



Florida Fish and Wildlife Conservation Commission

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Commission Meeting

April 11-12, 2007

Tallahassee

Minutes

A regular meeting of the Florida Fish and Wildlife Conservation Commission was held at the Ramada Conference Center, 2900 North Monroe Street, Tallahassee, Florida, April 11-12, 2007, and called to order at 8:30 a.m., by Chairman Rodney Barreto with the following members in attendance:

Mr. David K. Meehan, St. Petersburg

Mr. H. A. "Herky" Huffman, Enterprise

Ms. Sandra T. Kaupe, Palm Beach

Ms. Kathy Barco, Jacksonville

Mr. Brian S. Yablonski, Tallahassee

Mr. Richard Corbett, Tampa

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

Ms. Jacqueline Fauls

Director, Legislative Affairs Office

Mr. Dennis David

Director, Northeast Region

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

26 persons registered as guests/speakers during the two-day meeting.

Chairman Barreto welcomed the Commissioners, staff and guests to Tallahassee.

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

Special Presentations and Recognition

Chairman Barreto asked Colonel Julie Jones to introduce Eugene Bessette, Reptile Industry Association recognizing their partnership as well as present a joint resolution adopting a voluntary set of standards for caging and husbandry of reptiles and amphibians. Mr. Bessette thanked the agency for recognizing the reptile industry for their assistance in developing and implementing a set of standards for caging and husbandry of reptiles and amphibians.

Vice Chairman Meehan and Commissioner Huffman thanked the association for their assistance in implementing a set of standards in Florida.

Chairman Barreto asked Bill Cline, FWC's Statewide Hunter Safety Coordinator with the Division of Hunting and Game Management to introduce Steve Smith, owner of the Lily Pad Hunt Ranch in Florida. Mr. Smith is a devoted volunteer of FWC's Youth Hunting Program of Florida, offering his property for youth hunts. Mr. Cline also recognized Mr. Smith's mentor in hunting, Ray Windham. Ray is also the property manager of the Lily Pad Ranch. Mr. Smith and his staff also assist the agency's law enforcement division and biologists with various activities.

Commissioner Corbett mentioned that the future of hunting is at stake in Florida with a huge gap in parents and children hunting together. He asked how the agency can expand on the private land owner initiative. Mr. Smith stated working with agency staff has been enjoyable and suggested Mr. Cline approach more landowners to provide property for youth hunts.

Mr. Cline explained that agency's law enforcement officers are the ambassadors of this program and have made a number of contacts with landowners regarding the potential for them to donate their property for several days to facilitate the three day event. Also, Mr. Cline mentioned that Lt. Gary Applewhite made the initial contact with Mr. Smith. Chairman Barreto thanked Mr. Smith for his support and dedication to youth hunting and presented Mr. Smith with a plaque on behalf of the Commission in appreciation for his continued support and assistance.

Commissioner Yablonski suggested the demand should increase as more land is made available for the program. Vice Chairman Meehan stated we should continue to approach private land owners. He mentioned that we have developed ways to make the hunter safety course more accessible and user friendly and pointed to the online course as an example. He also asked about the new hunter mentoring license "Try before you buy" campaign and asked staff about following up with the people who took advantage of this new license option and may have tried hunting for the first time. Mr. Cline replied that they have already followed up on his request by sending letters to all of these people encouraging them to sign up for a hunter safety course and continue the hunting tradition. Commissioner Corbett asked Nick Wiley how the agency can expand on the Youth Hunting Program of Florida. Mr. Wiley stated the key is to bring volunteers and landowners together to continue the agency's effort as broad based and grassroots. He explained that the agency can not progress on this initiative unless we have a lot of help from stakeholders, hunting organizations, landowners, grassroots hunters and other partners across the state. Chairman Barreto stated there are several examples of this type of effort from private land owners throughout Florida.

Chairman Barreto asked Ken Haddad to introduce employees from the Northwest Region.

Mr. Haddad introduced the following employees to the Commission: Law Enforcement—Investigator Charlie Chafin and Officer Hank Forehand; Hunting and Game Management—Adam Young; Habitat and Species Conservation—David McDuffie, Brian Branciforte and Jenny Novak; Fish and Wildlife Research Institute—Mark Endries; Human Relations Office—Laura Jerome; Office of Recreational Services—Anne Glick and Liz Sparks; and from the Office of Information Technology—Kevin Patten.

Mr. Haddad also introduced Claire Mazur, Senior Legislative Policy Analyst with the Office of Program Policy Analysis and Government Accountability (OPPAGA).

Mr. Haddad introduced Bob Wattendorf, Marketing and Special Projects Coordinator with the Division of Freshwater Fisheries Management. Mr. Wattendorf summarized the dedication ceremony for the Florida Bass Conservation Center (Center) held on February 23 near Webster. The Center won the President's Horizon Award from the 2007 Associated General Contractors of Greater Florida. The nomination came from the Center's General Contractor, Bill Mueller who submitted the award for the "Best of Class" category, but the nomination was escalated to receive the President's Award. Mr. Wattendorf concluded with a video of the dedication.

Chairman Barreto asked staff to include this award on the agency's website. Chairman Barreto thanked Mr. Wattendorf and staff for their assistance in promoting the opening of the Center. Commissioner Barco asked what the hours of operation were for the Center. Mr. Wattendorf stated the Center will be open to the public on June 1, 2007. Private tours may be arranged in advance.

Approval of Minutes and Agenda

Chairman Barreto asked for approval of the minutes of the February 7-8, 2006 Commission meeting. Upon motion of Commissioner Barco, seconded and carried, the Commission approved the minutes.

Chairman Barreto called for a motion to approve the Consent Agenda as advertised. Upon motion of Commissioner Huffman, seconded and carried, the Commission approved the Consent Agenda.

Chairman Barreto proposed deferring the Global Climate Change resolution originally listed for Commission consideration to a future Commission meeting in order to synchronize the agency's efforts with additional global climate issues being developed at other levels in state government. Chairman Barreto called for a motion to approve the two-day meeting agenda and postpone the Global Climate Change resolution to a later Commission meeting. Upon motion of Vice Chairman Meehan, seconded and carried, the Commission approved the meeting agenda and deferred the Global Climate Change resolution to a future Commission meeting and removed the resolution from the meeting agenda.

Executive Director's Report

Chairman Barreto asked Mr. Haddad to present the following abbreviated report:

Division of Marine Fisheries Management (MFM)—As part of the agency's efforts to work cooperatively with its stakeholders, MFM staff conducted an extraordinary number of public workshops and stakeholder advisory board and workgroup meetings over the last few months on a number of issues, including lobster, red drum and snook management. In addition to these events, MFM staff conducted a two-day stakeholder workgroup meeting on marine life and another on snook in November 2006, and advisory board/workgroup meetings on blue crab, red drum and spiny lobster in January 2007. Staff has also scheduled another spiny lobster advisory board meeting and a snook workgroup meeting in March 2007, and a series of red drum and

snook public workshops will be scheduled this spring. MFM staff receives help during these events from regional public information and administrative staff, the Fish and Wildlife Research Institute and the Division of Law Enforcement. These events have greatly assisted the agency in crafting proposed regulations and identifying the issues and concerns that are important to marine stakeholders.

Division of Hunting and Game Management (HGM)—At the February 2007 Commission meeting, a video was presented about a field day conducted at Tall Timbers last fall to introduce youth and families to hunting and outdoor recreation. After the video, the Commission asked staff to pursue expansion of these programs to other regions of the state. HGM reported that there are four field day events of this type scheduled across the state for 2007:

1. FWC staff and volunteers are joining together with other conservation organizations such as the U.S. Sportsmen's Alliance to host three Trailblazer events across Florida. These Trailblazer events introduce children and their families to outdoor recreational activities such as hunting, fishing, shooting and archery. A Trailblazer event is scheduled for April 21 at the Flaming Arrow Scout Reservation in Lake Wales.
2. A Trailblazer event is scheduled for August 4 at Camp La No Chi in Paisley.
3. On September 22 – National Hunting and Fishing Day – the FWC joins forces with the Big Bend Youth Foundation, Tall Timbers and other concerned conservation organizations to host the 2007 Youth Hunting Field Day at Tall Timbers in Tallahassee. As an added bonus to this year's event, youth will be able to complete their Hunter Safety certification at this field day.
4. A Trailblazer event is scheduled for October 6 at Camp Seminole in Davie.

Everglades National Park (ENP) Turkey Restoration Project Update – A cooperative effort to restore turkeys to the Everglades National Park was initiated in 1999 and involved the FWC, the U.S. Park Service, and the National Wild Turkey Federation, as well as private landowners who provided access to conduct turkey trapping activities. The initial restoration attempt involved the capture and release of 29 turkeys in January 2000. ENP staff indicated that they were persisting due to the subsequent monitoring of these turkeys. Consequently a supplemental stocking with 31 turkeys was conducted in January 2006 in an effort to boost the turkey population and bring it to a level that would ensure its continued viability. Continuous monitoring (camera surveys, radio-telemetry, and general observations) of the turkey population subsequent to the supplemental stocking indicated that significant reproduction occurred in 2006 (20 plus poults observed) and hopes are high that a self-sustaining turkey population will be established.

Alligator Management Program staff, with the assistance of a professional facilitator, are hosting a series of public meetings to gather additional input and garner feedback from the general public and stakeholders about possible ways to augment the current Alligator Management Program. A series of 14 meetings has been scheduled to be held at strategic locations throughout the state during February and March. This "next step" in the Alligator Management Program involves reviewing the process, which will culminate in recommendations being formulated by the Alligator Management Standing Team and will be presented at the June 2007 Commission meeting.

Division of Habitat and Species Conservation (HSC)—Aquatic Habitat Conservation and Restoration Section:

As part of an FWC long-term monitoring project in Kissimmee, spring electrofishing and creel surveys on Lakes Kissimmee, Tohopekaliga, and Alligator have begun. This project intensely monitors the fisheries on a select group of lakes throughout the state to determine trends in sportfish abundance, species composition, mortality, growth, size structure and utilization, and

their habitats. Spring electrofishing surveys are also being conducted on other waterbodies within the Kissimmee and Alligator Chains of Lakes.

At Lake Kissimmee (Osceola County) work continues on a restoration project on 30 acres of wetlands illegally filled in the 1970's. Permitting and construction specifications are nearly complete. Input from FWC and U.S. Fish and Wildlife Service (USFWS) nongame biologists was incorporated into the project to avoid possible disturbance to scrub jays and bald eagles, with construction anticipated to begin in March.

At Lake Tohopekaliga (Osceola County), as part of the Kissimmee Chain of Lakes management plan, the agency is managing invasive exotic vegetation. Chinese tallow is one of the invasive exotics being managed and is listed as a Category I species by the Florida Exotic Pest Plant Council. Category I means displacement and alteration of native habitat is occurring. Chinese tallow has drastically altered natural lands around the shoreline of Lake Tohopekaliga, particularly cypress domes. Since 2004, the City of Kissimmee, FWC, and Osceola County have controlled approximately 170,000 Chinese tallow trees representing about 75% of the total infestation adjacent to Lake Tohopekaliga and Shingle Creek at a cost of approximately \$500,000. In addition, bid specifications and worksite preparations to harvest about 35 acres of knotweed (*Polygonum densiflorum*) tussocks was completed. This material, which is low-quality fish and wildlife habitat, will be disposed of on existing in-lake spoil islands. Natural colonization of desirable aquatic plant species will be evaluated and revegetation conducted as needed after the project ends. Osceola County and the City of Kissimmee will provide in-kind services.

At Gant Lake (Sumter County), a consulting firm was selected to provide engineering design services for a 95-acre de-mucking project. Staff also coordinated with the Southwest Florida Water Management District on re-design of a water-control structure to provide an ecologically appropriate fluctuation schedule.

The enhancement plan developed for the 10,000-acre Lake Jesup (Seminole County) will involve temporary impacts to adjacent wetlands. A mitigation plan was developed for the impacted wetlands, but the cost (>\$20,000,000) is prohibitive. Staff is currently working with the regulatory agency's staff to develop a financially feasible mitigation plan.

Moody Branch Mitigation Park (Manatee County) is managed by FWC for the conservation, protection, and enhancement of listed wildlife species and their habitats, and for compatible recreation. Moody Branch (a tributary to Little Manatee River originating near the northeast corner of MBMP and flowing south through the eastern half of the property for approximately one mile) has been impacted by a raised roadway crossing, roadside ditches, and a relic agricultural drainage ditch paralleling the eastern edge of the Moody Branch floodplain. This project will restore historic hydrology by replacing the raised roadway with a "low-water" crossing, and backfilling the roadside and agricultural ditches. Earth-moving work is scheduled to begin in FY 2007-08.

A reimbursement contract and memorandum of agreement on Lowrie Brown Marsh (Lake Griffin, Lake County) were signed with St. Johns River Water Management District to reconnect Lowrie Brown Marsh with Lake Griffin and provide public access. Lowrie Brown is a wildlife management area of about 350 acres and part of Emerald Marsh (farmed until purchase by the District in the early 1990's). Reconnection consists of breaching berms in several locations to restore historic sheet flow of water from Haines Creek to Lake Griffin. Total project cost is estimated at \$650,000 with FWC contributing up to \$220,000. Construction is scheduled to begin late spring 2007 with a completion in the summer 2007.

At Lake Rowell (Bradford County), a hydraulic dredging project is being planned for the 364 acres in cooperation with the Suwannee River Water Management District and Bradford County. Approximately 1,500,000 cubic yards of unconsolidated sediments have collected in the lake due to storm water and sewage inputs, mining operations, and excessive exotic plant growth. Dredging is scheduled for 2008-09. Re-creation of shoreline zones vegetated with native plants will provide the important fish and wildlife habitat absent for decades.

Imperiled Species Management Section:

Staff continued cooperative work with the National Park Service, the U.S. Fish and Wildlife Service, and Collier County to provide information to the public regarding panthers. Two town hall-style meetings were held this winter in Collier County where the agencies were present to provide information about panthers and answer questions. In addition, jointly developed new brochures provide practical steps that homeowners and visitors can take to minimize risks associated with living and recreating in panther country.

Division of Law Enforcement (LE)—The FWC K-9 Academy concluded its eight weeks of detection training with certification and graduation on April 6.

Operation “Clam-up” is a statewide program targeting illegal harvesting, transporting and selling of shellfish and a number of citation and warnings have been issued through this campaign.

Fish and Wildlife Research Institute (FWRI)—Tortugas Research Natural Area Monitoring Plan-- FWC and National Park Service scientists assigned to develop the plan have met and developed an outline for the plan and defined those topic areas and activities the agency perceives to be essential to meet the information needs outlined by the Memorandum of Understanding (MOU) between the FWC and Everglades National Park. Assignments to flesh out a draft of the plan have been made. The agency’s intent is to provide a draft of the plan to those participating in the first workshop as stipulated by the MOU. The agency anticipates that workshop will occur during late April or early May.

Wildlife Disease Surveillance-Chronic Wasting Disease (CWD) surveillance samples from 516 hunter-killed/road-killed deer were submitted to Southern Cooperative Wildlife Disease Study, Athens, GA, or Kissimmee Animal Diagnostic Laboratory for analyses. CWD test results were negative for 175; results for the remaining 341 are pending. Eleven deer were submitted to the State Diagnostic Laboratories (Kissimmee or Live Oak) for complete necropsies. All 11 tested negative for CWD.

Division of Freshwater Fisheries Management (FFM)—The division’s five-year freshwater fishing license bonus program kicked off on March 1 for the tenth consecutive year. This promo provides an extra incentive to freshwater anglers to upgrade to a five-year license, which helps stabilize the agency’s license revenues. Five-year license fees are deposited into the State Game Trust Fund account and \$12 (the price of an annual license and one-fifth the price of a five year) is used each year for overall funding. The account also generates some additional revenue from interest for FWC programs.

The first 3,000 customers to upgrade to a five year freshwater fishing license after March 1 will not only save from \$6 to nearly \$20 in fees, but also receive via mail a FREE bonus package containing samples, magazines and coupons that are donated by fishing-related companies. These products do not cost the FWC anything and are a great opportunity for sponsors to reach the most avid freshwater anglers.

Prior to inception of the program in 1997, the previous three years an average of 702 five-year freshwater licenses were sold. The average for the last three years has been 5,677. This is an eight-fold increase that reflects not only the direct impact of the promotion but also the advertising and awareness value.

Mr. Haddad added a report regarding the current drought conditions, specifically in South Florida with water levels at or near record lows for the region. The drought has affected this year's nesting colonies of birds. Nest numbers are lower than in April 2006 and the outlook is grave. Alligators will also be concentrated in these canals and may increase the risk with undesirable water levels. The freshwater fishing is good due to the concentration of fish as a result of the declining water levels.

Commissioner Huffman discussed the draw of Lake Okeechobee with Mr. Haddad. Mr. Haddad described the agency's position on water levels in Lake Okeechobee for recommended water maintenance and the allocated budget.

Chairman Barreto announced the Commission meeting protocol for recognizing public comment.

Final Rules – Marine Turtle Permits

Chairman Barreto asked Kipp Frolich, Section Leader for the Imperiled Species Management Section with the Division of Habitat and Species Conservation to present the proposed final Rules 68E-1.002, 68E-1.004, 68E-1.0041, and 68E-1.005.

Mr. Frohlich explained and presented a brief description of the following proposed rules:

- 68E-1.002, Introduction, Scope and Definitions
- 68E-1.004, General Permit Application Procedures, Requirements and Expiration
- 68E-1.0041, Authorizations for Marine Turtle Research, Conservation and Educational Activities
- 68E-1.005, Suspensions and Revocation

Mr. Frohlich mentioned that Palm Beach County contacted staff regarding Rule 68E-1.005 referring to the language regarding permitting. In consultation, staff will address their concerns and will reply to Palm Beach County accordingly.

Mr. Frohlich asked the Commission to adopt the proposed rules as advertised.

Commission Discussion

Commissioner Barco asked for an explanation of the permit application process to determine who can receive a permit if the agency receives a number of qualified stakeholder requests to monitor the same area. Mr. Frohlich explained the agency's current process and stated the proposed amended rule language would provide the agency the ability to provide more than one permit to stakeholders.

Upon motion of Commissioner Meehan, seconded and carried, the Commission approved proposed rules 68E-1.002, 68E-1.004, 68E-1.0041, and 68E-1.005 as advertised.

Vice Chairman Meehan asked if the Grand Key area would be a viable conservation area for a turtle hatchery. Mr. Frohlich stated the area is not considered a prime area for marine turtle research at this time.

Final Rule – Non-Native Wildlife Rules

Chairman Barreto asked Scott Hardin, Leader of the Exotic Species Coordination Section with the Division of Habitat and Species Conservation to present the proposed final Rules 68A-4.005, 68A-23.008, 68A-25.002, 68A-25.006, 68A-5.001, 68-5.002, and 68-5.003.

Mr. Hardin presented an update on the proposed final rules related to non-native species as follows:

- 68A-4.005, Introduction of Foreign Wildlife or Freshwater Fish or Carriers of Disease.
- 68A-23.008, Introduction of Non-Native Aquatic Species in the Waters of the State; Provisions for Sale and Inspection of Fish for Bait or Propagation Purpose; Diseased Fish
- 68A-25.002, General Provisions for Taking, Possession and Sale of Reptiles
- 68A-25.006, Possession, Exhibition and Caging Venomous Reptiles; Prohibited Species
- 68-5.001, Introduction of Non-Native Species into the State
- 68-5.002, Conditional Non-Native Species
- 68-5.003, Prohibited Non-Native Species

Mr. Hardin mentioned an individual contacted the agency regarding future outdoor cultures of barramundi, including fee fishing for this conditional species, and whether this is considered a permitted facility by FWC when the facility holds a certificate from the Department of Agriculture and Consumer Services. Vice Chairman Meehan discussed the agency's approach regarding the barramundi species with Mr. Hardin.

Mr. Hardin asked Commissioners to adopt the proposed rules as advertised, with the exception of Rule 68-5.002, which would be approved "as amended" to clarify that Nile perch or barramundi may not be taken by hook and line in existing facilities that are cultivating Nile perch or barramundi.

Public Comment

Byron Hennecey (Osceola Outback Adventures) stated he is the owner/operator of the only fee fishing barramundi facility in Florida. Mr. Hennecey provided a handout with pictures of his facility. He expressed his concern regarding keeping the facility secure from public access, unless the public reserve supervised fishing events at this facility.

Dale Jackson mentioned he submitted a request to the agency regarding red-eared slider turtles and offered his support of the Marine Turtle rule proposed by staff.

William Hyde (Attorney for Sweetwater Shrimp Farms, etal.) represented Byron Hennecey regarding the status of his facility and the prohibition of hook and line fishing. He suggested that the concerns expressed by agency staff are exaggerated and emphasized that the facility utilizes hook and line commercial fishing methods. He suggested the agency conduct a risk analysis of the facility before making a decision and mentioned their proposed amended language referenced in his handout.

Eugene Bessette supported the rule changes proposed by staff.. He also thanked Captains John West and Linda Harrison, and Scott Hardin for their assistance and support.

Commission Discussion

Commissioner Barco asked Mr. Hennecey to describe the facility's history and purpose. Mr. Hennecey replied that he has operated the barramundi fishing for three years and that the property was owned by his family and used as a tropical fish farm for 25 years. It was sold ten years ago to another company and he manages the farm. The purpose of the barramundi is for a fish food industry.

Commissioner Huffman mentioned he visited the property and determined that this is a resource issue. Chairman Barreto thanked Commissioner Huffman for visiting the facility to investigate for the Commission. Mr. Hennecey further discussed the regular pumping of well water to create the right habitat for the fish.

Commissioner Yablonski asked Mr. Hennecey about the balance of the business operation and the percentage of food and recreation. Mr. Hennecey did not have that information available. Commissioner Yablonski discussed the various threats to this species of fish and the agency is concerned about the catch and release issue. He suggested the catch and release program should continue and should be monitored closely. The risk is small, but the fiscal impact is high to the facility run by Mr. Hennecey. Commissioner Barco stated if the agency reduces the fee fishing, the poaching will continue. She stated Mr. Hennecey's facility should be able to conduct the aquaculture.

Vice Chairman Meehan asked Mr. Hardin to describe the fee fishing issue regarding escapement. Mr. Hardin described the past process, the change of Legislative intent and that the agency did not envision mass aquaculture. Mr. Hardin stated the staff's concerns include risks, but they needed to research the issue further. If the risk analysis state that the fishery should come indoors to protect outside threats, the agency will take steps to control the threats.

Vice Chairman Meehan proposed amended language to the rule stating that until the research is completed, there is only one fishing facility in Florida allowed for fee fishing. Chairman Barreto deferred this issue to Mr. Hardin to advise the Commissioners. Mr. Hardin stated staff is not uncomfortable with the current status of this one facility managed by Mr. Hennecey. He suggested staff continue with further research with a risk analysis. Chairman Barreto asked when the property's risk analysis could be completed. Mr. Hardin stated staff proposed September 2007. Commissioner Huffman mentioned the escapement issue should be a prime component of the risk analysis.

Commissioner Corbett discussed the risk to the State of Florida and asked if staff could implement additional security procedures for this facility until the analysis is completed. Mr. Hardin stated the security procedures could be reviewed again.

Chairman Barreto summarized that it is the consensus of the Commissioners to allow a fee for fishing only at the Osceola Outback facility until the risk analysis is completed. Chairman Barreto asked General Counsel Jim Antista to describe the risk analysis further. Mr. Antista reiterated that the intent of the Commission is to allow hook and line fishing for this facility. He suggested changing Rule 68-5.002, sub paragraph 1, h, and delete sub paragraph 2 of that rule to allow the facility to continue to operate and suggested amending sub paragraph 1, "for certificates of registration issued on or after July 1, 2007, Nile perches should be held only in outdoor facilities." That would assure that any new facilities seeking to open up and operate after July 1, 2007, would have to operate indoors. Mr. Hardin agreed with the amended language. Mr. Haddad clarified whether this facility will still be subject to the results of the risk analysis as opposed to this being a permanent facility and is not "grandfathered-in." Chairman Barreto asked if this could be made effective today. Mr. Antista stated the uniform effective date July 1, 2007, unless the Commission wishes to exclude a specific provision. Chairman Barreto stated the provision should allow one person to operate this one facility.

Mr. Antista proposed the staff amendment would maintain the language in Rule 68-5.002, paragraph 1, h, 1 with addition of the word, "or certificates of registration", delete the effective date and the effective date would be when the rule is filed; and delete sub paragraph 2.

Commissioner Corbett expressed his concerns to allow only one facility to continue to operate barramundi fee fishing. Chairman Barreto deferred the issue to staff to summarize. Mr. Hardin stated we could close the facility until the risk analysis is completed in September 2007, but there is nothing stating another facility could not perform barramundi fee fishing. Mr. Hardin stated currently permitted facilities

could continue if they have a certificate of registration. Commissioner Barco asked if language could be added specifying this type of fishing facility as of a specific date could not perform this type of fee fishing.

Commissioner Huffman stated he will vote against an affirmative vote from the Commission. This issue is not Mr. Hennecey's fee fishing facility, it is a resource issue. Commissioner Yablonski stated he is reviewing this rule as an emergency order due to the risk analysis providing a scientific study, which is not currently available.

Vice Chairman Meehan asked if there was a way to accomplish an exclusive facility. Mr. Antista asked Commissioners if he could draft amended language to present to them for review and approval later in the day. Mr. Hardin agreed to defer the issue until later in the day so that the General Counsel can amend the language for review by the Commissioners. Mr. Hardin added that staff would have preferred to have the risk assessment provided to Commissioners during this meeting.

Chairman Barreto entertained a motion to approve the proposed rules with the exception of Rule 68-5.002, which will be presented "as amended" to clarify that Nile perch or barramundi may be taken by hook and line in a permitted facility not currently culturing this species. Mr. Antista stated Commissioners could approve all of the rules except 68-5.002. Chairman Barreto called for the motion to approve Rules 68A-4.005, 68A-23.008, 68A-25.002, 68A-25.006, 68-5.001, 68-5.003, except Rule 68-5.002 until amended language is drafted and presented to Commissioners for consideration and approval. Upon motion of Commissioner Huffman, seconded and carried, the Commissioners approved Rules 68A-4.005, 68A-23.008, 68A-25.002, 68A-25.006, 68-5.001, 68-5.003 as advertised, except Rule 68-5.002, which will be amended and presented to Commissioners for consideration and approval.

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved amending Rule 68-5.002 to the following language:

(h) Nile perches (Genus *Lates*, all species).

For facilities that are operating under permit or a certificate of registration, but which are not cultivating Nile perches as of April 11, 2007, and for facilities which are issued permits or certificates of registration after April 11, 2007, Nile perches:

1. Shall be held only in indoor facilities.
2. Shall not be taken on a fee or for-hire basis using hook and line or rod and reel.

For the record, Commissioner Huffman voted against the motion.

Draft Rule

Nick Wiley presented the proposed draft Rules 68A-15.004, General Regulations Relating to Wildlife Management Areas (WMAs), 68A-17.004, General Regulations Relating to Wildlife and Environmental Areas (WEAs), and 68A-20.004, Regulations in Fish Management Areas (FMAs) to establish regulations for possession of guns while traveling to private inholdings on WMAs, WEAs, and FMAs. Mr. Wiley summarized the proposed draft rules and asked Commissioners to approve the rules.

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved Rules 68A-15.004, General Regulations Relating to WMAs, 68A-17.004, General Regulations Relating to WEAs,

and 68A-20.004, Regulations in FMAs to establish regulations for possession of guns while traveling to private inholdings on WMAs, WEAs, FMAs as advertised; and directed staff to advertise the rules for a final public hearing at the June 2007 Commission meeting.

Issues

Chairman Barreto asked Tim Breault to summarize the recommended action on petitions to list, delist or change status of imperiled species, that are complete and for which resources are available to undertake a status review and the development of a management plan. Staff requested the Commission approve directing staff to develop and recommend the membership of a biological review panel to assess the peregrine falcon petition and to present the panel recommendations at the June 2007 Commission Meeting in Melbourne.

Upon motion of Commissioner Huffman, seconded and carried, the Commission approved and directed staff to develop and recommend the membership of a biological review panel to assess the peregrine falcon petition and to present the panel recommendations at the June 2007 Commission Meeting in Melbourne.

Commissioner's Areas of Emphasis

Mr. Hardin gave a report on the second pet amnesty day event. Staff would like to proceed with the next steps including the adoption registry as well as hold another event in Miami. Chairman Barreto asked about the expenses included in this event. Chairman Barreto mentioned it could be held in the Miami MetroZoo and he would ask the zoo's representatives to provide the site at no charge to the agency. Also, Chairman Barreto stated he would ask Dan Kimble, Supervisor of Everglades National Park to assist with the event. Vice Chairman Meehan suggested Sunken Gardens in St. Petersburg as a future event location.

Mr. Hardin continued with a progress report on the Gambian rat eradication project. Chairman Barreto asked if Monroe County has assisted. Mr. Hardin stated no, they have not. However, they have been supportive to allow access to private properties for the study. Commissioner Huffman stated this is an example of the expenses involved in an eradication of a nuisance species. Chairman Barreto offered to work with Monroe County regarding the eradication process. Mr. Hardin mentioned monitoring will take up to three years to ensure full eradication.

Commissioner Barco asked if the bait stations could be left in place after the study. Mr. Hardin replied this could be accomplished.

Mr. Haddad introduced Kelly Seeger, Legislative Policy Analyst with OPPAGA.

Chairman Barreto asked Mr. Hardin to address Commissioners regarding the amended draft rule language regarding Nile perch or barramundi. Mr. Hardin stated anyone who would want to cultivate barramundi; would have to do this inside of a facility. The determined effective date (20 days after filing) should be the date of all of the rule packages.

Vice Chairman Meehan asked how the rule allows for only one permit. Mr. Hardin stated they are operating under a certificate of registration and they are cultivating Nile perches as of April 11, 2007. Commissioner Barco asked if changing the date to be effective on April 11 affects anything else included in the rule package. Mr. Hardin replied everything would be fine.

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved amending Rule 68-5.002 to the following language:

(h) Nile perches (Genus *Lates*, all species).

For facilities that are operating under permit or a certificate of registration, but which are not cultivating Nile perches as of April 11, 2007, and for facilities which are issued permits or certificates of registration after April 11, 2007, Nile perches:

3. Shall be held only in indoor facilities.
4. Shall not be taken on a fee or for-hire basis using hook and line or rod and reel.

For the record, Commissioner Huffman voted against the motion.

Legislative Report

Jackie Fauls presented an update on the 2007 Legislative Session. She described the status of the agency's legislative package, SB 1980, SB 1982 by the Senate Committee on Environmental Preservation and Conservation, and PCB ENRC 07-07 by the House Environment and Natural Resources Council. She also alerted the Commission to the blue crab moratorium, which ends on June 30, 2007. If the Legislature does not pass the blue crab legislation, Ms. Fauls asked the Commission to direct staff to develop rule language to extend the moratorium. Staff would come back at the June Commission meeting for final rule making.

Upon motion of Commissioner Yablonski, seconded and carried, the Commission approved directing staff to advertise the rule for the June Commission meeting, extending the moratorium on entry into the commercial blue crab fishery as a precaution in case the blue crab bill in the Session.

Ms. Fauls continued with a description of the following bills:

- HJR 79/SJR 2170, Department of Interior – Representative Needleman and Senator Baker
- SB 548/HB 1069, Protection of Seagrasses – Senator Bennett and Representative Kendrick
- HB 759/SB 1856, Artificial Reefs – Representative Holder and Senator Bennett
- HB 973/SB 2592, Springs License Plate – Representative Boyd and Senator Argenziano
- HJR 1297/SJR 2528, FWC Rule Challenges – Representative Needelman and Senator Baker
- HB 1505/SB 2766, Reptiles of Concern – Representative Poppell and Senator Posey
- SB 2106, Department of Public Safety – Senator Baker

Ms. Fauls stated Chairman Barreto's reappointment confirmation is scheduled for Senate approval this Session. Also, she mentioned that she and Chairman Barreto met with legislators, April 10.

Col. Jones presented an update on HB 1505/SB 2766, relating to reptiles of concern. Col. Jones stated there is momentum to require a bond to exhibit Class I animals. The Legislature's view is if one has to have a bond to exhibit venomous reptiles, why would one not have a same bond requirement to exhibit equally dangerous animals. The bond for the exhibition of Class I wildlife has not been required before. The Senate amended the following into the bill: "The Commission shall provide by rule for waiving the bond requirements if it finds that charity bonds for this purpose are generally unavailable within the State of Florida." Col. Jones asked the Commission to direct staff to add the rulemaking to the Division of Law Enforcement's Work Plan and present the draft rule to the Commission at the June 2007 Commission meeting, if the Legislature passes the provision.

The Commissioners discussed the rule language with Col. Jones.

Upon motion by Commissioner Huffman, seconded and carried, the Commission approved directing staff to draft language to present a draft rule to the Commission at the June 2007 meeting, if the Legislature passes the provision.

Sandra Wilson gave an update on the Legislative Budget for 2007-08. Ms. Wilson provided a handout to the Commission with the last weekly budget report from Week 5 for their review. Ms. Wilson highlighted components of the current status of the legislative budget. She stated the agency's highest priority is a pay increase for law enforcement officers with the trust fund relief listed as the second highest priority.

Chairman Barreto asked Ms. Wilson about the \$1.6 million for the Oleta River office. Col. Jones replied the amount was budgeted for mangroves mitigation, road, parking lot, landscaping and a boat maintenance facility. Chairman Barreto stated he had met with Representative Ron Saunders from the Keys regarding the Windley Key issue and he offered to assist with this issue. Also, Chairman Barreto met with Senator Michael S. Bennett, who called Senator J.D. Alexander and he offered to assist as well. Chairman Barreto asked staff to follow up with Senator Bennett regarding his assistance.

Chairman Barreto recognized Commissioners Barco, Huffman, and Yablonski for their assistance in meeting with Legislators during the 2007 Session. He mentioned the Legislative staff complimented agency staff for their professionalism and dedication working through the Session.

Public Comment

John Sprague discussed concerns regarding the \$1.2 million transferred from the marina fuel tax.

Staff Reports

Gil McRae presented a report on Avian Influenza Monitoring. Mr. McRae described the highly pathogenic H5N1 Avian Influenza Surveillance in Florida including the subtypes of viruses, how the virus is spread and replicate. As of March 8, 2007, the confirmed human cases of H5N1 Avian Influenza worldwide to date total 277 human cases and 168 deaths confirmed. The majority (>60%) of the cases have occurred in Vietnam and Indonesia. HPAI H5N1 is a concern in the US because of threats not only to agriculture and human health, but also wildlife. FWC together with USDA-WS is being funded to conduct this surveillance. FWC developed a surveillance of mortality database at MyFWC.com/bird. This on-line form was developed by FL Department of Health and FWC originally for West Nile Virus surveillance and serves as a rapid notification system for larger mortality events. Any report of five or more birds generates an automatic and immediate email to FWC veterinarians and biologist as well as Florida Department of Agriculture and Consumer Services (FDACS), and the United States Department of Agriculture (USDA). Cross-divisional regional surveillance teams composed of personnel from FWRI, HSC, HGM, and LE are assisting in the investigation of bird mortality events. These teams attended 1 of 3 training seminars hosted and presented by FWC, FDACS, and DOH; were provided with personal protection equipment; and are following recommendations for personal safety provided by FDACS, DOH, USGS, and USDA. Mr. McRae described the type of investigations performed on necropsy and surveillance on healthy birds. Sample collections are coordinated by FWC for FY 2006-07. FWC, with USDA-WS assistance, submitted over 1,100 samples including 202 form mortality investigations, 501 hunter-killed, 462 live-captured, and 210 environmental samples. No highly pathogenic avian influenza was detected although not unexpectedly several birds did test positive for low path strains. The response plan for Asian H5N1, if detected in Florida the FWC regional surveillance teams would then serve as response teams assisting FDACS at an incident command post or as part of emergency support function. In summary, AI surveillance in wild birds in Florida has been a

collaborative effort between FWC, USDA-WS, and FDACS. Cross-divisional regional surveillance teams have assisted with sampling-and more than 2,000 samples collected by FWC and USDA-WS testing negative for HPAI. Surveillance will continue as long as HPAI H5N1 remains a threat. If H5N1 were to be detected in Florida, surveillance teams would become response teams assisting the Florida Department of Agriculture.

Commissioner Huffman discussed the zoonotic diseases in the world related to animals. Mr. McRae stated the largest potential for a pandemic would come from zoonotic diseases.

Mr. Haddad mentioned that USFWS received a petition to include the Muskogee Duck as a listed species. It may happen due to the Migratory Bird Treaty. There have been no commitments from the federal side.

Vice Chairman Meehan discussed the pandemic influence and the agency's disaster preparedness process.

Elsa Haubold presented an update on the red-cockaded woodpecker (RCW) recovery in Florida, including the partnerships with other agencies, the listing history, the importance of conservation, where they live, and the causes of a population decline. Ms. Haubold described the following completed priority conservation actions: developed and maintained RCW database, conducted a risk assessment, established and convened working group meetings, developed a statewide Safe Harbor program, and coordinated conservation activities with partners. The Safe Harbor program provides assurances to land owners if they grow RCWs on their property. The application is approved by USFWS and was signed September 2006. Ms. Haubold described additional conservation actions and the results of these actions. Due to the combined efforts of FWC and its partners, the RCW is recovering with most populations on track to achieve (and even exceed) 2020 population goals with an increase in Florida's population to 20% in 20 years.

Ms. Haubold asked the Commission to assist in requesting private landowners to provide facilities to bring RCW to their property. Commissioner Corbett suggested the Dixie and Beachwood properties. Ms. Haubold stated the agency is working with the owners of the Dixie property. The UFWS approved the Dixie property.

Public Comment on Items Not on the Agenda

William Ward stated his concerns about a working water front in Pinellas County. Vice Chairman Meehan stated this had been addressed earlier. Mr. Haddad asked John Sprague to address the issue. Mr. Sprague stated there is a continuing challenge with working water front property. Chairman Barreto stated Monroe County purchased a few marinas to open to the public. Chairman Barreto stated Mr. Ward should address the Monroe County Commission regarding his concerns. Mr. Ward stated he has met with the County Commission. They stated this was a statewide issue. Mr. Haddad suggested this would involve additional agencies, yet FWC would be willing to take a look into this further. Vice Chairman Meehan stated he would be willing to assist in Pinellas County.

Carol Baskin (Big Cats Rescue) thanked the Commission for their assistance regarding Species of Concern. She urged the Commission to have agency staff move quicker than the allotted two years plan related to banning the private possession of dangerous animals. She suggested re-classifying the panthers into the Class I category.

Preston Robertson (Florida Wildlife Federation) thanked the agency for creating the global warming resolution. Also, he thanked Mr. Hardin for his work with non-native captive wildlife. He mentioned that he and other interested parties are lobbying the Legislature for an increase in law enforcement salaries. He discussed tax benefits regarding conservation easements. Tall Timbers has over 100,000 acres in donated easements as a tax benefit with an additional 16,000 acres in the near future. There are

two federal bills to extend the current tax benefit into perpetuity. This is a bi-partisan effort. Also, he spoke about Lake Okeechobee's low water level and asked the agency to go out to this property to de-muck during this opportune time. Additionally, he discussed public hunting and distributed a brochure and graph with statistical information regarding WMA permit sales. He urged the Commission to research ways to increase quality deer hunting and limit the number of antlered deer per person. Mr. Haddad mentioned the brochure provided to the Commissioners, "The Future of Hunting in Florida," was provided by the not-for-profit organization to educate stakeholders on how to improve hunting in Florida.

David Grix (Fishing for Freedom) thanked the Commission for providing the first of three fishing accommodations to the Olsen family. Mr. Grix referenced his mesh net size solutions provided to the Commissioners in a handout.

Gloria Johnson stated she was appointed to the Captive Wildlife Technical Assistance Group and served for a year and a half. She stated her concerns regarding her frustrations with the group's methodology in determining statistical information. She urged the Commission to add credible members to the Group with standard methods of analyzing statistics.

Manley Fuller (Florida Wildlife Federation) thanked the Commission for their response to Preston Robertson during his presentation. He urged the Commission to take a bolder position regarding quality deer hunting. He discussed gopher tortoise and the complex challenges before the Commission regarding incidental take permits. They are supportive of the incidental take and transportation of gopher tortoises. He complimented agency staff for recognizing the need for the relocation of gopher tortoises. Commissioner Huffman asked Mr. Fuller about St. Johns County with over 400 turtles listed for relocation. Mr. Fuller stated someone has volunteered to relocate, however he needed to resolve several issues first. Commissioners Yablonski and Corbett thanked Mr. Fuller for his support and assistance regarding the gopher tortoise relocation plan. Chairman Barreto added that he appreciated Mr. Robertson and Mr. Fuller's assistance and support of the agency. He stated if there is a Commission consensus, staff should investigate innovative ideas regarding quality deer management and provide options to the Commission at the September 2007 Commission meeting. Mr. Fuller suggested creating pilot programs in central and northern portions of Florida where there is stakeholder support.

Chairman Barreto mentioned Ted Forsgren's recent diagnosis with a brain tumor. The Commission offered their support to Mr. Forsgren.

Commissioner Exchange

Commissioner Huffman stated the key to better hunting is prescribed burning every three years. He also suggested the agency issue an immediate press release regarding the barramundi issue and that Mr. Hennessey's property is the only facility available for fee fishing.

Commissioner Barco stated almost every issue brought up has a reoccurring theme of public to private ownership assistance.

Commissioner Yablonski asked how the risk analysis measures the level of risk and imposing regulations. He thanked Commissioner Huffman for his vote of "no" regarding amending Rule 68-5.002. Sometimes the Commission struggles with their votes. Also, the agency needs to start "thinking outside the box" regarding innovative ideas related to deer management, fishing and other issues.

Vice Chairman Meehan discussed the quality deer management program. He discussed Lake Okeechobee's water level and the opportunity for the agency to assist. Mr. Haddad replied that the agency's focus is larger scale management – reducing nutrient loading into the Lake so that we do not have to have a lake restoration project every 5-10 years. Staff provided information regarding the drought and what is being done currently at Lake Okeechobee to provide lake restoration. He asked staff to

respond to the Commission regarding Mr. Grix's comment regarding the one fish caught and 49 making it to market. Mr. Haddad replied that staff is working on a reply at this time and will copy the Commission in response to Mr. Grix's comment.

Chairman Barreto mentioned the new letterhead format of the agency and complimented the layout. He encouraged all of the Commissioners to join in the political process in Tallahassee and asked the Commissioners to coordinate with Ms. Fauls to meet with Legislators. He discussed Senator Steve Oelrich's concern regarding airboat noise and asked the agency to investigate this issue. Chairman Barreto offered staff's assistance in working with Senator Oelrich regarding this issue.

Chairman Barreto asked Governor Crist to attend the Commission meeting on April 12. Also, he discussed gubernatorial appointments. He asked staff to contact Commissioner Kaupe honoring her for her dedication to the Commission over the last five years.

Commissioner Huffman and Mr. Haddad discussed Commissioner Kaupe coming to the Melbourne Commission meeting.

Chairman Barreto asked staff to look into areas of Florida where we have not held meetings; perhaps in smaller communities. He suggested we could meet in a City Hall or another local facility. Cedar Key was suggested.

Recess

Chairman Barreto recessed the meeting at 4:50 p.m. to reconvene at 8:30 a.m., Thursday, April 12.

Chairman Barreto reconvened the meeting at 8:30 a.m., Thursday, April 12. He thanked Mr. Haddad and his wife, Sharon for hosting the Commission and staff at their home the previous night, as well as Mr. Heller for cooking such a wonderful variety of game.

Chairman Barreto introduced Representative Will Kendrick of Carabelle and Chairman of the House Conservation and State Lands Committee. He advised the Commission of Rep. Kendrick's assistance and support of the agency this Session. Rep. Kendrick thanked the Commission and staff to ensure the relationship between the Legislature and the agency remains strong. He invited the Commissioners to participate in the legislative process. Chairman Barreto asked Mr. Wiley to contact Rep. Kendrick regarding quality deer management. Vice Chairman Meehan expressed his appreciation to Rep. Kendrick for his support this Session

Final Rules—Federal Consistency Rules for Reef Fish

Chairman Barreto announced the next item for final consideration and approval of federal consistency rules for reef fish presented by William Teehan, Acting Section Leader of the Division of Marine Fisheries Management. Mr. Teehan summarized the following rules:

- 68B-14.001, Purpose and Intent, Designation as Restricted Species
- 68B-14.0035, Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, and Snapper
- 68B-14.00355, Size Limits for Importation and Sale
- 68B-14.0045, Commercial Harvest Requirements; Licenses, Season Closures, Bag and Trip Limits
- 68B-14.005, Regulations and Prohibitions of Certain Harvesting Gear: Allowable Gear, Incidental Bycatch, Violation

Mr. Teehan discussed an update to Rule 68B-14.0045 regarding the decision by the Gulf of Mexico Fishery Management Council (GMFMC) to readdress an increase in the recreational daily bag limit of vermilion snapper. Staff recommended that the Commission wait until the outcome of the June GMFMC meeting before considering a change in the vermilion recreational bag limit.

Staff recommended adoption of the rules as proposed with an effective date of July 1, 2007.

Public Comment

Scott Zimmerman discussed his concern regarding the recreational bag limit versus commercial reef fishing.

Bob Zales discussed his concern regarding the vermilion snapper allocation set by the U.S. Fisheries Service. He urged the Commission to address this issue to the Council in June 2007.

Bob Gill discussed his concerns regarding the bag limit change with vermilion snapper.

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved Rules 68B-14.001, 68B-14.0035, 68B-14.00355, 68B-14.0045, and 68B-14.005 as advertised with an effective date of July 1, 2007.

Final Rule—Commercial Sponge Harvest Regulations

Mr. Teehan presented the commercial sponge harvest regulations for final consideration and approval and summarized the following rules:

- 68B-28.003, Diving: Open and Closed Areas
- 68B-28.0035, Commercial Sponge Size Limit

Mr. Teehan asked the Commission to approve the rules as advertised.

Upon motion of Commissioner Corbett, seconded and carried, the Commission approved Rules 68B-28.003 and 68B-28.0035 as advertised.

Draft Rule - Snook

Chairman Barreto asked Jessica McCawley, Marine Biologist with the Division of Marine Fisheries Management to present the proposed draft rule amendments (68B-21) to potentially change the size and bag limit for the fishing season for snook. Ms. McCawley reviewed the current snook regulations and the options provided by the Workgroup for the Gulf and Atlantic Coasts. Public workshops were held in January 2007 in Ft. Myers, St. Petersburg, Ft. Pierce, Dania, and Islamorada with a total attendance of 184 and 158 surveys completed. Additional informational public workshop was held in March in Ft. Pierce with a total attendance of 45 and 25 surveys completed. Ms. McCawley reviewed the survey results by Region, Atlantic, Gulf, support of one-fish bag limit on Atlantic Coast, and support maintaining the 40% SPR management goal. A graph was presented showing the future of Florida's snook fishery overlaid on top of the human population in Florida, including projections through 2015. The results of the graph showed the number of snook trips that increased and the projected human population numbers indicate that effort will likely continue to increase. Ms. McCawley discussed the differences in female snook stocks in the Gulf versus Atlantic oceans. No genetic evidence supported subdividing the snook stock on either coast for management. FWRI indicated that the minimum threshold for maintaining sustainable populations of snook is 20% SPR. It was determined that as human population increase and habitat degrades, and management action is not taken at this time, the current level of 25% SPR may decline towards or below the 20% threshold. Members of the workgroup provided recommendations to staff based on the latest findings. Also, the workgroup discussed the issue of "chumming" and provided staff their response. Ms. McCawley stated the chumming issue is not a snook related issue; rather an issue of ethics and education. Also, Ms. McCawley presented the modified cast net language to Rule 68B-21.007 (3), which allows more nets on board boats.

Staff recommended the Commission approve draft rule options 40f for Gulf and 35b for Atlantic and modify cast net language for Rule 68B-21.007 (3). Also staff recommended proceeding to final public hearing at the June Commission meeting to allow new rules to be effective July 2007 prior to the snook season opening in September 2007.

Public Comment

Ted Forsgren provided a handout to Commissioners and discussed CCA's list of comments and recommendations for the snook rule. Mr. Forsgren supported staff recommendations.

Jim Grey (CCA member) thanked the Commission, staff and the Snook Working Group for their efforts. He discussed his concerns regarding recreational snook fishing. He urged the Commission to approve a rule to reach the 40% SPR goal and supported staff recommendation. He stated his concerns regarding the cast nets issue and urged the Commission to propose language to store nets in buckets up top and not below deck.

Sue Cocking (Member, Snook Working Group) stated snook is moving to available habitat. Members of the working group urged the Commission to intervene in a lot of the habitat loss situations. Commissioner Barco stated the real issue involves finding habitat to attract the abundance of fisheries. Chairman Barreto thanked Ms. Cocking for her support and assistance to the Commission.

Kevin McCole (Member, Snook Working Group) recognized staff in working with the Snook Working Group for their professionalism. He stated he voted for 40f on the Gulf and 35b on the Atlantic Coast.

Captain Pat Kelly (Florida Guides Association) supported staff's recommendation regarding the draft snook rules.

Commission Discussion

Commissioner Corbett asked Mark Robson about the 40% SPR and when staff would return with a stock assessment. Mr. Robson replied 2010. Also, Commissioner Corbett asked how the agency plans to implement this information to the public and regulate accordingly. Mr. Robson stated it would be in affect in July 2007, advertised thereafter, and the season would open in September. Chairman Barreto asked staff to provide a memo to Commissioners describing the plan to educate the public regarding the new rule.

Vice Chairman Meehan stated the process is different from 2001 regarding the snook issue. He complimented the Snook Working Group for providing their recommended options.

Upon motion of Vice Chairman Meehan, seconded and carried, the Commission approved staff recommendation to approve draft rules for Gulf 40f, Atlantic 35b, modify the cast net language, and proceed to a final public hearing at the June Commission meeting to allow new rules to be effective July 2007 prior to the season opening in September 2007.

Federal Issues

Mr. Robson presented the reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act. Mr. Robson described the purpose and objectives of the reauthorization. Staff will update the Commission with relevant developments regarding the Reauthorization Act.

Public Comment

Will Ward stated his ideas on lobbying for funds on the Federal side for Florida's Trust Fund and encouraged the Commission to work with commercial and recreational fishermen to ensure that the Trust Fund is funded. Also, he discussed the new re-authorization impacts to recreational and the commercial industries and requested the Commission develop an evaluation process to find out what the "fall-out" will be regarding the re-authorization. Chairman Barreto asked Jackie Fauls to contact Mr. Ward regarding his suggestions and efforts in Washington DC related to the trust fund.

Bob Zales commented on the Magnuson-Stevens Act and the overfishing requirements related to red snapper as well as his concerns about the lack of recreational fishing representation on any of the fishery councils.

Mr. Teehan gave a report on the proposed federal red snapper management options in the Gulf of Mexico. The report included a review and discussion of the red snapper fishery in the Gulf of Mexico and the management of that fishery. Mr. Teehan included a brief description of the fishery; the interim rule issued by the National Marine Fisheries Service (Service), and proposed management options being developed by the Gulf of Mexico Fishery Management Council (Council).

Staff recommended that the Commission not implement state waters consistency rules in response to the NMFS's Interim rule for red snapper.

Public Comment

Will Ward regarding funding and the issue in the Eastern Gulf related to Red snapper. He recommended that the Commission support red snapper bycatch shares for red grouper fishermen, to look at the ecological benefits to red snapper. Chairman Barreto asked Mr. Robson to contact Mr. Ward regarding his concerns about the issue.

Ted Forsgren supported staff recommendation.

Bob Zales stated there is not currently a method to measure the 50% shrimp bycatch. He suggested a bycatch quota.

Jani Thomas (Shrimp Producers Association) stated the regulation on the federal permits would solve some of the issues and cut down drastically in the Gulf.

Commission Discussion

Commissioner Corbett asked Mr. Teehan to provide the Commission with rebuilding projections for Gulf red snapper.

The Commissioners accepted staff's report. Vice Chairman Meehan asked for additional information on initiatives to achieve the goal. Mr. Teehan stated staff will analyze public input and alternatives.

Mr. Robson presented an update on the South Atlantic Fishery Management Council meeting held March 5-8, 2007 in Georgia. The Council discussed the snapper-grouper management plans, including amendment 14 and 15. Staff asked the Commission to support amendment 14, including the recent changes involving additional language regarding the prohibition of shark bottom longline fishing in the closed areas. Staff recommended support for amendment 15 directing staff to identify a wide range of options for allocating harvest between the commercial and recreational sectors.

The Commissioners heard a report about a recent federal request for comments on a proposed "exempted fishing permit". This permit would authorize 13 commercial longline vessels to fish for swordfish and other highly migratory species in a large closed area off the coast of Florida. The purpose of the activity would be to evaluate the effectiveness of changes in gear and methods that were implemented to reduce bycatch in this fishery. The Commissioners expressed opposition to the proposal, citing a previous position taken by the agency in 2005. Chairman Barreto directed staff to prepare a letter of opposition to be sent to the National Marine Fisheries Service, pass a resolution to that affect, and coordinate the issue with the Governor's office requesting a letter from Governor Crist stating his support.

Also, the Council reviewed information and recommendations from its Science and Statistical Committee and also from an Oculina Evaluation Team. Staff recommended continuing agency support for the reviews and technical assistance to the Council in monitoring and evaluating the Oculina Experimental Closed Area. Mr. Robson discussed the King and Spanish Mackerel Management Plan. Staff asked the Commission for approval to continue working with both Councils to implement additional harvest management strategies for the king and Spanish mackerel fisheries of the Gulf and South Atlantic.

Public Comment

Jerry Sansom (Organized Fishermen of Florida) directed comments to the swordfish longline proposal. He mentioned that one of the reasons for closing the area would be to re-stock the fishery. He urged the Commission to look at revising the existing management plan based on the stock assessment, which he stated shows that swordfish populations are rebuilt. Chairman Barreto stated the Commission is not opposed to opening the areas in question; the Commission is opposed to the gear. Commissioner Barco

stated she agreed with Mr. Sansom that a fishery should be opened back up when the stock level is back up. However, the problem involves fishing gear and bycatch.

Ted Forsgren supported staff recommendation.

Jim Grey stated fishing gear and bycatch research can be conducted anywhere.

Commission Discussion

Upon motion of Commissioner Barco, seconded and carried, the Commission approved and directed staff to prepare a letter of opposition to the National Marine Fisheries Service, and to coordinate the issue with the Governor's office requesting a letter of support from Governor Crist.

Mr. Teehan discussed the Gulf of Mexico Fishery Management Council issues. The Council met in March and discussed red snapper management, including amendment 27/14. Staff asked the Commission for approval to continue working with Council members and staff in the development of amendment 27/14 and a range of management alternatives for rebuilding red snapper stocks. Also, the Council discussed the red snapper interim rule, red drum, mackerel, and reef fish; including amendment 30. Staff will continue to work with Council; members and staff in the development of amendments 30 and a range of management alternatives for rebuilding red grouper, gag grouper, greater amberjack, and gray triggerfish stocks.

Public Comment

Bob Zales urged the Commission to direct staff regarding how to resolve the vermilion snapper issue. He mentioned that eventually there should be a three grouper bag limit and encouraged the Commission to research this option.

Commission Discussion

Commissioner Yablonski asked staff to provide an update on the Gulf of Mexico red snapper IFQ issues related to what is not working and the challenges. Mr. Teehan stated he could provide this information to the Commission at the June meeting.

Commissioner's Areas of Emphasis- Future of Saltwater Fishing in Florida

Mr. Robson presented the proposed final draft of the Future of Saltwater Fishing in Florida.

Staff recommended the Commissioners accept the draft vision document as presented and direct staff to coordinate the final version with stakeholders and bring the vision document back for final consideration by Commissioners at the June Commission meeting.

Public Comment

Jerry Sansom discussed his concerns regarding protecting the resources.

Upon motion of Commissioner Huffman, seconded and carried, the Commission approved the Future of Saltwater Fishing in Florida Vision Document.

Public Comment on Items Not on the Agenda

Jani Thomas (Shrimp Producers Association) presented the Commission with information about a plan to purchase and redevelop property in the Fernandina area. The property would be used for shrimp and

shrimp byproduct processing plants that are needed for the local/regional shrimp industry. Ms. Thomas asked for the Commission's support of this endeavor, and they are looking for both financial and political support. The Commissioners directed staff to follow up with Ms. Thomas to provide guidance and assistance where possible.

Bob Gill recommended the Commission suspend work on the red drum rule until 2008. He discussed the philosophy of fishery management.

Dr. Frasier Bingham discussed his concerns regarding the Panama City crayfish draft management plan. He urged agency staff to re-write the plan and re-think the timeline including public comment. He also suggested a meeting in the six city area to hear public comment. He suggested several alternative Commission meeting locations for 2008. He stated we do not need to install small crayfish in small areas.

Commission Exchange

Commissioner Huffman mentioned his visit to the Oculina Banks and how development and construction has kept fisheries from growing.

Commissioner Yablonski stated the meeting was well organized.

Chairman Barreto thanked Mr. Haddad and Heller for their assistance in coordinating the meeting, as well as the staff of the Northwest Region: Monia French, Regional Operations Manager and Connie Lord, Community Relations Administrative Assistant.

Commission Administrative Matters

Chairman Barreto asked Vic Heller to review the proposed 2008 Commission meeting dates and locations. Mr. Heller discussed the current proposed 2008 Commission meeting dates and locations and suggested alternative locations for Commission consideration and approval. He recommended the Commission approve staff providing alternative dates and locations to the Commission in the future. Chairman Barreto asked if he could provide a revised list of alternative dates and locations via email.

The next Commission meeting is scheduled June 13-14, 2007 in Melbourne.

Chairman Barreto asked Ms. Haubold to present a brief schedule to launch the draft management plans for manatee, gopher tortoise and Panama City crayfish which will take place between now and the June Commission meeting. Ms. Haubold presented a timeline of the weekly management plan events from June through September 2007 and stated the schedule will assist Commissioners in preparation for the public relations issues that will arise between now and the June Commission meeting.

Adjournment

Chairman Barreto called for the motion to adjourn the meeting. Commissioner Barco made the motion to adjourn the meeting, which was seconded and carried.

There being no further business the meeting was adjourned at 12:39 p.m.

RESOLUTION

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

WHEREAS, the Florida Fish and Wildlife Conservation Commission recognizes the Florida reptile industry is a valuable component in the economy of the Great State of Florida, and

WHEREAS, the Pet Industry Joint Advisory Council developed the standards that compose the National Reptile Improvement Plan, and

WHEREAS, the Florida Reptile Industry Association has partnered with the Florida Fish and Wildlife Conservation Commission to recognize the National Reptile Improvement Plan as voluntary standards for the husbandry, care and handling of reptiles and amphibians, and

WHEREAS, the National Reptile Improvement Plan identifies best management practices for the reptile and amphibian trade and for those who possess reptiles and amphibians as a hobby, and

WHEREAS, provisions of said plan will help ensure the humane treatment of reptiles and amphibians held in private ownership or otherwise kept in captivity in this state and will help ensure public health and safety, and

WHEREAS, any such voluntary plan that substitutes for government regulation represents the noblest concept in American-style government – which is government by consent of the people:

NOW THEREFORE, be it resolved by the Florida Fish and Wildlife Conservation Commission, in a duly constituted and assembled meeting, and by the Florida Reptile Industry Association, that we endorse and support the National Reptile Improvement Plan as a voluntary set of standards that are in the best interests of the people of the Great State of Florida and in the best interests of the reptiles and amphibians within its scope.

DONE AND RESOLVED, in this duly constituted and assembled meeting at Tallahassee, Florida, this 11th day of April, A.D. 2007.

**FLORIDA FISH AND WILDLIFE
CONSERVATION COMMISSION**

Rodney Barreto, Chairman

David K. Meehan, Vice Chairman

H.A. "Herky" Huffman, Commissioner

Sandra T. Kaupe, Commissioner

Kathy Barco, Commissioner

Richard A. Corbett, Commissioner

Brian S. Yablonski, Commissioner

Florida Reptile Industry Association

Attest: _____

Rodney Barreto
Chairman

Kenneth D. Haddad
Executive Director

Respectfully submitted:

Commission Secretary

/kh
minutes\April 2007 Unofficial Until Approved by the Commission