freshwater turtles in the Asian market. He discussed a cautionary note regarding the danger of introducing a nonnative species, such as barramundi to Florida waters. Mr. Fuller discussed FWF's concerns and involvement with the challenge of the increased population of Burmese pythons and iguanas in south Florida.

Chairman Barreto discussed the challenge the citizens of south Florida are facing with the increase in the iguana population. Mr. Fuller stressed the importance of public education related to nonnative species and animal control.

Commissioner Yablonski thanked FWF for their assistance with the Taxation and Budget Revision Commission during 2008 Legislative Session. Mr. Fuller stated he looked forward to continuing to work with the Commission on the easement amendment when, and if, it passes in November 2008.

Commissioner Bergeron asked Mr. Fuller to discuss the status of the CERP project with Chuck Collins, Director of the agency's South Region.

Executive Director's Report

Chairman Barreto asked Mr. Haddad to present the Executive Director's Report. Mr. Haddad announced Nick Wiley, currently the Director of the Division of Hunting and Game Management, would assume the position of Assistant Executive Director of the agency on July 1, 2008. Diane Eggeman, currently the Coordinator of the Waterfowl Management Programs in the Division of Hunting and Game Management, will assume Mr. Wiley's position as the Director of the Division of Hunting and Game Management on July 1, 2008

Mr. Haddad announced the agency's involvement in Florida's Wildlife: On the Frontline of Climate Change scheduled August 20-22, 2008 at the Rosen Plaza in Orlando.

Mr. Haddad asked Mr. Breault to present a report on the status of the freshwater turtle harvest. Mr. Breault discussed stakeholder and staff concerns over freshwater turtle harvests. Citizens have reported large turtle harvests from freshwater lakes, which are legal under the current regulations. The Commission received reports showing an increased demand for turtles in the United States and international markets. Much of the harvest may be bound for international markets as meat, but turtles are becoming more popular as pets. They are currently the most popular reptile pets, with a 44% increase in turtle ownership over the last two years. Other southeastern states have recently enacted stricter regulations after an undercover operation showed that an organized criminal network was exploiting their turtle resource. Some turtle experts have recommended closing the turtle harvest in Florida to prevent overharvest. An agency Issue Team was formed to consider the issue of non-game harvest, focusing on amphibians and reptiles. The Team will develop a strategic plan for non-game harvest, considering the current harvest pressures, mechanisms for monitoring take, scientific data on the species, stakeholder concerns and expert opinion. Staff is scheduled to draft regulations for presentation at the June 2008 Commission meeting.

Public Comment

Dr. Jennifer Hobgood (Humane Society of the United States) urged the Commission to address the source of the increase in the iguana population stating the majority are released by pet owners. She discussed the current turtle harvest regulations and urged the Commission to pass an emergency rule to ban the harvest of the freshwater turtles from public and private waters of Florida.

Dr. Matt Aresco (Nokuse Plantation) urged the Commission to take action to end the commercial harvest of freshwater turtles in Florida and supported staff's recommendation. He discussed his involvement and research on freshwater turtles and his concerns regarding the recent illegal harvesting of turtles.

Dr. Dale Jackson (Florida Natural Areas Inventory) urged the Commission to take steps to look into the issue of freshwater turtle harvesting in Florida. He suggested and described options to save freshwater turtles from commercial harvesting and offered support of the proposed purchase of the Lafayette Timberlands mitigation property.

Commission Discussion

Upon motion of Commissioner Wright, seconded and carried, the Commission directed staff to move forward and present a draft rule at the June 2008 Commission meeting following by a final public hearing at the September 2008 meeting.

Bald Eagle Management Plan

Chairman Barreto introduced Robin Boughton, Avian Coordinator in the Division of Habitat and Species Conservation and asked her to present the Bald Eagle Management Plan and proposed rules. Mr. Boughton presented an overview of the management plan with an explanation of the conservation goal, measurable objectives, conservation actions, draft rules, proposed permitting system, implementation strategy, and economic impact. A conceptual approval of a draft of the management plan and proposed rules was presented to Commissioners at the September 2007 meeting. The Management Plan's goal is to maintain a stable or increasing population of bald eagles throughout Florida in perpetuity. To achieve this goal, bald eagles and their nests must continue to be protected through science-based management, regulation, public education, and law enforcement.

The bald eagle was de-listed from the federal endangered and threatened species list by the United States Fish and Wildlife Service in August 2007.

Ms. Boughton described the following proposed rules:

- 68A-27.004 – remove the bald eagle from the list of threatened species
- 68A-16.002 – adopt a new rule to protect bald eagles

Staff recommended the Commission approve the Bald Eagle Management Plan with noted changes and Rules 68A-27.004 and 68A-16.002 as advertised.

Public Comment

Douglas Rillstone (Broad and Cassel Law Firm) supported the adoption of the proposed rule, however, asked the Commission to exclude the Guidelines from the Rule and provide staff the flexibility to modify the Guidelines, as needed, without going through the normal rule process. In addition, he requested the Commission take a leadership role and work with the federal government to give Florida the ability to manage eagles within Florida and move forward quickly on USFWS programs.

Laurie Macdonald (Defenders of Wildlife) supported staff's recommendations and described her concerns regarding the monitoring program to ensure it is completely staffed and funded as necessary to see results of the delisting of eagles. Threats to eagles have not vanished. Nesting habitat will continue to be lost over time.

Julie Wraithmell (Audubon Society of Florida) supported the Plan. She mentioned that not everyone in Florida shares the compassion of eagle protection and she is pleased to see eagle conservation education included in

the Plan. It is important that the agency adequately staff and fund the implementation of the Plan and to include the guidelines in the Rule and to evaluate the progress of the Plan in five years.

Commission Discussion

Commissioner Corbett asked Ms. Boughton if anyone from the public has inquired about aircraft regulations related to bald eagle protection. Ms. Boughton stated Florida airports could obtain a federal depredation permit to harass any wildlife species that pose a threat on their runways.

Commissioner Yablonski discussed the public's concerns regarding education and the inclusion of the Guidelines in the rule. Ms. Boughton discussed the education and outreach plan, which includes hiring a full-time employee to implement the plan and will include outreach to the public regarding the protected species, where information is available, and staff in FWRI provide information on eagle nest locations. Part four of the rule provides FWC law enforcement the flexibility to enforce regulations.

Commissioner Wright stated there should be significant leadership related to airport law enforcement.

Commissioner Bergeron asked staff for a description of the permitting process and what determines when a bald eagle nest is relocated. Ms. Boughton stated nest removal is rare to occasional. A nest would only be removed if there were threat to human safety and an individual is required to obtain a permit prior to removing.

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved the Bald Eagle Management Plan.

Upon motion of Commissioner Wright, seconded and carried, the Commission approved Rules 68A-27.004 and 68A-16.002 as advertised.

Chairman Barreto complimented Ms. Boughton for her hard work and devotion in preserving bald eagle protection.

Gopher Tortoise Permitting Guidelines

Chairman Barreto introduced Deborah Burr, Biologist in the Division of Habitat and Species Conservation and asked her to present the Gopher Tortoise Permitting Guidelines. Ms. Burr mentioned that the Commission approved the Gopher Tortoise Management Plan at the September 2007 Commission meeting. The Guidelines are the first implementation item identified in the Gopher Tortoise Management Plan for the Commission's consideration. In order to produce the Guidelines FWC staff continued working with the Gopher Tortoise Technical Advisory Group (GT2) and stakeholders.

The proposed new Guidelines include the following options:

- Authorized gopher tortoise agents: This new permit authorizes qualified persons to capture, handle, and transport gopher tortoises to certified recipient sites.
- Recipient sites: This new permitting option will allow private landowners to become a certified recipient site to which donor sites will be able to relocate tortoises.
- Ten or fewer burrows: The proposed guidelines will allow landowners to relocate gopher tortoises on their property as they can now, or use an authorized agent if gopher tortoises are to be moved off-site. This permit replaces the "5 or fewer" permit currently issued at no cost to the permittee.
- Conservation permits: Allows for the relocation of gopher tortoises to either protected or unprotected recipient sites. The preferred conservation actions, such as the preservation of quality habitat on-site, and restocking or otherwise responsibly relocating tortoises to long-term protected lands (public or private) will require a lower contribution.

- Temporary exclusion permit: This new permitting option allows tortoises to be temporarily relocated via exclusion from the site where the utility and right-of-way maintenance is to be completed. Once the work has been completed, the tortoises will be allowed to re-enter the right-of-way at will.
- Emergency Take permits, Settlement permits: These least preferred permitting options include rescue relocations to unprotected sites, emergency take without relocation, or relocations after settlement of law enforcement case (after-the-fact). These will require higher contributions.

Ms. Burr continued with a description of the activities that do not require permits, such as routine agricultural practices, silvicultural activities, wildlife management activities, linear utility and highway right-of-way vegetation maintenance, and routine yard maintenance. She also described the phases involved in implementing the guidelines. A public workshop was held in January 2008 to solicit input regarding the guidelines and Mr. Burr their comments. Additionally, Ms. Burr thanked members of the GT2 team.

Staff recommended the Commission approve the Gopher Tortoise Permitting Guidelines and direct future changes to the Executive Director, in coordination with the Chairman, to determine when changes are substantive enough to warrant a full review by the Commissioners.

Public Comment

Tom Connolly (Gopher Tortoise Services) supported the Guidelines, however discussed several concerns including the loss of burrow sites, and authorized permit agents. He urged the Commission to direct staff to further work with the Advisory Group regarding his concerns and delegate the authority to make any changes to the Plan or Guidelines as they occur to the agency's Executive Director.

Laurie Macdonald supported the Guidelines. She discussed her concerns regarding adequate staff and funding to implement the program, loss of gopher tortoise habitat, and commensals. She complimented agency staff and Joan Berish, Biological Scientist IV in the Fish and Wildlife Research Institute for her work and devotion regarding gopher tortoise conservation over the years.

Lisa Kessell supported the Guidelines and discussed her concerns, specifically the issues of 10 or fewer burrows and authorized agents.

Dr. Matthew Aresco supported the Guidelines and discussed his concerns regarding sites with 10 or fewer burrows.

Dr. Jennifer Hobgood supported the Guidelines and stated her concerns regarding the sites with 10 or fewer burrows. In addition, she urged the Commission to address the public's concerns regarding the sites with 10 or fewer burrows. Additionally, she discussed the issue of grandfathering individuals with incidental take permits.

David Childs (Hopping Green & Sams) supported staff's recommendation and thanked staff for working with their clients regarding the relocation of gopher tortoises.

Rob Hicks (Plum Creek Timber Company) supported the Plan and Guidelines. He described the Plum Creek parcel reserved as a recipient site to relocate gopher tortoises.

Doug Rilestone (Broad and Cassel) did not support the Plan as written. He asked that the process be more efficient; require permits at the beginning of the process; and permits that include meaningful duration. In addition, under the permitting program individuals can obtain only a one-year relocation permit from the agency versus 20 years from the Army Corps of Engineers. He asked the Commission to direct staff to work with him to resolve their concerns regarding process issues.

Ron Concoby (Eco-logic Restoration Service) supported the Guidelines and discussed his concerns including sites of 10 or fewer burrows, authorized agents, and the protection of commensal species located in existing burrows. In addition, he thanked Greg Holder, Dr. Perran Ross, Joan Berish, and members of GT2 for their work and dedication in providing the Guidelines and Plan.

Commission Discussion

Commissioner Barco asked about the one-year relocation permit and how staff determined the duration. Ms. Burr stated that under the current standard timeline staff looked at conservation and extended them to 12 months, which can be amended or extended with 45 days notice without any penalty.

Commissioner Wright and Mr. Haddad discussed future plans to resolve any issues included in the Plan and/or Guidelines.

Commissioner Corbett asked Mr. Haddad to clarify when the Guidelines should be re-evaluated. Mr. Haddad stated if the Commission approves delegating to the Executive Director the authority to approve future proposed revisions to the Guidelines, upon consultation with Chairman Barreto to make sure that the proposed revision does not warrant a full review by the Commission. Chairman Barreto asked Mr. Haddad to provide Commissioners a memo when a change is requested, after he is consulted to ensure they are completely informed.

Vice Chairman Yablonski asked about grandfathered permit holders. Ms. Burr stated completed permit applications received by the agency's Office of Licensing and Permitting would be issued under the current policy. Additionally, Vice Chairman Yablonski asked about the mitigation areas provided in perpetuity and what is included in managing those sites. Ms. Burr stated the recipient submit a plan including how they would manage their property. In terms of perpetuity, staff is looking at developing a management plan for these types of sites.

Commissioner Barco discussed and clarified the process involved in any changes to the Guidelines.

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved the Gopher Tortoise Permitting Guidelines and direct future changes to the Executive Director, in coordination with the Chairman, to determine when changes are substantive enough to warrant a full review by the Commissioners.

Commissioner Bergeron asked staff for clarification regarding mitigation funds for unprotected relocation sites and if the sites are approved for relocation. Ms. Burr replied that the Guidelines include habitat requirements for unprotected sites.

Chairman Barreto congratulated Ms. Burr and the GT2 team for their efforts in developing the Gopher Tortoise Permitting Guidelines.

Public Comment

Nathan Scott (Attorney representing the following clients: Willie G. Brown, Donna M. Brown, Ned H. Palmer, and Angela M. McElroy of Eustis) represented clients regarding proposed rules related to quota hunt permit and supported keeping the current method of separate applications rather than one system for permitting, preferred a system for turkey hunting, and supported the prohibition of the transfer of the first phase of the quota hunt permit as a special rule to the Joe Budd area. On behalf of clients, he urged the Commission to consider, in due course, hunting alligator and black bear as a solution to the increase in this species' populations in areas of Florida and asked how the Commission is handling the growth.

Chairman Barreto urged Mr. Scott to meet with Mr. Wiley regarding his concerns.

Barramundi Risk Analysis

Chairman Barreto introduced Scott Hardin, Leader of the Exotic Species Section in the Division of Habitat and Species Conservation and complimented him and FWC staff for their involvement in the success of the Pet Amnesty Day held in February in at the MetroZoo in Miami. Mr. Hardin presented a report on the Barramundi risk assessment and described the species of fish; its legal status; where a certified Barramundi aquaculture facility is located in Florida and what the facility offers; Barramundi risks; the risk analysis process and the status of the risk assessment. Staff will consider stakeholder input and present recommendations to the Commission in September 2008.

Commission Discussion

Commissioner Corbett asked about the socio-economic impact of the Barramundi on native freshwater fish. Mr. Hardin replied that if released into Florida's waters, the Barramundi is large enough to eat smaller freshwater fish.

Commissioner Wright stated his concerns regarding the "risk" involved in allowing the aquaculture facility to continue farming the Barramundi.

Vice Chairman Yablonski discussed concerns regarding the introduction of this species in Florida.

Chairman Barreto discussed the agency's support of bass angling in Florida, stated the Barramundi is a nonnative species, and urged the Commission to keep this species from being introduced in Florida waters.

Nonnative Pet Amnesty Day

Mr. Hardin continued with a report on the 2008 FWC Nonnative Pet Amnesty Day held Saturday, February 23 at the MetroZoo in Miami. The event provided an opportunity for the public to surrender their exotic pets without penalty, and brought attention to the growing problem with introduced nonnative species in the State of Florida. This was the third amnesty event and the most successful with approximately 500 people in attendance and 148 animals surrendered. All animals were examined by MetroZoo veterinarians before being placed with the Zoo, Miami Science Museum, and 12 adopters certified by FWC. Adopters were required to document that they had adequate facilities and knowledge of the care and husbandry of the surrendered animals.

Additionally, media coverage was extensive, with national features on *NBC's Today Show*, *Associated Press*, and the *CNN* and *MSNBC* websites. Local *Fox*, *ABC*, *NBC*, and *CBS* network affiliates covered the event. The *Miami Herald* ran a story in their Sunday issue, and the *National Geographic* attended for a future story. A week before the event, Everglades National Park and FWC collaborated to produce "Florida Invaders", an eight page educational piece, which was inserted in the *Miami Herald* with a potential readership of 974,000 in Miami-Dade, Broward and Monroe counties.

Public Comment

Dr. Jennifer Hobgood stated illegal release of nonnative species into the wild should be prohibited. She stated her concerns regarding Florida citizen's tax dollars should not subsidize the exotic pet industry.

Eugene Bessette (Florida Reptile Industry) thanked Chairman Barreto for his support and participation with the event. In addition, he discussed the Reptiles of Concern initiative several weeks ago with agency staff and sees a positive response from the public.

Commission Discussion

Chairman Barreto stated the agency staff and Miami MetroZoo created a strong partnership and asked staff to look into other similar venues to continue this annual event. Mr. Hardin stated staff is looking at Jacksonville, Sanford or Lowery Park. Staff would like to come up with an ancillary group to continue this event in order to cut down the agency's time commitment. Chairman Barreto asked Mr. Hardin to look into the cost of the "traveling" trailer for future events. Chairman Barreto stated he is aware of potential sponsors who may be interested in sponsoring the cost of the trailer. Additionally, Chairman Barreto stated the Miami MetroZoo is interested in holding the event at their location again in the future.

Chairman Barreto thanked Mr. Hardin and his staff for their efforts involved in producing such a successful event.

Florida-Georgia Reciprocal License Agreement

Chairman Barreto asked Nick Wiley to present a report on the Florida-Georgia Reciprocal License Agreement. Mr. Wiley stated the Georgia Department of Natural Resources (GDNR) notified FWC in February 2008 of their decision to terminate the reciprocal agreement allowing seniors from one state to hunt or freshwater fish in both states without a license. Mr. Wiley described what is included in the current agreement with Georgia and an analysis of a new agreement for freshwater fish only for Georgia and Florida residents. Negotiating a new agreement for freshwater fishing after termination of the agreement of hunting, may not receive a positive response from Floridians. The view may be that Florida sacrifices the high value of allowing Senior Floridians to hunt in Georgia without fees, but still allows Georgia Seniors to freshwater fish in Florida without fees. In addition, having the freshwater exception for Georgia seniors may lead some confusion to Georgia residents thinking that they have a saltwater exception also, as the Georgia license is for both salt and fresh water. That concern, combined with FWC's fiscal situation and need to consider all potential revenue sources, may make it most appropriate for the State of Florida decline any reciprocal license now that Georgia has terminated the existing one.

Staff asked the Commission to consider the options to agree to a new reciprocal agreement for freshwater fishing or decline the new reciprocal agreement.

Public Comment

Tom Gaitanis urged the Commission to speak with Georgia and retain the free hunting license for seniors. He suggested a \$5 per day fee for fishermen on guide boats; research the current saltwater products license, which states that the commercial fishermen in Florida do not have to have a recreational fishing license.

Bob Gaitanis discussed the cost of hunting in Georgia for children versus Florida not charging children to hunt. He urged the Commission to direct staff to work with Georgia to come up with an exempt license for seniors and children.

Commission Discussion

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved and directed staff to decline a new reciprocal agreement for residents of Florida to obtain a Georgia freshwater fishing license.

Land Acquisitions and Easements

Chairman Barreto asked Mr. Breault to present the proposed land acquisitions and easements. Mr. Breault presented an overview of the following proposed easement:

- Easement: Gulfstream Natural Gas System, L.L.C. Utility Easement Application Under Linear Facilities Policy - J.W. Corbett Wildlife Management Area, Palm Beach County

Staff recommended the Commission approve the Gulfstream Natural Gas System, L.L.C. Utility Easement as submitted, contingent upon Gulfstream's compliance with all of the requirements set forth in the conditions outlined in the presentation to the satisfaction of FWC staff and any other conditions required by the Acquisition and Restoration Council, the Trustees, and the United States Fish and Wildlife Service.

Public Comment

Ben Fusaro (Palm Beach County Environmental Coalition) urged the Commission to defer approval of the utility easement until Gulfstream is issued all other permits; and public hearings on this wildlife unfriendly site are completed.

Richard Brightman (Hopping Green & Sams) asked the Commission to approve the purchase of the easement.

Commission Discussion

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved the purchase of the Gulfstream Natural Gas System, L.L.C. Utility Easement as submitted, contingent upon Gulfstream's compliance with all of the requirements set forth in the conditions outlined in the presentation to the satisfaction of FWC staff and any other conditions required by the Acquisition and Restoration Council, the Trustees, and the United States Fish and Wildlife Service.

Mr. Breault continued his presentation with a description of the proposed land acquisition of the Archer Tract property in Lafayette County.

- Land Acquisition: Archer Tract in Lafayette County

Staff recommended the Commission approve the purchase of the proposed land of Archer Tract in Lafayette County contingent upon execution of an option contract and approval by the Suwannee River Water Management District and the Board of Trustees.

Public Comment

Dr. Matt Aresco supported the purchase of the Archer Tract property.

Preston Robertson (Florida Wildlife Federation) supported the purchase of the Archer Tract property.

Commission Discussion

Commissioner Wright asked about additional caring capacity for gopher tortoise. Mr. Breault stated the property does have caring capacity.

Commissioner Bergeron asked if it was all natural land. Mr. Breault stated the land includes long-leaf timber.

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved the purchase of the proposed land of Archer Tract in Lafayette County contingent upon execution of an optional contract and approval by the Suwannee River Water Management District and the Board of Trustees.

Legislative Issues and Budget Report

Chairman Barreto asked Jackie Fauls to present an update on the 2008 Session. Ms. Fauls reported on the Florida Senate confirmations of Commissioners Barco, Bergeron, Stephenson, and Wright. Ms. Fauls explained the status of the following legislation proposed by the agency:

- Seagrass scarring – SB 1300, HB 7059
- Evidence in recreational cases – SB 1300, HB 7059
- Change in age for wearing life vests – SB 406, HB 919
- Combination of Chapters 370 and 372, F.S., PCB-ENRC 08-02

Ms. Fauls continued with a report on the following additional issues:

- FWC Sunset Review
- Florida Forever successor program – SB 542, PCB-ENRC 08-09

Public Comment

Preston Robertson discussed the bill creating the Florida Forever successor program being considered during the 2008 Session and urged Commissioners to speak with legislators asking them to fund Florida Forever in next year's budget. In addition, he thanked Vice Chairman Yablonski for his assistance on the Taxation and Budget Reform Commission, specifically for the Constitutional Proposal (CP) 15, which will inspire conservation by exempting perpetually protected lands from property tax (conservation easements) and for CP 16, which would lower property taxes levied on lands deemed as "conservation" that are not perpetually protected.

Commission Discussion

Chairman Barreto mentioned he met with Florida House Speaker Marco Rubio regarding the pay raise for the Florida Highway Patrol officers during this Session. Chairman Barreto relayed his concerns to Speaker Rubio urging the Legislature include a pay increase for FWC's law enforcement officers. Colonel Julie Jones discussed the competitive pay raise for law enforcement recently passed by the House Safety and Security Committee.

The Commission requested that two resolutions be drafted to send to the Legislature – 1) supporting an FWC law enforcement pay raise; 2) supporting funding of Florida Forever for the 2008-09 fiscal year. Both resolutions were written, approved, and signed by the Commission, April 10.

Sandra Wilson presented a report on the 2008 Legislative Budget. Ms. Wilson stated that the House and Senate each expect to take up their appropriations bills for vote by the full membership next week. Staff expects a few amendments, which could affect the outcome of what she presented to the Commission. Ms. Wilson described the primary issues of the vessel registration fee increase versus law enforcement positions cuts included in the 2008-09 Legislative Budget Requests. The House Bill 5001 cuts 66 FWC law enforcement positions and \$3.3 million from the agency's budget in order to reduce the state's General Revenue (GR) spending. It also cuts the \$2 million marine mammal care budget, which include \$1.15 million for manatee rehabilitation and \$850,000 for UF marine mammal veterinary support. HB 5081 redirects the savings from the marine mammal care cut and transfer it to GR for the next five years. The funding source for this is documentary stamp tax revenue.

The Senate proposed a 55% increase in vessel registration fees in order to avoid having to cut law enforcement positions and marine mammal care. The Senate would use the revenue generated by this increase for the following:

- Release \$3 million GR by fund shifting law enforcement costs from GR to vessel registration fees (this avoids cuts to LE positions).
- Move \$2 million marine mammal care funding (Oceanaria & University of Florida Veterinary) from documentary stamps to vessel registration.
- Fund an additional \$900,000 for law enforcement fuel costs.
- Fund \$1,550,000 and one employee for derelict vessel removal (the House funded \$2.8 million GR for derelict vessel removal).

Additionally, Ms. Wilson discussed budget reductions, including the House bill that cuts the \$210,000 alligator trapper stipend and redirects the savings to GR for the next five years (HB 5081). The Senate cut three positions and \$183,737 (one from the Division of Habitat and Species Conservation and two from the Fish and Wildlife Research Institute). These positions were vacant over 180 days due to difficulties recruiting qualified applicants.

Ms. Wilson continued her presentation with a description of the fund shifts change and agency requests including the law enforcement retention pay issue, which will not be decided until the very last part of the budget conference. The House reduced the agency's transfer coming from the Florida Department of Environmental Protection's Coastal Protection Trust Fund (CPTF) by \$1,157,326.

Commission Discussion

Commissioner Wright suggested using other funds for law enforcement pay. Chairman Barreto did not believe we have the funds to shift.

Commissioner Wright asked that the Legislative Report and Budget Report agenda item be scheduled earlier in the day's meeting.

Chairman Barreto asked staff to draft and present a couple of resolutions on high priority issues to legislators during the Legislative Session while the Commissioners are in Tallahassee.

Chairman Barreto suggested Preston Robertson could assist with the Florida Forever resolution. Chairman Barreto offered his assistance with the law enforcement resolution. Commissioner Wright stated he would speak with Florida House Representative Dean Cannon about the proposed law enforcement pay increase. Commissioners Barco and Bergeron offered their assistance as well.

Public Comment on Items Not on the Agenda

Eugene Bessette discussed options to remove nonnative reptiles. He asked the Commission to assist in creating a bounty-hunting program. Currently federal law does not allow for this type of program. Chairman Barreto stated he discussed a bounty-hunting program with Dan Kimball, Superintendent of the Everglades National Park and he said he is working on this type of program.

Commission Exchange

Chairman Barreto moved the topic of Commission Exchange to Thursday, April 10.

Recess

Chairman Barreto recessed the meeting at 3:35 pm to reconvene at 8:30 am, Thursday, April 10.

Chairman Barreto reconvened the meeting at 8:30 a.m., Thursday, April 10.

Final Rule: Spiny Lobster

Chairman Barreto asked Mark Robson to present the proposed final rules for spiny lobster. Mr. Robson stated five draft rule recommendations for potential rule changes developed by the Spiny Lobster Advisory Board and Committee staff were presented at the December 2007 Commission meeting. The Commission directed staff to develop four of these draft rules for final public hearing. Following are the four areas of regulations approved by the Commission at the December 2007 Commission meeting:

- Trap Reduction: Amend rule to continue moratorium on trap reduction for one year.
- Lobster Trap Certificate Reversion: Reduce the time for 3 years to 2 years that unpaid trap certificates revert to the State.
- New Entrants to Trap Fishery: Allow up to two “C-numbers” to be displayed from one vessel.
- Egg-bearing lobsters: Prohibit the take of any egg-bearing lobster of any species.

The proposed rule referring to Lobster Trap Certificate Reversion will require approval by the legislature. Amending this rule involves fees assessed to the certificate holder. This issue will be included as in FWC’s 2009 Legislative request package. If approved by the legislature, staff will present this rule to the Commission for final approval in 2009.

Mr. Robson described the following amendments to the Commission’s spiny lobster rules:

- 68B-24.001, Purpose and Intent
- 68B-24.002, Definitions
- 68B-24.006, Gear: Traps, Buoys, Identification Requirements, Prohibited Devices – allow up to two spiny lobster endorsement numbers (C-numbers) to be displayed on one vessel.
- 68B-24.007, Other Prohibitions
- 68B-24.008, Slipper Lobster, Prohibitions Relating to Egg-bearing Slipper Lobster
- 68B-24.009, Trap Reduction Schedule – extend the moratorium on the lobster trap reduction schedule for one year.

Rules 68B-24.001 Florida Administrative Code (F.A.C.) (Purpose and Intent), 68B-24.002 (Definitions), and 68B-007 (Other Prohibitions) would be amended; 68B-24.008 (Slipper Lobster; Prohibitions Relating to Egg-bearing Slipper Lobster) would be repealed to prohibit the harvest or possession of any egg-bearing lobster of any species.

Staff recommended the Commission approve the rule amendments as advertised with an effective date of July 1, 2008. Staff evaluated the rules under the standards of 68B-1.004, F.A.C. and found them to be in compliance.

Public Comment

Jerry Sansom (Organize Fishermen of Florida) asked if staff plan to change its recommendation on the 3 to 2 year rule or is it going to be an additional legislative item in addition to putting that in the rule. Mr. Robson stated staff is recommending it be put into affect through the legislative process. The Organized Fishermen of Florida supported the rules and staff’s recommendations.

Mr. Sansom came back up to the podium to discuss staff’s intention of the 3 to 2 year reduction stating he requested that it not be effective until next year even if staff request the rule be passed for the 2009 Legislative Session to approve that portion. He asked the Commission to work on including the moratorium in this year’s

legislative package and make the rule affective when the legislation becomes effective. Mr. Haddad stated he did not see a problem with Mr. Sansom's request.

Bruce Irwin (Chairman, Spiny Lobster Work Group) provided a handout to the Commissioners related to spiny lobster rules and discussed why the Work Group was created, the mission, topics discussed, members of the Group, and the effort to reach out to the recreational diving community to participate in the process. He supported staff's recommendations and thanked John Hunt, Program Administrator and Tom Matthews, Associate Research Scientist in the Fish and Wildlife Research Institute for their support and assistance. Additionally, he mentioned he is aware of an organization that recycles traps. Chairman Barreto discussed a rope-recycling program in Maine and said he would send the article to him.

Chairman Barreto asked Mr. Irwin if he had met with Dan Kimball with the Everglades National Park regarding cleaning up the parks. Mr. Irwin said no. Chairman Barreto asked Mr. Robson to contact Mr. Kimball requesting he speak with Mr. Irwin regarding his ideas.

Chairman Barreto and Vice Chairman Yablonski complimented the Advisory Group for their efforts and to continue thinking "outside the box."

Scott Zimmerman (Florida Keys Commercial Fishermen's Association) supported staff's recommendations and appreciated the extension of the lobster moratorium. They are moving forward with the "best practices" video, the Association is researching the potential for a derelict gear-recycling program, and a limited access privilege program for a variety of different fisheries.

Mark Robson stated staff is contacting the Legislative Affairs Office to see if Mr. Sansom's request can be coordinated for the current year.

Commission Discussion

Mr. Haddad clarified Mr. Sansom's request regarding the moratorium rule. Mr. Antista stated staff would review the rule to see if there are any specifics regarding amending the rule. The Commission's decision regarding the moratorium rule was delayed until staff returned with their findings.

Chairman Barreto asked Mr. Heller to clarify the motion. Mr. Heller stated he coordinated with Mr. Sansom regarding his request to review the current lobster certificate holder and that the certificates would need to be rescinded from three to 2 years and proposed during the 2008 Legislative Session. A draft rule would be presented to the Commission late 2008. Staff proposed adopting the proposed rules as presented.

Mr. Heller clarified staff's recommendation regarding Mr. Sansom's request. Staff needs to seek legislation in the 2008 or 2009 Session to establish that those lobster trap certificates are rescinded for non-payment after 2 years, going from 2 years to 3 years. An implementing rule would be presented to the Commission upon passage of the legislation. Staff proposed the Commission adopt the proposed rules as advertised with an effective date of July 1, 2008.

Upon motion of Commissioner Wright, seconded and carried, the Commission approved the proposed rules as advertised with an effective date of July 1, 2008.

Draft Rule: Striped Mullet

Chairman Barreto asked Mr. Robson to present the proposed draft Rule 68B-39.005, Commercial Harvest, Statewide Regulations. Mr. Robson stated that at the September 2007 Commission meeting, the Commission directed staff to evaluate options for amending the rules governing the commercial fishery for striped mullet. In February 2008, staff presented the Commission with a review and discussion of several rule amendment

options that could provide additional opportunities for commercial fishers to increase harvest. The Commissioners direct staff to obtain public comment on the options and proceed to a draft rule hearing in April 2008. Mr. Robson described the rule amendment options, summarized the public's comments regarding the options, and provided a draft rule recommendation.

Following are the rule modification options for the current commercial regulations:

- Commercial harvest prohibited on weekends from July – January
- Harvest prohibited beyond three nautical miles from shore

Mr. Robson described the following rule amendment options as presented to the public during seven workshops held in February 2008 throughout Florida:

- Option 1: Remove weekend harvest prohibition from July – September; reduce prohibition to one day from October – January
- Option 2: Reduce weekend harvest prohibition to one day from July – January
- Option 3: Remove weekend harvest prohibition entirely
- Option 4: Prohibit harvest beyond five nautical miles from shore
- Option 5: Remove offshore prohibition entirely

Mr. Robson described the results of the workshops. Both oral and written comments were provided from the public. In addition to comments received at the workshops, staff received 522 petitions asking FWC to remove the weekend closure entirely (Option 3). The petitions were included in the meeting's records. Mr. Robson reported the results of an analysis of the possible effect on the mullet fishery because of removing the current prohibition of the commercial harvest of mullet during weekends from July through January, which was the most favored rule amendment option by workshop attendees. He also reported that Option 5, removing the prohibition of harvest beyond three nautical miles from shore, was the second most favored option of workshop attendees. The effects on the mullet stock that would occur from modifying the current rule, prohibiting the harvest of mullet beyond three miles from shore, cannot be evaluated using analytical techniques like those used to evaluate management options related to the weekend closures.

Mr. Robson concluded that based on the analysis of the effects on spawning potential ratio on mullet stocks and on the public's preference obtained during workshops, staff recommended the Commission direct staff to develop draft rule language that would remove the prohibition on the commercial harvest of striped mullet on weekends (Option 3) and proceed to a final public hearing in June 2008.

Public Comment

Ted Forsgren (Coastal Conservation Association) provided a handout to Commissioners with the Association's comments regarding staff's recommendations. The Association did not support staff's recommendation to remove all of the spawning season closures for mullet. He urged the Commission to research a more conservative and cautious approach. Additionally, he stated that if the agency removes both weekend days this would allow for an increase of 28% in terms of effort. He reiterated support for staff's recommendation regarding the offshore waters. He asked the Commission to consider a way to determine what the value of the bio-mass quantity of mullet as a foraged fishery before final action is taken at the June 2008 Commission meeting.

Jerry Sansom supported staff's recommendations regarding rule changes. He requested additional flexibility for offshore fishing and move 4-6 miles offshore to fish mullet. Additionally, he discussed his concerns regarding the increased recreational fishing sales. He urged the Commission to consider reducing the recreational amount of catch to some reasonable recreational personal utilization number so that there is not an increased harvest from folks who are legally recreational fishermen supplying fish to other marketplace for barter.

Richard Van Munster (Fishing for Freedom) stated that on October 19, 1989, the first mullet restrictions became effective reducing the catch to two million pounds a year. Now there is a 98% gear reduction with nets that do not catch anything, but undersize fish. He supported opening weekend closures to mullet fishermen.

David Grix (Fishing for Freedom) provided Commissioners a DVD for the record. He discussed his concerns regarding the current net size and supported Option 3.

Ronald Crum (Fishing for Freedom) discussed his concerns regarding the void of bait for all of the fisheries and the 2-inch mesh net size. He supported staff's recommendations.

Keith Ward (Fishing for Freedom) supported Option 3.

Jonas Porter discussed current fishing regulations. He asked if he receives a crab trap license for 100 traps and he gets a ticket, would his traps be taken from him by law enforcement officers. Mr. Robson stated Mr. Porter is referring to qualifying for the effort program put in place for blue crab trappers. Staff advised Mr. Porter to discuss his concerns with the agency's Legal Office.

Commission Discussion

Commissioner Corbett asked Mr. Robson about removing offshore fishing and the affects of this proposal. Mr. Robson stated the proposal was a conservation step, but one that appeared without risk and staff did not want to take a chance to go too far.

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved and directed staff to develop draft rule language that would remove the prohibition on the commercial harvest of striped mullet on the weekends (Option 3) and proceed to a final public hearing in June 2008.

Draft Rule: Stone Crab Trap Construction

Mr. Robson continued with a presentation of the proposed draft Rule 68B-13.008, Gear, Trap Construction, Commercial Trap Marking Requirements, Trap Working Regulations, Trap Transfer. He stated that the draft rule amends the list of allowable materials that may be used to construct a degradable panel that is required on wire stone crab traps. The intent of the draft rule change will make that list of allowable materials consistent with the one in rule for blue crab traps. Mr. Robson described the construction of the traps.

Staff recommended a draft rule to allow the use of galvanized 16-gauge or thinner staples to secure the trap tie-down lids of 6" x 3" panel on wire tone crab traps, and to proceed to a final public hearing on the rule at the June 2008 Commission meeting.

Public Comment

Jerry Sansom supported staff's recommendation.

Commission Discussion

Upon motion of Commissioner Wright, seconded and carried, the Commission approved draft Rule 68B-13.008 to allow the use of galvanized 16-gauge or thinner staples to secure the trap tie-down lids of 6" x 3" panel on wire tone crab traps, and to proceed to a final public hearing on the rule at the June 2008 Commission meeting.

Draft Rule: Stone Crab Advisory Board

Mr. Robson presented the proposed draft Rule 68B-13.010, Stone Crab Trap Limitation Program. The proposed draft rule would extend the existence of the Stone Crab Advisory Board in rule through 2011. Currently, the Board's purpose, composition, and operational procedures are established by F.A.C. By rule, the Board is scheduled to Sunset on July 1, 2008. Mr. Robson presented an overview of the Board's history, goal, purpose, and members.

Staff recommended a draft rule to extend the Stone Crab Advisory Board until July 1, 2011, and present the rule for a final public hearing at the June 2008 Commission meeting.

Commission Discussion

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved draft Rule 68B-13.010 to extend the Stone Crab Advisory Board until July 1, 2011, and conduct a final public hearing on the rule at the June 2008 Commission meeting.

Chairman Barreto introduced in attendance Karen Ventimiglia, FWC's Deputy Chief of Staff.

Marine Fish Stock Assessment

Chairman Barreto introduced Gil McRae and asked him to present the next agenda item, Marine Fish Stock Assessment. Mr. McRae presented an overview of the marine fish stock assessment process including a description of the regulatory framework, managerial approaches, data needs, and analytical approaches.

Commission Discussion

Commissioners and Mr. McRae discussed the process of obtaining data.

Chairman Barreto stated the agency is the leader in the area of data collection of fisheries compared to other states.

Gag Grouper, Red Grouper, Vermilion Snapper Management

Mr. Robson presented the management alternatives for the South Atlantic gaga grouper and vermilion snapper, and Gulf of Mexico gag and red groupers. These management alternatives are being considered by the South Atlantic Fishery Management Council (SAFMC) and the Gulf of Mexico Fishery Management Council (GMFMC). SAFMC met in March 2008 and continued development of management alternatives for gag grouper and vermilion snapper. GMFMC met in April 2008 to develop management alternatives for gag and red grouper.

Mr. Robson described the latest assessment for gag grouper (SAFMC), which indicates that harvest must be reduced by 37% to end excessive fishing pressure. Current fishing mortality is about 1.3 times the maximum desired fishing mortality. The Council selected a preferred alternative allocation of 51% commercial and 49% recreational. Staff recommended the Commission support the above alternative.

With respect to vermilion snapper, the recent stock assessment indicates that overfishing is occurring due to too much fishing pressure. The current mortality rate is more than 2 times the maximum allowable rate to sustain the fishery for the long term. The exact amount of harvest reduction needed is pending completion of the update but it is very likely that harvest will need to be reduced by more than 50 percent. The Council approved a public hearing document for vermilion snapper at the March 2008 meeting, and public workshops are

scheduled in May 2008. The Council is scheduled to take final action on gag grouper and vermilion snapper regulations at the June 2008 meeting in Orlando.

There is not an established allocation for vermilion snapper. SAFMC selected a preferred allocation of 68% commercial and 32% recreational harvest. The allocation is considered interim and is based on average landings for 1986 through 2005. The Council is developing a comprehensive allocation plan that will likely result in a recalculation of the allowable harvest. Staff recommended supporting this alternative.

Following is the Council's current target of a 65% harvest reduction for vermilion snapper:

- Establish a reduced commercial quota
- Recreational measures to reduce harvest:
 - Lower bag limit to 4 fish
 - Keep size limit of 12 inches
 - Implement closed season October through May 15
 - Allow NMFS to adjust based on new assessment

With respect to the sale of snapper-grouper, the Council is considering final approval of measures that would:

- Prohibit sale/purchase without federal permit
- Prohibit sale/purchase of fish caught as part of recreational bag limit
 - Currently not prohibited in state waters

Commissioner Barco mentioned that staff provided a spreadsheet including all of the fish regulated and who regulates the fishermen. Commissioner Barco asked staff to provide this document to Commissioners for their information.

The Council voted to delay final approval of actions regarding recreational sale or purchase until its June 2008 meeting to allow a more complete economic analysis of the consequences of this proposed measure. Staff supported incorporating that information, including data from the Florida chapter and recreational fisheries. Staff recommended the Commission direct staff to evaluate rule impact in Florida.

Mr. Robson described the following GMFMC preferred alternatives for a document that was presented at their public hearing in March 2008:

- Gag Grouper – assessment indicates “overfishing”
 - Too much fishing pressure
 - Requires 45% reduction in harvest
- Red Grouper – 2007 assessment shows improvement
 - Harvest can increase 15%

The GMFMC was scheduled to take final action on the Reef Fish Amendment 30B (gag and red grouper) at the April 7-11, 2008 meeting in Louisiana. Based upon the 2006 stock assessment and subsequent re-evaluation in September 2007, gag were found to be undergoing overfishing, and Amendment 30B was developed to address that condition. However, the following new issues have surfaced postponing final action until June 2008:

- Analysis of new or modified alternatives for the recreational management action have been requested by Council members such as increasing the gag limit from one-fish to two-or three-fish within the aggregate three-fish bag limit, looking at measures to achieve the longest possible recreational harvesting season (including decreased effort projections), and spawning season closures. These alternatives have been supported by Florida Council members and staff advised it might be premature to take final action in April when new alternatives are just being discussed for the first time.

- An update of the gag grouper assessment that will include recent analysis of the gag juvenile abundance indices. Southeast Fisheries Science Center (SSC) will conduct the analysis and will not be completed before May 2008; will have to be reviewed by the Council's Science and Statistical Committee. This exercise will include participation by FWRI stock assessment scientists.
- An independent fisheries scientist, Trevor Kechington, was hired by a stakeholder group to review and comment on the gag stock assessment. Mr. Kechington will present his findings in April 2008 at the Council's meeting for review by SSC.
- The Gulf Council Reef Fish Advisory Panel met and made specific recommendations to the Council regarding Amendment 30B. These recommendations differ with the alternatives set out in Amendment 30B, and will also be discussed and considered by the Council at the April meeting.

Given the above referenced new developments related to Amendment 30B, staff recommended proceeding to final action in April 2008.

Mr. Robson presented an update on GMFMC gag and red grouper issues, including the following:

- All federally permitted reef fish vessels must comply with state or federal regulations whichever are more strict federal or state waters.

Staff requested the Commissioners' input and direction on the above referenced issue.

Commissioner Wright asked for an explanation of the target fisherman related to recreational sale or purchase. Mr. Robson stated most of the information is from for-hire charter boats.

Commissioner Barco mentioned the Commission decided at the February 2008 Commission meeting not to conform to federal regulations related to the current fishing season.

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved staff's recommendation on the fishery management plans for gag and vermilion snapper in the South Atlantic; and to delay taking any position on gag and red grouper management in the Gulf of Mexico until additional stock assessment information is analyzed.

Marine Special Activity License Program

Mr. Robson presented a report on the rule revision concepts to FWC's Marine Special Activity License (SAL) Program. The proposed rule changes would update and incorporate agency policies and clarify rules. Mr. Robson presented an overview of the program including the license distribution for a variety of different activities, scientific research and education/exhibition activities. Two public workshops were held in January 2008 to obtain input in advance of rule revision concepts being presented to the Commission.

Following is a list of proposed rule revisions for consideration:

- 68B-8.002, Definitions
- 68B-8.003, General Conditions and Restrictions
- 68B-8.007, Education/Exhibition Special Activity License
- 68B-8.009, Prohibited Species Collection Criteria
- 68B-8.010, Stock Collection and Release Special Activity License
- 68B-8.012, Snook Special Activity License
- 68B-8.013, Non-Conforming Gear Special Activity Licenses and Exemptions

Staff recommended the Commission direct staff to update current SAL rules as follows:

- Incorporate new and updated definitions
- Allow Education/Exhibition SALs issued for prohibited species to be issued twice-a-year instead of once
- Revise evaluation criteria for Education/Exhibition SAL
- Update rules consistent with FWC policies
- Require a SAL for all tagging activities
- Require a SAL for the display of shark and ray species harvested under recreational regulations
- Include new aquaculture activities as subject to SAL rules or alternatively as coordinated between FWC and the Florida Department of Agriculture and Consumer Services
- Expand the scope of Snook SAL to Include “transfers” of snook to aquaculture facilities in addition to those sold
- Allow scientific researchers to apply for a Gear Innovation SAL
- Proceed to a draft rule hearing in September 2008

In conclusion, staff recommended the Commission direct staff to present the rules through the Regulatory Review Committee process and develop draft rule language to incorporate the proposed rule changes and proceed to a draft rule hearing at the September 2008 Commission meeting.

Upon motion of Commissioner Corbett, seconded and carried, the Commission directed staff to present the rules through the Regulatory Review Committee process and develop draft rules for presentation at the September 2008 Commission meeting.

Marine Life Issues

Chairman Barreto introduced Jessica McCawley, Fisheries Management Analyst in the Division of Marine Fisheries Management and asked her to present a report on the issues related to the marine life fishery. Ms. McCawley introduced Ken Nedimyer and Pete Kehoe members of the Marine Life Workgroup.

Ms. McCawley described the following current commercial and recreational regulations for the fishery:

Commercial

- Must hold valid commercial licenses
- Live well requirements
- Size limits and bag limits
- One of three types of permits (endorsements)
- Gear restrictions – some endorsement based
- No harvest of live rock except from state or federal lease site

Recreational

- Recreational fishing license
- 20 individual organisms per day
- No sale allowed
- Must follow bag and size limits
- Gear restrictions

Ms. McCawley summarized the history of the fishery, the endorsement program, the species review, described who the representatives are on the Marine Life Workgroup, issues for potential rule making, non-regulatory issues suggested by the Workgroup, and a timeline for the development of the marine life issues.

Staff recommended the Commission direct staff to proceed to a draft rule hearing at the December Commission meeting after holding statewide public workshops in the summer and fall of 2008. Staff will continue to work with the industry on these issues for rule making.

Public Comment

Pete Kehoe (Pelagic Corporation), a member of the Workgroup, supported staff's recommendations.

Ken Nedimyer (Chairman, Florida Marine Life Association) is a member of the Workgroup and supported staff's recommendations.

Commission Discussion

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved and directed staff to proceed with statewide public workshops in the summer of 2008 and return for a draft rule hearing at the December 2008 Commission meeting.

Pompano

Ms. McCawley continued with a report on the 2008 stock assessment for pompano conducted by the Fish and Wildlife Research Institute (FWRI). FWC is the primary managing agency for pompano in Florida. Ms. McCawley presented a brief review of the biology, the fishery, and the current commercial and recreational regulations for the species. The assessment includes data through 2005, with the exception of landings presented in the report, which include 2006 data. The last pompano assessment was conducted in 2002. Florida pompano (*Trachinotus carolinus*) is a valuable commercial species and a popular target of recreational anglers for both food and sport. Pompano command the highest price of any finfish in Florida sold as food. In 2005, the statewide average ex-vessel price per pound was \$3.92. Florida accounts for more than 90% of the U.S. pompano landings.

Ms. McCawley described the following results of the assessment:

- Results are somewhat uncertain due to data limitations
- Last assessment completed in 2002 – indicated that pompano were overfished and undergoing overfishing on both coasts
- Management measures were put in place in 2004
- Next assessment scheduled for 2010

Staff did not recommend changing the existing regulations due to the uncertainty in the assessment, and the relatively recent regulations changes, the implications of which will not be available until the next assessment in 2010. Ms. McCawley recommended the Commission direct staff to continue monitoring pompano closely to determine trends. However, if action is required prior to the next assessment, staff will advise the Commission.

Federal Issues

Chairman Barreto asked Mr. Robson to present a report on the issues and actions taken by the South Atlantic Fishery Management Council (Council) during their meeting in December 2007. The Council postponed final approval of the proposed issues until the June 2008 meeting. Staff presented the proposed regulations for gag grouper and vermilion snapper earlier in the meeting agenda. Mr. Robson summarized the following Council issues:

- Snowy grouper: Rebuilding targets approved
 - Optimum fishing level
 - Minimum population size
 - Schedules for rebuilding depleted stocks
- Allocation Alternatives (Currently no allocation)
 - 95% commercial and 5% recreational
 - Total allowable catch - 87,300 pounds

Staff recommended supporting the above referenced alternatives.

- Red Porgy: Rebuilding targets approved
 - Allocation Alternatives (Currently no allocation)
 - Use a 50:50 allocation (Council Preferred Alternative)
 - Interim allocation based on recommendation of Council's Snapper-Grouper Advisory Panel

Staff recommended supporting the above referenced alternatives.

Mr. Robson described the following additional snapper-grouper issues the Council is addressing:

- Update management reference points for golden tilefish
- Bycatch monitoring
- Protect sea turtles and sawfish
- Liberalize commercial permit transfers and renewals

Staff recommended the Commission support the above actions in federal waters.

Mr. Robson listed other issues in development by the Council including snapper grouper management, the latest stock assessments for red snapper, and greater amberjack and mutton snapper. Work has begun on annual catch limits and accountability measures that must be set by 2010 for all federal species currently undergoing overfishing. This effort includes new harvest limits and stricter accountability for harvest overruns for red grouper, black grouper, speckled hind, and Warsaw grouper.

Mr. Robson continued with a report on the issues of the Gulf of Mexico Fishery Management Council (Council). Mr. Robson stated the Council is meeting currently in Louisiana to discuss aquaculture, gag grouper, and red grouper. The Council voted to delay any action related to gag grouper and red grouper until their June 2008 meeting. The Council will continue discussions regarding the long-term research program for red drum, continue development of the grouper individual fishing quota program (IFQ), hear reports from the ad-hoc Recreational Red Snapper Advisory Panel, and a review of a Generic Accountability Measures Amendment for Reef Fish.

In March 2008, the National Marine Fisheries Service (NMFS) announced the recreational red snapper season for federal waters of the Gulf of Mexico as June 1 through 12:01 am on August 5. This season was reduced from the original proposed federal season of June 1 through September 30 to account for inconsistent regulations in the state waters of Florida and Texas. Alabama has not made a decision on the recreational season in their state waters. NMFS conducted an analysis of recreational harvest in state versus federal water in 2007 and projected the harvest levels for 2008. The season adjustment was based on that projected analysis.

Public Comment

Ted Forsgren provided a handout to Commissioners and discussed current IFQ's being reallocated from the commercial to recreational fishing. He urged the Commission to look at the impact of IFQ's on these fisheries. Under the preferred alternatives of the Council, they have listed a three-month closure on the recreational

fishery, which only has a one fish gag grouper and they have one-month closure on the commercial fishery. The commercial fishery is allowed to start with a new quota for that year in January, including a 6,000-pound trip limit on the gag grouper aggregation and CCA does not agree with this alternative.

Paul Johnson (Reef Relief) discussed commercial fishing practices and the disturbance of coral reefs. He is working with the legislature regarding removing 300 million gallons of poorly treated sewage pouring out over the coral reefs on a daily basis. He asked the Commission to research why IFQ's came about before making a decision on the Gulf of Mexico reef fish decision. Additionally, he discussed his concerns regarding gag grouper, protecting fish, and the economic affect to the service industry. He encouraged the Commission to review the federal government's critical habitat with the stag horn corals considered in public comment.

Commission Discussion

Commissioner Barco asked Mr. Robson about the allocation process and what alternatives are available if historical landings are not used to determine accurate allocations. Mr. Robson responded that there are not too many choices. He stated he would research what the Atlantic Council is doing currently.

Commissioners Wright and Yablonski discussed IFQ's and the current Council's allocation process. Mr. Haddad stated that state and federal issues are complex. Commissioners would benefit from attending an informal workshop to discuss the issues for everyone to obtain a better understanding of the issues. Chairman Barreto asked Mr. Robson to coordinate a meeting for Commissioners, and all interested parties, to address state and federal issues.

Chairman Barreto discussed the Commission meeting in June 2008 in Dania Beach. Commissioner Bergeron's will provide a tour of the Everglades for Commissioners. He asked Commissioners to arrive early the morning of Tuesday, June 10, prior to the beginning of the meeting for this tour or Friday, June 13. Chairman Barreto asked Kathleen Hampton to follow up with the Commissioners regarding their attendance and communicate with Commissioner Bergeron.

Commissioner Bergeron presented a report on the Big Cypress Preserve Act and Additions Land. He provided a package of information to the Commissioners including the position letter to Karen Gustin, Superintendent of the Big Cypress National Preserve dated June 15, 2007 from FWC regarding the General Management Plan/Wilderness Study/ORV Management Plan. He discussed the River of Grass project to stop irreversible damage to the Everglades. A detailed report will be presented at the June 2008 Commission meeting.

The Future of Freshwater Fishing in Florida Vision Document

Chairman Barreto asked Darrell Scovell to present an update on the Future of Freshwater Fishing in Florida. Mr. Scovell reported on the progress towards building a vision for Florida's freshwater fisheries and emphasized the importance of ongoing stakeholder input. The first step included a public survey that resulted in 1,500 completed responses. Following is a list of issues obtained from the survey:

- Point source pollutions (spills and contaminants)
- Water quality (nutrient loading)
- Management of aquatic vegetation
- Managing non native nuisance fish
- Habitat enhancement (draw downs, muck removal, revegetation, pollution abatement)
- Conservation stewardship
- Recruiting and retaining future fishermen that care about the resource
- Increase access to fishing areas (boat ramps, piers, shoreline accessibility)

- Educating the general public about their impact on fisheries habitat (lawn fertilizers, pesticides, home water conservation)

The next step included conducting six zone summits around the state in 2005-2006, which was the basis for the agency's recent roundtable meeting and creation of a vision for the future of freshwater fisheries. This was followed by a gathering of a group of 20 diverse in expertise individuals who participated in the freshwater fisheries "roundtable." Mr. Scovell described the priority issues that emerged from the roundtable meetings in developing the "Vision Document." Based on the list of priorities, two immediate issues were identified for this group to pursue the following: eliminating the cane pole and the saltwater shoreline exemption, and increasing law enforcement funding.

Staff recommended the Commission approve the Future of Freshwater Fishing in Florida Vision Document as presented.

Public Comment

Allen Johnson thanked Mr. Scovell for his work on the Vision document. He thanked Commissioners for allowing for public input.

Commission Discussion

Commissioner Corbett congratulated Mr. Scovell for his time and effort in creating the document.

Chairman Barreto mentioned contacting Cabela's to sponsor future events.

Upon motion of Commissioner, seconded and carried, the Commission approved the Future of Freshwater Fishing in Florida Vision Document.

Florida Wildlife Legacy Initiative

Chairman Barreto introduced Dr. Thomas Eason, Conservation Initiatives Coordinator in the Division of Habitat and Species Conservation and asked him to present a report on Florida's Wildlife Legacy Initiative (FWLI). Dr. Eason reviewed the following goals of the initiative for 2007-2008 and provided an overview of the habitat work done on the six priority habitat categories:

- Conservation coordination via FWLI
- Performance measures and monitoring
- Fill data gaps
- Six priority habitat categories
 - Scrub
 - Soft water stream
 - Coral reef
 - Sandhill
 - Spring and spring run
 - S.A.V. (Seagrass)
- Cooperative Conservation Blueprint

Overall, the Legacy Initiative has more than 35 habitat projects underway that are directly leading to improving the health and long-term resiliency of these habitats.

New Commissioners' Areas of Emphasis

Vice Chairman Yablonski asked Mr. Heller to present the next agenda item. Mr. Heller stated Vice Chairman Yablonski accepted a position as leader of the youth conservation training initiative with Commissioner Corbett's assistance. Additionally, Vice Chairman Yablonski offered to lead the black bear initiative. Staff asked the Commission to approve staff's recommendations.

Commissioner Barco offered her property in Briseville for youth hunts.

Upon motion of Commissioner Barco, seconded and carried, the Commission approved staff's recommendations.

2009 Proposed Commission Meetings Dates and Locations

Chairman Barreto suggested staff research other smaller cities to hold Commission meetings, such as Clewiston, Okeechobee, and Wakulla State Park. Mr. Heller replied staff would research alternative rural sites and present a revised proposal at the June 2008 Commission meeting.

Public Comment on Items Not on the Agenda

Paul Johnson stated his appreciation to Commissioners for their work with the government and discussed his concerns regarding the Magnusson-Stevens Act related to fisheries. Vice Chairman Yablonski thanked Mr. Johnson for his perspective.

Commission Exchange

Commissioner Barco thanked staff for providing updates to priority issues, urged staff to provide a stock assessment every 6 – 12 months to Commissioners, and thanked the staff of the Division of Marine Fisheries Management (DMFM) for their commitment to fishery issues. She mentioned the Beau Turner Youth Center is a wonderful facility to educate children in Florida's counties.

Commissioner Wright urged staff to continue recruiting sponsors and locations to get children involved in hunting and fishing activities. He thanked the staff of DMFM particularly when challenged by federal regulations. He mentioned his interest in another tour of FWRI in the near future.

Commissioner Stephenson stated it was a productive meeting and thanked staff for their great work.

Commissioner Corbett stated the meeting was more relaxed and thanked staff for the following informative presentations: Florida Wildlife Legacy Initiative, marine fishery stock assessment, urged staff to hold workshops on state and federal issues, and thanked staff for the youth hunting and fishing demonstrations and dinner at the Beau Turner Youth Conservation Center.

Vice Chairman Yablonski discussed the need to create positive dialogue among the fishery Councils and suggested Julie Morris attend a future Commission meeting. In addition, he thanked Bill Cline and staff for their commitment in coordinating a successful event at the Beau Turner Youth Conservation Center. He suggested the Center should receive more national exposure to promote investing the future market.

Adjournment

Chairman Barreto adjourned the meeting at 3:45 pm.

RESOLUTION

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

WHEREAS, the people of the Great State of Florida rely on well-trained, experienced and dedicated law enforcement officers to protect their lives and property, and

WHEREAS, some experienced, tenured FWC officers make the same salary as a new academy graduate, and

WHEREAS, this situation is hampering recruitment, morale and retention among the officers who protect the natural heritage entrusted to the FWC and ensure a secure lifestyle for the people of the Great State of Florida, and

WHEREAS, significant disparities have developed between state and local law enforcement pay plans – allowing local law enforcement agencies to attract FWC officers with progressive pay packages that reward experience, and

WHEREAS, the pay disparities between FWC officers and other state law enforcement officers also are significantly counter-productive to the FWC’s officer recruitment, morale and retention, and

WHEREAS, FWC officers work similar hours, face similar risks, work in harsher environments, undergo more-extensive and more-rigorous training, and provide the first line of response during and after natural and manmade disasters:

NOW THEREFORE, be it resolved by the Fish and Wildlife Conservation Commission, in a duly constituted and assembled meeting, that this body implores and beseeches the Florida Legislature and the Honorable Governor of Florida, Charlie Crist, to embrace the spirit of, and pass, House PCB SSC 08-13 to correct this untenable situation.

DONE AND RESOLVED, in this duly constituted and assembled meeting at Tallahassee, Florida, this 10th day of April, 2008.

FISH AND WILDLIFE
CONSERVATION COMMISSION

Rodney Barreto, Chairman

Brian S. Yablonski, Vice Chairman

Richard A. Corbett, Commissioner

Kathy Barco, Commissioner

Kenneth Wright, Commissioner

Dwight Stephenson, Commissioner

Ronald Bergeron, Commissioner

Attest:_____

RESOLUTION

WHEREAS, the Fish and Wildlife Conservation Commission (FWC) is a duly constituted governmental agency, created by the Florida Constitution and charged with conservation of Florida's fish and wildlife, and

WHEREAS, the FWC depends on protection and management of natural habitats and land to achieve its mission of conserving Florida's fish and wildlife, and

WHEREAS, the FWC believes acquisition and protection of natural habitats and lands is critical to conservation of Florida's fish and wildlife, and

WHEREAS, the Florida Forever land acquisition program, and its predecessor, Preservation 2000, have conserved, through fee and less-than-fee acquisition, hundreds of thousands of acres of environmentally sensitive land, including land for wildlife habitat, water recharge and recreation, and

WHEREAS, continued full funding of the Florida Forever land acquisition program is critical to continued conservation of Florida's fish and wildlife:

NOW THEREFORE, be it resolved by the Fish and Wildlife Conservation Commission, in a duly constituted and assembled meeting, that the FWC strongly supports full funding for Florida Forever and creation of a successor program.

DONE AND RESOLVED, in this duly constituted and assembled meeting at Tallahassee, Florida, this 10th day of April, 2008.

FISH AND WILDLIFE
CONSERVATION COMMISSION

Rodney Barreto, Chairman

Brian S. Yablonski, Vice Chairman

Richard A. Corbett, Commissioner

Kathy Barco, Commissioner

Kenneth Wright, Commissioner

Dwight Stephenson, Commissioner

Ronald Bergeron, Commissioner

Attest:_____

Rodney Barreto
Chairman

Kenneth D. Haddad
Executive Director

Respectfully submitted:

Commission Secretary