



Florida Fish and Wildlife Conservation Commission

MyFWC.com

Commission Meeting
February 4-5, 2009
Destin

Minutes

A regular meeting of the Florida Fish and Wildlife Conservation Commission (Commission) held February 4-5, 2009, at the Sandestin Golf and Beach Resort, located at 9300 Emerald Coast Parkway, Sandestin, Florida. Chairman Barreto called the meeting to order at 8:30 am with the following members in attendance:

Kathy Barco, Jacksonville

Dwight Stephenson, Delray Beach

Ronald Bergeron, Ft. Lauderdale

Kenneth Wright, Winter Park

Richard Corbett, Tampa

Brian Yablonski, Tallahassee

Staff:

Kenneth D. Haddad

Executive Director

Nick Wiley

Assistant Executive Director

James V. Antista

General Counsel

Diane Eggeman

Director, Division of Hunting and Game Management

Colonel Julie Jones

Director, Division of Law Enforcement

Mark Robson

Director, Division of Marine Fisheries Management

Louie Roberson

Director, Northwest Region

Roland Garcia

Director, North Central Region

Eighty-five individuals registered as guests and speakers during the two-day meeting.

Chairman Barreto welcomed Commissioners, staff, and the public to Destin. He congratulated Commissioner Brian Yablonski on his recent reappointment to the Commission by Governor Charlie Crist and Commissioner Kathy Barco to her first meeting as Vice-Chair of the Commission.

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

Special Presentations and Recognition

Chairman Barreto asked Ken Haddad to introduce Ed Moyer, former Deputy Director of FWC's Division of Habitat and Species Conservation; and his wife, Jane. Mr. Moyer recently retired from the agency after 35 years of service. Mr. Haddad described Mr. Moyer's career with the agency and recognized his dedication and commitment to wildlife and fisheries issues. Chairman Barreto presented a plaque to Mr. Moyer in recognition of his dedication to the agency. Mr. Moyer thanked the Commission for the honor and he and his wife had their photograph taken with Commissioners.

Mr. Haddad continued with a presentation of the 2008 Louise Ireland Humphrey Achievement Award. Carol Knox, Biological Administrator III with the Imperiled Species Management Section in FWC's Division of Habitat and Species Conservation received the award. The award recognizes a Commission employee for outstanding contributions to the conservation of Florida's fish and wildlife resources. Mr. Haddad described Ms. Knox's career with the agency. Chairman Barreto awarded a bronze statute and check to Ms. Knox. Ms. Knox thanked the Commission for the recognition and she had her photograph taken with Commissioners.

Chairman Barreto stated each Commission meeting recognized a local area fish and wildlife artist or photographer for their efforts in fostering an appreciation for the arts as well as an appreciation of fish and wildlife. He asked Louie Roberson to introduce Bill Adair. Mr. Roberson described Mr. Adair's ability to capture Florida's wildlife through colorful paintings. Chairman Barreto presented a plaque to Mr. Adair recognizing his artistic talent. Mr. Adair thanked the Commission and he had his photograph taken with Commissioners.

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

- Division of Habitat and Species Conservation: Barbara Schmeling
- Division of Law Enforcement: Officers Danny Arnette and Steve Hoomes
- Division of Marine Fisheries Management: Michelle Maki
- Fish and Wildlife Research Institute: Costas Katechis

Adoption of Minutes

Chairman Barreto asked for approval of the December 3-4, 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 Consent Agenda items. Mr. Wiley discussed deferring Consent Agenda item 2, Special Activity Licenses, allowing time to obtain additional public comment and present the issue at a future Commission meeting. He continued with a summary of the five items listed on the Consent Agenda. Upon motion of Commissioner Wright, seconded and carried, the Commission approved the Consent Agenda and deferred consideration of agenda item 2.

Adoption of Agenda

Chairman Barreto asked for approval of the meeting agenda. Upon motion of Commissioner Wright, 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:

Division of Marine Fisheries Management:

On December 17, 2008, the First State Bank of the Florida Keys purchased the ex-*Hoyt Vandenberg* at public auction for \$1.35 million on behalf of the City of Key West. The Virginia Court that conducted the auction to settle the back liens and bills accrued due to cost overruns in the vessel's preparation and cleanup will use these funds. Once again, the City of Key West has clear title to the vessel and the project may now proceed to an early 2009 deployment for an artificial reef about six miles off Key West. The remaining costs of finalizing preparation of the vessel, having it towed to Key West and sinking it, will be funded by two grants - \$1.6 million from the Office of Tourism, Trade and Economic Development and \$1 million allocated by the 2008 regular session of the Florida Legislature and administered through the FWC artificial reef grants program. Contracts have been executed with the City of Key West, and the *Vandenberg* project is once more on track to be completed within budget.

On December 23, 2008, the National Ocean and Atmospheric Administration (NOAA) Fisheries Service issued its final rule to create a national saltwater angler registry of all marine recreational fishermen. The final rule requires recreational anglers and spear fishers who fish in federal waters to be included in the registry by January 1, 2010. However, NOAA will exempt states from the angler registration requirements if they have a licensing or registration system in place that provides complete information on their saltwater anglers to the national registry. NOAA originally proposed that registration begin in January 2009, but decided to give states another year to implement their own data collection systems. NOAA received nearly 500 comments from anglers, state officials, and fishing and environmental organizations on the proposed registry rule during its comment period. The registry is one component of NOAA's new Marine Recreational Information Program, an initiative to enhance data collection on recreational catch and effort.

Division of Freshwater Fisheries Management:

Biologists at the Florida Bass Conservation Center (FBCC), Fish and Wildlife Research Institute, and Texas Parks and Wildlife Department are planning to coordinate research efforts to improve hatchery production capabilities of the Florida largemouth bass. They will share new FBCC techniques used in intensive spawning, fry rearing, and nutrition with Texas to help improve their bass hatching success and improve nutrition for sub-adults and broodfish. FBCC will benefit by seeing the results of exposing these new fish culture techniques to a much broader range of applications. Texas biologists also have agreed to assist Florida in developing a "ShareLunker" program, which integrates angler participation, hatchery broodfish collection, and bass genetics. In the Texas program, anglers donate wild 'trophy size' bass, which are then spawned at the hatchery and offspring are then released back into their natural environment. This program is popular with bass anglers and a potential program for sponsors and donors in Texas.

Division of Habitat and Species Conservation:

Staff continues to work on a long-term comprehensive strategy for Florida's freshwater turtles. Efforts since the interim rule passed in September include collecting data from stakeholders, inspecting key aspects of the turtle trade, reviewing other states' regulatory structures, reviewing and using components of other regulatory structures within FWC, and drafting a model regulatory structure.

- Staff visited freshwater fish markets, turtle farms, interviewed exporters, and toured airport shipping facilities collecting information about the freshwater turtle trade. Staff reviewed shipping documents, recorded turtle prices, inspected turtle holding facilities, and gathered information about turtle farm productivity.
- An FWC Division of Law Enforcement officer issued a warning citation to an exporter about its shipping and holding methods for turtles. Officers will closely monitor shipments to ensure turtles are maintained in humane conditions.
- Division of Law Enforcement staff asked the United States Fish and Wildlife Service to increase Florida softshell turtle classification to CITES III protection so that more details about their international trade would be collected.
- Staff implemented a policy change regarding the Sale or Exhibition of Wildlife (379.3761). A license is now required to buy or sell live turtles. This will allow staff to collect data about individuals dealing in turtles.
- Turtle fishermen, turtle farmers, and turtle scientists presented information about freshwater turtle commercialization at a public meeting held in Tampa on November 20, 2008. From this meeting, staff gained a better understanding of freshwater turtle commerce and the concerns surrounding it.
- Staff reviewed turtle management programs in other surrounding states to determine if these measures would be suitable for Florida. Commercial harvest regulations, harvest limits, harvest reporting requirements, recreational regulations, harvest methods, and protected species were compiled from 14 states including: AL, AR, GA, KY, LA, MS, NC, SC, TX, TN, and VA. Considering this information ensures new regulations are effective for Florida and deterrents to out-of-state poachers.

Staff reviewed existing regulatory structures within FWC to determine if aspects of these programs would be useful for freshwater turtles. Staff is determining the economic viability of a program similar to the alligator program modified for turtles. Staff is designing applicable survey methods for turtles.

Division of Law Enforcement:

The Division of Law Enforcement underwent an onsite assessment November 9-11, 2008, conducted by an assessment team from the Commission for Florida Law Enforcement Accreditation (CFA). The assessors thoroughly reviewed the Division's policies and procedures, inspected Division equipment and members, and examined the evidence and investigations functions. Upon conclusion of the assessment, the assessors informed Colonel Julie Jones, Director of FWC's Division of Law Enforcement that the assessment went very well and that the team will recommend accreditation for the Division at the Commission's next meeting on February 25, 2009.

Achieving accredited status is a major accomplishment for any law enforcement agency, and even more so for a specialized state law enforcement agency as FWC's Division of Law Enforcement. Statewide jurisdiction, six regional offices and multiple field offices, diverse and specialized equipment, and a multi-faceted mission represent a unique challenge in complying with over 250 accreditation standards. The Division will be the largest accredited conservation law enforcement agency in the nation - only the fifth state law enforcement agency in Florida to become accredited.

Office of Recreation Services:

New Online Birding Trip Planner:

The FWC developed an interactive, trip-planning tool using Google™ Maps to help birders find destinations and species of interest along the Great Florida Birding Trail (GFBT). Visitors can search by amenities (such as ADA accessibility), habitats and 40 featured species to choose desired GFBT sites. The trip planner also provides information about each of the

featured species and habitat types in Florida. The Great Florida Birding Trail (GFBT) is a 2000-mile, self-guided trail, designed by FWC in partnership with other agencies and communities around the state. The trip planner provides an economic incentive for conserving and enhancing wildlife habitat by promoting wildlife viewing tourism in the state. The new feature is available on GFBT's website at www.floridabirdingtrail.com.

Panhandle Birding Trail Road Signs installed:

The GFBT reached another milestone with the installation of road signs for the Panhandle section. These directional signs guide visitors to 78 locations in 14 Panhandle counties.

FWC held a sign-dedication event January 17, 2009, at St. Marks National Wildlife Refuge in Wakulla County.

Participants included birding trail site managers, local elected officials, business leaders, tourism officials, and local and state representatives of Audubon of Florida.

Tourism development organizations throughout the Panhandle to assist local communities in planning similar events to publicize the wildlife viewing opportunities at GFBT sites in their locals received planning kits.

Final Rules – Quota Hunt Revisions

Chairman Barreto asked Diane Eggeman to present the proposed final rules to improve Florida's quota hunt system. Ms. Eggeman described the history of the quota hunt process with an update on the quota hunt system, including public input and the Working Group's recommendations.

Staff recommended the following:

- Major Elements:
 - Fairness: Nontransferable – all quota permits to be nontransferable.
 - Flexibility: Guest permits – quota permits for archery, muzzle-loading gun, general gun, wild hog, and spring turkey hunts to include a guest permit.

Note: Mobility-impaired hunts on Holton Creek WMA and dog hunts on and Blackwater Wildlife Management Area (WMA) require further work with key stakeholder groups before moving forward with changes.

Ms. Eggeman continued with the following staff recommendation:

- Guest Permits:
 - Issued through Total Licensing System (TLS) from license vendors and tax collectors.
 - Only one guest per hunt period.
 - Guest and host must enter and exit area together and share a vehicle.
 - Guest and host must share the bag limit.
 - Host is responsible for violations in exceeding shared bag limit.

Following are the recommendations for mobility-impaired hunts, including nontransferable permits and guest permits. The current staff recommendation adheres to this direction with the exception of

Holton Creek WMA in the North Central Region. The question of whether to include mobility-impaired hunts in the revision is highly controversial.

- Same revisions as other quota hunts (nontransferable permits, guest permits).
- A non-hunting assistant also may accompany the permit holder, in addition to the guest.
- Holton Creek WMA issues require further work with key stakeholder groups before moving forward with these proposed changes.

Ms. Eggeman illustrated the quota hunt process and the flexibility in the current system offered by transferability, statistical information regarding permit activity, and public input.

Staff proposal includes substantial uncertainty regarding the following:

- No-show rates and number of guests
- Gains and losses of participants
- Economic impact
- In light of this uncertainty, the recommendation incorporates initial safeguards against risks of resource impacts and hunter crowding.
 - Adjust quotas downward on eight areas.
 - Reduce bag limit for turkeys on one area.
 - Exceptions: Blackwater WMA dog hunts and Holton Creek WMA mobility-impaired hunts.
 - Require permit holder and guest to share a single bag limit.
- Monitor and adapt in future years.

Staff recommended the Commission adopt the proposed rules as advertised. Staff evaluated the rules under the standards of 68B-1.004, F.A.C., and found them to be in compliance.

Public Comment

Mark Dye disagreed with the non-transferable permit and explained his experience serving overseas in Iraq and unable to apply for a permit. Upon his return, a friend of his called to serve overseas gave him his permit to use. Unfortunately, Mr. Dye was unable to use the permit on that designated day so he provided the permit to another friend. He explained the importance in transferring the permit, particularly in the case of an individual on military leave. Chairman Barreto thanked him for his military service to the United States of America and its citizens.

Alby Isbell discussed his concerns regarding hunting Prairie and Three Lakes and his “preference point permit” drawn every year. Additionally, he discussed the gold stamp permit. He asked for the elimination of the preference point system.

Lee Piefer discussed the changes made to the quota hunt system over the years and mentioned it has improved.

Frank Dozier asked the Commission to keep permits transferable.

Bill Wilson (Florida Bow Hunters Council) supported staff’s recommendations. He urged the Commission to end permit gaming and increase opportunities for new parents and children to hunt. He teaches hunter safety in Citrus County and the question asked most frequently is how to apply for a hunting permit.

David Lithgow (United Waterfowlers of Florida) asked the Commission to continue permitting waterfowl as it is currently. He supported staff’s recommendations.

Bill Marvin (The Future of Hunting in Florida) discussed a letter he sent to the Commissioners dated January 27, 2009, stating the Future of Hunting in Florida's is in support of staff's recommendations.

Newton Cook (United Waterfowlers of Florida) read a document provided to Commissioners from the Deer Management Technical Assistance Group in support of staff's recommendations.

Donna Dickens supported non-transferability and guest permit hunts and described her experience as a mobility-impaired hunter assisted by a friend with a guest permit.

Chuck Echenique stated he is not opposed to non-transferable permits. The issue of non-transferability has become the main issue in the public eye. His biggest concern is non-transferable permits lead to a loss of revenue, which will detract from programs that are in need of funding. The only solution in regulating permitting would be to increase the presence of law enforcement at check stations rather than manage the hunter. He brought a large number of petitions from individuals opposed to non-transferable permits and discussed his concerns regarding lack of revenue to the State of Florida. He suggested monitoring hunters to ensure an equitable distribution, research the 17 areas of contention, and increase the number of manned check stations.

Henry Flores discussed a fair and level playing field for mobility-impaired hunters. He supports guest permits.

Brad Sheffield stated, as a mobility-impaired hunter, he supports the guest permit.

David Jones stated Ed Moyer was a "hero" to the disabled community ensuring access for mobility-impaired fishermen. He thanked the Commission for providing the new Babcock WMA hunting area to mobility-impaired hunters, discussed his positive experience with the Youth Hunting program, and thanked agency staff for their commitment to the quota hunt system. He stated one of the biggest issues is fairness and flexibility for mobility-impaired hunters and Holton Creek is "no show" permits. He provided Commissioners data pertaining to the mobility-impaired hunting program.

Kenny Stinson supports staff's recommendations specific to mobility-impaired hunts and guest permits.

Lee Weisgarber discussed his concerns regarding the inability to qualify for a hunting or fishing license even though he holds a certificate stating he is a disabled federal employee. Mr. Weisgarber opposed non-transferable permits.

Ron Tyals discussed the criteria to obtain a mobility-impaired certification card, "hording" permits, limiting mobility-impaired hunters to five permits, guest hunts, and suggested changing the last phase of the quota hunt system to a random draw. Mr. Tyals opposed staff's proposal.

Jim Chapman discussed one of the slides from Ms. Eggeman's presentation titled, "Is There a Problem?" He thanked Ms. Eggeman for her work on the quota hunt system. He referred to the data regarding those who applied for quota hunt permits in 2008 and mobility-impaired permits issued in 2007. He discussed the information provided in the quota hunt presentation during the September and December 2008 Commission meetings pertaining to mobility-impaired statistics. Mr. Chapman opposed staff's proposal.

Gary Rudolph discussed the Commission's changes to the mobility-impaired hunt information located on FWC's website, advertised in magazines, and on the Internet. Staff recommended and the Commission approved placing mobility-impaired hunts on hold for one year to obtain additional input from stakeholders. He requested a copy of a report presented during the December 2008 Commission meeting in Key West, but did not receive the requested information. He asked the Commission for a floor amendment to keep mobility-impaired hunts separate from the other quota hunts and remain status quo, except for the third phase draw, change the process from first-come first-serve to a random draw. Mr. Rudolph opposed staff's proposal.

Bonnie Basham (Florida Airboat Association) discussed the Future of Hunting in Florida Summit at the Beau Turner Youth Conservation Center. She did not recall opposition from the public on the issue of quota hunt and guest permits, and supports staff's recommendations.

Todd Hallman (Florida Sportsmen's Conservation Association) discussed the quota hunt system and supports staff's recommendations.

Byron Maharrey (Everglades Coordinating Council) read a letter from Jim Casselman, who was unable to attend the meeting, and supports staff's recommendation to improve the quota hunt system and provided suggestions. He continued with a description of his involvement as a committee member, participation in public workshops regarding the quota hunt system, and offered his support of staff's recommendations. Commissioners Bergeron and Corbett thanked Mr. Maharrey for devoting his time committed to improving the quota hunt system.

Ken McCorkel suggested a non-resident license be the same as the state they are arriving from to hunt in Florida. He did not support transferable permits and asked the Commission to obtain accurate data.

Lyle McCandless (Big Cypress Sportsmen's Alliance) commended Ms. Eggeman, agency staff, the members of the quota hunt committee and supported staff's recommendation. He urged the Commission to monitor the progress of the improved system. Commissioner Bergeron thanked Mr. McCandless for his dedication to the issue.

Commission Discussion

Chairman Barreto asked Ms. Eggeman to address issues brought up by the public regarding active military permit holders and buying a license prior to applying. Ms. Eggeman stated active military are exempt from quota permit requirements on about half of Florida's WMAs. Chairman Barreto asked Ms. Eggeman to provide Commissioners a list of areas available to active military and provide this information on FWC's website for the public's information. Additionally, he asked staff to research if it is feasible to expand opportunities for active military hunters on other WMAs.

Commissioner Corbett stated the Commission should include a monitoring process to review over three years. Ms. Eggeman agreed the new system would be monitored and adjusting as needed.

Ms. Eggeman discussed the issue of requiring the purchase of a hunting license in order to apply for quota permits. She stated one could not require someone to buy a license unless that individual is going to hunt. Purchase a hunting license is a privilege to hunt. Chairman Barreto asked staff to research this issue future.

Commissioner Yablonski discussed the issue of a federal employee hired as a disabled employee, yet is unable to obtain a disability exemption. Mr. Antista explained the eligibility for the disability license is set by statute requiring the person has been determined totally and permanently disabled by social security, veterans, armed forces, workers compensation, and the railroad administration. Those agencies require that the person is unemployable in order to qualify for permantely disabled. If a person does not wish to qualify for those benefits, they do not qualify for the disability license under Florida's law. This process could be changed by law, which would mean returning to a process where a doctor determines an individual totally and permanently disabled. The Commission decided on a more objective system of determining who should qualify for a disability license. Commissioner Yablonski asked staff to research this issue further.

Commissioner Bergeron discussed his concerns regarding the current quota hunt system and its effects on the citizens of Florida.

Vice-Chair Barco clarified two sets of numbers and asked if the allowable permits totals are 65,000-70,000. Ms. Eggeman replied yes. Vice-Chair Barco asked about the statistics available with 18,000 permits going to a small group of individuals and 25 percent of the numbers are not accurate. Ms. Eggeman replied that the

information is accurate and pointed out that there are people who could be doing the same thing and not use a single address so the database would not capture that activity.

Chairman Barreto asked about mobility-impaired hunters taking a guest to assist and hunt, but the one day they are permitted to hunt the guest is not available, what happens under the new system. Ms. Eggeman stated the impaired hunter could not take a different guest permit hunter. Ms. Eggeman stated the mobility-impaired hunter could take a guest, but could not switch their designated guest hunter. However, they could have a non-hunting guest accompany them.

Commissioner Wright asked if a non-transferable guest hunter could exist in mobility-impaired hunts. Why not have a non-transferable for an able body hunter. Ms. Eggeman replied that when you have a guest permit provided to anyone, you have a transferrable permit. Ms. Eggeman continued that the Working Group is opposed to this process, as it would open the door for increased hunting pressure on those areas.

Col. Jones replied that there is a difference in the mobility-impaired hunting community regarding guest hunting. One group wants to share the hunt with a friend and the other group is concerned about gaming with permits associated with a guest of a mobility-impaired individual having exclusive use for the mobility-impaired hunter.

Vice-Chair Barco stated there is a definite distinction regarding the transferability of the guest permit. Ms. Eggeman replied she has researched the most important reasons for removing some of the proposed options. There is the potential concern regarding the increase in hunters in those designated areas. One of the other reasons is some people wait at the check station to give them guest permits when they come out of the woods.

Chairman Barreto stated his observation is a few are ruining it for the rest of the individuals seeking permits. If you make it fair and equitable, more people will participate. He mentioned the importance in monitoring the improved system for the benefit of the citizens of Florida.

Upon motion of Commissioner Corbett and amended by Vice-Chair Barco to approve staff's recommendation with an additional provision in the rule stating the quota permit system enacted in 2009, specifically the provision which prohibits transfer of quota hunt permits will terminate on December 1, 2012; unless reauthorized by the Commission.

Under discussion, Commissioner Wright thanked everyone for their professionalism presenting their concerns regarding the quota hunt system. He supported the motion of non-transferable permit and asked staff to research the guest permit holder versus an able body hunter.

Chairman Barreto recognized former Commission Chairman Dr. Edwin Roberts in attendance.

Commissioner Yablonski stated there are variances in "gaming" the quota hunt system. The Commission should maximize hunting opportunities.

Commissioner Bergeron stated he tries to invite friends to come with him and join in the experience of hunting.

Vice-Chair Barco discussed monitoring the guest permit to adjust in the future, if needed. She discussed accountability and asked that the non-transferability rule Sunsets after three years. It will take three years of data to review and analyze. She asked staff for a hard and fast date. Chairman Barreto asked Mr. Antista if a sunset provision is viable. Mr. Antista replied the current quota hunt system terminates at a date certain. It takes six months for proper due process when making a rule. A sunset provision is possible, but creates difficulties in understanding what would be the position to revert to once the new system was sunset. Chairman Barreto suggested extending what the agency has available currently. Mr. Antista suggested another option might be to include in the rule for staff to return with a report with a date certain. Chairman Barreto summarized and suggested that the Commission mandate a review of the system in two years. Nick Wiley

reiterated the date of the review should be approved and included in the rule as an amendment. Mr. Wiley suggested as of July 1, 2012, the transferability and guest permit will sunset unless reauthorized or extended by the Commission. This will give staff time to present a report at the April 2012 Commission meeting.

Mr. Haddad stated staff should allow three years to obtain information in order to properly assess the new system. Mr. Wiley reiterated it would give staff three years through spring turkey season of 2012, and then staff would present their findings at the April meeting.

Chairman Barreto stated it is likely that concerns would be addressed during the two-year period.

Commissioner Yablonski stated we do not have to wait the whole three years to review the guest permit system.

Mr. Haddad stated staff would start taking information regarding the guest permit system immediately and return to the Commission to present their findings.

Mr. Antista discussed the motion and friendly amendment for a sunset provision, recommending a date of December 2012.

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved staff's recommendation with an additional provision in the rule stating the quota permit system enacted in 2009, specifically the provision, which prohibits transfer of quota hunt permits, will terminate on December 1, 2012; unless reauthorized by the Commission.

Final Rules – Wildlife, Alligator, and Wildlife Management Area (WMA) Rules

Ms. Eggeman continued with a presentation of the following proposed final rules for public hunting on WMAs:

- 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 Wildlife Environmental Area's (WEA)
- 68A-15.015, Quota Permits; Antlerless Deer Permits; Special Opportunity Permits
- 68A-25.031, Rule Governing Egg and Hatchling Collections
- 68A-25.042, Rule Governing Statewide Alligator Harvests
- North Central Region WMA's: 68A-9.004
 - 68A-9.004, Permits for Hunting or Other Recreational Use on WMA's
- Northwest Region WMA's: 68A-15.063
 - 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

Staff requested the Commission approve the final rules as advertised and stated that the proposed rules comply with the Commission's standards rule. Staff evaluated the rules under the standards of 68B-1.004, F.A.C., and found them to be in compliance.

Public Comment

David Lithgow supported the proposed rule for Allapattah Flats WMA and asked the Commission to inform advocates of rule changes in advance of Commission meeting to prepare accordingly. Chairman Barreto replied it is sometimes difficult to know who opposes a rule change until right before a Commission meeting.

Jimmy Boston did not believe proposed rule 68A-25.031, F.A.C., as written would work. Ms. Eggeman stated staff is working with Mr. Boston regarding his concerns.

Commission Discussion

Upon motion of Commissioner Yablonski, seconded and carried, the Commission approved the Wildlife, Alligator, and Wildlife Management Area rules as advertised.

Draft Rules – Public Hunting Kissimmee Chain of Lakes

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 draft rules to provide new public hunting opportunities on Kissimmee Chain of Lakes. Dr. Coyner described the proposed draft rule 68A-15.006, Regulations Relating to Miscellaneous Areas.

Staff requested the Commission approve the proposed draft rule 68A-15.006, Regulations Relating to Miscellaneous Areas and direct staff to advertise for final public hearing at the April 2009 Commission meeting.

Public Comment

David Lithgow supported the rule.

Newton Cook supported 80 percent of staff's recommendation and described his concerns regarding public hunting.

Bonnie Basham supported staff's recommendation.

Chuck Echenique supported staff's recommendation and asked if it is possible to obtain a standard level of airboat noise across the state to implement and navigate the waters of Florida.

Todd Hallman supported staff's recommendation and support the same guidelines as the South Florida Water Management District (SFWMD). He discussed the buddy system for quota hunts and stated it is a limited gaming system.

Byron Maharrey discussed his participation in the meetings and asked the Commission to mimic what the SFWMD approved.

Commission Discussion

Upon motion of Commissioner Wright, seconded and carried, the Commission approved draft rules and directed staff to advertise for final public hearing at the April 2009 Commission meeting.

Chairman Barreto asked Dr. Coyner to contact the SFWMD's Board requesting a list of their public hunting areas to research opening additional districts to hunting. Chairman Barreto asked staff to draft a letter from

him thanking the Chair of the Governing Board SFWMD for assistance in providing public hunting in Kissimmee Chain of Lakes.

Draft Rules – Public Hunting Babcock Ranch Preserve

Dr. Coyner continued with a presentation and description of draft rule 68A-15.006, Regulations Relating to Miscellaneous Areas to provide new public hunting opportunities on Babcock Ranch Preserve.

Staff recommended the Commission approve the draft rules and directed staff to advertise for final public hearing at the April 2009 Commission meeting.

Public Comment

Byron Maharrey asked about guided and paid hunts, which were not included in this draft rule. Dr. Coyner stated that these types of hunts are a possibility for the future. He supported staff's recommendation and thanked Dr. Coyner for the work he has devoted to open this area to the public. He did not support the use of hunting to generate revenue for operation of the Preserve. He suggested staff look into more mobility-impaired areas in the south Florida area for mobility-impaired hunters.

Preston Robertson thanked staff for opening this property to hunting and suggested some type of antler restriction.

Byron Maharrey did not support antler restrictions and asked the Commission to allow the take of deer having one or more antlers of at least five inches in length.

Commission Discussion

Upon motion of Commissioner Wright, seconded and carried, the Commission approved the proposed rules and directed staff to advertise for final public hearing at the April 2009 Commission meeting.

Youth Conservation Centers

Chairman Barreto asked Ms. Eggeman to provide an update on the Youth Conservation Centers. Ms. Eggeman presented an update on the progress at the Beau Turner Youth Conservation Center near Tallahassee and efforts to develop a new youth conservation center at the Commission's Tenoroc Fish Management Area near Lakeland.

Public Comment

Steve Williamson (United Waterfowlers of Florida, Inc.) discussed his involvement with the Center.

Byron Maharrey suggested replicating the work being done at the Beau Turner Youth Conservation Center in the south Florida area.

Bonnie Basham discussed how fantastic the Beau Turner Youth Center is for Florida's youth. She announced the Florida Sportsman's Conservation Association scheduled their 15th Annual Clean-up Day at Corbett WMA.

Kim Sandberg discussed the existence of the FWC Youth Camp off Lake Eaton in the Ocala National Forest. He mentioned that the camp needs to be renovated.

Commission Discussion

Commissioner Corbett asked Commissioners to comment on the Future of Hunting in Florida for the children of Florida from their point of view.

Chairman Barreto stated there are some very generous people in Florida who want to do things for kids. He thanked Commissioner Corbett for his assistance in repeating the success of the Youth Conservation Center in other areas of Florida.

Commissioner Yablonski discussed his experience at the Youth Conservation Center and the enthusiasm coming from the kids. Governor Crist is coming out on February 17 to see what is happening at the Youth Conservation Center.

Commissioner Bergeron stated how impressed he was with the Youth Conservation Center and offered to assist with the development of a Center in the southern area of Florida visiting the Ocala Youth Conservation Center.

Vice-Chair Barco asked Ms. Eggeman to describe the difference between the Ocala Youth Conservation Center and the Beau Turner property. Ms. Eggeman described the opportunities offered at the facility. Mr. Wiley added Ocala also offers overnight camping opportunities at a minimal fee and is managed by FWC. Mr. Haddad stated the Beau Turner Center is a private venture. Vice-Chair Barco asked about other facilities. Mr. Wiley mentioned the Corbett property.

Commissioner Yablonski stated the advantage is the private and public partnership. He mentioned Kenny Barker with FWC is doing a great job managing the facility.

Commissioner Corbett suggested taking Tenoroc this year with national sponsorships. Jim Fowler with Wild Kingdom offered to be their Chairman.

Commissioner Wright discussed his concerns regarding the future of hunting.

Chairman Barreto stated Tenoroc is open to the public and we cannot block off to just youth.

Commissioner Corbett offered to present an update to Commissioners in six months.

Commissioner Bergeron stated this project is possible if it helps the community and youth. He would assist staff and the citizens of Florida in the southern region with youth education.

Mr. Haddad mentioned the Commission is working with Newberry and Eason Foundation to build a center that will be available for youth for a multitude of purposes, including outdoor sports of every level.

Legislative and Budget Update

Chairman Barreto asked Ken Haddad to provide an update on legislative and budget issues. Mr. Haddad provided an update on the agency's budget including a description of the cuts from the Special Legislative Session and the upcoming regular session.

Mr. Haddad continued with a report on legislative issues. Chairman Barreto mentioned the recent appointment of House Speaker Pro Tempore Larry Cretul. He asked staff to draft a letter from him congratulating Speaker Pro Tempore Cretul for his recent appointment.

Vice-Chair Barco stated her family and business is working on cleaning the lake beds in Gainesville using equipment that would otherwise be idle.

Mr. Haddad mentioned the agency is looking at the stimulus package and how it will affect Florida's wildlife and conservation.

Public Comment on Items Not on the Agenda

Steven Williamson mentioned there is an increase in hunters on Lake Miccosukee to his satisfaction with the elimination of permanent blinds and increase in FWC's law enforcement; the duck numbers are down, but people seem happier this year.

David Lithgow asked for support of the urban turf fertilizer proposed bill. The bill is in draft form and does not have a sponsor from the Florida House of Representatives as of yet, but Senator Ken Pruitt is sponsoring the bill in the Florida Senate and Mr. Lithgow described the importance of the bill. Chairman Barreto asked Mr. Lithgow to meet with Mr. Wiley about his request for a formal resolution. It was determined that a letter of support would be sent to Mr. Lithgow from Chairman Barreto rather than a formal resolution.

Preston Robertson provided Commissioners the seasonal bag limits for Florida and the surrounding states and asked for a seasonal bag limit, discussed the shoreline exemption bill, a bill drafted to raise permit fees for a snook stamp, and the success of Amendment 4.

Newton Cook asked the Commission for assistance in saving Florida's Everglades and Lake Kissimmee and discussed duck hunting at the Circle B Bar Preserve. He asked that statewide migratory bird seasons apply to all WMAs.

Judy Maines (Choctawhatchee Audubon Society) discussed coyote penning and the "mauling" they have observed by trained dogs taking place near her property. She stated the Humane Society of the United States supported her efforts to abolish illegal penning. Chairman Barreto asked her to speak to Col. Jones regarding her concerns. Col. Jones responded regarding the facility in reference.

Manley Fuller (Florida Wildlife Federation) discussed their involvement with Superintendent Pedro Ramos with the National Park Service regarding recreational activity near the Preserve that may address some of the recreational issues of south Florida through a plan that JetPort is developing. Additionally, he discussed the State of Florida's efforts to acquire significant parcels from US Sugar as part of the Everglades restoration. FWF supported the turf fertilizer legislation. He suggested staff consider a provision for individuals to collect eggs for farming and ranching wild commercial freshwater turtles; discussed the EcoMariner program for Everglades National Park to reduce seagrass damage and deal with some of the management problems on the waters as a viable pilot program; and discussed Senator Bill Nelson introduced a bill regarding the trade of pythons.

Lyle McCandless discussed a resolution requesting the ongoing work urging the Commission to a fifty percent partner with the National Parks Service. He provided a recap on some of the problems his organization is facing in the existing Preserve going back to its creation: forty-percent of the existing Preserve bans off-road vehicle use. Chairman Barreto stated he would speak with Superintendent Ramos regarding his concerns. Commissioner Bergeron offered to arrange a meeting with Chairman Barreto and Superintendent Ramos.

Todd Hallman provided an update on the Youth Hunt Program of Florida. Florida Sportsmen's Conservation Association of Florida (FSCA) held four deer and hog hunts this season and 33 children participated in the hunts. He announced the FSCA hosted their 14th annual Youth Day at the JW Corbett Pine Jog Youth Camp on Saturday, February 7 from 10:00 am – 4:00 pm. He stated his concerns regarding his request to advertise this event to the FWC website yet this was not posted to the website. Chairman Barreto asked Mr. Wiley to research Mr. Hallman's concerns.

Ted Forsgren provided and discussed the report provided to Commissioners, "An Allocation Analysis of Gulf of Mexico, Gag and Red Groupers" by Brad Gettner. He stated CCA has asked for economic impact analysis

and comparison between commercial and recreational fishermen related to allocation. CCA contracted with Mr. Gettner to have this study completed. CCA offered to have Mr. Gettner present information about the study at a future Commission meeting. He urged the Commission to place a much focused effort overall allocation issue.

Byron Maharrey provided a handout to Commissioners regarding the tickets being written in the Public Use Area of Kissimmee River Valley and Kissimmee Chain of Lakes and discussed his concerns. He stated the citations are written because people are attempting to herd game or are shooting from a moving vessel. He urged the Commission to look into these incidents and work together to end this practice.

Commission Discussion

Commissioner Bergeron presented an update on the water levels in the Everglades. He thanked agency staff, Mike Anderson and Chuck Collins for their dedication and assistance to Everglades's issues.

Commissioner Corbett thanked staff for their work on the quota hunt issue.

Commissioner Wright thanked Ms. Eggeman and Dr. Coyner for a great presentation on a complicated issue.

Commissioner Yablonski thanked Ms. Eggeman and Dr. Coyner for a great presentation on a complicated issue.

Vice-Chair Barco thanked staff and the public that spend time committed to an issue to speak to the Commission.

Chairman Barreto congratulated Commissioner Yablonski on his recent reappointment to the Commission and Vice-Chair Barco. He mentioned the Commission made the right decision regarding the quota hunt system. He emphasized that the Commission is approachable to the public.

Recess

Chairman Barreto recessed the meeting at 6:19 pm to reconvene at 8:30 am, Thursday, February 5.

Chairman Barreto reconvened the meeting at 8:30 a.m., Thursday, February 5 and welcomed the Commissioners and public to Destin.

Chairman Barreto mentioned a local well-known and respected member of the local community passed away recently, Captain Bruce Marler and asked everyone to participate in a moment of silence in remembrance of Captain Marler.

Final Rules – Red Snapper Consistency

Chairman Barreto asked Bill Teehan, Leader of the Division of Marine Fisheries Management to present the final rule to change the red snapper season in the Gulf of Mexico. Mr. Teehan presented a description of the final rule 68B-14.0038, Recreational Red Snapper Season. The proposed rule would amend the current recreational fishing season in Florida state waters to align with the recreational red snapper season in federally managed waters.

Staff recommended the Commission approve the amendment to the rule 68B-14.0038 as advertised effective as soon as possible after the February meeting. Staff evaluated the rules under the standards of 68B-1.004, F.A.C., and found them to be in compliance.

Public Comment

Commissioner Grover Robinson (Escambia County Board of Commissioners) asked the Commission to extend the red snapper season fishing season, and increase the red snapper bag limit; discussed the minimum length; and asked the Commission to consider a red snapper stamp program to obtain accurate data. This stamp program would assist in funding habitat research with 70 percent directed to habitat, 30 percent to research, and would assist in establishing a study.

Mr. Haddad clarified the red snapper presentation and the proposed rule. The Commission may not be consistent once the federal rule is in place. Commissioner Yablonski stated staff is proposing essentially three options: 1) oppose consistency; 2) accept the rule that staff is recommending (four month season), which would make the FWC rule consistent with the federal rule; or 3) align the FWC rule with the federal rule if it is changed. Staff asked the Commission to approve changing the red snapper fishing season for the Gulf of Mexico waters from April 15-October 31 to June 1-September 30.

Cliff Pack (Reef Fish Restoration) stated there is not a shortage of red snapper in Florida waters and decisions should not be made based on inaccurate data.

Jeff Marker (Santa Rosa County Marine Advisory Committee) discussed extending the red snapper fishing season, increasing the bag limit, creating a red snapper stamp and a program to obtain accurate data needs.

Chairman Barreto mentioned that the Commission understands the public's concerns and he has met with elected officials regarding collecting accurate scientific data.

Robbie Louhier (Reef Fish Restoration) discussed his experience catching red snapper and observed a large population of snapper.

Christopher Knieja (Reef Fish Restoration) asked the Commission to keep the red snapper fishing season status quo.

Richard Adams, Sr., (Reef Fish Restoration) discussed the abundance of red snapper in the Gulf of Mexico.

Bob Zales (Panama City Boatman's Association) provided a letter of support and attachment to the Commissioners, and discussed his concerns regarding reducing the red snapper fishing season.

Robert Turpin (Escambia County Marine Advisory Committee) discussed improving the current stock assessment of red snapper and read into the record the motion taken by the Escambia County Marine Advisory Committee (ECMAC). Chairman Barreto mentioned Mr. Turpin was the point person for the sinking of the USS *Oriskany* two years ago in Pensacola's waters. Mr. Turpin presented a brief update on the results of the ships sinking. He discussed recommendations to improve habitat including building and/or restoring reefs.

Pam Anderson (Captain Anderson's Marina, Panama City) stated they are forced to ask the state to comply with National Marine Fisheries Service's (NMFS) request to reduce the state's season to four months. This is for self-serving purposes for for-hire stakeholders. She asked for stipulations in the compliance to include implementing measures to improve data collection in the 2009 fishing season and that the current data is "flawed."

Bill Coursen (Pensacola Recreational Fishermen's Association) thanked Grover Robinson for helping the recreational fishermen. Mr. Coursen provided Commissioners a cartoon for their amusement. He urged the Commission to assist recreational fishermen in obtaining reef sites in federal waters.

Robert Starek discussed his experience fishing offshore and that the red snapper population is not in danger. He recommended the Commission maintain the same season for red snapper, get better data in the future and then adjust regulations as needed.

Tony Branton (Reef Fish Restoration) supported the red snapper fishing season of April 15-October 31 with a four fish and 16-inch bag limit, and a red snapper stamp. He asked for assistance with in-shore/near-shore habitat in the Pensacola Bay area. Chairman Barreto asked what "road blocks" he has encountered. Mr. Branton asked Rich Adams to describe their issues when he speaks before the Commission.

Joe Zwierzchowski (Reef Fish Restoration) asked the Commission to research regionalization, proper data, and habitat.

Richard Adams, Jr. (Reef Fish Restoration) read a statement into the record regarding the red snapper population, the fishing season, the bag limit, and obtaining better data collection.

Gary Parsons supported the consistency rules and discussed various recommendations to improve the current data collection, including researching the commercial fishery data, which are showing bigger fish. To continue an aggressive artificial reef program focused on increasing the available areas for permitting reefs, focus on the deployment of reef materials and on research to evaluate the functional and performance attributes in these reefs.

Michael Leonard discussed the increase in the size of red snapper and the quantity of red snapper in the Gulf, the red snapper fishing season, a red snapper stamp, and reef restoration. He urged the Commission to go to a year-round fishery and go back to a four fish bag limit.

Gary Jarvis asked for a complete and compatible recreational fishing season.

Libby Fetherston (Ocean Conservancy) discussed the proposal from the Ocean Conservancy and its role on the fishery. She stated they support the state's federal consistency regulations for red snapper. This is a public trust for the benefit of all Floridians and the residents of the Gulf of Mexico.

Captain Mike Eller (Destin Charter Boat Association) stated the red snapper fishery is on its way to recovery. However, the fishery is still overharvesting outside of the recommended rebuilding guidelines and he requested a fully compatible fishing season, not September 30.

Captain Jim Green (Destin Charter Boat Association) asked for complete compliance with the federal red snapper fishing season. He also suggested developing a data collection system that can be envied and copied

by our neighboring states, a required red snapper stamp, and a logbook program for fishermen, and he offered to assist in the design of a fisheries data system.

Billy Archer (S.O.S.) stated the main problem is Amendment 30B and accountability measures for fishing boats and discussed the need for better data/science.

Scott Robson (Destin Charter Boat Association) provided an illustration of red snapper to Commissioners and asked for consistency and compatibility for the red snapper fishing season, and trip tags. He said NMFS has the authority to close recreational fishing to everyone, and offered to assist with the collection of accurate scientific fishery data.

Scott Martin did not support the reduction of the red snapper fishing season in the Gulf of Mexico.

Rich Jones supported a red snapper stamp and suggested the state follow the same red snapper fishing season as last year, which was April 15-October 31.

Captain Paul Redman (Panama City Boaters Association) did not support a reduction in the red snapper fishing season in the Gulf of Mexico and asked what FWC is doing to improve artificial reef restoration. Mr. Haddad described the artificial reef restoration project and urged Captain Redman to speak with his local legislator regarding a red snapper stamp.

Earl Rader urged the Commission to keep the red snapper fishing season as it is currently, and keep the 16-inch size limit. He did not believe the federal government should impose restrictions, and he supported a red snapper stamp.

Candy Hansard (Emerald Coast Fishing Association) discussed the need for fish habitat for an effective sustainable fishery. She said Florida's economy needs the revenue produced by saltwater fishing, and she discussed how important it is for the Army Corps of Engineers to cooperate with the counties in the State of Florida and permit areas inside Florida's waters to build our fishery.

Chris Gay discussed the population of red snapper and artificial reefs.

Ted Forsgren (Coastal Conservation Association) supported staff's recommendation for the red snapper fishing season and the two-fish bag limit. He said there is a serious problem in terms of how all of the programs are interacting with red snapper in the Gulf of Mexico. He urged the Commission to ask the federal agencies to reexamine their management plan, research/update their stock assessment, and research the economic value of the fishery. In addition, he discussed the operation of the individual fishing quota (IFQ), and if it is fair and equitable in terms of how they distribute the numbers.

Captain Wes Rozier urged the Commission to keep the current red snapper fishing season.

Ed Lively asked if he had a federal reef fish permit, would he be allowed to catch red snapper in state waters when the season is closed. Mr. Teehan replied that he could not, unless he gave up his federal permit and did not fish in federal waters. He could catch red snapper in state waters if they are open.

Paul Johnson (Reef Relief and the Florida Coastal and Oceans Coalition) provided Commissioners a letter from the Florida Coastal and Oceans Coalition supporting compatible management measures in state waters for red snapper in the Gulf of Mexico.

Holly Binns (P.E.W. Environmental Group) provided the Commissioners with a handout, described the Group's purpose, and offered support of staff's recommendation to bring the open season for red snapper in the Gulf of Mexico, consistent with the federal season and for the option to amend the red snapper season in state waters if that is what federal fishery management deems necessary in order to meet management goals.

Bill Tucker discussed how important it is to rebuild the fishery and individuals can adapt their business model to the fishery.

TJ Marshall (Ocean Conservancy) discussed the importance of educating fishermen and using the best science available to determine the stock assessment as it is not always accurate. He supported staff's recommendation.

Johnny Greene reminded the Commission that families would be affected by their decision regarding red snapper fishing.

David Krebs (Ariel Seafood) discussed the history of red snapper to the present and that the fishery is being driven west. He said the regulations have worked to rebuild the red snapper fishery.

Jimmy Moscoms stated there is plenty of red snapper off Apalachicola Bay.

Jeff Marker discussed the need to fund artificial reef projects.

Matt McLeod urged the Commission to oppose compliance with the federal red snapper fishing season.

Commission Discussion

Chairman Barreto asked Mr. Teehan to return to the podium and address the issue of the 64 percent catch in Florida and 40 percent in Alabama. Mr. Teehan stated the season was longer last year resulting in a 64 percent increase in Florida. He said the FWC participates heavily in the red snapper stock assessment and FWRI biologists stand behind the assessment. He stated the federal government is revamping its method of collecting data through the Marine Recreational Information Program (MRIP). He said this new system should cover a lot more of the bases the MRIP system did not cover. He said the S.O.S. Plan is an accountability program developed by the Destin Charter Boat Association and the Gulf of Mexico Angling Reporting System. They are similar in some aspects and different in others. He stated that the problem that is developing is how to merge the data collection that these two programs are proposing into the MRIP program. Mr. Teehan explained that there is a meeting in New Orleans in March 2009, to discuss the program, and a tag system is a possible solution. However, he said this needs to be presented to the legislature to establish this program.

Commissioner Corbett asked Mr. Teehan to discuss improvements in the area of data collection. Mr. Teehan described the improvements.

Chairman Barreto mentioned elected officials have not supported the shoreline exemption. Mr. Haddad explained the Magnuson-Stevens Act required registration in federal waters, which is an attempt to obtain improved data. They are requiring this to take place by 2011, which would require fishermen to obtain a federal fishing license, essentially a permit, to fish in federal waters.

Vice-Chair Barco recapped that Florida took a stand to oppose consistency. She said Texas has never been consistent regarding federal regulations. Mr. Teehan replied that Texas has the same issue with the federal permit that Florida now has and they only account for 17 percent of the recreational catch in the Gulf of Mexico. He said Texas has always run their own program and it is very difficult to obtain information from them. Chairman Barreto stated Texas is beginning to concede.

Commissioner Stephenson made the motion to approve staff's recommendation and research a red snapper fishing stamp to improve the current fishery data. Commissioner Wright seconded for discussion.

Vice-Chair Barco asked Mr. Teehan to explain the abundance of red snapper fish in Florida's waters. Mr. Teehan replied that around 15-20 years the graph drops off and red snapper can live up to 50 years. The older they become, the more eggs they produce thereby missing a large proportion of large spawners.

Chairman Barreto summarized Commissioner Stephenson's motion to approve the amendment to the rule 68B-14.0038 as advertised effective as soon as possible after the February 2009 meeting and directed staff to

research a tagging or stamp program to count red snapper and present this information at a future commission meeting.

Under discussion, Commissioner Yablonski stated this is a “moving target” and referenced last year’s Commission meeting addressing this issue and that it was a unified front to oppose federal consistency. He concurred with Commissioner Stephenson to approve staff’s recommendation and perhaps review this issue again in April if circumstances change.

Chairman Barreto stated he would not vote to put anyone out of business. He said the good news is that everyone is saying the fishery is coming back and the stock assessment in 2010 will show we are heading in the right direction.

Commissioner Bergeron thanked staff for their hard work on this issue and the public for coming to speak to the Commission. He urged the public to work with their local legislators regarding a red snapper stamp.

Commissioner Wright stated the Commission works with the Legislature regarding funding and discussed that the stock is coming back and this should continue.

Vice-Chair Barco stated there is no easy way to make a decision based on what is available. She agreed with staff’s recommendation.

Chairman Barreto said Commissioners can hold a special meeting if necessary. He said during this last Legislative Special Session on Florida’s budget, FWC lost \$23.7 million from their budget. He said FWC supports artificial reefs. He thanked Commissioner Stephenson for the motion. He called for the question on the motion and directed staff to research the option of a red snapper stamp or tag program and present their findings at a future Commission meeting.

Final Rules – Spiny Lobster Trap Reduction

Mr. Teehan continued with proposed final rule 68B-24.009, Trap Reduction Schedule. The proposed rule would end the moratorium on the reduction of lobster trap certificates and amend the lobster trap certificate reduction schedule. Upon transfer, the number of certificates received by the purchaser would be reduced by 10 percent. Reductions would only occur upon the sale or transfer of lobster trap certificates outside the immediate family of the certificate holder. Mr. Teehan described the history of the lobster trap reduction with a detailed summary of the proposed rule.

Staff recommended the Commission approve final rule 68B-24.009 as advertised with an effective date of July 1, 2009. Staff evaluated the rules under the standards of 68B-1.004, F.A.C. and found them to be in compliance.

Public Comment

Paul Johnson supported the rule.

Ted Forsgren supported the rule.

Commission Discussion

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved the rule.

Final Rules – Marine Life

Chairman Barreto asked Jessica McCawley, Biological Administrator III in the Division of Marine Fisheries Management to present final rules for marine life. She presented a description of the following rules for final public hearing:

- 68B-42.001, Purpose and Intent: Designation of Restricted Species Definition of “Marine Life Species” – amend this section to include porcupine fish, spotted burrfish, black brotula, key brotula, yellow stingray, blackbar soldierfish, red mithrax crab, emerald crab, red ridged clinging crab, the snail *Lithopoma tectum*, all hermit crabs (except land hermits), and nassarius snails. This section is also amended to authorize the issuance of Special Activity Licenses for activities that are otherwise prohibited in this rule chapter as well as correct some misspellings in this section.
- 68B-42.002, Definitions – amend this section to add a definition of fork length.
- 68B-42.004, Size Limits – amend this section to modify the size limit for butterflyfish and establish maximum sizes for parrotfish and tangs.
- 68B-42.005, Recreational Bag Limit – amend this section to allow no more than five of any one species within the 20-organism daily bag limit. This section is also amended to create a recreational two-day possession limit of 40 total organisms, including a maximum of two gallons for tropical ornamental plants. Allowable tools would also be specified for the harvest of corallimorphs polyps and zoanthids polyps. Allowable tools would include a flexible blade no wider than two inches, such as a paint scraper, putty knife, or a razor blade. A recreational harvest of ornamental sponges north of Egmont Key in the Gulf of Mexico, to include a one-inch amount of substrate below the holdfast and a one-inch thick piece of substrate below the holdfast of the sponge.
- 68B-42.006, Commercial Season, Harvest Limits – amend this section to modify limits for butterfly fish (100) and condylactis anemones (200). Establish limits for dwarf seahorses (400), emerald crab (400), *Lithopoma tectum* (one gallon/two gallon), scarlet reef hermits (one quart/two quart), zooantids (one gallon/two gallon), and corallimorphs (100/200). Allowable tools would also be specified for the harvest of corallimorphs polyps and zoanthids polyps. Allowable tools would include a flexible blade no wider than two inches, such as a pain scraper, putty knife, or a razor blade. A harvest of ornamental sponges north of Egmont Key in the Gulf of Mexico, to include a one-inch amount of substrate below the holdfast and a one-inch thick piece of substrate below the holdfast of the sponge would be added. Some updates to existing rule wording to make it more consistent with the endorsement program will be made.
- 68B-42.0065, Commercial Requirements; Endorsements; Re-qualifying; Appeals; Leasing; Transferability – amend the requalification criteria for the Marine Life Transferable Dive Endorsement to allow live rock landings.
- 68B-42.007, Gear Specifications and Prohibited Gear – amend to limit the use of quinaldine to ensure its use only by endorsement holders permitted to harvest by diving.
- 68B-42.009, Prohibition on the Taking Destruction, or Sale of Marine Corals and Seas Fans; Exception – amend to update references and delete a repealed statute.

Staff recommended the Commission approve the rule amendments as advertised and recommended the rules become effective July 1, 2009. Staff evaluated the rules under the standards of 68B-1.004, F.A.C. and found them to be in compliance.

Public Comment

Leah Gould (Florida Keys Marine Life) asked for a less restrictive bag limit of 800/1,000 or no bag limit for the green emerald crab and discussed her concerns.

Paul Johnson supported the rule as amended and asked agency staff to improve monitoring for marine life. A number of species would be good candidates for aquaculture working with the Florida Department of Agriculture and Consumer Services Division of Aquaculture to see if these species might be moved into an industry that could be happening in other areas.

Bill Samples discussed his concerns about aquaculture.

Jeff Turner (Marine Life Collectors Workgroup) supported the rule.

Ken Nedimyer (Florida Marine Life Association) discussed his participation in the Workgroup; the angel fish bag limit of 75 and 150 per vessel; he did not agree with staff's recommendation regarding the total bag limit and stated the limit should still be 50; and stated his concerns regarding the proposed rules.

Commission Discussion

Ms. McCawley discussed the bag limit suggested by Ms. Gould. Ms. McCawley noted that a bag limit of 200/400 was presented during public workshops and after the final Workgroup, meeting staff suggested a compromised bag limit of 400 per vessel maximum for green emerald crabs. Staff feels strongly about this bag limit based on the role of this species in the coral reef ecosystem.

Ms. McCawley discussed the issue of the angelfish bag limit presented by Mr. Nedimyer. Based on public input, staff proposed a less restrictive bag limit of 75 and 150 per vessel, which is already listed in rule.

Ms. McCawley addressed the concerns over the relaxation of the Cuban hogfish bag limit and explained why staff decided to recommend keeping the more restrictive limit of 3 to 8 inches, which is currently listed in rule.

Chairman Barreto asked about live rock. Ms. McCawley stated live rock used to be covered in the marine life rule. Staff did not want to penalize anyone who was trying to do aquaculture as well as do the marine life harvest. It was suggested during public comment at the public workshops that this is also allowed for the requalification.

Upon motion of Commissioner Bergeron, seconded and carried, the Commission approved the rule amendments as advertised and recommended the rules become effective July 1, 2009.

Under discussion, Vice-Chair Barco asked if there is a time limit for a requalification endorsement. Ms. McCawley stated there is no timeframe in place.

Chairman Barreto reminded the public that the Commission directed staff to provide structure to the marine life industry.

Final Rules – Blue Crab Closed Season

Chairman Barreto asked Mr. Teehan to present the proposed final rules pertaining to lost and abandoned blue crab traps. Mr. Teehan stated the proposed rules would establish six regional statewide closures to blue crab traps of up to ten days each. He described the following final rules: 68B-45.0045, Closed Seasons, which would be created to contain the six newly created, closed seasons language and also the current closed season language for the Gulf Seasonal Closure Region, 68B-45.006 would be amended to remove the current Gulf Seasonal Closure Region language from this season.

Staff recommended the Commission approve these rule amendments as advertised with an effective date of July 1, 2009. Staff evaluated the rules under the standards of 68B-1.004, F.A.C. and found them to be in compliance.

Public Comment

Janie Thomas (Shrimp Producers Association) asked the Commission that when an area is closed, that those crab fishermen would not move their traps in an area that is of blue crab fishermen. It creates an excessive numbers of traps in the open areas.

Commission Discussion

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved these rule amendments as advertised with an effective date of July 1, 2009.

Draft Rule – Blue Crab Civil Penalties

Mark Robson presented the proposed draft rule 68B-45.008, Commission Policy Regarding Assessment of Civil Penalties. The proposed draft rule would define FWC's assessment of civil penalties for violations of the Blue Crab Rule, 58B-45, F.A.C. Mr. Robson described the history of the penalties and proposed civil penalties that would apply to violations such as untagged traps, traps, trap molestation, illegal barter of tags and trap theft.

Staff recommended the Commission approve draft rule 68B-45.008, F.A.C., and proceed to public final hearing at the April 2009 meeting.

Public Comment

Janie Thomas discussed molestation and contents of blue crab traps.

Vice-Chair Barco asked Mr. Robson if Ms. Thomas is accurate regarding accidental trap molestation. Mr. Robson replied this would be an incidental occurrence. Mr. Antista stated the criminal penalties are created by the statute and the incident needs to be a "willful" molestation. He said anything that is accidental or is not intentional, would not be considered criminal.

Commission Discussion

Upon motion of Commissioner Stephenson, seconded and carried, the Commission approved draft rule 68B-45.008, F.A.C., and directed staff to proceed to final public hearing at the April 2009 meeting.

Flounder

Chairman Barreto asked Mr. Robson to present a review and discussion of flounder life. Mr. Robson stated his report was a review and discussion only of issues associated with Florida's flounder fishery and staff is not proposing any rule changes for the commercial or recreational fishery for Florida's flounder. There is a lot of interest in Florida's flounder both commercially and recreationally and staff felt it was important to present a report on the fishery and timely to present some of the issues surrounding the fishery and what staff knows about the status of flounder in Florida. The Commission received public comment regarding its staff report on flounder.

Staff did not recommend increasing the allowable bycatch of flounder from shrimp trawls unless the Commission wishes to reconsider previous regulatory approaches that limit commercial shrimp trawl bycatch. Staff further recommended a more detailed review and evaluation of the developing issue regarding giggering of pre-spawn aggregations of flounder.

Public Comment

Jonas Porter discussed how important mullet and flounder are in Florida's restaurants.

Ted Forsgren supported staff's recommendation and stated his concerns regarding shrimp trawls. He said after the net ban went into affect some shrimpers were targeting flounder and almost turning it into a fish trawl. He said the bycatch allowance of 50 pounds is appropriate. He said the compounding factor is the three species of flounder and many of the landings do not differentiate between them so it makes it difficult to d a stock assessment. He did note that the information provided states the landings records, and both recreational and commercial, appear to be stable in recent years.

Candy Hansard asked the Commission to consider gigging as a method of fishing for flounder. She said everyone can afford to gig and asked the Commission to keep the rule as it is currently.

Janie Thomas discussed trawl fishing, and asked that the term "bycatch" be eliminated from the rule language and for the Commission to increase the catch from 50 to 500 pounds. In addition, she discussed weakfish yellow mouth trout and sand trout and the problems with FWC law enforcement in Jacksonville with respect to the size of the fish. She asked the Commission to allow a reasonable trip limit – combined commercial yellow mouth and sand trout – so law enforcement would not need to distinguish between the two and that 200 pounds with a minimum size of 11-inches is a fair amount to include in the rule.

Kevin Begos (Franklin County Oyster and Seafood Task Force) supported staff's recommendation.

Commission Discussion

Vice-Chair Barco asked Mr. Robson to clarify and explain how fishermen obtain the 50 pounds and the length of the trip and getting above the 50 pounds. Mr. Robson replied if an individual has more than one individual on a shrimp boat with an SPL, each individual could have the 50-pound bycatch provision. That same bycatch provision applies to sheepshead as well.

The Commission approved the report on Florida's flounder fishery.

South Atlantic Fishery Management Council (SAFMC)

Chairman Barreto asked Mark Robson to present a report on South Atlantic Fishery Management Council (SAFMC) issues. Mr. Robson reviewed and summarized the major issues scheduled for discussion and approval by the Council for their March 2-6, 2009, meeting in Jekyll Island, Georgia.

The Commission approved the report on South Atlantic issues.

Gulf of Mexico Fishery Management Council (GMFMC)

Mr. Teehan continued with a report summarizing the Gulf of Mexico Fishery Management Council (GMFMC) issues presented at their January 26-29, 2009, meeting in Bay St. Louis, Mississippi.

Staff asked the Commission to approve the report for the GMFMC.

Public Comment

Bob Zales supported ending longline fishing to protect sea turtles.

Paul Johnson discussed the issue of sea turtles and longline fishing and stated they are in support of where the Council is going with their emergency rule on 50 fathoms. He asked the Commission to research the gear

efficiency versus its destructive nature in certain areas, looks at an economic analysis with fish traps, and commented on king and Spanish mackerel.

Jim Clements discussed protection of reef fish resources and said everyone should be accountable for the allocation they have now.

Ted Forsgren (Coastal Conservation Association – CCA) stated CCA is working with the Council to delay action on final approval of the grouper IFQ. CCA believes there are three reasons they should wait until April or later: they never provided any answers in response to FWC's letter to them in September 2008; within the allocation they are using, which is currently from 30B, 65 percent of all of the red and gag grouper in the Gulf are allocated into that IFQ and 57 percent of that total is caught by long lines, the long line fleet and what they are doing with loggerhead turtles and what may or may not happen to them CCA thinks should have been a major consideration in how they craft the IFQ that is coming up; and CCA produced new economic information and he provided a copy of this to Commissioners the day before for their review, which indicates that allocation does need to be researched further. He said CCA believes any of those three, but all three together would be compelling and researched before the Council moves forward with final action. One of the problems includes how they created the IFQ, and that if they come up with any good ideas and they want to make changes, they have to go through the referendum again. He said there is no deadline to establish IFQ's by 2009 or 2010 and no reason for moving forward as fast as they did. He said CCA will continue to oppose the grouper IFQ program.

TJ Marshall (Ocean Conservancy) discussed aquaculture, the S.O.S. Plans to obtain better data, and to look at the new MRIP program.

Bill Tucker discussed the IFQ program and suggested a program that instills a proprietary interest in the fisheries for the resource without granting membership. He said this would promote stewardship.

Commission Discussion

Upon motion of Commissioner Bergeron, seconded and carried, the Commission approved the GMFMC report.

Under discussion, Mr. Teehan asked for direction regarding the longline sea turtles proposal. Mr. Haddad provided a letter to the Council regarding their position regarding longline fishing. Vice-Chair Barco wanted to make sure the Commission is going in the right direction.

Mr. Teehan received support from the Commission to move the longline fishing beyond 50 fathoms.

Public Comment Not on the Agenda

Bob Zales discussed a letter he provided to Commissioners requiring a trip report of the for-hire fleet in the Gulf of Mexico that targets red snapper for the 60 day fishing season and to file that report through an online or digital phone service for data collection.

Keith Ward discussed changing the net ban.

TJ Marshall discussed promoting their sustainability program regarding retailers buying fresh seafood with Publix being the largest buyer of grouper. They are trying to find a way to keep from interrupting the supply of fresh seafood to restaurants and retail buyers.

Bill Tucker discussed stewardship of the fishery resource.

Commission Exchange

Commissioner Yablonski discussed the debate from the September Commission meeting on the IFQ program and research has been reported that scientists have been studying the Catch Share program and the study has been published in Nature magazine. The science is in on the fishery and the conservation value of IFQs and catch shares. He distributed copies of the Oceans of Abundance report produced by Secretary Bruce Babbitt and Congressman James Greenwood to Commissioners. The report is an easy document to read about catch shares and recommends more IFQs and catch shares due to the value of the program to the resource.

Commissioner Stephenson stated it is critical to monitor the programs we approve to ensure they are working properly to the benefit of the citizens of Florida.

Commissioner Bergeron thanked staff for their hard work and members of the public for taking time to travel and attend the meeting.

Vice-Chair Barco updated the Commission on the offshore warfare training in Jacksonville and is now the preferred alternative for the warfare range with feedback from the public regarding their concerns about the number of square miles it will take up off the coast and the problems that may occur with right whales. Their concerns are being addressed.

Chairman Barreto discussed the Commissioners Areas of Emphasis with respect to an area Commissioners may be interested in assisting the agency. Mr. Wiley is compiling a proposed list for the Commissioners' consideration. The Chairman thanked Monia French and Toni Brannon from the Northwest Regional Office for coordinating the meeting. He recognized Ms. French who is retiring after 35 years of service to the Commission. He suggested staff look into what is available to Commissioners for a local field trip to areas of interest for future Commission meetings.

Adjournment

Chairman Barreto concluded the meeting at 4:10 pm.

Rodney Barreto
Chairman

Kenneth D. Haddad
Executive Director

Respectfully submitted:

Kathleen Hampton
Commission Secretary