



Florida Fish and Wildlife Conservation Commission

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Commission Meeting
November 16 – 17, 2016
St. Petersburg, FL
Minutes

*A digital recording of the entire meeting is available upon request. Please contact the Community Relations Office at (850) 488-4676 for additional information.

The Florida Fish and Wildlife Conservation Commission (FWC) held its regular meeting November 16 – 17, 2016, at the University of South Florida Student Center located at 200 6th Avenue South, St. Petersburg. Chairman Brian Yablonski called the meeting to order with the following members in attendance:

Ronald Bergeron, Fort Lauderdale
Chuck Roberts, Tallahassee
Bo Rivard, Panama City

Aliese Priddy, Immokalee
Robert Spottswood, Key West

Senior and Presenting Staff:

Nick Wiley	Executive Director
Eric Sutton	Assistant Executive Director
Bud Vielhauer	General Counsel
Colonel Curtis Brown	Director, Division of Law Enforcement
Thomas Graef	Director, Southwest Region
Steve Shea	Director, Northwest Region
Shannon Wright	Director, Northeast Region
Chris Wynn	Director, North Central Region
Tom Reinert	Director, South Region
Diane Eggeman	Director, Division of Hunting and Game Management
Tom Champeau	Director, Division of Freshwater Fisheries Management
Jessica McCawley	Director, Division of Marine Fisheries Management
Gil McRae	Director, Fish and Wildlife Research Institute
Dr. Thomas Eason	Director, Division of Habitat and Species Conservation
Charlotte Jerrett	Chief Financial Officer
Melissa Recks	Division of Marine Fisheries Management
Kipp Frohlich	Division of Habitat and Species Conservation
Martha Guyas	Division of Marine Fisheries Management
Major Richard Moore	Division of Law Enforcement
Dr. Brad Gruver	Division of Habitat and Species Conservation
Carol Knox	Division of Habitat and Species Conservation
Paul Scharine	Division of Hunting and Game Management
Jessica Crawford	Director, Office of Legislative Affairs

There were seventy-nine individuals registered to speak to the Commission during the two-day meeting.

Meeting Opening

Chairman Yablonski called the November 16 – 17, 2016, meeting to order at 8:39 a.m.

Invocation and Pledge of Allegiance to the Flag

Prior to the invocation, Chairman Yablonski requested a moment of silence in remembrance of family and friends of FWC who recently lost their lives. Ms. Diane Eggeman, Director of the Division of Hunting and Game Management, gave the invocation, followed by the Pledge of Allegiance led by Vice Chairman Priddy.

Adoption of Minutes

Upon a motion by Commissioner Rivard, seconded by Commissioner Roberts and carried, the September 2016 minutes were approved as written.

Adoption of Meeting Agenda

Upon a motion by Commissioner Rivard, seconded by Commissioner Roberts and carried, the November 2016 Meeting agenda was approved.

Approval of Consent Agenda

Upon a motion by Commissioner Roberts, seconded by Commissioner Spottswood and carried, the November 2016 Consent Agenda items were approved.

Executive Director's Report

Executive Director Wiley highlighted the following items from the Executive Director's report:

- Bear Wise Funding. Commissioner Bergeron noted that the MOU with Waste Pro has been a major success. He noted that he will meet with other waste management companies to discuss cooperation with FWC and local governments on waste management related to human-bear conflicts.
- Florida Highway Patrol Officer rescue of injured bald eagle
- Hurricane Matthew
- MarineQuest 2016
- New World Screwworm. Executive Director Wiley recognized Dr. Mark Cunningham with the Fish and Wildlife Research Institute (FWRI) and thanked him for his leadership on this issue. Dr. Cunningham provided an update on the partners involved and the course of action. Commissioner Spottswood thanked everyone working in the Keys to help manage this issue to protect native wildlife that may be negatively impacted by this. Commissioner Rivard noted that Commissioner Adam Putnam, Commissioner of the Florida Department of Agriculture and Consumer Services, was very appreciative of the partnership efforts from FWC on this issue. Director Wiley recognized Mr. Larry Williams with the US Fish and Wildlife Service (USFWS) who provided additional details from the USFWS perspective.
- Florida Bay Plan. Director Wiley noted the implementation of a plan by the South Florida Water Management District (SFWMD) to improve the fresh water that flows into Florida Bay. He then discussed FWC staff drafting a support letter to the U.S. Army Corps of Engineers from Commissioner Spottswood so he can acknowledge the work being done by the SFWMD. Executive Director Wiley then invited Mr. James Erskine, FWC's Everglades Coordinator, to provide an update on information related to this topic. Commissioner Bergeron commented on this topic and invited Mr. Williams to address the Commission and answer some questions regarding moving this plan forward. Commissioner Spottswood asked for additional information related to the proposed plan for water through Taylor Slough. Mr. Williams responded that USFWS is in agreement regarding restoring water flows back to the more natural channels. Chairman Yablonski noted that the letters will be prepared by FWC staff and coordinated through Commissioner Bergeron and Commissioner Spottswood as appropriate. He noted a more comprehensive presentation on this topic and the Central Everglades topic at a future Commission meeting.

- Bahamas/China fisheries partnership. Commissioner Spottswood thanked Executive Director Wiley for bringing this to the attention of the Commission. The implications could have a severe effect on the fisheries in South Florida.
- Staff Recognition:
 - Melody Kilborn
 - Officer Felix Collazo
 - Steve Brinkley
 - Jessica Pernell

Elections

Chairman Yablonski asked Mr. Bud Vielhauer, General Counsel, to walk through the process for these Elections.

Mr. Vielhauer commented on the requirement of this annual process and the options available to vote either orally or via ballot. He then asked how the Commission would like to proceed.

Commissioner Spottswood nominated Chairman Yablonski and Vice Chairman Priddy to continue in their respective roles as Chairman and Vice Chairman.

Commissioner Bergeron seconded that nomination and noted that all of the Commissioners have done well over the last year with all of the tough decisions that have been made. He thanked every Commissioner for their dedication to this post.

Commissioner Roberts thanked the Chairman for his leadership over the last year and he also thanked the Vice Chairman for her management of the public comment periods at the meetings over the last year. He noted support for the nomination as well.

Commissioner Rivard added support for the nomination and he thanked Chairman Yablonski and Vice Chairman Priddy for their time and dedication to all of the topics that the Commission takes into consideration.

Chairman Yablonski thanked the Commissioners for their comments and added appreciation for the passions of each of them. He requested that the Commission consider a term of two years for the next Chairman/Vice-Chairman.

Vice Chairman Priddy introduced Pasco County Commissioner Mike Wells and invited him to address the Commission.

Commissioner Wells thanked FWC for their response efforts related to Hurricane Hermine and the devastation that occurred in Pasco County. He also commented on changes to Florida's bay scallop fishery since the 1960's and the evolution of bay scallop management. He offered the support of Pasco County staff to create a technical working group to focus on improving Pasco County's estuaries, which would also directly benefit the local scallop population. He commented in support of opening the recreational scallop season in Pasco County while protecting the sustainability of the resource. Finally, he mentioned an effort to implement youth fishing camps throughout the county.

Chairman Yablonski asked Ms. Jessica McCawley, director of the Division of Marine Fisheries Management, to address the Commission on possible actions related to the possibility of opening scallop harvest in Pasco County.

Ms. McCawley responded that FWC is already beginning to work with Pasco and other counties to discuss possible changes to scallop management and to develop proposals for a future Commission Meeting.

Chairman Yablonski thanked Ms. McCawley and noted that he looked forward to seeing this presentation at a future meeting.

Item Requiring Action

Staff Report – Critical Wildlife Areas

Mr. Kipp Frohlich, Deputy Director of the Division of Habitat and Species Conservation, presented an overview of CWAs. He provided information on proposed final recommendations for a statewide initiative to establish 13 new CWAs and modify five existing CWAs, including modifications resulting from continued public outreach efforts.

Commission Discussion

Chairman Yablonski thanked Mr. Frohlich for all of his efforts on this proposal.

Vice Chairman Priddy asked about the areas that have specific lines and how the agency deals with changing areas of protection. She also asked about the sign posting points on the maps and whether or not that is the exact location of the postings.

Mr. Frohlich responded that the markers are positioned at specific designated places within a certain distance of the islands and that for most of these areas the boundary lines take several years to change in which time a sign can be moved. He noted that the exact locations of the markers of the area are determined by the sign plan which requires coordination with FWC Law Enforcement and other regulating agencies. He presented an example of the sign that would be posted.

Commissioner Rivard asked what the penalty would be for members of the public who violate these zones. He asked what the history is on enforcement action.

Colonel Brown responded that it is a second degree misdemeanor and there is not a lot of history of tickets related to violations.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Aaron Adams, Director of Science and Conservation with Bonefish Tarpon Trust, addressed the Commission in support of staff proposal.

Ms. Mary Keith with Tampa Audubon addressed the Commission in support of the largest amount of CWAs possible.

Mr. David Cox with the Florida Conservancy and Pelican Island Audubon Society addressed the Commission with support of all of the locations in the staff proposal. He added support as a partner of FWC with monitoring of the local CWAs.

Mr. Edward Tamson with the Theodore Roosevelt Conservation Partnership addressed the Commission with thanks to staff and the Commission for providing the science behind the staff proposal. He added support for the staff recommendation.

Mr. David Hartgrove, Conservation Chair with Halifax River Audubon, addressed the Commission in support of the CWA process. He added concern of the recent objection by the Florida Inland Navigation District to include the previous proposed island known as Port Orange in this package for approval by the Commission today.

Ms. Cheryl Merz with Tampa Audubon Society addressed the Commission in support of CWAs and gave thanks to staff for working with the different stakeholder groups.

Mr. Doug DeNeve, Conservation Chair with Tampa Audubon Society, addressed the Commission in support of the proposal. He noted the idea of casting into the protected areas would be very problematic.

Mr. Paul Thibault representing the Conservation Committee of the Sarasota Sierra Club addressed the Commission. He requested the FWC continue to monitor the areas throughout Florida that are known for nesting habitat especially considering climate change and sea level rise. He added concern about the 25 foot proposed buffer zone and noted that it is too small of an area.

Mr. John Hood, President of Clearwater Audubon Society, addressed the Commission with thanks for FWC having law enforcement available to deal with public interference with nesting habitats. He added support for the proposal.

Mr. Jim Kalvin with Standing Watch addressed the Commission with compliments to staff for working with all the stakeholders involved in this. He requested the Commission consider adding another CWA location in Collier County.

Mr. Robert Williams with Apalachee Audubon Society addressed the Commission in support of CWAs, specifically Lanark Reef. He added support for staff proposal.

Ms. Megan Sorbo addressed the Commission in support of staff proposal.

Mr. Bill Sagues addressed the Commission in support of staff proposal.

Ms. Regan Fink with the Conservancy of Southwest Florida addressed the Commission in support of staff recommendation. She noted a concern for the narrow buffer zones and requested that staff review the buffer zones in the future.

Ms. Jaimee Parry addressed the Commission with thanks for this proposal and this effort because of its importance for these species who will use the protected habitat.

Mr. Peter Cangialosi with Estero Council of Community Leaders addressed the Commission in support of establishment of the CWAs within Estero Bay.

Ms. Ann Paul with Audubon Florida at Florida Coastal Islands Sanctuaries addressed the Commission. She provided the Commission with a copy of the Hillsborough Bay Boater's Guide which is produced by Audubon Florida. She added support for staff proposal.

Mr. Mark Rachal with Audubon Florida addressed the Commission. He provided the Commission with a copy of the Lower Tampa Bay Boater's Guide which is produced by Audubon Florida. He added support for staff proposal.

Mr. Brad Cornell with Audubon of the Western Everglades addressed the Commission in support of staff proposal. He requested flexibility on disestablishment to make sure that the birds do not utilize the areas anymore before taking that action.

Ms. Karol Tenace addressed the Commission with thanks to the Commission for bringing this topic forward.

Ms. Jean Hall addressed the Commission with thanks to staff on their efforts related to CWAs and added support for staff proposal.

Mr. Gary Jennings with the American Sportfishing Association (ASA) addressed the Commission in support of the concept of protections of specific areas and species throughout Florida. He thanked staff for working with all the stakeholders on this issue. He requested Commission consideration of seasonal closures instead of full time closures for certain areas.

Ms. Stephanie Somerset, Executive Director of Friends of Shell Island, Inc., addressed the Commission. She noted concern for actions by state agencies which go beyond restrictions related to protections of habitat for species in greatest need of conservation. She requested flexibility in language related to posting signs. Finally, she suggested reducing the penalty for an infraction such as those referenced in the Imperiled Species Management Plan.

Mr. Jeff Miller, Government Relations Chairman with the Coastal Conservation Association (CCA) of Florida, addressed the Commission. He read aloud the letter sent from CCA Florida to the Commission with requests for additional considerations related to CWAs. He requested the Commission consider allowing casting into a CWA if the area does not have a danger of entanglement.

Mr. Robert Wright, Conservation Chair for Sarasota Audubon, addressed the Commission.

Mr. Brett Fitzgerald, Executive Director of the Snook and Gamefish Foundation, addressed the Commission in support of staff proposal. He added that FWC has worked to build a level of trust with stakeholders in working together for a benefit to native species in Florida.

Ms. Carol Cassels with Florida Audubon addressed the Commission and spoke of her experience as a volunteer at Alafia Banks.

Mr. John Sprague with Marine Industries Association of Florida addressed the Commission. He noted support of CWAs and protection of habitat as well as concern with the fishing component and discussed a 100 foot buffer.

Ms. Rebecca Falkenberry with Brownell Travel addressed the Commission. She commented that CWAs are a great idea and is in support of staff proposal. But she expressed disappointment that the size and quantity of CWAs has been reduced and that casting into a protected area is even being considered.

Ms. Elizabeth Fleming with Defenders of Wildlife addressed the Commission. She noted that the Defenders of Wildlife is in support of the CWAs and would not like to see them scaled back any further than they already are.

Ms. Julie Wraithmell with Audubon Florida addressed the Commission. She expressed her concern about casting into the CWAs and noted the compromise to reduce the buffer zones which should allow fishermen to utilize more of the area around the particular CWA without having the detrimental interaction with the birds if casting is allowed.

Ms. Bonnie Basham with Boat US addressed the Commission with thanks to staff in coordinating with all of the stakeholders involved in this issue. She echoed the concern of access and the request to cast into the buffer zones.

Ms. Kate MacFall with the Humane Society of the United States addressed the Commission in support of staff proposal.

Ms. Debra Comeau, Vice President of Manatee County Audubon Society, addressed the Commission with a request to have the widest boundaries possible to protect the habitat and the birds.

Ms. Karen Willey with Around the Bend Nature Tours addressed the Commission in support of this proposal.

Mr. Robert Keim addressed the Commission in support of staff proposal. He noted specific support of the caves which are included in the staff recommendation.

Commission Discussion

Chairman Yablonski noted that there was a lot of coordination with stakeholders to come up with the final proposal presented by staff today. He provided a recap of all of the changes that have occurred since this topic was originally presented to the Commission.

Commissioner Rivard noted that information from law enforcement supports that this is not an effort to just provide an opportunity for FWC to write tickets to the public. Since 2006, there have only been 18 citations related to CWA violations.

Commissioner Bergeron thanked the Chairman for his vision on this topic. The presentation highlighted how important these areas are for the conservation of the species which use the habitat.

Vice Chairman Priddy asked for clarification on some of the areas where the buffer zone was reduced to 25 feet. She also asked about the CWA that was brought up by a stakeholder for consideration in Collier County.

Mr. Frohlich responded that one of the reductions of the buffer zones was specifically for navigational purposes. He noted that the existing CWA in Collier County brought up by the stakeholder is not currently in the proposal.

Commissioner Rivard congratulated the Chairman on this legacy issue for the Commission. He thanked staff for their efforts related to coordination with stakeholders. He asked for clarification on the suggestion not to allow casting into CWAs.

Mr. Frohlich responded that adjustments to the buffer zones has been one of the compromises which will allow not only safer navigation by boat traffic, but will also allow those who do like to fish near these areas more space to do so without having a negative effect on the CWA.

Commissioner Spottswood asked what the current CWA rules are regarding casting into the area. He commented that he wished there was a better answer for the casting issue.

Mr. Frohlich responded that casting is currently not allowed in CWAs.

Commissioner Roberts commented that the proposed changes presented today have very narrow buffers and if the Commission wants to accommodate casting in the future, the buffer zones would need to be increased which may cause concern from those stakeholders who utilize the area. He also added that the review process suggested by staff will allow flexibility to amend things in the future as needed.

Chairman Yablonski thanked the sportsmen and women who are the original conservationists. He added thanks to Audubon for their strong support from the beginning on this item.

Commission Action

Upon a motion by Vice Chairman Priddy, seconded by Commissioner Spottswood and carried, the Commission approved staff recommendation.

Staff Report – Florida Panther Update

Mr. Frohlich presented an update on panther research and management efforts including information gathered through the Panther Recovery and Implementation Team (PRIT). He then introduced Dr. Erin Myers, a private lands biologist with the USFWS, who presented information on the Payment for Ecosystem Services Program and Landowner Incentive Program.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Mike Elfenbein with the Everglades Coordinating Council and the Foundation for Balanced Environmental Stewardship addressed the Commission. He requested that the USFWS and FWC classify the Florida Panther as a cougar which is also found in other areas of the country. He commented that depredations should not be limited to incidents where death of livestock or pets occurs.

Ms. Amber Crooks with the Conservancy of Southwest Florida addressed the Commission.

Ms. Elizabeth Fleming with Defenders of Wildlife addressed the Commission. She noted that this wildlife issue is very challenging for everyone involved. She encouraged continued coordination with all the partners involved.

Ms. Katrina Shadix with Bear Warriors United and Speak Up Wekiva addressed the Commission. She requested an answer on how many panthers were killed on the road.

Mr. Bryan Wilson addressed the Commission with a suggestion to ensure that the fencing proposed on a portion of the interstate in Collier County be high enough to keep the wildlife from accessing the roadway.

Ms. Carla Wilson addressed the Commission.

Ms. Jennifer Leon addressed the Commission with a request for the Commission to review the position statement and analyze whether it captures the appropriate goals of the agency.

Mr. Steve Gafford addressed the Commission in support of additional educational efforts to the public. He noted concern that FWC is headed down the path to delist and possibly move forward with hunting this species.

Mr. Frank Jackalone addressed the Commission with concern about the increase of human population in panther habitat.

Commission Discussion

Chairman Yablonski invited Mr. Larry Williams to address the Commission.

Mr. Williams thanked Commissioner Bergeron and Vice Chairman Priddy for their assistance and cooperation in helping to move these research and management programs forward. He thanked Secretary Boxold with the Florida Department of Transportation for moving the fencing and wildlife crossing projects forward.

Commissioner Bergeron thanked USFWS and FWC for the success associated with the increase in Florida Panther populations.

Vice Chairman Priddy discussed the importance of ranch lands to panther recovery. She added that the allocations of funding for programs presented by Ms. Myers is extremely low considering that this is one of the priorities according to the Endangered Species Act. She thanked staff for the recent tour of the Fish and Wildlife Research Institute. She noted that FWC does a lot of great work tracking and documenting several other species such as marine turtles and manatees. She requested that some of these tools be used in relation to the Florida Panther. She added disappointment that there is not a new population estimate to share with the public. She reminded everyone that anytime FWC provides figures of population estimates, it does not include kittens.

Mr. Williams commented that the updated population estimate of about 200 adults has been agreed upon by staff, however, a coordinated paper is still in the review process.

Executive Director Wiley recapped what was highlighted during the presentation and discussion on this topic. Ranch lands are very important as habitat for the recovery of this species. He commented that the camera study which is fairly new will assist with improving the data needed to fill in some of the gaps related to this species.

Commissioner Bergeron requested Mr. Darrell Land, a biological administrator II with the FWC Florida Panther Program, address the Commission regarding the recent year's studies on the population estimates in Florida. He asked how confident Mr. Land was with the proposed population range. He asked if the Everglades is still viable habitat for panthers.

Mr. Land responded that he is fairly confident in the estimates.

Vice Chairman Priddy noted that there are current signs which warn the public of panthers in the area and that some of the counties do not allow the use of these signs.

Commissioner Bergeron requested to work with Executive Director Wiley in coming up with funding and potentially matching funds from the USFWS to put toward private ranch lands.

Vice Chairman Priddy responded that the State of Florida already puts a lot of resources toward this effort.

Chairman Yablonski noted that there is a lot of good news on this topic and that things are moving forward.

Items Requiring Action

Final Rule – Imperiled Species Management Plan (ISMP)

Dr. Brad Gruver with the Division of Habitat and Species Conservation presented staff recommendation for final approval of the ISMP, associated rule revisions, and eight Species Conservation Measures and Permitting Guidelines. He also noted a request to publish a Notice of Change for two rules.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Chris Reiss with Project Perch and South Florida Audubon Society addressed the Commission. He presented an option for mitigation solutions for burrowing owls.

Ms. Susan Davis, Board Member of Audubon Society of the Everglades, addressed the Commission. She thanked the Commission for their partnership efforts in the past and looks forward to future endeavors to help the burrowing owl population rebound.

Ms. Shelby Proie with the South Florida Wildlife Center addressed the Commission. She thanked the Commission for reclassifying the burrowing owl to State threatened and noted the work the Center had done for burrowing owls.

Ms. Amber Crooks addressed the Commission noting that the proposed rule represents a compromise on certain protections for different species. She added support for the proposal with hopes of additional tweaks that can increase the protection of all species included in the ISMP.

Ms. Elizabeth Fleming addressed the Commission with a request for portions of this plan to be flexible in order to accommodate necessary changes as the agency identifies improvements to protections. She noted support for this and hopes that all cooperating partners can get started with implementation.

Ms. Julie Wraithmell addressed the Commission in support of staff recommendation.

Commission Discussion

Chairman Yablonski noted the decades of work that went into this plan and named some of the former and current staff that worked on this. He asked for the work plan on future species guidelines coming to the Commission. He noted that there are 15 species being removed from the list.

Commissioner Roberts complimented staff for the hard work and effort on the ISMP while other high profile issues were in front of the Commission. All of these species are important to the Commission and for the stakeholders of Florida.

Commission Action

Upon a motion by Commissioner Roberts, seconded by Vice Chairman Priddy and carried, the Commission approved staff recommendation.

Draft Rule – Collier County Manatee Protection Zones

Ms. Carol Knox with the Division of Habitat and Species Conservation presented proposed amendments to the manatee protection rule for Collier County.

Chairman Yablonski asked for additional information on the topic of Clam Bay and the request by the public to add a regulation in that area.

Ms. Knox responded that the review of data in this area compared to how the data is used in other areas of the state to recommend regulations would not be consistent.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Robert Diffenderfer, representing Pelican Bay Foundation, addressed the Commission with a request to extend protection into Clam Bay with slow speed zone in the throat of the channel and idle speed zone in the remainder of the area.

Mr. Jim Kalvin, Chairman of the Local Rule Review Committee, addressed the Commission. He provided overall support for the proposed rule, but noted concern for Moorings Bay and fishing guide permits. He then acknowledged that he learned once he arrived at the Commission meeting that changes to the guide permits were not in the proposed rule.

Chairman Yablonski asked Mr. Kalvin what his opinion was on the Clam Bay issue.

Mr. Kalvin responded that the concern was more of a boating safety issue than a manatee protection issue.

Ms. Susan O'Brien addressed the Commission noting the Local Rule Review Committee (LRRC) proposed Clam Bay as a regulated manatee protection zone. She added that other law enforcement entities can assist with enforcement in the area if protection zones are added.

Ms. Linda Roth addressed the Commission with a request to include idle or slow speed zones in the Clam Bay system.

Ms. Amber Crooks addressed the Commission with several examples of LRRC recommendations which were not supported by FWC staff in the proposal for consideration by the Commission.

Ms. Elizabeth Fleming addressed the Commission with concern for speed zone exemptions for guides in Collier County. She added overall support for staff recommendation.

Mr. Roger Reinke representing Naples City Council addressed the Commission in support of approval of this rule so that it can move forward with additional public input.

Ms. Mary Johnson, Board Member of the Pelican Bay Foundation, addressed the Commission echoing the request for speed zones in Clam Bay as recommended by the LRRC.

Mr. Bryan Wilson addressed the Commission requesting leaving idle speed zones instead of increasing some of them to slow speed.

Ms. Katie Tripp with Save the Manatee Club addressed the Commission requesting the Commission add slow speed regulation outside the marked channels in portions of Collier County when waterways are narrow and have

marked channels with higher speed limits. She also suggested several other areas that would benefit from regulated zones for protection of manatees.

Ms. Carla Wilson addressed the Commission with concern about reducing manatee protections.

Mr. Michael Crofton, Collier County LRRC member, addressed the Commission in support of the proposed rule so that it can move forward.

Commission Discussion

Chairman Yablonski asked about the recommendations that come out of LRRCs from other areas of the state, how those recommendations are interpreted by staff, and what percentage of LRRC ideas are accepted.

Ms. Knox noted that LRRCs are advisory groups to the Commission but that staff works to find agreement with the LRRC as much as possible. The rule in Collier County is very old and the agency does not utilize idle speed zones now as much as what was used in the older rules. FWC now uses idle speed zones only for warm water sites with large manatee aggregations. Slow speed zones are used more because they are protective of manatees and are not as restrictive for boaters.

Commissioner Rivard asked about staff reaction to the claim that the manatee density data shows higher density in Clam Bay compared to other areas that staff recommended for regulation and the accuracy of those claims. He also asked about the mortality data in Clam Bay since 2009 given the statement that there were speed zones previously in Clam Bay. He asked if staff can work with stakeholders on walking through additional clarified data.

Ms. Knox responded that the manatee density of Clam Bay was recalculated based on additional GIS data provided at a later time in this process. The additional data showed that the bay system was larger than originally thought and this resulted in lower manatee densities for Clam Bay more similar to the nearby Moorings Bay. In response to the question about a previous local ordinance, Collier County told FWC staff that they were not aware that their ordinance would need to be permitted through FWC so they removed the zones that were previously in the bay.

Mr. Vielhauer noted the two options of moving forward, revising the proposed rule to include Clam Bay or continuing work with stakeholders and potentially making a change later in the process.

Vice Chairman Priddy asked what the depth of the water is in Clam Bay. She noted concern that Clam Bay is more of a public access issue and a boating safety issue, not necessarily a manatee protection issue.

Commissioner Spottswood noted that he would be more open to accepting the LRRC recommendation to include Clam Bay in the proposed rule.

Commission Action

Upon a motion by Commissioner Rivard, seconded by Vice Chairman Priddy and carried, the Commission approved staff recommendation and directed staff to continue to work with the residents of Clam Bay to address their concerns.

Draft Rule – Proposed Rule Changes for Hunting 2017 – 2018

Mr. Paul Scharine with the Division of Hunting and Game Management presented proposed rule amendments to revise select statewide hunting regulations, specific area regulations on Wildlife Management Areas (WMAs), Wildlife Environmental Areas (WEAs) and miscellaneous areas, and to conform hunting dates to calendar year date changes.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Mike Elfenbein addressed the Commission regarding road access during special opportunity hunts at Triple N Ranch WMA due to construction of the shooting range.

Ms. Rebecca Heintz addressed the Commission and is opposed to the new rules related to using dogs for hunting.

Mr. Newton Cook addressed the Commission in favor of staff recommendations.

Mr. Bill George addressed the Commission with a request to increase the spring turkey hunting hours on all WMAs.

Ms. Katrina Shadix addressed the Commission in opposition of hunting with dogs. She noted that the enforcement of these additional areas proposed to allow hunting dogs would require hiring thousands of additional officers at FWC.

Mr. Chuck Echenique addressed the Commission. He noted concern for opening up the Holmes County turkey season for the full length and allowing a bag limit of two turkeys. He cautioned the Commission to take it slow in increasing the harvest pressure in this area at this time, and supported increasing the season length but leaving the bag limit at one turkey for now. He requested some new youth turkey seasons on WMAs throughout the state that do not currently have them. He also supported adding additional youth hunting opportunities on Tenoroc WMA.

Commission Discussion

Commissioner Roberts noted concern of increasing the days and bag limit in Holmes County. He suggested staff leave the bag limit at one turkey for now while monitoring over the course of the next year to analyze the harvest effort.

Commissioner Rivard agreed that leaving the bag limit at one turkey for now is smart.

Commission Action

Commissioner Roberts made a motion to amend staff recommendation to leave the bag limit of turkey in Holmes County at one, seconded by Commissioner Bergeron and carried, the Commission approved staff recommendation as amended.

Public Comment on Items not on the Agenda

The following individuals registered to speak on items not listed on the agenda:

Mr. Mike Elfenbein addressed the Commission.

Ms. Rebecca Heintz addressed the Commission regarding bears and the efforts by several organizations to assist with retrofitting waste management containers.

Mr. Newton Cook addressed the Commission regarding Bull Creek and the loss of thousands of acres of public property.

Ms. Shannon Geis addressed the Commission regarding bears.

Ms. Amber Crooks addressed the Commission regarding bears.

Ms. Katrina Shadix addressed the Commission regarding the Bear Management Program.

Mr. Todd Hallman, President of Florida Sportsman's Conservation Association, addressed the Commission regarding Bull Creek with a request to oppose the land deal with St. Johns River Water Management District (SJRWMD), as was done by the Commission in 2007.

Executive Director Wiley commented that the SJRWMD was exploring options and it is early in their process to work out a proposal which would go to their board for review. He asked for approval from the Commission to work more with SJRWMD to gather details on this and watch to make sure that the stakeholders of FWC are taken into consideration with all of the opportunities on the current WMA.

Mr. Karl Ambrose addressed the Commission regarding bears. He thanked Dr. Eason for the productive conversation regarding bear management. He also commented that he attended a class on prescribed burning and learned a lot. He requested to see the data and the model that assisted in the final calculations of the bear populations for Florida.

Mr. Bryan Wilson addressed the Commission regarding Argentine black and white tegus. He requested the FWC reclassify this species. Finally, he commented on the bear hunt.

Ms. Nicole Cordano, Campaign Manager for Stop the Florida Bear Hunt, addressed the Commission regarding bears.

Ms. Carla Wilson addressed the Commission regarding bears.

Mr. Chuck O'Neal addressed the Commission regarding bears with a request to revisit the annual bear hunting rules at the next Commission Meeting.

Mr. Robert Andreu addressed the Commission regarding bears.

Mr. Norman Garbutt addressed the Commission regarding the quota permits policy and flaws in the system. He requested a better system to allow the permits to be used at a higher percentage rate.

Ms. Jennifer Leon addressed the Commission regarding captive wildlife.

Mr. Chad Black addressed the Commission regarding an issue with fishing gear regulations.

Executive Director Wiley provided additional information on this issue and asked Mr. Vielhauer to assist with guidance.

Mr. Vielhauer noted the process that Mr. Black can pursue to file a claim against the agency and agreed to work with him to provide that detail.

Mr. Steve Gafford addressed the Commission regarding bear hunting, and the panther and manatee listing and protections.

Recess Wednesday's Portion of the Meeting

Chairman Yablonski adjourned the meeting at 7:28 p.m. to reconvene at 8:30 a.m., Thursday, November 17, 2016.

Thursday, November 17 Reconvene

Chairman Yablonski reconvened the meeting at 8:37 a.m.

Fish and Wildlife Foundation of Florida Update

Mr. Andy Walker, Chief Executive Officer (CEO) of the Fish and Wildlife Foundation of Florida (Foundation), provided an update on Foundation related activities. He noted a series of get to know the Foundation lunches which will be taking place across the state and announced a new Foundation Board member, Mr. Steve Crisafulli.

Chairman Yablonski noted that the Commissioners would love to be involved in the get to know the Foundation lunches.

Andy thanked the Chairman and confirmed that he will reach out to the Commissioners with the schedule of those lunches. He then introduced the BlueGreen Conservationist of the Year Award and noted that this will be presented to the winner, Mr. Bud Adams, at his ranch in the near future. Next, Mr. Walker introduced the Volunteer of the Year Award and presented it to Ms. Connie Sweet.

Awards and Recognition

Florida's Lionfish King Award

Ms. McCawley presented the Lionfish King Award to Mr. David Garrett.

American Fisheries Society (AFS) 2016 Sport Fish Restoration Outstanding Project Award

Mr. Tom Champeau, Director of the Division of Freshwater Fisheries, along with Mr. Ken Kurzawski, President of the American Fisheries Society, presented the 2016 Sport Fish Restoration Outstanding Project Award to the FWC TrophyCatch Program.

Items Requiring Action

Final Rules Barracuda

Ms. Melissa Recks with the Division of Marine Fisheries Management presented a proposed final rule that would implement size limit restrictions for Barracuda harvested from Collier, Monroe, Miami-Dade, Broward, Palm Beach, and Martin Counties. The staff recommendation was to implement a slot limit of 15-36 inches fork length in these southern counties, along with an allowance of one fish per vessel per day over 36 inches, within the existing bag and vessel limits.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Justin Tramble with the Snook and Gamefish Foundation (SGF) addressed the Commission in support of staff proposal. He noted that SGF would like to see FWC openly encourage reporting of barracuda catches through the Angler Action Program, which could help improve our understanding of the barracuda population.

Ms. JoEllen Wilson with Bonefish & Tarpon Trust (BTT) addressed the Commission with appreciation of FWC gathering additional citizen science for this species. She noted that BTT would like to see a narrower slot limit to increase the number of barracuda able to reach maturity.

Mr. Jeff Miller addressed the Commission in support of staff recommendation.

Commission Discussion

Commissioner Spottswood acknowledged the feedback from the stakeholders that got this topic moving forward with the Commission. He thanked staff for working with the stakeholders to build consensus on the crafted recommendations.

Commission Action

Upon a motion by Commissioner Spottswood, seconded by Vice Chairman Priddy and carried, the Commission approved staff recommendation.

Federal Consistency – Hogfish

Ms. McCawley presented proposed amendments to modify hogfish regulations for state waters to be consistent with changes proposed for Atlantic and Gulf federal waters. The proposed hogfish rule amendments included establishing a new management boundary for Atlantic and Gulf regulations at 25°09' North Latitude in the Gulf of Mexico; increasing the Atlantic harvest minimum size limit to 16 inches fork length (FL); increasing the Gulf

harvest and statewide importation and sale minimum size limit to 14 inches (FL); reducing the Atlantic recreational bag limit to one fish per person; and setting the Atlantic recreational season to be May 1 through October 31.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Jeff Miller with Coastal Conservation Association (CCA) Florida addressed the Commission in support of the staff recommendation because these measures are necessary to end overfishing of and rebuild the Keys/East Florida hogfish stock.

Mr. Gary Jennings with the American Sportfishing Association (ASA) addressed the Commission in support of the staff recommendation to address hogfish sustainability and in support of state and federal consistency.

Commission Discussion

Chairman Yablonski noted that FWC biologists affirm these changes are necessary for hogfish conservation and there is support amongst stakeholders for these actions.

Commissioner Spottswood noted how important hogfish are, both recreationally and commercially, in South Florida. He acknowledged the rules are necessary for the recovery of the Keys/East Florida hogfish stock.

Commission Action

Upon a motion by Commissioner Spottswood, seconded by Commissioner Rivard and carried, the Commission approved the staff recommendation.

Draft Rule – Bully Nets

Ms. Recks presented draft rules that would implement an open access endorsement program for the commercial Lobster Bully Net fishery, along with a series of other regulations that would improve enforceability of the endorsement program requirements and other existing regulations for this fishery.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Bill Kelly with the Florida Keys Commercial Fishing Association (FKCFA) addressed the Commission in support of staff recommendation.

Commission Action

Upon a motion by Commissioner Spottswood, seconded by Commissioner Rivard and carried, the Commission approved staff recommendation.

South Atlantic Fishery Management Council (SAFMC) Report

Ms. McCawley presented a report on actions and discussions from the SAFMC's September 12-16, 2016, meeting in Myrtle Beach, SC and items that will be discussed at the SAFMC's December 5-9, 2016, meeting in Atlantic Beach, NC.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Bill Kelly, representing the FKCFA, addressed the Commission to request support for federal reallocation of dolphin and yellowtail snapper to allow the commercial sector access to unharvested fish and to prevent quota closures. He requested a reexamination of historic Gulf and Atlantic commercial harvest in the Florida Keys to ensure current quota allocations are appropriate.

Mr. Gary Jennings with the ASA addressed the Commission to caution against the SAFMC's consideration of a limited entry program for Atlantic federal for-hire permits because it is contentious, as well as unnecessary and unwarranted at this time. He expressed concerns regarding many of the allocation options being discussed by the SAFMC because they will likely only benefit the commercial sector.

Mr. Shane Cantrell, Executive Director of the Charter Fisherman's Association, addressed the Commission with a request for support of a limited entry program for Atlantic federal for-hire permits because he felt the program would identify who participates in the for-hire sector, provide an opportunity to create regulations tailored to the for-hire fleet, improve catch accountability, and provide regulatory stability for for-hire businesses.

Mr. Jeff Miller with CCA Florida addressed the Commission to speak against changing the current sector allocation strategies for dolphin and yellowtail snapper, especially since the dolphin commercial quota allocation was recently increased and the effects of that change have not been evaluated. He expressed moderate support for area closures and full support for a recreational stamp and a requirement to use descending devices as options to address red snapper. He spoke in opposition to a limited entry program for Atlantic federal for-hire permits because he felt it blurs the line between fisheries management and business management plans.

Commission Discussion

Chairman Yablonski asked Executive Director Wiley to make a few comments on this topic.

Executive Director Wiley commented that Atlantic red snapper presents a difficult problem. He acknowledged that stakeholders are concerned about actions that have been proposed for red snapper, such as total bottom-fishing closures. He noted that he has been working with staff to find alternative solutions. FWC is working to find ways to fund research gaps; however, he acknowledged that research would not provide immediate solutions. He stated that FWC does not want to and will not support actions like bottom-fishing closures because they would be devastating to recreational and commercial fisheries and coastal communities.

Chairman Yablonski noted that a total bottom-fishing closure would be more severe than any action undertaken to rebuild Gulf red snapper.

Commissioner Spottswood agreed with Executive Director Wiley's comments that a bottom-fishing closure would be extremely devastating. He stated that he would push against any closures. Concerning reallocation for yellowtail snapper and dolphin, he supported continued exploration of conditional reallocation mechanisms to prevent commercial closures in the future. He expressed concern that longline harvest of dolphin north of Florida is having an impact on the state, especially the Florida Keys recreational fishery. He encouraged staff to engage in discussions at the SAFMC to preserve access to dolphin throughout the South Atlantic, such as lower commercial trip limits once a portion of the commercial quota has been caught.

Gulf of Mexico Fishery Management Council (GMFMC) Report

Ms. Martha Guyas with the Division of Marine Fisheries Management presented a report on actions from the GMFMC's October meeting. She requested Commission direction on closing Gulf state waters to recreational harvest of gray triggerfish in 2017.

Public Comment

The following individuals addressed the Commission on this agenda item:

Ms. Pam Anderson, fishing representative for the Bay County Chamber of Commerce and operations manager of Captain Anderson's Marina, addressed the Commission in support of HR 3094. She noted appreciation that the federal for-hire electronic reporting requirement will allow flexibility in the tools used for reporting. She stated general opposition to individual fishing quotas and harvest tags for the for-hire fleet.

Mr. Eric Brazer, Deputy Director of the Gulf of Mexico Reef Fish Shareholders Alliance, addressed the Commission to request support of the GMFMC's proposed electronic logbook program for federal charter vessels and expressed a desire that the tool be made available to the commercial sector.

Mr. Gary Jennings with ASA and Keep Florida Fishing addressed the Commission to inform them that the Gulf Angler Focus Group is finalizing its review of options for management of the Gulf red snapper recreational sector. He stated that the federal system has failed recreational anglers and expressed continued support for regional management through HR 3094. He encouraged a cautious approach towards Gulf king mackerel allocation transfers between sectors. He noted support for state consistency with federal Gulf gray triggerfish regulations.

Mr. Shane Cantrell with the Charter Fisherman's Association addressed the Commission with thanks for support of the federal for-hire electronic logbook reporting requirement. He requested the Commission withdraw support for HR 3094.

Mr. Jeff Miller with CCA Florida addressed the Commission in support of state consistency with the pending 2017 federal Gulf gray triggerfish closure to protect the stock. He expressed concern about reallocation discussions. He expressed frustration with federal management of recreational fisheries and stated his support of HR 3094.

Mr. Jason Klosterman with the Destin Charter Boat Association addressed the Commission in support of statewide electronic logbook reporting. He requested FWC implement regulations consistent with federal Gulf gray triggerfish regulations.

Commission Discussion

Commissioner Roberts commented that a decision on Gulf gray triggerfish is needed at this meeting. He noted that if the decision were to go consistent with the federal 2017 closure, he would like the Commission to explore opportunities for a short state season in 2017. He asked the Commission to consider a fall gray triggerfish season that would align with the dates when red snapper is open. He noted that the public has made it clear that they are not happy with current federal management and acknowledged that improvements are needed. He expressed a need for accurate accounting of recreational and commercial harvest, and gave support for efforts to implement recreational reporting. He acknowledged that information on the federal 2017 Gulf red snapper season is not available; however, he asked the Commission to consider a 2017 state season that would be similar to the 2016 season. He expressed a desire to obtain stakeholder feedback on the gray triggerfish and red snapper seasons.

Chairman Yablonski noted that the Commission would discuss the Gulf red snapper and gray triggerfish seasons at the February 2017 meeting.

Commissioner Roberts expressed that it is important for the Commission to remain engaged in the development of HR 3094.

Commission Action

Upon a motion by Commissioner Roberts, seconded by Commissioner Bergeron and carried, staff recommendation to close Gulf gray triggerfish by executive order for the entire year of 2017 was approved.

Administrative Matter

Vice Chairman Priddy asked for a variance in the agenda. She asked the Commission to consider a four percent increase for the Executive Director's salary.

Chairman Yablonski commented that he often receives positive feedback on the leadership of the Executive Director from the public and cooperating agencies.

Commissioner Bergeron noted that FWC has the best Executive Director in the United States. He thanked Executive Director Wiley for his dedication to the agency and the people of Florida.

Commission Action

Upon a motion by Vice Chairman Priddy, seconded by Commissioner Roberts and carried, the recommendation was approved.

Executive Director Wiley thanked the FWC team for all of their hard work that makes the agency great and he noted his goal of working to increase the salary of staff at all levels of the agency as well.

Item Requiring Action – 2017/2018 Legislative Issues

Ms. Jessica Crawford, Legislative Affairs Director, along with Major Richard Moore with the Division of Law Enforcement, presented for Commission approval the 2017 – 2018 Legislative Issues along with the Anchoring and Mooring Pilot Program Report to the Legislature.

Commission Discussion

Commissioner Spottswood asked staff to work with the Legislature on the issue of “pump-out” compliance related to Anchoring and Mooring.

Executive Director Wiley noted the desire to work with Commissioner Spottswood to come up with a plan to get his concerns in the appropriate format.

Public Comment

The following individual addressed the Commission on this agenda item:

Mr. Richard L. Jones with Monroe County addressed the Commission with a request that the successes from the Pilot Program not be lost at the end of the Pilot Program in July of 2017. He noted that there are several options for consideration to help see that these successes move forward in the future.

Ms. Bonnie Basham representing Marine Industries Association of Florida addressed the Commission with thanks to staff for their work on the Anchoring and Mooring pilot project report and offered support for the recommendations from FWC staff to the Legislature on this. She requested permission from the Commission to work with staff to improve the requirement of safety checks on boats to include continuous monitoring.

Mr. Bill George addressed the Commission with comments on how well the Commission staff, and particularly Executive Director Wiley, work with stakeholders with very prompt responses. He then suggested potential changes to the alligator egg collection approval process to ensure these resources stay in the State of Florida.

Mr. Ralph Caruso addressed the Commission in favor of the mooring fields.

Commission Action

Upon a motion by Commissioner Roberts, seconded by Commissioner Bergeron and carried, the recommendation to approve the Legislative Issue package for 2017 and the recommendations of the Anchoring and Mooring Pilot Program Report to be submitted to the Legislature in January of 2017 were approved.

Association of Fish and Wildlife Agencies (AFWA) Update

Executive Director Wiley, current President of AFWA, provided an update on issues including the Blue Ribbon Panel on Sustaining America’s Diverse Fish and Wildlife Resources. He noted that staff will be preparing a resolution for Commission consideration at a future meeting which supports this item at the federal level.

General Counsel Report

Mr. Vielhauer presented an update on legal matters related to the agency.

Future Agenda Items

Mr. Eric Sutton, Assistant Executive Director, reviewed potential agenda items for the February 2017 Commission meeting scheduled to take place in Crystal River, Florida.

Commissioner Roberts asked staff to consider an agenda item in February to discuss public comment on items not on the agenda only during the first day of the Commission meeting and having it start at a fixed time. He also asked for a discussion on limiting public comment to a shorter amount of time instead of 9 minutes.

Commissioner Bergeron thanked staff for bringing forward the presentation on the Everglades including Florida Bay.

Public Comment on Items Not on the Agenda

The following individuals registered to speak on items not listed on the agenda:

Mr. Bill Kelly with the FKCFCA addressed the Commission regarding the high abundance of lionfish in the Keys and noted that he is currently seeking an exemption to test lionfish traps. He expressed concern over the rumors about the Bahamian government allowing China to fish in Bahamian waters. He noted that the FKCFCA continues to work with FWC and members of the state legislature on illegal lobster trap fishing. He agreed with the idea to have public comment on items not on the agenda only on the first day of these meetings at a set time and the idea to reduce public comment time allowance from nine minutes to six minutes.

Mr. Jeff Miller with CCA Florida addressed the Commission to commend staff for their hard work. He noted that CCA has created a fact sheet regarding the net ban.

Ms. Aymee Laurain with Imagine Our Florida, Inc. addressed the Commission regarding bear management.

Chairman Yablonski asked if staff can gather the details from all the individuals who have testified on the work being done related to bear management.

Mr. Jose Chavez with the tackle manufacturer 13 Fishing addressed the Commission regarding the impacts of recreational fisheries on associated industries in Florida, and asked the Commission to continue to give consideration to these industries.

Mr. James Zurbrick addressed the Commission regarding the unique gear used in the stone crab fishery in Steinhatchee, Florida. He noted that people are using stone crab traps in federal waters to target finfish like grunts, but not stone crab, which is an issue. He asked the Commission to develop a solution to this because it may soon be a major problem.

Commissioner Exchange

Chairman Yablonski opened the floor for Commissioner Exchange.

Commissioner Roberts commended staff for a job well done on the ISMP. He added thanks to staff on the Anchoring and Mooring Pilot Program report. Finally, the big step moving forward with CWAs that will have such a positive aspect on habitat for birds and other wildlife. He thanked Law Enforcement for the security provided at these Commission Meetings and thanked Ms. Jackie Fauls for her many years of service to the State of Florida.

Commissioner Bergeron echoed the thanks to Ms. Fauls for the respect that she has earned during her career at FWC. He thanked the Chairman for his leadership on CWAs and staff for pulling the data and details together for consideration.

Vice Chairman Priddy thanked Ms. Fauls for her service to FWC and assistance in the confirmation process. She thanked Gil McRae for the tour of FWRI and Colonel Brown for the tour of the law enforcement boat docked

near FWRI. It was helpful to see the facility and learn about the process that provides the scientific data and information that goes into items presented at Commission Meetings. She noted that setting a time certain for open public comment on the first day and limiting comment time to six minutes is the most efficient way to move forward. She asked Executive Director Wiley and Assistant Executive Director Sutton to bring forward options at the next meeting on potential changes in public comment and protocol.

Chairman Yablonski thanked the Commissioners for assistance in moving forward the CWA item over the last several meetings. He also thanked them for reelecting him and Vice Chairman Priddy for another year as leadership of the Commission.

Commission Administrative Matters

The next regularly scheduled Commission meeting is set for February 8 – 9, 2017, in Crystal River, Florida, commencing at 8:30 am each day.

Adjournment

Chairman Yablonski adjourned the meeting at 1:12 p.m.

Brian Yablonski
Chairman

Nick Wiley
Executive Director

Respectfully submitted:

Lisa Zullo
Commission Assistant