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Florida Fish and Wildlife Conservation Commission

Marine Life Workgroup Meeting

October 13, 2008

Marathon Garden Club

Marathon, Florida

Minutes

FWC Staff present: Jessica McCawley (DMFM), Bill Sharp (DMFM), Martha Bademan (DMFM), Rick Beaver (FWRI), and Jason Rafter (LE)

Workgroup Members present: Pete Kehoe, Henry Feddern, Marty Tanner (A.R.C.), Richard Londeree, Jeff Turner, Don DeMaria, Forrest Young, Jeff Krammer, and Scott Donahue

7 members of the public present

- Jessica reviews the meeting ground rules
- Approval of minutes from the July 2008 meeting
 - No comments
 - Minutes approved unanimously

Meeting objective: The objective of today's meeting is to review public workshop results and try and reconcile any differences and make final Workgroup recommendations to staff.

Timeline: If directed by the Commission in December then the marine life item will go to a final public hearing in February in Destin. If the rule is approved there, then new rules could be effective July 2009.

- Jessica reviews workshop attendance and provides a brief overview of how the workshop was run and how public input was collected.
- A town hall format was used. A presentation was given at the beginning and then attendees were asked to go to "stations" where they could get more information from staff, ask questions, look at data, etc.
- Public views were recorded on a written survey that was tallied by staff following the workshops.
- Discussion on what number of vote constitutes a majority.
- Jessica finds notes from original determination:
- **Meeting Guidelines Review –**
 - 60% of MLWG members is a quorum (8 out of 13 members)
 - 75% of quorum represents a majority for decisions (6)

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- Decisions made using open vote (show of hands) – takes 75% of members to approve anything
- Dissenting votes will be recorded in the minutes
- No proxy voting

- A discussion ensues that instead of 6, it should be 5 for a majority decision since the FKNMS has decided to abstain from all votes.
- Staff agrees

A review (or re-vote) of all the items following the public input at the workshops:

FISH

Zebra flounder

- Motion: *Add to Rule*
- *Second*
- **Vote: 7 yes;1 abstain**

Southern Stingray and Cownose ray

- If these items are added to the ML rule then they need to be landed alive?
- Staff: Yes
- What is the recreational bag limit?
- Staff: It would be 5 within the 20 aggregate recreational bag limit.
- What are these being used for? Food and Bait.
- Southern also considered a pest; how important is it to protect it. This will cause a very disruptive meeting in December. It will cause user conflicts among stone crabbers because some of them use these rays for bait.
- Staff mentions not adding these rays to ML rule
- Only recommending not adding southern stingray.
- Cownose sought after for public aquarium trade
- Asked for clarification on whether these are staff recommendations
- Disagrees with taking rays for crab bait. Asks what is highest and best use of these animals
- Staff: Will come back and look at these animals in another way for protection outside the ML rule. Based on intent of ML rule, protection for the reasons being discussed should not be addressed within the ML rule.
- Should not be concerned about defending our actions
- Cownose are used in the ML industry; BUT must reduce acrimony among user groups.
- FWC has historically evaluated and done a good job at determining best use
- Practice does not look good to public; lets deal with it
- Motion and 2nd – *add southern stingray to the rule*

VOTE: Southern Stingray 5 yes; 3 abstain

- Motion and 2nd – *add cownose ray to the rule*

VOTE: Cownose: 7 yes; 1 abstain

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- Discusses crabbers using nurse sharks for crab bait; questions if it is disallowed it can't be enforced.
- Someone else agrees

Yellow stingray, Blackbar soldierfish, Key brotula, Black brotula, Spotted burrfish, Porcupinefish

- Black brotula - someone might be looking at reproduction and behavior at Seaquest.
- *Motion to add all of the above species to the ML rule*
- *Second*
- **Vote: 7 yes; 1 abstain**

Dwarf seahorse bag

- Proposed maximum 400 vessel limit
- Staff: looks like most people from workshops were in agreement on this number
- Doesn't think 400 is a big deal.
- Discussion of people from workshops who did not have a marine life endorsement
- Some discussion about the very high landings trips
- Workgroup examines the data again
- Public: Collects pygmy seahorses with a small trawl. Has never caught 400 per day.
- *MOTION and 2nd - Set bag at 400 per day (vessel maximum)*
- **Vote: 7 yes; 1 abstain**

Butterflyfish bag

- Data for butterflyfish are reviewed
- MOTION Set bag at 50/100 worded like snail rule (requires second license on board boat)
- Not like angelfish rule?
- Notes enforcement problems
- Worries about excluding anyone. Leave like angelfish for simplicity
- Someone else agrees
- *MOTION: change bag to 50/100 and word to read like angelfish – would not require two license holders on a vessel*
- Seconded
- **Vote: 6 yes; 2 abstain**

Angelfish bag

- Workgroup members mention opposition they have heard from other ML holders on this issue
- Workshop proposal 50 per person/100 per vessel

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- Its nice to conserve fuel and get what you need in one trip
- Collection has been close to shore; but cost a lot to go offshore
- Discussion about safety; people being forced to go in bad weather
- Notes recent fuel price increases has become an issue since a lot of this was discussed.
- What is trend in angels?
- Jessica shows data
- Thinks price has increased over the past 3-4 years
- Notes trip tickets don't represent current prices
- *MOTION and 2nd: Keep angels at current bag limit*
- **Vote: 6 yes; 1 no; 1 abstain**

Parrotfish size

- Staff -Most people at workshop seemed in favor of the proposed size limit
- No discussion
- *Motion and 2nd: 12" max size*
- **Vote: 6 yes; 1 no; 1 abstain**

Cuban hogfish size

- Staff – proposal will make them the same size as Spanish hogfish
- *Motion and 2nd: 2" min and 8" max*
- **Vote: 7 yes; 1 abstain**

Butterflyfish size

- 4-eye butterfly fish – many are right at size limit; bring up and barotrauma problems when trying to put them back
- *Motion and 2nd: 1" min and 5" max*
- **Vote: 6 yes; 1 no; 1 abstain**

Tang size

- Is this needed?
- Yes, because of the food issue
- Some discussion about its use for food
- *Motion and 2nd: 9" max size*
- **Vote: 7 yes; 1 abstain**

Angelfish size

- Staff – there were many comments at the workshops about the proposal
- Workgroup members heard a lot of opposition from ML holders
- Forrest – rock beauty matures at very small size, queens mature at much larger sizes, no blue reproductive activity found in Keys, French and grays found reproductive activity only in excess of 10 inches
- Current size limit should protect breeders
- Discussion of 1 5/8" as best min size for angels instead of 1 3/4"
- Discussion of appropriate maximum size limit
- *MOTION: Keep upper limit 8 inches for gray, French, Blue, and Queen (maximum size)*

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- *Second*
- **Vote: 7 yes; 1 abstain**
- Discussion on minimum
- Support for 1 5/8" minimum
- Discussion about how can LE enforce?
- *Motion: Keep minimum for gray and French at 1.5" and blue and queen 1.75"*
- *Second*
- **Vote: 7 yes; 1 abstain**

Rock Beauty size

- For simplicity, let's keep everything the same. Don't change size.
- Males are the largest, females occur at smaller sizes
- Public comment suggested to drop the minimum to 1.75"
- Discusses FMLA's recommendation – 1.75"
- There is a market for 1.75" fish
- For aquariums – the smaller ones do better than the larger ones
- Some workgroup members heard criticism of upper limit
- *Motion and 2nd: Max size at 5 inches, Seconded*
- Vote: 5 yes; 1 no; 2 abstain
- **REVOTE 7 yes; 1 no; 1 abstain (now 9 people because Jeff Krammer arrived)**
- Set min size to 1.3/4
- Below 2 inches the black area is not enlarged; looks juvenile
- Smaller reef tanks have produced demand for these smaller fish and people have learned to feed these smaller fish
- *Motion and 2nd: decrease min size to 1.75"(from 2" inches) (1.75"-5")*
- **Vote: 6 yes; 1 no; 1 abstain**

Break

Revote on rock beauty – vote listed above

INVERTEBRATES

- What has staff done in regards to the marine life curio?
- Staff – We gathered some limited information at the public workshops. Staff thinks that curio should be considered separately from this process we are going through now.

Nassarius snails

- Staff discussed workshop comments about them being used in the curio trade
- ML: Not really valid for curio trade, they can be imported for very cheap
- Discussion about workshop comments regarding curio importance.
- Can purchase several gallons for \$5.00 and turn it into art.
- Is it important to use an indigenous snail; can it be simply be protected via an RS? I see nothing wrong with collecting 100.

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- Big industry on west coast. There may be some 'collateral damage' on some decisions we make. Should not allow our decisions to depend on one person.
- Have opposed curio trade. We should be husbandpersons of the environment.
- Taking a snail = removal, regardless if whether curio or ML
- Should distance ourselves from the curio trade
- Are they overharvested? Then restrictions. If you just don't like to see them killed, then no.
- Believes they are being overfished; does not find them on West coast where they used to be after collections take place.
- Discussion of the skyway bridge area. Nassarius snails have become locally depleted.
- They are highly sought after and can be taken easily from the road.
- Websites are advertising how easy it is to take these animals without a license
- Especially on the West coast large colonies cannot be seen as much as they used to be due to overcollecting
- They are extremely fecund?
- This list is here because they are being traded; Add all of them.
- Agrees. What is highest and best use. Supports putting on list.

All hermit crabs, Bruised nassa snail, All Nassarius snails, Eastern Mud snail, Cerithium snails, Lithopoma tectum, Emerald crab, Red ridged clinging crab, Red mithrax crab

Motion: Add all these species to the marine life rule

Second

Vote: 8 Yes; 1 Abstain

*****Public Comment*****

Mike Helmholtz: Nassarius needs greater protection. They can sell from 8-15 cents a piece

Daniel Haddon: does not see the small quantity of Nassarius being taken is a problem

*****End Public Comment*****

Ricordea and corallimorph size

- Staff – even at the public workshops, people seem to be in favor of the proposed size of a single polyp only.
- *Motion: Single polyp only*
- *Second*
- **Vote: 8 yes; 1 abstain**

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Ricordea and corallimorph gear

- Jessica – I heard a lot of comments on this topic at workshop and via email. Many people wanted a more rigid blade, such as a razor blade instead of just the putty knife.
- Problems with flexible blade; Notes that you can't prohibit a hammer onboard
- A hammer is needed on boat for many things
- Discussion with FKNMS regarding best tools to use.
- FKNMS – we sit here at the table to make sure that no proposed FWC rules are in conflict with FKNMS rules. Tools and method of harvest have been commented on by FKNMS
- Flexible blade allows officer discretion
- Should LE have discretion in the field?
- LE: Standardized language will help
- ML: Notes cooperative research is needed to develop a uniform tool.
- Discusses with LE about what they have seen
- Need an instrument that everyone is familiar with
- Notes this tool is the product of a lot of negotiations. FKNMS can stop harvest entirely. If we have a working solution we should go forward.
- Has seen corallimorphs collection with no substrate.
- Notes there are some places where it is easily taken, other places not.
- Reiterates that language should be left alone.
- Jessica – FWC cannot specify the substrate amount as Workgroup originally proposed, FWC has the authority to specify the gear, so we are working with the gear to limit the substrate taken instead of specifying the substrate
- Public: prevent marks on the handle of the tool instead which would indicate that it was being used with a hammer
- We could lose this issue if we try to renegotiate. Let's take it in good faith of FWC and go with it.
- *Motion: Flexible blade only, and cannot possess hammer and chisel on board the vessel when in possession of ricordea and corallimorph polyps*
- *Second*
- Must have flexible blade and cannot use another object to strike this flexible blade
- Discussion on whether hammer and chisel in water only or onboard
- Would like a hammer on the boat but lets vote the way it is
- **VOTE: 8 yes; 1 abstain**

Ricordea and corallimorph bag

- Jessica – there were a lot of comments on this bag issue at the public workshop as well as via email. There were a lot of good suggestions, including 100 of Ricordea florida and 50 of other types of corallimorphs, etc.
- Has FKNMS agreed to this bag limit of 100 of all corallimorphs?
- Staff - yes
- All corallimorphs in aggregate. We need to be conservative
- FKNMS – have asked FWC to consider the bag limit of 100 as all inclusive for all corallimorphs

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- *MOTION and 2nd: 100 pieces of all corallimorphs per license. Max 200 per vessel if you have a vessel ML - following sanctuary suggestion.*
- Workshop attendees were not aware of FKNMS position?
- Will cause additional organisms to be taken
- Again, this is a gift horse; the alternative is nothing
- Last meeting unanimously approved the 200 per vessel bag limit. Just for clarification.
- Is this a burden on LE? For enforcement, should keep it simple;
- Public: 5 or 6 species in this bag limit. Some species grow in soft sediments
- Believes that 200 is sustainable; more unsure in the long-term
- Recommends going with the FKNMS recommendations
- Few people make a living with live rock. Should not battle Ricordea issue.
- Public: Will take bag limit, but bag count should be of each taxa. But doesn't want to lose it altogether. Will need to separate the catch to report it on the separate trip ticket species codes that have been suggested.
- Need diversity. Lets not lose Ricordea.
- Wants clarification of bag limit?
- Public: Is there room for reconsideration by the FWC and FKNMS?
- FKNMS: Yes we will always consider what is brought to us by the public and we are willing to have another discussion with the FWC about this topic
- Staff – The FWC is willing to have another discussion with the FKNMS about this topic following this meeting.
- Examination of FWC data on Ricordea
- We do not want this to end up like the battle about live rock. We do not want to lose this at the end. Let's be conservative now so we can continue to harvest corallimorphs.
- We should learn from the live rock experience
- 100 per SPL w/ML endorsement. Vessel SPL with ML endorsement 200
- Jessica: We need to consult Legal with the correct wording.
- We need to get the intent of the ML group.
- My other endorsement with a unique ML# was taken away with the new program. In the new program, I have the same ML# on all SPLs. The intent should be what it was before the new licensing system was created.
- Should be allowed to take the 2 bags (maximum amount) with an indiv SPL and a vessel SPL.
- Further discussion about how a unique ML endorsement is applied to bag limits
- Public: FMLA though intent was to have limit for vessel to include 2 people. Maybe wording could be changed to reflect this in all bag limits.
- Jessica – we will look into this issue and consider clarifying the wording
- *MOTION ON INTENT OF BAG LIMIT: 100 corallimorphs per day/200 per vessel per day. Vessel must have ML to take 200. Max 200 any scenario*
- *Second*
- **Vote: 8 yes; 1 abstain**

LUNCH

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More discussion on the original intent of the bag limit language that requires a second ML license on board to take the maximum bag limit

- Does the second license that is required have to be a unique ML number. In the old system it was a unique ML number, but in the new system they are same ML number
- Example: in old system Richard could take his individual ML (#1) and get on his boat with a vessel ML (#2) and take the maximum bag. In new endorsement system there is an issue because we forced people to take the same ML# across all of there SPLs. Needs to be fixed with original intent of rule that was in place prior to the new endorsement system
- Jessica – we will look into this issue and consult with Legal

More discussion on corallimorphs and votes on gear, bag limit, and size limit (rest of discussion and votes listed above)

- Workgroup members brought in example tools purchased from Home Depot for the group to examine for the corallimorph gear issue, including a gasket scraper, paint scrapers, razor blades, etc.

Condylactis season

- Staff suggests that we do not know the best month or months, we need more research and then we should revisit this issue
- *Motion and 2nd: Do away with suggested spawning season closure*
- **Vote: 8 yes; 1 abstain**

Condylactis bag

- personal ML and vessel ML to double daily bag limit
- Seeing fewer; water quality issues
- Staff – a lot of people wanted 300 to 400 at workshops
- *Motion: 200 per vessel per day*
- *Second*
- Public: FLMA suggested 300 per day
- Are we going to drive to extirpation, regardless of the reason why? Water quality or collecting?
- Why don't we just shut the entire condylactis fishery down in order to protect it?
- Public: upper keys now travelling down to the lower keys to collect because they are more difficult to find
- The bag limit on condys has already been lowered once before
- Lignum vitae area it was water quality
- At some point we need to revisit spawning season closure
- **Vote: 8 yes; 1 abstain**

Cerithium snail bag –

- 1 gal/2gal per vessel has been suggested
- Public: should we make all snails the same for ease of enforcement
- *Motion 1 gal/2gal per vessel*
- *Second*
- **Vote: 7 yes; 1 no, 1 abstain**

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- Richard again notes problem with individual and vessel limit; same language issue, staff needs to correct

Scarlet reef hermit crab bag

- *Motion and 2nd – 1 qt per license/2 per vessel*
- **Vote: 7 yes; 2 abstain**

Lithopoma tectum bag

- Staff: we are adding this for ease of LE
- *Motion and second – Add to the current star snail bag limit*
- **Vote: 8 yes; 1 abstain**

Emerald crab bag

- Staff – there were lots of comments at the public workshops about this topic
- Staff – many people did not like the suggested bag limit of 200/400
- Just like Nassarius, people can easily go to the shoreline and collect them because they are easy to get
- Use to collect in coralline algae beds; if to protect porites I don't think this is a problem.
- Came up because it wasn't on ML.
- A lot of support for 400/800 limit. Re-evaluate at a future time.
- Should be an ML critter
- Staff – a lot of people suggested 300
- Under ML is additional protection to begin with. 400/800 is reasonable
- Public: worded like snails?
- Asks for clarification on the re-wording with legal.
- Public: Don't know of anyone who has trouble finding emerald crabs.
- *Motion and 2nd: 400/800 vessel with ML.*
- Review of emerald crab data
- **Vote: 7 yes; 1 no; 1 abstain**
- Lower cpue on graphs could be reflective of just catching a few things here and there, instead of taking maximum of any one species type.
- A lot of discussion about emerald crab reporting; wrong species code etc.

Zooanthid gear

- Proposal by Workgroup is 1 gal/2gal
- FMLA has suggested 3 gal.
- Was this discussed with FKNMS?
- FKNMS - It's a consistency issue. Needs to be consistent with the Ricordea/corallimorph vote in regards to the taking of substrate and gear.
- Aren't they usually in porites? In the Keys. So, how can they be legally harvested?
- Sell them on live jewel box clams
- Zooanthids have also been seen on Halimeda algae and sea biscuits
- Scrappers could be effective for removal
- FKNMS: discusses the sanctuary's management plan. Current FKNMS regs prohibits the possession of living or dead coral (which would include Porites)

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- Continued discussion about how they are collected.
- Discussion of allowable substrate
- Gorgonian says 1 inch allowable substrate;
- FKNMS: that's an existing rule, we are discussing new rules and that is different.
- *Motion: Same allowable gear as Ricordea*
- *Second*
- **Vote: 8 yes; 1 abstain**

Break

Zooanthid bag limit

- Staff – had less than 50% approval at the public workshop
- *Motion: 1gal/2gal*
- *Second*
- **Vote: 8 yes; 1 abstain**

OTHER TOPICS FOR DISCUSSION

*****PUBLIC COMMENT*****

Alan Maxwell: Important that there is no dissention in front of Commission on these ML changes. Incumbent of those of us here to sell this to the rest of the industry.

Michael Helmholtz: Wants a Line at Egmont Key for the taking of substrate with sponges. Have always taken substrate with sponges north of this line. There is already a line there. Wants allowable substrate ok'd for ornamental sponges above Egmont key line.

Richard: 2nds Mikes sentiments.

Pete: we get same sponges and we do not take substrate.

*****End Public Comment*****

- Continued discussion on where Egmont key is
- Staff – we had a substrate proposal in place prior to the FKNMS stating that they had an issue with the making of substrate regulations. Let's return to that proposal for sponges
- Staff- that proposal for ornamental sponges that we had agreed upon in the past was for 1-inch thick and 1-inch beyond holdfast
- Could pose an unfair competitive advantage for north and south of the line
- These are two different ecosystems and should be treated accordingly
- *Motion and 2nd: North of Egmont Key in the Gulf of Mexico 1-inch beyond holdfast and one inch thick substrate for ornamental sponges. South of that line no substrate allowed.*
- **Vote: 7 yes; 2 abstain**

MLWG: Comments about 6-7 inch holdfast noted in detailed public comments – this is not normal

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Jessica reviews timeline for Commission process and procedure for December Commission meeting commenting

- Staff will review MLWG votes
- Staff will meet with FKNMS again
- Staff will get answer about licensing issue in regards to the bag limit
- Staff will prepare a Draft Rule package for Dec. 4th
- At the Commission meeting each person will be given 3 minutes to speak to the Commission on the issue. Must fill out yellow speaker card.
- Commission decides on draft rule and votes and then determines whether the package goes to a final public hearing

Jessica congratulates workgroup on their efforts.

Upper size limit on stingrays

- An upper size limit might help with the bait issue
- Not typically used for crab bait recently. One person on Big Pine Key had been doing it, but not this year. Those that die as bycatch might as well use them. Resource is healthy...really an FWC issue....does not relate to the marine life fishery.
- Some people eat them.

Motion to adjourn. Seconded.