



Florida Fish and Wildlife Conservation Commission

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Commission Meeting
February 7 – 8, 2018
Havana, 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 February 7 – 8, 2018, at the Florida Public Safety Institute located at 85 Academy Drive, Havana. Chairman Adrien “Bo” Rivard called the meeting to order with the following members in attendance:

Michael Sole, Tequesta
Gary Lester, Oxford
Gary Nicklaus, Jupiter

Robert Spottswood, Key West
Sonya Rood, St. Augustine
Joshua Kellam, Palm Beach Gardens

Senior and Presenting Staff:

Eric Sutton
Thomas Eason
Jennifer Fitzwater
Bud Vielhauer
Thomas Graef
Shannon Wright
Chris Wynn
Dr. Tom Reinert
Billy Sermons
Curtis Brown
Diane Eggeman
Tom Champeau
Jessica McCawley
Gil McRae
Kipp Frohlich
Jessica Crawford
Charlotte Jerrett
Melissa Recks
Martha Guyas
Krista Shipley
Brian McManus
Paul Scharine
Claire Sunquist Blunden
John Hunt
Jerrie Lindsey

Executive Director
Assistant Executive Director
Chief of Staff
General Counsel
Director, Southwest Region
Director, Northeast Region
Director, North Central Region
Director, South Region
Interim Director, Northwest Region
Director, Division of Law Enforcement
Director, Division of Hunting and Game Management
Director, Division of Freshwater Fisheries Management
Director, Division of Marine Fisheries Management
Director, Fish and Wildlife Research Institute
Interim Director, Division of Habitat and Species Conservation
Director, Office of Legislative Affairs
Chief Financial Officer
Division of Marine Fisheries Management
Division of Hunting and Game Management
Division of Habitat and Species Conservation
Fish and Wildlife Research Institute
Division of Habitat and Species Conservation

There were 49 individuals registered to speak to the Commission during the two-day meeting.

Meeting Opening

Chairman Rivard called the February 7 – 8, 2018, meeting to order at 8:34 a.m.

Invocation and Pledge of Allegiance to the Flag

Ms. Diane Eggeman, Director of the Division of Hunting and Game Management, gave the invocation, followed by the Pledge of Allegiance led by Chairman Rivard.

Chairman Rivard introduced Executive Director E.E. Eunice of the Florida Public Safety Institute (FPSI) and invited him to address the Commission.

Director Eunice thanked FWC for hosting the meeting at FPSI. He introduced a few of the staff members who work at this facility to help it run smoothly.

Chairman Rivard introduced the new Commissioners and welcomed them to their first meeting. He asked Executive Director Sutton to introduce some of the key staff of the agency including Assistant Executive Director Thomas Eason and each of the Division Directors.

Adoption of Minutes

Upon a motion by Commissioner Sole, seconded by Vice Chairman Spottswood and carried, the December 2017 minutes were approved as written.

Adoption of Meeting Agenda

Upon a motion by Commissioner Sole, seconded by Commissioner Nicklaus and carried, the February 2018 meeting agenda was approved.

Approval of Consent Agenda

Upon a motion by Commissioner Kellam, seconded by Commissioner Rood and carried, the February 2018 Consent Agenda items were approved.

Executive Directors Report

Executive Director Sutton highlighted the following topics:

- FWC Law Enforcement presence at the Gasparilla Pirate Festival.
- Cold weather events affecting fish, wildlife and habitat.
- Everglades high water issues.
- Proposed federal listing of the Panama City Crayfish. He suggested that the Commission consider writing a letter to the United States Fish and Wildlife Service (USFWS) expressing concerns regarding listing processes and timelines in order to proactively address species conservation.

Chairman Rivard noted that this particular issue is isolated to the panhandle area and he is interested in preparing a letter to USFWS.

Fish and Wildlife Foundation of Florida Update

Mr. Andy Walker, President and CEO of the Fish and Wildlife Foundation of Florida (Foundation), provided an update on Foundation related activities.

Chairman Richard Corbett commented that the Foundation is the financial arm of FWC. Their goal is to raise funds to support the objectives of the agency.

Executive Director Sutton suggested sending a letter of commendation to Andy Walker for his efforts since taking on the job of CEO of the Foundation.

Awards and Recognition

Private Landowner of the Year Award

Ms. Jennifer Goff with the Division of Habitat and Species Conservation highlighted the importance of private lands in Florida. She then presented this award to Mr. George C. Owens.

Mr. Owens thanked the Commission for this award.

Chairman Rivard thanked the Owens family and all the private landowners for their conservation efforts throughout the state of Florida.

Commissioner Sole added that private landowners take pride in conservation for the habitat and species on their land. He applauded the landowners and the agency for continuing to highlight this important aspect of conservation.

Commissioner Kellam thanked Mr. Owens for setting an example as a private landowner who supports conservation.

Shikar Safari Club International Wildlife Officer of the Year Award

Colonel Curtis Brown, Director of the Division of Law Enforcement, highlighted the purpose of this award and then presented the award to Officer Michael Bibeau.

Officer Bibeau thanked the Commission and Shikar Safari for this award. He also thanked his fellow officers for their efforts in conservation law enforcement.

Rodney Barreto Employee of the Year Award

Mr. Andy Walker invited Mr. Richard Corbett and Ms. Kathy Barco, former Commissioners and current Foundation Board members, to assist in presenting this award.

Mr. Walker then presented this award to Mr. Kipp Frohlich, Interim Director of the Division of Habitat and Species Conservation.

Mr. Frohlich thanked the Foundation for this award and former Chairman Barreto for sponsoring this award. He also thanked staff who worked hard to ensure positive conservation efforts throughout the State of Florida. Finally, he thanked former Chairman Brian Yablonski for his vision related to Critical Wildlife Areas.

Commissioner Sole thanked the Foundation for sponsoring this award. He echoed the congratulations to Mr. Frohlich.

Louise Ireland Humphrey Award

Mr. Andy Walker presented this award to Mr. Scott Sanders.

Mr. Sanders thanked everyone for this award and stated how proud he was to hear the support from the Commission regarding the private lands program.

Chairman Rivard thanked staff for all of their efforts that have been highlighted by the presentation of these awards.

BREAK

Special Recognition

Chairman Rivard invited Ms. Eggeman to present a special recognition to former Executive Director Nick Wiley.

Ms. Eggeman, on behalf of staff, thanked former Executive Director Nick Wiley for his service to FWC and the State of Florida. She highlighted some key positions that he held throughout his career with the agency which allowed him to create several programs and initiatives that are still in place today. She presented him with his retirement plaque on behalf of the agency.

Mr. Wiley thanked everyone for this recognition. He thanked his mother who raised him well. He highlighted the partner agencies that have worked with FWC over his career and how their coordination has meant success for the fish, wildlife, and their habitats throughout the State of Florida.

Chairman Rivard then introduced several individuals who commented on Mr. Wiley's work at FWC.

Dr. Jack Payne, Senior Vice President for Agriculture and natural Resources at the University of Florida (UF), commented on the important partnership between FWC and UF. He then presented Nick with the Golden Gator.

Mr. Mike Oetker, Acting Director for the SE Region of USFWS, commented on the positive coordination with FWC through Mr. Wiley as the Executive Director.

Mr. Pedro Ramos, Superintendent of Everglades and Dry Tortugas National Park, addressed the Commission and thanked Mr. Wiley for his leadership and service to the State of Florida.

Mr. Jim Karels, Director of the Florida Forest Service with the Florida Department of Agriculture and Consumer Services, addressed the Commission. He congratulated Mr. Sutton on his promotion and then thanked Mr. Wiley for his service as a partner agency in the State of Florida.

Mr. Brett Cyphers, Executive Director of the Northwest Florida Water Management District, addressed the Commission. He congratulated Mr. Sutton for his promotion and thanked Mr. Wiley for the leadership that he has shown to all stakeholders and partners.

Mr. Corbett addressed the Commission. He thanked Mr. Wiley for instilling the idea of family within FWC and the Commissioners.

Mr. Lane Stephens addressed the Commission on behalf of the Florida Legislative Sportsman's Caucus with thanks to Mr. Wiley and presented him with the C. Martin and Daphne F. Wood award.

Mr. Bill Kelly with the Florida Keys Commercial Fishermen's Association addressed the Commission with thanks for the legacy that Mr. Wiley has left with his 30 years of service to the State of Florida.

Commissioner Kellam thanked Mr. Wiley for the leadership that he provided over the last 30 years. He commented that his legacy will carry on in the agency for many years.

Public Comment

The following individuals addressed the Commission on this agenda item:

Captain Pat Kelly addressed the Commission with thanks to Mr. Wiley.

Mr. Manley Fuller addressed the Commission with thanks to Mr. Wiley.

Mr. Todd Hallman addressed the Commission with thanks to Mr. Wiley.

Mr. Chuck Echenique addressed the Commission with thanks to Mr. Wiley.

Mr. Newton Cook addressed the Commission with thanks to Mr. Wiley. He commended the Commission for being so approachable for the public and stakeholders.

Mr. Bill George addressed the Commission with thanks to Mr. Wiley.

Mr. Bob Zales addressed the Commission with thanks to Mr. Wiley.

Mr. Kent Wimmer with Defenders of Wildlife addressed the Commission with thanks to Mr. Wiley and the Commission for being open to the public and stakeholders.

Ms. Kathy Barco addressed the Commission with comments of Mr. Wiley's first Commission Meeting in the Assistant Executive Director position.

Vice Chairman Spottswood commented how it is an honor to sit on the Commission and how much this agency has a familial organizational culture. He added how honored he felt to be appointed by the Governor during Mr. Wiley's term as Executive Director.

Commissioner Sole thanked Mr. Wiley for being a great friend.

Commissioner Rood noted thanks to Mr. Wiley for being such a family man which has translated into the great culture of the agency.

Commissioner Lester commented on how impressed he is with the organizational culture of FWC as a family and added that one of the reasons for that culture is because of Mr. Wiley.

Commissioner Nicklaus thanked Mr. Wiley for his service to the State of Florida.

Chairman Rivard thanked Mr. Wiley and echoed all the comments that were already made.

Executive Director Sutton addressed the Commission with comments on Mr. Wiley's impact on the agency. He noted that Mr. Wiley has always been a great leader at FWC. He thanked Mr. Wiley for his friendship over the last several years.

Staff Report- Federal Legislative Issues Update

Mr. Brian McManus with the Division of Marine Fisheries Management presented an update on Federal Legislative Issues associated with FWC.

Executive Director Sutton provided a background for the Commissioners on why this presentation is important to the Commission.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Gary Jennings with the American Sportfishing Association (ASA) addressed the Commission with support of H.R. 200, H.R. 2023 and S. 1520, which will provide greater flexibility in the recreational sector and modernize recreational fisheries. He also noted support for staff's commitment to work with Biscayne National Park (BNP) to resolve fisheries issues and maintain fishing access. Finally, he added support for the Commission's continued work on legislation for Everglades restoration and to reauthorize the National Fish Habitat Partnership.

Mr. Trip Aukeman with the Coastal Conservation Association of Florida (CCA) addressed the Commission with support of HR 200 for flexibility in the recreational fishery.

Ms. Pam Anderson with Captain Anderson's Marina and the Bay County Chamber of Commerce addressed the Commission with thanks for increased engagement in the federal issues that affect the recreational anglers of Florida. She asked for continued support for flexibility in federal management for recreational fisheries. She offered to speak with the new Commissioners if they have any questions related to the Council processes.

Commissioner Discussion

Commissioner Sole asked about staff tracking implementation of SB 10. As additional information is gathered, the Commission can be provided updates and give staff direction on how the Commission would like to be engaged on the topics.

Commissioner Kellam asked staff to continue to track SB 10 and Everglades restoration issues to provide updates as appropriate.

Executive Director Sutton agreed that Everglades restoration is very important to the agency. He commented that Mr. James Erskine is the Everglades Coordinator for FWC and staff will work on bringing an update on this topic at a future meeting as an overview for the Commissioners.

Vice Chairman Spottswood commented on the importance of getting brief updates on Everglades issues at all future Commission meetings.

Chairman Rivard agreed that having an update on these issues at each meeting is important. Some of the updates may be longer depending on whether any particular activities are taking place, but having them at each of the future Commission Meetings in the foreseeable future is a good idea.

Commissioner Kellam suggested linking in South Florida Water Management District staff to these updates to ensure that partnership efforts are highlighted.

LUNCH BREAK

Items Requiring Action

Final Rule – Rule Changes for Hunting 2018 - 2019

Mr. Paul Scharine with the Division of Hunting and Game Management presented proposed final rules for Hunting in 2018-2019.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Bill George addressed the Commission in support of staff proposal. He noted coordination with staff on a few other issues.

Mr. Newton Cook, President of the United Waterfowlers of Florida, addressed the Commission in support of staff proposal.

Mr. Todd Hallman with the Florida Sportsman's Conservation Association and Board member of Future Hunting of Florida addressed the Commission. He noted some upcoming events that he plans to invite staff and Commissioners to. He asked the Commission to support the staff proposal.

Mr. Howard Kempton addressed the Commission regarding camping issues in Green Swamp. He requested that the Commission address the issue of required removal of camping equipment for a period of four days until the next season.

Mr. Chuck Echenique addressed the Commission in support of staff proposal. He requested that staff review the split of the Caravelle Ranch area and work to find another way to manage that area.

Mr. Allan Tucker addressed the Commission in support of staff proposal.

Commission Discussion

Commissioner Rood asked if changing the caliber of air guns approved for harvest of deer would affect the caliber approved for use on other species.

Mr. Scharine noted that the change would only affect harvest of deer.

Chairman Rivard asked Executive Director Sutton to coordinate with stakeholders and staff on a few of the issues brought up at the meeting today for future consideration.

Commission Action

Upon a motion by Commissioner Sole, seconded by Commissioner Kellam and carried, the Commission approved staff recommendation.

Species Conservation Measures and Permitting Guidelines

Ms. Claire Sunquist Blunden with the Division of Habitat and Species Conservation presented species conservation measures and permitting guidelines.

Commissioner Sole congratulated Ms. Sunquist Blunden for the great presentation. He then asked if plinking is still taking place today. He also asked about the buffer zone proposed for the Big Cypress Fox Squirrel at 175 meters.

Ms. Sunquist Blunden responded that she is coordinating with law enforcement to review the activity of plinking associated with different species of turtles. She noted that the large buffer for the Big Cypress Fox Squirrel was related to the female home range of the species. The recommendation of this 175-meter buffer will reduce the opportunity for take associated with this species.

Vice Chairman Spottswood asked about any impacts to private landowners on these guidelines.

She responded that there was an initial analysis at the beginning of the Imperiled Species Management Plan guidelines process and additional work was completed to analyze impacts to private landowners on a species by species basis. She noted that with the high volume of permitting currently taking place at the agency related to burrowing owls that these guidelines should have minimal effect on the private landowner and will provide for better clarity on the process.

Commissioner Kellam thanked staff for the background material and requested details on how staff work with counties and stakeholders proactively.

Public Comment

The following individual addressed the Commission on this agenda item:

Mr. Kent Wimmer addressed the Commission in support of staff proposal. He then presented information on Defenders of Wildlife support of FWC.

Commission Action

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

Regulatory Review – Dry Tortugas National Park Research and Natural Area (RNA)

Ms. Jessica McCawley, Director of the Division of Marine Fisheries Management, along with Mr. John Hunt, Program Administrator with the Fish and Wildlife Research Institute (FWRI), presented an update on Dry Tortugas National Park. Staff recommended that the Commission continue to concur with the special regulations prohibiting fishing and anchoring established for the RNA, continue to support the collaborative research with the

National Park Service (NPS), increasing the time period for RNA review from five years to 20 years, and that a general MOU be signed in place of another science MOU.

Commissioner Sole asked for clarification that there is no fishing in the Tortugas North Ecological Reserve.

Mr. Hunt verified that there is no fishing allowed in the Tortugas North Ecological Reserve, Tortugas South Ecological Reserve, or the RNA.

Commissioner Nicklaus asked Mr. Hunt what the occupancy goal is for the ecosystem and when does it reach a point where there are too many predators or where the ecosystem is being degraded.

Mr. Hunt responded that there is no concern in this system that there would be too many predators and a corresponding ecosystem imbalance. He noted that staff is not sure what the ecosystem capacity or the corresponding occupancy goal is yet, but he would expect that at some point the occupancy rate would stabilize.

Superintendent Ramos addressed the Commission with comments about the Dry Tortugas National Park being a unique place. He thanked FWC staff for their work on this topic, from the researchers to the managers to the enforcement officers. He added support for staff recommendation.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Gary Jennings with ASA addressed the Commission in support of staff recommendation to continue concurrence with the special regulations in the RNA.

Dr. Ross Boucek with Bonefish Tarpon Trust and the Lower Keys Guides Association addressed the Commission with thanks to Mr. Hunt for presenting such great science. He added support for staff recommendation.

Ms. Caroline McLaughlin with National Parks Conservation Association addressed the Commission in support of staff recommendation.

Mr. Homer Hirt addressed the Commission on a topic unrelated to this agenda item.

Commissioner Kellam thanked NPS and FWC for the great partnership. He asked if Hurricane Irma had any effects on the research or management.

Mr. Hunt responded that FWC lost a lot of receivers but has received a grant to replace those lost in the hurricane.

Commissioner Sole asked staff to consider that if the 20-year time period is approved, he would like an update at some point prior to that 20-year mark.

Vice Chairman Spottswood thanked Ms. McCawley, Mr. Hunt, and Superintendent Ramos along with their teams for their efforts related to this topic. He appreciated his recent trip to see all aspects of Dry Tortugas National Park and the RNA. He is very impressed with the joint research that is being done. He feels comfortable extending the concurrence to 20 years but agrees with Commissioner Sole that an update prior to that time would be beneficial for the Commission.

Chairman Rivard thanked staff for all the hard work and the partnership efforts involved with this area.

Commission Action

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

BREAK

Wildlife Management Area (WMA) 75th Anniversary

Ms. Jerrie Lindsey with the Division of Habitat and Species Conservation provided an update on the celebration of the 75th Anniversary of Florida's WMA system.

Chairman Rivard thanked Ms. Lindsey and staff for their work on this topic.

Public Comment on Items not on the Agenda

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

Mr. Newton Cook addressed the Commission regarding high water, aquatic plant management, and user conflicts regarding lakes and duck hunting.

Mr. Bill George addressed the Commission Meeting regarding alligator egg collection on public lands.

Mr. Bob Zales, President of Panama City Boat Association and President of the National Charter Boat Association, addressed the Commission regarding federally-permitted charter boat owners and red snapper. He noted a potential problem of being in possession of federally caught red snapper in state waters when the state and federal seasons are open at different times. He hopes there is a way to accommodate everyone so federal charter captains are not in violation with red snapper on board while targeting other species in state waters.

Ms. Kimberlee Norton addressed the Commission regarding bear management. She requested the Commission remove bears from the game list in Florida.

Mr. Joe Douglas addressed the Commission regarding bear management. He suggested stronger penalties for poaching or illegal activity associated with bears.

Mr. Stephen Williamson, Executive Director of the United Waterfowlers of Florida, addressed the Commission regarding Wards Creek in Jefferson County. He noted concern about this land becoming privately owned since it has been publicly owned since Florida became a state.

Ms. Rebecca Heintz addressed the Commission with concern regarding goliath Grouper data, and how it can be skewed, which will be presented to the Commission at a future meeting. Finally, she commented on bear management and requested additional information on current studies ongoing by the Commission.

Ms. Shannon Geis addressed the Commission regarding the Florida black bear in opposition to any future hunts and expressed concern for habitat management. She also commented on Goliath Grouper. She requested the Commission not move forward with a discussion of a limited harvest until there is valid scientific research on this species.

Mr. Chuck Echenique addressed the Commission regarding coordination with staff on use of blaze orange for all users that are out on public lands during specific hunting seasons.

Mr. Darrell Lowery with the Florida Bowhunters Council addressed the Commission regarding public perception. He requested that the agency review all public documents that have the agency logo on it to ensure that the messages are accurate and appropriate.

Mr. Chuck O'Neal, President of Speak Up Wekiva, Inc., addressed the Commission regarding Split Oak Wildlife and Environmental Area (WEA). He noted the plans by the Central Florida Expressway to build a highway through this WEA.

Ms. Katrina Shadix, Director of Bear Warriors United and member of the Foundation for Florida Environmental Protection, addressed the Commission. She requested support for legislation that increases penalties for poaching

of wildlife. She requested additional law enforcement in Lake County where there are vehicle accidents with wildlife, specifically bears.

Mr. Richard VanMunster with Fishing for Freedom addressed the Commission regarding net limitations.

Mr. Howard Kempton addressed the Commission regarding sheephead rule changes. He does not support reducing the recreational bag limit for sheephead from 15 to five fish. He believes that a reduction in the bag limit from 15 to ten fish along with an increase in the minimum size limit would have a similar conservation value as the proposed reduction to five fish and would support the change to ten fish.

Ms. Caroline McLaughlin addressed the Commission on behalf of the National Parks Conservation Association regarding a partnership with BNP. Ms. McLaughlin expressed her support for the collaborative partnership between the NPS and FWC as it relates to the upcoming process of drafting rules for BNP based on the collaboratively-drafted Fishery Management Plan that was approved in 2014.

Mr. Justin Leake, Panama City Fishing Guide and host of the TV Show “Chasing the Sun”, addressed the Commission regarding the formation of the Panhandle Guides Association (PGA) and the efforts to work with FWC on fishery management in the panhandle. He also noted concern over harvest during the sheephead spawn and that PGA has instituted a personal bag limit of two per person to help spearhead conservation efforts.

Commissioner Kellam thanked Mr. Leake for getting the PGA together to address fisheries concerns within their group.

Mr. Steven Rash, Owner/Operator of Water Street Seafood in Apalachicola, Florida, and a Director of the Southeastern Fisheries Association, addressed the Commission regarding Apalachicola Bay Oysters. He noted that oysters used to be a huge part of his business, but there have been major declines in oyster populations lately. He requested FWC close the Apalachicola Bay to all oyster harvest until the fishery can handle a commercial harvest.

Mr. Wesley Eicher addressed the Commission regarding deer depredation and the need for a long-term solution.

Executive Director Sutton commented that staff at the leadership level work with stakeholders to review items that are brought up during comments on items not on the agenda.

Chairman Rivard recessed the meeting at 4:50 pm

Thursday, February 8 Reconvene

Chairman Rivard reconvened the meeting at 8:34 a.m.

Chairman Rivard commented on an on-going trial related to the attempted murder of Officer David Brady. He then asked Executive Director Sutton to recognize an employee retirement.

Executive Director Sutton recognized Ms. Diane Eggeman as she is retiring and this was her last Commission meeting.

Ms. Eggeman thanked the Commission and Executive Director Sutton for the kind words and recognition of her years of service to FWC.

Staff Reports

Legislative and Budget Update

Ms. Charlotte Jerrett, Chief Financial Officer, presented an update on FY 2018/2019 Legislative Budget Requests and an update on the 2018 Legislative Session.

Commissioner Discussion

Commissioner Sole commented how great it has been working with the team on this topic. He noted that one of the challenges is limitations on air assets for use in activities that require long range search and rescue.

Vice Chairman Spottswood noted one of the concerns for stakeholders is the need for more law enforcement officers. Anything the agency can do to increase the number of officers would be appreciated.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Bill George addressed the Commission regarding the statutes for alligator eggs which are over 30 years old. He requested the Commission review this topic to potentially bring more money into the agency.

Mr. Jerry Sansom with Organized Fishermen of Florida addressed the Commission. He noted appreciation for the support on funding for the derelict vessel issue.

Commissioner Kellam asked for additional information on the Airborne Search and Rescue.

Commissioner Sole responded that the detail is in the background document, specifically line item #36 which captures the request for enhancement of law enforcement airplanes that could be utilized in high priority search and rescue efforts. He thanked the Governor for support on the items presented by the agency.

Executive Director Sutton commented that there are additional plans to move forward with requesting additional law enforcement staff.

Item Requiring Action – Draft Rule – 2018 Gulf Red Snapper

Ms. Martha Guyas with the Division of Marine Fisheries Management presented a proposed draft rule for Gulf red snapper involving data collection. She also provided an overview of federal marine fisheries management and information on Florida's Exempted Fishing Permit (EFP) request to set the season for 2018.

The Commission then discussed recent red snapper management including sector separation, the lawsuit over the 2017 federal season, and how harvest data are collected.

Chairman Rivard noted that the red snapper commercial fishery and the federal for-hire sector have better accountability compared to the private recreational fishery. He also noted that the EFP is a big shift in how private recreational anglers and state charter operations will be managed for each of the Gulf States. Additionally, he pointed out that in this process, we have to be aware that each of the other Gulf States is submitting an EFP with their own allocations, which could impact Florida's proposed EFP. He asked for clarification that state charter captains can only fish within nine nautical miles off of the Gulf side of the state.

Ms. Guyas responded that NOAA Fisheries under the proposed EFP would allow states to manage private recreational harvest throughout both state and federal waters, and also state charter captains fishing in state waters. For state charter captains to operate in federal waters they would have to buy a federal reef fish permit.

Commissioner Sole asked if federal for-hire operations also hold a state for-hire permit, would they have to report that under this EFP?

Ms. Guyas responded that all federal for-hire operations in Florida also hold a state permit, but they would be excluded from this EFP. She explained that it is not necessary to obtain their landings because they would not be managed under the EFP quota.

Vice Chairman Spottswood asked about the exclusion for Monroe County under this EFP.

Ms. Guyas responded that while the Gulf side of Monroe County does follow Gulf regulations, the way that Marine Recreational Information Program (MRIP) is done Monroe County red snapper harvest numbers are typically grouped with the Atlantic landings. She also noted that there are not a significant amount of red snapper landings coming from the Keys.

Chairman Rivard asked why some states included the federally permitted for-hire vessels in their EFP proposals.

Ms. Guyas responded that both Texas and Louisiana requested to include the federally permitted for-hire operations in their EFP and additional quota from the federal for-hire overall quota. She noted that these states are asking for more quota than what each state has landed in past years. If NOAA approved their request, it would mean the Gulf wide federal for-hire seasons would be shorter due to the reduced federal for-hire quota, which would mean less access for vessels in Florida, Alabama, and Mississippi.

Vice Chairman Spottswood noted that we have to listen to our federal for-hire fleets, but asked if we are putting them at a disadvantage by not including them in this EFP. He also asked if the federal for-hire fleet in Texas and Louisiana are expressing similar comments to Florida or do they want to be under the EFP system. If so, why?

Ms. Guyas responded that she does not believe that they would be at a disadvantage and Florida's federal for-hire fleet seems to be happy with the season they are projected to get under the federal system. She added that at the Council, the Louisiana for-hire operators seem to be supportive of being included in the EFP, but the Texas operators did not want to be included. She responded that by including the federal for-hire in their EFP, they would potentially get a lot more days due to the additional quota.

Chairman Rivard asked where the additional federal for-hire quota would come from to be included in these two EFPs.

Ms. Guyas responded that NOAA Fisheries will have to weigh the options and make a decision. From discussions at the Council, by including the federal for-hire in their EFP, both Texas and Louisiana may not get the quota they are asking for. Instead, it would be more commensurate with what they are catching now, not their proposed quota.

Commissioner Kellam asked if Florida federal for-hire vessels would be allowed to fish in state waters as well since they already have the state charter permit. He also asked about the fees associated with a federal for-hire permit and if the state receives any of the money.

Ms. Guyas responded that those federally permitted for-hire vessels would be allowed to fish in state waters when both the state and federal seasons are open, and this is similar to how we have managed red snapper in past years. She noted that these permits are capped right now and you would have to buy the permit from the permit holder. There are also renewal fees associated with the permit each year, but the state does not receive any of the fees.

Commissioner Sole asked about the feedback from the different sectors on potential Individual Fishing Quota (IFQ) type management of for-hire vessels.

Ms. Guyas responded that some are very supportive and some are against it. She noted that the next council meeting will most likely have a discussion on quota projections under different scenarios for federal for-hire operators.

Executive Director Sutton thanked staff for walking through this very intricate issue. He noted that as a Commission we have the ability to influence these federal processes, but not the authority to make direct changes. He also noted if the Commission chooses, the Commission will grant the Executive Director authority in consultation with the Chairman to issue an Executive Order to set the season for 2018.

Public Comment

The following individuals addressed the Commission on this agenda item:

Ms. Pam Anderson addressed the Commission in support of required reporting for state for-hire vessels for their harvest of this species. She noted support for having federally-caught red snapper on board while in state waters while the state season is closed. She added that it is easier to fish in state waters during rough weather and important to fish there while targeting other fish. She requested the Commission staff who sit on the Council oppose the federal for-hire IFQ amendments because these are the next step toward inter-sector trading.

Mr. Billy Archer addressed the Commission with thanks for leaving the federally-permitted charter boats out of the proposed EFP, noting that the charter industry is in support of the proposed EFP. He requested the Council members continue to have discussions on amendments 41 and 42.

Mr. Gary Jarvis with Destin Charter Boat Association addressed the Commission with thanks for keeping the federally permitted charter boats out of the proposed EFP. He requested to work with Council representatives to remove the sunset on Amendment 40. He noted that Florida should be the leader in fisheries management for the private recreational sector. He also noted concern over any shift in quota allocation.

Ms. Kellie Ralston addressed the Commission with support of the proposed Florida EFP. She supported the EFP eventually being expanded to the entire recreational sector. She also supported the Council state management amendments, but requested the Council postpone development of Amendments 41 and 42.

Mr. Reid Phillips with the Destin Charter Boat Association addressed the Commission in support of the proposed Florida EFP. He added that Amendment 40 has been a success and hopes that the sunset provision can be removed.

Mr. Chad Hanson with Pew Charitable Trusts addressed the Commission. He commented that the red snapper fishery is not completely rebuilt yet. He added support for the Florida proposed EFP and requested each EFP to include a payback measure for any potential overage.

Mr. Michael Eller with the Destin Charter Boat Association addressed the Commission. He commented that data is the biggest issue in private recreational management. He noted that private anglers will be supportive of data reporting because it will allow for more access.

Mr. Chris Phillips, owner of Hotspots Charters in Panama City, addressed the Commission. He commented that tools are not available for proper management of this species. He suggested that Florida should go non-compliant with the federal process for setting seasons and continue for the next few years with a separate season structure. He offered to provide all of his landings to help with data collection. He noted opposition to the proposed EFP and stated that he would like to see the Commission make all the decisions for management of this species.

Commissioner Sole asked if Mr. Phillips was comfortable with the data collection proposed in staff recommendation.

Mr. Phillips responded that he supports data collection efforts.

Mr. Tyler Massey, Captain for Hotspots Charters, addressed the Commission with concern for the major issues with data collection and season projections. He also noted support for state for-hire data collection.

Mr. Matt McLeod addressed the Commission in opposition to the proposed EFP. He stated that there is no progress in this plan and no benefit for the recreational fishery. He added that data is often used to take away the opportunities from anglers and puts the burden on fishermen. He was supportive of establishing a 42-day season every year.

Mr. John Black addressed the Commission with thanks to the Commissioners for being so interested in this issue. He asked if anyone thought the federal government was better at managing red snapper than the state. He noted that the data collection is flawed on many levels and has concern about the data projections since so many trips were cancelled due to poor weather.

Mr. Norman Fitzgerald addressed the Commission in opposition to splitting the season into regional management, and was supportive of one Gulf-wide season. He noted concern over reefs being hammered during the short season and potential issues with boat traffic and safety.

Commission Discussion

Chairman Rivard thanked the stakeholders for their comments. He noted that the Commission is working within the EFP framework and that they are trying to do the best they can for the resource and for Florida anglers.

Commissioner Rood asked for more details about Amendments 41 and 42. She also asked if out-of-state anglers could fish in Florida waters.

Ms. Guyas responded that any out-of-state angler must purchase a Florida fishing license to fish in Florida. She also explained that Amendments 41 and 42 deal with the IFQ-type management for for-hire vessels. The Council has been working on this topic for quite a while and will continue to have further discussions at future Council meetings.

Chairman Rivard commented that IFQs are successfully used in the commercial sector and this could potentially be applied to the for-hire sector. He noted that the Commission does not have to take any action today on these amendments, but can provide guidance to Martha if there is a particular direction that is requested.

Vice Chairman Spottswood asked the Commission to focus on the direction needed by staff today on the for-hire reporting system. He also asked what the state for-hire reporting system would look like and why FWC could not contact all the charter operations to get their reports.

Ms. Guyas stated that the Commission could review and approve this draft rule today, and staff would return with a final rule in April for Commission approval. She noted that this reporting system would require state charter operators to identify if they target Gulf reef fish and FWC would contact a subset of those charter operations to gain information about their red snapper and reef fish trips. She also noted that this program will help us identify the population that is targeting red snapper and obtain data from their trips.

Chairman Rivard noted that this is a necessary step if we are going to move forward with the EFP process.

Mr. McRae responded that they do not expect there to be a large number of state-charter operators that register, and depending on the budget and the number of operators, they will try to contact as many as they possibly can.

Vice Chairman Spottswood stated that we should push to create the best data system that we can to improve stock assessments in the future. He also noted that it is important to contact as many people as possible so that data is not extrapolated or skewed.

Commissioner Sole noted support for the rule proposal but had concerns about the actual process for gathering the data and wants the system to be more robust.

Mr. McRae responded that the data can be highly variable based on the information received. To account for variable data, he stated that it is important to sample as many and as randomly as possible. He noted that the data from the charter component of the fishery is more solid compared to the private recreational sector. He added that the biggest aspect of uncertainty with data collection for red snapper harvest is in the private recreational sector, but with the Gulf Reef Fish Survey (GRFS) and this EFP they are working to improve this data collection.

Vice Chairman Spottswood asked in regard to state waters what is the split between the private recreational anglers and the state charter operators.

Mr. McRae responded that we do not know the exact number of state for-hire operators that fish for red snapper and this for-hire reporting requirement will help us better understand that number of operators targeting red snapper.

Commissioner Kellam asked how the federally permitted for-hire captains are reporting in state waters.

Ms. Guyas responded that any harvest in state waters would count towards the federal for-hire quota. Electronic reporting is being implemented for the federal for-hire fishery.

Chairman Rivard commented that the commercial and federal for-hire sectors already have better accountability measures. He added that this EFP will allow FWC to work towards getting better data from the private recreational anglers and state for-hire operators.

Commissioner Sole noted that the data from private anglers and state for-hire operators does help with stock assessments.

Commission Action

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

Vice Chairman Spottswood requested additional discussion and asked if the data collection and assessment will be quick enough to determine if there could be a fall season.

Mr. McRae noted that this is a capability that FWC has because of GRFS which samples more frequently compared to MRIP.

Vice Chairman Spottswood requested additional discussion on the length of the potential season.

Chairman Rivard reviewed the season lengths in both state and federal waters over the past several years. He stated that 12 days in federal waters is not acceptable for the stakeholders of Florida, but we are limited in the framework we have with this EFP.

Mr. McRae responded that in the proposed EFP FWC wanted to set a proposed season that would allow for predictable fishing opportunities and limit the likelihood that we would go over the potential quota.

Ms. McCawley added that staff's suggestion is 24 total days and it was split into two different areas because of comments from past stakeholder workshops. She noted that Florida could create a Florida Gulf-wide season of 24 days, but it has a higher risk of going over the quota and reducing opportunities in 2019. She noted we do not know what our quota allocation will be and that this season estimate is based on past landings.

Vice Chairman Spottswood asked why it would be more of a risk to open it for 24 days Gulf-wide. He also asked if Florida exceeded its quota in 2018, what would the season look like for 2019.

Mr. McRae responded that given the uncertainty of the final quota, the split season allows for staff to evaluate the landings and possibly reopen the season in the fall. He noted that 24-day open season is definitely something they could consider, but they are not completely sure of the entire risk.

Ms. Guyas added that this EFP is not finalized, but compared to similar overages in the past, any overage would be subtracted from Florida's quota the following year.

Vice Chairman Spottswood asked if the 24-day season would start similar to the 12-day regional seasons.

Ms. McCawley responded that it would just be one continuous season with the same start date.

Upon a motion by Commissioner Kellam, seconded by Vice Chairman Spottswood and carried, the Commission approved the Chairman and Executive Director working together to potentially set any season dates between now and the April Commission Meeting and approve the draft rule for data collection.

Gulf of Mexico Fishery Management Council (GMFMC) Report

Ms. Guyas presented a report on actions from the GMFMC's recent meeting.

Public Comment

The following individuals addressed the Commission on this agenda item:

Ms. Pam Anderson addressed the Commission in support of having recreational access to greater amberjack in the spring for the charter business. She also noted concern for reducing the annual catch limit for vermilion snapper because it is economically important in Northwest Florida. She is also in support of federal for-hire electronic data collection.

Mr. Bill Kelly representing the Florida Keys Commercial Fishermen Association addressed the Commission regarding the lionfish EFP for new harvest methods in the Keys. He noted concern for yellowtail snapper and how the Councils are failing to address the allocation issue.

Commissioner Kellam thanked Mr. Kelly for his efforts toward lionfish removal.

Mr. Billy Archer addressed the Commission with support for the split recreational season with greater amberjack. He noted concern over the red and gag grouper populations in deeper waters. Additionally, he was in support of quota carryover and the use of descending devices.

Ms. Kellie Ralston with ASA addressed the Commission in support of descending devices. She noted that ASA strongly supports measures that reduce discard mortality and works with the Councils to promote use of these devices at the local level throughout Florida.

Mr. Michael Eller addressed the Commission in support of the upcoming greater amberjack regulation proposals, including the split season and the fractional bag limit. He suggested that Florida look at requiring the descending devices on vessels and stated that he is going to start requiring them on his vessels this year. He commended Ms. Guyas on her representation at the Council meetings.

Mr. Jerry Sansom addressed the Commission echoing comments of Bill Kelly.

Mr. Adam Miller with Fish and Game Scales addressed the Commission with a request to work with staff on supplying some fish scale devices to test along the Gulf coast.

Mr. TJ George addressed the Commission in support of the split greater amberjack season proposed at the Council.

Mr. Gary Jarvis addressed the Commission with a request for support for the greater amberjack fractional bag limit.

Mr. Kyle Lowe addressed the Commission in support of the fractional bag limit for greater amberjack. He also noted support for Amendment 40.

Mr. Reid Phillips addressed the Commission in support of the federal rule on triggerfish and greater amberjack, and supports the Commission following federal consistency.

Commissioner Kellam thanked the stakeholders who have started and currently own businesses in the great state of Florida.

LUNCH

South Atlantic Fishery Management Council (SAFMC) Report

Ms. McCawley presented a report on actions and discussions from the SAFMC's recent meeting.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Bill Kelly addressed the Commission regarding a request for action on yellowtail snapper allocation. He also supported upcoming spiny lobster regulations. He commented on how great FWC staff were in addressing issues before, during, and after Hurricane Irma.

Ms. Kellie Ralston addressed the Commission in support of the Commission's continuing opposition to the longline EFP application for 2018. She commented on the recreational data reporting options that allowed for extension of season dates for Atlantic red snapper. She also noted her opposition for a moratorium on limited entry for-hire vessels.

Mr. Jerry Sansom addressed the Commission in support of the comments made by Mr. Kelly.

Commissioner Discussion

Executive Director Sutton commented that there has been a lot of public opposition to this EFP in the past.

Vice Chairman Spottswood added support for a letter from the Chairman in opposition to the longline EFP. He asked about any possible actions for yellowtail snapper to help avoid closures.

Ms. McCawley responded that she and Ms. Guyas are working on any potential actions to move forward with combining Gulf and Atlantic quota for yellowtail snapper.

Commissioner Nicklaus noted that the fishermen in the southeast portion of Florida have worked on conservation efforts to improve their sailfish fishery and noted his opposition to the longline EFP.

Commissioner Kellam also noted his support for writing a letter opposing the longline EFP.

Commissioner Sole asked about the EFP that was issued last year, but later halted.

Ms. McCawley noted that the scientists never started their study because the university pulled back their support for this EFP. However, the same researcher is resubmitting the EFP without the university.

Chairman Rivard noted that he will write a letter with the Executive Director in strong opposition to the longline EFP.

Items Requiring Action

Ms. Melissa Recks with the Division of Marine Fisheries Management presented proposed regional seasons for bay scallops for the 2018 recreational bay scallop season.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Mike Wells, Pasco County Commissioner, addressed the Commission in support of a short scallop season in Pasco County that could be carried out without a detrimental effect to the fishery.

Chairman Rivard responded with appreciation for the partnerships the agency has with the counties.

Mr. Bill George addressed the Commission in support of scalloping opportunities in Pasco County and in support of delaying the season start until after the July 4 weekend in the Crystal River area in future years.

Mr. Miles Saunders with the Citrus County Visitors and Convention Bureau, the Citrus County Tourism Development Council, and Board of County Commissioners addressed the Commission. He thanked staff for revising their proposal since the December 2017 Commission Meeting and supported the updated proposal.

Commissioner Sole asked if the Citrus County Visitors and Convention Bureau was interested in the July 1 start date in that area.

Mr. Saunders responded that they would like to see the season start before July 4.

Mr. Jerry Sansom addressed the Commission and noted that the majority of the funds for scallop research and recovery efforts came from federal commercial fishing disaster relief funds and requested the Commission explore options for potential opportunities for a small commercial scallop fishery in the future.

Mr. Charlie Norwood addressed the Commission in support of the staff recommendation on the Taylor County through Dixie County season structure.

Mr. Michael Mancke, General Manager of the Plantation on Crystal River and member of the Tourist Development Council of Citrus County, addressed the Commission. He noted support for staff recommendation with the changes since the last Commission Meeting.

Commissioner Discussion

Chairman Rivard thanked staff for working with the counties and local communities to develop an approach that works best for all.

Commissioner Kellam thanked the business owners for taking time out from their schedules to attend the meetings.

Commissioner Sole noted that it is great to work with counties and local stakeholders on regional seasons, but hopes that we are not complicating the fishery and requests that the data be presented to show whether or not these changes have any effect on the fishery.

Chairman Rivard asked staff to work with Mr. Sansom on potential commercial scalloping opportunities in the future.

Commission Action

Upon a motion by Commissioner Kellam, seconded by Commissioner Sole and carried, the Commission approved staff recommendation.

Draft Rule - Sheepshead and Tripletail

Ms. Krista Shipley with the Division of Marine Fisheries Management presented a draft rule proposal for sheepshead and tripletail. For sheepshead, the draft rule proposal included reducing the recreational daily bag limit from 15 to five fish per person, implementing a spawning-season recreational vessel limit of 50 sheepshead per day during March and April, and extending FWC's current and proposed sheepshead regulations into federal waters off of Florida. For tripletail, the draft rule proposal includes increasing the recreational and commercial minimum size limit from 15 to 18 inches total length and extending FWC's current and proposed tripletail regulations into federal waters off of Florida.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Ted Forsgren with CCA addressed the Commission in support of staff recommendation.

Mr. Jerry Sansom addressed the Commission with appreciation for staff efforts on these two fisheries and in support of staff recommendation.

Mr. Matt Smith with the PGA addressed the Commission in support of staff recommendation for the limit on sheepshead.

Mr. Kyle Pitts with the PGA addressed the Commission in support of staff recommendation but noted concern that the 50-sheepshead vessel limit during the peak spawning months may be too high.

Mr. Norman Fitzgerald addressed the Commission in support of reducing the limits on these fish. He also requested a closed season for sheepshead from February through mid-April.

Mr. Chris Phillips addressed the Commission in support of staff recommendation.

Mr. Tyler Massey addressed the Commission in support of staff recommendation. He also supported a lower vessel limit of 25 fish for sheepshead.

Mr. Matt McLeod addressed the Commission in support of staff recommendation and suggested the sheepshead vessel limit be lowered to 25 fish.

Commissioner Discussion

Commissioner Lester commented that the testimony from the stakeholders was important to the Commissioners to add to the understanding of the concerns surrounding these species.

Chairman Rivard commented that the proposal is really a balance of taking into account what anglers see on the water and the available science. He understands that some stakeholders may not think the proposal goes far enough but believes that it is a step in the right direction without going too far, too quickly.

Commissioner Sole thanked staff for gathering additional information on this topic.

Commission Action

Upon a motion by Commissioner Sole, seconded by Commissioner Rood and carried, the Commission approved staff recommendation.

General Counsel Report

Mr. Bud Vielhauer, general counsel, presented an update on legal issues related to the agency.

Future Agenda Items

Dr. Thomas Eason provided an update to the Commission on future agenda items.

Commissioner Exchange

Chairman Rivard opened the floor for Commissioner Exchange.

Commissioner Kellam thanked his fellow Commissioners for welcoming him to the Commission and his first meeting. He commented on the intelligence and passion embodied by staff on all the issues that came forward at this meeting.

Commissioner Nicklaus noted what an honor it is to be sitting on this Commission. He thanked staff for their efforts to provide the information needed to make the decisions that are necessary for Florida's resources. He appreciated the stakeholders' input.

Commissioner Rood thanked the Governor for her appointment to this Commission and highlighted some pictures of field trips she has been able to take in an effort to learn more about the agency.

Commissioner Lester thanked his fellow Commissioners for their help this meeting.

Commissioner Sole congratulated the Chairman and staff for a tremendous meeting.

Vice Chairman Spottswood welcomed the new Commissioners. He thanked the FWC team working on all the topics up for discussion at these meetings. He commented how appropriate it was to thank former Executive Director Wiley for his service to this agency and the Commissioners. He thanked Executive Director Sutton and Assistant Executive Director Eason for stepping up into their new roles for the agency. Finally, he thanked law enforcement staff for all of their efforts.

Commissioner Sole thanked the team for adding the display of artwork from the 75th WMA Anniversary.

Chairman Rivard thanked FPSI staff, Regional staff for working the registration desk, AV and IT staff, and the community relations team.

Commission Administrative Matters

The next regularly scheduled Commission meeting is set for April 25– 26, 2018, in Ft. Lauderdale, commencing at 8:30 am each day.

Adjournment

Chairman Rivard adjourned the meeting at 2:45 p.m.

Adrien "Bo" Rivard
Chairman

Eric Sutton
Executive Director

Respectfully submitted:

Lisa Zullo
Commission Assistant