



Florida Fish and Wildlife Conservation Commission

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Commission Meeting
April 25 – 26, 2018
Fort Lauderdale, 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 April 25 – 26, 2018, at the Marriott Fort Lauderdale North located at 6650 North Andrews Avenue, Fort Lauderdale. Vice Chairman Robert Spottswood called the meeting to order with the following members in attendance:

Michael Sole, Tequesta	Gary Lester, Oxford
Sonya Rood, St. Augustine	Gary Nicklaus, Jupiter
Joshua Kellam, Palm Beach Gardens	Adrien “Bo” Rivard, Panama City (day 2 only)

Senior and Presenting Staff:

Eric Sutton	Executive Director
Thomas Eason	Assistant Executive Director
Bud Vielhauer	General Counsel
Thomas Graef	Director, Southwest Region
Shannon Wright	Director, Northeast Region
Chris Wynn	Director, North Central Region
Dr. Tom Reinert	Director, South Region
George Warthen	Director, Northwest Region
Curtis Brown	Director, Division of Law Enforcement
Morgan Richardson	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
Kipp Frohlich	Interim Director, Division of Habitat and Species Conservation
Jessica Crawford	Director, Office of Legislative Affairs
Charlotte Jerrett	Chief Financial Officer
Martha Guyas	Division of Marine Fisheries Management
Krista Shipley	Division of Marine Fisheries Management

There were 97 individuals registered to speak to the Commission during the two-day meeting.

Meeting Opening

Vice Chairman Spottswood called the April 25 – 26, 2018, meeting to order at 8:30 a.m.

Invocation and Pledge of Allegiance to the Flag

Mr. Tom Champeau, Director of the Division of Freshwater Fisheries Management, gave the invocation, followed by the Pledge of Allegiance led by Vice Chairman Spottswood.

Adoption of Minutes

Upon a motion by Commissioner Sole, seconded by Commissioner Kellam and carried, the February 2018 minutes were approved as written.

Adoption of Meeting Agenda

Upon a motion by Commissioner Kellam, seconded by Commissioner Rood and carried, the April 2018 meeting agenda was approved.

Approval of Consent Agenda

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

Executive Directors Report

Executive Director Sutton highlighted the following topics:

- Special Recognition of Filet for Friends non-profit organization.
- Lionfish Awareness Event taking place in May.
- Post Irma Trap Cleanup efforts.
- 11th Annual Outdoor Experience at the Beau Turner Youth Conservation Center.
- Officer David Brady case closure.
- Introduction of Morgan Richardson and George Warthen, employees recently promoted to leadership roles at FWC.
- Donation of funds from Shimano accepted by Commissioner Lester at a recent event.

Vice Chairman Spottswood thanked the individuals who attended the meeting related to the Filet for Friends item. He invited Mr. Bill Kelly to address the Commission.

Mr. Kelly highlighted the amazing efforts of the youth involved in the Filet for Friends program. He presented the CEO of the organization with a plaque for their efforts associated with this program.

Awards and Recognition

FWC Partnership with Phi Beta Sigma

Mr. Champeau introduced this topic and invited Dr. Phillip Harris, Southern Regional Director with Phi Beta Sigma, to address the Commission.

Dr. Harris addressed the Commission and provided background information on the partnership efforts of Phi Beta Sigma along with FWC to increase diversity in awareness of conservation and fish and wildlife in Florida. He noted a partnership with the U.S. Fish and Wildlife Service that began this effort. Finally, he noted a recent event held in cooperation with FWC for young club members to experience fish and wildlife and learn more about conservation.

Vice Chairman Spottswood asked Dr. Harris about the number of youth who have been involved in this program.

Dr. Harris responded that approximately 500 youth have come through the program here in Florida.

Commissioner Kellam commented that youth involvement is very important in raising the next generation that cares about conservation and fish and wildlife in the State of Florida.

Executive Director Sutton noted that part of the agency Strategic Initiatives is focused on diversity and this item highlights an area that is important to improve across the state.

Guy Harvey Award

Mr. Andy Walker, CEO of the Fish and Wildlife Foundation of Florida, presented the Guy Harvey Award to Investigator Kyle Patterson.

Investigator Patterson thanked the Commission.

BREAK

Staff Report- Sharks

Ms. Jessica McCawley, Director of the Division of Marine Fisheries Management, presented information on topics related to sharks, with an emphasis on recent public concern related to shore-based shark fishing.

Commissioner Sole thanked staff for the presentation on this item because of the interest by stakeholders throughout Florida. He asked for clarification on bringing certain species of sharks onto the beach caused a higher chance of mortality. He also asked about the potential confusion about what is legal under the rules compared to what is recommended under the Shark Smart Guidelines.

Ms. McCawley confirmed that certain species are more susceptible to mortality when landed and brought on shore.

Commissioner Kellam asked about the types of licenses required for shore-based fishing.

Ms. McCawley noted there are certain license exemptions for shore-based fishing.

Commissioner Nicklaus asked about whether the HMS permit is required for shore-based fishing.

Ms. McCawley responded that the HMS permit is required when fishing for sharks in federal waters.

Commissioner Kellam asked if the shore-based shark fishermen are specifically targeting sharks and not another type of fish.

Ms. McCawley agreed that shore-based shark fishermen are specifically trying to catch sharks.

Commissioner Nicklaus asked about shark feeding while diving and potential options for separate areas approved for shark feeding.

Ms. McCawley responded that divers feeding sharks in state waters is prohibited but allowed in federal waters. She also advised that the federal government would need to be the lead on any changes to restrict shark feeding in federal waters. She also noted that the Magnuson Act would have to be amended in order to do so.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Jim Simmons, Mayor of the Town of Melbourne Beach, addressed the Commission with a request for further restrictions on shore-based shark fishing because of the dangers it causes among user groups using the beaches. He requested the Commission prohibit chumming within 600 yards of the shore and establish designated shark

fishing areas outside of municipalities and post signs informing the public that shark fishing is allowed in that area.

Ms. Jessica Veatch addressed the Commission regarding her experience of her 3-year old daughter being bitten by a shark on a Florida beach.

Mr. Patrick Cuvier addressed the Commission on his opposition to land-based shark fishing and the activity of chumming sharks at night.

Ms. DD Halpern addressed the Commission with a request to protect sharks of all species from shore-based shark fishing. She thanked Commissioner Sole and staff for their efforts in creating the Shark fishing guidelines, but suggested that shore-based shark fishing and other uses of the beach area are in conflict with each other. She asked that the Commission work to make different zones for shark fishing and swimming.

Ms. Lieghann Fischer addressed the Commission regarding the lack of enforcement for those who are conducting illegal activity in conjunction with shore-based shark fishing.

Mr. Tom Ingram, President and CEO of Diving Equipment and Marketing Association (DEMA), addressed the Commission. He noted the cooperation from DEMA on topics such as lionfish removal. He also added concern that a small group of fishermen in Florida illegally land protected sharks with methods that create unsafe conditions for other beach users in the area. He requested the Commission consider stronger enforcement of these activities, including the adoption of regulations which restrict shore-based fishing for sharks on public bathing beaches.

Mr. Jim Abernathy with WildlifeVOICE and owner/operator of Jim Abernathy Scuba Adventures addressed the Commission. He noted Palm Beach County is the best location in Florida for shark diving. He noted concern for sharks which are landed from shore-based fishing and the fact that great hammerheads cannot survive following the fight and being landed. He requested the Commission protect the species that need this type of protection while also providing for public safety by banning shore-based shark fishing on public beaches.

Ms. Jana Offner with Sea Shepherd Conservation Society addressed the Commission. She noted her experience of being routed to different law enforcement entities when reporting concern over shore-based shark fishing. She requested a prohibition on targeting of large sharks by tournaments and other restrictions on shore-based shark fishing.

Mr. Dave Wiggins addressed the Commission with a request to end shore-based fishing for sharks.

Ms. Sherry Wilson addressed the Commission with concerns over the lack of enforcement on this issue. She requested additional action on enforcement based on her request for information on any citations or warnings which were issued by FWC for 68B-2.002, FAC, over the last 8 years which returned no responsive records.

Mr. Tony Grogan owner/administrator of Spearboard addressed the Commission. He requested the Commission work with individuals who post negative pictures on social media with species that are prohibited from harvest to remove those images. He suggested that there may be an option for measuring sharks with lasers instead of having to measure with tape measures. He commented on a study he has sponsored through a student at Jacksonville University to review the stress levels of sharks landed by shore-based fishing. He noted support for shark feeding in federal waters and commented that he doesn't see the concerns for this type of activity interrupting the migratory patterns of these species. Finally, he noted his interest in improving the science.

Mr. Bob Harris representing DEMA addressed the Commission in opposition to shore-based shark fishing and requested the Commission enforce the rules currently in place to protect sharks.

Mr. Steve English addressed the Commission with thanks for actions over the past few decades which have allowed these species to recover; however, Mr. English reported that they have recovered to a level which has created more conflicts with commercial fishermen. He requested that someone from the commercial fishing industry work with staff on shark issues in general.

Ms. Kellie Ralston with the American Sportfishing Association addressed the Commission in support of efforts to encourage responsible angling activities. She noted the need to improve the interaction between the different user groups on this issue.

Mr. Kent Bonde addressed the Commission with a question of why the Commission would pass laws that are not enforced. He noted concern that the agency is not addressing tournaments for the catch and release efforts put on these species.

Mr. Paul Shea addressed the Commission and shared his experience recently with young fishermen who were targeting sharks from shore. He requested the Commission allow the local municipalities to have some sort of regulations or ability to monitor these activities and provide restrictions to ensure the safety of beach users and anglers.

Commission Discussion

Executive Director Sutton provided information on the agency response over the last few years. He indicated that Florida is a leader in shark conservation based on previous actions by the Commission. He added that staff is aware of the issue and agree that it is important to discuss it which is why it was brought up as an item at this meeting. He also indicated that Law Enforcement will evaluate how to increase efforts and better enforce these issues.

Commissioner Kellam noted the need to do something at this point based on the concerns from the stakeholders who request the enforcement for public safety reasons. He suggested the level of accountability is lacking and offered an idea to potentially come up with a specific license for these shore-based fishermen which requires training and an agreement that people will abide by the restrictions for pursuing this type of activity. He requested to work more with the Marine Fisheries Management staff on this issue.

Commissioner Rood agreed with the comments from Commissioner Kellam.

Commissioner Nicklaus noted the great job that FWC has done in the recovery of sharks throughout Florida.

Commissioner Sole noted that there are only 2 endangered or threatened species of sharks in Florida Waters. He stated that he feels there is a need for rulemaking action, including public workshops. He asked staff to workshop ideas such as specific permits for shore-based shark fishing, ideas in dealing with gear, and ambiguity in the rule language.

Commissioner Kellam noted that he had an opportunity to ride along with local FWC Law Enforcement in his local area and can attest to Law Enforcement personnel's care for Florida's fish and wildlife assets and that they do everything they can to ensure the safety of the public.

Commissioner Sole recommended staff move forward with the rulemaking process which was supported by consensus from the Commission.

Item Requiring Action – Draft Rule: Proposed Changes to Select Alligator Rules

Mr. Harry Dutton with the Division of Hunting and Game Management presented proposed draft amendments for select alligator rules.

Commissioner Sole asked about the timeline for adopting the rule if there are minor tweaks to the rule today.

Mr. Vielhauer, General Counsel, responded that significant changes would require a delay in filing the rule.

Commissioner Kellam asked about the potential to collect eggs on Stormwater Treatment Areas (STA's) which are managed by Water Management Districts. He also asked about the cost of operating the program and the designation by the Legislature of \$5 per egg fee.

Mr. Dutton responded that the Water Management Districts have been involved in the conversations of this potential to collect on STA's, if the egg resources are available. It would require permission from the specific Water Management District.

Mr. Sole commented that he was able to gather additional information on the costs of the program sustaining itself.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Bill George addressed the Commission and noted that changes to this program are long overdue.

Mr. Newton Cook, President of the United Waterfowlers of Florida, Member of the South Florida Water Management District WRAC and the member of the FWC Deer Technical Assistant Group and Waterfowl Permitting Technical Assistant Group, addressed the Commission. He noted support for staff recommendation and the idea of reviewing the program in the future for potentially more opportunities.

Mr. Curt Harbsmeier, Co-chair of legal affairs on the steering committee of the IUCN Crocodile Specialist Group, addressed the Commission in support of staff recommendation. He thanked staff for their efforts on this topic.

Mr. Barrett Chandley addressed the Commission with concern of the lack of sightings of small alligators on the south side of Lake Kissimmee. He noted that the percentage of take for eggs on public waters is 100%, whereas the percentage of take for eggs on private waters is limited to 50%. He requested the Commission be opposed to anything above 50% harvest on public waters.

Mr. Ben Heilman addressed the Commission echoing the comments of Mr. Chandley.

Mr. Andy Denton addressed the Commission with additional comments of fewer small alligators in the waters of Lake Kissimmee. He agreed with the previous comment that the take of 100% of the alligator egg collection is having a detriment on the species.

Mr. Byron Maharrey addressed the Commission and welcomed the new Commissioners and staff. He provided his perspective on the lack of alligator sightings on the west side of Lake Kissimmee. He requested the Commission reduce the percentage of eggs that are allowed to be collected as a part of this program.

Mr. Jon Ackerly addressed the Commission in support of staff recommendation with thanks to staff for their hard work on this topic.

Mr. Nathan Wall addressed the Commission with concern that the proposal by staff causes the current permitted farms to lose opportunity and money which these businesses have invested millions of dollars. He suggested adding additional egg collection lands to assist in providing the opportunities not to impact what the current permitted farmers are allowed.

Mr. Bishop Wright representing the Florida Airboat Association addressed the Commission in support of staff proposal with the idea that there are areas for more improvements in the future.

Mr. Allen Register addressed the Commission regarding the process for collection of eggs on public waters and explained that there is no possible way to collect 100% of the alligator nests on an area. He works as the egg collection coordinator for the permitted farmers in this program. He agreed to work with the stakeholders who commented on the decrease in alligator sightings to limit the collection of eggs in the areas where these operators are taking their tour boats. He added support of the proposal.

Mr. Mark Glass addressed the Commission in support of staff efforts to bring all the varying stakeholders together to discuss these changes and bring forward a proposal that works for a majority of the group. He added support for this and requested the Commission not make any additional tweaks today.

Mr. Glen Grizzaffe addressed the Commission in support of staff proposal. He requested the Commission move forward with researching other areas that have the capacity to allow egg collection that currently do not.

Mr. Kenneth Wainwright addressed the Commission with disappointment of where the current proposal is because of the impact to those businesses that have invested millions of dollars in this opportunity. He noted concern for the changes in the draft rule presented today compared to the ideas which were presented at the previous meetings.

Commission Discussion

Commissioner Rood asked if other states allow transport of eggs over state lines. She asked if the program will allow the new permittees to this program will be allowed to transport the eggs across the lines and then sell them.

Mr. Dutton responded that other states do allow transport. He noted that Louisiana does not allow the export of alligator eggs. He responded that the main concern for the agency was that our legal office has advised us that promulgation of a FWC rule prohibiting the export of alligator eggs from Florida would violate the Commerce Clause of the U.S. Constitution.

Commissioner Kellam asked if there is 100% collection on state waters. He asked about the effects of environmental impacts on alligator populations.

Mr. Dutton noted that one of the issues is the terminology being used by staff which is an area that will change from now on. We are not collecting 100% of the alligator nests on any area. The reality is that the percentage is somewhere between 50 and 75% because not all alligator nests are located even by the best observers and ground crews cannot get to all the nests observed.

Commissioner Sole asked staff to consider the percentages of collection and agreed that collaboration with the egg collectors and those who are seeing some issues with alligator numbers on Lake Kissimmee is important moving forward. He commented that a lot of good work had been done on this issue.

Executive Director Sutton commented that staff will work on the issue of concern regarding transport of eggs across state lines.

Commission Action

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

LUNCH BREAK

Staff Reports

Everglades Overview

Mr. Champeau, along with Mr. James Erskine, FWC Everglades Coordinator, Mr. Gil McRae, Director of the Fish and Wildlife Research Institute, Mr. Ernie Marks, Executive Director of the South Florida Water

Management District, and Lieutenant Colonel Jennifer Reynolds, U.S. Army Corps of Engineers Deputy District Commander for South Florida, presented information on the Everglades system.

Commissioner Discussion

Commissioner Kellam thanked everyone on the panel for their participation in today's discussion. He added appreciation of the coordinated effort from South Florida Water Management District on these very important projects. He asked Mr. Erskine to speak towards the ability to allow more water into the Holey Land Wildlife Management Area.

Mr. Erskine responded that the WMA's in the area are unique because they are part of the Comprehensive Everglades Restoration Plan, located in the Everglades Agricultural Area and acknowledged as part of the Everglades and rich in flora and fauna. FWC is currently working with partners to maintain the draft regulation schedule for Holey Land WMA related to water management. These areas are important for wildlife and the Rotenberger WMA has been a hotspot for Everglade snail kite nesting this year.

Vice Chairman Spottswood asked LTC Reynolds for the perspective on how things are moving forward and if there are suggestions on how to improve cooperation with the Corps.

LTC Reynolds thanked the Commission for the invitation to participate today. She offered to participate in future discussions on this topic because cooperation between the agencies and the public is vital to improving the flow of water throughout the Everglades. She commented that the Corps values the participation and input of other agencies and the public and the Corps role is to gather the appropriate information in a public forum. The Corps knows a lot about engineering and water management but they certainly don't know everything and that's why input is so important.

Commissioner Sole noted that much of the work of the Corps is driven by the Integrated Delivery Schedule (IDS). He asked if the latest IDS is from 2016. He noted that each of the projects is important to different aspects of projects and subprojects. He asked how budgetary constraints restrict these projects and how can state agencies work better to communicate with elected officials on the importance of budgetary appropriations for these projects. Is there a coordinated way to move forward with these types of discussions with Legislative delegates that will help accelerate things?

LTC Reynolds noted that there is an update in being developed with the numbers from the current budget, but it is still in DRAFT version which will be presented at future Working Group meetings and submitted to the Task Force for review and approval. She noted that there certainly isn't enough funding to complete all of the projects that are necessary. Working with partner agencies to ensure there is better alignment on project priorities and focusing on those for the federal investment is the best way to move things forward as quickly as possible.

Commissioner Kellam asked LTC Reynolds about the most recent funding associated with flood control projects.

LTC Reynolds responded that federal investments and funding are a bit confusing under the President's budget and continuing resolutions. Under a continuing resolution funding comes later in the year and that can cause some delays in how projects are implemented. Another way that funding can be assigned to these types of projects is through the work plan. She noted that she does anticipate some funding being assigned through the work plan. There is a portion of money that is coming to the Corps as Supplemental Funding, in the value of 10 billion dollars to execute projects associated with natural disasters. Some will come to Florida for projects impacted directly from hurricanes, expediting projects that will make areas more resilient to storm impacts.

Commissioner Sole noted there are still so many choke points that restrict the flow of water through the entire system. He suggested that the opportunity is real to focus and prioritize the flood control mission for moving things forward.

Mr. Marks thanked the Commission for all of their efforts, including those by former Commissioner Bergeron over the past several years which have assisted in speeding up projects already. Mr. Marks commented that it's important to be aligned in objectives, and all singing off the same sheet of music. The partner agencies involved are all aware that the longer these projects take to complete, the more expensive things are to complete. He noted the importance of presenting these projects in a way that resonates with the specific audience.

Commissioner Kellam asked what the specific role of FWC is, and identified species management issues and flooding of the tree islands as major obstacles. He asked if FWC should engage any better or differently, and what kind of action can FWC take to potentially alleviate some of the roadblocks to help the process.

Mr. Marks responded that continuing to focus on the priorities and continuing to keep pressure on agencies and stakeholders for seeing the projects come to completion with as little deviation from those priorities as possible. He added that a lot comes down to relationships of the agency and Commissioners at the state and federal levels.

Executive Director Sutton noted the changes in many of the coordinating agencies over the last 10 years. Getting the partnerships developed with the right set of leadership from all of the different organizations is a big part of the success recently.

Vice Chairman Spottswood asked if the US Army Corps of Engineers would be able to coordinate with agencies on a level of analyzing potential projects and what resources or hurdles might be in place.

LTC Reynolds said she thinks we can move faster if we had more funding and her organization would be willing and able to coordinate and have discussions on this type of solution driven management. She added that the most important projects for this system as a whole are currently slated to be completed next but the missing part is the CEPP construction start.

Commissioner Sole asked if we have reimbursable authority. He asked if the IDS drives the timelines of funding.

Mr. Marks noted there are agreements on all of the projects through the SFWMD. Currently there is a 16 million-dollar shortfall on operational funding. Looking out to future years, there is a slight reduction, but still a shortfall in funding. Having the adequate funding is the best way to move projects forward quickly.

LTC Reynolds responded that there is always an opportunity to clarify the problem and identify the solution and communicate it with clarity so people can rally around a solution.

Mr. Marks responded that with enough money, many projects could be completed.

Former Commissioner "Alligator" Ron Bergeron addressed the Commission. He congratulated the new Commissioners for their appointments to this important position. He thanked the stakeholders and citizens of Florida for their interest in Conservation. He noted the importance of achieving restoration of the Everglades system. He suggested the priorities should be those projects that have the ability to stop the most irreversible negative effects on the habitat, wildlife and human safety. He noted mod waters is the most important project from his perspective. He thanked staff for all of their efforts on this topic.

Vice Chairman Spottswood thanked Mr. Bergeron for his service to the agency.

Vice Chairman Spottswood introduced two representatives from State Representative Kristin Jacobs' Office, representing Broward County.

Executive Director Sutton recognized Mr. Ernie Barnett from the Land Council as a partner and friend.

Commissioner Rood asked if the water levels are currently low. She asked if there are any dangers to wildlife.

Mr. Marks responded that there are normal low levels during this time, and that he had received a notice of closure for WCA-3. He noted we were in a very dry period.

Mr. Erskine responded that the agency uses specific criteria to determine low-water levels in the Everglades and Francis Taylor WMA as a conservation measure to protect against dangerous muck fires. When we have a closure, water levels are 1-ft below the surface and that level is associated with damaging muck fires.

Commissioner Sole asked if there was some delay in the closure because of the gauge being stuck. He also asked if the closures of WCA-3 have been both for high and low water in relatively close timelines. He indicated that time is of the essence in completing the project because the fluctuations are causing impacts.

Mr. Erskine responded that the areas were closed and prior to closure there was a 105-acre vehicle-ignited wildfire that was extinguished by rainfall. He confirmed the statement by Commissioner Sole, and added that the last 2 years have had an unusual cycle of high and low water closures.

Commissioner Kellam thanked former Commissioner Bergeron for his discussion on the Everglades topic today. He asked Mr. Marks to provide additional information on Appendix A.

Mr. Marks gave more detail on the history of the Everglades and Appendix A which is an appendix to a settlement agreement that occurred in 1998. Out of that lawsuit, the settlement agreement said the state must undertake certain measures and that the measures will be for compliance with water quality in the Everglades. The settlement agreement and Appendix A stays in place until resolved, and that takes an agreement with our federal partners. We have restoration strategies, expanded storm water treatment areas, CEPP, which are all identified remedies in which we believe will get us there. SFWMD believes there has been a lot learned in 20 years and that the agreement should be revisited.

Commissioner Nicklaus noted his take away from this presentation is the need for money from the federal government for completing these projects. He suggested that he didn't hear any concerns about drinking water and potentially the impact from additional population growth. He asked Mr. Marks to provide information on saltwater intrusion and where the aquifer gets replenished.

Mr. Marks responded that the importance of drinking water to communities and economies and how Everglades Restoration projects impact the projections of water availability. Water throughout the WCA's recharges our aquifers and wells. Assuring we have clean water is important for our communities, schools and businesses.

Mr. McRae commented on the impacts to fish and wildlife in the Everglades, and how the extreme highs and lows effect the whole system. The change of water flow impacts under high water conditions effects species and habitats including oysters which are essential to estuary habitats. The Everglades exists because Lake Okeechobee exists and reconnecting the lake is important.

Vice Chairman Spottswood thanked everyone on the panel for the presentation today. He thanked Governor Scott for the support of the projects associated with the Everglades. He noted the support by leadership at all levels which will help expedite projects that will have the biggest positive impact as possible. He asked to continue discussions on the Everglades at future meetings so the Commission can help facilitate the resources we need. He would like to keep this on the front burner and in front of the Commission. He commented that he spoke with Superintendent Ramos and that we value his help and appreciate his support.

Commissioner Kellam asked Mr. Marks to deliver the message back to the SFWMD Board that leadership at FWC will be coordinating with the District and wants staff to work together to help move the conversation forward.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Newton Cook addressed the Commission with thanks to Commissioner Bergeron for all of his work on Everglades restoration.

Ms. Kellie Ralston addressed the Commission with thanks for scheduling the discussion on Everglades. She noted the great partnership effort with all of the entities involved in this.

Mr. Byron Maharrey addressed the Commission with questions about the federal cost share for the Central Everglades Restoration Project. He added that he hopes the U.S. Army Corps of Engineers will allow the current leadership to remain in those positions as they are just starting to get all of the details sorted out with all of the partnerships associated with Everglades restoration.

Mr. Bishop Wright addressed the Commission with appreciation for the presentation on this topic. He requested the Commission monitor the water levels for Lake Okeechobee to ensure impacts to wildlife is minimized.

Mr. Mike Elfenbein addressed the Commission regarding public access associated with the Everglades. He requested the Commission coordinate with the partner agencies to ensure public access is still an important aspect of the equation.

Mr. Matt Garske addressed the Commission with thanks for the energy from the Commissioners on this topic. He recommended that the Commission work to help identify priorities related to projects to ensure the correct actions are being taken to move important projects forward.

Mr. John Rosier President of the Everglades Coordinating Council and Fulltrack Club addressed the Commission. He requested the Commission create a position paper to ensure all partner agencies understand that flooding Holey Land and Rotenburger WMA's are not an option. He requested the FWC staff communicate plans of activity on the areas so stakeholders are aware of what is going on.

Ms. Caroline McLaughlin representing the National Parks Conservation Association addressed the Commission with thanks for this panel discussion. She noted that Everglades restoration has an impact on so many different aspects of South Florida.

Proposals to address the threat of injurious species

Mr. Kipp Frohlich, Interim Director of the Division of Habitat and Species Conservation, presented information on how a change in interpretation of the Lacey Act affects interstate transport of invasive species and introduces a new threat of species on the Injurious Wildlife List being imported into Florida.

Commissioner Sole asked for clarification of the staff recommendation to implement a temporary executive order, specifically if it included an outright prohibition on importing species on the federal injurious wildlife list.

Mr. Frohlich responded that the intent is to devise an executive order that allows for a process to apply for an exception. It is not an outright prohibition, but includes flexibility to allow for exceptions.

Executive Director Sutton stated that prior to taking any action, staff wants to have an open conversation with stakeholders on all sides of this issue. He added that FWC has built program structures around the federal rule that was in place for a long time, which left vulnerabilities when it was changed. FWC requests to work through the Chairman and have conversations with all stakeholders moving forward, taking action only after all concerns have been discussed.

Vice Chairman Spottswood made note of two individuals who just arrived at the meeting and invited them to address the Commission.

Mr. Beam Furr, Mayor of Broward County, thanked the Commission for the work being done on the Everglades. He commented on coral reefs and requested approval by the Commission to provide a presentation on this topic at the June 2018 Commission meeting.

Executive Director Sutton suggested that Mr. McRae coordinate with Mayor Furr on this topic.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Curt Harbsmeier addressed the Commission with concerns of moving forward with an executive order because there are safeguards in place for animals entering Florida already.

Mr. Eugene Bessette addressed the Commission regarding the many decades of work from the reptile industry in working with the Commission to address issues.

Mr. Mike Elfenbein addressed the Commission regarding the potential impacts that injurious species could have on native species in Florida. He added that the federal laws and rules didn't necessarily work in the past, and therefore, he couldn't support FWC making more laws and rules. Instead, he requested the federal government provide public access to federal lands where injurious species may live and potentially be procreating in an attempt to remove them.

Mr. Terry Cullen, senior member of the IUCN for the Crocodile Specialist Group, addressed the Commission. He spoke from the perspective of conservation instead of industry. He suggested that education not legislation is the key to conservation success.

Ms. Kate McFall addressed the Commission supporting staff recommendation and further recommended heavy regulation of invasive reptile species.

Mr. Joshua Jones with the Pet Industry Joint Advisory Council addressed the Commission in agreement with staff recommendations, however he requested additional stakeholder input before moving forward.

Mr. Marcus Cantos with the Florida Reptile Industry addressed the Commission and respectfully requested to be a part of any decisions moving forward and asked that staff readdress their recommendation with a Technical Advisory Group meeting.

Mr. Michael Cole addressed the Commission requesting they not make a decision today and wait until staff sit down with industry leaders and come up with regulations only if they are needed.

Mr. Phil Goss President of U.S. ARC addressed the Commission with a request not to move forward with an executive order.

Mr. Tylan Dean with Everglades National Park addressed the Commission in support of staff recommendation.

Mr. Paul Gray with Audubon Florida addressed the Commission in support of staff recommendation.

Mr. Rian Gittman addressed the Commission in opposition to staff proposal.

Mr. Byron Maharrey addressed the Commission in support of staff recommendation.

Commissioner Discussion

Executive Director Sutton noted the importance of continuing the dialogue with stakeholders on this issue. He added that Florida has unique risks related to invasive species. Also, he commented that there may be some

miscommunication on this topic. The discussion emphasized the need to take action but not until proper coordination with stakeholders is completed.

Commissioner Nicklaus asked for additional clarification from staff on what protections are no longer in place and what the change in the Lacey act actually affects. He asked stakeholders to work with staff to determine the proper course of action.

Commissioner Kellam agreed with the comments of Executive Director Sutton in working to make sure the stakeholders have the opportunity to work toward a solution that meets the needs of the protections for the state of Florida without impeding on businesses. He noted the stakeholders present at the meeting are most likely doing it right, however, there are others out there abusing the laws and regulations. He added that this is something that will require a bit more time to make sure it is done right. Balancing the livelihood of people with protecting our environment is important. He noted support for Executive Director Sutton's recommendation to take additional time to work with stakeholders.

Vice Chairman Spottswood asked for clarification on the change since the Lacey Act was re-interpreted, specifically related to bringing species across state lines.

Mr. Frohlich confirmed that the change in interpretation now allows the transport of species across state lines that were previously prohibited. He clarified that the U.S. Fish and Wildlife Service previously issued federal permits for exceptions, but it is a lengthy process and was rare. He also stated that any changes the Commission looks at making now would not restrict export of invasive or injurious species, only the importation of these species.

Commissioner Sole asked for clarity on whether someone who wants to import something on the injurious species list is required to seek a permit with FWC.

Mr. Frohlich responded that seeking a permit from FWC is required for importation.

Commissioner Sole continued to clarify that for those that are complying, there is a clear pathway to a permit. He asked if FWC has the ability to reject permits. He also asked if there is a risk that someone complies with the permit process, and FWC cannot reject the request for a permit.

Mr. Frohlich responded that the rules are currently written that a permit is granted once applied for. He added that any future rules or executive orders could have criteria built into them, but the way it is evaluated right now, it is a permit that is granted once applied for.

Commissioner Sole asked if someone would be approved for the permit for importation of a species even if it was on the injurious list and noted that would be a weakness in the current process.

Mr. Frohlich responded that it is the current process to approve any application.

Commissioner Lester noted concern for the risks of allowing these species into the state of Florida. He commented that he is inclined to move forward with staff recommendation.

Commissioner Sole admitted that he sees a hole in protections for the state of Florida since the re-interpretation of the Lacey Act. He also noted that he is worried that the agency is taking too aggressive of an approach without considering the ramifications of the actions and potential interference with businesses. He asked the Executive Director to continue work on this issue and bring an Executive Order that addresses concerns to not overreach unintentionally.

Vice Chairman Spottswood asked if the proposed Executive Order would only put in place the restrictions that were in place with the prior interpretation of the Lacey Act.

Mr. Frohlich replied that the proposed Executive Order does not place additional burdens on stakeholders, and is slightly less burdensome because under the previous federal interpretation, injurious species could not enter or leave the state, and this would only affect those species entering the state.

Vice Chairman Spottswood asked what the additional restrictions are that the industry stakeholders are referencing.

Mr. Frohlich commented that he does not want to speak for the industry because they are the experts in their field of business. He did note that FWC has issued 6 state permits for injurious species in 2018, which is an increase in applications. Also, as Commissioner Sole pointed out, FWC has a system that tracks permits when they are issued. In order to understand the burdens which stakeholders are claiming, he stated staff would need to meet with the stakeholders to have additional discussions on this topic. Finally, he commented that FWC is only trying to stop the importation of certain species that are not currently prohibited or conditional.

Commissioner Kellam asked for clarification on the number of permits applied for that would be affected by this action.

Mr. Frohlich responded that no previously issued permits would be affected and clarified the intent of the Executive Order is to set up criteria to evaluate permit requests. For example, some of the 6 permits issued in 2018 might have met the criteria while some might not have depending on the risk of the animal and the application. He added that FWC has not developed the criteria yet.

Commissioner Kellam asked if an Executive Order is needed before meeting with stakeholders to develop criteria.

Executive Director Sutton replied with responses to several questions raised by Commissioners. He thanked Commissioner Lester for his comments on the sense of urgency, but noted that there are a lot of questions without clarity at this time. He suggested that there is additional work to do on this topic before calling the question for consideration of staff recommendation. He noted that there is risk in delaying a decision because someone could apply for a permit and bring in 1000 yellow anacondas. Therefore, he asked the Commission for approval to monitor the permit application process and work with the Chairman to establish an Executive Order if there is something egregious that comes through.

Commissioner Lester responded that this course of action would address his concern related to risk to the state of Florida.

Commissioner Spottswood noted a consensus from the Commission that Executive Director Sutton's proposal is a good way to move forward. He added that FWC is looking to avoid adding additional restrictions or regulations, but at the same time, the agency can't sit back and allow injurious species to enter the state at a level more than what was occurring before the change in the interpretation of this Act. The Commission wants to make sure sufficient laws are in place, and the Executive Director would like some time to meet with stakeholders on this issue and make sure they are appropriate. If they need to be adjusted, the Commission has the authority to do that. Finally, he stated that the Commission does not need to vote on this topic today because they have given the Executive Director the ability to sign the Executive Order as soon as he and the Chairman see that it is necessary.

Mr. Frohlich thanked the Commission for the direction and stated that he looks forward to working with partners and stakeholders on this issue.

Legislative and Budget Report

Ms. Charlotte Jerrett, Chief Financial Officer, along with Ms. Jessica Crawford, Legislative Affairs Director, presented a legislative and budget report.

Public Comment

The following individuals addressed the Commission on this agenda item:

Ms. Bonnie Basham with Boat US addressed the Commission with thanks to the FWC lobbying staff for all their hard work.

Public Comment on Items not on the Agenda

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

Mr. Bill George addressed the Commission regarding STA duck hunting. He also requested the Commission support a limited harvest of goliath grouper as he will not be present at the meeting when that item is discussed.

Ms. Stacilee Sherwood addressed the Commission regarding sea turtles and the lack of protection against light impacts to this species. She also asked for information on the status of the shark dragging case from July 2017.

Mr. Newton Cook addressed the Commission regarding Storm Water Treatment Area (STA) hunting.

Mr. Gene Evans addressed the Commission with a request for production of largemouth bass for food consumption.

Mr. Byron Maharrey addressed the Commission with a request for adding public comment on items not on the agenda to both days of the meeting. Since he will not be in attendance tomorrow, he provided his support for a goliath grouper limited harvest. He noted that he sees more goliath in the Keys compared to other grouper.

Mr. Bishop Wright addressed the Commission with thanks to the Boating and Waterways staff for a step in the right direction for a bill related to airboats. He also noted that this upcoming Saturday, the Florida Airboat Association is working with volunteers to remove an abandoned structure out of the Everglades. He invited the Commissioners if they are interested.

Mr. Mike Elfenbein addressed the Commission regarding Florida Panthers. He asked the Commission to direct staff to work with the Panther Recovery Implementation Team (PRIT) to relocate injured panthers where they have a better opportunity of staying in natural habitat instead of returning them to areas where they repeatedly get injured by cars.

Mr. Christopher Nicolaus, President of Everglades Conservation and Memorial Cleanup, addressed the Commission. He requested assistance from the FWC for a dumpster rental to assist in the volunteer effort.

Commissioner Kellam asked for more information and offered to assist with a dumpster for this next clean-up effort.

Mr. Joe Douglas addressed the Commission regarding Florida Black bears.

Ms. Kimberlee Norton addressed the Commission regarding the Florida Black bear. Her concern is that the Florida Black bear is still included on the game species list and was advised by staff that there are no plans to make changes to that list until the Commission receives an update on that species.

Ms. Caroline McLaughlin with the National Parks Conservation Association addressed the Commission regarding the Biscayne National Park Fisheries Management Plan. She asked as this process moves forward that the science is released publicly and that opportunities for public input continue.

Mr. Peter Koralewicz addressed the Commission regarding STA hunting.

Mr. Chuck O'Neal, representing Speak Up Wekiva, Inc, addressed the Commission regarding Split Oak Wildlife Environmental Area (WEA) and Bear Management.

Mr. Todd Hallman with the Florida Sportsman's Conservation Association addressed the Commission. He invited the Commissioners to participate in several upcoming events happening in the South Region over the next few months.

Mr. Bill Kelly with the Florida Keys Commercial Fishermen's Association addressed the Commission regarding lionfish.

Vice Chairman Spottswood asked Executive Director Sutton to coordinate with staff to work on this subject.

Ms. Katrina Shadix addressed the Commission. She asked the Commission to increase protections for the native fish, wildlife and habitat throughout the state. She requested that FWC send the arresting FWC law enforcement officer and a representative from FWC's legal office to the court hearings related to wildlife violations.

Vice Chairman Spottswood recessed the meeting at 6:12 pm

Thursday, April 26 Reconvene

Chairman Rivard reconvened the meeting at 8:33 a.m.

Staff Report – Goliath Grouper

Ms. McCawley and Mr. McRae presented a report on goliath grouper.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Tom Ingram addressed the Commission with a request to maintain the current moratorium and to reject any recommendation for a limited harvest. He suggested protections for goliath similar to those in place for manatees. He suggested that this species is worth more to Florida under the current moratorium compared to a limited harvest.

Mr. Jim Abernathy, with Wildlife Voice nonprofit, addressed the Commission in opposition to a harvest. He noted that goliath ecotourism is not only important for Florida, but is recognized globally. He urged the Commission to maintain the moratorium to protect the species for future generations.

Ms. Jana Offner with Sea Shepherd Conservation Society addressed the Commission in opposition to a harvest of this species. She suggested additional non-lethal research to aid with monitoring and recovery of the species, rather than a harvest to obtain data.

Mr. Dave Wiggins addressed the Commission in opposition to a harvest of goliath grouper. He suggested that it is the lack of goliath grouper on natural reefs that is causing more harm, not the abundance of goliath. He also noted that the recovery of goliath is unknown and the loss of juvenile mangrove habitat, cold-kills, and illegal harvesting contributes to the recovery uncertainty.

Ms. Ellie Place with the Reef Environmental Education Foundation (REEF) addressed the Commission in opposition to a harvest of this species. She discussed the REEF population database and noted the lack of goliath grouper abundance at reef sites over the past twenty years.

Mr. Tony Grogan, administrator of Spearboard website, addressed the Commission in support of staff continuing goliath efforts and returning to the Commission in the next 3 to 5 years. He noted his opposition to a harvest.

Ms. Kellie Ralston with the American Sportfishing Association addressed the Commission in support of a draft rule proposal for a limited harvest. She noted that the draft rule should have clear restrictions and expectations as

to not impact stock recovery or conservation goals for goliath grouper. She suggested that FWC should continue current goliath grouper research and work towards achieving an accepted stock assessment.

Ms. Rachael Curran, staff attorney for Center for Biological Diversity, addressed the Commission in opposition to a goliath harvest. She noted that the limited harvest would not address the data gaps needed for an accepted stock assessment.

Mr. Bob Harris with DEMA addressed the Commission in opposition to a limited harvest. He commended Commissioner Lester for his efforts on the Constitutional Review Commission. He noted that goliath grouper are important to the dive industry and Florida as a whole.

Mr. David Ochs with Aqua Safari Adventures and Chairman of the Board of National Association of Underwater Instructors (NAUI) addressed the Commission in opposition to a harvest of this species. He noted that goliath grouper dive encounters are a significant part of his dive charter income and a great revenue for the state. He stated that NAUI does not support a limited harvest.

Ms. Shana Phelan, owner of Pura Vida Divers, addressed the Commission. She noted her work with local County Commissioners to officially name September of 2016 Goliath Grouper Scuba Diving Awareness month. She commented on the importance of this species in tourism and industry in Palm Beach County. She requested the Commission not approve a harvest of this species.

Mr. Gerry Carroll, owner of Jupiter Dive Center, addressed the Commission in opposition of a harvest for this species. He commented that goliath grouper are extremely important to the dive and tourism industry in Florida. He suggested the Commission revisit a limited harvest in 3 to 5 years to see if the population has recovered to a sustainable level.

Mr. James Woodard addressed the Commission in opposition of a harvest for this species. He noted there are many unknowns in the species life history, and suggested protections be kept in place to help the species recover.

Ms. Sarah Wiseman, student at Eckerd College, addressed the Commission in opposition of a harvest for this species.

Rabbi Ed Rosenthal, Campus Rabbi at Eckerd College and Faculty Advisor to the environmental student service club "Scubi Jew", addressed the Commission in opposition of a harvest of this species. He noted that goliath grouper are here on the earth for a reason, and also noted that the Commission has a role to conserve the fish and wildlife for the state of Florida.

Ms. Shayna Cohen addressed the Commission in opposition to a harvest for this species. She suggested utilizing the diving community for assistance in data collection.

Mr. Bill Cole, owner of Sea Experience Dive Shop, addressed the Commission in opposition to a harvest. He noted that goliath are an important part of ecotourism in Florida.

Ms. Amanda O'Conner, Manager of the Green Diver Initiative, addressed the Commission in opposition to a harvest.

Mr. Mark McAlpin, with Pompano Dive Center, addressed the Commission in opposition to a harvest. He noted that goliath grouper are an important part of his business as an attraction to South Florida diving, especially during the spawning aggregation season.

Mr. Trip Aukeman representing CCA Florida addressed the Commission in support of a limited harvest of this species. He suggested that any limited harvest should be well monitored and should not disrupt the species recovery.

Mr. Don DeMaria addressed the Commission in opposition to a harvest. He suggested that goliath grouper are worth a lot of money to Florida's economy. He suggested that limiting the harvest to hook and line doesn't necessarily provide any protections.

Mr. Walt Stearns addressed the Commission in opposition to a limited harvest. He asked why the Commission was even considering a harvest, and noted that goliath are more valuable alive.

Mr. Tony Brazzale addressed the Commission in opposition to a harvest of this species. He suggested that the mercury levels should prevent this species from harvest.

Mr. Chris Malinowski, Ph.D. Candidate at Florida State University, addressed the Commission noting that his research shows the mercury levels in goliath are much higher than other grouper.

Mr. Don Anthony, Communications Director of the Animal Rights Foundation of Florida, addressed the Commission in opposition to a harvest. He noted that goliath grouper face too many threats to be open to a limited harvest.

Mr. Chris Koenig, retired Florida State University research professor, addressed the Commission in opposition to a limited harvest. He noted his work on researching this species over the last two decades. He suggested that it is a waste to develop a fishery on a low-productive, non-edible species. He also suggested that FWC consider the goliath recovery as a success story, especially for ecotourism.

Mr. Dan Volker addressed the Commission in opposition to a limited harvest. He noted that goliath grouper provide large revenues for ecotourism in Florida.

Mr. Bill Parks addressed the Commission in opposition to a harvest. He discussed the potential of close-kin analysis to gain more information on goliath grouper. He noted that outside scientists are currently working with FWRI on this method to gain more information on goliath grouper. He asked the Commission to wait for the close-kin analysis results before making a decision on this issue.

Ms. Elizabeth Jones addressed the Commission in opposition to a harvest.

Mr. Rick Ratliff with Kyalami Charters addressed the Commission in opposition to a harvest. He noted that goliath are a successful catch and release fishery and important to dive tourism.

Ms. Miriam Ruffalo addressed the Commission in opposition to a harvest. She noted that she rarely finds goliath on natural and artificial reefs, and suggests that any limited harvest could hurt the recovery.

Mr. John Nihoff addressed the Commission in opposition to a harvest.

Mr. Klurt Kohler addressed the Commission in opposition to a harvest. He requested the Commission establish a license plate for this species to provide the funding for research.

Mr. Randy Batt addressed the Commission in opposition to a harvest. He noted that he has never seen a juvenile or small goliath, and rarely sees large goliath on natural reefs.

Mr. Ed Tichenor, Director of Palm Beach County Reef Rescue, addressed the Commission in opposition of a harvest. He brought signatures from other stakeholders from Palm Beach County who are also opposed to a harvest.

Mr. Darryl Rutz addressed the Commission on behalf of the Sierra Club requesting protection of the goliath grouper and opposing a harvest. He thanked the Commission for protecting many Florida species, and urged the Commission to continue protections on goliath grouper.

Ms. Susan Caruso addressed the Commission in opposition to a harvest. She noted there are numerous economic reasons for maintaining the goliath moratorium.

Mr. William Torode addressed the Commission in opposition to a harvest. He requested the Commission move towards ecosystem based management, rather than individual species management.

Ms. Marie Dugan addressed the Commission in opposition to a harvest.

Ms. Angela Smith, Founder of Shark Team One which is a member of the Sylvia Earle Alliance, addressed the Commission in opposition of a harvest. She presented additional survey information that shows there is a limited goliath population in Florida.

Mr. Bill Harford addressed the Commission with information on a close-kin abundance estimation joint project with FWC. He noted that with this research in three to five years, they could provide an abundance estimation of all adult goliath grouper in Florida waters. He noted that this method is novel and would use non-lethal methods to assess this species.

Ms. Nicole Cordano, campaign manager for OneProtest, addressed the Commission in opposition to a harvest. She questioned why there should be a harvest on a recovering species.

Ms. Kathryn Carlsson addressed the Commission in opposition of a harvest.

BREAK

Commissioner Discussion

Chairman Rivard opened up the floor for Commissioner discussion.

Commissioner Rood commented that her decision is not based on political perspectives. She asked about the partnership with the REEF organization. She noted that the 2010 cold-kill is still fairly recent for a rebuilding population, and also asked if other states allow harvest in their waters. She asked if there were fish larger than the goliath.

Ms. McCawley responded that FWC has a partnership with REEF, and FWC uses their data not only for goliath grouper, but numerous other species. She also responded that no other state in the Gulf or South Atlantic allow the harvest of goliath grouper in state waters.

Mr. McRae responded the Queensland grouper found in the Pacific Ocean can grow larger than the goliath grouper.

Commissioner Sole asked about the key issues that caused the most recent stock assessment to be rejected. He also asked if a new stock assessment in the next five years would produce different information.

Mr. McRae noted that it is highly unlikely that a new stock assessment in the next several years would meet scientific approval. He commented that one of the fundamental issues with trying to assess goliath grouper is that many of the benchmarks that are specific to a fished population do not apply here. He also discussed other factors including the stock recruitment relationship, life history issues, and unknowns about goliath abundance throughout its historic range.

Chairman Rivard thanked the stakeholders for the comments on this topic.

Commissioner Kellam thanked the students who spoke on this issue and asked that those individuals or groups continue to work with FWC staff on improving data for this species. He thanked staff for their work and

presentation. He noted that he doesn't believe the population is large enough for a harvest yet. He suggested that with improved stakeholder coordination on data collection, we can continue to move forward with the recovery of the species.

Commissioner Nicklaus thanked staff for their work on this issue. He suggested that regardless of the decision on this topic, this agency is focused on conservation. He suggested that science does not support a harvest and would recommend maintaining the current moratorium.

Commissioner Sole echoed the sentiments of Commissioner Nicklaus. He stated that he struggles with the benefit of opening a harvest for this species based on the data and information presented today. He noted that they have the responsibility to manage the resource for all users. He stated that he would like to see it open one day, but believes that we are not there yet to open a limited harvest. He requested that staff continue to work on the recovery of goliath and looks forward to seeing results in the future.

Vice Chairman Spottswood commented that stakeholder input is important on these issues. He explained that the Commissioners have to examine both sides of the issues presented. He added that Commissioners make decisions about adding restrictions to assist species that need it and removing restrictions for species that may no longer need those protections. The important message to stakeholders is that even when restrictions are placed on different species, whether that be reduction in bag limits or complete closures of fisheries, the goal is to work on management of that particular species and improve the conservation so that eventually those restrictions can be removed. He noted that the Commission is there to support all stakeholders and the businesses in Florida. He asked that staff and the Executive Director bring additional options in the future for how to move the recovery forward and bring an update at the end of the year. He noted that staff should work with the dive community to gain additional research.

Chairman Rivard noted that the Commission has discussions on lots of items because there are many success stories for Florida's fish and wildlife. He added that when regulations are put in place, the idea is not to have them be in place forever. Therefore, the regulating body has to have these discussions.

Commissioner Rood agreed that making sure the population numbers are stable before approving a harvest is important.

Commissioner Nicklaus added that he is supportive of having the discussion on harvest when the stock has repopulated throughout its historic range.

Commissioner Kellam challenged the stakeholders to work with staff on the improvement of data collection on this species.

Commissioner Sole agreed with the comments of Commissioner Spottswood about setting a clear path for addressing this issue. He asked how staff can determine the recovery of the species in order to make a decision on providing a limited harvest. He noted that this is likely not an easy answer, but encouraged staff to determine the recovery plan and determine the additional data needed.

Chairman Rivard added additional clarity that the Commission is not looking at a harvest at the end of this year. Instead, they are asking staff to collaborate with stakeholders on a path forward and bring an update in the future.

Executive Director Sutton commented that staff will work on pulling together a presentation for the end of 2018. He also challenged stakeholders to understand all the aspects of how conservation in action works, especially for FWC.

Items Requiring Action

Final Rule – Tripletail and Sheepshead

Ms. Krista Shipley with the Division of Marine Fisheries Management presented a final rule proposal to increase the minimum size limit for tripletail to 18 inches and extend this size limit along with the existing recreational bag limit, commercial bycatch limit, and prohibition on using gear other than hook-and-line into federal waters off Florida. The proposed final rule also reduced the recreational bag limit for sheepshead to 10 per person and created a sheepshead recreational vessel limit of 50 during March and April, and extended these new limits along with the existing minimum size limit, allowable gear, and commercial bycatch limit into federal waters.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Chris Phillips addressed the Commission and was not in support staff's recommendation to only reduce the sheepshead bag limit to 10 instead of five, as previously proposed, unless the Commission lowered the bag and vessel limits further during March and April.

Mr. Tommy Holmes with Outcast Bait and Tackle addressed the Commission and was not in support staff's recommendation to only reduce the sheepshead bag limit to 10 instead of five, as previously proposed, unless the Commission lowered the bag and vessel limits further during March and April.

Mr. Jerry Sansom, Executive Director of the Organized Fishermen of Florida, addressed the Commission in support of staff recommendations.

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

Ms. Kellie Ralston addressed the Commission in support of staff recommendations.

Commissioner Discussion

Executive Director Eric Sutton reminded the Commission about an email that was sent by Mr. Justin Leake who was unable to be here today and does not support staff's current sheepshead bag limit recommendation but supports reducing it to five fish as previously proposed.

Commissioner Nicklaus asked staff why the recommendation does not include lowering the sheepshead bag limit during the spawning season when the fish are aggregated in large numbers.

Ms. Krista Shipley responded that it is not part of staff's current recommendation because it was not something for which much feedback was received.

Commissioner Sole suggested an eight sheepshead per person recreational limit as a good landing place for this proactive management effort.

Commissioner Kellam was in support of Commissioner Sole's recommendation.

Commission Action

Upon a motion by Commissioner Sole, seconded by Commissioner Kellam and carried, the Commission approved staff recommendation with a modification to reduce the recreational bag limit from 15 to eight sheepshead per person per day.

Final Rule – 2018 Gulf Red Snapper

Ms. Martha Guyas with the Division of Marine Fisheries Management presented a proposed final rule for Gulf red snapper involving data collection, an update on the 2018 Gulf recreational red snapper season, and red snapper actions from the Gulf Council meeting.

Commissioner Spottswood asked for clarification on the reporting requirements under 379.354(7)(e), F.S.

Ms. Guyas responded that it allows the Commission to collect data from state licensed for-hire vessels, and it will let us know which state charter operations are targeting reef fish species in Gulf state waters.

Chairman Rivard thanked staff for all their work on the red snapper season for this year and was supportive of making strides towards real-time reporting.

Executive Director Sutton thanked Chairman Rivard for his assistance with the red snapper season, as well as staff for all their work.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Trip Aukeman addressed the Commission in support of the EFP and of staff recommendation. He also requested the Commission not move forward with any federal amendments regarding red snapper.

Mr. Jim Green, president of Destin Charter Boat Association (DCBA), addressed the Commission in support of the State Gulf Reef Fish Charter program. He also requested the Commission oppose including the federal for-hire in any of the state management amendments. Finally, he requested the Commission support reducing the quota buffer for federal for-hire.

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

Mr. Tommy Holmes, Outcast Bait and Tackle in Pensacola, FL, addressed the Commission in support of staff recommendations. He also requested more notice on seasons so the industry can better prepare for the season. He then requested starting the 40-day season earlier in the year to spread out the effort.

Ms. Kellie Ralston addressed the Commission in support of staff recommendation. She noted that ASA will work with FWC to promote electronic reporting and the use of descending devices and venting tools for discards. She requested the Commission consider including the federal charters for the 2019 EFP. She noted that ASA does not support Amendments 41 and 42, and asked for the Commission to delay any action on removing the sunset provision for sector separation.

Chairman Rivard thanked ASA and CCA for their efforts on this process.

Mr. Eric Brazer, Deputy Director of the Gulf of Mexico Reef Fish Shareholders Alliance, addressed the Commission in support of the EFP. He passed along a request from several federal for-hire operations to keep sector separation.

Commission Discussion

Commissioner Rood thanked the Chairman, Executive Director Sutton, and staff for their work on getting a 40-day season in Florida.

Commission Action

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

Gulf of Mexico Fishery Management Council (GMFMC) Report

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

Commissioner Sole asked if the Council would implement cobia regulations similar to Florida.

Ms. Guyas responded that it is possible and the Council will continue discussions at future meetings.

Public Comment

The following individuals addressed the Commission on this agenda item:

Ms. Kellie Ralston addressed the Commission in support of the Council's policy on descending devices and venting tools

Mr. Bill Kelly addressed the Commission with concern over reallocation of king mackerel. He also expressed his concern for the Gulf cobia population.

Mr. Tommy Holmes addressed the Commission with appreciation on the past action on cobia and encouraged the Council to implement similar regulations in federal waters.

Mr. Eric Brazer addressed the Commission regarding changes to the IFQ program being discussed at the Council meeting.

Mr. Drew Martin, representing the Sierra Club, addressed the Commission in support for the new deepwater coral designations.

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:

Ms. Kellie Ralston addressed the Commission and provided input and concern on for-hire limited entry.

Mr. Bill Kelly addressed the Commission regarding yellowtail snapper and urged the Councils to take action on reallocation.

Mr. Trip Aukeman addressed the Commission echoing the comments of Kellie Ralston regarding limited entry.

Mr. Drew Martin addressed the Commission with support for continuing to improve billfish and swordfish populations. He also asked for support to protect the right whale populations in the Atlantic.

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 Sole volunteered to be the budget liaison again for the upcoming fiscal year.

Commissioner Exchange

Chairman Rivard opened the floor for Commissioner Exchange.

Commissioner Rood thanked Phi Beta Sigma for their efforts and hopes the Commission can work on a MOU to work with them more.

Commissioner Nicklaus thanked staff for all their work putting this meeting together.

Commissioner Kellam thanked staff again for all of their hard work.

Commissioner Sole asked Dr. Eason to work with staff on what FWC is already doing related to Coral Reef issues.

Chairman Rivard thanked staff by name and also thanked the Florida Channel for broadcasting the meeting.

Commission Administrative Matters

The next regularly scheduled Commission meeting is set for June 19– 20, 2018, in Sarasota, commencing at 8:30 am each day.

Adjournment

Chairman Rivard adjourned the meeting at 2:31 p.m.

Adrien “Bo” Rivard
Chairman

Eric Sutton
Executive Director

Respectfully submitted:

Lisa Davis
Commission Assistant

DRAFT