



Florida Fish and Wildlife Conservation Commission

MyFWC.com

Commission Meeting
December 9-10, 2009
Clewiston

Minutes

The Florida Fish and Wildlife Conservation Commission (FWC) held their regular meeting on December 9-10, 2009, at the John Boy Auditorium, located at 1200 South W.C. Owen Avenue, Clewiston, Florida. Chairman Barreto called the meeting to order at 8:30 am with the following members in attendance:

Kathy Barco, Vice-Chair, 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	Asst. Executive Director, and <i>Incoming</i> , Executive Director
Greg Holder	<i>Incoming</i> , Asst. Executive Director
James V. Antista	General Counsel
Tim Breault	Director, Division of Habitat and Species Conservation
Colonel Jim Brown	Director, Division of Law Enforcement
Diane Eggeman	Director, Division of Hunting and Game Management
Gil McRae	Director, Fish and Wildlife Research Institute
Tom Champeau	Director, Southwest Region
Chuck Collins	Director, South Region
Dennis David	Director, Northeast Region
Roland Garcia	Director, North Central Region
Louie Roberson	Director, Northwest Region

Ninety-three individuals registered as guests and speakers during the two-day meeting.

Chairman Barreto welcomed Commissioners, staff, and the public to Clewiston.

Commissioner Corbett led the assembly in the Pledge of Allegiance to the Flag. Chuck Collins, Director of the agency's South region presented the invocation.

Special Presentations and Recognitions

Chairman Barreto announced and congratulated Colonel Jim Brown on his recent promotion to Director of the Division of Law Enforcement. Col. Brown introduced Jim Harrison and Charlie Long with Shikar-Safari Club International. Mr. Harrison described Officer Benjamin "Bret" Gill's courage and valor demonstrated during his law enforcement career and presented the award to Officer Gill as the Club's recipient of this year's Officer of the Year Award Enforcement. Officer Gill thanked the Club members and the Commission for the honor. Officer Gill and his family had their photograph taken with the Commissioners.

Chairman Barreto asked Tim Breault, Director of the Division of Habitat and Species Conservation to introduce Tim Regan, former and recently retired FWC employee. Mr. Breault recognized Mr. Regan's 35 years of service to the agency in the Division of Habitat and Species Conservation and described his career with the agency. The Commission presented a retirement plaque to Mr. Regan. Mr. Regan thanked the Commission for the recognition and plaque. He had his photograph taken with Commissioners.

Chairman Barreto asked Bill Cline, Leader of the Hunter Safety Section in the Division of Hunting and Game Management to introduce John Rife, recipient of the Youth Hunting Program of Florida Landowner of the Year Award. Mr. Cline described Mr. Rife's involvement with FWC as a private landowner and his contributions to the preservation and conservation of Florida's wildlife. The Commission presented a plaque and a mentor bronze trophy statute created by Brad Cooley, Sr. and Brad Cooley, Jr., commissioned by Beau Turner. The Turner Foundation contributed \$10,000 to the Youth Hunting Program in honor of Mr. Rife. Mr. Rife thanked the Commission and had his photograph taken with Commissioners.

Chairman Barreto asked Mr. Collins to introduce Steve Whitlock, local artist, and his wife, Lyn. Mr. Collins described Mr. Whitlock's artistic talents and the Commission presented a plaque to Mr. Whitlock in recognition of his support and artistic contributions in forging an awareness of Florida's fish and wildlife resources. Mr. Whitlock thanked Commissioners and had his photograph taken with Commissioners. Chairman Barreto thanked Mr. Collins for his efforts in inviting Mr. Whitlock to the meeting.

Chairman Barreto asked Mr. Collins to introduce the members of the Kissimmee Okeechobee Everglades Big Cypress Coordination (KOEBCC) Team. Mr. Collins described the KOEBCC's purpose and objectives; introduced and recognized the following FWC employees from the agency's South Region:

- Michael Anderson, Wildlife Biologist
- Ricardo Zambrano, Biologist
- Dr. Thomas Reinert, Research Administrator
- Marsha Ward, District Biologist
- Don Fox, Biological Administrator
- Dr. Joe Walsh, Environmental Commenting Sub-Section Leader
- Barron Moody, Fisheries Administrator

They had their photograph taken with Commissioners.

Ken Haddad announced Tom Champeau's recent promotion to Director of FWC's South Region.

Adoption of Minutes

Chairman Barreto asked for approval of the September 9-11, 2009, Commission meeting minutes. Upon motion of Commissioner Corbett, seconded and carried, the Commission approved the minutes.

Adoption of Consent Agenda

Chairman Barreto asked Greg Holder to describe the items listed on the Consent Agenda for Wednesday, December 9. Mr. Holder summarized the proposed issues listed on the Consent Agenda. Upon motion of Commissioner Corbett, seconded and carried, the Commission approved the Consent Agenda.

Chairman Barreto announced this would be the last meeting for Jim Antista, the agency's General Counsel. He is retiring in January 2010 and will be publically recognized for his service to the agency at the February 2010 Commission meeting.

Adoption of Agenda

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

Election of Chairman and Vice Chairman

Chairman Barreto asked Mr. Antista to summarize the election process. Mr. Antista described the process involved in electing a Chairman and Vice Chairman to the Commission; the term begins January 1, 2010. Commissioner Wright made the motion to perform an oral election rather than through a written ballot. He nominated Rodney Barreto for another term as Chairman of the Commission and discussed Chairman Barreto's involvement in a number of critical agency issues. To that end, Commissioner Wright made the motion to elect Chairman Barreto for a one-year term. Commissioner Bergeron seconded the motion and stated Chairman Barreto is a very good "Commander." Commissioner Yablonski asked if the maker of the motion would entertain a friendly amendment to nominate a Vice Chairman. He discussed the second longest serving Commissioner is Richard Corbett and discussed his involvement in a number of Commission issues both publically and privately related to wildlife and habitat. Commissioner Wright accepted the friendly amendment. The motion to re-elect Rodney Barreto as Chairman and Richard Corbett as Vice Chairman was seconded and approved by the Commission.

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 (MFM)

The Division of Marine Fisheries Management, in partnership with the Florida Sea Grant College Program and the University of Florida's Institute of Food and Agricultural Sciences Extension Service, will host a statewide Artificial Reef Summit on January 21-23, 2010, in Cocoa Beach. This summit is held about every five years in different regions of the state to provide an opportunity for members of Florida's artificial reef "community" to meet and discuss current issues, hear the latest research, and share new ideas for future projects. Scientists, artificial reef program managers, fishery and natural resource managers, volunteer research diver organizations, artificial reef citizen constituency organizations, and all other interested persons are encouraged to attend. Among the topics to be discussed include a synopsis of the 2007 FWC Artificial Reef Science Colloquium, an overview of the November 2009 International Conference on Artificial Reefs and Artificial Habitats, marine fisheries and adaptive management, permitting and regulations, Florida's 'Ships to Reefs' initiatives, goliath grouper, artificial reef monitoring projects, and regional and state program updates.

- Division of Habitat and Species Conservation (HSC)

It has been more than six years since the Commission approved the management plan for the emergency-listed endangered Miami blue butterfly. By 2002 the butterfly, which once ranged from Hillsborough

County on the west coast down to the Keys and up to Volusia County on the east coast, was known to occur only at Bahia Honda State Park in the Keys. Since the management plan was approved, biologists have discovered a second population in Key West National Wildlife Refuge. Progress was made in raising the species in captivity but efforts to re-introduce captive bred butterflies into the wild have been unsuccessful. The plan needs to be revised to map out the next steps for Miami blue conservation. On Dec. 18, FWC will officially submit a notice request for public comment on items for consideration in revising the management plan. If all elements are in place, staff will present the revised management plan to the Commission for approval at the June 2010 meeting.

- Division of Freshwater Fisheries Management (FFM)

Freshwater stakeholders attending the Division of Freshwater Fisheries Management first “Roundtable” meeting in October 2007 at B.A.S.S. headquarters, and the second “Roundtable” in October 2008 at the Florida Bass Conservation Center have united to form the Florida Freshwater Fishing Coalition (FLFFC). A core group of individuals representing a broad spectrum of organizations associated with freshwater fisheries established a coalition, developed bylaws, elected officers, designed a website and became incorporated in Florida. Division staff was invited to the inaugural meeting of the FLFFC in October 2009 at Bass Pro Shops, Orlando to present the proposal to create a Florida Black Bass Management Plan and conduct a facilitated “Roundtable” meeting to engage the stakeholders. Twenty-nine stakeholders attended representing seventeen different organizations. The DFFM staff looks forward to a strong working relationship with the FLFFC and congratulates the efforts to build a coalition to advocate for sound freshwater fisheries conservation and management in Florida.

During the 2008-2009 hatchery production seasons, DFFM stocked 128 separate water bodies with over 2 million freshwater sport fish. Species stocked included largemouth bass, black crappie, bluegill, redear sunfish, striped bass, white bass, sunshine bass, and channel catfish. Lakes that were stocked ranged from small urban ponds to Lake Okeechobee. Rivers such as the St. Johns, Ochlockonee, and Choctawatchee were also stocked. All of the fish stocked were produced at the two freshwater fish hatcheries; the Blackwater Fisheries Research and Development Center in Santa Rosa County, and the Florida Bass Conservation Center – Richloam State Fish Hatchery in Sumter County. Stocking of these sport fish focused on improving Florida’s freshwater fisheries by addressing a variety of objectives such as: restocking lakes recovering from extreme droughts or fish kills; stocking newly created water bodies; replenishing hybrid populations, which do not naturally reproduce; or supplementing a species’ poor year-class production. Additionally, fish were produced for multiple research studies, both in-house and in cooperation with universities such as the University of Florida and Ohio State University.

- Division of Law Enforcement

FWC was the recipient of the first-ever Compass Award from the National Association of State Boating Law Administrators (NASBLA). The FWC earned the award for the national model it created with the assistance of numerous local sheriff and police agencies in the area of waterborne response teams. The waterborne response teams respond to manmade and natural disasters in the maritime environment.

The award is based upon the compass, which in the maritime domain is a tool used in charting new territory or navigating through unfamiliar waters and challenges that lie ahead. The National Association of State Boating Law Administrators developed its award to identify an agency whose program, effort or initiative enhanced the nation’s safety and security and provided direction for others.

The FWC collaborated with the Florida Department of Law Enforcement and local law enforcement agencies with marine capabilities to form the waterborne response teams. With its partners, the FWC developed a waterborne response team protocol for Florida. Additionally, the U.S. Coast Guard, NASBLA and other maritime partners involved in port security have adopted the FWC’s Exclusionary Zone Tactical Boat Training Course, which establishes national standardization and interoperability for preparedness and response.

- Legal Office

The Legal Office prepared a review and update on the Sunshine Law and the Code of Ethics for Commissioners; attached to the Executive Director's report and included the Governor's Policy Statement about ethics and the ethics pledge. FWC's Code of Ethics policy is based upon and adheres to the Governor's Code of Ethics. Commissioners were urged to read the material carefully and refer any questions to the Executive Director or General Counsel. The ethics pledge is designed for those agencies whose directors or secretaries are appointed by the Governor and it is not mandatory. Mr. Haddad encouraged the Commissioners to review the material and asked Mr. Antista if they had any questions regarding the Sunshine Law.

- Division of Hunting and Game Management

The Easton-Newberry Archery Center in Alachua County opened its doors in with a ribbon cutting on Friday, October 30. The classroom in this world-class training center, located just outside of Gainesville in Newberry, was funded by a federal wildlife restoration grant provided by the FWC. Recognizing the important impact archery has on the future of hunting, the Commission teaches Floridians how to shoot archery safely through our Bowhunter Safety, Hunter Safety and Archery in the Schools programs. The Easton-Newberry complex provides a world-class facility for the Commission to offer these archery-specific trainings. FWC is honored to be able to play a small role to advance archery in Florida by collaborating with the Easton Foundation and the City of Newberry in this great effort.

Twenty-one new huntmasters received training on October 24. The training prepares them to oversee youth hunts in the Youth Hunting Program of Florida. Florida Sportsman's Conservation Association organized and hosted this training; with the oversight of veteran volunteer Bishop Wright. The work and resources of volunteers allow the Youth Hunting Program of Florida to grow and provide additional safe, mentored, educational hunting experiences for interested youth.

Permitting of Peregrine Falcons for Falconry – Draft Rule

Chairman Barreto asked Robin Boughton, Avian Coordinator, Division of Habitat and Species Conservation to present the proposed final rule 68A-9.005 (9) (f), Falconry. Ms. Boughton stated that the Commission approved the peregrine falcon management plan and removed the peregrine from Florida's list of imperiled species at the June 2009 Commission meeting. In September 2009, the Commission approved the draft rule allowing peregrine falcons to be taken for falconry. Ms. Boughton described the background of the delisting of the peregrine falcon and stakeholder involvement. The proposed rule incorporates the United States Fish and Wildlife Service regulations by reference, establishes a process for allocating a limited number of peregrines each year, and allows preference to be given to Florida falconers. Based on this year's allocation of peregrine to states in the Atlantic Flyway, Florida is likely to receive an allocation for five or fewer birds each year.

Staff asked the Commission for approval of the final rule 68A-9.005 (9) (f), Falconry.

Public Comment

Julie Wraithmell (Audubon of Florida) supported staff's recommendation and stated she looks forward to working with staff regarding peregrine falcon issues.

George Wise (Florida Falconers Association) discussed his involvement in the recovery of the peregrine falcon and hoped the Commission would open access to the falcon once again. He thanked Ms. Boughton and staff for their work on the falcon issue.

Eric Edwards (Florida Falconers Association) supported staff's recommendation.

Frederick Ottoway (Florida Hawking Fraternity) discussed the history of the raptor population over the years.

Laurie Macdonald (Defenders of Wildlife) did not support the wild take of falcons; she offered support of staff's recommendations, asked to continue to work with staff regarding the rules process and asked for a thorough review of falconry in the State of Florida.

Ed Rumberger supported staff's recommendations.

Alan Rigerman supported staff's recommendations.

Commission Discussion

Upon motion of Commissioner Yablonski, seconded and carried, the Commission approved the final rule as presented. Chairman Barreto thanked Ms. Boughton and the stakeholders for their involvement on the peregrine falcon issue.

Deer Management Zones and Seasons

Chairman Barreto asked Cory Morea, Coordinator of the Deer Management Program in the Division of Hunting and Game Management to present the proposed changes to deer management zones and seasons. Mr. Morea described the consideration of changes to white-tailed deer hunting zones and seasons. The purpose of the proposal is to better align season dates with times of peak deer activity associated with the breeding season (the "rut") and thus increase hunter satisfaction. The changes would take place beginning with the 2010-2011 seasons. Staff would evaluate seasons on Wildlife Management Areas (WMA) within the context of the revised zonal seasons. Staff would then work with stakeholders to propose any necessary changes for the 2011-2012 seasons. This two-step process is critical to account for the complexities associated with changing the season timing on WMAs and allow for sufficient public review and comment.

Following is the process involved in revising the deer hunting zones and seasons:

- Proposal presented at six public meetings in May and June
- Collectively, 855 comment forms received from the public
- Significant revisions were made based on public input
- Revised proposal presented to two public meetings in September
- Input also received online
- 195 comment forms received on revised proposal in September and October

Commissioner Corbett asked Mr. Morea how dates were determined for youth hunting in some of the hunting zones. Mr. Morea replied there was a lot of input from stakeholders that raised a concern about having this during a random week during the season because they wouldn't be able to utilize the antlerless deer season for youth. Stakeholders suggested we have it during the holiday period when the kids are out of school to utilize more of that season.

Staff requested the Commission approve the proposed rules as presented and direct staff to advertise the rules for final public hearing at the February 2010 meeting.

Public Comment

Newton Cook (United Waterfowlers of Florida) supported staff's recommendations. He expressed his opinion on creating a harvest reporting system for deer for Florida and asked that this issue be added to the next Commission meeting agenda. He said Florida does not know how many deer are harvested and have no concept of where they are or what the herd might be.

Todd Hallman (Florida Sportsman's Conservation Association) stated he was confused about hunting antlerless deer, when hunting is available, doe tagging, and hunting in the south region.

David Norwood (Save Our Hardwoods) discussed his concerns regarding the south zone changes for deer hunting and stated that it concludes too early. He suggested the Commission change the line of State Road 70 back to State Road 80. The area is not in rut south of SR70 and suggested additional stakeholder input before making a final decision regarding the zones.

Danny Brantley (Kissimmee River Valley Sportsman Association) discussed the Kissimmee Chain of Lakes restoration and his involvement with FWC staff during this process.

Byron Maharrey (Everglades Coordinating Council) discussed his involvement in stakeholder commenting on deer hunting zones and donated his time to Jim Casselman to speak on the subject.

James Casselman (Big Cypress Sportsmen's Alliance) provided Commissioners a letter and discussed his concerns regarding the proposed deer management zones.

Lyle McCandless (Big Cypress Sportsmen's Alliance) discussed the adjustment of the deer season in the south zone. He suggested removing two weeks off the first general gun, which would provide a two-week break between black powder and the first phase of general and apply it to the front of the November 2 gun season (second phase) allowing a two-week break. Additionally, he stated he is confused about the implementation of the program on private property versus split season. Commissioner Bergeron asked Mr. McCandless about muzzleloading season overlapping the seasons for general gun. Mr. McCandless replied that it doesn't overlap, but the first general gun starts the day after muzzleloading in the proposed new deer seasons.

Bishop Wright, Jr. (Florida Airboat Association) discussed the rut and that hunters do not want to hunt the rut in south Florida.

Commission Discussion

Commissioner Bergeron asked Mr. Morea if there is a certain date that the rut would conclude for the zone. Mr. Morea replied the first phase of gun season would be September 18 through October 17 and the second phase would start the Saturday before Thanksgiving, November 20 – open for one month, close for a month and open back up right before Thanksgiving to capture holidays and cool weather.

Chairman Barreto asked Mr. Morea if the Commission received comments from large landowners. Mr. Morea replied that staff received input from large landowners regarding the deer management zones with positive public comments.

Chairman Barreto asked about State Road 70 versus SR 80. Mr. Morea replied there was an amendment proposed by several stakeholders early in the process to move south zone line from SR 70 to SR 80, the stakeholders presented this proposal to their members and their members asked for the zone line to remain at SR 70.

Commissioner Bergeron acknowledged staff's work on the deer hunting zones and seasons.

Vice-Chair Barco asked why we separated the private landowners and the public lands. Mr. Morea described the process as a two-phase process due to the great number of stakeholders involved and the number of cooperators and the difference between public and private lands between those groups. He stated about 75% of Florida's deer hunters hunt private lands; only 5% of public comment did not support a two-phase approach. Staff performed an analysis at the request of the stakeholder team to see how many of the public hunting areas offer deer hunting, which is 135 areas across the state, and how many would line up with proposed season changes and about 80 out of the 135 areas currently line up with the proposed changes. Twenty-nine out of the 135 areas would only need minor adjustments to be within those season changes. The advantage of this two-phase is that now the agency is at a good place with the zonal changes; providing sideboards to adjust WMA seasons for the next rule cycle and allow greater hunter input on individual areas to customize individual WMAs to hunter preference.

Vice-Chair Barco asked if the agency conducts this in two phases, because of our on-year/off-year rule schedule for hunting, are the public lands going to have to wait two years or would the changes come on the next year. Mr. Morea replied the current proposals would apply to the 2010-2011 season and the public lands would be recommended for realignment for the 2011-2012 season.

Chairman Barreto summarized that some of the zones cut across and split some WMAs, and the Commission needs to take into consideration that we manage WMAs different than private lands manage their property.

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved the proposed rule as presented and directed staff to advertise the rule for final public hearing at the February 2010 meeting.

Major Proposed Rule Changes for 2010-2011

Chairman Barreto asked Ms. Eggeman to present the draft major proposed rule changes for 2010-2011. Ms. Eggeman described the background and history of wildlife rule changes and presented a description of the following:

- 68A-4.004, Possession of Wildlife or Freshwater Fish or the Carcasses Thereof
- 68A-9.010, Taking Nuisance Wildlife
- 68A-13.004, Open Season for Taking and Bag Limits for Non-Migratory Game and Issuance of Antlerless Deer Permits
- 68A-19.005, General Regulations Relating to Critical Wildlife Areas
- 68A-14.001, Establishment Orders
- 68A-14.011, Opening and Closing Areas

Ms. Eggeman continued with a description of the proposed establishment of hunt formats and public access for the following Wildlife Management Areas (WMAs) and Wildlife Environmental Areas (WEAs):

- 68A-15.065, Charles H. Bronson WMA (New) – Division of Forestry, Lead Manager, Northeast Region
- 68A-15.065, Marshall Swamp WMA (New) – Department of Environmental Protection, Lead Manager, Northeast Region
- 68A-17.005, Fort White Wildlife Environmental Area (WEA) – FWC, Lead Manager, North Central Region
- 68A-17.005, Lafayette Forest WEA – FWC, Lead Manager, North Central Region
- 68A-17.005, Watermelon Pond WEA – FWC and Division of Forestry, Lead Manager, North Central Region

Ms. Eggeman described miscellaneous rule change proposals for specific managed areas, establish quail enhancement areas, expand migratory bird hunting on 14 areas, establish nighttime raccoon hunting on eight areas, allow additional hog hunting on 30 areas, and increase other hunting opportunities.

She described the major proposed rule change for 68A-20.005, Specific Fish Management Area Regulations for Hurricane Lake for freshwater fishing regulations for 2010-2011 and the following Non-native Species Regulations:

- 68-5.001, Introduction of Non-native Species into the State of Florida
- 68-5.002, Conditional Non-native Species
- 68-5.003, Prohibited Non-native Species

Staff requested approval of the draft major proposed rules, direct staff to continue to work with the public to refine the proposals and advertise the rules as presented for final public hearing at the February 2010 Commission meeting.

Commissioner Corbett discussed the harvest and bag limits of quail and asked for an update on the current impact. Ms. Eggeman replied the research shows it is a frequent occurrence to exceed that harvest limit. Mr. Wiley added his comments regarding the research conducted showing exceeding harvest levels could be achieved. Commissioner Corbett asked what other areas were researched. Mr. Wiley stated staff is looking at Three Lakes, some of the cooperative areas in northern Florida, the National Forest, and Black Water State Forest.

Public Comment

Newton Cook stated support for spontaneous hunting, migratory bird hunting on WMAs, and to looser regulations on hunting wild hogs during small game season on WMAs.

Julie Wraithmell discussed the exotic species portion of the rule and thanked staff for addressing species other than pythons; the critical wildlife area rule to protect those few essential locations for species that are particularly prone to disruption of their breeding activities, such as black skimmers.

Eric Edwards (Florida Falconers Association) thanked Commissioners and staff regarding the rule language that addressed falconry in the proposed wildlife areas. He suggested changing the language in the rule referring to prohibiting possession of any live animal, except for dogs on a leash and falcons for falconry. He suggested changing the reference to “raptors” rather than “falcons.”

Byron Maharrey discussed hog hunting, requested a sustainable harvest, and commented that the Holey Land, Rotenberger, and Francis Taylor are proposed to have more liberal hog takes – there are no hogs in this area. Commissioner Bergeron asked about the areas in question and asked Ms. Eggeman to discuss this issue with him further.

John Storms discussed the Everglades, Francis Taylor, Holey Land, and Rotenberger areas regarding the proposed rule to remove the annual bag limit and shoulder height restriction for wild hog. Currently it is a two-per season bag limit and it is wide open in Everglades, Holey Land and Rotenberger. There isn't a sustainable hog harvest there to begin with. He suggested this rule be changed to at least an annual bag limit for hogs and a shoulder height return too. Additionally, he discussed the overuse of ATVs in the areas and devastation of the area. He stated his members have lost their hunting privileges. During the small game season in Everglades, Holey Land, and Rotenberger hunters are not allowed to use an ATV, which cuts out a lot of snipe hunting.

Todd Hallman thanked Commissioner Bergeron and staff for their work on the proposed rules.

Frank Denninger reiterated everything John Storms stated when he spoke.

Laurie Macdonald (Defenders of Wildlife (DOW)/Humane Society of the U.S.) stated her remarks were both from the DOW and The Humane Society of the U.S. She thanked the Commission for further addressing the non-native wildlife issues. Her remarks addressed the nuisance wildlife rule, anticipated continuing to work with staff and other parties on the nuisance program in developing a certification program to those who provide this service. She suggested changes to the rule to clarify that the first and second priorities for action would be an onsite or vicinity release of the animal accompanied by taking action to prevent the homeowners from leaving attractants on the property - luring animals into these areas; and better define nuisance wildlife, i.e. “conflict causing wildlife” or “displaced wildlife.” She mentioned The Humane Society of the U.S. submitted written comments regarding this issue to Regional Director, Roland Garcia for further work, including prohibiting snares. There are other alternatives to use beyond snares - considered inhumane to wildlife and asked the Commission to consider the 24-hour time in which a trap should be checked.

Travis Williamson discussed the loss of his father due to a turkey hunting accident. He thanked staff for proposing the rule changes. He supported the rule change to enhance turkey hunting and stated it is unfortunate that staff did not take into consideration the ammunition shot size when turkey hunting and urged the Commission to weigh heavily on the value of the statistics included in the report. He added that there is no consideration in the report that a turkey has the ability to fly.

Bonnie Basham (Florida Airboat Association) supported the proposed rules.

Bishop Wright, Jr., discussed his concerns regarding the removal of the 15-inch shoulder height in the Corbett WMA.

Steve DeMoor (Wildlife Solutions) discussed the bobcat and coyote issue, snares, and the ability to release captured wildlife. Vice-Chair Barco asked if he had an idea of how many phone calls from the public included true “nuisance” wildlife. Mr. DeMoor replied that the term “displaced” is not accurate. The animals have adapted to urban situations and are trained by their parents how to get food and survive. The majority of his clients have taken some measure to deter the animal. Commissioner Corbett asked about his concern about the proposed rule regarding live traps and snares. Mr. DeMoor replied that he does not want to lose the ability to use this valuable equipment for his business.

Dave Markett (Wildlife Solutions) urged the Commission to develop an outreach program for a method for homeowners to control fire ants and stated the ants are responsible for the demise of quail in Florida. He stated the Commission is missing an opportunity to target youth hunters for educational programs, particularly when Florida’s public schools are closed for summer vacation. He suggested creating an incentive program for youth to participate.

Joe Peligy (Florida Wildlife Association – Critter Control) discussed the need for snares and opposed the relocation of wildlife as an option for animal control operators. Commissioner Bergeron stated he brought this issue to the Commission due to a large number of phone calls from residents regarding killing nuisance furbearing animals.

Alan Rigerman discussed the issue of nuisance wildlife.

Frank Denninger (Jetsport Conservation and Recreation Club) discussed wild hog hunting.

Commission Discussion

Chairman Barreto discussed turkey hunting and the use of a rifle and opposed using the rifle to turkey hunt and the use of 00 buckshot. He asked staff to look into this issue and proposed a draft rule for presentation at a future meeting.

Commissioner Corbett asked staff for an overview of shoulder and bag limits. Ms. Eggeman described the proposed regulations for hogs.

Commissioner Bergeron discussed his concerns regarding the elimination of shoulder height restrictions, particularly in the Corbett WMA, and stated the hog population would be devastated without a shoulder height restriction or bag limit per person. Ms. Eggeman discussed presenting a modified proposal and a report on the science of hogs at a future Commission meeting.

Commissioner Bergeron requested staff research the habitat of wildlife over the years for some of the WMA’s in the southern region. He discussed relocating bobcats into the wild. Chairman Barreto mentioned he thought staff had provided a report to Commissioners. Commissioner Bergeron replied the bobcat couldn’t be relocated due to a requested phone call; rather it needs to be determined that it is a nuisance.

Roland Garcia, Director of the agency’s Northeast Region discussed the issue of bobcats to make it more understandable to the public and described the details of the rule. Mr. Breault stated the Commission does not have data regarding the relocation of bobcats. In comparison, he said bears do not always stay where they have been relocated. A car may hit them as they try to find alternative habitat.

Chairman Barreto summarized that the rule may allow for relocation of bobcats into mitigation areas and staff has that flexibility to reconsider euthanasia.

Chairman Barreto asked staff to research more opportunities for bow hunting with cross bow hunting and present this information to staff later. Ms. Eggeman noted his request.

Chairman Barreto discussed shoulder height restrictions for hogs in the Corbett WMA. Ms. Eggeman stated we shouldn't have a height restriction to allow more hunting opportunity, avoid a complicated regulation, and allow the additional hunting opportunities.

Ms. Eggeman stated she would look into the requests and present options (amendments to the rules) at the February 2010 meeting.

Upon motion of Commissioner Wright, seconded and carried, the Commission approved the major proposed rules as presented and directed staff to advertise the rules in the Florida Administrative Rule (F.A.W.) for final public hearing at the February 2010 meeting.

Listed Species Rules

Chairman Barreto asked Dr. Elsa Haubold, Leader of the Species Conservation Planning Section with the Division of Habitat and Species Conservation to present the revisions to Florida's listed species rules. Dr. Haubold thanked the agency's General Counsel, Jim Antista, Executive Director, and Ken Haddad for their guidance with the listed species rules, and thanked stakeholders for their participation. She stated the draft rules would amend existing rules, which direct agency actions on the process for listing, managing and permitting activities associated with listed species (endangered, threatened and species of special concern), and described the Commission's direction at the June and September 2009 Commission meetings and the progress to date, including draft rules.

Staff requested the Commission approve the proposed rules as presented and direct staff to advertise the rules for final public hearing at the February 2010 meeting.

Public Comment

Newton Cook discussed the rule language and referral of the word "harass" and the issue of species of special concern and take.

Amelia Savage (Hopping, Green & Sams Law Firm - representing The Mosaic Company) thanked staff for their hard work on the draft rules. She discussed her client's concerns regarding a duplicative regulation for species of concern and proposed FWC modify the draft rule language regarding "harm and harass." The definition of management plans in the draft rules should be revised to include a requirement that the staff project the cost of implementing the proposed plan and identify the funding sources. The definition of management plan should be amended to recognize that it may sometimes be beneficial for a plan to acknowledge that there is insufficient data available to develop a full species management plan and the plan may identify the research needed regarding the specific specie. In summary, she encouraged the Commission to mandate no duplicative regulation, to match the federal definition of take, to have management plans include a cost benefit analysis and to allow plans to acknowledge data deficiencies. She stated their law firm submitted a letter to the Commission, dated November 6, 2009.

Julie Wraithmell discussed ending the period of which data deficient species remain on the list after eight years; because, funding limitations will hamper the agency's capacity to acquire the data in that length of time and one may see species remain data deficient for lack of resources. In addition, the issue of addressing a permitting standard in management plans has not been addressed in a larger group or extensively; and, the intent language related to disturbance and recreational uses needs more work.

Amber Crooks (Conservancy of Southwest Florida) discussed her concerns regarding the permitting actions and the result of a loss of protected areas for species. She asked for these changes to be reflected in the final rules. She submitted a letter stating their concerns to the Commissioners for the record.

Frank Denninger discussed the purpose and intent of the rule.

Byron Maharrey thought everyone had come to a consensus regarding the wording of protecting the consumptive recreationalists from arbitrarily being pushed out of lands that they recreate. He quoted, "the protections of this rule chapter shall not prohibit lawful hunting, fishing or other recreational activities when those activities result in annoyance or disturbance of the Florida endangered or threatened species." He supported this proposed rule language.

Laurie Macdonald urged the Commission to stay within the fundamentals of what we are trying to achieve in this rules.

Dave Markett discussed his concerns regarding idle vessels and the protection of manatees and supported staff's recommendations.

Bonnie Basham discussed the intent language and offered to continue to work with staff to revise the language.

Eric Kimmel (Florida Falconers Association) supported the proposed wording in lines 188/189 in the November 2009 proposal, protecting legal activities in the presence of Florida designated and threatened species.

James Casselman supported staff's recommendations.

Gerald Ward (Florida Engineering Society) supported staff's recommendations.

Doug Rillstone (Broad and Cassel Law Firm) supported the Commission's policy. He stated if the policy is to reduce duplication and get the management of federally listed species at the state level, they support this. However, he did not support adding additional burdens on the regulated community. As drafted, there will be increased regulated burden. Staff proposed developing species-specific permitting criteria as an original concept seven years ago and they support this. As drafted for federally designated species, they think the rule, as proposed will increase or lead to increased regulatory burden and could expose some of their constituents to liability under state law. He stated it is important to their clients to change the term in the Florida Forever statute to imperiled species.

Truly Burton (Builders Association of Florida) discussed the concern of terminology and asked for clear direction to take one more opportunity to repair this issue.

Katie Tripp (Save the Manatee Club) discussed their concerns regarding the intent rule language.

Captain Pat Kelly (Florida Guides Association) discussed the language as written may be acceptable to his members.

Commission Discussion

Chairman Barreto directed staff to continue working with stakeholders to work on the rule language and present the rules to the Commission at a future meeting.

Vice-Chair Barco discussed the idea of permitting using the management plans to assist with the permitting guidelines versus an overall permitting for listed or imperiled; and she agreed it was a great idea to include in the management plan.

Commissioner Yablonski discussed the wildfire issue and encouraged staff to reach out to our agency partners to ensure the language is agreeable.

Commissioner Bergeron urged staff to be careful that our stakeholders and the citizens of Florida have access to Florida's land.

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved advertising the rules for final public hearing at a future meeting, either February or April 2010.

Manatee Zone Exemptions by Permit

Chairman Barreto asked Kipp Frohlich, Leader of the Imperiled Species Management Section in the Division of Habitat and Species Conservation to present a summary of the proposed draft rule 68C-22.003. Mr. Frohlich stated that the FWC Manatee Management Plan tasked staff to consider changes to the exemption permits issued to commercial fishers and professional fishing guides for higher speedboat operation in specified manatee protection zones.

Staff recommended the Commission delay consideration of potential rule changes until the economic conditions improve. Staff will continue to explore alternatives and assess the likely impacts of a change on manatee protection as well as permit holders.

Vice-Chair Barco asked Mr. Frohlich if the agency has data regarding boating accidents due to these types of permits. Mr. Frohlich replied that the agency doesn't have any reports listing boats with these permits hitting manatees. The location of the manatee carcass is always questionable as to where it was hit and the manatees can float and drift after they are injured. It is difficult to determine exactly where the manatee was originally injured in a formal statistical report.

Public Comment

Rick Rawlins (Highland Park Fish Camp) provided a handout (map) to Commissioners and discussed the problems that are occurring from the 1991 rule. He asked why the permit could not be used on weekends and holidays.

Laurie Macdonald supported staff's recommendations.

Bonnie Basham discussed their annual national competition to find organizations or individuals who provide increased access for boating on their waterways and the Kissimmee River Valley Sportsman's Association has won one of those four awards. She invited Commissioners to the Freedom Ride event on February 20, 2010, departing at the Shady Oaks Fish Camp, off Highway 60. Additionally, she discussed the guiding permits, asked them to stay in place, and asked Commissioners to look at marine guide requirements and freshwater guide requirements.

Katie Tripp (Save the Manatee Club) discussed manatee speed zones and the dangers to manatees and urged the Commission to direct staff to continue to research guide businesses in Manatee and Lee counties where the exemptions don't exist.

Captain Pat Kelly discussed the current economic impact to guides due to the permit exemption. Additionally, he supported staff's recommendation regarding bonefish.

Commission Discussion

Upon motion of Vice-Chair Barco, seconded and carried, the Commission approved staff's recommendation to delay the consideration of potential rule changes until the economic conditions improve. Staff will continue to explore alternatives and assess the likely impacts of a change on manatee protection as well as permit holders.

Chairman Barreto asked staff to check manatee zones to ensure they are designated appropriately.

Sarasota County Manatee Zones

Mr. Frohlich continued with a description of draft rule 68C-22.026, which would change the state's manatee protection rule for Sarasota County.

Staff recommended the Commission approve advertising a Notice of Proposed Rule in the Florida Administrative Weekly (F.A.W.), with the proposed changes being those described in the staff response to the Local Government Rule Review Committee report. Staff will conduct a public hearing in Sarasota County, collect other public comments on the proposal, re-evaluate the proposed changes based on public comments and other input provided during the comment period, and bring a recommendation to the Commission for a final public hearing to the Commission at the April or June 2010 Commission meeting.

Additionally, Mr. Frohlich mentioned staff received a letter from the Sarasota County Commission Chairman, John Saxton in support of moving forward with the manatee rule for the record.

Public Comment

Laurie Macdonald spoke on behalf of Jessica Koelsch (Sea to Shore) in support of staff's recommendation. Ms. Koelsch's statement included a description of the one of the recommendations identified by the local committee, not considered by the Commission, should be accepted, which was for the Northern Siesta Key area.

Katie Tripp discussed speed zones identified by the agency as one of the best tools to protect manatees. The reason Sarasota counties rules are being discussed is due to southwest Florida region not meeting the measurable biological goals for the manatee population that have been set out for the management plan. She discussed the initial report from the Local Government Rule Review Committee compared to staff's final report with eleven areas of disagreement between staff and the rule review committee. Staff conceded on eight of the eleven in their final report. She asked the Commission to consider the fact that since speed zones were created in Sarasota in 1992, the average annual manatee mortality due to watercraft in that county has increased.

Commission Discussion

Chairman Barreto stated the State of Florida would have more manatee deaths due to the increase in the manatee population and an increase in boaters. Staff has done a great job protecting manatees.

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved advertising a Notice of Proposed Rule in the Florida Administrative Weekly (F.A.W.), with the proposed changes being those described in the staff response to the LRRC report. Staff will conduct a public hearing in Sarasota County, collect other public comments on the proposal, re-evaluate the proposed changes based on public comments and other input provided during the comment period, and bring a recommendation to the Commission for a final public hearing to the Commission at the April or June 2010 Commission meeting.

Chairman Barreto asked for the motion to amend the agenda for a special presentation by the Commission to retiring Executive Director, Ken Haddad. Upon motion of Commissioner Yablonski, seconded and carried, the Commission approved amending the agenda.

Chairman Barreto recognized Ken Haddad and his family with video messages from Governors Charlie Crist and Jeb Bush, and number of stakeholders spoke their praises. The Commission presented a gift to Mr. Haddad and his retirement plaque. Mr. Haddad thanked the Commission, his family and staff for their support and thoughtfulness.

Land Acquisitions and Management

Chairman Barreto asked Mr. Breault to present the proposed land acquisition. Mr. Breault described the proposed acquisition of a part of the Flint Rock Tract as an addition to the Aucilla Wildlife Management Area under the Commission's Florida Forever Additions and Inholdings Land Acquisition Program.

Staff asked the Commission for approval to purchase the proposed land acquisition contingent upon execution of an optional contract and approval by the Board of Trustees.

Commission Discussion

Upon motion by Commissioner Corbett, seconded and carried, the Commission approved the purchase of the land acquisition contingent upon execution of an option contract and approval by the Board of Trustees.

Big Cypress National Preserve Issues

Chairman Barreto asked Mr. Collins to present an update on the issues related to the Big Cypress National Preserve. Mr. Collins described the area of the Addition Lands that comprise approximately 147,000 acres located to the northeast of the original preserve and are not currently part of the Big Cypress Wildlife Management Area. Mr. Collins continued with a description of the progress and actions taken related to the Addition lands, including four alternatives. In late July after the Big Cypress National Preserve released the Addition Lands Draft General Management Plan (GMP) for public view, FWC formed a team to develop agency comments, which included a report analyzing the alternatives and an agency comment letter. Mr. Collins described the Commission's key positions related to the plan, the Commission's actions, including meeting with several key agencies explaining the Commission's concerns and encouraged support of the Commission's position. On September 29, 2009, the Florida State Clearinghouse submitted a letter stating the plan was inconsistent with the Coastal Zone Management Act. Mr. Collins described the Clearinghouse's concerns.

Mr. Collins concluded his presentation stating the National Park Service would compile and consider all parties' input and draft a final document.

Public Comment

Lyle McCandless discussed his concerns regarding the public's inability to access the Addition Lands and the proposed preferred alternatives.

Mayor Mali S. Chamness (City of Clewiston) welcomed and thanked the Commission for bringing the meeting to their community.

Commissioner Carson Turner (Hendry County) discussed the approval of a pathways plan for greenways and trails in Henry county; requested assistance from FWC with their upcoming birding festival to use ORVs during the event; the loss of revenue to Hendry county due to the permit drawing for duck hunting in Storm Water Treatment 5 (SWT5); and asked the Commission to re-think the issue.

Frank Denninger supported Mr. Turner's sentiments and thanked the Commissioners for their support of the GMP Addition Lands issue. He suggested the Commission offer a reward system to assist in the eradication of pythons in a one-mile primary or secondary ORV trail per python.

Byron Maharrey thanked the Commission for their support of the GMP Addition Lands.

Laurie Macdonald stated there is a "rare and vanishing opportunity" in Florida to designate wilderness areas for the Addition Lands and discussed her concerns.

Eric Kimmel supported staff's comments regarding the management plan.

Commission Discussion

Commissioner Bergeron discussed where the Commission is currently with respect to the Big Cypress National Preserve and the Addition Lands. Chairman Barreto thanked Commissioner Bergeron for his assistance and involvement with this issue.

Public Comment on Items Not on the Agenda

David Norwood (Save Our Hardwoods) discussed an issue they are having with regard to environmental issues taking place on all of the public lands, cutting down the oak hammock trees unnecessarily for single species management with disregard to the rest of the species that use these hammocks, such as turkeys, owls and hawks. Chairman Barreto asked Mr. Norwood to meet with Mr. Breault regarding his concerns.

Joseph DeShano (WAVEES, Inc.) discussed and urged the Commission to look into the Port Everglades Jetty in John Lloyds Park as a source of revenue for the state. He stated with minimal effort, the jetty could be repaired from the destruction of Hurricane Katrina and Wilma. He provided a DVD video to Commissioners showing the damage. Chairman Barreto stated he had a shoreline developer call him about the jetty and asked Mr. Wiley to provide Commissioners with a status report regarding the jetty. Mr. Wiley stated staff drafted a letter for the Chairman's review. Chairman Barreto, Commissioners Stephenson and Bergeron offered to assist.

Todd Kersey (Florida Freshwater Fishing Coalition) thanked everyone for their work on fishing and hunting issues.

Forest Michaels (City of Clewiston) discussed the Clewiston waterfront and the history of the city's development.

Don Tank asked for the issue of fox pens to be added as an agenda item at a future Commission meeting. Chairman Barreto mentioned we would have this issue on the agenda for the February 2010 Commission meeting in Apalachicola.

Raymie Lainhart discussed the issue with fox pens.

Molli Tank discussed the fox pens issue.

Jeremy Maines discussed the fox pens issue.

Newton Cook discussed STA5 as the top public hunting marsh in the United States of America and the quota hunt process related to regulating this area for hunters.

Lyle McCandless discussed the history of the ORV Advisory Committee for the Big Cypress National Preserve and his concerns regarding several members of the committee and how they voted on Alternative F in the Addition Lands. He requested that a member of FWC hold a seat on the ORV Advisory Committee.

Byron Maharrey discussed the permitting and educational process to eradicate snakes in south Florida. Chairman Barreto mentioned he spoke with the Secretary of the U.S. Interior Salazar and they are getting ready to make an announcement on the python issue. Additionally, Mr. Maharrey discussed the issue of goliath grouper eating the lobster in the Keys and the issue of trees being cut down with wildlife's habitat.

Commissioner Exchange

Chairman Barreto asked Tim Breault to provide a one-page report on the oak tree issue; draft a letter from him to Superintendent Pedro Ramos requesting an FWC employee hold a seat on the ORV Advisory Committee. Mr. Wiley responded that the U.S. Department of Interior appoints the position and staff discussed this request with the Department of Interior and they viewed us as a partner agency.

Recess

Chairman Barreto recessed the meeting at 5:30 pm to reconvene at 8:30 am, Thursday, December 10.

Thursday, December 10, 2009 (continued)

Chairman Barreto reconvened the meeting at 8:30 a.m., Thursday, December 10 and welcomed the Commissioners and the public to Clewiston.

Adoption of Consent Agenda

Chairman Barreto asked Greg Holder to describe the items listed on the Consent Agenda for Thursday, December 10. Mr. Holder summarized the proposed issues listed on the Consent Agenda. Upon motion of Commissioner Corbett, seconded and carried, the Commission approved the Consent Agenda.

Reptiles of Concern (ROC)

Chairman Barreto asked Tim Breault, Director of the Division of Habitat and Species Conservation to present the next issue regarding reptiles of concern (ROC). Mr. Breault described the recent completed United States Geological Survey study and their findings, an update on current enforcement efforts, industry trends and future direction, proposed options to assist in the eradication of non-native species efforts and information resulting from the Reptiles of Concern Technical Assistance Grouper (ROC TAG) meeting, held December 2-3, 2009.

Colonel Jim Brown, Director of the Division of Law Enforcement discussed the enforcement efforts, status of the industry, current initiatives, state Legislative initiatives and options,

Staff asked the Commission for approval to continue to work with the ROC TAG committee to develop draft rules for consideration at the February 2010 Commission meeting, direct staff to continue to monitor federal and state legislation governing reptiles, and consider future rules, as required, to implement legislative changes.

Public Comment

Eugene Bessette (Florida Reptile Industry) supported staff's recommendations.

Alan Rigerman discussed pythons in south Florida and the importation of the species.

Greg Graziani (Reptile Industry) provided a handout to the Commissioners and discussed educating the public regarding reptiles of concern; urged the Commission to move forward quickly with a 24/7 amnesty of reptiles of concerns as a remedy to eradicate snakes in Florida.

Don Anthony (Animal Rights Foundation of Florida) discussed his concerns regarding the importation of exotic species.

Michael Cole (Ballroom Pythons South) supported staff's recommendations and discussed his concerns regarding the USDA's report.

James Peters (Central Florida Herpetological Society) supported staff's recommendations and urged the Commission to direct staff to continue working with the ROC committee.

William Brant (Pet Industry Joint Advisory Council) provided Commissioners a handout and discussed the importance of scientific information.

Todd Willens (United States Association of Reptile Keepers) provided a handout to the Commissioners, discussed the USDA report and asked the Commission to review the report.

Commission Discussion

Chairman Barreto thanked the speakers who volunteered from the beginning regarding reptiles of concern. He directed staff to draft an Executive Order to enact a 24/7 amnesty program for ROC owners to turn in their pets to a zoo or certified locations. Jim Antista stated FWC implemented amnesty type programs for other types of wildlife.

Commissioners discussed the issue and agreed with the Chairman to enact an Executive Order for reptiles of concern. Commissioners Bergeron and Corbett agreed with Chairman Barreto's suggestion to enact a 24/7 amnesty program. Vice-Chair Barco asked staff to draft a document that would make it easy and simple for the public to return or deliver their reptile to a certified location.

Col. Brown stated staff could do this; however, those who receive the ROC's should be permitted and capable of receiving the animals. There would be an application process for those who would want to become a certified recipient of ROCs.

Upon motion of Commissioner Stephenson, seconded and carried, the Commission approved staff's recommendation, directed staff to draft an Executive Order for a 24/7 pet amnesty program for reptiles of concern and present a proposed amendment to the rule to extend the hunting of pythons in the Everglades – currently the rule ends on March 7, 2010. Commissioner Bergeron offered to work with staff regarding this issue.

Chairman Barreto asked staff to draft a letter from him to Secretary Salazar with the U.S. Department of Interior him requesting additional funds to continue the efforts to remove ROCs.

Permit

Chairman Barreto asked Jessica McCawley, Biological Administrator III in the Division of Marine Fisheries Management to present a report on the permit fishery. Ms. McCawley reviewed stakeholder input including public workshop results regarding permit management options, which include extending state regulations into federal waters (including examination of size limits, bag limits, and gears), establishing a commercial trip limit, making permit a gamefish, and making permit catch and release only, establishment of a tagging program, and the impacts of management options on pompano and African pompano regulations.

Staff recommended the following options for a future draft rule:

- Extend the following state regulations into federal waters:
 1. Recreational bag limit of 6 (permit and pompano combined) per day within the 11 to 20 inch slot limit, with 1 fish greater than 20 inches allowed per person, maximum of 2 fish over 20 inches per vessel.
 2. Recreational gear: hook and line only for state waters; in federal waters, hook and line only inside the slot limit and allow spearing for permit greater than 20 inches (in federal waters only).
 3. Commercial size limit: 11 to 20 inches in all waters with no possession of permit greater than 20 inches.
- Establish a commercial trip limit of 250 permit per day in all waters.
- Allow Pompano Endorsement holders to use their allowable gear to catch permit that occur with pompano. All other commercial activity in federal waters limited to hook and line only.

Commissioner Corbett asked Ms. McCawley about catch and release. Ms. McCawley replied that the Don Hawley Foundation is not recommending catch and release only anymore. The Bonefish & Tarpon Trust is recommending catch and release of permit.

Public Comment

Ted Forsgren (Coastal Conservation Association of Florida) discussed and provided a handout to Commissioners with their recommendations that included extending state regulations into federal waters, no commercial sale, status quo for recreational gear, size, and bag limits, and no spearing because of an earlier Marine Fisheries Commission stance.

Paul Johnson (Reef Relief) supported staff's recommendations and asked the Commission to revisit the issue of commercial spearing.

Rhonda Dooley (Florida Fishermen's Federation) discussed her concerns regarding the 250-permit trip limit for commercial fishing in state waters and her request for additional gears, such as nets. She asked the Commission to be able to use the same gears as allowed for pompano to catch permit. She asked the Commission to support their efforts as food producers and to support small fishing businesses. She stated she is afraid this is one more step towards her family business being regulated out of business.

Tony Grogan (Spearboard.com) thanked the FWC staff who participated in the process of obtaining input from the public regarding spearfishing for permit. He supported staff's recommendations and spearfishing. Diving is not cheap. In this economy, he stated there will be fewer people spearfishing.

Richard Taylor (Fishing Rights Alliance) read a letter from Dennis O'Hearn in support of all of staff's recommendations and urged the Commission to protect the spearing opportunities for permit. He discussed his beliefs that a gamefish status or catch and release status is unnecessary. He opposed making permit a gamefish.

Ed Walker supported staff's recommendations.

Tad Burke (Florida Keys Fishing Guides Association) supported staff's recommendations. He stated we know when the spawning season is an suggested we close the season now, and then see if the science says there is a problem. He sees fewer permit in the slot size than he used to.

John O'Hearn (Key West and Lower Keys Fishing Guides Association) stated that he believes fishermen can recognize the difference between permit and pompano, even when spearing. He opposed allowing spearfishing in federal waters.

Bob Gill (Organized Fishermen of Florida) supported staff's recommendation and suggested continuing the existing 100 fish bycatch limit for the commercial fishery for permit.

Aaron Adams (Bonefish and Tarpon Trust) discussed his concerns regarding the lack of stock assessment for permit, significant shortcomings in the fishery data that does exist, and a general lack of information on permit biology leaves permit vulnerable to overfishing. He supported a spawning season closure and gamefish status.

Terry Gibson (North Swell Media, LLC) discussed the importance in researching the spawning behavior of permit and how sea levels affect the fishery's habitat.

Don DeMaria supported staff's recommendations and discussed his concerns regarding unlimited harvest, especially offshore in the spawning aggregations.

Bill Parks urged staff to further research the spawning of permit. Guides and anglers know where these fish are and suggested permit and pompano fisheries be separated into different rules.

Keith Ward asked the Commission to consider fishermen when making their decision regarding Florida's fishery.

Commission Discussion

Commissioner Wright asked staff to explain the use for the donation of \$15,000 from the Bonefish and Tarpon Trust to support a tagging process. Gil McRae, Director of the Fish and Wildlife Research Institute replied that there is some uncertainty regarding the spawning data and staff is looking at a large number of species regarding stock assessments. With regard to permit, staff is not sure what the range of the stock is and needs to do a stock assessment from scratch. He stated the most cost effective way to complete this research is to collaborate with other organizations.

Commissioner Wright asked Mr. McRae about the identification problem mentioned for the fishery. Mr. McRae replied that if one sees the fish all of the time or if you are a biologist and see them on the bench side-by-side, you can tell them apart. To the average angler the only advice to give to determine a small permit from a small pompano is to count fin rays.

Vice-Chair Barco agreed with all of staff's recommendations.

Chairman Barreto suggested staff continue to obtain scientific data on the permit fishery.

Upon motion of Commissioner Wright, seconded and carried, the Commission approved staff's recommendation and directed staff to present a draft rule at the April 2010 Commission meeting.

Vice-Chair Barco asked about public comment supporting the establishment of these commercial regulations, however, the material did not specify which public commented. She asked how much commercial public comment was received regarding net gear. Ms. McCawley explained public commenting regarding commercial input.

Bonefish

Ms. McCawley continued with a report on bonefish management options, including covering all species of bonefish in Florida's waters, extending state regulations into federal waters (18-inch minimum size limit, prohibition of harvest for commercial purposes, 1-fish bag limit, and hook and line gear), requiring bonefish to be landed in whole condition, removing the bag limit exemptions for taxidermy from the current rule making bonefish catch and release only, establishing a tagging program, and obtaining stakeholder input, including public workshop results.

Staff recommended the Commission approve the following management options as a draft rule for presentation at the February 2010 Commission meeting:

- Including all bonefish in FWC rules
- Extending state regulations into federal waters
- Requiring bonefish to be landed in whole condition
- Removing taxidermy exemption from current rule

Public Comment

Ted Forsgren discussed his concerns regarding catch and release for bonefish at fishing tournaments and supported staff's recommendation. He stated that he did not support a tagging program for bonefish.

Tad Burke supported staff's recommendation.

Aaron Adams discussed working with FWC staff to change the definition of catch and release and supported staff recommendations.

Terry Gibson supported staff's recommendation.

Commission Discussion

Chairman Barreto asked why we couldn't get outside the box and work on the way we define the harvest of bonefish. Ms. McCawley replied that taking pictures of the species are allowed even within the current definition. FWC has a policy for catch and release to mini the handling of the fish.

Vice-Chair Barco stated the majority of anglers don't take bonefish and extending regulations into federal waters is as far as the agency needs to go at this point.

Chairman Barreto asked staff to designate the bonefish as a "game fish" and promote the bonefish as the Commission's saltwater game fish.

Upon motion of Commissioner Wright, seconded and carried, the Commission approved staff's recommendation.

Chairman Barreto called for the motion to designate the bonefish as the Commission's official saltwater "game fish." Ms. McCawley defined bonefish as no commercial harvest or sale.

Upon motion of Commissioner Wright, seconded and carried, the Commission approved the definition of bonefish as the Commission's official "game fish," no commercial harvest or sale.

Atlantic Grouper Consistency

Chairman Barreto asked Bill Teehan, Leader of the Marine Fisheries Management Section to present the proposed final rules for Atlantic grouper. Mr. Teehan described the purpose of the rule amendments would be to enable the Commission to approve state rules to achieve consistency with federal regulations for shallow water groupers in federal waters in the South Atlantic, which were effective July 29, 2009. The reef fish rule provisions for the Commission's consideration for rulemaking include the following:

- 68A-14.0036, Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjack, Tilefish, Exception, Wholesale/Retail Purchase Exemption
- 68B-14.0039, Recreational Grouper Season
- 68B-14.005, Commercial Harvest Requirements; Licenses, Season Closures, Bag and Trip Limits

Staff recommended the Commission approve the rule amendments as presented for the Atlantic groupers to be consistent with federal regulations. Staff evaluated the rules under the standards of 68-1.004, F.A.C. and found them to be in compliance.

Public Comment

Paul Johnson (Reef Relief) supported staff's recommendation.

Samantha Whitcraft (Oceanic Defense) supported staff's recommendation and discussed goliath grouper.

Darrell Frey asked the Commission if this would be a total closure of red snapper and other bottom fish. Mr. Teehan replied that he did not know which of the alternatives being considered by the federal Council would be adopted. Staff did not recommend previously that the Commissioners vote to be consistent with the interim rule in the South Atlantic, which closed the red snapper harvest. However, this rule only pertains to grouper.

Bill Parks supported staff's recommendation.

Walt Stearns (*Underwater Journal*) discussed grouper in Florida waters over the years and supported staff recommendations.

Drew Martin (Sierra Club) supported staff's recommendation.

Commission Discussion

Upon motion of Vice-Chair Barco, seconded and carried, the Commission approved staff's recommendation.

Atlantic Reef Fish Gear Requirement Consistency

Mr. Teehan continued with a presentation of the proposed rule amendments that would regulate state waters consistent with federal regulations requiring dehooking tools for use in both the commercial and recreational sectors of the Atlantic Ocean reef fish fishery. Mr. Teehan described the following proposed rule amendment:

- 68B-14.005, Regulation and Prohibition of Certain Harvesting Gear: Allowable Gear, Incidental Bycatch, Violation

Staff recommended the Commission approve this rule amendment as presented for Atlantic reef fish gear requirements to be consistent with federal reef fish gear requirements. Staff evaluated the rules under the standards of 68-1.004, F.A.C. and found them to be in compliance.

Public Comment

Paul Johnson supported staff's recommendation.

Walt Stearns supported staff's recommendation.

Drew Martin supported staff's recommendation.

Commission Discussion

Upon motion of Commissioner Wright, seconded and carried, the Commission approved staff's recommendation.

Shark Consistency

Chairman Barreto asked Aaron Podey, Fisheries Management Analyst in the Division of Marine Fisheries Management to present a summary of a draft rule amendment for the Commission's shark rule 68B-44, F.A.C. that would adopt rule language that would make Florida compliant with the Atlantic States Marine Fisheries Commission's (ASMFC) Interstate Fisheries Management Plan for Atlantic Coastal Sharks. Mr. Podey described the following proposed rules:

- 68B-44.002, Definitions
- 68B-44.003, Bag Limit Applicable to State Waters, Gear Restriction
- 68B-44.004, Practice of Finning Prohibited; Removal of Fins from Sharks Harvested in State Waters Prohibited; Compliance with Federal Requirements; Filleting Prohibited
- 68B-44.005, Commercial Harvest of Sharks: Federal permit Required
- 68B-44.006, Commercial Season; Season Closure; Prohibition of Sale
- 68B-44.007, Size Limit Applicable to State Waters
- 68B-44.008, Prohibited Species; Prohibition of Harvest, Landing, and Sale

Staff recommended the Commission approve the rule amendments to further protect Florida's shark fishery as advertised with an effective date as soon as possible. These rules would be applied statewide and to all harvesters in recognition that the state waters of Florida are nursery grounds for several species of sharks. Staff evaluated the rules under the standards of 68-1.004, F.A.C., and found them to be in compliance.

Public Comment

Paul Johnson supported staff recommendation.

Brendal Davis (Shark Savers) supported staff's recommendation and asked for measures that are more restrictive by taking an ecosystem-based approach.

Leann Winn (high school educator and shark researcher) supported staff's recommendation and urged the Commission to look into the prohibition and regulations concerning catch methods, type of gear and size to serve to assist certain species of shark, but for the overall ecosystem as a whole.

Mary O'Malley (Shark Safe Network, Shark Foundation) supported staff's recommendation and urged the Commission to look into further shark management measures for 2010, such as adding species to the prohibited list considering the whole environment and considering the use of circle hooks.

Samantha Whitcraft supported staff's recommendation.

T. J. Marshall (Ocean Conservancy) supported staff's recommendation.

Walt Stearns (Underwater Journal) supported staff's recommendation.

Terry Gibson (North Swell Media, LLC) supported staff's recommendation.

James Harvey (Guy Harvey Ocean Foundation) supported staff's recommendation.

Sean Paxton supported staff's recommendation and would like the Commission to consider requiring circle hooks and prohibit the take of hammerheads and tiger sharks.

Brooks Paxton supported staff's recommendation.

Clay Newton supported staff's recommendation.

Zachary Miller supported staff's recommendation and asked if this proposal limits buoy gear for shark fishing and if the use of tandem hooks, is limited to commercial anglers or recreational. Mr. Poday replied buoy gear falls under the definition of hook and line gear and all of the proposed rules apply to both recreational and commercial harvesting - any multiple hooks in conjunction with live bait are prohibited by both recreational and commercial fishers.

Drew Martin (Sierra Club) supported staff's recommendation and would like more aggressive action in the future.

Commission Discussion

Upon motion of Commissioner Stephenson, seconded and carried, the Commission approved staff's recommendation.

Shrimp Bycatch Reduction Devices (BRDs) and Turtle Excluder Devices

Mr. Poday continued with a presentation of the proposed rules to update and modify the current rules as follows:

- 68B-31.004, Turtle Excluder Devices
- 68B-31.0045, Bycatch Reduction Devices

Staff recommended the Commission approve the draft rules as presented, allowing current BRDs certified or provisionally certified by NMFS in state waters of Florida, continue allowing the Florida finfish excluder, but only in inshore and nearshore waters of Florida and removing the extended funnel as a state defined BRD. Staff also recommends updating outdated language regarding TEDs. Staff evaluated the rules under the standards of 68-1.004, F.A.C., and found them to be in compliance.

Public Comment

Paul Johnson supported staff's recommendation.

T.J. Marshall supported staff's recommendation.

Drew Martin supported staff's recommendation.

Commission Discussion

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

Palm Beach County Boating Restricted Areas

Chairman Barreto asked Captain Richard Moore, Boating Law Administrator with the Division of Law Enforcement to present the proposed rules for the Florida Atlantic Intracoastal Waterway within Palm Beach County. Captain Moore described the following proposed draft rule:

- 68D-24.017, Palm Beach County Boating Restricted Areas

Staff recommended the Commission approve the draft rule as presented and advertise the rules for final public hearing at the February 2010 Commission meeting.

Public Comment

Rob Dion discussed his concerns regarding lack of signage where he lives in the Delray Beach district area and the public's lack of education regarding boating safety.

Gene Folden (Boca Raton Marine Advisory Board) discussed and described the Lake Rogers area and the boater safety challenges related to regulating the speed zones.

Larry Smith (Attorney, Gary Detrick and Ryan) addressed his concerns regarding the Lake Worth Creek issue and the Jupiter Inlet issue.

Leonard Rubin discussed his concerns regarding the increase in speed in the Jupiter Inlet portion of the waterways.

Drew Martin supported staff's recommendation.

Gerald Ward supported staff's recommendation.

Commission Discussion

Upon motion of Vice-Chair Barco, seconded and carried, the Commission approved the proposed rule 68D-24.017 as presented and directed staff to advertise for final public hearing at the February 2010 meeting.

Captain Moore continued with a presentation and description of the following proposed draft rule:

- 68D-24.0175, Palm Beach County Boating Restricted Areas; Lake Worth Creek

Staff recommended the Commission approve the draft rule as presented and advertise the rules for final public hearing at the February 2010 Commission meeting.

Public Comment

Vincent Fletcher discussed his concerns regarding boater safety in the Florida Atlantic Intracoastal Waterway within Palm Beach County.

Richard Levine discussed boater safety and recommended idle speed at the point across from the North Palm Beach Country Club.

Larry Kelleher recommended the Commission designate the area between PGA Bridge and the North Donald Ross Bridge a no wake zone.

Jeffrey Kuehl provided the Commissioners a handout and discussed his concerns regarding the inlet.

Larry Smith provided a report to Commissioners, a video presentation, Dane Fleming's resume, and the affidavit from Matthew Collins and Theodore Shiff for the record. He discussed his clients' involvement in this issue regarding the Donald Ross Bridge and Lake Worth Creek area and boater safety and supported idle speed in this area.

Dane Fleming discussed the waterway between Burt Winters Park and the Parker Bridge is marked full-time, idle speed, no wake zone in accordance with the guidelines under rules 68D. He discussed the reports he provided to Commissioners and staff regarding statistical information on boater safety.

Leonard Rubin advocated idle speed, no wake zone.

Richard Dwyer supported staff's recommendation, provided a handout to Commissioners for their review and discussed the area of PGA Bridge to Parker Bridge.

Alison Pruitt (Marine Industries Association of Palm Beach County) stated her organization supports boater safety, water access, boater education and on water law enforcement. She stated rule making should not occur in the absence of statistical data provided by public safety officers.

Drew Martin discussed how speed of boats and the shores along the coastline might affect sea animals.

Gerald Ward supported the study-based bridge and boating facility idle and slow zones in the proposed areas.

Commission Discussion

Col. Brown discussed the issue involving the public's concerns about the waterway inlet. He mentioned some new data received by staff recently regarding boating accidents and staff has been reviewing this and is adding it into the Commission's consideration of this rule. The outstanding issues are boating activity on the weekends, holidays, 10:00 a.m. to 6:00 p.m., and the use of slow speed. There is agreement amongst some stakeholders with a vessel length requirement and a wake restriction. He discussed staff taking more time for additional public input.

Chairman Barreto agreed there is a public safety issue at hand.

Vice-Chair Barco stated the Commission rules are to protect safety, not property.

Commissioner Stephenson mentioned he rode the area in question with Regional Director Chuck Collins several months ago and agreed that it is a busy waterway and the wake from boats is an issue.

Col. Brown replied that staff would like to move forward with the current proposed rules and ask for approval of the rules from the Commission; take more time to work with the public and return by April 2010 with a recommendation.

Mr. Antista explained that the rules are separated into two sub-sections. Staff would make sure that we move the current regulations that have been put in the draft back into the section of the rule previously approved by the earlier motion and maintain all current rules in place while considering the new rules.

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved delaying approval of the rule as presented and directed staff to advertise for final public hearing at the April 2010 meeting.

Spiny Lobster Commercial Dive Endorsement

Chairman Barreto asked Mr. Poday to present the proposed draft rules for spiny lobster commercial dive endorsements. Mr. Poday described the proposed draft rule 68B-24.0055, Commercial Requirements; Appeals, which would extend the expiration, date of the moratorium on new commercial dive permits from July 1, 2010, until July 1, 2015.

Staff recommended the Commission approve the draft rules as presented and direct staff to advertise the rule for final public hearing at the February 2010 Commission meeting.

Public Comment

Russell Moore (Environmentally Concerned Commercial Divers of the Florida Keys) supported staff's recommendation.

Commission Discussion

Upon motion of Commissioner Stephenson, seconded and carried, the Commission approved staff's recommendation.

Lemon Shark

Mr. Poday continued with a presentation of draft rule 68B-44.008, Prohibited Species; Prohibition of Harvest, Landing, and Sale, which would prohibit the harvest of lemon sharks in state waters.

Staff recommended the Commission approve the draft rule as presented and direct staff to advertise the rule for final public hearing at the February 2010 Commission meeting.

Public Comment

Paul Johnson supported staff's recommendation.

Brendal Davis supported staff's recommendation.

Leann Winn supported staff's recommendation. She also presented a petition supporting staff's recommendation that was signed by 5,310 individuals.

Mary O'Malley supported staff's recommendation.

Rob Dion supported staff's recommendation.

Samantha Whitcraft supported staff's recommendation and provided a copy of a short video to Commissioners.

Dr. Mikki McComb discussed the research she has conducted on sharks and supported staff's recommendation.

T.J. Marshall supported staff's recommendation.

Randy Jordan (Emerald Charters) supported staff's recommendation.

Walt Stearns supported staff's recommendation.

Terry Gibson supported staff's recommendation.

Bill Parks supported staff's recommendation.

Bryan Franks supported staff's recommendation.

Demian Chapman (Stony Brook University) supported staff's recommendation.

Brooks Paxton supported staff's recommendation.

Sean Paxton supported staff's recommendation.

Clay Newton supported staff's recommendation.

Zachery Miller supported staff's recommendation.

Drew Martin supported staff's recommendation.

Commission Discussion

Upon motion of Commissioner Stephenson, seconded and carried, the Commission approved staff's recommendation.

Gulf of Mexico (GMFMC) and South Atlantic (SAFMC) Fishery Management Council Updates

Chairman Barreto asked Mr. Teehan to present an update on the GMFMC and SAFMC issues discussed at their Council meetings. Mr. Teehan stated the GMFMC met on October 19-23, 2009, in Corpus Christi, Texas. He discussed and described the issues presented during the Gulf of Mexico Fishery Management Council Meeting.

Public Comment

Ted Forsgren provided Commissioners a handout with CCA's recommendations regarding fish traps and urged the Commission to express in their intent the long-standing opposition that the State of Florida has to fish traps and opposition to the current proposal to substitute fish traps for long-line. Amberjack allocation was changed to reduce the share to the recreational fishery, which caused the closure in October. He asked staff to seek restoration of the allocation to the recreational fishery.

Paul Johnson discussed the overfishing issue for gag grouper, sector allocation, spiny lobster and stone crab, highly migratory species, and fish traps.

T.J. Marshall discussed the Science and Statistical Committee's red snapper stock assessment, opposed reintroduction of fish traps, limited access privilege programs and sector separation.

Bob Gill (Organized Fishermen of Florida) clarified the red snapper stock assessment and the increase they are allowing for 2010 is almost a 40% increase (2 million pounds). He discussed catch shares and urged the Commission to work toward consistency.

Bill Parks discussed fish traps as a destructive method of fishing gear. He urged the Commission to direct staff to send a representative to attend a workshop held on December 15 in St. Petersburg and opposed fish traps re-introduced in the Gulf of Mexico, and IFQs.

Mary O'Malley opposed allowing the re-introduction of fish traps in the Gulf of Mexico or anywhere in the State of Florida.

Drew Martin opposed allowing the re-introduction of fish traps in the Gulf of Mexico or anywhere in the State of Florida.

Brendal Davis opposed allowing the re-introduction of fish traps in the Gulf of Mexico or anywhere in the State of Florida.

Pam Anderson discussed the importance of recreational fishing in Florida's tourism industry and that the regulations mandated by Magnuson-Stevens is eliminating jobs throughout the state and the U.S. as well as closing businesses. She provided copies of letters from elected officials expressing concerns to Secretary Locke about catch shares to Commissioners and opposed catch shares in the recreational fishery.

Vice-Chair Barco asked Mr. Teehan to address Ms. Anderson's concerns regarding staff having something ready to present to the Legislature regarding red snapper. Mr. Teehan replied if GMFMC does take action on a change in season in red snapper, it would happen in February 2010 and staff will present those changes at the February 2010 Commission meeting.

Mr. Teehan asked the Commission for direction on how to proceed on the fish trap issue at the Council level. Chairman Barreto replied the Commission is opposed to the re-introduction of fish traps in the Gulf of Mexico and stated he would be happy to write a letter to the Council stating our position.

Additionally, Mr. Teehan asked for direction on pursuing further conversations with industry and at the Council level about taking over certain delegations to lobster and taking over all of the stone crab management. Chairman Barreto asked why the individual from Monroe County is against the issue. Mr. Teehan replied they used to be Monroe County Commercial Fisherman's Association and now Florida Keys Commercial Fisherman's Association. They feel that they are more comfortable having oversight of the federal agencies. Chairman Barreto asked staff to provide a comprehensive report including all of the ramifications regarding this issue.

Mr. McRae replied that taking it over, does not mean we will be able to apply only our management. If we take it over, we would apply federal management. He stated from a science side, FWC provides the management recommendations to whoever is performing the management.

Chairman Barreto asked about casitas. Mr. McRae replied FWC is a year into a two-year study on casitas, they are working with commercial divers, have identified an area, mapped out 40 casitas, and are documenting the habitat on and around the casitas and lobster. Staff is waiting to go through a winter and summer season before presenting their findings to the Commission.

Mr. Teehan continued with a presentation on the South Atlantic Fishery Management Council (SAFMC). He discussed and described the issues presented during SAFMC's meeting December 6-11, 2009, in Atlantic Beach, North Carolina.

Public Comment

Ted Forsgren discussed the red snapper issue and the conflicting scientific data that exists. He urged the Commission to look at the two different forms of information that have been published and the reality of what is going on. He questioned whether the data that is being used is the “best available science” and stated that anecdotal evidence from anglers should be considered. He was concerned with the red snapper closure from the South Atlantic, in addition to the areas being closed to all bottom fishing. He thinks NMFS should hold off on closing bottom fishing and rather consider the different discard mortality rates that have come up. Ted urged Commission to ask the Councils to make sure the data is right, before \$100 million dollars worth of damage happens.

Drew Martin discussed the need to protect the Florida fishery for future generations.

Goliath Grouper

Chairman Barreto asked Mr. McRae to present a report of FWC’s plans for assessment and management of goliath grouper in Florida and the action plan.

Public Comment

Mary O’Malley discussed a study conducted in 2009 titled, “Historical Declines of Goliath Grouper Populations” in South Florida. She supported protecting goliath grouper.

Rob Dion stated he has not experienced aggressive goliath grouper.

Randy Jordan stated goliath grouper is a big revenue source for divers from all over the world.

Walt Stearns offered his assistance in collecting data for goliath grouper.

Terry Gibson asked if age structure is a factor in the stock assessment. Mr. McRae replied staff would use the same methodology as in 2004, which is not age-based assessment, rather a catch free method. Chairman Barreto urged Mr. Gibson and the public to meet with Mr. McRae regarding their concerns.

Don DeMaria discussed his observation of goliath grouper while diving.

Bill Parks discussed sampling goliath grouper from the confiscated material obtained by FWC law enforcement officers.

Chris Koenig discussed the research conducted on goliath grouper.

Steve Connelly discussed the lack of habitat for Florida’s fishery and supported casitas.

Paul Johnson offered to work with staff regarding the goliath grouper issue.

Marine Recreational Information Program

Mr. McRae continued with a report on the new national saltwater recreational fisheries data collection program, the Marine Recreational Information Program (MRIP). Florida is an active participant and plays a leadership role in the development and implementation of MRIP. FWC is focused on implementing improvements to its saltwater recreational fisheries surveys while remaining consistent with the broader national initiative (MRIP).

Advantages of being part of the national initiative include:

- Consistency and standardization in data used for assessment and management between state and federal waters-as partners we have more clout and more opportunity for input.

- FWC receives more federal funding for recreational fisheries surveys than any other state.

Mr. McRae also reported on the status of the shoreline exemption permit.

Public Comment

T.J. Marshall discussed dependent and independent data and MRIP. He suggested writing to the Congressional Delegation for funding to assist with data collection.

Commission Discussion

Chairman Barreto replied he met with Senator Nelson and signed a letter requesting additional funds for improved data collection. He asked staff to provide copies of the letter to Senators Nelson and LeMieux to Mr. Marshall and Ms. Anderson and asked the public, and staff to send the same type of letter to both Senators in support of the Commission's request for funds.

Public Comment on Items Not on the Agenda

Ted Forsgren discussed their report on catch shares and IFQs.

Grady Johnson discussed his concerns regarding the net mesh size issue.

Jonas Porter asked the Commission to resolve the net mesh size issue.

David Grix provided Commissioners a handout and discussed his concerns regarding the net mesh size issue.

Drew Martin discussed improving the technology of fishing gear and asked if there is a policy for cleaning up ghost gear. He suggested employing those who are out of work might be an option in assisting the clean-up effort. Additionally, he discussed the damage done by trawling, concerns regarding sea turtles, and damage to a reef in Palm Beach County.

Mary Ann Martin (Roland Martin Marina) thanked and commended FWC's law enforcement officers. She discussed the net issue and asked the Commission to re-examine the problem with net fishermen on Lake Okeechobee. Chairman Barreto asked staff for a "one-page" report on the allowance of net fishing in Lake Okeechobee.

Terry Garrels discussed the problem with spraying of vegetation on Lake Okeechobee and asked the Commission to look into mechanical harvesting as an alternative method of managing vegetation. Additionally, he discussed the weight of vegetation after it is sprayed and sinks to the bottom and asked that spraying take place outside of the spawning season.

Scott Martin discussed trail cutting on Lake Okeechobee to allow fishermen to navigate and access the area.

Keith Ward displayed the challenges with a small net mesh size with an illustration he made.

Commissioner Exchange

Commissioners thanked Mr. Collins and staff for a great meeting in Clewiston and congratulated Chairman Barreto for his re-election and Vice Chairman Corbett for his election to the Commission.

Chairman Barreto announced the FWC Honor Guard will make a presentation at the Miami Dolphin football game; discussed the Commissioners' educational field trip to the ST5; concerns regarding the TLSW electronic permit system; thanked staff for their assistance in providing such a successful meeting; and the law enforcement disparity issue will again be a priority again for the 2010 Legislative Session.

Adjournment

Chairman Barreto adjourned the meeting at 5:30 pm.

Rodney Barreto
Chairman

Nick Wiley
Executive Director

Respectfully submitted:

Kathleen Hampton
Commission Secretary