



# Florida Fish and Wildlife Conservation Commission

MyFWC.com

Commission Meeting  
December 5-6, 2007  
Key Largo

Minutes

A regular meeting of the Florida Fish and Wildlife Conservation Commission (FWC) was held at the Marriott Key Largo, 103800 Overseas Highway, Key Largo, Florida, on December 5-6, 2007. 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
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. Gil McRae	Director, Fish and Wildlife Research Institute
Ms. Jerrie Lindsey	Director, Office of Recreation Services
Ms. Jacqueline Fauls	Director, Legislative Affairs Office
Mr. Chuck Collins	Director, South Region
Mr. Gregory L. Holder	Director, Southwest Region
Mr. Dennis David	Director, Northeast Region

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

Chairman Barreto welcomed the Commissioners, staff and guests to Key Largo.

Nick Wiley, Director of the Division of Hunting and Game Management gave the invocation. Commissioner Ronald Bergeron led the assembly in the Pledge of Allegiance to the Flag.

### Special Presentations and Recognition

Chairman Barreto recognized and thanked former Commissioners Sandra Kaupe for her five years of service; and David Meehan for his eight years of service as Commissioners of FWC. Commissioner Barco read Ms. Kaupe's resolution; and Commissioner Corbett read Mr. Meehan's resolution into the record. The Commissioners thanked Ms. Kaupe and Mr. Meehan for their years of devotion to the Commission; the Commissioners and Mr. Haddad presented plaques of distinction to Ms. Kaupe and Mr. Meehan. Both Ms. Kaupe and Mr. Meehan thanked the Commission and staff of the agency for their support.

Chairman Barreto welcomed Frank Montalbano, former deputy director of the Division of Habitat and Species Conservation.

Ken Haddad introduced Dr. C. Tom Rainey, a member of the Board of Directors of the Wildlife Foundation of Florida, who presented the 2007 Louise Ireland Humphrey Achievement Award to FWC's Assistant Executive Director, Victor Heller. The award is presented annually to an employee of FWC who has made outstanding contributions to the protection and preservation of Florida's fish and wildlife resources. The award includes a \$1,000 check and a bronze statute of a quail in flight. Mr. Heller was recognized for his commitment and length of service to the agency. Mr. Heller thanked the Commission and staff for the award and recognition.

Colonel Julie Jones introduced Jeffrey Bass and Captain James Koch, recipients of the Commission's first recognition certificate to a true hero. Captain Koch and Mr. Bass were recognized for their heroic effort in rescuing Norberto Martinez and a friend when they were ejected from their boat after it struck a buoy in south Florida. The unoccupied boat spun around erratically in the water before striking him. Mr. Martinez was unconscious and bleeding severely from propeller cuts. He slipped below the water's surface, but Capt. Koch and his friend, Mr. Bass, were able to pull Mr. Martinez into their boat before he drowned. Mr. Martinez was hospitalized, but has since recovered. His friend was not injured. Col. Jones presented framed certificates of recognition for their bravery to Capt. Koch and Mr. Bass. Both gentlemen thanked the Commission for the awards and recognition.

Chairman Barreto announced Linn Bidwell would not be in attendance to receive a plaque recognizing him as the Hunter Safety Instructor of the Year, due to his ailing health and inability to travel. The plaque would be presented to Mr. Bidwell at a later time by FWC staff.

Chairman Barreto introduced Vic Dunaway, outdoor writer and founding editor of the Florida Sportsman magazine. Mr. Dunaway was recognized for his lifelong commitment to the conservation of Florida's fisheries through his insightful and instructional writing to people all over the world. Commissioner Wright read the proclamation and certificate honoring his devotion to conserving Florida's wildlife. Staff presented a slide show of photos of Mr. Dunaway over the years during the presentation. Mr. Dunaway thanked the Commission and staff for the award and the recognition.

Colonel Jones introduced Jack Beal, Director of the Shikar-Safari Club International (Club). Mr. Beal presented the 2007 Shikar-Safari Club International Officer of the Year Award to Officer Michael “Brad” Stanley from FWC’s Northeast Region. Officer Stanley was recognized by the Club for his efforts during the previous year demonstrating outstanding achievements among FWC’s 700-plus sworn law enforcement personnel. Col. Jones read a brief description of Officer Stanley’s accomplishments. Mr. Beal presented the award and a \$20,000 life insurance policy to Officer Stanley and his wife, Robin. Officer Stanley thanked the Club and the Commission for the honor.

Chairman Barreto asked Nick Wiley to introduce and present a plaque to John White, and his wife, Gail; retiring after 30 years of service to the agency. Mr. Wiley described Mr. White’s career with the agency over the last 30 years. Chairman Barreto presented Mr. and Mrs. White with a plaque recognizing his retirement from the agency. Mr. White thanked the Commission for the honor.

Mr. Haddad introduced the following FWC employees from the South Region to the Commissioners and the public: Law Enforcement—Lieutenant Kim Dipre and Tracy Elkins; Florida Wildlife Research Institute—Bill Sympon, Karole Ferguson, and Rod Bertelsen; Freshwater Fisheries Management—Barron Moody and Steve Marshall; Habitat and Species Conservation—Sharyn Hood and Michael Anderson; and the South Region—John Ditullio.

Commissioner Bergeron thanked the award recipients; past Commissioners; and employees for their devotion to conserving Florida’s fish and wildlife resources.

#### Adoption of Agenda

Chairman Barreto asked for approval of the September 12-14, 2007 Commission meeting minutes. Upon motion of Commissioner Corbett, seconded and carried, the Commission approved the meeting minutes.

Chairman Barreto asked Vic Heller to describe the item listed on the Consent Agenda. Mr. Heller described the technical changes to Rule 68A-13.003, Hunting Regulations for Ducks, Geese, and Coots. The proposed rule would change the daily bag and possession limit for canvasbacks from one to two, and two to four, respectively. Upon motion of Commissioner Corbett, seconded and carried, the Commission approved the Consent Agenda.

Mr. Heller continued with the following proposed changes to the meeting agenda:

- Remove agenda item 9, C, 4, A Petition for Rule Making filed by Advanced Coastal Technologies (ACT). Staff and representatives of ACT met and the issue has been resolved to both parties satisfaction.
- Move the Bobwhite Quail Strategic Plan item to follow the imperiled species issues.
- Add Commissioners Exchange at the end of Thursday’s agenda.

Upon motion of Commissioners Wright, seconded and carried, the Commission approved the meeting agenda as amended.

## Executive Director's Report

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

- The Community Relations Office will launch an FWC specialty license plate umbrella marketing campaign with the creative theme, "It matters to us which plate you buy." Promotional material and limited advertising will focus on specific plates but will also include images of the other FWC tags and text asking potential customers to purchase one of the FWC plates for conservation. Staff is working with the top 10 to 15 counties that account for most of FWC's plate sales. These top-selling counties helped craft the types of point-of-purchase materials to be distributed to all tax collector offices. Offices were able to choose from materials including videos, posters, counter cards, and placemats. The new manatee plate is expected to be available in January and FWC will distribute material focused on the manatee at that time. The Florida Wildlife Research Institute assembled a team to promote the release of the new design to add a marketing boost. Other aspects of the campaign include direct mail and partnering with organizations and stakeholder groups. A projected 10% increase in sales will yield more than \$500,000 additional dollars for conservation each year.
- The State's budget issues and required reductions have brought about a 4% reduction in the agency's budget. The agency expects another 4% reduction through the next Legislative Session to affect next year's fiscal year budget. Staff will continue to work Commissioner Wright to review the agency's budget for innovative funding strategies.
- The Chinsegut Environmental Wildlife Environmental Area (WEA) is unique in the agency's management area system. The land was donated to the state primarily for the purpose of conservation education. Staff showed a video tape introducing the programs of the Nature Center located on the WEA.

## Imperiled Species Management Plans and Rules

Chairman Barreto asked Tim Breault to present an overview of the agencies imperiled species management plans for the Florida manatee, bald eagle, and proposed rules related to their change in imperiled status. Mr. Breault presented a high level review of the agency's listing process, management plans, how the plans were developed, results from the plans, the Florida Manatee Management Plan, and an update on the Bald Eagle Management Plan. The proposed final public hearing on the Panama City Crayfish Management Plan is scheduled for presentation at the Commission at the February 2008 meeting.

## Florida Manatee Management Plan (Manatee Plan)

Chairman Barreto asked Kipp Frohlich, Leader of the Imperiled Species Section of the Division of Habitat and Species Conservation to present the Florida Manatee Management Plan.

Mr. Haddad announced that the listing of the species and the Manatee Plan are separate issues available for public comment. He asked members of the public signed up to speak to address the Commission on both issues at the same time in the interest of time.

Mr. Frohlich presented an overview of the Manatee Plan's conservation goal, objectives, actions, typographical and editing changes, permitting, issues with the Plan, proposed changes to Rules 68A-27.003 and 68A-27.004, and the process to implement the Plan in one year.

#### Public Comment

Phyllis Byrum; Lynda Green; and Sloan Muench did not support the downlisting of the manatee.

Kathryn Wheeler (Audubon of Florida) read comments from Audubon member, Julie Wraitmell in her absence stating she did not support downlisting the manatee.

Jessica Koelsch (Ocean Conservancy) supported the Plan, asked the Commission to vote "no" to downlist the Florida manatee, and correct the current listing process.

Terry Nearing discussed his concerns regarding the downlisting of the manatee and read an excerpt from Professor Russell Landing, Professor of Biology with the University of San Diego regarding the change in the Florida manatee's imperiled species listing.

Debra Lyn Brown stated her concerns regarding the distance of the meeting in Key Largo, the stature of the members of the Commission, and her dissatisfaction toward the Commission. She did not support downlisting the Florida manatee.

Diane Canney did not support the Plan or downlisting the manatee.

Katherine Archer (Save the Manatee Club) read a letter from Dr. George B. Rapp, President of Chicago's Geological Society. She offered support of the Plan and did not support downlisting the manatee.

Steve Kingery referred to the letter from Governor Charlie Crist's to the Commission urging members to postpone the decision to downlist the manatee from the September 2007 Commission meeting to a future meeting and provided comments regarding the Plan.

Katie Tripp (Florida League of Conservation Voters Fund) requested the Commission review and repair the International Union for Conservation of Nature and Natural Resources' (IUCN) listed species criteria.

Roland Mench stated his concerns regarding future protection of the Florida manatee.

David Childs (National Marine Manufacturers Association) supported the Plan and did not support downlisting the manatee.

Captain Budd Neviasser (Florida Guides Association) supported the Plan and downlisting of the manatee.

Pat Rose (Save the Manatee Club) supported the Manatee Management Plan and asked the Commission to delay taking action to downlist the Florida manatee and review the current imperiled species listing criteria to verify if the scientific data is "flawed."

Thom Rumburger (Save the Manatee Club) provided his comments regarding the Manatee Plan.

John Sprague (Marine Industries Association of Florida) supported the Plan and discussed the Commission's reason for downlisting the Florida manatee, due to the increase in the manatee's population. He thanked Mr. Haddad for his assistance in allowing the public to comment on the Plan.

Ken Stead (Southwest Florida Marine Industries Association) supported both the Plan and the listing of the Florida manatee to "threatened."

Dr. Jennifer Hobgood (the Humane Society of the United States) supported the Plan, did not support downlisting the manatee, and urged the Commission to refrain from any action until the IUCN's imperiled species status criteria is reviewed.

Douglas Brown supported the Plan and did not support the downlisting of the manatee.

Peggy Matthews (American Water Craft Society) discussed her concerns regarding the scientific data provided in the Plan.

Bonnie Basham (Boat US) supported the Plan and the downlisting of the manatee and urged the Commission to "celebrate" the success of the species.

Byron Maharrey (Everglades Coordinating Council) discussed the Commission's constitutional authority allowing Commission members to approve an issue based on the research and scientific data and supported the Plan and downlisting the manatee.

Debbie Harrison (World Wildlife Fund) supported the Plan, yet did not support the downlisting of the manatee due to flawed criteria and urged the Commission to revise the imperiled species criteria. Additionally, she discussed research on casitas or illegal lobster habitat in the lower Keys and urged the Commission to not devote staff time and energy researching the possibility of casitas. She recommended the Commission research options enabling staff to work with casita users as well as increase regulations and law enforcement. In closing she offered her support of trap reduction.

Frank Herhold (Marine Industries of South Florida) supported the Plan and downlisting the manatee.

Alan Rigerman (Wildlife Education Inc.) urged the Commission to base their decision whether to downlist the manatee on scientific data.

Elizabeth Fleming (Defenders of Wildlife) discussed the Plan regarding the misunderstanding among the public pertaining to the reduction of manatee protection. It was her understanding that there would not be any reductions in the protection of the manatee as outlined in the Plan. The members of the Defenders of Wildlife supported the Plan. However, she did not support downlisting the manatee due to flawed science included in the listing process criteria.

Barbara Jean Powell (Everglades Coordinating Council) urged the Commission to adopt the Plan.

Jim Gray (Coastal Conservation Association) supported the Plan, the downlisting of the manatee, and urged the Commission to examine the listing criteria.

Ted Forsgren (Coastal Conservation Association) supported the Plan and downlisting the manatee.

Joan Caron supported the Plan, yet did not support downlisting of the Florida manatee.

Tracy Colson supported the Plan and stated her concerns regarding possible reductions in manatee protection.

Steven Webster (Florida Marine Contractors Association) discussed the history of re-classification of listed species and urged Commissioners to honor sound science when making a decision related to listed species.

Jamie Aquino (Plantation High School Teacher) discussed her student's initiative called, "Peer to Peer" an outreach to other students to educate and raise awareness of the issues facing manatee and wild dolphins. They support the Plan and proposed keeping the manatee on the endangered list.

Kristina Ramsey (Attorney with Broad and Cassel) representing the Florida Home Builders Association, the Association of Florida Community Developers, the Florida Farm Bureau, and the Florida Chamber of Commerce. The associations supported the species listing process; however are concerned that the Commission may delay the decision to downlist the manatee due to special interest groups.

### Commission Discussion

Chairman Barreto asked Mr. Frohlich how long he and staff have worked on the Florida manatee issue and the Plan relative to the overall protection of the manatee. Mr. Frohlich stated that the Plan is a concrete guide to move toward the conservation of the Florida manatee and outlines important needs to address such issues as warm water affects of Florida manatees.

Commissioner Corbett asked Mr. Frohlich if he felt the Plan would enhance the protection of the manatee and Mr. Frohlich responded yes, it would.

Upon motion of Commissioner Bergeron, seconded and carried, the Commission approved the Florida Manatee Management Plan.

Chairman Barreto stated the decision before the Commission is a landmark resolution to approve the Florida Manatee Management Plan. He congratulated Kipp Frohlich and Carol Knox for their tireless effort in producing and finalizing the Plan.

Commissioner Wright made the motion requesting staff review the entire imperiled species listing process and criteria. The request would defer the decision to downlist the Florida manatee to a future Commission meeting. Staff will present their findings to the Commission at a future Commission meeting.

Upon motion of Commissioner Wright, seconded and carried, the Commission approved deferring the decision to downlist the Florida manatee, directed staff to review the current listed species criteria,

and present their findings at a future Commission meeting. Based on their findings, the Commission will decide what or if any steps are needed to resolve the listed species criteria issue.

Chairman Barreto agreed that the deferral of the decision to downlist the Florida manatee is warranted; however, would leave the decision to staff on when they would present their findings as staff would need adequate time to review the criteria.

Jim Antista summarized the options related to Commission's actions related to deferring the decision to downlist the Florida manatee and review the listed species process.

The Commissioners discussed the listing process and the option to defer all future imperiled species listing decisions to future Commission meetings.

Mr. Haddad recommended staff could reserve decisions regarding the listing of the peregrine falcon and bald eagle, and defer the Panama City crayfish issue from the February 2008 scheduled agenda to a future Commission meeting until the criteria is further reviewed. Staff will present alternatives regarding how to proceed with those species that are currently in the listing process to the Commission at a future meeting.

Mr. Breault stated the issue is very complex and staff will need time to review the listing process. Staff will return to the Commission at a future meeting with alternatives related to the listing process.

Upon motion of Commissioner Wright, seconded and carried, the Commission approved the Executive Director's recommendation to defer all immediate decisions regarding the listing process until the process is reviewed further.

#### Bobwhite Quail Strategic Plan (Plan)

Chairman Barreto asked Tommy Hines, retired FWC employee, previously the small game coordinator with the Division of Hunting and Game Management and the current principal coordinator, writer, and team leader of the Plan. He presented the proposed strategic plan on the bobwhite quail. Staff recommended the Commission approve the Plan as presented and direct staff to move forward with its implementation.

Mr. Haddad acknowledged Commissioner Corbett's assistance with the Plan. Commissioner Corbett thanked Mr. Hines for his participation with the project.

Chairman Barreto reiterated Commissioner Corbett's participation as well. He suggested the agency research options to obtain funding to support this issue.

Commissioner Barco suggested giving the private landowner an incentive to keep their property in a natural state thereby increasing wildlife habitat.

Commissioner Yablonski thanked Mr. Hines and Commissioner Corbett for their assistance, as well. He suggested the Commission support providing landowners with a tax incentive to maintain their property for wildlife conservation use (similar to "greenbelt" tax incentives). It would benefit bobwhites and other early succession species. Additionally, he asked if there is an economic opportunity for ranchers to convert a portion of their property for bobwhite quail habitat.

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

#### Bald Eagle Draft Management Plan (Eagle Plan)

Mr. Breault continued with an update on the Bald Eagle Management Plan. Staff is in the process of working to resolve several issues and will present a final public hearing at the February 2008 Commission meeting.

#### Public Comment

Elizabeth Fleming stated she and the Audubon Society of Florida support the Bald Eagle Management Plan and will continue to work with agency staff to resolve several issues.

#### Draft Rules: 2008-2009 Wildlife Rules

Chairman Barreto asked Mr. Wiley to present the highlighted proposed 2008-09 draft rules for wildlife. Mr. Wiley presented the following substantive wildlife rules proposed for 2008-09:

- 68A-1.004, Definitions
- 68A-4.001, General Prohibitions
- 68A-9.010, Taking Nuisance Wildlife
- 68A-12.002, General Methods of Taking Game; Prohibitions
- 68A-13.003, Hunting Regulations for Ducks, Geese, and Coots

Mr. Wiley continued with a presentation of the following major proposed rule changes for Wildlife Management Areas (WMAs) and Wildlife Environmental Areas (WEAs):

- 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 WEAs.
- 68A-15.061, Southwest Region WMAs
- 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 including proposals not recommended by staff.

Staff recommended the Commission approve the major proposed rule changes for WMAs and WEAs and direct staff to advertise the rules for final public hearing at the February 2008 Commission meeting.

## Public Comment

Carol Baskin (Big Cat Rescue) commented on her appreciation to the Commission to ban online hunting.

Elizabeth Fleming stated her concerns regarding the use of the word “nuisance” wildlife included in the proposal. She submitted further comments in writing.

Dr. Jennifer Hobgood supported the prohibition to end online hunting. The Humane Society of the United States opposes the definition of nuisance wildlife as proposed in the draft language presented as it is subjective.

Todd Hallman (Florida Sportsman Conservation Association) supported the use of shot-gun only south and east of Stumper’s Grave in Corbett as a safety factor, and did not support the proposed “no alcohol” allowed regulation in Green Swamp.

Barbara Jean Powell urged the Commission to support a holistic deer management plan and asked the Commission to defer their decision on the three point plan.

Byron Maharrey expressed his concerns regarding several rules. Chairman Barreto asked him to work directly with Mr. Wiley regarding his concerns.

Dianna Carroll (General Counsel for the Miccosukee Tribe) stated staff has been very helpful. The rule does not recognize the management and enforcement role that the tribe plays (water conservation area 3 A). Commissioner Bergeron asked Ms. Carroll to describe the exclusive rights of the tribe. She stated the tribe’s law enforcement is present to assist with regulating the hunting season and camps on leased land. Chairman Barreto asked Col. Jones to meet with Ms. Carroll regarding her concerns.

Alan Rigerman discussed his concerns regarding captive wildlife regulations.

## Commission Discussion

Upon motion of Commissioner Barco, seconded and carried, the Commission approved the major proposed wildlife rules as presented and directed staff to advertise the proposed rules for final public hearing at the February 2008 Commission meeting.

## 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-1.004, Definitions
- 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 and direct staff to advertise the rules for final public hearing at the February 2008 Commission meeting.

Upon motion of Commissioner Wright, seconded and carried, the Commission approved proposed freshwater fisheries rules for 2008-09 as presented and directed staff to present the rules for final public hearing at the February 2008 Commission meeting.

#### Division of Freshwater Fisheries Management Work Plan for 2008-09

Chairman Barreto asked Mr. Scovell to present the Division of Freshwater Fisheries Management Work Plan for 2008-09. Mr. Scovell presented an overview of the following included in the Work Plan:

- Development and presentation of proposed rules for freshwater fishing
- Proposed Establishment Orders for FMAs

Additionally, Mr. Scovell reiterated the mission of the Division of Freshwater Fisheries Management: people, fish, and habitat. Staff recommended the Commission approve the Division of Freshwater Fisheries Management Work Plan for 2008-09.

Upon motion of Commissioner Barco, seconded and carried, the Commission approved the Division of Freshwater Fisheries Management Work Plan for 2008-09.

#### Division of Hunting and Game Management Work Plan for 2008-09

Chairman Barreto asked Mr. Wiley to present the Division of Hunting and Game Management Work Plan for 2008-09. Mr. Wiley presented an overview of the following included in the Work Plan:

- Development and presentation of proposed rules associated with hunting and game management statewide and on public hunting areas
- Proposed Establishment Orders for WMAs and WEAs
- Future of Hunting Initiatives
- Quota Hunt Program
- Deer Management
- Proposed Migratory Bird Seasons and Federal Frameworks

Staff recommended the Commission approve the proposed Division of Hunting and Game Management Work Plan for 2008-09.

Upon motion of Commissioner Bergeron, seconded and carried, the Commission approved the Division of Hunting and Game Management Work Plan for 2008-09.

#### Draft FWC Off-Road Vehicle Use Policy

Chairman Barreto asked Jerrie Lindsey to present a draft Off-Road Vehicle (ORV) Use Policy for lands where FWC is the lead manager. Ms. Lindsey presented the proposed policy and described the need for a comprehensive policy to guide staff recommendations regarding the use of ORV's on

FWC's management area system and the increased use of one type of ORV in particular; the All-Terrain Vehicles, which has posed challenges for all land managed agencies in the state.

Ms. Lindsey continued with a brief description of the following included in the ORV Use Policy:

- Public safety issues
- Policy development process and elements
- Management guidelines
- Implementing the policy

Ms. Lindsey asked Commissioners for approval of the ORV Use Policy and direct staff to present a final public hearing at the February or April 2008 Commission meeting.

#### Public Comment

Barbara Jean Powell stated her concerns with several issues contained in the policy and suggested additional revisions as well as stating that the permit is a good enforcement tool, rather than a fine for a violation.

Todd Hallman urged the Commission to delay any decisions related to the ORV policy until a larger group of stakeholders are able to contribute their concerns.

#### Commission Discussion

Commissioner Barco asked what a moderate price would be for a permit and why the agency would ask for a permit. Ms. Lindsey discussed the reasons for charging for a permit to use an ORV. Commissioner Barco stated she did not agree with charging for a permit. Additionally, Commissioner Barco stated her concerns regarding the ORV policy's lack of consistency with the current All Terrain Vehicle (ATV) policy.

The Commissioners discussed the proposed ORV policy. Chairman Barreto mentioned the agency should be cautious in designating ORV restricted areas and requested staff meet with user groups regarding the policy.

Upon motion of Commissioner Barco, seconded and carried, the Commission approved the draft ORV Use Policy and directed staff to return for final consideration at a future Commission meeting.

Under discussion, Commissioner Barco stated her concerns regarding the required permit to take an ATV out to a designated area and the possibility of the land not recovering from the increased traffic.

#### General Management Plan for the Addition Lands in Big Cypress National Preserve

Chairman Barreto asked Karen Gustin, Superintendent of the Big Cypress National Preserve to present an update on the General Management Plan for the Addition Lands in Big Cypress National Preserve and reviewed the planned next steps. Ms. Gustin began by introducing Damon Doumlele, Environmental Protection Specialist with the Big Cypress National Preserve. Ms. Gustin presented an update on the General Management Plan for the Addition Lands in Big Cypress National Preserve and reviewed future plans.

### Public Comment

Barbara Jean Powell thanked the Big Cypress National Park staff for their work on the Plan.

Byron Maharrey presented an oar to the Commissioners to use in the creeks of the Everglades National Park and discussed his concerns regarding Addition Lands in Big Cypress National Preserve.

### Commission Discussion

Chairman Barreto commended Ms. Gustin for her support. He appointed Commissioner Bergeron to represent the Commission and work with agency and Park staff regarding the General Management Plan for the Addition Lands in Big Cypress National Park. Commissioner Bergeron thanked and accepted Chairman Barreto's appointment and referred to a handout he provided to the Commissioners regarding the history of the Big Cypress Preserve.

### Land Acquisitions

Chairman Barreto asked Mr. Breault to present the proposed land acquisitions. Mr. Breault described the proposed land acquisitions: Dunham Ranch Tract and Lucky-L Ranch. Staff recommended the Commissioners approve the acquisition of the land contingent upon execution of an option contract and approval by the Board of Trustees.

Upon motion of Commissioner Yablonski, seconded and carried, the Commission approved the Dunham Ranch Tract and Lucky-L Ranch properties contingent upon execution of an option contract and approval by the Board of Trustees.

### Public Comment on Items Not on the Agenda

Steve Webster (Florida Marine Contractors) urged the Commission to allow him to obtain an informed opinion on the appropriate criteria for the development of multi-slip marina projects. Additionally, he discussed the Brevard County's first county based maritime master plan of which manatee protection will be an element, water access and water quality. He asked the Commission to appoint someone from staff to work with Brevard County on the development of this project.

Chairman Barreto thanked Mr. Webster and members of the Boating Industry for their support of the Florida manatee issue.

Alan Rigerman provided Commissioners an article regarding injuries to humans from exotic pets.

Rick Persson (South Florida Anglers for Everglades Restoration) thanked the Commission for their support in restoring the canals in the Everglades and drafting the position paper regarding south Florida canals affected by surf. Additionally, he commented on the change in marketing Florida to visitors from the #1 Bass Fishing Capital of the World and asked the Commission to work with Florida Attractions to change this back to that slogan. He invited Commissioners to the Save the Canal Bass Fishing Tournament in Holiday Park on April 27, 2008. Vice Chairman Yablonski asked him to meet with Mr. Scovell regarding his ideas.

Todd Hallman mentioned Officer Brad Stanley and other law enforcement officers related to the unfortunate loss of quality officers because of low pay and benefits and urged the Commission to request additional funds to the Legislature.

Commissioner Wright replied that the agency is working on finding additional funding.

#### Commission Exchange

Commissioner Bergeron thanked the Commission for the opportunity to work with Ms. Gustin. He referred to the handout including the history of the Big Cypress National Park with the full intent of the preserve to be open to the public.

Commissioner Wright discussed the issues covered during the meeting and complimented staff for devoting their time and expert knowledge.

Commissioner Barco referred to the Florida manatee issue and cautioned that individuals involved in the gopher tortoise listing process may contact the agency regarding the gopher tortoise's current species status. She urged staff to acknowledge successes with regard to species recovery. She thanked everyone for coming before the Commission to voice their concerns about issues.

Commissioner Stephenson discussed his satisfaction with the issues addressed during the day's meeting. Additionally, he mentioned meeting an FWC law enforcement officer during a flight from Chicago and discussed the pay issue with this officer and reiterated to the officer the Commission's concerns regarding obtaining additional pay for the agency's officers.

Commissioner Yablonski referred to the National Geographic article regarding hunting. He stated his pleasure in working with the new Commissioners Bergeron and Wright.

#### Recess

Chairman Barreto recessed the meeting at 5:35 p.m. to reconvene at 8:30 a.m., Thursday, December 6.

Chairman Barreto reconvened the meeting at 8:30 a.m., Thursday, December 6.

Chairman Barreto introduced and welcomed past Commissioner Herky Huffman. He recognized Commissioner Huffman for his years of service to the Commission. Commissioner Yablonski read the resolution.

Chairman Barreto introduced and welcomed Florida House Representative Mitch Needelman, his wife, Joanie; and Representative Needelman's Aide, Bill Johnson.

#### Election of Chairman and Vice Chairman

Chairman Barreto called on Jim Antista, General Counsel to instruct Commissioners on the voting options and the election process. Mr. Antista reviewed the options available to Commissioners in electing the Chairman and Vice Chairman; by acclamation or by written ballot.

Commissioner Bergeron made the motion to nominate Rodney Barreto for a five-year term as Chairman and Brian Yablonski as Vice Chairman for a term of one year to the Commission. Upon motion of Commissioner Bergeron, seconded and carried, the Commission approved the re-election of Rodney Barreto to a five-year term as Chairman and Brian Yablonski as Vice Chairman for a one-year term to the Commission. Commissioner Wright seconded the motion and moved that nominations be closed; accepting the nominees by acclamation. The Commission approved the nominations.

Chairman Barreto thanked the Commission for their support and trust in his abilities as Chairman. Additionally, he thanked the public for coming to the Commission meetings to voice their comments.

#### Final Rules – Uniform Rules of Procedure, Due Process, and Delegations of Authority

Chairman Barreto asked Jim Antista to present the Uniform Rules of Procedure, Due Process, and Delegations of Authority. Mr. Antista presented a historical background on the Commission's due process procedures and summarized the following proposed final rules:

- Rule 68-1.001, Adoption of Uniform Rules of Procedure; Due Process Procedures; Subject Matter Index; Official Reporter. The proposed rule would delete the reference to the FWC's Due Process Procedures adopted by the Commission on July 7, 1999.
- Rule 68-1.008, Due Process Procedures. The proposed rule would publish the current FWC Due Process Procedures in its entirety in accordance with legislative direction and to make them more visible and accessible.
- Rule 68-1.009, Delegations of Authority. The proposed rule would incorporate into rule by reference the Commission's Delegations of Authority to its Executive Director.

Staff recommended the Commission approve the final rules as amended. Minor changes were required by statute and rule citations to correct typographical errors in Due Process Procedures and Delegations.

#### Public Comment

Ted Forsgren (Coastal Conservation Association) supported staff recommendations on the Commission's due process rules.

Dennis O'Hern (Fishing Right Alliance) supported the Commission's current due process procedures.

David Grix (Fishing for Freedom) provided the Commissioners with a handout and presented his comments related to the agency's due process procedure. He did not support staff recommendations.

Alan Rigerman discussed his concerns regarding the current captive wildlife regulations.

Bob Harris (Attorney for the Diving Equipment and Marketing Association) discussed banning the feeding of marine life in Florida. He stated his concern regarding the denial by his organization to challenge the Commission's rules.

Ken Haddad clarified the agenda items related to the due process issues presented during the meeting.

### Commission Discussion

Upon motion of Commissioner Bergeron, seconded and carried, the Commission approved staff's recommendation to amend Rules 68-1.001, 68-1.008, and 68-1.009; Uniform Rules of Procedures, Due Process Procedures and Delegations of Authority.

Mr. Antista continued with a presentation of Representative Mitch Needelman's request proposing a constitutional amendment. Representative Needelman requested FWC present to the Legislature, in support, the joint resolution of the Legislature to amend the Florida Constitution. The amendment would require that all rules be subject to the rule challenge process, which follows the Administrative Procedures Act. Mr. Antista stated he believes the courts of the State of Florida protect the rights of the people. In 2006, the Commission provided a letter to Representative Needelman, and concluded that the FWC should not suggest a constitutional amendment that would alter its powers and duties, or affect the structure of the agency.

### Public Comment

Florida House Representative Mitch Needelman stated there is no doubt in his mind that the Commission has a process that open the doors for stakeholders to state their opinions and organizations push their issues for the Commission to make the best decision for the State of Florida, including the best scientific information available. The issue he presented relates to a joint resolution of the Legislature to amend the Florida Constitution. He proposed requiring all FWC rules be subject to a rule challenge process which follows the procedures of the Administrative Procedures Act. Based on current law, the Commission's rules made under constitutional authority can only be challenged in court. The 2007 proposal is same as Rep. Needelman's 2006 proposal. The Commission concluded last year that:

- FWC should not suggest a constitutional amendment, which would alter its duties and responsibilities.
- FWC should not make suggestions as to the constitutional structure of the agency.

He urged the Commission to review and consider his request.

### Commission Discussion

Vice Chairman Yablonski asked Mr. Antista if an issue was taken to court challenging the Commission, would the court consider the issue. Mr. Antista stated the court does have jurisdiction.

Commissioner Bergeron and Mr. Antista discussed the history of the Commission's constitutional authority.

Chairman Barreto and Commissioner Wright discussed their concerns regarding Rep. Needelman's request to the Commission.

#### Final Rules – Captive Wildlife Regulations

Colonel Julie Jones presented the following proposed final rules on captive wildlife regulations:

- 68A-0.60024, Commercialization of Wildlife; Public Contact; Bonding or Financial Responsibility Guarantee.

Staff stated no action was required by Commissioners. The rule will become effective on February 1, 2008.

#### Public Comment

Alan Rigerman discussed his concerns regarding the proposed rule.

#### Commission Discussion

Chairman Barreto complimented Col. Jones and staff for researching available insurance companies that would provide a quote on bonding.

Col. Jones continued with a presentation on the following proposed amended final rule:

- 68A-6.003, Facility and Structural Caging Requirements for Class I, II, and III Wildlife.
- 68A-6.007, Possession, Transportation, Exhibition and Caging Venomous Reptiles and Reptiles of Concern; Prohibited Reptile Species.
- 68A-6.0071, Record Keeping and Reporting Requirements.
- 68A-60072, Identification of Non-Native Venomous Reptiles and Reptiles of Concern.

Staff recommended the Commission approve proposed rules as advertised.

#### Public Comment

Carol Baskin supported staff's recommendation.

Dr. Jennifer Hobgood supported the 2008-09 Division of Law Enforcement's Work Plan. Additionally, she supported staff's recommendation; however asked that the language should be expanded to include Class I animals housed in backyard cages.

Susan Williams, a land owner, commented on proposed Rule 68A-6.003 and urged the Commission to revise the language contained in the draft rule and defer their decision to approve this rule. Additionally, she urged the Commissioners to include local government on decision making pertaining the location of the Class I animals.

Diana Ferguson (Legislative Staff Attorney for the Florida Association of Counties) provided a handout to the Commissioners and urged the Commission to re-consider their authority of the agency and landowners regarding land use. Additionally she discussed the increasing number of iguanas in south Florida. They are burrowing into sea walls, dikes and levees causing infrastructure failure. She closed with the issue of appropriate zoning areas for Class I captive wildlife.

Alan Rigerman stated his concerns regarding neighbor notification related to Rule 68A-6.003.

Col. Jones continued with a summary of public input and proposed that staff continue the issue of neighborhood notification and recommended the Commission approve Rule 68A-6.003 as advertised. Additionally, staff proposed amending the current 2008-09 Division of Law Enforcement Work Plan; adding the proposed rule to obtain further public comment to resolve the neighbor notification issue. The GIS database requested by Dr. Hobgood is two months away from launching.

### Commission Discussion

Upon motion of Commissioner Barco, seconded and carried, the Commission approved Rules 68A-6.003, 68A-6.007, 68A-6.0071, and 68A-6.0072as advertised.

Chairman Barreto asked Col. Jones about including local counties in zoning issues to ensure the property requesting certification to house Class I animals meet local zoning regulations. Col. Jones replied that staff will research his request and provide their findings to Commissioners. Col. Jones mentioned that she and Mr. Antista are meeting with Commissioner Rooks on December 21, 2007 to discuss some of the issues Ms. Ferguson mentioned during her presentation to the Commission and will follow up with Ms. Ferguson.

Chairman Barreto welcomed Mayor Pete Worthington of Marathon for his attendance.

### Draft Rules – Spiny Lobster

Chairman Barreto asked Bill Sharp, Biological Administrator III with the Division of Marine Fisheries Management to present the full suite of spiny lobster advisory board recommendations. Mr. Sharp presented a trap reduction and asked the Commission to approve an alternative recommendation. He presented the following draft rules:

- 68B-24.002, Definitions
- 68B-24.005, Seasons
- 68B-24.006, Gear: Trap, Buoys, Identification Requirements, Prohibited Devices
- 68B-24.007, Slipper Lobster: Prohibition Relating to Eggbearing Slipper Lobster
- 68B-24.009, Trap Reduction Schedule
- 68E-18.003, Certificate Allocations and Fees

Based on the comments provided by the members of the Advisory Group, the following is a summary of staff's recommendations:

1. Trap Reduction: End trap reduction. Staff recommended amending the rule to continue moratorium on trap reduction for one year and continue working to resolve concerns.
2. Trap Season Length: Allow lobster trappers to set traps the day following the two-day recreation sport season; lengthening the season. Staff recommended the Commission not amend the rule to allow a longer soak period.

3. Certificate Reversion: Reduce the time when unpaid trap certificates will revert to the State from 3 years to 2 years.
4. New Entrants to Trap Fishery: Allow trap certificate owners with no vessel to pull their own traps from another commercial fishers' vessel. Add rule language to allow two "C-numbers" to be displayed from one vessel.
5. Prohibit Harvest of All Egg-bearing Lobsters: Prohibit the take of any egg-bearing lobster species.

Staff recommends the Commission adopt draft rule language for 1, 3, 4, and 5 and proceed to a final public hearing at the April 2008 Commission meeting.

#### Public Comment

Bob Harris described three recommendations made by his group as stated in a handout provided to the Commissioners. He referred to his handout and discussed concerns regarding representation of the fishing industry of the Advisory Group, the issue of trap reduction, and the methodology of the estimated total group's vote related to spiny lobster issues. He recommended the Commission reconsider trap reduction and save the baby lobster.

Stephanie Clark (Cry of the Water) urged the Commission to lift the moratorium on trap reduction and requested the agency schedule the next Commission meeting in Broward County.

Michael Sperer urged the Commission to continue trap reductions to ensure the growth of spiny lobster habitat.

Stanley McCalla supported the continuation of trap reductions.

Skip Commagete (Force E Dive Center) stated the fishery resource is a large revenue source for divers and supported trap reductions.

Anthony Recime supported the continuation of trap reduction.

Barry Blodinger did not support staff's recommendation on trap season length, certificate reversion, and supported trap reductions.

Dan Clark (Cry of the Water) stated his concerns regarding trap reduction and suggested shortening the spiny lobster fishing season. He mentioned the issue of bleached coral reefs in Broward County.

Greg Holt (ScubaRadio) he urged the Commission to address limiting the commercial lobster traps and not approve a moratorium.

Jonathan Ramanov supported trap reduction, trap season length, and the current conditions of Florida's coral reefs.

Brianna Romanov did not think the ghost traps should be left on the bottom of the ocean. She wants future generations to see what she sees and that someone should take responsibility. She thanked the Commission for taking her seriously.

Rick Steffen discussed his concerns regarding the spiny lobster fishing season, the current condition of the coral reefs, and did not agree with baiting shorts.

Frank Schmidt (Lighthouse Sportsman's Association) discussed the current conditions of the coral reefs and eggbearing spiny lobster.

George Wentland discussed his concerns regarding the sustainability of Florida's environment and how the lobster harvesting industry is affecting the future of spiny lobster and coral reefs.

Eduardo Hart and Jeff Torode (South Florida Diving Headquarters) supported staff's recommendations, concerns regarding the Advisory Group, discussed the depletion of the spiny lobster harvesting industry and suggested solutions.

Peter Bacle (Stock Island Lobster Company) discussed his concerns regarding decisions by the Advisory Board related to recreational lobster diving. He urged the Commission to support the recreational diving industry. Additionally, he provided a copy of a letter he previously sent Commissioners.

Dennis O'Hern discussed his concerns regarding baiting shorts and supported staff's recommendations. Additionally, he supported the agency's position regarding federal issues.

Jerry Sansom (Organized Fishermen) discussed the history of the spiny lobster harvesting industry in Florida and the trap reduction process.

Vincenza Varalla (Scuba Charters)

Jesus Diaz does not support trap reduction.

Jeff Cramer discussed the spiny lobster habitat, trap reduction, casitas, and coral reef restoration.

Gary Sands discussed damage to coral reefs from hurricanes.

William Gibson, Jr. (Florida Keys Commercial Fishermen) discussed the history of trap reduction.

George Niles (Florida Keys Commercial Fishermen) supports staff's recommendation on the trap reduction moratorium. He urged the Commission to consider the results from the Advisory Group.

Joshua Nichols supported trap reduction and urged the Commission to update the scientific data regarding the spiny lobster trap reduction process.

Albert Sullivan urged the Commission to stop the harvesting of casitas.

Pete Murray stated his concerns regarding spiny lobster traps.

Simon Stafford and Mimi Stafford discussed their concerns regarding the illegal use of casitas.

Russell Moore (Environmentally Conserved Commercial Divers) urged the Commission to research sustainable fisheries in the Florida Keys and manage the lobster fisheries from a long-term scientific point of view.

Jim Sharpe stated he and members of the Advisory Group believe casitas should be regulated and those who fish illegally should be prosecuted.

Captain Gary Mace (Conch Republic Divers) discussed maintaining the natural resources.

Richard McPhillips, Jr. discussed divers fishing for lobster and the damage to lobsters when the divers are not careful.

Richard McPhillips, III stated how much he enjoyed commercial fishing and did not support trap reduction.

Mitchell Gale supported staff's recommendations of the added year on the lobster fishing season moratorium.

Richard Stigletz supported staff's recommendations and urged the Commission to increase law enforcement on the water.

Sandy Companion discussed how he protects the fisheries while commercial fishing.

Benny Davila supported staff's recommendations.

Yorly Martinez discussed how he fishes commercially.

Oswald Jimenez does not support trap reduction.

David Sands discussed his concerns regarding reputable commercial fishing.

Bobby Pillor supported staff's recommendation.

Manny Toledo supported staff's recommendation.

Ted Forsgren described the history of the spiny lobster fishery and supported staff's recommendation.

Tom Hill provided Commissioners an article published in the Miami Herald regarding the sewage pipe causes of stink, which means both Dade, Broward and Palm Beach counties taking their minimal treated sewage and putting it back into the water. He expressed his concerns regarding the affects of polluted water to the environment.

Rawdy Robertson provided the Commissioners an article regarding the casita issue and dive fishery.

Peter Boehm supported staff's recommendations.

Ernie Pitten supported staff's recommendations and discussed the damage to the spiny lobster habitat.

Bruce Irwin discussed the commercial fishing industry's efforts in preserving the impact to the spiny lobster habitat and supported staff's recommendations.

William Niles supported staff's recommendations.

Karl Lessard supported staff's recommendations.

Gary Graves supported staff's recommendations and mentioned commercial fishermen are in business to feed people their product.

Walter Rentz discussed how he retrieves his traps and brought in the anchor he uses to pick up his traps.

Gary Nickols supported staff's recommendations.

Mayor Pete Worthington (Mayor of the City of Marathon) supported staff's recommendations.

John Halas (Florida Keys National Marine Sanctuary) discussed their work related to habitat destruction and trap reduction.

Paul Lebo supported staff's recommendations and urged the Commission to increase law enforcement on the waters to regulate trap retrieval.

Paul Johnson (Reef Relief) supports staff's recommendations.

Albert Pfluegler supported staff's recommendations and the affects of water pollution.

Howard Ehrenberg discussed his concerns regarding the current length of the spiny lobster fishing season.

#### Commission Discussion

Chairman Barreto discussed with Mr. Sharp how the agency handles damage to traps due to hurricanes and suggested that the Commission's management policies regarding the lobster trap fishery should consider contingency plans in case of hurricanes, including providing an automatic moratorium on trap reduction.

Commissioner Barco asked if we have an estimate of the number of lost traps. Mr. Robson stated we recovered 4,700 during the trap retrieval program in 2006 in the Florida Keys up the southwest coast of Florida.

Commissioner Bergeron thanked stakeholders for coming to the meeting to speak about the spiny lobster issue.

Chairman Barreto discussed the issue of the loss of fish houses and that the whole working waterfront is under siege. He asked John Hunt, Program Administrator with the Fish and Wildlife Research Institute (FWRI) to summarize the status of research on casitas. Mr. Hunt stated FWRI submitted several grant proposals to begin the research and that the staff has been working with the ECCD to come up with two casita designs. Staff has developed the field sampling survey protocol, and is presently conducting habitat surveys of the experimental sites before the casitas are deployed. If grant proposals are approved, the casitas will be deployed on the experimental sites next fall.

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

Commissioner Bergeron asked staff if the agency has any information regarding major environmental impacts. Mr. Robson stated staff would explore what information is available and provide to Commissioners at that time.

Chairman Barreto asked staff to contact Mike Sole, Secretary of the Florida Department of Environmental Protection regarding a status report on the sewage area (Ocean Falls) and the affects on the fisheries and he requested a report to the Commission at a future meeting.

Vice Chairman Yablonski stated staff should look at the traps and/or the number of lobsters caught as tradable assets. He asked staff to continue to research a market based management program for the lobster fishery, which keeps the agency on a goal of keeping the moratorium.

Chairman Barreto thanked individuals who volunteered their time to represent their industry on the Advisory Group. He advised individuals to work with John Hunt regarding their concerns.

Chairman Barreto asked Vic Heller to review the proposed modified agenda items. Mr. Heller proposed deferring the following issues listed on the agenda: item C, defer Boating and Waterways issue; item C, 2, Division of Law Enforcement Work Plan propose the Commission approve as presented; and item C, 3, Division of Marine Fisheries Management Work Plan proposed approving as written with a modification to include a high priority issue for staff to research an allocation in federal fisheries in the public policy issue surrounding allocation.

Upon motion by Commissioner Barco, seconded and carried, the Commission approved the proposed amended agenda items as presented.

#### Draft Rules – Harvesting Gear for Black Sea Bass

Bill Teehan, Section Leader in the Division of Marine Fisheries Management described the draft rule for the allowance of a volumetric equivalency of 8 cubic feet for black sea bass traps.

Staff recommended the Commission allow a volumetric equivalency of 8 cubic feet for black sea bass traps. If approved by the Commission, staff would present this item on the Consent Agenda at the February 2008 Commission meeting.

#### Public Comment

Ronnie Day supported staff's recommendation.

Bill McMullen discussed vessel management and staff's recommendation to propose the vessel issue as one of the issues presented during the 2008 Legislative session.

#### Commission Discussion

Upon motion of Commissioner Barco, seconded and carried, the Commission approved the draft rule for the allowance of a volumetric equivalency of 8 cubic feet for black sea bass traps.

#### Federal Fishery Coordination

Mr. Robson reviewed the procedures to better incorporate Commission input regarding the decision-making processes of the Gulf of Mexico Fishery Management Council, the South Atlantic Fishery Management Council, and the National Marine Fisheries Service. Issues arise when federal and state management actions do not concur. When this occurs, additional time and effort is devoted to

coordinate and resolve the issue. Mr. Robson described the Council process in addressing issues and options for improving coordination with the Councils. Staff believes there are three elements that are essential when involving the Commission in Council issues:

1. Resolve direct schedule conflicts between Council and Commission meetings
2. Late-breaking updates to Commission agenda documents.
3. Seek Commission direction before Council approves “Public Hearing” documents.

Mr. Robson described the Councils process for Plan Amendments and concluded his presentation with potential mechanisms to receive guidance from the Commission. Staff recommended the Commission review the Council meeting schedules in advance when developing the dates of future Commission meetings, that key federal issues be presented to the Commission as stand-alone items on the agenda to allow for more in-depth review, and that staff be given some flexibility to coordinate breaking issues with the executive director and Chairman.

#### Public Comment

Bob Gill urged the Commission to give staff general direction rather than specific direction regarding emerging issues when addressing the Council.

Ted Forsgren urged the Commission to move controversial issues to the beginning of the Commission meeting agenda and to assist the public with commenting. Additionally, he recommended staff identify the major issues in fisheries and the Commission give a policy directive to assist in approaching the Council. Establishing what should be the resource protection goal and the allocation, which provided staff the parameters for which staff would debate at the Council level.

Paul Johnson (Reef Relief) thanked the Commission for taking the “right” direction.

Bob Zales, II (Panama City Boatmen’s Association) urged the Commission to prepare information regarding Council issues as far in advance as possible.

Chris Dorsett (Ocean Conservancy) supported staff’s recommendations.

#### Commission Discussion

Chairman Barreto suggested staff notify Commissioners regarding controversial Council issues.

Commissioner Barco asked staff if they could obtain the Council’s schedule, work plan, and master calendar of issues to address at each meeting. She offered to work with staff regarding upcoming federal issues. Mr. Robson stated he would work with Commissioner Barco regarding her requests.

Additionally, Mr. Robson stated staff would list emerging federal issues separately on all future Commission meeting agendas. If staff is unable to present an issue at a Commission meeting due to timeliness, staff, the Executive Director and Commissioners would be informed of the issue and staff’s recommendations.

Upon motion of Vice Chairman Yablonski, seconded and carried, the Commission directed staff to coordinate with Commissioner Barco regarding Council issues prior to Commission meetings, as appropriate.

### Federal Issues – South Atlantic Fishery Management Council Issues

Mr. Robson presented an update on the following issues from the September 2007 South Atlantic Council meeting:

- Amendment 15B: Snowy Grouper and Red Porgy
- Amendment 16: Gag Grouper and Vermilion Snapper

Staff recommended the Commission approve the following range of alternatives selected for management action:

- Supporting ranges of selected alternatives
- Supporting action to consider snapper-grouper allocations as “interim” and develop guidelines for establishing allocations.
- Supporting action to allow updated vermilion snapper stock assessment
- Supporting range of potential management regulations for gag grouper, vermilion snapper, shallow-water groupers
- Seeking direction on harvest reduction management options for gag grouper and vermilion snapper.

### Public Comment

Ted Forsgren asked what the resource protection level that the Council is using. He discussed the proxy the Council is currently using and wanted to know why the Council is not looking at 35% spawning potential ratio (SPR) for grouper. Mr. Robson stated the South Atlantic Fishery Council is using the more traditional maximum sustainable yield and will research the Gulf of Mexico Fishery Management Council’s data. Chairman Barreto asked staff to provide the answer to Mr. Forsgren’s request and follow up with Mr. Forsgren with this information.

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

### Federal Issues – Gulf of Mexico Fishery Management Council Issues

Mr. Teehan presented an update on the following issues addressed at the October 2007 Council meeting:

- Aquaculture Amendment
- Red drum
- Reef fish
- Grouper IFQ
- Imported Lobster Tail Size
- Amendment 30A: Greater Amberjack and Gray Triggerfish
- Amendment 30B: Gag Grouper and Red Grouper

Staff requested acceptance of their report on the Gulf of Mexico Fishery Management Council issues.

### Public Comment

Ted Forsgren urged the Commission to give direction to staff to ask the Council to examine the management benchmarks being proposed for the Grouper fishery in the Gulf of Mexico. The purpose of this request would be to determine if an alternative benchmark might be more appropriate as it relates to the use of spawning potential ratios (SPR). Additionally he discussed his concerns regarding amberjack related to the current allocation.

Bob Zales, II discussed the Council's decision on amberjack bag limit regulations.

Bob Gill urged the Commission to provide staff general guidance when they meet with the Councils.

### Commission Discussion

Commissioner Barco and Mr. Teehan discussed state and federal regulations related to bag limits.

Vice Chairman Yablonski requested that staff obtain clarity from the Council regarding the use of various SPR values as management benchmarks for the Grouper fishery and provide this information to the Commissioners.

Chairman Barreto asked staff to work with Commissioner Barco as the liaison for the Commissioners on federal fishery management issues.

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

### Federal Issues - Biscayne National Park

Mr. Robson presented a proposed amended Memorandum of Understanding (MOU) between FWC and Biscayne National Park (BNP). The draft modifications included the following:

- Reference to marine reserves has been removed
- New language reiterates that FWC wants to use less restrictive management measures to fully achieve fishery management goals for the Park
- However, both agencies agree that due to the special status as a National Park, more restrictive management measures may be appropriate to fulfill the full range of Park objectives.
- Both agencies also agree that all generally accepted management actions should be considered in the desire to maintain the high level of protection appropriate for a National Park.

Staff will continue to work with the Park's staff to develop their FMP under the terms of the existing MOU. FWC and the Park staff met in November 2007 to discuss annual science planning issues relating to the Park and develop an implementation outline and schedule for the FMP. Subject to Commission review and approval, FWC staff will incorporate written modifications in the MOU.

### Public Comment

Mark Lewis (Superintendent, Biscayne National Park) discussed the reasons for the modifications to the MOU and asked the Commission to approve the amended language to the MOU.

Ted Forsgren provided a handout stating CCA supported the original language in the MOU but did not agree with the Park's proposed changes to the MOU.

Jason Bennis supported staff's recommended amended language to the MOU.

David White (Ocean Conservancy) supported the recommended amended language to the MOU and discussed the history of the Park's Management Plan including his concerns.

Bonnie Basham supported staff's recommendation and alerted the Commission to a problem occurring with personal watercrafts in the Park related to boater safety.

Jerry Sansom referred to the history of the Legislature when restrictions were created stating who retains submerged and fishing rights.

### Commission Discussion

Commissioner Barco and Chairman Barreto discussed the Commission's option in approving the current MOU versus the revised version. Mr. Lewis discussed three points: location of the Park with millions of people using the area, it does have the designation of a National Park, and one could argue that when the National Parks Service goes through the process and presents it to the public, the Park may have limited itself to not accomplish the full range of alternatives.

Chairman Barreto stated the agency recently passed the largest no fishing zone in the Dry Tortugas area. Staff coordinated with the Park service to provide a five-year report with a three- year update to help determine whether to re-open the no-fishing zone or leave it closed.

Commissioner Bergeron stated the policy of the Commission is to preserve, protect, and enjoy the environment allowing public access.

Upon motion of Commissioner Bergeron, seconded and carried, the Commission did not approve the proposed modifications to the Memorandum of Understanding between the FWC and Biscayne National Park and directed staff to continue working with the Park's staff under the original agreement.

Commissioner Stephenson reiterated that the Commission supports the Park and their efforts; however, believe the Park can accomplish the same goals with the language from the original agreement.

### Legislative Report

Chairman Barreto asked Jackie Fauls to present the legislative report. Ms. Fauls described the proposal to combine Chapters 370 and 372, Florida Statutes to the agency's legislative proposals for the 2008 Legislative Session and asked the Commission for their approval.

Upon motion of Commissioner Yablonski, seconded and carried, the Commission approved the combination of Chapters 370 and 372, Florida Statutes, to the agency's legislative proposals for the 2008 Legislative Session.

Commissioner Yablonski requested staff draft a letter from the Commission to the Taxation and Budget Reform Commission supporting the CP 15 and CP 16, the two amendments creating tax incentives for landowners who use their lands for conservation purposes.

Staff recommended the Commission approve the addition and combination of Chapters 370 and 372, Florida Statutes, to the agency's legislative proposals for the 2008 Legislative Session.

Upon motion of Commissioner Yablonski, seconded and carried, the Commission approved the Legislative Report.

Commissioner Bergeron and Ms. Fauls discussed the Commission's budget.

Chairman Barreto directed Ms. Fauls to schedule meetings for Commissioners to meet with Florida Senate President, Ken Pruitt; Florida House of Representatives Speaker, Marco Rubio; and Governor Charlie Crist proposing an increase in law enforcement officer's pay as a priority for the 2008 Legislative Session.

#### Public Comment on Items Not on the Agenda

Ted Forsgren offered assistance regarding law enforcement pay increases.

Alan Rigerman supported an increase in law enforcement pay.

David White discussed his concerns regarding the allocation of fishery resources.

Herky Huffman discussed the history of the agency's due process for the benefit of newly appointed Commissioners and offered his support of the Commission's decisions related to due process.

#### Commission Exchange

Commissioner Barco asked the Commissioners to remember back at the September Commission meeting when Representative Will Kendrick asked about bringing the net issue back to the Commission. She said the issue can be brought back up to the Commission. She asked staff if they could look at it again. Commissioner Bergeron replied that it was fine with him. Chairman Barreto deferred the request to staff for their input. Mr. Heller stated he would review the issue with staff and return to the Commission with an informed recommendation.

Commissioner Bergeron asked the Commission if he could work with staff on a presentation of major issues regarding the Everglades National Park at the February 2008 Commission meeting recommending issues that would benefit wildlife. Mr. Heller stated several members of staff have already discussed with Commissioner Bergeron his request.

Chairman Barreto asked staff to look at having a meeting in Okeechobee and other smaller towns the Commission has not held a meeting at in the past. He thanked Commissioner Barco for her assistance in working with staff regarding Federal Issues, thanked Commissioner Bergeron for his work and assistance with staff regarding the Everglades National Park, thanked Chuck Collins and his wife, Sherry for their time and assistance in coordinating the Commission meeting. He wished everyone happy holidays.

### Administrative Matters

Chairman Barreto asked Mr. Heller to present the administrative matters. Mr. Heller proposed changing the location of the June 2008 Commission meeting from Ft. Myers to Ft. Lauderdale.

Upon motion of Commissioner Bergeron, seconded and carried, the Commission approved changing the location of the June 2008 meeting from Ft. Myers to Ft. Lauderdale.

### Adjournment

Chairman Barreto adjourned the meeting at 7:00 p.m.

## PROCLAMATION

Whereas, The Florida Fish and Wildlife Conservation Commission has cause to give thanks to Joe Pineda for his continued participation in the success of the Annual Paella Cook-out at the home of Rodney and Shelia Barreto in beautiful Key Largo, Florida; and

Whereas, if it were not for Joe's culinary expertise and meticulous planning skills we would not be able to hold such a worthwhile event, year after year; and

Whereas, their tireless effort in coordinating the many ingredients required for producing such a delectable dish does not go unnoticed; and

Whereas, Joe took time from his busy schedule, ordering and picking the finest ingredients, traveling to Key Largo to set up, preparing the ingredients ahead of time, and cooking over a hot fire all evening long to provide guests with the best paella dish in the Keys to delight our taste buds; and

Whereas, the people of our Great State of Florida thank you for providing such a delightful medley of rice, wild game, seafood and secret ingredients from our great state;

Now, therefore, let this official proclamation act as a formal recognition and public thank you in appreciation of your time and effort in providing us with another successful Paella event and hopes for many more to come.

This proclamation is officially recorded by the Fish and Wildlife Conservation Commission into the record and history of culinary excellence and chefs extraordinaire.

I, RODNEY BARRETO, CHAIRMAN OF THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION do hereby proclaim December 5, 2007 as

"The Trainer and Pineda" Day

In Key Largo, Florida and urge all citizens to recognize these great citizens of the State of Florida.

---

Rodney Barreto, Chairman

## PROCLAMATION

Whereas, The Florida Fish and Wildlife Conservation Commission has cause to give thanks to Monty Trainer for his continued participation in the success of the Annual Paella Cook-out at the home of Rodney and Shelia Barreto in beautiful Key Largo, Florida; and

Whereas, if it were not for Monty's culinary expertise and meticulous planning skills we would not be able to hold such a worthwhile event, year after year; and

Whereas, their tireless effort in coordinating the many ingredients required for producing such a delectable dish does not go unnoticed; and

Whereas, Monty took time from his busy schedule, ordering and picking the finest ingredients, traveling to Key Largo to set up, preparing the ingredients ahead of time, and cooking over a hot fire all evening long to provide guests with the best paella dish in the Keys to delight our taste buds; and

Whereas, the people of our Great State of Florida thank you for providing such a delightful medley of rice, wild game, seafood and secret ingredients from our great state;

Now, therefore, let this official proclamation act as a formal recognition and public thank you in appreciation of your time and effort in providing us with another successful Paella event and hopes for many more to come.

This proclamation is officially recorded by the Fish and Wildlife Conservation Commission into the record and history of culinary excellence and chefs extraordinaire.

I, RODNEY BARRETO, CHAIRMAN OF THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION do hereby proclaim December 5, 2007 as

"The Trainer and Pineda" Day

In Key Largo, Florida and urge all citizens to recognize these great citizens of the State of Florida.

---

Rodney Barreto, Chairman

## PROCLAMATION

Whereas, The Florida Fish and Wildlife Conservation Commission has cause to give thanks to Vic Dunaway for making a lifetime commitment to the conservation and enjoyment of Florida's abundant fish and wildlife resources; and

Whereas, Vic's passion for fishing has never waived and he has voiced his love for the sport to anyone he meets; and

Whereas, due to Vic's lively and educational articles on sport fishing, anglers from all over the world have enjoyed Florida's unique fisheries; and

Whereas, if it were not for Vic's how-to and cooking books and articles the State of Florida would not have become the #1 Fishing Capital of the World; and

Whereas, Vic has opened up the world of fishing to the visitors and citizens of Florida through his instructive writing; and

Whereas, Vic has devoted over 50 years to educating Floridians and visitors about the wonders of Florida's fish and wildlife:

Now, therefore, be it resolved by the Florida Fish and Wildlife Conservation Commission, in a duly constituted and assembled meeting:

- That we do hereby attest and record on behalf of the citizens of this great State of Florida, and for all who come after us, our deep appreciation for the valuable service rendered by Vic Dunaway.
- That the Commission and all Floridians owe Vic Dunaway a huge measure of respect and gratitude for his unprecedented contributions.
- That this proclamation is an official recognition and public thank you for your dedication and concern for helping people around the world enjoy and protect our unique and valuable fisheries resources.
- That this proclamation is officially recorded into the minutes of the Florida Fish and Wildlife Conservation Commission at its December 5, 2007 meeting in Key Largo, Florida.

---

Rodney Barreto, Chairman

## ***Resolution***

The Board of the Florida Fish and Wildlife Conservation Commission hereby declares on this 5th day of December in the year 2007:

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

WHEREAS, Sandra T. Kaupe is an avid angler and outdoorswoman who understands first-hand the importance of maintaining and nurturing Florida's valuable living resources, and

WHEREAS, Sandra T. Kaupe has been tireless in executing her duties as Commissioner of the Florida Fish and Wildlife Conservation Commission since her appointment and confirmation in 2002, and

WHEREAS, Sandra T. Kaupe has demonstrated remarkable diligence, intelligence, fairness and leadership in managing the living resources which enrich the enviable lifestyle of the people of the Great State of Florida and which support a multi-billion-dollar component of this state's economy, and

WHEREAS, Sandra T. Kaupe's service on the Florida Fish and Wildlife Conservation Commission is distinguished by her commitment to stewardship of Florida's fish and wildlife and their habitats, and

WHEREAS, Sandra T. Kaupe has honorably and skillfully fulfilled her term on the Florida Fish and Wildlife Conservation Commission:

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

- \* That we do hereby attest and record on behalf of all the citizens of the Great State of Florida, and for all who come after us, our deep appreciation for the valuable service rendered by Sandra T. Kaupe.
- \* That we do hereby acknowledge and profess our admiration for Sandra T. Kaupe.
- \* That we do herewith proclaim that the lives of all Floridians are deeply enriched as a result of the dedication, diligence and perseverance of Sandra T. Kaupe in pursuit of protection and conservation of Florida's treasured natural heritage.
- \* That we hereby record the sentiments of this resolution forevermore upon the minutes and records of the Florida Fish and Wildlife Conservation Commission.

DONE AND RESOLVED at Key Largo, Florida this 5th day of December, A.D. 2007.

FLORIDA FISH AND WILDLIFE  
CONSERVATION COMMISSION

\_\_\_\_\_  
Chairman Rodney Barreto

\_\_\_\_\_  
Vice Chairman Brian Yablonski

\_\_\_\_\_  
Kathy Barco

\_\_\_\_\_  
Ronald M. Bergeron

\_\_\_\_\_  
Richard A. "Dick" Corbett

\_\_\_\_\_  
Dwight Stephenson

\_\_\_\_\_  
Kenneth W. Wright

Attest: \_\_\_\_\_

Florida Fish and Wildlife Conservation Commission

## ***Resolution***

The Board of the Florida Fish and Wildlife Conservation Commission hereby declares on this 5th day of December in the year 2007:

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

WHEREAS, David K. Meehan is an avid, lifelong sportsman, angler and natural resource steward of historical distinction among Floridians, and

WHEREAS, David K. Meehan has been tireless in executing his duties as Chairman, Vice Chairman and Commissioner of the Florida Fish and Wildlife Conservation Commission and Commissioner of the former Florida Marine Fisheries Commission, since his appointment and confirmation in 1999, and

WHEREAS, David K. Meehan has demonstrated remarkable diligence, intelligence, fairness and leadership in managing the living resources which enrich the lifestyle of the people of the Great State of Florida and which support a multi-billion-dollar component of this state's economy, and

WHEREAS, David K. Meehan's service on the Florida Fish and Wildlife Conservation Commission is distinguished by his commitment to stewardship of Florida's fish and wildlife and their habitats, and

WHEREAS, David K. Meehan has honorably and skillfully fulfilled two terms on the Florida Fish and Wildlife Conservation Commission:

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

\* That we do hereby attest and record on behalf of all the citizens of the Great State of Florida, and for all who come after us, our deep appreciation for the valuable service rendered by David K. Meehan.

\* That we do hereby acknowledge and profess our admiration for David K. Meehan.

\* That we do herewith proclaim that the lives of all Floridians are deeply enriched as a result of the dedication, diligence and perseverance of David K. Meehan in pursuit of protection and conservation of Florida's treasured natural heritage.

\* That we hereby record the sentiments of this resolution forevermore upon the minutes and records of the Florida Fish and Wildlife Conservation Commission.

DONE AND RESOLVED at Key Largo, Florida this 5th day of December, 2007.

FLORIDA FISH AND WILDLIFE  
CONSERVATION COMMISSION

\_\_\_\_\_  
Chairman Rodney Barreto

\_\_\_\_\_  
Vice Chairman Brian Yablonski

\_\_\_\_\_  
Kathy Barco

\_\_\_\_\_  
Ronald M. Bergeron

\_\_\_\_\_  
Richard A. "Dick" Corbett

\_\_\_\_\_  
Dwight Stephenson

\_\_\_\_\_  
Kenneth W. Wright

Attest: \_\_\_\_\_

Florida Fish and Wildlife Conservation Commission

## ***Resolution***

The Board of the Florida Fish and Wildlife Conservation Commission hereby declares on this 5th day of December in the year 2007:

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

WHEREAS, H.A. “Herky” Huffman is an avid, lifelong sportsman, angler and natural resource steward of historical distinction among Floridians, and

WHEREAS, H.A. “Herky” Huffman has been tireless in executing his duties as Chairman, Vice Chairman and Commissioner of the Florida Fish and Wildlife Conservation Commission and Commissioner of the former Florida Marine Fisheries Commission, since his appointment and confirmation in 1999, and

WHEREAS, H.A. “Herky” Huffman has demonstrated remarkable diligence, intelligence, fairness and leadership in managing the living resources which enrich the lifestyle of the people of the Great State of Florida and which support a multi-billion-dollar component of this state’s economy, and

WHEREAS, H.A. “Herky” Huffman’s service on the Florida Fish and Wildlife Conservation Commission is distinguished by his commitment to stewardship of Florida’s fish and wildlife and their habitats, and

WHEREAS, H.A. “Herky” Huffman has honorably and skillfully fulfilled two terms on the Florida Fish and Wildlife Conservation Commission, yet continues to serve the cause of conservation through his service on the St. Johns River Water Management District and in the private sector:

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

\* That we do hereby attest and record on behalf of all the citizens of the Great State of Florida, and for all who come after us, our deep appreciation for the valuable service rendered by H.A. “Herky” Huffman.

\* That we do hereby acknowledge and profess our admiration for H.A. “Herky” Huffman.

\* That we do herewith proclaim that the lives of all Floridians are deeply enriched as a result of the dedication, diligence and perseverance of H.A. “Herky” Huffman in pursuit of protection and conservation of Florida’s treasured natural heritage.

\* That we hereby record the sentiments of this resolution forevermore upon the minutes and records of the Florida Fish and Wildlife Conservation Commission.

DONE AND RESOLVED at Key Largo, Florida this 5th day of December, 2007.

FLORIDA FISH AND WILDLIFE  
CONSERVATION COMMISSION

\_\_\_\_\_  
Chairman Rodney Barreto

\_\_\_\_\_  
Vice Chairman Brian Yablonski

\_\_\_\_\_  
Kathy Barco

\_\_\_\_\_  
Ronald M. Bergeron

\_\_\_\_\_  
Richard A. "Dick" Corbett

\_\_\_\_\_  
Dwight Stephenson

\_\_\_\_\_  
Kenneth W. Wright

Attest: \_\_\_\_\_

Florida Fish and Wildlife Conservation Commission

# **In Recognition of Your Act of Heroism**

Jeffrey Bass

*Fifth of December 2007*

## **THE COMMISSIONERS**

RODNEY BARRETO, CHAIRMAN  
BRIAN S. YABLONSKI, VICE CHAIRMAN  
KATHY BARCO  
RICHARD A. CORBETT  
KENNETH WRIGHT  
RONALD BERGERON  
DWIGHT STEPHENSON

---

KEN HADDAD, Executive Director

---

RODNEY BARRETO, CHAIRMAN

# **In Recognition of Your Act of Heroism**

Captain James Koch

*Fifth of December 2007*

## **THE COMMISSIONERS**

RODNEY BARRETO, CHAIRMAN  
BRIAN S. YABLONSKI, VICE CHAIRMAN  
KATHY BARCO  
RICHARD A. CORBETT  
KENNETH WRIGHT  
RONALD BERGERON  
DWIGHT STEPHENSON

---

KEN HADDAD, Executive Director

---

RODNEY BARRETO, CHAIRMAN

# **In Recognition of Your Support for Conservation of Florida's Fish & Wildlife**

Vic Dunaway

*Fifth of December 2007*

---

KEN HADDAD, Executive Director

---

RODNEY BARRETO, CHAIRMAN

## **THE COMMISSIONERS**

RODNEY BARRETO, CHAIRMAN  
BRIAN S. YABLONSKI, VICE CHAIRMAN  
KATHY BARCO  
RICHARD A. CORBETT  
KENNETH WRIGHT  
RONALD BERGERON  
DWIGHT STEPHENSON

---

Rodney Barreto  
Chairman

---

Kenneth D. Haddad  
Executive Director

Respectfully submitted:

---

Commission Secretary