



Florida Fish and Wildlife Conservation Commission

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Commission Meeting
September 17-19, 2008
Jacksonville

Minutes

A regular meeting of the Florida Fish and Wildlife Conservation Commission (Commission) was held September 17-19, 2008 at the Hyatt Regency Jacksonville Riverfront, located at 225 East Coast Line Drive, Jacksonville, Florida. Commissioners Dwight Stephenson and Ronald Bergeron were absent on Wednesday, September 17 due to personal and business commitments. Commissioner Bergeron attended on Thursday, September 18, and Friday, September 19. Commissioner Stephenson attended on Friday, September 19. Chairman Barreto called the meeting to order at 8:30 am 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
Nick Wiley	Assistant Executive Director
James V. Antista	General Counsel
Sandra Wilson	Chief Financial Officer
Gil McRae	Director, Fish and Wildlife Research Institute
Colonel Julie L. Jones	Director, Division of Law Enforcement
Diane Eggeman	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
Cindy Hoffman	Director, Human Resources
Jackie Fauls	Director, Legislative Affairs Office
Roland Garcia	Director, North Central Region
Dennis David	Director, Northeast Region
Louie Roberson	Director, Northwest Region
Chuck Collins	Director, South Region

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

Chairman Barreto welcomed Commissioners, staff, and guests to Jacksonville.

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

Special Presentations and Recognition

Chairman Barreto asked Bill Cline, Leader of the Hunter Safety Section in the Division of Hunting and Game Management to introduce Anthony “Andy” Campbell, Volunteer Hunter Safety Instructor of the Year. Mr. Cline described Mr. Campbell’s participation and support of the Hunter Safety program. The Commission presented the award to Mr. Campbell and recognized him for contributing volunteer time to Florida’s hunter safety program. Mr. Campbell thanked the Commission for the recognition and Chairman Barreto thanked Mr. Campbell for his continued support and efforts in educating the public about hunter safety. Mr. Campbell had his photo taken with Commissioners.

Chairman Barreto asked Col. Julie Jones to introduce members of the Captive Wildlife Technical Advisory Group (CWTAG). Before introducing members of the Group, Col. Jones introduced Charles Schinholser, Director of Concerns of Police Survivors, (C.O.P.S.); an organization dedicated to assisting families of fallen law enforcement officers. Mr. Schinholser thanked the Commission for the opportunity to visit and exhibit information about the program. Chairman Barreto mentioned he is a former Miami-Dade police officer and continues to participate in a charitable organization assisting law enforcement officers and their families through various fund raising activities.

Col. Jones continued with a description of the CWTAG’s purpose and objectives related to captive wildlife issues. She introduced the following members in attendance and thanked them for their assistance:

Julie Morris, Facilitator, former FWC Commissioner; currently with the New College Environmental Studies Program (*absent*)
Captain Linda Harrison, Chair, CWTAG; Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement
Captain John West, Chair, CWTAG; Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement
Julie Strauss, Vice-Chair; Corporate Counsel, FELD Entertainment, Inc. (*absent*)
Bill Armstrong, President, Florida Animal Control Association (*absent*)
Eugene Bessette, Founder/Director, Ophiological Services; former member of the Captive Wildlife Committee
Joe Christman, Curator of Mammals, *Disney’s Animal Kingdom* (*absent*)
Dr. Susan Clubb, DVM; Co-owner, Hurricane Aviaries; Staff Veterinarian, Jungle Island (*absent*)
Dr. Leroy Coffman, DVM; former State of Florida Veterinarian/Director of Animal Industry with FDACS
Ken Johnson, Representative, The Humane Society of the United States; Director, IT, Florida State University College of Medicine; former member of the Captive Wildlife Committee
Dan Martinelli, Executive Director, Treasure Coast Wildlife Center and Hospital; Executive Director, Wildlife Rehabilitator
Dr. Terri Parrott-Nenezian, DVM, Wildlife Rehabilitator, Avian Exotic Wildlife Services; former member of the Captive Wildlife Committee
R. Donovan Smith, Founder, NGALA Private Reserve; Founder and Director, Close-up Creatures, Inc.
Kathy Stearns, Founder, Stearns Zoological Rescue & Rehab; Wildlife Rehabilitator

Vice Chairman Yablonski presented and read a resolution on behalf of the Commission recognizing their participation and commitment to captive wildlife issues. Group members had their photo taken with Commissioners.

Chairman Barreto asked Col. Jones to introduce Ted Forsgren, Executive Director of the Coastal Conservation Association (CCA), recognized for their donation of 200 fish measurement tools to the Commission. Mr. Forsgren introduced Mark Carter, Chairman of the Board of Directors of CCA. Mr. Carter described the fishing equipment provided by CCA and its intended purpose. Mr. Forsgren and Carter had their photo taken with Commissioners.

Chairman Barreto asked Tim Breault to introduce Adam Warwick, a Biological Scientist with the FWC's Division of Habitat and Species Conservation. Mr. Breault described the incident involving in the rescue of a black bear swimming in the Gulf of Mexico after being tranquilized, resulting from a nuisance alert call in a residential area. Mr. Warwick went above-and-beyond the call of duty risking his own safety to save the bear from impending death. Vice Chairman Yablonski thanked Mr. Warwick for his continued dedication and loyalty to the agency and Florida black bears. Chairman Barreto thanked Mr. Warwick, discussed the overpopulation of black bears in highly populated areas of Florida, and held a conversation describing how the Commission is implementing a management program focused on educating the public regarding bear issues. Vice Chairman Yablonski presented and read a resolution on behalf of the Commission to Mr. Warwick in recognition for his bravery.

Mr. Breault introduced Dr. Jennifer Hobgood with the Humane Society of the United States. She recognized and presented the Circle of Compassion Award to Mr. Warwick. Mr. Warwick thanked the Humane Society and the Commission for the recognition. Mr. Warwick had his photo taken with Commissioners and Dr. Hobgood.

Col. Jones introduced Officer Bret Gill with FWC's Division of Law Enforcement, his mother, Peggy; father, Brett; and girlfriend, Dana Loadholtz. Col. Jones described his act of heroism. On July 18, Officer Gill rescued a woman from her burning vehicle resulting from a car crash and risking his own life to save the life of another. Col. Jones presented a Letter of Accommodation and plaque from Ken Haddad. Chairman Barreto presented the Lifesaving with Valor Award to Officer Gill, FWC's highest honor bestowed to an employee. Officer Gill and his family had their photo taken with Commissioners.

Chairman Barreto asked Mr. Haddad to introduce Dinah Voyles Pulver, reporter and environmental writer for the *Daytona Beach News-Journal*. Mr. Haddad described Ms. Pulver's career, including her journalistic talent contributing more than ten years with the *Journal*, and her long-standing passion for the environment, fish and wildlife. Ms. Pulver thanked the Commission for the recognition and stated her appreciation to the Commission for their dedication in the protection of Florida's resources. Ms. Pulver had her picture taken with Commissioners.

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

- Division of Hunting and Game Management: John Ault
- Division of Habitat and Species Conservation: Melissa Tucker, Kris Cathey, and Anna Liner
- Division of Freshwater Fisheries Management: Matthew Gardner and Dan Dorosheff
- Division of Law Enforcement: Officer Billy Giles
- Fish and Wildlife Research Institute: Russ Brodie and Erin Leone

Adoption of Minutes

Chairman Barreto asked for approval of the June 11-12, 2008, Commission meeting minutes. Upon motion of Commissioner Corbett, seconded and carried, the Commission approved the minutes.

Adoption of Consent Agenda

Chairman Barreto asked Nick Wiley to describe the items listed on the Consent Agenda. Mr. Wiley summarized the three items listed on the Consent Agenda. Upon motion of Commissioner Wright, seconded and carried, the Commission approved the Consent Agenda.

Adoption of Agenda

Chairman Barreto asked for approval of the meeting agenda and announced that the Commission will remain flexible related to various issues, specifically budget issues, which may be addressed on Thursday, September 18 or defer the issues to Friday, September 19, depending on the interest of time. Upon motion of Commissioner Corbett, seconded and carried, the Commission approved the meeting agenda.

Executive Director's Report

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

Babcock Ranch Preserve (BRP) - Summary of Activities

The legislation that created BRP named the Division of Forestry (DOF) and the Fish and Wildlife Conservation Commission (FWC) managing agencies. As managing agencies, DOF and FWC's involvement in ranch management provides technical assistance to Babcock Ranch Management, LLC. Neither receives management funding or staffing for on-the-ground activities.

The legislation also called for the development of a management plan for BRP by July 2008. DOF and FWC contracted with a private vendor to develop the management plan for BRP. The Board of Trustees approved the plan on July 29, 2008, which is within the mandated deadline for completion.

Other tasks that have been completed or initiated include:

1. FWC and BRP staff met to develop recommendations for FWC-administered public hog hunts beginning in the fall of 2008 on a 16,600-acre piece of BRP property. Public hunting is a big issue with BRP. Because long-term funding is not available to manage public hunts, it is important to establish fee-based hunts to generate revenues. For this reason, staff initially proposed special-opportunity hog hunts - hunters would pay \$5 to apply and \$150 for each 3-day hog hunt. These fees are authorized under existing Commission rules. The proposal includes six, 3-day hunts from November through January, providing an opportunity for 180 hunters. Additionally, staff is working with BRP to provide youth hunts this season under the Youth Hunting Program of Florida in partnership with the Future of Hunting in Florida, Inc.
2. Developed signage and posted the perimeter of the area.
3. Law enforcement officers in the Southwest Region continue to patrol BRP on a regular basis. Since acquisition, officers have conducted 3,381 hours of regular patrol and 2,032 hours of overtime patrol for a total of 5,413 hours. Four all-terrain vehicles, night vision goggles and a specially equipped Jeep patrol vehicle were purchased to enhance patrol capabilities.
4. FWC contracted with the Florida Natural Areas Inventory to accomplish the following tasks. Many of these tasks were essential in developing the management plan and all tasks have been completed.

- Natural plant community mapping and ecological characterization
- Historic vegetation analysis
- Rare plant survey
- Exotic invasive plant inventory
- Rare animal survey
- Red-cockaded woodpecker management plan

5. FWC designed the Bermont Crossing day use area, which included parking area, kiosk and trails. Maps were developed for the trails.

Florida State Employee Charitable Campaign (FSECC)

Mr. Haddad described the FSECC and introduced a short video presentation titled, “Heroes” created by Jessica Basham with the Office of Community Relations.

Staff Report – Update Gopher Tortoise Management Plan

Chairman Barreto asked Deborah Burr, Coordinator of the Gopher Tortoise Management Plan in the Division of Habitat and Species Conservation to present an update on the Gopher Tortoise Management Plan (Plan). Ms. Burr presented an annual update on the Gopher Tortoise Management Plan, including the following:

- Accomplishments
- Current Activities
- Future Activities/Goals
- Stakeholder Engagement
- Summary of Ongoing Efforts

Public Comment

Dr. Matthew Aresco (Friends of Lake Jackson (FOLJ)) discussed the activities of the Nokuse Plantation area related to saving gopher tortoises from development sites.

Commission Discussion

Chairman Barreto thanked Dr. Aresco for his assistance and support of gopher tortoise preservation.

Commissioner Corbett asked Dr. Aresco to explain what he is doing specific to working with developers and landowners. Dr. Aresco explained his involvement with landowners and developers related to incidental take permits.

Vice Chairman Yablonski asked Dr. Aresco to describe the activity on State Road 20 at the E.O. Wilson Bio-Diversity Center. Dr. Aresco replied that Mr. M.C. Davis is building a state-of-the-art environmental education center on Highway 20, between Bruce and Freeport specifically targeted at elementary school age children presenting information about the environment, local wildlife and habitats. Walton and Okaloosa counties school systems have agreed to make this part of their science education curriculum for elementary school children.

Commissioner Wright stated he met with Dennis David, Director of the agency’s Northeast Regional office and staff and discussed modifying and/or extending the gopher tortoise incidental take permits. The permits were coming in and needed to be processed. He suggested the Executive Director extend the relocation permits for six months or one year to avoid having the entire incidental take permits modified for an extinct extension. Ms. Burr stated the expiration date is not included on the incidental take permits issued up to June 2007. Staff

is working on contacting those permit holders with an explanation of options to amend their permit without losing any additional property rights. Commissioner Wright re-stated that he was referring to the relocation permits.

Mr. Haddad addressed Commissioner Wright's suggestion and stated the issue involves the six-month relocation permit. There are a number of relocation permits returned to the agency. Ms. Burr explained the current process involving granting an extension to permit holders. In the new permit guidelines approved in April 2008, will be implemented early next year for conservation permits which is a relocation permit (one year before it expires), and staff is working on the details to allow for flexibility in the future. Commissioner Wright clarified having a study group is time consuming and suggested the Commission provide a blanket extension to current permit holders for a period of six months or one year to the current permit holders – an administrative extension, which would curtail the permit holders from sending the permit to the agency. Ms. Burr added the incidental take permit with mandatory relocation and standard relocation. Ms. Burr replied to Commissioner Wright's suggestion that staff can research a possible extension. Chairman Barreto asked staff to provide a recommendation regarding Commissioner Wright's suggestion.

Chairman Barreto congratulated staff for their work implementing the Gopher Tortoise Management Plan.

Commissioners' Areas of Emphasis

Chairman Barreto informed the public that the Commission identified black bear management as one of the Commissioners' Area of Emphasis. Vice Chairman Yablonski volunteered to coordinate with staff and stakeholders regarding managing black bear.

Chairman Barreto asked Kipp Frohlich, Leader of the Imperiled Species Management Section in the Division of Habitat and Species Conservation to present an update on the management of black bear. Mr. Frohlich provided the following overview:

- Description of black bears living in Florida: size, breeding, seasonal activity, age, and diet
- Habitat: areas of population in Florida
- History and human dimensions
- Current management efforts: research, partnerships, community based programs, outreach, and training
- Current challenges and issues
- Incoming bear calls to the agency statewide: types of calls
- Public attitude about Florida bears
- Bear deaths caused by vehicles statewide
- Current management prevention methods and solutions
- Educational outreach programs
- Training in aversive conditioning
- Trapped and relocated bears
- Euthanasia criteria
- Statistical data regarding bears euthanized by FWC statewide beginning in 1979 to 2007
- Rehabilitation and zoos

Staff is drafting a Black Bear Management Plan. The Plan will be provided to the public for their review and comments. The Plan will provide an overall framework and goal including managing bears differently in specific areas of the State of Florida. The goal of the Plan, once approved, would be to build community-based partnerships in specific areas of Florida to manage this resource effectively given the human and biological conditions in those areas.

Public Comment

Byron Maharrey (Everglades Coordinating Council) suggested starting a limited bear hunting opportunity in the areas where bear problems are occurring. He suggested transferring black bear management from the Commission's Division of Habitat and Species Conservation to the Division of Hunting and Game Management as a solution to the problem.

Jim Casselman (United Hunters of Florida) asked Mr. Frohlich about the process of relocating bears and the risk of exposing that bear to other species' established habitat, the issue of food and human interaction, and he urged the Commission to move the bear management section to the Division of Hunting and Game Management. Mr. Frohlich replied relocating bears does affect existing populations, sometimes it works, however relocation is not an effective tool.

Commission Discussion

Commissioner Corbett asked Mr. Frohlich how many other states have similar challenges and if we have networked with those states regarding how they solve similar bear issues. Mr. Frohlich replied any state with bears has a similar problem. Staff attends the Eastern Black Bear meeting as well as national meetings to exchange ideas with other states regarding black bear issues. Bear problems exist wherever bears live. Staff has a good exchange of ideas to the point where people have offered video footage for the agency to use and staff plans to add Florida footage to make it Florida centric. Commissioner Corbett asked how the public receives educational information to assist in combating bear issues. Mr. Frohlich described FWC's efforts and replied that some of the states are further along in the educational process with well-engrained bear programs.

Commissioner Barco asked Mr. Frohlich to explain the statistical information available regarding bear euthanasia instead of relocation. Mr. Frohlich replied the agency, in partnership with the University of Florida, completed a study on the success of relocation. The analysis showed relocation leads to other problems in other areas and the trapping and relocation of bears is time intensive. FWC concluded there were more cases involving human safety risks, increasing the number of nuisance bears. Mr. Frohlich described how the public secures their garbage, however the bear is so conditioned, and it stays in the area. There are a number of factors combined in an increase in the number of nuisance bears. Staff is pro-actively researching alternative measures dealing with conflict bears. When staff identifies a nuisance bear, whether it is the first time or the fifth time, if it is determined the bear is a public safety risk, it will be destroyed. The decision to euthanize a bear is delegated to the regional biologist who works closely with biologists on the scene, law enforcement, and Tallahassee staff. Commissioner Barco asked if there is a higher concentration of bears in specific areas of Florida. Mr. Frohlich stated they are spread out statewide. There are more in the central part of the State, from Orlando, up the ridge, through Ocala National Forest, and the Panhandle.

Vice Chairman Yablonski stated this is one of Florida's mega fauna and a keystone species. There are many stories about bear and human interaction occurring in Florida and this problem is growing as the human population of Florida increases. He reiterated that the Commission and staff are pro-active regarding bear and human interaction. The public perceives the bear as a gentle species without threat and the public is not taking the necessary action to eliminate or secure food left outside and continue to feed bears. Bears have an incredible sense of smell, causing them to come out of the woods seeking the source of the smell. The key to solving this problem involves educating the public. Waste Management is working with agency staff providing "bear proof" waste containers. He encouraged partnerships with waste management companies to retrofit the garbage containers. Additionally, Vice Chairman Yablonski discussed his concerns regarding hunting bears with respect to the future of hunting in Florida. Hunting bears does not fix the problem. Bears will continue to seek the sources of food. Commissioner Corbett suggested contacting local newspapers in the three highly populated areas with bears in Florida to assist in educating the public. Vice Chairman Yablonski agreed that it is a resource issue and education is key.

Commissioner Wright stated he has a home in Colorado and the city required residents to bear proof their garbage containers. He agreed with Vice Chairman Yablonski's concerns related to bear hunting. Educating the public is the key to combating bears in residential areas.

Chairman Barreto stated staff is pro-active and Vice Chairman Yablonski is working with staff on behalf of the Commission. He mentioned the study completed by the Florida Department of Transportation's with information about bears killed by cars. He asked staff to provide this report to all of the Commissioners for their information.

Chairman Barreto stated the Commission should research all options going forward. There are certain bear populated areas of Florida that will need more attention than other areas. He agreed with Vice Chairman Yablonski that the Commission will lose the public relations war (referring to permitting hunting), but if it is a management tool and if it is marketed properly, it is not different from the way the agency has alligator hunts. He discussed the public may not be able to afford bear proof garbage containers.

Commissioner Corbett asked if the Commission could research permitting bear hunting in specific areas of Florida. Chairman Barreto told a story about taking his son bear hunting years ago in Idaho. He discovered the State of Idaho at the time experienced an over population of bears. In addition, the bears were killing young elk. Mr. Frohlich replied that this is the purpose of the development of a bear management plan.

Chairman Barreto reiterated that agency staff provides research for a combined decision to benefit the resource and the people of Florida.

Acquisition and Restoration Council (ARC) Recommendation

Mr. Haddad summarized the new legislation related to the Florida Forever program with an additional appointment proposed by the agency to the Acquisition and Restoration Council (ARC). The agency recommended Lane Green, Executive Director of Tall Timbers Research Station. Mr. Haddad described his background and experience with land management as well as his career qualifying him as a candidate for ARC. Mr. Haddad mentioned Mr. Green accepted the agency's invitation to serve on the ARC.

Commission Discussion

Commissioner Corbett stated the Commission is fortunate to know someone with such a strong understanding of land management. He recommended the Commission approve Mr. Green to be appointed to ARC.

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved appointing Lane Green to the ARC.

Major Proposed Rules Changes to Wildlife and Fisheries Regulations 2009-10

Chairman Barreto introduced and asked Diane Eggeman to present a review of the major wildlife and fisheries rule changes proposed for Commission consideration. Ms. Eggeman stated February 2009 is the scheduled final approval of proposed changes for the current off-year rule development process, which is now under way. She described the off-year criteria and timeline for rule development. Following is a list of the proposed rules in concept:

- 68A-5.001, Issuance of Statutory Licenses, Stamps and Permits; Issuance of Duplicates
- 68A-9.004, Permits for Hunting or Other Recreational Use on WMA's
- 68A-15.015, Quota Permits; Antlerless Deer Permits; Special Opportunity Permits
- Northwest Region WMA's: 68A-15.03
 - Blackwater, Tate's Hell, and Yellow River WMA's

- South Region WMA's: 68A-15.064
 - Allapattah Flats and Picayune Strand WMA's
- Northeast Region WMA's: 68A-15.065
 - Lake Monroe and Richloam – Baird Unit WMA's
- Motorcycles and Mopeds: Clarification that licensed and registered motorcycles and mopeds may be operated on roads open for registered vehicular traffic
 - 68A-13.007, Hunting Regulations on Public Small-Game Hunting Areas
 - 68A-15.004, General Regulations relating to WMA's
 - 68A-17.004, General Regulations Relating to WEA's
- 68B-8 Proposed changes to Issuance of Special Activity Licenses

Staff requested the Commission approve the conceptual major proposed rules and endorsement and direct staff to proceed with public review and comment. Staff will present the draft rules for approval at the December 2008 Commission meeting and return for a public hearing and final adoption at the February 2009 Commission meeting in Destin.

Commission Discussion

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved the conceptual major wildlife and fisheries rule changes and directed staff to proceed with public review and comment and return in December 2008 with draft rules.

Public Comment

Jody Brandenburg with the North Florida Chapter of the Safari Club International thanked the Commission for their hard work.

Quota Hunt System

Chairman Barreto introduced and asked Dr. Don Coyner, Leader of the Public Hunting Areas Section in the Division of Hunting and Game Management to present the next agenda item. Dr. Coyner thanked and acknowledged the members of the Stakeholder Working Group; presented an overview and recommended options regarding improving Florida's quota hunt system for public hunting on wildlife management areas. Dr. Coyner presented a description of the following:

- Background regarding the quota hunt program
- Florida Quota Hunt Workgroup and the members

Recommendations from the Workgroup:

- Expand quota hunts and choices
- Create an expanded preference system
- Expand Mobility Impaired quota on existing hunts, where possible
- Increase application period to 30 days – Phase I drawing in June

Feedback from the public on the Working Group's recommendations:

- Strong and widespread opposition to non-transferable permits
- Important uncertainties
 - Effect of non-transferability on no-show rates
 - Economic impact to agency
 - Loss of goodwill and participation among current users

Dr. Coyner proposed the following options for moving forward:

1. Status quo – make no changes
2. Implement elements of the working group’s proposals statewide. The group addressed both fairness and flexibility.
3. Do a partial implementation of elements of the Working Group’s recommendation on a limited number of Wildlife Management Area (WMAs) and then evaluate the results, including hunter satisfaction.
4. Continue to work with stakeholders, explore other options and try to build more support in the hunting community for improving the current system.

Staff asked the Commission to provide guidance regarding the options presented or provide alternative direction regarding the quota hunt system.

Public Comment

Alby Isbell discussed his concerns regarding the proposed “buddy” system and supported status quo. He described his involvement in the public workshop held in Orlando and the results of public commenting. He supported the current quota hunt permitting program.

Lester Girard did not support the transfer of permits and commented on the Work Group’s recommendations. Additionally he stated the quota hunt permitting maps are not available online, family hunts need to include regulations specific to educating young hunters, and staff did not provide the correct hunting information to the public.

Gina Sauber asked the Commission to keep the transferable quota hunt system status quo and discussed additional concerns, included in a handout provided to Commissioners, requesting that hunts on 17 WMAs be made special-opportunity.

Robert Snyder thanked members of the Working Group and staff, supported the quota hunt system as status quo, and discussed making areas available for a Special Opportunity permit. Dr. Coyner replied that he is interested in his idea of a Special Opportunity Permit, however, would like to present this idea to the Working Group for their input.

Ron Ryals supported keeping the quota hunt permitting program as it is currently.

David Jones (Florida Disabled Outdoors Association) discussed the mobility impaired hunting program and its success through the years. He did not support transferrable permits, expressed his concerns regarding a fair and equitable quota hunt permitting system and suggested a random drawing process, leading to a fairer distribution of permits, including flexibility options for no show permit holders.

Jeff Langale discussed the Working Group’s recommendations and described his concerns regarding the information provided by the Group. He supported the current quota hunt permitting program.

Newton Cook provided a handout to the Commissioners and discussed his concerns regarding the quota hunt system, transfer of permits, the proposed guest system, and gaming of the quota permit system.

Brian Zielinski is a member of the Working Group and urged the Commission to provide a fair and equitable quota hunt permitting system.

Steven Dieck supported the Working Group and mentioned the Commission’s decision will affect Florida’s youth.

Larry Peifer supported the current quota hunt permitting system.

John Fuller (Future of Hunting in Florida, Inc. (FHF)) stated both he and FHF's Board of Directors support the Working Group's recommendations.

Todd Hallman (Florida Sportsmen's Conservation Association) urged the Commission to accept the stakeholder's recommendation regarding nontransferable permits, the buddy system on all wildlife management areas, open areas in South Florida during general gun season, and teach the public how to game the system. He asked the Commission to adopt the Working Group's recommendation.

Byron Maharrey discussed his involvement on the Working Group and urged the Commission to "fix" the quota hunt permitting system, including nontransferability in the first phase. He did not support the buddy system as the number of hunters could double.

Jim Casselman (United Hunters of Florida) suggested one hunt permit - per hunter - per hunt. He does not support special opportunity hunts.

Mark Nichols asked why there are so many people gaming the current permitting system. He suggested there are not enough areas to hunt. He suggested providing half of the 17 WMA's non-transferable and supported non-transferability.

Gary Rudolph discussed the mobility impaired hunt system and the inability to obtain a permit through the quota hunt system. He felt that mobility impaired hunts do not suffer the same problem as other hunts since not all permits are pulled. It is important than they be able to help each other use the permits.

Jim Chapman stated he is a mobility-impaired hunter and suggested multiple permits should not be mailed to the same address. Chairman Barreto expressed his pride in leading the nation in providing access to WMA's to mobility-impaired sportsmen.

Chairman Barreto introduced and welcomed John Rood, former Ambassador of the Bahamas, former Chairman of the Commission, and current member of the Wildlife Foundation of Florida's Board of Directors.

Commission Discussion

Commissioner Barco asked Dr. Coyner if Commissioners should "pick and choose" options individually and discussed her concerns regarding the Working Group's options. Dr. Coyner reiterated the options should be considered individually.

Vice Chairman Yablonski asked Dr. Coyner about the purchase of quota hunt permits and how they are mailed to one address. Dr. Coyner stated there are various reasons why several permits are mailed to one address and the data can be provided to Commissioners. Chairman Barreto stated the same could happen with multiple permits to one person at multiple addresses.

Commissioner Corbett asked if it is possible to monitor and solve the issue of multiple permits to one individual. Dr. Coyner replied it the problems seem to focus on the quota hunt transferability.

Chairman Barreto asked what other states are doing regarding their quota hunt system. Dr. Coyner stated other states have a mechanism for individuals to return their permit in advance of a hunt, if they are unable to attend that particular hunt, they receive a credit, and reissued to another hunter. Those permits are non-transferable.

Commissioner Barco stated individuals come to Florida to trophy turkey hunt and asked if the turkey quotas could be made non-transferable, which may stop a certain amount of gaming.

Commissioner Wright suggested staff provide recommends separating mobility-impaired hunters from non-mobility impaired hunters regarding the quota hunt system. In addition, he stated transferability is not the problem, rather the abuse of the system. The buddy system works, but some of the points made by the public are valid with respect to both parties could not hunt if one or the other is unable. He suggested individuals who apply online provide an advance list of individuals he or she would consider transferring their permit to if in the future, he could not attend that particular hunt.

Commissioner Corbett asked Dr. Coyner to describe the difference between Option 2 and 3. Dr. Coyner described the difference and Mr. Wiley explained staff would propose to implement the guest permit system on the 17 WMA's first.

Chairman Barreto asked how the mobility-impaired hunters are involved in the process. Dr. Coyner described how an able body assistant could participate in the hunt on some of the existing areas. Chairman Barreto stated his support of mobility-impaired hunters and suggested designating areas strictly for mobility-impaired hunters. Mr. Wiley stated staff could research the Chairman's suggestion. However, other areas are integrated.

Commissioner Corbett asked Mr. Wiley to describe separating species hunting. Mr. Wiley discussed the general gun hunts where there is a demand and on those hunts, one can take deer, hog and small game species. Chairman Barreto asked Commissioners to engage Ms. Eggeman in the discussion. Ms. Eggeman replied that the Working Group discovered that gaming on the turkey quota permits seemed less than it was for the other permits. Focusing a solution on the turkey permits probably will not be an adequate solution. Commissioner Corbett asked Ms. Eggeman to describe the difference between Options 2 and 3. Ms. Eggeman stated the main difference relates to the partial package, which would allow staff to try out most of the Working Groups recommendations on a small number of areas. The details of Option 3 are open to allow staff time to work out the details with the working group and the public between now and the December 2008 Commission meeting.

Mr. Cook discussed that he and Mr. Maharrey agreed that the entire program should be tried on a trial basis, including the buddy system and the non-transferrable. Mr. Newton suggested one year and each year review the system. Chairman Barreto stated the trial period of one year would provide many results. He reminded everyone that he is advocating for the Floridian that could not attend the meeting and speak to the Commission.

Mr. Maharrey stated if the Commission implements on 17 WMAs, only 1,700 permits will be issues and this is not a significant amount to perform a trial basis and would delay the process, hunters might go to Georgia to hunt or not hunt at all. Chairman Barreto stated not everyone could afford to hunt outside of Florida.

Commissioner Barco stated the Commission should focus their attention on those individuals who have multiple permits and discussed her concerns regarding nontransferable permits during the first phase.

Commissioner Wright asked if the system could allow limited transferability. Chairman Barreto states if an average person applied, that permit would be like "gold" and if he could not use it, he would lose his opportunity. He stated more people would participate if it were "open" to more Floridians. Chairman Barreto asked staff if he wanted to apply, would he have a limit. Dr. Coyner replied he would have five choices. He stated the system allows for five different hunts with one per person during Phase I. If one does not receive a permit after applying during Phase I, he may apply during Phase II. He could apply for an unlimited number of hunts during Phase III. We need to encourage people to have the opportunity to hunt.

Chairman Barreto stated that we need a fair process that allows all Floridians an equal chance – the system should not be gamed. The Commission directed staff to continue to work with on the details of the program and present their findings at the December 2008 Commission meeting.

Final Rules – Freshwater Turtles

Chairman Barreto introduced and asked Bill Turner, Wildlife Biologist in the Division of Habitat and Species Conservation to present a description of final rule 68A-25.002, General Provisions for Taking, Possession and Sale of Reptile. Mr. Turner described the rule for the protection of Florida's freshwater turtle populations. Specifically, the rule reads that no person shall take more than five (5) native Florida freshwater turtles each day. Staff received the following comments from stakeholders:

- Florida's soft-shell turtles cannot be over harvested due to limited lake access for harvesters, high rates of turtle reproduction, and few harvesters.
- Florida's turtles should not be harvested because of their life history that includes slow growth of individuals, long life spans, and high juvenile mortality.

Staff learned demand for soft-shell turtles in international and domestic markets has caused turtle harvests to increase dramatically. Under these circumstances, staff feels that this rule is required to protect freshwater turtles from overharvest. Staff determined that the new, more restrictive limits would protect freshwater turtle populations during the interim while a long-term conservation strategy for turtles and other reptiles is developed.

Staff asked the Commission to approve changes to rule 68A-25.002 as advertised.

Public Comment

Wan To Ho discussed his experience in harvesting freshwater turtles. He suggested keeping the limit open to provide scientists time to research the issue further.

Berma Thomas (Thomas Fish Company) discussed the species living in Eagle Lake and the freshwater turtles harvested in that lake. She mentioned Lake Hancock is the most productive freshwater turtle harvesting area.

John Thomas, Sr. (Thomas Fish Company) represents commercial soft-shell turtle fishermen. The harvest of soft-shell turtles should not be limited and discussed his concerns. Commissioner Barco asked Mr. Thomas about the average take of freshwater turtles by a fisherman in one day. Mr. Thomas replied an estimated average of 100-200 pounds a day.

William Lee did not support limited turtle harvesting to commercial fishermen. He urged a realistic limit to continue his business and income as only five turtles a day would not be enough for them to survive.

Taren Thomas Wadley (Commercial Fishing Industry) discussed the process in harvesting turtles and did not support limiting turtle fishermen.

John Thomas, Jr. (Thomas Fish Company) did not support limiting harvesting freshwater turtles.

Dr. Jennifer Hobgood (The Humane Society of the United States) asked the state to put a moratorium on the harvesting of freshwater turtles and supported staff's recommendation.

Levi Miller provided Commissioners a petition from individuals who did not support staff's recommendation. The petition suggested allowing commercial fishermen to take 20 Florida soft-shell turtles per day

William Shockley spoke on behalf of his father who was unable to attend the meeting. He discussed trotline fishing for turtles and did not support the limitation of harvesting freshwater turtles.

Marc Cantos (Florida Reptile Association) supported the comments of some of the speakers, commended Bill Turner and Kevin Enge for their work on researching Florida's freshwater turtles and the harvesting industry. He asked the Commission to support staff's continued effort to research this issue further.

Dr. Matt Aresco (Friends of Lake Jackson) supported the current proposed rule of harvesting five turtles per person - per day. He asked the Commission to present a permanent rule in 12 months eliminating the harvesting of freshwater turtles.

Sharon Groene (Thomas Fish Company) did not support staff's recommendation.

Joseph Butler (Florida Turtle Conservation Trust and the University of North Florida) stated turtle harvesting is non-sustainable and discussed the reproductive system of this species. The Asian countries consider the turtle meat as a delicacy. The turtles have been overharvested in the Asian market, which resulted in the United States exporting the turtles to Asian countries. Florida is an exporter of freshwater turtles to Asia, but other states have closed their exportation of turtles to Asia. He supported staff's recommendation and asked the Commission to approve a no harvest regulation in the immediate future.

Max Morgan (Commercial Fisherman and Turtle Buyer) provided a letter from Wan To Ho to Commissioners for their information. He supported freshwater turtle fishermen and did not support limiting turtle harvesting.

Commission Discussion

Chairman Barreto asked Mr. Turner about the timeline. Mr. Turner replied less than a year for freshwater turtles and two years for the whole plan.

Commissioner Barco asked Mr. Shockley if the value of the turtle meat has increased, which may increase the harvesting effort. Mr. Shockley replied, no, the price of turtles has dropped and the demand has decreased.

Chairman Barreto asked Mr. Turner how many soft-shell turtle permits were issued and if they are being regulated. Mr. Turner stated less than 300 permits and the agency is not checking the permit holders. The commercial fishermen need a license for the trotline and gear they use to collect turtles.

Chairman Barreto mentioned that if the Commission could provide some relief to turtle harvesters while staff researches the issue further. Mr. Breault reiterated that staff is proposing a placeholder while the Commission processes due diligence and proposed a floor amendment adjusting the bag limit of five (a benchmark) or up to 20 soft-shell turtles while staff work on the issue through the next year, thereby putting a cap on soft-shell harvesting. Chairman Barreto stated the need for turtle for the Asian market brought this issue to the forefront. He suggested the commercial fisherman should be regulated with a higher total catch rather than five, and perhaps up to 20 per day, per person. Commissioners agreed with Chairman Barreto's proposal. Mr. Turner reiterated that this would apply to those individuals with a commercial fishing license.

Commissioner Bergeron agreed with Commissioner Barco that the Commission should gather the scientific data before implementing a limit to the harvesting of soft-shell turtles.

Upon motion of Commissioner Bergeron, seconded and carried, the Commission directed staff to allow commercial fishermen to take 15 additional Florida soft-shell turtles for a total of 20 per day, per person.

Commissioner Corbett introduced Jim Fowler, world-renowned wildlife expert and television personality from the series, "Wild Kingdom." Mr. Fowler represented the Zoological Society of America and discussed the importance of land preservation, his support of Amendment 4, and involvement with Babcock Ranch. Additionally, he discussed captive wildlife issues and the importance of respecting all living things.

Final Rules – Duck Blinds on Lake Miccosukee, Lake Iamonia, Lake Carr, and Lake Jackson

Ms. Eggeman continued with a presentation of rules 68A-1.004, Definitions and 68A-12.002, General Methods of Taking Game, Prohibitions. Ms. Eggeman described the proposed rule, including background information; what affects the proposed rule would have on the duck hunting community; and input obtained from the public.

Staff asked the Commission to approve rule 68A-1.004 as advertised.

Questions from Commissioners to Staff – Duck Blinds Issue

Commissioner Barco asked why the Commission is considering the proposed rule. She added the rule should state “any permanent blind or illegal structure.” Ms. Eggeman replied that staff took this step on a limited basis as the practice is not widespread and does not exist anywhere else in the State of Florida. Commissioner Barco stated if the Commission imposes the rule and uses the reasoning of it being legal in one spot, but illegal somewhere else in the state, thereby allowing those hunters to proceed because there is not a conflict. She stated she does not believe this is equal throughout the state. Ms. Eggeman explained the rule would prohibit hunting from the illegal structures. The structures on other sovereign lands around the state would still be illegal and Florida Department of Environmental Protection could enforce their rules regarding sovereign submerged land on the construction of those structures. The territorial conflicts at these lakes were increasing to such an extent it was affecting hunter interactions and safety.

Commissioner Corbett described the details of the proposed rule and the affects to hunters. He reiterated the educational perspective reminding hunters of the hunting ethics. Col. Jones stated there are specific regulations on this modification of the rule for these three lakes. There will be some resistance; however, staff and law enforcement officers will work with hunters to enforce the law.

Public Comment

Dr. Matthew Aresco supported staff’s recommendation.

Newton Cook supported staff’s recommendation. The law should state that you could not build a permanent blind. Once you build the blind, it should be illegal to hunt out of it. The United Water fowlers Board of Directors voted to support staff’s recommendation.

Commission Discussion

Commissioner Wright discussed Cody Reece and David Williamson’s concerns as they had to leave the meeting earlier and signed up to speak. They asked if they could stack native non-rooted structures and if there were any conflicts, thereby having permanent blinds for a natural spacing. They urged the Commission to eliminate the term “any rooted vegetation” from the rule definition and add “dog fennel or other light vegetation.” Chairman Barreto stated he would be concerned with their suggestion.

Commissioner Bergeron stated building a permanent structure is illegal and added they are dangerous for boaters.

Vice Chairman Yablonski stated this is an illegal activity.

Upon motion of Vice Chairman Yablonski, seconded and carried, the Commission approved rule 68A-1.004 as advertised.

Final Rule – Adoption of Nonnative Wildlife

Chairman Barreto asked Tim Breault to present the next item, consideration for the adoption of final rule 68-5.004, Certified Nonnative Wildlife Adoption. Mr. Breault described the purpose of the rule is to encourage persons possessing unwanted nonnative fish or wildlife to relinquish pets to qualified adopters as an alternative to releasing them into Florida's environment.

Staff asked the Commission to approve rule 68-5.004 as presented and defer approval on proposed language for rule 68A-6.0021 (2) until consideration of additional recommendations for rule 68A-6. The final public hearing is scheduled for February 2009.

Public Comment

Kathy Stearns (Stearns Zoological) commended Col. Jones, Captains West and Harrison, and Precious Boatwright for their efforts related to Pet Amnesty Day. She supported pet amnesty; opposed the proposed drop off site at animal control sites and described her concerns; and suggested transferring the animals to a licensed facility within 24 hours. She urged the Commission to postpone and/or modify their vote to allow time to consider the ramifications due to unlicensed facilities.

Lisa Welch (Wild Animal Control Agency) supported pet amnesty and discussed her concerns regarding the animal services from county agencies. She provided an article, *What is Wild and Free*, to Commissioners for their information.

Dr. Jennifer Hobgood supported the rule and discussed additional concerns related to pet amnesty in combination with more policy changes that address the source of these animals, the trade, and wildlife as pets.

Eugene Bessette (Florida Reptile Association) supported the proposed rule and suggested including language for the daily protection of nonnative pets.

Commission Discussion

Chairman Barreto asked Mr. Breault to coordinate with the local county animal wildlife control agencies to follow protocol regarding pet amnesty drop off sites. Col. Jones reiterated that the rule specifically exempts the transfer requirements. If an animal is not permitted and it is possesses illegally, the agency will not charge the individual if they relinquish their pet on amnesty day. Additionally, the agency will not charge the permit holder with qualified hours or experience accepting that animal, not go through the transfer requirements. Col. Jones stated the county animal control facilities are collection sites with transfers to a permitted site.

Upon motion of Commissioner Bergeron, seconded and carried, the Commission approved staff recommendations.

Final Rule – Delegation of Authority

Chairman Barreto asked Jim Antista to present final rule 68-1.009, Delegations of Authority to the Executive Director. Mr. Antista described the rule and mentioned he received written notification and questions related to the rule from the Joint Administrative Procedures Committee and he will respond to JAPC through written communications on the Commission's behalf.

Staff asked the Commission to approve rule 68-1.009 as advertised.

Commission Discussion

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved rule 68-1.009 as advertised.

Final Rule – Mobility Impaired

Chairman Barreto asked Cindy Hoffman to present the next agenda item on proposed changes to rule 68A-9.008, Permits for Physically Disabled. Ms. Hoffman outlined the differences between the proposed rules, which were withdrawn at the February Commission meeting with the current proposed rule. She explained the current proposal contained one substantive change explaining the differences were based on input from stakeholders.

Staff asked the Commission approve the proposed changes to rule 68A-9.008, as advertised with an effective date as soon after adoption as possible.

Upon motion of Commissioner Wright for the form referenced in rule to be incorporated into the rule, he seconded and carried, the Commission approved rule 68A-9.008 as advertised.

Draft Rules - Captive Wildlife

Col. Jones presented the second and final phase of rule development resulting from recommendations received from the Captive Wildlife Technical Assistance Group (CWTAG) and the public. Following is a list of draft rules presented throughout the state in a series of five public workshops; 49 individuals participated in the workshops; and 4,400 email/written comments from captive wildlife exhibitors and/or owners, counties, animal rights and welfare organizations to Commissioners:

- 68A-6.002, Categories of Captive Wildlife
- 68A-6.003, Facility and Structural Caging Requirement for Class I, II and III Wildlife
- 68A-6.004, Standard Caging Requirements for Captive Wildlife
- 68A-6.005, Transportation Requirements for Wildlife; Caging Requirements for Performing and Non-Performing Animals
- 68A-6.007, Possession, Transportation, Exhibition and Caging of Venomous Reptiles and Reptiles of Concern
- 68A-6.0011, Possession of Wildlife in Captivity; Permit Requirements
- 68A-6.0021, Possession or Transfer of Class I Wildlife as Personal Use Wildlife; Transfer of Wildlife and Record Keeping Requirements
- 68A-6.0022, Possession of Class I, II, or III Wildlife in Captivity: Permit Requirements
- 68A-6.0023 General Regulations Governing Possession of Captive Wildlife; Record Keeping Requirements
- 68A-6.0024, Commercialization of Wildlife; Public Contact; Bonding or Financial Responsibility Guarantee
- 68A-6.0025, Sanctuaries; Retired Performing Wildlife and Identification
- 68A-6.0041, Exceptions to Standard Caging Requirements for Captive Wildlife
- 68A-6.0071, Record Keeping and Reporting Requirements
- 68A-9.006, Wildlife Rehabilitation Permit

Col. Jones described the public's concerns related to the proposed rules and asked the Commission to approve the draft rules as presented and staff will return for a final public hearing at the June 2009 Commission meeting.

Public Comment

Kim Allaway (Genesis Zoological Center) described her concerns regarding closing sanctuaries to the public and discussed the benefits of her sanctuary to the public.

Pat Quinn (Zoological Association of America) discussed the importance of mentoring and educating sanctuary owners to produce quality facilities.

Roger Newson (Wild Animal Control Agency) discussed his concerns regarding the new regulations that uplist certain Class II felines to the status of Class I animals and provides for limited grandfathering of animals currently permitted for personal use that are affected by the new regulations (Rule 68A-6.0021).

Susan Williams supported the proposed draft captive wildlife rules and discussed her concerns regarding captive wildlife neighbor notification, and inspections of the Class I facilities – no timetable included in the rule language.

Ken Johnson (The Humane Society of the United States) supported the majority of the recommended changes, particularly the rules pertaining to the classification of wildlife and moving cougars and cheetahs up into Class I. Additionally, he discussed animal shelters receiving wildlife on a daily basis from pet owners, strays and/or evictions.

Deana Deppen (Shy Wolf Sanctuary Education and Experience Center, Inc.) thanked Col. Jones, Captains West and Harrison in assisting her organization regarding her concerns regarding captive wildlife issues. Additionally she offered her support of the Nonnative Pet Amnesty Day event. She discussed her concerns regarding permitting sanctuaries and the true definition of a sanctuary according to the rule language. Chairman Barreto asked Col. Jones to clarify public access to a sanctuary. Col. Jones clarified the federal definition of a sanctuary.

Nancy Smith (Shy Wolf Sanctuary Education and Experience Center, Inc.) discussed her concerns with irresponsible wildlife breeders.

Marc Tuminello opposed the regulations and permits requiring hybrids, particularly bangle cats and savannahs. Chairman Barreto asked Mr. Tuminello to meet and discuss his concerns with Col. Jones.

Sylvia Gerber and Julie Reid (Feline Conservation Federation (FCF)) discussed the purpose and objectives of FCF and concerns on behalf of FCF's Board of Directors to proposed changes to current captive wildlife regulations. Ms. Gerber described the one-day husbandry course offered by FCF and offered to work with FWC to teach this class to the public.

Eugene Bessette supported the proposed draft rules. He mentioned the reptile industry worked hard and brought a great group of people with scientific and academic backgrounds pertaining to crocodiles.

Michelle Smurl (Florida Association of Zoos and Aquariums) described the association, its members, purpose and objectives. She discussed their concerns regarding certain sections of the proposed regulations related to a provision that may negatively affect animal programs and exhibits in the State of Florida.

Kathy Stearns commended the agency for their work on captive wildlife rule changes and discussed her concerns regarding several of the rules.

Lisa Welch discussed her concerns regarding clarify the definition of a sanctuary facility; co-mingling animals; rules 68A-6.0022 and 68A-6.0024; and urged the Commission to reconsider the location of the December Commission meeting in Key West.

Nick Atwood (Animal Rights Foundation of Florida) supported the proposed changes to the captive wildlife regulations; discussed the proposed definition of sanctuaries and urged the Commission to approve the

proposed definition without changes. Additionally, he urged FWC to become active in the regulation and sale of green iguanas, restricting the sale of the iguanas.

Ron Sanchez (Commissioner, St. Johns County Commission) stated he is representing the residents of Miller's Creek who are dealing with a sanctuary built in their neighborhood creating continued loud animal noises and fear of escape.

Carole Baskin (Big Cat Rescue) discussed proposed changes to the rule language and supported most of the draft rules.

Commission Discussion

Col. Jones described the classification of a sanctuary. The Class I bonding requirement pertains to exhibitors who expose people to the actual physical contact or proximity to a Class I animal. If the owner is a sanctuary with no exhibition and no contact, there is no need for a bond. Col. Jones stated there are a number of individuals who submitted their comments to the Commission that support the reclassification of the cougar. The CWTAG discussed the team did not agree on a consensus to uplist or downlist the cougar; however, there was a lot of public input from people who do not want cougars in their backyard and asked for additional regulation. The Commission received more public input in favor of designating the cougar Class I. Col. Jones suggested staff could research exempting the bond as part of the "grandfathering" process. With regard to the definition of sanctuary, Col. Jones suggested removing the whole rule, amend the rule or keep the rule as presented. She suggested obtaining additional public comments, amend the rule based if applicable, and present at a future Commission meeting.

Chairman Barreto suggested staff work with stakeholders to obtain public input and present a final public hearing at the June 2009 Commission meeting in Crystal River.

Upon motion of Commissioner Wright, seconded and carried, the Commission approved the conceptual draft rules as presented and directed staff to continue to work with stakeholders through public workshops in clarifying rule language with an expected final public hearing at the June 2009 Commission meeting in Crystal River.

Public Comment on Items Not on the Agenda

Julie Wraithmell (Audubon of Florida) discussed the seagrass legislation and encouraged the Commission to endorse this issue in the 2009 Legislative Session. Additionally, she introduced the organization's Policy Coordinator, Monique Borboin. She asked the agency to continue to assist with the coordination in the protection of shorebird and sea birds in northeast Florida. The Commissioners thanked Audubon of Florida for their efforts.

Commission Discussion

Chairman Barreto discussed the day's agenda items and public input.

Commissioner Bergeron mentioned he provided booklets with photos of the damage to the Everglades and Big Cypress National Preserve from Hurricane Fay, surveyed via helicopter with Chuck Collins. Chairman Barreto asked if staff could obtain new/updated photos of the Everglades and Big Cypress National Preserve related to the damage to the area, including water issues affecting wildlife. Commissioner Bergeron replied he would provide photos to Commissioners.

Commissioner Barco asked Commissioners if she could add an item onto the agenda for Thursday, September 18 - a presentation by a contracted representative from the US Navy regarding the proposed undersea war fair training site off the coast of Jacksonville.

Commissioner Wright stated the meeting went very well considering the complexity of the day's issues.

Commissioner Corbett thanked Chairman Barreto, Lane Green, Jim Fowler, Diane Eggeman, and Nick Wiley.

Vice Chairman Yablonski discussed Jim Fowler's attendance and his participation in a news conference held in Tallahassee regarding Amendment 4. Chairman Barreto asked staff to issue a press release stating the Commission's support of Amendment 4, relating to the resolution passed by the Commission in June 2008, and congratulate the organizations who attended the press conference in Tallahassee. He thanked Vice Chairman Yablonski for participating and "leading the charge" to add Amendment 4 to the November 4, 2008 Florida voting ballot. Additionally, he thanked Commissioner Corbett for inviting Jim Fowler to the meeting to discuss Amendment 4.

Recess

Chairman Barreto recessed the meeting at 9:20 pm to reconvene at 8:30 am, Thursday, September 18.

Chairman Barreto reconvened the meeting at 8:30 a.m., Thursday, September 18 and welcomed the Commissioners and public to Jacksonville.

Nick Wiley announced Rich Cailteux, an FWC freshwater fisheries research biologist, passed away earlier in the week at the age of 44 after an extended illness. Mr. Cailteux began his career with FWC as a biologist in 1988, and project leader in north Florida since 1991.

Invasive Plant Management Program

Chairman Barreto asked Ken Haddad to introduce Bill Caton, Leader of the Invasive Plant Management Section (Section) in the Division of Habitat and Species Conservation and provide an update to Commissioners regarding the recent transition and move of the Section from the Florida Department of Environmental Protection (DEP) to FWC's Division of Habitat and Species Conservation. Mr. Caton presented a report on the Invasive Plant Management Program, including the following details about the program:

- Number of employees: 29.5 full-time employees
- Purpose and function: coordination and funding two statewide programs controlling invasive plants
 - Aquatic plants in public waterways
 - Upland plants on public conservation lands
- Trust Fund: Total Income \$40.75 million
- Sub-sections: Aquatic and Upland Invasive Plant Management Sections; Field Operations
- Problem invasive aquatic plants: Water hyacinth, Water lettuce and Hydrilla
- Management Options: Biological, chemical, mechanical, cultural/physical
- Maintenance Control: Crisis management, control when populations are small, don't wait until problems become large
- Coordination: State agencies, federal agencies, water management districts, local governments, universities, private businesses, and public associations
- Invasive Upland Plant Problems: Coral Ardisia in North Florida, Kudzu in the "Big Bend," Cogan grass in Central Florida, and Old World climbing fern in the Everglades
- Control Strategies : Chemical, mechanical and biological
- 10-year program results: 1997-2007
- Aquatic plant survey
- Chapter 369.20, Florida Statutes
- Research and funding for invasive plants
- In-house education effort: weed alerts, web site, interactive flash, brochures, articles, and annual report

He invited the Commissioners to go out in the field to see the work his staff is conducting. Chairman Barreto welcomed Mr. Caton and his staff to the Commission and stated he looks forward to working with them.

Public Comment

Newton Cook (United Water fowlers of Florida) discussed hydrilla, water lettuce and other exotic invasive plants and the efforts to clean up Florida's lakes – there is a need for some submerged vegetation in the lakes to provide habitat for ducks.

Commission Discussion

Commissioner Bergeron asked Mr. Caton what determines if melaleuca trees are cut down after treatment has killed them. Mr. Caton stated if it is not a health or safety issue to humans, they are left standing; if not, they are removed.

Commissioner Bergeron asked if not-for-profit organizations are assisting the Section. Mr. Caton stated they have contracted with the Florida National Areas Inventory to do a survey on all of the public conservation land units to locate geographically invasive plant populations and the extent of the infestations using a geo-

referenced database. There are regional Working Groups are comprised of all of the land managers in that geographic area including non-governmental organizations. Commissioner Bergeron mentioned a group is interested in funding the elimination of melaleuca project.

Draft Rule - Martin and Okeechobee County Boating Restricted Areas Rules

Chairman Barreto introduced and asked Major Paul Ouellette, Section Leader, Boating and Waterways to present the next agenda item. Major Ouellette described draft rules 68D-24.143 and 68D-24.011, Martin and Okeechobee County Boating Restricted Areas.

Staff asked the Commission to approve draft rules 68D-24.143 and 68D-24.011 as presented and direct staff to proceed with Notice of Proposed Rule language. If approved, the proposed rules will be presented for final public hearing at the December 2008 Commission meeting.

Commission Discussion

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved rules 68D-24.143 and 68D-24.011 as presented.

Commissioner Wright expressed his concerns about the Commission designating specific idle zones. He stated the voting public should be aware that the Commission works to protect boating and fishing areas.

Commissioner Barco asked Major Ouellette about erecting signs in the middle of the river or waterway. The agency is creating a boater safety challenge. She described the unfortunate boating death that occurred on Doctor's Inlet Bridge in the St. Johns River, due to a boat colliding with a waterway sign. Major Ouellette agreed with Commissioner Barco and stated it is a factor that needs to be considered. FWC law enforcement officers work with local offices on enforcement. Currently the agency conducts vessel characterization studies that provide the normal navigation routes that boaters utilize, which is considered; channelization shallow versus deep to ensure the placement of the signage is safe to humans. Major Ouellette stated he would research the location of the sign and let her know the results of his findings. Commissioner Bergeron agreed with Commissioner Barco with respect to the safety and protection of human life and asked staff to continue to be very cautious in placing signage on Florida's waterways.

Draft Rule - Amberjack and Triggerfish Consistency

Chairman Barreto asked Bill Teehan, Section Leader in the Division of Marine Fisheries Management to present draft rule 68B-14.0035, Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, and Snapper. Mr. Teehan stated the National Marine Fisheries Service (NMFS) published new regulations for greater amberjack and gray triggerfish based upon management actions that were promulgated by the Gulf of Mexico Fishery Management Council (Council). The regulations take effect in federal waters on August 4, 2008. He reviewed and discussed the proposed draft rule to make the state's regulations for amberjack and triggerfish consistent with the new federal regulations in the Gulf of Mexico.

Staff asked the Commission to approve amending minimum size rules for Greater Amberjack and Gray Triggerfish contained in 68B-14.035, F.A.C., to increase the minimum size for recreationally harvested Greater Amberjack from 28 inches to 30 inches FL, and the minimum size limit for all Gray Triggerfish (commercial and recreational) from 12 inches to 14 inches FL. If approved, staff will return for a final public hearing at the December 2008 Commission meeting in Key West.

Public Comment

David White (Ocean Conservancy) supported staff recommendations.

Bob Gill asked the Commission to re-schedule the public workshop on state-federal coordination that was postponed, and supported staff's recommendations regarding the proposed rule.

Bob Zales (Panama City Boatmen's Association) discussed his concerns regarding the science the information is based on, the allocation from the Council, and the harvesting issues. The Council initiated an ad hoc allocation committee of Council members to look at the allocation of all fisheries that the Gulf of Mexico Fishery Management Council reviews and he supported the committee. He discussed his concerns regarding the Council's decision to use recent catch history. The public encouraged the Allocation Committee to use past catch histories until they resolve allocation issues. If the Council had chosen the allocation for amberjack from the past, the amberjack size regulation could have stayed at 28 inches. However, the fact that they chose recent catch history between commercial and recreational catch of amberjack, they decided to increase the size.

Vice Chairman Yablonski, Commissioners Corbett and Wright discussed with Mr. Zales the Council's recent allocation decision. Mr. Zales described his concerns regarding the committee's decision and the lack of accurate scientific information. He suggested requiring charter and head boats to include a logbook with an observer system to verify the information; provide for the purely private recreational angler that the agency provide a log system, i.e. a catch card to report to the agency once a month, perhaps including a web based system for real time data.

Commission Discussion

Vice Chairman Yablonski discussed the consistency issue and asked Mr. Teehan to describe the issue further. Mr. Teehan stated Mr. Zales discussed the federal permit issue in rule promulgation and a reef fish amendment of grouper for the Gulf of Mexico is going to require for-hire folks to adhere to the federal regulations.

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved draft rule 68B-14.0035, Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper as presented and directed staff to proceed to final public hearing at the December 2008 Commission meeting.

Gag Grouper, Red Grouper, Vermilion Snapper, Red Snapper - South Atlantic Fisheries Management Council Report (SAFMC)

Chairman Barreto asked Mark Robson to present a report on the South Atlantic Fisheries Management Council issue related to gag grouper, red grouper, vermilion snapper, and red snapper. Mr. Robson mentioned Bill Sharp, Biological Administrator in the Division Marine Fisheries Management, is the designated alternate representing the Commission in attendance at the SAFMC meeting. Mr. Robson presented a description of the proposed responses to the Gulf of Mexico Fishery Management Council's latest actions on gag and other grouper species.

Staff proposed the following recommendations related to gag grouper:

- Support allocation percentages
- Support preferred quota, bag, and size limits
- Advocate for reducing the length of the proposed four-month closed season
- Do not support separate closed periods
- Do not support separate Keys closed period as proposed

Staff proposed the following recommendations related to vermilion snapper:

- Support allocation percentages
- Support preferred quota, bag, and size limits
- Support the shortest possible recreational closed season
 - Wait until new assessment information is available

- Reconsider bag limit if it will shorten closure

Staff recommended the Commission postpone interim actions that would implement a lengthy closed season for multiple species and support requirements for venting tools and de-hooking devices. Mr. Robson mentioned that he voted against Amendment 16 at the SAFMC meeting held the same week as the Commission meeting and staff would provide the results of SAFMC's decisions at the December 2008 Commission meeting.

Staff at the Council meeting advocated for postponing interim actions relating to red and vermilion snapper. Staff has continued to advocate against a 4-month closed season for shallow-water grouper. In general, staff believes that some of the regulations in that amendment are warranted and would help in terms of reducing harvest levels and allow the stock to build back up. Mr. Robson discussed staff's motion at the Council meeting to postpone final action on the grouper regulations until December 2008 to allow time to research the economic data, which may indicate the pressure is off due to the recent changes in the economic situation in the United States. Also, taking into account some of the concerns that fishermen in the Keys have about being limited for four months out of the year, primarily to avoid harvesting gag grouper. During SAFMC's meeting, staff proposed delaying final action at the Committee level – the vote failed. Additionally, staff made the motion to postpone proposed interim actions, which will take place in January 2009. At the Committee level that vote passed. In the case of red snapper, staff asked to postpone taking any immediate action even though the stock assessment indicates that this is a fishery at a very low level of abundance. However, under the federal provision, the Council has a year to research what can be done to reduce the harvest levels of that species.

Staff voted against adopting Amendment 16, which are the grouper regulations, due to the four-month season.

Public Comment

Ted Forsgren (Coastal Conservation Association) provided a handout to the Commissioners and discussed their comments, including not supporting the movement toward the interim rules. In general, CCA supported staff recommendations in terms of the SAFMC's actions.

Commission Discussion

Vice Chairman Yablonski asked Mr. Robson to clarify what the Commissioners are considering related to SAFMC issues. Mr. Robson stated there is an opportunity to vote at the Council level to either support or continue to not support the gag, red and black grouper permanent regulations, which would put in place the four month closed season and reduce the bag limit and commercial quota.

Upon motion of Commissioner Wright, seconded and carried, the Commission approved postponing interim actions that would implement lengthy closed season for multiple species and supported requirements for venting tools and de-hooking devices.

Gag Grouper - Gulf of Mexico Fisheries Management Council (GMFM) Report

Mr. Teehan continued with a report on the Gulf of Mexico Fisheries Management Council (GMFMC) issue related to gag grouper. Mr. Teehan described action taken by GMFM at their meeting in August 2008 in Key Largo on alternatives to gag and red grouper management. He provided an overview of the components of the final management plan, which has not been published in the federal register and has not been implemented as of yet. Additionally, he discussed and described the interim rule proposed to implement some of the gag grouper components of the plan. The most recent stock assessment indicated that Gulf gag grouper is undergoing overfishing, but is not overfished based on federal standards for these criteria. A 29-30% reduction in harvest of gag grouper is required to end overfishing in accordance with federal standards. Based on a 1999 stock assessment, Gulf red grouper had been determined to be overfished and undergoing overfishing as of

1997. However, in 2007 a new stock assessment indicated that the Gulf red grouper stock has recovered and harvest can increase up to 15%.

Staff asked the Commission to approve the proposed grouper regulation changes for consistency with the federal interim rule: two-fish gag grouper bag limit within the aggregate and recreational season closure during February 1 – March for gag grouper.

Additionally, staff recommended taking one additional action that would not be consistent with interim actions in federal waters of the Gulf: increase the bag limit for red grouper in state waters from one to two fish - per person- per day. If the Commission approves staff to proceed, staff would present a final public hearing on the proposed rule changes at the December 2008 meeting in Key West.

Public Comment

Ted Forsgren suggested the Commission move forward with the permanent rule and discussed CCA's support of GMFMC issues. He asked the Commission to adopt the same red snapper bag limit for commercial fisheries and referred to a letter provided to the Council stating they have not done an economic impact analysis of the allocation that they compiled.

Captain Mike Ellers (Destin Charter Boat Association) supported staff's recommendation.

Captain Pat Kelly (Florida Guides Association) discussed his concerns regarding the loss of members due to off shore fishing or grouper fishing and supported staff's recommendation.

Bob Zales supported staff's recommendation and discussed his concerns regarding the seasonal closure.

Bob Gill (Crystal River, Gulf Council member) discussed the Council's allocation and consistency decisions, and opposed Mr. Forsgren's suggestion of a bag limit in state waters due to permit constraints.

Jim Clements discussed the seasonal closure and his involvement in promoting the program.

Commission Discussion

Commissioner Bergeron stated if the two-month closure included recreational fishermen, then the commercial fishermen should be included as well. Mr. Teehan replied commercial fishing is not included in the proposal. The federal comment period is still open and it is possible to add commercial fishing, if requested. Commissioner Bergeron reiterated that the area should be closed to both commercial and recreational fishermen.

Chairman Barreto asked why staff did not advocate Mr. Bergeron's suggestion. Mr. Teehan stated that the commercial effort in the edges was more intense than commercial effort in state waters and shallower areas.

Commissioner Barco asked about the scientific data provided to staff related to the proposed seasonal closure. Mr. Teehan stated most of the data came from vessel monitoring systems (VMS) and staff saw this evidence during certain times of the year. Currently the VMS is not required on recreational vessels.

Mr. Robson replied to Commissioner Bergeron's suggestion to add commercial fishermen to the interim rule. Staff would have the option to implement the two-month closure for both commercial and recreational in state waters either through the interim rule process or later as part of the permanent rule. He suggested the Commission wait and consider implementing a two-month closed season for both the commercial and recreational when consistency regulations for the permanent rule to allow time for staff to research the consequences and figure out the federal permit requirement and how that would affect this for the permanent permit holders. In the meantime, he suggested the Commission approve the interim rule as recommended by staff.

Upon motion of Vice Chairman Yablonski, seconded and carried, the Commission approved the interim rule.

Individual Fishing Quotas (IFQs)

Chairman Barreto asked Mr. Robson to present a report on IFQ's. Mr. Robson mentioned both he and Mr. Teehan would present a description of the IFQ program. Mr. Robson described the program focused on Gulf of Mexico red snapper and grouper. The Magnuson-Stevens Fishery Conservation and Management Act defines an IFQ as "a federal permit under a limited access system to harvest a quantity of fish, expressed by a unit or units representing a percentage of the total allowable catch of a fishery that may be received or held for exclusive use by a person." This system grants exclusive access to someone to harvest a certain percentage of the total allowable catch of a species of fish or shellfish in a specific area within a specified period. The Magnuson-Stevens Act also specifies that federally managed IFQs are limited privileges, not true property rights, and are therefore subject to modification or revocation without compensation to their holders.

Mr. Robson stated the following rationale for implementation of IFQs:

- Avoid the "race for fish" and its negative consequences
- Improve economic efficiency by providing incentives to reduce excess harvest and processing capacity
- Improve conservation through individual stewardship
- Improve safety by reducing incentives to fish in hazardous conditions

Public Comment

Jerry Sansom discussed quotas of gear in Florida: lobster, stone crab, and blue crab programs and stated these types of programs can be very useful, if they fit the need and resource.

Vice Chairman Yablonski introduced John Rood, former FWC Commissioner and Ambassador of the Bahamas, currently a member of the Wildlife Foundation of Florida Board of Directors. Mr. Rood provided Commissioners a copy of the 2007 WFF Annual Report and presented an update on the Foundation's involvement with wildlife issues, and a partner of the Commission. Mr. Rood asked Commissioners to consider donating to the Foundation.

Mr. Teehan continued with a description of the considerations for the IFQ program and potential concerns. He described an example of the Gulf red snapper managed by a quota beginning in 1990, including the challenges that developed because of early closures after quotas were met. As a result, the Council began to develop an IFQ program, approved in Amendment 26 to the Reef Fish Fishery Management Plan. The National Marine Fisheries Service approved the plan and it was implemented January 1, 2007. Mr. Teehan described the IFQ share allocation process and alternatives. It is expected that an IFQ program could be accepted and approved sometime in 2009 with implementation in 2010.

During the South Atlantic Fishery Management Council's (SAFMC) June 2008 meeting, SAFMC approved the creation of a workgroup that will begin development of an IFQ program for Golden Tilefish. This program will serve as a pilot program for the possible design of future IFQ programs in the SAFMC.

Public Comment

David White (Ocean Conservancy) supported staff's recommendation in draft form.

William Ward (Gulf Fishermen's Association (GFA)) discussed why he and the members of GFA supported IFQs.

Ted Forsgren urged the Commission to oppose the gulf grouper IFQ. He stated his concerns regarding the IFQ program.

Glen Brooks (Gulf Fishermen's Association) discussed the goal of the association and supported the IFQ program. He provided the Commissioners documented comments.

Bob Gill discussed the IFQ program and suggested the program will reduce discard mortality. He urged the Commission to continue their support of the IFQ program.

Bob Zales opposed the current draft of the IFQ program and discussed his concerns.

Captain Pat Kelly opposed the current draft of the IFQ program and discussed his concerns.

Captain Mike Eller discussed the red snapper and gag grouper IFQ program related to commercial and recreational fishing.

Jim Clements (Gulf Fishermen's Association) discussed his concerns in reference to a letter from CCA about the IFQ program with support of the program.

Bill Tucker (Fishermen's Advocacy Association) discussed managing commercial fisheries in federal waters and supported the IFQ program.

Commission Discussion

Vice Chairman Yablonski described the history of IFQs, the merits of the program, how fishermen manage allocation, and referenced CCA's comments regarding the IFQ program.

Commissioner Barco mentioned that the percentages are allocated and she discussed her concerns regarding comments from the recreational fishermen. The recreational fishermen may never notice that commercial fishermen have IFQ's. It may not affect their fishery. She stated she is more concerned with how the quotas are allocated inside the commercial sector and asked staff for definitive data and if there is a mechanism for an appeal process for fishermen if there is a problem with landings and if the fisherman can appeal to be part of the program. Mr. Teehan replied that there are 1,080 reef fish permit holders that have some form of grouper landings. The Council, at the advice of the grouper IFQ Advisory Panel, selected 8,000 pounds as the cut-off in that sector; leaving 330 individuals with 8,000 pounds or above; those 330 people account for 89% of the grouper landings; and there is a mechanism for appeal, but only on landing disputes.

Commissioner Barco discussed the issue involving recreational fishermen buying some of the commercial sector fish, i.e. halibut and asked if an individual has to have a commercial reef fish permit to be able to make these quotas work, how does the recreational sector buy that portion. Mr. Teehan explained the methodology.

Mr. Haddad stated the allocation is a separate issue from the IFQ program. The IFQs is a tool for the commercial sector.

Commissioners discussed their concerns regarding the IFQ program. Commissioner Wright discussed the State of Maine's IFQ program in comparison to the proposed IFQ in the Gulf of Mexico. Mr. Teehan stated there is no other state that splits the allocation between recreational and commercial.

Commissioner Corbett asked if IFQ programs would be governed by national standards. Mr. Teehan replied specifics are outlined in the Magnuson-Stevens Act. The current administration has advocated for these IFQ programs to be developed as quickly as possible.

Mr. Teehan replied that the Council voted on the referendum 13 to 3. The Council members include half-recreational and half-commercial, with one non-aligned member. He did not see that vote changing. Chairman

Barreto and Commissioner Wright discussed with Mr. Teehan the Council's vote. Mr. Robson stated on the federal side, there is emphasis on looking at IFQs as a way to manage fisheries.

Commissioner Bergeron stated he was concerned that if the IFQs were not transferrable or sellable and one is not meeting their quota, the permit would be submitted to the private sector for other people to have an opportunity. Mr. Tucker discussed the IFQ program and his concerns regarding changing the current fishing permit to quota fishing; thereby reducing his amount of catch.

Chairman Barreto asked Mr. Forsgren if CCA agreed with the IFQ program, excluding the allocation. Mr. Forsgren stated that if the IFQ program was set up on an annual basis, based on the allocation and an individual caught 10,000 pounds it would be acceptable. However, if one could sell, lease and/or inherit it through the family, one then aggregates all of those dollars and input in investment and accumulate it, making it impossible to change. There are other ways to do this from what is included in the plan. CCA attempted to change the plan for transferability to make changes to make it more transparent about what is happening and CCA has been unsuccessful. The ability to transfer in and out is very important and currently there is no way to do this in the red snapper fisheries.

Chairman Barreto asked if there are issues, the Commission could work with CCA to use as a platform to advocate with the Council. Mr. Forsgren stated CCA comes to the Commission to assist in influencing Council members. If the Commission expresses concerns with the Council, the Council will become concerned. The first issue is the sale or leasing of permits and allocation of red grouper to other individuals; and move forward with a real evaluation and economic impact analysis. Chairman Barreto asked Mr. Haddad about the re-evaluation of fisheries and a reasonable request to the Council. Mr. Teehan added that one of the items the allocation committee is reviewing is what timeframe to look at in reassessing allocation. One of the issues to look at is the SEDAR schedule to see what species of concern are included.

Vice Chairman Yablonski proposed the Commission take appropriate action in the form of a letter, signed by all of the Commissioners to the Council stating the Commission's opinion regarding the IFQ program.

Chairman Barreto summarized the discussion and suggested staff work with Mr. Haddad to draft a letter to the Council addressing the Commission's concerns for the Commission to review on September 19 or shortly thereafter. The letter should include some of the concerns from the recreational fishermen, specifically ownership and cartels. The evaluation of allocation should be coordinated with Gil McRae and Mr. Haddad.

South Atlantic Fisheries Management Council (SAFMC)

Chairman Barreto asked Mark Robson to present a report on the South Atlantic Fisheries Management Council issues. Mr. Robson discussed the changes in the Magnuson-Stevens Act and the requirements at the federal fisheries level to impose annual catch limits and accountability measures, required under the Act for all of the species currently undergoing overfishing within a year or two. The SAFMC is working on these issues. Ten species of snapper grouper are currently overfished. Due to the requirements of the Magnuson-Stevens Act, SAFMC is developing management plans to end overfishing, set strict annual catch limits for each fishing sector (such as recreational and commercial), and develop accountability measures to ensure that each sector stays within its catch limit. He stated we can expect significant new restrictions for federal waters management of red snapper, red and black grouper, and seven other reef fish species. It is a difficult process and staff will try to negotiate everything they can to get the controls in place to manage the fisheries without having a disproportionate impact on the State of Florida.

The Council moved quickly toward the spiny lobster regulations in federal waters. They put in place stricter controls and some consistency in import sizes, affecting the importation of lobster from other areas of the Caribbean in a way that allow for tighter controls on the harvest of lobster.

Additionally, staff asked for continued support in an effort to try to make sure that the federal permit system for commercial rock shrimp fishers does not preclude legitimate fishers from staying in business. There are tight

permit controls on the rock shrimp fishery through a permit system. Because of the way the system was set up a number of permits were not used for a period of a few years due to the economic situation and they have disappeared. The Commission is working to allow some of those permits to be used, however there would continue to be a cap on the total number of permits for this fishery.

The SAFMC is talking about some significant new protected areas, habitat areas of concern for deep-water coral. This is an additional proposal to designate some areas even farther offshore in deep water to protect very fragile large areas of deep-water coral damaged by bottom trawling and fishing. The intent is to identify these areas of particular concern and place restrictions or prohibitions on the use of deep water trawling gear, such as deep-water shrimp trawls or crab traps; place other restrictions on anchoring. It would continue to allow surface fishing activity. Staff asked the Commission to continue to support this protection.

Commission Discussion

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

Chairman Barreto asked for the motion to amend the agenda for September 19, to review and discuss the draft letter from the Commission to the Council regarding the IFQ program. Upon motion of Commissioner Wright, seconded and carried, the Commission approved amending the agenda for September 19.

Gulf of Mexico Fisheries Management Council (GMFMC)

Mr. Teehan continued with a report on the Gulf of Mexico Fisheries Management Council (GMFMC) issues. He reviewed the spiny lobster importation, which is the same as SAFMC, a multiple Council amendment approved by the GMFMC, SAFMC, and the Caribbean Council will be the lead on implementing the amendment. He described the ongoing aquaculture amendment. The Council has been working on this issue for five years.

Commission Discussion

The Commissioners unanimously approved the GMFMC report from Mr. Teehan and directed staff to continue to work on the GMFMC issues.

Commissioner Barco introduced Gregory Timoney, contract representative with the United State Navy and provided a briefing on the underwater warfare range and the hearings scheduled to decide on a location. Mr. Timoney stated this is an important project for Jacksonville and the State of Florida.

Public Comment Not on the Agenda

Bob Zales discussed the charter boat industry and the Council's consideration in separating the Gulf States into three sections: Louisiana, Texas, Alabama, Mississippi, and Florida to manage red snapper. He suggested and discussed splitting the area into five sections.

Captain Mike Eller represented commercial fishermen from the Panama City area and charter boat captains and discussed his concerns regarding the current situation with landings.

Scott Zimmerman (Florida Keys Commercial Fishermen's Association) discussed and provided a handout to Commissioners with recommendations of the Spiny Lobster Workgroup Trap Sector, a group created after Sunset of the Spiny Lobster Advisory Board.

Bob Adams urged the Commission to renew the reciprocal agreement for hunting in Georgia. Chairman Barreto stated this issue was initiated by the State of Georgia stating their dissatisfaction with the reciprocal agreement due to lack of revenue from hunting. Chairman Barreto offered to speak with the State of Georgia's Department of Natural Resources' Commissioner with any of Mr. Adams ideas.

John Sprague discussed working waterfronts and provided bumper stickers to Commissioners.

Bonnie Basham with Boat US voted Nick Wiley to receive the very first Government Friend of the Airboat Community. She referred to page 37 of the current issue of *Marsh Rider* magazine and discussed the educational program from boating and waterways regarding boater safety.

Commission Discussion

Chairman Barreto adjourned the meeting at 5:30 pm to reconvene on Friday, September 19.

Chairman Barreto reconvened the meeting at 8:30 am on Friday, September 19.

Chairman Barreto explained the first item on the agenda, a presentation of a draft letter to Dr. Roy Crabtree, Regional Manager of the National Marine Fisheries Service from the Commission stating their position advocating the intent of commercial fishermen regarding the Individual Fishing Quota program. Ken Haddad and the Commissioners discussed the details of the letter and suggested changes.

Budget Issues

Chairman Barreto asked Sandra Wilson, the Commission's Chief Financial Officer to present the proposed agency budget. Ms. Wilson described the following:

- Overview of the Budget Process
- Status of Trust Funds
- State General Revenue Forecast
- Reductions History
- Potential Reductions for 2009 Legislative Session
- Staff Proposed Potential Reductions

Ms. Wilson asked the Commission to approve the list of potential reductions as presented and authorize the Executive Director in consultation with the Chairman to make last minute adjustments if needed.

Public Comment

Ted Forsgren asked the Commission to explore what is obtained for artificial reefs. Chairman Barreto asked Mr. Forsgren to meet with Commissioner Wright regarding his concerns.

Bonnie Basham offered to work with Commissioner Wright on the Commission's budget.

John Sprague (Marine Industries Association) discussed his concerns regarding proposed reductions of law enforcement and boating improvement funds. Chairman Barreto asked Mr. Sprague to discuss his concerns with Commissioner Wright. Mr. Haddad thanked Mr. Sprague for his assistance and suggestions with respect to the Commission's budget.

Commission Discussion

Commissioners discussed the \$4 vehicle title fee directed to the Commission from previously owned vehicles titled in Florida for the first time and the decline in revenue due to the economic downturn. Chairman Barreto suggested an index adjustment to the fee. Ms. Wilson discussed budgetary options for revenue enhancements. Commissioner Wright stated he would continue to coordinate with Ms. Wilson and Jackie Fauls to research all funding sources, including the vehicle title fee that is directed to FWC for the Non Game Wildlife Trust Fund, to see when they were last increased, and the CPI price of today. Including the review of permit fees proposed for the 2010 Session. Staff would present proposed legislative funding strategies and at the December 2008 Commission meeting.

Commissioner Barco asked Ms. Wilson about the target balance in the Trust Fund. Ms. Wilson replied that \$20 million is the targeted level the agency would like to maintain to generate the interest earnings. Additionally, Commissioner Barco asked if the mitigation fee decreased and the consideration of the economic downturn related to the projected number, including how many individuals apply for a permit. Ms. Wilson stated she would research and develop an assessment and provide this information to the Commissioners.

Chairman Barreto asked Ms. Wilson if we have our own mitigation fund. Ms. Wilson stated there are funds invested in mitigation parks for gopher tortoise relocation. There are parks that FWC manage. Commissioners

discussed the mitigation fund process. Chairman Barreto suggested Tim Breault research creating a program working with other government agencies and present a report at the December 2008 Commission meeting. Commissioner Corbett asked staff to explain the spending of \$10 million for the past and current years and then the document lists a zero amount for future funding. Mr. Breault explained that Commission approved five acquisitions that totaled over \$20 million. There was some recurring authority going back five or six years. The income has dropped dramatically; due to the agency not being able to process incidental take permits. In the spring of 2009, the agency will rollout the new permitting program. Commissioner Corbett asked if the funds are all allocated. Mr. Breault replied, yes, however, staff might return to the Commission with another acquisition out of the Land Acquisition Trust Fund (LATF). In the interim, there are mitigation funds set up and maintained through the Wildlife Foundation of Florida.

Commissioner Bergeron asked Mr. Breault to research whether wetland mitigation credits could be transferred to public lands. Commissioner Wright discussed the legal issues in terms of placing a conservation easement over land owned by the State for the benefit of revenue. Chairman Barreto asked staff to research Commissioner Bergeron's suggestion and provide the information to the Commissioners.

Commissioner Barco asked Gil McRae to research an alternative budget reduction to avoid closing the Apalachicola Bay Marine Field Laboratory. Mr. McRae replied he would research generating enough other Trust Fund cuts to avoid a complete closure. However, if cuts are taken, a reduction will be taken in Marine Fisheries.

Upon motion of Commissioner Corbett, seconded and approved, the Commission approved the staff recommended potential reductions list, including Commissioner Barco's request to research an alternative budget reduction to avoid closing the Apalachicola Bay Marine Field Laboratory.

Chairman Barreto welcomed Dr. A. Quinton White, Executive Director/Professor of Biology and Marine Science, Jacksonville University to the meeting.

Ms. Wilson continued with the following proposed new budget issues for 2009:

- Continuing Fixed Capital Outlay
- Infrastructure Maintenance
- Continued Operations Needs
- Land Acquisition and Management
- Contracts and Grants
- Enhancements – Directed Revenue
- Program Enhancements
- Reductions

Ms. Wilson asked the Commission to approve the list of new budget issues for the 2009 Session as presented; authorize the Executive Director in consultation with the Chairman to make final adjustments as needed.

Public Comment

John Sprague discussed the interaction between turtles and boats and he is working with Mr. Haddad and staff regarding this issue.

Commission Discussion

Chairman Barreto directed staff to notify legislators regarding the alligator stipend divided equally between FWC's administrative regions.

Chairman Barreto asked Ms. Wilson where the funds came from for the Chinsegut Public Use Facility. Ms. Wilson described that the need came from the Office of Recreational Services. The funding comes from the CARL Trust Fund to take care of one-time expenditures such as the Chinsegut expense.

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved the new budget issues for the 2009 Session as presented; authorize the Executive Director in consultation with the Chairman to make final adjustments as needed.

Legislative Report – 2009 Legislative Session Proposals

Chairman Barreto asked Jackie Fauls to present the issues staff proposed for submission to the Legislature for consideration during the 2009 Legislative Session. Ms. Fauls presented the following:

Division of Law Enforcement:

- Establish penalties for seagrass damage
- Confiscation and disposition of illegally taken wildlife, freshwater fish, and saltwater fish
- Boating safety education
- Personal flotation devices
- Boating under the influence

Major Paul Ouellette, Section Leader, Boating and Waterways gave an update on the status of the vessel management issue, specifically unregulated anchoring and mooring on Florida's waters. He will present a final recommendation at the December 2008 Commission meeting.

Col. Jones presented a description of the illegal transportation of excessive fuel on water issue. Col. Jones mentioned Commissioner Barco concerns regarding legitimate uses for transporting excess fuel. Col. Jones will research this issue further. Col. Jones added that there is an element associated with illegal drug smuggling and smuggling of humans, as well as the environmental and boating safety concerns. Chairman Barreto asked staff to draft the language so the legitimate boater would not be in violation of the law.

Ms. Fauls continued with a presentation of the following proposed issues for the 2009 Legislative Session:

Division of Marine Fisheries Management:

- Spiny lobster trap certification reversion
- Issues proposed by the Lobster Advisory Board, but not recommended by staff:
 - Increase recreational spiny lobster permit fee
 - Create lobster two-day sport season permit
 - Eliminate spiny lobster trap certification surcharge
- Repeal shoreline exemption for Florida residents

Division of Hunting and Game Management:

- Alligator management issues

Chairman Barreto asked Commissioners to review the revised draft letter to Dr. Crabtree. Vice Chairman Yablonski discussed his suggested changes to the letter.

Ms. Fauls continued with a presentation of additional proposed issues for the 2009 Legislative Session:

- State bird

- Invasive Plant Management clean-up issues
- Chapter 379, Florida Statutes, clean-up issues

Ms. Fauls described an emerging issue of an increased price for manatee specialty license plate from \$20 to \$25 and an increase of the Conservation Wildlife tag (bear tag) from \$15 to \$25.

Staff asked the Commission to approve the proposed issues for submission to the Legislature for their consideration during the 2009 Legislative Session.

Public Comment

John Sprague discussed the health of the boating industry due to the current economic impact and his concerns pertaining to various proposed issues for the 2009 Legislative Session. He did not support the seagrass protection penalties proposal.

Bonnie Basham supported the alligator management issues and discussed the seagrass protection penalties, the personal flotation device, and the boater safety education proposals. She asked if there is data available regarding the boating accidents and casualties involved. Commissioner Wright replied that this information is available.

Ted Forsgren suggested the shoreline exemption issue should be a separate bill to propose to the Legislature rather than part of a bill. He discussed the history of the shoreline exemption bill. Chairman Barreto asked Mr. Forsgren to work with staff to draft a “white sheet” on this issue.

Dr. Kevin Roberts (Marine Lands Dolphin Conservation Center) provided a handout and discussed the issue of humans feeding wild dolphins.

David White supported proposals for the 2009 Legislative Session for boater safety education, personal flotation devices, and seagrass protection penalties.

Commission Discussion

Commissioner Barco suggested the Commission include a requirement that operators of all vessels take the boater safety course. Lt. Col. Jim Brown, Deputy Director of Law Enforcement stated the issue was presented during the Boating Advisory Council meetings, but the canoe and kayak representative did not support the issue. Vice Chairman Yablonski mentioned that the 2009 Legislative Session will include new legislators and suggested there should be good background data reflecting the Commission’s request. Ms. Fauls indicated that there would be.

Commissioner Corbett made a motion that was seconded to approve staff’s recommendations and direct staff to work with the Chairman in consultation with Mr. Haddad in making adjustments as needed and regarding emerging legislative issues. Commissioner Barco offered an amendment to the motion to include language requiring all vessel operators (define “vessel”) to take the boater safety course. The Commissioners approved the amendment to the motion and approved the motion.

Ms. Fauls then presented a description of an issue proposed for the 2010 Legislative Session - agency permit fees. As directed during the budget deliberations, staff will coordinate with Commissioner Wright on this issue.

Public Comment on Issues Not on the Agenda

Ted Forsgren discussed an emerging issue involving the Florida Department of Environmental Protection (DEP) in Lee County establishing four no combustion engine pole and troll zones. Chairman Barreto asked

Mr. Forsgren to coordinate with Col. Jones regarding his issue. Col. Jones stated the agency is working closely with DEP to overcome seagrass issue and this is another layer of the package.

Donald and Diana Enders discussed their concerns regarding the noise and safety specific to a wildlife sanctuary in their residential area of St. Johns County, off Farm Creek Road.

James and Avelina Schearer provided information for the Chairman regarding the problems he has experienced with the same sanctuary in St. Johns County, off Farm Creek Road. Chairman Barreto discussed their concerns regarding the wildlife sanctuary in the residence of Farm Creek. Col. Jones discussed the proposed draft rules pertaining to captive wildlife describe this issue, specifying in rule, rather than policy exactly what qualifies one to exhibit. The county can regulate the nuisance issue. Col. Jones will coordinate the agency's local law enforcement and inspector to meet with the sheriff's office.

Karen Malphy (St. Augustine Wild Reserve) discussed the purpose of the sanctuary and her experience with local residents related to the noise issue.

Commission Discussion

Commissioner Bergeron discussed the Everglades issue and stated he would like to provide an update at the December 2008 Commission meeting.

Commissioner Barco thanked Roland Garcia and staff for their assistance in coordinating this meeting.

Vice Chairman Yablonski thanked Commissioner Barco, staff and Jackie Fauls. He mentioned the Sunshine Law was in effect during this meeting.

Chairman Barreto thanked the Commissioners and staff for a great meeting.

Chairman Barreto adjourned the meeting at 1:55 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, Adam Warwick, a wildlife biologist in the Division of Habitat and Species Conservation, has worked diligently with his peers and the public for the conservation and management of Florida's black bear, and

WHEREAS, Adam Warwick responded to a complaint of a large bear in a residential area, evaluated the situation and decided to capture the bear by use of a tranquilizer dart, and

WHEREAS, the bear unexpectedly ran into the Gulf of Mexico after being hit with the tranquilizer dart, and

WHEREAS, Adam Warwick quickly assessed the situation and knew the bear would not be able to swim to land because of the effects of the tranquilizer and would drown if no intervention was made, and

WHEREAS, Adam Warwick acted quickly and with great courage by jumping into the water and holding the bear's head above water to prevent its drowning and floated the large animal back to shore while he walked across concrete blocks covered in barnacles, and

WHEREAS, Adam Warwick, as a dedicated FWC employee, showed valor, putting his own safety at risk to ensure that both the bear and people were protected, and

WHEREAS, Adam Warwick courageously prevented the 375-pound bear from drowning in the Gulf of Mexico on June 24, 2008, and

WHEREAS, the dedication and courageous actions by Adam Warwick reflect great credit on this agency and its personnel:

NOW THEREFORE, be it resolved by the Florida Fish and Wildlife Conservation Commission that this Commission recognizes and applauds the unselfish valor of Adam Warwick in the course of performing his responsibilities, and 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 in this duly constituted and assembled meeting at Jacksonville, Florida, this 17th day of September, 2008.

FLORIDA FISH AND WILDLIFE
CONSERVATION COMMISSION

Chairman Rodney Barreto

Vice Chairman Brian S. Yablonski

Commissioner Dwight Stephenson

Commissioner Ron Bergeron

Commissioner Kathy Barco

Commissioner Richard A. Corbett

Commissioner Kenneth W. Wright

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, the Florida Fish and Wildlife Conservation Commission places human safety as its highest priority, and

WHEREAS, the People of the Great State of Florida hold the Florida Fish and Wildlife Conservation Commission to a high standard of ensuring humane treatment and welfare of captive wildlife, and

WHEREAS, the Captive Wildlife Technical Assistance Group consists of 11 experts who generously offered their wisdom and experience to review Florida's captive wildlife regulations and issues, and

WHEREAS, the Captive Wildlife Technical Assistance Group's members include Ms. Julie Alexa Strauss, Dr. Terri Parrot-Nenezian, Mr. Don Martinelli, Mr. Eugene Besette, Mr. Joe Christman, Dr. Leroy Coffman, Mr. Ken Johnson, Dr. Susan Clubb, Mr. Bill Armstrong, Mr. R. Donovan Smith, Ms. Gloria Noble Johnson, Mrs. Kathy Stearns, Ms. Julie Morris and Ms. Precious Boatwright, and

WHEREAS, said members of the Captive Wildlife Technical Assistance Group have been diligent in their efforts to assist the Florida Fish and Wildlife Conservation Commission in developing and maintaining the best regulations possible to provide for public safety, animal welfare and the legitimate use of wildlife for personal, educational and exhibition purposes, and

WHEREAS, the service rendered by the Captive Wildlife Technical Assistance Group reflects the noblest tradition of citizen participation in the government of the Great State of Florida:

NOW THEREFORE, be it resolved by the Florida Fish and Wildlife Conservation Commission, in a duly constituted and assembled meeting, that we acknowledge and extend our sincere gratitude for the service rendered by the Captive Wildlife Technical Assistance Group, and that we hold its members in the highest esteem.

FURTHERMORE, we direct the staff of the Florida Fish and Wildlife Conservation to record, forevermore, the sentiments of this resolution on the records and minutes of this agency.

DONE AND RESOLVED, in this duly constituted and assembled meeting at Jacksonville, Florida, this 17th day of September, 2008.

FLORIDA FISH AND WILDLIFE
CONSERVATION COMMISSION

Rodney Barreto, Chairman

Brian Yablonski, Vice Chairman

Dwight Stephenson, Commissioner

Ron Bergeron, Commissioner

Kathy Barco, Commissioner

Richard A. Corbett, Commissioner

Kenneth Wright, Commissioner

Attest:

Rodney Barreto
Chairman

Kenneth D. Haddad
Executive Director

Respectfully submitted:

Commission Secretary