



# Florida Fish and Wildlife Conservation Commission

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Commission Meeting  
June 11-12, 2008  
Dania Beach

## Minutes

A regular meeting of the Florida Fish and Wildlife Conservation Commission (Commission) was held June 11-12, 2008 at the International Game Fish Association (IGFA) Fishing Hall of Fame and Museum, located at 300 Gulf Stream Way, Dania Beach, Florida. The meeting was called to order at 8:30 am 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:

Kenneth D. Haddad	Executive Director
Victor J. Heller	Assistant Executive Director
James V. Antista	General Counsel
Gil McRae	Director, Fish and Wildlife Research Institute
Julie L. Jones	Director, Division of Law Enforcement
Nick Wiley	Director, Division of Hunting and Game Management
Timothy Breault	Director, Division of Habitat and Species Conservation
Mark S. Robson	Director, Division of Marine Fisheries Management
Darrell Scovell	Director, Division of Freshwater Fisheries Management
Sandra Wilson	Director, Finance and Budget Office
Jackie Fauls	Director, Legislative Affairs Office
Jerrie Lindsey	Director, Office of Recreation Services
Chuck Collins	Director, South Region
Dennis David	Director, North East Region
Roland Garcia	Director, North Central Region
Greg Holder	Director, Southwest Region

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

Chairman Barreto welcomed Commissioners, staff, and guests to Dania Beach and the International Game Fish Association (IGFA) Fishing Hall of Fame Museum.

Vic Heller gave the invocation. Commissioner Stephenson led the assembly in the Pledge of Allegiance to the Flag and the Commission's Color guard.

Chairman Barreto introduced Rob Kramer, Director of IGFA. Mr. Kramer thanked the Commission for their support; welcomed the Commissioners and the public to the facility and Dania Beach; described the benefits of the facility to Florida's citizens; and invited Commissioners and staff to attend the World Recreational Fishing Conference, November 10-12 at IGFA. Over 300 fishery managers and scientists from all over the world will attend this event to discuss the affects of the environment on fishing.

### Special Presentations and Recognition

Chairman Barreto asked Jim Antista, General Counsel of the Commission to introduce Patrick McCullah, State Attorney for the 16<sup>th</sup> Judicial Circuit, Monroe County, and his wife, Shannon. The Commission presented the Commission's Outstanding Prosecutor Award to Mr. McCullah and recognized him for his work supporting Florida's fish and wildlife issues. Mr. Antista described Mr. McCullah's career, his support of the agency in enforcing laws for the protection of Florida's fish and wildlife resources. Mr. McCullah thanked the Commission for the recognition. Chairman Barreto thanked Mr. McCullah for his continued support enforcing the Commission's regulations.

Chairman Barreto mentioned that he started a program several years ago recognizing local fish and wildlife artists from around the State of Florida during Commission meetings. Chuck Collins, Director of the agency's South Region introduced Carey Chen, a renowned wildlife artist and photographer for his efforts in fostering an appreciation for the arts, fish, and wildlife. The Commission presented a resolution to Mr. Chen recognizing his artistic talent and support of wildlife. Mr. Chen thanked the Commission for recognizing his artwork and stated he enjoys devoting his talent to featuring Florida's fish and wildlife. Mr. Chen's artwork was on display at IGFA during the two-day meeting.

Chairman Barreto asked Scott Hardin, Leader of the Exotic Species Coordination Section in the Division of Habitat and Species Conservation to introduce Janice Kerber, Science Coach with Greenacres Elementary School in Palm Beach County. The Commission recognized Ms. Kerber and Greenacres for contributing educational awareness and conservation of fish and wildlife among its youth by participating in Florida's Project WILD Schools Program. Mr. Hardin described how Ms. Kerber and ten other teachers incorporated the program throughout the school. Due to her commitment to educate over 600 elementary school children, the Commission presented a plaque and banner to Ms. Kerber for their participation and innovative approach to conservation education. Ms. Kerber thanked the Commission for honoring the teachers of Greenacres and looked forward to continuing the success of the charter program.

Ken Haddad introduced the following employees to the Commission and the public:

- Division of Hunting and Game Management, West Seitz
- Division of Freshwater Fisheries Management, John Cimbaro
- Division of Habitat and Species Conservation, Murray Stanford and Marsha Ward
- Division of Law Enforcement, Captain Alfredo Escanio
- Fish and Wildlife Research Institute, Hector Cruz-Lopez
- South Region: David Serman, Gabriella Ferraro, Jennifer Ketterlin, Patricia Randall, and Donny Moore

## Adoption of Agenda

Chairman Barreto asked for approval of the April 9-10, 2008, 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 items listed on the Consent Agenda. Mr. Heller described the three items listed on the Consent Agenda. Upon motion of Commissioner Bergeron, seconded and carried, the Commission approved the Consent Agenda.

Chairman Barreto asked for approval of the meeting agenda and announced that agenda item 4, B, 3, "Review and discussion of the Act that established the Big Cypress National Preserve and the FWC-recommended preferred alternative for the General Management Plan for the Big Cypress National Preserve Addition," would be presented at 2:00 pm. Several elected officials asked to speak to the Commission at that time regarding the Addition Lands issue. Upon motion of Commissioner Wright, seconded and carried, the Commission approved the meeting agenda.

Chairman Barreto mentioned Commissioners, and staff participated in an airboat tour of the Everglades and the Big Cypress National Park on Tuesday, June 10, hosted by Commissioner Bergeron. He thanked Commissioner Bergeron for coordinating the tours and discussed the wealth of information provided to Commissioners. Commissioner Bergeron stated the Everglades are one of the 10 Natural Wonders of the World; preserving this land is a treasure to the citizens of Florida.

Commissioner Wright stated Commissioner Bergeron provides tours to elected officials and is a great ambassador of South Florida, particularly issues related to the Everglades.

## Executive Director's Report

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

- Division of Marine Fisheries Management

The towing and deployment of the ship *Hoyt Vandenberg* for an artificial reef off Key West was delayed to December 2008 to avoid the upcoming hurricane season (June 1 through November 30). The Vandenberg project has experienced cost overruns in the cleanup process and requires additional funding sources to finish the job in an environmentally acceptable manner. The 2008 Legislature approved \$1 million in general revenue for the project, pending the Governor's approval. These funds will be managed through FWC's artificial reef grant program. The Governor's Office has allocated an additional \$1.4 million in loan guarantees to the City of Key West, the project's sponsor. This additional funding is not expected to become available until after July 1, thereby necessitating the project completion time shift to post hurricane season.

- Division of Habitat and Species Conservation

Darrell Land with the Imperiled Species Management Section was named Wildlife Conservationist of the Year by the Florida Wildlife Federation. This well-deserved honor not only reflects on Darrell's leadership and his years of dedicated service to panther conservation, but on the entire panther team.

- Fish and Wildlife Research Institute

FWC's Fish and Wildlife Research Institute (FWRI) held its 14<sup>th</sup> Annual Open House MarineQuest on Saturday, April 19 in St. Petersburg. More than 2,100 students from grades 4 through 12 attended programs and displays to learn about Florida's fish, wildlife, and FWRI's research activities. New stations this year included whooping cranes, black bears, wildlife diseases, and Florida's native reptiles. Over 4,000 people attended the event. The public was invited to tour our research laboratory, where staff members were on hand to discuss their research and answer questions. Outside displays included touch tanks, displays and interactive stations for all ages as well as displays from local environmental organizations to help the public become more aware of our diverse natural resources.

Chairman Barreto recognized and introduced Diane Eggeman, the agency's new Director of the Division of Hunting and Game Management; and Alex Ring, Aide to Florida House Representative Evan Jenne.

#### Adoption of Nonnative Wildlife – Draft Rules

Chairman Barreto asked Mr. Hardin to present the draft rules related to the adoption of nonnative wildlife. Mr. Hardin presented a description of draft rule 68-5.004, Amnesty for Persons Relinquishing Nonnative Pets; and draft rule 68A-6.0021, Possession or Transfer of Class I Wildlife as Personal Use Wildlife; Transfer of Wildlife. Staff presented a video of footage from Nonnative Pet Amnesty Days.

Staff recommended the Commission approve draft rules 68-5.004 and 68A-6.0021; and proceed to advertise the rules for a final public hearing at the September 2008 Commission meeting.

#### Public Comment

Dr. Jennifer Hobgood (Humane Society of the U.S.) supported amnesty of nonnative wildlife rather than releasing wildlife illegally. She urged the Commission to address the source of the nonnative wildlife animals and proposed solutions to solve the problem of release nonnative wildlife.

#### Commission Discussion

Upon motion of Commissioner Barco, seconded and carried, the Commission directed staff to advertise draft rule 68-5.004 for a final public hearing at the September 2008 Commission meeting.

#### Duck Blinds – Draft Rule

Chairman Barreto introduced Diane Eggeman, former waterfowl program leader and the new Director of the Division of Hunting and Game Management to present draft rule 68A-12.002, Management of Duck Blinds on Lake Miccosukee, Lake Iamonia, Lake Carr, and Lake Jackson. Ms. Eggeman provided a history of the problem, the details of the proposed draft rule, and input from the public.

Staff recommended the Commission direct staff to continue to gather input from Commissioners and the public and advertise the proposed rule for final public hearing at the September 2008 Commission meeting.

#### Public Comment

Newton Cook (United Waterfowlers of Florida) discussed his concerns regarding illegal duck blinds and urged the Commission to prohibit any individual from building a permanent duck blind.

#### Commission Discussion

Commissioner Corbett discussed how to enforce the law and the issue of lack of land to hunt on.

Chairman Barreto congratulated Ms. Eggeman and Nick Wiley for their proactive response regarding the illegal duck blind issue. He stated the Commission should continue to monitor and enforce illegal permanent duck blinds.

Commissioner Corbett stated the illegal activity is taking place on public lands. He asked Mr. Heller to comment on the issue. Mr. Heller stated there is an increase in duck hunters, particularly in the referenced four lakes, if the Commission eliminates illegal blinds, duck hunters may continue to set up permanent duck blinds regardless. However, progress may be made as the issue is researched further with proper enforcement.

Upon motion of Commissioner Corbett, seconded and carried, the Commission directed staff to continue gathering input from Commissioners and the public and advertise draft rule 68A-12.002 for a final public hearing at the September 2008 Commission meeting.

#### Freshwater Turtles – Draft Rule

Chairman Barreto introduced Bill Turner, the Commission's wildlife biologist and coordinator of the amphibian and reptile program in the Division of Habitat and Species Conservation and asked Mr. Turner to present the next presentation. Mr. Turner presented a description of the proposed draft rule 68A-25.002, General Provisions for Taking, Possession, and Sale of Reptiles. The proposed draft rule would restrict freshwater turtle harvest to a total of five per day, which would protect freshwater turtle populations while the team develops a long-term comprehensive strategy.

Staff recommended the Commission approve draft rule 68A-25.002 and advertise the rule for a final public hearing at the September 2008 Commission meeting.

#### Public Comment

Dr. Jennifer Hobgood urged the Commission to ban commercial harvesting of freshwater turtles and stated that the five a day limit was too high. Additionally, the Human Society of the United States does not support wildlife as pets.

Marcus Cantos (Marcus Cantos Reptiles) supported the emergency rule and staff's recommendations. He suggested several changes to staff's recommendation regarding the harvesting limitations.

#### Commission Discussion

Chairman Barreto discussed the purpose of the emergency rule and plans for the future related to the issue.

Upon motion of Commissioner Corbett, seconded and carried, the Commission directed staff to advertise draft rule 68A-25.002 for a final public hearing at the September 2008 Commission meeting.

#### Delegation of Authority – Draft Rule

Chairman Barreto asked Mr. Antista to present the proposed draft rule for delegation of authority to the Executive Director. Mr. Antista described the proposed draft rule 68-1.009, Delegations of Authority to the Executive Director, including a summary of changes to the delegation rule.

Staff recommended the Commission approve draft rule 68-1.009 and advertise for final public hearing at the September 2008 Commission meeting.

## Commission Discussion

Upon motion of Commissioner Wright, seconded and carried, the Commission directed staff to advertise draft rule 68-1.009 for a final public hearing at the September 2008 Commission meeting.

## Imperiled Species Listing System

Chairman Barreto introduced and asked Dr. Elsa Haubold, Leader of the Species Conservation Planning Section to present the next issue. Dr. Haubold stated at the December 2007 Commission meeting, Commissioners directed staff to conduct an internal review of the listing system and provide a status review with positives and negatives, including staff's thoughts for improving any given part of the system. Based on Commission direction, a team of individuals from the agency met every other week for several months focused on the goal to identify the purpose for managing imperiled species and the components of the agency's management system to assist in understanding how the listing process fits within FWC and imperiled species management. Dr. Haubold listed the areas staff evaluated based on the following guidance from Commissioners:

- Continue species protection linked to science
- Continue use of management plans
- Continue use of a balanced approach to imperiled species management through collaboration and partnerships
- Minimize or eliminate the debate over nomenclature
- Evaluate the imperiled species management system and the role of the listing process

In summary, staff thought that any revisions to a listing process need to be considered in the context of the entire imperiled species management system as each of the components of the imperiled species management system impacts each other. Staff identified several opportunities for consideration in improving the imperiled species management system and listing process:

- A. Consider what the role of the listing process is in imperiled species management
- B. Maintain separate federal list of endangered and threatened species
- C. Develop a state list of imperiled species with no overlap with the federal list

Staff recommended the Commission direct staff to continue to work with the Commission, stakeholders and the public to develop effective options for imperiled species conservation in Florida.

## Public Comment

Manley Fuller (Florida Wildlife Federation) supported staff's recommendation.

Bonnie Basham (Boat US) supported items A and C as recommended by staff.

Jessica Koelsch (Ocean Conservancy) supported using two lists (separate federal and state lists) and discussed her concerns regarding the proposed scenario options for the state list.

Dr. Jennifer Hobgood supported using two lists and discussed her concerns regarding staff's options.

Dr. Katie Tripp (Save the Manatee Club) thanked FWC staff for ensuring the passage of SP1286 during the Legislative Session. This bill will provide funding for manatee critical care and proper FWC law enforcement. She thanked Col. Julie Jones and Jackie Fauls for their assistance. She supported staff's recommendation and discussed her concerns regarding staff's options.

Byron Maharrey (Everglades Coordinating Council) urged the Commission to leave the “sea cow” (manatee) species listing alone. The Commission created a management plan, which provides manatees the protection they require.

Laurie McDonald (Defenders of Wildlife) thanked the Commission and staff for researching the issue of the imperiled species listing process and supported adopting federal listing separate from a state list.

Chairman Barreto introduced Florida House Representative Ellyn Setnor Bogdanoff from Broward and Palm Beach counties. Rep. Bogdanoff thanked Commissioners for visiting Broward County. Chairman Barreto discussed the Commission’s priority to the Legislature for an increase in law enforcement salary. Rep. Bogdanoff stated she understands and appreciates his concerns. Chairman Barreto mentioned the Commission’s number one priority is to provide pay increases to the Commission’s law enforcement officers and he will meet with Florida Representatives to discuss this proposal.

### Commission Discussion

Commissioners Bergeron, Wright and Barco discussed staff’s recommendation regarding the imperiled species listing process, including educating the public in a simple to understand manner regarding on how an imperiled species is named, the continued protection of all imperiled species, and clearly define the management plans. Additionally, Commissioners agreed the importance of using two separate lists and asked that staff provide an update to the Commission in June 2009.

Commissioner Barco asked Dr. Haubold if all of the listed species have a management plan. Dr. Haubold replied that not all of the listed species have a management plan. Commissioner Barco stated her concerns about what happens with species without a management plan. Dr. Haubold stated staff recommended that species should not stay on a list in perpetuity. Staff evaluates listed species to ensure the mechanisms are in place, systematic evaluation to see that the agency is doing what they need to do. In addition, collaborating with the other regulatory agencies to make sure that if they have protection tied to an endangered species in Florida, that they adopt whatever terminology it is that the agency has to protect imperiled species in Florida in addition to the federally endangered and threatened species. Commissioner Barco stated the Commission and staff devote an exhaustive amount of time drafting and finalizing a management plan. Dr. Haubold replied that staff is unable to provide management to every listed species. Therefore, simple regulations along with law enforcement may be adequate to provide protection.

Commissioner Barco asked staff to review all three options and proposed creating an option D that may incorporate all or parts of several scenarios.

Vice Chairman Yablonski discussed the “old” process and that there may be a consensus with the International Union for Conservation of Nature (IUCN) to assist in advancing the process. He agreed with Commissioners in using two separate lists, one for federally listed species and a separate state list that does not overlap the federal list.

Commissioner Wright suggested picking up federal process and set aside. Have a listing process in Florida where it would be “imperiled species” and blend with county comp plans. Use a single bar (rather than multiple categories) to determine whether a species is listed and that bar (listing criteria) can be set low enough so that it picks up SSC. Imperiled Species – whatever the term is that we call the list – likes the idea of a single bar (listing threshold). Everything in that category would have a general management plan shared with other species such as the shorebird management plan. Only one listing category.

Chairman Barreto stated the Commission should continue obtaining input and discuss just the management plan. He suggested we eliminate the debate regarding whether the Commission should delist or upgrade a species, rather all species would be listed under one classification. The focus should be on a strong management plan and the bald eagle management plan is a perfect example.

Mr. Haddad summarized that the Commission should stay on track separating the federal/state lists and continues with all three alternatives or maybe a combination; scenario three with multiple categories might still be an issue. There needs to be a better understanding - keep in mind that this should all be simple to understand to the public - and keep working in partnership with stakeholders to find a solution for a common consensus. Staff will present recommendations at the June 2009 Commission meeting with updates provided to Commissioners in the interim.

Upon motion of Commissioner Wright, seconded and carried, the Commission directed staff to continue with all three alternatives or maybe a combination; scenario three with multiple categories might still be an issue. There needs to be a better understanding - keep in mind that this should all be simple to understand to the public - and keep working in partnership with stakeholders to find a solution for a common consensus. Staff will present recommendations at the June 2009 Commission meeting with updates provided to Commissioners in the interim.

#### Listing Process for Peregrine Falcon

Chairman Barreto asked Tim Breault to present the next item. Mr. Breault presented a report on the peregrine falcon's Biological Review Panel to evaluate the status under Phase I of the FWC listing process. Mr. Breault described the listing criteria and status assessment for the Peregrine falcon.

Staff recommended the Commission: conclude that the removal of the Peregrine falcon from the list of endangered species is warranted, direct staff to initiate Phase II of the listing process, including the development of a management plan, and present a proposed final rule to delist with a management plan for Commission consideration at the June 2009 Commission meeting.

#### Public Comment

Neil Autoway (Florida Hawking Fraternity) supported staff's recommendation. He suggested managing Peregrine populations for the use of falcon in Florida to be consistent with the regulations of any healthy species in the state and urged the Commission to allow the harvesting of Peregrine falcon for only Florida falconers prior to the management plan completion.

Laurie McDonald supported staff's recommendation.

#### Commission Discussion

Commissioner Wright commented on the proposed estimated completion date of the management plan for presentation at the June 2009 Commission meeting.

Vice Chairman Yablonski asked if there was any relief in the harvesting of Peregrine falcon to the public. Mr. Breault stated there is a lengthy process involved; however, staff will work as efficiently and affectively as possible to resolve the harvesting issue.

Vice Chairman Yablonski stated the falcon is a species that is "passing through" (migratory) Florida and asked how many species are doing the same. Mr. Breault stated there are sea turtles and whales. This goes back to 1974 with the federal listed species act.

Upon motion of Commissioner Bergeron, seconded and carried, the Commission accepted the findings of the Biological Review Panel and directed staff to move forward with Phase II of the listing process and the management plan for Commission consideration at the June 2009 Commission meeting.

Commissioner Bergeron introduced the City of Plantation Commissioner Diane Veltry.

Commissioner Bergeron introduced a young man by the name of “AJ.” He told Commissioner Bergeron that it was his life’s dream to meet Commissioners one with the hope of becoming a biologist or law enforcement officer. AJ’s father takes him hunting in the Everglades – they love the environment.

### Wildlife 2060

Chairman Barreto asked Dr. Thomas Eason, Conservation Initiatives Coordinator in the Division of Habitat and Species Conservation to present a report on Wildlife 2060. Dr. Eason stated that a team of agency staff drafted a document that objectively illustrates the potential future of fish and wildlife in Florida given anticipated human development. The team’s investigation included identifying probable effects to recreational and commercial activities that depend upon wildlife resources. The effort was prompted by a recent publication from 1000 Friends of Florida titled, *Florida 2060: Population Distribution Scenario for the State of Florida*, which assumes that our state’s human population will double to 36 million over the next 50 years. In addition, the result of this increase will create a loss of 7 million acres of land converted from rural and natural settings to urban use. Scientists and experts examined the following potential issues for the foundation of the vision document:

- Habitat Loss
- Habitat Isolation
- Coastal Challenges
- Water Issues
- Human/Wildlife Interactions
- Access to Land and Water

Dr. Eason discussed the team’s effort obtaining stakeholder input in the development of the *Florida 2060: What’s at Stake for Wildlife?* The report communicates the potential impacts to fish and wildlife, engaging everyone in becoming part of the solution to the many unanswered questions regarding the future of Florida. The team expects to publish the report by the end of June 2008.

### Commission Discussion

Commissioner Corbett asked Dr. Easton what is the key objective regarding “green lands.” Dr. Eason replied that the public should be educated about how to develop clustering and to re-develop in already developed areas. The 1000 Friends of Florida looked at a couple of scenarios and just with 10/20 infill rates; it dramatically reduces the new acreage that is impacted. From a smart growth how do we continue to grow wisely, how do we utilize already mostly developed areas and then keep that sprawl from spreading out all over the landscape.

Commissioner Bergeron discussed incentives for large private landowners that have owned land for many generations in Florida and for conservation easements on their land or transfer density to where one can preserve 80% of the area, especially those areas contiguous to some of FWC’s management areas and the Big Cypress National Preserve. Dr. Eason replied that staff is researching his proposed idea as an option in conserving land.

Vice Chairman Yablonski mentioned one of the first steps in providing a conservation easement option to landowners will be on the ballot in November 2008. If the public is concerned about this issue, there is a measure on the ballot directed at private land stewardship and conservation that essentially states if you are a landowner and you are willing to put your land into conservation permanently under perpetual easement, you would no longer pay property taxes on that land.

Commissioners Corbett and Barco discussed viable options to private landowners to conserve land in Florida.

Chairman Barreto thanked Commissioner Bergeron for providing an airboat tour of the Everglades and Big Cypress National Preserve on Tuesday, June 10 to Commissioners.

### Big Cypress National Preserve

Chairman Barreto asked Chuck Collins to present a review and discussion of the General Management Plan process for the Big Cypress National Preserve Addition Lands. Mr. Collins described the following:

- History of the Big Cypress National Preserve and Addition Lands
- The intent of Congressional acts establishing the Preserve and Addition
- Update the Commission on the National Park Services' process and timeline for opening the Addition to public access.

Staff recommended the Commission adopt a resolution reaffirming the Commission's position outlined in the June 15, 2007, letter regarding alternatives for the Addition and provide the resolution along with a letter from Chairman Barreto to the Secretary of the U.S. Department of Interior Dirk Kempthorne urging the Department of Interior to honor the intent of the Congressional Acts establishing the Preserve and the Addition and support Commission recommendations regarding management of the Addition lands.

### Public Comment

Lyle McCandless (Big Cypress Sportsman's Alliance) discussed his concerns regarding correcting "shortfalls" in the existing Big Cypress National Preserve and asked that the Addition process follow the intent of the Preserve's original legislation.

Franklin Adams (Florida Wildlife Federation) described the history of the Big Cypress National Preserve and stated his concerns regarding preserving the land for the future. He urged the Commission to continue working with the National Park Service (NPS).

Frank Denninger (Jetport Conservation and Recreation Club) supported staff's recommendations and urged the Commission to specify detailed plans for adoption by NPS that will ensure the use of off-road vehicles (ORV) and motor boats in the Addition land.

Byron Maharrey (Everglades Coordinating Council) supported staff's recommendations and discussed the General Management Plan and the preferred alternatives. The Wilderness Act should not be enacted and he asked staff to add trails to access the area by motorized vehicles.

Wayne Jenkins (Collier Sportsman's and Conservation Club) supported the 2005 Everglades County resolution, the 2008 Collier County Board of Commissioners resolution, and the resolution recently read by Vice Chairman Yablonski from the Commission. He urged the Commission to prohibit any wilderness classification in this area. There are designated wilderness trails in place.

Barbara Jean Powell (Everglades Protection Society) provided CD's from Jack Mueller and a handout to the Commissioners. She described the members of the Society as "gladesmen" and their mission in preserving the Everglades.

Brittney Smallwood discussed her personal experiences with her family engaging in outdoor activities in the Big Cypress National Preserve. She described the need for reasonable ORV access to the entire Preserve.

Manley Fuller (Florida Wildlife Federation) described his experience working with Senator Lawton Chiles and his assistant, Carol Browner in the passage of the Addition Act of the Big Cypress National Preserve. He stated that Senator Chiles would sign the Commission's resolution in support of proceeding with the Addition. He encouraged the Commission to read the transcripts from the Congressional hearings in 1987 representing

the Florida Wildlife Federation. The environmental and conservation community represented during the meeting spoke in favor of the idea that hunting and fishing would occur and remembered people saying they would like to see the Preserve and Addition lands one day managed as one unit. He discussed improving the Preserve's trails or at least areas in need of restoration or rebuilding. The existing trail provides good public access. He encouraged the Commission to send the letter and resolution to the entire Florida Congressional Delegation, the Committees, and presidential candidates to include in their campaign platforms.

Captain Tom Shirley (retired law enforcement officer with the Florida Game Commission) discussed his concerns regarding the degradation of the Park Service, particularly in the Big Cypress National Preserve.

Newton Cook (United Waterfowlers of Florida) urged the Commission to get involved in the management of Gorna Cobb.

Buster Miller (Collier Sportsman's and Conservation Club) discussed his concerns regarding the challenges he experienced as a disabled hunter and urged the Commission to ensure mobility impaired hunters are provided an opportunity to access the Preserve.

Bishop Wright (Florida Airboat Association) discussed reduced access to the land in Kissimmee River and discussed the Arthur Marshall Conservation Area 1 property and 70% of the land was overgrown with exotics.

Todd Hallman (Florida Sportsmen's Conservation Association) thanked the Commission for adopting the resolution in working toward resolving the Big Cypress National Preserve issue.

Matthew Schwartz (Sierra Club) read the Organic Act and discussed his concerns regarding all terrain vehicles (ATV) in the United States and the consequences on wildlife and land. In addition, he urged the Commission to ask for scientific data to review before making a decision regarding the Big Cypress National Preserve.

Commission Bergeron discussed Mr. Schwartz's concerns regarding ATV use on existing trails.

Laurie McDonald (Defenders of Wildlife) stated she does not support motorized vehicle use in the Addition lands. The use of off-road vehicles does not preserve wildlife and habitat.

Albert Bryan (Dade County Full Track Club) discussed his concerns regarding the public's inability to access the Addition lands.

Scott Lucas (Big Cypress Sportsman's Alliance) supported staff's recommendation.

Cane Smallwood supported staff's recommendation.

Carl Nicholson (Big Cypress Sportsman's Alliance) described his heritage and appreciated the opportunities he experienced with respect to conserving the "woods."

Dr. Christian Mogelvang (South Florida Sportsmen's Coalition) discussed public access and traditional use of the Big Cypress National Preserve. He stated the ATV is ideal for traditional use (hunting and fishing) and disagreed with individuals who state ATV's are destroying the environment. He urged the Commission to consider providing public access to the Addition lands.

Bonnie Basham thanked the Commission for drafting the Big Cypress and Addition lands resolution reaffirming the Commission's position supporting public access to the Big Cypress National Preserve and Addition lands.

Digger O'Toole thanked Commissioners for their assistance in support of the Everglades. He stated he owns 41 acres of land, south of Loop Road, which the government "took away" from him and closed portions of the land. He asked the Commission for their assistance in working with the government to gain access to the gated areas. Chairman Barreto asked Mr. Wiley to meet with Mr. O'Toole regarding his challenge.

Todd Payne discussed the need for public access to the Big Cypress National Preserve. Commissioner Bergeron thanked Mr. Payne for his assistance and support of the Commission.

### Commission Discussion

Vice Chairman Yablonski read the Big Cypress National Preserve and Addition lands resolution signed by the Commissioners on June 11 re-affirming the Commission's position regarding the alternatives for the Addition lands.

Chairman Barreto read a letter from Florida Legislators' Sportsmen's Caucus, signed by Florida House Representative Baxter Troutman and Senator Carey Baker, supporting the Commission's efforts to open the Addition lands to sportsmen.

Chairman Barreto introduced Michael Liquerman, Outreach Coordination/Press Secretary for Congresswoman Debbie Wasserman Schultz, 20<sup>th</sup> District; and Willowstine Lawson, Regional Director, Florida Senator Bill Nelson.

Commissioner Wright expressed his concerns that the current situation related to the Big Cypress National Preserve General Management Plan should not have continued over the last 20 years. He stated that a breach of faith has occurred from the original agreement. The Commission along with the public should do everything they can to gain access to the Addition lands.

Commissioner Barco stated the original agreement and intent with the federal government has changed.

Commissioner Stephenson stated how important it is to enjoy the land.

Commissioner Corbett discussed the need for additional land in Florida and his support of Amendment 4.

Vice Chairman Yablonski thanked the public speakers from and discussed his support of staff's recommendation.

Commissioner Bergeron stated how proud he was of the individuals who attended the meeting and speak in support of public access to the Big Cypress National Preserve; discussed how the Commission's decision will affect our future generation. It is imperative that young people experience and enjoy the environment. Preservation and enjoyment is essential to the success of the Preserve's General Management Plan.

Chairman Barreto discussed the delegation of areas of emphasis to Commissioners to lead various issues in coordination with staff – Commissioners' Areas of Emphasis. The Commissioners designated Commissioner Bergeron as the Commission's representative of Everglades issues. He thanked Commissioner Bergeron for his efforts. Chairman Barreto and Commissioner Bergeron thanked Chuck Collins for his involvement in this effort.

Upon motion of Commissioner Bergeron, seconded and carried, the Commission adopted the resolution reaffirming the Commission's position outlined in June 15, 2007, letter regarding alternatives for the Addition, directed staff to provide the resolution with a letter from Chairman Barreto to the Secretary of the U.S. Department of Interior Dirk Kempthorne urging the Department to honor the intent of the Congressional Acts establishing the Preserve and the Addition, supporting the Commission's recommendations regarding management of the Addition lands.

### Land Acquisitions

Mr. Breault proposed Commission delegation for final approval of acquisition agreements exceeding \$250,000 to the Executive Director, upon notice to the Commission, until the next Commission meeting in September

2008. Chairman Barreto reiterated the need for a temporary Delegation of Authority to the Executive Director during the summer months.

Upon motion of Commissioner Wright, seconded and carried, the Commission approved the delegation for final approval of acquisition agreements exceeding \$250,000 to the Executive Director, upon notice to the Commission, until the September 2008 Commission meeting.

Tim Breault continued with a presentation of a proposed land acquisition for the purchase of the Timber Development, Inc; William A. Newsom; and Laurie K. Newsom parcel as an addition to the Andrews Wildlife Management Area under the Commission's Florida Forever Inholdings and Additions Acquisition Program.

Staff recommended the Commission approve the purchase of the Timber Development, Inc; William A. Newsom; and Laurie K. Newsom parcel as an addition to the Andrews Wildlife Management Area under the Commission's Florida Forever Inholdings and Additions Acquisition Program.

Upon motion of Commissioner Barco, seconded and carried, the Commission directed staff to proceed with the purchase of the Timber Development, Inc; William A. Newsom; and Laurie K. Newsom parcel as an addition to the Andrews Wildlife Management Area under the Commission's Florida Forever Inholdings and Additions Acquisition Program.

### Commissioners' Areas of Emphasis

Chairman Barreto mentioned the Commission's decision during the February 2008 meeting to add the Everglades Ecosystem as a Commissioners' Area of Emphasis. The Commission appointed Commissioner Bergeron as the leader of the project representing the Commission. Chuck Collins, Director of the agency's South Region and Paul Souza with the U.S. Fish and Wildlife Service will provide a report on the proposed "modified water deliveries" to the Everglades National Park (ENP). Mr. Collins discussed the immediate concerns related to the Everglades Wildlife Management Areas – Water Conservation Areas (WCA's). Mr. Souza continued with a detailed description of the project, including the following:

- Water quantities, quality, distributions and timing
- Removing barriers to water flow from Water Conservation Area – 3A through Water Conservation Area – 3B to Northeast Shark River Slough
- Modified water deliveries project: Includes Tamiami Trail and reduces flooding impacts in Southern Water Conservation Area 3A

Mr. Souza discussed the Swale Pilot Project. The Everglades National Park and the Army Corps of Engineers agreed to pursue a pilot project for two locations along Tamiami Trail to test the effectiveness of swales. The Corps and ENP will prepare a letter/report and the appropriate National Environmental Protection Act document for the pilot project. The pilot project data will be used to determine the effectiveness of swales for conveyance and whether additional swales should be constructed.

### Public Comment

Rick Perrson (Everglades Restoration) proposed maintaining the 19 culverts and "clear-out" the cattail reefs south of the Tamiami Trail allowing the water to flow freely. He opposed the back filling of any canal in the Everglades without definite proof that it is necessary to restore the Everglades. It will be very difficult to restore the Everglades back to the way it was in the beginning.

Todd Kersey (S.A.F.E.R./Bass Online.com) commended the Commission for taking time to participate in a tour of the Everglades. He discussed the Broward County Everglades Holiday Park's lease agreement and asked the Commission to consider not giving up the lease or bringing in another leaser in order to allow

sportsmen to continue using the area. Additionally, he discussed the Blue Lagoon fishery and requested law enforcement assistance due to the increase in jet skis, which is causing a lack of access to fishermen and boaters. Commissioner Bergeron asked Mr. Kirby to speak with Mr. Collins regarding his concerns.

Joette Lorion (Miccosukee Tribe) provided a handout to the Commissioners and discussed the destruction to Tree Island from 1940-1995. The solution that the Corps thinks they have picked, which is a 1-mile east bridge, is a “dead-end” excursion. The Tamiami Trail portion of this project has been going on since 2001. She asked the Commission not to support the Corps decision to build a bridge.

Barbara Jean Powell discussed her concerns regarding the Modified Water Delivery project. She supported S.A.F.E.R. and the Miccosukee Tribe’s position moving water to the extent practicable and affordable using culverts and swales. Additionally, she asked the Commission to save the canals and preserve private and public access from that area.

Newton Cook supported the tentatively selection plan and the swale project and asked the Commission to assist with the Everglades Holiday Park issue.

Byron Maharrey discussed cleaning out the culverts by getting the Corps to “chip off the rust” from the flood gates in the swales where they could get opened up and let the water run out.

#### Commission Discussion

Commissioner Barco asked for clarification regarding the flow of the water related to the swale. Mr. Souza described the flow of the water in the L29 canal.

Commissioner Bergeron discussed the culverts and the purpose of the flow of water related to the Swale Pilot program.

#### Legislative Issues and Budget Report

Chairman Barreto asked Jackie Fauls to present a report on the 2008 Legislative Session. Ms. Fauls mentioned Sandra Wilson; the agency’s Chief Financial Officer would not be presenting a budget report due to a sudden illness. Ms. Fauls provided the following report on state and federal issues to Commissioners:

- Commissioners were confirmed by the House and Senate
- HB7059, Seagrass scarring and evidence in recreational cases
- HB7091, Combination of chapters 370 and 372, F.S.
- SB1286, FWC Sunset Review and Vessel Registration Fees
- SB542, Florida Forever Successor Program
- 2008 Farm Bill, “Food, Conservation, and Energy Act of 2008”
- Climate change legislation
- Tax incentives for conservation

#### Public Comment

Todd Hallman stated he was unhappy to hear that the law enforcement pay increase issue was not passed by legislators during the 2008 session and apologized for any lecturing statements he may have made during the February 2008 Commission meeting in Panama City.

### Commission Discussion

Chairman Barreto and Commissioners thanked Ms. Fauls for her efforts and devotion to Commission issues during the 2008 Legislative Session. She mentioned that she received assistance from agency staff working as a team regarding legislative issues.

### Public Comment on Items Not on the Agenda

Newton Cook discussed his involvement with quota hunt permit workshops and his concerns regarding the Commission's permit program.

David Grix (Fishing for Freedom) provided the Commissioners a handout and discussed the 2-inch mesh net restrictions.

Ronald Fred Crum (Fishing for Freedom) discussed a program he and his staff conducted for youth anglers. He discussed his concerns regarding the 2-inch mesh net restrictions.

Bishop Wright (Florida Airboat Association) discussed the non-transferrable permits available to the public.

Robert Snyder discussed his concerns regarding the quota hunt program and mentioned the Commission's website offers an area for public comments regarding the quota hunt program. He mentioned that the system should stay as it is currently.

Bonnie Basham provided a letter to the Commissioners from the Florida Airboat Association's (FAA) regarding Osceola County restricted alligator hunting with airboats on Lake Tohoe. Lake Tohoe is only accessible by airboat due to the hydrila in the lake. There were 120 permits given to Lake Tohoe and those individuals will have to leave the lake by 11:00 pm. Volusia and two other surrounding counties are thinking about doing a group of counties to restrict alligator airboat hunters. She urged the Commission to consider supporting the use of airboats for alligator hunting. Commissioner Wright and Mr. Wiley and staff worked on some statements regarding airboat use. Chairman Barreto deferred to Commissioner Wright. Commissioner Wright stated he is sympathetic to airboat users and discussed the possible reason for the restriction. She asked the Commission to direct staff to continue to work with FAA and return with a proposal at the September Commission meeting. Chairman Barreto approved her request.

Byron Maharrey discussed the quota hunt permit drawing process and he apologized to Vic Heller regarding a letter he sent him about hog hunting.

Rhonda Dooley discussed her concerns regarding the fishing tournaments in Lee County and that fish are left to die. Additionally, the senseless killing of She urged the Commission to look into fishing tournaments held around the State and impact this has on the fisheries and other marine animals.

### Recess

Chairman Barreto recessed the meeting at 6:30 pm to reconvene at 8:30 am, Thursday, June 12.

Chairman Barreto reconvened the meeting at 8:30 a.m., Thursday, June 12 and welcomed the Commissioners and the public to Dania Beach.

Chairman Barreto discussed Amendment 4 on the legislative ballot. Vice Chairman Yablonski described the details of Amendment 4, which is a conservation amendment on the November ballot that came out of the Taxation and Budget Commission.

Manley Fuller (Florida Wildlife Federation) supported a continuation of the Florida Forever program and described his involvement with Amendment 4. He urged the Commission and the public to support the amendment for the benefit of conservation involving private landowners.

Chairman Barreto thanked Mr. Fuller and recognized Vice Chairman Yablonski for his support and involvement on the Taxation and Budget Commission. He urged Mr. Fuller to engage all interested parties to campaign for the passage of Amendment 4. Commissioner Corbett stated the Commission supports the amendment and the resolution signed by Commissioners reaffirming their support. Commissioner Corbett read the resolution. Chairman Barreto thanked Mr. Fuller and asked him to continue to communicate the progress of the amendment with Commissioners and staff.

### Public Comment

Jerry Sansom urged the Commission to adopt a resolution in support of the working waterfronts constitutional amendment. Chairman Barreto deferred to Vice Chairman Yablonski to discuss the issue regarding the taxation of property owners. Chairman Barreto asked staff to draft a resolution affirming the Commission's support.

### Net Gear Regulations

Chairman Barreto announced the public speaking process specific to the issue of net gear regulations. He mentioned Col. Julie Jones, Gil McRae, Jim Antista, and Mark Robson would be available to answer any questions from Commissioners and asked Col. Jones to summarize the net gear regulations issue. Col. Jones presented a review of the net gear regulations issue.

Staff proposed the following options:

- Keep existing 2-inch mesh standard
- Modify the existing 2-inch mesh standard
- Continue exploring new and innovative gear with industry
- Support changes to constitutional amendment

### Public Comment

The following individuals supported keeping the existing 2-inch mesh standard:

Bob Burton; Jim Williams; Curtis Bostick; Karl Wickstrom; Bill Byrd; J. D. Dickenson (Coastal Conservation Association); Captain Pat Kelly (Florida Guides Association); Jeff Weakley (*Florida Sportsman's* magazine); Brett Fitzgerald (Snook Foundation); Henry Kiamota; and Captain Dan Kipnis (Former South Atlantic Fishery Management Council member).

Michael Kennedy (Coastal Conservation Association) stated the Commission could decrease the current size of the mesh net and discussed the history of the constitutional decision.

Manley Fuller stated the word "entangling" is critical and a larger mesh size would be unconstitutional and he urged the Commission to maintain the current mesh net size.

Ted Forsgren (Coastal Conservation Association) discussed a petition he collected, a discussion page, and a letter to Governor Charlie Crist including their comments. Mr. Forsgren provided Commissioners a packet containing copies of the referenced material. He urged the Commission to leave the net ban in place. Mr. Forsgren concurs with the Legal Memorandum prepared by FWC's General Counsel, Jim Antista on this subject.

Ellen Peel stated the net ban provided an economic benefit to Florida's citizens as well as conserving fisheries.

Captain Bob Lamey discussed how much he appreciates the work the Commission is doing for fisheries and wildlife.

State Representative Jack Sieler. Rep. Sieler thanked the Commission for visiting Ft. Lauderdale and commended Commission staff. He urged the Commission to keep the existing 2-inch mesh net size as standard. Additionally, he discussed the issue of allowing the public to recreate in Florida parks.

The following individuals supported modifying the 2-inch mesh standard:

Edward Olsen, Jr.; Clark Nickels; Jonas Porter; and Richard Van Munster urged the Commission to increase the mesh net size.

Ronald Fred Crum stated he supported the net limitation, not the net ban and discussed his involvement in the issue and urged the Commission to modify the current mesh net size.

Rhonda Dooley (Florida Fishermen's Federation) discussed her concerns regarding the current mesh net size. She asked what scientific study impacts the game fish populations.

Mike Dooley (Florida Fishermen's Federation) discussed protecting the resource and urged the Commission to modify the current mesh net size. He invited the Commissioners to take a trip on his boat to observe fishing with the current mesh size.

Grady Johnson, Jr. asked the Commission to address the current mesh net size and displayed mesh sizes regulated by the State of Alabama.

Keith Ward displayed a 500 ft. net used during the Commission's scientific test. He said the 2-inch mesh net does not work.

David Grix provided a handout to the Commissioners and responded to comments made by representatives of the Coastal Conservation Association.

Jerry Sansom (Organized Fishermen of Florida) discussed court hearings regarding the net limitation issue. He asked the Commission to reinstitute the networking group and allow fishermen to work with agency staff to research non-entangling gear. He urged the Commission to approve continuing exploring new and innovative gear with the fishing industry.

### Commission Discussion

Commissioner Barco asked staff to describe the effects on the fisheries resource additionally, she asked Gil McRae to address the statement: what are the targeted species that these type of nets are used for and if the two 500 foot size nets can cause any of those species be overfished. Mr. McRae stated the most significant in-shore commercial fishery targeted with this type of net is striped or black mullet. In reference to the second question - yes, a fishery could be overfished with a large amount of effort. Commissioner Barco asked what effort might change based on a rule change. Mr. McRae referenced a draft rule to re-open weekends for mullet. Under this rule, there is a projected 20% increase in effort based on the weekend opening. The agency would

conduct similar analyses if projecting catch or effort for a larger mesh 500 square foot net. Currently, an estimated 8 million pounds of mullet are removed (commercially) with a variety of gear and 84% of those catches are recorded on the trip ticket as cast net catches. Commissioner Barco asked what the pre-constitutional poundage of mullet taken per year was. Mr. McRae replied with a description of the mullet harvested between 1992 and when the net limitation was enacted.

Mr. Robson mentioned that in addition to the public testimony, the Commission has received over 550 petitions from the commercial fishing industry asking the mesh net be increased and have received over 300 email messages asking the Commission to not take any action regarding the mesh net standard size.

Vice Chairman Yablonski asked staff about the impact to the fishery if the mesh size was decreased. Mr. McRae replied that the relationship between mesh size and bycatch holds. As mesh size is decreased, there could be more bycatch because the gear is less selective. The other issue is that at very small mesh sizes, the net would become less viable as a commercial gear simply due to difficulty in deploying and retrieving the gear.

Chairman Barreto asked Mr. Robson to describe the history of the mesh size selection. Mr. Robson described the history of the current mesh net size.

Vice Chairman Yablonski asked what defines a gill net and how it is used. He asked if there is a net that can be used to catch fish and what is the mortality of the fish. Mr. McRae stated that all nets have the potential to gill fish, but that different mesh sizes gill different size fish.

Commissioner Corbett asked if staff was able to look at any other type of net size that would make a difference in the fishing industry. Mr. McRae replied staff has researched alternative mesh net sizes as optional fishing gear. The reduction of net size to 500 square feet or less likely had the biggest impact in reducing commercial landings in certain fisheries.

Commissioner Wright stated he is sympathetic to anyone whose life is affected by a constitutional decision. The fisheries resource has rebounded and is doing well due to the net ban. The issue is political and legal rather than scientific. There was an amendment that passed by a remarkable margin that included to protect overfishing and killing unnecessary fish, limitation on gill nets, and limiting nets to 500 square feet. The 2-inch mesh net size has been litigated and defended. He supported the 2-inch mesh standard size as it is stated in the constitutional amendment.

Vice Chairman Yablonski thanked the public who testified and referred to the constitution regarding the authority of the Commission and the rules bound by law with respect to the rule of the people.

Commissioner Corbett thanked Commissioners Wright and Yablonski for their insight and comments and mentioned the recovery of the fishery due to the net ban. He supported keeping the mesh net size at 2 inches.

Chairman Barreto stated the issue has affected a number of people emotionally and economically. He stated he feels that the people of Florida have spoken, through the courts the issue has been debated and defended, and the Commission has the authority to modify the mesh net size if required.

Commissioner Stephenson agreed that staff should continue to explore new and innovative fishing gear options.

Commissioner Bergeron stated he researched the history of the net ban and the legal battle that has taken place since the net ban and determined that we should respect the constitutional decision and that the Commission has a legal obligation to honor the amendment. He supported keeping the mesh net size standard.

Commissioner Barco stated she was the one who asked the Commission to have staff research options regarding the mesh net size and that all she asked for was a public setting for new Commissioners to

understand the issue with public input. She met with staff and covered all of the angles including the effects and any options available.

Chairman Barreto thanked Commissioner Barco for asking the Commission and staff to research the issue and discuss during a public Commission meeting. His concern was the time involved without people having false expectations.

Commissioner Wright stated he knows why this issue is being discussed to allow finality. He mentioned that if alternative fishing gear were available, fishermen would use it.

Commissioner Corbett moved to support keeping the current 2-inch mesh net standard and continue to explore new gear. Chairman Barreto added that the Commission has and will continue to explore new fishing gear options.

Commissioner Stephenson asked if the mesh net size issue could be addressed again during a future Commission meeting and Chairman Barreto replied that any issue could be addressed, but we would be re-addressing the same issue that was litigated in the courts over the past years, contradicting ourselves if we changed the size. Researching innovative gear is an option that the Commission agrees to continue. Chairman Barreto stated that researching innovative gear should not be mandated.

Commissioner Wright stated the Commission is a “trustee” of a decision that was on the amendment. He supported keeping the mesh net size at 2 inches.

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved keeping the existing 2-inch mesh net standard.

#### Stone Crab Advisory Board – Final Rules

Chairman Barreto asked Mark Robson to present the next agenda item. Mr. Robson described the proposed final rules 68B-13.008, Gear, Trap Constriction, Commercial Trap Marking Requirements, Trap Working Regulations, Trap Transfer; and 68B-13.010, Stone Crab Trap Limitation Program.

Staff recommended the Commission approve final rules 68B-13.008 and 68B-13.010 as advertised with the earliest possible effective date. Staff evaluated the rules under the standards of 68B-1.004, F.A.C., and found them to be in compliance.

#### Commission Discussion

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved final rule 68B-13.008 and 68B-13.010 as advertised.

#### Commercial Mullet Harvest Season – Final Rule

Mr. Robson continued with a presentation of the proposed final rule 68B-39.005, Commercial Harvest, Statewide Regulations.

Staff recommended the Commission approve final rule 68B-39.005 as advertised with the earliest possible effective date. Staff evaluated the rules under the standards of 68B-1.004, F.A.C., and found them to be in compliance.

## Commission Discussion

Upon motion of Commissioner Barco, seconded and carried, the Commission approved final rule 68B-39.005 as advertised.

### Gag and Red Grouper

Chairman Barreto asked Mr. Robson to present a report on the issues related to gag and red grouper, vermilion snapper, sale of snapper and grouper and new gear requirements in the South Atlantic. Mr. Robson reviewed and discussed the management alternatives for gag grouper and vermilion snapper being considered by the South Atlantic Fishery Management Council (SAFMC), and for gag and red groupers by the Gulf of Mexico Fishery Management Council (GMFMC). Mr. Robson mentioned the Council is meeting the same week as the Commission meeting to discuss the following:

- Gag grouper assessment indicates “overfishing” (excessive fishing pressure)
- Currently there is not allocation alternative

Staff recommended the Commission support this alternative.

Mr. Robson continued with the following management measures being developed to achieve the necessary level of harvest reduction to end “overfishing.” These measures will achieve for a 37% harvest reduction:

- Establish regional commercial quota
- Establish a spawning season closure for all harvest
- Recreational bag limit reduction

Staff recommended the Commission support commercial quota and incremental recreational restrictions.

The following are SAFMC’s regulatory changes under development that would significantly restrict fishing for vermilion snapper in the South Atlantic:

- Vermilion snapper assessment indicates “overfishing”
- Current rate more than 2 times allowable
- Exact reduction amount pending new data

Currently there are is no established allocation alternative for vermilion snapper. The Council selected a preferred allocation of 68% commercial and 32% recreational harvest.

Staff recommended the Commission support this alternative.

The following is the Council’s preferred management alternatives 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 – May 15, and allow NMFS to adjust based on new assessment

Staff recommended taking an incremental approach to recreational restrictions as follows:

- Lower bag limits
- Raise size limits
- Implement seasonal closures

Mr. Robson continued with the following SAFMC's targeting recreational sale or purchase of snapper-grouper:

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

The Commissioners discussed the Council's recommendation not allow charter fishermen to sell their catch off of the dock.

Action on this matter was delayed to the June 2008 meeting because there was a need to thoroughly consider the economic impact of the proposed ban on sale of recreational bag limits of snapper-grouper species. Mr. Robson stated this issue is currently being discussed during this week's Council meeting for a final vote. FWC staff representative attending the Council meeting will abstain or vote against this amendment. The Commission asked Bill Teehan to contact staff in attendance at the Council meeting to relay the Commission's vote of no, specific to the issue of the recreational sale of snapper-grouper.

Mr. Robson continued with a description of the Council's proposed implementation of gear requirements to reduce bycatch of snapper-grouper species. Current preferred actions would mirror those recently put in place for federal and state waters of the Gulf of Mexico.

Staff recommended the Commission support the proposal, consistent with regulations implemented for federal and state waters of the Gulf of Mexico. The provision would ensure that the implementation of these regulations allow adequate time for gear manufacturers and distributors to adjust to the changes.

#### Gulf of Mexico Fishery Management Council

Bill Teehan, Section Leader in the Division of Marine Fisheries Management continued with a report on the Gulf of Mexico Fishery Management Council issues including the following:

- Gag grouper: assessment indicates "overfishing" – too much fishing pressure with a goal of 45% reduction in harvest
- Red grouper – 2007 assessment shows improvement – harvest can increase 15 percent

Mr. Teehan described the Council's grouper allocation. The Council voted on a preferred alternative, establishing the allocation of total allowable catch between the recreational and commercial fisheries as the average share during the years 1986 through 2005. The recreational: commercial proportions would be gag – 61:39, red grouper – 24:76.

Mr. Teehan presented a table representing the range of management alternatives for the recreational harvest of gag and red grouper. Staff preferred an alternative that would contain more than one gag within the aggregate bag limit; however, these alternatives also have an extremely long associated recreational closed season.

Mr. Teehan continued with a description of the new recreational alternatives. Following is the Council's preferred Alternative 7:

- Aggregate grouper bag limit of 4 fish per person: a gag bag limit of 2 fish per person within the aggregate bag limit and a red grouper bag limit of 2 fish per person within the aggregate
- Seasonal closure:
  - Option a: February 15 – March 31 reduces gag 23%, increases red 19%
  - Option b: June 1 – July 31 reduces gag 26% , reduces red 6%
  - Option c: September 15 – November 15 reduces gag 25%, increases red 14%

- Option d: November 1 – December 31 reduces gag 26%, increases red 19%
- Option e: February 1 – March 31 closure reduced gag by 26%, increases red by 17%

Mr. Teehan mentioned the proposals increases the bag limit from three to four and reduces the closed season from 4 to 2 months.

Commissioner Barco discussed the seasonal closure of February to March 31 (Option e) and the affects to recreational fishing in Florida. She indicated support for this option.

Vice Chairman Yablonski mentioned the Council is looking at a 25% reduction.

Mr. Teehan discussed the following commercial closure alternatives:

- Commercial harvest based upon a quota
- Season will close when quota is met
- Proposed spawning season area closure from January 1 – April 30 in specified areas at the 40 fathom break
- Remove present closure of February 15 – March 15 in lieu of the above proposal

Mr. Teehan continued with a description of the Council’s preferred alternative that would require all reef fish vessels with federal reef fish permits to comply with the more restrictive of state or federal regulations when fishing in state waters.

The success of the grouper management plan depends upon the states becoming consistent with the federal plan. If states do not develop regulations that are consistent with the federal regulations, it is likely that the elements of the federal plan would have to be recalculated to adjust for the inconsistency and will necessitate that further restrictions be placed on the grouper fishery in federal waters.

Additionally, Mr. Teehan discussed the pre-emption was discussed at the Council meeting, coming from Louisiana, Mississippi, and Alabama who do not agree with Florida’s decision regarding red snapper. During the debate, Texas and Florida were able to table the issue so no vote was taken on the motion; however, there, was a motion coming from Louisiana asking the Secretary of Commerce to write a letter to NFMS to pre-empt Florida and Texas in state waters and impose federal regulations.

Mr. Teehan summarized the Council’s final action on the amendment. By law, a management plan designed to end overfishing of gag grouper must be in place by January 2009. Since final Council action did not occur in June 2008, it is unlikely that a permanent plan would be in place by the January date. Therefore, NMFS will have to implement an Interim Rule over the time period before the plan amendment can be finalized and published in the federal register. The Council discussed the Interim Rule at the June meeting, and then requested that NOAA Fisheries prepare an interim rule based on the preferred management measures that address gag grouper that are contained in Amendment 30B. This Interim Rule will be reviewed by the Council at the August 11-15, 2008 meeting in Key Largo. Additionally, at that same meeting, the Council will finalize all of the management measures for both gag and red grouper that are contained in Amendment 30B. Chairman Barreto asked Mr. Teehan to provide Commissioners a list of future Council meeting dates and locations.

#### Public Comment

Ted Forsgren provided and discussed with Commissioners a list of CCA’s comments regarding gag grouper issues. Additionally, he discussed concerns regarding the Individual Fishing Quota’s (IFQ’s) regarding grouper and that the issue will become “locked-up” in the commercial take like red-snapper. It is not a free market.

Bill Tucker discussed his concerns regarding gag grouper and commercial versus recreational fishing.

The following individuals supported an IFQ system:

Steve Maisel; Glenn and Paul Loughridge; and Vishwanie Maharaj (Environmental Defense Fund).

Mr. Teehan mentioned that most of the public speakers referred to the IFQ system, which is contained in the Gulf of Mexico Fishery Management Council presentation.

### Commission Discussion

Commissioner Barco asked about the new recreational alternatives for the Florida Panhandle and she commended the efforts of staff in thinking “outside the box” regarding the alternative dates.

Vice Chairman Yablonski discussed the IFQ program, closed seasons and other issues presented to the Council.

Commissioner Wright asked about the changes in allocations and what happens when the commercial allocations are wrapped up in the frontier IFQ’s. Vice Chairman Yablonski replied that it is not the case and none of the fishermen perceive it that way.

Chairman Barreto stated he is interested in researching alternative methods of gear and asked Mr. Wiley to coordinate with Gil McRae and staff. Mr. Wiley stated staff plans to discuss this issue at the Commission Workshop on August 19 in Orlando. Chairman Barreto asked for the “best and brightest” staff to investigate the IFQ program, including what other states are doing.

Commissioner Barco discussed the process involved when Florida and Texas vote on Council issues.

Vice Chairman Yablonski encouraged Commissioners to attend the Council meeting scheduled in August in Key Largo to meet with Council members and discuss the Florida’s fishery issues.

Mr. Teehan discussed the new proposed recreational closed season of February 1 through March 31. He asked if the Commission supported the spawning area closures at 40 fathom break. Commissioners discussed the full closure issue. Chairman Barreto and Commissioner Barco did not agree with a full closure season to all fishing.

Additionally, Mr. Teehan discussed the federal permits and requirements, pre-emption, and the interim rule for gag grouper and alternatives for recreational management closures in affect January 2009.

Commissioner Barco discussed concerns regarding the requirement by law to meet the Council’s timeframe on various issues.

### Federal Issues – South Atlantic Fishery Management Council (SAFMC)

Mr. Robson discussed the Council’s regulations restricting the harvest of red snapper in the Atlantic and another six to seven key species of snapper grouper species due to overfishing issues.

Additionally, staff is planning the Marine Fisheries State-Federal Commission Workshop on August 19 at the Rosen Plaza in Orlando in association with the Florida’s Wildlife: On the Frontline of Climate Change summit scheduled August 20-22 at the same location. The purpose of the workshop is to provide Commissioners a forum to discuss and exchange ideas about state and federal fishery management coordination in the context of the existing federal regulatory structure. The Commission will not be taking action on specific regulatory issues.

Mr. Robson provided an update to Commissioners regarding delaying final action on the gag grouper and vermilion snapper issue until September 2008. Staff will work toward receiving consideration for reducing that season of closure length. The other staff recommendations, i.e. reef fish gear, staff is continuing to support the circle hook and venting tool for the South Atlantic. Chairman Barreto asked what the feedback is from the industry regarding new fishing gear. Mr. Robson stated the new fishing gear is directed toward the Gulf of Mexico and everyone recognizes the value and supports the conservation measures.

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

Chairman Barreto asked Bill Teehan, Leader of Marine Fisheries in the Division of Marine Fisheries Management to present a report on the Gulf of Mexico Fishery Management Council issues. Mr. Teehan presented a report on the following issues:

- Off-shore aquaculture amendment – permitting requirements, genetics, record keeping, and reporting requirements.
- IFQ Program – GMFMC has been working on for several years and is industry driven. The Reef Fish Amendment 29, the mechanisms and structures of how one receives the quota, and eligibility requirements.
- *Ad-Hoc* Allocation Committee – Comprised of Mr. Teehan, Julie Morris, and Bob Gill working on the concept of allocation to research a better way to allocate amongst sectors rather than a time series of landings.

Commissioners Wright and Yablonski discussed the IFQ's as a possible proprietary/marketable program and allocations.

Chairman Barreto summarized the allocation process and the importance in not creating a value in the permit that allows you to fish. Mr. Teehan replied that there is a limit to how much quota share one can obtain and a "use it or lose it" provision.

Additionally, Mr. Teehan mentioned the adjustment to the red snapper recreational season. Commissioners received a memo regarding shortening the season from June 1 to August 5 in federal waters, and in state waters, it is still April 15 through October 31.

### Public Comment on Items Not on the Agenda

Manley Fuller mentioned the resolution for Amendment 4 is posted to the Florida Wildlife Federation's website for reference and additional support. He discussed issues regarding the federal government process for hunting on Babcock Ranch. Chairman Barreto asked about the Commission's role. Mr. Wiley responded that the Commission is the lead to manage the property. Mr. Fuller urged the Commission to take a more active role in allowing hunting on the land. Chairman Barreto stated it is a complex private/public process. Vice Chairman Yablonski summarized the history of the purchase of Babcock Ranch. Chairman Barreto directed staff to work with Mr. Fuller regarding the progress of hunting on Babcock Ranch.

### Commission Exchange

Commissioner Wright thanked Chairman Barreto for his direction during the two-day meeting and reiterated the transparency of the agency displayed during the meeting related to a variety of issues. He thanked Commissioner Bergeron for hosting Commissioners and staff at his ranch.

Commissioner Barco discussed the schedule for the listing process and receiving an update at the June 2009 Commission meeting. She thanked Commissioner Bergeron for the airboat trip and dinner at his home. The boat ride was very informative and enjoyable. She complimented Col. Jones for her knowledge provided

during her presentation on the net gear regulations issue. Additionally, she thanked Mr. Robson and Mr. Teehan for their assistance regarding Council issues.

Vice Chairman Yablonski thanked Jackie Fauls for a great job during the Legislative Session, Commissioner Bergeron for providing his knowledge during the tour of the Everglades, the IGFA, and Vic Heller for his years of service to the Commission.

Commissioner Bergeron thanked Chairman Barreto for commanding the meeting, fellow Commissioners, staff, and Chuck Collins for their support and time devoted to the success of the meeting as well as assistance in coordinating the Everglades and Big Cypress National Park airboat tours.

Chairman Barreto thanked Vic Heller for his support and devotion to the Commission. He thanked Commissioner Bergeron for the airboat tour and hospitality, Commissioner Barco for bringing the issue to the Commission for further discussion at a public meeting, and it was a pleasure to work with Jackie Fauls, Sandra Wilson, Col. Jones, Ken Haddad, and staff during this year's Legislative Session. He stated his disappointment that law enforcement officers did not receive their pay increase during this Session. He will work often and early to pass an increase in the next Session. He thanked Chuck Collins for all of his hard work and devotion to Commission issues.

#### 2009 Proposed Commission Meetings Dates and Locations

Upon motion of Commissioner Barco, seconded and carried, the Commission approved the proposed 2009 meeting dates and locations.

#### Adjournment

Chairman Barreto adjourned the meeting at 6: 45 pm.

RESOLUTION

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

WHEREAS, said service includes the protection and management of Florida's wildlife and habitats, and

WHEREAS, projected growth of Florida's human population over the next 50 years and other environmental factors will undoubtedly present extreme challenges for this agency and others, and

WHEREAS, those challenges, if not addressed with wise and creative solutions, threaten to erode the rich legacy of fish and wildlife conservation, outdoor recreation and the natural character of the Great State of Florida and cause great environmental harm, and

WHEREAS, it is beyond the means of the government of the Great State of Florida to purchase all the natural lands that stand to be lost to development in the years to come, and

WHEREAS, a proposed addition to the Florida Constitution -- Amendment 4, to be on the ballot for Florida's voters' approval during the November 2008 election -- would offer a meaningful solution to this issue by providing for tax incentives for landowners who set aside lands for conservation easements and those who practice proactive conservation to benefit wildlife, and

WHEREAS, privately owned lands feature some of Florida's most valuable wildlife habitats, and a private land stewardship ethic is a critical component of natural resource conservation, and

WHEREAS, passage of Amendment 4 requires that 60 percent of voters cast ballots in favor of its adoption:

NOW THEREFORE, be it resolved by the Florida Fish and Wildlife Conservation Commission that this Commission supports Amendment 4 and that, if approved by the voters, Amendment 4 will help conserve fish and wildlife habitat for future generations of Floridians.

DONE AND RESOLVED in this duly constituted and assembled meeting at Dania Beach, Florida, this 11th day of June 2008.

FLORIDA FISH AND WILDLIFE  
CONSERVATION COMMISSION

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Chairman Rodney Barreto

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Vice Chairman Brian S. Yablonski

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Commissioner Dwight Stephenson

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Commissioner Ron Bergeron

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Commissioner Kathy Barco

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Commissioner Richard A. Corbett

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Commissioner Kenneth W. Wright

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Attest:

RESOLUTION

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

WHEREAS, said service includes the protection and management of Florida's fish and wildlife resources; management of sustainable uses of these important resources; and support for access and opportunities associated with sustainable use for future generations, and

WHEREAS, Florida's "working waterfronts" are a critical link connecting people with Florida's rich fish and wildlife resources for commercial and recreational activities that are highly important to Florida's economy and the cultural character of the State, and

WHEREAS, working waterfronts include properties and facilities that provide access for water-dependent commercial and recreational activities and generally provide access for the public to the navigable waters of the State.

WHEREAS, the projected growth of Florida's human population over the next 50 years and other environmental and economic factors will undoubtedly present extreme challenges, and

WHEREAS, those challenges associated with growth will bring increasing economic pressures on Florida's working waterfronts likely resulting in significant changes in land use and significant loss of access to the waters of Florida for recreational and commercial activities, and

WHEREAS, those challenges, if not addressed with wise and creative solutions, threaten to erode the rich cultural heritage associated with working waterfronts and the important interface between the people of Florida and the fish and wildlife resources on the waters of the state, and

WHEREAS, it is beyond the means of the government of the Great State of Florida to purchase all the lands essential to maintaining working waterfronts that may be subject to land use changes in the years to come, and

WHEREAS, a proposed addition to the Florida Constitution -- Amendment 6, to be on the ballot for Florida's voters' approval during the November 2008 election -- would offer a meaningful solution to this issue by providing for tax incentives for landowners who wish to maintain properties in working waterfront uses, and

WHEREAS, passage of Amendment 6 requires that 60 percent of voters cast ballots in favor of its adoption:

NOW THEREFORE, be it resolved by the Florida Fish and Wildlife Conservation Commission that this Commission supports Amendment 6 and that, if approved by the voters, Amendment 6 will help preserve working waterfronts for the benefit of future generations of Floridians.

DONE AND RESOLVED in this duly constituted and assembled meeting at Dania Beach, Florida, this 12th day of June 2008.

FLORIDA FISH AND WILDLIFE  
CONSERVATION COMMISSION

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Chairman Rodney Barreto

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Vice Chairman Brian S. Yablonski

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Commissioner Dwight Stephenson

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Commissioner Ron Bergeron

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Commissioner Kathy Barco

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Commissioner Richard A. Corbett

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Commissioner Kenneth W. Wright

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Attest:

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION RESOLUTION REGARDING  
The GENERAL MANAGEMENT PLAN for  
the BIG CYPRESS NATIONAL PRESERVE ADDITION

WHEREAS, the Florida Fish and Wildlife Conservation Commission is a constitutionally created agency dedicated to managing fish and wildlife resources for their long-term well-being and the benefit of people, and

WHEREAS, the Big Cypress National Preserve was established by an Act of the United States Congress to preserve and protect natural scenic, hydrologic, floral, faunal, and recreational values of the Big Cypress Watershed, and

WHEREAS, the Big Cypress National Preserve Addition was established by an Act of the United States Congress to provide for public recreational use and enjoyment of public lands by expanding the Big Cypress National Preserve, and

WHEREAS, the State of Florida was a major partner with the Federal Government in the acquisition of the lands that comprise the Addition, and

WHEREAS, the expressed intent of the Congressional acts establishing the Big Cypress National Preserve and Addition is to distinguish and set apart these public lands from typical national parks and thereby recognize the importance of local cultural values and integrate those values into a unique management paradigm that provides for traditional public use and enjoyment of south Florida's natural resources, and

WHEREAS, these acts of Congress or implementing federal laws call for the Federal Government and its agencies to cooperate with the State of Florida to establish wildlife protection and recreational opportunities, and

WHEREAS, these acts of Congress or implementing federal laws require that hunting, fishing, trapping, and other traditional recreational opportunities shall be permitted in the Big Cypress National Preserve and Addition, and

WHEREAS, these acts of Congress or implementing federal laws call for the National Park Service to consult with the State of Florida prior to implementation of regulations restricting activities, and

WHEREAS, these acts of Congress or implementing federal laws require that any action by the National Park Service to control or limit the use of motorized vehicles must be reasonable, equitable and justified in terms of public enjoyment and important resource protection, and

WHEREAS, the Florida Fish and Wildlife Conservation Commission strongly believes in making public lands as accessible as possible to the public for their use, education and enjoyment while maintaining fish and wildlife conservation values,

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

1. That we do hereby express our deep concern that the development of the Addition General Management Plan is not fully conforming to the intent of the pertinent Congressional acts and federal implementing laws;
2. That we do hereby urge the Department of Interior and National Park Service to embrace the State of Florida and the Commission as a true partner in the management of the Big Cypress National Preserve and the Addition;
3. That we do hereby urge the Department of Interior and National Park Service to continue and expand upon recent efforts initiated by the current Big Cypress National Preserve Superintendent, Ms. Karen Gustin, to consult and cooperate more fully with the State of Florida and the Commission regarding management and use of the Big Cypress National Preserve and the Addition.
4. That we do hereby urge the Department of Interior and National Park Service to establish and implement clear policies requiring full and sincere consultation and cooperation with the Commission and full involvement in the decision making process regarding all management decisions involving fish and wildlife management and associated public recreational opportunities;

5. That we do hereby urge the Department of Interior and National Park Service to incorporate Commission recommendations regarding the general management plan for the Addition into the preferred alternative and final record of decision;
6. That we do hereby urge the Department of Interior and National Park Service to accommodate public access for hunting, fishing, wildlife viewing and other traditional recreational activities including motorized vehicular access into the preferred alternative and final record of decision for the Addition general management plan as recommended in the Commission's June 15, 2007, letter;
7. That we do hereby urge the leadership of the Department of Interior and the National Park Service to engage immediately in discussions with the Commission regarding how Commission recommendations will be incorporated into the preferred alternative and record of decision for the general management plan for the Addition;
8. That we do hereby record the sentiments of this resolution forevermore in the minutes and records of the Florida Fish and Wildlife Conservation Commission.

DONE AND RESOLVED at Dania Beach, Florida this 11<sup>th</sup> day of June, 2008.

FLORIDA FISH AND WILDLIFE  
CONSERVATION COMMISSION

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Rodney Barreto, Chairman

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Brian S. Yablonski, Vice Chairman

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Ronald M. Bergeron, Commissioner

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Dwight Stephenson, Commissioner

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Kathy Barco, Commissioner

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Richard A. Corbett, Commissioner

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Kenneth W. Wright, Commissioner

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

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Rodney Barreto  
Chairman

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Kenneth D. Haddad  
Executive Director

Respectfully submitted:

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Commission Secretary