

Unofficial Until Approved

Florida Fish and Wildlife Conservation Commission

Minutes of the Commission Meeting

June 15-17, 2005

Daytona Beach

A regular meeting of the Florida Fish and Wildlife Conservation Commission was held at the Daytona Beach Hilton, June 15-17, 2005, and called to order at 8:35 a.m., by Chairman Herky Huffman with the following members in attendance:

Mr. David K. Meehan, St. Petersburg	Mr. Rodney Barreto, Miami
Ms. Sandra T. Kaupe, Palm Beach	Mr. Richard A. Corbett, Tampa
Mr. Brian S. Yablonski, Tallahassee	Ms. Kathy Barco, Jacksonville

Staff

Mr. Kenneth D. Haddad	Executive Director
Mr. Victor J. Heller	Assistant Executive Director
Mr. James V. Antista	General Counsel
Colonel Julie L. Jones	Director, Division of Law Enforcement
Mr. Nick Wiley	Director, Division of Hunting and Game Management
Mr. Timothy Breault	Director, Division of Habitat and Species Conservation
Mr. Darrell Scovell	Director, Division of Freshwater Fisheries Management
Mr. Mark S. Robson	Director, Division of Marine Fisheries Management
Mr. Gil McRae	Director, Fish and Wildlife Research Institute
Mr. Scott C. Ball	Acting Director, Community Relations Office
Mr. Gregory L. Holder	Director, Southwest Region
Mr. Rolando J. Garcia	Director, North Central Region
Lt. Col. Louie S. Roberson	Director, Northwest Region
Mr. Charles E. Collins	Director, South Region
Mr. Dennis N. David	Director, Northeast Region

Sixty-two persons registered as guests/speakers for the three-day meeting.

Regional Director Garcia gave the invocation. Commissioner Corbett led the assembly in the Pledge of Allegiance to the Flag.

Chairman Huffman introduced and welcomed Volusia County Council Chairman Frank Bruno to the meeting.

Chairman Bruno thanked the Commission for selecting Daytona Beach and Volusia County as its meeting venue.

Special Presentations and Recognitions

Chairman Huffman called on Hunter Education Coordinator Bill Cline to introduce and announce the 2004 Hunter Education Instructors of the Year.

Mr. Cline asked Michael and Debra Blakenberg to approach the podium, where they were recognized for their contributions to the state of Florida and its hunting community through their volunteer efforts with the Hunter Safety education program.

Chairman Huffman presented the Blakenberg's with the FWC Hunter Safety Education Instructors of the Year Award.

Executive Director Haddad introduced the following local area staff to the Commission: Division of Freshwater Fisheries Management—Marcos DeJesus and Larry Mortland; Division of Hunting and Game Management—Scott Berish; Fish and Wildlife Research Institute—Brian Scheick and Jay Holder; Division of Habitat and Species Conservation—David Turner and Zareh Ghokassian; and Division of Law Enforcement—Sandy Bach and Officer Rick Francis.

Adoption of Agenda, Minutes, and Consent Agenda

The Chairman asked the Commission Secretary if edits or corrections to the April 14-15, 2005 Commission meeting minutes were necessary. Ms. Mara responded that two changes were recommended by General Counsel Antista to clarify interpretation of the meeting proceedings and that the edits would not change the outcome of Commission deliberations or actions.

Upon motion of Commissioner Barreto, seconded and carried, the minutes of the April 14-15, 2005 Commission meeting were approved as amended.

Chairman Huffman asked for Commission approval of the consent agenda and meeting agenda.

Upon motion of Commissioner Barco, seconded and carried, the consent agenda (attached) was approved.

Upon motion of Commissioner Meehan, seconded and carried, the meeting agenda was approved.

Executive Director's Report

Mr. Haddad presented an abbreviated report:

- Community Relations Office

>The FWC's Big Bend Saltwater Paddling Trail will be recognized as a nationally significant trail, receiving designation by the Secretary of the Interior, Gale Norton, as part of the United States National Recreational Trails System.

- Division of Habitat and Species Conservation

>A Leadership Summit on Exotics will be held on June 30 in Tallahassee to discuss how respective agencies can work together and under what forums relative to invasive species in Florida.

>A population study of bobwhite quail began in September 2002 at the Babcock/Webb WMA. This project investigates (1) survival rates and productivity as affected by harvest (hunting pressure); (2) nonhunting mortality factors; (3) habitat types utilized; (4) home range size and movement patterns related to habitat, disturbance, and weather; and (5) hunter perceptions and behavior related to regulations governing access to and harvest of quail. Suggestions for alternative habitat management and/or hunting regulations will be applied toward the goal of restoring the bobwhite quail population to greater abundance.

>A \$70,000 grant from the South Florida Water Management District will be used to implement ground cover restoration at Okaloacoochee Slough WMA, which includes habitat for the endangered Florida panther. The grant continues an on-going project to restore native grasses and herbs on areas previously converted to improved, bahai grass pasture.

- Division of Law Enforcement

>The Boating and Waterways Section has launched a boating safety awareness campaign in Lee County. This program is the first of a series of efforts to increase safety awareness among boaters in the ten counties with the most boating accidents.

>In the Statewide Investigations area, a plan has been implemented to combat the increased complaints received regarding the illegal back-door sales of marine species, mislabeling of seafood, fisheries closure, and license/permit violations.

- Division of Marine Fisheries Management

>The division's latest Sport Fish Restoration video, *The Science of Fishing*, has recently received two prestigious awards. It won a Telly Award and was also recognized with the Award of Excellence by The Videographer Awards.

- Fish and Wildlife Research Institute

>Former University of Florida graduate student and current FWC/FWRI biologist Elina Garrison was selected to receive the Award of Excellence for Graduate Research by the UF College of Agriculture and Life Sciences. Elina's thesis entitled *Reproductive Ecology, Cub Survival, and Denning Ecology of the Florida Black Bear* was completed in 2004. Elina conducted this research under the direction of Madan Oli and in cooperation with the FWC.

>FWRI's Fisheries Stock Enhancement Facility (SERF) will need to relocate in the near future. The Manatee County Port Authority owns the land SERF currently occupies and needs the current site to facilitate its expansion. The Port has offered

FWC land a few miles south of the current location to develop a new hatchery. FWRI has initiated the process to hire an engineering firm to evaluate the proposed site and assist with designing a new facility.

Rules Deferred from the April 2005 Commission Meeting

Mr. Nick Wiley presented the following rule for Commission consideration:

(1) **San Pedro Bay Wildlife Management Area (WMA) - 68A-15.062**, Specific Regulations for WMAs-North Central Region—The proposed rule change would no longer allow deer-dog hunting on a 7,481-acre, linear-shaped portion of the WMA which lies between two parcels that have been withdrawn from the WMA by the landowners. The 21,205 acres remaining in the WMA would remain available for hunting deer with dogs.

Mr. Wiley explained that further communication with the landowner, Foley Timber and Land Company, did not result in any change to the rule as presented at the April Commission meeting. In an April 18, 2005 letter, Foley stated "We believe changing this portion of the WMA to still hunt would not only expand hunting opportunities, but will help minimize potential conflicts between dog hunters and still hunters. Please advise your Commissioners of this request in order to incorporate the change into the 2005/2006 hunting season program."

Upon motion of Commissioner Barreto, seconded and carried, Rule 68A-15.062 was approved.

(2) **Matlacha Pass - 68C-22.005, Lee County Manatee Protection Zones**—The proposed rule change would be limited to a reconsideration of a Commission amendment taken with regard to manatee protection zones in the Matlacha Pass portion of Lee County.

Mr. Kipp Frohlich, Imperiled Species Management Section, explained that at the April Commission meeting, Commissioners heard staff recommendations on proposed amendments to the Lee County manatee protection rule and heard public testimony as part of the final public hearing on the proposal. The rule was approved with amendments. One amendment changed the zones in a portion of Matlacha Pass to a shore-to-shore 25 MPH zone instead of the existing configuration of Slow Speed with speeds up to 25 MPH allowed in the main marked channel. The Commissioners voted to reconsider the Matlacha Pass amendment and to defer further action on the amendment until the June Commission meeting.

The subject portion of Matlacha Pass has been regulated as it is currently posted since 1999 (Slow Speed with speeds up to 25 MPH allowed in the main marked channel). The area is also regulated with the same configuration by federal rule adopted by the U.S. Fish and Wildlife Service (USFWS). Staff re-evaluated this area as part of the 2004-05 rule process, using information that was available in 1999 as well as additional data, analyses, and reports generated since 1999, and re-affirmed its position that the available information supports the current configuration. The Lee County Commission voted to support the re-promulgation of the zones in this area.

A change to the existing FWC zones in this area would have no on-water effect unless the USFWS were to amend or repeal the federal zones. USFWS staff has given no indication that this is likely to happen. In the absence of a change to the USFWS zones, a change to the existing FWC zones would have a negative impact on manatee protection because city or county law enforcement agencies cannot enforce federal manatee protection zones. Staff recommends the Commission approve the zones in the subject portion of Matlacha Pass as recommended by staff and advertised in the *Florida Administrative Weekly*.

Commissioner Meehan stated that he offered the amendment at the April Commission meeting out of respect for the work of the Local Rule Review Committee.

Public Comment

Elizabeth Fleming (Defenders of Wildlife), Laura Combs (Save the Manatee Club), and Byron Maharrey (Everglades Coordinating Council) offered their support of the staff recommendation for Matlacha Pass.

Lisa Neal (Standing Watch) stated that boaters are not pleased that the Commission is readdressing the issue. She believes there will be no boater buy-in for manatee rules and a loss of Commission credibility if the staff recommendation is approved.

Commission Discussion

Commissioner Meehan stated that due to federal regulations already in place, he would withdraw his amendment to the Matlacha Pass rule passed in April and, in the form of a motion, asked for Commission support of the rule as presented by staff and previously advertised in the *Florida Administrative Weekly* as Rule 68C-22.005 (Matlacha Pass portion). The motion was seconded and carried.

Rules--Deer Dog Registration Program

LTC Mike Wiwi, Division of Law Enforcement, presented Rule **68A-12.007, Hunting Dogs; Molesting Game in Closed Season; Training; Field Trials; Prohibited for Certain Hunting**. The proposed rule changes would establish registration requirements for use of dogs to take deer on private lands statewide.

Colonel Wiwi stated that at the conclusion of the 2004-05 hunting season, staff conducted a survey of all participants of the Northwest Region pilot program to determine levels of satisfaction associated with registration requirements and to identify any concerns. Almost half of the participants responded, and all said the process of completing the application and registering and complying with the new requirements was easy or very easy. Nearly 90 percent said they experienced no problems with affixing their assigned ID number to their dogs' collars, and almost 70 percent thought the new registration was a valuable tool for helping manage deer-dog hunting on private lands.

Colonel Wiwi explained that five public workshops on the proposal to implement the deer dog registration program statewide were held statewide to

ensure hunters and others were fully aware of the proposal for statewide registration and provide opportunity for all to ask questions and provide comments. These workshops helped clarify some common misunderstandings about the proposal and fostered broader support from hunters and other stakeholders.

Colonel Wiwi asked the Commission to consider the proposed rule as advertised.

Public Comment

Alan Towne and Mike Thomas (Miami Tract Hunt Club) opposed passage of the statewide dog registration rule. Their comments included: (1) there are no problems with dog hunting trespass in south Florida; (2) the Hunter Responsibility Rule has been effective; (3) the rule is discriminatory against deer hunters and is causing a wedge between dog hunters and FWC; (4) there is no provision to allow dogs on private property; (5) there should be a minimum acreage requirement; (6) the rule is confusing, and (7) the pilot program should be tested another year.

Andy Caldwell conveyed that there are no dog trespass problems in the Ocala National Forest and he does not wish to see the program go statewide.

Lane Stephens (Allied Sportsmen's Association) offered his support and the support of the Florida Dog Hunters Association for the staff-recommended rule, adding that this rule will help to preserve the tradition of dog hunting in Florida by reducing landowner complaints.

Commission Discussion

Commissioner Yablonski asked and received assurance that the deer dog registration program would receive "complaint-driven" enforcement. However, LTC Wiwi added that normal law enforcement efforts regarding dog hunting would continue (e.g., checking licenses, ensuring bag limit requirements, providing education to the hunt clubs on the program).

Commissioner Corbett stated that this is a pro-active approach to reduce deer dog trespass problems in the future due to the ever-growing human population in Florida, and to save dog hunting in Florida.

Commissioner Barco stated that the proposed rule regulates deer dog hunting only and asked if the use of dogs during other hunting seasons has been reviewed.

LTC Wiwi explained that the majority of landowner trespass complaints originate from the sport of deer dog hunting.

Commissioner Kaupe asked if the minimum acreage suggestion has been reviewed.

LTC Wiwi responded that there is no indication there is a problem with deer dog hunting on small acreages.

Commissioner Barreto thanked Lane Stephens and the other hunting groups who worked with the Commission in its attempts to find a satisfactory solution to the dog trespass problem. He believes the Commission is on the right tract to protect the future of sport hunting and the rights of landowners. Commissioner Barreto asked staff to investigate eliminating counties from the rule where there is no deer dog hunting nor will there ever be deer dog hunting, such as Monroe County.

Commissioner Barreto offered a motion to support the rule as presented by LTC Wiwi. The motion was seconded.

Commissioner Yablonski pointed out that the rule was not developed "in a vacuum." There were many public workshops with good attendance, and from those workshops compromises were made from public participation in the rule-making process.

Commissioner Meehan stated that this rule is the Commission's attempt to be proactive in preserving Florida's dog hunting heritage. He pointed out that most states have passed prohibitions on dog hunting.

Chairman Huffman mentioned that there is always the opportunity to revise the rule in the future if deemed appropriate.

Chairman Huffman called the question and the motion carried.

Florida's Comprehensive Wildlife Conservation Strategy

Dr. Thomas Eason, Division of Habitat and Species Conservation, presented an update on approach, content, and completion of Florida's Comprehensive Wildlife Conservation Strategy (FCWS). [A detailed report was provided to the Commission during its February 2005 meeting.]

Currently staff is identifying and working with potential partners, with the goal of using state wildlife grant monies to help solidify and encourage new partnerships and take proactive incentive-based methods to accomplish partnerships.

Focus group meetings have occurred across the state at the marine, freshwater and terrestrial levels to work with key experts and those with knowledge of Florida resources. Through workshops and focus meetings, the first draft of the FCWS has been developed and may be reviewed and commented on through the agency's website.

Dr. Eason reviewed sections of the 600-page draft document, and asked for Commission concurrence to proceed with the described direction and approach for completing Florida's Comprehensive Wildlife Conservation Strategy with the recognition that it will be submitted to the U.S. Fish and Wildlife Service prior to October 1, 2005.

Commission Discussion

Commissioner Meehan asked how other states are developing their strategies.

Dr. Eason replied that different states are approaching their strategies in various ways, but many are looking to Florida's as a guideline.

Commissioner Barco asked Dr. Eason what was the most impressive lesson he learned through this expansive fish and wildlife project.

Dr. Eason responded that although agency restructure began the process of breaking down barriers among divisions and offices, this effort has forced him to work with saltwater and freshwater segments of the agency that he otherwise would not have had the opportunity to do so in his career. He stated he looks forward to the challenges associated with the progress of Florida's Comprehensive Wildlife Conservation Strategy.

Commissioner Corbett agreed there should be minimum government and maximum incentive for partners in the program.

Commissioner Barreto offered a motion to accept the staff recommendation. The motion was seconded.

Public Comment

Elizabeth Fleming stated that she supports the direction of the program, pointing out that the imperiled species process and the wildlife conservation strategy must work in tandem for the plan to be effective. She mentioned the need to involve more agencies in this endeavor, especially the Department of Transportation, and stated the plan will only work if implemented in cooperation with other nongovernmental organization and agencies.

Lisa Neal and Bonnie Basham offered support of the staff recommendation, and their belief that it should not become a regulatory document. They thanked staff for involving the public throughout the development process, and pointed out the need to continue to include the public in the process, and inclusion of a strategy whereby the state may consider public access and the use of ATVs or other vehicles on state-managed land.

Commissioner Yablonski conveyed that he is impressed with the document, and mentioned the need to continue to impress upon the public and stakeholders that this is not a regulatory document. He suggested staff think strategically about landowner and user incentives in the habitat and species conservation projects and programs.

Chairman Huffman called the question and the motion carried.

Listing Process Biological Review Panels (BRP)

Dr. Eason discussed staff recommendations for persons to serve on BRPs and deadlines for completion of Phase 1 (biological status report) for the pending petitions recommending listing actions for the Panama City crayfish, manatee, bald eagle, and gopher tortoise.

He explained that at the April 2005 Commission meeting, the Commission directed staff to implement the newly approved listing process and initiate action on the five active listing petitions (bald eagle, gopher tortoise, manatee, Panama City crayfish, and peregrine falcon). These petitions were received under the old listing process and at various stages of completion when a moratorium was placed on the listing process. Because the new process incorporates many changes to the old one, all of these species will be run through the updated process from beginning to end.

As the first step, subsequent to Rule 68A-27.0012 (a) and (c), staff will recommend a deadline for completion of the Biological Status Report and provide the recommended list of BRP members required to address the petitions for the bald eagle, gopher tortoise, manatee, and Panama City crayfish. Because of limited resources, the petition for the peregrine falcon will be addressed at a subsequent Commission meeting once the work plans for the initial four species are finalized.

The quickest that Phase 1 can be completed is just under six months. Staff is recommending that the four biological status reviews be completed within the 2005-06 fiscal year.

Regarding the BRPs, Dr. Eason outlined the criteria and guidance for selected members: (1) FWC Chair trained in IUCN process, (2) FWC subject matter expert, (3) U.S. Fish and Wildlife Service (USFWS) scientist, (4) academic scientist(s), (5) private sector scientist/biologist (PSB), and (6) others as appropriate. It is important that the members have scientific training and experience, be impartial and objective, and have broad-based experience in species and methodology. The recommended members of the panels include:

Bald Eagle: Dan Sullivan (FWC), Steve Nesbitt (FWC), Candace Martino (USFWS), Tom Logan (PSB), and Tony Steffer (PSB).

Gopher Tortoise: Kevin Enge (FWC), Joan Berish (FWC), Annie Dziergowski (USFWS), Dr. Henry Mushinsky (University of South Florida), and Becky Smith (PSB).

Manatee: Dr. Elsa Haubold (FWC), Dawn Jennings (USFWS), Dr. Michael Runge (USFWS), Dr. Kenneth H. Pollock (North Carolina State University), and Jane Provanca (PSB).

Panama City Crayfish: David Cook (FWC), Richard Franz (University of Florida), Patty Kelly (USFWS), Deron Lawrence (PSB), and Paul Moler (FWC).

Dr. Eason concluded with the staff recommendation for the Commission to move forward with the proposed timeline for completion of Phase 1 for the four petitioned species, and to approve the membership of the BRPs.

Commissioner Yablonski asked for the theory behind the inclusion of a U.S. Fish and Wildlife Service biologist on each panel, and whether or not state biologists are included on similar federal panels.

Dr. Eason responded that many of the species to be reviewed are either federally listed or federal-level candidate species. The USFWS has much expertise and knowledge on listings, their employees took part in the IUCN training, and it is important for the state and federal government to continue to work toward coordination on listed species. Regarding reciprocity between state and federal government, there is a large movement afoot to bring endangered species work to the state level. Staff will continue to work with the USFWS on species protection.

Public Comment

Patti Thompson (Save the Manatee Club) suggested the Commission consider a member of the Marine Mammal Conservation Commission and the Sirenia Project in Gainesville on the BRP for the manatee imperiled species review.

Jessica Koelsch (The Ocean Conservancy) agreed with Ms. Thompson's comments, pointing out that there may be more than five panel members. She stated her concern over conflict of interest with private sector groups, who may have an agenda regarding the species they are reviewing.

Elizabeth Fleming commented that the Defenders of Wildlife is not pleased with the imperiled species process alignment but supports a majority of the selected BRP members. She stated there could be additional panel members and suggested the Commission use private research organizations such as Mote, Archibald, Tall Timbers, and IUCN during the review process, and add more diversity among the panel members or use them on the peer review committees. She asked the Commission to ensure there are no panel members who might have a conflict of interest with the species they are reviewing.

Commission Discussion

Commissioner Barreto asked the staff to ensure there are no conflicts of interest with members of the BRPs on the species they are reviewing.

Mr. Haddad stated that he is secure with the current recommendations for the panels and ensured the Commission that corrective action would be taken if there appears to be a conflict of interest with any panel member.

Commissioner Barco pointed out that a conflict of interest could arise not only with the private sector but with members from public institutions, schools, or organizations which might receive grant monies for a particular species.

Commissioner Barreto offered a motion to accept the staff recommendations for members of the BRPs with the caveat that if any member of a BRP has an

obvious agenda in the BRP process, the executive director has the authority to remove the member from the panel. The motion was seconded and carried.

Draft Rule—Measurable Biological Goals (MBG)-Manatee Protection Zones

Mr. Kipp Frohlich presented a review and discussion of a proposed rule to establish MBGs as another criterion for evaluating the implementation of manatee protection zones.

Rule 68C-22.001 is the "Scope and Purpose" rule within the general provisions rules of Chapter 68C-11. These rules guide staff actions when developing specific manatee protection rules. Staff is proposing to amend this rule in response to enactment of Chapter 2004-343, Laws of Florida, which amended 372.072(6), F.S., to read as follows:

Measurable biological goals that define manatee recovery develop by the commission, working in conjunction with the United States Fish and Wildlife Service, shall be used by the commission in its development of management plans or work plans. In addition to other criteria, these measurable biological goals shall be used by the commission when evaluating existing and proposed protection rules, and in determining progress in achieving manatee recovery. Not later than July 1, 2005, the commission shall develop rules to define how measurable biological goals will be used by the commission when evaluating the need for additional manatee protection rules.

Additional guidance on how the MBGs are to be used was also added to the Manatee Sanctuary Act in 2004. This language states, in part:

Existing state manatee protection rules shall be given great weight in determining whether additional rules are necessary in a region where the measurable biological goals developed pursuant to s. 372.072 have been achieved. However, the commission may amend existing rules or adopt new rules to address risks or circumstances in a particular area or waterbody to protect manatees.

The Commission approved the current MBGs in January 2003. The goals that were adopted were the same goals that were developed by the Manatee Recovery Team and are a part of the federal manatee recovery plan.

Prior to this meeting, a public workshop was held and four stakeholder groups were represented. Subsequent to the workshop, staff drafted revised language and circulated it to the four groups for review and comment. There was not unanimous agreement on the proposed change, so staff's original language is proposed as a starting point for Commission review and public comment during the final rule-making process.

The current rule states that when the Commission considers if boat speed restrictions are necessary that it will consider six factors: (a) patterns and intensity of known boating activity in the area; (b) seasonal and/or year-round manatee use; (c) the number of manatees that use the area on a regular or periodic basis;

(d) manatee mortality trends within the area; (e) features in the areas such as seagrass beds, fresh or warm water, etc.; and (f) the characteristics of the waterway.

The proposed rule adds a seventh factor (g) whether the Commission's MBGs that define manatee recovery are being achieved in the region that is being considered.

Additionally, staff proposes additional language regarding the MBGs, that "the Commission shall put increased importance on evaluating the need for new or amended rules in regions where the goals are not being achieved. In regions where the goals are being achieved, the Commission shall give great weight to existing state manatee protection rules; however, the Commission may amend existing rules or adopt new rules in these areas to address risks or circumstances in a particular area or water body."

Commissioner Barreto pointed out that the first sentence of the proposed language seems repetitious.

Mr. Frohlich replied that there will be public comment on inclusion of this sentence and some edits might be in order for this rule section. He stated that the staff recommendation is to advertise the proposed amendments to Rule 68C-22.001 for public comment and Commission final action at the September 2005 Commission meeting.

Public Comment

Elizabeth Fleming stated the rule language is clear for direction and action if biological goals are being met but suggested language be inserted that addresses measures to be taken if biological goals are not being met. She stated she would work with staff on further revisions to the draft rule.

Peggy Mathews (Citizens for Florida Waterways) stated that the intent of the statute was to give regions relief from additional protection zones if biological goals were being met. She suggested deletion of the verbiage under (2)(b) "Regarding the measurable biological goals referenced in paragraph (2)(a), above, the Commission shall put increased importance on evaluating the need for new or amended rules in regions where the goals are not being achieved" because it is redundant. She offered to continue to work with staff on rule revisions, and revised MBGs.

Ken Stead (Marine Industries Association), Steve Webster (Florida Marine Contractors), Ted Forsgren, and Bonnie Basham asked the Commission to table the draft rule until the MBGs for manatees have been revised for areas where carrying capacity has been met. They do not believe there should be concern about reaching MBG if the carrying capacity for manatees in an area has already been achieved; however, if the Commission goes forward with the proposed rule, it should be revised to remove the portion of the first sentence under 2(b) as stated by Ms. Mathews.

Ms. Basham asked for consideration of rule language removing manatee protection zones when MBGs have been met.

Mr. Webster asked for quantitative criteria in the rule for manatee protection zones in areas where MBGs are being met.

Patti Thompson voiced her concern with the rule and its disassociation with the Imperiled Species Listing Process. She is concerned about MBGs that are constantly shifting and changing and asked why they were not adopted as stated in the manatee recovery plan.

Jessica Koelsch stated that the proposed rule language as presented by staff is appropriate. She suggested the Commission retain experts to discuss the carrying capacity of manatees in particular regions of the state, and that "regions" in the rule clearly explain that it is one of the four geographic regions where distinct subpopulations of manatees has been described.

Lisa Neal asked about a rule process for removal of manatee protection zones when they are no longer necessary.

John Nicholson suggested the Commission look at the economic impact on counties when setting manatee protection zones, not just conservation of a species. Landowners want to develop along river fronts and need boat slips otherwise the value of condominiums and homes is lowered. He asked if the manatee population increases how it is determined that more boat slips and homes are appropriate to build. He believes strict manatee protection zones are reducing land values in the state, and if manatee populations are increasing the citizens of the state should benefit from the growth.

Commission Discussion

Mr. Haddad advised that the Commission can not table the rule because the statute has given clear guidance that by July 1, 2005 the Commission shall develop rules to define how MBGs will be used by the Commission when evaluating the need for additional manatee protection rules.

Commissioner Meehan suggested the rule align with the statute and that the rule should be prepared for public comment and possible revision.

Commissioner Barreto supported the process for the final rule. He stated that the Commission will need to eliminate rules where the goals are being achieved, and stated the zones must be monitored to allow rule changes where appropriate. He asked Mr. Frohlich how these changes would be introduced.

Mr. Frohlich replied that the Florida Legislature directed FWC to work cooperatively with the USFWS to develop MBGs that help define manatee recovery, which is separate from the listing process. The legislature went on to say that those goals, and whether or not they are being met or not in regions, should be considered by the FWC in rulemaking; and, finally, the legislature stated that FWC would develop rules to define how measurable biological goals will be used by FWC when evaluating the need for additional manatee protection rules.

Mr. Haddad reminded the Commissioners that the rule will be debated in public before being brought back to them for final consideration.

Commissioner Barreto asked what action staff would recommend on manatee protection zones if a manatee population was reaching its biological goals.

Mr. Frohlich replied that the Commission could consider lifting the rules; however, the Commission should consider that those protection regulations were the means to reach the biological goals and possibly only modifications, such as corridors, would be more appropriate than elimination of protection zones.

Commissioner Barco suggested the removal of the first sentence of the rule section as suggested by Ms. Mathews and then for staff to go forward the draft rule for public comment. Commissioner Corbett agreed.

Commissioner Yablonski stated that the Commission needs to employ incentives for providing habitat protection for species, and that rules should be eased when biological goals are being met.

Commissioner Kaupe offered a motion to accept the staff recommendation with one change, to delete the remainder of the sentence from section 2(b) "the Commission shall put increased importance on evaluating the need for new or amended rules in regions where the goals are not being achieved" because it is redundant. The motion was seconded and carried.

Early Migratory Bird Seasons

Mr. Wiley presented for Commission review and consideration the early season migratory bird hunting regulations for 2005-06.

Federal regulations are amended annually to establish the maximum number of days and dates within which individual species and groups of species of migratory birds may be hunted. These regulations also establish the maximum bag limits for taking migratory birds. States are required to select dates and bag limits for taking migratory birds within these "frameworks." The federal schedule for establishing the frameworks precludes the Commission from taking timely action to adapt Commission rules to changes in the frameworks. Staff protocol, therefore, has been to advise the Commission in May or June of anticipated changes to federal frameworks for early migratory bird seasons, make recommendations, solicit Commission guidance, and, subsequently, make any necessary changes to Commission rules by executive order after federal frameworks are finalized. When changes are made by executive order, the pertinent rules are changed during a subsequent Commission meeting to codify in rule the changes established by order.

Staff anticipates no changes in federal frameworks for the 2005/2006 early migratory bird seasons. These seasons include dove, rail, gallinule, woodcock, snipe, September Canada goose, and special September duck seasons. Therefore, staff is not recommending any changes to Florida's regulations pertaining to season dates and bag and possession limits for these species.

An update will be provided to the Commission on both early and late (regular waterfowl) seasons at the September Commission meeting. That update will describe developments occurring between now and then on anticipated or proposed changes in federal frameworks and staff's proposed rule changes for the 2005/2006 migratory bird seasons.

Fishing and Hunting in Florida: A Vision for the Future

Mr. Kent Whittington, Community Relations Office, reported on the progress being made by staff toward developing a vision for the future of hunting and fishing in Florida. He provided an overview of the public's attitudes about fish and wildlife issues in the Southeastern U.S. and identified areas where attitudes and positions of Floridians differ from those held by the public in other southeastern states. This data was received from the Southeastern Association of Fish and Wildlife Agencies through a survey using random digit dialing phone calls or persons 18 years of age or older. Florida's segment included 402 completed calls.

On Florida-specific data, most participants could not identify the agency by name but believed we were doing a better job and thought the agency was totally funded by taxes. Regarding license fees, the majority thought fees should be used to support fish and wildlife management and be increased to cover management (especially for new opportunities); half supported senior and youth license exemptions.

Regarding habitat, Floridians are concerned about water quality and agree that land development should be restricted to protect fish and wildlife. On hunting and fishing in Florida, the majority agree hunting and fishing are part of scientific management (93% approve of fishing and 69% approve of hunting).

Mr. Whittington commented that public opinion often drives legislation that affects FWC management abilities; therefore, it is important that the public know who the FWC is, that the agency employs the experts tasked with the responsibility of managing fish and wildlife, and that the natural resources FWC manages provide a powerful \$10 billion dollar economic impact for the state.

Mr. Wiley expressed that the common goals for the vision for hunting and fishing in Florida are: (1) stakeholder-oriented process--sharing responsibility for the future; (2) develop desired future conditions to guide future management of fish and wildlife resources; (3) secure sustainable future for fish and wildlife resources; and (4) enhance stakeholder cooperation and partnerships—build unity among stakeholders.

Mr. Wiley discussed the different approaches to reach these goals for hunting, freshwater fisheries and marine fisheries, explaining that the approaches differ because the stakeholders are different:

- Hunting—Several active organizations with tight focus; need to build unity and big picture thinking.

- Freshwater Fishing—Few active organizations; need to draw in and develop stakeholder groups.
- Marine Fishing—Wide array of divergent stakeholders; need to balance divergent interests.

>> Mr. Wiley discussed developing a Vision for the Future of Hunting in Florida. The first step being taken to this end is organization of the “2005 Florida Hunting Summit” to be held August 11-13, at the Rosen Centre Hotel in Orlando. This gathering, hosted by a number of private organizations in partnership with the FWC, has as its goals to (1) rally the hunting community to develop, adopt, and implement a statewide initiative to secure the future of hunting in Florida; (2) create cohesiveness, unity, and a sense of urgency within the hunting community to stimulate effective action; and (3) strengthen and build on the historic connection between hunting, hunters, and wildlife conservation.

The summit’s primary objectives are to (1) identify the most critical issues which must be addressed to secure the future of hunting; (2) develop an action plan to effectively address these critical issues with timeframes and accountability; and (3) challenge all hunting organizations and the hunting industry to become actively involved in implementing the action plan.

Chairman Huffman welcomed to the meeting Mr. Clay Henderson, who was instrumental in the implementation of Florida’s environmentally sensitive land buying program, and chaired the Constitutional Revision Commission which led to the establishment of the Fish and Wildlife Conservation Commission.

Commission Discussion

Commissioner Yablonski commented that he is from a family that did not hunt and questioned how staff intends to introduce hunting to nonhunters.

Mr. Wiley replied that hunting is being introduced through archery in schools and the sport of shooting clays.

Commissioner Corbett stated that the 40 percent loss of hunters in Florida since 1980 is troubling. He suggested the need to be proactive in efforts to retain hunters and use hunter education as part of the program.

Commissioner Yablonski stated the need to connect the public with wildlife and conservation, and pointed out the emerging ways to enjoy the outdoors, i.e., kayaking, biking, and birdwatching. He believes the new generation is connecting differently with wildlife and outdoor life.

Mr. Wiley stated that many of the new outdoor adventurers may bridge to hunting and fishing.

Public Comment

Lane Stephens, a member of the summit steering committee, stated that for the perpetuation of hunting sports we will need fishermen to hunt and speak out in support of the hunters. Hunters need to take a friend hunting and the Commission should consider free hunt days, like the free fishing days, in order to introduce people to the sport. He is ready to look for solutions with participants at the summit, and thanked Mr. Wiley for his efforts.

Byron Maharrey stated that more children should be exposed to wildlife recreation, and suggested working with youth councils, such as the Boy Scouts, to introduce the outdoor experience to their programs. He recommended elimination of license exemptions and a better marketing proposal for sale of hunting and fishing licenses.

Mike Thomas commented that the hunting laws are antiquated and too complex. He suggested a committee of law enforcement officers to review, eliminate, and streamline FWC rules and regulations. Mr. Thomas also suggested better promotion of hunting and fishing in high school clubs, and an integrated hunter safety and boater safety course.

Mark Nichols mentioned that the newly created Family Hunt will help to get youth involved in the hunting experience. He stated that opportunities need to be made available to single-parent children to take to the woods. He believes the summit will address these problems and offer solutions.

>> Mr. Darrell Scovell discussed the Vision for the Future of Freshwater Fishing in Florida, pointing out that Florida, as the Fishing Capital of the World, provides a \$1.962 billion economic impact for freshwater fishing, and overall (fresh- and saltwater) Florida is number one in the U.S. for in-state anglers, days of fishing in state, days of fishing by state residents, days of fishing by non-residents, and total expenditures for equipment (\$2.5 billion).

The Summit on the Future of Freshwater Fishing will point out that Florida's freshwater resource users must take a leadership role if Florida is to maintain the current quality freshwater fisheries in the state; and freshwater fisheries stakeholders may recognize and support the need to maintain quality freshwater fisheries, but they are not well organized to provide a leadership role. The goals of the summit will be to (1) identify the important issues, (2) inform and recruit stakeholders, (3) plan for long-term engagement.

Mr. Scovell reviewed the strategies of the summit, events and timetable, and stated that the most important issues include: habitat management, water, regulations, access, and managing non-native fish species. The role of the Commission will be (1) oversight of the summit process, (2) participation in zone (local area) summit meetings, (3) lead/participate in statewide summit in Spring 2006, and (4) active involvement in planning/directing agency participation in long-term engagement issues.

>> Mr. Mark Robson discussed developing a vision for the future of Florida's Marine Fisheries. He explained that the 04-05 Florida Summit on the Future of Marine Fisheries was held because it is essential for Florida's marine resource users to take a leadership role in maintaining sustainable marine fisheries in Florida, and because marine fisheries stakeholders recognized and supported the need to chart a course for future management and enhancement.

Mr. Robson stated that the primary goals of the summit were to create an environment that encourages groups with varying perspectives to identify a shared vision, and develop a dialogue among user groups to identify strategies and possible management approaches. The summit's primary objectives were to identify the most critical issues, seek a consensus, and resolve or reduce user conflicts.

Main stakeholders' concerns were sustaining marine fisheries resources, addressing public issues, increasing public awareness and education, managing resources for public's benefit, obtaining more and better science, and providing access to all. Mr. Robson reviewed the timetable and events stating that a final draft summit document should be completed by December 2005.

Commission Discussion

Commissioner Barreto asked why staff is not using the word "saltwater" rather than "marine" fisheries.

Mr. Robson stated that the words are interchangeable.

Commissioner Kaupe asked if there was a crossing over between the saltwater and freshwater stakeholders on issues.

Mr. Robson replied in the affirmative expressing their interest in water quality, shore quality, and runoff.

The Commission thanked staff for the update on the future of hunting and fishing in Florida.

Overview of Programs Addressing Exotic Species

Mr. Scott Hardin, Division of Habitat and Species Conservation, gave a brief history of exotics in Florida and the U.S., and presented an overview of FWC, state, federal, regional, and international programs addressing exotic species (nonindigenous) and invasive species (exotic species that may cause economic or environmental harm).

Mr. Hardin explained that in the 1970s Florida began addressing the problem of exotic species with establishment of the Game and Fresh Water Fish Commission's Non-Native Fish Laboratory in Boca Raton and Wildlife Inspections Section, and through rules restricting or prohibiting non-native aquatic species and exotic captive wildlife, and enactment of a state statute addressing prohibited marine species.

Federal actions in the 1990 included enactment of the Nonindigenous Aquatic Nuisance Prevention and Control Act, establishment of the National Invasive Species Act and Aquatic Nuisance Species Task Force, and the South Florida Ecosystem Restoration Task Force and Working Group, which has authorized teams to deal with exotic plants and animals (FWC is represented on the Florida Invasive Animal Task Team).

Florida has specifically established the Pest Exclusion Advisory Committee (1999) and, in 2000, Governor Bush encouraged state agencies to develop a coordinated plan to manage and prevent biological invasions. In 2003, the Invasive Species Working Group was created.

In 2004, the FWC established the Exotic Species Coordination Section, its responsibilities are (1) exotic freshwater fish assessment, (2) data management, (3) education and outreach, and (4) coordination with other FWC divisions; and the Exotic Species Standing Issue Team, whose responsibilities are to consider proposed species introductions, review restricted and prohibited species (including proposed species), and recommend agency exotic priorities and policies.

Currently, the agency draft position and rule consolidation are under review, the Exotic Freshwater Fish Poster is under construction, the Exotic Pet Amnesty Project is in the planning stages (both funded through the Wildlife Foundation of Florida grant program), and Exotic Species Facilitator training has been incorporated into Project WILD.

Mr. Hardin brought to the Commission's attention a Leadership Summit on Exotics, which will be held at the State Capitol on June 30. This forum will bring together agency leaders to discuss how they may work together to address the issue of invasive exotics in Florida. Chairman Huffman and Ken Haddad will represent FWC.

Commission Discussion

Commissioner Corbett asked Mr. Hardin for the estimated cost in managing exotic species in Florida. Mr. Hardin responded that annually DACS spends \$60 million (mostly on citrus canker) and DEP nearly \$30 million on invasive plants (aquatic and upland). The FWC spends much less; additionally, most of our personnel assigned to port duty are currently working on homeland security issues. He said he looks forward to continued discussions on invasive species management.

Presentations by the Public

Greg Gardner (Friends of Bull Creek) stated that he had worked with staff on proposed rule changes for the Bull Creek WMA and will address the Commission on proposed changes at the September meeting.

Byron Maharrey spoke regarding access to the Big Cypress Addition Lands. He stated that it is his understanding the completion of the General Management Plan will take three more years and five additional years to perform the baseline before recreational access is permitted. He stated the people of south Florida have waited 16 years for access to these lands and do not want to wait another eight

years. Due to this frustration he will bring this problem to the attention of the President of the United States.

Commissioner Barreto suggested the Executive Director send a letter to the new superintendent of the Big Cypress National Preserve detailing the history of the Big Cypress Addition Lands and requesting Commission assistance to open this land to the hunting and fishing public. He also suggested maybe the Governor might be interested in forwarding comments to the superintendent.

Jim Casselman (United Hunters of Florida) stated he is glad to see Florida moving forward with the hunting summit. He stated he would support a constitutional amendment giving Florida citizens the right to hunt and fish. Mr. Casselman offered his support of the new Family Hunt concept, to introduce and retain youngsters as hunters, and the new archery programs for school children.

Commission Exchange

Commissioner Kaupe thanked Mr. Gene Evans for a tour of his sturgeon facility and cookout.

Commissioner Barreto commended agency staff, who, as the FWC family, helped Frank Montalbano through the illness of his wife, Silky, who recently passed away; and for their sympathy to Ken Haddad whose mother-in-law recently passed away.

Commissioner Barreto stated that because of business he might have to leave the meeting early on Thursday, therefore, he wished to address the red grouper issue. He suggested the Commission explore areas where it can manage Florida fisheries, and offered his support of an increase in the red grouper legal size from 20 to 22 inches. He voiced his concern over the adverse economic impact a three-month fishing closure might have on charter boat captains.

Commissioner Corbett thanked Kent Whittington, Darrell Scovell, Nick Wiley, and Mark Robson for their excellent presentations and for taking the challenge to look toward the future to see where the Commission can make a difference for the state's fish and wildlife resources and outdoor enthusiasts.

Commissioner Yablonski thanked Tim Donovan and the Florida Channel crew for their work in recording meeting deliberations. He mentioned the positive economic impact to a small Arkansas town after the purported discovery of the ivory-billed woodpecker. He asked staff to provide him with a list of private incentive approaches, rather than regulatory, the agency is taking with its projects and programs.

Commissioner Barco thanked Chairman Huffman for his coordination of the tour of Evans Farm, the cookout, and airboat ride on Tuesday evening.

Commissioner Meehan stated that the agency needs a southwest Florida hatchery and he is ready to work cooperatively with Manatee County to find a

satisfactory location. He supports the positive visions presented for the future of hunting and freshwater and saltwater fisheries.

The Chairman recessed the meeting at 5:45 p.m., to reconvene Thursday, June 16, at 8:30 a.m.

Chairman Huffman reconvened the meeting on June 16 at 8:30 a.m., and called on Mr. Mark Robson to present the following rule for Commission consideration:

68B-14.005, Regulation and Prohibition of Certain Harvesting Gear: Allowable Gear, Incidental Bycatch, Violation—The proposed rule would specify buoy and trap marking requirements for black sea bass traps. The proposed rule would: (1) require each trap used for harvesting black sea bass to have the trap owner's saltwater products license number permanently attached; (2) require that each buoy attached to such trap have the letter "B" and the owner's saltwater products license number affixed to it in legible figures at least 1.5 inches high; and, (3) specify the minimum size, color, and allowable materials for black sea bass trap buoys.

Mr. Robson stated that at the April 2005 Commission meeting, staff was directed to proceed to advertise the draft rule for final action at the June Commission meeting. He explained that currently there are no marking requirements for black sea bass traps. Requiring traps to be marked would prevent misidentification and removal of legal black sea bass traps during coastal cleanup events. FWC law enforcement and workshop attendees support the marking of black sea bass traps. Staff recommends adoption of the rule with an effective date in July 2005.

Public Comment

Ted Forsgren suggested the Commission identify who is in the black sea bass fishery and then phase out the fishery. He pointed out that there are resource problems with passive fishing gear and ghost traps, and believes that it is a mistake to establish another trap fishery.

Jerry Sansom commented that the Commission would not be establishing a new trap fishery because this fishery has been in existence for years. He pointed out that the objective of the program is to provide information on the fishery for appropriate management, and that there have been no documented problems with this fishery resource or conduct by the fishermen. Mr. Sansom asked the Commission to support the staff recommendation.

Commission Discussion

Upon motion of Commissioner Yablonski, seconded and carried, Rule 68B-14.005 was approved.

Division of Marine Fisheries Management (DMFM) FY 2005-06 Work Plan

Mr. Robson stated that in March 2005, DMFM staff met with Fish and Wildlife Research Institute (FWRI) staff to discuss the 2005-06 work plan. Each year during the May or June Commission meeting, DMFM presents a draft work plan to receive Commission and public comment, and to discuss staff recommendations regarding priorities for the coming year. Work plan components include issues left over from the previous year's work plan, recommendations of DMFM and FWRI staff, public comment, federal issues, and Commissioner input. The majority of issues will be collaborative efforts between DMFM and FWRI. However, as with every work plan, there are a few items that will be handled solely by DMFM.

Mr. Robson summarized last year's DMFM work plan and mentioned items not on the 2004-05 work plan that were added during the year for various reasons. They included red grouper, Biscayne shrimp, trap pullers, ITQs, and marine fish measurement.

Mr. Robson presented a checklist of 2004-05 work plan items that were completed, ongoing, or not started.

Mr. Robson discussed proposed 2005-06 work plan items, which included: High category--future of marine fisheries, snook, red drum, licensing/trip tickets, marine life species, spiny lobster, black mullet, shrimp permit, and ITQs; Medium category—fishery strategic plans, artificial reefs, stone crab board, Biscayne National Park, Northern Gulf sponge, and shrimp/crab zones; Low category—brine boxes, tarpon, white grunt, hog fish, sheepshead, mutton snapper, horseshoe crabs, and rule reorganization.

With the federal councils and interstate fishery commissions, consistency issues will be presented throughout the year as they arise in addition to other federal issues.

For red grouper, staff is preparing a detailed report on the pros and cons and implications of establishing a lead role in management of this species and other species primarily found in Florida waters, and will present this report at a future Commission meeting.

Commission Discussion

Commissioner Yablonski supports looking at ITQs in Florida fisheries. He suggested staff make contact with federal regulators to discuss on-going federal ITQ studies, and asked staff to continue to work for management of fish in federal waters that are primarily Florida fisheries.

Mr. Robson agreed that staff must review the infrastructure of ITQs and management strategies, adding that not all fishers support ITQs.

Commissioner Meehan stated that there should be some pro-active ways to get more involved in the red grouper fishery due to its impact on recreational and commercial fishermen and the resource in Florida.

Commissioner Corbett voiced his concern that the workload required for this plan is staggering. He mentioned the importance of snook, seatrout, and red drum stock assessments to the recreational fishermen.

Mr. Robson commented that some items might not require additional action, which would reduce the workload. He believes staff can accomplish what has been presented in the work plan, including work with FWRI on the stock assessments.

Commissioner Barreto mentioned that Texas is managing red snapper within its state waters and suggested Florida approach the Gulf Council with a recommendation for state regulations for red and gag grouper. He is interested in finding out where other states have taken action contrary to federal action on fisheries that are primarily in their state waters.

Mr. Haddad advised that Texas does not manage red snapper in federal waters off its coast only in state waters. He pointed out that Florida may manage red grouper independently of federal regulations; however, consistency in federal and state regulations is desirable for adequate law enforcement.

Chairman Huffman pointed out that the National Marine Fisheries Service is bound by the Magnuson-Stevens Act to reduce catch and aid in the recovery of the red grouper if the recreational landings exceed a certain target catch level.

Commissioner Kaupe asked if the Trip Ticket Issue Team has been established, pointing out that it is part of a good plan for determining accuracy of the red grouper landings data.

Mr. Robson replied that the division, licensing and permitting office, and FWRI staffs have met and are reviewing data.

Public Comment

Ted Forsgren strongly urged the Commission to place on its "high" priority list the entire issue of how the FWC becomes involved in federal fishery issues of the councils, because what the federal government does with its fisheries has a tremendous economic impact on Florida's six billion dollar fishing industry.

Commissioner Yablonski agreed with Mr. Forsgren's statements, pointing out that Florida is a stakeholder in these fisheries and should play an active role in the placement of regulations off Florida's coasts, other management decisions, and policy decisions such as ITQs.

Commissioner Barco stated that Florida representatives serve on both fishery management councils. She suggested the Commission be provided copies of all federal fishery management council actions not just those affecting Florida fisheries, and that Commissioners be kept up to date on all "hot" issues before the councils. She suggested a presentation before the Commission on federal commission/council structure, purpose, and activities.

Commissioner Kaupe suggested Commissioners avail themselves of the opportunity to attend the NMFS red grouper regulation public meetings occurring throughout the state, and asked that they be provided with the dates and locations.

Chairman Huffman suggested that possibly when there is a Florida fishery issue on a federal council, Florida should have a "weighted" vote.

Commissioner Barco stated that during her tenure on the Atlantic States Marine Fisheries Commission, the Commission, as a courtesy, would ask the state representatives with the largest landings, their preferred outcome of a vote.

Commissioner Yablonski commented that during re-authorization of the Magnuson-Stevens Act, the Commission should bring to the Congress' attention what Florida would like to see changed in the structure of the act.

Commissioner Barreto offered a motion to accept the Division of Marine Fisheries Management Work Plan with one change, that finding a pro-active means of getting involved in red grouper fishery management be moved to the "High Priority" list. The motion was seconded and carried.

Draft Rule—Vermillion Snapper

Mr. Roy Williams, Division of Marine Fisheries Management, explained that the Gulf of Mexico Fishery Management Council (GMFMC) and National Marine Fisheries Service (NMFS) are proposing new regulations on vermilion snapper.

The draft rule suggests (1) adoption of an 11-inch minimum size limit statewide for recreational fishermen and for Gulf commercial fishermen, (2) adoption of the recreational 10-fish bag limit in the Gulf (which would make the Gulf and Atlantic consistent), and (3) adoption of the April 22 through May 31 commercial closed season in the Gulf. He suggested the FWC adopt these regulations using the federal consistency provisions of the Administrative Procedures Act. These rules would become effective in July 2005.

Commission Discussion

Upon motion of Commissioner Barreto, seconded and carried, the Commission adopted the vermilion snapper rules as federal consistency rules.

Chairman Huffman introduced and welcomed Noreen Clough, Conservation Director for B.A.S.S., to the meeting, and mentioned that the organization has moved to Celebration, Florida.

Draft Rules—Boating Safety for Sarasota and Okeechobee Counties

Major Jim Brown stated that the Division of Law Enforcement is seeking Commission authorization to proceed with rulemaking to amend Rule 68D-24.005 pertaining to the Sarasota County Boating Safety Restricted Area.

The anticipated effect would enhance vessel traffic safety in areas that have been documented to have an increasing number of recreational boaters and added infrastructure conducive to causing vessel congestion.

Proposed rule changes were initially requested by Sarasota County and supported by FWC and local law enforcement entities for the purpose of vessel traffic safety and public safety. A resolution has been received from the County, along with a letter of support from the Sarasota County Sheriff's Office. The proposed rule was the subject of workshops held in the affected area and was vetted with applicable stakeholders. There was no opposition to the amendment that would extend the length of the existing Idle Speed No Wake zones within the Florida Intracoastal Waterway at Hatchet Creek and Circus Bridge and Marine Center, and provide a new Idle Speed No Wake Boating Safety Restricted Area at the Siesta Key and Manasota Key bridges.

Staff is requesting Commission approval to proceed with final rulemaking.

Major Brown introduced Tara Alford of the Office and Boating and Waterways, who is instrumental in addressing boating safety zones for the agency.

Commission Discussion

Upon motion of Commissioner Barreto, seconded and carried, staff was directed to advertise the rule for final rulemaking.

Proposed Boating Safety Rules—Suwannee and Santa Fe Rivers

Major Brown explained that the Division of Law Enforcement is seeking Commission authorization to proceed with rulemaking to amend Rule 68D-24.020 pertaining to the Suwannee and Santa Fe Rivers Boating Safety Restricted Area.

Proposed changes to this rule have been requested by the Suwannee River Water Management District, and are supported by local FWC law enforcement for the purpose of vessel traffic safety and public safety during times of flooding. Public review of the proposed rule will be accomplished through workshops held in the affected area and through coordination with stakeholders.

The proposed rule amendment would more clearly delineate Idle Speed No Wake Zones within the Suwannee and Santa Fe rivers as they traverse through Hamilton, Suwannee, Lafayette, Madison, Gilchrist, Dixie and Columbia counties.

The proposed rule would automatically implement Idle Speed No Wake Zones along various portions of the Suwannee and Santa Fe rivers as determined by water level readings at a series of gauges along these rivers.

The anticipated effect of this change would eliminate the necessity for establishment of emergency rules by the FWC during the rainy seasons or inclement weather brought about by storms. These rivers routinely flood, uprooting families and entire communities from their homes. This amendment would benefit all stakeholders in this area, and assist law enforcement officers with the protection of

life, limb, and property during times of flood. This rule would not be effective until the rivers reach predetermined levels at existing gauges along the rivers.

Staff requests Commission approval to proceed with rulemaking. If the public review of the rule generates no controversy and receives support from the seven affected counties, staff recommends the Executive Director file the proposed rule for adoption. If the proposed rule generates controversy, a final public hearing will be scheduled for a future Commission meeting.

Commission Discussion

Upon motion of Commissioner Barreto, seconded and carried, staff was directed to advertise the rule for final consideration either by the Executive Director or at a future Commission meeting.

Land Acquisitions

Mr. Tim Breault presented the following proposed land acquisitions for Commission consideration:

(1) Acquisition of the 353.9-acre U.S. Department of Agriculture tract, located in Charlotte County, as an addition to the Babcock-Webb WMA under the FWC Florida Forever Additions and Inholdings Acquisition Program.

Mr. Breault remarked that the 353.9 acres provides (1) additional habitat important to native wildlife and for compatible wildlife-oriented recreation, (2) lands with important wetland resources, (3) a prescribed burning buffer, (4) access to facilitate management and recreational use, and (5) habitat for listed species.

This tract of land is an important and integral component of the Commission's acquisition plans to help preserve the area as a component of Florida's diminishing fish and wildlife habitat. The property would be managed by the FWC for natural resource conservation and resource-based public outdoor recreation within a multiple-use management regime. Staff recommends Commission approval contingent upon execution of an option contract and approval by the State Board of Trustees.

Commission Discussion

Upon motion of Commissioner Corbett, seconded and carried, staff was authorized to begin acquisition of the 359.3-acre U.S. Department of Agriculture tract, located in Charlotte County, contingent upon execution of an option contract and approval by the State Board of Trustees.

Mr. Breault presented the second land acquisition proposal:

(2) Acquisition of the 80-acre Walker parcel, located in Jefferson County, as an addition to the Aucilla WMA under the FWC Florida Forever Additions and Inholdings Acquisition Program.

Mr. Breault explained that the property adjoins the Aucilla WMA and is on the current FWC acquisition list. This acquisition would provide the following benefits meriting acquisition under the Commission's Additions and Inholdings Program: (1) habitat for listed species, (2) additional habitat important to native wildlife and for compatible wildlife-oriented recreation, (3) lands with important linkage to aquatic resources, (4) prescribed burning buffers, and (5) public access.

This tract is an important and integral component of the Commission's acquisition plans to conserve lands within the Aucilla and Wacissa River systems and their associated fish and wildlife resources. The property will be managed by the FWC for natural resource conservation and resource-based public outdoor recreation within a multiple-use management regime. Approval will be contingent upon execution of an option contract and approval by the State Board of Trustees.

Commission Discussion

Upon motion of Commissioner Barreto, seconded and carried, the Commission approved purchase of the 80-acre Walker parcel, located in Jefferson County, as an addition to the Aucilla WMA under the FWC Florida Forever Additions and Inholdings Acquisition Program, contingent upon execution of an option contract and approval by the State Board of Trustees.

Staff Report--Boating and Waterways Section

Major Brown explained that the Boating and Waterways Section was created by the 2003 Legislature through the lobbying efforts of the marine industry and conservation groups. Funding for the Section is appropriated from the Marina Fuel Tax that will increase over the next five years when the Section will receive approximately \$13.4 per year. Additional funding includes money from the Florida Boating Improvement Program, boater education programs, the Boating Infrastructure Grant Program, Sportfish boat access grants, and Boating Safety grant program.

Monies will be expended to provide for:

- ❖ 20 water-related law enforcement officers and associated equipment
- ❖ Placement of uniform waterway markers
- ❖ Construction and maintenance of publicly owned boat ramps, piers, and docks.
- ❖ Implementation and administration of competitive grant programs relating to boating safety, boating education, and manatee avoidance technology.
- ❖ Economic development initiatives to promote boating in the state

Major Brown detailed the organization of the Boating and Waterways Section and presented its vision statement -- To work to provide safe and enjoyable boating for the people of Florida and its visitors through the effective and coordinated management of our waterways. The section will strive to work with all stakeholders when developing rules and making statutory recommendations. The vision will be accomplished by incorporating sound scientific data, reasonable public input, and

common sense. The section will work to formulate the best solutions possible without jeopardizing the natural resources or freedom to navigate.

Commission Discussion

Commissioner Corbett stated that it is his hope that through the efforts of this section, boater confusion about boating signage will be alleviated or eliminated.

Commissioner Barreto pointed out that uniform signage will be an enormous and expensive task.

Major Brown commented that it would be a long-term project, with much review by citizens and this Commission.

Mr. Haddad commented that the program now has consistent funding and partnerships, but it will take some time to complete the signage project. He added that high priority areas will be addressed first.

Chairman Huffman mentioned that he learned during his recent trip to Washington that waterways will soon be planned as interstate highways are planned, providing information on where you may purchase fuel along the way, where boat ramps are located, etc.

Mr. Haddad stated that this is the Waterways Use Study, which is being conducted by FWC's Fish and Wildlife Research Institute as a statewide waterway patterns study.

Commissioner Barco mentioned that boaters are often stopped more than once daily to be boarded and inspected, and asked if staff is working to ensure a boat is inspected only once a day.

Major Brown indicated that officers have implemented a procedure to ensure multiple inspections do not occur.

The Commission thanked Major Brown for an in-depth presentation of the mission and work of the Boating and Waterways Section.

Chairman Huffman introduced and welcomed Representative Pat Patterson to the meeting.

Representative Patterson welcomed the Commission and staff to Daytona Beach and Volusia County. He thanked the Commissioners for their work for the state's fish and wildlife, and asked that they keep in contact with the Legislature throughout the year regarding proposed legislation.

Chairman Huffman thanked Representative Patterson for taking the time to stop by the meeting and greet the Commissioners.

Fish Orlando! Program

Mr. Jim Sweatman, Division of Freshwater Fisheries Management, presented an overview of the Fish Orlando! Program.

The Greater Orlando urban region houses over 60,000 acres of fresh water, providing many exciting angling opportunities for the two million local residents and over 40 million yearly visitors from around the world.

The mission of Fish Orlando! is to create, conserve, and promote convenient and quality fishing opportunities in the greater Orlando area with emphasis on bringing quality fishing to families. To accomplish this mission, the project practices management strategies based on applied science and maintaining elaborate communication with stakeholders. Fish Orlando! is the largest of the Division of Freshwater Fisheries Management's community-based fishing projects and encompasses 17 ponds or lakes in Orange and Seminole counties. The project has four full-time staff, a budget of approximately \$200,000, and is funded by a grant from the Sport Fish Restoration Program.

Fish Orlando! has two main components: The FAB FIVE and the URBAN PONDS. The FAB FIVE are five water bodies managed for quality-size fish and/or a unique fishing experience. The URBAN PONDS are water bodies managed for beginning anglers and those that love to eat their catch. Both provide quality family fishing including various events, programs, and promotions. To support these activities, staff has formed partnerships with the City of Orlando, City of Ocoee, Orange County, BASS PRO SHOPS, and a variety of other business and volunteer/civic groups.

Mr. Sweatman presented program highlights:

- ❖ 354,000 channel catfish and 136 sunshine bass have been stocked since 1997.
- ❖ Ten fishing piers and three boat ramps provide angler access
- ❖ 200,000 Fish Orlando! fishing maps have been distributed to anglers
- ❖ Since 1997, more than 16,000 young anglers attended project-sponsored instructional fishing clinics and over 26,000 anglers and their families attended fishing derbies.
- ❖ Turkey Lake Park features a boat loaner program. For \$15/day, anglers may rent a Bass Tracker boat with electric trolling motor, donated by BASS PRO SHOPS Outdoor World.

The Chairman thanked Mr. Sweatman for the informational presentation of the Fish Orlando! Program.

Due to time constraints, the Chairman asked for Commission approval to amend the agenda to move the two remaining staff reports following the red grouper issue or move them to the next day's portion of the meeting. Upon motion of Commissioner Barreto, seconded and carried, the agenda was amended.

Federal Issues

Mr. Roy Williams, Division of Marine Fisheries Management, brought two important grouper actions to the Commission's attention. Congress has authorized a buyout of excess effort (primarily longline effort) in the Gulf grouper fishery. The program is between the fishermen and Congress but will be implemented by NMFS, if approved. The Gulf of Mexico Fishery Management Council (GMFMC) has no authority in the buyout.

The GMFMC voted last year to manage the Gulf grouper commercial fishery with an IFQ (Individual Fishing Quota) program. At its May meeting, they directed staff to develop alternatives for populating an *ad hoc* panel to develop the IFQ plan.

Public Comment

Robert Spaeth (Southern Offshore Fishing Association [SOFA]), who was a member of the longline buyout committee, stated that he will provide more specific information on the buyout to the Commission at its September meeting.

William Ward (Gulf Fisherman's Association) commented that the association is putting together a business plan to take out excess in the longline fishery, which it would like present to the FWC. He stated GFA does not support ITQs or IFQs in the grouper fishery.

Federal Red Grouper Regulations

Mr. Robson introduced Dr. Roy Crabtree, Regional Director, National Marine Fisheries Service, who addressed the NMFS proposed actions to reduce the recreational harvest of red grouper in 2005.

Dr. Crabtree thanked the Commission for the opportunity to discuss the red grouper issue, which will require some difficult and controversial action relative to the rebuilding of the red grouper stock. He explained that in October 2000, based on a 1999 stock assessment, red grouper stocks in the Gulf of Mexico were declared to be overfished by the Secretary of Commerce. When the Secretary of Commerce declares a stock to be overfished, NMFS notifies the GMFMC that action must be taken to put a rebuilding plan in place. The federal Magnuson-Stevens Act requires the council then take action within one year of notification. With the red grouper, action was delayed and the 10-year rebuilding plan became Secretarial Amendment 1 (SA1), establishing a 10-year red grouper rebuilding plan, structured in three-year intervals, which would end overfishing and rebuild the stock to maximum sustainable yield.

The 2002 stock assessment indicated the status of the stock had improved, but reductions in harvest were still needed. The plan established the total allowable catch of 6.56 million pounds, which was to be adhered to between 2003 and 2005. The catch was then to be allowed to increase by around 600,000 pounds in 2006; but the objective of maintaining the catch at the 6.56-million-pound level for these three years has not been met. Regulations were enacted to reduce the red grouper bag limit to two, and the commercial quota was reduced, and a separate red grouper commercial quota was established at 5.31 million pounds. In determining

the quota, NMFS reviewed years 1999 to 2001 to determine how much each section (recreational vs. commercial) was catching; 81% of the catch in those years was commercial and 19% was recreational. The goal was to reduce both sectors catch by the same amount. In 2004 a new quota monitoring system was established, which monitored the commercial fishery. The commercial red grouper fishery was closed down when the quota was met. Currently, the NMFS is not initiating additional commercial regulations.

During 2003 and 2004, recreational red grouper landings exceeded the 1.25 million pound target catch level. While landings in 2003 were only slightly greater than the target, 2004 landings were nearly 2.5 times greater. At its March 2005 meeting, the GMFMC requested NMFS implement an interim rule to reduce the 2005 recreational red grouper harvest to target catch levels established in SA1.

Without additional regulations, the GMFMC expects recreational red grouper landings in 2005 to continue exceeding the 1.25 million pound target.

In March, the GMFMC voted not to increase the red grouper allowable biological catch during the 2006 fishing year because target catches were exceeded during the first three years of the rebuilding plan. However, action is needed in the interim to reduce recreational landings in 2005. Based on average landings during 2003 and 2004, it is estimated as much as a 43 percent reduction in recreational red grouper landings is needed to end overfishing in 2005. Proposed measures in the interim rule (180 days) include: (1) reduce the recreational red grouper bag limit to one, (2) establish a closed season (October, November and December) for all grouper, and (3) reduce the aggregate grouper bag limit from five to three. Further, the GMFMC is considering implementing permanent measures as part of a regulatory amendment in 2005, and will discuss this issue at its July 2005 meeting.

NMFS will conduct four public hearings in Florida in conjunction with the GMFMC to receive input on these proposed measures. Six additional hearings are scheduled in other Gulf states. Additionally, NMFS is preparing an environmental assessment that will evaluate the potential economic impact of the proposed management measures. These measures are intended to reduce the expected harvest overages in the recreational red grouper fishery and reduce the likelihood of overfishing.

Dr. Crabtree stated that it is his legal obligation to take steps to try to keep the harvest of red grouper near the target level to ensure stock recovery. Without emergency regulatory action, if the overages continue, Dr. Crabtree believes by 2007 the new stock assessment will indicate NMFS is way behind in rebuilding the stock, and, with three years left, huge reductions in allowable harvest will be required.

Dr. Crabtree stated that it is his hope, when the NMFS decides on a regulatory action, that the Commission will consider federal consistency regulations for Florida.

Commissioner Meehan asked how a change in the length limit from 20 to 22 inches would affect the fishery, and asked what the data from the first half of 2005 indicate.

Regarding size limits, Dr. Crabtree explained that implementing a size limit above the smallest size currently caught, or increasing an existing size limit, increases regulatory discards because more fish must be released in order to catch a legal-sized fish. A certain percentage of discards die.

Dr. Crabtree stated that landings data from January through March 2005 indicate recreational landings are down from 2004 but ahead of 2001, 2002 and 2003.

Commissioner Corbett asked how mortality data is gathered.

Dr. Crabtree replied that mortality data is received through tag and release and observation studies, with particular attention to the depth in which they are caught.

Commissioner Barco asked what is the spawning size of red grouper, and how long the NMFS estimates it will take to recover the fishery.

Dr. Crabtree replied that red grouper are sexually mature by the time they reach the minimum size limit. Regarding time to recover, he stated he could not answer that question until after the 2007 stock assessment, but the rebuilding plan is not being met. The plan is to end overfishing and rebuild the stock to maximum sustainable yield by 2012, providing a great fishery for the fishers.

Commissioner Yablonski asked if any other models had been run on the red grouper fishery to provide other alternatives for reduction in the fishery.

Dr. Crabtree responded that NMFS looked at combinations of bag limit reductions and closed seasons.

Commissioner Huffman asked what is occurring that has caused the apparent spike in the catch of red grouper.

Dr. Crabtree replied that he is not certain of the cause of increased landings data for the recreational fishery.

Commissioner Barco asked what action NMFS would have taken if the 2004 recreational landings data had not had the dramatic increase.

Dr. Crabtree responded that the red grouper fishery would have been on target and no additional regulations would be in order.

Commissioner Barreto asked about the Gulf of Mexico commercial longline fishery.

Dr. Crabtree responded that longlining was moved out to 50 fathoms off the Gulf of Mexico to keep the longliners off of red snapper.

Commissioner Kaupe voiced her opposition to the proposed three-month closure.

Dr. Crabtree pointed out the consequences of not rebuilding the stock by 2007; there could be a 40 to 50 percent reduction in the total allowable catch or a seven- to eight-month closure in the fishery. NMFS is looking at bag limits, hoping that by 2006 there will be no closures but possibly a per vessel limit.

Mr. Robson thanked Dr. Crabtree for addressing the Commission on the recreational red grouper issue and mentioned the constraints NMFS is working under to meet the rebuilding schedule.

Mr. Haddad reminded the Commissioners that the NMFS is bound by the Magnuson-Stephens Act, which requires council review to address new or persisting fishery management problems.

Mr. Robson commented that if FWC were managing the Gulf grouper fishery and previous assessments showed reductions were needed staff would recommend implementing a commercial quota and lowered recreational bag limit; closely monitor recreational harvest trends to track whether harvest exceeded rebuilding rate; consider incremental measures prior to next assessment only if necessary; re-evaluate the fishery when 2007 assessment occurs, act earlier if 2005 recreational effort spiked but not if Catch Per Unit Effort (CPUE) increased, consider additional bag reduction, consider closed season to reduce effort, avoid size limit changes due to release mortality, allow CPUE to increase because that is a sign that stock is improving; and act if there were indications of stock recovery mitigating emergency action.

If FWC chooses inconsistency with federal regulations there may be poor enforcement and angler confusion, a reduction in the effectiveness of federal rules and, if stocks do not meet recovery goals, more restrictive measures may ensue.

If FWC elects to be consistent, state actions would be based more on management coordination than concern over the red grouper stock, and provide the most conservative approach to rebuilding spawning stock for the future.

Options provided by staff to the Commission include:

1. No action
2. Bag limit of one red grouper (14.8% and 21.9% reduction)
3. Bag limit of one red grouper and close December (18.3% and 25.1% reduction).
4. No change in bag limit and close December (4.1% reduction)

The staff recommendation is Option 2.

Commissioner Barco suggested federal action should be based on the most recent 2005 data, not on 2004 data. If you have a two-fish bag limit in a year when the Gulf of Mexico is hit with two major hurricanes and the catch still increases by 130% it becomes unclear what the data actually indicates. She believes the NMFS is premature on suggesting the rebuilding plan will not be met if it is basing its judgment on the 2004 recreational landings data.

[Commissioner Barreto left the meeting due to a previous commitment.]

Public Comment

The following people spoke against the proposed federal regulations for recreational red grouper: Capt. Tommy Thompson, Clint Jenkins, John Ebbs, and Charles Bartley (Gainesville Offshore Fishing Club); Dennis O'Hern, Paul Kerr, Jason De La Cruz and Capt. Bob Bryant (Fishing Rights Alliance); Ted Forsgren, John Pruder, Mike Kennedy, Stephen Furman, Brian Gorski, Jim Gray, Gary Bonner, Shawn Guckan (CCA); William Ward (Gulf Fisherman's Association); Karl Wickstrom and Frank Bolin (Florida Sportsmen); Eric Schmidt (SOFA); Pat Kelly (Florida Guides Association); Ralph Allen (King Fisher Fleet); Paul Forsberg (Viking Fishing Fleet); Shawn Dick (Aquatic Release Conservation); and Cadmus McLarty, James Glass, John Patrick, Charlie Norwood, Wiley Horton, Bill Tucker, and Brian Kiel.

Their comments on proposed federal red grouper regulations included but were not limited to:

- Consider other options to solve any resource problems which may exist in the recreational take.
- The proposed federal closure is unwarranted and punitive toward recreational anglers.
- Reduce commercial longline boats.
- Accuracy of data from the Marine Recreational Fishing Statistical Survey (MRFSS) on which the federal proposals are being based is questionable.
- Information and experience from fishermen is that there are more grouper rather than fewer.
- The NMFS is overreacting to the survey data and should wait until the 2007 stock assessment to make any regulatory decisions.
- Fishing closures will cause great adverse economic impact on the state.
- Consider a minimum size increase rather than a closure.
- Consider a lower bag limit rather than a recreational closure.
- Florida should manage the Gulf red and gag grouper fisheries.
- Only red grouper are classified so it is punitive to also close harvest to other groupers.
- Federal government is inconsistent in its use of management options.
- During 2004, Florida had four hurricane events that caused many recreational boaters to dock their boats for long periods of time; therefore, the recreational catch data can not be accurate.
- Enact state regulations rather than concur with the federal proposals.
- Fishermen can work to reduce post-release mortality of groupers.
- Consider a per vessel limit if limits must be imposed.

Commission Discussion

Commissioner Meehan commented that he understands MRFSS data is a guideline and not a basis for regulatory changes, and understands the need for

NMFS to follow its rebuilding plan; however, that 2005 data suggests harvest is down.

Mr. Haddad recapped the red grouper discussion for the Commission:

- (1) It is a short-term issue
- (2) Even if the 2004 data is discounted, NMFS has stated that action is needed. Neither NMFS nor FWRI have found flaws in the data.
- (3) Recreational anglers are harvesting over the total allowable catch for recreational harvest.
- (4) The NMFS is proposing a three-month closure
- (5) There have been a number of solutions which might only be thought of long term that include allocation and changes in data collection and analysis.
- (6) Staff also believes a change in size will not likely result in accomplishing the stated goal because it doesn't reduce effort.

Mr. Haddad offered that the Commission may take action on the staff recommendation but pointed out that, typically, it is best if state and federal regulations are consistent.

Commissioner Yablonski asked why a change in length for vermilion snapper is appropriate but not for red grouper.

Mr. Gil McRae responded that the efficacy of raising the length limit is tied very closely to release mortality experienced in the red grouper fishery. When there is a high release mortality, the higher length limit increase is less effective because, as with gag grouper when NMFS went from 22" to 24", there were a large number of fish released and a certain percentage of those fish died. Therefore, if the percentage of release mortality remains flat, if more fish are being released, released mortality becomes a higher proportion of total mortality.

Mr. Haddad advised the Commission that they may either take a position or action on the red grouper suggestions by FWC staff. He pointed out that "no action," would place Commission rules in conflict with the federal regulations.

Commissioner Meehan asked the timetable for Commission action on any proposed red grouper regulation changes.

General Counsel Antista pointed out if the Commission takes action on a staff-recommended option, the rule-making process would proceed with final action at the September 2005 Commission meeting.

Chairman Huffman stated that the Commission could take a position on the issue to try to influence the NMFS. He pointed out that accurate science is the key to what action this Commission should take, and mentioned that the NMFS must understand the adverse economic impact its proposed regulations would have on the Florida economy.

Commissioner Yablonski pointed out that there are two sets of data available on the red grouper fishery (1) landings data and (2) health of the fishery, which shows a healthy red grouper fishery at this time.

Mr. McRae stated that staff does not question the MRFSS data but suggests strict regulatory action may not be necessary at this time. Staff would prefer to wait until 2007 data is available before recommending any changes, pointing out that the 2004 recreational data indicates a healthy fishery.

Following a Commission discussion on taking a position versus selecting of a staff-proposed option, Commissioner Corbett stated he would support Option 2.

Commissioner Meehan thanked staff for providing a menu of options for the Commission to consider, and stated that he does not concur with the federal regulatory approach because of its adverse social and economic impacts on Florida and questionable data. He stated that he would prefer to have additional information if severe changes in the red grouper fishery in Florida are expected.

Commissioner Kaupe stated that she would support Option 2, and could not support any closure of the fishery.

Commissioner Yablonski thanked William Ward for taking the time to address the Commission as a commercial fishermen supporting recreational fishermen. He mentioned that we all must understand that it is commercial fishermen who provide fish for Florida consumers and restaurants, and through their efforts, must provide a livelihood for themselves and their families. He stated that he is not convinced draconian action on the recreational red grouper fishery is necessary and offered his support of Option 2.

Commissioner Barco commented that she understands NMFS position on the red grouper, stating that the landings data for years other than 2004 still depict an overharvest of red grouper, and suggested Option 2 is the better option for the fishery.

Commissioner Corbett offered a motion to support Option 2, a bag limit of one red grouper, authorize the Chairman to direct a letter to NMFS stating the position of this Commission based on staff's recommendation, request federal consistency, and explain that the Commission would not entertain a three-month closure. If NMFS agrees to federal consistency, the Executive Director will have the authority to enact the rule change. The motion was seconded and carried.

Net Working Group

Colonel Jones explained that at the Commission's direction, following the February Commission meeting, staff began the process to create a net working group. The group was to consist of individuals who represent the commercial net fishery from several different regions of the state, as well as representatives from FWC's Fish and Wildlife Research Institute, Division of Marine Fisheries Management, and Division of Law Enforcement, and the National Oceanic and Atmospheric Administration.

The working group consists of commercial fishermen who have historically represented the opinions of other fishermen, and are knowledgeable on net design and have designed nets themselves. Together, the fishermen will be able to

explore emerging fishing techniques and gear and will be able to present these ideas to the working group.

Nets developed for resting must meet the following constitutional requirements: (1) Cannot exceed 500 square feet of mesh area as measured by the procedure specification by Rule 68B-4.0081, and (2) Primary characteristics and harvest method must not be to gill or entangle fish.

On May 3, 2005, the initial meeting of the net working group took place at the Bryant Building in Tallahassee. The group agreed to test and evaluate a net design proposed by Ronald Fred Crum, the President of Fishing for Freedom. The construction of the net is complete and testing and evaluation have begun.

Public Comment

Ted Forsgren voiced his concern that if other sized mesh nets are allowed by the FWC, where will the law enforcement officers be as these nets are carried about the waters.

Jerry Sansom stated that the commercial fishers must be given the opportunity to try new nets to secure much-needed science and data on catch. He offered his appreciation to the Commission for allowing the net testing and for its open-mindedness on finding a possible net solution for the fishermen.

Federal Issues (Continued)

Mr. Robson stated that the primary issue addressed by the South Atlantic Fishery Management Council at its recent meeting was the Snapper-Grouper Amendment. The amendment addresses management for a complex group of over 70 species, and is organized by species groupings. Within each grouping, a range of management alternatives is being developed. The final draft amendment, which will be going out for public review and comment within the year, is being developed. Among the areas of potential significance to Florida regarding continued review and establishment of preferred alternatives for the management of South Atlantic species of snapper and grouper will affect: shallow water grouper (gag, red, black), goliath and Nassau grouper, deepwater grouper (snowy), mid water snapper (vermillion), and white grunt.

Presentations by the Public

Jerry Sansom thanked Commissioner Yablonski for thinking of the need for seafood for Florida's citizens and the financial welfare of the commercial fishermen. He invited the Commissioners to attend a Florida Inland Navigational District (FIND) meeting for insight into the need for additional boating access in Florida, and brought to the Commission's attention the grant program administered by FIND which he believes could be enhanced with Commission participation.

Commission Exchange

All Commissioners agreed that the red grouper was a complex issue but believe the Commission took the best action for Florida, and thanked staff for their hard work in presenting the issues of the day.

The Chairman recessed the meeting at 6:15 p.m. to reconvene on Friday, June 17, at 8:30 a.m.

Chairman Huffman reconvened the meeting at 8:30 a.m., June 17.

Update on Financial Business Plan

Mr. Lawson Snyder, Division of Habitat and Species Conservation, and Mr. Curt Brown, Division of Law Enforcement, presented and update on the progress of the FWC Financial Business Plan Action Team.

The Action Team, chartered by the Executive Director, was comprised of select staff with expertise in finance, management, and communications. The FWC contracted with a private consultant group to tap its expertise and receive the private business sector perspective.

The team was charged with developing a long-range financial business plan for FWC that has broad stakeholder support. Priorities have been established and the organization aligned. The long-term strategy focused on the major areas of concern, and the team is prepared to address overall funding requirements necessary to provide financial and programmatic stability. The approach includes external analysis, stakeholder input, and general public input.

Challenges include continued population growth, resultant fish and wildlife projection issues, agency unique funding structure (budget is flat), 40 percent erosion in buying power, and continuing problems with trust funds.

Based on historical trends and future projections, the approach was to evaluate three basic options:

- A. No new funding. Continue to undergo belt tightening as necessary, including decreasing services and programs.
- B. Evaluate methods to develop enough new funding to allow the agency to continue current programs and services.
- C. Evaluate methods to develop enough new funding to allow continuation of current programs and services while expanding growth in key areas identified by our stakeholders, the Commission, and the Legislature.

To assess the current financial situation, staff compiled existing FWC data, compiled FWC and other sources' forecast data on revenue, and analyzed all data. Data analysis was performed by a private contractor.

The FWC Outdoor Panel, representative stakeholders, and a random sample of Floridians were surveyed to test acceptance of a variety of FWC actions (options) in order to provide requisite information to the Commission.

Recommendations will be presented to the Commission at the July Commission meeting. If the Commission decides to move forward with one of the options, staff would begin the second phase of the process to include a series of meetings with stakeholders and the public to gather additional input. Final recommendations would be presented to the Commission in September 2005, and an issue would be developed for Legislative consideration during the 2006 session.

Commission Discussion

Commissioner Yablonski stated that if the stakeholders do not want the FWC to "continue tightening our belt," the stakeholders need to be asked what they are willing to pay to keep from tightening the belt.

Commissioner Meehan pointed out that stakeholders have, over the past few years, come to the Commission requesting increases but the agency has been unable to secure the avenue for funding from the Legislature. In the exercises to "cut the fat" there was little to cut. He suggested using the Wildlife Foundation of Florida to its fullest potential for financial assistance to FWC.

Commissioner Corbett commented that the public would like more services but often do not want to pay for them. He suggested staff look at what other states are doing to supplement their budgets, such as private partnerships and seeking grants from various foundations.

Chairman Huffman stated that it has been nearly 20 years since the agency has had legislative approval for license increases, and the FWC needs stakeholders to understand and support our license fee increase bills with the legislature. He pointed out the importance of verbiage when asking stakeholders or citizens if they would support a fee increase. He believes users, who are taking the resource, should not be exempt from fees.

Commissioner Barco, who was a member of the FWC Financial Task Force, commented that fees should be properly scaled so that large exhibitions, such as Disney, are not paying the same fees to exhibit wildlife as the man who has one animal; nonresident licenses should be comparable to other states; and certain exemptions eliminated or amended before considering increasing resident licenses.

Regarding fee increases, Commissioner Yablonski asked the Commission to be very creative and think differently about its approach when seeking fee increases, and mentioned that elimination of exemptions is seen as "fee increases" to some legislators. He stated that the answer is to create more resource users to pay the fees to administer the agency.

Mr. Haddad stated that the FWC will be the first state agency that has provided an outside and professional approach to developing an agency financial plan. This full analysis is the tool needed to make decisions and direct the agency into the future.

Mr. Heller added that with this plan it will be the stakeholders who approach the legislature and demand a certain level of service from this agency and request appropriate fees for the service.

Update on Commission Meeting Process

Mr. Vic Heller updated the Commission on improving the effectiveness of Commission meetings. Since the April report, staff has been working to develop a process to determine how issues are placed on a Commission meeting agenda.

The objectives are:

- Devote less meeting time to issues that have minimal resource benefit
- Minimize time spent settling social issues and user conflicts
- Avoid revisiting issues that have satisfactory resolution and for which little additional information is available to change position.
- Minimize time on issues where little or not enough biological data are available.
- Minimize time spent on issues that would be resolved more effectively by nonregulatory means.

To meet these objectives staff suggests:

- Issues from Commission-approved work plans be annually evaluated and scheduled for a Commission meeting during the next year.
- Issues submitted by Commissioners and staff be evaluated annually and scheduled for a Commission meeting during the next year.
- Issues from Commission-approved work plans and issues qualifying on the scoring sheet with higher numerical ratings scheduled earlier in the year.
- Updates to ranking processes acted upon twice annually (more often if needed).

Mr. Heller explained that if Commissioners agree to use the process, items not ranking high enough to be placed on an agenda could still be evaluated at a Commission meeting and placed on a future agenda by Commission majority vote.

Mr. Heller stated that a finalized agenda issue ranking process would be presented for Commission consideration at the September Commission meeting.

To improve stakeholder coordination and issue resolution prior to an issue being scheduled for a Commission meeting, staff would form a issue team, assemble an agency-wide database to identify stakeholders, evaluate firms to create stakeholder database interface, interview FWC staff to determine what is working well and what needs improvement, and observe different ways divisions and offices coordinate with stakeholders and assemble recommendations. The goals are to develop a stakeholder database that facilitates quick involvement in rule development and evolving issues; develop a handbook for staff to guide them through interactions with stakeholders; and train more staff to better work with stakeholders in meetings, negotiations, conflict resolution, and processes that provide nonregulatory approaches to problems.

Commission Discussion

The Commissioners asked Mr. Heller to ensure stakeholders and citizens remain fully accessible to the Commission, and offered their support of the Commission meeting improvement process.

Legislative Report

Mr. Haddad presented an overview of the 2005 Legislative Session. The FWC's budget for fiscal year 2005-06 was funded at \$237,425,533, of which \$197,815,499 is recurring. The Legislature funded the agency's total budget request, except for funding for seaport security patrol. Of special importance was the approval of the biologists' pay equity issue and funding for two new helicopters. Mr. Haddad thanked Representatives Stan Mayfield, Greg Evers, and Joe Negron; and Senators Charlie Clary, Al Lawson, and Lisa Carlton for their support of the agency.

Regarding agency substantive legislation, neither one of the agency bills passed; however, four agency issues were amended onto other bills with the assistance of Senator Ken Pruitt, and Representatives Marty Bowen, Mitch Needelman, and Stan Mayfield. Issues passed were:

- (1) Reduction in transfer fees for stone crab certificates; recommended by the Stone Crab Advisory Board;
- (2) Creation of an individual/vessel saltwater products license (SPL) that combines the characteristics of the existing individual SPL and vessel SPL; recommended by the Organized Fishermen of Florida;
- (3) Elimination of our environmental education grant program and the Advisory Council on Environmental Education that recommends which grant project should be awarded; the Legislature had not funded this program for two years;
- (4) Revision membership criteria and duties of the Boating Advisory Council (BAC). This was recommended by the BAC.

Two other issues that the Commission approved last July did not pass. They were amended out of the agency's legislative package during committee meetings:

- (1) Increased penalties for those who habitually violate deer/dog hunting laws and hunting with a suspended/revoked license;
- (2) Increasing the age requirement for those who must pass the boating safety course.

Under other legislation staff followed during the session, Mr. Haddad mentioned the Oceans and Coastal Conservation bill. This bill creates the Florida Oceans and Coastal Council of state and federal, public and private, entities whose responsibilities will be to coordinate the conservation of Florida's oceans and coastal resources. FWC, the Department of Environmental Protection, and the Department of Agriculture and Consumer Services will appoint members to the Council and will serve as ex-officio members on the Council. This bill has been sent to the Governor for signature.

Regarding 2005 budget issues, Mr. Haddad stated that the Commission was successful in securing approval of the biologist pay equity issue and the funding for law enforcement aircraft replacement, which were agency priorities.

Under federal relations, Mr. Haddad stated that Chairman Huffman, Gil McRae, and the agency Federal Liaison Robert Reinshuttle, visited Florida Congressional Delegation offices in May. The focus of the meetings was FWC federal appropriations requests, e.g., vessel replacement for law enforcement, manatee rescue and carcass salvage, Southeastern Cooperative Wildlife Disease Study, and State Wildlife Grants.

Chairman Huffman offered that the agency needs a better and continuing relationship with the Florida Congressional Delegation, to ensure their understanding of the mission, duties, and responsibilities of this agency. He suggested Commission visits to Congressmen not only in Washington but in their district headquarters.

Mr. Haddad stated that a September trip is being planned and asked Commissioners to take the opportunity to travel to Washington with him and Legislative staff to meet with the Florida Delegation.

Commissioner Yablonski stated that states should form an alliance for a greater impact on issues affecting them.

Mr. Haddad explained that the International Association of Fish and Wildlife Agencies offers aid to states on federal matters, and he would report to the Commission on their mission and activities.

Public Comment

Pat Rose mentioned the importance of boating safety issues, pointing out that boater education has been consistently supported by the boating community, and everyone needs to work harder to get this bill through the Legislature. Regarding federal issues, Mr. Rose stated he is worried about the elimination of the Public Utilities Holding Company Act, which would place public utilities under the ownership of private companies other than utility companies. Such a move could jeopardize warm water refuges for manatees at power plants; therefore, alternative warm water refuges would need to be found.

Capt. Rick Rawlings asked the Commission to go forward with the freshwater vessel license. He believes it is unjust and inequitable that saltwater captains may purchase a vessel license and freshwater captains may not. Regarding fishing license sales, he suggested a one-day fishing license because many Florida visitors wish to go out fishing one day and do not want the expense of purchasing a 7-day license. He wants to see equality in all salt- and freshwater licensing.

Mr. Haddad responded that staff is aware of Captain Rawlings' concerns and are reviewing the inequities.

Commissioner Yablonski pointed out that by allowing a daily license, more licenses may be sold adding to the agency revenue.

Ron Rincones spoke of the growing populations of goliath grouper, which is having an adverse impact on the lobster trap fishery and causing problems around shipwrecks and reefs. He asked the Commission to initiate a process to begin to deal with goliath grouper.

Captain Bill Flowers stated that there is a lack of gamefish in the central St. Johns River from Puzzle Lake to Lake George, and the need for a coordinated effort by state, federal and local agencies to save the river. He asked that Commission employees interview fishermen and guides in this area regarding fish population declines. He conveyed that he would like to see changes in the manatee protection zones in and around the lakes of the St. Johns River basin because many of the slow speed zones remain in effect even after manatees have left the area.

Susan Young voiced her opposition to the regulation providing that a new Florida resident must wait six months before being allowed to purchase a resident fishing license. She believes this law is having an adverse economic impact on Florida.

Commission Exchange

Commissioner Yablonski mentioned the recurring statements that the Magunson-Stevens Act needs to be amended. He asked for a briefing on the act at a future Commission meeting, with discussion on ways to change the act and how to get the Florida Congressional Delegation involved in the process.

Regarding the July legislative/budget meeting, Commissioner Yablonski pointed out that the Commissioners are the "board of directors" of the agency and have the responsibility to "play the heavies" in the budget process and aid the Executive Director in the legislative budget process with the Governor and Legislature.

Commissioner Barco thanked Chairman Huffman for coordinating the trip to the sturgeon farm and tour of the Lake Disston area, and mentioned the educational value of these outings. She was impressed with the diversity of speakers regarding the red grouper issue, adding that she enjoyed listening to their various concerns.

Commissioner Corbett stated that he was satisfied with Commission actions on the red grouper, dog registration program, and Matlacha Pass issues, and that the net working group seems to be moving in the right direction. He asked Mr. Heller to contact him regarding the Commission meeting matrix.

Commissioner Kaupe thanked Chairman Huffman for a good meeting, for the trip to Lake Disston, and the tour of the sturgeon facility. She asked that the Commission be kept up to date on the net working group issues.

Commissioner Meehan thanked the Chairman for a good meeting and stated that he is hopeful the boating safety education issue will be looked upon favorably during this year's legislative session. He suggested state legislators take a boat

ride with staff during a busy boating weekend to get a better understand of the need for mandatory boater education.

Chairman Huffman thanked all the staff who made presentations at the meeting, the FSU film crew, the media staff, and those who assisted to make the meeting run smoothly.

Commission Administrative Matters

[Due to time constraints the Staff Report on Sea Turtle Conservation will be presented at a future Commission meeting.]

The next regular Commission meeting will be held at FWC Headquarters, Bryant Building Auditorium, Tallahassee, July 14 and 15, 2005, commencing at 8:30 a.m. each day. This meeting will address budget and legislative issues.

There being no further business, the Chairman adjourned the meeting at 10:45 a.m.

H.A. "Herky" Huffman
Chairman

Kenneth D. Haddad
Executive Director

Respectfully submitted:

Commission Secretary

/tm
minutes\june 05
Attachment

Consent Agenda

June 2005

(1) Rule: 68A-20.005, Specific Fish Management Area (FMA) Regulations—The proposed rule change would rename the Cargill Fort Meade Mine FMA to the Mosaic FMA at the request of the new landowner.

(2) Establishment Order: FMA-05-01, Mosaic Fish Management Area (FMA)—The proposed establishment order would change the name of the Cargill Fort Meade Mine FMA to the Mosaic FMA.

(3) Approval of Proposed Aquatic Habitat Restoration/Enhancement Work Plan for FY 2005-06