



Florida Fish and Wildlife Conservation Commission

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Commission Meeting
February 10 – 11, 2016
Tallahassee, 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 10 – 11, 2016, at the Florida Public Safety Institute, located at 85 Academy Drive, Havana. 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
Richard Hanas, Oviedo

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
Ernie Marks	Director, South Region
Thomas Graef	Director, Southwest Region
Steve Shea	Director, Northwest Region
Shannon Wright	Director, Northeast Region
Chris Wynn	Director, North Central 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
Doc Kokol	Director, Office of Strategic Initiatives
Melissa Recks	Division of Marine Fisheries Management
Martha Bademan	Division of Marine Fisheries Management
Paul Scharine	Division of Hunting and Game Management
Kelly Samek	Office of Strategic Initiatives
Melissa Tucker	Division of Habitat and Species Conservation
Dr. Brad Gruver	Division of Habitat and Species Conservation
David Arnold	Office of Strategic Initiatives

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

Meeting Opening

Chairman Yablonski called the February 10 – 11, 2016 meeting to order at 8:33 a.m.

Invocation and Pledge of Allegiance to the Flag

Mr. Kipp Frohlich, Deputy Director of the Division of Habitat and Species Conservation, gave the invocation.

Commissioner Roberts led the Pledge of Allegiance.

Adoption of Minutes

Upon a motion by Commissioner Spottswood, seconded by Commissioner Roberts and carried, the November 2015 minutes were approved as written.

Adoption of Meeting Agenda

Upon a motion by Commissioner Roberts, seconded by Vice Chairman Priddy and carried, the February 2016 Meeting agenda was approved.

Approval of Consent Agenda

Upon a motion by Commissioner Hanas, seconded by Commissioner Bergeron and carried, the February 2016 Consent Agenda items were approved.

Chairman Yablonski invited Mr. Greg Munson to speak on the topic of the Miami Tiger Beetle which was included on the consent agenda.

Mr. Munson thanked the Commission on behalf of Ram Development Company for working on this issue and provided support for the Biological Review Team approved by the Commission today.

Executive Director's Report

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

- 2016 Python Challenge™ Update. Commissioner Bergeron noted the importance of this event and the topic of invasive species taking over habitat of native species throughout Florida. Public awareness of this species has increased which is one of the major efforts behind this event.
- High Water in the Everglades. Commissioner Bergeron referenced an emergency meeting with multiple partner agencies regarding high water in the Everglades. He noted this is the most significant amount of high water since the 1930's. He commented on his participation in emergency meetings through the next several days to help coordinate raising water levels in other portions of the Everglades which could help alleviate some of the high water.
- U.S. Fish and Wildlife Service (USFWS) recent announcement on proposal for manatee reclassification from endangered to threatened.
- Youth outreach through Phi Beta Sigma Fraternity event in Lakeland, FL.
- Seminole County Bear Wise Ordinance update. Nick recognized Mr. Lloyd Childree, a representative with Waste Pro, who was in attendance at the meeting.
- Youth donations collected from license purchases.
- Snook Symposium.
- Youth public service announcement aired during a playoff game of the National Football League.
- Latest edition of the Guy Harvey Magazine featuring FWC.
- Staff recognition – Kaitlin Goode
- Staff recognition – Officer Matt Cushing
- Staff recognition – Jim Stickle

Staff Report

Federal Legislative Issue Outlook

Chairman Yablonski asked that the next two presentations (Federal Legislative Issue Outlook and Gulf of Mexico Fishery Management Council Report) be completed with public comment afterwards since both topics are closely related.

Mr. Whit Fosburgh, President and CEO of the Theodore Roosevelt Conservation Partnership (TRCP), presented information related to conservation opportunities in 2016. He thanked Executive Director Wiley and staff for their leadership at many state and federal level meetings, including the Association of Fish and Wildlife Agencies meetings, which have a direct connection with federal efforts that can assist states with wildlife management and conservation progress.

Chairman Yablonski asked about the Land and Water Conservation Fund reauthorization in 2015 and whether or not the “making public lands public” component moved forward with access for anglers and hunters.

Mr. Fosburgh responded that the Land and Water Conservation Bill is currently included in the Bipartisan Sportsman’s Act. This component would target funding to assist with easements on private property to allow public access to public lands adjacent to private property. He noted the negative impacts of the lack of funding for management of public land throughout the country.

Commissioner Spottswood asked what is included in the proposed National Fish Habitat Conservation Act.

Mr. Fosburgh stated that this bill would codify the National Fish Habitat Partnership and noted that Executive Director Wiley is well versed on this topic and asked him to provide additional information.

Executive Director Wiley noted that the National Fish and Habitat Conservation Act pushes funding to projects at the ground level and allows for state level coordination via a National Fish and Habitat Board which has FWC representation through Mr. Tom Champeau, Director of the Division of Freshwater Fisheries.

Chairman Yablonski thanked Mr. Fosburgh and recommended Commissioners visit with the TRCP organization and members of Congress if they are ever in Washington, D.C.

Chairman Yablonski asked Ms. Jessica McCawley, Director of the Division of Marine Fisheries Management, to introduce another invited speaker on this topic. She introduced Mr. Brian McManus, who was hired by FWC to assist with fish and wildlife advocacy efforts in Washington, D.C.

Mr. McManus explained proposed federal legislation directly related to Florida’s marine fisheries.

Executive Director Wiley highlighted the importance of having Mr. McManus representing FWC in Washington, D.C. He commented that he will be traveling up to D.C. in the next few weeks to participate in a meeting with other state wildlife officials on State Wildlife Grants.

Commissioner Spottswood asked about H.R. 2406 and the current and proposed processes related to closing fishing areas with approval from relevant state agencies.

Executive Director Wiley noted that in some cases federal managers have sole authority to close certain areas to fishing, with or without FWC’s consent. He commented that this scenario was recently brought to light with the closure proposed in the Biscayne National Park General Management Plan. This legislation would require the federal government coordinate with the state governing agency before that closure is approved.

Commissioner Spottswood asked if current law allows federal managers to close parts of the Florida Keys National Marine Sanctuary (FKNMS) to fishing, such as the Western Dry Rocks.

Ms. McCawley noted it would likely depend on the location of the proposed closures, and noted that the FKNMS is different than the discussion on other federal area closures because of the concurrence mechanisms the FKNMS would have to go through to get approval for a closed area, which include approval from FWC, the Governor, the Cabinet, and the Department of Environmental Protection (DEP).

Vice Chairman Priddy asked about the possibility for H.R. 2406 to be enacted retroactively to other areas, such as Biscayne National Park. She asked what the next step of the process would be to attempt to get the support for this from other states.

Mr. McManus responded that the bill as currently written it does not allow this to be applied retroactively.

Executive Director Wiley noted that there have been discussions on how to apply this retroactively. He confirmed that he will work with Mr. McManus to take the comments of the Commission forward and see what support there is from other states.

Gulf of Mexico Fishery Management Council (GMFMC) Report

Ms. Martha Bademan with the Division of Marine Fisheries Management presented a report on actions taken at the GMFMC meeting on January 25-28, 2016 in Orange Beach, Alabama. Topics included red snapper and data collection.

Chairman Yablonski asked Executive Director Wiley to present an update on the Graves Bill (H.R. 3094) which may get a lot of public comments today.

Executive Director Wiley reminded the Commission of previous discussions by staff from the Gulf States in which they proposed an alternative idea for red snapper management with a state-based approach. He explained that there was some interest from Congress, and Representative Graves (LA) developed a bill primarily based on the plan discussed by the Gulf States. Recently, several state directors were asked to testify before Congress to provide perspective. Several fishing sectors have reached out to the FWC to provide comments on this bill.

Commissioner Spottswood commented on the shortened federal Gulf red snapper seasons for recreational fishermen in the southern portion of the state and asked if there is a way to work on regional management to balance the seasons more between recreational, charter, and commercial.

Chairman Yablonski reminded the Commission of the direction provided to staff related to regional management, which was to be involved in the conversation on the topic at the Gulf Council but not support the current proposal which would have a negative impact on all Florida anglers.

Public Comment

The following individuals addressed the Commission on this agenda item:

Ms. Pam Anderson with Captain Anderson's Marina, Panama City Boating Association, NACO, and Bay County Chamber of Commerce, addressed the Commission. She thanked the Commission for testifying before Congress and noted her support of H.R. 3094 to bring fairness and flexibility to red snapper fishery management in the Gulf of Mexico. She added that Amendment 39 as currently written does not provide the management flexibility that was originally intended.

Mr. James Zurbrick, a director for Fish for America USA, addressed the Commission. He thanked the Commission in supporting the electronic log book pilot effort. He noted that the commercial industry is largely opposed to H.R. 3094, citing the possible red snapper sector reallocation, which would reduce the proportion of red snapper allocated to the commercial fishery.

Mr. Ken Haddad with the American Sportfishing Association (ASA) addressed the Commission with support for H.R. 3094, stating that state-level management for the entire fishery would be the most practical solution. He also

added support for H.R. 2406 (known as the SHARE Act). He asked the Commission to allow staff to continue in the Council process to come up with possible alternatives or ways to improve the Council's current regional management proposal.

Mr. Gary Jarvis, President of the Destin Charter Boat Association, addressed the Commission. He noted his opposition to H.R. 3094, stating that the bill would provide negative outcomes for all Florida anglers. He asked the Commission to focus their attention on management ideas that address recreational angler access.

Mr. Jason Delacruz addressed the Commission in opposition to H.R. 3094 based on potential negative impacts to commercial fishermen.

Mr. Shane Cantrell, Executive Director of the Charter Fisherman's Association, addressed the Commission. He expressed concern about the possibility of red snapper management being handled by the individual states through H.R. 3094. He supported management continuing at the Gulf Council level to ensure that the transparent rulemaking and public commenting process is continued.

Mr. Eric Brazer, Deputy Director of the Gulf of Mexico Reef Fish Shareholders' Alliance, addressed the Commission. He thanked the Commission for providing the opportunity for public comment on these topics because it does not exist in other states such as Texas. He noted his opposition to H.R. 3094 as it would have a negative impact on the commercial fishery. He requested the commercial fishery be removed from H.R. 3094 if FWC is to move forward with support.

Mr. Brad Gorst addressed the Commission in opposition to the H.R. 3094. He requested the Commission support Amendments 41 and 42 for the development of separate management alternatives for the charter and headboat industries.

Mr. Jerry Anderson addressed the Commission in opposition to H.R. 3094 based on potential negative impacts to commercial fishermen.

Mr. Dennis O'Hern, President and Executive Director of the Fishing Rights Alliance and President of the Florida Skin Divers Association, addressed the Commission. He explained that commercial fishermen do not have a trip limit for hogfish, whereas recreational fishermen can only harvest five hogfish per day. He noted that this may play into the upcoming allocation discussion for this species.

Mr. Ellis Doshier, Jr. addressed the Commission with concerns about H.R. 3094 related to potential negative impacts to commercial fishermen. He noted there are issues with red snapper stock assessments which are driving a lack of recreational access and stakeholder concerns.

Mr. Garrett Alberts addressed the Commission with opposition to H.R. 3094 based on potential negative impacts to commercial fishermen.

Mr. Trip Aukeman with Coastal Conservation Association (CCA) thanked the Commission on their efforts in Biscayne National Park regarding the area closures. He stated his support for H.R. 3094 to allow for state management of red snapper and suggested all sectors work to address potential issues in H.R. 3094.

Mr. Wayne Werner addressed the Commission in opposition to H.R. 3094 based on potential negative impacts to commercial fishermen.

Mr. Jeff Miller with CCA addressed the Commission stating that there are flaws in the Gulf Council process which are guided by personal interests. He noted the reduction in season days for recreational anglers in recent years and requested the Commission support H.R. 3094.

Mr. Bill Tucker addressed the Commission with a request to improve the science behind the stock assessments. He stated that section 407(d) of the Magnuson Act should not be removed. He commented that the Gulf Council process is essentially regional management because of the members who sit on the Gulf Council. He commented that H.R. 3094 is bad for Florida because allocation between the states would still be a divisive issue, and H.R. 3094 would also negatively impact commercial and charter for-hire fishermen. He requested the Commission submit a letter to Representative Graves stating commercial fishermen should be left out of H.R. 3094.

Mr. James Hudson addressed the Commission with concerns about the short federal red snapper season for recreational anglers.

Mr. Jim Clements addressed the Commission with opposition to H.R. 3094 or any management plan which takes management away from the federal Council process. He also discussed the article by Ben Raines written on the commercial red snapper fishery.

Chairman Yablonski asked Mr. Clements to provide written comments related to this article.

Mr. Bill Michler addressed the Commission with support for H.R. 3094 because of the current state of recreational management of the red snapper fishery.

Commission Discussion

Commissioner Roberts asked Ms. McCawley to address the ten percent reduction to the commercial fishery included in H.R. 3094.

Ms. McCawley read directly from the language in H.R. 3094 and noted that any proposed allocation shift between the commercial and recreational sectors above ten percent would require approval by the Gulf Council.

Commissioner Spottswood noted that this language is intended to protect the commercial fishery against any significant future management actions.

Ms. McCawley confirmed that language within this section of the bill was intended to help the commercial fishery feel protected and that management of the commercial Individual Fishing Quotient (IFQ) program would remain with the Gulf Council for three years after this plan is approved.

Vice Chairman Priddy asked about states forming voting blocs based on the provisions within H.R. 3094 and the other states' ability to vote against the positions of Florida. She asked if it was different from what currently happens at the Gulf Council.

Ms. McCawley responded that there is an oversight mechanism via the U.S. Secretary of Commerce in H.R. 3094 to prevent voting blocs from disrupting state management. She stated that under the Gulf Council process other states and even other Florida representatives can vote against FWC.

Vice Chairman Priddy commented on the restrictions that FWC faces regarding the management of the recreational red snapper fishery based on the current regulations and management approach for federal waters.

Ms. McCawley responded that she can either address different management systems now or provide details at a future Commission meeting. She noted that a presentation on the IFQ system for red snapper would need to be a separate presentation.

Commissioner Spottswood asked about the four million pound red snapper quota allocated to recreational fishermen and how that breaks down to the number of fishing days.

Ms. Bademan responded that she will provide the details related to state and federal waters harvest of each Gulf State when that data is available. She noted the central Gulf States may have more harvest from state waters this year because of their state waters line for reef fish was extended from three to nine miles.

Chairman Yablonski noted that the goal is to be fair to all sectors involved in this process and find a balanced way to improve the red snapper fishery and not have a negative impact on any sector. He commented on the recent actions at the Gulf Council related to stopping Amendment 39 from moving forward as currently written.

Commissioner Roberts added that H.R. 3094 has some issues, but to improve the bill FWC needs to be at the table and work with Congressional leaders who are currently involved in moving this forward. He noted the need to work on provisions in the bill so that all sectors of the red snapper fishery in Florida get the best possible outcome.

Vice Chairman Priddy noted support for Commissioner Roberts' comments then asked the Commission what direction needs to be provided to these Congressional leaders to help shape this bill.

Chairman Yablonski suggested that it might be worth sending comments about removing the language in H.R. 3094 related to the ten percent commercial allocation reduction.

Commissioner Hanas added support of H.R. 3094 as long as FWC has the ability to provide input and be at the table for discussions on potential changes.

Commissioner Spottswood asked how this proposal allows the state to have more management authority over the recreational red snapper fishery than at the Gulf Council level through regional management.

Ms. McCawley provided details stating under current management, the Gulf Council, NOAA Fisheries Regional Administrator, and the U.S. Secretary of Commerce all have management input. She stated that at the federal level, the Magnuson Act was developed for commercial fisheries and managing recreational fisheries is not something the Magnuson Act does well in its current form. Councils are required to use annual catch limits and cannot manage fisheries even as we do in state waters off Florida with long rebuilding timeframes.

Ms. McCawley provided details as to what the current process is compared to what the proposal is to bring the management to the states.

Executive Director Wiley added that the proposed state plan would allow each state to create a framework or plan for management and the actual seasons would not be voted on by other states.

Chairman Yablonski commented that if the proposal is intended to raid quota or allocation from a sector to reallocate it to another sector, then he does not support the proposal; but if it is intended to allow the states the ability to manage the fishery better, then he still supports this and hopes it can move forward with additional discussion and buy in from all sectors.

Commissioner Rivard agreed with the comments about not damaging the commercial industry. He asked for any suggestions from the commercial or charter for-hire sectors on ways that can improve the recreational red snapper fishery.

Lunch

South Atlantic Fishery Management Council (SAFMC) Report

Ms. McCawley presented a report on actions from the SAFMC's December 7-11, 2015 meeting in Atlantic Beach, North Carolina. Topics included: various snapper grouper species and commercial harvest of dolphin.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Bill Kelly with Florida Keys Commercial Fishermen's Association addressed the Commission. He noted concern over a stakeholder-proposed total year-round closure of Western Dry Rocks. He stated that mutton snapper are only in that area during certain times of the year. He noted the importance of keeping commercial fisheries such as dolphin and yellowtail snapper open for fishermen in the Keys.

Mr. Ken Haddad addressed the Commission in support for the proposed spawning special management zone at Warsaw Hole for Florida and would like to make sure the South Atlantic Council continues to improve data collection, especially for red snapper.

Dennis O'Hern addressed the Commission and asked the Commission try to address the lack of red snapper fishing opportunities in Atlantic federal waters. He also stated concerns over the Southeast Florida Coral Reef Initiative.

Item Requiring Action – Draft Rule – Gulf Red Snapper

Ms. Bademan presented several options for the 2016 recreational red snapper harvest season in all state waters off the Gulf of Mexico. Staff recommended keeping a similar season structure to 2015, opening the season the Saturday before Memorial Day through July 10; reopening the season for Friday, Saturdays, and Sundays in September and October including Labor Day for a 72-day season.

Commissioner Roberts offered an additional proposal on opening the season for Saturdays and Sundays in May beginning May 7, which would add six days to the staff recommended season for a total of 78 days.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Andy McAlexander addressed the Commission with support of opening the season earlier in May which would provide additional economic benefits to local businesses during a slower tourism month.

Ms. Pam Anderson addressed the Commission stating that red snapper is a driving force in the local economy, however she voiced concerns over different state and federal red snapper season start dates.

Mr. James Zurbrick addressed the Commission regarding the pilot program for electronic logbooks. He asked the Commission look at this data as it comes in and to see the value this information provides.

Mr. Ritchie Landry addressed the Commission regarding accountability in the commercial sector and the need to improve data collection in the recreational sector, and suggested using tags.

Mr. Ken Haddad addressed the Commission in support of the staff recommendation and also somewhat in support of the proposal by Commissioner Roberts with the comment that FWC should consider the impacts on the federal season if the state season is extended by a few additional days.

Chairman Yablonski asked about the tagging option and whether or not that has any support among recreational fishermen.

Mr. Haddad noted that in the past the tagging option was not supported by Gulf anglers. He stated that it was briefly explored by the South Atlantic Council but was not continued due to the complexity of the issue. He noted the formation of a Gulf angler group to discuss some of these management options.

Mr. Gary Jarvis addressed the Commission with concern about the longer state waters seasons because some coastal counties do not have a red snapper fishery in state waters, larger fish are more readily available in federal

waters, and the federal season could be shortened based on a longer state season. He highlighted the importance of increased and improved data collection. He offered his time and effort to work and find solutions to some of these issues.

Mr. Shane Cantrell addressed the Commission stating that in Texas, open state waters offer incentives for people to illegally harvest fish in closed federal waters. He offered assistance to come up with possible management solutions to the recreational red snapper fishery.

Mr. Eric Brazer addressed the Commission and reminded everyone that other states have proposed or approved increasing their state waters seasons and the total allocation for commercial and recreational was slightly decreased for 2016.

Mr. Dennis O'Hern addressed the Commission regarding his opposition to sector separation. He also addressed data collection issues and noted that fish tags are basically a census which would not work for the red snapper fishery.

Mr. Bill Tucker addressed the Commission questioning the lack of support for a recreational advisory panel that could focus on solutions to providing fishing access and be inclusive of all aspects of the red snapper fishery (private, charter, and commercial). He noted that increasing the length of the state waters season would decrease the length of the federal season.

Commission Discussion

Commissioner Rivard noted that there is no proposed federal season yet to be consistent with even if the Commission wanted to try and ensure the longest possible federal season. He commented that the benefit of extra state season days outweighs the few days lost from the federal season.

Vice Chairman Priddy commented that she could not support any proposal that would reduce the number of federal waters fishing days which would have a negative effect on Southwest Florida anglers.

Commissioner Roberts noted the importance of improved data collection and accountability, and mentioned the Gulf Reef Fish Survey beginning the process of improved recreational data. He noted that if the 78-day season has a major negative impact on the federal season, then the Commission could re-evaluate the state season proposal and possibly amend the decision.

Commission Action

Upon a motion by Commissioner Roberts to include May 7, 8, 14, 15, 21 and 22 in the staff recommendation, seconded by Commissioner Rivard, the Commission approved staff recommendation with Vice Chairman Priddy opposing the motion.

Items Requiring Action

Federal Consistency – Gulf gag and black grouper – Ms. Bademan presented proposed rule amendments related to Gulf gag and black grouper. Staff recommended setting a 24-inch total length recreational size limit for gag and black grouper in Gulf State waters (excluding Monroe County), and setting a June 1 through December 31 recreational season for gag grouper in state waters of the Gulf (excluding Franklin, Wakulla, Taylor, Jefferson, and Monroe Counties). Ms. Bademan noted that these actions would make state recreational grouper regulations in the Gulf of Mexico consistent with federal regulations that were approved by the Gulf Council and are now pending approval by the U.S. Secretary of Commerce.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Ken Haddad addressed the Commission in support of the staff recommendation.

Mr. Trip Aukeman addressed the Commission in support of the staff recommendation.

Mr. Bill Tucker addressed the Commission in support of the staff recommendation.

Mr. Shane Cantrell addressed the Commission in support of the staff recommendation and thanked staff for getting this issue approved at the Gulf Council.

Commission Action

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

Final Rule – Dwarf Seahorse

Ms. Melissa Recks with the Division of Marine Fisheries Management presented proposed final rule amendments related to Dwarf Seahorses.

Vice Chairman Priddy asked how annual commercial harvest data is tracked.

Mrs. Recks responded that commercial data is reported on trip tickets.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Kenneth Kull addressed the Commission with a request to get a biological opinion from FWC/FWRI regarding environmental assessment and economic impact to the industry before rule changes are put into place. He noted concern for these proposed rules and the lack of scientific data supporting rule changes. He suggested the trip tickets not be used to account for the amount of this species being collected.

Mr. William Samples with C&B Distributing addressed the Commission about the lack of information that indicates there is a need for these rule changes. He commented on the abundance of this species based on his experience collecting them and provided a video documenting collection.

Mr. Clifford Gibbens with C&B Distributing addressed the Commission and noted opposition to the reduction in daily bag limits. He commented that the original bag limit was implemented not due to a problem with the resource, but to deter the curio trade. He presented an example of the dwarf seahorse trawl to the Commission and described how it was used in the fishery.

Ms. Jaclyn Lopez with the Center for Biological Diversity (CBD) addressed the Commission. She commented that the scientific petition to the National Marine Fisheries Service (NMFS) to list the dwarf seahorse under the Endangered Species Act was in response to scientific studies suggesting that the Deep Water Horizon oil spill and cleanup efforts would wipe out seahorse habitat in the reach of the spill, specifically, Northern and west coast Florida. She noted support of FWC's efforts but commented that these efforts may not be enough to keep this species from being listed.

Vice Chairman Priddy asked what numbers would have to be presented in the staff recommendation to meet the ideas of CBD to not have a negative impact on the species.

Ms. Lopez responded taking an average of the last five years which is approximately 17,000 annually. She also suggested FWC create a recreational data collection process to get a better baseline.

Chairman Yablonski asked if NMFS will take into account other studies or if they will conduct a study on this particular species related to Florida in trying to determine a ruling on the petition for listing this species.

Ms. Lopez noted that agencies and fishermen can provide data to the federal agency for review in relation to this petition, but NMFS does not typically conduct new studies based on the lack of complete evidence.

Mr. Michael Hemholtz with Above Seahorse Reef addressed the Commission in opposition to the staff recommendation and requested the Commission adjust the area closure to allow harvest north to and including Cedar Key if rule changes are approved. He commented on the abundance of this species in his experience of collecting.

Mr. Jeffrey Turner with the Florida Marine Life Association addressed the Commission noting appreciation of CBD clarifying their focus of concern being in the Panhandle and that 95 percent of the seahorses are collected in the Keys. He commented that dispersants from the Deep Water Horizon oil spill did not reach the Keys and that seahorses there are abundant. He noted some support for rule changes, but did not believe that they are warranted.

Commission Discussion

Chairman Yablonski noted that the testimony was helpful. He questioned having the best available science to base a decision. He asked Mrs. Recks if a stock assessment was available.

Mrs. Recks responded that a stock assessment is not available. She noted that there is minimal science available, including limited data from FWRI.

Commissioner Bergeron noted that there are no stock assessments or science to show a danger of this species becoming threatened. He noted the responsibility of this agency to manage fish and wildlife, and to make sure we balance the stakeholders concerns with the assumptions based on the CBD request for listing. He then asked how many participants there are in the fishery.

Mrs. Recks responded that in the last few years there were about 12-17 participants who harvested this species, with only approximately five who took more than 400 last year.

Commissioner Rivard echoed Commissioner Bergeron's comments that there is no science behind the recommendation and that FWC should not overreact to the recent action by CBD.

Vice Chairman Priddy commented that part of the information that could be considered by NOAA fisheries could be submitted from the fishermen themselves. She noted it would set a bad precedent if the Commission approved the recommendation.

Chairman Yablonski suggested that the Commission could table the recommendation and ask the fishermen to submit their information to NOAA and attempt to provide additional data for their review.

Bud Vielhauer noted that withdrawing or tabling the agenda item will require the rulemaking process to start over again if this is addressed by the Commission in the future.

Commissioner Rivard commented that even if the Commission moves forward with these restrictions, the listing may still move forward and cause additional restrictions.

Vice Chairman Priddy asked if the Commission would make a statement in regard to the petition.

Ms. Recks noted that FWC staff are preparing a white paper on this species and will submit this information to NOAA fisheries for consideration related to this petition. This white paper will include the fact that the regulations in place now have already reduced the harvest of this species by 60% relative to the pre-2010 harvest rates.

Commissioner Rivard commented that the white paper should include that the Commission looked at this issue, staff considered it, and at this time there is a lack of evidence for the Commission to act upon. He also noted that public testimony is one of the factors to be considered.

Vice Chairman Priddy echoed Commissioner Rivard's comments and noted that the conclusion that they arrived at would hopefully be the same conclusion that the group being petitioned would arrive at given the same information.

Commission Action

Upon a motion by Commissioner Rivard, seconded by Commissioner Bergeron and carried, the staff recommendation was withdrawn.

Annual Work Plan

Mr. David Arnold with the Office of Strategic Initiatives, along with Ms. McCawley, presented a work plan for agenda items that are proposed to be brought forward to the Commission during the 2016-2017 Fiscal Year.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Bill George addressed the Commission with a request to add the alligator egg collection to the work plan or at least on the agenda in the next year.

Mr. Mike Nussman, President of ASA, addressed the Commission about the economic importance of the sport fishing industry and the number of jobs generated in both the United States and Florida from recreational fishing and boating.

Mr. Eric Brazer addressed the Commission in opposition to having sector reallocation for saltwater fisheries quotas on the work plan.

Commission Action

Upon a motion by Commissioner Bergeron, seconded by Commissioner Spottswood and carried, the Commission approved the Annual Work Plan as presented.

Staff Report –Red Drum Stock Assessment

Ms. Recks presented an overview of the 2015 Florida red drum stock assessment.

Commissioner Roberts asked for staff to reach out to stakeholders and specifically ask about the idea of reducing the bag limit in the Northwest and Northeast Zone to one fish.

Vice Chairman Priddy requested stakeholder input on increasing the bag limit in the Southwest zone to two fish.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Ken Haddad with ASA addressed the Commission regarding potential regulatory changes for red drum. ASA does not oppose changes, but does encourage the collection of public input first that can be integrated into the information gleaned from the stock assessment.

Mr. Trip Aukeman with CCA Florida addressed the Commission stating that CCA looks forward to working with the Commission on this issue.

Mr. Ted Forsgren with CCA Florida addressed the Commission, advocating for going back to a one fish bag limit for red drum statewide.

Mr. Christopher Dierlam addressed the Commission, concerned with the recent increase in the bag limit especially in the Northwest region.

Mr. Justin Leake with Panhandle Guides Association addressed the Commission regarding the two fish bag limit in Northwest Florida. They would like to see it reduced back to a one fish bag limit while continuing to research other causes such as environmental factors (ex. red tide). They would also support the possibility of separating the Panhandle out from the Big Bend within the Northwest Management Zone because of the very different ecosystems in the two respective areas.

Mr. Raymond Spann with Panhandle Guides Association addressed the Commission in support of reducing the bag limit in the Panhandle.

Mr. Phillip Wilds with SWE and Anchored Charters Guide Service addressed the Commission in support of further dividing the Northwest Management Zone and reducing the bag limit in the Panhandle.

Mr. Marty Seeling addressed the Commission stating that redfish from Turkey Point to St. Joe Bay seem to be getting smaller.

Commission Discussion

Commissioner Roberts suggested considering a reduction in the bag limit down to one fish by Executive Order.

Vice Chairman Priddy commented that there are individuals out there who want to catch the bag limit of two fish for this species which seems to be sustainable based on the data. She noted that the majority of speakers on this topic are guides and she would like to know what the individual private angler's preference is with additional outreach in all regions.

Chairman Yablonski noted that Commissioner Bergeron and Roberts were on the Commission when the bag limit changed in the past. He noted concern for making this change before getting the stakeholder comments and feedback based on the history of this topic with the Commission.

Commissioner Rivard would like to fast track this issue, but does want to wait one more meeting before taking action in order to let people know the Commission is considering a change.

Ms. McCawley recommended that the Commission wait until the June Commission meeting to consider regulatory changes in order for staff to have time to conduct a survey as well as attend fishing clubs and conduct additional outreach. She clarified that staff could provide an update on the public input process in April.

Commission Action

Vice Chairman Priddy provided a motion to approve staff recommendation and to come back in June with results from stakeholder input from across the state so that the Commission can be poised to take final action at that meeting.

Commissioner Roberts clarified that the Commission's interest in taking swift action on the bag limit is based on feedback since the bag limit was raised in 2012, not just on input received at this Commission meeting.

Commissioner Rivard suggested staff focus outreach efforts in the immediate future on the Northwest and Northeast portions of the state where the bag limit was increased.

Vice Chairman Priddy amended her motion to direct staff to restrict efforts gathering stakeholder input between now and the June meeting to the Northwest and Northeast Management Zones.

Upon motion by Vice Chairman Priddy, seconded by Commissioner Hanas and carried, the Commission approved staff moving forward with stakeholder outreach in the Northwest and Northeast Management Zones.

Public Comment on Items not on the Agenda

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

Ms. Jill Rosolek addressed the Commission. She noted strong opposition to the 2016 Florida black bear hunt.

Mr. Chuck O'Neal addressed the Commission with gratitude to Executive Director Wiley after calling off the bear hunt in certain bear management units after one day. He requested the Commission not authorize a hunt in 2016.

Ms. Katrina Shadix addressed the Commission and voiced opposition to hunting on state lands. She requested the Commission not approve a bear hunt in the future.

Ms. Karen Johnson addressed the Commission in opposition to future bear hunts. She asked about the request to include ethics training in hunter education courses throughout Florida.

Chairman Yablonski stated that staff are working to analyze the current hunter education courses compared to those of other states that have ethics training included in hunter safety courses.

Ms. Leslie Carlile addressed the Commission and thanked Commissioner Bergeron for voting against the bear hunt.

Ms. Jennifer Leon addressed the Commission in opposition to the bear hunt. She thanked the Commissioners for their questions and comments on captive wildlife. She requested the Commission support many aspects of the bear management legislation that may not move forward during this legislative session.

Ms. Nancy Kon addressed the Commission in opposition to the Florida black bear hunt.

Ms. Karen Liwienski addressed the Commission regarding Nosey the Elephant, also known as Peanut or Tiny, who is permitted for display in the State of Florida through FWC's captive wildlife section. She requested the Commission revoke the permit for the owner of this animal. She requested FWC complete an adequate investigation and provide the documentation to those who have filed complaints to FWC on this issue.

Mr. Don Kon addressed the Commission in opposition to the Florida black bear hunt.

Ms. Kimberlee Norton addressed the Commission in opposition of the Florida black bear hunt.

Mr. Shane Cantrell thanked the Commission for the opportunity to speak today and the ability to come to Florida to engage the Commission on behalf of the Charter Fisherman's Association.

Ms. Pam Anderson thanked the Commission for acknowledging the Gulf Angler Focus Group, which is attempting to address issues in the recreational red snapper fishery.

Commissioner Exchange

Chairman Yablonski noted that no one on the Commission has any interest gained from the Florida black bear hunt.

Commissioner Bergeron thanked Seminole County for stepping up and creating its waste management ordinance.

Recess Wednesday's Portion of the Meeting

Chairman Yablonski adjourned the meeting at 5:38 p.m. to reconvene at 8:30 a.m., Thursday, February 11, 2016.

Thursday, February 11, Reconvene

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

He invited E.E. Eunice, Director of the Florida Public Safety Institute, to address the Commission.

Mr. Eunice thanked the Commission for hosting the meeting at this location and introduced several staff members who work behind the scenes to make sure meetings at the facility run smoothly.

Partnership Update

Fish and Wildlife Foundation of Florida Update – Mr. Brett Boston, Executive Director of the Fish and Wildlife Foundation of Florida (Foundation), provided an update on Foundation related activities.

Chairman Yablonski commented on the deer vehicle tag that the Foundation recently implemented. He commented on the many ways that the citizens of Florida voluntarily contribute to fish and wildlife conservation.

Executive Director Wiley noted the great work of the team who developed the new deer vehicle tag which funds many grants and programs directly related to conservation.

Commissioner Bergeron thanked the many attendees at the recent BlueGreen event which raised \$150,000.

Upland Ecosystem Restoration Project (UERP) Update – Dr. Bill Palmer, President/CEO and Director of Research at Tall Timbers, provided an update.

Chairman Yablonski commented on the great success of UERP and thanked Dr. Palmer for the update for some of the new Commissioners that may not be aware of the project.

Executive Director Wiley commented that with the new funding from Amendment One, FWC has asked for funds to allocate more to controlled burns which are a major part of the UERP. He recognized Mr. Jeff Vowell, Assistant Director of the Florida Forest Service, and commented on how wonderful a partner the Florida Department of Agriculture and Consumer Services has been.

Commissioner Bergeron asked how often controlled burning should be done to have optimal habitat for Florida species.

Dr. Palmer responded that burning every two years or less is the optimal time to allow for the highest amount of diversity with plants and animals.

Strategic Follow-Up

Private Lands Innovation Update – Mr. Scott Sanders, Director of the Office of Conservation Planning Services, presented an update on the development of the Private Lands Innovation Strategic Initiative.

Mr. Sanders invited Mr. Lefty Durando, member of the Board of Directors with Partners for Conservation, to address the Commission.

Mr. Durando addressed the Commission and invited the Commissioners to participate in the October 4-6, 2016, Private Lands Day in Sebring, Florida. He also invited the Commissioners to visit his ranch in conjunction with travel to the Private Lands Day event and get a better view of the challenges and possibilities associated with the land in the area.

Mr. Sanders then presented an award on behalf of the Florida Land Steward Partnership to Ms. Helen Roth as the Florida Land Steward Landowner of the Year.

Commissioner Bergeron thanked the staff for their efforts related to the meeting. He added congratulations to the confirmations of Commissioner Spottswood and Commissioner Hanas. He noted the tremendous crisis currently going on in the Everglades and he commented that his attention is required in a meeting with partners and State officials to come up with solutions to ensure the effects and damage to fish and wildlife are minimal.

Chairman Yablonski, along with the other Commissioners, thanked Commissioner Bergeron for being involved in this and working to coordinate for FWC as appropriate.

Workforce Diversity – Colonel Curtis Brown, Director of the Division of Law Enforcement, provided an overview on workforce recruitment efforts within the Division of Law Enforcement.

Commission Discussion

Chairman Yablonski asked about FWC Law Enforcement (LE) diversity compared to diversity in other Florida LE agencies.

Colonel Brown responded that he did not have exact numbers for comparison related to diversity of other Florida LE agencies; however, compared to other fish and wildlife agencies throughout the country, FWC is the most diverse with Texas a close second.

Vice Chairman Priddy asked about the biggest obstacle related to diversity recruitment.

Colonel Brown responded that the duties of the job and the competitive pay from other Law Enforcement agencies is one of the largest obstacles facing FWC LE.

Items Requiring Action – Draft Rules

Panama City Crayfish (PCC) Management Plan and Proposed Change in Listing Status – Ms. Melissa Tucker with the Division of Habitat and Species Conservation presented a proposed draft PCC management plan, concepts for permitting, and draft rules associated with removing the PCC from the species of special concern list and adding it to the threatened species list.

Commissioner Spottswood asked if this species previously lived in other habitats and areas of the state. He also asked if taking these steps would avoid listing the species at the federal level.

Ms. Tucker responded that this species has always been secluded in this one particular area of the state. She added that the process for listing species is different at the federal level compared to the process at FWC.

Public Comment

The following individuals addressed the Commission on this item:

Mr. Kent Wimmer, Northwest Florida representative of Defenders of Wildlife, addressed the Commission. He offered support for continued public outreach on the permitting guidelines and the proposed rule changes.

Commission Discussion

Commissioner Rivard thanked staff for working with stakeholders to make sure the species is protected appropriately and not making it overly burdensome for landowners in the area.

Commission Action

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

Flagler County Manatee Speed Zones – Ms. Carol Knox with the Division of Habitat and Species Conservation presented a proposed amendment to revise the existing manatee protection zones in a portion of Flagler County.

Public Comment

The following individuals addressed the Commission on this item:

Ms. Barbara Revels, Chairman of the Flagler County Commission, addressed the Commission in support of the proposal.

Mr. Kent Wimmer addressed the Commission. He noted support of the staff recommendation.

Commission Action

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

Items Requiring Action – Final Rules

Major Hunting rule changes for 2016-2017 season – Mr. Paul Scharine with the Division of Hunting and Game Management presented final rule amendments to review select statewide hunting regulations, and specific area regulations on Wildlife Management Areas (WMAs), Wildlife and Environmental Areas and Miscellaneous Areas, and to conform hunting dates to calendar year date changes.

Vice Chairman Priddy asked about the fee structure changes for Tier II hunting on Babcock Ranch Preserve and how they were determined. She asked if these rates are comparable to those in the market area surrounding this land.

Mr. Scharine responded that these fees are the same as the fees set by the previous land manager in order to simplify the transfer of management with as little confusion to the stakeholders as possible. He also stated that these fees are well within the range of hunting fees for lands surrounding the area.

Executive Director Wiley responded that this is the beginning of the transition period to take over the process of managing this system, and as future opportunities arise to adjust these fees staff will use an open process to ensure individuals interested in getting a permit have the opportunity.

Public Comment

The following individuals addressed the Commission on this item:

Mr. William Wolfe, Vice President of the Southeast Doghunters Association, addressed the Commission in support of the proposed rule related to dog hunting.

Mr. Bill George addressed the Commission with support of the proposed rules. He also commented in support of staff related to the recent Florida black bear hunt.

Commission Action

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

Black Bass Regulations – Mr. Tom Champeau, Director of the Division of Freshwater Fisheries Management presented proposed final rules to change statewide and specific length limits for black bass species. This item was presented as draft at the June 2015 Commission Meeting and was approved with the direction to communicate and educate staff and stakeholders on the proposed change prior to presenting final rules.

Commission Action

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

Staff Report – Deepwater Horizon

Ms. Kelly Samek, Gulf Restoration Coordinator, presented a review of restoration activities related to the 2010 Deepwater Horizon oil spill in the Gulf of Mexico, including recent agreement in principle to resolve remaining claims against BP.

Public Comment

The following individual addressed the Commission on this agenda item:

Ms. Karen Johnson addressed the Commission regarding issues with a high rate of loon mortality and also red tide occurring more frequently near Port St. Joe.

Commission Discussion

Chairman Yablonski asked Mr. Gil McRae, Director of the Florida Fish and Wildlife Research Institute, to speak about the assessments of the impacts related to this event.

Mr. McRae noted that there were and continue to be tests on land and water for the chemicals used as dispersants. He also commented on red tide.

Chairman asked what the process is for stakeholders to report fish kills or bird kills.

Mr. McRae responded that there is a toll free hotline number to report these specific incidents and he noted he will get the details to the stakeholder who requested it.

Legislative and Budget Update

Executive Director Wiley commented that both Ms. Jackie Fauls, Legislative Affairs Director, and Ms. Charlotte Jerrett, Chief Financial Officer, are currently engaged with the Legislature and unable to attend this meeting. He presented an update on the status of FWC's legislation during the 2016 Session and the status of the FWC Legislative Budget Requests for FY 16/17.

Public Comment

The following individual addressed the Commission on this agenda item:

Mr. Bill George addressed the Commission regarding alligator egg collection fees per statutes.

Commission Discussion

Vice Chairman Priddy asked about allowing the fee to be flexible depending on market rate.

Executive Director Wiley responded that the innovative approach presented by Vice Chairman Priddy is something to look at.

Chairman Yablonski commented with confirmation that the fees from the black bear hunt are being routed directly to waste management.

Everglades High Water Resolution

Executive Director Wiley noted to the Commission a proposed resolution regarding moving water in the Everglades to assist with the recent high water issues. Executive Director Wiley read the draft language proposed for Commission approval.

Mr. Bud Vielhauer, General Counsel, commented that this draft was consistent with the authority of the Commission.

Commissioner Spottswood asked about where the water is going to be moved. He wanted to ensure the amount of water being moved into Florida Bay would help alleviate some of the issues there and not exacerbate the current situation.

Executive Director Wiley responded that the United States Army Corps of Engineers (USACE) will have to still conduct releases into the estuaries, but would limit that because of the amount of water flowing through to Florida Bay. He confirmed that he could coordinate with USACE to get the specific data for these releases.

Mr. McRae commented that the levels of salinity in Florida Bay in the last week or so improved due to the amount of rain that area recently experienced. Florida Bay can still accept additional freshwater without having a negative impact.

Commissioner Spottswood noted that this seems that it will help Florida Bay and bringing the agencies together on this emergency action is important.

Chairman Yablonski noted that “conservation” should be the most important aspect of the language in the resolution.

Upon a motion by Commissioner Spottswood, seconded by Commissioner Roberts and carried, the Commission approved an emergency resolution.

General Counsel Report

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

Vice Chairman Priddy asked about an update on the bear hunt case.

Mr. Vielhauer responded that it is currently inactive. FWC has filed a motion to dismiss which has not been heard by the court.

Future Agenda Items

Assistant Executive Director Sutton reviewed potential agenda items for the April 2016 Commission meeting scheduled to take place in Jupiter, Florida.

Public Comment on Items Not on the Agenda

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

Chairman Yablonski commented on information related to questions from day one regarding hunter ethics training currently in Florida. He spoke to the speaker who addressed this issue and provided information for Ms. Diane Eggeman, Director of the Division of Hunting and Game Management, who can explain some of the aspects.

Mr. Bill George addressed the Commission regarding the critical situation in South Florida with water. He appreciates the Commission handling this topic with the resolution today.

Mr. Lee Day addressed the Commission with opposition to the recent Florida black bear hunt.

Ms. Aymee Laurain addressed the Commission with opposition to the recent Florida black bear hunt.

Ms. Karen Johnson addressed the Commission regarding the recent Florida black bear hunt.

Commissioner Exchange

Commissioner Rivard thanked Chairman Yablonski and Commissioner Roberts for hosting a wonderful meeting.

Commissioner Spottswood thanked Executive Director Wiley, FWC staff, and Commissioners for the effort and work put into these meetings and the information provided to each Commissioner on issues that come up. He thanked Ms. Fauls for getting the confirmation process completed.

Commissioner Roberts thanked staff for always providing the information to make the decisions on the topics. He appreciated the public comment on items. He noted the level of professionalism is high for this Commission.

Commissioner Hanas thanked staff for the thoroughness of providing information and preparation. He thanked Ms. Wright for the time and attention spent on briefing him to get him up to speed on the issues. He thanked Ms. Fauls for all of her hard work related to legislative issues.

Vice Chairman Priddy echoed Commissioner Roberts' comments. She noted that being a Commissioner is challenging as it takes not only the information in the notebooks, but the information from public comment and other experiences that are presented to make the best decision. She asked that those who participate in future meetings prepare themselves and review all the information involved with decisions.

Chairman Yablonski thanked the FWC regional staff and those involved in managing the meeting. He thanked the communications team and the Public Safety Institute team. He thanked Commissioner Spottswood for his comments on the red snapper topic about making a fair balanced opportunity for the different user groups. He noted that FWC has the best staff and biologists in the country.

Commission Administrative Matters

The next regularly scheduled Commission meeting is set for April 13 – 14, 2016 in Jupiter, Florida, commencing at 8:30 a.m. each day.

Adjournment

Chairman Yablonski adjourned the meeting at 12:41 p.m.

Brian Yablonski
Chairman

Nick Wiley
Executive Director

Respectfully submitted:

Lisa Zullo
Commission Assistant